﻿The American Way for Southern blacks in the 1950s was still “Jim Crow,” a system of segregation that included separate schools, separate drinking fountains, separate beaches, separate neighborhoods, and separate public accommodations. Below the Mason-Dixon Line they could not vote for president, marry whites, sit at the front of public buses, attend state colleges, or even try on clothes in major department stores. Beyond the inconvenience and embarrassment lurked violence. Women and men who stepped out of line could expect the full force of the law—and brutal vigilantes like the Ku Klux Klan or White Citizens Council—to turn upon them. It took incalculable bravery to confront this system. In the 1950s and 1960s, a grassroots movement of men, women, and children did just that. People like Rosa Parks, Martin Luther King, Jr., and Thurgood Marshall were pillars of the American Civil Rights Movement, which implemented the Fourteenth and Fifteenth Amendments one hundred years after they were passed. The Civil Rights Act of 1964 outlawed segregation in public establishments and discrimination in employment. It extended equal protection under the law to all citizens, including, unexpectedly, women. The Civil Rights Act of 1965 guaranteed all adults the right to vote, and the Civil Rights Act of 1968 prohibited discrimination in housing. But the movement did not stop at legal reforms, nor did it pertain only to African Americans. Social prejudice itself came under attack, and other groups whose rights had been abridged grabbed hold of the new rhetoric to proclaim their own inalienable right to “life, liberty, and the pursuit of happiness.” Women, Native Indians, Chicanos, Asian Americans, gays, the elderly, and eventually the disabled all sought remedies for discrimination. They echoed one another’s statements and demands, each asserting that freedoms guaranteed to one group of people could not be denied to another. Although the goal of a perfectly just society—what President Lyndon Baines Johnson called the Great Society—could never be achieved, innumerable laws and practices were transformed. Segregation and discrimination became illegal. Poverty programs addressed economic inequalities. The very words people spoke, the jokes they told, changed as the legacy of racism, sexism, ageism, and all the other “isms” came under attack.

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﻿Of course, the problems were as old as slavery, the solution as old as the American Revolution. Almost two hundred years before the modern Civil Rights Movement, Thomas Jefferson had penned the immortal words, “We hold these truths to be self-evident, that all men are created equal.” In the 1950s and 1960s, for arguably the first time, the nation sought to put these words fully into practice. Why then? There are many places to look for the answer, including foreign shores. This was the era of decolonization. Empires that had kept people of color subservient were crumbling. Leaders in Africa, Asia, and India demanded dignity, respect, and independence. America’s role as leader of the “Free World” made segregation an embarrassment. With all eyes upon them, Dwight Eisenhower, John Kennedy, and Lyndon Johnson took steps to protect the rights of African Americans, each president more assertive than his predecessor. The extension of civil rights to all Americans became the most important domestic legacy of the postwar era. QUESTIONS TO THINK ABOUT Why were Jefferson’s “self-evident” truths finally put into practice at this time? What was more important in bringing about these fundamental changes: the new world role of the United States or individual leadership at the grassroots level? In the lingo of the Civil Rights era, did the “white establishment” advance or hinder the cause of democracy? And, how did demands by one oppressed group shape the demands of others? DOCUMENTS The documents in this chapter illustrate the international and domestic dimensions of the Civil Rights Movement. Document 1 is the Universal Declaration of Human Rights passed by the United Nations in 1948. Prompted by the assaults on innocent civilians during World War II, and coinciding with the decolonization of India and Pakistan, this was the first pact signed by almost every nation on the planet that enshrined the premise “All human beings are born free and equal in dignity and rights.” Eleanor Roosevelt, a champion of civil rights in the United States, chaired the tumultuous U.N. committee that drafted the declaration. Document 2 is a statement by the U.S. State Department concerning Brown v. Board of Education. The continued persecution of “Negro Americans” is shameful, absurd, and a liability in the Cold War, the Department told the Supreme Court. Psychiatry emerged as an influential branch of medicine in the mid-twentieth century. One of its most famous practitioners was Frantz Fanon, a descendant of slaves in the French West Indies (the Antilles) and an international celebrity of the Left. In Document 3 he discusses the emotional damage done by racism. Document 4 is the Supreme Court’s famous reversal of Plessy v. Ferguson (1896). The Court ruled in Brown v. Board of Education that separate is not equal. Echoing Fanon, the Court stated that segregating young children on the basis of race hurts “their hearts and minds” forever. In document 5, the so-called Southern Manifesto, more than 100 congressmen opposed racial integration. This excerpt from the Congressional

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﻿Record registers their protest that Brown v. Board of Education undermines their Southern “way of life.” Document 6 is a New York Times report on a church bombing in Birmingham, Alabama, that killed four girls. Document 7 reveals the legal arguments made in Loving v. Virginia. This 1967 Supreme Court decision struck down state bans against interracial marriage. Later, gay activists would cite Loving v. Virginia to bolster their arguments for marriage. Document 8 is a satirical manifesto by leaders of the American Indian Movement following their occupation of Alcatraz Island in San Francisco Bay. The Indians offered to pay the “Great White Father” in Washington $24 in glass beads for the sixteen acres. Document 9 reflects yet another outgrowth of the 1948 Universal Declaration of Human Rights. It defends the dignity of the developmentally disabled and shows how far civil rights reform ultimately spread. The final document, 10, reveals the turmoil experienced by those who suffered double discrimination. Here, MexicanAmerican women express distress at being ridiculed as “white” by other members of the Chicano movement because they identified with women’s rights. They assert that unbridled machismo within their community can be as much of a problem as racism in the outside world. 1. The United Nations Approves a Universal Declaration of Human Rights, 1948 Preamble Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world, Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people, Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law, Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom, Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms, Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

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﻿Now, Therefore THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction. Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.… Article 3. Everyone has the right to life, liberty and security of person. Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 6. Everyone has the right to recognition everywhere as a person before the law. 2. Federal Government Calls Segregation an International Embarrassment, 1952 Because of the national importance of the constitutional questions presented in these cases, the United States [attorney general] considers it appropriate to submit this brief as amicus curiae.… Supreme Court of the United States, “Oliver Brown,” et al. v. Board of Education of Topeka, Shawnee,

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﻿In recent years the Federal Government has increasingly recognized its special responsibility for assuring vindication of the fundamental civil rights guaranteed by the Constitution. The President [Harry Truman] has stated: “We shall not … finally achieve the ideals for which this Nation was founded so long as any American suffers discrimination as a result of his race, or religion, or color, or the land of origin of his forefathers. … The Federal Government has a clear duty to see that constitutional guaranties of individual liberties and of equal protection under the laws are not denied or abridged anywhere in our Union.” … Under the Constitution every agency of government, national and local, legislative, executive, and judicial, must treat each of our people as an American, and not as a member of a particular group classified on the basis of race or some other constitutional irrelevancy. The color of a man’s skin—like his beliefs, or his political attachments, or the country from which he or his ancestors came to the United States—does not diminish or alter his legal status or constitutional rights. The problem of racial discrimination is particularly acute in the District of Columbia, the nation’s capital. This city is the window through which the world looks into our house. The embassies, legations, and representatives of all nations are here, at the seat of the Federal Government. Foreign officials and visitors naturally judge this country and our people by their experiences and observations in the nation’s capital; and the treatment of colored persons here is taken as the measure of our attitude toward minorities generally. The President has stated that “The District of Columbia should be a true symbol of American freedom and democracy for our own people, and for the people of the world.” Instead, as the President’s Committee on Civil Rights found, the District of Columbia “is a graphic illustration of a failure of democracy.” The Committee summarized its findings as follows: For Negro Americans, Washington is not just the nation’s capital. It is the point at which all public transportation into the South becomes “Jim Crow.” If he stops in Washington, a Negro may dine like other men in the Union Station, but as soon as he steps out into the capital, he leaves such democratic practices behind. With very few exceptions, he is refused service at downtown restaurants, he may not attend a downtown movie or play, and he has to go into the poorer section of the city to find a night’s lodging.… The shamefulness and absurdity of Washington’s treatment of Negro Americans is highlighted by the presence of many dark-skinned foreign visitors. Capital custom not only humiliates colored citizens, but is a source of considerable embarrassment to these visitors.… Foreign officials are often mistaken for American Negroes and refused food, lodging and entertainment. However, once it is established that they are not Americans, they are accommodated. It is in the context of the present world struggle between freedom and tyranny that the problem of racial discrimination must be viewed. The United States is trying to prove to the people of the world, of every nationality, race, and color, that a free democracy is the most civilized and most secure form of

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﻿government yet devised by man. We must set an example for others by showing firm determination to remove existing flaws in our democracy. The existence of discrimination against minority groups in the United States has an adverse effect upon our relations with other countries. Racial discrimination furnishes grist for the Communist propaganda mills, and it raises doubts even among friendly nations as to the intensity of our devotion to the democratic faith.… [According to the U.S. Secretary of State], the segregation of school children on a racial basis is one of the practices in the United States that has been singled out for hostile foreign comment in the United Nations and elsewhere. Other peoples cannot understand how such a practice can exist in a country which professes to be a staunch supporter of freedom, justice, and democracy. The sincerity of the United States in this respect will be judged by its deeds as well as by its words. 3. French Caribbean Psychiatrist Frantz Fanon Writes of “Black Skin, White Masks,” 1952 It is considered appropriate to preface a work on psychology with a methodology. We shall break with tradition. We leave methods to the botanists and mathematicians. There is a point where methods are resorbed. That is where we would like to position ourselves. We shall attempt to discover the various mental attitudes the black man adopts in the face of white civilization…. We believe the juxtaposition of the black and white races has resulted in a massive psycho-existential complex. By analyzing it we aim to destroy it. Many Blacks will not recognize themselves in the following pages. Likewise many Whites. The educated black man, slave of the myth of the spontaneous and cosmic Negro, feels at some point in time that his race no longer understands him. Or that he no longer understands his race. He is only too pleased about this, and by developing further this difference, this incomprehension and discord, he discovers the meaning of his true humanity. Less commonly he wants to feel a part of his people…. In the Antilles, the black schoolboy who is constantly asked to recite “our ancestors the Gauls” identifies himself with the explorer, the civilizing colonizer, the white man who brings truth to the savages, a lily-white truth. The identification process means that the black child subjectively adopts a white man’s attitude. … Whenever he reads stories of savages in his white schoolbook he always thinks of the [African] Senegalese. As a schoolboy I spent hours discussing the supposed customs of the Senegalese savages. In our discussions, there was alack of awareness that was paradoxical to say the least. The fact is that the Antillean does not see himself as Negro; he sees himself as Antillean. The Negro lives in Africa Subjectively and intellectually the Antillean behaves like a white

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﻿man. But in fact he is a black man. He’ll realize that once he gets to Europe, and when he hears Europeans mention “Negroes” he’ll know they’re talking about him as well as the Senegalese.… If you have understood this, then you are likely to come to the following conclusion: it is normal for the [black] Antillean to be a negrophobe. Through his collective unconscious the Antillean has assimilated all the archetypes of the European.… The reason is that there is never a mention in Anatole France, Balzac, Bazin, or any other of “our” [French] novelists of that ethereal yet ever-present black woman or of a dark Apollo with sparkling eyes. But I have betrayed myself; here I am talking of Apollo! It’s no good: I’m a white man. Unconsciously, then, I distrust what is black in me, in other words, the totality of my being. I am a black man—but naturally I don’t know it, because I am one. At home my mother sings me, in French, French love songs where there is never a mention of black people. Whenever I am naughty or when I make too much noise, I am told to “stop acting like a nigger.” … The black man is, in every sense of the word, a victim of white civilization. It is not surprising that the artistic creations of [black] Antillean poets bear no specific mark: they are white men. To return to psychopathology, we can say that the black man lives an ambiguity that is extraordinarily neurotic. At the age of twenty—i.e., at the time when the collective unconscious is more or less lost or at least difficult to bring back to the realm of the conscious—the Antillean realizes he has been living a mistake. Why is that? Quite simply because (and this is very important) the Antillean knows he is black, but because of an ethical shift, he realizes (the collective unconscious) that one is black as a result of being wicked, spineless, evil, and instinctual. Everything that is the opposite of this black behavior is white. This must be seen as the origin of the Antillean’s negrophobia. In the collective unconscious black ¼ ugliness, sin, darkness, and immorality. In other words, he who is immoral is black. If I behave like a man with morals, I am not black. Hence the saying in Martinique that a wicked white man has the soul of a nigger…. I do not want to be the victim … There is no white world; there is no white ethic—any more than there is a white intelligence. There are from one end of the world to the other men who are searching. I am not a prisoner of History.… In the world I am heading for, I am endlessly creating myself. I show solidarity with humanity provided I can go one step further. The misfortune of the man of color is having been enslaved. The misfortune and inhumanity of the white man are having killed man somewhere. I, a man of color, want but one thing: May man never be instrumentalized. May the subjugation of man by man— that is to say, of me by another—cease…. The black man is not. No more than the white man. Both have to move away from the inhuman voices of their respective ancestors so that a genuine communication can be born…. Superiority? Inferiority? Why not simply try to touch the other, feel the other, discover each other?

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﻿4. The Supreme Court Rules that Segregation Causes Psychological Harm in Brown v. Board, 1954 These cases come to us from the States of Kansas, South Carolina, Virginia, and Delaware. They are premised on different facts and different local conditions, but a common legal question justifies their consideration together in this consolidated opinion. In each of the cases, minors of the Negro race, through their legal representatives, seek the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis. In each instance, they had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. This segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the Fourteenth Amendment. In each of the cases other than the Delaware case, a three-judge federal district court denied relief to the plaintiffs on the so-called “separate but equal” doctrine announced by this Court in Plessy v. Ferguson, 163 U.S. 537. Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate…. The plaintiffs contend that segregated public schools are not “equal” and cannot be made “equal,” and that hence they are deprived of the equal protection of the laws.… In approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when Plessy v. Ferguson was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws. Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, when the state has undertaken to provide it, is a right which must be made available to all on equal terms. We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other “tangible” factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

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﻿To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone…. We conclude that in the field of public education the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. 5. Southern Congressmen Protest Supreme Court Decision, 1956 The Founding Fathers gave us a Constitution of checks and balances because they realized the inescapable lesson of history that no man or group of men can be safely entrusted with unlimited power. They framed this Constitution … to secure the fundamentals of government against the dangers of temporary popular passion or the personal predilections of public officeholders. We regard the decision of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal judiciary … to encroach upon the reserved rights of the States and the people. The original Constitution does not mention education. Neither does the 14th amendment nor any other amendment…. When the amendment was adopted, in 1868, there were 37 States of the Union. Every one of the 26 States that had any substantial racial differences among its people either approved the operation of segregated schools already in existence or subsequently established such schools…. In the case of Plessy v. Ferguson, in 1896, the Supreme Court expressly declared that under the 14th amendment no person was denied any of his rights if the States provided separate but equal public facilities. This decision has been followed in many other cases…. This interpretation, restated time and again, became a part of the life of the people of many of the States and confirmed their habits, customs, traditions, and way of life. It is founded on elemental humanity and commonsense, for parents should not be deprived by Government of the right to direct the lives and education of their own children. Though there has been no constitutional amendment …, the Supreme Court of the United States, with no legal basis for such action, undertook to exercise their naked judicial power and substituted their personal political and social ideas for the established law of the land. This unwarranted exercise of power by the Court … is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

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﻿Without regard to the consent of the governed, outside agitators are threatening immediate and revolutionary changes in our public-school systems. If done, this is certain to destroy the system of public education in some of the States… We commend the motives of those States which have declared the intention to resist forced integration by any lawful means…. Even though we constitute a minority in the present Congress, we have full faith that a majority of the American people believe in the dual system of Government which has enabled us to achieve our greatness and will in time demand that the reserved rights of the State and of the people be made secure against judicial usurpation…. In this trying period, as we all seek to right this wrong, we appeal to our people not to be provoked by the agitators and troublemakers invading our States and to scrupulously refrain from disorders and lawless acts. 6. Nation Horrified by Birmingham Church Bombing, 1963 BIRMINGHAM, Ala., Sept. 16—A bomb severely damaged a Negro church today during Sunday school services, killing four Negro girls and setting off racial rioting and other violence in which two Negro boys were shot to death. Fourteen were injured in the explosion. One Negro and five whites were hurt in the disorders that followed. The explosion at the 16th Street Baptist Church this morning brought hundreds of angry Negroes pouring into the streets. Some attacked the police with stones. The police dispersed them by firing shotguns over their heads. Johnny Robinson, a 16-year-old Negro, was shot in the back and killed by a policeman with a shotgun this afternoon. Officers said the victim was among a group that had hurled stones at white youths driving through the area in cars flying Confederate battle flags. When the police arrived, the youths fled, and one policeman said he had fired low but that some of the shot had struck the Robinson youth in the back. Virgil Wade, a 13-year-old Negro, was shot and killed just outside Birmingham while riding a bicycle. The Jefferson County sheriff’s office said “there apparently was no reason at all” for the killing, but indicated that it was related to the general racial disorders. The bombing, the fourth such incident in less than a month, resulted in heavy damage to the church, to a two-story office building across the street and to a home. None of the 50 bombings of Negro property here since World War II have been solved. The Rev. Dr. Martin Luther King Jr. arrived tonight by plane from Atlanta. He had led Negroes, who make up almost one-third of Birmingham’s population. In a five-week campaign last spring that brought some lunch-counter desegregation and improved job opportunities. The bombed church had been used as the staging point by Negro demonstrators.

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﻿The bombing came five days after the desegregation of three previously allwhite schools in Birmingham. The way had been cleared for the desegregation when President Kennedy fedcralized the Alabama National Guard and the Federal courts issued a sweeping order against Governor Wallace, thus ending his defiance toward the integration step. The four girls killed in the blast had just heard Mrs. Ella C. Demand, their teacher, complete the Sunday School lesson for the day. The subject was “The Love That Forgives.” During the period between the class and an assembly in the main auditorium, they went to the women’s lounge in the basement, at the northeast corner of the church. The blast occurred at about 10:25 A.M. (12:25 P.M. New York time). Church members said they found the girls huddled together, beneath a pile of masonry debris. Parents of 3 Are Teachers Both parents of each of three of the victims teach in the city’s schools. The dead were identified by University Hospital officials as: Cynthia Wesley, 14, the only child of Claude A. Wesley, principal of the Lewis Elementary School, and Mrs. Wesley, a teacher there. Denise McNair, 11, also an only child, whose parents are teachers. Carol Robertson, 14, whose parents are teachers and whose grandmother, Mrs. Sallie Anderson, is one of the Negro members of a biracial committee established by Mayor Boutwell to deal with racial problems. Addie Mae Collins, 14, about whom no information was immediately available. 7. ACLU Lawyer Philip Hirschkop Argues for Freedom of Marriage, Loving vs. Virginia, 1967 Mr. Hirschkop: Thank you Your Honor. Mr. Chief Justice, Associate Justices, may it please the Court…. You have before you today what we consider the most odious of the segregation laws and the slavery laws and our view of this law, we hope to clearly show is that this is a slavery law. That there’s actually one simple issue, and the issue is, may a State proscribe a marriage between two adult consenting individuals because of their race and this would take in much more in the Virginia statutes. Their children would be declared bastards under many Virginia decisions. They themselves would lose their rights for insurance, social security and numerous other things to which they’re entitled.

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﻿So we strongly urge the Court considering this to consider this basic question, may the state proscribe a marriage between such individuals because of their race and their race alone. Justice John M. Harlan: How many states (Inaudible)? Mr. Hirschkop: There are 16 states, Your Honors that have these States [sic, statutes]. Presently, Maryland just repealed theirs. These all are southern states with four or five border southern states as Oklahoma and Missouri, and Delaware. There have been in recent years two, Oklahoma and Missouri, that have had bills to repeal them but they did not pass the statute. Now, in dealing with the equal protection argument, we feel that on its face, on its face, these laws violate the equal protection of the laws. They violate the Fourteenth Amendment, … These are slavery laws pure and simple…. As we pointed out in the brief, laws go back to the 1600s. The 1691 Act is the first basic Act we have. There was a 1662 Act which held that the child of a Negro woman and a white man would be free or slave according to the condition of his mother. It’s a slavery law … And the first real judicial decision we get in Virginia was in 1878 when the Kinney versus Commonwealth case came down. And there again, we have a very interesting decision because in Kinney versus Commonwealth, they talk about the public policy of the State of Virginia…. If Your Honors will indulge me, I have the language here which is the language that had carried through, through the history of Virginia. And they talk about the church southern civilization, but they didn’t speak about the southern civilization as a whole but this white southern civilization. And they want the race as kept distinct and separate, the same thing this Court has heard since Brown [v. Board of Education] and before Brown, but it’s heard so many times during the Brown argument and since the Brown argument. And they talk about alliances so unnatural that God has forbidden them and this language – Justice Hugo L. Black: Would you mind telling me what case that was? Mr. Hirschkop: That’s Kinney versus Commonwealth, Your Honor. Justice Hugo L. Black: Kinn – Mr. Hirschkop: Kinney, K-I-N-N-E-Y and then in 1924, in the period of great history in the United States, the historical period we’re all familiar with, a period when the west was in arms over the yellow peril and western states were thinking about these laws or some (inaudible), a period when the immigration laws were being passed to the United States because the north was worried about the great influx of Italian immigrants and Irish immigrants, a period when the Klan rode openly in the south and that’s when they talked about bastardy of races, and miscegenation and amalgamation and race suicide became the watch word, and John Powell, a man we singled out in our brief, a noted pianist of his

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﻿day, started taking up the Darwin Theory and perverting it through the theory of eugenics, the theory that applied to animals, to pigs, and hogs, and cattle. They started applying it to human beings…. And that’s when the Anglo-Saxon Club was formed in the State of Virginia and that’s when Virginia Legislature passed our present body of law…. Justice Black: Was there any effort to repeal the law in Virginia? Mr. Cohen: Your Honor, there have not been any efforts and I can tell you from a personal experience that candidates who run for office for the state legislature have told me that they would, under no circumstances, sacrifice their political lives by attempting to introduce such a bill. There is one candidate who has indicated that he would probably do so at some time in the future, but most of them have indicated that it would be political suicide in Virginia. 8. Indians Offer $24 in Trade Beads for Alcatraz Island, 1969 To the Great White Father and All His People— We, the native Americans, re-claim the land known as Alcatraz Island in the name of all American Indians by right of discovery. We wish to be fair and honorable in our dealings with the Caucasian inhabitants of this land, and hereby offer the following treaty: We will purchase said Alcatraz Island for twenty-four dollars (24) in glass beads and red cloth, a precedent set by the white man’s purchase of a similar island about 300 years ago. We know that $24 in trade goods for these 16 acres is more than was paid when Manhattan Island was sold, but we know that land values have risen over the years. Our offer of $1.24 per acre is greater than the 47 cents per acre the white men are now paying the California Indians for their land. We will give to the inhabitants of this island a portion of the land for their own to be held in trust by the American Indian Affairs and by the bureau of Caucasian Affairs to hold in perpetuity—for as long as the sun shall rise and the rivers go down to the sea. We will further guide the inhabitants in the proper way of living. We will offer them our religion, our education, our life-ways, in order to help them achieve our level of civilization and thus raise them and all their white brothers up from their savage and unhappy state. We offer this treaty in good faith and wish to be fair and honorable in our dealings with all white men. We feel that this so-called Alcatraz Island is more than suitable for an Indian reservation, as determined by the white man’s own standards. By this we mean that this place resembles most Indian reservations in that: 1. It is isolated from modern facilities, and without adequate means of transportation. 2. It has no fresh running water.

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﻿3. It has inadequate sanitation facilities. 4. There are no oil or mineral rights. 5. There is no industry and so unemployment is very great. 6. There are no health care facilities. 7. The soil is rocky and non-productive, and the land does not support game. 8. There are no educational facilities. 9. The population has always exceeded the land base. 10. The population has always been held as prisoners and kept dependent upon others. Further, it would be fitting and symbolic that ships from all over the world, entering the Golden Gate, would first see Indian land, and thus be reminded of the true history of this nation. This tiny island would be a symbol of the great lands once ruled by free and noble Indians…. In the name of all Indians, therefore, we re-claim this island for our Indian nations. Signed, Indians of All Tribes November 1969 San Francisco, California 9. Federal Court Defends Rights of the Disabled, 1971 PHILADELPHIA, Oct. 8—A special three-judge Federal panel ordered Pennsylvania today to provide a free public education to all retarded children in the state. Mrs. Patricia Clapp, president of the Pennsylvania Association for Retarded Children, hailed the ruling as a “landmark” that would lead to “similar civil action in other states across the nation.” The association sued the state in a class action last January, charging that Pennsylvania unconstitutionally discriminated against retarded children by permitting school psychologists to determine whether each child was educable. The court ruled that all are capable of benefiting from an education and have a right to one. The panel ordered that the state identify within 90 days every retarded child not now in school and begin teaching them no later than next Sept. 1. Dr. Gunnar Dybwad, professor of human development at the Florence Heller Graduate School of Brandeis University, who is an internationally known authority on mental retardation, applauded the decision as making Pennsylvania “the first state in the Union to guarantee education and training to all of its retarded children now and in the future.” Last May, Dr. Sidney P. Marland Jr., United States Commissioner of Education, set a goal of 1980 for providing all retarded children in the country with education.

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﻿Expert testimony in the Pennsylvania case showed that most retarded persons could achieve self-sufficiency through education and the rest could attain some degree of self-care. About 3 percent of the school-age population in the country is retarded. Thomas Gilhool, attorney for the K. Gilhool, Pennsylvania Association for Retarded Children, estimated that about half of the retarded children in the state and 62 per cent in the country were not now receiving a public education. The ruling overturned several sections of the state’s Public School Code, including provisions that a school psychologist could relieve a school of its obligation to educate a child by finding him “uneducable and untrainable” or finding a beginner had not reached “the mental age of 5.” ‘Cease and Desist’ The panel ordered Pennsylvania to “cease and desist” using such provisions to deny access to a free public education for the retarded. Terms typically used for categorizing retarded children in most states include “educable,” usually for children with intelligence quotients of about 50 to 80; “trainable,” 25 to 50, and “uneducable and untrainable.”… The Governor said it would save the taxpayers money in the long run because it would reduce the need for long-term institutionalization and in the short run because many children now would live at home and go to public schools…. The decree makes retarded children eligible for schooling from the ages of 6 to 21, and earlier in districts where others begin earlier. It prohibits any school from postponing entry, from excluding a child after the usual graduating age of 17, or from changing a child’s educational assignment without notice to parents and an opportunity for a hearing. 10. Chicanas Assert a “Revolution Within a Revolution,” 1972 As the Women’s Liberation movement a becoming stronger, there is another women’s movement that is effecting change in the American Revolution of the ’70s—the Mexican-American women, las Chicanas, las mujares. In contrast to some of the white women of the Liberation movement, who appear to encourage an isolationist method of acquiring equality, MexicanAmerican women want unity with their men.… As Chicanas, discriminated against not only by the white dominant society but also by our own men who have been adhering to the misinterpreted tradition of machismo, we cannot isolate ourselves from them for a simple (or complex) reason. We must rely on each other to fight the injustices of the society which it oppressing our entire ethnic group.

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﻿On May 28–30, 1971, the first national Mujeres Por La RaZa Conference was held in Houston, Texas.… Five hundred Latin women from states as far away as Washington, New York, Michigan and, of course, California attended. Just six months prior to this conference I was being called a white woman for organizing a Las Chicanas group on the University of New Mexico campus. I was not only ostracized by men but by women. Some felt I would be dividing the existing Chicano group on campus (the United Mexican-American Students, UMAS), some were simply afraid of displeasing the men, some felt that I was wrong and my ideas “white” and still others felt that their contribution to La Causa or El Movinuento was in giving the men moral support from the kitchen.… Now, however, because a few women were willing to stand strong against some of the macho men who ridiculed them, called them white and avoided them socially, the organization has become one of the strongest and best-known in the state. Prior to the Houston conference, Las Chicanas was being use is the work club by the other male-run Chicano organizations in the city of Albuquerque. Every time they needed maids or cooks, they’d dial-a-Chicana. Every time there was a cultural event they would call the Chicana Glee Club to sing a few songs. For three months Las Chicanas was looked upon as a joke by most of the UMAS men and some of the other Chicano organizations.… It has taken what I consider a long time form them to realize and to speak out bout the double oppression of the Mexican-American woman. But I think that after the Houston Conference they have more confidence (certainly I regained it) in speaking up for our recognition.… … [T]he Chicana is becoming as well educated and as aware of oppression, if not more so, as the Mexican-American male. The women are now ready to activate themselves. They can no longer remain quiet and a new revolution within a revolution has begun.… ESSAYS One might well ponder why Americans woke up when they did to the implications of their nation’s 200-year-old founding principles. Historians often emphasize the vision of charismatic African Americans like Martin Luther King, Jr., and Malcolm X, who persevered despite constant death threats. G. Gavin Mackenzie and Robert Weisbrot, both of Colby College, approach the question differently. Less dramatic but equally effective, they argue, were civil service bureaucrats and white politicians—committed liberals of both parties—who plotted, planned, and waited for the right moment to engineer a fairer America, using top-down tools of government. Chief among them was the chief executive, Lyndon Baines Johnson, who surprised the country and led it into a new era. Nancy MacLean of Duke University looks at change from yet another angle: working women who did not set out to be crusaders, but found unexpected opportunities for change in the accidental inclusion of “sex” in the 1964 Civil Rights Act. Some of them

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﻿were women of color who fought against oppression both within and outside their communities. As you compare these two readings, think about how much historical change is intentional, and how much is accidental, spontaneous, and contingent on random events. Also, what is the role of presidential leadership—and do all presidents have the same opportunities to create fundamental change? The Liberal Hour: Top Down Determination G. GAVIN MACKENZIE AND ROBERT WEISBROT As Martin Luther King, Jr., and his family sat by their television watching President Kennedy’s funeral, his six-year-old son, Marty, tried to grasp the nature of their loss. “President Kennedy was your best friend, wasn’t he, Daddy?” King’s wife, Coretta, agreed: “In a way, he was.” Surely there could not have been much confidence that the momentum so painfully gathered for civil rights legislation would continue under Kennedy’s successor. Lyndon Johnson—shrewd son of the South and longtime temporizer on civil rights legislation—had finally seemed to come around on civil rights during his time as vice president. But to America’s black leaders, his motives and sincerity were suspect. Civil rights leaders had lost too many battles, been encased in too many compromises, borne too many scars from the formidable legislative skills of the former majority leader of the Senate to forget all that now and embrace him as their true ally. In 1960 Johnson was the one candidate for the Democratic nomination unacceptable to most blacks, and despite his effective work in chairing Kennedy’s subcabinet committee on equal employment, skepticism remained high. But civil rights skeptics underestimated Lyndon Johnson, a common affliction in Washington in late 1963. Few political leaders of the time were better at sizing up a situation and finding the available opportunities. Keenly aware that black protest had altered the nation’s political agenda, Johnson also saw that Kennedy’s presidency—and his martyrdom—had made civil rights an issue no successor could safely set aside. But there was more than political opportunism bearing on Lyndon Johnson. Black protest had also affected him personally, forcing him to recognize that he and his fellow southerners had deluded themselves into believing that the black people around them were “happy and satisfied.” Such belief, after years of demonstration of its unwisdom, could not be sustained. The presidency, with its moral authority and equal moral burden, also seemed to liberate Johnson from the easy fatalism that he could do little to change race relations. “In that house of decision,” Johnson found, “… a man becomes his commitments.” And in the first, difficult days of his presidency,

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﻿Lyndon Johnson’s commitments made him the nation’s foremost champion of civil rights reform. On November 27, having scarcely settled into the Oval Office, the new president addressed a joint session of Congress and a grieving nation. “Let us continue,” Johnson said, sounding the theme of his young administration, promising, “The ideas and the ideals which [Kennedy] so nobly represented must and will be translated into effective action.” The message was clear: Kennedy’s legacy lived on, but now with Lyndon Johnson as its steward and shepherd. While Kennedy was president, Johnson had shared the administration’s view that the civil rights bill might have to be pared considerably as it approached its final form. In particular the provisions guaranteeing equal employment opportunity appeared headed for radical surgery in the familiar committee operations dominated by southern senators. As president, however, Johnson found a new boldness and resolved to resist any compromise that could weaken the civil rights bill: “I had seen this ‘moderating’ process at work for many years,” Johnson later wrote in his memoirs—omitting, of course, that he had been the Senate’s most unstinting moderator. “… I had seen it happen in 1960 [with passage of a weakened voting rights bill]. I did not want to see it happen again.” Getting a civil rights bill untainted by compromise was Johnson’s immediate goal. But lurking close behind was a desire to abolish the doubts about the sincerity of his liberalism still harbored by many on the left. “I knew,” he later confided, “that if I didn’t get out in front on this issue, they [northern liberals] would get me. They’d throw up my background against me, they’d use it to prove that I was incapable of bringing unity to the land I loved so much…. I couldn’t let that happen. I had to produce a civil rights bill that was even stronger than the one they’d have gotten if Kennedy had lived.” “Without this,” he added in a keen analysis of the political stakes, “I’d be dead before I could even begin.” Two days after he asked Congress for rapid action on civil rights, Johnson summoned [NAACP leader] Roy Wilkins for a private strategy summit. As Wilkins sat down, a very somber president brought his chair to within a few inches of his visitor’s knees. Wilkins “felt those mesmerizing eyes of Texas” on him as Johnson—dominating the conversation—discussed the future of the civil rights bill. He explained that he would insist on enacting a strong bill, which would require every possible Senate vote to defeat the inevitable southern filibuster. Therefore he needed Wilkins and other civil rights leaders to lobby relentlessly for the bill. “When are you going to get down here and start civil– righting?” he demanded as he delivered a heavy dose of the “Johnson treatment.” The president encouraged Wilkins to tell Senate Minority Leader Everett Dirksen and the entire Republican Party that black leaders would support the presidential candidate most committed to equality and would go “with a senatorial man who does the same thing.” Toward the end of their talk the president leaned forward, poked his finger at the civil rights leader, and said determinedly, “I want that bill passed.” Wilkins left that meeting “struck by the enormous difference between Kennedy and Johnson.” Kennedy had been sound on matters of principle, Wilkins concluded, but “for all his talk about the art of the possible, he didn’t really know what was

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﻿possible and what wasn’t in Congress.” But Johnson “knew exactly what was possible,” and he was going to press for the last vote to get it. Through the early months of 1964 the president took his message of no compromise on civil rights to press conferences, cabinet meetings, Congress, and other sites, no matter how unlikely, including the New York World’s Fair. A difficult private talk with his former mentor and patron in the Senate, Richard Russell of Georgia, was emblematic of Johnson’s directness. Russell was a Senate legend who had directed successful filibusters against many other civil rights measures. Few men in his life had commanded more of Lyndon Johnson’s admiration than Dick Russell. Johnson expressed his hope for a future in which southerners would no longer stand against the rest of the nation. Russell listened respectfully, but conceded not an inch. On civil rights Johnson promised no compromise and Russell countered with no surrender. The civil rights bill would either pass with all provisions intact, or die in yet another southern filibuster. Johnson later wrote that the situation led him to consider some sound advice by a fellow Texan: “John Nance Garner, a great legislative tactician, as well as a good poker player, once told me that there comes a time in every leader’s career when he has to put in all his stack. I decided to shove in all my stack on this vital measure.” Johnson then instructed the lobbyists Clarence Mitchell of the NAACP and Joseph Rauh of the liberal Americans for Democratic Action, “You tell [Senate Majority Leader] Mike Mansfield to put that bill on the floor, and tell everybody that it’s going to stay there until it passes. I don’t care if it stays for four, six, or eight months. You can tell Mike Mansfield, and you can tell anybody else, that the President of the United States doesn’t care if that bill is there forever. We are not going to have the Senate do anything else until that bill is passed. And it is going to pass.” With Johnson’s feet planted firmly behind him, Mansfield put his own legislative skills to work. The first obstacle was the Senate Judiciary Committee, whose chair, Mississippi’s senator James Eastland, had once pledged to “protect and maintain white supremacy throughout eternity.” Mansfield used a rarely invoked provision of Senate rules to bypass the committee and place the civil rights bill directly on the Senate calendar in March 1964. The expected filibuster was not long in materializing. Senator Russell started slowly, entangling the Senate, as the historian Eric Goldman noted, “in a dizzying debate over whether a motion to debate the bill was debatable.” Soon these convoluted minuets gave way to a total war of delay that spared no subject of human knowledge, or ignorance. Russell organized the southerners into three platoons of six senators each. They stayed fresh by rotating their days of responsibility for tying up the business of the Senate. On and on they talked, about the “‘amalgamation and mongrelization of the races,’ the source of the grits that people in Minnesota eat, the living habits of Hungarian immigrants, sometimes about the bill itself, calling it, to use the phrase of Senator Russell Long, ‘a mixed breed of unconstitutionality and the NAACP.’” The House of Representatives, unburdened by filibusters, moved forward on the civil rights bill at a far more rapid clip. Southern House members

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﻿sought to sink the bill under the weight of over one hundred crippling amendments, but in late January a bipartisan Judiciary Committee accepted thirty-four relatively trivial ones and sent the bill to the floor. This was a real civil rights bill, little resembling the tepid imitations of the 1950s. It strengthened voting rights, banned discrimination in public facilities and in employment, empowered the attorney general to begin suits against school segregation, and authorized the withholding of federal funds from noncomplying school districts. Southern Democrats continued to rain weakening amendments on the House floor—succeeding, however, in securing only one substantial change. But it was an amendment considered so radical as to imperil passage of the entire bill. Howard Smith of Virginia, chair of the Rules Committee and one of the great legislative tacticians of the era, offered a “perfecting” amendment that would bar employment discrimination not just against blacks, but against women as well. Summoning the full force of Virginia gallantry, he commiserated with women, who, outnumbering men by two million, already were at a disadvantage in seeking spouses. At least, he implied, they should get jobs with equal pay. Surely, he argued, they deserved as much protection in the workplace as blacks. On the surface this appeared to be little more than a facetious rearguard action by a doomed southern leader. There had been little public discussion of including women in the protections of the bill, but Judge Smith saw the female card as a tactic for freighting the bill with more baggage than it could bear. Corporate and labor support for civil rights, he reckoned, might evaporate quickly if the new legislation required a reorganization of the entire workforce to accomplish gender equality. The small feminist vanguard in Congress divided over the amendment. Michigan Democrat Martha W. Griffiths observed that without the protection of this amendment the civil rights bill would leave white women “at the bottom of the list in hiring,” after white men and both black men and women. She added, “It would be incredible to me that white men would be willing to place white women at such a disadvantage.” Few members felt more contorted on this amendment than Edith Green, a white congresswoman from Oregon. She had fought for years to guarantee women equal pay for equal work, but she refused to let one provision jeopardize the whole civil rights bill—though she admitted that she might now be called “an Uncle Tom, or maybe an Aunt Jane.” She asked her colleagues to vote against the very proposition she had so long championed. Despite her plea, enough liberal representatives—including five of six women—joined with opponents of the civil rights bill to pass the amendment, 168 to 133. Whatever rejoicing this apparent cleverness inspired in the southern Democrats was short-lived. Including women in Title VII of the Civil Rights Act turned out not to be the poison pill that opponents had hoped. A midwestern Republican who opposed the bill thought that the wily Judge Smith had “outsmarted himself. At this point there was no way you could sink the bill.” Through it all Lyndon Johnson remained in the background, but even at a distance his profile was unmistakable. When the House passed the bill on

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﻿February 10, by an emphatic 290–130 vote, Clarence Mitchell and Joseph Rauh stopped to celebrate in the House corridor. It wasn’t long before the pay phone rang. Lyndon Johnson was on the line with terse congratulations, followed quickly by new marching orders. “All right, you fellows,” he instructed. “Get over to the Senate. Get busy. We’ve won in the House, but there is a big job across the way.” It had come to this. Passage of the most important civil rights legislation in the nation’s history now rested on the ability of the liberal forces to end debate in the Senate. An unusual lobbying strategy soon emerged from the Leadership Conference on Civil Rights, a fifteen-year-old federation of over a hundred lobbying groups. It was to rely on the churches not only to keep the moral issue in view but also to sway lawmakers in central, southwestern, and far western states where labor unions and blacks wielded little political clout. Clergymen responded with unprecedented enthusiasm for a purely political issue. They met regularly with members of Congress and pressed community leaders to do so as well. The issue became for many a test of religious sincerity, eclipsing the routines of church life and engaging local congregations in a compelling national cause. “This was the first time,” marveled James Hamilton of the National Council of Churches, “that I ever recalled seeing Catholic nuns away from the convents for more than a few days.” On April 19 the church pressure increased when trios of Protestant, Catholic, and Jewish seminarians staged a prayer vigil at the Lincoln Memorial. It continued around the clock throughout the Senate debate. To many of the southerners, the opposition now seemed overwhelming. It was one thing to cope with the relentless energy of Lyndon Johnson emboldened by supportive public opinion, but quite another to confront at every turn the agents of the Almighty. The administration directed many of its own prayers to the one man who could obtain the sixty-seven votes necessary for cloture, the only effective way to end a filibuster. That man was Everett Dirksen of Illinois, the Senate minority leader. Dirksen was a complex partisan whose theatricality, shrewdness, cynicism, and patriotism all were refracted through a powerful ego of unpredictable bent. And he had previously opposed all civil rights legislation. But Dirksen’s keen political instincts, like Johnson’s, told him that black activism and social turmoil were rapidly changing the nation’s politics. Johnson and his aides appealed to Dirksen’s desire to be on the right side of history. They played up Dirksen’s importance and never missed an opportunity to flatter his formidable ego. Senator Hubert Humphrey, floor manager for the bill, recalled, “I courted Dirksen almost as persistently as I did [my wife] Muriel.” Humphrey’s sister later said, “Hubert performed social psychology on Everett Dirksen for six months to get that bill passed.” On June 10 Humphrey’s persistence paid off; Dirksen announced that he would support cloture. America was changing and growing, he declared in the Senate chamber, and “on the civil rights issue we must rise with the occasion.” Several days later, with every senator present, the cloture motion passed by seventy-one to twenty-nine, four more affirmative votes than the needed two-

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﻿thirds. The southerners had been vanquished and the real legislative battle was over. Three weeks later Congress easily passed the Civil Rights Act of 1964 with every major provision intact, as Lyndon Johnson had predicted—and demanded. Though feelings remained raw on both sides in the aftermath of the long congressional struggle, it was the magisterial Richard Russell who set the tone for southern reaction to the act. In a statement carrying the finality and dignity of Robert E. Lee’s call for the South to accept the verdict of history, Russell wrote to his constituents, “It is the law … and we must abide by it.” He urged Georgians “to refrain from violence in dealing with this act.” Russell’s statesmanlike reaction came the more easily because he understood how strong national sentiment was in favor of this legislation. Roy Wilkins recalled that Senator Russell said a bit gloomily after his legislative defeat that every time he looked up he seemed to be faced with someone from the AFL-CIO, the women’s groups, fraternal or civic organisations, or a minister—the great liberal coalition that had coalesced around this crusade. The message was clear: the southerners’ time had passed. By permitting a lengthy floor fight, the administration had also enabled southerners to realize that their senators had been defeated fairly. That, Russell told Clarence Mitchell just after the deciding vote, would help make the civil rights law enforceable. Russell left unspoken one final, crucial factor in the acceptance of this law—the president’s decision to use the full powers of his office and the full measure of his personal skills to achieve what had become a popular measure. While Senator Dirksen rightly termed the bill “an idea whose time has come,” Lyndon Johnson’s masterful support had surely hastened its safe arrival. Doing the Job of Change from the Bottom Up NANCY MACLEAN LESS THAN FORTY YEARS AGO, Wharlest Jackson lost his life for being promoted to a “whites-only” job. Thirty-seven years old and the father of five children when he died in 1967, Jackson was a veteran of the Korean War and treasurer of the Natchez, Mississippi, branch of the National Association for the Advancement of Colored People. At the time of his murder, he had just won promotion to mixer of chemicals after eleven years at the Armstrong Tire and Rubber Company. Jackson’s move into a formerly “white” job meant a great deal to local blacks, not least to Jackson’s family, for the promotion came with a sizable raise. “My wife and children should have a chance now,” Jackson said to friends. But the entry of an African American into work long barred to blacks signified something less desirable to others. As Jackson left the factory after working overtime that rainy Monday evening, a bomb hidden under the frame of his pickup truck

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﻿exploded. The force was so strong that it ripped open the truck’s cab and drove the seat springs into Jackson’s chest, killing him instantly. The coroner ruled the death an accident, although that was preposterous. The Armstrong plant was “infested with Ku Klux Klansmen,” as the local NAACP put it; so, too, was the police force…. Yet somehow, Natchez did eventually change, and so did the country as a whole. Indeed, a profound alteration has occurred in American workplaces over the last fifty years. Whereas in 1950 it was rare to see black professionals, or even skilled blue-collar or white-collar workers, employed outside the black community, today such sights are commonplace.… What has occurred is a veritable revolution in thinking about race and gender and work. Each time Americans listen to a black male anchor on the evening news, board a bus with a white woman at the wheel, speak with a Latina office manager, or hear a conservative call for “color-blindness,” we experience this sea change in the nation’s history.… HOW DID A SOCIETY that for centuries took for granted the exclusion from full participation and citizenship of the majority of its members (namely, Americans of color and all women) become one that values diversity and sees as an achievement the representation of once excluded groups in prominent positions?… The prime mover was the black freedom movement’s fight for jobs and justice. This is not to deny that other forces played a role; they did. But in challenging economic exclusion as a denial of full and fair citizenship, African Americans began a process that shifted the very axis of politics in the United States. When the civil rights movement managed to win a federal ban on employment discrimination. Title VII of the Civil Rights Act of 1964, it created a resource that invited first white women and Mexican American men and later others to rethink their strategies of empowerment.… THE CULTURE OF EXCLUSION organized life in the United States in the early 1950s so thoroughly that it appeared natural and unremarkable to nearly all white Americans. “You don’t have to look for it to see it,” recalled one black paper mill worker. “It was all right in front of you.”… THE MAINSTREAM CULTURE of the era sent the message that white men—at least some white men—mattered more than other residents; they belonged in the best jobs and in positions of authority, for they were the real Americans. That culture decreed that what seemed to others to be obstacles to their progress were not in fact obstacles at all but rather evidence of their own unfitness for the positions they desired. Nothing exhibited the underlying assumptions better than the popular imagery of the era.… As far as mass culture was concerned, others existed only to serve the white male breadwinner, his homemaker wife, and their dependent children. In these glory years of consumer capitalism, advertising regularly rehearsed these assumptions.… In the world paraded before Americans, black men and women belonged only insofar as they advanced the comfort of whites. Otherwise, they suffered near absolute invisibility, as one contemporary survey attested: “Not a single advertisement which purported to depict a cross section of the public contained the

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﻿figure of a Negro. In street scenes … in groups of workers, nowhere was a Negro to be found.” Yet the images captured something important: the family wage system that shaped American social policy. That system built on a long-standing division of labor chat assigned women responsibility for child rearing and men responsibility for income earning, exalting the male breadwinner as the provider for his dependent wife and children. First articulated as a goal by reformers in the 1800s, the family wage became a reality for growing numbers of households thanks to improved earnings spurred by unionization after the late 1930s. And yet, even at its mid-century peak, a large share of the population fell outside the system’s net— not only widowed and single women, but also less-skilled workers in general and low-wage workers of color in particular. But Title VII of the Civil Rights Act of 1964 cut the Gordian knot. By promising substantive fairness, it did not solve the sameness versus difference dilemma but did alter its terms, so as to allow diminution of the old conflicts. Doing away with gender-based protective laws while at the same time promising working women equality with working men, it allowed women to define themselves as full earner-citizens and to build new alliances. Much has been said about the class and race biases of second-wave feminism, yet when the focus of inquiry turns from the youthful women’s liberation activists, often students, to the usually older working women who mobilized around issues of employment and focused on changing public policy, the movement looks more diverse and more attentive to bread-and-butter needs. In fact, the women who most appreciated the potential of Title VII were those who had benefited least from the family wage bargain. Many black women of all classes and wage-earning women of all backgrounds experienced firsthand both the underside of an order that promised family wages to men only and claimed to protect women while treating them as lesser beings, and the limitations of color-blind and gender-neutral formal equality.… AMONG THE FIRST to appreciate Title VII’s potential to improve women’s lives, especially black women’s lives, was the attorney Pauli Murray. Identifying herself as a member of “the class of unattached, self-supporting women for whom employment opportunities were necessary to survival,” Murray became one of the most influential voices for including women of all groups in Title VII’s ban on discrimination. Having crossed many boundaries in her own life, she saw ties that others overlooked. Descended from slaves, slaveholders, and Native Americans, Murray was orphaned at an early age. Raised in the South, she made the North her home in adult life. Influenced deeply as a young adult by the radical left, and a participant in the first sit-ins in the 1940s, she forged at that time a friendship with Eleanor Roosevelt which gained her access to power. A deeply spiritual person—later she became an ordained Episcopal priest—and a poet, she felt herself to be also “a warrior.” Married only briefly and disastrously, she built her world around strong, independent women in the age of the feminine mystique. But what most affected Murray’s identity was the combined force of race and gender. A brilliant and accomplished student, she found herself denied admission by the University of North Carolina in 1938 because of her race,

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﻿and by Harvard Law School in 1944 because of her sex. When she entered Howard Law School, where some of the country’s most brilliant legal minds honed the challenges that would lead to Brown v. Board of Education, she learned that her male civil rights colleagues thought sex discrimination humorous, even when turned against a co-worker in the cause. It was then, in the 1940s, that Murray coined the phrase “Jane Crow” to capture the injustices to which women were subject. “The rationalizations upon which this sex prejudice rests,” she declared, “are often different from those supporting racial discrimination in label only.” As she would say later, “the two meet in me,” and from that standpoint she widened public understanding of what real freedom meant. Murray was “overjoyed” when the word “sex” was added to the Civil Rights Act “because, as a Negro woman, I knew that it was difficult to determine whether I was being discriminated against because of race or sex.” She belonged to a network of progressive women who in the 1950s and 1960s began to explore different strategies for achieving fairness for their sex in the absence of a mass movement. In 1963 some succeeded in persuading Congress to pass the Equal Pay Act, the first federal anti-discrimination legislation. Yet their victory showed that formal equality was not enough: since job segregation had kept women in low-paying occupations different from those held by men, the key problem was not unequal pay for the same work but different work for women that was accorded lower market value. When a southern congressman, Howard Smith proposed an amendment to the Civil Rights Act of 1964 to bar sex discrimination in Title VII, these women pounced on the opportunity. “Smith insisted he was serious,” writes one observer, “but his comments appear to have been aimed at satirizing the logic behind the civil rights bill, which, in the view of Smith and many conservatives, was attempting to defy human nature.” Representative Martha Griffiths of Michigan used the ribaldry that greeted Smith’s proposal to shame her male peers: “I presume that if there had been any necessity to have pointed out that women were a second-class sex, the laughter would have proved it.”… Behind the scenes, what persuaded the law’s sponsors to keep the sex discrimination provision, notwithstanding Smith’s hostility to the bill’s purpose and their own fear of “diluting” black civil rights, was neither the NWP [National Women’s Party] nor Griffiths but Pauli Murray. She drafted a memorandum that the women’s network distributed to every member of Congress, the attorney general, and other key players, among them the president’s wife, Lady Bird Johnson. “If sex is not included,” she argued, “the civil rights bill would be including only one half of the Negroes.” Her logic convinced in part because she brought people to see how the case being made for opening jobs to African Americans concentrated on men while slighting women’s needs. Advocates were so concerned to shore up black men’s masculinity and familial authority through breadwinning jobs that they utterly neglected the plight of the tens of thousands of black women struggling on their own under the most challenging conditions. Murray used the same data others used on family breakup to make a very different, feminist case. “Negro women especially need protection against discrimination,” she pointed out, because they are “heads of families in more

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﻿than one fifth of all nonwhite families.” For them, there was no such thing as a protective male family wage. Besides, since women of all groups now made up a third of the nation’s labor force, it was time to understand that “women’s rights are a part of human rights.” Murray transmitted her commitment to the dignity of “self-supporting” women to a new wave of activists in the mid-sixties. Title VII provided them a wedge with which to open up the whole gender system to question. It served as the mechanism with which once-private grievances could be turned into classically political issues, the subjects of public debate and policy. Now able to work on problems they never before had tools to fix, feminist activists challenged the very foundation on which gender was constructed. Yet articulating a vision and including women in legislation were only the beginning; the hardest struggle would be to make the law actually work for women. That would never have happened but for working-class women such as Lorena Weeks, a middle-aged white mother from small-town Georgia. Weeks, who had given nineteen years of “exemplary” service to Southern Bell as a telephone operator, took courage from Title VII and applied for the much better paid position of “switchman” in March 1966 in hopes of a shorter commute, allowing for more time with her children. Because she was a woman, the company denied her request outright and gave the job to a man with less seniority; Weeks then suffered unrelenting harassment. When efforts at conciliation by the Equal Employment Opportunity Commission failed to persuade the company, Weeks sued. She was not alone. When the EEOC opened in the summer of 1965, observers were stunned at the number of complaints received from women: they made up more than one fourth of the total. Some 2,432 women in that initial year alone, overwhelmingly wage-earning and often union members, challenged refusals to hire, unequal wages, sex-segregated seniority lists, unequal health and pension coverage, biased recruitment and promotion policies, and more. Like the African American would-be textile and construction workers whose appeals helped shape the EEOC’s mission, these women showed why their treatment, so long accepted as “just the way things were,” was an injustice that demanded righting.… Weeks’s case and others like it exposed a pattern of workplace “sex segregation,” a term that did not exist prior to the Civil Rights Act. Emerging as it did from the struggle against Jim Crow, Title VII put the spotlight clearly on job ghettos. Although women unionists had questioned their lower wages and lesser benefits before the mid-1960s, the sexual division of labor had remained sacrosanct: that men and women should hold different jobs required no explanation. Breaking out of what some feminists came to call “the pink-collar ghetto” was unthinkable because hardly anyone recognized the walls that enclosed them. “We never questioned it when they posted female and male jobs,” recalled one woman who was active in the labor movement before the 1960s. “We didn’t realize it was discrimination.” Thanks to Title VII, activists could better identify how this division of labor restricted human possibility for both women and men, much as the racial division of labor did for blacks and whites. The issue came up in the very first Title VII case, which concerned airline stewardesses, as they were then called. In arguing against

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﻿the airlines’ case that only women could properly provide service and comfort to passengers, NOW [National Organization for Women] activist Mary Eastwood noted wryly that the airlines were unlikely to hire “the star of the girls’ basketball team, even [if] she were a compassionate, sensitive woman and would be great at throwing coats up on the shelf and balancing martinis.” Eastwood then proposed a way to settle the issue that would become the essence of the “self-analysis” required of government contractors by affirmative action programs. In each job where such stereotypes operated, she urged, “it should be required that a very objective analysis be made of the specific requirements of the work and the actual ability of the particular individual who seeks the job. If one must be compassionate to be a flight attendant, then an individual female or male who seeks this job should be tested for compassion. For the airlines to assume that any female automatically has this characteristic and all males do not is the very essence of sex prejudice.” By asking why only men were thought able to do certain jobs and only women others, Title VII activists opened foundational questions about gender. Such questions, let alone their answers, were anything but obvious at the time Lorena Weeks and the flight attendants filed their complaints. Herman Edelsberg, the EEOC’s executive director, called women’s inclusion in Title VII a “fluke” and mocked it as “conceived out of wedlock.” His was at first the majority opinion at the new commission, blessed by Vice Chairman Luther Holcomb, a white Baptist evangelist from Dallas, before his appointment to the new agency. These men saw no problem with airlines that hired women for the same jobs as men but gave them a different job title and smaller paychecks, and then fired them when they married or turned thirty-two, because, said Holcomb, “the practice represents the unanimous judgment of an entire industry.” The public liked “to be ministered to by women rather than men,” airline surveys found, and after all, “Congress did not seek to abolish the differences between the male and female sex.” If a business acknowledged those differences by restricting a particular job to one sex, Holcomb could see no “discriminatory purpose” in that. “Common sense” dictated that women could better please passengers and make them “feel well cared for.” As working women and their activist allies unsettled beliefs about who could do what, they also defied prevailing understandings of employers’ prerogatives by using Title VII to fight sexual objectification. Today, nearly all histories of second-wave feminism mention the women’s liberation protest at the Atlantic City Miss America pageant of 1969. What they miss is that two years before, other women had already challenged such imagery. Working with the flight attendants two months after its founding, NOW demanded that the nation’s airlines cease treating the female worker “as a sex object” to be fired when she was no longer judged pleasing to males—when she was no longer nubile, got married, or gained weight. NOW backed up flight attendants’ protests at the way the airlines used them to lure male customers in the same way strip clubs might. National Airlines, for example, ran an ad campaign featuring beautiful young women saying, “I’m Debbie, Fly Me,” or “I’m Cheryl, Fly Me,” and required female crew members to wear buttons inviting passengers to “fly me.”31 Aided by NOW, some of the workers went on to form Stewardesses for Equal Rights and others the Stewardesses’ Anti-Defamation League. (One bumper sticker taunted

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﻿“National, Your Fly Is Open.”) This was just the first of many campaigns against advertising that treated women as mindless sexual instruments. Through its Images of Women Task Force, NOW identified and fought numerous battles against such ads. Like the slow abrasion of waves on stone, the arguments of female petitioners, the initiative of brokers of inclusion, and the experience of seeing women do as well as or better than men in jobs once off-limits proved “a revelation” to male EEOC staff, including Tom Robles, director of the Albuquerque regional office. “It was like somebody turned on a light in the dark,” he admitted. Even Edelsberg saw that light within a few years, and later acknowledged Murray and Pressman for “having turned him around.” The about-face at the agency was striking, as its staff members both manifested and advanced the national sea change in attitudes about gender justice in these years. Between 1968 and 1971 it issued a series of decisions and new guidelines to promote gender equality and began collaborating with NOW on joint efforts. Pressman boasted of having written the EEOC’s first Annual Digest of Legal Interpretations, which advised the nation’s employers that the only jobs for which sex legitimately created a monopoly were “sperm donor and wet nurse.” Learning of the agitation rousing the EEOC to action, other women began to fight practices that had long bothered them but until then had seemed untouchable. “Their very presence in the streets,” one AT&T employee turned activist later said in acknowledging feminists, “enabled us inside.” Responding’ to news of the Civil Rights Act, a factory worker named Alice Peurala recognized, “Here’s my chance.” Peurala had worked at U.S. Steel’s South Works plant in Chicago doing quality testing since 1953, an occupation a few women managed to stay in after the company let most women go at the end of World War II to open jobs to male veterans.… In order to raise her infant daughter, she needed higher wages, and the night shift at U.S. Steel paid much better than did female-dominated occupations, even with a third of her pay going for babysitting. From the time her little girl reached school age, Peurala kept trying for a day job at the mill, but to no avail. The jobs were never posted; they just “all of a sudden” went to men. At the end of 1967, when a man she had trained, who had ten years’ less experience, landed a day job in the main lab, she protested. Her boss admitted, “We don’t want any women on these jobs,” and the union sided with the company. That was when laying claim to Title VII Peurala filed suit.… Her experience illustrates both the drawbacks and the potential of legal challenges. On the one hand, her case dragged on for years; it wasn’t until 1974 that Peurala actually got the job she sought. On the other hand, it paved the way for a larger lawsuit a few years later, when thirty female steelworkers in Gary, Indiana, joined with Chicago NOW to form Steel Workers NOW and pressed for broader changes in the industry. At the same time, Pennsylvania NOW members and Baltimore NOW steelworkers filed suit against steel companies after fourteen years of fruitless complaints about the persistent preference shown to males with less seniority. They benefited from a landmark consent decree in 1974 that settled 408 cases pending with the EEOC, following decisive legal victories by the NAACP on behalf of black steelworkers. The decree opened

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﻿nine leading steel firms to black men and all women as never before, particularly in the skilled crafts from which they had been most particularly excluded. Expecting better treatment at work, many also changed their relationships at home. One focus was the gender division of household labor, which created a double burden for most working women. Even before Title VII and the women’s movement, said the auto worker Florence Peterson, “I resented” doing all of the housework and child care and “felt it was unfair. But I always thought that’s the way life was.” Fighting for change at work ended that sense of inevitability. “Most of us worked in three spheres, at least,” recalled one AT&T activist, “trying to change our personal lives, our workplaces, and our world.” Some working women activists learned that their growing confidence was “a threat” to the men they had married. Speaking for many, one found herself saying, “I don’t need this”—and leaving. “Everybody likes to be loved,” she observed, but there were limits to how “tolerant” she felt now. Others found partners who welcomed their growth. A key reason why Ruth Bader Ginsburg [the second woman to serve on the U.S. Supreme Court] was first attracted to the man she later married was that “Martin was the only boy I knew who cared that I had a brain.” He also learned to cook well. “A supportive husband who is willing to share duties and responsibilities,” she said, “is a must.” For some, intimate sustenance came from other women. A few NOW activists therefore organized for “lesbian rights” and campaigned for city ordinances that included “sexual preference” among other categories for protection from discrimination. One Chicago activist argued that gay women would benefit from organizing for “basic economic issues such as adequate jobs and job related benefits, affirmative action, child care.” “For no women are jobs, housing, child custody, and child support more crucial,” she observed, “than for lesbians who daily face the threat of losing any or all of these” as punishment for their sexual orientation. Justice proved indivisible: settling one problem yielded the resources to name and face others. All of this revised understandings of gender long embedded in American culture. It also won results that mattered to millions, even those oblivious to the source of the changes. The 1970s saw the first notable decline in sex segregation in the United States in a century. By the time women’s push for economic inclusion was in full rig, the more mainstream, family wage argument for affirmative action raised by male civil rights activists was in tatters. In its place was a new vision of universal access to transformed workplaces. When white women—so long the beneficiaries of the family wage and “protection”— demanded to stand on their own two feet and chose African Americans as allies, the culture of exclusion started to give way as never before.

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