

Civil Rights

- Guarantees to equal treatment under the law
- Protections against discrimination based on characteristics such as race, ethnicity, religion, gender, sexual preference, age, national origin, or disability.
- “Obligation imposed on government to take positive action to protect citizens from any illegal action of government agencies and other private citizens” (*We the People*).



Civil
Rights



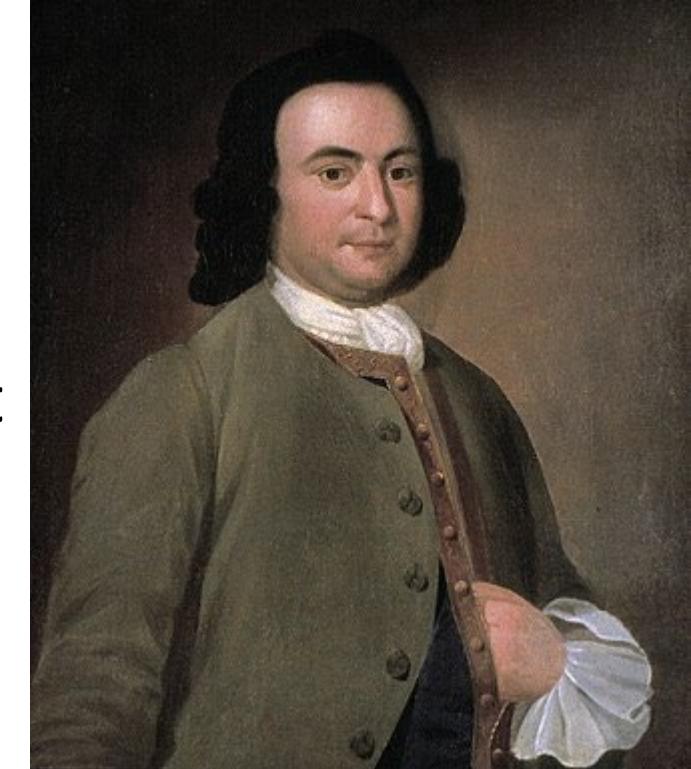
Protected...

- Age
- Disability
- Genetic Information
- National Origin
- Pregnancy
- Race/Color
- Religion
- Sex
- *Sexual Orientation and Transgender (Recent Supreme Court case)*

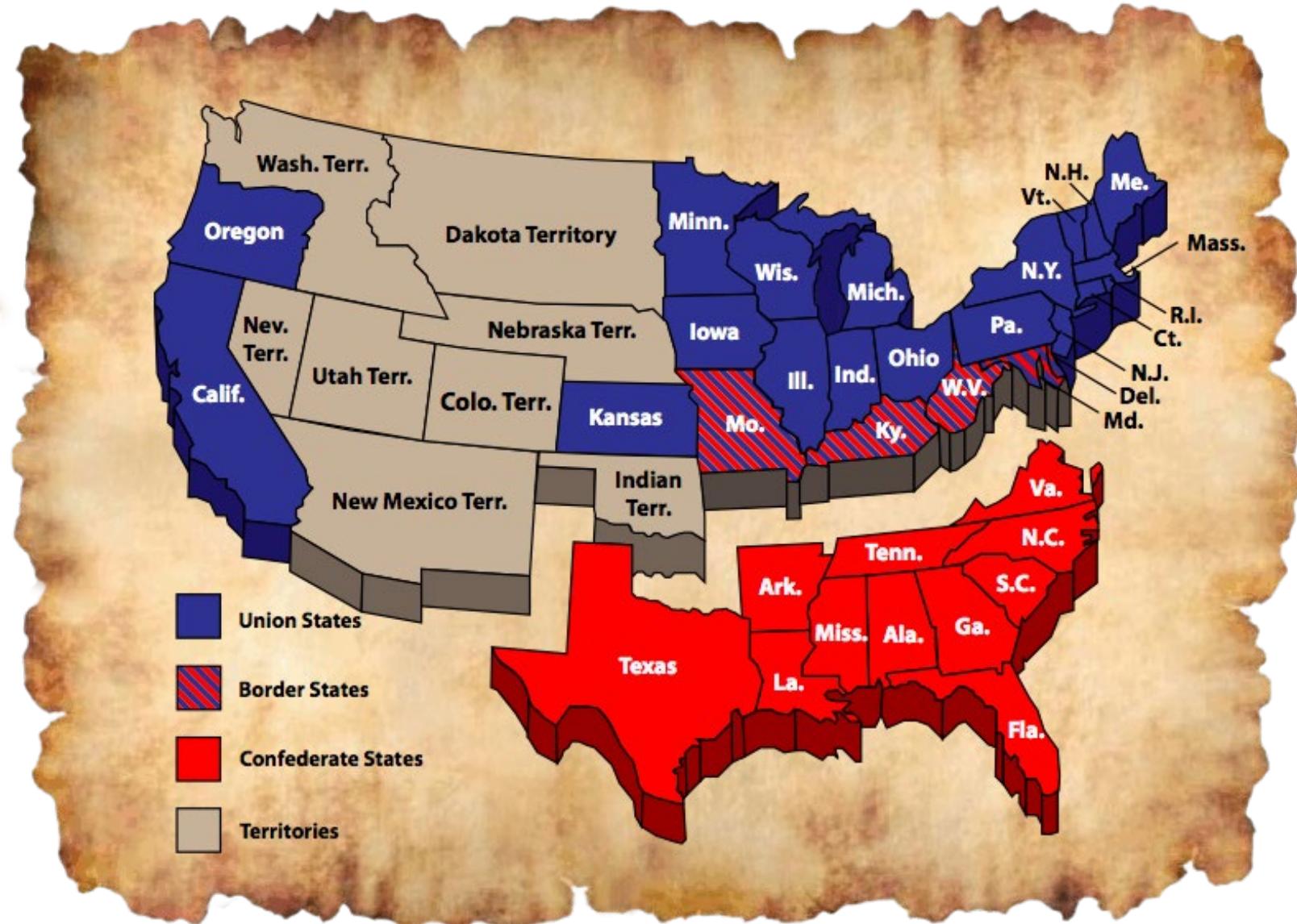
“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness...”

Slavery: Intertwined Inextricably with US History

- “Slavery:...that slow Poison, which is daily contaminating the Minds & Morals of our People. Every Gentlemen here is born a petty Tyrant. Practiced in Acts of Despotism & Cruelty, we become callous to the Dictates of Humanity, & all the finer feelings of the Soul. Taught to regard a part of our own Species in the most abject & contemptible Degree below us, we lose that Idea of the dignity of Man which the Hand of Nature had implanted in us, for great & useful purposes.”
 - George Mason, July 1773, *Virginia Constitutional Convention*



Civil War



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After Defeat of South

- Civil War Constitutional Amendments
 - 13th banned slavery
 - 14th rights of US citizens, equal protection, etc.
 - 15th cannot bar suffrage on basis of race, ethnicity, or previous condition of servitude
- Reconstruction
 - Suffrage, education, and economic opportunity opened somewhat for Blacks
 - Blacks entered government and other professions that had been closed

"This may be the most fascinating untold sports story in American history."
—CHARLES OSGOOD, CBS News Sunday Morning

THE GREAT BLACK JOCKEYS



The Lives and Times of the Men
Who Dominated America's
First National Sport

EDWARD HOTALING



<http://www.loc.gov/pictures/resource/cph.3a50336/>

Wave of Black Success After
the Civil War, Before
Reversal after
Reconstruction: Black
jockeys are one example

African-American jockeys won 15 of the first Kentucky Derbies. Oliver Lewis won the first Kentucky Derby in 1875. Isaac Murphy rode in 11 Kentucky Derbies and won 3 (1884, 1890, 1891); rode the most horses to victory in US horse racing (highest % career victories) James Winkfield won Derby in 1901 and 1902. Subsequently African-Americans banned from participating

Civil Rights Acts after the Civil War

- “In 1866, Congress enforced the abolition of slavery [in the 13th amendment] by passing a Civil Rights Act, prohibiting actions that it deemed perpetrated the characteristics of slavery.” This included banning housing discrimination” (Rothstein 2017, viii).
 - President Andrew Johnson vetoed the law, the Senate and House of Representatives overrode the veto with a 2/3 majority vote
- 1875 Civil Rights Act passed: “The Civil Rights Act of 1875 affirmed the equality of all persons in the enjoyment of transportation facilities, in hotels and inns, and in theaters and places of public amusement. Though privately owned, these businesses were like public utilities, exercising public functions for the benefit of the public and, thus, subject to public regulation. In five separate cases, a black person was denied the same accommodations as a white person in violation of the 1875 Act.”

Civil Rights Cases of 1883

- 1883, Supreme Court ruled the Civil Rights Act unconstitutional
 - One dissent: Justice Harlan

Question
Does the Civil Rights Act of 1875 violate the 10th Amendment of the Constitution which reserves all powers not granted to the national government to the states or to the people?

Conclusion

Sort: [By Name](#) [By Ideology](#) [By Date](#)

MAJORITY OPINION BY JOSEPH P. BRADLEY

Unlike acts of the state, private acts of racial discrimination are private wrongs that the national government is powerless to correct by means of civil rights legislation

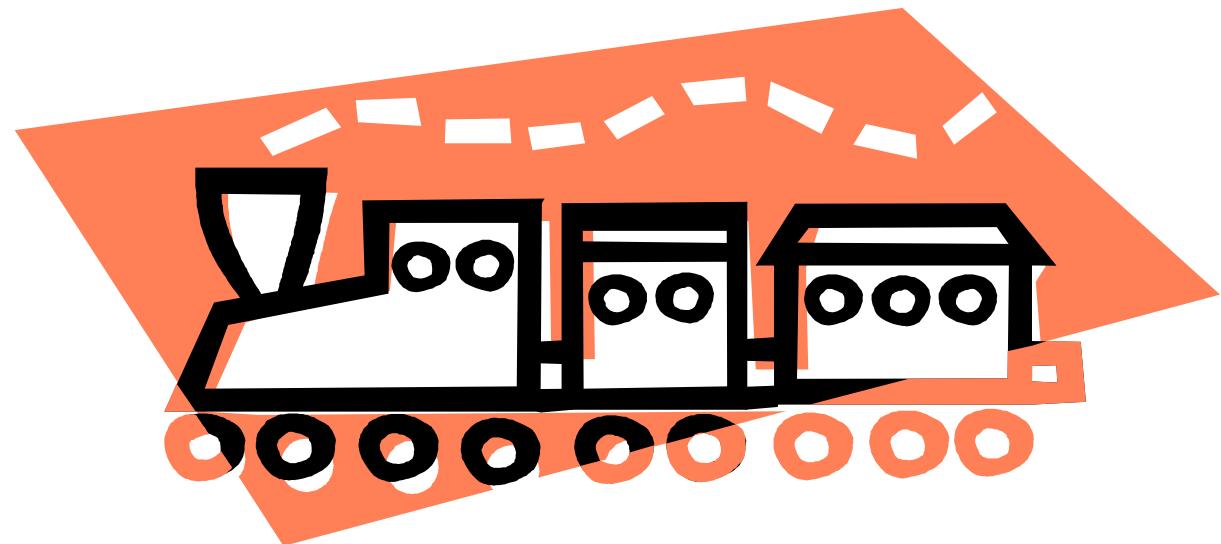


Miller
Miller
Bradley
Woods
Gray
White
Field
Norton
Matthews
Blanchard

Differentiating between state and private action, the majority ruled that the Fourteenth Amendment did not permit the federal government to prohibit discriminatory behavior by private parties. Thus, Sections 1 and 2 of the Civil Rights Act of 1875 were unconstitutional because they exceeded Congress's authority under the Fourteenth Amendment by purporting to regulate the conduct of private individuals. The Court held the Act likewise exceeded Congress's authority under the Thirteenth Amendment, which bars involuntary servitude and is restricted to prohibiting ownership of slaves, not other forms of discriminatory conduct.

Plessy v. Ferguson (1896)

- Plessy arrested for riding in white train car (intentionally testing the separate cars law)
- Allowed separate and equal facilities and accommodations
- Legalized separation and exclusion of African Americans
 - One dissent, Justice Harlan



Justice Harlan's dissent in *Plessy*

- “In my opinion, the judgment this day rendered will, in time, prove to be **quite as pernicious as the decision made by this tribunal in the *Dred Scott* case.** The present decision, it may well be apprehended, **will not only stimulate aggressions, more or less brutal and irritating, upon the admitted rights of colored citizens,** but **will encourage the belief that it is possible, by means of state enactments, to defeat the beneficent purpose which the people of the United States had in view when they adopted the recent amendments of the Constitution, by one of which the blacks of the country were made citizens of the United States and of the states in which they respectively reside, and whose privileges and immunities, as citizens, the States are forbidden to abridge.**”
- “The destinies of the two races, in this country, are indissolubly linked together, and the interests of both require that the common government of all shall not permit the seeds of race hate to be planted under the sanction of law...”

Example of Louisiana 1898 Constitution

- Constitutional convention sought to include provisions “to maintain the supremacy of the white race” (see “Jim Crow’s Last Stand)

Louisiana 1898 Constitution

- Every male citizen of this State and of the United States, native born or naturalized, not less than twenty-one years of age, and possessing the following qualifications, shall be an elector, and shall be entitled to vote at any election in the State by the people, except as may be herein otherwise provided.
- **He shall be able to read and write**, and shall demonstrate his ability to do so when he applies for registration, by making, under oath administered by the registration officer or his deputy, written application therefore, in the English language, or his mother tongue, which application shall contain the essential facts necessary to show that he is entitled to register and vote, and shall be entirely written, dated and signed by him, in the presence of the registration officer or his deputy, without assistance or suggestion from any person or any memorandum whatever, except the form of application hereinafter set forth;

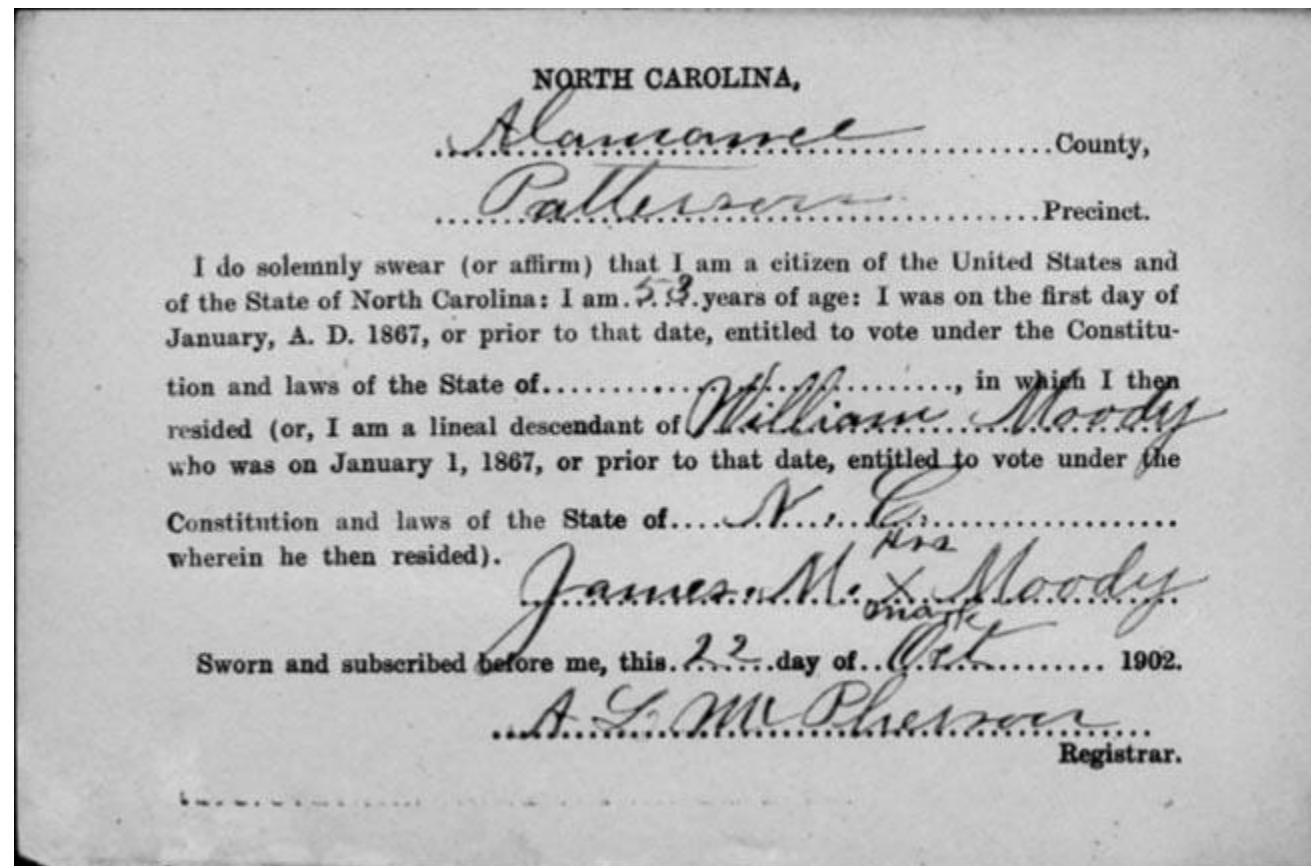
Louisiana 1898 Constitution

- SEC. 4. If he be not able to read and write, as provided by Section three of this article, then he shall be entitled to register and vote if he shall, at the time he offers to register, be the bona fide owner of property assessed to him in this State at a valuation of not less than three hundred dollars on the assessment roll of the current year in which he offers to register, or on the roll of the preceding year, if the roll of the current year shall not then have been completed and filed, and on which, if such property be personal only, all taxes due shall have been paid. The applicant for registration under this section shall make oath before the registration office or his deputy, that he is a citizen of the United States and of this State, over the age of twenty-one years; that he possesses the qualifications prescribed in section one of this article, and that he is the owner of property assessed in this State to him at a valuation of not less than three hundred dollars, and if such property be personal only, that all taxes due thereon have been paid.

Louisiana 1898 Constitution

- SEC. 5. No male person who **was on January 1st, 1867**, or at any date prior thereto, **entitled to vote under** the Constitution or statutes of any State of the United States, wherein he then resided, **and no son or grandson of any such person not less than twenty-one years of age at the date of the adoption of this Constitution**, and no male person of foreign birth, who was naturalized prior to the first day of January, 1898; shall be denied the right to register and vote in this State by reason of his failure to possess the educational or property qualifications prescribed by this Constitution; provided, he shall have resided in this State for five years next preceding the date at which he shall apply for registration, and shall have registered in accordance with the terms of this article prior to September 1, 1898, and no person shall be entitled to register under this section after said date.
- <https://glc.yale.edu/state-constitution-louisiana-1898-suffrage-and-elections>

North Carolina Voter Registration Card, 1902



Segregation

- “Jim Crow” Laws
- Extensive use of segregation to separate white and “colored” population and ban black African Americans from:
 - Housing, schools, transportation, restaurants, hotels, employment, interracial marriage, etc.
- President Wilson re-segregated federal government



Example of 1924

- Racial Integrity Act passed in Virginia
 - March 20, 1924
 - Overturned in *Loving v. Virginia* 1967
- Eugenical Sterilization Act passed in Virginia
 - March 20, 1924
 - “heredity plays an important part in the transmission of insanity, idiocy, imbecility, epilepsy, and crime”*
 - Virginia law upheld in Supreme Court case *Buck v. Bell* 1927
 - Oliver Wendell Holmes: “three generations of imbeciles are enough”
 - Described in Adam Cohen, *Imbeciles* (2017)



Parks & Trails

Staff and Offices

City Parks

Park Regulations

Azalea Park

Bailey Park

Belmont Park

Downtown Mall

Emancipation Park (formerly known as Lee Park)

▶ HISTORY AND GARDENS OF EMANCIPATION PARK

Fifeville Park

Forest Hills Park

Greenbrier Park

Greenleaf Park

Jordan Park

▶ Justice Park (formerly known as Jackson Park)

McGuffey Park

▶ McIntire Park

Meade Park

[Departments and Services](#) » [Departments H-Z](#) » [Parks & Recreation](#) » [Parks & Trails](#) » [City Parks](#) » [Emancipation Park \(formerly known as Lee Park\)](#)

HISTORY AND GARDENS OF EMANCIPATION PARK

Font Size: + - Share & Bookmark

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Emancipation Park (formerly known as Lee Park): prior to the installation of the Robert E. Lee monument in 1924.

(Photo by Rufus Holsinger)

[Holsinger Studio Collection \(#9862\), Special Collections Department, University of Virginia Library](#) ↗

On May 28, 1917, [Paul McIntire](#) purchased a city block that encompassed 45,435 square feet bound by Jefferson and Market Streets and by First and Second Streets, NE. On the lot stood the 1829 Southall-Venable home which was owned by the Charles S. Venable family. The house was a two story brick dwelling surrounded by several smaller outbuildings and beautiful gardens containing fir, oak, and weeping willow trees. During the following year, McIntire had the dwelling demolished and created a formal landscaped square, now known as Emancipation Park

Also in 1924



- Immigration Act
 - Quotas on immigration based on 1890 population, banned Japanese immigration

World War II: Black Americans fought for the US...



- Dorie Miller – Pearl Harbor hero
- Initially not recognized by Navy; received Navy Cross in 1942
- Died in 1943



<http://www.nydailynews.com/news/national/black-sailor-pearl-harbor-heroics-helped-racism-military-article-1.2901218>

...and returned home to discrimination

- Segregation
- Barriers to political participation
- Violence: harassment and murder
- Exclusion

EXPLORE THE EXHIBIT

► Planning, Building and Selling Levittown

[Crabgrass Frontiers](#)[The Most Perfectly Planned Community](#)[The Most House for the Most Money](#)[Assembly Line Housing](#)[Advertising the American Dream](#)

► The Suburban Way

► Levittown Kitchen

[Exhibit acknowledgements](#)**Crabgrass Frontiers****LEVITT & SONS AND THE POST WWII HOUSING BOOM**

Between 1950 and 1960, 20 million people were drawn to mass housing developments on the outskirts of America's cities. In terms of sheer numbers, the move to the suburbs outstripped the fabled Westward migration of the 1800s many times over.

◀ Suburban cartoon. [Reprinted from Electrical Merchandising, July 1957]

The new suburbs combined country comforts with city conveniences. With the help of modern production and financing methods, builders like Levitt and Sons made the American dream of homeownership affordable to millions.



Reproduction poster or advertisement addressing needs of returning WWII vets.

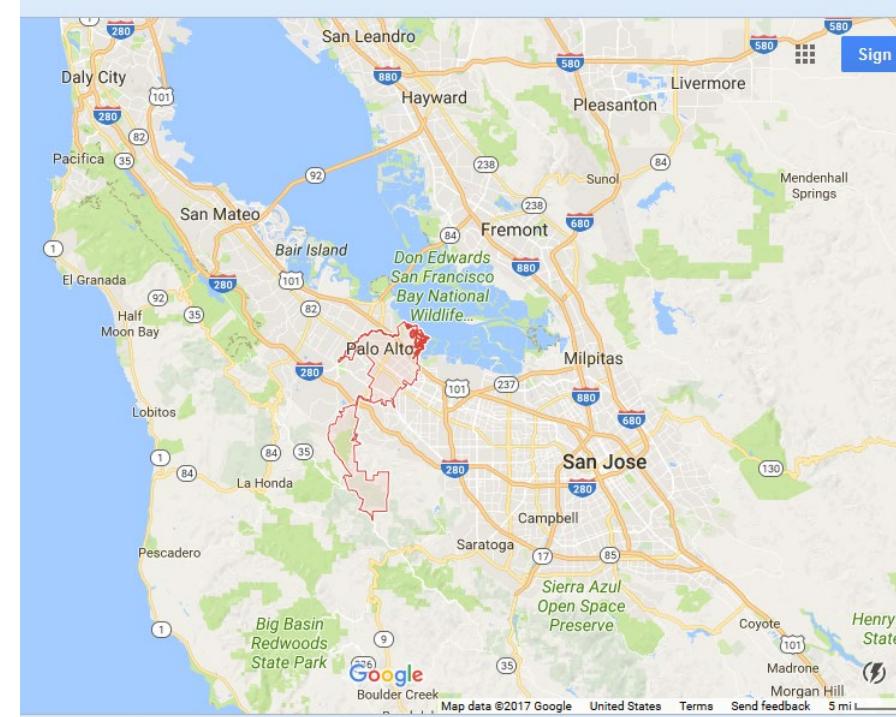


Stranded baby carriage. [Chicago Tribune, 1947]

Returning war veterans sparked an unprecedented demand for housing after World War II. Cheaper materials and government-backed mortgages enabled home builders to meet that demand.

- Levittown
- No down payment
- Low-interest Veterans' Administration loans
- No African-Americans

Peninsula Housing Association of Palo Alto – cooperative denied loans because FHA (Federal Housing Administration) would not insure loans



Why not?

3 of the 150 families were African American

Rothstein, *The Color of Law*

<https://www.the parisreview.org/interviews/2314/wallace-stegner-the-art-of-fiction-no-118-wallace-stegner>

Ladera

Ladera, Spanish for hillside or slope of a curve, is a 284-acre unincorporated community adjacent to the northeastern border of Portola Valley. Just south of Interstate 280 and west of Alpine Road, Ladera's 535 homes are tucked away into serenity by winding, Spanish-named streets that translate to meadowlark, peach tree and dove.

Before California statehood, Spaniards used Ladera's land for grazing and logging. The area was part of a massive land grant that changed Spanish, then American hands throughout the 19th and early 20th centuries. In 1946 the Peninsula Housing Association (PHA), led by a group of Stanford professors, purchased the land from a rancher with the intention of creating a cooperative community. The experiment was ultimately aborted, but its legacy lives on in Ladera's culture. When asked about their neighborhood, many Laderans voluntarily recite the community's history.



A house in the Ladera neighborhood of Portola Valley. The Almanac file photo, taken in 2014.



Elect
Greg Scharff
Midpeninsula Regional
Open Space District Board
Experienced Leadership
for the Environment

MEDIAN 2015 HOME PRICE: \$2,585,000 (\$2,000,000-\$2,850,000)

"There were very few young people with kids when we first moved," she says. "Things have completely turned over; now there are a lot more young families. You have people who could afford to live in more upscale places, but they choose to live here for the community. It's not showy, it's humble."

Down the hill from the Tedescos lives Lennie Roberts who has been living in Ladera since 1965. She was a manager of the district for five years as well as a member of the board of the LRD.

"What we loved about it was the community itself," she says, recalling her and her husband's decision to move in. "My daughter, growing up, thought everybody had a community like this, and it sadly isn't true. A lot of it has to do with the way it's laid out with cul-de-sacs and walking paths that cut between houses. A lot of thought went into the way the community was developed, and that same spirit continues."

Segregation in California

- <http://www.pbslearningmedia.org/resource/osi04.soc.ush.civil.mendez/imendez-v-westminster-desegregating-californias-schools/>
- *Mendez v. Westminster*, 1946, pre-dated *Brown v. Board of Education*



2007 commemorative stamp

Image from US Post Office and <http://www.uscourts.gov/educational-resources/educational-activities/background-mendez-v-westminster-re-enactment>

Brown v. Board (I & II) 1954 and 1955

- Supreme Court case that overturned Plessy v Ferguson of 1896
- Separate is never equal
- Court limited in relief
 - Legal (de jure) desegregation but de facto segregation
 - Court cases followed by other efforts:
 - individuals insisting on using segregated facilities (students integrating schools, Blacks insisting on being served in restaurants, mixed groups integrating busses)
 - Congressional laws
 - executive branch action

Civil Rights Movement Pushed the National Government to Act



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Civil Rights Act 1964

- Reasons for passage
 - Civil Rights Movement
 - Decades of legal work
 - Protests and attempts at integration
 - Including March on Washington for Jobs and Freedom, 1963
 - 250,000 participants
 - Martin Luther King, Jr., speech
 - Support in Congress (northern Democrats)
 - Despite opposition, including Senate filibuster (55 days!)
 - Presidential support (Lyndon Johnson)

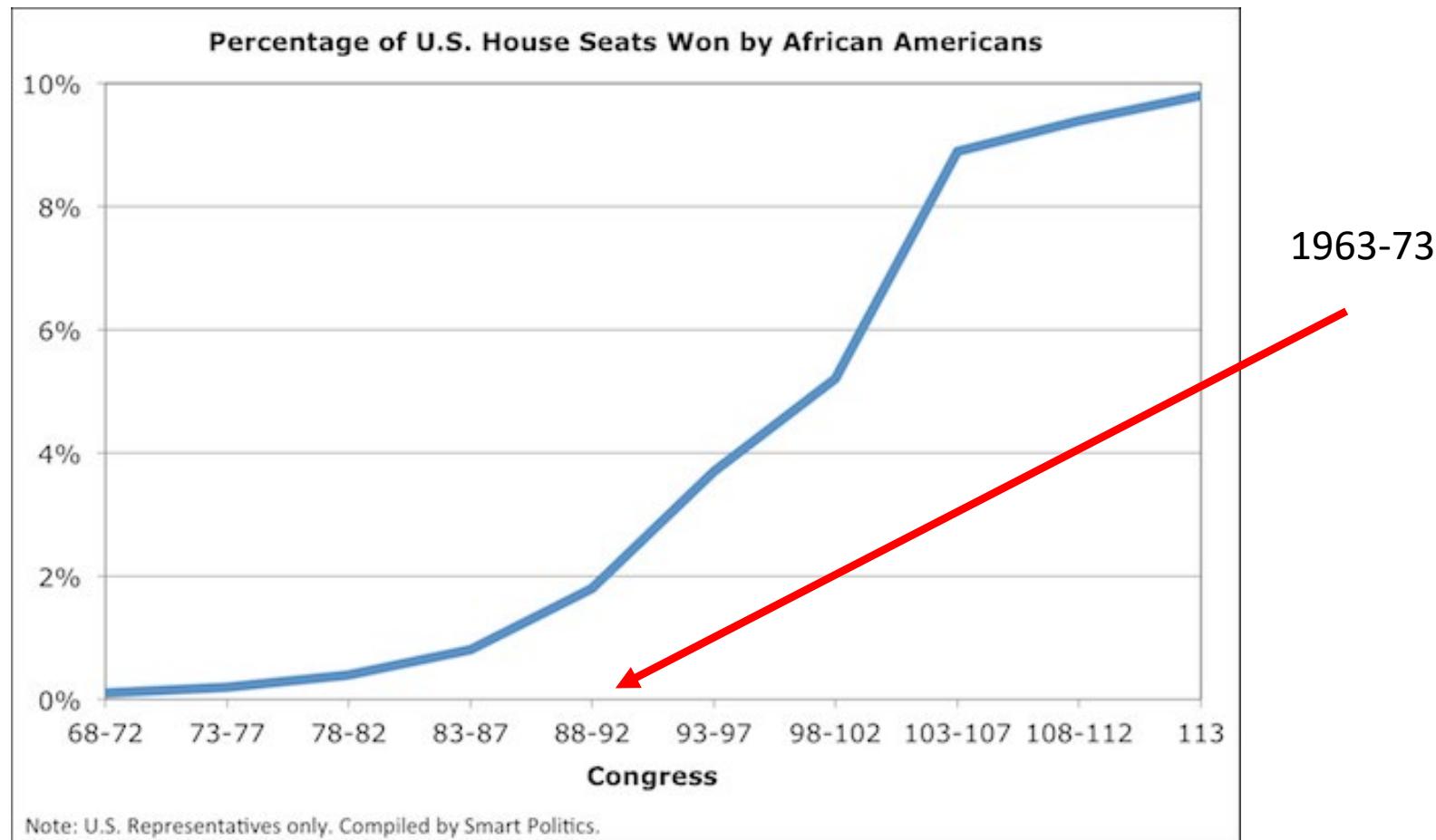


Photo of police dog attacking teenager in Birmingham, Alabama. This photo was on the front page of the *New York Times* on May 3, 1963. (Story at <https://www.npr.org/sections/codeswitch/2013/06/18/193128475/how-the-civil-rights-movement-was-covered-in-birmingham>)

Voting Rights Act of 1965

- Designed to end state practices that intentionally blocked African Americans' voting:
- This Act allowed: federal agents to register voters and prohibited literacy tests; the national government to review state plans for voter registration, drawing districts, etc. (states which were violating rights at the time)
- Upheld in various court cases, including
 - Katzenbach v. Morgan, 1966 [<https://www.oyez.org/cases/1965/847>]

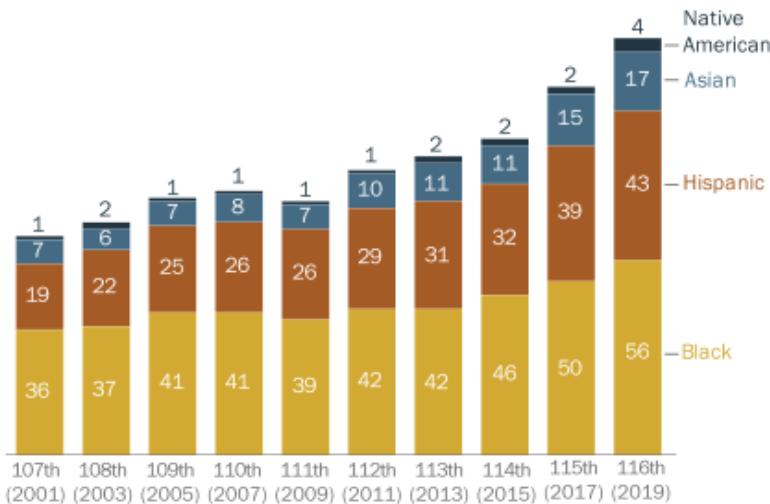
Congress 1923-2015



From Eric Ostermeier, "African-American Representatives by the Numbers" *Smart Politics* (August 28, 2013) <http://editions.lib.umn.edu/smartpolitics/2013/08/28/african-american-us-representatives/>

Growing racial and ethnic diversity in Congress

Number of nonwhite U.S. House and Senate members by race/ethnicity



Note: Nonvoting delegates and commissioners excluded. Figures represent makeup of Congress on the first day of each session. Only first year of each Congress is labeled. Asian includes Pacific Islanders. Members who have more than one racial or ethnic identity are counted in each applicable group.

Source: Congressional Research Service, CQ Roll Call, Brookings Institution.

PEW RESEARCH CENTER

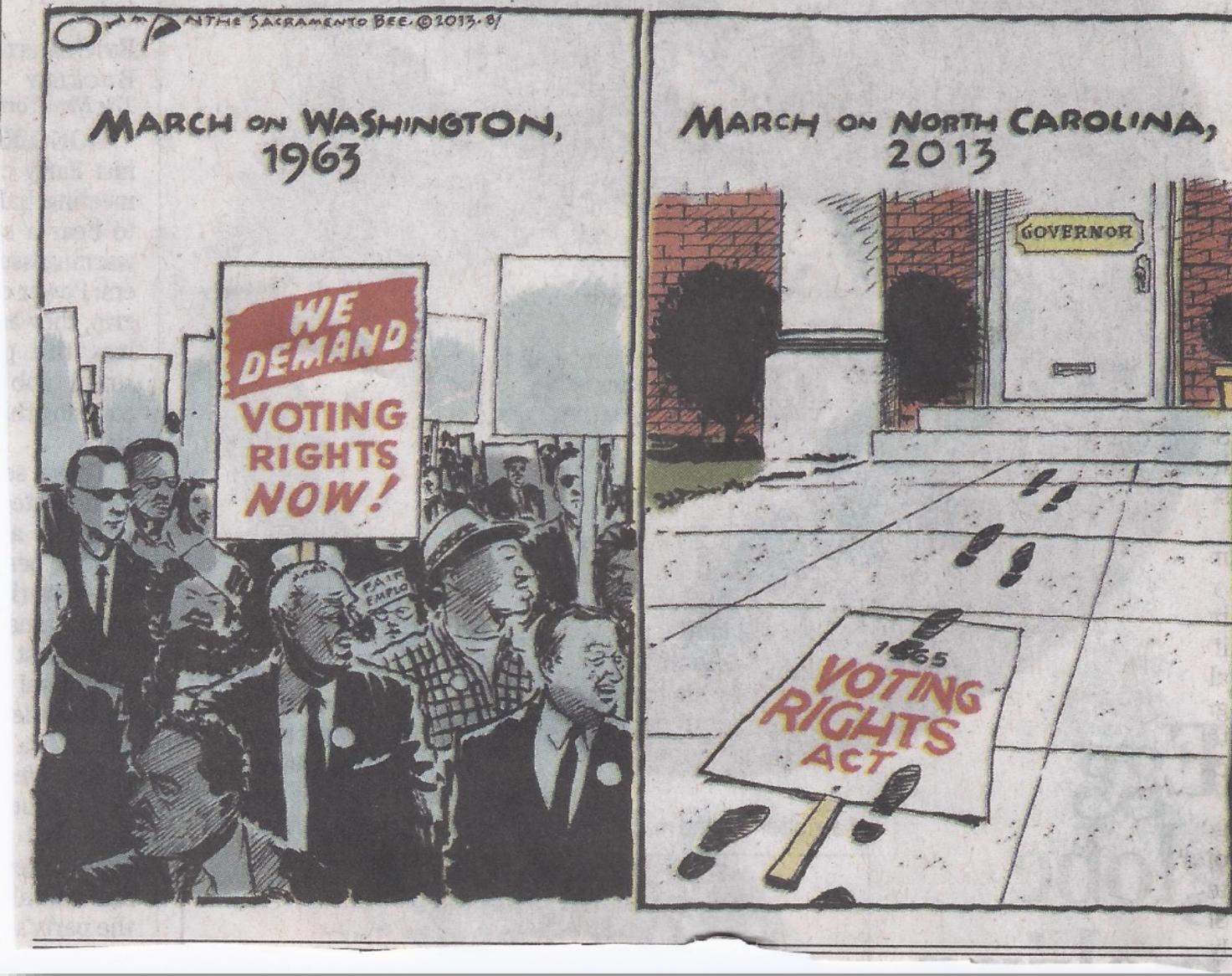
- More information at:

- <https://www.pewresearch.org/fact-tank/2019/02/15/the-changing-face-of-congress/>

From: <https://www.pewresearch.org/fact-tank/2019/02/08/for-the-fifth-time-in-a-row-the-new-congress-is-the-most-racially-and-ethnically-diverse-ever/>



JACK OHMAN | johman@sacbee.com



Shelby County v. Holder <https://www.oyez.org/cases/2012/12-96>

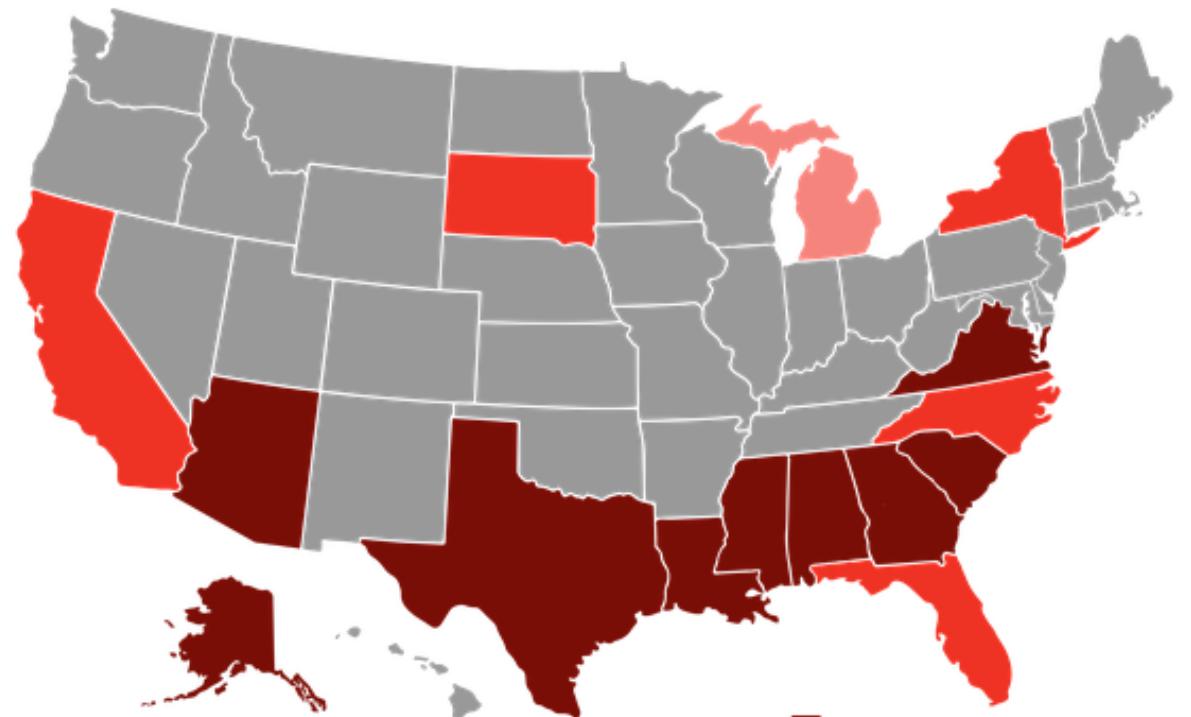
Supreme Court ruled against Section 4(b) of Voting Rights Act of 1965



Shelby County v. Holder

August 4, 2018

States Covered by Section 5 at the time of the Shelby County Decision



BRENNAN
CENTER
FOR JUSTICE

- States Covered as Whole by Section 5
- Some Counties Covered by Section 5
- Some Townships Covered by Section 5

[The Voting Rights Act](#) was passed in 1965 to ensure state and local governments do not pass laws or policies that deny American citizens the equal right to vote based on race. On June 25, 2013, the Supreme Court swept away a key provision of this landmark civil rights law in *Shelby County v. Holder*.

Other Groups

Native Americans

- The first governor of California, Peter Burnett:
 - Predicted “That a war of extermination will continue to be waged between the races until the Indian race becomes extinct must be expected,” in 1851
- Massacres
 - Example: Bloody Island Massacre, May 1850 of Pomo at Clear Lake
- Other measures
 - Removal of children to schools
 - Prohibition of speaking native languages
- California is the state with the largest population of people of Native American heritage
- California has the largest number of federally recognized tribes (109)
- Information about tribes in California
 - <https://www.courts.ca.gov/3066.htm>

Sex/gender

- Women were banned from many things:
 - Voting, serving on juries, professions, owning property, signing contracts, working while pregnant...

Examples of US Supreme Court Justices

- Sandra Day O'Connor couldn't get a job as an attorney after graduating 3rd in her class of 102 in 1952 from Stanford Law school – offered a job as a legal secretary
- “Instead, she took a position as a deputy county attorney in San Mateo, California, initially offering to work for no salary or office, and where she shared space with a secretary.”

<http://oconnorinstitute.org/programs/oconnor-history/sandra-day-oconnor-library-and-archives/biography/>



Photo by Steve Petteway, photographer for the Supreme Court of the United States. -
http://www.supremecourt.gov/publicinfo/press/investiture/investiture_kagan.aspx,
Public Domain, <https://commons.wikimedia.org/w/index.php?curid=11688218>

- Ruth Bader Ginsberg graduated first in her class from Columbia University law school in 1959 and had trouble getting a job.
- <https://www.biography.com/people/ruth-bader-ginsburg-9312041>



Photo from NBC news

Bader Ginsburg and other women in her class were asked by a law professor why they were taking spots in law school from men.

Sex/gender (some examples of laws)

- Equal Rights Amendment (ERA)
 - First proposed by women in 1923
 - Amendment proposed by Congress
 - 2/3 vote in House of Representatives in 1971
 - 2/3 vote in Senate in 1972
 - Failed to be ratified by states (short 3 states)
- Equal Pay Act (1963)
- Title VII of the Civil Rights Act (1964)
- Title IX of the Education Amendment (1972)
- Equal Credit Act (1974)

The Equal Rights Amendment (proposed, not ratified)

- Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.
- Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.
- Section 3. This amendment shall take effect two years after the date of ratification.

Gender Pay Gap

	Earning Ratio
United States	79%
California	84%
Louisiana	65%

From: AAUW, *The Simple Truth About the Gender Pay Gap* (Fall 2015)

Women in Office

- What is the U.S rank compared to other countries?
 - <https://data.ipu.org/women-ranking>

LGBTQ+... Lesbian, Gay, Bisexual, and Transgender rights...

- *Bowers v. Hardwick* (1985)
 - States could ban homosexuality (in one's home) – no constitutional protection (<https://www.oyez.org/cases/1985/85-140>)
- *Romer v. Evans* (1996)
 - Struck down Colorado law that had blocked all legal protections for homosexuals <https://www.oyez.org/cases/1995/94-1039>
- *Lawrence v. Texas* (2003)
 - States cannot ban sexual relations between consenting adults of same sex (**overturned Bowers**) <https://www.law.cornell.edu/supct/html/02-102.ZO.html>
- Repeal of “Don’t Ask, Don’t Tell” in military (2010)
- Transgender allowed to serve openly in US military, June 2016
- President barred transgender from serving in US military, 2017

Asian Americans

- Chinese and Japanese laborers worked in western states in 1800s (largely built the transcontinental railroad)
- Asian immigration banned
- Japanese-American citizens in Western states incarcerated during World War II
 - 100,000+
 - Upheld by U.S. Supreme Court at the time
 - Korematsu v. United States (1944)
 - <https://www.oyez.org/cases/1940-1955/323us214>

Hispanic/Latinx Americans

- *Mendez v. Westminster* (1946)
- Farm worker movement
- Language
- Immigration
- ID laws
 - Laws in some states requiring/allowing police to stop and ask for proof of legal residence
- California:
 - Proposition 187, 1994

