受合众国管辖的所有人,都有权充分而平等的享用旅馆、公共交通、剧场和其它公共娱乐场所中的膳宿、便利和特权,只服从法律规定的条件和限制。法律规定的条件和限制,同样适用每一种族和肤色的公民,不管其以前任何受奴役的状况——1875年《权利法案》

重建时期

来源:来自《蹦跳的吉姆·克劳》,1832年白人托马斯·D·赖斯假扮黑人,用漫画的形式讽刺安德鲁·杰克逊的民粹主义政策。到了1838年,"吉姆·克劳"成为"黑鬼"的贬义词

Jim Crow Laws

Plessy VS. Ferguson

(1896)

种族隔离时期

十九世纪南方立法机构针对黑人颁布种族隔离法案,被称为吉姆·克劳法,指1876至1965年间美国南部各州以及边境各州对有色人种实行种族隔离制度的法律。1945年后,非裔美国人民权运动兴起,民权团体用联邦法律来抵抗吉姆·克劳法。美国国会随后在1964年通过《1964年民权法案》及《1965年投票权法案》,禁止法律上有任何形式的种族隔离和歧视政策,吉姆·克劳法在法律层面上正式走入历史

"We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with a badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it." — Brown法官判词

美国宪法第 十四修正案

实施过程

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the negro group. A sense of inferiority affects the motivation of a child to learn...... 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... are deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment."— Brown VS. Board of Education判词 (1954, 9: 0)

民权运动时期

"Nothing whatever in the legislative history of either the Fourteenth Amendment or the Civil Rights Acts even remotely suggests that the States are foreclosed from furthering the fundamental purpose of equal opportunity to which the Amendment and these Acts are addressed. Indeed, voluntary initiatives by the States to achieve the national goal of equal opportunity have been recognized to be essential to its attainment.....We therefore conclude that Davis' goal of admitting minority students disadvantaged by the effects of past discrimination is sufficiently important to justify use of race-conscious admissions criteria."— UC VS. Bakke判词

平权法案时期

类比"积极自由"和"消极自由",可以把平等划分为"积极平等"和"消极平等",后者意味着从法律和政治上来保证黑人的平等权利,前者是赋予他们同样的社会和经济地位