

Unit 5

Civil Rights: Demanding Equality

Learning Objectives

After completing this session, you will be able to:

- Define the term civil rights.
- Understand the differing meanings of the word equality.
- Describe the importance of the Fourteenth Amendment in providing equal protection.
- Explain the slow evolution of civil rights for African Americans.
- Describe the expansion of our understanding of civil rights as a protection against gender discrimination.
- Learn about newer demands for guarantees of equality on behalf of those with disabilities.

Topic Overview

Central to the American ideal is equality. But equality is an illusive goal that requires vigilance. In this unit we look at the struggle for equality for African Americans, recognizing that despite major advances (the end of the most restrictive Jim Crow laws), the struggle continues. At the same time, the unit illustrates that gender equality has become, in recent years, a major source of friction in several aspects of American life. Similarly, the unit points out the rising demand by the disabled for equal treatment and the difficulties that society has had in meeting these demands.

The Declaration of Independence, written in 1776, boldly proclaims: “All men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these, are life, liberty, and the pursuit of happiness.” Yet for much of American history, the guarantee of **equality** applied exclusively to white men. That is no longer the case. But the struggle for political and social equality is often long and difficult. The problem is that although Americans support equality in the abstract, the guarantee of equality requires government action—action that often limits the liberty of some people. Any discussion of equality must also confront the question of what equality means. Does it mean **equal opportunity**, in which everyone has the opportunity to compete for things like jobs and admission to educational institutions? Or does it mean **equal outcomes**, in which the awards of competition are spread equally across all sectors of society, including women, minorities, and the disabled? Assuring equal outcomes obviously requires more governmental intervention.

The Declaration of Independence also asserts that, “to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.” The promise of basic rights in the Declaration was codified in the U.S. Constitution and its subsequent amendments. **Civil rights** refer to the actions citizens demand of their government to protect them in the exercise of their rights against the discriminatory application

Topic Overview, cont'd.

of such rights by governments, groups, or individuals. But it took more than just a close reading of the Constitution to guarantee these basic rights for groups such as women, minorities, and the disabled. For each of these groups, it required years of active work to win new laws that guaranteed their equality.

The Fourteenth Amendment was originally designed to grant equal rights to the newly freed slaves. But it did not end segregation. In fact, segregation was supported by the Supreme Court in the case of *Plessy v. Ferguson* (1896). This case involved a Louisiana law that required blacks and whites to occupy separate railroad cars. In upholding the law, the Court ruled that “equal protection of the law” could be interpreted to mean “separate but equal.” In time, the term “**Jim Crow**,” often associated with minstrel shows in which white actors dressed in black face, was used to describe laws and customs that segregated black citizens.

Building on the 1954 Supreme Court ruling in *Brown v. Board of Education*, which overturned the separate but equal doctrine asserted in the *Plessy* case, the **civil rights movement** began to dismantle both **de jure** (segregation by law) and **de facto** segregation (segregation in practice) in various places. The advancement of equality beyond the classroom required several methods of political mobilization including conventional activities (e.g., voter registration efforts, boycotts), and unconventional activities (demonstrations, sit-ins). A major legislative victory in the civil rights movement was **the Civil Rights Act of 1964**, which barred discrimination in public accommodations engaged in interstate commerce, and prohibited discrimination in employment on grounds of race, color, religion, national origin, and sex, among other things.

Building on the Civil Rights Act of 1964, Congress has expanded the definition of those groups to be guaranteed equal protection. Title IX, for instance, has been used to expand opportunities for women in America’s educational institutions. At the same time, statutes such as the Americans With Disabilities Act have sought to provide equal opportunities for those with disabilities.

Pre-Viewing Activity and Discussion (30 minutes)

Before viewing the video, discuss the following questions:

- What did DuBois mean when he wrote about the “double consciousness”?
- Should the Fourteenth Amendment be read to guarantee equal opportunity or equal outcomes?
- Can effective equal protection rights be guaranteed to individuals or must these guarantees be based on group membership?
- How has the entrance of large numbers of women in the workforce changed our understanding of the equal protection clause of the Fourteenth Amendment?

Watch the Video (30 minutes) and Discuss (30 minutes)

The video includes three segments. If you are watching on a videocassette, watch each segment and then pause to discuss it, using the questions below. If you are watching a real-time broadcast on the Annenberg/CPB Channel, watch the complete video and then discuss.

1. Ending School Segregation: The Case of Farmville, Virginia

No aspect of segregation was more harmful than the separation of black and white children in the public schools, especially in the South. This story is about how black students in 1951 staged a strike in Farmville, Virginia, to protest school segregation. How that strike played a major role in ending school segregation is not widely known. Like many towns in the South, Farmville maintained separate school systems for black and white children. For the black students, it was immediately clear that their school facilities were inferior to those of whites. The story of Farmville is a story of victory, but one long delayed, even long after the Supreme Court’s ruling.

Watch the Video and Discuss, cont'd.

Discussion Questions

- Until the ***Brown v. Board of Education*** decision, the relevant legal standard was “separate but equal.” What does Farmville tell you about the enforcement of even that standard? What would have happened if that standard had been strictly enforced?
- Farmville is a classic example of *de jure* discrimination, but most discrimination is *de facto*. How do we address *de facto* discrimination?
- At the time of the Brown decision, racial discrimination was overt in almost all areas of life. Why do you think that the NAACP selected discrimination in education as its prime target?

2. Title IX and Girl's Sports

At America's birth, the Constitution's framers granted women almost no civil rights. In fact, it took until 1920 for women to win the right to vote, and until the 1970s to gain overall legal equality. The modern women's movement adopted several lessons from the Civil Rights Movement. For example, to show they were being discriminated against women had to prove they were treated unfavorably simply because they were women. The story of one fight over equality in youth sports illustrates this ongoing struggle.

Discussion Questions

- Is the scheduling of athletic seasons by the state an example of discrimination?
- Does it matter that the different season (different from the boys') was combined with unequal facilities?
- Should it matter that most people think that different seasons for the same or comparable sports is acceptable? Does it matter if most girls find it acceptable?

3. Fighting for the Rights of Disabled Americans

Fighting discrimination often takes years of mass organization, protest, political lobbying, and legal challenges to win new laws and the power to enforce them. The 1973 Rehabilitation Act was considered an early victory for supporters of rights for the disabled. It included a provision stipulating that federally funded programs and facilities must be accessible to disabled individuals. The broader Americans with Disabilities Act of 1990 expanded the protections first articulated in 1973. But the fight for equality often continues beyond the passage of laws recognizing the rights of those who are experiencing discrimination. No one knows this better than those who seek the end of discrimination against people with disabilities.

Discussion Questions

- What steps are necessary to eliminate discrimination against those with disabilities?
- What disabilities should be covered by ADA?
- Is discrimination against those with disabilities comparable to discrimination against racial minorities and women?

Post-Viewing Activity and Discussion (30 minutes)

1. Americans Have Come a Long Way, But There's Still Work To Be Done (20 minutes)

Discuss what remains to be done in the struggle for equal rights for all citizens. Are there groups of citizens who still don't enjoy their full rights? Who are they? Where might new claims for guarantees of equality come from in the future? For instance, should the Fourteenth Amendment be read to prohibit discrimination against the poor?

2. What Is To Be Done? (10 minutes)

What efforts must society make to redress discrimination? Discuss the options and costs of redressing past practices of discrimination.

Homework

Read the following Readings from Unit 6 to prepare for next week's session.

- Introduction—Legislatures: Laying Down the Law
- Tocqueville, *Democracy in America*: "Legislative Powers of the Federal Government"
- Locke, *Legislatures*
- *Federalist Papers*: "Federalist No. 26"
- Beveridge, "Remarks Before the Senate Concerning the U.S. Occupation of the Philippines"

Read next week's Topic Overview.

Critical Thinking Activity: Go to the course Web site and try the Critical Thinking Activity for Unit 5. This is a good activity to use with your students, too.
www.learner.org/channel/courses/democracy

Classroom Applications

You may want to have your students do the post-viewing activities: Americans Have Come a Long Way, But There's Still Work To Be Done and What Is To Be Done? They are provided for you as blackline masters in the Appendix.

Web-Based Resources

www.usdoj.gov/crt/crt-home.html—**The Civil Rights Division of the U.S. Department of Justice** offers reports, speeches, and civil rights cases of interest to those interested in civil rights. Their Web site also includes extensive information on rights and litigation involving disabilities, labor, workplace standards, and voting fairness, among many other sections.

www.usccr.gov/—**The U.S. Commission on Civil Rights** Web site offers briefings and papers produced by the nonpartisan agency. Topics include affirmative action, immigration, and post-September 11 rights for criminal defendants.

www.naacp.org—**The National Association for the Advancement of Colored People (NAACP)** has been active since 1909. It is an organization of socially conscious individuals of all races, religions, political affiliations, and ideologies. Programs include legal, political, and grassroots effort to ensure rights and equality for all Americans.

www.maldef.org—Founded in 1968, **the Mexican American Legal Defense and Educational Fund (MALDEF)** is the leading nonprofit Latino litigation, advocacy, and educational outreach institution in the United States. Its Web site includes materials on the legal, political, educational, and the public policy aspects of civil rights for Latinos.