



## Scholar Exchange: The Civil Rights Movement

# Briefing Document

### INTERACTIVE CONSTITUTION RESOURCES

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- [Resources for Civil Rights Movement](#)

### INTRODUCTION

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#### Big, Framing Questions and Class Goals:

- What was the Civil Rights Movement? When was it active? Who were some of its leaders?
- What were some of the Civil Rights Movement's core constitutional arguments?
- What did the original Constitution say about civil rights, and how did later amendments transform our nation's charter?
- What was the Warren Court, and what were some of its key rulings in the 1950s and 1960s?
- What were some of the landmark civil rights laws passed during the Civil Rights Era?
- What is the constitutional legacy of the Civil Rights Movement and the Warren Court?

**Big Idea:** While the American people wrote the Declaration of Independence's promise of freedom and equality into the Constitution after the Civil War, it would take nearly a century and the courage of many African Americans and their allies in the Civil Rights Movement—coupled with important decisions by the Warren Court and landmark statutes like the Civil Rights Act of 1964 and the Voting Rights Act of 1965—to make these promises a reality.

When teaching about the [Civil Rights Movement](#) there are a few things that hold back our real learning and understanding of this moment in history and its connections to today.

#### The Myth of Perpetual Racial Progress

Has racial progress occurred in America over time? YES. However, it is not a perpetual march of progress that is guaranteed. People have fought, struggled, and died. It is not just a linear arch. Steps forward and huge reverses.

Thus, the struggle for equality takes place over centuries and requires continual work in the face of violent opposition. Change is contingent on action—in words, in laws, in resistance, and in hearts and minds.

### What is the Master Narrative?

It is not just about the 1950s and 1960s with Martin Luther King, Rosa Parks, and Lyndon Johnson—and with the story all wrapped up by 1965. We need to deconstruct that narrative to understand how all this change at the national level happened.

It is hard. Teaching the Civil Rights Movement is hard because we have to be honest about our past and its imperfections.

### CIVIL RIGHTS ORGANIZATIONS AND THEIR LEADERS

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This brief walking tour alone shows us that different organizations are founded at different times and for different purposes. And it immediately gives us a sense that even the classic Civil Rights Movement that we think of in the 1950s and 1960s has a longer history—extending back decades.

#### The NAACP

Founded in 1909 by Ida B. Wells, W.E.B. Du Bois, Mary White Ovington, and Moorfield Storey.

The [NAACP](#)'s charter gave its mission: **“To promote equality of rights and eradicate caste or race prejudice among citizens of the United States; to advance the interest of colored citizens; to secure for them impartial suffrage; and to increase their opportunities for securing justice in the courts, education for their children, employment according to their ability, and complete equality before the law.”**

The Key Players:

- *Ida B. Wells*: Courageous journalist and civil rights figure. Studied white violence in the South in the late 1890s through the early 1900s. Much of what we know about Southern lynching during this period comes from Wells's extraordinary work.
- *W.E.B. Du Bois*: First African American to earn a Ph.D. at Harvard. A founder of the NAACP. Author of *Black Reconstruction*—an important early history of this critical period, placing African Americans at the center of the Reconstruction story.
- *Mary White Ovington*: Suffragist. Journalist. Co-Founder of the NAACP.
- *Moorfield Storey*: Lawyer from Boston. Founding President: 1909-29.

#### The Southern Christian Leadership Conference (SCLC)

The [SCLC](#) was formed in 1957 by Martin Luther King, Jr. (its first President), Ralph Abernathy, Ella Baker, Fred Shuttlesworth, and Bayard Rustin. It made nonviolence its central tenet and had a national focus, not grassroots.

The Key Players:

- *Dr. Martin Luther King, Jr.*: Most famous figure associated with SCLC.
- *Ella Baker*: Five-decade career. Largely a behind-the-scenes organizer. Worked with W.E.B. Du Bois, Thurgood Marshall, A. Philip Randolph, and Dr. King, among many others. Mentored Diane Nash, Stokely Carmichael, and Rosa Parks. She pushed to make sure that the Civil Rights Movement was not just a top-down movement, but also one from the grassroots up. And that the Civil Rights Movement wasn't just run by men—that women would have a powerful voice in the movement, too.
- *Ralph Abernathy*: Baptist minister. Close friend and mentor to Dr. King. Worked with Dr. King on the Montgomery Bus Boycott. Co-Founder of SCLC. Became President of the organization after King's assassination.
- *Fred Shuttlesworth*: Minister from Birmingham. Co-Founder of SCLC. Ally of Dr. King.
- *Bayard Rustin*: Ally of A. Philip Randolph. Trailblazer of non-violent, direct action. Taught Dr. King those principles. Helped organize the Freedom Rides and the March on Washington.

### The Congress of Racial Equality (CORE)

Formed in 1942 by James L. Farmer, Jr., George Houser, and Bernice Fisher. CORE's goal was to **"bring about equality for all people regardless of race, creed, sex, age, disability, sexual orientation, religion or ethnic background."**

The group was inspired by the example of Mahatma Gandhi's teachings of non-violent resistance. Of the 50 original members, 22 were women.

The Key Players:

- *James Farmer*: Committed to non-violence. Organized the first Freedom Ride.
- *George Houser*: Methodist Minister. Co-Founded CORE.
- *Bernice Fisher*: Co-Founder of CORE. Based in Chicago. "Godmother" of the sit-in movement.

### The Leadership Conference on Civil Rights (LCCR)

Founded in 1950 by Roy Wilkins, A. Philip Randolph, and Arnold Aronson. LCCR coordinated the national legislative campaigns behind every major piece of civil rights legislation during this era.

It still plays a huge role in the civil rights community today.

The Key Players:

- *Roy Wilkins*: Active from the 1930s to the 1970s. Also served as Executive Secretary of the NAACP from 1955-63.

- *A. Philip Randolph*: Labor organizer.
- *Arnold Aronson*: Founder of LCCR. Executive Secretary: 1950-80. Worked with Randolph to lobby FDR. Helped plan the March on Washington.

### **Student Nonviolent Coordinating Committee (SNCC)**

Represented the next generation of leadership in the Civil Rights Movement. SNCC was formed in April 1960 at a conference at Shaw University in Raleigh, North Carolina.

It grew out of the beginning of the sit-in movement earlier that year—with Ella Baker playing a key role. Baker supported a more egalitarian leadership structure.

She wanted the Civil Rights Movement to look more like the Black Church, with men and women in leadership positions. She questioned the top-down leadership of organizations like SCLC, saying “strong people don’t need strong leaders.” She quit the SCLC to support the formation of SNCC.

She convinced SNCC to form two wings—one for direct action, and the other for voter registration drives. With CORE, she helped coordinate the Freedom Rides in 1961.

Baker helped support and teach the student leadership of SNCC, including Diane Nash, Julian Bond, John Lewis, Stokely Carmichael, Bob Moses, and Bernice Johnson Reagan.

The Key Players:

- *John Lewis*: Chair of SNCC: 1963-66. Skull fractured at Selma. Youngest speaker at the March on Washington. Among the “Big Six” leaders that organized it. One of the thirteen original Freedom Riders.
- *Diane Nash*: Worked to integrate lunch counters in Nashville. Freedom Rides. Co-Founder of SNCC. Participated in the Selma voting rights movement, too.
- *Julian Bond*: Helped found SNCC. Later, the Southern Poverty Law Center (1971).
- *Stokely Carmichael*: Later, a leader in the Black Power movement and the Black Panthers.
- *Bob Moses*: Voter education and registration in Mississippi.
- *Bernice Johnson Reagon*: Songwriter and composer. Founding member of SNCC. Showed the power of collective singing to bring people together.
- Other young leaders who emerged from SNCC included Fannie Lou Hamer, Ruby Doris Smith Robinson, James Bevar, and Marion Barry.

### The Committee for Equal Justice

The group was founded by Rosa Parks and Recy Taylor in 1944 and focused on equality for African American women.

Rosa Parks was already the secretary of the Montgomery Chapter of the NAACP—a position that she held for 14 years.

The Key Players:

- *Recy Taylor*: Raised in the Jim Crow South (Alabama).
- Parks and Taylor helped found the Committee for Equal Justice, in part, to bring greater attention to violence against African American women.

Finally, the Supreme Court also played a key role during the Civil Rights Era.

The Warren Court—led by Chief Justice Earl Warren—ran from 1953 through 1969.

This is the Court of [Brown v. Board of Education](#) (declaring school segregation unconstitutional) and other landmark decisions—allying the Supreme Court with the growing Civil Rights Movement in the 1960s.

For much of its history, the Supreme Court was no ally of civil rights reformers.

That changed with the Warren Court—with Chief Justice Warren and his colleagues carving out an important role for the Supreme Court in protecting minority rights, especially those of unpopular groups (like African Americans) that often couldn't rely on elected officials to protect them.

### CIVIL RIGHTS CONNECTION TO AMERICA'S FOUNDING DOCUMENTS

In America, constitutional reformers often look to root their pushes for change in our nation's Founding principles and its key Founding documents like the [Declaration of Independence](#) and the [Constitution](#).

This has certainly been true of the reformers pushing for civil rights throughout American history.

With that in mind, let's begin with (almost certainly) the most famous words in American history—our nation's Founding creed: the Declaration of Independence.

**“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.”**

Constitutional reformers across history have laid claim to this promise—arguing that the Declaration's promise of freedom and equality has been at the core of our nation's purpose since the very beginning and arguing that for much of our nation's history we have failed to live up to its inspiring words.

We see this push from the very beginning—for instance, with Prince Hall’s 1777 petition pushing for the Massachusetts legislature to realize the Declaration of Independence’s promise and abolish slavery in the state.

We also see it in the writings and speeches of Frederick Douglass—for instance, in his most famous speech—“What is to a Slave the Fourth of July”—challenging his white audience to live up to the words of their Founding creed and its promise of freedom and equality for everyone.

And it continued into the twentieth century with the fight to end Jim Crow and its system of racial discrimination—with Dr. King describing the Declaration (and the Constitution) as a “**promissory note**” issued to *all* Americans, regardless of their race.

Over time, we see these sorts of arguments in the writings and speeches of key leaders like Sojourner Truth, Frances Ellen Watkins Harper, Ida B. Wells, W.E.B. DuBois, Thurgood Marshall, and Martin Luther King, Jr., among many, many, many others.

So, throughout American history, key civil rights leaders have rooted their vision of a more free and equal America in the promise of the Declaration of Independence.

At the same time, many civil rights leaders have also rooted their arguments in the Constitution’s text and history.

For instance, some turned to the [Constitution’s Preamble](#), its famous opening words, and its promise of popular sovereignty—rule by “**We the People.**”

Some pointed to the promises written into the Constitution after the Civil War—our nation’s “Second Founding.”

During that critical period, our nation ratified a series of [transformational amendments](#): the Thirteenth, Fourteenth, and Fifteenth.

- [The Thirteenth Amendment](#)—ratified in December 1865—abolished slavery.
- [The Fourteenth Amendment](#)—ratified in July 1868—wrote the Declaration of Independence’s promise of freedom and equality into the Constitution.
- Finally, [the Fifteenth Amendment](#)—ratified in February 1870—promised to end racial discrimination in voting.

While the nation turned away from these constitutional promises, generations of reformers called upon political leaders, the Supreme Court, and the American people themselves to live up to the ideals enshrined in their beloved Constitution.

In the face of Jim Crow segregation, civil rights advocates were able to lay claim to the Constitution's text and say that America is better than that.

How do we know? Their answer was simple. Look at the Preamble. Look at the Fourteenth Amendment's promise of freedom and equality. Look at the power that a series of constitutional amendments gave to the national government to protect the civil and political rights of all.

And Jim Crow South—your system of segregation doesn't square with that constitutional vision—in other words, with our nation's charter.

The Constitution is our nation's highest law.

And we—the civil rights reformers—are going to take our fight to the courts. We're going to take it to Congress. We're going to take it to the President. We're going to take it to our state and local governments. And we're going to take it to the American people themselves.

Why? Because we want the America that we live in to line up to the promise of what's written into the Constitution's text.

Some civil rights advocates drew especially on the powers granted to Congress to eradicate racial discrimination in America.

For instance, the Reconstruction Amendments themselves contained enforcement clauses—granting Congress new powers to protect the civil and political rights of all Americans.

And the original Constitution granted Congress the power to regulate interstate commerce—granting it broad powers to pass laws touching on our nation's economy, including (in the view of many civil rights leaders) the power to attack racial discrimination in a variety of contexts like the workplace and while traveling throughout the nation.

During the Civil Rights Era, reformers drew on these powers to fight for landmark civil rights laws like the Civil Rights Act of 1964 and the Voting Rights Act of 1965 and to support landmark decisions by the Warren Court like [\*South Carolina v. Katzenbach\*](#) and [\*Heart of Atlanta Motel v. United States\*](#).

Finally, during the Civil Rights Era, constitutional reformers wrote new promises into the Constitution, as well.

The new amendments included:

- The [Twenty-Third Amendment](#)—ratified in 1961—granting the District of Columbia (and its large African American population) three electoral votes and adding their voters' voices to the presidential selection process.

- And the [Twenty-Fourth Amendment](#)—ratified in 1964—banning poll taxes in national elections.

## THE RECONSTRUCTION ERA AND THE RISE OF JIM CROW

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The period after the Civil War is known as Reconstruction.

During this critical period, the Republican Party—the Party of Lincoln and the Party of Union—tried to set important constitutional baselines for post-Civil War America.

Importantly, the American people wrote many of these baselines into the Reconstruction Amendments: the Thirteenth, Fourteenth, and Fifteenth.

Sadly, the Reconstruction moment itself was brief. Even so, Reconstruction still represents America’s first attempt at multiracial democracy.

And for a time—far too brief a time—it worked. It really worked.

We saw African Americans meeting in conventions throughout the nation—laying out their vision of what America’s **“new birth of freedom”** ought to look like for the African American community in post-Civil War America.

We saw African Americans voting in massive numbers—electing Republicans throughout the South and pushing for the ratification of the Fourteenth and Fifteenth Amendments.

We saw African Americans holding office at all levels of government.

- As U.S. Senators and U.S. House Members.
- As Governors and state legislators.
- All the way down to key positions in local governments throughout the South—like town sheriff.

And we saw the national government—for a time—acting to protect the constitutional rights of all.

However, after a period of success, it ultimately faced a series of setbacks.

Over time, white Southerners regained political power and imposed second-class citizenship on African Americans.

This system of Jim Crow segregation forced African Americans to attend different schools than white Americans, drink from different water fountains, use different restrooms, travel in different train cars, and stay in different hotels—and on and on.



These states also used a mix of violence, intimidation, and laws on the books—including poll taxes and literacy tests—to keep African Americans from voting.

But the civil rights community kept fighting.

For the rest of today’s lesson, we’re going to divide the battle over civil rights into two stories:

- The road to Warren Court’s decision in [Brown v. Board of Education](#).
- And the Civil Rights Movement’s push towards the era’s landmark laws—Civil Rights Act of 1964 and the Voting Rights Act of 1965.

### ***BROWN V. BOARD OF EDUCATION***

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Perhaps the Supreme Court’s most famous decision ever is [Brown v. Board of Education](#).

Written by Chief Justice Earl Warren in 1954, this landmark decision for a unanimous Supreme Court struck at the heart of the Jim Crow system.

It declared segregated schools—in other words, school systems that required separate schools for white children and African American children—unconstitutional.

But this landmark decision didn’t come out of nowhere.

It grew out of the brilliant, long-term strategy of the NAACP’s lawyers and the efforts of the Civil Rights Movement to build public support for racial equality.

In 1896, the Supreme Court—in the infamous case of [Plessy v. Ferguson](#) (1896)—said that Jim Crow segregation was constitutional.

For the *Plessy* Court (in a 7-1 ruling), this form of discrimination didn’t violate the Fourteenth Amendment’s promise of equality. According to Justice Henry Billings Brown and the *Plessy* majority, separate, but equal, was okay for the *Plessy* Justices.

But the *Plessy* majority’s arguments didn’t go unanswered.

Justice John Marshall Harlan was the lone dissenter. And his dissent is one of the most important (and powerful) opinions in Supreme Court history—arguing that **“Our constitution is color-blind”** and predicting that the *Plessy* decision **“will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott* case.”** And so the *Plessy* decision has been.

In response to *Plessy*—and the Supreme Court’s decision to green-light Jim Crow segregation—the NAACP eventually adopted a long-term strategy for fighting for racial equality.

In the late 1930s, NAACP lawyers Thurgood Marshall, Charles Hamilton Houston, and William Hastie prepared the ground in a series of cases challenging racial discrimination, with the end goal to overturn *Plessy v. Ferguson*, the Supreme Court case of 1896 upholding Jim Crow laws and “separate but equal” doctrine.

- *Charles Hamilton Houston*: Dean of Howard Law School. First NAACP special counsel. Graduated from Amherst and Harvard Law School.
- *William Hastie*: Also, a Dean of Howard Law School. Taught Thurgood Marshall. Later, Governor of the Virgin Islands. And a Federal judge (including on the Third Circuit).
- *Thurgood Marshall*: Marshall was the great-grandson of enslaved people and came from modest origins, graduating from Lincoln University in 1930, a prestigious African-American school near Philadelphia. But he was also denied admission to the University of Maryland Law School on account of race.
  - He enrolled at Howard Law School and met Charles Hamilton Houston. Together with Hastie and six other attorneys, they began to deliberately select cases to challenge *Plessy* and the doctrine of “separate but equal.”

To see how the Court eventually gave the Fourteenth Amendment’s—and Harlan’s—words life, let’s fast forward to 1954 and to arguably the most famous Supreme Court decision in American history—*Brown v. Board of Education* (1954).

*Brown* combined similar challenges from a variety of locations—namely, Kansas, South Carolina, Virginia, Delaware, and Washington D.C. These cases all involved African American students who had been denied admission to white public schools.

The challengers argued that these segregation laws violated the Fourteenth Amendment’s Equal Protection Clause and that separate could never be equal in public education.

However, beginning with *Plessy*, the Supreme Court had long upheld racial segregation laws that provided “separate but equal” facilities and institutions for people of different races.

In *Brown*, the Supreme Court unanimously overturned *Plessy* and concluded that school segregation—in other words, having separate schools for African American and white students—violated the Fourteenth Amendment’s promise of equality and was unconstitutional.

Chief Justice Warren: **“We conclude that in the field of public education the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”**

The Court concluded that even “separate but equal” facilities were, in reality, unequal because separating the races resulted in a damaging brand of inferiority imposed on African American children.

The opinion even cited studies that showed the psychological and physical effects of segregation on minority students.

*Brown* was the culmination of a long-term, decades-long strategy by the NAACP and its lawyers like Thurgood Marshall to challenge Jim Crow laws. In *Brown*, they targeted segregation in public schools.

But the campaign itself was a gradual campaign to undermine segregation in other contexts like public universities and law schools before turning to segregation in public schools—a much more controversial issue.

By the time the Court issued its *Brown* opinion, the Court had already struck down other Jim Crow laws, like racial covenants, racial zoning schemes, “All White” primaries, “Grandfather Clauses,” and discrimination in labor unions.

For instance, in [Sweatt v. Painter](#) (1950)—so, four years before *Brown*—the Court already questioned the “separate but equal” doctrine of *Plessy*. Herman Sweatt was refused admission to the University of Texas Law School on the basis of race. The Court ruled that this was unconstitutional under Equal Protection.

And in another case—[McLaurin v. Oklahoma](#)—the Court decided segregation in higher education violated Equal Protection.

In the end, *Brown* attacked the core of the white South’s Jim Crow laws and reinvigorated the Fourteenth Amendment’s promise of equality.

However, the white South *did* fight back.

In the aftermath of *Brown*, Virginia Senator Harry F. Byrd called for “massive resistance.” Half a million southerners joined White Citizens’ Councils to block school integration, while others joined the Ku Klux Klan at levels not seen since the violence of the 1920s.

In 1957, this backlash reached a crisis point in Little Rock, Arkansas.

Nine black students—the “Little Rock Nine”—attempted to enroll at the all-white Central High School.

Governor Orval Faubus called out the National Guard to bar them, with the support of white mobs.

President Eisenhower then sent 1,000 federal troops and nationalized the Arkansas National Guard to protect the African American students. In a powerful speech, Ike addressed the nation—explaining his decision.

Finally, the Warren Court stepped in to reinforce Ike’s actions in [Cooper v. Aaron](#) (1958).

There, the Court explained that state officers and governors had a duty to obey the orders of the Court, which rested on the Court’s interpretation of the Constitution.

It concluded that states are bound by the Supreme Court’s decisions and must enforce them even if the states disagree with them. Even so, the battle for African American equality continued.

## **THE AFTERMATH OF *BROWN*: NONVIOLENT DIRECT ACTION OUTSIDE OF THE COURTS**

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We just discussed one key part of the Civil Rights Movement story—the story of *Brown*, the NAACP, and the Constitution inside the courts.

Let’s turn now to some of the key actions taken by the rest of the Civil Rights Movement—much of it focused on advocacy *outside* of the courts. In the 1950s and 1960s, civil rights advocates turned especially to one specific tactic: *nonviolent direct action*.

### **Montgomery Bus Boycott**

Let’s begin this part of the Civil Rights Movement story with the Montgomery Bus Boycott.

Rosa Parks was a civil rights activist in Montgomery, Alabama. On December 1, 1955, she refused to give up her seat on a bus to a white man.

She was arrested for violating the law. But she was acting as part of a larger advocacy strategy. Parks herself was a longtime member of the NAACP. And she and other female activists in the area had been planning such action for some time.

Parks’s arrest became a galvanizing force for the African American community’s challenge to segregated buses in Montgomery—one of the most segregated cities in the nation. The boycott lasted over a year.

At the same time, Martin Luther King, Jr., was the new pastor of Montgomery’s Dexter Street Baptist Church.

King was the son of an Atlanta minister. He had embraced the teachings of Gandhi and worked closely with Bayard Rustin to deepen his belief in nonviolent direct action. King graduated with a Ph.D. from Boston University in 1955.

### **A National Student-Led Sit-In Movement**

In 1960, we see the beginning of the student-led sit-in movement in Greensboro, North Carolina. This movement would spread to Nashville, Atlanta, and other major cities.

As part of a “sit-in,” student activists would enter a segregated public place—like a grocery counter—and sit in the “whites-only” areas. They would remain seated even while white mobs crowded them, threatened them, harassed them, and even physically assaulted them. Under the principles of non-violence, this was meant to again expose the violence required to uphold these unjust, unequal Jim Crow laws.

The Student Nonviolent Coordinating Committee (SNCC) played a major role in this movement. For instance, the Nashville movement was coordinated by student activists—including Diane Nash, John Lewis, and Marion Barry.

The student activists were violently attacked during these sit-ins. But they refused to respond with violence of their own.

Finally, once 150 students were arrested and their head lawyer’s home was bombed, thousands of citizens demanded action from Mayor Ben West. He finally decided to desegregate the lunch counters in downtown Nashville.

### **The Freedom Riders and Violent Backlash**

In 1961, the Congress for Racial Equality began to sponsor the Freedom Rides. A year earlier, the Warren Court issued its decision in [\*Boynton v. Virginia\*](#)—ruling that segregation in public interstate travel violated the Interstate Commerce Act of 1887.

By 1961, civil rights leaders saw that white Southerners were ignoring the Supreme Court’s ruling.

As part of the Freedom Rides, civil rights advocates boarded interstate buses in the South in mixed racial groups to challenge local laws or customs that enforced segregation in bus seating. The first riders left Washington D.C. on May 4, 1961. They were met with violence in Alabama.

Most famously, Bull Connor—the police commissioner in Birmingham—worked with local police officers and the Ku Klux Klan to organize violence against the Freedom Riders once they entered Alabama.

On May 14<sup>th</sup>, a mob of Klansmen stopped two buses. They attacked the first bus—slashing the tires and firebombing it. The mob held the door shut. But warning shots from highway patrolmen backed off the crowd enough for the wounded riders to escape.

The rides continued in other Southern states, including Georgia, Mississippi, and North Carolina, with aid from SNCC. The Freedom Rides continued into December. But civil rights leaders also set their aims on new civil rights legislation.

The violence against the Freedom Riders bolstered support for the Civil Rights Movement nationally—as images like white mobs attacking buses while state police stood by were beamed into households throughout America.

### **University Integration and Violent Opposition**

In 1962, James Meredith forced the integration of the University of Mississippi under the protection of federal troops.

Meredith—an Air Force Veteran from Mississippi—applied for admission at the segregated University of Mississippi. He wanted to pressure the administration to protect African-American civil rights.

In 1961, the University denied him admissions twice. But with the support of the NAACP and Medgar Evers—a World War II veteran and the NAACP Field Secretary in Mississippi—a federal court ruled that Meredith had a right to attend a state school.

The Supreme Court upheld that ruling. Riots broke out, and President Kennedy nationalized the Mississippi National Guard to enforce the Court's decision. The University eventually enrolled Meredith, and he graduated the following year.

### **Dr. Martin Luther King Jr. and Nonviolent Philosophy**

In 1963, Dr. King published one of his most famous works, *Letter from a Birmingham Jail*.

The 1963 mass demonstration in Birmingham was the largest to date, provoking nationally publicized police brutality against the protestors.

During this demonstration, thousands of marchers protested employment discrimination in Birmingham's department stores.

In response, "Bull" Conner—the city's police commissioner—ordered the city's police to meet the marchers with violent force. This included snarling dogs, cattle prods, and high-pressure fire hoses. The violence was caught by television cameras for the evening news. Many white Americans were appalled.

This demonstration led to King's arrest for violating a judicial order barring additional demonstrations. King framed his letter as a response to a group of white Southern ministers who had expressed concern about the civil unrest associated with the civil rights demonstrations.

While many white ministers attacked King's advocacy in Birmingham as unwise, he explained that he went to Birmingham because injustice was there.

**"We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly."**

King explained the Civil Rights Movement's approach to nonviolent direct action. Birmingham was probably the most segregated city in America. It was horrible for African Americans. Civil rights leaders tried to negotiate with local leaders to improve the conditions. But the white community refused to negotiate in good faith.

So, the Civil Rights Movement pursued direct action. This included sit-ins and marches. As with any civil rights campaign, the purpose of this direct action was to eventually lead to negotiation.

Over time, these demonstrations were to create a crisis and foster tension in communities that refused to negotiate. They were designed to force the white community to confront the issue of civil rights.

For King, history taught that freedom is never voluntarily given by the oppressor. It must be demanded by the oppressed.

While the white ministers had asked King to wait and to act at a better time, King explained that he had yet to engage in a direct action campaign that was “well-timed.” These white moderates tell civil rights leaders to “wait!” But “wait” almost always means “never.”

**“We have waited for more than 340 years for our constitutional and God-given rights. . . . Perhaps it is easy for those who have never felt the stinging darts of segregation to say, ‘Wait.’”**

Instead, African Americans suffer from: Lynchings. Hate-filled police officers. Poverty. Children wondering why they can’t do the things that they see on television and wondering why white people are mean to them. Cross-country drives with no motels to stay in. “White only” signs.

King explained that the African American community was impatient.

The white ministers criticize the Civil Rights Movement with breaking the laws. They ask how civil rights leaders can ask others to follow *Brown* while we break laws ourselves.

King concedes that this is a legitimate concern. But it turns on the fact that some laws are just and some are unjust. King says that we should follow the just ones. But we have a moral obligation to disobey unjust laws.

But for King, if you break an unjust law, you must do so openly, lovingly, and with a willingness to accept the penalty. This is the highest respect for the law.

Finally, in a powerful passage, King explained how the push for civil rights was consistent with America’s deepest principles:

**“One day the South will recognize its real heroes. . . . One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for what is best in the American dream and for the most sacred values in our Judaeo Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence.”**

Embarrassed by King’s arrest and the violence caught on television, President Kennedy gave a television address of his own denouncing racism and promising a new civil rights bill.

At the same time, Medgar Evers—President of the Mississippi NAACP Chapter—was murdered, spurring a push for additional action.

### **March on Washington and Dr. King’s “I Have a Dream” Speech**

On August 28, 1963, civil rights supporters met for the famous “March on Washington.” The gathering was meant to mark the centennial of the Emancipation Proclamation. It attracted 250,000 people to the Lincoln Memorial.

Dr. King emerged as the public face of this historic event and captured the public imagination with his “I Have a Dream Speech.” King argued that the Emancipation Proclamation gave enslaved people hope. But one hundred years later, African Americans still weren’t free: Segregation. Discrimination. Poverty. Exile in his own land.

Civil rights supporters organized in Washington to dramatize this shameful condition. King drew on the powerful image of the nation’s Founding documents as “promissory notes” to *all* Americans—regardless of race:

**“In a sense we’ve come to our nation’s capital to cash a check. When the architects of our Republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men—yes, black men as well as white men—would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness. It is obvious today that America has defaulted on this promissory note insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check; a check which has come back marked ‘insufficient funds.’”**

**“But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. So, we have come to cash this check—a check that will give us upon demand the riches of freedom and the security of justice.”**

**“No, no, we are not satisfied, and we will not be satisfied until justice rolls down like water and righteousness like a mighty stream.”**

**“I say to you today, my friends, though, even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this nation will rise up and live out the true meaning of its creed.” [QUOTES DECLARATION.]**

**“With this faith we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.”**

While the March on Washington influenced public opinion, it did not change enough congressional votes to transform the civil rights struggle.



But violence continued in the South, with white supremacists bombing a Baptist church in Birmingham in September, killing four African American girls in Sunday school. And Kennedy himself was assassinated on November 22.

Upon becoming president, Lyndon Johnson promised to pass a landmark civil rights bill—using his reputation as a former Senate majority leader and tough political bargainer to overcome a Senate filibuster by white Southerners.

## CIVIL RIGHTS LAWS IN THE ERA OF PRESIDENT LYNDON B. JOHNSON

The long Civil Rights Movement ultimately culminated in two of the most important laws in American history: the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

### **1964 Civil Rights Act**

Let's begin with the [Civil Rights Act of 1964](#).

With the Civil Rights Act of 1964, Congress attacked racial discrimination in a variety of settings, including work, schools, and public settings (like restaurants and hotels).

Congress passed this law under its Article I power to regulate interstate commerce, but it can also be understood as realizing the promise of the Reconstruction Amendments.

Shortly after Congress passed the Civil Rights Act of 1964, the Supreme Court considered a challenge to its constitutionality—[Heart of Atlanta Motel v. United States](#) (1964).

There, a motel owner refused to rent rooms to African Americans, arguing that the Civil Rights Act exceeded Congress's Commerce Clause powers.

The Warren Court—in an opinion by Justice Tom Clark—upheld the Act. Congress was clear that the key purpose behind the Act was to end **“the deprivation of personal dignity that surely accompanies denials of equal access to public establishments.”**

Evidence showed that discrimination by race burdened interstate commerce in an increasingly mobile society—having both a quantitative and qualitative effect on interstate travel by African Americans.

Congress's power under the Commerce Clause was simply a question of whether the activity sought to be regulated was commerce **“which concerns more states than one”** and has a **“real and substantial relation to the national interest.”**

Congress could regulate local activities that had a substantial and harmful effect on interstate commerce, including racial discrimination in motels serving travelers.

And in [Katzenbach v. McClung](#), the Warren Court upheld another section of the Act—banning racial discrimination in restaurants.

There, Ollie's Barbeque was a Birmingham, Alabama, restaurant seating 220 customers located on a state highway only 11 blocks from the interstate. The owner, Ollie McClung, argued that his business was too small and purchased so little food that crossed state lines that his business's effect on interstate commerce was too minimal to allow Congress to regulate it.

In another opinion by Justice Clark, the Court concluded that while McClung's business had little effect on interstate commerce by itself, the racial discrimination in the restaurant—when aggregated with similar actions by other business owners—*did* have a significant effect on interstate commerce.

Clark concluded that such discrimination had a "direct and highly restrictive effect upon interstate travel" by African Americans. Therefore, the Civil Rights Act was constitutional in this context, too.

Finally, the Civil Rights Movement also pushed for voting rights.

In this push for voting rights, SNCC and its allies organized "Freedom Summer"—an effort to register African American voters throughout the South.

The campaign focused on Mississippi.

Under the leadership of SNCC activist Bob Moses, the four majority civil rights organizations—SNCC, CORE, the NAACP, and the SCLC—spread out across the state to conduct a major voter registration drive. However, the opposition was so strong that they managed to register only 1,200 new African American voters.

At the same time, three civil rights workers were murdered, and 37 black churches were burned.

This push for voting rights culminated in "Bloody Sunday" and, eventually, with the passage of the Voting Rights Act of 1965.

Let's begin with "Bloody Sunday."

Dr. King and the SCLC remained committed to voting rights. They thought that another confrontation with Southern injustice might spur congressional action on this front. Civil rights leaders called for a march from Selma, Alabama, to the state capital in Montgomery.

This march was organized to protest the murder of a voting rights activist. As soon as the 600 marchers left Selma and crossed the Edmund Pettus Bridge, state troopers assaulted them—using tear gas and clubs.

The late John Lewis was one of the marchers—and he would bear the scars of violence from that day throughout his life.

Once again, the scene was caught by national television cameras. It became known as "Bloody Sunday."

### Voting Rights Act of 1965

This push culminated in one of the Civil Rights Movement’s landmark achievements—the [Voting Rights Act of 1965](#).

Congress passed the VRA under its powers granted by the Fourteenth Amendment and the Fifteenth Amendment. The VRA created mechanisms to enforce the Fifteenth Amendment’s ban on racial discrimination in voting—most notably “preclearance,” a requirement that certain states with poor voting rights histories obtain national permission before altering their voting laws.

The VRA included a formula for determining which states and counties needed to get preclearance to change their election practices. So, preclearance didn’t apply everywhere.

Only *some* states and counties were required to seek approval before changing election policies, based on their history of discrimination in voting.

This was strong constitutional medicine—providing the *national* government with an important role in protecting voting rights and attacking Jim Crow laws discriminating against African Americans.

Shortly after Congress passed the VRA, the Supreme Court considered a challenge to the VRA’s constitutionality brought by South Carolina—[South Carolina v. Katzenbach](#).

The Supreme Court—in an opinion authored by Chief Justice Earl Warren—rejected South Carolina’s challenge and upheld the VRA’s preclearance requirement as a valid exercise of Congress’s power to enforce the Fifteenth Amendment.

The Court concluded that the Fifteenth Amendment gave Congress “**full remedial powers**” to ban racial discrimination in voting.

On the Court’s view, the VRA was a “**legitimate response**” to the “**insidious and pervasive evil**” of the Jim Crow laws that prevented African Americans from voting since the ratification of the Fifteenth Amendment in 1870.

And when they framed and ratified the Fifteenth Amendment, the Reconstruction generation made Congress “**chiefly responsible**” for enforcing its promise to ban racial discrimination in voting.

The VRA was a monumental success. For instance, in 1960, only 20% of eligible African American voters were registered to vote. By 1971, the number had risen to 62%. At the same time, African American elected officials quadrupled— from 1,400 in 1970 to 4,900 in 1980 (and doubling again by the early 1990s).

Of course, the 1960s would not be the end of either monumental legislation or major Supreme Court cases concerning the fight for equality and civil rights.

That battle continues through today.