

OCR HISTORY A

A2

# Civil Rights in the USA 1865–1992

OCR and Heinemann are working together to provide better support for you



David Paterson Doug Willoughby Susan Willoughby

73

OCR  
RECOGNISING ACHIEVEMENT

Heinemann

Official Publisher Partnership

## What other concrete progress was made in black civil rights 1945–55?

Faced with accusations of communism after 1945, the NAACP was involved less with direct protest than it had been in the war. However, it continued to mount legal challenges to the system of segregation and discrimination, particularly with regard to fair employment, voter registration, and education:

### KEY TERMS

**Deep South** Usually refers to the states where segregation was most embedded, Mississippi, Alabama, Georgia, South Carolina and Louisiana.

### KEY EVENTS

**Launched voter registration drives** In the US potential voters have to take the initiative to register their qualification to vote. The registration drives, developed by civil rights organisations, focused on visiting black areas in the south informing people of their rights, encouraging them to register and, if necessary, helping them to fill in the registration forms.

### KEY PEOPLE

**Thurgood Marshall (1908–93)** was a black lawyer who took cases regarding segregation to the Supreme Court on behalf of the NAACP and won nearly all of them (for example *Smith v. Allright* and *Brown v. Board of Education, Topeka*). In 1967, he was appointed by President Johnson as the first black Justice of the Supreme Court.

- **Employment** – By 1953, 20 states and 30 cities had adopted Roosevelt's fair employment regulations.
- **Voter registration** – Here it was a Supreme Court initiative rather than a Presidential one on which the NAACP was able to build. In 1944, its decision in *Smith v. Allright* outlawed all kinds of white primary in Texas. As a result, black registered voters in the USA rose from two per cent of blacks in 1940 to 12 per cent in 1947. A few African Americans managed to get elected for state legislatures (about 25) though none in the **Deep South**. In New York, Adam Clayton Powell was elected to the federal House of Representatives. The NAACP **launched voter registration drives** to use the slightly more favourable situation to get blacks on to the voting register. These, however, met with heavy resistance in Mississippi and Alabama. As in the 1920s when similar efforts had been made, campaigning for voting rights was a dangerous activity. It was particularly difficult for black women to exercise their right to register and vote and those that did, such as Mary McCleod Bethune, were the exception (see pages 238).
- **Education** – The NAACP attempted to challenge the 'separate but equal' doctrine of *Plessy v. Ferguson* in education. In 1949 in Clarendon County, South Carolina, an average of \$179 was spent on each white child, but only \$43 on each black one. The pupil-to-teacher ratio was still 20 per cent better in white schools than in black ones. The NAACP sued on behalf of the black children. **Thurgood Marshall** impressively argued why the legal system should acknowledge and tackle the lack of equality in the education system. The legal process moved slowly, however, as a number of similar cases gradually worked their way up to Supreme Court

level. However, this strategy of legal challenges was about to pay off.

## CASE STUDY: THE LINDA BROWN SUPREME COURT CASE 1954. HOW FAR WAS THIS A TURNING POINT IN THE CIVIL RIGHTS MOVEMENT?

### What happened in the legal case?

The climax of the NAACP's efforts came with the *Brown v. Board of Education, Topeka, Kansas* legal verdict in 1954. The Supreme Court unanimously ruled that a black girl, Linda Brown, should be allowed to attend her nearest school (an all-white one) and that to bar her from it was unconstitutional. Chief Justice **Earl Warren** accepted **all the arguments of black lawyer Thurgood Marshall**. He said that segregation '*generates a feeling of inferiority as to their [black peoples'] status ... in a way unlikely ever to be undone*'. The equal protection clause of the Fourteenth Amendment (see page 13) was clearly interpreted. It required admission of all children to state schools on equal terms.

### What was the immediate impact of the verdict?

The decision created an important **legal precedent** and was expected to produce major change. It did so in a number of places outside the Deep South where segregation had still prevailed up to this point. Washington DC, Baltimore, St Louis and other towns and cities now began to integrate schools but progress was not quick. By 1957 less than 12 per cent of the school districts in the south had been integrated.

There was resistance in the south to the whole principle of integration using the states' rights argument. The federal government was seen as acting dictatorially in seeking to impose its values and opinions on those in different states.

### What was the long-term significance of the verdict?

Though the Brown decision had a limited immediate impact, it was a turning point. Of all the federal

## KEY EVENTS

### The Arguments of Thurgood Marshall

Marshall was not merely asserting that black education should be given an equal status to white education with equal money spent. He argued that education should be integrated. As a witness he produced eminent black psychologist Kenneth Clark to argue that segregation produced low self-esteem among African Americans.

## KEY PEOPLE

### Earl Warren (1891–1974)

was a lawyer and Republican politician. As Attorney-General of California between 1939 and 1943, he was active in the decision to arrest over 100,000 Japanese-Americans when war broke out in 1941. He was Governor of California from 1943 to 1953, and in that year was appointed Chief Justice of the Supreme Court by President Eisenhower. He had played a part in helping Eisenhower get elected. Eisenhower was surprised by Warren's liberal judgments on the race question, which included *Brown v. Board of Education, Topeka*. He later headed a commission that investigated the assassination of President Kennedy.

## KEY TERMS

**Legal precedent** When the principles created by an important legal decision are followed in subsequent cases.

institutions, the independent judiciary (Supreme Court) showed they no longer had the political difficulties concerning positive action over civil rights that were still present in Congress and the Presidency. With this decision, the Warren Court ended the vice-like grip of the *Plessy v. Ferguson* (1896) (see page 31) precedent, which had dominated relations between blacks and whites ever since. By going further than merely attacking inequalities, and insisting on the psychological need for integration of the black minority, more liberal verdicts were to follow (see page 71 *Boynton v. Virginia*).

Moreover, the verdict gave many southern black people a belief in the American political system and Constitution that Martin Luther King and other leaders were later able to exploit effectively. It was also a vindication of the legal strategy of the NAACP. The dramatic success of the more militant, if still non-violent, civil rights movement from the mid-1950s onward has slightly obscured the vital role of the NAACP. Without its efforts to bring cases to the Supreme Court in the first place, the legal foundations on which these later struggles were built would not have been laid.

The Brown decision signalled the start of a new era, though not an era of straightforward progress. Some historians, such as Riches (1997) have criticised the Court for not following up its original verdict with a more vigorous attempt at enforcement.

## **SOUTHERN WHITE REACTION**

### **How popular was segregation amongst southern whites before the Brown Case?**

Up to 1954, although black people were only making modest progress in the educational, voting and economic fields, the changes were still significant enough for some resistance from southern whites. All of the old Confederate states were segregated, but the Deep South (see page 63) maintained segregation the most rigidly. Many southern politicians would often increase their racist comments when it came to election time in order to win the support of the predominantly white, prejudiced electorate.

Sharecroppers and black industrial workers employed by white people could easily be evicted and jobs lost if they were brave enough to attempt to register to vote. Few black people could take legal action against white people and fewer still could hope for a favourable verdict. Governors and state officials, including the police, were generally racist in these states and though it was relatively small compared to the 1920s, the Ku Klux Klan was still present in the Deep South. Lynching was not as common nor as public as it had been in the 1930s, but it still occurred. One of the most notorious cases was that of the **murder of Emmet Till** as late as 1955.

Many southerners still used the old argument that imposing civil rights upon them was an unacceptable breach of their freedom. In South Carolina, **Strom Thurmond** felt so strongly about Truman's desegregation of the military and his Civil Rights Commission that he deserted the Democrats at the time of the **presidential election in 1948** and ran as a Third Party candidate.

The election of 1948 had been a reminder for the Deep South that its attitude towards race and 'States' Rights' was not shared by the majority of Americans. Since the Roosevelt Presidency and the New Deal, federal power was much greater and likely to be used more frequently. States were increasingly dependent on grants from the federal government and were therefore finding it harder to oppose its demands. The resistance after the *Brown* verdict in 1954 proved the beginning of the last phase of their active opposition.

### **What was the effect of the Brown verdict in the south?**

In the Deep South further strategies were now developed to resist the expected pressure to change their approach to race. One of these was the development of **White Citizen's Councils** which aimed to maintain segregation as much as possible. There were even signs that some southern state legislatures were passing pro-segregation measures. Mississippi and Louisiana amended their constitutions to aid the retention of segregation: the white south was clearly on the defensive.

It soon became apparent that the *Brown* ruling would have to be imposed on the southern states. This was because of the

### **KEY EVENTS**

#### **The Murder of Emmet Till**

Emmet Till was a 14-year-old black youth from Chicago who was visiting Mississippi where he was said to have made remarks to a white woman and wolf whistled. He was shot in the head and his body dumped in the river. The case excited great publicity and protest. This showed that these events were becoming rarer and that peoples' attitudes were changing. However, the case also showed the continuing lack of justice in the south. Despite clear evidence against the two alleged murderers, an all-white jury found them not guilty.

### **KEY EVENTS**

#### **Strom Thurmond and the presidential election in 1948**

Over a million people voted for his 'states' rights' campaign but, compared to 24 million votes for Truman and 22 million for Dewey, Thurmond's support was small and localised.

### **KEY TERMS**

#### **White Citizens' Councils**

The earliest ones date from 1955 in reaction to the *Brown* verdict on segregated education. Aiming to maintain strict segregation in as many areas of life as possible, they waged economic warfare against anyone supporting integration and believed in defying federal court rulings if necessary. In short, they were much like the Ku Klux Klan without the costumes and the lynching.

## KEY PEOPLE

**Dwight D. Eisenhower (1890–1969)** was Supreme Commander of the Allied Forces in the Second World War. He served two terms as Republican President of the USA, 1953–61. 'Ike' was a popular figure because of his successful military past. He did not have strong party views. His conception of the Presidency was passive rather than active; he did not favour aggressive action except as a last resort. His failure to take the presidential initiative after the *Brown* case is now seen as one of the weaker points of his presidency.

## KEY EVENTS

**Faubus' dereliction of duty** Eisenhower and Faubus met to discuss the situation and President Eisenhower felt that Faubus had deceived him into thinking that he would obey the court ruling. When the black children attempted to enter the school this time, Faubus and his troops were absent, but a mob of white racists was left on the streets: the children were forced to leave to avoid being attacked.

**Federal troops confront a racist student from Little Rock Central High School, 1957.**

extent of southern resistance, which meant that the Court's decision would not be accepted without further opposition. This contrasted with the north, where respect for federal institutions was strong. The south would need **Eisenhower** as President to enforce it but he showed little sign of action. This was not because he was especially racist – in the District of Columbia he outlawed any forms of racial discrimination. His reluctance to take action elsewhere was because he was afraid of stirring up opposition, resentment and disorder in the south. Eisenhower made little comment on the *Brown* verdict except to say he doubted the ability of legislation to change minds and hearts in this area. Eisenhower's passive approach to the problem was illustrated in 1956, when Governor Daniel in Texas brought out his local troops, the Texas Rangers, to prevent integration through force, and Eisenhower did nothing.

### What happened at Central High School, Little Rock?

Nevertheless, Eisenhower was moved to take action after a clear example of southern resistance to integrated education occurred in Little Rock, Arkansas. In 1957 Governor Orval Faubus used National Guard troops to bar the entry of nine black children to the Central High School after a federal district court had ruled that the school must be desegregated. Annoyed by what he saw as **Faubus' dereliction of duty** and using his authority as Commander-in-Chief, the President sent in paratroopers (federal troops) and announced that the 10,000 troopers of the Arkansas National Guard were to be put under federal

