

*U.S. History Readers*

## **The Civil Rights Movement**

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# The Civil Rights Movement

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## The Civil Rights Movement

The underlying premise of this unit is that the civil rights movement went a long way toward redeeming America for its shameful history of race relations. It starts by providing students with the opportunity to review the flawed *Plessy v. Ferguson* decision that helped ensure the reign of Jim Crow south of the Mason-Dixon line. As pointed out in Chapter 2, this decision was partially reversed in 1954 by *Brown v. Board of Education*, while Chapter 3 recalls the many demonstrations that led to Congress passing the Civil Rights Act of 1964. Chapter 4 covers the recurring problem of racial separation in the North with a focus on the attempts to integrate public schools in Boston, Massachusetts. Chapter 5 exposes the frustrations of African Americans in the inner cities by examining the causes and effects of the riots in Watts, and Chapter 6 examines the conflicting philosophies of Martin Luther King and Malcolm X on the issue of nonviolence as a means and integration as an end. This unit ends with Chapters 7 and 8 posing the questions whether Barack Obama's election ushered in a "post-racial" society and if the U.S. has a moral obligation to pursue a policy of affirmative action to atone for nearly 400 years of racial discrimination.

Instead of striving for complete coverage of the civil rights movement, this unit highlights the issues involved in the struggle between those who saw the need for social change and those who were relatively satisfied with the existing social order. The unit encourages readers to see both sides of the controversies that resulted from this struggle. Students are asked to confront such issues as the meaning of "separate but equal," the rights of property owners, the right to violate "unjust" laws, the difference between *de facto* and *de jure* segregation, the causes of the riots of the 1960s, the ideal of nonviolence in the struggle for Martin Luther King's or Malcolm X's dream, and the need for affirmative action. Graphic organizers, vocabulary lists, and image charts are provided to help students master the material in each chapter. Student learning is enhanced by questions that encourage informed discussions and develop higher-order thinking skills. Advanced learners are provided with a "For Further Consideration" section in each chapter requiring them to do more writing and to use their extra knowledge to enrich class discussion. Many lesson-chapters (like those on the sit-in demonstrations, busing in Boston, and the need for affirmative action) lend themselves to debates and/or simulations.

## Chapter 1. Can Separate Be Equal?

### Teacher Page

#### Overview:

This chapter focuses on the infamous Supreme Court decision that articulated the doctrine of “separate but equal” and became the means by which segregationists circumvented the 14th Amendment. It familiarizes students with the pertinent phrase of the amendment, describes Homer Plessy’s arrest for violating Louisiana’s railroad segregation laws, and summarizes his battles with the Louisiana courts. The largest segment of the chapter is devoted to the majority and minority opinions of the United States Supreme Court on this case. The excerpts cover the issues of whether separating the races actually discriminated against African Americans and what precedent the answer to this question would set. The Graphic Organizer question provides phrases from both the majority and the minority opinions. It requires that students attribute each of these phrases to one side of the debate or the other and then explain what strikes them about two or three of the statements they classified. After completing this activity, students read through a collection of the most extreme Jim Crow laws, have to identify the most ridiculous ones, and are directed to write a statement about what can happen once racial separation gets sanctioned by law. The “For Further Consideration” section provides advanced students with the opportunity to read key excerpts from the *Brown* decision, which overturned *Plessy* in the field of public education.

#### Objectives:

Students will:

- understand the meaning of the 14th Amendment provision that American citizens are entitled to “equal protection of the laws”
- discuss whether government-sanctioned racial separation is inherently discriminatory
- comprehend the extremes to which segregation has been permitted
- know that the 1954 *Brown v. Board of Education* decision overturned the 1896 *Plessy v. Ferguson* decision in the field of public education

#### Strategy:

**Before class:** Assign the chapter either up to or including the “For Further Consideration” section and inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

**In class:** Ask students if it is possible to have totally equal but separate accommodations for one race, nationality, or religious group without in fact discriminating against that group. After a few minutes of discussion, have students share what they know about the 14th Amendment and the reasons for “separate but

equal” laws. Proceed by reviewing the facts of Homer Plessy’s case, and then have students review the two major questions raised by the opinions they read. Ask them to summarize the two judicial opinions and explain why one seems more reasonable than the other. Help students break down the reasoning in the *Plessy* decision by responding to the statements they were asked to classify as belonging to one side in the dispute or the other. Review some of the Jim Crow laws authorized by the *Plessy* decision and discuss the appalling extent of legalized segregation. Finally, have your advanced students share what they learned about how the *Brown* decision signaled the demise of the “separate but equal” doctrine.

## Chapter 1. Equality Postponed I-Chart

	The meaning of Amendment 14	The arguments on both sides of the <i>Plessy</i> case	The decision in the <i>Plessy</i> case and its results
What I already know			
What I learned from Chapter 1, Part I			
What I learned from Chapter 1, Part II			
What I would still like to know			





## Chapter 1—Equality Postponed

**eradicate****accentuation****conveyance****facilities****fallacy****accommodations****jurisdiction****interpreting****assumption**

## Chapter 1—Equality Postponed

<p>Something that takes people or things from one place to another, like a train</p>	<p>To make something more intense or to emphasize something more</p>	<p>To eliminate or get rid of forever</p>
<p>A place where a person can stay</p>	<p>Something believed to be true but is not</p>	<p>Place that offers some kind of services, like a bathroom</p>
<p>Something believed to be true without proof</p>	<p>Explaining the meaning or importance of something</p>	<p>The areas for which a country or a state can make laws</p>

## Chapter 1—Equality Postponed

# annoyance

# regulate

# infringing

## Chapter 1—Equality Postponed

Something that causes a  
mild form of anger

To make rules  
governing something

Limiting or preventing someone  
from getting something that they  
have a right to



A black man being removed from a train in Philadelphia

## Chapter 1

# Can Separate Be Equal?

## Introduction

The 14th Amendment was one of the most important added to the U.S. Constitution. Congress made passing the amendment a condition for Southern states to reenter the Union. The Amendment stated that all people, either born in the U.S. or naturalized foreigners, were citizens of the U.S. and of the state in which they lived. It went on to say, among other things<sup>1</sup>, that neither a state nor the national government could pass a law that would:

...deny to any person within its jurisdiction the equal protection of the laws.

It is clear that Congress' purpose in passing the 14th Amendment was to protect African Americans from discrimination based on race. It was preceded by the 13th Amendment, which abolished slavery, and was followed by the 15th Amendment, which guaranteed the right to vote to all adult males. Like many clauses in the Constitution, the full meaning of the 14th Amendment is difficult to define. Interpreting the precise meaning of this amendment has been—and is still—the job of the Supreme Court of the United States.

This chapter takes a careful look at one of the most important 14th Amendment cases to come before the Supreme Court and shows how this decision affected the lives of African Americans.

### ***Plessy v. Ferguson***

On June 7th, 1892, an African American by the name of Homer Plessy bought a first-class ticket from New Orleans to Covington, Louisiana. He entered the train, found an empty seat, and sat down. In keeping with the Louisiana law providing for “equal but separate” accommodations, the section where Plessy sat was reserved for whites only. Noticing that Plessy wasn't white, the conductor told him to move to a “colored” car or get off the train. Plessy refused. The conductor called the police and Plessy was forced off the train. Next, Plessy did what less than one out of a million victims of discrimination would have done. He found a lawyer to argue his case and sued for

<sup>1</sup> The full wording of Section 1 of the Amendment: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

what he believed was his 14th Amendment right to equal protection of the law. Plessy lost the case because the court ruled that he had broken the Louisiana railroad law. However, Plessy appealed his case to the Louisiana Supreme Court, claiming that the law he was accused of breaking violated his 14th Amendment rights. Upon losing in Louisiana, Plessy appealed his case to the Supreme Court of the United States.<sup>2</sup> The case was argued on April 13th, 1896.



Homer Plessy

## The Issues

The Plessy case set a precedent (an example to be followed) that for more than 60 years was used as a legal cover for racial discrimination. It provided the South with an answer to the question “Does the doctrine of ‘separate but equal’ facilities for each race discriminate against either?” and to others like the ones below:

- Did the Louisiana law discriminate against blacks or was that only the way black people chose to look at it?
- Could a verdict against Plessy set an unreasonable precedent or provide for separation only for good and reasonable cause?

<b>Plessy: The Louisiana Law Discriminated</b>	<b>Louisiana: The Law Did Not Discriminate</b>
<p>Everyone knows that the law in question had its origin in the purpose not to exclude white persons from railroad cars occupied by blacks, but to exclude colored people from coaches occupied by whites. The thing to accomplish was to force the latter [black people] to keep to themselves while traveling in railroad passenger coaches. The fundamental object...to the law is that it interferes with the personal freedom of citizens. If a white man and a black man choose to occupy the same public conveyance on a public highway, it is their right. No government, proceeding alone on grounds of race, can prevent it without infringing on the personal liberty of each.</p>	<p>We consider the underlying fallacy in Plessy’s argument to consist in the assumption that forced separation of the races stamps the colored with a badge of inferiority. If this be so, it is solely because the colored race chooses to put that interpretation upon it. Legislation is powerless to eradicate racial instincts or to abolish distinctions based on social differences and the attempts to do so can only result in accentuation of the difficulties of the present situation. If one race be inferior to the other socially, the Constitution of the United States can not put them on the same level.</p>

<sup>2</sup> Although Plessy’s complaint was with the state of Louisiana, his lawsuit cited Justice John Ferguson, who had ruled against him in the Louisiana courts.

**Plessy: An Unfavorable Verdict Would  
Create an Unreasonable Precedent**

If a State can prescribe, as a rule of civil conduct, that whites and blacks shall not travel as passengers in the same railroad coach, why may it not so regulate the use of the streets of its towns to compel white citizens to keep on one side of the street and black citizens to keep on the other? Why may it not, upon like grounds, punish those who ride together in streetcars? Why may it not require sheriffs to assign whites to one side of a courtroom and blacks to another? Why may not the State require the separation in railroad coaches of native and naturalized citizens of the United States, or of Protestants and Catholics?<sup>3</sup>

**Segregation Would Only Result for  
Good and Reasonable Causes**

It is suggested by the learned counsel for the plaintive [Plessy's lawyer] that the same argument that will justify the state legislature in requiring railroads to provide separate accommodations for the two races will also authorize them to require separate cars for people whose hair is of a certain color, or who are aliens...or to enact laws requiring colored people to walk on one side of the street and white people upon the other...The reply to all this is that every exercise of the police power must be passed in good faith, for the promotion of the public good, and not the annoyance or oppression of a particular class.

<sup>3</sup> In case the reader had any doubt, the decision in the Plessy case was 8–1, favoring the arguments on the righthand part of this page.. The opinion allowing for racial segregation for well over 60 years was written by Justice Henry Billings Brown of Michigan.

## Student Activities

### A. Student Exercises

1. Why was Plessy arrested? What charges were filed against him?
2. Why do you think the Louisiana Railroad law used the phrase “separate but equal”?
3. Do you think it is possible to pass laws requiring separate but equal facilities for one race without discriminating against that race? Why or why not?



## B. Graphic Organizer Exercise

Place arguments listed below underneath the heading of the case they support.

Argument Favoring Plessy	Argument Favoring Louisiana

### Arguments

- If you find the railroad law constitutional, you will allow racial discrimination everywhere.
- There has always been racial discrimination and the law can't stop it.
- No black person should have the right to sit next to a white person who doesn't want him or her to.
- If a black and a white person want to sit next to one another, no law should prevent that from happening.
- The law can't make a socially inferior race equal to the superior race.
- Segregation will occur only to help the public and not to annoy blacks.
- This law was passed for the purpose of separating blacks from whites.

### C. *Plessy v. Ferguson* Arguments

Explain which of the above arguments are the most convincing and why you think so.

## For Further Consideration: Jim Crow Laws

Read the following and then answer the question at the end.

The prediction of the possible extremes of segregation was correct. No longer restrained by outraged Northern citizens concerned with the plight of African Americans, Southern state legislatures passed thousands of what became known as “Jim Crow” laws. They made rules covering even the smallest details of relations between black and white people. The historian C. Vann Woodward in his book, *The Strange Career of Jim Crow*, collected some of the more extreme examples.



- The South Carolina Code of 1915, with later additions, prohibited textile factories from permitting workers of different races to work together in the same room, use the same entrances, pay windows, exits, doorways, and stairways at the same time, or use the same toilets, drinking water buckets, pails, cups or glasses at any time.
- In 1909, Mobile, (Alabama) passed a curfew law applying only to Negroes and requiring them to be off the streets by 10 p.m.
- The Oklahoma legislature in 1915 required telephone companies to maintain separate booths for “white and colored patrons.”
- North Carolina and Florida required that textbooks used by the public school children of one race be kept separate from those used by the other. The Florida law specified separation even while the books were in storage.
- A New Orleans [law] segregated white and Negro prostitutes in separate districts.
- A Birmingham [law] got down to particulars in 1930 by making it “unlawful for a Negro and a white person to play together or in company with each other” at dominoes or checkers.<sup>4</sup>

**Write down the three Jim Crow laws listed above you consider the most extreme, and then in a sentence or two explain what happens when separation by race is allowed. Come to class prepared to share your knowledge of Jim Crow laws and explain what effects you think separation by race produces.**

<sup>4</sup> Quoted in C. Vann Woodward, *The Strange Career of Jim Crow*, (New York, 1966), pp. 101–102, 117–118.

## Chapter 2. The Supreme Court Orders Desegregation

### Teacher Page

#### Overview:

This chapter on the reversal of *Plessy v. Ferguson* follows one of the five cases included in the landmark decision *Brown v. Board of Education*. The chapter focuses on the sleepy town of Summerton, South Carolina, and the disparities between its schools for white children and those for African Americans. Students learn that African American parents sued their board of education based on unequal conditions, and that after Summerton won their case, the South Carolina state legislature allocated money to improve the deficient schools in order to avoid integration. Students are then introduced to a second case from Summerton where parents sued the local school board on the basis that “separate schools are inherently unequal.” They learn that this case was combined with three others and decided under the name *Brown v. Board of Education*. The narrative emphasizes that the reasoning behind the unanimous decision was that separate schools cause a feeling of inferiority.

The “For Further Consideration” section summarizes the lamentable record of school integration in the first 11 years after 1954 and assigns students to inform others of the minimum immediate impact of *Brown v. Board of Education*.

A subsequent chapter covers school desegregation in the North and uses Boston, Massachusetts as a case study.

#### Objectives:

Students will:

- learn that the *Brown v. Board* case stated that segregated schools are inherently unequal because of their effects on the “hearts and minds” of the minority children
- know that this ruling by the Supreme Court encountered determined opposition in Southern states

#### Strategies:

**Before class:** Assign the chapter either up to or including the “For Further Consideration” section and inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

**In class:** Start by talking about the town of Summerton, South Carolina and the extent of the racial, economic, and social segregation that existed in this community and its schools. Next, make sure students understand the differences between the first and second *Briggs v. Elliot* lawsuits and that they know that Briggs was one of four cases argued and decided together in *Brown v. Board*. Review the Graphic Organizer’s chronological order question, then ask and be sure students know how the *Brown*

ruling differed from the *Plessy* decision. Make sure students learn that separating students solely on the basis of race deprives the segregated students of their 14th Amendment rights because of the effects on their “hearts and minds.”

Allow some time for the students who completed the “For Further Consideration” question to let the class know how little progress was made toward integrating schools in the South during the first 11 years following the historic *Brown* decision.

## Chapter 2. The Supreme Court Orders Desegregation

### I-Chart

	The existing condition of schools for black children vs. those for white children before 1954	The reasoning behind the Supreme Court's decision in <i>Brown v. Board</i>	Whether both black and white students today have an equal opportunity to get a good education
What I already know			
What I learned from Chapter 2, Part I			
What I learned from Chapter 2, Part II			
What I would still like to know			



## Chapter 2—The Supreme Court Orders Desegregation

**sharecropper****plaintiff****inherently****prohibition****doctrine****precedent****appeal a decision****qualifications**

## Chapter 2—The Supreme Court Orders Desegregation

<p>Farmer who works another person's land and is paid a share of the crop harvested</p>	<p>In the essential nature of something</p>	<p>An action or decision that can be used as an example for a similar decision</p>
<p>Someone who starts a lawsuit against another person in court</p>	<p>A ban on something</p>	<p>Legal term for asking a higher court to reconsider a previous decision</p>
<p>A rule or principle, often one that becomes the basis for a policy</p>	<p>Having the skills or the ability to do a job</p>	



## Chapter 2

# The Supreme Court Orders Desegregation

### Introduction

During World War II, President Franklin Roosevelt ordered the end of job discrimination in factories making goods needed to win the war. In 1947, Jackie Robinson became the first African American allowed to play major league baseball, and the color line gradually disappeared in sports. In 1948, President Truman integrated the armed forces. In addition, civil rights laws in Northern states made it illegal to discriminate on the basis of race or religion (even though they were often broken).

Despite the changes made in some parts of the country, by the 1950s laws and attitudes behind Jim Crow had not changed significantly. “Separate but equal” laws still segregated the races on buses, planes, and trains. Southern states still required separate drinking fountains and restrooms for blacks and whites. African Americans still got denied jobs and places to live because of their race. Almost all African American school children in the South were still segregated by the Jim Crow laws allowed by the *Plessy v. Ferguson* decision.

A frontal attack on the infamous *Plessy* decision, however, occurred in the field of public education. In carefully chosen lawsuits, building legal precedent after precedent, the NAACP brought the famous case named after an 11-year-old African American girl, Linda Brown, to the Supreme Court. The Supreme Court’s landmark decision stated that racially segregated schools were “inherently unequal.” This chapter tells the story of one small town involved in the case—Summerton, South Carolina—because it represents the racial attitudes and relations typical of the rural south at that time.

### Summerton, South Carolina

Summerton was named more than two centuries ago. Plantation owners sent their families there to escape the summer heat of the lowlands along the Santee River. In the 1950s, tobacco and cotton were still the main products of Clarendon County, as they had been for over a century. African American sharecroppers and tenants farmed this county as they had since slavery ended. Crowded two- or three-room cabins housing black families dotted the countryside, and their children attended schools separated by race.

Summerton itself was a pleasant town with a population of 1500. Old homes imitating the pre-Civil War plantation architecture stood side by side with newer ranch houses. White children played on green lawns where African American maids watched the younger ones. In the 1940s, whites drove cars into town to shop while black tenant farmers rode into Summerton in their horse-drawn wagons.

### ***Briggs v. Elliot***

In the 1940s, Summerton's African American children attended the racially segregated Scott's Branch School. In one class, 104 youngsters were crowded into the same room. In another class, the children sat in the hall while the teacher taught from the principal's office. The school had no auditorium or facilities for teaching either science or industrial arts. Disgusted by these conditions, 107 black parents petitioned the board of education to equalize Summerton's black and white schools. The all-white school board refused to recognize these inequalities. With the aid of the National Association for the Advancement of Colored People's (NAACP) lawyers, Harry Briggs's parents sued the school board. Mr. Briggs charged that the Scott's Branch School was inferior to the all white schools in Summerton and that separate schools for blacks violated the 14th Amendment. The school board admitted that African Americans received an inferior education but pleaded lack of funds to improve conditions. Faced with a threat to segregated education, the state of South Carolina came to the rescue of the Jim Crow schools. It financed a statewide construction program paid by a sales tax.

Five years later, schools for African Americans in Summerton were still inferior to white schools, but the differences were much less obvious. The case, *Briggs v. Elliot* (Elliot was the chairperson of the school board) was filed again, this time solely on the grounds that separate (even though they might otherwise be equal) schools violated African Americans' rights guaranteed by the 14th Amendment.

When the federal court in Columbia, South Carolina upheld segregation in Summerton, the NAACP appealed the decision. The Supreme Court agreed to review the case at the same time it was reviewing similar complaints concerning segregation in Kansas, Virginia, and Delaware. The Supreme Court's ruling became known as *Brown v. Board of Education of Topeka, Kansas*.

### **Summerton's Case**

For their defense, Summerton's school board hired S. Emory Rogers, a hometown lawyer. With the help of two Charleston lawyers, Rogers based his brief (argument) before the Supreme Court on the *Plessy v. Ferguson* decision of 1896:

#### **The Origins of the *Brown v. Board* Case**

An African-American third grader, Linda Brown, had to walk one mile from her home through a dangerous railroad switchyard in order to get to school. Concerned for his daughter's safety, Linda's father petitioned to have her attend an all-white school only seven blocks from her house. When the request was denied, Brown contacted the local NAACP and took his case to court. The case was combined with three other disputes (including *Briggs v. Elliot*) based on the argument that separate schools were inherently illegal.

This court recognized in *Plessy v. Ferguson* that racial segregation is the result of racial feeling. But it wisely understood that segregation cannot be effectively destroyed without destroying its causes, and that those causes cannot be legislated out of existence. Neither can they be removed by court decree. We have learned by bitter and costly experience that a prohibition upon human conduct (such as the 14th Amendment) not acceptable by the people, although perhaps a “noble experiment,” will inevitably fail.

### “Separate Educational Facilities are Inherently Unequal”

Chief Justice of the Supreme Court Earl Warren knew that his decision in this case would cause a wave of protest throughout the South, so he did his best to make sure that he had the entire Supreme Court behind him before writing his opinion. The decision itself, announced on May 17th, 1954, made Warren the most hated man in the South.



Earl Warren

In his famous opinion in *Brown v. Board of Education*, Warren declared that even if physical facilities were equal as far as measurable qualities were concerned (books, labs, classrooms) segregation deprived African American children of equal protection under the law. The reason was that segregation implies inferiority. This affects a child's motivation and ability to learn:

To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their *hearts and minds* [emphasis added] in a way unlikely to ever be undone.

Warren concluded that separate schools for blacks and whites could never be equal:

We conclude that in the field of public education the doctrine of “separate but equal” has no place. *Separate educational facilities are inherently unequal* [emphasis added]. Therefore we hold the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection under the law guaranteed by the Fourteenth Amendment.

## Student Activities

### A. Graphic Organizer

Use the chart below to place the following events in the order in which they happened.

Warren's ruling in Brown case	104 kids in one classroom at Scott's Branch School	<i>Plessy</i> case decided
Jackie Robinson became the first black major league baseball player	Earl Warren makes sure that all justices in the Supreme Court will support his decision	<i>Briggs</i> case argues that facilities for black students aren't equal to facilities for white students
South Carolina authorizes improvements be made in schools for African Americans	<i>Briggs</i> case argued that separate can't be equal	Barack Obama becomes president of the U.S.

Event	Event
1.	6.
2.	7.
3.	8.
4.	9.
5.	

## B. Student Exercises

1. Give evidence that by the 1950s some, but not much progress, had been made by African Americans toward being treated as equals.
2. Distinguish between the basic arguments made in the first and the second *Briggs v. Elliot* cases.
3. In *Plessy v. Ferguson*, the Supreme Court ruled that separate but equal facilities for blacks and whites did not violate the rights of blacks because they only chose to think separation meant discrimination. How did the thinking in *Brown v. Board of Education* differ from that in *Plessy v. Ferguson*?

## **For Further Consideration: Aftermath of *Brown v. Board of Education*, the First 11 Years**

Read what happened in school desegregation in the years following *Brown v. Board of Education*.

### **“All Deliberate Speed”**

In the fall following the Court’s momentous decision, Summerton’s 2800 African American students returned to the all-black Scott’s Branch School. Summerton’s 300 white pupils again attended their all-white school. Nothing had changed. Meanwhile, Attorney Rogers and others prepared a brief for Chief Justice Earl Warren to delay integration in Summerton. Warren waited over a year. His ruling of “good faith compliance” in layman’s terms meant “go slow.” The Supreme Court then turned desegregation cases over to the same federal justices in the South that had often permitted segregation under the guidelines established in the *Plessy* case.

In keeping with this order, the Summerton case was quickly returned to a three-judge federal court in Columbia, South Carolina. This was the same court that had originally ruled against the NAACP. Its decision this time, announced in July 1955, held that the Supreme Court’s ruling did not require integration. It merely outlawed “forced” segregation of schools while permitting “voluntary” segregation. In other words, African Americans could choose to enroll in all-white schools (if they dared) but could continue to attend segregated schools if they wished.

### **No Desegregation in Summerton**

In September 1955, Summerton’s schools opened amidst a certain amount of expectation. Would African Americans try to enroll in the all-white school? None tried and nothing out of the ordinary happened. During the next several months many parents who had signed the original desegregation petition lost their jobs or their credit at local stores. Some were forced to leave town. The minister who had gathered the signatures of the original petition left town after his church was burned to the ground and his life was threatened.

Ten years later, the Summerton schools were still as segregated as they had been in 1954.

Racial attitudes in Summerton were not much different from those in most of the rural South. Rather than integrate its public schools as required by the courts, Prince Edward County in Virginia shut them down completely. White children were educated in private schools and most of the county’s African American children attended no school whatsoever. In 1957, violence erupted in Little Rock, Arkansas when nine African Americans tried to attend previously all-white Central High School.





It took the National Guard to integrate Little Rock High School

As late as 11 years after *Brown v. Board of Education*, the vast majority of African American students in the Deep South attended segregated schools and only three percent attended schools with whites.

**Summarize the progress or lack of progress in desegregating schools between 1954 and 1965. Then write a strong paragraph commenting on the widespread resistance to letting African American students exercise their constitutional right to attend a racially integrated school. Come to class prepared to present your opinion, listen to the views of others, and defend yours or change your mind.**





## Chapter 3. Discrimination in Public Accommodations

### Teacher Page

#### Overview:

This chapter covers three separate but interrelated topics. It recalls Jim Crow ordinances and practices, provides a short history of demonstrations against segregation, and summarizes the provisions of the landmark Civil Rights Act of 1964. The history of civil rights demonstrations includes a recounting of the Rosa Parks-inspired Montgomery bus boycott and a detailed account of the violent response to a sit-in in Jackson, Mississippi. The Graphic Organizer asks students to review the contributions a number of people mentioned in the text made to the civil rights movement, and the “For Further Consideration” section provides the necessary information for advanced students to debate the right to violate local ordinances in order to protest an unjust law. Instructions are also included on how to reenact the Jackson, Mississippi sit-in demonstration while debating the right to protest vs. the right to do what one wants with one’s property.

#### Objectives:

Students will:

- realize the need for a law barring discrimination in public accommodations
- become familiar with stories of men and women whose protests alerted the public to the need for such legislation
- know the scope and limitations of the Civil Rights Act of 1964
- understand the arguments for nonviolent protest and the need to ensure human as well as property rights

#### Strategies:

**Before class:** Decide whether you want students to reenact the sit-in demonstration in Jackson in combination with a debate over the right to violate an unjust law and the conflict between human rights and property rights. If so, read the “For Further Consideration” section carefully before planning how you want to prepare students for this activity. Otherwise assign the chapter either up to or including the “For Further Consideration” section and inform students they will be expected to write their answers or prepare their presentations to all the Student Activities questions covering the assigned section(s).

**In class:** Ask students for examples of discrimination mentioned in the reading that were declared illegal by the Civil Rights Act. Then ask whether anyone in class or their acquaintances have been subjected to similar indignities. Review students’ answers to the Graphic Organizer question to help them understand that only places open to the public were prevented from discriminating on the basis of race, nationality, ethnicity, and gender, but that legislation has been passed since 1964 to include sexual

orientation and age in this category.

Having reviewed the need for laws prohibiting discrimination and those designed to end it, begin to review the actions of people like Rosa Parks, the sit-in demonstrators, and Martin Luther King Jr., whose violations of civic ordinances made the public aware of the need for such legislation.

Finally, do the best job you can to begin a meaningful discussion over the issues of demonstrators for a good cause violating bad laws, property owners believing they have the right to exclude potential customers for any reason they wish, and opponents of civil rights arguing that members of certain groups should not insist on the right to go where they aren't wanted. This might be done by having students who read the "For Further Consideration" section begin an argument on those issues or reenact the Jackson, Mississippi sit-in demonstration where these issues were raised.

### Chapter 3. Discrimination in Public Accommodations I-Chart

	<b>Examples of racial discrimination in the 1950s and 1960s, and actions taken by protesters to call public attention to such discrimination</b>	<b>Provisions of the Civil Rights Act of 1964 and areas of discrimination it did not cover</b>	<b>Arguments for and against violating some laws to protest other laws, placing human rights above property rights, and exercising a right to go where one is not wanted</b>
<b>What I already know</b>			
<b>What I learned from Chapter 3, Part I</b>			
<b>What I learned from Chapter 3, Part II</b>			
<b>What I would still like to know</b>			



## Chapter 3—Discrimination in Public Accommodations

<b>designated</b>	<b>segregated</b>	<b>accommodations</b>
<b>humiliation</b>	<b>deference</b>	<b>catering</b>
	<b>scriptures</b>	<b>interstate/ intrastate</b>

## Chapter 3—Discrimination in Public Accommodations

Chosen for a specific reason	State of having one's self-respect or dignity reduced or harmed	Refers to statements in the bible or other sacred writings
Separated from others, usually on the basis of race or religion	Polite respect or giving in to another's judgment	Interstate—between states; intrastate—within a state
A place to stay, a room, or a place to sit	Providing a special service to someone or a group	

## Chapter 3

# Discrimination in Public Accommodations

### Introduction

On his way home from an overseas assignment, an American GI was refused a cup of coffee at a segregated lunch counter because he was an African American.

An American family traveling on a federal highway drove nearly 100 extra miles to find a motel that would rent them a room because they were African Americans.

On his way from New York City to Washington, D.C., a foreign diplomat could not buy a meal at a roadside restaurant because he was thought to be an African American.

A college professor was unable to attend the theater in her hometown because she was an African American.

These four incidents, and thousands like them, were commonplace as recently as the 1960s. Even today, people of color sometimes get subjected to similar, if less obvious, indignities. In this chapter, you will learn about pervasive discrimination legally practiced in the South and the laws passed to stop it.

This pattern of discrimination extended to almost every aspect of race relations. African Americans working in a Southern factory used restrooms separate from those used by their white co-workers. African Americans also entered factories by separate doors or at separate times if they were hired at all. In grocery stores and department stores, where African Americans were allowed to spend their money in the presence of whites, they could not use the same restrooms, drinking fountains, or lunch counters. When traveling, African Americans sat in separate taxis, trains, buses, and airplanes or in separate sections of those facilities. Special waiting rooms were built for African Americans, and they could not sit in the rooms reserved for whites.



A segregated bus station

Justice, too, was not color-blind. Courtrooms contained Bibles marked “white” or “colored”; African Americans had to sit in the back of the courtroom. If he or she was found guilty by an all-white jury, the black defendant would be sentenced by a white judge to a segregated prison.

Restaurants, hotels, motels, soda fountains, lunch counters, barbershops, beauty parlors, and more were designated for one race or the other. Woe to the African

American who broke the color line and asked for service in a store catering to whites only. The only African Americans in white restaurants entered by the back door and worked in the kitchen or waited on tables.



A segregated theater entrance

Segregation also extended to places of amusement. African Americans were barred from or segregated in theaters, movie houses, amusement parks, swimming pools, pool halls, bowling alleys, parks, and zoos. In one town, officials removed park benches when African Americans began sitting on them.

Jim Crow laws separated African Americans and Americans of European descent in public facilities, but much of the racial segregation

was also a matter of private choice. White storeowners chose to exclude black people in deference to their white customers, in deference to local custom, or in deference to their own prejudices.

## A History of the Sit-Ins

Although Rosa Parks rightfully deserves credit for beginning the wave of protests to Jim Crow laws, she was not the first African American to demonstrate against them. Indeed, the first organized assault on the walls of separate facilities occurred in 1947. Sixteen African Americans and whites rode in buses through Virginia and North Carolina to test a Supreme Court decision banning racial segregation in interstate busing. Members of the group were arrested several times for violating local segregation laws, but no violence occurred. Two years later, black Americans challenged the segregation practices that prevented members of their race from using Palisades Amusement Park in New Jersey. The publicity their demonstrations gained was probably responsible for New Jersey joining several other states in banning racial segregation in public accommodations. By 1964, 32 states had such laws on their books, but none of these states were in the South, where discrimination was commonplace.

If we could assign a date and place to mark the beginning of the civil rights movement, that day might be December 1st, 1955, and the place would be Montgomery, Alabama. That evening, Mrs. Rosa Parks, a secretary for the local chapter of the NAACP, refused to give up her seat and move to the back of the bus so a white passenger could take



Rosa Parks



her place. The driver stopped the vehicle and a policeman arrested Parks. Led by Martin Luther King, 50,000 African Americans in Montgomery refused to use the city's buses, preferring to walk up to five or ten miles rather than accept the humiliation of more discrimination. The boycott lasted for more than a year and ended with the bus company, on the verge of bankruptcy, surrendering to the demands of the boycott's leaders. Montgomery's African Americans had finally won the right to sit in any part of the bus they chose and they no longer needed to surrender their seats to make room for white passengers. With the Supreme Court's ruling that the Montgomery bus segregation law had been unconstitutional, the victory in Montgomery was complete, but the battle for equal rights had hardly begun.

### **Sit-Ins in Jackson, Mississippi**

The bus boycott demonstrated what organization and determination could accomplish. Black protest movements became more frequent, and in the 1960s it almost became commonplace. One particularly interesting example occurred in Jackson, Mississippi.

In late May 1963, three black college students walked quietly down Capital Street and entered a Woolworth store. Once inside, they made their way to the all-white lunch counter, sat down, and asked to be served. All but one of the white customers got up and left. The waitress closed down the counter. As store detectives watched the scene, whites began crowding around the area. The three demonstrators remained at the counter. For an hour, while tension built, no incident occurred. Whites then moved in back of the African American "sit-ins" and someone in the gathering crowd shouted, "Go back to Russia, you black bastards!" A blonde snatched a mustard dispenser from the counter, tugged on the dress of a black sit-in, and squirted a thick stream of mustard down the back of her neck. Other whites grabbed catsup bottles and cups of coffee and emptied their contents on the demonstrators.

Meanwhile, more sit-ins arrived and took seats at the lunch counter. The ever-more-unruly crowd began picking up odds and ends from other sections of the store and hurling them at the demonstrators. The store managers turned off the lights and cleared the store. The sit-in had lasted for two hours.

Other sit-in demonstrators challenged segregation in restaurants, and freedom riders challenged intrastate (as opposed to interstate) bus discrimination and discrimination in bus terminals. "Wade-ins" challenged segregation in pools, and "pray-ins" challenged discrimination in churches. Hardly a week went by without African Americans, with the support of sympathetic whites, protesting segregation in some kind of public facility. These protests often met with violence and mass



Demonstrator carried off by police

arrests. While demonstrators practiced nonviolence, angry white supremacists did not. African American leaders like Martin Luther King, Jr. began to openly advocate disobeying all laws designed to perpetuate segregation, and some leaders began to wonder whether Americans were losing their respect for law and order. As the crisis deepened, it became apparent that the nation had to take action.

### **President Kennedy Proposes a Civil Rights Bill**

On June 11th, 1963, just two weeks after the Jackson incident, President John F. Kennedy addressed citizens in both the North and the South. President Kennedy's speech contained more than a plea for equal treatment; it called for congressional action on, among other things, opening public accommodations to all Americans. He said:

We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution.

The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated. If an American, because his skin is dark, cannot eat lunch in a restaurant open to the public, if he cannot send his children to the best public school available, if he cannot vote for the public officials who will represent him, if, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed and stand in his place? Who among us would then be content with the counsels of patience and delay?

One hundred years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. They are not yet freed from the bonds of injustice. They are not yet freed from social and economic oppression. And this Nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free.

We preach freedom around the world, and we mean it, and we cherish our freedom here at home, but are we to say to the world, and much more importantly, to each other that this is the land of the free except for the Negroes; that we have no second-class citizens except Negroes; that we have no class or caste system, no ghettos, no master race except with respect to Negroes?...

I am, therefore, asking the Congress to enact legislation giving all Americans the right to be served in facilities, which are open to the public—hotels, restaurants and theaters, retail stores and similar establishments... This seems to be an elementary right.

## The Public Accommodations Act

On the evening the president spoke, Medgar Evers, an African American civil rights leader, was assassinated on his front doorstep as he returned home from an NAACP meeting. The shock of this event coupled with the impact of the demonstrations hastened Congress's response to the president's call for action. Within days, both the House and the Senate introduced bills to end segregation of public facilities. The proposals underwent many modifications. In its final form, the law covered hotels, motels, lunch counters, restaurants, gasoline stations, theaters and stadiums, and facilities owned by the government.

The 1964 law did not stop with prohibiting discrimination in public accommodations. It also prohibited discrimination in public schools, in programs partially financed by the federal government, and in employment, including hiring, firing, promoting, and demoting. It prohibited discrimination not only against African Americans, but also against any identified ethnic or national group or on the basis of gender.

## Epilogue

In July 1964, Congress passed the Public Accommodations bill into law when it approved the Civil Rights Act of 1964. Hours later, President Johnson signed the historic measure, making it illegal to bar anyone from public facilities because of race, religion, or sex. It was widely hailed as a major step forward in advancing human



President Johnson signs Civil Rights Act into law, July 2, 1964

rights. Within seven months, the Supreme Court ratified this step by unanimously upholding the constitutionality of this section. The Court decreed that the commerce clause in the Constitution granted Congress the power to ban racial discrimination in facilities that catered to people traveling between states or received a substantial portion of its supplies from out of state. This decision came as no surprise to lawyers and constitutional experts who found ample precedent in Congress's regulation of wages and hours of employment in facilities similar to those covered by the Public Accommodations bill.

The bill was held to be entirely in keeping with the ancient English common-law tradition that any man abroad on the highway may stop at any inn and make use of its accommodations. The African American GI, family, and college professor, as well as the African diplomat, could no longer be legally denied service in restaurants, hotels, theaters, or similar establishments. The right to use public facilities was guaranteed to all Americans.

## **Student Activities:**

### **A. Student Exercises**

1. What kinds of legal discrimination experienced by African Americans did the Civil Rights Act of 1964 prohibit? Give examples.
2. Select one or two phrases from President Kennedy's address to the nation and explain what they mean to you.

**B. Graphic Organizer: Unless told otherwise, answer either question 1 or question 2.**

1. Explain the contribution each of the following made to the eventual passage of the Civil rights Act of 1964.

<b>Person or Event</b>	<b>Contribution to Passage of Civil Rights Act of 1964</b>
<b>Rosa Parks</b>	
<b>Martin Luther King, Jr.</b>	
<b>Jackson, Mississippi demonstration</b>	
<b>Other demonstrations</b>	
<b>Medgar Evers</b>	
<b>President Kennedy</b>	
<b>President Johnson</b>	

2. Assume you are a female, or an African American, or a Muslim. How would you be affected by the passage of the Civil Rights Act of 1964 (if at all)? Use the graph below to place your answers:

<b>Event</b>	<b>Reason you would or would not be protected under the Civil Rights Act of 1964</b>
<b>You are the victim of a hate crime</b>	
<b>There is only a boys' tennis team in your school</b>	
<b>Your principal decided that there would be two senior proms: one for whites, and one for African Americans</b>	
<b>You are denied membership in a private club</b>	
<b>You are not hired for a job that requires no skills, but many of your friends were hired</b>	
<b>You weren't invited to a party, but all your friends were</b>	
<b>The town swimming pool is only for boys</b>	
<b>Your parents' bid for a house was turned down though no one bid higher</b>	



## For Further Consideration: Prepare to Reenact a Sit-In Demonstration

As your teacher directs, get together with at least three classmates and plan to present a debate over the rights of demonstrators like those in Jackson. Decide who will defend and who will criticize breaking local laws in order to protest those that separate people on the basis of race. Your debate should cover:

1. whether protesters may stage illegal sit-ins against laws that segregate on the basis of race
2. whether property owners should have the right to exclude people from their establishments on the basis of race
3. whether anyone should demand the right to be admitted to establishments that do not want people of their race or gender

Whenever possible, use ideas presented in this chapter and the quotes provided below to support your side of the debate. Note: you will be on your own to find arguments supporting or opposing the third point. You may want to ask your teacher whether he/she will allow you and your classmates to reenact what happened at the Jackson, Mississippi Woolworth's.

Against Breaking Any Law	For Breaking Unjust Law
<p>Civil disobedience cannot be justified in a democracy. Unjust laws made by a democratic legislature can be changed by a democratic legislature. The existence of lawful channels of change makes civil disobedience unnecessary.</p> <p>We must obey the law under a contract with other members of our society. We have tacitly consented to the laws by residing in the state and enjoying its benefits.</p> <p>If disobedience is <i>justified</i> for one group whose moral beliefs condemn the law, then it is justified for any group similarly situated, which is a recipe for anarchy.<sup>1</sup></p>	<p>One may ask: "How can you advocate breaking some laws and obeying others?" The answer lies in the fact that there are two types of laws: just and unjust. I would be [wrong]...to advocate obeying just laws. One has not only a legal but a moral responsibility to obey just laws. Conversely, one has a moral responsibility to disobey unjust laws... One who breaks an unjust law must do so openly, lovingly [he might have added "non-violently"] and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty and imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law.<sup>2</sup></p>

1 <http://www.earlham.edu/~peters/writing/civ-dis.htm>

2 Martin Luther King Jr. Letter From A Birmingham Jail (April 16th, 1963)



### For Property Rights

Senator Thurmond: Mr. Secretary, don't you feel, down in your heart, if you really believe in the Constitution, that a man has a right to operate his business in a way that he sees fit, to close it any hour he wants to, and under your theory that you have enunciated here today, if he is forced to take anybody...will not that lead eventually to the Government fixing the price that he can charge, the other accommodations he will have to provide in such facility, and various other items that could arise in connection with the operation of such a business?...Can you have any human rights when you destroy property rights?<sup>3</sup>

### For Human Rights

I look upon this from a different point of view. I believe that if a man goes into a business which holds itself out as rendering service to the general public, he has an obligation to serve the general public regardless of whether the individual be a Jew, a Catholic, a Puerto Rican, a Negro, a white, Protestant, or anything else. I think that as long as he is a citizen and comes under the constitutional rights of our country, then in my opinion—this is obviously a difference between us—I believe property rights are secondary to human rights.<sup>4</sup>

3 U.S. Congress, *Senate Civil Rights—Public Accommodations*, Hearings before Committee on Commerce, 88 Cong., 1 Sess., pursuant to 5.1732 (Washington, 1963), pp. 919-20.4. 750-51,755-6

4 U.S. Congress, *Senate Civil Rights—Public Accommodations*, Hearings before Committee on Commerce, 88 Cong., 1 Sess., pursuant to 5.1732 (Washington, 1963), pp.,755-6



## Chapter 4. Busing in Boston

### Teacher Page

#### Overview:

This chapter is divided into two parts. Part I points out that while Southerners were reluctantly desegregating their schools, public schools in the North became increasingly segregated. Students are introduced to the problem of confronting racial imbalance by a case study of what was called the “dual system” run by Boston’s School Committee. They learn that 78 schools in Boston had between 90–100 percent white students and about a third as many had between 90–100 percent black students. Students learn the difference between *de jure* (deliberate) segregation, and *de facto* (accidental) segregation. They learn the specific acts of intentionally separating students by race with which the committee was charged and are provided with the committee’s defense in each case. Students who read the “For Further Consideration” section are assigned to write a brief defending the committee’s behavior or to write the prosecution’s argument that the schools were deliberately segregated and that the city needed to take steps to integrate them.

Part II of this chapter tells what happened to Boston’s schools after Judge Arthur Garrity ruled that racial separation in Boston was largely the result of decisions made by Boston’s School Committee. He ordered Bostonians to redress the problem of racial imbalance by busing black and white students away from neighborhood schools into sections of the city where they were not wanted. Much to Boston’s shame, its white population violently resisted what they called “forced busing” and this chapter tells that part of the story. Students learn that “white flight” contributed to the continued racial isolation of African American students. Students learn that what happened in Boston was similar to what occurred in other cities. The chapter ends by asking students what the U.S. as a nation should do about racial isolation in public schools.

#### Objectives:

Students will:

- learn that racial segregation became a serious problem in the North
- understand that Boston deliberately segregated its schools
- learn that busing students for racial balance failed to accomplish its purpose in Boston
- assess whether there are other ways to assure that schools are racially mixed and not “separate” without being equal

#### Strategies:

**Before class:** The following suggestions may help teachers who decide to spend two days on this chapter. If you decide to spend one day, make appropriate adjustments.

Assign the chapter either up to or including the “For Further Consideration” section and inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s). Tell all students that their assignment for the second day on this chapter is to read the epilogue and prepare written answers to all questions at the end of the chapter.

**In class on Day 1:** Start class by asking students what the advantages of having racially integrated schools are. Next, have them recall the reasoning that led the Supreme Court to rule that separate schools for black and white students were inherently unequal. Proceed by asking for examples of racial segregation in Boston’s schools. After that, make sure they understand both the difference between *de facto* and *de jure* separation as well as the importance of this distinction. With this as background, students should be ready to review the specific accusations that Boston’s school committee deliberately separated students by race. Next, ask whether each example tends to prove that schools were deliberately segregated or if the School Committee had valid explanations. At this point, have students who are prepared to debate the issue present their cases favoring the School Committee or favoring the plaintiffs.

**In class on day 2:** Start by reviewing Day 1’s conclusions. Next, ask students to review the story told in the text. End class by asking students if Garrity had a choice of ruling differently in this case, and then ask students to share their responses to the question of how the United States as a nation should deal with racial isolation in its schools.

## Chapter 4. Busing in Boston

### I-Chart

	<b>The extent of racial isolation in Boston's and the nation's schools</b>	<b>The case for court-ordered busing in Boston to achieve racial balance</b>	<b>What happened in Boston after the court ordered busing</b>
<b>What I already know</b>			
<b>What I learned from Chapter 4, Part I</b>			
<b>What I learned from Chapter 4, Part II</b>			
<b>What I would still like to know</b>			



## Chapter 4—Busing in Boston

***de jure***

**epithets**

***de facto***

**dismantled**

**racial isolation**

**predominantly**

**deliberately**

**curriculum**

## Chapter 4—Busing in Boston

By law; some legal authority was responsible	In fact; not done on purpose	Mostly
Can mean profanity	Taken apart	On purpose
Separated by race; usually refers to a minority population	The subjects, facts, skills, and ideas taught at school	



## Chapter 4

# Busing in Boston

### Introduction

When the Supreme Court issued its landmark decision, *Brown v. Board of Education* in 1954, most people thought it applied only to schools in the South. As years passed, it became increasingly evident that segregated schools existed in Northern cities as well. Civil rights leaders in the North began working to integrate schools in their part of the country. This chapter examines these efforts using the Boston School system as an important case study.

### ***De facto* and *De jure* Segregation**

During the 1960s and 1970s, Southerners as well as civil rights workers pointed out that segregated schools were not limited to the South. In 1973, only 13 of the 20 largest school systems in the North had less than 50 percent minority enrollment. Topping the list was Washington, D.C. with 97 percent minority, followed by Detroit (72 percent), Chicago (71 percent), and Baltimore, San Francisco, and St. Louis (each with 70 percent). In contrast, the city of Boston had a minority school population of only 37 percent.

The reasons why racially segregated schools existed in the North were much more difficult to identify than the reasons why they existed in the South. In most cases, the African American children who attended predominantly black schools lived in predominantly black sections of their cities. Apologists for segregated schools in the North claimed that there was no intent to segregate and that the separation was the product of the preferences of blacks and whites to live in communities with people like themselves. The technical name for this type of segregation was *de facto* (from the Latin meaning “in fact.”)

Another reason for segregated schools in the North, like the segregation in the South, could be that school district lines were deliberately drawn in such a way that white students would go to predominantly white or all-white schools, and African American students would attend racially isolated black schools. Such deliberate segregation was known as *de jure*, from the Latin meaning by jurisprudence or by law. If some legally constituted body such as a school committee deliberately segregated schools, the school system would most likely be identified as violating the 14th Amendment rights of African American children to an equal education.

### **School Segregation in Boston, Massachusetts**

In writing his verdict for the *Brown* decision, Chief Justice Earl Warren referred

to Boston as an example of a city that had desegregated its schools. However, the time frame that Warren was referring to covered the years 1849 to 1954. During that time, Boston had dismantled a segregated school system and allowed black students to attend the same classes as whites. However, segregation had returned. By 1974, some Boston high schools such as South Boston had no African American students. (The last one at “Southie” quit shortly after being dangled out of a third-story window.) Other Boston High Schools such as Roxbury High were 98 percent African American. Altogether, 24 schools were 90 to 100 percent black while 78 schools were 90 to 100 percent white. In 1972, the Boston School Committee was accused of running a “dual school system.”

In 1972, the NAACP filed charges against the Boston schools. The case, *Morgan v. Hennigan*, charged that the schools had become racially segregated because of intentional steps taken by the Boston School Committee. The NAACP asked the courts to take action to undo what had been done intentionally (*de jure*) and had violated the 14th Amendment rights of African American students to equal educational opportunities. The School Committee responded by claiming that segregation in Boston was entirely due to the segregated communities, either predominantly black or predominantly white. Segregation in the schools supposedly was *de facto* and not the result of the School Committee’s action. Since the schools were not responsible for creating these conditions, they could not be required to correct them.

### **Facts in the Case**

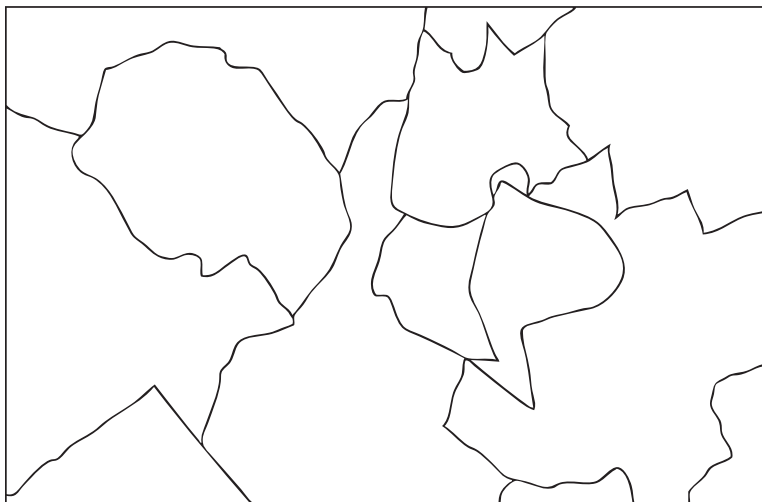
Judge Arthur Garrity tried the case brought against the Boston School Committee. Garrity had a reputation as a fair-minded and impartial judge. However, the fact that he did not live in Boston and his children did not attend its schools caused many in the city not to trust him. Whatever one can say of Garrity’s motives, no one can doubt his willingness to work. After listening to the case argued in his court, Judge Garrity deliberated for 15 months before announcing his decision. Day after day, he studied more than 1000 different exhibits presented as pieces of evidence. Night after night, he brought work home with him and pored over maps of Boston showing ethnic divisions and school populations. Garrity was determined to write a verdict that would not get reversed on appeal to a higher court.

It is impossible at this time to review all of the information that guided Judge Garrity’s decision. However, one can draw some conclusions as to whether the segregation of the Boston schools was *de facto* or *de jure* based upon a limited examination of some relevant facts.

### **Charge: Drawing District Lines to Create Mostly Black and Mostly White Schools**

The district lines (as shown in the illustration below) had been drawn for eight school districts in an area of two miles by three miles. Lawyers for the NAACP claimed that these lines resulted in “the maximum possible amount of racial isolation,” and

that they had the effect of keeping the white neighborhoods together to conform to the wishes of the people who elected the School Committee. They further claimed that these lines deprived black children of their constitutional right to equal education opportunities. The NAACP's lawyers also pointed out that children had no constitutional right to attend schools in their own neighborhood. Lawyers for the School Committee, of course, argued that these lines were not drawn intentionally to create mostly all-white or all-black schools but to serve the existing neighborhoods.



Note how district lines followed no logical pattern. Garrity concluded these districts were created for the sole purpose of separating white and black students.

### **Charge: Intentionally Segregating the Henning School**

The Henning School, with a capacity of 1080 students, served students in a predominately black housing project. In order to comply with existing law, white students would be recruited from outside the district. When the school opened in 1972, 65 percent of the student body was black and 13 percent were members of other minority groups.

The NAACP argued that the committee had been warned that the school would not attract whites and that students from white elementary schools could have been assigned to attend the Henning School to give it a racial balance. Failure to do so showed *intent* to discriminate.

The School Committee argued that it had distributed 50,000 brochures in an attempt to attract white students to the Henning. The Committee said it had done all it could to recruit white students to what became a black school. The committee claimed it could not be blamed for the preference of whites to attend mostly white schools.

### **Charge: Hiring and Promoting on the Basis of Race**

Of 4243 teachers in a 93,000-student school system with a minority population of 30,000, only 231 (5.4 percent of the total) were African American. Furthermore,

African Americans represented an even smaller proportion of administrators, about 3.5 percent. The following chart shows numbers of black and white administrators by positions:

Category	White	Black
Principal/Headmaster	76	3
Assistant Principal/Headmaster	194	11
Director of Department and Manager	27	0
Supervisor & Consultant	29	2
Truant Officer	46	0
Psychologist	28	0

All three African American principals were assigned to predominantly black schools with percentages of minority populations ranging from 66 percent at Emerson to 97 percent at Timilty.

The School Committee argued that black teachers had been assigned to predominantly black schools in order to provide positive role models for African American students, and that the lack of African American teachers and administrators was due to a lack of qualified candidates. The NAACP argued that that the School Committee had made no consistent effort to attract and hire African American teachers and administrators.

### **Other Charges Against the School Committee for Intentionally Segregating Boston Schools:**

- Using an open enrollment policy to transfer white students out of predominantly black schools but never for transferring black students to predominantly white schools. The School Committee claimed it was responding to the wishes of the people it represented.
- Funneling African Americans into three-year trade schools where they were taught manual skills while white students were directed into academic high schools with a curriculum tending to prepare students for college. The School Committee claimed that African American students were better served by trade schools.
- Installing portable classrooms in some densely populated schools in order to prevent the transfer of white students into predominantly black schools. The School Committee claimed it was responding to the wishes of the people it represented.

## Student Activities

### A. Student Exercises:

1. Explain the difference between *de facto* and *de jure* segregation and the importance of this distinction.
2. How extreme was racial segregation in Boston's schools? Give several examples to support your answer.

### B. Graphic Organizer

Using the chart below, explain at least three ways the NAACP charged that the School Committee had segregated the schools and the School Committee's response to the charge in each case.

NAACP: Segregation Was <i>De Jure</i> (deliberate)	School Committee: Segregation was <i>De Facto</i> (accidental)

## **For Further Consideration: Should Boston Have Been Ordered to Desegregate?**

**Write and be prepared to present and defend an argument that:**

A. The Boston School Committee deliberately segregated Boston schools (*de jure*) and the committee needed to offer a plan to desegregate

**Or**

B. Segregation in Boston was not deliberate (*de facto*) or caused by its School Committee, and no efforts needed to be made to correct for racial imbalance

### **Epilogue: What Happened in Boston**

After 15 months of deliberation, Judge Arthur Garrity found for the NAACP in the class action case of *Morgan v. Hennigan*. Garrity ruled that the School Committee “knowingly carried out a systematic program of segregation affecting all of the city’s students, teachers and school facilities.”

By the time Garrity announced his opinion in June 1974, the Boston schools had already closed for the year. With no time to draw up his own plan to desegregate the Boston schools (and since the School Committee did not present him with one), Garrity adopted the state of Massachusetts’s plan for desegregating the schools.

Phase I of the state plan affected 137 schools, including 37 high schools, and involved busing 17,000 of the 93,000 children enrolled in the Boston schools. It allowed seniors in high school to complete their last year in their schools. Otherwise, thousands of black and thousands of white students would be bused to schools outside their neighborhoods.

Tensions ran high when school started in September 1974. In the overwhelming number of 137 elementary and middle schools, much progress in integration had been made. However, African American students arriving at South Boston High School were welcomed by a mob of 400 demonstrators throwing bricks and shouting racial epithets. Policemen had to physically restrain the mob as a handful of black students left the bus and ran into the school. The partially erased graffiti on the front of the school read “\_\_\_\_gers go home.” Eight African American students were injured on the ride home later that day. In the meantime, an African American TV sound man was karate kicked in the back, and a cameraman was thrown across a car. “If what I’ve been seeing isn’t hate,” a Jesuit priest was heard exclaiming, “then I do not know what hatred is.”

The Boston School Committee promised to provide Stage 2 of the plan to desegregate the Boston schools, but when, on December 11th, 1974, an African American student stabbed a white student in South Boston High School, School

Committee member John J. McDonough announced publicly that he opposed submitting the plan. McDonough, the swing vote on the five-member committee, claimed that the plan would “end in the destruction of the city of Boston and in the death of one or more individuals.” He added that he could not go along with a decision that he thought was wrong.

The School Committee was unwilling to announce its own plan to continue desegregating the schools it had intentionally segregated. In the face of this lack of cooperation, Garrity concluded he had no choice but to continue drawing up plans to desegregate the schools. In drawing up plans for phase II, Judge Garrity relied on a number of “Masters” with prior experience in implementing desegregation plans. However, Garrity thought the final plan submitted to him was not thorough enough, so in 1975, Phase II increased busing from 17,000 to 30,000 students of both races while trying to keep students within one of nine different pie-shaped zones.

Unfortunately, Phase II proved just as unpopular in South Boston and Charlestown High Schools as Phase I. In other parts of the city, it led to a minimal amount of success, with test scores increasing slightly and some evidence of racial mixing. Despite continued opposition from the School Committee, Garrity continued supervising the schools to make sure they complied with his desegregation orders.

Critics of Judge Garrity have failed to demonstrate how he could have prevented continued unconstitutional racial isolation of African American and other minority students. However, those who favored integration of the Boston schools have been unable to show real progress in this area given the unprecedented exodus of white students (called “white flight”) from Boston. About 20,000 white students left the Boston schools in the first 14 years after busing was ordered. Those left behind were mostly minorities and whites unable to find affordable housing outside Boston or to send their children to private schools.

As of 1999, the Boston schools have a teaching staff that is more than 20 percent African American (Judge Garrity had ordered hiring one black teacher for every white teacher until the 20 percent target goal had been reached.) Whites bitterly opposed to integrating the schools no longer win elections in Boston, and despite many imaginative programs, (particularly “magnet” schools), Boston’s schools have not improved significantly since 1973. Students in Boston schools, regardless of race, score far below average for their grade level on national tests, and attention has focused on improving the Boston schools rather than on integrating them.

In 1999, the Boston School Committee decided to end all racially based school assignments. This decision ended a 25-year-long attempt to achieve racial balance in the Boston Schools. Whether the attempt should have been made in the first place and how it could have worked at all will remain subject for debate among historians and citizens for years to come.



## **A Problem That Has Yet to Be Solved**

A report issued in the summer of 2001 by Harvard University's Civil Rights Project, which had monitored racial concentration of schools throughout the U.S., found that racial isolation had increased. The percent of African American and Hispanic students in racially isolated schools (defined as 90 percent minority) had risen from 63 to 70 percent between 1981 and 1999. Ironically, the report found that minority students were most likely to attend schools with whites in the South, and least likely in Northern industrial states (such as New York, Michigan, Illinois) and in California. The predominantly African American and Hispanic schools on the whole had fewer qualified teachers and lower test scores.

### **Your opinion**

1. Given everything that happened in Boston, do you think that Garrity made the right decision? Give reasons for your answer and make sure you provide relevant facts.
2. On a nationwide basis, what do you think should be done about continued racial isolation in America's schools? Comment on three of the proposed solutions:
  - a. Give up trying to solve this problem.
  - b. Spend a lot more money on improving schools in inner-city areas where most students attend racially isolated schools. Consider including options such as pre-kindergarten, extended school hours, rewards for students who get good grades, and smaller class size.
  - c. Bus students from inner-city schools where most minorities live to suburban schools where most students are of European or Asian descent.
  - d. Design your own program to assure equal educational opportunity.



## Chapter 5. Watts: The Ghetto Erupts

### Overview:

This chapter on the Watts riots begins with a description of the conditions in the city that made it a prime candidate for urban upheaval. Readers are provided with a detailed description of the altercation between a slightly drunk Marquette Frye and the policeman who arrested him for speeding. They learn how this minor incident escalated into a three-day-long riot, the death of 34 individuals, and somewhere in the neighborhood of 50 million dollars of property damage. Students are asked to explain why the riot took place and how each protagonist in the initial incident might have prevented the debacle that followed. Students also have to decide with which of several explanations of the riot's causes they agree and why. The "For Further Consideration" section provides a brief post-riot history of Watts and asks advanced students to explain how this information affects what they think about the incident.

### Objectives:

Students will:

- learn that the underlying causes of the riots during the 1960s were the wretched conditions in which the perpetrators had to live
- realize that most ghetto riots began with an alleged incident of police brutality
- discuss the need for government assistance to improve the conditions and attitudes that helped lead to the riot

### Strategies:

**Before class:** Assign the chapter either up to or including the "For Further Consideration" section and inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

**In class:** Start class by asking students to list the conditions in Watts that led to the riots and write most of what they say on the board. Next, have them describe the incident that actually sparked the outburst and write the specifics of Frye's arrest on the board. Label the first list "underlying causes" and the second list "immediate cause." Ask students to give you other examples of underlying and immediate causes such as taxation (underlying) and the Battle of Lexington (immediate) leading to the American Revolution. To get a discussion going, ask students to share their answers regarding what the following individuals could and should have done differently: Frye, the arresting officer, Frye's mother, the woman who spit into the crowd, and the police who went in to arrest her. As the discussion draws to a close, ask students whose explanation for the underlying cause of the riot makes the most sense: Chief Parker's, or Bayard Rustin's and President Johnson's. Finally, ask students who read the "For Further Consideration" section to tell their classmates what they learned about events following the riots and whether what they learned changed their opinions about what happened in Watts in August 1965.

## Chapter 5. Watts: The Ghetto Erupts

### I-Chart

	<b>What was it like to live in Watts before the riots</b>	<b>What happened that led directly to the riots</b>	<b>What the underlying causes of the riots were and what would prevent a similar thing from happening</b>
<b>What I already know</b>			
<b>What I learned from Chapter 5, Part I</b>			
<b>What I learned from Chapter 5, Part II and in class</b>			
<b>What I would still like to know</b>			

## Chapter 5—Watts: The Ghetto Erupts

**automation****submission****welfare****menacingly****melee****ghetto****“whitey”****pacified**

## Chapter 5—Watts: The Ghetto Erupts

<p>Done by machine, usually something that replaces hand labor</p>	<p>Government aid program for poor people</p>	<p>Area in towns and cities where poor people, ethnic groups, and/or minorities live</p>
<p>Giving in to someone without wanting to</p>	<p>In a threatening way</p>	<p>Negative term for a white person used by African Americans</p>
<p>A noisy and confused fight</p>	<p>To have calmed down a person or situation</p>	

## Chapter 5

# Watts: the Ghetto Erupts

### Introduction

Mob violence is not new to the American story: the tarring and feathering of British officials and the destruction of their property accompanied the first strides toward independence in the 1760s. Nor is racial violence a new phenomenon. White mobs have on many occasions roamed major cities burning, looting, and killing African Americans. During the 1960s, Americans saw black citizens riot in New York City, Philadelphia, Detroit, Chicago, Newark, Jersey City, and the Watts area of Los Angeles.

All of the violent outbursts of the 1960s took place in the ghettos of cities. They were generally sparked by an incident involving white policemen arresting or manhandling young African Americans. However, their underlying causes were rooted in the unemployment, anger, and despair so common to the ghetto community. This chapter examines one of the most fearful of these riots and provides the reader with an opportunity to understand its causes and to consider its remedies.

### Watts Before the Riots

To the casual observer, Watts was a drab section of south Los Angeles, California. Peeling paint plagued its clapboard houses and stucco buildings, but they were located behind green lawns on palm-lined streets. When compared to the decaying tenements and the garbage-littered sidewalks of some parts of Harlem or South Side Chicago, Watts did not look like a slum.

However, closer investigation would have revealed some important information about Watts. Its population was 90 percent African American. Two and even three families shared many of its pleasant one- or two-bedroom houses. About one out of three adults in Watts was unemployed. Because so many received welfare, grocers would raise the price of food on the day welfare checks arrived. Nearly one-half of the men had police records; in 1964, 17,000 offenses were reported in the police precinct containing Watts. The city had become a stopping place for African Americans migrating from Southern farms and towns. About 2000 migrants came to Los Angeles every month to escape the poverty, boredom, and oppression of Southern life. However, unprepared for urban life, they couldn't get jobs and found themselves unable to get out. As these Southerners crowded into Los Angeles, the least successful drifted into Watts and were trapped as if in a huge, wall-less prison.

The city's public transportation system (then one of the worst in the nation) created the biggest barrier for Watts residents. The General Motors plant, one of the largest employers, lay 22 miles from downtown Watts; the commute by bus took 4 hours and 45 minutes, and the round-trip fare was \$1.76 (about nine dollars in today's

money). Other places of employment were almost as far away and frequently more expensive to reach. Since few of Watts's families (14 percent) owned cars, too many found it easier to live on welfare than to spend their earnings and their time traveling to and from work.

An inferior education and the lack of job skills also combined to keep Watts residents penned in the ghetto. Too few were equipped to meet the demands of that day's job market. Two out of every three adults had not completed high school, many teenagers dropped out of school while in junior high, and one out of eight could neither read nor write; when an employment agency finally opened in Watts, only 400 applicants out of 4000 got hired.

As automation eliminated jobs once performed by unskilled laborers, unemployment increased and conditions worsened. This was particularly true for African Americans. National income had soared in the United States in the early 1960s, but African Americans in Watts had not shared in this prosperity, and their income had actually decreased by eight percent between 1959 and 1965.

Although almost entirely cut off from the white world, Watts residents were constantly reminded of it. The TV screen provided a window into the world where "whitey" enjoyed the luxuries of life denied to Watts residents: White policemen cruising in their patrol cars watched out for minority crime; white landlords collected the rent; white social workers came by to prevent cheating on welfare; and white politicians made decisions and pronouncements that determined the destiny of Watts's residents. The successful struggle for civil rights waged in the South had not improved the standard of living or the quality of life in Watts.

### **The Spark That Ignited the Powder Keg**

On August 11th, 1965 Marquette Frye was only two blocks from his home in Watts when Los Angeles police stopped him for exceeding the speed limit. Shortly afterwards, he failed his field test for drunkenness. The policeman told Frye he would be arrested and his car would be impounded. A crowd of 25 to 50 gathered nearby. Frye smiled and tried to joke with the officer to avoid arrest. Suddenly, Frye's mother appeared, scolded her son, and cursed the policeman. Frye became furious, called the policeman names, and screamed that he wasn't going to jail. The arresting officer unholstered his pistol. "Go ahead, kill me," Frye shouted. A second officer pulled out a shotgun and pointed it menacingly at the crowd. Frye was finally handcuffed and hustled into the police car. He continued to struggle, twice tried to escape, and was finally clubbed into submission while in full view of the gathering crowd.

By this time the police had called for reinforcements, and nearly 50 officers had arrived. The crowd, too, had grown in size and was insulting and taunting the police. An order came for the police to retreat to avoid further trouble, but at this crucial moment two policemen darted into the crowd and dragged a woman out who, they

claimed, had spit on them. At this point, the crowd began scuffling with the police to free the new prisoner. Word spread like wildfire that the police had manhandled a pregnant woman (she wasn't, though a loose garment she wore made her appear pregnant), and the crowd threw stones at the retreating officers. The last policemen left under a hail of rocks.

When the police returned to the scene, the crowd numbered more than 1500. Bricks, rocks, and bottles flew in all directions. The police tried containing the mob in a two-block area. Their attempts were futile, and their efforts to arrest the ringleaders or the most violent only succeeded in stirring the crowd to more violence. Before the evening ended, 50 vehicles (including two fire trucks) had been overturned, burned, or damaged; 19 policemen and 16 civilians were injured; and 34 people had been arrested, including Marquette Frye.

### The Revolution Spreads



Second day—police collar a rioter

The next afternoon, outspoken Los Angeles police chief William Parker commented on the causes of the riots with this inflammatory remark:

One person threw a rock, and then, like monkeys in a zoo, others started throwing rocks.

That night (Thursday), the rioting grew much worse. An African American salesman, pressed into service by the *Los Angeles Times*, gave the following account:

Every time a car with whites in it came down the street word spread like lightning. "Here comes whitey—get him." As the older people stood in the background urging them on, boys and girls in their teens and men and women in their twenties, would rush into the streets and pull whites from their autos, beat them, and set fire to their cars. A white couple in their sixties were stopped and beaten as the crowds in the background chanted, "Kill! Kill!" Flying rocks knocked a car driven by whites off course and it plowed into a parked vehicle. The mob swarmed over the whites and beat them so badly that one man's eye was left hanging out of its socket while the crowd in the background screamed, "Kill! Kill!" Several black ministers intervened and carried the men into an apartment, then called an ambulance and the crowd turned its venom on them: "hypocrites, traitors to your race." As the crowd was spitting on the ministers, black policemen interfered to rescue them, and drew the mob's uncontrolled wrath.<sup>1</sup>

When "whitey" could no longer be found, the crowd began to turn on cars driven by African Americans. Meanwhile, rioters set fires, and rocks and gunfire prevented

<sup>1</sup> *New York Times*, August 14, 1965, p.8



fire engines from dousing the flames. The crowd had the upper hand and they knew it. The rioters knew that the white police were terrified by their onslaught; they knew that whites were afraid. Whites in other neighborhoods, fearful of the Watts uprising, ran to stores to buy guns. That evening, realizing the Los Angeles police could not control the mob, Chief Parker called for the National Guard.



Buildings burn during the riots

### From Rioting to Looting

Even the National Guard could not put down the civil disturbance immediately. Jeeps rolled down the streets of Watts, and soldiers sat alert with machine guns ready. However, no sooner was the mob pacified in one area than rioting and looting broke out somewhere else. A *New York Times* correspondent reported that on Sunday morning he could see a “smattering of people” emerge from side streets as daylight broke. “As the sun rose in the smoke-filled skyline” looting began at “full pace.” The police stayed out of the area except to set roadblocks for firemen. The streets filled with traffic as daylight brought out the curious, sightseers, and looters. Looters rushed past one another from stores to homes, glancing around to see what others had taken. The boldest backed their cars right up to stores and loaded them with furniture, appliances, etc., while their vehicles blocked traffic. Some ran home with stolen clothes and reappeared in the streets moments later wearing them. Three and four-year-old children trailed after parents laden with stolen merchandise. The streets were littered with glass, and the splinters from shattering windows cut into arms and feet, drawing blood from the looters who barely took notice. In the background, smoke rose from buildings still on fire; water from fire-fighting equipment ran down the gutters; and the streets were strewn with bricks, bottles, and rocks from the night’s melee. Stores everywhere stood bare.

Jazz music blared from stores that had not been damaged because signs like “Soul brother owns this” or “Our Blood” had warned rioters that the establishment was



African American owned. The people laughed and joked; they were thoroughly enjoying themselves in taking what they felt was rightfully theirs anyway, and they were pleased to have thrown a scare into “whitey” the night before.

### Assessing Damages

By the time it was all over, the five days of rioting had cost 34 lives (29 of them African American) and left more than 1000 people injured. Damage to property has been variously estimated from between 40 to 60 million dollars (about 250 million in today’s dollars). About two-thirds of the nearly 4000 arrested during the riots either never had police records or had been charged only for petty crimes. This was the aftermath of one of the most destructive riots in the nation’s history, and even before it was over, people had started asking what had caused it.

### The Cause of the Riot

Police Chief Parker thought the riot was caused by disrespect for the law. This he blamed on the civil rights movement, which had often preached disobedience to unjust laws:

You can’t keep telling them that the Liberty Bell isn’t ringing for them and not expect them to believe it. You cannot tell people to disobey the law and not expect them to have disrespect for the law. You cannot keep telling them that they are being abused and mistreated without expecting them to react.



Bayard Rustin

African American leader Bayard Rustin thought the causes of the Watts riot went far deeper than the effects of the civil rights movement:

I think the real cause is that Black youth—jobless, hopeless—do not feel a part of American society. The major job we have is to find them work, decent housing, education, training, so they feel a part of the structure [of society]. People who feel a part of the structure do not attack it.

President Johnson echoed this argument in a speech delivered before a Southern audience on August 15th, 1965.

As I have said time and time again, aimless violence finds fertile ground among men imprisoned by the shadowed walls of hatred, coming of age in the poverty of slums, facing their future without education or skills and with little hope of rewarding work.

## **Student Activities**

### **A. Student Exercises:**

1. What situations existed in Watts that made people angry enough to riot?
2. How did the riot start? What might each side (police and residents) have done to prevent it from happening?
3. Which explanation, Chief Parker's or Bayard Rustin's and President Johnson's, most closely reflects your view of the riot's causes? Explain in detail.

## For Further Consideration: The Aftermath of the Riot

**Take notes on the following, so you will be able to tell your classmates what happened after the riot. After that, write a strong paragraph explaining how what you just read affects your view on what happened in Watts in August 1965.**

California's governor at the time of the riot, Edmund (Pat) Brown, was in Europe when the violence started. He returned to the United States shortly before Watts quieted down. He ordered an immediate investigation of conditions in Watts, and the report issued after 100 days of deliberations asked for:

...“revolutionary” programs: massive “emergency literacy” drives, a large scale job-training and placement center, new mechanisms for processing complaints against police, and vastly expanded mass transit facilities to permit African Americans to get to jobs around sprawling Los Angeles.

An aid to Los Angeles's Mayor Sam Yorty also advocated help:

What we need is something like the old WPA to provide 5000 to 10,000 jobs for a year. This would take off some of the pressure and give us time to work toward more permanent solutions.

Governor Brown asked the California State Legislature to appropriate \$61.5 million to enact his program. By March 1966, the money appropriations had not yet passed. By June, only one of the 232 buildings destroyed in the riot had been rebuilt and fewer than ten percent of those damaged had been repaired. Less than \$10 million out of the \$29 million of anti-poverty money promised by President Johnson had filtered down into Watts, and the total assistance provided by spring of 1966 consisted of only four teenage canteens, a legal assistance office, a state employment referral office, and aid to a group known as the Westminster Neighborhood Association. Unfortunately, the same conditions that caused that city to explode in August 1965 continued to exist. Indeed, riots again broke out in Watts in March 1966, and again more than 20 years later in response to the verdict following the beating of Rodney King by four policemen after videotape confirmed many people's belief that police violence against blacks was commonplace.

Forty years to the day after the riot started, National Public Radio interviewed Watts's residents. Here is what two of them said.

Alice Harris—known as “Sweet Alice” to her neighbors—has lived in Watts for 46 years. She says things haven't changed much at all. “Everybody is tense—no jobs, zero tolerance in the housing projects...people scared of the police,” she says.

Tommy Jaquette, now a community activist and director of the Watts Summer Festival, was 21 years old in 1965, and a friend of Frye's. He says he knows what it was like to be a young black man in 1965, always getting harassed by white police officers.

"I knew the frustration, the hostility, and I knew the attitude of the police—and it was payback time, for the most part," he says.

Police were ordered to shoot to kill, and 14,000 National Guard troops rolled in, complete with tanks. Businesses went up in smoke; most never returned.

After the riots, Watts finally got a grocery store and a medical center—but mismanagement at the hospital threatens to close it down. The jobless rate is still high, and schools are still in bad shape.

Harris says if things don't shape up, things could turn violent yet again. "I don't want to be in another riot... I don't want children or grandchildren to be in a riot. It's dangerous."<sup>2</sup>

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2 Mandalit del Barco, *Decades After L.A. Riots, Watts Still Suffers*, National Public Radio, August 11, 2005

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## Chapter 6. Martin Luther King & Malcolm X on Violence and Integration Teacher Page

### Overview:

This chapter provides a brief biography of Martin Luther King and of Malcolm X, followed by excerpts from their speeches on violence and integration. Students are asked to speculate on the relationship between the personal stories of King and Malcolm X and their philosophies. They are then asked to explain which of the two philosophies appeal to them more. The “For Further Consideration” section asks students to assume the perspectives of both men and write their responses to the issues of teaching black history and integrating schools.

### Objectives:

Students will:

- learn something about the life stories of Martin Luther King and Malcolm X
- understand what each of these leaders believed regarding the topics of integration and nonviolence
- discuss the philosophy of each and decide which one they find more persuasive

### Strategies:

**Before class:** Assign the chapter either up to or including the “For Further Consideration” section and inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

**In class:** Ask students what they learned from the reading about Martin Luther King and Malcolm X and write pertinent information on the board. Proceed by asking how both King’s and X’s backgrounds may have contributed to the position each took on the issues of integration and violence. Review their answers to the Graphic Organizer question to make sure that students can make inferences from each of the two speeches. Next, ask students whether they agree with King that violence only begets more violence or with Malcolm X that African Americans must be able to defend themselves. Once this discussion has abated, ask students whether they think African Americans would be better off exercising power in their own schools and communities than “sitting together at the table of brotherhood” with the grandchildren of former slave owners. Does the election of Barack Obama change their answer to that question or is having an African American president irrelevant to this discussion?

Expand the discussion by asking students who answered the “For Further Consideration” question to share their paragraphs on teaching black history and integrating schools.

**Chapter 6. Martin Luther King & Malcolm X  
on Violence and Integration  
I-Chart**

	<b>What Martin Luther King believed on the subject of violence and integration, and his reasoning in each instance</b>	<b>What Malcolm X believed on the subject of violence and integration, and his reasoning in each instance</b>	<b>Why I believe one of these leaders was more correct than the other</b>
<b>What I already know</b>			
<b>What I learned from Chapter 6, Part I</b>			
<b>What I learned from Chapter 6, Part II</b>			
<b>What I would still like to know</b>			

## Chapter 6—Martin Luther King &amp; Malcolm X on Violence and Integration

**tutelage****Nobel Prize****Marcus Garvey****exemplary****Protestant****Klansman****white supremacist****descending**

## Chapter 6—Martin Luther King &amp; Malcolm X on Violence and Integration

<p>Yearly prize given to people who have made great contributions in their professions</p>	<p>Instruction or guidance</p>	<p>African American leader during the 1920s who suggested that black Americans should return to Africa</p> <p>Member of the Ku Klux Klan, well known for hatred of African Americans and other minorities</p>
	<p>Describes a good example that should be followed</p>	<p>A person who believes white people are superior to other races</p>
<p>Major Christian denomination</p>		<p>Arranged in order from highest to lowest</p>



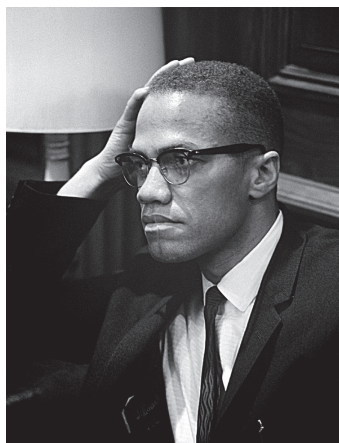
## Chapter 6

# Martin Luther King & Malcolm X on Violence and Integration

### Introduction

Martin Luther King Jr. and Malcolm X are probably the two best-known African American leaders of the last century. Since their deaths in the 1960s, no one has replaced them. Both men were ministers and victims of assassination. They became famous about the same time, but they represented very different philosophies. King “looked forward to the time when blacks and whites would sit down together at the table of brotherhood.” Malcolm X was interested “first in African Americans gaining control of their own lives.” They differed on the use of violence to achieve their goals. King was a Baptist minister; Malcolm X rejected Christianity and became a Black Muslim. In this chapter, you will learn more about the backgrounds and careers of these two great leaders, and you will have a chance to examine the differences in their philosophies.

### Malcolm X: Born Malcolm Little



Malcolm X

Malcolm X was born Malcolm Little in Omaha, Nebraska in 1925. Shortly before his birth, Klansmen tried to burn his parents’ house to the ground. His father, a Baptist minister, moved the family to Lansing, Michigan, where his problems with whites continued. The family home was actually burned down to the ground by a white-supremacist organization. Whites in the area did not like the fact that Malcolm’s father was an organizer for Marcus Garvey’s “Back to Africa” movement. Whites killed Malcolm’s father a few years later, and his body was left to be cut in two on trolley tracks in Lansing. The death was officially ruled a suicide, and as a result Mrs. Little couldn’t collect on an insurance claim.

### Malcolm Becomes a Muslim

After 8th grade, Malcolm went to live with a half-sister in Boston, Massachusetts. Here, his education came from the streets where he had become a petty criminal. He got involved in everything from running numbers to peddling drugs to breaking and entering. His life of crime ended with a ten-year jail sentence. While in prison, Malcolm came under the influence of Black Muslims who taught him that whites were devils that had robbed African Americans of their true homeland, names, and religion. They told Malcolm that his name, “Little,” had been given to his ancestors by their slave masters. Under the tutelage of the Muslims, Malcolm changed his last name to “X”

and gave up vices which whites had “forced” on African Americans, including using tobacco, alcohol and other drugs; lusting after white women; stealing; gambling; and hustling. The Muslims also taught Malcolm to be proud of his African heritage and his black skin. They encouraged him to stop “acting white” by straightening his hair and worshipping a white-skinned Jesus that did not look at all like African Americans.

Malcolm X became a member of the Nation of Islam while he was still in prison. After his parole in 1952, he became a leader of the Nation and its most popular spokesman. However, he broke with the Nation of Islam in 1964 and was assassinated the following year by another Black Muslim.

## Martin Luther King



King delivering his “I Have a Dream” speech

The son of a respected Baptist minister, Martin Luther King was born and raised in Atlanta and lived in a prosperous but segregated neighborhood. His stern but loving father taught his children the value of hard work and instilled in them a strong faith in God. With a few notable exceptions, Martin was spared exposure to the pains of racial discrimination. He sang in the church choir at the age of four, skipped two years of high school, enrolled in an all-black college when he was only 15 years old, and preached his first sermon at 17. He was one of only six African American students in his theology school. Nevertheless, he won election as class president and earned the admiration of his white classmates with his eloquent oratory, exemplary scholarship, and sound judgment. After graduation, he attended Boston University where he earned his PhD and met and married Coretta Scott.

King’s first ministry was at the Ebenezer Church in Montgomery, Alabama in 1954, the same year that the famous *Brown v. Board of Education* decision banned racial segregation in public education. In December 1955, when Rosa Parks was arrested for refusing to give her seat at the front of a bus to a white man, King helped organize and lead the Montgomery Bus Boycott. His inspired leadership, eloquent speeches, and devotion to his cause sparked the civil rights movement. He is best remembered for his “I Have a Dream” speech, which he gave in August 1963 at the March on Washington. Martin Luther King’s speeches and personal contacts with the nation’s leaders sparked successful nationwide sit-in campaigns as well as the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. His nonviolent leadership in the name of justice for African Americans and his strong opposition to the war in Vietnam earned him the Nobel Peace Prize. He was assassinated on April 4th, 1968. King’s birthday has since been declared a national holiday. He is honored to this day as the man who reminded all Americans that the unjust system of racial segregation violated the principles on which their nation was founded.

## Excerpts from Speeches by Malcolm X and Martin Luther King

<p style="text-align: center;"><b>Martin Luther King On Violence</b></p> <p>Fewer people have been killed in ten years of non-violent demonstrations across the South (1955–65) than were killed in one night of rioting in Watts.</p> <p>The ultimate weakness of violence is that it is a descending spiral, begetting the very thing it seeks to destroy. Instead of diminishing evil, it multiplies it. Through violence you may murder the liar, but you cannot murder the lie, nor establish the truth. Through violence you may murder the hater, but you do not murder hate. In fact, violence merely increases hate...Returning violence for violence multiplies violence, adding deeper darkness to a night already devoid of stars. Darkness cannot drive out darkness: only light can do that. Hate cannot drive out hate: only love can do that.</p>	<p style="text-align: center;"><b>Malcolm X On Violence</b></p> <p>The history of unpunished violence against our people clearly indicates that we must be prepared to defend ourselves or we will continue to be a defenseless people at the mercy of a ruthless and violent racist mob.</p> <p>We assert in those areas where the government is either unable or unwilling to protect the lives and property of our people, that our people are within their rights to protect themselves by whatever means necessary...A man with a rifle or a club can only be stopped by a person who defends himself with a rifle or club.</p>
<p style="text-align: center;"><b>MLK: On Integration</b></p> <p>I have a dream that one day this nation will rise up, live out of the true meaning of its creed: “We hold these truths to be self-evident, that all men are created equal.”</p> <p>I have a dream that one day on the red hills of Georgia, sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood. I have a dream that one day even in the state of Mississippi, a state weltering with the heat of injustice, weltering with the heat of oppression will be transformed into an oasis of freedom and justice.</p> <p>I have a dream that my four little children</p>	<p style="text-align: center;"><b>Malcolm X: On Integration</b></p> <p>[American society] is already divided on racial lines. Go to Harlem. All we’re saying now is since we’re already divided, the least the government can do is let us control the areas where we live. Let the white people control theirs, let us control ours—that’s all we’re saying. If the white man can control his, and actually what he is using to control it is with white nationalism in the white communities whether they are Jews, whether they are Protestants—they still practice white nationalism. All we’re saying to our people is to forget our religious differences. Forget all the differences that have been artificially created by the whites who have been over us, and try and work together in unity and</p>

will one day live in a nation where they will not be judged by the color of their skin, but by the content of their character. This will be the day when all of God's children will be able to sing with new meaning, let freedom ring.

with the philosophy of black nationalism, which only means that we should control our own economy, our own politics, and our own society. Nothing is wrong with that.

Student Activities

A. Graphic Organizer

Place the phrases below under the names of the person who was most likely to agree with them.

Celebrating Washington’s birthday	Withdrawing all troops from Iraq during the Iraq war	Offering classes in black history
Maintaining neighborhood schools	Prohibiting intermarriage	Hiring more police
Honoring Marquette Frye	Teaching black literature only to integrated classes	Hiring more African Americans to teach math
Giving gym credit for martial arts	Celebrating Christmas	Holding separate senior proms for white and black students

Represents MLK’s Beliefs	Represents Malcolm X’s Beliefs

## B. Student Activities

1. How might Malcolm X's and Martin Luther King's philosophies have been influenced by their life's experiences? Explain your answer.
2. With which of the two men's views do you agree with more? Explain why and make reference to information you learned while reading and discussing this unit.

### For Further Consideration

Write a paragraph in response to each of the following topics using King's ideas for one and Malcolm X's for the other.

- a. Every high school in this country should have a class in black history taught to an all-black class by a qualified African American.
- b. Busing in Boston was the right thing to do despite the problems it caused.

**Be prepared to present and discuss your interpretations in class.**







## Chapter 7. A Post-Racial Society?

### Teacher Page

#### Overview:

The election of America's first African American president ushered in such a feeling of euphoria that many people thought that the U.S. had reached a point in its history that race no longer mattered. The purpose of this chapter is to help students investigate this belief. They are provided with descriptions of the overwhelming joy accompanying Barack Obama's electoral victory, excerpts from Obama's speeches, a listing of African Americans who have held high office, and statistics comparing the incomes and wealth of black and white Americans. Quotes from African Americans on the meaning of Obama's victory, and two longer excerpts from speeches on the same topic follow these statistics. Students are required to look back on America's sordid racial history and are asked, in effect, whether we have "overcome." The "For Further Consideration" section asks students to read a part of Obama's Philadelphia speech on race so they can use the insights gained from this reading to enhance class discussion.

#### Objectives:

Students shall:

- understand that Barack Obama's election marked an important milestone in America's racial history
- evaluate how far the United States still has to go before it really has a post-racial society

#### Strategies:

**Before class:** Assign the chapter either up to or including the "For Further Consideration" section and inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

**In class:** Divide students into three groups: one that will argue that the election of Barack Obama signaled that the U.S. is well on its way to becoming a post-racial society, another group that argues against this assessment, and a third group that remains uncommitted. Give groups # 1 and # 2 about seven minutes to prepare their arguments, and give group # 3 the same amount of time to prepare questions that challenge the arguments of each of the other groups. (If convenient, try to make each group about equal size.) During the discussion, encourage students to think about how far the United States has come since the 1950s and what the U.S. still has yet to achieve.

Allow the discussion to continue for about 20 minutes and encourage people to change their grouping based on the arguments they have heard. At the end of class,

ask each student to write down what they thought were the most powerful arguments, and as time permits, have them share their thoughts with the rest of the class.

Before class ends, make sure you have at least three students who will be willing to argue in favor of affirmative action in the next class. If there is no one willing to argue in favor of affirmative action, it might make more sense to skip this chapter.

## Chapter 7. A Post-Racial Society

### I-Chart

	<b>The importance to race issues of the election of Barack Obama</b>	<b>Arguments that the U.S. has made considerable progress in the area of race relations</b>	<b>What still needs to be done to make the U.S. truly a post-racial society</b>
<b>What I already know</b>			
<b>What I learned from Chapter 7</b>			
<b>What I learned during class discussion</b>			
<b>What I would still like to know</b>			



## Chapter 7—A Post-Racial Society?

**enthusiastic****manifest****celebrity****trajectory****institution****Kenya****swarm****disproportionately**

## Chapter 7—A Post-Racial Society?

Very interested in or excited about something		
Something that is very clear		
A famous person	The route taken by an object	
		A large group of people or animals moving in a certain direction
A large organization or an established law or custom		
		Unequal in size or importance

## Chapter 7

# A Post-Racial Society?

### Introduction

He was the son of a black man from Kenya and a white woman from Kansas. He was brought up in part by a white grandfather who fought in World War II and a white grandmother who worked in the defense industry during the war. While still a child, he lived in Indonesia, a Muslim country. He has cousins, uncles and aunts, and half-brothers and sisters of many races scattered over three continents. He attended Columbia University, earned his law degree at Harvard, and went to work as a community organizer in Chicago. He won a seat in the Illinois legislature in 1997 and seven years later was elected to represent Illinois in the U.S. Senate. Though relatively unknown nationally, he was asked to address the Democratic National Convention in 2004. His speech was so well received it made him an instant celebrity. Less than three years later, he announced that he was in the race to become the president of the United States. He declared in a later speech:

I choose to run for the presidency at this moment in history because I believe deeply that we cannot solve the challenges of our time unless we solve them together—unless we perfect our union by understanding that we may have different stories, but we hold common hopes; that we may not look the same and we may not have come from the same place, but we all want to move in the same direction—towards a better future for our children and our grandchildren.



Barack Obama stands on stage with his wife and two daughters just before announcing his presidential candidacy.<sup>1</sup>

After a hard-fought campaign, Barack Hussein Obama won the election of 2008 and became the first African American elected president of the United States. A crowd

<sup>1</sup> Photo from acaben at Flickr: <http://www.flickr.com/photos/acaben>. Licensed under Creative Commons Attribution ShareAlike 2.0 License. <http://creativecommons.org/licenses/by-sa/2.0/>

of nearly 250,000 enthusiastic supporters helped him celebrate his victory in Chicago's Grant Park, and an estimated one million followers took to the streets to savor his victory in front of giant TV screens. Huge crowds flooded the streets in New York City, Philadelphia, Miami, and almost every major city in the country to celebrate Obama's revolutionary achievement. "If there is anyone out there who doubts that America is a place where anything is possible," the president-elect declared, "who still wonders if the dream of our founders is alive in our time, who still questions the power of our democracy, tonight is your answer," Eleven weeks later, a record 1.8 million people swarmed into Washington, D.C. to experience the historic inaugural ceremony.

What did the election of the first African American to become president of the United States mean to the people that celebrated his victory? Some say that it marked the end of an era of racial degradation that had lasted almost 400 years and the start of a post-racial society in which the color of one's skin no longer mattered. Others say it meant little more than the election of a man who happened to be black in a tight race in the time of a failing Republican Party. As you read the rest of this chapter, try to decide which one of these assessments seems more believable than the other.

### **Not the Only One**

Barack Obama was not the only African American to become an important government official. Two black Secretaries of State, Colin Powell and Condoleezza Rice, had preceded him. Obama had become only the third African American to be elected to the U.S. Senate, but many African Americans have had seats in the House of Representatives. Perhaps, the largest field of success for African Americans has been as mayors of major cities. New York City, Los Angeles, Chicago, Detroit, and Atlanta and many other cities and towns have been led by African Americans.

Furthermore, there is no denying progress made by African Americans in general. While only 10 percent of African Americans were middle class and only 13 percent had completed high school in 1960, the figures for the year 2000 were 40 percent and 86 percent.

Still, disturbing figures need to be taken into account, as shown in the following chart:

### **Comparison of Earnings by Race (year 2000)**

<b>Category</b>	<b>White</b>	<b>Black</b>	<b>Black compared to white</b>
<b>Families</b>	\$56,442	\$34,192	60%
<b>Men</b>	\$42,224	\$30,886	73%
<b>Women</b>	\$30,777	\$25,736	84%



### Comparisons of Wealth by Race (year 2002)

Family	Medium Net worth (Wealth) <sup>2</sup>	Percent with negative Net Worth <sup>3</sup>
Hispanic Household	\$7932	25%
Black Household	\$5998	33%
White Household	\$88,651	13%

### Reactions of Some African Americans to Obama's Election

Some poor blacks worry that whites will look at Obama's success and conclude that the "system" works—that if Obama can succeed the government doesn't need to provide further programs for poor blacks in the inner cities.

"He is a living example of how doing the right thing and getting an education and striving is possible without your having to give up your identity."

"When he says, there is no white America, there is no black America—well, there is. If he really believes in all this magic about change in America—well, I don't feel anything is going to change in black America."

"When I was 5 years old, I said I was going to be president. By the time I was 7, I said I would be the first black president because I knew what color meant. By the time I was 9, I said I'll be a lawyer because I knew that black people don't become president."<sup>4</sup>

### Opinions Whether the U.S. is Becoming a Post-Racial Society

#### Post-Racial Society

Jan. 20, 2009, sits on a trajectory from the Emancipation Proclamation to Brown vs. the Board of Education to Martin Luther King, Jr.'s marches for freedom...

We've moved forward enough that we can elect a person of color as our leader. This is a get-up-and-stomp-your-feet day. Let us

#### Absurd Talk About Post-Racial America

Exactly how can we be in post-racial America when nearly 40 percent of black children under the age of 5 live at or below the poverty line? How are we in post-racial America when the level of school segregation for Hispanics is the highest in 40 years and segregation of blacks is back

<sup>2</sup> Medium net worth means that half had more than that; one-half had less

<sup>3</sup> Negative net worth means one owes more than one owns

<sup>4</sup> [http://online.wsj.com/public/article\\_print/SB120067436785100873.html](http://online.wsj.com/public/article_print/SB120067436785100873.html)

take pride in this moment. There's been plenty of talk that today's events mean we are entering a post-racial era. And in a way we are...

We are a nation that celebrates racial diversity...we are the United States of America. The story of America is one of bringing such differences together to manifest a united set of ideals—not a united culture, not a united language, not a united religion, but a united set of ideals.

It's crazy to think Obama's election means people no longer see black, white or brown. Of course we do. But that's no longer a liability. It's a plus. A big plus. We're showing that we can live with one another...

Fifty years from now, when America will have no racial majority, people will look to today as the start of this new reality. Take it in. Days like this don't come around often.<sup>5</sup>

How are we in post-racial America when the gaps in wealth, income, education and health care have widened over the past eight years? In 2006, 20.3 percent of blacks were not covered by health insurance, compared to only 10.8 percent of whites. For Hispanics, a whopping 34.1 percent were not covered. In 2007, the unemployment rate for blacks was twice as high as that for whites.

We are all Americans, but the pain of poverty is disproportionately cracking the backs of minorities. There are those who insist the gap in wealth, income, health care and education is due to an inherent culture of victimization. If people of color only worked harder, they'd be fine, we are told. But it's a flawed premise...

Now is not the time to avert our eyes from the prize. Indeed, the nation needs to refocus its attention on tearing down the walls that keep us from truly living in post-racial America.<sup>6</sup>

5 William McKenzie: "Inaugural begins a discussion about post-racial society," *Dallas Morning News*, January 20th, 2009.

6 Fred McKissack, *Athens Banner-Herald*, Saturday, November 8th, 2008.

## Student Activities

### A. Student Exercises:

1. What evidence does the reading provide that we have arrived or on the verge of arriving at a post-racial society?
2. What evidence does the reading provide that the United States still has a long ways to go?

## B. Graphic Organizer

Place all of the examples given below (not all are from this chapter) to make the case that we are or are not living in a post-racial society. Be sure you explain why you chose to put each phrase where you placed it.

Post-Racial		Race is Still Very Important	
Phrase	Reason for Choice	Phrase	Reason for Choice

### Phrases indicating we are or we are not a post-racial society

Obama's popularity	Many cities today are like Watts in 1965	In all of American history, only three black people have been elected to the U.S. Senate
Unemployment rate of African Americans	Crowd at inauguration	Racial isolation in schools
Martin Luther King day is a national holiday	Obama is of mixed race	Income of black families compared to white families
Discrepancy in wealth	Schools in suburbs better than schools in cities	Achievement gap

## C. Essay

Is the U.S. now or on the verge of becoming a post-racial society? Write a short essay answering this question.

## **For Further Consideration**

Read the explanation about the problems faced by African Americans today excerpted from a speech by Barack Obama in Chapter 8.

**Come to class with written notes to help you convey Barack Obama's explanation for these problems and why you agree or disagree with him.**



## Chapter 8. Affirmative Action and the Case of Allan Bakke

### Teacher Page

#### Overview:

This final chapter raises what perhaps is the most controversial of the civil rights issues. The first part of the chapter traces the origins of the concept of affirmative action, provides charts showing what effects many believe countless years of slavery and segregation have had, and includes excerpts from then-candidate Barack Obama's 2008 speech on race. The Student Activities section requires students to identify the results of affirmative action for white Americans and then asks students how or whether these facts are relevant to the discussion about affirmative action. The "For Further Consideration" section provides information that can enable students to stage a simulation on the *Bakke* case. This is followed by an epilogue with excerpts from the decision made by the Supreme Court in 1978 and reaffirmed in 2003.

#### Objectives:

Students will:

- understand that the argument for affirmative action assumes the income gap between blacks and whites is a direct result of America's racial history
- realize that the equal protection clause provides a formidable obstacle to the Constitutional case for affirmative action
- understand the verdict of the *Bakke* decision that was upheld by the Supreme Court in 2003.

#### Strategies:

**Before class:** Assign the chapter either up to or including the "For Further Consideration" section and inform students they will be expected to write their answers to all the Student Activities questions covering the assigned section(s).

**In class Day 1:** Ask students to define the term "affirmative action" and review their answers to the first three questions in the Student Activities section. Next, review candidate Barack Obama's speech on race and ask whether the U.S. should make an effort to correct for the results of the injustices he names. During this discussion, determine which students seem to be sympathetic to affirmative action. Assign two of those students to play the role of Archibald Cox in the simulation on the *Bakke* case. Assign two students to present Bakke's arguments, and others to act as Supreme Court justices or court reporters. Allow students 10–15 minutes to prepare for the simulation for the next time you meet.

**In class Day 2:** At the close of the simulation, members of the court should spend at least 10 minutes deliberating amongst themselves before the majority and dissenters agree on their respective decisions and state their reasoning. Reporters should listen

to the deliberations and be prepared to report the verdict of the majority and the dissenting opinions. Finally, inform students of the outcome of the *Bakke* case and point out that the Supreme Court confirmed the original verdict 25 years later.



## Chapter 8. Affirmative Action and the Case of Allan Bakke

### I-Chart

	What is the case for affirmative action?	What is the case against affirmative action	Do I agree with the way the Bakke case was decided?
<b>What I already know</b>			
<b>What I learned from Chapter 8, Part I</b>			
<b>What I learned from Chapter 8, Part II</b>			
<b>What I would still like to know</b>			



Chapter 8—Affirmative Action and the Case of Allan Bakke

<b>Jim Crow</b>	<b>disputes</b>	<b>affirmative action</b>
<b>building codes</b>	<b>future generations</b>	<b>FHA mortgages</b>
	<b>reverse discrimination</b>	<b>racially representative</b>

## Chapter 8—Affirmative Action and the Case of Allan Bakke

Set of rules to make sure that buildings are safe	Name applied to laws and practices that discriminated on the basis of race	Arguments or disagreements	Policy of giving special assistance to minorities because of the results of past discrimination
The children and grandchildren of those alive today			
Home loans from the Federal Housing Administration			
Term used by people who claim that affirmative action discriminates against whites			
Seeing that all races living in an area are included			

## Chapter 8

# Affirmative Action and the Case of Allan Bakke

### Introduction

In the 21st century, African Americans are three times as likely to live in poverty than white Americans; two times more likely to be unemployed; far less likely to be a doctor, lawyer, or architect; and three times more likely to be a nurses' aid, maid, or bus driver. An African American is five times more likely to be arrested for robbery and three times more likely to be robbed. Most African Americans live in the center of a city and don't enjoy the same quality of services, education, health care, or recreation facilities as their suburban white counterparts.

### President Obama Speaks on Race

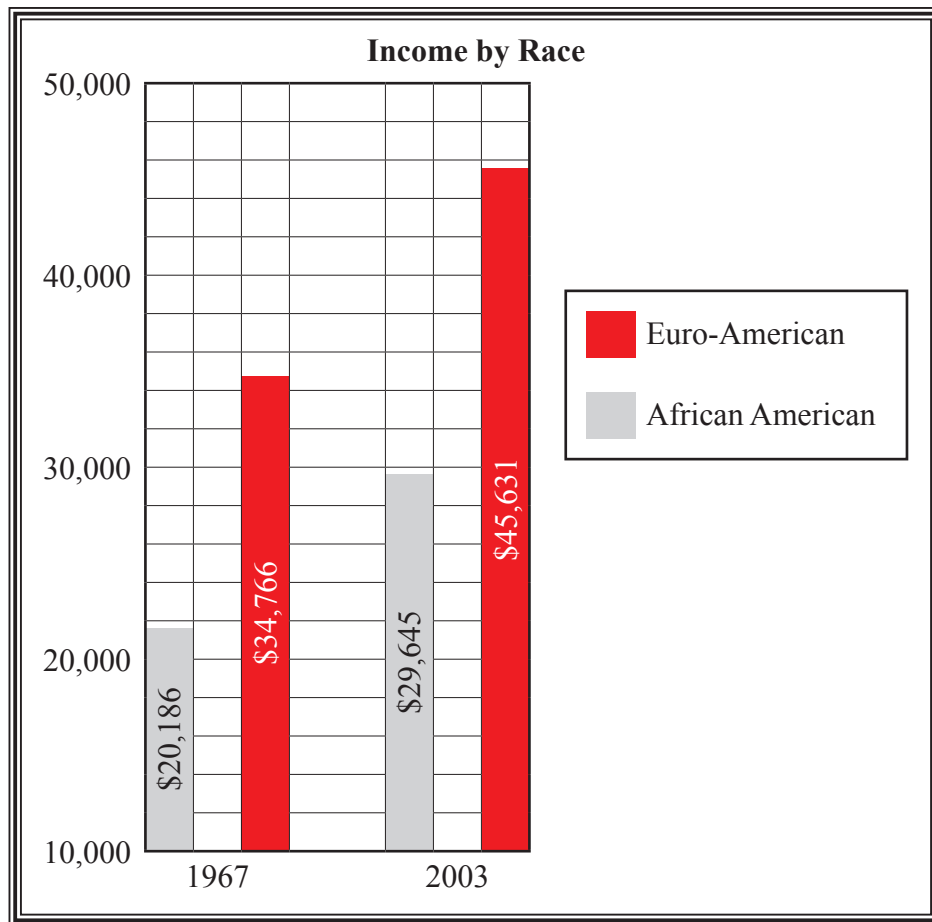
In his speech on race in Philadelphia in 2008, candidate Barack Obama eloquently stated the historic reasons for the plight of African Americans.

We do not need to recite here the history of racial injustice in this country. But we do need to remind ourselves that so many of the disparities that exist in the African American community today can be directly traced to inequalities passed on from an earlier generation that suffered under the brutal legacy of slavery and Jim Crow.

Segregated schools were, and are, inferior schools; we still haven't fixed them, fifty years after *Brown v. Board of Education*, and the inferior education they provided, then and now, helps explain the pervasive achievement gap between today's black and white students.

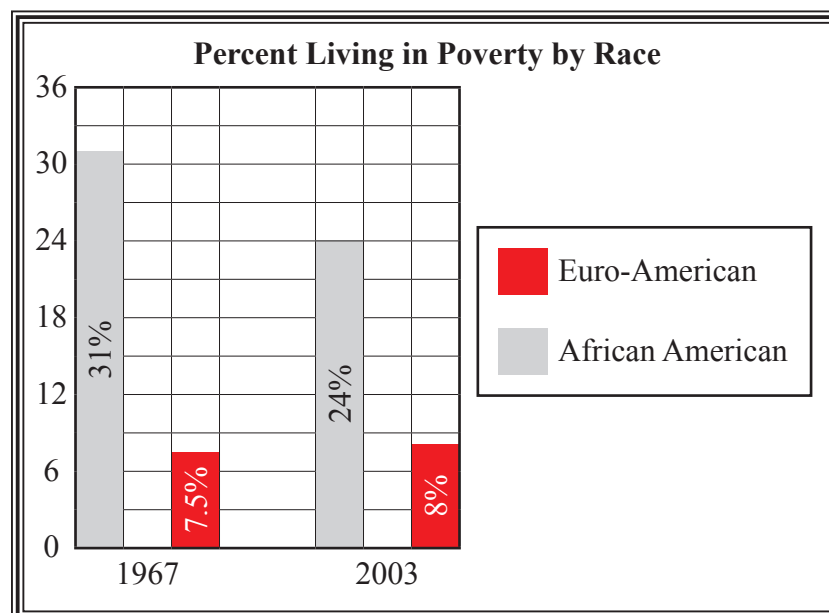
Legalized discrimination—where blacks were prevented, often through violence, from owning property, or loans were not granted to African American business owners, or black homeowners could not access FHA mortgages, or blacks were excluded from unions, or the police force, or fire departments—meant that black families could not amass any meaningful wealth to bequeath to future generations. That history helps explain the wealth and income gap between black and white, and the concentrated pockets of poverty that persists in so many of today's urban and rural communities.

A lack of economic opportunity among black men, and the shame and frustration that came from not being able to provide for one's family, contributed to the erosion of black families—a problem that welfare policies for many years may have worsened. And the lack of basic services in so many urban black neighborhoods—parks for kids to play in, police walking the beat, regular garbage pick-up and building code enforcement—all helped create a cycle of violence, blight and neglect that continue to haunt us.



### Birth of Affirmative Action

Recognizing that equality in fact could not be achieved merely by removing the chains of those who had been shackled for centuries, thoughtful Americans began to



ask for more than just equal rights. President Kennedy started the ball rolling by directing companies that did business with the federal government to take “affirmative action” (positive steps) to insure that they had a “racially representative” work force. The 1964 Civil Rights Act provided for class action suits against firms that showed a “pattern of discrimination” on the basis of race, nationality, religion,

or gender. President Richard Nixon called for companies with federal contracts to set numerical goals for hiring minorities.

During the 1970s and 1980s, more and more institutions took steps to assure they would have a more representative work force. Many businesses and schools did this to meet real or anticipated federal and state guidelines, in response to court orders, or because individuals thought it was time to insure that equality would exist in fact as well as in theory. Cities and towns made attempts to hire and promote more minorities (Asian, Native Americans, Hispanics, and women included.) Police and fire departments as well as schools and city agencies set goals or made attempts to hire qualified African Americans. Colleges began taking minority students with lower College Board scores than those of whites with similar or higher grades. Law firms began looking for minority lawyers, businesses tried to hire people whom they might have overlooked a few years before, and unions began accepting minorities.

Not surprisingly, a great number of whites opposed the idea of giving minorities—especially African Americans, Hispanics, and women—a *special* rather than an *equal* opportunity. Many (though certainly not all) whites were ready to admit that discrimination on the basis of race had been wrong and should end, but they were not prepared to take steps to correct the effects of past discrimination.

As a result, affirmative action (called “reverse discrimination” by those who opposed it) has become one of the hottest topics of political debate in America. It has and will continue to play a role in state as well as presidential politics. It has been the subject of numerous talk shows, and debated in classrooms and law courts, at factory assembly lines as well as police and fire stations, on construction jobs, and in almost every type of public forum. However, before you join this debate, take a look at some of the statistics on the previous pages and re-read President Obama’s speech explaining the reasons that African American incomes are lower and rates of poverty are higher than those of European Americans. After that, comment on the arguments for affirmative action and whether you think special steps should be taken to make up for the results of past discrimination.

## Student Activities

### A. Student Exercises:

1. Cite examples that show there has been “affirmative action” for whites over much of the last 390 years.
2. Do you think that the statistics in this and the previous chapter can be explained as the results of past and current discrimination? Why or why not?
3. Do you think that your answer to the question above is or is not relevant to the debate over affirmative action? Why or why not?



## For Further Consideration: A Simulation on the *Bakke* Case

The U.S. Supreme Court made the most famous decision involving affirmative action in 1978. It involved a 38-year-old white ex-marine by the name of Allan Bakke. Bakke had two engineering degrees and had served a seven-month hitch in Vietnam. At age 33, he had applied to 12 medical schools and was turned down by all of them. He sued one of the 12 schools, the University of California at Davis, because it had admitted minorities with medical board scores one-third as high as his. Bakke thought he was a victim of discrimination because of his color.

Dismayed by the lack of minority students, the faculty at UC Davis had established a special program. This program set aside places for the admission of minority students who did not meet the otherwise stringent requirements that other students needed to meet. Bakke was not accepted partly because he did not qualify for any of the 16 places reserved for racial minorities. His case against the university threatened to end their attempt to increase the number of minority doctors in the U.S.

Before you learn the outcome of this famous dispute, use the following information to participate in a mock trial of the case in which Allan Bakke sued the University of California for denying his civil rights in the name of affirmative action. You will be asked to play the role of Allan Bakke, Archibald Cox, a justice on the Supreme Court, or a reporter assigned to cover the case.

### Allan Bakke

You are 38 years old and the father of two. Your father was a mailman and your mother a teacher. Since they could not afford to pay for your college education, you joined the Naval Reserve Officers Training Corps at the University of Minnesota. You majored in engineering and had an A average. Later, you served four years in the Marine Corps, including seven months in Vietnam. While in “Nam” you were so impressed by the work of doctors that you decided to study medicine. Upon returning to the U.S., you attended evening classes in order to qualify for medical school and you did volunteer work at a local hospital. You applied to 12 different medical schools. Even though you were described by one admissions officer as strongly committed to healing the sick as any candidate he had interviewed, all 12 schools rejected you.

With the encouragement of an ex-admissions officer from UC Davis, you decided to sue this school after learning that minorities were admitted with far lower scores than you had earned on the medical board exam.

You believe that doctors must be highly skilled and dedicated people and that only the top applicants should be accepted to medical school. You think that competence and not color is the most important attribute of a doctor. You believe the 14th amendment guarantees everyone “equal protection under the law” and you don’t think you should be deprived of this protection because you happen to be white. You

see yourself as a victim of reverse discrimination.

### **Archibald Cox**

You are Archibald Cox, the former Solicitor General of the U.S. You represent the University of California in defending against Allan Bakke's attempt to end UC Davis's affirmative action program. You have taken the case because you believe affirmative action is a necessary method in the effort to make up for more than 300 years of racial preferences for whites, and you are keenly aware of the extent and pervasiveness of racial discrimination in the U.S. Specifically, you see five good reasons for the racial quotas for minority students:

- It will increase the number of minorities—particularly African Americans (at that time about one in 50 medical practitioners)—who become doctors.
- It will counter the effects of discrimination in society, which is partly responsible for the shortage of minority doctors in the first place.
- It will increase the number of doctors serving in minority communities.
- It will make for a more racially diverse student body at UC Davis.
- It will encourage other African Americans to work hard in school so they can become professionals, serve their communities, and act as role models for their children and neighbors.

You see no reason why colleges can't discriminate among qualified candidates on the basis of color. Schools for centuries have accepted applicants because they were sons or daughters of alumni, were from other parts of the country, attended prestigious private schools, or were good athletes or musicians. Why couldn't a school accept certain candidates to make sure there would be more minority doctors in the U.S.?

### **The Supreme Court**

You are a Supreme Court Justice who will be asked to make one of the most important civil rights decisions in 25 years. You are thoroughly acquainted with the law. You know that the 14th amendment guarantee of "equal protection" had for years been subverted by the *Plessy* decision of 1896 as "separate but equal." You also know in 1954 the *Brown v. Board of Education* decision had overturned the "separate but equal" doctrine. However, you are not so sure whether, to get beyond racism, it might first be necessary to take race into account.

Every Supreme Court decision sets a precedent that future court decisions and lawmakers must follow. Thus, in making your decision, you will have to decide whether:

- Bakke should be admitted to UC Davis, and the UC Davis affirmative action program be abolished so that race would no longer influence admission decisions,

**Or**

- Bakke should not be admitted to UC Davis, and the affirmative action program should remain,

**Or**

- Bakke should be admitted, but UC Davis and other educational institutions may continue to use race as one of many factors in a carefully tailored way in their admission policies.

## Epilogue: The Decision and Two Dissents

### The Bakke Decision: Justice Powell (for the majority of the Court)

Ethnic diversity...is only one element in a range of factors a university properly may consider in a goal of a heterogeneous student body.

The file of a particular black applicant may be examined for his potential contribution to diversity without the factor of race being decisive when compared, for example, with what an applicant identified as an Italian-American if the latter is thought to exhibit qualities more likely to promote beneficial educational pluralism.

This kind of program treats each applicant as an individual in the admissions process. The applicant who loses out on the last available seat to another candidate receiving a plus on the basis of ethnic background will not have been foreclosed from all consideration for that seat simply because he was not the right color or had the wrong surname...His qualifications would have been weighed fairly and competitively and he would have no basis to complain.

### Justices Burger, Rehnquist, Stewart, and Stevens (in dissent)

Race cannot be the basis for excluding anyone from participation in a federally funded program.

As succinctly phrased during the Senate debate, under Title VI (Of the Civil Rights Act of 1964) it is not “permissible to say ‘yes’ to one person, but to say, ‘no’ to another person, only because of the color of his skin.”

### Justice Marshall (concurring opinion)

I do not agree that the petitioner’s [UC Davis] admissions program violates the Constitution because...I do not believe that anyone can truly look into America’s past and still find that a remedy for the effects of the past is impermissible.

### What Happened to Allan Bakke?

After losing in the Supreme Court, Bakke refiled his suit in a California court. The court ruled that UC Davis failed to prove that Bakke would have been rejected even if UC Davis did not have an affirmative action program. He entered UC Davis in the fall of 1978, graduated in 1982 in the top 25 percent of his class, and became an anesthesiologist in Rochester, Minnesota.

## The *Bakke* Verdict Upheld

Twenty-five years after the *Bakke* decision, a similar case involved a white student, Barbara Bollinger, who claimed she had been denied admission to Michigan University's law school because of an affirmative action program at the university. The Supreme Court ruled that the U.S. Constitution "does not prohibit the law school's narrowly tailored use of race in admissions decisions to further a compelling interest in obtaining the educational benefits that flow from a diverse student body." In other words, achieving racial diversity is one consideration that allows a school to use race, ethnicity, or gender in deciding to admit one candidate for admission in preference over other qualified candidates.

**Take notes on the information in this section and prepare yourself for all of the following parts: *Bakke*, *Cox*, or Supreme Court justice.**