

A CIVIL RIGHTS MOSAIC

Introduction

We hope to present in this "mosaic" of the civil rights move- key issues and topics which dramatically delineate the current civil rights struggle. These topics are by no means inclusive, but they do represent focal points in a far-reaching and, what to many seems, a confusing social revolution. We have chosen these selections be- cause of their informational and controversial character. They are intended as guides to thought and action, as stimulants to vigorous discussion and as alarm clocks to the complacent.

The Constitutional Basis

A significant part of the civil rights drama has been played be- fore the Supreme Court. Much of the discussion revolves around the interpretation of the words, "equal protection of the laws," a phrase born with the Fourteenth Amendment. What follows is a brief con- stitutional history concerned with disputes over this pivotal amend- ment.

<u>Title</u>	<u>Date</u>	<u>Significance</u>
Civil Rights Cases	1883	The Court was called on to judge the Civil Rights Act of 1875. The Act was declared unconstitutional. State laws that were discriminatory could stand until so superseded. It is interesting to note that the Act of 1875 closely resembles the current Civil Rights bill before Congress today.
Plessy vs. Ferguson	1896	The Court held that a Louisiana statute <u>requiring</u> segregation on public carriers did not violate the 14th Amendment, so long as the facilities were "separate but equal."
Grovey vs. Townsend	1935	A resolution forbidding Negro participation adopted by the Texas Democratic party held to be a <u>private</u> action, and thus not within the jurisdiction of the equal protection clause.
Smith vs. Allwright	1944	The Court directly overruled <u>Grovey vs. Townsend</u> and held that the right to vote was guaranteed by the 15th Amendment, which applied to primaries as well as the general election.

<u>Title</u>	<u>Date</u>	<u>Significance</u>
Shelley vs. Kraemer	1948	The Court held that a state court action enforcing restrictive covenants in property deeds violated equal protection of the laws.
Terry vs. Adams	1953	The Court held invalid a Texas attempt to evade Smith vs. Allwright decision by accepting only candidates of a Jaybird party, a Democratic political organization that conducted an unofficial primary in which Negroes could not vote.
Brown vs. Board of Edu- cation	1954	The Court overruled Plessy vs. Ferguson and declared that separate facilities in public schools were inherently unequal.

We should remember that the current trend in civil rights decisions did not begin with the "Warren Court" but goes back into the 1940's. The 1954 school segregation decision was only the logical outcome of this trend.

### The South

Since most of these legal confrontations involve southern state action, we include the following passages, which suggest the character of the South.

Nevertheless, if it can be said there are many Souths, the fact remains there is also one South. That is to say it is easy to trace throughout the region...a fairly definite mental pattern, associated with a fairly definite social pattern--a complex of established relationships and habits of thought, sentiments, prejudices, standards and values and associations of ideas.

Proud, brave, honorable by its lights, courteous, personally generous, loyal, swift to act, often too swift...such was the South at its best. And such at its best it remains today, despite the great falling away in some of its virtues. Violence, intolerance, aversion and suspicion toward new ideas, an incapacity for analysis, an inclination to act from feeling rather than from thought, and exaggerated individualism and a too narrow concept of social responsibility, attachment to fiction and false values, above all too great attachment to racial values and a tendency to justify cruelty and injustice in the name of those values, sentimentality and a lack of realism---these have been its characteristic vices in the past. And, despite changes for the better, they remain its characteristic vices today.

(W.J. Cash, The Mind if the South, 1941)

The South has had its full share of illusions, fantasies and pretensions, and it has continued to cling to some of them with an

astonishing tenacity that defies explanation. But the illusion that "history is something unpleasant that happens to other people" is certainly not one of them--not in the face of accumulated evidence and memory to the contrary....For the inescapable facts of history were that the South had repeatedly met with frustration and failure.... It had learned to live for long decades in quite un-American poverty, and it had learned the equally un-American lesson of submission. For the South had undergone an experience that it could share with no other part of America--though it is shared by nearly all the peoples of Europe and Asia--the experience of military defeat, occupation and reconstruction.

(C. Vann Woodward, The Burden of Southern History, 1960)

The U.S. South was bypassed in the course of the nation's industrial development. It was not just that the South's cotton-tobacco-slave economy cut it off from the commercial and industrial advance of the rest of the nation or that it suffered directly from the Civil War and Reconstruction...there are "back-setting effects:" patterns of trade, migration, and the movement of capital within a country favor the rich and developing sections at the expense of the poor and underdeveloped sections.

(Scientific American, Technology and Economic Development, 1963)

#### The Negro Community

How has the Negro community reacted to the changes in the last decade? What has been its response to the social uprisings throughout the country?

The severest pang brought on by the Negro revolt stems from the cleavages that have developed within the Negro group; not the disaffection toward the established Negro leadership class...but the Negro institutions that served their time well but have now fallen into disfavor because they are inextricably tied to the status quo.

The Negro college, the Negro press, the Negro politician and the Negro church all have this flaw in common: they were born into a segregated world and set out to serve us with the view that our separate world would someday be equal. As a result, each of these, in a different way, has a stake in the status quo. And, needless to say, status quo is an anathema to most Negroes.

Louis Lomax, The Negro Revolt, 1962)

When the opportunity has been present, the black bourgeoisie has exploited the Negro masses as ruthlessly as have whites. As the intellectual leaders in the Negro community, they have never dared think beyond a narrow, opportunistic philosophy that provided a rationalization for their own advantages. Although the black bourgeoisie exercise considerable influence on the values of Negroes, they do not occupy a dignified position in the Negro community. The masses regard the black bourgeoisie as simply those who have been "lucky in getting money" which enables them to engage in conspicuous consumption. When this class pretends to represent the best manners or morals of the Negro, the masses regard such claims as hypocrisy.

The single factor that has dominated the mental outlook of the black bourgeoisie has been its obsession with the struggle for status. The struggle for status has expressed itself mainly in the emphasis upon "social" life or "society."

(E. Franklin Frazier, Black Bourgeoisie, 1957)