



*Can a Negro Study Law in Texas? (1946), by artist Charles White. In 1950, the U.S. Supreme Court ruled that a Negro could. The decision in Sweatt v. Painter was one of a long series of rulings by the high court, beginning in the late 1930s, that chipped away at the legal foundations of segregation.*

# Blacks in America

On June 29, 1964, the United States Congress passed a sweeping Civil Rights Act, climaxing a decade of rising protest against the racial segregation that the Supreme Court had sought to end in *Brown v. Board of Education*. Since then, amid much turmoil, the condition of black Americans and notions of civil rights have vastly changed. Black leaders, notably the Reverend Jesse Jackson, have moved from protest into mainstream politics. The federal courts have begun to confront the thorny issue of "color-conscious" remedies for racial discrimination. Meanwhile, across the nation, seven million black Americans now live in households earning more than the white median income, many of them in integrated suburbs. Left behind is a large urban "underclass," victims of growing family instability, economic shifts, and mediocre schooling. Our contributors assess black gains and setbacks, many of them unpublicized, since the 1964 act was passed.

## THE SECOND RECONSTRUCTION

*by Harvard Sitkoff*

"There comes a time," Lyndon Baines Johnson liked to say, quoting Cactus Jack Garner, "in poker and politics, when a man has to shove in all his stack."

For LBJ, the moment came on November 22, 1963. President Kennedy was dead. Few Americans knew what to make of his successor. To the press, the Texan was known as a wheeler-dealer with a cynical disdain for principle. He had stolen (it was rumored) his first election to the Senate. In Congress, he had frequently thwarted the aims of the Democratic Left. His dislike of the Kennedy family was plain. Now, as President, he needed to establish his legitimacy.

Less than 24 hours after taking the oath of office in Dallas aboard Air Force One, President Lyndon Johnson decided to "go for broke" on civil rights.

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On November 27, five days after JFK's assassination, Johnson told a joint session of Congress that "no memorial, oration, or eulogy could more eloquently honor President Kennedy's memory than the earliest passage of the civil-rights bill for which he fought." In the months that followed, Johnson steered through the House and Senate an omnibus civil-rights statute, a bill even stronger than the one that Kennedy had submitted in June of 1963. It was no easy task.

### **The Strength of an Idea**

In the Senate, a coalition of Southern Democrats and conservative Republicans had stood for decades as an impassable barrier to any significant civil-rights legislation. Led by Richard Russell (D.-Ga.), the Southerners mounted a filibuster to keep the bill from coming up for a vote. They counted on the civil-rights forces being unable, as they so often had been in the past, to muster the 67 votes needed to impose cloture. Winter turned to spring as Russell's stalwarts droned on and on. Finally, in May, after several "good long talks" at the White House, Senate minority leader Everett Dirksen (R.-Ill.) cast his lot with the President. With the help of Dirksen's moderate Republicans, cloture was invoked. The Senate approved Johnson's civil-rights bill, 73 to 27, on June 29.

It was the first major civil-rights legislation since the era of Reconstruction, and it represented the beginning of a belated effort by the executive and legislative branches of government to back up what the federal courts had been saying for more than a decade. Among other things, the Civil Rights Act of 1964 prohibited racial discrimination by employers and labor unions, and in most places of public accommodation; authorized the government to withhold money from public programs practicing discrimination; created an Equal Employment Opportunity Commission; and gave the attorney general power to file suits against school districts that maintained segregated facilities.

What it did *not* do, as opponents of civil-rights legislation had feared that it might, was require employers to hire workers on the basis of race to correct some sort of racial imbalance.

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"No army," Everett Dirksen had said when announcing his support of the civil-rights bill, "can withstand the strength of an idea whose time has come." Legal equality for blacks had been a long time coming. That it finally arrived was due in part to economic and demographic changes that had brought blacks north and into the Democratic Party. The Kennedy assassination provided moral impetus.

But most important of all was the disciplined, organized pressure—in the form of sit-ins, marches, and boycotts that frightened many whites, hurt others economically, and focused national attention on the Negro's plight—by blacks who had grown tired of waiting. "For years now I have heard the word 'Wait,'" the Rev. Martin Luther King, Jr., declared in 1963. "It rings in the ear of every Negro with piercing familiarity. This 'Wait' has always meant 'Never.'"

### Forging Alliances

During the final quarter of the 19th century, with the gains of Reconstruction beginning to recede, all three branches of the federal government had permitted the white South to reduce blacks to a state of peonage, to segregate them, and to disenfranchise them. Blacks did what they could to protest (or escape) the closed, rigid caste system that was the Southern way. Largely bereft of white allies, their successes were few.

For most blacks, life would not change until World War II. There were, nevertheless, a few glimmers of hope. Some stemmed from the mass migration of blacks to the urban North between 1910 and 1920. Few found the Promised Land, but most experienced some relief from the tenantry, poverty, and ignorance of the Black Belt. Northern blacks, moreover, could vote. Politically, the Negro began to command attention.

The New Deal gave blacks some economic assistance and considerable symbolic consolation, though Franklin Roosevelt made few concrete attempts to end de jure racial discrimination. Responding to the growth of the black vote in the North, and its pronounced shift away from the party of Lincoln after 1932, Roosevelt appointed more than 100 blacks to senior government posts and tripled the number of black federal employees. In the administration of relief programs, Roosevelt also made sure that blacks received a fair share of the pie, even in the segregated South. And the First Lady identified herself closely with civil-rights leaders and organizations. As *All in the Family's* Archie Bunker would later complain, "Eleanor Roosevelt discovered the colored. . . . We didn't know they were there."



*Louisville flood victims, 1937, by Margaret Bourke-White. New Deal relief efforts meant more to Negroes than to whites. Differences in income, literacy, and life expectancy narrowed during the Roosevelt era but remained wide.*

FDR's appointments to the Supreme Court (including Hugo Black, Felix Frankfurter, and William O. Douglas) also made a difference. The high court's favorable decisions in cases involving the exclusion of blacks from juries, the right to picket against racial discrimination in employment, disenfranchisement, discrimination in the pay of black teachers, and the admission of blacks to graduate education all helped make the Afro-American less a *freedman* and more a *free man*.

Inevitably, the rising expectations of American blacks began to exceed Washington's performance. The onset of World War II helped bring matters to a head. The ideological character of the struggle against fascism (and Nazi racism), along with the government's desperate need for men in both overalls and uniform, led many blacks to anticipate a better deal. The result, when this did not occur, was a new militancy in black communities.

In 1941, for example, A. Philip Randolph of the Brotherhood of Sleeping Car Porters threatened to mobilize an all-black march on Washington unless the President opened up jobs in defense industries to blacks. Roosevelt responded with Executive Order 8802, which created a Fair Employment Practices Commission and prohibited racial discrimination in companies and unions engaged in war-related work. This, combined with a

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wartime labor shortage, created jobs for two million blacks. Another 200,000 entered the federal civil service. The number of black union members doubled, to 1,250,000.

The war created the preconditions for a successful black crusade on behalf of racial justice. By war's end, many blacks in the North held decent blue-collar jobs. They were, as a group, more self-confident than ever before. Membership in the biracial National Association for the Advancement of Colored People (NAACP) had grown sevenfold (to 351,000) during the war years. Several strong alliances had been forged: with the liberal wing of the Democratic Party, for example, and with Big Labor. Meanwhile, the new prominence of the United States as a world power, and its claims to moral leadership in the Cold War, elevated the "race problem" into a national embarrassment.

Harry Truman became the first U.S. President to identify his office with the specific objectives of the civil-rights movement. He did so despite intense opposition from within his own party. The coalition of Southern Democrats (including freshman Sen. Lyndon B. Johnson of Texas) and conservative Republicans on Capitol Hill stymied Truman's efforts to create a permanent Fair Employment Practices Commission and killed his proposed anti-lynching and anti-poll tax laws. When the President endorsed the civil-rights plank written into the 1948 Democratic platform, Strom Thurmond (D.-S.C.) and other Southern delegates walked out of the convention and formed the splinter Dixiecrats, a split that nearly cost Truman the election.

#### **Assault on Jim Crow**

Truman rarely got his way in Congress on civil-rights issues, but he issued executive orders in 1948 ending segregation in the military and barring racial discrimination in federal employment and in work done under government contract. His Justice Department prepared *amicus curiae* briefs backing the positions taken by the NAACP as its lawyers argued major civil-rights cases before the Supreme Court. One such case, involving an eight-year-old in Topeka, Kansas, named Linda Brown—who had to travel a mile by bus to reach a black elementary school even though she lived only three blocks from a white elementary school—began its journey through the courts in 1951.

No issue in the immediate postwar years meant more to blacks than school desegregation, and the NAACP's Legal Defense and Education Fund, led by Thurgood Marshall, coordinated a series of lawsuits in several states charging that segregated education was discriminatory per se. Many blacks and liberal whites

## TURMOIL AND PROGRESS: 1940-1984

**1940** Census finds 12.9 million blacks in United States, 9.8 percent of population.

**1941** President Roosevelt establishes Fair Employment Practices Commission.

**1942** Congress of Racial Equality (CORE) founded by James Farmer.

**1943** Race riots in Detroit, Mobile, New York (Harlem), and other cities; Army Air Force deploys first of two all-black fighter squadrons in Europe.

**1946** President Truman creates Committee on Civil Rights.



*NAACP lawyers (Thurgood Marshall, center) outside Supreme Court, 1954*

**1947** Jackie Robinson breaks major league baseball color barrier, joining Brooklyn Dodgers.

**1948** After black threats to boycott revived Cold War draft, Truman ends segregation in armed forces; 35 Southern delegates reject civil-rights platform at Democratic presidential nominating convention, endorse Dixiecrat candidate Sen. Strom Thurmond (D-S.C.).

**1950** Supreme Court desegregates University of Texas law school; blacks fight in Korea in racially mixed units.

**1954** Supreme Court rules public school segregation unconstitutional; Southern White Citizens Councils formed in protest.

**1955** Montgomery bus boycott organized by Rev. Martin Luther King, Jr.

**1956** Southern Manifesto signed by 101 members of U.S. Congress.

**1957** Martin Luther King, Jr., organizes Southern Christian Leadership Conference; President Eisenhower dispatches 101st Airborne to Little Rock to enforce federal district court school desegregation order.



*Integrating Central High, Little Rock, 1957*

**1960** Wave of sit-ins begins after four black students are denied service at Greensboro lunch counter; Student Non-Violent Coordinating Committee formed.

**1961** President Kennedy creates Committee on Equal Employment Opportunity; CORE Freedom Rides through South provoke white violence.



*Martin Luther King, Jr., at massive March on Washington, 1963*

**1962** U.S. Marshals escort James Meredith to University of Mississippi to guarantee his court-ordered admission to the school; long-awaited JFK executive order forbids racial/religious discrimination in federally supported housing.

**1963** Sit-in protesting discrimination in Birmingham met by harsh white resistance; estimated 250,000 people at March on Washington; JFK assassinated (Nov. 22).

**1964** Congress passes Civil Rights Act; President Johnson signs Economic Opportunity Act creating Job Corps, Head Start, VISTA; LBJ issues executive order on affirmative action; Martin Luther King, Jr., receives Nobel Peace Prize.

*Lyndon Johnson declares war on poverty, 1964.*



**1965** Malcolm X assassinated (Feb. 21); Voting Rights Act passed; massive civil-rights march from Selma to Montgomery; rioting and looting in Watts, Los Angeles, leaves 34 dead, 1,032 injured.

**1966** Edward W. Brooke (R-Mass.) becomes first black elected to U.S. Senate since Reconstruction; Robert Weaver appointed U.S. Secretary of Housing and Urban Development, becoming first black cabinet member; looting and riots in Lansing, Omaha, Cleveland, and other cities.

**1967** Thurgood Marshall is first black named to Supreme Court; 14,000 army paratroopers, National Guardsmen, and state and city police required to control disturbances in Detroit.



*Antibusing protest, Boston, 1976*

**1968** Martin Luther King, Jr., assassinated in Memphis (April 4); rioting and looting ensue in Washington and 125 other U.S. cities, leaving 38 dead, 3,500 injured.

**1969** President Nixon's Labor Department initiates Philadelphia Plan.

**1971** Jesse Jackson founds Operation PUSH; Supreme Court upholds compulsory busing to achieve school desegregation.

**1973** Supreme Court rules potential jurors can be questioned to detect racial prejudice.

**1975** Violence in Louisville over first court-ordered cross-district school-busing program.

**1976** Some 1,800 blacks hold elective office in Southern states.

*Ronald Reagan signs King holiday bill, 1983.*



**1977** Representative Andrew E. Young (D-Ga.) becomes first black U.S. Ambassador to United Nations.

**1978** Supreme Court rules minority quota in medical-school admission policy unconstitutional.

**1980** Race riot in Miami leaves 16 dead.

**1981** President Reagan curbs spending for Comprehensive Employment and Training Act programs, Aid to Families with Dependent Children, food stamps, and other social welfare programs.

**1983** Supreme Court bans tax exemptions for schools with racial barriers; Rev. Jesse Jackson declares candidacy for Democratic presidential nomination; Congress approves a national holiday (third Monday in January) commemorating Martin Luther King, Jr.

**1984** Census reports 28 million blacks in U.S., 12 percent of U.S. population; in shift, U.S. Civil Rights Commission opposes race quotas in hiring.



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believed that a Supreme Court decision ruling "separate but equal" schooling unconstitutional would promptly spell the end of Jim Crow in every other area of life.

On May 17, 1954, in the case of *Oliver Brown et al. v. Board of Education of Topeka*, the Supreme Court, headed by former California Governor Earl Warren, ruled that separate educational facilities "are inherently unequal" and deprived blacks of the equal protection of the laws guaranteed under the Fourteenth Amendment. The landmark decision was greeted with hosannas by black leaders and hoots by Southern politicians. Sen. James Eastland (D.-Miss.) asserted that the South would neither "abide by nor obey this legislative decision by a political court."

Eastland was right, at least for a while.

For a decade after 1954, despite the Supreme Court's decision in *Brown* and its subsequent rulings against other forms of segregation, virtually nothing of consequence changed in the South. In 1960, fewer than one percent of Southern black children attended school with white children.

### 'Massive Resistance'

Part of the blame lay with the Supreme Court. A year after *Brown*, the court issued its so-called *Brown II* decision, rejecting the NAACP's plea to order instant and total school desegregation and adopting instead a "go slow" approach. The Court assigned responsibility for drawing up desegregation plans to (white) local school authorities, requiring only that desegregation proceed with "all deliberate speed," a tempo otherwise undefined.

For his part, President Dwight D. Eisenhower was not disposed to press the matter. He did not like the *Brown* ruling. He stated flatly once that "I do not believe you can change the hearts of men with laws or decisions." No bigot, but blind to the importance of ending racial injustice, Eisenhower had no intention of enforcing compliance with the high court's ruling in the South. He was under no pressure from Congress to do so.

Not surprisingly, Washington's indifference emboldened white supremacists in the South, who pursued a campaign of "massive resistance" to desegregation. State governors felt free to defy the President himself, as Orval Faubus demonstrated at Little Rock, Arkansas, in 1957. When Eisenhower intervened on that occasion with U.S. troops, it was less to ensure that nine black students safely took their seats in Central High School than to uphold the law and assert his authority as chief executive.

Eisenhower's failure to use his office as a "bully pulpit" to persuade whites that racial discrimination ran counter to both

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law and morality was a lost opportunity. The costs would be high. Denied the fruits of the victories that they had won in court, and without support in Washington, blacks now looked to new tactics, organizations, and leaders. A battle that had been waged indoors, before the bench, now burst into the streets.

It began in Montgomery, Alabama, when Mrs. Rosa Parks, a black woman, said No to a bus driver on December 1, 1955. Her refusal to give up her seat to a white man on a crowded bus, and her subsequent arrest, sparked a bus boycott that would unite the city's 50,000 blacks and demonstrate the effectiveness of nonviolent mass protest. Led by 26-year-old Rev. Martin Luther King, Jr., pastor of the Dexter Avenue Baptist Church, 90 percent of Montgomery's blacks shunned the Montgomery City Line beginning on Monday, December 5. Despite lawsuits, arrests, and bombings, they stayed off the buses for 381 days until vindicated by the Supreme Court.

The bus boycott won sympathetic coverage in the Northern news media. Blacks across the country took heart. More important, blacks now had a charismatic leader in the person of Martin Luther King, Jr. Not only had he fused the precepts of Christ, Gandhi, and Jefferson into a moral demand for racial justice; he had also displayed, in the course of a trying and dangerous year, a genius for organization. Eventually united in King's Southern Christian Leadership Conference, black ministers became a key element in the civil-rights struggle. (Today, 25 black Protestant denominations claim 17 million members; their churches remain local bulwarks of black social and political life.)

### **A Stroke of the Pen**

Stirred by the example of Montgomery, black student activists began employing the "sit-in" at local restaurants throughout the South to demand the right to equal service. By the end of 1960, despite thousands of arrests, sit-ins had accomplished their purpose in 140 Southern towns and cities, and blacks were busily conducting wade-ins at beaches, kneel-ins at churches, sleep-ins at motels, and read-ins at public libraries. In 1961, the Congress of Racial Equality (CORE) stepped up its Freedom Ride campaign. To prod the White House, and its new occupant, John F. Kennedy, into enforcing Supreme Court desegregation orders, interracial groups of CORE members in May began boarding Greyhound and Trailways buses in Washington, D.C., and riding into the deep South.

The momentum of protest placed the new administration in a difficult position. As a senator, John F. Kennedy had seldom

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raised his voice in support of racial justice. But needing the black vote (and the white liberal vote) to win the Presidency in 1960, he campaigned as a champion of racial equality. However, his narrow margin of victory—roughly 100,000 votes—gave him little room to maneuver. On the Hill, he faced the same coalition of Southern Democrats and conservative Republicans that had thwarted Harry Truman.

For most of his thousand days in the White House, Kennedy expediently balanced the conflicting claims of white and black, North and South, conservative and liberal. He appointed more blacks to high federal office than any previous president but deferred to James Eastland, chairman of the Senate Judiciary Committee, on the appointment of several outright segregationists to the federal bench. He intervened to desegregate the University of Mississippi when a crisis forced his hand but did little to push integration in the public schools of the old Confederacy. He procrastinated for two years before fulfilling his campaign pledge to end discrimination in federally financed housing with “a stroke of the presidential pen.”

### **On to Black Power**

Unless the pressure became unbearable and relentless, Kennedy would not, or could not, act. Civil-rights leaders, tired once more of waiting—and worried, too, that lack of progress would strengthen the growing radical fringe of the movement—launched a new series of mass protests in April 1963.

The confrontation that King and his aides had plotted for Birmingham worked to perfection. Birmingham was more than just unyielding on segregation. It was, for Negroes, a dangerous city. Blacks called it “Bombingham” for the 18 racial bombings and more than 50 cross-burning incidents that had occurred there since 1957. Leading the vanguard of the last-ditch defenders of segregation was police commissioner Eugene (“Bull”) Connor. King counted on Connor’s vicious response to peaceful black demonstrations to awaken both the nation and the President.

He was not disappointed. The vivid, televised scenes of police dogs lunging at peaceful protestors, of surging nightsticks and electric cattle-prods, of high-pressure water-hoses ripping the clothes off black women, of thousands of hymn-singing children being hauled off to jail—all of this aroused the conscience of millions of Americans. It went on for two months.

“The sound of the explosion in Birmingham,” King observed, “reached all the way to Washington.” In June, when Alabama Governor George Wallace sought to bar two black

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students from enrolling in the University of Alabama, the President decided that the time had come.

In an address to the nation on June 11, Kennedy asserted his leadership on what he called "a moral issue . . . as old as the Scriptures and . . . as clear as the American Constitution." He backed up his words with a deed, urging Congress to enact the most comprehensive civil-rights law in U.S. history. That August, some 250,000 Americans participated in the March on Washington, massing before the Lincoln Memorial to show their support for the legislation that Kennedy had sent to the Hill.

Yet, in the three months remaining to him, Kennedy had little more to say on civil rights, perhaps heeding opinion polls which indicated that white Americans thought he was moving too fast on integration. Congress took no action on the civil-rights bill. President Kennedy traveled to Dallas in November, apparently content to let future events create the sense of urgency necessary to vanquish the Southern foes of equal rights in Congress. Ironically, his assassination did just that.

A year after the Civil Rights Act of 1964 was signed into law, in the wake of renewed black protest demonstrations, this time in Selma, Congress passed a Voting Rights Act that President Johnson declared would "strike away the last major shackle" of the Negro's "ancient bonds." The act prohibited literacy tests and other devices long employed to deter black voters in the South. It authorized federal examiners to register qualified black voters directly. Within four years, the number of Southern blacks registered to vote would grow from one million to 3.1 million. The lock on the ballot box was broken.

But so, in some respects, was the civil-rights movement. The summer of 1965 brought an escalation of the war in Vietnam and a bloody race riot in Watts, Los Angeles. The Watts riot inaugurated a succession of "long hot summers" for a troubled nation and spelled the end of the era of nonviolence. Within a year, the civil-rights movement was hopelessly divided over strategy and tactics, over Black Power and black separatism. A resentful Lyndon Johnson, who believed himself betrayed by those he had sought to help, devoted only 45 words to civil rights in his 1967 State of the Union address. The Second Reconstruction had set much in motion, but it was over.

