

The Struggles for Equality: Civil Rights, Racism, Poverty, and Immigration

Chapter 11

Learning Objectives

- After reading this chapter, you will be able to:
 - 11.1 Discuss the promise of equality as embodied in the ideals of the Enlightenment.
 - 11.2 Discuss Martin Luther King's philosophy of nonviolence in fighting for equality.
 - 11.3 Analyze the utilitarian argument for equality.
 - 11.4 Articulate the moral arguments behind one's duty to help the less fortunate as proposed by Peter Singer.

The Enlightenment

- The late 18th century witnessed the climax and the political embodiment of the ideals of the Age of Enlightenment as the American Revolution and the French Revolution brought back an idea that had remained dormant since ancient Greece: **democracy**.
- In France, the 1789 Declaration of the Rights of Man declared that "all men are born and remain free and equal in rights."

Freedom and the rights of humanity

- Prior to that, in 1776, 33-year-old Thomas Jefferson with the help of Benjamin Franklin and James Madison wrote the Declaration of Independence which contains what is perhaps the most sweeping and promising statement of human rights the world has seen:
"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed" (Declaration of Independence, In Congress, July 4, 1776).

Martin Luther King Jr.

- A man of action, a man of peace, and a man of God. Martin Luther King was born in Atlanta on January 15, 1929, the son of Martin Luther King, Sr., and Alberta Williams King. He attended Morehouse College in Atlanta as an undergraduate and later Boston University for his doctorate in theology. He became head of the Southern Christian Leadership Conference (SCLC) and, also, like his father, he served as pastor to the Ebenezer Baptist Church in Atlanta.

King's views

- The moral philosophy King developed, usually drenched in the considerable rhetorical powers of his Baptist preacher's armor, was a quest for "civil rights and social justice," as the Nobel Prize committee cited, "that all the inhabitants of the United States would be judged by their personal qualities and not by the color of their skins."
- His quest was a relentless, nonviolent fight against the evils of racism, poverty, and militarism. His fight against racism continues to inspire the struggles to eliminate all prejudice, such as **anti-Semitism** and **Islamophobia**, **homophobia**, **mysogyny**, prejudice against the disabled, and any other form of institutionalized bigotry that keeps people from being all that they can be.
"Racism is a philosophy based on a contempt for life," King said, "It separates not only bodies, but minds and spirits."

The Utilitarian Argument for Equality

- It is worth noting that today's multicultural and multiracial classroom—very likely including your ethics class—was illegal in much of the United States until the **Civil Rights Act of 1964**. In 1963, Alabama Governor George Wallace, Jr., was intent on stopping the racial integration of the University of Alabama, famously declaring that "In the name of the greatest people that have ever trod this earth, I draw the line in the dust and toss the gauntlet before the feet of tyranny, and I say segregation now, segregation tomorrow, segregation forever." The tyranny in question was the federal government's mandatory racial integration of the university. Four brave young African-Americans, in fact, succeeded in enrolling, with historic results.

Implications of Utilitarian considerations

- That utilitarian argument also has been influential, with repercussions for virtually every human rights struggle in the 20th and 21st centuries. The rights of women to take part in combat in the U.S. Army, a recent fight, did not take away any rights from male soldiers; it only meant that women also could have that career choice. Marriage equality does not take away the rights of same-race couples or straight couples; it only means that interracial couples and same-sex couples also have those same rights. "But that's not natural," an objection voiced initially in all these recent examples, is a Natural Law argument easily dismissed. "Not liking those people" is an expression of someone's feelings and is, therefore, always true. But, also, it is not an argument.

U.S. President Lyndon B. Johnson

- "You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, 'you are free to compete with all the others,' and still justly believe that you have been completely fair."

Types of Affirmative Action

- Weak Affirmative Action
- Strong Affirmative Action

Weak Affirmative Action

- Weak Affirmative Action
 - If two candidates are "equally" qualified, then a position should go to the minority.
- Can two people be quantifiable equal?
- What does it mean to say this?
- Must there be an objective standard to measure this?

Strong Affirmative Action

- Strong Affirmative Action- A less "qualified" minority is hired or accepted over a more "qualified" majority.
- Also Known As:
 - (Quota, Reverse Discrimination, Preferential Hiring)

Measuring people

- Can two people be unequal in a quantifiable way?
- What does it mean to say this?
- Must there be an objective standard to measure this?
- What would such a measuring instrument look like?

Fire School

- The fire fighters have an "objective" test that measure your time while completing a number of objectives in a controlled setting.
 - Is it fair? Is it objective?

Discrimination

- Biased against or treating persons with disrespect or violating basic rights of individuals.
 - Racial discrimination
 - Sexual discrimination
 - Ethnic discrimination

History of Slavery in America

- **1619** The first African slaves arrive in Virginia.
- **1787** Slavery is made illegal in the Northwest Territory. The U.S Constitution states that Congress may not ban the slave trade until 1808.

1787 US Constitution

- Article 1, (For census purposes)
 - Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other Persons.

$\frac{3}{5}$ th of a person

- The United States Constitution:
 - "...Excluding Indians not taxed, three fifths of all other Persons."
 - Indians were not counted at all and slaves were counted as $\frac{3}{5}$ th of a person.

History continued (2)

- **1793** Eli Whitney's invention of the cotton gin greatly increases the demand for slave labor.
- **1793** A federal fugitive slave law is enacted, providing for the return slaves who had escaped and crossed state lines.

History continued (3)

- **1800** Gabriel Prosser, an enslaved African American blacksmith, organizes a slave revolt intending to march on Richmond, Virginia. The conspiracy is uncovered, and Prosser and a number of the rebels are hanged. Virginia's slave laws are consequently tightened.
- **1808** Congress bans the importation of slaves from Africa.
- **1820** The Missouri Compromise bans slavery north of the southern boundary of Missouri.

History continued (4)

- **1822** Denmark Vesey, an enslaved African American carpenter who had purchased his freedom, plans a slave revolt with the intent to lay siege on Charleston, South Carolina. The plot is discovered, and Vesey and 34 coconspirators are hanged.
- **1831** Nat Turner an enslaved African American preacher, leads the most significant slave uprising in American history. He and his band of followers launch a short, bloody, rebellion in Southampton County, Virginia. The militia quells the rebellion, and Turner is eventually hanged. As a consequence, Virginia institutes much stricter slave laws.

History continued (5)

- **1854** Congress passes the Kansas-Nebraska Act establishing the territories of Kansas and Nebraska. This legislation repeals the Missouri Compromise of 1820 and renews tensions between anti- and proslavery factions.
- **1857** The Dred Scott case holds that Congress does not have the right to ban slavery in states and, furthermore, that slaves are not citizens.

Dred Scott Case

- **Dred Scott Case**, argued before the U.S. Supreme Court in 1856–57.
 - In 1834, Dred Scott, a black slave, personal servant to Dr. John Emerson, a U.S. army surgeon, was taken by his master from Missouri, a slave state, to the Wisconsin Territory, where slavery was prohibited by the Missouri Compromise.
 - He then returned to Missouri in 1838.

A slave in a Free State is Free?

- After Emerson's death, Scott sued (1846) Emerson's widow for freedom for himself and his family (he had two children) on the ground that residence in a free state and, then, in a free territory had ended his bondage.

Slaves aren't Citizens

- They decided in the case of *Scott v. Sanford* that Congress had no power to prohibit slavery in the territories.
- Chief Justice Roger B. Taney delivered the court's opinion that the Missouri Compromise was unconstitutional.
- The Court held that a black "whose ancestors were ... sold as slaves" was not entitled to the rights of a federal citizen and therefore had no standing in court.

History continued (6)

- **1861** The Confederacy is founded when the South secedes, and the Civil War begins.
- **1863** President Lincoln issues the Emancipation Proclamation, declaring "that all persons held as slaves" within the Confederate state "are, and henceforward shall be free."

History continued (7)

- **1865** The Civil War ends.
- Lincoln is assassinated.
- The Thirteenth Amendment abolishes slavery throughout the United States.
- On June 19 slavery in the United States effectively ended when 250,000 slaves in Texas finally received the news that the Civil War had ended two months earlier.

History continued (8)

- After the Civil War anyone who had fought against the Union was barred from running for Federal office.
- In 1870, Hiram Revels of Mississippi became the first African American senator.

First African American Congressman

- On February 25, 1870, Hiram Rhoades Revels, a Republican from Mississippi, became the first African American to be sworn in to the U.S. Congress.
- He was elected by the Mississippi legislature to fill the seat in the U.S. Senate that was once held by Jefferson Davis, who, at one time, was the president of the Confederacy.

Plessy v. Ferguson

- **Plessy v. Ferguson**, case decided by the U.S. Supreme Court in 1896. The court upheld an 1890 Louisiana statute mandating racially segregated but equal railroad carriages, ruling that the equal protection clause of the Fourteenth amendment to the U.S. Constitution dealt with political and not social equality. The case arose from resentment among black and Creole residents of New Orleans and was supported by the railroad companies, who felt it unnecessary to pay the cost of separate cars.

Separate but Equal

- Justice Henry Billings Brown wrote the majority opinion, stating that "separate but equal" laws did not imply the inferiority of one race to another.
- Justice John Harlan (1833–1911) dissented, arguing that the U.S. Constitution was color-blind. The decision provided constitutional sanction for the adoption throughout the South of a comprehensive series of Jim Crow laws, which were maintained until overruled in 1954.

Jim Crow laws

- Jim Crow laws**, statutes enacted by Southern states and municipalities, beginning in the 1880s, that legalized segregation between blacks and whites.
 - The name is believed to be derived from a character in a popular minstrel song.
- The Supreme Court ruling in 1896 in *Plessy v. Ferguson* that separate facilities for whites and blacks were constitutional encouraged the passage of discriminatory laws that wiped out the gains made by blacks during Reconstruction.

Separated

- Railways and streetcars, public waiting rooms, restrooms, restaurants, boardinghouses, theaters, public parks and beaches were segregated; separate schools, hospitals, and other public institutions, generally of inferior quality, were designated for blacks.
- By World War I, even places of employment were segregated.

Brown v. Board of Education of Topeka, Kansas

- **Brown v. Board of Education of Topeka, Kansas**, case decided by the U.S. Supreme Court in 1954.
 - Linda Brown was denied admission to her local elementary school in Topeka because she was black. When, combined with several other cases, her suit reached the Supreme Court.

Desegregation

- Chief Justice Earl Warren, broke with long tradition and unanimously overruled the "separate but equal" doctrine of Plessy v. Ferguson, holding for the first time that segregation in the public schools violated the principle of equal protection under the law guaranteed by the Fourteenth Amendment to the U.S. Constitution.

Desegregation

- Responding to legal and sociological arguments presented by NAACP lawyers led by Thurgood Marshall, the court stressed that the "badge of inferiority" stamped on minority children by segregation hindered their full development no matter how "equal" physical facilities might be. After hearing further arguments on implementation, the court declared in 1955 that schools must be desegregated "with all deliberate speed."

Civil Rights Movement

- The Brown decision gave tremendous impetus to the civil-rights movement of the 1950s and 1960s and hastened integration in public facilities and accommodations.

Little Rock Nine

- The Little Rock Nine, as they later came to be called, were the first black teenagers to attend all-white Central High School in Little Rock, Arkansas, in 1957.
- These remarkable students challenged segregation in the deep South and won.

Gov. says No

- The Little Rock Nine were determined to attend the school and receive the same education offered to white students.
- On the first day of school, the governor of Arkansas ordered the state's National Guard to block the black students from entering the school

President says Yes

- President Eisenhower had to send in federal troops to protect the students.
- Every morning on their way to school angry crowds of whites taunted and insulted the Little Rock Nine—they even received death threats.
- One of the students, fifteen-year-old Elizabeth Eckford, said "I tried to see a friendly face somewhere in the mob. . . . I looked into the face of an old woman, and it seemed a kind face, but when I looked at her again, she spat at me."

Rosa Parks

- On December 1, 1955, in Montgomery, Alabama, Rosa Parks, a black seamstress, left work and boarded a bus for home.
- As the bus became crowded, the bus driver ordered Parks to give up her seat to a white passenger.
- Montgomery's buses were segregated, with the seats in the front reserved for "whites only."

Seats for Whites Only

- Blacks had to sit at the back of the bus. But if the bus was crowded and all the "whites only" seats were filled, black people were expected to give up their seats—a black person sitting while a white person stood would never be tolerated in the racist South.

Arrested

- "I felt I had a right to stay where I was," she said.
- "I wanted this particular driver to know that we were being treated unfairly as individuals and as a people."
- The bus driver had her arrested.

Civil Rights Act of 1964

- Civil Rights Act of 1964; it prohibited discrimination for reason of color, race, religion, or national origin in places of public accommodation covered by interstate commerce, i.e., restaurants, hotels, motels, and theaters. Besides dealing with the desegregation of public schools, the act, in Title VII, forbade discrimination in employment. Title VII also prohibited discrimination on the basis of sex.
- 1965 the Voting Rights Act placed federal observers at polls to ensure equal voting rights.

Other Laws

- The Civil Rights Act of 1968 dealt with housing and real estate discrimination. In addition to congressional action on civil rights, there has been action by other branches of the government.
- The most notable of these were the Supreme Court decisions in 1954 and 1955 declaring racial segregation in public schools unconstitutional and the court's rulings in 1955 banning segregation in publicly financed parks, playgrounds, and golf courses.

Race, Sex...

- In the 1960s women began to organize around the issue of their civil rights. The federal Equal Pay Act was passed in 1963, and by the early 1970s over 40 states had passed equal pay laws. In 1972 the Senate passed an Equal Rights Amendment (ERA) intended to prohibit all discrimination based on sex, but after failing to win ratification in a sufficient number of states, the ERA was abandoned.

Sexism

- Historically women had been denied basic rights in the USA as well.
- Women were not entitled to vote until 1919 when the congress of the United States ratified the 19th Amendment to the Constitution.

Sexual Orientation, Disabilities

- Since the 1970s a number of gay-rights groups have worked, mainly on the local and state levels, for legislation that prevents discrimination in housing and employment.
- In a further extension of civil-rights protection, the Americans with Disabilities Act (1990) barred discrimination against disabled persons in employment and provided for improved access to public facilities.

Today

- Segregation maintained by more subtle and intractable forces, however, has remained an important element in American society.
- De facto school segregation, caused by residential housing patterns and various other conditions rather than by law, has been attacked by the busing of students and other mechanisms.

Neil French: Executive and Caveman

- WPP Creative Chief Neil French
- In 2005 he was asked at an event why there are not more women creative directors in the advertising industry?

"Because they are crap!"

- "Because they are crap!" He then went on to say that women are "slacker-breeder" who don't work as long or as hard as men and who, given the chance would rather go home and "suckle something."

What he meant to say...

- So you didn't use the word "crap," then, in reference to women?
 - "Oh, of course, I did, yes. But I didn't say all female creative directors are crap. If you can't commit yourself to any job then, by definition, you're crap at it.
 - If you can't commit 100 percent to your job, don't pretend you can. Nobody deserves a job unless they can commit to it."

Laura Purdy

- In her essay, "Why do we need Affirmative Action?" She gives 3 arguments in favor of Affirmative Action.
 1. It appropriately compensates groups for past discrimination.
 2. It counteracts current discrimination.
 3. It secures and promotes equality.

Confusing Debate

- She argues that we need affirmative action because society is still biased.
- She admits that "coming up with a just affirmative action policy will require a more comprehensive understanding of social issues than is yet evidenced in much of the debate."

Individual Candidate Method

- A minority candidate sues because he is not given a job because of discrimination.
- This shifts the burden of proof upon the candidate, from the employer or school.
- She argues that this makes the method difficult to enforce and that the method should be abandoned in favor of affirmative action.

Backwards

- Backwards looking arguments justify affirmative action on the basis that past injustice and discrimination of minorities justify programs that attempt to assist them.

Forward

- Forward looking: minorities are less advantaged now, as such they deserve special treatment and programs to help them gain affluence.

Why Use Race?

- Why not help everyone that is poor? Why restrict it to race?

Justice Powell

- In the Majority Opinion of *Regents of the University of California v. Bakke* he considered the constitutionality of a quota system for admission to medical school.

History of Admission

- The Medical School at UC Davis opened in 1968 with 50 students. In 1971 the class size was increased to 100. Of those 100 students there were 3 minorities.
- By 1973 the college had made a special admission program with lower standards for minorities. 16 spots were reserved for minorities. Minorities could still earn a spot in the regular admission process.

1971- 1974

- Between the years of 1971 thru 1974 the "special" program allowed for the admission of 63 minority students. Although "disadvantaged" white students applied to the program, none received admission.
- Over the same period of time 44 minority students were accepted via regular admission.

Allan Bakke

- Applied to the school in 1973 and 1974. In both years he was rejected. In both years he was more "qualified" than the majority of minority candidates.
- He applied late in 1973 and did not get in. In the interim he wrote to the college to complain about not getting in. In 1974 he was interviewed by the person he complained to and, did not get in either!

1973 Comparison

	GPA	MCAT Verbal	MCAT Quant.	MCAT science	MCAT Gen.
Bakke	3.46	96	94	97	72
Average Of Reg.	3.51	81	76	83	69
Average Of Special	2.88	46	24	35	33

1974 Comparison

	GPA	MCAT Verbal	MCAT Quant.	MCAT science	MCAT Gen.
Bakke	3.46	96	94	97	72
Average Of Reg.	3.29	69	67	82	72
Average Of Special	2.62	34	30	37	18

Race cannot be the only factor

- "Preferring members of any one group for no reason other than race or ethnic origin is discrimination for its own sake. This the Constitution forbids."
- The State certainly has a legitimate and substantial interest in ameliorating or eliminating where feasible the disabling effects of discrimination."

Diversity

- Diversity make college and learning better.
 - "The atmosphere of "speculation, experiment and creation" –so essential to the quality of higher education- is widely believed to be promoted by a diverse student body."
 - "Ethnic diversity is only one element in a range of factors a university may consider in attaining a heterogeneous student body."

Justice Scalia

- In an essay entitled, "The Disease as a Cure", written when he was teaching law, before he was a Supreme Court Justice, he argues that Affirmative Action only serves to promote and perpetuate inequality.

What is Diversity?

- "We will expose impressionable youngsters to a great diversity of peoples. We want them to work and play with pianist, maybe flute players. We want people from the country, people from the city. We want bespectacled chess champions and football players. And, oh yes, we may want some racial minorities too!"

A Trivialization

- Scalia argues that this is a trivialization of the Constitution and of the problem.
 - If there is special admission, is there also special retention and special graduation?
 - Do we need special brain surgeons or only ones that can actually do the job?
