Primary Documents for Reference- Yes! But… Evolution of Civil Rights

*These Primary sources are being used as excerpts. Use of these sources beyond the excerpt is encouraged. Included are also Photos, Political Cartoons, News Paper Clips, and Commentary on the era.*

1. ***Dred Scott v. Sandford***

Opinion of Supreme Court in the Dred Scott Case:

“A free negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a "citizen" within the meaning of the Constitution of the United States…

 When the Constitution was adopted, they were not regarded in any of the States as members of the community which constituted the State, and were not numbered among its "people or citizens." Consequently, the special rights and immunities guarantied to citizens do not apply to them. And not being "citizens" within the meaning of the Constitution, they are not entitled to sue in that character in a court of the United States, and the Circuit Court has not jurisdiction in such a suit…

1. **Thirteenth Amendment**

Section 1

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2

Congress shall have power to enforce this article by appropriate legislation.

[U.S. Constitution - Thirteenth Amendment | Resources | Constitution Annotated | Congress.gov | Library of Congress](https://constitution.congress.gov/constitution/amendment-13/#:~:text=The%20original%20text%20of%20the%20Thirteenth%20Amendment,of%20the%20Constitution%20of%20the%20United%20States.)

1. **Civil Rights Act of 1866**

Excerpt from the CRA (1866):

Be it enacted . . . , That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

Sec. 2. And be it further enacted, That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

Sec. 3. And be it further enacted, That the district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offences committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section of this act….

[Civil Rights Act of 1866, “An Act to protect all Persons in the United States in their Civil Rights, and furnish the Means of their Vindication” | Constitution Center](https://constitutioncenter.org/the-constitution/historic-document-library/detail/civil-rights-act-of-1866-april-9-1866-an-act-to-protect-all-persons-in-the-united-states-in-their-civil-rights-and-furnish-the-means-of-their-vindication)

1. **Fourteenth Amendment**

Section 1

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

[U.S. Constitution - Thirteenth Amendment | Resources | Constitution Annotated | Congress.gov | Library of Congress](https://constitution.congress.gov/constitution/amendment-13/#:~:text=The%20original%20text%20of%20the%20Thirteenth%20Amendment,of%20the%20Constitution%20of%20the%20United%20States.)

1. **Fifteenth Amendment**

Section 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

[U.S. Constitution - Fifteenth Amendment | Resources | Constitution Annotated | Congress.gov | Library of Congress](https://constitution.congress.gov/constitution/amendment-15/#amendment-15-section-1)

1. **Civil Rights Act of 1875**

Excerpt from the CRA (1875):

Whereas, it is essential to just government we recognize the equality of all men before the law, and hold that it is the duty of government in its dealings with the people to mete out equal and exact justice to all, of whatever nativity, race, color, or persuasion, religious or political; and it being the appropriate object of legislation to enact great fundamental principles into law: Therefore, Be it enacted…That all persons within the jurisdiction of the United States shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theaters, and other places of public amusement; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.

[Civil Rights Act of 1875, “An Act to Protect All Citizens in Their Civil and Legal Rights" | Constitution Center](https://constitutioncenter.org/the-constitution/historic-document-library/detail/civil-rights-act-of-1875-march-1-1875-an-act-to-protect-all-citizens-in-their-civil-and-legal-rights)

1. ***Plessy v. Ferguson***

 Majority opinion: Justice Henry Billings Brown

“The object of the [Fourteenth] amendment was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either.  Laws permitting, and even requiring, their separation in places where they are liable to be brought into contact do not necessarily imply the inferiority of either race to the other, and have been generally, if not universally, recognized as within the competency of the state legislatures in the exercise of their police power.”

 Dissenting Opinion: Justice John Marshall Harlan

”In my opinion, the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott Case*.  It was adjudged in that case that the descendants of Africans who were imported into this country and sold as slaves were not included nor intended to be included under the word ‘citizens’ in the Constitution, and could not claim any of the rights and privileges which that instrument provided for and secured to citizens of the United States; that, at the time of the adoption of the Constitution, they were ‘considered as a subordinate and inferior class of beings, who had been subjugated by the dominant race, and, whether emancipated or not, yet remained subject to their authority, and had no rights or privileges but such as those who held the power and the government might choose to grant them.’”

[Plessy v. Ferguson | Constitution Center](https://constitutioncenter.org/the-constitution/supreme-court-case-library/plessy-v-ferguson)

1. ***Brown v. Board of Education***

Majority Opinion: Chief Justice Earl Warren

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

[Brown v. Board of Education of Topeka | Constitution Center](https://constitutioncenter.org/the-constitution/supreme-court-case-library/brown-v-board-of-education)

1. **Civil Rights Act of 1965**

The act outlawed segregation in businesses such as theaters, restaurants, and hotels. It banned discriminatory practices in employment and ended segregation in public places such as swimming pools, libraries, and public schools.

“TITLE II--INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) any establishment (A)(i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.”

[Civil Rights Act (1964) | National Archives](https://www.archives.gov/milestone-documents/civil-rights-act)

1. **Voting Rights Act 1965**

AN ACT To enforce the fifteenth amendment to the Constitution of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965."

SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: Provided, That the court need not authorize the appointment of examiners if any incidents of denial or abridgement of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

[Voting Rights Act (1965) | National Archives](https://www.archives.gov/milestone-documents/voting-rights-act)

11. **Executive Order 11246 (Lyndon B. Johnson)**

An excerpt from the executive order follows (Part II, Subpart B, Sec. 202(1)):

The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

**Additional Sources:**

**Emmet Till:**

<https://www.emmetttillproject.com/archives>

**Abolitionist Movement (Fredrick Douglass)**

<https://dp.la/primary-source-sets/frederick-douglass-and-abraham-lincoln/sources/95>

**Jim Crow Era:**

[Racial Violence and the Red Summer | National Archives](https://www.archives.gov/research/african-americans/wwi/red-summer)

[Jim Crow and Segregation | Classroom Materials at the Library of Congress | Library of Congress (loc.gov)](https://www.loc.gov/classroom-materials/jim-crow-segregation/)

[Timeline – On The Books (unc.edu)](https://onthebooks.lib.unc.edu/teach/historical-events/) (Excellent Source to focus students to the timeline aspect of the assignment.

**Civil Rights Movement**

<https://www.loc.gov/classroom-materials/united-states-history-primary-source-timeline/post-war-united-states-1945-1968/civil-rights-movement/>

[Civil Rights Era (1950–1963) - The Civil Rights Act of 1964: A Long Struggle for Freedom | Exhibitions - Library of Congress (loc.gov)](https://www.loc.gov/exhibits/civil-rights-act/civil-rights-era.html)

[Classroom Materials at the Library of Congress | The Library of Congress (loc.gov)](https://www.loc.gov/classroom-materials/?fa=partof_type:primary+source+set%7Csubject_topic:african+american+history) (Primary Source Sets to use at your discretion)

[Greensboro Sit-In (northcarolinahistory.org)](https://northcarolinahistory.org/encyclopedia/greensboro-sit-in/)

[We Were Prepared to Die: Freedom Riders (civilrightsmuseum.org)](https://www.civilrightsmuseum.org/news/posts/unsung-freedom-riders)

**Civil Rights in Sports:**

[Martin Luther King Jr., and the Black Athlete Protest Tradition (civilrightsmuseum.org)](https://www.civilrightsmuseum.org/50-voices-for-50-years/posts/martin-luther-king-jr-and-the-black-athlete-protest-tradition)

[Jesse Owens & Athletes Who Protest (or Don't) | The New York Public Library (nypl.org)](https://www.nypl.org/blog/2017/09/12/jesse-owens-protest)

**Assassinations:**

[Assassination of Martin Luther King, Jr. | The Martin Luther King, Jr. Research and Education Institute (stanford.edu)](https://kinginstitute.stanford.edu/assassination-martin-luther-king-jr)

[The Malcolm X Project at Columbia University](https://columbia.edu/cu/ccbh/mxp/life.html)

[Lincoln’s Assassination Stuns the Nation | National Endowment for the Humanities (neh.gov)](https://www.neh.gov/humanities/2015/marchapril/feature/lincolns-assassination-stuns-the-nation)