

The Federal Government's Challenge to Segregation— A Document-Based Question

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*For use in conjunction with "Bush v. Orleans Parish School Board and the Desegregation of New Orleans Schools," by Davison M. Douglas, available at <http://www.fjc.gov/history/home.nsf>.
A unit in the Teaching Judicial History Project, developed by the Federal Judicial Center in partnership with the American Bar Association's Division for Public Education.*

All parts of the United States government played a role in ending legal segregation in America. Assess the relative significance of the judicial branch, the legislative branch, and the executive branch in securing these gains.

Directions: Use the documents below, your knowledge of the period from 1950–1962, and your knowledge of the *Bush v. Orleans Parish School Board* unit to construct your assessment to the statement above. Essays should cite key pieces of evidence from the documents.

Document A

Appellant, a Negro citizen of Oklahoma possessing a master's degree, was admitted to the Graduate School of the state-supported University of Oklahoma as a candidate for a doctorate in education and was permitted to use the same classroom, library and cafeteria as white students. Pursuant to a requirement of state law that the instruction of Negroes in institutions of higher education be "upon a segregated basis," however, he was assigned to a seat in the classroom in a row specified for Negro students, was assigned to a special table in the library, and, although permitted to eat in the cafeteria at the same time as other students, was assigned to a special table there. Held: The conditions under which appellant is required to receive his education deprive him of his personal and present right to the equal protection of the laws; and the Fourteenth Amendment precludes such differences in treatment by the State based upon race.

Source: Supreme Court decision in *McLaurin v. Oklahoma*, 339 U.S. 637 (1950).

Document B

PART I—ESTABLISHMENT OF THE COMMISSION ON CIVIL RIGHTS

SEC. 101. (a) There is created in the executive branch of the Government a Commission on Civil Rights (hereinafter called the "Commission").

(b) The Commission shall be composed of six members who shall be appointed by the President by and with the advice and consent of the Senate. Not more than three of the members shall at any one time be of the same political party.

(c) The President shall designate one of the members of the commission as Chairman and one as Vice Chairman. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman, or in the event of a vacancy in that office.

Source: Civil Rights Act, September 9, 1957, 71 *Statutes at Large* 634.

Document C

Few incidents in recent American history can match the courage shown by the nine teenage Negroes of Little Rock. They risked their lives for the sake of establishing a principle: the right to attend an integrated high school. They did it in the face of ugly and determined opposition; they did it under circumstances that would have caused many stout-hearted grownups to withdraw behind the protective shield of their own homes.

This was the most severe test of the law. The Federal courts paved the way; Federal troops held the angry mob at bay. But the nine Negro pupils did not have to march through the guardsmen to enter Little Rock's Central High School. . . . How many of us would have had the fortitude to do what these youngsters have done?

Source: *Chicago Daily Defender*, May 28, 1958. Reprinted in *The Negro in Twentieth Century America: A Reader on the Struggle for Civil Rights*, ed. John Hope Franklin (New York: Vintage Books, 1967), 294.

Document D

. . . Last January eight colleagues and I introduced a proposed constitutional amendment which we sincerely felt offered a reasonable and realistic solution to the worsening educational crisis growing out of the Supreme Court's 1954 decision prohibiting separate schools for the races. . . . Our revised amendment would read as follows:

“Notwithstanding any other provision of this Constitution, every State shall have exclusive control of its public schools, public educational institutions and public educational systems, whether operated by the State or by political or other subdivisions of the state or by instrumentalities or agencies of the State; Provided, however, that nothing contained in this Article shall be construed to authorize any State to deny to any pupil because of race, color, national origin or religious belief the right to attend schools equal in respect to

the quality and ability of the teachers, curriculum and physical facilities to those attended by other pupils attending schools in the same school system.”

Source: Speech by Herman Talmadge, January 28, 1960. Reprinted in *The Negro in Twentieth Century America: A Reader on the Struggle for Civil Rights*, ed. John Hope Franklin (New York: Vintage Books, 1967), 295–99.

Document E

We believe that all men are created equal. Yet many are denied equal treatment.

We believe that all men have certain unalienable rights. Yet many Americans do not enjoy those rights.

We believe that all men are entitled to the blessings of liberty. Yet millions are being deprived of those blessings—not because of their own failures, but because of the color of their skin.

The reasons are deeply imbedded in history and tradition and the nature of man. We can understand—without rancor or hatred—how this all happened.

But it cannot continue. Our Constitution, the foundation of our Republic, forbids it. The principles of our freedom forbid it. Morality forbids it. And the law I will sign tonight forbids it.

Source: President Lyndon B. Johnson’s remarks upon signing the Civil Rights Act of 1964, July 2, 1964. *Public Papers of the Presidents of the United States: Lyndon B. Johnson, 1963–64*, vol. 2, entry 446 (Washington, D.C.: Government Printing Office, 1965), 842–44.

Document F

Black people have waited a hundred years for the government to help them win their rights. President after President has made commitments before election and failed to use the executive power he possesses after election. Congress today, dominated by Southern Democrats, cannot pass any meaningful civil-rights legislation. The Supreme Court, from 1954 to 1963, took a gradualist approach, thereby putting its stamp of approval on “with all deliberate speed,” which spells tokenism.

Source: Bayard Rustin, “The Great Lesson of Birmingham,” published in *Liberation*, June 4, 1963. Reprinted in *Negro Protest Thought in the Twentieth Century*, eds. Francis L. Broderick and August Meier (Indianapolis: Bobbs-Merrill, 1965), 308.

Document G

“It’s A Hell Of A Note — No Accommodations For Me!”

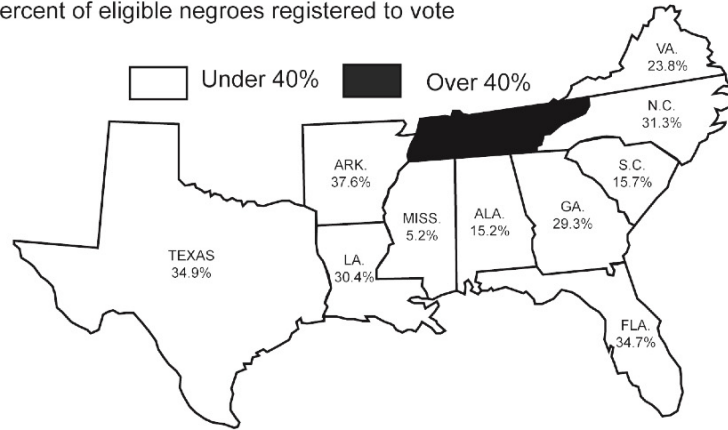
“It’s A Hell Of A Note — No Accommodations For Me!”



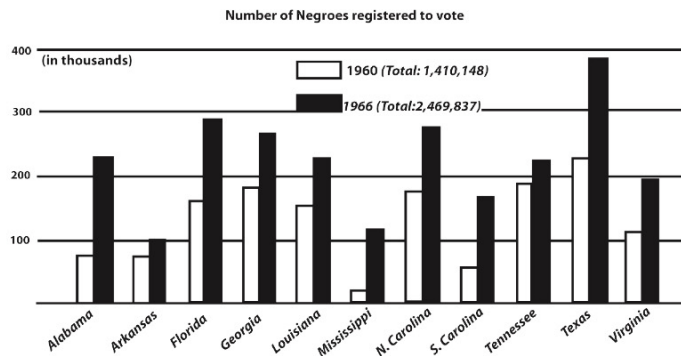
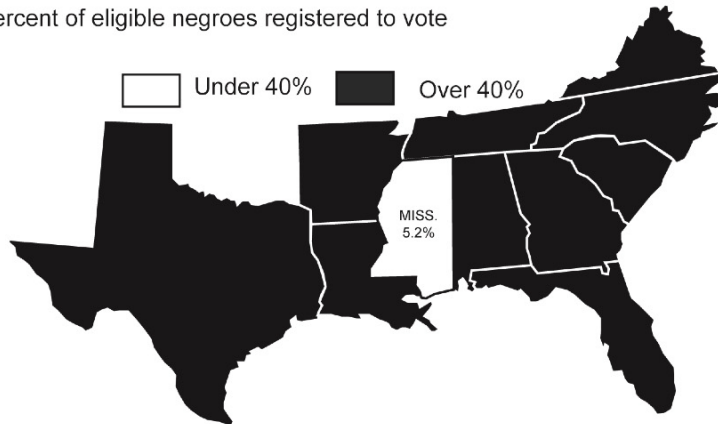
Source: Herblock in the *Washington Post*, 1965.

Document H

1960 Percent of eligible negroes registered to vote



1966 Percent of eligible negroes registered to vote



Source: *The New York Times*, May 15, 1966.