



Civil Rights and the U.S. Constitution

Sometimes, it looks as if as a society, we have not come very far with civil rights. That is maybe because we have focused on only one side of the movement—that of the better-known figures among the fighters and the oppressed. Most students can tell us about Fredrick Douglass, Harriet Tubman, Sojourner Truth or the radical abolitionist John Brown. Most students do not know that Quaker women, Elijah Parish Lovejoy and others voiced concerns for civil rights or how the U.S. Constitution has worked to enforce the rights in the Constitution.

Early in the nation's beginning, Quaker women were allowed to speak in their meeting houses, and one of the things they spoke about was the evils of slavery. In England, John Newton published the hymn "Amazing Grace" in 1772. He had been a slave trader that turned to the ministry after a voyage. The 18th century saw the abolitionist movement gather momentum. Elijah Parish Lovejoy was murdered for printing an abolitionist paper. Harriet Beecher Stowe wrote *Uncle Tom's Cabin*, a novel against slavery that used a character, Uncle Tom, as a Christ-like figure murdered by a slaveholder. Today, the term is one of dislike or even hate.

Jewish Americans and African Americans joined together to organize into a political movement that today is called the NAACP. Before this group formed, there were many cases of slaves suing for their freedom. Bridget "Biddy" Mason was one of the first, in 1781. She walked into lawyer Theodore Sedgwick's office and said, "I am not a dumb critter—won't the law give me my freedom?" Sedgwick took her case, and Biddy went on to become one of the richest women in California. Slaves that sued for freedom before the Dred Scott case won just around 50% of the time. Their cases were handled by lawyers who believed in the Constitution.

The 1950s saw a turn in the civil-rights movement by using laws that enforced discrimination against themselves. "Separate but equal" was not *equal*, as Charles Hamilton Houston at Howard University Law School taught Thurgood Marshall. Marshall represented the Mendez family in the California case of Mendez vs. Westminster in California

1947. He would later preside in the case Brown vs. the Board of Education (1954), based on separate but equal. What is missing from the history of this case and the time period is what actions allowed this and other laws to shape the following years.

President Harry S. Truman (his middle name is actually "S") integrated the U.S. Military against the advice of the military commander who said it was too early. That commander was General Dwight D. Eisenhower. Then, as Eisenhower ran for president, a deal was cut to remove Earl Warren from the ticket and a promise of an appointment to the Supreme Court. Warren had been behind the internment of Japanese Americans during the war. He was a safe bet not to upset the cart.

The Brown case made national attention. Governor Orval Faubus called out the National Guard to prevent students from entering the school. Chief Justice Earl Warren and the other eight justices agreed that the students were to be allowed entry. Faubus tried to stop the entry. The president, who was following the Constitution, stepped in and nationalized the Arkansas National Guard along with regular Army units sent into the state to enforce the law the very next day. The same troops that blocked entry now were using the provided entry. President Eisenhower would later say that Earl Warren was a mistake. A few years later, Governor George Wallace of Alabama stood in front of Alabama University to stop students from entering. President John F. Kennedy order the Alabama National Guard into federal service to counter the governor's stand.

The United States Constitution works, and no one group has made it the most powerful tool for the people's government. It works for people, and once we divide the people into groups, there are winners and losers. Separate but equal is inherently unequal. History is the same, and the country is better than before, but it is easy to slip backward when history is not completely told.

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