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**DEPRIVED GROUPS IN THE UNITED STATES:**  
**A STUDY OF AFRICAN-AMERICANS**

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**Abstract:**

*African Americans have a long and complicated history in the United States, perhaps longer than that of any other minority group. The present paper deals how during sixteenth century millions of Black people were brought forcefully as slaves to the United States from Africa. Secondly, how Civil War anti-slavery legislations and constitutional amendments influenced the status of blacks in the American society and how Blacks faced formal abolition of slavery followed by racial discrimination at different levels in the form of Jim Crow laws. Thirdly, how blacks faced discrimination, until the early 1950s and 1960s. Fourthly, how the Black people were largely denied education and employment opportunities. Finally, the Supreme Court judgement in Brown v. Board of Education of Topeka, Kansas (1954) resulted into the Civil Rights Movement of 1960s under the leadership of Martin Luther King Jr. and as a result of the movement the Civil Right Act of 1964 and Affirmative Action was formulated and implemented to ensure equal opportunity for Blacks.*

**Introduction:**

Louis Wirth defines a minority as “a group of people who because of their physical or cultural characteristics are singled out from the others in the society in which they live for differential and unequal treatment and who therefore regarded themselves as objects of collective discrimination.”<sup>1</sup> In the case of the United States, most of the ethnic minority groups are disadvantaged groups. These groups can be distinguished by different characteristics like – race, nationality, language and religion. The minority status in the United States is determined by at least one of these characteristics. These minority groups suffer bigotry, which keeps restricting them from freely participating in some areas of American professional, political and cultural life.

However, not all the minority groups can be considered as disadvantaged. Most of the minority groups moved into almost all social and political sectors. For instance, Jews, Irish, Danes, Germans, Italians, and Catholics, over a period of time, got absorbed in the multicultural mosaic. This has been possible mainly due to the absence of color line, dividing the different sections.

There are, however, some other minority groups, which suffer systematic social and economic discrimination, which continues to keep them away by means of different kinds of

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<sup>1</sup> Louis Wirth, “The Problem of Minority Groups,” in Ralph Linton, ed., *The Science of Man in the World Crisis* (New York: Columbia University Press, 1945), p. 347, quoted in Edward Sagarin, ed., *The Other Minorities* (Waltham, Massachusetts: Xerox College Publishing, 1971), p. 3

unfair practices. The one group that continually remains as a denied and disadvantaged minority in the United States has been the African-Americans. The Native Americans, the recent Hispanic immigrants and Asians have also been subject to the experience, but over a period of time, these groups tend to merge with the rest of the society as long as interaction and intermixing remains with the White population.

The Declaration of Independence proclaimed, "All men are created equal," but "all men" as it is promised did not include non-Whites, women and other racial minorities. Virtually, all minority groups in America suffered discrimination at one time or the other. Some religious groups such as Catholics, Jews and other ethnic groups such as Irish, Italian and Poles made enormous progress in spite of discrimination. However, some groups including African-Americans, Hispanics and Native Americans have faced discrimination throughout the history. Among these the African-Americans or Blacks were the most deprived people. The historic ill-treatment of Blacks in the United States is quite different from other minority groups. In fact, they were forcibly transported from Africa to America as slaves and suffered under the system of slavery for more than two centuries.

The Blacks were not liberated from slavery even after the Independence. To make the matter even worse the Constitution itself denied recognising the citizenship and other freedoms to these people.<sup>2</sup> Moreover, the framers of the Constitution and other White contemporaries viewed the African-Americans merely as a chattel or property but not as human beings.

The present section mainly deals with the historical background of Africans and their acquaintance with the New World, their experience in the American system i.e., how they were introduced to the system, the various constitutional provisions, Congressional legislations and various judicial pronouncements that denied their basic rights.

### **Africans in the New World:**

The first African came to the New World not in bondage, but accompanying the explorers. Some historians believe that one of the pilots with Columbus, Pedro Alonso Nino, was an African.<sup>3</sup> Only during the colonization of the New World that African slavery became a profitable institution. Then onwards most of the Africans were imported to the New World. The Black slavery in America can be traced back to 1619 with the landing of a cargo of Africans in Jamestown, Virginia.<sup>4</sup> At first, the Africans served as indentured labourers but eventually they were forced into slavery, later legalized by the Constitution.

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<sup>2</sup> The Constitutional provisions, such as the three-fifths compromise (U.S. Constitution Article I, Section 2; article I, Section 9 and Article IV, Section 2) were explicitly designed to keep Blacks in a disadvantaged position from the nation's birth for further details see Lucias J. Barker and Jesse J. McCurry Jr., *Black Americans And Political System* (Cambridge, Massachusetts: Winthrop Publishers, 1980), p. 40.

<sup>3</sup> Lerone Bennett, *Before the Mayflower: A History of Black America* (Chicago: Johnson Publishing Co., 1969), p. 30.

<sup>4</sup> Danial C. Thompson, *Sociology of Black Experience* (West Port, Greenwood Press, 1974), p. 27.

Most of the African slaves came from an area bordering a 3,000- mile stretch on the West Coast of Africa extending from the present-day Senegal to Angola.<sup>5</sup> They were brought in chains from thousands of villages and towns. These people belonged to different tribal groups, like the spirited *Hausas*, the gentle *Mandingos*, the creative *Yorubas*, from the *Ibos*, *Efiks*, *Krus* from proud *Fantins*, warlike *Ashantis*, the shrewd *Dahomeans*, the *Binis* and *Senegales*.<sup>6</sup>

During the Sixteenth Century, the British came to Africa to trade goods with the natives.<sup>7</sup> They found the people of Africa very different from themselves. They looked different in their religion, which is not Christian, their manner of living was anything but English and they seemed to be a particularly libelous sort of people.<sup>8</sup>

For Englishmen the most arresting characteristic of the newly discovered African was their color. Englishmen actually described them as 'Negroes' and 'Blacks'.<sup>9</sup> That is how the Africans have come to be known as Blacks. However, in recent times the social scientists and other academicians believe that it is pejorative to use the word "Negro"; instead, they have substituted it with African-Americans.

One of the earliest English travellers described Africans, thus: "they were a people of beauty living without a god, lower religion or commonwealth", which was to say that Negroes were not Englishmen and are uncivilized people. Far from isolating Africa heathenism as separate characteristic, English travelers linked it explicitly with darkness and slavery."<sup>10</sup>

### **African Slavery in the New World:**

Over a period of time, the slavery and race relations played a decisive role in shaping the American society. However, according to Richard Brown slavery in the American society is not a planned one, in fact, it was a synthesis produced by interaction between the colonists and their environment.<sup>11</sup>

Prior to the arrival of the Africans as slaves, the English colonists imported White indentured workers. However, they found there were not enough for them, and also the

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<sup>5</sup> Ibid.

<sup>6</sup> Bennett, op. cit., p. 38.

<sup>7</sup> Leslie H. Fishel, Jr. and Benjamin Quarters, *The Black American - A Documentary History* (Glenview, Illinois: Scott Foreman & Company, 1970), p. 2.

<sup>8</sup> Winthrop D. Jordan, *Whiteman's Burden: Historical Origins of Racism in the United States* (New York: Oxford University Press, 1974), p. 3.

<sup>9</sup> Ibid., p. 4.

<sup>10</sup> Ibid., p. 13.

<sup>11</sup> Richard D. Brown, *Slavery in American Society* (Lexington, Massachusetts: Heath Inc., 1969), p. vii.

Native Indians refused to work or were poorly fitted for long hours of hard work. In the long run, the Europeans found it easier and cheaper to import Africans as slaves.

The peculiar institution i.e., the system of slavery was introduced in the American society at a time when Indians disappeared from English settlements and Africans entered. The first Africans were introduced at Jamestown worked, as did other servants. According to Bennett's observation within a half a century Africans competed with and were out-numbered by indentured servants from Europe, as landowners in colonies sought on, ever increasing supply of labour. As there was growing demand for labour, the colonial masters first attempted to enslave White men and women. But when their attempts failed, they looked for Africans. Comparatively, the Africans proved to be more acceptable than poor Europeans and Native Indians. Further, he observed that the White servants were under the protection of strong government and also they could appeal to the Monarch. Moreover, they could escape and blend into the crowd. Indians, too, could escape; they knew the country and their brothers were only a hill or a forest away. Another reason for the failure of Indian slavery was the fact that they tend to sicken and die. However, Africans did not have these disadvantages. In fact, they were *strong*: one African was worth of four Indians; they were *inexpensive*:

Black slavery became indispensable as the plantation system of agriculture became more important and widespread. This system involved the large-scale production of a staple crop for commercial exchange and required cheap labor. During this period, the demand for Blacks increased. Consequently, the slave trade became more profitable business than other; the slave dealers made so much money from their human cargoes that soon Africans came to be known as "black gold."<sup>12</sup>

Most of the Africans were imported to America from Gambia, the Gold Coast, Guinea or Senegal. The natives of *Senegal* and *Eboes* from Calabar were often skilled artisans, bought at highest prices.<sup>13</sup> However, the involuntary servitude of Africans, based on color and race, in America remained for more than half-a-century.

### **The Slave Trade:**

The introduction of slavery into the colonies came as an extension of an institution already established in the West Indies. Gradually, the British dominated the slave trade. For instance, to compete with the Dutch and the French, the king of England in 1672 chartered the Royal African company, the largest company, which soon dominated the entire slave trade.<sup>14</sup>

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<sup>12</sup> Longston Hughes and Milton Meltzer, *A Pictorial History of The Negro In America* (New York: Crown Publishers Inc., 1956), p. 12.

<sup>13</sup> For more details see Bennett, op. cit., pp. 36-37.

<sup>14</sup> Gary B. Nash, *Red, White and Black: The People of Early America* (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1974), pp. 26-45.

This trade became a highly hazardous and adventuresome occupation. It proved that it was very difficult to get the slaves and then to deliver them properly. According to Bennett, most of the slaves were captured in native wars and sold to *slattees* (black slave merchants) who sold them to Europeans. Driven by *slattees*, some captives made forced marches of five hundred miles to the coast where they were examined like cattle and packed into the holds of slave ships. They came on these forced marches across rivers and over mountains, barefooted and naked, to their enemies, with chains on their ankles, burden on their heads and fear in their hearts.<sup>15</sup>

The slave trade further developed in the Southern Colonies when they started to grow staple crops like rice, sugar, indigo and tobacco. To cultivate all these crops, a large number of labour force was required. As a result of this, whenever these crops were grown, slavery became characteristic of labour force. The tendencies inherent in the South, before the Revolution, gradually, made slavery a peculiar institution.

According to Apthekar, during Eighteenth Century with the production of rice, indigo and tobacco in huge quantities, slave labor became a profitable business. By 1720, Black slavery was well developed as a commercialized system of enslavement. In addition to this, the radicalization of racist ideology further helped to sustain the system. Above all, during that early colonial period, the institution of slavery was a basic source of wealth for the planters of the South and for the merchants of the North.<sup>16</sup>

Even in the colonial period, the racial inequality was the dominant feature of the American society, where many Blacks faced severe discrimination. Moreover, in the Seventeenth and Eighteenth Centuries, the colonial assemblies recognized slavery and passed laws to regulate and sustain it.<sup>17</sup> Further, these colonies adopted strict laws to punish slaves against running away, unlawful assembly, battery on a White, arson or rebellion. The most common penalties for such crimes were whipping, transportation out of the colony, dismemberment or death.<sup>18</sup> Throughout the South, though the punishment for slaves was quite similar, there were variations in the law regulating slavery that existed in different States.

The tendencies inherent in the South before the Revolution took final form of slavery as a peculiar institution. Later on, the law in the form of slave codes also supported it.<sup>19</sup> The basic slave codes of the English Colonies were written in Barbados in 1688. South Carolina

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<sup>15</sup> Bennett, op.cit, p. 48.

<sup>16</sup> Herbert Apthekar, *The Colonial Era: History of American People* (New York: International Publishers, 1974), pp 39-44.

<sup>17</sup> D.L. Dumond, *Antislavery: The Crusade for Freedom in America* (Michigan: University of Michigan Press 1961), p. 7.

<sup>18</sup> Don E. Fehrenbacher, *Slavery, Law and Politics* (New York: Oxford University Press, 1981), pp. 7-8.22

<sup>19</sup> Slave codes were laws passed in colonial [North America](#) to regulate [slavery](#)

adopted large parts of Barbados Code in 1712, revised in 1739, and retained it with slight modifications until slavery was abolished.

The Laws of 1682 and 1692 constituted the basic slave code of Virginia, Maryland and Delaware, North Carolina copied the Virginia laws. New Jersey and New York wrote their basic Slave Codes in 1695 and 1702 respectively. New England Slave Codes were written between 1693 and 1714, Rhode Island and Connecticut wrote their basic laws in 1703. Georgia copied the South Carolina Code in 1770 and at a later date Florida adopted the Georgia Code.<sup>20</sup>

As a result of all these slave codes, by the Eighteenth Century, the evolution of the institution of slavery had reduced Africans to the status of personal property of their masters. According to Don E. Fehrenbacher, "as a property a slave could be bought and sold. As animate property he could be compelled to work, and his offspring belonged absolutely to the master. Thus a slave was in some respects like a domestic animal, being an item of wealth, virtually a beast of burden and a creature requiring constant supervision and restraint."<sup>21</sup>

The lives of Africans under the system of slavery suffered ill- treatment and exploitation by the White people. By the time of the American Revolution, slavery was a well-established system. White American colonists took the institution of slavery for granted. They perceived slavery as a part of the natural order of the society. During the Eighteenth Century, however, some powerful religious and intellectual forces impelled Americans towards revolution, drove them to question the morality and utility of human bondage. Quakers took the lead in questioning slavery. The reformers such as John Woolman and Benjamin Lay urged fellow Americans not to encourage sinful institution such as slavery.

During the war of independence, the American military officers including George Washington endorsed the proposal to raise Black troops. Northern States enrolled blacks in military services. More than five thousand Black Americans served in the Revolution as American soldiers and the slaves among them earned their freedom from slavery by doing so.

After the Revolution, slavery remained as an institution only in the Southern parts of the United States. Most of the Black slaves won their freedom by running away to the free states of American North and to Canada and other slaves purchased their freedom by their savings. At the time of the Declaration of Independence, there were chances of abolishing the system of slavery. But the representatives of Southern States supported slavery on economic grounds.

The representatives of Delaware, Maryland and Virginia, mainly, opposed slavery on moral grounds and sought to suspend slavery, and to emancipate the Negro.

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<sup>20</sup> Dumond, op. cit., pp. 8-12.

<sup>21</sup> Fehrenbacher, op.cit., pp. 8-12.

As Hughes observes that,

“At this juncture, slavery was under attack from moral point of view, not only from Northerners but also from enlightened slaveholders of the South such as George Washington and Thomas Jefferson. However, the word slavery fails to appear in the Declaration of Independence, finally adopted on July 4<sup>th</sup>, 1776. Nevertheless, the document served primarily as a protest against what the North American colonists regarded as a form of political slavery by the Great Britain. In the Declaration, Thomas Jefferson accused England’s George III of enslaving the American colonists under British tyranny. Throughout the document, Jefferson not only tried to declare the Independence of the colonies but also sought to alter through the revolutionary means, what he deemed the outmoded social order. Though he was a slave owner, Jefferson argued that it would be both inconsistent and hypocritical to condemn political slavery without denouncing Black slavery and slave trade in an early draft of the Declaration.”

As a chairman of the committee, which drafted the Declaration, Jefferson wrote a paragraph in his first rough draft, condemning human bondage in which he denounced George III for his propagation of slavery in the colonies and said of the English Sovereign:

“He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slaves in another hemisphere or to incur miserable death in their transportation thither. This piratical warfare the opprobrium of *infidel* powers is the warfare of the *Christian King* of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit, to restrain his execrable commerce; and that the assemblage of horror might want no face of distinguished die, he is now exercising those very people to rise in arms among us and to purchase that liberty of which HE deprived them, by murdering the people upon who HE also obtruded them; thus paying off former crimes which HE urges them to commit against the *lives* of another.”<sup>22</sup>

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<sup>22</sup> Hughes, op. cit., p. 23.

In this document, along with other things, Jefferson also asserted “all men are created equal.” Moreover, slaveholders and slave traders accepted this phrase, but simultaneously refused to censure the traffic in Black bondage.<sup>23</sup> Since slavery was too profitable a business in the colonies, this paragraph was not accepted by the Southern delegation. It was omitted from the final version of the Declaration as adopted by the Continental Congress of the United States on 4 July 1776.

As William Wiecek has elaborated even after the Independence, Blacks in the United States suffered enslavement. They urged the new government to end slavery and racial discrimination by drawing the attention of the Government to the egalitarian sentiments expressed in the Declaration of Independence. The national government, however, under the Articles of Confederation in its early laws, “took steps that inconsistently strengthened and weakened the prospects of slavery.”<sup>24</sup>

### **Slavery in the Constitution:**

The founding fathers of the Constitution failed to take appropriate measures against slavery, as it was the major issue before the Convention, regarding the representation of both Northern and Southern states. Politically and legally, Southern representatives strongly supported slavery, however, the Northern States were reluctant to support slavery and wanted the emancipation of slaves. But, at the time of ratification, as one of the compromises, the Founding Fathers agreed to take measures for the eventual elimination of slavery by 1808. Meanwhile, the Congress passed the 1787 Northwest Ordinance, which outlawed the slavery in the Northwest Territory.

Therefore, many of the Founding Fathers meeting at the Constitutional Convention in 1787 felt an incompatibility between the institution of slavery and the prospects of a free society. Many of their contemporaries both in the South and North regarded slave trading as sordid business and looked forward to its eventual abolition. However, the Constitution of 1789 recognized and in fact sanctioned the practice of slavery. As a result of their efforts, “the Philadelphia Convention inserted no less than ten clauses in the Constitution that directly or indirectly accommodated the peculiar institution. These were:

1. *Article I, Section 2*: Representatives in the House were apportioned among the States on the basis of population, computed by counting all free persons and three-fifths of the slaves (‘the federal number’ or ‘three-fifth clause’);

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<sup>23</sup> Thomas R. Dye, *The Politics of Equality* (Indianapolis, Indiana: Bobbs-Merill, 1971), p. 3.

<sup>24</sup> William M. Wiecek, *The Sources of Anti-Slavery Constitutionalism in America 1760-1848* (Ithaca: Cornell University Press, 1977), pp. 62-63.

2. *Article I, Section 2 and Article I, Section 9*: two clauses requiring, redundantly, that direct taxes (including Capitations) be appointed among the States on the forgoing basis, the purpose being to prevent Congress from laying a head tax on slaves to encourage their emancipation;
3. *Article I, Section 9*: Congress was prohibited from abolishing the international slave trade to the United States before 1808;
4. *Article IV, Section 2*; the States were prohibited from emancipating fugitive slaves, who were to be returned on demand of the master;
5. *Article I, Section 8*; the Congress was empowered to provide for calling up the States' militias to suppress insurrections, including slave uprisings:
6. *Article IV, Section 4*; *the federal government was obliged to protect the States against domestic violence, again including slave insurrections*;
7. *Articles V: the provisions of Article I, Section 9 Clauses 1 and 4* (pertaining to the slave trade and direct taxes) were made unamendable;
8. *Article I, Section 9 and Article I, Section 10*: these two clauses prohibited the federal government and the States from taxing exports, one purpose being to prevent them from taxing slavery indirectly by taxing the exported products of slave labor".<sup>25</sup>

However, the U.S. Constitution failed to recognize the rights of Blacks. Instead, it strengthened the legal rights of slaveholders, which lessened the possibilities of abolishing slavery in the new nation. Moreover, the invention of cotton gin in 1793 further encouraged the system of slavery. The existence of slavery remained as an important long-lasting issue in the American system for more than a century. During this period, Southerners strongly supported slavery while Northerners opposed it both on moral as well as legal grounds. The issue of slavery was settled only after the end of the Civil War of the Nineteenth Century. The Civil War was mainly fought on the issue of federalism and preservation of the Union. During this period, the American federalism faced threats in the form of the Southern States' withdrawal from the federation.

*Firstly*, due to their growing importance in the Congress, the Northern States advocated the abolition of slavery throughout the country.

*Secondly*, the Quakers, the former slaveholders of North, campaigned for emancipation of slaves on moral and religious ground. By the 1780s, they played a significant role in spreading the feeling of anti-slavery especially in the New England.

*Thirdly*, consequent to their strong opposition to the system, the Northern States ended the slavery in their territory.

*Fourthly*, with the invention of the cotton gin, the various efforts towards abolition of slavery and emancipation of slaves in the Southern States failed, as their labour was required.

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<sup>25</sup> Ibid.

By the first quarter of the Nineteenth Century, the American society was divided into two different segments. One was the slave free North and another was the slavery supporting South. Another important aspect of this period was the emergence of various anti-slavery societies, which continued to fight against slavery. By 1827, there were approximately 130 anti-slavery societies in the new nation, and important leaders like Frederick Douglas, William L. Garrison, William W. Brown, James McCune Smith, William Whipper, Robert Purvis and William Neil, etc., launched their war against slavery. However, these abolitionists faced challenges from the slaveholders of the South.

Further, against the North's efforts to emancipate the slaves, the Southern States enacted Fugitive Slave Act of 1850 to recapture their escaped slaves. This ultimately led to North-South tensions, which created political turmoil and then became a threat to the territorial integrity of the nation. To settle the problem through a Compromise of 1850, the Congress enforced the Fugitive Slave Act of 1850 in defense of slavery and the Judiciary strengthened it legally in the *Dred Scott decision (1857)*.

By 1860, the Congress was, however, once again divided into two divergent groups regarding the issue of slavery. The Southerners dominated the Northerners, and most of the legislators supported slavery. When the Northern States pleaded for the abolition of slavery, they were given less priority and the Southern States outrightly rejected their proposals.

In the 1860 Presidential elections, the Republican Party candidate Abraham Lincoln got elected as the President of the United States, and he was strongly supported by the Northerners who opposed slavery and its expansion. However, after the inauguration of Lincoln's Presidency, most of the Southerners feared that the abolition of slavery would be imposed on them. Hence they decided to withdraw from the Union. This dispute over slavery, between the North and the South, became a threat to the Union. The Southern States of Mississippi, Florida, Alabama, Georgia, Louisiana, Texas, Arkansas, North Carolina, Virginia, and Tennessee declared their Independence and joined together as the Confederate States of America. These Southern States waged a Civil War against the Union. Ultimately, the dispute over slavery became a cause for the outbreak of Civil War. The Republican Government of Lincoln refused to accept the secession and decided to suppress it. To stop the Civil War and disintegration, President Lincoln issued the Emancipation Proclamation. President Lincoln's Emancipation Proclamation on the eve of 1 January 1863, promised freedom to slaves. It declared that in all of the States, including those then in active revolt against the Union, the slaves were free.

The Civil War brought major changes in the lives of African- Americans. Above all, the major benefits they gained from emancipation were social. They reunited families, received education, established their own churches and gained freedom of movement. They

found liberty, encouraged them to be more assertive and to claim a dignified treatment from the whites.<sup>26</sup>

After the end of the Civil War and the defeat of the confederacy, the Republican Party leaders recognized the rights of freed slaves. In the process, they drafted various civil rights acts and also amended the Constitution to guarantee the basic rights to Blacks. They drafted and obtained ratification by the States for three Constitutional Amendments (Thirteenth, Fourteenth and Fifteenth). The Congress also passed the Civil Rights Act of 1866 and 1875 respectively.

The efforts of the Congress and the majority of Republican Party to eliminate the slavery by law continued. For this purpose on 14 December 1863, James M. Ashley of Ohio introduced into the House of Representatives a proposal for constitutional amendment to abolish slavery throughout the United States. Approximately after one year, both the houses of the Congress adopted the proposal and after practical debates the Thirteenth Amendment to the Constitution was ratified in December 1865.

The important fourfold objectives of the Amendment were the destruction of slavery to:

1. Abolish property rights in human beings and to strike off the shackles that bound them.
2. To abolish all the burden and badges of slavery that affected not only slaves in the South but free black people wherever they might live.
3. To endow victims of discrimination on the grounds of color with equal rights under American Law, and
4. To extend the mantle of federal protection not only to the black people but also to any American, who might in the future, be branded with the stigma of inferiority and be subject to unequal treatment.

Justice John Marshall Harlan drafted the Thirteenth Amendment, with an intention not only to abolish the slavery but also to overturn the Supreme Court's decision in the famous *Dred Scott Case* (1857).<sup>27</sup> In this case, Chief Justice Roger B. Taney, had declared that the Black people, "whether slave or free, were an inferior race that could never be accepted as an integral part of the American community and that they did not have or could

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<sup>26</sup> Miller, Randall M. and John D. Smith, *A Dictionary of African American Slavery* (New York: Greenwood Press, 1988), p. 112.

<sup>27</sup> *Dred Scott v. Stanford*, U.S. Sup.ct.60 U.S. 393, argued on 11-14 February, 1856 and again on 15-18 December 1856, decided on 6-7 March 1857 by vote of 7-2. This particular case stands as one of the most important cases in American Constitutional history. In his decision, the Chief Justice Taney declared that Blacks are not citizens of the United States, and the Missouri Compromise is unconstitutional.

ever have any rights, which White people were bound to respect.”<sup>28</sup> Against this judgment the Thirteenth Amendment required the elimination of all the badges and incidents of slavery denoting inferior status that had been imposed on Blacks in the form of segregation, discrimination and violence against the human rights simply because of their skin was black. Above all, the main purpose of the American Revolution was fulfilled, by the Thirteenth Amendment.

The next step towards protection of Blacks’ rights was the Civil Rights Act of 1866. This Act declared that anyone born in the United States, except for untaxed Indians, was an American citizen and held all of the rights of citizens. This Act was meant to guarantee to former slaves precisely the rights that had been denied to them in the *Dred Scott Case* (1857). However, it empowered the federal government to act to protect the citizen’s rights of former slaves. After two years, much of its meaning was incorporated into the Fourteenth Amendment to the Constitution.

The ratification of the Fourteenth Amendment in 1868 was another important milestone in the history of civil rights, especially for the Blacks. Through this Amendment, the government tried to redress the violence and discrimination against the Blacks. Essentially, it conferred citizenship rights for the Blacks, prohibited the States from depriving *any person of life, liberty or property without due process of law* and guaranteed the *equal protection of laws*.

However, in spite of all the efforts of the federal government, the Southern politicians overlooked the civil rights for the Blacks and implemented their own Black Codes to prevent the Blacks from political participation and enjoying their other citizenship rights. In response to the Southern States’ behaviour, the federal government ratified the Fifteenth Amendment to the Constitution in 1870.

This Fifteenth Amendment to the Constitution guaranteed the voting rights to Blacks. It states that *the rights 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, and previous condition of servitude* and that *Congress shall have power to enforce this article by appropriate legislation*.

Further, to enforce and to provide civil rights, the Congress passed another basic Civil Rights Act in 1875. It provided the equal access for all citizens – regardless of race to churches, schools, cemeteries, railroads, steamboats, restaurants, hotels, theatres, and other public places.

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<sup>28</sup> For more details of Chief Justice Taney’s opinion see Lucius J. Barker and Jess J. McCurry, Jr., *Black Americans and the Political System* (Cambridge, Massachusetts: Winthrop Publishers, Inc. 1980), pp. 15-17.

However, although during the Reconstruction period, the U.S. Constitution legally abolished slavery and provided equal protection under the law for blacks, the American society, especially the South, refused its implementation. In response to the federal government's efforts, many of the Southern States passed Black Laws, which restricted the rights and liberties of the Blacks. Their main purpose was to retain the cheap agricultural labour even after the formal end of slavery and also to prevent the Blacks from enjoying their equal status along with Whites. Most of the Southern States including Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia enacted many Black Codes against the Blacks. These laws against the Blacks later on became popularly known as the 'Jim Crow laws'. By the end of the Nineteenth Century, the Jim Crow laws took a visible form in segregation. The White Americans segregated Blacks in schooling, housing, and public places such as parks, theaters, hospitals, libraries, courts, and even cemeteries.

However, by 1877, judicial support for Reconstruction policies began to crumble. In different civil rights cases, the Supreme Court further reinforced the ill treatment of Blacks. These cases include,

- The *Slaughterhouse Cases of 1873*, which nullified the privileges and immunities of Fourteenth Amendment for Blacks.<sup>29</sup>
- *The Civil Rights Cases* of 1883, declared the Civil Rights Act of 1875 unconstitutional.<sup>30</sup>
- *Hurtado v. California* decided in 1884, severely restricted the application of the due process clause of the Fourteenth Amendment.<sup>31</sup>
- In *Plessey v. Ferguson* in 1896, the Supreme Court tacitly approved the segregation through the application of separate but equal doctrine by nullifying the *Equal Protection Clause* of Fourteenth Amendment.<sup>32</sup>

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<sup>29</sup> *Slaughterhouse Cases*, 16 Wall. 18 U.S.36, (1873), argued on 3-5 February 1873, decided on April 14, 1873, by vote of 5 to 4. The cases provided the first important opportunity for the Supreme Court to interpret the meaning of the fourteenth Amendment, ratified in 1870. In an argument opinion that remains controversial but has never been overruled, the majority of the justices severely limited the meaning of the Privileges or Immunities Clause of the first section of the Fourteenth Amendment.

<sup>30</sup> *Civil Rights Cases*, 109 U.S. 3 (1883), submitted on the briefs 7 November 1882, argued on 29 March 1883, decided on 15 October 1883 by vote of 8-1. In this case, Court declared unconstitutional provisions of the Civil Rights Act of 1875 that prohibited racial discrimination in inns, public conveyances, and places of public amusement. The decision curtailed federal efforts to protect African-Americans from private discrimination and cast constitutional doubts on Congress's ability to legislate in the area of Civil Rights; doubts were not completely resolved until enactment of the Civil Rights Act of 1964.

<sup>31</sup> *Hurtado v. California* 110 U.S. 516 (1884), argued 22-23 January, 1884, decided 3 March, 1884, by vote of 8 to 1. In this case The Supreme Court held that the Due Process Clause of Fourteenth Amendment could not logically encompass the specific procedural guarantees of Fourteenth Amendment.

<sup>32</sup> *Plessey v. Ferguson*, 163 U.S. 537 (1896), argued on 13 April, 1896, decided on 18 May, 1896, by vote of 7 to 1. In this case the Supreme Court upheld the constitutionality of Louisiana State (1890) that required railroads to provide "equal but separate accommodations for the White and coloured races" and barred persons from occupying rail car other than those to which their race had been assigned.

With this decision, the *de-jure* segregation began and this continued till the mid-Twentieth Century. Under such system, Blacks were faced with severe forms of racial discrimination. Formally, the segregation ended only after the Supreme Court decision in *Brown v. Board of Education, Topeka, Kansas (1954)*, in which the Court declared segregation as unconstitutional.<sup>33</sup>

The pace of Civil Rights Movement increased considerably in 1960 when African-American students demonstrated against segregation at a departmental store lunch counter in Greensboro, North Carolina, by conducting a sit-in protest that soon spread to more than hundred other communities.

The murder of civil rights workers Medger Evers and William L. Moore added fuel to the controversy. In Birmingham, Whites killed several African-Americans; four young girls who were attending Sunday school were killed when their church was bombed. The media covered the Birmingham episodes in depth; they showed the pictures of Whites beating African Americans, of dogs snarling in at protestors, of fire hoses being turned against marches, and of police using cattle prods to control the crowd. Many African-American leaders and sympathisers protested the senseless violence through letters and telegrams to their Congressmen and asked them to take required legislative actions in the U.S. Congress. As a consequence to the Civil Rights Movement the Congress passed the Civil Rights Act of 1964, which outlawed most forms of discrimination in employment and education on the basis of race, religion and gender. Later on, the Congress also passed Voting Rights Act of 1965, which provided political rights for Blacks. The Act authorised the federal government to administer elections and voter registration in States and regions where Blacks were not allowed to utilize their franchise.

### Conclusion:

Throughout the American history, the Blacks suffered, first under the system of slavery and then under the system of segregation. They were denied citizenship rights because of their race. However, the Twentieth Century brought a remarkable change in the life of Black Americans. Especially, the Civil Rights Movement of mid 1960s represented a challenge to the existing social conditions and political system. Above all, the American political structures responded spontaneously towards the demands of the Blacks. The U.S. Supreme Court played an important role in declaring segregation as unconstitutional in

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<sup>33</sup> *Brown v. Board of Education* 347 U.S.483 (1954), argued on 9 December, 1953 , decided on 17 may 1954 by vote of 9 to 0; Warren for the Court *Brown I*, 349 U.S. 204 (1955), reargued , on the question of relief 11 to 14 April 1954, decided 31 may 1955 by vote of 9-0; Warren for the Court (*Brown II*).The goal of NAACP and its Legal-Defense and Educational Fund Inc. was to abolish Jim Crow and to spur substantive improvement in public education for African-Americans. The primary obstacle facing the NAACP was *Plessey v. Ferguson* (1896), in which the Supreme Court had held facilities was not “unreasonable” and therefore did not violate the Equal Protection Clause of the Fourteenth Amendment. this decision not only brought the substantial changes in the American social structure but also in the nature and expectations of how the Supreme Court interprets the Constitution.

*Brown case* (1954). The various Congressional legislations including the Civil Rights Act of 1957, The Civil Rights Act of 1964 and The Voting Rights Act of 1965 and the various Presidential efforts beginning with President Roosevelt, President Eisenhower, President Kennedy and President Johnson to end the discrimination at various levels against Blacks and other minorities finally led to the policy of Affirmative Action.

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