

3.11: Government Responses to Social Movements

Explain how the government has responded to social movements.

We can learn from the civil rights movements of the past on how best to pursue even greater equality in our future. African-Americans following the Civil War found much of America to be unwelcoming. Though grateful for their freedom, Jim Crow laws segregated and relegated African Americans to second-class citizens. Work was difficult to find. They were not permitted to join in society as equal partners. Even the United States Supreme Court ruled in *Plessy v. Ferguson* (1896) that “separate but equal” was a tenable standard. De jure segregation, that is segregation by law, was deemed constitutional.

Public policy promoting civil rights is influenced by citizen-state interactions and constitutional interpretation over time. The early civil right movement saw the courts as their battleground. Through litigation civil rights attorneys could argue their case in court. Their greatest victory came in 1954 in the case *Brown v. Board of Education*. *Brown* overturned the *Plessy* precedent by ruling that “separate was not equal.” Schools could no longer segregate on the basis of race. This landmark decision set in motion an end to de jure segregation. The law of the land would no longer permit a racially divided society. Its rationale was found in the due process and equal protection clauses of the Fourteenth Amendment. The national government was flexing its authority over the states. De facto segregation, separation by private choices, still exists.

The *Brown* ruling was met with defiance. Implementation would not be easy. The Court ruled in the following year, in a case referred to as *Brown II*, that enforcement of desegregation would fall to both the local school districts and federal district courts. Desegregation must be realized “with all deliberate speed.” Every arm of government had for a long time upheld majority rule over Southern school practices. In the *Brown* case, however, the Courts recognized the legitimacy of minority rights and overturned race-based discrimination in school.

With the courts solidly behind them, the civil rights movement turned to Congress. Political pressure combined with a heavy dose of personal courage helped to pass the Civil Rights Act of 1964 and the Voting Rights Act of 1965. These historic pieces of legislation extended equality even further. Segregation, discrimination and prejudice would no longer be accepted. Voting rights would be protected. Rules to suppress black political participation through literacy tests were outlawed. America was moving closer to its promise of equality for all.

Affirmative action programs were put in place to offer racial minorities a chance to catch up for past discrimination. This preferential treatment has not gone unnoticed. The civil rights movement continues, as the fight for equality is not over.

African-Americans were not the only marginalized groups to win political victories in the wake of the civil rights movement. One of the more notable victories occurred for women with Title IX of the Education Amendments of 1972. This prohibited any form of discrimination on the basis of gender in any education program or activity.

Constitutional provisions have supported and motivated social movements and policy responses. Note as well how federalism often delays and complicates the extension of civil rights. A limited government, like ours, is not fitted to make dramatic changes in a hurry. Perfect equality has not been realized yet. It is our dilemma. But it is also in our constitutional DNA to keep up the fight.