

Thoughts on Critical Race Theory/White Privilege: A Timeline

1492 – Columbus got lost.

1500 to 1619 - First Africans brought to U.S.; argued to have been distinguished not by skin color but by their 'heathen' status and their lack of affiliation to Christianity.

The Naturalization Act of 1790 which restricted naturalization to "free white persons" of "good moral character." Note the **Three-fifths Compromise 1787**.

1850 – Harvard Professor **Louis Agassiz** outlined the several races of man as being well-marked and distinct. Suggested blacks had no capacity to live in equal standing to whites. **1854 – Types of Mankind** presented as a science.

Dred Scott v. Sandford (1857) – Dred Scott unsuccessfully sued for his freedom, and the Supreme Court ruled that citizenship, and thus the U.S. Bill of Rights, didn't apply to African Americans.

Thirteenth Amendment to the U.S. Constitution (ratified in 1865): abolished slavery and involuntary servitude.

The 1866 Civil Rights Act – vetoed by President Andrew Johnson, the veto was overturned by 2/3 majority in both houses of Congress.

Fourteenth Amendment to the U.S. Constitution (ratified in 1868): Civil Rights and Citizenship granted to freed African Americans and Blacks. Intended to assure life, liberty and property to black people after emancipation, but also, interestingly, used to assure corporate personhood, with the Supreme Court ultimately supporting the argument that a corporation could be classified as a person and would therefore also have protections to the rights of life, liberty, and property.

Fifteenth Amendment to the U.S. Constitution (ratified in 1870): Voting rights extended to African Americans and Blacks.

-formal obstacles: poll taxes, literacy tests, grandfather clauses, whites-only primaries

-informal obstacles: groups like the KKK, various levels of social harassment

The 1875 Civil Rights Act – passed by U.S. Congress to protect "all Americans, regardless of race, in their access to public accommodations and facilities such as restaurants, theaters, trains and other public transportation, and protected the right to serve on juries." *The 1875 Civil Rights Act was not enforced and was declared unconstitutional by the U.S. Supreme Court in 1883.* No further legislation was passed by Congress on the issue of civil rights until 1957.

1877 – End of Reconstruction. "The Great Betrayal." Efforts to secure civil rights for blacks were totally abandoned. **Slavery structure revisited.**

Note: **Asian Exclusion Acts** (1882, 1917, 1924, 1934); **Chinese Exclusion Acts** (1882, 1884, 1886, 1888); **Alien Land Laws** (1913, 1920, 1923).

1883: The Civil Rights Act of 1875 was declared unconstitutional by the U.S. Supreme Court addressing five separate challenges.

The Dawes Act of (1887, 1891, [1906 aka the Burke Act]) authorized the President to survey American Indian tribal land and divide it into allotments for individual native people; a formal continuation of the cultural assimilation of Native tribes into the American mainstream.

Plessy v. Ferguson (1896) – the doctrine of separate but equal. Three years later in 1899 (*Cumming v. Richmond*) the Supreme Court violated the separate but equal doctrine of *Plessy*, and when three black families petitioned for their kids to go to a white school when their school was closed, the court said the black students would simply have to do without an education. See also the 1927 case (*Lum v. Rice*) where a 9 year old Chinese girl, born in the U.S. and therefore a citizen had to attend school because of compulsory education laws, but there were no Chinese schools and the courts denied her petition to go to the local white school.

W.E.B. DuBois (1901) scholar and researcher, was referring to the **convict-lease system** in the South as a modified form of slavery. "The courts and jails became filled with the careless and ignorant, with those who sought to emphasize their new-found freedom, and too often with innocent victims of oppression...Throughout the South, laws were immediately passed authorizing public officials to lease the labor of convicts to the highest bidder. The lessee then took charge of the convicts—worked them as he wished under the nominal control of the state. A new slave trade was established" (DuBois, 1901: 740) with state complicity. See also PBS documentary "**Slavery by Another Name.**"

WWI – 1914-1918

Ozawa v. United States (1922) the Supreme Court ruled against a Japan-born applicant to naturalization (who had lived most of his life in the United States), arguing 'white' meant 'Caucasian.'

Supreme Court Decision regarding South Asian Immigrations (1923) *Bhagat Singh Thind*, from India, argued he was Caucasian: the Supreme Court changed its definition of citizenship again, ignoring anthropological and historical issues and appealing to the more popular meaning of the term 'white'. As a result, others who had been granted citizenship from East Indian heritage had their citizenship revoked. The Court acknowledged Indians were "Caucasians" but argued "the average man knows perfectly well that there are unmistakable and profound differences" between Indians and whites. From the opinion of the Court:

What we now hold is that the words "free white persons" are words of common speech, to be interpreted in accordance with the understanding of the common man, synonymous with the word "Caucasian" only as that word is popularly understood. As so understood and used, whatever may be the speculations of the ethnologist, it does not include the body of people to whom the appellee belongs. It is a matter of familiar observation and knowledge that the physical group characteristics of the Hindus render them readily distinguishable from the various groups of persons in this country commonly recognized as white. The children of English, French, German, Italian, Scandinavian, and other European parentage, quickly merge into the mass of our population and lose the distinctive hallmarks of their European origin. On the other hand, it cannot be doubted that the children born in this country of Hindu parents would retain indefinitely the clear evidence of their ancestry. *It is very far from our thought to suggest the slightest question of racial superiority or inferiority. What we suggest is merely racial difference, and it is of such character and extent that the great body of our people instinctively recognize it and reject the thought of assimilation.* (http://www.pbs.org/rootsinthesand/_bhatag2.html)

National Housing Act of 1934 created the FHA loan program, which insured bank loans for home building and buying. Various discriminatory practices, from underwriting standards to federal guidelines for loan provisions resulted. **Redlining** made illegal in the **1968 Fair Housing Act**.

WWII – 1939-1945

Executive Order 9066 (1942) Roosevelt authorized Japanese internment; upheld in 1944 by the U.S. Supreme Court. Internment ended in 1945.

Brown v. Board of Education of Topeka (1954) school desegregation was ordered by the U.S. Supreme Court.

Carl and Anne Braden (and five other whites) were charged in **1954** with sedition after helping the Wade family secure a home in a 'white' Louisville suburb. Carl was convicted and sentenced to 15 years in prison but was released after eight months, \$40,000 bond, and a Supreme Court decision (*Pennsylvania v. Nelson* [1956]) which invalidated state sedition laws.

U.S. Civil Rights Act of 1957 was the first civil rights bill enacted by Congress since reconstruction, focused on protecting African American and Black voter's rights which had come under attack in the form of school and church bombings, physical assaults, and massive expanded forms of white opposition and largely attributed to *Brown*.

U.S. Civil Rights Act of 1964 formally dismantled the Jim Crow system of discrimination in public accommodation, employment, voting, education and federal financed activities. The results showed voting registration of blacks from less than 20% in some places up to 60%; Mississippi moved from less than 7% registered black voters to 67% in the five years following passage.

The Voting Rights Act of 1965 outlined as illegal the discriminatory barriers to effective political participation by African Americans and mandated federal review of all new voting regulations to determine the possibility of their use resulting in voter discrimination. **June of 2013:** *The Supreme Court effectively struck down the VRA of 1965 freeing nine states to change their election laws without advanced federal approval.*

The Immigration and Nationality Act of 1965 (aka Hart-Celler Act of 1965) abolished national quota system prevalent since the 1920s and replaced it with a preference system focused on immigrant skills and family relationships to U.S. citizens.

Loving v. Virginia (1967)

At the October Term, 1958, of the Circuit Court of Caroline County, a grand jury issued an indictment charging the Lovings with violating Virginia's ban on interracial marriages. On January 6, 1959, the Lovings pleaded guilty to the charge, and were sentenced to one year in jail; however, the trial judge suspended the sentence for a period of 25 years on the condition that the Lovings leave the State and not return to Virginia together for 25 years. He stated in an opinion that:

Almighty God created the races white, black, yellow, malay and red, and he placed them on separate continents. And, but for the interference with his arrangement, there would be no cause for such marriage. The fact that he separated the races shows that he did not intend for the races to mix.

After their convictions, the Lovings took up residence in the District of Columbia. On November 6, 1963, they filed a motion in the state trial court to vacate the judgment and set aside the sentence on the ground that the statutes which they had violated were repugnant to the Fourteenth Amendment. ...The clear and central purpose of the Fourteenth Amendment was to eliminate all official state sources of invidious racial discrimination in the States. ...There can be no question but that Virginia's miscegenation statutes rest solely upon distinctions drawn according to race. (http://www.law.cornell.edu/supct/html/historics/USSC_CR_0388_0001_ZO.html)

Note: This 1967 Supreme Court decision overturned **Pace v. Alabama (1883)** where the U.S. Supreme Court upheld AL law against interracial marriage, identifying the state law as 'race-neutral' and not a violation of the 14th Amendment. Punishment was 2 to 7 years hard labor.

The Indian Child Welfare Act (1978) and **The American Indian Religious Freedom Act (1978)** did away with forced boarding schools for native children and assured the ability of native communities to practice and preserve their cultural practices and religious practices.

-**Citizen's United v Federal Election Commission (2010)** regulation of campaign spending by corporations.

-SCOTUS strikes down key provisions of the Voting Rights Act of 1965 (June 2013)

-**Cleveland (2014)** – DOJ police investigated. **Ferguson, MO. (2015)** – DOJ Report. Thousands upon thousands of warrants are issued, according to the DOJ, "not to protect public safety but rather to facilitate fine collection." **Baltimore, MD (2015)** - DOJ report pending. #BlackLivesMatter

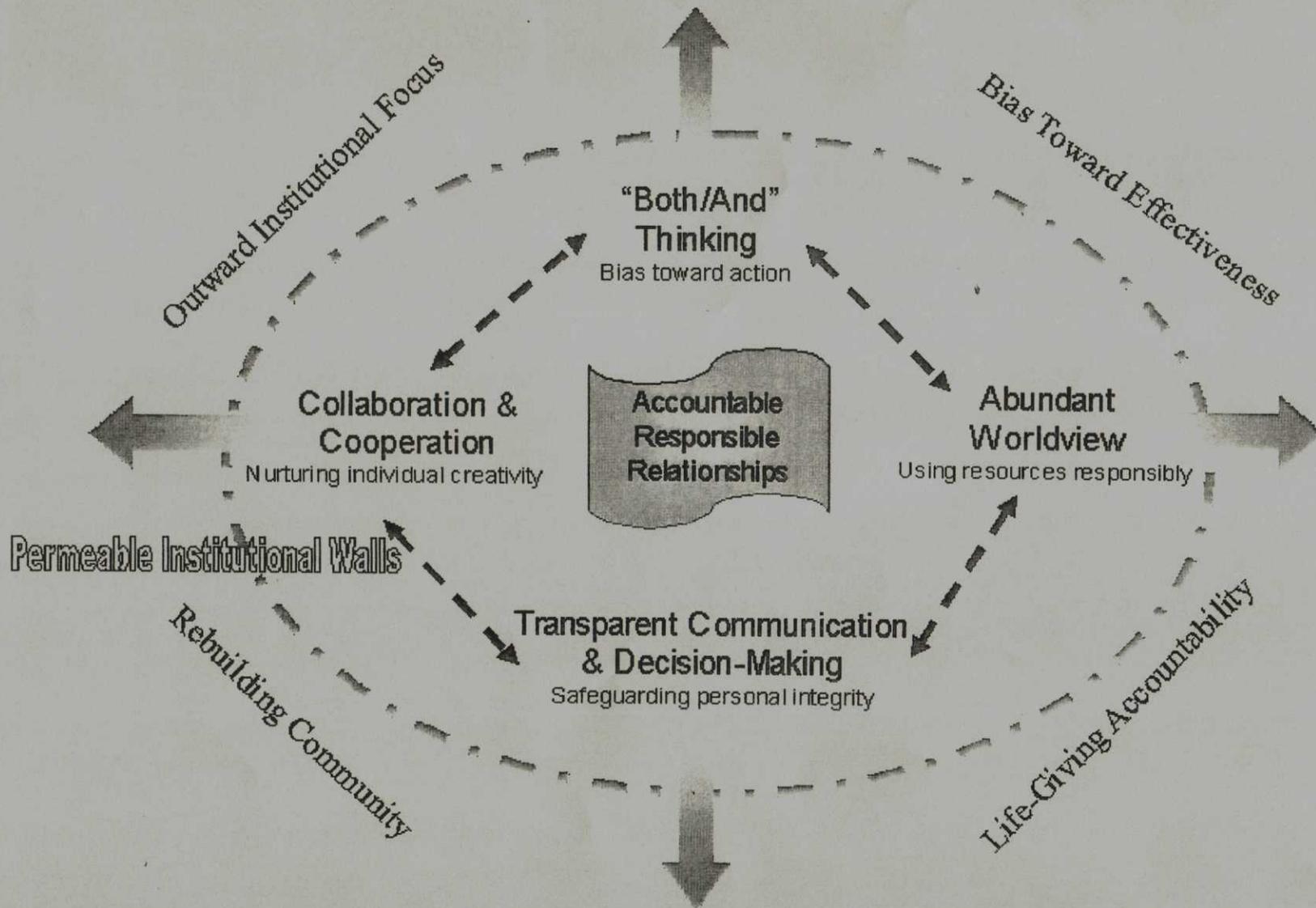
RACISM = Race Prejudice + the Power of Systems and Institutions

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*Unless otherwise specified, information here comes from Lopez, I. H. 2006. *White by law: The legal construction of race*. NY University Press.

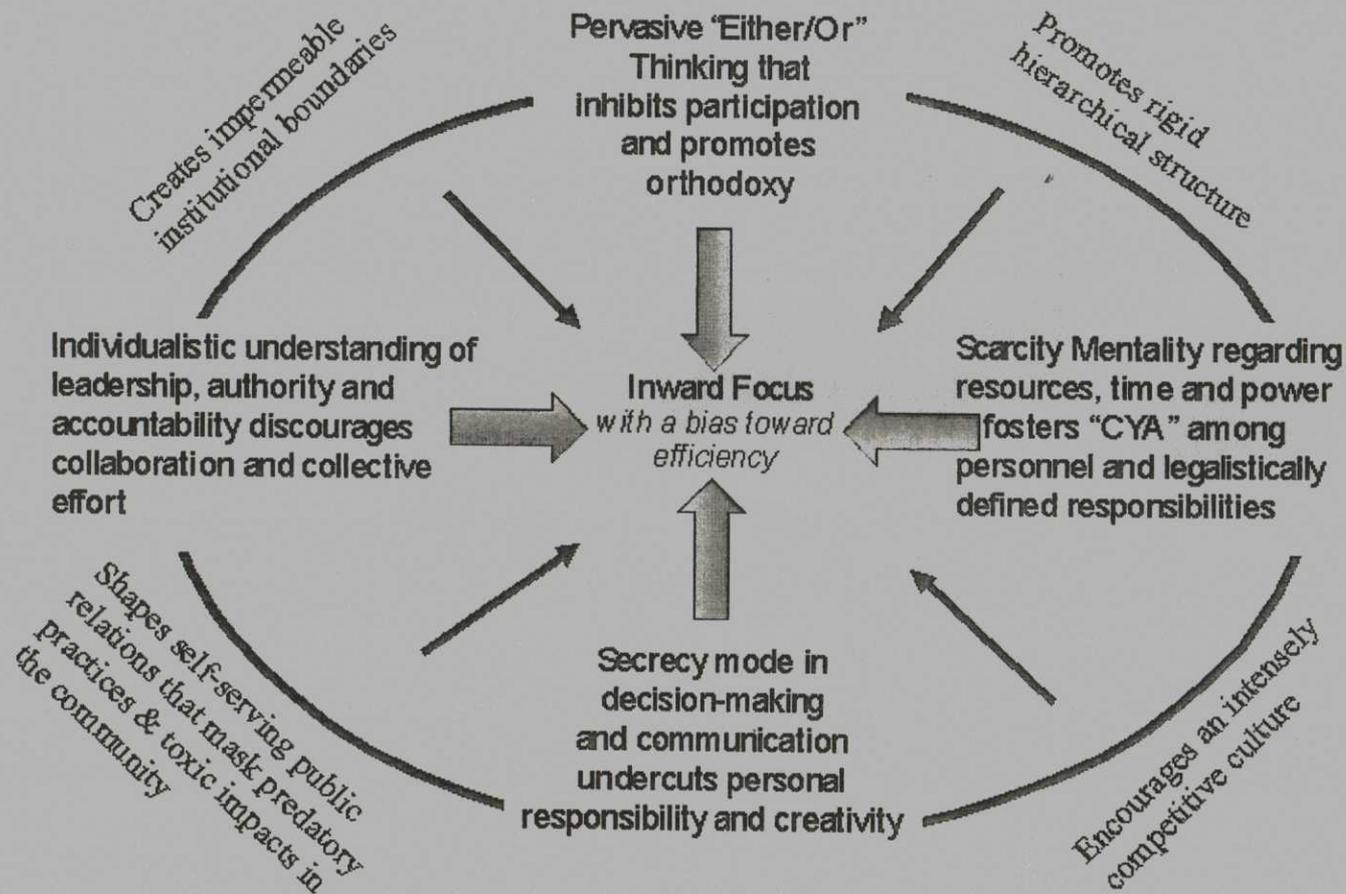
Creating an Institutional Environment to Support Anti-Racist Accountability



Understanding & Dismantling Racism: MCARI Anti-Racism Workshop

These values begin to be shaped in column 4 of the Continuum

Embedded Rules of Racialized Institutional Life



These values are anchored in the historic legacy of a segregated past

Understanding & Dismantling Racism: MCARI Anti-Racism Workshop