

Commemorating the Fiftieth Anniversary of the Civil Rights Laws

Author(s): Catherine Lee

Source: *Sociological Forum*, JUNE 2015, Vol. 30, No. S1, SPECIAL ISSUE:  
COMMEMORATING THE FIFTIETH ANNIVERSARY OF THE CIVIL RIGHTS LAWS (JUNE  
2015), pp. 481-484

Published by: Wiley

Stable URL: <http://www.jstor.com/stable/43654402>

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## Commemorating the Fiftieth Anniversary of the Civil Rights Laws

Catherine Lee<sup>1</sup>

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*The United States passed a number of historic laws in the 1960s to address civil rights and racial equality on matters ranging from employment to voting, housing, and immigration. This special issue commemorates the fiftieth anniversary of these legislations' passage. Articles in the issue assess the historical events, political goals, and consequences of the civil rights era laws.<sup>2</sup>*

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**KEY WORDS:** civil rights; discrimination; inequality; law; policy; race.

### INTRODUCTION

On April 10, 2014, President Barack Obama spoke at the Civil Rights Summit at the Lyndon Baines Johnson Presidential Library to celebrate the fiftieth anniversary of the legislation of the 1964 Civil Rights Act. Remarking upon President Johnson's political achievements in passage of the Civil Rights Act, the 1965 Voting Rights, the Immigration and Nationality Act of 1965, the 1968 Fair Housing Act, and Great Society programs, President Obama declared, "I have lived out the promise of LBJ's efforts. . . . Half a century later, the laws LBJ passed are now as fundamental to our conception of ourselves and our democracy as the Constitution and the Bill of Rights. They are foundational; an essential piece of the American character" (Obama 2014). As the nation's first black president, uttering those words, President Obama struck an inspiring tableau of the realization of the 1960s civil rights laws.

Of course, the image of a black U.S. president and what it means for civil rights goals of justice and racial equality are a more complicated matter (Bobo and Dawson 2009; Bonilla-Silva 2013). Likewise, our assessment of those 1960s civil rights laws is perhaps less celebratory and more complicated than President Obama's words as well. Hindsight of 50 years provides us with many reasons for a more somber evaluation. They include successful efforts to roll back crucial features of some of these legislations. Perhaps most significantly, the Supreme Court invalidated a key element of the Voting Rights Act in its 2013 decision in *Shelby County v. Holder*. In addition, recent racial unrest and protests following the killing of a young African American named Michael Brown by Darren Wilson, a white police officer, in Ferguson, Missouri, illustrate the continued sense of racial injustice for many Americans.

<sup>1</sup> Department of Sociology, 26 Nichol Ave, New Brunswick, New Jersey 08901; e-mail: clee@sociology.rutgers.edu.

<sup>2</sup> Other authors include Andrews and Gaby (2015), Bonastia (2015), Lee (2015), Massey (2015), McAdam (2015), Pettit and Sykes (2015), Santoro (2015), Valdez (2015), and Whitlinger (2015).

Despite some reservations regarding the success of the 1960s civil rights legislations, these laws were politically and socially monumental, reflecting and ushering in new ideas about race and fairness, the role of protests in affecting politics, the relationship between the White House and Congress, and Democratic and Republican party realignment (Graham 1990; Lawson 1991; McAdam 1982; Morris 1984). Addressing racial discrimination in areas ranging from employment and education to voting, immigration, and housing, these laws sought to fully realize, implement, and protect rights and values enshrined in the Constitution. The 1964 Civil Rights Act barred unequal application of state voter registration requirements for federal elections; banned discrimination on the basis of race, color, or national origin in public accommodations and by employers who received federal funding; and outlawed segregation in schools. The Voting Rights Act of 1965 addressed southern states' efforts to disenfranchise black voters and prohibited racial discrimination and literacy tests in voting practices in federal elections and required certain states or districts to "preclear" any changes affecting voting with the U.S. attorney general or the U.S. District Court for the District of Columbia (which was invalidated by the Supreme Court in *Shelby v. Holder*). The 1965 Immigration and Nationality Act ended the racially discriminatory national origins quota system and replaced it with a policy favoring family reunification. The 1968 Fair Housing Act, part of the Civil Rights Act of that year, made discrimination on the basis of race, color, religion, or national origin in the sale or rental of all housing (except those sold or rented without the services of a broker and did not include four or more units) illegal.

This special issue of *Sociological Forum* commemorates the fiftieth anniversary of these laws' passage, and the articles take on the challenge of critically examining the events, impact, and legacy of the 1960s civil rights legislations. In the first half of the issue, Doug McAdam, Kenneth Andrews and Sarah Gaby, Christopher Bonastia, Douglas Massey, and I assess the historical events, political goals, and consequences of the civil rights era laws.

McAdam examines the political fallout of the passage of the Civil Rights Act and Voting Rights Act and concludes that the origins of today's deep economic and political divisions can be credited to the heyday of the civil rights movement. He examines civil rights movement struggles and the segregationist countermovement and concludes that the two movements altered the partisan geography of the United States, pushing the Democratic Party to the left and the Republican Party to the right. In evaluating this shifting political landscape, McAdam also reminds us of the importance of social movements as a force in American life and politics after its striking absence in the post-World War II period.

Andrews and Gaby continue this investigation of movement influence by asking when and how movements shape policy change. They examine the events leading up to President John F. Kennedy's decision to pursue major civil rights legislation in 1963, which eventually culminated in the 1964 Civil Rights Act. They offer a critical theoretical foundation for understanding the development of not only 1960s civil rights laws but also other major policy changes by advocating for the study of perceptions of political elites.

I also consider the importance of political elites' perception in my article on family reunification and the 1965 Immigration and Nationality Act. I challenge the

generally held view that family reunification, as the centerpiece of the 1965 Immigration Act, is emblematic of immigration expansion and democratic liberalism. I show how family reunification can be part of exclusionary processes and look at the role of meaning construction around family to understand immigration policymaking.

The next two articles examine the political history surrounding weak federal enforcement of desegregation laws of the era. Bonastia explores the intertwined histories of school and housing desegregation in the United States since the Civil Rights Act of 1964 and explains that no single act could undo the tightly integrated and systemic nature of segregation and inequality. School segregation could not be undone when there was residential segregation. In addition, he argues the federal government has largely ignored all but the most flagrant violators of antidiscrimination laws, choosing to sidestep enforcement that may be too costly, politically or economically.

Massey finds a similar lack of enforcement in housing discrimination. Despite the hope that the 1968 Fair Housing Act would lead to residential desegregation in American society, residential segregation remains deeply entrenched. He argues that moving closer to the ideals of the Fair Housing Act can nevertheless be achieved through greater enforcement of fair housing and lending laws and increased implementation of affordable housing programs.

If the goals of these civil rights laws have not been fully realized, how should we evaluate their impact on society, particularly on the lives of African Americans? In the second half of the issue, articles by Becky Pettit and Bryan Sykes, Zulema Valdez, Wayne Santoro, and Claire Whitlinger address this question. Pettit and Sykes argue that researchers' efforts to assess the laws' impact have yielded overly optimistic views about progress made since the 1960s. They explain that federal data collected for analyzing economic, political, and social well-being of the American population excludes prison inmates. The disproportionately high concentration of incarceration among low-skill black men and their exclusion from federal data, therefore, have led scholars and politicians to overstate civil rights gains, fueling the myths of black progress.

Examining continuing, and in some instances, worse, racial and economic inequalities, Valdez also concludes that the gains of the civil rights era have been exaggerated. Using a critical race perspective, she argues color-blind racism has helped to justify persistent racial inequality. Valdez explains that critically evaluating the impact of the civil rights laws requires a rejection of color blindness and the questioning of whether racial progress and democracy are "eventual and inevitable."

Santoro considers the meaning of civil rights gains by asking whether "ordinary" blacks believed the civil rights movement to be successful. He argues that views on the civil rights movement are a living memory that can be shaped by contemporary developments. As such, he claims conceptualizations of success should be grounded in how movements impact the everyday lives of their constituents.

Memory, meaning, and commemoration are crucial to not only how we evaluate the 1960s civil rights laws but also to how communities affected by racial violence of the era can reconcile and move forward. Whitlinger looks at twenty-fifth and fortieth anniversary commemorations of the killings of civil rights activists in Philadelphia, Mississippi, in 1964. Breaking silence about the murders, the town's black and white residents came together to remember the events, following pressure and growing interest in acknowledgment.

Taken together, the articles in this issue demand a critical and nuanced evaluation of the fiftieth anniversary of the 1960s civil rights laws' enactment. However, these criticisms of the failure to fully realize the goals of the civil rights era should not be interpreted as simple nihilism. Rather, it is about being mindful of the pledges made to racial justice and equality. President Johnson acknowledged as much when he spoke before a joint session of Congress in his plea for the passage of the Voting Rights Act. He reminded the audience that President Abraham Lincoln had issued the Emancipation Proclamation over a hundred years earlier but that the promise of fairness and equality remained unfulfilled (Updegrave 2014). Nearly four years after leaving office, less than two months before he died, President Johnson declared that while "great progress is possible. . .much still remains to be done" (Obama 2014). Fifty years after the passage of the Voting Rights Act, the work continues.

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