

VOICE READERS COMPRISE a \$30,000,000 MARKET

EDITORIAL

Rights Movement Legal History Review

By DR. JOSEPH CALIGURI
Principal, Madison Elementary School

NEGRO HISTORY WEEK, now being celebrated, naturally has produced considerable comment about the Negro's progress toward equality--the successes and the setbacks along the bitter-sweet road to first class citizenship spelled out in the Civil Rights Act of 1964. It is only through historical perspective, however, that the real impact of the colored people's struggle for equality may be perceived.

The beginning, of course, took place 100 years ago in 1865 with adoption of the 13th Amendment to the Constitution of the United States abolishing slavery and involuntary servitude. The end of the beginning was marked by the unanimous Supreme Court decision of 1954 prohibiting segregation in the public schools.

Attempts to nullify the 13th Amendment were quickly instituted in Southern states with formulation of the infamous "Black Codes", designed to restrict the rights of newly freed slaves. In some instances, Negroes were prohibited from owning rural property at the same time they were denied the right to do any work except farming without a license.

MOTIVATED IN PART by a sincere equalitarianism, the "radical" Republican Congress of 1866 took steps to outlaw these "Black Codes" by enacting--and this may come as a surprise to many--the first Civil Rights Act.

Today, one may uneasily ponder the hard facts of life as they have applied to the Negro by examining the language of that oft-flaunted federal law. In emphasizing that Negroes were entitled to the same rights as white men, the Civil Rights Act of 1866 specifically established the right of colored persons "to make and enforce contracts, to sue, be parties and give evidence, to inherit, purchase, lease, sell, hold and convey real property . . . and shall be subject to like punishment, pains and penalties, and to none other, any law, statute, ordinance, regulation or custom to the contrary notwithstanding."

President Andrew Johnson, viewing this type of legislation as beyond the purview of the federal government and within the prerogatives of the states, vetoed the bill. But the Congress promptly passed the Act over his veto.

Even more important, perhaps, was ratification of the 14th Amendment in 1868. This amendment plainly decrees that, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

THE 14TH AMENDMENT provided the federal government with a broad constitutional basis for protecting the individual rights of all citizens. The ensuing debates and lawsuits centering on interpretation of the equal protection provisions of the amendment constitute a major part of the historical interracial strife in our country.

One of the most significant interpretations of the 14th Amendment was handed down by the Supreme Court in 1880. At that time, a West Virginia law excluded Negroes from serving on juries. The Supreme Court, with only two dissents, held the law unconstitutional. Speaking for the majority, Justice William Strong said, "What is this but declaring that the law in the states shall be the same for the black as for the white; that all persons, whether colored or white, shall stand equal before the laws of the states . . ."

Unfortunately, the political realities of the time dimmed this beacon of light for equal justice. Certification of the election of Republican Rutherford B. Hayes to the presidency over Democrat Samuel J. Tilden in 1876 by a Congressional electoral commission has been construed by reliable historians as a "bargain" by which southern whites would be allowed to deal with Negroes as they saw fit.

The Supreme Court edict of 1880 was widely ignored. Little or no attempt was made to inter-

fere with Jim Crow statutes throughout the South which segregated Negroes on railroads and streetcar systems. Poll tax restrictions relegated the Negro to second class citizenship in elections. The civil rights movement staggered backwards.

In 1896, the Negro received an even more paralyzing blow in his battle for equality under the law. The Supreme Court, turning from a racial to an economic emphasis, redefined the 14th Amendment in the Plessy vs. Ferguson case.

LOUISIANA HAD ENACTED a particularly strict Jim Crow transportation law in 1890. When Homer Adolph Plessy, who was one-eighth Negro, entered a railroad car reserved for whites, he was arrested. Plessy challenged the constitutionality of the law. He lost when the Supreme Court ruled, in effect, that a state was within its rights in treating whites and Negroes as "separate classes" of people.

It is not difficult to imagine the impact of this decision on the Negro in terms of social, economic and educational discrimination. All pretense of equality for the Negro practically disappeared. Southern Negroes were segregated from birth to death. Many states allotted lamentably small sums of money for Negro education compared with allocations to whites. Negro lynchings were part and parcel of the southern social fabric.

This intolerable state of affairs began to better for the Negro in 1917 when the Supreme Court held unconstitutional a Louisville, Ky., ordinance forbidding Negroes or whites from moving into houses on city blocks predominantly occupied by either race. Another step forward came in 1927 when the Supreme Court ruled that state laws barring Negroes from voting in primary elections violated the 14th Amendment. This pecking away at the Court's tortured interpretation in the Plessy vs. Ferguson case became more acute in 1938 when a series of cases in the field of higher education emerged on the judicial horizon.

The first case held that Missouri could not meet the test of "separate but equal" facilities implied by the 1896 decision by offering to pay the tuition of a Negro applicant to the Missouri Law School at an out-of-state school. Chief Justice Charles E. Hughes pointed out that a state was itself required to provide equal facilities. Then in 1950, the Court held that a new law school set up by Texas for Negroes did not conform with federal law. Chief Justice Fred M. Vinson summed up the majority opinion by declaring, "If one had to choose a school, one would choose that school which offered the best in terms of faculty, reputation, tradition, prestige and influence."

THE DRIVE FOR EQUALITY in education gained momentum as individual Negroes and civil rights groups took heart from the legal successes in the graduate school cases. Subsequent cases at lower school levels led to the now famous 1954 decision. The unanimous verdict read in part: "We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other 'tangible' factors may be equal, deprive children of the minority group of equal opportunities? We believe that it does."

Today, ten years later, a majority of the American people apparently is convinced that segregation does in fact deprive minority-group

(See CALIGURI, page 12)



AFRICA in Today's World

By DR. CHARLES I. WEST

IN VIEW OF RECENT developments along the crumbling (we hope) communist front in Africa and the equally-fast deteriorating American position in Vietnam, it is interesting to recall that a young Red Chinese defector recently revealed that the Peking regime is far more interested in communizing Africa and Latin America than Southeast Asia.

In an article in Look magazine, Tung Chipping, 24, a Chinese diplomat who defected in Burundi last year, said: "There is a saying in Peking and in the communist diplomatic world that Mao Tze-tung can take over Southeast Asia any time he wishes by making six phone calls. Mao is wasting little money and little propaganda in that part of the world. He is far more interested in the communization of Africa and Latin America."

Tung, who was assigned to Burundi as a French interpreter, said Peking had hoped to use the little central African country as a beachhead for the conquest of the neighboring Congo. He said the Red Chinese embassy there had handed vast sums to anti-government Congolese rebels led by Gaston Soumialot.

The young assistant cultural attache walked into the U.S. Embassy in Bujumbura, Burundi's capital, to seek political asylum within 18 hours of his arrival there.

DURING HIS INDOCTRINATION at the foreign ministry's department of African affairs in Peking, Tung said, "I also learned that when Premier Chou En-lai visited Egypt a year ago he gave President Gamal Abdel Nasser \$50 million."

He also said Chinese officials had sneered at the Soviet Union's attempts to infiltrate Africa but expressed concern about the work of the U.S. Peace Corps.

He quoted these officials as having said, "American agents under the name of the Peace Corps are the most dangerous opposition we have."

In regard to Red China's continued foul-ups in Africa, which were highlighted by the recent assassination of Burundi's pro-Western premier and the subsequent expulsion of the Chinese diplomatic corps from Bujumbura, we are happy to report that two more African nations have taken official cognizance of the "Yellow Peril" from Asia.

The presidents of Upper Volta and Niger, two new states bordering on Nigeria, have expressed alarm at the disruptive activities of Red Chinese agents and have warned leaders of other African nations that silence is playing into the hands of these subversive elements.

Reports from Mauritania indicate that the 14-nation summit meeting of West African leaders now in progress there will take a long, hard look at Red Chinese penetration of the Dark Continent. Some Western diplomats are hopeful that the conference will issue a strong protest to Peking concerning the activities of its more obnoxious African agents, or even take joint action to expel certain Red Chinese envoys.

French-speaking chief executives and high-ranking officials of former French colonies in the newly created African and Malagasy Union for Economic Cooperation are attending the meeting.

Register to Vote

Las Vegas Voice

A WEEKLY NEWSPAPER (Published every Thursday) DEDICATED to the INTERESTS and ASPIRATIONS for a BETTER LIFE of the NEGRO CITIZENS of the STATE of NEVADA

CHARLES I. WEST, M.D. - Editor & Publisher
GEORGE KING - Executive Advisor
ROBERT REID, DOROTHY WEST - Editorial Consultants
SONDRA REID - Homemaking, Fashions • EDDY KIM - Social
REV. DONALD M. CLARK - Religion • EARL PERKINS - Northern Nevada
RICHARD WILLIAMS, ROBERT JOHNSON, FRED BATES - Advertising

EDITORIAL, ADVERTISING & CIRCULATION OFFICES
958 West Oakes Ave. (Golden West Shopping Center), Las Vegas, Nevada
Telephone 642-3308
ADVERTISING RATES FURNISHED UPON REQUEST