

# THE CONSTITUTION, THE PRESIDENCY AND BLACK PEOPLE NEAL

By Roosevelt Fitzgerald

The Bill of Rights was declared in force on December 15, 1791. Quite soon after the Constitution was adopted, the need to amend it was necessary. It would not be the last time that the Constitution would require amending. However, only two other amendments appeared before the Civil War amendments which came about as a result of the presence of Black People in the United States and the on-going question of their status.

The Thirteenth Amendment put an end to slavery. It was adopted in 1865. A year later the Fourteenth Amendment extended citizenship to Black people. Additionally, it negated the Three-Fifths Compromise as stipulated in Article I, Section Two, Paragraph Three of the

U.S. Constitution. Section One of the Fourteenth Amendment also guaranteed equal protection of the laws for all citizens. In 1869, the Fifteenth Amendment was proposed and it was ratified in 1870. It stated that "the right 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, or previous condition of servitude." The second section stated that "the Congress shall have power to enforce this article by appropriate legislation." That enforcement power would not be used in behalf of Black people until the passage of the Voting Rights Act of 1965 — almost a hundred years later.

That ninety-five year

period was not uneventful. It was marked by constant efforts to deny those Constitutional rights, brought about by the aforementioned amendments, to Black people. During that period of time, Black Americans were faced with a constant struggle to maintain those rights and they received little protection from the Federal Government especially following the end of Reconstruction in 1877.

The twelve year period following the Civil War is called Reconstruction. It was a kind of grace period in which Black Americans did make some gains. They were protected by the Federal Government and their new status as citizens was not interrupted — at least not in broad daylight.

The new constitutions for southern states which began to appear in

1867 might well have been thought as radical by white southerners. They guaranteed civil rights and universal suffrage while disqualifying recalcitrant ex-rebels who refused to take the required oath of loyalty as suggested by the Wade-Davis Bill of 1864 and required by the First Reconstruction Act of 1867. This latter requirement remained in force until it was overturned by the Supreme Court. In the case of ex parte Garland and Cummings vs. Missouri (1867) the Court invalidated Federal and state requirements for loyalty oaths.

In 1866, in Pulaski, Tennessee, the Ku Klux Klan was formed. One of its aims was to establish white supremacy. The federal government sought to control the activities of the KKK and other similar hate groups with the passage of the

Ku Klux Klan Acts of 1870 and 1871. Certain very important portions of the Act of 1870 were declared unconstitutional by the Supreme Court decisions of U.S. vs. Reese and U.S. vs. Cruikshank of 1876, and that of 1871 by U.S. vs. Harris in 1883. Also, in 1872, the Amnesty Act was passed. It removed restraints from ex-rebels except for those individuals who had held high positions in the Confederacy.

1875 brought yet another giant step in protecting the rights of Black people. The Civil Rights Act was passed which guaranteed equal rights in public places regardless of color. It appeared that everything would be coming up roses for Black Americans. While it is true that Black people had come a long way during the previous ten years, they had had a long way from which to come and they yet had a long way to go. Had they not been forced to stand still while white Americans were moving ahead, the chasm between the two groups would not have been as great. The burden of that circumstance was not their own.

"All good things must come to an end" or must they? I think not. Such elementary pabulum is one of the reasons why the meek continue to believe that they will inherit the Earth while the arrogant take it now. For twelve years (1865-77) all eyes were on what was taking place in regards to race relations in the South. Five military districts had been established and, while some of the ensuing activity which did indeed take place in the relationship between "carpetbaggers", "scalawags", freedmen and the Federal Government were not all that commendable, the newly aquired rights of Black people were nonetheless protected.

Rutherford B. Hayes was elected President of the United States in 1876. Oh woe was us. He was a nice enough person and perhaps that was his primary problem

— at least as far as Black people were concerned. He was born and raised in Ohio, where there had not been slavery, and had received a law degree from Harvard. He had, resultantly, some understanding of the law and the Constitution. He served three terms as governor of Ohio so he must have done something right in order to be re-elected. Ambition might have been his downfall.

He gained the Presidency out of a dispute in the counting and validity of the Electoral votes of Florida, Louisiana, South Carolina and Oregon. The three southern states threw out certain votes cast for his opponent Samuel J. Tilden and, finally, the Democratic governor of Oregon disqualified one Republican elector and certified a Democrat in his place. Had Hayes been an ethical man, he would not have accepted the Presidency under those circumstances.

Black Americans should have seen the handwriting on the wall. Southern Democrats had managed to get Hayes to make certain promises before they threw him their support. He would be required to: (1) withdraw federal troops from the South, (2) appoint at least one southerner to the Cabinet and (3) make substantial appropriations for southern internal improvements. He agreed to all and then some.

The new President kept his promises. On inauguration day he appointed David M. Key, of Tennessee, Postmaster General. In less than a month, orders were issued to withdraw Federal troops from the south. That was when he made a big mistake in regards to what would happen to Black people in the south. He obviously assumed that southern white people in positions of authority, were more ethical than he. They were not. He left the future and the lives of Black people in the hands of the same group who had just a decade or so earlier held Black people in bon-

dage. Why he thought that they would view Black people differently now, remains a mystery to me. Almost immediately they began to whittle away gains which had been made during the previous dozen years.

The Federal government averted its eyes from the problems of Black people in the south and while it looked away, all of the laws passed to protect them were ignored by white politicians and other law enforcement officers of the region. Hayes returned the destinies of Black people to the hands of people who, at the very best, hated their guts and who had only begrudgingly respected their rights as citizens during the period of Reconstruction.



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were forgotten. Black Americans learned over a century ago that without Federal protection they did not have a leg to stand on. The gains initiated in 1865 dwindled to almost zero by the time new civil rights legislation was passed in 1965.

It appears that the condition of Black people in America follows an eerie pattern. In 1865, the Civil Rights Act was passed. Twelve years later in 1877, with the end of Reconstruction, it ceased to exist because the Federal Government ceased to enforce it. Almost a hundred years later in 1964, another Civil Rights Bill was passed by Congress. By 1977 it had begun to erode. We are almost back to square one. We have a few more dollars but we also have a few less rights.

Today, in 1981 with the activity on Capitol Hill, we find an ongoing deterioration of the rights and protection of Black people. Rutherford B. Hayes placed the future of Black Americans in the hands of their former captors and expected that they would be treated fairly. Ronald Reagan, by his budget cuts, and his stated policy of taking the government off the people's back, has placed the future of Black Americans in the

hands of private enterprise — the same private enterprise which had formerly refused to hire Black Americans or spend capital in improving Black neighborhoods. The condition would have remained had it not been for affirmative action and there is little reason to believe that those same businesses are currently biting at the bit to now do the right thing.

Naive? If Black America believes that that will happen they are and if the President believes that that will happen he is. What do you believe?

which the county is considering this week. The project was supposed to be located out near Spring Mountain Road and Rainbow, near Spring Valley.

The people in Spring Valley did not want this project situated a mile and a half from them. So they thought.

The fact of the issue is that a well known builder in the area wants the land that the County Housing Authority wants to build the low income housing on. Therefore, the opposition to the project did not emanate from the present residents, but from the builder.

As of this writing, the county commissioners are set to vote the project down. Even though the purpose of government is to promote the general welfare, the commission seems bent upon establishing a restrictive covenant in the area, which is clearly in violation of the law.

We cannot establish the concept of "a more perfect union" if government allows other people to dictate how the general welfare of others should be placed.

## Volunteers Sought in Clean Air Fight

The American Lung Association of Nevada is seeking a few volunteers living in or near the Las Vegas Valley to help predict air pollution episodes 24 hours in advance.

Volunteers would be required to read instruments located on their own property, and phone the information in to a phone recorder each morning.

Those interested in predicting and preventing air pollution should call Phil Leavitt at 454-2500 for information.

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MORE TO COME

## TALENT SHOW ATTENTION!!!

PARTICIPANTS are needed for a PRE-CHRISTMAS TALENT SHOW immediately! No age limit. If you have talent and would like a chance to meet those who could launch your career, please DO NOT PASS UP THIS WONDERFUL OPPORTUNITY. All are welcome: Amateurs, Students and Professionals. For further information call 382-1290. 7 a.m. - 9 a.m. or after 9 p.m. - 11:30 p.m.

## CONSUMER AFFAIRS PROBLEMS AND ANSWERS

QUESTION: I have had my car repaired at a garage recently, but the garageman did not give me the parts and accessories replaced. I thought they are required to do so.

ANSWER: The law states that replaced parts are to be delivered to the person authorizing the repairs IF REQUESTED. However, this does not apply to parts or accessories which must be returned to the manufacturer or distributor under a warranty arrangement or which are subject to exchange. If the customer requests, he must be shown the warranty parts for which a charge had been made.

CONSUMER AFFAIRS PROBLEMS is a weekly feature of the LAS VEGAS SENTINEL and is prepared through the cooperation of the Consumer Affairs Division, Nevada Department of Commerce. If you have a consumer problem, let us know. We will try to get an answer. Address your card or letter to CONSUMER AFFAIRS PROBLEMS, Las Vegas Sentinel, 2450 Industrial Road. Give complete details of the problem. Your letter must be signed before we research the problem for answers. We will print your name in the SENTINEL unless you request that it be withheld. Include your full mailing address and phone number-this will not be published. All letters become the property of the Las Vegas Sentinel.

The Nevada Consumer Affairs Division is mandated to enforce statewide the laws covered under the Deceptive Trade Practices Act, the Automotive Repair Act and the Door-to-Door Sales Act. The agency is designed to protect and serve the needs of consumers and business persons alike through its offices in Las Vegas and Carson City.

Enquiries can be registered weekdays between 8 a.m. and 5 p.m. by mail and in person at 2501 E. Sahara Avenue, Suite 304, Las Vegas, Nevada 89158 or by phone Area Code 702-386-5293.


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EDWARD W. BROOKE, born Washington, D.C., October 26, 1919; admitted to Massachusetts bar, 1948; chairman of Boston Finance Commission, 1961; elected attorney-general of Massachusetts, 1962; to U.S. Senate (Republican), 1966, the first Negro senator since the Reconstruction.

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