## THE CONSTITUTION, THE PRESIDENCY AND BLACK PEOPLE NEAL———

By Roosevell Fitzgerald

The Bill of Rights was U.S. Constitution. Secdeclared 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

tion One of the Fourteenth Amendment also quaranteed equal protection of the laws for all citizens. In 1869 the Fiftheenth 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

power to enforce this ar-

ticle by appropriate

legislation." That en-

forcement 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.

Congress shall have

That ninety-five year

ful. It was marked by constant efforts to denv Constitutional rights, brought about by 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

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

The new constitutions which began to appear in

been thought as radical 1870 and 1871. Certain 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 overtuned by the Supreme Court. In the case of ex parte Garland and Cum-1875 brought yet

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 for southern states other similar hate groups with the passage of the

mings vs. Missouri

(1867) the Court in-

validated Federal and

state requirements for

lovalty oaths.

period was not unevent- 1867 might well have Ku Klux Klan Acts of 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. Cruckshank 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.

> another giant step in protecting the rights of Black people. The Civil Rights Act was passed which quaranteed equal rights in public places regardless of color. It appeared that everything would be coming up for roses 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 while white still Americans were moving ahead, the chasm between the two groups would not have been as great. The burden of that circumstance was not

"All good things must come to an end" or must they? I think not. Such elementary pablum 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.

Ruthford B. Haves 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

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

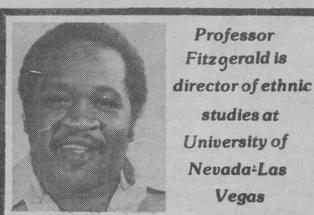
gained the

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 Haves been an ethical man, he would not have accepted the Presidency under those circumstances. Americans

handwriting on the wall. Southern Democrats had managed to get Haves 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

should have seen the

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-



Vegas

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 begrudingly respected their rights as citizens during the period of Reconstruction.

The remainder of the

nineteenth century witnessed numerous ploys used by southern whites to deny citizenship to Black people. Since the right to vote is the cornerstone of democracy. it was in that direction that they made their most devious efforts. Grandfather clauses, poll taxes. literacy tests and numerous other ploys were employed to rid Black people of their rights. The Federal Government did nothing nipped that behavior in Black Americans could

to protect them. Had it the bud, then, the developing crisis of have been halted before it became habitual behavior.

For the next forty years or so the country was concerned with the economy, unions, business monopolies, economic crises. depressions, wars and other issues which had little to do, directly, with Black people. Blacks

were forgotten.

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Black Americans learwas 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 terprise - the same 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

ned 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

Volunteers would be

hands of private en-

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 vou believe?

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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 Valey 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

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

## Volunteers Sough In Clean Air Fight

The American Lung struments located on seeking a few volunteers iving in or near the Las Vegas Valley to help predict air pollution episodes 24 hours in ad-

required to read in-

Association of Nevada is their own property, and phone the information in to a phone recorder each morning.

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

## **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 DoorTo 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 Car-

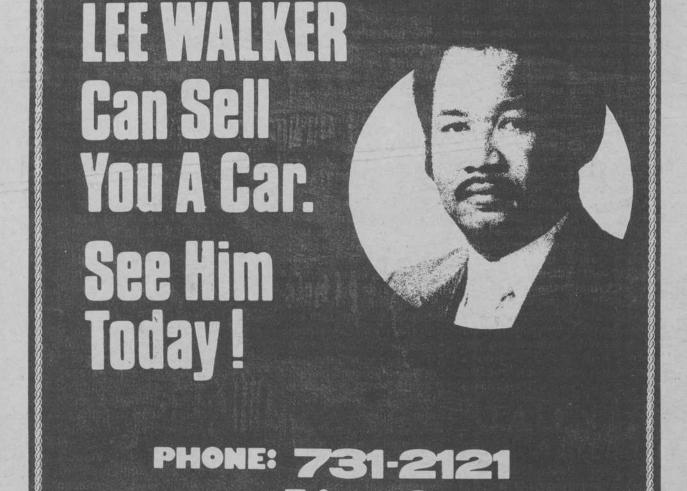
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