

Civil Rights Act 1964

The Civil Rights Act of 1964 was born in the presidency of John F Kennedy who was elected president in 1960. His support of civil rights issue in previous years had been patchy - he had opposed Eisenhower's 1957 Act to keep in with the Democrats hierarchy as he had plans to run for president as well as Johnson.

The new president was faced with facts that were indisputable and came from the organization created in the 1960 Civil Rights Act to analyze civil rights issue in America - the Civil Rights Commission. They found that:

57% of African American housing judged to be unacceptable; African American life expectancy was 7 years less than whites; African American infant mortality was twice as great as whites; African Americans found it all but impossible to get mortgages from mortgage lenders; Property values would dropped a great deal if an African American family moved into a neighborhood that was not a ghetto.

How should Kennedy proceed? The Cuban Missile Crisis took up a great deal of his short time in power. But aligned to this was the fact that few whites considered civil rights a particularly important issue - one poll put civil rights at the bottom of a list of "what should be done for America?" Kennedy also only won the 1960 election by a very small majority (500,000 votes) so he did not have a popular mandate for doing anything too drastic. Also the Vietnam War (though not officially declared) was absorbing more time with what was American covert action in the region at this time.

Kennedy's assassination shocked the world. His vice-president - Lyndon Johnson - suddenly found himself sworn in as president on Air Force One. Johnson had done what he politically needed to do to stop the full implementation of the 1957 Civil Rights Act, but despite the fact he was a Texan, he realized that a major civil rights act was needed to advance African Americans within USA society. He also used the shock of Kennedy's murder to push forward the 1964 Civil Rights Act, part of what he was to term his vision for America - the "Great Society".

The seeds of the 1964 Act were sown in Kennedy's presidency. Johnson believed that he owed it to Kennedy's life to push through this act especially as he was not an elected president. The civil rights bill's success in passing Congress owed much to the murder of Kennedy. The mood of the public in general would not have allowed any obvious deliberate attempts to damage "Kennedy's bill". Even so, the bill had to survive the longest attempt in Congress to seriously weaken it. Johnson played the obvious card - how could anybody vote against an issue so dear to the late president's heart? How could anybody be so unpatriotic? Johnson simply appealed to the nation - still traumatized by Kennedy's murder. To win over the Southern hard-liners, Johnson told them he would not allow the bill to tolerate anybody using it as a lever to have an easy life regardless of their color. By January 1964, public opinion had started to change - 68% now supported a meaningful civil rights act. President Johnson signed the 1964 Civil Rights Act in July of that year.

It gave federal government the right to end segregation in the South. It prohibited segregation in public places (a public place was anywhere that received any form of federal (tax) funding (most places)). This stopped lawyers homing in on the private places issue. This act tried to cover every aspect that some lawyer might use to avoid implementing this act. An Equal Employment Commission was created federal funding would not be given to segregated schools (note that these had been banned in 1954, ten years previous!) Any company that wanted federal business (the biggest spender of money in American business) had to have a pro-civil rights charter. Any segregationist company that applied for a federal contract would not get it.

Many Southerners were horrified by the extent of the act. Johnson probably only got away with the act because he was from Texas. Ironically, the African American community was most vocal in criticizing the act. There were riots by African Americans in north-eastern cities because from their point of view, the act did not go far enough and the Mississippi Freedom Democratic Party (a predominantly Black political party) demanded seats at the Democratic Party Convention to be held in Atlantic City as they believed that they were

more representative of the people who lived in Mississippi than the politicians who would usually have attended such conventions. Johnson was dismayed at this lack of public support among the African American community.

Regardless of these protests from both sides of society, many historians now believe that the 1964 Act was of major importance to America's political and social development. The act has been called Johnson's greatest achievement. He constantly referred to the morality of what he was doing and made constant reference to the immorality of the social structure within America that tolerated any form of discrimination. Johnson's desire, regardless of his background, was to advance America's society and he saw the 1964 Civil Rights Act as the way forward.

The enactment of new civil rights legislation signaled a continuation rather than an end to the struggle, as the Student Nonviolent Coordination Committee (SNCC) and King's Southern Christian Leadership Conference (SCLC) soon turned their attention to voting rights. In a telegram to King, following the passage of the Civil Rights Act, President Lyndon Johnson stated, "Much can be done, and must be done, if the potential freedoms affirmed by the Civil Rights Act of 1964 are to be translated into practice and meaningful progress. The most direct responsibility of each citizen is to participate in the affairs of his nation, state and community by exercising his right to vote. Every qualified citizen must register and vote if we are to be worthy of the freedoms we enjoy and hope to obtain."

The Elementary and Secondary Education Act of 1965

Introduction

Nearly forty years ago President Lyndon B. Johnson enacted the Elementary and Secondary Education Act (ESEA). The ESEA is the first and largest comprehensive federal education law that provides substantial monetary funds for kindergarten through twelfth grade education. As mandated in the act, the funds are authorized for educator's professional development, instructional materials, resources to support educational programs, and parental involvement promotion. According to the National Education Association Website, "the ESEA is [the] government's single largest investment in elementary and secondary education" (NEA, 2002). The act was originally authorized through 1970, however the government has reauthorized the ESEA every five years since its enactment. As a result of the reauthorizations, the act has undergone numerous name changes and presidencies. However, the basic premise of the law still stands today; it "provides targeted resources to help ensure that disadvantaged students have access to a quality public education" (NEA, 2002).

ESEA Background Information

The ESEA was designed by Francis Keppel, President Johnson's Commissioner of Education. Keppel, an educator, introduced the act in January of 1965 and it was passed a mere three months later on April 9, 1965. The act was a component of President Johnson's legislative plan termed, "War on Poverty". As Daniel Schugurensky states the act "was developed under the principle of redress, which established that children from low-income homes required more educational services". A number of events led to the passage of the law including the Civil Rights movement, historical judicial decisions, e.g. *Brown v. Board of Education*, and congressional pressure. According to President Johnson, "Congress had been trying to pass a school bill for all America's children since 1870 and had finally taken the most significant step of this century to provide help to all schoolchildren".

Impact of the ESEA

Many programs exist today due to the ESEA of 1965. The act proved to be a catalyst for future educational legislation. A few of the pivotal acts that derived from the ESEA include the Individuals with Disabilities Education Act, the Bilingual Education Act, and the Goals 2000: Educate America Act. All of these acts allocate funds and stipulate rights for **all** children receiving an education. Without the ESEA much of the educational progress that has been made, specifically in Bilingual Education, would have been delayed or even worse stifled. As President Johnson stated the ESEA offers "new hope to tens of thousands of youngsters" since it provides students with trained professionals and resources that are required for an appropriate education.

THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965: FROM THE WAR ON POVERTY TO NO CHILD LEFT BEHIND

The largest source of federal support for K-12 education is the Elementary and Secondary Education Act (ESEA). Passed in 1965 as part of Lyndon Johnson's War on Poverty, ESEA has provided federal funding to the neediest students and schools for over 40 years. It has been reauthorized eight times—usually every five or six years—since 1965. In announcing his plan to construct a "Great Society," President Johnson stated, "Poverty must not be a bar to learning, and learning must offer an escape from poverty." Bolstered by the passage of the Civil Rights Act of 1964, elections yielding an increase in the number of Congressmen from northern, more urban areas, and his own landslide election victory, Johnson quickly won passage of ESEA. Representative John Brademas summarized the congressional sentiment behind Johnson's legislation, stating, "Many of us in Congress and some presidents of both parties perceived that there were indeed genuine needs— in housing, health, and education—to which state and city governments were simply not responding.

It was this inattention by state and local political leaders, therefore, that prompted us at the federal level to say, ‘We’re going to do something about these problems.’ And we did.”

ESEA created for the first time a partnership among federal, state, and local governments to address part of the larger national agenda of confronting poverty and its damaging effects by targeting federal aid to poor students and schools. It also was based on a “grand” compromise concerning federal aid to private and parochial schools. To avoid directly sending public dollars to parochial schools, ESEA instead directed public school districts to use a portion of their Title I funds to provide services to low-income students enrolled in private schools. This provision—known as equitable participation—has stood for over 40 years.

1965: Social Security Act Amendments (Medicare and Medicaid)

This act was signed into law by President Lyndon Johnson on July 30, 1965, in Independence, MO. It established Medicare, a health insurance program for the elderly, and Medicaid, a health insurance program for the poor.

In 1965, the passage of the Social Security Act Amendments, popularly known as Medicare, resulted in a basic program of hospital insurance for persons aged 65 and older, and a supplementary medical insurance program to aid the elderly in paying doctor bills and other health care bills. It was funded by a tax on the earnings of employees, matched by contributions by employers, and was well received. In the first three years of the program, nearly 20 million beneficiaries enrolled in it.

Debate over the program actually began two decades earlier when President Harry S. Truman sent a message to Congress asking for legislation establishing a national health insurance plan. At that time, vocal opponents warned of the dangers of "socialized medicine" By the end of the Truman's administration, he had backed off from a plan of universal coverage, but administrators in the Social Security system and others began to focus on the idea of a program aimed at insuring Social Security beneficiaries whose numbers and needs were growing.

The 1950 census showed that the aged population in the United States had grown from 3 million in 1900 to 12 million in 1950. Two-thirds of older Americans had incomes of less than \$1,000 annually, and only one in eight had health insurance. Between 1950 and 1963, the aged population grew from about 12 million to 17.5 million, or from 8.1 to 9.4 percent of the U.S. population. At the same time, the cost of hospital care was rising at a rate of about 6.7 percent a year, several times the annual increase in the cost of living, and health care costs were rapidly outpacing growth in the incomes of older Americans.

Private insurers had long considered this illness-prone population a "bad risk" A broad debate about the need for a social insurance program to provide older Americans with reliable health care coverage started within the Social Security Administration and in Congress. Public hearings were held, and the House of Representatives considered several proposals, but the debate did not intensify until 1960, when it became clear that private insurers were becoming increasingly incapable of providing comprehensive, affordable health care coverage to the rapidly growing population of older adults. Between 1960 and 1965, the health coverage debate was a front burner issue in Congress, with dozens of proposals introduced and testimonies given by representatives of major organizations, including the American Hospital Association, the American Medical Association, and the AFL-CIO.

After Congress passed the legislation in the summer of 1965, President Lyndon Johnson decided to sign the bill with former President Truman at the Truman Presidential Library in Independence, MO, in order to recognize Truman's early effort to establish a national health insurance program. After some brief remarks, President Johnson signed into law the Medicare Social Security Amendments.

Social Security Act of 1965

The **Social Security Act of 1965** resulted in the passing of two bills: Medicare and Medicaid. The act provided federal health insurance for the elderly (over 65) and for poor families. While Lyndon B. Johnson (LBJ) was responsible for signing the bill, there were many others involved in drafting the final bill that was introduced to the United States Congress in March 1965.

The fight for national health insurance began in the early 1900s and greatly caught the public's attention during Truman's presidency. Between 1958 and 1964 controversy grew and the bill was drafted. The signing of the act, as part of LBJ's Great Society, heralded in an era with a greater emphasis on public health issues.

The idea of national health insurance came about around 1915 when the group American Association for Labor Legislation attempted to introduce a medical insurance bill to some state legislatures. These attempts were not successful and as a result the controversy about national insurance came about. National groups supporting the idea of government health aid included the AFL-CIO, American Nurses Association, National Association of Social Workers, and the Socialist Party USA. The most prominent opponent of national medical insurance was the American Medical Association (AMA); others included the American Hospital Association, the Chamber of Commerce and the Life Insurance Association of America.

In 1935, when President Franklin D. Roosevelt signed the Social Security Act, medical benefits were left out of the bill. While Roosevelt wished to include some sort of national health care clause in the bill, he believed the American population would not be ready and the idea would be unpopular. Still, the idea of government medical care insurance stayed in the minds of some politicians. Harry Truman took on the idea of national medical care and tried to integrate it into his Fair Deal program. Unfortunately, Truman's attempts were also unsuccessful; however, during his presidency the fight for national medical care became specific to the aged population.

The election of Lyndon B. Johnson in 1964 gave hope to the healthcare bill. Wilbur Cohen, the man in charge of the Health, Education and Welfare Committee, took up the Medicare bill. Cohen convinced Johnson to give the bill high priority; Johnson realized this bill had been in the works since before Truman's time thus he declared its importance to his Great Society program.

During March 1965, Wilbur Mills, with the help of many other people and groups, presented a draft of the bill to Congress. The bill went through more than five hundred changes between the Senate and the House. Finally, the bill passed with the majority vote in both the house (307-116) and the senate (70-24). It came about as two amendments to the Social Security Act. Title 18 became known as Medicare and Title 19 became known as Medicaid. Title 18 includes Part A, which provides hospital insurance to the aged, and Part B which provides supplemental medical insurance.

The passage of the new healthcare program marked an important point in American history; it was the America's first public health insurance program. Although the overall politics of Medicare and Medicaid were liberal, the help of both John Byrnes, a Republican, and the American Medical Association was essential in drafting what came to be known as the Social Security Amendments of 1965. Medicare and Medicaid were one of the few successful programs that lasted from Johnson's vision of the Great Society.

Immigration Act of 1965

In 1965 Lyndon B. Johnson managed to persuade Congress to pass a new Immigration Act. This new legislation brought to an end quotas based on national origin. Instead, the main factor of selection was the occupation of the applicant. Preference was given to those who had relatives already in the United States. Race, religion, color and national origin, was no longer factors in the selective process.

In 1965, President Lyndon Johnson signed a bill that has dramatically changed the method by which immigrants are admitted to America. This bill is the Immigration Act of 1965. This act, also known as the Hart-Cellar Act, not only allows more individuals from third world countries to enter the US (including Asians, who have traditionally been hindered from entering America), but also entails a separate quota for refugees. Under the Act, 170,000 immigrants from the Eastern Hemisphere are granted residency, with no more than 20,000 per country. One hundred twenty thousand immigrants from the Western Hemisphere, with no "national limitations," are also to be admitted. The significance of this bill was that future immigrants were to be welcomed because of their skills/professions, and not for their countries of origin.

The main reason the Immigration Act was the Civil Rights Movement. The Civil Rights Movement was to rid America of racial/ethnic discrimination. Two other bills, the Civil Rights Act of 1964 and the Voting Rights Act of 1965, Johnson signed for the same reason. The Immigration Act was therefore a corrective measure instituted to atone for past history of discrimination in immigration.

Two earlier laws reflecting this discrimination were the National Origin's Act of the 1924 and the McCarran-Walter Act of 1952. Both of these granted residency on the basis of national origin, and were particularly discriminative towards Asians. For instance, under the McCarran-Walter Act, while the quota for European immigrants was 149,667, the quota for Asian immigrants was 2,990, and the African quota was 1,400. The Immigration Act of 1965, therefore, shifted the focus to non-European countries, especially those of the third world. Both Johnson and President Kennedy wished that by reforming immigration law, they would not only gain auspicious international relations (especially with non-White nations), but they would also confirm America's bedrock principles of America being a free country, where everyone is considered equal.

Immigrants granted residency in America are now considered for admittance based on skill or for family reunification. More specifically, immigrants are accepted according to following preferences: unmarried adults whose parents are American citizens, spouses and offspring of permanent residents, gifted professionals, scientists, and artists. The last preferences are the following: married offspring of American citizens, siblings of adult citizens, skilled/unskilled individuals of occupations lacking workers in America, and refugees from either communist (or communist-controlled) countries, or those from the Middle-East. The Immigration Act of 1965 became law on July 1, 1968. Even though the Immigration Act of 1965 was not implemented to bring an immediate end to discrimination, it was definitely seen as a major contributor in ending it.

Immigration and Nationality Act of 1965

The **Immigration and Nationality Act amendments of 1965** abolished the national-origin quotas that had been in place in the United States since the Immigration Act of 1924. It was proposed by Emanuel Celler, cosponsored by Philip Hart and heavily supported by Senator Ted Kennedy.

An annual limitation of 170,000 visas was established for immigrants from Eastern Hemisphere countries with no more than 20,000 per country. By 1968, the annual limitation from the Western Hemisphere was set at 120,000 immigrants, with visas available on a first-come, first-served basis. However, the number of family reunification visas was unlimited, and led to chain immigration. This contravened the intention of family reunification visas, which were designed to end the separation of U.S. citizens from their families.

In the Democratic-controlled Congress, the House of Representatives voted 326 to 69 in favor of the act while the Senate passed the bill by a vote of 76 to 18. Opposition mainly came from Southern delegates. In 1965, President Lyndon Johnson signed the legislation into law.

During debate on the Senate floor, Senator Kennedy, speaking of the effects of the act, said, "...our cities will not be flooded with a million immigrants annually.... Secondly, the ethnic mix of this country will not be upset...." The act's supporters not only claimed the law would not change America's ethnic makeup, but that such a change was not desirable.

In the end, this act dramatically changed the face of American society by making it a multicultural and multiethnic nation. The preference in the law for skilled workers changed the tradition pathway to immigration which lead to difficulties for manual laborers from countries such as Mexico in obtaining legal permission to enter the United States.

According to recent Census data (see "U.S. Fertility Rate Hits 35-Year High, Stabilizing Population" in external links for details), the entire post-1970 population growth in the U.S. is due to foreign immigration. Since 1971, the fertility rate of the native population stayed below the replacement level of 2.1 children per woman during her lifetime, and only recently reached the replacement level due to high fertility rates of Hispanics.

The Voting Rights Act of 1965

The 1965 Enactment

By 1965 concerted efforts to break the grip of state disfranchisement had been under way for some time, but had achieved only modest success overall and in some areas had proved almost entirely ineffectual. The murder of voting-rights activists in Philadelphia, Mississippi, gained national attention, along with numerous other acts of violence and terrorism. Finally, the unprovoked attack on March 7, 1965, by state troopers on peaceful marchers crossing the Edmund Pettus Bridge in Selma, Alabama, en route to the state capitol in Montgomery, persuaded the President and Congress to overcome Southern legislators' resistance to effective voting rights legislation. President Johnson issued a call for a strong voting rights law and hearings began soon thereafter on the bill that would become the Voting Rights Act.

Congress determined that the existing federal anti-discrimination laws were not sufficient to overcome the resistance by state officials to enforcement of the 15th Amendment. President Johnson signed the resulting legislation into law on August 6, 1965. Section 2 of the Act applied a nationwide prohibition against the denial or abridgment of the right to vote on the literacy tests on a nationwide basis. Among its other provisions, the Act contained special enforcement provisions targeted at those areas of the country where Congress believed the potential for discrimination to be the greatest. Under Section 5, jurisdictions covered by these special provisions could not implement any change affecting voting until the Attorney General or the United States District Court for the District of Columbia determined that the change did not have a discriminatory purpose and would not have a discriminatory effect. In addition, the Attorney General could designate a county covered by these special provisions for the appointment of a federal examiner to review the qualifications of persons who wanted to register to vote. Further, in those counties where a federal examiner was serving, the Attorney General could request that federal observers monitor activities within the county's polling place.

Congress had found that case-by-case litigation was inadequate to combat wide-spread and persistent discrimination in voting, because of the inordinate amount of time and energy required to overcome the obstructionist tactics invariably encountered in these lawsuits. After enduring nearly a century of systematic resistance to the Fifteenth Amendment, Congress might well decide to shift the advantage of time and inertia from the perpetrators of the evil to its victims.

Voting Rights Act of 1965

This act was signed into law on August 6, 1965 by President Lyndon Johnson. It outlawed the discriminatory voting practices adopted in many southern states after the Civil War, including literacy tests as a prerequisite to voting.

AN ACT To enforce the Fifteenth Amendment of the United States, and for other purposes. This act was signed into law 95 years after the amendment was ratified. In those years, African Americans in the South faced tremendous obstacles to voting, including poll taxes, literacy tests, and other bureaucratic restrictions to deny them the right to vote. They also risked harassment, intimidation, economic reprisals, and physical violence when they tried to register or vote. As a result, very few African Americans were registered voters, and they had very little, if any, political power, either locally or nationally.

In 1964, numerous demonstrations were held, and the considerable violence that erupted brought renewed attention to the issue of voting rights. The murder of voting-rights activists in Mississippi and the attack by state troopers on peaceful marchers in Selma, AL, gained national attention and persuaded President Johnson and Congress to initiate meaningful and effective national voting rights legislation. The combination of public revulsion to the violence and Johnson's political skills stimulated Congress to pass the voting rights bill on August 5, 1965.

The legislation, which President Johnson signed into law the next day, outlawed literacy tests and provided for the appointment of Federal examiners (with the power to register qualified citizens to vote) in those jurisdictions that were "covered" according to a formula provided in the statute. In addition, Section 5 of the act required covered jurisdictions to obtain "preclearance" from either the District Court for the District of Columbia or the U.S. Attorney General for any new voting practices and procedures.

Because the Voting Rights Act of 1965 was the most significant statutory change in the relationship between the Federal and state governments in the area of voting since the Reconstruction period following the Civil War, it was immediately challenged in the courts. Between 1965 and 1969, the Supreme Court issued several key decisions upholding the constitutionality of Section 5 and affirming the broad range of voting practices for which preclearance was required.

The law had an immediate impact. By the end of 1965, a quarter of a million new black voters had been registered, one-third by Federal examiners. By the end of 1966, only 4 out of the 13 southern states had fewer than 50 percent of African Americans registered to vote. The Voting Rights Act of 1965 was readopted and strengthened in 1970, 1975, and 1982.