

# Race and Legal History

*The history of race and law in the United States is inextricably linked. Laws, treaties, and judicial decisions often have played and continue to play defining roles in both the institutionalization of racist policy and in the advancement of a more equitable society.*

## 1862 Homestead Act

Allots 160 acres of western land to “anyone” who could pay \$1.25 and cultivate it for five years. The Act limits the opportunity to US citizens, meaning Blacks, Native Americans, and non-European immigrants are excluded.

## 1862 California passes “Anti-Coolie Act”

- \$2.50/month tax on any Asian worker over 18 years of age (except those working in production of sugar, rice, coffee, tea).
- Designed to protect white labor opportunity and to discourage Chinese immigration.

## 1865 Ratification of 13th Amendment

Abolishes slavery in the United States, except as punishment for crime.

## 1865-1966 Black Codes

- State or municipal- level laws that are enacted in southern states following the adoption of the 13th Amendment.
- Deny Blacks the rights to testify against Whites, serve on juries, and vote.
- Some of these codes limit occupations open to African Americans and bar them from acquiring land upon the end of Reconstruction in 1877.

## 1868 Treaty of Fort Laramie

- The Treaty agrees that Whites will not enter the Black Hills in the Dakotas without Native American permission.
- When gold is discovered there, the terms of the Treaty are changed without the consent of Native Americans.

## 1857 Dred Scott v. Sandford

The U.S. Supreme Court reinforces southern states’ claims of slaves as property, and in denying standing to enslaved peoples.

## 1876-1965 Jim Crow Laws

A cadre of laws and institutions which enforce segregation.

## 1879-1900s Residential School System

- Native American children forced to attend government sponsored schools run largely by missionaries.
- Native American children are not allowed to speak their native languages, among other tactics of forced acculturation.

## 1882 Chinese Exclusion Act

- Excludes Chinese from entering the US for 10 years. Renewed by the Geary Act of 1892.
- Many Americans of Chinese decent are denied reentry when trying to return after leaving the country.
- In 1898, the Supreme Court decides the case of US v. Wong Kim Ark, an American-born man of Chinese ancestry, who was denied re-entry. Establishes the precedent that American-born children of foreign parents are US citizens by birthright.

## 1887 Dawes General Allotment Act

- Provides for the division of Native American tribally held land into individually owned parcels; expressly forbids communally held land.
- The Act has the express intention of disrupting the tradition of communally held land, giving up tribal self-governing, assimilation to Europeanized social structures, and making land available for white development.

## 1917 Immigration Act of 1917

Known as the Asian Barred Zone Act, it imposes a literacy test and established the Asiatic Barred Zone, greatly restricting immigration from eastern Asia and Pacific islands, excluding US territories.

## 1902 Extension of Chinese Exclusion Act

By reenacting the Geary Act of 1892 without an end date, Chinese immigration is effectively made permanently illegal.

## 1896 Plessy v. Ferguson

- Supreme Court establishes the principle of “Separate but Equal.”
- Guarantees states’ rights to implement racially separate institutions.

## 1922 Ozawa v. United States

Born in Japan and having lived in the US for 20 years, Mr. Ozawa petitions US citizenship on the grounds that his skin is as white as or whiter than many so-called “Caucasian” whites. His naturalization petition is denied on the basis that he is not considered “white” within the meaning of the statute.

## 1924 Indian Citizenship Act

Also known as the Snyder Act or the National Origins Act, grants full US citizenship to Native Americans. The Act does not include people born before the effective date of the 1924 Act or outside the US as a Native American person. Several states still withhold voting rights for Native Americans until 1938. Universal suffrage for Native Americans is not fully enacted until 1948.

## 1942 Japanese-American Internment

Executive Order 9066 provides for the forced relocation and internment of approximately 110,000 Japanese-Americans and Japanese living on the Pacific coast during World War II. Of the interned, approximately 62% are American citizens.

## 1943 Magnuson Act

In repealing the Chinese Exclusion Act, the Magnuson Act allows for Chinese immigration. It still provides for many restrictions against property and ownership rights for ethnic Chinese.

## 1952 Immigration and Nationality Act

This Act relaxes immigration restrictions and abolishes the Asiatic Barred Zone.

## 1954 Operation “Wetback”

An operation by the US Naturalization and Immigration Service to remove approximately one million undocumented immigrants, primarily Mexican nationals, from the southwestern US. The operation relies heavily on sweeps of Latino neighborhoods, ID checks, and random stops.

## 1954 Brown v. Board of Education

Ends “separate but equal” leading to integration of schools.

## 1957 Eisenhower orders federal troops to Arkansas

In a response to Gov. Orville Faubus declaring that 9 Black students be barred from integrating Central High School in Little Rock, the President sends troops from 101 Airborne to escort them to school.

## 1944 Korematsu v. United States

Supreme Court declares the order leading to the internment of Japanese-Americans to be constitutional.

## Mid-1940s to mid-1960s Indian Termination Policy

In an effort to assimilate Native Americans into mainstream society, the US government ends its recognition of the sovereignty of tribes, trusteeship of reservations, and exclusion of Native Americans from state laws. Despite formalizing rights and citizenship of many, the policy has disastrous effects on Native American communities, especially in the areas of education and healthcare.

## 1929-1939 Mexican Repatriation

A forced migration when as many as one million people of Mexican descent are forced or pressured to leave the US, resulting from restrictive new labor laws in response to the Great Depression. Around 60% of those forced out are US citizens.

## 1964 Civil Rights Act

Outlaws discrimination based on race, religion, sex, or national origin, as well as, unequal application of voting registration requirements, racial segregation in schools, public accommodations, and employment applications.

## 1965 Voting Rights Act

Outlaws poll taxes, literacy tests, and other mechanisms used to restrict minorities’ access to voting.

## 1967 Loving v. Virginia

US Supreme Court legalizes interracial marriage.

## 1968 Civil Rights Act

Provides for equal access to housing regardless of race, religion, or country of origin. This list expands to include gender in 1974, and people with disabilities in 1988.

## 1980 Refugee Act

Program to aid in the resettlement of refugees and to help them become economically self-sufficient.

## 2013 Shelby County v. Holder

Limits need of federal oversight for voting in many southern states.

# 1800

\* 1791 Bill of Rights passed

\* 1803 Louisiana Purchase Treaty

\* 1812-1815 War of 1812

# 1850

\* 1848 Gold discovered in California

\* 1860 Abraham Lincoln elected

\* 1861 Civil War begins

\* 1863 Emancipation Proclamation

\* 1865 Abraham Lincoln assassinated

\* 1865 Civil War ends

\* 1869 Completion of Transcontinental Railroad

\* 1872 Yellowstone National Park founded

\* 1876 Alexander Graham Bell invents telephone

# 1900

\* 1898 Spanish-American War

\* 1903 Wright brothers’ first flight; Ford Motor Company founded

\* 1904 Panama Canal Zone acquired by US

# 1950

\* 1917 US enters World War I

\* 1929-1939 Great Depression

\* 1941 US enters World War II

\* 1945 End of World War II

# 2000

\* 1974 Nixon resigns

\* 1991 Gulf War

\* 2001 Terrorist Attacks in NY, DC, and PA

\* 2008 President Barack Obama elected

# Historical Mileposts

\* 1808 Act Prohibiting the Importation of Slaves

\* 1831 Nat Turner Slave Rebellion

\* 1849 Harriet Tubman escapes from slavery

\* 1859 John Brown’s Raid on Harper’s Ferry

\* 1861-1865 Civil War

\* 1866 Ku Klux Klan founded

\* 1876 Battle of Little Bighorn

\* 1890 Massacre of Wounded Knee

\* 1909 Founding of NAACP

\* 1920 Ratification of 19th Amendment, enfranchisement of (white) women

\* 1920s Harlem Renaissance

\* 1927 Release of Al Jolson film The Jazz Singer, first “talkie”

\* 1936 Jesse Owens wins 4 gold medals at Berlin Olympics

\* 1940 Benjamin O. Davis Sr. becomes first Black general in US Army

\* 1947 Jackie Robinson integrates professional baseball

\* 1955 Lynching of Emmitt Till

\* 1955 Rosa Parks and Montgomery Bus Boycott

\* 1960 Founding of Student Non-Violent Coordinating Committee

\* 1961 Freedom Riders

\* 1963 Martin Luther King Jr. jailed and writes “Letter from the Birmingham Jail”

\* 1963 Bayard Rustin and A. Phillip Randolph organize March on Washington with King’s “I Have a Dream” speech

\* 1965 Watts Riots

\* 1965 King leads march from Selma to Montgomery

\* 1965 Malcolm X assassinated

\* 1968 MLK assassinated

\* 1977 Premier of Roots

\* 1992 Los Angeles Riots

\* 1993 Toni Morrison becomes first Black American to win Nobel Prize in Literature

\* 2001 US Patriot Act

\* 2005 Hurricane Katrina

\* 1989 Congress issues apology for Japanese-American Internment

# Relevant Social History