

Discrimination and Civil Rights in California

In 1850, California became a state. A major question was whether California would be free of slavery. At the California constitutional convention in 1849, about half the delegates were pro-slavery. But the convention decided that California would be free.

The new state constitution, however, only allowed white males to vote. That included white-male citizens of Mexico who chose to become U.S. citizens. But some Californios (former Mexican citizens) were African or Native American. They did not have the right to vote.

At the same time, California passed a law called the Act Concerning Civil Cases. It prohibited black people or American Indians from testifying in a court case where a white person was a party.

Asian Americans were also affected. In 1854, a white man was convicted for murder. One witness against him was Chinese. In *People v. Hall* the California Supreme Court overturned the conviction. The court ruled that the Chinese witness was not "white" and should not have testified.

The 14th Amendment and the States

The Civil War prompted major civil rights changes in all the states. The federal government created the Freedmen's Bureau before the end of the war to help emancipated (newly free) slaves. The bureau helped ensure they were paid fairly and could freely choose their employers.

The war ended in April 1865. In December, the states ratified (approved) the 13th Amendment to the U.S. Constitution that ended slavery. Four million black Southerners were now free.

But many former slave states resented the Freedmen's Bureau and the end of slavery. They passed strict laws called Black Codes. The Black Codes took away free black persons' right to vote. Free black people also were forced to sign work contracts with white employers. The codes even allowed employers to whip employees. These conditions were similar to slavery.

Congress responded with the 14th Amendment. In 1868, it was added to the Constitution. The 14th Amendment says:

No State shall make or enforce any law which shall...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.

It laid out basic rights for all. We now call these our civil rights. One important civil right is the guarantee that all persons are protected equally under the law. Skin color does not matter. All persons are equal.

Another important civil right is the guarantee of something called due process of law. That means that everyone gets fair treatment under the law.

The key phrase in the 14th Amendment is “no state shall make or enforce any law” that deprives anyone of civil rights. California, like other states, could not discriminate unfairly against anyone.

Even after 1868, there were extreme social tensions in California. San Francisco Irish immigrant and labor leader Dennis Kearney ridiculed Chinese language, religions, and customs in his speeches. Japanese students in San Francisco were segregated in the early 20th century, too.

Equal Protection in the 20th Century

During World War II, the U.S. was at war with Japan. The U.S. government forced thousands of U.S. citizens of Japanese ancestry to go to remote camps. Fred T. Korematsu was from California and was arrested and convicted for refusing to relocate to the camps. He challenged his conviction and the practice of incarceration, arguing it violated his 14th Amendment right to due process.

The U.S. Supreme Court finally decided Korematsu’s case in 1944, allowing the incarceration to continue. But 40 years later, a federal trial court in Northern California overturned his original conviction.

California would play an important role in later civil rights actions. One example is the Supreme Court’s decision in *Regents of the University of California v. Bakke*. The case dealt with admissions to higher education (after high school). In 1977, the Court decided that racial quotas (fixed numbers) for admissions violated the 14th Amendment.

The court also decided, however, that race can be a factor in admissions. This became the basis for affirmative action. It was a lasting change to public policy on civil rights. Californians’ actions have made other long-term changes to policy.

For Discussion and Writing

1. The 13th Amendment ended slavery. Why was the 14th Amendment also necessary after the Civil War?
2. What are some examples of discrimination in California’s history? How is California different today?
3. Do you think the Supreme Court’s decision in the *Bakke* case was important. Why or why not?