

Equality still elusive 50 years after Civil Rights Act

Richard Wolf, USA TODAY, 4/1/14

When President John F. Kennedy called on Congress in June 1963 to pass what would eventually become the Civil Rights Act of 1964, he rattled off a string of statistics intended to highlight the nation's continuing racial divide a century after the Emancipation Proclamation.

African Americans born that year, Kennedy said, had "about one-half as much chance of completing high school as a white baby born in the same place on the same day, one-third as much chance of completing college, one-third as much chance of becoming a professional man, twice as much chance of becoming unemployed, about one-seventh as much chance of earning \$10,000 a year, a life expectancy which is seven years shorter, and the prospects of earning only half as much."

Fifty years later, on the eve of Monday's observance of Martin Luther King Jr. Day, the battle to end overt discrimination has been far more successful than the effort to attain economic, educational or social equality.

Blacks have made huge strides in high school education but still lag in college graduation rates. Their incomes have risen and poverty rates have declined, but a mammoth wealth gap remains, along with persistently high unemployment rates.

So great has been the increase in political power that the black voter turnout rate surpassed that of whites in the 2012 presidential race, and the number of black elected officials has risen sevenfold. But while school segregation and workplace discrimination have declined, too many African Americans go home to segregated, often impoverished neighborhoods.

"There has been a dramatic change in attitudes and in principles," says Michael Wenger, a senior research fellow at the Joint Center for Political and Economic Studies, the nation's leading think tank on African-American socioeconomics. "Change has been much less dramatic in actual behavior."

The Civil Rights Act championed by Kennedy and signed into law by President Lyndon Johnson after JFK's death succeeded in opening public accommodations, such as hotels and restaurants. It took longer to reduce racial discrimination in the workplace, but that, too, counts as a success. And the law's threat to cut off federal funding forced the desegregation of schools in the South.

"We shouldn't underestimate the importance of that," says Michael Klarman, a Harvard Law School professor specializing in constitutional law and civil rights. "Without that, we wouldn't have a black middle class as successful as it is. We wouldn't have a black president. We wouldn't have as many blacks going to law school or medical school."

Public attitudes have changed dramatically. In the 1960s, most whites were tolerant of job discrimination and school segregation. Today, most say they accept the racial preferences required to rectify decades of discrimination.

POLLING STATS

A USA TODAY poll taken in late June, after the Supreme Court's ruling on the use of racial preferences at the University of Texas, found that 53% of Americans support the affirmative-action programs that grew out of the civil rights movement. (A Gallup poll in late July, however, found that figure drops to 28% when the question focuses on college admissions.)

Polling by the Pew Research Center, on the other hand, shows that nearly nine in 10 blacks say discrimination still exists. One in three say they have experienced it within the past year; that number rises to one in two when it comes to the workplace or the voting booth.

Kennedy knew the challenge wasn't just passing laws, but changing hearts and minds. "Law alone cannot make men see right," he said. "We are confronted primarily with a moral issue."

The law, however, is what he could address. And while Kennedy didn't live to see it passed, the Civil Rights Act of 1964 sought to tackle discrimination in workplaces, schools and public facilities, as well as in state and local governments.

At the heart of the act was Title VII, which banned employment discrimination, and the affirmative-action programs that emerged from it. Barbara Arnwine, president of the Lawyers Committee for Civil Rights Under Law, says that section of the law "changed the complexion of the American workplace, without question."

GAINS MADE AND LOST

As a result, the black middle class has grown, helped in large part by government employment, where millions of African Americans found jobs at the federal, state and local level. But increased competition in a global economy has negated much of the gains that otherwise would have been felt from reducing workplace discrimination.

"Finally when the jobs opened, the jobs started to disappear," Klarman says.

Progress over the past 50 years has been "breathtaking and unimaginable," says civil rights lawyer Ted Shaw, former president of the NAACP Legal Defense and Educational Fund and a professor at Columbia University School of Law. Nevertheless, he says, even the election of a black president "doesn't mean that all these systemic issues of racial inequality have disappeared."

In almost every economic category, blacks have been gaining, but not by enough. Median family income (in inflation-adjusted dollars) is up from \$22,000 in 1963 to more than \$40,000 today, still just two-thirds of the median for all Americans. Black unemployment remains twice the level of white unemployment, similar to where it was in 1972.

The black poverty rate has dropped from more than 40% in the 1960s to about 27% today; child poverty similarly has dipped from 67% to about 40%. Those numbers still are glaring, however. And the gap in overall wealth is more than 5-to-1 between whites and blacks: The average white household had nearly \$800,000 in assets in 2011, compared with \$154,000 for blacks.

"The impact of the Civil Rights Act is totally defined by where you are when it starts — economically, geographically, socially," says William Chafe, a civil rights scholar and professor emeritus of history at Duke University. "There was a significant increase in the black middle class ... but it had almost no effect on the 50% who were at the bottom."

When it comes to desegregating schools, the Civil Rights Act fulfilled for African Americans the reward that still remained elusive 10 years after *Brown v. Board of Education*.

In 1964, just one in four blacks above age 25 had graduated from high school. Today, the number is 85%. The percentage of blacks with a college degree has risen from 4% to more than 21% — but there is much further to go. The rate for whites is 34%.

When the schoolhouse doors did swing open, a population long excluded from neighborhood schools or elite colleges and universities required help. Even today, African Americans have not caught up to whites in educational attainment. The percentage of black college students who graduate hovers around 40%, compared

with 62% for whites, 50% for Hispanics and nearly 70% for Asian-Americans, according to Education Department data.

"Class and poverty have largely superseded race as the cause of inequality today, particularly in education," says John Brittain, a University of the District of Columbia law professor and former chief counsel for the Lawyers' Committee for Civil Rights Under Law. Calling it "de facto" rather than "de jure" segregation, Brittain says, "That is the challenge 40 to 50 years later."

Gary Orfield, a professor and co-director of the Civil Rights Project at UCLA, decried the situation faced by African Americans in a stinging critique of President Obama's second inaugural address last year.

"Most whites believe minorities already have equal opportunity," Orfield said. But "the peak of equity in college access happened back in the 1970s, and there are very large gaps today. The schools of black children have been steadily resegregating ... and have weaker graduation rates, less qualified teachers and weaker educational offerings."

The driving force in civil rights policy today, Orfield said, is the Supreme Court. Although it has upheld the consideration of race to create a diverse student body, its landmark decisions in 1978, 2003 and 2013 have admonished universities for over-emphasizing race. And the justices appear poised this year to approve Michigan's statewide ban on affirmative-action policies, something that seven other states also have, including California and Florida.

The Civil Rights Act was followed by separate laws on voting rights in 1965 and fair housing in 1968 — again, with mixed results.

Blacks' gains at the voting booth have been dramatic. In last year's presidential election, black turnout exceeded that of whites for the first time, according to Census data. And the number of black elected officials has soared from fewer than 1,500 in 1970 to more than 10,500 today.

So much has improved, in fact, that the Supreme Court last June struck down the most powerful tool in the Voting Rights Act to block discrimination at the voting booth. As a result, states such as Texas and North Carolina have moved to reinstate some restrictions.

Progress on housing has been much slower. While the Civil Rights Act opened up public accommodations, the Fair Housing Act of 1968 has failed to markedly raise black home ownership rates, and nearly six in 10 African Americans still live in segregated neighborhoods.

For all those reasons — economic and educational progress coupled with problems still facing black families — rights leaders remain committed to the cause.