



Laws, Leadership, Liberty, and Legacy

A Comparative Analysis of
the American Civil Rights Movement and
the South African Struggle to End Apartheid

By

Roadmap

1. Laws

- a. Pre-segregation national histories
- b. Establishing each nation's government structure
- c. National and state laws implementing segregation

2. Leadership

- a. Renowned leaders MLK Jr. and Mandela
- b. Innovative young activists lead the resistance
- c. International intervention

3. Liberty

- a. The official abolition of state-sanctioned segregation
- b. Immediate consequences, or lack thereof

4. Legacy

- a. Echoes of the movements still heard today
- b. Contemporary outgrowths furthering the missions





Themes and Questions

- 1) What are the key similarities and differences of each movement?
- 2) What was the role of constitutional and human rights law?
 - a) Did the law to help or hinder each movement's success?
- 3) Can the power of the people and protest supersede the law?
- 4) How did timing and global context shape the movements?
- 5) What insight have 60 and 30 years, respectively, illuminated?

The background of the image is a composite of the United States flag on the left and the South African flag on the right. The American flag features its characteristic stars and stripes, while the South African flag displays its unique horizontal and diagonal color bands. A semi-transparent white banner with a subtle gradient and a right-pointing arrow shape is centered across the image.

Laws

History: Setting the Scene

1600s–1700s: slavery in the European colonies

1787: Constitution created, 3/5s compromise

1831: Nat Turner's Revolt, stricter laws ensued

1857: Dred Scott decision barred black citizenship

1861–1865: Civil War, Emancipation Proclamation

1865: 13th Amendment – abolished slavery

1867: 14th Amendment – equal protection

1870: 15th Amendment – black enfranchisement

1870s: widespread Jim Crow laws enacted

1896: *Plessy v Ferguson*, “separate but equal”

1909: NAACP founded by Du Bois

1948: US military desegregated for WWII effort

1954: *Brown v Board of Education* ruled segregation in schools unconstitutional

1652: Dutch East India Company settles trade hub

1700s: British arrive, conflict with Dutch and native empires for dominance over the land

1807: slavery is abolished by ruling British

1860s–1880s: diamonds and gold discovered

1899–1902: Anglo-Boer War (South African War)

1910: The Union of South Africa was founded with exclusively white people in power

1912: African National Congress founded in protest

1913: Land Act creates black “reserves”

1910s–1930s: rise of nationalism/white supremacy

1934: Declaration as sovereign British state

1948: The National Party takes office and officially implements the policy of Apartheid

Government Structure

POWERS OF GOVERNMENT



	LEGISLATIVE	EXECUTIVE	JUDICIAL
FEDERAL	U.S. Congress	President	U.S. Supreme Court and Federal Courts
STATE	State Legislature	Governor	State Courts
LOCAL	City Council	Mayor	Local Courts

Pre-1994:

- 1910-1961: Union of South Africa – a sovereign dominion of the British Empire
- 1961-1994: South Africa declared itself a republic, left the Commonwealth facing international pressure for Apartheid

Post-1994:

- Constitutional Democracy established as a direct result of the end of Apartheid
- Rejoined Commonwealth of Nations
- Mirrors the US structure:
 - National, Provincial, & Local levels
 - Legislative, Executive, & Judicial branches

Multi-Level Legalization of Oppression

Federal Level: inconsistency

Constitutional legislation aimed to make progress

- **13th, 14th, and 15th Amendments**

Supreme Court decisions that segregated

- ***Dred Scott v Sandford***
- ***Plessy v. Ferguson***
- ***Korematsu v. United States***

State Level: exploiting loopholes

State-specific **Jim Crow laws** enforced *Plessy's* "separate but equal" requirement as un-equally as possible in areas such as:

- Voting and ability to run for office
- Public accommodations and schools
- Housing, employment, and social life

National Level: focus on segregating housing

- 1913: **Native Land Act** – black and native populations restricted to 7% of the country
- 1936: **Native Trust and Land Act** – designated black "homelands"
- 1984: **Black Communities Development Act** classified specific neighborhoods by race

Provincial Level: empty partnership

1951: **Bantu Authorities Act**

- delegated authority over native lands and "homelands" to black and tribal leaders
- still subordinate to the white elites in power and faced consequences if they disobeyed

The background of the image is a close-up, high-resolution view of the American and South African flags waving. The American flag is on the left, showing its stars and stripes. The South African flag is on the right, showing its distinctive Y-shape with red, green, blue, and gold colors. A semi-transparent white banner with a subtle wave pattern runs horizontally across the middle of the image.

Leadership

Making a Movement

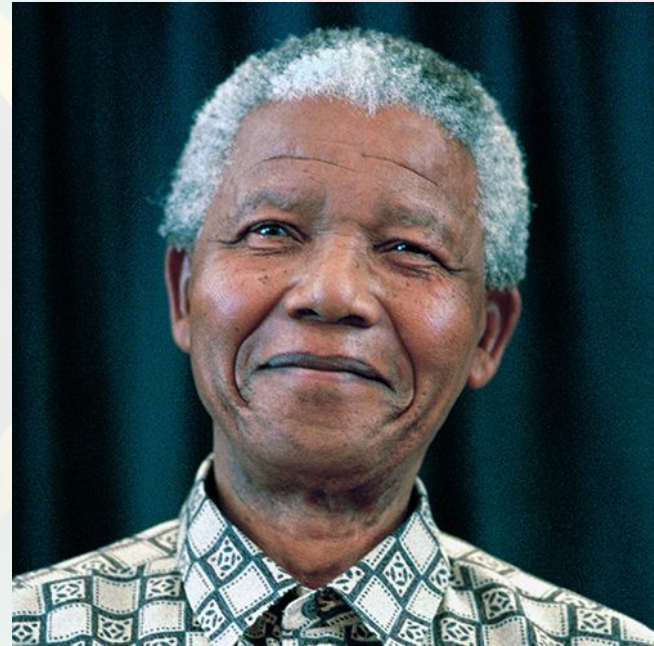
The Civil Rights Movement

- Dates – the “classic” CRM:
 - Began in 1954 with *Brown* decision
 - Ended in 1964 with Civil Rights Act
- Goals of the movement
 - Equal rights under the law
 - End to discrimination and segregation
- Tools of resistance
 - Civil Disobedience
 - Marches and protests
 - Sit-ins and freedom rides
 - Formed civil rights organizations
 - NAACP
 - Southern Christian Leadership Conference

Opposition to Apartheid

- Dates
 - Began in 1948 with National Party
 - Ended in 1991 with repeal of Apartheid
- Goals of the movement
 - Radical liberation from racial and nationalist oppression
- Tools of resistance
 - Civil Disobedience
 - Guerilla Warfare
 - Political organizing:
 - African National Congress (ANC)
 - South African Communist Party
 - Black Consciousness Movement

Iconic Leaders



Student and Youth Activism

Black children at the epicenter

- 1955: **Emmett Till** is murdered at 14
- 1960: **Ruby Bridges** is escorted by US Marshalls to her first day of school
- 1963: **Birmingham Children's Crusade**

Young adults leading the way

- College students and young people were integral in planning and executing countless sit-ins, freedom rides, marches, and protests
- MLK, John Lewis, and Malcolm X were all under 40 years old

Steve Biko

- Medical student and leader of Black Consciousness Movement which emphasized black pride and unified youth action against white supremacy

Student protests

- 1976 Soweto protests
 - Police massacre of schoolchildren
 - Hundreds of students protested for months
- African students inspired American college students to protest nationwide

On the International Stage

Emergence of international human rights law post-WWII

1965: International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

- Established racial discrimination as a *jus cogens* violation of fundamental international law

Civil Rights Movement as the guinea pig

- In the 1950s and 60s, international law was being developed alongside the movement

“We Charge Genocide” petition to the UN in 1951

- Du Bois and the Civil Rights Congress
- Accused the US government of committing genocide on black Americans, violating the UN Genocide Convention and human rights
- Ignored by the UN and denounced by the US government as an act of communism

Delayed liberation lent precedential examples

- By the 1990s when Apartheid ended, racial discrimination was repudiated globally
- Protesters could use precedent and solidly established laws and norms

International community supported the protests

- Sanctions and divestment campaigns
- Barred from the Olympics and the UN

The background of the image is a composite of two national flags. On the left side, the flag of the United States of America is shown, featuring its characteristic stars and stripes. On the right side, the flag of South Africa is displayed, with its distinctive horizontal and diagonal color bands of red, white, green, and blue, separated by yellow and black. A semi-transparent white banner with a subtle arrow shape pointing to the right is positioned horizontally across the center of the image.

Liberty

A Formal End to Segregation

A blurrier end to the movement

1964: Civil Rights Act of 1964

- Effectively abolished Jim Crow laws

1965: Voting Rights Act

1968: Fair Housing Act

Continued discussion of the “Classic” Civil Rights Movement versus the “Long” and ongoing Civil Rights Movement

1989: F.W. De Klerk inaugurated, spent his four years in office officially overturning Apartheid

- Repealed segregationist laws
- Lifted bans on resistance and the press
- Released political prisoners

1990: Nelson Mandela released from prison

1991: final Apartheid laws repealed

- International sanctions lifted

1994: De Klerk established the first democratic free election, won by Nelson Mandela

Immediate Consequences?

The United States did **not** establish a similar judicial body or any mechanism of accountability or healing

There was no form of collective redress. Each individually harmed citizen was burdened with bringing their own claim. These claims eventually accumulated to create precedential case law.

Examples:

- *Heart of Atlanta Motel v. US*
- *Loving v. Virginia*

The Truth and Reconciliation Commission

- An ad-hoc judicial body established by the newly elected Mandela government
- Goal to prevent future human rights abuses
- Not meant to hold individuals liable
 - Many wished it did hold violators liable like the Nuremberg trials did
- 17 commissioners gathered decades of data, investigated and conducted personal interviews of both perpetrators and victims
 - 22,000 statements received by the public
- Granted 1,500 amnesties for thousands of atrocities, 3x amnesty applications denied
 - Amnesty = compromise for participation

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Legacy

Lasting Effects Today

Racial inequality persists throughout American life in housing, employment, wealth, etc

Specific issues plague the black population like mass incarceration, police violence, and maternal mortality

The US government issued a statement in July acknowledging there is still much work to be done

Modern movements

- Black Lives Matter fights against police brutality and racially-motivated violence
- Modern activists are often fighting upstream as white nationalism is on the rise and on the ballot

It has only been 30 years

- Short turnaround to expect drastic change

Housing segregation is still a huge issue

- Lasting effects of the Apartheid regime's emphasis on segregated living
- Neighborhoods remain largely segregated along the same lines of racial regulations and black "homelands"
- The black neighborhoods have fewer or poorer resources like plumbing and internet

Inequality persists in wealth, education, employment, and social spheres

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Thank you!