CIVIL RIGHTS ACT OF 1964 AT 50: LOOKING BACK & LOOKING AHEAD.
SELECTED BIBLIOGRAPHY

The Biddle Law Library is pleased to support the January 14, 2015 Faculty Panel “The Civil Rights Act of 1964 at 50: Looking Back and Looking Ahead” with the below bibliography. The bibliography highlights a variety of pertinent resources about the Civil Rights Act that examine different eras and differing subjects related to the Act (1954-1965; 1965-1985; 1986-1999; and 2000 to present). It is the hope that this selected bibliography will facilitate additional inquiry, discussion and scholarship on this seminal piece of legislation.

I. Overviews

Internet Resources


Law Reviews


Cary Franklin, Inventing the “Traditional Concept” of Sex Discrimination, 125 Harv. L. Rev. 1307 (2012) (looking at the legislative history of Title VII and how it created the traditional sex discrimination), available here.


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ROBERT A. CARO, MASTER OF THE SENATE (v. 3 of THE YEARS OF LYNDON JOHNSON, Knopf 2002) (discussing Lyndon Johnson’s twelve years in the Senate, from 1949 to 1960, and his maneuvering to pass the first civil rights legislation since 1875, the Civil Rights Act of 1957), available at Van Pelt here.


CLAY RISEN: THE BILL OF THE CENTURY: THE EPIC BATTLE FOR THE CIVIL RIGHTS ACT (Bloomsbury Press 2014) (arguing that the roles of President Johnson and the Rev. Martin Luther King in passage of the Civil Rights Act of 1964 are exaggerated, while the contributions of others are ignored), available at Van Pelt here.

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Quiet Integrationist: Medgar Wiley Evers, N.Y. TIMES, June 1, 1963, at 8 (profile of Megar Evers), available here (digital subscription required).

Hodding Carter, III, A Double Standard for Murder?, N.Y. TIMES, Jan. 24, 1965, at SM20 (discussing notorious murder cases of blacks by whites, and the failure of all-white juries to convict accused murderers in such cases), available here (digital subscription required).

John F. Kennedy, Excerpts from President’s Civil Rights Message, N.Y. TIMES, Mar. 1, 1963, at 5 (President Kennedy urging passage of a sweeping civil rights bill), available here (digital subscription required).

E. W. Kenworthy, 200,000 March for Civil Rights in Orderly Washington Rally; President Sees Gain for Negro, N.Y. TIMES, Aug. 29, 1963, at 1, 16 (coverage of the March on Washington, Aug. 28, 1963), available here (digital subscription required).

Anthony Lewis, Since the Supreme Court Spoke, N.Y. TIMES, May 10, 1964, at SM9 (on what has happened with race relations in the United States since the Brown v. Board of Education decision in 1954), available here (digital subscription required).
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Claude Sitton, 'Not Token Freedom, Full Freedom, N.Y. TIMES, June 9, 1963, at 21 (a summary of the civil rights movement in the South, and warnings that the moderate approach has failed), available here (digital subscription required).

———, NAACP Leader Slain in Jackson; Protests Mount, N.Y. TIMES, June 13, 1963, at 1 (the murder of Medgar Evers in Jackson, Mississippi), available here (digital subscription required).


Multimedia


American Experience: Eyes on the Prize: America's Civil Rights Years (PBS television series broadcast first in 1987-1990; re-broadcast Apr. 1, 8, & 15, 2010), further source material covering various aspects of the civil rights movement and its effect down to the present day available directly on the show website here, full videos of all six programs available at Van Pelt here.

———Program 1: Awakenings (1954-1956) (PBS) (From the program notes: "Individual acts of courage inspire black Southerners to fight for their rights: Mose Wright testifies against the white men who murdered young Emmett Till, and Rosa Parks refuses to give up her bus seat to a white man in Montgomery, Alabama."

———Program 2: Fighting Back (1957-1962) (PBS) (From the program notes: "States' rights loyalists and federal authorities collide in the 1957 battle to integrate Little Rock's Central High School, and again in James Meredith's 1962 challenge to segregation at the University of Mississippi. Both times, a Southern governor squares off with a U.S. president, violence erupts -- and integration is carried out.")

———Program 3: Ain't Scared of Your Jails (1960-1961) (PBS) (From the program notes: "Black college students take a leadership role in the civil rights movement as lunch counter sit-ins spread across the South. 'Freedom Riders' also try to desegregate interstate buses, but they are brutally attacked as they travel."

———Program 4: No Easy Walk (1961-1963) (PBS) (From the program notes: "The civil rights movement discovers the power of mass demonstrations as the Rev. Martin Luther King, Jr. emerges as its most visible leader. Some demonstrations succeed; others fail. But the triumphant March on Washington, D.C., under King's leadership, shows a mounting national support for civil rights. President John F. Kennedy proposes the Civil Rights Act.")
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———Program 5: Mississippi: Is This America? (1963-1964) (PBS) (From the program notes: "Mississippi's grass-roots civil rights movement becomes an American concern when college students travel south to help register black voters and three activists are murdered. The Mississippi Freedom Democratic Party challenges the regular Mississippi delegation at the Democratic Convention in Atlantic City.")

———Program 6: Bridge to Freedom (1965) (PBS) (From the program notes: "A decade of lessons is applied in the climactic and bloody march from Selma to Montgomery, Alabama. A major victory is won when the federal Voting Rights Bill passes, but civil rights leaders know they have new challenges ahead.")


Law Reviews

Ruth G. Blumrosen, Wage Discrimination, Job Segregation, and Title VII of the Civil Rights Act of 1964, 12 U. MICH. J.L. REFORM 397 (1979) (key paper in the literature on "comparable worth," addressing the failure to apply prohibitions on employment discrimination under the Equal Pay Act of 1963 and the Civil Rights Act of 1964 to wage rates paid for jobs segregated by race and sex, and suggesting that raising wage rates in jobs so segregated would "dissipate the discriminatory factor in the wage rate"), available at Van Pelt here. (PennKey required)


Linda M. Braye, Local No. 93, International Association of Firefighters v. City of Cleveland: Does Voluntary Compliance with the Civil Rights Act of 1964 Necessarily Entail Reverse Discrimination?, 30 HOW. L.J. 875 (1987) (discussing a Supreme Court case in which a case alleging reverse discrimination by a union was decided in favor of a consent decree negotiated by the City of Cleveland to attain minority employment goals), available at Van Pelt here (PennKey required).
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Terry Connors (Moderator), Marybeth Martin, Jerry George, Vivian Toler & Mike Middleton, Enforcement against State and Local Governments, 1 AM. U. LABOR & EMP. L.F. 209 (2011) (early cases brought against local governments by the Employment Litigation Section of the Civil Rights Division, U.S. Department of Justice (ELS); presentation given at symposium Employment Discrimination: 45 Years of Enforcement of Title VII of the Civil Rights Act of 1964), available here.


Kimberle' Williams Crenshaw, Race, Reform, and Retrenchment: Transformation and Legitimation in Antidiscrimination Law, 101 Harv. L. Rev. 1331, 1332 (1988) (discussing the different political views at the time on antidiscrimination law and the potential weaknesses and strengths of each groups’ arguments), available at Van Pelt here (PennKey required).

Drew S. Days, Ill, Turning Back the Clock: The Reagan Administration and Civil Rights, 19 Harv. C.R.-C.L. L. Rev. 309(1984) (article outlines the national consensus to eliminate various forms of discrimination, and then argues that the Reagan Administration has inadequately enforced and otherwise undermined, if not violated outright, settled law in the field of civil rights), available here.


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NATIONAL ADVISORY COMMISSION ON CIVIL DISORDERS, *REPORT* (National Criminal Justice Reference Service 1967); (the “Kerner Commission” report, concluding that "Our Nation is moving toward two societies, one black, one white--separate and unequal"), available here.

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*American Experience: Eyes on the Prize II: America at the Racial Crossroads, 1965-1985* (PBS television series broadcast first in 1987-1990; re-broadcast Apr. 1, 8, & 15, 2010), further source material covering various aspects of the civil rights movement and its effect down to the present day available directly on the show website here, full videos of all eight programs available at Van Pelt here.
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——— Program 7: The Time Has Come (1964-1966) (PBS) (From the program notes: "After a decade-long cry for justice, a new sound is heard in the civil rights movement: the insistent call for power. Malcolm X takes an eloquent nationalism to urban streets as a younger generation of black leaders listens. In the South, Stokely Carmichael and the Student Nonviolent Coordinating Committee (SNCC) move from 'Freedom Now!' to 'Black Power!' as the fabric of the traditional movement changes.")

——— Program 8: Two Societies (1965-1968) (PBS) (From the program notes: "Martin Luther King, Jr. and the Southern Christian Leadership Conference (SCLC) come north to help Chicago's civil rights leaders in their nonviolent struggle against segregated housing. Their efforts pit them against Chicago's powerful mayor, Richard Daley. When a series of marches through all-white neighborhoods draws violence, King and Daley negotiate with mixed results. In Detroit, a police raid in a black neighborhood sparks an urban uprising that lasts five days, leaving 43 people dead. The Kerner Commission finds that America is becoming 'two societies, one black, one white, separate and unequal.' President Lyndon Johnson, who appointed the commission, ignores the report.")

——— Program 9: Power! (1966-1968) (PBS) (From the program notes: "The call for Black Power takes various forms across communities in black America. In Cleveland, Carl Stokes wins election as the first black mayor of a major American city. The Black Panther Party, armed with law books, breakfast programs, and guns, is born in Oakland. Substandard teaching practices prompt parents to gain educational control of a Brooklyn school district but then lead them to a showdown with New York City's teachers' union.")

——— Program 10: The Promised Land (1967-1968) (PBS) (From the program notes: "Martin Luther King stakes out new ground for himself and the rapidly fragmenting civil rights movement. One year before his death, he publicly opposes the war in Vietnam. His Southern Christian Leadership Conference (SCLC) embarks on an ambitious Poor People's Campaign. In the midst of political organizing, King detours to support striking sanitation workers in Memphis, where he is assassinated. King's death and the failure of his final campaign mark the end of a major stream of the movement.")

——— Program 11: Ain't Gonna Shuffle No More (1964-1972) (PBS) (From the program notes: "A call to pride and a renewed push for unity galvanize black America. World heavyweight Champion Cassius Clay challenges America to accept him as Muhammad Ali, a minister of Islam who refuses to fight in Vietnam. Students at Howard University in Washington, D.C. fight to bring the growing black consciousness movement and their African heritage inside the walls of this prominent black institution. Black elected officials and community activists organize the National Black Political Convention in Gary, Indiana, in an attempt to create a unified black response to growing repression against the movement.")
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——— Program 12: A Nation of Law? (1968-1971) (PBS) (From the program notes: "Black activism is increasingly met with a sometimes violent and unethical response from local and federal law enforcement agencies. In Chicago, two Black Panther Party leaders are killed in a pre-dawn raid by police acting on information supplied by an FBI informant. In the wake of President Nixon's call to 'law and order,' stepped-up arrests push the already poor conditions at New York's Attica State Prison to the limit. A five-day inmate takeover calling the public's attention to the conditions leaves 43 men dead: four killed by inmates, 39 by police."

——— Program 13: The Keys to the Kingdom (1974-1980) (PBS) (From the program notes: "In the 1970s, antidiscrimination legal rights gained in past decades by the civil rights movement are put to the test. In Boston, some whites violently resist a federal court school desegregation order. Atlanta's first black mayor, Maynard Jackson, proves that affirmative action can work, but the Bakke Supreme Court case challenges that policy."

——— Program 14: Back to the Movement (1979-mid 1980s) (PBS) (From the program notes: "Power and powerlessness. Miami's black community -- pummeled by urban renewal, a lack of jobs, and police harassment -- explodes in rioting. But in Chicago, an unprecedented grassroots movement triumphs. Frustrated by decades of unfulfilled promises made by the city's Democratic political machine, reformers install Harold Washington as Chicago's first black mayor."

IV. 1986 - 1999: The Battle in the Courts and Congress over Civil Rights—Not Just about Race

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Theresa M. Beiner, *Do Reindeer Games Count as Terms, Conditions or Privileges of Employment under Title VII?,* 37 B.C. L. Rev. 643 (1996) (arguing that lack of exposure to outside activities that inculcate workplace bonding of included employees with superiors disadvantages protected-class employees, and may be actionable under Title VII), available here.


Sandra J. Colhour, *Title II of the Civil Rights Act of 1964 and Membership Organizations Unconnected to a Physical Facility: Welsh v. Boy Scouts of America,* 59 Mo. L. Rev. 807 (1994) (discussing a case of first impression that defined the scope of a "place of public accommodation" and whether an organization having no fixed place to meet came under the Act), available at Van Pelt here (PennKey required).
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Melisa C. George, *Because of Sex: Same-Sex Sexual Harassment Claims under Title VII of the Civil Rights Act of 1964*, 22 Law & Psychol. Rev. 251 (1998) (student paper; discussion of the increasing number of same-sex sexual harassment claims brought under Title VII), available at Van Pelt here (PennKey required).


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Cecilee Price-Huish, *"Because the Constitution Requires It and Because Justice Demands It": Specific Speech Injunctive Relief for Title VII Hostile Work Environment Claims*, 7 WM. & MARY BILL RTS. J. 193 (1998) (discussing findings in some court cases that indicate freedom of speech is not absolute when it involves harmful, discriminatory speech in the workplace), available here.


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Dorothy Roberts, *Killing the Black Body: Race, Reproduction, and the Meaning of Liberty* (Vintage 1998) ("This is a no-holds-barred response to the liberal and conservative retreat from an assertive, activist, and socially transformative civil rights agenda of recent years--using a black feminist lens and the issue of the impact of recent legislation, social policy, and welfare 'reform' on black women's--especially poor black women's--control over their bodies' autonomy and their freedom to bear and raise children with respect and dignity in a society whose white mainstream is determined to demonize, even criminalize their lives."--From the Amazon.com synopsis), available at Biddle here.

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Washington for Jobs and Freedom," and who fought for civil rights for all persons, including the rights of
the LGBT community, and for peace and economic justice).

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menu under Blog Archive, click on August 2013, then scroll about halfway down the page; essay on the
life and contributions of Bayard Rustin and the posthumous award to Rustin of the Presidential Medal of
Freedom).

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Meaning of ... Freedom, Forging a More Perfect Union!"—or Not

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at Van Pelt here (PennKey required).

Thomas H. Barnard & Adrienne L. Rapp, Are We There Yet? Forty Years after the Passage of the Civil
Rights Act: Revolution in the Workforce and the Unfulfilled Promises that Remain, 22 HOFSTRA LAB. &
EMP. L.J. 627 (2005) (a historical analysis of the employment landscape under the Civil Rights Act,
including what has been gained and what remains to be done; paper presented at symposium The 40th
Anniversary of Title VII of the Civil Rights Act of 1964), available at Van Pelt here (PennKey required).

1 William J. Clinton, Address before a Joint Session of the Congress on the State of the Union, 1 PUB. PAPERS 112-
113 (January 27, 1998), available here.
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Henry L. Chambers Jr., *The Supreme Court Chipping Away at Title VII: Strengthening It or Killing It?*, 74 LA. L. REV. 1161 (2014) (discussing the uncertainty of the future of Title VII because of recent decisions by the Supreme Court; paper published as part of *The 50th Anniversary of the Civil Rights Act of 1964: A Written Symposium, Summer 2014*), available here.

Miriam A. Cherry, *How to Succeed in Business without Really Trying (Cases): Gender Stereotypes and Sexual Harassment since the Passage of Title VII*, 22 HOFSTRA LAB. & EMP. L.J. 533 (2005) (describing the disturbing recent tendency of courts to demonstrate hostility towards sexual harassment lawsuits by dismissing them outright or disposing of them by summary judgment, and pointing out that the sex role stereotyping, including what today would be described as sexual harassment, portrayed in the 1961 musical *How to Succeed in Business without Really Trying* in fact still exists in the workplace, despite some gains achieved under Title VII; paper presented at symposium *The 40th Anniversary of Title VII of the Civil Rights Act of 1964*), available here.


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