

# Access to History Online OCR Historical Themes – Civil Rights in the USA 1865–1992 – Standard A2 Question

OCR – A2 GCE  
Historical Themes  
1789–1997  
F966: Option B

## Civil Rights in the USA 1865–1992

### QUESTION 1

#### Examiner's Specific Advice

An argument is required that considers the extent to which Federal governments helped or hindered African Americans gain their civil rights between 1865 and 1992. The essay should look at each of the three elements: presidents, Congress and the Supreme Court. American presidents can be deemed to have both helped and hindered advancement. Grant, McKinley, FDR, Truman, Eisenhower, JFK, LBJ, Nixon, Ford and Carter all helped in various ways and degrees but the majority of presidents, notably between 1877 and 1897, 1909 and 1933, and 1981 and 1992, showed opposition or only gave lukewarm support. The US Congress was important as it was the only means by which legislation could be introduced to establish and protect civil rights, whether by amendments to the Constitution or by Acts, but it could both assist and handicap the interests of pro-civil rights presidents. Significantly there was no civil rights legislation between 1875 and 1957. The role of the Supreme Court became increasingly important when states, especially in the South, upheld the Jim Crow laws and Black Codes. It consistently hindered civil rights until the Guinn case in 1915. Thereafter judgements condemning segregation and discrimination occurred intermittently but quickened from the 1930s due to the work of the NAACP and Thurgood Marshall. Candidates could usefully cite a range of landmark cases and should be aware that in the 1970s some judgements, such as *Swann v Charlotte-Mecklenburg* and *Bakke v the University of California*, concerned the sensitive issue of positive discrimination in favour of the civil rights movement. Candidates may approach this question in different ways, though the three federal elements should be treated fairly evenly and synthesised across the whole period in a coherent and detailed analysis. There is no need to assess the role of African Americans themselves or other influences that may have helped advance their civil rights.

#### Exemplar Question

1. How far did the Federal government hinder the development of African American civil rights in the period 1865-1992?

[60 marks]

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relating to this  
topic](#)

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## Examiner's Exemplar Plan and Essay 1

### Plan

- Introduction
- Reconstruction 1865–77
- Presidents, e.g. Lincoln, Grant, Roosevelt, Truman, Kennedy, Johnson, Nixon
- Supreme Court, e.g. Smith, Brown, Brown 2
- Conclusion

In 1865 African Americans gained many civil rights as a result of the Civil War. The Civil War amendments gave African Americans the right to vote and ended slavery. From 1865 to 1877, during Reconstruction, African Americans received many rights. Some were elected to Congress. Many others gained seats in state legislatures in the old Confederacy states (1).

A Civil Rights Act was passed in 1875, which protected African American civil rights (2). However, after the 1876 presidential election the Federal government brought an end to Reconstruction. Southern states began electing white supremacist governments. These introduced Jim Crow laws, which discriminated against African Americans and established segregation in the old South. In addition, African Americans faced lynching by white mobs in this period. However, the Federal government did not take action (3).

The role of presidents can be seen to be the most important factor in gaining civil rights for African Americans (AAs). Starting with Lincoln's Emancipation Act and Grant's Reconstruction, these were progressive steps towards AAs gaining civil rights. There was a significant change in government attitudes during the Second World War as the black voters turned to the Democrats and they realised they had to make more concessions (4). Roosevelt outlawed discrimination in federal war industries by Executive Order 8802 in 1941. After the war Truman ended segregation in the armed forces. During the 1950s the president was forced to act to protect AA rights. At Central High, Little Rock in Arkansas, Eisenhower sent troops to protect black students. During the presidency of Kennedy in the 1960s, the federal government helped the Freedom Riders from CORE and James Meredith in his attempt to gain admission to the all-white University of Mississippi. Kennedy declared that there was a 'moral crisis' on TV and tried to improve housing and social conditions for blacks in his 'New Frontier' programme. He also worked with Martin Luther King to develop a Civil Rights bill, which was eventually passed in 1964 by LB Johnson. Johnson was also fully committed to supporting civil rights, as seen by

(1) The response begins with a general comment rather than a clear indication of intent on what will be assessed in the answer.

(2) The student has adopted a narrative-chronological approach, which limits the opportunity to engage in critical analysis of the role of the Federal government.

(3) Here reference is made to an area where the Federal government hindered the development of African American civil rights. However, there should be a much clearer statement linking this area to the question.

(4) There is a great leap forward here – from 1877 to 1941 – that ignores several key developments.

(5) There is little attempt in the majority of this

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his Voting Rights Act of 1965 and his 'Great Society' programme aimed at improving inner-city housing and social security. Nixon also retained this commitment with affirmative action and black capitalism, which helped develop a black middle class. Therefore it can be seen that without the support of presidents, the AAs would still be struggling for civil rights today (5).

The role of the Supreme Court was also an important factor in developing civil rights. It showed a positive attitude in ruling in favour of AAs, as seen in the Smith v Allwright case which increased the number of black voters in 1944, and in the Brown v Topeka case in 1954 that overturned Plessy v Ferguson. Even earlier in the civil rights process, the Supreme Court could be seen to be supportive of black civil rights, as seen in Reconstruction – the 13th, 14th and 15th Amendments, the Civil Rights bill of 1875 and the Enforcement Acts of 1870 (6). However, the Supreme Court to a great extent took its attitude from presidents and other parts of society. The judges represented the views of southern whites and those who wanted to keep the blacks subservient – hence the Jim Crow laws, Black Codes and Grandfather clauses remained until the 1950s. So in this way it can be seen that presidents were more important than the Supreme Court in the process of gaining civil rights (7).

The most important aid the Federal government gave African Americans was the Civil Rights Act in 1964 and the Voting Rights Act in 1965. These gave AAs full political and civil rights. So the Federal government did more to help African Americans than to hinder them (8).

### Examiner's Assessment

There is a variable use of detail and factual knowledge, some of which needs to be more closely tied to the question, and several sections are under-developed. It gains a Level IV mark of 10 (AO1a).

The candidate adopts a narrative approach, which limits the opportunity for balanced analysis or synthesis. The candidate also does not refer to the whole period required by the question (1865–1992). However, the candidate does offer relevant factual evidence and the essay considers where the Federal government helped and hindered the development of African American civil rights. As a result, the answer merits a mark of 21 in Level IV of the mark scheme.

The overall mark is 31 (on the Grade D/E boundary).

paragraph to analyse several valid points or to develop a sustained argument.

(6) Relevant cases, Amendments and Acts have not been explained or developed in respect of their importance in the civil rights movement.

(7) This is a valid statement but as it stands is a non-sequitur and misses the point of the question concerning federal hindrance.

(8) The answer ends abruptly. A more considered conclusion is required.

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## Examiner's Exemplar Plan and Essay 2

### Plan

- Introduction
- Evidence that the Federal government hindered civil rights: presidents, Supreme Court and Congress
- Evidence that the Federal government aided the cause for civil rights: presidents, Supreme Court and Congress
- Conclusion

In the period 1865–1992 African Americans suffered discrimination and experienced the development of their civil rights. In this process the Federal government played a central if ambivalent role both obstructing and helping the development of civil rights. However, on balance, did the Federal government hinder the development of African American civil rights? (9)

For much of the period, and especially between 1877 and 1941, the Federal government did little to prevent the loss of African American civil rights (10). Instead it supported the process either through its inactivity or through the actions of the US Supreme Court. President Johnson, for example, vetoed the creation of the Freedmen's Bureau in the 1860s, thereby legitimising other politicians' stance against black civil rights in the face of earlier legislation. When Reconstruction came to an end in 1877, Federal troops withdrew from the South and State governments in that region began to be dominated by white supremacists. The establishment of Jim Crow laws restored racial segregation and discrimination was further underlined by the Black Codes.

In addition, Supreme Court cases such as the 1873 Slaughterhouse ruling and Plessy v Ferguson in 1896 served to wholly detract from the advancement of civil rights. The Slaughterhouse decision essentially handed the fate of southern blacks into the hands of deeply repressive southern states dominated by Democrats. Plessy v Ferguson was an even greater hindrance to the cause of civil rights as it ushered in an era of constitutional segregation under the mandate of 'separate but equal', a judgement that was not reversed for over 50 years (11).

Also, when African American groups demanded a Federal law that would outlaw lynching, neither president nor Congress took action. It was not only the Supreme Court that acted as a barrier to African American rights; the executive arm of the

(9) The answer begins with a focused introduction. It identifies that the answer will provide a balanced (for and against) account with the rhetorical question at the end of the introduction.

(10) To emphasise the analytical structure of the answer, each paragraph begins with an analytical statement. Factual evidence is then used to support and sustain the argument.

(11) A good range of cases has been synoptically demonstrated in this paragraph.

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Federal government until the era of FD Roosevelt and the New Deal hindered their progress too (12). During Reconstruction, President Johnson, for example, opposed the 14th Amendment and consistently obstructed congressional authority. Later, presidents Hayes and Cleveland supported segregation and Wilson not only segregated the armed forces during the First World War One but excluded African Americans from jobs in the Federal administration. Twentieth-century presidents were often unwilling to jeopardise their political support by fully endorsing civil rights and both Eisenhower and Kennedy acted when faced with the prospect of rising public disorder. Nixon was opposed to black activists and believed that any desegregation should proceed slowly, while Reagan in the 1980s opposed affirmative action in favour of ethnic minorities.

(12) The link between the executive, legislature and judiciary is well made here.

Moreover, a white dominated and unsympathetic Congress often blocked the way (13). The composition of Congress changed with each new election and the absence of continuity among civil rights supporters meant that positive rulings in the judiciary could be easily overturned. For instance, when African Americans demanded Federal legislation to outlaw lynching after Reconstruction, neither presidents nor Congress took action. Truman in the 1940s found himself similarly thwarted by Congress on several occasions. Presidents were also capable of trying to veto legislation or determining when it was politically correct to deploy Federal troops to protect African American civil rights.

(13) It is important to consider Congress as a hindrance – it is commonly overlooked.

A strong counter-argument can nevertheless be made to suggest that on balance the Federal government assisted rather than impeded the advancement of civil rights (14). From 1865 to 1877, the government was an active supporter of civil rights – the Amendments of 1865, 1868 and 1870 outlawed slavery and gave African Americans equality before the law. In addition, legislation in 1875 was intended to end segregation in public places though it was not enforced in practice. Though further laws did not follow for more than 80 years, the early pieces of legislation gave African Americans a foundation for further advances. What was required was a sympathetic president, a cooperative Congress and a Supreme Court that would work together. This is what happened in the 1960s when the Civil Rights Act and the Voting Rights Act were passed, thereby enforcing the 14th and 15th Amendments of the Constitution.

(14) The line of argument changes gear at this point to present a counter-view.

The role of the executive was crucial in helping African Americans. Some presidents, like McKinley and Theodore Roosevelt, expressed their support but made no attempt to change or enforce the law; others, like FD Roosevelt and Truman, were more committed. FDR, through his New Deal policies in the 1930s, advanced economic and working rights of African Americans by setting up the Fair Employment

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Practices Commission to end discrimination in the workplace; Truman forbade the FHA to lend money to racist building projects, opened up the civil service to blacks and, in 1948, desegregated the armed forces. Eisenhower was another president who, for political purposes, endorsed a Supreme Court ruling by ordering Federal troops to protect African American schoolchildren trying to enter Little Rock High school in Arkansas in 1957. It was the first time a president had used his executive powers on behalf of black Americans and was a precedent followed by JFK in 1962, when Federal troops were sent to desegregate Mississippi University. Historians have regarded the work of Kennedy and Johnson in the 1960s as greatly assisting the civil rights' movement by supporting the Civil Rights Act and Voting Act. These laws compelled all states to allow blacks the right to vote and to be treated equally. However, neither president would have acted in this way if they had not been under tremendous pressure from black activists such as Martin Luther King, and organisations like NAACP, CORE and SNCC. Nixon's introduction of affirmative action in the 1970s also brought social and economic improvements to blacks, and Carter's appointment of African Americans to his Cabinet, though following in FDR's footsteps, suggested that this Democrat president genuinely wanted to help southern blacks (15).

(15) This is an excellent paragraph that covers a wide range of presidents and analyses their contributions in a measured synthesis.

Presidents held the power to appoint judges to the Supreme Court and this arm of the Federal Constitution played a huge part in furthering civil rights (16). Thurgood Marshall, an African American lawyer and member of the NAACP, argued the test case of *Brown v Board* in 1954. It was heard by Earl Warren, a liberal-minded white justice, who overturned the *Plessy v Ferguson* ruling on segregation that had been on the statute books for 58 years. It was a vital breakthrough for black Americans, and was followed up by *Brown 2* in 1955 to enforce the ruling 'immediately'. Among other landmark cases in favour of black Americans were *Browder v Gayle* in 1956, which followed the Montgomery bus boycott, ending segregation in buses; and *Boynton v Virginia* in 1960, which ended segregation on inter-state buses. Victories by *Swann*, *Bakke* and *Griggs* in the 1970s upheld affirmative discrimination in schools, universities and at work respectively. By this stage, Marshall had become a Supreme Court judge, which was in itself a remarkable achievement for a black American.

(16) Another good linking statement.

In the period from 1865 to 1992, Federal governments played a vital role in the development of civil rights. Progress was often slow and institutional racism was endemic in most southern states but advances were made, particularly in the second half of the twentieth century, largely due to individual presidents and the work of the Supreme Court (17).

(17) The answer ends with a clear conclusion which contains a judgement on the role of the Federal government over the whole period.

### Examiner's Assessment

## **Access to History Online OCR Historical Themes – Civil Rights in the USA 1865–1992 – Standard A2 Question**

This essay stays focused on the key issues of Federal government, and explains the role of the president, Congress and Supreme Court over the whole period. There is an excellent blend and wide range of factual content, analysis and argument covering the whole period. It is well organised and skilfully written, worthy of a Level IA mark of 20 (AO1a). There is a clear and accurate understanding of key concepts, and explanations are analytical and developed in a synoptic manner. It merits a Level IA mark of 40 (AO1b). The total mark awarded is 60 (Grade A\*).

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Examiners use Mark Schemes to determine how best to categorise a candidate's essay and to ensure that the performances of thousands of candidates are marked to a high degree of accuracy and consistency. Few essays fall neatly into the mark levels indicated below: some essays only cover part of the period; others give a good overview but provide few supporting details. As a result, examiners seek to find the 'best fit' when applying the scheme. Each essay has a final mark based on two Assessment Objectives (AO1a and AO1b) worth 20 + 40 = 60 marks. As the standard of the two essays lies between Level I and Level IV, only the descriptors and marks for these levels have been tabulated below.

	<b>AO1a Mark Scheme for Levels I, II, III and IV</b>
<b>Assessment Objectives</b>	<b>Recall, select and use historical knowledge appropriately, and communicate knowledge and understanding clearly and effectively</b>
<b>Level IA</b> <b>18–20 marks</b>	Uses a wide range of accurate, detailed and relevant evidence. Accurate and confident use of appropriate historical terminology. Answer is clearly structured and coherent; communicates accurately and legibly.
<b>Level IB</b> <b>16–17 marks</b>	Uses accurate, detailed and relevant evidence. Accurate use of a range of appropriate historical terminology. Answer is clearly structured and mostly coherent; writes accurately and legibly.
<b>Level II</b> <b>14–15 marks</b>	Uses mostly accurate, detailed and relevant evidence, which demonstrates a competent command of the topic. Generally accurate use of historical terminology. Answer is structured and mostly coherent; writing is legible and communication is generally clear.
<b>Level III</b> <b>12–13 marks</b>	Uses accurate and relevant evidence, which demonstrates some command of the topic but there may be some inaccuracy. Answer includes relevant historical terminology but this may not be extensive or always accurately used. Most of the answer is organised and structured; the answer is mostly legible and clearly communicated.
<b>Level IV</b> <b>10–11 marks</b>	There is deployment of relevant knowledge but level/accuracy of detail will vary; there may be some evidence that is tangential or irrelevant. Some unclear and/or under-developed and/or disorganised sections; mostly satisfactory level of communication.

	<b>AO1b Mark Scheme for Levels I, II, III and IV</b>
<b>Assessment Objectives</b>	<b>Demonstrate an understanding of the past through explanation and analysis, arriving at substantiated judgements of key concepts and of the relationships between key features of the period studied</b>
<b>Level IA</b> <b>36–40 marks</b>	Excellent understanding of key concepts relevant to the question set. Excellent synthesis and synoptic assessment of the whole period. Answer is consistently analytical with developed and substantiated explanations, some of which may be unexpected.
<b>Level IB</b>	Clear and accurate understanding of most key concepts relevant to analysis and to the question set.

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<b>32–35 marks</b>	<p>Clear understanding of the significance of issues and synthesis of the whole period.</p> <p>Answer is mostly consistently and relevantly analytical with mostly developed and substantiated explanations.</p>
<b>Level II</b> <b>28–31 marks</b>	<p>Mostly clear and accurate understanding of many key concepts relevant to analysis and to the topic.</p> <p>Clear understanding of the significance of most relevant issues in their historical context.</p> <p>Much of the answer is relevantly analytical and substantiated with detailed evidence but there may be some uneven judgements.</p>
<b>Level III</b> <b>24–27 marks</b>	<p>Sound understanding of key concepts relevant to analysis and mostly focused on the question set.</p> <p>Answers may be a mixture of analysis and explanation but also simple description of relevant material and narrative of relevant events <b>OR</b> answers may provide more consistent analysis but the quality will be uneven and its support often general or thin.</p> <p>There may only be a limited synthesis of the whole period.</p>
<b>Level IV</b> <b>20–23 marks</b>	<p>Understanding of key concepts relevant to analysis and the topic is variable but in general is satisfactory. Answers may be largely descriptive/narratives of events and links between this and analytical comments will typically be weak or unexplained <b>OR</b> answers will mix passages of descriptive material with occasional explained analysis.</p> <p>Limited synoptic judgements of part of the period.</p>

### Further sample questions

1. How far did the Federal government aid the development of trade union rights in the period 1865–1992?
2. To what extent were the 1950s a major turning point in the development of African American civil rights in the period from 1865 to 1992?
3. How far were Native Americans a persecuted minority in the period 1865–1992?
4. To what extent did Native Americans suffer greater persecution than African Americans in the period 1865–1992?
5. ‘American women played little part in gaining their civil rights.’ To what extent do you agree with this view of the period from 1865 to 1992?
6. How far was the New Deal and Second World War (1933–45) a major turning point in the development of African American and trade union rights in the period from 1865 to 1992?

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7. Assess the view that the actions of white supremacist groups were the main reason why African Americans were denied their civil rights from 1865 to 1992.
8. How far was the Inter-War period (1919–41) the most important turning-point in the development of Native American rights?

### Chronology: Key Events in *Civil Rights in the USA, 1865–1992*

1865: End of US Civil War. 13th Constitutional Amendment abolishing slavery. Reconstruction begins in the South. Formation of the Ku Klux Klan, a white supremacist terror organisation.

1868: 14th Constitutional Amendment guaranteeing all Americans 'equal protection of the law'.

1870: 15th Constitutional Amendment guaranteeing all adult male Americans the right to vote.

1875: Civil Rights Act (1).

1877: End of Reconstruction; segregation begins (2).

1887: Dawes Act attempts to integrate Native Americans into mainstream US society. Haymarket riots.

1890: Battle of Wounded Knee ends Indian Wars.

1892: Homestead Steel Strike.

1896: Plessy v Ferguson Supreme Court decision (3).

1909: NAACP formed (4).

1924: All Native Americans made US citizens.

1934: Indian Reorganisation Act.

1935: Wagner Act recognises trade unions.

1941: Executive Order 8802 against discrimination in defence industries.

1942: CORE founded (5).

1946: Taft-Hartley Act limits trade union right to strike.

1948: US Armed Forces desegregated.

1954: Brown v Board of Education Supreme Court case outlaws segregation in public schooling.

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1955: Montgomery Bus Boycott led by Martin Luther King.

1956: Browder v Gayle (6).

1957: Central High, Little Rock episode (7).

1960: SNCC organises lunch counter sit-ins.

1961: Freedom Rides by CORE into Alabama and Mississippi.

1962: J.F. Kennedy orders the University of Mississippi to end segregation.

1964: Civil Rights Act ends segregation in the South.

1965: Voting Rights Act outlaws literacy tests and poll taxes.

1968: Civil Rights Act prohibits discrimination in the sale or rental of housing; assassination of Martin Luther King.

1969: Alexander v Holmes Supreme Court decision (8).

1971: Swann v Charlotte Mecklenburg Board of Education (9).

1974: Indian Self-Development Act.

1978: Bakke Supreme Court Case (10).

- (1) It was the first act to protect African American civil rights.
- (2) It saw the beginning of an era of white supremacist governments in the South. These governments denied African Americans civil and political rights through the Jim Crow laws.
- (3) The Court ruled that separate but equal facilities were not against the 14th Amendment.
- (4) The National Association for the Advancement of Coloured People was led by W.E.B. du Bois. He edited its journal, *Crisis*, and set out to educate and liberate black Americans.
- (5) Founded by James Farmer, the Congress of Racial Equality began a campaign of civil disobedience and economic boycotts in Chicago.
- (6) In Montgomery, Alabama, the federal district court ruled that segregation on buses was unconstitutional. Later, in December, the Supreme Court rejected an appeal by the city commissioners and a boycott against blacks was abandoned.
- (7) Eisenhower sent federal troops to protect black students going to and from Central High School amid considerable local opposition. In spite of the law, only in 1960 was Central High integrated.

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- (8) The Supreme Court ruled that bus segregation was unlawful.
- (9) The Supreme Court ruled that school desegregation must be fully implemented. President Nixon, however, declared that he was not in favour of busing children long distances.
- (10) Allan Bakke challenged the University of California for rejecting his application to medical school when coloured candidates with lower SAT scores had gained places. The California Supreme Court ruled in his favour but the Supreme Court agreed with the university's affirmative action.

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## Teaching Activity

Divide the class set into groups, each with the task of assessing the role of an individual in the development of African American civil rights. Choose from Booker T Washington; WEB du Bois; Marcus Garvey; A Philip Randolph; Martin Luther King, Malcolm X, Jesse Jackson.

Each group should be given the task of drawing up a defence of the views of the person chosen.

Each group nominates a member to put forward their case in a class debate on: 'Who achieved most for African Americans in his lifetime?'

## Resources

- S.M. Evans, *Born for Liberty* (Free Press, 1997)
- T. Field, *Civil Rights in the USA 1865–1980* (Cambridge University Press, 2003)
- W.T.M. Riches, *The Civil Rights' Movement* (Macmillan, 1998)
- S. Rowbotham, *A Century of Women: The History of Women in Britain and the United States* (Penguin, 1999)
- V. Sanders, *Race Relations in the USA since 2000* (Hodder and Stoughton, 2000)
- H. Sitkoff, *The Struggle for Black Equality 1954–1992* (Wang, 1993)
- D. Paterson and D. and S. Willoughby, *Civil Rights in the USA 1863–1980* (Heinemann, 2001)

## Weblinks

- [http://www.worldbook.com/wb/Students?content\\_spotlight/aajourney](http://www.worldbook.com/wb/Students?content_spotlight/aajourney)
- <http://www.nps.gov/malu/index.htm>