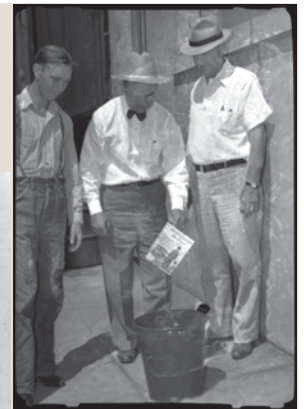


WHEREVER THERE'S A FIGHT

A HISTORY OF
CIVIL LIBERTIES
IN CALIFORNIA



RESOURCE GUIDE

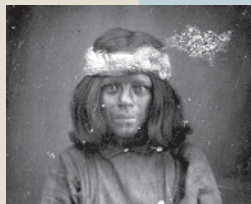


exhibit envoy

CAL HUMANITIES
A STATE OF OPEN MIND

WHEREVER THERE'S A FIGHT

A HISTORY OF
CIVIL LIBERTIES
IN CALIFORNIA



RESOURCE GUIDE

This resource guide was developed to enhance interpretation of California's civil liberties' history and issues that are explored in the traveling exhibition *Wherever There's a Fight*.

UNSUNG HEROES AND HEROINES

Spanning the period from the Gold Rush to the post-9/11 era, the exhibition tells the hidden stories of unsung heroes and heroines throughout California who stood up for their rights in the face of social hostility, physical violence, economic hardship, and political stonewalling. Stories of personal struggle demonstrate the ongoing fight and provide a framework through which current controversies can be debated.

The central themes of the exhibition are:

- Civil liberties are essential for democracy.
- Civil liberties struggles repeat over time while targeted groups change.
- Civil liberties are perpetually in flux. Each generation must fight to preserve them.
- Although our constitution enumerates rights, it is the people who must fight for equality and justice to make them meaningful.

OUR SHARED CIVIL LIBERTIES

Using personal stories and building on the exhibition themes, civil liberties can relate to a range of museum goers, library patrons, and students, elementary through college, as well as docents who may share this content with visitors. We hope this exhibition will spark personal connections to civil rights and that visitors will leave the exhibit with a wider perspective about our shared civil liberties.

This guide seeks to provide visitors and students opportunities to investigate and research areas of their own personal interest and the evolving nature of democracy. The Resource Guide is divided into sections by exhibition topic and lists a variety of resources addressing past civil liberties fights and current issues. This sampling of materials includes books, films, websites, curricula, and activities. Resources that align with state standards, core curriculum, and recommended readings will list the appropriate grade levels.

WHAT IF YOU COULDN'T VOTE? OR GET A GOOD EDUCATION OR PROTEST OR PRACTICE YOUR RELIGION OR BE TREATED FAIRLY BY THE LAW



Civil liberties, our right to equality under the law and our right to freedom from government intrusion, are essential for democracy. The U.S. and state constitutions are the foundations of our democracy – and the Bill of Rights defines our individual rights. But they would just be lofty ideals were it not for people who have fought to make our rights a reality in daily life.

This exhibit tells the stories of people throughout California history who fought violations of their civil liberties and confronted the prejudices and political winds of the times. Their stories remind us that each generation has its own fights to keep our rights meaningful.

RESOURCES

BOOKS

Brilliant, Mark. *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941-1978*. New York, NY: Oxford University Press, 2010.

Elinson, Elaine, and Yogi, Stan. *Wherever There's a Fight: How Runaway Slaves, Suffragists, Immigrants, Strikers, and Poets Shaped Civil Liberties in California*. Berkeley, CA: Heyday Books, 2009.

McWilliams, Carey. *California: the Great Exception*. Westport, CT: Greenwood, 1971.

Starr, Kevin. *California: a History*. New York, NY: Modern Library, 2005.

WEBSITES

Wherever There's a Fight: How Runaway Slaves, Suffragists, Immigrants, Strikers, and Poets Shaped Civil Liberties in California - www.wherevertheresafight.com

Accompanying website to Elaine Elinson and Stan Yogi's book, providing additional stories, timelines and current civil liberties issues and conflicts.

California History Online - www.californiahistoricalsociety.org/timeline/

An online guide, by the California Historical Society, to over three hundred years of California history. Resource includes images from CHS's collections, key events and anecdotes.

California State Archives - www.learncalifornia.org/

Provides access to the collection of the California State Archives, as well as resources for teachers, students, and researchers.

Calisphere - www.calisphere.universityofcalifornia.edu/

Resource of the UC Libraries that offers images and some documents related to United States' and California's history. Includes a "Collections for Educators" section.

CURRICULA

Wherever There's A Fight syllabi, Grades: College

Sample syllabus for a 10-week college course based on the book *Wherever There's a Fight* www.wherevertheresafight.com/sites/default/files/curriculum/CollegeCourseSampleSyllabus.pdf

College of San Mateo Ethnic Studies course syllabus that incorporates the book, *Wherever There's a Fight*

www.wherevertheresafight.com/sites/default/files/curriculum/ethnic_studies_101.pdf

WHERE DO OUR RIGHTS COME FROM?

Our rights and liberties are defined and protected in several different ways:

Constitutions:

The United States Constitution and state constitutions affirm rights and freedoms that the government cannot violate.

Legislatures/Courts:

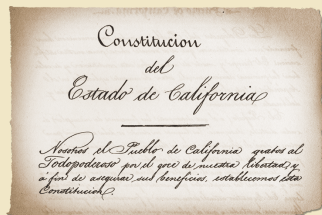
Congress and state legislatures, representing popular will, pass laws that grant and sometimes limit rights. Courts ensure that laws, whether approved by legislators or popular vote, do not infringe on fundamental rights outlined in state and federal constitutions.

Initiatives:

Since 1911, Californians have had the right to create laws and amend the state constitution through a popular vote. Initiatives sometimes expand rights, as did the successful proposition to grant women the right to vote. But many initiatives have restricted or taken away rights of certain groups.

Advocacy:

Individuals and groups can advocate for the legislature and Congress to change or create laws, bring lawsuits to challenge policies that are unfair, and organize social movements to draw public attention to injustices.



California's first Constitution was written in both English and Spanish.

State Constitution: Courtesy of California State Archives, Office of the Secretary of State, Sacramento

RESOURCES

BOOKS

Alderman, Ellen, and Caroline Kennedy. *In Our Defense: The Bill of Rights in Action*. New York, NY: Avon Books, 1991.

Beeman, Richard R. *The Penguin Guide to the United States Constitution: a Fully Annotated Declaration of Independence, U.S. Constitution and Amendments, and Selections from the Federalist Papers*. New York, NY: Penguin Group, 2010.

Haynes, Charles C., Sam Chaltain, and Susan M. Glisson. *First Freedoms: a Documentary History of First Amendment Rights in America*. Oxford: Oxford University Press, 2006.

Lustig, R. Jeffrey, Ed. *Remaking California: Reclaiming the Public Good*. Berkeley, CA: Heyday Books, 2010.

Paul, Mark, and Joe Mathews. *California Crackup: How Reform Broke the Golden State and How We Can Fit It*. Berkeley, CA: University of California Press, 2010.

FILM/VIDEOS

Schoolhouse Rock – I'm Just A Bill, 1975, 3 min.

www.youtube.com/watch?v=mEJL2Uuv-oQ

Law making process

School House Rock – Preamble, 1976, 3 min.

www.youtube.com/watch?v=FLP_HGKq-jg

Preamble to the US Constitution

School House Rock - Three Ring Government, 1979, 3 min.

www.youtube.com/watch?v=gLQg7G3hkGY

Branches of the US Government

WEBSITES

Center for Civic Education – www.new.civiced.org/

An independent, nonprofit organization based in California with a network of program coordinators in every state and Congressional district in the country and in more than seventy emerging and advanced democracies throughout the world. The Center administers a wide range of curricula, teacher training, and community based programs in conjunction with civic educators and activists around the world.

Constitutional Rights Foundation (CRF) - www.crf-usa.org/

CRF is a non-profit, non-partisan, community-based organization that develops, produces, and distributes programs and materials to teachers, students, and public-minded citizens.

WHO IS AN AMERICAN?

SOME PEOPLE HAVE BEEN DENIED CITIZENSHIP RIGHTS BASED ON THEIR ETHNICITY

When 22-year-old **Wong Kim Ark** returned to his home town of San Francisco after a visit to China, a customs official refused to let him back into the country. Even though Wong was born in California, the official argued he was not a citizen – because his parents were Chinese immigrants. Wong sued and won. The U.S. Supreme Court ruled in 1898 that the 14th Amendment guarantees U.S. citizenship to everyone born in this country.

Citizenship mattered little during World War II when the government forced 120,000 people of Japanese ancestry living on the West Coast into internment camps. Police arrested **Fred Korematsu** for refusing to go. He challenged his exclusion, but the U.S. Supreme Court ruled against him.

Nearly 40 years later, a judge overturned Korematsu's conviction because of freshly uncovered evidence that the government deliberately misled the court about Japanese American disloyalty.



Fred Korematsu (third from left with his family) was one of a few people who challenged the government incarceration of Japanese Americans during World War II.

Fred Korematsu with Family: Courtesy of Karen Korematsu and the Korematsu Institute

RESOURCES

BOOKS

Alonso, Karen. *Korematsu v. United States: Japanese American Internment Camps*. Springfield, N.J.: Enslow Publishers, 1988. Grades: 4th – 6th

Gold, Susan Dudley. *Korematsu v. United States: Japanese American Internment*. Tarrytown, N.Y.: Marshall Cavendish, 2006. Grades: 6th – 8th

Houston, Jeanne Wakatsuki., and James D. Houston. *Farewell to Manzanar; a True Story of Japanese American Experience during and after the World War II Internment*. Boston, MA: Houghton Mifflin, 1973. Grades: 6th – 12th
Life in the Japanese internment camps of World War II is portrayed in this balanced, historically accurate account.

Irons, Peter H. *Justice at War: The Story of the Japanese-American Internment Cases*. New York, NY: Oxford University Press, 1983.

Lee, Erika, and Judy Yung. *Angel Island: Immigrant Gateway to America*. Oxford: Oxford University Press, 2010.

Martin, David A. and Shuck, Peter H. *Immigration Stories*. New York, NY: Foundation Press, 2005.

McClain, Charles J. *In Search of Equality: The Chinese Struggle Against Discrimination in Nineteenth-Century America*. Berkeley, CA: University of California Press, 1994.

Schrag, Peter. *Not Fit for Our Society: Nativism and Immigration in America*. Berkeley, CA: University of California Press, 2010.

Salyer, Lucy E. Laws. *Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law*. Chapel Hill, NC: University of North Carolina, 1995.

Urrea, Luis. *The Devil's Highway: A True Story*. New York, NY: Back Bay Books, 2005.

Weglyn, Michi. *Years of Infamy: the Untold Story of America's Concentration Camps*. New York, NY: Morrow, 1976.

WEBSITES

Densho
www.densho.org/

Densho preserves and makes available firsthand accounts of Japanese American incarceration during World War II, coupled with historical images and teacher resources, to explore principles of democracy and promote equal justice for all citizens.

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RESOURCES

CURRICULA

Angel Island Immigration Station Foundation
www.aiisf.org/learning-center/curriculum-guide
Lesson plans for grades 3-12 on the Angel Island Immigration Station

Discrimination Against Chinese Immigrants, Grade: 8th
www.whenevertheresafight.com/curriculum/equal_protection
This lesson plan explores the discrimination against Chinese immigrants through a case study of Lee Yick, a Chinese immigrant laundry owner in San Francisco.

Japanese American Internment, Grades: 1st – 12th
www.whenevertheresafight.com/sites/default/files/curriculum/other_resources-lessons.pdf

More than one hundred lessons for teachers on the Japanese American experience before, during, and after World War II. Lessons organized by grade level and standards.

Japanese American Internment, Grades: 1st – 12th
www.whenevertheresafight.com/sites/default/files/curriculum/other_resources.pdf

More than fifty resources to provide teachers with background and information on the Japanese American experience before, during, and after World War II. The scope of the resources ranges from online bibliographies to primary source documents.

Fred T. Korematsu Institute for Civil Rights and Education, Grades: K – 12th
www.korematsuinstitute.org/fredkorematsuday/korematsu-curriculum/
The Korematsu Institute develops and distributes free curricula, including Korematsu Teaching Kits that have multiple videos and accompanying lesson plans, posters, and bookmarks.

Manzanar National Historic Site, Grades: 4th, 10th, 11th
www.nps.gov/manz/forteachers/educator-resources-box.htm
The park rangers at Manzanar National Historic Site, working in collaboration with educators and partners, created this package of Educator Resources for teachers, parents, homeschoolers and other educators.

FILM/VIDEOS

Carved in Silence, 1988, Director: Felicia Lowe, 45 min.
On Chinese immigrants detained on Angel Island between 1910 – 1940.

Of Civil Wrongs and Rights: The Fred Korematsu Story, 2000, Director: Eric Paul Fournier, 70 min.
www.pbs.org/pov/ofcivilwrongsandrights/film_description.php
On the Californian who defied the government's incarceration of Japanese Americans during World War II.

Rabbit in the Moon. Director: Emiko Omori, 1999, 70 min.
www.pbs.org/pov/rabbitinthemoon/film_description.php
On Japanese American incarceration during World War II.

Unfinished Business: The Japanese American Internment Cases, 1986, Director: Steven Okazaki, 58 min.
On three men who decades later challenge their convictions for violating World War II orders against Japanese Americans.

WHO IS FREE?

CALIFORNIA JOINED THE UNION AS A FREE STATE, BUT SLAVERY WAS STILL ALLOWED

An 1850 law permitted a judge to declare an unemployed Indian a “vagrant” to be sold as an indentured servant to the highest bidder. Indian children could be indentured until adulthood. Many were kidnapped and sold into such slavery. The state legislature repealed the law in 1863, prompted by President Lincoln’s Emancipation Proclamation.

Before the Civil War, slave owners were allowed to keep enslaved persons in California if they were just passing through the state. Others openly defied California law and kept slaves.

Bridget “Biddy” Mason was a slave brought to California in 1851. When her owner decided to leave for Texas, African Americans in Los Angeles organized to free Mason. In 1856, a judge granted Mason’s freedom and ruled that her owner had given up the right to own slaves upon entering California.



Former slave Biddy Mason became a midwife, property owner and philanthropist in Los Angeles

Biddy Mason: Security Pacific National Bank Collection/Los Angeles Public Library

RESOURCES

BOOKS

Heizer, Robert F., and Alan F. Almquist. *The Other Californians: Prejudice and Discrimination under Spain, Mexico, and the United States to 1920*. Berkeley, CA: University of California, 1971.

Hurtado, Alfred L.. *Indian Survival on the California Frontier*. New Haven, CT: Yale University Press, 1988.

Lapp, Rudolph M. *Blacks in Gold Rush California*. New Haven, CT: Yale University Press, 1995.

Lapp, Rudolph M., and Shirley Ann Wilson Moore. *Archy Lee: a California Fugitive Slave Case*. Berkeley, CA: Heyday Books, 2008

Savage, W. Sherman. *Blacks in the West*. Westport, CT: Greenwood Press, 1976.

Williams, Jean Kinney. *Bridget “Biddy” Mason: From Slave to Businesswoman*. Minneapolis, MN: Compass Point Books, 2006. Grades 4th – 6th

CURRICULA

Slavery in California, Grades: 8th

www.wherevertheresafight.com/curriculum/bids_for_freedom

This lesson plan explores California’s 1852 Fugitive Slave Law by comparing and contrasting three court cases.

FILM

Meet Mary Pleasant, 2008, Director: Susheel Bibbs, 57 min.

WHO CAN VOTE?

PEOPLE FOUGHT HARD FOR THE RIGHT TO VOTE BUT CITIZENS ARE STILL DENIED



The shop girls who gathered for lunch at the Votes for Women Club near San Francisco's Union Square in 1910 probably never imagined that a century later their state would be represented by two women senators. For years, women were denied the vote. Male legislators mocked their demands for suffrage. Undaunted, they walked precincts, organized rallies and even started their own printing press. In 1911, California women won the right to vote almost a decade before the Nineteenth Amendment was passed granting voting rights to women nationwide.

Today, every U.S. citizen who is over 18 has the right to vote. Federal law requires that ballots be available in many languages. But some voters who request bilingual ballots have been harassed and accused of voter fraud. People in prison or on parole for felonies cannot vote — disenfranchisement laws prevent them from having a voice in the political process.



One observer noted that “vehicles halted and inhabitants gazed open-mouthed” when 300 Suffragists marched on the state Republican convention in Oakland in 1908.

Suffrage: Courtesy of the California Historical Society

RESOURCES

BOOKS

Cherney, Robert and Mary Ann Irwin, Ann Marie Wilson, eds. *California Women and Politics: From the Gold Rush to the Great Depression*. Lincoln, NE: University of Nebraska Press, 2011

Christelow, Eileen. *Vote!* New York, NY: Clarion, 2003. Grades: K – 5th
Using a town's mayoral election as a model, this lively introduction to voting covers every step in the process: from the start of the campaign all the way to the voting booth, complete with a recount and a timeline of voting history.

DuBois, Ellen Carol. *Woman Suffrage and Women's Rights*. New York, NY: New York University Press, 1998.

Fritz, Jean, and DyAnne DiSalvo. *You Want Women to Vote, Lizzie Stanton?* New York, NY: Putnam's, 1995. Grades: 3rd – 5th

This biography of Elizabeth Cady Stanton, an outspoken fighter for women's suffrage and fought tirelessly for equality for everyone, men and women, black and white

Murphy, Claire Rudolf and Schuett, Stacey. *Marching with Aunt Susan: Susan B. Anthony and the Fight for Women's Suffrage*. Atlanta, GA: Peachtree Publishers, 2011. Grades: K – 3rd (ages 4-8)

FILM/VIDEOS

Iron Jawed Angels, 2004, Director: Katja van Garnier, 2004, 125 min.

Defiant young activists take the women's suffrage movement by storm, putting their lives at risk to help American women win the right to vote.

School House Rock - Sufferin' Till Suffrage, 1976, 3 min.

www.youtube.com/watch?v=3dPFOSGh_PQ

Women's rights

School House Rock - I'm Gonna Send Your Vote to College, 3 min.

www.youtube.com/watch?v=FaPlIcQw_dg

Electoral College

CURRICULA

Democracy Class, Grades: 11th, 12th

www.rockthevote.com/about/democracy-class.html

Democracy class was developed by Rock the Vote and is a 45-minute, non-partisan lesson plan geared towards 11th and 12th grade students, but can be taught to any high school grade level.

WHO CAN OWN LAND?

LAWS RESTRICTING PROPERTY RIGHTS REFLECTED PREJUDICES

In 1934, **Kajiro Oyama**, a Japanese immigrant, or Issei, purchased some Chula Vista land in the name of his American citizen child, six-year-old Fred. The state prosecuted the Oyamas for violating the Alien Land Law, which barred Issei from owning and leasing land. In 1948, the U.S. Supreme Court ruled that Issei could buy land for their citizen children. Thereafter, the state supreme court invalidated the remaining part of the law preventing Issei from owning land in their own names.

In 1959, a San Francisco developer refused to sell **Seaborn and Jean Burks** a home because they were African Americans. The couple sued under the new California Civil Rights Act, which outlawed racial discrimination in all business establishments. Although the California Supreme Court ruled in their favor, housing discrimination remained widespread. In 1964, voters passed an initiative amending the California Constitution to authorize racial bias in home sales. The U.S. Supreme Court struck that down in 1967.



For decades, developers and white property owners organized to keep african americans like Seaborn and Jean Burks from integrating neighborhoods.

Seaborn & Jean Burks: Courtesy of the California Historical Society

RESOURCES

BOOKS

Brooks, Charlotte. *Alien Neighbors, Foreign Friends: Asian Americans, Housing, and the Transformation of Urban California*. Chicago, IL: University of Chicago Press, 2009.

Meyer, Stephen Grant. *As Long as They Don't Move Next Door: Segregation and Racial Conflict in American Neighborhoods*. Lanham, MD: Rowman and Littlefield, 2000.

HoSang, Daniel. *Racial Propositions: Ballot Initiatives and the making of Postwar California*. Berkeley, CA: University of California Press, 2010. New York: Hill and Wang, 2003.

Miller, Paul T. *The Postwar Struggle for Civil Rights: African Americans in San Francisco, 1945-1975 (Studies in African American History and Culture)*. New York, NY: Routledge, 2010.

FILM

Alcatraz Is Not an Island, Director: James M. Fortier, 2001, 69 min.

WHO IS CALLED A CRIMINAL?

MANY HAVE BEEN ARRESTED FOR WHO THEY ARE, NOT WHAT THEY'VE DONE

We expect that people will be arrested because they break laws that endanger others – but many have been arrested just for fighting for their rights. Members of the IWW – Industrial Workers of the World – filled Fresno and San Diego jails for trying to organize a union. Author **Upton Sinclair** was arrested in 1923 for reading the U.S. Constitution in front of the San Pedro docks in support of IWW strikers. Striking dockworkers in San Francisco were met with bullets, beatings, and mass arrests in 1934. During the 1960s and 1970s, police arrested United Farm Workers organizers en masse when they tried to organize grape pickers in the fields.

During the War on Drugs in the 1990s, government guidelines led to racial profiling by police. This practice, known as DWB, or Driving While Black or Brown, led to a disproportionate number of African American and Latino drivers being stopped and searched on California highways, simply because of their skin color.



in 1923, author Upton Sinclair was arrested for reading the first amendment to striking longshoremen in San Pedro.

Upton Sinclair: Courtesy of the ACLU of Southern California

RESOURCES

BOOKS

Matthiessen, Peter. *Sal Si Puedes (Escape If You Can): Cesar Chavez and the New American Revolution*. Berkeley, CA: University of California Press, 2000.

McWilliams, Carey. *Factories in the Field: the Story of Migratory Farm Labor in California*. Berkeley, CA: University of California Press, 2000.

Quinn, Mike. *The Big Strike*. 1949. Reprint, New York: International Publishers, 1979.

Sinclair, Upton. *The Land of Orange Groves and Jails: Upton Sinclair's California*. Ed. Lauren Coodley. Santa Clara, CA: Santa Clara University, 2004.

Schwartz, Harvey. *Solidarity Stories: Oral Histories of the ILWU*. Seattle, WA: University of Washington Press, 2009.

FILM/VIDEO

Golden Lands, Working Hands, 1999, Director: Fred Glass, 27 min.

California labor history classic in 10 parts

www.cft.org/index.php/california-labor-history/videos.html

WEBSITES

American Civil Liberties Union

www.aclu.org/racial-justice/racial-profiling

Webpage on the ACLU's national campaign against racial profiling.

ACLU of Northern California

www.aclunc.org/cases/landmark_cases/rodriguez_v._chp.shtml

Webpage on a landmark California lawsuit on racial profiling of Latinos.

Farmworker Movement Documentation Project

www.farmworkermovement.org

First-hand accounts, photographs, archival documents, oral histories, and other materials about the farm workers movement, 1962-1993.

International Longshore and Warehouse Workers Union

www.ilwu.org

The "History" section of this website includes oral histories, books, and videos about the union.

CAN WE DISSENT?

UNPOPULAR IDEAS ARE OFTEN LABELED SUBVERSIVE

Yetta Stromberg, a 19-year-old counselor at a camp in the San Bernardino mountains for workers' children, was arrested in a dawn raid in 1929 by the local sheriff and a band of deputies for the crime of raising a red flag. She was sentenced to 10 years in prison. Stromberg won her appeal when the U.S. Supreme Court ruled that symbolic speech — like a red flag — is protected by the First Amendment

During the Cold War, government witch hunts of “Communist sympathizers” led to loyalty oaths and blacklisting. Thousands of teachers and government workers were wrongly accused of disloyalty and lost their jobs. **The Hollywood 10** – writers and directors who refused to answer questions before the House Un-American Activities Committee about their political affiliations — were sent to federal prison. Many never wrote for the movies again. .



Hollywood studios blacklisted award-winning writer Dalton Trumbo (in glasses and bow tie) for his political beliefs. He wrote under a pseudonym until actor Kirk Douglas insisted Trumbo get screen credit for *Spartacus*.

Hollywood 10: Courtesy Labor Archives and Research Center, San Francisco State University

RESOURCES

BOOKS

Berger Gluck, Sherna, ed. *From Parlor to Prison: Five American Suffragists Talk About Their Lives*. New York, NY: Vintage Books, 1976.

Cole, David. *Enemy Aliens: Double Standards and Constitutional Freedoms in the War on Terrorism*. New York, NY: New, 2003.

Cole, Lester. *Hollywood Red: the Autobiography of Lester Cole*. Palo Alto, CA: Ramparts, 1981.

Daniel, Cletus. *Bitter Harvest: A History of California Farmworkers: 1870-1941*. Berkeley, CA: University of California Press, 1981.

Fariello, Griffin, Ed. *Red Scare: Memories of the American Inquisition, An Oral History*. New York, NY: Avon Books, 1995.

Hellman, Lillian. *Scoundrel Time*. New York, NY: Bantam Books, 1977.

Navasky, Victor. *Naming Names*. New York, NY: Hill and Wang, 2003.

FILM/VIDEOS

The Fight in the Fields: César Chavez and the Farmworkers' Struggle, 1996, Director: Ray Telles, Rick Tejada-Flores, 115 min.

The Front, 1976, Director Martin Ritt, 90 min.

Fictionalized account of the Hollywood blacklist era.

Hollywood on Trial, 1989, Director: David Halpern, 105 min.
On the Hollywood 10.

WEBSITE

Tracked In America

www.trackedinamerica.org

A documentary website explores more than two centuries of surveillance in America.

Mario Savio Lecture Fund

<http://www.savio.org/speeches&interviews>

Not In Our Town

<http://www.niot.org>

Not In Our Town highlights communities working together to stop hate. Videos and broadcasts highlight and celebrate people who have developed creative anti-bias programs and responses.

WHO IS FREE TO PRACTICE RELIGION?

MINORITY RELIGIONS HAVE BEEN SUPPRESSED

Fifth-grader **Charlotte Gabrielli** was suspended from her Sacramento elementary school in 1936 for refusing to recite the Pledge of Allegiance. She was obeying her Jehovah's Witness parents, who believed that saluting the flag was idolatry. Prejudice against Jehovah's Witnesses led to the suspension and expulsion of many students around the state, and vigilantes attacked their meetings. But in 1943, the U.S. Supreme Court ruled that students could not be forced to recite the Pledge if it violated their religious beliefs.

After the U.S. Forest Service proposed building a logging road through land sacred to the tribes of the Klamath River area, **Yurok, Tolowa, and Karuk** leaders protested. But in 1988, the U.S. Supreme Court rejected their argument that the road would violate their religious freedom rights. Congress passed an environmental law in 1990 barring the logging road. The sacred land was rescued.



10-year-old Charlotte Gabrielli would not say the pledge of allegiance because it violated her religious beliefs.

Charlotte Gabrielli: Courtesy of the California Historical Society

RESOURCES

BOOKS

Cohen, Barbara, and Michael J. Deraney. *Molly's Pilgrim*. New York, NY: Lothrop, Lee & Shepard, 1983. Grades: 3rd – 5th

Margolin, Malcolm and Montijo, Yolanda. *Native Ways: California Indian Stories and Memories*. Berkeley, CA: Heyday Books, 1995. Grades: 5th – 8th

FILM/VIDEO

An American Mosque, 2011, Director: David Washburn, 30 min. (forthcoming DVD, summer 2012)

Knocking, 2007, Directors: Joel Engardio and Tom Shephard, 53 min.

www.pbs.org/independentlens/knocking/

Follows two Jehovah's Witness families who stand firm for their controversial faith including their civil liberties struggles.

CURRICULA

The Right To Religious Freedom, Grades: 11th, 12th

www.whenevertheresafight.com/curriculum/religious_freedom

This lesson is meant to accompany or follow a larger discussion of the Bill of Rights using examples from the book, *Wherever There's a Fight*.

ARTICLE

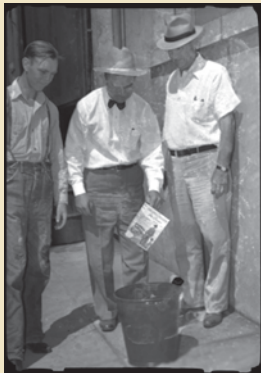
Smith, Christopher E. "Black Muslims and the Development of Prisoners' Rights." *Journal of Black Studies*, Vol. 24 No. 2 Thousand Oaks, CA: SAGE Publications, Inc., 1993.

WHOSE VOICES ARE CENSORED?

THE PEN AND THE PAINTBRUSH CAN BE MIGHTIER THAN THE SWORD

The Grapes of Wrath, John Steinbeck's poignant novel about the plight of Dust Bowl refugees who sought work in California's rich San Joaquin Valley during the Depression, became an instant best-seller in 1939 – but it was banned by the Kern County Board of Supervisors. They instructed the chief librarian not to distribute the book, even though 600 readers had put it on reserve.

Anton Refregier's colorful murals on the walls of San Francisco's Rincon Annex post office depict the history of California. But because he painted Indians forced to work at the missions, anti-Chinese riots, labor strikes and President Franklin Roosevelt, the murals were targeted by a Congressional inquisition led by Vice President Richard Nixon in 1953 and almost destroyed. Thanks to the support of prominent artists and arts organizations, the murals survived and today are a protected historic site.



The head of the associated farmers publicly burned a copy of Steinbeck's *The Grapes Of Wrath*

Burning *The Grapes of Wrath*: Courtesy of Kern County Museum

RESOURCES

BOOKS

Bradbury, Ray. *Fahrenheit 451*. New York, NY: Simon and Schuster, 1967. Grades: 9th – 12th

An official in a future fascist state who burns books finds out that they are a vital part of a culture he never knew.

Haynes, Charles C. Sam Chaltain & Susan M. Glisson. *First Freedoms: A documentary history of first amendment rights in America*. New York, NY: Oxford University Press, 2006.

Morrison, Toni. *Burn This Book*. New York, NY: Harper Collins, 2009.

A powerful collection of essays that explore the meaning of censorship, and the power of literature to inform the way we see the world, and ourselves.

Steinbeck, John. *The Grapes of Wrath*. New York, NY: Viking, 1939.

Grades: 9th – 12th

The hardships faced by migrant agricultural workers who arrived in California during the Great Depression are depicted by this Nobel Prize-winning California author.

Wartzman, Rick. *Obscene in the Extreme: the Burning and Banning of John Steinbeck's The Grapes of Wrath*. New York, NY: Public Affairs, 2008.

FILM/VIDEO

Howl, 2010, Directors: Robert Epstein, Jeffrey Friedman, 90 min.

As Allen Ginsberg talks about his life and art, his most famous poem is illustrated in animation while the obscenity trial of the work is dramatized.

WEBSITE

Banned & Recovered: Artists Intervention

www.bannedandrecovered.com/

A look at challenged books through original artwork by California contemporary artists.

WHO CAN GET A GOOD EDUCATION?

CALIFORNIA HAS SEGREGATED STUDENTS THROUGHOUT HISTORY

Under California law, African American, Native American, and Asian American students have been forced to attend segregated schools. Mexican American students, though not targeted by law, were shunted into segregated, inferior schools. In 1945, **Gonzalo and Felicitas Mendez** filed a successful federal lawsuit on behalf of their children and 5,000 Latino students in Orange County. Soon after their victory, the state repealed all school segregation laws.

Since 1975, federal law has required integration of students with disabilities whenever possible. But California children with disabilities continued to be segregated. For 5 years, the family of **Rachel Holland** fought the Sacramento School District, which placed Rachel in special education classes because of her developmental disabilities. In 1994, a federal court ruled in Rachel's favor, stating that children with disabilities have a right to be educated in mainstream classes with supplementary aides and services.



Mexican American students, like these children in the City of Orange in 1925, were segregated in dilapidated, poorly equipped schools for decades until the 1947 federal court decision in *Mendez v. Westminster* ended the practice.

Class Photo: Courtesy of the Local History Collection, Orange Public Library, Orange

RESOURCES

BOOKS

Haney-López, Ian. *Racism on Trial: the Chicano Fight for Justice*. Cambridge, MA: Belknap of Harvard University Press, 2003.

Morrison, Toni. *Remember: the Journey to School Integration*. Boston, MA: Houghton Mifflin, 2004. Grades: K – 5th

A selection of archival photographs document events surrounding the integration of U.S. schools following the 1954 Supreme Court decision in *Brown v. Board of Education*.

Shapiro, Joseph. *No Pity: People with Disabilities Forging a New Civil Rights Movement*. New York, NY: Times Books, 1994.

Wollenberg, Charles. *All Deliberate Speed: Segregation and Exclusion in California Schools, 1855-1975*. Berkeley: University of California, 1976.

FILM/VIDEO

Mendez v. Westminster: For All the Children/Para Todos los Niños, 2002, Director: Sandra Robbie. KOCE-TV.

Discusses the little-known Orange County case that made California the first state in the nation to end school segregation – seven years before *Brown v. Board of Education*.

CURRICULA

Affirmative Action, Grades: 11th, 12th

www.wherevertheresafight.com/curriculum/affirmative_action

This lesson provides a focused look at affirmative action through a close examination of the 1978 Supreme Court case, *Regents of the University of California v. Bakke* and the 1996 California ballot initiative Proposition 209.

Racial Equality in Education, Grades: 11th, 12th

www.wherevertheresafight.com/curriculum/the_fight_for_racial_equality_in_education

This lesson broadens the study of the ongoing struggle for racial equality in the schools beyond *Brown v. Board of Education* through an examination of the judiciary's role in safeguarding the rights of communities of color to a quality public education.

WEBSITES

Disability Rights and Independent Living Movement Collection

www.bancroft.berkeley.edu/collections/drilm/

A collection of personal papers and records of key disability organizations and more than 100 oral histories with leaders, participants, and observers of the disability rights and independent living movement in the 1960s and 1970s.

WHOSE RIGHTS ARE VOTED ON?

CAN A MAJORITY TAKE YOUR RIGHTS AWAY?

Governor Hiram Johnson began the initiative process in 1911 to give ordinary Californians a stronger political voice; he was trying to get around the state legislature, which was controlled by big railroads. Early initiatives granted women the right to vote, set a minimum wage, and limited the work day. But many ballot initiatives restricted people's rights. Majorities voted to bar Japanese immigrants from owning land, to ban fair housing laws, and to eliminate bilingual education and affirmative action. In 1994, Proposition 187, which compelled public workers to question immigrants about their legal status, passed by a two-thirds majority. A federal court prevented its implementation.

In 2008, 18,000 lesbian and gay couples wed following a court decision that the law banning same-gender marriages violated the California State Constitution's guarantee of privacy and personal freedom. Those nuptials ended when voters passed Proposition 8, by 52-48%, amending the state constitution to take away the right of lesbian and gay couples to marry.

RESOURCES

BOOKS

HoSang, Daniel. *Racial Propositions: Ballot Initiatives and the Making of Postwar California*. Berkeley, CA: University of California Press, 2010.

FILM/VIDEO

The Times of Harvey Milk, 1984, Director: Rob Epstein, 90 min.

Documentary on political leader Harvey Milk and the movement for lesbian and gay rights.

Milk, 2008, Director: Gus Van Sant, 128 min.

A biopic of Harvey Milk, and his struggles as an American gay activist who fought for gay rights and became California's first openly gay elected official.

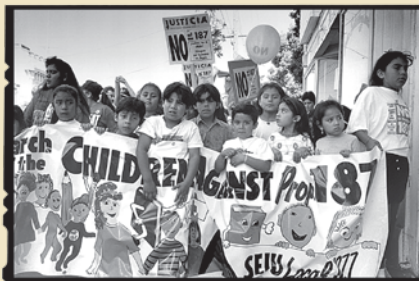
Claiming the Title: Gay Olympics on Trial, 2009, Directors: Jonathan Joiner and Robert Martin, 29 min.

CURRICULA

Ballot Propositions and Civil Rights, Grades: 11th, 12th

www.wherevertheresafight.com/curriculum/ballot_propositions_and_civil_rights

This lesson examines the history of ballot propositions in the struggle for equal rights in California.



Children of janitors' union members, many of whom were immigrants, led an Oakland march in opposition to proposition 187.

Prop 187: Courtesy of David Bacon

HOW WILL YOU STAND UP FOR YOUR RIGHTS?

All of the people in this exhibit helped shape and protect the rights and liberties we all share today– in the classroom, in the courtroom, and on the streets.

Some are well-known, but many are **ordinary people capable of doing extraordinary things to fight for their rights.**

Are there civil liberties at risk in your community today? What are they? What can you do to make sure that the promises of the Constitution and the Bill of Rights are fulfilled for generations to come?



**EXERCISE
YOUR FREEDOM
OF EXPRESSION**

“ Walk the streets with us into history. Get off the sidewalk. Work for justice.

- Dolores Huerta, Co-founder and Leader of the United Farm Workers

RESOURCES

BOOKS

King, Martin Luther. *I Have a Dream*. New York, NY: Scholastic, 1997.

Grades: K – 12th

Martin Luther King, Jr.'s "I Have a Dream" speech is richly illustrated with paintings portraying scenes from the civil rights movement.

Krull, Kathleen, and Yuyi Morales. *Harvesting Hope: the Story of Cesar Chavez*. San Diego, CA: Harcourt, 2003. Grades: K – 8th

This picture book biography relates the life of Cesar Chavez and his efforts to organize the National Farm Workers Association to improve working and living conditions for migrant farm workers.

Miller, Mike. *A Community Organizer's Tale*. Berkeley: Heyday, 2009

FILM/VIDEO

Eye on the Prize: America at the Racial Crossroads 1965–1985.

An award-winning 14-hour tv series produced by Blackside. Through contemporary interviews and historical footage, the series covers all of the major events of the civil rights movement from 1954-1985. Includes ideas for use in elementary through high school classrooms.

www.pbs.org/wgbh/amex/eyesontheprize/

WEBSITES

Disability Rights and Independent Living Movement Collection

www.bancroft.berkeley.edu/collections/drilm/

A collection of personal papers and records of key disability organizations and more than 100 oral histories with leaders, participants, and observers of the disability rights and independent living movement in the 1960s and 1970s.

ACKNOWLEDGEMENTS

The Wherever There's a Fight: A History of Civil Liberties in California traveling exhibition was funded by Cal Humanities (formerly known as the California Council for the Humanities). The exhibition is part of Cal Humanities Searching For Democracy, a two-year long initiative that provides Californians with various ways to explore how the humanities can provide insight and opportunities to converse about the nature, state, and needs of our vibrant American democracy. Searching for Democracy will explore these complexities through a series of local, regional, and statewide humanities-inspired activities—like this one—to accomplish a greater understanding of what is needed to sustain a healthy democracy in an increasingly interdependent world.

The Cal Humanities is an independent, non-profit organization dedicated to promoting a greater understanding of the human condition by funding, creating, and supporting cultural experiences in media, literature, discussion programs and more. Through engaging and inspiring work, Cal Humanities encourages audiences to learn more, dig deeper, and begin conversations that matter to create a State of Open Mind. To learn more, please visit www.calhum.org

The exhibition was curated by Elaine Elinson and Stan Yogi and is being toured by Exhibit Envoy. Exhibit Envoy provides traveling exhibitions and professional services to museums throughout California. Its mission is to build new perspectives among Californians, create innovative exhibitions and solutions, and advance institutions in service to their communities.



OTHER RESOURCES

For information about other programs of the Searching for Democracy initiative:
visit www.calhum.org/searchingfordemocracy

CAL Humanities – California Reads Project Books /

Alarcón, Daniel. *Lost City Radio: a Novel*. New York, NY: Harper Collins, 2007.

Lewis, Sinclair. *It Can't Happen Here: a Novel*. Garden City, NY: Doubleday, 1935.

McWilliams, Carey. *North from Mexico; the Spanish-speaking People of the United States*.
New York, NY: Greenwood, 1968.

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