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SENATE JOINT RESOLUTION NO. 395

Offered February 2, 2021

Commemorating the 150th anniversary of the enactment of the Civil Rights Act of 1871.

Patrons—McClellan and Ebbin; Delegates: Carr, McQuinn and Tyler

WHEREAS, the Civil Rights Act of 1871, the third and final act of the Enforcement Acts passed by the United States Congress to guarantee the rights encoded in the Reconstruction Amendments, was signed into law 150 years ago by President Ulysses S. Grant on April 20, 1871; and

WHEREAS, the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution, together comprising the Reconstruction Amendments, were passed in the wake of the American Civil War to build a new foundation for the nation that was inclusive of rights for formerly enslaved persons and their descendants; these amendments formally encoded the abolition of slavery, granted citizenship to any person born or naturalized in the United States, guaranteed equal protection under the law to all citizens, and forbade the denial of citizens' right to vote "on account of race, color, or previous condition of servitude"; and

WHEREAS, despite the inclusion of these rights in the nation's founding document, institutions and individuals across the nation acted in defiance of the United States Constitution to continue to deprive African American citizens of the rights afforded to them under law; and

WHEREAS, among the threats to the peace, safety, suffrage, and freedom of African American citizens was the terrorization of Black communities by the Ku Klux Klan, which had risen to prominence in the American South; the Civil Rights Act of 1871, introduced as "An Act to Enforce the Provisions of the Fourteenth Amendment of the Constitution and for Other Purposes," gave the president means, including the power to use military force and suspend the writ of habeas corpus, to intervene in efforts "to deny to any citizen of the United States the due and equal protection of the laws" where states failed to do so; and

WHEREAS, the federal government's use of these specific powers to intervene to protect the rights guaranteed by the Reconstruction Amendments led to the disbandment of the Ku Klux Klan and other white supremacist organizations for decades to follow; and

WHEREAS, in spite of these actions, Virginia was one among many states that continued on a shameful trajectory following the Reconstruction Era that allowed for the persecution of Black citizens through systematic segregation and disenfranchisement, denial of education and civil rights, and failure to protect the lives of citizens from the horrific act of lynching; and

WHEREAS, the rights guaranteed by the Reconstruction Amendments have had to be continually fought for and won, and the Civil Rights Act of 1871 represents one of many efforts during the Reconstruction Era to guarantee that the United States Constitution is upheld and the rights provided for within it are extended to all citizens; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the 150th anniversary of the enactment of the Civil Rights Act of 1871 hereby be commemorated; and be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Superintendent of Public Instruction, the Chairman and Executive Director of the State Council of Higher Education for Virginia, the Chancellor of the Virginia Community College System, the Executive Director of the Virginia State Conference NAACP, and the Executive Director of the American Civil Liberties Union of Virginia, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

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