

Unbowed, Unbroken, and Unsung: The Unrecognized Contributions of African American Women in Social Movements, Politics, and the Maintenance of Democracy

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UNBOWED, UNBROKEN, AND UNSUNG: THE
UNRECOGNIZED CONTRIBUTIONS OF AFRICAN
AMERICAN WOMEN IN SOCIAL MOVEMENTS, POLITICS,
AND THE MAINTENANCE OF DEMOCRACY

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*You may write me down in history
With your bitter, twisted lies,
You may trod me in the very dirt
But still, like dust, I'll rise.¹*

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INTRODUCTION

Black women have made huge contributions to American society in movements, politics, and maintenance of the democracy. However,

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1. MAYA ANGELOU, AND STILL I RISE 41 (1978).

black women have been relegated to footnotes, turned into memes, and largely ignored in politics and other areas of power. Notwithstanding the disrespect, disregard, and failures of the larger society to acknowledge that black women have made significant contributions, not only in the entertainment industry, but in numerous other ways that have shaped our cultural and political landscape, black women's contributions to the larger society have been huge and impactful; yet, there are so many blank spaces where their stories should reside. There is no question that gender plays a glaring role in the collection of history, and women from every other racial category may make a similar argument. However, black women are the focus of this Essay; others are available to tell their own tales.

Slavery was a bitter and legal institution² and any small act in response to its brutality can and should be viewed through the lens of resistance.³ Likewise, life in post-slavery America has not been a "crystal stair[case]" for black women.⁴ Although some of the incidences of resistance described below may seem inconsequential, their importance lies in the fact that Black women's contributions to the resistance, by those small acts, is being acknowledged and is now offered as evidence that they remain unbowed and unbroken, and ultimately unrecognized.

2. Deborah Gray White says this about black enslaved women: "They were the only women in America who were sexually exploited with impunity, stripped and whipped with a lash, and worked like oxen." DEBORAH GRAY WHITE, *AR'N'T I A WOMAN?: FEMALE SLAVES IN THE PLANTATION SOUTH* 162 (W.W. Norton & Co. rev. ed. 1999).

3. See Frances M. Beal, *Slave of a Slave No More: Black Women in Struggle*, 6 *BLACK SCHOLAR*, 2, 3 (Mar. 1975).

4. Poet Langston Hughes wrote:

Well, son, I'll tell you:
 Life for me ain't been no crystal stair.
 It's had tacks in it,
 And splinters,
 And boards torn up,
 And places with no carpet on the floor—
 Bare.
 But all the time
 I'se been a-climbin' on,
 And reachin' landin's,
 And turnin' corners,
 And sometimes goin' in the dark
 Where there ain't been no light.
 So boy, don't you turn back.
 Don't you set down on the steps
 'Cause you finds it's kinder hard.
 Don't you fall now—
 For I'se still goin', honey,
 I'se still climbin',
 And life for me ain't been no crystal stair.

LANGSTON HUGHES, *THE COLLECTED POEMS OF LANGSTON HUGHES* 30 (Arnold Rampersad et al. eds., First Vintage Classic ed. 1995).

This Essay will attempt to fill in some of those blank spaces by using history, law, poetry, and literature to explore the contributions of black women within the context of social movements, politics, and the maintenance of the democracy from capture and slavery until the present day. It will also discuss some of the theories behind why black women are unsung when they have consistently risen to the challenge of making America great. Lastly, this Essay will explore the breaking point for black women and estimate when they will become “sick and tired of being sick and tired.”⁵

The point of this Essay is to highlight the phenomenal women who made a difference and helped to shape this country yet are buried in history. The lists of those included is not exhaustive and barely scratch the surface. It is clear that each woman represents hundreds of black women who were in the fight for equality and constantly put their lives on the line in the name of freedom.

I. A HISTORY OF BLACK WOMEN’S STRENGTH: EARLY MOVEMENTS

A. *Revolts, Rebellions, and Resistance*

*Two strains run through black history that we might mention here—accommodation and resistance.*⁶

On Sea

Black women have been rising to the occasion and displaying courage, determination, and persistence long before the hyphenated American was added as a descriptor of who and what they are. Capture and slavery are certainly not the starting points for the story of the glories of black women, but they are clearly points of entry for this conversation. An examination of slavery, from capture to servitude, reveals the relevant placement of men and women in the enslavement scheme. Generally, captured men were chained and held in the cargo hold of the ship, while women and children were unchained and held on the upper decks.⁷ The separation of men and

5. Jerry DeMuth, ‘*Tired of Being Sick and Tired*,’ NATION, June 1, 1964 (quoting Fannie Lou Hamer who famously said, “I’m sick and tired of being sick and tired” when giving an account of the violence that she and other blacks had encountered in trying to register to vote and to vote, once registered).

6. Beal, *supra* note 3, at 3.

7. See ERIC ROBERT TAYLOR, IF WE MUST DIE: SHIPBOARD INSURRECTIONS IN THE ERA OF THE ATLANTIC SLAVE TRADE 88 (La. St. Univ. Press 2006).

[D]espite the fact that slave women participated in, instigated, supplied, and even led revolts on slave ships, captains and crews continued a policy

women was done, in part, to prevent them from plotting together to revolt.⁸ The captors did not recognize that most would rather die than submit to slavery.⁹ Women, unable to communicate with the men below, used their skills and grit to upend the situation whenever the opportunity presented itself—early resistance had a name and it was “woman”:

Quite often, the success of a revolt was tied to one or more slaves who had access to the upper decks. Most commonly, this agent was a woman or a child, as women and children were generally granted more mobility on deck and around the ship than were men.

....

Substantially more significant than the role of children, however, was the highly important role of women in plotting and executing revolts.¹⁰

....

By successfully using the very organization and routine of the trade against their captors in this way, women and children firmly established themselves as fundamentally important figures in the history of shipboard revolt helping to free thousands of captured Africans through their efforts.¹¹

whereby enslaved women remained unchained for the majority of the Middle Passage. This failure to chain women and keep them below decks can be partially explained by the persistent refusal of the European slave traders to take the threat of women in rebellion seriously. However, there was another reason why women were kept on deck unchained. The crew aboard slave ships wanted to maintain access to women on board.

Rebecca Hall, *Not Killing Me Softly: African American Women, Slave Revolts, and Historical Constructions of Racialized Gender*, 1 FREEDOM CTR. J. 1, 22 (2010).

8. TAYLOR, *supra* note 7, at 89.

9. See *Captured African Women*, MIDDLE PASSAGES CEREMONIES & PORT MARKERS PROJECT (Jan. 5, 2012), <http://www.middlepassageproject.org/2012/01/05/captured-african-women> [<https://perma.cc/CYV7-CKV2>] (“In testimony to Parliament regarding the slave trade, descriptions of women’s reactions to capture and removal from their communities were the most poignant. In the *Account of Slave Trade on the Coast of Africa (1788)*: ‘A woman was dejected from the moment she came on board, and refused both food and medicine; being asked by the interpreter what she wanted, she replied, “nothing but to die,” and she did die.’”); see also TONI MORRISON, *BELOVED* 148–53, 160–65 (Alfred A. Knopf 1987) (telling the story of Margaret Garner who escaped with her children from a plantation in Kentucky into the free state of Ohio only to be tracked by vigilantes; Garner kills one of her daughters because she said that she would rather see her children dead than to be returned to slavery).

10. See, e.g., TAYLOR, *supra* note 7, at 88–89.

11. *Id.* at 93.

The list of revolts on ships coming through the Middle Passage is too lengthy¹² to delineate in its entirety; however, they collectively demonstrate that the resistance to bondage has been consistent, deliberate, and ongoing, and that black women have played a major role in seeking freedom. “The fact that women played a central role in certain slave ship revolts cannot be disputed.”¹³

On Land

“Owners of slaves almost always sought to convey the impression that their human chattel were docile, tractable, and happy,”¹⁴ but this was a ploy slaves used to mislead their owners.¹⁵ Just as it was the case onboard slave ships,¹⁶ there was a conscious placement of men and women on plantations. There, enslaved women were given jobs which required them to remain on the plantation with little reason to leave it and traverse the countryside, whereas men had jobs that many times required them to leave the plantation and perform tasks on neighboring sites.¹⁷ This positioning provided opportunities for resistance by black women, which were apparently unobvious to their owners. The intimacy established by having black enslaved women nurture children who were not their own, cook meals

12. See *Armed Struggle in Africa and in the Middle Passage*, SCHOMBURG CTR. FOR BLACKRES., http://abolition.nypl.org/essays/african_resistance/3 [https://perma.cc/5DAR-QW38].

13. Hall, *supra* note 7, at 19.

14. JOHN HOPE FRANKLIN & ALFRED A. MOSS, JR., *FROM SLAVERY TO FREEDOM: A HISTORY OF AFRICAN AMERICANS* 158 (Alfred A. Knopf 8th ed. 2000) (1947).

15. See *id.* at 159.

16. See, e.g., Hall, *supra* note 7, at 22.

17. See, e.g., *Introduction to Colonial African American Life*, COLONIAL WILLIAMSBURG FOUND., <https://www.history.org/almanack/people/african/aaintro.cfm> [https://perma.cc/D3LE-QF88]. This is not to in any way imply that enslaved black men were free to roam the countryside; all enslaved people were prohibited from leaving the plantation at night. See STEPHANIE M.H. CAMP, *CLOSER TO FREEDOM: ENSLAVED WOMEN & EVERYDAY RESISTANCE IN THE PLANTATION SOUTH* 24 (Univ. N.C. Press 2004). In fact, Virginia Slave and Indenture Laws stated:

[I]t shall not be lawfull for any negroe or other slave to carry or arme himselfe [sic] with any club, staffe, gunn [sic], sword or any other weapon of defence or offence, nor to goe [sic] or depart from of his masters ground without a certificate from his master, mistris [sic] or overseer, and such permission not to be granted but upon perticuler [sic] and necessary occasions; and every negroe or slave soe [sic] offending not haveing [sic] a certificate as aforesaid shalbe [sic] sent to the next constable, who is hereby enjoyned [sic] and required to give the said negroe twenty lashes on his bare back well layd [sic] on, and soe [sic] sent home to his said master, mistris [sic] or overseer.

An Act for Preventing Negroes Insurrections, 1680, 32 Car. 2 c. Act X, 2.481 (available at <http://web.csulb.edu/~jlawler/Course%20DW/VirginiaSlaveLaws.htm> [https://perma.cc/H2K5-8EET]).

that were not consumed by their families, and maintain homes they could never own was unquestionable. However, this intimacy did not block out the consciousness of oppression and the visceral rejection of slavery which made resistance to slavery a twenty-four-hour task:

*They are deceived who flatter themselves that the ignorant and debased slave has no conception of the magnitude of his wrongs. They are deceived who imagine that he arises from his knees, with back lacerated and bleeding, cherishing only a spirit of meekness and forgiveness. A day may come—it will come, if his prayer is heard—a terrible day of vengeance when the master in his turn will cry in vain for mercy.*¹⁸

Angela Davis, in an article entitled *Reflections on the Black Woman's Role in the Community of Slaves*, pointed out that slavery spawned the myth of the “matriarchal black woman” as a detriment to the community.¹⁹ She noted that this myth has persisted, evolved, and resides in the psyche of modern-day America, stating, “Lingering beneath the notion of the black matriarch is an unspoken indictment of our female forebears as having actively assented to slavery. . . . [T]he black woman related to the slaveholding class as collaborator. Nothing could be further from the truth.”²⁰

It is important to reiterate that contrary to popular folklore, enslaved people were not content and docile “creatures” eager and happy to do the bidding of the slave owner.²¹ In fact, resistance was constant and much more than single acts of sabotage; resistance was a movement, a movement led, in large part, by black women. History speaks of Denmark Vesey,²² Nat Turner,²³ and others who led revolts, which are readily cited in texts.²⁴ However, little or no attention is given to the women who quietly and consciously worked for generations

18. SOLOMON NORTHUP, *TWELVE YEARS A SLAVE* 153 (New York, Miller, Orton & Mulligan 1853) (emphasis added).

19. See Angela Davis, *Reflections on the Black Woman's Role in the Community of Slaves*, 3 *BLACK SCHOLAR* 3, 4 (Dec. 1971).

20. *Id.* at 4.

21. See *id.* at 6 (“The magnitude and effects of the black people’s defiant rejection of slavery has not yet been fully documented and illuminated. But there is more than ample evidence that they consistently refused to succumb to the all-encompassing dehumanization objectively demanded by the slave system.”).

22. Denmark Vesey, after purchasing his own freedom, planned a revolt with reportedly 9,000 willing participants. See FRANKLIN & MOSS, *supra* note 14, at 164. However, an informant leaked the plans and the revolt was thwarted. See *id.*

23. Nat Turner led a revolt on August 21, 1831. See *id.* Sixty whites were killed before state and federal troops moved in which resulted in the deaths of more than 100 slaves. See *id.* at 164–65.

24. See, e.g., *id.* at 101–02 (explaining that the most famous and most successful revolt was the Haitian Revolution of 1804).

for freedom.²⁵ A major component of resistance was consciousness, the guttural acknowledgment that a system into which one had been born and bred in was inherently unjust, immoral, and ultimately unsustainable. The practice of prohibiting literacy in slaves²⁶ did not quell the desire to be free, nor did it staunch the resistance by women who were at the epicenter of the household. Women displayed small acts of courage and resistance daily.²⁷ The Federal Workers' Project documented many such tales as described below:

Was servin[g] gal fo[r] Missus. Used to have to stan[d] behin[d] her at [the] table an[d] reach her [the] salt an[d] syrup an[d] anything else she called fo[r]. Ole Marsa would spell out real fas[t] anything he [did not] want me to know [a]bout. One day Marsa was fit to be tied, he was in [such] a bad mood. Was ravin' [a]bout [the] crops, an[d] taxes, an[d] [the] triflin' niggers he got to feed. 'Gonna sell 'em, I swear fo' Christ, [I'm] gonna sell 'em,' he says. [Then] ole Missus ask which ones he gonna sell an[d] tell him quick to spell it. [Then] he spell out G-A-B-E, and R-U-F-U-S. 'Course I stood [there] without battin[g] an eye, an[d] makin[g] believe I didn't even hear him, but I was packin[g] [them] letters up in my [head] all [the] time. An[d] [as soon as] I finished [the] dishes I rushed down to my father an[d] say 'em to him jus[t] like Marsa say 'em. Father say quiet-like: 'Gabe and Rufus,' an[d] tol[d] me to go on back to [the] house an[d] say I ain't been out. [The] next day Gabe and Rufus was gone—[they] had run away. Marsa nearly died, got to cussin' an[d] ravin' so he took sick. Missus went to town an[d] tol[d] [the] sheriff, but [they] never could fin[d] [those] two slaves.²⁸

The above-stated tale of a brave and courageous young woman is illustrative of the fact that even though she could not read nor write, she instinctively knew that the lack of those abilities did not prevent her from resisting. Black bodies were the human cash crop of slavery, and black women were at the epicenter of that social order. Resistance came with a very heavy price for them. Not only were they faced with physical and sexual punishment, they were bound

25. See *Struggle for Survival—Day-to-Day Resistance*, in *BLACK WOMEN IN WHITE AMERICA* 27 (Gerda Lerner ed., Vintage Books ed. 1992) (1972) ("Slave women took part in all aspects of resistance, from slave rebellions to sabotage and passive resistance. The names of the many slave mothers who worked for years, or even decades, to buy their own freedom and that of their children have not been collected. Their stories lie buried in old newspapers and the memoirs of abolitionists. Their effort must certainly be reckoned in the struggle for survival of black people in this country.").

26. See FRANKLIN & MOSS, *supra* note 14, at 155.

27. *E.g.*, *infra* note 28.

28. THE NEGRO IN VIRGINIA, WORKERS' OF THE WRITERS PROGRAM OF THE WORK PROJECTS ADMIN. IN THE STATE OF VA. 44 (Hampton Inst., Hastings House 1940).

by the traditional gender roles which gave them a deeper connection to the community and family, therefore making revolting more difficult than for their male counterparts.²⁹ Yet, they persisted.³⁰

There are long gaps of documented revolts and rebellions.³¹ Because there is no documentation of lesser revolts, one could erroneously conclude that there was no resistance to slavery in the years not mentioned and, when there were revolts or rebellions, enslaved women played little or no role in them.³² Resistance was a way of life for many and showed its face in many ways.³³ The horrors of slavery cultivated black women's strength, resilience, and determination. This poem by Langston Hughes sums up the hopes and dreams of enslaved humans. This is what kept them going:

The sun
Is gonna go down
In Dixie
Some of these days
With such a splash
That everybody who ever knew
What yesterday was
Is gonna forget—
When that sun
*Goes down in Dixie.*³⁴

Resistance—Fleeing

In his book entitled, *From Slavery to Freedom A History of Blacks*, John Hope Franklin stated, "Every Southern community raised its annual crop of runaway slaves. Both federal and state legislation

29. See Davis, *supra* note 19, at 12 ("[T]hose who engaged in open battle, they were no less ruthlessly punished than slave men. It would even appear that in many cases they may have suffered penalties which were more excessive than those meted out to the men. On occasion, when men were hanged, the women were burned alive. If such practices were widespread, their logic would be clear. They would be terrorist methods designed to dissuade other black women from following the examples of their fighting sisters.").

30. See FRANKLIN & MOSS, *supra* note 14, at 204 ("Perhaps the most far-fetched and inaccurate characterization of slaves is that they were satisfied, even happy as slaves. If they were, then it would be difficult to explain the elaborate machinery designed to keep them in bondage.").

31. See *Slave Rebellions: A Timeline*, INDEP. LENS, http://www.pbs.org/independent_lens/natturner/slave_rebellions.html [<https://perma.cc/7M4F-WJ4Z>].

32. See HERBERT APTHEKER, *AMERICAN NEGRO SLAVE REVOLTS* 162 (Int'l Publishers 6th ed. 1993) (1936) ("Observing such restrictions, the author has found records of approximately two hundred and fifty revolts and conspiracies in the history of American Negro slavery.") (footnote omitted).

33. See, e.g., *infra* notes 50–56.

34. HUGHES, *supra* note 4, at 237 (emphasis added).

aided in their recovery, but many slaves escaped forever.”³⁵ Between 1730 and 1865, approximately 200,000 fugitive slaves’ ads appeared in U.S. newspapers.³⁶ “Many thousands of slaves escaped. Those thousands more who could not did what they could with what they had.”³⁷ Although women had difficulty running away during slavery, many still tried.³⁸ Many of these runaways did not make it to everlasting freedom, but that did not stop them from trying repeatedly.³⁹ Note the following runaway slave advertisements:

From Virginia:
Oct. 20, 1768

RUN away from the subscriber in *Chesterfield*, the *Wednesday* before *Easter* last, a bright mulatto wench named JUDE, about 30 years old, is very remarkable, has lost one eye, but which I have forgot, has long black hair, a large scar on one of her elbows, and several other scars in her face, and has been subject to running away ever since she was ten years old. I have great reason to think she will pass for a free woman, and endeavour to make into *South Carolina*. She is very knowing about house business, can spin, weave, sew, and iron, well. She had on when she went away her winter clothing, also a blue and white striped *Virginia* cloth gown, a *Virginia* cloth copperas and white striped coat, besides others too tedious to mention. Whoever conveys the said slave to me shall be well rewarded for their trouble.⁴⁰

From Kentucky:

April 16, 1822
\$50.00 REWARD

Ran away from the subscriber on the 27th of March last a negro woman named SARAH, about 6 feet high, and very slim; a very long face, with black gums, long teeth, white eyes and platted

35. FRANKLIN & MOSS, *supra* note 14, at 161.

36. See Joshua Rothman, *In a Digital Archive of Fugitive Slave Ads, a New Portrait of Slavery Emerges*, PRI (May 18, 2016, 7:45 AM), <https://www.pri.org/stories/2016-05-18/digital-archive-fugitive-slave-ads-new-portrait-slavery-emerges> [<https://perma.cc/283Y-XLA2>].

37. JULIUS LESTER, *TO BE A SLAVE* 126 (Dial Press, Inc. 1968).

38. WHITE, *supra* note 2, at 163 (“[E]nslaved women had a lot to pray for. Just as they had had difficulty running away during slavery, women and children found it hard to accompany the men that were impressed into, or escaped to the Union army. As men left, women’s work expanded and they did more ‘men’s work’ than ever before.”).

39. See, e.g., *infra* notes 40–42 and accompanying text.

40. Mary Clay, *Runaway Slave Advertisements*, VA. GAZETTE (PURDIE & DIXON), Oct. 20, 1768, at 2 (available at <http://research.history.org/DigitalLibrary/va-gazettes/VGSinglePage.cfm?issueIDNo=68.PD.47&page=2&res=LO> [<https://perma.cc/MD7V-FXK2>]).

hair. Had on a white linsey dress and took with her a red changeable silk, and black dress, also a white robe and striped gingham dress. Sarah is the biggest devil that ever lived, having poisoned a stud horse and set a stable on fire, also burnt Gen. R. Williams stable and stack yard with seven horses and other property to value of \$1500. She was handcuffed and got away at Ruddles Mills on her way down the river, which is the fifth time she escaped when about to be sent out of the country. I will give the above reward for said negro if taken out of the state, \$25 if taken in the state and delivered to me or lodged in jail so that I can get her. Levin Adams.⁴¹

North Carolina Advertisement:

Feb. 10, 1864

100 DOLLARS Reward

Ran away from the farm of the subscriber, near Roxboro, NC, on Friday, the 5th. inst [sic], a likely mulatto girl, named Lucy, aged 17 or 18 years, short, thick set, and when she left was neatly at-tired. It is presumed that she is making her way to Richmond—The above reward will be paid for her apprehension and delivery to me at the store of B. Ellison and Bro, corner of 17th and Franklin sts.
SA ELLISON⁴²

Often, a fleeing enslaved woman took the risk knowing she would never see her family of loved ones again. Even if an attempt at freedom failed, it disrupted the narrative of the dumb black woman who was simultaneously a Mammy and a Jezebel,⁴³ who contributed little or nothing to the society and was content to be enslaved. Professor Deborah Gray White writes how whites reacted when one of the most trusted members of the household fled:

For men whose honor and manhood ultimately depended on their ability to control women and slaves, Mammy's leaving was just as surely as emasculating as defeat on the battlefield. More significant, even though few Black house servants had been what

41. J. WINSTON COLEMAN, JR., *SLAVERY TIMES IN KENTUCKY* 233 (Univ. N.C. Press 1940).

42. Richmond Dispatch, *Ads for Runaway Slaves Feb. 10, 1864*, VA. CTR. FOR DIGITAL HIST., <http://www2.vcdh.virginia.edu/fellows/runaway.html> [<https://perma.cc/4JE8-SFK9>].

43. Compare Davis, *supra* note 19, at 4 (describing the stereotype of the strong, emasculating black woman who “actively assented to slavery”) and WHITE, *supra* note 2, at 168 (describing stereotypical Mammy) with WHITE, *supra* note 2, at 28–29 (describing Jezebel as the image of black women in antebellum America as oversexed and governed almost entirely by their libido).

masters and mistresses perceived them to be, many of the women *had been experienced* as surrogate mothers. For white men and women who had never questioned their black maid's devotion—even maternal love—Mammy's departure was felt as deeply as a mother's abandonment or rejection.⁴⁴

This abandonment was felt when Mammy fled during slavery, during the Civil War, and when emancipation resulted in multiple Mammies leaving the plantation, “white men and women faced a black woman they did not recognize.”⁴⁵

With respect to fleeing, Harriet Tubman, a black woman, known as “Moses of her people,”⁴⁶ is another icon of the freedom movement and a hero who contributed greatly to forcing America to live up to its promise of freedom and participation in the franchise. There are tales of her cleverness and courage in leading enslaved persons to freedom, and, although the origin of the Underground Railroad is somewhere in the eighteenth century and Harriet was one of many conductors, the railroad has become synonymous with her name⁴⁷:

Her name deserves to be handed down to posterity, side by side with the names of Jeanne D'Arc, Grace Darling, and Florence Nightingale, for not one of these women, noble and brave as they were, has shown more courage, and power of endurance, in facing danger and death to relieve human suffering, than this poor black woman, whose story I am endeavoring in a most imperfect way to give you.⁴⁸

Tubman successfully led enslaved persons from slave territories to freedom and she risked her own life countless times in doing so.⁴⁹ She is, without a doubt, a timeless and remarkable figure. However, whereas history has been generous in telling Harriet Tubman's story, the same is not true for the countless women who also attempted to flee slavery. Hence, there were far more Sarahs, Lucys, and Judes than there were Harriets, but the Sarah, Jude and Lucy stories do not fit the narrative of docility that had been used for generations to soothe “Christian” minds on the righteousness of

44. WHITE, *supra* note 2, at 47.

45. *Id.* at 169.

46. SARAH H. BRADFORD, HARRIET: THE MOSES OF HER PEOPLE 5 (Geo. R. Lockwood & Son 1897).

47. See Beal, *supra* note 3, at 3.

48. BRADFORD, *supra* note 46, at 4.

49. See *id.* at 4–5.

slavery,⁵⁰ therefore, their stories are told in archives and microfiche, but rarely to schoolchildren.

Resistance—(Extra)Ordinary Acts

Truancy, self-mutilation, abortion, and birth control were options when an outright revolt or an opportunity to flee were not feasible.⁵¹ John Hope Franklin wrote: “Self-mutilation and suicide were popular forms of resistance to slavery.”⁵² He added, “[w]hen his slave woman was found dead by her own hanging in 1829, a Georgia planter was amazed since he saw no reason why she should want to take her own life.”⁵³

Likewise, pregnancies were extremely difficult when they were the result of a “slave marriage,” but pregnancies that resulted from sexual enslavement and rape were even more harrowing.⁵⁴ Enslaved women used methods of birth control to prevent pregnancy which would deprive the slaveholder of more slaves.⁵⁵ There is evidence that when birth control did not work, enslaved women aborted the fetuses.⁵⁶ In addition to depriving the slaveholder of more slaves, these acts prevented their children from becoming slaves.⁵⁷

Resistance—Killing

To be sure, there were numerous incidents of the enslaved killing slaveholders.⁵⁸ Poisoning by enslaved women was very common

50. See, e.g., Carol Kuruvilla, *How White Christians Used the Bible—and Confederate Flag—to Oppress Black People*, HUFFPOST (June 22, 2015, 4:43 PM), https://www.huffpost.com/2015/06/22/christian-confederate-slavery_n_7638676.html [https://perma.cc/G8C8-GYTR] (“While God was left out of the preamble to the United States Constitution, the leaders of the Confederate States of America made sure to invoke the power of the divine in their own constitution—making it clear from the start they saw Christianity as an integral part of their new union of slaveholders.”).

51. Cf. FRANKLIN & MOSS, *supra* note 14, at 157, 160–61.

52. *Id.* at 160.

53. *Id.*

54. *Id.* at 157 (“The bearing of children was often extremely hard for the slave women. Lack of adequate medical care had a particularly negative impact on the health of slave women during pregnancies, childbirths, and the period immediately thereafter, and the high death rate of slave infants in many ways was a reflection of this privation.”).

55. See 2 JUNIUS P. RODRIGUEZ, *ENCYCLOPEDIA OF SLAVE RESISTANCE AND REBELLION* 455 (Greenwood Press 2007).

56. Cf. *id.* (“Among some female slaves, debilitating physical injuries resulted from crude efforts to terminate an unwanted pregnancy. On larger plantations, groups of slave women were not only able to share their collective knowledge about methods of self-abortion, but they also maintained a communal silence about what actions transpired within the slave cabins.”).

57. See *id.*

58. See, e.g., FRANKLIN & MOSS, *supra* note 14, at 161.

because they were the cooks: “Arsenic and other similar compounds were used. Whe[n] they were not available, slaves are known to have resorted to mixing ground glass in the gravy for their owners’ tables.”⁵⁹ The now famous tale of *Celia, A Slave* recounts the story of Celia, an eighteen-year-old enslaved girl, who having been raped by her slaveholder and impregnated on several occasions, kills that same slaveholder by striking him on the head and burning his body to ashes.⁶⁰ Celia was tried and eventually hanged for the crime, but, there is no doubt that Celia was one of many who resisted her enslavement.⁶¹

Harriet Ann Jacob, writing as Linda Brent, wrote, “After the alarm caused by Nat Turner’s insurrection had subsided, the slaveholders came to the conclusion that it would be well to give the slaves enough of religious instruction to keep them from murdering their masters.”⁶² Slaveholders were willing to risk allowing the enslaved to practice religion if it meant preventing their killings.⁶³ Hence, religion and the church were used as tools of the slaveholder to mitigate damages to their ultimate well-being.

There are also tales of enslaved women killing their own children rather than seeing them endure the life of enslavement.⁶⁴ *Beloved*, a novel by Toni Morrison, is based on the true story which tells the tale of Margaret Garner who was reportedly haunted by the ghost of the child she killed to prevent her former owner from trying to reclaim her and the other children with whom she had escaped to “freedom.”⁶⁵

Resistance—Direct Action by Free Black Women Activists

Before Harriet Tubman was born, Elizabeth Freeman, a woman who escaped slavery, initiated the case of *Brom & Bett v. Ashley*.⁶⁶

59. *Id.*

60. See MELTON A. MCLAURIN, *CELIA, A SLAVE* 20–21, 30–31 (Univ. Ga. Press 1991).

61. See DeNeen L. Brown, *Missouri v. Celia, a Slave: She Killed the White Master Raping Her, Then Claimed Self-Defense*, WASH. POST (Oct. 19, 2017), https://www.washingtonpost.com/news/retropolis/wp/2017/10/19/missouri-v-celia-a-slave-she-killed-the-white-master-raping-her-then-claimed-self-defense/?utm_term=.3180e168e6ad [<https://perma.cc/QE95-26MB>].

62. HARRIET JACOBS, *INCIDENTS IN THE LIFE OF A SLAVE GIRL* 105 (L. Maria Child ed., 1861).

63. See *id.* She also recounts one sermon that was preached to the enslaved persons: “Servants, be obedient to them that are your masters according to the flesh, with fear and trembling, in singleness of your heart, as unto Christ.” *Id.* at 106.

64. See *infra* note 65 and accompanying text.

65. See MORRISON, *supra* note 9, at 148–53, 160–65 (telling the story of Margaret Garner, who escaped with her children from a plantation in Kentucky into the free state of Ohio only to be tracked by vigilantes; Garner kills one of her daughters because she said that she would rather see her children dead than to be returned to slavery).

66. See *Massachusetts Constitution and the Abolition of Slavery*, MASS.GOV, <https://www.mass.gov/guides/massachusetts-constitution-and-the-abolition-of-slavery>

The immense courage it must have taken to challenge the notion that the concept of freedom could be applied to her and to those similarly situated continues to astound. Many other freed black women from the north were champions of freedom.

Like Harriet Tubman, Sojourner Truth was a giant of the Anti-Slavery Movement and has been fortunate to have survived the dustbin of history. Truth remains an icon of the Freedom Movement and is trotted out during Black History Month as a great American.⁶⁷ She was a fierce abolitionist, as well as an electrifying orator, as evidenced by her speech at the 1851 National Women's Convention in Akron, Ohio.⁶⁸ She asked the question, long before this author, of *what about black women? Who will sing our song? Who will tell our stories?*

W[e]ll, chil[dren], wh[ere] [there] is so much racket [there] must be somethin[g] out of kilter. I t[h]ink [that] 'twixt [the negroes] of [the South] and [the women] at [the North], all talkin[g] [a]bout rights, [the] white men will be in a fix pretty soon. But what's all [this] here talkin[g] [a]bout?

[That] man o[v]er [there] say[s] [that women need] to be helped into carriages and lifted o[v]er ditches, and to ha[ve] [the] best place everywh[ere]. Nobody e[v]er helps me into carriages, or o[v]er mudpuddles, or gi[ve]s me any best place! And [ain't] I a woman? Look at my arm! I have ploughed and planted, and gathered into barns, and no man could head me! And [ain't] I a woman? I could work as much and eat as much as a man—when I could get it—and bear [the] lash as well! And [ain't] I a woman? I have borne thirteen chil[d]ren, and seen [most] all sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And [ain't] I a woman?

[Then they talk about this thing] in [the] head: what['s] [this they] call it? ("Intellect," whispered someone near.) [That's] it, honey. What['s] [that] got to do [with] wom[e]n's rights or nigger's rights? If my cup won't hold but a pint, and your[s] holds a quart, wouldn't [you] be mean not to let me have my little half-measure full?

[https://perma.cc/8RG5-ZRGR]. *Brom & Bett v. Ashley* is also known as the Elizabeth Freeman case, 1781 Berkshire County. *See id.* Elizabeth Freeman escaped from her owner after overhearing her owners talk about the concept of freedom. *See id.* She won her case, which set the precedent for the abolition of slavery in Massachusetts. *See id.*

67. *See* Alanna Vagianos, *Google Celebrates First Day of Black History Month with Sojourner Truth Doodle*, HUFFPOST (Feb. 1, 2019, 10:35 AM), https://www.huffingtonpost.com/entry/google-celebrates-the-first-day-of-black-history-month-with-sojourner-truth-doodle_us_5c54540ce4b01d3c1f12dc0f [https://perma.cc/KPH5-Y9SU].

68. *See* LET NOBODY TURN US AROUND: VOICES OF RESISTANCE, REFORM, AND RENEWAL, AN AFRICAN AMERICAN ANTHOLOGY 85 (Manning Marable & Leith Mullings eds., Rowan & Littlefield Publishers, Inc., 2d ed., 2009).

[Then that] little man in black [there], he say[s] women can't have as much rights as men, 'cause Christ [wasn't] a woman! Wh[ere] did your Christ come from? [Where] did your Christ come from? From God and a woman! Man had noth[ing] to do [with] Him!

If [the first] woman God ever made was strong enough to turn [the] world upside down all alone, [these] women [together] . . . ought to be able to turn it back, and get it right side up again! And now [th]ey is asking to do it, [the] men better let [them].⁶⁹

Truth continued her advocacy despite the personal humiliation and disdain that she experienced.⁷⁰ She did not flinch, and she did not waiver, and she continues to serve as the proxy of so many black women who walked her walk but remain unacknowledged.

There are names of many prominent black women who also had their hands on the freedom plow who remain largely unacknowledged. There were many learned black women who lent their knowledge and talents to the struggle for freedom whose names and contributions are lost or relegated to seldom visited tomes.⁷¹ Harriet Ann Jacobs was one of the most important anti-slavery activists who escaped slavery and later wrote a ground-breaking autobiographical book detailing her struggles during slavery.⁷² *Incidents in the Life of a Slave Girl* was written by Jacobs under the pseudonym of Linda Brent.⁷³ Jacobs recounts the trauma of slavery and its impact on the female body, mind, and spirit.⁷⁴

As noted above, before Harriet Ann Jacobs's saga unfolded, Elizabeth Freeman was an enslaved woman who escaped from her

69. *Id.* at 67–68.

70. See WHITE, *supra* note 2, at 161.

In October 1858 Sojourner Truth gave a series of lectures in Silver Lake, Indiana, on the abolition of slavery. During the course of the talks a rumor circulated in the audience that Truth was actually a man posing as a woman. At her final talk, a man from the audience challenged her to prove the rumor false by having her breasts examined by some of the women present. When his challenge was put to a vote it passed with such a resounding “aye” that a “nay” vote was not even called for. Many of the women in the audience were appalled by the demand, but Truth herself appeared undaunted. She told the men that her breasts had suckled many a white babe, to the exclusion of her own offspring, and that many of these babies had grown to better men than those in the audience. From her place in front of the congregation Sojourner Truth bared her breasts and told the men that it was not to her shame that she did so but to theirs.

Id. (footnote omitted).

71. See discussion *infra* notes 72–82.

72. See generally JACOBS, *supra* note 62.

73. See *id.* at 18.

74. See *id.* at 46.

owner's home and dared to challenge her right to freedom by initiating the case of *Brom & Brett v. Ashley* in 1781.⁷⁵ Freeman won her case, which set the precedent to abolish slavery in Massachusetts and was later used by abolitionists to argue generally that slavery should be abolished in totality.⁷⁶ This accomplishment was of some note, but it is not a part of American history, and Ms. Freeman's astounding accomplishment is unsung.

Likewise, the name Sara Parker Remond⁷⁷ is unknown and thus unrecognized. Remond was born free but used her great talents as an abolitionist to travel throughout the northeast giving lectures and speeches on the evils of slavery.⁷⁸ So, too, did Mary Ann Shadd Cary, the first black female newspaper editor and the second black woman to earn a law degree in the United States,⁷⁹ who stated, "We should do more and talk less," when advocating for the abolition of slavery.⁸⁰ There was Maria Stewart,⁸¹ Ellen Craft,⁸² and the Forten women,⁸³ just to name a few, who were free, but believed that they had

75. See MASS.GOV, *supra* note 66.

76. See *generally id.*

77. See WE ARE YOUR SISTERS: BLACK WOMEN IN THE NINETEENTH CENTURY 175–76 (Dorothy Sterling ed., W. W. Norton & Co. 1997) (1984) (describing how Remond was dedicated to the cause of freedom and lectured around the country for the American Anti-Slavery Society, in addition to serving as a member of the Female Anti-Slavery Movement).

78. See *id.*

79. See *Mary Ann Shadd Cary Biography*, BIOGRAPHY (Apr. 1, 2014), <https://www.biography.com/people/mary-ann-shadd-cary-214141> [<https://perma.cc/UY5N-YAMP>].

80. Megan Specia, *Overlooked No More: How Mary Ann Shadd Cary Shook Up the Abolitionist Movement*, N.Y. TIMES (June 6, 2018), <https://www.nytimes.com/2018/06/06/obituaries/mary-ann-shadd-cary-abolitionist-overlooked.html> [<https://perma.cc/Q2SV-J3DE>]. Shadd followed in the footsteps of Charlotte Ray, who was the first black female lawyer in the United States and the first woman to be admitted to the District of Columbia. See BLACK AMERICAN BIOGRAPHIES: THE JOURNEY OF ACHIEVEMENT 114 (Jeff Wallenfeldt ed., Britannica Educ. Publ'g 2011).

81. See MARIA W. STEWART, AMERICA'S FIRST BLACK WOMAN POLITICAL WRITER: ESSAYS AND SPEECHES 2 (Marilyn Richardson ed., Ind. Univ. Press 2d ed., 1987) (explaining that Maria Stewart was the first American-born woman to lecture in defense of women's rights). Stewart was in the forefront of black female activism and literary tradition, only now being recognized as of integral importance to understanding the history of black thought in America. See *id.*

82. Barbara McCaskill, *William and Ellen Craft (1824–1900; 1826–1891)*, NEW GA. ENCYCLOPEDIA, <https://www.georgiaencyclopedia.org/articles/history-archaeology/william-and-ellen-craft-1824-1900-1826-1891> [<https://perma.cc/G26G-9XKZ>] (last updated Jan. 3, 2019) (telling the story of Ellen Stewart, a mixed-race enslaved woman, who escaped from slavery in 1848 with her husband by disguising herself as a white man and owner of her husband; together, they traveled by train to Philadelphia, and they moved to England, but eventually returned to the United States and in 1873 opened the Woodville Co-operative Farm School to educate and employ newly freed enslaved people).

83. See Africans in Am., *The Forten Women (1805–1883)*, PBS (1998), <http://www.pbs.org/wgbh/aia/part3/3p477.html> [<https://perma.cc/HTG6-BEDR>] (explaining how the Forten women were the female members of a prominent Black Philadelphia family, who were active abolitionists that helped to form several anti-slavery organizations; Charlotte, the

a duty to fight for the freedom of those who were enslaved. They were champions of justice and although they were lesser known than Sojourner Truth or Harriet Tubman, collectively they accomplished so much more and deserve the recognition for holding the United States to the promise of securing “the Blessings of Liberty to ourselves and our Posterity.”⁸⁴

Resistance—Survival

Even with this historical evidence of the role that black women played in both resisting slavery and steadily working towards freedom, there remains a dearth of information on their contributions, and there persists a stereotypical image of women as content and grateful to raise white babies and to cater to the needs of the white family that violated their human rights every single day of their lives.⁸⁵ It was comforting for a ruling class to promote the notion that enslaved women were grateful for the opportunity to serve them. Although this has been debunked, remnants of this fallacy exists in today’s society as evidenced, in part, by films like *The Help*,⁸⁶ wherein the immensely talented black actress, Viola Davis, is portrayed as having genuine love for her white charge, demonstrating her commitment to raising her as a whole and confident human being by a daily mantra of, “you is kind, you is smart, you is important.”⁸⁷ Notwithstanding attempts to diminish the role that black enslaved women played, they can be credited with the ultimate form of resistance: *they survived, and that needs to be told.*

Yet, slave women did what American pioneer women did on the frontier: they mustered their reserves, persevered, and helped others survive. What black women did was very much in the pattern of their female African ancestors who had for generations stood at the center of the African family. Slave women did not dominate slave marriage and family relationships; they did what women all over the world have done and been taught to do [since] time immemorial. Acting out a very traditional role, they made themselves a real bulwark against the destruction of the slave family’s integrity.⁸⁸

matriarch of the family, together with her daughters, established the Philadelphia Female Anti-Slavery Society).

84. U.S. CONST. pmb1.

85. See *supra* note 21 and accompanying text.

86. *THE HELP* (Touchstones Pictures 2011).

87. *Id.* The lead character repeats this daily mantra to the white child under her care to build the child’s self-esteem and confidence. *Id.*

88. WHITE, *supra* note 2, at 159–60.

And yet, they persisted.

II. A HISTORY OF BLACK WOMEN'S STRENGTH: POST-EMANCIPATION AND THE CIVIL RIGHTS MOVEMENT—PART 1

*In the nineteenth century, when the nation was pre-occupied with keeping women in the home and protecting them, only enslaved women were so totally unprotected by men or by law. Only black women had their womanhood so totally denied.*⁸⁹

A. Emancipation

Freedom from enslavement has always been a two-step dance. The first step was physical freedom from the yoke and the recognition of personhood.⁹⁰ The second step had always been citizenship in its fuller meaning.⁹¹ It meant full participation in the franchise of America. It meant reaping the benefits of the nation that had been built on their backs and the backs of their ancestors. It meant sharing in the harvest that had been soaked in their blood and the blood of their ancestors. And it meant that they would be covered by the Constitution which promised so much but had delivered so little to their plight. When the realities of emancipation met the reality of gender roles, black women fit in a new box. “The strategies devised under slavery became the blueprint for life in freedom.”⁹²

During Reconstruction, black women played an important role in the Freedman's Bureau.⁹³ In addition to a whole host of services, two important tasks were performed by the Freedman's Bureau: one was to collect and maintain pension files of Civil War soldiers, and the other was to study formerly enslaved black women.⁹⁴ For example,

89. *Id.* at 162.

90. *Id.* at 159–63.

91. *Id.*

92. *Id.* at 162.

93. *The Freedmen's Bureau*, FREEDMEN'S BUREAU ONLINE, <https://freedmensbureau.com> [<https://perma.cc/WU4C-ZEUD>].

The Bureau of Refugees, Freedmen, and Abandoned Lands . . . often referred to as the Freedmen's Bureau, was established in the War Department by an act of March 3, 1865. The Bureau supervised all relief and educational activities relating to refugees and freedmen, including issuing rations, clothing and medicine. The Bureau also assumed custody of confiscated lands or property in the former Confederate States, border states, District of Columbia, and Indian Territory. The bureau records were created or maintained by bureau headquarters, the assistant commissioners and the state superintendents of education and included personnel records and a variety of standard reports concerning bureau programs and conditions in the states.

Id.

94. See Noralee Frankel, *From Slave Women to Free Women: The National Archives*

these interests converged when a black widow sought to receive her husband's pension from having served in the Civil War.⁹⁵ Initially, the request for pensions was complicated by the fact that no legal documentation existed to prove that a marriage had existed because as a rule, slaves were prohibited from legal marriages.⁹⁶ Congress amended the Pension Bill to read: "no 'other evidence of marriage than proof, satisfactory to the Commissioner of Pensions, that the parties have habitually recognized each other as man and wife, and lived together as such.'"⁹⁷ This was much like what would be termed a "common law marriage" in modern law. In proving the marriage satisfactorily to the Commission, interviews were conducted and files were examined.⁹⁸ When these records were compiled, they provided a larger view of plantation life, gender roles, and the support system that black women provided for each other.⁹⁹

The importance of the role that black women played in providing information about their lives post-slavery cannot be understated. These narratives present a rich and complex system of family and friendships. These stories tell that the role of the midwife was crucial to the slave community¹⁰⁰ and she was held in high regard. It should be noted that in addition to her midwifery, she had to perform other labor on the plantation.

The archives also provide a picture of black women that transcends the caricatures so often relied upon to simplistically reduce slavery to a historical misstep. Women were at the center of their communities and cared for those who were not related by blood, but by circumstance. The extended family model has survived slavery and exists today in various iterations.¹⁰¹ "African American women played essential roles in ensuring the survival of black people during slavery and of black communities in freedom."¹⁰²

Tales have been told of the Freedom Riders who ventured south during the 1960s to work to guarantee the rights of black people,¹⁰³

and Black Women's History in the Civil War Era, 29 PROLOGUE MAG. (Summer 1997) (also available at <https://www.archives.gov/publications/prologue/1997/summer/slave-women>).

95. *See id.*

96. *See id.*

97. *Id.*

98. *See id.*

99. *See id.*

100. *See* Frankel, *supra* note 94.

101. *See id.* The black extended family is legendary. Children of relatives are taken in and cared for, while many who are unrelated by blood are considered family.

102. Karen Cook Bell, *Black Women, Agency, and the Civil War*, BLACK PERSP. (Sept. 22, 2017), <https://www.aaihs.org/black-women-agency-and-the-civil-war> [<https://perma.cc/TY3J-BZ8X>].

103. HENRY HAMPTON & STEVE FAYER WITH SARAH FLYNN, FREEDOM RIDERS, 1961 'STICKS AND BRICKS,' *in* VOICES OF FREEDOM: AN ORAL HISTORY OF THE CIVIL RIGHTS MOVEMENT FROM THE 1950S THROUGH THE 1980S 73–75 (Bantam Books 1990).

but over 100 years prior, black women had done the same thing, heading south, to assist newly freed blacks in any way they could.¹⁰⁴ Frances Ellen Watkins Harper was famous during this period for traveling south and speaking about the problems of Reconstruction.¹⁰⁵ She recognized that women were in a subjugated position and spoke out about the peculiar plight of black women, but chose to focus on race, not gender, with her words paraphrased as “let the lesser question of sex go.”¹⁰⁶ She believed that there was such a close bond between man and woman that one could not raise one without lifting the other.¹⁰⁷ “The world can not [sic] move [ahead] without woman’s sharing in the movement, and to help give a right impetus to that movement is woman’s highest privilege.”¹⁰⁸

After the untimely demise of Reconstruction, black women continued to work towards full citizenship for their people.¹⁰⁹ In 1892, Anna J. Cooper published a book entitled, *A Voice From the South: By A Woman From the South*.¹¹⁰ Ms. Cooper was a feminist before the

104. See, e.g., Donald Yacovone, *Sacred Land Regained: Frances Ellen Watkins Harper and “The Massachusetts Fifty-Fourth,” A Lost Poem*, 62 PA. HIST. 91, 91 (1995).

105. See *id.* at 95. Harper, a poet, author, and feminist, was never a slave but understood the bitterness of slavery. See *id.* Reluctant at first to enter the abolitionist movement, she soon became the most sought-after black woman speaker of that era. See *id.* Her works were the most read of any black writer before the Harlem Renaissance. See *id.* at 91. She is now considered a central figure of black literature, but most people have no idea who she was. Her most famous poem is *Bury Me in a Free Land*:

You may make my grave wherever you will,
In a lowly vale or a lofty hill;
You may make it among earth’s humblest graves,
But not in a land where men are slaves.

I could not sleep if around my grave
I heard the steps of a trembling slave;
His shadow above my silent tomb
Would make it a place of fearful gloom.

....

I ask no mounument proud and high
To arrest the gaze of passers by;
All that my spirit yearning craves,
Is—bury me not in the land of slaves.

Id. at 105–06 (footnote omitted).

106. Margaret Hope Bacon, “One Great Bundle of Humanity”: *Frances Ellen Watkins Harper (1825–1911)*, 113 PA. MAG. HIST. & BIOGRAPHY 21, 35 (Jan. 1989) (quoting the reporter who paraphrased Harper’s speech for black men and women to work together to defeat slavery).

107. See *id.* at 41.

108. *Id.* (quoting Frances Ellen Watkins Harper, “Women’s Political Future,” in May Wright Sewell, ed., *World’s Congress of Representative Women* (Chicago, 1893), 433–37).

109. See, e.g., ANNA JULIA COOPER, *A VOICE FROM THE SOUTH: BY A BLACK WOMAN FROM THE SOUTH* vii (Oxford Univ. Press 1988) (1892).

110. *Id.*

term was coined because she believed that in educating and empowering black women, the entire black community would be lifted.¹¹¹ She preached what could be said is the truest meaning of “each one, teach one.”¹¹² She was born in 1858 and died in 1964,¹¹³ thus, she bore witness of several movements. Cooper is the only black woman quoted in the current U.S. Passport: “The cause of freedom is not the cause of a race or a sect, a party or a class—it is the cause of human-kind, the very birthright of humanity.”¹¹⁴

Likewise, in 1883, Lucy Craft Laney opened the first school for black children in Augusta, Georgia.¹¹⁵ In 1904, Dr. Mary McLeod Bethune, Laney’s protégé and daughter of enslaved parents, opened the Daytona Educational and Industrial Training School for Negro Girls.¹¹⁶ This school is now known as Bethune-Cookman College in Daytona Beach, Florida.¹¹⁷

Josephine St. Pierre Ruffin, a black writer and suffragette, believed that if black women presented themselves in a more positive light, they would be more readily accepted by the larger society.¹¹⁸

111. *See id.* at xiv.

112. EACH ONE, TEACH ONE, *About*, <https://www.eachoneteachone.org.uk/about> [<https://perma.cc/3JW4-UQ8N>] (“The saying ‘Each one teach one’ is an African proverb that originated in America during slavery times. Slaves were seen as chattel and therefore denied an education so when one slave learned to read or write, it became his duty to teach someone else.”).

113. *See* COOPER, *supra* note 109, at xxxi, xxxviii.

114. Deborah Gale, *America Was Built on Immigration—Read Your Passport. Stop Fearing It*, HUFFPOST (Sept. 16, 2016, 3:26 PM), https://www.huffingtonpost.com/entry/have-passport-will-or-cant-or-wont-travel_us_57db0cf2e4b053b1ccf2960a [<https://perma.cc/G8WY-VGUT>].

115. *See* Kent Anderson Leslie, *Lucy Craft Laney (1854–1933)*, NEW GA. ENCYCLOPEDIA (Mar. 10, 2003), <https://www.georgiaencyclopedia.org/articles/education/lucy-craft-laney-1854-1933> [<https://perma.cc/2G3Q-U4S7>].

116. *See History of B-CU*, BETHUNE-COOKMAN U., https://www.cookman.edu/about_bcu/history [<https://perma.cc/8P2S-52NC>].

117. *See id.*

118. *See* Anthony W. Neal, *Josephine St. Pierre Ruffin: A Pioneer in the Black Women’s Club Movement*, BAY ST. BANNER (Feb. 3, 2016), <https://www.baystatebanner.com/2016/02/03/josephine-st-pierre-ruffin-a-pioneer-in-the-black-womens-club-movement> [<https://perma.cc/4N4Y-ZERR>]. Ruffin was a journalist and founder of African American Women’s Clubs. *See id.* She started the National Association Colored Women’s Club (NACW) whose agenda was the following:

- To promote the education of women and children,
- To raise the standards of the home,
- To improve conditions for family living,
- To work for the moral, economic, social, and religious welfare of women and children,
- To protect the rights of women and children,
- To secure and enforce civil and political rights for the African American race, and
- To promote interracial understanding so that justice may prevail among all people.

She worked to establish several organizations to this end.¹¹⁹ Although her theory of “respectability” did not have the long-term desired impact,¹²⁰ she was one of the black women whose social and political activism is not widely recognized, but which had a lasting impact on giving black women vehicles to organize movements.

Notwithstanding the efforts of freed enslaved women and their free counterparts, violence against black women escalated because former slaveholders no longer had to consider damage to their profit margins because of damaged human chattel.¹²¹ Professor Deborah Gray White describes how a black woman in Clinch County, Georgia received sixty lashes for talking back to a white woman:

How do we explain this relentless assault upon black women? The Clinch County magistrates made it clear that emancipation had not erased the perceived inequality of black and white women. In fact, the message the unmitigated violence delivered was that black women were not women at all. . . . As during slavery, black women had to rely upon survival instincts that ran counter to dependence.¹²²

This incident occurred after emancipation,¹²³ and the cruelty and barbaric acts against black women have not been chronicled in any depth; therefore, there is a story that goes untold and it is that it took almost as much courage to survive “freedom” as to withstand enslavement.

B. The Civil Rights Movement—Part 1

*Hope is a crushed stalk
Between clenched fingers
Hope is a bird’s wing
Broken by a stone.
Hope is a word in a tuneless ditty—
A word whispered with the wind,
A dream of forty acres and a mule,
A cabin of one’s own and a moment to rest,
A name and place for one’s children
And children’s children at last . . .
Hope is a song in a weary throat.*

Maggie MacLean, *Josephine St. Pierre Ruffin*, CIVIL WAR WOMEN (June 10, 2015), <https://www.civilwarwomenblog.com/josephine-st-pierre-ruffin> [https://perma.cc/8UUZ-7XT5].

119. See, e.g., Neal, *supra* note 118.

120. See, e.g., MacLean, *supra* note 118.

121. See WHITE, *supra* note 2, at 174.

122. *Id.* at 175–76.

123. See *id.* at 174.

*Give me a song of hope
 And a world where I can sing it.
 Give me a song of faith
 And a people to believe in it.
 Give me a song of kindness
 And a country where I can live it.
 Give me a song of hope and love
 And a brown girl's heart to hear it.*¹²⁴

There is overlap between post-Emancipation and the first civil rights movement. Much of this is because the period of “freedom” as delineated by Reconstruction was a mere twelve years from 1865 to 1877.¹²⁵ Some current-day sitcoms have been televised for a longer period of time than Reconstruction.¹²⁶ Not long after the end of Reconstruction, freedom and civil rights were once again on black women’s minds.¹²⁷ “No sooner had black people attained rights of citizenship than white people tried to take them away.”¹²⁸ It is important to chronicle that, notwithstanding the formal emancipation of former slaves being bolstered by the Thirteenth, Fourteenth, and Fifteenth Amendments, the presence of federal troops, often a double-edged sword, was also a necessity to ensure the application of those rights.¹²⁹ Thus, when those troops left the south unprotected, Black Codes (also known as Jim Crow laws), lynching, terrorism, the White League, the Red Shirts, and the Ku Klux Klan arose with a vengeance that added a dimension to black life that rivaled physical slavery.¹³⁰

In actuality, there was an ongoing civil rights movement from the end of Reconstruction until the decision in *Brown v. Board of Education*.¹³¹ There was an ebb and flow and various levels of participation, but the goal has always been full citizenship, and because that remained elusive, the battle continued. During this fifty-year period, *Plessy v. Ferguson*¹³² was decided, which essentially ratified

124. Pauli Murray, *Dark Testament: VERSE 8*, PAULI MURRAY PROJECT, <https://pauli-murrayproject.org/pauli-murray/poetry-by-pauli-murray> [<https://perma.cc/C6GM-FFYD>].

125. See Eric Foner, *Reconstruction*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/event/Reconstruction-United-States-history> [<https://perma.cc/8USH-TGAF>] (last updated Dec. 20, 2018).

126. See generally *Big Bang Theory: The Donation Oscillation* (CBS television program Feb. 7, 2019).

127. See WHITE, *supra* note 2, at 188.

128. *Id.*

129. See *id.* at 164–66 (“Women, in fact, had as much to fear of Union soldiers as they did of Confederates. The soldiers ‘insult women both white and black’ . . .”).

130. See MICHAEL PERMAN, *PURSUIT OF UNITY: A POLITICAL HISTORY OF THE AMERICAN SOUTH* 122, 131, 133–35, 138–39 (Univ. N.C. Press 2009).

131. See RICHARD ZUCZEK, *1 ENCYCLOPEDIA OF THE RECONSTRUCTIONS ERA* 337 (Greenwood Press 2006).

132. *Plessy v. Ferguson*, 163 U.S. 537, 548 (1896) (holding that “the enforced separation

and nationalized Jim Crow and disenfranchised blacks while effectively eliminating them from the political system. But also, during that period, the National Association of Colored Women (NACW),¹³³ the National Association for the Advancement of Colored People (NAACP),¹³⁴ the National Urban League,¹³⁵ The Niagara Movement,¹³⁶ and the National Negro Business League¹³⁷ were all founded. These organizations were established to counter the blatant, pervasive inequality and cruelty.

Also, not included in the discussion about the first civil rights era is a narrative on the role that black women played in the movement and in those organizations. We have all heard the names Booker T. Washington,¹³⁸ Carter G. Woodson,¹³⁹ Frederick Douglass,¹⁴⁰ et al., but rarely do we hear about the black women who were the foundation of the various movements and organizations.

It was also during this crucial period that two of the most prominent black sororities were founded.¹⁴¹ Alpha Kappa Alpha was established in 1908 at Howard University in Washington, D.C.¹⁴²

of the races, as applied to the internal commerce of the state, neither abridges the privileges or immunities of the colored man, deprives him of his property without due process of law, nor denies him the equal protection of the laws, within the meaning of the [F]ourteenth [A]mendment.”)

133. The NACW was founded in 1896. See *National Association of Colored Women*, NWHM, <http://www.crusadeforthevote.org/nacw> [<https://perma.cc/U239-2KCQ>].

134. The NAACP was formed on February 12, 1909. See *February 12 1909—The National Association for the Advancement of Colored People is Founded in Baltimore, Maryland*, THIS DAY WORLD HIST., <http://www.thisdayinworldhistory.com/February-12-1909-the-national-association-for-the-advancement-of-colored-people-is-founded-in-baltimore-maryland> [<https://perma.cc/AH8W-J6RG>].

135. The National Urban League was formed on October 11, 1910. See Nancy Cho, *National Urban League (1910–)*, BLACKPAST (Nov. 8, 2009), <https://blackpast.org/aah/national-urban-league-1910> [<https://perma.cc/5S3C-5DFN>].

136. The Niagara Movement was a civil rights group founded in 1905 near Niagara Falls by W.E.B. DuBois. See The Editors of Encyclopedia Britannica, *Niagara Movement*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/topic/Niagara-Movement> [<https://perma.cc/R74S-VY7R>].

137. The National Negro Business League was founded in 1900 by Booker T. Washington to promote blacks in business. See Joseph Bernardo, *National Negro Business League (1900–)*, BLACKPAST (Nov. 26, 2008), <https://blackpast.org/aah/national-negro-business-league> [<https://perma.cc/N33W-UJD4>].

138. *Booker T. Washington*, BIOGRAPHY, <https://www.biography.com/people/booker-t-washington-9524663> [<https://perma.cc/ZK8K-QVSH>].

139. *About Us*, DR. CARTER WOODSON AFRICAN AM. MUSEUM, <http://www.woodsonmuseum.org/about-us> [<https://perma.cc/7HK5-QBR2>].

140. *Frederick Douglass*, HISTORY (Oct. 27, 2009), <https://www.history.com/topics/black-history/frederick-douglass> [<https://perma.cc/4P8S-C6S9>].

141. See *infra* notes 142–43.

142. *About*, ALPHA KAPPA ALPHA SORORITY INC., <http://aka1908.com/about> [<https://perma.cc/TW85-QUVX>].

Alpha Kappa Alpha Sorority, Incorporated had its humble beginnings as the vision of nine college students on the campus of Howard University in 1908.

Five years later in 1913, Delta Sigma Theta sorority was founded.¹⁴³ The focus of these two organizations was, and still is, service to the black community.¹⁴⁴ Black educated women dedicated their time and energy to improve both economic and social conditions in the black community. There are several more black sororities that have followed in the footsteps of these two great organizations, and for the most part, these organizations have gone unacknowledged and have not been celebrated for the work they have done in the black community.

III. A HISTORY OF BLACK WOMEN'S STRENGTH: THE CIVIL RIGHTS MOVEMENT—PART 2

A. *Early Rumbings*

*My mother was a soldier
She had her hand on the freedom plow
She said, "One day I'll get old, I can't fight on any-
more
But Lord I'll stand here and fight on anyhow."¹⁴⁵*

We have become comfortable with the “masculinization” of the civil rights movement; therefore, we are not familiar with the names of many black women who made a difference. A name not generally recognized by the public is civil rights activist Pauli Murray,¹⁴⁶ who provided the fuel that ultimately led to *Brown v. Board of Education*¹⁴⁷

Since then, the sorority has flourished into a globally-impactful organization of nearly 300,000 college-trained members, bound by the bonds of sisterhood and empowered by a commitment to servant-leadership that is both domestic and international in its scope. As Alpha Kappa Alpha has grown, it has maintained its focus in two key arenas: the lifelong personal and professional development of each of its members; and galvanizing its membership into an organization of respected power and influence, consistently at the forefront of effective advocacy and social change that results in equality and equity for all citizens of the world.

Id.

143. See *Intelligence is the Torch of Wisdom*, DELTA SIGMA THETA SORORITY, INC. (2017), <https://www.deltasigmatheta.org> [<https://perma.cc/MWX6-CFTC>] (“Delta’s Founders stepped out on faith to march with the suffragettes and took a stand for social justice as their first public act. More than 105 years later we pride ourselves by following in the footsteps of our Founders and remain in the forefront of action as a voice for those in need.”).

144. See *supra* notes 142–43.

145. FAITH S. HOLSAERT ET AL., *HANDS ON THE FREEDOM PLOW: PERSONAL ACCOUNTS BY WOMEN IN SNCC* (2010) (emphasis added).

146. See generally *Pauli Murray 1910–1985, History*, PMF, <https://paulimurrayfoundation.com/our-impact> [<https://perma.cc/499L-V474>] [hereinafter *Pauli Murray*] (providing a brief biography of Dr. Murray).

147. See *Brown v. Bd. of Educ.*, 347 U.S. 483, 488, 493 (1954) (providing the antidote to *Plessy v. Ferguson*); see generally Schulz, *infra* note 149 (discussing background information to the challenge of the *Plessy* decision).

and the 1960 Civil Rights Movement. The Reverend Dr. Anna Pauline Murray was born in 1910 in Baltimore, Maryland.¹⁴⁸ Murray was active in the socialist Workers Defense League and was a brilliant lawyer.¹⁴⁹ She finished first in her class at Howard University School of Law¹⁵⁰ and is said to have conceived the theory that the best way to challenge the precedent of *Plessy v. Ferguson*¹⁵¹ was to argue that separate could never be equal.¹⁵² This was the winning strategy adopted by Thurgood Marshall and argued before the Court in *Brown*.¹⁵³ Just as an aside, it is interesting to note that Zelma Mae Chaney performed the bulk of the research for the case,¹⁵⁴ while Constance Baker Motley drafted the original complaint,¹⁵⁵ and Murray conceived the theory of the case,¹⁵⁶ but none of them are mentioned when credit is given for the *Brown* decision.¹⁵⁷

Murray authored a highly acclaimed book entitled, *States' Laws on Race and Color* which has been referred to as “the bible” of the civil rights movement.¹⁵⁸ In this venerated book, Murray compiled a list of legislation from forty-eight states, which included every law, statute, ordinance, executive order, directive, Supreme Court ruling, and various other documents that mandated racial segregation pre-*Brown*.¹⁵⁹ Murray was a champion of women’s rights and civil rights. She was a co-founder of the National Organization for Women and

148. See Pauli Murray, *supra* note 146.

149. See Kathryn Schulz, *The Many Lives of Pauli Murray*, NEW YORKER (Apr. 17, 2017), <https://www.newyorker.com/magazine/2017/04/17/the-many-lives-of-pauli-murray> [<https://perma.cc/5LWQ-GM8Q>].

150. See *id.*

151. See *Plessy v. Ferguson*, 163 U.S. 537 (1896) (establishing the “separate but equal” doctrine which legalized segregation).

152. See, e.g., Schulz, *supra* note 149.

153. See *Brown v. Bd. of Educ.*, 347 U.S. 483, 484, 488, 493, 495 (1954).

154. See *Unforgettable, Unsung Sorors of the Civil Rights Movement, Soror Zelma Mae Chaney*, ALPHA KAPPA ALPHA SORORITY, INC. (2012), <http://unsungsorors.aka1908.com/in dex.php/soror-zelma-mae-chaney> [<https://perma.cc/4J5E-GJKX>].

155. See Melissa Fay Greene, *Pride and Prejudice*, N.Y. TIMES MAG. (Dec. 25, 2005), <https://www.nytimes.com/2005/12/25/magazine/pride-and-prejudice.html> [<https://perma.cc/T2YG-58AM>] (describing how, in addition to her work on the *Brown* case, Constance Baker Motley was a civil rights activist, the first woman to serve as Manhattan borough president, the first black woman elected to the New York State Senate, and the first black woman to serve on the federal judiciary); see also *Constance Baker Motley* (1921–2005), HOWARD U. SCH. L., <http://law.howard.edu/brownat50/BrownBios/BioJudgeCBakerMotley.htm> [<https://perma.cc/49KA-XAA8>].

156. See Schulz, *supra* note 149.

157. See, e.g., *Brown v. Board of Education*, HISTORY (Oct. 27, 2009), <https://www.history.com/topics/black-history/brown-v-board-of-education-of-topeka> [<https://perma.cc/WHY6-F9VT>].

158. See PAULI MURRAY, *STATES' LAWS ON RACE AND COLOR* (Pauli Murray ed., Univ. Ga. Press 1997) (1950); see generally Schulz, *supra* note 149 (referencing Thurgood Marshall’s “bible” of the civil rights movement).

159. See *STATES' LAWS ON RACE AND COLOR*, *supra* note 158, at xxi–xxiv.

served on several national boards and commissions.¹⁶⁰ Murray was essential to the civil rights movement because she stood up in a time when it was dangerous for a black person to actively work against racism and segregation, and especially dangerous to also be female. The Reverend Dr. Pauli Murray was so much larger than this Essay can adequately express, and her contributions to civil rights and women's rights cannot be overstated; yet, most Americans cannot say her name.

The fuse, which sparked the fuel poured by the Reverend Dr. Pauli Murray, that ushered in the civil rights era of the 1950s–1960s was lit by an unassuming thirty-four-year-old black woman on the south side of Chicago.¹⁶¹ This black woman was a loving mother who had a son, whom, by all accounts, she adored.¹⁶² Her name was Mamie Elizabeth Till, and her son was Emmett.¹⁶³ Mamie Elizabeth Till was born in Webb, Mississippi, but moved to Illinois with her family as an infant.¹⁶⁴ As with many blacks who had made the trek out of the south, the ties to it remained strong.¹⁶⁵ In the summer of 1955, Ms. Till sent her son, Emmett, to visit relatives in Money, Mississippi.¹⁶⁶ She never saw her son alive after she placed him on that southbound train.¹⁶⁷ Emmett was brutally murdered for allegedly flirting with a white woman.¹⁶⁸ He was dragged from his uncle's house, beaten, mutilated, shot through the head, and thrown in the Tallahatchie River with the fan from a cotton gin machine tied around his neck.¹⁶⁹ Emmett was fourteen years old.¹⁷⁰

When Mamie Till made the trip to Mississippi, this time to claim the body of her fourteen-year-old son, she discovered the following: Till's body was clothed, packed in lime, placed into a pine coffin, and prepared for burial.¹⁷¹ It may have been embalmed while in Mississippi. Mamie Till Bradley demanded that the body be sent to Chicago; she later said that she worked to halt an immediate burial in Mississippi and called several local and state authorities in Illinois and

160. See Schulz, *supra* note 149.

161. See generally MAMIE TILL-MOBLEY & CHRISTOPHER BENSON, *DEATH OF INNOCENCE: THE STORY OF THE HATE CRIME THAT CHANGED AMERICA 3* (Random House, Inc. 2003) (autobiography of Mamie Till-Mobley, mother of Emmett Till).

162. See, e.g., *id.*

163. See *id.*

164. See *id.* at 19.

165. See *id.* at 18.

166. See *id.* at 106–09.

167. See TILL-MOBLEY & BENSON, *supra* note 161, at 122.

168. *Id.*

169. See *id.* at 127, 129.

170. Cassie Feldman, *Remembering a Teen Whose Murder Fueled a Movement*, CBS NEWS (Aug. 28, 2015), <https://www.cbsnews.com/news/emmett-till-murder-fueled-a-movement-60-minutes> [<https://perma.cc/XPK9-HC87>].

171. See TILL-MOBLEY & BENSON, *supra* note 161, at 129–30, 139.

Mississippi to make sure that her son was returned to Chicago.¹⁷² Local officials tried to persuade her to let them quickly and quietly handle the services and burial of her boy.¹⁷³

Ms. Till insisted that she be allowed to take Emmett's body back to Chicago.¹⁷⁴ Once there, she also insisted upon an open casket for his funeral saying, "Let the world see what I've seen."¹⁷⁵ Thousands visited the funeral home to view Emmett's broken, unrecognizable body.¹⁷⁶ Newspapers and photographers from around the world converged upon Chicago to cover the story and the funeral.¹⁷⁷ Well-known black publications displayed photos of Emmett in the casket.¹⁷⁸ Emmett Till's murder became the symbol of the injustices visited upon blacks in the United States and spotlighted the continuum of inequality which had festered for centuries.

When the story of the atrocities that befell so many blacks during the lynching years is told, Emmett Till's story is included. His casket is on display in the Smithsonian National Museum of African-American History in Washington, D.C.¹⁷⁹ What is so often left out of the tragic tale is the courage, bravery, strength, and activism of Mamie Elizabeth Till. Without the aforementioned attributes of Ms. Till, Emmett's story would have never been told and the impetus of a movement would have occurred after a different, but predictable, black tragedy.

After Emmett's funeral, Mamie Till toured the country with the NAACP detailing the circumstances of her son's death and the injustices that resulted from no one being held accountable for it.¹⁸⁰ Mamie Till-Mobley died in 2003,¹⁸¹ the same year that her autobiography, *Death of Innocence: The Story of the Hate Crime That Changed America*, was published.¹⁸² Her courage after this horrific act of terrorism

172. *Id.*

173. *Id.*

174. *See id.* at 129–30.

175. *Id.* at 139.

176. *See id.* at 141.

177. *See* Michael Randolph Oby, Thesis, *Black Press Coverage of the Emmett Till Lynching as a Catalyst to the Civil Rights Movement*, GA. ST. U. 1, 19 (2007), https://scholarworks.gsu.edu/communication_theses/20 [<https://perma.cc/9XEF-L345>].

178. *See id.* at 13–16 ("When the September 15th issue of *Jet* was released, Emmett had been found. The piece covering the discovery of his body was entitled, 'Nation Horrified by Murder of Kidnapped Chicago Youth.' One photograph showed a handsome and dapper Emmett, months before his lynching. The article also featured the grotesque image of Till in his coffin.")

179. *See* Abby Callard, *Emmett Till's Casket Goes to the Smithsonian*, SMITHSONIAN MAG. (Nov. 2009), <https://www.smithsonianmag.com/arts-culture/emmett-tills-casket-goes-to-the-smithsonian-144696940> [<https://perma.cc/J8GU-XU9G>].

180. *See* TILL-MOBLEY & BENSON, *supra* note 161, at 192–96.

181. *See id.* at 291.

182. *Id.* at 290.

against her son and her subsequent activism make her an American hero for pushing the message of social justice and by allowing her son's death to be the catalyst for a movement. Mamie Mobley Till remained unbowed and unbroken under circumstances that would have decimated another.

Change requires both the will and the way to accomplish that end. If Murray and Mobley inspired the will, then, it is without a doubt that Septima Clark provided the way.¹⁸³ Clark realized the importance of teaching adults to read and write so that they read the paperwork needed to register to vote.¹⁸⁴ Her program and programs like it prepared the black community to register to vote and served as the impetus behind the 1965 Voting Rights Act.¹⁸⁵

Those conversant with civil rights are familiar with the name Ella Baker; others are clueless. Ella Baker was born in 1908 in Norfolk, Virginia.¹⁸⁶ She graduated from Shaw University in 1927¹⁸⁷ and literally dedicated her life to the fight for civil rights.¹⁸⁸ She believed in empowering black people to engage in political action so that they could take control of their own problems.¹⁸⁹ Baker worked tirelessly in the NAACP and SCLC before helping to organize students who had been part of sit-ins in the south into an organization that became the SNCC.¹⁹⁰ Ella Baker was a consummate community organizer who championed "participatory democracy"¹⁹¹ and many notable individuals, including Barack Hussein Obama, stand on her shoulders.

In 1946, Mary Fair Burks founded the Women's Political Council (WPC) in Montgomery, Alabama.¹⁹² Her goal was to fight for civil

183. See WOMEN IN THE CIVIL RIGHTS MOVEMENT, TRAILBLAZERS & TORCHBEARERS 1941–1965 88–93 (Vicki L. Crawford et al., eds., 1993) [hereinafter WOMEN IN THE CIVIL RIGHTS MOVEMENT].

184. See *id.* at 92.

185. See generally *id.*

186. *Id.* at 194.

187. *Who Was Ella Baker*, ELLA BAKER CTR. HUM. RIGHTS, <https://ellabakercenter.org/about/who-was-ella-baker> [<https://perma.cc/X27Q-XKRZ>].

188. WOMEN IN THE CIVIL RIGHTS MOVEMENT, *supra* note 183, at 51 (“[Y]ou didn’t see me on television, you didn’t see news stories about me. The kind of role that I tried to play was to pick up pieces or put together pieces out of which I hoped organization might come. My theory is, strong people don’t need strong leaders.”) (footnote omitted).

189. See *id.*

190. See *id.* at 194.

191. See *id.* at 51–52.

The emphasis on participation had many implications, but three have been primary: (1) an appeal for grass roots involvement of people throughout society in the decisions that control their lives; (2) the minimization of hierarchy and the associated emphasis on expertise and professionalism as a basis for leadership; and (3) a call for direct action . . . to fear, alienation, and intellectual detachment.

Id.

192. See *id.* at 78–79.

rights while enabling black women to aspire to leadership positions. The organization started with approximately thirty members.¹⁹³ It is important to acknowledge the danger these black women placed themselves in by affiliating with a civil rights organization in Alabama in 1946. Each of these women were registered to vote, which added to the potential for peril.¹⁹⁴ Under Burks, the organization focused on reforming the bus system and voting rights.¹⁹⁵

In 1950, Jo Ann Robinson became president of the organization and continued to focus on the issue of public accommodations in Montgomery and throughout Alabama.¹⁹⁶ This organization, in conjunction with the NAACP, prepared “suitable” candidates for acts of civil disobedience that were meant to challenge the status quo.¹⁹⁷ Before December 1, 1955, a suitable candidate was found by the name of Rosa Parks.¹⁹⁸ Ms. Parks, having been trained, refused to give up her seat in the “colored” section of the bus to a white man who could not be seated in the already filled white section of the bus.¹⁹⁹ Her

193. WOMEN IN THE CIVIL RIGHTS MOVEMENT, *supra* note 183, at 79.

194. *See id.* at 80

195. *Id.* at 79 (describing how the WPC “finally agreed on a three-tier approach: first, political action, including voter registration and interviewing candidates for office; second, protest about abuses on city buses and use of taxpayers’ money to operate segregated parks (we assumed that segregated schools and housing would be with us forever, and they still are); and third, education, which involved teaching young high school students about democracy and how it was intended to operate as well as teaching adults to read and write well enough to fulfill the literacy requirements for voting. . . . [a]t th[at] time we did not know we were making history and would become trailblazers of the civil rights movement.”).

196. *See* JO ANN GIBSON ROBINSON, THE MONTGOMERY BUS BOYCOTT AND THE WOMEN WHO STARTED IT 53 (David J. Garrow ed., 1987) (explaining how Jo Ann Robinson was president of the WPC at the time of the Montgomery Bus Boycott, which was orchestrated by black women).

197. *See, e.g.*, WOMEN IN THE CIVIL RIGHTS MOVEMENT, *supra* note 183, at 82. “Suitable” refers directly to the fact that the original candidate, who was selected to refuse to give up her seat, was a teenager named Claudette Colvin. *Id.* Colvin was arrested for refusing to give up her seat. *Id.* The organizations which were poised to initiate some sort of protest retreated from the plan when it was revealed that the unwed teenage Colvin was pregnant and that she had also been charged with resisting arrest. *Id.* Many believed that she was not a “suitable” candidate on whom to base a boycott. *See id.*

198. *See* Tina L. Ligon, *60th Anniversary of the Montgomery Bus Boycott*, NAT’L ARCHIVES (Dec. 1, 2015), <https://rediscovering-black-history.blogs.archives.gov/2015/12/01/60th-anniversary-of-the-montgomery-bus-boycott> [<https://perma.cc/KYL5-TNTZ>]; *see also* WOMEN IN THE CIVIL RIGHTS MOVEMENT, *supra* note 183, at 82.

199. *See* Mark Feeney, *Rosa Parks, Civil Rights Icon, Dead at 92*, BOS. GLOBE (Oct. 25, 2005), http://archive.boston.com/news/nation/articles/2005/10/25/rosa_parks_civil_rights_icon_dead_at_92 [<https://perma.cc/V5Q4-QAVF>]. Rosa Parks was groomed to refuse to give up her seat on the bus in Montgomery, Alabama. She is one of the few black women lauded in history. Parks became a symbol of the civil rights movement by this act. *Id.* However, Parks was much more than just the tired black woman who was portrayed as nice and unthreatening; Rosa Parks was a civil rights activist long before she said “nah” to a white bus driver. HAMPTON ET AL., *supra* note 103, at 19. She was active in the NAACP

actions were lauded because they resulted in being arrested,²⁰⁰ which, realistically, could have ended in great bodily harm and even death.

The WPC called for a bus strike and worked tirelessly to implement it.²⁰¹ The story of the Montgomery Bus Boycott gives credit to Rosa Parks, but many of the women who worked behind the scenes to end the segregated bus system are given little ink. Although Dr. Martin Luther King, Jr. and other religious leaders are given credit for the boycott, it was Jo Ann Robinson and the WPC who activated the boycott.²⁰²

More importantly, four brave black women initiated the case, *Browder v. Gayle*,²⁰³ arguing the treatment they received from whites when utilizing the bus system in Montgomery violated the Fourteenth Amendment.²⁰⁴ They won the case on November 14, 1956, when the U.S. Supreme Court announced that bus segregation was unconstitutional.²⁰⁵ The unsung, Aurelia Browder, Claudette Colvin, Susie McDonald, and Mary Louise Smith, were activists who changed the world,²⁰⁶ but they are not celebrated and lauded, and history books have marginalized their accomplishments by ignoring them.

I sing of a new American
 Separate from all others,
 Yet enlarged and diminished by all others.
 I am the child of kings and serfs, freemen and slaves,
 Having neither superiors nor inferiors,
 Progeny of all colors, all cultures, all systems, all beliefs.
 I have been enslaved, yet my spirit is unbound.
 I have been cast aside, but I sparkle in the darkness.
 I have been slain but live on in the river of history.
 I seek no conquest, no wealth, no power, no revenge:
 I seek only discovery
 Of the illimitable heights and depths of my own being.²⁰⁷

and served as secretary. *Id.* She was also sent to investigate the rape of Recy Taylor, a young black sharecropper who was abducted and raped by six white men on her way home from church. See Sewell Chan, *Recy Taylor, Who Fought for Justice After a 1944 Rape, Dies at 97*, N.Y. TIMES (Dec. 29, 2017), <https://www.nytimes.com/2017/12/29/obituaries/recy-taylor-alabama-rape-victim-dead.html> [<https://perma.cc/DK9N-7MAK>].

200. See Ligon, *supra* note 198.

201. See *id.*

202. See *id.*

203. *Browder v. Gayle*, 142 F. Supp. 707 (M.D. Ala. 1956).

204. *Id.* at 717.

205. See *Browder v. Gayle*, 352 U.S. 903 (1956) (per curiam) (“[T]he enforced segregation of [black] and white passengers on motor buses operating in the City of Montgomery. . . violates the Constitution and laws of the United States.”).

206. See Ligon, *supra* note 198 (recognizing that Colvin, Browder, McDonald and Smith were all also arrested for disobeying the segregation laws).

207. Pauli Murray, *Prophecy*, PAULI MURRAY PROJECT, <https://paulimurrayproject.org/pauli-murray/poetry-by-pauli-murray> [<https://perma.cc/C6GM-FFYD>].

These are just a few brave black women who, although they are unsung, ushered in a new era and forever changed the dynamics of America. Their advocacy and that of many other women, coupled with the decision in *Brown*, spawned a new black movement, and black women stepped up and met the challenges of racial equality head-on.

B. Civil Rights and Black Women Circa 1960

*'It's no secret that young people and women led organizationally.' Women took civil rights workers into their homes, of course, giving them a place to eat and sleep, but women also canvassed more than men, showed up more often at mass meetings and demonstrations, and more frequently attempted to register to vote.*²⁰⁸

Most conversations about the civil rights movement revolve around the period between 1950 and 1970, with a major focus on the 1960s. Scholars acknowledge that there has been one long and unending civil rights movement in America ever since the Northern troops withdrew from the South and ended any pretense of equality and justice.²⁰⁹ Think of it as music playing in the background of American life—a drumbeat for justice and equality. When the music reaches a crescendo, and there is a convergence of wills, it can be said that there is a “movement.” The general population believes that the Sixties were “THE” civil rights movement. Of course, the Sixties were not the beginning of the civil rights movement, and, unfortunately, they were not the end of it either.

Current renditions of the 1960s are peppered with the names of black men who are rightfully honored and acknowledged; but, what tales are told of the strong, smart, hard-working black women who were the very center of the modern-day civil rights movement just as they had been of previous movements? How do Ella Baker, Septima Poinsette Clark, Daisy Bates, Fannie Lou Hamer, Rosa Parks, Shirley Chisholm, and countless others fit into the narrative?²¹⁰ Author Jo Freeman writes: “Women were the secret weapon of the civil rights movement. For the most part, the men made the speeches and did the press interviews, and the women did the work. If they hadn't, all those great plans would not have gotten past the talking stage.”²¹¹

208. WOMEN IN THE CIVIL RIGHTS MOVEMENT, *supra* note 183, at 1–2 (footnote omitted).

209. See generally the scholarship of Joe Freeman, Evelyn Brooks Higginbotham, Debra Gray White, and Gerda Lerner.

210. See generally WOMEN IN THE CIVIL RIGHTS MOVEMENT, *supra* note 183 (covering briefly the lives and activities of women in the civil rights movement); HOLSAERT ET AL., *supra* note 145 (providing a more extensive history on the above-mentioned women).

211. Jo Freeman, *Women Were the Foundation of the Civil Rights Movement*, JO

It is important that the world understands that black women, who were critical to the civil rights movement, should be viewed as complex, intelligent, and nuanced individuals and not reduced to caricatures that further promote some trope of who they really were.²¹² It is also important to understand the reality of gender roles and the dance that black women had to do to maintain the family structure.²¹³

The civil rights movement must be placed into a time/place context to understand the complexity of the struggle black women faced by participating in the movement. In the South, participating in the movement could lead to unemployment and in some places, could get one killed.²¹⁴ In addition, the brutal poverty was so pervasive that the priority of many black folks was survival.²¹⁵ Despite the hardships of organizing black folks, black women persisted:

Tens of thousands of women participated in the March on Washington on Aug. 28, 1963. But none of the female civil rights leaders marched in the procession with Dr. King, nor were any of them invited to speak to the enormous crowd. Instead, these women were asked to march on an adjacent street with the wives of the male leaders and to stay in the background.²¹⁶

It is vital that a few of the unsung black women be named because their contributions have contributed to the collective good that emerged from the civil rights movement and has earned them the right to be acknowledged. For example, Diane Nash was an organizer and civil rights worker who was at the forefront of the movement.²¹⁷ She strategized to integrate lunch counters in the South.²¹⁸ She coordinated the “Freedom Riders,” and she co-founded the Student

FREEMAN.COM (2011), <https://www.jofreeman.com/civilrights/womencivilfoundation.htm> [<https://perma.cc/WA9L-X399>].

212. See *The Mammy Caricature*, JIM CROW MUSEUM RACIST MEMORABILIA, <https://www.ferris.edu/jimcrow/mammies> [<https://perma.cc/3F99-LQP8>]; see also WHITE, *supra* note 2, at 168 (describing the stereotypical Mammy).

213. “In slavery and in freedom we practiced an alternative style of womanhood. A womanhood that preserved in hardship but revered overt resistance. A womanhood that celebrated heroism but accepted frailty. A womanhood that could answer a confident and assertive ‘yes’ to the persistent question: ‘Ar’n’t I a woman?’” WHITE, *supra* note 2, at 190.

214. See WOMEN IN THE CIVIL RIGHTS MOVEMENT, *supra* note 183, at 14.

215. See *id.*

216. Beth Olanoff, *The Invisible Women of the Civil Rights Movement*, WHY-NEWSWORKS (Jan. 20, 2015), <https://why.org/articles/the-invisible-women-of-the-civil-rights-movement> [<https://perma.cc/RXV2-WSGF>].

217. See LYNNE OLSON, FREEDOM’S DAUGHTERS: THE UNSUNG HEROINES OF THE CIVIL RIGHTS MOVEMENT FROM 1830 TO 1970 151–75 (Scribner 2001) (discussing that Diane Nash was a civil rights activist who focused on engaging young folks in the civil rights movement and so much more).

218. See *id.* at 155–56.

Non-Violent Coordinating Committee (SNCC).²¹⁹ Despite the hatred and venom that was directed at blacks during this period, Nash remained committed to nonviolence.²²⁰

Maude Ballou was Dr. Martin Luther King's personal secretary for five years.²²¹ As his secretary, she "became the Rev. Dr. King's right-hand woman from 1955 until 1960."²²² This position placed her and her family in constant danger, but she persisted, and no one even knows her name. Likewise, many forget that without a Coretta Scott King,²²³ there would not have been a Dr. Martin Luther King, Jr. Mrs. King was an activist in her own right who worked during the civil rights movement as well as after the assassination of her husband.²²⁴ She was not a long-suffering, meek wife of a civil rights superstar, but rather the glue that kept the family together, a complex human being, and a powerhouse of activism aside from her proximity to her husband. Coretta Scott King's work continued after Dr. King's death. She was active in the Women's Rights Movement, the anti-apartheid movement, and an early advocate for LGBTQ rights.²²⁵

219. *See id.* at 154, 182–83.

220. *See id.* at 154.

221. Karen Heller, *The Story of Martin Luther King Jr.'s First Secretary, Maude Ballou*, WASH. POST (Jan. 22, 2015), https://www.washingtonpost.com/lifestyle/style/the-story-of-martin-luther-king-jrs-first-secretary-maude-ballou/2015/01/22/93981e06-a1c3-11e4-b146-577832eafcb4_story.html?noredirect=on&utm_term=.88e1df1f0378 [<https://perma.cc/8CS8-EW7B>].

222. Hadley Meares, *Six Unsung Heroines of the Civil Rights Movement*, HISTORY (Feb. 5, 2018), <https://www.history.com/news/six-unsung-heroines-of-the-civil-rights-movement> [<https://perma.cc/7LQD-D8GJ>].

223. Christina Greene, *Women in the Civil Rights and Black Power Movements*, OXFORD RES. ENCYC. AM. HIST. 1, 3–4 (Nov. 2016), <http://americanhistory.oxfordre.com/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-212?print=pdf>. Coretta Scott King is generally viewed as the wife of Dr. Martin Luther King, Jr., however:

Coretta Scott King, singularly celebrated as the widow of the slain Rev. Dr. Martin Luther King Jr., was far more politically engaged than is generally known. In fact, Coretta, not Martin, was the political activist when the two met in Boston in the 1950s. She was involved in the Progressive Party, the NAACP, and the peace movement in the late 1940s and early 1950s, all considered slightly subversive amidst the emergence of Cold War politics and anticommunism. And it was Coretta who inspired her husband's global peace-making. She opposed the war in Vietnam earlier and more publicly than he did, and she was a member of both Women Strike for Peace and the Women's International League for Peace and Freedom. Following King's assassination, Coretta joined the women's movement and the anti-apartheid movement, even meeting with President Ronald Reagan to urge U.S. divestment in South Africa. She brought attention to black poverty and the HIV-AIDS crisis and worked to end discrimination against LGBT communities. Like Parks, Coretta Scott King claimed more than fifty years of human rights activism when she died in 2006.

Id. (citing EMILYE CROSBY, *CIVIL RIGHTS HISTORY FROM THE GROUND UP* 385–418 (Univ. Ga. Press 1962)).

224. *See id.*

225. *Id.*

Fannie Lou Hamer was an activist who co-founded the Mississippi Freedom Democratic Party.²²⁶ The headline for a 2017 *Washington Post* article on her screamed, “Civil Rights crusader Fannie Lou Hamer defied men—and presidents—who tried to silence her.”²²⁷ The article goes on to say that President Lyndon B. Johnson was terrified of her and the power she had to derail his bid for re-election because of her demand to seat the Mississippi Freedom Democratic Party instead of the all-white Mississippi delegation at the 1964 Democratic Convention when Johnson needed the support of the Democratic Party to win.²²⁸

Hamer was a civil rights worker and a community activist who focused on voting rights.²²⁹ She was born in 1917 in Montgomery County, Mississippi.²³⁰ She took the Mississippi Literacy Test two times before she could register to vote.²³¹ She learned that the registration did not entitle her to vote because she had not paid the poll tax as required by her county.²³² She is credited with helping thousands register to vote.²³³ This synopsis of the life of Hamer is wholly inadequate because she was so much more than these scant lines about her accomplishments. Needless to say, she provided a bridge that so many have walked over.

Dorothy Height was another leading black figure in the movement whose work and influence spanned decades.²³⁴ Height fought for both civil rights and women’s rights and had the ear of the white power establishment.²³⁵ First Lady Eleanor Roosevelt consulted with her as did Dwight D. Eisenhower and Lyndon B. Johnson.²³⁶ She was the president of the National Council of Negro Women and

226. See *Fannie Lou Hamer*, BIOGRAPHY (Apr. 1, 2014), <https://www.biography.com/people/fannie-lou-hamer-205625> [<https://perma.cc/HT9A-4ELB>].

227. DeNeen L. Brown, *Civil Rights Crusader Fannie Lou Hamer Defied Men—and Presidents—Who Tried to Silence Her*, WASH. POST (Oct. 6, 2017), https://www.washingtonpost.com/news/retropolis/wp/2017/10/06/civil-rights-crusader-fannie-lou-hamer-defied-men-and-presidents-who-tried-to-silence-her/?utm_term=.1775d697b122 [<https://perma.cc/3NJK-DY3W>].

228. *Id.*

229. *See id.*

230. *See Fannie Lou Hamer*, *supra* note 226.

231. See Jerry DeMuth, *Fannie Lou Hamer: Tired of Being Sick and Tired*, NATION (Apr. 2, 2009), <https://www.thenation.com/article/fannie-lou-hamer-tired-being-sick-and-tired> [<https://perma.cc/9R2T-22BB>].

232. *See id.*

233. *Cf.* Brown, *supra* note 227 (recognizing Hamer’s influence on the elections of African Americans to Congress).

234. See Arlisha Norwood, *Dorothy Height (1912–2010)*, NWHM (2017), <https://www.womenshistory.org/education-resources/biographies/dorothy-height> [<https://perma.cc/79L6-NN4T>].

235. *See id.*

236. *Id.*

helped form the African-American Women for Reproductive Freedom.²³⁷ Although her name is more familiar than most, she has not been given the credit she deserves for helping to confer upon America the moral authority it needed to become a world leader. In 1994, President Bill Clinton presented her with the Presidential Medal of Freedom, and in 2004, President George W. Bush awarded her the Congressional Gold Medal.²³⁸ President Barack Obama ordered the flags to be flown at half-mast when she died, and the U.S. Postal Service has issued a “forever” postage stamp of Dorothy Height.²³⁹

There were so many more defiant black women who shaped the 1960s civil rights movement. The salient point is that they have all been ignored and, therefore, discounted in American history. The erasure of them diminishes the American story and devalues all who reside under its umbrella.

C. *Black Women and the Black Power Movement*

*Say it loud, I'm Black and I'm Proud.*²⁴⁰

To be clear, the centuries of blacks in America striving for freedom can be characterized as forms of individual “Black Power” movements because it has been the subtext for freedom and citizenship that has run through every attempt for equality and justice.²⁴¹ The official term “Black Power” and the call for self-determination arose within the context of the 1950s–60s Civil Rights Movement as it emerged in all its fullness.²⁴² To that extent, the Black Power Movement should be viewed as a subset of the Civil Rights Movement. The disenchantment with non-violent protests²⁴³ and a grow

237. See Jocelyn Y. Stewart, *Dorothy Height Dies at 98; Civil Rights Leader Fought for Women's, Children's Issues*, L.A. TIMES (Apr. 21, 2010, 6:34 PM), <https://www.latimes.com/entertainment/la-me-dorothy-height-20100421-story.html> [<https://perma.cc/F4TH-R5BD>].

238. See *Dorothy Height*, BIOGRAPHY, <https://www.biography.com/people/dorothy-height-40743> [<https://perma.cc/ZEK2-L4BF>].

239. See *Proclamation 8504—Death of Dorothy I. Height*, AM. PRESIDENCY PROJECT (Apr. 26, 2010), <https://www.presidency.ucsb.edu/documents/proclamation-8504-death-dorothy-i-height> [<https://perma.cc/62EX-92R7>]; see also *Dorothy Height*, *supra* note 238.

240. JAMES BROWN, *Say It Loud, I'm Black and I'm Proud*, on A SOULFUL CHRISTMAS (Vox Studios 1968).

241. See ASHLEY D. FARMER, REMAKING BLACK POWER: HOW BLACK WOMEN TRANSFORMED AN ERA 8–9 (Univ. N.C. Press 2017) (“By 1966, black women’s various strands of activism became part of the fabric of the Black Power movement.”).

242. *Black Power Movement*, JRANK, <http://law.jrank.org/pages/4776/Black-Power-Movement.html> [<https://perma.cc/3K9P-BFJ2>] (noting that although the term “Black Power” had been used in other circumstances over the years, it was first used politically by Stokely Carmichael).

243. See HOLSAERT ET AL., *supra* note 145, at 525–28 (“In Atlantic City, we learned the

ing sense of pride in the black womanhood²⁴⁴ contributed to the desire of the black community to set its own agenda called Black Power.

The goals were the same as they had always been; however, the methods for achieving those goals was subject to debate and disagreement.²⁴⁵ Those who subscribed to the Black Power philosophy were deemed to be revolutionaries and generally either lauded or condemned depending on the perspective of the storyteller.²⁴⁶ Malcolm X and Stokely Carmichael fought for the same things as Dr. King, but they differed on how to solve the ills that plagued the Black community and are generally categorized as icons of Black Power.²⁴⁷ Ultimately, what really changed for black women was pride in personal identity and a paradigm shift in how they perceived themselves.²⁴⁸ There was a cultural shift in the external, as well as internal, view of black women; they went from mammies to militants and provided a new meme to demonize and dismiss black women.

Although the Black Power Movement includes many of the women named in the sections above, the Black Panther Party became synonymous with Black Power and, therefore, does not include them in the narrative.²⁴⁹ Just as in other movements, the contributions and roles of black women in the Black Panther Party have become lost to history.²⁵⁰ Just as Black Power and the Black Panther Party have become merged in the collective consciousness, Bobby Seale and Huey Newton have become the face of the Black Panther Party.²⁵¹ Who can forget the iconic picture of Huey Newton in a black beret with fist raised which graced many a poster and T-shirt?²⁵² Angela Davis, Kathleen Cleaver, Assata Shakur, and Elaine Brown are well-known members of the Party²⁵³ and much has been written

hard way that even though we had all the law and all the righteousness on our side—the white man is not going to give up his power to us. We have to build our own power.”) (quoting Fannie Lou Hamer).

244. See FARMER, *supra* note 241, at 193 (“Black women across the political spectrum developed analyses of their lived conditions, imagined different realities and potentialities, and developed distinct ideas about their roles in bringing this new world into existence.”).

245. See, e.g., HAMPTON ET AL., *supra* note 103, at 513.

246. See, e.g., *id.* at 349–72.

247. See *id.* at 513–20.

248. See FARMER, *supra* note 241, at 193–95.

249. The Black Panther Party for Self-Defense was founded by Huey Newton and Bobby Seale in 1966 in Oakland, California. See *id.* at 9.

250. Cf. *id.* at 193 (“During the Black Power era, ordinary black women from all walks of life developed critical appraisals of the race, class, and gender constructs that governed their lives. They also advanced new ideas about what life might look like if they escaped the crushing weight of white supremacy.”).

251. See *id.* at 55–57.

252. See *id.* at 58.

253. See Melody Blossom, *Say It Loud: 9 Black Women in the Black Power Movement Everyone Should Know*, FORHARRIET (May 22, 2015), <http://www.forharriet.com/2015/05/say-it-loud-9-black-women-in-black.html> [<https://perma.cc/Z9B3-MPJY>].

about them, but there are hundreds, if not thousands, of faceless Black women who flew the banner of the party and provided the foundation for it to exist and grow to the force that it became.

To fully understand the contributions of unacknowledged black women, one must understand what the Black Panther party stood for and the work that it accomplished. The Black Panther party was founded in 1966 with the goal of empowering the black community by protecting it from police brutality and bringing economic stability to neighborhoods through education and activism.²⁵⁴ Many of the programs required workers to commit to a daily struggle. That struggle included feeding and educating children, finding affordable housing for the poor, working on voting campaigns and so on.²⁵⁵ If this sounds familiar, it should, because these were the same tasks, performed primarily by women for generations. Yet, they are left out of the larger story.

In addition, there were black women who were steeped within the political and leadership framework of the Party who were generally disregarded.²⁵⁶ In some ways, this was beneficial because when the federal government targeted the men of the Black Panther Party, it failed to see the phalanx of black women standing as the vanguard of the organization.²⁵⁷ This failure by the federal government allowed the Party to survive longer than the government anticipated and it also made a huge statement on gender equality, which set an example for white women and the powerful emerging Women's Liberation Movement.²⁵⁸ By the early 1980s, fueled by internal discord, government intervention and disinformation, and the introduction

254. See FARMER, *supra* note 241, at 55–57 (“Originally, Newton and Seale framed their organization, programming, and goals in nationalistic terms. Animated by Malcolm X’s teachings, their original Ten Point Platform borrowed its structure and rhetoric from the NOI’s weekly statement of demands published in their newspaper.”).

255. See *id.* at 9.

256. See *id.* at 58 (“As a result, soon after joining the party, black women created spaces in which to construct powerful images and ideas about black women’s roles in party and political organizing.”).

257. See *id.* at 70.

258. See *How the Civil Rights Movement Influenced the Women’s Liberation Movement*, BARTLEBY WRITING, <https://www.bartleby.com/essay/How-the-Civil-Rights-Movement-Influenced-the-F3JHA9LYVJ> [<https://perma.cc/PSQ9-69DX>].

The civil rights movement influenced the women’s liberation movement in four key ways. First, it provided women with a model for success on how a successful movement should organize itself. Second, the civil rights movement broadened the concept of leadership to include women. Third, by fighting for equality, the civil rights movement changed the culture of advocacy and made social justice a legitimate cause. Finally, by eventually excluding women, the civil rights movement spurred women to organize their own movement. Without the civil rights movement, the women’s movement likely would never [have] taken off on its own.

Id.

of drugs into black communities on a mass scale, the Party began to fall apart.²⁵⁹ Despite the positive things the Black Panther Party had accomplished, it became the Boogie Man of Black Power and has been trotted out as an anti-white, anti-American and violent organization.²⁶⁰ This simplification of a complex and powerful organization not only dismisses it from its rightful place in the ongoing black struggle for full enfranchisement, but it erases the powerful and dedicated black women who worked to make this country live up to the promises enunciated below:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.²⁶¹

IV. A HISTORY OF BLACK WOMEN'S STRENGTH: MODERN-DAY POLITICS AND MAINTAINING THE DEMOCRACY

*African American Women's Legacy [i/s] Political Power.*²⁶²

To be clear, the fight for freedom and full citizenship has always been political to the extent that black women understood that change would come through voting, elections, unbiased state and federal legislatures, and ultimately, the Supreme Court. Most of these routes were closed to black people in general and, more specifically, to black women. Moreover, because the Fifteenth Amendment did not give black women the right to vote,²⁶³ women had to devise methods to force America to live up to the promises of the Constitution. Therefore, black women used community organizations, clubs, sororities, and other means to achieve their political goals.

History draws a line that runs from Sojourner Truth straight to Kamala Harris.²⁶⁴ Black women have engaged in politics in both

259. See Hector Tobar, *The Rise and Fall of the Black Panthers*, STATESMAN (Oct. 6, 2016, 12:01 AM), <https://www.statesman.com/NEWS/20161006/The-rise-and-fall-of-the-Black-Panthers> [<https://perma.cc/UG6H-BBL7>].

260. See *id.*

261. THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

262. Cindy Hooper, *African American Women's Legacy Is Political Power*, WOMEN'S ENEWS (Sept. 2, 2012), <https://womensenews.org/2012/09/african-american-womens-legacy-political-power> [<https://perma.cc/2CDZ-LZ3Q>].

263. See generally Colin McConarty, *The Process of Disenfranchisement*, WE'RE HIST. (Oct. 21, 2015), <http://werehistory.org/disenfranchisement> [<https://perma.cc/5EGJ-QAM7>] (detailing how, in the South, neither did the Nineteenth Amendment because of Jim Crow and disenfranchisement).

264. Kamala Harris is an African-American senator representing California who has

formal and informal ways and have always taken leadership roles in their communities; yet, they remain underrepresented in government.

Once black women had the force of the federal government behind their actions via the Civil Rights Act²⁶⁵ and Voting Rights Act,²⁶⁶ they emerged as a silent, but powerful force that had, and still has, the ability to change the course of history. If one doubts this, one only needs to ask former senate candidate, Roy Moore of Alabama, about the effectiveness of black women.²⁶⁷ Politically, black women have become a powerful force to be reckoned with. In 2012, ninety-six percent of black women voted to re-elect President Obama;²⁶⁸ likewise, in 2016, ninety-four percent of black women voted for Hillary Clinton.²⁶⁹

In addition to running for elected office, black women have become a very powerful electoral block in national and state elections in the USA. Indeed, one can now find an instance where in national elections, the black female vote is proportionally equal to or higher than their proportion of the total population in the USA.²⁷⁰

Black women are spearheading efforts to register voters and most importantly, leading the charge to get out the vote. In addition, there were approximately 468 black women candidates running for election in 2018.²⁷¹ The 2018 election can change the trajectory of policy in the country. There were early complaints that the two major political

said, “[T]he American dream belongs to all of us.” Kamala Harris (@KamalaHarris), TWITTER (Oct. 25, 2017, 4:02 PM), <https://twitter.com/kamalaharris/status/923323792511963143> [<https://perma.cc/JJ9L-76T3>]; see also Kayla Webley Adler, *We Have More Female Senators Than Ever Before—Here Are the 4 New Ones to Watch*, MARIE CLAIRE (Feb. 13, 2017), <https://www.marieclaire.com/culture/news/a25342/new-female-us-senators> [<https://perma.cc/49R7-HR6M>] (quoting Senator Kamala Harris, “[t]here is a lot of work to be done to make sure our leaders reflect the people they are supposed to represent. The more diverse a group of decision makers is, the more informed the decision will be. Until we achieve full representation, we all should understand we are falling short of the ideals of our country.”).

265. See generally The Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241–268 (1964).

266. See generally Voting Rights Act of 1965, Pub. L. No. 88-352, 79 Stat. 437 (1964).

267. See Shenequa Golding, *Black Women Played a Major Role in Roy Moore’s Defeat During Alabama Senate Race*, YAHOO NEWS (Dec. 13, 2017), <https://ca.news.yahoo.com/black-women-played-major-role-094833848.html> [<https://perma.cc/7YUG-UTZ3>].

268. See Vanessa Williams, *Black Women—Hillary Clinton’s Most Reliable Voting Bloc—Look Beyond Defeat*, WASH. POST (Nov. 12, 2016), https://www.washingtonpost.com/politics/black-women--hillaryclintons-most-reliable-voting-bloc--look-beyonddefeat/2016/11/12/86d9182a-a845-11e6-ba59-a7d93165c6d4_story.html?utm_term=.89da4fe7b404 [<https://perma.cc/2M2S-KDUP>].

269. See *id.*

270. Amadu Jacky Kaba, *Race, Gender and Progress: Are Black American Women the New Model Minority?*, 12 J. AFR. AM. STUD. 309, 326 (2008).

271. See *Black Women Candidates Running for Office*, BLACK WOMEN POL., <http://database.blackwomeninpolitics.com> [<https://perma.cc/9MHR-CFET>].

parties were not putting the resources behind black women candidates as they were their white counterparts.²⁷² Moreover, President Trump has been vocal about publicly denigrating and dismissing black women.²⁷³

V. DISRUPTING THE NARRATIVE/WHY THE WORLD CANNOT SEE BLACK WOMEN

A. *Getting to the Why*

*The most disrespected person in America is the black woman. The most unprotected person in America is the black woman. The most neglected person in America is the black woman.*²⁷⁴

Thus far, this Essay has documented a handful of black women who have been ignored throughout history, but who have contributed mightily to the shaping of American democracy. It is in no way dispositive of all that black women have contributed and does not purport to do so; rather, the point has been to make the statement that if the accomplishments of the very small number of black women have been erased from history, there must be volumes of untold courage, bravery, and contributions which linger in oblivion waiting to be told. The second, and perhaps the more salient, point of this Essay is to examine the “why.” Why have black women been written out of history in such a way that it undermines their very existence? Of course, a partial explanation is the role that gender has played in America, and because their gender is inextricable from their race, they have been ignored. However, conceding that gender has an impact on storytelling, there are other factors which have played a role in attempting to erase the accomplishments of black women from history.

272. See Alexi McCammond, *Black Women Candidates Feel Slighted by Democrats*, AXIOS (May 30, 2018), <https://www.axios.com/black-women-running-for-office-feel-slighted-by-the-national-party-1e5b31ea-1d4f-4463-aaef-1797a047ed31.html> [<https://perma.cc/JC2M-XZRD>].

273. See Midwin Charles, *From April Ryan To Rep. Frederica Wilson: How the Trump Administration Continues to Disrespect and Dismiss Black Women*, ESSENCE MAG. (Oct. 20, 2017), <https://www.essence.com/news/trump-disrespects-black-women-frederica-wilson-april-ryan-more> [<https://perma.cc/TY7P-59V5>].

274. Courtland Milloy, *Where Are Black Men in the Fight for Black Women*, WASH. POST (Nov. 13, 2018), https://www.washingtonpost.com/local/where-are-black-men-in-the-fight-for-black-women/2018/11/13/63030e0c-e771-11e8-a939-9469f1166f9d_story.html?utm_term=.03f035cb5b6e [<https://perma.cc/KQ7S-7JKT>] (quoting Malcolm X).

B. Back to the Beginning—Slavery

My skin is black
 My arms are long
 My hair is woolly
 My back is strong
 Strong enough to take the pain
 Inflicted again and again
 What do they call me
 My name is AUNT SARAH
 My name is Aunt Sarah

My skin is yellow
 My hair is long
 Between two worlds
 I do belong
 My father was rich and white
 He forced my mother late one night
 What do they call me
 My name is SAFFRONIA
 My name is Saffronia

My skin is tan
 My hair is fine
 My hips invite you
 My mouth like wine
 Whose little girl am I?
 Anyone who has money to buy
 What do they call me
 My name is SWEET THING
 My name is Sweet Thing

My skin is brown
 My manner is tough
 I'll kill the first mother I see
 My life has been too rough
 I'm awfully bitter these days
 Because my parents were slaves
 What do they call me
 My name is PEACHES²⁷⁵

To fully understand why black women have been relegated to the proverbial “back of the bus”²⁷⁶ of history, one must deconstruct the stereotypes that have been constructed to justify their negative

275. NINA SIMONE, *Four Women, on WILD IS THE WIND* (Philips Records 1966).

276. The back of the bus was reserved for people of color and indicated their low social status and was a hallmark of segregation. *See generally supra* notes 197–98 and accompanying text.

portrayals. The genesis of these stereotypes lies in the pathology of slavery. White people, who considered themselves Christians, performed mental gymnastics, misinterpreted the Bible, and reduced the human beings whom they had enslaved to a category of chattel,²⁷⁷ like the plow they used daily. The much-lauded founding fathers, in a Faustian compromise, wrote enslaved persons' status into our proudest document, the Constitution, to maintain an economy and lifestyle that met their needs.²⁷⁸ This was known as the Three-Fifths Compromise and reads:

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.²⁷⁹

Much scholarship has been written on slavery and its aftermath, but very little has been written which analyzes the psyches and sickness of a society that would enslave, demean, denigrate, rape, beat, and murder its fellow human beings. The cloud that hung over this nascent nation was the putrid sickness of slavery. To justify the horrific treatment of other human beings, it became necessary to portray them as less than human and, therefore, deserving of the horrific treatment bestowed upon them.

Black women have had to navigate around every negative stereotype which has been created about race and gender. Every negative stereotype that has been constructed around these two immutable traits have been assigned to black women from slavery and beyond. Those great white Christian enslavers had to use stereotypes to maintain order and to justify the indignities and violations of black bodies.

Black women have been characterized as mummies,²⁸⁰ Jezebels,²⁸¹ welfare queens,²⁸² video hoes,²⁸³ and everything in between. In addition, Black women have been made responsible for the behavior

277. See Kuruvilla, *supra* note 50.

278. See Malik Simba, *The Three-Fifths Clause of the United States Constitution (1787)*, BLACKPAST (Oct. 3, 2014), <https://www.blackpast.org/african-american-history/three-fifths-clause-united-states-constitution-1787> [<https://perma.cc/UE6T-RAYQ>].

279. U.S. CONST. art. 1, § 2, cl. 3.

280. See *supra* note 43 and accompanying text.

281. See *id.*

282. See, e.g., Josh Levin, *The Welfare Queen* (Dec. 19, 2013, 12:41 AM), http://www.slate.com/articles/news_and_politics/history/2013/12/linda_taylor_welfare_queen_ronald_reagan_made_her_a_notorious_american_villain.html [<https://perma.cc/9BKT-E3C5>].

283. See Sarita Davis & Aisha Tucker-Brown, *Effects of Black Sexual Stereotypes on Sexual Decision Making Among African American Women*, 5 J. PAN AFRICAN STUD. 111, 123 (March 2013).

of all black women and have been appointed “race keepers” to explain and justify any negative behavior by individual black women.²⁸⁴ Many times, bad behavior of some black women is attributed to all black women, while the same is not true for white women. “Portraying African-American women as stereotypical mammies, matriarchs, welfare recipients, and hot mommas help justify U.S. Black women’s oppression.”²⁸⁵

Mammy was the loving, happy, overweight house servant who, when juxtaposed to the enslaver’s wife, heightened the femininity of the wife, while simultaneously acting as the mother figure of the home.²⁸⁶ Generally devoid of sexuality, she was imbued with the traits of loyalty and love to her master’s family.²⁸⁷ This also served the purpose of presenting a view of slavery to the civilized world of domestic tranquility. It is apparent that this stereotype survived centuries of disproof. One needs only to watch the performance of Mammy in *Gone with the Wind*²⁸⁸ or look on a box of Aunt Jemima Pancake Mix²⁸⁹ to see that Mammy is alive and well in today’s culture because her image makes white people comfortable, as she is generally docile and compliant, while being totally in charge of all things domestic. Mammy is indeed a paradox; rather like an undercover, non-threatening superwoman. Clearly, she was the preferred view of black women instead of the reality of the plotting, resisting enslaved woman who always had freedom of the brain.

Likewise, the invention of Jezebel was a transparent attempt to justify sexual exploitation and rape of black women.²⁹⁰ The law was on the side of the slavery, and they were within their legal rights to abuse their property; however, that little religion thing, coupled with the outcry of abolitionists, kept interfering with their narrative. It became necessary to construct a stereotype different from Mammy, but just as devastating to black women. Using the “Devil made me do it” school of thought, Jezebel was the hot temptress with exaggerated prowess and appetite who literally lured white men into sexual

284. See MELISSA V. HARRIS-PERRY, *SISTER CITIZEN: SHAME, STEREOTYPES, AND BLACK WOMEN IN AMERICA* 45 (Yale Univ. Press 2011).

285. *Id.* at 51 (quoting PATRICIA HILL COLLINS, *BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPLOYMENT* (Routledge 2d. ed., 1990)).

286. See WHITE, *supra* note 2, at 46–49.

287. See *id.*

288. *GONE WITH THE WIND* (Selznick Int. Films 1939).

289. Aunt Jemima was the quintessential Mammy. See Sarah Doneghy, *Aunt Jemima: It Was Never About the Pancakes*, BLACK EXCELLENCE, <https://blackexcellence.com/aunt-jemima-never-pancakes> [<https://perma.cc/PNQ3-NX3Z>] (describing how Aunt Jemima was originally a minstrel character whose image was adopted by the Quaker Oats Company in 1889 as the face of pancakes and syrup).

290. See, e.g., MCLAURIN, *supra* note 60, at 18, 24.

intercourse.²⁹¹ She was immoral and the opposite of virtuous white women. By portraying enslaved women as immoral and sex-crazed, white men could rape them with impunity.²⁹²

Jezebel has also survived slavery and modern history.²⁹³ She was used most recently against Anita Hill in the Clarence Thomas Supreme Court confirmation hearing by painting Hill as a “scorned woman” longing for sexual attention from Thomas.²⁹⁴ The all-male judiciary committee implied that Hill lied and was by extension immoral.²⁹⁵ Her education and position did not shield her from being “regularly maligned as a race-traitor who allowed her story of sexual harassment to be used by powerful white opponents to harm the credibility of an African-American man.”²⁹⁶ Likewise, First Lady Michelle Obama was shamed for wearing a sleeveless dress in public with the underlying subtext being that her morals were questionable.²⁹⁷

It should be clear that stereotypes of Black women were used as tools to justify the behavior of a depraved society that fought so long and hard to maintain an economy and lifestyle that it resulted in a civil war. Subsequently, these stereotypes have been embedded into the fabric of the nation and are trotted out as truism devoid of all historical context used to maintain a status quo system that benefits those who seek to obfuscate the contributions of black women.

Thank God black women were never what white people perceived us or wanted us to be. There is no question that we have suffered tremendously from historic racism and sexism. We were never superwomen. Disease, mortality, and depression—the perils of adversity—have taken their toll. But African-American women’s lives have been salvaged by sustained psychological and physical resistance to white exploitation and terror. In slavery and in freedom we practiced an alternate style of womanhood. A womanhood that persevered in hardship but revered

291. See, e.g., WHITE, *supra* note 2, at 28–29.

292. See MCLAURIN, *supra* note 60, at 18, 24; WHITE, *supra* note 2, at 28–29.

293. See *infra* notes 294–95 and accompanying text.

294. See Esther Breger, *The Washington that Failed Anita Hill*, NEW REPUBLIC (Apr. 16, 2016), <https://newrepublic.com/article/132761/washington-failed-anita-hill> [<https://perma.cc/FY4X-EWX9>].

295. See William Cummings, *6 Moments from the 1991 Anita Hill and Clarence Thomas Hearings and What May Await Ford*, USA TODAY (Sept. 21, 2018), <https://www.usatoday.com/story/news/politics/onpolitics/2018/09/21/brett-kavanaugh-hearing-anita-hill-clarence-thomas-christine-ford/1343934002> [<https://perma.cc/246G-EZJW>].

296. HARRIS-PERRY, *supra* note 284, at 54.

297. See, e.g., *Michelle Obama ‘Doesn’t Look Or Act’ Like A First Lady, Says Virginia Voter Bobbie Lussier*, HUFFPOST (Sep. 28, 2012, 8:25 AM), https://www.huffingtonpost.com/2012/09/28/michelle-obama-look-like-a-first-lady-bobbie-lussier_n_1922236.html [<https://perma.cc/U9GA-9BBF>] (“She’s far from the first lady. It’s about time we get a first lady in there that acts like a first lady, and looks like a first lady.”).

overt resistance. A womanhood that celebrated heroism but accepted frailty.²⁹⁸

Another feasible motive behind the historical denigration of black women is that there has been an understanding of the power they possess as demonstrated by their survival for centuries. It is entirely possible that history has always recognized that power in black women and, in fear of that power, has formulated the need to neuter it at every turn. The black female body and intellect have been used as weapons against black women and have been used to portray them as less intelligent, less truthful, less moral, and less valuable than white men and women. This portrayal of black women has been used with such regularity and precision that it has become embedded into the subconscious of even well-meaning Americans who do not recognize that their ability to judge black women in the proper light and context has been hijacked and compromised to the detriment of the larger society.²⁹⁹

It is telling that a black woman ripped down the Confederate flag from the South Carolina State House,³⁰⁰ and a black woman scaled the Statue of Liberty to protest the detention of immigrant children by the government.³⁰¹ Both acts demonstrated unwavering and fearless courage; as such, these women have become not just role models, but also symbols of black womanhood, which contradict the daily narrative of who they are.

C. *Enough*

*I'm sick and tired of being sick and tired.*³⁰²

298. See WHITE, *supra* note 2, at 189–90.

299. Krissah Thompson, *Essence: Black Women Still Poorly Depicted in Media*, WASH. POST (Oct. 10, 2013), https://www.washingtonpost.com/blogs/she-the-people/wp/2013/10/10/essence-black-women-still-poorly-depicted-in-media/?noredirect=on&utm_term=.294fe144770b [<https://perma.cc/P5EA-SXPR>].

300. See Greg Botelho & Emanuella Grinberg, *Woman Climbs Pole, Removes Confederate Flag*, CNN (June 27, 2015, 6:15 PM), <https://www.cnn.com/2015/06/27/politics/south-carolina-confederate-flag/index.html> [<https://perma.cc/L376-FWVE>] (describing how a black woman, Brittany “Bree” Newsome, scaled the flagpole outside the South Carolina state house and removed the Confederate flag which has been a symbol of slavery for blacks and people of conscious who have asked legislators to remove it for decades).

301. See Kia Morgan-Smith, *Meet Therese Patricia Okoumou, the Heroic Black Woman Who Climbed Statue of Liberty to Protest Trump's Immigration Policy*, GRIO (July 5, 2018), <https://thegrio.com/2018/07/05/meet-therese-patricia-okoumou-the-heroic-black-woman-who-climbed-statue-of-liberty-to-protest-trumps-immigration-policy> [<https://perma.cc/22FP-XYNH>] (describing how a black woman, Therese Patricia Okoumou, climbed the Statue of Liberty to protest President Trump's policy of separating and detaining immigrant children from their parents).

302. Lottie L. Joiner, *Remembering Civil Rights Heroine Fannie Lou Hamer: 'I'm Sick and Tired of Being Sick and Tired,'* DAILY BEAST (Sept. 2, 2014, 5:45 AM), <https://www>

Black women have been undergoing a gradual evolution over time and as part of that evolution have attempted to rehabilitate their images. Shortly after slavery ended, black women sought education on a large scale.³⁰³ They sought it to better themselves, but also to counter the negative images that survived slavery and were immediately interred in Jim Crow. Education gave them the tools to educate other blacks and thereby contribute hugely to their community. Education did not help with the latter as is evidenced by many of the current myths and memes which have survived that era. Nevertheless, they persisted.

Another attempt at character rehabilitation was the Respectability Movement.³⁰⁴ Patterned upon the very values that had enslaved them for centuries, black women pushed an agenda of acceptability by advocating that black women adopt the “bourgeois” values of the society to lift themselves above the constructed stereotypes.³⁰⁵ From around 1890 to the 1920s, black women attempted to counteract the stereotypes by demonstrating that they were as clean, gentile, and as sexually neutral as their white counterparts.³⁰⁶

According to Evelyn Brooks Higginbotham, the Respectability Movement sought to control “the construction and representation of themselves as new subjectivities—as Americans as well as blacks and women.”³⁰⁷ Likewise, Victoria Wolcott wrote that these middle-class notions of respectability reflected a “desire to act as unblemished representatives of the race.”³⁰⁸

The politics of respectability were a response to the racist representations of and routine attacks on black female sexuality,

.thedailybeast.com/remembering-civil-rights-heroine-fannie-lou-hamer-im-sick-and-tired-of-being-sick-and-tired [https://perma.cc/DN4L-CEVA] (“Fifty years ago, civil rights leader Fannie Lou Hamer spoke before the 1964 Democratic National Convention in Atlantic City—and her speech became one of the most pivotal moments of the Civil Rights Movement.”).

303. See Anya Jabour, *Making a Change: Educating Former Slaves*, PBS (Feb. 21, 2017, 10:08 AM), <http://www.pbs.org/mercy-street/blogs/mercy-street-revealed/making-a-change-educating-former-slaves> [https://perma.cc/3CYE-79ZU].

304. See Jane Rhodes, *Pedagogies of Respectability: Race, Media, and Black Womanhood in the Early 20th Century*, 18 SOULS: CRITICAL J. BLACK POL. CULTURE & SOC’Y 201, 202 (2016) (“The politics of respectability were a response to the racist representations of and routine attacks on black female sexuality, character, and intellect. They enabled black women to enact subversive strategies of resistance. They were also a means for negotiating and managing the class, educational, and regional distinctions within African American communities.”).

305. See *id.* at 203–08.

306. See *id.*

307. EVELYN BROOKS HIGGINBOTHAM, *RIGHTEOUS DISCONTENT: THE WOMEN’S MOVEMENT IN THE BLACK BAPTIST CHURCH, 1880–1920* 186 (Harvard Univ. Press 1994).

308. VICTORIA W. WOLCOTT, *REMAKING RESPECTABILITY: AFRICAN AMERICAN WOMEN IN INTERWAR DETROIT* 6 (Univ. N.C. Press 2001).

character, and intellect. They enabled black women to enact subversive strategies of resistance. They were also a means for negotiating and managing the class, educational, and regional distinctions within African American communities, with an old settler establishment seeking to control what were deemed unruly and uncouth newcomers.³⁰⁹

As could have been predicted, this movement was ineffective in persuading the larger society that black women were equivalent to white women. However, it was effective to black women in demonstrating that proper manners, stylish clothing, and impeccable grammar were incapable of rehabilitating the image of black women which had become too valuable a tool in their subjection. This notion of respectability has carried over in today's discourse with debates on black women's hair styles in the workplace³¹⁰ and the appropriateness (and in some instances, the legality) of wearing sagging pants.³¹¹

Black women's sexuality, or lack thereof, became the tool to counter the negative images that had morphed into well-established stereotypes of them.³¹² Once again black women displayed the courage, loyalty, and commitment to the larger black community by using their sexuality as a political tool. In other words, once the stereotyped black female over-sexuality is disproved, black women and, by extension, all blacks, would be elevated to their rightful place in society. Black women sacrificed their own desires for the cause of acceptance and respectability. Whites were unimpressed by this display of restraint and assimilation, and black women remained socially invisible.

It is ironic that despite the attempts at respectability, the myth of the sexually promiscuous black woman, in the form of the earlier referenced Jezebel, has persisted and is bolstered by advanced technology and media.³¹³ The new black Jezebel made her way into movies, videos, and songs as the previous century old attempts of sexually neutering black women for purposes of respectability had failed.³¹⁴

In the midst of the ongoing, never-ending societal manipulation and stereotyping of the image of black women, something astounding

309. Rhodes, *supra* note 304, at 202.

310. See generally Kaili Moss, Note, *Black Hair(tage) Career Liability or Civil Rights Issue*, 25 WM. & MARY J. RACE GENDER & SOC. JUST. 191, 191 (2018).

311. See Joshua Rhett Miller, *Lawmakers Propose Bill to Ban Saggy Pants*, N.Y. POST (Feb. 22, 2018, 3:25 PM), <https://nypost.com/2018/02/22/lawmakers-propose-bill-to-ban-saggy-pants> [<https://perma.cc/Y63T-KE3S>].

312. See Rhodes, *supra* note 304, at 205.

313. See Davis & Tucker-Brown, *supra* note 283, at 113.

314. *Id.*

occurred: black women started to find their worth within themselves and stopped trying to prove their worth to the larger society. The evolution of black women became a revolution of style, attitude, and purpose: the Black Power movement and the slogan, “Say it Loud, I’m Black and I’m Proud”;³¹⁵ the sight of Julia³¹⁶ on the television screen; the perfect orb of Angela Davis’s afro;³¹⁷ and a sense of pride, seeing black professors in classes, watching Oprah Winfrey, Serena Williams, and countless other women of color injected a surge of pride into black women that started with them reclaiming and defining their sexuality. Black women have said, “enough.”

CONCLUSION

Black women are a force to be reckoned with, and always have been. They will continue to be unbowed as they rip down flags and scale monuments. They will remain unbroken; in the words of Maxine Waters, “Black women are going to have to take more leadership. I think we are prepared because we bring a tenaciousness with us. We do not fear losing friends, allies, or jobs.”³¹⁸ They will no longer be unsung, because they will sing their own songs. And they will recognize their mighty contributions to this country as this Essay has attempted to do. They will also proudly wear the moniker expressed in the title of this Essay of “African-American” women who have earned both descriptors with their blood, sweat, and tears.

Leaving behind nights of terror and fear
 I rise
 Into a daybreak that’s wondrously clear
 I rise
 Bringing the gifts that my ancestors gave,
 I am the dream and the hope of the slave.
 I rise
 I rise
 I rise.³¹⁹

315. BROWN, *supra* note 240.

316. *Julia* (NBC 1968) (starring Diahann Carroll). It was the first series on television which featured an African-American as the lead character.

317. Chime Edwards, *The Impact of the 'Fro in the Civil Rights Movement*, ESSENCE (Feb. 10, 2015), <https://www.essence.com/holidays/black-history-month/impact-fro-civil-rights-movement> [<https://perma.cc/C42N-43WF>].

318. Maxine Waters, *Maxine Waters Quotes, A–Z QUOTES*, https://www.azquotes.com/author/21938-Maxine_Waters [<https://perma.cc/PC2D-WS4R>].

319. ANGELOU, *supra* note 1, at 42.