

The African American Saga from Enslavement to Life in a Colorblind Society: Or, Racism without Race

By Yolanda Abel & LeRoy Johnson

In early twenty-first-century America, discussions about past, present, and future race relations—especially between Black and White Americans, but increasingly between Whites and Latinos/as—are charged with passion and lack of historical analysis, and, of course, are loaded with fears about the results of the evolving demographic makeup of this society. In order to understand the increasingly complex and mutable nature of our society's racial landscape, we must examine and analyze the genesis and evolution of African Americans' protracted struggle to obtain full citizenship rights in the United States.¹

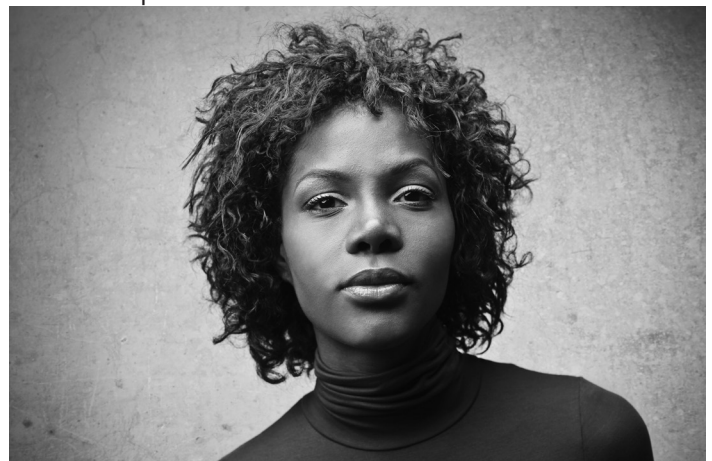
The Civil Rights Movement for the purpose of this paper has been divided into two parts: (1) the first phase of the Civil Rights Movement, or the period of Reconstruction, from 1865 to 1877, and (2) the second phase of the Movement, or the period of *Brown v. Board of Education*, from 1954 to 1965.² Secondly, this short review is designed to be a practical guide for those who would like to teach about the Civil Rights Movement. Placing the development of African Americans' quest for equal rights in its historical context is the only way to make sense of this historic movement. If one attempts to teach such a topic without placing it in its proper historical context, one presents a facile rendition of one of the most important sociopolitical, legal, and economic developments in our history. In addition, and perhaps most importantly, our students will have little chance of grasping how much progress took place in our history. Though we still live in a very racially pernicious society, monumental progress was achieved from the Civil War (1861–1865) to the 1970s, when the reactionary forces opposing the Civil Rights Movement gathered enough political momentum to organize a formidable political and legal challenge to this movement. Moreover, without context, our students—and even their teachers—may view this movement as simply a bygone period in our history, when it is still part and parcel of the American sociopolitical, economic, and legal landscape.

Both opposition to affirmative action and the treacherous concept of a colorblind society are nothing more than racism without mentioning the color and history of the victims of centuries-old racial oppression. In short, without a historical analysis of the civil rights saga of African Americans, young people will relax their political and intellectual guard and become unable and unwilling to

understand dialectical connections between past and contemporary racism in our society. Students and teachers must understand the history of the Civil Rights Movement; if not, others who would like to deny the rights of full citizenship to African Americans and other people of color will continue the nefarious effects of racism in this society.

During this first period (Reconstruction, 1865-1877) a number of important changes made to the Constitution of the United States improved the political, if not the social and economic, situation of African Americans. Already, and prior to the beginning of Reconstruction, President Lincoln had decreed the Emancipation Proclamation (enacted on January 1, 1863), an act that freed slaves in the rebellious states. It is true that the act left slavery intact in the states loyal to the Union and in localities of Southern states where the authorities remained loyal to the federal government, (i.e., the forty-eight counties of Virginia which eventually became West Virginia; seven counties in eastern Virginia, including the cities of Portsmouth and Norfolk; and thirteen parishes in Louisiana, including the city of New Orleans).³ Nevertheless, while the Emancipation Proclamation was intended more to cripple the economy of the South, it freed all but 800,000 of the 4 million slaves in the United States (1860 census).

However, it was during Reconstruction (the historical term used to describe the process undertaken by the federal government to literally reconstruct the political and socioeconomic institutions of the states that rebelled) that laws were passed to protect the humanity of African Americans.⁴ Congress passed the Thirteenth Amendment (passed in January 1865 and ratified in December) while the Civil War was nearing its end, outlawing slavery and involuntary servitude (except as punishment for the conviction of crimes) in the United States. The passage of this amendment was an important victory for the republic, yet we should not overlook the fact that the amendment passed by a vote of 119 to 56 in the House of Representatives—it had been defeated in an earlier vote



in the same chamber by 93 to 65.⁵ This fact is important because it attests to the protracted struggle of the Civil Rights Movement from its very genesis.

In spite of naysayers who resisted the Civil Rights Movement, it continued. In 1868, the Fourteenth Amendment granted citizenship to those born in the United States, except Native Americans, who were not granted citizenship until the passage of the Indian Citizenship Act of 1924.⁶ In seven states of the Union, Native Americans were denied the right to vote until 1947, and it was not until 1948 that the Euro-American populations of Arizona and New Mexico finally granted voting rights to the first Americans. The Fourteenth Amendment reversed the Supreme Court ruling in the *Dred Scott v. Sanford* case (1857), which held that African-Americans were not and could not become citizens of the United States. And with the enactment of the Fifteenth Amendment, state governments were prohibited from denying citizenship to people based on race, color, or previous condition of servitude (slavery).

These three amendments, commonly referred to as the Reconstruction Amendments, laid the groundwork for the Civil Rights Movement. The enactment of laws, as we have learned, does not in itself ensure the rights of citizens. To illustrate this point, one only has to recall the passing of the Black Codes after the end of the Civil War in the defeated Southern states. Attempting to make an end run around the federal edicts, every Southern state passed laws to force African Americans back into servitude, deny them the right to vote, and curtail their socio-economic opportunities.⁷ After 1877, when Rutherford B. Hayes, the nineteenth president of the United States, agreed to withdraw federal troops from the still occupied Southern states and allow democratic governments to establish control in the South in order to resolve the dispute in the Electoral College surrounding his election, Southern politicians set about reestablishing legal racial inequality through the rapid proliferation of the Black Codes. Then in 1896 the *Plessy v. Ferguson* case, argued before the Supreme Court, rendered segregation the law of the land in public and private places and institutions. This Supreme Court decision was a tremendous blow to the march of civil rights. In fact, it took over half a century before the Supreme Court struck down the laws of segregation in the United States. However, the Court finally did, and a second phase of the Civil Rights Movement began.

In *Brown v. Board of Education* (May 17, 1954), Thurgood Marshall, the brilliant and relentless soldier in the contemporary Civil Rights Movement, the great-grandson of slaves, and later the first African-American Supreme Court Justice,

argued and won the National Association for the Advancement of Colored People's (NAACP) case questioning the constitutionality of segregated schools.⁸ The NAACP's legal victory in the nation's highest court would open the floodgates for the cleansing waters of racial justice to flow through the nation's public schools.

A little over a decade later, beginning in the summer of 1964, when the Civil Rights Act of 1964 was enacted, there were three critical events that positioned the nation to once again take legislative action to protect the right to vote for African Americans.⁹ The first was the murder of three civil rights workers who had attempted to convince African Americans to register to vote in Mississippi.¹⁰ The second was the White-supremacist-led violence against participants in the march from Selma to Montgomery on March 7, 1965. Last, but not least, was when White segregationists attacked the marchers again on March 21, killing the Rev. James Reeb, a twenty-four-year-old White Bostonian Unitarian minister. At the same time, President Johnson was working on persuading Congress to pass the Voting Rights Act of 1965.¹¹ It was the second legislative action promulgated to protect the right to vote for African Americans in the twentieth century. Included in this mosaic of laws enacted by the federal government to bridge the centuries-old race divide were the actions taken by President Nixon in the late 1960s and early 1970s, as well as the affirmative action policies adopted by the federal and various state governments, along with colleges, universities, industry, and professional organizations.

For the purpose of this brief survey, affirmative action is defined as the "positive" steps taken by public and private institutions, including the military and federal, state, and local governments, to increase the representation of African Americans, other people of color, and White women in areas of employment, education, and business from which they have been legally and traditionally excluded.¹² In order to increase the numbers of African Americans, other minorities, and White women in these areas, a form of "preferential" selection was encouraged to ensure that qualified applicants were given an opportunity to apply and interview for positions that were historically unavailable to them. Nonetheless, there has been a massive rejection of affirmative action policies in American society. Cries of reverse discrimination and calls for colorblind policies to determine access to colleges, universities, and professional promotions in industry, the military, and all other public sectors (police and fire departments), are constantly heard over the airwaves and on the nightly television shows and printed in newspapers and journals.¹³

Clearly, there is a concerted challenge to the changes and advantages of the civil rights struggle. For this reason, teachers and students are asked to carefully study the stages and historical details of this movement to learn about the past, in an effort to understand the present civil rights fight and prepare them to continue the Civil Rights Movement into the future. As we continue to make progress in the Civil Rights Movement, it is imperative to remember that it is complex, demands a sound knowledge of American history, and requires commitment to continuing analytic and passionate discussions in classrooms today.

Teacher Resources

Internet

- The Role of Gay Men and Lesbians in the Civil Rights Movement <http://www.tolerance.org/lesson/role-gay-men-and-lesbians-civil-rights-movement>
- Little Rock Revisited: A Classroom Activity <http://www.tolerance.org/activity/little-rock-revisited-classroom-activity>
- Unsung Heroes of the Civil Rights Movement <http://www.tolerance.org/activity/unsung-heroes-civil-rights-movement>
- Voices of Experience: Civil Rights through Oral History
The Poetry of Struggle
The Study of Civil Rights: Children's Literature as a Vehicle <http://www.pbs.org/teachers/thismonth/civilrights/index1.html>
- Best of History Web Sites (an EdTech Teacher Resource) <http://www.besthistorysites.net/index.php/american-history/1900/civil-rights>
- Brown v. Board of Education (National Park Service) <http://www.nps.gov/brvb/forteachers/curriculummaterials.htm>
- Civil Rights Movement in the U.S. <http://americanhistory.mrdonn.org/civilrightsmovement.html>

Books

- Bell, Derrick. *Faces at the Bottom of the Well: The Permanence of Racism*. New York: Basic Books, 1992.
- Branch, Taylor. *Parting the Waters: America in the King Years 1954-63*. New York: Simon & Schuster Paperbacks, 1989.
- Kozol, Jonathan. *Fire in the Ashes: Twenty-Five Years among the Poorest Children in America*. New York: Crown Publishing Group, 2012.
- Murray, Alana, and Deborah Menkart. *Putting the Movement Back into Civil Rights Teaching*. Washington, DC: Teaching for Change, 2004.
- Patterson, J. T. *Brown v. Board of Education: A Civil Rights Milestone and Its Troubled Legacy (Pivotal Moments in American History)*. Oxford: Oxford University Press, 2002.
- Weatherford, C. B. *The Beatitudes: From Slavery to Civil Rights*. Grand Rapids: Eerdmans for Young Readers, 2009.

Notes

1. The authors' premise about why this is an important topic is that the way it is taught impacts a person's dispositions and actions related to how and why African Americans are perceived in their historical and current roles in the United States.
2. In order to present the material in a useful manner, a diachronic approach was used.
3. The Confederate states depended on slave labor. The Emancipation Proclamation disrupted and reduced slave labor in many Southern states because a sizable number of enslaved African Americans left their places of abode and attempted to reach the advancing Union forces. Thus, the South was deprived of a substantial part of its servile labor force. John Hope Franklin and Evelyn Brooks Higginbotham, *From Slavery to Freedom* (New York: McGraw Hill,

2000), 99, 214-15, 228-29.

4. Prior to the War of Secession, although legislation had been promulgated to curtail the spread of chattel slavery in some of the western territories, none had been passed to end slavery or endow African-Americans with citizenship rights. A brief reading of the Constitution of the United States reveals the lack of federal legislation promoting full citizenship for African-Americans before the Civil War. The Thirteenth, Fourteenth, and Fifteenth Amendments were the first federal legislation addressing citizenship for Black people in the United States. Nonetheless, one should point out that before the Civil War, lawmaking bodies in various states enacted legislation to end slavery within their boundaries. *Ibid.*, 214, 242-43.
5. The fact that there have been no easy victories accounts for the constant vigilance of African American civil rights activists who rightfully are concerned about the attempts of those who reminisce about the "good old days" of White privilege and Black oppression to reverse the historical saga of civil rights in our society. *Ibid.*, 213-14.
6. "Native American Citizenship 1924," NebraskaStudies.Org, accessed January 25, 2013, http://www.nebraskastudies.org/0700/stories/0701_0140.html.
7. Franklin and Higginbotham, *From Slavery to Freedom*, 258-73.
8. "Thurgood Marshall," New World Encyclopedia, http://www.newworldencyclopedia.org/entry/Thurgood_Marshall.
9. "Recess Reading: An Occasional Feature from the Judiciary Committee: The Civil Rights Act of 1964, United States Senate Committee on the Judiciary," http://www.judiciary.senate.gov/about/history/Civil_Rights_Act.cfm.
10. "Civil Rights Martyrs," Southern Poverty Law Center, <http://www.spicenter.org/civil-rights-memorial/civil-rights-martyrs#.UYAqS3r9zng>.
11. Franklin and Higginbotham, *From Slavery to Freedom*, 545.
12. "Affirmative Action," Stanford Encyclopedia of Philosophy, accessed January 25, 2013, <http://plato.stanford.edu/entries/affirmative-action/>.
13. The experiences of the authors and of persons in their professional and personal circles, as well as academic sources, support this assertion.



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Lesson Plan

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Connections to High School: High school teachers help students develop and refine dispositions and beliefs that form the bulwark for adult values and participation in civic life. For example, we have designed this lesson to highlight the need for continued diligence to the rights and advancements of African Americans in the U.S. The more things change, the more they remain the same; especially if one has no understanding of history. Our students must understand the history of the Civil Rights Movement; if they do not, others who would deny the rights of full citizenship to African Americans and other people of color will willingly continue the nefarious effects of racism in this society.

Goals of Lesson Plan: To examine primary and secondary documents (the Emancipation Proclamation, the Thirteenth, Fourteenth, and Fifteenth Amendments, the Civil Rights Act of 1964, and the Voting Rights Act of 1965) to better understand the voting controversy and subsequent succession efforts surrounding the 2012 presidential election.

1. Objectives:

Students will:

- a. compare historical documents related to the development of rights of African Americans.
- b. evaluate the impact of historical documents on contemporary American society.

2. NCCS Standards

i. History

1. Guide learners in practicing skills of historical analysis and interpretation, such as compare and contrast, differentiate between historical facts and interpretations, consider multiple perspectives, analyze cause and effect relationships, compare competing historical narratives, recognize the tentative nature of historical interpretations, and hypothesize the influence of the past.

ii. Civics and Government

1. Assist learners in developing an understanding of citizenship, its rights and responsibilities, and in developing the abilities and dispositions to participate effectively in civic life.

3. Warm-Up (Anticipatory Set)

- a. **Brainstorming:** Ask students what they remember about the 2012 presidential election. Accept all answers. Record responses. Highlight the responses that refer to states' attempts to institute voter requirements and/or the secession efforts after President Obama was reelected. If no one generates related responses, direct the class to prompts (<http://www.cnn.com/2012/10/12/politics/voter-laws-update>, <http://www.cnn.com/2012/08/07/politics/voter-id-suits>, <http://www.cnn.com/2012/11/19/opinion/stanley-secession>, <http://swampland.time.com/2012/11/14/obamas-re-election-inspires-southern-secessionists/>).

4. Activity (Instruction Input)

- a. **Jigsaw:** Create four groups: a) the Emancipation Proclamation (http://www.archives.gov/exhibits/featured_documents/emancipation_proclamation/), b) the Thirteenth, Fourteenth, and Fifteenth Amendments (<http://www.ushistory.org/documents/amendments.htm>), c) the Civil Rights Act of 1964 (<http://www.archives.gov/education/lessons/civil-rights-act/#documents>), and d) the Voting Rights Act of 1965 (<http://www.ourdocuments.gov/doc.php?doc=100&page=transcript>).
- b. Give each expert group copies of their identified topic. Have them read their respective documents and identify key points. Students can use a WWWWH Organizer (Who, What, When, Where, Why, How) or any other graphic organizer you use to help students identify main ideas and supporting information.

- c. After the groups have established their expertise, create new groups; one expert from each group will form new working groups. Two groups will focus on news items related to voter requirements and two groups will focus on secession-related news items. You may begin the groups with the news item from the brainstorming activity.
- d. Depending on classroom resources, the groups can use in-school computers or personal PDAs to retrieve the information directly, or the teacher will need to compile a variety of sources (newspapers, magazines, election copies of articles, etc.) for the students to use.
- e. Two working groups will generate a rationale for why states attempted to institute voter requirements, which states did so, and how, if at all, it aligns back to the original documents. Explain the level of effectiveness and potential impact for the 2016 election.
- f. The other two groups will examine the role of secession during the Civil War and compare and contrast conditions then and at the time of the 2012 election. What made secession less possible in 2012 than during Civil War times? The group will make recommendations to promote a unified and equal opportunity climate in the United States and then compare and contrast their document with the Voting Rights Act and the Civil Rights Act.
- g. This lesson is designed to last for at least two class periods. If your scheduling allows, you can have all four groups do both activities (8e and 8f) to allow for more in-depth engagement with the materials and contact.
- h. Have the groups share their information and evaluate the quality of the arguments presented in their work. Use your existing rubric criteria for oral presentations and/or content.

5. Assessment

a. Groups One and Two:

i. A poster, PPT, or other display option that contains:

1. A list of states that attempted or implemented voter requirements for the 2012 presidential election.
2. The state's rationale for the voter requirements
3. At least ten points that align back to the Emancipation Proclamation, the Thirteenth, Fourteenth, and Fifteenth Amendments, the Voting Rights Act, and the Civil Rights Act.
4. Explanation of the effectiveness of the states' efforts at instituting voter requirements and at least two potential items of impact for the 2016 presidential election.

b. Groups Three and Four:

i. A poster, PPT, or other display option that contains:

1. A Venn diagram that compares and contrasts the conditions present at the time of the Civil War and during the 2012 presidential election. At least five conditions for each time period.
2. A list of recommendations (at least five) to promote a unified and equal climate in the U.S.
3. A Venn diagram that compares and contrasts their list of recommendations with the Voting Rights Act and the Civil Rights Act. At least five items to be evaluated.