

CREATED EQUAL: AMERICA'S CIVIL RIGHTS STRUGGLE

The Abolitionists ❖ Slavery by Another Name ❖ The Loving Story ❖ Freedom Riders

B. PROGRAMMING

1. *Created Equal* Scholar Essays

The National Endowment for the Humanities and the Gilder Lehrman Institute invited four distinguished scholars to write brief essays related to each of the documentaries. These essays explore the larger themes and questions at the heart of each film and can serve as a guide in creating public programs.

Richard S. Newman on *The Abolitionists*

The abolitionist struggle was America's first civil rights movement. For nearly a century following the American Revolution, waves of abolitionists fought to end both slavery and racial injustice. From visionary free black activists and runaway slaves to shrewd lawyers and advocates of civil disobedience, the abolitionist movement was also diverse and constantly changing. As the aging abolitionist hero Frederick Douglass commented in the 1890s, it would take American historians years to understand just what abolitionism had accomplished. In many ways, we are still learning about the brave men and women who put their lives on the line to slay slavery.

Although the most important era of abolitionism occurred before the Civil War, the movement had deep roots in American society. In 1688, a quarter of religious visionaries issued the Germantown Protest challenging Quakers to eradicate slaveholding in their midst. A bevy of runaway ads in colonial newspapers also testified to enslaved peoples' constant stride for freedom. By the revolutionary era, these antislavery traditions inspired the creation of the world's inaugural abolition societies. The Pennsylvania Abolition Society debuted in 1775; twenty years later, abolitionist groups stretched from Rhode Island to Virginia. Led by men of conscience (such as Quaker pamphleteer Anthony Benezet) as well as antislavery jurists (including constitutional law expert William Rawle), early abolitionists identified bondage as an affront to American liberty. Success came slowly but abolitionists did achieve key results. By the early 1800s, they had secured gradual abolition laws (or outright bans on bondage) throughout the North, built international antislavery alliances, and passed slave-trading bans in Great Britain and the United States. Even black abolitionists expressed optimism about the future. "It is in our posterity enjoying the same privileges with your own," legendary black activist Richard Allen challenged white Americans in 1794, "that you ought to look for better things."

Slavery's massive growth derailed Allen's dreams. By the 1830s, when the United States contained roughly two million enslaved people (or quadruple the number of 1776), a more confrontational generation of abolitionists appeared in American society. Spurred by free black activism in the North, as well as British and Caribbean antislavery struggles, abolitionists now espoused immediate (not gradual) attacks on slavery; they also eschewed moderation. Influenced by religious revivalism, immediate abolitionists called slavery a sin and Americans hypocrites for not embracing universal emancipation. "I will not equivocate," William Lloyd Garrison famously declared in *The Liberator* in 1831, "and I will be heard!"

Yet the growth of abolitionism after 1830 depended on a multitude of activists. Once marginalized, African Americans and women now played essential roles in the movement. In towns large and small, African Americans built powerful abolitionist networks. In Philadelphia James Forten provided funding to Garrison's radical newspaper while in New York David Ruggles convinced white as well as black activists to aid fugitive slaves. Following in the footsteps of the militant black pamphleteer David Walker, antebellum African Americans envisioned themselves as the vanguard of a global freedom struggle.

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Women's activism also transformed American abolitionism. As orators, editors, writers, and organizers, women pushed abolitionism into churches, homes, neighborhoods, newspapers, and schools. From Massachusetts to Illinois, women circulated antislavery petitions and raised critical funds for the cause. They did more. Betsy Mix Cowles, an Ohio schoolteacher turned radical abolitionist, gained a national reputation for her support of both antislavery political parties and runaway slaves. Sojourner Truth, the ex-slave turned abolitionist orator, captivated audiences everywhere with her rousing calls for freedom. By the time Harriet Beecher Stowe published her best-selling antislavery novel *Uncle Tom's Cabin* in 1852, abolitionist women had been battling bondage for decades.

Both men and women knew that abolitionist activism was exhilarating yet dangerous. Whites North and South argued that abolition would undo the nation's economy. Many whites also opposed abolitionist visions of racial equality. Abolitionists were verbally threatened, and sometimes brutally assaulted, above as well as below the Mason-Dixon line. In May 1838, it took all of four days before a Philadelphia mob torched Pennsylvania Hall, a spectacular new building dedicated to abolitionist free speech. The hall was never rebuilt.

Such opposition prompted further abolitionist change. In the 1840s and 1850s, as slavery grew still further, abolitionists formed political parties, supported physical confrontations with slaveholders, and advocated compensated emancipation in the South. If abolitionists could not end slavery before the Civil War erupted in 1861, they still exerted a powerful influence on the nation's political culture. By attacking slavery as unjust and championing racial equality in the ringing tones of the Declaration of Independence, abolitionists envisioned the United States as anything but a slaveholding Republic. Indeed, it may have taken sectional strife to eradicate American bondage. But without generations of abolitionists seeking liberty and justice across the color line, the very idea of racial equality would have been impossible, now no less than in 1865.

Humanities Themes from *The Abolitionists*:

The Truly Long Civil Rights Movement: White and black abolitionists struggled to end both slavery and racial injustice from 1776 through the 1860s, providing subsequent generations of civil rights activists with a language of equality.

Diversity and Multiculturalism: The abolitionist movement was comprised of diverse sets of reformers from the American Revolution onward. African Americans played a particularly important role in the rise of abolitionist militancy after 1830. But black and white women were also key players in the abolitionist movement during the nineteenth century, demonstrating the importance of diversity in American reform movements.

Free Speech and Democratic Activism in Civil Society: The abolitionists consistently pushed the boundaries of free speech and democratic activism in American civic culture. Anti-abolitionists North and South often opposed abolitionists' rights to speak out against slavery, petition on behalf of black freedom and equality, and engage in civil disobedience to achieve racial justice. In this way, abolitionists offered a towering example of social movement activism to subsequent generations of reformers, from labor activists to women's rights groups to modern environmentalists.

Global Scope of Abolitionism: The abolitionist struggle always encompassed international reformers and influences, from American alliances with British activists seeking to end the slave trade at the close of the eighteenth century to black reformers' longstanding use of the Haitian Rebellion as inspiration for civil rights militancy in the nineteenth century.

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W. Fitzhugh Brundage on *Slavery by Another Name*

For African Americans after the Civil War, the abolition of slavery in 1865 was a landmark in human history. But blacks came to recognize that while slavery had been abolished, their newly secured freedom was at risk despite the Reconstruction-era constitutional amendments. New forms of coerced labor proliferated in the post-Civil War South, as trumped-up criminal charges were used as a pretext for the virtual re-enslavement of thousands of able-bodied southern black men and women.

The origins of these exploitative practices lay in a toxic confluence of postwar economic dislocation, weak state institutions, and white racism. Impoverished southern state governments had to contend with the expense of a new class of state charges—black criminals. Previously, slaveholders had punished black criminals privately. Now the costs of criminal justice ballooned. With state governments desperate to offload the expenses associated with convicts and white landlords eager to secure cheap labor, state and local authorities began to lease out convicts to contractors who paid the convicts' legal fees.

While some white workers fell victim to the convict-leasing system, the economic vulnerability of African Americans meant that black men and women were the system's principal targets. Thousands of innocent blacks were coerced into forced labor between the 1870s and 1940s. Countless black men were charged with the spurious offense of vagrancy, which could have been applied to almost any black man in the rural South. Then they were brought before a county judge and fined. Because many of the men couldn't afford to pay the fines, they were sentenced to a term of hard labor. Court and legal fees were levied. As a result, their sentences were often extended; they would work for a portion of their sentence to pay off their fines for vagrancy and the remainder of their sentence to pay off their court fees. After their sentence was determined, their labor and, for all practical purposes, their bodies were sold to mine owners, lumbermen, planters, railroads, or corporations. In return the company paid a monthly fee to the county, which would eventually satisfy the convicts' outstanding fines and fees.

The thousands of black people falsely imprisoned in mines, lumber camps, brickyards, quarries, and plantations were victims not of an anonymous bureaucracy but rather of the face-to-face cruelty and contrivances of white authorities, both prominent and obscure. Once the convicts left their cells in the South's local jails, they became de facto slaves to the companies who had leased them. With virtually no legal liability for the treatment of the convicts, convict contractors ruthlessly exploited them. Convicts were maimed by their work and by the punishments they received from their guards, and many died from malnutrition and disease. Only a minority survived the ordeal with their bodies intact.

For many white southerners, this system fostered the belief that there was a rise in black crime, cementing the relationship between criminality and race. Among African Americans, it created profound and enduring disillusionment about the significance of emancipation.

Occasionally, an upstanding state prison official would protest the convict-leasing system. But wherever convict leasing was commonplace, too many local officials profited from the system to tolerate serious reform. Even the federal government turned a blind eye to the practice. During Theodore Roosevelt's administration, the Department of Justice displayed concern about coerced labor in the South. Although a few courageous white southerners took the lead in exposing the practice of convict leasing and secured the conviction of several prominent planters and officials, prosecution through the courts failed to end convict leasing. The planters and companies that leased convicts learned that skilled legal defenses could ensure that even successful prosecutions for peonage only won token fines.

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It was not until the 1940s that economic changes and political pressures finally brought an end to the exploitation of southern convicts. Changes in southern agriculture and industry had diminished the need for large numbers of disposable laborers. World War II lent strength to organized efforts by the NAACP and labor unions to end convict leasing. Concerned about egregious violations of civil rights that tarnished the United States' international reputation, President Franklin D. Roosevelt in 1941 ordered the Department of Justice to prosecute convict labor cases. Only then did the Justice Department hasten the end of an institution that had thrived for more than three quarters of a century after the abolition of slavery.

Humanities Themes from *Slavery by Another Name*:

The Limits and Contingency of Freedom: The history of “neo-slavery” or convict leasing in the South reminds us that freedom for former slaves and their descendants was insecure. Even before Jim Crow segregation was codified in law at the turn of the twentieth century black freedom was severely circumscribed in the South. Neither the Thirteenth Amendment, which ended slavery, nor the Fourteenth Amendment, which provided a guarantee of due process for each American, offered protection against the convict-leasing system. Indeed, the prevalence and persistence of convict leasing illustrates how laws can be used to limit and erode seemingly fundamental and inviolable rights.

Race and American Criminal Justice: Some whites became ensnared in the convict-leasing system in the South, but they were the exceptions. Black men and women were its principal victims because their rights were vulnerable due to poverty and racism. This system bred among southern African Americans both disillusionment about the significance of emancipation and cynicism about the possibility of true justice in the American South.

Corporate Ethics and Coerced Labor: Some commentators have drawn parallels between the corporate responsibility of companies that exploited slave labor in Nazi Germany and that of southerners who bought convict labor. The point of this comparison is not to equate the Nazi Holocaust with racial oppression in the Jim Crow South, but rather to accentuate the complicity of southern white elites and national corporations in the exploitation of de facto slaves.

Convict Leasing and Organized Labor in the American South: Not only did convict leasing produce great wealth, but it also served as a bulwark against unionized labor in the South. For U.S. Steel and other industrial firms convict laborers were a dependable and cheap pool of labor that posed no threat of unionizing or striking. A corporate officer explained to Alabama officials the benefit of convict leasing: “The chief inducement for the hiring of convicts was the certainty of a supply of coal for our manufacturing operations in the contingency of labor troubles.” Thus, the coerced labor of convicts eroded the economic leverage and opportunities for free black and white laborers in southern industry.

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Jane Dailey on *The Loving Story*

Laws governing interracial sex and marriage followed the arrival of the British in North America in the seventeenth century and lasted for more than three centuries. These laws remained on the books in many states until 1967, when the United States Supreme Court found them unconstitutional in *Loving v. Virginia*, its only civil rights decision ever to appeal to fundamental principles of “vital personal rights.”

Prior to the Civil War, the Constitution guaranteed individual rights only against the federal government. After the Civil War, however, the Fourteenth Amendment (1868) expressly defined national citizenship and prohibited any state to deprive any person of “life, liberty or property without due process of law,” to deny any citizen the “privileges and immunities” of citizenship, or to deny any person “the equal protection of the laws.”

After the Supreme Court effectively neutralized this amendment through its decisions in the Civil Rights Cases (1883) and *Plessy v. Ferguson* (1896), southern states built legal barriers between blacks and whites in nearly every aspect of life. Blacks and whites were nursed in separate hospitals, educated in separate schools, buried in separate cemeteries, and forbidden to marry each other in the majority of American states, especially in the West, like California.

For segregation to work, people had to be racially categorized by law. Depending on the state and the decade, people who were more than one-fourth black, one-eighth black, one-sixteenth black, even one-thirty-second black, were categorized for the purpose of Jim Crow as “non-white.” Even so, racial identity was mutable and grounded in behavior as well as genealogy. Recognizing decades of white men’s sexual relationships with black women, usually slaves, an 1835 South Carolina statute explained that a person’s racial status “is not to be determined solely by the distinct and visible mixture of negro blood, but by reputation, by his reception into society, and his having commonly exercised the privileges of a white man.” This “social construction” of “race” allowed for some flexibility within the white supremacist regime, which ironically enabled states to harden the boundaries between black and white.

By 1900, white supremacy and racial purity had become articles of civic faith and Jim Crow laws abounded. Virginia’s 1924 Act for the Preservation of Racial Integrity was the logical culmination of this trend, and provided that any trace of nonwhite ancestry (the infamous “one drop” rule) defined someone as ineligible to marry anyone defined as white. This statute became the blueprint for Nazi Germany’s 1935 Blood Protection Law, which prohibited the marriage of gentiles and Jews.

The secular racial regime was backed up by the belief of many white southern Christians that segregation was God’s will, that God separated the races to preserve their purity, and that disobeying that plan was blasphemous. Civil rights leaders responded with religious arguments of their own, insisting that “segregation is a blatant denial of the unity which we all have in Jesus Christ.” The “God is on our side” argument became a staple of civil rights advocates, but was fiercely resisted by white champions of racial segregation.

Unlike voting rights and segregated public education, racially restrictive marriage laws were never challenged on a mass level. Neither were they of special interest to the National Association for the Advancement of Colored People (NAACP), the Southern Christian Leadership Conference (SCLC), Congress, or the executive. This was in marked contrast to the emerging category of human rights associated with the United Nations, whose 1948 Universal Declaration of Human Rights condemned bans on interracial marriage and upheld freedom of choice in marriage.

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Preceded by a 1942 decision that defined marriage and procreation together as “one of the basic civil rights of man” that could not be restricted in the absence of a compelling state interest, the Supreme Court finally declared racially restrictive marriage laws unconstitutional.** In *Loving*, a unanimous Court explained that “the freedom to marry has long been recognized as one of the vital personal rights essential to the orderly pursuit of happiness by free men. . . . To deny this fundamental freedom on so unsupportable a basis as the racial classifications embodied in these statutes, classifications so directly subversive of the principle of equality at the heart of the Fourteenth Amendment, is surely to deprive all the State’s citizens of liberty without due process of law. . . . Under our Constitution, the freedom to marry, or not marry, a person of another race resides with the individual and cannot be infringed by the State.”

**The 1967 case *Loving v. Virginia* was a suit brought by Mildred and Richard Loving, an interracial couple, to overturn the 1924 Virginia act.

Humanities Themes from *The Loving Story*:

The Social Construction of Race: Racial identity was composed of many elements, some genealogical, some social. Violators of racially restrictive marriage laws undermined clear notions of “race” and contributed to a southern disposition towards anxiety about racial identity.

Religion and Social Movements: Both sides of the Civil Rights Movement rooted their positions in Christian righteousness, bringing religion back into civil discourse in a way not seen since the abolitionist movement.

Civil Rights and Human Rights: The fight for civil rights merged in the mid-twentieth century with new arguments for human rights that broadened the spectrum of fundamental freedoms.

Law and Social Movements: The repeal of anti-miscegenation laws was accomplished entirely through the courts, and highlights the complementary roles of mass protest and judicial intervention.

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Raymond Arsenault on *Freedom Riders*

May 21, 1961: a Sunday in the age of John F. Kennedy's New Frontier, when freedom was on the line in Montgomery, Alabama. Over a thousand black Americans, including Martin Luther King, Jr., had gathered at the First Baptist Church to support a band of activists known as Freedom Riders. Just blocks from the state capitol, where Jefferson Davis had sworn allegiance to the Confederate cause in 1861, First Baptist had been the setting for a number of dramatic events. But the church had never witnessed anything like the situation that was unfolding. For hours the Freedom Riders sang songs and listened to testimonials about courage and commitment. But as hope rose inside the sanctuary, a mood of defiance developed outside.

By nightfall the church was besieged by white protesters defending segregation. Screaming racial epithets and hurling Molotov cocktails, the protesters threatened to overwhelm a beleaguered group of federal marshals who feared that the mob was intent on burning the church to the ground. When it became obvious that the marshals were overmatched, the governor of Alabama, John Patterson, deployed a National Guard battalion to disperse the crowd. It was morning before the streets were secure enough for the Freedom Riders to leave the church. Loaded into a convoy of military trucks, the Freedom Riders were escorted back to a black community that must have wondered what other challenges lay ahead. The battle of May 21 was over, but the struggle for racial justice would continue.

How the Freedom Riders came to be at First Baptist, why they inspired so much hope and fear, and what happened to them—and the hundreds of other Americans who joined their ranks—are the questions that drive the *American Experience* documentary *Freedom Riders*. These are questions that should engage anyone concerned with freedom, justice, and the realization of America's democratic ideals.

With plot lines rivaling those of the most imaginative fiction, the saga of the Freedom Rides is an almost unbelievable story of sacrifice and triumph. In 1961, during the first year of Kennedy's presidency, more than 400 Americans participated in an experiment designed to awaken the conscience of the nation. Inspired by visions of social revolution, these Freedom Riders challenged the mores of a segregated society by performing a disarmingly simple act. Traveling in small interracial groups, they sat where they pleased on buses and trains and demanded unrestricted access to terminal restaurants and waiting rooms, even in areas of the Deep South where such behavior was forbidden.

Patterned after a 1947 Congress of Racial Equality (CORE) project known as the Journey of Reconciliation, the Freedom Rides began in May with a group of thirteen Riders recruited by CORE's staff. By early summer, the Freedom Rides had become a movement involving hundreds of activists representing a number of civil rights organizations. Attracting diverse volunteers, the movement transcended the traditional approach to civil rights, taking the struggle out of the courtroom and into the streets and jails of the Jim Crow South. Empowered by two U.S. Supreme Court decisions mandating the desegregation of interstate travel facilities, the Freedom Riders flouted segregation statutes, all but daring southern officials to arrest them.

The Riders challenged federal officials to uphold the constitutional right to travel without being subjected to degrading racial restrictions. They did so knowing that their actions would almost certainly prompt a savage response from white supremacists. Invoking the philosophy of non-violence, they put their bodies on the line for racial justice. After marauding Klansmen used bombs to disrupt the original CORE Freedom Ride, student activists from Nashville organized a Ride of their own, forcing federal officials to intervene on their behalf. Later, when Mississippi officials placed hundreds of

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Freedom Riders in prison and imposed bond payments that threatened the financial solvency of CORE, the net effect was to strengthen rather than weaken the movement.

While they characterized the Civil Rights Movement as an irrepressible force, the Freedom Riders knew all too well that they faced enemies backed by regional and national institutions. Fortunately, those who participated in the Freedom Rides had access to institutions of their own. When they boarded the “freedom buses” in 1961, they knew that others had gone before them, figuratively in the case of abolitionists and the soldiers who marched into the South during the Civil War and Reconstruction, and literally in the case of the CORE veterans who participated in the 1947 Journey of Reconciliation. The successes of the NAACP and the strengthening of the Civil Rights Movement since the Second World War, along with the decolonization of the Third World, infused Freedom Riders with the belief that the arc of history was tilting in the right direction. Progress was possible, and the Riders were determined to do all they could to accelerate the pace of change.

Humanities Themes from *Freedom Riders*:

Equality under the Law: The Freedom Riders attacked the discriminatory effects of Jim Crow segregation by demanding equal treatment for all American citizens engaged in interstate travel. In defying state and local segregation law, they were seeking compliance with two U.S. Supreme Court decisions, *Morgan v. Virginia* (1946) and *Boynton v. Virginia* (1960), both of which upheld equality under the law in interstate travel.

Grassroots Protest: Enlisting hundreds of participants and drawing thousands of supporters from all walks of life, the Freedom Rides demonstrated the power of popular insurgency in American life. As one of the first successful direct action campaigns of the 1960s, the Freedom Rides served as a template for a wide range of popular movements that influenced American life in later years. Expanding the realm of citizen politics, the Rides confirmed the notions that reform from below is possible, and that ordinary people can do extraordinary things.

The Use of Non-Violence to Achieve Change: The Freedom Riders’ strict adherence to non-violence—as both a tactical and philosophical matter—was an essential element of their success. When they were assaulted by angry white supremacists, their consistent refusal to strike back greatly enhanced the moral power of their arguments for change. Without this display of discipline and uncommon courage, the Riders’ challenge to racial discrimination might have failed, and their example of responsible activism would have had far less force.

Raymond Arsenault’s remarks are adapted from the Introduction to *Freedom Riders: 1961 and the Struggle for Racial Justice* (New York: Oxford University Press, 2007).

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