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## **Identity creation for effective emancipation: A study of black Americans' activism from 1865 to 1965**

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### **Abstract**

In the 1770s, the thirteen American colonies rejected the domination of Great Britain, and declared unilaterally their independence, after a long and hard war. The declaration of Independence then after drafted stated 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". For sure, in the then Americans' mind, the phrase "all men" did not include the blacks, their then slaves. That is why it took them almost a century to see that Blacks too were men, and that as such, they also deserved liberty. Revisiting this past page of the American history undoubtedly stains the nation's self-dedicated position as a beacon and champion of freedom, democracy, human rights and justice in the world. The American republic, as well as its framers then appear as a contrast, and as David K. Shipler has put it: "Thomas Jefferson was a complex as the society to which he gave direction. He abhorred slavery but never abolished it, not as governor, not as a president, not as a plantation owner." Conscious of this ambiguity of the white American, and following the paradox and unkept promises of emancipation, the African-Americans have sought to create their own identity so as to make their way through the American society to which they could no more exclude themselves. This literature analysis seeks to examine factors which have contributed to the construction of Black American identity. It examines phenomena from struggles to everyday hardships as products of the identity of the Black American. In other words, this has explored between assimilation and integration to find out what is realistically possible and how this can be an optimistic sign for the whole Black American future.

**Keywords:** Identity, Emancipation, domination, independence

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### **1. Introduction**

#### **1.1 Contextualizing the study**

The declaration of independence is one of the most important documents in the history of the United States. It was an official act taken by all the 13 American colonies in getting rid of the domination of British and their crown, on July 4, 1776. But over the history of the United States of America, not all the people living on the American land have been given the unalienable right of the Declaration of their Independence. Almost every group of people who have come to the United States has faced some struggles in obtaining their unalienable right, some more than others. One group in particular, the African Americans, has faced incredible difficulty in their struggle for their right. They were supposedly freed in 1865 on the basic provision of the thirteenth amendment, but in practice, their condition has just changed from lawful slavery to cruel domination. The momentous decree of Emancipation that came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering in justice then proved to be fake. The prevailing white supremacist ideology has manifested itself in the America's internal policy to the Black (and non-white) people that are also part of the nation of the USA. It has been a legacy of blatant racism, discrimination, oppression and violent suppression of any group, organization or idea that is not congruent with the dominant white culture. Yet, the newly freed Blacks did not just sit and wait for the providence; under the leadership of some of their fellows, they rose to create conditions for solidarity that would help not only face the white's hard policy, but also to impose themselves as part and parcel of the American society.

#### **1.2 Method and objectives and literary theory**

The present study has explored knowledge areas and its objective is threefold. First, it aims to examine the characteristics of the freed blacks. Next, it seeks to determine the progress in the black American status and finally, to investigate the various contemporary dimensions of the issues from the standpoint of political maturity and cultural consciousness for the Black American identity. The basic sources of information for this work are books related to Black-American identity creation from the Emancipation Proclamation to the civil rights movement in the 1960s; the civil rights movement got hijacked by a therapeutic movement centered on the social etiquette of racial sensitivity and the tireless quest for self-esteem or identity.

Investigating on the Black American's identity, the new paradigm theory has been found appropriate; it is one that involves scholars who seek to substantially transform the society that perpetuates black inequality. This new approach reaches out, in particular, the young generation of black Americans born after the civil rights and black power movements, who are increasingly under assault by the forces of unemployment, imprisonment and starvation. The postmodern appeal of Black identity crisis in America has profoundly affected so many contemporary American migrants and other researchers that the issue needs revisiting. Indeed among other groups like the Chinese Americans, Japanese Americans, Korean Americans Italian Americans or French Americans, for example, there is no such an attitude. "This seems to be a particularly African American problem enhanced by the lack of a strong sense of cultural

identity promulgated by Africans who have lost their sense of cultural ground.” They have been segregated residentially, educationally, and politically. Moreover, racial barriers show no signs of falling. As historian Eugene Genovese said:” The Black experience in this country has been a phenomenon without analog [1].”

### 1.3 Literature review

Black people who are termed as the minority have felt the full brunt of oppressive policies that have sought to suppress the very essence of them. The American Supreme Court, given the opportunity to address the evils of Jim Crow, failed to do so. Plessy v Ferguson, established “separate but equal” as the legal precedent, thus ensuring years of the de Jure segregation. Attempting to escape the discrimination of the south, many African American migrated north. Segregation, de Jure and de Facto, followed them, and Negro and colored schools and neighborhoods created a system of continuing discrimination in opportunity.

The Negro's life many years today is still sadly crippled by the manacles of segregation and the chains of discrimination although the problems of African Americans, known as Negroes, seemed distant. When the young black American Web Dubois looked out onto America in 1903, he remarkably proclaimed that “the problem of the twentieth century is the problem of color line” [2]. To a great extent he was right. Over the last hundred years that color line has shifted but did not disappear. This identity is an approach from the belief that it is not an individualistic occurrence, but more than likely a construct of the historical conscious and unconscious political and social oppression of this group by Anglo American centered structures of governance and determinants of social and political power. The general black attitude has been one of the essential ambivalence, double consciousness, double identity for many centuries, since they are natured by Africa and America. That is why Du Bois argued that “African Americans have a heightened awareness of both their own blackness and of the whiteness around them, making it so that the presence of whiteness is more noticeable since they are living with whites” [3]. Du Bois then aimed to show the spiritual depth and complexity of life behind “the veil”. According to him, there is no resolution; Blacks were destined to live permanently with this tension of double consciousness. Therefore if the destruction of culture and the de-Africanisation of Blacks by white establishment have led to social and cultural problem to Black community, how could African Americans overcome the new racism, underdevelopment and cultural crises then?

Given the widening class gulf among Africans Americans, Henry Louis Gates’s recent accession that “the belief that we are all united because we are Black... no longer applies” is an important element in the reorientation required for finding what Fairclough calls the “next road-the right road” [4]. But Gates’s attempt to dust off a light-led racial uplift for the new millennium, to “cultivate the best and brightest black minds and create a leadership that will then advance the interest of the black race as a whole” [5]

represents a rehash of the strategy whose deficiencies should be clear.

That the elite, trickle-down strategy popularized by Washington is an impediment and not a solution to the one going struggle for the real equality, especially in the field of education. Indeed, education is the most significant fruit of which was a generation trained. That is why, Adam Fairclough conclude with the centrality of education which was compatible with the conclusions reached by James D. Anderson in his seminal study, that schools served as “passageways to better times” [6].

Whether those thinkers who believe in the existence of institutional racism are right or not, it is obvious that the Black’s self that has been created by historical realities is further fragmented by the onslaught of modernization and the economic problems it brings to bear. This phenomenon has changed the realities and life chances of most Black Americans during the post-modern era.

Though Blacks have continued to fight and develop their national interests inside America, they maintained their economic, political, cultural linguistic and social relationship with Africa. Black Nationalism is, according to Conrad W. Worill, “a tradition that emerged in the early 19<sup>th</sup> century among the black leaders. They understood the need for African people in America to develop a national entity as the only solution for Blacks people in America, Latin America or the Caribbean [7]”

However, the Black Nationalist tradition was continued in the 20<sup>th</sup> century with Marcus Mosiah Garvey, Martin Luther King Jr, Malcolm X and Elijah Muhammad...., and the core of this Black Nationalist tradition has been to defeat and overthrow the system of white supremacy and to achieve self-determination for the oppressed Black masses. In this regard, Black Nationalist tradition has rejected the strategy and tactics of white people and their white supremacy system.

The twentieth century has been an age of both tremendous disappointment and significant protest for African Americans. Black activists, as individuals, or through various organizations, along with black intellectuals, have waged a war of dissent through both words and actions. Though by no means a modern coinage, ‘African Americans’, instead of ‘Negro’ or ‘colored-skinned people’ achieved sudden prominence at the end of the 1970s when several Black leaders championed it as an alternative ethnonym for Americans of African descent; there has been substantial improvement in the lives of Black Americans, at the end of the twentieth century and full equality had yet to be achieved. Though many resolutions were taken to improve Blacks status, since the abolition of slavery to the present, Blacks have been still in quest of their identity.

This most recent flurry of Black protest activity is partially fueled by continuing reassessments of “what it means to be an American?” Most contemporary socio-economic problems confronting black America cannot adequately be addressed by using the traditional racial strategies of “integration” or “separation”, which have dominated black political discourse for more than a century. Integrationist leaders successfully fought against racial segregation a generation ago, creating an expanded

<sup>1</sup> See Boston Review. October/November 1993.

<sup>2</sup> Du Bois, W. Edward Burghardt, *The Soul of Black Folk*. Chicago: AC.Mc Clurg & Co..2<sup>nd</sup> Edition. 1903, Chap II: of the dawn of freedom, p 10 & 29.

<sup>3</sup> William E.B Du Bois. *Op. Cit.* Chap I.p. 3-6

<sup>4</sup> *Op. Cit.*, P 336

<sup>5</sup> Henry Louis Gates series, *America: Beyond the Color Line and The Observer* review. London 2003, p.3.

<sup>6</sup> James D. Anderson, *The Education of Blacks in the South, 1860-1935*. Chape hill, 1988.

<sup>7</sup> William E.B Du Bois. *Op. Cit.* Chap IV: Of the Training of Black Men. P 63

black middle class. But the affluence and accomplishments of this new “talented tenth”, produced in part by affirmative action, may have diverted our attention from the current crises of class inequality and poverty experienced by millions of other African-Americans. The relative failure of both Black Nationalist and integrationist strategies to affect large numbers of Black Americans beyond the middle and upper class raises questions about how progressives can expand old legacies to address the present crises in Black America.

## 2. Black freedom movements

### 2.1. Cultural and revolutionary revival

Though Negroes involuntarily contributed to the transformation of America from an agrarian society to an industrial one and from a British colony to a world power, they were kept under the white racist society by segregation and lived with an inferiority complex given by their oppressor. During slavery, the Anglo-Saxon has forced Blacks for cultural conformity, defending that the “Europeanness” and the “whiteness” are the best ideology. This was intended to destroy the African American culture and personal worth so that the blacks would become submissive, loyal slaves and servants. This cultural destruction that took place during slavery is called cultural genocide by Karenga who wrote:

By cultural genocide it is meant the wholesale intentional destruction of a people’s culture and cultural identity and their capacity to produce, reproduce and expand themselves. It includes the destruction of: 1) political identities and ethnic units and identities; 2) families; 3) cultural leaders. These were all units of the preservation and transmission of African culture <sup>[8]</sup>.

Thus, the African American, from that time on, has struggled to rebuild their historical continuity and humanity and transform the negative images that Whites gave to them. This revolution is related to the cultural revival and construction: Black identity. Black people have therefore embraced diverse ideologies when fighting for their African roots and heritage. Robbed of the vote, and with Northern whites indifferent to their plight, blacks have searched for a strategy that might bring about economic advance, educational progress, and physical safety. Between 1890 and 1915, black leaders argued over many alternatives for desegregation.

The first powerfully advocated by former slave Booker T Washington, rested upon the proposition that politics had failed blacks, and that economic progress would provide a surer foundation for the development of the race. Washington urged blacks to stay in the South, improve their schools, acquire land, and start small business. And he advised them not to respond to discrimination with agitation and protest, but to erode racial prejudice by providing an example of hard work, economic equality among the blacks and whites and to get better relations between them. He accepted segregation and believed that whites would eventually give blacks equal rights.

By the time of Washington’s death in 1915, however, it had become obvious that the overall status of blacks in the South had got worse, not better. Black critics of Washington condemned the

policy of appeasing Southern whites. Led by Northern-born intellectual WEB Du Bois, they rallied to a new organization, the National Association for the Advancement of Colored People (N.A.A.C.P.). Before that, WEB Du Bois had published *the soul of Black Folk*, a collection of essays, in 1903. The book explored a variety of subjects of black life, and its brief “Forethought” includes one of his most famous lines: “The problem of the twentieth Century is the problem of the colored-lin <sup>[9]</sup>.

He criticized Washington in a number of articles, and in 1905, he formed a civil rights organization, The Niagara Movement, which, although short-lived, was a precursor of the N.A.A.C.P., which Du Bois helped found in 1909.

The N.A.A.C.P, which includes white progressives as well as blacks, opposed all form of racial discrimination, and it demanded full equality in accordance with what the constitution promised for Black Americans. Facing a seemingly impossible task, the N.A.A.C.P braced itself for a long-term struggle and skillfully pioneered the tactics of the modern pressure group. So, Du Bois sought to educate all of those who unaware of the problems that race prejudice caused. One of his first studies, *The Philadelphia Negro*, in which he personally interviewed two thousand people helped uncover the truth of the black condition. Without the efforts of Du Bois against racism, The Harlem Renaissance might have never occurred.

Indeed, the movement for black pride found its cultural expression in the Harlem Renaissance, the first self-conscious literary and artistic movement in African American history. During the 1920s, Harlem, in upper Manhattan, became the capital of black America, attracting black intellectuals and artists from across the country and the Caribbean as well. Soon, the Harlem Renaissance was in full bloom. Poet Countee Cullen, for instance, eloquently expressed black artist’s long-suppressed desire to have their voices heard. Many of the greatest works of the Harlem Renaissance sought to recover links with African and folk traditions. In “The Negro Speaks of Rivers,” the poet Langston Hughes reaffirmed his ties to an African past. A fierce racial consciousness and a powerful sense of racial pride animated the literature of the Harlem Renaissance. The West Indian-born poet Claude McKay expressed the new spirit of defiance and protest with militant words.

The rights that the N.A.A.C.P fought for were a legal judicial system: the right to vote, equal employment, schooling, and equal opportunity. To fix what he considered the problem of the color line, he needed to overcome the problems of his times. Some of these problems included the Supreme Court overturning Civil Rights Bill yet upholding “Separate but Equal” in Plessy versus Ferguson. Du Bois spoke out against all of these things and gave the people who read his work new hope. Unlike one of their main targets for legal prosecution, the Ku Klux Klan, the N.A.A.C.P believed in solving their disputes through the court system. Another task that the N.A.A.C.P was set upon completing was the education of all on the problems and barriers that race prejudice creates the N.A.A.C.P had played a major role in the Civil Right Movement.

After the First World War, Marcus Garvey, a Jamaican-born leader who styled himself the “provisional President of Africa”, urged Blacks to separate from white society, sinking safety, as

<sup>8</sup> Karenga, Maulana, Introduction to Black Studies, Inglewood : Kawaida Publications. 1982, p.86

<sup>9</sup> Du Bois, W. Edward Burghardt, *the Soul of Black Folk*. Chicago: AC.Mc Clurg & Co, 2<sup>nd</sup> Edition, 1903, p.VII

well as emotional solace, within their own communities. Garvey strategy of separation, taken to its logical conclusion, entailed the emigration of Blacks Americans to Africa, and a few Blacks actually did sail to Liberia. No Black leader was more successful in touching the aspirations and needs of the mass of African American than Marcus Garvey. A flamboyant and charismatic figure, Garvey rejected integration and preached racial pride and Black self-help. The concept of negritude represent for him a historic development in the formulation of African diaspora identify and culture in this century. The terms marks a revalorization of Africa on the part of New World blacks, affirming an overwhelming tried in Black heritage and culture, and asserting, in Marcus Garvey's world that Blacks are "descendent of the greatest and proudest race who ever peopled the earth. The concept finds it roots in the touch of Martin Delany, and W.E.B Du Bois each of whom sought to erase the stigma attached to the Black world through their intellectual and political effort on behalf of the African Diaspora.

Marcus Garvey declared that Jesus Christ and Mary were black and he exhorted his followers to glorify their African heritage and revel in the beauty of their black skill. In 1917 Garvey moved to New York where he organized the Universal Negro Improvement Association (UNIA), the first mass movement on African American history. Contrarily to the two later organizations, it had an international extern. More than three millions from 19 countries joined the group. Garvey advocated for the liberation of the Black race all other the World from White oppressors. He is the founder of the philosophy "Back to Africa" but never set foot in Africa. It was the first Black national movement which did not depend on progressive Whites. Another important organization was the National Urban League (NUL) created in 1911 by conservative Black masses in urban area. The used moral persuasion to convince White business men and labor Union not to take violent actions against Black workers

Black Nationalism and the Negro Renaissance shared a strong sense of racial consciousness and racial pride. However, while the writers who expressed the spirit of the new Negro style believe in their future in America, the Black Nationalist enunciated a mood of alienation and despair. Therefore by the time of World War One, Blacks in the South had lost the right to vote. Their separate schools legged further and further behind the white school. Racial segregation barred Blacks from entire sector of the economy and humiliated them at every turn. Violence abetted by white politicians who openly encouraged lynching poisoned their leaves. There were laws separating Negroes and Whites in factories, exit, entrances, toilets, railroad, street cars, public parks, restaurants, jails, hospitals, and cemeteries... But many Blacks despaired that whites would ever treat them as equals. If the start of World War one raised Blacks hopes and stimulated a great migration as blacks moved from the south to the North, Blacks Soldiers fought on the Western Front returned home to face unyielding discrimination. Yet, Blacks were more and more frustrated and disillusioned. It was difficult to eliminate American Apartheid without revolutionary protect.

## 2.2. Civil rights manifestations

The American political system has exclude Blacks for too long From cultural, political and economic gains in USA. Despite their apparent helplessness, Blacks were not passive and the reacted in various ways. They founded schools, edited newspapers,

strengthened their churches, and organized business to fight for equals rights. In Jim Crow, Africans-Americans were not provided the same facilities as their European-American neighbors. Sometime this segregation took the form of totally separate facilities, as was typically the case with public waiting rooms, bathrooms, schools, and water fountains. But in the case of public transportation, separate trains and buses were not provided, but space on them was segregated by race. On the city buses of Montgomery, as elsewhere in the South, blacks were required to sit in the back of the back of the bus. If whites filled the seats at the front of the bus, black passengers were expected to give up their seats to furnish more seating for white riders. To make matters worse, if one white was in need of a seat, all black passengers in the row had to get up and make way.

Rosa Parks, secretary of the local chapter of the National Association for the Advancement of Colored People (NAACP), was returning from work on the evening of December 1, 1955. She was sitting in a row at the section reserved for blacks. When additional white riders boarded the bus, she and three other black passengers in her row were asked to get up and move to the rear. The others did as requested. Rosa Parks refused. Mrs. Parks was arrested. She was quickly bailed out, but the NAACP and local ministers decided to call for a one-day boycott of the day of her trial. The initial boycott was successful, and group leaders chose to continue the boycott.

Meanwhile, Rosa Parks' case went through the courts, ending up with a Supreme Court decision handed down on Nov. 13, 1956, that ruled intrastate bus segregation unconstitutional. The advent of Rosa Parks gave a new dynamism to black fight. In response to her arrest, the Montgomery black community launches a bus boycott, which will last more than a year, until the buses are desegregated in December 1956. It demonstrated the unity and determination of black residents and inspiring blacks elsewhere. Therefore, Blacks started revolting and refusing to follow white American pre-established laws. They disobeyed and demanded for equal citizenship for all. It mainly focused on civil right issues; that is why it is called Civil Right Movement. Traditional institutional mechanisms, challenging an unfair practice in the courts, were the way through which bus segregation became illegal. This would have been an important victory in itself. But the impact was much larger than the legal case could have achieved. In the course of the boycott, a movement was born. Civil-rights leaders gained experience and credibility. Masses of people discovered that they had the power to undermine centuries of oppression.

Thus, Organized Associations were formed to face and find solutions to Blacks' problems. It is the case of the N.A.A.C.P and U.N.I.A., which used legal approach to denounce the prevailing American racism. Resistance to racial segregation and discrimination with strategies such as civil disobedience, nonviolent resistance, marches, protests, boycotts, "freedom rides," and rallies received national attention. There were also continuing efforts to legally challenge segregation through the courts.

As newly elected president of the Montgomery Improvement Association (MIA), Reverend Martin Luther King, Jr., is instrumental in leading the boycott. He understood the larger significance of the boycott and quickly realized that nonviolent tactics used by the Indian nationalist Mahatma Gandhi could be used by southern black. Indeed, it led Martin Luther King to take

effective actions against White racism: boycott, public demonstrations and marches. Although Parks and King were members of the NAACP, the Montgomery movement led to the creation in 1957 of a new regional organization, Southern Christian Leadership Conference (SCLC) established by Rev. King, Charles K. Steele, and Fred L. Shuttlesworth with King as its president. The SCLC becomes a major force in organizing the civil rights movement. All his actions were pacific and of non-violence. Indeed, four black students from North Carolina Agricultural and Technical College begin a sit-in at a segregated Woolworth's lunch counter at Greensboro, N.C in 1960. Although they are refused service, they are allowed to stay counter. The event triggers many similar nonviolent protests throughout the South.

Therefore, the Congress of Racial Equality (CORE) begins sending student volunteers on bus trips to test implementation of new laws prohibiting segregation in interstate travel facilities. One of the first two groups of "freedom riders," as they are called encounters its first problem two weeks later, when a mob in Alabama sets the riders' bus on fire. The program continues, and by the summer 1, 000 volunteers, black and white, have participated. A galvanizing event in the fight end discrimination was the "March on Washington," organized by African-American leaders to preach a message of unity and call attention to the need to pass formal civil rights legislation. The peaceful march on August 28, whites took part as well. Although the march came off without incident, many Washingtonians feared the enormous congregation of blacks and federal troops dispersed throughout the crowd and the greater metro area surrounding the nation's capital. Blacks and federal a march to Montgomery in support of voting rights but are stopped at the Pettus Bridge by a police blockade. Fifty marchers are hospitalized after police used tear-gas, whips, and clubs against them. The incident is dubbed "Bloody Sunday" by the media. Its highlight was the famous "I Have a Dream" speech of Dr. Martin Luther King Jr. His speech proved that the civil rights movement had a solid foundation in spirituality and justice and that it would never turn back, regardless of the tactics used against it.

By the late 1960s, organizations such as the N.A.A.C.P, S.C.L.C faced increasingly strong challenges from new militant organizations, such as the Black Panther party. The Panther's strategy of "picking up the gun" reflected the sentiment of many inner-city blacks. A series of major riots, rebellion's, erupted during the last half of the 1960 century. Often influenced by the Black Nationalism of Elijah Muhammad and Malcolm X, founder of the Nation of Islam in 1964 and pan African leaders, proponent of black liberation saw civil rights reforms as insufficient because they did not address the problems faced by millions of poor blacks and because African American citizenship was derived ultimately from the involuntary circumstances of enslavement.

In addition, proponents of racial liberation often saw the African American freedom struggle in international terms, as a movement for human right and national self-determination for all peoples. On February 1960 four freshmen at North Carolina Agricultural and Technical College began a wave of student sit-ins designed to end segregation at southern lunch counters. This protest spread rapidly throughout the south and lead to the founding, in April 1960, of the Student Non-Violent Coordinating Committee (SNCC). This student-led group, even more aggressive in its use

of non-violent direct action tactics than King's SCLC, stressed the development of autonomous local movement in contrast to SCLC's strategy of using local campaigns to achieve national civil rights reforms.

However, the most significant developments resulted from the actions of ordinary individuals, chiefly student. In February 1960 four black students in Greensboro, North Carolina, sat down at a segregated lunch counter and refused to leave when they were denied service. Their "sit-in, a tiny defiance in itself, sparked a national movement. By late 1961, over 70000 persons had participated in sit-ins and over a 100 lunch counters had been desegregated.

Blacks' militant actions went beyond the civil rights demands. Obviously as white government couldn't accept this revolution; it began taking political actions against it. Though the government tried sometimes to integrate some black reformist elite into the American system (thanks to the civil rights laws) it mostly tried to suppress black rebellions by killing them or imprisoning them. Severe government repression, the assassinations of Malcolm X and Martin Luther King, and the intended infighting within the black militant community caused a decline in protest activity after the 1960 century. The African American freedom struggle nevertheless left a permanent mark on American society. Will the civil rights organizations effectively be able to harness the political potential and thus help the black masses in the ghetto to secure them the power with which to compel society to provide them with the adequate employment, education and housing?

### **3. Contemporary dimensions of the issues from the standpoint of political maturity and cultural consciousness for the Black American identity.**

#### **3.1. Achievement and legacies of civil rights movements**

Originally, civil rights programs were enacted to help African American's become full citizens of the United States. The Thirteenth Amendment to the Constitution made slavery illegal; The Fourteenth Amendment guarantees equal protection under the law; The Fifteenth Amendment forbids racial discrimination in access to voting. The 1866 Civil Rights Act guarantees every citizen the same right to make and enforce contracts. If in 1896, the Supreme Court's decision in Plessey v. Ferguson upheld a "separate, but equal" doctrine that proved to be anything but equal for African Americans, the decision marked the end of the post-Civil War reconstruction era as Jim Crow laws spread across the south. Indeed, success crowned African American efforts: the Brown decision in 1954, the Civil Rights Act of 1964, and the Voting rights Act of 1965 which helped bring about the demise of the entangling web of legislation that bound black to second class citizenship.

In Brown v. the Board of Education, the legal question was whether the court was right in 1896 when it ruled that segregation of the races met the 14<sup>th</sup> Amendment's demand for equal protection under the law. In the early 1950's, racial segregation in public schools was the norm across America. Although all the schools in a given district were supposed to be equal, most black school were far inferior to their white counterparts.

In fact, Brown v. Board received its name from the lawsuit brought by the parents of eight-year-old Linda Brown, who had to travel a great distance to attend grade school. Thus, In Topeka, Kansas, the black third-grader Linda Brown had to walk one mile through a railroad switchyard to get to her black elementary

school, even though a white elementary school was only seven blocks away. Linda's father, Oliver Brown, tried to enroll her in the Topeka's branch of the National Association for the Advancement of Colored People (NAACP) and asked for help. The NAACP was eager to assist the Browns, as it had long wanted to challenge segregation in public schools. Other black parents joined Brown, and, in 1951, the NAACP requested injunction that would forbid the segregation of Topeka's public schools. The U.S. District Court for the District of Kansas heard Brown case in June 26, 1951. At the trial, the NAACP argues that segregated schools sent the message to black children that they were inferior to whites; therefore, the schools were inherently unequal.

The Board of Education's defense was that, because segregation in Topeka and elsewhere pervaded many other aspects of life, segregated schools simply prepared black children for the segregation they would face during adulthood. The board also argued that segregated schools were not necessarily harmful to black children. The precedent of *Plessy v. Ferguson* allowed separate but equal school systems for blacks and whites, and no Supreme Court ruling had overturned *Plessy* yet. Because of the *Plessy*, the court felt "compelled" to rule in favor of the Board of Education. Brown and the NAACP appealed to the Supreme Court in 1951 and their case was combined with other cases that challenged school segregation in South Carolina, Virginia, and Delaware. The Supreme Court heard the case in 1952, but failed to reach a decision. On May 17, 1954, the U.S. Supreme Court ruled unanimously that racial segregation in public violated the Fourteenth Amendment of the Constitution, which says that no state may deny equal protection of the laws to any person within its jurisdiction. The 1954 decision declared that separate educational facilities were inherently unequal.

Following a series of Supreme Court cases argued between 1938 and 1950 that chipped away at legalized segregation, *Brown v. Board of Education of Topeka* reserved an early Supreme Court ruling (*Plessy v. Ferguson* 1896) that permitted "separate but equal" public facilities. The 1954 decision was limited to the public schools, but it was believed to imply that segregation was not permissible in other public facilities. The key phrase in the ruling delivered by Chief Justice Earl Warren was as follow:

Segregation between white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law, for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them to some of the benefits they would receive in a racially integrated school system. ... We conclude that, in the field of public educational, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

"*Brown vs. Board of Education*" was not so much about getting to go to school with white student, but having the same opportunities as them. The African American communities did everything in their power to improve their schools and provide their students with the best education possible, but there came a point when it became necessary to integrate the schools in order to provide their children with an equal education. The Supreme Court struck down the "separate but equal" doctrine of *Plessy*

for public education, ruled in favor of the plaintiffs, required the desegregation of schools across America. Therefore, the NAACP aided parents who petitioned school boards to admit their children to all-white schools. However, the Supreme Court's *Brown v. Board of Education* decision did not abolish segregation in other public areas, such as restaurants and restroom, nor did it require desegregation of public schools by a specific time. It did, however, declare the permissive or mandatory segregation that existed in 21 states unconstitutional. It was a giant step towards complete desegregation of public schools.

In Arkansas in 1956, Governor Oral Faubus used the States National Guard to prevent nine African American students from entering Little Rock Central High School, as ordered a federal court. President Eisenhower the intervened. While the President did not actively support desegregation and had reservations about the *Brown* decision, he understood his constitutional responsibility to uphold the federal authority. Eisenhower ordered federal troops to stand guard in Little Rock and protect black students as they walked to school. He therefore became the first President since reconstruction to use federal troops to protect the rights of African Americans. Ten years after the case, only one percent of black students in the South went to all white schools. The *Brown v. Board* helped change America forever. Dating from just after the Civil War, a series of constitutional amendment were passed to protect African Americans. Without enforcement by the federal government, however, African Americans, especially those in South, were gradually denied almost every rights of citizenship.

The 1965 Voting Rights Act created a significant change in the status of African Americans throughout the South. Congress passes the Voting Rights Act of 1965, marking it easier from southern blacks to register to vote. The Voting Rights Act prohibited the states from using literacy tests, interpreting the Constitution, and other methods of excluding African Americans from voting. Thus, literacy tests and other such requirements that tended to restrict black voting become illegal. Prior to this, only an estimated, twenty-three percent of voting-age blacks were registered nationally, but by 1969 the number had jumped to sixty-one percent. In the Southern states, the number was more dramatic. During this same period Mississippi, for example, African Americans registration jumped from 6.7 to 66.5 percent. This increase in registration led to the election of African Americans to federal, state, and local offices. The twentieth century brought passage of the weak Civil Rights Act of 1957, the more forceful Civil Rights Act of 1964, and the Voting Rights Act of 1965. The Civil Rights Act of 1968, Title VIII, was also known as The Fair Housing Act. Together this act reinstated and reinvigorated the African Americans rights to full citizenship.

### 3.2. Affirmative Action Policy

Historically, America has lived by the belief that education can transform and vitalize the lives of its people and further the nation's economic and political progress. Since its formation, The U.S. Commission on Civil Rights has worked to fulfill the promise of providing all Americans with access to educational opportunities. Indeed, the birth of the commission followed on the heels of the landmark 1954 U.S. Supreme Court decision, *Brown v. Board of Education*, which pronounced that where education is provided, it must be provided equally to all, regardless of race.

Andrew Hacker, in *Two Nations*, thought that the actual term affirmative action was originally coined by the Kennedy Administration (1961-1963), which directed U.S Government contractors to take positive steps to have a racially representative workforce. It referred to an equal opportunity policy designed to improve integration in federally financed work projects. In an eloquent speech to the graduating class to Howard University, President Johnson frames the concept underlying affirmation action, asserting that civil rights laws alone are not enough to remedy discrimination.

You do not wipe away the scars of centuries by saying, 'now, you are free to go where you want, do as you desire, and choose the leaders you please'. You do not take a man who for years has been hobbled by chains, liberate him bring him to the starting line of a race, saying, 'you are free to complete with all the others', and still justly believe you have been completely fair... This is the next and more profound stage of the battle for civil rights. We seek not just freedom but opportunity; not just legal equity but human ability; not just equality as a right and a theory, but equality as a fact as a result <sup>[10]</sup>.

The policy was indeed introduced in 1965 by President Johnson as a method of redressing discrimination that had persisted in spite of civil rights laws and constitutional guarantees. The actual phrase "affirmative action" was also in President Lyndon Johnson's Executive Order which requires federal contractors to "take affirmation action ensures that applicants are employed and that employees are treated during employment, without regard to their race, creed, color or national origin <sup>[11]</sup>". In 1967, Johnson expanded the Executive Order to include affirmative action requirements to benefit women.

In other words, affirmative action was instituted to insure that applicants for positions would be judged without any consideration of their race, religion, or national origin. The Supreme Court addressed the Constitutionality of affirmative action in higher education admissions under Title VI of the Civil Rights Act of 1964 and as the Equal Protection Clause of the Fourteenth Amendment. According to Marquita Sykes, Affirmative action is: 'the set of public policies and initiatives designed to help eliminate past and present discrimination based on race, color, religion, sex, or national origin, is under attack <sup>[12]</sup>. It gives equal opportunities to women, minorities, and small groups so they will have the same tools, education, and allotment to achieve their goals. Fundamentally, affirmative action is a global term applied to any one of a number of strategies whose purpose is to promote and ultimately achieve equality of opportunity.

Focusing in particular on education and jobs, affirmation action policies required that active measures be taken to ensure that blacks and other minorities enjoyed the same opportunities for promotions, salary increases, career advancement, school admissions, scholarships, and financial aid that had been the nearly exclusive province of whites. Therefore, it is applicable to employment, education, housing, voting... In sum, to every facet

of life. Affirmative action programs have arisen as a result of executive orders, legislation, consent decrees stemming from government investigations, court-ordered remedies, and voluntary action by corporation and other non-public institutions. One of the major groups who benefit from affirmative action is that of women. Women are gaining more powerful jobs, better education, and higher wages because of it. Another group who benefit from affirmative action is minorities. They are able to gain high paying jobs based on their merit, instead of receiving low paying jobs no matter what their credentials. People should receive positions on merit instead of race or sex.

The Civil Rights Act of 1964 restated and broadened the application of this principle. Title VI declared that "No person the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance". And so several months later President Johnson issued Executive Order, which stated that:

It is the policy of Government of The United States to provide equal opportunity in federal employment for all qualified persons, to prohibit discrimination in employment because of race, creed, color or national origin, and to continuing program in each department and agency <sup>[13]</sup>

Two years later the other was amended to prohibit discrimination on the basis of sex. However, originally affirmation action faced many problems, as it far from perfect. People still view it as a form a reverse discrimination that cannot be justified by making up for discrimination of the past. The need of Affirmative Action has been the subject of increasing debate and tension in American society. The debate has been more emotional than intellectual, and has generated more tension than shed light on the issue. However, could such use of such criteria be morally justified, since the term "minority groups" was referred to Negroes, American Indians, Orientals, and Spanish surnamed Americans? That is the key question in a debate that has continued for more two decades. Thus, the debate over the efficiency of this race-conscious admission policy or a preferential treatment is still stirring in the courts and academic institutions.

#### 4. Discussion

When discussing social movements, establishing start and stop dates is often an arbitrary exercise. So it was difficult to pin down to a specific start and stop date because of the nature of its beginning in far flung, grassroots activities which were often unrelated. Nevertheless, to locate this identity in history we keep 1865 as the beginning point which is catalyzed into action by the emancipation proclamation. This search of their identity has generate many revolts, especially during the first World War I (1915) when they were recognized full American citizens to fight against the aggressors. For World War I and World War II to be gained, Blacks were more considered and this change of their mind opened the way for Civil Right era of the 1960'S. This

<sup>10</sup> President Johnson speech in June 4, 1965 at Howard University

<sup>11</sup> Executive Order 11246 enforces affirmative action for the first time in September 24, 1965

<sup>12</sup> See the National Organization for Women (N.O.W) Times of August 1995 related to : the origin of Affirmative Action

<sup>13</sup> Op. Cit, President Lyndon Johnson's Executive Order

dualism made their assimilation difficult and raised the problem of color line and racism from the white Americans. And for those reasons, many laws, customs, acts, systems, have been adopted and shifted with time being.

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