

GIVE ME LIBERTY!

AN AMERICAN HISTORY

SEAGULL FIFTH EDITION

Volume 2: From 1865

★ ERIC FONER ★



W · W · NORTON & COMPANY
NEW YORK · LONDON



A poetry meeting at a Beat coffeehouse in New York City, photographed in 1959, where poets, artists, and others who rejected 1950s mainstream culture gathered.

known when San Francisco police in 1956 confiscated his book and arrested bookstore owners for selling an obscene work. (A judge later overturned the ban on the grounds that *Howl* possessed redeeming social value.) Rejecting the work ethic, the “desperate materialism” of the suburban middle class, and the militarization of American life by the Cold War, the Beats celebrated impulsive action, immediate pleasure (often enhanced by drugs), and sexual experimentation. Despite Cold War slogans, they insisted, personal and political repression, not freedom, were the hallmarks of American society.

THE FREEDOM MOVEMENT

Not until the 1960s would young white rebels find their cause, as the seeds of dissent planted by the social critics and Beats flowered in an outpouring of political activism, new attitudes toward sexuality, and a full-fledged generational rebellion. A more immediate challenge to the complacency of the 1950s arose from the twentieth century’s greatest citizens’ movement—the black struggle for equality.

Origins of the Movement

Today, with the birthday of Martin Luther King Jr. a national holiday and the struggles of Montgomery, Little Rock, Birmingham, and Selma celebrated as heroic episodes in the history of freedom, it is easy to forget that at the time, the civil rights revolution came as a great surprise. Looking back, its causes seem clear: the destabilization of the racial system during World War II; the mass migration out of the segregated South that made black voters an increasingly important part of the Democratic Party coalition; and the Cold War and rise of independent states in the Third World, both of which made the gap between America’s rhetoric and its racial reality an international embarrassment. Yet few predicted the emergence of the southern mass movement for civil rights.

With blacks’ traditional allies on the left decimated by McCarthyism, most union leaders unwilling to challenge racial inequalities within their own ranks, and the NAACP concentrating on court battles, new constituencies and new tactics were sorely needed. The movement found in the southern black church the organizing power for a militant, nonviolent assault on segregation.

The United States in the 1950s was still a segregated, unequal society. Half of the nation’s black families lived in poverty. Because of labor contracts that linked promotions and firings to seniority, non-white workers, who had joined the industrial labor force later than whites, lost their jobs first in times of economic downturn. In the South, evidence of Jim Crow abounded—in separate public institutions and the signs “white” and “colored” at entrances to buildings, train carriages, drinking fountains, restrooms, and the like. In the North and West, the law did not require segregation, but custom barred blacks from many colleges, hotels, and restaurants, and from most suburban housing. Las Vegas, Nevada, for example, was as strictly segregated as any southern city. Hotels and casinos did not admit blacks except in the most menial jobs. Lena Horne, Sammy Davis Jr., Louis Armstrong, and other black entertainers played the hotel casinos on the “strip” but could not stay as guests where they performed.

In 1950, seventeen southern and border states and Washington, D.C., had laws requiring the racial segregation of public schools, and several others permitted local districts to impose it. Around 40 percent of the nation’s 28 million schoolchildren studied in legally segregated schools, and millions more attended classes in northern communities where housing patterns and school district lines created de facto segregation—separation in fact if not in law. Few white Americans felt any urgency about confronting racial inequality. “Segregation,” the white writer John Egerton later recalled, “didn’t restrict me in any way, so it was easy to accept things the way they were, to take my freedom for granted and not worry about anyone else’s.”

*From Martin Luther King Jr.,
Speech at Montgomery, Alabama (December 5, 1955)*

On the evening of Rosa Parks's arrest for refusing to give up her seat on a Montgomery bus to a white passenger, a mass rally of local African-Americans decided to boycott city buses in protest. In his speech to the gathering, the young Baptist minister Martin Luther King Jr. invoked Christian and American ideals of justice and democracy—themes he would strike again and again during his career as the leading national symbol of the civil rights struggle.

We are here this evening . . . because first and foremost we are American citizens, and we are determined to apply our citizenship to the fullness of its means. We are here also because of our love for democracy. . . . Just the other day . . . one of the finest citizens in Montgomery—not one of the finest Negro citizens but one of the finest citizens in Montgomery—was taken from a bus and carried to jail and arrested because she refused to give her seat to a white person. . . .

Mrs. Rosa Parks is a fine person. And since it had to happen I'm happy that it happened to a person like Mrs. Parks, for nobody can doubt the boundless outreach of her integrity! Nobody can doubt the height of her character, nobody can doubt that depth of her Christian commitment and devotion to the teachings of Jesus. And I'm happy since it had to happen, it happened to a person that nobody can call a disturbing factor in the community. Mrs. Parks is a fine Christian person, unassuming, and yet there is integrity and character there. And just because she refused to get up, she was arrested.

I want to say, that we are not here advocating violence. We have never done that. . . . We believe in the teachings of Jesus. The only weapon that we have in our hands this evening is the weapon of protest. . . . There will be no white persons pulled out of their homes and taken out to some distant road and lynched. . . .

We are not wrong in what we are doing. If we are wrong, then the Supreme Court of this nation is wrong. If we are wrong, the Constitution of the United States is wrong. If we are wrong, God Almighty is wrong. . . . If we are wrong, justice is a lie. . . .

We, the disinherited of this land, we who have been oppressed so long, are tired of going through the long night of captivity. And now we are reaching out for the daybreak of freedom and justice and equality. . . . Right here in Montgomery when the history books are written in the future, somebody will have to say, "There lived a race of people, a black people, . . . a people who had the moral courage to stand up for their rights. And thereby they injected a new meaning into the veins of history and of civilization."

From The Southern Manifesto (1956)

Drawn up early in 1956 and signed by 96 southern members of the Senate and House of Representatives, the Southern Manifesto repudiated the Supreme Court decision in *Brown v. Board of Education* and offered support to the campaign of resistance in the South.

The unwarranted decision of the Supreme Court in the public school cases is now bearing the fruit always produced when men substitute naked power for established law. . . .

We regard the decisions of the Supreme Court in the school cases as a clear abuse of judicial power. It climaxes a trend in the Federal Judiciary undertaking to legislate, in derogation [violation] of the authority of Congress, and to encroach upon the reserved rights of the States and the people.

The original Constitution does not mention education. Neither does the 14th Amendment nor any other amendment. The debates preceding the submission of the 14th Amendment clearly show that there was no intent that it should affect the system of education maintained by the States.

In the case of *Plessy v. Ferguson* in 1896 the Supreme Court expressly declared that under the 14th Amendment no person was denied any of his rights if the States provided separate but equal facilities. This decision . . . restated time and again, became a part of the life of the people of many of the States and confirmed their habits, traditions, and way of life. It is founded on elemental humanity and commonsense, for parents should not be deprived by Government of the right to direct the lives and education of their own children.

Though there has been no constitutional amendment or act of Congress changing this established legal principle almost a century old, the Supreme Court of the United States, with no legal basis for such action, undertook to exercise their naked judicial power and substituted their personal political and social ideas for the established law of the land.

This unwarranted exercise of power by the Court, contrary to the Constitution, is creating chaos and confusion in the States principally affected. It is destroying the amicable relations between the white and Negro races that have been created through 90 years of patient effort by the good people of both races. It has planted hatred and suspicion where there has been heretofore friendship and understanding.

With the gravest concern for the explosive and dangerous condition created by this decision and inflamed by outside meddlers: . . . we commend the motives of those States which have declared the intention to resist forced integration by any lawful means. . . .

QUESTIONS

1. How do religious convictions shape King's definition of freedom?
2. Why does the Southern Manifesto claim that the Supreme Court decision is a threat to constitutional government?
3. How do these documents illustrate contrasting understandings of freedom in the wake of the civil rights movement?

The Legal Assault on Segregation

With Truman's civil rights initiative having faded and the Eisenhower administration reluctant to address the issue, it fell to the courts to confront the problem of racial segregation. In the Southwest, the League of United Latin American Citizens (LULAC), the equivalent of the NAACP, challenged restrictive housing, employment discrimination, and the segregation of Latino students. It won an important victory in 1946 in the case of *Mendez v. Westminster*, when a federal court ordered the schools of Orange County desegregated. In response, the state legislature repealed all school laws requiring racial segregation. The governor who signed the measure, Earl Warren, had presided over the internment of Japanese-Americans during World War II as the state's attorney general. After the war, he became convinced that racial inequality had no place in American life. When Chief Justice Fred Vinson died in 1953, Eisenhower appointed Earl Warren to replace him. Warren would play the key role in deciding *Brown v. Board of Education*, the momentous case that outlawed school segregation.

For years, the NAACP, under the leadership of attorneys Charles Hamilton Houston and Thurgood Marshall, had pressed legal challenges to the "separate but equal" doctrine laid down by the Court in 1896 in *Plessy v. Ferguson* (see Chapter 17). At first, the NAACP sought to gain admission to white institutions of higher learning for which no black equivalent existed. In 1938, the Supreme Court ordered the University of Missouri Law School to admit Lloyd Gaines, a black student, because the state had no such school for blacks. Missouri responded by setting up a segregated law school, satisfying the courts. But in 1950, the Supreme Court unanimously ordered Heman Sweatt admitted to the University of Texas Law School even though the state had established a "school" for him in a basement containing three classrooms and no library. There was no way, the Court declared, that this hastily constructed law school could be "equal" to the prestigious all-white institution.

The Brown Case

Marshall now launched a frontal assault on segregation itself. He brought the NAACP's support to local cases that had arisen when black parents challenged unfair school policies. To do so required remarkable courage. In Clarendon County, South Carolina, Levi Pearson, a black farmer who brought a lawsuit on behalf of his children, saw his house burned to the ground. The Clarendon case attacked not segregation itself but the unequal funding of schools. The local school board spent \$179 per white child and \$43 per black, and unlike white pupils, black children attended class in buildings with no running water

or indoor toilets and were not provided with buses to transport them to classes. Five such cases from four states and the District of Columbia were combined in a single appeal that reached the Supreme Court late in 1952.

When cases are united, they are listed alphabetically and the first case gives the entire decision its name. In this instance, the first case arose from a state outside the old Confederacy. Oliver Brown went to court because his daughter, a third grader, was forced to walk across dangerous railroad tracks each morning rather than being allowed to attend a nearby school restricted to whites. His lawsuit became *Brown v. Board of Education of Topeka, Kansas*.

Thurgood Marshall decided that the time had come to attack not the unfair applications of the "separate but equal" principle but the doctrine itself. Even with the same funding and facilities, he insisted, segregation was inherently unequal since it stigmatized one group of citizens as unfit to associate with others. Drawing on studies by New York psychologists Kenneth and Mamie Clark, Marshall argued that segregation did lifelong damage to black children, undermining their self-esteem. In its legal brief, the Eisenhower administration did not directly support Marshall's position, but it urged the justices to consider "the problem of racial discrimination . . . in the context of the present world struggle between freedom and tyranny." Other peoples, it noted, "cannot understand how such a practice can exist in a country which professes to be a staunch supporter of freedom, justice, and democracy."

The new chief justice, Earl Warren, managed to create unanimity on a divided Court, some of whose members disliked segregation but feared that a decision to outlaw it would spark widespread violence. On May 17, 1954, Warren himself read aloud the decision, only eleven pages long. Segregation in public education, he concluded, violated the equal protection of the laws guaranteed by the Fourteenth Amendment. "In the field of education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

The black press hailed the *Brown* decision as a "second Emancipation Proclamation." And like its predecessor it was in many ways a limited document. The decision did not address segregation in institutions other than public schools or ban all racial classifications in the law, such as statutes prohibiting interracial marriage. It did not address the de facto school segregation of the North, which rested on housing patterns rather than state law. It did not order immediate implementation but instead called for hearings as to how segregated schooling should be dismantled. But *Brown* marked the emergence of the "Warren Court" as an active agent of social change. And it inspired a wave of optimism that discrimination would soon disappear. "What a wonderful world of possibilities are unfolded for the children," wrote the black novelist Ralph Ellison.

The Montgomery Bus Boycott

Brown did not cause the modern civil rights movement, which, as noted in the previous two chapters, began during World War II and continued in cities like New York after the war. But the decision did ensure that when the movement resumed after waning in the early 1950s, it would have the backing of the federal courts. Mass action against Jim Crow soon reappeared. On December 1, 1955, Rosa Parks, a black tailor's assistant who had just completed her day's work in a Montgomery, Alabama, department store, refused to surrender her seat on a city bus to a white rider, as required by local law. Parks's arrest sparked a yearlong **Montgomery bus boycott**, the beginning of the mass phase of the civil rights movement in the South. Within a decade, the civil rights revolution had overturned the structure of legal segregation and regained the right to vote for black southerners. In 2000, *Time* magazine named Rosa Parks one of the 100 most significant persons of the twentieth century.

Parks is widely remembered today as a "seamstress with tired feet," a symbol of ordinary blacks' determination to resist the daily injustices and indignities of the Jim Crow South. In fact, her life makes clear that the civil rights revolution built on earlier struggles. Parks was a veteran of black politics. During the 1930s, she took part in meetings protesting the conviction of the Scottsboro Boys. She served for many years as secretary to E. D. Nixon, the local leader of the NAACP. In 1943, she tried to register to vote, only to be turned away because she supposedly failed a literacy test. After two more attempts, Parks succeeded in becoming one of the few blacks in Montgomery able to cast a ballot. In 1954, she attended a training session for political activists at the Highlander School in Tennessee, a meeting ground for labor and civil rights radicals.

For years, civil rights activists in Montgomery had been strategizing over how best to confront the city ordinance that required bus segregation. An earlier challenge had been abandoned because the person who refused to move was an unmarried pregnant teenager. The dignified, accomplished Parks was the ideal person to become a symbol of the fight. The date may have been chosen because an all-white jury in Mississippi had just acquitted the murderers of Emmett Till, a black teenager who had allegedly whistled at a white woman. Till's murder and the judicial outcome shocked the nation. When his body was returned to Chicago, his parents insisted that the casket remain open at the funeral, so people could see his severely bruised and disfigured body—dramatic witness to why the racial status quo desperately needed to change.

Jo Ann Robinson, a professor at the all-black Alabama State University, had been calling for a boycott of public transportation since 1954. When news of Parks's arrest spread, hundreds of blacks gathered in a local church

and vowed to refuse to ride the buses until accorded equal treatment. For 381 days, despite legal harassment and occasional violence, black maids, janitors, teachers, and students walked to their destinations or rode an informal network of taxis. Finally, in November 1956, the Supreme Court ruled segregation in public transportation unconstitutional. The boycott ended in triumph.

The Daybreak of Freedom

The Montgomery bus boycott marked a turning point in postwar American history. It launched the movement for racial justice as a nonviolent crusade based in the black churches of the South. It gained the support of northern liberals and focused unprecedented and unwelcome international attention on the country's racial policies. And it marked the emergence of twenty-six-year-old Martin Luther King Jr., who had recently arrived in Montgomery to become pastor of a Baptist church, as the movement's national symbol. On the night of the first protest meeting, King's call to action electrified the audience: "We, the disinherited of this land, we who have been oppressed so long, are tired of going through the long night of captivity. And now we are reaching out for the daybreak of freedom and justice and equality."

From the beginning, the language of freedom pervaded the black movement. It resonated in the speeches of civil rights leaders and in the hand-lettered placards of the struggle's foot soldiers. On the day of Rosa Parks's court appearance in December 1955, even before the bus boycott had officially been announced, a torn piece of cardboard appeared on a bus shelter in Montgomery's Court Square, advising passengers: "Don't ride the buses today. Don't ride it for freedom." During the summer of 1964, when civil rights activists established "freedom schools" for black children across Mississippi, lessons began with students being asked to define the word. Some gave specific answers ("going to public libraries"), some more abstract ("standing up for your rights"). Some insisted that freedom meant legal equality, others saw it as liberation



The mug shot of Rosa Parks taken in December 1955 at a Montgomery, Alabama, police station after she was arrested for refusing to give up her seat on a city bus to a white passenger.

from years of deference to and fear of whites. "Freedom of the mind," wrote one, was the greatest freedom of all.

For adults as well, freedom had many meanings. It meant enjoying the political rights and economic opportunities taken for granted by whites. It required eradicating historic wrongs such as segregation, disenfranchisement, confinement to low-wage jobs, and the ever-present threat of violence. It meant the right to be served at lunch counters and downtown department stores, central locations in the consumer culture, and to be addressed as "Mr.," "Miss," and "Mrs.," rather than "boy" and "auntie."

The Leadership of King

In King's soaring oratory, the protesters' understandings of freedom fused into a coherent whole. For the title of his first book, relating the boycott's history, King chose the title *Stride Toward Freedom*. His most celebrated oration, the "I Have a Dream" speech of 1963, began by invoking the unfulfilled promise of emancipation ("one hundred years later, the Negro still is not free") and closed with a cry borrowed from a black spiritual: "Free at last! Free at last! Thank God Almighty, we are free at last!"

A master at appealing to the deep sense of injustice among blacks and to the conscience of white America, King presented the case for black rights in a vocabulary that merged the black experience with that of the nation. Having studied the writings on peaceful civil disobedience of Henry David Thoreau and Mohandas (Mahatma) Gandhi, as well as the nonviolent protests the Congress of Racial Equality had organized in the 1940s, King outlined a philosophy of struggle in which evil must be met with good, hate with Christian love, and violence with peaceful demands for change. "There will be no white persons pulled out of their homes and taken out to some distant road and lynched," he declared in his speech at the launching of the Montgomery bus boycott.

Echoing Christian themes derived from his training in the black church, King's speeches resonated deeply in both black communities and the broader culture. He repeatedly invoked the Bible to preach justice and forgiveness. Like Frederick Douglass before him, King appealed to white America by stressing the protesters' love of country and devotion to national values. The "daybreak of freedom," King made clear, meant a new dawn for the whole of American society. And like W. E. B. Du Bois, he linked the American "color line" with the degradation of non-white peoples overseas. "The great struggle of the Twentieth Century," he declared in a 1956 sermon, "has been between the exploited masses questing for freedom and the colonial powers seeking to maintain their domination." If Africa was gaining its freedom, he asked, why must black America lag behind?

Massive Resistance

Buoyed by success in Montgomery, King in 1956 took the lead in forming the **Southern Christian Leadership Conference**, a coalition of black ministers and civil rights activists, to press for desegregation. But despite the movement's success in popular mobilization, the fact that Montgomery's city fathers agreed to the boycott's demands only after a Supreme Court ruling indicated that without national backing, local action might not be enough to overturn Jim Crow. The white South's refusal to accept the *Brown* decision reinforced the conviction that black citizens could not gain their constitutional rights without Washington's intervention. This was not immediately forthcoming. When the Supreme Court finally issued its implementation ruling in 1955, the justices declared that desegregation should proceed "with all deliberate speed." This vague formulation unintentionally encouraged a campaign of "massive resistance" that paralyzed civil rights progress in much of the South.

In 1956, 96 of 106 southern congressmen—and every southern senator except Lyndon B. Johnson of Texas and Albert Gore and Estes Kefauver of Tennessee—signed a **Southern Manifesto**, denouncing the *Brown* decision as a "clear abuse of judicial power," and calling for resistance to "forced integration" by "any lawful means." State after state passed laws to block desegregation. Some made it illegal for the NAACP to operate within their borders. Virginia pioneered the strategy of closing any public schools ordered to desegregate and offering funds to enable white pupils, but not black, to attend private institutions. Prince Edward County, Virginia, shut its schools entirely in 1959; not until 1964 did the Supreme Court order them reopened. Many states adopted "freedom of choice" plans that allowed white students to opt out of integrated schools. As a symbol of defiance, Georgia's legislature incorporated the Confederate battle flag into its state flag in 1956, and Alabama and South Carolina soon began flying the battle flag over their state capitol buildings.

Eisenhower and Civil Rights

The federal government tried to remain aloof from the black struggle. Thanks to the efforts of Senate majority leader Lyndon B. Johnson, who hoped to win liberal support for a run for president in 1960, Congress in 1957 passed the first national civil rights law since Reconstruction. It targeted the denial of black voting rights in the South, but with weak enforcement provisions it added few voters to the rolls. President Eisenhower failed to provide moral leadership. He called for Americans to abide by the law, but he made it clear that he found the



A photograph by Gordon Parks shows a well-dressed black woman and her daughter at the "colored" entrance to a Mobile, Alabama, department store in 1956.

whole civil rights issue distasteful. He privately told aides that he disagreed with the Supreme Court's reasoning. Ike failed to act in 1956 when a federal court ordered that Autherine Lucy be admitted to the University of Alabama; a mob prevented her from registering and the board of trustees expelled her. The university remained all white into the 1960s.

In 1957, however, after Governor Orval Faubus of Arkansas used the National Guard to prevent the court-ordered integration of Little Rock's Central High School, Eisenhower dispatched federal troops to the city. In the face of a howling mob, soldiers of the 101st Airborne Division escorted

nine black children into the school. Events in Little Rock showed that in the last instance, the federal government would not allow the flagrant violation of court orders. But because of massive resistance, the pace of the movement slowed in the final years of the 1950s. When Eisenhower left office, fewer than 2 percent of black students attended desegregated schools in the states of the old Confederacy.

The World Views the United States

Ever since the beginning of the Cold War, American leaders had worried about the impact of segregation on the country's international reputation. President Truman had promoted his civil rights initiative, in part, by reminding Americans that they could not afford to "ignore what the world thinks of our record." The State Department filed a brief in the *Brown* case noting the damage segregation was doing to the country's image overseas.

Foreign nations and colonies paid close attention to the unfolding of the American civil rights movement. The global reaction to the *Brown* decision was overwhelmingly positive. "At Last! Whites and Blacks in the United States on the same school benches!" proclaimed a newspaper in Senegal, West Africa. But the slow pace of change led to criticism that embarrassed American diplomats seeking to win the loyalty of people in the non-white world. In a public forum in India, the American ambassador was peppered with questions about American race relations. Was it true that the Haitian ambassador to the United States had

to live in a black ghetto in Washington? Why did no black person hold a high public office? Of course, the Soviet Union played up American race relations as part of the global "battle for hearts and minds of men" that was a key part of the Cold War.

THE ELECTION OF 1960

Kennedy and Nixon

The presidential campaign of 1960 turned out to be one of the closest in American history. Republicans chose Vice President Richard Nixon as their candidate to succeed Eisenhower. Democrats nominated John F. Kennedy, a senator from Massachusetts and a Roman Catholic, whose father, a millionaire Irish-American businessman, had served as ambassador to Great Britain during the 1930s. Kennedy's chief rivals for the nomination were Hubert Humphrey, leader of the party's liberal wing, and Lyndon B. Johnson of Texas, the Senate majority leader, who accepted Kennedy's offer to run for vice president.

The atmosphere of tolerance promoted by World War II had weakened traditional anti-Catholicism. But as recently as 1949, Paul Blanshard's *American Freedom and Catholic Power*, which accused the church of being anti-democratic, morally repressive, and essentially un-American, had become a national best-seller. Many Protestants remained reluctant to vote for a Catholic, fearing that Kennedy would be required to support church doctrine on controversial public issues or, in a more extreme version, take orders from the pope. Kennedy addressed the question directly. "I do not speak for my church on public matters," he insisted, and "the church does not speak for me." His defeat of Humphrey in the Democratic primary in overwhelmingly Protestant West Virginia put the issue of his religion to rest. At age forty-three, Kennedy became the youngest major-party nominee for president in the nation's history.

Both Kennedy and Nixon were ardent Cold Warriors. But Kennedy pointed to Soviet success in putting *Sputnik*, the first earth satellite, into orbit and subsequently testing the first intercontinental ballistic missile (ICBM) as evidence that the United States had lost the sense of national purpose necessary to fight the Cold War. He warned that Republicans had allowed a missile gap to develop in which the Soviets had achieved technological and military superiority over the United States. In fact, as both Kennedy and Nixon well knew, American economic and military capacity far exceeded that of the Soviets. But the charge persuaded many Americans that the time had come for new leadership. The stylishness of Kennedy's wife, Jacqueline, which stood in sharp