

LANGUAGE OF THE UNHEARD: A COMPARISON & ANALYSIS OF THE CIVIL
RIGHTS MOVEMENT AND THE SOCIAL JUSTICE REFORMS

by

Ezra A. Ernest

HONORS THESIS

Submitted to Texas State University
in partial fulfillment
of the requirements for
graduation in the Honors College
December 2020

Thesis Supervisor:

William DeSoto

Second Reader:

Dwonna Goldstone

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ABSTRACT

From 1619, when the first enslaved person from Africa was taken to the thirteen colonies under the British Empire, to 2009, when the first black man was inaugurated President of the United States and beyond, the African diaspora remains the foundation of unfolding of events in the way Blacks have been treated in America based on the policies and laws that have been passed and enforced. Blacks in America, since then, have been relinquished from the chattel form of oppression that guaranteed the hegemony of the United States. Still, treated unfairly under Jim Crow laws, they marched to equal treatment using nonviolent tactics despite facing sadistic resistance. The momentum built through the passing of the Civil Rights Act of 1964 gave way to other minority groups to go and do likewise. However, with recent unveiling of continuous reports of shootings of unarmed black men involving police and the questionable use of force demonstrated, the public has become divided on the issue of social justice reform. As the debate over reform continues to remain ongoing, it is worth interpreting the similarities and differences in culture, environment, and other factors that allowed for change in policy and legislation during the Civil Rights Era to understand why no impactful resolutions have passed as of yet.

Beginnings

The Social Justice Movement erupted on May 25, 2020 with the death of the unarmed black man, George Floyd, 46, being held down by four Minneapolis police officers with a knee upon his neck as he begs for mercy for eight minutes and forty six seconds. The death caused massive riots and protest across the United States making this incident a tipping point of similar events Blacks have had with regarding the relationships they have had with the police. There has been outcry from the Black community of other incidences of similar behaviors from peace officers, but still not enough has been done to avoid the same outcome of unarmed victims being killed by police. Even with the support of the public at large from continual protests many Black people and people of color still fear law enforcement while seemingly nothing is being done to alter the status quo. Regarding success, the Civil Rights Acts of 1964 was by far one of the greatest achievements that uplifted minority groups to equal footing of protection to their white, male peers. Though this legislation guaranteed equal protection under law it seems to have failed by those tasked with enforcing the law. Regardless, transitions in any area requires patience, pressure, and practicality. Looking to the past can reveal the answers on what must be done for the change wished to be seen to manifest.

What we know of the Civil Right Movements in the 1960s began a decade before if not earlier. American life had transitioned from the ending of World War II into the 1950s known as the period of consensus (Morris, 618). This consensus culture was attributed to the dawning of the Cold War in which critiques of the American way of life were silenced for fear of being branded a communist. The economic prosperity in America at the time after the second world war significantly increased the standard of living, especially in the middle class, which led many of the public not to be critical of much. This mentality emphasized a sense of unity in American values such as individualism, respect for private property, and the belief of equal opportunity. Though this period was considered a golden age of opportunity for blue- and white-collar workers

alike, it did not extend to Blacks. “White unions openly excluded blacks while many others discriminated covertly” (Bonilla-Silava, 25). Often, the Blacks lived segregated lives from Whites either enforced by laws or customs and did not benefit from the economic growth of that period as much as their counterparts.

Similarly, in the decade leading up to the start of the Social Justice Movement, America had pulled out of its War in the Middle East that began with a series of terrorist attacks on September 11, 2001. What had brought most Americans together in unity and patriotism regardless of their differences had now faded into the background, and ever-present racial tensions emerged to the forefront once again. It did not take long for a smoking gun to appear in the hands of George Zimmerman, the neighborhood watch, as he stood over the lifeless body of Trayvon Martin armed with a cell phone and bag of skittles that displayed the discrepancies of the law (CNN).

Brutality

The Social Justice Movements cause is centered around police brutality, particularly the shooting of unarmed black men, who are disproportionately slain at higher rates than others. These killings are then typically justified due to the fear that the officer has for his life in the line of duty. Other instances may include negligence on the officer’s part on department procedures such as in the case of Freddie Grey, or suspicious circumstances like the case of Sandra Bland. Time and time again, the ruling of these offenses have been in favor of the officers involved and the police department, or when either is found at fault, met with a punishment equivalent to a slap on the wrist. Officers are either suspended or relieved from duty but still able to find work in the same occupation elsewhere. The city is held responsible for paying the price for the fault on the police with taxpayer money. This justice system protects officers at all cost, shifting the cost to taxpayers to pay and does not do enough to deter the police from behavior that harms the public

that it is supposed to be protected by. It is not only the justice system that fails, but the law and the way that they are structured that adds on the discrepancies.

The violence faced by those during the Civil Rights Movements allowed the world to see the injustice taking place in the Jim Crow South. Lynching had long been known as a public spectacle that was used as way to enforce white supremacy and intimidate black people through racial terrorism since the end of the Civil War. According to the Equal Justice Initiative, 4,084 African Americans were lynched between 1877 and 1950 in the South. Blacks were also terrorized and killed in a variety of other ways such as being shot repeatedly, burned alive, forced to jump off a bridge, dragged behind cars, sometimes they were tortured as well beforehand. As the Civil Rights movement gained momentum, the lynching of the fourteen-year-old boy, Emmett Till, who had been accused of whistling sparked public outrage throughout the country due to the sadistic mutilation of his body. His body had been badly beaten with one of his eyes being gouged out followed by being shot in the head before being thrown into the river, weighted down by machinery. Emmett Till's mother permitted her son's funeral to be public, allowed the country to view the atrocities that were being committed in the South and rallied the black communities across the United States. However, those that had been charged with the murder were acquitted by an all-white jury.

Media

Media outlets are often entrusted by the public with the distribution of information and entertainment. However, this can be a double-edged sword if bias or agendas are introduced into the equation. Because of their accessibility to numerous viewers, they can easily dictate the narrative of any person or event and sway the perception of the public. Blacks have often been demonized and depicted as villains solidifying the stereotypes of ignorant, animalistic, and immoral. The 1915 silent epic drama film, *The Birth of a Nation*, heavily painted a negative,

oversaturated prejudice of Blacks that increased hostility from Whites so much that it revamped the Ku Klux Klan. The *This Is America* music video by Childish Gambino sheds light on the issues of race and violence that goes on today and depicts how Blacks are viewed holistically. These stereotypes of black people, however slight, can still be harmful with real life repercussions.

The innovation of technology aided in the advancement of the Civil Right Movement. Before the arrival of the television, it was radio and newspaper that viewers gained most of their information. The arrival of the television altered the narrative on issues going on at the time simply by allowing the audience to observe with their own eyes the atrocities that were plaguing the South. It is one thing to hear something has happened and another to see. Similarly, the recording features on devices such as camcorders and cellular phones revealed the abuse of power used by law enforcement. Whether it be the infamous beating of Rodney King or the shooting of Walter Scott, the public perception of policing has been altered so much so that new procedures have been enacted. Body cameras have thus far been used to increase transparency and police accountability in relations to the public.

Law

Law is the system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties and the fundamental source that brings about positive change when enforced when proper used. However, one must be careful with the passing of laws even to the most minute details. While some laws are created to oppress specific groups of people blatantly, others have a language of vagueness that allows it to be manipulated to the benefit of those that have ill intent. Such laws that have been used to oppress members of a distinct group of people would be that of Jim Crow, that were state and local laws produced to enforce racial segregation in Southern states of the

United States. It was these rigid laws that subjugated Blacks to certain norms of behavior with any deviation from them could threaten the life of an individual or their family. These laws were upheld by the Supreme Court based on the “separate but equal” doctrine that allowed segregation to flourish. Segregation had a significant effect on the economic status among Blacks severely affecting their standard of living in housing, employment, and education. Nearly every aspect of life for Blacks during this time had been marginalized by policies and institutions designed to keep the status quo intact. In hindsight, these laws be blatantly unjust which can be argued to make them easier to dismantle. However, the times have changed and the injustice blanketing the marginalized are more subtle than before.

In law all are equal but statistically this is not the case when looking at various areas of the justice system. Black men are about 2.5 times more likely to be killed by police over the life course than are white men (Edwards). This statistic can easily be divisive and interpreted that either black people are doing something wrong or police are doing something wrong. But the public needs to see police officers as protectors of society, otherwise the badge loses its symbol. Therefore, laws have been put in place to protect law enforcement at all costs when legal disputes take place, so when taken to court, officers are hardly ever prosecuted. Qualified Immunity, a concept that emerged in 1967 by the Supreme Court, prevents public officials, including police officers, from being sued for “frivolous and inconsequential actions.” This would allow officers to continue doing their duty without constant legal interference from the public and save the state and federal government an abundant amount of money. If the said official acted in good faith and believed their actions were justified under the law, they could not be sued or held liable for their actions. However, over time, qualified immunity was expanded upon in *Harlow v. Fitzgerald* stating that it could only be withheld in cases that displayed “explicit violation

of clearly established statutory or constitutional rights. This meant law enforcement officials could only be held responsible for their action if the details of their case are nearly identical to a previous case making it hard for judges to not grant qualified immunity. This is because even the smallest difference between cases could be argued as enough to grant qualified immunity. Not only that, but courts have been seen to favor police officers over civilians and officers found to have committed unlawful actions were granted qualified immunity (Reuters). The current Social Justice Movement only amplifies the call to eradicate the legal protection of police and hold them responsible for their actions. The Ending Qualified Immunity Act is a bill that has already been introduced into the House of Representative to end qualified immunity for officers that violate the civil rights of individuals and would allow police officers to face prosecution. Despite this, the prosecution of police would still be a difficult one due to the police unions that continue to lobby local and state government against reforms of passing laws that would increase transparency in regards to police brutality (NPR). Though tensions will have simmered for now the problem remains all the same until the next incident occurs. When laws fail it is up to society to change them through different means.

Protests

Action is required to pressure societal change regardless of the morality of any cause, failure to do so will do nothing in altering the status quo. There is a plethora of tactics that have been used to promote the cause among both Civil Rights & Social Justice Movements. Uniquely, activists in the 1960's used sit-ins and freedom rides to challenge the status quo of segregation while marching remained the preferred fundamental cornerstone to how protestors chose to challenge the system. The Social Justice Movement in the death of

George Floyd was able to spread on an international level with large protests occurring in other countries despite happening within an ongoing pandemic. Rioting was more likely to occur when social institutions function inadequately, or when grievances are not resolved, or cannot be resolved under the existing institutional arrangements (Lieberson, 1997), with the explosive one being when the death of an individual occurred, especially in an unjust manner. While many had been rioting due to racism, video proof and arrest showed that people associated with white supremacist were involved with the intention of provoking a race war according to the Department of Safety Commissioner, John Harrington (CNS). This demonstrates the chaos of the Social Justice Movements with groups that can be divided into several sects: those protesting and rioting against racism and police brutality, those inciting a race war, and those there to wreak havoc for its own sake. "Riots may have changed local policy support through several channels, including mobilization, a general change in ideology or political outlook, or by altering the considerations citizens use when voting" (Enos, 4). Depending on the amount of time riots last, have a significant effects on how the public perceives issues being voiced. Still, the most notable ways of showing civil disobedience by far were using protests though the Civil Rights Movement emphasized the use of a nonviolent approach. But while marching and riots have remained relatively the same in both times, boycotts have not.

Boycotts have been used to implement change in certain areas of society that disrupt the flow of money. The first large-scale demonstration against U.S. segregation was the Montgomery Bus Boycott, lasting over a year from December 5, 1955 to December 20, 1956. This boycott was born after the incident when Rosa Parks refused to give up her seat and move to the back of the bus, she was on for a white person. The boycott was extremely effective, impacting the city of Montgomery, Alabama economically as the local community worked together by using other

methods of transit such as carpooling, taxis (discounted prices), bicycling, walking, and by horse or mule. Victory was won when the Supreme Court struck down segregation on buses. Unique to the Civil Rights Movement was the use of sit-ins in which black college students would go to white-only establishments and simply sit down in a seated area. This defiance of the norms of the South was often met with hostility and brutal force to be removed from the vicinity but ultimately were successful. This led them to challenge interstate commerce in the form of Freedom Rides which proved to be extremely dangerous when traveling through the South, constantly dealing with mobs and bombs.

Noticeable boycotts throughout 2020 have been the Juneteenth boycott promoted by Black Lives Matter through social media encouraging blacks to demonstrate the power of the black dollar by not spending money on companies that supported the Social Justice Movement and to support black-owned businesses. Respectively, professional athletes boycotted as well by refusing the play in scheduled sports events because of the shooting of Jacob Blake, 29, in Kenosha, Wisconsin. The boycott lasted three days and included athletes from the National Basketball association, Women's National Basketball Association, Major League Baseball, Major League Soccer, Women's Tennis Association, National Hockey League, National Football League, and extended into college athletes in several states. Previously, athletes have often been criticized for any belief they have had outside of their occupation and received backlash from both the public and media. The boycotts that have been recently demonstrated are more symbolic, used to symbolize unity rather than leveraging

Influencers

The influence of leaders became a key aspect regarding the Civil Rights Movement. Renowned for their sacrificial fight against social injustice, these leaders were the vanguard in implementing a lasting impact on all oppressed people. Most notable was Martin Luther King Jr.

for his approach of nonviolence and civil disobedience that he adopted from Mahatma Gandhi. On the opposite end of the spectrum was Malcolm X's "by any means" approach that advocated black supremacy, black empowerment, and segregation. Both these leaders used their religious beliefs to mobilize others in the fight against injustice and tragically gave their lives in pursuit of it. The church for black communities helped spur on the movement and were pivotal in being the backbone of it. First, churches acted as a safe place that allowed blacks to congregate and express themselves freely. Accordingly, churches were used as meeting places, used as rallying points, and provided physical, emotional, and spiritual support (Calhoun-Brown). Together with the assistance of other social leaders, they orchestrated national protests throughout the United States. Of Course, both John F. Kennedy and Lyndon B. Johnson, both President of the United States during this time used their executive powers to bring about equality to people of color. Ending racial discrimination was a promise JFK had that was on his agenda by supporting racial integration, appointing blacks into office, implementing affirmative action, and proposing legislation that would be used in the Civil Rights Act of 1964. He was assassinated the year before the legislation went into effect. After the assassination of JFK, Lyndon B. Johnson continued with the work that had been initiated. Countless leaders and common folk lost their lives to have equal protection under law. Though the Civil Rights Act of 1964 did not fully end discrimination, it was a steppingstone that enabled similar legislation to pass.

In the death of Trayvon Martin and acquittal of George Zimmerman, the Black Lives Matter hashtag was created, and the organization soon followed. The decentralized organization first gained recognition in 2014 with street demonstrations during the incident in Ferguson, Missouri where clashing stories between Michael Brown, 18, and the killing of Eric Garner in New York City for the selling of loose cigarettes. The 2020 slaying of George Floyd reignited the organization and ushered in protest on a global level despite mandated quarantine in effect due to the Covid-19 pandemic. Throughout the life of the organization many activists associated with

them have been killed. With the present Social Justice Movement leadership centered around single public figures like those in the Civil Right Era is a rarity. Most notable would be Colin Kaepernick, a professional football player, who gained notoriety for kneeling during the National Anthem to bring awareness to police brutality. In a sense, he was martyred socially, allegedly being blackballed by the National Football League by not being allowed to participate and shunned in recruitment. Even President Trump opposed the NFL star's actions, condemning the athlete and the movement, but also making questionable statements regarding white supremacist. Corporations have also played a major beginning with companies like Ben & Jerry's Ice Cream and Nike who financially supported Colin Kaepernick in exchange for using him to market their brand and taking a stand alongside his message on police brutality. Though it took some time, other corporations began to take suit in the same manner. Whether those businesses were authentic in their action or merely following trends is debatable. Like corporations, social media became a place to advocate for the cause on an individual level, though critics have argued whether showing support through these platforms have any impact at all and the voices of many may be the reason why a prominent leader has not appeared to be the voice and representative of all. One can go so far and compare corporation and social media to taking the functions of the role churches played in the Civil Rights Era.

Present

To change the culture and mindset of individuals can take generations depending on how deep entrenched those institutions have cultivated those ideas and norms. In the case of America, racial policy has been woven deeply into the system that has been created since before its independence. Four hundred and one years ago the first enslaved person from Africa had stepped foot in America, followed by two hundred and forty-six years until the 13th amendment abolished slavery in some forms. Then segregation was legally allowed for another one hundred years. It is obvious the United States has been deeply entrenched to its foundation in racial ideology. But as

it has been shown, it does not have to stay that way. For all the hardships that had to be endured for the Civil Rights Acts of 1964 to pass, just like its predecessor, the Thirteenth Amendment, the work to improve the institution and eradication of this corruption must continue no matter how insignificant the issue may be. It is misleading to believe that another grand piece of legislation would be passed for the issues faced today with the justice institution because those times have passed, and the blatant behavior that called for inequality are generally frowned upon. I believe it is now the time to become more meticulous and pragmatic in existing laws that have been used to exploit others and laws coming into existence. All laws should be challenged, abolished, and created to benefit this country and the means by which the people decide to do so, whether through peaceful protests or riots, should be respected as well as criticized. That is the key to making America great in the future.

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