Unbowed, Unbroken, and Unsung: The Unrecognized Contributions of African American Women in Social Movement, Politics, and the Maintenance of Democracy

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You may write me down in history
With your bitter, twisted lies,
You may trod me in the very dirt
But still, like dust, I’ll rise.¹

INTRODUCTION

Black women have made huge contributions to American society in movements, politics, and maintenance of the democracy. However,

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black women have been relegated to footnotes, turned into memes, and largely ignored in politics and other areas of power. Notwithstanding the disrespect, disregard, and failures of the larger society to acknowledge that black women have made significant contributions, not only in the entertainment industry, but in numerous other ways that have shaped our cultural and political landscape, black women’s contributions to the larger society have been huge and impactful; yet, there are so many blank spaces where their stories should reside. There is no question that gender plays a glaring role in the collection of history, and women from every other racial category may make a similar argument. However, black women are the focus of this Essay; others are available to tell their own tales.

Slavery was a bitter and legal institution and any small act in response to its brutality can and should be viewed through the lens of resistance. Likewise, life in post-slavery America has not been a “crystal stair[case]” for black women. Although some of the incidences of resistance described below may seem inconsequential, their importance lies in the fact that Black women’s contributions to the resistance, by those small acts, is being acknowledged and is now offered as evidence that they remain unbowed and unbroken, and ultimately unrecognized.

2. Deborah Gray White says this about black enslaved women: “They were the only women in America who were sexually exploited with impunity, stripped and whipped with a lash, and worked like oxen.” DEBORAH GRAY WHITE, ARN'T I A WOMAN?: FEMALE SLAVES IN THE PLANTATION SOUTH 162 (W.W. Norton & Co. rev. ed. 1999).


4. Poet Langston Hughes wrote:
   Well, son, I'll tell you:
   Life for me ain't been no crystal stair.
   It's had tacks in it,
   And splinters,
   And boards torn up,
   And places with no carpet on the floor—
   Bare.
   But all the time
   I'se been a-climbin' on,
   And reachin' landin's,
   And turnin' corners,
   And sometimes goin' in the dark
   Where there ain't been no light.
   So boy, don't you turn back.
   Don't you set down on the steps
   'Cause you finds it's kinder hard.
   Don't you fall now—
   For I'se still goin', honey,
   I'se still climbin',
   And life for me ain't been no crystal stair.

This Essay will attempt to fill in some of those blank spaces by using history, law, poetry, and literature to explore the contributions of black women within the context of social movements, politics, and the maintenance of the democracy from capture and slavery until the present day. It will also discuss some of the theories behind why black women are unsung when they have consistently risen to the challenge of making America great. Lastly, this Essay will explore the breaking point for black women and estimate when they will become "sick and tired of being sick and tired." 

The point of this Essay is to highlight the phenomenal women who made a difference and helped to shape this country yet are buried in history. The lists of those included is not exhaustive and barely scratch the surface. It is clear that each woman represents hundreds of black women who were in the fight for equality and constantly put their lives on the line in the name of freedom.

I. A HISTORY OF BLACK WOMEN’S STRENGTH: EARLY MOVEMENTS

A. Revolts, Rebellions, and Resistance

Two strains run through black history that we might mention here—accommodation and resistance.6

On Sea

Black women have been rising to the occasion and displaying courage, determination, and persistence long before the hyphenated American was added as a descriptor of who and what they are. Capture and slavery are certainly not the starting points for the story of the glories of black women, but they are clearly points of entry for this conversation. An examination of slavery, from capture to servitude, reveals the relevant placement of men and women in the enslavement scheme. Generally, captured men were chained and held in the cargo hold of the ship, while women and children were unchained and held on the upper decks.7 The separation of men and

5. Jerry DeMuth, ‘Tired of Being Sick and Tired,’ NATION, June 1, 1964 (quoting Fannie Lou Hamer who famously said, “I’m sick and tired of being sick and tired” when giving an account of the violence that she and other blacks had encountered in trying to register to vote and to vote, once registered).


Despite the fact that slave women participated in, instigated, supplied, and even led revolts on slave ships, captains and crews continued a policy
women was done, in part, to prevent them from plotting together to revolt.\(^8\) The captors did not recognize that most would rather die than submit to slavery.\(^9\) Women, unable to communicate with the men below, used their skills and grit to upend the situation whenever the opportunity presented itself—early resistance had a name and it was “woman”:

Quite often, the success of a revolt was tied to one or more slaves who had access to the upper decks. Most commonly, this agent was a woman or a child, as women and children were generally granted more mobility on deck and around the ship than were men.

Substantially more significant than the role of children, however, was the highly important role of women in plotting and executing revolts.\(^10\)

By successfully using the very organization and routine of the trade against their captors in this way, women and children firmly established themselves as fundamentally important figures in the history of shipboard revolt helping to free thousands of captured Africans through their efforts.\(^11\)

whereby enslaved women remained unchained for the majority of the Middle Passage. This failure to chain women and keep them below decks can be partially explained by the persistent refusal of the European slave traders to take the threat of women in rebellion seriously. However, there was another reason why women were kept on deck unchained. The crew aboard slave ships wanted to maintain access to women on board.


8. *TAYLOR*, supra note 7, at 89.

9. *See Captured African Women, MIDDLE PASSAGES CEREMONIES & PORT MARKERS PROJECT* (Jan. 5, 2012), http://www.middlepassageproject.org/2012/01/05/captured-african-women [https://perma.cc/CYV7-CKV2] (“In testimony to Parliament regarding the slave trade descriptions of women’s reactions to capture and removal from their communities were the most poignant. In the *Account of Slave Trade on the Coast of Africa* (1788): A woman was dejected from the moment she came on board, and refused both food and medicine; being asked by the interpreter what she wanted, she replied, “nothing but to die,” and she did die.”); *see also TONI MORRISON, BELOVED* 148–53, 160–65 (Alfred A. Knopf 1987) (telling the story of Margaret Garner who escaped with her children from a plantation in Kentucky into the free state of Ohio only to be tracked by vigilantes; Garner kills one of her daughters because she said that she would rather see her children dead than to be returned to slavery).

10. *See, e.g., TAYLOR, supra note 7, at 88–89.

11. *Id.* at 93.
The list of revolts on ships coming through the Middle Passage is too lengthy to delineate in its entirety; however, they collectively demonstrate that the resistance to bondage has been consistent, deliberate, and ongoing, and that black women have played a major role in seeking freedom. “The fact that women played a central role in certain slave ship revolts cannot be disputed.”

On Land

“Owners of slaves almost always sought to convey the impression that their human chattel were docile, tractable, and happy,” but this was a ploy slaves used to mislead their owners. Just as it was the case onboard slave ships, there was a conscious placement of men and women on plantations. There, enslaved women were given jobs which required them to remain on the plantation with little reason to leave it and traverse the countryside, whereas men had jobs that many times required them to leave the plantation and perform tasks on neighboring sites. This positioning provided opportunities for resistance by black women, which were apparently unobvious to their owners. The intimacy established by having black enslaved women nurture children who were not their own, cook meals

12. See Armed Struggle in Africa and in the Middle Passage, SCHOMBURG CTR. FOR BLACK RES., http://abolition.nypl.org/essays/african_resistance/3 [https://perma.cc/5DAR-QW38].
13. Hall, supra note 7, at 19.
15. See id. at 159.
16. See, e.g., Hall, supra note 7, at 22.
17. See, e.g., Introduction to Colonial African American Life, COLONIAL WILLIAMSBURG FOUND., https://www.history.org/almanack/people/african/aaintro.cfm [https://perma.cc/D3LE-QF88]. This is not to in any way imply that enslaved black men were free to roam the countryside; all enslaved people were prohibited from leaving the plantation at night. See STEPHANIE M.H. CAMP, CLOSER TO FREEDOM: ENSLAVED WOMEN & EVERYDAY RESISTANCE IN THE PLANTATION SOUTH 24 (Univ. N.C. Press 2004). In fact, Virginia Slave and Indenture Laws stated:

[I]t shall not be lawfull for any negroe or other slave to carry or arme himselfe [sic] with any club, staffe, gunn [sic], sword or any other weapon of defence or offence, nor to goe [sic] or depart from of his masters ground without a certificate from his master, mistris [sic] or overseer, and such permission not to be granted but upon perticuler [sic] and necessary occasions; and every negroe or slave soe [sic] offending not having [sic] a certificate as aforesaid shalbe [sic] sent to the next constable, who is hereby enjoyned [sic] and required to give the said negroe twenty lashes on his bare back well layd [sic] on, and soe [sic] sent home to his said master, mistris [sic] or overseer.

An Act for Preventing Negroes Insurrections, 1680, 32 Car. 2 c. Act X, 2.481 (available at http://web.csulb.edu/~jlawler/Course%20DW/VirginiaSlaveLaws.htm [https://perma.cc/H2K5-8EET]).
that were not consumed by their families, and maintain homes they could never own was unquestionable. However, this intimacy did not block out the consciousness of oppression and the visceral rejection of slavery which made resistance to slavery a twenty-four-hour task:

They are deceived who flatter themselves that the ignorant and debased slave has no conception of the magnitude of his wrongs. They are deceived who imagine that he arises from his knees, with back lacerated and bleeding, cherishing only a spirit of meekness and forgiveness. A day may come—it will come, if his prayer is heard—a terrible day of vengeance when the master in his turn will cry in vain for mercy.\(^{18}\)

Angela Davis, in an article entitled *Reflections on the Black Woman's Role in the Community of Slaves*, pointed out that slavery spawned the myth of the "matriarchal black woman" as a detriment to the community.\(^{19}\) She noted that this myth has persisted, evolved, and resides in the psyche of modern-day America, stating, "Lingering beneath the notion of the black matriarch is an unspoken indictment of our female forebears as having actively assented to slavery. . . . [T]he black woman related to the slaveholding class as collaborator. Nothing could be further from the truth."\(^{20}\)

It is important to reiterate that contrary to popular folklore, enslaved people were not content and docile "creatures" eager and happy to do the bidding of the slave owner.\(^{21}\) In fact, resistance was constant and much more than single acts of sabotage; resistance was a movement, a movement led, in large part, by black women. History speaks of Denmark Vesey,\(^{22}\) Nat Turner,\(^{23}\) and others who led revolts, which are readily cited in texts.\(^{24}\) However, little or no attention is given to the women who quietly and consciously worked for generations

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18. SOLOMON NORTHUP, TWELVE YEARS A SLAVE 153 (New York, Miller, Orton & Mulligan 1853) (emphasis added).
20. Id. at 4.
21. See id. at 6 ("The magnitude and effects of the black people's defiant rejection of slavery has not yet been fully documented and illuminated. But there is more than ample evidence that they consistently refused to succumb to the all-encompassing dehumanization objectively demanded by the slave system.").
22. Denmark Vesey, after purchasing his own freedom, planned a revolt with reportedly 9,000 willing participants. See FRANKLIN & MOSS, supra note 14, at 164. However, an informant leaked the plans and the revolt was thwarted. See id.
23. Nat Turner led a revolt on August 21, 1831. See id. Sixty whites were killed before state and federal troops moved in which resulted in the deaths of more than 100 slaves. See id. at 164–65.
24. See, e.g., id. at 101–02 (explaining that the most famous and most successful revolt was the Haitian Revolution of 1804).
for freedom. A major component of resistance was consciousness, the guttural acknowledgment that a system into which one had been born and bred in was inherently unjust, immoral, and ultimately unsustainable. The practice of prohibiting literacy in slaves did not quell the desire to be free, nor did it staunch the resistance by women who were at the epicenter of the household. Women displayed small acts of courage and resistance daily. The Federal Workers’ Project documented many such tales as described below:

Was servin[g] gal fo[r] Missus. Used to have to stan[d] behin[d] her at [the] table an[d] reach her [the] salt an[d] syrup an[d] anything else she called fo[r]. Ole Marsa would spell out real fas[t] anything he [did not] want me to know [a]bout. One day Marsa was fit to be tied, he was in [such] a bad mood. Was ravin’ [a]bout [the] crops, an[d] taxes, an[d] [the] triflin’ niggers he got to feed. ‘Gonna sell ‘em, I swear fo’ Christ, [I’m] gonna sell ‘em,’ he says. [Then] ole Missus ask which ones he gonna sell an[d] tell him quick to spell it. [Then] he spell out G-A-B-E, and R-U-F-U-S. ‘Course I stood [there] without battin[g] an eye, an[d] makin[g] believe I didn’t even hear him, but I was packin[g] [them] letters up in my [head] all [the] time. An[d] [as soon as] I finished [the] dishes I rushed down to my father an[d] say ‘em to him jus[t] like Marsa say ‘em. Father say quiet-like: ‘Gabe and Rufus,’ an[d] tol[d] me to go on back to [the] house an[d] say I ain’t been out. [The] next day Gabe and Rufus was gone—[they] had run away. Marsa nearly died, got to cussin’ an[d] ravin’ so he took sick. Missus went to town an[d] tol[d] [the] sheriff, but [they] never could fin[d] [those] two slaves.

The above-stated tale of a brave and courageous young woman is illustrative of the fact that even though she could not read nor write, she instinctively knew that the lack of those abilities did not prevent her from resisting. Black bodies were the human cash crop of slavery, and black women were at the epicenter of that social order. Resistance came with a very heavy price for them. Not only were they faced with physical and sexual punishment, they were bound

25. See Struggle for Survival—Day-to-Day Resistance, in BLACK WOMEN IN WHITE AMERICA 27 (Gerda Lerner ed., Vintage Books ed. 1992) (1972) (“Slave women took part in all aspects of resistance, from slave rebellions to sabotage and passive resistance. The names of the many slave mothers who worked for years, or even decades, to buy their own freedom and that of their children have not been collected. Their stories lie buried in old newspapers and the memoirs of abolitionists. Their effort must certainly be reckoned in the struggle for survival of black people in this country.”).


27. E.g., infra note 28.

by the traditional gender roles which gave them a deeper connection to the community and family, therefore making revolting more difficult than for their male counterparts. Yet, they persisted.

There are long gaps of documented revolts and rebellions. Because there is no documentation of lesser revolts, one could erroneously conclude that there was no resistance to slavery in the years not mentioned and, when there were revolts or rebellions, enslaved women played little or no role in them. Resistance was a way of life for many and showed its face in many ways. The horrors of slavery cultivated black women's strength, resilience, and determination. This poem by Langston Hughes sums up the hopes and dreams of enslaved humans. This is what kept them going:

The sun
Is gonna go down
In Dixie
Some of these days
With such a splash
That everybody who ever knew
What yesterday was
Is gonna forget—
When that sun
Goes down in Dixie.

Resistance—Fleeing

In his book entitled, From Slavery to Freedom A History of Blacks, John Hope Franklin stated, "Every Southern community raised its annual crop of runaway slaves. Both federal and state legislation

29. See Davis, supra note 19, at 12 ("[T]hose who engaged in open battle, they were no less ruthlessly punished than slave men. It would even appear that in many cases they may have suffered penalties which were more excessive than those meted out to the men. On occasion, when men were hanged, the women were burned alive. If such practices were widespread, their logic would be clear. They would be terrorist methods designed to dissuade other black women from following the examples of their fighting sisters.").

30. See FRANKLIN & MOSS, supra note 14, at 204 ("Perhaps the most far-fetched and inaccurate characterization of slaves is that they were satisfied, even happy as slaves. If they were, then it would be difficult to explain the elaborate machinery designed to keep them in bondage.").


32. See HERBERT APTEKER, AMERICAN NEGRO SLAVE REVOLTS 162 (Int'l Publishers 6th ed. 1993) (1936) ("Observing such restrictions, the author has found records of approximately two hundred and fifty revolts and conspiracies in the history of American Negro slavery.") (footnote omitted).

33. See, e.g., infra notes 50–56.

34. HUGHES, supra note 4, at 237 (emphasis added).
aided in their recovery, but many slaves escaped forever.\textsuperscript{35} Between 1730 and 1865, approximately 200,000 fugitive slaves' ads appeared in U.S. newspapers.\textsuperscript{36} "Many thousands of slaves escaped. Those thousands more who could not did what they could with what they had."\textsuperscript{37} Although women had difficulty running away during slavery, many still tried.\textsuperscript{38} Many of these runaways did not make it to everlasting freedom, but that did not stop them from trying repeatedly.\textsuperscript{39} Note the following runaway slave advertisements:

From Virginia:

Oct. 20, 1768

RUN away from the subscriber in Chesterfield, the Wednesday before Easter last, a bright mulatto wench named JUDE, about 30 years old, is very remarkable, has lost one eye, but which I have forgot, has long black hair, a large scar on one of her elbows, and several other scars in her face, and has been subject to running away ever since she was ten years old. I have great reason to think she will pass for a free woman, and endeavour to make into South Carolina. She is very knowing about house business, can spin, weave, sew, and iron, well. She had on when she went away her winter clothing, also a blue and white striped Virginia cloth gown, a Virginia cloth copperas and white striped coat, besides others too tedious to mention. Whoever conveys the said slave to me shall be well rewarded for their trouble.\textsuperscript{40}

From Kentucky:

April 16, 1822

$50.00 REWARD

Ran away from the subscriber on the 27th of March last a negro woman named SARAH, about 6 feet high, and very slim; a very long face, with black gums, long teeth, white eyes and platted

\textsuperscript{35} FRANKLIN & MOSS, \textit{supra} note 14, at 161.


\textsuperscript{37} JULIUS LESTER, \textit{TO BE A SLAVE} 126 (Dial Press, Inc. 1968).

\textsuperscript{38} WHITE, \textit{supra} note 2, at 163 ("[E]nslaved women had a lot to pray for. Just as they had difficulty running away during slavery, women and children found it hard to accompany the men that were impressed into, or escaped to the Union army. As men left, women's work expanded and they did more 'men's work' than ever before.").

\textsuperscript{39} See, e.g., infra notes 40–42 and accompanying text.

hair. Had on a white linsey dress and took with her a red changeable silk, and black dress, also a white robe and striped gingham dress. Sarah is the biggest devil that ever lived, having poisoned a stud horse and set a stable on fire, also burnt Gen. R. Williams stable and stack yard with seven horses and other property to value of $1500. She was handcuffed and got away at Ruddles Mills on her way down the river, which is the fifth time she escaped when about to be sent out of the country. I will give the above reward for said negro if taken out of the state, $25 if taken in the state and delivered to me or lodged in jail so that I can get her. Levin Adams.41

North Carolina Advertisement:

Feb. 10, 1864

100 DOLLARS Reward

Ran away from the farm of the subscriber, near Roxboro, NC, on Friday, the 5th. inst [sic], a likely mulatto girl, named Lucy, aged 17 or 18 years, short, thick set, and when she left was neatly attired. It is presumed that she is making her way to Richmond—The above reward will be paid for her apprehension and delivery to me at the store of B. Ellison and Bro, corner of 17th and Franklin sts.

SA ELLISON42

Often, a fleeing enslaved woman took the risk knowing she would never see her family of loved ones again. Even if an attempt at freedom failed, it disrupted the narrative of the dumb black woman who was simultaneously a Mammy and a Jezebel,43 who contributed little or nothing to the society and was content to be enslaved. Professor Deborah Gray White writes how whites reacted when one of the most trusted members of the household fled:

For men whose honor and manhood ultimately depended on their ability to control women and slaves, Mammy’s leaving was just as surely as emasculating as defeat on the battlefield. More significant, even though few Black house servants had been what

41. J. WINSTON COLEMAN, JR., SLAVERY TIMES IN KENTUCKY 233 (Univ. N.C. Press 1940).
43. Compare Davis, supra note 19, at 4 (describing the stereotype of the strong, emasculating black woman who “actively assented to slavery”) and WHITE, supra note 2, at 168 (describing stereotypical Mammy) with WHITE, supra note 2, at 28–29 (describing Jezebel as the image of black women in antebellum America as oversexed and governed almost entirely by their libido).
masters and mistresses perceived them to be, many of the women had been experienced as surrogate mothers. For white men and women who had never questioned their black maid’s devotion—even maternal love—Mammy’s departure was felt as deeply as a mother’s abandonment or rejection.44

This abandonment was felt when Mammy fled during slavery, during the Civil War, and when emancipation resulted in multiple Mammies leaving the plantation, “white men and women faced a black woman they did not recognize.”45

With respect to fleeing, Harriet Tubman, a black woman, known as “Moses of her people,”46 is another icon of the freedom movement and a hero who contributed greatly to forcing America to live up to its promise of freedom and participation in the franchise. There are tales of her cleverness and courage in leading enslaved persons to freedom, and, although the origin of the Underground Railroad is somewhere in the eighteenth century and Harriet was one of many conductors, the railroad has become synonymous with her name47:

Her name deserves to be handed down to posterity, side by side with the names of Jeanne D’Arc, Grace Darling, and Florence Nightingale, for not one of these women, noble and brave as they were, has shown more courage, and power of endurance, in facing danger and death to relieve human suffering, than this poor black woman, whose story I am endeavoring in a most imperfect way to give you.48

Tubman successfully led enslaved persons from slave territories to freedom and she risked her own life countless times in doing so.49 She is, without a doubt, a timeless and remarkable figure. However, whereas history has been generous in telling Harriet Tubman’s story, the same is not true for the countless women who also attempted to flee slavery. Hence, there were far more Sarahs, Lucys, and Judges than there were Harriets, but the Sarah, Jude and Lucy stories do not fit the narrative of docility that had been used for generations to soothe “Christian” minds on the righteousness of

44. WHITE, supra note 2, at 47.
45. Id. at 169.
46. SARAH H. BRADFORD, HARRIET: THE MOSES OF HER PEOPLE 5 (Geo. R. Lockwood & Son 1897).
47. See Beal, supra note 3, at 3.
48. BRADFORD, supra note 46, at 4.
49. See id. at 4–5.
slavery, therefore, their stories are told in archives and microfiche, but rarely to schoolchildren.

Resistance—(Extra)Ordinary Acts

Truancy, self-mutilation, abortion, and birth control were options when an outright revolt or an opportunity to flee were not feasible. John Hope Franklin wrote: "Self-mutilation and suicide were popular forms of resistance to slavery." He added, "[w]hen his slave woman was found dead by her own hanging in 1829, a Georgia planter was amazed since he saw no reason why she should want to take her own life."

Likewise, pregnancies were extremely difficult when they were the result of a "slave marriage," but pregnancies that resulted from sexual enslavement and rape were even more harrowing. Enslaved women used methods of birth control to prevent pregnancy which would deprive the slaveholder of more slaves. There is evidence that when birth control did not work, enslaved women aborted the fetuses. In addition to depriving the slaveholder of more slaves, these acts prevented their children from becoming slaves.

Resistance—Killing

To be sure, there were numerous incidents of the enslaved killing slaveholders. Poisoning by enslaved women was very common

50. See, e.g., Carol Kuruvilla, How White Christians Used the Bible—and Confederate Flag—to Oppress Black People, HUFFPOST (June 22, 2015, 4:43 PM), https://www.huffingtonpost.com/2015/06/22/christian-confederate-slavery_n_7638676.html[https://perma.cc/G8C8-GYTR] ("While God was left out of the preamble to the United States Constitution, the leaders of the Confederate States of America made sure to invoke the power of the divine in their own constitution—making it clear from the start they saw Christianity as an integral part of their new union of slaveholders.").


52. Id. at 157.

53. Id.

54. Id. at 157 ("The bearing of children was often extremely hard for the slave women. Lack of adequate medical care had a particularly negative impact on the health of slave women during pregnancies, childbirths, and the period immediately thereafter, and the high death rate of slave infants in many ways was a reflection of this privation.").

55. See 2 JUNIUS P. RODRIGUEZ, ENCYCLOPEDIA OF SLAVE RESISTANCE AND REBELLION 455 (Greenwood Press 2007).

56. Cf. id. ("Among some female slaves, debilitating physical injuries resulted from crude efforts to terminate an unwanted pregnancy. On larger plantations, groups of slave women were not only able to share their collective knowledge about methods of self-abortion, but they also maintained a communal silence about what actions transpired within the slave cabins.").

57. See id.

58. See, e.g., FRANKLIN & MOSS, supra note 14, at 161.
because they were the cooks: "Arsenic and other similar compounds were used. Whe[n] they were not available, slaves are known to have resorted to mixing ground glass in the gravy for their owners' tables." The now famous tale of Celia, A Slave recounts the story of Celia, an eighteen-year-old enslaved girl, who having been raped by her slaveholder and impregnated on several occasions, kills that same slaveholder by striking him on the head and burning his body to ashes. Celia was tried and eventually hanged for the crime, but, there is no doubt that Celia was one of many who resisted her enslavement.

Harriet Ann Jacob, writing as Linda Brent, wrote, "After the alarm caused by Nat Turner's insurrection had subsided, the slaveholders came to the conclusion that it would be well to give the slaves enough of religious instruction to keep them from murdering their masters." Slaveholders were willing to risk allowing the enslaved to practice religion if it meant preventing their killings. Hence, religion and the church were used as tools of the slaveholder to mitigate damages to their ultimate well-being.

There are also tales of enslaved women killing their own children rather than seeing them endure the life of enslavement. Beloved, a novel by Toni Morrison, is based on the true story which tells the tale of Margaret Garner who was reportedly haunted by the ghost of the child she killed to prevent her former owner from trying to reclaim her and the other children with whom she had escaped to "freedom."

Resistance—Direct Action by Free Black Women Activists

Before Harriet Tubman was born, Elizabeth Freeman, a woman who escaped slavery, initiated the case of Brom & Bett v. Ashley.

59. Id.
62. HARRIET JACOBS, INCIDENTS IN THE LIFE OF A SLAVE GIRL 105 (L. Maria Child ed., 1861).
63. See id. She also recounts one sermon that was preached to the enslaved persons: "Servants, be obedient to them that are your masters according to the flesh, with fear and trembling, in singleness of your heart, as unto Christ." Id. at 106.
64. See infra note 65 and accompanying text.
65. See MORRISON, supra note 9, at 148–53, 160–65 (telling the story of Margaret Garner, who escaped with her children from a plantation in Kentucky into the free state of Ohio only to be tracked by vigilantes; Garner kills one of her daughters because she said that she would rather see her children dead than to be returned to slavery).
The immense courage it must have taken to challenge the notion that the concept of freedom could be applied to her and to those similarly situated continues to astound. Many other freed black women from the north were champions of freedom.

Like Harriet Tubman, Sojourner Truth was a giant of the Anti-Slavery Movement and has been fortunate to have survived the dustbin of history. Truth remains an icon of the Freedom Movement and is trotted out during Black History Month as a great American. She was a fierce abolitionist, as well as an electrifying orator, as evidenced by her speech at the 1851 National Women's Convention in Akron, Ohio. She asked the question, long before this author, of what about black women? Who will sing our song? Who will tell our stories?

W[ell], chil[dren], wh[ere] [there] is so much racket [there] must be somethin[g] out of kilter. I t[hink] [that] 'twixt [the negroes] of [the South] and [the women] at [the North], all talkin[g] [a]bout rights, [the] white men will be in a fix pretty soon. But what's all [this] here talkin[g] [a]bout?

[That] man o[ver] [there] say[s] [that] women need to be helped into carriages and lifted o[ver] ditches, and to ha[ve] [the] best place everywh[ere]. Nobody e[very] Helps me into carriages, or o[ver] mudpuddles, or gi[ve]s me any best place! And [ain't] I a woman? Look at my arm! I have ploughed and planted, and gathered into barns, and no man could head me! And [ain't] I a woman? I could work as much and eat as much as a man—when I could get it—and bear [the] lash as well! And [ain't] I a woman? I have borne thirteen chil[dren], and seen [most] all sold off to slavery, and when I cried out with my mother's grief, none but Jesus heard me! And [ain't] I a woman?

[Then they talk about this thing] in [the] head: what's [this] they call it? ("Intellect," whispered someone near.) [That's] it, honey. What's [that] got to do [with] wom[e]n's rights or nigger's rights? If my cup won't hold but a pint, and your[s] holds a quart, wouldn't [you] be mean not to let me have my little half-measure full?

[https://perma.cc/8RG5-ZRGR]. Brom & Bett v. Ashley is also known as the Elizabeth Freeman case, 1781 Berkshire County. See id. Elizabeth Freeman escaped from her owner after overhearing her owners talk about the concept of freedom. See id. She won her case, which set the precedent for the abolition of slavery in Massachusetts. See id.

67. See Alanna Vagianos, Google Celebrates First Day of Black History Month with Sojourner Truth Doodle, HUFFPOST (Feb. 1, 2019, 10:35 AM), https://www.huffingtonpost.com/entry/google-celebrates-the-first-day-of-black-history-month-with-sojourner-truth-doodle_us_5c54540cece4b01d3c1f12de0 [https://perma.cc/KPH5-Y9SU].

[Then that] little man in black [there], he say[s] women can't have as much rights as men, 'cause Christ [wasn't] a woman! Wh[ere] did your Christ come from? [Where] did your Christ come from? From God and a woman! Man had noth[ing] to do [with] Him!

If [the first] woman God ever made was strong enough to turn [the] world upside down all alone, [these] women [together] . . . ought to be able to turn it back, and get it right side up again! And now [th]ey is asking to do it, [the] men better let [them].

Truth continued her advocacy despite the personal humiliation and disdain that she experienced. She did not flinch, and she did not waiver, and she continues to serve as the proxy of so many black women who walked her walk but remain unacknowledged.

There are names of many prominent black women who also had their hands on the freedom plow who remain largely unacknowledged. There were many learned black women who lent their knowledge and talents to the struggle for freedom whose names and contributions are lost or relegated to seldom visited tomes. Harriet Ann Jacobs was one of the most important anti-slavery activists who escaped slavery and later wrote a ground-breaking autobiographical book detailing her struggles during slavery. Incidents in the Life of a Slave Girl was written by Jacobs under the pseudonym of Linda Brent. Jacobs recounts the trauma of slavery and its impact on the female body, mind, and spirit.

As noted above, before Harriet Ann Jacobs's saga unfolded, Elizabeth Freeman was an enslaved woman who escaped from her...
owner’s home and dared to challenge her right to freedom by initiating the case of *Brom & Brett v. Ashley* in 1781. Freeman won her case, which set the precedent to abolish slavery in Massachusetts and was later used by abolitionists to argue generally that slavery should be abolished in totality. This accomplishment was of some note, but it is not a part of American history, and Ms. Freeman’s astounding accomplishment is unsung.

Likewise, the name Sara Parker Remond is unknown and thus unrecognized. Remond was born free but used her great talents as an abolitionist to travel throughout the northeast giving lectures and speeches on the evils of slavery. So, too, did Mary Ann Shadd Cary, the first black female newspaper editor and the second black woman to earn a law degree in the United States, who stated, “We should do more and talk less,” when advocating for the abolition of slavery. There was Maria Stewart, Ellen Craft, and the Forten women, just to name a few, who were free, but believed that they had

75. See MASS.GOV, supra note 66.
76. See generally id.
77. See WE ARE YOUR SISTERS: BLACK WOMEN IN THE NINETEENTH CENTURY 175–76 (Dorothy Sterling ed., W. W. Norton & Co. 1997) (1984) (describing how Remond was dedicated to the cause of freedom and lectured around the country for the American Anti-Slavery Society, in addition to serving as a member of the Female Anti-Slavery Movement).
78. See id.
81. See MARI A W. STEWART, AMERICA’S FIRST BLACK WOMAN POLITICAL WRITER: ESSAYS AND SPEECHES 2 (Marilyn Richardson ed., Ind. Univ. Press 2d ed., 1987) (explaining that Maria Stewart was the first American-born woman to lecture in defense of women’s rights). Stewart was in the forefront of black female activism and literary tradition, only now being recognized as of integral importance to understanding the history of black thought in America. See id.
82. Barbara McCaskill, William and Ellen Craft (1824–1900; 1826–1891), NEW GA. ENCYCLOPEDIA, https://www.georgiaencyclopedia.org/articles/history-archaeology/william-and-ellen-craft-1824-1900-1826-1891 [https://perma.cc/G26G-9XKZ] (last updated Jan. 3, 2019) (telling the story of Ellen Stewart, a mixed-race enslaved woman, who escaped from slavery in 1848 with her husband by disguising herself as a white man and owner of her husband; together, they traveled by train to Philadelphia, and they moved to England, but eventually returned to the United States and in 1873 opened the Woodville Cooperative Farm School to educate and employ newly freed enslaved people).
83. See Africans in Am., The Forten Women (1805–1883), PBS (1998), http://www.pbs.org/wgbh/aia/part3/3p477.html [https://perma.cc/HT6E-BEDR] (explaining how the Forten women were the female members of a prominent Black Philadelphia family, who were active abolitionists that helped to form several anti-slavery organizations; Charlotte, the
a duty to fight for the freedom of those who were enslaved. They were champions of justice and although they were lesser known than Sojourner Truth or Harriet Tubman, collectively they accomplished so much more and deserve the recognition for holding the United States to the promise of securing “the Blessings of Liberty to ourselves and our Posterity.”

Resistance—Survival

Even with this historical evidence of the role that black women played in both resisting slavery and steadily working towards freedom, there remains a dearth of information on their contributions, and there persists a stereotypical image of women as content and grateful to raise white babies and to cater to the needs of the white family that violated their human rights every single day of their lives. It was comforting for a ruling class to promote the notion that enslaved women were grateful for the opportunity to serve them. Although this has been debunked, remnants of this fallacy exists in today’s society as evidenced, in part, by films like The Help, wherein the immensely talented black actress, Viola Davis, is portrayed as having genuine love for her white charge, demonstrating her commitment to raising her as a whole and confident human being by a daily mantra of, “you is kind, you is smart, you is important.”

Yet, slave women did what American pioneer women did on the frontier: they mustered their reserves, persevered, and helped others survive. What black women did was very much in the pattern of their female African ancestors who had for generations stood at the center of the African family. Slave women did not dominate slave marriage and family relationships; they did what women all over the world have done and been taught to do [since] time immemorial. Acting out a very traditional role, they made themselves a real bulwark against the destruction of the slave family’s integrity.

matriarch of the family, together with her daughters, established the Philadelphia Female Anti-Slavery Society).

84. U.S. CONST, pmbl.
85. See supra note 21 and accompanying text.
86. THE HELP (Touchstones Pictures 2011).
87. Id. The lead character repeats this daily mantra to the white child under her care to build the child’s self-esteem and confidence. Id.
88. WHITE, supra note 2, at 159–60.
And yet, they persisted.

II. A HISTORY OF BLACK WOMEN’S STRENGTH: POST-EMANCIPATION AND THE CIVIL RIGHTS MOVEMENT—PART 1

In the nineteenth century, when the nation was preoccupied with keeping women in the home and protecting them, only enslaved women were so totally unprotected by men or by law. Only black women had their womanhood so totally denied.†

A. Emancipation

Freedom from enslavement has always been a two-step dance. The first step was physical freedom from the yoke and the recognition of personhood.† The second step had always been citizenship in its fuller meaning. It meant full participation in the franchise of America. It meant reaping the benefits of the nation that had been built on their backs and the backs of their ancestors. It meant sharing in the harvest that had been soaked in their blood and the blood of their ancestors. And it meant that they would be covered by the Constitution which promised so much but had delivered so little to their plight. When the realities of emancipation met the reality of gender roles, black women fit in a new box. "The strategies devised under slavery became the blueprint for life in freedom."†

During Reconstruction, black women played an important role in the Freedman’s Bureau. In addition to a whole host of services, two important tasks were performed by the Freedman’s Bureau: one was to collect and maintain pension files of Civil War soldiers, and the other was to study formerly enslaved black women. For example,

89. Id. at 162.
90. Id. at 159–63.
91. Id.
92. Id. at 162.

The Bureau of Refugees, Freedmen, and Abandoned Lands... often referred to as the Freedmen’s Bureau, was established in the War Department by an act of March 3, 1865. The Bureau supervised all relief and educational activities relating to refugees and freedmen, including issuing rations, clothing and medicine. The Bureau also assumed custody of confiscated lands or property in the former Confederate States, border states, District of Columbia, and Indian Territory. The bureau records were created or maintained by bureau headquarters, the assistant commissioners and the state superintendents of education and included personnel records and a variety of standard reports concerning bureau programs and conditions in the states.

Id.
94. See Noralee Frankel, From Slave Women to Free Women: The National Archives
these interests converged when a black widow sought to receive her husband's pension from having served in the Civil War.  

Initially, the request for pensions was complicated by the fact that no legal documentation existed to prove that a marriage had existed because as a rule, slaves were prohibited from legal marriages.  

Congress amended the Pension Bill to read: "no 'other evidence of marriage than proof, satisfactory to the Commissioner of Pensions, that the parties have habitually recognized each other as man and wife, and lived together as such.'"  

This was much like what would be termed a "common law marriage" in modern law. In proving the marriage satisfactorily to the Commission, interviews were conducted and files were examined. When these records were compiled, they provided a larger view of plantation life, gender roles, and the support system that black women provided for each other.  

The importance of the role that black women played in providing information about their lives post-slavery cannot be understated. These narratives present a rich and complex system of family and friendships. These stories tell that the role of the midwife was crucial to the slave community and she was held in high regard. It should be noted that in addition to her midwifery, she had to perform other labor on the plantation.  

The archives also provide a picture of black women that transcends the caricatures so often relied upon to simplistically reduce slavery to a historical misstep. Women were at the center of their communities and cared for those who were not related by blood, but by circumstance. The extended family model has survived slavery and exists today in various iterations.  

"African American women played essential roles in ensuring the survival of black people during slavery and of black communities in freedom."  

Tales have been told of the Freedom Riders who ventured south during the 1960s to work to guarantee the rights of black people.
but over 100 years prior, black women had done the same thing, heading south, to assist newly freed blacks in any way they could.\(^{104}\) Frances Ellen Watkins Harper was famous during this period for traveling south and speaking about the problems of Reconstruction.\(^{105}\) She recognized that women were in a subjugated position and spoke out about the peculiar plight of black women, but chose to focus on race, not gender, with her words paraphrased as “let the lesser question of sex go.”\(^{106}\) She believed that there was such a close bond between man and woman that one could not raise one without lifting the other.\(^{107}\) “The world can not [sic] move [ahead] without woman’s sharing in the movement, and to help give a right impetus to that movement is woman’s highest privilege.”\(^{108}\)

After the untimely demise of Reconstruction, black women continued to work towards full citizenship for their people.\(^{109}\) In 1892, Anna J. Cooper published a book entitled, *A Voice From the South: By A Woman From the South.*\(^{110}\) Ms. Cooper was a feminist before the


\(^{105}\) See id. at 95. Harper, a poet, author, and feminist, was never a slave but understood the bitterness of slavery. See id. Reluctant at first to enter the abolitionist movement, she soon became the most sought-after black woman speaker of that era. See id. Her works were the most read of any black writer before the Harlem Renaissance. See id. at 91. She is now considered a central figure of black literature, but most people have no idea who she was. Her most famous poem is *Bury Me in a Free Land:*

> You may make my grave wherever you will,
> In a lowly vale or a lofty hill;
> You may make it among earth’s humblest graves,
> But not in a land where men are slaves.

I could not sleep if around my grave
I heard the steps of a trembling slave;
His shadow above my silent tomb
Would make it a place of fearful gloom.

I ask no monument proud and high
To arrest the gaze of passers by;
All that my spirit yearning craves,
Is—bury me not in the land of slaves.

*Id.* at 105–06 (footnote omitted).

\(^{106}\) Margaret Hope Bacon, *"One Great Bundle of Humanity": Frances Ellen Watkins Harper (1825–1911),* 113 PA. MAG. HIST. & BIOGRAPHY 21, 35 (Jan. 1989) (quoting the reporter who paraphrased Harper’s speech for black men and women to work together to defeat slavery).

\(^{107}\) See id. at 41.


\(^{110}\) Id.
term was coined because she believed that in educating and empowering black women, the entire black community would be lifted. She preached what could be said is the truest meaning of “each one, teach one.” She was born in 1858 and died in 1964; thus, she bore witness of several movements. Cooper is the only black woman quoted in the current U.S. Passport: “The cause of freedom is not the cause of a race or a sect, a party or a class—it is the cause of humanity.”

Likewise, in 1883, Lucy Craft Laney opened the first school for black children in Augusta, Georgia. In 1904, Dr. Mary McLeod Bethune, Laney’s protégé and daughter of enslaved parents, opened the Daytona Educational and Industrial Training School for Negro Girls. This school is now known as Bethune-Cookman College in Daytona Beach, Florida.

Josephine St. Pierre Ruffin, a black writer and suffragette, believed that if black women presented themselves in a more positive light, they would be more readily accepted by the larger society.

111. See id. at xiv.
112. EACH ONE, TEACH ONE, About, https://www.eachoneteachone.org.uk/about [https://perma.cc/3JW4-UQ8N] (“The saying ‘Each one teach one’ is an African proverb that originated in America during slavery times. Slaves were seen as chattel and therefore denied an education so when one slave learned to read or write, it became his duty to teach someone else.”).
113. See COOPER, supra note 109, at xxxi, xxxviii.
114. Deborah Gale, America Was Built on Immigration—Read Your Passport. Stop Fearing It, HUFFPOST (Sept. 16, 2016, 3:26 PM), https://www.huffingtonpost.com/entry/have-passport-will-or-cant-or-wont-travel_us_57db0cf2e4b053b1ccf2960a [https://perma.cc/G8WY-VGUT].
117. See id.
118. See Anthony W. Neal, Josephine St. Pierre Ruffin: A Pioneer in the Black Women’s Club Movement, BAY ST. BANNER (Feb. 3, 2016), https://www.baystatebanner.com/2016/02/03/josephine-st-pierre-ruffin-a-pioneer-in-the-black-womens-club-movement [https://perma.cc/4N4Y-ZERR]. Ruffin was a journalist and founder of African American Women’s Clubs. See id. She started the National Association Colored Women’s Club (NACW) whose agenda was the following:

To promote the education of women and children,
To raise the standards of the home,
To improve conditions for family living,
To work for the moral, economic, social, and religious welfare of women and children,
To protect the rights of women and children,
To secure and enforce civil and political rights for the African American race, and
To promote interracial understanding so that justice may prevail among all people.
She worked to establish several organizations to this end.\textsuperscript{119} Although her theory of "respectability" did not have the long-term desired impact,\textsuperscript{120} she was one of the black women whose social and political activism is not widely recognized, but which had a lasting impact on giving black women vehicles to organize movements.

Notwithstanding the efforts of freed enslaved women and their free counterparts, violence against black women escalated because former slaveholders no longer had to consider damage to their profit margins because of damaged human chattel.\textsuperscript{121} Professor Deborah Gray White describes how a black woman in Clinch County, Georgia received sixty lashes for talking back to a white woman:

\begin{quote}
How do we explain this relentless assault upon black women? The Clinch County magistrates made it clear that emancipation had not erased the perceived inequality of black and white women. In fact, the message the unmitigated violence delivered was that black women were not women at all. . . . As during slavery, black women had to rely upon survival instincts that ran counter to dependence.\textsuperscript{122}
\end{quote}

This incident occurred after emancipation,\textsuperscript{123} and the cruelty and barbaric acts against black women have not been chronicled in any depth; therefore, there is a story that goes untold and it is that it took almost as much courage to survive "freedom" as to withstand enslavement.

\textit{B. The Civil Rights Movement—Part 1}

\begin{quote}
Hope is a crushed stalk
Between clenched fingers
Hope is a bird's wing
Broken by a stone.
Hope is a word in a tuneless ditty—
A word whispered with the wind,
A dream of forty acres and a mule,
A cabin of one's own and a moment to rest,
A name and place for one's children
And children's children at last . . .
Hope is a song in a weary throat.
\end{quote}


\textsuperscript{119} See, e.g., Neal, supra note 118.

\textsuperscript{120} See, e.g., MacLean, supra note 118.

\textsuperscript{121} See WHITE, supra note 2, at 174.

\textsuperscript{122} Id. at 175–76.

\textsuperscript{123} See id. at 174.
Give me a song of hope
And a world where I can sing it.
Give me a song of faith
And a people to believe in it.
Give me a song of kindliness
And a country where I can live it.
Give me a song of hope and love
And a brown girl's heart to hear it.¹²⁴

There is overlap between post-Emancipation and the first civil rights movement. Much of this is because the period of “freedom” as delineated by Reconstruction was a mere twelve years from 1865 to 1877.¹²⁵ Some current-day sitcoms have been televised for a longer period of time than Reconstruction.¹²⁶ Not long after the end of Reconstruction, freedom and civil rights were once again on black women's minds.¹²⁷ "No sooner had black people attained rights of citizenship than white people tried to take them away."¹²⁸ It is important to chronicle that, notwithstanding the formal emancipation of former slaves being bolstered by the Thirteenth, Fourteenth, and Fifteenth Amendments, the presence of federal troops, often a double-edged sword, was also a necessity to ensure the application of those rights.¹²⁹ Thus, when those troops left the south unprotected, Black Codes (also known as Jim Crow laws), lynching, terrorism, the White League, the Red Shirts, and the Ku Klux Klan arose with a vengeance that added a dimension to black life that rivaled physical slavery.¹³⁰

In actuality, there was an ongoing civil rights movement from the end of Reconstruction until the decision in Brown v. Board of Education.¹³¹ There was an ebb and flow and various levels of participation, but the goal has always been full citizenship, and because that remained elusive, the battle continued. During this fifty-year period, Plessy v. Ferguson¹³² was decided, which essentially ratified

¹²⁶. See generally Big Bang Theory: The Donation Oscillation (CBS television program Feb. 7, 2019).
¹²⁷. See WHITE, supra note 2, at 188.
¹²⁸. Id.
¹²⁹. See id. at 164–66 ("Women, in fact, had as much to fear of Union soldiers as they did of Confederates. The soldiers 'insult women both white and black'. . . .").
¹³¹. See RICHARD ZUCZEK, 1 ENCYCLOPEDIA OF THE RECONSTRUCTIONS ERA 337 (Greenwood Press 2006).
¹³². Plessy v. Ferguson, 163 U.S. 537, 548 (1896) (holding that "the enforced separation
and nationalized Jim Crow and disenfranchised blacks while effectively eliminating them from the political system. But also, during that period, the National Association of Colored Women (NACW), the National Association for the Advancement of Colored People (NAACP), the National Urban League, The Niagara Movement, and the National Negro Business League were all founded. These organizations were established to counter the blatant, pervasive inequality and cruelty.

Also, not included in the discussion about the first civil rights era is a narrative on the role that black women played in the movement and in those organizations. We have all heard the names Booker T. Washington, Carter G. Woodson, Frederick Douglass, et al., but rarely do we hear about the black women who were the foundation of the various movements and organizations.

It was also during this crucial period that two of the most prominent black sororities were founded. Alpha Kappa Alpha was established in 1908 at Howard University in Washington, D.C.

of the races, as applied to the internal commerce of the state, neither abridges the privileges or immunities of the colored man, deprives him of his property without due process of law, nor denies him the equal protection of the laws, within the meaning of the [F]ourteenth [A]mendment.


141. See infra notes 142–43.


Alpha Kappa Alpha Sorority, Incorporated had its humble beginnings as the vision of nine college students on the campus of Howard University in 1908.
Five years later in 1913, Delta Sigma Theta sorority was founded.\textsuperscript{143} The focus of these two organizations was, and still is, service to the black community.\textsuperscript{144} Black educated women dedicated their time and energy to improve both economic and social conditions in the black community. There are several more black sororities that have followed in the footsteps of these two great organizations, and for the most part, these organizations have gone unacknowledged and have not been celebrated for the work they have done in the black community.

\section*{III. A History of Black Women's Strength: The Civil Rights Movement—Part 2}

\subsection*{A. Early Rumblings}

\begin{quote}
\textit{My mother was a soldier}  
\textit{She had her hand on the freedom plow}  
\textit{She said, “One day I’ll get old, I can’t fight on any­more}  
\textit{But Lord I’ll stand here and fight on anyhow.}\textsuperscript{145}
\end{quote}

We have become comfortable with the “masculinization” of the civil rights movement; therefore, we are not familiar with the names of many black women who made a difference. A name not generally recognized by the public is civil rights activist Pauli Murray,\textsuperscript{146} who provided the fuel that ultimately led to \textit{Brown v. Board of Education}\textsuperscript{147}.

Since then, the sorority has flourished into a globally-impactful organization of nearly 300,000 college-trained members, bound by the bonds of sisterhood and empowered by a commitment to servant-leadership that is both domestic and international in its scope. As Alpha Kappa Alpha has grown, it has maintained its focus in two key arenas: the lifelong personal and professional development of each of its members; and galvanizing its membership into an organization of respected power and influence, consistently at the forefront of effective advocacy and social change that results in equality and equity for all citizens of the world.

\textsuperscript{143} See \textit{Intelligence is the Torch of Wisdom}, DELTA SIGMA THETA SORORITY, INC. (2017), https://www.deltasigmatheta.org [https://perma.cc/MWX6-CFTC] (“Delta’s Founders stepped out on faith to march with the suffragettes and took a stand for social justice as their first public act. More than 105 years later we pride ourselves by following in the footsteps of our Founders and remain in the forefront of action as a voice for those in need.

\textsuperscript{144} See \textit{supra} notes 142-43.


\textsuperscript{147} See \textit{Brown v. Bd. of Educ.}, 347 U.S. 483, 488, 493 (1954) (providing the antidote to \textit{Plessy v. Ferguson}); see generally Schulz, \textit{infra} note 149 (discussing background information to the challenge of the \textit{Plessey} decision).
and the 1960 Civil Rights Movement. The Reverend Dr. Anna Pauline Murray was born in 1910 in Baltimore, Maryland. Murray was active in the socialist Workers Defense League and was a brilliant lawyer. She finished first in her class at Howard University School of Law and is said to have conceived the theory that the best way to challenge the precedent of *Plessy v. Ferguson* was to argue that separate could never be equal. This was the winning strategy adopted by Thurgood Marshall and argued before the Court in *Brown*. Just as an aside, it is interesting to note that Zelma Mae Chaney performed the bulk of the research for the case, while Constance Baker Motley drafted the original complaint, and Murray conceived the theory of the case, but none of them are mentioned when credit is given for the *Brown* decision.

Murray authored a highly acclaimed book entitled, *States’ Laws on Race and Color* which has been referred to as “the bible” of the civil rights movement. In this venerated book, Murray compiled a list of legislation from forty-eight states, which included every law, statute, ordinance, executive order, directive, Supreme Court ruling, and various other documents that mandated racial segregation pre-*Brown*. Murray was a champion of women’s rights and civil rights. She was a co-founder of the National Organization for Women and

148. See Pauli Murray, supra note 146.


150. See id.

151. See *Plessy v. Ferguson*, 163 U.S. 537 (1896) (establishing the “separate but equal” doctrine which legalized segregation).

152. See, e.g., Schulz, supra note 149.


156. See Schulz, supra note 149.


159. See *STATES’ LAWS ON RACE AND COLOR*, supra note 158, at xxi–xxiv.
served on several national boards and commissions. Murray was essential to the civil rights movement because she stood up in a time when it was dangerous for a black person to actively work against racism and segregation, and especially dangerous to also be female. The Reverend Dr. Pauli Murray was so much larger than this Essay can adequately express, and her contributions to civil rights and women's rights cannot be overstated; yet, most Americans cannot say her name.

The fuse, which sparked the fuel poured by the Reverend Dr. Pauli Murray, that ushered in the civil rights era of the 1950s–1960s was lit by an unassuming thirty-four-year-old black woman on the south side of Chicago. This black woman was a loving mother who had a son, whom, by all accounts, she adored. Her name was Mamie Elizabeth Till, and her son was Emmett. Mamie Elizabeth Till was born in Webb, Mississippi, but moved to Illinois with her family as an infant. As with many blacks who had made the trek out of the south, the ties to it remained strong. In the summer of 1955, Ms. Till sent her son, Emmett, to visit relatives in Money, Mississippi. She never saw her son alive after she placed him on that southbound train. Emmett was brutally murdered for allegedly flirting with a white woman. He was dragged from his uncle's house, beaten, mutilated, shot through the head, and thrown in the Tallahatchie River with the fan from a cotton gin machine tied around his neck. Emmett was fourteen years old.

When Mamie Till made the trip to Mississippi, this time to claim the body of her fourteen-year-old son, she discovered the following: Till's body was clothed, packed in lime, placed into a pine coffin, and prepared for burial. It may have been embalmed while in Mississippi. Mamie Till Bradley demanded that the body be sent to Chicago; she later said that she worked to halt an immediate burial in Mississippi and called several local and state authorities in Illinois and

160. See Schulz, supra note 149.
162. See, e.g., id.
163. See id.
164. See id. at 19.
165. See id. at 18.
166. See id. at 106–09.
167. See TILL-MOBLEY & BENSON, supra note 161, at 122.
168. Id.
169. See id. at 127, 129.
171. See TILL-MOBLEY & BENSON, supra note 161, at 129–30, 139.
Mississippi to make sure that her son was returned to Chicago.\textsuperscript{172} Local officials tried to persuade her to let them quickly and quietly handle the services and burial of her boy.\textsuperscript{173}

Ms. Till insisted that she be allowed to take Emmett’s body back to Chicago.\textsuperscript{174} Once there, she also insisted upon an open casket for his funeral saying, “Let the world see what I’ve seen.”\textsuperscript{175} Thousands visited the funeral home to view Emmett’s broken, unrecognizable body.\textsuperscript{176} Newspapers and photographers from around the world converged upon Chicago to cover the story and the funeral.\textsuperscript{177} Well-known black publications displayed photos of Emmett in the casket.\textsuperscript{178} Emmett Till’s murder became the symbol of the injustices visited upon blacks in the United States and spotlighted the continuum of inequality which had festered for centuries.

When the story of the atrocities that befell so many blacks during the lynching years is told, Emmett Till’s story is included. His casket is on display in the Smithsonian National Museum of African-American History in Washington, D.C.\textsuperscript{179} What is so often left out of the tragic tale is the courage, bravery, strength, and activism of Mamie Elizabeth Till. Without the aforementioned attributes of Ms. Till, Emmett’s story would have never been told and the impetus of a movement would have occurred after a different, but predictable, black tragedy.

After Emmett’s funeral, Mamie Till toured the country with the NAACP detailing the circumstances of her son’s death and the injustices that resulted from no one being held accountable for it.\textsuperscript{180} Mamie Till-Mobley died in 2003,\textsuperscript{181} the same year that her autobiography, \textit{Death of Innocence: The Story of the Hate Crime That Changed America}, was published.\textsuperscript{182} Her courage after this horrific act of terrorism

\textsuperscript{172.} Id.
\textsuperscript{173.} Id.
\textsuperscript{174.} See id. at 129–30.
\textsuperscript{175.} Id. at 139.
\textsuperscript{176.} See id. at 141.
\textsuperscript{178.} See id. at 13–16 (“When the September 15th issue of Jet was released, Emmett had been found. The piece covering the discovery of his body was entitled, ‘Nation Horrified by Murder of Kidnapped Chicago Youth.’ One photograph showed a handsome and dapper Emmett, months before his lynching. The article also featured the grotesque image of Till in his coffin.”).
\textsuperscript{180.} See TILL-MOBLEY & BENSON, supra note 161, at 192–96.
\textsuperscript{181.} See id. at 291.
\textsuperscript{182.} Id. at 290.
against her son and her subsequent activism make her an American hero for pushing the message of social justice and by allowing her son's death to be the catalyst for a movement. Mamie Mobley Till remained unbowed and unbroken under circumstances that would have decimated another.

Change requires both the will and the way to accomplish that end. If Murray and Mobley inspired the will, then, it is without a doubt that Septima Clark provided the way. Clark realized the importance of teaching adults to read and write so that they read the paperwork needed to register to vote. Her program and programs like it prepared the black community to register to vote and served as the impetus behind the 1965 Voting Rights Act.

Those conversant with civil rights are familiar with the name Ella Baker; others are clueless. Ella Baker was born in 1908 in Norfolk, Virginia. She graduated from Shaw University in 1927 and literally dedicated her life to the fight for civil rights. She believed in empowering black people to engage in political action so that they could take control of their own problems. Baker worked tirelessly in the NAACP and SCLC before helping to organize students who had been part of sit-ins in the south into an organization that became the SNCC. Ella Baker was a consummate community organizer who championed "participatory democracy" and many notable individuals, including Barack Hussein Obama, stand on her shoulders.

In 1946, Mary Fair Burks founded the Women's Political Council (WPC) in Montgomery, Alabama. Her goal was to fight for civil


184. See id. at 92.

185. See generally id.

186. Id. at 194.


188. WOMEN IN THE CIVIL RIGHTS MOVEMENT, supra note 183, at 51 ("[Y]ou didn't see me on television, you didn't see news stories about me. The kind of role that I tried to play was to pick up pieces or put together pieces out of which I hoped organization might come. My theory is, strong people don't need strong leaders.") (footnote omitted).

189. See id.

190. See id. at 194.

191. See id. at 51–52.

The emphasis on participation had many implications, but three have been primary: (1) an appeal for grass roots involvement of people throughout society in the decisions that control their lives; (2) the minimization of hierarchy and the associated emphasis on expertise and professionalism as a basis for leadership; and (3) a call for direct action ... to fear, alienation, and intellectual detachment.

Id.

192. See id. at 78–79.
rights while enabling black women to aspire to leadership positions. The organization started with approximately thirty members. It is important to acknowledge the danger these black women placed themselves in by affiliating with a civil rights organization in Alabama in 1946. Each of these women were registered to vote, which added to the potential for peril. Under Burks, the organization focused on reforming the bus system and voting rights.

In 1950, Jo Ann Robinson became president of the organization and continued to focus on the issue of public accommodations in Montgomery and throughout Alabama. This organization, in conjunction with the NAACP, prepared “suitable” candidates for acts of civil disobedience that were meant to challenge the status quo. Before December 1, 1955, a suitable candidate was found by the name of Rosa Parks. Ms. Parks, having been trained, refused to give up her seat in the “colored” section of the bus to a white man who could not be seated in the already filled white section of the bus. Her
actions were lauded because they resulted in being arrested, which, realistically, could have ended in great bodily harm and even death.

The WPC called for a bus strike and worked tirelessly to implement it. The story of the Montgomery Bus Boycott gives credit to Rosa Parks, but many of the women who worked behind the scenes to end the segregated bus system are given little ink. Although Dr. Martin Luther King, Jr. and other religious leaders are given credit for the boycott, it was Jo Ann Robinson and the WPC who activated the boycott.

More importantly, four brave black women initiated the case, *Browder v. Gayle,* arguing the treatment they received from whites when utilizing the bus system in Montgomery violated the Fourteenth Amendment. They won the case on November 14, 1956, when the U.S. Supreme Court announced that bus segregation was unconstitutional. The unsung, Aurelia Browder, Claudette Colvin, Susie McDonald, and Mary Louise Smith, were activists who changed the world, but they are not celebrated and lauded, and history books have marginalized their accomplishments by ignoring them.

I sing of a new American
Separate from all others,
Yet enlarged and diminished by all others.
I am the child of kings and serfs, freemen and slaves,
Having neither superiors nor inferiors,
Progeny of all colors, all cultures, all systems, all beliefs.
I have been enslaved, yet my spirit is unbound.
I have been cast aside, but I sparkle in the darkness.
I have been slain but live on in the river of history.
I seek no conquest, no wealth, no power, no revenge:
I seek only discovery
Of the illimitable heights and depths of my own being.

and served as secretary. *Id.* She was also sent to investigate the rape of Recy Taylor, a young black sharecropper who was abducted and raped by six white men on her way home from church. See Sewell Chan, *Recy Taylor, Who Fought for Justice After a 1944 Rape, Dies at 97,* N.Y. TIMES (Dec. 29, 2017), https://www.nytimes.com/2017/12/29/obituaries/recy-taylor-alabama-rape-victim-dead.html [https://perma.cc/DK9N-7MAK].


201. *See id.*

202. *See id.*


204. *Id.* at 717.

205. *See Browder v. Gayle,* 352 U.S. 903 (1956) (per curiam) ("[T]he enforced segregation of [black] and white passengers on motor buses operating in the City of Montgomery... violates the Constitution and laws of the United States.").

206. *See Ligon, supra* note 198 (recognizing that Colvin, Browder, McDonald and Smith were all also arrested for disobeying the segregation laws).

These are just a few brave black women who, although they are unsung, ushered in a new era and forever changed the dynamics of America. Their advocacy and that of many other women, coupled with the decision in *Brown*, spawned a new black movement, and black women stepped up and met the challenges of racial equality head-on.

**B. Civil Rights and Black Women Circa 1960**

*It's no secret that young people and women led organizationally.* Women took civil rights workers into their homes, of course, giving them a place to eat and sleep, but women also canvassed more than men, showed up more often at mass meetings and demonstrations, and more frequently attempted to register to vote. 208

Most conversations about the civil rights movement revolve around the period between 1950 and 1970, with a major focus on the 1960s. Scholars acknowledge that there has been one long and unending civil rights movement in America ever since the Northern troops withdrew from the South and ended any pretense of equality and justice. 209 Think of it as music playing in the background of American life—a drumbeat for justice and equality. When the music reaches a crescendo, and there is a convergence of wills, it can be said that there is a “movement.” The general population believes that the Sixties were “THE” civil rights movement. Of course, the Sixties were not the beginning of the civil rights movement, and, unfortunately, they were not the end of it either.

Current renditions of the 1960s are peppered with the names of black men who are rightfully honored and acknowledged; but, what tales are told of the strong, smart, hard-working black women who were the very center of the modern-day civil rights movement just as they had been of previous movements? How do Ella Baker, Septima Poinsette Clark, Daisy Bates, Fannie Lou Hamer, Rosa Parks, Shirley Chisholm, and countless others fit into the narrative? 210 Author Jo Freeman writes: “Women were the secret weapon of the civil rights movement. For the most part, the men made the speeches and did the press interviews, and the women did the work. If they hadn’t, all those great plans would not have gotten past the talking stage.” 211

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208. *WOMEN INTHE CIVIL RIGHTS MOVEMENT*, supra note 183, at 1–2 (footnote omitted).

209. See generally the scholarship of Joe Freeman, Evelyn Brooks Higginbotham, Debra Gray White, and Gerdanga Lerner.

210. See generally *WOMEN INTHE CIVIL RIGHTS MOVEMENT*, supra note 183 (covering briefly the lives and activities of women in the civil rights movement); HOLSAERT ET AL., *supra* note 145 (providing a more extensive history on the above-mentioned women).

211. Jo Freeman, *Women Were the Foundation of the Civil Rights Movement*, 30
It is important that the world understands that black women, who were critical to the civil rights movement, should be viewed as complex, intelligent, and nuanced individuals and not reduced to caricatures that further promote some trope of who they really were.\textsuperscript{212} It is also important to understand the reality of gender roles and the dance that black women had to do to maintain the family structure.\textsuperscript{213}

The civil rights movement must be placed into a time/place context to understand the complexity of the struggle black women faced by participating in the movement. In the South, participating in the movement could lead to unemployment and in some places, could get one killed.\textsuperscript{214} In addition, the brutal poverty was so pervasive that the priority of many black folks was survival.\textsuperscript{215} Despite the hardships of organizing black folks, black women persisted:

Tens of thousands of women participated in the March on Washington on Aug. 28, 1963. But none of the female civil rights leaders marched in the procession with Dr. King, nor were any of them invited to speak to the enormous crowd. Instead, these women were asked to march on an adjacent street with the wives of the male leaders and to stay in the background.\textsuperscript{216}

It is vital that a few of the unsung black women be named because their contributions have contributed to the collective good that emerged from the civil rights movement and has earned them the right to be acknowledged. For example, Diane Nash was an organizer and civil rights worker who was at the forefront of the movement.\textsuperscript{217} She strategized to integrate lunch counters in the South.\textsuperscript{218} She coordinated the “Freedom Riders,” and she co-founded the Student


\texttt{212. See The Mammy Caricature, JIM CROW MUSEUM RACIST MEMORABILIA, https://www.ferris.edu/jimcrow/mammies [https://perma.cc/3F99-LQP8]; see also WHITE, supra note 2, at 168 (describing the stereotypical Mammy).}

\texttt{213. “In slavery and in freedom we practiced an alternative style of womanhood. A womanhood that preserved in hardship but revered overt resistance. A womanhood that celebrated heroism but accepted frailty. A womanhood that could answer a confident and assertive ‘yes’ to the persistent question: ‘Ar’n’t I a woman?’” WHITE, supra note 2, at 190.}

\texttt{214. See WOMEN IN THE CIVIL RIGHTS MOVEMENT, supra note 183, at 14.}

\texttt{215. See id.}


\texttt{217. See LYNNE OLSON, FREEDOM'S DAUGHTERS: THE UNSUNG HEROINES OF THE CIVIL RIGHTS MOVEMENT FROM 1830 TO 1970 151–75 (Scribner 2001) (discussing that Diane Nash was a civil rights activist who focused on engaging young folks in the civil rights movement and so much more).}

\texttt{218. See id. at 155–56.}
Non-Violent Coordinating Committee (SNCC).\textsuperscript{219} Despite the hatred and venom that was directed at blacks during this period, Nash remained committed to nonviolence.\textsuperscript{220}

Maude Ballou was Dr. Martin Luther King's personal secretary for five years.\textsuperscript{221} As his secretary, she "became the Rev. Dr. King's right-hand woman from 1955 until 1960."\textsuperscript{222} This position placed her and her family in constant danger, but she persisted, and no one even knows her name. Likewise, many forget that without a Coretta Scott King,\textsuperscript{223} there would not have been a Dr. Martin Luther King, Jr. Mrs. King was an activist in her own right who worked during the civil rights movement as well as after the assassination of her husband.\textsuperscript{224} She was not a long-suffering, meek wife of a civil rights superstar, but rather the glue that kept the family together, a complex human being, and a powerhouse of activism aside from her proximity to her husband. Coretta Scott King's work continued after Dr. King's death. She was active in the Women's Rights Movement, the anti-apartheid movement, and an early advocate for LGBTQ rights.\textsuperscript{225}

\textsuperscript{219} See id. at 154, 182–83.

\textsuperscript{220} See id. at 154.

\textsuperscript{221} Karen Heller, The Story of Martin Luther King Jr.'s First Secretary, Maude Ballou, WASH. POST (Jan. 22, 2015), https://www.washingtonpost.com/lifestyle/style/the-story-of-martin-luther-king-jr-s-first-secretary-maude-ballou/2015/01/22/93981e06-a1c3-11e4-b146-577832eafcb4_story.html?noredirect=on&utm_term=.88e1df10378 [https://perma.cc/8CS8-EW7B].


\textsuperscript{223} Christina Greene, Women in the Civil Rights and Black Power Movements, OXFORD RES. ENCYC. AM. HIST. 1, 3–4 (Nov. 2016), http://americanhistory.oxfordre.com/view/10.1093/acorefo/9780199329175.001.0001/acorefo-9780199329175-e-212?print=pdf. Coretta Scott King is generally viewed as the wife of Dr. Martin Luther King, Jr., however: Coretta Scott King, singularly celebrated as the widow of the slain Rev. Dr. Martin Luther King Jr., was far more politically engaged than is generally known. In fact, Coretta, not Martin, was the political activist when the two met in Boston in the 1950s. She was involved in the Progressive Party, the NAACP, and the peace movement in the late 1940s and early 1950s, all considered slightly subversive amidst the emergence of Cold War politics and anticommunism. And it was Coretta who inspired her husband's global peace-making. She opposed the war in Vietnam earlier and more publicly than he did, and she was a member of both Women Strike for Peace and the Women's International League for Peace and Freedom. Following King's assassination, Coretta joined the women's movement and the anti-apartheid movement, even meeting with President Ronald Reagan to urge U.S. divestment in South Africa. She brought attention to black poverty and the HIV-AIDS crisis and worked to end discrimination against LGBTQ communities. Like Parks, Coretta Scott King claimed more than fifty years of human rights activism when she died in 2006.

\textsuperscript{224} See id.

\textsuperscript{225} Id.
Fannie Lou Hamer was an activist who co-founded the Mississippi Freedom Democratic Party.\textsuperscript{226} The headline for a 2017 \textit{Washington Post} article on her screamed, \textquote{Civil Rights crusader Fannie Lou Hamer defied men—and presidents—who tried to silence her.}\textsuperscript{227} The article goes on to say that President Lyndon B. Johnson was terrified of her and the power she had to derail his bid for re-election because of her demand to seat the Mississippi Freedom Democratic Party instead of the all-white Mississippi delegation at the 1964 Democratic Convention when Johnson needed the support of the Democratic Party to win.\textsuperscript{228}

Hamer was a civil rights worker and a community activist who focused on voting rights.\textsuperscript{229} She was born in 1917 in Montgomery County, Mississippi.\textsuperscript{230} She took the Mississippi Literacy Test two times before she could register to vote.\textsuperscript{231} She learned that the registration did not entitle her to vote because she had not paid the poll tax as required by her county.\textsuperscript{232} She is credited with helping thousands register to vote.\textsuperscript{233} This synopsis of the life of Hamer is wholly inadequate because she was so much more than these scant lines about her accomplishments. Needless to say, she provided a bridge that so many have walked over.

Dorothy Height was another leading black figure in the movement whose work and influence spanned decades.\textsuperscript{234} Height fought for both civil rights and women’s rights and had the ear of the white power establishment.\textsuperscript{235} First Lady Eleanor Roosevelt consulted with her as did Dwight D. Eisenhower and Lyndon B. Johnson.\textsuperscript{236} She was the president of the National Council of Negro Women and

\textsuperscript{228} Id.
\textsuperscript{229} See id.
\textsuperscript{230} See Fannie Lou Hamer, supra note 226.
\textsuperscript{232} See id.
\textsuperscript{233} Cf. Brown, supra note 227 (recognizing Hamer’s influence on the elections of African Americans to Congress).
\textsuperscript{235} See id.
\textsuperscript{236} Id.
helped form the African-American Women for Reproductive Freedom. Although her name is more familiar than most, she has not been given the credit she deserves for helping to confer upon America the moral authority it needed to become a world leader. In 1994, President Bill Clinton presented her with the Presidential Medal of Freedom, and in 2004, President George W. Bush awarded her the Congressional Gold Medal. President Barack Obama ordered the flags to be flown at half-mast when she died, and the U.S. Postal Service has issued a “forever” postage stamp of Dorothy Height.

There were so many more defiant black women who shaped the 1960s civil rights movement. The salient point is that they have all been ignored and, therefore, discounted in American history. The erasure of them diminishes the American story and devalues all who reside under its umbrella.

C. Black Women and the Black Power Movement

*Say it loud, I’m Black and I’m Proud.*

To be clear, the centuries of blacks in America striving for freedom can be characterized as forms of individual “Black Power” movements because it has been the subtext for freedom and citizenship that has run through every attempt for equality and justice. The official term “Black Power” and the call for self-determination arose within the context of the 1950s–60s Civil Rights Movement as it emerged in all its fullness. To that extent, the Black Power Movement should be viewed as a subset of the Civil Rights Movement. The disenchantment with non-violent protests and a grow


240. JAMES BROWN, *Say It Loud, I’m Black and I’m Proud*, on A SOULFUL CHRISTMAS (Vox Studios 1968).


242. *Black Power Movement*, JRank, http://law.jrank.org/pages/4776/Black-Power-Movement.html [https://perma.cc/3K9P-BFJ2] (noting that although the term “Black Power” had been used in other circumstances over the years, it was first used politically by Stokely Carmichael).

243. See HOLSAERT ET AL., supra note 145, at 525–28 (“In Atlantic City, we learned the
ing sense of pride in the black womanhood contributed to the desire of the black community to set its own agenda called Black Power. The goals were the same as they had always been; however, the methods for achieving those goals was subject to debate and disagreement. Those who subscribed to the Black Power philosophy were deemed to be revolutionaries and generally either lauded or condemned depending on the perspective of the storyteller. Malcolm X and Stokely Carmichael fought for the same things as Dr. King, but they differed on how to solve the ills that plagued the Black community and are generally categorized as icons of Black Power. Ultimately, what really changed for black women was pride in personal identity and a paradigm shift in how they perceived themselves. There was a cultural shift in the external, as well as internal, view of black women; they went from mammies to militants and provided a new meme to demonize and dismiss black women.

Although the Black Power Movement includes many of the women named in the sections above, the Black Panther Party became synonymous with Black Power and, therefore, does not include them in the narrative. Just as in other movements, the contributions and roles of black women in the Black Panther Party have become lost to history. Just as Black Power and the Black Panther Party have become merged in the collective consciousness, Bobby Seale and Huey Newton have become the face of the Black Panther Party. Who can forget the iconic picture of Huey Newton in a black beret with fist raised which graced many a poster and T-shirt? Angela Davis, Kathleen Cleaver, Assata Shakur, and Elaine Brown are well-known members of the Party and much has been written about them.

hard way that even though we had all the law and all the righteousness on our side—the white man is not going to give up his power to us. We have to build our own power.” (quoting Fannie Lou Hamer).

244. See FARMER, supra note 241, at 193 (“Black women across the political spectrum developed analyses of their lived conditions, imagined different realities and potentialities, and developed distinct ideas about their roles in bringing this new world into existence.”).

245. See, e.g., HAMPTON ET AL., supra note 103, at 513.

246. See, e.g., id. at 349–72.

247. See id. at 513–29.

248. See FARMER, supra note 241, at 193–95.

249. The Black Panther Party for Self-Defense was founded by Huey Newton and Bobby Seale in 1966 in Oakland, California. See id. at 9.

250. Cf. id. at 193 (“During the Black Power era, ordinary black women from all walks of life developed critical appraisals of the race, class, and gender constructs that governed their lives. They also advanced new ideas about what life might look like if they escaped the crushing weight of white supremacy.”).

251. See id. at 55–57.

252. See id. at 58.

about them, but there are hundreds, if not thousands, of faceless Black women who flew the banner of the party and provided the foundation for it to exist and grow to the force that it became.

To fully understand the contributions of unacknowledged black women, one must understand what the Black Panther party stood for and the work that it accomplished. The Black Panther party was founded in 1966 with the goal of empowering the black community by protecting it from police brutality and bringing economic stability to neighborhoods through education and activism. Many of the programs required workers to commit to a daily struggle. That struggle included feeding and educating children, finding affordable housing for the poor, working on voting campaigns and so on. If this sounds familiar, it should, because these were the same tasks, performed primarily by women for generations. Yet, they are left out of the larger story.

In addition, there were black women who were steeped within the political and leadership framework of the Party who were generally disregarded. In some ways, this was beneficial because when the federal government targeted the men of the Black Panther Party, it failed to see the phalanx of black women standing as the vanguard of the organization. This failure by the federal government allowed the Party to survive longer than the government anticipated and it also made a huge statement on gender equality, which set an example for white women and the powerful emerging Women's Liberation Movement. By the early 1980s, fueled by internal discord, government intervention and disinformation, and the introduction

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254. See FARMER, supra note 241, at 55–57 (“Originally, Newton and Seale framed their organization, programming, and goals in nationalistic terms. Animated by Malcolm X’s teachings, their original Ten Point Platform borrowed its structure and rhetoric from the NOI’s weekly statement of demands published in their newspaper.”).
255. See id. at 9.
256. See id. at 58 (“As a result, soon after joining the party, black women created spaces in which to construct powerful images and ideas about black women’s roles in party and political organizing.”).
257. See id. at 70.

The civil rights movement influenced the women’s liberation movement in four key ways. First, it provided women with a model for success on how a successful movement should organize itself. Second, the civil rights movement broadened the concept of leadership to include women. Third, by fighting for equality, the civil rights movement changed the culture of advocacy and made social justice a legitimate cause. Finally, by eventually excluding women, the civil rights movement spurred women to organize their own movement. Without the civil rights movement, the women’s movement likely would never [have] taken off on its own.

Id.
of drugs into black communities on a mass scale, the Party began to fall apart. 259 Despite the positive things the Black Panther Party had accomplished, it became the Boogie Man of Black Power and has been trotted out as an anti-white, anti-American and violent organization. 260 This simplification of a complex and powerful organization not only dismisses it from its rightful place in the ongoing black struggle for full enfranchisement, but it erases the powerful and dedicated black women who worked to make this country live up to the promises enunciated below:

We hold these truths to be self-evident, 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. 261

IV. A HISTORY OF BLACK WOMEN’S STRENGTH: MODERN-DAY POLITICS AND MAINTAINING THE DEMOCRACY

African American Women’s Legacy is Political Power. 262

To be clear, the fight for freedom and full citizenship has always been political to the extent that black women understood that change would come through voting, elections, unbiased state and federal legislatures, and ultimately, the Supreme Court. Most of these routes were closed to black people in general and, more specifically, to black women. Moreover, because the Fifteenth Amendment did not give black women the right to vote, 263 women had to devise methods to force America to live up to the promises of the Constitution. Therefore, black women used community organizations, clubs, sororities, and other means to achieve their political goals.

History draws a line that runs from Sojourner Truth straight to Kamala Harris. 264 Black women have engaged in politics in both

260. See id.
261. THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).
264. Kamala Harris is an African-American senator representing California who has
formal and informal ways and have always taken leadership roles in their communities; yet, they remain underrepresented in government.

Once black women had the force of the federal government behind their actions via the Civil Rights Act and Voting Rights Act, they emerged as a silent, but powerful force that had, and still has, the ability to change the course of history. If one doubts this, one only needs to ask former senate candidate, Roy Moore of Alabama, about the effectiveness of black women. Politically, black women have become a powerful force to be reckoned with. In 2012, ninety-six percent of black women voted to re-elect President Obama; likewise, in 2016, ninety-four percent of black women voted for Hillary Clinton.

In addition to running for elected office, black women have become a very powerful electoral block in national and state elections in the USA. Indeed, one can now find an instance where in national elections, the black female vote is proportionally equal to or higher than their proportion of the total population in the USA.

Black women are spearheading efforts to register voters and most importantly, leading the charge to get out the vote. In addition, there were approximately 468 black women candidates running for election in 2018. The 2018 election can change the trajectory of policy in the country. There were early complaints that the two major political

said, "[T]he American dream belongs to all of us." Kamala Harris (@KamalaHarris), TWITTER (Oct. 25, 2017, 4:02 PM), https://twitter.com/kamalaharris/status/923323792511963143 [https://perma.cc/4J9L-76T3]; see also Kayla Webley Adler, We Have More Female Senators Than Ever Before—Here Are the 4 New Ones to Watch, MARIE CLAIRE (Feb. 13, 2017), https://www.marieclaire.com/culture/news/a25342/new-female-us-senators [https://perma.cc/4HR7-HR6M] (quoting Senator Kamala Harris, "[t]here is a lot of work to be done to make sure our leaders reflect the people they are supposed to represent. The more diverse a group of decision makers is, the more informed the decision will be. Until we achieve full representation, we all should understand we are falling short of the ideals of our country.").


269. See id.


parties were not putting the resources behind black women candidates as they were their white counterparts. Moreover, President Trump has been vocal about publicly denigrating and dismissing black women.

V. DISRUPTING THE NARRATIVE/WHY THE WORLD CANNOT SEE BLACK WOMEN

A. Getting to the Why

The most disrespected person in America is the black woman. The most unprotected person in America is the black woman. The most neglected person in America is the black woman.

Thus far, this Essay has documented a handful of black women who have been ignored throughout history, but who have contributed mightily to the shaping of American democracy. It is in no way dispositive of all that black women have contributed and does not purport to do so; rather, the point has been to make the statement that if the accomplishments of the very small number of black women have been erased from history, there must be volumes of untold courage, bravery, and contributions which linger in oblivion waiting to be told. The second, and perhaps the more salient, point of this Essay is to examine the “why.” Why have black women been written out of history in such a way that it undermines their very existence? Of course, a partial explanation is the role that gender has played in America, and because their gender is inextricable from their race, they have been ignored. However, conceding that gender has an impact on storytelling, there are other factors which have played a role in attempting to erase the accomplishments of black women from history.


B. Back to the Beginning—Slavery

My skin is black
My arms are long
My hair is woolly
My back is strong
Strong enough to take the pain
Inflicted again and again
What do they call me
My name is AUNT SARAH
My name is Aunt Sarah

My skin is yellow
My hair is long
Between two worlds
I do belong
My father was rich and white
He forced my mother late one night
What do they call me
My name is SAFFRONIA
My name is Saffronia

My skin is tan
My hair is fine
My hips invite you
My mouth like wine
Whose little girl am I?
Anyone who has money to buy
What do they call me
My name is SWEET THING
My name is Sweet Thing

My skin is brown
My manner is tough
I'll kill the first mother I see
My life has been too rough
I'm awfully bitter these days
Because my parents were slaves
What do they call me
My name is PEACHES275

To fully understand why black women have been relegated to the proverbial “back of the bus”276 of history, one must deconstruct the stereotypes that have been constructed to justify their negative

275. NINA SIMONE, Four Women, on WILD IS THE WIND (Philips Records 1966).
276. The back of the bus was reserved for people of color and indicated their low social status and was a hallmark of segregation. See generally supra notes 197–98 and accompanying text.
portrayals. The genesis of these stereotypes lies in the pathology of slavery. White people, who considered themselves Christians, performed mental gymnastics, misinterpreted the Bible, and reduced the human beings whom they had enslaved to a category of chattel,\(^\text{277}\) like the plow they used daily. The much-lauded founding fathers, in a Faustian compromise, wrote enslaved persons’ status into our proudest document, the Constitution, to maintain an economy and lifestyle that met their needs.\(^\text{278}\) This was known as the Three-Fifths Compromise and reads:

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons.\(^\text{279}\)

Much scholarship has been written on slavery and its aftermath, but very little has been written which analyzes the psyches and sickness of a society that would enslave, demean, denigrate, rape, beat, and murder its fellow human beings. The cloud that hung over this nascent nation was the putrid sickness of slavery. To justify the horrific treatment of other human beings, it became necessary to portray them as less than human and, therefore, deserving of the horrific treatment bestowed upon them.

Black women have had to navigate around every negative stereotype which has been created about race and gender. Every negative stereotype that has been constructed around these two immutable traits have been assigned to black women from slavery and beyond. Those great white Christian enslavers had to use stereotypes to maintain order and to justify the indignities and violations of black bodies.

Black women have been characterized as mammies,\(^\text{280}\) Jezebels,\(^\text{281}\) welfare queens,\(^\text{282}\) video hoes,\(^\text{283}\) and everything in between. In addition, Black women have been made responsible for the behavior
of all black women and have been appointed “race keepers” to explain and justify any negative behavior by individual black women. Many times, bad behavior of some black women is attributed to all black women, while the same is not true for white women. “Portraying African-American women as stereotypical mammies, matriarchs, welfare recipients, and hot mommas help justify U.S. Black women’s oppression.”

Mammy was the loving, happy, overweight house servant who, when juxtaposed to the enslaver’s wife, heightened the femininity of the wife, while simultaneously acting as the mother figure of the home. Generally devoid of sexuality, she was imbued with the traits of loyalty and love to her master’s family. This also served the purpose of presenting a view of slavery to the civilized world of domestic tranquility. It is apparent that this stereotype survived centuries of disproof. One needs only to watch the performance of Mammy in Gone with the Wind or look on a box of Aunt Jemima Pancake Mix to see that Mammy is alive and well in today’s culture because her image makes white people comfortable, as she is generally docile and compliant, while being totally in charge of all things domestic. Mammy is indeed a paradox; rather like an undercover, non-threatening superwoman. Clearly, she was the preferred view of black women instead of the reality of the plotting, resisting enslaved woman who always had freedom of the brain.

Likewise, the invention of Jezebel was a transparent attempt to justify sexual exploitation and rape of black women. The law was on the side of the slavery, and they were within their legal rights to abuse their property; however, that little religion thing, coupled with the outcry of abolitionists, kept interfering with their narrative. It became necessary to construct a stereotype different from Mammy, but just as devastating to black women. Using the “Devil made me do it” school of thought, Jezebel was the hot temptress with exaggerated prowess and appetite who literally lured white men into sexual

284. See MELISSA V. HARRIS-PERRY, SISTER CITIZEN: SHAME, STEREOTYPES, AND BLACK WOMEN IN AMERICA 45 (Yale Univ. Press 2011).
285. Id. at 51 (quoting PATRICIA HILL COLLINS, BLACK FEMINIST THOUGHT: KNOWLEDGE, CONSCIOUSNESS, AND THE POLITICS OF EMPLOYMENT (Routledge 2d. ed., 1990)).
286. See WHITE, supra note 2, at 46–49.
287. See id.
288. GONE WITH THE WIND (Selznick Int. Films 1939).
289. Aunt Jemima was the quintessential Mammy. See Sarah Doneghy, Aunt Jemima: It Was Never About the Pancakes, BLACK EXCELLENCE, https://blackexcellence.com/aunt-jemima-never-pancakes [https://perma.cc/PNQ3-NX3Z] (describing how Aunt Jemima was originally a minstrel character whose image was adopted by the Quaker Oats Company in 1889 as the face of pancakes and syrup).
290. See, e.g., MCLAURIN, supra note 60, at 18, 24.
intercourse. She was immoral and the opposite of virtuous white women. By portraying enslaved women as immoral and sex-crazed, white men could rape them with impunity.

Jezebel has also survived slavery and modern history. She was used most recently against Anita Hill in the Clarence Thomas Supreme Court confirmation hearing by painting Hill as a “scorned woman” longing for sexual attention from Thomas. The all-male judiciary committee implied that Hill lied and was by extension immoral. Her education and position did not shield her from being “regularly maligned as a race-traitor who allowed her story of sexual harassment to be used by powerful white opponents to harm the credibility of an African-American man.” Likewise, First Lady Michelle Obama was shamed for wearing a sleeveless dress in public with the underlying subtext being that her morals were questionable.

It should be clear that stereotypes of Black women were used as tools to justify the behavior of a depraved society that fought so long and hard to maintain an economy and lifestyle that it resulted in a civil war. Subsequently, these stereotypes have been embedded into the fabric of the nation and are trotted out as truism devoid of all historical context used to maintain a status quo system that benefits those who seek to obfuscate the contributions of black women.

Thank God black women were never what white people perceived us or wanted us to be. There is no question that we have suffered tremendously from historic racism and sexism. We were never superwomen. Disease, mortality, and depression—the perils of adversity—have taken their toll. But African-American women’s lives have been salvaged by sustained psychological and physical resistance to white exploitation and terror. In slavery and in freedom we practiced an alternate style of womanhood. A womanhood that persevered in hardship but revered.

291. See, e.g., WHITE, supra note 2, at 28–29.
292. See MCLAURIN, supra note 60, at 18, 24; WHITE, supra note 2, at 28–29.
293. See infra notes 294–95 and accompanying text.
296. HARRIS-PERRY, supra note 284, at 54.
overt resistance. A womanhood that celebrated heroism but accepted frailty.\textsuperscript{298}

Another feasible motive behind the historical denigration of black women is that there has been an understanding of the power they possess as demonstrated by their survival for centuries. It is entirely possible that history has always recognized that power in black women and, in fear of that power, has formulated the need to neuter it at every turn. The black female body and intellect have been used as weapons against black women and have been used to portray them as less intelligent, less truthful, less moral, and less valuable than white men and women. This portrayal of black women has been used with such regularity and precision that it has become embedded into the subconscious of even well-meaning Americans who do not recognize that their ability to judge black women in the proper light and context has been hijacked and compromised to the detriment of the larger society.\textsuperscript{299}

It is telling that a black woman ripped down the Confederate flag from the South Carolina State House,\textsuperscript{300} and a black woman scaled the Statue of Liberty to protest the detention of immigrant children by the government.\textsuperscript{301} Both acts demonstrated unwavering and fearless courage; as such, these women have become not just role models, but also symbols of black womanhood, which contradict the daily narrative of who they are.

C. Enough

I'm sick and tired of being sick and tired.\textsuperscript{302}

\textsuperscript{298} See WHITE, supra note 2, at 189–90.


\textsuperscript{300} See Greg Botelho & Emanuella Grinberg, Woman Climbs Pole, Removes Confederate Flag, CNN (June 27, 2015, 6:15 PM), https://www.cnn.com/2015/06/27/politics/south-carolina-confederate-flag/index.html [https://perma.cc/L376-FWVE] (describing how a black woman, Brittany “Bree” Newsome, scaled the flagpole outside the South Carolina state house and removed the Confederate flag which has been a symbol of slavery for blacks and people of conscious who have asked legislators to remove it for decades).


Black women have been undergoing a gradual evolution over time and as part of that evolution have attempted to rehabilitate their images. Shortly after slavery ended, black women sought education on a large scale.\footnote{303} They sought it to better themselves, but also to counter the negative images that survived slavery and were immediately interred in Jim Crow. Education gave them the tools to educate other blacks and thereby contribute hugely to their community. Education did not help with the latter as is evidenced by many of the current myths and memes which have survived that era. Nevertheless, they persisted.

Another attempt at character rehabilitation was the Respectability Movement.\footnote{304} Patterned upon the very values that had enslaved them for centuries, black women pushed an agenda of acceptability by advocating that black women adopt the “bourgeois” values of the society to lift themselves above the constructed stereotypes.\footnote{305} From around 1890 to the 1920s, black women attempted to counteract the stereotypes by demonstrating that they were as clean, gentle, and as sexually neutral as their white counterparts.\footnote{306}

According to Evelyn Brooks Higginbotham, the Respectability Movement sought to control “the construction and representation of themselves as new subjectivities—as Americans as well as blacks and women.”\footnote{307} Likewise, Victoria Wolcott wrote that these middle-class notions of respectability reflected a “desire to act as unblemished representatives of the race.”\footnote{308}

The politics of respectability were a response to the racist representations of and routine attacks on black female sexuality,
character, and intellect. They enabled black women to enact subversive strategies of resistance. They were also a means for negotiating and managing the class, educational, and regional distinctions within African American communities, with an old settler establishment seeking to control what were deemed unruly and uncouth newcomers. 309

As could have been predicted, this movement was ineffective in persuading the larger society that black women were equivalent to white women. However, it was effective to black women in demonstrating that proper manners, stylish clothing, and impeccable grammar were incapable of rehabilitating the image of black women which had become too valuable a tool in their subjection. This notion of respectability has carried over in today’s discourse with debates on black women’s hair styles in the workplace 310 and the appropriateness (and in some instances, the legality) of wearing sagging pants 311. Black women’s sexuality, or lack thereof, became the tool to counter the negative images that had morphed into well-established stereotypes of them. 312 Once again black women displayed the courage, loyalty, and commitment to the larger black community by using their sexuality as a political tool. In other words, once the stereotyped black female over-sexuality is disproved, black women and, by extension, all blacks, would be elevated to their rightful place in society. Black women sacrificed their own desires for the cause of acceptance and respectability. Whites were unimpressed by this display of restraint and assimilation, and black women remained socially invisible.

It is ironic that despite the attempts at respectability, the myth of the sexually promiscuous black woman, in the form of the earlier referenced Jezebel, has persisted and is bolstered by advanced technology and media. 313 The new black Jezebel made her way into movies, videos, and songs as the previous century old attempts of sexually neutering black women for purposes of respectability had failed. 314

In the midst of the ongoing, never-ending societal manipulation and stereotyping of the image of black women, something astounding

312. See Rhodes, supra note 304, at 205.
313. See Davis & Tucker-Brown, supra note 283, at 113.
314. Id.
occurred: black women started to find their worth within themselves and stopped trying to prove their worth to the larger society. The evolution of black women became a revolution of style, attitude, and purpose: the Black Power movement and the slogan, “Say it Loud, I’m Black and I’m Proud”; the sight of Julia on the television screen; the perfect orb of Angela Davis’s afro; and a sense of pride, seeing black professors in classes, watching Oprah Winfrey, Serena Williams, and countless other women of color injected a surge of pride into black women that started with them reclaiming and defining their sexuality. Black women have said, “enough.”

CONCLUSION

Black women are a force to be reckoned with, and always have been. They will continue to be unbowed as they rip down flags and scale monuments. They will remain unbroken; in the words of Maxine Waters, “Black women are going to have to take more leadership. I think we are prepared because we bring a tenaciousness with us. We do not fear losing friends, allies, or jobs.” They will no longer be unsung, because they will sing their own songs. And they will recognize their mighty contributions to this country as this Essay has attempted to do. They will also proudly wear the moniker expressed in the title of this Essay of “African-American” women who have earned both descriptors with their blood, sweat, and tears.

Leaving behind nights of terror and fear
I rise
Into a daybreak that’s wondrously clear
I rise
Bringing the gifts that my ancestors gave,
I am the dream and the hope of the slave.
I rise
I rise
I rise.

315. BROWN, supra note 240.
316. Julia (NBC 1968) (starring Diahann Carroll). It was the first series on television which featured an African-American as the lead character.
319. ANGELOU, supra note 1, at 42.