Book Review [Reporting Civil Rights: American Journalism 1941-1973]

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BOOK REVIEW


*Reviewed by Peter Jan Honigsberg*

I. OVERARCHING THOUGHTS

If you ask people what comes to mind when they hear the terms "civil rights" and the "Civil Rights Movement," they will most likely reply by referring to Martin Luther King and the African American struggle for dignity and equality. Essentially, people may be making two oversimplified assumptions. The first is that Martin Luther King and the Civil Rights Movement are one and the same. The second is that the term "civil rights" refers exclusively to the African American struggle.

As for the first assumption, obviously the link between Martin Luther King and the Civil Rights Movement permeates our collective consciousness—particularly the consciousness of the younger generation who often are taught in their history classes to make this connection.

Nevertheless, people who have studied the Civil Rights Movement know very well that King did not single-handedly carry the movement. There were any number of grassroots organizations—the well-known ones like the Student Nonviolent Coordinating Committee (SNCC) and the Congress of Racial Equality (CORE) and the lesser known organizations such as the armed Deacons for Defense and Justice—as well

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as countless unsung individual heroes, both black and white, who put their lives on the line. King did not initiate the 1960 sit-ins at the lunch counters, nor was he a freedom rider in the 1961 Freedom Rides throughout the South. He played a relatively small part in the 1964 Mississippi Summer Project/Freedom Summer, where hundreds of students from around the country arrived in Mississippi to assist in registering black voters. King was the media darling, the man with the most charisma. But he did not do it alone.

Analyzing the second assumption is more difficult because one cannot possibly pinpoint the reason so many people, upon hearing the term "civil rights," think first of the black experience. Certainly, there are generational differences: a sixties activist would see things very differently when talking about African Americans and civil rights from someone who is thirty, who probably sees things differently from someone who is fifteen. Although an analysis of race and civil rights is beyond the scope of this book review, there are a few points for a reader to consider.

Hopefully, people who think of African Americans first when hearing the term "civil rights" also recognize that civil rights issues profoundly impact every ethnicity and gender grouping. From the early days of American independence to the present, racism and discrimination have reared their poisonous heads across cultures and genders. Some prime examples include the banning of Chinese laborers under the Chinese Exclusion Act of 1882, the internment of Japanese-American citizens during World War II, the inhumane treatment of Mexican farm workers in California, the denial of Chinese immigration under the Chinese Exclusion Act of 1882, the internment of Japanese-American citizens during World War II, the inhumane treatment of Mexican farm workers in California, and the denial of Chinese immigration under the Chinese Exclusion Act of 1882.

1. Acts May 6, 1882, c. 126 (22 Stat. 58); July 5, 1884, c. 220 (23 Stat. 115); September 13, 1888, c. 1015; October 1, 1888, c. 1064 (25 Stat. 476, 504); May 5, 1892, c. 60 (27 Stat. 25); August 18, 1894, c. 301 (28 Stat. 390) (preventing additional Chinese immigration and declaring that Chinese immigrants could not become U.S. citizens).


3. See generally ERNESTO GALARZA, FARM WORKERS AND AGRI-BUSINESS IN CALIFORNIA, 1947–1960 (1977) (describing the movement on behalf of Mexican farm workers); WINTHROP YINGER, CESAR CHAVEZ: THE RHETORIC OF NONVIOLENCE (1975) (describing the leadership of Cesar Chavez, who will someday be regarded as comparable in influence to Martin Luther King, in the farmworkers' revolution).
of the franchise to women until the approval of the Nineteenth Amendment, and the long history of homophobia recently characterized by the brutal torture and killing of Matthew Shepard in Laramie, Wyoming on October 6, 1998.

Even today, Americans watch as Attorney General John Ashcroft and the Justice Department monitor every mosque in America and detain and intimidate Muslim immigrants. In addition, in a move unprecedented in our nation’s history, the government is holding (as of this writing) two American citizens, Jose Padilla and Yaser Hamdi, incommunicado, without bringing charges against them and without allowing them access to legal counsel.

Furthermore, although linking civil rights and the black experience together as a first response is often logical and very appropriate, given that America’s racist treatment of African Americans throughout our history largely informs our civil rights doctrine, we must also question the motivation and reasons behind that thinking. It is possible that the person who draws this link is actually marginalizing African American people. To the extent cultures are marginalized, stereotyping and discrimination continue. Within the confines of this book review, not much more can be said on the contentious issue of race. Nevertheless, it is critical that people who perceive a close link between the term “civil rights” and the African American struggle fully explore and understand their motivations and the reasons they make this connection.

In acknowledging that most people link civil rights with the African American experience, we are not surprised to find that the recently published anthology Reporting Civil Rights

4. U.S. CONST. amend. XIX (giving women the right to vote).
9. A person who marginalizes African American people would, for example, possibly see the Civil Rights Movement as an African American movement rather than as an American movement.
10. REPORTING CIVIL RIGHTS PART ONE: AMERICAN JOURNALISM 1941-1963
focuses exclusively on the richly textured African American struggle. Although broadly entitling the two volume set "Reporting Civil Rights," the editors limit themselves to civil rights and the African American experience. Consequently, violations such as the internment of the Japanese citizens and the treatment of the Mexican farm workers, both of which occurred within the editors' chosen time frame of 1941 to 1973, are nowhere to be found in the 1900 pages of the set.

Surprisingly, however, the editors did not write a forward or any other explanation of their reasons and motivations for limiting Reporting Civil Rights to the African American experience. In this way, the editors further contribute to the assumption that the term "civil rights" equals the African American struggle. By restricting the anthology without explanation, the editors possibly mischaracterize the term "civil rights" and crowd out other ways of understanding the role of the African American community in society and the power of civil rights as human rights.

II. INTRODUCTION TO THE ANTHOLOGY

Once we acknowledge that the editors may be perpetuating the misunderstanding of civil rights, we can move on and review the two volumes. In many ways, these volumes are a welcome addition to the literature on the African American struggle of the mid-twentieth century. Reporting Civil Rights evocatively transports the reader back into the feelings, the humor, the pain, the anguish, the frustration, the hate, the uplifting joy, the energy, and even the sounds and the spirit of the times. The volumes also include the language and the tone that the popular and sensationalist media endeavored to highlight in those dawning days of sexual freedom and rebellion. For example, as one passenger said to Marlene Nadle of The Village Voice as they rode the bus to the March on Washington in 1963, "The reason white girls come down to civil rights meetings is because they've heard of the black man's reputation of sex. The reason white guys come down is because they want to rebel against their parents."\footnote{Clayborne Carson et al. eds., 2003}
Although *Reporting Civil Rights* provides us with real stories, for the most part the volumes comprise Northern interpretations of the Southern integration experience. However, the editors did make an effort to choose diverse material from the literature of those three decades. *Reporting Civil Rights* includes articles that appeared in the popular publications such as *Newsweek*, *Time*, the *Los Angeles Times*, and the *New York Times*; the large-format magazines like *Look*, the *Saturday Evening Post*, and *Life*; and the black press, including the *Atlanta Daily World* and the *Baltimore Afro-American*. The editors collected only a few articles from the Southern conservative press and a very limited number of pieces from the occasional moderate Southern papers. The volumes are prolific, however, because the editors expanded beyond the limited definition of “reporting” and reached out to include not only news articles but also essays, opinion pieces, and portions of novels and memoirs from some of the most astute observers of the times.

Obviously, the editors had to make choices in including and omitting information. By choosing some stories over others, the editors possibly shaped what future generations who read these volumes will think of the black experience and the Civil Rights Movement. In making those choices, they necessarily editorialized. Yet, the editors do not include any commentary explaining their selection process. For example, to the editors, Martin Luther King was the central player in the Civil Rights Movement of the 1960s, and therefore warrants greater attention than anyone else. But this slant favoring Martin Luther King can be misleading to the uninformed reader, who perhaps will not appreciate the contributions of more radical and underreported spokesmen like Malcolm X and members of the Black Panthers in Oakland.

12. *See infra* Part IV.

13. *See discussion infra* Part V. Although King was a central player, there is another reason that may explain why King is so well-received in these volumes: the lead editor of *Reporting Civil Rights*, Clayborne Carson, is the senior editor of the Martin Luther King Jr. Papers Project. The Martin Luther King Jr. Papers Project at Stanford University, at http://www.stanford.edu/group/King. The Project is described as a major research effort to assemble and disseminate historical information concerning Martin Luther King, Jr. and the social movements in which he participated. One goal of the Martin Luther King Papers Project is the publication of fourteen volumes of King’s speeches, sermons, correspondence, publications, and unpublished writings. Carson is also the editor of a book called *The Autobiography of*
Reporting Civil Rights collects nearly two-hundred articles, essays, and portions of books and memoirs, spanning over 1900 pages. The first volume begins in 1941 with A. Philip Randolph’s Call to Negro America “To March on Washington for Jobs and Equal Participation in National Defense.” As Roi Ottley wrote in The New Republic in 1941, “the Negro communities are seething with resentment,” because of the way the Negro soldiers have been treated and their frustration in being barred from the defense industry. The second volume closes thirty-two years later in 1973 with Alice Walker’s wistful piece, Staying Home in Mississippi, on the many changes—not all to her liking—brought about by the Civil Rights Movement. A safe but odd choice, the essay does not particularly reflect the early 1970s, when the national media made very evident the black rage, anger, and frustration following the earlier urban rebellions in Watts, Detroit, and Newark, along with the serious tears in America’s social and political fabric caused by the vehement anti-war protest movement.

The editors do not explain why they began the series in 1941. However, given the turbulent societal changes that began during World War II when thousands of African Americans left the South to join the army and were exposed to an American culture and world view poles apart from the hostility, oppression and brutality that they had seen and often experienced in the segregated South, 1941 does seem an appropriate point of departure for the modern-era African American movement.

The Civil Rights Movement of the late fifties and sixties (the core of the two volumes) was undoubtedly the major social movement of the second half of the twentieth century, but as the early pieces show, the movement had its genesis in the 1940s. In 1942, Bayard Rustin—whose pacifism in the pursuit of equality preceded Martin Luther King by two dec-

Martin Luther King, Jr., THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR. (Clayborne Carson ed., 1998), a rather disingenuous title since King never wrote his autobiography. See generally id. Carson drew upon King’s letters, diaries and recordings in creating the autobiography.


15. Roi Ottley, Negro Morale, NEW REPUBLIC, Nov. 10, 1941, reprinted in VOLUME 1, supra note 10, at 5.

16. VOLUME TWO, supra note 10, at 871.
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ades—boarded a bus traveling from Louisville to Nashville and, instead of sitting in the back of the bus, sat down in the front. The driver informed him: “Niggers ride in back.” Rustin refused to move and was arrested. Thirteen years later, Rosa Parks similarly refused to sit in the back of the bus, and the celebrated Montgomery bus boycott under the leadership of the young Martin Luther King began. Of course, given today’s issues of affirmative action, racial profiling, housing, jobs, and education for African Americans, the movement has yet to close.

III. A RICHLY TEXTURED MOSAIC

Perhaps because the editors preferred to select articles that appeared on the national radar screen, the two volumes focus on the big issues of the era and the issues remembered most by those who lived through it. We recall how Martin Luther King and his followers of nonviolence withstood the attacks of Southern sheriffs equipped with fire hoses and ferocious dogs. And we remember the March on Washington in August 1963, where King delivered his visionary “I Have a Dream” oration.

The key events of the sixties also include the turbulent march across the Edmund Pettus Bridge from the Brown Chapel African Methodist Episcopal Church in Selma to the statehouse in Montgomery in 1965; the 1960 Freedom Riders, where an integrated group of activists, including John Lewis boarded buses in Washington DC and rode into the heart of the former Confederacy where the buses were attacked and burned, and the activist riders were beaten fer-

22. Lewis, along with Bob Moses, founded the progressive Student Nonviolent Coordinating Committee (SNCC). He is currently a Georgia Congressmember.
ciously;\textsuperscript{23} the sit-ins at lunch counters, beginning in Greensboro, North Carolina in 1961;\textsuperscript{24} the Sixteenth Street Baptist Church bombing where four young girls dressed in their best Sunday clothes were murdered;\textsuperscript{25} and Rosa Parks' historic refusal to take a seat in the back of the bus,\textsuperscript{26} resulting in both the Montgomery bus boycott and the advancement to the world stage of Martin Luther King, who quickly matured into his role as spiritual leader of the Montgomery movement.\textsuperscript{27}

In 1963, when King was jailed in Birmingham, he could have bailed himself out immediately. But King knew that he would gain more sympathy and support for the movement if he stayed in jail. From his cell, he wrote a letter advocating direct action. His “Letter from Birmingham Jail”\textsuperscript{28} stands out as one of the outstanding civil rights pieces of the decade. He began the letter by acknowledging, “Seldom do I pause to answer criticism of my work and ideas.”\textsuperscript{29} He was on a mission to achieve equality and end discrimination and did not want to be distracted from it. But he felt compelled to pause and address the contemporary situation because the local moderate whites were blaming him for the violent reactions of Commissioner Bull Connor and his racist followers.

In his letter, King outlined the four basic steps in any nonviolent campaign: collection of facts to determine whether injustices exist, negotiation, self-purification (workshops on nonviolence, where the parties ask themselves whether they are ready to accept blows without retaliating), and direct action.\textsuperscript{30} He noted that he and his followers traversed all those

\begin{itemize}
\item \textsuperscript{24} See Albert L. Rozier Jr., \textit{Students Hit Woolworth’s for Lunch Service}, REG. (N.C. A & T), Feb. 5, 1960, \textit{reprinted in Volume One, supra note} 10, at 431.
\item \textsuperscript{25} See generally Hedrick Smith, \textit{9-Block Area Lies Devastated; Buildings Still Burn After Riot}, N.Y. TIMES, May 13, 1963, \textit{reprinted in Volume One, supra note} 10, at 809.
\item \textsuperscript{26} See Reddick, \textit{supra note} 18, at 252.
\item \textsuperscript{27} See \textit{id.}
\item \textsuperscript{28} See \textit{Martin Luther King, Jr., Letter from Birmingham Jail, Christian Century}, June 12, 1963, \textit{reprinted in Volume One, supra note} 10, at 777.
\item \textsuperscript{29} \textit{Id.} at 777.
\item \textsuperscript{30} See \textit{id.} at 778.
\end{itemize}
steps. Nevertheless, segregation, police brutality, unsolved bombings, and the mistreatment of African Americans in the courts continued, and the city fathers refused to negotiate. Soon King had no choice but to undertake direct action, and warned that “for years now I have heard the word ‘Wait!’ It rings in the ear of every Negro with piercing familiarity.”

But to King, “[t]his ‘Wait’ has almost always meant ‘Never.’”

King closed his letter with praise for the “real heroes” of the movement: the “sit-inners and demonstrators . . . . the James Merediths . . . . [the] old, oppressed, battered Negro women . . . . the young high school and college students, the young ministers of the gospel and a host of their elders.”

The editors wisely chose to add a chapter of Anne Moody’s prized autobiography, Coming of Age in Mississippi. In the chapter, Ms. Moody describes her participation in a sit-in at the Woolworth dime store counter while she was a student at Tougaloo College in Mississippi. She and her friends were beaten for three hours before the manager closed the store. After the attacks, she wrote that “all I could think of was how sick Mississippi whites were. They believed so much in the segregated Southern way of life, they would kill to preserve it.” Indeed, Southern whites killed for their “way of life” again and again.

White men all over the South killed in the mistaken belief, or hope, that the killing would somehow halt the movement. They killed Emmett Till, the young fourteen-year-old boy from Chicago who had come to visit his cousins in Mississippi in 1955. As the writer William Bradford Huie reported based on the confessions of the killers to Look magazine, Emmet allegedly squeezed the hand of a white woman, asked her for a date, and then “executed the wolf whistle” as she came out of her shop. Later that week, the woman’s hus-

31. Id. at 781.
32. Id.
33. Id. at 793. James Meredith was the first African American to enroll in the University of Mississippi.
34. Anne Moody, COMING OF AGE IN MISSISSIPPI (1968), reprinted in part in VOLUME ONE, supra note 10, at 857.
35. See id. at 863.
36. Id.
38. See id. at 234.
band and her brother-in-law kidnapped Emmett, beat him senseless, bashed his face to the point that it was mutilated and unrecognizable, shot him, and dumped him into the Tallahatchie River. The case was known in the national and international press as "The Wolf Whistle Murder." In less than an hour, a jury of their peers, i.e. twelve local "good-ole boys," acquitted the men. To those in Mississippi, this was just another lynching—one of more than three thousand committed in the South after Reconstruction. But for the first time in a long time, the country became outraged by the lynching of an African American.

In 1963, Southern whites in Mississippi killed Medger Evers, the local field secretary of the NAACP. As Claude Sitton reported in the New York Times, a sniper lay in wait for Evers to come home. In September of that same year, Southern whites set off a bomb in the Sixteenth Street Baptist Church in Birmingham. A year later, during the Mississippi Summer Project/Freedom Summer, Southern whites killed three young men: James Chaney, a black man from Meridian, Mississippi, and Michael Schwerner and Andrew Goodman, two white men from New York. Late one night along a lonely stretch of highway near Philadelphia, Mississippi, the local deputy sheriff and his men dragged the three men from their car and took them to an earthen dam to beat, shoot, and bury them. And, of course, Martin Luther King

40. See Huie, supra note 37.
42. A Tuskegee Institute compilation concluded that there were 3,417 lynchings of African Americans between 1877 and 1944. See PHILIP DRAY, PREFACE TO AT THE HANDS OF PERSONS UNKNOWN viii (2002).
44. See id. at 831.
47. Id.
was himself assassinated in 1968.48

The concept of civil rights embraces more than the movement and Martin Luther King’s nonviolent philosophy. It includes what the media often labeled in the late sixties as “black nationalism.”49 Reporting Civil Rights acknowledges, but underreports, the movement’s penchant for black power and violence in the late 1960s and early 1970s. The book profiles people like Stokely Carmichael, Malcolm X, and the Black Panthers, as well as the “riots” or rebellions in Watts, Detroit, and Newark, but they do not receive the same attention that King alone does.50 In 1966, Carmichael and Ruby Doris Robinson ousted John Lewis and James Forman as the heads of the Student Nonviolent Coordination Committee (SNCC), an organization that had begun during the mid-sixties to de-emphasize the involvement of whites in the movement, and was more youth-controlled and radical than King’s Southern Christian Leadership Council.51 In that same year, at a march through Mississippi, Stokely introduced the world to the black power salute.52 According to Paul Good, Stokely antagonized and angered the whites when he said, “the demands must become more militant because the opposition stiffens as white people tire of hearing of the struggle.”53 “Whites don’t want to integrate,”54 he asserted and noted that “integration is an insidious subterfuge when initiated by blacks alone.”55 To many of us, Stokely was “tell-

48. See Earl Caldwell, Martin Luther King Is Slain in Memphis, N.Y. TIMES, Apr. 5, 1968, reprinted in VOLUME TWO, supra note 10, at 645. Lest we think that racially motivated lynchings and killings are only a thing of the past, we should remind ourselves that only a few years ago in 1998, a black man, James Byrd, Jr., was chained to a truck and dragged along the highway in Jasper, Texas until he died. For a detailed account of the murder, see http://www.texasnaacp.org/jasper.htm (last visited Aug. 12, 2003).
49. See Marc Crawford, The Ominous Malcolm X Exits from the Muslims, LIFE, Mar. 20, 1964, reprinted in VOLUME TWO, supra note 10, at 96 (noting that Malcolm X announced that he was “quitting his ministry and organizing a black nationalist movement of his own.”).
50. King has many more notations in the Index than do Malcolm X, Stokely Carmichael, the Black Panthers and the riots put together.
53. Id. at 504.
54. Id.
55. Id.
ing it like it is."

A significant segment of the white population had felt that once the Voting Rights Act was passed in 1965, the movement was over. But given the direction toward black nationalism that followed the passage of the act, those whites were wrong. There was much more work to do.

Although Martin Luther King was to live another year, by 1967 he and his philosophy were seemingly becoming increasingly irrelevant to young African American men and women, especially those in the urban areas. King and other grassroots organizers had made considerable achievements in eliminating segregation and promoting integration. But beginning with Stokely Carmichael and Malcolm X, whose brilliant autobiography was one of the most riveting books of that generation, the African American youth moved in to take charge. Once racism and discrimination were no longer open and blatant acts, more subtle discriminatory behavior arose in the areas of greatest importance—housing, jobs, and education. If meaningful change was to be accomplished, there was still complex and arduous ground to cover.

In covering that ground, the actions sometimes turned to the rhetoric of violence, or to violence itself. The second volume features several articles on the Oakland Black Panthers, including one article by Joan Didion on Huey Newton, and another from the New York Times Magazine on Huey Newton, Bobby Seale, and the Panthers. The Times author wrote that "[t]he voice of the Black Panthers [is] full of the rhetoric of revolutionary violence . . . the voice of young ghetto blacks." The author of the Times article quotes Newton as saying to a crowd: "Every time you go execute a white racist Gestapo cop, you are defending yourself." Seale followed Newton and asserted "that there should be no more 'praying and boot-licking,'" and "[n]o more singing of 'We Shall Overcome.'" The only way you’re going to overcome is to apply

56. See discussion infra Part V.
59. Id. at 624.
60. Id. at 628.
61. Id.
righteous power.\textsuperscript{62} To most of the people in the United States at that time, the idea of a group of vigilante black men carrying out violent acts against white police officers was terrifying. But the Panthers in many ways were a logical progression. The Civil Rights Movement had released the pent-up anger and hatred that so many African Americans had felt toward the whites. The young blacks and their communities took up the call to freely express their rage and fury at being disregarded, and sometimes even discarded, throughout our nation’s history and into their own time.

This black rage is brilliantly articulated in Eldridge Cleaver’s self-analysis of his spiritual awakening in \textit{Soul on Ice}, a memoir comprising his social commentaries and storied letters from prison.\textsuperscript{63} Unfortunately, however, no part of that book is reproduced in \textit{Reporting Civil Rights}. Perhaps the editors found both Cleaver’s work and Malcolm X’s autobiography—also unrepresented in the anthology—too powerful and possibly threatening to their presentation of the material, which favors Martin Luther King and the integrationist, non-violence school of thought.

\textit{Volume Two} also contains accounts on the inner city urban rebellions—labeled as “riots” by the popular media—in Los Angeles,\textsuperscript{64} Detroit,\textsuperscript{65} and Newark,\textsuperscript{66} beginning with the Watts rebellion in Los Angeles in 1965. The slogans, “Burn, Baby, Burn,” and “Get Whitey” screamed through the television and the written media.\textsuperscript{67} Even today, those words can evoke a frightening sense of unleashed power. Appropriately, the editors included an article by Robert Richardson from the \textit{Los Angeles Times}\textsuperscript{68} that describes how these slogans allowed the segment of the white population that had supported the Civil Rights Movement to believe that the country was veering out-of-control.

\begin{itemize}
  \item \textsuperscript{62} \textit{Id.}
  \item \textsuperscript{63} \textsc{Eldridge Cleaver, Soul On Ice} (1968).
  \item \textsuperscript{64} \textit{See, e.g., Art Berman, Eight Men Slain; Guard Moves In, L.A. Times, Aug. 14, 1965, reprinted in Volume Two, supra note 10, at 414.}
  \item \textsuperscript{65} \textit{See, e.g., Bob Clark, Nightmare Journey, EBONY, Oct. 1967, reprinted in Volume Two, supra note 10, at 611.}
  \item \textsuperscript{66} \textit{See, e.g., Dale Wittner, The Killing of Billy Furr, Caught in the Act of Looting Beer, LIFE, July 28, 1967, reprinted in Volume Two, supra note 10, at 593.}
  \item \textsuperscript{67} \textit{See Robert Richardson, Burn, Baby, Burn!, L.A. TIMES, Aug. 14–16, 1965, reprinted in Volume Two, supra note 10, at 421.}
  \item \textsuperscript{68} \textit{See id.}
\end{itemize}
As mentioned above, many American whites considered the Voting Rights Act the watershed of the movement. Once President Lyndon Johnson signed the Act and gave African Americans the unfettered right to vote, the nation had taken a momentous stride in its evolution. Voting is the cornerstone of a democracy, and the Southern states' refusal to allow African Americans the vote symbolized much of what was wrong in American democracy.

In an early piece in Volume One, Tolly R. Broady describes his appearance in 1941 before the Board of Registrars in Alabama county when he tried to register to vote and was shunted from one person to another. The initial voting registrar said that he needed three hundred dollars or forty acres of land, as well as two white people who would vouch for him before he could vote. After returning with one person who would vouch for him (the "rules" seemed to keep changing and at this point one person would apparently do), he was told by another elector that he still needed to meet the property requirement. When he explained that the state constitution allowed for a literary qualification as an alternative for the property qualification, an elector replied that the word "or" actually meant "and." The elector then suggested that Broady ask the probate judge for a ruling. Naturally, the local judge also agreed that the word "or" meant "and." Although at one point it seemed that Broady might be allowed to register, apparently, he never had the opportunity. The Southern whites' refusal to allow African Americans to vote precipitated the highly publicized Freedom Summer/Voter Registration Project in Mississippi in 1964, where nearly one thousand students and civil rights workers, mostly from the North, advanced on Mississippi to assist in registering blacks.

72. See id. at 11.
73. See id. at 12.
74. See id. at 13.
75. See id.
76. See id.
77. See generally Charles M. Sherrod, Mississippi at Atlantic City, GRAINS OF SALT, Oct. 12, 1964, reprinted in VOLUME TWO, supra note 10, at 179.
One of the more curious memoirs excerpted by the editors was *Black Like Me* written by John Howard Griffin. In 1960, Griffin, a white man, underwent medical treatments to darken his skin so that he could “pass” as a Negro. He stated his intention to experience firsthand the Negro’s humiliations. It was a reflection of the times that the white media paid so much attention to his sufferings rather than to the daily, compounding miseries of African Americans who could not wash the black away.

*Reporting Civil Rights* includes two wonderful pieces by Langston Hughes, one entitled *Adventures in Dining* in which Hughes slyly notes that: “[u]ntil recently, for some strange reason, southern white people evidently did not think that colored travelers ever got hungry while traveling, or if they did get hungry they were not expected to eat.” In Hughes’ other piece, *A Brickbat for Education*, he writes,

If Miss Lucy wanted to go to bed with a white man instead of to college with one, nobody at the University of Alabama would throw stones at her, nor defy the Supreme Court. It is common knowledge in Dixie that some of the Southern politicians who are loudest in defiance of integration keep Negro mistresses . . . .

Whimsically, he continues, “‘The Southern way of life’ seems to be a brickbat for education and a kiss for the bedroom – when it comes to whites aiming at Negroes.” Yes, he acknowledges, “Miscegenation is an old, old story South of the Mason-Dixon Line.”

In *Kennedy, the Reluctant Emancipator*, Howard Zinn
punctures the progressive image enjoyed by President John F. Kennedy and his brother, Attorney General Robert F. Kennedy. Zinn observes that the dispatch of federal troops to integrate the University of Mississippi in Oxford "obscure[s] the true cautiousness" of the president in the movement for civil rights.

Essentially, Zinn saw the Kennedy administration as "behaving no differently from any of its predecessors." Zinn argued that we could not depend on Kennedy for vigorous enforcement of civil rights, and that Kennedy would respond slowly and reluctantly, only in response to public indignation and pressure. Zinn analogized President Lincoln’s insistence that Lincoln was more concerned with conserving the union than with slavery to Kennedy’s “preoccupation with law and order above either desegregation or the right of free assembly.”

Zinn was right. The Civil Rights Act of 1964 may not have passed under Kennedy’s watch. The Civil Rights Act had strong opposition from many members of the Republican Party as well as from Southern Democrats (known as Dixiecrats), and Kennedy could not be counted on to take the risks. Although unfortunate, Kennedy’s assassination in 1963 probably contributed more to the Act’s passage than anything he ever did while alive. President Lyndon Johnson used his brilliant persuasive skills to convince members of Congress to pass the bill in memory of the slain President.

IV. HOLES IN THE MOSAIC

Although Reporting Civil Rights provides an extraordinary window into the evolution of the Civil Rights Movement, it necessarily selects certain pieces to the exclusion of others. For example, the two volumes include writings on the protests and bus boycott in Florida, but overall, grassroots

87. Id.
88. Id.
89. See id. at 703.
90. Id.
91. See id. at 703–04.
movements outside the hallowed civil rights venues, such as Selma and Montgomery, do not garner a significant number of pages.

Of course, the editors may contend that their choices were limited to what was reported, so that *Reporting Civil Rights* could not report an incident if the media did not report one first. This may be a logical premise, but it cannot withstand further examination. Although the editors did not have to research stories that were not reported, they did choose among all the published stories, and in so doing they necessarily made value judgments. Certain events and people were perhaps excluded entirely from contemporary reports, but other events that the editors omitted were depicted in the major media outlets and in local press reports.

Whatever the reason for the media’s reporting or not reporting a story, the editors of *Reporting Civil Rights* had an obligation to clarify their position by adding an explanation as to why they made the choices they did. The editors are accountable to future readers—who may not be familiar with the history of the movement and the black struggle. In other words, the reader should know that even though the contemporary media from 1941 to 1974 did not always accurately reflect what was happening, the editors of *Reporting Civil Rights* are not fully reflecting all that the media did report. In selecting and excluding pieces, the editors are promoting their views as to what constitutes civil rights reporting.

As someone who worked as a civil rights worker and was a law student from 1966 to 1968 in Louisiana, I was not particularly surprised to see so few essays addressing issues unique to that state. There are, for example, three pieces on the Sixteenth Street Baptist Church bombing, yet only five pieces that focus exclusively on events and organizations in the entire state of Louisiana. Furthermore, there is nothing


in the two volumes about Zelma Wyche, the charismatic leader of the black movement in Talulah, a city in northern Louisiana. Because northern Louisiana bordered on Mississippi, it had many of the same tumultuous racial issues as Mississippi. Although Mississippi and Alabama were certainly the places where the movement was born and matured, they were not the exclusive domains of the movement. The media went to the big stories, and Louisiana was not on the radar screen. Accordingly, Reporting Civil Rights seems to take its lead from the 1960s media portrayals and renderings, largely ignoring the movements, episodes, developments, and charismatic leaders of Louisiana, even though those movements, episodes, developments and leaders were extensively reported in the local Louisiana press.\footnote{96}

The two volumes include only two passing references to Leander Perez,\footnote{97} a Louisianan who was one of the most vocal segregationists in the South.\footnote{98} Perez was unique in managing what few arch-racists could achieve: keeping civil rights activists from entering his Plaquemines Parish until the relatively late year of 1966. Federal registrars came to the parish to

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97. Farmer, supra note 95, at 285, 296.

register voters in 1965,\textsuperscript{99} and the schools were integrated in September 1966.\textsuperscript{100} In response to the desegregation order, Perez opened a school for white children in his former home.\textsuperscript{101} Civil rights workers did not enter the parish until Richard Sobol represented Gary Duncan in late fall of 1966.\textsuperscript{102}

Perez was a short stocky man with a signature pompadour that added several inches to his height.\textsuperscript{103} He created dummy corporations to control the parish’s rich oil and sulfur fields.\textsuperscript{104} The parish was, in effect, his fiefdom. Besides being the most powerful man in the parish, Perez was also the richest because he controlled the oil and sulfur. Perez was determined that no civil rights workers enter his parish, and to that end he purchased an old government fort surrounded by a moat and threatened to imprison civil rights workers within it.\textsuperscript{105} Activists heard that any civil rights activists who entered his parish would be thrown into the alligator-filled moat.\textsuperscript{106} At a Senate judiciary hearing, Perez proclaimed on the record that to protect the “Negro” vote was “un-American” and “communistic.”\textsuperscript{107} He later charged that integration was part of the “Communist-Zionist conspiracy.”\textsuperscript{108}

I can attest firsthand to Perez’s vehement anti-civil rights sentiments. I worked for the Lawyers Constitutional Defense Committee, headquartered in New Orleans. My supervising attorney at the time was Richard Sobol. Sobol represented Plaquemines Parish native, Gary Duncan, in what would eventually become the landmark Supreme Court case of Duncan v. Louisiana.\textsuperscript{109} The facts giving rise to the case arose in Plaquemines Parish in 1966. Duncan had been

\begin{thebibliography}{99}
\bibitem{99} See \textit{id.} at 26.
\bibitem{101} See \textit{id.}
\bibitem{102} See Peter Jan Honigsberg, \textit{Crossing Border Street} 98 (2000).
\bibitem{103} See Sherrill, supra note 98, at 6.
\bibitem{104} See \textit{id.} at 11–13, 15.
\bibitem{105} See \textit{id.} at 25.
\bibitem{106} See Honigsberg, supra note 102, at 94; see also Sherrill, supra note 98, at 25 (noting that “CORE and other outside civil rights workers decided to bypass Plaquemines, one of them explaining, ‘I don’t fear the prison so much but I’m scared of the man who made it.’”).
\bibitem{107} Sherrill, supra note 98, at 23.
\bibitem{108} Deposition of Leander Perez, Sr., at 430 Maritime Building, in New Orleans, La. (Aug. 11, 1967).
\end{thebibliography}
charged with a battery for unlawfully touching a white boy who was harassing Duncan's nephews at a newly integrated school. Sobol asked for a trial before a jury, and although Duncan could have been sentenced to prison for up to two years, Louisiana law did not allow for a jury trial. In 1967, Duncan was convicted before a local judge. Sobol appealed, and in 1968 the United States Supreme Court held that Duncan, as well as every defendant in the country, had the constitutional right to a jury trial in criminal cases. However, while Sobol was representing Duncan, Leander Perez instructed his son, District Attorney Leander Perez, Jr., to charge Sobol with the "unlawful practice of law." Sobol was not a Louisiana attorney, but apparently his arrest was in retaliation for his daring to represent an African American in Perez's parish. Ultimately, Sobol prevailed in district court in his suit against Perez. Although Sobol was profiled in a national magazine, he is nowhere to be found in the anthology.

There is only one short article on the Deacons for Defense and Justice, one of the most unique grass-roots movements to come out of the civil rights era, and one which received much local media attention. The article Deacons for Defense, written for Ebony in 1965, discusses the growth of the Deacons in Bogalusa, Louisiana, a town sixty miles north of New Orleans and a stone's throw from the Mississippi border. The author identifies two of the three leaders of the Bogalusa movement, Robert Hicks and A.Z. Young. Gayle Jenkins, the third principal and a woman who was equal in stature to both men, is ignored.

The Deacons for Defense was one of the first modern-day African American organizations to turn away from Martin Luther King's nonviolence policies and arm themselves. If whites shot into the black neighborhoods one night, blacks

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110. See HONIGSBERG, supra note 102, at 98.
112. See id.
115. Id.
116. See id.
117. See id.
118. See discussion accompanying infra note 134.
would shoot into the white neighborhoods the following night. Bogalusa was an armed camp with more Klan members per capita than any other city in the country. The white police force was so violent that the local federal court enjoined both the police and the Klan from beating and attacking the local blacks. In one chilling episode in 1965, only weeks after the local parish hired its first two African American deputy sheriffs, the African American sheriffs were ambushed. One was killed, the other lost sight in one eye. The attacker was never convicted.

In summer 1966, Charles Sims, the head of the Deacons, asked me to join him and others on a mission to integrate a beach on Lake Ponchartrain. On the way, we stopped at a gas station. The sixteen-year-old white attendant refused to serve us gas. Charles lifted his bulky frame out of the car, walked to the trunk, and motioned to the attendant to follow him. At the trunk, Sims raised the lid to reveal a load of rifles, shotguns, carbines, and grenades. The boy served us the gas. Martin Luther King never visited Bogalusa, possibly because of the Deacons’ rejection of King’s nonviolence policy.

Relatively few women were recognized for their work during the movement, and consequently, only a few women are represented in Reporting Civil Rights. In addition to the essays on Rosa Parks and the chapter from Anne Moody’s autobiography, Jerry DeMuth writes of Fannie Lou Hamer in his essay Tired of Being Sick and Tired. It is a harrowing account of Hamer’s returning from a voter registration workshop in 1963 and being beaten senseless by Negro trusties under the direction of white deputies in Montgomery County, Mississippi. DeMuth’s tale rips the reader apart forty years later.

Finally, there are relatively few pieces that thoughtfully consider the movement from the Southern perspective. Thus a reader who did not grow up in the sixties might erroneously believe that the movement had much greater support than it

119. See Roy Reed, Two Negro Deputies Shot in Bogalusa, N.Y. TIMES, June 4, 1965, at 17.
120. Id.
122. Trusties are convicts who are deemed “trustworthy” and who are provided certain privileges.
123. See id.
actually did. One considerable piece is Robert Penn Warren's 1956 reflective essay *Segregation: The Inner Conflict in the South* on being a Southerner (from Tennessee) and watching with trepidation as the movement was about to rain down on his part of the country. In the essay, Warren seems to apprehensively peek around the corner, perhaps understanding that soon the world he has known all his life will explode and the South will never be the same again. "We are prisoners of our history," he writes, and then wonders, "Or are we?"

V. UNFINISHED MOSAIC

Although the editors included Martin Luther King's "Letter from Birmingham Jail," they did not take his words praising the unsung heroes of the Civil Rights Movement fully to heart. Many local grassroots movements, as well as many relatively unknown African Americans and whites who contributed mightily to the movement (and without whom the movement would have never accomplished the success it had) were not acknowledged at all in the anthology. They were often, but not always, overlooked by the media then, and altogether forgotten now.

*Reporting Civil Rights* fails to inform us about the grassroots campaigns in the three key Alabama cities of Montgomery, Birmingham, and Selma. These cities formed the movement and Martin Luther King's career. According to Professor J. Mills Thornton III, the Montgomery bus boycott might never have happened without arch-segregationist Clyde Sellers' defeat of the liberal city commissioner Dave Birmingham for a seat on the Montgomery city commission, an event which compelled the local black leaders to band together to search for a way to influence local white politicians outside the political process. In addition, Thornton writes that the civil rights protests in Birmingham were a direct response to the business community's campaign to abolish the

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125. Id. at 328.
126. Id.
129. See id. at 10.
city commission as the governing body. Finally, Thornton observes that two events in particular emboldened the black community to renew voter registration demonstrations to achieve similar progress on the county level: the creation of the Committee of 100 Plus by young white progressive business people and the defeat of the local racist mayor in Selma, Alabama.

The second volume of Reporting Civil Rights also fails to reprint any portion of The Autobiography of Malcolm X, arguably one of the most important books of the twentieth century. Of course, Reporting Civil Rights necessarily includes writings on Malcolm X. However, because he opposed the nonviolent stance of Martin Luther King, Malcolm X was marginalized by the popular media at the time, and this marginalization is carried forward into Reporting Civil Rights. Malcolm was one of the first leaders to advocate that the black man find dignity and equality on his own and not rely on the white culture, yet for most of his life the popular white press simplistically misrepresented him as leading a separatist movement. Not until 1965 with the publication of his compelling autobiography, did the world learn about the turmoil that this brilliant but not-formally educated black man suffered as a drug addict and petty thief until he converted to Islam and began his soul-searching quest to understand himself and his role in his culture and in the world.

As mentioned above, neither volume of Reporting Civil Rights refers to Gayle Jenkins, although she was covered in Louisiana papers, especially when she and other local leaders met with the governor or marched to the parish or state capitals. Her contribution to the movement was equal to that of any man's. I had the great fortune to work with Gayle in Bogalusa, Louisiana. She was fearless; no white brutal sheriff or Klansman could intimidate her. She was jailed a number of times for demonstrating and participating in the boycotts of local businesses that refused to hire African

130. See id. at 11.
131. See id. at 11-12.
133. Id.
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Americans except in janitorial or maintenance positions, but being jailed never stopped her from returning to the protest line the following morning. She had only disdain for those who held back. On a march from Bogalusa to Baton Rouge through very rough and dangerous Klan country, Gayle spotted an African American man standing by the side of the road. I watched as Gayle motioned to him to join us. He shook his head, signaling no. “That’s okay,” she called out, “We’ll bring your freedom back to you.”

_Reporting Civil Rights_ also largely excludes progressive judges and lawyers, although they too were profiled in the media during the sixties and seventies. Although relatively few in number, a critical mass of progressive Southern judges made valuable contributions to the Civil Rights Movement, including Federal District Judge Frank Johnson in Alabama, Federal District Court Judge J. Skelly Wright in New Orleans (before he moved up to the Federal DC Circuit Court of Appeals), Federal District Court Judge Herbert W. Christenberry, also in New Orleans, and several judges on the Fifth Circuit Court of Appeals, including the compassionate John Minor Wisdom.


Of course, the U.S. Supreme Court was even more important in the 1960s. Chief Justice Earl Warren, who had participated as Governor of California in the internment of the Japanese Americans during World War II, made what apparently was a one-hundred-eighty degree turn and led the court into and through its most progressive era. Warren also had the brilliant assistance of Justices William O. Douglas, Hugo Black, William Brennan, and later, Thurgood Marshall.

For the most part, African American and white civil rights activist lawyers also seem to be relegated to oblivion in these 1900 pages. For example, Reporting Civil Rights does not even mention Richard Sobol, who took on Leander Perez in the backwaters of Plaquemines Parish and was profiled in the national media after his arrest. Nor is there any mention of Don Jelinek, another white civil rights attorney who worked in Selma, Alabama, and who, like Sobol, was also arrested on the retaliatory charge of practicing law without a license. And no mentions are made of either John W. Walker, a local Little Rock activist African American lawyer, or of J. L. Chestnut, Jr., a black attorney who represented civil rights cases in Selma, Alabama.

Nils Douglas and Lolis Elie, two of the most dedicated civil rights lawyers, are mentioned only briefly in a piece on Plaquemine, Louisiana, by James Farmer, the former national director of the Congress of Racial Equality (CORE), excerpted Freedom—When? Douglas and Elie committed themselves to assisting CORE members and other civil rights activists throughout Louisiana, often jeopardizing their own lives in the process. Their law partner, Robert Collins, is not mentioned at all.

Murphy Bell, an African American activist lawyer in Baton Rouge, and Ben Smith, a white staunch civil libertarian and defender of civil rights workers from the hinterlands of Louisiana before he moved to New Orleans, are also absent from these pages. And the critically important Law Students Civil Rights Research Council is not mentioned. Each year from 1965 through 1969, this organization sent about forty law students, including myself, to the South, and forty more

137. See discussion supra Part II.
law students from 1967 through the early seventies to the North, to work with civil rights grassroots organizations and legal organizations.

The editors either could not find, or more likely did not choose to include, a full article on Thurgood Marshall's mentor, the brilliant strategist and visionary Charles Houston. To many historians, the U.S. Supreme Court decision of *Brown v. Board of Education*\(^{140}\) carried the seeds for the sixties movement. That decision would never have happened without Charles Houston and Thurgood Marshall and the dedication they gave to the cause, a dedication that spanned over two decades. Beginning in the 1930s, Charles Houston was the man who designed the disciplined and meticulous approach necessary to overturn *Plessey v. Ferguson*\(^{141}\) one step at a time, his eyes always firmly set on the goal to end the segregation of his people. Houston set Marshall on his path. Houston was the strategist, and Marshall the protégé. Yet Houston is one of the most unappreciated heroes of the movement, and remains unappreciated in these two volumes. Houston's name appears but once in passing, in James Poling's article about Thurgood Marshall's determination to strike out against segregated schools in the South and the risks to his life that he took in doing so.\(^{142}\) Of course, Marshall was an incredibly brave man. Often as he drove through the South to collect evidence and find plaintiffs for his cases, he risked his life. Many times Marshall drove all night, because there were no black hotels for him to rest, and no white lodging would accept his coin. Charles Houston and Thurgood Marshall were an extraordinary team, yet today only the great lawyer and jurist Thurgood Marshall is remembered.

VI. CLOSING THOUGHTS

*Reporting Civil Rights* provides a unique perspective. We witness the world of civil rights unfold and evolve from the perspective of people who did not know, although some may have had inklings, of what was to be around the corner. In

141. 163 U.S. 537 (1896).
part the two volumes speak of an era—a bygone era for many of us—of captured innocence. Each piece evokes time and place. Because many of the markings were clear, the literal and figurative conflict for many of us was between black and white. We believed that we were doing God's work. Probably the other side did too.

The two volumes seize the times so well because they are of the times. These are not stories and articles with 20/20 hindsight; they were written in the throes of the movement, when one could not be sure how the issues would resolve. Indeed, in light of the intense debates and passions over affirmative action, we still do not know the resolution even today in 2003.

The Civil Rights Movement was not a clear movement with one defining vision. Many grassroots organizations throughout the South and the North served their own constituencies. Everyone wanted freedom and equality. But most would not be content with the end of segregation, and the promotion of integration—concepts that should have been actualized after the Civil War with the passing of the Fourteenth and Fifteenth Amendments. Many wanted equal access to jobs, education, and housing as well. But most of all, the movement sought dignity, respect, and compassion, goals that the African American community, unfortunately, still finds that it needs to pursue today.

While the Civil Rights Movement was peaking, the Vietnam War escalated. In 1965, President Lyndon Johnson intensified the bombing. In response, the protest movement ratcheted up its efforts. Colleges around the nation held teach-ins to educate their students on the war, the alleged threat of communist domination, and the domino theory where if one country in Southeast Asia falls to Communism, they all will fall. Martin Luther King himself felt compelled to address the war in Vietnam, noting that the percentage of African Americans fighting in a country on the other side of the planet was much larger in proportion to the whites who were fighting.143 He believed, that while the blacks were fighting for supposed freedom in Vietnam, some Americans sought to suppress the rights of African Americans back

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143. See THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR., supra note 13, at 337-38.
After people left the Civil Rights Movement, many activists moved on to the anti-war movement, making full use of the skills learned while protesting civil rights issues. It was a seamless transition, and given our sense of success in the movement, we were inspired to dedicate our energies to another cause. And over the decades, many causes besides the anti-war movement have modeled their actions on the Civil Rights Movement. The Farm Workers Movement in California, the women's movement, and the gay-lesbian movement all found inspiration in the Civil Rights Movement.

Although the Civil Rights Movement of the sixties is over, civil rights issues are very much in our consciousness today. Since 9/11, we have seen how Attorney General John Ashcroft has aggressively exploited the power granted to the government under the USA Patriot Act to peek into our personal lives without our even being aware of it; to request that libraries and bookstores reveal the kinds of books we read; to inspect and search our homes and offices without our knowledge; to review the phone numbers we call, the addresses of the e-mails we send, the subject line of the e-mails we send, perhaps even the content of what we send; to hold detainees who the government thinks are a threat for seven days without having to provide a reason, and possibly to hold them indefinitely; and to expel non-citizens who give material support to the enemy, as defined by the government.

It is doubtful that the relatively uncomplicated conflicts in black and white that we experienced in the segregated for-

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144. See id. at 336.
147. See id. § 213 (expanding the government's ability to search private property without notice to the owner).
148. See id. § 218 (expanding the Fourth Amendment exception for spying that collects "addressing" information about the origin and destination of communications).
149. See id. § 412 (expanding the Attorney General's power to detain aliens).
150. See id. § 411 (imposing "guilt by association" on aliens for even wholly innocent activity that can be associated with a "terrorist organization," regardless of the connection between the alien's activity and any act of violence).
ties, fifties, and sixties will again surface in our nation. Thus *Reporting Civil Rights* is perhaps best described as a historical piece, albeit a vibrant living reflection of the intense and passionate sixties. But we must not turn away from activism. The Civil Rights Movement may have ended in the sixties or early seventies, but the struggle for civil rights is very much alive and with us in the dawn of the twenty-first century.