LAW, LEGITIMACY AND BLACK REVOLUTION

TOWARD A THEORETICAL UNDERSTANDING OF CONTEMPORARY BLACK STUDENT PROTEST AND ITS LEGACY FOR MODERN AMERICA

By James S. Bowen*

I. Introduction

The rise in militancy among Black American youth was one of the most seminal and significant phenomena of the late 1960's, because of the decisive social and political changes it engendered in the lives of Black people and in several other sectors of United States society. This article examines the history and etiology of Black students in the campus and urban turmoil of that period. This examination should be seen in tandem with several recently published appraisals of the civil rights and youth-student protest movements of the 1960s-70s. Most of these evaluations have focused on the role of white students in the social unrest of that era. The review of Black student involvement is centrally relevant to the appraisal of past, and prediction of future, United States social and political currents. It is important because Black students were the avant-garde of the Civil Rights Movement and the precursors of the white student-youth movements. Understanding these events remains important, and relevant, because United States society continues to experience intermittent Black student protest at various campuses across the nation.

Black militancy was particularly evident in two settings: in Black communities and on college campuses. Although no study has definitively characterized the nature of Black militant protest among college students, numerous studies have explored either the ramifications of Black ghetto revolt or the dimensions of unrest among white college students. The task of this article will be to look at the intersection of campus and community protest in an attempt to suggest the causes, and to examine the legacy of Black student unrest on college campuses and in urban areas in the late 1960's and early 1970's, and to relate it to the persistence of protest (although less frequent and less vociferous) more recently. To accomplish this examination, it is necessary to understand the cyclical nature of protest in the integrationist/separatist continuum of racial relations. This article will aid in determining if conditions remain constant in the Black community which may again result in militant protest, in conformity with a cyclical process and a recurrent pattern of Black student-Black community protest. Black protest often reflected the orientations already evident in the urban riots and rebellions of the Black lower-class communities. The Black student movement should be

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1. Selected examples would include: Richard N. Goodwin, REMEMBERING AMERICA, (1988); Todd Gitlin, YEARS OF HOPE, DAYS OF RAGE (1987); James Miller, DEMOCRACY IS IN THE STREETS (1987); Peter Collier and David Horowitz, eds., SECOND THOUGHTS: FORMER RADICALS LOOK BACK AT THE SIXTIES (1988); Will We Ever Get Over The '60s in NEWSWEEK (Sept. 5, 1988). See also Alan Brinkley, Where Have All The Dreamers Gone? in THE NEW YORK TIMES BOOK REVIEW 7 (Sept. 4, 1988).

2. Lower class Blacks characterized by poverty, unemployment, economic underemployment, poor education and inadequate housing were concerned in their protests with matters vital to the lives and livelihoods of the members of their communities. While the precipitating factors for the disorders were often cases of conflict with a Black resident and an officer of the law or a white merchant, the major underlying factor was the long-standing high unemployment in these areas. This systematic lack of work opportunity delineates the primary components of the ghetto condition — in the reality of exploitation, oppression and deprivation. The unmet needs of the com-
studied because it reflects the long-term interests and future directions of the first sizeable group of Black students who have relatively open access to higher education at white schools. This movement also reflects the ideological and political trends of the larger Black community.

Black students function as an intellectual vanguard of the Black community. In conjunction with Black professional intellectuals, they serve to set the tempo and the tone for the intellectual and ideological currents in the Black community. Even beyond the 1980’s, Black student actions are likely to presage the substance and direction of events in the larger Black community — and are therefore likely to have a substantial impact on the whole society.

In light of this brief commentary concerning the focus of this research, the historical development of the Black student movement begun in the sixties may now be examined. This overview of Black student protest is not intended to be a detailed history; it is designed to provide a contextual setting for the body of this article.

II. THEORETICAL FRAMEWORK FOR UNDERSTANDING AND ANALYZING BLACK STUDENT PROTEST

By controlling3 the thought and symbol generating resources of society (media, educational institutions, think tanks), as well as of the enforcement agencies (police, military), “important and powerful” groups are able to gain and maintain the social approval, political support, and most importantly, the behavioral conformity of other and lesser groups. Thus strong maintenance of majority consent, tacit or expressed, lessens the need for the use of force as a means of dominance.4

3. Note Domhoff’s specification of his use of the concept of control: “by control we mean to imply dominance, the exercise of ‘power’ (ability to act) from a position of ‘authority’ (the right to exercise power by virtue of some office or legal mandate). Synonyms for control would be rule, govern, guide, and direct . . . members of the American governing class in fact serve their interests from positions of authority. Authority-based control . . . is their dominant mode.” G. Domhoff, Who Rules America? at 11 (1967).

4. Bottomore, Elites and Society at 35-54 (1970). See especially 36, 42-44. In addition, Staples has specified that “. . . racial dominance usually precedes the idea of racial superiority. This ‘view’, at least, is reflected in Memmi’s (1968) definition of racism as the ‘generalized and final assigning of values to real or imaginary differences, to the accuser’s benefit and at his victim’s expense, in order to justify the former’s own privileges or aggression.’” Staples, Introduction to Black Sociology at 250 (1976).

Carmichael and Hamilton discuss the role of vested interests, of assumptions of legitimacy, the colonial subordination of subject peoples as major parameters of the white domination of non-white peoples in the world in their chapter, White Power: The Colonial Situation in Stokely Carmichael and Charles V. Hamilton, Black Power — The Politics of Liberation in America at 3, 7-8, 16-23 (1967).

Lenski has indicated the importance of the institutionalization of power as a mechanism for increasing the effectiveness and utility of control in social action.5 Among the external restraints which dominant groups use to extend their power over others are what Wilson calls “power resources” — “properties that determine the scope and degree of the group’s ability to influence behavior”. . . . e.g., “high social status, reputation for power, capability to bear arms, control of political office, control of the mass media, wealth, and land ownership. . . .” Consistent with Lenski’s model, white ruling class dominance over Blacks was maintained before the Civil Rights movement by various legal and extralegal methods. Chief Justice Taney’s opinion for the Court in the

Race strongly determines a person’s prospects in jobs, housing, education, health, and life or death . . . Exclusion of Blacks from participation in dominant group prerogatives effectively lessens Black life chances and the quality of Black life.

Dred Scott v. Sanford decision of 1857, for example, pronounced the theory that Blacks were beings of an inferior order, and altogether unfit to associate with the white race . . . [The Negro] had no rights which the white man was bound to respect . . . [He] might justly and lawfully be reduced to slavery for his benefit.6

The Court’s 1896 decision in Plessy v. Ferguson7 insured the subjugation of Blacks by making “separate but equal” the law of the land in public education, public facilities and other accommodations. On the state level, Jim Crow laws and Black Codes served as state-imposed agents of segregation.8 Blacks were also divested of voting rights by poll taxes, literacy tests, grandfather clauses, and other legal and non-legal methods.9 As if the legal restraints were not enough, the Ku Klux Klan and other racist groups emerged and grew after Reconstruction to enforce Black subjugation with flogging, lynching and other forms of intimidation.10

8. 163 U.S. 537 (1896).
11. See Banton, Race Relations at 135 (1967).
Power Resources among the Governing Class

Following a Marxian sociological orientation, Domhoff notes that those who do own and/or control a disproportionate amount of the wealth, income, land and political power in this society constitute a governing class.

A governing class is a social upper class which receives a disproportionate amount of a country's income, owns a disproportionate amount of a country's wealth, and contributes a disproportionate number of its members to the controlling institutions and key decision-making groups in that country.

In *Who Rules America?*, he contends that United States society is dominated by a distinctly differentiated and bounded endogamous social upper class, originating with successful businessmen of the nineteenth century, comprising "less than 1 percent of the population", who disproportionately own the wealth and assume the leadership of the society. The members of this class are indexed in the Social Registers of major United States cities, educated in elite private schools and universities and fraternize in proper and exclusive social, cultural and recreational activities and organizations. The upper class in the United States creates a "business aristocracy" and dominates the political and economic life through an interlocking directorate of corporations and foundations. For example, members of the upper class hold corporate executive "command posts," participate in charitable and cultural projects, support pre-eminent charitable foundations (Ford Foundation, Rockefeller Foundation). In addition, they belong to exclusive gentlemen's clubs, and one or more of the five national policy-oriented councils (Council on Foreign Relations, Foreign Policy Association, Business Advisory Council, Committee for Economic Development and the National Advertising Council). These councils are controlled through either direct membership or influence on the power elite of Congress, the Executive, the Judiciary, the regulatory agencies, the diplomatic corps, and the military-police-intelligence functions. Distinguished from C. Wright Mills, Domhoff states that "any high-ranking official in a large corporation, or any member of one of [a special group] of large corporate law firms . . . is a member of a power elite which serves the interests of the American upper class."

Racial Dominance Topologies

Growing out of an attitude of racial superiority, and based on a need to justify racial stratification, ethnocentric notions are nurtured as part of the process that solidifies the dominant group position, preserves the racial order, and protects the benefits derived from racial subordination. While members of the upper class may derive more from exploiting subordinate groups in quantitative terms (profits, cheap labor, exclusive access to the best schools and jobs), all people in dominant groups in society accrue advantages through the disadvantaged of subordinate group members.

Race strongly determines a person's prospects in jobs, housing, education, health, and life or death. According to Staples, racism is a justification and "symbol" for oppression which manifests itself in ghettoization and colonial subjugation. He sees much of the societal racism as a result of institutional racism, primarily benefiting the average white citizen by such arrangements (e.g., the exclusion of Blacks from fair and equal competition in access to occupations, education, housing, health and life itself). Although Staples defines majority groups as "the collective group of whites who benefit from minority subordination," he specifies that this view does not mean that all whites actively discriminate against Blacks. Nonetheless, by virtue of Black exclusion from opportunities in jobs, education, housing and other areas as a result of institutional or individual racism, white chances for benefits are automatically increased.

In addition, while the majority of whites in the United States may not belong to the sociological majority which, as a class, dominates the rest of society, most whites are a part of the dominant group that extracts social and political advantage in the society, especially when compared to, and in relationship with, subordinate groups — namely racial minorities.

In reality, majority-minority relations are power relationships because they deal with the distribution of power in a society. At the same time the majority of American Whites do not rule this nation ei-

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13. Id.
14. Mills proffered that the power elite was composed of the dominant section of society; in contradistinction, Domhoff argues that the power elite is the servant of, and subservient to, the governing class. See G. Domhoff, *The Power Elite and Its Critics*, G. Domhoff and H. Ballard, eds., and C. Wright Mills and *The Power Elite* at 251-278 (1968).
17. See Bowen, *Note on Oppression* at 111.
20. When he refers to "life and death" matters, Staples no doubt has in mind the differential life expectancy rates of Blacks and whites to which he later refers. See Staples, *Introduction to Black Sociology* at 254. As the Census Bureau figures indicate, the differential in Black-White life expectancy for 1973 is approximately seven years. See Staples at 274, n.15. This gap persists through 1988.
21. Staples *Introduction to Black Sociology* at 150 et seq.
22. See Bowen, *Note on Oppression.*
ther. Therefore, it is necessary to distinguish majority groups from the ruling class of American society. We refer to majority groups as the members of the dominant racial group whose interests are represented in the political, economic, and social institutions of the society and whose status is superior to that of the racially subordinate group. We are specifically concerned with the collective dominance of Whites qua Whites over Blacks.

Exclusion of Blacks from participation in dominant group prerogatives effectively lessens Black life chances and the quality of Black life. Benefits are allowed to accrue to "Whites qua Whites" — not only to upper class members, but to all members of the dominant group in society. In addition, Staples has categorized four types of benefits where majority group members gain from minority oppression: economic, psychological, status-prestige and sexual-marital.

There are three mechanisms for maintaining racial dominance that are crucial to an understanding of subjugation of Blacks in United States society. One of the most important mechanisms for maintaining racial dominance is the pervasiveness of "racial ideologies." "Racial ideologies" denote a set of consistent beliefs used by the majority group to maintain its dominant status in society. Among these beliefs are the doctrine of free will, the belief that Blacks lack motivation for achievement, and the ideology of "universalism." Such racialist ideologies serve to maintain the status quo, and justify the advantaged place of the dominant group (assigning negative values primarily to the subordinate group and positive ones almost exclusively to the dominant group). Such ideologies also serve to attempt to displace Blacks' claims that prejudice and past discrimination largely account for the low position of Blacks.

A second mechanism for the maintenance of dominance is the assimilation and cooption of minority members as individuals or groups. The cooptation by the ruling elite of the brightest and often more outspoken activists occurs through the proffer of money, education, training, and position (or other valued ends). These activists sometimes consciously and conscientiously work for the interests of that ruling elite, and thus become indoctrinated into the values important to the dominant group. Effectively, both assimilation and cooption demonstrate the superiority of the dominant group's culture, and, at least for mechanisms of cooption, the superiority of the material benefits available from the dominant group. In addition, the enforced conformity to custom and convention is evident in the mores of racial segregation (especially of the de jure mode), racial deference of Blacks to whites, racial job ceilings and traditional race-linked job assignments. Ethnocentrism (a world-view which premises one's own ethnic group as the center of life, defines and evaluates other groups and nationalities on the basis of the values of one's own group) is linked in the United States with the dominant WASP culture; ethnocentrism requires an insistence on minority group conformity to majority group values and exclusion of those who by majority group definition do not conform. Members of non-majority ethnic groups who attempt to maintain their own cultural heritage are often ostracized, or receive other negative sanctions.

A third common mechanism, social networks and kinship ties, provides opportunity and access to some groups while excluding others. Included here are estimates of sociability, "knowing the right people," "having the right contacts," "the old boy system," all of which serve to erode the myth of equality of opportunity in modern bureaucratic society. The device of stereotyping, which consists of generalized attitudes about personality, moral character, culture or values, is also used. Common among these generalized beliefs are attitudes about "lack of industry, initiative, intelligence, honesty, and morality." Blacks who do not possess these negative qualities are excused as exceptions to the rule, thus leaving in place the stereotype. Finally, tests and qualifications using eligibility and other qualifications unrelated to the skills requisite to job performance determine admissions to college or training programs.

The Theory of Domestic Colonialism

One conceptual framework which incorporates the elements of exploitation, oppression, power and dominance is the "Domestic Colonialism Model." This model is premised on the understanding of colonialism as a situation where, by imposition of a foreign culture, and attempted annihilation of the native culture foreign control through the use of racism is established. The existence of African-Americans in a state of domestic colonialism must recognize certain differences from the situation under classic colonialism. Domestic colonialism is not characterized by unambiguous geographical distinction between the land of the mother country and the colony, colonialization of Blacks in areas which were "unequivocally Black," formal recognition of power differences between the colonized and the colonizer, unambiguous distinction of the dominant group (whites) as outsiders and Blacks as indigenous, conflicting claims among African-Americans and among white Americans as to whether exploita-

27. Id. at 262.
28. For example, the U.S. Supreme Court approved the use of a pre-employment test to select police officers in a District of Columbia case, despite its disproportionate impact on minorities Washington v. Davis, 426 U.S. 229 (1976). In this case, the court's rationale was that the relationship between the test and the employees' performance in a training program was sufficient to uphold the test, notwithstanding the lack of any proper relationship between the test and the actual job performance of police officers. In essence, tests discriminate against minorities because they often have a strong cultural bias, Blacks' schooling was often inferior to that of whites, and tests are often not accurate predictions of academic achievement or job performance.
29. R. Blauner, INTERNAL COLONIALISM AND GHETTO REVOLT IN RACIAL OPPRESSION IN AMERICA at 51-111 (1972); Staples, INTRODUCTION TO BLACK SOCIOLOGY at 13 (1976); J. Blackwell, THE BLACK COMMUNITY at 13 (1975).
tion is occurring. On the contrary, under classic colonialism there is "exploitation of the majority of a nation by a minority of outsiders." 30 While domestic colonialism may differ from classic colonialism in these ways, the fundamental similarity of the colonial status remains.

There are two requirements for colonial status: "economic control and exploitation, and political dependence and subjugation." 31 In the debate on the viability of the colonial analogy, Turner argues that the essential component of the Black community as colony are the economic, social and political dependence of Blacks on whites; the absence of control by Blacks of capital, land and other resources for production as well as political power, and the "caste domination" which characterizes Black existence and white control of police. Changes, yes, even progress of the last two decades in this area do not represent a change in the status of Blacks vis-a-vis "the system." Rather the more useful imagery would be that of a soft-shelled egg where recent events reveal a bulge on the surface of the shell but no crack in it - indicating that some pressure is being mounted, but the system is not about to experience fundamental change. More pressure is needed to achieve a break-through.

In contrast, Harris offers a highly critical review of Tabb's views on the components of the "internal colony" of Blacks in the United States. 32 Harris proposes the use of the Marxist definition of exploitation of labor in terms of the "excess value" theory. 33 According to Harris, this theoretical approach will allow a determination of the differential in rate of exploitation among different groups of workers, which may include consideration of the impact of racial discrimination. According to Harold Cruse, "The American Negro shares with colonial peoples many of the socioeconomic factors which form the material basis for present-day revolutionary nationalism. Like the peoples of the underdeveloped countries, the Negro suffers in varying degree from hunger, illiteracy, disease, ties to the land, urban and semi-urban slums, cultural starvation, and the psychological reactions to being ruled over by others not of his kind. He experiences the tyranny imposed upon the lives of those who inhabit underdeveloped countries." 34

In essence, Black student protest emerged out of a historical situation characterized by endemic racism and pervasive discrimination. Legal and extra-legal methods have been used by the ruling elite to control both social action and thought generation in society. Various sources of power (guns, rewards, mere promises, ideas and ideologies) are used by the governing class in this country to maintain their hegemony. In addition, racial ideology and stratification have worked to create a stake in the continuation of class hierarchy which operates to advantage whites, often at the expense of Blacks. Further, the economic dependence and socio-political subjugation of large segments of the Black community make our situation analogous to that of colonized and oppressed people everywhere.

III. CONDITIONS FOR MILITANCY

With all of the benefits and institutionalized mechanisms combining to maintain the status quo, how did social change occur? Wilson has recounted the several pertinent theories of revolutionary behavior in his review of racial conflict: the postulates of the revolution of increasing immiseration and of rising expectations. 35 While on their face these postulates may appear to be contradictory, such contradiction was present at the time of the civil rights movement, when many Blacks had high hopes for improving their social situation, by ending segregation, but experienced few economic gains. In addition, if the latter is viewed as applying to the Black middle class - especially that portion of it experiencing recent mobility from the lower to the middle class, and the first is seen as referring to the Black lower class, especially that portion experiencing downward or no mobility - the apparent contradiction lessens.

Applying the contributions of Davies and Briton, Wilson modifies these postulates to point to the unlikelihood of rebellion of those absolutely oppressed or deprived, recognizing that the necessary esprit de corps to initiate and sustain revolt exists more among those who have overcome survival worries and have experienced some improvement in their situation. Wilson contends that opposition will occur under the following conditions: 1) when the subordinate group feels that they can bring about rebellion, i.e., when they are optimistic about successful resistance in view of their power resources and the likelihood that the dominant group will mobilize its own power resources; when the subordinate group's perception of the rewards and punishments or costs of change show that the value of the rewards will exceed the sacrifices and punishments necessary to attain these rewards. 36 Both Wilson and Dahrendorf 37 analyze the dynamics of violence in oppositional confrontations. Wilson points out that revolution follows "Davies' J-curve" theory of revolution and rebellions - that a prolonged period of rising expectations and rising gratifications followed by a short period of sharp reversal during which the gap between expectations and gratification quickly widens and becomes intolerable leads to revolt; and secondly that the

30. Blauner, INTERNAL COLONIALISM (cited in note 29) at 83.
33. The theory of excess value or value theory of labor is a Marxist concept which says that the value of a product or good is "determined by the amount of labor utilized in producing it and that the capitalist who pays the worker less than the full value of his labor is expropriating the 'surplus' " or excess as his profit. See J. Schiegel, 36 STANFORD LAW REVIEW at 391, 39 (n. 9).
34. H. Cruse, REBELLION OR REVOLUTION at 75-76 (1968).
35. Wilson, POWER, RACISM AND PRIVILEGE at 47, 126, 133 (1973).
36. Id.
37. R. Dahrendorf, CLASS AND CLASS CONFLICT IN INDUS-
subordinate group must believe that violence will in fact produce the desired ends. Furthermore, although some people claim that the dispossessed have nothing to lose, and can readily afford the negligible risks of participation in revolution or revolutionary movements, Wilson points out that human life itself is a valued resource, the possible loss of which is considered in relation to violent opposition.28

As indicated in the discussion of separatism below,29 when the reform tactics used to change the racial order have neither sufficed nor are viewed as having a chance of success, subordinate groups withdraw from them to pursue separatist philosophies. Where physical and/or geographical separation prevails, race relations change, whether international or inter-community. As long as the subordinate and dominant groups continue to live in proximity and more importantly, in interdependent relationship, the problem of power differential continues.40

The special prerequisites for militancy developed in the Black community from World War II to the mid-1960s. Due to the expanding post-war economy, Black income rose and professional gains were made without sizeable sacrifices on the part of whites.41 Whites experienced upward mobility at the same time as Blacks — when whites moved up, Blacks moved up into the positions that whites had vacated.42 When Blacks began to experience a violent white backlash to their desegregation efforts in the 1950s and 1960s, however, many interpreted these onslaughts as evidence of white rejection of, and opposition to, Black progress and to Blacks' attempts at inclusion into the United States mainstream.43 Rather than abandon their hard-won gains in the face of white resistance, many sectors of the Black community followed the advice of some of their leaders who counselled more, rather than less militancy, activism and vociferation to express Black demands for full equality.

Both the Civil Rights movement and the Black militancy it preceded reflected Black dissatisfaction with marginal legal and economic gains. Among the several important factors which encouraged the Civil Rights Movement were the Brown44 school desegregation orders of 1954 and 1955, and the Montgomery Bus Boycott led by Dr. King in 1957. Matthews and Prothro describe additional factors, including the feeling among Blacks of incipient opportunity engendered by the above events in the atmosphere of wartime exposure to "nonsegregated" societies, the postwar economic boom which raised the socioeconomic status level of Blacks, and the beginning of a new period of rural to urban and South to North migration.45 Taken together, these factors brought new hope and determination to Blacks in the late fifties and early sixties. Yet when Blacks attempted to realize these hopes, we found the system of segregation and discrimination still very much intact. Frustration and disillusionment increased Blacks' sense of relative deprivation as compared to whites and led to greater resolve by Blacks to do something about our situation. These sentiments and resolutions led to the early sit-ins which eventually terminated the era of Jim Crow (de jure segregation) in the South and other parts of the nation.

Black student protest developed simultaneously with the beginning of the Civil Rights Movement among Black Americans. The early sit-ins and boycotts of Black students constituted the dawning of both the recent period of Black student protest, and of the Civil Rights Movement. Researchers have often pointed to the Berkeley student protest in 1964 as the beginning of the era of student protest in the 1960s.46 Few have noted the fact that the 1960 sit-in of four students from North Carolina A&T University at the lunch counter of a local store in Greensboro, North Carolina was the real genesis for student protest, Black or white.47 In addition, Charles Smith has documented the first instance of rebellion at a southern campus; a Florida A&M University-led bus boycott of 1956-58 which included many of the common components of both the early civil rights demonstrations and the early student protests.48 Among the common components are three significant characteristics: first, there was a violation of traditional southern protocol which reserves positions and options indicating privilege for whites, relegating Blacks to lower-level positions indicating inferiority. Secondly, there was frequently a cross burning or other acts of intimidation conducted at such time and in such place as to present a calculated threat and reminder of the status quo of white supremacy. Third, continued perseverance and eventual determination of Blacks to stand firm and engage in some sort of policy protest until grievances were resolved was also common.

Meanwhile, the Montgomery Bus Boycott, precipitated by Mrs. Rosa Parks' refusal to stand up for white bus patrons, and led by the Rev. Dr. Martin Luther King, Jr., brought effective economic pressure to bear upon a long standing form of segregation.49 Boycotts against Jim Crow policies were applied effectively elsewhere — in Tallahassee, Florida, June 1956, the boycott

TRIAL SOCIETY (1959).
39. Id. at 18.
40. Id. at 54-55 (1973).
41. Id. at 121-127; J.H. Franklin, FROM SLAVERY TO FREEDOM — A HISTORY OF NEGRO AMERICANS 463 et seq. (4th ed. 1974).
42. See Wilson, POWER, RACISM AND PRIVILEGE at 121-128.
43. Id. at 132-133.
46. S. Lipset, STUDENT POLITICS (1967); C. Smith, STUDENT ACTIVISM, BENIGN RACISM AND IRRESPONSIBILITY (unpublished paper 1974).
47. Smith, STUDENT ACTIVISM (cited in note 46).
48. Id. at 1-3.
cut by three quarters the local bus business.\textsuperscript{50} Victories at Tallahassee, Montgomery and Little Rock\textsuperscript{51} set in motion the juggernaut that would develop into the so-called "Black Revolution."

While FAMU may have been the first recorded case of student activism, it was the Greensboro sit-in which set the precedent and established the model for student protest.

Thus the four freshman at North Carolina A. & T. were not the first protesters. But they managed to do something that no one else had been able to do — they drew hundreds and thousands of college students into active protest. And they managed to create a region-wide "movement" from what had been scattered and sporadic protests. And they managed to commit this movement to the use of direct, highly provocative tactics in its struggle for freedom and equality.\textsuperscript{52}

After Greensboro, student protest spread throughout the South as the traditions of white supremacy/Black inferiority were challenged in the Civil Rights demonstrations. Student protests spread throughout the south, as Black determination to resist white oppression became solidified.

First, the spirit of protest spread to other areas in North Carolina — Winston-Salem, Durham, Charlotte, Fayetteville, and Raleigh.\textsuperscript{53} Eventually, demonstrations occurred in locations across the South — South Carolina, Florida, Tennessee, Louisiana, Mississippi. In all, "over

100 sit-ins took place in the next two months after Greensboro."\textsuperscript{54}

As a culmination of these thrusts, SNCC (Student Non-violent Coordinating Committee), an organization of student leaders of the Civil Rights effort, was formed. Pioneering in its formation was Ella Baker, an aide to Martin Luther King's Southern Christian Leadership Conference (SCLC) and a worker with the NAACP (National Association for the Advancement of Colored People).\textsuperscript{55} Subsequently, SNCC joined the other non-student forces as an equal participant in planning strategies, lobbying and agitating for Civil Rights. These plans included picketing segregated stores, wading-in at segregated beaches, participating in freedom rides and administering voter registration programs in conjunction with the members of CORE (Congress of Racial Equality) and the SCLC.\textsuperscript{56} In essence, these were the beginnings of student protest (Black and white), as Black students voiced their concerns over issues which were not isolated to the campus but affected the masses of Southern Black people. What, then, happened during the next few years to change the nature of Black student protest from its focus on civil rights to other issues, from civil disobedience to student power protest?

When Black students at predominantly Black Southern schools and colleges initiated the modern student protest movement in the early sixties, their protest was directed primarily at the system of Southern segregation and discrimination in public facilities (restaurants, hotels), public transportation (buses, railroads), political participation (voting, registration, office-seeking, office-holding), education (primary through professional schools) and judicial involvement (jury duty, legal counseling and defense). Protest activity in these areas prompted spin-offs in several other substantive areas; once the norms of segregation were attacked, involuntary exclusion in every area was scrutinized. Hence, housing segregation, which was more prevalent in the North because of de facto measures, was re-examined and gradually altered.\textsuperscript{57} The long-standing taboo on interracial dating, sex and marriage was strongly assaulted and eventually struck down through both informal behavior of activists and by several court challenges.\textsuperscript{58}

Thanks to the Civil Rights Movement, and the student activists who helped to inspire it, advances were made in all of these major areas. But these advances were met by strong resistance on the part of whites, especially in the South. By the mid-1960s, experiences of Civil Rights activists had convinced many to embrace militancy. In 1963, for example, several incidents occurred which shook Blacks' faith in the reformist posture of earlier Civil Rights struggles. In the Birmingham dem-

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50. Franklin, From Slavery to Freedom (cited in note 41) at 459. The 1956 Tallahassee Bus Boycott also served as the context for the beginnings of the Florida A & M student movement. See C. Smith, Student Activism (cited in note 47) at 1-3.
51. J. Blackwell, The Black Community 105 (1975); J. H. Franklin, From Slavery to Freedom (cited in note 41) at 473 (1974). The next year in Little Rock, Arkansas, white opposition to desegregation and federal intervention reached the confrontation stage, compelling President Eisenhower to send troops to secure the admission of Black children and the desegregation of the city's schools.
54. Foster, Student Protest (cited in note 53) at 214.
55. Id. at 215.
56. Id. at 460-461; P. Gurin and E. Epps, Black Conscientiousness, Identity and Achievement, 189-190 (1975).
58. Bell, Race, Racism and American Law (cited in note 57) at 258 et seq.
onstrations alone, over 3,000 people were arrested. The brutality to which they were subjected by Sheriff "Bull" Connor and others caused many Blacks to reconsider their goals for the movement. Other incidents which affected movement activists were the assassination of Medger Evers, a prominent field worker for the Mississippi NAACP, the murders of other civil rights workers, and the controversies and disagreements that arose over the March on Washington in 1963.

The year 1964 saw the passage of the Voting Rights Act under the leadership of a southern president. But the gains made in voting rights were obscured somewhat by the violence of the demonstrations at Selma and elsewhere during that year. The premeditated murders in Mississippi of civil rights workers Schwerner, Goodman and Chaney, the clandestine shooting of civil rights worker Viola Luizzo, whose killers were charged and punished not for murder but for violating her civil rights, and the murders of Reverend James Reeb and Jimmy Jackson in Selma — all convey the extreme contradictions of this period.

Bombs and burnings were common reactions of the South as violence marked the resistance efforts of white Southerners to what they viewed as the encroachments by the Black civil rights movement. Pinkney's account of the 1964 Mississippi Summer Project is noteworthy:

Thousands of black and white activists journeyed to Mississippi to engage in activities aimed at improving the status of that state's nearly one million blacks. They concentrated on voter education and registration and on 'freedom schools' . . . . The casualty list was high: by October 21 at least three persons had been killed, 80 were beaten, three were wounded by gunfire in 35 shootings, more than 35 churches were burned, 35 homes and other buildings were bombed, and more than 1,000 persons had been arrested. In addition, several unsolved murders of local blacks were recorded.

The attitudes of Black activists were also affected by occurrences outside of the South. During this period, African countries were gaining their independence from European colonial powers. In 1965, Malcolm X, a well-known Black militant leader, was assassinated after he returned from Mecca, subsequent to his break from the Black Muslims (Nation of Islam). In addition, there were a number of urban riots during this era: Harlem (1963), Watts (1966), Newark and Detroit (1967), to note only a few of the major conflagrations.

The spontaneous urban riots reflected a dissatisfaction on the part of many Blacks with their economic situation and their frustration at the slow moving pace of change in that area, and the movement for desegregation. Although some amelioration of job ceilings occurred as a result of the civil rights legislation (including Title VII of the Civil Rights Act of 1964), in many places the job ceiling remains effectively operative, preventing Blacks from achieving skilled and professional occupations proportionate to their numbers. Although the urban riots transpired mainly in the North, they resulted from the same conditions that affected Blacks in the South. "The feeling of frustration, of hopelessness, was reflected in the riots," as Blacks began to realize that their expectations for a significantly better life after desegregation would require fundamental changes in the economic and political structure of the nation.

President Johnson, and other national politicians, responded to the feeling of frustration, due to economic difficulties, with "anti-poverty" legislation in 1964. However, as the United States became increasingly committed to a war in Southeast Asia, its commitment to the problems of poverty and racism was proportionately strained. The need for political participation of the poor, and the fair representation of minorities at decision-making levels helped to create a crisis of legitimacy in United States institutions. This crisis was aggravated by the United State's internationally condemned intrusion into the Vietnam War and the exposure at the highest levels of governmental hypocrisy ("saving Vietnam from the Vietnamese") under the guise of support of democratic self-determination for indigenous peoples.

Finally, with the advent of the Deacons for Defense (1965) and the Black Panther Party (1966), the political movement among Black people took on a new dimension — the assertion of the right to community and self-defense. This assertion eventually led to a number of community-police confrontations in Black urban areas across the country, notably Los Angeles, Oakland and New York City. The Black Panther Party (BPP) soon became targeted as the "Number One Threat" to the internal security of the United States by the FBI. In addition, the FBI sought to discredit the Rev. Martin Luther King, Jr. and to destroy his leadership.

In summary, the Civil Rights era produced a new consciousness and a new social reality for Blacks in the United States. By the end of the era, the sense of cultural paranoia which Blacks had developed was confirmed by the limited gains, the assassinations and other frustrations which occurred during or resulted from the Civil Rights Movement. While direct action demonstrations proved to be effective in focusing attention on the issues involved in segregation and racism and in consciousness-raising on racial problems, these methods were found to

60. A. Pinkney, Black American at 185 (1975).
be inefficacious in producing significant social change. In order to bring about social change that would redistribute societal wealth and power, those committed to such change embarked on increasingly militant endeavors in pursuit of their ends.

IV. ANALYSIS OF THE STUDENT MOVEMENT

Reflecting the general feeling among many Blacks in the United States in the late 1960s, Black students across the country became increasingly disinchanted with what they perceived as the slow pace and the hard-won (and limited) gains of the Civil Rights Movement. Militant leaders began to focus on the need for economic reform, and the possible need for a separatist movement to go beyond the gains of the integrationist Civil Rights Movement. These ideological trends combined with hostility, alienation and disillusionment, leading to militancy among Black students in the late 1960's. At that time, activist students appraised the vast differentials in power and privilege in the United States and found the discrepancies intolerable for them. White and Black students decided to engage in direct action demonstrations to express their discontent with the injustices they perceived in the areas of First Amendment rights, the Vietnam War, and racial inequality.44

In the late sixties, Black students protested against the oppression and exploitation45 derived from the upper classes who controlled the societies' industries, corporations and markets. They also saw themselves as the victims of society-wide racism and discrimination, which was not the solitary purview of any particular social class, but rather was the product of an endemic view of Black people which defined them as inferior. The ethnocentrism46 at the basis of racism arises from an attitude of racial superiority and is based on a need for a justification of racial stratification.47 It is nurtured to fruition as part of the process of solidification of dominant group position, preservation of the racial order and protection of the benefits for vested interests derived from racial subordination.48 While upper class members may derive more from such exploitation in quantitative terms (profits, cheap labor, lower wages, exclusivity of access to the best schools and jobs), all dominant group persons in the society accrue advantages through disadvantages of subordinate group members.49

Black student movement issues have both a universal nature for Black people everywhere as well as a probability that they do involve the interests of individual Black students that have been jeopardized and/or violated. In essence, the question is do Black student protestors find themselves protesting for both their people and themselves, inasmuch as they may see themselves as part of the group victimized by racism? As victimized group members, do Black students protest on the whole on specific tangible issues for their own rights, or on general principles for the rights of others?

In general, Black student protestors reflected the varying concerns of the black community of which they are a part. This posture is different from the protests of white students, who often protested against the values of their communities. In the late 1960s, these student protestors came disproportionately from upper and upper-middle class families. Therefore, for white students (especially those from upper class families), such protests were against the activities of members of their own social class who were in government and corporate executive positions.70

In general, Black student protestors reflected the varying concerns of the Black community of which they were a part.

In large part, white students demonstrated about issues which were always "immediate, ad hoc and local," primarily concerned with the interests not of self or of their own group, but of "others less fortunate than themselves."71 It is on this particular point that white student protest was found to be most distinguishable from Black student protest — while the issues in the Black protests continued to be "immediate, ad hoc and local," they were also perennial, generic and ubiquitous for Black people.72 Hamilton's comment on this point is directly relevant:

...white student movements differ markedly from black student movements in that the former are largely directed at abstract and symbolic goals while the latter are challenged through more instrumental designs toward realistic ends ....

As the situation of Black students changed, and they experienced the benefits and the disillusionments of the Civil Rights movement, their concerns also changed.

71. K. Keniston, The Sources of Student Dissent (cited in note 70) at 312.
The general exclusion of Blacks from most positions of authority in society, as well as in universities, colors the question of whether Black students, like their white counterparts, demonstrate against the paternalism\textsuperscript{74} of college authorities, or against their perceived racism, of which paternalism may be a reflection. Some students perceive paternalistic policies towards Black students as racist. Foster indicates that college authorities were often seen as directly responsible for some racism — where there were no Black Studies components at the university and little or no Black faculty, students or administrators. He adds, however, that when such was not the case and students chose to protest against national or international events, college authorities were still seen by many students as guilty because of their assumed complicity with the real perpetrators:

In such instances, it appears that the real target whether it is the racism of white society in general or the perpetrators of particular acts against black people, is out of reach. and so the college administration is selected as a stand-in for the guilty parties.\textsuperscript{75}

In this manner student militants combined a broader concern with the problem of racism, and the need to combat it in general, with the more specific, localized problems of the university campuses.

Hence, the Black student movement may be seen as the product of the same social and historical forces which have yielded student movements elsewhere in the world. Primarily, these would include the impact of capitalism, industrialization and modernization in a society and culture which was relatively underdeveloped compared to the country bringing in trade and/or colonialist development.\textsuperscript{76} Such impact partly causes the emergence of a movement for national cultural rejuvenation as with the students in the African-American student movement. When confronted with the tradition of a non-Black (non-African-American) society which was ethnocentric and exclusive, Black American students reacted through various protest measures to insist upon inclusion in mainstream society, and to work towards an emergent revolution.

Participants in the Black student movement, an educated youth group in an oppressed society, therefore did not rebel against their elders within the Black community. Quite the contrary, Black youth defined their task as the reification of the struggle begun by their fathers who have historically fought oppression and exploitation in the United States.

V. THE NATURE OF MILITANCY

What, then, is the content of militancy, which came into vogue as the Black student movement refocused its attention from off-campus, in-community injustices to on-campus, college-related concerns? Militancy is the result of the convergence of several factors: a critical perspective on the relation of Blacks to the larger society; a separatist philosophy; an orientation to Africa; a desire for actual equality in all aspects of life; a revolutionary ideology, whether Pan-Africanist, Nationalist or Marxist-Leninist; a call for reparations to the descendants of the Black enslaved and underpaid; and a rejection of European culture and Euro-centric values which are to be replaced by an emergent African culture and Afro-centric values. Black militancy is a dissatisfaction with the given position of Blacks in society combined with attendant activism to change that position.

Concomitants of Militancy

A. Critical Perspective

The first and foremost concomitant of militancy is a critical, angry view and attitude about the role and position assigned to Blacks in contemporary United States life. This view is based on a reading of United States social and political history, especially as these have involved Black people, and an understanding of the oppression Blacks have experienced throughout this history.

B. Separatist Philosophy

For Black militants, a separatist philosophy is of primary value. This philosophy has a long history among Africans in the United States. It is focused on the two basic alternative modes of either repatriation to Africa or the establishment of a separate governmental and political entity on part of present-day United States territory. From the time that Blacks were first brought to the United States, Black group loyalties have shifted between integration and separatism.\textsuperscript{77}

Some separatists have supported the physical separation, or emigration, of Blacks entirely from the United States, to seek a new "territorial base" and perhaps even a "national homeland"\textsuperscript{78} Others have proposed the creation of a separate Black nation out of five or six Deep South states in the continental United States. This posi-

\textsuperscript{74} See L. Horowitz and W. Friedland, \textit{Sit-in at Stanford} in J. McEvoy and A. Miller, Id. at 127. In this article, the authors cite in loco parentis policies of college authorities as one of the primary causes of the Stanford University 1968 sit-in. See also Otten's review of the changing role of paternalism in relation to college governance in the late sixties. M. Otten, \textit{Ruling Out Paternalism: Students and Administrators at Berkeley} in J. McEvoy and A. Miller, Id. at 340-354. For a complete review of the theory and dynamics of the in loco parentis relationship, see S. Cazier, \textit{Student Power and In Loco Parentis} in J. Foster and D. Long, eds., \textit{Protest! Student Activism in America} (1970) at 506-530, esp. 509-515.

\textsuperscript{75} J. Foster, \textit{Student Protest: Aims and Strategies} in J. Foster and D. Long, \textit{Protest!} (cited in note 74) at 406.


\textsuperscript{77} Gambiri, \textit{African Continuities and Discontinuities in the New World: The Blend of African Elements into Afro-American Studies}, a paper presented at The First Conference on Critical Issues in Afro-American and African Studies, Syracuse University, February 1976, at 2-3; see also Concomitant "C. Orientation to Africa," this section below.


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tion was advocated variously by the Communist Party of the 1920's, the Revolutionary Action Movement (RAM), The Nation of Islam ("Black Muslims") and the Republic of New Africa. In addition, some separatists (including CORE in the late 1960s and various educators*) advocate community control, wherein a local (ethnic) community would act autonomously in matters of budget, personnel, curriculum and other school policy. In the 1960s-70s period, separatists believe that interracial relations should be kept to a minimum; no sex or dating between races; no school integration but instead, development of separate Black schools; and separate political parties since Blacks have not been able to find adequate political representation in the two major existing parties.

C. Orientation to Africa

Africans living in the United States during the pre-Civil War period thought of themselves as "Africans" or "Free Africans" and "did not begin to think of themselves as Americans until the Civil War period."

Numerous writers have documented African survivals and influences in African-American music, folk tales, religion, food, family life, dance, and language. Communalism and Pan-Africanism have played major roles in the economic and politico-ideological development of separatist thought in the Black American community. The Amistad case has become legend and symbol of Black resistance to white impressment of Africans into perpetual servitude in the United States as well as the full expression of a yearning to return to Africa.

In the sixties, Cultural Nationalists who were lovers of African (and to varying degrees African-American) culture, heritage and life-styles may be thought of as the "Africana-philics". They sought to create a rejuvenation in African-Americans of the values, ethos and practice of philosophy which is distinctly African. As they saw it, this orientation would serve as the salvation for the African-American from the morass of negativity that is American in the Euro-American tradition. Among the advocates of this orientation were Ron Karenga (founder of the cultural nationalist organization, US) and Imamu Amiri Baraka, who espoused the development of a Black cultural system (Kawaida) based on a Black value system.

Students of this persuasion typically donned dashikis and geles. They wore Afro hair styles and wrote, developed and/or supported Black music, drama, poetry and other literary and artistic forms. These students were most instrumental in the development of academic programs and departments of Black (African-American or African) Studies. Cultural nationalists were united in the central principle of their philosophy concerning culture (values, heritage) as the defining medium for humanity: informing the direction of individual and collective life and ultimately determining human destiny. From their viewpoint, a rejuvenation of culture is the primary task of those who are truly revolutionary. Before a society can be fought for and erected, its founding principles must be clear.

D. Equality

Militants insisted not only on equal access to power and privilege (fair distribution of wealth and resources, even of scarce resources) but also on an equal share of power and privilege. They demanded not just equality of opportunity (although that is required), but also equal success and equal results. Militants who maintain their insistence on equal results have met strong opposition in the area of affirmative action programs, which are designed to achieve these results. Opponents of affirmative action who argue against it as "reverse discrimination" tend to ignore the past and present effects of discrimination. These arguments are especially significant as they negatively impinge upon the pace and level of Black progress.

E. Ideology: Marxist-Leninist, Pan-Africanist or Cultural or Revolutionary Nationalist

The particular ideology of the Black militant may have an affinity with any number of social-political ideologies: Marxism, Marxist-Leninism, Pan-Africanism, cultural nationalism and to some lesser degree, pluralism. Mili-
tants may also be inherently opposed to certain political-philosophical or ideological orientations, including integration, assimilation, democracy, and bourgeois nationalism. Adherents of the militant orientation may also be seen as ambivalent about pluralism, capitalism and


80. P. Wilcox, Community Control of Schools in Black Communities in INTRODUCTION TO AFRO-AMERICAN STUDIES (4th ed. 1979) at 175-178; J. Blackwell, THE BLACK COMMUNITY (1975) at 122, 290; D. Bell, RACE, RACISM AND AMERICAN LAW (1973) at 574 et seq.

81. For further understanding of the difference between the Afro-centric and the Euro-centric perspectives, see Concomitant "G. Rejection of Eurocentric Values," below.

82. See I. Gambiri, AFRICAN CONTINUITIES AND DISCONTINUITIES IN THE NEW WORLD cited in note 77 at 2-3.

83. I. Gambiri, Id. at 3; Staples, INTRODUCTION TO BLACK SOCIOLOGY (1976) at 69-70, 75, 150-160, 173; C. Keil, URBAN BLUES (1966) at 127.

84. STAPLES, AN INTRODUCTION TO BLACK SOCIOLOGY at 69, 72; W. Nobles, Africanity: Its Role in Black Families in THE BLACK SCHOLAR (June 1974) at 18-24.

85. STAPLES, AN INTRODUCTION TO BLACK SOCIOLOGY at 73-75; J. Dillard, BLACK ENGLISH — ITS HISTORY AND USAGE IN THE UNITED STATES (1973).

86. I. Gambiri, AFRICAN CONTINUITIES AND DISCONTINUITIES IN THE NEW WORLD (cited in note 77) at 4; STAPLES, AN INTRODUCTION TO BLACK SOCIOLOGY at 158, 186, 184-185, 293-295; S. Carmichael and C. Hamilton, BLACK POWER — THE POLITICS OF LIBERATION IN AMERICA (1967).

87. See D. Bell, RACE, RACISM AND AMERICAN LAW (1973) at 29-31; see also W. Owens, SLAVE MUTINY: THE REVOLT ON THE SCHOONER AMISTAD (1968).

88. See discussion of the Kawaida system of Black values, infra, at 18.

89. See D. Bell, RACE, RACISM AND THE AMERICAN LAW (1973) at 711-813; see also D. Bell, RACE, RACISM AND AMERICAN LAW 1975 SUPPLEMENT (1975) at 45-125, 176-213.
democracy.

F. Reparations

Black slave labor was the basis for the United States being built into the richest and most powerful nation in the world, during which time Blacks were prevented from participating in the opportunities and power arrangements of the nation. Many militants argue that Blacks are owed some share of the wealth derived from their labor. Since Blacks' labor contributed to the development of modern industrial capitalism and monopoly capitalism, militants are likely to believe that Blacks should have a share in the successes of that system.90

G. Rejection of Euro-centric values and articulation and establishment of Afro-centric values

Many militants reject the pre-eminence and sanctity of Euro-American values91 and emphasize the integrity, validity and viability of African-American values and life-styles. Because Blacks generally never truly benefited from the system which is based on European values, some Blacks thus have a need to articulate and develop other sources of value orientation based on the unique qualities of the Black experience.

The Black or Afro-centric perspective can be defined along several dimensions. Two pioneers in the developing field of Black Studies have defined the Afro-centric perspective as the convergence of orientations of humanistic-collectivistic-communlistic-spiritualistic qualities as opposed to the complex of materialistic-individualistic-competitive-property-oriented factors in the Euro-centric or Euro-American perspective.92 Staples claims that Blacks are oriented towards providing mutual aid, extending compassion, exhibiting racial loyalty and adaptability of family roles.93 According to Staples, Blacks have different values from whites in eight substantive areas: time, emotions, money, morals, status, children and individualism.94 Although many scholars and laymen, Black and white, may take exception to these generalizations and see them as somewhat overbroad and stereotypical (especially Staples' view on time), they are an essential aid in analyzing this component of militancy. Staples writes that whites generally are regulated by time, exist with their emotions tightly controlled and are often repressed, view money as a value in itself to be accumulated for status, and are orientated to a relatively inflexible moral code emphasizing personal conduct on such matters as sex, religion and pleasure. In contrast, Staples claims that Blacks have a more flexible attitude about punctuality, experience fuller and more spontaneous emotional expression, use money as a means to an end of survival, rather than an end in itself and, in their moral code, emphasize relationships with, and treatment of people. While social status for whites is based on socio-economic factors, for Blacks personal qualities such as courtesy, compassion, friendliness, naturalness, innovation and adaptability are paramount. While in the Euro-centric perspective, children are viewed as "extensions of the parents" and are expected to fulfill parental expectations, Black children are typically seen and valued for their own idiosyncratic personhood. Finally, whereas the Euro-American view asserts competition as a value which enhances individual worth, the Afro-centric orientation avows a communalistic orientation as more important than to the individual.95

The rejection of Euro-centric values overlaps with another characteristic of militancy, the orientation to Africa. As guidelines for what are to be considered "Afro-centric" values, Imanu Amiri Baraka (LeRoi Jones), as a follower of the philosophy of Kawaida developed by Ron Karenga (founder of the cultural nationalist organization in the United States) proffered seven principles of the anticipated and perceived "African revolution in America." The following quote gives the Swahili names for these principles, and an English translation, followed by a brief explanation of each principle:

"A Black Value System"

Umoja (Unity) — to strive for and maintain unity in the family, community, nation and race.
Kujichagulia (Self-Determination) — to define ourselves, and speak for ourselves, instead of being defined, and spoken for by others.
Ujima (Collective Work and Responsibility) — to build and maintain our community together and to make our brothers' and sisters' problems our problems and to solve them together.
Ujamaa (Cooperative Economics) — to build and maintain our own stores, shops and other businesses and to profit together from them.
Nia (Purpose) — to make our collective vocation the building and developing of our community in order to restore our people to their traditional greatness.
Kuumba (Creativity) — to do always as much as we can, in the way we can in order to leave our community more beautiful and beneficial than when we inherited it.
Imani (Faith) — to believe with all our heart in our parents, our teachers, our leaders, our people and the righteousness and victory of our struggle.96

The seven factors which have been briefly considered here produce the phenomenon of militancy. Gurin and Epps provided a further elaboration on the concomitants

92. Staples, INTRODUCTION TO BLACK SOCIOLOGY (1976) at 76 et seq.; Jeffries, Black History Revisited, a Lecture to The Institute for the Teaching of the Black Experience, Black Studies Department, SUNY — New Paltz, Summer 1978.
93. Staples, AN INTRODUCTION TO BLACK SOCIOLOGY at 76-77; R. Hill, THE STRENGTHS OF BLACK FAMILIES (1972).
94. Staples, AN INTRODUCTION TO BLACK SOCIOLOGY at 77-78.
95. Id. at 77-78.
of militancy under their rubric of Black nationalism. They include six basic components: self-determination through separatism; community control; economic development orientation; militancy — political use of violence; African-American orientation; and African identification. In several aspects, their criteria of Black nationalism overlap with the concomitants of militancy discussed above, and the findings in their book on Black student consciousness may reasonably be compared with the results from several studies on Blacks militancy which are discussed below.

Militancy emerges from the historical context of a major strategic dilemma. From the time that Blacks were first brought to the United States, we have had to face the question of how best to relate to the reality which we found. From the beginning, the dilemma was whether to ally with a system which attempted to exclude, subordinate and exploit us while we tried to ameliorate and change our lot, or to strike out in hopes of finding a way to a different and perhaps distant (whether unknown or familiar) land which we could truly call home. At each period in time, Blacks found that the few inroads we had made into the mainstream of United States society were truncated or attenuated because of the incursion or resurgence of exclusionist practices. When this happened, many Blacks retreated to in-group programs including both separatism and emigration to other lands which were predominantly Black. This pattern is evident in the evolution from the integrationist civil rights movement to the nationalist militancy of many Blacks in the sixties.

The various configurations which Black-white relations in the United States have assumed may be placed along a continuum of sometimes overlapping ideologies:

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<th>Amalgamation</th>
<th>Integration</th>
<th>Separatism</th>
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<tr>
<td>Assimilation</td>
<td>Pluralism</td>
<td>Nationalism</td>
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The question of which aspect represents the ideology predominating in the Black community at any one time depends on the perceived economic, political and social condition of Blacks at that particular time period. William J. Wilson has found that in societies where the races are mutually dependent, separatist feeling among minorities increases when racial stratification seems to solidify and decreases when it diminishes. Wilson points most directly to this periodicity in his discussion of the ascendency of nationalist sentiments, which is one type of separatist orientation.

Unlike the self-help nationalistic philosophies that developed in the 1850’s following increased repression in the free states, in the Booker T. Washington era [1895-1915] as a response to the growth of biological racism and resurgence of white supremacy, and in the post-World War I Period as a reaction to white violence perpetrated against black urban immigrants in the North, the Black Power Movement [1960-1981] developed during a period when blacks had achieved a real sense of power.

With the oscillation between integration and separatist philosophies among various Black groups dating back to the time when Blacks first landed in the United States, the debate over the appropriate strategy can be seen as an ongoing one that continues today.

VI. SOCIAL FORECAST

The profession of a democratic-egalitarian ideology, and the failure of that ideology to be realized, is the heart of the United States’ problem with its minorities. Although the advances of the Civil Rights years held the potential and the promise of political equality, the paths to full social and economic equality continue to be blocked. “Blocked opportunities” frustrate Blacks who know we are not to blame for our own victimization, and activate us to participate in goal-oriented activity to change our condition. The discrepancy between United States democratic-egalitarian creed and behavior provokes antagonisms that lead people who are oppressed to demand social change. If the route of the accepted peaceful (political) means for social change is blocked, then society might expect violent attempts to change the social order.

The profession of a democratic-egalitarian ideology, and the failure of that ideology to be realized, is the heart of the United States’ problem with its minorities.

Added to the frustration of blocked opportunities, Blacks at the lower class level also experience significant denial and/or limitation of their life chances. For much of the twentieth century, the average Black family income has been half to three-fifths of white family income. In 1985, the unemployment rate for Blacks under twenty-one years old was 40%. In 1984, unem-

98. Id.
100. Wilson, POWER, RACISM AND PRIVILEGE at 50, 136-139, 150-151 (1973).
ployment among Blacks was 14.9% compared to 5.6% among white adults. In addition, while the differences between average Black family income and white family income have been documented over a significant period of time, only recently has there been any focus on the continuing and widening gap between Black middle and Black lower class income. The sense of relative deprivation of the lower class Blacks is heightened when we know that members of our own racial group achieve success within the system. By comparison, those of us who are able to cultivate talents in professional or technical fields, or are able to maintain their positions in civil service, factory or military are most enviable to those, often ghetto dwellers, who continue to be unskilled and illiterate.

The “deepening economic schism” in the Black community has consequences of paramount importance for the Black liberation struggle: the schism reduces the potential of the Black middle class for leadership (of the whole group) and the long-range effectiveness of that leadership for the Black underclass. It also may indicate to some members of the Black underclass that our best wager on self-improvement is individual achievement rather than collective striving, and that we should forget our re-emerging communalistic orientation and engage in self-aggrandizing competitive enterprise. Perhaps it takes on greater significance because indications show that the gap is widening, especially at a time when, from certain perspectives, dramatic progress in the Black socio-economic condition is being made by those of us able to meet the occupational and technical requirements of modern labor. Unfortunately, this success has led to increased insensitivity to the needs of the underclass on the part of some in the Black middle class. The “schism” indicates the likelihood of an increasing acceptance of the Protestant Ethic. The alienation between groups perhaps cannot be avoided, even though in most cases, the middle class comes from the same roots as those members of the Black underclass who remain in it. That some in the Black middle class would now attempt to structure a social distance between themselves and the underclass finds unnumbered parallels in the documented experience of white ethnic groups. It is not surprising that the rising middle class should suffer from an historical amnesia of the exceptions to previous racial exclusion, and the exceptional opportunities afforded Blacks which facilitated their rise from underclass status to their present middle class positions. However, this argument is not meant to deny that we (Blacks) were ready for these opportunities, nor that these new chances even nearly compensated for the centuries of denial of opportunity to Blacks and the reservation of privilege for whites that continues into the present. Nor is it suggested here that the majority of Black achievers forget their not-so-successful counterparts; quite the contrary, this amnesia is observed as a limited phenomenon — but one of overriding importance in evaluating Black liberation outcomes.

Nunes and Allen have proposed that the opportunities in the late sixties and early seventies were not given out of largesse, but rather had a latent function of “divide and conquer.” Their theory, based on the postulate that if a person has wealth resources, she will not be so rebellious, states that the goal of politicians who supported social programs and civil rights measures was to coopt the militant leaders of the underclass. In addition to the policy of suppression of rebellious outbreaks (through the use of force), a program of pacification in the urban ghetto areas was also initiated. Programs such as Model Cities and HARYOU-Act announced an ostensibly purpose of community improvement and stabilization; in actuality, the programs which sprang up may have had the prime, although concealed, aim of appeasement in the view of Black militants. Aimed at pacification of the rebellious underclass, they were largely designed for failure, e.g., the training of people to meet the technical requirements for union (or non-union) job qualifications, while neglecting to get, at the same time, any assurance of their membership in the union or job guarantees by an employer.

Another development which will contribute to shape the future is the recent period of comparative quietude on college campuses. Since the early seventies, college campuses have enjoyed a period of relative quiet — without the extreme degree of campus disruption experienced in the late sixties and very early seventies. This quietude was brought on in part by some successes in achieving the goals of the militant students involved in campus protest.

For example, student demonstrations helped to bring an end to the Vietnam War and led to an increase in the number and proportion of Black college students on college campuses, as well as an increase in the number of


107. A. Pinkney, BLACK AMERICANS at 91-93 (1975); D. Bell, RACE, RACISM and AMERICAN LAW at 714-715 (1973); W. Spring, B. Harrison and T. Vietoriz, In Much of the Inner City, 60% Don’t Earn Enough for a Decent Living, THE NEW YORK TIMES MAGAZINE at 42 et seq. (Nov. 5, 1972).


111. See W. J. Wilson, POWER, RACISM and PRIVILEGE at 146 (1973); P. Gurin and E. Eppe, BLACK CONSCIOUSNESS, IDENTIY and ACHIEVEMENT at 23 (1975); R. Staples, INTRODUCTION to BLACK SOCIOLOGY at 299 (1976); Blacks’ College Enrollment Soars, The New York Times at 56 (June 11, 1978).
Black faculty and staff. In response to student demands, realistic programs of financial aid to non-privileged students were implemented, and Black Studies programs and departments were established at a number of colleges. Student demonstrations also led to a recognition, on the part of campus administrations, of students' First Amendment rights to freedom of speech, press and assembly.

However, many of the gains achieved by Blacks in the sixties and seventies had been eroded by the time the seventies came to an end. The decision in the Bakke case symbolized a new era for Blacks, not only in higher education but also in employment and other sectors of United States society. The post-Bakke era has meant harder times for Blacks and other minorities in college admissions, college financial aid, employment, training programs and in housing. This era has seen more subtle and sophisticated devices, not explicitly based on race, used as a means to exclude racial minorities. These devices have been created in reaction to, and in anticipation of, programs designed to rectify the present effects of past discrimination in these areas. Included among these devices are various status qualifiers — income, education, (standardized) test scores — which are used to limit access to housing, employment or educational opportunities.

Like the Plessy v. Ferguson decision of 1896, which instituted a period of Jim Crow separation and restrictions on Black prerogatives, ending the Reconstruction period of unprecedented advance of Blacks, the Bakke decision may spell the incipient demise of the long-sought and hard-won gains of Blacks in the middle twentieth century. This new post-Bakke nadir has already revealed some of its dimensions. For example, charges of an attitude of reverse discrimination have become commonplace among majority race members who negate minority race claims that special programs are necessary to compensate for past discrimination. Conflicting views of the implication of affirmative action programs such as that considered in Bakke have led to the disintegration of the long-term coalitions of distinct political and civil organizations for the collective pursuit of civil rights legislation and policies. For example, the American Jewish Committee and the NAACP supported opposing and antagonistic views on Bakke.

Finally, the late 1970's saw the re-emergence of organizations with overt racist philosophies and mandates (the Ku Klux Klan, and the American Nazi Party). Furthermore, those seeking change experienced a sense of futility at the revelations of long-term memberships in the Ku Klux Klan held by the Mississippi police, and FBI involvement in, and inspiration of, Ku Klux Klan activities. The exposure of a documented FBI program to undermine and annihilate Black nationalist organizations such as the Black Panther Party and of the FBI's attempt to discredit and destroy such Black national leaders as Martin Luther King add to that sense of futility.

Given the oppression and exploitation which Blacks have experienced historically in the United States, one can understand the present scourge of drugs and violence, and lack of respect for life and property. It is little wonder that more than a few ghetto youth take the wrong paths, among cultural heroes that are street pimps, drug pushers and dope dispensers. With United States values emphasizing money, success, immediate gratification and materialism, the values illustrated in daily ghetto life lead to choosing the most expedient and most efficacious means to achieve these goals. Also, the decline of respect for the authority of traditional cultural institutions (the church, school and family) exacerbate the problem. Without the guidance of authority role models which reinforce a family's values of morality (honor, honesty, truth, hard work, thrift), the problem is worsened. Although television portrays a "good guys always win" attitude, the glamor, excitement and pizzazz of television, as well as real life "bad guys" means that untutored youths adopt the visible successes of these modern villainous anti-heroes.

In the age of anxiety in which we live, characterized by the "indicisiveness of the decision-makers" and the "lack of brilliance of the bright" , the 1980's "decade of the yuppie and of free-wheeling enterprise" has spilled contradictory outcomes for Blacks. On the one hand, important advances may be noted in business, industry and politics. On the other hand, severe negative forces have gripped the Black community — especially

112. University of California Regents v. Bakke, 438 U.S. 265. (a state university may consider race as a factor in admissions although a quota system within special admissions programs is a fatal flaw). See especially Justice Marshall's telling dissent at 387.

113. The actual effects of the recent Weber case will only be known in time. If the mandate in Weber is followed, positive consequences are likely for the Black community. See United Steelworkers of America, AFL-CIO v. Brian Weber, 443 U.S. 193 (1979). The affirmative action mandate of Weber has meant noticeable but insufficient advances for minorities. (Women have fared somewhat better under the affirmative action guidelines.)

The continued strong support by the majority of the U.S. Supreme Court for delimited, specifically defined advances has benefitted the skilled and the professional — primarily by providing a supportive legal context for educational admissions, employment and promotions for which minorities, in the majority of cases, likely possessed the objective qualifications. Watson is significant in as much as it gives grounds for suit by minorities where subjective criteria are used to exclude them from work opportunities and advances. Watson v. Fort Worth Bank and Trust, 108 S Ct. 2777 (1988).


114. 163 U.S. 537 (1896).
sectors of the urban underclass and lower class. A strong trend of nihilism evidenced by drugs, crime and anomie suggest that the struggle has taken on relatively new and very serious dimensions. Black-on-Black crime and use of drugs result in personal debilitation and community disruption. The onslaught of AIDS, which disproportionately ravage minorities, serves to create more suffering and despair.\textsuperscript{118}

These trends, occurring in a broader context, appear ominous for the possibility of Black development as part of the mainstream of United States life as long as Blacks continue in our belief in democratic-egalitarianism as ethos rather than ideology. We must combat the pervasive, unquestioning acceptance of United States society on the part of most U.S. citizens as an open, classless society where social mobility is often experienced, rather than as a class society with [at least for racial and other minorities] caste-like overtones.\textsuperscript{119}

Because of the probability that Blacks are likely to view society as composed of two antagonistic groups, the Marxist-Leninist approach has replaced much of the orientation to the democratic-capitalist approach in significant segments of the Black community. The middle 1970's witnessed a lively debate between Black nationalists and Black Marxist-Leninists on the merits of their relative philosophies. The primary problem in this debate has been the attempt to specify whether Blacks are primarily affected by race or class oppression. However, race, class and other types of oppression must be addressed before liberation can be achieved. Once such a determination is made, the task becomes the articulation and implementation of a program to effectively remove denials of freedom.

The advent of Jesse Jackson to the 1988 Democratic Presidential campaign is a phenomenon full of possibilities and meanings which have only begun to be explored by the media, the public and academics. On one measure, Jesse Jackson's campaign means that the Civil Rights Movement has come of age — running for \textit{and} winning the Presidency is the highest political and civil right which the United States offers to, and may confer upon, its citizens. Jesse's running for office means that much has changed in the United States in the last two decades — although much remains to be changed. The successes of Jackson's campaign means that a re-evaluation of the possibilities of revolutionary change by use of the democratic voting apparatus is in order. Few militants of the 1980's, indeed few adherents of any political affiliation, could have predicted that Jackson would have demonstrated that political power could be accrued by a Black Civil Rights activist of "liberal Leftist" persuasion. Jackson’s campaign shows that the sharing of power by racial minorities with racial majorities is viewed not as a vague and dim future possibility, but as a concrete reality now.

In the future, Black students will continue to have their loyalties and allegiances challenged on the college campus, while the older frontier of the pervasive and predominant white curricula remain. Black Studies programs and departments continue to be more or less an endangered species — whether subject to institutional non-support, gradual dismantling or swift and decisive termination. Such actions have served as a major provocation for renewed student disruption in the 1980's and will likely continue as well as broaden in the 1990's. Several factors will have an impact on the future of Black militancy. Factors in the international arena include a worsening economic crisis in the Western world (gauged by the fluctuation in the value of the dollar, the U.S. budget deficit and the price of OPEC oil) and persisting incursions on the sovereignty of African nations and African people by colonialist powers (e.g., European nations, the United States and South Africa who continue to attempt to direct African state relations to the colonialist powers' own best interests). Domestic factors include the widening gap between overall Black and white socio-economic indicators and prolongation of the deepening economic divergence in Black middle and Black underclass socio-economic indicators.

Meanwhile, KKK and Nazi sentiments and organizations have been resurrected, and are being disseminated, in the face of a reascent and burgeoning Black nationalist sentiment. This Black nationalist sentiment is disproportionately supported by the young Blacks in the context of general "political traumatization" of Blacks in the late 20th century. Because it is devalued, it may explode from this "dissatisfied and volatile" sector when there is adequate provocation. In the face of these radical tendencies, the enduring and uncritical attachment by the mass of the populace to a democratic-egalitarian ideology is especially ironic. This attachment may blind the observer to non-democratic and non-universalistic attitudes and actions of his compatriots; coupled with this attachment a total and paranoid rejection of any movement or intimation of fundamental social change. All of these factors describe a society which appears open to those included


\textsuperscript{119} See Oliver C. Cox, \textit{Caste, Class and Race} (1948) esp.
and closed to those excluded; a society which itself contains all the necessary and sufficient provocation for a continued and prolonged rebellion of the excluded and their supporters.

In the face of the contradictory indications in today’s society, it is quite probable that renewed outbreaks of campus and urban disruption will occur whether or not the society marshals its repressive and investigatory forces for prevention and containment. Further pacification (through the extension of piecemeal and occasional distribution of surplus remnants) may effectively delay an outbreak. However, societal confrontation and conflict involving disaffected Black youth and adults, reminiscent of the urban rebellions of the late 1960’s, but only more so, appears likely if the trends described immediately above are not somehow altered.

This evolution toward confrontation may have appeared likely when viewed prospectively at the beginning of the 1980’s. However, in a Janus-like retrospective/prospective view at the end of the 1980’s, one sees a widening grip of poverty, drugs and the advent of AIDS in the Black ghetto underclass, while at the same time an increased and persistent emphasis is placed on material (“making it”) success by non-ghetto minority residents (not unlike the rest of the United States).

The promise of inclusion (via Jesse Jackson) from the Democratic Party has been unsure and timid; the Republicans retort with not-to-be-outdone overtures. Meanwhile, the Reagan legacy and the Reagan-Rehnquist Supreme Court gives civil rights advocates great trepidation. If we Blacks can work ourselves out of this malaise, after these tribulations all will indeed be well with our souls.120 Whether The Rainbow Coalition which Jesse Jackson has spawned or some other combination of activism is sufficient to meet the needs of this crisis will be the social and political question for the last years of the twentieth century — the century, which as DuBois had predicted, was and is the century of the problem of the “color line.”

120. It Is Well With My Soul (Black Methodist Hymn), also known as When Peace, Like a River.