### **Christopher Birkett**

# America's Revolutionary Great Migration

"The land was ours before we were the land's." - Robert Frost, The Gift Outright

"Negroes are told in a language they cannot possibly misunderstand that their native land is not their own [...]" – Richard Wright, Black Boy

#### The Migration in Context: Oppression in the Jim Crow South

For roughly half a century, between the build-up to America's entry in the First World War, in 1917, and the passage of key civil rights legislation in the 1960s, over six million black Americans left their homes in the South and resettled in northern and western states. This mass movement of people, known as the Great Migration, dramatically affected the demographic make-up of the United States and produced lasting cultural and political changes in the country. At the turn of the 20th century, most African Americans lived in rural communities in the southern states of the old Confederacy. Ninety-three percent of blacks resided in the South in 1900; by 1970 that percentage had dropped to fifty-three. Historians have long debated the myriad reasons why the Migration happened when it did and why it lasted so long. Often overlooked, however, is the role the Migration played in helping to thwart statesponsored racial subjugation in the South and to improve race relations throughout the country as a whole. The Great Migration did not have political origins, but it ultimately had a political impact on the civil rights struggles of the 20th century.

The Migration began slowly but quickly accelerated. In Chicago, the black population rose from 44,000 in 1910 to almost half a million by 1960.<sup>2</sup> At one point, migrants were arriving in the city at a rate of over 2,000 per week,<sup>3</sup> and the numbers were similar in other cities that had become receiving stations for the influx of southern migrants. The black presence in Milwaukee more than doubled in the dec-

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Christopher Birkett, christopher.birkett@gmail.com

<sup>1</sup> Ira Berlin, The Making of African America. The Four Great Migrations, New York 2010, 155–156.

<sup>2</sup> Ibid., 156.

<sup>3</sup> Nicholas Lemann, The Promised Land. The Great Black Migration and How It Changed America, New York 1991, 70.

ade after 1910.<sup>4</sup> During the same period, Detroit's black residents increased from 5,700 to 41,000. (Their ratio in the city would eventually grow from 1.4 percent to 44 percent.<sup>5</sup>) In Gary, Indiana, just east of Chicago, blacks expanded their numbers from 383 to 5,300 before 1920.<sup>6</sup> And between 1910 and 1930, the number of blacks in New York climbed from just over 90,000 to three-quarters of a million.<sup>7</sup> Yet the larger picture is even more striking: prior to the Second World War, three-quarters of African Americans lived below the Mason Dixon line (at the Pennsylvania and Maryland border), but almost half lived outside the South by the late 1960s.<sup>8</sup>

Blacks left the South for many reasons. When northern soldiers joined the fight in Europe during both world wars, labor shortages created a demand for black workers willing to relocate to industrial cities such as Pittsburgh or Cleveland, Chicago or Detroit. Labor agents from northern companies actively recruited southern black men, whom they knew could be hired cheaply and would be willing to work long hours at grueling, often dangerous tasks. At the same time, temporary dips in European immigration dampened competition for low-wage jobs. For those African Americans laboring in the cotton fields of the Mississippi Delta – many of them the children or grandchildren of slaves – the boll weevil epidemic of 1898 triggered economic insecurity by devastating crops at unpredictable intervals. Later, in 1944, introduction of the first reliably mass-produced mechanical cotton reaper in Clarksdale, Mississippi, obviated the need to employ a large number of hand pickers in the fields. (Each new machine could perform the work of fifty laborers, saving the planter class almost seven-eighths of their expenses.9) The North seemed to promise plentiful work, higher wages, and a more favorable chance at economic advancement, as well as other perks like the ready availability of quality consumer goods difficult to come by in the South. Most importantly, however, the North offered respite from the racial discrimination of southern Jim Crow laws and the violent campaign of domestic terrorism that kept African Americans in a state of permanent subjugation.

The hallmark of Jim Crow was legally sanctioned racial segregation.<sup>10</sup> In 1838 the term had been applied to railroad cars in Massachusetts reserved exclusively for

<sup>4</sup> Isabel Wilkerson, The Warmth of Other Suns. The Epic Story of America's Great Migration, New York 2010, 244.

<sup>5</sup> Ibid., 190.

<sup>6</sup> Ibid., 244.

<sup>7</sup> Stephen Thernstrom/Abigail Thernstrom, America in Black and White. One Nation, Indivisible, New York 1997, 54.

<sup>8</sup> Ibid., 26.

<sup>9</sup> Lemann, Land, 1991, 5.

<sup>10</sup> The name is of obscure origin, though by the 1830s it had been popularized by a traveling minstrel, Thomas Rice, who performed a song in black face known as the "Jump Jim Crow" to the delight of white audiences. C. Vann Woodward, The Strange Career of Jim Crow, New York 1955, 7.

black passengers.<sup>11</sup> It then resurfaced in the late 19th century when southern state governments began enacting laws that restricted the movements and social privileges of blacks. In 1896 the Supreme Court ruled that "equal but separate" railcars were constitutionally permissible; less than ten years later it was illegal across the South for blacks to sit beside whites on any form of public conveyance,<sup>12</sup> and segregation of the races in other aspects of public life quickly followed.

Segregation marked a significant departure from the social order of the antebellum South and says much about how the psychology of race relations affected whites in the years after the Civil War (1861–1865). Under slavery, the master class had reinforced and retained control over their "property" by means of physical proximity.<sup>13</sup> Slaves were housed on the masters' land, and their supervision in the fields or in the home required a constant degree of personal association. With the collapse of slavery in 1865, this arrangement was reversed, as social segregation of the freedmen became the primary means of keeping blacks "in their place" – a constant, humiliating reminder of their alleged inferiority. The authority previously sanctioned by white ownership, in other words, had effectively been reconceived as an authority founded on black ostracism.

Jim Crow dictated which restaurants blacks could patronize, what toilets could be used, and to what extent it was permissible to walk through a public park or attend a local theater. Anyone accused of being too "uppity" risked being threatened or killed. Black children were educated in separate, underfunded schools with second-hand materials, while their teachers received a fraction of the salary of their white counterparts. In 1940, the states of Alabama, Georgia, and South Carolina invested more than three times the amount of money per white student than black; Mississippi spent more than seven times as much. Black teachers in 1930s Florida were paid slightly more than 500 dollars annually compared to one thousand dollars for white teachers. Taken as a whole, southern blacks in 1940 completed, on average, no more than five years of schooling, and only one in twenty earned a high school diploma.

Insufficient education compounded restrictions on the type of labor African Americans could perform. Almost half of all southern blacks worked in agriculture, but only one in eight owned the land on which they toiled.<sup>17</sup> Most black farmers

<sup>11</sup> Steve Luxenberg, Separate. The Story of Plessy V. Ferguson, and America's Journey from Slavery to Segregation, New York 2019, 3, 9–10.

<sup>12</sup> Wilkerson, Suns, 2010, 41.

<sup>13</sup> Woodward, Career, 1955, 22-23.

<sup>14</sup> Thernstrom/Thernstrom, America, 1997, 37.

<sup>15</sup> Wilkerson, Suns, 2010, 321.

<sup>16</sup> Thernstrom/Thernstrom, America, 1997, 36.

<sup>17</sup> Ibid., 34.

were sharecroppers or day laborers, positions only slightly improved from the days of slavery. Statistically, fewer than one in five sharecroppers earned an annual profit. Nor were blacks permitted to exercise their constitutional right to vote. Repressive voter registration laws in 1890s Louisiana led to a reduction of black voters from 93 percent to a mere three percent; by 1904 the number of individual voters fell from one hundred thirty thousand to little more than thirteen hundred. 19

But at all times, throughout the South, and reinforcing such oppression, was the harsh reality of almost boundless racial violence. It has been estimated that between the years 1889 and 1929, one African American in the South was hanged or burned alive every four days.<sup>20</sup> Throughout the 1890s, lynchings averaged over one hundred a year in the southern states.<sup>21</sup> In Florida alone, 266 blacks were lynched between 1882 and 1930.<sup>22</sup> "What was it that made the hate of whites for blacks so steady, seemingly so woven into the texture of things?" Richard Wright wondered in his autobiography about growing up in the Jim Crow South. "What kind of life was possible under that hate?"<sup>23</sup> This was the world, and this was the hate, from which fearful black migrants escaped in search of a better life.

#### The Delayed Promise of Equality

The progress of racial equality, from the Civil War to the 1960s, takes the shape of an inverse bell curve. At first, blacks enjoyed the promise of greater equality heralded by the abolition of slavery in 1865, and over the next ten years Congress had passed a series of civil rights laws and reconstruction bills – including three amendments to the Constitution – designed to secure the rights and freedoms of emancipated slaves and freeborn blacks. These groundbreaking laws seemed to ensure that race relations in America had been safely placed on an upward trajectory, that the nation, accordingly, would come to more fully realize the egalitarian promise asserted in the Declaration of Independence that "all men are created equal," and that the aspiration embedded in the Constitution to form a "more perfect union" would be fulfilled. Indeed, in the estimation of one historian, "black participation in southern public life after 1867 was the most radical development" of the time, "a massive experiment in interracial democracy without precedent" in 19th-century global

<sup>18</sup> Wilkerson, Suns, 2010, 167.

<sup>19</sup> Thernstrom/Thernstrom, America, 1997, 30.

<sup>20</sup> Wilkerson, Suns, 2010, 39.

<sup>21</sup> Thernstrom/Thernstrom, America, 1997, 45.

<sup>22</sup> Wilkerson, Suns, 2010, 320.

<sup>23</sup> Richard Wright, Black Boy, New York 1945, 164.

history.<sup>24</sup> That experiment proved fleeting, however, as southern state governments began chipping away at civil rights protections and erecting the imposing edifice of Jim Crow. Of especial significance, the United States Supreme Court deferred to the southern states in pivotal civil rights cases, effectively disrupting the adequate implementation of justice for generations.

A century later, the civil rights bills enacted under the Lyndon Johnson administration contained language remarkably similar to the legislation of the 1860s and 1870s. The landmark Civil Rights Act of 1964, for example, stipulates "injunctive relief against discrimination in public accommodations" and protects constitutional rights "in public facilities" – the very stated purpose of the Civil Rights Act of 1875. The Voting Rights Act of 1965, moreover, reinforces stipulations already established under the Fifteenth Amendment of 1870. And in 1968, the Fair Housing Act provided equal housing opportunities regardless of "race, color" or "familial status," all of which would have been irrelevant had the equal protection clause of the Fourteenth Amendment, of 1868, been properly enforced. These later bills transformed modern America by laying the cornerstones for a genuine racially integrated democracy. But why were they necessary, given the earlier passage of similar legislation? Why did the progressive bills of the 19th century fail to take root in the life of the nation?

One reason is that laws never alter society on the strength of their own virtue. Legislation requires active enforcement by police powers and the courts for its social implications to be effectively safeguarded. After Reconstruction, the institutions of the South were controlled by recidivist whites who attached little if any importance to the rights of African Americans. When the last federal troops were removed from the South in 1877 – the teacher, in effect, had left the classroom – their absence created a political power vacuum into which racial prejudice could be freely reasserted. But the South was also encouraged in this development once the Republican party began focusing on national reconciliation as a means of strengthening its electoral odds among southern white voters. At the same time, as industrial expansion ushered in the first mature expression of modern corporate capitalism, northerners of various political stripes began turning their attention to the corruption and soaring inequality posed by this new, market-driven Gilded Age.

The poetic justice of the Great Migration is that the widespread dispersal of black Americans to other parts of the country eventually contributed to the dismantling of the very racial caste system that had inspired them to leave the South in the first place. The sheer, palpable presence of large numbers of blacks in the North shifted and sustained national attention to the problem of race for the first time since the

<sup>24</sup> Eric Foner, Reconstruction. America's Unfinished Revolution, 1863-1877, New York 1988, xxiii.

aftermath of the Civil War. Just as significant was the political power blacks began to wield. Denied voting rights in the southern states, they began to develop entirely new constituencies in northern cities, from Harlem in New York, and North Philadelphia, to Oakland, California and the South Side of Chicago. Blacks became political actors by becoming active voters; they also altered political calculation among northern politicians seeking reelection. These politicians began to reprise the issue of civil rights in speeches and policy proposals that did much to advance the cause of equality.

The Migration was revolutionary in the sense that it set in motion a process by which a demographic transformation redefined the cultural and political life of the United States; but, as Joseph Ellis has noted about America's separation from Great Britain, it was a "revolution in slow motion," its fullest effects realized over time. For just as the meaning of independence had been contained in a Constitution designed to absorb generational change – a living document that could work with history rather than against it – the Great Migration was a living expression of the potential for the American people themselves to bring new meaning to the words of the nation's founding document. The United States, Abraham Lincoln wrote, can be said to consist of "its territory, its people, and its laws." During the Great Migration, millions of people resettled throughout that territory and, in so doing, helped bring about fundamental changes to the law. This is because the Migration prompted a reassessment of the meaning of citizenship and what it socially and psychologically entails, not merely as a matter of legal abstraction, but in terms of interrelations among Americans in daily life.

## States' Rights Ideology and the U.S. Supreme Court

The racial oppression that fueled the Great Migration cannot be properly understood without absorbing deeper issues of governmental power and individual freedom that have preoccupied the nation since its inception. For decades, southerners had defended slavery as a perdurable right, immune from interference by the federal government under the Constitution's protection of private property; after the Civil War, the South employed similar constitutional arguments to justify the domestic management of race relations. Northern politicians, by contrast, endorsed the expansion of a newly empowered federal government that could award civil liberties to the freed slaves and protect them from southern hostility. It is on the basis of this dynamic between individual rights and the coercive power of the state – the ten-

<sup>25</sup> Joseph J. Ellis, American Creation, New York 2007, 21.

sion between federal and local sources of authority – that America's struggle towards racial equality must be appraised.

While the postwar, Republican-controlled Congress wrestled over the limits of federal power in restructuring the defeated southern states, these deliberations were only the latest incarnation of America's wariness concerning centralized authority. The general distrust of 'big' government - what the revolutionary generation expressed as the fear of consolidated power – originated in the fragile political environment of the 1780s, when disdain for the British monarchy lingered over debates about the kind of nation America should become. Would a strong government endanger individual rights, or was it the best hope – as the enforcer of last resort – of ensuring those rights would be protected? The country had been loosely organized under the Articles of Confederation during the Revolutionary War, but the Articles merely confirmed a "firm league of friendship" among the states – hardly legally binding language when it came to resolving problems demanding national cooperation. The Constitutional Convention convened in the summer of 1787 in large part to ensure the fruits of the revolution would not be lost among the squabbling states. George Washington, who presided over the debates in Philadelphia, believed the Articles were ineffectual – a "rope of sand" – in preventing competing interests among the states from ultimately dissolving the Union. In their place he envisioned a strong national government with sufficient power to coerce the states into a cooperative relationship with one another and thereby harness the nation's shared resources for the greater benefit of all the people. For Washington, the common good could best be served by a common government. "We are either a United people," he declared, "or we are not."<sup>26</sup>

The Virginia statesman James Madison likewise divined the need for a strong source of central authority, proposing that the federal government retain power of veto over any state law. (Alexander Hamilton, another 'strong Federalist,' advocated the absence of states altogether.) "[W]ithout such a check in the whole over the parts," Madison confided to Thomas Jefferson, "our system involves the evil of imperia in imperio" – a deliberate ambiguity regarding the final arbiter of constitutional authority.<sup>27</sup> However, due to a series of compromises with moderate convention delegates – 'weak Federalists,' who feared that tempering state sovereignty would reproduce the kind of British tyranny from which Americans had only recently freed themselves – Washington and Madison's vision for a fully empowered national government was never realized.

<sup>26</sup> Ibid., 91.

<sup>27</sup> Ibid., 112.

The government thus formed by the Constitution purported to be something greater than a tenuous collection of states, but as the product of compromise its power was left purposely undefined. For most Americans, the country remained a confederation of states, not a consolidated Union. The national government itself was held together by a system of checks and balances that ensured no single chief executive or legislative faction could easily assume dictatorial powers. Indeed, sovereignty had been established in neither the states nor the federal branches of government, but rather split among them. This arrangement ensured that competing claims to authority – and to whom the law's protections would apply – would be a matter of ongoing debate between the states and the national government over a range of issues, including slavery, and, after the Civil War, the rights of the freedmen.

The debates at the Constitutional Convention between strong and weak Federalists were reproduced in the 1860s between 'radical' and 'moderate' Republicans. The Radicals insisted on expanding national power to ensure protection of the freedmen within the southern states; the moderates protested that the fate of southern blacks should be managed by the state governments themselves. Just as Washington and Madison had sought to fortify American independence by creating a robust national government, the Radicals now sought to bolster black independence by strengthening the government they already possessed. And just as moderate delegates to the Constitutional Convention had blocked efforts to weaken the states' authority, moderate Republicans now deferred to states' rights while deliberating the role of the federal government in managing Reconstruction.

The Radicals were adamant about the need for federal intervention in the southern states for the primary reason that those states remained intransigent to the social and political changes wrought by the Civil War. Slavery may have ended, but that fact did little to stifle racial prejudice in the South. In late 1865 – the smoke barely cleared, Richmond still in ruins – southern legislatures enacted what became known as the Black Codes, racially restrictive laws aimed at maintaining control over cheap black labor. The Codes were quickly repealed by the Republican Congress, but the fact they had ever been created demonstrates the lengths to which southern legislators would go to reassert white supremacy after slavery's abolition.

For the Radicals in Congress, the emergence of the Black Codes devastated the notion that individual states could arrogate to themselves the task of Reconstruction. Charles Sumner, the Radical Republican from Massachusetts, affirmed the need for a strong central government to assert its will over the conquered southern states: "The same national authority that destroyed slavery must see that this other pretension [the caste system born of racial inequality] is not permitted to survive."<sup>28</sup>

<sup>28</sup> Foner, Reconstruction, 1988, 232.

Sumner's colleague in the Senate, Henry Wilson, envisaged federal authority as an expedient for egalitarianism. "I believe in equality among citizens," he declared, "equality in the broadest and most comprehensive democratic sense." Pennsylvania Congressman Thaddeus Stevens outlined a Reconstruction program that would give blacks voting rights and grant them forty acres of land parceled out from confiscated southern plantations. <sup>30</sup>

Frederick Douglass once summarized 19th-century America by insisting that no "political idea [was] more deeply rooted in the minds of men of all sections of the country [than] the right of each State to control its own local affairs."<sup>31</sup> And certainly by the 1860s the American fear of consolidated power had reemerged as a general deference to states' rights. Opposing the Radical agenda were moderate Republicans, congressional Democrats, and the party's own president, Andrew Johnson, who had assumed power after Lincoln's assassination. Johnson remained a staunch defender of states' rights - a secessionist in everything but secession - and resisted what he called the "stride towards centralization, and the concentration of all legislative powers in the national Government."32 Like other conservatives, he denounced black suffrage and considered any form of federal assistance to the freedmen an unconstitutional imposition on the states. "White men alone must manage the South," he told one California senator.<sup>33</sup> Lincoln had described southern reconstruction as "the reinauguration of the national authority."34 By contrast, Johnson alluded to "the work of restoration" in his first annual message to Congress, as if the mere reassembly of the states would in itself resolve the nation's racial problems.<sup>35</sup>

Johnson's extremism convinced enough moderate Republicans to join the Radicals in passing two momentous pieces of Civil Rights legislation that would circumvent discriminatory state laws and benefit the freedmen directly: the Fourteenth Amendment, in 1868, and the Civil Rights Act of 1875. After ratification of the Fourteenth Amendment, Ohio congressman John Bingham trumpeted that "the powers of the States have been limited and the powers of Congress extended," for the amendment "imposes a limitation upon the States to correct their abuses of power." If Congress could not legislate within the states directly, nothing prevented them from passing laws that would give shape and direction to state legislation.

<sup>29</sup> Ibid., 231.

<sup>30</sup> Brooks D. Simpson (ed.), Reconstruction. Voices From America's First Great Struggle for Racial Equality, New York 2018, 92.

<sup>31</sup> Foner, Reconstruction, 1988, 251.

<sup>32</sup> Ibid., 250.

<sup>33</sup> Ibid., 180.

<sup>34</sup> Simpson (ed.), Reconstruction, 2018, 14. My emphasis.

<sup>35</sup> Foner, Reconstruction, 1988, 240.

<sup>36</sup> Ibid., 258.

It would be difficult to overstate the unprecedented radicalism of the Fourteenth Amendment: it established birthright citizenship, and forbids any state from enacting laws "which shall abridge the privileges or immunities of citizens" or denies to any person the "equal protection of the laws." What is more, its phrasing is vague enough to allow for expansive interpretation over time: as the historian Eric Foner has noted, "its language is universal" - an asset that makes the amendment adaptable to changing social norms and more inclusive notions of human dignity.<sup>37</sup> Yet in ratifying the Fourteenth Amendment the Republicans were putting faith in the federal judges responsible for interpreting its precise meaning and implementation, and the Supreme Court did not initially consider the Fourteenth to be a harbinger of civil liberties. The trouble with imprecise language is that it can be read narrowly as well as expansively; the promise of progress can just as easily become a means for obstruction. And the 19th-century Court, though dominated by northerners, remained an inherently conservative institution. In a series of decisions over the ensuing decades, the justices chipped away at the egalitarian structures Republicans assumed had been plainly secured in the Constitution.

Congress addressed racial segregation directly by passing the Civil Rights Act of 1875, which outlawed discrimination in public transportation, inns, theaters, and "other places of public amusement." Moreover, any state's district attorney who "will-fully" refused to prosecute offenders would be subject to a hefty fine. By thus coercing otherwise uncooperative district attorneys, the federal government was indirectly involving itself in the exercise of the states' police powers. Barely three weeks after the bill was passed, however, a prominent circuit court judge in Memphis bemoaned the law's "almost grotesque exercise of national authority." Congress had no mandate to "interfere with the private and internal regulations" of any business "within a state" – matters "which the state government alone controls." While a small number of states' district attorneys chose to prosecute acts of segregation, most simply ignored the law, concurring with Judge John Harlan of Kentucky that the question of public accommodations "are a matter of local concern, to be determined and regulated by local authority." "38

If the Civil Rights Act of 1875 had been rendered dormant by judicial inactivity, the Supreme Court's ruling in The Civil Rights Cases of 1883 annulled it completely. The ruling – which involved a collection of lawsuits challenging racial discrimination in the South – declared the 1875 legislation "void" because it had been based on too broad a reading of the Fourteenth Amendment. The Court argued that the amendment prevented the states from creating discriminatory laws, but did not

<sup>37</sup> The Nation, 9 July 2018.

<sup>38</sup> Luxenberg, Separate, 2019, 287-288.

directly regulate the actions of individuals or businesses within a state. Congress could not "take the place of the State legislators", nor "regulate the social habits and the social customs of the people of the States." (The very capitalization of the noun suggests the esteem in which the "States" were held.) This ruling complicated the already vexing boundary between federal and state authority. The national government reserved the right to pass legislation affecting the creation of state laws, yet the court denied its authority to ensure those laws were adequately enforced. It was as if the captain of a ship, were the vessel to veer off course, had been prohibited from personally handling the controls.

In the ruling Plessy v. Ferguson (1896), attention focused on just what "equal" treatment under the Fourteenth Amendment practically entailed. The case involved a light-skinned black man in Louisiana who had filed suit after being ejected from the white section of a segregated train. Writing for the majority, Justice Henry Brown reasoned that the Fourteenth Amendment's equal protection clause had not been designed to "enforce social, as distinguished from political, equality, or a comingling of the two races on terms unsatisfactory to either."40 By conflating political equality with social interaction, Brown ignored the distinction between a legal right and a personal preference. At issue was not whether blacks and whites would be forced to 'comingle' on a personal basis, but whether blacks could partake of the daily activities of American life with the same degree of liberty and sense of dignity as whites. ("We are either a United people, or we are not," Washington had said.) A black man's right to access a railway carriage is distinct from becoming the social intimate of his fellow passengers – just as it is possible to sleep in a public hotel without sharing a stranger's bed. Yet Plessy established the precedent that "equal but separate" public services and facilities were constitutionally permissible, giving carte blanche to the southern states to begin passing sweeping segregation laws. Together with the court's injunction against the government from protecting civil rights within the states, the Supreme Court effectively ensured the continued subjugation of southern blacks for generations. The Republicans' early hope that the federal courts would help combat racial injustice seemed, for the moment, to have been tragically misplaced.

## The Transformative Power of the Great Migration

Just as the rise of Jim Crow was the product of numerous judicial, legislative, political, and cultural forces, several factors explain its ultimate dismantling in the 1960s.

<sup>39</sup> Ibid., 348.

<sup>40</sup> Ibid., 479.

On the one hand, top-down legal injunctions pressured southern states to amend their outmoded race-based laws and mores. In 1954, the Supreme Court banned segregation in public schools, and two minor but symbolically important civil rights bills passed Congress in 1957 and 1960. The real turning point came with the Civil Rights Act of 1964, followed by the Voting Rights Act and the Fair Housing Act. Unlike the previous century, the Supreme Court now felt obligated to uphold and strengthen this legislation. As the legal theorist Roscoe Pound once stated, "Law makes habits, it does not wait for them to grow."

At the same time, this type of cultural-shaping legislation was made possible by the grassroots efforts of civil rights activists who risked their lives in countless marches, sit-ins, and other non-violent demonstrations as a way of protesting racial discrimination. In June 1963 a newly enlightened Robert Kennedy, the attorney general, was able to inform the Senate Judiciary Committee, "Many millions of white people, especially in the North" had assumed "that the Negro was satisfied" but were "now faced with the startling discovery that it's not true." In the wake of that discovery, northern politicians felt compelled to address the country's racial unrest, even if taking legislative action was motivated as much by political calculation as by moral rectitude. Bottom-up grassroots measures, then, assisted top-down legal decrees to combat discrimination in the 1960s.

But it was the new demographic reality brought about by the Great Migration that informed both these top-down and bottom-up efforts aimed at attaining justice. The appearance of African Americans in what had previously been almost exclusively white northern cities precipitated substantial political changes in the country, affecting communities that had been otherwise quarantined from the messy details of integrating neighborhoods and promoting bi-racial education. At times the North's racial awakening took the form of urban unrest or panicked "white flight" to the suburbs. Detroit's black population, for example, comprised more than eighty percent of the city's residents by the end of the 20th century, but constituted only one percent in the nearby suburb of Dearborn, where many whites had relocated. Nonetheless, the discernable presence of black migrants in the North helped elevate what Gunnar Myrdal called the "American dilemma" to a national level. 44

<sup>41</sup> James T. Patterson, Brown V. Board of Education. A Civil Rights Milestone and Its Troubled Legacy, New York 2001, 38.

<sup>42</sup> Todd S. Purdue, An Idea Whose Time Has Come. Two Presidents, Two Parties, and the Battle for the Civil Rights Act of 1964, New York 2014, 82.

<sup>43</sup> Wilkerson, Suns, 2010, 378.

<sup>44</sup> Gunnar Myrdal, An American Dilemma. The Negro Problem and Modern Democracy, New York 1944.

Black migrants also constituted a new voting bloc for northern politicians eager to gain a winning edge. The Chicago Defender, the nation's leading black newspaper, editorialized on 9 March 1946: "The large Negro vote is an unattached reservoir that could be tapped by either party that had the foresight to merit it. As matters now stand, Negroes, theoretically, are partyless [sic]." In many cases, black voter turnout made the difference for Democratic victory in national and state elections. Less than three percent of blacks throughout nine southern Jim Crow states voted in the 1940 presidential election.<sup>45</sup> But in the North, black turnout was substantial:<sup>46</sup> Franklin Roosevelt carried the swing state of Illinois by just two percentage points, thanks in large part to votes cast by black migrants in Chicago.<sup>47</sup> Winning the state ensured Roosevelt's reelection to a third term in the White House. Such statistics demonstrate the importance of the black swing vote: a nation-wide shift of just three hundred thousand black votes in fifteen states would have spelled defeat for Roosevelt.<sup>48</sup> Indeed, the Republican presidential nominee Wendell Willkie had campaigned on a strong civil rights platform in an attempt to recapture black voters who had defected to the Democrats during the New Deal years.<sup>49</sup>

President Harry Truman likewise dedicated himself to civil rights in the run-up to the 1948 presidential election. Despite the Democratic party's having captured the loyalty of many blacks in the 1930s, Truman's political advisor, Clark Clifford, warned that the northern black voter may "swing back to his traditional moorings – the Republican party." In February 1948 Truman outlined the first civil rights legislative program coming from a sitting president – although it was blocked by a Congress still dominated by southerners like James Eastland of Mississippi, a man prone to making such remarks as "What the people of this country must realize is that the white race is a superior race, and the Negro race is an inferior race." Truman named the first commission on civil rights, requested a ban on poll taxes and a federal anti-lynching law, and signed executive orders desegregating the armed forces. He barnstormed through black sections of northern cities (he was the first Democratic President to campaign in Harlem). In the November election Truman barely won California, Ohio, and Illinois, all three of which contained large black popula-

<sup>45</sup> Thernstrom/Thernstrom, America, 1997, 66.

<sup>46</sup> Ibid., 57. The black wards of Chicago in 1930 produced a higher turnout rate than the rest of the city.

<sup>47</sup> Wilkerson, Suns, 2010, 305.

<sup>48</sup> Thomas J. Sugrue, Sweet Land of Liberty. The Forgotten Struggle for Civil Rights in the North, New York 2008, 90.

<sup>49</sup> Ibid., 95.

<sup>50</sup> Ibid., 97.

<sup>51</sup> Patterson, Brown, 2001, 5.

<sup>52</sup> Purdue, Idea, 2004, 43.

tions.<sup>53</sup> Sixty-nine percent of black voters in twenty-seven cities cast their ballots for Truman, and he squeaked out a near-miraculous reelection victory.

The Democratic Party as a whole was doing everything it could to retain African American support. At the 1948 Democratic National Convention in Philadelphia, delegates had initially rejected a strong civil rights platform. But then Hubert Humphrey, the soon-to-be Minnesota senator, upbraided the conventional hall delegates. "To those who say that this civil-rights program is an infringement on states' rights," Humphrey declared, "I say this: The time has arrived in America for the Democratic Party to get out of the shadow of states' rights and to walk forthrightly into the bright sunshine of human rights!" The party bosses of large northern cities, eager to secure black loyalty, supported Humphrey's appeal, and it was quickly adopted into the party platform. <sup>54</sup> As a consequence, dozens of southern Democrats walked out of the convention to form their own party, the racist Dixiecrats, adopting as their slogan: "Segregation forever." The geographical split between northern and southern Democrats was becoming more pronounced by the middle of the 20th century as the northern faction's quest for black votes alienated southern party members.

This pattern continued throughout the following decade. In 1952, John F. Kennedy defeated his Republican opponent, Henry Cabot Lodge Jr., in the Massachusetts Senate race by winning large margins in the state's black wards, despite the fact that the state voted for the Republican Dwight Eisenhower in the presidential race.<sup>55</sup> Kennedy won reelection to the Senate in 1958 by continuing to attract black support; he fashioned new civil rights proposals just as his Republican challenger began campaigning on a strong civil rights platform of his own.<sup>56</sup> By the time of the 1960 presidential campaign, the Democratic and Republican parties had both adopted platforms dedicated to advancing civil rights. As the Democratic candidate, Kennedy added a civil rights section to his campaign headquarters and initiated a voter registration drive. In an October 1960 speech he promised executive action on civil rights "on a bold and large scale." These efforts paid off: Kennedy was elected president in a tight race with more than seventy percent of the black vote. Of course, most of these votes came from the North, products of the Great Migration. The new constituency of northern black voters eventually prompted the Democratic Party to make good on its promise for racial justice. (The North's progressivism also marked the end of the solid Democratic South: after passage of the 1964 Civil Rights Act, southerners defected to the Republican party.)

<sup>53</sup> Sugrue, Land, 2008, 101.

<sup>54</sup> Purdue, Idea, 2004, 208.

<sup>55</sup> Ibid., 45.

<sup>56</sup> Ibid., 48.

<sup>57</sup> Ibid., 49-50.

During Reconstruction, the abolitionist Wendell Phillips had worried that without sufficient federal protection blacks would be condemned to "a century of serfdom." President Lyndon Johnson vindicated Phillips in a Memorial Day address at Gettysburg in 1963: "One hundred years ago, the slave was freed," he stated. "One hundred years later, the Negro remains in bondage to the color of his skin." These were one hundred years of needless adversity for blacks during which time they suffered incessant setbacks and the horrifying indignities of Jim Crow. But it was also during this time that millions of black migrants voted with their feet in pursuit of a better life, producing a cumulative political effect that did much to bring about greater equality in the United States. From Andrew Johnson to Lyndon Johnson – both southerners, but possessing radically different values – the road had been long and fraught with difficulty, even if it ultimately bent toward justice.

<sup>58</sup> Foner, Reconstruction, 1988, 221.

<sup>59</sup> Purdue, Idea, 2004, 161.