

ACTIVISMITIS

*By Courtney Lauren Anderson**

* Courtney Lauren Anderson is an associate professor of law at Georgia State University College of Law.

TABLE OF CONTENTS

INTRODUCTION	191
I. WOMEN'S RIGHTS PROTESTS	191
A. <i>The Beginning</i>	192
B. <i>Seneca Falls Convention of 1848</i>	194
C. <i>Conventions to Follow</i>	195
i. Women's Rights Convention Rochester, NY (1848)	195
D. <i>Organizations</i>	196
E. <i>Key Women for and Against the Inclusion of Women of Color</i>	200
F. <i>Recent Women's Marches</i>	203
G. <i>The Effects of the Women's Rights Movement on Health</i>	205
II. CIVIL RIGHTS PROTESTS HISTORY	206
A. <i>Montgomery Bus Boycott</i>	206
B. <i>The Albany Movement</i>	207
C. <i>March on Washington</i>	208
D. <i>Selma to Montgomery</i>	209
E. <i>Civil Rights Legislation and Continued Protests</i>	210
i. Olympic Salute of 1968	210
ii. The Detroit Rebellion	211
iii. The Black Panthers	212
iv. The Democratic Convention of 1968	213
v. The Rally for the Oakland Seven & Heuy Newton	213
F. <i>Black Lives Matter</i>	214
III. MEDIA AND PROTESTS	215
IV. RACE, ACTIVISM, AND MENTAL HEALTH	220
CONCLUSION: HEALTHCARE FOR ACTIVISTS	225

ABSTRACT

Protests are usually organized, mobilized, and amplified by the parties for whom the change is sought. Women marching for reproductive rights, against misogyny and for the right to vote. Black people organizing to lead demonstrations against police brutality and to bring attention to racism. Throughout the process of fighting for comprehensive change, the activists rarely have the time and space to contemplate how to properly care for their own health and well-being. Although being entrenched in a cause that aligns with one's passion can provide a positive mood change, often times activists suffer from mental and physical health complications as a direct result of being exposed to stress. Violent and racist incidents reproduce horrifying images and cause communities of color to relive trauma while championing their cause. Due to the urgent nature of most protests, it is rare that advocates have the luxury of considering the long-term health effects of their actions or incorporating health-related protections in their demands. However, if legislators, politicians, and other leaders recognize the validity of the cause and take advantage of the opportunity to support the movement, they should likewise support those who sacrifice their health and put themselves in harm's way to initiate and advance these causes.

INTRODUCTION

This article describes landmark activism in the United States and illustrates how, despite the positive consequences that can arise from such advocacy, activists themselves may face physical and mental health deterioration. Racism, discrimination, and prejudice are generally accepted to be negative social constructs that like-minded people might rally against in the name of equality. These social constructs create unpleasant experiences for classes of people in this country who identify as something other than a white, cisgender, Christian male. Racism not only contributes to unhappiness, but also causes depression, hypertension, and several other mental and physical health problems.¹ Violent and non-violent experiences, caused by discrimination, often force Black people to live in a state of constant distress characterized by troublesome thoughts and feelings of emotional numbness.² When activists who are representatives of oppressed individuals advocate for change to this perpetual state of being, they are also provided a set of challenges that negatively impact their physical and mental health. Section I details the Women's Rights protests, from the suffrage movement to more recent advocacy arising from the 2016 presidential election. Civil rights history is outlined in Section II, and the current media environment and coverage of protests is described in Section III. Section IV provides information on the impacts of activism on mental health. This includes the general significance of racism on people of color with a greater focus on the impact of racism on Black people specifically and concludes with an overview of racial disparities to underscore the significance of providing access to equitable healthcare to marginalized populations.

I. WOMEN'S RIGHTS PROTESTS

This section addresses two main topics: (1) the suffrage movement and the modern Women's March and (2) the efficacy of protests and the groups who benefit from them. To explore these topics, this section first analyzes the key players of the Women's Suffrage movement, organizations formed during this time, events held, the results of such events, and the 19th Amendment: Right to Vote. Second, it describes the discrimination within the Women's Suffrage movement. Finally, it analyzes recent events.

Hegel's dialectic theory suggests that there exists, at all times, a

1 Camille A. Nelson, *Considering Tortious Racism*, 9 DEPAUL J. HEALTH CARE L. 905, 919–20, 922 (2005).

2 *Id.* at 922–23.

thesis and antithesis at odds with each other.³ This perpetual opposition progressively yields “a positive result namely, . . . the synthesis—which unifies the two, earlier, opposed concepts.”⁴ Protest culture in 20th and 21st century America epitomizes this duality. Further, the relationship between protests and counter-protests within this philosophical framework illuminates the law’s role as the synthetic catalyst between the two. The law operates to maintain the status quo and minimize the degree of change driven by a thesis or antithesis at any given time. This article analyzes this framework in the context of American protest culture at the turn of the 21st century, and the emergence of prominent contemporary protest movements which build on the successes of the Women’s Rights movement and Civil Rights movement of the 20th century.

A. *The Beginning*

The Women’s Rights movement was born in a time riddled with prejudice and suppression. Many women wanted change and to have their thoughts and opinions weighed evenly against the thoughts and opinions of men. Women wanted the right to vote for the people creating the policies directly affecting their lives, the same as men. Women such as Elizabeth Cady Stanton, Susan B. Anthony, Lucy Stone, Sojourner Truth, Carrie Chapman Catt, Anna Howard Shaw, Alice Paul, and more blazed the trail for women to be heard.⁵ These women were the defining voices and figures of the suffrage movement.⁶

On July 9, 1848, Elizabeth Cady Stanton met with fellow women for tea, at which time they began discussing the plight of women in America.⁷ Stanton was frustrated that women did not receive the same freedoms as men, despite their equal contributions in making America.⁸ Stanton and her friends planned a Convention, placed the announcement in the Seneca County Courier, and booked the Wesleyan Chapel in Seneca Falls for July

3 See Julie E. Maybee, *Hegel’s Dialectics*, STAN. ENCYC. PHIL. (Oct. 2, 2020), <https://plato.stanford.edu/archives/win2020/entries/hegel-dialectics/>.

4 See *id.*

5 *The U.S. Woman Suffrage Movement, In Brief*, #MONUMENTALWOMEN, (2021), <https://monumentalwomen.org/suffrage-movement/>.

6 *Id.*

7 Erin Blakemore, *The Women’s Suffrage Movement Started with a Tea Party*, HIST. (July 10, 2018) (updated Apr. 1, 2019), <https://www.history.com/news/early-womens-rights-suffrage-seneca-falls-elizabeth-cady-stanton>.

8 *Seneca Falls Convention*, HIST. (Nov. 10, 2017), <https://www.history.com/topics/womens-rights/seneca-falls-convention>.

19 and 20, 1848.⁹ This meeting was the first of its kind.¹⁰

Racism and exclusivity are detailed later in this section, but it is important to note upfront the divisiveness within the suffrage movement from the outset. In 1866, women's suffragists Stanton and Anthony joined Frederick Douglass and other voting right advocates in forming the American Equal Rights Association (AERA) for the purpose of achieving voting rights for women and Black people.¹¹ However, Black women were excluded from the goals of this organization as the focus was on white women and Black men.¹² Frances Ellen Watkins Harper, a Black woman suffragist, tried to work with Anthony and Stanton, but had to push back against racism within their platform.¹³ After the introduction of the 15th Amendment, Stanton and other female suffragists disagreed with giving Black men the right to vote and AERA disbanded as white, female activists in the group gave public statements riddled with racist stereotypes.¹⁴ Many Black women suffragists continued to fight for equal voting rights.¹⁵ Mary Ann Shadd Cary advocated for the abolition of slavery in what was the first newspaper in North America published by a Black woman.¹⁶ In 1896, Mary Church Terrell and Josephine St. Pierre Ruffin created the National Association of Colored Women which had an inclusive agenda of uniting Black suffrage organizations, creating employment training, fighting for equal pay, and increasing educational and childcare opportunities for Black people.¹⁷ Ida B. Wells was one of the founders of the National Association for the Advancement of Colored People, and she also co-founded the Alpha Suffrage Club which sought to educate Black women about politics and voting rights.¹⁸ Despite the notable achievements of Black women for women's rights, white women suffragists, such as Alice Paul, attempted to segregate and diminish their involvement.¹⁹ Black women suffragists were excluded from women's voting conventions,

9 *Seneca Falls Convention Begins*, HIST. (July 21, 2010), <https://www.history.com/this-day-in-history/seneca-falls-convention-begins>.

10 *Id.*

11 Becky Little, *How Early Suffragists Left Black Women Out of Their Fight*, HIST. (Nov. 8, 2017), <https://www.history.com/news/suffragists-vote-black-women>.

12 *Id.*

13 Lakshmi Gandhi, *5 Black Suffragists Who Fought for the 19th Amendment – And Much More*, HIST. (Aug. 4, 2021), <https://www.history.com/news/black-suffragists-19th-amendment>.

14 *Id.*

15 *Id.*

16 *Id.*

17 *Id.*; Allison Lange, *National Association of Colored Women*, NAT'L WOMEN'S HIST. MUSEUM (2015), <https://www.crusadeforthevote.org/nacw>.

18 Gandhi, *supra* note 13.

19 *Id.*

instructed to march at the back of women's rights parades, and were mostly excluded from the *History of Woman Suffrage*, a book about the movement authored by Stanton and Anthony.²⁰

B. Seneca Falls Convention of 1848

Stanton drafted a "Declaration of Sentiments" based on the Declaration of Independence in order to show the magnitude of women's liberty.²¹ The declaration began, "[w]e hold these truths to be self-evident; that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."²² Some of the grievances Stanton included were that "women were not allowed to vote, women were not allowed to enter professions such as medicine or law, husbands had legal power over and responsibility for their wives to the extent that they could imprison or beat them with impunity," and more.²³ At the Seneca Falls Convention of 1848, the Declaration of Sentiments and eleven grievances/resolutions were almost all unanimously passed.²⁴ However, the resolution for a woman's right to vote was not unanimous, and many people thought it was inconceivable for women to have the right to vote.²⁵ If not for Frederick Douglass' speech at the convention, the resolution may never have passed by a majority vote.²⁶

Fredrick Douglas argued that women had a right to liberty, comparing their fight for freedom to the slavery abolition movement. He stated that "[s]uffrage is the power to choose rulers and make laws, and the right by which all others are secured."²⁷ One hundred men and women

20 Megan Bailey, *Between Two Worlds: Black Women and the Fight for Voting Rights*, NAT'L PARK SERV. (Oct. 9, 2020), <https://www.nps.gov/articles/black-women-and-the-fight-for-voting-rights.htm>; Gandhi, *supra* note 13; ELIZABETH CADY STANTON, *HISTORY OF WOMAN SUFFRAGE* (1881).

21 Mimi Yang, *An Intimate Dialog Between Race and Gender at Women's Suffrage Centennial*, HUMANS. & SOC. SCIS. COMM'NS at 1, 7 (Aug. 13, 2020), <https://www.nature.com/articles/s41599-020-00554-3.pdf>.

22 *Declarations of Sentiments from the First Women's Rights Convention*, NAT'L PARK SERV. (Feb. 26, 2015), <https://www.nps.gov/wori/learn/historyculture/declaration-of-sentiments.htm>.

23 Bonnie Eisenberg & Mary Ruthsdotter, *History of the Women's Rights Movement*, NAT'L WOMEN'S HIST. ALL. (1998), <https://nationalwomenshistoryalliance.org/history-of-the-womens-rights-movement/>; see also *Declarations of Sentiments from the First Women's Rights Convention*, *supra* note 22.

24 *Seneca Falls Convention*, *supra* note 8.

25 Eisenberg & Ruthsdotter, *supra* note 23.

26 *Id.*

27 *Id.*

signed the following pledge after the convention:

In entering upon the great work before us, we anticipate no small amount of misconception, misrepresentation, and ridicule; but we shall use every instrumentality within our power to effect our object. We shall employ agents, circulate tracts, petition the State and national Legislatures, and endeavor to enlist the pulpit and press in our behalf. We hope this Convention will be followed by a series of Conventions, embracing every part of the country.²⁸

After the passing of the Declaration of Sentiments, the convention and declaration kindled a fire inside women; campaigns subsequently developed across the country, and soon the Women's Rights movement was steaming full force ahead.²⁹

C. Conventions to Follow

More conventions began to pop up around the country. On August 2, 1848, a Woman's Rights Convention was held in Rochester, New York, thereafter, along with New York, more sprung up in Ohio and Pennsylvania.³⁰ In 1850, the first National Woman's Rights Convention was held in Worcester, Massachusetts.³¹

i. Women's Rights Convention Rochester, NY (1848)

Over 150 years ago, sparked by the Seneca Convention, women from Rochester, NY, organized a meeting in the Unitarian Church on August 2, 1848.³² Amy Post called the meeting to order and announced the following women as officers: Abigail Bush, president; Laura Murray, vice president; Catharine A.F. Stebbins, Sarah L. Hallowell, and Mary H. Hallowell, secretaries.³³ Those in attendance, to name a few, included: Lucretia Mott, Frederick Douglass, and Elizabeth Cady Stanton.³⁴ The Declaration of Sentiments was read aloud to the convention and garnered

28 *Declarations of Sentiments from the First Women's Rights Convention*, *supra* note 22.

29 *Seneca Falls Convention*, *supra* note 8; *The Declaration of Sentiments by the Seneca Falls Conference (1848)*, NAT'L ENDOWMENT FOR HUMANS. (Aug. 19, 2014), <https://edsitement.neh.gov/closer-readings/declaration-sentiments-seneca-falls-conference-1848>.

30 *Women's Rights Movement*, NAT'L PARK SERV. (Feb. 26, 2015), <https://www.nps.gov/wori/learn/historyculture/womens-rights-movement.htm>.

31 *Id.*

32 *University of Rochester Library Bulletin: Report of the Woman's Rights Convention, 1848*, RIVER CAMPUS LIBRS. (1948), <https://rbcp.lib.rochester.edu/2448>.

33 *Id.*

34 *Id.* at 1–3.

107 signatures.³⁵ Issues pertaining to the difference in education attained by boys versus girls, and the low wages for sempstresses [sic] were discussed.³⁶

Some men of this time were concerned that their wives would be given too much power, too much of an opinion, and that the husbands would not always get their way.³⁷ During the discussions, a man named Mr. Sully questioned the effect of equality on the happiness of a family, where an argument arises between husband and wife.³⁸ He challenged, should not the husband decide since he is the “head of woman” and St. Paul states women shall be obedient to their husbands?³⁹ Lucretia Mott responded to Mr. Sully’s question, “which is preferable, ignorant or intelligent differences?”⁴⁰ Some men were beginning to fear that women may have opinions contrary to their own, and that such equality was cause for concern. Elizabeth Cady Stanton believed that “the strongest will or the superior intellect now governs the household as they will in the new order.”⁴¹

D. Organizations

The National American Woman Suffrage Association (NAWSA) formed in 1912 and was spearheaded by Lucy Burns and Alice Paul.⁴² NAWSA was formed to perfect the passage of a federal amendment for a woman’s right to vote.⁴³ NAWSA, with about 2 million members, was the parent organization of the National Woman’s Party (NWP).⁴⁴

The National Woman’s Party (NWP) was originally founded in 1913 as the Congressional Union for Woman Suffrage (CU).⁴⁵ In 1914 and 1916, the CU lobbied legislatures in states where women were already enfranchised to put pressure on the country to enact enfranchisement for all women.⁴⁶ The

35 *Id.* at 3.

36 *Id.*

37 Elizabeth Smiltneek, *Suffrage Movement*, LEARNING TO GIVE, <https://www.learningtogive.org/resources/suffrage-movement> (last visited Aug. 2, 2021).

38 *Id.*

39 *Id.*

40 *Id.*

41 *University of Rochester Library Bulletin: Report of the Woman’s Rights Convention*, 1848, *supra* note 32.

42 *Tactics and Techniques of the National Woman’s Party Suffrage Campaign*, LIBR. CONG., <https://www.loc.gov/static/collections/women-of-protest/images/tactics.pdf> (last visited July 26, 2021).

43 *Id.* at 2.

44 *Id.* at 1.

45 *Id.*

46 *Id.*

CU targeted voters to vote for those who supported the suffrage movement, traveled across the country and conducted speaking tours, and organized motorcade parades.⁴⁷ They also advertised through banners and billboards in order to inform the public about what the suffrage movement was.⁴⁸ The NWP advocated for legislative and executive change; with legislative officers monitoring legislative action and testifying at congressional hearings, and CU and NWP leaders lobbying President Woodrow Wilson more directly.⁴⁹ However, President Wilson took the stance that “voting rights were best determined locally at the state level.”⁵⁰

The NWP also infiltrated the public eye using conventional and unconventional politicking. For instance, the NWP hosted parades, pageants, street speaking, demonstrations, and mass meetings while also employing tactics such as “aggressive agitation, relentless lobbying, creative publicity stunts, repeated acts of nonviolent confrontation, and examples of civil disobedience.”⁵¹

The NWP parades grew exponentially in their early years, bringing awareness to the suffrage movement.⁵² In May 1910, more than 400 women marched in New York City for women’s rights.⁵³ A year later, the number grew to about 3,000 marchers and by May 1912, 10,000 women marched.⁵⁴ In November 1912, a staggering 20,000 women overtook New York City by parading and riding in automobiles.⁵⁵ These parades were eye opening for the public, because during this time, it was understood “that only women of . . . poor character, [like prostitutes,] walked the streets.”⁵⁶ The participants in the Women’s Rights movement were bold and unafraid to tip social mores.⁵⁷ The use of parades as a protest tactic was controversial among moderate suffragists; Carrie Chapman Catt, a key figure of the movement, did not participate in a parade in 1909 and was quoted saying, “[w]e do not have to win sympathy by parading ourselves like the street cleaning department.”⁵⁸ The controversial nature of the parades created more buzz around them; their newsworthiness caused the suffragists to continue using parades as a

47 *See id.*

48 *Id.*

49 *Id.*

50 *Id.*

51 *Id.*

52 *See id.* at 4.

53 *Id.*

54 *Id.*

55 *Id.*

56 *See id.*

57 *Id.*

58 *Id.*

tactic.⁵⁹

Alice Paul and Lucy Burns, members of NAWSA's Congressional Committee, planned to march on the eve of President Woodrow Wilson's inauguration in Washington, D.C., on March 3, 1913, with between 5,000 and 8,000 marchers.⁶⁰ This parade came to be known as the first "official" national suffrage parade, although it was inspired by earlier parades.⁶¹ The protesters divided themselves amongst their careers (i.e., teachers, lawyers, mothers, and college students) in order to show that the suffrage movement affected women of all backgrounds.⁶² Onlookers took to violence; they spit on the suffragists, threw objects, and physically assaulted the marchers.⁶³ At least 100 suffragists were hospitalized for their injuries from marching in this parade.⁶⁴

In October 1916, the suffragists of the NWP demonstrated in Chicago during Wilson's presidential campaign with anti-Wilson banners.⁶⁵ Like the 1913 demonstration in Washington, D.C., this demonstration also turned violent when a mob broke out.⁶⁶ After this, activists realized they needed to increase efforts and began a more aggressive attack on women's lack of rights and started picketing at the White House.⁶⁷ Beginning on January 10, 1917, and each day thereafter for several months, about 2,000 suffragists brought banners and picketed the White House in protests organized by the NWP.⁶⁸ Many NWP activists were arrested and imprisoned.⁶⁹ It was during this summer that mob violence against the picketers began to grow in response to their banners, which disparaged the President by comparing

⁵⁹ *Id.*

⁶⁰ *Id.* at 3; Megan Gibson, *I Am Woman, Hear Me Roar: The Suffrage Movement*, TIME (Aug. 12, 2011), http://content.time.com/time/specials/packages/article/0,28804,2088114_2087975_2087964,00.html.

⁶¹ *Tactics and Techniques of the National Woman's Party Suffrage Campaign*, *supra* note 42, at 3–4. In 1908, 23 women from the "American Suffragettes," marched in New York City; 300 people "marched into a state political convention" in Oakland California; 100 suffragists marched through Boone, Iowa "welcoming national leader Anna Howard Shaw to their state suffrage convention." *Id.*

⁶² *Id.* at 5.

⁶³ Gibson, *supra* note 60.

⁶⁴ Nicole Puglise, *How These Six Women's Protests Changed History*, GUARDIAN (Jan. 21, 2017), <https://www.theguardian.com/world/2017/jan/21/womens-march-protests-history-suffragettes-iceland-poland>.

⁶⁵ *Id.* at 6–7.

⁶⁶ Gibson, *supra* note 60.

⁶⁷ *Id.*

⁶⁸ *Tactics and Techniques of the National Woman's Party Suffrage Campaign*, *supra* note 42, at 7.

⁶⁹ *Id.* at 1.

him to the Russian Czar, who denied citizenship rights to his people too.⁷⁰ The NWP sought to highlight the irony and garnered international attention by showing that while the United States promoted democracy abroad, its women were unable to exercise certain political rights back in the United States.⁷¹ When hostility from bystanders lead to fighting in the crowds, the police responded by arresting the suffragists for “obstructing traffic.”⁷²

NWP picketers that were arrested began non-violently resisting in jail.⁷³ The women stopped their sweatshop sewing, manual labor, and refused to eat by going on hunger strikes, all in an effort for the system to recognize that they were not jailed because of obstruction of traffic, or the like, but based on political actions.⁷⁴ On November 15, 1917, the “Night of Terror” ensued, where the superintendent at one of the jails allowed the guards to beat and aggressively handle the women picketers.⁷⁵ After this, a coordinated hunger strike with sixteen of the women ensued.⁷⁶ Of the sixteen, Dora Lewis and Lucy Burns, were force-fed within the jail, and Burns was injured when a feeding tube was forcibly shoved up her nose.⁷⁷ These arrests did not stop the NWP or the picketing.⁷⁸

In August and September 1918, the NWP picketed in Lafayette Park in Washington, D.C., and “burned copies of Wilson’s speeches and his picture in effigy.”⁷⁹ Activists expanded their picketing campaigns to include protests in front of the U.S. Capitol and, in October 1918, Senate office buildings.⁸⁰ Later, in January 1919, the NWP once again picketed the White House and Lafayette Park, where the suffragists burned Wilson’s speeches in cauldrons set up outside in an attempt to get Wilson to influence the last two votes for the 19th Amendment in the Senate.⁸¹ The next month, in February 1919, the NWP members went to Boston where President Wilson was returning from his trip to Europe, in order to picket again for women’s rights; however, the picketers were only met with violence.⁸² The police aggressively and roughly arrested the suffragists, who then sat

70 *Id.* at 8.

71 *Id.* at 3.

72 *Id.* at 8.

73 *Id.* at 3.

74 *Id.*

75 *Id.*

76 *Id.*

77 *Id.*

78 *Id.*

79 *Id.* at 9.

80 *Id.*

81 *Id.*

82 *Id.*

for eight days in the Charles Street Jail.⁸³ The next picket occurred at the New York Metropolitan Opera House where President Wilson was giving a speech, but yet again the suffragists were “attacked by police, soldiers, and onlookers . . .” for presenting their banners.⁸⁴ The NWP members’ actions were in nonviolent protest against the rights not afforded to women, but at many points along the road the women were met with brutality and imprisonment.⁸⁵ More women were arrested through 1918 and 1919, and by 1920 after the 19th Amendment passed, 168 NWP members had served jail or prison sentences.⁸⁶

The 19th Amendment was approved in June 1919 and ratified on August 26, 1920.⁸⁷ With its passage, the suffrage movement achieved its long-awaited goal to ensure a woman’s right to vote.⁸⁸ If the Women’s Rights movement was a pot of boiling water, the NWP’s members were the tea; the members gave meaning to the movement, the members threw themselves into the political pot of boiling water to effect change—and change they did.

E. *Key Women for and Against the Inclusion of Women of Color*

Key players of the Women’s Suffrage movement, such as Susan B. Anthony and Elizabeth Cady Stanton, were first and foremost focused on white women’s rights.⁸⁹ For example, when they began a women’s rights newspaper named *Revolution*, they had funding from a Democrat, George Francis Train, who supported slavery.⁹⁰ Some suffragists’ first concern was how to get white women’s right to vote, believing it was of more importance than Black women’s right to vote.⁹¹ It was not a movement for all women, but a racially charged movement that was for all women as long as white women had the right to vote, and Black men did not have this supposed power over white women first.⁹² Alice Paul, who planned the 1913 Parade in Washington, D.C., was concerned that white women would not come to the parade if they knew they had to march next to Black women; she suggested

83 *Id.*

84 *Id.*

85 *Id.* at 9–10.

86 *Id.* at 10.

87 *Id.* at 1.

88 *Id.*

89 Evette Dionne, *Women’s Suffrage Leaders Left Out Black Women*, TEEN VOGUE (Aug. 18, 2017), <https://www.teenvogue.com/story/womens-suffrage-leaders-left-out-black-women>.

90 *Id.*

91 *See id.*

92 *Id.*

having either an all-white parade, an all-Black parade, or no parade.⁹³ Thereafter, the parade was segregated and Ida Wells-Barnett, a renowned journalist, was told to walk in the all-Black group; however, she ignored the instructions and walked with the all-white group.⁹⁴

Some suffragists felt much different about the 15th Amendment and wanted to show their support.⁹⁵ Lucy Stone, Julia Ward Howe, and other suffragists created an organization to support the 15th Amendment, the American Women Suffrage Association (AWSA).⁹⁶ AWSA accepted members of all races and did not prohibit men from joining.⁹⁷ The 15th Amendment was a point of contention amongst the suffragists. Instead of seeing a Black man's right to vote as a steppingstone, some women found it to be an insult.⁹⁸ Due to this splitting of the Women's Suffrage movement, some Black women decided to go out and make their own organizations to promote a Black woman's right to vote, as it was just as important as the white woman's right to vote.⁹⁹

In 1867, Sojourner Truth spoke at the American Equal Rights Association and argued that giving Black men the right to vote over Black women only made them "masters over women," the same as it had already been.¹⁰⁰ Sojourner Truth wanted Black women to get the same rights Black men were given by the law.¹⁰¹ Ida B. Wells-Barnett founded the Alpha Suffrage Club of Chicago.¹⁰² The National Association of Colored Women's Clubs (NACW), which was formed in 1896, also promoted women's suffrage.¹⁰³

Susan B. Anthony and Elizabeth Cady Stanton signed the 1864 congressional petition in order to support the passage of the 13th Amendment; however, on February 3, 1870, when the 15th Amendment was ratified, the leaders of the Women's Suffrage movement changed course.¹⁰⁴ Susan B. Anthony is quoted as saying, "I will cut off this right arm of mine before I will ever work or demand the ballot for the Ne[***] and not the

93 *Id.*

94 *Id.*

95 *Id.*

96 *Id.*

97 *Id.*

98 *Id.*

99 *Id.*

100 *Id.*

101 *Id.*

102 *Id.*

103 *Id.*

104 *Id.* The 13th Amendment abolished slavery. The 15th Amendment prohibited the denial of the right to vote for men based on race or color. U.S. CONST. amends. XV, XIX.

woman.”¹⁰⁵ Indeed, Anna Howard Shaw who was president of the National Women Suffrage Association said, “[y]ou have put the ballot in the hands of your [B]lack men, thus making them political superiors of white women. Never before in the history of the world have men made former slaves the political masters of their former mistresses!”¹⁰⁶ Once the 15th Amendment passed, the suffrage movement focused on the rights of white women at the expense of women of other ethnicities.¹⁰⁷

After the 15th Amendment passed, lynching was still taking place.¹⁰⁸ The first woman to serve in the Senate, Rebecca Ann Latimer Felton stated in regard to lynching:

I do not want to see a ne[***] man walk to the polls and vote on who should handle my tax money, while I myself cannot vote at all. . . . When there is not enough religion in the pulpit to organize a crusade against sin; nor justice in the court house to promptly punish crime; nor manhood enough in the nation to put a sheltering arm about innocence and virtue – if it needs lynching to protect woman’s dearest possession from the ravening human beasts – then I say lynch, a thousand times a week if necessary.¹⁰⁹

This quote demonstrates that even after women achieved positions of power, they pushed dangerous, racially charged messages. The Women’s Suffrage movement, which is thought to be a great triumph for women banding together, had a dark side.¹¹⁰ Black women were segregated, some white women in power did not even consider the plight of the Black man, and key suffragists advocated against the right to vote for Black men because the white woman had not been given the right yet.¹¹¹

On August 18, 1920, women were guaranteed the right to vote; however, not until forty-five years later would the Voting Rights Act of 1965 finally secure Black women’s right to vote.¹¹² The Voting Rights Act of 1965 eliminated voting taxes and literacy tests, but Black men and women still experienced violence from white supremacists when they attempted to

105 Evette Dionne, *Women’s Suffrage Leaders Left Out Black Women*, *Teen Vogue* (Aug. 18, 2017), <https://www.teenvogue.com/story/womens-suffrage-leaders-left-out-black-women>.

106 *Id.*

107 *Id.*

108 *Id.* The 15th Amendment was passed in 1870. *15th Amendment*, HIST., <https://www.history.com/topics/black-history/fifteenth-amendment> (May 11, 2021); *Lynching in America*, EQUAL JUST. INITIATIVE, <https://lynchinginamerica.eji.org/> (last visited July 25, 2021).

109 Dionne, *supra* note 89.

110 *See id.*

111 *Id.*

112 *Id.*

exercise their right to vote.¹¹³ Despite the mission of the Women's Suffrage movement, racism did not evade the membership, and race was considered a larger precursor than sex.¹¹⁴ The movement was named the *Women's Suffrage* movement; one would think the only qualification would be to support women—of all races—to get the right to vote.

F. *Recent Women's Marches*

In 2017, once again women decided to march on Washington, D.C., due to Donald Trump's presidential win against what would have been the first woman president, Hillary Clinton.¹¹⁵ In response to his misogynistic comments about women, and the perceived threats that his policies would have on women's rights, a pro-woman march started to brew.¹¹⁶ Unlike the Women's Rights movement, which started with a cup of tea, this march began with one Facebook post from Teresa Shook who lived in Hawaii.¹¹⁷ Teresa Shook voiced that a pro-woman march was imperative after the election and thousands of women signed up to march.¹¹⁸ Shortly after Donald Trump won the 2016 presidential election, Teresa Shook and other women began advocating for and planning a march centered on women's rights.¹¹⁹ As popularity for the idea grew, so did criticism, particularly with the suggested name of the march as the "Million Woman March."¹²⁰ Many Women of Color objected to this name, given that a Million Woman March took place in 1997 and was led by Black women.¹²¹ The name was changed to the Women's March on Washington.

On the first day of Donald Trump's presidency, January 21, 2017, thousands of people went to Washington, D.C., for the Women's March

113 *Id.*

114 *See generally id.*

115 *Women's March*, HIST., <https://www.history.com/this-day-in-history/womens-march> (Jan. 19, 2021); Jeanette Patrick, *Hillary Clinton*, NAT'L WOMEN'S HIST. MUSEUM (Dec. 2016), <https://www.womenshistory.org/education-resources/biographies/hillary-clinton>.

116 *Women's March*, *supra* note 115.

117 *Id.*; Blakemore, *supra* note 7.

118 *Women's March*, *supra* note 115.

119 *Id.*; Jia Tolentino, *The Somehow Controversial Women's March on Washington*, NEW YORKER (Jan. 18, 2017), <https://www.newyorker.com/culture/jia-tolentino/the-somehow-controversial-womens-march-on-washington>.

120 Tolentino, *supra* note 119.

121 Christina Santi, *On This Day: The Million Woman March Took Place in Philadelphia*, EBONY (Oct. 25, 2018), <https://www.ebony.com/exclusive/on-this-day-the-million-woman-march-took-place-in-philadelphia/>; Tolentino, *supra* note 119.

on Washington.¹²² Moreover, in cities around the globe, millions of people participated in their own respective marches in solidarity with the Women's March in Washington.¹²³ In Washington, D.C., more than 500,000 people marched.¹²⁴ In total, there were about 4.1 million people around the U.S. who marched in their respective cities and another 300,000 people around the globe.¹²⁵ This march garnered less resistance than those of the early 1900s, as there were no reported arrests in Washington, D.C., and only a few in other cities.¹²⁶ However different the times were in 2017 from that of 1920, one thing remained—women were angry and once again fighting for their rights.¹²⁷ One sign at the Women's March in Boston read, “[o]ur arms are tired from holding these signs since the 1920s.”¹²⁸

The Women's March of 2018 took place amongst the fury of the #MeToo movement, where women spoke out about men that abused them, revealing how prevalent it truly was in society.¹²⁹ Also, the march reflected the continued disapproval of the Trump Administration.¹³⁰ One of the march's goals was to encourage women to run for office and to vote in the midterm elections.¹³¹ The Saturday of the march, the government shutdown due to disagreement on immigration, but the march went on.¹³² There was less of a turnout in 2018 than in 2017, perhaps because the Women's March organizers were focused on an event they were hosting the next day in Las Vegas, coined “Power to the Polls.”¹³³ The Women's March in 2019 was the smallest of the three, with about 665,324 to 735,978 people in attendance around the United States, not including the international marches.¹³⁴

122 Santi, *supra* note 121.

123 *Id.*

124 *Id.*

125 *Women's March*, *supra* note 115.

126 *Id.*

127 *See Id.*; *see, e.g., Tactics and Techniques of the National Woman's Party Suffrage Campaign*, *supra* note 42, at 1.

128 Anemona Hartocollis & Yamiche Alcindor, *Women's March Highlights as Huge Crowds Protest Trump: 'We're Not Going Away,'* N.Y. TIMES (Jan. 21, 2017), <https://www.nytimes.com/2017/01/21/us/womens-march.html>. The girl holding the sign was named Aili Shaw, aged 14. *Id.*

129 *Women's March 2018: Protesters Take to the Streets for the Second Straight Year*, N.Y. TIMES (Jan. 20, 2018), <https://www.nytimes.com/2018/01/20/us/womens-march.html>.

130 *Id.*

131 *See id.*

132 *Id.*

133 *Id.*

134 Erica Chenoweth & Jeremy Pressman, *The 2019 Women's March Was Bigger than You Think*, WASH. POST (Feb. 1, 2019), https://www.washingtonpost.com/news/monkey-cage/wp/2019/02/01/the-2019-womens-march-was-bigger-than-you-think/?utm_

G. *The Effects of the Women's Rights Movement on Health*

The Women's Suffrage movement accomplished its goal of obtaining women's right to vote.¹³⁵ The Women's Suffrage movement raised awareness for women, brought women into solidarity with each other for the same purpose, and showed the world that they were willing and ready to fight for what they wanted.¹³⁶ However, after the Women's Suffrage movement purportedly accomplished its goal, Black women still struggled to exercise the right to vote.¹³⁷ All women were given the right to vote with the 19th Amendment, but it took until the 1960s and 1970s for Black women to exercise their right.¹³⁸

Women in the suffrage movement were bold.¹³⁹ They pushed the social norms and constructs of society as it was known.¹⁴⁰ They marched down streets during parades which they organized, held pageants, picketed the White House, and pressured not only the country's citizens, but the government.¹⁴¹ Some women were beaten, imprisoned, and ostracized by society.¹⁴² Yet these rights did not erase gender discrimination, and this discrimination adversely affects mental health.¹⁴³ Depression and anxiety have negative impacts on the mental health of women and can be attributed to, in part, prejudice and gender violence.¹⁴⁴ Furthermore, women are often expected to take on the role of primary caretaker in the face of professional obligations, which can cause these women to experience more severe stress disorders.¹⁴⁵ Women who are victims of domestic violence are more likely

term=.6be7af646786.

135 *Women's Suffrage*, HIST. (Feb. 23, 2021), <https://www.history.com/topics/womens-history/the-fight-for-womens-suffrage>.

136 *Id.*

137 Olivia B. Waxman, 'It's a Struggle They Will Wage Alone.' *How Black Women Won the Right to Vote*, TIME (Aug. 17, 2020), <https://time.com/5876456/black-women-right-to-vote/>.

138 *Id.*

139 Victoria Sanchez, 'Bold and Unladylike': *Women Remembered on Centennial of Women's Suffrage Movement*, ABC7 (Aug. 18, 2020), <https://wjla.com/news/local/women-remembered-on-centennial-of-womens-suffrage>; *19th Amendment*, HIST. (Feb. 25, 2021), <https://www.history.com/topics/womens-history/19th-amendment-1>.

140 *19th Amendment*, *supra* note 139.

141 *Id.*; *Tactics and Techniques of the National Woman's Party Suffrage Campaign*, *supra* note 42, at 1.

142 Sarah Pruitt, *The Night of Terror: When Suffragists Were Imprisoned and Tortured in 1917*, HIST. (Apr. 17, 2019), <https://www.history.com/news/night-terror-brutality-suffragists-19th-amendment>.

143 Leyla Gülcür, *Evaluating the Role of Gender Inequalities and Rights Violations in Women's Mental Health*, 5 HEALTH & HUM. RTS., no. 1, 2000, 46, 51.

144 *Id.* at 52.

145 *Id.*

to suffer from “anxiety, major depression, suicidal tendencies, nightmares, hypervigilance, dissociation . . . low[] self-esteem, alcoholism, and . . . post-traumatic stress” disorders.¹⁴⁶ The increased obstacles faced by women of color during the suffrage movement only exacerbates the health disparities that impact this community.

II. CIVIL RIGHTS PROTESTS HISTORY

A. *Montgomery Bus Boycott*

The Montgomery Bus Boycott is widely viewed as one of the earliest moments in the Civil Rights movement.¹⁴⁷ In the case of *Browder v. Gayle*, the Supreme Court of the United States held:

[T]hat the statutes and ordinances requiring segregation of . . . [white people] and [Black people] on the motor buses of a common carrier of passengers in the City of Montgomery and its police jurisdiction violate the due process and equal protection of the law clauses of the Fourteenth Amendment to the Constitution of the United States.¹⁴⁸

While *Gayle* seemed to have resolved the issue of segregation, that was not the case. In fact, the court prohibited segregation only in regard to seating on motorbuses—the battle for equal protection under the law was far from over.

Reaching the conclusion of the Montgomery Bus Boycott did not come without issue.¹⁴⁹ Over 80 leaders of the boycott were indicted “under a 1921 law prohibiting conspiracies that interfered with lawful business,” and Montgomery officials were successful in obtaining “injunctions against the boycott in February 1956.”¹⁵⁰ Noted in *State of Alabama v. M. L. King, Jr.*, leader of the boycott, Martin Luther King, Jr., was ultimately convicted of conspiracy to interfere with lawful business and was “ordered to pay \$500 or serve 386 days in jail.”¹⁵¹

The Montgomery Bus Boycott persisted, despite local resistance.¹⁵²

146 *Id.*

147 *Montgomery Bus Boycott*, MARTIN LUTHER KING, JR. RSCH. & EDUC. INST., <https://kinginstitute.stanford.edu/encyclopedia/montgomery-bus-boycott> (last visited Aug. 3, 2021).

148 *Browder v. Gayle*, 142 F. Supp. 707, 717 (M.D. Ala. 1956).

149 *Montgomery Bus Boycott*, *supra* note 147.

150 *Id.*

151 *Id.*

152 *Id.*

While the protest itself was peaceful, the resulting responses were quite the opposite.¹⁵³ The situation became so tense that members of the White Citizens' Council, a white supremacist group that used violent tactics to promote racism and oppose integration, firebombed Dr. King's house.¹⁵⁴ Further, in January 1957, four Black churches and the homes of prominent Black leaders were bombed.¹⁵⁵ The boycott's end was a big victory for the Civil Rights movement and Montgomery's buses were integrated on December 21, 1956.¹⁵⁶

B. *The Albany Movement*

During the Civil Rights movement, protests were coming from all different directions, trying to achieve two simple goals—justice and equality.¹⁵⁷ In 1961, just six years after the Montgomery Bus Boycott, the Albany Movement began.¹⁵⁸ In October 1961, Charles Sherrod and Cordell Reagon, members of the Student Nonviolent Coordinating Committee (SNCC), visited Albany, GA, to urge the Black community to fight against institutionalized segregation by participating in direct action protests.¹⁵⁹

The Albany Movement protested discrimination and racial segregation in Albany.¹⁶⁰ Dr. Martin Luther King Jr. and the Southern Christian Leadership Conference (SCLC) allied with the movement in December 1961.¹⁶¹ To no surprise, a day after Dr. King arrived in the city to begin the peaceful movement, Police Chief Pritchett arrested Dr. King and other parade participants for parading without a permit.¹⁶²

153 *Id.*

154 *See White Citizens' Council (WCC)*, MARTIN LUTHER KING, JR. RSCH. & EDUC. INST., <https://kinginstitute.stanford.edu/encyclopedia/white-citizens-councils-wcc> (last visited Aug. 3, 2021); *see also Martin Luther King, Jr.'s Home is Bombed*, HIST. (Jan. 27, 2021), <https://www.history.com/this-day-in-history/martin-luther-king-jr-home-bombed-montgomery>.

155 *See Montgomery Bus Boycott*, *supra* note 147; *see also Four Negro Churches Bombed in Alabama*, UNITED PRESS INT'L (Jan. 10, 1957), <https://www.upi.com/Archives/1957/01/10/Four-Negro-churches-bombed-in-Alabama/8346918225410/>.

156 *Four Negro Churches Bombed in Alabama*, *supra* note 155.

157 *Montgomery Bus Boycott*, HIST. (Jan. 27, 2021), <https://www.history.com/topics/black-history/montgomery-bus-boycott>.

158 *Albany Movement*, MARTIN LUTHER KING, JR. RSCH. & EDUC. INST., <https://kinginstitute.stanford.edu/encyclopedia/albany-movement> (last visited July 22, 2021).

159 *Id.*

160 *Id.*

161 *Id.*

162 Leonard S. Rubinowitz et al., *A "Notorious Litigant" and "Frequenter of Jails": Martin Luther King, Jr., His Lawyers, and the Legal System*, 10 NW. J.L. & SOC. POL'Y 494, 555–56 (2016).

Interestingly enough, the judge imposed a fine of \$178 or a jail sentence of forty-five days for Dr. King and Ralph David Abernathy, a minister and King's trusted friend and advisor, who joined him in the parade.¹⁶³ The two opted for imprisonment, because they believed that they were unjustly convicted and wanted to change segregation policies.¹⁶⁴ City officials arranged to have Dr. King's and Abernathy's fines paid secretly, posing that a Black donor paid them anonymously, because the "officials were concerned about the attention incarceration might receive, including possible federal intervention."¹⁶⁵

By December 1961, over 500 protesters affiliated with the Albany Movement were thrown in jail, and discussions of compromises were commenced with city officials.¹⁶⁶ Though the Albany Movement was unsuccessful in achieving its initial aims, the movement established a blueprint for later movements.¹⁶⁷ In a 1965 interview, Dr. King attributed the failure of the campaign to its broad scope, stating "[t]he mistake I made there was to protest against segregation generally rather than against a single and distinct facet of it. Our protest was so vague that we got nothing, and the people were left very depressed and in despair."¹⁶⁸

C. *March on Washington*

In reaction to the issues with the Albany movement of 1961, it seemed as if the mandate of the Civil Rights Movement had taken another step further in the right direction.¹⁶⁹ In 1963, the March on Washington for Jobs and Freedom was one of the largest political rallies ever seen in the U.S.; it drew between 200,000 and 300,000 participants, to whom Dr. King delivered his famous "I Have A Dream" speech on the steps of the Lincoln Memorial.¹⁷⁰

163 *Id.* at 556.

164 *Id.*

165 *Id.*

166 *Albany Movement*, *supra* note 158.

167 Rubinowitz, *supra* note 162.

168 *Albany Movement*, *supra* note 158.

169 *Id.*

170 *March on Washington*, HIST. (May 16, 2021), <https://www.history.com/topics/black-history/march-on-washington>; Monroe H. Little, Jr., *More than a Dreamer: Remembering Dr. Martin Luther King, Jr.*, 41 IND. L. REV. 507, 524 (2008); *March on Washington for Jobs and Freedom*, NAT'L PARK SERV., <https://www.nps.gov/articles/march-on-washington.htm>. A. Philip Randolph and Dr. King, in coalition with his SCLC, decided to join forces and "merge[d] their efforts into one mass protest." *March on Washington*, *supra*. Despite that the duration of Dr. King's speech "was scheduled to be four minutes long, he . . . [spoke] for 16 minutes," in what became a legendary oration of not only the

President Kennedy originally discouraged the march for fear that it might make the legislature vote against civil rights laws.¹⁷¹ However, once it became clear that the march would go on, Kennedy reluctantly endorsed it.¹⁷² This protest in particular was significant for not only Dr. King, but for the entire Civil Rights movement.¹⁷³

D. *Selma to Montgomery*

In hopes of obtaining the Voting Rights Act of 1965, movements preceding this Act consisted of the all-famous, Selma to Montgomery March. In 1965, protesters marched fifty-four miles from Selma, Alabama all the way to the state capital of Montgomery and faced deadly violence at the hands of “local authorities and white vigilante groups” all in the hopes of “[registering] Black voters in the south.”¹⁷⁴ The march took three days to complete.¹⁷⁵

While the Black community tried to gain their right to vote, obstacles were forthcoming.¹⁷⁶ In specific, demonstrators suffered deaths, and other injuries.¹⁷⁷ Despite remaining peaceful, “law enforcement officers attacked the . . . marchers with tear gas and billy clubs” on the first day of their march at the Edmund Pettis Bridge, beating them back to Selma.¹⁷⁸ The cruel scene was televised, and provoked religious leaders and civil rights activists, who traveled to Selma in protest.¹⁷⁹ President Lyndon B. Johnson announced his support of the Selma marchers on national television, and issued an executive order, “which federalized the Alabama National Guard and authorized the Defense Secretary to deploy such federal forces as were necessary to ensure

Civil Rights movement, but also of mankind. *Id.*

171 *March on Washington*, *supra* note 170.

172 *Id.*

173 See *JHU History Professor Discusses the Significance of the March on Washington*, JOHNS HOPKINS UNIV.: HUB (Aug. 26, 2013), <https://hub.jhu.edu/2013/08/26/march-on-washington-economic-justice/>.

174 *Selma to Montgomery March*, HIST. (Jan. 25, 2021), <https://www.history.com/topics/black-history/selma-montgomery-march>.

175 See *id.* Obstacles the African-American group faced included “Bloody Sunday;” opposition from Governor of Alabama, George Wallace; and troopers blocking marchers on Highway 80. *Id.*

176 *Id.*

177 *1965 Selma to Montgomery March Fast Facts*, CNN (Feb. 25, 2021), <https://www.cnn.com/2013/09/15/us/1965-selma-to-montgomery-march-fast-facts/index.html>.

178 Winston P. Nagan, *The Struggle for Justice in the Civil Rights March from Selma to Montgomery: The Legacy of the Magna Carta and the Common Law Tradition*, FAULKNER L. REV. 1, 12 (2014); *Selma to Montgomery March*, *supra* note 174.

179 *Selma to Montgomery March*, *supra* note 174.

the security of the marchers.”¹⁸⁰ On March 21, 1965, approximately 3,200 people marched from Selma to Montgomery, “in a march that symbolized more than the repression of voting rights, but rather the effort to validate the legitimacy of the human right to democracy for all.”¹⁸¹

E. *Civil Rights Legislation and Continued Protests*

The biggest win of it all occurred the following July when Congress passed the Voting Rights Act.¹⁸² Along with the Civil Rights Act, the Voting Rights Act was one of the most expansive pieces of civil rights legislation in American history.¹⁸³ The Voting Rights Act increased the political power of Black people by permitting them the right to vote in elections at the local, state, and federal level.¹⁸⁴

i. Olympic Salute of 1968

While the Civil Rights Act and Voting Rights Act did work to reduce disparity between Black and white voters in America, the country was still far afield from achieving equality. Equality was not achieved after Congress passed the Civil Rights Act and the Voting Rights Act.¹⁸⁵ A protest advocating for equality came right after the Voting Rights Act was passed.¹⁸⁶ At the Olympic Salute of 1968, Tommie Smith and John Carlos had just gained Olympic Medals for their performance in the 200-meter track and field race in the Mexico City Olympics.¹⁸⁷ In doing so, Tommie Smith and John Carlos joined together during the national anthem by raising black-gloved fists during the medal ceremony, to raise awareness of racial inequality.¹⁸⁸

The protest drew an immense amount of media criticism, specifically from Avery Brundage, who was the head of the International Olympic

¹⁸⁰ *Id.*; Nagan, *supra* note 178, at 13.

¹⁸¹ Nagan, *supra* note 178, at 13.

¹⁸² *Voting Rights Act of 1965*, HIST. (Jan. 26, 2021), <https://www.history.com/topics/black-history/voting-rights-act>.

¹⁸³ *Id.*

¹⁸⁴ *Selma to Montgomery March*, *supra* note 174.

¹⁸⁵ Abigail Thernstrom & Stephan Thernstrom, *Black Progress: How Far We've Come, and How Far We Have to Go*, BROOKINGS (Mar. 1, 1998), <https://www.brookings.edu/articles/black-progress-how-far-weve-come-and-how-far-we-have-to-go/>.

¹⁸⁶ Rjrock, *Sport, Politics, and the Media: A Defining Moment at the 1968 Olympics*, JOURNEY24POINTOH (Sept. 5, 2012), <https://journey24pointoh.com/2012/09/05/sport-politics-and-the-media-a-defining-moment-at-the-1968-olympics/>.

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

Committee (IOC).¹⁸⁹ Brundage suspended both men from the United States National Olympic team.¹⁹⁰ Smith and Carlos were further “banned . . . from staying in the Olympic village for making a political statement in violation of the spirit of the Olympic Games.”¹⁹¹ Peter Norman, a white, Australian sprinter, showed immense support for Smith and Carlos.¹⁹² For supporting Smith and Carlos, Norman faced serious backlash from his home country of Australia.¹⁹³ He qualified for the Olympic team over and over again, but the Australian team refused to send him to compete in the Olympics.¹⁹⁴

ii. The Detroit Rebellion

The 1967 Detroit Rebellion is one of the better-known Civil Rights protests.¹⁹⁵ Beginning on July 23, 1967, and lasting five days, the Detroit Rebellion was a sequence of brutal conflicts between residents of predominantly Black neighborhoods and the Detroit City’s Police Department.¹⁹⁶ “The deeper, [more specific] causes of the protests were high levels of frustration, resentment, and anger that had been created among [Black] Americans by unemployment and underemployment, persistent and extreme poverty, racism and racial segregation, police brutality, and lack of economic and educational opportunities.”¹⁹⁷ The protests were in direct response to “a police raid at an illegal after-hours drinking club,” where a welcome home party for two returning Black Vietnam veterans was taking place.¹⁹⁸ The police arrested everyone present at the club; eighty-two of the individuals were Black.¹⁹⁹ The underlying reasons of the protest led to an increase in violence and protests in other parts of Detroit, as police lost control of the situation. In response, the Governor of Michigan, George

189 See Todd J. Clark, *An Inherent Contradiction: Corporate Discretion in Morals Clause Enforcement*, 78 LA. L. REV. 1, 6 (2018).

190 *Id.*

191 *Id.*

192 Erin Blakemore, *How the Black Power Protests at the 1968 Olympics Killed Careers*, HIST. (Jan. 26, 2021), <https://www.history.com/news/1968-mexico-city-olympics-black-power-protest-backlash>.

193 *Id.*

194 *Id.*

195 Lorraine Boissoneault, *Understanding Detroit’s 1967 Upheaval 50 Years Later*, SMITHSONIAN MAG. (July 26, 2017), <https://www.smithsonianmag.com/history/understanding-detroits-1967-upheaval-50-years-later-180964212/>.

196 Traquina Quarks Emeka, *Detroit Riot of 1967*, BRITANNICA (Dec. 13, 2013), <https://www.britannica.com/event/Detroit-Riot-of-1967>.

197 *Id.*

198 *Id.*; Boissoneault, *supra* note 195.

199 Emeka, *supra* note 196.

Romney, deployed over 9,000 National Guard members and approximately 800 Michigan state police officers, and President Johnson deployed U.S. Army troops to Detroit.²⁰⁰ In total, forty-three people died as a result of the protest, thirty-three of which were Black, and ten of which were white.²⁰¹ Over 7,000 people were arrested, 1,189 were injured, and in excess of 1,000 buildings were burned in total.²⁰²

iii. The Black Panthers

In the 1960s, the Black Panthers, founded by Huey Newton and Bobby Seale, began their pursuit in challenging police brutality.²⁰³ The Black Panthers grew in size and influence, opening branches in a number of major cities, building a presence on college campuses, and ultimately surging to as many as 2,000 members across 13 local chapters in 1969.²⁰⁴ Many groups and individuals proclaimed that the party was only seeking violence, yet the party attracted a number of radical-leaning white supporters—many of whom were moved by the Black Panthers' lesser-remembered efforts, like free breakfasts for children in African-American neighborhoods, drug and alcohol abuse awareness courses, community health and consumer classes, and a variety of other programs focused on the health and wellness of their communities.²⁰⁵

200 *Id.*

201 *Id.*

202 *Id.*; Tabitha Wang, *Detroit Race Riot (1967)*, BLACKPAST (July 3, 2008), <https://www.blackpast.org/african-american-history/detroit-race-riot-1967/>.

203 *Black Panthers*, HIST., (Jan. 26, 2021), <https://www.history.com/topics/civil-rights-movement/black-panthers>.

204 Chuck McFadden, *Armed Black Panthers in the Capitol, 50 Years on*, CAPITOL WKLY. (Apr. 26, 2017), <https://capitolweekly.net/black-panthers-armed-capitol/>; *Black Panthers*, *supra* note 203; *Black Panther Party History and Geography*, UNIV. WASH.: MAPPING AM. SOC. MOVEMENTS PROJ., https://depts.washington.edu/moves/BPP_intro.shtml (last visited Aug. 3, 2021).

205 *Black Panthers*, *supra* note 203; *The Black Panther Party Stands for Health*, COLUM. MAILMAN SCH. PUB. HEALTH: PUB. HEALTH NOW (Feb. 23, 2016), <https://www.publichealth.columbia.edu/public-health-now/news/black-panther-party-stands-health>; McFadden, *supra* note 204.

iv. The Democratic Convention of 1968

Black communities not only wanted fair treatment within the streets but wanted fair treatment to those serving overseas.²⁰⁶ The Democratic Convention of 1968 was held in Chicago, Illinois, from August 26th through the 29th.²⁰⁷ Protestors assembled outside of the convention in opposition to the Vietnam War and other political decision.²⁰⁸ There was an eleven o'clock curfew in the city, so around curfew on Sunday, August 25, thousands of police officers suited in gas masks, riot gear, and helmets lined Lincoln Park.²⁰⁹ Several officers threw tear gas into the crowd.²¹⁰ Protestors dispersed and hurried out of the park, "blindly falling over each other as the tear gas assaulted their eyes"—the police assaulted the protesters with clubs, continuing to attack even when someone was already on the ground.²¹¹ With their voices yet to be heard, and the day after the nomination, "the remaining protesters and hundreds of anti-war delegates attempted to reach the Amphitheatre again but were deterred with tear gas," and the controversial and gory 1968 Democratic Convention officially ended August 29th at midnight.²¹²

v. The Rally for the Oakland Seven & Huey Newton

The voices flowed from government elections to college campuses. On January 26, 1968, the Rally for the Oakland Seven and Huey Newton took place at the University of California-Berkeley.²¹³ This event consisted of speeches on Sproul Hall Steps, "calling for the release of the Oakland Seven and Huey Newton, the co-founder of the Black Panthers."²¹⁴ There were various legal issues that prefaced the rally, specifically; Newton was arrested the year prior "for allegedly killing an Oakland police officer during

206 See Olivia B. Waxman, *'Violence Was Inevitable': How 7 Key Players Remember the Chaos of 1968's Democratic National Convention Protests*, TIME (Aug. 26, 2018), <https://time.com/5377386/1968-democratic-national-convention-protesters/>.

207 *1968 Democratic Convention*, HIST. (Mar. 16, 2018), <https://www.history.com/topics/1960s/1968-democratic-convention>.

208 *Id.*

209 *Id.*

210 *Id.*

211 *Id.*

212 *Id.*

213 *Rally for the Oakland Seven and Huey Newton in Berkeley, California*, AM. ARCHIVE PUB. BROAD. (Mar. 26, 1968), http://americanarchive.org/catalog/cpb-aacip_28-ft8df6kf9j.

214 *Id.*

a traffic stop.”²¹⁵ He was ultimately convicted of voluntary manslaughter and received a sentence of two to fifteen years in prison.²¹⁶ Newton appealed his case, arguing that the trial judge did not instruct the jury on Newton’s self-defense and unconsciousness to criminal homicide defenses, thus the Appeals court overturned the conviction.²¹⁷

Negative reactions that stemmed from the protests were not because of the protests themselves, but strictly due to the violence that was attached to the protests.²¹⁸ According to the October 1964 Gallup Poll, many believed the marches, speeches, and rallies should halt.²¹⁹ Some believed the acts of protesting groups were not to gain equality, but to gain superiority.²²⁰ However, in reality, the purpose of protests outlined during the 1960s had the same mantra, and was for one very simply gain—equal protection.²²¹ Equal protection under the law, equal protection under humanity.²²²

F. *Black Lives Matter*

This same mission continues today. In 2013, Alicia Garza, Patrisse Cullors, and Opal Tometi created a Black-centered movement called #BlackLivesMatter.²²³ The nationalization of the movement was driven in large part by the Ferguson protests following the murders of Michael Brown and Trayvon Martin, and has grown to over 40 chapters globally.²²⁴ Alicia Garza began publishing a series of social media posts named “A Love Letter to Black People.”²²⁵ In one of her posts, Garza said: “I continue to be surprised at how little Black lives matter.”²²⁶ Patrisse Cullors posted

215 Huey P. Newton, BIOGRAPHY (Apr. 1, 2014), <https://www.biography.com/people/huey-p-newton-37369>.

216 *Id.*

217 See *People v. Newton*, 8 Cal. App. 3d 359 (1970).

218 RJ Reinhart, *Protests Seen as Harming Civil Rights Movement in the ‘60s*, GALLUP (Jan. 21, 2019), <https://news.gallup.com/vault/246167/protests-seen-harming-civil-rights-movement-60s.aspx>.

219 *Public Opinion Polls on Civil Rights Movement, 1961-1969*, GALLUP (Mar. 17, 2016), https://www.crmvet.org/docs/60s_crm_public-opinion.pdf.

220 MILDRED A. SCHWARTZ, TRENDS IN WHITE ATTITUDES TOWARD NE[*****] 92–93 (1967).

221 See generally *Civil Rights and Equal Protection*, ENCYCLOPEDIA.COM (Nov. 25, 2021), <https://www.encyclopedia.com/law/legal-and-political-magazines/civil-rights-and-equal-protection>.

222 See generally *id.*

223 *Herstory*, BLACK LIVES MATTER, <https://blacklivesmatter.com/herstory/> (last visited February 18, 2022).

224 *Id.*

225 Jennifer M. Kinsley, *Black Speech Matters*, 59 U. LOUISVILLE L. REV. 1, 7 (2020).

226 *Id.* at 3.

her own message mourning the death of Trayvon Martin which included “#blacklivesmatter.”²²⁷ The Black Lives Matter movement is characterized by “peaceful protests . . . challenging racist police and governmental practices.”²²⁸

III. MEDIA AND PROTESTS

In the wake of the Ferguson protest demonstrations, the media used “racial or ethnic identities to crime narratives, and . . . negative stereotypes and identities, . . . to perpetuat[e] both racialized and racist constructions of Black[] [people]—even those engaged in legitimate dissent.”²²⁹ This example of racialized news coverage is not unique.²³⁰ Professor Bryan Adamson²³¹ explains that “newsworthy” protests tend to be those that “result[ed] in arrests, violence, and counterdemonstrations.”²³² Various media outlets frame these demonstrations as “‘riots,’ ‘carnivals,’ or ‘clashes,’” often highlighting “the protesters’ outsider or socially-marginal status and question the participants’ sociopolitical legitimacy.”²³³ Adamson points out that when the “underlying reasons and rationales” behind various protest demonstrations are not adequately explained, or fairly represented through television news coverage, “audiences may indeed see them as futile and even irrational.”²³⁴

Minneapolis police officers murdered George Floyd on Memorial Day 2020.²³⁵ Floyd was an unarmed Black man, and police were on site because Floyd was suspected of using a counterfeit \$20 bill to buy his

227 *Id.* at 7–8.

228 *Id.* at 8.

229 Bryan Adamson, “Thugs,” “Crooks,” and “Rebellious Ne[*****]”: Racist and Racialized Media Coverage of Michael Brown and the Ferguson Demonstrations, 32 HARV. J. RACIAL & ETHNIC JUST. 189, 191 (2016).

230 *Id.*

231 Professor Adamson is the David L. & Ann Brennan Professor of Law, and Associate Dean of Diversity and Inclusion at Case Western Reserve University School of Law and has researched and published extensively in the areas of civil rights and media portrayal of Black people and protestors. *Bryan Adamson, MA, JD*, CASE WESTERN RESERVE UNIV. SCH. LAW, <https://case.edu/law/our-school/faculty-directory/bryan-adamson>.

232 Adamson, *supra* note 229, at 206. Adamson cites a research study which revealed that protest demonstrations with these characteristics tended to generate the most news coverage. See Francis L. F. Lee, *Triggering the Protest Paradigm: Examining Factors Affecting News Coverage of Protests*, 8 INT’L J. COMM. 2725, 2727 (2014).

233 Adamson, *supra* note 229, at 206–07.

234 *Id.* at 207.

235 Kinsley, *supra* note 225, at 1.

groceries.²³⁶ Three officers used excessive force to restrain Floyd until he ultimately could not breathe and died.²³⁷ Several months earlier, in March, Louisville police shot and killed an unarmed Black woman, Breonna Taylor, in her home while executing a no-knock search warrant.²³⁸ Less than a month earlier, Ahmaud Arbery, an unarmed Black man, was murdered by three white men, and police and prosecutors ensured that no charges were initially brought against his killers, though the killers were found guilty on November 24, 2021.²³⁹ These murders, and several others, culminated in mass protests nationwide in the summer of 2020.²⁴⁰ At this time, protests against police brutality victimizing Black people were active in every major city.²⁴¹ Government officials responded by installing curfews, during which people of color were disproportionately arrested, and the protestors were victims of violence as they assembled, illustrated by the use of tear gas and rubber bullets against protestors.²⁴²

Lawmakers are also looking to hold protestors accountable and have responded to the activism with increased liability for these individuals.²⁴³ “[L]egislators in forty states have proposed at least 133 bills that restrict the right to peaceful assembly” and the justification for this legislation offered by some states is “explicitly tied” to the Black Lives Matter movement.²⁴⁴

Especially problematic, in the context of 21st Century protest culture, is the immense variety of information sources, a result of mass media and the advent of the internet.²⁴⁵ Adamson emphasizes that selective news sourcing is particularly harmful in racial contexts where self-identity is likely to be affected.²⁴⁶ Adamson notes that news selectivity is not novel and

236 *Id.*

237 *Id.*

238 *Id.*

239 *Id.*; Jury Verdict Form, *Georgia v. McMichael*, No. CR 2000433 (Ga. Super. Ct. Nov. 24, 2021), <https://www.glynncounty.org/DocumentCenter/View/73758/Verdict-Form---Travis-McMichael>

240 Kinsley, *supra* note 225, at 3.

241 *Id.*

242 Tasnim Motala, ‘Foreseeable Violence’ & Black Lives Matter: How Mckesson Can Stifle a Movement, 73 STAN. L. REV. ONLINE 61, 69–70 (2020), <https://www.stanfordlawreview.org/online/forseeable-violence-black-lives-matter/>.

243 *Id.* at 68.

244 *Id.* at 68–69.

245 Adamson, *supra* note 229, at 215. “Audiences do not always receive news stories directly, but will get news through personalized news feeds, peers, significant or proximate (co-workers) others, and those otherwise members of our social media networks. Exposure to news and civic information is mediated through online social networks and electronically-enabled personalization now more than ever.” *Id.* at 214–215.

246 *Id.* at 215.

remains problematic because we tend to gravitate towards information that confirms what we know and tend to reject information that fails to fit into our preconceived framework of information.²⁴⁷ The problem now is how readily available congenial news sources are to any given demographic.²⁴⁸ The novel opportunity for audience members to engage in the promulgation of news through social media allows increasingly narrower perspectives to create homogeneous groups of perpetual confirmation bias.²⁴⁹ Worse than that, is the advent of 'Fake News' through tools like memes.²⁵⁰ "Mememes are cultural units . . . seek[ing] replication" that become baseline cultural components of information.²⁵¹ Bryan Anderson references a perfect example of the threat to news integrity posed by the prevalence of meme culture:

One such meme shows a Black man holding a sign reading, "NO MOTHER SHOULD HAVE TO FEAR FOR HER SON'S LIFE EVERY TIME HE LEAVES HOME." . . . Someone in the cascade through the networks added the racist phrase onto the placard. The image was edited to excise the other protestors, leaving the Black male holding the placard anchoring the racist theme of the meme creator. At some point, as the image moved through social networks, a tag "You can't make this up!!!!" was also added, accumulating thousands of "likes" and racist comments. The meme was shared over 28,000 times on Facebook.²⁵²

247 *Id.* "While we have always been able to choose which news sources to attend, the degree of political/ideological segregation in social media networks is in fact higher than that associated with mass media such as television and newspapers. In sum, our media selection evinces our general tendency toward confirmation bias—i.e., attentiveness to news sources whose stories tend to reinforce our predispositions and the discounting or exclusion of noncongenial sources and information." *Id.*

248 John Gramlich, *What Makes a News Story Trustworthy? Americans Point to the Outlet that Publishes It, Sources Cited*, PEW RSCH. CTR. (June 9, 2021), <https://www.pewresearch.org/fact-tank/2021/06/09/what-makes-a-news-story-trustworthy-americans-point-to-the-outlet-that-publishes-it-sources-cited/>.

249 Adamson, *supra* note 229, at 215–16. "Interpersonal and rumor theory principles of leveling, sharpening, and adding explain how news stories, transmitted through electronic social media, undergo consequential distortions. Leveling occurs when the story grows shorter and more concise as it is passed along. Sharpening involves the 'selective perception, retention, and reporting of a limited number of details from a larger context.' Adding occurs as news is passed along, and the communicator adds new material or details in the storytelling. In the adding phase, the transmitter may posit his own opinion, idea, or spin upon which the transmitter incorporates his own cognitive habits, biases, and prejudices. Because in-group network members most likely evince ideological homophily, news items shared through social media have reinforcing effects." *Id.*

250 *Id.* at 216

251 *Id.*

252 *Id.* at 216–17.

Not only are these avenues of “social media” being used by individuals to communicate perverted iterations of news stories, they are also being used by domestic law enforcement agencies “to monitor individual targets and build profiles of networks of connected individuals.”²⁵³

Since January 2017, twenty states have implemented thirty-six initiatives that restrict the right to peaceful assembly at the state and federal level.²⁵⁴ There are an additional fifty-two bills that are pending in a total of twenty-one states.²⁵⁵ States have passed bills reducing or eliminating culpability for drivers who strike protestors, and that generally increase fines, penalties, and incarceration time for engaging in protests.²⁵⁶ Indiana lawmakers passed Senate Bill 199, which protects store owners from prosecution if they use loaded firearms to protect their businesses.²⁵⁷ One of the reasons given was to ensure that “there is less looting and ‘destruction’ caused by rioters.”²⁵⁸ Republican lawmakers in the state also set forth laws that would prohibit unlawful protestors from receiving social services such as student loans, unemployment benefits and housing vouchers.²⁵⁹ Alabama has a bill pending that aims to withhold state funding from cities that reduce the amount of funding for police.²⁶⁰

The American Civil Liberties Union has noted that oftentimes, anti-protest bills are proposed in areas where large scale protests are staged²⁶¹ and a number of these bills were drafted within the year after the murder of George Floyd by a police officer.²⁶² The Denver International Airport imposed a requirement that protestors apply at least a week prior to any demonstration after there were protests at the airport for days following the

253 Rachel Levinson-Waldman, *Government Access to and Manipulation of Social Media: Legal and Policy Challenges*, 61 How. L.J. 523, 523 (2018).

254 *USProtestLawTracker*, INT’L CTR. FOR NOT-FOR-PROFIT L. (Sept. 7, 2021), <https://www.icnl.org/usprotestlawtracker/?location=&status=enacted&issue=&date=&type=legislative>.

255 *Id.*

256 Reid J. Epstein & Patricia Mazzei, *G.O.P. Bills Target Protesters (and Absolve Motorists Who Hit Them)*, N.Y. TIMES, (Apr. 22, 2021), <https://www.nytimes.com/2021/04/21/us/politics/repUBLICan-anti-protest-laws.html>.

257 S.B. 199, 122nd Gen. Assemb., Reg. Sess. (Ind. 2021).

258 Casey Smith, *Indiana Lawmakers Propose Tougher Penalties for Rioting*, U.S. NEWS (Feb. 2, 2021), <https://www.usnews.com/news/best-states/indiana/articles/2021-02-02/indiana-lawmakers-propose-tougher-penalties-for-rioting>.

259 Epstein & Mazzei, *supra* note 256.

260 H.B. 2, 2021 Leg., Reg. Sess. (Ala. 2021).

261 See Lee Rowland & Vera Eidelman, *Where Protests Flourish, Anti-Protest Bills Follow*, ACLU, (Feb. 17, 2017), <https://www.aclu.org/blog/free-speech/rights-protesters/where-protests-flourish-anti-protest-bills-follow>.

262 Epstein & Mazzei, *supra* note 256.

implementation of President Trump's Muslim ban.²⁶³ In North Dakota, shortly after the pipeline protests, lawmakers introduced measures that give immunity to drivers who unintentionally hit protestors, and bills that would sentence people who protested on private property to jail for up to thirty days, and those who cause at least \$1,000 in financial damage could be liable for up to \$10,000 in penalties and be sentenced to as many as five years in prison.²⁶⁴ Extreme financial penalties for protestors were also pushed in Minnesota following the police shooting of Philando Castile that resulted in his death.²⁶⁵ Protestors against this and other incidents of police brutality blocked parts of a highway, resulting in state legislators attempting to make an individual protestor liable for the entire cost of policing a protest if they are convicted of public nuisance or unlawful assembly.²⁶⁶

It is significant to note that these extreme anti-protest bills introduced in approximately the last five years are in addition to laws that exist in every city and county that criminalize trespassing, or intentionally interfering with traffic.²⁶⁷ It appears that the purpose of these bills is to intimidate and dissuade protestors from exercising their Constitutional rights in public places, which the Supreme Court has emphatically stated is integral to voicing one's opinion.²⁶⁸

Furthermore, about ninety-seven percent of the protests in the states where the recent spate of anti-protest bills were enacted have been peaceful, with low incidents of violent activity.²⁶⁹ This is particularly true for Florida. Florida's rate of violent protest activity is lower than most states,²⁷⁰ yet Florida's General Bill CS/HB 1, which was signed into law on April 19, 2021, provides for a more expansive definition of "riot," and categorizes such a situation that consists of more than twenty-five people and "endangers the safe movement of a vehicle" as a second degree felony.²⁷¹ This law provides an affirmative defense to those who physically harm or even kill protestors acting "in furtherance of a riot."²⁷²

263 Rowland & Eidelman, *supra* note 261.

264 *Id.*

265 *Id.*

266 *Id.*

267 *Id.*

268 *Id.*

269 See *Fact Sheet: Anti-Protest Legislation and Demonstration Activity in the US*, ARMED CONFLICT LOCATION & EVENT DATA PROJECT, https://acleddata.com/acleddatanew/wp-content/uploads/2021/04/ACLED_Fact-Sheet_US-Protest-Laws_Apr2021.pdf (last visited Sept. 29, 2021).

270 *Id.*

271 H.B. 1 § 870.01, 2021 Leg., Reg. Sess. (Fla. 2021).

272 *Id.*

The Black Lives Matter movement (BLM) is more prevalent in states that have recently introduced anti-protest legislation compared to those that have not. Forty-three percent of protests in these states have been related to BLM compared to thirty-seven percent of protests that are related to BLM in states that have not had such anti-protest proposals.²⁷³ Police engagement, both with and without force, is also marginally higher in the states that have proposed anti-protest legislation.²⁷⁴

The history of protesting shows the necessity of unlawful tactics in bringing about change, and these proposed and enacted laws designed to suppress resistance to prejudice and discrimination will likely silence and deter opposition. Advocacy against anti-protest bills should highlight the compounding negative health effects this type of legislation has on communities of color, specifically Black communities.

IV. RACE, ACTIVISM, AND MENTAL HEALTH

People who experience racism are subjected to many forms of subtle racism, which can lead to negative health effects.²⁷⁵ Racism comes in many different forms, such as mass incarceration, racial profiling, and feelings of inferiority.²⁷⁶ In addition, racism can stem from various different sources, such as institutional racism, systemic racism, and interpersonal racism.²⁷⁷ Racial trauma doesn't have to be the product of one event but can be a result of the accumulation of long term "subtle" experiences.²⁷⁸ The most common mental health condition reported amongst Black, Indigenous, and other communities of color is depression.²⁷⁹ Experiencing racial trauma is an immensely stressful situation, and as noted above, chronic stress can have a major impact on an individual's mental and physical health.²⁸⁰ Experiencing racism can cause many of the effects experienced from chronic stress such as anxiety, depression, high blood pressure, and Post Traumatic Stress Disorder (PTSD).²⁸¹ The effects of racism can be both physical and mental.²⁸²

273 Fact Sheet: *Anti-Protest Legislation and Demonstration Activity in the US*, *supra* note 269.

274 *Id.*

275 *Racism and Mental Health*, MENTAL HEALTH AM., www.mhanational.org/racism-and-mental-health (last visited February 18, 2022).

276 *Id.*

277 *Id.*

278 *Id.*

279 *Id.*

280 *See id.*

281 *See id.*

282 Joanne Lewsley, *What Are the Effects of Racism on Health and Mental Health?*, MED. NEWS TODAY (July 28, 2020), <https://www.medicalnewstoday.com/articles/effects-of-racism>.

Stress that is attributed to racial abuse or discrimination can erode one's sense of self-worth and lead to disordered eating, substance abuse, and physical changes in the body, from increased heart rate to muscle tension.²⁸³ Over time, stress may also change the brain's structure, which adversely impacts learning and memory.²⁸⁴ Compromised immune systems and heart health also result from stress²⁸⁵ as does an acceleration of the aging process, which can result in early death.²⁸⁶ Stress stemming from race-based discrimination is especially detrimental,²⁸⁷ “and physical ailments such as hypertension and diabetes result from racial discrimination.”²⁸⁸

Not only does racism cause health problems—it is also an obstacle to receiving optimal health care for Black, Indigenous, and other communities of color.²⁸⁹ Discrimination within the health care system often happens when there is a lack of cultural competency or racism (explicit or implicit) on the part of a medical professional.²⁹⁰ People who are victims of such prejudice can be misdiagnosed, receive inappropriate treatment, or be deterred from seeking health care services.²⁹¹

Engaging in social activism can exacerbate these poor health outcomes.²⁹² Police use physical force more often when encountering Black protestors when compared to white protestors.²⁹³ Also, police officers associate Black people with criminal contact and violence which affects their response to this population.²⁹⁴ A study shows that individuals who experience varying types of physical assault and violence are typically more prone to PTSD, depression, and even physical symptoms as a result of the trauma they experience.²⁹⁵ A study gauging the mental and physical symptoms of women

283 *Id.*; *Coping with Race-Related Stress*, UNIV. ILL. COUNSELING CTR., <https://counselingcenter.illinois.edu/brochures/coping-race-related-stress> (last visited February 18, 2022).

284 Bryony Doughty, *Stress and Our Mental Health—What Is the Impact & How Can We Tackle It?*, MENTAL HEALTH RSCH. (May 16, 2018), https://www.mqmentalhealth.org/stress-and-mental-health?lang=en_us.

285 *See id.*

286 Teri Dobbins Baxter, *Dying for Equal Protection*, 71 HASTINGS L.J. 535, 543–44 (2020).

287 *Id.* at 544.

288 *Id.*

289 *Racism and Mental Health*, *supra* note 275.

290 *See id.*

291 *See id.*; Austin Frakt, *Bad Medicine: The Harm That Comes from Racism*, N.Y. TIMES (July 8, 2020), <https://www.nytimes.com/2020/01/13/upshot/bad-medicine-the-harm-that-comes-from-racism.html>.

292 *See* Helen Cox, *Impacts of Activism on Health and Wellbeing*, COMMONS SOC. CHANGE LIBR., <https://commonslibrary.org/impacts-of-activism-on-health-and-wellbeing/> (last visited July 28, 2021).

293 Motala, *supra* note 242, at 72–73.

294 *See id.* at 73–74.

295 Christina Nicolaidis et al., *Violence, Mental Health, and Physical Symptoms in an Academic*

who have been the subject of physical assault, community violence, and/or intimate partner violence were found to be prone to PTSD and depression.²⁹⁶ The study speculated that women who experience intimate partner violence can be constantly berated, socially isolated, and dehumanized.²⁹⁷ Even when Black people are not the subject of direct violence, their health suffers.²⁹⁸ Black people suffer compassionate fatigue, a health consequence which causes stress and trauma when exposed to the suffering of others.²⁹⁹ This underscores the risk of activism. One study found that political activism within a Latina student population actually served to counter stress and anxiety caused by racial and ethnic discrimination.³⁰⁰ Conversely, the study also found that Black students involved in political activism actually suffered more stress and anxiety as a result.³⁰¹ Emotional exhaustion is a consequence of being an activist³⁰² and even learning of racist events for which people who share the same racial background are victims, can cause adverse physical effect.³⁰³ Also, exposure to the details of stories of police killings of unarmed Black people causes the mental health of Black people to suffer.³⁰⁴ As social media activism increases and these images and stories are shared and amplified, the trauma that Black people experience intensifies.³⁰⁵ Being victimized by online racial discrimination can cause depression, anger, and anxiety.³⁰⁶ The mental health effects of Black people being subject to media depicting police killings of unarmed Black people are under-researched, but Sara Jaffee, a Professor of Psychology at the University of Pennsylvania's School of Arts and Sciences, believes it can be linked to the same type of traumatization that occurs when one continuously has to recount or

Internal Medicine Practice, J. GEN. INTERN. MED., 819, 823 (2004).

296 *Id.* at 819–27.

297 *Id.*

298 Nylah Burton, *Activism's Impact on Mental Health Can Be Devastating. Here's How Experts Want to Close the Gap*, BUSTLE (Apr. 19, 2019), <https://www.bustle.com/p/the-impact-of-activism-on-mental-health-can-be-devastating-but-heres-how-expertssay-we-can-close-the-gap-17045319>.

299 *Id.*

300 Elan C. Hope et al., *Political Activism and Mental Health Among Black and Latinx College Students*, 24 CULTURAL DIVERSITY & ETHNIC MINORITY PSYCH. 26, 32 (2018).

301 *Id.* at 26–39.

302 Patrick C. Dwyer et al., *When Does Activism Benefit Well-Being? Evidence from a Longitudinal Study of Clinton Voters in the 2016 U.S. Presidential Election*, PLOS ONE at 2 (Sept. 5, 2019), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0221754>.

303 Baxter, *supra* note 286, at 535 n.62.

304 *Id.* at 583–84.

305 *Id.* at 586.

306 Greg Johnson, *Police Killings and Black Mental Health*, PENN TODAY (June 23, 2020), <https://penntoday.upenn.edu/news/police-killings-and-black-mental-health>.

relieve a harmful experience.³⁰⁷ Surveys have shown that about thirty-three percent of Black youth encounter racist content on the internet—its harmful health impacts are widespread, and the long-term effects are yet to be determined.³⁰⁸ One 2018 study determined that, “a police killing of an unarmed Black person triggered days of poor mental health for Black people living in that state over the following three months—a significant problem given there are about 1,000 police killings annually on average, with Black people comprising a disproportionate twenty-five percent to thirty percent of those deaths.”³⁰⁹

Studies have shown that the mental health of Black people is negatively impacted due to police killings of unarmed Black people—this is true even among Black people who are not directly involved with or affected by the killing.³¹⁰ The adverse effects of police violence can also result in lower academic achievement with respect to grade point average, high school graduation and college matriculation among African American and Hispanic high school students.³¹¹ These individuals also display increased signs of emotional disturbances due to the exposure to this type of violence.³¹²

A study published in April 2021 found that reported incidents of poor mental health among Black people increased in weeks where at least two deadly racial events were in the news, with the most triggering incidents being police killings of Black people or legal decisions not to indict or convict the police officer who killed the individual.³¹³ This may be attributed to the news stories bringing past experiences with racism to the surface.³¹⁴ It is important to note that no such increase in poor mental health conditions were noted among white Americans when the killings were in the news.³¹⁵ Despite the negative impacts of these stories on Black people, victims of police brutality are often compelled to make public the details of the event in order to seek justice.³¹⁶ Another stressor that stems from the dissemination

307 *Id.*

308 *Id.*

309 Jacob Bor et al., *Police Killings and Their Spillover Effects on the Mental Health of Black Americans: A Population-Based, Quasi-Experimental Study*, 392 LANCET 302 (2018), <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2818%2931130-9>.

310 *Id.*

311 Desmond Ang, *The Effects of Police Violence on Inner-City Students*, 136 QJ. ECON. 115, 117–18 (2021).

312 *Id.* at 117.

313 David S. Curtis et al., *Highly Public Anti-Black Violence Is Associated with Poor Mental Health Days for Black Americans*, 118 PROC. NAT'L ACAD. SCIS. U.S. AM., no. 17, 2021, at 3.

314 *See id.* at 1.

315 *Id.*

316 Sirry Alang et al., *Police Brutality and Black Health: Setting the Agenda for Public Health Scholars*, 107 AM. J. PUB. HEALTH 662, 663 (2017).

of information about police killings of Black people is the fact that they often have to describe to white people the link between these killings and general incidents of racism that are embedded in society.³¹⁷ Black individuals often have no choice as to when the exposure to racism, police killings, or other events of racial trauma will be publicized or will directly affect them. Therefore, it is important that the tools to stabilize one's mental health are available and accessible.

Howard C. Stevenson, a Professor of Africana Studies and Director of the Racial Empowerment Collective at the University of Pennsylvania's Graduate School of Education³¹⁸ says that "[t]hese are very dehumanizing oppressions. . . . Even if the protests bring about change in policing, and even if it changes how schools and workspaces are discriminatory towards Black and Brown people, you will still need the self-care. Even if the systems get better at treating people in a less dehumanizing way, you would still need to say every day I'm going to have to manage."³¹⁹ To that end, more information is needed to ascertain the best way to provide holistic healthcare. Additional research should be supported to more comprehensively understand the connection between police brutality and negative mental and physical health outcomes among Black people.³²⁰ The definition of "brutality" should be expanded to include emotional anguish, sexual abuse, sexual harassment and intimidation as well as physical violence.³²¹ Although data about arrest-related deaths are collected, information regarding all interactions with police are pertinent to fully understanding the stress of these situations on Black and other individuals.³²² This information would be helpful in supporting proactive interventions and guidelines with respect to reporting and projecting images of Black trauma.

It has been shown that when a person's identity is impacted by the issues or causes they are engaged in advocating for, the individual has a heightened risk of suffering from post-traumatic stress syndrome and suicidal ideation.³²³ This is especially true for women, Black people, and other historically marginalized groups, and can have negative effects for generations given that certain trauma is passed through genes, negatively affecting the health of descendants.³²⁴ Racial health disparities are preventable instances

317 *Id.*

318 *Howard C. Stevenson*, UNIV. PA. GRADUATE SCH. EDUC., <https://www.gse.upenn.edu/academics/faculty-directory/stevenson> (last visited Sept. 30, 2021).

319 *Johnson*, *supra* note 306.

320 *Alang et al.*, *supra* note 316, at 662, 664.

321 *Id.* at 662.

322 *See id.* at 664.

323 *Burton*, *supra* note 298.

324 *Id.*

in the burden and instances of negative health outcomes for people of color due to their racial and ethnic status.³²⁵ Stress and bias in the health care industry are significant causes of these disparities.³²⁶ In addition to the aforementioned instances of racial bias, social structure contributes to the deterioration of health among Black Americans.³²⁷ The level of stress that is intrinsic to the Black experience leads to chronic disease and infection.³²⁸ Exposure to this discrimination results in Black people being more likely to contract heart disease and cancer, given that such prejudice is a precursor to stress which is attributed to these illnesses.³²⁹

CONCLUSION: HEALTHCARE FOR ACTIVISTS

Protestors throughout American history have a history of requiring medical care. Whether in response to physical violence from reactionary backlash—like the suffragists who were hospitalized when they marched on Washington, or Black protestors who were attacked in response to the Civil Rights movement—or from the mental health toll which we are still trying to understand, activists and those who are implicated in their movements need access to healthcare. Refusal to offer comprehensive mental and physical health assistance to people who are not only victims of racial discrimination, but also lead the charge to racial equality diminishes the positive outcomes of activism.

The Affordable Care Act provides states with the option to expand Medicaid coverage for most low-income adults to 138% of the federal poverty level, which means people making \$17,600 per year or less as a single adult³³⁰ would be eligible for this insurance.³³¹ Not all states have elected to expand Medicaid, however, if those remaining states chose to do so, the uninsured rates would lower drastically to provide coverage for millions of Americans.³³² As of March 31, 2021, Wisconsin, South Dakota, Wyoming,

325 NAT'L ACADS. OF SCIS, ENG'G, AND MED., COMMUNITIES IN ACTION: PATHWAYS TO HEALTH EQUITY 32 (James N. Weinstein et al. eds., 2017).

326 Burton, *supra* note 298; NAT'L ACADS. OF SCIS, ENG'G, AND MED., *supra* note 325.

327 Nelson, *supra* note 1, at 925.

328 *Id.* at 927.

329 *Id.* at 934–35.

330 *Status of State Action on the Medicaid Expansion Decision*, KAISER FAM. FOUND., <https://www.kff.org/health-reform/state-indicator/state-activity-around-expanding-medicaid-under-the-affordable-care-act/?currentTimeframe=0&sortModel=%7B%22colId%22:%22Location%22,%22sort%22:%22asc%22%7D> (last visited July 23, 2021).

331 *2021 Poverty Guidelines*, OFF. ASSISTANT SEC'Y FOR PLAN. & EVAL., <https://aspe.hhs.gov/2021-poverty-guidelines#thresholds> (last visited July 23, 2021).

332 Jesse Cross-Call & Matt Broadbus, *States that Have Expanded Medicaid Are Better Positioned to Address COVID-19 and Recession*, CTR. ON BUDGET & POL'Y PRIORITIES (July 14, 2020),

Kansas, Texas, Tennessee, Mississippi, Alabama, Georgia, South Carolina, North Carolina, and Florida have not expanded Medicaid.³³³ With the exception of South Dakota, Wyoming, Kansas, and North Carolina, these states rank in the top half of states that have reported the highest amount of police killings of Black people between the years of 2013 and 2020.³³⁴ One likely reason these states are omitted is because twenty-seven percent of the killings during this time frame were committed by police departments of the 100 largest cities.³³⁵ Besides North Carolina and Kansas, these states do not have any cities with populations substantial enough to meet this threshold.³³⁶ The overlap of states that have not expanded Medicaid with states that have significant police brutality instances illustrates how policies can worsen health disparities for people of color already experience stress induced by racism. Expanding Medicaid will increase the likelihood these individuals will have access to healthcare.³³⁷

Professor Ryan DeLapp at Albert Einstein College of Medicine in New York City emphasizes that the onus to alleviate the mental anguish that follows from exposure to images of Black violence and harm should be on inherently racist systems as opposed to individuals.³³⁸ Expanding Medicaid would narrow racial health disparities for Black and Hispanic people by improving access to care and health outcomes.³³⁹ However, additional

<https://www.cbpp.org/research/health/states-that-have-expanded-medicaid-are-better-positioned-to-address-covid-19-and>; *Status of State Medicaid Expansion Decisions: Interactive Map*, KAISER FAM. FOUND., <https://www.kff.org/medicaid/issue-brief/status-of-state-medicaid-expansion-decisions-interactive-map/> (last visited July 23, 2021).

333 *Status of State Medicaid Expansion Decisions: Interactive Map*, *supra* note 332.

334 *State Comparison Tool*, MAPPING POLICE VIOLENCE, <https://mappingpoliceviolence.org/states> (last visited July 23, 2021).

335 *Police Accountability Tool*, MAPPING POLICE VIOLENCE, <https://mappingpoliceviolence.org/compare-police-departments> (last visited July 23, 2021); see *The Largest U.S. Cities: Cities Ranked 1 to 100*, CITY MAYORS STAT., http://www.citymayors.com/gratis/uscities_100.html (last visited July 23, 2021).

336 *The Largest U.S. Cities: Cities Ranked 1 to 100*, *supra* note 335.

337 Julia Paradise & Rachel Garfield, *What Is Medicaid's Impact on Access to Care, Health Outcomes, and Quality of Care? Setting the Record Straight on the Evidence*, KAISER FAM. FOUND. (Aug. 2, 2013), <https://www.kff.org/report-section/what-is-medicaid-impact-on-access-to-care-health-outcomes-and-quality-of-care-setting-the-record-straight-on-the-evidence-issue-brief/>.

338 Amy Norton, *High-Profile Police Brutality Cases Harm Black Americans' Mental Health: Study*, U.S. NEWS (Apr. 20, 2021), <https://www.usnews.com/news/health-news/articles/2021-04-20/high-profile-police-brutality-cases-harm-black-americans-mental-health-study>.

339 See *The Effects of Medicaid Expansion Under the ACA: Studies from January 2014 to January 2020*, KAISER FAM. FOUND. (May 17, 2020), <https://www.kff.org/report-section/the-effects-of-medicaid-expansion-under-the-aca-updated-findings-from-a-literature-review-report/>.

solutions should be provided to address the mental and physical impacts that protesting can have on Black communities, since an expansion of Medicaid by itself is not sufficient to eliminate health disparities.³⁴⁰

Despite the urgent nature of protests, particularly those led by Black individuals and women, it is important that legislators meet the demands of advocates and incorporate the need for expansive healthcare for these populations. There is a dearth of information on laws and policies that have been passed or even set forth to address the health disparities specifically attributed to activism. Given the health risk that activists subject themselves to, in order to fully address their grievances, their own well-being should be a priority in all policies designed to mitigate injustice and inequality.

340 *See id.*