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BODIES ON THE LINE: AN ANALYSIS OF INCARCERATION  
AND ASSASSINATION AND THEIR ROLE IN CIVIL RIGHTS  
MOVEMENTS

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## ABSTRACT

*The history of American civil rights is understood largely through the context of various mass movements. Most famously, the Civil Rights Movement of the 1950s and 1960s was a remarkable representation of collective action. The success of that movement becomes even more significant when considering the realities of life for Black Americans at the time. In the spirit of those movements, the 2010s and 2020s have brought about modern movements that continue to push against discrimination toward Black Americans and push for progress in the legal system. The movements each were and are met with opposition. This article focuses on the opposition and silencing tactics of the law—that is, the written law and law enforcement—as intentional methods of hindering the progress of movements. Specifically, this article explores the ways in which assassination and incarceration impact civil rights movements both negatively and positively.*

*Through a series of case studies, the article argues that the civil rights movements in America have a cyclical nature, recurring with similar patterns whenever they appear. Assassination and incarceration are at the center of that cycle. Using comparisons between the assassinations of Emmett Till, Martin Luther King Jr., and Trayvon Martin, the article will demonstrate how, frequently, death is a catalyst for collective action against the law, but is also used by the law as a method of slowing progress. Incarceration functions similarly. This article will explore protest laws, jail-no-bail tactics, and similar instances of incarceration as either strategies used by activists to effectuate change or by the law to silence those involved in these movements. Through the analysis of major moments in civil rights movements from the 1960s to the 2020s, this article demonstrates how assassination and incarceration are inherent to the cycle of movements in America as they serve as both catalysts and deterrents to a movement's progress, and that, without substantial change to the current legal system, the cycle will continue.*

## INTRODUCTION

The last decade in American history has been defined by increasing protests in support of Black lives and civil rights. While the structure of the current movement for Black life and liberation may seem less cohesive than movements of the past, an analysis of the waves of protests since 2012 demonstrates otherwise. Perhaps the most notable mass movement in American history, the Civil Rights Movement of the 1950s and 1960s,

parallels the current movement for Black lives post-2012.<sup>1</sup> Even in the last decade, major publications notably edited images to mirror protest photos from the 1960s to illustrate the striking similarities.<sup>2</sup> The current movement has established itself as an unavoidable force rooted in concepts of abolition, anti-police brutality, and other civil rights concerns.<sup>3</sup> Both the Civil Rights Movement and the current movement for Black life are based in Black rage, Black loss, and Black hope. At every stage of these movements, incarceration and assassination have become inherent to the struggle. Black people and allies involved in these movements have been willing to be beaten, jailed, and killed for their activism.<sup>4</sup> Incarceration and assassination work in a rhythm with one another and help to form an unstoppable pattern of movements in America.

The formation of social movements is cyclical, and the movements themselves follow a familiar pattern. Like a fire, the initial flames of social movements can be fanned or suppressed. To start a fire, one needs a flammable substance, an accelerant, and something to produce the flame: a match, a blow torch, or simple friction. To start a movement, one needs a message, a cause, courage, the means to maintain, and a collective consciousness pushing people toward the same goal. To extinguish a fire, one needs a suppressant: water, dirt, or a blanket. To debilitate a movement, one must attack its source: the very people driving the movement.

In America, this cycle has continued from the mid-1950s to the present. First, the accelerant: assassination consistently serves as a primary motivator for mass mobilization to fight for civil and human rights. Then, the reaction: people bring attention to their plight through collective action. Lastly, the suppressant: during those movements, which typically take the form of protests, the law uses incarceration to attempt to silence the voices of those protesting their treatment and drown out their message. Incarceration, death, and the law's role in each serve as the igniters and extinguishers of civil rights movements.

Assassination, reaction and action, incarceration, repeat. The pattern remains the same regardless of the starting point—assassination, action, or incarceration. Still, Black people and allies committed to the cause will put

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<sup>1</sup> See Meghan Gallagher, *Black Lives Matter: The 21st Century Civil Rights Movement?*, O'NEILL INST. FOR NAT'L. & GLOB. HEALTH L. GEO. L., (Oct. 12, 2018), <https://oneill.law.georgetown.edu/black-lives-matter-the-21st-century-civil-rights-movement/>.

<sup>2</sup> E.g., Josiah Bates, *The Story Behind TIME's George Floyd Protest Cover*, TIME (June 10, 2020), <https://time.com/5851623/time-cover-devin-allen-george-floyd-protests/>.

<sup>3</sup> See generally Aldon Morris, *From Civil Rights to Black Lives Matter*, SCI. AM. (Feb. 3, 2021), <https://www.scientificamerican.com/article/from-civil-rights-to-black-lives-matter1/>.

<sup>4</sup> Aldon Morris, *A Retrospective on the Civil Rights Movement: Political and Intellectual Landmarks*, 25 ANN. REV. OF SOCIO. 517, 528 (1999).

their bodies and livelihoods on the line, risking incarceration and death, to stand by their message. This article, through a series of brief case studies, will explore this cycle. It will consider how incarceration and assassination impact social movements generally and how the law uses them to suppress movements, while movement leaders use them as motivation.<sup>5</sup>

This article will explore each theme across two major periods in civil rights history. The first is the Classical Civil Rights Movement, focusing on the years 1955 through 1969.<sup>6</sup> Second is the current movement for civil rights focusing on the years 2012 through 2020. Part I will consider assassination and its place in civil rights movements by analyzing the deaths of several different historical figures and the aftermath of their passing. For the purposes of this article, the word assassination is considered all-encompassing of any death at the hands of another. Colloquially, an assassination differs from a typical murder because it is a type of murder in which the victim is someone well-known—a murder plus politics. While some of these deaths could be classified as murders, the places these figures now occupy historically, socially, and politically have elevated the status of their death to assassination.

Assassination further differs from murder due to the specificity of the motive. The Oxford English Dictionary defines assassination as “the murder of a person (especially a prominent public figure) in a planned attack, typically with a political or ideological motive, sometimes carried out by a hired or professional killer.”<sup>7</sup> The ideological motive in these deaths is the racism of the assassins and American society. Racism itself has been defined as an ideology outside of this article: “prejudice, antagonism, or discrimination by an individual, institution, or society, against a person or people on the basis of their nationality . . . also beliefs that members of a particular racial or ethnic group possess innate characteristics or qualities, or that some racial or ethnic groups are superior to others; an *ideology* based on such beliefs.”<sup>8</sup> So, even though some of the people in this article were not publicly prominent at the time of their deaths, because these deaths were

<sup>5</sup> For purposes of this article, the law will be referred to as its own entity, almost humanlike, as it will stand to represent the government, police, and any other form of lawmakers or law enforcers doing the work of incarceration, criminalization, and assassination during movements.

<sup>6</sup> “Classical” describes the period that is most popularly identified as the Civil Rights Movement. Many of the major moments of the Civil Rights Movement happened during this time, from about the late 1940s through the 1960s. See *Civil Rights Movement Timeline*, HIST., <https://www.history.com/topics/black-history/civil-rights-movement-timeline> (last updated Feb. 27, 2024).

<sup>7</sup> *Assassination*, OXFORD ENG. DICTIONARY, [https://www.oed.com/dictionary/assassination\\_n?tl=true](https://www.oed.com/dictionary/assassination_n?tl=true) (last visited Feb. 17, 2024).

<sup>8</sup> *Racism*, OXFORD ENG. DICTIONARY, [https://www.oed.com/dictionary/racism\\_n](https://www.oed.com/dictionary/racism_n) (last visited Feb. 17, 2024).

often planned attacks and ideologically motivated, each death can be considered an assassination. Each death left a mark on society and influenced movements substantially, so every death mentioned herein will be classified as an assassination.

Part II of this article will focus on incarceration and its role in movements. It will examine two features of incarceration: how the law exploits it to suppress movements and how activists use it for mobilization.<sup>9</sup> Part III seeks to fully demonstrate the cyclical relationship of assassination and incarceration in movements and discuss how the cycle may stop or continue in the future.

## I. ASSASSINATION

### A. *The Classical Civil Rights Movement*

Public response to assassinations has routinely been the very spark that would propel a movement forward. What people have come to know as the Classical Civil Rights Movement began in 1955.<sup>10</sup> Righteous anger, prophetic convictions, and acts of resistance that call attention to the injustices in America characterize some of the general aspects of the Classical Civil Rights Movement.<sup>11</sup> In 1955, these characteristics were combined in a powerful way. Assassination was splashed across the front pages of newspapers and magazines, sparking an upsurge in activism and resistance.<sup>12</sup>

A once slow-growing movement took on new life as people otherwise on the outskirts of political activism were horrified by the undeniably brutal assassination of a young boy and the lack of legal consequences for his assassins.<sup>13</sup> Emmett Till was assassinated on August 28, 1955.<sup>14</sup> The circumstances surrounding his assassination and its aftermath started a trend that would follow for decades to come; death became a substantial motivator

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<sup>9</sup> For purposes of this Article, the word incarceration will be used to encompass any arrest that resulted in jail time, pre- or post-trial.

<sup>10</sup> See *The Civil Rights Movement*, PBS, <https://www.pbs.org/johngardner/chapters/4b.html> (last visited Jan. 7, 2024) (marking 1955 as the beginning of the (modern) Civil Rights Movement).

<sup>11</sup> See Yolanda Pierce, *Righteous Anger, Black Lives Matter, and the Legacy of King*, BERKELEY CTR. (Jan. 16, 2018), <https://berkeleycenter.georgetown.edu/responses/righteous-anger-black-lives-matter-and-the-legacy-of-king>.

<sup>12</sup> See, e.g., *The Impact of Emmett Till's Murder*, PBS, <https://www.pbs.org/wgbh/americanexperience/features/emmett-impact-emmett-tills-murder/> (last visited Jan. 7, 2024).

<sup>13</sup> See *Emmett Till's Death Inspired a Movement*, NAT'L MUSEUM OF AFR. AM. HIST. AND CULTURE, <https://nmaahc.si.edu/explore/stories/emmett-tills-death-inspired-movement> (last visited Jan. 7, 2024).

<sup>14</sup> See *The Murder of Emmett Till*, LIBR. OF CONG., <https://www.loc.gov/collections/civil-rights-history-project/articles-and-essays/murder-of-emmett-till/> (last visited Jan. 7, 2024).

for people to join in civil rights movements. Till's mother insisted on an open-view casket at his funeral, which was covered by *Jet Magazine* so that people would have to see how Till's assassins horrifically mutilated his body.<sup>15</sup> This bold act by a grieving mother served as a catalyst for the rapid growth of the Classical Civil Rights Movement. Mobilization came not simply as a reaction to the fact that Emmett Till was assassinated but also as a response to seeing it displayed. The photos of Till's lifeless body garnered national attention, and his assassination radicalized current and future generations on the front lines.<sup>16</sup> The reactions to the images, unprecedented as they were, shed light on the irrefutable brutality and raw racism of the Jim Crow regime.<sup>17</sup>

Assassination continued to spur outrage among Black Americans and their allies, fanning the flames of a constantly growing movement for civil rights. Less than a decade after Till's assassination, a bombing at the Sixteenth Street Baptist Church in Birmingham, Alabama, took the lives of four young Black girls and injured many others.<sup>18</sup> Sixteenth Street Baptist Church was a foundational location for the Classical Civil Rights Movement. Deemed "everybody's church," the church was a physical representation of the life of the movement as it hosted prominent speakers and welcomed Black citizens involved in protests and rallies in Birmingham, Alabama.<sup>19</sup>

The bombing at Sixteenth Street Baptist Church was not only an assassination of the four girls but also a direct attack on the safe spaces that were sanctuaries for the Black community. The bombers had, in a way, assassinated a relic of the movement. Headlines announced the assassination one day after it occurred, but not without including the relevant aftermath. One paper sprawled the headline: "Negroes Pour Out Into Streets In Shock and Anger at Bombing."<sup>20</sup> Without hesitation, Black people began making

<sup>15</sup> *Emmett Till's Death Inspired a Movement*, *supra* note 13.

<sup>16</sup> Jerry Mitchell Mississippi Center for Investigative Reporting, *See The Photo Emmett Till's Mother Wanted You To See – The One That Inspired a Generation To Join The Civil Rights Movement*, MERIDIAN STAR (Aug. 31, 2020), [https://www.meridianstar.com/news/state/see-the-photo-emmett-tills-mother-wanted-you-to-see---the\[1\]one/article\\_128593d9-e08c-5b52-95e6-e53cc00b1031.html](https://www.meridianstar.com/news/state/see-the-photo-emmett-tills-mother-wanted-you-to-see---the[1]one/article_128593d9-e08c-5b52-95e6-e53cc00b1031.html).

<sup>17</sup> See Bracey Harris, *Emmett Till Photo Incensed and Inspired a Generation*, CLARION LEDGER (Aug. 30, 2018), <https://www.clarionledger.com/story/news/2018/08/30/emmett-till-photo-incensed-and-inspired-generation/1018644002/>.

<sup>18</sup> *Our History*, SIXTEENTH ST. BAPTIST CHURCH, <https://www.16thstreetbaptist.org/our-history/> (last visited Jan. 7, 2024).

<sup>19</sup> *See id.*

<sup>20</sup> *See, e.g.*, Claude Sitton, *Birmingham Bomb Kills 4 Negro Girls in Church; Riots Flare; 2 Boys Slain*, N.Y. TIMES (Sep. 16, 1963), <https://timesmachine.nytimes.com/timesmachine/1963/09/16/issue.html> (reporting that the bombing "set off racial rioting" in Birmingham, Alabama); *see also* John Herbers, *Negroes Pour Out Into Streets In Shock and Anger at Bombing*, N.Y. TIMES (Sept. 16, 1963), <https://timesmachine.nytimes.com/timesmachine/1963/09/16/461053172.html?pageNumber=26> (describing the immediate aftermath of the bombing at Sixteenth Street Baptist Church).

their anguish known.<sup>21</sup> Mobilization started to cross color lines as the assassination of the four girls forced white southerners to admit the amorality of the social landscape that led to the bombing.<sup>22</sup>

Once again, the law failed the victims of this assassination by botching their investigation, leaving little to no justice for the victims beyond the delayed and sporadic convictions of former Ku Klux Klan members.<sup>23</sup> Assassination began cementing itself in history as an element that would consistently bond those who were exhausted and enraged to fight for their own lives and the lives of those lost. Moreover, the law had proved to be an incapable tool, useless as a defense and offering little to no remedy or comfort to those struck down by the very racism that perpetuated the assassinations. Civil rights leaders of the time felt that the State of Alabama itself—which embodied the beliefs of a racist governor and citizens—had killed those four young girls and that despite its lack of hesitation to persecute Black people in Birmingham, the state lagged in its implementation of any legal remedy.<sup>24</sup> Black and white Americans were outraged at the assassination and demanded the passage of a strongly reinforced civil rights bill.<sup>25</sup> This signaled that the law could either act, or Black activists and their allies would take the fight for their lives into their own hands.<sup>26</sup>

The assassination of prominent leaders is an even stronger catalyst for organizers to demand change, seek justice, and fight the system that had continuously been oppressing them. As a literal face and voice of the movement, Dr. Martin Luther King Jr.'s assassination changed the dynamic of the country.<sup>27</sup> It energized the movement.<sup>28</sup> Despite contemporary neo-liberal and conservative attempts to distort his legacy by invoking his words while contravening the substance of his message, the truth of his legacy lies in the spirit of those who rioted following his assassination.<sup>29</sup> Those riots

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<sup>21</sup> Sitton, *supra* note 20.

<sup>22</sup> See Howell Raines, *The Birmingham Bombing*, N.Y. TIMES (July 24, 1983), <https://www.nytimes.com/1983/07/24/magazine/the-birmingham-bombing.html>.

<sup>23</sup> See *id.*; see also *Conviction in 1963 Church Bombing*, ABC NEWS (May 1, 2001), <https://abcnews.go.com/US/story?id=93402&page=1> (detailing the convictions of Thomas Blanton Jr., a Ku Klux Klan member involved in the bombing of Sixteenth Street Baptist Church).

<sup>24</sup> See *Tell Us Now*, JOHN F. KENNEDY PRESIDENTIAL LIBR. AND MUSEUM: 1963: THE STRUGGLE FOR CIV. RTS., <https://civilrights.jfklibrary.org/media-assets/the-bombing-of-the-16th-street-baptist-church.html#Shock-Waves--Who-is-to-Blame> (last visited Jan. 7, 2024).

<sup>25</sup> See *id.*

<sup>26</sup> See *id.*

<sup>27</sup> *Mourning the Death of Martin Luther King Jr.*, NAT'L MUSEUM OF AFR. AM. HIST. & CULTURE, <https://nmaahc.si.edu/explore/stories/mourning-death-martin-luther-king-jr> (last visited Jan. 7, 2024).

<sup>28</sup> *Id.*

<sup>29</sup> See Cornel West, *Why I'm Marching in Washington*, N.Y. TIMES: OPINION (Oct. 14, 1995), <https://www.nytimes.com/1995/10/14/opinion/why-im-marching-in-washington.html?auth=login-google1tap&login=google1tap>.



represented more than the chaotic outbursts they would come to be characterized as; they were rebellions against the racially discriminatory status quo, as well as attempts to make white America take notice of Black people's plight and their determination to act.<sup>30</sup>

King's assassination struck the Black community and its allies with a palpable sadness that evolved from anger to action.<sup>31</sup> In some cities, the law prepared to respond to riots but instead was met with the peaceful protests that King was famous for promoting.<sup>32</sup> In others, King's death sparked an outright riotous rebellion.<sup>33</sup> The anger of the people powered a crescendo of their voices as they grew enraged at white America for silencing King's.<sup>34</sup> If King's voice was physically gone, the people would carry his message forward. And the violent nature of the assassination of a man who preached compassion, love, and non-violence meant that, for many Black people, the response now had to be fire.<sup>35</sup> Those protests—some peaceful, some a physical manifestation of the grief and rage felt that day—mirror the mass movements of today: sparked by assassination just the same, and fueled further by efforts to force white America to pay attention.<sup>36</sup> A statement written about King's assassination in the Milwaukee Star in the days following the tragedy established the essence of the movement going forward, that:

[i]f the bullet that struck [King] down was an effort to silence the cry of [Black people] for equality, then [the] bullet truly missed the mark. Because now . . . the cry of [Black people] for equality will ring out throughout the world and it will say for all ears of all races as far as [Black people are] concerned, "we shall overcome."<sup>37</sup>

### *B. The Current Movement*

The current movement has seen its beginnings and motivations in that same space of grief, anger, and determination to overcome. High-profile, racially charged assassinations fuel public outrage.<sup>38</sup> Nationwide protests in opposition to these assassinations have fueled the rapid growth of the Black

<sup>30</sup> See Hasan Kwame Jeffries, *The Assassination of Dr. Martin Luther King, Jr.*, OHIO ST. U.: ORIGINS (Apr. 2018), [https://origins.osu.edu/milestones/april-2018-assassination-dr-martin-luther-king-jr?language\\_content\\_entity=en](https://origins.osu.edu/milestones/april-2018-assassination-dr-martin-luther-king-jr?language_content_entity=en).

<sup>31</sup> *Id.*

<sup>32</sup> *See id.*

<sup>33</sup> *See id.*

<sup>34</sup> *See id.*

<sup>35</sup> *Id.*

<sup>36</sup> *See id.*

<sup>37</sup> Phil Estrada, *In Honor of Dr. Martin Luther King Jr.*, THE GREATER MILWAUKEE STAR BI-WKLY., April 10, 1968, at 3.

<sup>38</sup> See Nicole Dungca et al., *A Dozen High-Profile Fatal Encounters Have Galvanized Protests Nationwide*, WASH. POST (June 8, 2020), [https://www.washingtonpost.com/investigations/a-dozen-high-profile-fatal-encounters-that-have-galvanized-protests-nationwide/2020/06/08/4fdbfc9c-a72f-11ea-b473-04905b1af82b\\_story.html](https://www.washingtonpost.com/investigations/a-dozen-high-profile-fatal-encounters-that-have-galvanized-protests-nationwide/2020/06/08/4fdbfc9c-a72f-11ea-b473-04905b1af82b_story.html).

Lives Matter movement.<sup>39</sup> The movement was first established in 2012 after the assassination of Trayvon Martin, an unarmed, 17-year-old Black boy shot by a non-Black person on neighborhood watch.<sup>40</sup> As shocking as Trayvon's assassination was, it would not be the last; it was one of many in a series of horrific and public deaths of innocent Black Americans. Since 2012, it seems that American society is constantly waiting in agony for the next inevitable assassination.<sup>41</sup>

Shortly after Martin's assassination, the 2014 assassination of Michael Brown in Ferguson, Missouri, sparked a series of protests and increased the power of the Black Lives Matter movement; a movement that would define a generation in the way that the classical movement of the 1950s and 60s did for generations before.<sup>42</sup> Protestors mobilized upon hearing the news of Brown's assassination, even while his body lay dead in blood-soaked streets for four hours.<sup>43</sup> Through that mobilization, the Black Lives Matter movement gained traction similar to the classical movement. The imagery of an assassinated Brown, and the truth of how he died, served as a spark for young people, old people, politicians, and others from all walks of life.<sup>44</sup> The protests in Ferguson marked a turning point, establishing what had become a pattern of civil unrest in response to violence against Black people.<sup>45</sup>

The pattern of protesting after an assassination continued into the

<sup>39</sup> See Herbert G. Ruffin II, *Black Lives Matter: The Growth of a New Justice Movement*, BLACKPAST (Aug. 23, 2015), <https://www.blackpast.org/african-american-history/black-lives-matter-growth-new-social-justice-movement/>; see also Edward R. Maguire, *New Directions in Protest Policing*, 35 ST. LOUIS UNIV. PUB. L. REV. 67, 73 (2015) (claiming that the protests following Michael Brown's assassination further established the Black Lives Matter movement and that the original movement started following Trayvon Martin's assassination).

<sup>40</sup> Charles M. Blow, *The Curious Case of Trayvon Martin*, N.Y. TIMES (Mar. 16, 2012), <https://www.nytimes.com/2012/03/17/opinion/blow-the-curious-case-of-trayvon-martin.html> (providing the circumstances of Trayvon Martin's assassination, including date and the assassin's information).

<sup>41</sup> See Nancy Gertner, *There Will Be More Fergusons*, BOS. GLOBE (Nov. 24, 2014), <https://www.bostonglobe.com/opinion/2014/11/24/surprise-ferguson-grand-jury-didn-indict-police-officer/zf9Un1ZTqrEKKzTgOOJBOL/story.html> (stating that as long as police misconduct is excused by the legal system, events like Michael Brown's assassination and the subsequent civil unrest will repeat); see also Ray Sanchez, *Four Mothers Share Pain of Losing Sons*, CNN (Dec. 12, 2014), <https://www.cnn.com/2014/12/12/us/martin-ricer-brown-garner-mothers/index.html> (claiming that with each new and seemingly inevitable assassination, people are brought together).

<sup>42</sup> See Ivette Feliciano, *Michael Brown's Death Echoes on Six Years Later*, PBS (Aug. 9, 2020), <https://www.pbs.org/newshour/show/michael-browns-death-echoes-on-six-year-later>.

<sup>43</sup> Julie Bosman & Joseph Goldstein, *Timeline for a Body: 4 Hours in the Middle of a Ferguson Street*, N.Y. TIMES (Aug. 24, 2012), <https://www.nytimes.com/2012/08/24/us/michael-brown-a-bodys-timeline-4-hours-on-a-ferguson-street.html>.

<sup>44</sup> Josh Hafner, *How Michael Brown's Death, Two Years Ago, Pushed #BlackLivesMatter Into a Movement*, USA TODAY (Aug. 10, 2016), <https://www.usatoday.com/story/news/nation-now/2016/08/08/how-michael-browns-death-two-years-ago-pushed-blacklivesmatter-into-movement/88424366/>; see *id.*

<sup>45</sup> See German Lopez, *Why 2014 Could be a Turning Point for America's Racist Criminal Justice System*, VOX (Dec. 26, 2014), <https://www.vox.com/2014/12/26/7423217/police-shootings-racism-2014>.

following year. Dubbed the “Charleston Nine,” the assassination of nine innocent church-goers in Charleston, South Carolina, on June 17, 2015, united communities in protest against the racism embedded in the culture of the state, and America at large.<sup>46</sup> Mother Emanuel AME Church, where the shooting took place, has a history of resilience and resistance.<sup>47</sup> Founded by a group of enslaved and free African-Americans, the church has survived attack after attack.<sup>48</sup> Despite natural disasters, an antebellum ban on Black churches, and a burning as penalty for associating with the leader of a planned slave revolt, the church sustained itself as a beacon for the community—a relic of social change, and a gathering place for civil rights protestors and leaders like Dr. Martin Luther King Jr. and Booker T. Washington.<sup>49</sup> The church was targeted by a white man because of its community standing as a Black hub, and nine unarmed church-goers were assassinated.<sup>50</sup> The assassination ignited outrage.<sup>51</sup>

Mirroring the response to the assassination of those lost in the bombing of Sixteenth Street Baptist Church in the 1960s, people were angered as innocent Black people were assassinated in their place of solace. A relic was stained, changed forever by the violent nature of the deep-rooted southern culture of racism. Within days, hundreds took to the streets to voice their anguish and protest the racism of a country where Black lives are constantly taken in the name of hate.<sup>52</sup> In a state where the Confederate flag still waved high in its capital, people mourned the lives of those lost, and marched to draw attention to the flag: an outdated symbol of the racial divisions responsible for the nine’s assassination.<sup>53</sup> The shooting ignited a powder keg, making the ever-present racism and hate in the state—that was physically represented by the flag—impossible to ignore.<sup>54</sup>

In 2020, the momentum of the Black Lives Matter movement seemed to

<sup>46</sup> See Zak Cheney-Rice, *The Charleston 9*, MIC (May 2, 2019), <https://www.mic.com/articles/186590>.

<sup>47</sup> See *South Carolina: Mother Emanuel AME Church*, NAT’L PARK SERV., <https://www.nps.gov/places/south-carolina-mother-emanuel-ame-church.htm> (last updated June 28, 2021).

<sup>48</sup> *Id.*

<sup>49</sup> Debbie Elliot, *How a Shooting Changed Charleston’s Oldest Black Church*, NPR (June 8, 2016), <https://www.npr.org/sections/codeswitch/2016/06/08/481149042/how-a-shooting-changed-charlestons-oldest-black-church>.

<sup>50</sup> *Id.*

<sup>51</sup> *See id.*

<sup>52</sup> Rialda Zukic, *Hundreds March in Solidarity in Charleston After Church Shooting*, PBS: NEWS WEEKEND (June 21, 2015), <https://www.pbs.org/newshour/nation/hundreds-protest-hold-vigil-charleston-shooting>.

<sup>53</sup> *Id.*

<sup>54</sup> *See id.*

peak as the officer who assassinated Brown officially faced no charges.<sup>55</sup> Months before that, George Floyd, an unarmed Black man in Minnesota, was assassinated by police, proving once again how the law continues to fail Black people and that the fight for civil rights was far from over.<sup>56</sup> The nature of Floyd's death led to an emotive public response, evidenced by demonstrations across the country.<sup>57</sup> The response was greatly influenced by Floyd's assassination being documented and distributed across multiple online platforms.<sup>58</sup> Like Emmett Till's assassination decades before, the mass distribution of the images surrounding Floyd's assassination made the brutality and reality of the circumstances impossible to ignore, and people were mobilized.<sup>59</sup>

Floyd's assassination served as a wake-up call, and only days after his death, protests were reignited in the United States.<sup>60</sup> It inspired demonstrations, and the movement began to sustain itself—organized around the memory of other victims of police brutality and racism, such as Elijah McClain, Breonna Taylor, Ahmaud Arbery, Jacob Blake, and countless more.<sup>61</sup> These protests broke records, culminating in the largest movement in America's history.<sup>62</sup>

The mobilization following Floyd's assassination and the assassinations of his predecessors demonstrates how concretely assassination fits into the life cycle of movements as an impetus for action. Loudly, passionately, and amid a world-changing pandemic, Black people and allies continued to put

<sup>55</sup> See Jim Salter, *Prosecutor: No Charges for Officer in Michael Browns' Death*, AP NEWS (July 30, 2020), <https://apnews.com/article/darren-wilson-race-and-ethnicity-shootings-police-st-louis-38cbd0d2a9e50445bd2d875e1c48f89a>.

<sup>56</sup> See Alex Altman, *Why The Killing of George Floyd Sparked an American Uprising*, TIME (June 4, 2020), <https://time.com/5847967/george-floyd-protests-trump/>.

<sup>57</sup> Gio Hong, *Influence of the Police Force on Black Lives Matter*, 14 TECHNIUM SOC. SCIENCES J. 661, 664 (2020).

<sup>58</sup> *Id.* at 666 (citing only specific aspects of the article as the overall analysis and conclusion are contradictory toward the argument of this article. The cited article agrees with limitations on the law, specifically police, to a certain extent, however, it does not agree that defunding the police is an avenue to reach said limitations. This article is not focused on a conversation about police-funding; however, it should be noted that this author does not fully support the conclusion of the cited work).

<sup>59</sup> See *supra* text accompanying notes 14-15; see also Audra D.S. Burch et al., *The Death of George Floyd Reignited a Movement. What Happens Now?*, N.Y. TIMES, <https://www.nytimes.com/2021/04/20/us/george-floyd-protests-police-reform.html> (June 23, 2023).

<sup>60</sup> Hong, *supra* note 57 at 664.

<sup>61</sup> Roudabeh Kishi & Sam Jones, *Demonstrations & Political Violence in America: New Data for Summer 2020*, ARMED CONFLICT LOCATION & EVENT DATA PROJECT (Sep. 3, 2020), <https://acleddata.com/2020/09/03/demonstrations-political-violence-in-america-new-data-for-summer-2020/>.

<sup>62</sup> Larry Buchanan et al., *Black Lives Matter May be the Largest Movement in US History*, N.Y. TIMES (July 3, 2020), <https://www.nytimes.com/interactive/2020/07/03/us/george-floyd-protests-crowd-size.html> (providing data to demonstrate the magnitude and historical significance of the size of the Black Lives Matter movement).

everything they had into defending their right to live and exposing the truth about a system that had exploited and oppressed them for decades.<sup>63</sup> However, as if on cue, the cries of the people signaled the law to begin its silencing efforts.

## II. INCARCERATION

### A. *The Classical Civil Rights Movement*

Incarceration has been used by the law for decades to silence movements both literally and figuratively. In both the classical and current civil rights movements, incarceration represents “one of society’s pens designed to sharply limit the freedom of those she has judged unfit to associate freely with her law-abiding citizens.”<sup>64</sup> Like assassination, incarceration serves both as a motivator for people in movements, but also as a means of restriction by the law.

Incarceration as a motivator is demonstrated in notable parts of the Classical Civil Rights Movement. In August of 1955, Emmett Till was assassinated.<sup>65</sup> In December of that same year, Rosa Parks was arrested on a bus in Montgomery, Alabama, for defying racist bus protocols. Her arrest sparked a bus boycott that influenced the organized nature of civil rights protests for decades to come.<sup>66</sup> The boycott, which lasted for a full year, revealed that large numbers of Black people could be mobilized to protest racial segregation and that these protests could be sustained indefinitely.<sup>67</sup> Parks’ incarceration, therefore, can, and should, be considered a defining moment in the formation of the Classical Civil Rights Movement. Parks described her motivations at the time of her arrest, stating:

I had been pushed around all my life and felt at this moment that I couldn’t take it anymore. When I asked the policeman why [Black people] had to be pushed around? He said he didn’t know. “The law is the law. You are under arrest.” I didn’t resist . . . [I]et us look at Jim Crow for the criminal he is and what he had

<sup>63</sup> See RENO BRINGEL & GEOFFREY PLEYERS, *SOCIAL MOVEMENTS AND POLITICS DURING COVID-19: CRISIS, SOLIDARITY AND CHANGE IN A GLOBAL PANDEMIC*, 191 (Bristol University Press, 1st ed. 2022).

<sup>64</sup> *Jail, No Bail Group in Jail, Cheerful, Confident*, ATLANTA INQUIRER, OCT. 24, 1960, at 7, <https://digitalexhibits.auctr.edu/exhibits/show/seekingtotell/item/170#?c=0&m=0&s=0&cv=0&xywh=711%2C-125%2C2785%2C2222>.

<sup>65</sup> Morris, *supra* note 4, at 521.

<sup>66</sup> Stacey Bredhoff et al., *An Act of Courage, The Arrest Records of Rosa Parks*, NAT’L ARCHIVES (May/June 1999), <https://www.archives.gov/education/lessons/rosa-parks#:~:text=Parks%20was%20booked%2C%20fingerprinted%2C%20and,family%20was%20terrified%20for%20her>.

<sup>67</sup> Morris, *supra* note 4, at 524.

done to one life multiplied millions of times over these United States and the world.<sup>68</sup>

Parks' depiction of the law as criminal itself during her own arrest is poignant. The law incarcerates pointedly but without caution or repose. Protests threaten the status quo and prompt people to think critically about their role in societal change. The law works to silence the voices that are the accelerant for movements for social change. Parks' arrest was an igniter. It inspired people to seek good trouble—to put themselves physically and mentally in the path of the segregationist agenda of the law.<sup>69</sup>

Incarceration played a major, consistent role in the Classical Civil Rights Movement. Civil rights leaders and protestors knew the risk of being incarcerated for their participation in the movement and leaned into it.<sup>70</sup> They accepted incarceration not solely as punishment, but as an opportunity to learn, organize, and connect more deeply with the cause.<sup>71</sup> The jail itself became a forum for protesting, not just a place that needed to be feared.<sup>72</sup> For some, incarceration gave rise to a more passionate desire for radical change. Rather than deterring people from the movement, it drew them in further.<sup>73</sup>

Young people were particularly radicalized by incarceration as punishment for their protesting. Notably, the Birmingham Children's Crusade in May 1963 demonstrated the resilience of the Black community and the law's transparent, boundaryless attempts to silence the movement.<sup>74</sup> Over 1,000 children and their educators marched through the streets of Birmingham, Alabama, to protest segregation.<sup>75</sup> They were met with violence by the police, and hundreds were arrested.<sup>76</sup> However, the

<sup>68</sup> *Incarceration at the Montgomery Jail*, LIBR. OF CONG., <https://www.loc.gov/exhibitions/rosa-parks-in-her-own-words/about-this-exhibition/the-bus-boycott/incarceration-at-montgomery-city-jail/> (last visited Jan. 7, 2024) (from the Rosa Parks exhibit).

<sup>69</sup> Carla D. Hayden, *Remembering John Lewis: The Power of 'Good Trouble'*, LIBR. OF CONG.: BLOG (July 19, 2020), <https://blogs.loc.gov/loc/2020/07/remembering-john-lewis-the-power-of-good-trouble/.c>.

<sup>70</sup> See *Interview with John Lewis*, UNIV. OF N.C. CHAPEL HILL LIBR.: DOCUMENTING THE AM. S. (Nov. 20, 1973), <https://docsouth.unc.edu/sohp/A-0073/A-0073.html>.

<sup>71</sup> See *Rock Hill Sit-Ins and Jail-No-Bail*, STUDENT NONVIOLENT COORDINATING COMM., <https://snccdigital.org/events/rock-hill-sit-ins-and-jail-no-bail> (last visited Jan. 7, 2024).

<sup>72</sup> See Martin Luther King Jr., *A Creative Protest* (Feb. 16, 1960) (transcript available in the NC State University Virtual Martin Luther King, Jr. Project).

<sup>73</sup> See ZOE A. COLLEY, *AIN'T SCARED OF YOUR JAIL: ARREST, IMPRISONMENT, AND THE CIVIL RIGHTS MOVEMENT* 110-11 (2012).

<sup>74</sup> See Frank James, *Civil Rights Protesters Granted Pardon for 1963 Birmingham Arrests*, NAT'L PUB. RADIO (Aug. 11, 2009), [https://www.npr.org/sections/thetwo-way/2009/08/civil\\_rights\\_protesters\\_grante.html](https://www.npr.org/sections/thetwo-way/2009/08/civil_rights_protesters_grante.html).

<sup>75</sup> See *The Children's Crusade*, NAT'L MUSEUM OF AFR. AM. HIST. & CULTURE, <https://nmaahc.si.edu/explore/stories/childrens-crusade> (last visited Jan. 7, 2024).

<sup>76</sup> *Id.*

incarceration did little to deter them as the marches continued for days.<sup>77</sup> Parents and leaders knew the risk that they and their children faced, but they were invigorated by the initial energy and response to the protest and continued to march.<sup>78</sup> The police responded to the protest with violence, and the incarceration of children stirred national attention. It demonstrated that police would do whatever it took to silence movements, including harming children.<sup>79</sup>

Years earlier, young people had already initiated a strategy that saw incarceration become less of a deterrent and more of a centerpiece to the movement through a mass implementation of sit-ins and jail-ins.<sup>80</sup> Sit-ins in Greensboro, North Carolina, for example, resulted in over 1,000 arrests, marking this form of protest particularly significant.<sup>81</sup> Distinctly non-violent, these sit-ins succeeded in exposing the truth about racism in the South. As the number of arrests increased, segregationists' determination to criminally implicate protestors began to reveal itself.<sup>82</sup> The intent was clear: the law wanted to force protestors to abandon their campaign. Incarceration was a direct attempt at suppression.<sup>83</sup>

The sit-in movement evolved into a jail-in movement that eventually saw protestors refusing bail and intentionally filling up jails. The campaign was aptly titled "jail-no-bail."<sup>84</sup> Though a risky tactic, many were incarcerated for only a short time. The jail-in movement further bolstered momentum as young people became more comfortable with the idea of being arrested for the cause.<sup>85</sup> The "jail-no-bail" tactic marked a significant turning point in the activism of Black people.<sup>86</sup> The jail cell became an ideological and physical battleground for activists to target and challenge white supremacy.<sup>87</sup> The law had failed to suppress activists, and had instead radicalized the voices of the movement. Activists no longer feared incarceration but learned to use it as a tool to liberate themselves further and promote the change they wanted to

<sup>77</sup> See GLENN T. ESKEW, BUT FOR BIRMINGHAM THE LOCAL AND NATIONAL MOVEMENTS IN THE CIVIL RIGHTS STRUGGLE 264-65 (1997).

<sup>78</sup> *Id.* at 265-66.

<sup>79</sup> NAT'L MUSEUM OF AFR. AM. HIST. & CULTURE, *supra* note 75, at 265-66.

<sup>80</sup> See also Martin Luther King Jr., A Creative Protest, *supra* note 72 (detailing the origins of sit-ins); see generally *Interview with John Lewis*, *supra* note 70 (detailing the origin of jail-ins).

<sup>81</sup> COLLEY, *supra* note 73, at 25.

<sup>82</sup> *Id.* at 26.

<sup>83</sup> *Id.*

<sup>84</sup> See Ty Moody, *Jail No Bail*, S.C. ETV (Jan. 10, 2018), <https://www.scetv.org/stories/2018/jail-no-bail-friendship-college>.

<sup>85</sup> Martin Luther King Jr., A Creative Protest, *supra* note 72.

<sup>86</sup> See generally *Interview with John Lewis*, *supra* note 70.

<sup>87</sup> COLLEY, *supra* note 73, at 116.

see.<sup>88</sup>

The law has, in some circumstances, partially succeeded in its attempts to suppress through incarceration, as seen by the rise and fall of the Black Panther Party. Members of the Black Panther Party are still incarcerated today.<sup>89</sup> Famed for trying to redirect the brutality of the law back in its favor, members of the Black Panther Party and its underground, armed sibling group—the Black Liberation Army—had a vastly different reputation than others in the Classical Civil Rights Movement.<sup>90</sup> The members of the Black Panther Party and Black Liberation Army who were incarcerated represent the closest the law has come to suppressing radical voices. And, technically, the law succeeded in extinguishing the movement.<sup>91</sup> After years of surveillance, raids, assassinations, and incarceration, the group disbanded in the 1980s. However, some Panthers remain imprisoned.<sup>92</sup> Seldom mentioned and with their memory fading, the still incarcerated Black Panthers represent the law's attempt to suppress movements almost perfectly.<sup>93</sup> While the organized movement itself has been extinguished, the sentiments championed by the Black Panthers are echoed today by abolitionists nationwide.<sup>94</sup> The law debilitated the organization and many of the people in it—imprisoning most and assassinating others—but the memory of the party and their contributions weren't extinguished along with the organization.

### B. The Current Movement

Those same sentiments are mirrored today despite continued efforts to use the law as a tool to silence protestors and community leaders. The summer of 2020 saw more repression of the current civil rights movement and jailing

<sup>88</sup> *Id.*

<sup>89</sup> *Sundiata Acoli: US Black Panther Wins Parole After Half a Century*, BBC (May 11, 2020), <https://www.bbc.com/news/world-us-canada-61339182>.

<sup>90</sup> See Santi Elijah Holley, *The Black Panther Party Has Never Been More Popular, But Actual Black Panthers Have Been Forgotten*, THE NEW REPUBLIC (Apr. 22, 2021), <https://newrepublic.com/article/162144/black-panther-party-never-popular-actual-black-panthers-forgotten>.

<sup>91</sup> See D.S. Gaikwad, *The Black Panther Party of USA: Rise and Fall*, 64 PROC. OF THE INDIAN HIST. CONG. 1326, 1331 (2003).

<sup>92</sup> Holley, *supra* note 90 (discussing the still incarcerated Black Panthers); see Jeff Greenwald, *The Black Panthers Were Founded 50 Years Ago, and Their Influence Hasn't Waned*, SMITHSONIAN MAG. (Oct. 28, 2016), <https://www.smithsonianmag.com/history/black-panthers-were-founded-50-years-ago-and-their-influence-hasnt-waned-180960940/> (providing a timeline, including disbanding date, of the Black Panther Party's activity);

<sup>93</sup> See Ed Pilkington, *The Black Panthers Still in Prison After 46 Years, Will They Ever Be Set Free?*, THE GUARDIAN (July 30, 2018), <https://www.theguardian.com/us-news/2018/jul/30/black-panthers-prison-interviews-african-american-activism> (discussing the aftermath of decades of incarceration on the Black Panthers).

<sup>94</sup> Robin D. G. Kelley, *What Abolition Looks Like, From the Panthers to the People*, MEDIUM (Oct. 26, 2020), <https://level.medium.com/what-abolition-looks-like-from-the-panthers-to-the-people-6c2e537eac71>.



of protestors.<sup>95</sup> Demonstrations associated with the Black Lives Matter movement were overwhelmingly peaceful, but nearly ten percent of them were met with government intervention of some sort, often in the form of violence and incarceration.<sup>96</sup> In the first two weeks of protests following George Floyd's death, police arrested more than 17,000 individuals in the fifty largest cities with organized protests.<sup>97</sup>

A significant number of those arrested were accused of non-violent misdemeanors, mostly charges of violating curfews and emergency orders.<sup>98</sup> Many of the curfews set were to strictly limit the protestors' efforts. After weeks and months of consistent demonstrations, state and federal legislative and executive bodies proposed laws that would widen the scope of police authority to arrest and punish protestors.<sup>99</sup> For the last few years, a U.S. Protest Law Tracker followed legislation that, as proposed, would have had a direct negative impact on protestors.<sup>100</sup> From enacting curfews to limiting where one can protest, for how long, and in what attire, the law's attempt to hinder the free expression of protestors is obvious.<sup>101</sup>

Furthermore, police often show up to monitor peaceful, non-violent protests and handle them as if they are riots. Police are trained to suppress even peaceful, law-abiding protestors.<sup>102</sup> With new curfews and legal guidelines for protesting being announced constantly, and police using arrests as a primary form of deterrence, even peaceful protestors are in danger of being arrested.<sup>103</sup>

These arrests demonstrate the discriminatory nature of the law's control of protests.<sup>104</sup> In Atlanta, Georgia, for example, police arrested 581 protestors over eight nights—many of whom were Black men.<sup>105</sup> Members of the media were also suppressed by the law. Arresting members of the press demonstrated an almost literal attempt by the police to silence the movement.

<sup>95</sup> See Hong, *supra* note 57, at 665.

<sup>96</sup> See Kishi & Jones, *supra* note 61.

<sup>97</sup> Meryl Kornfield et al., *Swept Up by Police*, WASH. POST (Oct. 23, 2020), <https://www.washingtonpost.com/graphics/2020/investigations/george-floyd-protesters-arrests/>.

<sup>98</sup> *Id.*

<sup>99</sup> Nora Benavidez et al., *Closing Ranks: State Legislators Deepen Assaults on the Right to Protest*, PEN AM., <https://pen.org/closing-ranks-state-legislators-deepen-assaults-on-the-right-to-protest/>.

<sup>100</sup> *US Protest Law Tracker*, INT'L CTR. FOR NON-PROFIT L., <https://www.icnl.org/usprotestlawtracker/> (last updated Jan. 4, 2024).

<sup>101</sup> See generally *id.*

<sup>102</sup> Maggie Koerth & Jamiles Lartey, *Why So Many Police Are Handling the Protests Wrong*, THE MARSHALL PROJECT (June 1, 2020) <https://www.themarshallproject.org/2020/06/01/why-so-many-police-are-handling-the-protests-wrong>.

<sup>103</sup> Benavidez et al., *supra* note 99.

<sup>104</sup> Kornfield et al., *supra* note 97.

<sup>105</sup> *Id.*

While some arrests occurred accidentally as the press got caught up in crowds, many journalists and reporters covering the protests in Atlanta were incarcerated after identifying themselves. Some were even arrested during live coverage.<sup>106</sup> In an incident in another city, the intentional suppression of media covering the Black Lives Matter movement was demonstrated by body-camera footage showing a reporter being tackled and arrested by officers. One officer ran at him shouting, “F--- him. He’s the problem” before prompting another officer to tackle him by saying “take down his f---ing phone.”<sup>107</sup> Control and silencing of protestor’s voices are inherent to the law’s nature; but while such suppression may have caused trepidation during the demonstrations in 2020, many continued to fight even after being arrested.<sup>108</sup>

Despite the lives of incarcerated protestors being drastically changed after their arrests, they remain motivated and are increasingly determined to challenge the system that plagues them and their allies.<sup>109</sup> Many who took to the streets in 2020 were inspired in the same way as those in generations before them. They felt called to do something about the brutality of the system they were living in.<sup>110</sup> Those arrested saw their lives change immediately upon their incarceration, with many not realizing the gravity of the situation until well after the moment of their arrest.<sup>111</sup> Protestors with otherwise clean records were forced to consider the major consequences that could await them.<sup>112</sup>

Despite the similarities between the Classical Civil Rights Movement and the current movement, times are different. The collective consciousness and confidence in being released during the “jail-no-bail” era is less defined and widespread now.<sup>113</sup> Protestors who decide to act on their anguish do it with the knowledge of potential arrest without the assurance of a largely unimpacted personal life after.<sup>114</sup> Despite the risks and anxieties that come

<sup>106</sup> See Kimberly Harris, *Journalists Under Attack While Reporting on Protests*, UNIV. OF OR.: SCH. OF JOURNALISM AND COMM’N (Dec. 11, 2020), <https://journalism.uoregon.edu/journalists-under-attack-while-reporting-protests>.

<sup>107</sup> Kornfield et al., *supra* note 97.

<sup>108</sup> See Joshua Sharpe, *As Court Dates Loom, Many Arrested During Atlanta Summer Protests Want Charges Dropped*, ATLANTA J.-CONST. (Oct. 27, 2020), <https://www.ajc.com/news/crime/as-court-dates-loom-many-arrested-during-atlanta-summer-protests-want-charges-dropped/NEH5OGCF7VGJLNGHZWRZFKFAM/>.

<sup>109</sup> See Melissa Chan, *These Black Lives Matter Protestors Had No Idea How One Arrest Could Alter Their Lives*, TIME (Aug. 19, 2020), <https://time.com/5880229/arrests-black-lives-matter-protests-impact/>.

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> See Kornfield et al., *supra* note 97.

<sup>114</sup> See *id.*

with putting themselves on the frontlines, many protestors in the current movement continue to protest after their incarceration and affirm they would do it all again without hesitation.<sup>115</sup> Their lives have been changed, but the passion that initially led them to take to the streets still burns inside them.<sup>116</sup> The law has not won; the suppression has failed.

### III. THE CYCLE IN MOTION

Fire does not burn on its own. Various elements are needed to feed and extinguish it. Fire has life: movement, peaks, and valleys. Civil rights movements are the same. Movements cannot be sustained on their own, and rarely do they fizzle without the impact of outside forces. They exist in a cycle, burning over and over throughout their duration. Assassination, incarceration, and the law are the outside forces that fuel or extinguish movements. The cycle has solidified over decades.

Consequently, the duration of civil rights movements has become almost predictable. Recall two major origin points of the Classical Civil Rights Movement mentioned in Parts I and II of this article: Emmett Till's assassination and Rosa Parks' incarceration. The former ignited something in the Black population of America: anger, exhaustion, and a willingness to fight the system designed to oppress them. The latter occurred in response to the former as an organized, outright way to signal to the law that it would not win, that Black people were going to put their lives and bodies on the line in the fight. Each event established a pattern, and Black Americans and their allies continue to fall into that pattern today.

The classical and current movements parallel each other almost perfectly, not accidentally or intentionally, but inherently. History has established a formula where a perfect storm of ideas, passion, hatred, violence, anger, and perseverance combine to create generation-defining movements. These defining moments are demonstrated through the eerily similar occurrences of past and present civil rights movements.

Take, for example, white supremacist attacks on Black churches. It could be considered a coincidence, but the cycle established in the previous sections offers an alternate theory that there are no accidents. Sixteenth Street Baptist Church was a community relic: a space for the movement to exist in its full

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<sup>115</sup> See Chan, *supra* note 109.

<sup>116</sup> See *id.*

form, loudly and unapologetically.<sup>117</sup> Mother Emanuel AME Church was the same: a nucleus of an organization where the radical act of being Black in the American South was performed regularly and with intention.<sup>118</sup> Each location would have their history stained by the brutality of assassination. Innocent lives would be taken in the name of racism, and justice for the victims would be anything but swift. Those attacks were predictable because actions fueled by racism in America are predictable. The cycle, however, exists beyond the act—it is also in the aftermath. After each assassination, Black people and their allies protested immediately. They did not hide their feelings or cry alone; they cried together and directed their anger into action. This process of protesting after the assassination is where the cycle thrives.

The pattern resurfaced with the assassination of George Floyd in 2020. Floyd's death was one of many taken at the hands of the law in that year, and Black people took to the streets, risking their safety amid the COVID-19 pandemic to voice their grief. Like Michael Brown and Emmett Till before him, seeing the brutality accelerated the cause and brought communities together in opposition to the persistent violence against Black people.

As those protests continued, however, so did the cycle. The law stepped in like it had decades earlier—not to provide aid but to punish, suppress, and extinguish. The incarceration of protestors and civil rights leaders is integral to civil rights movements. The law works to silence those who oppose it. Whether it's the voices of children—like the school-aged children incarcerated and brutalized in the 1960s—or grown adults with more to lose, the law attempts to suppress. The law attempts to subdue, whether through an in-the-moment incarceration or a legislative effort.

Even still, the people use incarceration as fuel. They start campaigns like jail-no-bail, organize in cells, and continue their efforts toward freedom by fighting, despite what they may lose, after their release. The people fight the law with everything they have, regardless of any attempts to silence them; that is the will of the people and the power of the movement.

The cycle is repeating itself and will continue to repeat itself because systemic racism in this country has not changed. The law is still at the center of attempts to suppress and often brandishes the weapon of assassination itself. The cycle will continue until legislation is made in favor of the cause and not to the detriment of protestors. Until white supremacy does not occupy

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<sup>117</sup> See *16th Street Baptist Church Bombing (1963)*, NAT'L PARK SERV. (Sep. 19, 2022), <https://www.nps.gov/articles/16thstreetbaptist.htm>.

<sup>118</sup> See President Barack Obama, *Remarks by the President in Eulogy for the Honorable Reverend Clementa Pinckney*, THE WHITE HOUSE: PRESIDENT BARACK OBAMA (June 26, 2015), <https://obamawhitehouse.archives.gov/the-press-office/2015/06/26/remarks-president-eulogy-honorable-reverend-clementa-pinckney>.

a safer place in America's legal system than innocent Black people, the cycle will continue. Assassination, reaction and action, incarceration, repeat. Assassination, reaction and action, incarceration, repeat. The American legal system has not demonstrated a legitimate effort to change how it oppresses Black people, so the reaction to that mistreatment will not change either. There will continue to be rage, and therefore protests, and incarceration.

#### CONCLUSION

Incarceration and assassination occur together in a cycle that embodies civil rights movements. Each is essentially inherent to the nature of these movements: technically separate but connected, bonded by their ability to silence one and motivate the other. The law has its hand in each, albeit in a contradictory way. In the law's attempts to silence, people's resiliency often prevails. Fueled by rage and radical desire for change, the people use assassinations as motivation and incarcerations as calls to action. Although the law is obligated to pursue justice for those who have been wronged—even by its own hand—it constantly falls short, acquitting the very assassins that caused harm and upholding the truth that racism prevails. Whether or not the movements themselves are successful, the truth of their origins exposes a pattern sewn into the fabric of American protest culture. The law—try as it might to assassinate, incarcerate, and suppress participants of civil rights movements—will never suppress the message. Until the law's systems work to protect and value the lives of all Americans genuinely and to hold those who take lives in the name of racism consistently accountable, the people will fight it. Injustices of the law will continue to be met with fire.