

# Boston College Journal of Law & Social Justice

---

Volume 33 | Issue 2

Article 2

---


May 2013

## Marching Across the Putative Black/White Race Line: A Convergence of Narratology, History, and Theory

Carol L. Zeiner

*St. Thomas University School of Law*

Follow this and additional works at: <http://lawdigitalcommons.bc.edu/jlsj>

 Part of the [Civil Rights and Discrimination Commons](#), [Legal History, Theory and Process Commons](#), [United States History Commons](#), and the [Women's History Commons](#)

---

### Recommended Citation

Carol L. Zeiner, *Marching Across the Putative Black/White Race Line: A Convergence of Narratology, History, and Theory*, 33 B.C.J.L. & Soc. Just. 249 (2013), <http://lawdigitalcommons.bc.edu/jlsj/vol33/iss2/2>

This Article is brought to you for free and open access by the Law Journals at Digital Commons @ Boston College Law School. It has been accepted for inclusion in Boston College Journal of Law & Social Justice by an authorized administrator of Digital Commons @ Boston College Law School. For more information, please contact [nick.szydowski@bc.edu](mailto:nick.szydowski@bc.edu).

# MARCHING ACROSS THE PUTATIVE BLACK/WHITE RACE LINE: A CONVERGENCE OF NARRATOLOGY, HISTORY, AND THEORY

CAROL L. ZEINER\*

**Abstract:** This Article introduces a category of women who, until now, have been omitted from the scholarly literature on the civil rights movement: northern white women who lived in the South and became active in the civil rights movement, while intending to continue to live in the South on a permanent basis following their activism. Prior to their activism, these women may have been viewed with suspicion because they were “newcomers” and “outsiders.” Their activism earned them the pejorative label “civil rights supporter.” This Article presents the stories of two such women. It examines their stories from the perspective of the legal narratology movement and compares them with white female activists in other categories. Next, it analyzes their experiences through the lens of therapeutic jurisprudence. This analysis provides another perspective and voice, and deeper understanding of the tumult of the civil rights era. Like works on other categories of women who participated in the civil rights movement, this Article enhances our knowledge of the civil rights movement, race relations, and the roles played by women.

---

\* Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida. This Article is dedicated to Jean Yehle, whom I have known for many years and who has inspired me to think deeply, laugh heartily, participate fully in the fabric of life, and to stand up for causes to which I am committed. It is also dedicated to Dr. Barbara Vidulich who harnessed those attributes in Jean in support of the civil rights movement as it unfolded in Memphis during the late winter and early spring of 1968. I thank Kathleen Brown, former Faculty Research Librarian, and Courtney Segota, current Faculty Research Librarian of St. Thomas University School of Law for their very helpful assistance. I also thank my Research Assistants, Katie Winkler, Michael Wallace, Tina Trunzo, Kristen Miller, and especially Danielle Bernard. I thank Angela Clark-Hughes, Librarian Associate Professor, University of Miami Rosenstiel School of Marine and Atmospheric Science for her encouragement and comments on an earlier draft. I am grateful to St. Thomas University School of Law for a summer research stipend that enabled this project.

## INTRODUCTION

On February 11, 1968, several hundred black<sup>1</sup> Memphis sanitation workers agreed, by a show of hands, to go on strike for higher wages and improved working conditions.<sup>2</sup> The strike began the next day, February 12, 1968, Lincoln's birthday.<sup>3</sup> It quickly became apparent that, in reality, this was a racial struggle. The strike escalated into a riveting civil rights confrontation of national significance. Not quite two months later, it "culminated in [the] assassination [of Martin Luther King, Jr.] that triggered a storm of racial violence that stunned white America. For one [shocking] moment, this southern riverfront city served as a microcosmic reflection of the domestic forces in conflict during [that] traumatic decade."<sup>4</sup> This Article tells the story of two white women, Jean T. Yehle and Barbara B. Vidulich who became active in the civil rights movement on behalf of those workers and describes their experience as two of the white participants in the Memphis march of April 1968. Dr. Martin Luther King, Jr. planned to lead that march.<sup>5</sup> Instead, it was led by his widow, Coretta Scott King, only a few days after Dr. King's assassination.<sup>6</sup>

This Article adds another category of white woman participants in the civil rights movement to the historical record: northern white women who called the South home and planned to remain in the South after their involvement in the civil rights movement concluded. The two women whose stories are told here are not famous; they played very minor roles. One's activism lasted for only a few months. The other's commitment to the civil rights movement had, by then, extended over most of her adult life and concluded immediately following the events described in this Article. They are but two of what is

<sup>1</sup> The term "black" was a term of pride and the preferred self-identifier of African Americans at the time that the events in this Article took place. Accordingly, it is the term used in this Article, except where I am writing in present voice, in which places I may utilize more current preferred terminology, "African American."

<sup>2</sup> Thomas W. Collins, *An Analysis of the Memphis Garbage Strike of 1968*, in ANTHROPOLOGY FOR THE NINETIES: INTRODUCTORY READINGS 360, 360 (Johnnetta B. Cole ed., 1988); Gerald D. McKnight, *The 1968 Memphis Sanitation Strike and the FBI: A Case Study in Urban Surveillance*, 83 S. ATLANTIC Q. 138, 138 (1984). The vote was taken on the evening of February 11, 1968. See Earl Green Jr., *Labor in the South: A Case Study of Memphis, the 1968 Sanitation Strike and Its Effect on an Urban Community* 143, 147 (Feb. 1980) (unpublished Ph.D. dissertation, New York University) (on file with author). The workers went on strike on February 12, 1968. See Collins, *supra*, at 360.

<sup>3</sup> McKnight, *supra* note 2, at 138.

<sup>4</sup> See *id.*

<sup>5</sup> See *id.* at 155.

<sup>6</sup> See *id.*; Green, *supra* note 2, at 295.

likely well over a half million<sup>7</sup> individuals who took overt action in support of the civil rights movement. Nevertheless, and especially in the South where they lived, the moment that these two women engaged in their first act of overt support, they were irrevocably branded with the pejorative label, “civil rights supporter.” At the time, that label could cost a person everything.<sup>8</sup>

As I read the 1966 position paper of the Student Non-violent Coordinating Committee (SNCC)<sup>9</sup> in preparation for writing this Article,

<sup>7</sup> I have seen no statistics on the number of individuals who actually participated in some overt, affirmative way in the civil rights movement, and it is unlikely that an accurate number will ever be known. My best guess is that the number is at least three-quarters to one million persons. The number of persons who were present for Dr. Martin Luther King, Jr.’s “I Have a Dream” speech—all in one place at one time—clearly is an underestimate, but it is said to be between two hundred thousand and three hundred thousand. *Estate of Martin Luther King, Jr., Inc. v. CBS, Inc.*, 194 F.3d 1211, 1213 (11th Cir. 1999) (“The events of the day were seen and heard by some 200,000 people gathered at the March.”); Matthew E.K. Hall, *Bringing Down Brown: Super Precedents, Myths of Rediscovery, and the Retroactive Canonization of Brown v. Board of Education*, 18 J.L. & POL’Y 655, 682–83 (2010) (“[M]ore than 250,000 people attended.”); Charles J. Ogletree, Jr., *The Burdens and Benefits of Race in America*, 25 HASTINGS CONST. L.Q. 219, 226 (1998) (describing “a crowd of at least 300,000”).

<sup>8</sup> The civil rights era was a volatile time in which participation in the movement was an act of bravery on the part of every supporter of civil rights, no matter the size of one’s role or the color of one’s skin. See Alvin F. Poussaint, *The Stresses of the White Female Worker in the Civil Rights Movement in the South*, 123 AM. J. PSYCHIATRY 401, 401, 405 (1996); Interview with Jean Yehle (June 18, 2010) (on file with author) [hereinafter Yehle June 18, 2010 interview]. At this time in the South, even the smallest act of interracial courtesy, such as a polite exchange of words on a public sidewalk could raise eyebrows; it might result in verbal abuse of the white participant and threats and possible physical violence against the black participant. See Poussaint, *supra*, at 401, 405; Yehle June 18, 2010 interview, *supra*. In the white community you did not know whether the white man who was, by day, the electrician who worked on the wiring in your house, the postman who delivered your mail, or even a policeman, donned a white sheet at night and meted out unspeakable hatred and violence towards both blacks and whites who were identified with the civil rights movement. See generally Interview with Jean Yehle (July 07, 2010) (on file with author) [hereinafter Yehle July 07, 2010 interview]; Yehle June 18, 2010 interview, *supra*. Small acts could result in retaliation. See Poussaint, *supra*, at 401, 405; Yehle June 18, 2010 interview, *supra*. Thus, each one of the nameless thousands who actively participated in the civil rights movement had an important decision to make before taking the first overt step: “Am I willing to pay the price?” For whites, the price could range from loss of friends and ostracism to physical injury or even death. (E.g., Viola Liuzzo was ambushed and murdered by the KKK for her assistance with the Selma to Montgomery march in March 1965—merely using her car to ferry black marchers back to their homes and African American colleges. Civil rights activist, Episcopal seminarian Jonathan M. Daniels, was shot and killed in August 1965 while trying to save a black teenage female civil rights demonstrator from a bullet meant for her.) For blacks, the costs usually were higher. Once labeled a civil rights supporter, there was no turning back.

<sup>9</sup> SNCC, *The Basis of Black Power*, in “TAKIN’ IT TO THE STREETS” 152 (Alexander Bloom & Wini Breines eds., 1995).

I admit that, as a white woman, I can never fully comprehend the black experience, psyche, or any black individual's situation during the 1960s.<sup>10</sup> Nor could the two white women whose stories are told in this Article. Nevertheless, they participated at risk to themselves and their families based on their strongly held moral convictions. This Article communicates their experience at that momentous instant in this country's civil rights history—forty-five years after the fact. It adds another voice and perspective to those tumultuous and critical times—the voice of two northern white women who did not travel to Memphis to work on behalf of civil rights,<sup>11</sup> but who lived in this southern city and would have to continue living there during and after their civil rights work. It has also allowed those women to reflect on the value of their actions with the perspective and hindsight of age, forty-five years of additional life experience, and their continuing observations of changes in the legal, social, economic, and political status of persons of color and women in the United States.

The scholarly literature contains works about black women who participated in the civil rights movement in both the north and south.<sup>12</sup> It also contains works on northern white women's participation in the north,<sup>13</sup> southern white women's participation in the south,<sup>14</sup> and writings on northern white women who traveled to the south for the specific purpose of working in particular civil rights events then returning to the north.<sup>15</sup> Little, if anything, has been written about northern white women who lived in the South with the intention of remaining permanently, and participated in civil rights activities. This Article recounts the stories of two such women. It provides another perspective

---

<sup>10</sup> “[H]istorians adhere to standards of truth, but cannot avoid taking sides.” MICHAEL K. HONEY, *GOING DOWN JERICHO ROAD: THE MEMPHIS STRIKE, MARTIN LUTHER KING'S LAST CAMPAIGN*, at xiii (2007) (quoting French historian Marc Bloch, an antifascist resister murdered by the Nazi's during WWII). My “side” in this Article is respect for the dignity and value of each individual, regardless of race or economic standing.

<sup>11</sup> In contrast with women who traveled to the south for Freedom Summer or to participate in specific events with the intent to return to their northern homes immediately afterwards.

<sup>12</sup> See generally *WOMEN AND REVOLUTION: GLOBAL EXPRESSIONS* (M.J. Diamond ed., 1998); *WOMEN IN THE CIVIL RIGHTS MOVEMENT: TRAILBLAZERS AND TORCHBEARERS, 1941–1965* (Vicki L. Crawford et al. eds., 1990).

<sup>13</sup> See generally Rhoda Lois Blumberg, *Careers of Women Civil Rights Activists*, 7 J. SOC. & SOC. WELFARE 708 (1980).

<sup>14</sup> See generally *SOUTHERN WOMEN AT THE MILLENNIUM: A HISTORICAL PERSPECTIVE* (Melissa Walker et al. eds., 2003); *THROWING OFF THE CLOAK OF PRIVILEGE: WHITE SOUTHERN WOMEN ACTIVISTS IN THE CIVIL RIGHTS ERA* (Gail S. Murray ed., 2004).

<sup>15</sup> Poussaint, *supra* note 8, at 401, 405; see ROBERT WEISBROT, *FREEDOM BOUND: A HISTORY OF AMERICA'S CIVIL RIGHTS MOVEMENT* 98, 100, 112–13 (1990).

and voice, and deeper understanding of those historic and tumultuous times. It provides insight into the thought processes that led such women to challenge the status quo on civil rights. Like works on other categories of women who participated in the civil rights movement, this Article “expands our knowledge of the breadth and complexity of the civil rights movement, biracial activism, and women’s identities and interests.”<sup>16</sup>

Part I of this Article provides background on the social, economic, and political situation that existed in Memphis at the time these events took place. Part II contains the stories of Jean Yehle and Barbara Vidulich, adding their voices to our understanding of the civil rights movement. Part III is an analysis. Following a brief introduction in Part III.A, Part III.B describes legal narratology and discusses the importance of stories in the understanding and development of law. This part positions the women’s stories within the genre of legal narratology. Next, Part III.C supports the legal narratology by establishing the reliability and relevance of the stories through comparison and contrast with other categories of white women participants in the civil rights movement. This Part also notes that these stories are a starting point for establishing typicality of stories within this new category of white women activists. Finally, Part III.D analyzes these women’s experiences based on the principles of therapeutic jurisprudence and concludes that their exercise of their First Amendment rights was an example of therapeutic jurisprudence at work—and for these women it had classic therapeutic results. Part IV records Jean’s and Barbara’s reflections on the impact that their actions have had on their lives since the Memphis march. It is from these outcomes that one can infer a therapeutic impact.

## I. HISTORICAL BACKGROUND: MEMPHIS IN THE LATE 1960s

In the late 1960s, racial discrimination and white entitlement were deeply ingrained in Memphis’s culture. Among whites, there was a lazy

---

<sup>16</sup> Stanley Harfold & Randall M. Miller, *Foreword* to *THROWING OFF THE CLOAK OF PRIVILEGE*, *supra* note 14, at xi, xii; Gail S. Murray, *Preface to THROWING OFF THE CLOAK OF PRIVILEGE*, *supra* note 14, at xiii, xiii–xiv [hereinafter *Murray Preface*] (“I remain encouraged that the efforts of everyday southern women, both black and white, are making their way into the historical record . . .”). Professor Murray also notes that “[t]he small explosion of works on African American and white civil rights activists and their grassroots organizations is enlarging and revising the standard narrative of the civil rights era.” *Murray Preface, supra*, at xiv.

paternalism toward persons of color.<sup>17</sup> Memphis history included a time when it was a center for the sale of slaves.<sup>18</sup> Black Memphian scholar, C. Eric Lincoln stated in 1968, “[p]sychologically, Memphis has always been in Mississippi. Its presence in Tennessee is a geographical accident.”<sup>19</sup> Memphis’s location on the Mississippi River not far north of the Mississippi border made it a key part of the transportation network for moving the agricultural products of the Mississippi River lowlands to U.S. and world markets.<sup>20</sup> It was also a “way-station” for migrants—especially economically impoverished families whose members had no employment skills beyond agricultural work<sup>21</sup>—moving from the Mississippi Delta region to northern urban centers to seek a better life.<sup>22</sup> This migration was euphemistically known as the delta flow.<sup>23</sup> Segregation, racial discrimination, and racial violence against blacks were part of the continuing history of Memphis.<sup>24</sup> According to American historian Michael Honey, postbellum segregation in Memphis peaked during the first half of the twentieth century.<sup>25</sup>

The Memphis chapter of the National Association for the Advancement of Colored People (NAACP)<sup>26</sup> “operated as a nearly secret organization and remained pitifully weak until the 1940s . . . .”<sup>27</sup> In the 1950s, however, it emerged to bring suit shortly after the Supreme

<sup>17</sup> See Gail S. Murray, *White Privilege, Racial Justice: Women Activists in Memphis*, in *THROWING OFF THE CLOAK OF PRIVILEGE*, *supra* note 14, at 204, 205 [hereinafter Murray *White Privilege*].

<sup>18</sup> See EARNESTINE LOVELLE JENKINS, *IMAGES OF AMERICA: AFRICAN AMERICANS IN MEMPHIS* 9 (2009) (stating that “[b]y the mid-19th century, Memphis was the largest inland slave-trading center in the South”). By the end of the Civil War, nearly seventeen thousand blacks had settled in the city of Memphis, “numbers too significant for whites to ignore.” *Id.* at 7.

<sup>19</sup> See HONEY, *supra* note 10, at 7.

<sup>20</sup> *See id.*

<sup>21</sup> *See* Collins, *supra* note 2, at 361.

<sup>22</sup> *See id.*

<sup>23</sup> *Id.*

<sup>24</sup> *See* HONEY, *supra* note 10, at 7–14; *see also* Anne Trotter, *The Memphis Business Community and Integration*, in *SOUTHERN BUSINESSMEN AND DESEGREGATION* 282, 285–87 (Elizabeth Jacoway & David R. Colburn eds., 1982) (describing integration efforts in Memphis in the mid-1900s).

<sup>25</sup> *See* HONEY, *supra* note 10, at 10.

<sup>26</sup> Robert Church, Jr., who was the son of the first black millionaire in the South, helped organize a Memphis branch of the NAACP. *See id.*

<sup>27</sup> *See id.*; *see also* JENKINS, *supra* note 18, at 7 (“The 1940s and 1950s brought changes that prepared the way for the civil rights movement.”). Even though the citizens of Memphis “lived in one of the most segregated cities in the United States, black men and women challenged racial, class, and gender inequalities. They protested police brutality and job discrimination, and began to campaign for political office.” JENKINS, *supra* note 18, at 7.

Court's decision in *Brown v. Board of Education of Topeka*.<sup>28</sup> Nonetheless, school "desegregation was stalled in the courts throughout the late 1950s and 1960s."<sup>29</sup> Lawsuits were filed in the late 1950s against the city bus company, the city's segregated libraries, and the city's parks and zoo, to integrate those facilities.<sup>30</sup> Demonstrators held sit-ins at lunch counters, libraries, and an art museum in 1960.<sup>31</sup> Nevertheless, "the failure of the media to cover the downtown protests"<sup>32</sup> led "many white Memphians to believe . . . that the city had largely escaped the southern sit-in movement"<sup>33</sup> and "promoted a historical memory in which white moderates, not Black students, were the primary force ushering in desegregation."<sup>34</sup> As a result, the white community saw Memphis as "a model southern city when it came to race relations."<sup>35</sup> It was a misconception that would be swept away in the late winter and early spring of 1968.<sup>36</sup>

Memphis also had a long tradition of being anti-labor union, particularly among its public employees.<sup>37</sup> That tradition, as well as the city's perpetuation of segregation, was closely associated with its powerful long-time mayor, E. H. Crump.<sup>38</sup> Crump was elected mayor in 1908.<sup>39</sup> With the help of the political machine he assembled, Crump effectively ran Memphis as a "one-man dictatorship" from the 1910s until his death in 1954.<sup>40</sup> During that time, "Crump modernized city services," but he did so through the exploitation of cheap labor.<sup>41</sup> He also further entrenched segregation. For example, Professor Michael

<sup>28</sup> *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954).

<sup>29</sup> See Murray *White Privilege*, *supra* note 17, at 207.

<sup>30</sup> See *id.* at 208.

<sup>31</sup> See *id.*

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

<sup>33</sup> See *id.* (quoting Laurie Beth Green, *Battling the Plantation Mentality: Consciousness, Culture, and the Politics of Race, Class and Gender in Memphis, 1940–1968*, at 341 (Aug. 1999) (unpublished Ph.D. dissertation, University of Chicago)).

<sup>34</sup> See *id.* (quoting Green, *supra* note 33, at 341).

<sup>35</sup> See Murray *White Privilege*, *supra* note 17, at 208 (citing DAVID M. TUCKER, *MEMPHIS SINCE CRUMP: BOSSISM, BLACKS AND CIVIC REFORMERS, 1948–1968* (1980)).

<sup>36</sup> Cf. *id.* at 215 (describing the Memphis sanitation strike, the assassination of Dr. Martin Luther King, Jr. and "the subsequent nationwide condemnation of Memphis").

<sup>37</sup> See Collins, *supra* note 2, at 5 ("Labor protests by public service employees had become quite common in the nation by the late 1960's but the Memphis [situation] . . . was highly unique, since . . . [Memphis had] a long tradition of anti-union bias."). See generally HONEY, *supra* note 10.

<sup>38</sup> See Collins, *supra* note 2, at 361.

<sup>39</sup> See HONEY, *supra* note 10, at 10.

<sup>40</sup> See *id.*

<sup>41</sup> See *id.* at 10–12.



Honey asserts, Mayor Crump “put Ku Klux Klan leader Cliff Davis in charge of the police and then made him a congressman for thirteen terms.”<sup>42</sup> Professor Honey goes on to state that, in Memphis, “White employers banned blacks from better jobs and relied on them for low-wage labor in domestic employment, woodworking, cotton, laundry, and manufacturing.”<sup>43</sup>

Recently arrived migrants from the delta flow desperately needed jobs, and any job seemed relatively better than the few that were attainable in the country where unemployment was high.<sup>44</sup> These men were recruited as garbage collectors.<sup>45</sup> “One worker tersely remarked, ‘there is no worst job. I would take anything.’”<sup>46</sup> Nevertheless, the pay and working conditions of garbage collectors were dismal.<sup>47</sup> The “workers could be fired or suspended at the mere whim of a supervisor.”<sup>48</sup> “[S]ome foremen and truck drivers demanded ‘kick-backs’ from new employees during the six month probationary period.”<sup>49</sup>

Memphis’s leadership staunchly opposed unionization by public employees.<sup>50</sup> White firefighters, teachers, and police officers who tried to organize unions were fired by the city and blacklisted.<sup>51</sup> Crump’s policies ensured that there would be no organized workers capable of exercising any independence or increasing labor costs.<sup>52</sup> This stance

<sup>42</sup> See *id.* at 10–11. According to Professor Honey, Crump’s “control over the most populated city in Tennessee increasingly gave him power over state and national elections and the Democratic Party.” *Id.* at 10.

<sup>43</sup> See *id.* at 11.

<sup>44</sup> See Collins, *supra* note 2, at 362.

<sup>45</sup> See *id.*

<sup>46</sup> See *id.* Working conditions, as well as the wages and benefits were awful. *Id.* “Each man was issued a tub for which he was responsible” and:

[i]f the tub leaked, fluid from the trash would run down on the employee because he had to carry heavy loads on either his shoulder or his head. One retired worker described his situation, “In those days, I would sometimes get put off the bus ‘cause I smelled so bad. I’d even have maggots in my pant cuffs at night. Some people called us the vultures ‘cause we raided the garbage.”

*Id.* This was referred to as “ragging,” for salvageable castoffs that were needed for basic living requirements because the wages were so low. *Id.* at 363. The workers were responsible for anything that needed to be disposed of in the neighborhood—fallen trees, construction debris, and the like. *Id.* at 362. All were carried to the truck by hand. *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> See *id.* at 363.

<sup>49</sup> See *id.*

<sup>50</sup> See HONEY, *supra* note 10, at 12.

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

<sup>52</sup> See *id.*

became a tradition in Memphis.<sup>53</sup> In sum, Crump, the segregationist, “offered tight control over blacks, clean streets, efficient city services, and a mostly nonunion environment.”<sup>54</sup>

The poor situation for sanitation workers continued after Crump’s death.<sup>55</sup> In fact, working conditions became even more exploitive during the 1960s as the city attempted to cut costs.<sup>56</sup> In 1963, garbage collectors began to be sent home with short pay for a day if they had to sit out a few hours for a rainstorm, and such storms were frequent in Memphis.<sup>57</sup>

## II. THE STORIES OF TWO NORTHERN WHITE WOMEN IN MEMPHIS WHO MARCHED ACROSS THE “RACE” LINE

### A. Jean T. Yehle

Jean T. Yehle<sup>58</sup> was born in 1927 and grew up in Hastings-on-Hudson, New York, an affluent bedroom community in Westchester County located within easy commuting distance of New York City. Her father was a highly successful car dealer in Scarsdale; her mother was a traditional pre-WWII housewife. Jean spent her summers at the family’s home in the recreational and intellectually stimulating Chautauqua

<sup>53</sup> See *id.*

<sup>54</sup> See *id.* at 11. The few unions that existed tended to be segregated. *Id.* at 3 (stating that “whites operated heavy equipment and belonged to a craft union of engineers, but they had little sense of union solidarity with black workers”). The quotation for which this footnote provides citation is an understatement, to put it mildly. Professor Honey describes a situation in which a Klansman was in charge of police, and black police (of which there were few until the 1960s) “could not arrest whites or testify against them in court.” See *id.* at 11. Many white police officers were “straight from the plantation districts [and] functioned like Klansmen in blue uniforms, brutalizing and insulting African Americans and union organizers with support from white judges, FBI officials, and federal attorneys.” *Id.* Professor Honey goes on to say that:

in 1940 . . . the Crump machine cracked down on civil rights activity and thugs beat up several independent black ministers with lead pipes. Fear and conformity, pervasive mistrust, and avoidance of independent thought and action had become hallmarks of Memphis life—for whites as well as for blacks. Police “snitches” kept Crump informed of all civil rights and labor activities.

*Id.* It is well worth reading Professor Honey’s book in its entirety, as well as Anne Trotter’s piece, to get a more complete picture of what seems to my modern mind unthinkable conditions for blacks. See generally *id.*; Trotter, *supra* note 24.

<sup>55</sup> See Murray *White Privilege*, *supra* note 17, at 210. Segregationist Henry Loeb was elected mayor in 1968. See *id.*

<sup>56</sup> See Collins, *supra* note 2, at 363.

<sup>57</sup> See *id.*

<sup>58</sup> Jean’s maiden name was Jean Tommasi.

community of the Thousand Islands Park on the St. Lawrence River in upstate New York.<sup>59</sup> She graduated from Duke University with a bachelor's degree in political science in June 1948.<sup>60</sup> She got along very well with her traditional female Southern schoolmates, even though she herself did not quite fit that mold.<sup>61</sup> She married her childhood friend and summertime neighbor, Arthur "Art" Yehle in the same month that she graduated.<sup>62</sup> Despite her willingness to be unconventional in terms of outspokenness and her keen interest in scholarly, well-informed debates with both men and women, Jean's life, including the timing of her marriage and her choice of husband, was typical of an affluent, well-educated young woman of her day. Jean and Art lived in New York State for several years then moved to Key Biscayne, a new island community immediately to the south and east of downtown Miami, Florida. Art ran a highly successful business for several years, during which time the couple had two sons. When Art decided to pursue a Ph.D. in experimental psychology, Jean took a job as a research assistant at the University of Miami's Marine School<sup>63</sup> so that Art could receive tuition benefits.<sup>64</sup>

---

<sup>59</sup> See generally JOSEPH E. GOULD, *THE CHAUTAUQUA MOVEMENT: AN EPISODE IN THE CONTINUING AMERICAN REVOLUTION* (1961). The Chautauqua movement is described as the "most significant venture in popular education in the United States . . ." *Id.* at vii.

<sup>60</sup> At the time, Duke women attended Women's College while the men attended Trinity College. Although possible, it was unusual for women to take classes at Trinity and Jean did not do so. Nevertheless, Jean spent many out of class hours at the law school with the all-male law students—not to find a husband as one might have assumed during those years—but for stimulating discussion and argument of legal and political issues. Jean tended to take assertive, liberal stances that she supported with well-informed insights based on her extensive reading and the analyses she heard during her summers in the Chautauqua community. These discussions remain among Jean's fondest memories of college. She notes with amusement that:

The law students, all of whom were male, found it intriguing that an attractive woman with dark hair and sparkling blue eyes could be capable of so articulately and forcefully debating issues with the best of them. Many of them didn't know what to make of me. It was fun.

Interview with Jean Yehle (Dec. 19, 2009) (on file with author) [hereinafter Yehle Dec. 19, 2009 interview].

<sup>61</sup> See *supra* note 6059 and accompanying text.

<sup>62</sup> Art had a degree in electrical engineering from Cornell. Yehle June 18, 2010 interview, *supra* note 8.

<sup>63</sup> Currently known as the University of Miami Rosenstiel School of Marine and Atmospheric Science. *Rosenstiel School of Marine & Atmospheric Science*, U. OF MIAMI, <http://www.rsmas.miami.edu/academics/graduate-programs/> (last visited Mar. 29, 2013).

<sup>64</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on June 18, 2010, and December 19, 2009. See Yehle June 18, 2010 interview, *supra* note 8; Yehle Dec. 19, 2009 interview, *supra* note 60.

Upon completing his Ph.D., Art obtained an appointment to the Psychology Department of Memphis State University<sup>65</sup> in a grant-based faculty position. Thus, in September 1967, the family moved to a rented home in the Memphis suburb of Raleigh, Tennessee. It was there that Jean became involved actively in the civil rights movement.<sup>66</sup>

In Memphis parlance, Jean and her family were “newcomers;” people who had not grown up in Memphis. Jean sought to make friends and create a home for her family. She was deluged with welcome baskets and invitations to teas. Impressed by the Southern hospitality, Jean did her best to become a part of the community. Nevertheless, Jean had a vague feeling that the outpouring was more a matter of polite tradition than an effort to fully incorporate her family into the core of the local social structure. She says that, in a way, the “welcome” served to demonstrate to her that she and her family were “different.” They were welcome to be there, but not welcome to become full members of the community in the same way as lifelong residents. As newcomers, Jean and her family were outside the tight-knit, formal, highly stratified—and of course, segregated “*very Southern*”<sup>67</sup> social structure. Jean and her eldest son, Larry, a ninth grader, felt their “difference” more acutely. Mark, a sixth grader, made friends more easily with the neighborhood children and his classmates. Art was too busy with his work, and too involved with co-workers and students who came from various parts of the country, to be affected.<sup>68</sup>

Yet, by all appearances, and for the most part in actuality as well, Jean adjusted. As the weeks turned into months, Jean felt that the neighborhood women liked her. She kept a lovely home and yard and was attractive, well-mannered, and well-bred. She had sons who were equally bright, attractive, and personable, and a husband who worked long hours in a highly respectable position. Jean said that she knew many women like the Memphis women from her years at Duke. She became friendly with Edna next door and with the woman in the house beyond that. The second woman had a son who was severely handicapped because of a near-drowning accident when he was four. Jean

---

<sup>65</sup> Now known as The University of Memphis, Department of Psychology, located within the College of Arts & Sciences. *Department of Psychology*, U. OF MEMPHIS, <http://www.memphis.edu/psychology/> (last visited Mar. 29, 2013).

<sup>66</sup> All facts in the above paragraph are drawn from the interview with Jean Yehle on June 18, 2010. Yehle June 18, 2010 interview, *supra* note 8.

<sup>67</sup> The emphasis is Jean’s.

<sup>68</sup> All facts in the above paragraph are drawn from the interview with Jean Yehle on June 18, 2010. Yehle June 18, 2010 interview, *supra* note 8.

was a kind, helpful neighbor, a good listener, and a sympathetic, resourceful companion as the woman sought to work through the challenges posed by her son's condition, including the frustration of finding appropriate medical help.<sup>69</sup> Edna, Jean's next door neighbor, was the choir director of the local Presbyterian Church in Raleigh. Edna asked Jean to add her soprano voice to the choir. Although neither Jean nor Art attended that church, it was customary for the choir director to bring in additional voices to augment the church members in the choir. Jean was glad to accept the invitation. Jean recalls that she felt that she was developing warm friendships with these two women.<sup>70</sup>

Nevertheless, Jean felt that she and her family were "walking on thin ice" the whole time they lived in Memphis.<sup>71</sup> They were newcomers, outsiders who "did not fit."<sup>72</sup> When the Presbyterian Church flag was taken and later found in the stream in the woods behind the Yehle's home, the Yehle boys were blamed, particularly Larry, the eldest. Nothing they said could change anyone's mind.<sup>73</sup>

Politically, Jean characterized herself as a liberal Democrat. She explained that, "having graduated from Duke I thought of myself [at that time] as neither northerner nor southerner, but just as an American."<sup>74</sup> In 20–20 hindsight, Jean was a classic northern liberal Democrat. There was nothing "southern" about her except that she loved the natural beauty of the South and had become accustomed to southern etiquette at Duke. Her politics and worldview were entirely northern.<sup>75</sup>

---

<sup>69</sup> The child suffered severe epileptic seizures caused by oxygen deprivation damage to his brain. The woman was told that surgery was needed to provide a measure of relief, but she could find no one willing to do the surgery. Yehle June 18, 2010 interview, *supra* note 8.

<sup>70</sup> All facts in the above paragraph are drawn from the interview with Jean Yehle on June 18, 2010. *See* Yehle June 18, 2010 interview, *supra* note 8.

<sup>71</sup> Interview with Jean Yehle (June 28, 2010) (on file with author) [hereinafter Yehle June 28, 2010 interview]; Yehle June 18, 2010 interview, *supra* note 8.

<sup>72</sup> Yehle June 28, 2010 interview, *supra* note 71; Yehle June 18, 2010 interview, *supra* note 8.

<sup>73</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on June 28, 2010, and June 18, 2010. Yehle June 28, 2010 interview, *supra* note 71; Yehle June 18, 2010 interview, *supra* note 8. The next time that "something that didn't belong there" showed up in the woods behind the house, Larry, still resentful of the prior incident, took the item to the school and ran it up the flagpole. Yehle June 28, 2010 interview, *supra* note 71.

<sup>74</sup> Yehle July 07, 2010 interview, *supra* note 8.

<sup>75</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on July 7, 2010, and June 28, 2010. Yehle July 07, 2010 interview, *supra* note 8; Yehle June 28, 2010 interview, *supra* note 71.

Jean says that until the events described in this Article, she had not spoken out or become actively involved in the civil rights movement; however, she stated:

I was well-read on all sides of the issues. I believed the students were right [in their sit-ins and their early efforts to desegregate lunch counters and other public facilities] . . . . I was emotionally and intellectually involved; I was a strong believer [in the objectives of the civil rights movement].<sup>76</sup>

As to discussions with her new friends and neighbors, Jean explained:

I did not discuss the civil rights movement or race with [my new Memphis acquaintances], or even with Edna and my other friend. I didn't consider it a wise topic of conversation. The view of most Memphis women on civil rights was obvious. I didn't want to be in a position in which I would have to nod in agreement with something that I considered to be very wrong, or to engage in argument that might adversely impact my children's safety in school or my husband's career.<sup>77</sup>

When asked whether this was part of "the thin ice" to which Jean had referred earlier, her response was "Yes, definitely."<sup>78</sup>

Not too long after moving to Memphis, Jean met someone very different from her neighbors, Barbara Vidulich. Barbara's husband, Bob Vidulich, was the chairman of the Psychology Department at Memphis State, and therefore Art's boss. In Barbara, Jean found a stimulating conversationalist who was a liberal northern Democrat. Barbara initiated conversation on civil rights and matters of race; she expressed views similar to Jean's. Jean felt comfortable enough to express her own views to Barbara. The two women formed a friendship. Today, Jean identifies her friendship with Barbara as a breath of fresh air during her time in Memphis. Jean says that "without Barbara I never would have become involved."<sup>79</sup>

---

<sup>76</sup> Yehle July 07, 2010 interview, *supra* note 8; Yehle June 28, 2010 interview, *supra* note 71.

<sup>77</sup> Yehle July 07, 2010 interview, *supra* note 8. It is understandable that the neighborhood women did not initiate conversation on the topic "because genteel southern white women rarely discussed their racial attitudes among themselves." See Murray *White Privilege*, *supra* note 17, at 210 (referencing Murray's interview with Annabelle Whittemore during her work in researching white women's role in the Memphis sanitation workers' strike).

<sup>78</sup> Yehle July 07, 2010 interview, *supra* note 8.

<sup>79</sup> All facts in the above paragraph are drawn from the interview with Jean Yehle on June 28, 2010. Yehle June 28, 2010 interview, *supra* note 71.

Asked whether there was civil rights tension in Memphis before the sanitation workers' strike, Jean responded:

It, [white Memphis], didn't think there was any.<sup>80</sup> The prevailing thought, per the media, especially *The Commercial Appeal*, the main Memphis newspaper, and among the white population in general, was that [Memphis] was the "Fair City," the "Shining Light of the Delta," a perfectly run, beautiful Southern city, with emphasis on "*Southern*." Memphis prided itself on being *clean*,<sup>81</sup> even though it was dumping raw sewerage into the Mississippi River. It was a hypocritical city. That's what annoyed the hell out of me. The whites didn't think [racial tension] existed. There was no outward evidence of anyone [white] thinking there was discontent. And, if there had been [recognition of discontent] it would have been [characterized as the work of] outside activists and newcomers, not their citizens or Memphis's blacks.<sup>82</sup>

Jean explains that Memphis blacks were paternalistically referred to as "our blacks." It seemed to Jean that as of early 1968, there was no interest among public officials, and little if any interest among the white population, in departing from the traditional status quo that placed blacks in an unequal, clearly subordinate position.<sup>83</sup> Blacks served in menial, low-paying jobs that few whites wanted.<sup>84</sup>

According to Jean, the Memphis Sanitation Workers' Strike began in February 1968 after rain prevented work from being performed on a particular day. Black Public Works employees<sup>85</sup> were sent home with

<sup>80</sup> The media's failure to cover pickets and sit-ins relating to desegregation earlier in the 1960s probably contributed to this attitude. See Murray *White Privilege*, *supra* note 17, at 208 ("[T]he white community . . . believed Memphis to be a model southern city when it came to race relations.").

<sup>81</sup> Thomas W. Collins notes, "Memphis was awarded the 'Nation's Cleanest City' honor during many years of the 1950's." Collins, *supra* note 2, at 362-63.

<sup>82</sup> Yehle July 07, 2010 interview, *supra* note 8.

<sup>83</sup> Jean's estimation of the situation is supported by the scholarly literature. Cf. Trotter, *supra* note 24, at 287-89 (noting that although there was token integration in the public school system in Memphis, there was little integration in the business world).

<sup>84</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on June 28, 2010, and June 18, 2010. Yehle June 28, 2010 interview, *supra* note 71; Yehle June 18, 2010 interview, *supra* note 8. The 1962 hearings of the U.S. Civil Rights Commission "clearly documented vast employment discrimination against African Americans." See HONEY, *supra* note 10, at 50.

<sup>85</sup> Jean was correct in her assertion that this was a group of workers in the Public Works Department, not to be confused with the garbage collectors. Yehle June 28, 2010 interview,

only token pay, but whites in the same category were paid for a full day. This was not the first time that this had occurred, and to the workers, for whom a day's wages were crucial to their families' survival, this was a "big deal."<sup>86</sup> She said that there were also strong references to a prior incident of a black sanitation worker being crushed to death by a garbage truck trash compactor during a rainstorm because black garbage collectors were not allowed to seek shelter from rain in the passenger part of the truck or on white peoples' property. Instead, the black sanitation workers had to crawl into the back of the truck with the garbage to escape the rain.<sup>87</sup>

The strikers were sanitation workers, people at the lowest echelon of the city's workforce, and Jean believed that all were black.<sup>88</sup> Jean

*supra* note 71; see Green, *supra* note 2, at 136 (stating that the group of workers were from the Sewer and Drains Department).

<sup>86</sup> HONEY, *supra* note 10, at 3 ("Many sanitation workers made so little that they qualified for welfare even after working a forty-hour week.")

<sup>87</sup> All facts in the above paragraph are drawn from the interview with Jean Yehle on June 28, 2010. Yehle June 28, 2010 interview, *supra* note 71. There are conflicting accounts about the crushing death(s). This is probably because more than one garbage collector died in the line of duty. Thomas Collins notes that when a worker died on the job, "his family received the equivalent of a month's salary plus burial expenses." See Collins, *supra* note 2, at 362; see also Telephone Interview with Barbara Vidulich (July 20, 2010) (on file with author) [hereinafter Vidulich July 20, 2010 interview].

Barbara stated that the real cause of the strike was that two black garbage collectors were crushed to death in early 1968 in the garbage compactor of a garbage truck where they had to go to seek shelter during a rainstorm. This is consistent with Professor Honey's account stating that two garbage collectors, Echol Cole and Robert Walker, died on February 1, 1968, in the garbage portion of the garbage truck, where they were obliged to take shelter from a storm. They were crushed to death by a faulty hydraulic ram in the poorly maintained truck. See HONEY, *supra* note 10, at 1–2, 35. "Two men had already been killed due to a faulty garbage packer that rolled a truck over in 1964." See *id.* at 2. Thomas W. Collins notes, "[f]or the sake of economy, men had to use equipment that was frequently obsolete and dangerous." See Collins, *supra* note 2, at 364. "When two workers were killed in a truck accident in 1964, the employees complained bitterly that the deaths could have been avoided by the installation of proper safety devices." See *id.* According to Professor Honey, the basic problems cited by a union organizer at the beginning of the strike were "pay of less than \$70 per week, no guarantees of acceptable wages on rainy days, old equipment and inadequate safety provisions, fear of being fired for belonging to the union, and no prospects for any improvements." See HONEY, *supra* note 10, at 102; see also Green, *supra* note 2, at 138–41 (detailing the 1968 workers' deaths in a manner similar to Professor Honey's account, but stating that the workers were denied entrance to a sanitation depot where white workers in the same department were allowed to wait out the storm and that the two deceased black workers could not seek shelter in the passenger portion of the truck because the doors were locked).

<sup>88</sup> Thomas W. Collins writes "the strikers were mostly black with poor education and little or no training." See Collins, *supra* note 2, at 5. From my reading on the subject, I surmise that all of the men who actually handled garbage were black, and that white sanitation workers typically held supervisory positions.



said, “The reaction of the City of Memphis and particularly of its new staunch anti-union, mayor, Mayor Loeb,<sup>89</sup> was to not give an inch—but to simply crush the strike.”<sup>90</sup> “Strikers marched almost daily with signs proclaiming ‘I am a Man’ to get the attention of the community” as to their deplorable working conditions and unequal treatment.<sup>91</sup>

In the Lake Windemere area of Raleigh where the Yehles lived, garbage was picked up by a private contractor. Thus, the strike had no impact. Jean says that most Raleigh residents went about their business with no evident awareness of the drama that was unfolding in the city. The primary (white) Memphis newspaper, *The Commercial Appeal*, played down the strike, giving it little coverage. At first, officials and the general white population treated the matter simply as a labor dispute, albeit a highly inconvenient one.<sup>92</sup> Soon, however, the reeking, uncollected garbage piling up in the City of Memphis got people’s attention.<sup>93</sup> Mayor Loeb engaged in a partially successful effort to provide

---

<sup>89</sup> Loeb was elected mayor in late 1967 and took office January 1, 1968. See Murray *White Privilege*, *supra* note 17, at 210. Henry Loeb had also served as mayor after Crump’s death, before Jean moved to Memphis. See HONEY, *supra* note 10, at 36, 45. He had previously been elected mayor and resigned “at the end of 1963, in order to take over his father’s business after he died.” See *id.* at 45. According to Anne Trotter, Loeb had projected a white supremacist image during the campaign and appeared to represent the whites of Memphis, not the blacks. See Trotter, *supra* note 24, at 289; see also Green, *supra* note 2, at 152–238 (discussing Loeb’s unyielding position).

<sup>90</sup> Yehle June 28, 2010 interview, *supra* note 71. Anne Trotter states that “Mayor Loeb’s handling of the strike was a tragedy of inflexibility.” Trotter, *supra* note 24, at 291. Thomas W. Collins reports that:

Actually, the greatest amount of violence in the strike came from the city, not the workers . . . [T]he city made a show of police force whenever possible. During the first protest march (one of many), the police reacted by macing (tear gasing) the strikers and black ministers indiscriminately. Additional gas was used in a black church where marchers had taken refuge from the attack. The police action stunned the black community and probably did more to unify it than any one incident in the history of Memphis.

See Collins, *supra* note 2, at 366.

<sup>91</sup> All facts in the above paragraph are drawn from the interview with Jean Yehle on June 28, 2010. Yehle June 28, 2010 interview, *supra* note 71.

<sup>92</sup> See Murray *White Privilege*, *supra* note 17, at 215 (“The major local media, however, portrayed the strike only as the mayor and city council saw it: as an unlawful labor dispute financed by East Coast-based national unions. Most white citizens did not interpret the poor working conditions and poverty wages paid to city employees as racially determined at all, but simply as what unskilled laborers could expect in a tax-poor city.”).

<sup>93</sup> Earl Green notes that usually garbage strikes take place in the summer when the odor and possible health hazards are likely to produce a quicker resolution, but in this case, the workers were psychologically ready because of the circumstances. See Green, *supra* note 2, at 151.

for garbage collection through the work of supervisors and replacement labor.<sup>94</sup>

According to Jean, the prevailing opinion in Memphis, at least according to *The Commercial Appeal* and city officials, was that the strike and the workers' complaints were all the work of "outsiders." "Their blacks" were being incited and manipulated. Many families in Jean's neighborhood had black domestic help, in particular, cleaning ladies and yard men. The sentiment of those employers was that "We are good to *our blacks* so why would *our blacks* not be grateful and realize how lucky they are?"<sup>95</sup> They felt the same way about the City's black employees. The city workers' inequality of pay, appalling working conditions, segregation, and little opportunity for advancement were not part of their thought processes.<sup>96</sup>

In Jean's view both officials and the white citizenry operated under the assumption that "these workers did not have the same economic rights and privileges as whites, so race came in [that is, it was a factor]; these people were [thought to be] expendable."<sup>97</sup> She believed that "had the strikers been white and at a higher social and economic level [rather than black and in the lowest tier of the workforce], there would have been greater public interest."<sup>98</sup>

The racial undertones of the strike—white workers being paid in full for rain days while similarly situated black workers received only token "show up" pay, and black garbage workers being crushed to death

<sup>94</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on July 7, 2010, and June 28, 2010, and the interview with Barbara Vidulich on July 20, 2010. See Vidulich July 20, 2010 interview, *supra* note 87; Yehle July 07, 2010 interview, *supra* note 8; Yehle June 28, 2010 interview, *supra* note 71; see also Collins, *supra* note 2, at 366. I mentioned to Jean and Barbara that one author reported that the trash collection trucks were accompanied by police cars. See Collins, *supra* note 2, at 366. Barbara stated that some of the "replacement workers" were criminal inmates from the local jail. Vidulich July 20, 2010 interview, *supra* note 87. This, rather than protection against strikers, might be an alternate explanation for the police escort.

Barbara, who lived within the city limits of Memphis, did not like the idea of convicted criminals who had not paid their debt to society, and were therefore not considered rehabilitated, coming into her backyard to pick up the trash or for any other reason. Telephone Interview with Barbara Vidulich (July 19, 2010) (on file with author) [hereinafter Vidulich July 19, 2010 interview].

<sup>95</sup> Yehle June 28, 2010 interview, *supra* note 71.

<sup>96</sup> All facts in the above paragraph are drawn from the interview with Jean Yehle on June 28, 2010. *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> *Id.* While this is Jean's view, she had no knowledge of the City's history with unionization and striking public employees. See *id.*; *supra* notes 1–57 and accompanying text. See generally HONEY, *supra* note 10 (discussing the connections and conflicts between civil rights and unionization).

because they were forced to seek shelter from the rain in the back of garbage trucks with the garbage—were present from the beginning.<sup>99</sup> While initially downplayed as merely a labor matter,<sup>100</sup> the strike soon became undeniably a racial matter. The “I am a Man” signs borne by the marching strikers, the fact and reasons behind the crushing deaths of the black sanitation workers, the racial composition of the strikers, and ultimately the conduct of city officials made that obvious.<sup>101</sup>

Uncollected garbage, together with word of the workers’ plight and the message on strikers’ signs, ultimately “got the attention of well meaning, well-educated women, mostly from Protestant churches.”<sup>102</sup> These women, mostly wives and mothers, wanted the strike solved—*now*—and they began to meet to see if they could find a solution. They asked Barbara Vidulich to join them. According to Jean, Barbara said she was unsure how she would be received by this unknown group because her stance on civil rights had already stigmatized her as a “civil rights supporter.” Barbara did not want to go alone, so Jean agreed to accompany her. Jean was somewhat surprised to see that the group was racially integrated. It seemed to consist of one representative for each

---

<sup>99</sup> Jean and Barbara’s understanding of the situation was correct. See HONEY, *supra* note 10, at 1–11; Green, *supra* note 2, at 152 (“Although working conditions were the immediate cause of the dispute, these issues cannot be separated from the larger racial issues which were raised by this strike and the events leading up to it.”).

Following Dr. King’s assassination, U.S. President Lyndon Johnson informed Mayor Loeb that he ordered James Reynolds, the Undersecretary of Labor, to go to Memphis to serve as a mediator. See Green, *supra* note 2, at 282. Reynolds determined that the anti-union sentiment in Memphis and the racial attitude of the people were “so deeply intertwined that it was difficult to separate one from the other.” See *id.* at 288. Further, it has been observed that:

Reynolds did not regard the strike as a conventional dispute over subsequent terms of employment . . . but saw it as having a very deep sort of spiritual quality (due to the ministers’ involvement) to it and the importance of the workers being recognized not only as union employees but as men.

*Id.*

<sup>100</sup> See Murray *White Privilege*, *supra* note 17, at 215.

<sup>101</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on June 28, 2010, and June 18, 2010, and the interview with Barbara Vidulich on July 20, 2010. Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71; Yehle June 18, 2010 interview, *supra* note 8.

<sup>102</sup> Yehle June 28, 2010 interview, *supra* note 71. According to Professor Murray, white Memphis women tended to be in accord with the mayor’s view of the strike during the first month of the strike. When women’s groups began to understand the racial connections, Roman Catholic women’s groups and secular women’s groups also attempted to exert pressure on the mayor. It is unknown whether the delegation from the Church Women United referenced by Professor Murray was the group with which Jean and Barbara attempted (unsuccessfully) to meet with the mayor. See Murray *White Privilege*, *supra* note 17, at 216.

of many prominent churches. A number of the black women members were highly educated at top eastern colleges such as Sarah Lawrence, Bryn Mawr, and the University of Pennsylvania. Barbara's discussion was not inflammatory, and the women were receptive to her ideas.<sup>103</sup>

Jean and Barbara continued to work with the group, although for Jean it was not without trepidation. As a "newcomer" she was already somewhat suspect in the community. She had two children in the local public schools and she did not want them to be harassed or harmed. Art was new to his job and Jean did not want her activity to jeopardize his career. She consoled herself a bit by deciding not to tell her children and by thinking that she and Art might be insulated because she was participating at the request of the Department Chair's wife—or at the very worst—the Department Chair would be fired along with Art because Bob was supportive of his wife's involvement. Jean secretly hoped that if the two were fired, Bob might feel morally bound to help Art find another job in academia.<sup>104</sup>

There were usually eighteen to twenty women at the meetings, not always the same women. To this day, Jean does not know if it was part of any officially organized group with a name,<sup>105</sup> or simply women who were deeply moved by the workers' dilemma and wanted the strike resolved with higher salaries and better working conditions for the sanitation workers. While participating in this group, Jean learned from her new black acquaintances that Memphis was the center of black society for the upper Mississippi Delta region. Families that had become well-

---

<sup>103</sup> All facts in the above paragraph are drawn from the interview with Jean Yehle on June 28, 2010. Yehle June 28, 2010 interview, *supra* note 71. Jean was under the impression that Barbara was asked to come speak to the group because of her known involvement with the NAACP and open support of civil rights. Barbara clarified that she had not been asked to speak, but merely to attend. But Barbara did speak up and her words seemed to be accepted. See Vidulich July 20, 2010 interview, *supra* note 87.

<sup>104</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on June 28, 2010, and June 18, 2010. See Yehle June 28, 2010 interview, *supra* note 71; Yehle June 18, 2010 interview, *supra* note 8.

<sup>105</sup> The United Council of Church women, "[k]nown as the Church Women United, after 1966 . . . sought members from all local Protestant churches . . . [and] provid[ed] an opportunity to plan benevolent projects and to socialize across racial lines." See Murray *White Privilege*, *supra* note 17, at 206. "Because of the input of African American members, Church Women United donated money for striking sanitation workers in 1968." *Id.*

I wonder whether the group in which Jean and Barbara participated was a committee or subcommittee affiliated with that organization. Or, perhaps work within that organization, or another (like the Saturday Luncheon Club, a group of women who originally organized to test the integration of restaurants) facilitated contacts that enabled the formation of the group attended by Jean and Barbara. See *id.* at 209. Barbara does not recall the origin, name, or affiliation of the women's group either.

to-do through businesses within the black community, such as insurance and undertaking, moved to Memphis. They sent their children, male and female, to prominent universities, and these women had returned with a world view that was far broader than women who had never left Memphis. These women wanted progress for blacks. In many ways, their views were consistent with Jean's. She reports that this was the first time that she had met such women of color.<sup>106</sup> She enjoyed their company and learned a great deal from them.<sup>107</sup> According to Jean, the group asked Barbara Vidulich to utilize her expertise to find a solution to the strike. Through her work with the NAACP Barbara knew people on both sides and she developed ideas as to how to mediate the strike. Although now, over forty years later, Jean does not recall the plan precisely, she was convinced at the time that it would have worked.<sup>108</sup>

Barbara called the mayor's office and scheduled a meeting. A number<sup>109</sup> of women, both black and white from this prominent group, including Jean, dressed in their most business-like attire, and accompanied Barbara to the meeting. It never occurred. They were made to wait in the mayor's office all afternoon, without seeing him. At approximately five p.m. the mayor appeared and he told the women, "You're not Memphis women, if you were, you would be at home fixing dinner for your husbands."<sup>110</sup> With that, he left. They were never able to speak with the mayor or present their ideas.<sup>111</sup>

---

<sup>106</sup> There was only one black family on Key Biscayne, the family of the former manager of the coconut plantation and exotic plant center that had occupied Key Biscayne prior to its development with tract housing. That family lived in cottages that had been reserved from development by the prior owners of the land. Yehle July 07, 2010 interview, *supra* note 8. Jean's experience parallels the experience of many white women who became involved in Memphis's Church Women United and the Saturday Luncheon Club described by Gail Murray. See Murray *White Privilege*, *supra* note 17, at 206, 209.

<sup>107</sup> Jean continues to be grateful for their influence in her life. Yehle June 28, 2010 interview, *supra* note 71.

<sup>108</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on July 7, 2010, and June 28, 2010. See Yehle July 07, 2010 interview, *supra* note 8; Yehle June 28, 2010 interview, *supra* note 71. Barbara says that again, Jean is attributing too much importance to her. Barbara was not asked to develop a plan; instead all the women shared their ideas. Barbara confirmed, however, that she was the one who called the mayor's office to schedule the meeting. Interview with Barbara Vidulich (Aug. 18, 2010) (on file with author) [hereinafter Vidulich Aug. 18, 2010 interview].

<sup>109</sup> Jean's recollection is that the group consisted of five or six women, but she does not recall the precise number in the group. Yehle June 28, 2010 interview, *supra* note 71.

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

<sup>111</sup> All facts in the above paragraph are drawn from the interview with Jean Yehle on June 28, 2010. *Id.*

Jean explained that by 1968 the activities of Dr. Martin Luther King, Jr. and the Southern Christian Leadership Council had moved on from integration of public facilities and securing basic Constitutional rights, having gained such rights at great cost earlier in the civil rights movement and somewhat secured them by the Civil Rights Act of 1964.<sup>112</sup> By this time, Jean said, Dr. King had shifted his focus to poverty and economic opportunity and a measure of opposition to the Vietnam War because of its impact on the economic status of blacks.<sup>113</sup> Moreover, Dr. King and his non-violent approach were beginning to seem old fashioned, even out of touch with the times, to newly ascendant black leaders.<sup>114</sup> She went on to explain that Dr. King was planning a

---

<sup>112</sup> Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241 (codified as amended in scattered sections of 2 U.S.C., 28 U.S.C., and 42 U.S.C.). The Civil Rights Act of 1964, *inter alia*, outlawed discrimination based on race and provided the federal government with enforcement power. *Id.* Although Jean did not mention it, another momentous piece of legislation that assured rights sought by the Movement was the Voting Rights Act of 1965. See Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 437 (codified at 42 U.S.C. §§ 1973–1973aa-6) (prohibiting discriminatory voting practices toward African Americans in the United States).

<sup>113</sup> Again, historical accounts are in accord with Jean's version of events. See HONEY, *supra* note 10, at 76–97; WEISBROT, *supra* note 15, at 189–90 (“By 1965 the war against Vietnamese Communists was siphoning funds from programs just beginning to aid the ghettos . . . [and] it appeared to some black leaders that social reform might soon become a casualty of war.”). Professor Honey states:

By 1967, the Movement had reached a turning point . . . [King] increasingly tried to find a unifying theme and strategy in a “second phase” that would lead to the realization of economic and social justice as well as civil rights . . . [In a speech on May 2, 1969 to the Teamsters titled] “Civil Rights at the Crossroads[.]” King still pushed for the coalition between labor and civil rights that had triumphed in passing the Civil Rights Act of 1964 and the Voting Rights Act of 1965, but King's second phase required a more radical demand: to resolve centuries of intertwined racial and economic injustice by overhauling American capitalism.

As if that were not enough, King felt compelled to open yet another front of conflict. In a stunning speech at Riverside Church on April 4 [1967]—one year to the day before his death—King . . . boldly condemned America's Vietnam War as an unjustified, cynical, and hopeless slaughter of poor people of color.

HONEY, *supra* note 10, at 90, 93–95. King's indisputably clear stance on Vietnam broke with the White House and the federal government that previously had, to some extent, protected the civil rights movement. *Id.* This schism fueled FBI Director J. Edgar Hoover's long-standing hatred for King. *Id.* at 90; see also McKnight, *supra* note 2, at 142 & n.10, 146 & n.18.

<sup>114</sup> To illustrate her point, Jean noted: the radicalization of SNCC under the leadership of Stokely Carmichael; the militancy and commitment to armed struggle and revolution espoused by The Black Panther Party founded by Huey Newton and Bobby Seale in 1966, and the stance of that group's spokesperson Eldridge Cleaver; and Malcolm X, who en-

*Poor People's March* on Washington, D.C., beginning from the Mississippi Delta, in the spring of 1968.<sup>115</sup> At the same time, it was Jean's distinct impression that black militants were gaining more influence and that the earlier civil rights movement that valued peaceful, nonviolent protest—regardless of the level of violent attacks by police and white mobs—was about to be replaced by “Black Power” and violent confrontation.<sup>116</sup>

Local leaders of the strike<sup>117</sup> requested the assistance of Dr. King. From Jean's perspective, the sanitation workers' plight seemed to mesh well with the purpose of the *Poor People's March*. Dr. King agreed to assist in Memphis and came to lead a march organized by locals that took place on March 28, 1968. Despite this, the march was poorly organized.<sup>118</sup> Youths unassociated with the march broke store windows. It is

couraged revolution “by any means necessary” in his 1965 posthumously published autobiography. See Kate Coleman, *Souled Out: Eldridge Cleaver Admits He Ambushed Those Cops*, NEW WEST, May 19, 1980, at 17; Yehle June 28, 2010 interview, *supra* note 71.

To provide a Memphis example, radical youth were beginning to speak up in the community. See HONEY, *supra* note 10, at 227–39. Professor Honey notes that:

Prior to 1968, few people would have thought anyone more radical or militant than James Lawson. But none of his credentials from earlier years necessarily impressed people coming of age in the late 1960s. What the Invaders [a more radical group of Memphis youth] saw in Lawson was a somewhat older minister with conventional clothing, very clear diction, precise ideas of how a movement should be organized, and a belief in nonviolence as almost a litmus test for activism. They didn't see him or his group bringing the system to a halt. They viewed Martin Luther King, Jr., in the same way.

See *id.* at 239. Rev. Lawson's “group” is described at note 117, *infra*.

<sup>115</sup> Historical accounts corroborate Jean's version of the events. The Poor People's March was intended “to bring an interracial group of America's poor to Washington DC. Once there, they would create a shanty town on the Mall, and, if need be, engage in non-violent civil disobedience to exert pressure on the federal government to reverse its continued scaling down of the War on Poverty.” MARK NEWMAN, *THE CIVIL RIGHTS MOVEMENT* 129 (2004).

<sup>116</sup> See Blumberg, *supra* note 13, at 719–23. See generally WEISBROT, *supra* note 15, at 186–261 (detailing the civil rights movement's shift from peaceful protests to riots and violence). All facts in the above paragraph are drawn from the interview with Jean Yehle on June 28, 2010. Yehle June 28, 2010 interview, *supra* note 71.

<sup>117</sup> Early in the strike, the City of Memphis obtained an injunction enjoining activity by union organizers. See HONEY, *supra* note 10, at 216. Thus, leadership was taken over by a committee composed of pastors from black churches. See *id.* at 219. They named their group Community on the Move for Equality (COME). See *id.* The group selected Rev. James Lawson as its leader. See *id.* at 219, 221. “Dan Powell, the AFL-CIO's white southern political director, said the injunction created the one situation that could defeat the city: It took the strike out of the realm of collective bargaining and placed it in the context of a communitywide freedom struggle led by black ministers. Mayor Loeb thereby ushered in one of the last unified mass movements of the civil rights era.” *Id.* at 219.

<sup>118</sup> Yehle June 28, 2010 interview, *supra* note 71.

unclear who sparked the violence,<sup>119</sup> but when violence broke out, Dr. King left the march.<sup>120</sup>

Of course, according to Jean, local officials blamed the violence on Dr. King and the marchers.<sup>121</sup> Nevertheless, “Dr. King vowed to come back to lead a better organized, non-violent march in keeping with his principles.”<sup>122</sup>

---

<sup>119</sup> See McKnight, *supra* note 2, at 154. That morning, many teenagers walked out of their schools in support of the sanitation workers. See Green, *supra* note 2, at 240; see also HONEY, *supra* note 10, at 335–36. Black ministers on-site at the schools wanted students to stay in class for the duration of the school day after which those students who wanted to participate in the march would be transported by bus in organized fashion to the march’s starting point. See Green, *supra* note 2, at 240. According to a radio report, twenty to twenty-five police cars with as many as four to five officers per car surrounded Hamilton High School, a predominantly black school. See *id.* Professor Honey says that the reason that the police rushed to the school was brick throwing by some of the many students milling around the school. See HONEY, *supra* note 10, at 336. According to Honey, the “[o]fficers sealed off the area, got out of their cars, put on helmets, pulled out their nightsticks, and began walking ominously toward the students.” *Id.* Shortly thereafter, when the students began trying to march downtown, police began pushing students back into the school and a report was leaked that two students were injured during the police incident, one critically. See Green, *supra* note 2, at 240; see also HONEY, *supra* note 10, at 336 (noting there were rumors that a female black student had been killed by police). There were also conflicting stories as to whether police tear-gassed the students. See HONEY, *supra* note 10, at 336; McKnight, *supra* note 2, at 144. According to the FBI, they did. See HONEY, *supra* note 10, at 336. Many youths were upset by the incident at the school. See Green, *supra* note 2, at 240–41. Some so much so that they were willing to fight anybody, according to one minister. See HONEY, *supra* note 10, at 337. Green further states that, “[o]ne of the most important elements of the [violence at the march] . . . was the outside influence of the young group of militants (known as the Invaders), who participated in the march. It is believed (by the ministers) that it was this group that initiated the disturbance.” See Green, *supra* note 2, at 241.

<sup>120</sup> All facts in the above paragraph are drawn from the interview with Jean Yehle on June 28, 2010. Yehle June 28, 2010 interview, *supra* note 71.

<sup>121</sup> *Id.* McKnight agrees:

The FBI, however, seized upon the violence-marred march as a way to undercut King’s credibility as a man of peace and as an exponent of the doctrine of nonviolence. Bureau agents in Washington and Memphis orchestrated a campaign aimed at saddling King with the blame for the violence on 28 March. By manipulation of “cooperative media sources” and artfully managing their own intelligence reports channeled to the White House, congressional leaders, and other top-government officials, the Hoover FBI was able to influence opinion about King and the Memphis violence among the public and at the highest reaches of national politics.

See McKnight, *supra* note 2, at 154–55.

<sup>122</sup> Yehle June 28, 2010 interview, *supra* note 71; see also McKnight, *supra* note 2, at 155 (“Shaken and despondent over the violence on 28 March, [King] felt compelled to re-establish his reputation for nonviolence by leading a peaceful march in that troubled river-front city.”).



Jean did not participate in the march of March 28th. She was well aware that, although Dr. King and his followers were dedicated to non-violent, peaceful protests, as were most of the early civil rights activists, participants in the civil rights movement did so at the risk of great social, physical, and economic harm—possibly even death. Jean said that “it could be pretty dangerous for anybody who participated.”<sup>123</sup> She pointed out that by then, the three civil rights workers, Michael Schwerner, James Chaney, and Andrew Goodman, had been murdered in Mississippi.<sup>124</sup> The first Selma Alabama march had ended when police on horseback charged the marchers, brutally clubbing them and cracking skulls.<sup>125</sup> In Birmingham, peaceful marchers had been attacked with police dogs, beaten and clubbed by police, and smacked to the ground with water from fire hoses pressurized to have the same impact as a club.<sup>126</sup> Compelling photos of the 1962 drama at Ole Miss appeared in *Life* magazine.<sup>127</sup> Voter registration workers in Freedom Summer of 1964 worked in great danger, and even white female workers had not been spared from that summer’s violence.<sup>128</sup> Earlier in the movement, Freedom Riders had been beaten bloody.<sup>129</sup> Thousands had been arrested and jailed during the course of the civil rights movement; they now had arrest records.<sup>130</sup> Crosses had been burned in the yards of blacks and their supporters, and the intimidation did not stop there. Unlike the white college student Freedom Summer voter registration workers who were to go home at the end of the summer, or could leave earlier if the going got too tough,<sup>131</sup> Jean lived in Memphis

<sup>123</sup> Yehle June 28, 2010 interview, *supra* note 71.

<sup>124</sup> WEISBROT, *supra* note 15, at 99–100.

<sup>125</sup> *See id.* at 136–38.

<sup>126</sup> *See id.* at 72 (“[T]he national news featured film of five Birmingham policemen pinning a black woman to the ground, with one officer’s knee at her throat. A photograph carried on the front pages of newspapers around the world showed a huge, snarling police dog lunging at a black woman. For the first time the media brought a graphic knowledge of racist violence into every American home.”).

<sup>127</sup> *See* CHARLES MOORE, POWERFUL DAYS: THE CIVIL RIGHTS PHOTOGRAPHY OF CHARLES MOORE 19 (2007).

<sup>128</sup> Poussaint, *supra* note 8, at 402; *see* WEISBROT, *supra* note 15, at 113–14.

<sup>129</sup> *See* WEISBROT, *supra* note 15, at 57.

<sup>130</sup> *See id.* at 114 (noting that one thousand Freedom Summer workers were arrested); *see also id.* at 134 (stating that “Dallas County’s jails packed in some three thousand blacks”); *id.* at 72 (“[T]he Birmingham campaign and the other protests it helped spark over the next seven months engaged over a hundred thousand people and led to nearly fifteen thousand arrests.” (citation omitted)).

<sup>131</sup> *See* Poussaint, *supra* note 8, at 401 (stating that “[t]he white female participant in the civil rights movement in the South [was] subject to unique and unanticipated stresses”). Many returned home. *See id.*; *see also* WEISBROT, *supra* note 15, at 114 (stating that “[b]y

permanently. Her children went to school in Memphis. Her husband's new and treasured career was in Memphis.<sup>132</sup> It wasn't just about her, and Jean was very circumspect, although committed to the work of the women's group to resolve the strike. She said nothing to Art, although he was aware that his boss's wife was involved and that she had asked Jean to help her. Jean says she did not put him in the awkward position of asking for his support. Besides, unlike many wives of the time, she was not one to ask her husband's "permission" every time she wanted to do something. She said nothing to Edna or her other social acquaintances. Nor did she say anything to her sons. This was all part of walking on "thin ice." In a way, she was beginning to lead a bit of a double life.<sup>133</sup>

Jean and Barbara also believed the rumors that the FBI was gathering information on many people who were active on behalf of the strikers.<sup>134</sup> This fit in with Jean's belief that J. Edgar Hoover had great hatred toward Martin Luther King, Jr., believed that the civil rights movement had ties to Communism, and that dissidents posed a threat to the country.<sup>135</sup> Jean explained that "It was a frightening time to live in Memphis, and a dangerous time to get involved."<sup>136</sup>

---

summer's end most of the project workers [male and female] headed back north, reflecting on the cost of their efforts or, in some cases, trying to forget their collective nightmare").

<sup>132</sup> At that time in U.S. history, it was common for an employee to work for the same employer for his entire career. Job changes sometimes meant that the employee had done something wrong.

<sup>133</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on July 7, 2010, and June 28, 2010. See Yehle July 07, 2010 interview, *supra* note 8; Yehle June 28, 2010 interview, *supra* note 71.

<sup>134</sup> They were correct. "[T]he FBI, desperate to prove the director's pet thesis of communist infiltration and control of the civil rights movement, indiscriminately targeted for surveillance all individuals and groups connected in any way with the protest movement." See McKnight, *supra* note 2, at 145–46. "[T]he FBI file on the Memphis operation revealed that any name connected with the strike or related activities was routinely indexed" i.e., "fed into the Bureau field office's files, checked against any previously compiled FBI file, and ultimately 'warehoused' as part of the permanent record of this domestic intelligence operation." *Id.* at 148. I do not know whether Jean's, or Barbara's, name was collected as someone who was a potential threat to the United States, but if it occurred, I am amused at the "Homeland Security" of the day. Not long afterward, Jean could have had easy access, not to just any valuable target, but directly to the President of the United States, Richard Nixon, in her parents' kitchen.

<sup>135</sup> Jean was correct in her assessment again. See McKnight, *supra* note 2, at 146 n.18 (describing Hoover's campaign against King). McKnight stated that:

In brief Hoover's thesis was that the civil rights movement of the 1960's was controlled by communists. He insisted, even when it meant overriding the informed judgment of top FBI officials, that the black movement was directed by foreign influence and posed an internal security threat. He mercilessly

Ralph Abernathy and Andrew Young were heavily involved in organizing the second march that was scheduled to be led by Dr. King because they wanted to ensure that it would be a pacifist march with only strikers and their supporters involved. They did not want those who might think that the march was an excuse for violence to participate. A meeting was scheduled at the Mason Temple for the night of April 3 in preparation for the second march.<sup>137</sup> Jean said:

Even though neither Barbara nor I intended at that time to march, we decided to attend the meeting. Barbara obtained seats for us up front, in the balcony, almost over the speakers. I said nothing to my husband. He was involved in something connected with the University that night. The boys would be doing their homework then watching television. They were old enough to be left alone for the evening. I did not tell them where I was going. It was a terribly stormy night—the proverbial “dark and stormy” night. The wind was blowing very hard.

Tree branches were straining and creaking in the wind. Once we were seated inside Mason Temple, we could hear things rattling on the outside of the building. Rain pelted down. Maybe it was the violence of the earlier march, maybe it was the weather, maybe it is 20–20 hindsight invading my recollection, but it seemed like a foreboding night.<sup>138</sup>

At the meeting, which was jam-packed with people, the vast majority of whom were black, Ralph Abernathy talked and talked. It was pouring rain outside with loud lightning and thunder. The wind was audible. From our vantage point, we saw mostly the back of [Abernathy’s] head. We couldn’t quite

---

badgered dissenting senior FBI officials for their failure to see the old communist principle at work in the civil rights movement . . . .

*Id.*

<sup>136</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on April 4, 2012, June 28, 2010, and June 18, 2010. See Interview with Jean Yehle (Apr. 04, 2012) (on file with author) [hereinafter Yehle Apr. 04, 2012 interview]; Yehle July 07, 2010 interview, *supra* note 8; Yehle June 28, 2010 interview, *supra* note 71. “In hindsight, I was crazy to take the risk, at least from the perspective of my own wellbeing and that of my family. But I was just so incensed by the injustice.” Yehle Apr. 04, 2012 interview, *supra*.

<sup>137</sup> All facts in the above paragraph are drawn from the interview with Jean Yehle on June 28, 2010. Yehle June 28, 2010 interview, *supra* note 71.

<sup>138</sup> This is approximately Jean’s description to me during the summer of 1982, when she first told me a bit about her experience. I thought then that “someone” needed to research the connections and write about this.

hear everything he said. P.A. systems were not as good in those days. Up in the balcony where we were sitting it had gotten very hot and humid. It seemed that Abernathy droned on; I was getting sleepy in the hot, stagnant air. It is my understanding that the organizers sent for Dr. King, asking him to speak. When he arrived and addressed the audience, we once again saw more of the back of our speaker's head than his face. Again, it was difficult to hear, but he spoke more loudly and passionately, so we heard more. By straining to hear, I missed only the occasional phrase. Dr. King's body language was very tired—worn down, exhausted. I was struck by how spent he seemed. Yet his words were fervent and I could tell that he was deeply committed to everything that he was saying. We heard part, but not all of Dr. King's famous, last speech, the Mountaintop Speech, because of the acoustics.<sup>139</sup> I was deeply moved, and my commitment grew.

The next afternoon, April 4, 1968, my son Larry and I went shopping for school clothes because Art and I had already determined that Larry would attend a northern boarding school the next school year. We were on the way home; I was driving from Memphis to Raleigh on Austin Peay Highway. The radio was playing. I was stunned, horrified, when an announcer broke in and said that Dr. King had been shot. Shortly later, there was an announcement that the gunman was escaping on Austin Peay Highway with law enforcement in hot pursuit. The escape and police chase would be in the same direction that Larry and I were traveling. I didn't want to be in the middle of that so I pulled over as far as I could onto the grassy shoulder of the road and stopped the car. We waited, expecting to hear screaming sirens and see speeding cars at any moment. Absolutely nothing happened. At one point, a police car drove by at normal speed. It was not pursuing anyone. After about forty-five minutes, I pulled back onto the highway and drove home. The Austin Peay Highway story was one of several hoaxes called into radio stations that day that were announced as news tips.

---

<sup>139</sup> See Dr. Martin Luther King, Jr., I've Been to the Mountaintop (Apr. 03, 1968), available at AFSCME.ORG, <http://www.afscme.org/union/history/mlk/ive-been-to-the-mountain-top-by-dr-martin-luther-king-jr> (last visited Mar. 29, 2013).

Dr. King was dead. Shockingly horrible, violent race riots broke out all over the country, in big cities and in small towns. Based on television and radio reports about cities other than Memphis, the riots were violent, brutal, and bloody. Parts of many cities were on fire. People were being killed. Memphis, however, was silent. Dead silent. It was as if the City was in shock.<sup>140</sup>

On Sunday, I took my place with the choir at the Presbyterian Church. During his sermon, the pastor said that all this was the work of outsiders and newcomers who didn't understand their fine community and how well it treated blacks. Memphians were not at all responsible for what had happened in their Beautiful City. It was all newcomers. I was sitting directly behind the pastor, in full view of the congregation. I noisily got up, walked across the stage and walked out. People had no reaction to my one-person walk-out. It was as if I was invisible. They treated it as if I suddenly had to go to the bathroom and didn't come back. No one ever asked about it or said a thing to me, not even my friend Edna who, as usual, was right in front of me directing the choir that day.

The organizers of the march decided that the march would go on. They were not going to be cowed or silenced by the assassination of Dr. King. They would go on despite the riots in other cities; and they would honor Dr. King. Dr. King's widow, Coretta Scott King, would lead the march. I had seen and

---

<sup>140</sup> Jean speaks proudly of Memphis in this moment and says it reflects well on Memphis that it reacted with shock and deadly silence akin to mourning, rather than violence. Jean says she never became aware of violence in Memphis that night. The literature, however, contains references to some violence in Memphis that night, primarily involving property damage, but it was more isolated and limited than the riots that rocked much of the country. See HONEY, *supra* note 10, at 442–43. Professor Honey stated that:

Despair, grief, rage, frustration and fear gripped black Memphis, as curfew and riot conditions once again descended on the city. Within minutes of the announcement of King's death, young black people began pouring into the streets. In the neighborhood around Tillman and Johnson, blacks with guns pinned down police cars and reportedly wounded two officers—one of only a few incidents in which people directed gunfire at the police.

*Id.* Professor Honey also states that “[t]he city pulled Memphis Transit Authority buses off the streets after dark—after rocks and bricks had damaged fifty-six of them. That night, police received 806 emergency phone calls and arrested 245 people, including eighteen women and eleven juveniles.” *Id.* at 443. Likewise, McKnight stated that “a wave of arson, looting, and sniping [occurred] in Memphis” that night. See McKnight, *supra* note 2, at 155.

heard enough. I had had it. The events of the last few days made me feel that I *had* to march. I *had* to march *here* in Memphis.<sup>141</sup> So did Barbara. I did not care who saw me, but on the other hand I did not tell my sons, husband, or anyone, other than Barbara, that I was going to do it. I made up my mind and I did it.<sup>142</sup>

Early on the morning of the march, I drove downtown and parked my car. The city seemed strangely vacant but for those associated with the march. I met Barbara at our appointed spot. A few other ladies, who I believe were from the women's group met there as well. I looked around as we wordlessly lined up according to instructions, eight abreast, holding hands. A black man who appeared to be highly educated organized our row and the next [row] with three or four whites in the middle of the row and blacks to the sides nearer to where hecklers/spectators might be. He murmured something almost inaudible about expecting trouble as I lined up next to him. We linked hands. We were fairly near the front of the march on a bit of a rise. Perhaps the street was called Poplar Street—I can't quite recall. I looked behind me. There were *thousands* of people there. I have never seen so many people in one place. On every side street there were little yellow school busses bearing the name of a church in south Tennessee or north Mississippi. It seemed that the black communication network had reached out and every heart-broken, angry, or grieving person responded. There were

---

<sup>141</sup> See Larry W. Yackle, *Parading Ourselves: Freedom of Speech at the Feast of St. Patrick*, 73 B.U. L. REV. 791, 797 (1993). In speaking on the power of marching and the corresponding loss of anonymity, Yackle states:

Indeed, one can scarcely imagine a more definitive and graphic way for a citizen to manifest himself to the world than to march down the street, arm-in-arm with friends and neighbors, displaying his allegiances for all to see. To abandon the anonymity of the crowd and take a place in the lists is to affirm as few other actions can the ideas and people one calls her own.

*Id.*

<sup>142</sup> Jean said:

Even today, it gives me chills to think of those events and my decision to join that march. It was so scary—and dangerous. In hindsight, it was a crazy decision. The place could have erupted. I could have been killed and nobody other than Barbara—who also would have been caught up in the violence—had any idea where I was.

Yehle June 28, 2010 interview, *supra* note 71.

marchers silently lined up, eight across, as far as I could see. I also noticed that there were almost no white faces in the crowd *at all* except mine, Barbara's, and a few others, almost exclusively women.<sup>143</sup> It was mind-boggling to be a part of this event—to clearly speak my mind—albeit in total wordlessness. It was mind-boggling that so few whites were participating and that I was one of them.

The scene was tense. The marchers wore determined expressions, all clearly in mourning. Some looked like they had been crying. Grim looking young National Guardsmen, I believe all white males, who looked to be nineteen-to-twenty years old, lined up every few feet along the march route. It was obvious to me that they were not men with years of training and experience. That was not a very comforting thought. They were stone-faced. Their loaded rifles were in front of them with bayonets affixed. In addition to the little yellow school busses, there were troop carriers in the side streets. Was I frightened? You bet I was frightened! Look at what was going on in other cities. TV reports showed flames leaping into the sky in those cities. There were bloody riots in which people were being shot or beaten by mobs. People were grievously injured or killed. There was no way of knowing whether the march would disintegrate into violence.<sup>144</sup> It was all unfamiliar to me, an inexperienced activist. I was exposing myself to possibilities beyond my control. Here, Tennessee National Guardsmen, with *bayonets* that are used to herd—or even worse stab—people were just a few feet away! I was not so naive as to think that the National Guardsmen were there to protect the marchers. They were there to “quell” any disturbance that might erupt. And I was clearly among those to be “quelled.” Still, I was glad to be there. It was important to me and it was necessary. It was important that I, a white Memphis housewife, was there. It was all the more important because there were almost no other whites there. One might think that I was screaming in protest inside. But in actuality, I think I was a lit-

---

<sup>143</sup> Jean did not recall that Bob Vidulich attended, but says he might have been there. Interview with Jean Yehle (Sept. 03, 2010) (on file with author) [hereinafter Yehle Sept. 03, 2010 interview].

<sup>144</sup> Commissioner of Fire and Police, Frank Holloman, also feared that the march would erupt into violence. See Green, *supra* note 2, at 295.

tle in shock. By then I think I was acting in unity, according to instructions, and on instinct. For me, it just had to be done.

We were close enough to the front that we could see people who looked like Coretta Scott King, Ralph Abernathy, and Andrew Young step in line at the front of the march. The marchers began to move forward. We were *totally* silent. Not a whispered word could be heard. The only sound was the sound of feet. It was dramatic. It was emotionally moving. It was noble. It was totally lost on the young National Guardsmen.

It might have been lost on those young guardsmen, but we were “saying” it anyway, in total silence—except for the sound of thousands of marching feet. We marched toward the park. We continued to slowly walk up a rise. I looked back again. Again, as far as I could see there was nothing but totally silent marchers, eight abreast. It was awe-inspiring. And then there were those National Guardsmen lined up along the entire route. It was intimidating. What a contrast between the awe-inspiring marchers and the intimidating Guardsmen.

Although there had been hecklers present and vicious verbal attacks on marchers by spectators at other civil rights marches, as well as violent physical attacks,<sup>145</sup> I don’t remember seeing any spectators. There was no heckling. Just silent marchers and the National Guard. It was as if the entire city had fallen into a state of silent shock. The air was heavy with sadness.

When we got to the park, Coretta Scott King addressed the crowd. The public address system was awful. I couldn’t hear a thing. I stayed for a while and then quietly walked to my car and drove home.

I think *The Commercial Appeal* said there were only 4,000 in the march, or at least that was the number that was being mentioned about town.<sup>146</sup> Although I am not skilled in estimating crowds, there were *obviously* many more than that.<sup>147</sup> When

<sup>145</sup> Jean said: “This was part of the risk that I was knowingly assuming in participating in this march.” See Yehle June 28, 2010 interview, *supra* note 71.

<sup>146</sup> The number stated in *The Commercial Appeal* was actually nineteen thousand. John Means, *Somber Throng of 19,000 Marchers Is Urged to Let King’s Spirit Live*, COMMERCIAL APPEAL (Memphis, Tenn.) (Apr. 9, 1968), available at <http://www.commercialappeal.com/news/1968/apr/09/somber-throng-19000-marchers-urged-let-kings-spiri/>.

<sup>147</sup> See Green, *supra* note 2, at 295 (“Over 30,000 people were in Memphis to participate in the march . . .”). *The Commercial Appeal* said that “civil rights leader Bayard Rustin estimated the march at 42,000.” See Means, *supra* note 146.



local officials and local news media talked or wrote about the march, it was very different than what we saw. Barbara and I often said to one another “Were we there? It doesn’t sound like the same event.”<sup>148</sup>

Conduct, particularly association for a particular purpose and participating in a march, constitutes non-verbal speech.<sup>149</sup> When asked about the message in her work with the women’s group and her silent participation in a march that could have turned violent or had other highly negative consequences, Jean replied:

I was saying, blacks needed justice and equality, both socially and economically. I was saying we were disgraced as a city and as a nation by this conduct toward blacks. This was *wrong*, and I wanted it fixed—*now*. And, the murder of Dr. King was awful. He deserved our respect and mourning. His death was terrible for the nation, for civil rights, and for Memphis.<sup>150</sup>

Jean says, “Interestingly, and thankfully, I suffered no direct repercussions that were obvious to me.”<sup>151</sup> Art continued in his work and the boys continued at school.<sup>152</sup> If anyone knew about her activism, “no one mentioned a word to me. They simply ignored me. I never knew however, if it would change in one awful instant. That was another aspect of the ‘thin ice.’” “Perhaps it was fortunate—for me—that there were not more spectators or local media, but I also felt that our message had been suppressed.”<sup>153</sup>

When the school year ended, Jean and her sons left Memphis to spend a highly anticipated summer in New York State in the Thousand Islands. Art continued his work at the university and joined his family when he could. During the summer, Jean’s neighbor, the woman whose son had been injured, found a surgeon in Montreal who was willing to do brain surgery on her son. Many times during that summer, Jean

---

<sup>148</sup> Interview with Jean Yehle (Apr. 06, 2012) (on file with author) [hereinafter Yehle Apr. 06, 2012 interview]; see Yehle July 07, 2010 interview, *supra* note 8; Yehle June 28, 2010 interview, *supra* note 71.

<sup>149</sup> See generally Eugene Volokh, *Speech as Conduct: Generally Applicable Laws, Illegal Courses of Conduct, “Situation-Altering Utterances,” and the Uncharted Zones*, 90 CORNELL L. REV. 1277 (2005) (describing instances of conduct as protected speech under the First Amendment).

<sup>150</sup> Yehle July 07, 2010 interview, *supra* note 8.

<sup>151</sup> *Id.*

<sup>152</sup> Yehle June 28, 2010 interview, *supra* note 71.

<sup>153</sup> See Yehle July 07, 2010 interview, *supra* note 8; Yehle June 28, 2010 interview, *supra* note 71. Jean was wrong about the media, but believes she now is correct about the fact that local media coverage was insufficient to expose her participation.

made the long trip to Montreal to sit with her neighbor at the hospital. The surgery was successful and the seizures were greatly reduced in their severity and frequency.<sup>154</sup>

Jean and Art decided to send Larry to a prestigious boarding school in Massachusetts rather than have him attend the high school in Memphis. The initial plan was for the rest of the family to return to Memphis where they would live in another rented home in the Memphis suburbs. Instead, Jean and Art separated. Jean and Mark returned to Key Biscayne and Art continued his work at Memphis State University. Jean was rehired at the University of Miami School of Marine and Atmospheric Science. When questioned about leaving Memphis, Jean said, "I liked Edna and the woman whose son had the surgery. I liked Barbara *a lot*. Memphis was a very pretty city with its zoo and many attractive areas, but I left it with no regrets. I was never so happy to get out of anywhere in my life."<sup>155</sup>

As a newly single mother, Jean needed to return to the workforce to augment the financial support she and the boys were receiving from Art. In addition, interesting work at the marine school gave stability to a life that was in a period of change. Although Jean did not formally participate in any further civil rights activities, she continued to read avidly on the subject. She was outspoken in her community, and there was no question as to her viewpoint. Through the years, Jean also encouraged others, including me, to speak out and act on important issues of rights.<sup>156</sup>

### B. Barbara B. Vidulich

Barbara B. Vidulich was born Barbara Bader and grew up in the borough of Queens in New York City. Her father was a linotype operator, a liberal Democrat, and a staunch supporter of unions. Barbara

---

<sup>154</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on June 28, 2010, and June 18, 2010. Yehle June 28, 2010 interview, *supra* note 71; Yehle June 18, 2010 interview, *supra* note 8.

<sup>155</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on June 28, 2010, and June 18, 2010. Yehle June 28, 2010 interview, *supra* note 71; Yehle June 18, 2010 interview, *supra* note 8.

<sup>156</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on July 7, 2010, and June 28, 2010. See Yehle July 07, 2010 interview, *supra* note 8; Yehle June 28, 2010 interview, *supra* note 71. Jean inspired me to participate in the women's march in support of the Equal Rights Amendment that was led by then Florida Governor Bob Graham in our state capital, Tallahassee, Florida, on June 7, 1982. Also, with her encouragement, I urged staid Miami law firms to hire African American summer associates and attorneys, long before it became "fashionable."

adopted his liberal northern Democrat views. She attended integrated schools throughout her primary and secondary education. She and her future husband Robert “Bob” Vidulich attended Hartwick College in Oneonta, New York. It, too, was integrated. When Barbara and Bob married and lived in married student housing, an interracial couple lived next door. Upon Bob’s graduation, the Vidulichs moved to Lansing, Michigan, where Bob did graduate work. As in Oneonta, the couple’s Lansing neighborhood and acquaintances were integrated. To the Vidulichs, integration was proper, but mostly, it was “simply no big deal.”<sup>157</sup>

Unlike Jean, Barbara became involved in civil rights work long before the Memphis Sanitation Workers’ Strike. Her husband was deeply involved as well. They were bold and outspoken in their participation. Their efforts in support of the civil rights movement began shortly after they moved to Baton Rouge, Louisiana, in 1958 where Bob had obtained an appointment to the faculty of Louisiana State University. Barbara was then twenty-five years old.<sup>158</sup>

Louisiana was in strife over school desegregation when the Vidulichs arrived in Baton Rouge.<sup>159</sup> There was tumult in New Orleans where officials considered closing public schools rather than desegregating.<sup>160</sup> In Baton Rouge, things were a bit less agitated, but the state had its own Un-American Activities Committee, and desegregation was

---

<sup>157</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on July 19, 2010. Vidulich July 19, 2010 interview, *supra* note 94.

<sup>158</sup> All facts in the above paragraph are drawn from the interviews with Barbara Vidulich on July 20, 2010, and July 19, 2010. Vidulich July 20, 2010 interview, *supra* note 87; Vidulich July 19, 2010 interview, *supra* note 94. During the drive to Baton Rouge, the couple stopped at a gas station. Barbara found that there were three restrooms with doors respectively marked “Ladies, Men, and Colored.” She asked her husband, “What in the world is going on around here? What are we getting into?” Bob reassuringly said, “Don’t worry. It will be alright.” Vidulich July 19, 2010 interview, *supra* note 94.

<sup>159</sup> Vidulich July 19, 2010 interview, *supra* note 94.

<sup>160</sup> *Id.* The Supreme Court’s 1954 *Brown v. Board of Education* decision “threw the state into an uproar.” See Shannon L. Frystack, *Elite White Female Activism and Civil Rights in New Orleans*, in *THROWING OFF THE CLOAK OF PRIVILEGE*, *supra* note 14, at 181, 185. The legislature passed laws to counter school desegregation, and “the statewide Louisiana School Board succeeded in delaying any desegregation activity. Finally, in May 1960, [Federal District Court Judge J. Skelly Wright] imposed an integration plan [for public schools].” *Id.* at 186. The Orleans Parish School Board asked the segregationist Governor to block desegregation, and the Governor considered closing the public schools that year. *Id.* In 1959, Gladys Cahn and Rosa Keller “organized Save Our Schools (SOS), arguably the most important of the organizations formed during the New Orleans school desegregation crisis.” *Id.*

considered to be un-American.<sup>161</sup> People like the Vidulichs, who openly supported desegregation, were put under surveillance.<sup>162</sup>

There was no branch of the NAACP in Baton Rouge; however there was a branch of the American Friends Service Committee, in which the Vidulichs' next-door neighbor held a leadership position.<sup>163</sup> Its members were also under surveillance for their support of the civil rights movement. As a result, the neighbor's telephone was tapped, but in rather clumsy fashion. He pointed out the clearly visible line that was used to tap his telephone. He and his fellow surveilled, Barbara, had a good laugh about the ineptitude, and probably felt somewhat relieved that their adversaries, although dangerous and potentially brutal, were unsophisticated in the area of technology.<sup>164</sup>

Barbara began writing letters to newspapers and the legislature urging that schools not be closed in order to avoid integration. She frequently went against the grain of southern society, both publicly and privately—for instance, having a meal with her black cleaning lady as her guest, which would have been surprising, if not shocking, to both blacks and whites.<sup>165</sup> During the summer of 1965, the summer following the highly dangerous Freedom Summer in which large numbers of northern students came to the South to engage in massive voter registration drives among blacks,<sup>166</sup> Bob was a volunteer worker in the continuation of that registration drive. It was very dangerous work, and

<sup>161</sup> Vidulich July 19, 2010 interview, *supra* note 94.

<sup>162</sup> *Id.*

<sup>163</sup> See Cherrisse R. Jones, "How Shall I Sing the Lord's Song?": *United Church Women Confront Racial Issues in South Carolina, 1940s-1960s*, in *THROWING OFF THE CLOAK OF PRIVILEGE*, *supra* note 14, at 131, 132. The American Friends Service Committee is an organization that is "devoted to service, development, and peace programs throughout the world." *About AFSC*, AFSC.ORG, <http://www.afsc.org/about> (last visited Mar. 29, 2013). It was founded in 1917 during World War I. *Id.* The work of the American Friends Service Committee is predicated on "the belief in the worth of every person, and faith in the power of love to overcome violence and injustice." *Id.*

<sup>164</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on July 20, 2010. Vidulich July 20, 2010 interview, *supra* note 87.

<sup>165</sup> The cleaning lady insisted upon closing the drapes in the dining room "so no one would see her" before she would sit down at the table as a guest in the Vidulichs' dining room. She could have been subjected to retaliation for crossing the race line, had she been seen. *Id.*

<sup>166</sup> This was the summer in which Schwerner, Chaney, and Goodman were murdered. See *supra* notes 123–129 and accompanying text. The students who volunteered to register voters, as well as the full time civil rights workers who led the registration drives, faced great danger. See WEISBROT, *supra* note 15, at 71–72.

Bob's boss directed him to call home every night to report on his activities and whereabouts. Barbara was uneasy all summer.<sup>167</sup>

By Barbara's estimation, over half of the faculty of Louisiana State University were northerners. Many were involved in efforts in support of integration. The faculty lived in close proximity to one another and were supportive of one another. Thus, despite the opposition, surveillance, and sometimes danger to which many of them were subjected because of their stance on civil rights, they enjoyed a sense of community among themselves.<sup>168</sup>

In 1966, the Vidulichs moved to the greater Memphis area when Bob accepted the position of Chair of the Psychology Department at Memphis State University.<sup>169</sup> There, Barbara continued her role of "faculty wife."<sup>170</sup>

Barbara volunteered one day a week at the NAACP. At some point, probably around 1967, Barbara placed the campaign poster of a black man who was running for mayor on her lawn. The campaign was clearly doomed because of the man's race; nevertheless, Barbara supported him and displayed his sign.<sup>171</sup> As a result, she was shunned in her neighborhood. She notes that, "For the whole remaining duration of the time I lived in Memphis, the ladies in the neighborhood garden club snubbed me. If it was *essential* that they speak, they were very snippy to me."<sup>172</sup> Their attitude was distinctly hostile.<sup>173</sup>

Like Jean, Barbara also says she felt like an "outsider" who "did not fit" in Memphis, but her impressions were more negative than Jean's.<sup>174</sup> Barbara described the Memphis's locals as "stuffy, snooty, and totally hypocritical."<sup>175</sup> Jean notes that, "It was the hypocrisy of Memphis that

<sup>167</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on July 20, 2010. Vidulich July 20, 2010 interview, *supra* note 87.

<sup>168</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on July 20, 2010. *Id.*; see *infra* notes 351–412 and accompanying text. In therapeutic jurisprudence, this mutual support constitutes validation.

<sup>169</sup> Vidulich July 20, 2010 interview, *supra* note 87.

<sup>170</sup> *Id.*; Vidulich July 19, 2010 interview, *supra* note 94.

<sup>171</sup> Barbara had a momentary loss of recollection as to the mayoral candidate's name. Vidulich July 20, 2010 interview, *supra* note 87; Vidulich July 19, 2010 interview, *supra* note 94. According to Anne Trotter, his name was A.W. Willis. See Trotter, *supra* note 24, at 288 (noting that "A.W. Willis, the first black member of the state legislature since Reconstruction" ran for mayor in 1967).

<sup>172</sup> Vidulich July 20, 2010 interview, *supra* note 87.

<sup>173</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on July 20, 2010. *Id.* Although ostracized, there was no violence directed toward Barbara and her family. See *id.*

<sup>174</sup> *Id.*

<sup>175</sup> *Id.*

bothered Barbara the most. That really made her angry.”<sup>176</sup> Barbara says that while Memphis prided itself on having the “‘efficiency of the north and the charm of the South,’ it had neither.”<sup>177</sup>

Although many northerners were on the faculty at Memphis State, they lived in more far-flung parts of the city and were less involved with one another. Barbara missed the sense of community and mutual support that she had enjoyed in Baton Rouge. She felt alone.<sup>178</sup>

Barbara recalls that Martin Luther King Jr. spoke in Memphis at least three times. All were at the Mason Temple, an “*enormous* black church, and the largest in Memphis.”<sup>179</sup> The first occasion was a religious service at which Dr. King preached. Barbara attended and found it to be so impressive and moving that she planned to bring her three sons, then ages nine, eleven, and fifteen, to the service when he preached in the future. Her sons “loved the service and hearing Dr. King.”<sup>180</sup> Even today as adults in their fifties, all three recall the service and remember it as an important moment. Barbara says that the occasion on which she brought her sons was Dr. King’s last appearance at which he gave his famous Mountaintop speech, and that her husband Bob was there also.<sup>181</sup>

By the time of the sanitation workers’ strike in 1968, Barbara was deeply involved in the Memphis civil rights movement through her volunteer work for the NAACP. Barbara notes that the direct cause of the sanitation workers’ strike was the incident in which black public works employees were sent home, *again* (it happened frequently) with only show-up pay on that particular rainy day in February while white workers drew a full day’s pay. She says, however, that the real inspiration for the sanitation workers’ strike was the crushing of two black co-workers in the back of the garbage truck some time earlier. Barbara

<sup>176</sup> Yehle June 28, 2010 interview, *supra* note 71.

<sup>177</sup> Vidulich July 19, 2010 interview, *supra* note 94.

<sup>178</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on July 20, 2010. Vidulich July 20, 2010 interview, *supra* note 87.

<sup>179</sup> *Id.*

<sup>180</sup> *Id.*

<sup>181</sup> All facts in the above paragraph are drawn from the interviews with Barbara Vidulich on August 19, 2010, and July 20, 2010. Telephone interview with Barbara Vidulich (Aug. 19, 2010) (on file with author) [hereinafter Vidulich Aug. 19, 2010 interview]; Vidulich July 20, 2010 interview, *supra* note 87. Jean has no recollection of the children’s or Bob’s attendance. Jean says she thinks the children attended the second service at which Dr. King appeared. Yehle Sept. 03, 2010 interview, *supra* note 143.

corrected Jean's recollection, saying that two sanitation workers were crushed to death in the earlier incident, not one.<sup>182</sup>

Barbara said that at the beginning, the men wanted a raise and safer working conditions. According to Barbara, that is what they were looking for, not a union.<sup>183</sup> She elaborated, saying that these black men, despite working forty hours per week, brought home salaries that were below the federal poverty level. Barbara recalls the almost daily marches and the signs, "I Am a Man."<sup>184</sup>

Barbara also said that in his effort to break the strike, Mayor Loeb, who she describes as being, in her opinion, "a totally despicable man," used prisoners from the county jail to collect the garbage as part of his replacement labor.<sup>185</sup> She, among others, did not want prisoners coming into her backyard with official authorization, even if it was to collect garbage. "It was a shameful way to break a strike."<sup>186</sup>

Barbara was supportive of the sanitation workers' situation. She confirms the invitation of the women's group, that the group was interracial, that she called to schedule the meeting with the mayor, and the means by which she, Jean, and their companions were summarily dismissed after waiting all afternoon. She does not remember the exact number of women who went to the mayor's office to participate in the meeting.<sup>187</sup>

Barbara was at home with out of town houseguests when Dr. Martin Luther King, Jr. was shot. During that week, she and her husband had been making arrangements to provide a home for the three young children of an ill relative. The children were there, as was their father. On that particular day, Barbara's husband was out of town. Barbara learned of the shooting when her husband telephoned and asked "What is this I hear about Martin Luther King, Jr. being shot?"<sup>188</sup>

<sup>182</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on July 20, 2010. Vidulich July 20, 2010 interview, *supra* note 87. Jean says she would have assumed that she had misheard if the number spoken was "two" because that is an unusual and horrible way to die. The historical records confirm that it was two workers. Yehle July 07, 2010 interview, *supra* note 8.

<sup>183</sup> But they soon recognized that a union was the way to get what they wanted. Vidulich July 20, 2010 interview, *supra* note 87.

<sup>184</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on July 20, 2010. *Id.*

<sup>185</sup> *Id.*

<sup>186</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on July 20, 2010. *Id.*

<sup>187</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on August 19, 2010. Vidulich Aug. 19, 2010 interview, *supra* note 181.

<sup>188</sup> Vidulich July 20, 2010 interview, *supra* note 87.

“There was absolutely nothing on Memphis television about the shooting for about an hour. I called Maxine Smith at the NAACP. Maxine was crying; it was then that I learned that the news from my husband was true.”<sup>189</sup> Martin Luther King, Jr. was dead. Barbara informed her houseguests. One of them, Johnny, said “It served the black son-of-a-bitch right.”<sup>190</sup> Barbara was appalled, but not surprised. “The shooting was a [huge disgrace] on the city. It was very ugly.”<sup>191</sup>

Barbara’s recollection of the facts concerning the march is much like Jean’s, except that Barbara says that Bob marched also. Jean says that she does not recall Bob being there, “But he may have been. The march itself was the most important thing on my mind that day.”<sup>192</sup> Barbara confirms the absolute silence of the marchers; she recalls that their facial expressions ranged from anger to overwhelming sadness. She confirms that the only sound to be heard was thousands of feet. She, too, was greatly moved. Barbara, however, says that she was not so much frightened as overwhelmed by sadness at the death of Dr. King. Barbara confirms that the troops had bayonets affixed and were spaced a few feet from one another all along the march route. As an experienced civil rights activist, Barbara says that she knew the difference between federal troops who were sent to protect marchers and local and state police who posed a threat. She said that these federal troops were definitely there to protect the marchers and prevent violence, but that whenever you march there is danger. When violence erupts, marchers will be injured—the only questions are how many, and how badly. She also added that until she read Jean’s account, she had not realized that Jean was frightened.<sup>193</sup>

---

<sup>189</sup> *Id.* Professor Honey, who moved to Memphis in August 1970 as a southern civil liberties worker, noted that he was “part of a small handful of younger activists who joined with the embattled veterans of the Movement. As such, [he] was fortunate to meet many of the characters in th[e] book . . . includ[ing] . . . the inspiring civil rights leader Maxine Smith . . .” See HONEY, *supra* note 10, at xv.

<sup>190</sup> Vidulich July 20, 2010 interview, *supra* note 87.

<sup>191</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on July 20, 2010. *Id.*

<sup>192</sup> Yehle Sept. 03, 2010 interview, *supra* note 143.

<sup>193</sup> All facts in the above paragraph are drawn from the interview with Jean Yehle on September 3, 2010, and the interviews with Barbara Vidulich on August 19, 2010, and July 20, 2010. Vidulich Aug. 19, 2010 interview, *supra* note 181; Vidulich July 20, 2010 interview, *supra* note 87; Yehle Sept. 03, 2010 interview, *supra* note 143. While Barbara is correct that “feds” at an event typically were called out to protect the minority participants (for example, federal troops protecting marchers in the second Selma march or federal marshals protecting Little Rock schoolchildren after the *Brown* decision), there may, in this instance, have been some accuracy in Jean’s fears. During the days immediately following the assassination of Dr. King, the riots that shook America were so violent and deadly that eve-



Barbara's recollection is that the official estimate of four thousand marchers was completely wrong. Barbara, too, thinks that there were several times that many marchers. Like Jean, Barbara was proud to be among the marchers standing up for what was right. She also was impressed by the marchers' conduct while the rest of the nation was burning.<sup>194</sup>

After the march, Barbara and Bob took full responsibility for the children of their ill relative. Barbara's life changed profoundly as she became the stay at home mother to three children under age five. She had to give up her volunteer work with the NAACP, and virtually all of her activities outside the home. Her duties, time, and focus had to be, and were, on the little ones who were now under her care. She also noted that the civil rights movement was changing and that active roles were being taken over by persons of color. She felt that she had served the movement well and focused on parenting.<sup>195</sup>

Barbara describes her friendship with Jean as the high spot of her time in Memphis and says that she missed Jean very much when Jean left Memphis.<sup>196</sup> Barbara says she went on to complete her education and that several years after Jean left Memphis, Barbara and Bob divorced.<sup>197</sup> Barbara left Memphis and she, too, said "I was never so glad to get out of anywhere in my life."<sup>198</sup>

### III. ANALYSIS. THE IMPORTANCE OF STORIES AND PARTICIPATION: LEGAL NARRATOLOGY AND THERAPEUTIC JURISPRUDENCE

#### A. *Introduction*

One purpose of this Article is to communicate and preserve two white women's experience of the events surrounding the Memphis sanitation workers' strike and their participation in the Memphis civil

ryone in the vicinity was in mortal danger. Memphis Commissioner of Fire and Police, Frank Holloman, believed that "there might be . . . violence and even the police officers who were assigned along the march route may be in danger." Green, *supra* note 2, at 295. If the police or the Guardsmen had been attacked or fired upon, they likely would have been less than precise as to exactly who, among the marchers and the precipitators of violence, needed to be subdued.

<sup>194</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on July 20, 2010. Vidulich July 20, 2010 interview, *supra* note 87.

<sup>195</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on July 20, 2010. *Id.*

<sup>196</sup> *Id.*; Vidulich July 19, 2010 interview, *supra* note 94.

<sup>197</sup> Vidulich July 20, 2010 interview, *supra* note 87.

<sup>198</sup> *Id.*

rights march following the assassination of Dr. Martin Luther King, Jr. Fortunately, their first-hand accounts are still available. In so doing, this Article augments the historical record of this traumatic time by adding and analyzing another category of women who participated in the civil rights movement. It fills in one of the historical blanks. These women's reasons for getting involved, and the meanings and impacts they associated with their participation—both at that time and in the forty-plus years that followed—extend our knowledge. They provide illuminating insights into the civil rights movement and even an inkling of the beginnings of feminism. The differences in reaction between the two women, as well as the conflicts between their recollections, make their stories all the more real.<sup>199</sup>

This Article fits within the genre of legal storytelling, sometimes referred to as “legal narratology.”<sup>200</sup> The experiences recounted also invite analysis based on the principles of therapeutic jurisprudence, known as “TJ” by those who study or practice in that field. This analysis considers Jean's and Barbara's stories from both perspectives. A third analytic method confirms the significance of this narrative by comparing and contrasting Jean's and Barbara's experiences with those of other white women participants in the civil rights movement, and enriches the analyses produced by legal narratology and therapeutic jurisprudence.<sup>201</sup>

## B. *Legal Narratology*

### 1. Description and Application

Legal storytelling, or “legal narratology,” focuses on the story element in law and legal scholarship.<sup>202</sup> It is connected closely to the law and literature movement.<sup>203</sup> A story, or narrative, “is a true or fictional

---

<sup>199</sup> The differing reactions illustrate the range of experiences of women in the civil rights movement. The conflicts between the stories of the two women illustrate how eyewitness accounts can differ and how witnesses' memories can fade or change over time.

<sup>200</sup> Richard A. Posner, *Legal Narratology*, 64 U. CHI. L. REV. 737, 737–38 (1997).

<sup>201</sup> The comparisons with women in other categories come primarily from social science literature; the use of work from other disciplines is characteristic of both legal narratology and therapeutic jurisprudence, especially the latter.

<sup>202</sup> See Posner, *supra* note 200, at 737.

<sup>203</sup> See *id.* Professor Posner describes therapeutic jurisprudence as a subdiscipline of the law and literature movement. *Id.* Professor Amy Ronner relies upon the work of Professor Jane Baron in dividing law and literature into three subsets: the “humanistic” (“which includes ‘law *in* literature’”), the hermeneutic (“which includes ‘law *as* literature’” and proposes that literary interpretative theory be used to analyze legal documents), and the narra-

account of a sequence of events unfolding in time, the events being invented, selected, emphasized, or arranged in such a way as to explain, inform or edify.”<sup>204</sup> Narratives are commonly used in a range of intellectual disciplines, such as history, literature, myth, and religion.<sup>205</sup> They are used by legal historians “to enrich intellectual or cultural description, or respond to normative problems.”<sup>206</sup> Stories are important in litigation, and are growing in importance in legal scholarship.<sup>207</sup> Narratives are used especially “to stir the reader to a more vivid awareness of the predicaments of the oppressed.”<sup>208</sup> They typically are the story of a person within the oppressed population, such as women and minorities, and are referred to as “stories from the bottom.”<sup>209</sup> The storytelling movement claims that stories told by the oppressed have special value<sup>210</sup> because they further our understanding of the law by adding voices traditionally left out of the legal system that show how oppressed persons and their communities can be affected by the law.<sup>211</sup>

The modern civil rights movement is particularly well suited to presentation via legal narratology. It is a movement that started “from the bottom,” and was dominated and supported primarily by the population subject to the oppression—African Americans.<sup>212</sup> It cannot be fully comprehended, nor can the goals of its participants be fully appreciated, without understanding the dramatic, frightening, and often bloody, stories. The more stories we learn from different categories of participants, the more comprehensive our understanding will become. Law is a crucial element in these gripping stories. For example, the first Selma to Montgomery march ended in a shocking attack by law en-

---

tive strand that incorporates legal storytelling and posits “that stories are the heartbeat of the law.” See AMY D. RONNER, LAW, LITERATURE, AND THERAPEUTIC JURISPRUDENCE 14–15 (2010). Professor Ronner then connects law and literature with therapeutic jurisprudence. *Id.* at 17. This Article applies the analytic mode. See *infra* notes 351–412 and accompanying text.

<sup>204</sup> See Posner, *supra* note 200, at 737–38.

<sup>205</sup> See *id.* at 738.

<sup>206</sup> See Kathryn Abrams, *Hearing the Call of Stories*, 79 CALIF. L. REV. 971, 973 (1991).

<sup>207</sup> See Posner, *supra* note 200, at 738–39.

<sup>208</sup> See *id.* at 740 (citing Nancy L. Cook, *Outside the Tradition: Literature as Legal Scholarship*, 62 U. CIN. L. REV. 95 (1994)). See generally Daniel A. Farber & Suzanna Sherry, *Telling Stories Out of School: An Essay on Legal Narratives*, 45 STAN. L. REV. 807 (1993); Lindsey Martin-Bowen, *Words from a Teller of Tales: Can Storytelling Play an Effective Role in Feminist Jurisprudence?*, 66 UMKC L. REV. 95 (1997).

<sup>209</sup> See Farber & Sherry, *supra* note 208, at 808.

<sup>210</sup> See *id.* at 824. “[S]pecial benefits may flow from stories ‘from the bottom.’” *Id.* at 808.

<sup>211</sup> See *id.* at 808, 824 (“[S]tories can contribute significantly to our understanding of the law . . .”).

<sup>212</sup> See *supra* notes 209–211 and accompanying text.

forcement officers upon the marchers.<sup>213</sup> The second Selma to Montgomery march was enabled by a court order.<sup>214</sup> The nationalization of the state National Guard in certain states provided protection for activists' exercise of rights protected by federal law.<sup>215</sup> The Supreme Court's decision in *Brown v. Board of Education* and the manipulations of law in various states were critical in the drama of school desegregation.<sup>216</sup>

At the time that Jean and Barbara engaged in the activities in this Article, no one would have considered their stories to be "from the bottom" or anywhere close to it. Rather, these are stories of women from the "privileged" class who took offense to the oppression of blacks.<sup>217</sup>

<sup>213</sup> See WEISBROT, *supra* note 15, at 136–38; Yehle June 28, 2010 interview, *supra* note 71.

<sup>214</sup> See generally William v. Wallace, 240 F. Supp. 100 (M.D. Ala. 1965).

<sup>215</sup> See Sheyann Webb, *Selma*, in "TAKIN' IT TO THE STREETS" 52, 56 (Alexander Bloom & Wini Breines eds., 1995).

<sup>216</sup> See *Brown v. Bd. of Educ.*, 347 U.S. 483 (1954); Hall, *supra* note 7, at 682–83 (Brown's legitimacy could not be seriously questioned; it had become a "super precedent").

<sup>217</sup> See Vidulich July 19, 2010 interview, *supra* note 94; Yehle Dec. 19, 2009 interview, *supra* note 60. This, however, does not mean that Jean and Barbara could not be the subjects of oppression. Many white women in the movement felt that they and their children were deprived of the quality of life available in a fair, integrated society. See Gail S. Murray, *Introduction to THROWING OFF THE CLOAK OF PRIVILEGE*, *supra* note 14, at 1, 12 [hereinafter Murray *Introduction*] ("Another characteristic shared by many of these activists is their belief that racial discrimination was defiling the world in which they lived and reared their children."). In addition, it has been said that participation in the civil rights movement awakened many women to gender discrimination. (For instance, Jean said this was part of the movement's impact on her. Yehle interview, July 07, 2010, *supra* note 8.) See generally SARAH EVANS, *PERSONAL POLITICS: THE ROOTS OF WOMEN'S LIBERATION IN THE CIVIL RIGHTS MOVEMENT AND THE NEW LEFT* (1980) (detailing the feminist movement that emerged in the late 1960s); Casey Hayden & Mary King, *Sex and Caste: A Kind of Memo*, in "TAKIN' IT TO THE STREETS" 47, 47–51 (Alexander Bloom & Wini Breines eds., 1995).

Consideration of the status of women is intertwined throughout Professor Murray's work, as she describes how the socially assigned role of southern women in mothering and social housekeeping, grew into civil rights activism for a few. See Murray *Introduction*, *supra*, at 1–19. She points out that the white southern woman myth relegated women to a "half person" role and that support for white male political power was premised on that myth. See *id.* at 1–2. Professor Murray does not mention women in roles of political or business leadership, likely because the myth of southern white womanhood was used to keep them "in their half person place" outside the formal power structure. *Id.* This conclusion is further supported by the work of Anne Trotter, which discusses the roles of many businessmen and politicians in Memphis at that time by name. It mentions only one woman, however, in the context of describing the demographics of the newly elected city council—one woman in a large body dominated by men. It does not give her name or mention her again, giving the impression that her role was inconsequential. See generally Trotter, *supra* note 24. Perhaps this is because the book in which Trotter's work appears is entitled *Southern Businessmen and Desegregation* (alteration added). Or, I believe more likely, it is because then existing southern social conventions did not have a role for women among the most prominent business leaders of a community.

Today's feminist thinkers would point out that they were subjected to their own variety of oppression, even if they were not consciously aware of it. Perhaps it made them more empathetic to the very obvious oppression of blacks. They joined the southern women described by Professor Murray by "throwing off" their "cloaks of privilege" to join the civil rights movement.<sup>218</sup> This point is echoed by scholar Michael Honey, who has written extensively on the Memphis march and participated in civil rights activities in Memphis, starting in 1970.<sup>219</sup> Professor Honey says:

In Memphis, King joined forces with black workers, ministers, young people, women, and a broad range of activists who turned the town upside down for sixty-five days in the winter of 1968 under the banner, "I Am a Man." It was the simplest of demands: the right to human dignity, which translated to union power on the job. Union organizer William (Bill) Lucy called this mass community mobilization "the spirit of Memphis." King defined that spirit as one in which the better-off help the poor to change their lives.<sup>220</sup>

As participants from the dominant white sector who insisted on dignity and economic fairness for blacks, Jean and Barbara precisely fit this description. It is important to fill in the "blank" in the literature about the activism of women in Jean and Barbara's classification by telling their stories.

A number of criticisms have been leveled at legal storytelling as a form of legal scholarship. This Article will not attempt to describe in detail, support, or debunk any of them. They are raised simply to show how this Article has attempted to address some of them. Among the objections raised against legal narratology are the questions of the stories' reliability<sup>221</sup> and representativeness (also referred to as "typical-

---

More recent feminist works posit that coverture itself placed women in a legally oppressed category. See, e.g., Gretchen Ritter, *Women's Citizenship and the Problem of Legal Personhood in the United States in the 1960s and 1970s*, 13 TEX. J. WOMEN & L. 1, 37-38 (2003); Claudia Zaher, *When a Woman's Marital Status Determined Her Legal Status: A Research Guide on the Common Law Doctrine of Coverture*, 94 LAW. LIBR. J. 459, 467-71 (2002). Each year as I teach property law, students are shocked by the limitations historically placed on married women.

<sup>218</sup> See Murray *Introduction*, *supra* note 217, at 2-6.

<sup>219</sup> See generally HONEY, *supra* note 10.

<sup>220</sup> See *id.* at xvii.

<sup>221</sup> Professors Farber and Sherry refer to this as "validity." See Farber & Sherry, *supra* note 208, at 831-32. They note, "[o]ne might view this as the question of whether the raw

ity”).<sup>222</sup> Professors Farber and Sherry also maintain that legal scholars utilizing this method need to “articulate the legal relevance of the stories, and to include an analytic dimension in their work.”<sup>223</sup>

## 2. Reliability

The fact that Jean and Barbara’s stories so perfectly fit both Honey’s profile and Dr. King’s description—although neither of them were aware of Honey’s work or Dr. King’s description, or the many other scholarly works about the Memphis strike—help establish their credibility.<sup>224</sup> Their stories also mesh with the attitudes and facts described by Professors Murray and Trotter, as well as Earl Green’s dissertation.<sup>225</sup> There are so many congruencies between the women’s stories and these sources which were unlikely read by Jean and Barbara—especially congruencies with Green’s dissertation—that reliability of their stories is the most obvious conclusion. The common threads in Jean and Barbara’s narrative and the literature about both northern white women and southern white women are logical, as are the distinctions between Jean and Barbara’s experiences and those of northern white women who came to the South merely for the duration of their civil rights work.

Of course, there are minor differences in the women’s renditions of the facts—particularly in the categories of “who else was there” and in what seems to be Jean’s perhaps inflated opinion of Barbara’s role in the women’s group and in formulating the group’s recommendations for the mayor. These differences illustrate truths that people’s recollections fade over time, and that their recollections can differ depending on their preexisting relationships with other actors and what seemed important or noteworthy to them at the time the events were occurring. The stories also evidence differences in the emotional reactions of the two women. These differences do not detract from the stories; rather, they add depth and genuineness. It makes it clear that the women did not contrive their stories. Although the legal narratology of

---

‘data’ of the stories themselves are sufficiently reliable that they can be put to further use . . . .” *Id.* at 831.

<sup>222</sup> Professor Posner refers to it as “representativeness.” See Posner, *supra* note 200, at 742. Professors Farber and Sherry use the term “typicality.” See Farber & Sherry, *supra* note 208, at 838–40.

<sup>223</sup> See Farber & Sherry, *supra* note 208, at 809.

<sup>224</sup> See generally HONEY, *supra* note 10.

<sup>225</sup> See generally Murray *White Privilege*, *supra* note 17, at 205–24 (describing the plight of women activists in Memphis); Trotter, *supra* note 24; Green, *supra* note 2; Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71.

Jean and Barbara is a first effort to add women in their category to the factual historical record, the consistency of their stories with the rest of the record seems to make it a generally reliable starting point.

### 3. Typicality

As for whether Jean and Barbara's stories are representative of women in their category, it is hard to tell since this work is, to the best of my knowledge, the first to add this additional category of participants. This Article does not purport that these stories are typical, but rather that they are a useful starting point for further inquiry; one that I feel is a good starting point. Nevertheless, the similarity of Jean and Barbara's reasons for getting involved (although a decade apart) and what they were trying to "say" through their involvement seem to be typical because of their similarity to other white women civil rights activists. This is further discussed in Part III.C *infra*.

### 4. Relevance

Jean and Barbara's stories are highly relevant because they add another category of female civil rights activists to the historical record via firsthand accounts. Their stories expand our knowledge of the breadth and complexity of the civil rights movement and further our understanding of the participation of white women in that movement. Professor Murray has noted that:

Recent civil rights history has highlighted the many different voices and strategies that came together to produce "the movement." Racial difference is but one of the (imposed) categories that separated individual participants. To emphasize the contribution of "whites" might seem to detract from the centrality of African American agency [in the movement].<sup>226</sup>

It is important to emphasize that this was a black movement, led by blacks. Yet, "without the story of white response—in all its various guises—to black activism, the full story of the civil rights movement cannot be understood. A critical investigation of the white female activist experience remains necessary."<sup>227</sup> The comparison and contrast with the experiences of women in other categories in Part III.C provides fur-

---

<sup>226</sup> See Murray *Introduction*, *supra* note 217, at 4.

<sup>227</sup> See *id.*

ther insight into how Jean and Barbara's stories add to our understanding of the female experience in the civil rights movement.

### C. *Comparison and Contrast with Other Categories of White Women Activists*

The stories of Jean Yehle and Barbara Vidulich are relevant and important because their situation differed from others whose experiences have been recorded. Jean and Barbara were northern white women who lived in the South at the time of their activities, and planned to continue living there on a permanent basis. Comparison and contrast with the experiences of white women in other categories provide further insight and show how Jean and Barbara's stories fit into this important moment in civil rights history while at the same time establishing their stories' reliability and relevance. This analysis also suggests that their stories are typical.

#### 1. Northern White Women Activists in the North

Although their situations differed, Jean and Barbara in many ways fit the profile of northern women who were involved in civil rights in the 1960s in the North. Information on that group is drawn from a study of white women activists in New Jersey by Rhoda Lois Blumberg, described in *Careers of Women Civil Rights Activists*.<sup>228</sup> Interestingly, although civil rights activists typically are envisioned as college age persons, a 1964 national survey of white activists found that fifty-two percent of them were over thirty,<sup>229</sup> and Jean's year of birth, 1927, was precisely the median in Blumberg's sample.<sup>230</sup> Most of the white northern females in the study were wives and mothers during the 1960s and highly valued those roles;<sup>231</sup> Jean and Barbara shared this characteristic.

---

<sup>228</sup> See generally Blumberg, *supra* note 13. Blumberg studied a sample of forty-one adult women civil rights activists in New Jersey. *Id.* at 710, 714. The purpose of her paper was to examine the "processes and contexts of their involvement, and the meanings attached to civil rights work." *Id.* at 709. The study began with the preconditions to their involvement and examined the evolution of their roles, including changes during the Black Power phase of the civil rights movement; the study also followed up to look at the then current activities of the adult women in the sample, as of the mid-to-late 1970s. *Id.*

<sup>229</sup> See *id.* at 709 (citing ALPHONSO PINKNEY, *THE COMMITTED: WHITE ACTIVISTS IN THE CIVIL RIGHTS MOVEMENT* (1968)).

<sup>230</sup> See *id.* at 710.

<sup>231</sup> See *id.* at 712. Blumberg also states that "[i]n some cases, [the women's] husbands were partners in social movement activity, while [other women's husbands] placed some restraints on their wives." *Id.* Clearly, Barbara's husband was a co-laborer in the movement. Jean felt constrained because of her husband and family, not so much because of direct restraint, but rather because of concern for them. Given the greater risk of condemnation,



Blumberg noted, “[a] strong emotional reaction to injustice, sometimes but not always focused on race, was the personal precondition [to participation in the civil rights movement] expressed clearly by the women.”<sup>232</sup> The same was true of Jean and Barbara.<sup>233</sup> Like those studied, “the movement was an intense experience which gave meaning and direction to their lives.”<sup>234</sup> Both Jean and Barbara were political liberals and came from politically liberal families. Barbara came from a unionist family.<sup>235</sup> Jean came from a privileged, politically active, staunchly liberal Democratic background.<sup>236</sup> As a newcomer to the civil rights movement, Jean was somewhat shy in her initial involvement.<sup>237</sup>

---

retaliation, and physical harm in the South as compared to the North, this is understandable. Yehle June 28, 2010 interview, *supra* note 71.

<sup>232</sup> See Blumberg, *supra* note 13, at 712.

<sup>233</sup> See Vidulich July 19, 2010 interview, *supra* note 94. When Barbara was driving from Michigan to Baton Rouge to move, she was appalled by the segregated bathrooms. She completely opposed segregation and asked her husband, “What in the world is going on around here? What are we getting into?” *Id.* Jean was not actively involved, but she was intellectually and emotionally involved. She was a strong believer in integration and voter registration rights, but saw it as life-threatening work. Yehle June 18, 2010 interview, *supra* note 8.

<sup>234</sup> See Blumberg, *supra* note 13, at 710.

<sup>235</sup> Vidulich July 19, 2010 interview, *supra* note 94. Blumberg noted that “[a] little more than a quarter of the women came from homes with radical or labor backgrounds . . .” See Blumberg, *supra* note 13, at 714. “Over 70% [of Blumberg’s sample] report having been socialized to a humanistic, religious, or political ethic stressing justice and equality.” *Id.* at 712. The former was true of Barbara; the latter was true of both Jean and Barbara.

<sup>236</sup> Jean’s family was so politically active and connected that Jean once shared a car ride of about an hour with Eleanor Roosevelt as Jean’s mother drove Mrs. Roosevelt (in a new Ford convertible from her husband’s dealership) from the headquarters of the then-forming United Nations (housed at the Lake Success site of the 1939 New York World’s Fair in one of the boroughs of New York City) to a speaking engagement in Westchester County, New York. Interview with Jean Yehle (July 06, 2012) (on file with author) [hereinafter Yehle July 06, 2012 interview]; Interview with Jean Yehle (Nov. 23, 2011) (on file with author) [hereinafter Yehle Nov. 23, 2011 interview].

Another side story about the political contacts of Jean’s parents, and particularly her father, merits recording. After Jean’s father sold his auto dealership, Jean’s parents moved to Key Biscayne and purchased a house on Biscayne Bay. It just so happened that their home was only a few houses away from what was to become known as President Nixon’s Key Biscayne White House. It was also near the home of Nixon’s close friend, Bebe Rebozo (of Watergate fame). Jean’s father was a trustee and minority owner of Key Biscayne Bank and Trust with Bebe Rebozo, who was the controlling shareholder. Nixon was an occasional visitor to the Tommasi home to enjoy a hearty breakfast prepared by Jean’s mother. Despite their strongly held political differences, the President and Jean’s father liked one another and Nixon could count on Tommasi to give him the hard-line liberal Democrat view on almost any subject. At times when discussing politics with Rebozo, Nixon would refer to Mr. Tommasi and ask “What does the Ol’ Democrat think?” Yehle Nov. 23, 2011 interview, *supra*.

<sup>237</sup> “Most sample members report that they did not translate their first internally-felt reaction against racial injustice into overt action. The personal pain was tolerated because

For both Jean and Barbara, their participation in the civil rights movement and the activist women's group "felt 'right.'"<sup>238</sup> All of these characteristics are noted by Blumberg.<sup>239</sup> Both Jean and Barbara's reasons for ending their active participation in the movement: for Jean, a change of status and need to seek full-time employment; and for Barbara, providing a home for an ill relative's three small children, matched reasons cited in the Blumberg study.<sup>240</sup> Even their eventual full-time employment, for Jean, administrator, and for Barbara, teaching, matched the top two eventual professions of the northern women participants in the Blumberg study.<sup>241</sup>

Blumberg noted that terms such as "civil rights radicals" versus "civil rights liberals,"<sup>242</sup> or "core" versus "peripheral"<sup>243</sup> members, have been used to differentiate among civil rights activists based on their commitment to the cause, as distinguished from their overall political radicalism.<sup>244</sup> If such labels are used, Jean, as a newcomer to the movement whose activities were limited in time and extent, was clearly a "civil rights liberal" or "peripheral" member, while Barbara's long term involvement in two Southern cities, her active participation with the NAACP, and her willingness to be exposed to danger and retaliation made her a "civil rights radical" or "core" activist.<sup>245</sup> This difference

---

of shyness, uncertainty, or a sense of powerlessness . . ." See Blumberg, *supra* note 13, at 713–14. It should be noted however, that as a Northern woman in the South, Jean had additional reasons for not voicing her views to her Southern neighbors—the proportionally greater risks involved. "[T]ypically, the first mode of entry into the movement came through membership in traditional organizations, such as YWCA's, PTA's, church social action groups, Leagues of Women Voters, and political parties." See *id.* at 715. Except for the latter, the same was said of southern white women who became active in the movement. See *infra* notes 289–350 and accompanying text.

<sup>238</sup> See Blumberg, *supra* note 13, at 717.

<sup>239</sup> See *supra* notes 228–238.

<sup>240</sup> "Personal and family health, and the need to find full-time employment turned out to be important variables [in duration of involvement]." See Blumberg, *supra* note 13, at 719–20.

<sup>241</sup> See *id.* at 725. A reading of Blumberg's *Careers of Women Civil Rights Activists* in its entirety reveals further similarities. See generally *id.*

<sup>242</sup> See *id.* at 711 (citing PINKNEY, *supra* note 229).

<sup>243</sup> See *id.*

<sup>244</sup> See *id.*

<sup>245</sup> See *id.* Blumberg also describes the concept "white positivism" that was said to characterize "that small number of white Americans who not only think that blacks should gain complete equality for their own sake, but believe that it is essential for liberating whites, morally and ethically." See Blumberg, *supra* note 13, at 711 (quoting CHARLES F. MARDEN & GLADYS MEYER, *MINORITIES IN AMERICAN SOCIETY* (5th ed. 1977)). Blumberg also asserts that the women in her sample most closely fit the concept "white positivism," or "civil rights radicals." *Id.* Both Jean and Barbara fit within the former concept, but only Barbara fits within the latter.

might explain Jean and Barbara's different emotional responses during the march. Jean was very frightened.<sup>246</sup> It was the first time she had taken such a risk, and she was on her own, without the family support enjoyed by Barbara.<sup>247</sup> No one knew where she had gone if she failed to come home.<sup>248</sup> Jean had never seen law enforcement in the role of "them" rather than "us" before.<sup>249</sup> On that occasion, for just one moment, Jean experienced and identified with blacks' characterization of law enforcement—intimidating, frightening, potential perpetrators of great physical harm.<sup>250</sup> Her emotional reaction was, for just that instant, a miniature version of that described by Sheyann Webb, a twelve-year-old black girl, as she saw troopers and Sheriff Jim Clark's posse on horseback at the Edmund Pettus Bridge shortly before the officers' brutal attack on marchers participating in the first Selma-to-Montgomery march.<sup>251</sup> As a civil rights neophyte, Jean did not distinguish between local and state law enforcement, both of which were often the perpetrators of shocking violence against civil rights activists, and national guardsmen, who were directed by federal authorities and were at times called in to protect marchers.<sup>252</sup>

By contrast, Barbara had been at odds with government officials before;<sup>253</sup> she also was aware instantly of the difference between "dangerous" local and state law enforcement versus federal forces, although she also believed that she likely was "on the Feds' radar screen" and therefore had reason for some concern.<sup>254</sup> Like Jean, Barbara was keenly aware of the deadly rioting in other cities, but Barbara was not especially frightened during the march.<sup>255</sup> Barbara's dominant emotion was great sadness at the loss of Dr. King and a sense that Memphis was a city in disgrace.<sup>256</sup> To her, the march was but another entry, albeit ter-

<sup>246</sup> Yehle June 28, 2010 interview, *supra* note 71.

<sup>247</sup> See Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71.

<sup>248</sup> Yehle June 28, 2010 interview, *supra* note 71.

<sup>249</sup> *Id.*

<sup>250</sup> Not "the nice policeman on the corner" as many young white girls, including myself, were apt to envision.

<sup>251</sup> See Webb, *supra* note 215, at 52–58; Yehle June 28, 2010 interview, *supra* note 71.

<sup>252</sup> In the second Selma to Montgomery march, undertaken with federal court approval, soldiers protected the marchers. See Webb, *supra* note 215, at 56. "[W]e . . . went to the bridge and there were soldiers with rifles and bayonets everywhere, protecting us." *Id.*

<sup>253</sup> Jean's only prior negative experience with a government official was the dismissive and demeaning encounter with Mayor Loeb at his office. Yehle June 28, 2010 interview, *supra* note 71.

<sup>254</sup> See Vidulich July 20, 2010 interview, *supra* note 87.

<sup>255</sup> *See id.*

<sup>256</sup> *See id.*

ribly sad and somewhat dangerous,<sup>257</sup> in a joint career of civil rights activism she shared with her husband, a career that had involved much danger.<sup>258</sup>

Unlike northern women involved in the civil rights movement in the North, Jean and Barbara's activities conflicted directly with the cherished mores of the southern society in which they lived. It attacked Jim Crow upon which the southern (and Memphis's own) social and economic systems were based.<sup>259</sup> Moreover, such activism was hardly ladylike and threatened the revered symbol of "sacred white womanhood," a fundamental element of the self image of the South.<sup>260</sup> Dr. Alvin Poussaint refers to sacred white womanhood in his article, *The Stresses of the White Female Worker in the Civil Rights Movement in the South*,<sup>261</sup> about northern white women who came to the South as civil rights workers:

The white woman st[ood] at the very center of the "Southern way of life." For the Negro she [wa]s the tabooed and revered object. It has been in her name and for her glory that the white South has oppressed, brutalized, lynched, and mutilated the black man for centuries. Violation of the sociosexual taboos surrounding the white woman has frequently meant instant death for the Negro, particularly the Negro male.<sup>262</sup>

For a southerner to undermine the status quo meant rejection and danger.<sup>263</sup> For a female to do so was more offensive because she was undermining the myth of sacred southern white womanhood.<sup>264</sup> For a

<sup>257</sup> See *id.* Barbara and Bob did not bring their children to the march even though they had brought them to hear Dr. King speak at the Mason Temple. The thought of bringing their children to the march did not cross their minds—they got a sitter. See *id.*

<sup>258</sup> See *id.* For Barbara's husband Bob, the risks during the voter registration drive of the summer of 1965 were like those of Freedom Summer. He risked imminent bodily harm, kidnap, and murder. For Barbara during Bob's activities in the summer of 1965, she was a woman without a college education who risked widowhood, with children to raise without her husband's income, if he were killed. For her own activities, she directly risked vilification, social rejection, and possible physical harm, but it did not compare with the grave danger faced by voter registration field workers. See *id.*

<sup>259</sup> See generally Poussaint, *supra* note 8; Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71.

<sup>260</sup> See generally Poussaint, *supra* note 8, at 401; Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71.

<sup>261</sup> See generally Poussaint, *supra* note 8.

<sup>262</sup> See *id.* at 401.

<sup>263</sup> See *id.*

<sup>264</sup> See *id.*

northern newcomer female to do so and to expect to be welcomed and enfolded into the community was folly.<sup>265</sup>

Given her background and schooling, Jean was thoroughly aware of this. She knew it instinctively and intellectually. She also knew the role she had chosen for her life. Jean saw her role as a wife and mother in the light of the times. Furthering her husband's career, protecting her children, and being an upstanding member of the community were valued aspects of her life. They were key elements of her identity. Jean knew what she was risking. She wanted to live up to her convictions about racial justice, but she did not want to be the cause of harm to her husband and sons. She was taking her first tentative steps on a potentially dangerous journey—alone. She was also less sure than Barbara about her family's situation. She was new to being a faculty wife, but she knew that her husband wanted to be a professor more than anything. And, she knew that Art was in a grant-based position; he did not have tenure; he was not even on the tenure-track, but longed to make the conversion. Except for Barbara and Barbara's husband, Jean knew nothing of the faculty's views on racial matters, but she knew the volatility of the issue. And, she knew that a faculty could decline to appoint an applicant to a tenure-track position without stating the real reason for the decision.<sup>266</sup>

Barbara also knew that she was risking social rejection in the community and possible physical danger, but she did not care. She had done so for a long time. She and her husband were co-laborers in the movement. They had made that decision years earlier as they drove by car on their move from Lansing to Baton Rouge. They had included their children in the effort, and, by the time they got to Memphis they were a team of seasoned civil rights activists. Besides, Bob had tenure and had been recruited heavily by Memphis State. Barbara and Bob felt relatively secure based on past experience with LSU's refusal to dismiss faculty for their stance on racial issues despite political pressure. In addition, unlike Jean's husband who was just embarking on his academic

---

<sup>265</sup> See *Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503, 508–09 (1969) (discussing the risk one takes when exercising one's freedom of expression in the form of symbolic speech that deviates from the majority opinion and the important impact that deviation will have on history); Poussaint, *supra* note 8, at 401.

<sup>266</sup> All facts in the above paragraph are drawn from the interviews with Jean Yehle on June 28, 2010, and June 18, 2010, and the interview with Barbara Vidulich on July 20, 2010. See Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71; Yehle June 18, 2010 interview, *supra* note 8.

career, Bob was well-known and established. As a result, Bob could get a job elsewhere, if necessary.<sup>267</sup>

## 2. Northern White Women Activists Who Traveled to the South Temporarily for Activism

The stresses faced by Jean and Barbara were similar in some ways to those of young northern white women who traveled to the South to serve as civil rights workers as described by Dr. Alvin Poussaint in *The Stresses of the White Female Worker in the Civil Rights Movement in the South*.<sup>268</sup> Yet in many ways, they were very different. The young “outsider” women described by Dr. Poussaint expected to be vilified by the southern white population.<sup>269</sup> They were delivering a karate kick to the jaw of the “sacred white womanhood” myth to which the South clung.<sup>270</sup> They were not exempt from vicious verbal or physical attack because of their gender.<sup>271</sup> In the southern view, they were fallen women who deserved to be loathed and punished.<sup>272</sup> Jean and Barbara were fully aware of the extreme reaction, involving both verbal assaults and physical violence, by segregationist southerners against the college-age northern women who traveled to the South to participate in the Freedom Summer voter registration drives of the summer of 1964, not quite four years earlier. This awareness was reflected in Jean’s fear and Barbara’s unsentimental resolve.

In addition to expected animosity from segregationist southerners, women who traveled to the South to participate in civil rights efforts faced unexpected stresses. According to Dr. Poussaint, many experienced “cultural shock” similar to that of Peace Corps workers in foreign countries upon finding themselves, usually by choice, sharing the homes, food, and social activities of impoverished, minimally educated black families.<sup>273</sup> In addition, those families did not know how to react to the new, taboo members of their households.<sup>274</sup> And, the white women discovered their own unconscious attitudes toward people of

---

<sup>267</sup> All facts in the above paragraph are drawn from the interview with Barbara Vidulich on July 20, 2010. Vidulich July 20, 2010 interview, *supra* note 87.

<sup>268</sup> See generally Poussaint, *supra* note 8; Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71.

<sup>269</sup> See Poussaint, *supra* note 8, at 401.

<sup>270</sup> See *id.* at 401, 403.

<sup>271</sup> See *id.* at 401.

<sup>272</sup> See *id.* at 403.

<sup>273</sup> See *id.* at 402.

<sup>274</sup> See *id.*

color, all of which added to their stress.<sup>275</sup> When these women went out in the field to encourage voter registration or to perform other field work at considerable risk to themselves, poor black families often reacted with distrust and fear that the women workers sometimes mistook for apathy.<sup>276</sup> Middle class blacks often joined in rejecting them.<sup>277</sup> “Many [civil rights] project leaders would not accept white girls in their areas because of the heightened prospect of racist violence when they were present.”<sup>278</sup> Their presence also generated difficult, and often disruptive, interpersonal relations among project coworkers ranging from awe, resentment, and jealousies, to thinly veiled, and outright, hostility.<sup>279</sup> Often, these were the only white women to whom black workers had access and some directed their reactions to discrimination and “sacred white womanhood”—bitterness, resentment, and hostility—toward these women.<sup>280</sup> Blacks quite understandably resented the media attention paid to white girls who were the target of any type of racist violence.<sup>281</sup> Dr. Poussaint reported that one black female worker exclaimed, “We’ve been getting beaten up for years . . . . But these white girls come down here for a few months and get all the publicity. Everybody talks about how brave and courageous *they* are. What about us?”<sup>282</sup> Moreover, many of the white women added to their own difficulties by entertaining their own fantasies of the “beautiful white woman leading the poor, downtrodden, and oppressed black man to freedom and salvation”<sup>283</sup> or falling victim to a sense of guilt.<sup>284</sup> Dr. Poussaint noted that

---

<sup>275</sup> See WEISBROT, *supra* note 15, at 112; Poussaint, *supra* note 8, at 402.

<sup>276</sup> Cf. WEISBROT, *supra* note 15, at 100, 110.

For volunteers who had expected an enthusiastic rush of sharecroppers to the nearest white-run registration office, the results were frustrating and at times embittering. Yet many realized . . . [d]omestic servants know that they will be fired if they register to vote; so will factory workers, so will Negroes who live on plantations. In Mississippi, the registration is no private affair . . . .

*Id.*; see also *supra* text accompanying note 165 262 (noting the penalties for interaction with “white women”). These uninformed outsiders were asking them to take risks for which there could be retribution long after the civil rights workers had left—murder, beatings, or other physical harm; loss of jobs; cancellation of home, business, and farm leases; termination of sharecropper arrangements; shopkeepers refusing to sell needed goods, et cetera. See WEISBROT, *supra* note 15, at 94, 100, 110.

<sup>277</sup> See Poussaint, *supra* note 8, at 402.

<sup>278</sup> See *id.*

<sup>279</sup> See *id.* at 402–03, 405.

<sup>280</sup> See *id.* at 403.

<sup>281</sup> See *id.* at 402–03.

<sup>282</sup> See *id.*

<sup>283</sup> See Poussaint, *supra* note 8, at 404. Dr. Poussaint labeled this psychological attitude as the “White African Queen” complex. See *id.*

the combination of stresses was overwhelming for all but the most emotionally mature of the group.<sup>285</sup> Many went home early in emotional turmoil.<sup>286</sup>

Jean and Barbara completely avoided this aspect of the stress that plagued many northern women who came to the South specifically for the purpose of participating in civil rights work. Jean and Barbara, however, traded it for their own particular type of stress. The northern women who came to the South solely to serve as civil rights workers had the option to “go home,” and many of them did so in reaction to the stress.<sup>287</sup> Jean and Barbara had no such option. They *were home*, and the more they acted on their commitment to civil rights, the more they risked retribution and social, economic, emotional, and physical harm to family and *home*. Jean, in particular, feared these threats.<sup>288</sup> It is open to debate as to which group—the northern women who came to the South as temporary civil rights workers, or northern women for whom the South was now home—suffered the greater stress.

### 3. Southern White Women Activists in the South

If the northern white women who came to the South to work for a time in the civil rights movement were despised and characterized as “outside agitators,” southern white women who became involved in the movement could be labeled “traitors” by segregationists—and sometimes they were treated as such.<sup>289</sup>

Material for this section is largely drawn from Professor Gail S. Murray’s anthology, *Throwing Off the Cloak of Privilege, White Southern Women Activists in the Civil Rights Era*.<sup>290</sup> Interestingly, the book was inspired by Professor Murray’s research on the Memphis Sanitation Strike.<sup>291</sup> Professor Murray became “acutely aware of the absence of women’s voices in the history of that labor and civil rights struggle.”<sup>292</sup> In her work to see whether women played a role in that effort, she “discover[ed] a whole network of black, white, and biracial organizations

<sup>284</sup> See *id.*

<sup>285</sup> See *id.* at 405.

<sup>286</sup> See *id.*

<sup>287</sup> See *id.* at 401, 405.

<sup>288</sup> See Yehle June 28, 2010 interview, *supra* note 71; Yehle June 18, 2010 interview, *supra* note 8.

<sup>289</sup> See Murray *Preface*, *supra* note 16, at xii, 4–6; Poussaint, *supra* note 8, at 401.

<sup>290</sup> See generally THROWING OFF THE CLOAK OF PRIVILEGE, *supra* note 14 (describing the challenges encountered by white women activists in the South).

<sup>291</sup> See Murray *Preface*, *supra* note 14, at xiii.

<sup>292</sup> See *id.*



[of women] working on various kinds of racial justice issues.”<sup>293</sup> She went on to compile an anthology of experiences of native-born southern white women in the civil rights movement in various parts of the South.<sup>294</sup>

It was atypical for a white southern woman to become active in the civil rights movement in the South in the 1950s and 1960s.<sup>295</sup> Most southern white women went along with the Jim Crow status quo.<sup>296</sup> Many southern white women embraced a racial superiority ethic.<sup>297</sup>

Unlike the few white antislavery women in the decades leading up to the Civil War who labored in the North in an effort “led by, and largely shaped by, white men and women[,]” these women labored in the South in a movement started, led, and supported mostly by African Americans.<sup>298</sup> “[T]he [modern] civil rights movement was principally a southern undertaking . . .”<sup>299</sup> “In order to support these black initiatives, white women had to concede some of the racial privilege to which they had been accustomed.”<sup>300</sup> As Professors Harrold and Miller observe:

[The movement] faced fierce, sometimes violent, resistance from many of its opponents. Therefore the white women of the South who opposed segregation and gave varying degrees of support . . . did so within a very dangerous context. . . . [T]hey acted directly against powerful segregationist forces in their southern communities. Often they went against their own family’s racial views.<sup>301</sup>

---

<sup>293</sup> See *id.*

<sup>294</sup> See Murray *Introduction*, *supra* note 217, at 4–6; Murray *Preface*, *supra* note 16, at xiii.

<sup>295</sup> See Harrold & Miller, *supra* note 16, at xi–xii.

<sup>296</sup> See Murray *Introduction*, *supra* note 217, at 9. Thus, Jean did not discuss matters of race with them. See *supra* note 77 and accompanying text. Professor Murray elaborates that the “myth of southern white womanhood” envisioning the “southern white lady [placed] on a pedestal,” as “the recipient of a long tradition of privilege and protection[,]” was the premise for “much of the support for male political power, racial segregation, and ingrained class mores . . .” See Murray *Introduction*, *supra* note 217, at 2.

<sup>297</sup> See *id.* (“[M]edia images born in Little Rock and New Orleans of white mothers screaming invectives as African Americans sought to enroll in public schools confirm that many white women embraced a racial superiority ethic.”).

<sup>298</sup> See Harrold & Miller, *supra* note 16, at xi–xii.

<sup>299</sup> See *id.* at xii.

<sup>300</sup> See *id.*

<sup>301</sup> See *id.* Professor Murray notes that even while voluntarily undertaking such risks to become supporters of racial equality, the women in her essays “struggle[d] with the dark corners of racism in themselves” as well as in their communities. See Murray *Preface*, *supra*

Although the southern white women activists were atypical in their opposition to Jim Crow, they were everyday women.<sup>302</sup> Most of the women whose stories appear in Murray's volume "were married, middle-aged, and privileged."<sup>303</sup> The majority came from urban areas, but there were also those who labored in rural towns.<sup>304</sup> Despite Professor Murray's focus on the more mature age group, some white female southern college students became involved as well.<sup>305</sup> According to Murray, "[t]he [adult] women featured [in her book] had to negotiate the boundaries of southern gender and racial norms with additional baggage in hand: their marital responsibilities, social status, and domestic roles [that] were already well established when they became involved in racial justice activities."<sup>306</sup> Thus, these women were comparable to Jean and Barbara. Professor Murray opines that these adult women and the white southern female college students "shared only their proclivity for community organizing and their abhorrence of racial injustice."<sup>307</sup>

The precursor to activism for adult southern white women activists was often involvement in traditional women's groups for women of their status—church benevolence projects, United Church Women, missionary aide societies, and the YWCA.<sup>308</sup> Often their roles as mothers and concern for the future contributed to their decisions to become involved.<sup>309</sup> They participated in a network of organizations, the members of which provided them with moral support helpful in with-

---

note 16, at xiv. I speculate that even today, many pro-equality whites, possibly even myself, have such corners of guilt or racism that need to be eradicated.

<sup>302</sup> See Murray *Introduction*, *supra* note 217, at 3.

<sup>303</sup> See *id.*

<sup>304</sup> See *id.*

<sup>305</sup> See *id.* at 8 (citing Christina Green, "We'll Take Our Stand": *Race, Class and Gender in the Southern Student Organizing Committee 1964–1969*, in *HIDDEN HISTORIES OF WOMEN IN THE NEW SOUTH* 191 (Virginia Bernhard ed., 1994)).

<sup>306</sup> See *id.* Although Professor Murray does not explicitly discuss the matter, this sentence recognizes that women at that time operated under the disabilities of "coverture" once they married. See *supra* note 217 and accompanying text. Professor Murray notes directly at least one woman "attributes the awakening of her feminist consciousness to experiences in the civil rights struggle" and that "the original feminist protest letter" written by Mary King and Casey Hayden was written in reaction to conditions that were commonplace in SNCC. Murray also notes that King and Hayden maintain that gender discrimination did not hinder their fight for racial justice. See Murray *Introduction*, *supra* note 217, at 8. Professor Murray also states that "[in]any of the white [female] student activists who left the Student Nonviolent Coordinating Committee (SNCC) turned to activism on behalf of women's issues." *Id.*

<sup>307</sup> See *id.*

<sup>308</sup> See Murray *Introduction*, *supra* note 217, at 9–16.

<sup>309</sup> See *id.*

standing opposition.<sup>310</sup> Some organizations provided opportunities for black women to educate southern white women about the evils of Jim Crow and to help them “understand . . . the daily indignities and disabilities racial discrimination perpetrated.”<sup>311</sup> Some provided opportunities for interracial friendships.<sup>312</sup> “Most white activists readily acknowledged their indebtedness to mentors in the African American community.”<sup>313</sup>

“Shortly after the black freedom struggle gained national attention through its direct action campaigns, journalist William Peters wrote that ‘[i]ncreasingly in the South, quietly and usually without fuss, white women—and more particularly white churchwomen—are lining up on the side of desegregation.’”<sup>314</sup> Some worked with interracial organizations while others worked in separate white organizations dedicated to the civil rights movement.<sup>315</sup>

Although the transition from traditional southern woman to civil rights activist may have occurred without fanfare, it was not without consequences. The southern white women’s support for the civil rights movement placed them squarely in the “dangerous context” described above. They “risk[ed] their own social and physical security to work for change.”<sup>316</sup> “Those activists with children feared for their safety . . . .”<sup>317</sup> Some were merely despised while others suffered damage to their property, physical attacks, and death threats.<sup>318</sup> One woman “and her husband were indicted on charges of sedition in the 1950s for helping a black family buy a home in a white neighborhood . . . .”<sup>319</sup> Even the moderates, like Jean and Barbara, were on thin ice. The women in Professor Murray’s anthology “spent their adult lives . . . pursuing racial

<sup>310</sup> See *id.* at 9.

<sup>311</sup> See *id.* at 5–6. The quoted language refers to the women profiled in Murray’s book. A reading of the Introduction to Professor Murray’s book and Chapter 8, which concerns Memphis, indicates that this was characteristic of many of the women who worked for racial justice. See *id.* at 1–22, 204–29.

<sup>312</sup> For example, Memphis’s Saturday Luncheon Club. See Murray *White Privilege*, *supra* note 17, at 209.

<sup>313</sup> See Murray *Introduction*, *supra* note 217, at 6.

<sup>314</sup> See *id.* at 3 (citing Timothy Tyson, *Dynamite and “The Silent South”: A Story from the Second Reconstruction in South Carolina*, in *JUMPIN’ JIM CROW* 284 (Jane Dailey et al. eds., 2000)).

<sup>315</sup> See Harrold & Miller, *supra* note 16, at xii.

<sup>316</sup> See Murray *Introduction*, *supra* note 217, at 9. Professor Murray notes that their activism came “at the cost of friendships, status, economic security, and sometimes family support.” *Id.*

<sup>317</sup> See *id.* at 13.

<sup>318</sup> See *id.* at 13–14.

<sup>319</sup> See *id.* at 14.

justice and equal opportunity.”<sup>320</sup> “[M]ost . . . became pariahs in their church and social circles.”<sup>321</sup>

Southern white women who cooperated with the civil rights movement did so at differing levels and with differing strategies.<sup>322</sup> Some “cultivated [connections and] friendships with socialists, Communists, labor organizers, and African American civil rights activists.”<sup>323</sup> Others held onto their genteel “white gloves and pearls” personas as they “challenged deep-seated white prejudice” while remaining focused on women’s domestic and moral roles as society’s housekeepers.<sup>324</sup> Most of the southern women, it seems, had a racial justice conversion experience that moved them to throw off their cloaks of white privilege.<sup>325</sup> For some, that conversion came out of Christian convictions of the brotherhood of all people.<sup>326</sup> For others, it arose out of southern noblesse oblige.<sup>327</sup> Still others “believed they had escaped a kind of ‘bondage’ . . . when they confronted their own racial prejudices.”<sup>328</sup> “All the women [whose stories were collected by Professor Murray] shared a basic optimism, perhaps ill founded, about the willingness of white southerners to change. They held deep commitments to equal justice and fair play . . . .”<sup>329</sup>

Jean and Barbara shared this commitment to equal justice and fair play with white southern women activists. As outsiders without lifelong ties to the community, however, they were less optimistic, and perhaps more objective, about the willingness of southerners to end Jim Crow and its accompanying racial and economic inequality. They believed that change would be slow in coming—and ugly. They were very much aware of the resistance and violence that had already transpired in the civil rights movement. Barbara and Jean lived in and were active in the same “dangerous context” as the white southern women, and like many

---

<sup>320</sup> See *id.* at 16. Professor Murray notes that “[w]e know little about the southern white women who entered the civil rights struggle briefly and then left it to resume private lives, other volunteer causes, or professional careers.” *Id.* Jean would fit this description, but within her own category, the activist category of northern white women who lived in the south.

<sup>321</sup> See *id.* at 10.

<sup>322</sup> See Murray *Introduction*, *supra* note 217, at 14–16.

<sup>323</sup> See *id.* at 14.

<sup>324</sup> See *id.* at 3–4, 14–15.

<sup>325</sup> See *id.* at 9–12.

<sup>326</sup> See *id.* at 10.

<sup>327</sup> See *id.* at 7, 10.

<sup>328</sup> See Murray *Introduction*, *supra* note 217, at 9 (citing FRED HOBSON, BUT NOW I SEE: THE WHITE SOUTHERN RACIAL CONVERSION NARRATIVE 2, 5 (1999)).

<sup>329</sup> See *id.*

of them, Barbara was probably well on her way to pariah status. Unlike the local born women, they had no safety net of intact relationships. Though as newcomers, they did not have to bear the termination of lifelong friendships due to their activism.

Neither Jean nor Barbara had to undergo a conversion experience in order to oppose Jim Crow.<sup>330</sup> Barbara had grown up in an integrated community and had had black friends for many years before moving to the South.<sup>331</sup> For her, integration was proper and “no big deal.”<sup>332</sup> She was “shocked into activism” by the evidence of Jim Crow that she saw as she and her husband had traveled by car during their move from Lansing, Michigan, to Baton Rouge, Louisiana.<sup>333</sup> Jean’s experience with racial matters had been primarily intellectual. She was greatly offended by the hypocrisy and complacency toward the status of blacks that she saw when she moved to Memphis.<sup>334</sup> Barbara’s encouragement inspired her to act.<sup>335</sup> At the time she began to attend the biracial women’s group meetings, Jean had never before had college educated black female acquaintances.<sup>336</sup> The mentoring she received from the black women in the group provided further incentive.<sup>337</sup> Both Jean and Barbara found the economic and social injustice of the south to be abhorrent as did their southern counterparts.<sup>338</sup>

Professor Murray’s introduction to her anthology begins with a picture of the Memphis Cares Rally.<sup>339</sup> The caption reads, in part, “The Memphis Cares rally, a biracial gathering held in Crump Stadium in Memphis three days after the assassination of Dr. Martin Luther King, Jr.”<sup>340</sup> The picture shows mostly white faces with some black faces in the

<sup>330</sup> See Vidulich July 19, 2010 interview, *supra* note 94; Yehle June 28, 2010 interview, *supra* note 71.

<sup>331</sup> Vidulich July 19, 2010 interview, *supra* note 94.

<sup>332</sup> *Id.*; see *supra* note 157 and accompanying text.

<sup>333</sup> Vidulich July 19, 2010 interview, *supra* note 94.

<sup>334</sup> See Yehle June 28, 2010 interview, *supra* note 71; Yehle June 18, 2010 interview, *supra* note 8.

<sup>335</sup> Yehle June 28, 2010 interview, *supra* note 71.

<sup>336</sup> *Id.*

<sup>337</sup> *Id.* Professor Murray notes similar experiences among southern white women activists: “Many white [women] activists sought ‘tutoring’ from African American friends in order to root out paternalistic tendencies and radicalize their understanding of race-class dynamics as they committed themselves to biracial work.” Murray *Introduction*, *supra* note 217, at 16. “Most white [women] activists readily acknowledged their indebtedness to mentors in the African American community.” *Id.*

<sup>338</sup> See Vidulich July 19, 2010 interview, *supra* note 94; Yehle June 28, 2010 interview, *supra* note 71.

<sup>339</sup> Murray *Introduction*, *supra* note 217, at 1.

<sup>340</sup> See *id.*

gathering.<sup>341</sup> Neither Jean nor Barbara attended the event.<sup>342</sup> Jean was not even aware of it, but hearing about it forty-four years later made her angry.<sup>343</sup> She felt that if Memphis *really cared*, it would not have tolerated the black sanitation workers' situation and would have demanded that its leaders correct the situation immediately when the strike began and the facts became known.<sup>344</sup> In fact, they should not have tolerated the economic oppression of blacks in the first place. "What Memphis *really cared about* was the fact that it was a city in disgrace. Its' hypocrisy had been found out and its image badly damaged. This was a rally for image control."<sup>345</sup> When I showed Jean the picture, Jean said, "Where were all those white people and the cameras during the march? Why didn't they march?—Oh, but if they had marched, they would have also been supporting badly mistreated black workers as well as honoring Dr. King."<sup>346</sup> She laughed as a smile flashed across her still attractive face and sparkling blue eyes, "I think I just made my point."<sup>347</sup>

Jean then read the following from Professor Murray's introduction:

---

<sup>341</sup> See *id.*

<sup>342</sup> Interview with Jean Yehle (Oct. 16, 2011) (on file with author) [hereinafter Yehle Oct. 16, 2011 interview].

<sup>343</sup> *Id.*

<sup>344</sup> *Id.*

<sup>345</sup> *Id.* Although the rally itself may not have been motivated by business image concerns, Ann Trotter is of the opinion that most business leaders' interest was primarily financial. And, as for "image," it is equally true that Memphians prided themselves on their "clean city" reputation mentioned earlier. See *supra* note 82 and accompanying text. Anne Trotter concludes that before Dr. King's assassination, between seventy-five and ninety-five percent of the white businessmen supported Mayor Loeb's intractable hard-line position on the strike. See Trotter, *supra* note 24, at 297. Only two days before King's assassination did business leadership attempt to get Loeb to end the strike—not because they disagreed with the mayor, but because national coverage "was putting the city in the worst possible light and that this was bad for business." *Id.* at 295. Two businessmen, John T. Fisher and Fred Beesom, became involved in early March 1968 when they had vague premonitions of disaster and tried to do something. *Id.* at 296–97. They and two others, after attempting to no avail to get the mayor to relent, went to meet with Rev. Lawson, the leader of COME, on March 18, 1968. *Id.* at 296. They were equally unsuccessful in persuading other businessmen and council members to talk with Rev. Lawson. According to Trotter, the "Memphis Cares" rally was organized by Fisher, with no Chamber of Commerce assistance, in three days after King's death, as an expression of Fisher's concern about the community. *Id.* The rally marked "the first time in years [that] there was real communication between the races." *Id.* Business concern about image intensified after King's death when an article in *Time* magazine referred to Memphis within one sentence both as a "Southern backwater" and a "decaying Mississippi River Town . . ." *Id.* at 297–98 (citing *Nation: The Assassination*, TIME MAG., Apr. 12, 1968, at 18).

<sup>346</sup> Yehle Oct. 16, 2011 interview, *supra* note 342.

<sup>347</sup> *Id.*

In Memphis, some women became activists only after the assassination of Dr. Martin Luther King, Jr. Initially believing that their city had “good race relations” because there had been no violence during desegregation, many came to face and understand their ignorance about African Americans’ constant struggles. One referred to the Memphis Sanitation Workers’ strike as a “Paul of Tarsus experience” that opened her eyes to the double oppression of race and class in her supposedly genteel city.<sup>348</sup>

Professor Murray continued, “For many white Memphians, this rally marked the beginning of their work with the Panel of American Women or the Concerned Women of Memphis and Shelby County.”<sup>349</sup> “In that case,” Jean replied, “the rally served some positive purpose and I’m very glad that more white women became active after I left Memphis.”<sup>350</sup>

#### D. *Therapeutic Jurisprudence*

The overarching “story” of America’s racial civil rights movement of the 1950s and 60s was the story of discrimination and oppression versus rights central to personhood. Jim Crow laws, together with the customs and societal norms that generated those laws and perpetuated both segregation and the economic exploitation of African Americans, were pitted against what are today recognized as federally protected rights, among them constitutional rights protected by the Bill of Rights and federal laws.<sup>351</sup> Such a legal narratology invites analysis through therapeutic jurisprudence. This subpart of the Article analyzes Jean and Barbara’s personal stories as participants in the civil rights movement and particularly their reliance on their fundamental rights as citizens,<sup>352</sup> through the lens of therapeutic jurisprudence.

---

<sup>348</sup> See Murray *Introduction*, *supra* note 217, at 11–12 (citing Interview by Gail S. Murray with Annabelle Whitemore (Oct. 19, 1999)).

<sup>349</sup> See *id.* at 1. The Memphis chapter of the former organization was formed shortly after Dr. King’s assassination. See Murray *White Privilege*, *supra* note 17, at 217. The latter organization was formed in 1969 when the Memphis City Council refused to take seriously the positions of Memphis women who were both endeavoring to assist sanitation workers and avoid another confrontation when the sanitation workers’ contract had to be renegotiated by July 1969. *Id.* at 219, 221.

<sup>350</sup> Yehle Oct. 16, 2011 interview, *supra* note 342.

<sup>351</sup> *Williams*, 240 F. Supp. at 106 (stating that the U.S. Constitution guarantees the right to peaceful protests and demonstrations).

<sup>352</sup> Professor Murray also notes that the white women activists described in that book “saw themselves as exercising their rights as citizens . . . .” Murray *Introduction*, *supra* note

## 1. Therapeutic Jurisprudence Described

Therapeutic jurisprudence is a jurisprudential philosophy—a way of thinking about, studying, and analyzing law—that was developed in the late 1980s or early 1990s by Professors David Wexler and Bruce Winick to analyze mental health law.<sup>353</sup> In the ensuing years, it has been applied to an expanding number of areas of law: criminal law, juvenile justice, family law, estates and trusts, and contracts, among others.<sup>354</sup> Therapeutic jurisprudence is not merely a field of theoretical study. It finds practical application in analyzing laws, counseling clients, resolving disputes, designing sentences, the functioning of civil courtrooms, practicing preventative law,<sup>355</sup> and developing legal policy.<sup>356</sup> Problem-solving courts, of which there are now many in the United States and abroad, rely on the principles of therapeutic jurisprudence.<sup>357</sup> The influence of therapeutic jurisprudence is international in scope.<sup>358</sup>

---

217, at 15. Jean and Barbara were exercising their freedom of association to strengthen the civil rights movement through participation. *NAACP v. Alabama, ex rel. Patterson*, 357 U.S. 449, 460–61 (1958) (“It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the ‘liberty’ assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech.”); James M. McGoldrick, Jr., *Symbolic Speech: A Message from Mind to Mind*, 61 OKLA. L. REV. 1, 13 (2008) (“Even the freedom of association seems to be not speech itself, but rather an activity so closely connected to speech as to be protected as a corollary of free speech to the same degree as the association’s message would be protected.”).

<sup>353</sup> David B. Wexler, *Two Decades of Therapeutic Jurisprudence*, 24 *TOURO L. REV.* 17, 18 (2008); see BRUCE J. WINICK, *THERAPEUTIC JURISPRUDENCE APPLIED: ESSAYS ON MENTAL HEALTH LAW* 11 (1997) [hereinafter WINICK, *TJ APPLIED*]. One of the first full-length books to use the approach of therapeutic jurisprudence was DAVID B. WEXLER & BRUCE J. WINICK, *ESSAYS IN THERAPEUTIC JURISPRUDENCE* (1991) [hereinafter WEXLER & WINICK, *ESSAYS IN TJ*], which is a series of essays mainly in the area of mental health law.

<sup>354</sup> See WEXLER & WINICK, *ESSAYS IN TJ*, *supra* note 353, at 8 (explaining how therapeutic jurisprudence is interdisciplinary); WINICK, *TJ APPLIED*, *supra* note 353, at 12 (noting that therapeutic jurisprudence has now been applied to correctional law, sexual orientation law, disability law, evidence law, personal injury law, labor arbitration law, commercial law, workers’ compensation law, probate law, and the legal profession); Carol L. Zeiner, *The Fundamental Differences Between Taking a Fee Simple and Creating a Leasehold Via Eminent Domain*, ALI-ABA Course of Study, Eminent Domain and Land Valuation Litigation, Feb. 17–19, 2011, at 751 (portions of this description of therapeutic jurisprudence are drawn from that paper).

<sup>355</sup> See David B. Wexler & Bruce J. Winick, *Putting Therapeutic Jurisprudence to Work: The Term May Sound Academic, but It Embodies a Hands-on Approach to Solving Problems Rather Than Simply Winning Cases*, ABA J., May 2003, at 54, 56.

<sup>356</sup> Bruce J. Winick, *The Jurisprudence of Therapeutic Jurisprudence*, 3 *PSYCHOL. PUB. POL’Y & L.*, 184, 188 (1997) [hereinafter Winick, *Jurisprudence of TJ*].

<sup>357</sup> Bruce J. Winick, *Therapeutic Jurisprudence and Problem Solving Courts*, 30 *FORDHAM URB. L.J.* 1055, 1064 (2003) (problem solving courts are specialized tribunals established to adjudicate cases involving individuals who need social, mental health, or substance abuse treatment services); see Gregory Baker & Jennifer Zawid, *The Birth of Therapeutic*



Therapeutic jurisprudence is a philosophy that “stud[ies] . . . the role of the law as a therapeutic agent.”<sup>359</sup> It utilizes social science as it examines whether law and the particular legal proceedings being examined have positive (therapeutic) or negative (antitherapeutic) impacts on the physical and mental health of the individuals it affects.<sup>360</sup> It recognizes that, “legal procedures . . . constitute social forces that, whether intended or not, often produce therapeutic or antitherapeutic consequences.”<sup>361</sup> It is a normative philosophy that suggests what is good and “ought to be,” rather than merely observing and reporting “what is.”<sup>362</sup> It asserts that “positive therapeutic effects are desirable and should generally be a proper aim of law, and that antitherapeutic effects are undesirable and should be avoided or minimized.”<sup>363</sup> It is also consequentialist in that it studies what actually happens in practice, and evaluates law based on its effects.<sup>364</sup> Therapeutic jurisprudence holds

---

*Courts Externship Program: Hard Labor but Worth the Effort*, in REHABILITATING LAWYERS 279, 282 (David B. Wexler ed., 2008) (“Therapeutic Jurisprudence is one of the major ‘vectors’ of a growing movement in the law towards a common goal of a more comprehensive, humane, and psychologically optimal way of handling legal matters.”).

<sup>358</sup> David B. Wexler & Bruce J. Winick, *Therapeutic Jurisprudence as a New Approach to Mental Health Law Policy Analysis and Research*, 45 U. MIAMI L. REV. 979, 981 (1991); see Nigel Stobbs, *The Nature of Juristic Paradigms: Exploring the Theoretical and Conceptual Relationship Between Adversarialism and Therapeutic Jurisprudence*, 4 WASH. U. JURISPRUDENCE REV. 97, 134 (2011).

<sup>359</sup> Winick, *Jurisprudence of TJ*, *supra* note 356, at 185. In the area of criminal law, it is sometimes confused with, but must be distinguished from, a way of thinking that sees all convicted criminals as victims who ought not to be held responsible for their misdeeds. Therapeutic jurisprudence did not arise from that school of thought, but rather from the more pragmatic approach that punishment alone does not produce changed behavior, but rather willing participation in serving a punishment intended to effect behavioral change.

<sup>360</sup> See WINICK, *TJ APPLIED*, *supra* note 353, at 3 (“Therapeutic Jurisprudence seeks to apply social science to examine law’s impact on the mental and physical health of the people it affects.”); Zeiner, *supra* note 354, at 768; see also RONNER, *supra* note 203, at 3–41 (describing therapeutic jurisprudence as well as its connection with other jurisprudential philosophies, particularly law and literature).

<sup>361</sup> Winick, *Jurisprudence of TJ*, *supra* note 356, at 185; see WEXLER & WINICK, *ESSAYS IN TJ*, *supra* note 353, at 8; see also Dennis P. Stolle et al., *Integrating Preventative Law and Therapeutic Jurisprudence: A Law and Psychology Based Approach to Lawyering*, 34 CAL. W. L. REV. 15, 17 (1997) (“Therapeutic jurisprudence is an interdisciplinary approach to law that builds on the basic insight that law is a social force that has inevitable (if unintended) consequences for the mental health and psychological functioning of those it affects.”).

<sup>362</sup> See WINICK, *TJ APPLIED*, *supra* note 353, at 575; Zeiner, *supra* note 354, at 768.

<sup>363</sup> WINICK, *TJ APPLIED*, *supra* note 353, at 4; Winick, *Jurisprudence of TJ*, *supra* note 356, at 188.

<sup>364</sup> WINICK, *TJ APPLIED*, *supra* note 353, at 4; see Winick, *Jurisprudence of TJ*, *supra* note 356, at 188.

that a sensitive policy analysis of law calls for a systematic study of law's therapeutic or antitherapeutic effects.<sup>365</sup>

Although it is normative, therapeutic jurisprudence does not place therapeutic consequences as the ultimate goal of law.<sup>366</sup> It does not act as a sort of litmus test. Rather, it is an analytic tool.<sup>367</sup> A critical feature of therapeutic jurisprudence is its recognition that:

although in general positive therapeutic consequences should be valued and antitherapeutic consequences should be avoided, there are other consequences that should count, and sometimes count more. There are many instances in which a particular law or legal practice may produce antitherapeutic effects, but nonetheless may be justified by considerations of justice or by the desire to achieve various constitutional, economic, environmental or other normative goals . . . . Therapeutic jurisprudence therefore does not suggest that therapeutic considerations should outweigh other normative values that the law may properly seek to further. It does not end the conflict when other normative values are in conflict. Rather, it calls for an awareness of [therapeutic and antitherapeutic consequences to enable] a more precise weighing of sometimes competing values.<sup>368</sup>

Jurisprudential philosophies, if normative, "value" something. Therapeutic jurisprudence "values" the dignity of the individual human being and therapeutic (that is, positive) impacts of laws and legal proceedings on the physical and mental health of the individuals it affects.<sup>369</sup>

Thus, boiled down to its most essential element, therapeutic jurisprudence adds to legal analysis in a formal way, the dignity and value of the individual human being.<sup>370</sup> As such, it is a fascinating analytic tool

<sup>365</sup> Winick, *Jurisprudence of TJ*, *supra* note 356, at 188; *see* Stolle et al., *supra* note 361, at 45 (noting the empirical studies of social science can be used to test the impact of laws and legal processes).

<sup>366</sup> Zeiner, *supra* note 354, at 768.

<sup>367</sup> *Id.*

<sup>368</sup> WINICK, *TJ APPLIED*, *supra* note 353, at 4.

<sup>369</sup> Winick, *Jurisprudence of TJ*, *supra* note 356, at 188 ("Although law is designed to serve various normative ends, scholars should study the extent to which these ends actually are furthered in practice. Once it is understood that rules of substantive law, legal procedures, and the roles of various actors in the legal system such as judges and lawyers have either positive or negative effects on the health and mental health of the people they affect, the need to assess these therapeutic consequences should not be neglected.")

<sup>370</sup> Zeiner, *supra* note 354, at 768.

with which to analyze Jean and Barbara's involvement in this particular event in the civil rights movement, which had at its heart "the simplest of demands[,] the right to human dignity,"<sup>371</sup> as exemplified by its banner "I Am A Man."

## 2. Therapeutic Jurisprudence Analysis of Jean and Barbara's Activism

Typically, therapeutic jurisprudence studies law from the perspective of the therapeutic or antitherapeutic impact of laws and legal proceedings on the people it affects.<sup>372</sup> Jean and Barbara were not parties to "legal proceedings" in the sense of being parties to a court case or administrative hearing. They were however, parties to a major struggle that arose out of laws and customs based on laws.<sup>373</sup> Jean and Barbara's involvement had everything to do with the "impact of laws and customs based on laws"—or perhaps the opposite, laws enacted to support the South's custom of racism despite the technicality of emancipation. There were laws and legal processes that were pitted against the sanitation workers, almost all of whom were black, versus laws being utilized by the activists and changes in the law and social and economic customs that were being sought by the activists. The "laws" that the civil rights movement, and Jean and Barbara in this particular instance were fighting against, were the legally entrenched system of Jim Crow and its concomitant economic discrimination intended to keep blacks "in their place"—separate and very unequal. The civil rights activists' tools were the exercise of their constitutional rights, the law of the land, under the Bill of Rights.<sup>374</sup>

---

<sup>371</sup> See HONEY, *supra* note 10, at xvii.

<sup>372</sup> Zeiner, *supra* note 354, at 768.

<sup>373</sup> Therapeutic jurisprudence finds further support from one of the intended purposes of the First Amendment of the Constitution. Freedom of Speech protects so much more than speech; it also bestows peace of mind and validation through the right of expression. *Thomas v. Collins*, 323 U.S. 516, 531 (1945) (Justice Rutledge delivered the opinion of the Court stating that "[t]he First Amendment gives freedom of mind the same security as freedom of conscience . . . [and t]he grievances for redress of which the right of petition was insured, and with it the right of assembly, are not solely religious or political ones . . . [a]nd the rights of free speech and a free press are not confined to any field of human interest.").

<sup>374</sup> *William*, 240 F. Supp. at 106 ("The law is clear that the right to petition one's government for the redress of grievances may be exercised in large groups. Indeed, where, as here, minorities have been harassed, coerced and intimidated, group association may be the only realistic way of exercising such rights."); see also *Cox v. Louisiana*, 379 U.S. 536, 558 (1965) (noting that giving officials unfettered discretion to determine which points of view may be expressed is unconstitutional); *Edwards v. South Carolina*, 372 U.S. 229, 237 (1963) ("The Fourteenth Amendment does not permit a State to make criminal the peaceful expression of unpopular views.").

### 3. Voluntary Participation

Among therapeutic jurisprudence's predominant principles is that in order to achieve a therapeutic result, a participant in a legal procedure should be a voluntary participant in the process.<sup>375</sup> Clearly, Jean and Barbara's activism was voluntary. Each of them made a conscious, well-considered choice. Jean, in particular, considered the ramifications of her choice and made a decision, at least at first, to be circumspect. When Jean became more public in her activism, it was as a result of her conscious choice and strongly held convictions. Barbara's very public activism, both in Baton Rouge and Memphis, was the result of her own deliberate choice.

### 4. Voice and Validation

Professors Ronner and Winick note that a sense of voluntary participation in a legal process is often generated by having a voice that receives validation during that legal process.<sup>376</sup> Accordingly, voice and validation become important to achieving a therapeutic result.<sup>377</sup> In the litigation context, having a sense of "voice" means having the "opportunity to tell their story to a decision maker," the court or a jury.<sup>378</sup> "Validation" is "the feeling that the tribunal has really listened to, heard, and taken seriously, the litigants' stories."<sup>379</sup> Neither the defendant in a criminal trial, nor the juvenile whose alleged criminal acts are being adjudicated, is a "voluntary participant" in the proceedings, in the usual sense of those words. The prospective patient is not a "voluntary" participant in civil commitment proceedings. Nevertheless, experts in the field of therapeutic jurisprudence have said that having a voice and experiencing validation, can give rise to a sense of voluntary participation, even for those who are not "voluntary" participants in an

---

<sup>375</sup> Amy D. Ronner, *Songs of Validation, Voice and Voluntary Participation: Therapeutic Jurisprudence, Miranda and Juveniles*, 71 U. CIN. L. REV. 89, 92 (2002).

<sup>376</sup> Amy D. Ronner & Bruce J. Winick, *Therapeutic Jurisprudence: Issues, Analysis, and Applications: Silencing the Appellant's Voice: The Antitherapeutic Per Curiam Affirmance*, 24 SEATTLE U. L. REV. 499, 501 (2000).

<sup>377</sup> *Id.* See generally Ronner, *supra* note 375.

<sup>378</sup> Ronner & Winick, *supra* note 376, at 501 (citing Bruce J. Winick, *Coercion and Mental Health Treatment*, 74 DENV. U. L. REV. 1145, 1158 (1997)).

<sup>379</sup> *Id.*; see NATHALIE DES ROSIERS, FROM TELLING TO LISTENING: A THERAPEUTIC ANALYSIS OF THE ROLE OF COURTS IN MINORITY-MINORITY CONFLICT 56 (2000) (stating that the court should be a listener and not just a teller of rules); Ronner, *supra* note 375, at 93 ("[W]hen individuals participate in a judicial process, what influences them the most is not the result, but their assessment of the fairness of the process itself.").

adjudication.<sup>380</sup> Social science has found that some of the characteristics of voluntariness—a participant who is at peace with the outcome of the proceeding and emerges with respect for the law and legal authorities—can be achieved through a system that treats the participant with fairness, respect, and dignity.<sup>381</sup>

When considering Jean and Barbara's activism, the elements of voice and validation are not essential to achieving a substitute for voluntary participation.<sup>382</sup> Nevertheless, it is interesting to look for the elements of voice and validation.

Like most participants in the civil rights movement, Jean and Barbara clearly had a "voice." Barbara found her voice early on, through her writing in Baton Rouge and her family's activism in that city.<sup>383</sup> In Memphis she had a voice through her work with the NAACP, and the political sign for a black candidate that she displayed in her yard.<sup>384</sup> Jean and Barbara both had a voice through their participation with the women's group in Memphis and through the message sent by their attendance in business-like attire at the mayor's office—even though the mayor insulted them by refusing to meet.<sup>385</sup> Jean and Barbara had a voice when they attended the meeting(s) (multiple meetings for Barbara, one for Jean) at the Mason Temple at which Dr. Martin Luther King, Jr., among others, spoke.<sup>386</sup> Jean had a voice when she staged her one-woman walkout from the church.<sup>387</sup> The two women expressed

<sup>380</sup> See WINICK, TJ APPLIED, *supra* note 353, at 68–83; Ronner, *supra* note 375, at 95.

<sup>381</sup> See Ronner & Winick, *supra* note 376, at 505.

<sup>382</sup> Yackle, *supra* note 141, at 804.

The right of expressive association rests on the First Amendment itself, which protects both the individual's freedom to speak alone and his freedom to associate with others for the purpose of magnifying his voice. This kind of associational right is preeminently volitional and purposeful. The individual's deliberate choice of what to say is inextricable from her choice of the company in which to say it—in order to get it said in the most effective way.

*Id.*

<sup>383</sup> See Vidulich July 20, 2010 interview, *supra* note 87.

<sup>384</sup> See *Spence v. Washington*, 418 U.S. 405, 405–06 (1974) (stating that affixing a peace sign on an American flag displayed in the window was constitutionally protected speech); Vidulich July 20, 2010 interview, *supra* note 87.

<sup>385</sup> See Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71.

<sup>386</sup> See Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71.

<sup>387</sup> See *Brown v. Louisiana*, 383 U.S. 131, 139, 141–42 (1966) (holding that congregating quietly to protest library segregation was protected speech under the First Amendment); see also *Tinker*, 393 U.S. 503, 514 (1969) (holding that wearing an armband to ex-

their loudest voice—even though they uttered not a single word—during the Memphis march following Dr. King’s assassination.<sup>388</sup> This most historic aspect of their work was a perfect example of the exercise of the right to free speech, via action, without vocalizing a single word.<sup>389</sup> The “decisionmakers” Jean and Barbara sought to reach with their “voices” were the public—of Memphis specifically—but the larger public as well, both northern and southern. They sought to reach lawmakers (local, state, and national), and the media that could communicate their voice to the public and decisionmakers. As for media, they did not have a great deal of success with *The Commercial Appeal* that initially downplayed the sanitation workers’ strike and the Memphis march.<sup>390</sup> Nevertheless, Jean and Barbara knew that even the “slanted” media outlet had “heard” their “voice;” it simply had chosen to suppress the news.<sup>391</sup> Jean and Barbara knew that eventually the word would get out, and it did, as evidenced by the volume of literature on the Memphis sanitation workers’ strike.<sup>392</sup>

---

press a certain view was a type of symbolic speech protected under the First Amendment); Yehle June 28, 2010 interview, *supra* note 71.

<sup>388</sup> *Brown*, 383 U.S. at 141–42; see Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71; see also *Tinker*, 393 U.S. at 505. See generally *Edwards v. South Carolina*, 372 U. S. 229 (1963) (discussing conduct as protected speech).

The second type of symbolic speech case relates to those activities not in and of themselves speech, but which are so entwined with speech as to be inseparable from it. Common examples of this category recognized by the Court in past cases are marching, picketing, soliciting charitable contributions, selling magazines or other publications, distributing leaflets, and donating money to political causes.

McGoldrick, *supra* note 352, at 13.

<sup>389</sup> See, e.g., *Spence*, 418 U.S. at 405 (holding that conduct constituted symbolic speech); *Cohen v. California*, 403 U.S. 15, 16, 26 (1971) (holding that wearing a jacket that states “Fck the draft” on it constitutes speech); *Street v. New York*, 394 U.S. 576, 591 (1969) (holding flag burning protected under the First Amendment); *Tinker*, 393 U.S. 503, 505 (holding that wearing an armband to express a certain view was a type of symbolic speech protected under the First Amendment); *United States v. O’Brien*, 391 U.S. 367, 378–79 (1968) (holding that a law outlawing the alteration or destruction of one’s draft card was not an unconstitutional regulation of speech due to the government’s compelling interest in administering the Selective Service System); *Brown*, 383 U.S. at 142 (finding a silent sit-in in the library was protected under the First Amendment); *Cox*, 379 U.S. at 555 (holding that marching fell under the category of protected free speech).

<sup>390</sup> See Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71.

<sup>391</sup> See Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71.

<sup>392</sup> See Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71; see also, e.g., HENERY HAMPTON ET AL., *VOICES OF FREEDOM: AN ORAL HISTORY OF THE CIVIL RIGHTS MOVEMENT FROM THE 1950S THROUGH THE 1980S* (1990); PE-

In therapeutic jurisprudence theory, voluntariness is the key element. For Jean and Barbara, their exercise of voice confirmed *to themselves* their voluntary participation.

The element of validation is a fascinating aspect of the therapeutic jurisprudence analysis of Jean and Barbara's civil rights activism. In therapeutic jurisprudence, validation means, "the feeling that the tribunal has really listened to, heard, and taken seriously, the litigants' stories."<sup>393</sup> In the civil rights movement, in general, the audience, listened to, heard, and took seriously the movement's voice.<sup>394</sup> Some of the decisionmakers, however, particularly those in the South, did not agree, at all, with what the "voice" of the movement was saying.<sup>395</sup> Validation, defined above, can be positive—agreeing with the participant—or negative—confirming that the voice had been heard, but disagreeing with its message.<sup>396</sup> It is not hard to conclude that Jean perceived that her Memphis neighbors may have listened to, heard, and taken seriously, her voice in the Memphis civil rights struggle. Her fear that her neighbors might "in one awful instant" mete out vengeance on her and her family confirms that she believed that they had "heard, listened to, and taken seriously" her one-woman protest at the church, and her participation in the march, if they had been made aware of the latter.<sup>397</sup> She *perceived* that she had been heard; she feared that she had been heard; that was sufficient.

For Barbara, the snubbing she received was, for her, validation that her voice—in posting the political sign, working for the NAACP, arranging the "meeting" with the mayor, attending the rally, and marching—was "listened to, heard, and taken seriously."<sup>398</sup> She was thankful that the "validation" was not the fear of death under which her husband had earlier performed his voter registration activism, or the retribution that was visited upon other civil rights activists.<sup>399</sup> Barbara did not care that she was disliked in the community, because for her, it con-

---

TER B. LEVY, *THE CIVIL RIGHTS MOVEMENT* (1998); MARK NEWMAN, *THE CIVIL RIGHTS MOVEMENT* 129 (2004).

<sup>393</sup> Ronner & Winick, *supra* note 376, at 501.

<sup>394</sup> See *Hurley v. Irish-American Gay, Lesbian and Bisexual Grp. of Bos.*, 515 U.S. 557, 568 (1995) (describing marching and parade participation as forms of public expression).

<sup>395</sup> See Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71.

<sup>396</sup> See Ronner & Winick, *supra* note 376, at 501.

<sup>397</sup> See Yehle July 07, 2010 interview, *supra* note 8.

<sup>398</sup> See Vidulich July 20, 2010 interview, *supra* note 87.

<sup>399</sup> See Vidulich Aug. 19, 2010 interview, *supra* note 181; Vidulich July 20, 2010 interview, *supra* note 87.

firmed that the neighborhood knew what she stood for; it was a form of validation.<sup>400</sup>

Moreover, both women felt that they might have been indexed by the FBI—that is, taken seriously—yet another, although not particularly welcome, form of validation.<sup>401</sup>

On the positive side, they received encouragement and support from the women's group and each other.<sup>402</sup> Barbara received encouragement and support from her husband and sons.<sup>403</sup> It also seems that they self-validated because what they were doing “felt right;” they were doing something that they believed was right, moral, and important, even at some personal risk.<sup>404</sup>

And, it was validating that the sanitation workers were able to unionize and reach an agreement with the city. Although the workers received only slightly more compensation, they were afforded more dignity in terms of better treatment on the job and due process in job actions against them, instead of the arbitrary, intimidating mistreatment that characterized the Public Works Department earlier.<sup>405</sup> The question of whether and to what extent the exercise of constitutional rights must be successful in order to produce a sense of validation appears to be a fruitful source for additional work by constitutional scholars who also work in the field of therapeutic jurisprudence.<sup>406</sup>

The laws that Jean and Barbara were relying upon in fighting Jim Crow were their fundamental rights under the Bill of Rights: freedom

<sup>400</sup> See Vidulich July 20, 2010 interview, *supra* note 87.

<sup>401</sup> See McKnight, *supra* note 2, at 145–46; Vidulich July 20, 2010 interview, *supra* note 87.

<sup>402</sup> See Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71.

<sup>403</sup> See Vidulich July 20, 2010 interview, *supra* note 87.

<sup>404</sup> See Blumberg, *supra* note 13, at 717; Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71.

<sup>405</sup> Although it is beyond the scope of this Article, studies of persons who were badly harmed, or whose civil rights activities were unsuccessful, either initially or in the long term, would shed light on whether the exercise of one's constitutional rights must be *successful* in order for there to be a therapeutic outcome from the “impact of laws” on the civil rights movement.

<sup>406</sup> It would also be fascinating, from a therapeutic jurisprudence standpoint, to study the impact on staunch segregationists of the civil rights movement and changes in law as well as the subsequent retrenchment in enforcement.

A therapeutic jurisprudence analysis of the civil rights movement on black participants and black beneficiaries although not active participants in the movement—as well as the impact of government retrenchment under Attorney General John Mitchell—would add a great deal to our understanding of that particular era.



of speech,<sup>407</sup> the right to peaceably assemble,<sup>408</sup> freedom of association,<sup>409</sup> and the right to petition for redress of grievances against the government.<sup>410</sup> Jean and Barbara report that they felt empowered by exercising those freedoms, and felt that it was “just” to exercise those rights on behalf of those who were being denied basic rights.<sup>411</sup> As discussed in the next section of the Article, Jean and Barbara’s exercise of their basic freedoms<sup>412</sup> in support of the civil and economic rights of the sanitation workers had a therapeutic, that is, positive, impact on them over the years.

#### IV. REFLECTIONS

What has been the long-term impact on these women of their activities in support of the Memphis Sanitation Workers’ strike and their participation in the civil rights march following the assassination of Dr.

---

<sup>407</sup> U.S. CONST. amend. I.

<sup>408</sup> *Id.*

<sup>409</sup> *Id.*; see also *Patterson*, 357 U.S. at 460 (holding that freedom of association is an essential part of freedom of speech because individuals can engage in effective speech only when they associate with others).

<sup>410</sup> U.S. CONST. amend. I.

<sup>411</sup> Jean and Barbara’s small roles in history relied on rights entrenched in American culture through the heart of the Constitution. See *Frisby v. Schultz*, 487 U.S. 474, 480 (1988) (“[W]e have repeatedly referred to public streets as the archetype of a traditional public forum . . . .”); *Edwards*, 372 U.S. at 237; *Hague v. Comm. for Indus. Org.*, 307 U.S. 496, 515 (1939) (Roberts, J., alternative holding) (“Wherever the title of streets and parks may rest, they have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions.”).

<sup>412</sup> See *Patterson*, 357 U.S. at 460–61 (“Effective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association, as this Court has more than once recognized by remarking upon the close nexus between the freedoms of speech and assembly.”).

Martin Luther King, Jr.<sup>413</sup> Both of them have vivid, moving recollections of Dr. King and his final Mountaintop speech.<sup>414</sup>

Barbara is glad that she brought her sons to hear Dr. King at Mason Temple and that it remains such a strong, positive recollection for them.<sup>415</sup> For Barbara, her participation was another campaign in a commitment that had, by that time, extended throughout most of her adult life.<sup>416</sup> It was a fitting last chapter in her active involvement in the civil rights movement.<sup>417</sup> And now, after all these years to learn that she inspired Jean, a woman she so highly respected, to act on her own commitment to the civil rights movement, is truly satisfying.<sup>418</sup> Barbara is glad she did it. Her activities on behalf of the civil rights movement are part of who she is, and part of her legacy to her children and her country.<sup>419</sup>

For Jean, following her participation in the events of those days, she no longer had a merely intellectual commitment to civil rights. Though actively involved only briefly, Jean gained a visceral identification with the struggle that has remained with her throughout her life.<sup>420</sup> It strengthened her commitment to civil rights.<sup>421</sup> Her participation impacted her view of the women's rights movement, of politics in general, and forever influenced her view of herself.<sup>422</sup> It gave her the gumption to act courageously and to rely upon herself and her convic-

---

<sup>413</sup> Both women have had interesting lives and very successful careers. After she finished caring for the children of her ill relative, Barbara went back to school. She completed her bachelor's degree and went on to obtain a Ph.D. She became a professor in the field of accounting and recently retired from the University of Colorado in Boulder. Jean rose to the position of Public Information Officer for what is now known as the Rosenstiel School of Marine and Atmospheric Science of the University of Miami. In that capacity, she has had the opportunity to interview, work with, and write about some of the world's most renowned figures in those fields. She has considerable expertise of her own. Following her retirement from the Rosenstiel School, she remained connected with the institution by becoming its Archivist. She is presently working on gathering oral histories of many of the important figures in the marine and atmospheric sciences who spent part of their careers at the University of Miami.

<sup>414</sup> Vidulich July 20, 2010 interview, *supra* note 87; Yehle June 28, 2010 interview, *supra* note 71.

<sup>415</sup> See Vidulich July 20, 2010 interview, *supra* note 87.

<sup>416</sup> *Id.*

<sup>417</sup> *Id.*

<sup>418</sup> See Vidulich Aug. 19, 2010 interview, *supra* note 181.

<sup>419</sup> See Vidulich July 20, 2010 interview, *supra* note 87.

<sup>420</sup> See Yehle July 07, 2010 interview, *supra* note 8.

<sup>421</sup> *See id.*

<sup>422</sup> *See id.*

tions in difficult times.<sup>423</sup> She has been less inclined than many women to see herself as a “victim,” and more likely to take action.<sup>424</sup> She believes she has been more apt to question the status quo and more willing to do what she believed was right, even if it varied from the status quo, than if she had not participated in the civil rights movement.<sup>425</sup> She believes that having participated in these events has helped her distinguish what is important from what is not important.<sup>426</sup> As a result, Jean says she learned to be her own person and to participate more fully in life—to think more deeply, to act with more insight, and to laugh with greater pleasure.<sup>427</sup> It has made her more able and willing to mentor women.<sup>428</sup> She says she is a better, stronger woman for having done it.<sup>429</sup> And I, for one, can see all these results in how she has lived and how she has inspired others.<sup>430</sup> American society has a new category of women participants in the civil rights movement, introduced into the historical record through Jean and Barbara.<sup>431</sup>

#### CONCLUSION

Despite the large body of scholarly literature on the civil rights movement, not every category of participants has had its story told. This Article fills one of the gaps by telling the story of two northern white women participants who moved to the South and intended to remain there. Their experiences differ in many respects from those of the northern women who traveled to the South briefly to participate in

---

<sup>423</sup> See *id.* As an aside, both women are now divorced. Although both report that they do not believe that their activism had anything to do with their divorces, I wonder whether the personal strength that Jean cultivated through her participation, and the ability to depend upon herself in difficult circumstances—as well as the ability to publicly break with the status quo as to how “everybody else” lives—gave her the gumption to leave a very trying situation. Nevertheless, she maintained a very positive relationship with her ex-husband for the rest of his life; that positive connection was good for her sons, for her and her ex-husband, and for friends of the family. It took a strong woman to accomplish that.

<sup>424</sup> See *id.*

<sup>425</sup> See *id.*

<sup>426</sup> See Yehle July 07, 2010 interview, *supra* note 8.

<sup>427</sup> See *id.*; Yehle June 28, 2010 interview, *supra* note 71.

<sup>428</sup> See Yehle July 07, 2010 interview, *supra* note 8.

<sup>429</sup> *Id.*

<sup>430</sup> I am deeply indebted to her.

<sup>431</sup> Coda: When Jean and Barbara read the (almost) final draft of this Article for factual accuracy, each had very similar reactions although they did not speak with one another. Aside from confirming factual accuracy, each of them commented that seeing this in print made them feel like they had done something of special significance, yet neither felt that she had done anything particularly noteworthy. Each said that she simply had done what was “the right thing to do.”

the movement, and from the women participants who were born and raised in the South, as well as from northern women who were active only in the North. Besides being compelling and interesting in and of themselves, the stories of these two women, Jean Yehle and Barbara Vidulich, are important under the claims of the legal narratology movement. Legal narratology asserts that stories, particularly of those traditionally oppressed within the legal system, are important to legal scholarship. Such stories expand our views of how the law impacts such people and can inspire change. Moreover, when analyzed under therapeutic jurisprudence, Jean and Barbara's stories illustrate that their reliance on their fundamental legal rights during their time in the civil rights movement had therapeutic results. Though these women played minor roles in a massive movement, their stories are important and deserve to be told.

