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Megan Ming Francis

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Civil Rights and the Making of the Modern American State

Did the civil rights movement impact the development of the American state? Despite extensive accounts of civil rights mobilization and narratives of state building, there has been surprisingly little research that explicitly examines the importance and consequence that civil rights activism has had for the process of state building in American political and constitutional development. Through a sweeping archival analysis of the NAACP's battle against lynching and mob violence from 1909 to 1923, this book examines how the NAACP raised public awareness, won over U.S. presidents, and secured the support of Congress. In the NAACP's most far-reaching victory, the Supreme Court ruled that the constitutional rights of black defendants were violated by a white mob in the landmark criminal procedure decision *Moore v. Dempsey* – a decision that changed the relationship of state and local courts to the national state. This book establishes the importance of citizen agency in the making of new constitutional law in a period unexplored by previous scholarship.

Megan Ming Francis is Assistant Professor of Political Science at Pepperdine University. She completed her PhD in the Department of Politics at Princeton University in 2008 and served as a Postdoctoral Fellow at the University of Chicago in 2008–2009 and as a Jerome Hall Postdoctoral Fellow at the Center of Law, Society, and Culture at Indiana University Maurer School of Law in 2009–2010. Francis's research interests include American political development, race, crime, capitalism, and civil rights.

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*To my parents, Horace and Annette Francis, who taught me
how to be courageous in fighting for the things I believe in,
but most of all taught me how to love.*

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Acknowledgments

This book was not supposed to happen. Eight years ago, I was at the precipice of leaving the academy. It was the spring of 2005, and I stood on the stairs looking up at the building that housed the Department of Politics at Princeton University and vowed never to return. I was near the end of my second year in graduate school, three weeks away from PhD qualifying exams, and five weeks away from final exams in my last year of coursework, and I did not feel like I wanted anything to do with political science. I felt that the area of research I cared about most – the intersection of law, race, and American political development – was marginalized in the discipline and I was tired of fighting others to care. Unfortunately for my hasty vow and fortunately for my career, I turned around and at that moment ran into Paul Frymer, my thesis advisor, who saw the look of distress on my face and talked me off the proverbial ledge. His ability to wear down my resolve that day changed a lot of things and set me on the course that I am still currently on. I would continue on at Princeton and write a dissertation that I was proud of under the tutelage of a brilliant group of scholars. Indeed, if there has been one lesson that stands out to me over the course of this book project, it is that writing and research comprise a journey that takes one down many unexpected but fascinating roads. I am blessed and humbled that this is part of what I do for a living.

This book has been written because of an incredible network of support from family, friends, colleagues, and mentors to whom I am forever indebted. Firstly, to my dissertation committee: To Melissa Harris-Perry for being a courageous and inspiring mentor and friend. My sincerest thanks to Melissa for always finding time in her life for me and my work. Melissa's blunt honesty about my scholarship has always pushed me to do better (and to rewrite whole chapters!), and her contagious laughter lifted me during some of my most trying times at Princeton. To Paul Frymer, without whom I likely would never have finished Princeton. My thanks to Paul for shepherding me through graduate

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school – on the west and the east coasts. Paul’s scholarship has influenced my own immensely. Tali Mendelberg saw something in me at a very early stage and encouraged me to pursue graduate studies at Princeton. Her genuine support of my interests from 2003 until now has been deeply humbling. From Mahalia Jackson, to W. E. B. Du Bois, to E. Franklin Frazier, no one can wax poetic the religious, music, and class dimensions of African Americans quite like Cornel West. Everyone should be so fortunate to learn from four scholars with such incisive intellect. I only hope that I have made them proud.

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My life outside of the academy is just as important as my life inside the academy. In this area, there are certain people who have shaped my life in ways that the words “thank you” will never seem sufficient: To my sister/cousin Camille Walker for digging me out of many a deep dark academic hole and often reminding me that there was life outside of research and writing. She was the balance I didn’t know I needed but don’t know what I’d do without. I am particularly indebted to the following supportive voices in my life: Tiana Allen, Michelle Antwi, Alexandria Carroll, Jessica Carter, Stan Chen, Christopher Coes, Jeff Dess, Anthony Francis, Hollins Gause, Jaira Harrington, Eddie Lincoln, Stephanie McDuffie, Julie Merseeth, Mike Mitchell, Adrienne Packard, Shana Pearson, Philip Rigueur, Samijo, Tia Silas, Sara Stewart, Matt Story, and Marvin Wilmoth. Thanks to a cat named Meebo and a corgi named President Bartlet for all the distractions. FWMJ has been incredibly supportive and allowed me to pour time into finishing this book project (albeit with time wasted on funny Facebook posts). My sincerest thanks to him for moving across the country and providing me with the exact kind of balance I need. He makes me laugh harder and smile bigger. When I’m done writing, let’s go get some xiao long bao!

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did not feel like completing this manuscript, their writings on tattered papers inspired me to keep going. From their work on fighting lynchings to their symbolic gains in the Wilson and Harding administrations and then to legal strategizing sessions that culminated in the landmark victory in front of the Supreme Court, this group of women and men forced the federal government to pay attention to their struggle. Today, we stand on the shoulders of greats, and my small hope in writing this book is that we not forget important accounts of how people on the margins of our society helped to close the vast gulf that existed between democratic rhetoric and reality. Nor that we forget how much power we still possess in working collectively toward a more just political and legal system.

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Abbreviations

ACLU	American Civil Liberties Union
AFPS	American Fund for Public Service (The Garland Fund)
AL	Arthur Link
APD	American Political Development
BOD	Board of Director
CCR	Center for Constitutional Rights
CPR	Communities United for Police Reform
KKK	Ku Klux Klan
LOC	Library of Congress
NAACP	National Association for the Advancement of Colored People
NACW	National Association of Colored Women
NUL	National Urban League
PFHUA	Progressive Farmers and Household Union of America
UL	Urban League
UNIA	United Negro Improvement Association
Waskow	Waskow Papers