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In Theory

The 1960s Civil Rights Movement and Black Lives Matter: Social Protest from a Negotiation Perspective

Robert B. McKersie

Robert B. McKersie is Professor Emeritus of Management at Sloan School of Management, Massachusetts Institute of Technology. His e-mail address is rmckersie@mit.edu.

Address to mail journal to: 197 Jason Street, Arlington, MA 02476 [typesetter: please do not print this address]

Abstract

Today’s Black Lives Matter movement rests on the foundation of the civil rights movement of the 1960s and lessons from that earlier period are relevant to advancing racial justice today. Both movements provide rich material for understanding how social protests can be viewed as

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negotiation stories. This article uses a negotiations lens to (1) interpret key events and features of these two movements, and (2) suggest how the current movement might be sustained in ways that advance racial justice.

**Keywords:** negotiation, civil rights movement, Black Lives Matter, social protest, racial justice

**Background: Then and Now**

While based at the University of Chicago, I was heavily involved in what came to be called the “civil rights movement” (CRM) of the 1960s. Today we are witnessing another civil rights movement under the banner of “Black Lives Matter” (BLM). While it is possible to delineate the parameters of what happened in the 1960s, the CRM today is a work in progress.

When I started writing this article the big news was the passing of John Lewis, a U.S. Senator (D-GA) and civil rights icon. He headed the Student Nonviolent Coordinating Committee (SNCC) from 1963 to 1966, and led the 1965 march from Selma, Alabama to the Edmund Pettus bridge, where the marchers suffered beatings at the hands of white protesters before being turned back to Selma. Also in the news were continuous nightly protests in Portland, Oregon seeking police reforms even as federal officials in unmarked vehicles seized and jailed many protesters. In stark contrast is the relatively benign treatment of white nationalists as they stormed the U.S. Capitol in Washington in January 2021.

Those of us who were involved in the 1960s movement hoped the work of eliminating biases would be over, so one must ask: Why has another civil rights movement emerged? It seems that despite the passage of significant legislation, and affirmative action becoming a priority in the decades to follow, the underlying causes of racial disparity have not yet been addressed. To be fair, substantial progress has been made over the intervening years, especially in employment. But what have come to be termed *unconscious biases* and *institutional racism* remain in force, with significant education, income, health, and housing disparities still facing African Americans today.

Black Lives Matter was founded in July 2013 after the killing of Trayvon Martin in Sanford, Florida but it did not develop into the movement we see today until the death of George Floyd in 2020 in Minneapolis. Why did it take that killing to ignite the current movement? The killing of Black individuals at the hands of police had been happening for some time. It took the
graphic video of the “knee on the neck,” seen nationwide (indeed worldwide), to spark the pent-up anger and frustration both within and outside of the African American community.

The breadth and depth of BLM is unprecedented in many ways. The size of the current movement is impressive, even when compared to the earlier CRM. It is estimated that millions of Americans have been involved in marches, with over 2,000 separate protests.

I am only an observer of the BLM movement. By contrast, in the 1960s I was close to the civil rights movement, especially during its most active years: from 1962 when the Coordinating Council of Community Organizations (CCCO)—the organization that coordinated all the protests and marches—was established, until 1967 when the CCCO ceased to function (McKersie 2013). While I have not been involved in the planning and implementation of BLM protests currently underway in Massachusetts where I now live, nevertheless I can offer some observations about the current movement and the connection between protests and outcomes.

Both movements provide material for understanding their scope at the local level. The two movements benefited from the fact that protests calling for change had been very much in the air for some time. However, the respective time frames clearly are different. The direct-action campaigns that took place over sixty years ago unfolded over many decades. The most intense protests occurred in the South, starting in the 1950s and culminating with the assassination of Martin Luther King Jr. in 1968. The BLM movement developed quickly during the early months of 2020.

Since I will draw heavily on the Chicago story, the question needs to be addressed: How representative is Chicago of the larger movement that occurred in the 1960s throughout the country? To answer this question, I will summarize some of the main features and accomplishments of the Chicago story:

- As a result of actions by the CRM, important gains were realized: employment discrimination was center stage in a case against Motorola, receiving national attention while also leading to significant progress in the employment of minorities in the city.
- Martin Luther King Jr. led marches for open housing in 1966 in Chicago, resulting in the Summit Agreement, which committed real estate agents to more proactively ensure that minorities had full access to housing of their choice.
- Within the minority community, important initiatives also took place. Rev. Jesse Jackson led a campaign under the banner of Operation Breadbasket to require large grocery store
chains to buy and display products manufactured and sold by Black (mainly small) businesses.

- At the Booth School of Business at the University of Chicago (my former employer), Dean George Shultz initiated a groundbreaking program of scholarships and internships for minority students. This model was adopted by many business schools in the U.S.

Not everything the CRM undertook in Chicago represented a model to be emulated. The long campaign to unseat Chicago Superintendent of Schools Benjamin Willis was unsuccessful. Willis pursued a policy of keeping the races separate by refusing to transfer African American children to nearby all-white schools with vacancies.

The story of the Chicago civil rights movement is the story of protests led by one organization: the CCCO. (In other cities SNCC and the Congress for Racial Equality (CORE), two organizations that had national presence, were equally or more active.) The same picture is present today: BLM is the dominant actor but other organizations are also present. However, for the most part I will focus on one organization in each time period.

The Negotiation Perspective

The 1960s version of social protest contains many features of the traditional negotiation process. In a number of instances, face-to-face deliberations took place; below I give as an example the campaign against Motorola that produced an agreement to hire more minorities. Similarly, the open housing campaign of 1966, led by King, precipitated what came to be called the Summit negotiations. Both of these examples fit the paradigm of how we think about the negotiation process. The current BLM movement has not resulted in face-to-face negotiations except in instances where the protesters have negotiated with authorities about the parameters of a protest. How, then, can BLM be brought into a negotiation framework?

Generally, protest movements employ coercion, which is aimed at two primary audiences: decision makers and the public. To be successful, the strategy involves creating pressure for action by decision makers backed by an attitude-change process on the part of the public. So while BLM has not been involved in explicit negotiations with authorities, its strategy has been to appeal to public opinion, hopefully persuading the public to appreciate the grievances that led to the protests, thereby encouraging officials to institute change. Protesters
seek to sway public opinion and induce authorities to abandon the status quo. This strategy assumes that public attitudes do in fact play an important role in the calculus of decision makers.

The protesting party in effect requires the decision maker to balance the costs of instituting change (or even a “loss of face”) by responding to protesters’ demands against the costs associated with the protest. Even if explicit negotiations never take place, a change process may be triggered. The process of mobilizing power to get the attention of decision makers, and educating them about the nature of the demands, involves a social change process—whether or not protestors and authorities engage in face-to-face negotiation. While these tacit negotiations may produce some immediate or short-term changes, it takes more direct and ongoing negotiations and organization-building to produce lasting improvements.

To illustrate how protest can lead to change, an example from industrial relations is helpful. An analogous situation would be a strike for recognition by workers whose employer refuses to deal with the union representing them. No relationship exists between the employer and the workers. The workers’ strategy is to magnify the costs of disagreement (losses due to the strike) so that they exceed the costs of entering into a collective bargaining relationship.

Today, protesters are seeking recognition of their grievances and action to redress them, but no relationship is sought between the protesters and the target. Since one of the key demands involves better policing in the African American community, the protesters can be seen as a proxy for those who would benefit from a more constructive relationship between the police and those they serve.

The process involved in the BLM protests can be thought of as tacit or shadow bargaining. Both sides know what is at stake. Those protesting make demands. In some cases, officials announce that they are making changes, but the changes typically are not sufficient to satisfy those conducting the protest, so the demonstrations continue. While this process is not as focused as negotiations where the parties convene at the “table,” it still resembles negotiations in many respects.

The variable that is key in any potential negotiation is the role of power. Mary Rowe has outlined the many forms that power can take in negotiations (Rowe undated). In the Chicago CRM, the CCCO’s objective was to capture the attention of the decision makers and, through the strategic use of power, induce them to come to the table. In this case the exercise of power took several forms, including marches and large rallies. Protestors also called for boycotts. One of the boycotts, a campaign to unseat the superintendent of schools, involved two separate events that
urged students to stay away from school for a day, and the protestors made clear that they would continue to protest until the school board removed the superintendent. This is what Rowe termed “demonstrating power through commitment” (Rowe undated). In the case of Operation Breadbasket, the campaign used local economic power to encourage consumers to reduce their patronage at certain food stores in order to induce the stores to commit more shelf space for the products of minority businesses and hire more African Americans.

Certainly, moral power is also very important. In Chicago, ministers (including Rev. Martin Luther King Jr.) were in the vanguard, and their messages tapped the conscience of the city. Today the emphasis on treating members of the African American community with respect taps the underpinnings of our humanity.

In most instances the main source of power is the protest or demonstration, with important parameters—size, frequency, and message—determining the event’s impact. The most convincing protest is one that mobilizes a large number of citizens, sets specific goals, and has memorable messages such as “Get your knee off my neck” or “I can’t breathe.” Having participated in marches, I can confirm that there is an exhilaration that comes from being with others who are chanting memorable slogans. The potency of the protest often becomes self-reinforcing.

How frequently the protests occur—day after day as in Portland, Oregon, or only one or two large events—affects how the public responds. In the case of Chicago, where marches to replace the superintendent of schools continued over several years, the public came to question the need for the protest to continue: “They have made their point, why do they have to keep protesting in the center of the city?”

Leadership
Before analyzing the dynamics of direct action, primarily protests and demonstrations, it is important to understand who takes the lead in organizing them and making decisions regarding their deployment. We need to better understand how today’s protests actually come about. Does the call for a demonstration have to come from a leader of a local chapter of Black Lives Matter? Can a person of note (like Dick Gregory in the 1960s)—but one who is not a publicly recognized “leader”—create and convene a protest?

The leadership dimension of the two movements is quite different. Those who guided the movement in Chicago during the 1960s were either elected or well-established in various
organizations that were part of the CRM. Chicago in the 1960s was fortunate to have a number of experienced and committed individuals within the CRM’s leadership. Tim Black headed the Negro American Labor Council (NALC); Al Raby chaired the CCCO; Jesse Jackson presided over Operation Breadbasket; Bill Berry led the Urban League. These individuals took charge and created opportunities for others to develop and expand their organizing skills. Hundreds of African Americans acquired the knowledge and understanding required to run a campaign, raise funds, and handle themselves when leading direct actions.

Today the identities of those leading BLM protests are not as well known. We know who started Black Lives Matter, but even at the local level and where protests have continued for many days, the leaders remain unknown or anonymous. This is by design. Is this a weakness, especially in today’s media-intensive world? Who would be the go-to person or persons for news programs seeking information? The absence of people with recognizable names who can speak for BLM can be a challenge, both in communicating to the media and in rallying the rank and file. At the same time, being a leader without name recognition can be an advantage—recall the harm that came to so many CRM leaders in the 1960s. The risk of being arrested is minor relative to the risk of being murdered.

Along with its decentralized leadership structure, an emphasis on grassroots activism is a defining characteristic of BLM. While there are many BLM chapters, the movement should be viewed less as an organization and more as an ethos; less as a well-defined ideology and more as a loose coalition of groups and activists who have varying agendas and tactics. Where the Chicago CRM witnessed a strong and clearly defined core leadership that worked on a platform of strict nonviolence (see Reynolds 2014), BLM sees greater strength in decentralization. However, this decentralized approach comes at the cost of uniform ideology and cohesive tactics (see, e.g., Barrón-López 2020; Keating 2020).

It is important to note that all of the leadership roles in the 1960s CRM fell to Black men, and Black women remained very much in the background. This characteristic of a “male-only club” was vividly illustrated in the composition of the contingent that negotiated the open housing Summit Agreement in 1966. Of the more than forty people who signed the agreement, every one was a male. Today we see a movement (Black Lives Matter) that was started by women, with full participation across the country by women in key roles. Melina Abdullah, cofounder of the Los Angeles chapter of Black Lives Matter and former chair and professor of Pan-African Studies at Cal State-LA, described the leadership of protests under the banner of
Black Lives Matter as follows: “Group-centred leadership is in our guiding principles. . . . Black women have always been at the heart of the black freedom struggle. Often times they have been painted over, and this time we are refusing to allow ourselves to be painted over” (Maqbool 2020).

From a negotiation perspective, in Chicago the authorities knew who they could contact to initiate discussions. It is also true that in some other cities where the authorities were less interested in negotiating and more interested in thwarting the CRM, the visibility of leaders facilitated their arrest, possibly weakening the efforts of the movement. There could not be a sharper contrast between the decision-making process followed in Chicago in the 1960s and what takes place today. With BLM’s emphasis on local control, notice of a protest (along with details such as its time and location) is made via social media and without much deliberation. Mobilization is a flexible process, one not slowed down by parliamentary procedure and votes by delegates duly representing their respective community and religious organizations—as was the case in Chicago.

With the power of social networking, an individual can call for a protest at a specific time and place, and direct action follows. However, someone has to develop the “game plan.” Here is BLM’s advice on leadership roles:

- Leading a protest may be more work, so gather a team. Ask someone to be the point of contact for the media, and another for the police. Appoint “chanters” to lead the crowd. Designate marshals to keep everyone organized. Watch for unwanted rabble rousers. Use social media platforms to recruit people. (Quigley 2020)

From a bargaining perspective, the challenge for authorities today is similar to the challenge of a company facing a wildcat strike by its workers. Individuals who have agitated for and created the walkout may not be known to the authorities. There has to be a leader who can represent the group to those willing to negotiate—someone who can speak for the group, make demands that the group will rally around, and then be able to reach compromise agreements that the group will accept and adhere to. Absent such leaders, people in positions of authority within business, government, and other arenas will not be willing to sit down and negotiate change. One sees this in the various protests aimed at police reform—positive newspaper editorials, some supportive elected leaders, but no single group that negotiates a deal with those in power. In
Massachusetts, for example, it has been difficult to implement change police department by police department.

**Burnout**

It is important to appreciate that leaders who take on major roles (elected or otherwise sanctioned) often experience burnout. These individuals deal constantly with demands, which are just as likely to come from the ranks of protesters as from officials seeking an end to a protest. In the case of the CRM in Chicago, Al Raby experienced burnout that led him to retire quietly from the leadership of the CCCO and turn to other activities. His departure occurred just five years after he took the CCCO’s helm in 1962.\(^3\)

Most people grow tired of continually advocating for change, preferring instead to enjoy more uneventful lives that do not include regularly leading marches and rallies. Some political leaders say they speak for BLM (like Al Sharpton) but they have short attention spans—when the media subsides, they move on to the next opportunity for visibility. Sharpton gave a fiery speech at George Floyd’s funeral; he appears regularly in the news; but he does not serve as a visible point person for BLM negotiations on policies or practices. It seems to be an unwritten rule: leaders can survive for five to six years, then need to be replaced by new talent. Burnout may not be as much an issue today since “who is in charge” in most situations is very decentralized and fluid.

**Central Planning and Control**

Who makes decisions in a protest movement and exercises control over it is key. In Chicago, decision-making and control were exercised by the CCCO, which met regularly and authorized programs of direct action.\(^4\) In contrast, as noted, the recent protests around the country emerged quite spontaneously, and to the extent there has been any planning, it has been minimal. The big difference is that in the 1960s the country was (at least in the North and only among whites) not yet “awakened” to the injustices experienced by African Americans. In 2020, the country was more aware of racism. To use the colloquial expression, the country today is more “woke,” while in the 1960s it needed to be awakened.

Even though an organization like BLM does not have a constituent base like the CCCO, through which affiliated congregations and neighborhood organizations issued calls for participants, current BLM organizations more than compensate by utilizing the power of social
media to mobilize participants for protests. But they still need a strategic message and a concrete set of goals. Marshall Ganz (2000) argued that the key to organizing success is having a clear strategy—not just one promoted by a visible leader such as Caesar Chavez but a strategy developed by a small set of supportive leaders. This was the case for the Farmworkers Union, which organized boycotts and marches in pursuit of a labor contract and fair treatment for its members.

Early in its existence, the CCCO had a strong role in ensuring that scheduled campaigns were supported by the various religious and community groups that were its members. I was a delegate from the Unitarian-Universalist congregations of Chicago. Here is an example of how the process worked: Tim Black, chair of NALC, obtained data showing that Motorola was discriminating against African Americans in its hiring practices. Tim came before a CCCO meeting and outlined his plan to conduct a demonstration at one of Motorola’s showrooms in downtown Chicago. Intense debate followed, with the activist organizations in full support of the planned demonstration. However, the Urban League, which had been working behind the scenes to help Motorola hire more minorities, asked for a postponement of the demonstration. The delegates voted to support Tim and his plan, and a date was set for the demonstration, in defiance of the Urban League.

The Council was not always successful in controlling the initiatives underway in Chicago, as illustrated by the marches organized by comedian Dick Gregory. Gregory decided that the best way to pressure the mayor (who presumably would then pressure the board of education) to remove the superintendent of education was to march to the mayor’s home in the Bridgeport section of the city. To participate in these marches, Gregory took the Red Eye from San Francisco after his daily performances. Anyone who wanted to march showed up at Buckingham Fountain, and from there the marchers proceeded to Bridgeport. Some delegates criticized the Gregory marches because they had not been approved at a regular meeting of the CCCO. A vigorous discussion followed, and the Gregory marches, which had been already underway for some time, were officially approved by the delegates. These marches resemble the marches that are typical today, which have less advance planning than in the 1960s.

The Gregory story illustrates a reality for the CCCO. In this instance (which unfolded differently than events usually played out), an individual who generated a following found success, and even though the marches had not been initially authorized by the Council, ultimately it became necessary to bless Gregory and his campaign. In a sense, Gregory had...
formed a separate organization, and the CCCO’s leadership realized they had to bring him back “under the tent.” They needed to identify and support a visible leader, even if he was a rival for power and/or control.

Early in the CCCO’s history, it held frequent meetings. As the decade unfolded, however, fewer meetings were called, and the task of coordinating protests fell to an executive committee. When King came to Chicago, his leadership team from the Southern Christian Leadership Conference (of which he was president) merged with the CCCO team, and together they organized an active program of marches to highlight housing discrimination. The point is that over time leadership of protests tends to become more centralized. It would be interesting to know if this was the case in Portland, where nightly protests continued for months.

When labor unions engage in a direct action such as a strike, planning for the action involves serious consideration as to size (for example, one plant or many plants) and duration. The CCCO leaders in Chicago certainly undertook this type of strategizing. Today, given the spontaneous and organic quality of most BLM protests, few strategic decisions are made—at least explicitly—especially as to the anticipated size of a protest’s turnout. A protest’s frequency is more likely to be planned.

On the issues of strategy and decision-making, it is interesting to return to the story of the campaign against Motorola. Soon after the Council voted to authorize a demonstration at the company’s showroom in Chicago’s downtown Loop, Motorola communicated confidentially with Tim Black, offering to sit down and talk about the issues. Tim saw this as a positive development and postponed the demonstration—much to the ire of the activists and staff who had invested considerable time organizing the logistics, hiring buses, and pulling together all the loose ends necessary for a successful demonstration. The lesson is that when a demonstration is planned or already underway, some flexibility may be needed to bring important decision makers to the table. Also, a strong leader can call off a demonstration despite opposition from activists. From a negotiation perspective, having control—as Tim did when he called off the demonstration because Motorola agreed to sit down and talk—can lead to a more productive path from protest to bargaining table.

Today, it would be difficult for anyone to call off a demonstration or change its shape, since typically a protest is more like a “happening” than a well-planned event. There is a sharp contrast between the two movements with respect to control over protests and other actions. In
many respects, the strength—and the weakness—of BLM is its organic quality and the very decentralized manner in which protests take shape.

Agendas and Demands
For a demonstration or other direct action to be successful, there must be at least some possibility that activists’ demands will be addressed and resolved by authorities. The agenda in the 1960s aimed to end discrimination—today it is to root out racism. While explicit demands (such as those made in the 1960s) might be more readily addressed, changes in attitudes (demanded today) require fundamental transformations.

Tim Black knew that Motorola’s employment practices were discriminatory. He hoped that through negotiations with the company, Motorola would be open to hiring applicants referred to it by the CCCO. In contrast, firing Chicago’s school superintendent—the demand of many marches, rallies, and demonstrations—required convincing the public that the superintendent’s policy of neighborhood schools (many of which were segregated) was severely flawed and required his ouster. Not everyone understood the connection or agreed with the conclusions—that the superintendent should be fired and segregation should be banned. The school board, backed by Mayor Daley, was unwilling to acquiesce to the demand to fire the superintendent. In fact, after the protests started, the school board voted to extend the superintendent’s contract, thereby expressing strong support for his policies. Removing the superintendent simply was not going to happen.

In a contrasting example, the focus on housing discrimination in 1966 was specific, with ample documentation to demonstrate the difficulties experienced by African Americans who sought to move into, and live, in white neighborhoods. The marches in support of open housing led to negotiations on the issue, which ultimately resulted in the Summit Agreement (notwithstanding which, Chicago remains segregated).

An example that illustrates the risk of expanding the agenda occurred when King spoke against the war in Vietnam. Many in the CRM felt he weakened the movement’s advocacy for legislation and policies on behalf of the African American community—even though most participants eventually agreed with King’s anti-war stance and admired his courage in taking a position that put him at odds with President Lyndon Johnson.

Today, the precipitating events of the deaths of Breonna Taylor, George Floyd, and others have focused attention on policing—behavior, ground rules, supporting budgets, and...
resources committed to traditional policing versus community social work. A conceptual distinction that is often used in bargaining is whether a particular agenda item is distributive or integrative. Reducing the size of a police budget may be viewed as highly distributive; demanding that funds be reallocated to resolving problems in the minority community could be viewed as potentially integrative.\(^5\)

**Mobilization**

The dynamics of a campaign can be gauged by keeping track of whether the direct action program is affecting the target’s willingness to make change. In many cases this will depend on how the public views the message and actions of the protesting group and the weight given to public opinion by the target.

Leaders of social protests are keenly aware that publicity plays a large role in determining whether their message will be heard. As King often observed, progress in civil rights only occurs when the majority supports change. This sounds obvious, but in the throes of a demonstration it is easy to focus only on the target—for example, a city government or a corporation—and forget that public opinion is crucial, especially when the objective is to get a public official to institute change.

Turning to the mechanics of a campaign, the first task for any civil rights movement is to ensure that a campaign can gain traction. In the 1960s, this meant first obtaining the CCCO’s authorization of a program and then ensuring that a respectable number of participants would be involved in it. It is one thing to plan a program of direct action and obtain authorization for it from an organization like the CCCO; it is quite another to achieve an impressive turnout.

To energize potential participants and maintain momentum, the 1960s CRM turned to rallies. When King took up residence in Chicago in 1966, he led large rallies at Chicago’s Soldiers Field. These standing-room-only events lifted the spirits and sights of those affiliated with the movement and also motivated others to join it.

While the explicit objective of a demonstration or other form of direct action—at least in the Chicago experience—was to persuade a decision maker to change a policy or at least engage in negotiations, at the same time CRM strove to engage the hearts and minds of citizens. A positive example is the nightly marches to Mayor Daley’s home that were led by Dick Gregory. While this activity went on for several weeks, it did not achieve any immediate results;
nevertheless, the marchers’ commitment was viewed by the public as inspiring dedication to achieve better outcomes, especially for minority children.6

One way that leaders and followers can demonstrate their continuing commitment to a cause and at the same time generate publicity is to place themselves in situations where they will be arrested. In Chicago, the police required that the marchers remain on the sidewalk when they reached the Loop. When several leaders stepped onto the street upon arriving at the Loop they were immediately arrested, which generated considerable television and newspaper coverage. The Chicago police acted with restraint and did not create the type of incidents that were occurring in other cities and that continue to take place today.

However, when protests continue nightly and other groups use them as cover for illegal activity, and marchers appear to goad the police into escalating the situation, the public reacts negatively. In a survey by DHM Research, based in Portland (where at the time of the survey protests had been going on for more than 100 days), research showed that 29% of respondents thought that the police were responding with too much force; 42% said the police were not using enough force; and 18% felt the police actions struck the right balance (Mesh 2020).

It is instructive to review the protests that took place in Louisville, Kentucky following the death of Breonna Taylor, which illustrate the sequence, dynamics, and challenges inherent in a social movement. In this case, the protests continued for several months. Then to escalate the pressure the marchers traveled to the homes of key officials. As the marches continued, counterdemonstrations occurred, generating press coverage. At that point a new tactic evolved: setting up tables in the middle of a thoroughfare, resulting (as expected) with the arrest of many protestors. Ultimately, the family received a settlement of $12 million and the city initiated a number of police reforms.

The Louisville saga highlights many of the dynamics of a protest:
- the willingness of protesters to continue for months;
- the need for publicity, taking the marches to the homes of key officials;
- as the marches continued, the occurrence of counterdemonstrations;
- the campaign’s increased pressure—for example, by setting up tables in the middle of a thoroughfare; and
- protesters engaging in conduct that leads to arrests.

The same sequence occurred in Portland when the nightly marches moved from the downtown area to upscale residential neighborhoods. This resulted, unsurprisingly, in a white
nationalist group—the Proud Boys—assembling to watch, with one man holding up a middle finger to the passing marchers. Further along, the marchers encountered Trump supporters waving MAGA and “God, Guns & Trump” flags. The resulting publicity helped the campaign because an important variable in the calculus of public opinion relates to the actions of counterprotesters.

The Portland experience is reminiscent of events in Chicago. While it was never openly acknowledged, the leaders in Chicago believed there was a need to “flush out” the opposition. If marches could engender hostility and perhaps even some violence, such actions would generate front-page news and would keep attention focused on the campaign. One of the most dramatic examples of this occurred in 1966 when King came to Chicago. It involved a march from an all-Black neighborhood into an all-white neighborhood, crossing the invisible line of demarcation. I participated in this march, and very soon after crossing the “line,” rocks and bottles came raining down on the marchers. King remarked that he had never seen such hostility in the South. From the viewpoint of the CRM, this episode and the ensuing publicity meant that the movement was hitting “pay dirt.”

Memorable symbols and symbolic acts capture the public’s attention. To this end, Black Lives Matter marchers have carried caskets. On some occasions they have stopped and knelt, emulating Colin Kaepernick’s actions of several years ago, when he knelt during the national anthem at the start of NFL games in protest of police brutality and racial inequality and to show his support for Black Lives Matter.

A campaign is helped when the target appears especially intransigent. This was the case when protestors demanded the removal of Chicago School Superintendent Willis. The school board’s intransigence in the face of large-scale protests, and Mayor Daley’s unyielding posture, energized the movement and encouraged more supporters to join the campaign to oust Willis.

The impact of repeated rallies likely follows the shape of an inverted U curve. As the protests continue with sizable numbers of participants, the target must acknowledge the protesters’ conviction and commitment. However at a certain point, the effectiveness of the protest (or strike) begins to diminish. The number of protesters probably declines, coverage of the protests moves to the back pages of newspapers, television coverage decreases or stops, and the attention of the public wanes. It is easy for the public to become bored or negative as protests continue. “They’ve marched and made their point, so why are they continuing to march week after week?” In Chicago, considering the trajectory of events, the CRM’s leaders were very
much aware of the potential decline in support as they continued, over many months and years, with their campaign to focus attention on the schools.

However, events may play out differently if something re-energizes the movement and its rationale for existence. Today, while it is unfortunate that some police officers “lose it,” their actions guarantee that the protests will continue. As long as the facts on the ground remain, there will be more deaths. Given the size of the country, the scope of policing in the US, and the national attention on police brutality, we will regularly witness examples of police engaging with members of the African American community. And when police do not follow protocol, new reasons are generated for the BLM movement’s continued existence. A tragedy occurs when everyone wants a better outcome but forces in play, such as inadequate police training and racial biases, almost guarantee that a bad outcome will happen: a police officer will engage in out-of-line conduct and another African American will be killed.

The looting that sometimes accompanies a march or protest was a big problem for the CRM, as it is for the BLM as well. Property destruction during and after a large demonstration, especially at night, can weaken support for a movement. In Chicago, the civil rights leadership was keenly aware of the damage that could occur during riots. On one occasion, CCCO chairman Al Raby was driven in a police car to West Side Chicago where he spoke via a bullhorn to rioters, telling them that they were hurting the cause of the civil rights movement by their behavior.

On this dimension, a sharp contrast exists between then and now. Leaders in Chicago during the 1960s worked hard to keep the protests nonviolent, and if there was violence it was by those resisting change, thereby shifting public opinion in favor of CRM demands. If a march or rally precipitated the looting of stores, this did not help the cause (to say the least). In contrast, Ariel Atkins, a leader of the Chicago chapter of Black Lives Matter, defended the looting of stores on Michigan Avenue by saying that the lives of those taking merchandise had been “looted” for many years so it was quite right for members of the African American community to loot in return. She argued that the looting represented a form of “reparations” (Wildeboer and Mitchell 2020). The reaction of the larger community to this comment was highly negative and included criticism from a number of Black leaders.

**Monitoring Progress**

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Any program that seeks change must have a process to ensure compliance. In the 1960s the Urban League played an important role behind the scenes helping organizations to fashion responses and remedial programs. In the case of Chicago, the Urban League expanded employment opportunities by providing training programs and referring applicants to companies willing to foster more diversity. This could be likened to the “good cop/bad cop” approach to change; namely, the activist groups engaged in protest and put pressure on employers, and then behind the scenes the Urban League helped employers hire and train minorities.

Today, it is not clear whether there are organizations that have enough credibility and independence to monitor changes that are underway in policing. The 2020 Club has the potential to take on this role but thus far the organization appears to be focused on legislation, describing itself as follows:

Founded in March 2015 with an eye toward the 2016 presidential election, we began with twenty Black Republicans and twenty Black Democrats—the 20/20 Leaders of America. We have grown into an invitation-only, bipartisan group of over eighty African American mayors, city, county and state officials, prosecutors and defense attorneys, political strategists, community leaders, activists, police chiefs and other law enforcement executives. (20/20 Bipartisan Justice Center)

It is important to note that although officials in many cities have announced important changes in policing, some of these commitments have not been implemented. When the “bargain” (changes in exchange for a cessation of protests) is not an agreement between parties but a unilateral move by officials, then when the protests stop, there is a tendency for backsliding to occur. Something akin to the role of a labor mediator—a person with stature and trusted or acceptable to both (all) parties—is needed. President Biden clearly wants to play this role, and says he will bring all parties to the table for discussions about reforms. His strategy could be to enlist several leaders who have credibility with the parties, asking them to facilitate a dialogue and propose reforms and actions.

Outcomes and Results

In thinking about the results of direct action it is important to tally the changes both substantively and attitudinally. It is easier to evaluate the impact of the 1960s protests than that of protests today. Even then, it was difficult to establish cause and effect at the local level in Chicago. A target’s willingness to address the protest group’s concerns was certainly influenced by what was
happening throughout the country, whether it was tragic events in the South, the march in Selma, or what was stirring in other Northern cities. Clearly, the civil rights actions occurring around the country during the 1960s helped set the stage for important legislation, including the Civil Rights Act in 1964; the Voting Rights Act in 1965; and the Civil Rights Act in 1968, which covers fair housing. Today, some fifty years later, it is possible to see the overall impact that the movement had at that time, at least in dealing with overt discrimination.

In contrast, in today’s movement it is difficult to establish a correlation between the intensity of local or national protests and societal change. With many protests occurring at the same time, identifying a nexus between a municipality’s changes in funding priorities and police practices and a specific local Black Lives Matter campaign is problematic. For the most part, there is no clear connection between what might be thought of as the stimulus (e.g., protests about police action) and the reaction (e.g., changes in policy). There are exceptions, however. Two examples of cities where cause and effect can be seen are New York and Minneapolis:

- After ten nights of mass protests and the airing of several videos documenting police violence in New York City, Mayor Bill DeBlasio vowed to cut an unspecified amount from the New York Police Department’s $6 billion budget, and to redirect the money toward youth and other social programs (see, e.g., Rubenstein 2020).
- After repeated mass protests in the city, the Minneapolis City Council unanimously approved a budget that will reallocate about $8 million from the police department to violence prevention programs and other social services. (However, the council agreed to keep the mayor’s targeted staffing levels for sworn officers intact (CBS/AP 2020)).

In all, more than twenty major cities have voted to reduce law enforcement budgets, including Los Angeles, San Francisco, Philadelphia, and Seattle (Levin 2021). Many cities have adopted rules aimed at changing policing. At least thirty-two of the sixty-five largest police departments in the U.S. have banned or strengthened restrictions on the use of neck restraints since the death of George Floyd; forty-six now prohibit chokeholds and forty-four prohibit carotid holds (Kindy, Schaul, and Mellnik 2020). Since Floyd’s killing, at least seven of the largest departments have instituted policies requiring officers to intervene if they observe a colleague using excessive force against a civilian, bringing to forty-eight the number of departments with such policies (Kindy, Schaul, and Mellnik 2020). However, looking at the country as a whole, it is questionable whether the changes in policing practices have been
substantial. But it is too early to make a final judgment on the movement’s effectiveness since it takes time for governments to enact fundamental changes to their core functions.

In addition to concerns about policing, today’s protests have focused on removing statues honoring Confederate leaders and on commemorating the lives and legacies of those who were enslaved. In the U.S., all states except Hawaii, North Dakota, and South Dakota observe Juneteenth on June 19th, in remembrance of June 19, 1865, when enslaved African Americans in Galveston, Texas were notified of their freedom, thus marking the end of slavery in the U.S.

While it remains to be seen how much explicit change in policing will occur, there is ample evidence that as a result of public “awakening,” substantial change is occurring in dealing with implicit biases, especially within corporations. These are some examples of the actions that corporations are undertaking:

- committing to fill 30% of new positions with workers of color by 2025 (Google, Adidas)
- dedicating substantial sums toward diversity and inclusion efforts (Comcast)
- advocating legislation to investigate reparations (Ben & Jerry’s)
- banning use of the Confederate flag at races (NASCAR)
- celebrating the work of Black creators (Netflix)
- creating an inclusion advisory board (GM)

Conclusion

Comparing the civil rights movement of the 1960s to Black Lives Matter is like comparing a raging river (BLM) to a storm in a lake whose boundaries are well known (in retrospect, the CRM). As 2020 ended, we could only guess at how the story will continue to unfold for BLM. Clearly, however, many segments of society have taken to heart the movement’s message that Black lives do matter. No doubt much of the country was vulnerable given the acknowledgment of white privilege and unconscious bias, making it tinder dry and ready for a spark that ignited more serious thought and action about race.

It is instructive to compare the responses of my two universities to the respective movements. In response to what was happening in the 1960s, the University of Chicago purchased more products and services from African American-owned businesses. In addition, the university submitted an (unsuccessful) application to secure Model Cities funds to rehabilitate the nearby Woodlawn community. And as noted above, a program of scholarships for Black students was launched at the university’s business school. But there was no “soul searching” by...
the administration and faculty. In contrast, today at the MIT Sloan School of Management, a very active and comprehensive program is underway, led by Ray Reagans, Associate Dean for Diversity, Equity, and Inclusion, who has asserted: “We cannot unsee and unlearn what we have learned about our community. It can no longer be business as usual. So we must build a community with a constructive culture characterized by the conscious inclusion of all dimensions of diversity” (Husband 2021).

As I have noted, the agenda of the current civil rights movement has expanded beyond police reform and includes, for example, calls for the removal of Confederate statues, demands for diverse representation on corporate boards of directors, and attention to diversity when compiling lists for prizes and awards. The changes (at least commitments) that have taken place came quickly—in contrast to the 1960s when it took years before any movement could be seen. But the 2020 presidential election suggests that there may be some cooling of support for the BLM agenda. President Trump made political use of protests, citing instances of violence and looting as evidence that extremism had come to this country, and his subsequent emphasis on law and order has weakened support for Black Lives Matter.

Looking ahead, some important challenges face Black Lives Matter and other organizations that are part of the vanguard seeking change today. Will charismatic and established leadership emerge, or will the strategy continue to emphasize the role of local lieutenants in guiding protest rallies? Will a strategy emerge that builds a sustainable movement and organizational presence that keeps up the pressure and momentum for change? Today there are more than a dozen active Black Lives Matter chapters in the U.S.⁹ (Morrison 2020). This can be compared to the Urban League, which today counts ninety offices; at its peak in the 1960s, SNCC claimed fifty chapters on college campuses.

Racial inequality stems from the intersection of disparities in housing, education, employment, and health. Addressing shortcomings in policing and dealing with visible racism in our society are certainly important, but a successful quest for equality will not come until the country is able to address the systemic problems that have given rise to the second-class status of African Americans.

From a negotiation perspective, the efforts of the Black Lives Matter movement can be viewed as “shadow” or “tacit” negotiations. Face-to-face talks at a negotiating table have not yet occurred. At the same time there is an important role for intermediaries who can help

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government officials and other decision makers formulate changes and institute remedial programs.

Hopefully, when another fifty years has passed, and the country has the opportunity to look back at this period of history, the assessment of what was set in motion by Black Lives Matter will be very positive.

Epilogue

Since one purpose of this research was to view social movements and changes from a negotiation perspective, it is important to analyze the efforts underway to address police reform in my home state of Massachusetts.

Shortly after the country experienced many marches under the banner of Black Lives Matter, the two houses of the Massachusetts state legislature passed comprehensive bills on policing. A small joint committee was established to reconcile the differences, with this group meeting behind closed doors over the summer and fall of 2020. I communicated with one of the committee members, suggesting that representatives from the police unions and management (chiefs) be charged with negotiating changes, with mediation help from the chair of the state joint labor/management committee that oversees negotiations for police and fire agreements. The response to my overture: “The chiefs and the union are on the same side, opposing any changes.”

I had in mind the process that unfolded in New York City, described to me by mediator Marty Scheinman, which illustrates the potential for getting labor and management involved:

Required body cameras were agreed to in NYC, through the collective bargaining process between the Mayor/City and the PBA, the bargaining agent for the police. I was the parties’ selected mediator, and am proud of that accord. Unlike other jurisdictions, you never hear resistance or derision about body cameras in NYC.

Why? Because it was not unilaterally imposed, and despite the “urban myth” that the Mayor and the union can “never see eye to eye” on anything, they agreed.

In early December the joint committee issued its report, which the legislature quickly adopted and sent to the governor, who announced that he wanted changes before signing the legislation. He wanted the bill amended so that 1) the existing commission—which reported to the governor’s office—kept control of police training and certification (the bill proposed a new freestanding commission); 2) the use of facial identification technology would continue (the bill
limited its use); and 3) a police union member would be appointed to the commission charged with certifying police. The governor said he would veto the bill if his amendments were not accepted, and the legislature did not have sufficient support to override his veto. The bill was adopted with these changes.

What does this have to do with negotiations? First, the joint legislative committee did not include in its deliberations all the parties of interest. To exclude unions and police chiefs because they are opposed to change misses an opportunity to find common ground. The governor’s amendments brought the interests of police back into the picture.

Why did it take the joint committee so long to issue its report? The police chiefs and unions know how to lobby, and they were in frequent touch with members of the joint committee, leading to many deadlocks over key issues.

Could there have been a better process? The sequence just described involved many parties and a lengthy time frame. Would it have worked to get all of the interested parties together at the same time? Larry Susskind has studied and facilitated deliberations in the public sector that are much more focused and efficient than the process underway in Massachusetts for implementing policing reform (see Susskind and Cruikshank 1987). His work emphasizes a consensus-building process involving all stakeholders.

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1 Polls indicated that about 15 to 26 million people in the U.S. participated in demonstrations over the death of George Floyd and others (Buchanan, Bui, and Patel 2020).

2 There is no question about the historical significance of the 1960s at the national level. Important legislation was passed: the Civil Rights Act in 1964, the Voting Rights Act in 1965, and the Civil Rights Act of 1968, which included what is known as the Fair Housing Act.

3 The so-called rule of duration has been studied by Mary King (1988) who commented on the lifecycle nature of direct action. She analyzed this for SNCC, finding that the rise and demise of direct action occurred over a five-year cycle of time. The rule also seems to apply to the length of service of individual leaders, as seen in Chicago.

4 In the current scene—although planning has been minimal, as I have noted—there are examples where several civil rights organizations have come together, comparable to the CCCO
in Chicago. For example, in Philadelphia a conglomerate of a dozen organizations called the Black Philly Radical Collective has coordinated demands and rallies. In other cities BLM has combined with other activist organizations to create a united front in organizing protests.

Distributive bargaining focuses on claiming a bigger piece of the pie; integrative bargaining seeks to expand the size of the pie. Reallocating funds could be viewed as integrative in that the money allocated to community issues might cut down on crime and be a benefit to both policing and community welfare.

At some point, as the number of protestors grew, the police asked Gregory and his followers to withdraw for their own safety. When they refused, they were arrested for disobeying a police instruction. Ultimately, the case went to the U.S. Supreme Court, and the disorderly conduct charges were overturned. See *Gregory v. City of Chicago*, 394 U.S. 111 (1969).

According to data compiled by the Armed Conflict Location and Event Data project (Acled), the overwhelming majority of Black Lives Matter protests during the summer of 2020 were peaceful, “with more than 93% involving no serious harm to people or damage to property” (Beckett 2020). However, the report did find a troubling trend of violence from both government forces and non-state actors. “Government authorities were more likely to intervene in Black Lives Matter protests than in other demonstrations, and also more likely to intervene with force, like using tear gas, rubber bullets and pepper spray or beating demonstrators with batons, the researchers found. They documented 392 incidents this summer in which government authorities used force on Black Lives Matter demonstrators” (Beckett 2020).

This Chicago march was similar to the Selma march in that both resulted in a public outpouring of support for the civil rights movement across the country.
It should be noted that the BLM movement has had an impact outside the U.S. There have been BLM protests in many cities around the world, including Paris, Berlin, Tokyo, and Stockholm (Erdekian 2020).

References


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