

MORE THAN A DREAMER: REMEMBERING DR. MARTIN LUTHER KING, JR.

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During his lifetime Dr. Martin Luther King, Jr. justifiably received numerous citations and recognition for his work on behalf of oppressed people. Standing in the vortex of the civil rights struggle, he became, during the 1950s, one of the nation's foremost black leaders. With an oratorical style that drew directly on the force of the Bible and a serene confidence derived from his non-violent philosophy, Dr. King advocated a program of moderation and inclusion. Although later generations would question some of his message, few could deny that he was the guiding light for fifteen of the most crucial years in America's civil rights struggle. President Jimmy Carter acknowledged King's contributions by posthumously awarding him the Presidential Medal of Freedom in 1977.¹

King's name is forever associated with places and events emblazoned in the nation's history—Montgomery, Birmingham, the Selma-to-Montgomery March, the March on Washington, and passage of the landmark 1964 Civil Rights and 1965 Voting Rights Acts. A recent search for books about or by Martin Luther King on amazon.com, which is by no means exhaustive, identified a staggering total of 42,078 sources for readers of all ages—far surpassing the number of books written about every other black American leader of the nineteenth and twentieth centuries. The number of books devoted to his life even surpasses that of a founding father of the republic, John Adams. Only three national icons—George Washington, Thomas Jefferson, and Abraham Lincoln—have more books published about them than King; and, ironically, King's total is almost equal to the number of volumes devoted to Jefferson.²

As King the man recedes in history, however, we often tend to forget that there were many Martin Luther Kings. He has been variously described as a husband, father, pastor, scholar, warrior, diplomat, anti-war activist, social critic, drum major for justice, reformer, dreamer, and even a revolutionary.³ It is often

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Numerous facts reported throughout this Tribute do not contain citations because of their historical nature, but can be found in sources cited *infra* note 3.

1. Presidential Medal of Freedom Recipient Rev. Martin Luther King Jr., <http://www.medaloffreedom.com/MartLutherKingJr.htm> (last visited May 15, 2008).

2. The amazon.com totals, as of March 31, 2008, were: King, 42,078; Adams, 36,561; Washington, 74,088; Jefferson, 45,427; and Lincoln, 55,017. Among black leaders the totals were: Frederick Douglass, 11,150; Booker T. Washington, 7,515; W. E. B. DuBois, 4,970; Ida B. Wells, 2,087; Marcus Garvey, 4,755; Mary McLeod Bethune, 1,877; and Malcom X, 11,938.

3. The literature on Martin Luther King, Jr. is voluminous. See, e.g., LERONE BENNETT, JR., *WHAT MANNER OF MAN: A BIOGRAPHY OF MARTIN LUTHER KING, JR.* (1964); TAYLOR BRANCH, *AT CANAAN'S EDGE: AMERICA IN THE KING YEARS 1965-68* (2006); TAYLOR BRANCH, *PARTING THE WATERS: AMERICA IN THE KING YEARS 1954-63* (1989); TAYLOR BRANCH, *PILLAR OF FIRE: AMERICA IN THE KING YEARS 1963-65* (1998); DAVID J. GARROW, *BEARING THE CROSS: MARTIN*

easy to overlook this fact—the multi-faceted nature of King’s life and work—because of the way in which our nation remembers him each January during the national holiday in his honor. Indeed, King occupies a strange position in the nation’s collective memory. Although he was assassinated in April 1968, as far as most Americans are concerned, his life might just as well have ended in 1963 when he delivered his famous “I Have a Dream” speech on the steps of the Lincoln Memorial during the momentous March on Washington. King’s life, as Mary Frances Berry reminds us, “suffers the fate of every human being—when you are dead you belong to the ages. People can distort your positions and use them for their own purposes.”⁴ Over time, King has been reduced to a mere dreamer who advocated an allegedly color-blind society. Our national memory of the man has been reduced to a one-dimensional caricature of the real King which makes the human cost of his struggle and more earthly, urgent appeals for justice magically disappear. “It appears that the price for the first national holiday honoring a black man,” as Vincent Harding so presciently observed, “is the development of a massive case of national amnesia concerning who that black man was.”⁵ Yet it is the very “things we have chosen to forget about” Martin Luther King which “constitute some of the most hopeful possibilities and resources for our . . . nation.”⁶ That is why symposia such as this today are needed to rescue the real Dr. Martin Luther King, Jr.’s memory from popular myth and historical oblivion.

He was born Michael Luther King, Jr., in January 1929, in Atlanta, Georgia, but his father changed both of their names to Martin to honor the German leader of the Protestant Reformation. The young King attended segregated public schools in Atlanta, Georgia, and graduated from high school at the tender age of fifteen. He then attended Morehouse College where he received a B.A. degree. In 1951, he earned a B.D. from Crozer Theological Seminary. Four years later, he received a Ph.D. in Systematic Theology from Boston University.

In the forty years since his tragic death it is easy to forget, even for those of us who were alive then, what the state of race relations was both nationally and internationally during the years that King grew to adulthood. The United States was a country awash in racial prejudice and discrimination. Roadside signs urged hungry motorists to “Eat Nigger Chicken” and store shelves were stocked with cans of “Nigger Head Shrimp.” Legal segregation was the rule in the South,

LUTHER KING, JR., AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE (1986) [hereinafter GARROW, BEARING THE CROSS]; DAVID J. GARROW, THE FBI AND MARTIN LUTHER KING, JR.: FROM “SOLO” TO MEMPHIS (1981); DAVID J. GARROW, PROTEST AT SELMA: MARTIN LUTHER KING, JR., AND THE VOTING RIGHTS ACT OF 1965 (1978); CORETTA SCOTT KING, MY LIFE WITH MARTIN LUTHER KING, JR. (1969); JOHN A. WILLIAMS, THE KING GOD DIDN’T SAVE: REFLECTIONS ON THE LIFE AND DEATH OF MARTIN LUTHER KING, JR. (1970).

4. Mary Frances Berry, *Vindicating Martin Luther King, Jr.: The Road to a Color-Blind Society*, 81 J. NEGRO HIST. 137, 143 (1996).

5. Vincent Gordon Harding, *Beyond Amnesia: Martin Luther King, Jr., and the Future of America*, 74 J. AM. HIST. 468, 469 (1987).

6. *Id.*

while de facto segregation was the norm in Northern states, such as Indiana. Racial epithets and stereotypes such as darky, nigger lover, and coon were routinely used by mainstream media to describe African Americans and their white allies in the struggle for equality, while black criminal suspects were publicly described as fiends. Race riots in New York City; Detroit; Beaumont, Texas; and Columbia, Tennessee, during and immediately after World War II, claimed scores of lives and resulted in millions of dollars in property damage. The horrific crime of lynching, while on the decline, still claimed six lives in 1946. In fact, no year in the United States had been free of it since 1882. A 1969 *Foreign Affairs* article—worth reading even today—reminds us that as late as the 1940s the world “was still by and large a Western white-dominated world. The long-established patterns of white power and nonwhite non-power were still the generally accepted order of things. All the accompanying assumptions and mythologies about race and color were still mostly taken for granted.”⁷ “[W]hite supremacy was a generally assumed and accepted state of affairs in the United States as well as in Europe’s empires.”⁸

In 1947—a year before King graduated from Morehouse College—President Harry S Truman’s Committee on Civil Rights issued its final report. That document entitled *To Secure These Rights*, presented a long list of the nation’s failures to live up to its democratic promise and protect the rights of its citizens.⁹ The crime of lynching headed the Committee’s list, but the list also called attention to other problems related to racial prejudice and discrimination including police brutality, the administration of justice, involuntary servitude, the wartime evacuation of Japanese-Americans, voting, military service, employment, education, housing, and health care, as well as public services and accommodations.¹⁰ “The National Government of the United States,” the Committee noted, “must take the lead in safeguarding the civil rights of all Americans.”¹¹ In an especially dire warning to its readers the report stated: “[t]he United States can no longer countenance these burdens on its common conscience, these inroads on its moral fiber”;¹² “[t]he United States can no longer afford this heavy drain upon its human wealth, its national competence”;¹³ and “[t]he United States is not so strong, the final triumph of the democratic ideal is not so inevitable that we can ignore what the world thinks of us or our [civil rights] record.”¹⁴

Surely King must have been aware of the Committee’s report. The African-American press not only praised the report and its thirty-four recommendations,

7. Harold R. Isaacs, *Color in World Affairs*, 47 FOREIGN AFF. 235, 235 (1969).

8. *Id.* at 246.

9. See generally *TO SECURE THESE RIGHTS: THE REPORT OF PRESIDENT HARRY S TRUMAN’S COMMITTEE ON CIVIL RIGHTS* (Steven F. Lawson ed., 2004).

10. *Id.* at 62-111.

11. *Id.* at 126.

12. *Id.* at 160.

13. *Id.* at 164.

14. *Id.* at 167.

but also “serialized [it] and were joined in this enterprise by [mainstream] liberal periodicals. The American Jewish Congress distributed some two hundred thousand summaries of the report. Workshops were organized to discuss the committee’s” findings and recommendations.¹⁵ The Government Printing Office printed twenty-five thousand copies of the report, while “Simon & Schuster sold another thirty-six thousand copies.”¹⁶ In the end, it is estimated that over a million copies of *To Secure These Rights* were distributed.¹⁷

What we know most about Martin Luther King is situated in the public realm of his life as a Baptist minister and civil rights leader. He became pastor of the Dexter Avenue Baptist Church in Montgomery, Alabama, in 1953 at the age of twenty-four. Casual biographies of him suggest that he was committed to black civil rights from an early age, although there is little hard evidence of this. There is strong evidence in some sources that King would have preferred a quiet career in academia, rather than as a minister or civil rights leader. Andrew Young believes that King accepted the pastorate of the Dexter Avenue Baptist Church over his father’s objections because “he wanted a nice quiet town where he could finish his doctoral dissertation and not . . . have the responsibility of a big church.”¹⁸

Nor did King leap at the opportunity to lead the Montgomery bus boycott. According to E.D. Nixon, who was president of the local NAACP chapter at the time, King at first seemed hesitant to get involved in the proposed bus boycott.¹⁹ When Nixon first contacted him by telephone about joining the boycott he is reported to have said, “‘Brother Nixon, let me think about it awhile, and call me back.’”²⁰ He was elected president of the oddly named Montgomery Improvement Association (“MIA”) despite his initial hesitancy because Nixon threatened to “‘take the microphone’” at the first meeting of the MIA and denounce all of the local pastors as cowards and sycophants to the white power structure of the city.²¹ Nixon later explained that there were two reasons that King was elected president of the MIA: (1) his outstanding speaking ability; and (2) that he had not been in Montgomery “‘long enough for the city fathers to put their hand on him.’”²² An equally plausible explanation is that none of Montgomery’s other black ministers wanted to accept a position which carried such heavy responsibility, was fraught with personal danger, and offered little promise of success.

Nor is there much evidence that King initially believed deeply in or

15. *Id.* at 31.

16. *Id.*

17. *Id.*

18. Interview with Andrew Young, Executive Director, Southern Christian Leadership Conference, in HOWELL RAINES, *MY SOUL IS RESTED: MOVEMENT DAYS IN THE DEEP SOUTH REMEMBERED* 425, 425 (1983) [hereinafter *MY SOUL IS RESTED*].

19. Interview with E.D. Nixon, in *MY SOUL IS RESTED*, *supra* note 18, at 43, 45.

20. *Id.*

21. *Id.* at 48-49.

22. *Id.* at 48.

embraced the idea of non-violence with which his name is now forever linked. “On my second visit” to Montgomery during the bus boycott, King’s “house was still being protected by armed guards,” Bayard Rustin remembered.²³ In fact, Rustin recalled that when a companion of his began to take a seat in a chair in King’s living room during that visit, Rustin had to warn him not to sit on the gun that occupied it.²⁴ At this stage of his life, as an emerging civil rights leader and spokesman, it appears that King was clearly feeling his way, but gradually, over the course of the bus boycott, King “deepened his commitment to nonviolence.”²⁵

It is in life’s turbulence, as the lawyer and philosopher Johann von Wolfgang Goethe reminds us, however, that one’s character is forged; and King was buffeted by enough turbulence in his life as leader of the MIA to last a lifetime. During the Montgomery bus boycott he was harassed and arrested by the Montgomery police, he and his family were threatened, and his home was bombed. It was at this point in his life, when he was feeling most burdened with the responsibilities of leadership and the safety of himself and his family, that he began to enunciate the philosophy of non-violence to his followers as a moral force to face down the vile immorality of white supremacist terrorism. According to King, the moment of truth came the evening when his house was bombed. Rushing home he found the remains of twelve sticks of dynamite still smoldering on his front porch along with an angry mob of supporters outside his residence. They were intent on revenge. Addressing the enraged crowd King said, “We cannot solve this problem with retaliatory violence. We must meet violence with nonviolence. Remember the words of Jesus: ‘He who lives by the sword will perish by the sword.’”²⁶ Not quite the words one would expect from someone whose family has just narrowly escaped death at the hands of murderers. Urging the crowd to leave peacefully, King stated:

We must love our white brothers . . . no matter what they do to us. We must make them know that we love them. Jesus still cries out in words that echo across the centuries: Love your enemies; bless them that curse you; pray for them that despitefully use you. This is what we must live by. We must meet hate with love.²⁷

In that one shining moment King defined the course of black civil rights protest for the next fifteen years.

Fresh from the Montgomery victory, which made him a national figure, in 1957 King was elected president of the newly formed Southern Christian Leadership Conference (“SCLC”), a group designed to harness the moral authority and organizing power of black churches to conduct non-violent protests in the interest of civil rights reform. His approach, forged in the crucible of the

23. Interview with Bayard Rustin, in *MY SOUL IS RESTED*, *supra* note 18, at 52-53.

24. *Id.*

25. *Id.*

26. MARTIN LUTHER KING, JR., *STRIDE TOWARD FREEDOM; THE MONTGOMERY STORY* 137 (1958).

27. *Id.* at 137-38.

Montgomery bus boycott, was based on the ideas of Henry David Thoreau and Mohandas Gandhi, as well as on Christian teachings. A trip to India in 1959 to meet the Gandhi family cemented his belief in and commitment to non-violent resistance as an effective tactic to advance the cause of black freedom and civil rights in the United States.

If Montgomery thrust King into the national spotlight, it was Birmingham, Alabama, which cemented his reputation as a civil rights leader. Following a disastrous attempt to desegregate the city of Albany, Georgia, King and the SCLC turned their sights on Birmingham. It was a city which, King remembered, “had apparently never heard of Abraham Lincoln, Thomas Jefferson, the Bill of Rights, the Preamble to the Constitution, the Thirteenth, Fourteenth and Fifteenth Amendments, or the 1954 decision of the United States Supreme Court outlawing segregation in the public schools.”²⁸ Everything in Birmingham, as it was ominously nicknamed, was segregated and city officials—symbolized by its no-nonsense Commissioner of Public Safety Theophilus Eugene “Bull” Connor—maintained this rigid system of American apartheid with an iron fist. “Now what we’re going to have to do” is “center all our forces here in Birmingham . . . because Birmingham is the testing ground,” King informed the movement’s leadership upon his arrival in the city.²⁹ “If we fail here, then we will fail everywhere, because every segregated city and every segregated state is watching which way Birmingham goes.”³⁰

And watch they did. In fact, the entire nation and the world watched in incredulity and horror as Connor subjected phalanxes of nonviolent protesters to a torrent of physical abuse that included police night sticks and snarling dogs, as well as fire hoses with water pressure so powerful that it stripped the bark off trees and bowled marchers over like ten pins. Nothing stopped them—not even a court injunction forbidding King and his staff from leading further marches.³¹ They filled the city’s jails to the point of overflowing. At one point it is estimated that 4,500 protestors were in jail, with another ten or twenty thousand in the streets who “wanted to get in.”³²

It was the forty-five day siege of Birmingham—there is no other suitable word to describe it—that forced King to commit “once and for all to the philosophy that one had a positive moral duty to violate unjust laws.”³³ Despite some early success in unifying Birmingham’s black community, the movement had exhausted all of its available funds for cash bonds and “the bondsman who had . . . furnished bail for the demonstrators” informed King and his staff “that he would be unable to continue.”³⁴ King later wrote, “I thought about the people in jail. I thought about the Birmingham Negroes already lining the streets of the

28. MARTIN LUTHER KING, JR., *WHY WE CAN’T WAIT* 47 (1964).

29. Interview with Ed Gardner, in *MY SOUL IS RESTED*, *supra* 18, at 139, 143.

30. *Id.* at 143.

31. *Id.* at 143-44.

32. *Id.* at 145.

33. *Id.* at 143.

34. KING, *WHY WE CAN’T WAIT*, *supra* note 28, at 71.

city, waiting to see me put into practice what I had so passionately preached.”³⁵ Deep in thought, King retired to another room in the suite which his staff occupied at the Gaston Motel, “pulled off [his] shirt and pants, got into work clothes and went back to the other room to tell [staff members that he] had decided to go to jail.”³⁶ Arrested on Good Friday, King was kept incommunicado in solitary confinement for more than twenty-four hours.³⁷ His “Letter from Birmingham Jail,” written during his eight days of imprisonment in solitary confinement at the height of the non-violent protest in that city, became a manifesto for the civil rights movement and continues to inspire readers even today.³⁸

King gave much of his energies to organizing protest demonstrations and marches in other cities across the South beside Birmingham. The marches were for the right to vote, desegregation, labor rights, and other basic civil rights. The protests won national and international media coverage and public sympathy for the indignities suffered by Southern blacks, providing what he called “a coalition of conscience” and bringing the civil rights movement to the forefront of American politics in the 1960s.

King’s finest hour as a spokesperson for the movement came on August 28, 1963, when he led the great march in Washington, D.C., that culminated with his famous “I Have a Dream” speech at the Lincoln Memorial.³⁹ The March on Washington for Jobs and Freedom was the cooperative effort of the big six civil rights organizations—SCLC, NAACP, Urban League, SNCC, Brotherhood of Sleeping Car Porters, and the Congress of Racial Equality. It was the first and last time that this assemblage of competing civil rights organizations displayed such a unity of purpose. An unequivocal success, more than a quarter million people⁴⁰ of all races attended the event, making it the largest gathering of protesters in Washington’s history.

Political success for King and the movement came with the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. At the height of his influence, Martin Luther King was awarded the Nobel Peace Prize in 1964 at age 35, becoming the award’s youngest recipient.⁴¹ With characteristic disregard for his own well-being, he turned over the prize money, \$54,000, to the movement.⁴²

Dr. Martin Luther King, Jr. unquestionably deserves the accolades and recognition for his accomplishments as a charismatic leader of social protest and civil rights reform. However, such acclaim masks other equally deserving aspects of his career, namely, those of an astute social critic and public policy analyst. It is often overlooked, even by some biographers of the man, that King

35. *Id.* at 72.

36. *Id.* at 73.

37. *Id.* at 74.

38. *See generally id.* at 76-95.

39. *See generally id.* at 122-25.

40. *Id.* at 123.

41. GARROW, *BEARING THE CROSS*, *supra* note 3, at 354, 369.

42. *Id.* at 357, 368.

wrote extensively during his lifetime. Between 1957 and 1968 King wrote five books as well as numerous articles. If one takes factual accuracy as an acceptable benchmark for scholarly accomplishment, then King was not simply a charismatic leader of the civil rights multitudes, but a perceptive observer of American society too. At a time when many social scientists were issuing proclamations of inevitable black American progress, King took exception to their optimism. In what is perhaps his most significant monograph, *Where Do We Go From Here: Chaos or Community?*, King took exception to the virtually unanimous proclamations of black advancement in the 1960s. King wrote, "The economic plight of the masses of Negroes has worsened. The gap between the wages of the Negro worker and . . . the white worker has widened. Slums are worse and Negroes attend more thoroughly segregated schools today than in 1954."⁴³ Government statistics for this period would appear to confirm King's opinion. In the area of housing, for example, data from the Bureau of Labor statistics for that period indicate that housing conditions worsened considerably for blacks. Overcrowding between 1950-1960 for black tenant-occupied dwellings increased from 442,000 to 477,000, while the figure for whites dropped from 970,000 to 632,000, and increased for blacks in owner-occupied non-farm housing units from 106,000 to 156,000, while the figure for whites dropped from 480,000 to 439,000.⁴⁴ In 1959 the U.S. Commission on Civil Rights reported that "[i]f the population density in some of Harlem's worst blocks obtained in the rest of New York City, the entire population of the United States could fit into three of New York's boroughs!"⁴⁵

In 1966, King's concern about the plight of black Americans in the nation's urban ghettos prompted him to use his newfound powers and prestige to attack discrimination in the North. That spring, several dual white couple/black couple tests of the local real estate market uncovered the now banned practice of steering—the racially selective processing of housing requests by couples of otherwise equal income, background, and number of children. To educate themselves about the plight of Northern blacks and demonstrate their support and empathy for the poor, King and Reverend Ralph David Abernathy moved to Chicago's slums and assisted local civil rights leaders in founding the Chicago Freedom Movement. Their reception in Chicago was none too cordial. In fact, the violence was so formidable that it shook King and his friend, Abernathy. Their marches to bring attention to housing and job discrimination in the North were met by thrown bottles, hecklers, and screaming throngs of irate whites. While leading a march in an all-white Chicago neighborhood, King was even struck in the head by a rock. Later, both King and Abernathy noted that the public reception they received in Chicago was much worse than in the South, the

43. MARTIN LUTHER KING, JR., *WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY?* 40-41 (Bantam Books 1968) (1967) [hereinafter KING, *WHERE DO WE GO FROM HERE*].

44. BUREAU OF LABOR STATISTICS, U.S. DEP'T OF LABOR, *THE NEGROES IN THE UNITED STATES: THEIR ECONOMIC AND SOCIAL SITUATION* 211 (1966).

45. Sidney M. Willhelm, *Martin Luther King, Jr. and the Black Experience in America*, 10 J. BLACK STUD. 3, 5 (1979).

politics more corrupt, and the threat of violence more dire. King and Abernathy eventually returned to the South, leaving a young Jesse Jackson to continue their work.

The Chicago Freedom Movement was not the first time that King called attention to housing discrimination in the United States. Decent and affordable housing was a concern of Martin Luther King's throughout his career as a civil rights leader. In his first annual report on civil rights published in *The Nation* magazine in 1961, King wrote, "Unfortunately, the federal government has participated directly and indirectly in the perpetuation of housing discrimination."⁴⁶ Although most federal housing programs

have anti-discrimination clauses, they have done little to end segregated housing. It is a known fact that FHA continues to finance private developers who openly proclaim that none of their homes will be sold to Negroes. The urban renewal program has, in many instances, served to accentuate, even to initiate, segregated neighborhoods.⁴⁷

Drawing a powerful lesson from the nation's recent history, King recognized that the federal government could play a decisive role in bringing an end to this deplorable situation. He noted that in the years since the Great Depression, the federal government underwrote much of the housing built in this country, making home ownership the emblem of American middle-class status.⁴⁸ "Since its creation in 1934, the FHA alone insured more than thirty-three billion dollars in [home] mortgages. . . . [Public Housing Administration] programs [built] more than two-thousand low-rent housing projects in forty-four states and the [nation's capital]. The [Urban Renewal Administration], . . . established in 1954, . . . approved projects in more than 877 [cities]."⁴⁹ The G.I. Bill of Rights provided government loans to World War II veterans to such an extent that in some years it is estimated that "thirty percent of all new urban [houses] were built with the help of VA loan guarantees."⁵⁰

Two years later, King revisited the issue of housing discrimination. Writing shortly after the bombing of the Sixteenth Street Baptist Church, which resulted in the deaths of four little girls⁵¹ in Birmingham, Alabama, King criticized the glacial pace with which proposed civil rights legislation was moving through the Eighty-Eighth Congress. What was to be done to accelerate the process? King

46. Martin Luther King, Jr., *Equality Now: The President Has the Power*, NATION, Feb. 1961, at 91, reprinted in A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS OF MARTIN LUTHER KING, JR. 152-159, at 156 (James Melvin Washington ed., 1986) [hereinafter A TESTAMENT OF HOPE].

47. *Id.* at 156-57.

48. *Id.* at 157.

49. *Id.*

50. *Id.*

51. The four little girls were eleven-year-old Denise McNair and fourteen-year-olds Cynthia Wesley, Carole Robertson, and Addie Mae Collins. A fifth, Sarah Collins, the sister of Addie Mae Collins, was critically injured.

noted that quick, decisive federal action was possible by the Executive Branch against housing discrimination “even in the absence of legislation.”⁵² King also noted that President Kennedy, “after considerable delay, issued an order prohibiting segregation in government financed housing[, but it] was conspicuously flawed with compromise and to this date has not significantly altered any housing patterns.” Nevertheless, it was another example of the application of presidential power, and if timidity of conception or execution limited the effect, still a new path was chopped through the thicket. Alert and aggressive civil rights forces have an opportunity to pave a highway over it.⁵³

In 1965, Watts exploded in violence, just days after passage of the Voting Rights Act. To Americans who lived with the illusion that racial prejudice and discrimination were uniquely Southern phenomena, the Watts riot left many of them wondering how this could happen. King had a ready answer. “The flames of Watts illuminated more than the western sky; they cast light on the imperfections in the civil rights movement and the tragic shallowness of the white racial policy in the explosive ghettos.”⁵⁴ King noted that despite the successes enjoyed by civil rights activists in challenging and dismantling Jim Crow, “[i]n the North, on the other hand, the Negro’s repellent slum life was altered not for the better but for the worse. . . . To the homes of ten years ago, squalid then, were added ten years of decay.”⁵⁵ When a journalist asked him how he proposed to allay homeowners’ fears of “property devaluation” with the arrival of blacks in “hitherto all-white neighborhoods,” King replied, “We must expunge from our society the myths and half-truths that engender” fear among white homeowners that a just housing policy would lead to property devaluation and white flight.⁵⁶

The fact is that most Negroes are kept out of residential neighborhoods so long that when one of us is finally sold a home, it’s *already* depreciated. In the second place, we must dispel the negative and harmful atmosphere that has been created by avaricious and unprincipled realtors who engage in “blockbusting.” If we had in America really serious efforts to break down discrimination in housing, and at the same time a concerted program of government aid to improve housing for Negroes, I think that many white people would be surprised at how many Negroes would choose to live among themselves, exactly as Poles and Jews and other ethnic groups do.⁵⁷

52. Martin Luther King, Jr., *Hammer on Civil Rights*, NATION, Mar. 1964, at 230, reprinted in A TESTAMENT OF HOPE, *supra* note 46, at 169, 171.

53. *Id.* at 171-72.

54. Martin Luther King, Jr., *Next Stop: The North*, SATURDAY REV., Nov. 13, 1965, at 33, reprinted in A TESTAMENT OF HOPE, *supra* note 46, at 189, 189.

55. *Id.*

56. *Playboy Interview: Martin Luther King, Jr.*, PLAYBOY, Jan. 1965, at 117, reprinted in A TESTAMENT OF HOPE, *supra* note 46, at 340, 368.

57. *Id.* at 368-69.

Meanwhile, as the Vietnam War began to consume the country, King broadened his criticisms of American society to include U.S. foreign as well as domestic policy. In an April 1967 speech in New York City, King called the U.S. government “the greatest purveyor of violence in the world today.”⁵⁸ His outspoken criticism of American foreign policy caused the mainstream American media and even some of his staunchest supporters to question King’s wisdom in doing so. Following his New York City speech against the war, Indiana University Law School alumnus Henry J. Richardson wrote King the following letter:

I regret very much that you have become nationally embroiled as an image symbol of social leadership in the frustrating [sic] and confusing national policy of Vietnam. I can understand . . . that as a Nobel Prize Winner you have a moral responsibility to our nation and to our world, but in the meantime you have a greater moral responsibility to your people in America who are looking to you for a blueprint for the future and guidelines for direction. Your image symbol cannot and must not be demoralized or tarnished, even when you are right on some issue as it will cause you to lose your effectiveness and prestige as a social minority leader.

. . . Your moral position on Vietnam is correct but I wholly disagree with your projection at this time as it will definitely weaken our social progress, which is already facing the backlash of reaction. I do not mean to say that the policy of Vietnam should be condoned nor sanctioned, for war is wrong per se but we must crawl before we can walk and we must remember that Rome was not built in a day.⁵⁹

King was also an advocate of a government compensatory program seeking to improve the lives of poor Americans. In 1968, without the full support of the SCLC, King organized the Poor People’s Campaign, which included another march on Washington, D.C. The organization demanded aid for the poorest communities in the United States and sought an economic bill of rights that provided for massive government job programs to reconstruct society. Critics called this switch in King’s agenda a new brand of democratic socialism.

In the spring of 1968, King traveled to Memphis, Tennessee, to show support for black city sanitation workers striking for higher wages and better treatment. He was shot and killed as he stood on the balcony of the Lorraine Motel. King was just thirty-nine years old. The assassination led to a wave of riots in cities nationwide, and President Johnson declared a national day of mourning in Dr. King’s honor.

In the wake of King’s assassination, Congress passed the Federal Fair

58. Martin Luther King, Jr., *A Time to Break the Silence*, in *A TESTAMENT OF HOPE*, *supra* note 46, at 233.

59. Letter from Henry J. Richardson to Martin Luther King, Jr. (April 12, 1967) (on file with Indiana Historical Society, Henry J. Richardson Papers, M472, Box 7, Folder 5).

Housing Act on April 10, 1968, and President Johnson signed it on April 11, 1968. This, in my estimation, is a most appropriate tribute to King. However, it is important to note that its enactment came only after a long and difficult journey. From 1966-1967, Congress regularly considered the fair housing bill, but failed to garner a strong enough majority for its passage. However, when King was assassinated April 4, 1968, President Lyndon Johnson utilized this national tragedy to press for the bill's speedy congressional approval. Since the 1966 open housing marches in Chicago, Dr. King's name had been closely associated with fair housing legislation. President Johnson viewed the Act as a fitting memorial to the man's life's work and wished to have the Act passed prior to Dr. King's funeral in Atlanta.

The questions King asked himself about the future of the United States as well as its domestic and foreign policies during the course of his life and work as a human rights leader were in many ways the same ones we ask today. How do we provide real equal opportunity for black Americans to overcome the burden of race? How do we assist those disadvantaged by poverty? How should we conduct ourselves in international affairs? How do we achieve a just society? Even while basking in his success, King realized that the civil rights movement's early victories were only against symptoms rather than the root cause of the so-called American dilemma. He came to understand that the civil rights struggle was, in actuality, a battle for the very heart and soul of a nation in which the ideal polity of the classical social contract was under-written by an all too real polity constructed according to what the philosopher Charles Mills calls the "racial contract."⁶⁰ This racial contract was "political, moral, and epistemological," as well as "a historical actuality"; it defined and created racialized spaces of white suburbs and black ghettos and the persons and subpersons who inhabited them; it exploited its victims; and, finally, this racial contract was "enforced through violence and ideological conditioning."⁶¹ In short, King comprehended the terrible truth that represented the core of the American dilemma; namely, that "[w]hite supremacy is the unnamed political system that has made the modern world what it is today."⁶²

Nationally, King realized that within America's Herrenvolk democracy this racial contract manifested itself in white resistance to anything more than the formal extension of the terms of the abstract social contract. Whereas previously it was denied that non-whites were equal persons, as manifested in chattel slavery and Jim Crow, society now pretended that non-whites are equal abstract persons who can be fully included in the polity merely by extending the scope of the moral operator, without any fundamental change in the arrangements that resulted from the previous system of explicit *de jure* racial privilege. King realized that the civil rights movement's success against *de jure* racial segregation in the South had uncovered other less transparent, yet no less oppressive, forms of *de facto* white privilege in employment and housing as well

60. See generally CHARLES W. MILLS, *THE RACIAL CONTRACT* (1997).

61. See *id.* at 9-62, 81-89.

62. *Id.* at 1.

as access to health care, education, business capital, etc.

It is only fairly recently that scholars have equaled King's hard-earned racial wisdom on this score. The black law professor Patricia Williams, for example, complains about an ostensible neutrality that is really "racism in drag,"⁶³ a system of "racism as status quo" which "is deep, angry, eradicated from view," but continues to make people "avoid [] the phantom as they did the substance," deferring to the unseen shape of things.⁶⁴ Similarly, the black philosopher of law Anita Allen remarks on the irony of standard philosophy of law texts, which describe a universe in which "all humans are paradigm rightsholders" and see no need to point out that the actual U.S. record is somewhat different.⁶⁵ Thus, a recent book about how American apartheid is maintained in the post-civil rights era points out that whereas in the past realtors would have simply refused to sell to blacks, now blacks "are met by a realtor with a smiling face who, through a series of ruses, lies, and deceptions, makes it hard for them to learn about, inspect, rent, or purchase homes in white neighborhoods. . . . Because the discrimination is latent, however, it is usually unobservable, even to the person experiencing it."⁶⁶ Nonwhites then find that race is, paradoxically, both everywhere and nowhere, structuring their lives, but not formally recognized as a political/moral reality.

King believed that it was of the utmost necessity for blacks to acquire power to deal with major economic transformations in the United States which might occur since "the Negroes' problem cannot be solved unless the whole of American society takes a new turn toward greater economic justice."⁶⁷ This new direction, according to King, meant that the U.S. economy must become more person-centered than property and profit-oriented. King, in particular, detected the unique economic phenomenon about automated production; namely, the shift from a labor-oriented to a goods distribution and service-oriented economy. It was no longer realistic to speak of unemployment as much as a total disengagement from the work force.

During his all too brief career as a civil rights leader, social critic, and policy analyst, King also understood that a major barrier to dismantling the system of racial oppression in the United States was the inability of most whites to see their world as it actually is. As a general rule, King believed that white misunderstanding, misrepresentation, evasion, and self-deception on matters related to race were among the most pervasive obstacles to achieving genuine racial justice in the United States. The requirements of cognition, factual and moral, in the type of racial polity which existed in the United States precluded self-transparency and a genuine understanding of social realities. To a

63. PATRICIA J. WILLIAMS, *THE ALCHEMY OF RACE AND RIGHTS* 116 (1991).

64. *Id.* at 49.

65. Anita L. Allen, *Legal Rights for Poor Blacks*, in *THE UNDERCLASS QUESTION* 117, 117-39 (Bill E. Lawson ed., 1992).

66. DOUGLAS S. MASSEY & NANCY A. DENTON, *AMERICAN APARTHEID: SEGREGATION AND THE MAKING OF THE UNDERCLASS* 97-98 (1993).

67. KING, *WHERE DO WE GO FROM HERE*, *supra* note 43, at 58.

significant extent, whites resided in an invented delusional world, a racial fantasyland, a consensual hallucination, though this particular hallucination was situated in real space. Is it any wonder, then, that so many of King's writings and press interviews devote so much of his time and energy to explaining the brutal reality of racial prejudice and discrimination or dispel the Mount Everest of myths and misconceptions harbored by whites about blacks and black social, political, and economic aspirations? It was a herculean task which even, at times, challenged the infinite patience of Martin Luther King.

In this respect, King proves to be superior to most scholars not only factually speaking, but also in respect to analytical ability. He vividly perceived the necessity to supplant the demand for equality with justice. King was one of the very first to realize that equality impedes black opportunity; to invoke standards for judgment regardless of color introduces direct competition at just the moment when blacks are least able to compete. Increased poverty, substandard education, deteriorated housing, and higher unemployment relative to whites are conditions that both reflect and determine the lack of resources among blacks to compete, regardless of color, in a white supremacist society. Centuries of white privilege and oppression of non-whites that have relegated blacks into inferiority cannot be overcome by imposing a concept of equality predicated upon a universalistic demand which forbids recognition of this salient truth. Being less socially qualified to compete means that black inferiority persists and white privileged access to material resources remains unencumbered. King forcefully attacked the liberal formulation of equality:

The white liberal must affirm that absolute justice for the Negro simply means . . . that the Negro must have "his due." . . . It is, however, important to understand that giving a man his due may often mean giving him special treatment. I am aware of the fact that this has been a troublesome concept for many liberals, since it conflicts with their traditional ideal of equal opportunity and equal treatment of people according to their individual merits. But this is a day which demands new thinking and the re-evaluation of old concepts. A society that has done something special *against* the Negro for hundreds of years must now do something special *for* him, in order to equip him to compete on a just and equal basis.⁶⁸

King thereby saw a real choice for whites in advancing civil rights, though admittedly a difficult one. Where morality has been racialized, the practice of a genuinely color-blind ethic requires the repudiation of one's Herrenvolk standing and its accompanying moral epistemology in the name of a broader definition of humanity. By rejecting their white privilege and the normed inequities of the white polity, they would be able to stand together with non-whites in speaking out, struggling against and dismantling the politicoeconomic system of white supremacy.

68. *Id.* at 105-06.