

# THE RADICAL KING: PERSPECTIVES OF ONE BORN IN THE SHADOW OF A KING

CAMILLE A. NELSON\*

*Now that he is safely dead  
Let us praise him  
Build monuments to his glory  
Sing hosannas to his name  
Dead men make  
Such convenient heroes:  
They cannot rise  
To challenge the images  
We would fashion from their lives  
And besides,  
It is easier to build monuments  
Than to make a better world.  
So, now that he is safely dead  
We, with eased consciences  
Will teach our children  
That he was a great man . . . knowing  
That the cause for which he lived  
Is still a cause  
And the dream for which he died  
Is still a dream,  
A dead man's dream.<sup>1</sup>*

---

\* Visiting Professor of Law, Washington University in St. Louis, Professor of Law, Saint Louis University, School of Law, LL.M. Columbia University, Law Clerk to the Honorable Mr. Justice Iacobucci, Supreme Court of Canada, LL.B. University of Ottawa, Ontario, Canada. I owe a debt of gratitude to my able research assistants Amanda Giovanoni and Matthew Knepper. I am also incredibly grateful to my library liaison Ms. Lynn Hartke for her tireless work. Thank you also to the student editors on the N.Y.U. Review of Law & Social Change, and especially to Kimberly Nortman, for their fine suggestions and diligence.

1. CARL WENDELL HIMES JR., DRUM MAJOR FOR A DREAM 23 (1977).

Much of Dr. King's robust message has been lost or selectively forgotten. His legacy, while heroic and visionary, is open for debate and for usurpation. Politicians are quick to seize upon his loving messages of unity, but they often misremember or omit the more challenging and radical elements of King's discourse.<sup>2</sup> For instance, President Bush, celebrating Martin Luther King, Jr. Day, stated: "[O]ur fellow citizens have got to understand that by loving a neighbor like you'd like to be loved yourself, by reaching out to someone who hurts, by just simply living a life of kindness and compassion, you can make America a better place and fulfill the dream of Martin Luther King."<sup>3</sup> However, this tribute represents a sliver of the richness of Dr. King's message—the palatable, noncontroversial slice. Maybe we have omitted the radical parts of Dr. King's message because it is easier to honor the dead by ignoring that which was discomfiting in their message. Paying tribute to a legend presents numerous challenges; honoring a King presents even more.

Upon reflection, I have realized that my appreciation of Dr. King and his legend are out of step with a generational impetus to deradicalize the radicals and to soften the harshness of the reactionaries. Just as many in my generation have later embraced individuals previously shamed by scandal or controversy or pushed aside for political reasons,<sup>4</sup> we similarly tend to forget the more extreme messages of former radicals by pulling them from the margins to the center.<sup>5</sup> Either we have chosen to forget, or we never embraced their radical messages.

---

2. See, e.g., *President Bush Visits Martin Luther King, Jr., Memorial Library*, White House Office of the Press Secretary, <http://www.whitehouse.gov/news/releases/2008/01/20080121.html> (January 21, 2008) ("Martin Luther King Day means two things to me. One is the opportunity to renew our deep desire for America to be a land of promise for everybody, a land of justice, and a land of opportunity. It's also an opportunity to serve our fellow citizens. They say Martin Luther King Day is not a day off, it should be a day on. And so today Laura and I witnessed acts of compassion as citizens were here in the library volunteering their time, and that's what's happening all across America today. But a day on should be not just one day. It really ought to be every day.").

3. *Id.*

4. I am thinking specifically of the softened sentiment towards politicians such as Richard Nixon, Ronald Reagan, Rudy Giuliani, Bill Clinton, and Oliver North following political upheaval or scandal. See, e.g., Molly W. Sonner & Clyde Wilcox, *Forgiving and Forgetting: Public Support for Bill Clinton during the Lewinsky Scandal*, 32 POL. SCI. & POL. 554, 554 (1999) (claiming that "President Bill Clinton was, paradoxically, the most publicly shamed president of modern time and one of the most popular").

5. See Alon Confino, *AHR Forum: Collective Memory and Cultural History: Problems of Method*, 102 AM. HIST. REV. 1386, 1387 (1997) (explaining that "the past is constructed not as fact but as myth to serve the interest of a particular community"); WARD CONNERLY, *CREATING EQUAL: MY FIGHT AGAINST RACE PREFERENCES* 152 (2000) (centering Dr. King's message by arguing that Dr. King's comments in his famous "I Have a Dream" speech represent a stance against affirmative action and race-based decision making).

Dr. King and his legacy have been reduced to simplistic, symbolic idolatry, pragmatically essentialized to serve the interests of the status quo.<sup>6</sup> Because of this selective recall, many in my and subsequent generations do not have a comprehensive sense of Dr. King's legacy. Society has captured and marketed Dr. King's message to minimize the revolutionary impetus of much of his work.<sup>7</sup> But the breadth of Dr. King's work is vast. He taught about Gandhi-esque principles of love and non-violence. But he also chastised the ugly underbelly of American capitalism with its marginalizing consequences for many people of color and poor whites.<sup>8</sup>

Dr. King was a radical revolutionary and a visionary whose legacy speaks volumes today, if we choose to listen. By ignoring some of the most politically important aspects of Dr. King's message, we have failed to capture the richness of his legacy. Society has memorialized the Early King, the dreamer whose message has been reduced to convenient apolitical sound bites.<sup>9</sup>

6. See Video: Apple–Think Different–Original Ad, <http://www.youtube.com/watch?v=USn5t5nQWU8> (last visited Apr. 28, 2009) (featuring a slide show of many famous people including Dr. King, and celebrating those icons with radical ideologies as being the ones who affect worldwide change); Seth Stevenson, *Can Rosa Parks Sell Pickup Trucks?*, SLATE, Oct. 9, 2006, <http://www.slate.com/id/2151143> (criticizing the Chevy advertisement for using Dr. King's image to sell trucks in a montage that includes Rosa Parks on a bus, soldiers in Vietnam, Richard Nixon waiving from a helicopter, and New Orleans buried by Hurricane Katrina floodwater). See also Advertisement: Jazz at Lincoln Center and Target are Proud to Present A Celebration in Swing: Dr. Martin Luther King, Jr., Monday, January 21, 2008, <http://www.jalc.org/dccc/mlk/> (Jazz at Lincoln Center 2008) (advertising concert series with photo of Dr. King).

7. See Video: Coca-Cola Celebrates Black History Month (AOL Video) (referencing Dr. King's "I Have a Dream" speech simply as "DC 1963, A man inspires a nation to dream together") (on file with author); Jazz at Lincoln Center, *supra* note 6; Video: Martin Luther King, Jr. I Have a Dream, <http://walmartstores.com/video/?id=958> (Wal-Mart) (last visited Apr. 28, 2009) (featuring a diverse array of their corporate staff and other employees reciting Dr. King's most famous speech and commenting upon its significance alongside a montage of footage of Dr. King and the civil rights movement).

8. See VINCENT HARDING, *MARTIN LUTHER KING: THE INCONVENIENT HERO* 18 (1996) (quoting Dr. King: "The dispossessed of this nation—the poor, both white and Negro—live in a cruelly unjust society. They must organize a revolution against this injustice, not against the lives of . . . their fellow citizens, but against the structures through which the society is refusing to take means . . . to lift the load of poverty."); Adam Fairclough, *Martin Luther King, Jr. and the War in Vietnam*, 45 *PHYLON* 19, 33 (1984) [hereinafter Fairclough, *Vietnam*] (stating that "during the last two years of his life, King constantly reiterated the view that capitalism was the driving force which linked and perpetuated racism, economic exploitation, and militarism"); Adam Fairclough, *Martin Luther King, Jr. and the Quest for Nonviolent Social Change*, 47 *PHYLON* 1, 14 (1986) [hereinafter Fairclough, *Social Change*] (stating "that [Dr. King] became more radical is certain; the need for a thoroughgoing redistribution of wealth and power was a consistent theme of his public and private statements").

9. See, e.g., Video: McDonald's Commercial About Martin Luther King Jr., <http://www.youtube.com/watch?v=z12LIC9Zeec> (last visited Apr. 28, 2009) (Dr. King's estate granted McDonald's permission to use his image in 1993); Paula Sargaj Reynolds, Advertisement: Advertising is Good for You, Martin Luther King Day Ad from 1990,

Meanwhile, we have strategically forgotten or conveniently ignored the evolution of the Radical King.

This article will explore the manner in which society has distilled Dr. Martin Luther King, Jr. to his simplest, most palatable essence and will address the more challenging question: why? I hypothesize that we have ignored Dr. King's more radical messages because we want to preserve current societal class positioning. Dr. King's later teachings, which called for fundamental societal reorganization to deliver justice and equality for all,<sup>10</sup> might distress moderates. Furthermore, conservatives might find the message antithetical to American economic hegemony and hostile towards capitalism. After all, Dr. King called for a revolution that would require not just the talk of equity but the political, economic, and social delivery of the same.<sup>11</sup>

Part I of this article will briefly apply Professor Angela Harris's notion of essentialism to Dr. King and his message. Part II will elaborate upon the concretization of the dreamer King, the part of his legacy that did not so clearly take the privileged to task. Part III will reexamine some of the more radical and revolutionary aspects of Dr. King's message and explore their contemporary significance, particularly in the context of legal struggles against de facto and de jure discrimination. This Radical King poses the most danger to the establishment. These teachings likely led to his assassination and disquieted a nation more inclined to acquiesce to an apolitical black minister than to indulge an empowered black radical calling for seismic shifts in the body politic. Part IV will present a hypothesis about our idealized view of Dr. King and his enduring impact on American life.

---

<http://pzrservices.typepad.com/advertisingisgoodforyou/2008/01/martin-luther-k.html> (posting a print advertisement for a beer company that says "His Truth Is Marching On"); Print advertisement: Celebrate Together: Honoring the Legacy (Kelloggs 2008) (featuring three young children, holding their drawings of Dr. King) (on file with author); Print advertisement: Change is: Building the Dream (Delta Airlines 2007) (featuring a statue of Dr. King with arms folded and eyes looking straight ahead, which describes how Delta celebrates Dr. King's legacy) (on file with author).

10. DAVID J. GARROW, *THE F.B.I. AND MARTIN LUTHER KING, JR.* 214 (1981) (noting Dr. King came to believe that America was "deeply racist and its democracy . . . flawed both economically and socially . . . [Furthermore] the black revolution [was] much more than a struggle for the rights of Negroes. It [was] forcing America to face all its interrelated flaws—racism, poverty, militarism, and materialism. It [was] exposing evils that [were] rooted deeply in the whole structure of our society. It reveal[ed] radical systemic rather than superficial flaws and suggest[ed] that radical reconstruction of society itself [was] the real issue to be faced.").

11. William M. King, *The Reemerging Revolutionary Consciousness of The Reverend Dr. Martin Luther King, Jr., 1965–1968*, 71 J. NEGRO HIST. 1, 3 ("For [Dr. King] . . . it was time for the 'whole structure of American life [to be] changed,' beginning with the redistribution of economic power.").

## I.

## ESSENTIALIZING THE KING

In her landmark article *Race and Essentialism in Feminist Legal Theory*, Professor Angela Harris espouses a theory of essentialism which helps explain the marginalization or silencing of certain women's voices and identities.<sup>12</sup> Essentialism provides a framework for excavating previously buried perspectives by "subvert[ing legal theory] with narratives and stories, accounts of the particular, the different, and the hitherto silenced."<sup>13</sup>

We confront the same challenges with respect to the legacy of Dr. King as Harris did in her essentialist theory. In our "collective amnesia"<sup>14</sup> of his more confrontational messages, we risk reducing Dr. King to a cathartic sound bite. This eases our conscience; well-intentioned people can declare their strategic allegiance to his message without confronting his more radical demands for societal restructuring. We confine his message to the most basic, incontrovertible, and palatable snippets. These sound bites liberate us from the disquieting questions of relative guilt, complicity, or complacency.<sup>15</sup> We seek a unitary message of Dr. King which is consistent with broad-based, even commercial, appeal.

Professor Harris notes that we use essentialism as a processing shortcut; it is both "intellectually convenient" and "cognitively ingrained."<sup>16</sup> In other words, we distill people down to what we see as their essence, because it is undemanding and conditioned. Psychological discourse supports this theory in conceptualizing a framework of "cognitive miserliness."<sup>17</sup> Psychologists say we use this mental shorthand to "recruit information because it sustains the correctness of our judgments, not because it is an accurate reflection of reality."<sup>18</sup> The crucial judgment inherent in the cognition reveals the strategic nature of these unconscious deliberative techniques. We give priority to our view of reality, regardless of whether reality is aligned with our perception.

12. Angela Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581, 615 (1990).

13. *Id.*

14. HARDING, *supra* note 8, at vii (noting that there is a "profound sense of national amnesia that has distorted so much of America's approach to Martin Luther King, our national hero").

15. *See id.* at viii (explaining that "King seemed easier to manage as a hero, to explain to our children, our congresspeople, and ourselves if we could forget the search for economic justice that had already begun to emerge in the March [on Washington]'s official purpose, "for Jobs and Freedom," and if we could ignore the shadows that were soon to be cast across King's life (and many others) by the white terrorist bombing that killed four Sunday school children in Birmingham, just weeks after the March").

16. Harris, *supra* note 12, at 589.

17. JAMES M. JONES, PREJUDICE AND RACISM 169 (2d. ed. 1997).

18. *Id.*

Professor Harris analyzes the writings of prominent feminist legal theorists to expose the underlying gender essentialism in their work. According to Harris, these feminist works contain “the notion that a unitary, ‘essential’ women’s experience can be isolated and described independently of race, class, sexual orientation, and other realities of experience.”<sup>19</sup> Harris shows that this phenomenon might be the natural result of the authors’ perspectives. Our point of view drives our framework of analysis, which shapes the manner in which we construct, and remember, our reality.

The inevitable result of failing to ascertain the breadth of feminist perspectives is silence. Gender essentialism reifies the existing silencing of the voices of women of color and black women in particular.<sup>20</sup> Thus, Professor Harris calls for a “multiple consciousness in [the] feminist movement” to prevent this narrowly focused failure of perspective.<sup>21</sup>

Harris’s recognition of potential silencing helps explain how we have distilled Dr. King’s message. The ways in which power is manifested, structured, and challenged is intrinsically connected to what messages are silenced and what messages are expounded.<sup>22</sup> Thus, we selectively memorialize heroes and dictate the canon from which they are applauded.<sup>23</sup>

Interestingly, one scholar defined a hero as “a person, real or imaginary, who evokes the appropriate attitudes and behavior.”<sup>24</sup> Heroes serve a purpose. They are applauded for reminding us that there is virtue in modeling good behavior, ascribing to certain texts, and expounding a unifying vision. In creating a cult of hero worship, it would be sacrilegious to venerate the usurper, the provocateur, or the troublemaker. “The hero in social life is thus essentially more than a person; he is an ideal image, a legend, a symbol. The study of growing hero legends shows us that the fame of a hero is a collective product, being largely a number of popular imputations and interpretations.”<sup>25</sup> Thus, radicalism is not heroic because the radical resists against the status quo and discomfits the comfortable. By proclaiming Dr. Martin Luther King, Jr. a hero, Americans must collectively process and idealize his message. Instead of embracing the more probing and resistant strains in Dr. King’s message,

19. Harris, *supra* note 12, at 585.

20. *Id.*

21. *Id.* at 586.

22. *Id.* at 585 (writing, “some voices are silenced to privilege others . . . [and] the voices that are silenced turned out to be the same voices silenced by the mainstream legal voice”).

23. See generally Orrin E. Klapp, *The Creation of Popular Heroes*, 54 AM. J. SOC. 135, 141 (1948) (exploring the construction and effect of heroes). According to Klapp, “The masses react in terms of certain standard definitions which can be appreciated by everybody. In this way large numbers of people can be quickly mobilized into certain collective emotions, whether of hero worship or of generosity, humor, vengeance, or hate.” *Id.*

24. *Id.* at 135.

25. *Id.*

Americans have valorized but simplified Dr. King and his legacy. Societal cognitive dissonance compels simplicity. Dr. King cannot simultaneously be marginalized and centered; he cannot be both a revolutionary and a unifying figure.

Not surprisingly, “[e]ssentialism also carries with it important emotional and political payoffs.”<sup>26</sup> In reducing dynamic people and their messages to an echo of their robust selves, we cabin what is politically or emotionally disquieting. Thus, knowing who does the stereotyping of our heroes is just as important as knowing who is being stereotyped.<sup>27</sup> Hence, we should strive to understand who drives the collective dynamic of Dr. King’s commemoration. I do not believe it is a coincidence that most people’s knowledge of Dr. King is confined to the “I Have a Dream” speech and that we selectively cherish only parts of this speech.<sup>28</sup>

Professor Harris’s study of black women and feminist theory reveals the challenges of multiple consciousness.<sup>29</sup> Accepting those challenges makes it more complicated to realize, let alone appreciate, the complexities and contextual limitations of the human spirit. To appreciate that people are not single-faceted and to embrace the full content of their characters require commitment, diligence, and curiosity. Thus, Professor Harris states:

[T]here are at least three major contributions that black women have to offer post-essentialist feminist theory: the recognition of a self that is multiplicitous, not unitary; the recognition that differences are always relational rather than inherent; and the recognition that wholeness and commonality are acts of will and creativity, rather than passive discovery.<sup>30</sup>

26. Harris, *supra* note 12, at 589.

27. JONES, *supra* note 17, at 178 (suggesting that “stereotypes do not arise simply from judging another group, but are influenced by the salience of one’s personal and group identification and values”).

28. Harry A. Reed, *Martin Luther King Jr.: History and Memory, Reflections on Dreams and Silences*, 84 J. OF NEGRO HIST. 150, 150 (1999) (stating that “King’s 1963 oration ‘I Have a Dream’ is probably his most recognized and most often cited speech,” and yet other equally important speeches have been virtually ignored). See also Elizabeth Vander Lei & Keith D. Miller, *Martin Luther King Jr.’s “I Have a Dream” in Context: Ceremonial Protest and African American Jeremiad*, 62 C. ENG. 82, 83 (1999) (“For President Clinton and most Americans, ‘I Have a Dream’ sums up King’s lifework; indeed, ‘I Have a Dream’ has become the touchstone of American memory of the struggle for civil rights.”).

29. See, e.g., Harris, *supra* note 12, at 611 (illustrating the nuances of incorporating “othered” perspectives by reference to Barbara Johnson’s commentary on the famous black author Zora Neal Hurston: “Thus, ‘how it feels to be colored Zora’ depends on the answer to these questions: ‘Compared to what? As of when? Who is asking? In what context? For what purpose? With what interests and presumptions?’” What Hurston rigorously shows is that questions of difference and identity are always functions of a specific interlocutory situation—and the answers, matters of strategy rather than truth.”).

30. *Id.* at 608.

As will be explored below, these contributions ring remarkably true with respect to Dr. Martin Luther King, Jr. and his legacy.

## II. KING AND THE SOUND BITE

After Dr. King's death, it became easier to contain and compress his message. Those in a position to appropriate his message have often done so to serve personal or political ends. Dr. King is no longer invoked as the dangerous revolutionary that the FBI once said he was.<sup>31</sup> Rather, we gloss over Dr. King's biting social commentary and focus on cathartic remarks and recollection.

President Bush's recent remarks exemplify how we remember Dr. King: "Martin Luther King is a towering figure in the history of our country. And it is fitting that we honor his service and his courage and his vision."<sup>32</sup> We do not recall, however, that Dr. King admonished:

There is another thing closely related to racism that I would like to mention as another challenge. We are challenged to rid our nation and the world of poverty. Like a monstrous octopus, poverty spreads its nagging, prehensile tentacles into hamlets and villages all over our world. They are ill-housed. They are ill-nourished. They are shabbily-clad. I have seen it in Latin America. I have seen it in Africa. I have seen this poverty in Asia. I have seen them here and there. I have seen them in the ghettos of the North. I have seen them in the rural areas of the South.<sup>33</sup>

---

31. See Martin Luther King Jr. FBI Files, <http://www.paperlessarchives.com/mlk.html> (last visited Apr. 28, 2009) (referring to Dr. King alternatively as a demagogue and a dangerous Negro leader who had to be marked given the threat he was deemed to pose to national security as a supposed communist). The FBI has 3165 pages of files on Dr. King. They include information on what former FBI Assistant Director William C. Sullivan described as an "intensive campaign by the FBI to neutralize [Dr. King] as an effective civil rights leader" in which "no holds were barred." *Id.* The released papers indicate that there was heightened concern about Dr. King when he began to discuss the Vietnam War, and some of these reports describe Dr. King as "the most dangerous Negro of the future in this Nation from the standpoint of communism, the Negro and national security." *Id.* See also David J. Garrow, *FBI Political Harassment and FBI Historiography: Analyzing Informants and Measuring the Effects*, 10 THE PUB. HISTORIAN 4, 7 (1988) (indicating the threat Dr. King, posed, and detailing the breadth of "the FBI's multi-year pursuit of Martin Luther King, Jr." as "featuring not only human informants and electronic surveillance devices, including both telephone wiretaps and microphonic 'bugs' targeted against King and his closest political advisors, but also regular physical surveillance by FBI agents seeking to document photographically King's close relationships with supposed 'subversives' or Soviet agents").

32. *President Bush Visits Martin Luther King, Jr., Memorial Library*, *supra* note 2.

33. HARDING, *supra* note 8, at 122 (quoting King's "Beyond Vietnam" speech at New York's Riverside Church).

This part of the article will explore how we have selectively remembered, promoted, and even marketed Dr. King and his messages. Supply and demand have created a socio-economic marketplace of Dr. King. The forces behind the reformulation of his message into a sound bite<sup>34</sup> include: the education system, the economic marketplace, the media,<sup>35</sup> politics, and (some say) the King family itself.<sup>36</sup>

### A. Reductionist Education

Educators disagree about how to negotiate difficult subjects when teaching children.<sup>37</sup> I side with those who believe that it is pedagogically incorrect to cherry-pick the history lessons that we pass on to our children.

From my basic research involving several visits to my local library, it appears that elementary, middle school, and high school library books contain uniformly simplistic and necessarily sweeping discussions of Dr. King. They are disappointing in their omission of the “Radical” King and their focus on the non-threatening “Dreamer” King.<sup>38</sup> Even more

34. See MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY 1123 (10th ed. 1995) (defining “sound bite” as “a brief recorded statement (as by a public figure) broadcast esp. on a television news program; also: a brief catchy comment suitable for use as a “sound bite”).

35. Marshall McLuhan famously stated: “In a culture like ours, long accustomed to splitting and dividing all things as a means of control, it is sometimes a bit of a shock to be reminded that, in operational and practical fact, the medium is the message.” MARSHALL MCLUHAN, UNDERSTANDING MEDIA: THE EXTENSION OF MAN 7 (1964).

36. See Lisa DiCarlo, *Earnings From the Crypt: Martin Luther King, Minting A Fortune*, FORBES MAGAZINE Aug. 13, 2002, available at [http://www.forbes.com/2002/08/13/0813mlk\\_print.html](http://www.forbes.com/2002/08/13/0813mlk_print.html) (mentioning the criticism of the King family, particularly Dexter King, who supposedly consulted with the managers of Graceland on how best to “market” his late father).

37. See William L. Katz, *Black History in Secondary Schools*, 38 J. OF NEGRO EDUC. 430, 431 (1969) (discussing the tension between those who would teach black history by “emphasizing black accomplishments” and those who would teach it “in all its pain”).

38. Not surprisingly, many of the children’s books I examined quoted familiar parts of King’s “I Have a Dream” speech. See KENNETH C. DAVIS, DON’T KNOW MUCH ABOUT MARTIN LUTHER KING JR. 95 (2006); EDITH HOPE FINE, MARTIN LUTHER KING, JR.: CHAMPION OF CIVIL RIGHTS 20–21 (2006); ANN S. MANHEIMER, MARTIN LUTHER KING JR.: DREAMING OF EQUALITY 64 (2005); AMY PASTAN, MARTIN LUTHER KING, JR.: A PHOTOGRAPHIC STORY OF A LIFE 66–68 (2004); DORREEN RAPPAPORT, MARTIN’S BIG WORDS: THE LIFE OF DR. MARTIN LUTHER KING JR. (2001); MARY WINGET, MARTIN LUTHER KING JR. 32 (2003).

For those that describe the context of the speech, the March on Washington is framed as an event that sought to bring people together. See DAVIS, *supra*, at 95 (“Celebrities such as Joan Baez, Sammy Davis Jr., and Marian Anderson performed. Then Randolph introduced King to the crowd as the ‘moral leader of the nation.’”); FINE, *supra*, at 20 (“Old and young, white and black, rich and poor—all joined one of the biggest gatherings ever held in the United States.”); WINGET, *supra*, at 32 (“Black people and white people walked together, arm in arm, from the Washington Monument to the Lincoln Memorial.”).

Similarly, the books describing King’s “Letter from Birmingham City Jail” present a non-threatening aspect of his message. See ADELE Q. BROWN, TRAILBLAZERS OF THE

MODERN WORLD: MARTIN LUTHER KING JR. 6 (2004) (“The resulting letter . . . clearly stated the case for civil rights. ‘We have waited for more than 340 years for our constitutional and God-given rights,’ he wrote. ‘Oppressed people cannot remain oppressed forever.’”); DAVIS, *supra*, at 89 (“Quoting from the Old and New Testaments of the Bible, King said he believed that people had a responsibility to break unjust laws, though they must do it peacefully and accept the punishment for breaking them. ‘Injustice anywhere is a threat to justice everywhere,’ he wrote. He also wrote that black people had waited 340 years, since the first slaves were brought to America, for their rights. They lived in fear, in danger, always waiting, all that time. The white clergymen had not lived with that fear, he wrote, or else they would not say ‘wait.’”).

Some books for school-aged children completely fail to mention King’s Vietnam War activism. *See, e.g.*, WINGET, *supra*, at 38–39 (skipping from King’s march across the Edmund Pettus Bridge in 1965 to his “dec[is]ion” to focus on northern cities such as Boston, New York and Chicago” in 1966). Others make some attempt to describe his position. *See, e.g.*, MANHEIMER, *supra*, at 86 (“On April 4, 1967, King finally brought the full power of his eloquence to preach against the war. Speaking to a crowd that overflowed New York’s Riverside Church, for the first time, he drew the connection between the war and civil rights: ‘A few years ago there was a shining moment . . . It seemed as if there was a real promise of hope for the poor—both black and white—through the [government’s] poverty program. . . . Then came the buildup in Vietnam and I watched the program broken.’”). Several children’s books place significant emphasis on King’s “nonviolence,” particularly in freezing his relationship with Malcolm X. *See, e.g.*, JAMES HASKINS, I HAVE A DREAM: THE LIFE AND WORDS OF MARTIN LUTHER KING JR. 91 (1992) (“Although Martin Luther King, Jr., and Malcolm X, the gifted spokesman for the Nation of Islam, admired each other as people, the Black Muslim’s separatist doctrine was in direct opposition to King’s message of peaceful coexistence.”); PASTAN, *supra*, at 70 (“Malcolm X, a black leader of the Muslim faith, thought King was too accepting of whites. He believed that nonviolence was leaving Negroes defenseless against white domination and felt that black people should fight back—with violence if necessary—in their struggle to be free. Malcolm inspired a black nationalist movement. He did work for integration, but wanted to keep the races separate. Malcolm’s views weakened King’s support among blacks in northern cities, who were impatient with the slow gains of nonviolent resistance. While King did not approve of Malcolm’s teachings, he respected his intelligence. When Malcolm X was assassinated in 1965, King mourned his loss.”).

Children are typically taught that King’s nonviolence, rather than his radical message, led him to achieve great successes. *See, e.g.*, JACQUELINE A. BALL, MARTIN LUTHER KING JR.: I HAVE A DREAM! 26–27 (2006) (“The Reverend Dr. Martin Luther King, Jr., was not just a hero to black Americans. He was a hero to people of all colors, all over the world. He worked his whole life to make his dream of freedom come true for everyone. He never gave up believing that love could overcome hatred.”); BROWN, *supra*, at 6 (“King’s practice of nonviolence achieved lasting results. Two laws that secured the rights of African Americans—the Civil Rights Act of 1964 and the Voting Rights Act of 1965—were enacted largely because of demonstrations and protests by Dr. King and his followers. . . . As a result, African Americans are free to socialize with whom they please, shop and attend schools where they like, and pursue personal dreams.”); RAPPAPORT, *supra* (“After ten years of protests, the lawmakers in Washington voted to end segregation. The WHITE ONLY signs in the South came down. Dr. Martin Luther King, Jr. cared about all Americans. He cared about people all over the world. And people all over the world admired him. In 1964, he won the Nobel Peace Prize. He won it because he taught others to fight with words, not fists.”).

In contrast, perhaps the most comprehensive school-directed book I came across explores the thesis that much contemporary racial violence plagues us because Dr. King did not take us far enough along the road of racial healing. HASKINS, *supra*. The jacket cover summarizes this perspective, noting that “[a]ll too often, King is praised while his message is ignored. We must keep bringing his words to life in the hope that one day we will achieve the goals he dreamed of.” *Id.*

disappointing, most children and teenagers have only one or two lessons about Dr. King in history or civics class, or perhaps a lecture around the time of the King national holiday or during Black History Month.<sup>39</sup> Books for school-age children consistently remember Dr. King in the following manner:

People had come to Washington, D.C., from all over America. They came because they loved freedom. They came because they believed in civil rights. They came to hear this man speak.

His voice was magic. His words could fill sad hearts with hope. America needed hope now more than ever.

It was August 28, 1963.

“I have a dream!” shouted the Reverend Dr. Martin Luther King, Jr.

....

When Dr. King planned the March on Washington, he knew he needed just the right words to bring everyone together. The words “I have a dream” came to him. On August 28, 1963, Dr. King spoke to them straight from his heart.<sup>40</sup>

Similarly, some of these books freeze-frame the civil rights movement at the end of 1963 and ignore the increasing unity and commonality evident between Dr. King, Malcolm X, and Stokely Carmichael.<sup>41</sup> One book states:

39. See Chris Crowe, *Young Adult Literature: Reading African American History and the Civil Rights Movement*, 92 ENG. J. 131, 131 (2003) (“English teachers have two excellent opportunities to use YA [young adult] literature to help students understand the Civil Rights Movement and to gain an appreciation of African American culture in the United States. The first opportunity . . . [is] Martin Luther King Jr. Day. . . . The second . . . [is] Black History Month.”); John Hope Franklin, Gerald Horne, Harold W. Cruse, Allen B. Ballard & Reavis L. Mitchell Jr., *Black History Month: Serious Truth or a Triumph in Tokenism?*, 18 J. BLACKS IN HIGHER EDUC. 87, 88 (1997/1998) (“[T]he expansion of the ‘week’ into a ‘month’ does not necessarily mean that we are moving toward the Woodson ideal [Carter G. Woodson founded black history week in 1926]. The commercialization of the ‘month’ provides the hucksters with a longer period in which to sell their trinkets and souvenirs, corporations a greater opportunity to display their special brand of ‘civic awareness,’ and lecturers the golden chance to show off their knowledge of black history.”).

40. BALL, *supra* note 38, at 21.

41. See JAMES H. CONE, MARTIN & MALCOLM & AMERICA: A DREAM OR A NIGHTMARE 220 (1991) (“After Selma, . . . the second and most important phase of Martin’s thinking began to emerge. This development, until recently neglected by King’s interpreters, was characterized by the shattering of his dream and his movement slowly toward the philosophy of Malcolm X.”); King, *supra* note 11, at 1 (commenting that Dr. King’s radicalism was furthered by “Malcolm X’s vigorous arguments for redefinition of the scope and rhetoric of the Civil Rights Movement”); Fairclough, *Vietnam*, *supra* note 8, at 22 n.11 (noting that Stokely Carmichael—who was the head of the SNCC and popularized the slogan “black power,”—and King had a warm regard for each other despite their ideological differences); A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS OF MARTIN LUTHER KING, JR. 363 (James Melvin Washington ed., 1986) [hereinafter TESTAMENT OF

In spite of his popularity, King was not well regarded by everyone.

....

King also had opponents in the black community. Malcolm X, the head of a black Muslim group, and Stokely Carmichael, the leader of the SNCC, believed that more violent actions were needed to seize freedom from whites. That criticism from within the black community hurt King most of all because he worked so hard for unity.<sup>42</sup>

By selectively ignoring the depth of the relationship between these civil rights leaders, Dr. King is *de*-radicalized, while Malcolm X and Carmichael are radicalized as violent hatemongers. Consequently, Dr. King is lionized, while Malcolm X and Carmichael are marginalized from our cultural scripts and our national narrative.

But these three leaders had much more in common than the history books suggest. Especially post-1963, “[t]o re-call Martin is to re-call Malcolm. They were complementary, and by the end of their lives, they knew it.”<sup>43</sup> After Malcolm X’s assassination, Dr. King commented, “It was tragic that Malcolm was killed, he was really coming around, moving away from racism. He had such a sweet spirit.”<sup>44</sup> Additionally, when Dr. King decided to publicly oppose the Vietnam War, he telephoned Carmichael to personally invite him to his church, Ebenezer Baptist, as his guest. When he told Carmichael that he would be speaking out against the Vietnam War, Carmichael responded that he would be sitting in the first row of the church.<sup>45</sup> Unfortunately, selective narration about Dr. King’s legacy does

---

HOPE] (explaining that violence is likely where injustice prevails, Dr. King elaborates that “white Americans must be made to understand the basic motives underlying Negro demonstrations. Many pent-up resentments and latent frustrations are boiling inside the Negro, and he must release them. It is not a threat but a fact of history that if an oppressed people’s pent-up emotions are not nonviolently released, they will be violently released.”); MARTIN LUTHER KING, JR., *WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY* 115 (1967) (describing the environment of the northern ghetto, after living in Lawndale, Chicago, Dr. King remarked, “I understood anew the conditions which make of the ghetto an emotional pressure cooker”). See also Charles Henry, *Delivering Daniel: The Dialectic of Ideology and Theology in the Thought of Martin Luther King, Jr.*, 17 J. OF BLACK STUD. 327, 334 (1987) (stating that Martin Luther King supported nonviolent black power and that he agreed with Malcolm X with respect to the need for “racial pride, black superior values, and identification with African heritage”).

42. BROWN, *supra* note 38, at 33.

43. HARDING, *supra* note 8, at 8.

44. *Id.* (noting that Malcolm X traveled to meet with Dr. King in a Selma jail two months after Dr. King’s receipt of the Nobel Peace Prize).

45. See *Interview with Stokely Carmichael (Kwame Ture)* conducted by Blackside, Inc. on Nov. 7, 1988, for Eyes on the Prize II: America at the Racial Crossroads (1965–1985) (detailing the civil rights struggle in the late 1960s and commenting upon the relationship between the various leaders) (on file at Washington University Libraries, Film and Media Archive, Henry Hampton Collection).

not end in the realm of education. Economic incentives have also created a simplistic narrative of Dr. King and his ongoing relevance.

### B. *Economic Essentialization*

The second manifestation of the sound bite mentality is in the commercial realm. The commercial value of Dr. King's image is particularly high in the age of celebrity.<sup>46</sup> As an international hero, Dr. King is an icon with righteous cache. As a national hero, Dr. King and his legacy literally equate to currency.

According to Forbes Magazine in 2001, Dr. King's estate was generating income from licensing his image and receiving usage fees for his speeches.<sup>47</sup> Despite "rankl[ing] some civil rights leaders, including Julian Bond, chairman of the National Association for the Advancement of Colored People," commercialization of Dr. King and his sound bites has increased in recent years.<sup>48</sup>

The King estate receives an estimated several hundred thousand dollars annually for the commercial use of Dr. King's image.<sup>49</sup> Dr. King has endorsed such products or companies as Apple Computers, Alcatel, and Cingular Wireless.<sup>50</sup> In the financial world, appeal to the consumer reigns supreme. Of course, the images palatable for commercial use are not Dr. King's revolutionary socio-economic urgings—these would not sell computers or wireless phone service. Rather, the familiar snippet of Dr. King's "I Have a Dream" speech appears as a refrain, and his urgent revolutionary messages remain absent.

Admittedly, a tagline must be moderate to sell goods. Mainstream America is unlikely to engage with the economic marketing of the Radical King. Nonetheless, the more probing and challenging aspects of Dr. King's legacy must be preserved and communicated lest his message be reduced and essentialized to an aspirational sound bite or worse to irrelevancy.

### C. *Much More than a Sound Bite: Words of Continuing Relevance*

Dr. King's legacy is a strategically remembered sample of the "I Have a Dream" speech. We all know the resounding, captivating part of this eloquent speech in which he told us of his dream for a better day. He said:

46. See generally HAMISH PRINGLE, *CELEBRITY SELLS* (2004) (including chapters exploring the impact of celebrities on everyday life, their work for brands, the selection of celebrities, and how celebrities are managed).

47. See DiCarlo, *supra* note 36.

48. *Id.*

49. *Id.*

50. *Id.*

So I say to you, my friends, that even though we must face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream that one day this nation will rise up and live out the true meaning of its creed—we hold these truths to be self-evident, that all men are created equal.

I have a dream that one day on the red hills of Georgia, sons of former slaves and sons of former slave-owners will be able to sit down together at the table of brotherhood.

....

I have a dream my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. I have a dream today!

....

[W]hen we allow freedom to ring, when we let it ring from every village and hamlet, from every state and city, we will be able to speed up that day when all of God's children—black men and white men, Jews and Gentiles, Catholics and Protestants—will be able to join hands and to sing in the words of the old Negro spiritual, "Free at last, free at last; thank God Almighty, we are free at last!"<sup>51</sup>

While these words are memorialized as the King sound bite, the more searing parts of this speech are either omitted or misremembered.<sup>52</sup> For instance, Dr. King also indicted American society for its failure to fulfill the promises of the Emancipation Proclamation. He chastised the American public because "the Negro still is not free," despite the passage of a hundred years.<sup>53</sup> He stated plainly that white America owes black America:

In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness.

---

51. TESTAMENT OF HOPE, *supra* note 41, at 219–20. See also BROWN, *supra* note 38, at 32 (describing this excerpt as "the most famous portion of Dr. King's speech").

52. See generally Justin Levinson, *Forgotten Racial Equality: Implicit Bias, Decision-Making and Misremembering*, 57 DUKE L.J. 345 (2007) (exploring theories of implicit racial bias, social cognition, social dominance, and racial preference and empirically supporting the notion that individual mismemory is racialized and culturally produced).

53. TESTAMENT OF HOPE, *supra* note 41, at 217.

It is obvious today that America has defaulted on this promissory note in so far as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check; a check which has come back marked "insufficient funds."<sup>54</sup>

Long before he spoke these eloquent words, however, Dr. King was agitating for social and political changes in rural and urban communities alike.<sup>55</sup> His techniques were non-violent and firmly rooted in the Southern Christian church, but he nonetheless advocated for tactics that confronted and often disobeyed the law.<sup>56</sup>

This part of the "I Have a Dream" speech is not seared into our cultural consciousness because it exposes the lopsided nature of America in a way which still rings true today. Dr. King "refuse[d] to believe that there [were] insufficient funds in the great vaults of opportunity of this nation."<sup>57</sup> Thus, he declared that the Negro would not be satisfied until he "is [no longer] the victim of the unspeakable horrors of police brutality," until segregation in accommodations ends, until voting rights are guaranteed, and until blacks believe they have something for which to vote.<sup>58</sup>

As he had done a few months earlier in his "Letter from Birmingham City Jail," Dr. King emphasized the urgency of granting full civil rights to

54. *Id.*

55. See David J. Garrow, *Martin Luther King, Jr., and the Spirit of Leadership*, 74 J. AM. HIST. 438, 438 (1987) [hereinafter Garrow, *Spirit*] (discussing the beginning of Dr. King's civil rights career when he was drafted at the age of 26 to lead the Montgomery Improvement Association after the bus boycott); Fairclough, *Vietnam*, *supra* note 8, at 31 (noting that despite the misguided views of the FBI, "King's political views were formed long before he and Levison became close. His distaste for unbridled capitalism, for example, went back to his student days when he had studied the philosophy of Marx."); *id.* at 32 ("[King] resisted suggestions from his publisher that he drop the criticisms of capitalism contained in the manuscript of his first book. America still needed a more equitable distribution of wealth, he insisted. 'Capitalism can lead to a practical materialism that is as pernicious as the [theoretical] materialism taught by communism.'").

56. See TESTAMENT OF HOPE, *supra* note 41, at 293 (reprinting Dr. King's writing from the Birmingham city jail, explaining that he could advocate breaking some laws and obeying others because "there are two types of laws: there are *just* and there are *unjust* laws," and he "would agree with Saint Augustine that 'An unjust law is no law at all'"). See also King, *supra* note 11, at 6 (referring to a speech Dr. King gave before the NY Bar Association, on April 21, 1965, condemning an unjust law as "one in which the minority is compelled to observe a code that [was] not binding on the majority," and that these laws forced the people "to obey a code they had [had] no part in making because they were denied the right to vote."). See also Fairclough, *Social Change*, *supra* note 8, at 3 ("In his earliest public writings [Dr. King] equated nonviolence with struggle and resistance organized through a militant mass movement. Philosophically and in practice, he explicitly rejected the notion that oppressed groups could overcome their subjection through ethical appeals and rational argument; they also needed an effective form of pressure.").

57. TESTAMENT OF HOPE, *supra* note 41, at 217.

58. *Id.* at 218.

Black America and indicated that “[t]his [wa]s no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism.”<sup>59</sup> Rather, “[n]ow [wa]s the time to make real the promises of democracy.” This challenging, “in your face,” confrontational part of the “I Have a Dream” speech is not the stuff of enticing commercial marketing—products will not be sold with the message that “[t]here will be neither rest nor tranquility in America until the Negro is granted his citizenship rights.”<sup>60</sup>

We have conveniently refused to heed this part of Dr. King’s message, preferring instead to dream. While the dream is beautiful and necessary, it elides the economic and political matters which Dr. King addressed in this monumental oration. We have chosen to carve out the most resistant and revolutionary aspects of his message, removing much of its revolutionary meaning. Our socio-cultural preference is to recall but a fraction of this man and to celebrate but a sliver of his life’s work.

But the radical parts of Dr. King’s messages should be reread and reconsidered in light of their contemporary resonance, especially in an America gripped by increasing disparities of wealth and class and embedded in ongoing foreign wars. We should follow Dr. King’s move away from the refrain of his dream. He stated:

In 1963 . . . in Washington D.C., . . . I tried to talk to the nation about a dream that I had had, and I must confess . . . that not long after talking about that dream I started seeing it turn into a nightmare . . . just a few weeks after I had talked about it. It was when four beautiful . . . Negro girls were murdered in a church in Birmingham, Alabama. I watched that dream turn into a nightmare as I moved through the ghettos of the nation and saw black brothers and sisters perishing on a lonely island of poverty in the midst of a vast ocean of material prosperity, and saw the nation doing nothing to grapple with the Negroes’ problem of poverty. I saw that dream turn into a nightmare as I watched my black brothers and sisters in the midst of anger and understandable outrage, in the midst of their hurt, in the midst of their disappointment, turn to misguided riots to try to solve that problem. I saw the dream turn into a nightmare as I watched the war in Vietnam escalating. . . . Yes, I am personally the victim of deferred dreams, of blasted hopes.<sup>61</sup>

In celebrating Dr. King, many in America selectively and strategically choose to ignore the message contained in the above passage. It is much easier for our collective consciousness to celebrate our supposed racial integration. That way, we can forgo grappling with Dr. King’s realization

---

59. *Id.*

60. *Id.*

61. CONE, *supra* note 41, at 213 (quoting a speech by Martin Luther King, Jr. in Atlanta, Georgia, on Dec. 24, 1967).

that his dream was not realized, that the animosity and violence against African Americans had escalated, that many blacks lived in desperate circumstances of poverty, and that the war in Vietnam was taking a disparate toll on people of color and poor people generally.<sup>62</sup>

### III. RE-RADICALIZING THE KING

Throughout his life, Dr. King evolved from a loving visionary to a hopeful political tactician.<sup>63</sup> While the “I Have a Dream” sound bite has gained iconic cultural currency, Dr. King made other pronouncements that indicate a more robust sense of domestic and international affairs. Dr. King’s legacy should be read more fully to reveal the prophetic revolutionary who increasingly labored alone near the end of his life.<sup>64</sup>

Ironically, we now celebrate a man who for many had become an American pariah because of his emboldened socio-political activism.<sup>65</sup> But Dr. King refused to be deterred, recognizing that a true leader did not seek to appease or appeal to the people:

I’m sorry, you don’t know me. I’m not a consensus leader. I don’t determine what is right and wrong by looking at the budget of the

62. See Fairclough, *Vietnam*, *supra* note 8, at 19 (“King passionately desired to combine . . . ‘the fervor of the civil rights movement with the peace movement,’ believing that war and social progress were inherently incompatible.”); *id.* at 27 (“King warned that reductions in social programs constituted, ‘an open invitation to riots, to despair, to bitterness.’ Testifying before the Senate at the end of [1966], he argued that ‘poverty . . . and social progress are ignored when the guns of war become a national obsession.’”); *id.* at 33 (“During the last two years of his life, King constantly reiterated the view that capitalism was the driving force which linked and perpetuated racism, economic exploitation, and militarism.”).

63. See CONE, *supra* note 41, at 235 (“Except for his justice-centered ‘Holt Street’ address (5 December 1955), love was the focus of the first period of King’s spiritual and intellectual development. During that time love was the informing concept, and justice and hope were interpreted in its light. Now as a result of his bleak reassessment of the freedom struggle and his agony over the war, hope became the shining center of Martin’s thinking, revealing new interpretations of love and justice.”).

64. See *id.* at 238 (noting that Dr. King’s sermons linking poverty at home and the Vietnam War abroad “were delivered against the advice of many of his friends and followers in the SCLC, the NAACP, and elsewhere, who told him to keep silent about the war because he was alienating President Johnson and the financial supporters of the SCLC”); *id.* at 239 (“Many blacks in the civil rights movement, including some of the SCLC staff, joined the chorus of criticism against King’s views on Vietnam, but this opposition did not soften his stand on a war he believed was criminal.”).

65. See Michael O’Brien, *Old Myths/New Insights: History and Dr. King*, 22 HIST. TCHR. 49, 61–63 (1988) (discussing the FBI’s attempts to blackmail Dr. King; critics who charged he had become “aloof”; the Johnson administration’s disdain for his stance on Vietnam; and black leaders who scoffed at his stubborn adherence to non-violence). See also David J. Garrow, *The FBI and Martin Luther King*, ATLANTIC MONTHLY, July–Aug. 2002, at 80 (detailing the FBI surveillance of Martin Luther King and his closest white friend and advisor Stanley Levison).

Southern Christian Leadership Conference, or by taking a Gallup Poll of the majority opinion. Ultimately a genuine leader is not a searcher for consensus but a molder of consensus.<sup>66</sup>

Dr. King became increasingly unpopular to some and dangerous to others,<sup>67</sup> in part because of his recognition of the intractability of de facto segregation, his withering chastisement of white liberals, and his outspoken criticism of the war in Vietnam.<sup>68</sup> The second stage of Dr. King's teachings drew him closer to Malcolm X's post-Mecca black nationalism.<sup>69</sup>

66. CONE, *supra* note 41, at 238.

67. *Id.* at 223–24 (“[W]hite segregationists and J. Edgar Hoover, the director of the FBI, constantly harassed him by charging that he had links with the Communist Party or by alleging that he had persons as advisors and on the SCLC staff, such as Stanley Levison and Jack O’Dell, who were party agents.”); HARDING, *supra* note 8, at 16 (commenting that the “Beyond Vietnam” speech caused King to be cast as an enemy of the state as “the rage of the White House and the FBI and other related institutions became more virulent. With that speech, the rifle sights became more sharply focused than ever before.”).

68. See TESTAMENT OF HOPE, *supra* note 41, at 353 (reprinting Dr. King’s 1965 interview with Playboy):

Playboy: Your dissatisfaction with the Civil Rights Act reflects that of most other Negro spokesmen. According to recent polls, however, many whites resent this attitude, calling the Negro “ungrateful” and “unrealistic” to press his demands for more.

King: This is a litany to those of us in this field. ‘What more will the Negro want?’ ‘What will it take to make these demonstrations end?’ Well, I would like to reply with another rhetorical question: Why do white people seem to find it so difficult to understand that the Negro is sick and tired of having reluctantly parceled out to him those rights and privileges which all others receive upon birth or entry in America. I never cease to wonder at the amazing presumption of much of white society, assuming that they have the right to bargain with the Negro for his freedom.

See also TESTAMENT OF HOPE, *supra* note 41, at 385 (reprinting a transcript of Dr. King’s 1966 interview with Meet the Press):

Mr. Kilpatrick: Dr. King, you have been quoted as saying that you have encountered more hatred among white opponents in Chicago than you have encountered in the Deep South. How do you account for this?

King: Well, I think for years the hatred existed beneath the surface in northern communities, and as I said earlier, it is coming out now. I think also we have to see that this is something of a dislike for the unlike, and you see it a great deal among the lower income ethnic enclaves who have basic fears about Negroes. They have grown up believing in certain stereotypes . . . There is another fear, the fear that the Negro is an economic threat. Now I think all of these things have contributed to, and in a sense have conjoined to bring about this massive outpouring of hatred in Chicago and I’m sure in other communities.

See Garrow, *Spirit*, *supra* note 55, at 445 (detailing the threats to Dr. King’s life and the frequent hostility he experienced, especially after taking a stance against the war). He noted:

King knew full well that his new, aggressive stance on the war would harm him politically and might well damage the civil rights movement financially. Those considerations, however, were not enough to shake King from his resolve. ‘At times you do things to satisfy your conscience and they may be altogether unrealistic or wrong, but you feel better,’ King explained over wiretapped phone lines.

See, e.g., Martin Luther King Jr. FBI Files, *supra* note 31 (indicating that in the massive FBI campaign against King, “no holds were barred”).

69. CONE, *supra* note 41, at 220.

According to James Cone, a historian and friend of Dr. King, “[a]fter Selma . . . the second and most important phase of Martin’s thinking began to emerge. This development, until recently neglected by King’s interpreters, was characterized by the shattering of his dream and his movement slowly toward the philosophy of Malcolm X.”<sup>70</sup> King’s most radical and insightful message was his recognition of the economic implications of American international racism; ultimately, this message presaged his death.<sup>71</sup>

#### A. *Southern De Jure vs. Northern De Facto “isms”*

Despite the passage of the Civil Rights Act and the Voting Rights Act, race riots plagued northern cities. Disturbed by the Watts riot of August 1965, Dr. King concluded that he had underestimated the depth of American racial injustice.<sup>72</sup> “The Watts riot and others which followed in the urban centers revealed the great gap between Martin’s optimism about nonviolence and the despair found in the random acts of violence in the ghettos of American cities.”<sup>73</sup> Dr. King’s optimism was shaken, and he came to recognize the connection between black nationalism and the condition of northern blacks. As he witnessed the devastation in Watts and spoke with its residents, he appreciated the insight of Malcolm X that many blacks in the North “had no money for a meal in the white man’s restaurant, no representatives of their interests in government, and no control over the de facto segregated schools in their community.”<sup>74</sup>

Watts was a revelatory moment in Dr. King’s thinking.<sup>75</sup> It revealed that, despite the absence of de jure segregation outside of the South, many northern blacks suffered from disparate economic policies that were just as devastating.<sup>76</sup> Blacks in the North were not prevented from dining in or

70. *Id.*

71. See Reed, *supra* note 28, at 165 (“For King, in 1967, in the boldest terms, the new parameters of American society needed to be an establishment of new values in the pursuit of justice and equality. King paid a terrible price for breaking the silence about the sanctity of the war effort.”).

72. CONE, *supra* note 41, at 221.

73. *Id.*

74. CONE, *supra* note 41, at 222. See also BLACK’S LAW DICTIONARY 1362 (7th ed. 1999) (defining de facto segregation as “[s]egregation that occurs without state authority, usu[ally] on the basis of socioeconomic factors” and de jure segregation as “[s]egregation that is permitted by law”).

75. *Id.* at 223 (noting that “[t]he fire bombs of Watts . . . blasted the civil rights movement into a new phase”).

76. *Id.* at 221 (“King and the entire southern-based civil rights movement were caught completely off guard. Even though he and the SCLC staffers had witnessed earlier disturbances in Birmingham . . . and in Harlem and Rochester in July 1964, they were not prepared for the magnitude of the fury and devastation in Watts. . . . Martin was greatly disturbed by what he saw in Watts. After talking with many young blacks who had participated in the riot, he discovered that the problem of racism and injustice in America was much deeper than he had thought.”).

frequenting certain venues, but their disparate economic status often resulted in the same segregationist consequences. Thus, Dr. King became convinced of “the great limitation of his earlier, almost exclusive focus on the elimination of the ‘legal, overt segregation’ of blacks in the South.”<sup>77</sup> Thereafter he increasingly recognized the intersection of racism and classism in America. Indeed, Dr. King remarked to his trusted ally and advisor, Bayard Rustin, “I worked to get these people the right to eat hamburgers, and now I’ve got to do something . . . to help them get the money to buy [them].”<sup>78</sup>

Hence, Dr. King turned to the eradication of de facto segregation, which he recognized as a manifestation of economic injustice. Invoking the logic of Malcolm X, Dr. King discussed the role of the slum or ghetto in the lives of many black people in America. “The purpose of the slum . . . is to confine those who have no power and perpetuate their powerlessness . . . . The slum is little more than a domestic colony which leaves its inhabitants dominated politically, exploited economically, segregated and humiliated at every turn.”<sup>79</sup>

Recognizing that the economic workings of America had disparate outcomes based upon race, Dr. King increasingly began to advocate for a systemic overhaul. He attacked the system of capitalism as predicated upon the existence of haves and have-nots. He urged Americans to reexamine their cities and recognize the utter poverty in which urban blacks lived in the North.<sup>80</sup> Eventually, he urged a socialistic reordering of American life to ensure an even distribution of necessities for all.<sup>81</sup> “[w]e are not interested in being integrated into *this* value structure. Power must be reallocated, a radical redistribution of power must take place.”<sup>82</sup> He further remarked that so long as “profit motives and property rights are considered more important than people,” racism, economic exploitation,

77. *Id.* at 222–23.

78. *Id.* at 222 (referencing “King, Two Sides of America,” an address given March 16, 1968, at the luncheon of the California Democratic Council Convention, in KCA). See also Randall Kennedy, *Martin Luther King’s Constitution: A Legal History of the Montgomery Bus Boycott*, 98 YALE L.J. 999, 1061–62 (1989).

79. CONE, *supra* note 41, at 223 (quoting a speech of Dr. King at the Chicago Freedom Festival and noting that King’s comments used the language of Malcolm X).

80. See *id.* at 224 (citing an audiotape address given on Feb. 17, 1968, in which King stated, “I am appalled that some people feel the civil rights struggle is over because we have a 1964 civil rights bill with ten titles and a voting rights bill. Over and over again people ask, What else do you want? They feel that everything is all right. Well, let them look around at our big cities.”).

81. DAVID J. GARROW, BEARING THE CROSS: MARTIN LUTHER KING, JR., AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE 426–27 (1986) (speaking to a convention of the Negro Christian American Labor Council on May 24, 1965, Dr. King said, “[c]all it what you may, call it democracy, or call it democratic socialism, but there must be a better distribution of wealth within this country for all of God’s children”).

82. *Id.* at 581 (quoting Dr. King).

and militarism, the “‘triple evils’ of the modern world ‘are incapable of being conquered.’”<sup>83</sup> Preaching whole-scale societal restructuring Dr. King insisted:

We’ve got to begin to ask questions about the whole society. We are called upon to help the discouraged beggars in life’s market place. But one day we must come to see that an edifice which produces beggars needs restructuring. It means that questions must be raised. “Who owns the oil?” . . . “Who owns the iron ore?” . . . “Why is it that people have to pay water bills in a world that is two-thirds water?”<sup>84</sup>

The disregard of Dr. King’s interrogation of the American economic system is consistent with the expedient sanitizing of his message. His probing comments on the glaring economic, education, and housing disparities still strike a chord today. His provocative language about restructuring the whole American economy is far less palatable than the aspirational dreams of his March on Washington speech. The messages that we have edited out of the King canon call for real sacrifice—a loss of economic and class privilege.

Our sound bite framework for Dr. King’s legacy does not even include his vision of himself as a revolutionary. In situating himself as part of a revolution, Dr. King remarked that:

[T]he black revolution [was] much more than a struggle for the rights of Negroes. It [was] forcing America to face all its interrelated flaws—racism, poverty, militarism, and materialism. It [was] exposing evils that [were] rooted deeply in the whole structure of society. It reveal[ed] systemic rather than superficial flaws and suggest[ed] that radical reconstruction of society itself [was] the real issue [that had] to be faced.<sup>85</sup>

At its core, Dr. King knew that this message was profoundly anti-establishment,<sup>86</sup> and he urged his followers to call for another American

83. Fairclough, *Vietnam*, *supra* note 8, at 33.

84. CONE, *supra* note 41, at 224 (quoting Martin Luther King, Jr., President’s Address at the Tenth Anniversary Convention of the Southern Christian Leadership Conference on August 16, 1967).

85. King, *supra* note 11, at 3 (quoting statements by Dr. King in an interview with David Garrow).

86. TESTAMENT OF HOPE, *supra* note 41, at 360. Responding to the question of whom Dr. King meant as the “establishment,” Dr. King stated:

I mean the white leadership—which I hold as responsible as anyone for the riots, for not removing the conditions that cause them. The deep frustration, the seething desperation of the Negro today is a product of slum housing, chronic poverty, woefully inadequate education and substandard schools. The Negro is caught in a long and desolate corridor with no exit sign, caught in a vicious socioeconomic vise. And he is ostracized as no other minority group in America by the evil of oppressive and constricting prejudice based solely upon his color.

Revolution.<sup>87</sup> A radical overhaul of American society was necessary. His starting point in this second era was the need for a redistribution of economic power.<sup>88</sup> He increasingly called for a transformation of social values and economic programming that would give effect to his recalibration. Inspired by the race riots and his time living and working in Chicago, this new thinking led Dr. King to start his Poor People's Campaign, "a class-based populist orientation that crossed racial lines and sought to bring people together in terms of economics rather than culture."<sup>89</sup> By making economic ordering the centerpiece of his new movement, Dr. King identified the enduring problem of the twenty-first century.

*B. A Related Segue: The U.S. Supreme Court and De Facto Discrimination*

Dr. King was ahead of his time in linking poverty, class, and racialized marginalization in America. His recognition that de facto segregation in the North<sup>90</sup> was a type of oppression has contemporary significance. The Supreme Court decision in *Parents Involved in Community Schools v. Seattle School District No. 1*<sup>91</sup> reveals the ongoing challenges in overcoming de facto discrimination.

The plurality in *Parents Involved* highlighted the relevance of Dr. King's struggle for equality when it declared the Constitution of no use when disparate racial results occur due to private ordering. The Supreme Court struck down two school boards' attempts to achieve racial equality through diversity initiatives and racial balancing as unconstitutional uses of the protected category of race.<sup>92</sup> If the Seattle school system had been segregated by law (known as de jure discrimination), instead of by fact (known as de facto discrimination), arguably the court would have eradicated the pernicious use of race as unconstitutional. Similarly, if the Louisville Jefferson County court had declared that the vestiges of segregation still remained, the Court might have declared the law unconstitutional. However, the "racial imbalance" that the respective school boards sought to cure was at best evidence of de facto discrimination. The Court held that such private decision making is not within the ambit of the Constitution. Writing for the plurality, Chief Justice Roberts stated:

87. King, *supra* note 11, at 3 (quoting Dr. King's statements to SCLC staff: "we moved into a new era, which must be an era of revolution").

88. *Id.*

89. *Id.* at 12.

90. *Id.* at 16 (noting that the intensity of the violent urban riots in Newark and Detroit had been instrumental in convincing Dr. King of the need to change his tactics for aiding blacks in the North because the character of oppression in the North was different).

91. *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 127 S. Ct. 2738 (2007).

92. *Id.* at 2746.

[R]acial balance is not to be achieved for its own sake.

....

Accepting racial balancing as a compelling state interest would justify the imposition of racial proportionality throughout American society, contrary to our repeated recognition that [a]t the heart of the Constitution's guarantee of equal protection lies the simple command that the Government must treat citizens as individuals, not simply components of a racial, religious, sexual or national class.<sup>93</sup>

The Court declared the impotence of the law and government in "remedying past societal discrimination" and turned its back on "societal discrimination" as "too amorphous" for constitutional remedy.<sup>94</sup> The plurality's reasoning reinforces the historic line in the sand between southern *de jure* racism—which requires a jurisprudential response—and northern *de facto* racism—which does not have "constitutional implications" because it results from "private choices."<sup>95</sup> The plurality admonishes the dissent for an elision of "the distinction between *de jure* and *de facto* segregation," which is plainly at odds with the plurality's reading of what precedent requires.<sup>96</sup>

By concluding that Seattle had never labored under *de jure* discrimination and that Jefferson County had "eliminated the vestiges of prior segregation" in its school system,<sup>97</sup> the plurality crafts a world in which racism springs organically, not legally, from our society. Any indicia of racial ordering or indication of racial preferences that create racial homogeneity is constitutionally untouchable if it flows from discriminatory societal preferences, rather than from legislative initiatives. Existing patterns of segregation in housing and education become solidified and are off limits if they are "a product not of state action."<sup>98</sup> The court blesses these choices as "private" and uncouples them from their history as vestiges of prior segregation and *de jure* laws. The plurality ignores the manner in which the law is constitutive of our culture and how culture is in turn constitutive of our laws. Dr. King, however, realized that, regardless of whether the racism is public or private, the effect is the same.

According to Dr. King, although no explicit racist laws were on the books in the North, there was still pervasive discrimination in education, employment, and housing. Those matters required attention if America

---

93. *Id.* at 2757 (internal quotation marks omitted).

94. *Id.* at 2758.

95. *Id.* at 2761.

96. *Id.*

97. *Id.* at 2740–41.

98. *Id.* at 2761.

was to live up to its creed.<sup>99</sup> In advocating for public housing laws and condemning racist Chicago landlords, Dr. King acknowledged the need to resist private racist ordering as an essential part of his fight against racism and classism. At the point when he shifted his focus from de jure segregation in the South to de facto segregation in the North, many of his white liberal allies deserted him.<sup>100</sup> This condemnation of private ordering is much more difficult: it requires that the well-intentioned hold their private lives and choices up to scrutiny, sacrifice their privilege, and share economic and political power.<sup>101</sup>

The decision in *Parents Involved* shows that “private sharing” continues to elude us. Further, the courts have abdicated their educative and symbolic role and are unwilling to use constitutional discourse to reshape what Justice Thomas refers to as “innocent private decisions, including voluntary housing choices.”<sup>102</sup> In this way, Justice Thomas inoculates private choices with racial consequences.<sup>103</sup> He ignores the reality that, for many poor people and people of color, racial imbalance is not the result of their voluntary choice. Rather, racial disparity results from the private choices of whites who wish to segregate themselves from the presence of persons of color in employment, housing, and education.<sup>104</sup>

99. GARROW, *supra* note 81, at 422.

100. See CONE, *supra* note 41, at 232 (“[Dr. King] was disappointed that the majority of white moderates in the North and South failed to support the goal of genuine equality for blacks and other poor people.”).

101. See *supra* notes 69 & 87.

102. 127 S. Ct. at 2769 (Thomas, J., concurring).

103. *Id.*

104. Dr. King said the following about private segregation:

Now I don't believe in black separatism. I'm against it . . . . But I do say this. It seems that our white brothers and sisters don't want to live next door to us. . . . So . . . they're pinning us in central cities . . . . We're hemmed in. We can't get out. They won't pass the fair housing bill here. And that's true in every city in this country. Now, since they're just going to keep us in here, . . . what we're going to have to do is just control the central city. We got to be the mayors of these big cities. And the minute we get elected mayor, we've got to begin taxing everybody who works in the city who lives in the suburbs. I know this sounds mean, but I just want to be realistic.

CONE, *supra* note 41, at 226. See also ELIZABETH E. BRUCH & ROBERT D. MARE, CAL. CTR. FOR POPULATION RESEARCH, NEIGHBORHOOD CHOICE AND NEIGHBORHOOD CHANGE 31 (UCLA On-Line Working Paper Series, Feb. 28, 2006), available at <http://www.cpr.ucla.edu/asp/papers.asp> (“[A] promising explanation for the high levels of segregation in American cities is that, even if race composition does not affect residential preferences through a threshold mechanism, race is correlated with other variables that may follow a threshold function. For example, income and wealth constraints make it impossible for poor people to live in certain neighborhoods, due to rents, housing prices, and the availability of mortgages. Persons within an income stratum may share a price threshold that determines whether they can move into [a] neighborhood. If neighborhood choices based on income follow a threshold function, and income is correlated to race, this may imply high levels of race segregation. Redlining or racial disparity information about available vacancies may imply a threshold choice function because racial minorities may

The result of this legal logic is that the Supreme Court has concretized racial imbalance as constitutionally untouchable. The status quo is, therefore, societal racial imbalance. As Dr. King pointed out, many people agree with ending de jure segregation and its marginalizing racial consequences, but few are willing to make the sacrifice for actual, as opposed to formal, equality.<sup>105</sup>

As time passed, Dr. King was increasingly critical of the logic of formal equality. This Radical King was soon at odds with white moderates and liberals who formerly supported him. He did not hesitate to chastise them for their hypocrisy.

### C. *On White Moderates and Liberals*

Dr. King juxtaposed the willingness of white moderates to support abstract legislation in the form of the Civil Rights Act and the Voting Rights Act with their unwillingness to cede their economic and class privilege.<sup>106</sup> He saw this unwillingness as hegemonic resistance to the relinquishment of economic and political power<sup>107</sup>—actual socio-economic justice was more divisive than formal racial justice.

Dr. King did not mince his words. His “Letter from Birmingham City Jail” reveals a frustrated revolutionary.<sup>108</sup> When prominent liberal clergy suggested that he allow the battle for integration to proceed through the courts, Dr. King lambasted their request for patience in the face of continual injustice.<sup>109</sup> According to Dr. King, the oppressed did not have

---

have no access to some types of neighborhoods.”); Richard T. Ford, *Brown’s Ghost*, 117 HARV. L. REV. 1305, 1311–16 (2004) (“[De facto segregation] persists for reasons we can identify with some confidence,” such as “legal background rules” like property taxes and public financing that create incentives for a segregated environment in cities.); Daria Roithmayr, *Locked in Segregation*, 12 VA. J. SOC. POL’Y & L. 197 (2004) (arguing that whites have “locked-in” advantages deriving from Jim Crow segregation, which now serve to protect the advantages whites receive from living in affluent neighborhoods, such as good schools and good job networks); Kevin G. Welner, *Tracking in an Era of Standards: Low-expectation Classes Meet High-expectation Laws*, 28 HASTINGS CONST. L.Q. 699, 699 (2001) (“[D]e facto segregation, due in large part to residential segregation, remains a regularity throughout the nation.”); Joseph R. McKinney, *The Courts and White Flight: Is Segregation or Desegregation the Culprit*, 110 WEST ED. L. REP. 915, 916 (1996) (“The relationship between housing and segregation is made crystal clear by examining the racial distribution of public school students and the demographic, economic and housing characteristics of households with children.”).

105. See CONE, *supra* note 41, at 223 (“What was it that Martin King understood? First, he realized that formal equality (i.e., the achievement of constitutional rights) did not change the *material* conditions of black people, especially those packed in the ghettos in the North.”).

106. Fairclough, *Vietnam*, *supra* note 8, at 38 (“The further King moved to the left, the narrower his base of support became.”).

107. *Id.*

108. TESTAMENT OF HOPE, *supra* note 41, at 289.

109. *Id.* (noting that while serving a sentence for participating in a civil rights

the luxury of waiting for the oppressor to give up his or her privilege because pressure was essential to bring about change:

[W]e have not made a single gain in civil rights without determined legal and nonviolent pressure. History is the long and tragic story of the fact that privileged groups seldom give up their privileges voluntarily.

....

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have never yet engaged in a direct-action movement that was "well-timed," according to the timetable of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "Wait!" It rings in the ear of every Negro with a piercing familiarity. This "Wait" has almost always meant "Never." . . . [J]ustice too long delayed is justice denied.<sup>110</sup>

This letter, written before the more well-known "I Have a Dream" speech, reveals the disappointment that Dr. King felt with some white liberals who were supposed allies. He castigated the unwillingness of some moderates and liberals to voice their support for the cause of equality. In this manner, Dr. King drew a provocative analogy between racial hatemongers and silent well-wishers. Stating that both groups would have to account for their actions or inaction, he asserted that "[w]e will have to repent in this generation not merely for the vitriolic words and actions of the bad people, but for the appalling silence of the good people."<sup>111</sup>

Dr. King went so far as to label the white moderate—rather than the raving klansman—as the greatest impediment to justice.<sup>112</sup> Dr. King believed that comfort and order should not be prioritized over justice. He repeatedly mentioned his disappointment with white moderates and admonished them for their selfish preferences:

I must confess that over the last few years I have been gravely disappointed with the moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in the stride toward freedom is not the White Citizen's Counciler or the Ku

---

demonstration, Dr. King responded to "eight prominent 'liberal' Alabama clergy-men, all white, [who had] published an open letter . . . that called on King to allow the battle for integration to continue in the local and federal courts, and warned that King's nonviolent resistance would have the effect of inciting civil disturbances").

110. TESTAMENT OF HOPE, *supra* note 41, at 292.

111. *Id.* at 296.

112. *Id.* at 295. Dr. King echoed these sentiments in an interview with Playboy in January, 1965. CONE, *supra* note 41, at 232.

Klux Klanner, but the white moderate who is more devoted to “order” than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says, “I agree with you in the goal you seek, but I can’t agree with your methods of direct action”; who paternalistically feels that he can set the timetable for another man’s freedom. . . . Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.<sup>113</sup>

Dr. King blamed white moderates as much as overt racists for the riots that plagued many American cities in the late 1960s: “I say to you . . . the riots are caused by nice, gentle, timid white moderates who are more concerned about order than justice.”<sup>114</sup> According to Dr. King, this complacency was driven by economic self-interest and deeply imbedded racial privilege. This part of Dr. King’s message does not form part of the sound bite—the King canon is silent in this regard. But this searing message is precisely what we need to reflect upon.

“Letter from Birmingham City Jail” should be required reading for all high school and law students. In choosing to immortalize “I Have a Dream” over “Letter from Birmingham City Jail” or “Beyond Vietnam,” we have taken a position on what belongs in the canon of equality thought. Specifically, only those forms of expression from marginalized communities which are sufficiently centrist can be included in the accepted cultural discourse which itself struggles with internal challenges and messages of irony, hypocrisy, and indictment. The radical must be silenced or recast. Inclusion of the full, albeit disquieting, message, however, ensures that we do not continually forget the lessons of history, repeating our errors and missteps with contrived amnesia and constructed ignorance.

Dr. King’s insistence on naming white hypocrisy is not mythologized in the popular culture of King. The Radical King was not reluctant to make his point, despite the possible loss of financial support or the support of sympathetic moderates. Surely Dr. King knew that when he said, “I am sorry to have to say to you that the vast majority of white Americans are racist, either consciously or unconsciously,”<sup>115</sup> there would be fallout. I would argue that his more radical review of what might now

---

113. TESTAMENT OF HOPE, *supra* note 41, at 295. Dr. King echoed these sentiments in his Playboy interview stating in January 1965 that “[i]t seems to be a malady even among those whites who like to regard themselves as “enlightened” . . . I wonder at [persons] who dare to feel that they have some paternalistic right to set the timetable for another [person’s] liberation.” CONE, *supra* note 41, at 232.

114. CONE, *supra* note 41, at 232 (referring to Dr. King’s 1965 interview with Playboy). See *supra* note 68 (quoting the Playboy interview).

115. CONE, *supra* note 41, at 233.

be referred to as “critical whiteness studies” was incendiary and well ahead of his time:<sup>116</sup>

The thing wrong with America is white racism. White folks are not right. Now they’ve been making a lot of studies about the Negro, about the ghetto, about slums. It’s time for America to have an intensified study on what’s wrong with white folks. . . . Anybody that will go around bombing houses and churches, it’s something wrong with him.<sup>117</sup>

Such comments indicate a human rights leader deeply saddened and disturbed by the equivocal support of supposed allies and determined to speak his truth. His insistence on taking the path he knew to be righteous similarly led him to oppose the war in Vietnam, despite the fallout that would inevitably ensue.

#### D. *A Revolution Against War*

Dr. King’s anti-war stance was multifaceted. As a minister committed to non-violence, he saw clear connections between the peace movement and the non-violent civil rights movement. But, as Dr. King’s increasingly radical stance revealed, he saw American involvement in Vietnam as a deeply flawed, indeed imperial, foreign policy which detracted from pressing domestic socio-economic issues.<sup>118</sup> Dr. King recognized that the dwindling focus on the alleviation of domestic poverty was intrinsically linked to the American war in Vietnam.<sup>119</sup> He roused the animosity of friend and foe by proclaiming that “it was the war itself that was draining away badly needed resources to remake America as a just land where the Beloved Community could be realized.”<sup>120</sup>

116. Fairclough, *Vietnam*, *supra* note 8, at 38 (“King’s growing isolation also stemmed from his increasingly frank radicalism. The kind of Scandinavian socialism which he advocated (albeit indirectly) was alien to the thinking of most Americans, black and white alike.”).

117. CONE, *supra* note 41, at 234 (citing Dr. King’s address on March 19, 1968, in Laurel, Mississippi).

118. King, *supra* note 11, at 2 (“Since the resources of the United States were finite, it was King’s belief—in keeping with his continuing criticism of the capitalist system and how that system was sustained by, and in turn sustained, racism, poverty, and militarism—that either the War on Poverty or the War in Vietnam would have to be slighted to pay for the other.”).

119. CONE, *supra* note 41, at 236–37 (“America’s escalation of the war in Vietnam and its de-escalation of the war on poverty motivated Martin to become one of the severest critics of the domestic and foreign policies of his government during the second half of the 1960s.”).

120. King, *supra* note 11, at 10. *See also* Garrow, *Spirit*, *supra* note 55, at 445 (“King’s attack on the [Vietnam] war, and particularly his April 4, 1967, antiwar speech at New York’s Riverside Church, brought down a flood of public criticism on his head. Even some of King’s most trusted advisors, including [Stanley] Levinson, reproached him for the tone of the speech.”); Fairclough, *Vietnam*, *supra* note 8, at 23–24 (commenting on the divisions

Yet we do not recall this message, which is especially meaningful in this time of war. Dr. King's anti-war message calls us to conscience in challenging and insightful ways. But this message is just as difficult to heed today as it was in the late 1960s.

Dr. King raised the ire of the government by asking "who had appointed America as the policemen of the world?"<sup>121</sup> Speaking more and more of America as a colonizer, Dr. King referred to the Vietnam War as "one of history's most cruel and senseless wars."<sup>122</sup> As if channeling Malcolm X, he described the foreign policy driving the war as "a new form of colonialism."<sup>123</sup> Thus, even before his "Beyond Vietnam" speech a month before his assassination, Dr. King connected the peace movement to the civil rights movement. As a Nobel Laureate, he felt he had the standing to question the nation's priorities as reflected in its foreign policy: "Here we spend thirty-five billion dollars a year to fight this terrible war in Vietnam and just the other day Congress refused to vote forty-four million to get rid of rats in the slums and ghettos of our country. . . . The judgment of God is on America now."<sup>124</sup>

Similarly, Dr. King again emphasized the economic disparities that the Vietnam War engendered in a posthumously published essay entitled "A Testament of Hope." He stated that "[m]illions of Americans are coming to see that we are fighting an immoral war that costs nearly thirty billion dollars a year, that we are perpetuating racism, that we are tolerating almost forty million poor during an overflowing material abundance."<sup>125</sup> In decrying the arrogance and (inter)national consequences of American racism, Dr. King asserted that American foreign policy was driven by racism:

I don't believe . . . we can have world peace until America has an 'integrated' foreign policy. Our disastrous experiments in Vietnam and the Dominican Republic have been . . . a result of racist decision making. Men of the white West . . . have grown up in a racist culture, and their thinking is colored by that fact . . . . They don't respect anyone who is not white."<sup>126</sup>

---

within the SCLC due to Dr. King's stance on the war in Vietnam, "many of King's colleagues and advisers also questioned his political sagacity" given that his position "smacked of ingratitude" to President Johnson); *id.* at 25 (noting, for example, that *Time* magazine wrote that King was "confusing the cause" and that "Senator Thomas Dodd, a close confidante of the President, put the matter more bluntly: King had 'absolutely no competence' in foreign affairs and, by speaking out, had 'alienated much of the support he previously enjoyed in Congress.'").

121. Reed, *supra* note 28, at 157.

122. *Id.* at 158 (quoting Dr. King's remarks from a Feb. 25, 1967, conference for The Nation).

123. *Id.*

124. See CONE, *supra* note 41, at 240.

125. TESTAMENT OF HOPE, *supra* note 41, at 315.

126. See CONE, *supra* note 41, at 238.

But Dr. King's concerns about the war effort were not purely financial and racial; his opposition was also founded upon his fundamental belief in non-violence. He saw the violence perpetrated by the U.S. as inconsistent with the Christian love that our country espouses.<sup>127</sup>

As he had done before, Dr. King spoke out against the inconsistencies and hypocrisy implicit in the pro-war stance of former allies. In responding to the backlash generated by taking a stance against the war in Vietnam, as opposed to confining himself to domestic civil rights efforts, Dr. King made one of his most radical remarks:

They applauded us in the sit-in movement when we nonviolently decided to sit at lunch counters. They applauded us on the freedom rides when we accepted blows without retaliation. They praised us in . . . Birmingham and Selma, Alabama. Oh, the press was so noble in its applause and . . . praise when I would say "Be nonviolent toward Bull Connor" . . . "Be nonviolent toward Jim Clark." There is something strangely inconsistent about a nation and a press that would praise you when you say, "Be nonviolent toward Jim Clark," but will curse and damn you when you say "Be nonviolent toward little brown Vietnamese children!"<sup>128</sup>

We should not omit such probative and compelling messages when we celebrate the life and work of Dr. King. A true ally should tell us what we do not want to hear but need to heed, what makes us uncomfortable to consider but would make us better human beings. This part of Dr. King's legacy, which has conveniently and strategically been omitted from the King canon of mythic dreamer, is equally important and worthy of attention and celebration. A true patriot insists upon the improvement of her country; Dr. King should be remembered as such a revolutionary patriot. Because he truly cared, Dr. King risked life and limb to improve society for the benefit of all.

---

127. See TESTAMENT OF HOPE, *supra* note 41, at 345–46 (detailing his philosophy of "militant non-violence," Dr. King explained in his 1965 Playboy interview that the Church should intervene in secular affairs stating, "The essence of the Epistles of Paul is that Christians should *rejoice* at being deemed worthy to suffer for what they believe. The projection of a social gospel, in my opinion, is the true witness of a Christian life. This is the meaning of the true *ekklesia*—the inner, spiritual church. The church once changed society. It was then a thermostat of society. But today I feel that too much of the church is merely a thermometer, which measures rather than molds popular opinion. . . . [A] minister cannot preach the glories of heaven while ignoring social conditions in his own community that cause men an earthy hell."). See *generally* Henry, *supra* note 41 (discussing the strengths and weaknesses of Dr. King's secular theology). See also Frederick Mark Gedicks, *Public Life and Hostility to Religion*, 78 VA. L. REV. 671, n.4 (1992) (referencing Neuhaus as "describing how the news media ignored the religious dimension of the political activism of Dr. Martin Luther King, Jr."). See also *infra* note 130.

128. TESTAMENT OF HOPE, *supra* note 41, at 239.

## IV.

## CONCLUSION: REVISITING THE KING LEGACY

However deeply American Negroes are caught in the struggle to be at last at home in our homeland of the United States, we cannot ignore the larger world house in which we are also dwellers. Equality with whites will not solve the problems of either whites or Negroes if it means equality in a world society stricken by poverty and in a universe doomed to extinction by war.<sup>129</sup>

Dr. King was a man ahead of his time, recognizing the interconnectedness of systems of oppression and urging coherent and consistent human rights inspired policies both at home and abroad. He connected the health of America to challenges of globalization, recognizing that our prosperity and security was linked to that of our international allies and enemies. By the time Dr. King was regularly speaking out against the war, he had an integrated message that revealed the racial and economic inconsistencies in America's domestic and foreign policy. By the end of his life, he had not given up his dream, but he was also a political realist who advocated for concrete changes in economic and social policy.

Dr. King implored us to change our ways and boldly called the American society in which he lived evil. He hoped that his challenging language would inspire revolutionary change in American society:

I've decided what I'm going to do. I ain't going to kill nobody in Mississippi . . . [or] in Vietnam. I ain't going to study war no more. And you know what? I don't care what white person or Negro criticizes me. I'm going to stick with the best. On some positions, cowardice asks the question, "is it safe?" Expediency asks the question, "is it polite?" Vanity asks the question, "is it popular?" But conscience asks the question, "is it right?" And there comes a time when a true follower of Jesus Christ must take a stand that's neither safe nor politic nor popular but he must take that stand because it is right. Every now and then we sing about it, "if you are right, God will fight your battle." I'm going to stick by the best during these evil times.<sup>130</sup>

Such messages are not part of most Martin Luther King Day celebrations. We have dismissed them, because they urge us to undertake significant societal restructuring. They urge too much self-criticism and genuine reflection upon the disparities in our midst. Instead, we

---

129. *Id.* at 225 (quoting Dr. King's speech "Where Do We Go from Here").

130. *Id.* at 242-43 (quoting Dr. King's sermon "Standing by the Best").

remember Dr. King's southern roots and religious training as leading him to advocate a "turn the other cheek" philosophy of non-violent resistance. While we cherish the love and integrationist message of the "I Have a Dream" speech, and denounce violence in our midst, we allow our leaders to cast violence against foreign enemies by declaring it proportional, necessary, and democratic. We do not fully embrace peace or make the sacrifices that are necessary for equality. We ignore the pointed accusatory finger taking us to task for our strategic and convenient political posturing—peace in some instances and war in others, non-violence here, but violence there. Thus, we allow some to dismiss anti-war advocacy as unpatriotic. Similarly, we dismiss the call for economic rights as socialist, or worst, communist. The result is an essentialized silencing of a radical message of revolution.

Often our commemoration of heroes smoothes over their nuanced messages in the interest of patriotic celebration and uncontroversial societal reverence. The love of the nation is embellished, while both radicalism and reactionary tendencies are reduced. This strategic mythmaking is no accident.

In remembering the legacy of Dr. King, we must try to reconcile his various messages and place them in his context and in our own contemporary reality. We must revisit the Radical King in all his splendor. The richness of his message provides a robust legacy that should be studied today and tomorrow. I too celebrate Dr. King's dream, but I also celebrate the Radical King, the Forgotten King. I celebrate him as a complicated American hero, who cannot be captured by an isolated, abstracted, sound bite.