

Beyond Dreams and Mountains: Martin King’s Challenge to the Arc of History

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I. INTRODUCTION: THE “MASTER NARRATIVE” OF THE CIVIL RIGHTS MOVEMENT

The most enduring myth of the civil rights struggle is that it is over. In the wake of the mass mobilizations and marches of the 1950s and 1960s, historians and other chroniclers of the period coalesced around the idea of an inevitably triumphant, self-contained movement for freedom frequently referred to as the “master narrative” of the civ-

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il rights period. In essence, it goes like this: at some point in time, bad things happened to black people. And then, the “good guys” won with the passage of landmark legislation designed to counter the centuries-long racial subordination suffered by black folks. Here’s the “master narrative” of the civil rights movement, according to Julian Bond:

Traditionally, relationships between the races in the South were oppressive. In the [sic] 1954, the Supreme Court decided this was wrong. Inspired by the court, courageous Americans, Black and white, took protest to the street, in the form of sit-ins, bus boycotts, and freedom rides. The protest movement, led by the brilliant and eloquent Dr. Martin Luther King, aided by a sympathetic federal government, most notably the Kennedy brothers and a born-again Lyndon Johnson, was able to make America understand racial discrimination as a moral issue. Once Americans understood that discrimination was wrong, they quickly moved to remove racial prejudice and discrimination from American life, as evidenced by the Civil Rights Acts of 1964 and 1965. Dr. King was tragically slain in 1968. Fortunately, by that time the country had been changed, changed for the better in some fundamental ways. The movement was a remarkable victory for all Americans.¹

Does this look and sound familiar? It should. This is the narrative that has shaped our collective understanding of the civil rights movement over the past half-century. Its content has an air of the cinematic: In the beginning, there is a vaguely defined problem (segregation). We are not sure as to *who or what* is responsible for this condition—we only know that it exists and has been deemed a problem. There is a *very specific point* where this problem is confronted, in this case, May 17, 1954, the day of the *Brown v. Board of Education* decision.² After the national wakeup call rendered by the Court,

1. STEVEN F. LAWSON & CHARLES PAYNE, *DEBATING THE CIVIL RIGHTS MOVEMENT, 1945–1968*, at 124–25 (2d ed. 2006).

2. 347 U.S. 483 (1954).

“courageous Americans, Black and white” took bold action to address the heretofore-unnamed challenge to American life. Lyndon Johnson and a small, merry *Band of Brothers* came together and *fixed all of the problems related to the unnamed malady that plagued black Americans for centuries*, and, with that, the movement ended. Game over: Michael Jackson dropped *Thriller*.³ America fell in love with *The Cosby Show*. White kids could not get enough of rap music. Barack Obama got elected to the presidency.

This narrative, however, is not to be taken lightly; it is a central, foundational myth of contemporary American society, one that affirms the best version of our image—that of a nation where freedom is on the perpetual march. The myth of civil rights “completion” is a natural outgrowth of a national investment in a broader American narrative—one that views American freedom as an ever-forward moving, inevitable march towards expanded autonomy and justice. This central narrative—or myth—grounds nearly all of American history and is anchored by the hagiography that buttresses our founding narrative. Our freedom narrative necessarily obscures the myriad of inconvenient truths related to the ebb and flow of American democracy. This rendering of history has profound implications. Rather than contend with the complexities associated with what I call the simultaneous construction of freedom and unfreedom at the beginning of the nation, we have crafted a narrative that (until recently) took extra special pains to ignore the central role slavery played in the founding of America.

Instead of grappling with the foundational reality of white supremacy and black subordination, the founding narrative treats slavery and other systematic iterations of oppression as an unfortunate byproduct of the American experiment. This pattern is repeated down through the centuries. The expansion of the democracy narrative during the Jacksonian Era blots out the Trail of Tears and the systematic removal of black men from voting rolls outside of the South.⁴ Na-

3. MICHAEL JACKSON, *THRILLER* (Epic 1982).

4. See, e.g., JAMES OLIVER HORTON & LOIS E. HORTON, IN HOPE OF LIBERTY: CULTURE, COMMUNITY AND PROTEST AMONG NORTHERN FREE BLACKS, 1700–1860, at 168–69 (1997); Robert J. Cottrol, *Law, Labor, and Liberal Ideology: Explorations on the History of a Two-Edged Sword*, 67 TUL. L. REV. 1531, 1558

tional reconciliation in the wake of the Civil War was largely predicated on both the erasure of slavery as the central cause of the war and of black men and women from the conflict itself. American historical narratives have always done an exemplary job of erasing the uneasy, complicated, and frequently contradictory elements of the nation's past. Ours is a story of perpetual success, advancement, and freedom.

It should come as no surprise that the civil rights narrative reflects the elements of the larger American narrative. Nor should it shock us that our central story related to racial equality is continuously reinforced by almost every sector of American society with an investment in maintaining the fiction. It drives public policy, contemporary American culture, and the way we portray ourselves to the rest of the planet. Politicians of all stripes lay claim to the notion that the movement is over and that the nation is in the “clean up” phase of racial equality, with the heavy lifting having been heroically completed decades before. Major corporations reinforce the notion every King Holiday and Black History Month by paying tribute to the brave men and women who fought (successfully—always successfully) to extend American democracy to black people. This powerful notion—that there was a struggle for freedom that is now successfully completed—is frequently used to disconnect the insurgency of the Black Freedom struggles of the 1960s from the contemporaneous challenges faced by black folks now. This is also the work of master narratives: to obscure more than they reveal about the true nature of our complicated and conflicted relationship with the values we claim to hold dear. In this regard, the “master narrative” of the civil rights movement has accomplished its goal. When we think of the struggle for greater freedom that took place in the middle of the last century, we tend to think of a difficult, but eventually successful, effort to bring African Americans into the mainstream of American life. This vision of social change conforms to the powerful and perilous notion that racial progress and democratic expansion are the inevitable products of American freedom.

n.129 (1993) (“The Jacksonian era . . . was also a time of contraction of suffrage rights for free blacks and the development of a more militant defense of slavery.”).

II. DR. KING'S RENOWNED INFLUENCE ON THE MOVEMENT

There is no more significant component of the “master narrative” than the carefully curated mythology erected with regard to the life and work of Dr. Martin Luther King, Jr. Indeed, this heavily mitigated King—the King whose work and words are rendered as a careful selection of dreams, Christian forbearance, and nonviolence—has become the most potent facet of a civil rights narrative that is trapped in a tidy past, safe from critical engagement with current realities. This King, the one historian Timothy Tyson refers to as a “black Santa Clause,” is the raceless, non-confrontational action figure “that can be filled with whatever generic good wishes the occasion [may] dictate[].”⁵ No one in the nation is a stranger to the King-centered telling of the civil rights struggle. Indeed, since the creation of the federal holiday that bears his name, the nation has, in effect, doubled down on a myth that places King at the center of *any and all civil rights activity* in the nation during the 1950s and ‘60s. Moreover, the Kingian civil rights myth obscures substantial facets of the movement—all in the advancement of a narrative designed to blunt the insurgent underpinnings of black folks’ quest for greater freedom.

A. *The Celebrated and Well-Known Message*

When viewed through the lens of the “master narrative,” King’s words and actions conform to prevailing notions of American exceptionalism, all the while blunting the complicated and multi-layered nature of the civil rights struggle. In Montgomery, Alabama, the complexities of the bus boycott are reduced to King’s (and Rosa Parks’s) dignified adherence to nonviolent direct action in the face of unchecked white terror.⁶ Accordingly, the myth of the movement informs us that nonviolence is the central takeaway from a struggle that had its roots in the early years of the twentieth century. This theme of loving nonviolence is reinforced over and over with each major cam-

5. TIMOTHY B. TYSON, *BLOOD DONE SIGN MY NAME: A TRUE STORY* 107 (2004).

6. See TAYLOR BRANCH, *PARTING THE WATERS: AMERICA IN THE KING YEARS 1954–1963*, at 143–45 (1988).

paign of the black freedom struggle.⁷ In Birmingham, Alabama, the narrowing of the narrative leaves us with, once again, the usage of nonviolence in the pursuit of federal legislation.⁸ In this mythopoetic rendering of the movement, the passage of federal legislation also takes a central stage in the efforts to attain greater freedom.⁹ In Montgomery, Selma, Birmingham, and Chicago, movement efforts to transform the legal terrain of the nation are reduced to a similar narrative: white racial intransigence manifested in segregation is ultimately overcome by nonviolent, direct-action protests, leading to the passage of legislation that moves the nation forward with regard to the final stages of white supremacy.

When it comes to the maintenance of the narrative of inevitable progress, no utterance of King's has been deployed more than the second half of his iconic *I Have A Dream* speech.¹⁰ Given in August 1963, the speech immediately resonated with people across the nation and around the world. While King had used the "dream" theme in previous speeches,¹¹ this rendering was fuller and more aspirational

7. See, e.g., CHARLES E. COBB JR., THIS NONVIOLENT STUFF'LL GET YOU KILLED: HOW GUNS MADE THE CIVIL RIGHTS MOVEMENT POSSIBLE 115 (2014); Wesley Hogan, *Freedom Now: Nonviolence in the Southern Freedom Movement, 1960–1964*, in CIVIL RIGHTS HISTORY FROM THE GROUND UP: LOCAL STRUGGLES, A NATIONAL MOVEMENT 172, 176–78 (Emilye Crosby ed., 2011).

8. See, e.g., GLENN T. ESKEW, BUT FOR BIRMINGHAM: THE LOCAL AND NATIONAL MOVEMENTS IN THE CIVIL RIGHTS STRUGGLE 299 (1997) (stating nonviolent protests "broke the stalemate on the national level as it forced the president and Congress to draft legislation that ended legal racial discrimination.").

9. The Civil Rights Act of 1964 was passed by President Lyndon B. Johnson with a Senate vote of 73 to 27. See Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 241. See also 42 U.S.C. § 2000e-2(a)(1) (2012) ("It shall be an unlawful employment practice for an employer . . . to discriminate against any individual . . . because of such individual's race, color, religion, sex, or national origin"); ESKEW, *supra* note 8 (emphasizing that "the victory in Birmingham evolved into the Civil Rights Act of 1964").

10. See MARTIN LUTHER KING, JR., *I Have a Dream*, in A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR. 217, 218–20 (James Melvin Washington ed., 1986); see also DREW D. HANSEN, THE DREAM: MARTIN LUTHER KING, JR., AND THE SPEECH THAT INSPIRED A NATION 99–110 (2003).

11. See *infra* Section III.C (discussing King's "Unfulfilled Dreams" speech at Ebenezer Church).

than previous iterations. The juxtapositions King crafted in the speech are stark and effective. He dreams that, one day, Mississippi “sweltering with the heat of injustice, sweltering with the heat of oppression” and Alabama “with its vicious racists” will both be transformed into “an oasis of freedom and justice” where black and white children will be able to join hands in the light of a heretofore unseen racial unity.¹²

When taken (as it often is) by itself, this well-recognized portion of King’s *I Have a Dream* speech is a powerful and aspirational view of the arc of American history and progress. Almost immediately after its delivery, the positive, post-movement elements of King’s “dream”—even when coupled with contemporary reality—became the focal point of the national narrative. This powerful language continues to resonate with millions of Americans who hear King’s words, not as a warning, but as the inevitable conclusion of America’s long, treacherous journey from racial subordination to racial reconciliation.

B. *A King’s Memorial and Perception*

In recent years, particularly after the passage of the Birthday of Martin Luther King, Jr. Holiday, monuments and streets named in honor of King have augmented the notion of a completed movement and have obscured the true nature of the struggle for racial justice. Streets, schools, and buildings named after the iconic civil rights figure have elevated his stature in the eyes of millions of Americans.¹³ As King joins the rarified air of other iconic figures of American history, the movement he is associated with also undergoes the process of mythologizing. Just as George Washington successfully founded a nation, just as Abraham Lincoln freed the slaves, just as Franklin Roosevelt led the nation to victory in World War II, so too did King successfully lead the nation into the new day of racial equality. Master narratives are powerful both for what they have to say about a particular aspect of American history and for what they *don’t say* about the period in question. When it comes to narratives, the silences can

12. KING, *supra* note 10, at 219.

13. Jerry T. Mitchell & Derek H. Alderman, *A Street Named for a King: The Politics of Place-Naming*, 78 SOC. EDUC., May/June 2014, at 123–24, http://web.utk.edu/~dalderma/mlkstreet/Mitchell_Alderman_MLK_teach.pdf.

be just as powerful as articulated text. The silences contained within master narratives are powerfully evident at the Martin Luther King, Jr. Memorial Statue in Washington, D.C. As scholar Jeanne Theoharis observes, of the fourteen quotes etched into the edifice, “[n]ot one of them uses the words ‘racism’ or ‘segregation’ or ‘racial inequality.’ Not one.”¹⁴ The absence of these words is both troubling and telling: the memorial erected to the individual who gave his life in the fight against racial inequality is memorialized in the rhetorical absence of the very obstacles against which he fought.¹⁵

The fiftieth anniversary of the murder of Dr. Martin Luther King, Jr. provided yet another opportunity for the nation to shut itself off from the work and words of the prophet who lost his life on the balcony of the Lorraine Motel in April 1968.¹⁶ As in years past, the many segments of American life that value the version of King seemingly trapped in amber on the steps of the Lincoln Memorial in 1963 will, once again, honor a man and a movement—both safely dead. The occasion provided another opportunity to host vague discussions about dreams and objectives, with vague references to the nation’s history of racial inequality and specific references to the progress we have experienced in recent years. References to Barack Obama, the nation’s first black president, surely played a prominent role in this process.

However, the commemoration of the fiftieth anniversary of King’s assassination also provided an opportunity to break through the “master narrative” of the movement and craft a space—though tentative—to engage in a deeper conversation about King, civil rights, the resiliency of racial inequality, and contemporary efforts to build new movements for liberation. Contemporary events played a large

14. JEANNE THEOHARIS, *A MORE BEAUTIFUL AND TERRIBLE HISTORY: THE USES AND MISUSES OF CIVIL RIGHTS HISTORY* 9 (2018).

15. *Id.* at 9–10 (stating the stone statue “bears little resemblance to the civil rights leader himself, or to the collective spirit of dissenting witness he embodied.”).

16. See Blake D. Morant, *The Teachings of Dr. Martin Luther King, Jr. and Contract Theory: An Intriguing Comparison*, 50 ALA. L. REV. 63, 66 (1998); Edith G. Osman, *Southern Comfort*, 74 FLA. B.J. 6, 8 (2000) (“[King] was staying [at the Lorraine Motel] not because it was grand or opulent, but because it was the only motel open to African-Americans.”); see also MICHAEL K. HONEY, *GOING DOWN JERICHO ROAD: THE MEMPHIS STRIKE, MARTIN LUTHER KING’S LAST CAMPAIGN* 433 (2007) (describing the details of King’s assassination).

role in shaping the context for this conversation. The presidential election of 2016 witnessed the departure of Barack Obama as president and the ascension of Donald Trump to the Oval Office, a president elected in part by his successful trafficking in racist notions regarding black and brown people and heightened levels of white racial resentment.¹⁷ National reports confirm what millions of Americans already know—that levels of poverty remain shockingly high for far too many people.¹⁸ In response, the activist terrain of the nation—anchored by #BlackLivesMatter, the Fight for \$15, and a host of other initiatives—has energized millions of people to move to action.¹⁹ Given the contentious moment in which the nation finds itself, the need to take the life and legacy of Dr. Martin Luther King, Jr. seriously is more important now than at any other time in the half century after his death. In the midst of growing inequality, rising tensions, and diminished expectations of our national leaders, we can ill afford to continue neglecting the path towards greater freedom charted by King and others a half century ago.

17. See, e.g., Ryan Jerome LeCount, *Visualizing the Increasing Effect of Racial Resentment on Political Ideology Among Whites, 1986 to 2016*, 4 *SOCIUS* 1, 1–2 (2018), <http://journals.sagepub.com/doi/pdf/10.1177/2378023118801096>; Christiana Silva, *Trump's Full List of 'Racist' Comments About Immigrants, Muslims and Others*, *NEWSWEEK* (Jan. 11, 2018, 7:42 PM), <https://www.newsweek.com/trumps-full-list-racist-comments-about-immigrants-muslims-and-others-779061>. See generally Steven A. Tuch & Michael Hughes, *Whites' Racial Policy Attitudes in the Twenty-First Century: The Continuing Significance of Racial Resentment*, 634 *ANNALS AM. ACAD. POL. & SOC. SCI.* 134, 141–50 (2011), <http://journals.sagepub.com/doi/pdf/10.1177/0002716210390288> (detailing social studies that showed “whites’ racial policy attitudes have changed little over the past two decades”).

18. See, e.g., JESSICA L. SEMEGA ET AL., U.S. CENSUS BUREAU, *INCOME AND POVERTY IN THE UNITED STATES: 2016*, at 12 (2017), <https://www.census.gov/content/dam/Census/library/publications/2017/demo/P60-259.pdf> (detailing the official poverty rate in the United States in 2016 was 12.7% of all citizens, equating to 40.6 million people, and the poverty rate amongst African Americans in the same year was 22%, or 9.2 million people).

19. *About: Build Power*, BLACK LIVES MATTER, <https://blacklivesmatter.com/about/> (last visited Oct. 20, 2018); *Why We Strike*, FIGHT FOR \$15, <https://fightfor15.org/why-we-strike/> (last visited Oct. 20, 2018).

C. Heeding Dr. King's Message

In this moment, there is a lot we can learn from Dr. King if we are willing to take his legacy seriously. What does it look like to break through the veneer of the “master narrative” and actually contend with the rich, complicated, and jagged relationship between racial inequality and the pursuit of freedom? What are the practical implications of his words and tactics now, in an age vastly transformed in many ways from the one he inhabited in the late 1960s? What are the concrete steps we can take to move us towards the “beloved community” that King and so many others conceptualized?

Perhaps the most momentous step we can take in our effort to honor King's legacy—and correct our historical narrative—is to emulate his and other's efforts to *honestly contend with the context of domination*. One of King's most powerful gifts was his ability to lay bare the nature of the society he and others sought to change. While he frequently highlighted the redemptive path that the nation should take, he was equally adept at crafting an unflinching analysis of the structural barriers that lay at the heart of segregation and racial domination. His thoughts on the nature of race and racism in American society are, quite literally, hidden in plain sight.

III. THE FORGOTTEN NARRATIVE OF TODAY'S STRUGGLES

While the nation pauses once a year to reflect on the second portion of King's iconic *I Have a Dream* speech, we rarely hear much rumination on the first part of the speech. It remains under-analyzed to this day. In the first part of *I Have a Dream*, King constructed an unflinching picture of racial reality in the nation:

But one hundred years later, the Negro still is not free; one hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination; one hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity; one hundred years later, the Negro is still languished in the corners of

American society and finds himself in exile in his own land.²⁰

“So we’ve come here today,” King continued, “to dramatize a shameful condition.”²¹ He then laid out the patterns and practices of racial inequality that were woven into the fabric of American life.²² In response to the question “When will you be satisfied?” King stated plainly that black folks could *never* be satisfied while the structures of domination—white supremacy in particular—were left unchecked and unaddressed.²³ King didn’t fear making the explicit connections between these structures and the inability of black people to function *as people* in American life. This was not a sentiment cloaked in ambiguity or contingency. King states plainly and emphatically that the nation’s unwillingness to confront racism would no longer be met with equivocation and tortured silence on the part of black folks. King understood that the first step in the process of creating what he often referred to as “a new world” was the action of naming the obstacles that stood in the way of positive change. We would do well to follow his lead in this regard.

A. Activists in an Ongoing Battle

“We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality,” King once remarked.²⁴ For decades, African Americans across the nation have identified police brutality as a central problem.²⁵ The issue lay at the heart of black folks’ relationship with the state; episodes of harassment, false imprisonment, and outright violence continually reminded black people of their tenuous relationship with law enforcement agencies and the institutions they represented. Down to now, the issue remains relevant, burdened by our nation’s inability to confront the racial notions

20. See KING, *supra* note 10, at 217.

21. *Id.*

22. *Id.*

23. *Id.* at 218–19.

24. *Id.* at 218.

25. King spoke frequently about the problem of police brutality. See, e.g., MARTIN LUTHER KING, JR., *Hammer on Civil Rights*, in A TESTAMENT OF HOPE, *supra* note 10, at 172–73.

that undergird heightened levels of surveillance and arrest of black people.²⁶ By the standard that Dr. King set forth on that summer day in 1963, we have yet to be satisfied, as police brutality lies at the heart of a resurgence of black activism throughout the nation.²⁷ In the wake of George Zimmerman's murder of Trayvon Martin in 2012 and his subsequent acquittal in 2013,²⁸ black activists from around the country coalesced to create the #BlackLivesMatter Movement (“#BLM”).²⁹ Similar to the sit-in movement of the early 1960s, actions sponsored by #BLM reverberated from Florida where Martin was murdered and reached every corner of the nation.

Much like the protest activities of the previous generation, #BLM actions have been met with resistance and coordinated efforts to mischaracterize its intentions and actions. This should come as no surprise; this is the common course of action in the wake of efforts waged by black folks to *name the various facets of domination*. We can draw a line from the prophet of nonviolence stating his dissatisfaction with a status quo that allowed for the brutality and murder of black people at the hands of law enforcement directly to current actions crafted to confront the same dilemma. Perhaps one of the reasons we are so drawn to King's aspirational speech is because we are much less inclined to gravitate toward the uncomfortable realities that he so boldly named in his time. It is readily apparent that the same

26. See, e.g., MANNING MARABLE, RACE, REFORM, AND REBELLION: THE SECOND RECONSTRUCTION AND BEYOND IN BLACK AMERICA, 1945–2006, at 242, 247, 256 (3d ed. 2007).

27. See KEEANGA-YAMAHTTA TAYLOR, FROM #BLACKLIVESMATTER TO BLACK LIBERATION 153–54, 163–68, 189–90 (2016).

28. See, e.g., Josephine Ross, *Cops on Trial: Did Fourth Amendment Case Law Help George Zimmerman's Claim of Self-Defense?*, 40 SEATTLE U. L. REV. 1, 5 (2016) (stating Zimmerman, a “neighborhood-watch volunteer,” killed Martin in 2012 and was found not guilty after a six-week trial in 2013); Lizette Alvarez & Cara Buckley, *Zimmerman Is Acquitted in Trayvon Martin Killing*, N.Y. TIMES (July 13, 2013), <https://www.nytimes.com/2013/07/14/us/george-zimmerman-verdict-trayvon-martin.html>.

29. See Ross, *supra* note 28, at 5 (citing Julia Craven, *Black Lives Matter Co-Founder Reflects on the Origins of the Movement*, HUFFINGTON POST: POLITICS (Sept. 30, 2015, 3:19 PM), https://www.huffingtonpost.com/entry/black-lives-matter-opal-tometi_us_560c1c59e4b0768127003227) (“[T]he Black Lives Matter movement traces its origins to [Zimmerman's] not guilty verdict.”).

rules apply in our time as they did in his. This is evidenced by the vociferous response to the rise of the #BLM Movement. Critics of #BLM routinely state that their opposition is not premised on the goals of the movement; rather, their concern lies in the *tactics* employed by #BLM activists.³⁰ This sentiment mirrors the criticism King and other activists received during the height of protests in the 1960s. Clear majorities of white Americans surveyed in the 1960s disagreed with the implementation of nonviolent direct-action tactics to address the nation's legacy of racial inequality.³¹ What critics of the #BLM Movement are actually doing is weaponizing the history and legacy of the civil rights movement in an effort to blunt the analysis rendered by contemporary activists—that systemic racism remains a foundational challenge to American life.³²

B. Dr. King's True Stance on the Role of Protesting

To better connect with the historical King, we must also come to terms with the crucial and essential role of protest in the process of social transformation. Our “master narrative” of the movement, the narrative of inevitable racial parity, has done much to obscure the central place of protest in the calculus of social change. Once again, King's thoughts on the role of protest are hidden in plain sight—clearly articulated in speeches, letters, sermons, and books. In spite of his eloquent (and frequent) exhortations regarding the need for protest, we still manage to view protest as an aberration, a spontaneous eruption devoid of critical intention. Increasingly in the contemporary moment, we have come to view protest as inherently counterpro-

30. For a discussion with Patrisse Cullors, a founder of the #BLM Movement addressing some of the movement's controversy, see Ann M. Simmons & Jaweed Kaleem, *A Founder of Black Lives Matter Answers a Question on Many Minds: Where Did It Go?*, L.A. TIMES (Aug. 25, 2017, 3:00 AM), <http://www.latimes.com/nation/la-na-patrisse-cullors-black-lives-matter-2017-htmlstory.html#>.

31. Elahe Izadi, *Black Lives Matter and America's Long History of Resisting Civil Rights Protesters*, WASH. POST (Apr. 19, 2016), https://www.washingtonpost.com/news/the-fix/wp/2016/04/19/black-lives-matters-and-americas-long-history-of-resisting-civil-rights-protesters/?utm_term=.e113736a6371.

32. See, e.g., THEOHARIS, *supra* note 14, at 22–24.

ductive. In the wake of massive protests in Atlanta organized by #BLM, Mayor Kasim Reed declared, “Dr. King would never take a freeway.”³³ The mind reels at the scenario: the leader of the city where King was born chastising protesters for engaging in an activity in which King regularly participated.³⁴

One of King’s clearest articulations of the role of protest in social change appears in his seminal work *Letter from Birmingham Jail*.³⁵ In the letter written in 1963, King lays out the steps that, when necessary, *result in the need for protest*: fact-finding, negotiation, self-purification, and, finally, protest.³⁶ What King makes clear in the letter is that protest is hardly ever a starting point in the long struggle for greater freedom. Rather, protest becomes a useful tactic after the *sustained and systematic refusal of whites to grant even the most basic rights and privileges to African Americans*. As King relates in the letter:

[Birmingham’s] unjust treatment of Negroes in the courts is a notorious reality. There have been more unsolved bombings of Negro homes and churches in Birmingham than any city in this nation. These are the hard, brutal and unbelievable facts. On the basis of these conditions Negro leaders sought to negotiate with the city fathers. But the political leaders consistently refused to engage in good faith negotiation.³⁷

For King and others, protest—in the form of direct nonviolent action—represented a new language, one that highlighted and responded to the intractability of white intransigence in a profoundly innovative way.

At the March on Washington later in 1963, King once again explicated the necessity of protest for the acquisition of rights:

33. Jenny Jarvie, *An Uneasy Standoff Between Police and Protesters as Black Lives Matter Returns to the Streets*, L.A. TIMES (July 9, 2016, 6:58 PM), <http://www.latimes.com/nation/la-na-police-protests-20160709-snap-story.html#>.

34. See THEOHARIS, *supra* note 14, at 23.

35. MARTIN LUTHER KING, JR., LETTER FROM BIRMINGHAM JAIL (Apr. 16, 1963).

36. *Id.* at 2.

37. *Id.* at 3.

Nineteen sixty-three is not an end, but a beginning. And those who hope that the Negro needed to blow off steam and will now be content, will have a rude awakening if the nation returns to business as usual.

There will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.³⁸

For King, protest was more than a reaction to systemic inertia. Protest also served as an ongoing critique of the nation's racial status quo. In cities across the nation, protests served as a powerful response to racial stasis.³⁹ Additionally, protests highlighted the diminishing viability of the racial diplomacy utilized by middle class black folks to secure small gains for black communities.

Throughout the age of legal segregation in the nation, "Negro leadership" (the assemblage of pastors, business owners, and other professionals in the black middle class) served as the intermediaries between white power brokers and the black masses.⁴⁰ This unequal

38. KING, *supra* note 10, at 218.

39. See, e.g., *Timeline: Explore Significant Dates in the Movement*, U.S. CIV. RTS. TRAIL, <https://civilrightstrail.com/timeline/> (last visited Oct. 20, 2018) (giving a timeline of significant moments in the civil rights campaign, which includes several protests across the nation).

40. See, e.g., TAYLOR BRANCH, *PILLAR OF FIRE: AMERICA IN THE KING YEARS 1963–65*, at 1–155 (1998); RAYMOND GAVINS, *THE PERILS AND PROSPECTS OF SOUTHERN BLACK LEADERSHIP: GORDON BLAINE HANCOCK, 1884–1970*, at 103, 115 (1997); HOWELL RAINES, *MY SOUL IS RESTED: MOVEMENT DAYS IN THE DEEP SOUTH REMEMBERED 1–226* (Penguin Books 1983) (1977); see generally AN UNSEEN LIGHT: *BLACK STRUGGLES FOR FREEDOM IN MEMPHIS, TENNESSEE* (Aram Goudsouzian & Charles W. McKinney, Jr. eds., 2018); ELIZABETH GRITTER, *RIVER OF HOPE: BLACK POLITICS AND THE MEMPHIS FREEDOM MOVEMENT, 1865–1954* (2014); CHARLES W. MCKINNEY, JR., *GREATER FREEDOM: THE EVOLUTION OF THE CIVIL RIGHTS STRUGGLE IN WILSON, NORTH CAROLINA* (2010); Robert O. Self, "Negro Leadership and Negro Money": *African American Political Organizing in Oakland Before the Panthers*, in *FREEDOM NORTH: BLACK FREEDOM STRUGGLES OUTSIDE THE SOUTH, 1940–1980*, at 93, 93–124 (Jeanne Theoharis & Komozi Woodard eds., 2003) (detailing the history of African American political gain in Oakland, California, following WWII).

power dynamic rarely yielded significant gains for black communities. During the period of legal segregation, racial diplomats operated within the confines of racial inequality. As a result, the fruits of their labor were often improvements of black institutions and black spaces *within the confines of segregation*.⁴¹ Protest served as a powerful commentary on the increasing futility of this relationship and pointed the way towards a significant reconfiguration of black political leadership. Dr. King's last national crusade was not a letter writing campaign; it was a mobilization to bring tens of thousands of poor people to the nation's capital to force the federal government to confront the enduring realities of poverty.⁴²

In a contemporary context, King's thinking on the tactical and intellectual viability of protest remains insightful. When we take his insights seriously, the nature of mass insurgency in the contemporary moment takes on a new vitality—and comes out from under the shadow of the “master narrative.” For King, protest in its various forms reminds us that, in some fundamental ways, our standard operating

41. For examples of these types of improvements within the confines of segregation, see LESLIE BROWN, *UPBUILDING BLACK DURHAM: GENDER, CLASS, AND BLACK COMMUNITY DEVELOPMENT IN THE JIM CROW SOUTH* 27–31 (2008) (describing the history of African American movement away from farms to places like Durham's Station after the Civil War); KIMBERLEY JOHNSON, *REFORMING JIM CROW: SOUTHERN POLITICS AND STATE IN THE AGE BEFORE BROWN* 169–71 (2010) (detailing black colleges as a way to provide “a harmoniously segregated order”); *REMEMBERING JIM CROW: AFRICAN AMERICANS TELL ABOUT LIFE IN THE SEGREGATED SOUTH* 90–91, 100 (William H. Chafe et al. eds., 2001) (listing places to eat and sleep, churches, and other organizations as “enclaves” for African Americans); Charles W. McKinney, Jr., *Multiple Fronts: The Struggle for Black Educational and Political Equality in Wilson, North Carolina, 1941–1953*, 88 *N.C. HIST. REV.* 1, 35–36 (2011) (describing the improvements to black and white schools in the 1950s).

42. For more information on Dr. King's final campaign, the Poor People's March, see generally THOMAS F. JACKSON, *FROM CIVIL RIGHTS TO HUMAN RIGHTS: MARTIN LUTHER KING, JR., AND THE STRUGGLE FOR ECONOMIC JUSTICE* (2007) (discussing Dr. King's ideology and leadership); MARTIN LUTHER KING, JR., *WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY?* (1968) (showing, as his last book prior to his death, King's proposals and hopes for African Americans in the later stages of the Civil Rights Movement); GORDON K. MANTLER, *POWER TO THE POOR: BLACK-BROWN COALITION AND THE FIGHT FOR ECONOMIC JUSTICE, 1960–1974* (2013) (detailing significant moments in King's final days of the civil rights movement).

procedures with regard to racial equality have been sorely lacking. To be clear, King never advocated for protest *in the place* of traditional political reform. Rather, he saw direct action protests and boycotts as an essential factor in the calculus of social change. It was a natural response to the multi-level resistance to black equality, a resistance woven in to the very fabric of the nation's identity. Were he alive today, King would be hard pressed to change his conclusions regarding the necessity of protest. In 2018, the poverty rates for African Americans remain well above the national average.⁴³ Housing discrimination remains a significant barrier to black home ownership.⁴⁴ Educational segregation remains a central fact of American educational life.⁴⁵ Illegal labor practices and low wages continue to dog poor and working-class Americans of all colors but nonwhite ones in particular. Many of the major pieces of civil rights legislation passed in the sixties have faced systematic resistance.⁴⁶ Police vio-

43. See, e.g., AJAY CHAUDRY ET AL., U.S. DEP'T HEALTH & HUM. SERVS., POVERTY IN THE UNITED STATES: 50-YEAR TRENDS AND SAFETY NET IMPACTS 26, fig. 19 (2016), <https://aspe.hhs.gov/system/files/pdf/154286/50YearTrends.pdf> (showing the poverty rate amongst African Americans in 2014 was the highest of four other racial groups); SEMEGA ET AL., *supra* note 18, at 12 (showing that the poverty rate amongst African Americans in 2016 was 22%).

44. See generally Kriston Capps & Kate Rabinowitz, *How the Fair Housing Act Failed Black Homeowners*, CITYLAB (Apr. 11, 2018), <https://www.citylab.com/equity/2018/04/how-the-fair-housing-act-failed-black-homeowners/557576/> (detailing the disparities in mortgage lending fifty years after the Fair Housing Act was passed).

45. See, e.g., Greg Toppo, *GAO Study: Segregation Worsening in U.S. Schools*, USA TODAY (May 17, 2016, 6:36 PM), <https://www.usatoday.com/story/news/2016/05/17/gao-study-segregation-worsening-us-schools/84508438/>; Matthew Green, *Why Are American Public Schools Still So Segregated?*, KQED NEWS: THE LOWDOWN (Feb. 7, 2018), <https://www.kqed.org/lowdown/30098/why-have-americas-public-schools-gotten-more-racially-segregated>.

46. See, e.g., BERYL SATTER, *FAMILY PROPERTIES: HOW THE STRUGGLE OVER RACE AND REAL ESTATE TRANSFORMED CHICAGO AND URBAN AMERICA 192-93* (2009); Ari Berman, *North Carolina Passes the Country's Worst Voter Suppression Law*, THE NATION (July 26, 2013), <https://www.thenation.com/article/north-carolina-passes-countrys-worst-voter-suppression-law/>; Sam Fulwood III, *50th Anniversary of the Fair Housing Act Dampened by New Threats Under the Trump Administration*, THINK PROGRESS (Jan. 26, 2018, 2:51 PM), <https://thinkprogress.org/fair->

lence perpetrated against black men, women, and children remains virtually unpunishable. King understood, perhaps more than most, that the seemingly intractable nature of our nation's racial disparities warranted extraordinary measures to address them.

C. *Following Dr. King in Today's True Narrative*

On March 3, 1968, King delivered what would be one of his final sermons at Ebenezer Baptist Church in Atlanta, Georgia, titled *Unfulfilled Dreams*.⁴⁷ The text for the sermon was the eighth chapter of First Kings.⁴⁸ The center of the story was Solomon's reflection on his father David's unsuccessful effort to build a temple to honor God.⁴⁹ The passage from 1 Kings 8: 17–18 reads:

And it was in the heart of David my father to build an house for the name of the Lord God of Israel. And the Lord said unto David my father, Whereas it was in thine heart to build an house unto my name, thou didst well that it was within thine heart.⁵⁰

Whereas *I Have a Dream* explored the stony road that America would need to tread to fulfill its dream of racial equality, this sermon explores the implications of one of life's great realities, that life, King tells us, "is a continual story of shattered dreams."⁵¹

The juxtaposition of *I Have a Dream* and *Unfulfilled Dreams* is stunning. In 1963, King's oratory reflected a searing commitment to the possibility of hard-fought social change. King, that most elusive of public figures, could exhibit both an optimism that bordered

housing-act-threatened-by-trump-60ec2f9ec775/ (stating "the Fair Housing Act [of 1968] was passed by a reluctant Congress").

47. See John S. Tanner, *Unfulfilled Dreams*, BYU RELIGIOUS STUD. CTR., <https://rsc.byu.edu/archived/notes-amateur/holidays-and-holy-days/5-unfulfilled-dreams> (last visited Oct. 20, 2018).

48. *Id.*

49. *Id.*

50. 1 Kings 8:17–18 (King James).

51. Martin Luther King, Jr., *Unfulfilled Dreams*, MARTIN LUTHER KING, JR. RES. & EDUC. INST. (Mar. 3, 1968), <https://kinginstitute.stanford.edu/king-papers/documents/unfulfilled-dreams>.

on the romantic while also displaying hard-nosed political realism. After leaving the steps of the nation's capital and commiserating with the President of the United States, King would make his way to Birmingham to lead a massive protest in the nation's most segregated city.⁵² *Unfulfilled Dreams* provides a glimpse of King's political and spiritual evolution. It also reveals an understanding of the increasing intractability of the federal government in the area of civil rights:

And each of you this morning in some way is building some kind of temple. The struggle is always there. It gets discouraging sometimes. It gets very disenchanting sometimes. Some of us are trying to build a temple of peace. We speak out against war, we protest, but it seems that your head is going against a concrete wall. It seems to mean nothing. (*Glory to God*) And so often as you set out to build the temple of peace you are left lonesome; you are left discouraged; you are left bewildered.

Well, that is the story of life. And the thing that makes me happy is that I can hear a voice crying through the vista of time, saying: "It may not come today or it may not come tomorrow, but it is well that it is within thine heart. (*Yes*) It's well that you are trying." (*Yes it is*) You may not see it. The dream may not be fulfilled, but it's just good that you have a desire to bring it into reality. (*Yes*) It's well that it's in thine heart.⁵³

King's recognition that the effort to try may be the ultimate reward in life reveals the emergence of what we can call a prophetic pessimism. In this text, he eschews any references to completion and victory. Rather, he takes solace in the *effort* to make change. After grappling with this text, students often ask, "Is he giving up?" No, he is not; at least I do not think so. Rather, he is coming more fully into

52. TAYLOR BRANCH, *PARTING THE WATERS: AMERICA IN THE KING YEARS 1954-63*, at 752-53 (1988).

53. King, *supra* note 51.

the notion that the work of political, social, economic, and racial transformation will continue down the generations—down to now.

If we take the life and legacy of Dr. King seriously, we will have to move him from a state-sanctioned position of political neutrality and harmlessness towards something approaching a fierce social critic who stood opposed to some of the most powerful forces in American life during the middle of the last century. To be sure, we cannot project with certainty where King would stand on any number of issues. But history is a powerful guide in this regard. We do not know if King, a Baptist preacher from a middle-class enclave in Atlanta, Georgia, would march with the supporters of the #BLM Movement. But we do know that he spoke out forcefully against the “unspeakable horrors” of police brutality for the entirety of his public life.⁵⁴ We do know that he stood opposed to the state-sanctioned killing of black people and that he was a master of an expansive notion of political change that encompassed the ballot box as well as the boycott and mass march.⁵⁵ We also know that he excelled at reaching across ideological differences to build relationships with those he may have disagreed with. After all, Stokely Carmichael was one of Dr. King’s biggest critics from 1966 until his assassination in 1968; their ideological differences did not stop Carmichael from having Sunday dinner at the King residence anytime he found himself in Atlanta.⁵⁶

To take King seriously also means to confront and vigorously challenge the monumental historical narrative that has been constructed in the time since his death. This narrative—one that highlights the inevitable achievement of justice and equality—stands counter to the

54. See, e.g., KING, *supra* note 10, at 218.

55. Martin Luther King, Jr., “Give Us the Ballot,” *Address Delivered at the Prayer Pilgrimage for Freedom*, in 4 THE PAPERS OF MARTIN LUTHER KING, JR.: SYMBOL OF THE MOVEMENT, JANUARY 1957–DECEMBER 1958, at 208, 210 (Clayborne Carson et al. eds., 2000), http://okra.stanford.edu/transcription/document_images/Vol04Scans/208_17-May-1957_Give%20Us%20the%20Ballot.pdf (“[O]ur most urgent request to the president of the United States and every member of Congress is to give us the right to vote.”).

56. Interview by Judy Richardson with Stokely Carmichael (Nov. 7, 1998), <http://digital.wustl.edu/e/eii/eiiweb/car5427.0967.029stokleycarmichael.html> (stating that even though “[Carmichael and King] had political disagreements,” Carmichael stated he “always had the greatest [] love and respect for King” and “would go and eat in his house.”).

enduring reality of racial inequality and the equally enduring persistence of those who understand the constant struggle needed to attain freedom. As with all other societies, ours is in part shaped by the stories we tell about ourselves. Our history helps to reinforce our understanding of one another, our origins, and our aspirations. The stories we pass down through the ages have the capacity to both chain us to tradition and push us to create new possibilities. The life and work of Dr. Martin Luther King, Jr. calls us to move past the burden of our history and to challenge the strictures of ancient traditions, prejudices, and practices. This will be, and always has been, hard work. It is nothing short of countercultural to move, slowly and surely, against the weight of tradition. But this is what King and others called us to do. He dared us to walk the road taken by the dispossessed and the downtrodden and to stand in the gap for their survival.⁵⁷ He challenged us to critically engage the “American Dream” and to lay bare the jagged edges of our history. Perhaps most challenging of all, King asked us to join in the work of what he once called “the long and bitter, but beautiful, struggle for a new world.”⁵⁸

IV. CONCLUSION

Today we face a number of other challenges that, sadly, King would find all too familiar. He would recognize churches dotting the nation that are nothing more than “irrelevant social club[s] with no” moral or spiritual authority.⁵⁹ He would recognize that the “giant triplets of racism, extreme materialism, and militarism”⁶⁰ have yet to be conquered. He would recognize the racially inscribed pockets of poverty found from coast to coast. In the wake of the Supreme Court’s gutting of the Voting Rights Act,⁶¹ King would view, with weary recognition, the systematic efforts of southern states to disen-

57. Martin Luther King, Jr., *Beyond Vietnam*, MARTIN LUTHER KING, JR. RES. & EDUC. INST. (Apr. 4, 1967), <https://kinginstitute.stanford.edu/king-papers/documents/beyond-vietnam>.

58. *See id.*

59. KING, *supra* note 35, at 17.

60. King, *supra* note 57.

61. *See Shelby County v. Holder*, 570 U.S. 529, 557 (2013) (ruling section 4(b) of the Voting Rights Act to be unconstitutional).

franchise minority voters. In numerous respects, justice has not rolled down like waters upon many of the people in our nation.⁶²

King would also recognize (and appreciate) our genuine attempts to make sense of our past, the efforts to grapple with its complexity and possibility, and a growing determination to make real the promises of democracy. King would be gravely concerned with the existence of a “master narrative” that trivialized the true nature of the struggle for social change and that cast the titanic battles he engaged in as small skirmishes on the way towards inevitable victory. In his iconic *Letter from Birmingham Jail*, King warned the nation against a sentiment embedded in the “master narrative”—the belief that the simple passage of time would magically move the nation towards racial justice. “[H]uman progress,” he wrote, “never rolls in on wheels of inevitability. It comes through the tireless efforts [of people] willing to be co-workers with God, and without this hard work time itself becomes an ally of the forces of social stagnation.”⁶³

62. See King, *supra* note 57.

63. KING, *supra* note 35, at 11A.