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# A Tribute to Dr. Martin Luther King, Jr.: A Man of Peace and Wisdom

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A TRIBUTE TO DR. MARTIN LUTHER KING JR.:  
A MAN OF PEACE AND WISDOM

by Leroy D. Clark\*

Thank you for the invitation to speak to you on the occasion of your celebration of Dr. Martin Luther King. I had the fortunate opportunity and honor of working with Dr. King when I was a staff attorney with the NAACP Legal Defense Fund. I joined the Fund fresh out of law school and worked with King from 1962 until his death in 1968. The Fund supplied legal defense to King's organization, the Southern Christian Leadership Conference (SCLC), as it undertook the monumental task of ending legal apartheid in this country.

My closest contact with King arose when I became the General Counsel to the Poor People's Campaign. King created and planned the Poor People's Campaign to take place in Washington, D.C. in the summer of 1968. The campaign was to be a multi-racial effort to embarrass the federal government into taking a more protective response to the plight of the economically destitute. Unfortunately, King's assassination a few months before the campaign precluded

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his active participation in it. Throughout those years, I was present with him in strategy sessions and other meetings.

I would like to take this occasion to break a silence that I imposed upon myself many years ago regarding two incidents in which I was privy to illuminating stances taken by King in very private meetings. As I relate these incidents you will see, I think, why I felt that I could not write or speak about them publicly at the time. Both incidents, however, will be illustrative of the larger point that I would like to make about King, namely, that on the dimensions of (1) developing an incorporating humanism, (2) having a prophetic and healthy vision of the future for our society, and (3) being a genius for strategy to realize that vision, he may have been the greatest leader of his time, black or white. I will try to develop the thesis that, as a leader, King was superior to most of the Presidents of the United States of his time. I will also show that King was superior to the most visible contemporary black leaders of his time as well, including Malcolm X, who has become the subject of renewed and current interest.

The first incident that I will relate occurred one evening at the home of Dr. Kenneth Clark in 1967. Dr. Clark was the social psychologist who had presented evidence in *Brown v. Board of Education*<sup>1</sup> that black youngsters were damaged psychologically by being forced into racially segregated public schools.<sup>2</sup> He was highly respected in civil rights circles, so much so that when he called for a meeting, all of the top leaders (or significant representatives) of the major civil rights organizations attended. Roy Wilkins of the NAACP, Whitney Young of the National Urban League, Floyd McKissick of the Congress of Racial Equality, Ivanhoe Donaldson of the Student Nonviolent Coordinating Committee (SNCC), and Dr. Martin Luther King of the SCLC were present at Dr. Clark's home that evening.

On the surface, the meeting was called by Dr. Clark to announce that he was launching a research organization (the Metropolitan Applied Research Center), which would be at the

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<sup>1</sup> 347 U.S. 483 (1954).

<sup>2</sup> For an exploration of the role that Dr. Clark played in the *Brown* case, see RICHARD KLUGER, *SIMPLE JUSTICE: THE HISTORY OF BROWN V. BOARD OF EDUCATION AND BLACK AMERICA'S STRUGGLE FOR EQUALITY* 315-45 (1976).

service of all of the civil rights organizations. His hidden agenda, however, was to get all of the leaders together to see if they could come to an agreement to stop the public attacks on one another concerning who among them was the "most militant" or the "most irresponsible."

Those present that evening finally got around to Dr. Clark's hidden agenda. Roy Wilkins of the NAACP, who would have been considered by many to be the most conservative leader in the room, promptly announced that he would leave the meeting if there was any talk of a "Back to Africa" movement or Black Power (he had publicly criticized groups like the SNCC for espousing such notions). Floyd McKissick said that he did not know why members of the NAACP and the National Urban League had attacked his organization, because he thought that the more radical he appeared, the more they benefitted from being seen as more respectable. Then both Wilkins and Young attacked King for his recent stance in opposition to the Vietnam war. Wilkins said that civil rights leaders had no business taking positions on foreign policy issues. Young, on the other hand, said that King, as a civil rights leader, would lead some of the cream of black youth—who were eligible for the draft—into resisting the draft and ending up in jail.

Throughout all of the back and forth in the meeting, one suddenly realized that King had not yet spoken. Instead, he sat silently, apparently listening carefully to the others (this was often his stance in meetings). Wilkins and Young, however, were now demanding that he respond.

King bowed his head and briefly appeared to be lost in thought, but then he began to speak. He said, "I've listened carefully to all of you, but if you will ponder it awhile, you will realize that I am the only person in the room who has not publicly attacked any leader or organization represented here." There was a pause in the room, and one could see the others suddenly realizing that what he had said was true. He then went on to respond to the attacks on him regarding his stance in opposition to the Vietnam war. He said that he took the charges that Wilkins and Young had made very seriously. King also said that he had gone away for a time to commune with himself and pray before taking the public stance against the war, knowing that his stance could

have negative consequences for his organization and for some of the young black men who looked to him for leadership. King said that, ultimately, he was not only a civil rights leader, but also a moral leader—a man of God who had an ethical duty to speak out when weak and powerless people were being abused anywhere in the world. King, therefore, lacked the strategic option of silence. Again the meeting fell into a hushed silence, as one could see that the others could feel the depth of King's commitment and the futility of talking to him about the "pragmatism" of his position. I will return to comment later about how this incident illuminates King's superior leadership abilities.

The second incident occurred in St. Augustine, Florida in 1963. A black dentist, Dr. Robert Hayling, had begun (with the help of a number of young, high school aged persons in the town) performing "sit-ins" and picketing to protest racial segregation. Some protesters had been arrested, convicted, and to add insult to injury, sent away to racially segregated reform schools for juvenile delinquents. Hayling had little in the way of financial resources, and he called King's organization for support. King thought that it would be appropriate, symbolically, to launch an attack on the racial segregation of public accommodations in a town that had preserved an old slave market as a tourist attraction. He also thought that well-organized and widely publicized demonstrations might accelerate Congress' passage of the Civil Rights Act of 1964,<sup>3</sup> which among other things, would outlaw racial exclusion from restaurants and other public facilities.

King came to St. Augustine to meet privately with Hayling and to discuss the terms under which the SCLC would come and help. I was the only other person present because I needed to know what kinds of demonstrations were contemplated in order to anticipate the kinds of arrests that would be made and to assess the criminal defenses that would be required.<sup>4</sup>

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<sup>3</sup> Pub. L. No. 88-352, 78 Stat. 244 (codified as amended at 42 U.S.C. § 2000a (1988)) (prohibiting discrimination in public accommodations).

<sup>4</sup> I was not aware of the implications at the time, but if the ABA Model Rules of Professional Conduct had been applicable, I might have been in breach of them. Rule 1.2(d) reads:

King was aware of a very frightening ordeal that Hayling had previously endured. On one night, a couple of weeks before King's visit, Hayling's two children, ages three and five, were playing with their big collie on the floor of the living room. Hayling came into the room, scooped them up, and started up the stairs to the second floor to put them to bed when a burst of gunfire lit up the living room. Hayling rushed into a bedroom with the two children and called his neighbors for help (he could not call the police because many of the policemen were members of the Ku Klux Klan). The neighbors arrived as soon as they could, and one said

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A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning or application of the law.

MODEL RULES OF PROFESSIONAL CONDUCT Rule 1.2(d) (1990). From my experience, lawyers in the movement were rarely in a posture of urging participants to engage in one activity or another. It would appear clear, however, that giving legal counsel to a client prepared to commit a crime would be to "assist" and, thus, would constitute a violation of the spirit of the rule. On some occasions, the state laws mandating racial segregation that our clients intended to violate were of suspect constitutional validity, and we were probably functioning within the bounds of the rules to give that kind of opinion. See *Wright v. Georgia*, 373 U.S. 284 (1963) (prohibiting the state from criminalizing the efforts of blacks to use public parks on a racially desegregated basis).

We were never presented with the problem of an affirmative obligation to report our clients' communications because they never planned activities that would "result," from their conduct alone, "in imminent death or substantial bodily harm." See MODEL RULES OF PROFESSIONAL CONDUCT Rule 1.6(b)(1) (1990). Often, however, there was no clear state action that was unconstitutional, and the validity of a criminal conviction for the kind of protest contemplated by the movement participants was in substantial doubt (e.g., sit-ins in churches that were racially segregated). This suggests that refinements may be needed to guide attorneys who counsel clients that engage in civil disobedience as a form of addressing some moral or political issue. See RONALD DWORKIN, *A MATTER OF PRINCIPLE* 104-16 (1985) (discussing civil disobedience and nuclear protest); see also Ronald Dworkin, *On Not Prosecuting Civil Disobedience*, N.Y. REVIEW OF BOOKS, June 6, 1968, at 14-21 (suggesting that a citizen has an obligation to confront unjust or potentially unconstitutional laws or practices).

that he had seen a pick-up truck with two men stop briefly in front of Hayling's house before hastily driving off. The neighbor also said that he had observed one man in the truck pulling out what looked like a rifle from the back seat and firing it. Unfortunately, the collie was killed in the attack.

Shortly after the incident at Hayling's home, a number of young men who had been participating in the demonstrations began to arm themselves. King told Hayling that, although he was amenable to bringing the SCLC in to help him, Hayling would have to understand the minimal obligations that would be fastened on him to secure the support. King informed Hayling that he would have to ask the young blacks who had been supporting his efforts to give up their guns. Hayling argued with King by pointing out that the area was full of Klan members and that some of the young men were guarding his home as a result of the attack. King told Hayling that he knew about the incident and that it might be advisable for Hayling to send his family to another town for safety purposes; however, King reminded Hayling that the SCLC was committed to nonviolence and that there was no telling when an armed camp would spin out of control from self-defense into aggressive violence. King said, "You know that we have an obligation to protect whites too. They may be misguided, but they are our brothers." I sat there in stunned silence, for I had not known that King's commitment to nonviolence went this far (it was only later that I was to learn that King never had a bodyguard).

At the end of the meeting, Hayling agreed to call for the youths to disarm. I made an arrangement with the sheriff to receive all of the guns collected from the young people, and King began the movement in the town shortly thereafter.

What do I draw from King's work and the two private incidents that I now feel I can recite?

The major thrust of King's work was to end legal apartheid in the United States because he saw racial segregation as the prime cancer in our society. He thought that it was destructive, not only because of the direct oppression of blacks, but because he believed that whites paid, although indirectly, heavy prices for racism (as you can see from the second incident, he was deeply concerned about the welfare of whites as well). King knew that the high degree of interaction in a modern, urbanized society does not

permit the victimization of black-Americans to go on in isolation and that the white majority pays dearly for the process.

For example, blacks have historically migrated to Northern and Western cities in order to escape the entrenched racial segregation of the South and to seek work when severe agricultural depressions hit Southern farms.<sup>5</sup> Unfortunately, blacks were blocked by racial discrimination from many jobs in those cities, so much so that the unemployment rate among blacks has been disproportionately higher than the rate among whites since 1954 and generally higher in earlier years.<sup>6</sup> The result: Today, thirty-four percent of blacks, as opposed to eleven percent of whites, fall below the poverty line,<sup>7</sup> and a disproportionate number of blacks must be given welfare,<sup>8</sup> which becomes a drain on the public treasury. Inner city areas, where blacks are forced to live, frequently exploded into race riots in the 1960s (and even in recent years for that matter), costing millions of additional taxpayer dollars.

From the army of hungry, disproportionately unemployed black teenagers come the muggers, drug addicts, and gang members who make many urban areas, which are needed as centers for communication and commerce, places where people are afraid to even enter.<sup>9</sup> Our jail population has doubled over the

<sup>5</sup> Karl Taeuber & Alma Taeuber, *The Black Population in the United States*, in THE BLACK AMERICAN REFERENCE BOOK 159, 159-206 (Mabel M. Smythe ed., 1966).

<sup>6</sup> Dorothy K. Newman, *The Black American Worker*, in THE BLACK AMERICAN REFERENCE BOOK 251, 270-71 (Mabel M. Smythe ed., 1966).

<sup>7</sup> REPORT OF THE SECRETARY'S TASK FORCE ON BLACK AND MINORITY HEALTH, U.S. DEP'T OF HEALTH AND HUMAN SERVS., EXECUTIVE SUMMARY VOL. I, at 51 (1985).

<sup>8</sup> See Paul Bedard, *Bush Watches, Waits as States Cut Welfare*, WASH. TIMES, Jan. 22, 1992, at A3.

<sup>9</sup> According to Christopher Jencks, black teenagers were unemployed at the rate of 21 % in 1984-85, and generally, they experienced unemployment at a rate twice that of white teenagers. CHRISTOPHER JENCKS, *RETHINKING SOCIAL POLICY: RACE, POVERTY, AND THE UNDERCLASS* 122-30 (1992). Jencks argues that the unemployment of black teenagers is reinforced by the messages from the media and popular culture that all males growing up in black ghettos are persons who would be unruly and unreliable employees. *Id.* at 123. Apparently, qualifications do not affect these perceptions because the unemployment of black

past decade,<sup>10</sup> and blacks constitute roughly forty-one percent of that population.<sup>11</sup> More prisons have been built in the last fifteen years than at any other time in our history.<sup>12</sup> At the same time, however, other elements vital to our nation's infrastructure, like bridges and roads, are deteriorating rapidly due to inadequate financing.<sup>13</sup>

The United States has always experienced cyclical recessions, much like the one that we are in now, and although few whites know it, the poverty rate among whites has been increasing recently at a faster pace than the rate among blacks.<sup>14</sup> The recessions of the 1980s devastated blue-collar America with massive job losses and reduced income. The recession that we have been in for the last three years, however, has a new twist: it is devastating middle income white-collar professionals and managers. Twenty-five percent of the graduates of my law school, for example, did not have jobs six months after graduation last year. Twenty-two percent of the employees who lost jobs at 800 corporations between 1991 and 1992 were middle managers.<sup>15</sup> Many of these employees remain unemployed for long periods of

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teenagers increased from 1970 to 1985, despite the fact that the number of black high school graduates increased from 56% to 81% over those years as well. *Id.* at 128.

<sup>10</sup> Michael Isikoff, *Hard Time: The Mission at Marion*, WASH. POST, May 28, 1991, at A1 ("Over the past decade, the nation's prison and jail population has more than doubled to exceed 1 million—an unprecedented growth fueled by sharp increases in drug trafficking, violent crime and tough, mandatory sentences enacted by Congress and state legislatures.").

<sup>11</sup> *Jail Population Jumps*, UPI, Oct. 25, 1987, available in LEXIS, Nexis Library, UPI File.

<sup>12</sup> See *15th Annual Wirth Washington Seminar*, Fed. News Serv. (Apr. 20, 1989) (transcript of remarks by FBI Dir. William Sessions), available in LEXIS, Nexis Library, Fednew File.

<sup>13</sup> Scott Christianson, *Our Black Prisons*, in *THE CRIMINAL JUSTICE SYSTEM AND BLACKS* 259, 259-62 (Daniel Georges-Abeyie ed. 1984).

<sup>14</sup> David H. Swinton, *The Economic Status of African Americans: Limited Ownership and Persistent Inequality*, in *NATIONAL URBAN LEAGUE, INC., THE STATE OF BLACK AMERICA: 1992*, at 60, 61 (Billy J. Tidwell ed., 1992).

<sup>15</sup> Susan Cohen, *White Collar Blues—Job Insecurity in the Middle Class*, WASH. POST, Jan. 17, 1993 (Magazine), at W10.

time, and if re-engaged, it is more frequently on a "consultant" or part-time basis.<sup>16</sup>

In practical terms, this means no health insurance or pension programs for those affected, higher levels of alcoholism and suicide, and families broken by the trauma and depression that usually accompanies unemployment. Yet, America has not actively sought to cushion the shock of its recurrent economic instability, for it commits proportionately less of its wealth than its poorer Western European counterparts to social welfare programs like government-sponsored health care and publicly subsidized housing.<sup>17</sup> Why haven't we created a federal agency to intervene and to assure re-employment for the masses of middle class individuals who are being laid off weekly by corporate America or who will be laid off as we down-size the defense industry? One commentator, Professor Robert Heilbroner, speculates that despite the fact that millions of whites would benefit from such programs (and despite the fact that society would be protected generally, because these programs would reduce the numbers of desperate, anti-social persons), the vast majority of Americans still associate subsidy programs with indolence and blacks.<sup>18</sup> The truth is that the majority of people on welfare are white, but the "Welfare Queen" still carries the image of a black woman.<sup>19</sup>

King knew that racism has a distorting and debilitating impact on the country's capacity to grow and to address social problems in a rational manner. Moreover, he saw the eradication of racism as a goal that would benefit *all* of America, not just black America.<sup>20</sup> If racism could be neutralized to some degree, then

<sup>16</sup> *Id.*

<sup>17</sup> See Kenneth L. Karst, *Citizenship, Race, and Marginality*, 30 WM. & MARY L. REV. 1, 6 (1988) (citing MICHAEL B. KATZ, *IN THE SHADOW OF THE POORHOUSE: A SOCIAL HISTORY OF WELFARE IN AMERICA* 271 (1986); *RESPONSES TO POVERTY: LESSONS FROM EUROPE* 21-22 (Robert Walker et al. eds., 1984)).

<sup>18</sup> Robert L. Heilbroner, *The Roots of Social Neglect in the United States*, in *IS LAW DEAD?* 288, 296-301 (Eugene V. Rostow ed. 1971).

<sup>19</sup> See 137 CONG. REC. 4092 (daily ed. Nov. 26, 1991) (statement of Rep. Owens).

<sup>20</sup> King has said:

we could start to make headway on the deeper and more intractable problem of providing minimal economic security for all Americans. King understood this, and once his campaign for legislation declaring racial discrimination illegal was successful, he then began planning his campaign for economic justice through the Poor People's Campaign.

None of the Presidents of his time were his equal in terms of a sound discernment that the resolution of the race problem was an important priority for our country. President Dwight Eisenhower did not place resolution of the race problem very high on his agenda. In fact, he acted only reluctantly in sending troops to quell the violent opposition to the racial integration of public schools in Little Rock, Arkansas.<sup>21</sup> President Richard Nixon indirectly courted biased white support by actively ignoring the black predicament. This was the beginning of the Republican Party's "Southern Strategy" to break the lock that the Democratic Party had on the South.<sup>22</sup> Presidents John Kennedy and Lyndon Johnson

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"Many Southern leaders are pathetically trapped by their own devices. They . . . know that the perpetuation of this archaic, dying order is hindering the rapid growth of the South. Yet they cannot speak this truth—they are imprisoned by their own lies. It is history's wry paradox that when Negroes win their struggle to be free, those who have held them down will themselves be freed for the first time."

TAYLOR BRANCH, *PARTING THE WATERS: AMERICA IN THE KING YEARS, 1954-63*, at 589 (1988) (quoting Martin Luther King Jr., Address at the Founding Luncheon of the Gandhi Society for Human Rights (May 17, 1962)).

<sup>21</sup> President Eisenhower did not propose any civil rights legislation during his first term in office. This was based, in part, on his belief that the likelihood of its passage was small and, in part, on his belief that racial desegregation should be voluntary and not compulsory and that such action should occur at the state and local levels. Eisenhower did issue an executive order on nondiscrimination in federal employment, Exec. Order No. 10,479, 18 Fed. Reg. 4899 (1953), but he issued no statement with the order and did not mention it in a press conference held the next day. See HUGH DAVIS GRAHAM, *THE CIVIL RIGHTS ERA: ORIGINS AND DEVELOPMENT OF NATIONAL POLICY, 1960-1972*, at 17-18 (1990).

<sup>22</sup> See GRAHAM, *supra* note 21, at 17-18.

Nixon knew that the racial issue was dangerous . . . . Yet he owed his nomination in 1968 to southern Republicans who preferred him to northern liberals like Rockefeller, Romney, or Percy . . . . Political commentators reached an early consensus that Nixon's campaign

professed to support racial integration and liberal reforms to deal with economically disadvantaged citizens,<sup>23</sup> but they were also the prime architects of our involvement in the Vietnam war, which King correctly prophesied would divert enormous resources away from domestic problems. Kennedy and Johnson also tolerated the efforts of FBI Director J. Edgar Hoover to discredit and remove King as a major actor on the civil rights scene.<sup>24</sup>

On the issue of the Vietnam war, I believe that King was much more comprehensive and bold than was the NAACP's Roy Wilkins or the National Urban League's Whitney Young. To give those men their due, however, they were old civil rights warriors, and they knew that there was a strong possibility that black organizations could be easily "red-baited" or tarred with the brush of "communist infiltration" if they took an unpopular stance during the cold war. Consequently, the board of directors of the NAACP adopted a resolution that any attempt to merge the civil rights and peace movements would be "a serious tactical mistake."<sup>25</sup>

King believed, however, that black leaders should not be ghettoized in their concerns, and thus, he properly resisted the entreaties of Wilkins and Young to leave foreign policy to the white leaders. King took his stance because, just as he did not limit his concern about injustice to his own racial group, he did not allow geographical boundaries to dictate the range of his concerns. He did, in a few words, abhor and suspect what I will call "tribalism," namely, people being so ravenously committed to what they would call "their group" that they could slide into a barbaric denial of the humanity of other groups. Now that the cold war has ended, note how many "hot spots" there are around the

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manager, his law partner John Mitchell, had engineered a "Southern Strategy" with Senator Strom Thurmond of South Carolina, and that Nixon had pledged to repay the debt by curbing federal pressures for school desegregation and by appointing southern conservatives to the Supreme Court.

*Id.* at 303.

<sup>23</sup> See KENNETH O'REILLY, "RACIAL MATTERS": THE FBI'S SECRET FILE ON BLACK AMERICA, 1960-1972, at 49-77, 229-60, 357 (1989).

<sup>24</sup> See *id.* at 125.

<sup>25</sup> DAVID J. GARROW, BEARING THE CROSS: MARTIN LUTHER KING, JR., AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE 555 (1986).

world (e.g., Bosnia, Somalia, and the Middle East) that would benefit from King's stance of resistance to tribalism.

From the vantage point of the 1990s, King's opposition to the Vietnam war may not appear to have been so heretical. I can assure you, however, that his stance was extremely perilous, and Wilkins' and Young's fears became a reality for King. Carl Rowan, a nationally syndicated black columnist, wrote an article in *Reader's Digest* (read by millions) stating that King's anti-war position was due to communist influence.<sup>26</sup> A *Washington Post* newspaper editorial said, "He has diminished his usefulness to his cause, to his country and to his people. And that is a great tragedy."<sup>27</sup> Rowan and the *Post* were wrong. A larger and larger portion of the American public soon began to oppose the war as well (even Young admitted in later years that he was wrong in this dispute with King), but that very change in public opinion was due to courageous individuals with integrity, like King, for at that time, all of the "smart" money would have said that the strategically "safe" course to follow was silence on Vietnam.

I do not mean to imply in this recounting that King was heedless of strategy, because I will contrast him with Malcolm X and show that King was indeed a master of strategy in a way that Malcolm was not. I do mean to say that strategic questions were not the first ones he asked. One of the first questions he asked was: What is the right and just thing to do? Then and only then were the pragmatic questions confronted.

One can appreciate King's respect for strategy in the meeting at Dr. Clark's home when it became apparent that he was the only person present who had not engaged in disparaging remarks about another leader or organization. In part, this may have been contrary to his own personal style. I never saw him raise his voice or shout at any of his staff members in annoyance, although they certainly did things sometimes that he disliked. One got the impression that King had ruled out even mild forms of verbal violence from his interactions with others.<sup>28</sup>

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<sup>26</sup> Carl T. Rowan, *Martin Luther King's Tragic Decision*, READER'S DIGEST, Sept. 1967, at 37-42; see GARROW, *supra* note 25, at 576-77.

<sup>27</sup> GARROW, *supra* note 25, at 553 (quoting *A Tragedy*, WASH. POST, Apr. 6, 1967, at A20).

<sup>28</sup> My view was confirmed by others. Fred L. Shuttlesworth, an Alabama

In part, King's decision not to criticize other civil rights leaders was strategic. He would have sensed that it could become what it had—a public bloodletting that created confusion and diversion from the goals of ending racial segregation. He said on one occasion, when sidestepping an opportunity to publicly criticize a spokesperson for the SNCC, "Whenever the Pharaoh wanted to keep the slaves in slavery, he kept them fighting among themselves."<sup>29</sup>

The major attacks on King in terms of strategy, however, came from Malcolm X during his Black Muslim period when he spoke disdainfully of King's unswerving commitment to nonviolent methods for achieving social reform. If used appropriately, Malcolm had what could be a gift; he could take large questions concerning the relations between the races and talk about them in the medium of the day-to-day experiences that many in his audience would be familiar with. However, that same technique could be used for demagogic purposes to oversimplify and trivialize King's nonviolent approach.

Malcolm would have had his street corner listeners believe that King was espousing some irrational formula for dealing with a bully who threatens to beat people up in a bar. Malcolm knew that the religion and folklore of the streets were that if someone hits you, you are "crazy" or "chicken" if you do not respond by hitting him back. In Spike Lee's recent film *Malcolm X*, the Malcolm character tells his audience that encouraging black people to embrace nonviolence is "criminal."<sup>30</sup>

Malcolm placed the question of nonviolence in the context of the legitimacy of a simple, tit for tat self-defense response between two individuals. However, King was not addressing the circumstance of what children ought to do when confronted with a schoolyard bully. Instead, he was addressing the much larger question of how one reverses deeply entrenched mores in a society

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minister who was a key figure in the SCLC campaigns in that state, said, "[King] hated to speak harshly to anybody. That was just part of his nature." GARROW, *supra* note 25, at 464.

<sup>29</sup> *Id.* at 527.

<sup>30</sup> MALCOLM X (Warner Bros. 1992).

that had first been committed to slavery and then to racial denigration for over 300 years.

In countries such as South Africa or Rhodesia (now Zimbabwe), where the oppressed are the *majority* of the population, and the oppressors are a small but armed minority, it can be argued that an armed underground movement may be necessary to unseat that minority. But even on that score, when I went to South Africa in the fall of 1991 (to advise the leaders of the African National Congress (ANC) on the construction of a new Constitution), I found it interesting that some ANC leaders told me that they thought the protests we had conducted in the United States, which resulted in the international boycott of South Africa, were critical to the de Klerk regime's call for negotiations. King would certainly have approved of that strategy.

In any event, where the oppressed group is not substantially in control of technology or weapons *and*, more important, comprises only eleven percent of the population,<sup>31</sup> the range of viable tactics for achieving liberation is accordingly restricted. Malcolm X's exhortation that blacks should seek their liberation "by any means necessary," had a stirring, threatening, and ominous ring, but it was essentially empty rhetoric (to Malcolm's credit, he did ultimately break with the Muslims, repudiated his characterization of whites as "Devils," and began to grow in directions that impressed King).

King's espousal of nonviolence was not a woolly-headed and over-extended idealism, but it was indeed a deep comprehension of the approaches that would be efficacious in dealing with the emotionally charged and entrenched question of racial segregation. Rather than being naive, I think that King was very much aware of the sickness and murderous rage that lies at the heart of white racism. He believed that a masses-based peaceful movement could blunt and absorb racist violence and that above-board mass protests would create a kind of "Street Theater" that would capture and sustain media attention. The media attention would allow King to create an international spectacle of the contradiction between

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<sup>31</sup> See THOMAS SOWELL, *THE ECONOMICS AND POLITICS OF RACE: AN INTERNATIONAL PERSPECTIVE* 184 (1983).

American ideals of democracy and its practice of racism. He knew that leaders in the United States would be sensitive to this country's image in its relations with the emerging, independent African countries.

I believe that King thought that there was a reservoir of "fair play" in the American people and that they were, ultimately, not of a Nazi temperament. My own guess is that, if there was a wide enough group of whites with that kind of temperament, the civil rights movement would have been crushed because it was very fragile. King, for example, had a small staff and a budget at its maximum of \$1.5 million.<sup>32</sup> King's nonviolent approach tapped into that reservoir of "fair play" and generated white volunteers and white financial support. Indeed, King's approach may even have neutralized some of the hostility that the average Southern white citizen may have felt. In his book *Why We Can't Wait*, King noted that although Birmingham, Alabama was one of the most segregated cities in the nation,<sup>33</sup> paradoxically, there was no mass resistance from the local white Birmingham citizens during his campaign in that city (it was primarily the police who were actively hostile).<sup>34</sup> King's nonviolent approach made all of these things possible and weeded out individuals who were not disciplined.

Nonviolence also allowed King to organize in the only masses-based institution for blacks in the South—the church. I was present in the churches during the campaign in Birmingham, and I have rarely seen so much energy and determination generated in a people—in part because their goals were moral and the means that King had given them were clean and respectable.

I do not mean to say that, for King, strategic concerns overwhelmed justice concerns, because I do believe that nonviolence was ultimately dictated for him by his religious views. I also think that he believed two things: first, the process of change should inform and signal the results you want to bring about; second, disciplined nonviolence would be efficacious in ending legal apartheid in the United States.

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<sup>32</sup> See GARROW, *supra* note 25, at 429.

<sup>33</sup> MARTIN LUTHER KING JR., *WHY WE CAN'T WAIT* 79 (1963).

<sup>34</sup> See *id.* at 98.

Some of this may have such a simple common sense ring that you may wonder what the disputes and conflicts were all about. I can assure you, however, that King was subjected to much vilification and derision for holding to a stance that seemed to be "non-militant" and appeared to lack toughness. The toughness that he exhibited, however, was to hold fast to his principles in the face of his angry and cynical (and often black) critics.

The final and most important thing that I can say about Dr. Martin Luther King is that he was a gentle, caring, and thoughtful man on an almost spiritual mission. We are all a step closer to civilization because of his energy and work.