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## MLK: Human Rights & Dreams & Metaphors or . . . Justice as a Verb

Raymond M. Brown

Wanda Akin

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# Transcript

## MLK: HUMAN RIGHTS & DREAMS & METAPHORS OR . . . JUSTICE AS A VERB

Raymond M. Brown and Wanda Akin\*

*"I say to you today, my friends, though, even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream."<sup>1</sup>*

For today's conversation, we want to emphasize three truths. First, Dr. Martin Luther King Jr. is a human symbol of an attempt by one wing of the mid-twentieth century civil rights movement to adapt the American dream to embrace blacks. This anticipated adaptation was grounded in the hope that the American dream was open to expansion and that change could be fostered by a Christian activist inspired movement, which believed in "[t]he redemptive power of unmerited suffering . . ."<sup>2</sup>

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\* This Transcript is based on a lecture delivered by the authors, Raymond M. Brown and Wanda Akin, at Valparaiso University Law School, on January 14, 2016 as part of the school's commemoration of Dr. Martin Luther King Jr.'s birthday. The attempt to convert the rhythms of spoken language into the meter of the written word is always a special challenge, which the authors have tried to meet with fidelity to the original. The challenge of producing this Transcript was compounded by the fact that the lecture featured the contrapuntal dynamic of frequent exchanges between the two, further leavened by the fact that they are husband and wife. Additionally, they did not speak from a prepared text, but from notes and ideas hammered out in advance. They have also, where appropriate, referenced subsequent materials and events that seem relevant to the views expressed at Valparaiso, but do not necessarily represent the views of the *Valparaiso University Law Review*.

<sup>1</sup> Martin Luther King, Jr., Speech by the Rev. Martin Luther King at the "March on Washington." *I Have a Dream* (1963) [hereinafter *Dream Speech*]. Raymond M. Brown, one of the authors, was present for the speech.

<sup>2</sup> DAVID CORTRIGHT, *GANDHI AND BEYOND: NONVIOLENCE FOR A NEW POLITICAL AGE* 29 (2009). Dr. King's first pastorate was at the Dexter Avenue Baptist Church in Montgomery, Alabama, which he joined in late 1954. *To Leonard G. Carr, in THE PAPERS OF MARTIN LUTHER KING, JR. VOL. II: REDISCOVERING PRECIOUS VALUES, JULY 1951-1955* 266 (Clayborn Carson et al. eds., 1997). In Dr. King's first set of written instructions to the church, he called for the establishment of a Social and Political Action Committee "[s]ince the Gospel of Jesus is a social Gospel, as well as a personal Gospel, seeking to save the whole man . . ." *Recommendations to the Ebenezer Baptist Church for Fiscal Year 1960-1961, in THE PAPERS OF MARTIN LUTHER KING, JR. VOLUME VII: TO SAVE THE SOUL OF AMERICA, JANUARY 1961-AUGUST 1962* 379 (Clayborn Carson et al. eds., 2014). See also *Dream Speech, supra* note 1, at 1 (discussing racial divide in America during the time). In his speech, King urged listeners to "[c]ontinue to work with the faith that unearned suffering is redemptive." *Id.* at 4. Dr. King had begun to write about this concept of the "suffering servant" as early as his qualifying exams for his dissertation at Boston University. *Introduction, in THE PAPERS OF MARTIN LUTHER KING, JR. VOLUME II: REDISCOVERING PRECIOUS VALUES, JULY 1951-*

Second, we note that preceding Dr. King, contemporaneously with Dr. King, and extending to the present, there have been counter-narratives that maintain that American exceptionalism makes the American dream unavailable to blacks, the evolving non-white American majority, and to non-Americans. This counter-narrative has been embraced both by advocates and opponents of the freedom struggle. Today, we wish to touch briefly on its manifestation in some of the elements of the Black Lives Matter (“BLM”) movement.

Finally, by the end of Dr. King’s life, he had evolved a more comprehensive perspective, which still focused on race, but encompassed issues of class, anti-militarism, and human rights as essential frameworks for progress. We should add one additional coda that underlies much of our work, an idea embodied in the phrase: “justice is a verb.” It is a simple reminder that resurfaces constantly in our work and in Dr. King’s language that justice can only be achieved through struggle.

The first questions we are bound to ask are: why do Americans celebrate Dr. King’s birthday? Do we celebrate the same Dr. King everywhere in America, or are there different, mutually exclusive Dr. Kings being constructed according to the ideological predisposition of each celebrant? In other words, what is the essence of Dr. King as an American metaphor? Although it is impossible to summarize every use made of Dr. King’s image and work, some observers, including ourselves, believe Dr. King has been trivialized, converted into a “harmless black icon,” and made the subject of a “reverential amnesia,” which allows us to ignore the most challenging aspects of his life.<sup>3</sup> Still others, with whom

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NOVEMBER 1995 22 (Clayborn Carson et al. eds., 1997). Further exploring the Old Testament’s roots, Dr. King wrote:

[h]is suffering is not due to something that he has done, but it is vicarious and redemptive. Through his suffering knowledge of God is sp[r]ead to the unbelieving Gentiles and those unbelievers seeing that this suffering servant is innocent will become conscious of their sins and repent and thereby be redeemed. *The nation would be healed by his wo[unds].*

*Id.* (emphasis added). King further rooted this concept, observing that “the New Testament . . . identifies Jesus with Isaiah’s suffering servant and sees in the cross a symbol of the meaning of suffering and a clue to its solution.” *Qualifying Examination Answers, Theology of the Bible, in THE PAPERS OF MARTIN LUTHER KING, JR. VOLUME II: REDISCOVERING PRECIOUS VALUES, JULY 1951–NOVEMBER 1995* 208 (Clayborn Carson et al. eds., 1997).

<sup>3</sup> VINCENT HARDING, *MARTIN LUTHER KING: THE INCONVENIENT HERO* 60 (1996); MICHAEL ERIC DYSON, *I MAY NOT GET THERE WITH YOU: THE TRUE MARTIN LUTHER KING, JR.* 290 (2000). Dyson coined the phrase “reverential amnesia,” in addition to the “repentant amnesia,” “revisionist amnesia,” “recalcitrant amnesia,” and “resistant amnesia” as ways of inventing the Dr. King that we want – not examining his life and work unflinchingly in the light of his quest for justice. *Id.* at 290–92. See also Randal Robinson, *The Debt and the Reckoning*, in *SAY IT PLAIN: A CENTURY OF GREAT AFRICAN AMERICAN SPEECHES* 213, 224

we disagree, have sounded a post-racial chord suggesting that the election of President Barack Obama “redeemed” Dr. King’s dream.<sup>4</sup>

Seeing Dr. King as a metaphor is a historical and intellectual challenge, but it has purpose and precedent. John Bunyan’s *Apology*, which opens *Pilgrim’s Progress*, notes that “[t]he prophets used much by metaphors [t]o set forth truth.”<sup>5</sup> Dr. King is both a prophetic and a metaphorical figure who was, himself, an inveterate employer of tropes. Because Richard Wright has reminded us that “[t]he Negro is America’s metaphor,” it is fair to conclude that Dr. King’s status in the freedom struggle can fairly be viewed through a metaphorical lens.<sup>6</sup> To understand his status, we turn to wrestle with another metaphor, which Dr. King famously, but spontaneously, employed in his March on Washington Speech, the American dream.<sup>7</sup>

Three themes jump out at us as we explore Dr. King’s American dream. These are the notions of colorblindness, chronological sensitivity, and America’s resistance to racial equality. Colorblindness in a literal sense, refers to the inability to visually discern colors.<sup>8</sup> We have some familiarity with this trait, as Raymond’s father and his nephew were born unable to recognize a number of colors visible to other humans. Of course, in the context of American racial discourse, colorblindness has assumed a talismanic hue. It refers to the legal and policy availability of racially sensitive remedies to correct the imbalance of rights and opportunities

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(Catherine Ellis & Stephen Drury Smith eds., 2005) (“we have trivialized King as a civil rights leader – and not a man who supported reparations and economic democracy, but who failed on those points because America wasn’t ready for that”).

<sup>4</sup> John Harwood, *Partisanship Barges in on John Lewis’s Dream*, N.Y. TIMES (Jan. 18, 2016), [http://www.nytimes.com/2016/01/19/us/politics/partisanship-barges-in-on-john-lewiss-dream.html?\\_r=0](http://www.nytimes.com/2016/01/19/us/politics/partisanship-barges-in-on-john-lewiss-dream.html?_r=0) [<https://perma.cc/9ZDP-AWAM>].

<sup>5</sup> JOHN BUNYAN, *The Author’s Apology for His Book*, in THE PILGRIM’S PROGRESS 4 (1996); see also Letter from Martin Luther King, Jr., to Bishop C.C.J. Carpenter et al. (April 16, 1963) (on file with the Valparaiso University Law Review) [hereinafter “Letter from Birmingham Jail”] (depicting King’s admiration for John Bunyan).

<sup>6</sup> RICHARD WRIGHT, *The Literature of the Negro in the United States*, in WHITE MAN, LISTEN! 109 (1957).

<sup>7</sup> See CLARENCE B. JONES & STUART CONNELLY, BEHIND THE SPEECH: THE MAKING OF THE SPEECH THAT TRANSFORMED A NATION 108, 113 (2011) (explaining the rhetoric used in formulating the *I Have a Dream* speech). Although there remains some controversy on the subject, it is widely accepted that Dr. King used the “Dream” metaphor two months earlier in Detroit, but had not planned to employ it in Washington. *Id.* at 108, 111, 113. His speechwriter that day, Clarence B. Jones, said that no such imagery was contained in the draft he gave King the night before the speech. *Id.* In fact, Jones goes further to say that he heard Mahalia Jackson call out to Dr. King, “Tell ‘em about the ‘Dream,’ Martin, tell ‘em about the ‘Dream’” just before that section of his speech. *Id.* at 109.

<sup>8</sup> See Facts About Color Blindness, NAT’L EYE INST. (Feb. 2015), [https://nei.nih.gov/health/color\\_blindness/facts\\_about](https://nei.nih.gov/health/color_blindness/facts_about) [<https://perma.cc/QE6Z-ET9B>] (defining the literal sense of being color blind).

created by centuries of racial oppression. There are two rhetorical hot spots in this discourse. One is Justice Marshall Harlan's dissent in *Plessy v. Ferguson*, in which he famously said "[o]ur [C]onstitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law."<sup>9</sup> The other is Dr. King's allusion in his *I Have a Dream* speech (in the beginning of the dream sequence) to the aspirational idea "that 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."<sup>10</sup>

Justice Harlan never expounded further on his idea of a colorblind Constitution. However, he employed the phrase in a dissent from the *Plessy v. Ferguson* majority that used the legally undefined, but culturally and politically lethal concepts of color and race to exclude freedmen and their descendants from the benefits of full citizenship.<sup>11</sup>

Additionally, Dr. King's reference to character over color has to be understood contextually. From Birmingham through the March on Washington ("March"), Dr. King focused almost exclusively on race and its invidious effect on African Americans. In fact, he often rhetorically linked the Jim Crow regime directly to chattel slavery, noting for example, in a 1957 Washington, D.C. speech entitled *Give us the Ballot* about *Brown v. Board of Education* that the "decision came as a joyous daybreak to end the long night of human captivity."<sup>12</sup> To suggest, as some do, that colorblindness, as articulated by Justice Harlan and Dr. King, stands in opposition to affirmative action and other race sensitive remedial or diversity oriented remedies, is to turn history on its head.<sup>13</sup> Yet, if we

<sup>9</sup> 163 U.S. 537, 559 (1896).

<sup>10</sup> Dream Speech, *supra* note 1, at 5 (prevising an imminent era of racial equality for the United States, especially throughout the South).

<sup>11</sup> See 163 U.S. at 559 (Harlan, J., dissenting) (emphasizing that the Constitution "neither knows nor tolerates classes among citizens"). Justice Harlan further stated his regret that the nation's highest tribunal upheld the regulation of citizens' civil rights based solely on race. *Id.*

<sup>12</sup> See "Give Us the Ballot," *Address Delivered at the Prayer Pilgrimage for Freedom*, in THE PAPERS OF MARTIN LUTHER KING, JR. VOL IV: SYMBOL OF THE MOVEMENT, JANUARY 1957-DECEMBER 1958 210 (Clayborn Carson et al. eds., 2000) [hereinafter KING PAPERS, *Give Us the Ballot*] (describing *Brown* with jubilation "as a great beacon light of hope to millions of disinherited people throughout the world who had dared only to dream of freedom"). The *Birmingham World* quoted Dr. King as saying that "segregation is slavery" in a speech about the *Brown* decision delivered to the Birmingham National Association for the Advancement of Colored People in 1955. *Apathy Among Church Leaders Hit in Talk by Rev. M. L. King*, in THE PAPERS OF MARTIN LUTHER KING, JR.: REDISCOVERING PRECIOUS VALUES, JULY 1951-NOVEMBER 1955 330 (Clayborn Carson et al. eds., 1994). See also *Brown v. Topeka Bd. of Educ.*, 347 U.S. 493, 495 (1954) (holding segregation of public schools based solely on race violated the Equal Protection Clause of the Fourteenth Amendment).

<sup>13</sup> See Dyson, *supra* note 3, at 13 (describing the term color-blind in a constitutional context). Dyson eloquently states:

return to our original exploration of Dr. King as a human metaphor, we will not have to travel far on Dr. King's birthday to hear him offered as a symbol for the view that he opposed race-based remedies.

We can now return to the theme of chronological sensitivity mentioned earlier. Dr. King often used metaphors and linguistic rhythms that were time sensitive. Recall that his *I Have a Dream* speech was delivered in August 1963, less than a decade after the Supreme Court had delivered the death knell to white supremacy as government doctrine.

Remembering that context gives deeper meaning to the opening words of his speech, "[f]ive score years ago" that echoed the nineteenth century rhetorical phrasing employed by President Abraham Lincoln at Gettysburg.<sup>14</sup> Then, after acknowledging President Lincoln's "symbolic shadow," Dr. King reminded his listeners that the Emancipation Proclamation was a "momentous decree."<sup>15</sup> Dr. King then carefully paused, his audience on the cusp of the Second American Republic. However, after noting that the nation had not fulfilled its civil war commitments leaving blacks in poverty and languishing "in the corners of American society," he leapt back to the Founding of the Nation.<sup>16</sup>

When Dr. King employed the metaphor of the "promissory note" marked "insufficient funds," he was referencing the Declaration of Independence and the Constitution of the First Republic.<sup>17</sup> Thus, in little more than a written paragraph and a few minutes of time on a Washington afternoon, he highlighted the failure of the American dream in three critical eras: the Founding, the immediate post-Civil War era, and the *Plessy* regime.

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Now, terms like . . . "color-blind" drip from the lips of formerly stalwart segregationist politicians, conservative policy wonks, and intellectual hired guns for deep-pocketed right wing think tanks. Crucial concepts are deviously turned inside out, leaving the impression of a cyclone turned in on itself. Affirmative action is rendered as reverse racism, while goals and time-tables are remade, in a sinister fashion into "quotas."

*Id.*

<sup>14</sup> See *Dream Speech*, *supra* note 1, at 1 (foreseeing an imminent era of racial equality for the United States, especially throughout the South); Abraham Lincoln, Gettysburg Address (1863) (reiterating the principles propounded in the Declaration of Independence and predicting the United States will enter a new era of freedom after the Civil War).

<sup>15</sup> See *Dream Speech*, *supra* note 1, at 1 (pointing out the significant impact the Emancipation Proclamation had on millions of slaves who feared unjust treatment).

<sup>16</sup> See *id.* (reflecting Dr. King's transition from the state of poverty for blacks to the foundation on which the United States was created).

<sup>17</sup> See *id.* at 1-2 (using the metaphor of a promissory note from a bank to compare to the promises provided through the Declaration of Independence and the First Constitution and the lack of fulfillment of the promissory note to the black citizens during this period).

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Now, we are ready to plunge into full blown consideration of the “dream” excerpt. Immediately after articulating his hope for his children to be judged by character alone, Dr. King’s dream turns to an assault on the resistance to equality, or in his felicitous but ominous phrase “interposition and nullification.”<sup>18</sup> This phrase appears frequently in Dr. King’s speeches in this period. In the dream sequence, the reference to a man from Alabama with his words dripping with interposition and nullification is of course to George Wallace. Weeks before the March, Wallace stood on the steps of Montgomery’s Capital and uttered his infamous pledge, “segregation now . . . segregation tomorrow . . . segregation forever.”<sup>19</sup>

Earlier still, in his 1957 *Give us the Ballot* speech, Dr. King challenged “[t]he legislative halls of the South [that] ring loud with such words as ‘interposition’ and ‘nullification.’”<sup>20</sup> These segregationist legislatures, led by Arkansas, were mounting a campaign of open defiance of the school desegregation Writ of the Supreme Court.

Shortly before the March, King had again employed this language in his April 1963 *Letter from a Birmingham Jail*. This time the words of interposition and nullification dripped from the lips of Mississippi’s Governor Ross Barnett who declared to the people of Mississippi, “[w]e must either submit to the unlawful dictates of the federal government or stand up like men and tell them no.”<sup>21</sup>

However, in the letter, Dr. King was not using the language of “interposition” to challenge staunch segregationists. He was chastising moderate white ministers who had questioned his presence in Birmingham asking Dr. King: why now? Why this agitation? He used his letter to ask why these moderate Christian voices had not challenged the segregationists, why they protected the status quo, and why they did not embrace Christ’s social gospel. He also displayed his chronological sensitivity by responding to the minister’s plea to wait and give the new Birmingham administration time by noting that “time is neutral” and

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<sup>18</sup> See *id.* at 5 (lending Dr. King’s dream for the future where not only his children, but all black children, will not be judged for the color of their skin).

<sup>19</sup> See George Wallace, *Inaugural Address* (1963), [http://web.utk.edu/~mfitzge1/docs/374/wallace\\_seg63.pdf](http://web.utk.edu/~mfitzge1/docs/374/wallace_seg63.pdf) [<https://perma.cc/3Q5A-GL86>] (identifying the key and memorable words from Governor George Wallace’s Inaugural Address in Alabama).

<sup>20</sup> KING PAPERS, *Give Us the Ballot*, *supra* note 12, at 210.

<sup>21</sup> *Governor Barnett’s Declaration to the People of Mississippi*, JOHN F. KENNEDY PRESIDENTIAL LIBR. & MUSEUM (Sept. 13, 1962), <http://microsites.jfklibrary.org/olemiss/controversy/doc2.html> [<https://perma.cc/VGF9-77X5>]. See “Letter from Birmingham Jail,” *supra* note 5 (referencing Governor Ross Barnett’s speech at Oxford). See also CONFLICT, CHANGE, AND CONTINUITY, 1960–1968 290 (1963) (admitting that Governor Ross Barnett was strongly against integration within the school system).

"[n]ow is the time to lift our national policy from the quicksand of racial injustice to the solid rock of human dignity."<sup>22</sup>

Despite the deep connections between Dr. King's Christianity and his view of the freedom struggle, he was open to ideas from other traditions, including those from the East. His relationship with the Buddhist activist, Thich Nhat Hahn, is well-known. He also explored satyagraha (truth) and ahimsa (non-harm to all sentient beings) elements of Gandhi's philosophy of non-violence under the influence of Howard Thurman, Benjamin Mays, Mordecai Johnson, Bayard Rustin, and other Gandhists among his advisors.

This is more than a theoretical observation. The Letter reflects Dr. King's openness to seeing the connection between the American freedom struggle and the challenges facing other oppressed people.<sup>23</sup> Additionally, however, Dr. King was addressing the larger question explored by everyone who identified with the movement: was our commitment to "non-violence" spiritual, philosophical, strategic, or tactical? Raymond remembers many conversations in the nights and weeks before the march and other demonstrations about who was going to be designated as a "Marshall" and what we were supposed to do if somebody used the "N" word, as well as training in methods to keep our people from "kicking the behinds" of counter demonstrators and provocateurs.

"Provocateurs" you say! From the vantage point of 2016, it is easy to forget how strong the resistance to *Brown* remained, even as late as 1963. In 1955, Emmett Till was lynched and many regarded the Southern response to that outrage as an extension of hard core resistance to *Brown*.<sup>24</sup> Raymond remembers Till because that young man was abducted on Raymond's ninth birthday, and there was great controversy in his family over whether they were going to show him the picture of Till's open coffin after he was mutilated for wolf whistling at a white woman.

In 1956, there was the infamous Southern Manifesto in which eighty-one congressman and nineteen senators openly defied the Supreme Court.<sup>25</sup> They accused the Court of committing a "clear abuse of judicial power," commended "the motives of those States which have declared the intention to resist forced integration by any lawful means," and vowed to join those states in that effort.<sup>26</sup>

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<sup>22</sup> "Letter from Birmingham Jail," *supra* note 5.

<sup>23</sup> See *id.* (recognizing the necessity to end oppression).

<sup>24</sup> See *The Death of Emmett Till*, HISTORY.COM, <http://www.history.com/this-day-in-history/the-death-of-emmett-till> [<https://perma.cc/FVR2-B36C>] (confirming Emmett Till's brutal murder in 1955).

<sup>25</sup> 102 Cong. Rec. 4515-16 (1956).

<sup>26</sup> *Id.*



Although 1957 is remembered for President Dwight Eisenhower's use of federal troops to enforce school integration in Little Rock, we know he did so only because of his concern for federal supremacy and with a distinct personal aversion to desegregation.<sup>27</sup> Justice Earl Warren revealed in his biography that while the *Brown* decision was pending, President Eisenhower invited him to a dinner with Steven Davis, the lawyer representing the segregationists. Justice Warren reported that as they left the dining hall, President Eisenhower put his arm around him and said, "These are not bad people. All they are concerned about is to see that their sweet little girls are not required to sit in school alongside some big overgrown Negroes."<sup>28</sup> When Justice Warren asked himself rhetorically in the book why he betrayed President Eisenhower's confidence, he said, "[b]ecause Eisenhower never lent his moral authority to this attack [on segregation]."<sup>29</sup>

Similar resistance to *Brown* came from surprising intellectual quarters. In April of 1959, Herbert Wechsler, a respected legal academic (ultimately the father of the Model Penal Code), who served as legal advisor to the judges at Nuremberg, gave the *Oliver Wendell Holmes Lecture* at Harvard. In the lecture, republished in November in the *Harvard Law Review* Wechsler attacked the rationale and the methodology of the *Brown* decision arguing:

Given a situation where the state must practically chose between denying the association to those individuals who wish it or imposing it on those who would avoid it, is there a basis in neutral principles for holding that the

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<sup>27</sup> See Proclamation No. 10730, 22 Fed. Reg. 7628 (Sept. 24, 1956) (authorizing the Secretary of Defense to use the United States National Guard and the Air National Guard to remove obstructions of justice in Arkansas regarding public school attendance in Little Rock). In his address from the White House on September 24, 1957, President Eisenhower denounced "demagogic extremists" and affirmed that *Brown* was the law of the land. Dwight D. Eisenhower, *Federal Court Orders Must Be Upheld*, in RIPPLES OF HOPE: GREAT AMERICAN CIVIL RIGHTS SPEECHES 223 (Josh Gottheimer ed., 2003). However, he then signaled that "[o]ur personal opinions about the decision have no bearing on the matter of enforcement; the responsibility and authority of the Supreme Court to interpret the Constitution are very clear." *Id.* at 224. Many observers take the view that Eisenhower would not have acted but for the urging of his Attorney General Herbert Brownell, who by pressing for military intervention in Arkansas thereby sacrificed any chance he would have had to sit on the Supreme Court. See, e.g., ELIZABETH JACOWAY, TURN AWAY THY SON: LITTLE ROCK, THE CRISIS THAT SHOCKED THE NATION 139 (2007) (emphasizing how the men around Eisenhower felt immense pressure to resolve the crisis in Little Rock, Arkansas, and to control its governor).

<sup>28</sup> CHIEF JUSTICE EARL WARREN, THE MEMOIRS OF EARL WARREN 291 (1977) (recalling his invitation to a White House dinner during *Brown's* submission to the Supreme Court).

<sup>29</sup> *Id.* at 291.

Constitution demands that the claims for association should prevail?<sup>30</sup>

Wechsler concluded that he could find no such principle.<sup>31</sup> Also in 1959, Hanna Arendt published an article in *Dissent* magazine entitled *Reflections on Little Rock* in which *Brown* and the federal decision to enforce integration were described as “impatien[t]” and “ill advised.”<sup>32</sup>

This current of resistance to the formal death of Jim Crow could be felt by blacks throughout the country. Raymond was exposed to this tension early through his father, Raymond A. Brown, whom many of us regard as the greatest civil rights leader we ever knew. His father was what was thought of in those days as a “race” man: someone whose first obligation was to think about the future of our people. He lived with his family at the time of these events in the Booker T. Washington Housing Project in Jersey City. This was a place of cascading metaphors; after all, it was not named the Garvey Housing Project, or the Du Bois Housing Project. Because these Jim Crow projects were the location of constant meetings of movement folks and discussions of conditions in the City and the projects, Raymond says he thought Jim Crow was his family’s landlord. Gradually, he learned that Jim Crow had an army and a school system; hence, Jim Crow was his first exposure to metaphors.

In 1961, Raymond’s father decided that the Jersey City National Association for the Advancement of Colored People (“NAACP”) should picket the Jersey City Woolworths in support of the students who were picketing lunch counters in the South. Because of the ruthless machine that controlled Jersey City for decades, there was no tradition of demonstrations in Hudson County. This was the first time anyone had marched in Jersey City in memory. However, after an inspirational speech to scores of people at NAACP headquarters, Mr. Brown marched towards Woolworths followed by only four people, including Raymond. This reflects the pervasiveness of fear and racial tension existing in Jersey City and elsewhere leading up to the march on Washington.

This is the context for Dr. King’s dream. Of course, Dr. King’s dream, as articulated at the March, is *not* the American dream, but “a dream deeply rooted in the American Dream.”<sup>33</sup> This is a clear acknowledgement that there is a long road to be traveled before blacks can

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<sup>30</sup> Herbert Wechsler, *Toward Neutral Principles of Constitutional Law*, 73 HARV. L. REV. 1, 34 (1959).

<sup>31</sup> See *id.* (indicating that such a principle could not be found in any opinions to date).

<sup>32</sup> See Hanna Arendt, *Reflections on Little Rock*, DISSENT 48 (Winter 1959) (arguing that the government’s intervention was not guided by caution and moderation, and thus, is subject to potential backlash).

<sup>33</sup> Dream Speech, *supra* note 1, at 4.

be party to the American Dream, the dream of the promissory note. Dr. King was asking, in effect, are blacks ever going to be in the dream? So even as of that moment, nine years after *Brown*, in a moment that involved tens of thousands of people, black and white and every conceivable color and every strain within the movement, he was asking, are we in or are we out? Are we part of the dream or not?

The metaphorical structure of Dr. King's speech did not deprive it of specifics. The image of the "promissory note" anticipated his future focus on economic justice. He also spoke of justice, voting rights, public accommodations, and "police brutality."<sup>34</sup>

Police brutality provides an opportunity for surfacing an element of the BLM's critique of the Dream. Ta-Nahesi Coates, one of the intellectual pillars of the BLM movement addressed both questions in depth in his recent work, *Between the World and Me*.<sup>35</sup> The volume is based on the concept of the "talk" that every black parent and grandparent has with their children about how to interact with police.<sup>36</sup> Specifically, Coates's own experience with the death of a friend, Prince Jones, at the hands of Prince George's County Police, provides a platform for Coates's "talk" with his son.<sup>37</sup> A leit motif of the volume is Coates's rejection of the American Dream, as well as his own dreams.<sup>38</sup> In response to a question about his focus on dreams from a Rolling Stone report Coates said:

"The Dream" is lyrical in and of itself. It's a device, but again, I hope it clarifies. It's subverting the notion of the American Dream, subverting Martin Luther King's rendition of "I have a Dream." I wanted to do something a little darker. It's no different than these movies where they say it's a darker version of some comic book story. This is very much the same thing. I just wanted to darken the filter a little bit and take it from another perspective.<sup>39</sup>

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<sup>34</sup> See *id.* at 3–4 (providing Dr. King's views on equality for blacks in America).

<sup>35</sup> See generally TA-NEHESI COATES, *BETWEEN THE WORLD AND ME* (2015) (commenting on his experiences with police brutality, growing up black, and understanding blackness).

<sup>36</sup> See *id.* at 71, 78–79 (illustrating the conversation between black youth and experienced black elders on how to recognize their standing with police, how to feel, and what to convey to police).

<sup>37</sup> See *id.* at 78–83 (retelling Coates's experience of the death of his friend, Prince Jones, and the aftermath of his friend's untimely demise at the hands of the police).

<sup>38</sup> See *id.* at 84–85 (commenting on Coates's concept of what to expect as a black person in America and the dreams he had, paralleled with the realities that destroyed those dreams).

<sup>39</sup> Simon Vozick-Levinson, *Ta-Nehisi Coates Says the American Dream is a Lie. Is He Right?*, ROLLING STONE (July 16, 2015), <http://www.rollingstone.com/culture/features/ta-nehisi>

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The BLM movement has fashioned a critique of criminal and social justice that does not start with the assumption that the dream of full citizenship is available to blacks. On the other hand, its recourse to civil, peaceful demonstrations and voting campaigns offers a complexity that is belied by its criticism of the mid-century civil rights movement as a cisgendered, non-collective church-dominated affair. Only in the future will we know if the battle over Dr. King and his dream will remain at the center of America's metaphorical struggle over race.

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coates-on-race-hip-hop-and-being-praised-by-toni-morrison-20150716  
[<https://perma.cc/K9FT-CE9N>].

