



MLK, the Declaration, and the Constitution

Thursday, January 20, 2022

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[00:00:00] Jeffrey Rosen: Hello, friends. In honor of the 234th anniversary of the ratification of the US Constitution, the National Constitution Center is launching an exciting crowdfunding campaign. Thanks to our friends at the John Templeton Foundation, every dollar you give to support We The People will be doubled with a generous one to one match up to a total of \$234,000.

[00:00:20] I'm thrilled to share that right now we have 443 donations from 47 states plus Washington D.C. and the Northern Mariana Islands, two international donations from Switzerland and Israel for a total of \$69,339.48 cents. That's nearly 30% of our goal. We wanna see all 50 states in our glorious union come together to support the show. And we need donations from South Dakota, Oklahoma and Wyoming.

[00:00:52] If you are a listener in South Dakota, Oklahoma or Wyoming, we'd be so grateful for a donation of any amount, \$5, \$10 or more. And remember every dollar you give is doubled and signals the united support of the United States of America for, for We The People podcast. Please go to constitutioncenter.org/wethepeople, all one word, all lowercase. Now, onto the show.

[00:01:23] Hello, friends. I'm Jeffrey Rosen, president and CEO of the National Constitution Center. And welcome to We The People, a weekly show of Constitutional debate. The National Constitution Center is a nonpartisan nonprofit chartered by Congress to increase awareness and understanding of the Constitution among the American people. Earlier this week, we celebrated Martin Luther King Jr. Day honoring what would've been Dr. King's 93rd birthday.

[00:01:52] Today on We The People we'll look at Dr. King's Constitutional legacy with a close reading of some of his most significant speeches. Joining us to explore these speeches are two of America's leading scholars on Constitutional history from the founding to the civil rights movement. They're two great friends of the National Constitution Center. Every time they appear on one of our programs, they spread so much light and I'm so excited to bring them together for a close reading of Dr. King's leading speeches, which the three of us have selected together.

[00:02:23] William Barclay Allen is emeritus dean and professor of political philosophy at Michigan State University. He was chairman of the United States Commission on civil rights from 1988 to 1989. Uh, Bill, thank you so much for joining.

[00:02:37] William Allen: It's my pleasure.

[00:02:38] Jeffrey Rosen: And Hassan Kwame Jeffries is associate professor of history at the Ohio State University, where he teaches on the civil rights movement and the Constitution. Hassan, it's so great to have you on We The People.

[00:02:51] Hassan Kwame Jeffries: Great to be with you.

[00:02:52] Jeffrey Rosen: Let's begin in 1958 with the speech, "Pilgrimage to Nonviolence". In the speech Dr. King discusses his student days at Morehouse, where he said he read Thoreau's essay, Civil Disobedience for the first time, he then turned to a serious study of the social and ethical theories of the great philosophers from Plato and Aristotle down to Rousseau, Hobbs, Bentham, Mill, and Locke. But most influential of all he said was the work of Gandhi.

[00:03:20] "I found in the non-violent resistance philosophy of Gandhi, that this was the only morally and practically sound method opened to oppress people in their study for freedom." Bill, tell us about Dr. King's intellectual influences, uh, as he discusses them in "Pilgrimage to Nonviolence".

[00:03:35] William Allen: It seems to be... And I, thank you for the question. I think it's an important question because the record is clear that, uh, Reverend King was deeply and well read throughout the entire Western tradition and beyond. Uh, he frequently referred to the intellectual sources he drew upon. Gandhi was certainly prominent among them. Uh, but he no less prominently cited San Augustine and Plato and so many others. And indeed we can trace throughout his works the continuing influence both of classical and modern scholarship all the way up to Niebuhr.

[00:04:14] Thus in the pilgrimage talk, what he's doing is focusing on one period, the period he describes in his autobiography, when he came to appreciate the importance of Gandhi. And, and it is interesting the way he relates that. He talks about a letter he got from a frail little White woman in Montgomery during the boycott there, who said, "What you're doing looks like Gandhi. And when, in the autobiography when he makes note of that, he says it inspired him and he treats that as having been the occasion of his turn.

[00:04:49] But we know of course he had discovered Gandhi before that. And he was right in the pilgrimage speech. He said he was inspired by the notion of nonviolence. But what he did was to bring the two things together, the abstract notion of nonviolence with the practical application by Gandhi in India. And out of it he got not only Gandhi's influence, but the broader influence of the revolution taking place in India, which we mustn't forget.

[00:05:15] And the two things come together. He described Gandhi, for example, as dying before seeing the fulfillment of the dream. And this was in one of those moments in which King is basically meditating o- openly and publicly about what it means to put your best efforts into something while at the same time having no assurance that you'll see its fulfillment. And how do you maintain your [elon 00:05:39]? How do you keep your spirit up?

[00:05:41] But you're not going to crop the fruit of the s- the plant that you lo- through which you're sewing the seeds. And so Gandhi inspired him in that way as well. And so what you have is a, a larger picture including a picture that comes out of his trip to India. Where not Gandhi but

the Buddhist who he cites based on that trip, who were engaged in a cooperative, uh, labor to try to reshape, reform society, driving downwards towards the, the least privileged members of society a reform project that would introduce cooperative, uh, productivity in place of private ownership.

[00:06:24] So all of these things come together and, and they all constitute resources that King drew upon in developing his understanding not just of Gandhi, but of the broader social reality was faced in the 1950s and afterwards.

[00:06:40] **Jeffrey Rosen:** Thank you for that. Absolutely fascinating intellectual history of Dr. King. Hassan, tell us what was going on in 1958 when Dr. King wrote "Pilgrimage to Nonviolence". And what can you tell us about this very interesting intellectual evolution that culminated in and his endorsement of Gandhi's, uh, philosophy of nonviolence?

[00:07:01] **Hassan Kwame Jeffries:** Well, 1958 and with this piece in particular, we have Dr. King reflecting, uh, not only his intellectual journey and embrace of nonviolence as a philosophical approach to living life, but reflecting on the Montgomery Bus Boycott, right? His initial, uh, foray into the world of civil rights activism. And, and really him explaining, uh, what that movement, uh, in Montgomery, Alabama was about and specifically the centrality of nonviolence to it.

[00:07:36] You know, one of the things that we do unfortunately with Dr. King is we tend to either freeze him in a particular moment in time usually, uh, uh, dreaming on the steps of the Lincoln Memorial in 1963. Uh, and we don't appreciate the evolution in his thinking over time. And so what this, this piece actually does and what we are able to, to draw from it is that King is constantly thinking and as a young person, as a young man from, you know, even Morehouse College on, through his seminary days.

[00:08:07] He... The, the exposure, uh, to not only, uh, theolog- the great theologians, uh, but also reflecting upon the social experience, uh, that he is, that he is witnessing, uh, growing up in A- in Atlanta, Georgia. And that's critical. There's something that he says in this piece that really strikes me. And, and one thing that we often don't take seriously enough or don't center enough when we think about Dr. King, and that is that he's a minister, right? He is a baptist minister.

[00:08:36] And we can't separate his civil rights activism, uh, from his Christian faith. And so he talks about that in this piece. Uh, when he talks about his Christian Love, he's like, "Yes. You know, I, I appreciate it. I came to, to learn and understand and study Mahatma Gandhi and the use of nonviolence in India and the like." Uh, but it, it is... And he says Christ furnished the spirit and motivation, uh, while Gandhi furnished the method.

[00:09:02] It was this Christian approach to nonviolence to understanding, uh, sort of love between, uh, human beings, between man, between w- man, man/woman, not the intimate love but this broader idea of loving each other, uh, that, that we see him, uh, explain in this piece. So it, it really is, uh, this sort of intellectual journey, philosophical journey that isn't separated, uh, from his, his Christian journey.

[00:09:33] Uh, and that is this important reflection because King just doesn't appear sort of out of the ether fully formed. He is constantly thinking he's evolving. And even as we'll see in the speeches going forward, he will continue to think, he will continue to evolve drawing upon what he had learned and concluded, at, at this point.

[00:09:53] **Jeffrey Rosen:** Thank you so much for calling our attention to the connection between the Christian doctrine of love and the Gandhian method of nonviolence that Dr. King makes explicit in that 1958 speech, "An Experiment in Love". In that speech he also emphasizes the Greek notion of agape. He had introduced it in the earlier piece where he said there are three words for love in the Greek New Testament.

[00:10:17] Eros, meaning the yearning of the soul for the divine. Philia, intimate affection between friends. And agape means understanding redeeming goodwill for men. And in this speech, he says, "When we speak of loving those who oppose us, we refer neither to eros nor philia. We speak of a love, which is expressed in the Greek word, agape meaning understanding redeeming goodwill for all men." Bill, you talked about the classical influences on Dr. King. Why is he emphasizing so much the Greek notion of agape here? And to what degree were classical sources central in his thinking?

[00:10:52] **William Allen:** The fact of the matter is, Jeff, that as it seems to be he draws the agape from the New Testament. And what is taking place in that... So, so we can't call it a Greek notion strictly speaking. It is coining, uh, the Greek that had descended to the Christian era that he's citing from. But it has a relationship with classical Greek. It has a relationship with DK in Arctic Greek, which is justice.

[00:11:19] And we know that he repeated nothing so often as the expression, "Justice will roll down like waters in a mighty stream." Constantly talking about justice. Well, it turns out justice and agape have the same meaning. He knew that in Aristotle justice was defined as the preference another's good. So to understand this notion of love, even as it expressed in the idea of the beloved community, is to talk about what it means to attain justice at last. And is to live in a society in which the preference of another's good is the instinct and not a forced expression.

[00:11:59] So that, that's what the agape is about. It is a capturing both of what we might call the classical Greek philosophical tradition and the Christian tradition in a single word. And he's doing this because he wants to draw from all these traditions. And he does this. He has a sermon a year after the pilgrimage speech on Mahatma Gandhi in March of 1959. And he walks through every one of those steps in that sermon when he is talking about Gandhi of all people, but he's also situated him in terms of world history.

[00:12:35] He s- he talks about the people the world doesn't like. They don't like Gandhi. They didn't like Christ. They didn't like Socrates. He goes on and on and on. What he's done is to say, "We draw all these resources together into a single portrait of human possibility." That's what Agape is a about.

[00:12:55] **Jeffrey Rosen:** Wow. So fascinating to learn about the connections between Aristotelian justice and Christian love embodied in that word agape. And in that 1958 piece, as

you say, Dr. King connects them. He says, "Agape is disinterested love. It is a love which the individual seeks not his own good, but the good of his neighbor." Citing Corinthians-

[00:13:16] William Allen: Yes-

[00:13:17] Jeffrey Rosen: ... 10.

[00:13:17] William Allen: Yes.

[00:13:18] Jeffrey Rosen: "Agape does not begin by discriminating between worthy or unworthy people. It's not weak passive love. It's love in action." Hassan, talk more about that crucial Christian theme, which you introduced and which is explicit here. The, the melding of... Well, the three traditions, the classical one, uh, Gandhi and the Bible. And to what degree are, are Dr. King sermons central in the late '50s in shaping his moral vision?

[00:13:48] Hassan Kwame Jeffries: Well, I think what's critical here as well is that King as he's, uh, drawing upon this Christian tr- tradition tying it to the Greek philosophers as well, but he's applying it to action, right? I mean, this is... W- what do we do with this now? What do we do and when we center, uh, the, the other people in our own world? And, and how do we then not only reach out to them, but when they are not centering us, when they are oppressing us, what do we do? And this is where the nonviolence comes in, right?

[00:14:23] This is where he's saying that, "Look, how do we, how do we move people? Uh, not just states, how do we move people who are engaged in these acts of violence against us, who are, who are perpetuating injustice?" And this I think becomes so critical to understanding sort of who he is and why he embraces nonviolence and what nonviolence is. I mean, he talks about here that this isn't, uh, sort of passive resistance. This isn't the actions of the week. This is sort of affirmative, uh, work, uh, and it, and it takes courage and it takes this idea of centering other people.

[00:14:58] And he said, "That's hard." And it's also not something that, uh, intuitively he explains that he embraced. You know, he was skeptical. And that's important too when, when reading these other speeches and reading about King in, in some of his sermons. He, he admits to sort of having to grow himself and being skeptical. But the deeper... Uh, the more time that he spends reflecting and studying, he sees that this, there really is no alternative but to center this idea of, of, of loving others, again, not in that intimate way.

[00:15:30] But loving, but putting others and their priorities, uh, seeing them as human beings and saying, "Okay, how can we move forward together even if you do not recognize, uh, my own, my own humanity?" That, that to me is powerful. And it's also not something that is easily done.

[00:15:48] Jeffrey Rosen: Beautifully put. Well, we turn out to the "Letter from the Birmingham Jail", uh, 1963. Uh, Bill, you have a powerful piece in the public discourse called natural law in the American civil rights movement, where you say that it was on a foundation of St. Augustine's natural law theory that came in the Birmingham speech discover the grounds of civil disobedience of just law is manmade code that squares with a moral law or the law of God.

[00:16:14] And you say he invoked not only Aquinas, but Buber, Socrates, Tillich and Niebuhr. And then you make this fascinating connection where you say he gives two examples to defend civil rights for Black people. The same two categories established by justice James Wilson, uh, the great founder. Tell us about all of those influences in the seminal "Letter from the Birmingham Jail" speech.

[00:16:37] William Allen: Certainly. I'm happy to do that. Let me start at the beginning though by saying that when he opens that speech and describing the problem of justice and injustice, uh, he uses a formulation from St. Augustine to be sure and also the formula from George Washington, who, who famously said, "Law could never make just when it's in its nature unjust." Which is precisely the argument that King was making.

[00:17:03] The point I'm underscoring is he worked not only within tradition, but within the context of the American political tradition, the American constitutional tradition. He wasn't inventing new principles in the "Letter from Birmingham Jail." He was in fact giving new emphasis to principles that had long been established. And therefore as he spoke, primarily we must all remember to the clergy who had written to him, uh, questioning his actions there in, in Birmingham and in Montgomery.

[00:17:38] Uh, he was saying to them, "Look, you've decided to go the sidelines and you should be here with me. Why are you asking me why I'm in jail? The question is, why shouldn't you be in jail?" Because this is what it means to care about justice. So, so that he was emphatic in phrasing his argument. But we must, we must pay attention to something that I think is extremely important.

[00:18:00] In so many of his speeches, he demonstrates an extraordinary capacity to speak to the ordinary understanding, to draw forth from ordinary human beings a fulsome response to moral imperatives. In the "Letter from Birmingham Jail" he draws upon the richest academic traditions. This is not a statement written to the ordinary understanding. This is written to the supposed sophisticates, and what he does is engage them on their own ground.

[00:18:33] And says, "You think you're sophisticated, but let me tell you what I read in the tradition." For example, he nimbly moves back and forth in many of his writings between, uh, dismissing Nietzsche, who he said dismissed love, to embracing Nietzsche, whom he said Nietzsche recognized the importance of power. He's able to take these different streams of thought.

[00:18:59] He did the same thing with Karl Marx. He said, "Marx didn't go far enough. He didn't follow Hegel into the spirit. So, so he became materialistic. He followed Feuerbach." He was capable of working with all of these rather recondite references and citations. And so what we see in the Bir- "Letter from Birmingham Jail" is how forcefully he can work with those materials.

[00:19:23] Uh, it is the most extraordinary thing as it seems to me to, to observe that King in the course of his work was actually striking the posture of someone who in other ages would certainly qualify as a founder. We could say he ranks right there with Washington, with Lincoln,

and going back in history to those who would legislate for peoples, who would set the standards by which they would live. And, and certainly at the outset.

[00:19:53] You know, uh, professor Jeffries said at one point, "We have a tendency to freeze it in time." And I can't agree more. I, I think that is extremely important to acknowledge. We all want to remember the "I Have a Dream" speech and yet we forget that he was an evolving character. So he sits in the Birmingham Jail and he has one set of ideas that are prominent in his mind.

[00:20:17] Not many years later, he's sitting at a Lawndale apartment in Chicago and discovering for the first time in his life in a manner of speaking what it's really like to be poor in America. Because we must remember he was thoroughly middle class. I mean, he grew up in Atlanta not very far from where, where I grew up. And we all understood who the Kings were, and they were not poor people. [laughs] they were not those who were living on the margins. And so he had to go through this experience of learning the other life, and he gives voice to that in the Chicago campaign.

[00:20:48] Uh, much of it h- has a consequence of, in some ways, not leading, leading to an evolution but to a deviation in his trajectory. And, and we will get to that as we proceed through this, in particularly when, when we talk about the speech, "Where Do We Go From Here?" But the point is that he was working on solid foundations with a thorough command of the materials. He was reaching out to other people who perhaps had a more superficial command of those same materials. And so he was investing them with the power to understand more deeply than they understood.

[00:21:28] Jeffrey Rosen: Wow. Thank you so much, uh, for all that. Uh, Hassan, why in 1963 is Dr. King writing to the sophisticates rather than to ordinary people? And what can you tell us about the famous words, injustice anywhere is a threat to justice everywhere, we're caught in an inescapable network of mutuality tied in a single garment of destiny. What was the effect of the speech on the civil rights movement?

[00:21:57] Hassan Kwame Jeffries: Well, King is not happy, right? Uh, when... Sometimes when we look back and, and we think about Dr. King, we, you know, we see him smile and th- you know, King, he, he, he, when he's in jail. Uh, but he, he is also not happy, uh, with the sophisticates as we are describing them. In particular, this is a direct response. The "Letter from Birmingham Jail" is a direct response to White clergy.

[00:22:17] Uh, and, and, and specifically a, a handful of eight or so clergy in, in, in Montgomery, Alabama so-called moderates who were critical of King and his activism, right? Saying that one, "Why are you even here? You are not a native of Birmingham, Alabama. You shouldn't even be here." And this is where King's response, "I am here one, not only because the members of the Alabama, uh, Christian movement for human rights local Black activists called me in, I have an invitation.

[00:22:45] But more importantly injustice anywhere is a threat to justice everywhere. This... I am here because injustice exists. And you should be as, as it was pointed out. But, but you

should be with me right now. Not only on the streets of Birmingham, you need to be here in jail." This was a lesson, uh, in what Christian faith ought to be directed specifically, uh, at those who on Sundays were preaching in front of segregated White, White audiences.

[00:23:12] And then he goes on to say... Again, this is one of my favorite pieces from King, right? And, and really is a founding document, right? Probably the most important written piece in the 20th century of my opinion. And he says, "Look, what do we do, right?" We've had this long history coming up on two centuries now of unjust laws. And we are bound together. This is what he talks about. We're bound together. We're connected. What affects one, uh, affects us all.

[00:23:38] And so what do we do about it? Uh, and so it's not only a critique, uh, of, of the shortcomings and failings of those who we would expect more of the, the most enlightened individuals in our society. It is also very much a call to action, right? Drawing always. It's always that. It's critique. It's what am I thinking. But then also what can we do? And he says, "Look, nonviolence."

[00:24:02] But now this is also 1963. Things are heating up, right? And so he is like, "Look, you can either deal with this in a nonviolent way and deal with me, or you're gonna have to deal with the violence of the brothers and sisters who are willing to take to the streets, right?" I mean, you hear the echoes of Malcolm X over his shoulder, right? And he is like, "Look, you know, you got the brother Malcolm up north, and he has his own vision, uh, and version of the way things should go. And I understand it. I don't agree with it, but it's there, it's a reality."

[00:24:28] So it is this very much a critique, but it's also saying, "Look, we're in this together. I expect more of you." Uh, c- this is one of the letters that is written in those aspects of White folk, right, as the audience. He's like, "Look, y'all gotta do better, right[laughs]? Especially if you think... Uh, you know, no more talking about be patient and all this stuff. We don't have time to be patient. You gotta do better and you need to be with us in this struggle."

[00:24:53] Jeffrey Rosen: Well, that brings us to the "I Have a Dream" speech in 1963 and the invocation of the Declaration of Independence. Dr. King had invoked, uh, Jefferson's declaration in the Birmingham Jail speech and on the Washington Mall. He so memorably said that when the architects of our Republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. Bill, tell us about the relationship between the Declaration of Independence and Dr. King's thinking and its central role in the "I Have a Dream" speech.

[00:25:34] William Allen: I think the best way for us to understand why Dr. King invoked the Declaration of Independence and the Constitution, he also praised the Constitution in some speeches sounding very different from the, our contemporary discussion of these things. Uh, he himself explains, uh, when he was in Chicago. I had mentioned that before when he went to Lawndale and lived there in this terrible apartment for a year.

[00:25:59] Uh, he said, "At one point there, I and others like me had held out radiant promises of progress. I had preached to them about my dream. I had lectured to them about the not too distant day when they would have freedom all here and now. I had urged them to have faith in America

and in White society. Their hopes had sored." Now that's his after report on the "I Have a Dream" speech. He say, "What I was doing there was trying to bring together in a union, in a wedding, so to speak, these discorded elements of the society. And I wanted to build it on the foundations that everyone recognized as essential to the identity of this society."

[00:26:51] And that takes us right back to the Declaration of Independence as Abraham Lincoln always understood at whom he praised Lincoln himself for that very contribution. Therefore as we read the "I Have a Dream" speech, we're seeing not just an oratorical performance but a rhetorical performance. And, and this is when I spoke earlier of the way he could speak to the ordinary understanding.

[00:27:17] Here what he's doing is drawing from the well spray of commitment to the fundamental principles of the Declaration of Independence that all men are created equal. And I might add that the consent of the governed is the foundation for building a sound society 'cause this is what's also at the back of the "Letter from Birmingham Jail" as I describe in my writings about that. He say, "You cannot have a sound society without a sound political economy." And that means sound families. It means sound churches. It, it means all the elements must work congruently.

[00:27:52] And the congruence is centered on the identification of the fundamental principle to which all give cradle commitment. And those are the principles enunciated in the Declaration of Independence. So that it's syncretic labor. And that's what it was, a kind of syncretism. He's saying "I, I'm facing a society and with their distorted elements. So I'm gonna synchrotize. So I'm gonna bring them together."

[00:28:17] And the syncretic principle was the unifying power of the vision in the Gettysburg Address. And, and Lincoln calls it a fundamental maximum of a free society, an axiom. And that's how, uh, King, Reverend King was treating it. He did this deliberately. But it was also, you might say, the expression of his heart. He has time and again throughout his writings acknowledged that he began his mission with the commitment to redeem America as America.

[00:28:56] It was only later that he began to despair the possibility of redeeming America as America. And we'll come to that. But now he's still full in the vital expression of the hope of redeeming America as America. And so the "I Have a Dream" speech is about that. The famous content of our character line is essentially a way of describing who we should all be when we are all standing and singing from the same hymn book.

[00:29:30] Jeffrey Rosen: Thank you for that wonderful word syncretic, which I had to look up, characterized by a combination of different forms of belief or practice. It so powerfully, uh, establishes the melding of intellectual traditions in your argument that he was trying to speak to White America at that moment, that moment when 250,000 people attended the march on Washington to hear the speech.

[00:29:57] Hassan, tell us again about the context that 250,000 people to the mall. And do you also see it as a kind of synthetic or syncretic attempt to redeem the promise of the declaration on

the steps of the Lincoln Memorial, and how else would you like us to understand the "I Have a Dream" speech?

[00:30:17] Hassan Kwame Jeffries: Oh, absolutely. It is definitely King reflecting and drawing upon clearly the founding documents, Declaration of Independence, the Constitution. But it's important because sometimes, and, and now we hear sort of, uh, in the echoes of those who would use King out of context to support a particular political agenda. They will say, "Ah, King upheld the Declaration of Independence. Uh, you know, King believed in the Declaration of Independence."

[00:30:45] There's a difference between recognizing the promise and potential and understanding the historic context out of which it comes. King understood that when Thomas Jefferson said, "All men are created equal." He wasn't talking about Black folk, he wasn't talking about women. He understood that context. So when we hear him reaching back to the founding documents and talking about the promise and potential of it, this is projecting forward.

[00:31:09] He's saying, "Look, this is what we should be aspiring to, and we haven't reached it. This is why that promissory note. We, we've come to, uh, Washington to cash a check and that check unfortunately, uh, has come back marked insufficient funds. We have not done enough. We have not lived up to the founding principles, but it's there. We've, we've... It's on paper, right?"

[00:31:32] This is the, this is, this is very much seen echoes of this through the African-American freedom struggle of Black folk reaching back saying, "Look, this, this is what you said dear White folk, dear founders, right? No takebacks. You, you, you put it on paper. You can't take it back. You can't change it now. So what are we gonna do about it? Does it really have meaning? Does it really, uh, resonate with people? Uh, and, and does it apply to people?"

[00:31:57] And so I think part of what w- and how we should think about "I Have a Dream" in its full context, is this is, yes, a critique of the past, right, and the moment, right? He's explaining why we have to have the fierce urgency of now, why we can't be patient, right? Offering... Saying, "Look, we can't be patient until police brutality is over." He's just coming off of the Birmingham campaign as we see Bull Connor and others beating Black folk, beating Black children in order to maintain, uh, segregation down there.

[00:32:28] So he, he's, he's very much reflecting on the moment using the Constitution, using the founding principles and ideals, not to say that, "Hey, we've arrived, but look where we have to go." That's what a dream is. A dream isn't present reality. A dream is a projection into the future. And that's what he's saying. Then, and then he ends, of course, by saying, "Look, we gotta do something. Like, we can't be patient. We can't not act. We have to engage the process of nonviolent civil disobedience so that we can make this dream a reality."

[00:33:09] Jeffrey Rosen: The National Constitution Center relies on support from listeners like you to provide nonpartisan Constitutional education to Americans of all ages and to convene extraordinary conversation like the one that all of us are privileged to be listening to right now. Every dollar you give to support We The People will be doubled with a generous one to one

match up to a total of \$234,000 made possible that the John Templeton Foundation. Visit constitutioncenter.org/wethepeople. And thank you for your crucial support at constitutioncenter.org/wethepeople, all one word, all lower case. Now back to today's extraordinary conversation about the constitutional legacy of Dr. Martin Luther King.

[00:33:56] Our next speech is "Our God is Marching On", March 25th, 1965. How long... Dr. King asks how long? Not long, not long because the arc of the moral universe is long but it bends toward justice. Bill, what's the significance of this speech?

[00:34:15] William Allen: Well, in the first place, it establishes the fact that we need to remind ourselves of that, that long before 1963 King had already achieved, uh, not just national but international Providence for his ability to give voice to the aspirations not just of Black citizens, but of the United States itself. And that speech is one of the early moments in which he identifies that.

[00:34:44] But let me go back just for a moment 'cause I, cause I think it contextualizes that speech to say, regarding the "I Have a Dream" speech and the appeal to the founding, it's really important for us to understand that he was not speaking out of tradition. He was saying what Prince hall said when Prince Hall submitted a proposal, a resolution to the Massachusetts General Court. He was saying what Benjamin Banneker said when Banneker sent a letter to the Secretary of State Thomas Jefferson asking him to live up to the promissory note, to the principles of the Declaration of Independence.

[00:35:19] In other words, the dream was a continuing dream. The blank check, it wasn't simply insufficient fund. It was a blank check. We must remember that because there was no amount filled in. And the reason there was no amount filled in on the check was because it was up to us to fill it in so that he was invoking a lot of powerful symbols there. And that's what the 1955 speech is suggesting. We, we're gonna work our way through this thing carefully reflecting on where we're headed.

[00:35:53] But we're not working from scratch. We've got a lot behind us. We have arrows in the quiver. We know what to draw upon. These things have been said before. What I'm doing is giving them... I'm concretizing. I'm giving them a form where all can witness. Not just Thomas Jefferson reading a private letter from Benjamin Banneker. But in effect taking Banner's letter and making it available to the entire world.

[00:36:22] See, that, that's what King's mission was. It was to lift these things out of the private conversations or legislative deliberations and bringing them to the forefront of public consciousness. And that 1955 speech describes how we go about doing that. That is at least how I read it.

[00:36:41] Jeffrey Rosen: Hassan, do you agree that Dr. King in that '65 speech, "Our God is Marching On", is offering an optimistic tradition of the Constitution as fulfilling the promise of the declaration? The arc of the moral universe is long but it bends toward justice. And what other traditions in the civil rights movement is he arguing against as other voices are expressing skepticism that the promise of the declaration will indeed be fulfilled?

[00:37:10] Hassan Kwame Jeffries: He is offering, uh, a sense of optimism. I mean, when he talks about the arc of moral universe is long but it bends towards justice, in this moment he's coming at the end of, of this particular speech. And, and it's a response, uh, to, to a wonderful refrain, "Uh, how long? Not long, uh, because the arc of the moral universe is long but it bends towards justice." But...

[00:37:31] And, and he doesn't go into great detail here. But when we look at the body of his work and what he says, you know, we often take that phrase and just look at and say, "Oh, arc of the moral universe is long but it bends towards justice. So good. We can just kind of wait and let the, let the universe do its thing." But he, he talks elsewhere about... And, and part of the critique of the American understanding of how change comes about is this idea that, you know... Or, or him rejecting, uh, this idea of perpetual progress, right?

[00:38:01] So he said, "Okay, well, if you're saying the arc of the moral universe is long but it bends towards justice, and at the same time you're saying that perpetual progress isn't something, uh, that is necessarily guaranteed, how do you, how do you make the two work?" And it is this notion going back to King as activist as well in addition to philosopher and theologian is that there has to be a force exerted on that arc of the moral universe in order to bend it towards justice.

[00:38:29] We can never separate out King calling for action as the outcome of what he sees as where we ought to be or where we can eventually go. And so I think, yes, it's sort of an optimistic vision. But coming on the heels of the Selma campaign and in that speech laying out this long history of voting rights and, and segregation being, uh, the... And he talks about reconstruction and segregation, uh, being sort of foisted on sort of W- the White working class to separate them from the Black working class. So this is deep history of sort of American politics.

[00:39:03] And then saying at this point, "As we pursue the ballot." And from this point forward he begins to talk a little bit more about power as well. But as we pursue the ballot, this is part of the action that can be taken that acquiring the, the vote isn't the end but rather the beginning of a new phase and struggle. Uh, and he's really, uh, pointing towards that. I hear him pointing towards that in this particular speech.

[00:39:29] Jeffrey Rosen: Our next speech is "Beyond Vietnam: A Time To Break Silence". It's 1967 and Dr. King is sounding less optimistic. He says a true revolution of values will lay hand on the world order. And say of war, this way of settling differences is not just a nation that continues year after year to spend more money on military defense and on programs of social uplift is approaching spiritual death. Bill, what should we understand about the "Beyond Vietnam" speech?

[00:40:01] William Allen: I think the most important thing to understand is that Reverend King has refocused. As I said before, it began in Chicago. Uh, he wants to make the statement, uh, that I've seen a lot of hate in the South but I've never seen anything like what I saw in Chicago. Uh, that meant that he was doing a recalibration of exactly what the measure of the task was. And he was, of course, like all the rest of us at that day, uh, influenced by the transpiring in Southeast Asia.

[00:40:37] He formulated an opinion about it. But for him it wasn't a separate question from the question that was the center of his life. Or at least what he understood was, if he was going to take a position on it, it had to be a position that grew out of his concerns with bringing about justice in the United States with regard to the fate of the untouchables. And he himself called himself an untouchable and likened Black people to the untouchables in India in previous speeches.

[00:41:09] So that as he reacts to Vietnam, he's beginning to discern what he begins to think of as what we today would call systemic issues in the United States. Not just in the people in charge, but in the very form of the society and the nature of the community. And so now he's going to start calling not just for action that expresses the agency of oppressed peoples. He's gonna start calling for action that would reshape the society altogether. This is the deviation I talked about from the earlier phase of King's career.

[00:41:54] I think it was an unfortunate deviation ultimately, not because he was right or wrong about Vietnam, but the conflation led to some consequences for which we are still paying the price today. For it turned out that as professor Jeffrie was saying a moment, this question of how long became a question of whether, a question of can it happen at all? When the notion of the arc of justice bending, the arc bending towards justice was taken to be an inevitability, it had a certain kind of influence.

[00:42:33] But when it was called into question, how much we could bend it, then it changed the direction of our thought and it forced us to ask how much agency do we really have? Do we have power to bend it? And he began to focus more and more on power. Now at the center of the Vietnam speech is the misuse of power. I would not suggest that anyone take his summary of the events leading up to the Vietnam intervention and debacle as being historically comprehensive and therefore accurate.

[00:43:12] It is close enough to the reality to justify forming an opinion, and that's all that's necessary in this context. But the opinion he then forms is an opinion that we are grappling now not with the question of how to restore an enabling promise of 40 acres in a meal, or even an enabling commitment of reparations. We're entering into a new landscape in which we have to talk about as our capacity to provide maintenance for people who are in fact at the bottom of the social ladder.

[00:43:52] And that's why it gets mixed in with the call for guaranteed annual income. That's why the defense budget gets contrasted with what's spent to relieve suffering domestically. You will see as you read through that speech, these things are all interconnected. He has formed in his own mind a, a portrait of what is the obstacle to progress domestically. And it means it is the influence of the very system itself.

[00:44:25] He even begins to speak about the capitalist system itself in the course of these remarks and in remarks around this period of time thinking, "This is a fundamental problem, and we can no longer talk about solving our problems by nonviolence. We must go beyond nonviolence." He doesn't abandon nonviolence, but we must go beyond nonviolence and begin to talk about reformation structurally, constitutionally, institutionally.

[00:44:52] Now, unfortunately, apart from the specific, uh, command, demand... I won't, I won't say request. The specific demand to get out of Vietnam and to redirect, uh, substantial funding to solving social and economic problems in the United States. The idea of the reformation remained vague. And I'll go back to what I said earlier about his embrace of the Buddhists in, uh, India. Uh, he may not have been aware that what he was doing at that moment was echoing FDR's brain trusts.

[00:45:27] We had had attempted that specific movement in the United States early in the 1930s. And it was a spectacular failure, which nevertheless one's independence was when in India, was exported to India. He was probably not aware of that, but he was embracing potential solutions that required reshaping the constitutional framework and specifically reshaping the idea of what personal responsibility means.

[00:45:59] And the notion of putting a floor beneath individuals. His intention with personal responsibility. Enabling individuals is not. Maintaining individuals is intention with personal responsibility. But he was moving in that direction. And one of the consequences as we'll see in a moment where we talk about the next speech is to, uh, begin to sow seeds that have led us down rabbit trails about how we can change the country and to abandon what was always a part of his messages theretofore of how we can change ourselves

[00:46:40] **Jeffrey Rosen:** Hassan, do you agree with Bill's account of the "Beyond Vietnam" speech in 1967, which Bill says marks a shift in Dr. King's thinking, uh, from action that would unleash the potential of individuals to structural reformation that would reshape society and redistribute power. And what would... What do you think is happening in 1967 that led to the Vietnam speech?

[00:47:04] **Hassan Kwame Jeffries:** Well, I absolutely agree with the analysis of the speech. And, and I love the, this idea of thinking about King at Riverside and this speech reflecting a recalibration. Because it is very much that. And it's a reflection of, I, I, I think King thinking about, um, what's going on in the moment, right? I mean, so King is, King is late on the progressive critique of Vietnam. Uh, he is being pushed.

[00:47:32] the year before had come out with this statement critiquing Vietnam. So... And, and King talked about when he lists sort of the reasons why he is now speaking out that it took him a while to think about this. Uh, with young people taking to the street saying, "Wait, you're telling us, uh, in watts, not to, uh, destroy property, not to engage in violence, but you're silent on the nation going halfway across the world."

[00:47:57] And so I think that does speak to King thinking and thing back and saying, "Wait a minute, I, I, you know, I do have. I... My, my silence, uh, is, is, is betraying me in a way." And, and so he's self reflective there. And that recalibration, I think is, is a reflection of what others in the activist community have been saying themselves but then also wanting King to say. And so he sort of lays out why, you know, why he is now speaking, why he hadn't spoken before against the Vietnam war, but most importantly why he is here now.

[00:48:30] And then this is absolutely King talking about, uh, systems and systemic racism, which is fascinating because he gives the example, right? A- always... You know, the philosopher but then also the baptist, uh, minister of the good Samaritan. And, and he says, "True compassion is more than flinging a coin to a beggar. It comes to see that an edifice which produces the beggars needs restructuring." Now, that's... And, and moving beyond, right? He's like, "Look, this whole, the whole thing has to be reimagined."

[00:49:03] And I think it's less about... I think for King it's less about sort of flaws in the constitution as it is flaws in capitalism. And, and he, and he talks about sort of America at this moment getting sort of wrapped up in things as opposed to sort of centering people. And I think for him that's a critique of capitalism, uh, more so than it is how we have structured sort of American society.

[00:49:29] And, and, yes, it is sort of reflecting back, you know, a little bit on sort of the new deal. I mean, 'cause, you know, King is formed in the depression, uh, and, and, and looking back and saying, "Wait a minute, we have to have this sort of not a minimum wage, but a guarantee income." And I think it's because he believes in people, right? He believes in, uh, the ability of people if given the resources, uh, to reach their, their fullest potential. And they can't do that as long as poverty persists. Now, now, where, with, with, with myself and, and Dr. Allister, we gotta get into the next speech where, where we may deviate a little bit.

[00:50:05] William Allen: [laughs]

[00:50:05] Hassan Kwame Jeffries: I think it's... I think that, yes, this is the important part where you're critiquing the systems and structures. And it doesn't necessarily mean that it's a denial of the human potential of the individual. 'Cause I read sort of the arc of moral universe is long but it bends towards justice. A component of that can be read promoting complacency. That I don't have to do anything because the arc of the moral universe will bend in this direction. All I have to do is let time pass.

[00:50:36] Now, if you believe that... And King talks to me. He's like, "No, we can't be patient. The fierce urgency of now." But for many folk, for many White folk in particular, when they're counseling patients, they're like, "Look, things will change. Just give it time." And that provides this sort of justification for complacency. So I think perhaps part of... You know, there can be an argument that can be made that, hey, explaining... So shifting a little bit away from that isn't necessarily a bad thing if it gets people to act.

[00:51:04] Jeffrey Rosen: Now we come to this speech, "Where Do We Go From Here?" 1967. Dr. King says, "We must honestly face the fact that the movement must address itself to the question of restructuring the whole of American society. When you begin to ask that question, you're raising a question about the economic system, about a broader distribution of wealth. When you ask that question, you begin to question the capitalistic economy." Bill, tell us about this speech and why you think it represents an unfortunate shift from a focus on individual identity to one on group identity.

[00:51:39] William Allen: I, I, I'm happy to take that up, but I, but I ask for your patience because, uh, m- much of what professor Jeffrie just said is, is powerful. And I agree with it. But I wanna suggest that there is an underlying foundation of it, which is perhaps a bit tendentious, not on his part but historically speaking. Uh, and that has to do with this. And King himself actually acknowledges this.

[00:52:03] Uh, in this speech and elsewhere, he makes an exception for the period after reconstruction for what was happening to Black people in the country. Most people don't even see that. They gloss right over it. What does that mean? It means that for 30 to 40 years in the direst circumstances, Black people exerted powerful agency, they changed their situation in the country. The population doubled in just 30 years. It was incredible. Unlike anything we've seen.

[00:52:35] At literacy 50% by 1920. I mean, things were changing. A burgeoning middle class was emerging. Oh, yeah, not huge but burgeoning. Uh, much happened. Most importantly, and this everybody misses the point on, between the end of the 19th century and the period in which we saw dramatic legal change, we saw extraordinary progress under the worst circumstances. Jim Crow enforced segregation, massive lynchings.

[00:53:11] I went just a couple of years ago down to Alabama, Georgia, elsewhere, Tennessee leading teachers on a civil, tour Civil Rights Monuments Memorials. And we stood in Selma Bartholomew. And we were talking about what it was that the people who gathered there to plan their march across the Edmund Pettus Bridge were thinking and doing. And as I stood there, I stopped to the middle of my remarks and I looked up and I asked the group of teachers to look up with me. I said, "Do you see what we're sitting in? Do you see this remarkably beautiful edifice? Whom do you think built this?"

[00:53:52] I was met with silence initially, but eventually someone typically offered the suggestion that perhaps the people who worship there, the members. I said, "Yes. Those same Black people in the heart of the cotton belt, in the heart of lynching, in the heart of Jim Crow, in the heart of discrimination demonstrated their agency, their aesthetic, their material sufficiency." And that's the exception that King was talking about when he said except for a short time after reconstruction.

[00:54:26] The oppressed were not because of being oppressed disabled. A critical, critical observation to me because since that time we've forgot to remember that Black people were not disabled when they chipped away brick by brick at the edifice of enforced Jim Crow and racial segregation. It wasn't Brown v. Board of Education out of the blue like a thunder l- boat. It was a series of steps pushing all of along the way.

[00:55:01] So, so that sense of action that had been present since the end of slavery is what came to be imperiled when we started talking not about action of our own, but actions of others to restructure in our interest. And so where do we go from here is poising us at that moment. You're poised at precisely that moment where we have to make a choice whether we are going to make an appeal as victims for relief or whether we are gonna continue to insist that we can change it through our own exertion.

[00:55:45] And that doesn't mean gaining political power though political power like economic, moral, and all the other forms of power is part of the equation. It doesn't mean we are in command. It means we have sufficient agency that we can use the resources available to us to alter our circumstances. When King got to Chicago and saw the terrible circumstances there, he did the wise state.

[00:56:11] He led protest marches against real estate agents and housing authorities and others to begin to think about change. When he went to Cleveland, he put seal tests out of business because they weren't doing the right thing. But the most important thing in all of that gradually was lost sight of, and that is the challenge to the people in those communities to change their circumstances no matter what.

[00:56:39] And that's a hard lesson and a hard message to deliver. I know that. I don't shrink from delivering it, but I know it's hard 'cause I understand how people suffer. I, I too was raised in the segregated South and I'm not that much younger than King, that I'm very aware of all that he lived through and all that he contributed. And I also know the extent to which his influence became pivotal.

[00:57:05] When my mother was lying in the hospital in her final days and moving from time to time in and out of delirium, she came to through at one moment with a loud call, "Martin, help me please." And I knew she was talking about Martin Luther King. So that he had acquired an authority that gave people hope. He had acquired an authority that was incapable of inspiring people and directing them. When he began to argue that we can't change this by what you do, we can change it by changing the system, he began to undermine that authority and to give room for the victim mindset to grow.

[00:58:00] Jeffrey Rosen: Martin, help me please. Thank you, Bill Allen, for that extraordinary statement. Uh, Hassan Jeffries, the, the last word in this remarkable conversation is to you. I think you may have a different take on the "Where Do We Go From Here?" speech. Please share it with our We The People listeners.

[00:58:20] Hassan Kwame Jeffries: I'm almost convinced by Dr. Allen. I'm almost convinced.

[00:58:23] William Allen: [laughs]

[00:58:23] Hassan Kwame Jeffries: [laughs] I, I, I-

[00:58:23] William Allen: Thank you.

[00:58:23] Hassan Kwame Jeffries: Almost. Almost. Alm- alm almost so close.

[00:58:32] William Allen: [laughs]

[00:58:32] Hassan Kwame Jeffries: The, there's, there's, I, the, the, where we agree, where we agree, the where we agree is there is that moment, that acception, right? That accept is so critically important. And the agency of Black folk. I mean, and, and it's not just limited to that post reconstruction moment where during the nadir, the depth of the African-American

experience in America in, in this, in this post slavery moment where lynching i- is at its highest, racial terrorism is at its highest.

[00:58:57] You see Black folk building. You see despite it all, they're coming together drawing on the limited resources that they have, building up not only a Black Wall Street in Tulsa, but a Durham, North Carolina and Atlanta, Georgia. Even in rural Black communities, right? The largest, um, percentage of Black farmers and Black landowners is at this moment in time right around the turn of the 20th century.

[00:59:21] So it, it creates this sort of paradox. It's like, "Wait a minute, if things are so bad, why are Black folk seemingly doing so well comparatively, right, in terms of where they had come and later on where they would go?" And so I absolutely agree, like, the agency is critical. And, and King is very much aware of that. I think where we deviate though, is that ha- that I, I see... And I th-

[00:59:43] And, and this is where I think King was going... And I think he was right here. I think he was right here. That you can have at the same time a critique of systems and structures that does not disable or disempower the most marginalized in society. And by that I mean that, you know, you can do all the independent Black community wealth building, uh, saving, uh, and turning over dollars.

[01:00:09] But if you can't get a mortgage because the banks were won't lend it to you, because the federal government has created, uh, in the 1930s coming out of the new deal era, a criteria saying that, "If you're, if you're in a Black, predominantly all Black neighborhood, we will not guarantee the loan to the, the, the mortgage for you." Then that is a st- That has to change. I mean, all the hard work that Black folk can do, there, if there's a ceiling, a structural ceiling in place, then that ceiling has to be broken, that ceiling has to be shattered. It's not gonna happen on its own.

[01:00:47] But I think the recognition of saying that, "Wait a minute. You know, we can, we can work. We have to work. We have to do this. We have to do it ourselves, but also in coalition with others. But we also have to be clear that this thing ain't perfect, right? And that there are real structural problems and systemic problems that unless we address them, they will not change. And unless they change, we will not as a people be able to strive toward that freedom, succeed that ha- secure that freedom that Dr. King was talking about."

[01:01:22] So I think... Y- I, I, I don't disagree with the c- with the history and the moment and the centrality of activism. Nothing happens without Black folk doing it, without marginalized folk exerting that pressure, succeeding that agency and saying that, "We have to create the world, uh, that we want." But at the same time, I think it is important to recognize where those structural impediments are in place and say, "You know what? You can still try to... Y- In order to overcome any obstacle that's in front of you, you have to recognize and acknowledge that the obstacle is there." I used to run track and I was never good at the hurdles 'cause I couldn't jump over them.

[01:01:59] William Allen: [laughs]

[01:02:00] Hassan Kwame Jeffries: But I had to see them. I knew they were there. I would try, right? And I think that's where that structural critique is so very important to acknowledge and recognize. But you still gotta run.

[01:02:12] William Allen: [laughs]

[01:02:12] Jeffrey Rosen: Thank you so much, William Barkley Allen and Hassan Kwame Jeffries, for an extraordinary conversation about the constitutional vision of Dr. Martin Luther King. Thank you for reading his speeches so closely and debating so thoughtfully the towering significance of his shining legacy. Bill Allen, Hassan Jeffries, thank you so much for joining me.

[01:02:37] William Allen: You're most welcome.

[01:02:38] Hassan Kwame Jeffries: Thank you.

[01:02:43] Jeffrey Rosen: Today's show was produced by Melody Rowell and engineered by David Stacks. Research was provided by Sam Desai and Lana Ulrich. Homework of the week, dear We The People friends, please read the seven speeches of Dr. King that our guests discussed with such superb insight and inspiring depth. I will post them on the resource page. And please read and learn from them.

[01:03:08] Please also rate review and subscribe to We The People on Apple Podcasts and recommend the show to friends, colleagues or anyone anywhere who is eager for constitutional illumination and debate. And remember that the National Constitution Center is a private nonprofit where the middle of our crowdfunding campaign generously matched by the John Templeton Foundation. And we are looking for support in South Dakota, Oklahoma or Wyoming in order to reach our goal of support in all 50 states.

[01:03:35] So if you're a listener in South Dakota, Oklahoma or Wyoming, please send any amount, \$5, \$10 or more and support from around the country is greatly appreciated. Please keep it coming to signal the 50 states united in support of the shining mission of the National Constitution Center. It's such a privilege to host these conversations and I'm so honored to share them with you on behalf of the National Constitution Center. I'm Jeffrey Rosen.