AMERICAN CIVIC HOLIDAY RESOURCES

MARTIN LUTHER KING JR. DAY

Developed by Audi Hecht, Director of Education and Innovation

Martin Luther King Jr.'s "Letter from Birmingham Jail" is replete with timeless civic lessons. The texts below pair themes and texts from his iconic call for moral rectitude and associated primary and secondary sources. The themes explored in this resource delve into MLK's commitment to Civil Disobedience as first described by 19th-century American philosopher and essayist Henry David Thoreau. We reflect on the notion of Timing as a means to defer justice as employed in the Supreme Court case Brown II (see below) addressing the desegregation of schools. Additionally, we examine the theme of Silence and Complicity amidst Injustice. These ideas can expound well beyond the accompanying texts and provide thoughtful discussion about courage, moral virtue, and living by the values that we espouse and believe in. As your students learn about the lessons of Martin Luther King Jr's ideas for civil rights, they are invited to think about the implications these ideas have on our understanding of justice and ethical living.

Theme 1: Commitment to Civil Disobedience

Text 1: King Jr., M. L. (1963). Letter from Birmingham Jail. Excerpt 1.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self-purification; and direct action. We have gone through all these steps in Birmingham. There can be no gainsaying the fact that racial injustice engulfs this community……
You may well ask: "Why direct action? Why sit ins, marches and so forth? Isn't negotiation a better path?" You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. My citing the creation of tension as part of the work of the nonviolent resister may sound rather shocking. But I must confess that I am not afraid of the word "tension." I have earnestly opposed violent tension, but there is a type of constructive, nonviolent tension which is necessary for growth. Just as Socrates felt that it was necessary to create a tension in the mind so that individuals could rise from the bondage of myths and half truths to the unfettered realm of creative analysis and objective appraisal, so must we see the need for nonviolent gadflies to create the kind of tension in society that will help men rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. The purpose of our direct action program is to create a situation so crisis packed that it will inevitably open the door to negotiation. I therefore concur with you in your call for negotiation. Too long has our beloved Southland been bogged down in a tragic effort to live in monologue rather than dialogue.

Text 2: Henry David Thoreau: Resistance to Civil Government (1849).

But, to speak practically and as a citizen, unlike those who call themselves no-government men, I ask for, not at once no government, but at once a better government. Let every man make known what kind of government would command his respect, and that will be one step toward obtaining it. After all, the practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long period continue, to rule, is not because they are most likely to be in the right, nor because this seems fairest to the minority, but because they are physically the strongest. But a government in which the majority rule in all cases cannot be based on justice, even as far as men understand it. . . . Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? I think that we should be men first, and subjects afterward. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume, is to do at any time what I think right. . . .

Questions for Discussion:

1. How do MLK's ideas about civil disobedience coalesce with those of Henry David Thoreau?
2. What do you think of the role one's conscience plays within a representative government?
3. How would you interpret Thoreau's question: "Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator?"

Theme 2: Timing and Patience Amidst Injustice

Text 3: King Jr., M. L. (1963). Letter from Birmingham Jail. Excerpt 2.

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. Frankly, I have yet to engage in a direct action campaign that was "well timed" in the view of those who have not suffered unduly from the disease of segregation. For years now I have heard the word "Wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait" has almost always meant "Never." We must come to see, with one of our distinguished jurists, that "justice too long delayed is justice denied."

Text 4: Brown v. Board of Education of Topeka, 349 U.S. 294 (1955) (Brown II).

After the Landmark Brown vs. Board of Education ruling which declared segregation in schools unconstitutional, the Court convened for a second Brown case aimed at focusing on its implementation.

The judgments below, except that in the Delaware case, are accordingly reversed and the cases are remanded to the District Courts to take such proceedings and enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases. The judgment in the Delaware case — ordering the immediate admission of the plaintiffs to schools previously attended only by white children — is affirmed on the basis of the principles stated in our May 17, 1954, opinion, but the case is remanded to the Supreme Court of Delaware for such further proceedings as that Court may deem necessary in light of this opinion.

Text 5: Ogletree, Charles J. All Deliberate Speed : Reflections on the First Half Century of Brown v. Board of Education. New York: W.W. Norton & Co., 2004. Excerpt.

Having broadly proclaimed its support of desegregating public schools, the Supreme Court shortly thereafter issued its opinion—the opinion that legitimized much of the social upheaval that forms the central theme of this book. Fearful that southern segregationists, as well as the executive and legislative branches of state and federal governments, would both resist and impede this courageous decision, the Court offered a palliative to those opposed to Brown's directive. Speaking again with one voice, the Court concluded that, to achieve the goal of desegregation, the lower federal courts were to "enter such orders and decrees consistent with this opinion as are necessary and proper to admit to public schools on a racially nondiscriminatory basis with all deliberate speed the parties to these cases."

As Thurgood Marshall and other civil rights lawyers pondered the second decision, they tried to ascertain what the Court meant in adding the crucial phrase "all deliberate speed" to its opinion. It is reported that, after the lawyers read the decision, a staff member consulted a dictionary to confirm their worst fears—that the "all deliberate speed" language meant "slow" and that the apparent victory was compromised because resisters were allowed to end segregation on their own timetable. These three critical words would indeed turn out to be of great consequence, in that they ignore the urgency on which the Brown lawyers insisted. When asked to explain his view of "all deliberate speed," Thurgood Marshall frequently told anyone who would listen that the term meant S-L-O-W.

The Supreme Court, in Brown v. Board of Education, did not craft the phrase "with all deliberate speed" out of thin air. Justice Oliver Wendell Holmes first used it in his 1912 decision of Virginia v. West Virginia: "[A] State cannot be expected to move with the celerity of a private business man; it is enough if it proceeds, in the language of the English Chancery, with all deliberate speed." Justice Felix Frankfurter, Holmes's contemporary, used the phrase five times prior to Chief Justice Warren's immortalizing it in Brown.

The phrase "deliberate speed" appears to be a derivative of "speed thee slowly" found in Sir Thomas Elyot's 1545 introduction of the word "maturity" into the English language. "Speed thee slowly" was taken from a Greek proverb and translated from the Latin festina lente. One famous American use of the expression festina lente, particularly relevant to our subject matter, is by President Abraham Lincoln. When Lincoln was asked whether he favored the immediate emancipation of the slaves, he responded, "It will do no good to go ahead any faster than the country will follow. . . . You know the old Latin motto festina lente." Lincoln in this case was referring to Augustus Caesar's interpretation: "make haste slowly."

Questions for Discussion:

1. What is the historical significance of MLK's assertion, "that "justice too long delayed is justice denied."
2. How would MLK respond to the Brown II directive for desegregation in schools to take place "With All Deliberate Speed"?

Theme 3: Passivity and Silence Amidst Injustice

Text 6: King Jr., M. L. (1963). Letter from Birmingham Jail. Excerpt 3.

First, I must confess that over the past few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's great stumbling block in his stride toward freedom is not the White Citizen's Counciler or the Ku Klux Klanner, but the white moderate, who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says: "I agree with you in the goal you seek, but I cannot agree with your methods of direct action"; who paternalistically believes he can set the timetable for another man's freedom; who lives by a mythical concept of time and who constantly advises the Negro to wait for a "more convenient season." Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice and that when they fail in this purpose they become the dangerously structured dams that block the flow of social progress. I had hoped that the white moderate would understand that the present tension in the South is a necessary phase of the transition from an obnoxious negative peace, in which the Negro passively accepted his unjust plight, to a substantive and positive peace, in which all men will respect the dignity and worth of human personality. Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open, where it can be seen and dealt with. Like a boil that can never be cured so long as it is covered up but must be opened with all its ugliness to the natural medicines of air and light, injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured.

Text 7: Aristotle., et al. The Nicomachean Ethics. Oxford ; New York, Oxford University Press, 2009.

Courage proper, then, is something of this sort. But besides this there are five other kinds of courage so called. First, "political courage," which most resembles true courage. Citizens seem often to face dangers because of legal pains and penalties on the one hand, and honours on the other. And on this account the people seem to be most courageous in those states where cowards are disgraced and brave men honoured. This, too, is the kind of courage which inspires Homer's characters, e.g. Diomede and Hector "Polydamas will then reproach me first,"says Hector; and so Diomede:"Hector one day will speak among his folk and say, 'The son of Tydeus at my hand'. This courage is most like that which we described above, because its impulse is a virtuous one, viz. a sense of honour , and desire for a noble thing (glory), and aversion to reproach, which is disgraceful. We might, perhaps, put in the same class men who are forced to fight by their officers; but they are inferior, inasmuch as what impels them is not a sense of honour, but fear, and what they shun is not disgrace, but pain. For those in authority compel them in Hector's fashion—"Whoso is seen to skulk and shirk the fightShall nowise save his carcase from the dogs. And the same thing is done by commanders who order their men to stand, and flog them if they run, or draw them up with a ditch in their rear, and so on: all alike, I mean, employ compulsion.

But a man ought to be courageous, not under compulsion, but because it is noble to be so.

Secondly, experience in this or that matter is sometimes thought to be a sort of courage; and this indeed is the ground of the Socratic notion that courage is knowledge. This sort of courage is exhibited by various persons in various matters, but notably by regular troops in military affairs; for it seems that in war there are many occasions of groundless alarm, and with these the regulars are better acquainted; so they appear to be courageous, simply because the other troops do not understand the real state of the case.

Again, the regular troops by reason of their experience are more efficient both in attack and defence; for they are skilled in the use of their weapons, and are also furnished with the best kind of arms for both purposes. So they fight with the advantage of armed over unarmed men, or of trained over untrained men; for in athletic contests also it is not the bravest men that can fight best, but those who are strongest and have their bodies in the best order.

But these regular troops turn cowards whenever the danger rises to a certain height and they find themselves inferior in numbers and equipment; then they are the first to fly, while the citizen-troops stand and are cut to pieces, as happened at the temple of Hermes.62 For the citizens deem it base to fly, and hold death preferable to saving their lives on these terms; but the regulars originally met the danger only because they fancied they were stronger, and run away when they learn the truth, fearing death more than disgrace. But that is not what we mean by courageous.

Thirdly, people sometimes include rage within the meaning of the term courage.

Those who in sheer rage turn like wild beasts on those who have wounded them are taken for courageous, because the courageous man also is full of rage; for rage is above all things eager to rush on danger; so we find in Homer, “Put might into his rage,” and “roused his wrath and rage,” and “fierce wrath breathed through his nostrils,” and “his blood boiled.” For all these expressions seem to signify the awakening and the bursting out of rage.

The truly courageous man, then, is moved to act by what is noble, rage helping him: but beasts are moved by pain, i.e. by blows or by fear; for in a wood or a marsh they do not attack man. And so beasts are not courageous, since it is pain and rage that drives them to rush on danger, without foreseeing any of the terrible consequences. If this be courage, then asses must be called courageous when they are hungry; for though you beat them they will not leave off eating. Adulterers also are moved to do many bold deeds by their lust.

Being driven to face danger by pain or rage, then, is not courage proper. However, this kind of courage, whose impulse is rage, seems to be the most natural, and, when deliberate purpose and the right motive are added to it, to become real courage.

Again, anger is a painful state, the act of revenge is pleasant; but those who fight from these motives [i.e. to avoid the pain or gain the pleasure] may fight well, but are not courageous: for they do not act because it is noble to act so, or as reason bids, but are driven by their passions; though they bear some resemblance to the courageous man.

Fourthly, the sanguine man is not properly called courageous: he is confident in danger because he has often won and has defeated many adversaries. The two resemble one another, since both are confident; but whereas the courageous man is confident for the reasons specified above, the sanguine man is confident because he thinks he is superior and will win without receiving a scratch. (People behave in the same sort of way when they get drunk; for then they become sanguine.) But when he finds that this is not the case, he runs away; while it is the character of the courageous man, as we saw, to face that which is terrible to a man even when he sees the danger, because it is noble to do so and base not to do so.

And so (it is thought) it needs greater courage to be fearless and cool in sudden danger than in danger that has been foreseen; for behaviour in the former case must be more directly the outcome of formed character, since it is less dependent on preparation. When we see what is coming we may choose to meet it, as the result of calculation and reasoning, but when it comes upon us suddenly we must choose according to our character.

Fifthly, those who are unaware of their danger sometimes appear to be courageous, and in fact are not very far removed from the sanguine persons we last spoke of, only they are inferior in that they have not necessarily any opinion of themselves, which the sanguine must have. And so while the latter hold their ground for some time, the former, whose courage was due to a false belief, run away the moment they perceive or suspect that the case is different; as the Argives did when they engaged the Spartans under the idea that they were Sicyonians.63

Thus we have described the character of the courageous man, and of those who are taken for courageous.

Text 8: Kennedy, John F. Profiles in Courage. Joanna Cotler Books, 2003.

In whatever arena of life one may meet the challenge of courage, whatever may be the sacrifices he faces if he follows his conscience – the loss of his friends, his fortune, his contentment, even the esteem of his fellow men – each man must decide for himself the course he will follow. The stories of past courage can define that ingredient – they can teach, they can offer hope, they can provide inspiration. But they cannot supply courage itself. For this each man must look into his own soul.

Questions for Discussion:

1. How does courage play a role in complicity amidst moral injustice, according to Aristotle?
2. What are modern ways to exert moral courage?
3. How do Martin Luther King Jr.'s lessons still ring true today?