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Recommended Citation

Henry McGee, The Dream That Will Not Die: Martin Luther King, Jr., And The Continuing American Revolution, 21 *U.C. DAVIS L. REV.* 453 (1998).

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BOOK REVIEW

The Dream That Will Not Die: Martin Luther King, Jr. and the Continuing American Revolution

Bearing the Cross: Martin Luther King, Jr. and the Southern Christian Leadership Conference By David J. Garrow. New York: William Morrow and Company, Inc., 1986. Pp. 800. \$19.95.

*Reviewed by Henry W. McGee, Jr.**

In the unending self-congratulatory celebration that has characterized the Constitution's Bicentennial, Americans have ignored the reality of the Constitution's creation. For as Justice Thurgood Marshall has observed: "[T]he government [that the framers] devised was defective from the start, requiring several amendments, a civil war and momentous social transformation to attain the system of constitutional government, and its respect for the individual freedoms and human rights, we hold as fundamental today."¹

Although Dr. Martin Luther King, Jr. was neither a lawyer nor a judge, surely he belongs in the pantheon of American constitutional giants. From the Gethsemane of an Alabama jail, Dr. King carried the cross of freedom to the steps of the Lincoln Memorial, and ultimately to his own crucifixion on the balcony of a Memphis motel. When Dr. King began his "civil disobedience," the American constitutional order

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¹ Taylor, *Marshall Sounds Critical Note on Bicentennial*, N.Y. Times, May 7, 1987, at 1, col. 4.

was deeply flawed. The Civil War produced the fourteenth amendment which guaranteed equal protection of the laws to blacks. Yet, as Justice Marshall observed, "almost another century would pass before any significant recognition was obtained of the rights of black Americans to share equally even in such basic opportunities as education, housing, and employment, and to have their votes counted, and counted equally."² Equally distressed at the lack of progress, President Johnson stated: "Ninety-five years ago our Constitution was amended to require that no American be denied the right to vote because of race or color. Almost a century later, many Americans are kept from voting simply because they are Negroes."³

The rejection of legalized racism and the birth of the constitutional equality principle are a legacy of Dr. King's struggle and a redemption of the nation from generations of discrimination and studied oppression. Dr. King's struggle saw the passage of the Civil Rights Act of 1964,⁴ the Voting Rights Act of 1965,⁵ and the Fair Housing Act of 1968.⁶ The fulfillment of Dr. King's dream might be said to have made the American Constitution whole.

David J. Garrow's history of Dr. King's triumph, *Bearing the Cross: Martin Luther King, Jr. and the Southern Christian Leadership Conference*, tells the story of how a social movement led by a black southern minister prompted a constitutional revolution.⁷ The movement

² *Id.* at 14, col. 2.

³ President Johnson made his remarks at a Rose Garden press conference, with Alabama Governor George Wallace present. The remarks supported his voting rights proposal, submitted in the wake of repressive violence at Selma, Alabama in early March 1965, which followed protest marches against black disenfranchisement. D. GARROW, *BEARING THE CROSS: MARTIN LUTHER KING, JR. AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE* 407 (1986). Elsewhere, President Johnson had written, "[The voting rights law] does say that those who are equal before God shall be equal in the polling booths, in the classrooms, in the factories, and in hotels, restaurants, movie theaters, and other places that provide service to the republic." L.B. JOHNSON, *MY HOPE FOR AMERICA* 31 (1964).

⁴ The Civil Rights Act of 1964, Pub. L. No. 88-352, 78 Stat. 243 (codified as amended in scattered sections of 42 U.S.C.).

⁵ The Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 445 (codified as amended at 42 U.S.C. §§ 1971, 1973 to 1973-1 (1982)).

⁶ The Fair Housing Act of 1968, Pub. L. No. 90-284, 82 Stat. 81, 42 U.S.C. §§ 3601-3631 (1982).

⁷ The book's title is derived from a speech Dr. King made to the Southern Christian Leadership Conference Staff, May 22, 1967. After decrying the killing of Vietnamese children in Vietnam by the American military, Dr. King spoke of the burden that the war issue represented:

When I took up the cross, I recognized its meaning. . . . The cross is

made real — two centuries after the birth of the Constitution — the promise of legal equality for black Americans. Garrow's massive tome, which won him the 1986 Pulitzer Prize, illustrates with detail and expansiveness how Dr. King's moral vision vindicated the hollow letter of American constitutional pronouncement. In this sense, Dr. King's movement amended the Constitution. Until his struggle, prefigured by Rosa Park's refusal to move to the back of a Montgomery bus, equal justice under law meant equal justice for Americans of European ancestry. Until the advent of Dr. King and the victories of the civil rights movement, the pledge of allegiance had its own bitter ending for blacks — "liberty and justice for all except me and my people."

The story of how a black Baptist minister caused the Constitution to be applied to all Americans is one of the great epics of world history, and is vividly captured in *Bearing the Cross*. However, as the book's subtitle suggests, it is far from hagiographical. Besides capturing the many conflicting aspects of Dr. King's personality, the book clearly documents other organizations' contributions to the struggle for freedom. In fact, it is the depiction of the setting for Dr. King's struggle that makes the book convincing and important. *Bearing the Cross* does not describe the period prior to the entry of Dr. King and the Southern Christian Leadership Conference (SCLC) on the national scene. Nor does it explore the contributions of those who waged many civil rights battles in the nation's courts, including the landmark case, *Brown v. Board of Education of Topeka, Kansas*.⁸

However, if *Brown* was the liberation struggle's *sine qua non*, the trench warfare that Dr. King led between 1955 and 1968 looms of equal, if not transcendent, importance. Without Dr. King and the SCLC, *Brown* might have been yet another empty promise of the fourteenth amendment.

Cast in the form of a biography, Garrow's history justifiably places an emphasis on Dr. King the man, his role as leader, if not progenitor, and finally as mediator between various factions of the "movement." Nonetheless, the history's elaborate mosaic — fashioned from hundreds of interviews and thousands of documents, including wiretapped intimate telephone conversations between Dr. King and his colleagues and associates — does not neglect the vital role that Ralph Abernathy, Bay-

something you bear and ultimately that you die on. The cross may mean the death of your popularity. It may mean the death of a foundation grant.

It may cut down your budget a little, but take up your cross.

D. GARROW, *supra* note 3, at 564.

⁸ 347 U.S. 483 (1954).

ard Rustin, Jessie Jackson, James Lawson, and many others played. Indeed, Dr. King gains stature when measured against other leaders in the mass movement in which many ordinary persons were no longer quite so ordinary. Although other books have demonstrated Dr. King's now unarguable place in history,⁹ Garrow's accomplishment is that he details the relationship between Dr. King and the movement so that the epoch is as vivid as the man himself. At the risk of what must seem an exaggerated reference, Carl Sandburg's work on Lincoln¹⁰ comes to mind in the rich use of detail to render a time of historical conflict in such close perspective. Although one reviewer found Garrow's "linear narrative" flawed by "its pervasive lack of analysis or historical context,"¹¹ it does have the virtue of letting the facts speak for themselves, and in the future is likely to set the standard by which other works on Dr. King will be judged.¹²

Garrow renders several phases of his work with striking power. First, Garrow describes the struggle's organizational metamorphosis with sufficient precision to reveal the internal politics that at once imparted a certain dynamic while at the same time undercut the momen-

⁹ Among the many books are: J. ANSBRO, *MARTIN LUTHER KING, JR.: THE MAKING OF A MIND* (1982); L. BENNETT, *WHAT MANNER OF MAN: BIOGRAPHY OF MARTIN LUTHER KING, JR.* (4th rev. ed. 1976); J. BISHOP, *THE DAYS OF MARTIN LUTHER KING, JR.* (1971); F. DOWNING, *TO SEE THE PROMISED LAND* (1986); C.H. KING, *FIRE IN MY BONES* (1983); C.S. KING, *MY LIFE WITH MARTIN LUTHER KING, JR.* (1969); D. LEWIS, *KING: A CRITICAL BIOGRAPHY* (1970); L. LOKOS, *HOUSE DIVIDED: THE LIFE AND LEGACY OF MARTIN LUTHER KING, JR.* (1968); S. OATES, *LET THE TRUMPET SOUND* (1982); H. WALTON, *THE POLITICAL PHILOSOPHY OF MARTIN LUTHER KING, JR.* (1971); J. WILLIAMS, *THE KING GOD DIDN'T SAVE* (1970); W. WITHERSPOON, *MARTIN LUTHER KING, JR., . . . TO THE MOUNTAINTOP* (1985).

¹⁰ C. SANDBURG, *ABRAHAM LINCOLN — THE WAR YEARS* (1936). Barbara Tuchman's *The Guns of August* (1962) also comes to mind, although her book is reconstructive and not biographical.

It should be noted that Professor Garrow is not a historian but a political scientist. The work is in many ways as reportorial as it is historical. It lacks the multidimensional, interpretive parameters of Sterling Stuckey's masterwork, *Slave Culture: Nationalist Theory and the Foundations of Black America* (1987) (which curiously makes no mention of Dr. King), a book which rivals Garrow's in narrative power, but interprets "facts" with great depth of comprehension and insight. See generally, Genovese, *Two Strivings*, *THE NEW REPUBLIC*, Oct. 12, 1987, at 39 (reviewing *Slave Culture*).

¹¹ Woodward, *The Dreams of Martin Luther King*, *New York Review of Books*, Jan. 15, 1987, at 3, 6.

¹² *Id.* at 8. One reviewer has called the book "the closest thing we have to a definite study of the man and the movement that ended apartheid in America." Rauber, *New King Book Sure to Cure Cultural Amnesia*, *San Francisco Examiner*, Jan. 19, 1987, at E1, E9, col. 1.

tum of the movement. It is important to remember that in some ways Dr. King was thrust into the leadership role of a movement that evolved from an up-scale, all-black Baptist church. The Rosa Parks boycott was not of his making, but it was during the thirteen-month struggle to integrate buses in Montgomery that Dr. King forged his strategy of nonviolence.

Professor Mari J. Matsuda has suggested that “[t]he Montgomery bus boycotters were not risking their lives merely to sit in the front of the bus. They, and the bomb-throwing racists who opposed them, knew . . . that the goal of the struggle was a fundamental change in existing economic and social relations.”¹³ Nonetheless, the struggle’s early proposals were modest. For example, one proposal was to have all-black “special” buses, “on which blacks could occupy all the seats, a format used at that time in other Alabama cities.”¹⁴ Another option proposed by the boycott organization, the Montgomery Improvement Association, was “the front to back for whites, and back to front for blacks.” This proposal would not have violated state segregation provisions.¹⁵

Thus, the expanding civil rights struggle was characterized by a succession of tactics, and then a range of organizations. As SCLC emerged from the bus boycott, the Student Nonviolent Coordinating Committee (SNCC) grew from the sit-ins, and the Congress of Racial Equality (CORE) was the legacy of the freedom rides. The depth and expanse of the “Negro revolution” can be seen from the range of constituencies represented by the various civil rights organizations. The children’s crusade, SNCC, was headed by youth with ties to the plain black folk of the southern states. CORE provided an interracial component (although it eventually purged its white membership in its black power phase) as did the National Association for the Advancement of Colored People (NAACP) which historically drew substantially on white goodwill and financial support.

Garrow’s readers will be struck by the transformation of a black leader from the deepest south into an arbiter of the fortunes of a movement that at its zenith was both national and interracial. Yet, Dr. King’s true greatness manifested itself in his mastery of the politics of coalition. Through the force of charisma, he overcame the internal conflicts that might have hopelessly splintered the movement.

Garrow’s account illustrates that Dr. King was aided and abetted by

¹³ Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323, 357 (1987).

¹⁴ D. GARROW, *supra* note 3, at 26.

¹⁵ *Id.*

a brutal, intransigent, and ignorant opposition. Police use of cattle prods, attack dogs, and fire hoses in response to black demands for equality repulsed the nation and helped to unite the movement's factions. Ultimately, Dr. King's greatest ally was the ugliness of American apartheid.¹⁶

Bearing the Cross also portrays the more complicated and violent struggles in the North, where the myth of northern equality made the struggle against racism more difficult. The intersection of race and poverty, and the isolation of northern blacks from mainstream America, as well as a growing restlessness and even violence among the black lumpen, made Dr. King's struggle less palatable to a broad cross section of Americans. By bringing the war "home" to the North, and by proving that racism was not solely a southern phenomenon, Dr. King stirred the nation. The struggle's ugly, ever horrific nature is recalled in the gripping description of the 1966 Marquette Park battle in Chicago:

On Thursday evening, July 28, King announced to a mass meeting at New Friendship Baptist Church that the movement would stage a Friday night vigil outside the Gage Park office of the Halvorsen Realty Company, a firm whose record of discriminating against black clients was firmly established. Fifty movement protesters arrived on the scene Friday afternoon, intending to remain until Saturday morning, but as darkness fell a crowd of hostile whites began taunting the demonstrators. Several dozen policemen were on hand, but by mid-evening the angry whites numbered almost one thousand and had begun throwing debris at the protestors. Police commanders encouraged the demonstrators to terminate the vigil for their own safety, and at 9:00 P.M. the protest leaders took their group back to New Friendship church. Once there, a debate broke out on whether the movement had erred in retreating from the violence. Al Raby was angry that the protesters had not stood their ground, and asserted that the movement would have to return to the Halvorsen office the next day to show that open-housing demonstrations could not be halted by violence.

Saturday afternoon five hundred marchers set out from New Friendship

¹⁶ One of King's aides, Wyatt Walker, said of Birmingham, Alabama Police Chief Bull Connor's savagery in breaking up demonstrations:

Bull Connor had something in his mind about not letting these niggers get to City Hall. I prayed that he'd keep trying to stop us. . . . Birmingham would have been lost if Bull had let us go down to the City Hall and pray; if he had let us do that and stepped aside, what else would be new? There would be no movement, no publicity. But all he could see was stopping us before we got there. We had calculated for the stupidity of a Bull Connor.

D. GARROW, *supra* note 3, at 251. On the historical blend of official and extralegal violence used to maintain black Americans in place, see J. KUSHNER, *APARTHEID IN AMERICA* (1980).

church to walk to the Halvorsen office in Gage Park. When they entered the white neighborhood, hostile onlookers unleashed a barrage of rocks and bottles, and both Raby and Jesse Jackson were hit. Policemen did little to halt the attack, and only half a dozen arrests were made as the column made its way through another all-white neighborhood, Marquette Park, and headed back to New Friendship church. Indignant movement leaders vowed that the demonstrators would repeat their pilgrimage the next day, and on Sunday afternoon Raby led a lengthy caravan of cars to Marquette Park. Angry white residents were waiting, and even the presence of several hundred policemen did not dissuade the hecklers from heaving stones and bottles at the demonstrators as they walked from their cars to a Methodist church. Police efforts to halt the violence were far from energetic, and AFSC executive Kale Williams noted that "it was obvious that some officers were torn between their duty and their identity with their friends and neighbors in the crowd." The onslaught forced the marchers to retreat on foot toward New Friendship Church. Several dozen participants were injured by the bottles and bricks, and as the column marched away, the white hoodlums attacked the cars that the protestors had parked in Marquette Park. Automobiles were overturned and set afire, and fifteen vehicles were destroyed before police brought the area under control.¹⁷

As the struggle moved North, as issues of economic equality loomed larger in his agenda, and as Dr. King tied racism at home to imperialism in Southeast Asia, his white support began to erode. Indeed, his crucifixion came at a time when the more complicated issues of economic justice began to supplant the more easily surmounted issues of legal equality. *Bearing the Cross* offers valuable information about the FBI's disgraceful war against Dr. King. Perhaps because the details of J. Edgar Hoover's vendetta against Dr. King are so absorbing, the larger context of the social struggle in America during this period seems less compelling than the portrait Garrow draws of the incipient years of Dr. King's movement.¹⁸

However, similar to the Watergate tapes, the FBI's undercover electronic surveillance reveals the intimate details of Dr. King's life — details normally not available about other prominent Americans. As a result of this surveillance, Dr. King's Rabelaisian underside — his adoration for Ghandi did not lead him up the ascetic path — is now part of the national lore. He has become a sort of a latter day St. Augustine, no stranger to the pleasures of the flesh. However, unlike St. Augustine, Dr. King's "fall from grace" in sexual matters persisted

¹⁷ D. GARROW, *supra* note 3, at 498-99.

¹⁸ Garrow wrote an earlier absorbing book about King's harassment by FBI Director J. Edgar Hoover. D. GARROW, *THE FBI AND MARTIN LUTHER KING, JR.: FROM SOLO TO MEMPHIS* (1981).

throughout his life and in the end might have led to his political destruction had not an assassin's bullet beaten the FBI to the mark.¹⁹ Garrow is tasteful but unsparing in his revelations of Dr. King's personal life. However, true to the stature of the book and its subject, salacious detail is subordinated to the larger political implications of Dr. King's vulnerability and human frailty.

The tragic proportions of Dr. King's life emerge when his self-doubt, which had haunted him from the earliest days of the Montgomery bus boycott, is heightened when J. Edgar Hoover resorts to blackmail to halt Dr. King's revelations of the FBI's inability to prevent outrageous crimes against civil rights workers.²⁰ Despite Dr. King's growing melancholia and rising sense of frustration as the movement changed its course from integration to self-affirmation, he remained a central figure in the struggle for civil rights until the very eve of his death. As the movement began to splinter and as the specter of black power began to cast its long shadow over coalitional politics, Dr. King's dedication to nonviolence remained the movement's moral keel. In his words, "[t]here are lots of Negroes these days who are for violence, but I know that I am dealing with a moral issue, and I am going to oppose violence if I am the last Negro in this country speaking for nonviolence."²¹ Even in the turbulent days of black revolt in the summer of 1965, Dr. King insisted on nonviolence, trying unsuccessfully to apply the tactics against the Bull Connors of the South to the Mayor Daleys of the North.

It was from the tragedy of the North that Dr. King's true grandeur became evident. In the depths of despair, after failure in the North and the demise of the proposed civil rights legislation of 1966, Dr. King broke through the confines of the struggle for racial justice to propose strategies that embraced not just blacks, but all Americans deprived of their rightful place in the democratic order. His linkage of the civil rights movement with that of the anti-war/anti-establishment movement is a triumph of coalitionism. For perhaps the first time, a national leader sought to forge a union between oppressed black and white Americans. Dr. King recognized that both groups were victims of economic exploitation. For Dr. King, "[t]he awesome predicament confronting the Negro in our slums is directly related to economic exploitation. . . . American industry and business, as part of the broader power structure, is in a large part responsible for the economic malady

¹⁹ D. GARROW, *supra* note 3, at 506.

²⁰ *Id.* at 373-74.

²¹ *Id.* at 506.

which grips and crushes down people in the ghetto.”²²

As Dr. King shifted politically to the Left, he paradoxically became more vilified and at the same time more national in his concerns. In the end, Dr. King’s life affirmed the vision of his advisor, Bayard Rustin, of a movement that had as its “central objective [the] building [of] a coalition of progressive forces which can become the political majority of America.”²³ As Rustin said, “until such a coalition exists, our nation will not undertake a comprehensive program to wipe out poverty among Blacks, Mexican-Americans, Indians, Puerto Ricans and Whites.”²⁴ Garrow describes Dr. King’s testimony before the United States Senate in 1955:

[The goal of such a movement] is not to bring the discriminated up to a limited, particular level, but to reduce the gap between them and the rest of American society. As standards of life rise for affluent Americans, we cannot peg the poor at the old levels of “subsistence”. . . . We are dealing with issues of inequality, of relative standing, issues that would require sizable expenditures. The problem was not that money was unavailable, but that it was being squandered on the Vietnam War and the “striking absurdity” of a manned space program. “With the resources accruing from the termination of the war, arms race, and excessive space races, the elimination of all poverty could become an immediate national reality,” King declared. “At present the war on poverty is not even a battle, it is scarcely a skirmish.”

Anti-poverty efforts, he emphasized, should not be divided into separate programs targeted at education, employment and housing, but ought to be one coordinated project aimed at “assuring jobs and income for all” and “equitable income distribution.” To date, all anti-poverty programs had

²² *Id.* at 569.

²³ B. RUSTIN, *DOWN THE LINE* 312 (1971).

²⁴ *Id.* Rustin, who died Aug. 24, 1987, “was a chief organizer of the 1963 March on Washington.” N.Y. Times, Aug. 25, 1987, at 1, col. 4. “As much as any of the civil-rights giants, those of both the recent and distant past, Bayard Rustin was the leading apostle of coalition as well as field marshal and supreme tactician of the black struggle for racial equality.” McGee, *Bayard Rustin — His Politics of Coalition Still Seem the Way to Progress*, L.A. Times, Aug. 28, 1987, § II, at 7, col. 1. Recently, sociologist William J. Wilson underscored “Rustin’s plea . . . that blacks ought to recognize the importance of fundamental economic reform . . . and the need for a broad-based political coalition to achieve it.” W. WILSON, *THE TRULY DISADVANTAGED: THE INNER CITY, THE UNDERCLASS, AND PUBLIC POLICY* 156 (1987).

Professor Wilson suggests that, “The problems of the truly disadvantaged may require *nonracial* solutions such as full employment, balanced economic growth, and manpower training and education (tied to — not isolated from — these two economic conditions) And since an effective coalition will in part depend upon how the issues are defined, it is imperative that the political message underline the need for economic and social reform that benefit all groups in the United States, not just poor minorities.” *Id.* at 147, 155.

tried "to solve poverty by first solving another condition," and such "fragmentary and spasmodic reforms have failed to reach the needs of the poor.

"I am now convinced that the simplest approach will prove to be the most revolutionary — the solution to poverty is to abolish it directly by a now rather widely discussed measure — the guaranteed annual income. . . . Our emphasis should shift from exclusive attention to putting people to work over to enabling people to consume."²⁵

Dr. King's "long march" from Montgomery to Memphis, from preoccupation with bus seating and racial equality to redistribution of wealth and economic fair play and to containment of American expansionism abroad, was a signal moment in both the history of the Republic and that of Afro-Americans. Had Dr. King not been black, the resistance to his birthdate being commemorated as a national holiday would be truly inexplicable. Far from his birthdate being a "black holiday,"²⁶ it is a time of celebration for all Americans who love justice. As did other blacks in the movement, Dr. King saw that justice for blacks is a necessary, but not a sufficient condition for a genuine democracy. Thus, he demonstrated that the Constitution was doubly flawed. First, it denied equality on racial grounds from its inception, and the Civil War Amendments, alternatively ignored²⁷ and gutted²⁸ by the Supreme Court, were at best empty promises. Second, Dr. King demonstrated that a Constitution that guarantees the right to read controversial literature is of little value unless it also guarantees a minimum level of economic subsistence by which all citizens can meet their basic needs so they can enjoy their basic freedoms.²⁹

²⁵ D. GARROW, *supra* note 3, at 539.

²⁶ Recent research linked the highly politicized campaign to name Dr. King's birthday as a national holiday to the traditional black emancipation celebrations, known as "freedom jubilees." These celebrations of the Emancipation Proclamation of Jan. 1, 1863, or state and local abolitions of slavery, are conducted primarily in rural and smaller communities. The celebrations vary from barbecues and baseball games to church ceremonies and have their stylistic roots in slave festivities. See W. WIGGINS, JR., *O FREEDOM! AFRO-AMERICAN EMANCIPATION CELEBRATIONS* (1987).

²⁷ Slaughter House Cases, 83 U.S. (16 Wall) 36 (1873). See generally, K. BELL, *RACE, RACISM AND AMERICAN LAW* 30-33 (2d ed. 1980).

²⁸ The Civil Rights Cases, 109 U.S. 3 (1883); see Grassman, *The Unhappy History of Civil Rights Legislation*, 50 MICH. L. REV. 1323 (1952).

²⁹ King's concerns about the allocation of wealth in America were shared in other sectors of the movement. See C. CARSON, IN *STRUGGLE: SNCC AND THE BLACK AWAKENING OF THE 1960s* (1981). No less a figure than W.E.B. Dubois placed a similar emphasis on the allocation of wealth in such works as *Black Reconstruction* (1935) and *Dusk of Dawn* (1940). For a comprehensive, if somewhat rambling discourse about the liberation struggle and economics, see H. CRUSE, *Freedomways, Summer 1963: Black Economy — Self-Made Myth, THE CRISIS OF THE NEGRO INTEL-*

Dr. King's call for economic justice for whites has its counterpart in Thurgood Marshall's dissent in *James v. Valtierra*.³⁰ Marshall declared, "[i]t is far too late in the day to contend that the fourteenth amendment prohibits only racial discrimination; and to me, singling out the poor to bear a burden not placed on any other class of citizens tramples the values the fourteenth amendment was designed to protect."³¹ However, in cases like *Lindsey v. Normet*,³² the Court has declared that there is no "fundamental right" in the Constitution to those necessities without which life would be oppressive and inconsistent with a legal order guaranteeing "life, liberty, and the pursuit of happiness." Yet Dr. King's view of justice is far more expansive than that permitted by such a grudging view of the Constitution.

Perhaps there is hope that his vision will yet be vindicated. Despite the startling declaration in *Lindsey* that individuals have no right to housing, the New Jersey Supreme Court has taken a wider view, albeit in a different context. In *Southern Burlington County NAACP v. Township of Mt. Laurel*, the New Jersey Supreme Court declared:

It is plain beyond dispute that proper provision for adequate housing of all categories of people is certainly an absolute essential in promotion of the general welfare required in all local land use regulation. Further the universal and constant need for such housing is so important and of such broad public interest that the general welfare which developing municipalities like Mount Laurel must consider extends beyond their boundaries and cannot be parochially confined to the claimed good of the particular municipality. It has to follow that, broadly speaking, the presumptive obligation arises for each such municipality affirmatively to plan and provide, by its land use regulations, the reasonable opportunity for an appropriate variety and choice of housing, including, of course, low and moderate cost housing, to meet the needs, desires and resources of all categories of people who may desire to live within its boundaries. Negatively, it may not adopt regulations or policies which thwart or preclude that opportunity.³³

As Archibald Cox wrote, "Once loosed, the idea of Equality is not easily cabined."³⁴ A reading of Garrow's work on Dr. King and reflection on the martyred leader's life and achievement, suggests that his wider view of social and economic justice will not be easily confined. As Dr. King grew in his ministry to a more inclusive view, so it is possible that

LECTUAL 305-44 (1967).

³⁰ 402 U.S. 137, 145 (1971).

³¹ *Id.* at 145.

³² 405 U.S. 56 (1971).

³³ 67 N.J. 151, 336 A.2d 713, 727-28, *cert. denied*, 423 U.S. 808 (1975).

³⁴ Cox, *Foreword: Constitutional Adjudication and the Promotion of Human Rights*, 80 HARV. L. REV. 91 (1966).

orthodox views of constitutional rights will expand, and the present conservatism of the Supreme Court will one day pass.