

# Economic Equality and Social Solidarity: MLK’s Neglected Legacies

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*While the Martin Luther King, Jr. of legend is portrayed as a solitary figure, by the end of his life he had become determined to grow the Civil Rights Movement far beyond a “small striking force” of activists. He envisioned a much broader base of people seeking transformation, tied together in “long term relationships”, organized “solidly and simultaneously in thousands of places.” Further, while we know generally that his policy scope had broadened beyond racism to include poverty and militarism, now is a good time to examine how deeply he interrogated all three. Reviewing his last book, *Where Do We Go From Here: Chaos Or Community?*, Prof. McDougall shows how Dr. King forecast many of the issues that trouble us today. The book also provides pathways to resolution, including social solidarity to combat racism and a “Bill of Rights for the Disadvantaged” to combat economic inequality.*

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## INTRODUCTION

*I have a dream . . . that one day . . . we’re gonna work it out.*<sup>1</sup>

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<sup>1</sup> COMMON FEAT. WILL I. AM, *A Dream*, on FREEDOM WRITERS (SOUNDTRACK) (Hollywood Records 2006).

Dr. Martin Luther King, Jr. started his career as a 26-year-old junior minister in Montgomery, Alabama in 1955.<sup>2</sup> When the bus boycott began, the senior ministers pushed him forward as the leader of the movement because they did not want to risk their established careers on this new cause.<sup>3</sup> It was only a year after *Brown v. Board of Education*, and the South's strategy of massive resistance had just begun. Emmett Till was gruesomely lynched in the same year.<sup>4</sup> King's persona as "the only man for the job" begins here. The media began to see him that way as the Montgomery bus boycotts exploded onto their front pages. They were unaware of the inner workings of Montgomery's Black church community that had put him in that position.

From then on, he was portrayed as a kind of Black Moses, leading his people out of bondage, but also as a kind of Messiah for the nation, leading all Americans to a higher calling and connecting the nation with the angels of our better nature. This persona fed upon itself as television kicked in; more and more people were exposed to his eloquence and intellect. It was comforting for White liberals to think that this kind, reasonable, brilliant man spoke for all Black Americans.

It wasn't until people like Malcolm X and the student activists of the lunch counter sit-ins burst upon the scene that the country began to get the idea that the Black community was more diverse and complex than met the eye, and that the country's race problem would require more than liberal Whites being kind to their Black friends. What the country did not yet realize was that Dr. King was fully aware of those complexities and was becoming progressively more invested in solving them at the level and scale required.

His last book, *Where Do We Go From Here: Chaos Or Community?*<sup>5</sup> published a year before his assassination, follows a trend in his writings, from the patient, contemplative, spiritual personality of popular renown to a more agitated and agitating Dr. King. When he was assassinated, his growth in this direction terminated. The media and the nation's leaders converged to remember the "best" of Dr. King: the kind, reasonable, brilliant man who they could depend on to chart a course for racial politics that would quiet the riots and leave White privilege generally undisturbed.<sup>6</sup>

<sup>2</sup> Eli Lee, *Martin Luther King Jr. Changed a Nation in Only 13 Years*, ATLANTIC (Mar. 5, 2018), <https://www.theatlantic.com/magazine/archive/2018/02/martin-luther-king-jr-time-line/552548/> [<https://perma.cc/HBJ4-QP75>].

<sup>3</sup> The Stanford Martin Luther King, Jr. Research and Education Institute, *Montgomery Bus Boycott*, MARTIN LUTHER KING, JR. ENCYCLOPEDIA, <https://kinginstitute.stanford.edu/encyclopedia/montgomery-bus-boycott> [<https://perma.cc/6RRH-ZPGF>].

<sup>4</sup> History.com Editors, *Emmett Till is Murdered*, HISTORY (Feb. 9, 2010), <https://www.history.com/this-day-in-history/the-death-of-emmett-till> [<https://perma.cc/JX4H-TELW>].

<sup>5</sup> MARTIN LUTHER KING, JR., *WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY?* (2d ed. 2010).

<sup>6</sup> See P.R. Lockhart, *The Sanctification—and Sanitization—of Martin Luther King, Jr.*, VOX (Apr 4, 2018, 11:00 AM), <https://www.vox.com/identities/2018/4/4/17193286/martin-luther-king-assassination-50th-anniversary-jeanne-theoharis> [<https://perma.cc/9ZLH-WA5N>]; compare Francis Lukhele, *Post-Prison Nelson Mandela: A Made-in-America Hero*, 46 CANADIAN JOURNAL OF AFRICAN STUDIES 289 (2012) with Ramesh Rao, *India Needs to*

But his last book tells a different story. Dr. King covers considerable ground in *Where Do We Go From Here?* There are chapters on Black power, racism and White backlash, the dilemma of Negro Americans, the condition of the global community—the “world house”—and the American role within it. Three continuing challenges stand out in these chapters: racism, the widening gap between rich and poor, and America’s increasingly militaristic ways of solving problems at home and abroad. (King saw the economic problem as underpinning the other two.) These thoughts, from fifty years ago, can help sharpen progressives’ understanding, not only of Dr. King’s work but also of the nature of the work he left for us to do.

I begin by asking what has changed, and what has not, since Dr. King’s assassination? And why? Part of that involves a brief review of racism’s place in a universe of social hierarchies and its special role as facilitator of an exploitative and belligerent social and economic order. We will then fast forward to these issues and problems as they appear today, considering how racism, poverty, and militarism intersect.

Next, I will ask, with Dr. King, where do we go from here? Part of this will involve a review of his last proposals, unfamiliar to most, focusing on economic equality. These include a “Bill of Rights for the Disadvantaged,” which would provide education, employment, entitlements, housing, and a guaranteed national income. Dr. King also called for the rebuilding of Black communities, forecasting today’s demands for reparations.

Finally, I will ask, how do we get there? Primarily, I believe developments since Dr. King’s death show it is unwise to ground a social movement for the liberation of millions of people on the energy and problem-solving skills of a single individual, or even of a small group—the so-called “vanguard” theory of social change.<sup>7</sup> Indeed, Dr. King’s theme in *Where Do We Go From Here?* is the admonition to deploy communities, rather than individuals, to head off the chaos of racism, poverty, and militarism.

That leads to a suggestion that, in today’s political climate, the progressive movement needs a different approach if we are to work to accomplish racial and socio-economic justice. This approach is called “solidarity” and seeks to engage a broad base of the population collectively and in non-hierarchical modes. Ironically, King himself foresaw the need for this new approach, arguing that a “war for the transformation of a whole people [cannot be won] without total participation [of the group];”<sup>8</sup> the movement must reach far beyond a “small striking force.”<sup>9</sup>

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*Know the Real Gandhi*, GUARDIAN (May 2, 2011, 8:30 AM), <https://www.theguardian.com/commentisfree/belief/2011/may/02/mahatma-gandhi-biography-banned-india> [<https://perma.cc/LH3C-LK6X>].

<sup>7</sup> See Harold McDougall, *Humans, Hierarchy, and Human Rights*, 74 NAT’L LAW. GUILD REV. 129, 135–6, 141–2 (2017) (hereinafter *Hierarchy*).

<sup>8</sup> KING, *supra* note 5, at 20.

<sup>9</sup> *Id.* at 21, 170.

## I. WHAT HAS CHANGED, WHAT HAS NOT, AND WHY?

A. *Racism as a Social Hierarchy*

*"Racism . . . [inflicts] spiritual or physical homicide against the out-group."<sup>10</sup>*

In a previous article, *Humans, Hierarchy, and Human Rights*, I advanced a theory of social hierarchy as a tool of economic exploitation.<sup>11</sup> Such hierarchies create out-groups that are "othered" and in-groups that are not, to rationalize behavior within the hierarchy and to keep both groups under control. The boundaries of the hierarchy are managed with hazing, bullying, and violence.

As subjects of a social hierarchy, we learn to use these techniques against one another as we strive to ascend within the social order, reproducing it as we police our rivals.<sup>12</sup> All the while we are controlled by those in the hierarchy's "kleptocratic" upper echelons<sup>13</sup> who reap economic benefits funneled up from those below, both from those in the "in-group" and from those in the "out-group."

Citing feminist Marilyn French's work, I pointed out that patriarchy was the first of these; men were the in-group, women the out-group. It is important to note however, that patriarchy was designed to control men *as well as* women.<sup>14</sup> Later social hierarchies—racism, nationalism, religious intolerance—all followed the same pattern. Each, King would say, obscures the fact that "all life is interrelated."<sup>15</sup> And in that obfuscation, controlling elites are empowered to manipulate the in-group as well as the out-group, furthering the breadth of their economic exploitation. White racism is one of these, with its in-group and out-group, and its hazing, bullying, and violence, and its pitting White against Black for political consolidation and economic gain.

B. *Racism as an Economic Engine*

*"New England and the South" developed their economies upon, and owed their "growth. . . [and] prosperity" to an "infamous trade" in human bodies and human life.<sup>16</sup>*

<sup>10</sup> *Id.* at 74.

<sup>11</sup> See McDougall, *supra* note 7, at 130–134.

<sup>12</sup> See generally ROSALIND WISEMAN, *QUEEN BEES AND WANNABEES* (2016); see also MEAN GIRLS (Paramount Pictures 2004) (film based on the first edition of Wiseman's book).

<sup>13</sup> See McDougall, *supra* note 7, at 130 (citing JARED M. DIAMOND, *GUNS, GERMS, AND STEEL: THE FATES OF HUMAN SOCIETIES* 264–65 (1997)).

<sup>14</sup> See generally McDougall, *supra* note 7, at 133–34 (citing MARILYN FRENCH, *FROM EVE TO DAWN, A HISTORY OF WOMEN IN THE WORLD: ORIGINS: FROM PREHISTORY TO THE FIRST MILLENNIUM* 71 (2008)).

<sup>15</sup> KING, *supra* note 5, at 191.

<sup>16</sup> *Id.* at 75. Here, King echoes the work of Eric Williams (author of *CAPITALISM AND SLAVERY* (1944) and former Prime Minister of Trinidad and Tobago) and forecasts the work of Guyanese Pan-Africanist Walter Rodney (author of *HOW EUROPE UNDERDEVELOPED*

In the preceding passage, the “dark” Dr. King, “beyond the reach and control” of his White liberal patrons,<sup>17</sup> takes sure aim at racism’s enabling of White prosperity. King’s renowned eloquence here combines with the keen analysis of an organizer and theoretician, thoroughly indicting American racism in an extended and powerful section of his book.<sup>18</sup>

He calls out the leaders of the Revolutionary War for the aid and comfort they gave slave owners and slavery as an institution,<sup>19</sup> forecasting Gerald Horne’s *The Counterrevolution of 1776*.<sup>20</sup> He shames the Church for its historic complicity, going back as far as Cotton Mather, who comes in for a stinging rebuke.<sup>21</sup> He blasts high-level university intellectuals and academics of the late 19th century for their pseudo-scientific defense of White supremacy.<sup>22</sup> Even Lincoln’s recalcitrance to free the slaves does not go unnoticed.<sup>23</sup>

Dr. King saw racism, the “hound of hell,” along with its “perennial ally. . . economic exploitation,” continuing to “dog the tracks of of. . . civilization, at home and abroad.”<sup>24</sup> Without meeting this challenge, Dr. King feared Western civilization would find itself consigned to the junk heap of history.<sup>25</sup> Chillingly, he observed that history does not command that “the good” prevail. For that to happen, we must struggle to make it so. And, in history, “there is such a thing as being too late.”<sup>26</sup> “[Nineteen sixty-seven] may be mankind’s last chance to choose between chaos and community,” between peaceful solidarity and “poverty, racism, and militarism,”<sup>27</sup> the last chance to avoid the fate of twenty-six preceding civilizations that collapsed from the pressure of their own internal contradictions.<sup>28</sup>

### C. *What Problems Do We Face Today?*

Some aspects of the world Dr. King knew are still present; there are some ways in which his words regarding racism, poverty, and militarism

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AFRICA (1973)). Both Rodney and Williams did their primary research and writing at Howard University. See also *id.* at 189–90.

<sup>17</sup> Vincent Harding, *Introduction to MARTIN LUTHER KING, JR., WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY*, at xviii (2d ed. 2010).

<sup>18</sup> See KING, *supra* note 5, at 72–77.

<sup>19</sup> *Id.* at 77–85.

<sup>20</sup> GERALD HORNE, *THE COUNTER-REVOLUTION OF 1776: SLAVE RESISTANCE AND THE ORIGINS OF THE UNITED STATES OF AMERICA* (2014).

<sup>21</sup> KING, *supra* note 5, at 77.

<sup>22</sup> Cf. Marymagdaline Onyango, *Extreme Views: Are United States Universities Breeding Alt-Right Ideologies in Students?* 4 (2018) (unpublished student paper, Howard University) (on file with author) (citing Leslie M. Harris, *The Long, Ugly History of Racism at American Universities*, *THE NEW REPUBLIC* (Mar. 26, 2015), <https://newrepublic.com/article/121382/forgotten-racist-past-american-universities> [<https://perma.cc/687R-JUH6>]).

<sup>23</sup> KING, *supra* note 5, at 82.

<sup>24</sup> KING, *supra* note 5, at 183.

<sup>25</sup> *Id.* at 186–87.

<sup>26</sup> *Id.* at 202.

<sup>27</sup> *Id.* at 201.

<sup>28</sup> *Id.* at 186.

seem like they were uttered only yesterday. In some ways, conditions have worsened and his words are therefore even more powerful today than they were when they were penned.

We will first consider racism, poverty, and militarism separately. Then we will consider how they intersect.

### 1. Race

*“Racial segregation is buttressed by such irrational fears as loss of preferred economic privilege [and] altered social status . . . [Some White people] hope to drown their fears by engaging in acts of meanness and violence toward their Negro brethren.”*<sup>29</sup>

Racism, the “othering” of humans on the basis of selected physical characteristics, creates a social structure of racial domination and ordering, controlling all those whose intersubjective acceptance of the structure gives it strength and power.<sup>30</sup> Like all other social hierarchies, the “White supremacy” of American racism is violent and cruel, warping empathy until it is nearly unrecognizable.<sup>31</sup>

Dr. King saw the extent of the psychological damage done to Black people by slavery, White supremacy, and racism very clearly. He quotes and paraphrases historian Kenneth Stampp on the psychological indoctrination that produced a good slave, to construct a yardstick of how much damage was done and how much damage remains. This indoctrination was designed to generate specific results: (i) unconditional submission, (ii) a sense of personal inferiority that extended to one’s African heritage, (iii) a paralyzing fear of White men, (iv) an unconscious drive to imitate the White man’s behavior, (v) identification of the master’s best interests as one’s own, and (vi) a feeling of complete dependence on the master.<sup>32</sup>

Even today, this is disturbingly familiar territory, playing out in some ways in the so-called “politics of respectability” that strives to organize Black life around White expectations.<sup>33</sup> Thus, the qualities of the “idolized” White race are behavioral as well as physical. Accordingly, to navigate the hierarchy, one must not only look but also behave in the “whitest” way possible. To even maintain one’s place in the hierarchy, it is necessary to interpret, police, and regulate the whiteness of others, particularly those who appear to

<sup>29</sup> KING, *supra* note 5, at 61.

<sup>30</sup> See generally Harold McDougall, *For Critical Race Practitioners: Race, Racism, and American Law*, 46 HOWARD L.J. 1, 7–12 (2002) (discussing racism as an ideology).

<sup>31</sup> Cf. KING, *supra* note 5, at 74.

<sup>32</sup> *Id.* at 39–41; See also *id.* at 105, 117 (discussing respectively the psychological damage of segregation—fear, anxiety, resentment, sensitivity and the experience of “color shock” and “fatiguing, wearisome hopelessness”).

<sup>33</sup> See Harold McDougall, *Class Contradictions in the Civil Rights Movement: The Politics of Respectability, Disrespect, And Self-Respect*, 1 HOW. HUMAN. & C.R. L. REV. 45, 50–56 (2017) [hereinafter *Class Contradictions*].

belong in a tier below, on a lower rung of the racist ladder.<sup>34</sup> This especially applies to White people, as members of an in-group controlled and directed by the structures of racial hierarchy and subordination.

This can play out in strange ways. Today, in in our supposedly “post-racial” society, Black people are being confronted at every turn by White neo-segregationist vigilantes, patrolling the system’s boundaries and desperately trying to retain their perceived rightful place within it, and calling the police for help. As these incidents go viral,<sup>35</sup> these people have been comically labeled as “Barbecue Becky,”<sup>36</sup> “Convenience Store Caroline,” “Apartment Building Andrea,” and the like.<sup>37</sup> These White people call the police to enforce some boundary of the racist imagined reality that they feel a Black person has crossed, behaving as if they do not know their place.<sup>38</sup> Their targets? A Black family trying to enter a neighborhood swimming pool of which they are members;<sup>39</sup> Black people trying to gain access to their own apartment buildings, accosted by White women;<sup>40</sup> an eight-year old girl selling bottled water from an improvised roadside stand in her own neighborhood.<sup>41</sup>

King would no doubt recognize this sort of behavior, observing that “[r]acial segregation is buttressed by such irrational fears as loss of preferred economic privilege, altered social status, intermarriage and adjustment to

<sup>34</sup> Cf. KING, *supra* note 5, at 11 (“With each modest advance [the Negro makes] the white population promptly raises the argument that the Negro has come far enough.”); *id.* at 5 (Whites “cautiously measure the impact of any [racial] change on the status quo.”).

<sup>35</sup> Chris Riotta, *Woman Loses Job After ‘Physically Assaulting Black Teenager for Swimming at Community Pool’*, INDEPENDENT (July 4, 2018), <https://www.independent.co.uk/news/world/americas/pool-patrol-paula-video-woman-assault-black-teenager-swimming-calls-police-a8429866.html> [<https://perma.cc/J8NN-RKCR>].

<sup>36</sup> Christina Zhao, *‘BBQ Becky,’ White Woman Who Called Cops on Black BBQ*, NEWSWEEK (Dec. 26, 2018, 5:42 AM), <https://www.newsweek.com/bbq-becky-white-woman-who-called-cops-black-bbq-911-audio-released-im-really-1103057> [<https://perma.cc/4DUM-5XMZ>].

<sup>37</sup> My student Davoye Reid chronicled a number of these stories. See Davoye Reid, *Generification: Stopping Barbeque Beckys 7–10* (2018) (unpublished student paper, Howard University) (on file with author). See also Gina Martinez, *Woman Dubbed ‘Cornerstore Caroline’ Faces Backlash After Falsely Accusing a 9-Year-Old Boy of Sexual Assault*, TIME (Oct. 16, 2018), <http://time.com/5426067/cornerstore-caroline-backlash-sexual-assault-boy/> [<https://perma.cc/QV3Z-ZGGR>].

<sup>38</sup> See also Morgan Jerkins, *Why White Women Keep Calling the Cops on Black People*, ROLLING STONE (July 17, 2018, 9:00 AM), <https://www.rollingstone.com/politics/politics-features/why-white-women-keep-calling-the-cops-on-black-people-699512/> [<https://perma.cc/BZF9-NFAF>].

<sup>39</sup> Karen Zraick, *Man Labeled ‘ID Adam’ Is Fired After Calling the Police on a Black Woman at Pool*, N.Y. TIMES (July 6, 2018), <https://www.nytimes.com/2018/07/06/us/pool-racial-profiling-white-man.html> [<https://perma.cc/N8VD-4836>].

<sup>40</sup> David Barden, *Missouri Woman Fired for Blocking Black Man From Entering Apartment Complex*, HUFFPOST (Oct. 15, 2018, 7:39 AM), [https://www.huffpost.com/entry/st-louis-missouri-apartment-white-woman-black-man\\_n\\_5bc3f3d7e4b0bd9ed55b750b](https://www.huffpost.com/entry/st-louis-missouri-apartment-white-woman-black-man_n_5bc3f3d7e4b0bd9ed55b750b) [<https://perma.cc/5FB2-XML6>].

<sup>41</sup> See Reid, *supra* note 37, at 7–10 (2018) (identifying Alison Ettel aka “Permit Patty”, citing Simone Aponte, *Listen: ‘Permit Patty’ Calls 911 on Little Girl, Despite Claiming She Never Did*, KTVU (Jun. 28, 2018, 1:29PM), <http://www.ktvu.com/news/listen-permit-patty-calls-911-on-little-girl-despite-claiming-she-never-did> [<https://perma.cc/6A8Z-DWXM>]).

new situations. Through sleepless nights and haggard days, numerous White people struggle pitifully to combat these fears. . . [hoping to drown them] by engaging in acts of meanness and violence toward their Negro brethren.”<sup>42</sup>

These instances are often trifling and pathetic, yet simultaneously very serious, because a White person calling the police on a Black person endangers that Black person’s life.<sup>43</sup> We live in a time of viral videos chronicling racist police brutality and extrajudicial killings.<sup>44</sup> According to studies, “[y]oung black men are twenty-one times more likely to be shot and killed [by police] than young white men.”<sup>45</sup>

Even prominent universities are not exempt. Granted, some are beginning to acknowledge the role slavery played in their founding and development.<sup>46</sup> But others are staging grounds for “blackface” parties,<sup>47</sup> organized by powerful White fraternities and sororities whose alumni are large donors to the university’s endowment.<sup>48</sup> Alt-right and White supremacist groups, sensing an amenable environment, organize rallies near universities, looking for recruits.<sup>49</sup> At the University of Virginia, alt-righters and White supremacists

<sup>42</sup> Cf. KING, *supra* note 5, at 61.

<sup>43</sup> See *Police Calls Over the Mundane Criminalize ‘Living While Black’*, MSNBC (May 29, 2018), <https://www.msnbc.com/msnbc/watch/police-calls-over-the-mundane-criminalize-living-while-black-1244231747757> [<https://perma.cc/85JL-BS9K>].

<sup>44</sup> See, e.g., Joe Sexton, “I Don’t Want to Shoot You, Brother”, PROPUBLICA (Nov. 29, 2018), <https://features.propublica.org/weirton/police-shooting-lethal-force-cop-fired-west-virginia/> [<https://perma.cc/36QX-PA88>]; Mychal Denzel Smith, *The Normalization of Violence Against Black Women*, NATION (Oct. 8, 2013), <https://www.thenation.com/article/normalization-violence-against-black-women/> [<https://perma.cc/8ZET-EWDK>].

<sup>45</sup> Brya Adams, *How to Cripple and Dismantle Police Brutality and Stop the Killings of Black People 2* (2018) (unpublished student paper, Howard University) (on file with author) (citing Nikole Hannah-Jones, *Taking Freedom: Yes Black America Fear the Police. Here’s Why.*, PACIFIC STANDARD (Apr. 10, 2018), <https://psmag.com/social-justice/why-black-america-fears-the-police> [<https://perma.cc/8MNK-55CR>]).

<sup>46</sup> Marymagdaline Onyango, *Extreme Views: Are United States Universities Breeding Alt-Right Ideologies in students?* 18–20 (2018) (unpublished student paper, Howard University) (on file with author) (citing, *inter alia*, *All Things Considered, How Slavery Shaped America’s Oldest and Most Elite Colleges*, NPR (Sept. 17, 2013, 4:59 PM), <https://www.npr.org/sections/codeswitch/2013/09/17/223420533/how-slavery-shaped-americas-oldest-and-most-elite-colleges> [<https://perma.cc/9GSU-W337>]).

<sup>47</sup> Alicia D. Frison, *A Social Justice Curriculum in High Education 14* (2018) (unpublished student paper, Howard University) (on file with author) (citing, *inter alia*, Veronica Rocha, *Kanye West–Themed Frat Party at UCLA Sparks Protests, Claims of Racism*, L.A. TIMES (Oct. 9, 2015, 7:46 AM), <https://www.latimes.com/local/lanow/la-me-in-ucla-blackface-kanye-party-20151008-story.html> [<https://perma.cc/9G4Q-3FQ3>]).

<sup>48</sup> *Id.* at 17 (citing Amanda Schallert, *Leaked Emails Reveal Hidden Sources of Bruins United Campaign Funds*, DAILY BRUIN (Dec. 11, 2014, 1:11 AM), <http://dailybruin.com/2014/12/11/leaked-emails-reveal-hidden-sources-of-bruins-united-campaign-funds/> [<https://perma.cc/2XE3-REWM>]); see also Onyango, *supra* note 46, at 20 (citing Caitlin Flanagan, *The Dark Power of Fraternities*, ATLANTIC (Mar. 2014), <https://www.theatlantic.com/magazine/archive/2014/03/the-dark-power-of-fraternities/357580/> [<https://perma.cc/8Z9S-NRFB>]).

<sup>49</sup> Onyango, *supra* note 46, at 1–2 (citing, *inter alia*, Graeme Wood, *His Kampf*, ATLANTIC (June 6, 2017), <https://www.theatlantic.com/magazine/archive/2017/06/his-kampf/524505/> [<https://perma.cc/ES8A-B26G>]); see also *id.* at 22 (citing *The Alt-Right On Campus: What Students Need to Know*, SOUTHERN POVERTY LAW CENTER (Aug. 10, 2017), <https://www.splcenter.org/20170810/alt-right-campus-what-students-need-know> [<https://perma.cc/6ESY-GQS4>]).

spilled out into the streets of Charlottesville in a paroxysm of hatred, violence, and death.<sup>50</sup>

Racism and xenophobia are welcome tools even at the highest levels of government. In the White House, President Trump encourages and lauds alt-right behavior, calling the perpetrators “good people.”<sup>51</sup>

In 1967, Dr. King warned of the consequences of continuing America’s “long dalliance” with racism and White supremacy, noting in particular the danger of “unregenerate segregationists who have declared that democracy is not worth having if it involves equality.”<sup>52</sup> This sub-population seeks the “total reversal of all reforms,” the “reestablishment of naked oppression . . . [and the establishment of] a native form of fascism.”<sup>53</sup> Using a “resurgent Klan and a totally disenfranchised lower class” to accomplish this “would realize the dream of too many extremists on the right.”<sup>54</sup>

Today, we witness that very scenario: a resurgence of White supremacy in the United States as members of the right-wing elite resort to racism as a perennially-useful tool to build, consolidate, and maintain control of an exploitative social and economic order. White supremacy thus becomes a way to strengthen and support the hierarchy and the system of social and economic exploitation upon which it is based. This should remind us that, in America’s racist social hierarchy, “White” people are as much subject to racism’s control and direction as are “Black” people, the “others” in the arrangement.<sup>55</sup>

<sup>50</sup> *Id.* at 1, 6 (citing, *inter alia*, Richard Fausset & Alan Feuer, *Far-Right Groups Surge Into National View in Charlottesville*, N.Y. TIMES (Aug. 13, 2017), <https://www.nytimes.com/2017/08/13/us/far-right-groups-blaze-into-national-view-in-charlottesville.html> [<https://perma.cc/36F2-T77Y>]; Denise Lavoie, *Trial Set to Start for Driver in Deadly Charlottesville White Nationalist Rally Crash*, AP (Nov. 24, 2018), <https://apnews.com/772bfb6fe3524ea3b24d714c375385e1> [<https://perma.cc/E7M9-G7FT>]).

<sup>51</sup> Dylan Stableford, *One Year Later, Trump's 'both sides' Response to Charlottesville Still Elicits Anger*, YAHOO NEWS (Aug. 10, 2018), <https://www.yahoo.com/news/one-year-later-trumps-sides-response-charlottesville-still-elicits-anger-022706004.html> [<https://perma.cc/N7X6-4R6Z>].

<sup>52</sup> KING, *supra* note 5, at 127; *see generally* KENNETH O'REILLY, NIXON'S PIANO: PRESIDENTS AND RACIAL POLITICS FROM WASHINGTON TO CLINTON (1995) (Richard Nixon set this process in motion after the 1968 election and King's assassination, seeking, successfully, to bring the Southern white racist following of George Wallace into the Republican Presidential fold); Paul Krugman, *The Conscience of a Liberal*, N.Y. TIMES BLOG (Nov. 10, 2007, 7:36 PM), <https://krugman.blogs.nytimes.com/2007/11/10/innocent-mistakes/> [<https://perma.cc/WG3S-3A9X>] (Ronald Reagan, not ten years after Nixon left office, brought in racist members of the Northern white working class, the so-called “Reagan Democrats.”).

<sup>53</sup> KING, *supra* note 5, at 11–12.

<sup>54</sup> *Id.*

<sup>55</sup> *See id.* at 122 (The “othering” of black people is extensive; “society develops the myth of inferiority to give credence to its lifelong patterns of exploitation,” its crushing of lives, “mentally, emotionally and physically.”).

## 2. Poverty

*“[A] withered sense of justice” despite increasing plenty could corrupt the lives of all Americans.*<sup>56</sup>

In 1967, Dr. King saw his countrymen declining morally and spiritually as they became materially richer.<sup>57</sup> In this regard, King quotes Office of Economic Opportunity Director Hyman Bookbinder’s observation of a year earlier: “[t]he poor can stop being poor if the rich are willing to become even richer at a slower rate.”<sup>58</sup> King did not see many people listening. Instead, he saw human dignity “corroded by poverty,” crushed by its stigma in a society “whose measure of value revolves around money.”<sup>59</sup> He questioned why there were “forty million poor people in a nation overflowing with such unbelievable affluence.”<sup>60</sup> Since Dr. King’s time, the progressive economic liberalism of FDR and LBJ has only been further displaced by the consumerism and by the neoliberalism of Nixon and Reagan.<sup>61</sup> This has exacerbated the poverty problem.

With respect to these developments, King had already sniffed the winds of change.<sup>62</sup> Describing a “worldwide neighborhood” resulting from “modern scientific and technological revolutions,”<sup>63</sup> he saw a global capitalist invasion of Europe’s former colonies. This invasion pushed the formerly colonized to “buy automobiles, Coca-Cola and Hollywood, so that even remote villagers have become aware of the wonders and blessings available to God’s white children.”<sup>64</sup> Discontent was sure to follow, he warned, as the formerly colonized (and, I might add, the formerly enslaved) saw that colored people would not share in Western, White abundance.<sup>65</sup> The conclusion that their condition and exploitation are “somehow related to their color and to the racism of the white Western world” would be inescapable.<sup>66</sup>

King might be surprised at the extent to which the budding globalization of consumer culture he saw in 1967 has come to dominate our planet. The late Benjamin Barber described this new disequilibrium in his 1992 book, *Jihad vs. McWorld*, in which he debunked Francis Fukuyama’s claim

<sup>56</sup> *Id.* at 90.

<sup>57</sup> *Id.* at 181; (Recent college bribery scandals suggest the trend King saw continues to this day. cf. Anand Giridharadas, *College Bribery Scandal Highlights How America Is Rigged for Wealthy & Powerful*, DEMOCRACY NOW! (Mar. 15, 2019), [https://www.democracynow.org/2019/3/15/anand\\_giridharadas\\_college\\_bribery\\_scandal\\_highlights](https://www.democracynow.org/2019/3/15/anand_giridharadas_college_bribery_scandal_highlights) [https://perma.cc/R4E3-NBCJ]).

<sup>58</sup> KING, *supra* note 5, at 6.

<sup>59</sup> *Id.* at 92.

<sup>60</sup> *Id.* at 141.

<sup>61</sup> See Harold McDougall, *The Challenges of Legal Education in the Neoliberal University*, 72 NAT’L LAW. GUILD REV. 65, 65–66 (2015) (citing, *inter alia*, DAVID HARVEY, NEOLIBERALISM: A BRIEF HISTORY (2005)).

<sup>62</sup> KING, *supra* note 5, at 177.

<sup>63</sup> *Id.* at 186.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

that we had reached the “end of history,” with capitalist democracy as the pinnacle of human achievement.<sup>67</sup> Not so fast, said Barber. Global consumer capitalism can be autocratic as well as democratic. There are many more losers than winners, and the winnings tend to be concentrated in a small elite.<sup>68</sup>

“Jihadis” from many communities, not just Islamic, fight consumerism’s threat to their cultures and to their community’s way of life.<sup>69</sup> In addition, there is a straight line from neoliberalism’s rise to the recent populist resurgences in the United States, Britain, and other European countries, as “God’s white children” suddenly realize that being White is no longer enough.<sup>70</sup> You also have to be rich to enter neoliberal capitalist heaven.

Neoliberalism has caused “stunning increases in poverty and inequality worldwide, and is increasingly associated with domestic and international authoritarianism.”<sup>71</sup> Today, we face a widening gap between rich and poor at home and abroad and a one percent that is never satiated in its drive for more, exacerbating the wealth gap even further.<sup>72</sup> Our “World House” is riven by hierarchy and othering,<sup>73</sup> driven to the edge, nearly to madness, by the elites’ thirst for power and the hierarchy they deploy to manage the project.<sup>74</sup>

### 3. War

*War is a “wasteland,” where the “expenditure of resources knows no restraints” and our abundance is “enthusiastically squandered.”*<sup>75</sup>

War was the third of King’s major concerns. In the Vietnam war budget, clerical errors alone amounted to more than five times the cost of contemporaneous antipoverty programs.<sup>76</sup> Noting how much it cost to kill

<sup>67</sup> See Benjamin R. Barber, *Jihad vs. McWorld*, ATLANTIC (Mar. 1992), <https://www.theatlantic.com/magazine/archive/1992/03/jihad-vs-mcworld/303882/> [<https://perma.cc/6ANY-3R2D>].

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> Cf. Alec MacGillis and ProPublica, *The Original Underclass: Poor White Americans’ Current Crisis Shouldn’t Have Caught the Rest of the Country As Off Guard As It Has*, ATLANTIC, September 2016, <https://www.theatlantic.com/magazine/archive/2016/09/the-original-underclass/492731> [<https://perma.cc/5QJ8-ZT6Q>] (“The stressor at work here is the perceived and real loss of the social and economic advantages of being white.”).

<sup>71</sup> See McDougall, *supra* note 61, at 65–66.

<sup>72</sup> See, e.g., Eduardo Porter & Karl Russell, *It’s an Unequal World. It Doesn’t Have to Be.*, N.Y. TIMES (Dec. 14, 2017), <https://www.nytimes.com/interactive/2017/12/14/business/world-inequality.html> [<https://perma.cc/C64K-VTT7>]; Michael Savage, *Richest 1% On Target to Own Two-Thirds Of All Wealth by 2030*, GUARDIAN (Apr. 7, 2018, 8:08 AM), <https://www.theguardian.com/business/2018/apr/07/global-inequality-tipping-point-2030> [<https://perma.cc/4E38-7RXL>].

<sup>73</sup> KING, *supra* note 5, at 177.

<sup>74</sup> Cf. *id.* at 192.

<sup>75</sup> *Id.* at 91.

<sup>76</sup> *Id.*

one enemy soldier (\$332,000 in 1967), King asked how many lives could be transformed if that money was devoted to social justice instead.<sup>77</sup>

He saw no excuse in modern times for the “kind of blind craving for resources and power that provoked the wars of previous generations.”<sup>78</sup> He had even less patience for the “large power blocs” who talked about peace but profited from war, “expanding defense budgets that already bulge . . . devising ever more devastating weapons.”<sup>79</sup>

Today, war is too easy to get into and too hard to get out of, with a volunteer army and a vast and expensive array of military hardware begging to be used. The manufacture and sale of this hardware further enriches the one percent, heirs to the “large power blocs” King condemned.<sup>80</sup>

#### D. Race, Poverty and Militarism Intersect

*“[P]oisonous drugs of hate [have been injected] into the veins of people normally humane;” [there is a] “glaring contrast of poverty and wealth;” and “Western arrogance” assumes the right to dictate life choices to other nations and settle objections with military force.*<sup>81</sup>

When the Constitution was drafted, King noted:

[It] declared the Negro 3/5 of a person. . . [T]oday it seems that he is only 1/2 of a person. Of the good things in life he has approximately one-half those of Whites, and of the bad he has twice those of whites. Negroes have half the income of Whites and twice as many of them live in poverty.<sup>82</sup>

These observations echo in the papers of some of my current students at Howard Law School. For example, my student Sharifa Clark cites *Forbes* magazine for the proposition that White household wealth is presently twenty times that of Black household wealth. (Black household wealth is actually *decreasing*, and will “hit zero” by 2053).<sup>83</sup> There is a racial “wage gap” as well as a “wealth gap,” and that is also increasing.<sup>84</sup> Another student,

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* at 192.

<sup>79</sup> *Id.*

<sup>80</sup> KING, *supra* note 5, at 192

<sup>81</sup> *Id.* at 198–99.

<sup>82</sup> *Id.* at 6.

<sup>83</sup> Sharifa Clark, Closing the Racial Wealth Gap: A Demand for Reparations (unpublished student paper, Howard University) (on file with author) (citing Brian Thompson, *The Racial Wealth Gap: Addressing America's Most Pressing Epidemic*, FORBES (Feb. 18, 2018), <https://www.forbes.com/sites/brianthompson1/2018/02/18/the-racial-wealth-gap-addressing-americas-most-pressing-epidemic/> [https://perma.cc/99A3-RTXL]).

<sup>84</sup> *Id.* at 14 (citing Eshe Nelson, *The Growing Gap Between Black and White Worker's Wages in the US is Getting Harder to Explain*, QUARTZ (Sept. 11, 2017), <https://qz.com/1073019/the-growing-gap-between-black-and-white-workers-wages-in-the-us-is-getting-harder-to-explain/> [https://perma.cc/4NW2-V3CT]).

Kailyn Townsend, wrote a paper about a racial health gap<sup>85</sup> that has led to higher levels of Black maternal mortality.<sup>86</sup> Poverty and prison seem to go together, especially if one is Black. Nnamdia Gooding wrote about astronomically high levels of Black imprisonment. “People of color make up only 37 percent of the United States population, yet make up 67 percent of the prison population.”<sup>87</sup> This imbalance was largely caused by the “War on Drugs” that has had three times the impact on nonwhites as Whites. (Private, for-profit prisons are also a big factor.)<sup>88</sup> Arnelle Devallon wrote about lengthy pretrial detention, brought on by defendants’ inability to pay large bail sums.<sup>89</sup> Many of my students over the years have written about large percentages of Black people brutalized, maimed, or killed at the hands of police, citing Sandra Bland, Philando Castile, Eric Garner, and many more.<sup>90</sup>

New on the scene is the Department of Defense’s 1033 program. When it’s time for the military to trade in for the latest equipment, the program facilitates the transfer of military-grade firearms, night vision devices, ar-

<sup>85</sup> Kailyn Townsend, *The Black Maternal Mortality Crisis* 13 (2018) (unpublished student paper, Howard University) (on file with author) (“[R]acially-charged historical biases” still limit and skew healthcare delivery to Black patients, such as the belief that Black people’s blood coagulated more quickly than white people’s, that Black patients had thicker skin and stronger immune systems, and that Black patients had a higher threshold for pain.”).

<sup>86</sup> *Id.* at 2 (“Black women are three times more likely to die of pregnancy-related causes as are white women, despite the fact that Black women do not experience pregnancy-related complications at a significantly greater rate than their white counterparts. This disparity is not mitigated by controlling for income, health status, and education attainment. In fact, Black women with college educations who gave birth in local hospitals are more likely than white women without high school diplomas to suffer severe complications from pregnancy or childbirth.”).

<sup>87</sup> Nnamdia Gooding, *Modern Day Slavery: The Current American Prison System* 2 (2018) (unpublished student paper, Howard University) (on file with author) (citing Drew Kann, *5 Facts Behind America’s High Incarceration Rate*, CNN (July 10, 2018), <https://www.cnn.com/2018/06/28/us/mass-incarceration-five-key-facts/index.html> [<https://perma.cc/77H5-XGF2>]). See also Shandre Delaney, *Top Nine Wishes to End Mass Incarceration in 2019: What the Future Should Look Like for Prisoners*, LAW AT THE MARGINS, <http://lawatthemargins.com/top-nine-wishes-to-end-mass-incarceration-in-2019-what-the-future-should-look-like-for-prisoners/> [<https://perma.cc/P4EV-KE8F>].

<sup>88</sup> See Gooding, *supra* note 87.

<sup>89</sup> Arnelle Devallon, *Black Pretrial Detention as a Badge of Slavery* 2 (2018) (unpublished student paper, Howard University) (on file with author) (“[Ninety-five] percent of the jail growth since 2000 has resulted from an increase in inmates held without bail.”) (citing ZHEN ZENG, BUREAU OF JUSTICE STATISTICS, NCJ 251210, JAIL INMATES IN 2016 (Feb. 22, 2018) <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6186> [<https://perma.cc/6XMP-LB6A>]).

<sup>90</sup> See, e.g., Reid, *supra* note 37, at 16–17 (citing, inter alia, Debbie Nathan, *What Happened to Sandra Bland?* THE NATION (Apr. 16, 2018), <https://www.thenation.com/article/what-happened-to-sandra-bland/> [<https://perma.cc/528K-RLBG>]; C.J. Sullivan, *Man Dies After Suffering Heart Attack During Arrest*, N.Y. POST (July 18, 2014), <https://nypost.com/2014/07/18/man-dies-after-suffering-heart-attack-during-arrest/> [<https://perma.cc/G86W-WMQK>]; Mitch Smith, *Minnesota Officer Acquitted in Killing of Philando Castile*, N.Y. TIMES (June 16, 2017), <https://www.nytimes.com/2017/06/16/us/police-shooting-trial-philando-castile.html> [<https://perma.cc/7ZRX-ENP3>]).

mored vehicles and aircraft to local police departments, at bargain rates.<sup>91</sup> There also these tools of war sit, begging to be used.<sup>92</sup> My student Brya Adams' research shows that the increased militarization of the police directly correlates with an increased number of police killings. "One county went from receiving no military equipment to over \$2.5 million worth and twice as many civilians were projected to be killed the following year."<sup>93</sup> She also cites studies indicating that such militarization especially targets Black neighborhoods, where police officers patrolling in military camouflage undermines the already blurry distinction between "posse comitatus" and military occupation.<sup>94</sup> Here, racism and militarism intersect.

Finally, racism, poverty, and militarism are all exacerbated as neoliberalism widens the wealth gap, uses militarism to protect its interests, and deploys racism to cover its tracks.

The world Dr. King saw awaited a "revolution in values" that would "look uneasily" on these interrelated and obscene conditions and say, "[t]his is not just."<sup>95</sup> His words echo in the ruins we now inhabit. Yet, with all his clear-eyed assessment of the predicament we still are in, King had hope and advised us to cultivate it as well. Not vain, self-righteous hope, the "pie in the sky, after you die" hope with which mainstream media and history has unfairly and opportunistically associated him. Instead, he offered a sober and realistic picture of what it will take to set things right, along with the hope that we can do it. Economic equality and social and political solidarity are both key to his vision.

<sup>91</sup> Adams, *supra* note 45, at 7 (citing Kanya Bennett, *Even Fake Law Enforcement Officers Agencies Can Get Weapons of War for 'Policing,'* ACLU: SPEAK FREELY (July 26, 2017, 5:30 PM), <https://www.aclu.org/blog/criminal-law-reform/even-fake-law-enforcement-agencies-can-get-weapons-war-policing> [<https://perma.cc/3PU8-ZC98>]; Jeffrey T. Fowler, *Police Militarization in America – A Negative or Positive Trend?*, IN HOMELAND SECURITY (Apr. 25, 2017), <https://inhomelandsecurity.com/police-militarization-america/> [<https://perma.cc/HR99-2ES8>]).

<sup>92</sup> See, e.g., *Armed w/ Military-Grade Weapons, Missouri Police Crack Down on Protests over Michael Brown Shooting*, DEMOCRACY NOW! (Aug. 14, 2014), [https://www.democracynow.org/2014/8/14/armed\\_w\\_military\\_grade\\_weapons\\_missouri](https://www.democracynow.org/2014/8/14/armed_w_military_grade_weapons_missouri) [<https://perma.cc/X9N6-Q2C4>].

<sup>93</sup> Adams, *supra* note 45, at 7 (citing Jack Mewhirter and Ryan Welch, *Does Military Equipment Lead Police Officers to be More Violent? We Did the Research.*, WASH. POST: MONKEY CAGE (June 30, 2017), <https://www.washingtonpost.com/news/monkey-cage/wp/2017/06/30/does-military-equipment-lead-police-officers-to-be-more-violent-we-did-the-research/> [<https://perma.cc/WCZ5-FUX8>]).

<sup>94</sup> Adams, *supra* note 45, at 7–8 (citing Nsikan Akpan, *Police Militarization Fails to Protect Officers and Targets Black Communities, Study Finds*, PBS (Aug. 21, 2018), <https://www.pbs.org/newshour/science/police-militarization-fails-to-protect-officers-and-targets-black-communities-study-finds> [<https://perma.cc/5RS5-FHJX>]; Jeffrey T. Fowler, *Police Militarization in America – A Negative or Positive Trend?*, IN HOMELAND SECURITY (Apr. 25, 2017), <https://inhomelandsecurity.com/police-militarization-america/> [<https://perma.cc/HR99-2ES8>]).

<sup>95</sup> KING, *supra* note 5, at 198.

## II. WHERE DO WE GO FROM HERE? THE QUEST FOR ECONOMIC EQUALITY

*"[T]he Negro's problem cannot be solved unless the whole of American society takes a new turn toward greater economic justice."<sup>96</sup>*

### A. Reparations

Seeing the fundamental connection between economic exploitation and social hierarchy, Dr. King made it clear that economic equality, the issue that broke the Civil Rights Movement, has to now lead our agenda. King called for a "socially conscious democracy."<sup>97</sup> It was to be based on a "Bill of Rights for the Disadvantaged"<sup>98</sup> that echoed the economic bill of rights proposed by President Franklin D. Roosevelt during his 1944 State of the Union address when King was fifteen years old.<sup>99</sup>

King's 1967 proposal covered education,<sup>100</sup> employment,<sup>101</sup> entitlements,<sup>102</sup> housing,<sup>103</sup> and a guaranteed national income.<sup>104</sup> He also called for a "Marshall Plan" to redevelop Black communities and make their people whole.<sup>105</sup> Though he does not use the word in the book, his proposals bear a striking resemblance to today's demands for Black reparations for the crimes

<sup>96</sup> *Id.* at 51.

<sup>97</sup> Harding, *supra* note 17, at xviii. We can find echoes of this in proposals of fairly recent vintage, such as H.R. Res. 109, 116th Cong. (2019) (the "Green New Deal") and Medicare for All Act of 2017, S. 1804, 115th Cong. (2017).

<sup>98</sup> KING, *supra* note 5, at 143.

<sup>99</sup> Franklin D. Roosevelt, President of the U.S., State of the Union Message to Congress (Jan. 11, 1944) (transcript available in the Franklin D. Roosevelt Presidential Library and Museum, [http://www.fdrlibrary.marist.edu/archives/address\\_text.html](http://www.fdrlibrary.marist.edu/archives/address_text.html) [<https://perma.cc/4UFL-H59W>]).

<sup>100</sup> KING, *supra* note 5, at 204, 205 (closing the education gap between blacks and whites; infusing black schools with a mission).

<sup>101</sup> *Id.* at 208–09 (an apprenticeship system to prepare for careers in "human services," "medical attention, social services, neighborhood amenities" . . . an [i]ndustry that can soak up persistent unemployment; students would still take some liberal arts courses around the work that they are doing, probably at a community college.).

<sup>102</sup> *Id.* at 210–11 (In government welfare bureaucracies, professionals have a duty to serve but too often humiliate or neglect. A solution is for clients to unionize, creating welfare client unions and tenants unions in public housing.).

<sup>103</sup> *Id.* at 214 (calling for a "Medicare for housing").

<sup>104</sup> *Id.* at 170.

<sup>105</sup> *Id.* at 39.

of slavery, segregation, and White supremacy.<sup>106</sup> (He did use the term on another occasion.<sup>107</sup>)

When discussing King's Marshall Plan (i.e., reparations) we start with the present value of forcibly-expropriated slave labor (six trillion dollars<sup>108</sup>). But amends must also be made for "the loss of life due to lynching, police brutality and other various domestic terrorist acts against the black community," says Sharifa Clark.<sup>109</sup> My other students, cited above, discuss this as well.

However, Ms. Clark takes another step. She observes, "Not only were black bodies used to build the American economy, Blacks were shut out of various opportunities for economic prosperity and advancement . . . leading [to] the racial wealth gap in America."<sup>110</sup> "Black people were "systemically barred from government programs that promoted, encouraged, and incentivized" property ownership and "grew the white American middle class."<sup>111</sup>

These include the Homestead Act of 1862, signed by President Abraham Lincoln, that granted 246 million acres of western land to over 1.5 million White families, both American-born and immigrant. (Today, nearly a quarter of America's White population are descendants of Homestead Act recipients.)<sup>112</sup> The Social Security Act of 1935 "specifically excluded domestic workers and agricultural workers . . . predominately people of color."<sup>113</sup> The 1935 Wagner Act (the National Labor Relations Act) "permitted unions to exclude non-whites and deny them access to better paying jobs and union protections and benefits such as health care, job security, and pensions."<sup>114</sup>

Federal Housing Administration (FHA) home lending practices from 1934 to 1962 actually *promoted* racial segregation, "mass producing the white

<sup>106</sup> See Ta-Nehisi Coates, *The Case for Reparations*, ATLANTIC (June 2014) <https://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/> [<https://perma.cc/QA4Q-CDJX>]. King also called for a Marshall plan for the former colonies of Asia, Africa and South America for the crimes of slavery, segregation, colonialism, and white supremacy. See King, *supra* note 5, at 188–189. He shrewdly cautioned, however, that the program not be used to control them or perpetuate neocolonialism. Unfortunately, that is exactly what has happened, as World Bank and IMF lend, do not grant monies to former colonies, imposing "structural adjustments" that perpetuate neo-colonial and neoliberal control.

<sup>107</sup> Maje Official, *Martin Luther King Explains 'Reparations'*, YOUTUBE (Dec. 7, 2013), [https://youtu.be/\\_NNvzVCVhIM](https://youtu.be/_NNvzVCVhIM) [<https://perma.cc/TVS7-LW9T>].

<sup>108</sup> Clark, *supra* note 83, at 20 (citing ANGEL RICH, *HISTORY OF THE BLACK DOLLAR* 8 (Sharon Redmond & Brenda Sayles, eds., 2017)).

<sup>109</sup> *Id.* at 20

<sup>110</sup> *Id.*

<sup>111</sup> *Id.* at 10.

<sup>112</sup> *Id.* at 11 (citing Keri Merritt, *Land and the roots of African-American Poverty*, AEON (Mar. 11, 2016), <https://aeon.co/ideas/land-and-the-roots-of-african-american-poverty> [<https://perma.cc/8U8R-5MQH>]).

<sup>113</sup> *Id.*

<sup>114</sup> *Id.* at 12 (citing *Wagner Act*, ROOSEVELT INSTITUTE: BLOG (Jun. 20, 2012), <http://rooseveltinstitute.org/wagner-act/> [<https://perma.cc/RX7B-46HN>]).

American suburbs.”<sup>115</sup> Of FHA’s \$120 billion in home loan guarantees, ninety-eight percent went to White families.<sup>116</sup> Virtually ineligible for FHA-backed loans, Black homeowner-hopefuls were exploited by predatory lenders who stripped away what little equity they had managed to gather.<sup>117</sup>

When discussing remedies, Sharifa also recommends a “Marshall Plan” to right the wrongs she and Dr. King both see. She proposes reparations in four different forms: “(1) subsidized mortgages for first-time home buyers (2) tuition waivers and student loan forgiveness (3) direct funds to invest in wealth building programs and (4) financial literacy programs in grade K–12 schools.”<sup>118</sup>

### B. *The Cost of Reparations*

*True equality, the equality we need, will be expensive.*<sup>119</sup>

Writing nearly twenty-five years after FDR’s State of the Union address, King cautioned that the freedom sought by the Civil Rights Movement’s first stage—liberty—had been cheap in comparison to the price of the next stage, equality.<sup>120</sup>

For funding, Ms. Clark recommends taxes on “the wealthiest one percent of the nation,” on “corporations that profited from slave labor,” and on “companies that participated in discriminatory practices such as redlining and predatory lending.”<sup>121</sup> (I would add those individuals, companies, and state and local governments profiting from the modern-day slavery of the “prison-industrial complex.”<sup>122</sup>) She also recommends direct transfers by the federal government from the general fund. These various income streams would go to a federally-operated “National Reparations Trust for Descendants of Black American Slaves.”<sup>123</sup>

Twenty years after Dr. King’s death, former Congressman John Conyers introduced a “bill that would establish a commission to examine the insti-

<sup>115</sup> *Id.* (citing Kriston Capps, *How the Federal Government Built White Suburbia*, CITY LAB (Sept. 2, 2015), <https://www.citylab.com/equity/2015/09/how-the-federal-government-built-white-suburbia/403321/> [<https://perma.cc/QK9Y-43U6>]).

<sup>116</sup> *Id.*

<sup>117</sup> *Id.* at 13 (citing Alana Semuels, *A House You Can Buy, But Never Own*, ATLANTIC (Apr. 10, 2018) (discussing contract for deed transactions), <https://www.theatlantic.com/business/archive/2018/04/rent-to-own-redlining/557588/> [<https://perma.cc/PD7Q-SKJ4>]).

<sup>118</sup> *Id.* at 22.

<sup>119</sup> KING, *supra* note 5, at 197, 199.

<sup>120</sup> *Id.* at 6; See Clark, *supra* note 83, at 20 (citing Valerie Wilson, *50 Years After the Riot: Continued Economic Inequality for African Americans*, ECON. POLY INSTITUTE: WORKING ECON. BLOG (Feb. 26, 2018, 2:11 PM), <https://www.epi.org/blog/50-years-after-the-riots-continued-economic-inequality-for-african-americans/> [<https://perma.cc/6Q9W-UW7Y>]).

<sup>121</sup> See Clark, *supra* note 83, at 26.

<sup>122</sup> Gooding, *supra* note 87, at 26, 29; see also *The Criminalization of Poverty, Wealth Extraction from Communities of Color, and Threats to Democracy*, Panel at the National People of Color Legal Scholarship Conference: People of Color and the Future of Democracy at the American University Washington College of Law (Mar. 22, 2019).

<sup>123</sup> See Clark, *supra* note 83, at 20.

tution of slavery in the U.S. and its early colonies, and recommend appropriate remedies.”<sup>124</sup> He introduced that bill again and again in every congressional session. The United Nations has also called for reparations for Americans of African descent.<sup>125</sup> And, most recently, several Democratic candidates in the 2020 presidential election have also declared their support for some variant of reparations.<sup>126</sup>

### III. HOW DO WE GET THERE? SOLIDARITY

*[We need] “workmanlike and experienced organizations,” strengthened by “people tied together in . . . long-term relationship[s]”*<sup>127</sup>

I believe the only way we can achieve Dr. King’s dream of the economic equality needed to create a world without racism, poverty, or war, is with an approach called “solidarity,” a term he also used.<sup>128</sup> Webster’s Dictionary defines solidarity as “unity (as of a group or class) that produces or is based on [a] community of interests, objectives, and standards.”<sup>129</sup> Dictionary.com adds, “union or fellowship arising from common responsibilities and interests, as between members of a group or between classes, peoples, etc.”<sup>130</sup>

Was the Black community of King’s day ready for a solidarity agenda, a solidarity approach, or a solidarity organization? King was not sure. He noted that “we have been oppressed as a group” and “must overcome that oppression as a group.”<sup>131</sup> But he also had some misgivings. He noted the wealth of organized resources in the Black community, but lamented the fact that middle-class organizations had “not given their full attention . . . to the

<sup>124</sup> See, e.g., Donna Owens, *Veteran Congressman Still Pushing for Reparations in a Divided America*, NBC NEWS, <https://www.nbcnews.com/news/nbcblk/rep-john-conyers-still-pushing-reparations-divided-america-n723151> (last updated Feb. 20, 2017, 2:23 AM) [<https://perma.cc/L5LU-DBHT>].

<sup>125</sup> See, e.g., Ishaan Tharoor, *U.S. owes black people reparations for a history of ‘racial terrorism,’ says U.N. panel*, WASH. POST (Sept. 27, 2016), <https://www.washingtonpost.com/news/worldviews/wp/2016/09/27/u-s-owes-black-people-reparations-for-a-history-of-racial-terrorism-says-u-n-panel/> [<https://perma.cc/U7BA-K6L2>].

<sup>126</sup> See, e.g., Christina Santi, *Dem. Presidential Candidate Calls for \$100B in Slavery Reparations*, EBONY (Feb. 1, 2019), <https://www.ebony.com/news/dem-presidential-candidate-calls-100b-slavery-reparations/> [<https://perma.cc/TQB8-7QZS>] Christina Santi, *Julian Castro Calls out Sen. Bernie Sanders Over Slave Reparations*, EBONY (Mar. 11, 2019), <https://www.ebony.com/news/race-culture/julian-castro-sen-bernie-sanders-slave-reparations/> [<https://perma.cc/K6K9-D7WF>].

<sup>127</sup> KING, *supra* note 5, at 168.

<sup>128</sup> *Id.* See also *id.* at 37–39, 131. For a closer look at the modern solidarity movement, see U.S. SOLIDARITY ECONOMY NETWORK, <https://ussen.org/> [<https://perma.cc/X3FA-ACND>].

<sup>129</sup> *Solidarity*, MERRIAM-WEBSTER.COM, <https://www.merriam-webster.com/dictionary/solidarity> [<https://perma.cc/XPY2-GP8Z>].

<sup>130</sup> *Solidarity*, DICTIONARY.COM, <https://www.dictionary.com/browse/solidarity> [<https://perma.cc/Q5W2-MUDS>].

<sup>131</sup> KING, *supra* note 5, at 133.

cause of Negro liberation,” sometimes straying into “snobbishness and a pre-occupation with frivolities and trivial activity.”<sup>132</sup>

He had great respect for Black Power advocates' call for Black people to amass the political and economic strength to achieve their legitimate goals,<sup>133</sup> including calls for self-help and heightened self-esteem,<sup>134</sup> as well as group identity and group unity.<sup>135</sup> But he feared the movement would prove to be “a slogan without a program, and an uncertain following.”<sup>136</sup> He feared it would fail to achieve the “group unity, determination and creative endeavor” needed to reach its goal of economic and political consolidation.<sup>137</sup> (He also noted the violent opposition the Black Panther Party would face from all levels of government.<sup>138</sup>)

King's acknowledgement of solidarity's potential, even with his misgivings, is very different from the charismatic leadership model that the “mainstream” associates with him, even though that was not his preference or even his intention. Instead, he called for “workmanlike and experienced organizations,” strengthened by “people tied together in a long-term relationship,” banded together in the face of White hostility and “backlash,” protecting each other even at a cost to themselves.<sup>139</sup> These organizations needed to be “permeated with mutual trust, incorruptibility and militancy.”<sup>140</sup>

In 1969, a year after Dr. King's assassination, Brooklyn College professor Dr. Carlos Russell launched the idea of Black Solidarity Day.<sup>141</sup> Today, Black students at Yale hold a Black Solidarity Conference each year, but the effort is not community-based.<sup>142</sup> In Black communities themselves, on the other hand, some new efforts have emerged. Most importantly, the Movement for Black Lives has issued calls for community control<sup>143</sup> and economic justice.<sup>144</sup>

<sup>132</sup> *Id.* at 132, 166–167.

<sup>133</sup> *Id.* at 37, 49.

<sup>134</sup> *Id.* at 39.

<sup>135</sup> *Id.* at 49.

<sup>136</sup> *Id.* at 18.

<sup>137</sup> *Id.* at 31.

<sup>138</sup> *Id.* at 58, 60. See also *COINTELPRO and the History of Domestic Spying*, NPR (Jan. 28, 2016, 11:31 AM), <https://www.npr.org/templates/story/story.php?storyId=5161811> [<https://perma.cc/SP2R-X9FT>] (COINTELPRO, the FBI's “counterintelligence program” targeted Dr. King himself, not just the Panthers; *COINTELPRO*, PBS (2002), [https://www.pbs.org/hueypnewton/actions/actions\\_cointelpro.html](https://www.pbs.org/hueypnewton/actions/actions_cointelpro.html) [<https://perma.cc/K85H-MGHG>] (following Dr. King's assassination, the FBI's attention shifted to Huey P. Newton).

<sup>139</sup> KING, *supra* note 5, at 168.

<sup>140</sup> *Id.* at 169.

<sup>141</sup> *Black Solidarity Day Conference*, ELON U., <https://www.elon.edu/u/crede/alanam-initiatives/black-community-resources/black-solidarity-day-conference/> [<https://perma.cc/7CNP-NJSD>].

<sup>142</sup> *The 24th Annual Black Solidarity Conference at Yale*, BLACK SOLIDARITY CONF. (2019) <http://www.blacksolidarityconference.com/> [<https://perma.cc/M735-X3U3>].

<sup>143</sup> *Community Control*, MOVEMENT FOR BLACK LIVES, <https://policy.m4bl.org/community-control/> [<https://perma.cc/FLF8-FEFX>].

<sup>144</sup> *Economic Justice*, MOVEMENT FOR BLACK LIVES, <https://policy.m4bl.org/economic-justice/> [<https://perma.cc/Z6DG-QRKP>].

In 1967, Dr. King was sure that we had “left the realm of constitutional rights”<sup>145</sup> and were entering the area of Human Rights. He noted that by “taking to the streets” and giving the country “practical lessons in democracy and its defaults,” Black people had introduced new approaches that every American could use.<sup>146</sup>

Today, the Movement for Black Lives seeks “direct democratic community control” of schools, local budgets, economies, and police departments.<sup>147</sup> They seek the power to “hire and fire [police] officers [and] determine disciplinary action.” They want to create “democratic school boards” and assert “community control of curriculum, hiring, firing and discipline policies.”<sup>148</sup> They also seek a “reconstruction of the economy” to ensure the development of “cooperative. . . social economy networks” in Black communities.<sup>149</sup>

### A. *What Would Solidarity Look Like Today?*

*[We need to organize] solidly and simultaneously in thousands of places.*<sup>150</sup>

It is my judgment that any effort to take positive steps forward must be grounded in solidarity *between* communities as well as *within* them. That will be necessary to meet our most profound challenge, one that Dr. King saw but could not approach in his own time. That challenge is to create spaces in which human empathy can be preserved and fortified,<sup>151</sup> so trust and reliance can grow and so solidarity can reach the scale needed to fix the mess we are now in.<sup>152</sup>

On the one hand, this means renovating, rebuilding, and sometimes redirecting progressive organizations that have been diminished, such as labor unions,<sup>153</sup> or have lost their way, such as the Democratic Party.<sup>154</sup> On the other, it means constructing face-to-face exchanges for the unaffiliated, perhaps yielding new organizations in new forms.

These two paths are similar and complementary.

<sup>145</sup> KING, *supra* note 5, at 138.

<sup>146</sup> *Id.* at 147.

<sup>147</sup> *Community Control*, *supra* note 143.

<sup>148</sup> *Id.*

<sup>149</sup> *Economic Justice*, *supra* note 144 (Organizations currently working on these policies include: the Ujima Project, the Center for Economic Democracy, the Fund for Democratic Communities, the Southern Grassroots Economies Project, Cooperation Jackson, the Highlander Research and Education Center, and the Southern Solidarity Economy Coalition.).

<sup>150</sup> KING, *supra* note 5, at 167.

<sup>151</sup> *Id.* at 107.

<sup>152</sup> *See id.* at 195.

<sup>153</sup> *Id.* at 149, 151 (rebuild the union movement, intensify black participation in it).

<sup>154</sup> *See generally* THOMAS FERGUSON & JOEL ROGERS, *RIGHT TURN: THE DECLINE OF THE DEMOCRATS AND THE FUTURE OF AMERICAN POLITICS* (1986). (Documenting the shift in the attention of Democratic Party elites from labor and minority voters to corporate funders, and their more conservative political views.).

Let's start with new forms of organization. In several articles and blog posts, I have interrogated and developed the idea of strengthening community as a third player on the grid that includes business and government, arguing for something I call "civic infrastructure."<sup>155</sup>

I first used the term in a blog post for the Occupy Wall Street Movement;<sup>156</sup> since then, many have adopted the term, often stripped of its actual meaning. I see civic infrastructure as a lattice-work of linked small groups of any and all races, within neighborhoods and across neighborhoods, cumulating to significant scale, informed and driven by face-to-face exchanges. My inspiration for the small groups lies in the "study circle" movement.<sup>157</sup> The lattice-work draws on Thomas Jefferson's notion of "ward republics,"<sup>158</sup> inspired in turn by Native American governing councils.<sup>159</sup>

Study circles began as an experiment in adult education pioneered by the Chatauqua Movement in upstate New York in the late nineteenth century.<sup>160</sup> They are seminar size, an important feature because our empathic connections work best in small groups of twenty or less. (I explore the cultural and anthropological reasons for this in my *Human Hierarchy* piece.)<sup>161</sup> Study circles were later picked up by the Swedes and used as a foundation tool of social and economic development through adult education.<sup>162</sup> Most recently, a U.S. nonprofit, Everyday Democracy, is promoting their use in community dialogue here in our country.<sup>163</sup> But study circles have typically not been linked to a larger "civic infrastructure" capable of responding to social problems such as race, poverty, and militarism at the necessary scale.

Jefferson's ward republics provide a model for that linkage. The experiment was to be built upon neighborhood councils of seven families, comprised of one representative from each family, creating a small deliberative

<sup>155</sup> See, e.g., Harold A. McDougall, *Social Change Requires Civic Infrastructure*, 56 HOW. L.J. 801, 803 (2013) [hereinafter *Civic Infrastructure*]; McDougall, *supra* note 7, at 129–146; Harold A. McDougall, *What Happens When the Protests Are Over?*, HUFFINGTON POST (June 1, 2015) [hereinafter *Protests*], [https://www.huffpost.com/entry/what-happens-when-the-protests-are-over\\_b\\_7222548](https://www.huffpost.com/entry/what-happens-when-the-protests-are-over_b_7222548) [<https://perma.cc/W8E4-BL4L>].

<sup>156</sup> McDougall, *Civic Infrastructure*, *supra* note 155, at 805.

<sup>157</sup> See, e.g., Rona Roberts, *What Works: Study Circles in the Real World*, TOPSFIELD FOUND., INC. (2003), [https://www.everyday-democracy.org/sites/default/files/attachments/What-Works-Study-Circles-Real-World\\_Everyday-Democracy.pdf](https://www.everyday-democracy.org/sites/default/files/attachments/What-Works-Study-Circles-Real-World_Everyday-Democracy.pdf) [<https://perma.cc/HKM7-SFFZ>]; see also U.S. ENVIRONMENTAL PROTECTION AGENCY, PUBLIC PARTICIPATION GUIDE: STUDY CIRCLES, <https://www.epa.gov/international-cooperation/public-participation-guide-study-circles> [<https://perma.cc/5XZH-DGAA>].

<sup>158</sup> See McDougall, *Protests*, *supra* note 155; see also McDougall, *supra* note 7, at 141.

<sup>159</sup> See McDougall, *supra* note 7, at 141.

<sup>160</sup> DIANE T. PAN & SUE E. MUTCHLER, SOUTHWEST EDUC. DEV. LAB., CALLING THE ROLL: STUDY CIRCLES FOR BETTER SCHOOLS 2 (2000) ("Study circles emerged by that name in the late 19th century, when the Chatauqua adult education movement attracted thousands of Americans to participate in voluntary, participatory, small-group meetings in their neighbors' homes to learn about and discuss social, economic, and political issues.).

<sup>161</sup> See *id.* at 130.

<sup>162</sup> See Tore Persson, *The Swedish Study Circle*, FOLKBILDNING, <https://webb.folkbinding.net/~tore.persson/tore-english-adult1> [<https://perma.cc/Y69X-WJ2G>].

<sup>163</sup> See generally EVERYDAY DEMOCRACY, <https://www.everyday-democracy.org/> [<https://perma.cc/JL84-ACUX>].

group operating through face-to-face exchange. Each council would, in turn select its own representative to form a “conference” that would speak for seven councils (49 families). Finally, each conference would send a representative to an assembly representing all the conferences in the congressional district. The assembly would select their Member of Congress. The assembly would continue to meet during the Member’s term, to give the Member instruction and hold them accountable, conveying information—and instructions—from the constituent base to the Member.<sup>164</sup>

The ward republics remain a useful model. The notion of aggregating small groups in concentric circles, bound together by dialogue, without utilizing bureaucracy, hierarchy, or subordination is one I find particularly attractive. Ideas, direction, and accountability flow from the bottom up (or rather, from the outside in) rather than from the top down.

An updated version of this idea would see local ward republics as an informal system, operating in the community, not seeking formal political or economic power but rather to create solidarity, self-help, and cooperative options. Examples of such approaches include home schooling, community mediation, cooperative child care and housekeeping, and small energy and agricultural cooperatives. These ward republics would be linked by democratic dialogue into larger associations, called assemblies, which would still operate without hierarchy. The larger bodies could promote and protect human rights in the larger community without the need for top-down intervention of any kind.<sup>165</sup>

I call the final product a citizen’s assembly.<sup>166</sup> The assembly would be an economic, social, and political body.<sup>167</sup> The effort would culminate in a series of local, state, and regional citizen’s assemblies that would periodically convene on national, and perhaps international, levels.<sup>168</sup> The assembly would eventually create alliances with existing organizations<sup>169</sup> and their members, deepened by face-to-face exchange.

I see the end product as a coalition of community organizations, self-help groups, and social movements<sup>170</sup> that would “shadow” government institutions,<sup>171</sup> including courts, jails, and police forces.<sup>172</sup> It would expose wrong-

<sup>164</sup> See McDougall, *Protests*, *supra* note 155 (noting that the model’s democracy was too direct for the Founding Fathers, and it never left the drawing board).

<sup>165</sup> See McDougall, *supra* note 7, at 142.

<sup>166</sup> See Manuel Arriaga, *REBOOTING DEMOCRACY: A CITIZEN’S GUIDE TO REINVENTING POLITICS* (2014) (describing citizens assemblies as “policy juries,” randomly selected from the population rather than emerging from caucuses as in Jefferson’s model).

<sup>167</sup> See *id.* at 141.

<sup>168</sup> See generally McDougall, *Civic Infrastructure*, *supra* note 155; cf. KING, *supra* note 5, at 197 (explaining the need for a “synthesis of individualism and collectivism”).

<sup>169</sup> See KING, *supra* note 5, at 89–92 (discussing redeeming America); see also *id.* at 52–53, 141, 159, 161 (discussing alliances).

<sup>170</sup> See McDougall, *Civic Infrastructure*, *supra* note 155, at 821–23.

<sup>171</sup> *Id.* at 825.

<sup>172</sup> Cf. COPWATCH, <http://copwatch.com/AAAindex.html> [<https://perma.cc/NEL3-EL9W>]. Note that the state of Illinois recently passed legislation making it a felony to record police without their consent, see FIGHT FOR THE FUTURE, <https://cms.fightforthefuture.org/illinois-just-made-it-felony-film-cops/> [<https://perma.cc/T3ZG-2WFU>].

doing and support positive change. The infrastructure would relate to the world of business in exactly the same way, working for accountability and balance.

This is the way to create true solidarity, a social togetherness transcending hierarchy and othering, built from the ground up. It must be constructed from human relationships that are real rather than virtual, up close and personal, abjuring domination and subordination of any type, for any reason. All aspects of the movement would be characterized by radical transparency—accountability of all, to all.<sup>173</sup>

### B. *Training the Next Generation in Solidarity Techniques*

*Progress is possible only with an “informed and determined constituency demanding social reform.”*<sup>174</sup>

None of us can afford to be bystanders.<sup>175</sup> In particular, we must prepare and empower young people to take responsibility for the future of this project. Only the oldest Baby Boomers—myself included—had the opportunity to participate in the Civil Rights Movement, and we were followers, not leaders. By the time we matured, the Movement had become professionalized, dominated by a few elders of earlier generations who left us with precious few opportunities to innovate.<sup>176</sup> That remained the pattern until only a few years ago, when Millennials, refusing to wait their turn, broke away from those same elders and upended the established way of doing things, founding the Black Lives Matter movement.<sup>177</sup> Now, we who are the elders must avoid the mistakes of *our* elders. We have to support the Millennials but also go further, empowering the able and eager youngsters who are coming up behind them.

Lawyers, law professors, and law students can make themselves accountable in the context of Dr. King's social justice project through “rebellious” activity,<sup>178</sup> connecting more closely with social movements and with their own communities while acting in solidarity with all concerned.<sup>179</sup> In my recent article, *The Rebellious Law Professor*, I spent a great deal of time discussing how we can prepare our students to participate in this collaborative process.<sup>180</sup>

<sup>173</sup> Cf. KING *supra* note 5, at 156–158.

<sup>174</sup> *Id.* at 50.

<sup>175</sup> See *id.* at 12, 22.

<sup>176</sup> See Harold McDougall, *I Have A Dream: Bring Back SNCC*, HUFFPOST (Aug. 28, 2013, 2:12 PM), [https://www.huffpost.com/entry/sncc-civil-rights-movement\\_b\\_3828787](https://www.huffpost.com/entry/sncc-civil-rights-movement_b_3828787) [<http://perma.cc/W4M8-P6QF>].

<sup>177</sup> See McDougall, *supra* note 33, at 69.

<sup>178</sup> See generally GERALD P. LÓPEZ, *REBELLIOUS LAWYERING: ONE CHICANO'S VIEW OF PROGRESSIVE LAW PRACTICE* (1992).

<sup>179</sup> See Harold McDougall, *The Rebellious Law Professor: Combining Cause and Reflective Lawyering*, 65 J. LEGAL EDUC. 326, 327 (2015).

<sup>180</sup> See *id.* at 334–336.

My students at Howard University School of Law exemplify that next generation's readiness to commit to the work. Most are in their early twenties, the same age I was when Martin Luther King was assassinated. The world they see is dark. But I require each of them to devise a strategy for solving the problems they identify, including requiring them to enumerate who they see as allies and how they will measure progress toward their desired goal. I challenge them in this way because I know the world is in their hands. I am eager for them to lead. It is their right, their place, and their responsibility.

Student topics in my Civil Rights Planning seminar have included racism in the economy, racism in education, and racism in the administration of justice. I recently reviewed the nearly three hundred papers my students have produced over the eighteen years I have been teaching the course and found that these three are the areas where most of my students see problems that need fixing. Other areas include public accommodations, voting rights, citizen action, hate crimes, gun violence, and racism in the media.

Students in my other seminar, Sustainable Development, equally passionate about and committed to social change, have looked at the intersection of how we treat the environment and how we treat one another. They explore how economic and social subordination and exploitation go hand in hand with callous disregard for environmental consequences. They have also looked at the roles played by corruption, technology, citizen action, and popular culture in this dynamic. As they pursue the problems they see, they have focused their attention on people of color the world over, from America's rural South and urban North to the whole range of developing, formerly colonized nations.

Last fall, I received two papers on racialized access to water, namely the water crisis in Flint, Michigan and water shortages in post-apartheid South Africa. Both papers focused on water contamination, the commodification and privatization of water access, and the general inefficiency, incompetence, and corruption of the government authorities responsible for water supply. The Flint paper was written by a student with family residing in Flint, Michigan.<sup>181</sup> The South Africa paper was written by a student who served in the Peace Corps in that country.<sup>182</sup> These two students exemplify the intersection of theory and practice, of professional development and human connection that can occur when we no longer see ourselves as bystanders. Each paper was written "in solidarity,"<sup>183</sup> by a student who had been directly involved in the problems they addressed.

My students are representative of their generation. I have had the privilege of watching them and assisting them as they figure out how to address

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<sup>181</sup> Whitney Glover, *The Drip: A Brief History and Critique of Public Water Systems in the United States* (unpublished student paper, Howard University) (on file with author).

<sup>182</sup> Ariana Rainbow, *The South African Water Crisis* (unpublished student paper, Howard University) (on file with author).

<sup>183</sup> See *supra* notes 141, 143 and accompanying text (discussing solidarity as a union arising from common interests).

the most pressing issues their generation faces. I can only imagine what is going on in universities in the developing world, but we have seen reverberations such as Arab Spring. (I have papers from several Middle Eastern students written on the topic, in solidarity, as the upheavals took place.)

Dr. King saw the rumblings of resistance worldwide.<sup>184</sup> These processes are all still in motion, at home and abroad, and my students are paying attention. At Howard, we also now have young law faculty who are directly involved in the Movement for Black Lives, teaching and training our students and leading by example.<sup>185</sup> I believe Dr. King would be pleased.

But Dr. King also wanted members of marginalized communities to receive preparation and training; social justice initiatives must be “discussed and debated among the ordinary people affected by them.”<sup>186</sup> He called on social justice activists to involve everyone they could reach from all social strata, to learn how to “do” democracy together by “discussion, practice, and reading.”<sup>187</sup> “How shall we turn the ghettos into a vast school?” he asked.<sup>188</sup> “How shall we make every street corner a forum . . . how shall we make every house worker and every laborer a demonstrator, a voter, a canvasser and a student? The dignity their jobs may deny them is waiting for them in political and social action . . . we must . . . create not merely an electorate but a conscious, alert and informed people who know their direction and whose collective wisdom and vitality commands respect.”<sup>189</sup> These efforts must reach beyond marginalized communities and engage the communities of the nominal in-group as well, so our common interests can be identified and acted upon.

### C. *The Social Justice Academy*

*Social justice work is a path to “intellectual growth  
and spiritual fulfillment.”<sup>190</sup>*

One way to realize this aspect of Dr. King’s “solidarity” dream would be to create a network of “social justice academies,” cumulating to constitute a set of “Invisible Colleges.” When Dr. King was still alive, I participated in rudimentary incarnations of both.

While an undergraduate at Harvard, from 1963 to 1967, I was involved in the Civil Rights Movement, through a variety of organizations and men-

<sup>184</sup> See KING, *supra* note 5, at 67–68.

<sup>185</sup> See, e.g., *Civil rights activist Justin Hansford appointed Executive Director of the Thurgood Marshall Civil Rights Center at Howard*, HOWARD UNIVERSITY SCHOOL OF LAW, <http://law.howard.edu/news-events/civil-rights-activist-justin-hansford-appointed-executive-director-thurgood-marshall> [<https://perma.cc/4JCY-VZLH>]; see also *Justin Hansford*, HOWARD UNIVERSITY SCHOOL OF LAW, <http://law.howard.edu/faculty-staff/justin-hansford> [<https://perma.cc/C8UP-T7F4>]

<sup>186</sup> See KING, *supra* note 5, at 170.

<sup>187</sup> *Id.* at 164–165.

<sup>188</sup> See KING, *supra* note 5, at 137.

<sup>189</sup> *Id.* at 195.

<sup>190</sup> *Id.* at 164.

tors. The people with whom I interacted were highly developed intellectuals who were also passionate about community organizing and social justice, and unusually adept at both. My learning at their direction complemented my learning at Harvard—from professors, grad students, and classmates—in a unique and powerful way. I would later describe my Movement experiences as attending an “Invisible College.” (Harvard was my “visible” college.) Dr. King speaks about this.<sup>191</sup>

One experience from the Invisible College stands out in particular: the “freedom school.”<sup>192</sup> During school boycotts over de facto public school segregation in Boston, I, along with dozens of other college students, taught math, English, and social studies to public school students who were not attending formal classes. It was a wonderful experience, my first as a teacher.

I later replicated that experience for my law students at Howard by creating an after-school mentoring program for Black students in inner-city schools that remain de facto segregated. Perhaps after-school mentoring programs like this one could be a feature of Dr. King’s call to convert ghettos into vast schools. They could be coordinated by “think and do” tanks—social justice academies—of college and graduate students who could combine social justice learning with the reading and writing curriculum of their mentees’ home schools (if we included environmental justice as part of Invisible College studies, their science curriculum could be matched as well). Even now, groups as diverse as the YWCA<sup>193</sup> and the Children’s Defense Fund<sup>194</sup> are educating, training, and developing marginalized youth in basic curricular studies, as well as in the rudiments of social justice. These “think and do” tanks could be networked together by city and county, then state by state, to achieve a comprehensive execution of Dr. King’s plan for elementary and secondary school students.

But there’s more. Because public schools are located in neighborhoods and communities, they are also natural physical spaces for community organizing, job training, economic development, and social justice instruction. These projects could bring in students’ parents and other adults in the community, creating spaces and opportunities to articulate the citizen’s assemblies with the social justice academies. I leave this to the next generation to figure out, design, and implement should they choose. From a “rebellious” standpoint, the problem-solving skills and “cultural DNA” of the adults

<sup>191</sup> *Id.*

<sup>192</sup> See, e.g., *CDF Freedom Schools*, CHILDREN’S DEFENSE FUND, <https://www.childrensdefense.org/programs/cdf-freedom-schools/> [<https://perma.cc/F5KV-6V5U>].

<sup>193</sup> See *Witnessing Whiteness*, YWCA, <https://www.ywcastl.org/what-were-doing/racial-justice/witnessing-whiteness> [<https://perma.cc/26A6-QWQG>].

<sup>194</sup> Through their network of nearly two hundred “Freedom Schools” in twenty-eight states, the CDF seeks to “empower youth to excel and believe in their ability to make a difference in themselves, their families, communities, country and world with hope, education and action,” and offers a program curriculum that includes “Parent and family development” and “Civic engagement and social action.” *CDF Freedom Schools*, CHILDREN’S DEFENSE FUND, <https://www.childrensdefense.org/programs/cdf-freedom-schools/> [<https://perma.cc/F5KV-6V5U>].

would now become part of the social justice academy's knowledge base. The college and graduate student mentors might find themselves learning from the community (as I did at their age) as well as teaching what they know. In this sense, Dr. King's dream is expanded: not only is every laborer a student, they are teachers as well.

#### IV. WHERE DO I GO FROM HERE?

I continue to dream of problem solvers of all shapes and stripes converging not only to struggle with the system and its subordinating and alienating hierarchies, but also to create civic infrastructure and ultimately citizen's assemblies. These parallel structures would exist outside the formal political and economic structure entirely ("off the grid," if you will). Social justice academies could add reflection and perspective, as well as training grounds for the next generation.

This vision grows directly out of a conversation I had with Gary Rodwell, then an Industrial Areas Foundation organizer in Baltimore in the 1990s. The Industrial Areas Foundation (IAF) was established in 1940 by union labor activist Saul Alinsky.<sup>195</sup> Alinsky was the first to employ union organizing techniques to empower neighborhood communities. His first effort, the "Back of the Yards Neighborhood Council" in Chicago, became a model used throughout the nation. After Alinsky died in 1972 the IAF began professionalizing organizing techniques, using leadership training and developing an IAF umbrella including dozens of organizations in cities including San Antonio, New York City, Baltimore, Los Angeles, Rochester, and Houston.<sup>196</sup>

Gary told me in 1991 that the kind of "relational process" by which I proposed to build civic infrastructure would take a great deal of time. But he agreed that it was the way to go. "That way you develop empowered people," he said, "and they are empowered not just in the context of the public spaces of the community, but in their families, in their jobs, and in their churches."<sup>197</sup> Commenting on a similar experiment in London, a writer for *The Guardian* newspaper called it "a bright light in a darkening world."<sup>198</sup>

Dr. King carried an enormous burden to even consider projects at such a scale. The answer is again solidarity because it not only broadens the base of participants, but also extends that base across generations. That means

<sup>195</sup> See *History*, INDUSTRIAL AREAS FOUNDATION, <http://www.industrialareasfoundation.org/content/history> [<https://perma.cc/P77H-MMW2>].

<sup>196</sup> See *id.*

<sup>197</sup> HAROLD A. MCDougALL, *BLACK BALTIMORE: A NEW THEORY OF COMMUNITY* 183 (1993).

<sup>198</sup> George Monbiot, *Could this community project be the start of a national transformation?* GUARDIAN (Jan. 24, 2019), [https://www.theguardian.com/commentisfree/2019/jan/24/neighborhood-project-barking-dagenham?CMP=share\\_btn\\_link](https://www.theguardian.com/commentisfree/2019/jan/24/neighborhood-project-barking-dagenham?CMP=share_btn_link) [<https://perma.cc/E5UY-T8QQ>].

more than a vanguard, more than just a “small striking force” must be engaged now and also in the future.<sup>199</sup>

As Dr. King said, fifty years ago, “these are revolutionary times. All over the globe men are revolting against old systems of exploitation and oppression.”<sup>200</sup> He noted that “out of the wombs of a frail World, new systems of justice and equality are being born.”<sup>201</sup> He maintained that our only hope is to “recapture the Revolutionary spirit and go out into a sometimes hostile World declaring eternal opposition to poverty, racism and militarism.”<sup>202</sup>

Dr. King hoped, and I do as well, that we can do this. If we can, I believe we will find the resulting community more valuable and life-affirming than anything we are able to acquire in a rat-in-the-carousel struggle to reach “the top.”

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<sup>199</sup> See McDougall, *Protests*, *supra* note 155.

<sup>200</sup> KING, *supra* note 5, at 200–01.

<sup>201</sup> *Id.* at 200.

<sup>202</sup> *Id.* at 201.