

“Where Do We Go From Here?”

Dr. Martin Luther King, Jr. and Workers’ Rights

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This article considers the important links between racial equality and workers’ rights in Dr. Martin Luther King, Jr.’s activism. Dr. King understood the connection between racial and economic subordination—he also understood that achieving racial justice would not be possible without achieving economic justice through a coalition between the civil rights and labor movements. This article chronicles Dr. King’s alliances with labor activists as well as the tensions between organized labor and civil rights activism. This article also highlights how Dr. King’s emphasis on labor activism informed his approach to fighting against segregation and on behalf of voting rights for African Americans. For Dr. King, true racial equality was inseparable from economic empowerment.

Dr. King’s insight that racial discrimination was linked to the economic subordination of workers followed a great tradition of political activism within the United States on behalf of racial equality and the rights of workers. This article argues that advocates for workers’ rights and racial equality have been most successful when they worked together because race discrimination has been integrally connected to the exploitation of workers throughout our country’s history. Drawing on historical research, this article develops the links between labor movements and antislavery and civil rights activism in order to place Dr. King’s commitment to the rights of workers in context and to point the way forward. Activists in the fight for racial equality must heed Dr. King’s advice and form coalitions with labor organizers to fight the combined effects of racial injustice and economic subordination.

INTRODUCTION	48
I. CONFRONTING SLAVERY: THE ANTEBELLUM AND LABOR AND ANTISLAVERY MOVEMENTS	51
II. LABOR AND THE NORTHERN CIVIL RIGHTS MOVEMENT	55
A. <i>Labor Movement</i>	55
B. <i>Northern Civil Rights Movement</i>	56
C. <i>A New Paradigm of Rights</i>	58
D. <i>Civil Rights Within the Labor Movement</i>	60
III. CIVIL RIGHTS AND WORKERS’ RIGHTS IN THE SOUTHERN CIVIL RIGHTS MOVEMENT	62
A. <i>Early Movement Support</i>	62
IV. THE MARCH FOR JOBS AND FREEDOM AND THE 1964 CIVIL RIGHTS ACT	66
A. <i>March for Jobs and Freedom</i>	67
B. <i>The 1964 Civil Rights Act</i>	68
C. <i>Tension and Division after the Act</i>	69

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V.	“WHERE DO WE GO FROM HERE?”	70
	A. 1966-1968 Dr. King’s Push for Economic Justice	71
	B. “The Dignity of Labor:” Dr. King in Memphis	73
VI.	WHERE DO WE GO FROM HERE TODAY?	74
	CONCLUSION	76

“As I have said many times, and believe with all my heart, the coalition that can have the greatest impact in the struggle for human dignity here in America is that of the Negro and the forces of labor, because their fortunes are so closely intertwined.”

—Martin Luther King, Jr.

Letter to Amalgamated Laundry Workers, January 1962¹

INTRODUCTION

Dr. Martin Luther King, Jr. is best known for fighting against racial segregation and on behalf of voting rights for African Americans. However, King did not view these civil rights in a vacuum—he also understood the connection between racial and economic subordination. In his most famous speech at the 1963 March on Washington, Dr. King noted that 100 years after the Emancipation Proclamation and the Reconstruction Era “the Negro is still not free . . . still sadly crippled by the manacles of segregation and the chains of discrimination . . . [and still] lives on a lonely island of poverty in the midst of a vast ocean of material prosperity.”² Dr. King understood that racial justice would not be possible without achieving economic justice. According to Dr. King, treating African-Americans as second-class citizens was not only an insult to their human dignity, but white supremacy also facilitated the economic subordination and exploitation of African American workers. Throughout his career, Dr. King often spoke of the need for economic justice and dignity for workers. In his last speech to the Southern Christian Leadership Conference before his untimely death, “Where Do We Go From Here?,” Dr. King laid out a strategy for attacking the economic roots of racial injustice.³ Along with the right to live free of segregation, Dr. King advocated economic rights, including a worker’s right to earn a living wage and live a decent life. Dr. King understood that true racial equality for workers would not be possible without economic empowerment.

¹ *Dr. Martin Luther King, Jr. on Labor*, AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, <https://www.afscme.org/union/history/mlk/dr-martin-luther-king-jr-on-labor> [<https://perma.cc/MFA4-YWH4>].

² Martin Luther King, Jr., *I Have A Dream*, Address at March on Washington, Washington D.C. (August 28, 1963), *reprinted in* MARTIN LUTHER KING, JR., *I HAVE A DREAM: WRITINGS AND SPEECHES THAT CHANGED THE WORLD* 101, 102 (James M. Washington ed., 1992).

³ Martin Luther King, Jr., *Where Do We Go From Here?*, Southern Christian Leadership Conference Presidential Address, Ebenezer Baptist Church, Atlanta, Georgia (August 16, 1967), *reprinted in* MARTIN LUTHER KING, JR., *I HAVE A DREAM: WRITINGS AND SPEECHES THAT CHANGED THE WORLD*, at 169 (James M. Washington ed., 1992).

Too often today, the economic radicalism of Dr. King’s work is lost on policymakers, as is his insight about the connection between racial and economic subordination. Dr. King’s fight against social segregation was an essential, but only partial, means of addressing that subordination. Dr. King understood the need for alliances between the civil rights movement and the labor movement to further his goals. He had many ties to the northern labor movement, and he embraced their cause. Organized labor aided Dr. King at crucial points in his career, including the Montgomery bus boycott and the 1963 March on Washington,⁴ and leaders of the labor movement were among his closest allies.⁵ At the end of his life, Dr. King turned his focus to northern segregation and the fight against poverty, as well as his opposition to the war in Vietnam.⁶ Dr. King supported the Poor People’s Campaign’s attempt to expand the safety net and insure that African Americans would benefit equally from its protections.⁷ As his last act, Dr. King sought to revive alliances between the civil rights and labor movement when he went to Memphis, Tennessee, to support striking sanitation workers’ campaign to form a union.⁸

Dr. King’s insight that racial discrimination was linked to the economic subordination of workers followed a great tradition of political activism within the United States on behalf of racial equality and the rights of workers. That tradition began with the antislavery and labor movements in the early nineteenth century and was embraced and embodied into law by the Reconstruction Congress after the Civil War.⁹ In the period immediately following Reconstruction, many southern blacks were treated almost as badly as slaves.¹⁰ The exploitation of African American labor was a central feature of the Jim Crow South. Addressing the harm of a century of Jim Crow in the south, and segregation and discrimination in the north, would require a

⁴ See generally WILLIAM P. JONES, *THE MARCH ON WASHINGTON: JOBS, FREEDOM, AND THE FORGOTTEN HISTORY OF CIVIL RIGHTS* (2013).

⁵ For example, A. Philip Randolph, pioneering civil rights and labor leader and one-time president of the Pullman Porter’s Union, was one of King’s early mentors. See JONES, *supra* note 4, at 122. UAW president Walter Reuther was another important ally of King’s, and worked closely with King to organize the 1963 March on Washington. See JONES, *supra* note 4, at 167; KEVIN BOYLE, *THE UAW AND THE HEYDAY OF AMERICAN LIBERALISM 1945-1968* 121–22 (1995).

⁶ See King, *Where Do We Go From Here?*, *supra* note 3, at 177.

⁷ See *id.* at 173 (calling for a guaranteed national income).

⁸ See MICHAEL K. HONEY, *GOING DOWN JERICHO ROAD: THE MEMPHIS STRIKE, MARTIN LUTHER KING’S LAST CAMPAIGN* 257 (2007) [hereinafter HONEY, *JERICHO ROAD*]; DAVID J. GARROW, *BEARING THE CROSS: MARTIN LUTHER KING, JR., AND THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE* 575 (1986); MICHAEL K. HONEY, *SOUTHERN LABOR AND BLACK CIVIL RIGHTS* 289 (1993) [hereinafter HONEY, *SOUTHERN LABOR*].

⁹ See Rebecca E. Zietlow, *A Positive Right to Free Labor*, 39 SEATTLE U. L. REV. 859, 861 (2016).

¹⁰ See DOUGLAS A. BLACKMON, *SLAVERY BY ANOTHER NAME: THE RE-ENSLAVEMENT OF BLACK AMERICANS FROM THE CIVIL WAR TO WORLD WAR II* 39 (2009).

coordinated effort to fight economic exploitation and racial injustice.¹¹ The labor movement's record on race is decidedly mixed, as neither unions nor union members are impervious to societal prejudice.¹² However, Dr. King recognized that both civil rights and labor activists have been the most successful when working together because they shared a commonality of interest—improving the condition of low wage workers and opposing the racial enmity that divided the working class.¹³

Unfortunately Dr. King's economic radicalism has been lost in the King iconography. Moreover, since Dr. King's death, labor unions have lost the power and influence they enjoyed during his life.¹⁴ At the same time as civil rights protections have eroded, workers' rights in general are under attack. Despite the success of de-segregation efforts and some advances by African-Americans in the workplace, African Americans continue to lag based on every economic indicator.¹⁵ The decline in workers' rights since the early 1970s has contributed to the lack of progress of African Americans in achieving economic equality.

Advocates for workers' rights and racial equality are most successful when they work together because race discrimination has been integrally connected to the exploitation of workers throughout our country's history. Section I describes the first effort to combat racial and economic subordination—the alliance between antislavery activists and the early United States labor movement in the antebellum era. Together, leaders of those movements developed an egalitarian free labor ideology which influenced members of the Reconstruction Congress who implemented their vision. Section

¹¹ See RISA L. GOLUBOFF, *THE LOST PROMISE OF CIVIL RIGHTS* 52–54 (2007); MARTHA BIONDI, *TO STAND AND TO FIGHT: THE STRUGGLE FOR CIVIL RIGHTS IN POST-WAR NEW YORK CITY* 14–16 (2003).

¹² See James Gray Pope, *Why Is There No Socialism in the United States? Law and the Racial Divide in the American Working Class, 1676–1964*, 94 *TEX. L. REV.* 1555, 1556 (2016).

¹³ See AFSCME, *supra* note 1 (“Negroes are almost entirely a working people. There are pitifully few Negro millionaires, and few Negro employers. Our needs are identical with labor's needs—decent wages, fair working conditions, livable housing, old age security, health and welfare measures, conditions in which families can grow, have education for their children and respect in the community. That is why Negroes support labor's demands and fight laws which curb labor. That is why the labor-hater and labor-baiter is virtually always a twin-headed creature spewing anti-Negro epithets from one mouth and anti-labor propaganda from the other mouth.”).

¹⁴ Union density has declined from almost 50% of the workforce in the mid-1950s to just over 11% of workers in 2015. U.S. BUREAU OF LAB. STAT., *UNION MEMBERSHIP IN THE UNITED STATES* 2 (2016) <https://www.bls.gov/spotlight/2016/union-membership-in-the-united-states/pdf/union-membership-in-the-united-states.pdf> [https://perma.cc/6X53-6U95].

¹⁵ For example, while the overall unemployment rate was 4.4% in 2017, the rate of unemployment for African American workers was almost double the average (7.5%), and double that of white workers (3.8%). U.S. BUREAU OF LAB. STAT., *LABOR FORCE CHARACTERISTICS BY RACE AND ETHNICITY* 1 (2018), <https://www.bls.gov/opub/reports/race-and-ethnicity/2017/pdf/home.pdf> [https://perma.cc/Y4AT-6GFM]. In 2018, the median income of African American households was \$40,258. U.S. CENSUS BUREAU, *REAL MEDIAN HOUSEHOLD INCOME BY RACE AND HISPANIC ORIGIN: 1967 TO 2017* (2018), <https://www.census.gov/content/dam/Census/library/visualizations/2018/demo/p60-263/figure1.pdf> [https://perma.cc/T2PZ-KSF8]. By contrast, the median income of white (non-Hispanic) households was \$68,145 and the median income for workers of all races was \$61,372. *Id.*

II details the ties between the twentieth century movement and the northern civil rights movement which developed in the New Deal Era. Those who joined that alliance sought to enforce a positive right to free labor which would have included workers of color in the New Deal Era workers' rights reforms. Section III analyzes labor's support for the southern civil rights movement in the 1950s and early 1960s. Unions provided crucial financial and organizational aid to Dr. King and other southern civil rights leaders in their campaign against Jim Crow era racial segregation in the south. Section IV tells the story of perhaps the most successful civil rights demonstration in our country's history, the 1963 March for Jobs and Freedom in Washington, DC. Dr. King and other civil rights activists worked with labor activists to organize the march, which catapulted King to national prominence and contributed to the passage of the landmark 1964 Civil Rights Act. Section V discusses Dr. King's fight for economic justice in the last years of his life. From 1966-1968 Dr. King worked with the Poor Peoples' Campaign to expand the welfare state, opposed the war in Viet Nam and supported striking sanitation workers in Memphis as part of a comprehensive strategy to address the economic roots of racial and economic subordination. This essay concludes with a tentative answer to Dr. King's question, "Where do we go from here?," outlining a program of advocacy for workers' rights to foster economic justice and racial equality in our society.

I. CONFRONTING SLAVERY: THE ANTEBELLUM AND LABOR AND ANTISLAVERY MOVEMENTS

While the labor and civil rights movements have not been consistently aligned throughout our history, and were even in tension at times, they have been most successful when working together. This is due to the historic connection between racial subordination and the exploitation of workers in the United States. Prior to the Civil War, our nation's economy was dependent on the unpaid labor of African American slaves. During this era, antislavery and labor activists were often at odds.¹⁶ Some abolitionists insisted that their cause was a moral, not economic, one, and expressed disdain for the working class.¹⁷ At the same time, many workers in the northern labor movement were not interested in ending slavery. They argued that the first priority of the labor movement must be to improve the plight of the northern worker.¹⁸ Some northern industrial workers argued that they were being subjected to wage slavery and forced to work long hours under inhumane conditions.¹⁹ While this insight made some northern workers sympathetic to the antislavery cause, to others it was a reason not to support it. They claimed that their

¹⁶ See William H. Lofton, *Abolition and Labor*, 33 J. NEGRO HIST. 249, 249 (1948).

¹⁷ Id. See also ERIC FONER, *POLITICS AND IDEOLOGY IN THE AGE OF THE CIVIL WAR* 67 (1980) [hereinafter FONER, *POLITICS AND IDEOLOGY*].

¹⁸ Lofton, *supra* note 16, at 262

¹⁹ *Id.* at 262.

condition was no better than that of slaves.²⁰ Other workers were openly racist.²¹ They feared the competition of newly freed black workers if slavery were to end.²² Pro-slavery politicians capitalized on those fears to convince workers that they should favor slavery.²³ Thus, pro-slavery forces used race to divide the northern working class and minimize opposition to slavery.

Nonetheless, some abolitionists reached out to northern workers, seeking their help in the antislavery fight. Their outreach increased in the years leading up to the Civil War, leading to crucial alliances between the antislavery and labor activists. For example, in 1836, members of the Rhode Island Antislavery Society argued that slavery “degrades the working laboring population assimilating them to slaves. It leads our statesmen to imagine . . . that the laboring people are incompetent to self-government.”²⁴ In Lowell, Massachusetts, an antislavery convention called for the support of “working men and mechanics” because “they themselves are victims of oppression and are thereby especially called upon to remember . . . those who are in bonds.”²⁵ Some antislavery activists sought to build alliances with poor southern whites.²⁶ They argued the institution of slavery hurt poor southern white workers who could not compete with the unpaid labor of African American slaves.²⁷ Thus, they claimed, the institution of slavery harmed all workers, regardless of race. They articulated a broad theory of free labor to promote the dignity and autonomy of all workers.

The focus on the “dignity of labor” was central to the ideology of the Free Soil movement, which contributed to the founding of the Republican Party.²⁸ The Free Soilers had limited success in the south, but many labor activists in the north responded enthusiastically to their calls. For example, in December 1845, the labor publication *Voice of Industry* reported that the line of Lowell factory girls waiting to sign antislavery petitioner was a mile long.²⁹ Hundreds of those factory workers belonged to antislavery societies.³⁰

²⁰ See SEAN WILENTZ, CHANTS DEMOCRATIC: NEW YORK CITY AND THE RISE OF THE AMERICAN WORKING CLASS, 1788-1850 at 333 (2004); Lofton, *supra* note 16, at 266.

²¹ *Id.* at 236.

²² *Id.*

²³ See *id.* at 333. For example, a leaflet addressed to the “working men of New Haven” argued that the dignity of labor for white workers would be undermined if they had to compete with black workers. See Leaflet in Yale University Library, reprinted in NORTHERN LABOR AND ANTISLAVERY: A DOCUMENTARY HISTORY 245-46 (Philip S. Foner & Herbert Shapiro eds., 1994).

²⁴ Lofton, *supra* note 16, at 276 (citing publication of Rhode Island Anti-Slavery Society).

²⁵ REPORT OF THE MIDDLESEX COUNTY ANTI-SLAVERY SOCIETY, LIBERATOR (May 18, 1846), cited in Lofton, *supra* note 16, at 257.

²⁶ ERIC FONER, FREE SOIL, FREE LABOR, FREE MEN: THE IDEOLOGY OF THE REPUBLICAN PARTY BEFORE THE CIVIL WAR 46-47 (1995) [hereinafter FONER, FREE SOIL].

²⁷ See *id.* at 50.

²⁸ See *id.* at 46.

²⁹ *Voice of Industry*, December 26, 1845, cited in FONER AND SHAPIRO, *supra* note 23, at 214.

³⁰ DAVID MONTGOMERY, THE EXPERIENCE OF WORKERS IN THE UNITED STATES WITH DEMOCRACY AND THE FREE MARKET DURING THE NINETEENTH CENTURY 117-19 (1993).

In January 1847, the New England Labor Reform League adopted an anti-slavery resolution, stating that “American slavery must be uprooted before the elevation sought by the laboring classes can be effected.”³¹ In the 1850s, working men’s organizations in New York City and Cincinnati also issued increasingly strident antislavery statements.³² They worked with antislavery activists to develop an egalitarian free labor vision that viewed ending slavery as the first step towards empowering all workers in the United States.³³ Their ideology included a belief in the liberty equality, and individual worth of the working man.³⁴ In 1848, a coalition of antislavery and labor activists founded the Free Soil party, which advocated for the end of slavery and the dignity of labor.³⁵ They eventually joined with other activists to form the antislavery Republican Party.³⁶

While some Free Soilers won elected office, their success was limited until 1854, when opposition to slavery erupted after Congress enacted the Kansas-Nebraska Act.³⁷ That year, antislavery activists organized rallies throughout the country, at which time a new coalition emerged of Free Soilers, antislavery Whigs, and disillusioned Democrats who believed that their party had been captured by what they referred to as the “Slave Power,” slave owners and their allies within the party.³⁸ This coalition formed a new party, the Republican Party. In 1860, the Republican candidate, Abraham Lincoln, was elected president. Antislavery Republicans dominated the Civil War and Reconstruction Congresses. They supported a positive right to free labor—the right to work free of undue coercion, for a decent wage, and without racial discrimination.³⁹ During the Reconstruction Era, they transformed that vision into law.⁴⁰

The politicians who joined the Republican Party coalition had a mixed record on the issue of racial equality. Some were indifferent or opposed it, reflecting the hostility and apathy of many northern workers to racial minorities.⁴¹ However, other Republicans advocated for racial equality and many

³¹ Lofton, *supra* note 16, at 281 (citing NORMAN WARE, *THE INDUSTRIAL WORKER, 1840–1860* 221 (1924), quoting *Voice of Industry*, February 9, 1847).

³² See ZIETLOW, *THE FORGOTTEN EMANCIPATOR: JAMES MITCHELL ASHLEY AND THE IDEOLOGICAL ORIGINS OF RECONSTRUCTION* 60 (2017) [hereinafter ZIETLOW, *THE FORGOTTEN EMANCIPATOR*].

³³ *See id.* at 68.

³⁴ *See* ROBERT J., STEINFELD, *THE INVENTION OF FREE LABOR: THE EMPLOYMENT RELATION IN ENGLISH & AMERICAN LAW AND CULTURE, 1350–1870*, at 105 (1991); *see also* FONER, *POLITICS AND IDEOLOGY*, *supra* note 17, at 59.

³⁵ FONER, *FREE SOIL*, *supra* note 26, at 11.

³⁶ *Id.*

³⁷ *See* ZIETLOW, *THE FORGOTTEN EMANCIPATOR*, *supra* note 32, at 72.

³⁸ *See* RICHARD H. SEWELL, *BALLOTS FOR FREEDOM: ANTISLAVERY POLITICS IN THE UNITED STATES, 1837–1860* at 262–64 (1976).

³⁹ *See* Rebecca E. Zietlow, *A Positive Right to Free Labor*, 39 SEATTLE U. L. REV. 859, 883–85 (2016) [hereinafter Zietlow, *A Positive Right to Free Labor*].

⁴⁰ *Id.* at 880.

⁴¹ ZIETLOW, *THE FORGOTTEN EMANCIPATOR*, *supra* note 32, at 61.

had a long history of supporting racial equality for free blacks.⁴² For example, in Massachusetts, antislavery members of the Whig party, including the prominent Senator Charles Sumner, fought legal discrimination against blacks in the 1830s and 1840s.⁴³ In New York, Whig William Seward had long advocated for political rights for blacks.⁴⁴ In Ohio, Democrats Salmon Chase and Senator Benjamin Wade opposed laws that discriminated against blacks, and their ally James Ashley supported African American suffrage as early as 1856.⁴⁵ All of these men joined the Republican Party, and many of them became leaders in the Reconstruction Congress.⁴⁶

During the Civil War, Republicans voted to allow African-Americans, including escaped slaves, to serve in the Union Army, and enacted a law requiring them to receive equal pay.⁴⁷ After the Civil War, radical Republicans in Congress advanced the egalitarian free labor vision which allies in the antislavery and labor movements had developed before the war.⁴⁸ These Republicans supported the Thirteenth Amendment, which abolished not only slavery but also involuntary servitude.⁴⁹ They enacted legislation that protected freed slaves from race discrimination, and all workers from undue exploitation.⁵⁰ Their 1866 Civil Rights Act prohibited race discrimination in contracts and provided that all persons (including freed slaves) were entitled to the “full and equal benefit of all laws.”⁵¹ The 1867 Anti-Peonage Act prohibited peonage and other involuntary servitudes.⁵² The Freedman’s Bureau Acts provided support for newly freed slaves to engage in free labor, and the 1870 and 1871 Enforcement Acts made federal rights enforceable against state governments.⁵³ Thus, the coalition of labor and antislavery activists were successful in achieving many of their goals during the Reconstruction Era.

⁴² For example, Salmon Chase, the first Free Soil party member elected as United States Senator, who later served as Ohio governor, Treasury Secretary under President Abraham Lincoln, and Supreme Court Justice, opposed racially discriminatory black laws and sought to make blacks eligible for homestead grants. See FONER, *FREE SOIL*, *supra* note 26, at 281. Free Soilers in Massachusetts led the movement to repeal the ban on interracial marriage in Massachusetts in 1843. *Id.*

⁴³ See *id.* at 282.

⁴⁴ See ZIETLOW, *THE FORGOTTEN EMANCIPATOR*, *supra* note 32, at 71.

⁴⁵ *Id.* at 72–73.

⁴⁶ See HANS L. TREFOUSSE, *THE RADICAL REPUBLICANS: LINCOLN’S VANGUARD FOR RACIAL JUSTICE* 5–11 (1969); MICHAEL LES BENEDICT, *A COMPROMISE OF PRINCIPLE: CONGRESSIONAL REPUBLICANS AND RECONSTRUCTION, 1863–1869*, at 31–37 (1974).

⁴⁷ ZIETLOW, *THE FORGOTTEN EMANCIPATOR*, *supra* note 32, at 8.

⁴⁸ See Zietlow, *A Positive Right to Free Labor*, *supra* note 39, at 877–85.

⁴⁹ See MICHAEL VORENBERG, *FINAL FREEDOM: THE CIVIL WAR, THE ABOLITION OF SLAVERY, AND THE THIRTEENTH AMENDMENT* 236–37, 241 (2001).

⁵⁰ Zietlow, *A Positive Right to Free Labor*, *supra* note 39, at 877–78.

⁵¹ Civil Rights Act of 1866, ch. 31 § 1, 4 Stat. 27 (codified as amended at 42 U.S.C. §§1981–1983 (2000)).

⁵² Peonage Act of 1867, ch. 187, 14 Stat. 546 (1867) (codified as amended at 42 U.S.C. § 1994 (2010)).

⁵³ Enforcement Act of May 31, 1870, ch. 114, 16 Stat. 141; Ku Klux Klan Act, ch. 22, 17 Stat. 13 (1871).

II. LABOR AND THE NORTHERN CIVIL RIGHTS MOVEMENT

Tragically, the federal government backed away from protecting the rights of southern African Americans after the Reconstruction Era. The southern economy continued to depend on exploiting the labor of blacks, now the children and grandchildren of slaves, and brutal Jim Crow laws deprived them of fundamental human rights. The growing United States labor movement too often overlooked the needs of African American workers and too often excluded them from protections. As during the antebellum era, however, some labor activists recognized the need to include workers of color in order to form a stronger labor movement. Moreover, the labor movement proved to be an incubator for leaders of the early civil rights movement. As in the previous century, both the labor movement and civil rights movements were most successful when they worked together to combat the exploitation of labor and advance workers' rights.

By the turn of the twentieth century, the Jim Crow system of racial segregation was deeply entrenched in the south. State laws requiring racial segregation of public facilities treated blacks as second-class citizens. Blacks were barred from voting and serving on juries and faced violence if they attempted to assert any rights. Moreover, convict leasing and sharecropping systems reinstated slavery in all but name.⁵⁴ Blacks suffered from labor conditions that were akin to peonage and involuntary servitude.⁵⁵ The racism of the Jim Crow South perpetuated the economic subordination of blacks and made it impossible for them to find decent, well-paying jobs.⁵⁶ Thus, Jim Crow combined racial discrimination and economic subordination to create a racial caste system.⁵⁷ Blacks who sought to join unions to improve their conditions of work encountered the same kind of brutal violence as those who sought to exercise the right to vote.⁵⁸ Thousands of black migrated to northern industrial cities, seeking a better life. While conditions were better in the north, northern blacks were confined to segregated neighborhoods and their economic opportunities were also limited by race discrimination. Eventually, northern blacks began to organize to try to improve their conditions. Some joined the labor movement and used their labor-based organizing experience to develop a northern civil rights movement.

A. The Labor Movement

In the early twentieth century, the principle rights movement in the United States was the labor movement. In the north, labor leaders articulated a free labor tradition reminiscent of the antebellum Free Soil move-

⁵⁴ See DOUGLAS BLACKMON, *SLAVERY BY ANOTHER NAME* 8 (2009).

⁵⁵ See GOLUBOFF, *supra* note 11, at 55–56.

⁵⁶ *Id.* at 53.

⁵⁷ *Id.* at 55–56.

⁵⁸ See Pope, *supra* note 12, at 1576–78.

ment.⁵⁹ They argued that they had a First and Thirteenth Amendment-based right to organize and bargain collectively as union members.⁶⁰ For example, in 1919 the American Federation of Labor issued a statement arguing that the right to strike made the difference between slavery and freedom.⁶¹ While the membership of the AFL was largely white, some of the labor activists articulating this vision were former slaves.⁶² They referred to their working conditions in terms of slavery and emancipation, and saw themselves as continuing an intergenerational movement for freedom, carrying on the work of their forebears and preserving the promise of freedom for their children.⁶³ They viewed the labor movement as their best means to achieve freedom in the workplace.⁶⁴

Many white unionists were not interested in racial justice and many unions excluded blacks.⁶⁵ Black labor leaders fought to integrate unions.⁶⁶ However, there were some unionists who advocated racial justice.⁶⁷ In the 1930s and 1940s some unions, including the Congress of Industrial Organizations (CIO), demanded racial equality and an end to racial violence.⁶⁸ Some labor leaders, including Elizabeth Guley Flynn and Big Bill Heywood sought to organize multiracial unions.⁶⁹ They advanced a vision of rights that included economic empowerment of workers and an end to racial discrimination.

B. Northern Civil Rights Movement

The 1930s also saw the beginning of a northern civil rights movement with strong ties to the labor movement. Black activists in the labor and civil rights movement formed the National Negro Congress in 1936.⁷⁰ Its leaders called for a “united front” to create a civil rights organization and improve conditions for sharecroppers and tenants, build a mass consumer movement and develop an independent working class party.⁷¹ While some civil rights activists distrusted unionists,⁷² others saw the labor movement as an impor-

⁵⁹ See James Gray Pope, *Labor's Constitution of Freedom*, 106 YALE L. J. 941, 964 (1997).

⁶⁰ *Id.* at 942.

⁶¹ *Id.* at 958–59.

⁶² See *id.* at 981.

⁶³ *Id.* at 979.

⁶⁴ *Id.* at 981 (“Only a slave would let the operator tell him when or how to do his job, and no real man would fail to support his union brothers . . .”).

⁶⁵ See SOPHIA Z. LEE, *THE WORKPLACE CONSTITUTION FROM THE NEW DEAL TO THE NEW RIGHT* 33 (Sarah Barringer Gordon et al. eds., 2014).

⁶⁶ BIONDI, *supra* note 11, at 26.

⁶⁷ See Pope, *supra* note 59, at 1570–72 (detailing efforts at cross-racial union organizing in the nineteenth and early twentieth centuries).

⁶⁸ BIONDI, *supra* note 11, at 26–27; LEE, *supra* note 65, at 37.

⁶⁹ JONES, *supra* note 4, at 7.

⁷⁰ JONES, *supra* note 4, at 18.

⁷¹ JONES, *supra* note 4, at 19–21.

⁷² For example, in 1939, civil rights activist C.W. Rice appeared before the House committee on labor and asked Congress to amend the National Labor Relations Act to prohibit unions from discriminating on the basis of race. See LEE, *supra* note 65, at 11. Noted civil

tant ally in the drive for racial justice. For example, John P. Davis, head of the National Negro Congress, argued that unions would provide a path to racial equality by obtaining economic justice.⁷³ The Congress elected A. Philip Randolph, head of the Pullman Porters’ Union, as their head. The NNC coalition broke down due to tension over communist involvement,⁷⁴ but Randolph became one of the most prominent civil rights leaders in the 1930s and 1940s.⁷⁵

Randolph sought to achieve race equality through unionization.⁷⁶ He believed that blacks “could achieve equality more effectively by joining with white workers to overthrow capitalism” than by W.E.B. Dubois’ “talented tenth” strategy of demonstrating to white elites that they were morally and intellectually fit for equality.⁷⁷ Randolph used his position in the Pullman Porters’ Union to fight racism within the labor movement and to advocate for civil rights.⁷⁸ Blacks supported FDR’s economic bill of rights because they believed that full employment would lead to less racial strife.⁷⁹ Randolph sought to enforce the Four Freedoms from Roosevelt’s 1941 speech, especially the “freedom from want,” which, according to FDR, included equality of opportunity.⁸⁰ However, “the defeat of full employment legislation . . . shifted the burden of delivering economic progress to antidiscrimination measures.”⁸¹

In 1941, Randolph threatened a march on Washington of black workers demanding racial equality.⁸² Many unions endorsed the idea, and the march was scheduled for July 1, 1941, with Marion Anderson scheduled to perform.⁸³ To ward off the threat, President Franklin D. Roosevelt created the first Federal Employment Practices Commission (FEPC).⁸⁴ The Roosevelt FEPC was weak and lacked enforcement power, so expanding the scope and power of the FEPC became a primary goal of the northern civil rights movement.⁸⁵ Twenty years later, Randolph finally organized his march for strong federal enforcement of employee rights and other civil rights measures with Martin Luther King, Jr.

rights attorney Charles Hamilton Houston was also skeptical of the labor movement’s commitment to racial justice. *Id.* at 21.

⁷³ LEE, *supra* note 65, at 12.

⁷⁴ JONES, *supra* note 4, at 20.

⁷⁵ *Id.* at xi.

⁷⁶ *Id.* at 5.

⁷⁷ *Id.*

⁷⁸ LEE, *supra* note 65, at 84.

⁷⁹ BIONDI, *supra* note 11, at 21.

⁸⁰ JONES, *supra* note 4, at 2–3.

⁸¹ BIONDI, *supra* note 11, at 270.

⁸² See BIONDI, *supra* note 11, at 4; JONES, *supra* note 5, at 33.

⁸³ JONES, *supra* note 4, at 35.

⁸⁴ BIONDI, *supra* note 11, at 4; JONES, *supra* note 4, at 36 (saying President Roosevelt’s staff tried to talk Randolph out of proceeding with the march but Randolph stood firm) and at 38 (describing how President Roosevelt panicked and issued the FEPC order on June 25) .

⁸⁵ BIONDI, *supra* note 11, at 4 (“The wartime FEPC made the federal government the enforcer of racial equality for the first time since Reconstruction; making the FEPC permanent became the single most important legislative goal of the postwar civil rights movement.”).

As black soldiers returned from fighting fascism and racism abroad, the northern civil rights movement expanded and strengthened its ties to the labor movement.⁸⁶ The principle goal of the post-war civil rights movement in New York City was achieving anti-discrimination measures to protect black jobs.⁸⁷ Indeed, “the ‘struggle for Negro rights’ in postwar New York began as a fight to keep jobs.”⁸⁸ Northern civil rights activists also fought for anti-discrimination measures, including laws against race discrimination in employment. According to historian Martha Biondi, “the New York civil rights struggle arose from the migrant generation’s desire to find protection from racial subordination and violence, claim the fruits of their labor, and vindicate their rights as first class citizens.”⁸⁹ The New York civil rights movement created a bridge from the New Deal to the Fair Deal and Great Society by pushing racial justice onto the agenda of American progressives.⁹⁰ Many of the new civil rights leaders had ties to the labor movement.⁹¹

C. *A New Paradigm of Rights*

During the New Deal Era, the operative paradigm for civil rights included a measure of economic rights. Due to the prominence of the labor movement, when *Lochner* was displaced, it seemed that a new set of economic rights would replace the right to contract: “workers’ collective rights to organize into unions, bargain and strike.”⁹² However, New Deal protections for workers, including the National Labor Relations Act, which established a federal right for workers to organize into unions and bargain collectively, excluded many African American workers (notably, domestic and agricultural workers).⁹³ The Jim Crow system of racial oppression in the south was dependent of the exploitation of those workers.⁹⁴ In the north, African American workers confronted racially exclusionary barriers which confined them to lower paid jobs.⁹⁵ Leaders of the northern civil rights movement sought to expand New Deal social welfare programs and pass fair employment laws.⁹⁶ In the Roosevelt and Truman administrations, Department of Justice lawyers sought to extend New Deal protections to black

⁸⁶ See BIONDI, *supra* note 11, at 32–33.

⁸⁷ *Id.* at 18.

⁸⁸ *Id.* at 17. They also sought measures to fight segregation in places of public accommodation. See BIONDI, *supra* note 11, at 79–89.

⁸⁹ *Id.* at 287.

⁹⁰ *Id.* at 272.

⁹¹ Many black trade unionists fought discrimination. See *id.* at 8.

⁹² GOLUBOFF, *supra* note 11, at 9.

⁹³ JONES, *supra* note 4, at 17 (explaining that the Wagner Act did not apply to agricultural, domestic and service workers but did apply to black workers in manufacturing).

⁹⁴ See GOLUBOFF, *supra* note 11, at 7 (“Jim Crow existed because every day, in ways momentous and quotidian, governments, private institutions, and millions of individuals made decisions about hiring, firing, consuming, recreating, governing, educating, and serving that kept blacks out, down, and under.”).

⁹⁵ See GOLUBOFF, *supra* note 11, at 81; BIONDI, *supra* note 11, at 12.

⁹⁶ See BIONDI, *supra* note 11, at 13.

workers.⁹⁷ According to historian Risa Goluboff, “[c]ontemporaries saw an explicit connection between discrimination and economics, rights and reform, individual entitlement and government obligation. Lawyers who took the cases of black workers treated as civil rights issues labor-based and economic harms as well as racial ones.”⁹⁸ Thus, the new paradigm of rights incorporated both economic rights and the right to racial equality.

In the 1940s, civil rights advocates understood that, for black workers, the fight for economic rights had to also include racial justice. Through early labor rights victories, northern civil rights activists understood the need to combat both racial and economic subordination to improve conditions for African Americans in the United States. In 1939, responding to the advocacy of northern civil rights activists, President Franklin Roosevelt created the first Civil Rights Section (CRS) in the Department of Justice since the Civil War Era.⁹⁹ The CRS began a litigation campaign to prosecute racial hate crimes, and to enforce the Anti-Peonage Act to protect the rights of southern agricultural and domestic workers.¹⁰⁰ Those African American workers had written to the president complaining that they were being held in conditions tantamount to slavery.¹⁰¹ With the anti-peonage cases, the attorneys in the civil rights division sought to extend New Deal protections to the workers, primarily workers of color, who had been excluded from their coverage.¹⁰² They sought to enforce a new paradigm of rights, a new positive liberty that included protection from racial and economic subordination.¹⁰³ Enforcing this paradigm depended on an alliance between labor and civil rights activists.

Unfortunately, the economic roots of civil rights began to fade from the dominant paradigm during the 1950s.¹⁰⁴ The anti-Communism of the Red Scare forced the NAACP to moderate its stance on economic issues.¹⁰⁵ The CRS abandoned its campaign to prosecute anti-peonage cases in the early 1950s.¹⁰⁶ The CRS got involved with politics about its role, and eventually embraced the “new civil rights, combating social segregation instead of racial and economic subordination.”¹⁰⁷ However, the campaign for civil rights and economic empowerment continued within the labor movement, and influenced Dr. King and the southern civil rights movement.

⁹⁷ GOLUBOFF, *supra* note 11, at 111.

⁹⁸ GOLUBOFF, *supra* note 11, at 5.

⁹⁹ ROBERT K. CARR, FEDERAL PROTECTION OF CIVIL RIGHTS: QUEST FOR A SWORD 1 (1947); GOLUBOFF, *supra* note 11, at 111.

¹⁰⁰ GOLUBOFF, *supra* note 11, at 112–13.

¹⁰¹ *Id.* at 112.

¹⁰² *Id.* at 172.

¹⁰³ *See id.* at 151.

¹⁰⁴ *See id.* at 217.

¹⁰⁵ *Id.*; *See also* HONEY, JERICHO ROAD, *supra* note 8, at 21.

¹⁰⁶ *See* GOLUBOFF, *supra* note 11, at 256.

¹⁰⁷ *Id.*

D. *Civil Rights Within the Labor Movement*

The civil rights movement also had an impact on the labor movement, which was plagued by racial divisions in the 1950s. After the end of World War II, the CIO had initiated a one million dollar organizing campaign to organize southern workers and support civil rights called "Operation Dixie."¹⁰⁸ However, the CIO effort was stymied by the Cold War and accompanying Red Scare.¹⁰⁹ The same year the CIO initiated its campaign, the United States Chamber of Commerce announced that the two great menaces for the United States were the Soviet Union abroad and unions at home.¹¹⁰ In 1947, Congress enacted the anti-union Taft-Hartley Act, and anti-union forces began a campaign to enact state "right to work" laws which undermined union organizing.¹¹¹ Reacting to the Red Scare, the CIO purged 11 unions with nearly one million members because they had Communists in their leadership.¹¹² As a result, CIO "[a]ttempts to organize southern workers . . . fell to pieces."¹¹³

Labor's rapprochement with capital in the late 1940s mostly excluded issues of racial justice.¹¹⁴ At the same time, the anti-union movement used racial tension to divide the labor movement.¹¹⁵ Employers often hired black workers to break strikes, exacerbating racial tensions.¹¹⁶ "Right-to-work" spokesman Cecil DeMille linked the right to work to African Americans' anti-discrimination struggle, arguing that blacks did not want to join unions.¹¹⁷ In the late 1950s, right-to-work supporter Barry Goldwater advocated a right to work amendment in pending civil rights legislation by discussing a black bricklayer's suit against an all-white union.¹¹⁸ In reality, however, the right to work movement was closely linked to white supremacy in the north and south, and the use of race to divide the labor movement was just a cynical ploy.¹¹⁹

Nonetheless, it is undeniable that many unions in the 1950s discriminated on the basis of race, and progressives within the labor movement also sought to combat that discrimination. Many rank-and-file members resisted their leaders' anti-discrimination efforts.¹²⁰ Race discrimination was particularly pronounced in southern locales in the Jim Crow South.¹²¹ Walter Reuther, President of the United Auto Workers, established a Fair Practices

¹⁰⁸ HONEY, JERICHO ROAD, *supra* note 8, at 17.

¹⁰⁹ *See id.*

¹¹⁰ *Id.* at 18.

¹¹¹ *See* LEE, *supra* at 65.

¹¹² *Id.*

¹¹³ *Id.* at 19.

¹¹⁴ BIONDI, *supra* note 11, at 250.

¹¹⁵ *See* LEE, *supra* note 65, at 166.

¹¹⁶ *See* HONEY, JERICHO ROAD, *supra* note 8, at 20.

¹¹⁷ *Id.*

¹¹⁸ *Id.* at 129.

¹¹⁹ *See id.* at 128.

¹²⁰ *See* BOYLE, *supra* note 5, at 121.

¹²¹ *Id.* at 128.

Department to combat racial discrimination in the UAW locals.¹²² In the 1950s, the UAW had an official policy of supporting the NAACP and opposing racist White Citizens’ Councils.¹²³ Attorney Joseph Rauh represented a committee to organize “colored locomotive firemen” (of which Randolph was a member) in its efforts to stop the union’s membership bar to Blacks.¹²⁴

In 1955, the CIO merged with the mostly segregated unions of the American Federation of Labor.¹²⁵ The new AFL-CIO president, George Meany, had a mixed record on civil rights.¹²⁶ A. Philip Randolph was elected vice-president of the newly formed union.¹²⁷ In the following decade, Randolph fought against race discrimination in the AFL-CIO.¹²⁸ By the late 1950s, Randolph was widely acknowledged as the leading civil rights activist in the labor movement.¹²⁹ Meany had not always supported civil rights, and he had a contentious relationship with Randolph.¹³⁰ Since his election as vice president of the AFL-CIO, Randolph had increased his militancy against whites-only unions and criticized Meany for paying insufficient attention to the problem.¹³¹ In 1959, Randolph confronted Meany because Meany defended union members’ right to “choose” segregated locals.¹³² Annoyed at Randolph’s criticism, Meany supported an effort to censure Randolph in 1961.¹³³

On October 13, 1961, the U.S. Commission on Civil Rights issued a 246 page report documenting race discrimination in employment and unions’ reluctance to combat discrimination.¹³⁴ When Meany saw the USCCR report he was forced to concede race discrimination in unions but argued that unions were way ahead of employers.¹³⁵ The report spurred Meany to seek common ground with Randolph.¹³⁶ Thus, members of the labor and civil rights movements engaged in an ongoing dialogue that was sometimes tense and contentious. Roy Wilkins, NAACP leader, launched a leadership conference in 1950 and invited a coalition of civil rights and labor leaders, including UAW president Walter Reuther.¹³⁷ Randolph’s position as vice president of the AFL-CIO placed him in the top echelon of the labor move-

¹²² See NELSON LICHTENSTEIN, *THE MOST DANGEROUS MAN IN DETROIT: WALTER REUTHER AND THE FATE OF AMERICAN LABOR* 211 (1995).

¹²³ BOYLE, *supra* note 5, at 107.

¹²⁴ LEE, *supra* note 65, at 85–86.

¹²⁵ HONEY, *JERICHO ROAD*, *supra* note 8, at 21.

¹²⁶ See, e.g., JONES, *supra* note 4, at 109, 131.

¹²⁷ *Id.* at 126–27.

¹²⁸ See *id.* at 125.

¹²⁹ See JONES, *supra* note 4, at 125 (“Black trade unionists considered Randolph to be the ‘dean of Negro labor leaders.’”); JONES, *supra* note 4, at 127 (Randolph was elected vice president of the AFL-CIO at the 1955 founding convention).

¹³⁰ See *id.* at 146–47.

¹³¹ See *id.* at 125/126.

¹³² JONES, *supra* note 4, at 131.

¹³³ DAVID M. LEWIS-COLEMAN, *RACE AGAINST LIBERALISM: BLACK WORKERS AND THE UAW IN DETROIT* 75 (2008).

¹³⁴ *Id.* at 147.

¹³⁵ *Id.* at 151–52.

¹³⁶ *Id.* at 149.

¹³⁷ JONES, *supra* note 4, at 80.

ments in the 1950s, and he was an effective advocate for civil rights within the movement. While there was little progress in the area of civil rights during the 1950s, some important alliances developed between labor and civil rights leaders.¹³⁸ These alliances would prove key to the successful fight for civil rights in the 1960s.

III. CIVIL RIGHTS AND WORKERS' RIGHTS IN THE SOUTHERN CIVIL RIGHTS MOVEMENT

Notwithstanding divisions within the labor movement over race relations, the labor movement provided crucial support for Martin Luther King Jr. and the southern civil rights movement. The 1950s marked the peak of the United States labor movement, with 35% of workers belonging to unions.¹³⁹ Moreover, in 1955, 1.5 million black workers were in unions.¹⁴⁰ In the Detroit area, 20% of Ford workers and 24% of Chrysler workers were black, and those workers were all members of the United Auto Workers union.¹⁴¹ Black unionists thus formed a formidable organized force, and they supported the emerging southern civil rights movements. A. Philip Randolph was an early mentor of Dr. King, and served as the connection between Dr. King and the labor movement. Randolph and other black unionists played key roles in drawing attention to, and raising money for, civil rights activists in the south at the beginning of the movement.¹⁴² In addition, labor played a crucial role in the successful campaign for the 1964 Civil Rights Act by helping to organize the 1963 March on Washington. The alliance between civil rights and labor leaders helped to achieve the greatest advances in civil rights since the Reconstruction Era.

A. Early Movement Support

The labor movement was crucial to Dr. King's success as an early civil rights leader. Dr. King first came to prominence as a leader of the 1956 Montgomery bus boycott.¹⁴³ Civil rights activist Rosa Parks initiated the bus boycott by refusing to move to the back of the bus and being arrested for doing so.¹⁴⁴ Parks worked for E.D. Nixon, a leader in the Brotherhood of Sleeping Car Porters and past president of the local branch of the

¹³⁸ See *id.* at 109.

¹³⁹ Jake Rosenfeld, *The Rise and Fall of US Labor Unions, and Why They Still Matter*, THE CONVERSATION (Mar. 27, 2015, 5:50 AM), <http://theconversation.com/the-rise-and-fall-of-us-labor-unions-and-why-they-still-matter-38263> [<https://perma.cc/AE4P-3UT6>].

¹⁴⁰ JONES, *supra* note 4, at 124.

¹⁴¹ BOYLE, *supra* note 5, at 119.

¹⁴² JONES, *supra* note 4, at 122. The other black unionists included Willoughby Abner, director of education and political action for 50,000 UAW members in Chicago, and Charles Hayes, leader of Packing House Workers. JONES, *supra* note 4, at 122.

¹⁴³ See TAYLOR BRANCH, PARTING THE WATERS: AMERICA IN THE KING YEARS 1954–63, at 143 (1988).

¹⁴⁴ See GARROW, *supra* note 8, at 11–14.

NAACP.¹⁴⁵ Parks’ actions sparked a massive protest to the segregation of public transportation in Montgomery, and Dr. King emerged as an effective spokesperson for the movement.¹⁴⁶ Nixon used his connections to the labor movement to raise money to support the boycott.¹⁴⁷ Nixon contacted Randolph, who offered to help the boycott.¹⁴⁸ Nixon also arranged for Dr. King to meet Reuther, and the leftist Ralph Helstein, president of the United Packing Workers of America.¹⁴⁹ Dr. King’s early contacts with these prominent labor leaders proved to be invaluable, and both the UAW and the UPWA proved to be lasting allies of Dr. King’s.¹⁵⁰

In New York, Randolph assembled a group of civil rights and labor activists, including Ella Baker, Bayard Rustin and Stanley Levinson, of the American Jewish Congress, along with the local head of the American Federation of State, County and Municipal Employees (AFSCME) and other labor leaders, to discuss the boycott.¹⁵¹ Randolph met with Baker and Levinson to discuss ways to expand a friendship campaign of support for the Montgomery boycott. Those assembled at the meeting would later become close advisors and allies to Dr. King. Baker, Rustin, and Levinson helped Dr. King to found the Southern Christian Leadership Conference in 1957.¹⁵² Levinson was also one of Dr. King’s closest advisors, helping Dr. King to write speeches, raise money, and plan events.¹⁵³ Rustin, an experienced organizer, went to Montgomery to hold workshops on Gandhian non-violence and also became one of Dr. King’s closest advisors.¹⁵⁴ Rustin later played a key role in the planning of the 1963 March for Jobs and Freedom in Washington, DC.

After the meeting Rustin went to Birmingham, where he worked with union activists to raise money for the boycott.¹⁵⁵ The president of the UAW, Walter Reuther, had long been a supporter of civil rights.¹⁵⁶ Reuther and his allies had long been combatting race discrimination within the UAW ranks.¹⁵⁷ In part, Reuther was responding to the activism of black workers in his union, who demanded anti-racism campaigns.¹⁵⁸ The black auto workers argued that “antiracism should serve as the basis of union solidarity.”¹⁵⁹

¹⁴⁵ HONEY, JERICHO ROAD, *supra* note 8, at 25.

¹⁴⁶ See GARROW, *supra* note 8, at 11–14.

¹⁴⁷ See *id.* at 26.

¹⁴⁸ See JONES, *supra* note 4, at 104.

¹⁴⁹ HONEY, JERICHO ROAD *supra* note 8, at 26.

¹⁵⁰ For example, UPWA helped King’s antipoverty work in Chicago in 1967. See GARROW, *supra* note 8, at 465.

¹⁵¹ JONES, *supra* note 4, at 104.

¹⁵² See HONEY, JERICHO ROAD *supra* note 8, at 27; GARROW, *supra* note 8, at 84.

¹⁵³ See BRANCH, *supra* note 143, at 227.

¹⁵⁴ See Jones, *supra* note 4, at 104; see also Garrow, *supra* note 8, at 95.

¹⁵⁵ JONES, *supra* note 4, at 107.

¹⁵⁶ BOYLE, *supra* note 5, at 117, 123; See NELSON LICHTENSTEIN, THE MOST DANGEROUS MAN IN DETROIT: WALTER REUTHER AND THE FATE OF AMERICAN LABOR 370–71 (1995).

¹⁵⁷ See BOYLE, *supra* note 5, at 4–7; LICHTENSTEIN, *supra* note 156, at 370–71.

¹⁵⁸ See LEWIS-COLEMAN, *supra* note 133, at 2.

¹⁵⁹ See *id.*

Reuther resisted black workers' activism because he believed the best way to combat racism was to improve the lives of all workers to alleviate economic competition which fostered racism.¹⁶⁰ Nonetheless, when Southern UAW members grumbled about the UAW's support of civil rights, Reuther was defiant. At a UAW meeting, Reuther declared, "I would rather have 100,000 less members in our union than have a million more and have to compromise our position on civil rights."¹⁶¹

In 1950, Reuther referred to the Jim Crow system in the south as part of a "deeply entrenched and far-reaching system of economic, social and political injustice and exploitation."¹⁶² During the 1950s, Reuther was on the national board of the NAACP, and authorized numerous UAW contributions to that organization.¹⁶³ The partnership between the UAW and the NAACP dated back to the late 1930s, when the NAACP Detroit branch had supported the UAW campaign to organize the Ford Motor Company.¹⁶⁴ The UAW supported the NAACP campaign against race segregation in schools, but was more hesitant to support direct action of the Montgomery bus boycott.¹⁶⁵ However, Reuther agreed to contribute \$5,000 of UAW funds to the boycott fund. Nixon and Randolph's union, the Brotherhood of Sleeping Car Porters, also contributed to the boycott fund.¹⁶⁶

Another union which strongly supported Dr. King at the outset of the boycott was the United Packinghouse Workers of America (UPWA).¹⁶⁷ When African Americans moved north during the Great Migration, the meatpacking houses in the Midwest were willing to hire black employees when many other employers would not.¹⁶⁸ Thus, the UPWA was a highly integrated, though still majority white, union.¹⁶⁹ The UPWA officially opposed race discrimination since the early 1940s, support which strengthened after a 1948 strike enhanced black power in the union.¹⁷⁰ Starting in 1941, every labor contract negotiated by the UPWA contained a nondiscrimination clause, and local unions formed anti-discrimination committees to ensure enforcement of those clauses.¹⁷¹ The Packinghouse Workers thus served as the "fulcrum for expanded civil rights activity by local unions."¹⁷² Unionists not only worked to correct discriminatory practices in their plants, but they also attacked race discrimination in the communities in which they

¹⁶⁰ See *id.* at 3.

¹⁶¹ "UAW Conference Calls for Action in the Civil Rights Field," MICH. CHRON., January 26, 1956, quoted in LICHTENSTEIN, *supra* note 156, at 370-71.

¹⁶² BOYLE, *supra* note 5, at 111.

¹⁶³ LICHTENSTEIN, *supra* note 156, at 370; BOYLE, *supra* note 5, at 109.

¹⁶⁴ BOYLE, *supra* note 5, at 109.

¹⁶⁵ *Id.* at 121.

¹⁶⁶ *Id.*

¹⁶⁷ JONES, *supra* note 4, at 113.

¹⁶⁸ See RICK HALPERN AND ROGER HOROWITZ, MEATPACKERS: AN ORAL HISTORY OF BLACK PACKINGHOUSE WORKERS AND THEIR STRUGGLE FOR RACIAL AND ECONOMIC EQUALITY ix (1996).

¹⁶⁹ *Id.* at 25.

¹⁷⁰ *Id.* at 19-20.

¹⁷¹ *Id.* at 20.

¹⁷² *Id.*

lived.¹⁷³ They often worked with, and influenced, community-based organizations like the NAACP.¹⁷⁴

When the UPWA members heard about the Montgomery boycott, they immediately supported Dr. King and developed a lifelong alliance with the civil rights leader.¹⁷⁵ UPWA president Ralph Helstein traveled to Montgomery to meet with Dr. King, and the UPWA donated \$11,000 to the Montgomery boycott fund, entirely composed of local union donations.¹⁷⁶ In a speech to the UPWA’s Anti-Discrimination Conference, Dr. King expressed mutual admiration for the unionists who so strongly supported the cause of civil rights. Said Dr. King, “Organized labor can be one of the most powerful instruments to do away with this evil that confronts our nation that we refer to as segregation and discrimination . . . with the coming together of the powerful influence of labor and all people of good will in the struggle for freedom and human dignity, I can assure you that we have a powerful instrument.”¹⁷⁷

The labor movement also supported Dr. King when he, Baker and other leaders founded the Southern Christian Leadership Conference in 1957.¹⁷⁸ The United Auto Workers co-sponsored SCLC’s first major event, the May 1957 Prayer Pilgrimage on the steps of the Lincoln Memorial.¹⁷⁹ The UAW reserved an entire hotel for union workers who travelled to the pilgrimage.¹⁸⁰ In 1959, Randolph formed a national association of black trade unionists to fight for civil rights.¹⁸¹ Thus, labor helped Dr. King to get his start as a civil rights activist and contributed to his early success.

Randolph also connected Dr. King to the broader labor movement. As a means of reaching out to Randolph, Meany invited Dr. King to speak in front of AFL-CIO 2000 leaders at a convention in Miami, Florida later that year.¹⁸² In his 1961 speech to the AFL-CIO convention, Dr. King talked about the liberating potential of trade unions and noted that workers were “‘emancipated’ by the Wagner Act and other New Deal laws.”¹⁸³ Dr. King said that it was not a historical coincidence that blacks look to labor for

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.* at 21. For example, the UPWA was one of the few organizations that supported King in his 1966 Chicago campaign, and when he denounced the Vietnam War in 1967. *Id.* at 22. The UPWA also supported the 1961 sit down strikes organized by the Student Non-Violent Coordinating Committee (SNCC), placing union picketers at northern franchises of stores targeted by SNCC. *Id.* at 22–23.

¹⁷⁶ See HONEY, JERICO ROAD, *supra* note 8, at 26; HALPERN & HOROWITZ, *supra* note 168, at 22.

¹⁷⁷ The Fourth Annual Wage and Contract Conference and the Third National Anti-Discrimination Conference and the Third National Conference on Women’s Activities, September 30–October 4, 1957, UPWA papers, Box 526, 208–33, cited in HALPERN & HOROWITZ, *supra* note 168, at 25.

¹⁷⁸ BOYLE, *supra* note 5, at 122.

¹⁷⁹ *Id.*

¹⁸⁰ JONES, *supra* note 4, at 129.

¹⁸¹ *Id.* at 131.

¹⁸² *Id.*

¹⁸³ *Id.* at 150.

support.¹⁸⁴ According to Dr. King, “Negroes are almost entirely a working people” with the same interest as any other workers in decent wages and working conditions, housing, health and education.¹⁸⁵ Here, Dr. King emphasized the commonality between the African Americans engaged in the civil rights movement and the rank and file workers who were engaged in the labor movement. To reinforce the message of commonality, Dr. King pointed to the fact that civil rights and labor activists also had common enemies. According to Dr. King, the same politicians that opposed civil rights were also against workers’ rights and he called on labor to support civil rights.¹⁸⁶ Common enemies created a bond between the two movements, and also reflected the fact that their opponents were worried about the effectiveness of their combined efforts.

Dr. King had strong ties to the black labor movement in the 1950s, but the 1961 appearance was Dr. King’s first major encounter with white labor.¹⁸⁷ After Dr. King’s speech to the AFL-CIO, Meany and the union began to change their attitude towards civil rights. In 1962, the AFL-CIO began to cooperate with the NAACP and the NALC to work against racial discrimination within the labor movement.¹⁸⁸ Meany and Reuther stepped up to the plate and helped Dr. King advocate for federal civil rights legislation. In 1962, the UAW endorsed the activism of Dr. King and other “heroic Negroes.”¹⁸⁹ The following year, Reuther worked with Randolph and other labor allies to help organize the 1963 March for Jobs and Freedom in Washington.

IV. THE MARCH FOR JOBS AND FREEDOM AND THE 1964 CIVIL RIGHTS ACT

The labor movement helped to organize one of the most successful civil rights demonstrations in the history of our country, the 1963 March for Jobs and Freedom. A. Philip Randolph and his labor allies helped Dr. King to organize the march, a major catalyst that helped to bring about the landmark 1964 Civil Rights Act.¹⁹⁰ At the march, Dr. King gave his iconic “I Have A Dream” speech, and rose to national prominence as the most visible civil

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.* at 150–51.

¹⁸⁷ *Id.* at 149.

¹⁸⁸ LEWIS-COLMAN, *supra* note 133, at 88.

¹⁸⁹ LICHTENSTEIN, *supra* note 156, at 372.

¹⁹⁰ JONES, *supra* note 4, at x–xi. Other major catalysts included the September, 1963 bombing of the Sixteenth Street Baptist Church in Birmingham, Alabama; the November 1963 assassination of President Kennedy; and the dogged and determined lobbying of President Lyndon Johnson and Senator Hubert Humphrey in the Senate fight to overcome the filibuster. See Rebecca E. Zietlow, *To Secure These Rights: Congress, Courts and the 1964 Civil Rights Act*, 57 RUTGERS L. REV. 945, 963–64 (2005); REBECCA E. ZIETLOW, ENFORCING EQUALITY: CONGRESS, THE CONSTITUTION, AND THE PROTECTION OF INDIVIDUAL RIGHTS 108–10 (2006).

rights leader in the country.¹⁹¹ The 1963 march realized Randolph’s lifetime dream as labor activists joined together with northern and southern civil rights activists to organize the protest that he had long imagined.¹⁹² The Civil Rights Act of 1964 was thus a joint achievement of the northern and southern civil rights movements, with help from organized labor.¹⁹³

A. *March for Jobs and Freedom*

As its title indicates, the principle goal of the 1963 March for Jobs and Freedom was achieving workers’ rights for African Americans. According to historian William Jones, the 1963 March was “aimed not just to end racial segregation and discrimination in the Jim Crow South but also to ensure that Americans of all races had access to quality education, affordable housing, and jobs that paid a living wage.”¹⁹⁴ Participants in the march sought a federal program to train and employ all unemployed workers in “meaningful and dignified jobs at decent wages.”¹⁹⁵ Along with ending racial segregation in places of public accommodation, they sought to end race discrimination in employment and to increase the minimum wage to \$2 an hour.¹⁹⁶ Thus, the organizers of the 1963 march sought not only an end to racial segregation, but also to improve the conditions of all low-wage workers, regardless of their race.

After President John F. Kennedy was elected with 70% of the African American vote, Dr. King and other southern civil rights sought to bring black workers into Kennedy’s promise of economic growth.¹⁹⁷ The initial proposal for the 1963 march came from the Negro American Labor Council (NALC), an organization founded by Randolph and other black trade unionists to address the exclusion of black workers from skilled jobs and unions.¹⁹⁸ Randolph (then 74 years old) met with other civil rights and religious leaders to organize the march. When Randolph had to step back due to his wife’s illness, the NALC reached out to Dr. King to help lead.¹⁹⁹ Dr. King and Randolph agreed to march under the slogan “For Jobs and Freedom.”²⁰⁰ According to Harvey Swados, a reporter at *The Nation*, Randolph and Dr. King linked “black trade unionists’ twenty-year struggle for fair employment with the southern struggle against Jim Crow.”²⁰¹

¹⁹¹ See BRANCH, *supra* note 143, at 881; GARROW, *supra* note 8, at 283–85.

¹⁹² BIONDI, *supra* note 11, at 279–80.

¹⁹³ *Id.* at 270.

¹⁹⁴ JONES, *supra* note 4, at ix.

¹⁹⁵ *Id.* at x.

¹⁹⁶ This was significantly more than the \$1.25 increase that JFK had supported two years earlier. See *id.* at xix.

¹⁹⁷ *Id.* at 140.

¹⁹⁸ *Id.* at xvii.

¹⁹⁹ See *id.* at 166.

²⁰⁰ *Id.* at 167.

²⁰¹ *Id.* at 173.

Trade unionists also helped to organize other major demonstrations. Dr. King honed his “I Have a Dream” speech in Detroit, Michigan on June 23, 1963, on a “Walk to Freedom” organized by black trade unionists.²⁰² 125,000 people marched, and both Dr. King and Reuther spoke to the crowd.²⁰³ The August March on Washington attracted a similar crowd and drew national attention to the cause of civil rights.²⁰⁴ Spurred on by the march, President John F. Kennedy increased his support for a civil rights act that he had introduced earlier that summer.²⁰⁵ However, getting the act through Congress required a monumental effort, including overcoming an 89 day filibuster in the Senate—the longest filibuster in history.²⁰⁶ In Congress, civil rights and labor leaders worked together to strengthen the bill, and to lobby for its success.²⁰⁷

B. *The 1964 Civil Rights Act*

The two principal lobbyists for the 1964 Civil Rights Act were Clarence Mitchell, the Washington Chief of the NAACP, and UAW lobbyist Joseph Rauh, Jr.²⁰⁸ One of Mitchell’s and Rauh’s principal goals was to add protections against race discrimination in employment, including an FEPC, to the Act. They arranged for George Meany, Walter Reuther and Roy Wilkins to testify before the House Judiciary Committee.²⁰⁹ All three leaders testified in favor of adding a Fair Employment Practices measure to the 1964 Act, which prohibited race discrimination in employment.²¹⁰ Thus, labor leaders were amongst the strongest lobbyists for legislation prohibiting race discrimination in employment.²¹¹

The fight over the bill was fierce. After Kennedy’s assassination that November, President Lyndon Johnson embraced the cause and worked closely with Senator Hubert Humphrey to overcome the filibuster.²¹² During the 89-day filibuster, each morning the Bipartisan Civil Rights Newsletter

²⁰² *Id.* at 168–69.

²⁰³ *Id.* at 169.

²⁰⁴ See BRANCH, *supra* note 143, at 881; GARROW, *supra* note 8, at 283–85.

²⁰⁵ See CHARLES WHALEN & BARBARA WHALEN, *THE LONGEST DEBATE: A LEGISLATIVE HISTORY OF THE 1964 CIVIL RIGHTS ACT* xx (1985).

²⁰⁶ See Rebecca E. Zietlow, *To Secure These Rights: Congress, Courts and the 1964 Civil Rights Act*, 57 RUTGERS L. REV. 945, 970 (2005).

²⁰⁷ *Id.* at 1004.

²⁰⁸ ROBERT D. LOEVY, ED., *THE CIVIL RIGHTS ACT OF 1964: THE PASSAGE OF THE LAW THAT ENDED RACIAL SEGREGATION* 49 (1997); ZIETLOW, *ENFORCING EQUALITY*, *supra* note 190, at 118; BOYLE, *supra* note 5, at 109.

²⁰⁹ WHALEN & WHALEN, *supra* note 205, at 22.

²¹⁰ *Id.*

²¹¹ Title VII of the 1964 Civil Rights Act, Civil Rights Act of 1964, Pub. L. 88–352, July 2, 1964, 78 Stat. 241 (codified at 42 U.S.C. § 2000 et seq. (1994)). During the consideration of the Act, it was amended to include “gender” as a classification protected against discrimination. See ZIETLOW, *ENFORCING EQUALITY*, *supra* note 190, at 108.

²¹² See WHALEN & WHALEN, *supra* note 205, at 80, 125; LOEVY, *supra* note 208, at 60, 198 (President Johnson’s “unqualified endorsement of the bill had an even greater impact on Capitol Hill. It provided the Democratic leadership with an absolute mandate to wage the struggle in terms of total victory.”).

for the senators was printed on a printer donated by the AFL-CIO.²¹³ The National Council of Churches also organized a grassroots campaign in favor of the bill.²¹⁴ Eventually the bill passed, the first major civil rights bill since the Reconstruction Era. Titles II and VI of the 1964 Civil Rights Act achieved the primary goals of the southern civil rights movement, prohibiting race discrimination in places of public accommodation and in education.²¹⁵ Title VII of the Act achieved the primary goal of the northern civil rights and labor movement, prohibiting race and gender discrimination in employment and creating the federal Equal Employment Opportunity Commission to enforce those rights.²¹⁶ The successful fight for this landmark measure, which combined anti-discrimination measures and economic rights, was a high point in cooperation between civil rights and labor leaders.

C. *Tension and Division after the Act*

Although labor activists generally favored the Civil Rights Act, Title VII, which prohibited race and gender discrimination in employment, caused some tension between civil rights and labor, as individual workers relied on it to sue discriminatory unions as well as employers. Initially, George Meany embraced Title VII as a tool to combat race discrimination in Jim Crow unions.²¹⁷ In 1965, the NAACP and the NALC praised Meany’s work to enforce Title VII.²¹⁸ However, anti-labor forces also used the new fair employment laws to target unions, and promoted the right-to-work as an antidote to discrimination within unions.²¹⁹ For example, from 1965 to 1971, right-to-work supporter Senator Peter Dominick repeatedly introduced legislation called a “Laboring Man’s Bill of Rights,” which linked right-to-work protections with anti-race discrimination.²²⁰ Dominick found an unlikely ally in Representative Adam Clayton Powell, the African American congressman from Harlem, who refused to back a bill repealing the Taft-Hartley provision allowing state right-to-work laws, until “leaders in labor do more about discrimination in some unions.”²²¹ Thus, anti-union forces successfully used anti-discrimination measures to drive a wedge between the white and black working classes.

²¹³ WHALEN & WHALEN, *supra* note 205, at 144.

²¹⁴ *Id.* at 165.

²¹⁵ See GARROW, *supra* note 8, at 325 (King stressed the importance of the public accommodations and fair employment sections of the bill)

²¹⁶ See Biondi, *supra* note 11, at 18 (discussing the importance of an FEPC to the northern labor movement); LOEVY, *supra* note 208, at 79 (discussing advocacy for inclusion of FEPC during congressional debates); WHALEN & WHALEN, *supra* note 205, at 22, 27.

²¹⁷ BOYLE, *supra* note 5, at 89.

²¹⁸ *Id.* at 90.

²¹⁹ See Lee, *supra* note 65, at 177.

²²⁰ *Id.*

²²¹ *Id.*

Affirmative action, authorized by Title VII, also became a divisive issue that split civil rights advocates from some union supporters.²²² Affirmative action programs allowed the use of racial preferences in hiring, but the real sticking point was the issue of seniority when employers laid off workers. Unions generally opposed affirmative action policies that circumvented seniority provisions in collective bargaining agreements.²²³ All of these issues strained alliances between labor and civil rights activists. However, Dr. King continued to build those alliances in the last few years of his life, to advocate for the economic reform that he believed was necessary to achieve true racial justice.

V. "WHERE DO WE GO FROM HERE?"

On August 16, 1967, Dr. King gave his last address to an annual Southern Christian Leadership convention, entitled "Where Do We Go From Here?"²²⁴ In this address, Dr. King painted a stark picture of the economic status of African Americans. According to Dr. King, half of blacks lived in substandard housing, and blacks had half of the income of whites.²²⁵ Black unemployment was double that of whites, and the rate of infant mortality among blacks also double that among whites.²²⁶ Moreover, according to Dr. King, "there [were] twice as many Negroes dying in Vietnam as whites in proportion to their size in the population."²²⁷ According to this economic "curious formula," "the Negro" is "fifty percent of a person."²²⁸ Moreover, economic opportunities were also still limited for blacks. According to Dr. King, "of employed Negroes, seventy-five percent hold menial jobs."²²⁹ In one of his last major policy speeches, Dr. King thus focused on the poverty and lack of decent work for blacks. Tragically, the world never learned what Dr. King meant by the "structural change" that he promised in "Where Do We Go From Here?" In his speech and his advocacy for economic rights, however, Dr. King laid out a blueprint for economic empowerment and advocacy that is essential to combat racial injustice and economic subordination today.

²²² See *id.* at 172.

²²³ See *id.* at 173.

²²⁴ See Martin Luther King, Jr., "Where do We Go From Here?," Southern Christian Leadership Conference presidential address, Ebenezer Baptist Church, Atlanta, Georgia, August 16, 1967, in MARTIN LUTHER KING, JR., *I HAVE A DREAM: WRITINGS AND SPEECHES THAT CHANGED THE WORLD* 169, 177 (James Melvin Washington, ed., 1986).

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ *Id.*

A. 1966–1968 Dr. King’s Push for Economic Justice

In the last years of his life, Martin Luther King, Jr. shifted his focus away from southern segregation and towards advocating for economic rights. Of course, racial equality was always central to Dr. King’s agenda. However, it was undeniable that one of the principle indicators of inequality in the United States was the persistent, grinding poverty in which a disproportionate number of African Americans lived. At a retreat with SCLC leadership in November, 1966, Dr. King told his colleagues that it was time for the movement to pursue “substantive,” rather than surface changes. At the heart of the matter, said Dr. King, was the fact that “something is wrong with the economic system of our nation . . . something is wrong with capitalism.”²³⁰ Dr. King planned to intensify his work in Chicago for racial justice and against poverty.²³¹ He was ready to move in a new, more radical direction that directly addressed the economic roots of racial subordination, including the exploitation of poor black workers. Part of Dr. King’s strategy was to revitalize the alliance that he had with labor to advocate for workers’ rights.

In the summer of 1966, Dr. King traveled north to the city of Chicago, home to millions of blacks who had migrated from the south during the “Great Migration” of the early twentieth century.²³² Dr. King began his Chicago campaign with protests against residential segregation, but he soon expanded his focus to the poor quality of life in northern ghettos.²³³ In Chicago, Dr. King staged demonstrations against housing segregation and called for services for the poor.²³⁴ Dr. King worked with other activists to organize the Poor People’s Campaign and advocate for an expansion of the safety net and other government programs to address the concerns of poor people.²³⁵ With the SCLC, Dr. King started a project called “Operation Breadbasket,” aimed at improving employment opportunities for blacks and supporting black-owned businesses to further economic development.²³⁶

On April 4, 1967, Dr. King announced his opposition the Vietnam War.²³⁷ In his speech, Dr. King argued that his interest in both racial and economic justice had compelled him to take a stand against the war. First, the war was draining resources that should have been devoted to federal anti-poverty programs. Dr. King explained that “America would never invest the necessary funds or energies in rehabilitation of its poor so long as adventures like Vietnam continued to draw men and skills . . .”²³⁸ Second, the young

²³⁰ GARROW, *supra* note 8, at 537.

²³¹ *Id.* at 537–38.

²³² *Id.* at 490. *See also* Nicholas Lemann, *The Promised Land: The Great Black Migration and How it Changed America* 59 (1991).

²³³ *Id.* at 495, 500.

²³⁴ *Id.* at 498.

²³⁵ *See id.* at 589.

²³⁶ *See id.* at 462.

²³⁷ *See* Martin Luther King, Jr., *A Time to Break Silence*, Riverside Church, New York City, April 4, 1967, in KING, *I HAVE A DREAM*, 135 (James Melvin Washington, ed., 1986).

²³⁸ *Id.* at 138.

men who were being drafted to fight the war were mostly poor and disproportionately likely to be African American.²³⁹ Said Dr. King, “we have repeatedly been faced with the cruel irony of watching Negro and white boys on TV screens as they kill and die together for a nation that has been unable to seat them together in the same schools.”²⁴⁰ Finally, Dr. King argued that the violence of the war made it harder to advocate non-violent change at home.²⁴¹ This observation reflected the trouble that Dr. King had with the increasing militancy of many in the civil rights movement, as many activists embraced “Black Power” over integration and endorsed violence as a means of self-defense.²⁴²

Dr. King’s opposition to the Vietnam War was highly controversial, and the strong negative public reaction almost derailed his career.²⁴³ However, Dr. King saw his stance as a logical continuation of his support for racial equality and against economic exploitation. In his August 1967 speech to the annual SCLC convention, Dr. King explained how his opposition to the Vietnam War fit into his agenda. “When I say questioning the whole society, it means ultimately coming to see that the problem of racism, the problem of economic exploitation, and the problem of war are all tied together. . . . These are the triple evils that are interrelated.”²⁴⁴

In “Where Do We Go From Here?,” Dr. King laid out an agenda for a future campaign for economic empowerment. Dr. King pointed out that throughout our nation’s history, our economy had depended on the unpaid and underpaid labor of African Americans. “For more than half of his American history, [the Negro] was enslaved. . . His unpaid labor made cotton king and established America as a significant nation in international commerce. Even after his release from chattel slavery, the nation grew over him, submerging him. It became the richest, most powerful society in the history of man, but it left the Negro far behind.”²⁴⁵ Dr. King pointed out that African Americans were still victims of the economic exploitation that dated back to slavery. Said Dr. King, “A nation that will keep people in slavery for 244 years will ‘thingify’ them and make them things. And therefore, they will exploit them and poor people generally economically.”²⁴⁶ Attacking this exploitation would require structural change and economic empowerment for workers.²⁴⁷

²³⁹ *Id.* (“[T]he war was doing far more than devastating the hopes of the poor at home. It was sending their sons and their brothers and husbands to die in extraordinarily high proportions relative to the rest of the population.”).

²⁴⁰ *Id.*

²⁴¹ *Id.*

²⁴² See GARROW, *supra* note 8, at 532–34.

²⁴³ See *id.* at 553.

²⁴⁴ *Id.* at 195.

²⁴⁵ Martin Luther King, Jr., *Where Do We Go From Here?* (Aug 16, 1967) in *A CALL TO CONSCIENCE: THE LANDMARK SPEECHES OF DR. MARTIN LUTHER KING, JR.*, 171, 181–82 (Clayborne Carson and Kris Shepard eds. 2001) [hereinafter CARSON, *A CALL TO CONSCIENCE*].

²⁴⁶ *Id.* at 195.

²⁴⁷ *Id.* See GARROW, *supra* note 8, at 553.

B. *“The Dignity of Labor:” Dr. King in Memphis*

In February, 1968, two black workers for the Memphis Sanitation Department died on the job. The workers were killed by the malfunctioning of the decrepit machinery which they were forced to use at work.²⁴⁸ The Memphis sanitation workers, who were almost all black, had long complained about the decrepit equipment.²⁴⁹ Two weeks after the deaths, 1300 black men in the Department of Works failed to report to work without notifying their supervisors.²⁵⁰ It was the beginning of a strike over the workers’ right to organize in a union.²⁵¹ Local civil rights leaders strongly supported the strike, and sought to combine labor and civil rights agendas.²⁵² The striker’s slogan, “I Am a Man,” asserted the workers’ human dignity, “which translated to union power on the job.”²⁵³

When Dr. King heard about the strike, he spoke out in support of the workers.²⁵⁴ Dr. King welcomed the opportunity to work with local union activists to advance the cause of civil rights.²⁵⁵ He had long understood that racial and economic subordination were interconnected, and the Memphis strike reflected this fact. The sanitation workers saw the right to organize as a means to achieve fundamental human rights and combat race discrimination.²⁵⁶ Dr. King “understood implicitly that Memphis strikers personified the plight of the black working poor and unemployed all over America.”²⁵⁷ Though his staff begged him not to go to Memphis because he was so overtaxed and exhausted, Dr. King ignored their advice and eagerly joined the Memphis campaign to restore their dignity of labor.²⁵⁸

Dr. King travelled to Memphis twice to support the striking workers.²⁵⁹ Speaking to those workers, Dr. King explained, “You are demanding that this city will respect the dignity of labor. So often we overlook the work and the significance of those who are not in professional jobs, of those who are not in the so-called big jobs. But let me say to you tonight that whenever you are engaged in work that serves humanity and is for the building of humanity, it has dignity and it has worth.”²⁶⁰ He continued “Now our struggle is for genuine equality, which means economic equality.” “For we know that it isn’t enough to integrate lunch counters. What does it profit a man to be

²⁴⁸ See HONEY, JERICHO ROAD, *supra* note 8, at 2.

²⁴⁹ *Id.* at 2–3.

²⁵⁰ *Id.* at 4.

²⁵¹ See *id.* at 3–4.

²⁵² See *id.* at 241.

²⁵³ *Id.* at xvii.

²⁵⁴ *Id.* at 257.

²⁵⁵ *Id.* at 247.

²⁵⁶ *Id.*

²⁵⁷ *Id.* at 292.

²⁵⁸ *Id.*

²⁵⁹ *Id.* at 287.

²⁶⁰ King, Address at AFSCME Memphis Sanitation Strike (Ap. 3, 1968), <https://www.afscme.org/union/history/mlk/dr-martin-luther-king-jr-on-labor>, [<https://perma.cc/AW7E-5TFB>].

able to eat at integrated lunch counter if he doesn't earn enough money to buy a hamburger and a cup of coffee?"²⁶¹ Thus, said Dr. King, it was crucial for the strikers and the community supporting them to stay together to fight for "the right to organize and be recognized."²⁶² Tragically, Dr. King was assassinated during his second trip to Memphis before he had an opportunity to further pursue the dignity of labor.²⁶³ Dr. King died fighting for the economic and racial empowerment of African American workers.

VI. WHERE DO WE GO FROM HERE TODAY?

Unfortunately, Dr. King's economic radical message has largely been ignored. However, it is not too late to act to learn the lessons of the past and further Dr. King's agenda. Both indicate that advocates for racial equality will be most successful when they confront the combined effect of racial discrimination and economic subordination. In the fifty years since Dr. Martin Luther King died, African Americans have made great strides in the area of racial equality. Segregation is now illegal throughout the land, and anti-discrimination laws have opened up opportunities for blacks in education and employment. Unfortunately, however, blacks continue to lag behind whites in virtually every economic indicator. Fifty years after Dr. King laid out his economic agenda, the unemployment rate for blacks is still double that of whites.²⁶⁴ In 2016, the average black employee earned 26% less than the average white employee.²⁶⁵ At the same time, the level of union density in our country is down to little over 10 percent of the working population.²⁶⁶ The weakness of the U.S. labor movement has contributed to the growing economic inequality in this country.²⁶⁷ Going forward, if we are serious about making any strides in racial justice, policy initiatives must focus on economic issues such as labor and the strength of unions.

In "Where Do We Go From Here?," Dr. King laid out a blueprint for future action that is still relevant today. First, said Dr. King, "we must massively assert our dignity and self-worth."²⁶⁸ The dignity of labor includes the

²⁶¹ HONEY, JERICHO ROAD, *supra* note 8, at 300.

²⁶² *Id.* at 302.

²⁶³ See GARROW, *supra* note 8 at 623.

²⁶⁴ Janelle Jones, *Black Unemployment Is At Least Twice as High as White Unemployment at the National Level and in 12 States and D.C.*, ECONOMIC POLICY INSTITUTE, 1 (2018), <https://www.epi.org/files/pdf/157382.pdf> [<https://perma.cc/J5U7-YVWG>].

²⁶⁵ Niall McCarthy, *Income Inequality Between White and Black Americans Is Worse Today Than in 1979 [Infographic]*, FORBES (Sept 21, 2016), <https://www.forbes.com/sites/niallmccarthy/2016/09/21/income-inequality-between-white-black-americans-is-worse-today-than-in-1979-infographic/#cb18f3f37405> [<https://perma.cc/4EDZ-2BA8>].

²⁶⁶ UNION MEMBERS SUMMARY, U.S. BUREAU OF LABOR STATISTICS: ECONOMIC RELEASES (Jan. 18, 2019, 10:00 AM), <https://www.bls.gov/news.release/union2.nr0.htm> [<https://perma.cc/SY99-5DMY>].

²⁶⁷ Susan Dynarski, *Fresh Proof That Strong Unions Help Reduce Income Inequality*, N.Y. TIMES (July 6, 2018), <https://www.nytimes.com/2018/07/06/business/labor-unions-income-inequality.html> [<https://perma.cc/H5CR-RELP>].

²⁶⁸ CARSON, A CALL TO CONSCIENCE, *supra* note 245, at 183.

right to work free of undue coercion, and for a decent wage. Workers earning the minimum wage in this country are barely above the poverty line, and too many of the working poor cannot afford to pay for basic essentials such as food, housing and health care. Moreover, low wage workers continue to be disproportionately workers of color. Raising the minimum wage is essential to restoring the dignity of labor and should be a priority of civil rights activists.

Opposing police brutality is also essential for protecting the “dignity and self worth” of people of color. The Black Lives Matter movement and other activists targeting police violence and abuse are also an essential component of any civil rights effort.

Second, Dr. King talked about the need “to discover how to organize our strength into economic and political power.”²⁶⁹ Dr. King continued, “power properly understood . . . is the strength required to bring about social, political and economic change.”²⁷⁰ Dr. King quoted his old friend Walter Reuther as saying “Power is the ability of a labor union like UAW to make the most powerful corporation in the world, General Motors, say “Yes” when it wants to say “No.”²⁷¹ In an essay he wrote in 1968 expanding on his SCLC speech, Dr. King said presciently, “In the days to come, organized labor will increase its importance in the destinies of Negroes. Automation is imperceptibly but inexorably producing dislocations, skimming off unskilled labor from the industrial force. The displaced are flowing into proliferating service occupations. These enterprises are traditionally unorganized and provide low wage scales with longer hours. The Negroes pressed into these services need union protection, and the union movement needs their membership to maintain its relative strength in the whole society.”²⁷²

Unfortunately, recent Supreme Court decisions have undercut the right to organize for government workers.²⁷³ For decades, the public sector has provided a crucial path to the middle class for African American workers. Nonetheless, the labor movement continues to be an important force for civil rights. Some of the most vibrant unions today, including Unite Here and the Culinary Workers Union, are primarily comprised of people of color, and they are on the forefront of the fight for racial and economic justice. Measures to strengthen the right to organize will help those unions, and further the cause of civil rights.

Finally, in the speech Dr. King called for a guaranteed national income to provide financial security for African American workers.²⁷⁴ At the time, many activists supported a guaranteed national income as an alternative to

²⁶⁹ *Id.* at 185.

²⁷⁰ *Id.*

²⁷¹ *Id.* at 185–186.

²⁷² MARTIN LUTHER KING, JR., WHERE DO WE GO FROM HERE: CHAOS OR COMMUNITY? (2010).

²⁷³ See *Janus v. AFSCME*, Council 31, 138 S. Ct. 2448 (2018).

²⁷⁴ Carson, A CALL TO CONSCIENCE, *supra* note 245, at 189.

the patronizing and sometimes discriminatory welfare state. This debate has returned to the contemporary agenda, with almost half of Americans supporting a basic income.²⁷⁵ Dr. King urged his supporters to follow the Operation Breadbasket plan to boycott companies that would not hire blacks and support black owned businesses.²⁷⁶ His goal was to create an economic base from which to work for further economic empowerment.

An adequate safety net is essential to protect all workers from undue exploitation at low wage jobs. Unfortunately, welfare “reforms” such as the 1996 Personal Responsibility Act have gutted the safety net and increased the vulnerability of all poor people, including people of color.²⁷⁷ Republican proposals to impose work requirements for Medicaid and food stamps would exacerbate the problem and arguably violate the 13th Amendment’s prohibition against involuntary servitude.

CONCLUSION

Dr. King understood the interconnection between economic and racial inequality. Over the years, advocates for human rights in the United States have been most successful when they formed coalitions to fight the combined effect of racial injustice and economic subordination. When we think about where to go from here to address that inequality, we must understand Dr. King’s insight that labor rights are civil rights.

²⁷⁵ See Annie Nova, *More Americans Now Support a Universal Basic Income*, CNBC (Feb. 26, 2018, 3:35 PM), <https://www.cnbc.com/2018/02/26/roughly-half-of-americans-now-support-universal-basic-income.html> [<https://perma.cc/EP6H-5ULS>].

²⁷⁶ CARSON, A CALL TO CONSCIENCE, *supra* note 245, at 177–178.

²⁷⁷ See Rebecca E. Zietlow, *Rights of Belonging for Women*, 1 INDIANA JOURNAL OF LAW & SOCIAL EQUALITY 64 (2013), reprinted in TRACY A. THOMAS, ED., *WOMEN AND THE LAW* (West 2014).