



WAKING FROM THE DREAM

The Struggle for
Civil Rights
in the Shadow of
Martin Luther King, Jr.

David L.
Chappell

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Introduction

Martin Luther King's assassination marks a great turning point in American memory. In retrospect his death often appears to be the tragic, sudden end of the triumphal story of progress in civil rights, a story that Americans associate with King's career. After the major victories of the civil rights movement in the mid-1960s, most Americans remember a dreary story from that point forward: a story of dire rhetoric over incremental bureaucratic and judicial changes in affirmative action and racial redistricting, punctuated by seemingly random flare-ups, such as the Atlanta riot of 1980, the Rodney King beating and subsequent Los Angeles riot of 1992, and the O. J. Simpson trial of 1995. There is no heroic narrative of those post-King years to match the narrative that unfolded in the King years: no tendency of the plot to run from dramatic showdown in the streets to redemptive national legislation. There is no pattern of exposing evils leading to crisis leading to remedial steps. In other words, there is no rhythm like the one that appeared to propel events from Montgomery to Selma in the 1950s and 1960s, a rhythm of long-unrequited hopes of freedom finally resolving in national recognition and substantial fulfillment. After the unraveling of the movement, the times have no trajectory, ever being corrected, toward redemption of the full promise of American life—liberty and justice for all. The post-King years in the history of race, rights, and freedom appear rather to lurch aimlessly—the movement directionless, not entirely stagnant.

As I attempted to take a fresh look at the post-King era, several episodes emerged as uniquely revealing, misunderstood, and undervalued in our history. These events added up to a richer, more fascinating, and more significant post-King era than has been previously recognized. The episodes in this book show that those years were full of ferment and vital experimentation in civil rights. Though some of the experiments failed, the failures proved as instructive and as important as foundations for future progress as the previous generation's successes.

Many devoted and courageous Americans took up Martin Luther King's unfinished business when he died. Over the next several years, they struggled to complete his work—or the work his name symbolized to them—in creative, often unexpected ways, in response to shifting circumstances. Again and again they invoked King's name as they strove to continue and often to correct the course on which King had led a generally resistant America. Some of them succeeded in extending the principle of desegregation to the private housing market. Others attempted to consolidate and institutionalize the power of new black votes. Others attempted to remedy the economic deprivation of black neighborhoods—and to tap the creativity and energy of a long-suppressed underclass—with full-employment legislation. Others sought to make America recognize and honor King's memory with a national holiday, a remarkable achievement that reflected a greatly weakened opposition to civil rights in an otherwise very conservative age. One of King's most brilliant but most erratic and

controversial disciples, Jesse Jackson, tried to parlay black voting power into a more active and independent voice within the Democratic Party in two quixotic presidential campaigns. Through all these episodes, Martin Luther King's memory was put to the test—and finally when new, damaging evidence about his character was opened up for public discussion in the late 1980s and 1990s, it did not diminish his stature, or that of the cause he symbolized, in any appreciable way.

These episodes do not just lengthen the story of civil rights, but broaden and deepen it: The effort to free America from its historic legacy of slavery and institutionalized racism did not simply devolve into endless bureaucratic trench warfare over affirmative action policies, though it often looked that way, with interest groups and policy makers frozen in irreconcilable positions. Rather, it engaged the creative energies of a wide range of African American activists, in many cases white allies, and a diverse assortment of the booming new class of black elected officials. In the years after 1968, they rediscovered some old truths and tactics. They tested the limits of equality and black power in modern America. Often, their efforts, even their successes, have been completely forgotten.

The story of the continuing struggle for rights and equality after 1968 is central to the meaning of freedom in America. The struggle of black Americans for full participation in and contribution to the full promise of American life brings to light the contradiction that haunted American history from the start: The degradation and deprivation of an entire "race" of people exaggerated the freedom of white Americans while exposing America's hypocrisy to the world. Black Americans' demand for their freedom raised the question whether a nation conceived in liberty, as Lincoln said at Gettysburg 150 years ago, and dedicated to human equality could endure. The story did not end with the Civil War and Emancipation or with Reconstruction and the granting of civil and political rights to the ex-slaves in the Fourteenth and Fifteenth Amendments. It continued by creative, unpredictable fits and starts. It did not end again with the so-called Second Reconstruction, culminating in the Civil Rights Act and Voting Rights Act of the mid-1960s. Nor could it be contained in the bureaucratic, partisan and ideological channels that defined politics-as-usual after the 1960s.

Other books on the post-King years have conveyed parts of the story but, in many instances, present them in teleological and piecemeal terms. The story is, in some of these books, one of lawsuits to extend the reach of affirmative action policies, and the representation of black populations with black representatives. In other books it is a story of the undoing of school desegregation by white flight and Supreme Court retreat. What these accounts miss are the more ambitious efforts to claim large-scale public victories. They miss above all the energies expended to expand the reach of freedom and equality, rather than simply flesh out or secure rights already won, in principle and in law, in the 1950s and 1960s. The larger-scale public efforts covered in this book—even when they failed—trace the now flickering, now-flaring, now-fading-and-flaring-again spirit that persisted after the King years, the heyday of civil rights victories that he symbolizes in national memory.

Some authors say the African-American civil rights movement of the 1950s and 1960s simply evolved into a fuller-blown "rights revolution," which sprouted from the yearnings of other deprived and degraded populations: women, Hispanics and other recent third-world immigrants, American Indians, the disabled, gays and lesbians. That was indeed a re-

expansion or series of expansions, largely inspired by the African-American movement's dramatic successes and building on the foundation of principles established by it.

But attention to the post-1960s rights revolution tends to eclipse the struggle for more freedom and equality for black America, and for the poor of all races—the populations for which King sacrificed his life. Indeed, to the extent that a declining post-1960s economy allowed aspiring members of other minority groups, the disabled, and many kinds of white women to claim their rights, it did so in some ways at the expense of further rights for the black population and the poor.

By narrating the vast numbers of private grassroots struggles for more opportunity under existing laws, scholars have demonstrated that some kind of freedom movement is always going on. There is always some kind of unorganized resistance to oppression; there are always countless individual evasions and partial escapes from it. But that sort of unorganized struggle is precisely what the civil rights movement, as that term is conventionally understood, rose up to overcome. After the Supreme Court finally banned segregation in the *Brown v. Board of Education* decision of 1954, black southerners did not taste freedom in the day-to-day reality of their lives. On the contrary, the court decision, in practice, appeared to consign them to an endless series of individual lawsuits to make the newly articulated—or rather, newly restored—principles of equality real in their own lives and the lives of their children. Giant steps were needed. The civil rights movement culminated in two of the greatest leaps of all time, the Civil Rights Act of 1964 and the Voting Rights Act of 1965. That kind of giant leap is what diverse bodies of activists prayed and planned and fought for after King died. Though they struggled on as people always do for improvements in their individual and local lives, the need for fundamental changes in the structure of American society on a national scale would plague King's survivors in the movement over the next several decades. History is the winding, switchbacking trail of their hopes and failures.

They failed more often than they succeeded. But in the depths of their failures they found a new determination to keep striving and new paths to strive on. In striving, they gave shape to a spirit that was older and worldlier than King's hopeful dream of a future world where the children of slaves and the children of slave owners would sing old Negro spirituals together. King invoked this worldlier, more mature spirit two years after the "dream" speech, and to conclude a speech that spoke of the process, and not just of the distant goal, of the struggle. That speech captured the long-wave motion of social change, the effort to give meaning to history by action as well as words. It reflected the abundance of disappointment in the struggle for freedom, and the sly resilience that hope, tempered by disappointment, can bring. The speech was titled "Remaining Awake Through a Great Revolution," but its concluding lines are perhaps even better suited to the task of remaining awake after an exhausting, though partial, incomplete revolution. King quoted a nameless "old Negro slave preacher," who said:

Lord, we ain't what we oughta be;
We ain't what we wanna be;
We ain't what we gonna be;
But thank God we ain't what we was!

King's successors would struggle in their own creative and irreversible ways, as previous generations had, to learn and relearn the wisdom of those lines, and to renew their truth.

King's Last Victory

THE CIVIL RIGHTS ACT OF 1968

Exactly one week after Martin Luther King's murder, President Lyndon Johnson signed the third great civil rights act of the twentieth century, the last of what historians call the civil rights era. Supporters of the Civil Rights Act of 1968, also known as the Fair Housing Act, said that they wished to pay homage to King and to show restive ghetto-dwellers that hope was not lost. Since his strategic shift to northern cities in 1965–66, King had been losing hope of achieving victory with the housing bill. But the bill's prospects changed when King died. The resulting act was not just a symbolic purge of emotion, or a mere show of respect. It was a substantive answer to some of King's most radical demands and his last real victory.

The Civil Rights Act of 1968 has been almost completely forgotten—unlike the previous two major civil rights acts, of 1964 and 1965, which people reflexively attribute to King and the movement he led. Yet many in the black freedom movement saw housing as the final frontier. School desegregation had aimed to undo the *effects* of residential segregation, but white flight from desegregated schools had in fact intensified residential segregation, in a vicious circle that threatened to restore and fortify Jim Crow. Housing was a tough nut to crack, because it was largely a private market of individual transactions.¹

Before King died, the housing act's supporters, including King, had doubted that any serious civil rights legislation could pass, given the widespread white reaction to the long hot summers of rioting, in 1965, 1966, and 1967. The Johnson administration had conceived the new bill in 1965, to complete the restoration of civil rights in the president's Great Society program. President Johnson announced a major campaign to pass the bill in April 1966, with King and other civil rights leaders at his side at the White House.² As the 1964 act guaranteed equal employment and equal access to hotels, cafés, theaters, parks, pools, rinks, and the like, and the 1965 act guaranteed equal access to the ballot, the final act would guarantee equal access to the market for private homes—including the financing that most Americans needed in order to be in that market. If it ever passed, that is.

A home of one's own had become the new version of the American dream when post-World War II subsidies and loan guarantees put a freestanding, single-family house within reach for an expanding middle class. Housing had been a basic civil right since the Civil Rights Act of 1866, which declared that former slaves had the same right as everybody else “to inherit, purchase, lease, sell, hold, and convey real and personal property.” The right to housing then expanded, haltingly, in roughly the manner that the elective franchise had previously expanded. Thousands had gained access to housing in Supreme Court decisions, acts of Congress in 1934, 1938, 1944, and 1949, as well as in minor appropriations for

housing and urban development, and in much state legislation. The new bill aimed to complete the picture by banning the discrimination that previous policies had left untouched in most of the private market.³

Moderates like Republican representative Charles Matthias of Maryland watered down the first version of the bill in 1966. Matthias's amendment, reducing the act's coverage to large scale apartments and transactions of the biggest real estate firms—only about 40 percent of the nation's yearly housing trade, rather than the 100 percent the administration seemed to envision—had weakened the administration's bill so much that King said it was no longer worth passing. Its passage would only spawn false hopes and ultimately increase urban despair and violence.⁴ The amended bill passed the House in 1966. But even that weakened version was too strong for the Senate, whose axis of rural northern Republicans and southern Democrats choked it off with a filibuster.⁵

Though it was an omnibus bill, which also sought to integrate federal and state juries and to protect civil rights workers from vigilante attacks, most of the controversy focused on its housing provisions. From Reconstruction on, segregationists held private space to be politically inviolable. This was a central tenet of their ideology. They might concede formal equality in law courts and as an abstract principle or a distant goal. But southern Democrats could rally angry masses to resist encroachments on schools, churches, small businesses—and in the twentieth century, increasingly, urban residential neighborhoods. The tactic often worked by insinuating a motive of sexual predation whenever black citizens violated white southerners' notion of their proper "place." By emphasizing respectable principles of private property, segregationists could also appeal across sectional and party lines. The moderate "conservative" ideology of pro-big-business Republicans in the North and West similarly targeted a national government, hellbent on elbowing its way into "private" businesses. Such a government might soon encroach on other "property," such as residences. A man's home is his castle, was an ancient common-law principle.

Early in the next session in 1967, President Johnson urged Congress to try again to complete the civil rights revolution, urging action on his comprehensive bill to end discrimination in housing. Prospects for passage of the great new act remained dim, however.⁶

Nobody was gloomier about the reintroduced housing bill's prospects, or more ardent about the need to pass it, than King. Against strong resistance within King's organization, the Southern Christian Leadership Conference (SCLC), and outside it, King was already organizing the Poor People's Campaign (PPC). King's ambition was to organize the nation's poor, of all races, to demand action from the federal government, to alleviate their misery and give them hope of a decent life and truly equal opportunity for their children. In addition to testing the patience of that government at a moment when voter sentiment appeared to range from indifferent to fed-up with protests and social problems, the venture took King far from the self-restrained and largely middle-class adult culture of the black churches that had nurtured and disciplined his successful ventures in his southern homeland. King was now proposing to stage massive demonstrations in Washington, D.C., on April 22, 1968, with a broad agenda that named open housing—including nondiscriminatory financing—as one of its most urgent demands. Open housing was the goal that had recently been within Congress's

reach. King sometimes made it clear, as he usually had in the past, that he would accept partial victory, to end the disruption of commerce in return for achievement of some of his goals. But King threatened that if Congress did not act upon the movement's demands in the spring, there would be massive demonstrations at the major party conventions that summer.

King clearly feared that the days of civil rights success were numbered. Internal squabbles and increasingly wily resistance had hobbled the movement since the Voting Rights Act of 1965, and civil rights leaders could not agree on what their next goal should be. Racial discrimination could not compete with the war in Vietnam as a provocation for mass protest. For King that meant he should rally whatever he could salvage of his movement. His well-connected middle-class allies were growing ever fainter at heart. The time had come to muster the forces who had the least to lose and most to gain, those who had been left out of the progress so far: the poor, of all races. To that population he devoted his time—whatever he did not divert to the Vietnam War—with increasing abandon in the last years of his life. Such progress as Congress was making probably resulted from the threat of renewed demonstrations. King knew that his using force made much of white America restless and resentful. The point now was to ensure that the force was not used in vain. He had to stick to his plan, though it sickened him in some ways more than it sickened his fair-weather friends. As one biographer put it, “All of King’s previous campaigns had suffered adverse criticism, but none rivaled the nearly universal hostility his Washington project was generating.”⁸

Doubts and fears engulfed King in this period, frequently overwhelming him. Many of his own people questioned his tactics and judgment. Bayard Rustin was King’s most brilliant tactician—nobody left on King’s staff could match his virtuosity in knowing when to launch a surprise first strike and when to beat a strategic retreat. But in anticipation of the 1968 Voting Rights Act, Rustin declared in his famous essay, “From Protest to Politics,” that the movement should shift its energies away from the streets, and use its new electoral power to bring concrete changes. To King that was too much of a retreat. He had never believed that political work should cease or diminish just because protests were going on. For King, protest and politics were partners, not rivals. Protest was the military force behind the diplomacy and horse-trading of politics, enabling him to negotiate from a position of strength.

Many in the movement feared that the April march would break out in violence. One of King’s friends and most respected board members, Marian Logan of New York, confronted King even more starkly than Rustin had. She doubted “very seriously” that the April protests would yield success on the civil rights bill. “If anything, the demonstrations may well harden congressional resistance and create an atmosphere conducive not only to the victory of reactionary candidates in the coming elections, but also to the defeat of those candidates who are, or would be, friendly to the social and economic objectives of our struggle.” Like Rustin, Logan thought King had planned the demonstrations “inadequately,” which made her “troubled and unhappy.” King called her almost daily, his biographer David Garrow explained, and wrote to her and her husband, trying to get her to withdraw her complaint to the board. He insisted “we are too far gone to turn around.... We certainly have nothing to lose.”⁹

Even radicals who stayed close to King—James Bevel and Jesse Jackson, in particular—persistently opposed the idea of the Washington demonstrations, and even the PPC itself. King openly began to suspect that Jackson was undermining him, trying to hijack the movement in a direction of his own.¹⁰ The White House was warming up to the tactic of

blaming King for the riots, too. Staffer Larry Temple wrote to President Johnson in early February, “When Martin Luther King talks about violating the law by obstructing the flow of traffic ... he is talking about criminal disobedience.... ‘Civil disobedience’ is a complete misnomer.... As the time nears for Dr. King’s April activities, I hope the President will publicly unmask this type of conduct for what it really is.”¹¹ The FBI was predicting “massive bloodbath in the nation’s capital” and worked to stir up public indignation against it.

And yet King himself feared the outbreak of April violence. He was increasingly haunted by thoughts of his forces spinning out of control. His new recruits shared none of his rather buttoned-up, Victorian sense of middle-class Christian propriety. As a yet-unformed coalition of diverse groups, they had no common culture or tradition, indeed shared little beyond inexperience, desperation, and perhaps a temptation to grab whatever short-term advantage they could and think about the consequences later. King worried that the plan might have to be called off and said in March that he thought the D.C. demonstration was “doomed.”¹²

Mitigating King’s pessimism but intensifying his sense of urgency were occasional signs that the public might respond positively to urban despair. On August 21, 1967, *Newsweek* had published a Harris poll showing that white Americans “are ready and willing to pay the price for a massive, Federal onslaught on the root problems of the ghetto.” Ultimately, that helped get King over his own hesitations and second thoughts about initiating the April demonstrations in Washington. Dramatizations of that despair—his own or those of unruly rioters—might move or scare enough affluent Americans to demand the legislation he wanted. Speaking to the D.C. Chamber of Commerce in early February 1968, King gave a hint as to why he was not following Rustin’s advice to abandon protests in favor of working within the system. If violence broke out in the ghettos again that summer, he said, “I don’t have any faith in the whites in power responding in the right way.... They’ll throw us into concentration camps. The Wallaces and the Bircherites will take over. The sick people and the fascists will be strengthened.” His spring project, launching the Poor People’s Crusade in Washington, had to succeed, he believed, to prove that outsiders could still get a hearing by nonviolent means. It was time to go all out, despite the criticisms of his allies. “We’re going to plague Congress,” he said.¹³

Opponents of the bill mercilessly flung King’s name about as a symbol of all that had gone wrong in America. King was fomenting disorder, they said. He claimed to be “nonviolent” but in fact he preached and practiced disrespect for the law. King’s call for civil disobedience was the “high-water mark for perfidy against the United States,” said Congressman Roman Pucinski of Chicago. It was “inconceivable” to Pucinski “that there can remain any doubt that Martin Luther King is determined to destroy America from within.” By choosing to obey the laws he liked and to violate those he disliked, King used his charisma—and the authority conferred on him by congressional attention, a Nobel Prize, and adoring masses—to turn lawlessness into a moral imperative.¹⁴

Prospects for passage of a housing act were dim, particularly in the House, which had grown more conservative after the 1966 elections.

Established black leaders from older civil rights organizations mobilized to pass some form of the bill and to restore the respectability of the cause.¹⁵ From today's perspective, people across the spectrum tend to exaggerate King's respectability in his own day, when black and white liberals often saw him as a troublemaker and loose cannon. The director of the National Association for the Advancement of Colored People (NAACP), Roy Wilkins, who had often clashed with King, accused King of "bowing to the trend" of black militants and of putting an "alarming twist" on the whole idea of peaceful demonstrations.¹⁶ Wilkins and other black establishment leaders were poised to outflank King and do the visibly effective old-fashioned work of getting legislation passed. It seemed that many wanted to deny King not only the ability to sabotage the bill's chances with what they saw as his reckless and recalcitrant plan to shut down the capital in a few weeks.¹⁷ They also wanted to deny him the ability to take credit for it.

Prominent religious leaders piled the pressure on Congress. Soon an impressive list of business magnates, including chief executives or chairmen of Allied Chemical, General Motors, Goldman Sachs, and major banks in Chicago—the hometown of Senate Minority Leader Everett Dirksen—gave the bill a jarring flicker of feasibility.¹⁸ White flight may have convinced some of the business leaders that housing desegregation would not impinge on them. Black home-seekers were a rare sight in high-rent districts and expensive new suburban enclaves.

President Johnson, after some hemming and hawing, threw himself into the battle one last time in late March.¹⁹ The push for open housing was to be his last major domestic initiative before he announced, at the end of March, that he would not seek reelection.

The bill's prospects improved when a powerful group of Republican governors and senators joined forces to break from their conservative coalition with southern Democrats and join the business executives in demanding a serious bill with an open housing provision.²⁰ The coming presidential election played no small part. Republican senators from the Electoral College high-yield states calculated that, in 1960, the Republican presidential candidate had *almost* won a sufficient number of big states to clinch the White House. Richard Nixon had lost to John Kennedy in 1960 by margins as low as 0.2 and up to only 2.7 percent in New York, Pennsylvania, Illinois, Texas, Michigan, and New Jersey. Between them, those states had 16 of the necessary 270 electoral votes. With just a small-percentage gain among the huge populations of Negroes, Jews, and ethnic (largely Catholic) urban voters in them, the GOP could tip those states their way in the upcoming election. Senators from those large states were determined to make their congressional Republican colleagues play along.²¹

In the end, big-state Republican senators' eyes-on-the-White-House strategy—along with their desire to pacify their own home-state ghettos—pulled enough votes together to defeat the conservative minority leader Dirksen in three straight Senate votes on the housing bill in early 1968. In the face of that potentially humiliating resistance, with a presidential election coming in which Nixon—who had had a strong civil rights record in Congress—was likely to be the Republican nominee again, Dirksen retreated and engineered the compromise to snuff the white South's last filibuster against the civil rights movement.²² He told the liberals on both parties that he would induce his conservative die-hards to let the bill come to a vote, but the liberals would accept amendments to cut the bill's coverage of the nation's housing market back to approximately 68 percent of the units that changed hands every year. The

was almost halfway between the watery 40 percent the House had passed in 1966 and what civil rights leaders thought reasonable.

To raise the stakes higher, Senate liberals soon found they had the momentum to make the bill even stronger. They extended coverage another 12 percent—to approximately 80 percent of the nation’s residential sales and rentals.²³ Senator Sam Ervin of North Carolina then succeeded in adding an amendment to grant the protections of the Bill of Rights, for the first time, to American Indians living in areas of tribal jurisdiction. Probably the most brilliant segregationist tactician in Congress, Ervin had tried every trick in the book to kill this civil rights bill along with all the previous ones. It is possible that he sought to spread the burden of civil rights to parts of the country beyond the South, hoping to turn more House votes against it. On its face, however, his amendment amounted to a declaration of human rights for America’s indigenous peoples. “If we’re going to give rights to the black man,” Ervin said, “then we ought to give them to the red man, too.”²⁴ The amendment would become law.

There were also sophs to conservatives in the final bill, which passed the Senate on March 11, notably a title that made it a federal crime to cross state lines to incite riots.²⁵ The revised bill would now go back to the House for final passage. Buoyant liberals in the Senate, Democratic and Republican alike, knew that they had come out of the Senate with a confidence-boosting victory. They may have overreached.

King said he was pleased by the breakthrough, but as biographer David Garrow observed, “it did not free him from a deepening depression”²⁶ that stemmed from his general fears and frustrations. Discouraged by the rising backlash, and fretful about the growing temptations to violence and other breakdowns of discipline, King appeared to set his eyes on more distant goals. He seemed to believe that a whole new climate, if not a whole new social and political order, would have to be established before serious reform could even be contemplated. Beset by bad and intrusive press, as well as dissension bordering on rebellion among his staff and many long-term supporters, he was, according to various confidants and associates, “beginning to have self-doubts” about the Poor People’s Campaign; “almost despairing”; “really exhausted”; “tired ... drained”; “sad and depressed”; “troubled and worried ... frightened”; “discouraged and depressed”; “very unhappy ... dark, gaunt, and tired”; “spiritually exhausted”; “really emotionally weary, as well as physically tired.” Several people, including doctors, counseled him to get more rest and take better care of himself. Quite a few commented that he thought increasingly about death. Gwendolyn Greene, for example: “He felt that his time was up.... He said he knew that they were going to get him.”²⁷ On the trend, Andrew Young recalled: “In the later years he was given to a kind of depression that he had not had earlier. He talked about death all the time.... He couldn’t relax, he couldn’t sleep.... I was afraid.”²⁸

In the midst of all this, however, the downtrodden black South beckoned King back to his home turf. The cause of striking garbage men in Memphis would not make King give up on the massive mobilization he had long planned to launch on April 22, on behalf of the poor of all races and regions. Rather, Memphis would give that crusade an auspicious symbolic birth. It would allow King to feel he was rededicating himself to his original purpose—to Jesus

original purpose. In Chicago, in Cleveland, and especially in his lurch into the movement against the Vietnam War, he may have felt out of his depth. Former allies said he was. To go back to Dixie, to a small, underdeveloped city, at the invitation of people who really needed his kind of help: That would ground him again in a mass movement. He would be leading a cohesive local group of people with a clear, achievable goal, as in the beginning.

News about his maneuvers in Memphis and his plans in Washington brought more vituperation than ever: Opponents blamed King for the nationwide breakdown of law and order. With the House under pressure to pass the open housing act, Dan Heflin Kuykendall, Republican who had taken over a mostly white Memphis district in the “backlash” election of 1966—the seat had been Democratic since 1883—put himself between King and the South that had beckoned him home. Kuykendall objected to the disruption of his home city, especially to King’s exhorting youngsters to leave school and march downtown, and the fleeing the scene in fear for his own safety when violence broke out:

The Negro teenagers of our city are no more and no less impressionable than those of any other city, Negro or white. If a nationally known leader is irresponsible, they will become irresponsible. Very quickly ... violence erupted, and this so-called national leader ... tucked his tail like a scared puppy and ran.

John Ashbrook of Ohio outdid Kuykendall and all King’s other denouncers, however. One of the rising breed of right-wingers emboldened by the riots, Ashbrook was making a career out of denouncing King, having recently contributed a densely documented thirteen-page report on King to the *Congressional Record*. He seemed delighted to announce on the floor of the House that “Martin Luther King is now doing to himself what many of us have been trying in vain to do for some years. He is finally removing his mask.” King was showing, “in his Memphis riot,” the “familiar pattern” that keen-eyed observers like Ashbrook had seen all along: “He exhorts others to civil disobedience and then tries to evade the blame himself when the logical result of his disobedience follows: rioting.... Having set a pattern of illegal conduct himself ... it came as no surprise when his nonviolent followers turned violent. Reverend King has the false notion that you can encourage lawlessness while at the same time limiting it.”²⁹

Few people had heard of Ashbrook, at that stage. But he would come to play a significant role in King’s afterlife.³⁰

There is no evidence that King’s assassin, James Earl Ray, read the daily rushes of criticism in his quarry in the press and the *Congressional Record*. But the media conveyed such damning sentiments about King from congressmen, who sent them home either to placate unrest among their panicky constituents or to gin up anger among them, which might increase voter turnout. Congressional leaders’ own statements on the floor were fueled by editorial columns, and the flood of neutral as well as negative reporting on King.

President Johnson did his part, demanding that Congress pass the housing law: “quit fiddlin’ and piddlin’,” he said. “The time for excuses has ended. The time for action is here. The bill was “a very good step on a very proud journey.”³¹ (He was just four days from bowing out of that journey himself.)

Likely GOP nominee Richard Nixon, who had a strong civil rights record in his days as congressman and vice president, added his considerable weight to the campaign for a strong open housing bill before Easter. So did his top rival for the coming GOP presidential nomination, Governor Nelson Rockefeller of New York. But House Minority Leader Gerald Ford, who had recently expressed some willingness to support the bill, refused their pleas.³² Ford maneuvered to detour the bill into a conference committee, presumably to water it down rather than force it to a vote before the Easter deadline that so many nervously wanted to meet. Ford's decision was the single biggest disappointment in the whole process since 1964 and he surely knew that the delay might kill the bill.

The correspondent for United Press International summed up the dynamics of the game that was left to play. "The House Rules Committee has agreed to act on the measure April 1. Congress starts its Easter vacation April 1, returning April 22, the day the Rev. Dr. Martin Luther King Jr. begins his 'poor people's crusade' in Washington."³³

On April 4, King was assassinated on the balcony of the Lorraine Motel in Memphis, Tennessee. Soon after he died, congressional sponsors of the bill began forging the reaction to his death into a lever. They wanted his death to play the role that the violence in the streets of Birmingham, Alabama, had played in 1963. The ugly racist reaction to King's massive demonstration in that city—dogs, fire hoses—had induced Congress to pass the 1964 Civil Rights Act. That logic had played out again the following year, in Selma, Alabama, when the reaction to King's massive demonstration in that city—troopers and mounted sheriff's deputies leaning down like Cossacks to club the women and children who prayed for them on the Edmund Pettus Bridge—induced Congress to pass the 1965 Voting Rights Act.³⁴

Would King's death have a similar effect in 1968? It was the last hope for a tribute that might have meant something to him.

The first to speak about King's death on the floor of Congress, Democratic Senate Majority Leader Mike Mansfield, set the new tone for discussion of the leader, on April 5, 1968, the day after he was killed. "Dr. King was a man of moderation and hope." Mansfield prayed that "our people will realize" their responsibility now "to put into effect the rights guaranteed to all our citizens under the Constitution. Only in this way can we overcome the inequities and the injustices which have marked too many of our people for too many centuries. All of us, in a sense, are on trial."³⁵

Many members of Congress spoke of taking up King's burden and of Americans' general duty to redeem his death by completing his work.³⁶ But Democratic senator Joseph Clark of Pennsylvania was the first to tie the death of "the sanest and most persuasive voice of moderation and nonviolence this Nation ever had" to specific action. He tied it first and foremost to the open housing bill that had fallen upon the lower House three weeks earlier. While Clark prayed that moderation and nonviolence had not died with their apostle, he emphasized that "[w]e in this chamber can help to make that so. But we must act now—swiftly—to build for him a lasting monument of law." Republican senator Jacob Javits of New York, another veteran fighter for civil rights, immediately took up Clark's call. The Senate should direct its leadership to "the affirmative actions which are looked for—and which Martin Luther King looked for—as the basis for the justice which he sought and for which he gave his life." That required "the passage by the House of the Senate civil rights bill

with relation to segregation in housing” and protection of civil rights workers. “Martin Luther King was a very great man. He would have been the first, if he could speak to us today, to counsel this kind of a living memorial.”³⁸

King’s opponents—who only the previous day had delivered gales of denunciation of King’s practices and ridicule of his purposes—generally went on the record to convey the most circumspect sympathy to King’s family and to deplore the senseless violence of his death. West Virginia segregationist Harry F. Byrd, Jr. (no relation to his West Virginia colleague, Robert Byrd), confined himself to three sentences: “Mr. President, I deeply deplore the assassination of Dr. King. I regard this criminal act—this senseless act—as a tragedy for all Americans. The problems of our Nation cannot be solved by violence.”³⁹ The anticlimactic bromide from the head of the white South’s most formidable political machine, and heir to the dynasty of his legendary father and namesake, may have done as much to set the new tone as the sudden emboldened liberals. Moderate opponents saw the rush for a new civil rights bill as a rash overreaction to tragedy and turmoil. Stronger opponents said a new act would be capitulation to the rioters in the streets, another episode in legislating at the point of a gun. Either way, it was the nation’s grandest tribute to the martyred civil rights leader—a far more significant response to his death than any at the time or since.

In the U.S. Senate, most segregationist leaders kept their mouths decorously shut. The most notable exception was Robert Byrd of West Virginia. King’s murder did not surprise this Byrd. For “mass protests, mass demonstrations, mass marches and the like—whether labeled nonviolent or otherwise—can only serve to encourage unrest and disorder, and to provoke violence and bloodshed.” That logic, so widespread in Congress before King died, had been hanging in the air like an icicle. Byrd was the first to extend it so far as to suggest that King brought his own murder upon himself. Byrd did it cleverly, by invoking a liberal icon, former Supreme Court justice Felix Frankfurter, who rejected the folly of calling certain laws unjust—which King, following Augustine, Aquinas, Henry David Thoreau, and Gandhi, famously did. “One cannot preach nonviolence,” Byrd added, glossing Frankfurter’s point, “and, at the same time, advocate defiance of the law.... For to defy law is to invite violence, especially in a tense atmosphere.”⁴⁰

If Byrd’s taste and timing were questionable, his logic was hard to fault. There was a kernel of honesty in what he said. King and other nonviolent activists had often made the same rough point in the past. King said he deliberately strove to bring the intrinsic tensions of an unjust society to the surface.⁴¹

Strom Thurmond of South Carolina had played a far more prominent role than Robert Byrd in segregationism. He had led the Dixiecrats’ early flight from the Democratic Party in 1948 when Harry Truman, Hubert Humphrey, and millions of new black voters in northern cities finally began to pull the party away from its 120-year-old commitment to states’ rights and white supremacy. Thurmond became the second U.S. senator to take the floor to say that King had it coming.⁴² King’s death and the rioting “sprang from the same source,” Thurmond said: “The philosophy that one need only obey the laws that please him. Both the act of the assailant, and the actions of the rioters were nurtured in an atmosphere of tension and agitated emotion.”⁴³

The House had its day of grieving on Monday, April 8, four days after the murder, one day

before the funeral. There, too, most segregationists kept their counsel. Only Thomas C. Abernethy (Democrat of Mississippi) echoed the Robert Byrd line, and he rather obliquely. Only “outside meddlers” had kept the troubles in Memphis (near Abernethy’s home) from peaceful resolution. Marches “create tensions” beyond the intention of the First Amendment. Abernethy blamed the courts more than he blamed King for allowing “people to take to the streets with a design to stir tensions among our people.” Riots and shooting resulted. Leaders of both parties worsened matters with their “irresponsible bidding for minority votes.” It meant the sudden surge of support for the 1968 civil rights bill.

Five southerners in the House denounced that bill as irrational appeasement of rioters without blaming King for his own murder.⁴⁴ Three emphasized that King’s was not the only death of national concern. Innocent bystanders were dying, too: They did not get national rites of sympathy. (After King’s assassination President Johnson ordered the lowering of flags, including on bases overseas, to half-mast and called a day of mourning.) But the deaths were as painful to their families as King’s was to his.⁴⁵



Rioting in Washington, D.C., and some other cities after King’s assassination was an outlet for the anger of some young city dwellers. Opponents of the last civil rights bill that King had supported said that passing the bill would only reward and encourage the rioters. Supporters of the bill saw it as a tribute to King and a way to keep the restive ghettos from exploding.

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In any event, no opponent of civil rights could hold back the tide of sympathy—or the political need to express sympathy—with whatever King symbolized.

The House of Representatives, which had been considering the open housing bill and other new civil rights provisions since 1966, finally passed the Senate’s relatively strong version of the new civil rights act the day after King was buried. Both supporters and opponents of the act said that its passage was a response to King’s death and the mass outpouring of grief and anger that followed it.

The final bill sweepingly outlawed housing discrimination on the basis of race, color

religion, or national origin, in housing transactions *except*: sales or rentals of single-family dwellings without use of a broker or other professional help; rental of living space in a owner-occupied dwelling for four families or fewer; or rental of dwellings operated by religious societies or private clubs for the noncommercial benefit of their members. The act thus covered about 80 percent of the housing market, though some state laws raised the percentage higher, and a Supreme Court decision in June 1968 (which expanded the Civil Rights Act of 1866) curtailed the exemptions nationwide, raising the coverage to nearly 100 percent.⁴⁶ Strong enforcement provisions were not added till 1988, but the 1968 law clearly put discrimination outside the bounds of law. The act banned discrimination not only in the sale and rental of housing, but in the making of loans for purchase, renovation, and maintenance of housing, and for professional services of realtors and brokers. A buyer or renter who believed he was subject to discrimination could report it to the Department of Housing and Urban Development, whose secretary would have to investigate and respond within thirty days, though the secretary could defer to state or local fair housing laws where applicable. If the secretary or local agency failed to resolve the dispute, the complainant could file suit in federal court, which could award punitive damages as well as order an end to the discriminatory practice.⁴⁷

Opponents of the bill in Congress had argued that to extend civil rights law into housing would go beyond the revolutionary 1964 Civil Rights Act, which, they claimed, trampled the property rights of those who owned “public accommodations” (restaurants, hotels, skating rinks, and the like) and large employers (of fifteen or more workers). Opponents emphasized those cases that were in fact exempted from the 1968 law’s coverage: individual home sellers and little old ladies renting a garage attic or bedroom down their own hallway. Many understood at the time, and scholars have overwhelmingly concluded since, that segregation of residence (typically if not always established by government policies and subsidies) was the keystone of continued discrimination in education and the larger society in general.

The most interesting of the bill’s provisions was aimed at people who got rich off racial fears and white flight—a hot topic in 1968 that inexplicably dropped out of civil rights discourse in later years. Real estate agents used the tactic of “blockbusting” to leverage increases in turnover and reap huge profits. They would induce a black family to move into an all-white block. Then they would spread panic, authoritatively assuring residents that the value of homeowners’ investments would soon plummet on that block. That typically scared a significant number of white owners to sell, though many were surprised to learn in the end that the upwardly mobile black buyers were willing to pay high, not low, prices. But the more black families who moved in, the more precarious the remaining white families felt about the risk of decreased value. More and more would sell at a discount, and more and more black buyers would pay a significant premium, and segregation would be reestablished simply in a different place. In fact, as Attorney General Ramsey Clark pointed out in one of the 1967 hearings, the social science research showed that “migration of minorities into an area in an orderly way” did not cause “any depression in real estate values.” The tactic was in fact based on the opposite theory—on realtors’ knowing full well that they were lying to white homeowners to induce them to sell their houses cheap.⁴⁸ As Senator Walter Mondale of Minnesota described it: The realtor gets the sellers to panic, “to drive down real estate values artificially, and then he expects the values to rise, because he is the one who is going to ho-

this property and resell it ... so he can profit from the sales of that housing which he expected to rise in value.” There was profit in the practice precisely to the extent that the rumors of declining value were false.⁴⁹

It was a toss-up whether Congress was honoring King’s memory directly or was responding to the violence and destruction that greeted his death. While some black militants insisted that white America made patsies out of nonviolent Negroes, Bayard Rustin would later complain that America’s rich and powerful indeed rewarded violence. American authorities had failed to respond to responsible political action, to collective self-reliance and peaceful efforts to reconstruct their blighted communities. There is thus some perverse justice in America’s amnesia over its last great civil rights act, for the act’s passage did not unambiguously honor the constructive politics of nonviolence. King wanted and fought for the housing law. But in the event, it looked too much like a reward for the rioting that King’s supporters opposed.

The *Pittsburgh Courier*, perhaps the most influential black newspaper, referring to passage of the housing bill as “A King Dream,” pointed out that it was nonetheless only a minor step toward the goal of eradicating poverty in America—the goal that King had founded the PP to accomplish. The *Courier*’s editor believed that violence generally increased congressional resistance to civil rights. Before King’s death, “a riots-aftermath-angry 1967 Congress and a rock-willed 1968 Congress were almost solidly against passing.” Yet action “miraculously came. Passage was “directly due to Dr. King’s assassination, subsequent riotings in 110 cities and more than 150,000 persons of all walks of American life who attended his Memphis [sic] funeral services.”⁵⁰

The point was not lost on segregationists and other conservatives. The *Charleston News-Courier* scolded Congress for surrendering to “emotional pressure” to create new buyer rights that sacrificed sellers’ established and “more precious” rights, and for raising expectations that “the law cannot fulfill,” thus presaging “greater disappointment and more violence.” Representative William Colmer of Mississippi, who had held the bill hostage in his Rules Committee for some time, said his committee caved in “under the gun”: Only King’s murder made it possible to muster the votes to move the bill to the floor. “Needless to say, it was a great disappointment to me.” When the bill passed the House, Republican representative H. R. Gross of Iowa suggested flying the flag at half-staff in mourning for “the once great House,” which had surrendered to intimidation by rioters.⁵¹

Republican representative Robert A. Taft, Jr., of Ohio, who had attended King’s funeral, was one of Gross’s many GOP colleagues who disagreed, saying the bill was a step on “the road back to reason and reality” after the rioting. Republican representative John Anderson of Illinois said, a little defensively, “We are not simply knuckling under.... I legislate today not out of fear but out of deep concern.... The violence ... has not blinded us to our responsibility.... Rather ... it has illuminated that responsibility.” Several hundred Marines were still on guard around the Capitol on the night of the vote.⁵²

Thus America’s elected representatives stepped up to vindicate King, at the end of the weeklong process of mourning him. They delivered a civil rights bill that King had been seeking for years but nobody thought he could muster the force to win anymore. But sol

congressional majorities in both Houses—from both parties—acted to ensure that future pursuit of black freedom would remain nonviolent, despite the violent death of the law's most convincing voice for nonviolence. It seems a minimal goal in retrospect, but at the time it was quite an achievement—one that is practically impossible to imagine without King's sacrifice.

The great legislative victory for the civil rights movement in 1968 is the last of the victories of the movement that King symbolizes, and it is more properly his legacy—more a result of his sacrifice—than the others. It may be that the nation's memory has neglected that final act because it did not satisfy the high expectations of its supporters. It was imperfect in its effects: It took a Supreme Court decision in 1969 to remove its major exceptions. Women were not specifically protected by it till 1974. Enforcement was rarely available except via individual lawsuits—cumbersome and expensive for discrimination victims to pursue—until Congress strengthened the enforcement provisions in 1988.⁵³ And even after 1988, housing remains, with the criminal justice system, probably the greatest living example of the persistence of the old-fashioned racial divide. The continuing gap between black and white income, wealth, education, and health may result fundamentally from the spatial separation of the two populations, which emerged as the main theme in scholarly study of twentieth-century histories of racial divisions. Spatial separation persists because of zoning laws, persistent steering of clients by housing brokers and real estate agents—including many black ones—redlining by lenders, crime and bad schools, which often follow black migrants to the suburbs, as well as barriers erected by federal, state, and local highways, and other taxpayer-financed projects. Though affluent black home-seekers are now much freer to move where they choose, especially in major metropolitan areas, the poor have become in many ways more isolated and concentrated than ever. Economic barriers, beyond the reach of the law, continue to trap poor people, who are still disproportionately black, in high-crime areas with weak schools. Those barriers feed upon, as well as feed, older racial divisions.⁵⁴

But the act is perhaps more significant as the beginning of the post-King era—above all because it had no memorably singular, decisive, world-changing effect. Achievements of the post-King era will be notable not because they are solid, bedrock achievements that future generations can build on, but rather because they mark the great effort to keep up the struggle for freedom—and thus to recognize that the struggle is eternal. That may be the lesson of the civil rights movement in historical perspective. Revolutionary, history-changing acts like those of 1964 and 1965 are extremely rare—as are world-historical fame and self-sacrificial devotion like King's. Those acts and King's leadership themselves define the nation's memory of the Second Reconstruction, a shining moment in the relatively recent past that reminds us that the great achievements of the first Reconstruction—the Fourteenth and Fifteenth Amendments—were effectively neutered by their determined and often violent opponents in the South. Freedom is not what the movement finally achieved in 1964–65, or what some future movement will achieve. Rather, freedom is the act of regrouping and improvising, with agility and resourcefulness, to keep fighting for freedom. Freedom is the realization that staying awake is just as important after the victory of freedom as after its defeat. It requires conservation and stewardship of freedoms already won, and vigilance about the tendency of freedoms to atrophy.

In building up to this last great victory of the civil rights era, King alienated friends and longtime allies while emboldening and legitimating his enemies. He made mistakes. He was tired, and trembled frequently on the brink of despair. He might have failed to inspire further action, had he not given his life at that moment, and thus snatched victory—even a limited one—from the jaws of anarchy and hopelessness. Never again was the memory of Martin Luther King to pay off in such substantive, and controversial, advancement of his cause. A few times it came close, however, and the resignation to symbolic as opposed to substantive memorialization was still a long way off.

Can a Movement Be Institutionalized?

THE NATIONAL BLACK POLITICAL CONVENTIONS

Can black unity be achieved without a charismatic leader? That question came to the forefront of black public life in the early 1970s, as black leaders struggled with King's absence and the loss of momentum that his death came to symbolize. Major figures from the black freedom struggle argued that the whole idea of leadership was obsolete: White leaders retained a dehumanizing expectation that a "head nigger in charge" could speak for a population of 25 million. As the unraveling of King's movement made clear, however, there was as much variety and individuality in the black minority as there was in the white majority, which nobody expected to speak with a single voice. Too many black people had, for their part, relied for too long on captivating spokesmen who promised a better day. Even when honest and accountable, such leaders were vulnerable—Medgar Evers and Malcolm X were murdered before Martin Luther King. The freedom movement could no longer risk such crippling blows, which the decade of assassinations had almost made normal. Black people would instead have to build institutions of their own: structures and programs that would outlive and obviate ingenious emissaries to the white power structure.

Whatever they needed to build, black leaders continued to make gains in political office despite the growing conservatism of white politicians. Since November 1966—a "backlash election," according to the press—conservative candidates appealed successfully to constituencies on whom twentieth-century liberalism had long depended. White southerners, overwhelmingly Democratic since Reconstruction, were ripe for recruitment to the GOP—now that their party and especially their southern president, Lyndon Johnson, had repudiated Democratic traditions of white supremacy and states' rights. Republicans were blaming nationwide disorder on the liberals in power. Northern white voters were angry. Their own sacrifices and deprivations were not recognized in the rush of attention to minorities and the poor. Mass rioting year after year terrorized them, threatening everything from their property values to their day-to-day sense of safety. Most had never personally deprived a black person of opportunity. Their hard-won faith that they were on the winning side of history, after harrowing years of depression and war, was shaken. They did not feel—with prices, taxes, and street crime rising—that their own rights were being respected.

In these shifting political crosswinds, the preservation and the full honoring of the movement's victories—now a conservative project, in the strictest sense, as well as a progressive one—depended on the adequate mobilization, and the full counting, of newly enfranchised black voters. It had never been easy to keep the black masses publicly unified and focused on achievable goals. Making their cause attractive to potential allies and

coalition partners was a greater challenge than ever.

The argument that black Americans needed to create structures and programs of their own culminated in the National Black Political Conventions (NBPCs) of 1972 and 1974. The 1972 convention would be the first great test to determine whether politics and protest could do anything more for black freedom and equality—and whether the movement's greatest victory, the right to vote, made a difference—after King's death. The first NBPC appears to have been the largest political gathering in African-American history.¹ In light of the startling gains and losses of the 1960s, it recast the historic debates between coalition politics and self-development, the idea that to realize their full potential, black Americans needed to control their own educational, cultural, economic, and political institutions; and related debates between integrationism and nationalism, the idea that black Americans were a separate people whose only liberation lay in maximum independence from a relentlessly oppressive white America that held them in thrall and often in captivity. But the NBPC has been largely forgotten.² Forgotten along with it were the waves of tremendous hope that both conventions raised among intelligent and careful observers of the national scene, including the more than seven thousand who attended, and thousands more associates at home who spent days preparing local nominating conventions and tried to maintain the momentum by sending 42 delegates to an ongoing, national body called the National Black Political Assembly. The NBPC movement had tremendous promise. The thousands of attendees made an unprecedented show of force and generated commensurate optimism about what black power could achieve. "Unity" was the theme under which the convention initially gathered. That theme would soon be greatly qualified and redefined, as the often contentious diversity of black political interests and opinion asserted itself. Charismatic leadership, for all its unreliability, would prove too difficult, too tempting, to overcome. And local and moneyed interests would make a hash of black unity, as had happened in the past. But the attempt to build a unified national black political body—as an alternative to both charisma and to the normal horse-trading of interest-group politics—marked a crucial, formative stage in the consolidation of the civil rights movement's victories, and in the project of restoring the movement's progress. Nothing that happened later can be fully understood without the model and the years of energy that thousands of intelligent black activists put into building and testing it in the early 1970s.

The "Leadership Vacuum"

King's death created what the press called a "leadership vacuum," an expansive and contentious figure of speech that largely set—and often obscured—the nation's understanding of the historical changes in black power that King's life came increasingly to symbolize. Many contenders tried to fill the perceived vacuum. Their very numbers rendered them somewhat unconvincing, however, even when they delivered victories.

Ralph Abernathy had been King's companion and confidant since the beginning of King's public career in Montgomery. King had instructed his followers that Abernathy was to succeed him. "I have taken the mantle of Dr. King," Abernathy told forty-two thousand marchers in Memphis, the day before King's funeral, "and I have become the Joshua who will lead you across this Jordan to the land of promise."³ Other staffers could not keep the ne-

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