

King's dream misinterpreted - The road to inequality is paved with P.C. intentions

By Harvey A. Silverglate

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It was the summer between my junior and senior college years. I was working as a cub reporter for the *Ridgewood (N.J.) Herald-News*, preparing for what I then thought was going to be a career in journalism. I took note of plans for a major civil rights demonstration in Washington, D.C., sponsored by groups seeking to pressure Congress to enact legislation that would put the nail in the coffin of Jim Crow segregation in the South and the less obvious but still pernicious racial discrimination in the North. My editor was hesitant.

What's the relevance of a demonstration in Washington, he queried me, to the concerns of the people of northwest Bergen County? Ultimately he relented, and my report, which appeared Aug. 28, 1963, dutifully started off with deference to the almighty local angle: "At least 60 area residents yesterday witnessed the largest peaceful demonstration in the history of the nation's capital."

However, it was hardly just a local story. The event galvanized a nation, and at the center of that response was the "I Have a Dream" address by the Rev. Martin Luther King Jr., which would turn out to be his most famous and oft-quoted. What was it about the speech that was so riveting and persuasive it convinced a whole nation that equality was both a legal and a moral imperative, and pushed a theretofore reluctant Congress and president to enact the monumental Civil Rights Act of 1964?

I thought then, and now, that the genius of King's speech was its appeal to a principle that had been honored more in the breach than the observance since the adoption of the Bill of Rights in 1791 and the 14th Amendment in 1868. It was nonetheless a deeply moral principle contained in the nation's fundamental texts - the Declaration of Independence and the Bill of Rights - and somehow deeply imprinted on the American psyche.

These principles, King recognized, could be embraced even by people who did not love, or even like, one another.

King's speech was a veritable paean to the 14th Amendment, the first section of which prohibits states from abridging the privileges or immunities of U.S. citizens, depriving any person of life, liberty or property without due process, or denying equal protection to anyone within their jurisdiction. That amendment, adopted shortly after the Civil War, sought to correct a glaring defect in the Constitution, which counted blacks as chattel rather than as citizens.

Much blood was spilled during and after that war, to vindicate the principle that each citizen must be treated equally under the law. If you wanted a particular privilege or right, you had to be willing to support the same treatment of your fellow citizen whether you liked him (or her) or not.

King, a man of the cloth, naturally preached Christian love in church, but in Washington on that sunny day, he preached legal equality, a secular version of the Golden Rule: Do unto others as you would have others do unto you.

It was hard to argue against this. King demanded citizenship rights, not favors. He enlisted the support of white Americans not because they owed the black man a favor, but because their freedom is inextricably bound to our freedom. He had a dream, King roared to the crowd, of freedom and of justice, by which he meant, he said, "that my four little children will one day live in a nation where they will not be judged by the color of their skin but by content of their character."

King prevailed because what he demanded was so obviously just that it spoke to the minds, and ultimately the souls, of a broad spectrum of citizens. The ethos of the nation was transformed by King's brilliant, insistent and charismatic invocation of the Golden Rule.

King's tragic assassination cut short this magnificent and powerful moral and legal movement. Those who grabbed the reins of King's power took the civil rights movement in a very different direction.

King's imperative of liberty, the freedom of speech and association that enabled him and other civil rights leaders to organize an enormously effective lobby for freedom and decency, was transformed, somehow, over the decades that followed, into speech restrictions. On college campuses and in the workplace, repressive racial and sexual harassment laws and codes mean people can no longer talk frankly about racial or many other hot-button issues.

These rules, furthermore, are enforced under an institutionalized double standard, in which

restrictions are imposed on the speech of "privileged" citizens for the supposed protection of historically disadvantaged people. King, who successfully brought down the dual system of laws known as Jim Crow, would have been horrified not only by this betrayal of legal equality, but also by the demeaning message it sends about black strength and dignity.

King, who so well understood that in order for racial equality to become a reality all American children had to enjoy a decent education, would, I think, be horrified to see the state of elementary school education. More attention is paid to appeasing the special interests, factions and teachers' unions than to educating and nurturing children.

King's frank talk about race would be impossible today. Newly installed Harvard University President Lawrence Summers has tried to raise issues about academic excellence and equal opportunity. His inaugural speech contained a ground-breaking recommendation that admission to Harvard's graduate schools be on a need-blind basis, so that anyone qualified to attend would have the financial assistance to make it possible. He asked for new thinking and new approaches, a willingness to listen to ideas and a rejection of the exaltation of orthodoxy for its own sake. Yet he was excoriated for his failure to pay obeisance to a particular orthodoxy of the current civil rights movement - affirmative action, a formula of which many whites and blacks are skeptical because of its arguable betrayal of King's imperative of legal equality.

We obviously need the equivalent of a Marshall Plan to reform early childhood education, and instead we're focused on whether we're tough enough to listen to unpleasant words and ideas, or secure enough to risk departing from orthodoxies of questionable merit.

I had a dream in 1963 when I traveled to Washington for the *Ridgewood Herald-News* (and, in truth, for myself). I was inspired and even galvanized by King's speech. I decided after that to go into law in the fields of civil liberties, civil rights and criminal defense (although I have kept my hand in journalism over the years). I admit to sensing now a massive undermining of the King legacy, in which free speech, free debate and the genuine search for legal equality is viewed as a betrayal, rather than the implementation, of King's dream.