

## Activity #1: Understanding the Primary Sources: What Do They Tell You?

Student Name \_\_\_\_\_ Date \_\_\_\_\_

From Martin Luther King, Jr., "Letter from Birmingham Jail," April 16, 1963:  
<http://www.stanford.edu/group/King/frequentdocs/birmingham.pdf>

### MY DEAR FELLOW CLERGYMEN:

While confined here in the Birmingham City Jail, I came across your recent statement calling our present activities "unwise and untimely." . . . But since I feel that you are men of genuine goodwill and your criticisms are sincerely set forth, I would like to answer your statement in what I hope will be patient and reasonable terms.

I think I should give the reason for my being in Birmingham, since you have been influenced by the argument of "outsiders coming in." I have the honor of serving as president of the Southern Christian Leadership Conference, an organization operating in every Southern state, with headquarters in Atlanta, Georgia. We have some eighty-five affiliate organizations all across the South—one being the Alabama Christian Movement for Human Rights. Whenever necessary and possible we share staff, educational and financial resources with our affiliates. Several months ago our local affiliate here in Birmingham invited us to be on call to engage in a nonviolent direct action program if such were deemed necessary. We readily consented and when the hour came we lived up to our promises. So I am here, along with several members of my staff, because I have basic organizational ties here.

Beyond this, I am in Birmingham because injustice is here. Just as the eighth century prophets left their little villages and carried their "thus saith the Lord" far beyond the boundaries of their home towns; and just as the Apostle Paul left his little village of Tarsus and carried the gospel of Jesus Christ to practically every hamlet and city of the Graeco-Roman world, I too am compelled to carry the gospel of freedom beyond my particular home town. Like Paul, I must constantly respond to the Macedonian call for aid.

Moreover, I am cognizant of the interrelatedness of all communities and states. I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly affects all indirectly. Never again can we afford to live with the narrow, provincial "outside agitator" idea. Anyone who lives inside the United States can never be considered an outsider anywhere in this country. . . .

In any nonviolent campaign there are four basic steps: 1) Collection of the facts to determine whether injustices are alive. 2) Negotiation. 3) Self-purification and 4) Direct action. We have gone through all of these steps in Birmingham. There can be no gainsaying of the fact that racial injustice engulfs this community.

Birmingham is probably the most thoroughly segregated city in the United States. Its ugly record of police brutality is known in every section of this country. Its unjust treatment of Negroes in the courts is

a notorious reality. There have been more unsolved bombings of Negro homes and churches in Birmingham than any city in this nation. These are the hard, brutal and unbelievable facts. On the basis of these conditions, Negro leaders sought to negotiate with the city fathers. But the political leaders consistently refused to engage in good faith negotiation. . . .

. . . So we had no alternative except that of preparing for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and national community. We were not unmindful of the difficulties involved. So we decided to go through a process of self-purification. We started having workshops on nonviolence and repeatedly asked ourselves the questions: "Are you able to accept blows without retaliating?" "Are you able to endure the ordeals of jail?" We decided to set our direct-action program around the Easter season, realizing that with the exception of Christmas, this was the largest shopping period of the year. Knowing that a strong economic withdrawal program would be the by-product of direct action, we felt that this was the best time to bring pressure on the merchants for the needed changes. . . .

You may well ask: "Why direct action? Why sit-ins, marches, etc.? Isn't negotiation a better path?" You are exactly right in your call for negotiation. Indeed, this is the purpose of direct action. Nonviolent direct action seeks to create such a crisis and establish such creative tension that a community that has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. I just referred to the creation of tension as a part of the work of the nonviolent resister. This may sound rather shocking. But I must confess that I am not afraid of the word tension. I have earnestly worked and preached against violent tension, but there is a type of constructive nonviolent tension that is necessary for growth. . . . So the purpose of the direct action is to create a situation so crisis-packed that it will inevitably open the door to negotiation. We, therefore, concur with you in your call for negotiation. Too long has our beloved Southland been bogged down in the tragic attempt to live in monologue rather than dialogue.

One of the basic points in your statement is that our acts are untimely. Some have asked, "Why didn't you give the new administration time to act?" The only answer that I can give to this inquiry is that the new Birmingham administration must be prodded about as much as the outgoing one before it acts. . . .

We know through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed. . . .

You express a great deal of anxiety over our willingness to break laws. This is certainly a legitimate concern. Since we so diligently urge people to obey the Supreme Court's decision of 1954 outlawing segregation in the public schools, it is rather strange and paradoxical to find us consciously breaking laws. One may well ask: "How can you advocate breaking some laws and obeying others?" The answer is found in the fact that there are two types of laws: There are *just* and there are *unjust* laws. I would agree with Saint Augustine that "An unjust law is no law at all."

Now, what is the difference between the two? How does one determine when a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of Saint Thomas Aquinas, an unjust law is a human law that is not rooted in eternal and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust. All segregation statutes are unjust because segregation distorts the soul and damages the personality. . . . Hence segregation is not only politically, economically and sociologically unsound, it is morally wrong and awful. . . . Thus it is that I can urge

men to obey the 1954 decision of the Supreme Court, for it is morally right; and I can urge them to disobey segregation ordinances, for they are morally wrong.

... Let me give another explanation. An unjust law is a code inflicted upon a minority which that minority had no part in enacting or creating because they did not have the unhampered right to vote. Who can say that the legislature of Alabama which set up the segregation laws was democratically elected? Throughout the state of Alabama all types of conniving methods are used to prevent Negroes from becoming registered voters and there are some counties without a single Negro registered to vote despite the fact that the Negro constitutes a majority of the population. Can any law set up in such a state be considered democratically structured?

These are just a few examples of unjust and just laws. There are some instances when a law is just on its face and unjust in its application. For instance, I was arrested Friday on a charge of parading without a permit. Now there is nothing wrong with an ordinance which requires a permit for a parade, but when the ordinance is used to preserve segregation and to deny citizens the First-Amendment privilege of peaceful assembly and peaceful protest, then it becomes unjust.

I hope you can see the distinction I am trying to point out. In no sense do I advocate evading or defying the law as the rabid segregationist would do. This would lead to anarchy. One who breaks an unjust law must do it *openly, lovingly*, (not hatefully as the white mothers did in New Orleans when they were seen on television screaming "nigger, nigger, nigger") and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and willingly accepts the penalty by staying in jail to arouse the conscience of the community over its injustice, is in reality expressing the very highest respect for law. . . .

We can never forget that everything Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. But I am sure that if I had lived in Germany during that time I would have aided and comforted my Jewish brothers even though it was illegal. . . .

... Actually, we who engage in nonviolent direct action are not the creators of tension. We merely bring to the surface the hidden tension that is already alive. We bring it out in the open where it can be seen and dealt with. Like a boil that can never be cured as long as it is covered up but must be opened with all its pus-flowing ugliness to the natural medicines of air and light, injustice must likewise be exposed, with all of the tension its exposing creates, to the light of human conscience and the air of national opinion before it can be cured.

In your statement you asserted that our actions, even though peaceful, must be condemned because they precipitate violence. But can this assertion be logically made? Isn't this like condemning the robbed man because his possession of money precipitated the evil act of robbery? Isn't this like condemning Socrates because his unswerving commitment to truth and his philosophical delvings precipitated the misguided popular mind to make him drink the hemlock? Isn't this like condemning Jesus because His unique God-Consciousness and never-ceasing devotion to His will precipitated the evil act of crucifixion? We must come to see, as the federal courts have consistently affirmed, that it is immoral to urge an individual to withdraw his efforts to gain his basic constitutional rights because the quest precipitates violence. Society must protect the robbed and punish the robber.

I had also hoped that the white moderate would reject the myth of time. . . . All that is said here grows out of a tragic misconception of time. It is the strangely irrational notion that there is something in the

very flow of time that will inevitably cure all ills. Actually time is neutral. It can be used either destructively or constructively. . . . We must come to see that human progress never rolls in on wheels of inevitability. It comes through the tireless efforts and persistent work of men willing to be co-workers with God, and without this hard work time itself becomes an ally of the forces of social stagnation. We must use time creatively, and forever realize that the time is always ripe to do right. . . .

You spoke of our activity in Birmingham as extreme. At first I was rather disappointed that fellow clergymen would see my nonviolent efforts as those of the extremist. I started thinking about the fact that I stand in the middle of two opposing forces in the Negro community. One is a force of complacency made up of Negroes who, as a result of long years of oppression, have been so completely drained of self-respect and a sense of "somebodiness" that they have adjusted to segregation, and, of a few Negroes in the middle class who, because of a degree of academic and economic security, and because at points they profit by segregation, have unconsciously become insensitive to the problems of the masses. The other force is one of bitterness, and hatred comes perilously close to advocating violence. It is expressed in the various black nationalist groups that are springing up over the nation, the largest and best-known being Elijah Muhammad's Muslim movement. This movement is nourished by the contemporary frustration over the continued existence of racial discrimination. It is made up of people who have lost faith in America, who have absolutely repudiated Christianity, and who have concluded that the white man is an incurable "devil." I have tried to stand between these two forces saying that we need not follow the "do-nothingism" of the complacent or the hatred and despair of the black nationalist. There is the more excellent way of love and nonviolent protest. I'm grateful to God that, through the Negro church, the dimension of nonviolence entered our struggle. If this philosophy had not emerged, I am convinced that by now many streets of the South would be flowing with floods of blood. And I am further convinced that if our white brothers dismiss as "rabble rousers" and "outside agitators" those of us who are working through the channels of nonviolent direct action and refuse to support our nonviolent efforts, millions of Negroes, out of frustration and despair, will seek solace and security in black-nationalist ideologies, a development that will lead inevitably to a frightening racial nightmare. . . .

There was a time when the church was very powerful. It was during that period when the early Christians rejoiced when they were deemed worthy to suffer for what they believed. In those days the church was not merely a thermometer that recorded the ideas and principles of popular opinion; it was a thermostat that transformed the mores of society. Whenever the early Christians entered a town the power structure got disturbed and immediately sought to convict them for being "disturbers of the peace" and "outside agitators." But they went on with the conviction that they were "a colony of heaven," and had to obey God rather than man. They were small in number but big in commitment. They were too God-intoxicated to be "astronomically intimidated." They brought an end to such ancient evils as infanticide and gladiatorial contest.

Things are different now. The contemporary church is often a weak, ineffectual voice with an uncertain sound. It is so often the arch supporter of the status quo. Far from being disturbed by the presence of the church, the power structure of the average community is consoled by the church's silent and often vocal sanction of things as they are. . . .

I hope the church as a whole will meet the challenge of this decisive hour. But even if the church does not come to the aid of justice, I have no despair about the future. I have no fear about the outcome of our struggle in Birmingham, even if our motives are presently misunderstood. We will reach the goal of freedom in Birmingham and all over the nation, because the goal of America is freedom. Abused and scorned though we may be, our destiny is tied up with the destiny of America. Before the pilgrims

landed at Plymouth we were here. Before the pen of Jefferson etched across the pages of history the majestic words of the Declaration of Independence, we were here. For more than two centuries our fore-  
parents labored in this country without wages; they made cotton king; and they built the homes of their  
masters in the midst of brutal injustice and shameful humiliation--and yet out of a bottomless vitality  
they continued to thrive and develop. If the inexpressible cruelties of slavery could not stop us, the  
opposition we now face will surely fail. We will win our freedom because the sacred heritage of our  
nation and the eternal will of God are embodied in our echoing demands.

I must close now. But before closing I am impelled to mention one other point in your statement that  
troubled me profoundly. You warmly commended the Birmingham police force for keeping "order" and  
"preventing violence." I don't believe you would have so warmly commended the police force if you  
had seen its angry violent dogs literally biting six unarmed, nonviolent Negroes. I don't believe you  
would so quickly commend the policemen if you would observe their ugly and inhuman treatment of  
Negroes here in the city jail; if you would watch them push and curse old Negro women and young  
Negro girls; if you would see them slap and kick old Negro men and young boys; if you will observe  
them, as they did on two occasions, refuse to give us food because we wanted to sing our grace together.  
I'm sorry that I can't join you in your praise for the police department. . . .

I wish you had commended the Negro sit-inners and demonstrators of Birmingham for their sublime  
courage, their willingness to suffer and their amazing discipline in the midst of the most inhuman  
provocation. . . . One day the South will know that when these disinherited children of God sat down at  
lunch counters they were in reality standing up for the best in the American dream and the most sacred  
values in our Judaeo-Christian heritage, and thusly, carrying our whole nation back to those great wells  
of democracy which were dug deep by the founding fathers in the formulation of the Constitution and  
the Declaration of Independence. . . .

Yours for the cause of Peace and Brotherhood,

Martin Luther King, Jr.

## Activity #1: Understanding the Primary Sources: What Do They Tell You?

Student Name \_\_\_\_\_ Date \_\_\_\_\_

**Directions:** As you work your way through King's "Letter from Birmingham Jail," answer the following questions in the space provided.

Questions	Answers
<p>Does King consider himself an "outsider" by staging a civil rights protest in Birmingham? List three reasons he gives in response to this criticism.</p>	
<p>List and explain the four-step process King outlines for their nonviolent campaign.</p>	
<p>If King admits that breaking laws in order to change them is "a legitimate concern," how does he still justify civil disobedience? List two reasons for his defense of civil disobedience, and explain how King thought a law can be disobeyed without leading to anarchy.</p>	
<p>How does King's appeal to "eternal and natural law" help him examine human laws?</p>	

<p>Explain why King thinks the tension stirred up by his protest movement promotes social and political reform.</p>	
<p>How does King respond to the charge that he is an extremist? Whom does he identify as the real extremists?</p>	
<p>Why is King hopeful about the prospects for equal rights for black Americans? Give specific examples and reasons he mentions to support your answer.</p>	
<p>What is King's response to the clergymen's approval of how the police kept order during the demonstrations?</p>	



# Assessment

Student Name \_\_\_\_\_ Date \_\_\_\_\_

## To Obey the Laws of the Land or To Resist Them Peacefully—That Is Your Question!

Directions: Evaluate King's argument by giving its strengths and weaknesses in the chart below.

Pros (Strengths)	Cons (Weaknesses)