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## Are Americans Good Samaritans - How Martin Luther King's Example Can Empower American's Humanitarian Majority.

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## ESSAY

### ARE AMERICANS GOOD SAMARITANS? HOW MARTIN LUTHER KING'S EXAMPLE CAN EMPOWER AMERICA'S HUMANITARIAN MAJORITY

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I. INTRODUCTION

In his last speech, Dr. Martin Luther King urged Americans to compassion by invoking the biblical parable of the Good Samaritan.<sup>1</sup> Dr. King said that the Samaritan stopped to help a wounded stranger because, unlike others who passed the stranger by, the Samaritan asked “if I do not stop to help this man, what will happen to him?”<sup>2</sup> Dr. King added, “[t]hat’s the question before you tonight.”<sup>3</sup>

What is the answer? Are Americans Good Samaritans? The success of Dr. King and the civil rights movement in advancing the rights of a disadvantaged minority by means of non-violent moral and political appeals demonstrates that the answer was, at least quite recently, yes. What is more, recent polling shows that the answer remains yes because Americans strongly support a broad humanitarian agenda—in many instances by overwhelming majorities.<sup>4</sup> This should encourage those who believe that a change in United States policy priorities could be the most important advance in human rights today. However, many would say such a policy shift is improbable for two reasons.

First, they believe that the American conception of rights is limited to political and civil rights and excludes a broader social justice agenda. This view is based on a split of international human rights into two strands, the first being civil/political rights and the second being economic, social, and cultural rights. Those who hold the view that the American conception of rights is limited believe that it does not extend to economic, social, and cultural rights such as fighting poverty and providing access to education and health care. A second reason for skepticism about American humanitarianism is the view that domestic popular opinion either opposes a humanitarian agenda outright or subordinates such an agenda to security concerns when it relates to foreign policy issues.

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1. See generally A TESTAMENT OF HOPE: THE ESSENTIAL SPEECHES AND WRITINGS OF MARTIN LUTHER KING, JR. 284–85 (1991) (citing Martin Luther King, Jr., I See The Promised Land (Apr. 3, 1968)).

2. *Id.* at 285.

3. *Id.* at 284–85.

4. *Infra* notes 38–69.

This paper challenges both views by presenting the United States civil rights movement as a model for advancing a humanitarian agenda that would make human rights and social justice the primary goals of American domestic and foreign policy. Martin Luther King, Jr.'s 1963 "Letter from a Birmingham Jail," perhaps the best statement of the movement's philosophy, is studied to illustrate the movement's goals, principles, and methods.

This essay is comprised of four sections. First, the United States civil rights movement promoted a comprehensive, interdependent humanitarian agenda substantially identical to international human rights in that it integrated economic, social, and educational advancement with political and civil rights. Second, the civil rights movement's success in bringing revolutionary legal and societal change shows that Americans accept this broad conception of rights and refutes the notion that Americans reject the idea that humanitarian principles of economic and social justice are personal rights.

Third, contemporary polling data suggests that most Americans would support a contemporary humanitarian agenda, particularly on issues of human rights and social justice. In short, there is a "silent humanitarian majority" in America whose value-based policy preferences are being ignored by United States policymakers in many respects. Fourth, the advocacy methods used by Dr. King and the civil rights movement show how the humanitarian agenda embraced by a majority of Americans could be turned into policy.

The civil rights movement's socio-political revolution changed American law, politics, and society. Studying how the movement transformed America shows how to turn public opinion, surprisingly supportive of a human rights/social justice agenda, into political change.

## II. THE CIVIL RIGHTS MOVEMENT HAD A UNIFIED PHILOSOPHY OF RIGHTS THAT INCLUDED SOCIAL AND ECONOMIC JUSTICE

The civil rights movement promoted a unified vision of rights, the substance of which was materially identical to the three primary international human rights instruments.<sup>5</sup> Both the history of oppression opposed by the movement and the rights achieved by the movement

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5. Universal Declaration of Human Rights, G.A. Res. 217A (Dec. 10, 1948), available at <http://www.un.org/Overview/rights.html>; International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI) (Dec. 16, 1996), available at <http://www.ohchr.org/english/law/pdf/ccpr.pdf>; International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI) (Dec. 16, 1966), available at <http://www.ohchr.org/english/law/pdf/cescr.pdf>. See, e.g., BLACKSTONE'S INTERNATIONAL HUMAN RIGHTS DOCUMENTS (4th ed. 2004).

cover many human rights as defined under international law. The movement's success thus demonstrates American popular acceptance that civil/political rights and economic/social/cultural rights should be collectively honored and shows American willingness to embrace the full rights agenda, not just one limited to civil/political rights.

### A. *History of Oppression*

Though the history of the civil rights movement is now familiar, it is worth recalling just how bad things were before the movement, and just how brutal the barriers to the movement were in order to fully appreciate how dramatically and successfully the movement changed American society. The story of civil rights is instructional as well as inspirational. It teaches that appeals to humanitarianism, rights, and justice can succeed in America even against the long odds of ruthless, powerful opposition.

Racial oppression virtually obliterated human rights for African Americans. Most first generation blacks were forced into America as slaves, and slavery continued, primarily in the South, until 1863. Despite emancipation and constitutional protections, oppression continued through state-sanctioned segregation. African Americans were excluded from voting, politics, and all but the most menial work. Racially-segregated education relegated African Americans to woefully inadequate schools. Segregation extended to neighborhoods, hospitals, churches, restaurants, transportation, hotels, and even drinking fountains. Blacks lived in poverty, walled off from the rest of America. They were threatened, beaten, raped, murdered, and their homes and churches destroyed, by racist private citizens and public officials. Courts were instruments of segregation and racist violence. African Americans were denied access to judicial relief. They were jailed and executed on trumped-up charges in one-sided trials.

Despite pervasive racism in the legal system, the early victories of the civil rights movement were court rulings outlawing discrimination. The high point of this legal strategy was the Supreme Court's 1954 decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), striking down segregation laws mandating "separate but equal" education facilities.

The popular civil rights movement began after southern states maintained segregation in defiance of *Brown*. Led by Dr. King, the movement made a moral appeal for change using non-violent protest, civil disobedience, and bold public advocacy. The movement broke segregation laws with public sit-ins, boycotted discriminatory businesses, protested in marches, and accompanied students integrating public schools.

This campaign met with violent opposition. Civil rights advocates were threatened, jailed, injured, and killed, often with local government and

police complicity. The media, particularly the new medium of television, showed this racist violence to Americans.

### B. *Human Rights and The Letter*

Dr. King's Birmingham Letter ("Letter") was a response to religious leaders who criticized the movement when he was jailed for civil disobedience.<sup>6</sup> The Letter is widely and properly studied as one of history's most eloquent philosophical statements on the morality of non-violent resistance. The Letter is examined here for a more specific reason. The Letter outlines the intellectual and political basis of the American civil rights movement and, in so doing, shows clearly that the goal of the movement was not just the achievement of political rights, but also of social justice and material sufficiency.

The vision of rights in the Letter is remarkably similar in substance and philosophy to international human rights law. Dr. King shared the foundational starting point of human rights—that the humanity of each person is entitled to equal dignity—stating that the movement sought “a substantive and positive peace, in which all men will respect the dignity and worth of human personality.”<sup>7</sup>

He attacked segregation as “difference made legal,” division by false sense of superiority and inferiority, degradation of human personality and relegation of “persons to the status of things.”<sup>8</sup> Thus, the equality of human dignity, as represented by the principle that persons must be treated as ends and never as means, is a core principle of human rights law that was also central to Dr. King's thinking.

Dr. King linked political and economic rights. He described the movement as a “struggle to rid our nation of racial *and economic* injustice.”<sup>9</sup> His account of racism included an economic critique that “the vast majority of your twenty million Negro brothers [are] smothering in an airtight cage of poverty in the midst of an affluent society.”<sup>10</sup>

6. See MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 187–204 (exhibiting Martin Luther King, Jr.'s letter from the Birmingham, Alabama jail).

7. Compare *id.* at 195, with Universal Declaration of Human Rights, G.A. Res. 217A, Preamble, Art. 1 (Dec. 10, 1948), available at <http://www.un.org/Overview/rights.html>, and International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), Preamble (Dec. 16, 1966), available at <http://www.ohchr.org/english/law/pdf/ccpr.pdf>, and International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), Preamble (Dec. 16, 1966), available at <http://www.ohchr.org/english/law/pdf/cescr.pdf>.

8. MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 193 (1998).

9. *Id.* at 200 (emphasis added).

10. *Id.* at 192. For academic perspectives linking economic and human rights, see Ronald Dworkin, *What Are Human Rights* 42 (Jan. 10, 2003) (on file with author) (treating

Dr. King described racial injustices which violate most substantive provisions in the major human rights instruments—discrimination, police brutality, “unjust treatment in the courts,” and inadequate law enforcement protection,<sup>11</sup> lynching, murder, poverty, exclusion from public facilities,<sup>12</sup> denial of the right to vote, exclusion from political processes, segregation laws, and denial of freedoms of expression, assembly, and religion.<sup>13</sup>

Dr. King’s belief that universal brotherhood nurtures rights finds expression in the Universal Declaration of Human Rights (UDHR).<sup>14</sup> Another commonality is that Dr. King saw the movement as connected with post-colonial self-determination.<sup>15</sup> Unconditionally committed to non-vi-

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“people as equals” means “of course there are economic human rights; these flow from the crudest account of what it means to treat human lives as equally important”). *See also* J. DONNELLY, *UNIVERSAL HUMAN RIGHTS IN THEORY AND PRACTICE* 33 (2d ed. 2003) (“Poverty in the midst of plenty is a political phenomenon. Civil and political rights are often violated to protect economic privilege.”); H. CHARLESWORTH & C. CHINKIN, *THE BOUNDARIES OF INTERNATIONAL LAW: A FEMINIST CRITIQUE* 206 (2000) (stating that there is a need for rights vocabulary challenging “the current skewed allocation of social, economic and political power”); World Conference on Human Rights, June 14–25, 1993, Vienna Declaration and Programme of Action, ¶ 5, U.N. Doc. A/CONF.157/23 (June 25, 1993), available at <http://www.ohchr.org/english/law/pdf/vienna.pdf> (“All human rights are universal, indivisible and interdependent and interrelated.”).

11. Compare MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 189, 202 (1998), with Universal Declaration of Human Rights, G.A. Res. 217A, Art. 1–13, 28 (Dec. 10, 1948), available at <http://www.un.org/Overview/rights.html>, and International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), Art. 2, 7, 9, 12, 14, 16, 20, 26 (Dec. 16, 1996), available at <http://www.ohchr.org/english/law/pdf/ccpr.pdf>.

12. Compare MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 192 (1998), with Universal Declaration of Human Rights, G.A. Res. 217A, Art. 1–13, 22, 23, 25, 27 (Dec. 10, 1948), available at <http://www.un.org/Overview/rights.html>, and International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), Art. 2, 6, 7, 9, 12, 14, 16, 20, 26 (Dec. 16, 1996), available at <http://www.ohchr.org/english/law/pdf/ccpr.pdf>, and International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI), Art. 6, 11, 15 (Dec. 16, 1966), available at <http://www.ohchr.org/english/law/pdf/cesr.pdf>.

13. Compare MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 193–94, 202 (1998), with Universal Declaration of Human Rights, G.A. Res. 217A, Art. 1, 2, 18–21 (Dec. 10, 1948), available at <http://www.un.org/Overview/rights.html>, and International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI), Art. 18–22, 25, 16 (Dec. 16, 1996), available at <http://www.ohchr.org/english/law/pdf/ccpr.pdf>.

14. Compare MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 109, 204 (1998), with Universal Declaration of Human Rights, G.A. Res. 217A (Dec. 10, 1948), available at <http://www.un.org/Overview/rights.html>.

15. Compare MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 192, 197 (1998), with International Covenant on Civil and Political Rights, G.A. Res. 2200A (XXI) (Dec. 16, 1996), available at <http://www.ohchr.org/english/law/pdf/ccpr.pdf>, and International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A (XXI) (Dec. 16, 1966), available at <http://www.ohchr.org/english/law/pdf/cesr.pdf>.

olence,<sup>16</sup> Dr. King nonetheless warned that injustice and racial hatred could foster bitterness, bloodshed, and “a frightening racial nightmare.”<sup>17</sup> Similarly, the UDHR recognizes that revolution may be the “last resort” response to injustice (while certainly not endorsing political violence).<sup>18</sup>

Thus, the civil rights movement and international human rights embrace common rights and principles. The movement’s success, described next, shows American acceptance of human rights as they are understood internationally—inclusive of social and economic justice as well as political emancipation and participation.

### III. THE MOVEMENT’S ACHIEVEMENT OF RIGHTS WAS INTEGRATED AND EXTENDED BEYOND LEGAL CHANGE TO SOCIETAL TRANSFORMATION

Shortly after the Letter, Dr. King led a march in Washington D.C., and gave his “I Have a Dream” speech. Comprehensive rights legislation that included political, social, and economic protections was enacted soon thereafter. The scope of the legislation and the revolutionary societal change that followed demonstrates public acceptance of the broad human rights principles embodied in United States civil rights laws.

#### A. *Legal Change*

Legal segregation was ended primarily through three laws—the Civil Rights Act of 1964,<sup>19</sup> the Voting Rights Act of 1965,<sup>20</sup> and the Fair Housing Act of 1968.<sup>21</sup>

These laws include both strands of international human rights. The Civil Rights and Housing acts protected economic/social/cultural rights, prohibiting discrimination in employment, housing, education, and public accommodation.<sup>22</sup> The Voting Rights Act protected voting and political participation from discrimination<sup>23</sup> and, along with the enhanced protective role of courts under the new laws, expanded civil and political rights.

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16. MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 202 (1998).

17. *Id.* at 92, 197.

18. Universal Declaration of Human Rights, G.A. Res. 217A, Preamble (Dec. 10, 1948).

19. *See* 42 U.S.C.A. §§ 2000e-17 (2000).

20. *See* 42 U.S.C.A. § 1971 (2000).

21. *See* 42 U.S.C.A. § 3601 (2000).

22. Universal Declaration of Human Rights, G.A. Res. 217A, Preamble (Dec. 10, 1948); 42 U.S.C.A. § 1971 (2000).

23. *See* 42 U.S.C.A. §§ 2000e-17 (2000).



State and local laws followed.<sup>24</sup> The rights enforcement network now includes state and federal government agencies, quasi-judicial administrative bodies, and courts.<sup>25</sup> Additionally, beginning in 1965, presidential orders creating affirmative action programs increased minority participation in education and government contracting.<sup>26</sup>

### B. *Societal Transformation*

Beyond whether these laws have teeth is whether they have heart—has the rights revolution bettered American life and is its core principle of equal human dignity part of life in American society? The answer to both questions is yes. Dr. King's dream is broadly, if imperfectly and incompletely, accepted and realized.<sup>27</sup> Numbers tell part of the story.

Approximately 100 African Americans held elected office in 1965.<sup>28</sup> By 2001, there were over 9100 black elected officials.<sup>29</sup> From 1964 to 2002, the percentage of black high school graduates leapt from 26% to 80%, the percentage of college graduates grew from 4% of the black population to 17%, and the number of black college students increased sevenfold from approximately 306,000 to 2.3 million.<sup>30</sup>

From 1964 to 2002, the poverty rate for African Americans dropped from 41.8% to 23.9%, and real median income for blacks nearly doubled.<sup>31</sup> In 2003, over one million blacks held advanced degrees (PhD, JD, MD), and blacks accounted for 31,000 physicians, 64,800 post-secondary teachers, 26,300 business chief executives, and 33,900 lawyers.<sup>32</sup>

24. INITIAL REPORT OF THE U.S., TO THE UNITED NATIONS COMM. ON THE ELIMINATION OF RACIAL DISCRIMINATION, THE CONVENTION OF THE ELIMINATION OF ALL FORMS RACIAL DISCRIMINATION (2000), available at [http://www.state.gov/www/global/human\\_rights/cerd\\_report/cerd\\_report.pdf](http://www.state.gov/www/global/human_rights/cerd_report/cerd_report.pdf).

25. *Id.* at 4.

26. *Id.* at 7.

27. *But see id.* at 4, 5, 20–21. Despite unmistakable progress, racial injustice continues, for example, in law enforcement, barriers in employment, segregation in fact if not in law, and much higher rates of poverty and disadvantage. *Id.*

28. Wikipedia, American Civil Rights Movement (1955-1968), [http://en.wikipedia.org/wiki/American\\_Civil\\_Rights\\_Movement](http://en.wikipedia.org/wiki/American_Civil_Rights_Movement) (last visited Jan. 4, 2007).

29. DAVID A. BOSITIS, JOINT CTR. FOR POLITICAL AND ECON. STUDIES, BLACK ELECTED OFFICIALS: A STATISTICAL SUMMARY 2001 3 (2003), available at <http://www.jointcenter.org/publications1/publication-PDFs/BEO-pdfs/2001-BEO.pdf>.

30. Press Release, U.S. Census Bureau, Civil Rights Act of 1964: 40th Anniversary (June 30, 2004), [http://www.census.gov/Press-Release/www/releases/archives/facts\\_for\\_features\\_special\\_editions/001800.html](http://www.census.gov/Press-Release/www/releases/archives/facts_for_features_special_editions/001800.html).

31. *Id.*

32. Press Release, U.S. Census Bureau, African-American History Month: February 2005 (Jan. 24, 2005), [http://www.census.gov/Press-Release/www/releases/archives/facts\\_for\\_features\\_special\\_editions/003721.html](http://www.census.gov/Press-Release/www/releases/archives/facts_for_features_special_editions/003721.html).

The post-civil rights movement achievements of African Americans transcend statistics. The current Secretary of State and her predecessor are African Americans. Both are sufficiently credible as potential national leaders that they found it necessary to deny presidential aspirations. Recently Senator Barack Obama entered the presidential race as a leading contender with unique appeal across political and ideological constituencies.<sup>33</sup> African Americans lead major universities and transnational corporations and hold cabinet posts, congressional leadership positions, and prominent judgeships. Black cultural influence, strong before the movement, is more pervasive.

American businesses, which once refused to hire or serve blacks, now publicize their racial diversity. The growing black middle/upper class is marketed by business/entrepreneurial media, including companies owned or managed by blacks.

Another measure of the movement's broad societal transformative impact is the expansion of emancipatory change beyond the mission of racial equality. The 1964 Civil Rights Act prohibited discrimination on the basis of gender, religion, and national origin as well as race,<sup>34</sup> and subsequent laws banned age and disability discrimination.<sup>35</sup> Anti-war and pro-environment groups in the 1970's benefited from the movement's shift of public opinion and used similar strategies to successfully oppose the Vietnam War and promote environmental protection. A huge majority of Americans believe children should be taught to respect others with different backgrounds, while a smaller majority favors more contested affirmative action programs.<sup>36</sup>

The statistically immeasurable truth of the civil rights movement's power is that none of this progress was remotely conceivable before the movement. Dr. King, jailed and killed because of his activism, is a hero whose birthday is a national holiday.

The history of the civil rights movement should embolden those who hope for a more humanitarian contemporary American political agenda, but believe such change is improbable because few events in history were

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33. Charles Krauthammer, *Winning By Losing*, WASH. POST, Oct. 27, 2006, at A23, available at <http://www.washingtonpost.com/wp-dyn/content/article/2006/10/26/AR2006102601253.html>. When Senator Obama first stated he was considering a presidential bid, one commentator, not generally a supporter of democratic candidates, urged him to run in part because an African American presidency would benefit the country. *Id.*

34. Universal Declaration of Human Rights, G.A. Res. 217A, Preamble (Dec. 10, 1948), available at <http://www.un.org/Overview/rights.html>.

35. Age Discrimination in Employment Act, 29 U.S.C.A. § 621 (2000); Americans with Disabilities Act, 42 U.S.C.A. § 12101 (2000).

36. Public Agenda, Race: Quick Takes, [http://www.publicagenda.org/issues/angles.cfm?issue\\_type=race](http://www.publicagenda.org/issues/angles.cfm?issue_type=race) (last visited Jan. 4, 2007).

less probable than the triumph of the civil rights movement. The movement's leaders were almost exclusively members of an oppressed minority, brutally segregated, dispossessed, and virtually excluded from political, legal, economic, social, financial, and educational opportunity, power, and influence. The movement had little in the way of material resources and faced strong, violent opposition. Yet the movement achieved revolutionary legal, political, and societal advances in virtually the entire range of human rights by combining a legal strategy that relied on constitutional principles with a public campaign focused on moral traditions with secular, patriotic, and religious roots. Present-day public opinion, discussed next, shows that there exists a sizable American constituency for a humanitarian political agenda that could be reached by similar appeals.<sup>37</sup>

#### IV. A SILENT HUMANITARIAN MAJORITY? CONTEMPORARY AMERICAN SUPPORT FOR HUMAN RIGHTS AND SOCIAL JUSTICE

Polling suggests that many Americans support policy changes that would greatly increase American commitment to human rights and social

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37. Two comparisons of today's America with the advent of the civil rights movement suggest that the political ground is possibly even more fertile for the growth of a humanitarian movement today than it was for the blossoming of the civil rights movement fifty years ago. First, legal rulings may again be the precursors of political change. The popular civil rights movement began with a series of court rulings that advanced civil rights, most notably the *Brown* desegregation decision. Supreme Court rulings affirming human rights of detainees in recent years could signal a similar political shift toward recognition of rights. See *Hamdan v. Rumsfeld*, 126 S. Ct. 2749 (2006) (holding that military commissions for trying detainees violate United States military law and Geneva Conventions); see also *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004) (illuminating that United States citizen detainees cannot be imprisoned indefinitely without right to challenge detention); *Rasul v. Bush*, 542 U.S. 466 (2004) (establishing that United States courts have jurisdiction to determine legality of detention of foreign nationals at Guantanamo Bay). Moreover, as was the case with the civil rights decisions during the *Brown* era, the Court's recent human rights decisions provide a normative legal argument for certain components of a humanitarian policy agenda that augments and strengthens the political and moral arguments.

Second, public opinion may actually be *more* supportive of a humanitarian agenda today than it was of a civil rights agenda a half century ago. While broad majorities then supported equal rights and federal enforcement of such rights, early in the movement more than half of those polled disapproved of its non-violent protests and believed the *Brown* desegregation decision "caused more trouble than it was worth." See Public Agenda, Snapshots in Time: The Public in the Civil Rights Era, <http://www.publicagenda.org/specials/civilrights/civilrights.htm> (last visited Jan. 4, 2007) (discussing the Gallup poll which asked the public to answer the question: "It's been five years now since the Supreme Court ruled on segregation in the schools. When you look at the record of what's happened since then, do you think that this decision caused a lot more trouble than it was worth?"). Fifty-three percent of those responding answered yes. *Id.*

justice domestically and internationally. This is demonstrated by public opinion surveys in three areas—human rights, domestic economic priorities, and humanitarian foreign aid.

#### A. *Human Rights*

Although it is often assumed that it is politically unpopular to embrace human rights issues, polling shows that even human rights principles arguably related to security questions enjoy great public support.

Over eighty percent of Americans polled believe the United States should promote and defend human rights and prevent rights abuses as policy priorities, and over a third identify human rights as the top foreign policy priority.<sup>38</sup> Eighty-eight percent support limitations on armed conflict imposed under international humanitarian law, and eighty-three percent believe the United States, as a party to the United Nations Declaration of Human Rights, should do more at home to protect human rights.<sup>39</sup>

On detention issues, over ninety percent support Red Cross access to detainees, and eighty-one percent support a detainee's right to a hearing to contest detention.<sup>40</sup> Sixty-eight percent agree with the Supreme Court's 2004 decision preventing the president from detaining persons without hearings.<sup>41</sup> This commitment extended even to al Qaeda suspects; sixty percent agreed that detainees "who are not conventional soldiers such as al Qaeda" should have rights provided by international treaties.<sup>42</sup>

Seventy-two percent believe abuse and torture are "always wrong, even in the case of the war against terrorists," and over seventy percent want the government to punish those responsible for committing—or or-

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38. World Public Opinion.org, [http://www.americans-world.org/digest/global\\_issues/human\\_rights/rawdata/HR\\_1\\_05.pdf](http://www.americans-world.org/digest/global_issues/human_rights/rawdata/HR_1_05.pdf) (last visited Jan. 4, 2007).

39. See World Public Opinion.org, [http://www.americans-world.org/digest/global\\_issues/human\\_rights/HRinGen.cfm](http://www.americans-world.org/digest/global_issues/human_rights/HRinGen.cfm) (last visited Jan. 6, 2007) (demonstrating eighty-three percent of respondents believe the U.S. should do more to protect human rights as a UDHR party); see also The PIPA/Knowledge Networks Poll, *Americans on Detention, Torture and the War on Terrorism*, July 22, 2004, [http://www.pipa.org/OnlineReports/Terrorism/Torture\\_Jul04/Torture\\_Jul04\\_rpt.pdf](http://www.pipa.org/OnlineReports/Terrorism/Torture_Jul04/Torture_Jul04_rpt.pdf) (stating that eighty-eight percent of those polled favored international law governing the treatment of individuals in armed conflict).

40. See The PIPA/Knowledge Networks Poll, *Americans on Detention, Torture and the War on Terrorism*, July 22, 2004, [http://www.pipa.org/OnlineReports/Terrorism/Torture\\_Jul04/Torture\\_Jul04\\_rpt.pdf](http://www.pipa.org/OnlineReports/Terrorism/Torture_Jul04/Torture_Jul04_rpt.pdf).

41. *Id.*

42. *Id.*

dering—torture or cruel and humiliating treatment.<sup>43</sup> Majorities oppose physical harm, threats, or force in interrogation.<sup>44</sup>

Americans strongly support according terrorism suspects the civil and human rights provided by international treaties and United States law.<sup>45</sup> Eighty-four percent of those polled said terrorist suspects have a right to a hearing to make a case against their detention, and seventy-nine percent believe terror suspects have a right not to be tortured.<sup>46</sup> A broad majority of those polled agree that the rules governing treatment of terror suspects should be the same for United States citizen and non-citizen detainees.<sup>47</sup> Most oppose sending suspected terrorists to countries known to use torture in interrogation.<sup>48</sup>

There is evidence that Americans see beyond military and anti-terror measures to humanitarian needs in their conception of human security concerns. In one poll, while a plurality of twenty-nine percent identified terrorism as the top foreign policy priority, seventy-one percent instead prioritized one of a number of rights/justice issues such as human rights, poverty reduction, elimination of war and conflict, closing wealth disparities, and environmental protection.<sup>49</sup>

Nearly three-quarter of those polled favored pressure on human rights issues as a means of promoting democracy over threatened or actual use of military force and economic sanctions.<sup>50</sup> In fact, despite what appears to be a growing opposition to more forceful means of meeting United States foreign policy objectives, a large majority continues to favor using diplomatic pressure on countries to respect human rights.<sup>51</sup> Over seventy percent want the United States to demand investigation of human rights

43. *Id.* (showing that seventy-one percent believe that officials responsible for torture should be punished); *see also* The WorldPublicOpinion.org/Knowledge Networks Poll, *American and International Opinion on the Rights of Terrorism Suspects*, July 17, 2006, [http://www.worldpublicopinion.org/pipa/pdf/jul06/TerrSuspect\\_Jul06\\_rpt.pdf](http://www.worldpublicopinion.org/pipa/pdf/jul06/TerrSuspect_Jul06_rpt.pdf).

44. ABC News, *The Insider Daily Terrorism Report*, May 27, 2004, <http://abcnews.go.com/International/Investigation/story?id=79165&page=4> (last visited Jan. 5, 2007).

45. The WorldPublicOpinion.Org/Knowledge Networks Poll, *American and International Opinion on the Rights of Terrorism Suspects*, July 17, 2006, [http://www.worldpublicopinion.org/pipa/pdf/jul06/TerrSuspect\\_Jul06\\_rpt.pdf](http://www.worldpublicopinion.org/pipa/pdf/jul06/TerrSuspect_Jul06_rpt.pdf).

46. *Id.*

47. *Id.* (showing sixty-three percent of persons believe citizens and non-citizens should be treated equally).

48. *Id.*

49. World Public Opinion.org, [http://www.americansworld.org/digest/global\\_issues/human\\_rights/rawdata/HR\\_1\\_05.pdf](http://www.americansworld.org/digest/global_issues/human_rights/rawdata/HR_1_05.pdf) (last visited Jan. 5, 2007).

50. The Chicago Council on Foreign Relations, *Americans on Promoting Democracy*, Sept. 29, 2005, [http://65.109.167.118/pipa/pdf/sep05/Democratization\\_Sep09\\_rpt\\_revised.pdf](http://65.109.167.118/pipa/pdf/sep05/Democratization_Sep09_rpt_revised.pdf).

51. *Id.*

abuses by other nations, even if this means losing access to foreign military bases.<sup>52</sup>

Nearly forty percent volunteered or gave money to human rights organizations.<sup>53</sup> While this is not a majority, it demonstrates that well over a third of Americans are committed enough to make significant commitments of their own time and money to promote human rights.

### B. *Domestic Economic Priorities*

Public opinion surveys show that Americans consider equitable material sufficiency a priority and that they are willing to make personal sacrifices if necessary to achieve it. Large majorities consider poverty (71%), unemployment (77%), education (86%), and health care (87%) “very important” or “extremely important.”<sup>54</sup> From 75-94% support helping the poor through increased minimum wage, housing assistance, tax credits, job training, and improved public schools.<sup>55</sup> Fifty-seven percent would pay higher taxes to provide such assistance, and seventy-eight percent of those would pay an additional \$200/year.<sup>56</sup> Fifty-seven percent agree that America has “failed to live up to its ideals so long as there are so many poor and homeless Americans,”<sup>57</sup> and sixty-eight percent donate money or volunteer to help the poor.<sup>58</sup>

### C. *Foreign Aid/World Poverty*

American humanitarianism is not limited to Americans but extends to a desire to reduce human suffering throughout the world. Again, polling shows a deep public commitment to alleviating global suffering and to committing American resources to such efforts.

52. *Id.*

53. World Public Opinion.org, [http://www.americans-world.org/digest/global\\_issues/human\\_rights/HRinGen.cfm](http://www.americans-world.org/digest/global_issues/human_rights/HRinGen.cfm) (last visited Jan. 6, 2007) (citing a 1997 Hart Research Poll).

54. Public Agenda, *Poverty and Welfare: People’s Chief Concerns* (Sept. 2002), [http://www.publicagenda.org/issues/pcc\\_detail.cfm?issue\\_type=welfare&list=1](http://www.publicagenda.org/issues/pcc_detail.cfm?issue_type=welfare&list=1).

55. National Public Radio Online, *Poverty in America*, <http://www.npr.org/programs/specials/poll/poverty/staticresults.html> (last visited Jan. 6, 2007).

56. *Id.*

57. Public Agenda, *Poverty and Welfare: People’s Chief Concerns* (Sept. 2002), [http://www.publicagenda.org/issues/pcc.detail.cfm?issue\\_type=welfare&list=2](http://www.publicagenda.org/issues/pcc.detail.cfm?issue_type=welfare&list=2).

58. National Public Radio Online, *Poverty in America*, <http://www.npr.org/programs/specials/poll/poverty/staticresults6.html> (last visited Jan. 6, 2007). Of the 36 million Americans in poverty, 12.5% of the population are themselves a large constituency for anti-poverty economic policy. See Carmen DeNavas-Walt, Bernadette D. Proctor & Robert J. Mills, U.S. Census Bureau, *Income, Poverty, and Health Insurance Coverage in the United States: 2003*, at 17 (2004), available at <http://www.census.gov/prod/2004pubs/p60-226.pdf>.

Seventy-two percent believe the United States has a moral obligation to share wealth to reduce world hunger.<sup>59</sup> Seventy-five percent think it is possible to cut world hunger in half affordably, and even more want the United States to commit to a hunger reduction plan.<sup>60</sup> Seventy-five percent would contribute \$50/year to cut poverty, while nearly seventy percent would pay higher taxes.<sup>61</sup> Sixty-two percent support foreign aid to alleviate hunger regardless of whether this promotes American security interests, and similar majorities believe that United States aid decisions should be driven by considerations of humanitarian need rather than strategic goals.<sup>62</sup>

Among the more suggestive findings is the tremendous American public misunderstanding about the amount of foreign aid the United States actually contributes. On average, Americans estimate that the United States devotes between twenty and twenty-four percent of its budget to non-military foreign aid and believe that between ten and fourteen percent would be appropriate.<sup>63</sup> This indicates that many Americans believe the United States is spending too much on foreign aid. However, the United States actually commits less than one percent of its budget to such aid.<sup>64</sup> This suggests that the assumption that non-military foreign aid is not politically popular is wrong, because it is based on the misconception that the United States is giving over twenty times the amount of aid that it is actually providing. If it is correct that a broad majority believes it would be appropriate to devote ten to fourteen percent of the budget to non-military foreign aid, the polling shows that most Americans would actually accept significant *increases* in such aid.

Indeed, more recent polling shows that American public opinion supports a foreign policy based on humanitarianism rather than force. A majority rejects using military force or threats to promote democracy,

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59. The PIPA/Knowledge Networks Poll, *Americans on Foreign Aid and World Hunger*, Feb. 2, 2001, [http://65.109.167.118/pipa/pdf/feb01/ForeignAid\\_Feb01\\_rpt.pdf](http://65.109.167.118/pipa/pdf/feb01/ForeignAid_Feb01_rpt.pdf).

60. *Id.* (revealing eight percent of those surveyed favor a United States commitment to a world hunger plan). United States majority support for global anti-poverty programs continues, as reflected by more recent polling which demonstrates that large majorities of Americans support United States commitment to the United Nations sponsored Millennium Development Goals, which include dedicating a percentage of national gross national product to poverty eradication, reducing hunger by half by 2015, and providing sanitation and clean water. See The PIPA/Knowledge Networks Poll, *Americans on Addressing World Poverty*, June 30, 2005, [http://www.pipa.org/OnlineReports/ForeignAid/WorldPoverty\\_Jun05/WorldPoverty\\_Jun05\\_rpt.pdf](http://www.pipa.org/OnlineReports/ForeignAid/WorldPoverty_Jun05/WorldPoverty_Jun05_rpt.pdf).

61. The PIPA/Knowledge Networks Poll, *Americans on Foreign Aid and World Hunger*, Feb. 2, 2001, [http://65.109.167.118/pipa/pdf/feb01/ForeignAid\\_Feb01\\_rpt.pdf](http://65.109.167.118/pipa/pdf/feb01/ForeignAid_Feb01_rpt.pdf).

62. *Id.*

63. *Id.*

64. *Id.*

while large majorities prefer instead non-military incentives such as humanitarian aid, technical assistance, and election monitoring.<sup>65</sup> Most Americans would prefer to see our government fight HIV/AIDS, provide economic development to stabilize nations at risk, and give food and medical assistance to those who need it over militarized approaches.<sup>66</sup>

The public not only prefers aid over force, but also prefers that aid not be used forcibly. A broad majority favors using aid as a reward for progress towards democracy, while a smaller majority disapproves of withholding aid to punish nations that fail to make such progress.<sup>67</sup>

Recent polling shows that Americans are willing to put their money where their hearts are when it comes to international humanitarianism. Americans not only want a shift from policies that emphasize military force, they support sharply decreased defense spending and increased spending on non-military foreign policy approaches.<sup>68</sup> Seventy-six percent of those polled wanted significant cuts in military spending; overall, the budget preferences of those polled would result in a thirty-six percent cut.<sup>69</sup> Majorities supported increased spending on humanitarian assistance, disaster preparedness and response, energy conservation, exploration of renewal energy resources, economic development, and disease eradication.<sup>70</sup>

These polls show broad public support for a humanitarian rights/social justice agenda quite different from present United States policy.<sup>71</sup> Of

65. The Chicago Council on Foreign Relations, *Americans on Promoting Democracy*, Sept. 29, 2005, [http://65.109.167.118/pipa/pdf/sep05/Democratization\\_Sep09\\_rpt\\_revised.pdf](http://65.109.167.118/pipa/pdf/sep05/Democratization_Sep09_rpt_revised.pdf).

66. The PIPA/Knowledge Networks Poll, *What Kind of Foreign Policy Does the American Public Want?*, Oct. 20, 2006, [http://www.worldpublicopinion.org/pipa/pdf/oct06/SecurityFP\\_Oct06\\_rpt.pdf](http://www.worldpublicopinion.org/pipa/pdf/oct06/SecurityFP_Oct06_rpt.pdf) (reporting between sixty and seventy-four percent agree).

67. The Chicago Council on Foreign Relations, *Americans on Promoting Democracy*, Sept. 29, 2005, [http://65.109.167.118/pipa/pdf/sep05/Democratization\\_Sep09\\_rpt\\_revised.pdf](http://65.109.167.118/pipa/pdf/sep05/Democratization_Sep09_rpt_revised.pdf).

68. The PIPA/Knowledge Networks Poll, *What Kind of Foreign Policy Does the American Public Want?*, Oct. 20, 2006, [http://www.worldpublicopinion.org/pipa/pdf/oct06/SecurityFP\\_Oct06\\_rpt.pdf](http://www.worldpublicopinion.org/pipa/pdf/oct06/SecurityFP_Oct06_rpt.pdf). The budget priorities of polling respondents were measured by asking the respondents how they would prefer the government to spend a hypothetical \$900 dollars of taxes given fifteen alternative policies. *Id.*

69. *Id.*

70. *Id.*

71. This essay was submitted for publication at a time of widespread public disapproval of the war in Iraq and a year after severe public criticism of the government's response to the hurricanes that devastated the Gulf Coast. While treatment of the war and hurricane response in depth is not the purpose of this article, public reactions to these events further reflects American humanitarianism and a public embrace of rights and social justice. Though no doubt a major reason for the war's unpopularity is the failure to achieve the strategic goal of a stable, pacified Iraq, opposition to the war has grown as its casualties (American and Iraqi, military and civilian) have increased, and as violations of



course, it has to be acknowledged that poll results can be contingent on the phrasing of polling questions and can turn dramatically with catastrophic events such as natural disasters, terrorist attacks, or military setbacks.

This said, however, the poll results unquestionably reveal that there is a silent American humanitarian majority whose policy preferences are neglected by the United States government. Dr. King's methods show how to empower the humanitarian majority.

#### V. DR. KING'S PRINCIPLED METHODS SHOW HOW TO PROMOTE A HUMAN RIGHTS/SOCIAL JUSTICE AGENDA TODAY

Dr. King was a powerful leader who skillfully used a number of advocacy methods to bring about change. There is a message in the methods because they are principles of moral substance and not mere strategic tactics. To be sure, leaders like Dr. King do not come along often, and not all public advocates are gifted enough to successfully use the techniques as he did. Given the revolutionary success of Dr. King in turning rights into reality, his methods bear study as a model for those seeking to advance a contemporary humanitarian agenda. I will use quotes from the "Letter from a Birmingham Jail" to highlight aspects of Dr. King's philosophy of advocacy.

##### A. *Achieving Rights Through Public Discourse*

*"[W]e would present our very bodies as a means of laying our case before the conscience of the local and national community."*<sup>72</sup>

The movement created demand for change through local grassroots action and nationwide public appeals. Dr. King believed "injustice must be exposed . . . to the . . . air of national opinion."<sup>73</sup> His conversation about rights was with the whole of society and was not limited to elites or the powerful.<sup>74</sup> The movement was much like a political campaign, with rights as the candidate and oppression the opponent. The popularity of

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human rights in its prosecution have been revealed. The public's dissatisfaction with the hurricane response followed widespread media attention on the human suffering caused by the storms, much of which focused on the particularly catastrophic impact of the storm on the disadvantaged.

72. MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 190 (1998).

73. *See generally id.* at 195.

74. *Id.*; see H. CHARLESWORTH & C. CHINKIN, *THE BOUNDARIES OF INTERNATIONAL LAW: A FEMINIST CRITIQUE* 210 (2000) (discussing politics as part of rights advocacy). For similar views from academia, see Conor Gearty, *Reflections on Civil Liberties in an Age of Counter-Terrorism*, 41 *OSGOODE HALL L.J.* 185, 207-08 (2003).

humanitarian, human rights/social justice policies suggests that a value-driven public appeal targeting the mainstream could again bring political change.

This is not happening with much intensity in contemporary America. While interest groups and some public officials work diligently to promote a humanitarian agenda, there is no major national political leader identified with the humanitarian agenda, nor is there a unified national movement that forcefully appeals to the public's imagination to promote such an agenda.

#### B. *Rights as the American Story*

*"We will reach the goal of freedom . . . all over the nation, because the goal of America is freedom . . . our destiny is tied up with America's destiny . . . [w]e will win our freedom because the sacred heritage of our nation and the eternal will of God are embodied in our echoing demands."*<sup>75</sup>

*"[We are] standing up for what is best in the American dream and for the most sacred values in our Judeo-Christian heritage, thereby bringing our nation back to those great wells of democracy which were dug deep by the founding fathers in their formulation of the Constitution and the Declaration of Independence."*<sup>76</sup>

*"We hold these truths to be self-evident, that all men are created equal . . . [.]"*<sup>77</sup>

Dr. King understood that the story of rights is the story of America and what it means to be American. He quoted the nation's most revered leaders and referred to America's founding documents, the Declaration of Independence and the Constitution. Both documents are statements of inalienable rights.

By linking the movement to the nation's birth in rights, Dr. King made the struggle for racial justice part of a powerful, ongoing narrative of American identity. Americans see their history as the realization of a promise of inalienable rights. Dr. King argued that the promise must be kept to blacks and to all people for the story of America to be true.

This is extraordinarily significant because it makes it "American" to achieve rights and justice for *everyone*. This reclaims patriotism for the humanitarian majority from those who elide national identity with an agenda that places a primacy on militarized foreign policy and economic policies that neglect the material sufficiency of many. A patriotic pro-

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75. MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 202 (1998).

76. *Id.* at 203.

77. *Id.* at 198.

gressive argument for a humanitarian agenda could be presented as the next chapter in the American story, indeed as the very essence of patriotism, if the national purpose is keeping the promise of inalienable rights and human dignity for all.

### C. *Morality and Faith*

The Letter is a moral argument with religious and secular roots.<sup>78</sup> Dr. King was a minister whose view of rights was profoundly influenced by his religious convictions. He quoted the Bible, used gospel rhetorical style, and, as seen earlier, connected faith with justice and national destiny.

Some view the enormous political power of faith in America with apprehension. But the movement shows that faith can drive a humanitarian and emancipatory agenda that, in its specifics, has broad legal, institutional, and popular support both domestically and internationally. Further, it shows how to make a sincere moral appeal to people of faith that human rights and social justice reflect their deepest values.

Dr. King's morality also had secular foundations in ethical philosophy and American political traditions.<sup>79</sup> Gandhi, whose spiritual thinking transcended institutionalized religious structure, influenced Dr. King's belief in non-violent civil disobedience as the moral means for societal change.

The use of non-violent moral means was one of Dr. King's foundational principles for the civil rights movement. As he said, "the means we use must be as pure as the ends we seek . . . . [I]t is wrong to use immoral means to attain moral ends."<sup>80</sup> This principle supports arguments that America can better serve the ends of protecting the nation and its values by moral means of humanitarian policies than by exclusive means of military force or security-based compromise of human rights. It is also a moral argument, with legal implications, against abandoning the traditional American primacy of human rights (as reflected in the Declaration of Independence and the Constitution) in the face of security concerns.

By relying on multiple moral traditions, Dr. King showed that humanitarianism has universal ethical roots. This helps account for widespread acceptance of the civil rights movement, not only in the United States, but internationally, across political, religious, or ideological lines.

To be sure, mixing appeals to country, faith, and morality makes for a powerful and potentially dangerous brew. However, the lesson from Dr.

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78. See generally *id.* at 189, 193, 196, 198–202.

79. See generally *id.* at 191, 193, 198.

80. MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 202 (1998).

King is that the language of morality, derived from religion or elsewhere, is indispensable to humanitarian advocacy because touching people's values moves them to act.

#### D. *Truth-Telling and Political Tension*

The civil rights movement led to change because Dr. King and the movement's leaders were not afraid to tell the truth about oppression, to have a sharp public argument about it, and to present a stark moral challenge to society's establishment that carried great risk of rejection and political defeat.

Dr. King vividly described the brutal truth of racism.<sup>81</sup> He asked us to imagine "hav[ing] seen vicious mobs lynch your mothers and fathers at will and drown your sisters and brothers at whim . . . hate-filled policemen curse, kick and even kill your black brothers and sisters[.]" and "dogs sinking their teeth into unarmed, non-violent Negroes," prisoners of conscience denied food.<sup>82</sup> Part of truth is consequences, and Dr. King did not shrink from telling America that injustice could ripen into greater violence.<sup>83</sup> Civil disobedience was part of truth-telling. Americans literally saw the injustice of segregation when they saw blacks jailed for activities that were legal for whites.<sup>84</sup>

The portrait of racist violence Dr. King painted with words was reinforced by actual pictures of that violence on television and in print media. The truth of American racism was in plain view and could no longer be denied.

Dr. King sought to make visible what he described as "constructive tension," hoping to "foster such a tension that a community . . . is forced to confront the issue . . . [and] to dramatize the issue so that it can no longer be ignored."<sup>85</sup>

*"We merely bring to the surface the hidden tension that is already alive. We bring it out into the open, where it can be seen and dealt with . . . injustice must be exposed, with all the tension its exposure creates, to the light of human conscience and the air of national opinion before it can be cured."*<sup>86</sup>

Here Dr. King connected truth-telling to public discourse and politics. Presenting facts emphatically, so they cannot be ignored, frames debate

81. *Id.* at 189, 192, 202.

82. *Id.* at 192, 202.

83. *Id.* at 197-99.

84. *See generally id.* at 194.

85. MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 190 (1998).

86. *Id.* at 195.

around the hard truth and forces the public to make the sort of moral choices necessary to advance humanitarian policies.<sup>87</sup>

The lesson here is that convictions and principled arguments can succeed when taken forcefully to the public. It is the opposite of what many opinion leaders do in tacking to a perceived center by muting differences and blurring positions. Dr. King was not politically timid. He did not tailor a message to agree with public opinion. He told the truth to move public opinion. As he wryly observed, “nonviolent gadflies” and “creative extremists” are needed to expose tension and create change.<sup>88</sup>

### E. *Challenging the Passive*

*“We will have to repent . . . not merely for the hateful words and actions of the bad people but for the appalling silence of the good people.”<sup>89</sup>*

Dr. King sharply criticized those who are aware of suffering but who do not act.<sup>90</sup> He challenged those who “stand on the sideline,” rejected the “do-nothingism of the complacent,” and argued that the “great stumbling block” to justice was not the racist, but the “moderate” who counseled delay, inaction, or half-measures.<sup>91</sup>

The gulf between the American public that wants a humanitarian agenda and the United States government that does not (as well as the disconnect between public disapproval and government policy on the Iraq War and Hurricane Katrina response), suggests that millions of Americans—perhaps a majority—are ambivalent observers on the sidelines, disagreeing with the government while passively watching it do great harm.<sup>92</sup> More forceful advocacy that challenges such inaction could spur the public to insist that their values be turned into policy.

87. See STANLEY COHEN, *STAGES OF DENIAL: KNOWING ABOUT ATROCITIES AND SUFFERING* 196–222, 255–61, 296–302 (2001).

88. MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 191, 198 (1998).

89. *Id.* at 196.

90. For extensive discussion of the challenges for motivating rights activism, see STANLEY COHEN, *STAGES OF DENIAL: KNOWING ABOUT ATROCITIES AND SUFFERING* (2001).

91. MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 195, 197, 200 (1998).

92. In fact, polling shows that Americans recognize a gulf between what they want government to do and what government does. One public opinion survey showed that Americans believe that elected officials are far less influenced than they should be by the views of the majority of citizens. See The Chicago Council on Foreign Relations, *Americans on Promoting Democracy*, Sept. 29, 2005, [http://65.109.167.118/pipa/pdf/sep05/Democratization\\_Sep09\\_rpt\\_revised.pdf](http://65.109.167.118/pipa/pdf/sep05/Democratization_Sep09_rpt_revised.pdf).

F. *Moral Persistence—Urgent, Sustained and Disciplined Action*

*“[T]he time is always ripe to do right. Now is the time to make real the promise of democracy . . . . Now is the time to lift our national policy . . . .”*<sup>93</sup>

*“[W]e have not made a single gain in civil rights without determined legal and non-violent pressure.”*<sup>94</sup>

*“[I]njustice must be rooted out by strong, persistent, and determined action.”*<sup>95</sup>

Dr. King’s idealism was achieved pragmatically. He urged people to act now, to keep acting, and to act in a disciplined and focused way. He spoke of the tireless efforts, hard work, and “amazing discipline” of rights advocates and of their intense training.<sup>96</sup> In much of the Letter, Dr. King argues against delay and reminds the movement to keep moving. Diligent, disciplined, focused, strategic moral persistence is critical for effective grassroots public/political rights campaigning.<sup>97</sup>

G. *Global Community, Progress and Optimism*

*“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.”*<sup>98</sup>

*“I have no fear about the outcome of our struggle . . . . [W]e will reach the goal of freedom . . . . The opposition we now face will surely fail. We will win our freedom . . . .”*<sup>99</sup>

The concept of community finds expression in the altruism and empathy expressed in the American polling opinions discussed previously. They reflect a deep and sincere desire that our country devote itself to the alleviation of human suffering. Optimism and belief in progress are equally characteristic American perspectives. Dr. King gave voice to these perspectives by linking his faith in a successful march to justice with

93. MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 196 (1998).

94. *Id.* at 191.

95. *Id.* at 198.

96. *Id.* at 190, 203.

97. See Conor Gearty, *Reflections on Civil Liberties in an Age of Counter-Terrorism*, 41 *OSGOODE HALL L.J.* 185, 208 (2003) (rights advocates “need to grit their teeth and borrow some of the techniques of political campaigning . . . that their opponents have mastered”).

98. MARTIN LUTHER KING, JR., *THE AUTOBIOGRAPHY OF MARTIN LUTHER KING, JR.* 189 (1998).

99. *Id.* at 202.

the nation's faith in historical progress, saying that racial justice was "the goal of America" and part of "the sacred heritage of our nation."<sup>100</sup>

The optimistic message of a hope-filled journey to a better community has enormous resonance with Americans. In fact, the movement itself was a community of purpose that used these methods of advocacy to bring its values and goals to the larger national community. Now those values and goals are part of America's legal, moral, and societal fabric. Today's humanitarian majority is a community waiting for leadership that will galvanize its preferences into action, policy, and, ultimately, a community where the protection of the human dignity of individuals leads to security and sufficiency for all.

## VI. CONCLUSION

This essay began by citing two sources of skepticism about American humanitarianism: 1) the perception that Americans see rights as limited to civil and political rights and do not support as rights conceptions of social and economic justice related to material sufficiency; and 2) the perception that public opinion is opposed to a broad humanitarian agenda.

The polls show these perceptions are mistaken. Instead, there is an American humanitarian majority, and the humanitarian majority supports what international human rights law defines as economic, social, and cultural rights, not simply political and civil rights. Most Americans support a broad range of humanitarian and social justice initiatives and disapprove of failed military and relief efforts which have caused great human suffering that includes, but goes well beyond considerations of political or civil rights. Moreover, just as the poll results demonstrate a contemporary American understanding of rights that extends to material sufficiency and social justice, the philosophy and results of the civil rights movement show that Americans see economic, material, civil, and political rights as unified and interdependent.

However, the humanitarian majority is an untapped grassroots phenomenon whose goals are not part of policy and are not being met. This suggests that the humanitarian majority is without effective political leadership or representation in policy shaping elites. The civil rights movement proves that powerful leadership and bold advocacy can transform a humanitarian agenda into political and social reality.

No American leader since Dr. King has so simultaneously challenged and inspired Americans to embrace rights and justice. The struggle would be hard now, as it was then. Mainstream politicians promoting a humanitarian agenda would meet vigorous opposition and would take the

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100. *Id.*

risk of sending an uneasy message to the powerful and complacent. Yet Dr. King used just this message to transform America as successfully and constructively as any person in the nation's history.

Perhaps the missing ingredient is the political courage to take up a hard fight with an uncertain outcome. Dr. King acknowledged this in the concluding remarks of his last speech, when he said "I don't know what will happen now. We've got some difficult days ahead."<sup>101</sup> And then he gave the answer to this challenge, in what were almost his very last public words:

*"[W]e, as a people will get to the promised land. And I'm happy tonight. I'm not worried about anything. I'm not fearing any man."*<sup>102</sup>

Much of America passively supports humanitarianism and social justice. Perhaps leaders who bravely follow Dr. King's example will find themselves leading a nation of Good Samaritans.

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101. See *A TESTAMENT OF HOPE: THE ESSENTIAL SPEECHES AND WRITINGS OF MARTIN LUTHER KING, JR.* 286 (1991).

102. *Id.*