

# Martin, Ghana, and Global Legal Studies

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## ABSTRACT

*This brief essay uses global legal studies to reconsider Dr. Martin Luther King, Jr.'s activism after Gayle v. Browder. During this under-theorized portion of King's career, the civil rights leader traveled the world and gained a greater appreciation for comparative legal and political analysis. This essay explores King's first trip abroad and demonstrates how King's close study of Kwame Nkrumah's approaches to law reform helped to lay the foundation for watershed moments in King's own life.*

In *To Redeem the Soul of America: The Southern Christian Leadership Conference and Martin Luther King, Jr.*, renowned civil rights scholar and author, Adam Fairclough, offered penetrating and important assessments of Dr. King's civil rights activism from 1957 to 1959.<sup>1</sup> Fairclough asserted that the Montgomery Bus Boycott captured the world's imagination, with King becoming a "figure of national and international significance," easily overshadowing the South's other black leadership.<sup>2</sup> Yet after the U.S. Supreme Court's decision in *Gayle v. Browder*, Fairclough rightfully notes, King attempted, but was unable, to spark Montgomery-style, mass protests elsewhere.<sup>3</sup> The minister's newly established Southern Christian Leadership Conference (SCLC) also had serious difficulty in sustaining a formidable political agenda.<sup>4</sup> King's inexperience with organizational management, and more importantly, the organization's loose, top-down structure undermined the SCLC's effectiveness and eventually led to the group's

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1. ADAM FAIRCLOUGH, *TO REDEEM THE SOUL OF AMERICA: THE SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE AND MARTIN LUTHER KING, JR.* 37–55 (1987).

2. *Id.* at 37.

3. *Id.* at 43; *Gayle v. Browder*, 352 U.S. 903 (1956) (per curiam).

4. FAIRCLOUGH, *supra* note 1, at 43, 53.

decline.<sup>5</sup> The late 1950s, in Fairclough's view, were the civil rights leader's "fallow years."<sup>6</sup>

In the wake of *Gayle*, the racial icon traveled the globe.<sup>7</sup> In 1957, King flew to Accra to celebrate Ghana's independence as a guest of Prime Minister Kwame Nkrumah.<sup>8</sup> But King's first trip abroad took him far beyond the festivities in Accra. The minister's itinerary was stacked with other foreign capitals.<sup>9</sup> King trekked across West Africa, stopping over in Monrovia, Dakar, and Kano, and he crisscrossed Western Europe, exploring Lisbon, London, Paris, Rome, and Geneva.<sup>10</sup> In 1959, King made a pilgrimage to the land of Gandhi at the request of India's Prime Minister Jawaharlal Nehru.<sup>11</sup> And again, King used the foreign leader's invitation as a chance to tour the world. Before King returned to the United States, he ventured to Karachi, Athens, Beirut, Jerusalem, and Cairo.<sup>12</sup> King's overseas travels allowed him to participate in major global events, provided him respite from the day-to-day toils of the Southern struggle, and gave him the ability to forge stronger transnational ties with other liberation movements. And while King's foreign stays are underappreciated,<sup>13</sup> his close study of these nations' legal and political systems are even more so. These travels created new opportunities for the recently minted Ph.D. to examine foreign law and affairs and apply the lessons he learned abroad to the burgeoning civil rights at home.

*Martin, Ghana, and Global Legal Studies* is part of a larger project which details King's interest in comparative law and politics.<sup>14</sup> This brief essay examines how King used Nkrumah's early approach to

5. *Id.* at 38.

6. *Id.* at 37–55 (describing the SCLC's internal problems and inability to produce dynamic campaigns against Jim Crow during the late 1950s).

7. *Africa, Asia Send Bids to Rev. King*, CHI DEFENDER, Feb. 23, 1957, at 1.

8. *King Reportedly Off for Africa Gold Coast*, MONTGOMERY ADVERTISER, Feb. 27, 1957, at A2.

9. Suggested Itinerary of Dr. and Mrs. Martin L. King (Feb. 13, 1957) (on file with the Library of Congress, Bayard Rustin Papers, Box 3, Dr. Martin Luther King Folder).

10. MARTIN LUTHER KING, JR., *Chronology*, in 4 THE PAPERS OF MARTIN LUTHER KING, JR. 39, 41–42 (Clayborne Carson et al. eds., 2000) [hereinafter 4 KING PAPERS].

11. MARTIN LUTHER KING, JR., *My Trip to the Land of Gandhi*, in 5 THE PAPERS OF MARTIN LUTHER KING, JR. 231, 231 (Clayborne Carson et al. eds., 2005) [hereinafter 5 KING PAPERS].

12. MARTIN LUTHER KING, JR., *Chronology*, in 5 KING PAPERS, *supra* note 11, at 47.

13. See Jeremy I. Levitt, *Beyond Borders: Martin Luther King, Jr., Africa, and Pan Africanism*, 31 TEMP. INT'L & COMP. L.J. 301 (2017). See generally "IN AN ESCAPABLE NETWORK OF MUTUALITY": MARTIN LUTHER KING, JR. AND THE GLOBALIZATION OF AN ETHICAL IDEAL (Lewis V. Baldwin & Paul R. Dekar eds., 2013) (discussing Martin Luther King, Jr. as a global figure).

14. H. TIMOTHY LOVELACE, JR., KING'S LAW (forthcoming).

constitutional politics in the former Gold Coast to frame his own commitment to the First Amendment of the U.S. Constitution. Such a reappraisal of King's experiences in Ghana, in turn, offers a fresh understanding of King's "fallow years."<sup>15</sup>

#### INTRODUCTION

International politics fundamentally shaped King's readings of the U.S. Constitution, undergirded his socioreligious claims to citizenship, and guided his confrontations with Jim Crow laws. On the first day of the Montgomery Bus Boycott, King placed black protesters' reliance on the First Amendment within a global context. "The only weapon that we have in our hands this evening is the weapon of protest," King announced during that epochal night at the Holt Street Baptist Church.<sup>16</sup> By this time, King's Cold War frame for racial politics had become a crucial tool for many midcentury, civil rights leaders, King himself included.<sup>17</sup> "This [right to protest] is the glory of our democracy," King impressed, "If we were incarcerated behind the iron curtains of a Communistic nation we couldn't do this."<sup>18</sup> Black anti-communism was both shield and sword for activists, allowing them to justify their claims to the rights of U.S. citizenship, while simultaneously fending off charges that the movement was red-inspired.<sup>19</sup> Members of the mass meeting shouted "[a]ll right" in agreement with King's geopolitical perspective.<sup>20</sup> "If we were dropped in the dungeon of a totalitarian regime we couldn't do this," King doubled down on his Cold War appeals.<sup>21</sup> More shouts of "[a]ll right" rang out.<sup>22</sup> "But the great glory of American democracy is the right to protest for right."<sup>23</sup> The pastor's "amen corner" stayed right with him. While King was certain that the city's segregationists would attempt to violate the demonstrators' First

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15. FAIRCLOUGH, *supra* note 1, at 37.

16. MARTIN LUTHER KING, JR., *MIA Mass Meeting at the Holt Street Baptist Church*, in 3 THE PAPERS OF MARTIN LUTHER KING, JR. 71, 72 (Clayborne Carson et. al. eds., 1997) [hereinafter 3 KING PAPERS].

17. See generally CAROL ANDERSON, *EYES OFF THE PRIZE: THE UNITED NATIONS AND THE AFRICAN AMERICAN STRUGGLE FOR HUMAN RIGHTS, 1944-1955* (2003) (discussing roles of the NAACP and African-American leaders to fight segregation and inequality in the United States).

18. 3 KING PAPERS, *supra* note 16, at 72-73.

19. ROY WILKINS & TOM MATTHEWS, *STANDING FAST: THE AUTOBIOGRAPHY OF ROY WILKINS* 209-10 (1982).

20. 3 KING PAPERS, *supra* note 16, at 73.

21. *Id.*

22. *Id.*

23. *Id.*

Amendment rights, he was also sure that the demonstrators would not respond in kind. “There will be nobody,” he emphasized, “among us who will stand up and defy the Constitution of this nation.”<sup>24</sup> The mass meeting roared in applause. King then leveraged the First Amendment to expose the immorality of Montgomery’s segregated bus system. “We only assemble here because of our desire to see right exist.”<sup>25</sup> For King, nonviolent, direct action was simultaneously Christian love and the First Amendment in action. It was a creative and constitutional means to achieve God-ordained justice. King’s sermon at the Holt Street Baptist Church was the opening act in a theopolitical project that connected local blacks’ exercise of their constitutional rights to the worldwide march against white supremacy.<sup>26</sup>

The miracle in Montgomery catapulted King to international heights.<sup>27</sup> In the winter of 1957, on the heels of *Gayle*, Prime Minister Kwame Nkrumah invited the young preacher to Ghana’s independence ceremonies.<sup>28</sup> King readily accepted Nkrumah’s offer.<sup>29</sup> Ghana was the first sub-Saharan African country to receive its independence from European powers.<sup>30</sup> King relished the chance to witness the birth of a new African nation and recover long-lost ancestral bonds. Ghana, was, in King’s words, “the land of my father’s fathers.”<sup>31</sup>

Nkrumah embodied the growing diasporic connections in the global struggle against white supremacy. Nkrumah graduated from Lincoln University, Thurgood Marshall’s alma mater, and was a classmate of both Robert Carter, the NAACP general counsel and attorney in *Brown v. Board of Education*, and Nnamdi Azikiwe, the first President of independent Nigeria.<sup>32</sup> Horace Mann Bond, the eminent historian whose research on the legislative history of the Fourteenth Amendment

24. *Id.* Here, King is referring to organizations such as the White Citizens’ Council, the white-supremacist organization founded only weeks after the U.S. Supreme Court’s decision in *Brown v. Board of Education*. The White Citizens’ Council was at the forefront of Massive Resistance. See, e.g., STEPHANIE R. ROLPH, *RESISTING EQUALITY: THE CITIZENS’ COUNCIL, 1954–1989* (2018).

25. 3 KING PAPERS, *supra* note 16, at 73.

26. See *Battle against Tradition*, N.Y. TIMES, Mar. 21, 1956, at 28.

27. See, e.g., *U.S. Negroes’ Fight “to the Finish”: Move for Nation-wide Stoppage of Work*, TIMES OF INDIA NEWS SERV., Feb. 28, 1956, at 8; *Yes, We Believe in Miracles*, CHI. DEFENDER, Dec. 27, 1956, at 11.

28. *King Reportedly Off for Africa Gold Coast*, *supra* note 8.

29. *Id.*

30. See KEVIN K. GAINES, *AMERICAN AFRICANS IN GHANA: BLACK EXPATRIATES AND THE CIVIL RIGHTS ERA 2–4* (2006).

31. L. D. REDDICK, *CRUSADER WITHOUT VIOLENCE: A BIOGRAPHY OF MARTIN LUTHER KING, JR.* 183 (1959).

32. Langston Hughes, *Lincoln University Celebrates 100 Years of Existence and Service*, CHI. DEFENDER, June 5, 1954, at 11.

informed the NAACP's briefs in *Brown*, served as Lincoln's president during Nkrumah's undergraduate years.<sup>33</sup> Prime Minister Nkrumah welcomed luminaries throughout the African diaspora, including Bond, A. Philip Randolph, Ralph Bunche, George Padmore, and Norman Manley to the independence celebrations.<sup>34</sup> King's invitation to Ghana confirmed that the young leader had, in fact, joined an elite fraternity of race men.

But this moment in Ghana's young history offered King more than a symbolic or emotional experience. It also offered King a unique opportunity to study the global application of nonviolence firsthand. Despite many Americans' belief in their own exceptionalism, King was emphatic in his belief that the United States did not have a monopoly on freedom-seeking strategies. The Georgia-born preacher defied parochialism. He was willing to look beyond U.S. borders, including to so-called "backwards" nations, to learn more about reforming law and society. Perhaps nothing demonstrated this fact more than King's determination to transplant ideas from India's anti-colonial struggle into the U.S. civil rights movement. King had long believed that nonviolent direct action was "one of the most potent weapons available to oppressed people in their quest for social justice."<sup>35</sup> He had obviously relied on this weapon in Montgomery but had only read about its usage overseas.<sup>36</sup> Interestingly, King did not go to India first to study Gandhi's tactics. He instead journeyed to West Africa to examine nonviolence's potential universality.

Nkrumah, like King, was a Gandhian.<sup>37</sup> During the Gold Coast's fight against British imperialism—and more than six years before the Montgomery Bus Boycott—Nkrumah had adapted Gandhian nonviolence into an African theory he called "positive action."<sup>38</sup> Nkrumah defined positive action as "the adoption of all legitimate and constitutional means by which we can cripple the forces of imperialism in this country."<sup>39</sup> Positive action featured "legitimate political agitation," "newspaper and educational campaigns," and "the

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33. *Id.*

34. Ethel L. Payne, *Notables Jam Accra to Witness Birth of Ghana*, CHI DEFENDER, Mar. 5, 1957, at 1.

35. MARTIN LUTHER KING, JR., *My Pilgrimage to Nonviolence*, in 4 KING PAPERS, *supra* note 10, at 480.

36. *Id.*

37. KWAME NKURUMAH, *GHANA: THE AUTOBIOGRAPHY OF KWAME NKURUMAH* 111–12 (1957).

38. *Id.*

39. *Id.*

constitutional application of strikes, boycotts and non-co-operation based on the principle of absolute non-violence.”<sup>40</sup>

Most independence movements arm insurrectionaries. Thousands typically die in war, and many more are maimed in conflict. Under Nkrumah’s leadership, the Gold Coast avoided such bloodshed. Nkrumah led boycotts of British products as well as a series of strikes and work slowdowns in the colony.<sup>41</sup> World leaders, like Gandhi’s compatriot, Jawaharlal Nehru, lavished high praise on Nkrumah for shepherding such a peaceful transition to self-government.<sup>42</sup>

Martin King was captivated by positive action. Positive action allowed everyday people the ability to participate actively in their own liberation—the very philosophical approach to law and social reform that had guided the Montgomery movement. British colonists had deprived the indigenous population of educational opportunities, Nkrumah recognized, and “there was only one thing they could understand—action.”<sup>43</sup> The mass protests in the Gold Coast successfully channeled the muscular spirit of self-determination. The result was a new constitution, a new country, and new conceptions of freedom. “Freedom . . . had never been handed over to any colonial country on a silver platter,” Nkrumah wrote.<sup>44</sup> Rather, “it had been won only after bitter and vigorous struggles.”<sup>45</sup> King savored Nkrumah’s assessment of the role of mass action in constitutional politics, and the minister would later deploy these words to describe his vision of democratic constitutionalism in the United States.

Accordingly, the freedom of expression was central to Nkrumah’s positive action and King’s direct action campaigns. Both methods encouraged everyday people to make peaceful, constitutional claims with their bodies. Non-lawyers became law shapers through these tactics, as they created the context for legal and social changes. These mass means of expression, however, also required protections for associative activity. King and Nkrumah were deeply dedicated to channeling their dissent through civic organizations—the Montgomery Improvement Association (MIA) and the Convention Peoples Party (CPP), respectively. The MIA and CPP were routinely under fire by white supremacists, but both organizations, which operated under

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40. *Id.*

41. *Id.*

42. See, e.g., George Padmore, *Negro Race Awake, Nehru Asserts in Warning on Africa*, PITTSBURGH COURIER, June 27, 1953, at 22; *Mr. Nehru’s Message*, TIMES OF INDIA, Apr. 3, 1958, at 10.

43. NKUMAH, *supra* note 37, at 111.

44. *Id.*

45. *Id.*

Anglo-legal systems that ostensibly protected expressive liberties, sought to find refuge in the freedom to associate.

Moreover, Nkrumah's personal story resonated with King. Nkrumah had been a journalist, often wielding his newspapers as an anti-colonial tool. The crackdown on Nkrumah was swift, and the British jailed the African leader for sedition. When Nkrumah was finally freed, he became a global symbol of freedom. He continued to champion self-government, was elected Prime Minister, and pledged to "sweep away all colonial laws which restricted freedom of speech of the press and in public assembly."<sup>46</sup> King had endured a similar crackdown on his personal liberties. When King was charged with breaking Alabama's anti-boycott statute, he responded by alleging that the state of Alabama had violated his "free speech, freedom of assembly, and freedom to petition for redress for wrongs done him."<sup>47</sup> King's conviction for refusing to fund a segregated bus system attracted him international support and became a major public relations folly. "In convicting the Rev. Mr. King," the *Chicago Tribune* proclaimed, segregationists "have managed to provide their opponents with a certified martyr."<sup>48</sup>

The pastor's visit to Ghana came at a time when he was facing a new round of First Amendment challenges. Alabama officials were livid that the NAACP had supported the Montgomery Bus Boycott and other local activism. The state's attorney general exploited Southern anti-communism and crafted a plan to make black activists easy targets for retaliation. He demanded that the NAACP—an organization dubbed as "outside agitators"—register as a "foreign corporation" and release the names and addresses of all its Alabama members. Black activists refused. This fight over the freedom of association led to the landmark civil liberties case, *NAACP v. Alabama*.<sup>49</sup> And just weeks before King left for Accra, the state was again after the minister—this time for supporting a bus boycott in nearby Birmingham. Although only twenty-two peaceful protesters had been arrested for their boycott, a far cry from the scores arrested in Montgomery, one state senator accused King of "inciting to riot" through his advocacy.<sup>50</sup> Another state official recommended that the Alabama attorney general charge King with breaching the peace. This latest assault on King's First Amendment

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46. *Id.* at 140–41.

47. *Negroes Testify to Mistreatment of Bus Riders*, CHI. DAILY TRIB., Mar. 22, 1956, at 7.

48. *Who Won in Alabama?*, CHI. DAILY TRIB., Mar. 26, 1956, at 22.

49. See *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).

50. *Move to Silence Rev. M. L. King Gains Momentum in Alabama*, PITTSBURGH COURIER, Jan. 5, 1957, at 1.

rights made the front page in black newspapers across the country. One headline read, "Rev. M.L. King Jr. ...hate groups out to silence him."<sup>51</sup>

King's African journey only invited more negative press from the city's segregationists. *The Montgomery Advertiser* shot, "The surprising thing is that Ghana, while it is a symbol of vanishing colonialism and independence, is in another sense the symbol of a Negro civilization apart from whites—which is exactly what many Southern whites have been arguing for all these years."<sup>52</sup> The *Advertiser* had regularly slammed King for being hypocritical, un-American, and under the influence of "outside agitators." The journalists used King's pilgrimage as new fodder. "The resulting free nation is not a symbol of successful integration but of triumphant separation through white guidance," the column railed.<sup>53</sup> The *Advertiser's* board found it "ironic" that King was headed to a nation championing racial separatism and leveled serious criticisms of the "comparison of the achievement of Ghana Prime Minister Kwame Nkrumah to that of . . . Ghana guest, Dr. Martin Luther King of Montgomery, Ala., U.S.A."<sup>54</sup>

King was undeterred. Such a bold decision endeared King to black America all the more. The *Baltimore Afro-American* editorialized, "We were happy to see the name of the Rev. Martin Luther King added to the roster of distinguished Americans to attend the independence celebration of the new nation of Ghana on the Gold Coast of Africa."<sup>55</sup> King, the writers believed, would aptly serve as a racial ambassador for the United States. "He should be a good exhibit for America to show what can be accomplished within the framework of a democracy when one is guided by intelligence," the writers opined.<sup>56</sup> Moreover, traveling to Africa might bring further dividends to the movement in Alabama. "The courageous clergyman will also find much for meditation and inspiration on his visit to Ghana," the *Afro-American* column continued, "which will serve him in his struggle upon his return. Here is a nation which accomplished within its borders the type of equality for which the Rev. Mr. King and his stalwart associates have been fighting for as a minority."<sup>57</sup> Gandhism was thus inextricably tied the freedom struggles in the global South. "They, too, have accomplished this without resort to bloodshed," the *Afro-American* columnists concluded.<sup>58</sup>

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51. *Id.*

52. *Back to Ghana*, THE MONTGOMERY ADVERTISER, Mar. 16, 1957, at 4.

53. *Id.*

54. *Id.*

55. *Lesson from Gold Coast*, THE BALT. AFRO-AMERICAN, Mar. 2, 1957, at 14.

56. *Id.*

57. *Id.*

58. *Id.*

King wholeheartedly agreed with the *Afro-American's* assessment. As Dr. and Mrs. King prepared to take the international stage, they vowed to remain committed to the struggle in the Jim Crow South.<sup>59</sup> While “[t]hey will be official guests of the government and went at the invitation of Prime Minister Kwame Nkrumah of Ghana,” an Alabama writer reported, the Kings “pledg[ed] their continued efforts toward the improvement of the lot of the Negro in the local community.”<sup>60</sup> The black columnists’ and minister’s predictions would soon come to pass.

#### THE RACE FOR FREEDOM AND JUSTICE UNDER LAW

In Accra, the Prime Minister hosted a private lunch for the Kings. It was an incredible honor that recognized the reverend’s rapidly growing international acclaim. During the lunch, the Gandhians reflected on their abiding commitments to peaceful protest. Coretta Scott King fondly remembered that “Nkrumah talked nonviolence, and [Martin and I] both felt then that he believed in it.”<sup>61</sup> But the inspiration was mutual. “It was heartening for King to talk to him and to hear him say that the spirit of the people of Montgomery had likewise given him great hope,” wrote L.D. Reddick, SCLC board member and King’s first biographer, shortly after King’s trip to Ghana. “King would think about this brief meeting many times,” Reddick revealed, “and muse that Gandhi, Nehru, Nkrumah had also been jailed.”<sup>62</sup> Homer Jack, an American pacifist who traveled to Ghana to participate in the independence celebrations, interviewed King for *The Christian Century*. “What most impressed [King]—fresh from the battle of Montgomery,” Jack reported, “was that the independence of the Gold Coast was gained largely by nonviolent methods and with a minimum of force.”<sup>63</sup>

Tributes to racial equality and expressive freedoms blanketed the new Ghanaian landscape. For example, when Ghana opened its impressive National Museum, architects inscribed “Freedom and Justice” on the monument. During the welcome ceremony, the Prime Minister explained the relationship between the two concepts. “Justice to us means that the state which we are building shall be a just one,” Nkrumah announced, “determined to preserve free speech and the right of free association and resolutely opposed to any form of discrimination

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59. *Dr. and Mrs. Martin Luther King, Jr. Honored at Off-to-Ghana Party*, BIRMINGHAM WORLD, Mar. 9, 1957, at 1.

60. *Id.*

61. CORETTA SCOTT KING, *MY LIFE WITH MARTIN LUTHER KING, JR.* 157 (1969).

62. REDDICK, *supra* note 31, at 182.

63. Homer Jack, *Conversation in Ghana*, CHRISTIAN CENTURY, Apr. 10, 1957, at 446.

on grounds of race, colour or religion.”<sup>64</sup> The Duchess of Kent attended the ceremonies on behalf of Great Britain and stated, “[T]here were no more potent words in the English language than the words ‘Freedom’ and ‘Justice.’ Without freedom of thought, of speech, and of worship, justice becomes meaningless: a soul-less and tyrannical adjustment of difference, between a state and its subjects, or between one man and another.”<sup>65</sup> The dyad of freedom and justice had become watchwords in Ghana.

The crowning moment of the festivities was Nkrumah’s installation as Prime Minister of the new nation.<sup>66</sup> Nkrumah entered the independence ceremony with the nation’s Supreme Court Justices and four cabinet ministers wearing white caps embroidered with “P.G.” Homer Jack reported that ministers’ caps were initialed as such, because “they were the prison graduates of 1950 when they served time for their Gandhi-like ‘positive action’ campaign.”<sup>67</sup> Gandhians around the globe reveled in the African revolution.

Dr. King stood crying on the shores of West Africa.<sup>68</sup> “[W]hen Prime Minister Nkrumah stood up before his people out in the polo ground,” King later recalled before his congregation, “and said, ‘We are no longer a British colony. We are a free, sovereign people,’ all over that vast throng of people we could see tears.”<sup>69</sup> King continued, “Before I knew it, I started weeping. I was crying for joy. And I knew about all of the struggles, and all of the pain, and all of the agony that these people had gone through for this moment.”<sup>70</sup> Ghana’s emergence from colonialism, the civil rights leader underscored, was part of a larger struggle to modernize world race relations. “An old order of colonialism, of segregation, of discrimination is passing away now, and a new order of justice and freedom and goodwill is being born.”<sup>71</sup> As King watched the former colony lower the Union Jack flag and raise Ghana’s new symbol of independence—a red, gold, and green flag anchored by a black star—the Dexter Avenue pastor knew that the world had changed forever.<sup>72</sup>

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64. *Freedom and Justice Are Watchwords in Ghana*, GHANA TODAY, Mar. 20, 1957, at 4.

65. *Id.*

66. For other first-hand, Ghanaian accounts of the independence ceremonies see, for example, *The Black Star Hoisted in Eternal Glory: Ghana is Born*, GHANA EVENING NEWS, Mar. 6, 1957, at 1.

67. Jack, *supra* note 63, at 416.

68. *The Birth of a New Nation*, in 4 KING PAPERS, *supra* note 10, at 160.

69. *Id.* at 159–60.

70. *Id.*; see also KWAME NKURUMAH, REVOLUTIONARY PATH 120–21 (1973).

71. *The Birth of a New Nation*, in 4 KING PAPERS, *supra* note 10, at 164.

72. When an interviewer asked Dr. King if Ghana’s independence would have any “far reaching influence...in the history of mankind” or “[i]n the history of peoples of color all

## AN AFRICAN DREAM

When King returned to Montgomery, he detailed his African journey in a sermon, entitled “The Birth of the New Nation.” King opened by surveying the Gold Coast’s social and political history, but he turned to the compelling story of Prime Minister Nkrumah. “Nkrumah himself was finally placed in jail for several years because he was a seditious man,” King told the church’s faithful. “He was an agitator,” King proudly declared, coolly reclaiming the all-too-familiar Cold War epithet and linking the freedom movements in the U.S. and Ghana. “And he was placed there to stay in prison for many years, but he had inspired some people outside of prison. They got together just a few months after he’d been in prison and elected him the prime minister while he was in prison.”<sup>73</sup> The congregation surely recognized the parallels between Nkrumah’s political ascension and King’s rise to stardom. More significantly, Nkrumah’s victory over colonialism was spiritual confirmation that, for the congregation and the civil rights movement, a night’s tears were only temporary. Morning joy had come in Ghana and would soon arrive in America.

King repeated a message throughout the homily: “Ghana has something to say to us.”<sup>74</sup> Ghana’s story provided King with concrete evidence of the power of protests. “It says to us first,” he emphasized, “that the oppressor never voluntarily gives freedom to the oppressed.”<sup>75</sup> The Gold Coast had been able to become Ghana “because of the persistent protest, the continual agitation on the part of Prime Minister Kwame Nkrumah and the other leaders who worked along with him and the masses of people who were willing to follow.”<sup>76</sup> King’s message was clear: mass action was indispensable in the global fight against white supremacy.<sup>77</sup>

King then turned to nonviolence itself. “[Ghana] reminds us of the fact,” he maintained, “that a nation or a people can break aloose from oppression without violence.”<sup>78</sup> The minister urged his congregation to read Nkrumah’s recently released autobiography that described how

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over the world,” King replied, “I think it will have worldwide implications and repercussions—not only for Asia and Africa, but also for America. As you well know, we have a problem in the Southland in America, and I think this freedom—the freedom in the birth of a new nation—will influence the situation there.”). *Interview by Etta Moten Barnett*, in 4 KING PAPERS, *supra* note 10, at 146.

73. *The Birth of a New Nation*, in 4 KING PAPERS, *supra* note 10, at 158.

74. *Id.* at 155.

75. *Id.*

76. *Id.* at 158.

77. *Id.*

78. *Id.* at 162.

Nkrumah “started studying the life of Gandhi and his techniques.”<sup>79</sup> King continued:

[I]n the beginning [Nkrumah] could not see how they could ever get aloose from colonialism without armed revolt, without armies and ammunition, rising up. Then he says after he continued to study Gandhi and continued to study this technique, he came to see that the only way was through nonviolent positive action. And he called his program “positive action.”<sup>80</sup>

“And it’s a beautiful thing, isn’t it?” King delighted, “That here is a nation that is now free, and it is free without rising up with arms and with ammunition. It is free through nonviolent means.”<sup>81</sup> King contended that positive action did not only impact the hearts and minds of the colonized; it had an impact on the colonizer too. “Because of [positive action] the British Empire will not have the bitterness for Ghana that she has for China, so to speak,” King argued. Conversely, “Because of [positive action] when the British Empire leaves Ghana, she leaves with a different attitude than she would have left with if she had been driven out by armies.”<sup>82</sup>

Yet, there was no easy route to freedom. King predicted that there would be continued backlash for black Montgomerians’ exercise of their constitutional rights. Nkrumah’s experiences had been instructive. “Ghana reminds us that freedom never comes on a silver platter,” King asserted, mirroring the words from Nkrumah’s autobiography. “You better get ready to go to prison,” he warned his parishioners. “When I looked out and saw the prime minister there with his prison cap on that night, that reminded me of that fact, that freedom never comes easy. It comes through hard labor and it comes through toil. It comes through hours of despair and disappointment.”<sup>83</sup> But such suffering could be redemptive. “There is no crown without a cross,” King pulled from the gospel impulse. “I wish we could get to Easter without going to Good Friday, but history tells us that we got to go by Good Friday before we can get to Easter.”<sup>84</sup> Jesus and Ghana’s triumphs signaled that blacks in Montgomery would ultimately overcome the sins of segregation. “The

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79. *Id.*

80. *Id.*

81. *Id.*

82. *Id.*

83. *Id.* at 163.

84. *Id.*

road to freedom is difficult,” King reiterated, but “Ghana tells us that the forces of the universe are on the side of justice.”<sup>85</sup>

King’s exaltation of positive action did not end with a Sunday sermon. The civil rights leader soon began to use the term “positive action” as a synonym for Montgomery’s nonviolent direct action in his other writings. In the minister’s first book, *Stride Toward Freedom: The Montgomery Story*, published in the year after King returned from Accra, King retold the Montgomery story by branding black Montgomerians’ activism as “positive action.”<sup>86</sup> King recounted his fateful speech at the Holt Street Baptist Church on the bus protest’s first day. “[H]ow could I make a speech that would be militant enough to keep my people aroused to positive action,” King wrote in his 1958 account, “and yet moderate enough to keep this fervor within controllable and Christian bounds?”<sup>87</sup> King reconceptualized the uproar over Rosa Parks’s arrest through Nkrumah’s philosophy. The “arrest and conviction of Mrs. Parks,” King told readers around the world, “was a precipitating factor to arouse the Negroes to positive action.”<sup>88</sup> He even wrote that the Reverend Ralph Abernathy—King’s best friend, a noted MIA official, and fellow Gandhian—was a master motivator blessed with the “gift of laughing people into positive action.”<sup>89</sup>

In the years that followed King’s visit, Ghana’s nonviolent coup remained an incredible source of inspiration for King and his compatriots. In 1960, King commissioned Ralph Abernathy to attend Prime Minister Nkrumah’s Positive Action Conference in Accra. The feted conference was packed with African heads of state and Gandhians. During the event, Nkrumah praised the Southern wing of the sit-in movement for its insistence on nonviolent direct action.<sup>90</sup> King toured the United States, and before adoring audiences—from the soulful mass meetings in rough-and-tumble Albany, Georgia, to the silk-stocking crowds in midtown Manhattan—the pastor hailed Ghana’s peaceful emergence from colonialism as “a great beacon of hope” for the United States movement.<sup>91</sup> And as generous tears flowed in Accra under the

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85. *Id.* at 164.

86. MARTIN LUTHER KING, JR., *STRIDE TOWARD FREEDOM: THE MONTGOMERY STORY* 60 (1958).

87. *Id.* at 48.

88. *Id.* at 43.

89. *Id.* at 59.

90. *Africans Praise US Students*, N.Y. AMSTERDAM NEWS, Apr. 16, 1960, at 1.

91. Address Delivered at Albany Movement Mass Meeting (July 24, 1962), in 7 THE PAPERS OF MARTIN LUTHER KING JR. 41-42 (Clayborne Carson et al. eds., 2014); “The World’s March towards Human Rights,” Address at the Convocation of Equal Justice Under Law of the NAACP Defense Fund (May 28, 1964), in Dr. Martin Luther King, Jr.

glow of the polo grounds' floodlights, King heard Ghanaians chanting, "Freedom! Freedom!" This moment in King's life would help define his legacy and, more broadly, popular commemorations of the movement. "And I could hear that old Negro spiritual once more crying out," King remembered of the independence celebrations in Ghana, "Free at last, free at last, Great God Almighty, I'm free at last." King's exaltation of freedom in Ghana would later become enshrined in the "I Have a Dream Speech."<sup>92</sup>

### CONCLUSION

On April 3, 1968, the day before an assassin killed the dreamer—now fifty years ago—King again looked beyond U.S. borders to give meaning to the First Amendment in Memphis, Tennessee. King had returned to the city as part of the Poor Peoples Campaign and planned to lead a nonviolent protest in solidarity with striking sanitation workers. A federal injunction, however, blocked the activists' efforts to exercise their First Amendment rights.<sup>93</sup> "If I lived in China or even Russia, or any totalitarian country, maybe I could understand some of these illegal injunctions," King told the mass meeting at Mason Temple, echoing the touchstone of Cold War rhetoric from his sermons and speeches past. "Maybe I could understand the denial of certain basic First Amendment privileges, because they haven't committed themselves to that over there."<sup>94</sup> This would be the preacher's last time to make the gospel and constitutional law plain. "But somewhere I read of the freedom of assembly. Somewhere I read of the freedom of speech. Somewhere I read of the freedom of press. Somewhere I read that the greatness of America is the right to protest for right."<sup>95</sup> Throughout the speech, King's rich baritone generously merged lyrics from freedom songs with passionate appeals to the First Amendment.<sup>96</sup> "And so just as I say we aren't going to let any dogs or water hoses turn us around," King exhorted, "we aren't going to let any injunction turn us around."<sup>97</sup>

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Papers, Box 6, May 30–October 30, 1964 Folder, King Center Library and Archive, Atlanta, GA.

92. *The Birth of a New Nation*, in 4 KING PAPERS, *supra* note 10, at 160; see also MARTIN LUTHER KING, JR., *I Have a Dream*, in A CALL TO CONSCIENCE: THE LANDMARK SPEECHES OF DR. MARTIN LUTHER KING, JR. 75, 78 (Clayborne Carson et al. eds., 2001).

93. W.J. Michael Cody, *King at the Mountain Top: The Representation of Dr. Martin Luther King, Jr., Memphis, April 3–4 1968*, 41 U. MEM. L. REV. 701, 702 (2011).

94. *I've Been to the Mountaintop*, in A TESTAMENT OF HOPE: THE ESSENTIAL WRITINGS AND SPEECHES OF MARTIN LUTHER KING, JR. 282 (James Washington ed., 1986).

95. *Id.*

96. Cody, *supra* note 93, at 705–707.

97. *I've Been to the Mountaintop*, in A TESTAMENT OF HOPE, *supra* note 94.

King stressed that the march for freedom in Memphis was not an isolated phenomenon. The winds of protest were circling the globe. “Something is happening in our world. The masses of people are rising up,” the minister announced.<sup>98</sup> In American cities like Memphis, Atlanta, and Jackson, blacks were standing for freedom. King also stared across the Atlantic and pointed to the nonviolent demonstrations in Accra, Ghana—the international city where he first studied the universality of nonviolence—as a shining example of the world’s human rights revolution. “And wherever they are assembled today,” King proclaimed that fateful night, “the cry is always the same: ‘We want to be free.’”<sup>99</sup>

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98. *Id.* at 280.

99. *Id.*

