

Clara and Martin: Civil Rights Activists (Freedom of Assembly and the Right to Petition)

Purpose:

This lesson takes a closer look at how the freedom of assembly and the right to petition guaranteed by the First Amendment can be controversial. In this lesson students will learn how a group of Oklahoma students led by their teacher, Clara Luper, used freedom of assembly to work toward civil rights for all. In addition the lesson uses excerpts from a primary document to examine one instance in which a protester was, in fact, jailed for his actions. In a letter to other members of the clergy, Dr. Martin Luther King, Jr., explained the reasons he and others demonstrated in Birmingham, Alabama. Students interpret King's letter to understand the rationale for this tactic to advance civil rights. At the conclusion of the lesson, students will be able to identify the reasons for the civil rights protest demonstrations and evaluate possible courses of action to bring public attention to social issues.

Procedure:

1. Begin the lesson by reading the following scenario:
An African-American teacher and 12 African-American students, ages 6-17, sit at a lunch counter. They order 13 Coca-Colas. They are refused service.
2. Ask students why they think the students were refused service. Then add:
It is 1958. They are in the Katz Drug Store in downtown Oklahoma City. The students sit at a whites-only lunch counter.
3. Ask students what they know about the time period and about sit-ins. Give students some background if they have not studied the civil rights period yet, mentioning that sit-ins in Greensboro, North Carolina in 1960 caught the attention of the national media even though the sit-ins in Oklahoma City occurred several years earlier. Also, tell students that the name of the teacher in Oklahoma City is Clara Luper and she eventually became known as the "Mother of the Civil Rights Movement."
4. Ask students how sit-ins are a form of assembly. Review the concept of freedom of assembly. Refer students to the words of the First Amendment that address this right. Ask students why people might want to assemble. If they do not bring it up, ask for political reasons for assembly (e.g., interest group meetings, city council or legislative hearings, political debates, public hearings). Use a recent local or state example to make the point.
5. Discuss how the First Amendment was important during the civil rights movement in the United States. Point out that civil rights leaders used freedom of speech and the

press as well as assembly and the right to petition to promote their call for equal rights for everyone.

6. Next, review the right to petition the government for a redress of grievances. Ask students if they can think of examples of this right. Examples might include petitions that call for a change in a law or that ask for a candidate's name to be placed on a ballot.

7. Give each student a copy of the handout *Letter from Birmingham Jail*. Divide students into small groups and ask them to read the handout and then answer the questions on the handout. Have a class discussion after the groups have completed the assignment.

8. In answering the questions, students should mention the following points:

- a. Free expression of religion, since King believed African-Americans had been denied their "God-given rights." Freedom of speech, since he publicly called for civil rights at the demonstrations. Freedom of assembly, since he organized the demonstrations. Freedom to petition the government for redress of grievances, which was one goal of King's protest.
- b. Constitutional rights would include the Bill of Rights, especially those in the First Amendment; voting rights, equal protection of the laws and due process. God-given rights would probably include peace, brotherhood, freedom of belief and expression, equality and dignity.
- c. He was demanding freedom and justice that were too long denied. He was trying to let people everywhere know what conditions African-Americans faced in their lives. He wanted to show the public how his protest was related to the rights others already enjoyed.
- d. African-Americans had been told many times to wait for change, which never happened. King said oppressors never give freedom unless the oppressed demand it. The demonstrators were demanding freedom.
- e. Patience and waiting; negotiation and other less vocal, less public actions like letters to the editor, or lobbying city councils or legislatures.
- f. Maintaining law and order; protecting the public from disturbances and violence.
- g. Sometimes a permit is required for large assemblies. Without a permit the gathering may be unlawful. Protests that appear likely to lead to unlawful acts, such as rioting, arson or physical violence are unlawful. Emotional

demonstrations may start out lawful, but turn dangerous. The police must judge how the participants and observers are behaving.

- h. Many laws and conditions enforced segregation (enforced separation of groups). A few mentioned in the excerpted letter include the right to protest publicly without police harassment, humane treatment while jailed, eliminating all traces of segregation, preventing lynch mobs with real justice under the law and breaking the trap of poverty.
- i. The urgency of African-Americans' demands for equality was in conflict with the belief in slow change.
- j. "Sacred values in our Judeo-Christian heritage," non-violence, democracy, "The American dream." King felt both sides respected the law, though he felt compelled to break "unjust laws."

9. Conclude by having students explain why King's demonstrations raised such powerful fears and emotions on both sides of the issue. Students might consider whether King's arguments supporting protests would apply to such groups as the Ku Klux Klan and the American Nazi Party.

Enrichment/Extension:

1. Have students research Clara Luper on the Internet and then write a short paper on her role in the civil rights movement in Oklahoma. One site, <http://storiesinamerica.blogspot.com> has an interview with Mrs. Luper from July 28, 2005. Type "Clara Luper" in the search box to find the interview.
2. Students could interview local citizens who have used their First Amendment rights to protest and compare their reason(s) for taking action with King's.
3. Have students brainstorm a list of the methods that people can use to petition the government for redress of grievances (e.g., testifying at a public hearing, writing letters to public officials, circulating formal petitions). Follow up by inviting a former elected official from the city council, county commissioners, school board or other local body to meet with the class. (A former official may be more candid with the class.) If no such person is readily available, a staff person who actually screens calls and letters might be. The class and official should discuss how an elected official decides whose petition or requests get their attention first. Focus on how ordinary citizens can be most effective in getting attention and being taken seriously.

Letter from Birmingham Jail*

April 16, 1963

My Dear Fellow Clergymen:

While confined here in the Birmingham city jail, I came across your recent statement calling my present activities "unwise and untimely."... I think I should indicate why I am here in Birmingham.... I cannot sit idly by in Atlanta and not be concerned about what happens in Birmingham. Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly....

You deplore the demonstrations taking place in Birmingham. But your statement, I am sorry to say, fails to express a similar concern for the conditions that brought about the demonstrations. ...It is unfortunate that demonstrations are taking place in Birmingham, but it is even more unfortunate that the city's white power structure left the Negro community no alternative.

In any nonviolent campaign there are four basic steps: collection of the facts to determine whether injustices exist; negotiation; self-purification; and direct actions. We have gone through all these steps in Birmingham. ... Negro leaders sought to negotiate with the city fathers. But the latter consistently refused to engage in good-faith negotiations....

As in so many past experiences, our hopes had been blasted, and the shadow of deep discontentment settled upon us. We had no alternative except to prepare for direct action, whereby we would present our very bodies as a means of laying our case before the conscience of the local and the national community. ...

You may well ask, "Why direct action? Why sit-ins, marches and so forth? Isn't negotiation a better path?" You are quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue so that it can no longer be ignored....

We know through painful experience that freedom is never voluntarily given by the oppressor, it must be demanded by the oppressed.... For years now I have heard the word "Wait!" It rings in the ear of every Negro with piercing familiarity. This "Wait!" has almost always meant "Never." We must come to see, with one of our distinguished jurists, that "justice too long delayed is justice denied."

We have waited for more than 340 years for our constitutional and God-given rights. ... Perhaps it is easy for those who have never felt the stinging darts of segregation to say, "Wait." But when you have seen vicious mobs lynch your mothers and fathers at will ... when you have seen hate-filled policemen curse, kick, and even kill your black brothers and sisters; when you see the vast majority of your twenty million Negro brothers smothering in an airtight cage of poverty...when you take a cross-country drive and find it necessary to sleep night after night in the uncomfortable corners of your automobile because no motel will accept you; when you are humiliated day in and day out by the nagging signs reading "white" and "colored"... then you will understand why we find it difficult to wait. There comes a time when the cup of endurance runs

over, and men are no longer willing to be plunged into the abyss of despair. I hope, sirs, you can understand our legitimate and unavoidable impatience....

You express a great deal of anxiety over our willingness to break laws.... For instance, I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny the citizens the First Amendment privilege of peaceful assembly and protest....

One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty. I submit that an individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for law....

Oppressed people cannot remain oppressed forever. ... If one recognizes this vital urge that has engulfed the Negro community, one should readily understand why public demonstrations are taking place. The Negro has many pent-up resentments and latent frustrations, and he must release them. So let him march; let him make prayer pilgrimages to the city hall; let him go on freedom rides — and try to understand why we must do so....

Before closing I feel impelled to mention one other point in your statement that has troubled me profoundly. You warmly commended the Birmingham police force for keeping "order" and "preventing violence." I doubt that you would have so warmly commended the police force if you had seen its dogs sinking their teeth into unarmed, non-violent Negroes. I doubt that you would so quickly commend the police if you were to observe their ugly and inhumane treatment of Negroes here in the city jail; if you were to watch them push and curse old Negro women and young Negro girls....

I wish you had commended the Negro sit-inners and demonstrators of Birmingham for their sublime courage, their willingness to suffer and their amazing discipline in the midst of great provocation. One day the South will recognize its real heroes. ...They will be the young high school and college students, the young ministers of the gospel and a host of their elders, courageously and non-violently sitting in at lunch counters and willingly going to jail for conscience's sake. One day the South will know that when these disinherited children of God sat down at lunch counters, they were in reality standing up for 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. ...

Yours for the cause of Peace and Brotherhood,

Martin Luther King, Jr.

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Questions for Letter from Birmingham Jail

American government often changes because a political issues or social condition is protested publicly. Americans have a long tradition of gathering at city hall or the steps of Congress to demonstrate for or against an idea.

One of the most important movements in the United States has been for civil rights – economic, political and social equality for African-Americans and other minorities. In the 1960s much of the momentum for the civil rights movement came from public demonstrations. Yet demonstrators were often jailed for disturbing the peace and similar offenses. In one such case in 1963, Dr. Martin Luther King, Jr. and others were jailed in Birmingham, Alabama. King and the others were strongly criticized, even by other members of the clergy. So King wrote a letter that explained this reasons for rallying local residents to demonstrate against segregation.

As you read the portions of King’s letter, try to decide why exactly he and others used protest methods they knew were likely to send them to jail. Then based on what you have read and what you know of the civil rights movement in the 1960s, answer the following questions,

Questions:

1. What language in the First Amendment is relevant to King’s protest actions? Explain why.
2. When King said “constitutional and God-given rights,” what do you think he meant?
3. What did king hope to accomplish by demonstrating publicly?
4. King wrote that he had “no alternative” but to demonstrate. Explain why he reached that conclusion.
5. Instead of demonstrations, what choice would his critics have recommended?
6. In the face of large demonstrations, what were the legal responsibilities of the Birmingham police?
7. How can police tell the difference between lawful protest and unruly or dangerous gatherings?
8. What laws and social conditions did King want to change?
9. What values did King feel were in conflict between himself and those who criticized him?
10. Which shared valued did King use to convince his critics of the rightness of his position?