

INTRODUCTION

"The only weapon that we have in our hands this evening is the weapon of protest"

Dr. Martin Luther King, Jr., Montgomery, Alabama, December 5, 1955

This project was conceived and is presented to allow college and university students, graduate students, law students, practitioners in the social science disciplines, and all citizens concerned about social justice to understand and appreciate the inherent interdependence between The First Amendment and the substantive constitutional principles of civil, political, and social equality that were the basis for The Civil Rights Movement, and its timeless legacy. It is the story of a legal history captured in the opinions of a select group of special cases that can be fully appreciated only through the stories of the people who were the direct subject of those cases, as significant participants in the Legal History, and in the Direct Action Campaign for Civil Rights.

The First Amendment's freedoms and protections empowered the essence of nonviolent mass protest, and the right to petition the government for the redress of the grievances of citizens who were denied the basic promise of democracy, based on their race. But beyond their time, and into our future, the mass protests for civil rights, especially between 1955 and 1965, and the southern opposition to the fundamental mandates of Brown v. Board of Education present a legal and social history that holds lessons for every major issue of social and economic injustice that affects those who, in the words of Robert F. Kennedy, *"still suffer within our country."*

The relationship between Constitutional Law and The Civil Rights Movement is the subject of the most significant judicial decisions in American legal history. But, as John Dewey observed in 1938, knowledge of the past cannot be an end in itself; we must make acquaintance with the past a means of understanding the present. That connection is presented here in a five part legal history of the Civil Rights Movement that combines the interpretation of essential Movement jurisprudence with video interviews of carefully selected actual Movement veterans who shaped this legal history.

The readings and interviews are not meant to be simply an archive. Rather, inspired by Professor Derrick Bell's belief in using storytelling to present a storied history, this project presents a group of personal interviews that individually reflect a distinct aspect of the Movement, *and* collectively reveal the way prominent and ordinary people together shaped legal and social history in just Thirteen years. In this way, it is our goal to explain the story behind the jurisprudence that connected The First Amendment with the substantive rights

at stake, and to reveal the template upon which future efforts to sustain and advance a true and honest democracy must be based. Each story is compelling in itself, and together bring law and direct social action together to facilitate our understanding of our past, our present and our future.

It is a story that directly illustrates all of the Five Freedoms of the First Amendment and the Constitutional rights at stake in the advancement of the destiny of democracy. We believe this approach to the presentation of the subject will allow this history to become personal and transformative, thereby shaping more effectively our approach to current and future social justice issues and initiatives for students and practitioners who are in, or preparing for, a special position to influence civic responsibility and community engagement in ways that advance the principle of equality, through both legal advocacy and direct social and political leadership at all levels of our society.