



Spring | Summer 2019

OKLAHOMA

HUMANITIES

Culture | Issues | Ideas

JUSTICE

DEREK
RUSSELL
2013



ANN THOMPSON
Executive Director

Oklahoma Humanities Forges Ahead

Our Board of Trustees is currently in the process of searching for our organization's next Executive Director. I'll be retiring in August after thirteen years of heading a most remarkable organization. Oklahoma Humanities is a gem. Since 1971, it has recognized our need for robust scholarship that helps us navigate a complex world and has steadfastly responded by providing the general public with opportunities to learn and gain new perspectives.

I could never have imagined how rewarding my time here would be. Not only have I personally benefitted from the outstanding content of our programs, but I have also worked with extraordinary people. These have included dedicated members of our Board of Trustees and staff, and my colleagues from other organizations with whom I've had the pleasure

to collaborate. I've learned so much from those relationships. I've also met many, many scholars whose dedication to their fields of expertise can only be described as amazing. Whether through our own administered programs or community grant projects, these individuals are the crux of our mission.

It is with real gratitude that I also recognize the many supporters of our organization over its long history. As Executive Director I see each donation and I am always touched that others in our state are dedicated to this same idea that we are better people when we come together to learn and discuss. I know Oklahoma Humanities will be in good hands going forward and it will continue to serve Oklahomans for many years to come. It's been a gift to serve. Thank you!



Few will have the greatness to bend history itself; but each of us can work to change a small portion of the events, and in the total of all these acts will be written the history of this generation. . . . Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightiest walls of oppression and resistance.—Bobby Kennedy



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JUSTICE

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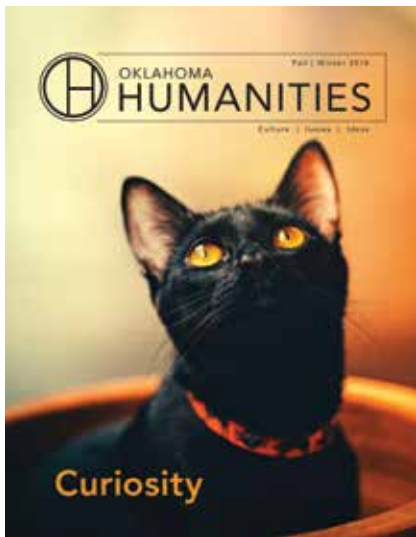
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derek russellartist.com

Reader Feedback



[Thanks to Libby Thomas-Wheat for sending us the following true humanities love story, and a lesson in civil discussion, in memory of her late husband. Among a lifetime of accomplishments, Dr. Willis Wheat was Dean of the OCU Meinders School of Business and served as president of the Oklahoma Centennial Commission. He was awarded the Purple Heart and Bronze Stars for military service in WWII and the Korean War.]

Today is Willis's birthday and I want to remember him by contributing to *Oklahoma Humanities*. When I first met him, the good Dr. Wheat would at times read a clip or two from the NEH *Humanities* magazine. We had long philosophic discussions. He thought I had great perspective but always "bested" me, not by his reasoning but his quiet, relaxed method of presenting his view. Happy birthday to Willis J. Wheat.

—Libby Thomas-Wheat,
Oklahoma City

A quick note to tell you how much I am enjoying the stories in the CURIOSITY issue. The story about the research into the origins of Oklahoma's first state flag was especially interesting. I told my family all about it. They were equally intrigued to learn the flag's designer was from Stillwater.

I am a new addition to your mailing list, having signed up during the *Killers of the Flower Moon* community reading event in Stillwater that OH co-sponsored. Consider me a fan!

—Lyndall Stout, SUNUP-TV Host & Executive Producer, Oklahoma State University

I was just reading the lovely new issue of your magazine and wanted to say I especially liked Mark Alexander's piece on coded hate speech.

—David Skinner, Editor, *Humanities* magazine, National Endowment for the Humanities

As usual, you do not disappoint me—truly enjoyed the issue on CURIOSITY. Thank you for piquing my curiosity.

—Pat Capra, Oklahoma City

What a fascinating and, may I say, gorgeous publication! Kudos to you. This journal is clearly the work of some very talented folks.

—Dr. Kevin K. Shortsleeve,
Christopher Newport University

On Reading *Oklahoma Humanities*

The preliminary results of our 2018 Readers' Survey are too good to keep quiet. We'll have a fuller report in our Fall/Winter 2019 issue, but in the meantime, here's what readers are saying about our "nice little magazine with big ideas."

- In a fragmented world with too many choices in media that lack substance, this magazine offers readers excellent writing, scholarship, and topics that add to the conversations we need for a functioning community. The magazine contributes to our personal, continuing education which extends through us to our children and grandchildren. This magazine gives me hope for the future, hope for our democracy.
- It encourages thinking about, rather than just reacting to, current events. I always find something from the magazine to talk about with family and friends.
- After reading it, I feel well-informed because of the depth of the coverage. It also provides links to additional information which I have used to further my knowledge of the topic.
- I find out about Oklahoma in a way that I'm not given in any other medium. Its high quality and truthfulness and wit are what make me come back for more *Oklahoma Humanities*.
- Unbiased viewpoints. Not many Oklahoma publications do that. Also well researched and written.
- It is simply well done, well written, and worthy of my time.
- Breadth of interests, erudition, quality of writers, great graphics/layout. By far the highest production values of any Oklahoma publication!

SEND YOUR IDEAS, opinions, and suggestions. Email the editor, carla@okhumanities.org, or comment via Facebook, Twitter, or Instagram.



Smithsonian Institution

WATER | WAYS



Culture | Issues | Ideas

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Oklahoma Humanities magazine is an award-winning collection of culture, issues, and ideas—a rich mix of humanities scholarship, insightful narratives, informed opinions, and beautiful images, for a read that is smart, balanced, educational, and entertaining. Subscribe online: okhumanities.org or call (405) 235-0280.

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Oklahoma Humanities awards include thirty-one Oklahoma Society of Professional Journalists awards, including multiple first place honors for Best Writing, Best Cover, and Best PR Publication; eight Great Plains Journalism awards, including firsts for Best Magazine Feature Writing and Best Magazine Page Design, and as a finalist for the 2017 Great Plains Magazine of the Year; three Central Oklahoma IABC Bronze Quill Awards; the State Historic Preservation Officer's Citation of Merit; and an Oklahoma Heritage Distinguished Editorial Award.

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DIVE INTO WATER/WAYS, a traveling exhibition from the Smithsonian Institution's Museum on Main Street that reflects on the relationship between people and water. It explores the centrality of water in our lives, including its effect on the environment and climate, its practical role in agriculture and economic planning, and its impact on culture and spirituality.

EXHIBIT TOUR

NORMAN
Norman Public Library East
3051 Alameda Street
(405) 217-0070
6/29/2019 – 8/18/2019

LOCUST GROVE
Ingram's Custom Rods
201 E. Main Street
(918) 530-1902
10/21/2019 – 12/8/2019

ALTUS
Museum of the
Western Prairie
1100 Memorial Drive
(580) 482-1044
2/17/2020 – 4/12/2020

ADA
Ada Public Library
124 S. Rennie
(580) 436-8125
8/26/2019 – 10/13/2019

HEAVENER
Heavener Runestone Park
18365 Runestone Road
(918) 653-2241
12/16/2019 – 2/9/2020

EXPLORE ONLINE
Museumonmainstreet.org

Water/Ways has been made possible in Oklahoma by Oklahoma Humanities. *Water/Ways* is part of Museum on Main Street, a collaboration between the Smithsonian Institution and State Humanities Councils nationwide. Support for Museum on Main Street has been provided by the United States Congress. Oklahoma programming is supported by Beaver Express Service, The Chickasaw Nation, and Ozarka Water Company.



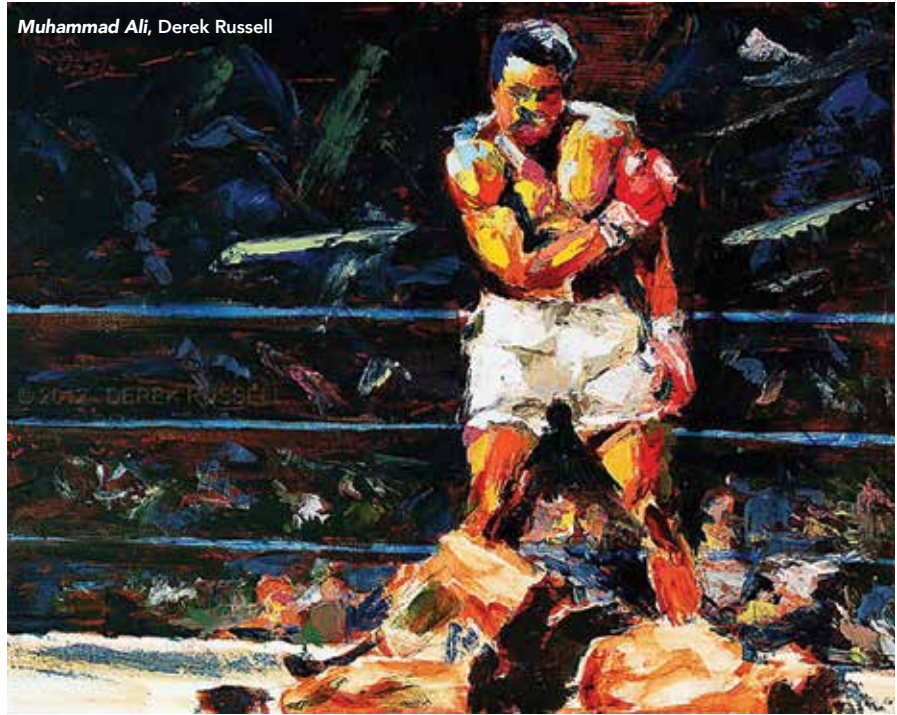
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Image Credits [left to right] Newport Beach, Calif., The Jon B. Lovelace Collection of California Photographs in Carol M. Highsmith's America Project, Library of Congress, Prints and Photographs Division; Americans and Mexicans join hands across the Rio Grande, 2014 Lorne Matalon; Harpers Ferry, W.Va., sits at the confluence of the Potomac and Shenandoah Rivers. MarkVanDykePhotography/Shutterstock.com

Muhammad Ali, Derek Russell



The Editor's Desk

CARLA WALKER
carla@okhumanities.org

Justice is a big idea, a concept that's difficult to pin down. My interpretation of justice may be far different than yours. And what we're sure is justice today may become less certain with time.

Take, for example, the shifting judgments about Muhammad Ali. His boxing career was skyrocketing in 1966 when he came up for the draft during the Vietnam War. Ali applied for conscientious objector status, citing his Nation of Islam beliefs against war. When his application was denied, he appeared at the induction location but declined to step forward when his name was called, refusing military service. Ali was reviled for his stance, viewed by many as a traitor deserving to be banned from sport and society. He was indicted, sentenced to prison, and stripped of his championship titles. Boxing commissions revoked his licenses and Ali was barred from competition—and his earning power—for three years.

Ali's celebrity put a spotlight not only on the Vietnam War and the draft but also on the civil rights movement. Writing for *Smithsonian.com*, Natalie Escobar explains: "His visibility led

other Americans to ask questions about the war, its utility, and the dissonance between African-American troops fighting abroad for a country that showed them little respect at home." Civil rights activist Julian Bond remarked: "When a figure as heroic and beloved as Muhammad Ali stood up and said, 'No, I won't go,' it reverberated through the whole society."

Ali was both rebuked and revered for his actions. Jackie Robinson, baseball's first black player, expressed regret that Ali's refusal to serve might affect the morale of African American troops. Martin Luther King, Jr., who opposed the war, held Ali up as a point of inspiration: "He is giving up fame. He is giving up millions of dollars in order to stand up for what his conscience tells him is right." Further, King said, "You have to admire his courage."

But Ali faced down, seemingly thrived, under the criticism, claiming that when boxing took him out of the ring it made the fans want him more. "It was this quality of Ali's that I have always admired the most," wrote President Barack Obama upon Ali's death, "his unique ability to summon extraordinary strength and courage in the face

of adversity, to navigate the storm and never lose his way." Over decades, Ali's reputation evolved. He became a sports hero, a humanitarian, and a patriot, receiving the Medal of Freedom from President George W. Bush.

Was justice served when Ali stood by his religious beliefs and broke the law? Was it served when he was convicted for refusing the draft and barred from the sport by which he made his living? Was the Supreme Court "just" when it unanimously reversed his conviction in 1971? We can debate these questions using thoughtful points from many of the humanities disciplines: history, jurisprudence, comparative religion, ethics . . . That's what the humanities do—help us think about controversy in light of human experience.

The humanities can open conversation, give us common ground on which to have public discourse, and show us the way of civility. We may disagree on the meaning of justice and whether it is served in a given situation, but still we strive toward the ideal. Wisdom calls us to lean on the humanities, to work toward understanding and wider, more just perspectives.



Lynching victims are named on 800 steel monuments, one for each county in the U.S. where a lynching took place. The National Memorial for Peace and Justice. Equal Justice Initiative / Human Pictures

A PERILOUS PATH

Talking Race, Inequality, and the Law

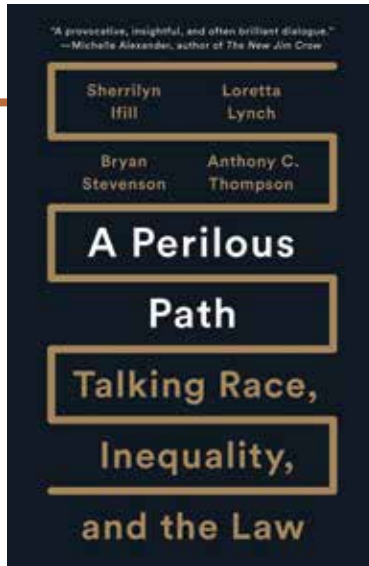
A Conversation
WITH Bryan
Stevenson

INTERVIEW BY ANTHONY C. THOMPSON

IN early 2017, New York University School of Law launched the Center on Race, Inequality, and the Law—a center founded on the idea that lawyers today cannot fully understand the American legal landscape without studying the relationship among race, ethnicity, and economic inequality on one hand, and the successes and failures of legal structures on the other. To mark the founding of this center, I asked NYU Professor of Clinical Law and Executive Director of the Equal Justice Initiative, Bryan Stevenson, [and others] to join me for a conversation. In edited form, it is reproduced in the book *A Perilous Path* (The New Press, 2018), from which the following is excerpted. ~ Anthony Thompson



Bryan Stevenson



Book cover design by Christopher Brian King



Anthony C. Thompson

ANTHONY C. THOMPSON: We know that injustice and inequality often track along racial lines. Racism is embedded in the DNA of America. But while people of color have disproportionately felt its effects, it's an American problem. In fact, it is *the* American problem. And addressing it will require a collective strategy involving all Americans. . . .

The challenge of today's generation has never been so clear. You've got to draw a line in the sand around inclusion, equity, and justice. We have work to do. . . .

[I]n what specific areas can those who are concerned about racial justice and inequality look to gain ground over the coming years?

BRYAN STEVENSON: For me, the challenge that we face is a narrative battle. I don't think we've actually done very effective narrative work in this country. We had a genocide in America. When white settlers came to this continent, they killed millions of native people, through famine and war and disease. And we forced those people from their lands. We kept their names. We named streets and buildings and counties and things after them, but we forced them off. And because of a narrative shift, we didn't say, "That's a genocide." We said, "Those people are savages." And that narrative failure to own up and acknowledge their humanity allowed us to think that we hadn't done anything immoral. But we did.

And then we had slavery and the Civil War. The North won the Civil War, but the South won the narrative war. The South was able to persuade the United States Supreme Court that racial equality wasn't necessary. And they actually reclaimed a racial hierarchy, that ideology of white supremacy. And we allowed that to happen for a hundred years. Then we had horrific terrorism and violence. We ended the mass lynchings with impunity, but those who perpetrated that terrorism and violence won the narrative war. They were never held accountable. And then we got into the Civil Rights Era, where there was this massive, incredible movement led by extraordinary people like Dr. King and Rosa Parks. We won passage of the Voting Rights Act; we won passage of the Civil Rights Act. But we lost the narrative war.

The people who were holding the signs that said "segregation forever," and "segregation or war," they were never forced to put down those signs. They didn't wave them around anymore, but they kept adhering to that value. And now we're living at a time where that thriving narrative of racial difference, that ideology of white preference, has exhibited itself, and now we're dealing with the consequences of that. . . .

There will always be people who try to exploit the fear and anger that give rise to these kinds of narratives of racial difference. And I



We stirred in our shackles, and our unrest awakened justice in the hearts of a courageous few, and we re-created in America the desire for true democracy.—Duke Ellington

think we haven't done a very good job. Too many of us have taken advantage of the legal battles while leaving behind the narrative battle. And that for me is the great challenge we face.

THOMPSON: If we think about one or two most significant weight-bearing walls, when we think about race and inequality and the law, if we were to somehow find a way to knock them down and make progress, what would they be for you?

STEVENSON: We're doing this cultural work, and for me it's been very energizing, because I went to South Africa, and what I experienced there was that people insisted on making sure I understood the damage that was done by apartheid. When I talked to Rwandans, you can't spend time in Rwanda without them telling you about all of the damage done by the genocide. I go to Berlin, and you can't go a hundred meters without seeing those markers and monuments that have been placed near the homes of Jewish families that were abducted during the Holocaust. The Germans want you to go to the Berlin Holocaust Memorial.

And then I come to this country, and *we don't talk about slavery*. We don't talk about lynching. We don't talk about segregation. And so, our project is really trying to create a new landscape. I never thought during my law practice that I'd be spending so much time working on a museum, but our museum is called "From Enslavement to Mass Incarceration." We have to get people to understand the damage that was done to this country with this legacy. We kidnapped twelve million Africans. Kidnapped them. Brought them across the ocean in this tortuous journey. Killed millions of them. Held them in captivity for centuries. And we haven't acted as though we did anything wrong.

We must increase a consciousness of wrongdoing: lynching over four thousand people, taking black people out of their homes, burning them alive, hanging them from trees, brutalizing them, causing one of the largest mass migrations in the history of the world, when six million black people fled the American

South for the North and West as refugees and exiles from terror. And then segregation: saying to black children every day, "You can't go to school because you're black. You can't vote because you're black." And we haven't really developed any shame about this history.

So what I want to do is, I want to increase the shame index of America. . . . [I]f you don't learn to be shameful about shameful misbehavior, you'll keep doing that behavior over and over again. I think if you say, "I'm sorry," it doesn't make you weak, it makes you strong. You show me two people who've been in love for fifty years, and I'll show you two people who've learned how to apologize to one another when they get into trouble.

I think we have to create that cultural moment where apologizing becomes okay. And part of the reason why we don't want to talk about this history, is we've become such a punitive society. Most people think, well, if we talk about slavery, lynching, segregation, someone is going to have to get punished. And I just want to say to people, "I don't have any interest in punishing America for its past."

. . . I want to liberate us. I want to get to the point where we can say, "That was bad and that was wrong and we need to get to someplace that's better!" I want to deal with this smog created by our history of racial inequality, so we can all breathe something healthy, feel something healthy.

And so for me, the big barrier is to create a cultural moment where we start talking about this history, where we start putting up markers at every lynching site. Where we start reclaiming the narrative around what happened around that era of segregation. Where we start talking about slavery. . . .

When I go through the Holocaust Museum, I walk through it, and I'm shaken. And what I say is, "never again." We need to create places in this country where you come and you have an experience with the history of slavery and lynching and segregation, and when you come out you say, "never again." And if we get enough people in this country to say "never again" to



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Oklahoma Humanities brings you honest, engaging content through our award-winning magazine, public events, lectures, festivals, and discussions. Help us keep these statewide programs free and open to all. Make a gift of support online at okhumanities.org. Thank you!



Jars hold dirt from lynching sites across the South. Legacy Museum, Montgomery, Alabama. Equal Justice Initiative / Human Pictures

THE EQUAL JUSTICE INITIATIVE

FOUNDED IN 1989 by Bryan Stevenson, attorney and bestselling author of *Just Mercy*, the Equal Justice Initiative provides legal representation to people who have been illegally convicted, unfairly sentenced, or abused in state jails and prisons. EJI is committed to ending mass incarceration and excessive punishment, to challenging racial and economic injustice, and to protecting basic human rights for the most vulnerable people in American society.

Committed to changing the narrative about race in America, EJI produces groundbreaking reports, an award-winning historical calendar, and short films that explore our nation's history of racial injustice. EJI also maintains a new museum, *The Legacy Museum: From Enslavement to Mass Incarceration*, and a memorial site, The National Memorial for Peace and Justice, both in Montgomery, AL.

The Legacy Museum dramatizes the enslavement of African Americans, the evolution of racial terror lynchings, legalized racial segregation, and racial hierarchy in America. Relying on rarely seen first-person accounts of the domestic slave trade, EJI's critically acclaimed research materials, videography, exhibits on lynching, and recently composed content on segregation, this museum explores the history of racial inequality and its relationship to a range of contemporary issues from mass incarceration to police violence.

The National Memorial for Peace and Justice was conceived as a sober, meaningful site where people can gather and reflect on America's history of racial inequality. The six-acre site uses sculpture, art, and design to contextualize racial terror. The memorial structure at the center of the site is constructed of over 800 corten steel monuments, one for each county in the United States where a racial terror lynching took place. The names of the lynching victims are engraved on the columns. Source: eji.org and museumandmemorial.eji.org

this history of racism and bigotry, we won't be facing some of the problems we're facing right now.

THOMPSON: How do you keep a sense of hope and optimism, given what's happened and what we've seen?

STEVENSON: I get overwhelmed a lot of times. . . . And every now and then I look out the window, and I think about the people who were trying to do what I'm doing sixty years ago. And what they had to say frequently is, "My head is bloodied but not bowed." I've never had to say that. And it just tells me: I don't get to complain. . . .

Hopelessness is the enemy of justice. When you are fighting for justice you are fighting against hopelessness. Injustice prevails where hopelessness persists. So you have to see hopelessness as a kind of toxin that will kill your ability to make a difference. And the truth is, you're either hopeful working toward justice, or you're the problem. There's nothing in between. You can't be neutral. No, you're part of the problem.

I absolutely believe in looking back and understanding that you're standing on the shoulders of people. I really do think that sometimes when you feel worried, and you're not sure you can do something, push yourself! Be the person who stands up when everybody else sits down. Be the person who speaks when everybody else says, "be quiet." And you'll find a power in being that voice, in being that light, that representative, which will make clear to you that you can do so much more than you think you can.

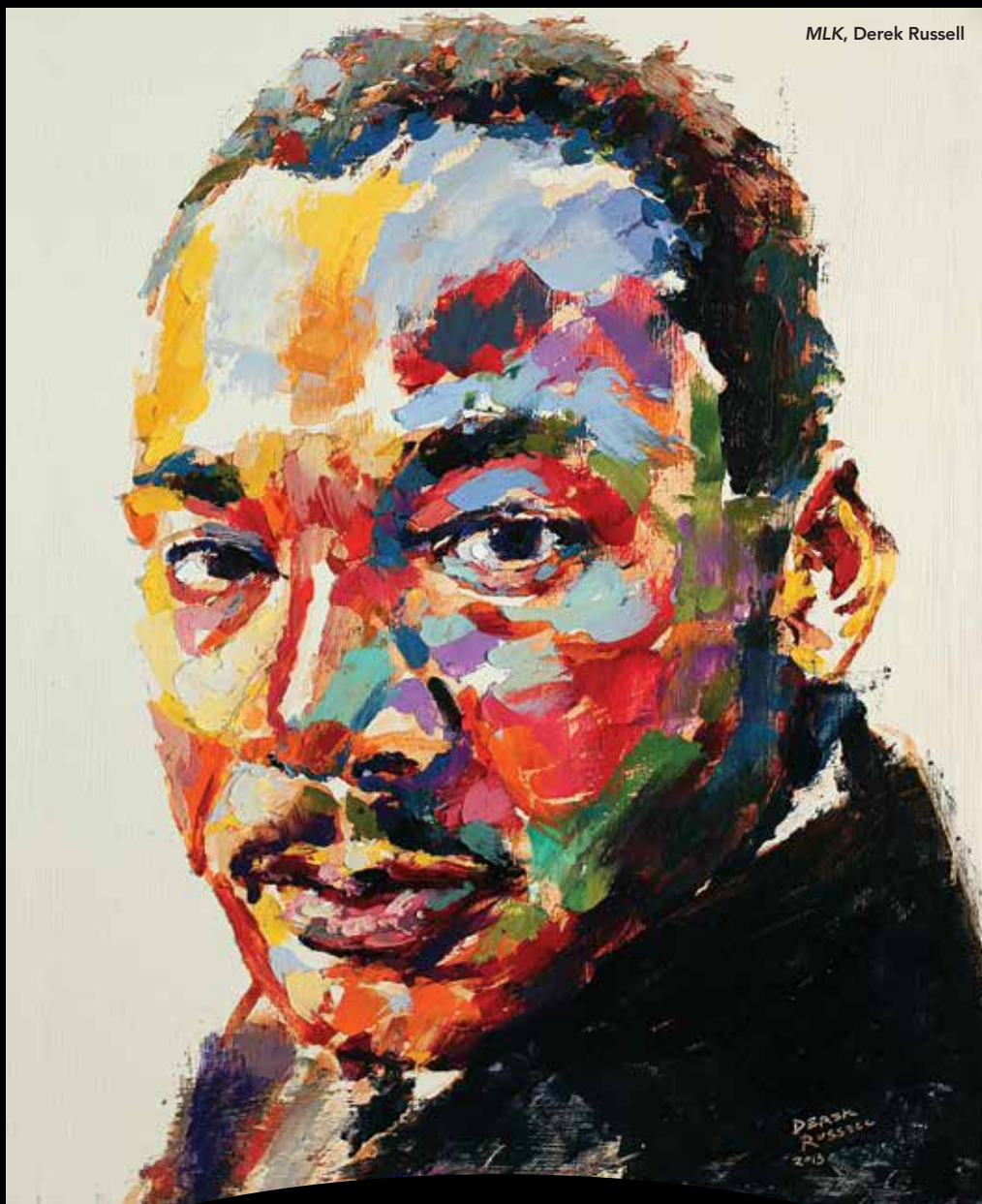
ANTHONY C. THOMPSON is Professor of Clinical Law and the founding faculty director of the Center on Race, Inequality, and the Law at New York University School of Law. This excerpt originally appeared in *A Perilous Path: Talking Race, Inequality, and the Law* by Sherrilyn Ifill, Loretta Lynch, Bryan Stevenson, and Anthony C. Thompson, published by The New Press. Reprinted here with permission. Copyright © 2018 by Center on Race, Inequality, and the Law, New York University School of Law.

BRYAN STEVENSON is founder and Executive Director of the Equal Justice Initiative (EJI), Professor of Law at New York University School of Law, and author of *Just Mercy* (Spiegel & Grau, 2014). He has successfully argued several cases in the United States Supreme Court. Stevenson and EJI have initiated major new anti-poverty and anti-discrimination efforts that challenge the legacy of racial inequality in America, including major projects to educate communities about slavery, lynching, and racial segregation [see EJI sidebar, left].

EXTRA! READ | THINK | TALK | LINK

- Watch the conversation that formed the book: [youtube.com](https://www.youtube.com/watch?v=...) (search: The Future of Race and Inequality in the U.S.)
- Watch Stevenson's TED Talk: [youtube.com](https://www.youtube.com/watch?v=...) (search: We Need to Talk About an Injustice)


MLK, Derek Russell



BENDING THE ARC OF THE MORAL UNIVERSE

HASAN KWAME JEFFRIES

From a Birmingham jail cell, Dr. Martin Luther King, Jr., embraced the label of extremist and articulated what was then—and is now—a manifesto on fighting injustice.

peaking before a crowd of twenty-five thousand people at the conclusion of the 1965 Selma to Montgomery March, Martin Luther King, Jr., the thirty-five-year-old president of the Southern Christian Leadership Conference (SCLC) and the unofficial spokesperson of the civil rights movement, told those fighting to end segregation and to secure voting rights for African Americans, “The arc of the moral universe is long, but it bends toward justice.”

King’s words reassured the weary activists, who had experienced many more defeats than victories, that they would eventually triumph. And these very same words have inspired countless others over the ensuing years, including former President Barack Obama, who quoted them often while in office. Their appeal, both then and now, has everything to do with the inherent suggestion that injustice, no matter how deeply embedded in society, will not last forever. Eventually, justice will prevail.

Many people have interpreted this declaration of the inevitability of justice to mean that those suffering injustice should not agitate for change or, at the very most, should only do so in ways that create the least amount of disruption for others. They should be patient and wait for the day foretold by King when “justice rolls down like water and righteousness like a mighty stream.”

Unfortunately, the simple passage of time is not nearly enough to end injustice. Injustice is the kind of deep, festering wound that time alone is incapable of healing. Indeed, if the only thing that changes in an unjust society is time, not only will injustice persist, it will intensify. Time is a chronological instrument, a tool for distinguishing one moment from the next. It is not a social force capable of changing the trajectory of the moral universe.

People are drawn to the idea of the inevitability of justice because it buttresses a belief deeply rooted in the nation’s collective consciousness—the notion of perpetual racial progress. In the minds of most Americans, racial progress has proceeded uninterrupted since the founding of the country. If plotted on a graph, it would look like a straight line: a steep, unbroken, upward climb from slavery, to emancipation, to the civil rights movement, to the election of President Obama.

But the notion of perpetual racial progress is a false one. To be sure, there have been substantial

advances over the centuries—chattel slavery, above all else, is no more—but progress has occurred in fits and starts. From the earliest days of the Republic through the present, there have been short bursts of tremendous advancement, such as during Reconstruction when black political empowerment surged. Regrettably, these moments have almost always been followed by longer periods of racial retrenchment. After Reconstruction came Redemption, an era of black disenfranchisement that lasted three quarters of a century. A graph of actual racial progress would have short inclines, long declines, and extended flat lines.

Throughout American history, the lack of racial progress was a direct result of efforts by those who wanted to preserve the status quo, people who sought to maintain social systems and economic structures that reinforced and perpetuated inequality. In the South, they started a war that resulted in the death of half a million people to keep that arc from bending. And in the North, they perfected a system of racial segregation that was as effective at maintaining racial inequality as Jim Crow laws were in Dixie.

The idea of the inevitability of justice resonates strongly with those who have embraced a de-radicalized version of King. In this rendering of the civil rights leader, he is frozen in time, stuck standing on the steps of the Lincoln Memorial dreaming about a colorblind society, while waiting patiently for the arc of the moral universe to start bending on its own. But this construction of King is as mistaken as the idea of perpetual racial progress. King never counseled patience in the face of injustice. He recognized the “fierce urgency of now” and pleaded with people—black and white—to act immediately to make society more just.

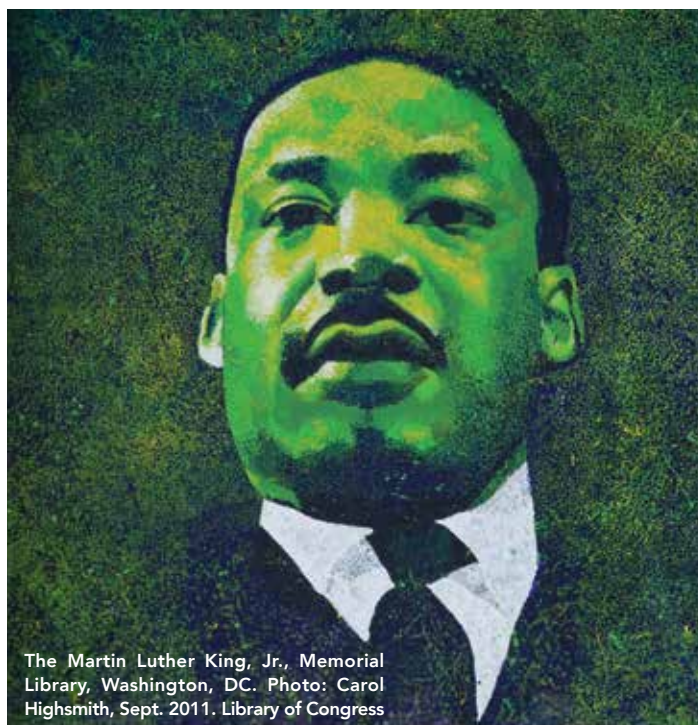
People believe in the inevitability of justice for two additional reasons. It allows them to feel good about America’s past which is rife with racial injustice, from slavery to Jim Crow to mass incarceration. If society naturally becomes more just, then there is no reason to dwell on historical injustices or to study the ways people have fought and sacrificed to bring about change. It also enables people to live comfortably with their own inaction. If justice naturally triumphs over injustice, then one need not do a thing to improve society. From this vantage point, inaction looks like heroism, rather than what it is: complicity.



*Too many people think Martin freed black people; in truth he helped free all people.
—Martin Luther King, Sr., speaking of his son, Martin Luther King, Jr.*

If the arc does not bend on its own, then how can it be moved toward justice? Two years before the Selma to Montgomery March, King penned his *Letter from Birmingham Jail*, a veritable blueprint for exerting the kind of pressure needed. A close look at the core arguments that King made in the essay offers compelling insight into how to transform an unjust society into a just one.

On April 12, 1963, King was arrested for protesting racial discrimination in Birmingham, Alabama, a city universally regarded as America's most segregated. He spent the next eleven days in the city jail, during which time he reflected on criticism from southern white clergy and northern white liberals who lambasted him for leading nonviolent demonstrations against segregation. They labeled him an outsider and an extremist, and faulted him for pushing too hard and too fast for change. They insisted on patience, on letting time run its course.



injustice. Their aim was to delegitimize activists by questioning their motivations. King deflected this charge by pointing out that members of the Alabama Christian Movement for Human Rights (ACMHR), a local affiliate of the SCLC, had invited him to Birmingham. In other words, he was there because local black people wanted him there.

But the invitation from the ACMHR was not the only reason why he came. Two additional factors motivated the minister. First was the presence of injustice in the city. "I am in Birmingham because injustice is here," he wrote. The racial troubles in the city worried him because he understood that it was impossible to isolate injustice, to confine it to imaginary lines drawn on a map. In a timeless call for action, King declared: "Injustice anywhere is a threat to justice everywhere."

His second reason for joining the struggle in Birmingham was his belief that all communities are

“WAIT”
has almost always meant
“NEVER.”

—Martin Luther King, Jr.,
Letter from Birmingham Jail

Letter from Birmingham Jail was King's response. Written on scraps of paper secretly given to him by a jailhouse trustee and smuggled out by his attorneys, the Baptist preacher's epistle was a stinging indictment of those who denounced agitation in the face of injustice. It was also a stirring defense of his weapon of choice, nonviolent direct action.

The primary charge leveled against King by defenders of Jim Crow in Birmingham was that he was an outsider. This was a familiar complaint. Defenders of segregation across the country, from Cleveland, Mississippi, to Cleveland, Ohio, said the same thing about organizers who supported local struggles against

interrelated. "We are caught in an inescapable network of mutuality, tied in a single garment of destiny," he wrote, a compelling argument for getting involved in struggles for justice that turned less on self-interest and more on shared interest. "Whatever affects one directly, affects all indirectly," he explained.

Once involved in Birmingham, King's critics implored him to be patient, insisting that change would come in due time. As a veteran of several major civil rights battles, starting with the 1955 Montgomery bus boycott, King knew what generations of freedom fighters had known before him—that power yielded only to pressure: "We know through painful experience that

freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed.” Rather than ending unfair treatment, suffering in silence only prolonged it. It was imperative, therefore, to act immediately when confronted with injustice. Otherwise, change would never come. “Justice too long delayed, is justice denied,” King argued.

Counseling patience is easy for those who do not suffer from injustice, King observed, but when you know degradation, when you have “seen hate

filled policemen curse, kick and even kill your black brothers and sisters . . . then you will understand why we find it difficult to wait.” King understood that injustice engenders impatience, and impatience brings about resistance. “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.”

King believed that the most effective way to foment change, to bend the arc of the moral universe, was through nonviolent direct action. He argued that using sit-ins and marches to dramatize injustice made discrimination impossible to ignore. By using “constructive, nonviolent tension,” direct action generated political and economic crises that brought power-brokers to the bargaining table, including those who had steadfastly refused to negotiate.

King stressed direct action because he believed wholeheartedly in nonviolence, his lodestar. But the preacher from Georgia also advocated direct action because he feared the alternative—armed resistance. King warned that if African Americans were not allowed to express their frustration with the slow pace of progress in nonviolent ways, they would turn to violence. “This is not a threat,” he added, “but a fact of history.”

Fighting injustice often requires breaking the law. Many people have serious reservations about challenging authority in this way. Some are afraid of being arrested, others worry about going to jail, and still others are fearful of being labeled a criminal. King had no such qualms because he distinguished between just and unjust

laws. He described the former as legal statutes that uplift humanity and the latter as those that degrade it. He advocated that people had a moral responsibility to obey just laws and the same obligation to disobey unjust ones. Agreeing with the early Christian theologian and philosopher St. Augustine, King declared, “An unjust law is no law at all.”

King added that when people decide to break an unjust law, they have to do so “openly, lovingly, and with a willingness to accept the penalty.” They ought not hide behind the safety and security of anonymity. They have to publicly take responsibility for their actions or lose their moral authority. According to King, agitating in this way did not undermine the rule of law, it represented “the highest respect for the law.”

For his unflinching commitment to justice, King was labeled an extremist. But he did not run from the intended slander as his critics hoped he would—he embraced it. “So the question is not whether we will be extremists, but what kind of extremists we will be?” he shot back. “Will we be extremists for the preservation of injustice or for the extension of justice?” In a nation with as long a history of injustice as the United States, King knew there was only one answer. To redeem the soul of America, they had to be “creative extremists.”

T it is nice to think that the arc of the moral universe bends naturally toward justice. Believing in the inevitability of equal treatment is comforting. But the truth is the direction of the moral universe is not predetermined. If it is angling toward injustice it will continue in that direction unless it encounters a force greater than the one propelling it. To ensure a just society, people have to challenge injustice, wherever and however it turns up. They must also act regardless of the target of the injustice. To trample on the rights of one, is to tamper with the rights of all.

We would do well to learn from King, from the lessons he received on the frontlines of the civil rights movement and jotted down on scraps of paper while sitting in the Birmingham city jail.

If justice naturally triumphs over injustice, then one need not do a thing to improve society. From this vantage point, inaction looks like heroism, rather than what it is: complicity.



Meadow (1875), Alfred Sisley, National Gallery of Art

Reflections on Justice

TRIP TO WYUKA

for Paul Brandhorst, 1966–1998

His first night at support group
he wore a western hat low over his eyes,
a toothpick in the side of his mouth,
thumbs hooked in Levi pockets,
pretended to be a cowboy.

He said nothing save his name
but afterwards followed me out
to ask a question, the kind you just know
is an excuse for conversation.
I had seen enough before this night
to know how it would go.

His family had scattered like quail
at the mention of AIDS, were still in hiding.
He was driven to bitter tears by unfairness,
injustice, and loneliness.
Under the brim of the Stetson
he was desperate to connect.

Near the end he asked to see his mother's grave
in Nebraska. We walked the streets of Lincoln,
while he pointed out landmarks, his mother's
grave in Wyuka Cemetery, the pauper's plot
of infamous Charlie Starkweather.
Our second time in Lincoln, I carried him
in an urn, left him in that place where
mothers, sons and murderers lie down
together, all injustice and bitterness
swallowed up in the dirt.

—DOROTHY ALEXANDER

PREDICTIONS

Too late to tell JFK
To shrug his shoulders
And sink into the seat.
Too late to tell MLK
To stay off the balcony
And ease his head cold in bed.
Too late to teach the Syrian boy
Who washed ashore
In Bodrum how to swim.

I have a country view
Windows that open to pastures
Time and distance as an excuse.
What floatation device
Can I toss into the past
That will not swell
Bob below the waves
And sink like guilt?

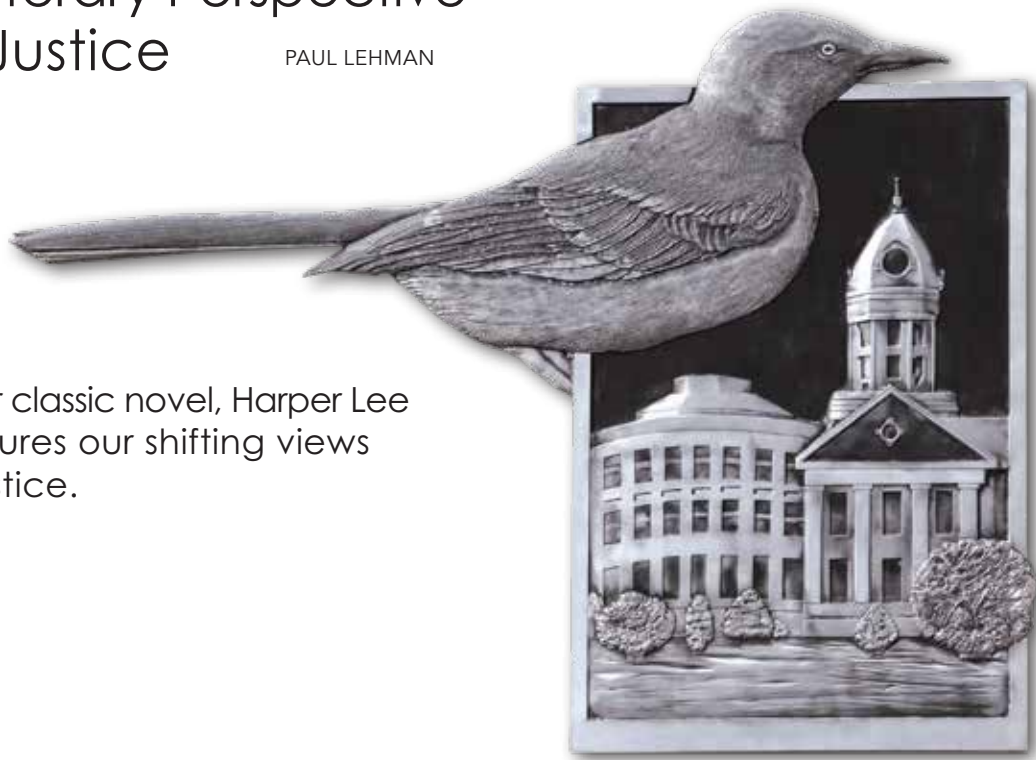
—PAUL BOWERS

DOROTHY ALEXANDER is a poet, storyteller and retired lawyer. She began writing poetry after the loss of her son, Kim Alexander, to HIV/AIDS in 1989. She is the co-founder of a small independent poetry press promoting the work of Oklahoma poets. The Oklahoma Center for the Book presented Dorothy with the 2013 Carlile Distinguished Service Award for her services to the literary community. PAUL BOWERS teaches writing and literature at Northern Oklahoma College. He is author of a short story collection, *Like Men, Made Various* (Lost Horse Press, 2006), and two poetry collections: *The Lone, Cautious, Animal Life* (purple flag press, 2016) and *Occasional Hymns* (Turning Plow Press, 2018).

To kill a Mockingbird

A Literary Perspective
of Justice

PAUL LEHMAN



In her classic novel, Harper Lee captures our shifting views of justice.

Editor's Note: Scholar Paul Lehman has studied and written extensively on "the false concept of the existence of biological races." That study and analysis is reflected in the following essay, where Dr. Lehman uses the terms "European American" and "African American" in place of generic designations of "white" and "black." For more on Dr. Lehman's work, turn to his bio at the end of this text.

Remember elementary school

when we all stood to recite the Pledge of Allegiance? We felt a sense of togetherness, a belonging to one nation, a sense of pride when reciting the last phrases: "One Nation, indivisible, with liberty and justice for all." Those phrases gave us a sense of power and strength. Unfortunately, as we grew into young adulthood and beyond, we discovered that the words were not always consistent with our experiences. Justice did not have a consistent meaning and interpretation in American society.

As a legal term, the word *justice* suggests reason and fairness. The meaning and interpretation of justice varies with different communities, especially ethnic groups, as well as different social and economic levels of society. Fiction is an interesting way to view these shifting applications of justice. The Pulitzer Prize-winning novel *To Kill a Mockingbird* by Harper Lee gives us just such an opportunity as the novel's plot weaves together different characters' views of justice.

The novel is set in the fictional town of Maycomb, Alabama. Major characters include attorney and widowed father Atticus Finch and his daughter Scout and son Jem. They employ an African American cook, Calpurnia, which indicates that, unlike most Maycomb residents, the family is well off financially. The town becomes angry at Atticus—one of their own townspeople—when he agrees to defend Tom Robinson, an African American man, who has been arrested and charged with the rape of Mayelle Ewell, a European American woman.

Throughout Lee's novel, the reader experiences the changeable nature of justice in our everyday lives, including community, legal, moral, and ethnic justice. Each kind of justice has its own characteristics of reason and fairness.

The Maycomb community's sense of justice is based on their Southern social conditioning and biases toward people of color. The community views itself as somewhat of a family or tribe, and the values of the family take precedence over common sense, reasonableness, and even the law. The concerns of bias in Tom's case are presented by Atticus to a jury of all European Americans (certainly not a jury of Tom's peers). Based on the evidence Finch presents, no possibility of Tom's guilt is reasonable. For the community, however, the mere fact that a European American female said she was raped by an African American is enough to convict him, he is guilty simply because the word of a European American female would always take precedence over that of a person of color. The term *equal justice* would not apply in this Southern community where people of color are never viewed as social equals.

Legal justice, represented by the character Atticus Finch, attempts to look at the evidence of Tom's case to make a judgment of innocent or guilty. Blind Justice holding the scales comes to mind when we examine Finch's view of justice and fairness, that the law should apply to all people equally. He explains to Jem, "The one place where a man ought to get a square deal is in a courtroom, be he any color of the rainbow, but people have a way of carrying their resentment right into a jury box." For Finch, only the law—not the bias held by the community—factors into his view of justice. But he knows, as far as his neighbors are concerned, that justice follows or endorses the will of the community,



"The one place where a man ought to get a square deal is in a courtroom, be he any color of the rainbow, but people have a way of carrying their resentment right into a jury box." —Atticus Finch

regardless of the law. The community views Finch as siding with the enemy because of his support of Tom, who is viewed as guilty simply because of his skin color. Justice, as Finch sees it, must involve a judgment based on fairness and reasonableness, without reference to anything except the facts; justice should be free from biases. We wonder why Finch decides to defend Tom in light of the fact that he knows what the outcome of the trial will be, given the makeup of the jury and the general sentiment of the community regarding African Americans.

Justice for Scout and Jem takes the form of morals, a basic sense of good or bad, right or wrong, fairness or unfairness, applied to humanity in general. Although they live in a segregated community, they do not generally view justice based on skin color. Scout and Jem as characters allow the reader to see how children see and judge things: They often equate justice with revenge. Revenge returns a negative deed for a negative deed. Scout and Jem understand that the community is angry with Atticus for defending Tom. When cousin Francis disparages Atticus, Scout fights to defend her father.

Opposite page: Industrial site logo in Monroeville, AL, showing the bird and the old Monroe County Courthouse used in *To Kill a Mockingbird* by Harper Lee. Photo: Carol Highsmith, April 9, 2010. Library of Congress



When a neighbor makes a negative comment about Atticus defending Tom, Jem seeks revenge by destroying her flower bushes. Their view of justice embodies both tribal and legal justice without ethnic bias. Atticus teaches Scout and Jem the difference between justice and revenge by helping them realize what they did was wrong and that they must make amends for their actions. By doing so, they experience an element of justice. While attending Tom's trial, the children also observe community perspectives on justice as well as their father's legal perspective.

Ethnic justice, while not specified in the novel, is, in fact, the elephant in the room. The separation of people of color is revealed in the *personal* relationships of Calpurnia, Atticus, Scout, and Jem, as well as in the *physical location* of the African American district, which is removed from the majority of Maycomb residents in a different part of town. When Calpurnia takes Jem and Scout to her church, the children are surprised to hear her language change from the Standard English spoken in the Finch household to the colloquial language of the African American community. They realize that Calpurnia not only lives in two communities but also speaks two languages.

Being treated as less than first-class citizens—forced to sit in the balcony during Tom's trial and not having a single person of color on the jury—is a direct reflection of how African Americans are viewed. The community finds a trial unnecessary regarding Tom's guilt or innocence because of their belief that African Americans are not people—or, if people, certainly not their social equals. The community feels no guilt in viewing and treating African Americans in an inferior way; their assumptions are normal and correct, as they have always been.

But the reader glimpses a different reality, another layer of truth, in the compassion and care that exists in the African American community. It is evident in the Finch family's relationships at home with Calpurnia, and in the warm reception Scout and Jem receive at Calpurnia's church. Scout and Jem are treated badly by children at school because of their father's actions, and Calpurnia and her church become their safe haven. While the African Americans hope for justice to prevail in Tom's trial, they know from past experience that justice (according to the law or from morals or reason) will not prevail. After the trial, a report indicating that Tom is killed while trying to escape from prison comes as no surprise to them. Maycomb residents have been conditioned to view each other unequally. For African Americans, being treated as less than first-class citizens has become the norm; all the social controls, including the cause of justice, belong to the community of which they are not a part.

At the end of the novel, readers recognize that justice as we know it has not been served relative to Tom, and nothing changes in the minds of the separate European American and the African American communities. The defense that Finch makes for Tom



Courtroom scene in the movie adaptation starring Gregory Peck, left, as attorney Atticus Finch, and Brock Peters as Tom Robinson, "the accused." Universal Pictures (1962)

and his appeal for legal justice does little to change the views of the community. Scout and Jem learn the difference between revenge and justice but witness a lack of legal justice when the jury follows their biases and convicts Tom of a crime he did not commit.

Although the novel was written in 1960, Harper Lee knew that we were not one nation indivisible, nor was there liberty and justice for all. We might assume she focused on society's varying concepts of justice, weaving them into her novel to bring attention to the lack of uniformity in its application.

In 1954, in response to the Communist threat of the times, President Eisenhower encouraged Congress to add the words "under God," creating the 31-word Pledge of Allegiance we say today. Perhaps adding the word *God* was an expression of hope that the concerns of all humanity would enter the consciousness of Americans if we could view one another equally as children of God. Nonetheless, the concept of justice still evades a definition that clearly embraces reason and fairness. Harper Lee's novel illuminates the difficulty in defining justice—and to applying it equally to all.

PAUL LEHMAN is Professor Emeritus in the department of English, and a former Dean of the Graduate College, at the University of Central Oklahoma. He was also a journalist, news anchor, reporter, and producer at a CBS-affiliate. His recent publications include: *Demystifying Bigotry*; *The System of European American (white) Supremacy and African American (black) Inferiority*; and *America's Race Problem*. Dr. Lehman explores race-related issues in his blog: americasraceproblem.wordpress.com

EXTRA! READ | THINK | TALK | LINK

- *The Great American Read*, PBS. *To Kill a Mockingbird* was voted number one among America's 100 best-loved novels. Find videos and Q&A with authors and celebrities. pbs.org/the-great-american-read
- *To Kill a Mockingbird*, Harper Collins. Book excerpt and readers guide. harpercollins.com

BETWEEN YOU AND ME

Deeply-rooted attitudes about race and religion are clues to Oklahoma's number one ranking in mass incarceration.

RYAN GENTZLER

Oklahoma has a problem. Being dubbed “first in the nation” might be a point of pride with many public policies. But when it comes to incarceration, we’re locking up Oklahomans in record numbers, stretching state coffers to support those behind bars, and removing breadwinners from society for petty offenses, leaving their families financially vulnerable and perpetuating a cycle of poverty and prison. Our state’s distinction at the top for mass incarceration of its citizens leaves much to be desired. How did we get here—and how can we pursue fair and balanced reform?

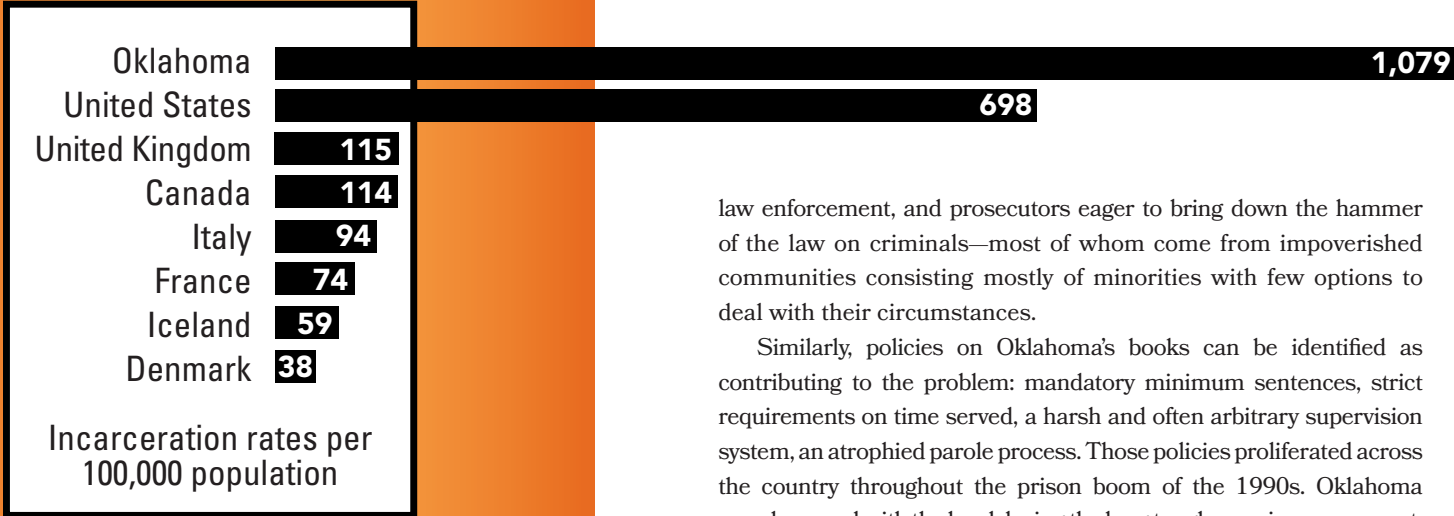
Oklahoma Justice—By the Numbers

In April 2018, the Bureau of Justice Statistics released its annual report on incarceration rates throughout the United States. The report showed that Oklahoma, which has led the country in female incarceration for the better part of three decades, had surpassed Louisiana to become the state with the highest overall incarceration rate. Our state incarcerates 1,310 people per 100,000 residents, or 1.3 percent of the adult population, a rate that is more than 50 percent higher than the national incarceration rate, and several times higher than those of Canada and other Western democracies. Oklahoma’s arrival at the top garnered headlines across the state for a few days, and then took its rightful place as a central talking point in the push for justice reform.

There’s no shortage of explanations for Oklahoma’s status as the most-incarcerated people in the world, and, as with most things, what you believe probably depends on the political views you align with. Some demonize people with drug addictions (*If we let them go they’ll just continue to use and steal.*). Others find evidence in reports of gruesome crimes that fill the local news and social media. And many lay blame at the feet of overzealous legislators,

It is not enough to be compassionate, we must act.—Dalai Lama





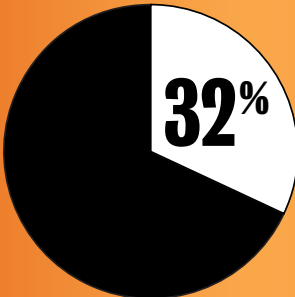
OKLAHOMA leads the world in **MASS INCARCERATION.**

OKLAHOMA'S IMPRISONMENT

OF BLACK FEMALES
(97 per 100,000)
IS ALMOST DOUBLE
THAT OF
WHITE FEMALES
(49 per 100,000).



People in Oklahoma county jails who **HAD NOT BEEN CONVICTED** of a crime (2015)



32% ADMISSIONS RELATED TO DRUGS, the leading driver of incarceration in Oklahoma (2015)

law enforcement, and prosecutors eager to bring down the hammer of the law on criminals—most of whom come from impoverished communities consisting mostly of minorities with few options to deal with their circumstances.

Similarly, policies on Oklahoma's books can be identified as contributing to the problem: mandatory minimum sentences, strict requirements on time served, a harsh and often arbitrary supervision system, an atrophied parole process. Those policies proliferated across the country throughout the prison boom of the 1990s. Oklahoma merely moved with the herd during the long tough-on-crime movement.

While competing partisan explanations (or justifications) will continue to animate policy debates, none is a particularly satisfying account of why Oklahoma has risen to the very top. After all, our rapidly rising incarceration rates followed a similar trajectory as the rest of the country. Between 1990 and 2010, Oklahoma's imprisonment rate rose from 390 to 698 per 100,000, a 77 percent increase; the increase across all states was 60 percent. Oklahoma's imprisonment rate for women was double the national rate in 1990 and remained so 20 years later. Oklahoma followed the national trend of rising incarceration, but our relative punitiveness was as evident in 1990 as it is today. Looking at each dynamic in turn, we are similar to the rest of the country but we take things to an extreme.

So what's the matter with Oklahoma? The attitudes that constructed and sustain the most punitive justice system in the world can be seen as the flip side of values we as Oklahomans take deep pride in: self-reliance, individualism, and hard work, exemplified by the industriousness of the land-rusher and the wildcatter. Oklahoma's homegrown religious philosophy—that every individual is responsible to God for his or her choices—sanctifies those values, but in doing so too often condemns those of us who fail to pull ourselves up by our bootstraps. These attitudes have been with us for quite a long time; they are deep in our collective identity. Racial disparities, too, are a pernicious but mundane reality in the state's exercise of punishment. Open views of white supremacy date from statehood and the founding of our cities. Our politics and institutions, our judges and legislators and prosecutors are overwhelmingly white.

The Gospel of Individualism

Jill Webb, now the Legal Director of the ACLU of Oklahoma, has long been a tireless advocate for Oklahomans accused of crimes. She is a former public defender and leader in the study of how disparities in the justice system have a systemically negative impact on the poor. In a September 2017 interview for *The Tulsa Voice*, Webb noted, "Mass incarceration is the most important civil rights issue of our time." She further theorized on the connection between Oklahoma's high crime rates and our embrace of the prosperity gospel. This popular theology advocates that financial success is directly proportional to one's faith in God. In that line of thinking, whatever is good or bad about your life is a reflection of your faith—and that's on *you*, not me:

If you really believe [that] if you're right with God, you will prosper, then the thing that's wrong with people who aren't prospering—who are addicted [or] suffering from mental illness—is they just haven't asked Christ into their lives. And if that's your solution to these problems, then, of course it's *their* fault, and of course you don't have to worry about them in prison. And while I think that Christianity, spirituality can lead people to do wonderful things . . . we lost the body . . . the notion we're all in this together, our shared experience. The reality is that neighborhoods of color or poor neighborhoods are patrolled much differently than wealthy ones, so those people's relationship with elected officials and police are much different than in other parts of town. As trite as it sounds, we are products of the garden in which we grow. [Emphasis added.]

Webb's commentary is a compelling framework for understanding a prevailing, well-meaning religious ethic that has allowed us to become the most highly incarcerated state: *If it's between you and God, I don't have to worry about it.* Pair this attitude with a darkly racist past that continues in our glaringly segregated present and we have the recipe for a state that ruthlessly executes its power in deeply unequal ways.

Persistent Racial Bias

We speak of incarceration in rates of 100,000 people, but it's difficult to comprehend numbers at that scale. Even in our state with the highest incarceration rate in the world, many Oklahomans—including most of those in power—are well-insulated from the realities of our justice system. What does it mean to have 1,310 per 100,000 people incarcerated? Think about the number of Facebook friends you have. Are more than one percent of them in prison or jail? This question was posed to a group of 60 high-performing graduate and undergraduate students at the 2018 Summer Policy Institute, an annual program convened by the Oklahoma Policy Institute to train and connect people in policy research and advocacy. When asked to raise their hands if more than one percent of their Facebook friends were incarcerated, about a dozen hands went up—almost exclusively belonging to students of color.

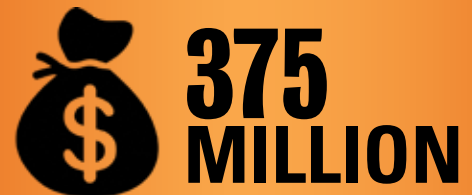
Black youth are suspended from school, arrested, and incarcerated at rates several times higher than white youth. Black adults are more likely to be stopped when driving, more likely to be arrested when stopped, more likely to be charged and convicted, and more likely to receive harsher sentences than their white peers. Similar but less extreme dynamics exist for Latino and Native American Oklahomans.

Racial disparities are by no means unique to Oklahoma, but they are markedly worse here: Oklahoma has easily the highest rate of black incarceration in the country: Nearly 1 in 25 black Oklahomans is in prison or jail at any given time, compared to 1 in 140 white Oklahomans. The ripple effects of incarceration are actively traumatizing, ripping apart families and exposing individuals to horrific violence.

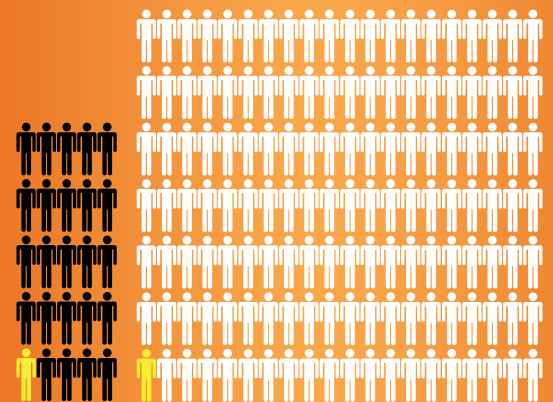
	Oklahoma
	United States
13	United Kingdom
13	Canada
8	Italy
7	France
5	Iceland
5	Denmark

Incarceration rates per 100,000 women

OKLAHOMA leads the world in incarceration of **WOMEN**.



GENERAL FUNDS SPENT on corrections in Oklahoma (2016)



Oklahoma incarcerates 1 in 25 **BLACK** Oklahomans compared to 1 in 140 **WHITE** Oklahomans.

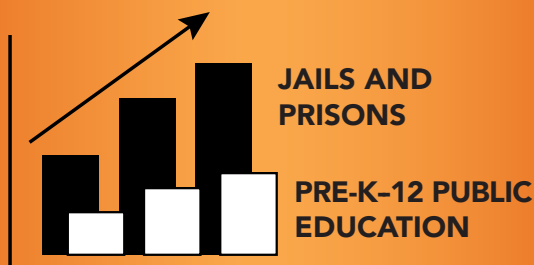


FAILURE (or financial inability) **TO PAY COURT COSTS** was the **4TH MOST COMMON OFFENSE** for people booked into Tulsa County jail (2016).

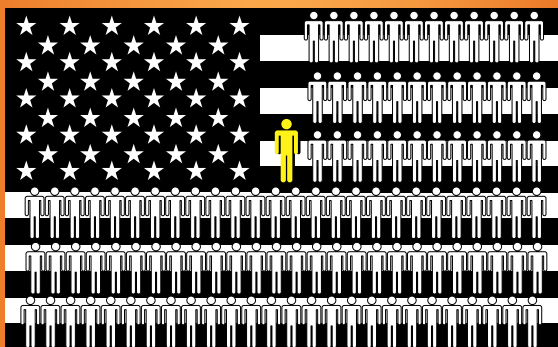
U.S. INCARCERATION



The U.S. makes up only **5%** of the world's population, yet incarcerates **21%** of the world's prisoners.



In the last 30 years, U.S. spending on jails and prisons has increased at **TRIPLE THE RATE** of spending on Pre-K-12 public education.



1 IN EVERY 115 ADULTS in America was in prison in 2015.

SOURCES: Bureau of Justice Statistics: bjs.org
 ACLU Blueprint for Smart Justice: aclu.org
 NAACP Criminal Justice Fact Sheet: naacp.org
 Oklahoma Policy Institute: okpolicy.org
 Prison Policy Initiative: prisonpolicy.org
 Oklahoma Department of Corrections: doc.ok.gov

For black communities drained of their young men, it's trauma by subtraction. Sociologist Bruce Western, co-director of the Justice Lab at Columbia University, contends that "imprisonment makes the disadvantaged literally invisible," by removing them from free society. So many black men are incarcerated across the country, says Western, that "optimism about declines in racial inequality and the power of the U.S. model of economic growth is misplaced once we account for the invisible poor, behind the walls of America's prison and jails."

For those of us in middle- and upper-class communities, the incarceration problem is an abstract one; most of us have little interaction with the criminal justice system and can ignore its ugly wreckage as we please. But people who reside in predominantly black neighborhoods of Tulsa, Lawton, and Oklahoma City, for instance, experience the justice system as a foreign force that "disappears" from their community a staggering number of men and women in their prime parenting and earning years.

When confronted with these facts, it would be difficult—and irresponsible—not to reflect on our state's dark history of violent racism. At statehood in 1907, the first bill introduced by the inaugural Oklahoma legislature established racial segregation. Tulsa's thriving Black Wall Street district was destroyed and hundreds of black Tulsans killed in the infamous Tulsa race massacre of 1921. There were 76 racial terror lynchings in Oklahoma between 1877 and 1950. Homages to that past, like the naming of towns and streets for prominent, yet racist, community leaders—like Tulsa's Brady Street (now Reconciliation Way) named for Wyatt Tate Brady, a city founder and member of the Ku Klux Klan, and Norman's DeBarr Avenue (now Deans Row Avenue) named for OU professor and administrator Edwin DeBarr, also a KKK member—have started coming down only in the last couple of years.

The Cycle of Prison and Poverty

These historical realities survive in the over-policing of black neighborhoods and in the harsh criminalization of minor infractions like drug use and petty theft that pervade communities devoid of opportunity. Recent Department of Corrections data shows that Oklahomans sentenced to prison for drug and property crimes were incarcerated for periods nearly double the national average, and Oklahomans were killed by police at the third-highest rate in the country.

And an exit from prison does not signify an end to punishment, only a shift in its nature. Oklahoma often requires people leaving prison to return to and be supervised in the very communities where they got into trouble, surrounded by the same desperation and temptations. Our state justice system encourages people returning from prison to reunite with their families, to get a job, get treatment for addiction and mental health issues. The hitch is that they return to neighborhoods devastated by poverty. Their felony records limit employment to low-paying, menial work. The rehabilitative services they need have been cut along with the taxes that would pay for them. Without the clean break of new surroundings and a fresh set of challenges, our communities of color, so far removed from centers of power, become a purgatory for those returning from incarceration.

GENTZLER | cont. p. 45



Logo by Jonathan Heckman

INCARCERATED WOMEN FIND VOICE, HOPE, AND FREEDOM THROUGH WRITING

JULIE ANN WARD

Human existence cannot be silent. To speak a true word is to transform the world. It is by speaking their word that people transform it and achieve significance as human beings.—Paulo Freire

Oklahoma has the highest incarceration rate in the entire world. The state houses 1,079 of every 100,000 residents (Prison Policy Initiative), compared to the national average of 698 people per 100,000 (Oklahoma Policy Institute). And our state is especially hard on women. Oklahoma ranks first among all states for the rates at which it incarcerates women. According to the 2016 report of the U.S. Bureau of Justice Statistics, the state imprisoned 159 of every 100,000 residents. It was the twenty-sixth year in a row that Oklahoma topped the list for female incarceration.

The numbers may seem too overwhelming to comprehend, but Ellen Stackable has a vision for change. Stackable is co-founder of Poetic Justice, a Tulsa nonprofit that offers restorative writing workshops to incarcerated women. The program approaches each writer as an individual, not just a statistic—and it works. Poetic Justice volunteers have led classes at the Tulsa County Jail, the Turley Residential reentry facility, and the Mabel Bassett, Eddie Warrior, and Kate Barnard Correctional Centers.

Poetic Justice is a program that acknowledges the limits of our justice system in providing rehabilitative opportunities for incarcerated women. The program creates a space for these women to form bonds with others and find peace within themselves through writing. The goal is to help participants find a sense of voice, hope, and the power to change—if not their circumstances, then at least the way in which they cope with those circumstances.

Speaking in the 2017 documentary *Grey Matter*, directed by Megan Hickey, one participant shared, “I didn’t write until

I came to the first Poetic Justice class. I just didn't. I never thought I was good enough to write, never thought anything I had to say was important. Through the class I've . . . opened myself up to talk about things that happened when I was a kid, so I'm grateful to be here." Tina, another participant, said, "I've been writing ever since I was little. . . My mom and dad always wrote, and they've always wrote songs. . . That's really influenced me. And writing has impacted me by letting me be free when I can't be."

Stackable sat down with author and scholar Julie Ann Ward in May 2018 to talk about her work with Poetic Justice.

JULIE ANN WARD: What gave you the idea to start Poetic Justice?

ELLEN STACKABLE: I've always been hard-wired to social justice, I think. My mom was a social worker in some of the toughest schools in urban Denver and she would bring home case studies and tell me stories. I think that's part of what sparked it. When I was doing my Master's of Liberal Studies at the University of Oklahoma, I was trying to come up with a topic for my thesis. I got down one of those research rabbit trails and started reading about incarceration rates and [OU Professor Dr. Susan] Sharp's data, and I just thought, *I need to do something*. As an English teacher and somebody who loves writing, I realized it has the power to change lives. So I started looking for a way in—and it is a labyrinth.

WARD: It's impressive what you've been able to accomplish with regard to access in jails and prisons.

STACKABLE: I do not give up! I probably spent between thirty and forty hours making phone calls, trying to figure out where to go.

Dan Hahn, one of my colleagues at Tulsa School of Arts and Sciences (TSAS) where I teach, is an English teacher by day, hip-hop artist by night. He



Ellen Stackable, left, with Claudia Ramirez, the new lead facilitator for Poetic Justice classes at La Esperanza, a drug rehabilitation center in Tijuana, Mexico.

told me the Soundpony Collective was doing spoken word poetry classes at the Tulsa County jail. I said, "I'm coming with you. I want to visit. Is anyone doing this with women?" He said no.

One of the women doing those poetry classes, Claire Collins, was a spoken word poet here in Tulsa. I grabbed her and said, "Do you want to do this?" We got in contact with Sheri Curry, who teaches classes—and has for a long time—at the jail on anger management, family, parenting. She was our path to get in.

We used some of Claire's prompts, some of those I had done, and started off initially as spoken word poetry and quickly moved into what I would call therapeutic and restorative writing. I'd say twenty percent of each class is writing and eighty percent is based on Paulo Freire's *The Pedagogy of the Oppressed*, his idea of the restoration of voice and the freedom that brings—and that's revolutionary.

I'd say the vast majority of Oklahoma programs that volunteer with incarcerated people are faith-based. I decided early on that I did not want Poetic Justice to be faith-based, even though a lot of our volunteers are people of faith. I didn't want it stuck in that box.

I wanted anyone to be able to come, process trauma, process hurt, and even process their faith if they need to. We went from just Claire and me to about five volunteers in the first six months, and then it grew from there.

WARD: Other programs like OU's Inside-Out or Theatre of the Oppressed have been implemented with similar goals. What sets Poetic Justice apart?

STACKABLE: The first thing we established, which is primary, is elimination of hierarchy. When you have women that have been, their entire lives, the lowest of the low, to open up a space, even for two hours, where there's no hierarchy is incredible. When we start a class at Mabel Bassett, we deliberately have two or three volunteers for every class, because there isn't a central authority figure. We always do an icebreaker, and anything that we ask them to do, we do, too.

One of the first things we say is, "How do we make this a safe place for you to write, and for you to share your writing?" We tell them that they're going to make the rules. The first time we did that they were stunned, they didn't believe us. And they always come up with the same ones:

- Respect each other.
- No judgment.
- No rescuing.
- No cross-talking.
- What we say here stays here.
- If you miss more than two classes you're out of the class, unless you're out on a writ (you get sent to a different jail) or you're sick.

They make those rules. The one that kills me is "No rescuing." If you're reading about something and you are crying, my natural response is to reach over, give you a hug, give you a tissue. But they need the freedom to have that moment, to feel that moment, and just wait. It's tough.

WARD: How are the classes formatted?

STACKABLE: They're six weeks in County, and eight weeks at prisons. At Mabel Bassett we have the option that if they finish the first class they can do a second round, an advanced class. We have so many women say, "I'm just beginning to experience this. Can I continue?" And that's really cool. In the second class they do writing projects that are incredible: sometimes mixed media, sometimes just writing projects. We had one woman write a play that was a retelling of the book of Job in a modern setting. Another woman did a life-size mockup of the prison window, which has twelve panes in it. It's called "Twelve Panes of Separation" and each pane shows one of the levels of separation she feels in the prison.

WARD: What happens to the projects?

STACKABLE: Usually they present them to each other. We take up the poems each week that they've been writing and type them up, and then we put them together as an anthology. At graduation they get a bound anthology of all the poems of the class, and we say, "You're a published poet now." They come up with a title and cover for their anthology.

One of the weeks, at the beginning of the class, we give them composition books and bring magazine cut-outs. We say, "You look exactly the same in dress, but that's not who you are. We want you to decorate the outside of the comp book to reflect who you actually are." It's always chaotic and fun.

WARD: How has your work as an English teacher prepared you for work with Poetic Justice?

STACKABLE: Being at the Tulsa School of Arts and Sciences really has prepared me. We were the first charter high school in Tulsa. It's been a unique experience, educators coming together that wanted to start a different kind of school. We have a real atmosphere of mutual respect, give



each other the freedom to write our own curriculum, try new things. We have tons of support from administration. A lot of the things I tried there transferred to Poetic Justice. It prepared me a lot, the curriculum in TSAS and being an English teacher who loves words.

WARD: Do you think that the participants get closer to justice through this process if they're experiencing the justice system in an unjust way?

STACKABLE: I think they come to terms with injustice and I also think they find a separate peace, so to speak. I think they find a way to be free when they're unjustly treated. My hope is that they always find coping skills. I hate that word, but there's no other way to say it. The way you "cope" in prison is dysfunctional relationships—it's cutting; it's drugs; it's violence; it's despair—which *isn't* really coping. I think writing can be an outlet to change all that.

It's tough. Some of the women at Mabel Bassett, they're never leaving. For a long time our emphasis was helping women so that when they transitioned to the outside world and weren't behind the wire anymore, they'd have skills and coping mechanisms, not get involved in the same patterns. Then we started asking ourselves, "What if they never get out? Does writing still have the power to change? Does it still make their lives better?" This is their life, their community, 1400 women. I think I'm still asking myself that question, and I want to believe that it does—I see it a lot.

Women who take our classes are often the leaders there. It's hard to be a leader in a system that doesn't let you be a leader. If more than five women are together in Mabel Bassett, they break it up. You never know when you're going to be shifted, when you're going to change cell mates. You never know if they're going to come and confiscate all your notebooks. It's a dehumanizing system.

WARD: Do you think you are injecting some humanity into that space?

STACKABLE: That's an interesting analogy. We have two hours, so it's like a direct transfusion, there's no time for segues, for transitions. Because of that, it is an amazing, wonderful experience. You feel that time stops while you're there. Your sense of space alters and you feel that your whole world is contained within that room. I think I've learned to be more present and really still myself by going there.

JULIE ANN WARD is Assistant Professor of 20th- and 21st-century Latin American Literature at the University of Oklahoma and a Poetic Justice volunteer. She was born in Antlers, Oklahoma, and lives in Norman.

EXTRA! READ | THINK | TALK | LINK

- Poetic Justice. Watch Ellen Stackable's TEDx talk about the Poetic Justice program, how it empowers women in prison, and addresses the question: Can poetry change lives? poeticjustice.org
- "States of Incarceration: The Global Context 2018," Prison Policy Initiative. Report on Oklahoma's status as "the world's prison capital." prisonpolicy.org/global/2018.html

POETIC JUSTICE

Poems by Incarcerated Women in Oklahoma



ANGELINA CICONE I have lost all five of my children to family and the system. I've lost many things; however, every time something is ripped from my life, I bite down on the stick with no anesthesia. I have endured to see the wounds scab over, scar, and heal. I wear the scars of my lessons proudly, for I am my scars; I am the lessons I've learned.

Writing is my healing balm. It allows me to take an honest look at who I was and carries the flavor of who I want to be. It allows me to cope with the echo of the sorrows I have experienced. I write to my pain, my children, my past. I write for change.

I AM AN INMATE

I am an inmate.
My name is "Offender."
The number in the thousands
Of women incarcerated in our state.
A number that continues to
Explode exponentially.
After all, they can always add more bunks,
Can't they?

I am an inmate.
My name is "Useless" and "Addict."
My number is seven,
The mandatory minimum amount of years
Due to me for my drug crime.
But why not make it an even ten for my first offense?

I am an inmate.
My name is "Broken," "Abused," "Forgotten."
My number is eight,
The age of my oldest son
When I was locked away.
What is motherhood again?

I am an inmate.
My name is "Violent," "Thief," "Abuser," "Monster."
My number is seven,
The number of years since
Prison reform was mentioned in Congress.
And what has changed?
Nothing.

I am an inmate.
My name is "Sister," "Daughter," "Mother."
My number is one,
The number of times I've been denied parole.
What were the grounds?
No one knows.

I am an inmate.
My name is "Neighbor."
My number is two,
The number of years I have left in this
place.
And what will you call me then?

I am an inmate.
My name is Angelina.
My number is 67812,
The number of a single mistake
And one I must wear for life. ~ AC

CHANGE

In a wind or a wave, it comes.
Blowing, boiling, sifting, spoiling
Whether coward or brave, it comes.
Surfing sands of Time, it comes
Outside of Reason, and needless of rhyme,
it comes.
Tearing, taking, melting, making
An emissary of erosion, it comes.
Colliding, cooling, flaming, fluting
Loosening what was frozen, it comes.
A build up—sedimentary.
This concrete penitentiary.
Cold or hot, it comes.
Ready or not, it comes. ~ AC

COMMON GROUND

When a woman shares her words, the others listen intently and affirm the common ground they share. What's more is that I, too, have found common ground with the stories they share. This recognition of shared humanity is what makes Poetic Justice truly special and beautiful. During class there is no inmate or outsider. We recognize that we are all members of what Maya Angelou called the "human family," notably that "we are more alike, my friends, than we are unlike." May the words of these women allow you to reflect on the power that exists in claiming ownership of one's identity and humanity.

~ KAREN WORKUN,
LEAD CLASS FACILITATOR



GENEVA PHILLIPS I am rehabilitated by my own self-determination, not the cage I inhabit. I am no longer overwhelmed by the prospect of living. My life has been transformed from senseless self-destruction to purposeful self-expression. I share the truth of my experience as one person to another.

My poetry is my voice.

My words are the notes in my peculiar and particular song. I write because I can't not write. I share my writing because I have an inherent need to be honestly known. Not by my face or labels, not by my past or present (though both have shaped me) but by the simple truth of all I am, which I pour out, my living song on paper. I write to reveal truth in all of its harsh ugliness, poignant sadness, burgeoning hope and transcendent beauty. The truth of myself and the truth of the spaces I inhabit.

I write because I hurt. I write because I hope. I write because, like any bird, the day is come and I cannot stop myself from singing.



THIS CAGE

There are many times
I look up and stare at the moon
From a cage that doesn't bring much joy
To see the moon through closed windows and locked doors
Fills my heart with such turmoil and dread
Yet I hope you are looking up
To see that moon's sparkle and splendor
Thinking of better times we had
From this cage I wonder what life has in store
Will we be lovers? Or will we be friends?
Have you moved on to another, forgetting the last 4 years?
Will you believe in God as I do now,
Or blame Him for your misfortune?
These are things I must wait to find out,
Until I leave this cage and
Become free again to dance in the moonlight
Unencumbered by walls
Either way I'll understand
Because I found myself, my courage, and my strength
In this cage ~ S.M.

GREY

Grey
galvanized interlocking
mesh wire wall
adorned with silver
Concertina's
slashing deterrent

A lone man with a gun
prowls
round and round the perimeter

Grey
cinderblock construct
every window frames
two stories
self and cellie
cellie and self

Each brick embossed
with countless
signatures
converted to days
multiplied by years
subtracted by death
erased by the time
that holds captive

Grey
designation
a desultory destination
repeating patterns
of monotony
concealing atrocities
behind the facade

Humane habitat for monsters
Or
A monstrous habitat for humans?

Perceptions divided by
Grey
galvanized interlocking
mesh wire wall
Concertina's silver adornment
a slashing deterrent

Made
pounded flat
folded
turned
pounded flat
folded
turned
pounded flat
folded
turned
pounded flat
folded
turned
pounded flat a thousand times

this is how a sword is made
this is how a warrior is made

this is how a woman is made ~ GP



POETIC JUSTICE

Poems by Incarcerated Women in Oklahoma



ARIEL AHHAITY The world would prefer me to be invisible, forgotten. That is why I am what they consider a smudge on the record of “model citizenship.” What does this mean? I’m damaged, broken and labeled irrelevant.

But people will always fear what they do not understand. I write to inspire, to rescue, to let like minds know they are not alone. I am the many. I am the one.

I leave my work as my legacy, the only true insight one will have into the mind, soul and essence of who I am behind the iron mask of critical judgement people have placed upon me. Whatever the form of captivity, I am eternally free in my own mind. You cannot have my liberation, because you cannot have my thoughts.

THE PATHFINDER

Behind closed eyes, I see him;
Sitting in the empty house of my childhood.
All alone except for a small dog, Toby,
“Little Horse,” they call him,
Whom he considers his best companion;
Protector, the only tangible piece
Of me there by his side . . .
For now.

I see his graying head, bent over a beaten Bible;
The same thin pages we would read together
When I was small.
I feel his prayers,
For few are righteous like him.

He is a pillar in my fortress of peace
That stands unshakeable.
He helped lay its foundation,
And he built it up beside me.
It is our bond that holds it firm around us.
He is nothing to you
Even though he is everything to me.

Noble DNA courses through him,
Though no biological legacies will carry it on.
He fathered none but accepted many.
He raised them up out of darkness
By the might of his experienced wisdom,
Instilling knowledge and loving sincerely,
But now he is alone.

I watch the lines carve themselves
Into his handsome features,
The toll of his patient endurance
In a life of oppression.
A father to some. A dad to me.

Where are his children?
Where am I?

I am brazen and vigilant because of him.
His beloved daughter,
The one that went back for him,
To him, when he was widowed,
Deserted astrally by the love of his life.
He is frozen in the year of my arrest,
And vowed that we would do this time
together.
He needs help,
Facing the cruel and merciless world
Is so often an overwhelming journey.
But his faith guides his weary legs
Through the unforgiving wilderness.
He is The Pathfinder, and he is able.
He’ll make a way.

I see determination, still vibrant,
In his aged, somber gaze.
In moments of mortal weakness,
When defeat attempts to seduce him,
And exhaustion paralyzes reason,
He envisions the faces of those he fights for
And forges ahead.
For he is well aware,
Has been taught by his ancestors,
That the journey is half the battle. ~ AA



LISA BOTONE

TA-TA-QUAH, NO-MAY-NAH

Down a dirt road so winding
Away from the outside world
Unknowing and hiding
A dance ground is alive and breathing,
Breathing life into its people

Fire dancing as if choreographed by God
Wood popping and smoke penetrating all in
its path
The sturdy, long table filled with food galore
Kids laughing and playing til they can’t play
no more
Family and friends visiting,
Catching up since the last dance
Making the grounds smile by fulfillment
I feel like I won the lottery to be born into this
Ta-ta-quah. No-may-nah.
I am home. ~ Lisa Botone



Commentary and poems are excerpted from *Poetic Justice*, Volume 3, compiled and edited by Poetic Justice Inc. © 2017. All rights reserved. Written by women at David L. Moss Criminal Justice Center and Mabel Bassett Correctional Center. Photography by Billy Muschinske.

JAX I have spent my entire life in one box or another—expectations, duty, obligations, labels and assumptions. My life became a series of lies I told even to myself. The culmination of that journey was a concrete box from which there is no escape. Ever.

I endeavor daily to prove the naysayers wrong, to be a light in this darkness to those who reside within—and to voice the darkness for those on the other side of the fences to partially see. Perchance someday, someone somewhere will read a scribble of mine and be moved to action for the sake of those who come behind me and may not be able to speak for themselves. I hope that someone is you.



REGRET AND DEFEAT

Regret and defeat, you have overstayed
your welcome inside my head.
For years, you have been wriggling and niggling.
Causing sadness, grief, and strife.
I am no longer a prisoner of you, willing to
be stressed, suppressed, and depressed.
I am ready to be peaceful, joyful, and happy-
filled.
I am new, rejuvenated, excited, and energized.
So now, regret and defeat, with so much gusto
and
strength, I throw you out the door, out into and
down the street! ~ Jackie Rhodes

HAIKUS

Antagonized on
All sides hopeless, I dream of
Freedom, from this place
~ Annette Diamond

A moment of truth
Ears and face turn crimson red
Blinded by the words
~ Angelina Cicone

Hatred flows freely,
Evil stands on pedestals.
I'm ready to leave.
~ Brandi Milligan

AND (POETIC) JUSTICE FOR ALL

Amazing tales long for release:
Nothing is taboo.
Dare to liberate your literate self.

(Perhaps an opportunity to rage against private pain
Or wax rhapsodic, to recapture memories lost—
Every word generates an orchestrated note
Tainted with Truth.
Incensed by silence,
Cascading thoughts riot violently metric.)

Just open up, Woman!
Use that voice others smothered.
Stillness is overrated. Being quiet, too.
Take back your birthright;
Ignite anew some old passions;
Challenge accepted norms of who the world
Expects you to be.

Freedom comes
Only when you are open for it—
Ready—willing to grow, to transform.

Allow the revelation of your sacred self.
Live true. Live real. Live you. Most importantly,
speak honestly.
Light the Path for those who come behind. ~ J

BARE

I am that aged oak,
lightning-struck,
limbs damaged and lifeless—
my heart pulses on
year after year after year—
in a fallow field
struggling for survival
amongst the weeds and snakes
and whirling dust. ~ J

TRANSFORMATION OF THE ART

The art—
really think of the art of silence
and suspension and
need for understanding. It is
sometimes true, sometimes
false, but always a form
of understanding—communication. We
rarely consider the significance of quietude,
how to
master our environment by mastering
ourselves
all through a
turning inward. Turning
inward
only enhances what we see before us, how
neighbors and fellow citizens think and feel
and hurt.

Our need is
for compassion. "I hear you."

This type of empathy
heals
entire communities.

A philosophy professor, Cornel West,
revealed the art of compassionate listening.
Its depth
touches the soul of all who encounter it.

How could that not be a forever moment,
eavesdropping on the spirit like that? It
gives permission to
act like the better man, better woman,
better child
released from the bonds of selfishness.
Saving others
saves ourselves. ~ J



Coyote and Creator Compete for Man, Benjamin Harjo

Unintended Consequences

LINDSAY G. ROBERTSON

Three early Supreme Court decisions cemented a federal Indian policy that has limited tribal sovereignty and American Indian rights for almost two centuries.

United States federal Indian policy has roots in our nation's founding and is built on two broad constructs: that title to Indian lands was lost to discovering European sovereigns and subsequently passed to their American successors, and that tribes are "wards" of the United States, which acts as their guardian or trustee. These concepts were crystalized by the U.S. Supreme Court during the tenure of Chief Justice John Marshall, in three decisions

commonly referred to as the "Marshall Trilogy."

The first of these decisions came in a case offering the Court the opportunity to answer a fundamental question of European colonization: What rights did Europeans acquire and Indigenous peoples lose upon the "discovery" of America? To answer the question, Chief Justice Marshall, writing for the Court, introduced into U.S. law the "Discovery Doctrine," which endures as law today.

■ Marshall's Folly

Johnson v. M'Intosh (1823)

In 1773 and 1775 the United Illinois and Wabash Land Companies purchased four enormous tracts of land from the Piankashaw and Illinois Indian Nations, a speculation scheme to divide and sell small sections to settlers seeking opportunity in a wild new territory. The purchases were illegal under King George III's Royal Proclamation of 1763, which forbade the purchase of Indian lands west of the Allegheny Mountains. Issued following the French and Indian War (1754-1763), the Proclamation was an attempt to prevent the outbreak of renewed hostilities between settlers and the tribes. To get around the prohibition and persuade local British officials that they were free to purchase Indian lands, speculators circulated a fraudulently edited draft of the Camden-Yorke Opinion, a British legal opinion which seemed to suggest that the Proclamation of 1763 had been repealed. Unrest in the eastern colonies, including the Boston Tea Party and the Battles of Lexington and Concord, proved sufficiently distracting to British authorities that no decisive action was taken to stop the speculators.

As British power dissolved in the face of the American Revolution, the Illinois and Wabash Land Companies eagerly set about lobbying a succession of new American governments to recognize their title to the lands, devoting nearly fifty years to pleading the case before various legislatures. In 1823, their case (*Johnson v. M'Intosh*) went to the Supreme Court for a final determination: whether the Proclamation of 1763 was constitutional under the British Constitution. If it was not, the speculators believed, the Supreme Court would have to recognize their title to the Indian lands they purchased. The Companies lost.

After finding that the Companies' purchases were barred by the Proclamation, Chief Justice John Marshall devoted more than twenty pages to the articulation of the Discovery Doctrine. Under this supposed rule of international law, upon European discovery the Indigenous peoples of North America lost title to their lands, retaining only a right to occupy those lands. Discovery, as

Marshall defined it, effectively meant "conquest." Overnight, American successors to European discovering sovereigns became owners of lands that had previously belonged to Native Americans, while Native Americans became only tenants. This doctrine, Marshall noted, meant that the Companies' purchases were not only barred by the Proclamation of 1763 but also invalid because the tribes did not hold title to the land (the sovereign did). Marshall's authority for this view is questionable; it was drawn from his biography, *The Life of George Washington*, written (by his own admission) without the opportunity to consult primary materials.

As to his motive for grafting a twenty-page articulation of a new Discovery Doctrine onto *Johnson v. M'Intosh*, the holding appears to accommodate Marshall's desire to resolve an unrelated dispute involving lands in western Kentucky. Virginia had granted these lands to its Revolutionary War veterans as payment for their military service. After Kentucky became a separate state in 1792, it wanted the lands for its citizens. Kentucky argued that at the time of the militia grants the lands were owned by the Chickasaws, so Virginia had nothing to grant. By retroactively vesting title to the lands in Virginia (as the successor to the British Crown), Marshall eliminated Kentucky's grounds for objection to the militia claims.

The decision may have resolved an ownership dispute between states, but it had unintended consequences, and a troubling impact on Indigenous rights.

■ From Folly to Fallout

Cherokee Nation v. Georgia (1831)

To Marshall's surprise, the State of Georgia seized upon *Johnson v. M'Intosh* as a legal mechanism to oust the Cherokees from their lands. Georgia had ceded its western land claims to the United States in 1802 on the condition that the federal government would enter into a treaty to persuade the Cherokee Nation to transfer tribal lands to Georgia. After years of waiting for this outcome (the Cherokees were unwilling to sell and the United States had done nothing to force a treaty), in 1828 Georgia passed a



Beauty Among Us, Benjamin Harjo



Discovery, as Marshall defined it, effectively meant “conquest.” Overnight, American successors became owners of lands that had previously belonged to Native Americans, while Native Americans became only tenants.

statute purporting to extend the state’s jurisdiction over the Cherokee Nation and abolish the Cherokee government. Citing *Johnson*, Georgia claimed that it had succeeded the British Crown’s title to tribal lands. As owner—effectively, the landlord—Georgia had a right to impose laws on the Cherokees. The Cherokees were free to remain, but would be subject to state law. Mississippi and Alabama followed suit, legislating the imposition of laws on the Choctaw, Chickasaw, and Muscogee (Creek) Nations.

The push of non-Indian settlement continued unabated. States wanted access to and control of Indian lands and resistance from tribes was seen as a barrier to progress. To facilitate treaty-making and the swift dispatch of tribal obstacles, a newly-elected President Andrew Jackson vigorously endorsed a new policy, which Congress passed as the Indian Removal Act in 1830. The Act offered the Cherokees and other tribes threatened with subjection to state law lands in what would become Oklahoma should they decide to leave.

Marshall was distressed at Congress’s cooperation in “the coercive measures.” He privately denounced the Removal Act in a letter to Virginia judge Dabney Carr, lamenting, “Humanity must bewail the course which is pursued.” His distress was no doubt enhanced by feelings of culpability. The legal theory he developed in *Johnson v. M’Intosh*, on which the “coercive measures” were grounded, was public record.

In 1831, the Cherokee Nation challenged the Georgia statute in *Cherokee Nation v. Georgia*. The stakes were high: If states could not validly impose laws on Native Nations within their borders, tribes would have no incentive to move, eliminating the persuasive force of the Indian Removal Act. The Cherokee Nation argued that the Supreme Court could exercise jurisdiction to hear the case, as the suit was between a state (Georgia) and a foreign state (the Cherokee Nation). The Court held that it could not entertain the claim for lack of jurisdiction. Marshall wrote that, although the Cherokees undoubtedly constituted a nation and had an “unquestioned right” to the lands they occupied, it was doubtful that tribes

within U.S. boundaries could be regarded as “foreign nations” under the Constitution. Instead, Marshall found, “They may, more correctly, perhaps, be denominated domestic dependent nations. . . . Their relation to the United States resembles that of a ward to his guardian.”

Marshall thus introduced into American law the idea that the tribes were federal wards. Here, as in *Johnson*, it is unlikely Marshall gave much thought to consequences. In *United States v. Kagama* (1886), one year before passage of the federal General Allotment Act which would result in the loss to Native America of more than 90 million acres representing more than 80 percent of Native land value, the Supreme Court held that the United States was the tribes’ guardian and, as such, had the power to legislate over tribal affairs, even in the absence of delegation of that power in the Constitution. *Kagama* effectively rendered moot constitutional limitations on federal power regarding Indians, resulting in generations of federal impositions on tribal self-governance.

Jackson’s administration had not been idle after passage of the Indian



One does not sell the earth upon which the people walk.—Crazy Horse, Ta-Sunko-Witko (Sioux chief)



Resistance from tribes was seen as a barrier to progress. To facilitate treaty-making and the swift dispatch of tribal obstacles, newly-elected President Andrew Jackson vigorously endorsed the Indian Removal Act in 1830.



Tied to the Earth, Benjamin Harjo

Removal Act. Jackson went to Tennessee with Secretary of War John Eaton and General John Coffee, then dispatched Eaton and Coffee to Mississippi, where they negotiated a cession treaty with the Choctaw. The Treaty of Dancing Rabbit Creek, 1830, made clear the incentive to remove. To protect against future loss of sovereignty to a state, the Choctaw received two guarantees: first, that they would receive in exchange for their lands “a tract of country west of the Mississippi River, *in fee simple*”—thus, not subject to a Discovery Doctrine claim; and second, that “no Territory or State shall ever have a right to pass laws for the government of the Choctaw Nation.” The Treaty was ratified by the Senate and proclaimed by the president a week before Marshall delivered the *Cherokee Nation v. Georgia* decision. Soon, Ohio bands, including the Seneca, Shawnee, Ottawa, and Ohio Wendat (Wyandot), signed treaties exchanging their lands for fee lands west of the Mississippi. Despite Marshall’s efforts to undo the consequences of *Johnson*, removal was proceeding as planned.

■ The Doctrine Dismantled

Worcester v. Georgia (1832)

All this activity reinforced Marshall’s commitment to arrest removal. During the Supreme Court’s February 1832 term, *Worcester v. Georgia* again brought before the Court the question of the legitimacy of Georgia’s jurisdiction over Cherokee lands and rights. New England missionaries Samuel Worcester and Elizur Butler had been sentenced to four years hard labor for residing in Cherokee country without a state license and refusing to swear an oath of loyalty to the State of Georgia.

To frustrate the removal program, Marshall would have to return to the source and dismantle his Discovery Doctrine. *Worcester* was intended to prove *Johnson*’s undoing. In *Worcester*, Marshall held that Georgia’s imposition of laws on the Cherokee Nation violated federal treaty guarantees and was therefore invalid under the Supremacy Clause of the Constitution. The Georgia court’s condemnation of Worcester and Butler should be “reversed and annulled.”

But a Supremacy Clause ruling would only serve those tribes with treaty protections. Many tribes did not have such guarantees and would continue to be vulnerable to state law on the authority of the *Johnson* ruling. Marshall now held that the Discovery Doctrine construction on which Georgia relied was wrong. Discovery, Marshall wrote, “gave to the nation making the Discovery . . . the sole right of acquiring the soil and of making settlements on it.” The discovery right did not diminish tribal sovereignty. “It gave the exclusive right to purchase [a preemption right], but did not found that right on a denial of the right of the possessor to sell.” The Discovery Doctrine limited the rights of individuals and states but not the rights of tribes.

To support this reformulation, Marshall reintroduced and (rather brazenly) discarded the lengthy historical defense he had imported in *Johnson*.

Soon after Great Britain determined on planting colonies in America, the King granted charters to companies of his subjects who associated for the purpose

of carrying the views of the Crown into effect, and of enriching themselves. . . . The extravagant and absurd idea that the feeble settlements made on the seacoast, or the companies under whom they were made, acquired legitimate power by them to govern the people, or occupy the lands from sea to sea, did not enter the mind of any man. They were well understood to convey the title which, according to the common law of European sovereigns respecting America, they might rightfully convey, and no more. This was the exclusive right of purchasing such lands as the natives were willing to sell. The Crown could not be understood to grant what the Crown did not affect to claim, nor was it so understood.

Under this reformulated Discovery Doctrine, Georgia had no title to Cherokee lands or sovereignty over them. The Indian Removal Act now had no coercive force: *Worcester* had taken the teeth out of removal by denying that discovery had given states anything more than a preemption right. At this juncture, Andrew Jackson allegedly said, “John Marshall has made his opinion; now let him enforce it.”

■ Folly Forged into Constitutional Law

For removal to proceed on a surer legal footing, the *Johnson* formulation had to be restored. In 1834, Justice William Johnson died and Jackson appointed James M. Wayne, a vigorous supporter of removal. Within hours of Wayne’s swearing in, Justice Gabriel Duvall resigned and the balance of power on the Court shifted. John Marshall had lost control of his court. Of the six justices, three—John McLean, Henry Baldwin, and James Wayne—were Jackson appointees. Of the remaining three—Marshall, Joseph Story, and Smith Thompson—only two were in good health. Marshall was dying. “He still possesses his intellectual powers in very high vigor,” Story wrote, “but his physical strength is manifestly on the decline.” Marshall died on July 6, 1835.

Now came the chance to restore the *Johnson* formulation of Discovery Doctrine. Against a backdrop of ongoing federal efforts to coerce Indian removal, five decisions issued between 1836 and 1842—*Mitchel I*, *Fernandez*, *Clark*, *Mitchel II*, and *Martin*—helped the Jackson-appointed justices hammer the *Johnson* formulation into constitutional law. The Court’s repeated citations to *Johnson* legitimized these efforts.

Today, when American courts cite the doctrine, they cite not to a well-reasoned opinion of the Great Chief Justice, but to the politically motivated resurrection of a doctrine Marshall himself had buried. The Discovery Doctrine articulated in *Johnson v. M’Intosh* remains at the center of debate on tribal sovereignty and Native American rights.



Breathing Out Life, Benjamin Harjo

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BENJAMIN HARJO was raised by his Seminole grandparents on their farm outside Byng, OK. He studied painting, printmaking, color design, and drawing under Seymour Tubis at the Institute of American Indian Arts in Santa Fe. Tubis taught him how to carve woodblocks and create hand-pulled prints, the technique Harjo prefers today. After a tour in Vietnam with the U.S. Army, Harjo attended and earned a Bachelor of Fine Arts at Oklahoma State University, studying with J. Jay McVicker. He enjoys a successful career as a self-employed artist living and working in Oklahoma City with his wife Barbara.

EXTRA! READ | THINK | TALK | LINK

- “Indian Removal Timeline,” *Digital History*, S. Mintz and S. McNeil, 2018. Outline of treaties, legislative actions, and Supreme Court cases that led to forced removal of tribes to Indian Territory. digitalhistory.uh.edu
- “Indian Treaties and the Removal Act of 1830,” U.S. Department of State, Office of the Historian. Short essay on American Indians’ resistance to encroachment and Andrew Jackson’s orchestration of removal. history.state.gov/milestones/1830-1860
- *Illinois-Wabash Collection*, Law Digital Collections, the University of Oklahoma. View 263 documents and maps, including an altered copy of the Camden-Yorke Opinion, reflecting the Illinois-Wabash Companies’ efforts to acquire title to Indian lands, 1775-1823. The papers informed Lindsay G. Robertson’s award-winning book, *Conquest by Law: How the Discovery of America Dispossessed Indigenous Peoples of Their Lands* (Oxford University Press, 2005). digital.libraries.ou.edu/IWLC

...UNTIL JUSTICE ROLLS DOWN LIKE WATERS
AND RIGHTEOUSNESS LIKE A MIGHTY STREAM

MARTIN LUTHER KING JR.

Martin Luther King, Jr., inscription at the Civil Rights Memorial
in Montgomery, AL. Photo: Carol Highsmith. Library of Congress

Justice Like Waters

“Social” and “justice” go together when creating community.

HAROLD SHANK

*M*ARTIN LUTHER KING, JR., a formidable champion of justice, frequently used the line “Let justice roll down like waters and righteousness like a mighty stream.” It’s a vivid image. We can see the surging water and hear the roar of the mighty stream. King knew that images give substance to abstract ideas. That’s why a picture can replace a thousand words or why seeing a painting or viewing a monument expands our view of the world. King, like others, used images to explain complex ideas—such as *justice*.

Civil Rights March on Washington, D.C., Aug. 28, 1963. Dr. Martin Luther King, Jr. (right); Mathew Ahmann (immediate left), Executive Director of the National Catholic Conference for Interracial Justice; and (far left, partial view) John Lewis, Chairman of the Student Nonviolent Coordinating Committee. National Archives [CC0] Wikimedia Commons



Picturing Justice

There are many ways to envision justice. One piece of the architecture of the U.S. Supreme Court adopts the female personification of *Justitia* from Roman mythology. Blindfolded, she holds balanced scales in one hand and a sword in the other, conveying that justice is rendered with impartiality, equity, and power. Jewish rabbi Abraham Joshua Heschel, who often marched with King while advocating for civil rights, compared justice to a mold and human life as clay. When our experience fits the mold, we know justice. When we distort the mold, injustice occurs. These images remind us that we all share a sense of the ideal of justice. We may define it differently, but justice still calls us to a higher standard.

Despite the other metaphors available, King repeatedly returned to the image of water. He used it in his “I Have a Dream” speech during the 1963 March on Washington:

We cannot be satisfied as long as the Negro in Mississippi cannot vote, and the Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied, and we will not be satisfied until “justice rolls down like waters and righteousness like a mighty stream.”

He included it in his 1963 “Letter from Birmingham Jail”:

Though I was initially disappointed at being categorized as an extremist, as I continued to think about the matter I gradually gained a measure of satisfaction from the label. Was not Jesus an extremist for love: “Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you.” Was not Amos an extremist for justice: “Let justice roll down like waters and righteousness like an ever flowing stream.”

Speaking in New York City in 1967 on “Beyond Vietnam, A Time to Break Silence,” King incorporated the line in his conclusion:

If we will but make the right choice, we will be able to speed up the day, all over America and all over the world, when justice will roll down like waters, and righteousness like a mighty stream.

At Mason Temple in 1968, the night before his assassination, King cited the image in his speech “I’ve Been to the Mountaintop”:

Who is it that is supposed to articulate the longings and aspirations of the people more than the preacher? Somewhere the preacher must have a kind of fire shut up in his bones, and whenever injustice is around he must tell it. Somehow the preacher must be an Amos, who said . . . “Let justice roll down like waters and righteousness like a mighty stream.”

King’s analogy comparing justice to water originates with the Hebrew prophet Amos. Amos and King share a number of qualities. Both were preachers. Both emerged from a society of poverty to champion the cause of justice. Both advocated for the poor and vulnerable. Both spoke in symbols and images. Why the common use of water imagery? What does a mighty stream say about justice and righteousness? How does it help us understand our world and build better communities?

Water as a symbol is as multifaceted as justice and righteousness. Perhaps that is why Amos (and the Hebrew prophets such as Isaiah, Micah and Jeremiah) and Martin Luther King, Jr., drew on the image in many different settings.



The opposite of good is not evil, the opposite of good is indifference.—Abraham Joshua Heschel

Civil Rights Memorial,
Montgomery, AL. Photo:
Carol Highsmith, 2010.
Library of Congress

Creating Community

King's quotation of Amos contains two abstract words: justice and righteousness. The two words appear together nearly a hundred times in the Hebrew Bible. Hebrew scholar Christopher Wright translates the pair as "social justice."

Wright echoes a consensus of thought that the two words define each other. Justice is about fairness and equity: Everybody should get their part of the good things in the world. Righteousness is about relationships and community: It means treating other people the way we want to be treated; it is the "social" in social justice. By using the image of an ever-flowing stream, perhaps Amos (and King after him) sought to show that justice should flow to all, that each person should treat others fairly. They wanted social justice in our world to be as never-ending, as powerful, as nourishing, and as hopeful as that ever-flowing stream.

King's interpretation of Amos—and the imagery of water—is a call for social justice. Keeping the idea of *social* together with *justice* provides a keen insight for our contemporary situation. Justice demands that the poor have better housing; social justice pushes me to look for families in my own community that need better housing. Justice is served when our most vulnerable children experience equality in the school system; social justice requires my concern, even



though I don't live where schools are inferior. Justice calls for an end to racial discrimination; social justice motivates me to examine my own prejudices.

Perhaps King and Amos used the water image because they recognized that the power and danger of a roaring river symbolizes the risk involved in standing for social justice.

My friend Dan recently visited a basketball coach on Chicago's economically challenged west side. The coach had lived in the neighborhood for twenty years. During that time, an arsonist had torched his home. One hundred of his players were killed in street violence. As they walked through the neighborhood, the coach confessed that he thought repeatedly about moving out of the neighborhood, that it would be safer for his family. But what about the boys he'd leave behind? At the family dinner table,

the question was often asked, "Who got killed today?" Most of his players reached adulthood and are successful citizens. Many are now leaders. Dan returned deeply moved by the coach's devotion to his players and neighborhood. Social justice demands personal involvement, makes you want to emulate that coach, and, in some way, help change our world.

Delisa Herbert runs the Second Chances Thrift Store in Oklahoma City. She helps women escaping domestic violence, supports survivors of sex trafficking, and advocates for former inmates reentering their communities after prison sentences. Delisa has a dark past, but engages with everyone that comes in the thrift store, always sending them away with "Have a blessed day!" Recently a tall, muscular man entered the store and threatened her with a knife. Delisa stepped forward, saying, "I am not

scared of you or your knife. I have been stabbed and shot at before. What you need is Jesus. You don't need that knife. Put the knife down so we can pray." The man put the knife down and bowed his head. Delisa prayed and he left the store without harming anyone. Delisa's story moves social justice from crime figures in the newspaper to a person standing in front of us. For Delisa, justice is an everyday issue. She may sell used clothing and secondhand furniture, but her major commerce is fairness, equity, and offering people a second chance at finding them. Social justice calls us, like Delisa, to take a risk, to create community.

Did Delisa do the right thing? Was her personal safety worth the risk? King wrestled with those questions. When I toured the National Civil Rights Museum in Memphis and stood by the spot where an assassin's bullet ended King's life, I thought of all the risks he took—from fire hoses to jail, from bombings at his home to the final threat on his life. In his autobiography he noted:

On some positions, Cowardice asks the question, "Is it safe?" Expediency asks the question, "Is it politic?" Vanity comes along and asks the question, "Is it popular?" But Conscience asks the question, "Is it right?" And there comes a time when one must take that position that is neither safe, nor politic, nor popular, but he must do it because Conscience tells him it is right.

Social justice is risky business. Jumping into the fray after a disaster, serving meals to the homeless, fostering an unwanted child, rescuing vulnerable girls from sex-trafficking—these actions involve personal risk. But it takes a certain amount of risk to be part of a better community, a more equitable world, a more just network of neighborhoods.

Living Justice

The Civil Rights Memorial in Montgomery, Alabama, features an imposing black granite wall with the inscription, "Until justice rolls down like waters, and righteousness like a mighty stream," appropriately credited to Martin Luther King, Jr. A large round granite table,

about a dozen feet in diameter, dominates the scene. The table bears the names of the forty people who died in the Civil Rights Movement from 1954, the year the Supreme Court ruled school segregation unconstitutional in *Brown v. Board of Education*, to 1968, when Martin Luther King, Jr., was assassinated. For these forty people, justice was personal.

Water ties the wall and its inscription to the table as an endless rolling stream flows across the names. We get the point. The work for justice never ends. Someone must always rise up to wash away society's inequities. Social justice is how we build a better community. The cooperation it requires paves the way for mutual understanding.

Designer Maya Lin, who also created the Vietnam Veterans Memorial in Washington, D.C., incorporated an additional powerful feature in the Montgomery monument: The water flowing across the table creates a reflective pool. We see our own reflection in the rolling water.

King used the words of Amos to communicate his vision of a just world. Whether we participate or not, justice *will* roll on. We either watch the waters go by or join the flow.

HAROLD SHANK is a consultant to faith-based organizations and has advocated on behalf of Christian child care since 1996. His recent books, including *GodWorks—Joining Jesus on the Journey* (21st Century Christian, 2016), give theological reflection on the vulnerable, especially children. He has served as president of Ohio Valley University in Vienna, WV, and as professor of Old Testament and Hebrew Studies at Harding School of Theology in Memphis, TN, and Oklahoma Christian University in Oklahoma City, OK.

EXTRA! READ | THINK | TALK | LINK

- *Freedom's Ring: King's "I Have a Dream" Speech.* Audio and animated video of MLK's historic speech. freedomring.stanford.edu (search: freedom's ring I have a dream speech)
- Civil Rights Memorial, Southern Poverty Law Center. Info on the SPLC and the Memorial as a place of reflection on the Civil Rights Movement and those who died in the cause of freedom. splcenter.org
- "Let Justice Roll Down Like Waters (Amos 5-6)," Samuel Thomas, Bible Odyssey. Background on Hebrew prophet Amos, whose text "strongly denounces religious hypocrisy and economic inequality." bibleodyssey.org



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An Interview with Clara Luper

PAUL R. LEHMAN



October 2019 marks the 61st anniversary of the first sit-in of the Civil Rights Movement. That history-making event took place in Oklahoma City at Katz Drug Store, where thirteen teenagers and their advisor, Clara Luper, sat down at the lunch counter and refused to leave unless they were served. Twenty years ago, scholar Paul Lehman talked with Clara Luper and her daughter, Marilyn Hildreth, one of the young people who participated, about the sit-in and its legacy. Their observations are striking. Following is an edited excerpt from that conversation, recorded in October 1998 and published in *Oklahoma Humanities INTERVIEW* in 1999.



LEFT: Clara Luper and others boarding a bus to go to an African American Civil Rights protest. Photo: Johnny Melton, August 26, 1963. Melton Collection. PREVIOUS PAGE: Clara Luper. Photo: Richard Peterson, *Oklahoma Times*, July 29, 1960. Oklahoma Publishing Company Photography Collection

Photos provided
by Oklahoma
Historical Society

PAUL LEHMAN: Mrs. Luper, when did you first get started in the NAACP?

CLARA LUPER: I have been in the NAACP practically all of my life. I was in NAACP at Langston University, when it came to Oklahoma City, and I got started as a youth advisor in 1957.

Q: What led you to the protests?

A: I grew up in Hoffman, Oklahoma, a small town where the blacks lived on one side and the whites lived on another. I had to walk five miles to attend Grayson High School. We would go in the evenings, look into the white schools and see all the books and just wish we could get in there and read. In Hoffman we had separate schools, we had separate everything. It was close to Henrietta, Oklahoma, where they had a sign: "Negroes read and run. If you can't read, run anyway."

We were not allowed to try on shoes in Henrietta. I remember how my mother would go into the stores and pick up the shoes and take for granted they would fit us. I saw my brother die after being taken to Henrietta, where the doctors refused to wait on him because it was the law.

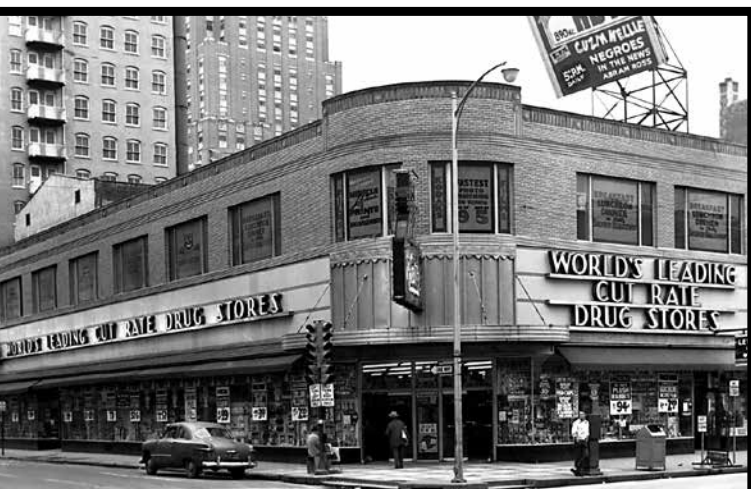
I hated segregation. I read the Constitution of the United States and the more I read, the more it spoke to me and said, "You are a citizen of the United States; you are entitled to these rights." In 1954, we had a great victory when Thurgood Marshall [argued] Linda Brown's case [before] the Supreme Court. When those nine white men dressed in long black robes ruled that segregation had no place in education, it was easy to see that if it had no place in education, it had no place in transportation, it had no place in public accommodations, housing, employment, and on down the line.

Q: Was there anything significant about the location where you chose to demonstrate?

A: Yes. We decided on Katz Drugstore. You could eat upstairs if you were white, plus it was open late and it was just convenient. Katz Drugstore was where black people bought shoes; they bought clothes; they had their prescriptions filled. We thought that would be the ideal place. And it was.

Q: How did you prepare the students and their parents to participate?

A: I had written a play, *Brother President*, a story about Martin Luther King, who was a friend of mine. I was really impressed with Dr. King's philosophy. I remember him saying that if we would follow non-violence, we would be "Free in '63." Even today, I believe that was the best way; because, see, non-violence is something that will make your enemy become your friend. You can look at me and curse me and you cannot use over twenty curse words before you have to repeat yourself, and you just look silly standing





RIGHT: Clara Luper, June 22, 1963. Oklahoma Publishing Company Photography Collection. BELOW LEFT: Katz Drug Store at 200 W. Main in downtown Oklahoma City. Photo: Meyers Photo Shop. Z.P. Meyers/Barney Hillerman Photographic Collection.



there cursing me. We trained our young people in non-violence. Many of the parents said, "I can't go." They stood to lose their jobs, lose their credit, and what have you.

Q: What kind of personal repercussions did you receive?

A: I received threats. I would wake up some days and there would be a sack of shot gun shells on my porch. I was hounded with telephone calls, with hate mail. It was just unbelievable.

Q: You were teaching at the time. How did your activities in the protest movement sit with the school and the administrators?

A: I told my principal and my superintendent, "I'm black; I was black before I was a teacher. I hope you understand that, sir. I teach history, I teach government, and I cannot teach something I don't believe in. I know that women in America did not get any rights until they protested. I know what happened in the labor movement in the United States. And I know you as a principal or as a superintendent would not deny me that right as long as it does not interfere with my school work." During the sanitation strike, I would get up at 5:00 in the morning and go protest, but at 7:30 I would be on duty.

Q: Is there anything in particular that stands out in your mind with respect to the civic community and their response?

A: No one in city hall would stand up for us. I told them they had taken an oath to uphold the Constitution of the United States—and that superseded the laws in Oklahoma, I thought.

I was invited to a lot of white churches. I remember going out into Capitol Hill. When I got over there a lot of men were standing out in front of the church, and I said, "Ah, they're here to welcome me." I didn't have sense enough to know they had formed a barricade so that nobody could see me coming into their church, as black as I was. The minister introduced me and said, "We have with us this evening Ms. Clara Luper, a black woman." I said, "Well, thank you sir, I did not realize that I was coming to speak to a group of blind people." He didn't like that too well, but I was able to make my point. I told them I was glad to be with my sisters and brothers because my understanding was that we are all God's children.

The white people suffered a fear of being rejected by their peers, by their community if they took a stand. But many of them took stands with us. I was in jail twenty-six times and most of the time someone white went along with me. When I went to Selma and to Birmingham there were whites. So I would say there were those that believed in freedom and those who didn't.

Q: Forty years later, some of the expectations that you had have not been realized.

A: I expected once the sit-ins were over and this community had seen what non-violence had done they would rush in and help us. I expected more people, blacks and whites, to become members of the NAACP and become involved in our program, helping to educate young people in non-violence. That didn't happen. We had to work harder than ever to get people to see our side of the story.

Just as in the women's suffrage movement, some of us had to go to jail. We knew we couldn't just sit back, point at someone else, and tell them they had to go. We had to do it ourselves.—Clara Luper, 2000





LEFT: An African American Civil Rights protest at Bishop's Restaurant, 113 N. Broadway, Oklahoma City. [Poster in the window reads: "Constitution Article XIII. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States." The correct source is the 14th Amendment.] Photo: Johnny Melton, May 31, 1963. Melton Collection.

RIGHT: (from left to right): Carolyn House, Brenda Officer, Paul Anderson, and unidentified person at an African American Civil Rights sit-in protest at John A Brown Co. in Oklahoma City, OK. Photo: Johnny Melton. Melton Collection



Q: What would you say to future generations, with respect to civil rights, given your experience?

A: I think that what we need to realize is that we are all wrapped up together in a bundle called democracy. Until we can see all of us as part of that, or maybe as a quilt all together, I think that we have failed. I would tell the young people, "You are a lucky generation because you are the first generation that has the opportunity to prove what the forefathers wrote, 'All men are created equal.' You have the opportunity, the experience to do it. That's your responsibility. You have not lived today until you have learned that we are living in a global society. If you don't learn the somewhere-elses and how to live with the somebody-elses, you are going to be left out in the twenty-first century."

How in the world can you compete in a global society living in a segregated society? You can't do it. We've got to prepare our people—blacks and whites—for a global society. What the public didn't know is that, while we were sitting in, the kids were reading, preparing themselves for a new day.

Q: So the sit-in wasn't just a one-shot deal where you brought kids in and then it was over?

A: Oh no, no, no. It was a training period, preparing them to live in an integrated society.

Q: How did the experience change your life?

A: I have made a lot of friends. Even though I was arrested twenty-six times, I made friends at the police department. I have traveled extensively.


I have spoken all over the country. I've got one hundred and twenty letters from kids I need to answer. It's been quite an experience and it has certainly been a rich life. I have won over 400 awards all over the country.

Q: Your efforts here created a model that was emulated at different places in the United States, sit-in protests.

A: In North Carolina they did not start until 1960. We had already been honored by the NAACP in New York City in 1958 for what we had done here.

Q: Ms. Hildreth, you were a part of the NAACP youth council and took part in the sit-ins?

MARILYN HILDRETH: I grew up in the sit-in movement. There was a group of young people from Oklahoma City who put on a production called *Brother President*. We went to New York City to perform it, and going out there we went the northern route, where we didn't experience segregation as such. We did not have to go to the back door to eat, and we could go into lots of the restaurants just like anyone else in America. We did not realize how much bigotry there was in the United States until we had that experience. We were from a small place called Oklahoma City, and we just thought everything was like that all over the world, that when you went downtown you had to go to the back of the store or the back of the alley to get food. Little did we know that thirteen young people and advisors from



RIGHT: Youths waiting at door of Bishop's Restaurant in downtown OKC were "sit-in" movement participants. Photo: John Gumm, August 6, 1960. Oklahoma Publishing Company Photography Collection



LEFT: Clara Luper and youths participate in the NAACP Civil Rights March on N. Shartel, Oklahoma City. Photo: Johnny Melton, April 3, 1965. Melton Collection

Oklahoma City would come to change the course of American history.

Q: Can you remember anything that might have been going through your mind when you were sitting down there?

A: Initially, we were convinced that we were just going to Katz Drugstore and sit until the doors of discrimination fell. We thought they were going to fall that night. They didn't.

Q: What were your immediate expectations?

A: The only thing we wanted at that time was a hamburger and a Coke. But soon that changed because the hamburger represented the meat of our society, the opportunity to go down to Browns and try on a hat or try on a pair of shoes. Then the Coke represented all that was good about America and all the doors it could open. So it started out just as a hamburger and Coke which later turned into something stronger and larger.

Q: What were some of the immediate repercussions as a result of your participation?

A: The thing I remember more than anything else is when we were walking around Bishop's [Restaurant] and a guy threw a chimpanzee on me! I also remember the time I was on my way home from cheerleading practice as a student at Douglass and someone said our vehicle was on fire. I can remember listening to my mother on TV saying that she had to hurry home because they had threatened to bomb our house, and she

had to get the American flag she was given when my grandfather died. And I thought, "Oh, God, I have to get out of here."

When I really start thinking about it, I get really cold chills, because I think about the young people who were involved and how some of them used to walk from Spencer just to have the opportunity to picket, to have the opportunity to be involved. It was something that really became a part of you, and you learned to be just tough. I think that's why we have survived so many trials and tribulations.

Q: What are some of the results that you have seen in this city as a result of the demonstrations?

A: In 1974, I was the first woman in Oklahoma to go to work at Allstate Insurance. The sit-ins and participating in them taught me how to survive in meetings with hundreds of men who didn't want me there. A guy met me at the door on my first day on the job to inform me that they didn't want me there. He didn't like me for three reasons: because I was a woman and my place was at home; because I was black, and I couldn't change that; and because I was a Luper. I told him I didn't give a damn whether he liked me or not, but that he was going to have to respect me as an individual. If I had not had the training that I received in the Civil Rights Movement I never would have survived. This office building is in the area where my grandmother had to move into the servants' quarters to send my mother to college. So I know we have made progress. I am a living witness of the progress.



Q: During the demonstrations, it was a difficult time just getting service. How have things changed?

A: Some time ago when I worked at Sears, I felt a lady just standing there looking at me, and I kept saying to myself, Why is this lady staring at me? In the midst of the Civil Rights Movement, there were some of the meanest people. They would throw coffee on us, be really cruel. Finally, this lady walked over and introduced herself, and we talked and she hugged me. This was the same lady that had spit on me, the same lady that had dumped coffee on me as a child. She said she had kept up with me all these years. Later, I wrote her insurance, and to this day I call her a friendly family name, like Aunt.

Have I seen social change? Of course. Where we are today does not compare to life in 1964, in 1969. But we need to go back to the core. Unless we understand what has taken place in order to survive as a society of people, we can't understand where we are supposed to go.

Q: What kind of legacy do you think the sit-ins should have for the citizens of Oklahoma City?

A: When the history of this country is written, people will understand what has really happened here in Oklahoma. We have to talk about and write about our own history. If we don't do it, who's going to tell the story of thirteen kids that changed the course of American history, who started out with the dream of a hamburger and a Coke and developed into a tornado that went across this countryside?

Q: What kind of advice would you give black kids for the future?

A: I would tell them: The rules are different when it comes to us, and [you] need to know that. Prepare yourself, but no matter how hard you prepare yourself, you still are going to have to be better. We can't be just good; we have to be better.

Q: You don't think that world has changed?

A: Not in our lifetime and not in theirs. We live in a racist society. We have more hatred on talk radio than we have ever had. We have institutions that stand up and say it's right to do evil to people who are different than you.

See, before, you knew who you were frightened of. You knew if you went up to a water fountain it was going to say on the sign, "White" or "Black." You had white bathrooms and black bathrooms. You saw who you were fighting, and that left you more ready to fight. Now, racism can be harder to see.

But I don't let these kids tell me what can't be. You can be what you want to be. Life's not easy and it's not fair. So you prepare yourself to deal with the unfairness, and then you deal with it.

PAUL LEHMAN is an author and Professor Emeritus and former Dean of the Graduate College, University of Central Oklahoma.

EXTRA! READ | THINK | TALK | LINK

- "Clara Luper Remembered as Champion of Equality," Ken Raymond, *The Oklahoman*, June 10, 2011. Profile of Clara Luper's leadership and legacy. newsok.com
- "In Honor of the Life of Clara Mae Shepard Luper," Hon. John Conyers, Jr., House of Representatives, June 15, 2011. Congressional Record honoring Luper. gpo.gov



TOP: Sit-in group marches, August 9, 1960. **CENTER:** Marilyn Luper prepares for march with dozens of flashlights, water can, tents and sleeping gear. Photo: Paul Derby, June 16, 1966. **BOTTOM:** Clara Luper gives her last day of teaching. Photo: Jim Argo, *Daily Oklahoman*, May 25, 1989. All photos from Oklahoma Publishing Company Photography Collection



Martin Luther King, Jr., after meeting with President Lyndon Johnson to discuss civil rights. Photo: Warren K. Leffler, *U.S. News & World Report Magazine*, Dec. 3, 1963. Library of Congress

JEFFRIES | from p. 14

We would benefit from heeding his call to challenge unjust laws, to use nonviolent direct action to force powerbrokers to the negotiating table, to reject the label of outsider, and to embrace the idea of becoming extremists for justice.

The arc of the moral universe is long, but it will only bend toward justice if we make it.

HASAN KWAME JEFFRIES teaches civil rights history at The Ohio State University. He earned his Ph.D. in American history from Duke University. He is the author of *Bloody Lowndes: Civil Rights and Black Power in Alabama's Black Belt* (2009) and the editor of *Understanding and Teaching the Civil Rights Movement* (2019).

DEREK RUSSELL is an American artist best known for stunningly energetic images of amazing people. He creates meaningful, engaging stories with bold, vibrant color that inspire people to open their minds and make a positive impact on the world. His art is collected across the U.S. and around the world. DerekRussellArtist.com
Instagram: @DerekRussellArt

EXTRA! READ | THINK | TALK | LINK

- *"Atlantic Readers Respond to Martin Luther King Jr.'s 'Letter From Birmingham Jail,'"* Mara Wilson, *The Atlantic*, Jan. 21, 2019. Recounts printing MLK's text in the August 1963 issue under the title "The Negro Is Your Brother" and the largely positive reaction from readers. theatlantic.com
- The Martin Luther King, Jr. Research and Education Institute, Stanford University. The Encyclopedia has a short annotated essay, "Letter from Birmingham Jail," on the circumstances surrounding King's writing of the letter. kinginstitute.stanford.edu/encyclopedia | Read the full transcript of King's letter or listen to the audio of King reading the letter. kinginstitute.stanford.edu/king-papers

A Way Forward

As dark as this picture is, light has unmistakably broken through in recent years. Driven by a combination of humanitarian compassion and budgetary prudence, the Oklahoma Legislature and the electorate at large have taken significant steps towards a system that offers redemption rather than condemnation.

At the helm of this movement is Kris Steele, who offers a different vision of what familiar religious traditions can bring to the justice reform debate. Steele, a Baptist minister who runs a job-training and education ministry, reminds people that "there is no spare Oklahoman." He is also a former Republican Speaker of the Oklahoma House of Representatives who shepherded a major justice reform package in his last year in the legislature—laws that were ignored amid petty intra-government squabbling after he left office. Steele's deep faith informs his passion for helping people involved in the justice system get back on their feet and redeem themselves. His message is gaining traction: He led the successful campaign for State Question 780, which reduced penalties for low-level drug possession and property crimes, and he remains actively involved in legislative efforts to reduce incarceration as head of the broad, bipartisan coalition Oklahomans for Criminal Justice Reform.

Oklahoma's fire-and-brimstone approach to criminal justice appears to be slowly fading, thanks in large part to the work of individuals like Steele and Webb—a turnaround that our justice system desperately needs. States with similar problems are further ahead on their reform journeys. Oklahoma's first steps have (so far) been relatively minor ones, so our incarceration rate will remain at the tippy-top for the foreseeable future.

Our indifference to the plight of our neighbors, especially those who do not share our skin color, is abetted by a religious doctrine that absolves us of responsibility for others. Making meaningful, lasting changes to our approach to justice requires us to recognize that our collective fate depends on how we recognize and meet challenges, and how we treat those we find different or might otherwise ignore.

It may be between you and God, but it's also between you and me.

RYAN GENTZLER serves as Director of Open Justice Oklahoma, a program of the Oklahoma Policy Institute that seeks to illuminate the justice system through analysis of public data.

EXTRA! READ | THINK | TALK | LINK

- *Solutions: American Leaders Speak Out on Criminal Justice* (2015), Brennan Center for Justice, Inimai Chettiar and Michael Waldman, editors. brennancenter.org
- "You Miss So Much When You're Gone: The Lasting Harm of Jailing Mothers before Trial in Oklahoma," ACLU of Oklahoma, Sept. 26, 2018. Video and report on effects of incarceration on families and communities. acluok.org
- "America Has Locked Up So Many Black People It has Warped Our Sense of Reality," Jeff Guo, *The Washington Post*, Feb. 26, 2016. Decisions about economic policy are skewed by not accounting for black men in prison. thewashingtonpost.com



Catch Season 2 of BrainBox, our podcast for your noggin! Monthly podcasts explore current events and culture, with context provided by Oklahoma's leading humanities scholars. Season 2 episodes examine alternative Oklahoma history, the relevance of the 1960s, expanding powers of the American presidency, and more. Listen at okhumanities.org/brainbox, iTunes, Spotify, YouTube, or the Podbean app.



OKLAHOMA HUMANITIES

"Wade in the Water," a dynamic new *Let's Talk About It, Oklahoma* series, explores literature that cultivates conversations about the importance of water, the issues and challenges we face, and how we can relate to water in sustainable, resilient ways so that humans and our ecology continue to flourish. Check the OH calendar for this and other engaging themes that Oklahomans are reading and talking about. okhumanities.org/calendar

NOTEWORTHY



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WALKING THE WALK OF DIVERSITY, EQUITY, AND INCLUSION

When our affiliate, the National Endowment for the Humanities, was authorized in 1965, Congress stated that the humanities reflect a high ideal of mutual respect for the diverse beliefs and values of all persons and groups. Oklahoma Humanities takes this vision seriously. Our Board of Trustees is comprised of individuals who are representative of Oklahoma's population, whether by characteristics such as gender, age, race, ethnicity or geographic location, or by differences in thought and experience. By attending to the composition of our governing body, we strive to respect, welcome, and value the diversity that makes Oklahoma distinct.

These ideals are also reflected in the programming we provide to the general public. The core of our mission is to help people understand the human experience. We're constantly learning how vast that experience is. Scholars we work with continue to astonish us with the ideas and knowledge generated in their studies. Grantees who come to us for funding demonstrate the power of the untold stories of their communities. This varied tapestry of humanity has no bounds and we are all richer for our awareness and understanding of those who may be different from us.

We continue to seek candidates for our Board of Trustees who embody this ideal. Please consider completing the nomination form on our website if you recognize and celebrate the idea that, through our words and actions, we are a stronger state when we embrace differences and offer respect to those diverse and authentic stories of the human experience.

OH BOARD OF TRUSTEES NOMINATIONS

Oklahoma Humanities is always looking for talented, dedicated individuals to serve on our volunteer board of twenty-four members, who serve terms of three years. We seek enthusiastic individuals who are active in their communities, have a passion for the humanities, and can dedicate time to attend board meetings three times per year.

Board members govern our organization; participate in strategic planning; attend OH-sponsored programs; serve on committees; advocate on behalf of the National Endowment for the Humanities, our largest funder; and help identify additional funding sources for our programs. They also approve grant applications from other nonprofits to support humanities programs in communities across the state. Read more on our website (okhumanities.org) and consider submitting a nomination. We'd love to have you join us!



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THOMAS HARRISON is Dean of the Division of Arts, English, and Humanities at Oklahoma City Community College. He holds a Ph.D. in Higher Education Administration from Saint Louis University, an M.A. in Journalism and Mass Communication from the University of Oklahoma, and a B.S. in Media from Oral Roberts University. He has managed radio and television stations in major markets. His work in media garnered a Silver Angel Award, a Bronze Telly Award, and recognition from Oklahoma Governor David Walters for efforts with the D.A.R.E. program.



DON HOLLADAY is a graduate of the University of Oklahoma College of Law, where he is an adjunct professor. He was a founding partner of Holladay & Chilton, an Oklahoma City law firm specializing in civil trial work. He is a frequent speaker and writer on social justice and civil rights issues. As an artist and printmaker, his work has been selected for regional and international juried competitions and has appeared in art publications and local magazines. He is the current Chair of the Oklahoma Arts Institute Foundation.



ALBA WEAVER is Manager of Economic Development for OGE Energy Corp. She serves on several boards, including the Oklahoma Economic Development Professionals Council, Governor's Economic Development and Marketing Team, Oklahoma Academy for State Goals, and the Central Oklahoma Workforce Investment Board. She was honored as the 2001 Executive of the Year for the State of Oklahoma by the Oklahoma Chamber of Commerce Executives and is a recipient of the OKC Business Forty under 40 Award. She is a graduate of the University of Oklahoma.

ABOUT OKLAHOMA HUMANITIES

Oklahoma Humanities (OH) strengthens communities by helping Oklahomans learn about the human experience, understand new perspectives, and participate knowledgeably in civic life. As the state affiliate of the National Endowment for the Humanities, OH provides and supports programming for the general public that uses humanities disciplines (such as history, literature, ethics, and philosophy) to deeply explore what it means to be human.

OH accepts grant applications from nonprofits across the state for programs that may take the form of museum exhibits, film festivals, teacher institutes, oral

history projects, or other formats that best serve local communities. OH also administers programs that provide free access to cultural humanities content, including: *Oklahoma Humanities* magazine; *Let's Talk About It, Oklahoma*, a reading and discussion series; the *BrainBox* podcast; and *Museum on Main Street*, a collaboration with the Smithsonian Institution to provide traveling exhibits in small rural communities.

Visit our website to find an event near you, read archived issues of this magazine, or explore grant and program opportunities. We look forward to hearing from you. (405) 235-0280 | okhumanities.org | ohc@okhumanities.org

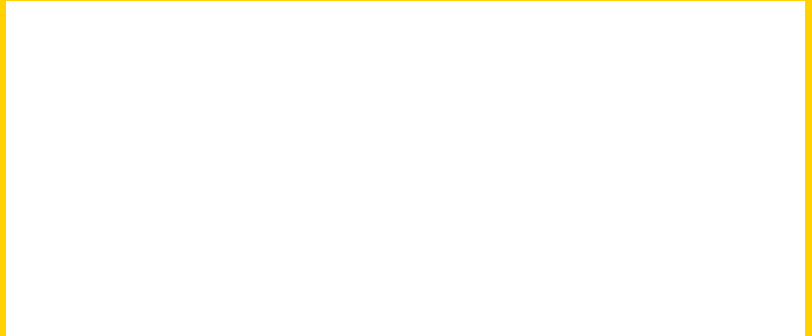


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DEADLINES | okhumanities.org/grants

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- Guidelines posted on our website

NEXT UP: TIME | Fall/Winter 2019

Time passes and with it comes transition, change, movements, and (sometimes) progress. We'll examine our concepts of time: how and why we measure it, the stories we tell ourselves about it, and what we think about how our time begins and ends.