**Constitutional Law and the Civil Rights Movement**

**2012 Travel Course Itinerary**

**[June 8 through June 15, 2012][[1]](#footnote-1)**

*“The institutions and customs that exist in the present and that give rise to present social ills and dislocations did not arise overnight. They have a long history behind them. The attempt to deal with them simply on the basis of what is obvious in the present is bound to result in adoption of superficial measures which in the end will only render existing problems more acute and more difficult to solve… The way out of scholastic systems that made the past an end in itself is to make acquaintance with the past a means of understanding the present.”*

**John Dewey, *“Experience and Education”* (Kappa Delta Pi Lecture Series, 1938)**

*“If political issues were really abstract questions of social policy upon which unbiased citizens were asked to commit themselves, the business of voting and the debate which precedes the election might actually be regarded as an educational program in which a social group discovers its common mind. But the fact is that political opinions are inevitably rooted in economic interests of some kind or other, and only a comparatively few citizens can view a problem of social policy without regard to their interest \* \* \* The individual or group which organizes any society, however social its intentions or pretensions, arrogates an inordinate portion of social privilege to itself \* \* \* The fact that the hypocrisy of man’s group behavior...expresses itself not only in terms of self-justification but in terms of moral justification of human behavior in general, symbolizes one of the tragedies of the human spirit; its inability to conform its collective life to its individual ideals.”*

**Reinhold Niebuhr, “*Moral Man & Immoral Society”* ( Scribner's Sons, 1932)**

*Nationally acclaimed Sociologist James Loewen observes that each of us is born into “a social slot, born not only to a family but also a religion, community, and of course, a nation and a culture. Sociologists understand the power of social structure and culture to shape not only our path through the world, but also our understanding of that path and that world.” The challenge for students, Professor Loewen emphasizes, is to “see the influence on their lives of the social structure and culture they inherit.” Reflecting the meaning of the powerful Akan word “Sankofa,” he writes that, “not understanding their past renders many Americans incapable of thinking effectively about our present and our future.”*

Thus, this course is, in a sense, a journey together along the path of our history. It is our goal, consistent with the purpose of true transformative learning, that our personal visitation of the places where the events which have defined our readings took place, and our personal visitation with the Movement veterans who have been the subject of our readings, establishes in each of us a personal relationship with our past, and a personal vision of our own future commitment to civic responsibility and community engagement. The purpose of going beyond the classroom is to allow you to see what we have studied through the lens of those persons you will meet, and to deepen your awareness and understanding of your readings and the newsreel images of the movement by being in the actual places identified with Movement history and the Constitutional cases which reflect the advocacy and direct action that sustains and advances social justice.

**Friday, June 8:** Travel day to Nashville, and hotel check-in at Nashville Holiday Inn Opryland Hotel (Airport)[[2]](#footnote-2)

6:00 PM – 8:00 PM: Supper & Orientation: Professor Robert Bickel, Stetson Law; Professor Greg Sapp, Stetson University; Dr. Beth Paul, Provost, Stetson University; Rip Patton, Movement veteran and facilitator-in-residence throughout the travel course; and Tammy Briant, Interim Director of Student Life, Stetson Law.

*“Direct action is not a substitute for work in the courts and the halls of government. Bringing about the passage of a new and broad law by a city council, state legislature or the Congress, or pleading cases before the courts of the land, does not eliminate the necessity for bringing about mass dramatization of injustice in front of a city hall. Indeed direct action and legal action complement one another [and] when skillfully employed, each becomes more effective.”*

**Dr. Martin Luther King, Jr.**

**Saturday, June 9: MEMPHIS**

7:15 AM: *Board bus* ***Depart*** Nashville *for Memphis* ***at 7:30 AM***.[[3]](#footnote-3)

10:30 AM – 12:30 PM: National Civil Rights Museum (***Lorraine Motel***): Students will have the opportunity to contemplate the scope of this national museum dedicated to the history of the Movement, and to the final moments of Dr. King’s personal leadership as he came to Memphis to support the sanitation workers’ mass protest of employment discrimination and continue planning the “poor peoples’ campaign.”[[4]](#footnote-4)

12:45 PM – 2:00 PM: Lunch on your own

2:00 PM – 3:15 PM: Return to National Civil Rights Museum: “*I Am A Man*” – A conversation with veterans of the 1968 Memphis sanitation workers strike: Mr. Baxter Leach, Mr. Elmore Nickleberry, and Mr. Alvin Turner.

*The question is not: If I stop to help this man in need, what will happen to me? The question is: if I don’t stop to help the sanitation workers, what will happen to them?*

*Martin Luther King, Jr., Memphis, April 3, 1968*

3:30 PM – 5:00 PM: “Equal Justice: A discussion of the Origins and Mission of Legal Aid Organizations and the Office of the Public Defender.” A conversation with Harrison D. McIver III, Michael Cody, Hon. George Brown, Jr., and Stephen Bush.

5:30 PM – 6:15 PM: Mason Temple Church of God: Students will have the opportunity to reflect on Dr. King’s “Mountaintop Speech” – its meaning for the ongoing Civil Rights Movement, and its meaning to us, as we contemplate the moral premise that connects religion, law and social justice.

6:30 PM – 8:15 PM: Discussion group dinners (on Beale Street) with the professors, Movement veterans, and Rip Patton.

8:30 PM – 11:30 PM: Re-board bus and return to Nashville [*During drive time, we will view “A Ripple of Hope.”*].

In the film “Mr. Magorium’s Wonder Emporium,” Mr. Edward Magorium tells Molly Mahoney that he is going to die “because it is time.” She begs him, through her tears not to go, because she is not able to imagine life without him, and feels lost and unable to do anything to carry on what he has done. And this is what he tells her:

*“When King Lear dies in Act V, do you know what Shakespeare has written? He’s written, “He dies.” That’s all, nothing more. No fanfare, no metaphor, no brilliant final words. The culmination of the most influential work of dramatic literature is “He dies.” It takes Shakespeare, a genius, to come up with “He dies.” And yet every time I read those two words, I find myself overwhelmed with dysphoria. And I know it's only natural to be sad, but not because of the words “He dies.” but because of the life we saw prior to the words.*

*I've lived all five of my acts, Mahoney, and I am not asking you to be happy that I must go. I’m only asking that you turn the page, continue reading... and let the next story begin. And if anyone asks what became of me, you relate my life in all its wonder, and end it with a simple and modest “He died.”*

*“Your life is an occasion. Rise to it.”*

[I was in my final semester of law school when Dr. King died. Each year, as I stand outside Room 306 at the Lorraine Motel, looking at the balcony where he died, the feeling of losing him wells up inside me. It never goes away. It never will. And I feel the anxiety that comes from wondering if we can ever achieve social justice without Dr. King being here to guide and inspire us. But then I see you, and know that you are here and I am with you, and I understand that he would tell you what Mr. Edward Magorium told Molly Mahoney. And he would be proud and thankful that each of you will be a part of the next story. Prof. Bickel]

**Sunday, June 10: NASHVILLE**[[5]](#footnote-5)

 Breakfast on your own at our hotel.

10:15 AM – 12:30 PM: **Board bus at 10:30 AM** for tour of sites identified with the Nashville Movement, including Tennessee State University and Fisk University.

12:45 PM – 1:45 PM: Lunch on your own near Nashville Public Library.

2:00 PM – 3:30 PM: Civil Rights Room, Nashville Public Library: With Mr. Patton’s guidance, we will reflect on the basic principles and method of the Lawson workshops, and examine the Library’s civil rights collection.

*“If I am not for myself, then who will be for me? And if I am only for myself, then what am I? And if not now, when?” [Hillel The Elder] Hillel’s words became John Lewis’ explanation for the involvement of youth in the American Civil Rights Movement: “If not us, then who?  If not now, then when?”*

3:30 PM – 5:00 PM: A conversation with veterans of the Student Nonviolent Coordinating Committee (SNCC): Their perspectives of, and experiences in, the 1960 Nashville Movement and the 1961 Freedom Rides *(Topics will include the organization of SNCC, the role of Rev. James Lawson and Rev. Kelly Miller Smith and other clergy in teaching and training; the connection between the Nashville sit-ins and related activities of the Nashville Movement and the 1961 Freedom Rides; personal experiences of Movement veterans with southern state legal systems; and the student expulsion cases which led to the federal judicial definition of student academic freedom and due process entitlements).*

*“Leo Lillard, a recent graduate of Tennessee State University….would prove to be an invaluable organizer as he, along with (Diane) Nash and several others, trained and dispatched the scores of freedom riders who passed through the Nashville office.”*

***R. Arsenault, Freedom Riders: 1961 and the Struggle for Racial Justice.***

5:45 PM – 7:45 PM: Dinner discussion groups with Nashville Movement veterans.[[6]](#footnote-6)

**Monday, June 11: NASHVILLE and BIRMINGHAM**

8:00 AM – 8:45 AM: Breakfast on your own.

9:00 AM: **Board bus *promptly at 9:00* AM *with luggage*. Bus departs at 9:15 AM.**

*“Every generation has its central concern, whether to end war, erase racial injustice, or improve the condition of the working man. Today’s young people appear to have chosen for their concern the dignity of the individual human being. They demand a limitation upon excessive power. They demand a political system that preserves the sense of community among men. They demand a government that speaks directly and honestly to its citizens. We can win their commitment only by demonstrating that these goals are possible through personal effort. Our future may lie beyond our vision, but it is not completely beyond our control. It is the shaping impulse of America that neither fate nor nature, nor the irresistible tides of history, but the work of our own hands, matched to reason and principle that will determine destiny. There is pride in that, even arrogance, but there is also experience and truth. In any event, it is the only way we can live.”*

**Robert F. Kennedy, *To Seek A Newer World* (1967)**

9:45 AM – 10:45 AM: “The history of the American print press, radio and television in shaping America’s civil rights dialogue and policy.” A conversation with Gene Policinski, Vice-President and Executive Director of The First Amendment Center at Vanderbilt University.

10:45 AM – 11:30 AM: Comfort break and pizza lunch

11:45 AM – 1:30 PM: Personal reflections of John Seigenthaler at Vanderbilt University’s Seigenthaler Center (*Topics will include: the relationship between the Kennedy White House and Justice Department, and the Direct Action Campaign; the legal and cultural dimensions of southern state political resistance to Brown v. Board; and the legacy of the role of government in the protection of civil rights and the advancement of social justice*)*.*

1:45 PM – 5:00 PM: ***Board bus promptly at 1:45 PM*** and travel to Birmingham for dinner program.

5:30 PM – 7:30 PM: Dinner program with Doug Jones and Janice Kelsey (*In 2002, Thomas Blanton, Jr. and Bobby Cherry were found guilty of first degree murder for their role in the bombing of the Sixteenth Street Baptist Church. Doug Jones, the special prosecutor in these “cold case” prosecutions, will discuss these landmark civil rights cases. Following Doug Jones’ presentation, Janice Kelsey, a veteran of the Children’s Crusade will share stories about the role of children in the Birmingham Movement*).

8:30 PM: Check-in at hotel (Springhill Suites UAB).[[7]](#footnote-7)

**Tuesday, June 12: BIRMINGHAM**

8:15 AM – 9:00 AM: Breakfast on your own.

9:00 AM: **Board bus at 9:00 AM**. Bus departs at 9:15 AM.

9:30 AM – 10:15 AM: Visitation of Kelly Ingram Park

10:30 AM – 12:15 PM: A Facilitated Walk Through the Birmingham Civil Rights Institute exhibits with Rip Patton and Catherine Burks Brooks.

*“Eventually, the police loaded the students into two of the cars….Connor himself took the wheel of the lead car….Most of the conversation was between Connor and the feisty Birmingham native Catherine Burks, who refused to be intimidated by a man she later claimed was a powerful dictator but didn’t have any power over me.”*

***R. Arsenault, Freedom Riders: 1961 and the Struggle for Racial Justice, Chapter 5***

12:15 – 1:15 PM: Lunch at Alabama Power Company cafeteria.

AFTERNOON: Visitation of the Sixteenth Street Baptist Church.

Return to BMCI: A conversation with CatherineBurks-Brooks *reflecting on her experiences in the youth Movements in Nashville and Birmingham, her experiences with a local and state legal system influenced by southern resistance – including southern violence – and the transformational impact of social activism.*

 “Reflections on the role of lawyers in the Birmingham Movement and how their role then is relevant to the role of lawyers as advocates and civic leaders in 2012”: Odessa Woolfolk, Co-Founder of the Birmingham Civil Rights Institute.

6:00 PM – 7:15 PM: “The Role of Freedom Songs”: A program by The Birmingham Civil Rights Movement Chorus.

7:30 PM: Dinner group discussions on your own.

**Wednesday, June 13: MONTGOMERY**

7:45 AM – 8:30 AM: Breakfast on your own at our Birmingham hotel.

8:45 AM: **Board bus *promptly* at 8:45 AM** ***with luggage*. Bus *departs for Montgomery at 9:15 AM*.**

11:00 AM – 12:30 PM: Visitation of restored courtroom of Judge Frank Johnson, Jr., hosted by United States District Judge Myron Thompson.

12:45 PM – 1:45 PM: Lunch at Commerce Café

2:00 PM – 3:00 PM: Rosa Parks Museum

3:15 PM – 5:30 PM: Tour of Montgomery Movement historic sites with commentary by Professor Mills Thornton.

5:45 PM: Hotel check-in at Hampton Inn Downtown.[[8]](#footnote-8)

7:00 PM – 9:15 PM: **Board bus at 7:00 PM** for 7:30 PM dinner and conversations with members of the Montgomery Movement and a commentary by Judge Myron Thompson: “The Qualities that Shaped Judge Frank Johnson, Jr.’s iconic Contributions to the Seminal Jurisprudence of the Civil Rights Era.”

(Special book sale hosted by New South Books)

*“I came awfully close to death’s door not long after I ventured into Chilton County wielding only my license to practice law. I have never been afraid to die…. The battle for civil rights is far from over…and my soul still stirs to be on the battlefield.” Solomon Seay, Jr., “Jim Crow and Me: Stories from My Life as a Civil Rights Lawyer.”*

**Thursday, June 14: MONTGOMERY and SELMA**

7:30 AM – 8:15 AM: Breakfast on your own at our hotel.

8:30 AM: **Board bus; depart at 8:45 AM.**

9:00 AM – 11:45 AM:Southern Poverty Law Center & National Civil Rights Memorial (*The program will include a discussion of the Center’s litigation against hate groups, its Immigrant Justice and Juvenile Justice Projects, and its Intelligence Project*).

Noon– 1:15 PM: Lunch at Commerce Café.

1:30 PM – 2:30 PM: Travel to Selma: Visitation of Voting Rights March Interpretive Center [View Chapter VI of PBS Documentary “Eyes on the Prize” during ride time].

2:45 PM – 5:15 PM: Visitation of the Dallas County Courthouse, Brown Chapel, and a retracing of the beginning of the Selma to Montgomery Voting Rights March across the Edmund Pettus Bridge. A discussion of *Williams v. Wallace* and sharing of thoughts at the Monument to Martyrs.

5:30 PM – 6:30 PM: Return to Montgomery: Dinner and small group discussions at Dreamland BBQ.

*“The issue was never dollars... the issue was dignity. The issue was self-worth. The issue was the sacredness of human personality. That’s the hopeful end result and concern of both law* and *movement. In fact, most of the great laws on the books for common people were based upon the worth of mankind... religious, spiritual, social issues, insights and understandings. If we don’t start there, then the law becomes unworthy.”*

***Rev. C.T. Vivian****,* ***Interview with Professor Bickel in Tampa, Florida, 2007***

[A close friend of Dr. Martin Luther King, Jr., Reverend C. T. Vivian is a veteran of the northern sit-ins in Peoria and Chicago, Illinois in the late 1940’s. Dr. King appointed Reverend Vivian to the executive staff of the SCLC in 1963. His courageous efforts at the front lines of the Movement included his direct confrontation of Sheriff Jim Clark in Selma in 1965]*.*

**Friday, June 15: Atlanta**

**7:00 AM – 7:45 AM:** Breakfast on your own at our hotel.

**8:00 AM: Board bus *with luggage* *promptly* at 8:00 AM; bus will depart for Atlanta *promptly at 8:30 AM*** [*Note time change en route to Atlanta*].

Noon – 1:00 PM: Arrive Atlanta at Noon EDT. Sandwich lunch.

1:15 PM – 3:30 PM: Visitation of the Martin Luther King Center, and Commentary by Professor Anne Emanuel on the vision and leadership of Judge Elbert Parr Tuttle.

“*Professionals are in essence persons who provide service. It is a service that wells up from the entire complex of their personality. In a very real sense, their professional service cannot be separate from their personal being. They have no goods to sell, no land to till. Their only assets are themselves. It turns out that there is no right price for service, for what is a share of a person’s worth? If they do not contain the quality of integrity, they are worthless. If they do, they are priceless. The value is either nothing or it is infinite.* *Like love, talent is only useful in its expenditure, and it is never exhausted. So, set what price you must on your service. But never confuse the performance, which is great, with the compensation, be it money, power, or fame, which is trivial.”*

*“The law develops to meet changing needs…according to changes in our moral precepts.”*

 ***Elbert Parr Tuttle***

*“The hard truth of our cultural and constitutional history is that nowhere was it written that the civil rights revolution led by Dr. Martin Luther King Jr. would succeed. The movement cost its members more sacrifice and caused more terror than we care to remember. Dr. King’s commitment to nonviolence held long enough and firmly enough to give the movement a moral imperative that resonated throughout the country, but its hold was not complete and it was always fragile. Without the support of the federal courts of the Fifth Circuit, it is entirely possible that the promise of Brown would have gone unrealized, that the back of Jim Crow would remain unbroken.”*

*Anne Emanuel, “Elbert Parr Tuttle: Chief Jurist of the Civil Rights Revolution”*

“*\* \* \* I accept this award on behalf of a civil rights movement which is moving with determination and a majestic scorn for risk and danger to establish a reign of freedom and a rule of justice. I am mindful that only yesterday in Birmingham, Alabama, our children, crying out for brotherhood, were answered with fire hoses, snarling dogs and even death. I am mindful that only yesterday in Philadelphia, Mississippi, young people seeking to secure the right to vote were brutalized and murdered. And only yesterday more than 40 houses of worship in the State of Mississippi alone were bombed or burned because they offered a sanctuary to those who would not accept segregation. I am mindful that debilitating and grinding poverty afflicts my people and chains them to the lowest rung of the economic ladder. Therefore, I must ask why this prize is awarded to a movement which is beleaguered and committed to unrelenting struggle; to a movement which has not won the very peace and brotherhood which is the essence of the Nobel Prize. After contemplation, I conclude that this award which I receive on behalf of that movement is a profound recognition that nonviolence is the answer to the crucial political and moral question of our time - the need for man to overcome oppression and violence without resorting to violence and oppression….”*

***Martin Luther King, Jr., Oslo, December 10, 1964***

1. This itinerary was prepared by Robert D. Bickel, Professor of Law, Stetson University College of Law, in consultation with Dr. D. Gregory Sapp, Associate Professor of Religious Studies and Hal S. Marchman Chair of Civic and Social Responsibility, Stetson University; Tammy Briant, J.D., Associate Director of Student Life, Stetson Law; and our many Movement veterans and other presenters and host institutions. [↑](#footnote-ref-1)
2. 2200 Elm Hill Pike, Nashville, TN 37214; Phone: 615.883.9770. [↑](#footnote-ref-2)
3. *All bus departure times are critical, and each of us must make a special commitment to our scheduled boarding and departure times*. [↑](#footnote-ref-3)
4. *Students should begin their experience* *at the main Lorraine Motel Museum*, and should spend most of their time experiencing the scope of its exhibits, and the opportunity for reflection at the room where Dr. King spent the last moments of his life. *Do not allow docents to re-direct you*; stay with our group. [↑](#footnote-ref-4)
5. Please keep your itinerary with you to be reminded of our schedule, *and refer* *in advance* to the *biographies* of the Movement veterans and other presenters you will be personally meeting. [↑](#footnote-ref-5)
6. The several scheduled dinner group discussions offer students the opportunity to meet in small groups, with movement veterans, to pursue personal reflections and perspectives, and to exchange thoughts about how the students’ immediate and evolving experiences influence their own professional and personal development and aspirational goals. Movement veterans will be invited to accompany student dinner groups in Memphis, Nashville and Montgomery. [↑](#footnote-ref-6)
7. 2024-4th Avenue South, Birmingham, AL 35233; Phone 205.322.8600. [↑](#footnote-ref-7)
8. 100 Commerce Street, Montgomery, AL 36104; Phone: 334.265.1010. [↑](#footnote-ref-8)