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As Monday approaches let us take a moment to reflect on the man and his legacy - the Rev. Dr. Martin Luther King, Jr. Dr. King may be an icon within the media today, but there is something upsetting about the way his birthday is observed. Four words - "I have a dream" - are often parroted out of context every January 15th. Dr. King, however, was not a dreamer - at least not the teary-eyed, mystic projected in the media. True, he was a visionary, but he specialized in applied ethics. He even called himself "a drum major for justice," and his mission, as he described it, was, "to disturb the comfortable and comfort the disturbed." In fact, the oft-quoted "I have a dream" speech was not about far-off visions. In his speech in Washington, D.C., August 28, 1963, Dr. King confronted the poverty, injustice, and "nightmare conditions" of American cities. In its totality, the "I have a dream" speech was about the right of oppressed and poor Americans to cash their promissory note for freedom and equality in our time. It was a call to action. Let me recite the opening of the speech for you, the context for the "I have a dream" reference that explains the purpose of his declaration:

Five score years ago, a great American in whose symbolic shadows we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity.

But one hundred years later, the Negro is still not free; one hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination; one hundred years later, the Negro still lives on a lonely island of poverty in the midst of a vast ocean of material prosperity; one hundred years later, the Negro is still languished in the corners of American society and finds himself in exile in his own land.

So we've come here today to dramatize a shameful condition. In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was the promise that all men yes black men as well as white men,

would be guaranteed the unalienable rights of life, liberty and the pursuit of happiness.

It is obvious today that America has defaulted on this promissory note in so far as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check; a check which has come back marked "insufficient funds". We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

I'd like to focus my remarks on the philosophical foundation of Dr. King's work and the southern civil rights movement - the commitment to nonviolent confrontation as a way to combat injustice and the belief in the transformative power of love as a tool for social change. This is how Dr. King described the purpose of nonviolent direct action:

Nonviolent direct action seeks to create such a crisis and establish such creative tension that a community that has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. I just referred to the creation of tension as part of the work of the nonviolent resister. This may sound rather shocking but I must confess that I am not afraid of the word tension. I have earnestly worked and preached against violent tension, but there is a type of constructive nonviolent tension that is necessary for growth. We must see the need of having nonviolent gadflies to create the kind of tension in society that will help men to rise from the dark depths of prejudice and racism to the majestic heights of understanding and brotherhood. So the purpose of direct action is to create a situation so crisis packed that it will inevitably open the door to negotiation.

My friends I must say to you that we have not made a single gain in civil rights without determined legal and nonviolent pressure. History is the long and tragic story of the fact that privileged groups seldom give up their privileges voluntarily. Individuals may see the moral light and voluntarily give up their unjust posture; but as Reinhold Niebuhr has reminded us, groups are more immoral than individuals.

In addressing the complaints about King's willingness to break the law in pursuit of freedom, he replied:

How does one determine when a law is just or unjust" A just law is a man-made law that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. Let us turn to a more concrete

example of just and unjust laws. An unjust law is a code that a majority inflicts on a minority that is not binding on itself. This is difference made legal. On the other hand a just law is a code that a majority compels a minority to follow that it is willing to follow itself. This is sameness made legal. There are also some instances when a law is just on its face and unjust in its application.

I must confess that over the last few years I have been gravely disappointed with the white moderate. I have almost reached the regrettable conclusion that the Negro's greatest stumbling block in the stride towards freedom is not the White Citizens Council or the Ku Klux Klaner, but the white moderate who is more devoted to "order" than to justice; who prefers a negative peace which is the absence of tension to a positive peace which is the presence of justice; who constantly says, "I agree with you in the goal that you seek but I can't agree with your methods of direct action; who paternalistically feels that he can set the timetable for another man's freedom; who lives by the myth of time and who constantly advised the Negro to wait until a "more convenient season". Shallow understanding from people of good will is more frustrating than absolute misunderstanding from people of ill will. Lukewarm acceptance is much more bewildering than outright rejection.

I had hoped that the white moderate would understand that law and order exist for the purpose of establishing justice, and that when they fail to do this they become dangerously structured dams that block the flow of social progress.

Today we're faced with a different form of racism than the type that Dr. King spent most of his life combating. The racism that he fought was more visible - it was obvious and virulent in the form of all the codes and customs that reinforced southern segregation. The object was clearer - to desegregate public accommodations, to allow black children to attend the same schools as whites, to abolish the laws that forced blacks to accept second class status as a constant state of being. The racism that we must combat today is more pervasive and pernicious. It is structural racism: which is the normalization and legitimization of an array of dynamics - historical, cultural, institutional and interpersonal - that routinely advantage whites while producing cumulative and chronic adverse outcomes for people of color. It is a system of hierarchy and inequity, primarily characterized by white supremacy - the preferential treatment, privilege and power for white people at the expense of Black, Latino, Asian, Pacific Islander, Native American, Arab and other racially oppressed people.

The key indicators and manifestations of structural racism are inequalities of power, access, opportunities, treatment, and policy impacts and outcomes

whether they are intentional or not. Structural racism is more difficult to locate in a particular institution because it involves the reinforcing effects of multiple institutions and cultural norms, past and present, continually reproducing old, and producing new forms of racism.

In contrast, racial justice is the proactive reinforcement of policies, practices, attitudes and actions that produce equitable power, access, opportunities, treatment, impacts and outcomes for all. Equitable impacts and outcomes across race is the key indicator of the presence of racial justice.

I don't think there is much argument that the "war on drugs" is a policy of criminal "injustice" that has been inflicted on the poor and communities of color with devastating effects that has caused more harm than good.

The unfortunate legacy of the recent federal drug laws includes a five fold increase in federal drug convictions since the 1970s and over 67,000 sentenced drug offenders in federal prison in 2001, compared to 3,400 in 1970. Of the more than 2 million inmates in America's state and federal prisons, more than 400,000 are nonviolent drug offenders. Women are the fastest growing group in the community of the incarcerated. As a result of the "war on drugs" there are now more than eight times as many women incarcerated in state and federal prisons and local jails as there were in 1980, an increase from 12,300 in 1980 to 182,271 by 2002, and women are six times more likely to spend time in prison now as they were in 1974. In 1999, almost 1.5 million minor children had an incarcerated parent - an increase of more than 500,000 children since 1991. African American children were nine times more likely to have a parent incarcerated than white children, and Latino children were three times as likely as non-Latino white children to have an incarcerated parent.

As many studies - including your own have found the "war on drugs" has done little to reduce the availability or quantity of drugs on the streets of America. High school students regularly report that marijuana is easier to get than alcohol and that more high school students use it than tobacco. Heroin is easier to obtain now than it was before the enactment of these draconian sentencing laws. The death rate from that use of illegal drugs has continued to increase while the purity of street drugs increases and prices

continue to fall. In my community in Harlem, New York, crack and heroin is cheaper than marijuana leading to the perverse effect of a black market that encourages people to use more dangerous and addictive drugs.

The King County Bar Association has embarked on a revolutionary path in proposing a comprehensive alternative approach to addressing the problem of substance abuse and crime in Washington State. It represents a major and much needed shift in the direction of drug policy in America and a real opportunity to end the direct and collateral damage inflicted on individuals, their families and communities in the name of the "war on drugs". The vision as set forth in the proposal for "State Regulation and Control of Psychoactive Substances" represents the possibility of creating policy that is about supporting people instead of punishing them, and using scarce public resources to support the greater public good.

The King County Bar Association has stated that it supports a public health approach to the chronic societal problem of substance abuse, stressing the need to shift resources into research, education, prevention and treatment as an alternative to the continued use of criminal sanctions to achieve the objectives of:

- Reducing crime and public disorder;
- Improving public health;
- Protecting children better; and
- Using scarce public resources more wisely.

The King County Bar Association is recommending the establishment of a state-level system of regulatory control over those psychoactive substances that are currently produced and distributed exclusively in illegal markets. The main purposes of this state regulatory system would be:

- To render illegal markets for psychoactive substances unprofitable, thereby eliminating the incentives for criminal enterprises to engage in the violent illegal drug trade;
- To reduce access by young persons to psychoactive drugs and to provide them better education and prevention services; and
- To open new gateways to treatment, finding the hard-to-reach population of addicted persons who consume the bulk volume of

drugs, drying up black market demand for those drugs and thereby reducing public disorder, economic crimes related to addiction, transmission of disease, accidental death, quantities of drugs consumed, initiation of use by young persons and drug addiction itself, as well as criminal justice, public health and social welfare costs.

In making these recommendations and advancing a proactive and comprehensive reform agenda, the King County Bar Association is acting in the same tradition as Dr. King and the civil rights activists of that era. This proposal is one for nonviolent direct action. It is direct action that if successful, would represent a significant advance in correcting a national injustice. It is confrontational, in that it directly refutes our current failed drug policies in favor of a new approach based on science, public health and human rights.

Every year, millions of Americans pay tribute to the memory of Dr. Martin Luther King, Jr. We forget, however, that King was often the object of derision when he was alive. At key moments in his quest for civil rights and world peace, the corporate media and political elite treated King with hostility. Dr. King's march for open housing in Cicero, Illinois, when the civil rights movement entered the North, caused a negative, you've-gone-too-far reaction in the Northern press. Dr. King's stand on peace and international law, especially his stand against the Vietnam War and his support for the self-determination of third world peoples, caused an outcry and backlash in the predominantly white press.

In his prophetic anti-war speech at Riverside Church in 1967 (recorded and filmed for posterity but rarely quoted in today's press) King emphasized four points: 1) that American militarism would destroy the war on poverty, 2) that American jingoism breeds violence, despair, and contempt for law within the United States, 3) the use of people of color to fight against people of color abroad is a "cruel manipulation of the poor," and 4) human rights should be measured by one yardstick everywhere.

The Washington Post denounced King's anti-war position, and said King was "irresponsible." In an editorial entitled "Dr. King's Error," The New York Times chastised King for going beyond the allotted domain of black leaders - civil rights. TIME magazine called King's anti-war stand "demagogic

slander...a script for Radio Hanoi." Many of the leaders of the civil rights movement similarly criticized King for taking a position that would alienate white supporters, including President Lyndon B. Johnson.

In choosing to take a stand against the "war on drugs" the King County Bar Association has embarked on a course that will lead inevitably to major criticism. You should expect it. You will be attacked as irresponsible, ridiculed as foolish, marginalized as extremists and categorized as "godless radical legalizers". You should meet these attacks with good humor, accept the criticism with pride and remain steadfast in the knowledge that as with all true revolutionaries, history will vindicate your courage and your stand. I applaud you for being willing to repudiate the drug war orthodoxy that has dominated public debate on this issue and advocating for a course that will lead to the greater public good.

Today, the media often ignores the range and breadth of King's teachings. His speeches - on economic justice, on our potential to end poverty, on the power of organized mass action, his criticism of the hostile media, his opposition to U.S. imperialism (a word he dared to use) - are rarely quoted, much less discussed with understanding. In 1986, Jesse Jackson wrote an essay on how Americans can protect the legacy of Dr. King. Jackson's essay on the trivialization, distortion, the emasculation of King's memory, is one of the clearest, most relevant appreciations in print of Dr. King's work. Jackson wrote: "We must resist the media's weak and anemic memory of a great man. To think of Dr. King only as a dreamer is to do injustice to his memory and to the dream itself. Why is it that so many politicians today want to emphasize that King was a dreamer? Is it because they want us to believe that his dreams have become reality, and that therefore, we should celebrate rather than continue to fight? There is a struggle today to preserve the substance and the integrity of Dr. King's legacy." A genuine appreciation of Dr. King requires respect for the totality of his work and an ongoing commitment to struggle for peace and justice today. Thank you for your part in keeping Dr. King's legacy alive.