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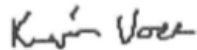
Fighting for Religious Freedom; Muhammad Ali and His Battle Against the U.S Supreme Court.

A thesis submitted in partial fulfillment of the requirement
for the degree of Bachelor of Arts in Religious Studies from
The College of William and Mary

by

Jessica Wakelin

Accepted for Honors _____



Kevin Vose

Type in the name, Director



Faraz Shiekh

Type in the name



Philip Daileader

Type in the name

Williamsburg, VA
May 8, 2020

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Introduction

On April 28th, 1967, Muhammad Ali walked into a ceremony in Houston, Texas to be inducted into the United States Military and fight in the Vietnam War. The U.S. government had enacted a lottery system to draft eligible men into the armed forces. Muhammad Ali was a globally known sporting superstar. He was the undefeated heavyweight champion of the world, a member of the notorious black Muslim group, the Nation of Islam (NOI), and a strong voice in the civil rights movement. The induction ceremony required Ali to step forwards upon the calling of his government recognised name, Cassius Marcellus Clay. This single step would signify his official entry into the US military. There were other men being inducted on that same day, but their fulfilments of their civic duties are simply forgotten about because of what Muhammad Ali did or indeed, did not do. The soldier leading the ceremony called his name, "Cassius Marcellus Clay." Ali did not move. The soldier called his name twice more and Ali refused to move either of those subsequent times. In refusing to take that step, Ali was refusing to be drafted to fight in the Vietnam War. He produced a written statement that claimed that due to his membership to the Nation of Islam and identity as a black Muslim his religious convictions made him eligible for conscientious objector status. Ali was arrested and found guilty of draft evasion in June 1967. He appealed his guilty verdict which was upheld in the Court of Appeals and then became embroiled in a lengthy judicial proceeding that reached the Supreme Court in 1971.

On the surface level, Ali's appeals process and Supreme Court proceedings could seem like any other conscientious objector case; he was a man who did not want to fight in a war because it went against his religious and moral standards/beliefs. The court had to decide if his religious claims were valid. However, in looking more deeply at the details and the context of the time, the complexity of Ali's case cannot be understated. His case dealt with restrictions placed on his religious freedom due to the failure of the government to define

religion, even though religious freedom is granted in the constitution; the inherent racism and issues with race relations in the US at the time; and the involvement of the FBI and government surveillance. Although his case was supposed to be determining the validity and sincerity of his claim to be religiously opposed to fighting, it was impacted throughout the process so many other external issues. From the lack of understanding of the NOI and Islam, to racial prejudices and the perceived threat of the civil rights movement, to the blatant disregard of the right to freedom of religion, the trial raises a lot of questions about inherent bias within the court system. Ultimately, while Ali's guilty verdict was reversed by the Supreme Court and he was cleared, the real significance of the case is exemplified in the restrictions placed on his religious freedoms because of the other attributes of his being. This thesis will show that the court's objectivity was severely hindered by the presence of Ali's Islamic faith, his outspokenness about racial issues, and associations with individuals that the government deemed radical and that in turn, that his religious freedom was inhibited by this lack of objectivity.

Chapter 1- Religious Freedom.

“Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.”¹ This is the first sentence of the First Amendment of the US constitution. In addition to the second and third amendments, it is intended to serve as a safeguard of liberty and to protect individual rights. Also known as the “free exercise clause” and the “establishment clause” the aforementioned statement is intended to protect American citizens from being forced to worship in a particular way and gives them the freedom to choose their religious affiliation. Seeing as freedom of religion is mentioned in the opening phase of the first amendment, this implies that it is an incredibly important American value and something that the government should have a clear stance on. However, there are many examples of restrictions being placed on the religious freedoms of groups in the United States. When I was researching the ways in which the U.S. government has interacted with religion, I was particularly struck by Muhammad Ali’s 1971 Draft Evasion Court case and how the government struggled with determining whether or not Ali’s membership to the Nation of Islam validated his claim to conscientious objector status.

The Nation of Islam (NOI) was both a political and religious group that advocated for the rights of African Americans in a time where they were facing restrictions in both the political and religious realms. Whilst looking into the Nation of Islam, I became fascinated by Muhammad Ali and his refusal to register for the United States Vietnam Military draft. His refusal launched a judicial proceeding that spanned five years and raised awareness of many significant faults in the U.S. system of government, one being the government and Supreme Court’s inability to define what it deemed religion and that the NOI did not fit the typical box of being defined as a religious group. This chapter will focus on how Muhammad

¹ *The Declaration of Independence and the Constitution of the United States of America.* Washington DC: Cato Institute, 2013. P65

Ali's draft evasion court case highlighted the ways in which his access to constitutionally granted religious freedom was brought into question due to the Supreme Court/government's failure to provide a definitive statement on what it defined as religion.

Separation of Church and State.

Before looking specifically at Muhammad Ali's case and the way that it highlights issues of religious freedom and defining religion in the US, it is important to understand that the relationship between the US government and religion is a contested one that can be traced back to the origins of the US Constitution. Looking at the very foundations of the government it is possible to see that there are built in biases which have isolated certain religious traditions. These traditions are marginalized due to the fact that their rituals and practices are viewed as fundamentally different from those that the governing body and its official documentation can relate to, which are those of the Protestant tradition. David Sehat writes extensively about this issue in his book, *The Myth of American Religious Freedom*, stating that despite the supposed separation of church and state, public policies are consistently developed in ways motivated by religious belief and primarily by people who are members of mainstream Protestantism.² In his argument, Sehat claims that anybody who is not a member of a Christian based religion finds themselves being oppressed by the government because of how it was created. Although the people in the government may not intentionally isolate or marginalize certain traditions, the legislature itself is framed in a way to do so. The United States government was written into existence by Protestant men. Thus, despite the fact that leaders like Thomas Jefferson claimed that there is a "wall of separation

² Sehat, David. *The Myth of American Religious Freedom*. Second ed. New York: Oxford University Press, 2016.XI

between church and state,”³ it is rather impossible to definitively separate one from the other. While religion may be absent from the government in the sense that government proceedings do not occur in an outwardly religious way, and that there is not a declared nationwide religion, Christian bias is inherently present. This is one of the reasons why non-Christian religious groups have found themselves at a disadvantage when in court. Despite claiming to be secular, the term, “God,” is found across all parts of the U.S. governmental system and its institutions. From the national motto, to statements made on currency and before giving testimony in court, “God” is a term that is frequently used and referenced and it is difficult to imagine it not being founded in Christian thought.

“In God We Trust.” is the official motto of the United States of America.⁴ Adopted in 1956 as the motto, replacing the previous one which was *E Pluribus unum* (out of many, one) it has long been the center of debate about its constitutionality. Criticism of the phrase “In God we Trust” has been dismissed by the Supreme Court multiple times on the basis of accommodationism. This is the argument that, although the word God is used, it does not mean that the government is creating an established nationwide religion. In the court’s eyes, it is a non-discriminatory use of the word “God” as they do not specify a particular religion or give preferential treatment to one religion over another. To some extent, there is validity in this claim. References, to a “God” or a “Supreme Being” exist in nearly all religions. The motto does not explicitly name the God which does make it open to interpretation. In 1970, the “In God we Trust Motto” was challenged in the case *Aronow v. United States*. Stefan Aronow appealed to the United States Court of Appeals for the Ninth Circuit and argued that the motto was infringing on the freedoms granted in the Establishment Clause of the

³ Jefferson, Thomas. "Jefferson's Letter to the Danbury Baptists." Library of Congress. Library of Congress. <https://www.loc.gov/loc/lcib/9806/danpre.html>.

⁴ "36 U.S. Code 302- National Motto." Cornell Law School. Legal Information Institute. <https://www.law.cornell.edu/uscode/text/36/302>.

Constitution. The court ruled that it believed it to be obvious that “the national motto [...] has nothing whatsoever to do with the establishment of religion. Its use is of patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of religious exercise.”⁵ The term “ceremonial” is constantly used when referring to the national motto, and although this may be true in the government’s eyes, that they are not referring to a specific deity, it raises questions for people who are atheists or who believe in multiple Gods.

The judicial system is slanted towards favouring a Christian over a non-Christian, and this can be seen in the way that leaders of various social movements have appealed to the Christian roots of the government and judicial system. Looking at U.S. history, there are many examples of leaders using Christian ideals to fight and win court cases. Sehat references William Lloyd Garrison and Elizabeth Cady Stanton and how they appealed to Christian ideals as they fought for the liberation of enslaved peoples and women respectively. Both Garrison and Stanton used, to varying degrees, the argument that the “moral establishmentarians were guilty of religious intolerance.”⁶ Garrison argued that he was “not against government whether it be civil or religious but it must be the government of God in the hearts of men, all directing, all controlling, all abiding.”⁷ By infusing his anti-slavery advocacy with references to God and using Christian terminology, Garrison appealed to government officials, and according to Sehat, that is the reason that he was successful. The way that both Cady Stanton and Garrison used religious rhetoric in their arguments even though their fights and end goals were not specifically related to religion supports the notion that Christianity and Christian ideals permeate the U.S. judicial system at a fundamental level.

⁵ "432 F2d 242 Aronow v United States." Open Jurist. <https://openjurist.org/432/f2d/242/aronow-v-united-states>.

⁶ Sehat, *Myth of American Religious Freedom*. 155

⁷ *Ibid*, 89

In the case of Muhammad Ali, the Supreme Court found itself having to decide whether the Nation of Islam was in fact a religious group or not. When looking to Muhammad Ali, his case is so interesting because it highlights how the government did not know how to treat the NOI. It did not fall into the traditional category of what society deemed a religion and yet possessed many of the attributes that other recognized religious groups did, i.e., a supreme being and a set of principles that its members followed. Sehat quotes Will Herbert who writes that the American governmental/religious interaction is interesting due to “the secularism of [the] religious people and the religiousness in a secular framework.”⁸ As a people, the U.S. has convinced itself that its government is separate from religion. Outwardly, perhaps this true, but taking a deeper look into the way that the two entities interact reveals that they are very much intertwined.

Defining Religion

Defining religion is not simple. Scholars have tried and failed; many claim that it is an impossible task. Georg Simmel writes that “no one has been able to offer a definition of religion that is both precise and sufficiently comprehensive. No one has been able to grasp its ultimate essence.”⁹ This idea of the “essence” of religion is interesting. When Religious Studies scholars speak of an “essence” of religion, they’re often looking for a quality or set of characteristics that all religions share, without which something does not qualify as a religion. While the omnipresent nature of religion is not necessarily recognized as a requirement to be defined as such, this statement from Simmel highlights the fact that in many ways religion is an entity that is specific to each individual. In most cases, each person can decide how they want to worship, what they want to worship and why they want to worship. That is the beauty

⁸ Ibid 86

⁹ McKinnon, Andrew. "Sociological Definitions, Language Games and the 'Essence' of Religion." *Method and Theory in the Study of Religion* 14, no. 1 (2002): 61-83.
<https://doi.org/HTTP://DX.DOL.ORG/10.1163/157006802760198776>. 1

of religion and hence, why the codification of religious freedom sounds like an incredibly positive act on behalf of the creators of the U.S. Constitution. However, problems arise when people begin to challenge the societal norms and the common religious practices. The constitution was written on Protestant foundations and Christianity has and continues to be the largest religion, population wise, in the US. In 1970, which was in the middle of the appeals process for Ali, approximately 65% of polled Americans stated that they identified as Protestant.¹⁰ As much as people try to put their religious biases aside in a courtroom, when such a large percentage of a population is identifying as a specific religion, it is difficult to deny that members of the Nation of Islam would have been seen as an “other” and a group that was being judged on its reputation rather than its religious identity. “Othering” is a societal phenomenon where people are separated into normal and nor normal, right or wrong. In the case of U.S. society, those who are in the former category are Christian based traditions and the NOI is therefore different and the “other”. This marginalization is damaging as it clouds the judgement of the court and makes judgement on these groups more likely to go in favor of the norm. The objectivity of the court was automatically put under pressure when they were faced with deciding the fate of a man who was of the Islamic faith purely because he was not Christian. Deciding whether or not the NOI was a religious group was an incredibly nuanced decision to begin with, but it was also made infinitely more difficult due to the fact that the court did not have a definition of religion that they could use as a basis for their decision. I recognize the difficulty, but I believe that creating a definition that can be used in court proceedings is a key task for the judicial process in a country that has a guarantee of religious freedom written into its constitution.

¹⁰ "Religion." Gallup Historical Trends. Last modified, 2019. <https://news.gallup.com/poll/1690/religion.aspx>.

There have been attempts to define religion in various Supreme Court cases throughout history. The first time that the Supreme Court provided a definition of religion was in the 1890 *Davis v. Beason case*. This was a case that dealt with the 1882 Edmunds Act which outlawed polygamy and implemented the requirement that voters had to swear oaths stating that they were not bigamists or polygamists. Samuel Davis was accused of lying when swearing his oath.¹¹ Polygamy, at the time, was allowed by the Mormon Church but was shunned by the majority of other Christian denominations. Mormons found themselves being under constant scrutiny for beliefs about polygamy and Davis claimed that the legislation that had been passed was a violation of his right to freedom of religion. In this case the government declared that religious belief did not supersede federal law and also provided a definition of religion during the proceeding. They defined it in theistic terms saying that “[T]he term ‘religion’ has reference to one’s views of his relations to his Creator and to the obligations they impose of reverence for his being and character and of obedience to his will.”¹² From this definition, it is possible to imply that the court would agree that anyone who acted in a way that their chosen “creator” asked them to would fall under the protection of a religious belief so long as it did not break federal or criminal law.

Ali was not the first person to claim conscientious objector status and find himself embroiled in a Supreme Court case. In 1965 there was a case that made it to the Supreme Court (*United States v. Seeger*) in which the court had to decide whether or not individuals whose objections to war that were founded in sources other than a Supreme Being could be classed as conscientious objectors. Prior to this case, conscientious objector status had been reserved for those who had claimed opposition to the act of war because of a belief in God.

¹¹ "Davis v Beason 1890." First Amendment Center. First Amendment Library. <https://web.archive.org/web/20090210091012/http://www.firstamendmentcenter.org/faclibrary/case.aspx?id=2023>.

¹² Has the US Supreme Court defined "religion?". Freedom Forum Institute. <https://www.freedomforuminstitute.org/about/faq/has-the-u-s-supreme-court-defined-religion/>.

This case focused on a man who claimed his objection not due to a belief in a God but rather pointed towards “personages such as Plato, Aristotle and Spinoza for support of his ethical belief.”¹³ The court concluded that previous definitions of religion were restrictive and stated that they should not doubt a person’s source of objecting to war. In this case they decided that “Where such beliefs have parallel positions in the lives of their respective holders we cannot say that one is ‘in relation to a Supreme Being’ and the other is not.”¹⁴ Finally, two years before Muhammad Ali’s case, in 1970, the court decided that they could grant conscientious objector status to people with sincerely held moral and ethical beliefs as they saw those as being similar and of the same value as religious beliefs. In *Welsh v. United States*, the Supreme Court decided that individuals whose “beliefs are not deeply held and those whose objection to war does not rest at all upon moral, ethical or religious principle but instead rests solely upon consideration of policy, pragmatism or expediency,”¹⁵ would be denied conscientious objector status. This judgement was referenced in the final decision of Ali’s case. Ali differs from the previously mentioned conscientious objector cases because of the origins of his claim. He was claiming that his membership to the Nation of Islam and his involvement with the Islamic faith qualified him for the conscientious objector classification. In the proceedings, the court had to decide firstly if the Nation of Islam was a recognizable religious group and then if Ali’s claims to object to the war were valid based on his involvement with the group.

Vietnam War and Conscientious Objector Status

¹³ Alley, Robert S. *The Constitution and Religion: Leading Supreme Court Cases on Church and State*. Amherst, NY: Prometheus, 1999. 454

¹⁴ "Has the US Supreme Court defined "religion?"" Freedom Forum Institute. <https://www.freedomforuminstitute.org/about/faq/has-the-u-s-supreme-court-defined-religion/>.

¹⁵ibid

Before looking at Muhammad Ali and his case specifically, it is important to understand the Vietnam War draft and what being a conscientious objector meant. The Vietnam War began in November 1955 and lasted until April 1975. Between the years of 1964 and 1973, the U.S. military drafted 2.2 million men out of an eligible pool of 27 million to fight in the Vietnam War.¹⁶ On December 1st 1969, the U.S. selective service system began the first of two lotteries that were intended to set the order of call to service for any eligible man. Men were classified based on their age, their results in some qualifying tests and the necessity to have them fight. President Nixon announced Executive Order 11497 on November 26th 1969 that initiated the December 1st lottery.¹⁷ It was put into action to try to address inequalities in the draft system as it randomized the process, but instead it resulted in increased dissatisfaction from the men who knew that a call to fight in Vietnam likely was a death sentence.

A conscientious objector is defined as “one who is opposed to serving in the armed forces and/or bearing arms on the grounds of moral or religious principles.”¹⁸ According to James Tolfson, “during the Vietnam War, approximately 170,000 applications for CO deferments were approved. Another 300,000 were denied.”¹⁹ Muhammad Ali was not unique in the fact that he opposed the Vietnam War, as this was a common trope of U.S. society at the time. The Vietnam War was unpopular, and many people were unhappy with the way that

¹⁶ "The Military Draft During the Vietnam War." Resistance and Revolution; The Anti-Vietnam War Movement at the University of Michigan 1965-72. Last modified April , 2015.

<https://doi.org/HTTP://DX.DOI.ORG/10.1163/157006802760198776>

¹⁷ Nixon, Richard. "Executive Order 11497—Amending the Selective Service Regulations to Prescribe Random Selection." The American Presidency Project. Last modified , 1999. The American Presidency Project. <https://www.presidency.ucsb.edu/documents/executive-order-11497-amending-the-selective-service-regulations-prescribe-random>.

¹⁸ "Conscientious Objectors." Selective Service System. Accessed November 28, 2019.

<https://www.sss.gov/conscientious-objectors/>.

¹⁹ Tollefson, James. "Conscientious Objection to the Vietnam War." *OAH Magazine of History* 8, no. 3 (1994): 75-82. Jstor. www.jstor.org/stable/25162969.

the government had acted and how they were being forced to go and fight in a war that they did not believe in.

The Nation of Islam

Ali's claim to be eligible for conscientious objector status stemmed from his membership to the Nation of Islam (NOI). The NOI was a group, created in July 1930, which defined itself as, among other things, as a religious group. Its motto was "Justice or Else!" and it challenged the U.S. government's actions and opinions from the moment of its founding. It is important to have an understanding of the background of the group, as it impacted how the Supreme Court made its judgement and discussed it in court.

The NOI's founder was W.D. Fard Muhammed. His goal in founding the group was to empower African Americans who were consistently being oppressed and marginalized by American society. According to the NOI's website, W.D. Fard Muhammed's intentions with the group was to "teach the downtrodden and defenceless Black people a thorough Knowledge of God and of themselves, and to put them on the road to Self-Independence with a superior culture and higher civilization than they had previously experienced."²⁰ African Americans had systematically been beaten down by society; he wanted to give them the tools to take back their autonomy. Fard mysteriously disappeared in 1934 and the NOI's leadership was taken over by Elijah Muhammad. Elijah Muhammad spent some time in prison and upon his release began working incredibly hard to grow the membership of the NOI. From 1946 to 1959, the group grew from four temples to 50 nationwide.²¹ A lot of his teachings were aimed at young, disadvantaged African American males from Christian backgrounds. He saw

²⁰ Muhammad, Tynetta. "Brief History on the Origin of the Nation of Islam." Nation of Islam. Last modified March , 1996. <https://www.noi.org/noi-history/>.

²¹ Essien-Udom, E U. *Black Nationalist: The Search for an Identity*. Chicago: University of Chicago Press, 1962. 5

that the Christian Churches were not fulfilling the needs of these young men and used the NOI to show them that there were other ways to live their lives that could give them purpose and a community. Elijah Muhammad wrote a book entitled *Message to the Blackman in America*. In this book he outlined the organisation's platform in two sections. One was called "What the Muslims Want," and the other was called, "What the Muslims Believe."²² In the platform he wrote about the many different aspects of life in which African American Muslims were oppressed and marginalised. The points he made ranged from lack of employment, to the treatment of Muslim women, to the things he believed needed to be done to give Muslims equal opportunity. When Ali came into contact with the NOI he developed a mentor/mentee relationship with Elijah Muhammad but also formed a strong relationship with Malcom X, another significant figure in the organisation.

Malcom X, initially born Malcom Little, was an American Muslim minister and human rights activist who grew to obtain extreme popularity during the civil rights movement until his assassination in 1965. X came into contact with the NOI while he was in prison, quickly became a member and rose to be a highly influential figure within the organisation. He was the public face of the NOI and during his peak popularity in the 1950s and 60s, membership grew from approximately 500 members to 25,000. X was actually the person who inspired Ali to join the NOI and they became good friends. As time went on, X became disillusioned with the way that Elijah Muhammad was leading the organisation and the choices that were being made for the direction of the group. He also did not think that Elijah Muhammad was living his life in an exemplary Muslim way. Sexual misconduct rumours with secretaries of the organisation swirled around Elijah. The combination of the differences

²² Muhammad, Elijah. "The Muslim Program: What the Muslims Want." Nation of Islam. <https://www.noi.org/muslim-program/>.

in opinion led to X publicly announcing his break from the NOI on March 8th, 1964.²³ Tension between X and Muhammad remained as their differences in opinion and competition for popularity/notoriety developed. X continued his work to further the rights of African Americans and was incredibly successful and respected/recognized globally. He was shot and assassinated by an NOI member in February 1965. Elijah Muhammad denied that the NOI had any involvement in the assassination but said, “We know such ignorant, foolish teachings would bring him to his own end.”²⁴ This brief background of the NOI stands to show how its mission and goals, popularity and notoriety could have impacted the treatment of Ali’s conscientious objector claims. Yes, the organisation had links to Islamic theology and ethics, but the court had to decide if it could see past the other aspects of the organisation—violence, tension, challenging of government authority—to say that Ali had adequate, recognizable religious convictions when he refused to be drafted to fight in the Vietnam War.

Muhammad Ali

Born Cassius Marcellus Clay Jr. on January 17th, 1942, Ali is one of the most celebrated sporting figures of the 20th century. He grew up in Louisville, Kentucky and began competitively boxing at the age of 12. His first major victory was when he won a gold medal at the 1960 Summer Olympics. A year prior to those Olympics in 1959, while attending a boxing tournament in Chicago, Ali stated that he first became aware of the NOI. In 1961 Ali attended his NOI meeting but kept his involvement hidden from the public. The Nation of Islam began to publicize his membership in 1964 and on May 6th of that year,

²³ Handler, M S. "Malcom X Splits with Muhammad; Suspended Muslim Leader Plans Black Nationalist Political Movement." *New York Times*, March 1964. The New York Times Archive. <https://www.nytimes.com/1964/03/09/archives/malcolm-x-splits-with-muhammad-suspended-muslim-leader-plans-black.html>.

²⁴ Clegg, Claude, Andrew *The Life and Times of Elijah Muhammad*. University of North Carolina Press, 1997. www.jstor.org/stable/10.5149/9781469618067_clegg. 115

Elijah Muhammad announced that his name was to be changed from Cassius Clay to Muhammad Ali. The name Cassius Clay “lacked divine meaning,” and he deserved a more worthy name.²⁵ From then onwards, he went by Muhammad Ali.

His journey in the military draft was fairly complex. When he turned 18 in 1962, Ali became eligible for and signed up for conscription and classed as 1-A in the U.S. military. 1-A status declared that a man was ready and available for military service.²⁶ In 1964, Ali failed the U.S. Armed Forces qualifying test because of his dyslexia. The test required men to achieve thirty correct answers out of one hundred questions. After failing the test, he told reporters that “I just said I’m the greatest; I never said that I was the smartest.”²⁷ Many people believed that Ali intentionally failed his exam. He was one of the world’s greatest athletes and so, to many, it seemed odd that he was deemed ineligible to hold a rifle and fight for his country. Passing the test was not incredibly difficult and so it seemed unrealistic that someone who could learn the complex nuances of another person’s fighting style would be unable to pass a simple test. However, the army said that there was no evidence to suggest that he had intentionally failed his test and “his former teachers at Central High agreed, telling reporters they were not at all surprised at the results.”²⁸ Failing the exam caused Ali to be reclassified as 1-Y status which meant that he would only be called to service in times of national emergency. In 1966, the military reduced its standards to say that anyone above the 15th percentile would be eligible for draft. This meant that Ali was re-classified again to be 1-A status and upon being notified of this he said that he would claim conscientious objector status due to his religious affiliation and belief system. Following this 1966 eligibility

²⁵ Schwartz, Larry. "He is simply... The Greatest." ESPN Sports Century. <https://www.espn.com/sportscentury/features/00014063.html>

²⁶ "Return to the Draft." Selective Service System. <https://www.sss.gov/about/return-to-draft/#s2>.

²⁷ Eig, Johnathon. *Ali; A Life*. (New York: Mariner Books, 2017), 163

²⁸ Eig, *Ali; A Life*, 162

change, Ali was required to report to an induction ceremony in Houston, Texas in April of 1967.

At the ceremony, the men were required to step forwards upon hearing their name. Ali refused to step forward three separate times to be inducted to fight in the war claiming, “War is against the teaching of the holy Qur’an. I’m not trying to dodge the draft. We are not supposed to take part in wars unless declared by Allah or the Messenger. We don’t take part in Christian wars or wars of any unbelievers”²⁹ Ali also claimed that he was a Muslim minister, “saying that he spent 90% of his time preaching and 10% boxing.”³⁰ Johnathon Eig writes in his biography *Ali; A Life*, that this claim was false and references a comment that Elijah Muhammad made about Ali attending a Nation of Islam event. Elijah said “he won’t be up on the speakers stand. He’s no minister... He won’t speak unless I ask him to say something and I will tell him what to say.”³¹ Despite the leader of the Nation of Islam stating the opposite, when Ali refused to step forward at the military induction in 1967, he wrote in his statement that “I refuse to be inducted into the armed forces of the United States because I claim to be exempt as a minister of the religion of Islam.”³² Due to his affiliation with the Nation of Islam and him citing religious opposition to the war, he was claiming eligibility for conscientious objector status. According to the United Nations, a conscientious objector is an “individual who has used the right to refuse to perform military service on the grounds of freedom of thought, conscience or religion.”³³

²⁹Hajeski, Nancy J. *Ali: The Official Portrait of "The Greatest" of All Time*. San Diego: Thunder Bay Press, 2012. <https://bit.ly/2KGvjO3> 129

³⁰ Eig, *Ali; A Life*, 232

³¹ Ibid

³² Beston, Paul. "The Truth About Muhammad Ali and the Draft." *Wall Street Journal* (New York), April 27, 2017. <https://www.wsj.com/articles/the-truth-about-muhammad-ali-and-the-draft-1493330969>.

³³ "Conscientious objection to military service." OHCHR. United Nations. <https://www.ohchr.org/EN/Issues/RuleOfLaw/Pages/ConscientiousObjection.aspx>.

In Ali's autobiography, he wrote that he told the government that "to bear arms or kill is against my religion. And I conscientiously object to any combat military service that involves the participation in any war in which the lives of human beings are being taken."³⁴ Immediately following the public declaration of his pacifism, there were a large number of people who questioned how a man who fought and hurt others for sport could be a pacifist. Jeet Heer writes that "the greatest paradox of Ali is that this man whose livelihood was violence, who was so relentless and unpitiful in the ring was a man of peace."³⁵ Stepping into the boxing ring there was an understanding between the two fighters that they were going to hurt each other. It was sport, and at the crux there was no hatred between the sportsmen, intense dislike and competition perhaps, but there was an equal awareness of what was going on. There was never the intention to kill the other person. This is what Ali was expressing his opposition to, the fact that being in the military and fighting in Vietnam would require him to kill another person and that was against his religious beliefs. Ali quotes Floyd Patterson, a fellow fighter in his autobiography as saying "we fight but we do not really hate down deep, although we try to pretend we had when we are afraid of losing."³⁶ From an outsider's perspective, it is easy to see how some people found it difficult to see how a man who hurt people for a living could be a pacifist, but reading Ali's autobiography shows that in his mind, there was a significant difference between fighting and hurting someone in a boxing ring and fighting and killing someone in the Vietnam war.

Ali's outright refusal of the draft inspired a large number of others in a population who were already at moral odds with the idea of the Vietnam War. William Rhoden claims that Ali's actions had unfathomable effects on African Americans at the time and advanced

³⁴ Ali, Muhammad, and Richard Durham. *The Greatest; My Own Story*. New York: Graymalkin Media, 2015.

³⁵ Heer, Jeet. "Muhammad Ali's Greatest Victory Came When He Didn't Fight." *The Republic*, June 5, 2016. <https://newrepublic.com/article/133984/muhammad-alis-greatest-victory-came-didnt-fight>.

³⁶ Ali and Durham, *The Greatest*, 507

“the standard of what constituted an athlete’s greatness. Possessing a killer jump shot or the ability to stop on a dime was no longer enough. What were you doing for the liberation of your people? What were you doing to help your country live up to the covenant of its founding principles?”³⁷ Ali’s rejection of the draft requirement came at a time when black Americans were becoming more and more empowered to stand up for themselves and their rights, thanks to groups like the Nation of Islam. To see an athlete at the prime of his career sacrifice it all for his religion and because he did not want to support the white establishment was understandably inspiring to those who were being oppressed. Ali himself stated that he did not understand why he should have to go across the world to fight “brown people in Vietnam while negro people in Louisville are treated like dogs and denied simple human rights.”³⁸ He told reporters outside of his military induction ceremony that “I ain’t got no quarrel with them Vietcong.”³⁹ There was some backlash to his refusal. Bob Orkland, a retired Army lieutenant colonel who served in Vietnam recalls that many men in the army had mixed feelings towards Ali’s decision. He writes that while most soldiers understood that the 1960s was a significant period of time for the civil rights movement in the U.S. and supported the movement, “it was hard to separate that awareness from the feeling that the guy was grandstanding, and that every man who refused service was making life harder for those of us who didn’t.”⁴⁰ At the time, many of the higher profile celebrity figures who were drafted into the U.S. forces were assigned to the Army’s Special Services division. The Special Services was a branch of the American military founded in 1940 that arranged

³⁷ Haas, Jeffrey. *The Assassination of Fred Hampton: How the FBI and Chicago Police Murdered a Black Panther*. Chicago: Lawrence Hill Books, 2009. 27

³⁸ Remnick, David. *King of the World; Muhammed Ali and the Rise of an American Hero*. New York: Random House, 1999. 287

³⁹ Orkland, Bob. "I Aint Got No Quarrel With Them Vietcong.!" *New York Times*, June 27, 2017. <https://www.nytimes.com/2017/06/27/opinion/muhammad-ali-vietnam-war.html>.

⁴⁰ Ibid.

entertainment for soldiers and donors.⁴¹ High-profile people such as Sammy Davis Jr, Bob Hope and Joe Louis were part of the division at various times and were used more as morale boosters and partook in exhibition boxing matches, musical performances and fundraisers. In the case of Ali, it is unclear whether or not there was any discussion about him being a part of the Special Services but Orkland writes that “we all knew he would never have been asked to ‘drop bombs and bullets on brown people in Vietnam.’”⁴²

Ali’s steadfastness in his belief that he would not support a war away when him and people like him were being treated unjustly at home energized the Nation of Islam and its followers. Al Sharpton, a prominent civil rights activist said in an interview that for Ali to “sacrifice all of that (his career) for a cause, gave a whole sense of legitimacy to the movement and the causes with young people that nothing else could have done.”⁴³ Ali was a superstar, globally known and respected as the self-proclaimed “world’s greatest” boxer. To have a man of his stature give up everything and stand by his religious beliefs was incredibly significant and came with a lot of publicity and pressure from the wider public, especially the African American community. People became invested in the outcome of Ali’s case and this meant that they were paying more attention to the proceedings of the court. These factors contributed to what was a tumultuous court case in which the Supreme Court found itself having to define what they deemed a religion, handle the public interest and decide the fate of one of the world's most famed athletes.

⁴¹ Emerson, William K. *Encyclopaedia of United States Army Insignia and Uniforms*. Norman, OK: University of Oklahoma Press, 1996. 415

⁴² Orkland, “I Aint got no Quarrel with them Vietcong.”

⁴³ Bryant, Nick. "Muhammad Ali: The man who changed his sport and his country." BBC Online. Last modified June , 2016. <https://www.bbc.com/news/world-us-canada-36450806>.

The Decision

When Ali first claimed CO status his claim was initially sustained by the judge because of the extensive support Ali and his lawyers had gathered to prove his religious beliefs. However, the Justice Department's appeal board declined the recommendation to allow Ali to be excused from military service saying, "Ali's objections to military service were based on issues of politics and race, not on a moral objection to all war."⁴⁴ Ali was indicted by a federal grand jury on May 8th 1967 and convicted of violating the U.S. Selective Service Laws on June 20th of the same year. The trial jury at the initial court proceeding had to decide the punishment for an incredibly famous, outspoken man and had to consider whether or not his membership to the NOI, a group that outwardly spoke about and campaigned against the white establishment, made him a legitimate conscientious objector. The narrative surrounding the NOI was intimidating to people. Members of the NOI were unapologetically vocal about their distaste towards white people for how they were being treated. Ali was a powerful figure in civil rights activism. For a country that had so long been used to having white Christians at the top of the social hierarchy, to have a group of Black Muslims advocating for change was intimidating. After being found guilty by the jury, Ali's case made its way up the judicial pipeline and ended up at the feet of the Supreme Court.

In their book, *The Brethren*, Bob Woodward and Scott Armstrong detail the inner workings and proceedings of Warren Burger's early years as Chief Justice, 1969-1975. In the introduction to the book they state that "the often-hidden motives of the decision makers can be as important as the eventual decisions themselves."⁴⁵ In the case of Ali, this claim is proven to be true. It was a high-profile case and generated a lot of outside interest from fans of Ali,

⁴⁴ Eig, *Ali; A Life*, 233

⁴⁵ Woodward, Bob, and Scott Armstrong. *The Brethren*. New York: Simon and Schuster, 2005. XVI

the media and people who objected to the Vietnam War in general. When the case arrived at the Supreme Court, Woodward and Armstrong write that the Justices did not want to hear it because of its controversial nature. They did not want anything to put the Supreme Court under any more scrutiny. Eventually they decided to take the case because they “wanted to allow him the satisfaction of having his case reviewed by the highest court in the land, a satisfaction given to few defendants.”⁴⁶ It seems that the Justices saw the court case as a way to tackle Ali’s ego and to seem like they were giving recognition to the NOI in order to keep criticism to a minimum. Solicitor General Griswold expressed doubt at the validity of Ali’s conscientious objector claims because of the statements that Ali had previously made to the press. The Justices paid attention to everything that Ali and his team were saying and doing in relation to the case. They used the comments to discuss what their course of action should be. Griswold argued that “since Ali would participate in a Holy War, he was not really a conscientious objector.”⁴⁷ Griswold was attempting to prove that Ali was not a pacifist. He was able to make Ali’s statements fit the narrative of what he was attempting to prove. Ali spoke openly and frequently about how he did not believe that Allah supported the Vietnam War, but the Justices took that to mean that he would fight in a way should Allah implore him too; thus, he was not a true conscientious objector. It is a valid claim on behalf of the Justices. Never did Ali explicitly state that he was against all war but on numerous accounts he spoke about how he did not want to fight in Vietnam because of the inequalities in the US. Although potentially Ali had never been asked whether or not he would fight in a war that Allah deemed acceptable, the Justices could use his statements about his rejection of U.S. involvement to their advantage.

⁴⁶ Woodward and Armstrong, *The Brethren* 163

⁴⁷ *Ibid*, 163

In a letter from the Justice Department to the Supreme Court, it states that the attorney, “would not be surprised if a year from now, the registrant becomes disenchanted with the Muslims and voluntarily joins the United States Marines.”⁴⁸ In their discussion of Ali, the Justice Department framed him as not being completely committed to the Nation of Islam. They frequently used the term, “brainwashed,” when talking about his involvement and seemed to believe that Ali was not making his claims based on personal belief but on information that was being twisted on its presentation to him. The letter also stated that Ali’s objection to the war was not because of his relationship with Islam but because “of political and racial objections to the policies of the United States as interpreted by Elijah Muhammad.”⁴⁹

Elijah Muhammad was the leader of the Nation of Islam at the time and a very influential part of Ali’s membership to the group. Ali had formed close relationships with both Muhammad and Malcom X but when X left the Nation, Ali chose to remain loyal to Muhammad. Elijah Muhammad had his own history with draft evasion and claiming conscientious objector status. He was arrested in 1942 but released on bail for refusing to register for the World War II military draft. He said that “I refused, not evaded, on the grounds that, first, I was a Muslim and would not take part in War.”⁵⁰ After being released on bail, he was subsequently arrested and convicted of exhorting his followers to avoid the draft.⁵¹ Due to this conviction, he served four years in prison in Michigan where he developed his power and leadership of the NOI from behind prison walls. Upon being

⁴⁸ “Cassius Marsellus Clay, Jr., Appellant, v. United States of America, Appellee, 397 F.2d 901 (5th Cir. 1968).” Justia; US Law. <https://law.justia.com/cases/federal/appellate-courts/F2/397/901/360285/>.

⁴⁹ *ibid*

⁵⁰ “Honorable Elijah Muhammad; Biography Sketch.” Nation of Islam. Last modified , 2015. <https://www.noi.org/honorable-elijah-muhammad/>.

⁵¹ “Elijah Muhammad Dead; Black Muslim Leader, 77.” *New York Times*, February 26, 1975. New York Times Archives. <https://www.nytimes.com/1975/02/26/archives/elijah-muhammad-dead-black-muslim-leader-77-elijah-muhammad-dead.html>.

released from prison, Muhammad gained a large following and began preaching his ideas to anyone that would listen. Elijah Muhammad was a controversial and challenging figure for the US government and often spoke out about their treatment of black people and Muslims. Ali's relationship to Elijah arguably already put him at a disadvantage in court because of the history between Muhammad and the U.S. government. By using the word "interpreted" in their letter about Ali's beliefs, the Justice Department could have been implying that Elijah Muhammed was using the Nation of Islam to further his own personal vendetta. This would suggest that they were not thinking about Elijah Muhammed as a religious leader but rather the leader of a social/cultural movement, further adding to the difficulties the Supreme Court was having in attempting to define the NOI and to decide Ali's fate. If Elijah Muhammed was the leader of a social movement that was using religious rhetoric to promote his ideas and appeal to more people, did that mean that Ali's claims to be rejecting the war on religious grounds, which were heavily influenced by the teachings of Elijah Muhammed, were invalid? This was a question that the Supreme Court had to find an answer to.

When the Justices first voted on Ali's conviction one of them, Justice Marshall recused himself as he had been Solicitor General at the beginning of the case. After the vote, the result was 5-3 against overturning the guilty conviction. The court assigned Justice Harlan to write the majority opinion. While he was preparing to do so, a clerk in his office gave him a selection of Black Muslim literature, including Malcom X's autobiography and Elijah Muhammad's *Message to the Blackman*. Upon reading the sources, Harlan became convinced that the court was incorrect in how it was viewing Ali and the NOI. He argued that the Justice Department had misrepresented Ali and the Nation of Islam and saw that as an issue in how the court made their decision. In reading both X's Autobiography and Elijah Muhammad's *Message to the Black Man*, Harlan saw that, "For all practical purposes Ali

was opposed to all wars.”⁵² Harlan read statements that explained Ali’s feelings towards violence and what he was being taught by the NOI, such as “We believe that we who declare ourselves to be righteous Muslims, should not participate in wars which take the lives of humans,”⁵³ and this was enough to make him re-think his vote. In the draft of the majority opinion he wrote that the literature he had now been exposed to prove to him that Black Muslim doctrine promotes the idea that “Islam is the religion of peace and that war-making is the habit of the race of devils. Islam forbids its members to carry weapons of any kind.”⁵⁴ It is quite the coincidence that Harlan was given that literature and that it had enough power to enable him to re-think his previous opinion on Ali’s claims as it proved to be a turning point in Ali’s case. It was a monumental moment in the proceedings, as Harlan argued in favour of the fact that the Nation of Islam and the beliefs that Ali was claiming to follow were founded in religious teachings. Ali’s beliefs “were surely no less religiously based than those in previous cases,” that the Supreme Court had looked at.⁵⁵ Harlan’s change in vote was significant as it went against the majority opinion and he fought off pressure from other Justices.

Harlan’s new vote made the decision 4-4. If there is a tied decision in a Supreme Court case, the case is not published, and the position of the lower court stands. Ali would be sent to prison and nobody would know the reasoning behind the Supreme Court’s decision. This would have undeniably caused public outcry due to the level of public interest in the case. It would also have drawn unwanted attention to the inner proceedings of the Supreme Court which none of the Justices wanted. They knew that they needed to arrive at a different

⁵² Woodward and Armstrong, *The Brethren*, 163

⁵³ Muhammad, Elijah. "The Muslim Program: What the Muslims Want." Nation of Islam. <https://www.noi.org/muslim-program/>.

⁵⁴ Woodward and Armstrong, *The Brethren*, 164

⁵⁵ "Ali Figured court would clear him." *Milwaukee Sentinel*, June 26, 1971.

<https://news.google.com/newspapers?id=ufkpAAAAIBAJ&sjid=MREEAAAAIBAJ&pg=5336%2C5139394>.

outcome. Justice Stewart proposed a compromise and debated with the other Justices until they unanimously decided to reverse Ali's conviction 8-0 "citing a technical error on behalf of the Justice Department."⁵⁶ They elected to blame a supposed lack of clarity from the Justice Department with regards to evidence they presented in their letter and therefore stated that Ali was eligible for conscientious objector status. The final decision was written as follows, "since the appeal board gave no reason for the denial of a conscientious objector exemption to the petitioner, [...] petitioner's conviction must be reversed."⁵⁷

In making this decision and placing the blame on to the Justice Department, the Supreme Court found a way around having to give recognition to the Nation of Islam and Ali. While in many ways the decision was a success for Ali in the sense that he had been successful in his court case, it did not give religious legitimacy to the Nation of Islam. The court managed to dodge the issue of determining Ali's religious convictions. They found a way around having to decide the validity of his religion beliefs by passing the blame on to the Department of Justice. The very fact that the Supreme Court did everything in its power to not have to grant the Nation of Islam the status of being a religious organization shows that the system is not fair. They came up with excuses instead of just accepting and recognizing that the previous ruling on Ali was incorrect.

Although Ali was found not guilty of draft evasion, the Supreme Court did not recognise his membership to the Nation of Islam or the fact that he was a Muslim as a valid reason for not wanting to fight in the war and found clerical errors to blame the previous conviction for fear of public outcry. This highlights how the court did not want to give any more power to Ali and the NOI or being any unwanted attention to themselves. The NOI was a powerful voice in the Civil Rights Movement which was at its peak of popularity and

⁵⁶ Woodward and Armstrong, *The Brethren*, 164

⁵⁷ "Clay v. United States, 403 U.S. 698 (1971)." Justia. US Court. <https://supreme.justia.com/cases/federal/us/403/698/>.

momentum during the time of Ali's case. Not only was the court's objectivity impacted by the inability to validate his religious convictions, but it was also tainted by the fear and suspicion of Ali's outspokenness about racial issues in the U.S.

Chapter 2: The Impact of Race on Ali's Trial

Besides the issues surrounding the definition of religion and the validity of Ali's claims to be a conscientious objector based on his religious convictions that were discussed in the previous chapter, Muhammad Ali's court proceedings also serve to highlight problems surrounding race relations in the United States at the time. In typical Ali fashion, he was very outspoken about his thoughts surrounding the treatment of African Americans in U.S. society and this outspoken nature influenced his court case. In the preface to his book, *Ali; A life*, Johnathon Eig writes that "much of Clay's life will be spent in the throes of a social revolution, one that he will help to propel, as black Americans force white Americans to rewrite the terms of citizenship."⁵⁸ Ali was much more than just an athlete who refused to step forwards at his military induction ceremony. He was a globally known, sporting megastar whose words came with a lot of impact and a large audience. His actions reflected his thoughts about American society. Ali felt excluded by his own country and was very vocal about how he thought that things should change and the ways that he believed that change could be achieved. The power and notoriety that Ali gained as a part of the civil rights movement and as a strong black man in the public eye impacted his court case at a fundamental level.

The Civil Rights Movement

The American Civil Rights movement spanned multiple decades and refers to the struggle of African Americans to end legalized racial discrimination and segregation. The movement has its origins in the passing of the 13th Amendment of the U.S. Constitution which was ratified in December of 1865. This amendment granted the emancipation of all

⁵⁸ Eig, *Ali; A Life* xiv

slaves and subsequently gave all of the constitutional rights that came with citizenship to the newly freed African Americans. Despite the passing of the 13th Amendment, the rise of Jim Crow Laws and the increasing deprivation of civil rights led to African Americans finding themselves having to once again fight for their deserved freedoms. Policies such as “separate but equal” became prevalent. This was the idea that as long as black people were provided the same facilities as white people, they could be legally segregated. Policies like “separate but equal” restricted African American access to equal rights and did not allow them to live freely within American society. The civil rights movement consisted of a diverse range of organisations and people with different goals and campaigning techniques. They ranged from non-violent protests, to boycotts, to marches, to the Black Power movement which challenged non-violent practices and placed emphasis on showing Black strength. Martin Luther King Jr. is frequently named as the figurehead and leader of the Civil Rights movement. While his impact is undeniable and incredibly significant, Timothy B. Tyson writes that it is important to recognise the movement was incredibly complex and should not be oversimplified in the aim of making it digestible to an audience. He writes that scholars and their “failures to examine sufficiently the roots of black struggles and the range of black self-assertion have created what Charles M. Payne calls a “history more theatrical than instructive.””⁵⁹ The civil rights movement was incredibly complex and deserves to be treated as such. Sports people and significant figures such as Ali added to the complexity of the movement. Ali was not trained or practiced in the art of leading social movements. He was a man with a large following and a lot of thoughts about the treatment of black people in

⁵⁹ Tyson, Timothy B. "Robert F. Williams, "Black Power" and the Roots of the African American Freedom Struggle." *The Journal of American History* 85, no. 2 (1988): 540-70. <https://doi.org/doi:10.2307/2567750>. 542

America. His unruliness made him a person of concern for the U.S. government as he never held back in his critiques.

Being a member of the Nation of Islam, Ali agreed and was aligned with many of the statements that the Nation made about systemic racism in the US. The Nation of Islam promoted the idea of black separatism. Elijah Muhammad spoke extensively about how the only way for black people in America to obtain autonomy was to separate themselves completely from white people and white influence. Ali was present at a speech that Muhammad gave in Philadelphia in 1963. In this speech, Muhammad stated that “Separation is absolutely necessary. White people are our enemies. The end of their time is at the door.”⁶⁰ A year later in 1964, Ali announced that he believed “integration is wrong. White people don’t want it; the Muslims don’t want it.”⁶¹ There was a “them vs us” mentality. White people and black people could not and should not interact or cohabitate in his eyes. Ali’s connection to the NOI and similarity in views to Elijah Muhammad would later be used as fuel against him in his court case. Some of the Supreme Court justices took the similarities between the two men and argued that Ali was just a follower of Muhammad and that his views were not his own. As discussed in the previous chapter, Ali’s reliance on Elijah Muhammad cast doubt over the sincerity of Ali’s conscientious objector claim as the sincerity of his objections (whether they were racial or religiously based) were brought into question. Elijah Muhammad and the NOI believed that the only way black people could be truly successful in America was if they lived completely apart from whites. They should not rely on or trust white people, as that had never brought them happiness or success in the past. Ali echoed the sentiments of not being able to trust the whites. He said that African

⁶⁰ Eig, *Ali: A Life*, 124

⁶¹ Scurlock, Amanda. "Agree to Disagree: The King and the Greatest Form a Bond Amid Criticism." *LA Sentinel*, January 11, 2018. <https://lasentinel.net/agree-to-disagree-the-king-and-the-greatest-form-a-bond-amid-criticism.html>.

Americans needed to take their future into their own hands. Referring to how black people were too trusting of the white establishment, he said “when you put your whole trust and your whole future in another people, then you are putting yourself in a position to be disappointed and deceived. [...] You cannot deceive me if I’m not looking for anything from you.”⁶² In his eyes, black people were being deceived by the societal structures that had been put in place by the white people to control blacks and restrict their freedoms. Therefore, the only way to escape the oppression was to live separately from white America.

Ali’s vocal opposition to the war and his actions in refusing to be drafted, generated waves within the civil rights movement and impacted Martin Luther King Jr who was one of the most influential figures at the time. The Southern Christian Leadership Conference (SCLC) was founded in January 1957 following the Montgomery Bus Boycott and was a highly influential force in the US civil rights movement. Martin Luther King Jr. was elected as the organisation’s first president in 1957 after its founding meeting. At its core, the SCLC was focused on ending all forms of segregation. Andrew Young Jr. was the executive director of the SCLC. Young believed that Ali’s actions had a large impact on the way that Martin Luther King Jr. spoke about his opposition to the Vietnam War. Prior to the public stance that Ali took, King was hesitant to speak out about the Vietnam War as he feared tensions escalating so high to the point of conflict and an “all out race war that would end with a right-wing fascist police state in America.”⁶³ King was attempting to create a movement that proved/brought recognition to the fact that African Americans deserved the same freedoms as white Americans and was aiming to end all forms of segregation. He used non-violent forms of activism. Muhammed Ali and the NOI promoted and championed the ideas of black separatism and were not opposed to using violence to have their voice be heard. King and Ali

⁶² Eig, *Ali; A Life*, 230

⁶³ *Ibid*, 231

had fundamental differences in their goals but when speaking about his disagreement with the Vietnam War, King referenced Ali. He said “Like Muhammed Ali puts it, we are all- black and brown and poor- victims of the same system of oppression.”⁶⁴ By criticising the decisions of the US government, in reference to the Vietnam War, King was risking the very legalistic and governmental based nature of his civil rights campaign. He previously had abstained from commenting as he did not want to say anything about the Vietnam War, which was already a point of incredible tension, for fear of placing his civil rights agenda in jeopardy. Andrew Young said that “It was about the same time that Muhammed declared he was a conscientious objector that Martin began to say, ‘I can’t segregate my conscience.’ There’s no question in my mind there was a subtle influence that connected the two of them in terms of conscience and the war in Vietnam.”⁶⁵ King also openly supported Ali’s refusal of the draft saying that “no matter what you think of Mr Muhammed Ali’s religion, you certainly have to admire his courage.”⁶⁶ King and Ali were at separate ends of the civil rights movement spectrum but the commonalities that they found and the shared sentiment towards the Vietnam War created a strong show of unity.

Race and Sports

In 1960-70s America, race and racism was undeniably a major societal issue. As he was gaining popularity, Muhammad Ali became increasingly vocal about his feelings about the status and treatment of black people in the U.S. As a prominent sporting figure, people paid attention to him and he had created a platform from which he could speak and be listened to. Journalist Jill Nelson wrote that “Muhammad Ali was a black hero in an

⁶⁴ Scurlock, Amanda. "Agree to Disagree: The King and the Greatest Form a Bond Amid Criticism."

⁶⁵ Eig, *Ali; A Life*, 231

⁶⁶ Beston, Paul. *Boxing Kings; When American Heavyweights Ruled the Ring*. Lanham, MD: Rowman and Littlefield, 2017. <https://bit.ly/2y8j0Yg> 197

American Landscape that nourished few black heroes. Articulate, funny and incredibly male, Ali took no shit from the white man and lived to tell the tale.”⁶⁷ His boxing record earned him respect from people across all races and he was able to use that earned respect to generate conversation. However, his outspoken nature also drew criticism from some, including other African Americans and many white people, who thought that Ali was showboating and being overly controversial for attention. Some even believed that his actions were damaging the work that Martin Luther King Jr was doing. As with any public figure, people had varying opinions of him.

The fact that Ali was a successful black sportsman meant that he had to present himself as a caricature of his true self and promote a specific character to fit in with his personal branding. This was the same for many of the popular boxers at the time. Professional boxers lived lives of superficiality. They earned incredibly large amounts of money, were put into situations in which they were permitted to be uncivil and required to hurt each other but also had to balance elite competitive sports with the requirement to entertain crowds. The media had become a powerful facet of a sports person's life. The narrative that the media created was crucial in determining which athlete was in public favour and held up as a role model vs. who was going to be portrayed as the outsider or villain. Ray Gamache writes that the media's role was highly important in solidifying the place of athletes in society. He writes “the newsreels perpetuated sport's place in reproducing social inequality. Depictions of women and minorities were largely patriarchal. Only the most attractive female athletes were considered for inclusion; black athletes had to be non-threatening.”⁶⁸ Ali chose to present himself in a way that the media had never really seen

⁶⁷ Eig, 230

⁶⁸ Gamache, Ray. "Sport as Spectacle: Early Athletes as Popular Cultural Icons." In *American History through American Sports*, edited by Bob Batchelor and Danielle Sarver-Coombes, 39-55. Vol. 3. Santa Barbara: Praeger, 2013. 48

before. He was combative, overtly aggressive but also had an important message that he was trying to put across with his African American rights agenda. He played into the persona of a proud African American boxing superstar, known for his ruthlessness in the ring. He used the media and pre/post-fight interviews to present himself as a formidable warrior, frequently referencing his race and how he felt slighted by society. In an interview before one of his fights, Ali proclaimed “I am America. I am the part you won’t recognize but get used to me. Black, confident, cocky- my name, not yours. My religion, not yours. My goals, my own. Get used to me.”⁶⁹ The repetition of the word “my” in that statement indicates Ali claiming his autonomy over the white dominated power structure. He was telling them that he was taking control over his career and that they could not tell him what to do. He was also informing the public and people who doubted him that he was not going anywhere, that his presence was one that they should become accustomed to. His chosen character appeared to be one of a man not only fighting to win boxing matches but also to prove that black people deserved to be treated with respect. Sports broadcaster Howard Cosell stated that “[o]ld world writers wanted [Ali] to live by their code, the same mythological sports legend that through all these years these non-contemporary men had been propounding. [T]hey wanted another white man’s black man.”⁷⁰ Ali was not interested in living as a “white man’s black man,” he refuted any notion of being restricted by the white establishment. His attitude and actions were influential in how his conscientious objector claims were viewed during his trial.

Sports were (and continue to be) an incredibly powerful American institution and tradition. Athletes at the top of their sport are presented as almost infallible super-humans. Names such as Babe Ruth, Jesse Owens, Bobby Orr, Michael Phelps etc. are recognizable by

⁶⁹ Eig, *Ali: A Life*, xiv

⁷⁰ Bowman, Winston. *United States v. Clay: Muhammad Ali’s Fight Against the Vietnam Draft*. N.p.: Federal Judicial History Office, 2018. Federal Judicial Center <https://www.fjc.gov/history/cases/famous-federal-trials/us-v-cassius-clay-muhammad-alis-fight-against-vietnam-draft>. p45

almost anyone and Muhammed Ali remains at the top of that list of recognizable people. He is known for his excellence in and out of the boxing ring. In the 1960s and 70s, Ali and other African American athletes at the time had the added pressure of being black in a country that was hesitant to let black people succeed. African American athletes at the time found themselves living in a society that restricted their rights, but at the same time that very society “reaped economic and political benefits from their athletic talents.”⁷¹ Sports are a physical show of strength and excellence and the Olympics are the pinnacle of that excellence.

Ali won the Olympic gold medal at the 1960 Olympics in Rome, Italy. These Olympics occurred during the Cold War era which meant that success at the games was viewed even more intensely than normal as national success. The U.S. team was led by African American athletes, including Ali. In interviews while at the games, he spoke positively about the U.S. and its approach to issues of racism. When asked about segregation in the U.S. by a news reporter from a Communist country, Ali said, “Tell your readers, that we’ve got qualified people working on that problem, and I’m not worried about the outcome. To me the U.S.A. is still the best country in the world, counting yours.”⁷² When at the Olympics, people are bonded together on the basis that they have obtained the most elite level in their respective sports and are usually at the peak of their careers. The African American athletes were given freedoms in Rome that they did not have in their home country. Their achievements were celebrated, and they were promoted as being examples of American greatness, especially during a time when the world was embroiled in the Cold War. During the Cold War, the never-ending competition to be able to claim superiority was at the

⁷¹ Denham, Bryan E. "Race, Culture, and the Revolt of the Black Athlete: The 1968 Olympic Protests and Their Aftermath (review)." *Social Forces* 83, no. 4 (June 2005): 1781-83. Project Muse. <https://doi.org/10.1353/sof.2005.0062>.

⁷² Roberts, Randy, and Johnny Smith. "How the Olympics Shaped Muhammad Ali." *Wall Street Journal* (New York), June 5, 2015. <https://www.wsj.com/articles/how-the-olympics-shaped-muhammad-ali-1465163497>.

forefront of the competing nations' minds, so any success was a boost to the nation's morale. When he returned from the Olympics, Ali had more of a globally influenced view of the world. Randy Robert and Johnny Smith write that during his years of increasing involvement with and conversion to the Nation of Islam following the Olympics, Ali "began challenging the myths of American democracy [...] black people admired him for many reasons--his racial pride, his outspokenness and his independent attitude. Above all, he insisted on being free."⁷³ The freedom he was being denied in the U.S. became more prevalent to him as he travelled. Of course, it was difficult to ignore the oppression felt by the African American population but according to Robert and Smith, being at the Olympics and seeing how other countries treated their black citizens made Ali change his patriotic stance and speak openly about the repression he was experiencing in the U.S.⁷⁴ As Ali's star rose, he began to travel more and more. When he visited Ghana in 1964, he discovered the reach of his global popularity and proceeded to completely abandon his previous statements about race issues in the U.S. He gave a speech in Ghana where he referred to America as "a violent country where blacks were killed by white supremacists with impunity." In the same speech he said that "The so-called master doesn't want his slave to be his equal. This is America."⁷⁵ Ali's power came from the following that he had gained. He had such an incredible influence on the cultural conversations and debates that were occurring about race. His impact can be seen in how other black men were inspired to make statements about their experiences as African Americans and their treatment in the U.S.

In 1968, at the Mexico City Olympic Games, African American sprinters Tommie Smith and John Carlos stood on the podium and gave the "black power salute" (head bowed, one fist in the air) when the national anthem of the United States was playing. The civil rights

⁷³ *ibid*

⁷⁴ *ibid*

⁷⁵ *ibid*

movement in America was hitting its peak of legislative success and momentum at this time. The act of giving the black power salute could be interpreted as a statement to show that while African Americans were excelling for their country in athletics and proving American physical strength to the world, their country could not and would not respect them at home. They were bringing attention to the contradictions of the society that they were living in. Similar sentiments can be found in Ali's refusal to fight for the U.S. military. He spoke about how he could not fight overseas when his people were still being treated terribly in the U.S. He made comments frequently about how he could not understand or make sense of the idea that "I'm expected to go overseas to help free people in South Vietnam, and at the same time, my people here are being brutalized; hell no!"⁷⁶ When he refused to be drafted into the military, Johnathon Eig writes "Ali's existence offended the majority of white Americans: his skin colour, his loudmouth, his religion and now his lack of patriotism."⁷⁷ The comments he made about racial issues in the U.S. were part of the reason that the court and members of the public doubted the validity of his claim to be religiously opposed to the war. To many, it felt like he was refusing to be drafted because of the treatment of black people rather than his religious convictions as a member of the NOI. This suggestion of racial objection to war was present in the discussions that the justices had when deliberating on his case.

Racism and the War Effort

According to Guenter Lewy, approximately 1,353,000 people were killed between 1965-1974 including military and civilian deaths.⁷⁸ The US suffered 58,000 casualties during the war.⁷⁹ According to Johnathan Eig, "black men were dying at a wildly disproportionately

⁷⁶ Eig, *Ali; A Life*, 260

⁷⁷ *Ibid*, 229

⁷⁸ Lewy, Guenter. *America in Vietnam*. New York: Oxford University Press, 1978, 442

⁷⁹ "Vietnam War U.S. Military Fatal Casualty Statistics." National Archives. Last modified April 29, 2008. <https://www.archives.gov/research/military/vietnam-war/casualty-statistics>.

high rate. Black men accounted for 22 percent of all battlefield deaths when the black population in America was only 10 percent.”⁸⁰ Ali felt that it was not fair for him to be sent to fight in a war that was taking the lives of black men at a rate that did not equate to white men. In refusing to step forward at his ceremony and not being inducted to the military, Ali faced a lot of criticism. It is interesting to note that the criticism came from both black and white people. Jackie Robinson, a retired African American baseball star who was the first black man to play in Major League Baseball, had strong feelings about the damage that Ali was doing to other African American soldiers. Robinson said “He’s hurting, I think, the morale of a lot of young Negro soldiers over in Vietnam and the tragedy to me, is Cassius has made millions of dollars off of the American public and now he is not willing to show his appreciation.”⁸¹ Ali was referred to as a draft-dodger and presented as a villain immediately following his draft refusal. While some black people disagreed with the route that Ali had chosen, there was also a lot of support for him. Kareem Abdul-Jabbar, the legendary American basketball player wrote, following Ali’s death, how inspiring it was that “At a time when blacks who spoke up about injustice were labelled uppity and often arrested under one pretext or another, Muhammad willingly sacrificed the best years of his career to stand tall and fight for what he believed was right. In doing so, he made all Americans—black and white—stand taller. I may be [7-foot-2], but I never felt taller than when standing in his shadow.”⁸² It is interesting to look at the impact Ali’s decision had on the African American community and how people responded differently, as it gives an insight into how nuanced and complex the discussion surrounding the court proceedings were.

⁸⁰ Eig, *Ali, A Life*, 230

⁸¹ Lapointe, Joe. "Muhammad Ali Defied the Vietnam Draft 50 Years Ago Today." *Observer* (London), April 28, 2017. <https://observer.com/2017/04/50-years-ago-muhammad-ali-refuses-vietnam-draft/>.

⁸² *ibid*

The response of white people was more negative and generally more critical of Ali. Television personality David Susskind announced on live television that “I find nothing amusing, or interesting or tolerable about this man. He’s a disgrace to his country, his race and what he laughably describes as his profession.”⁸³ Additionally, an editorial written in *Sports Illustrated* magazine described Ali as “just another demagogue and an apologist.”⁸⁴ Doing one's civic duty and accepting your call to fight in the Vietnam War was seen as a crucial part of being American for many people. Thomas Nickels was a white man who applied for and was granted conscientious objector status during the Vietnam War. He writes about the impact that being a conscientious objector had on his relationship with his family. He recalls the embarrassment and shame his parents felt and writes about how his “mother had the unpleasant task of informing relatives and friends that Tommy was a conscientious objector.”⁸⁵ Accepting the call to military service was the norm at the time. Challenging the norm understandably came with backlash. Ali’s experience and the backlash that he was exposed to had other facets that men like Nickels did not have to deal with. Ali was a famous black man. He was a highly recognizable figure and someone who most people already had opinions on due to his boxing career and the constant comments he made about race issues in the U.S. Ali was not trying to be liked by the white establishment, he was trying to make it so that his message was heard by as many people as possible. He was a problem for the American government because he refused to be silenced.

White people were used to being at the top of the hierarchical societal power structure. The government recognised that Muhammad Ali’s status and influence as the

⁸³ Dahlberg, Tim. "For Ali, there were times even The Greatest wasn't so great." *Associated Press*, June 6, 2016. <https://apnews.com/62ea36106bea43d98a64a04f13c85290/ali-there-were-times-even-greatest-wasnt-so-great>.

⁸⁴ Lapointe, Joe. "Muhammad Ali Defied the Vietnam Draft 50 Years Ago Today."

⁸⁵ Nickels, Thom. "My time as a Vietnam War-era Conscientious Objector." *Huffington Post*, January 23, 2014. <https://www.huffpost.com/entry/conscientious-objector>.

world's greatest boxer would impact how black people all over the U.S. acted in response to the war. An editorial written in the *New York Times* states that Ali's actions served as a symbol and rallying point of opposition for young black men being drafted into the war and noted that "In Harlem, the nation's largest Negro ghetto, there were indications that Clay's refusal to be drafted was creating considerable emotional impact, particularly on the young."⁸⁶ This was a fact that the Supreme Court was hyper aware of when it came to making a judgement on Ali's case. In an article he wrote about Ali's rejection of his call to join the military, Tom Wicker stated that Ali "is taking the ultimate position of civil disobedience; he is refusing to obey the law of the majority on the grounds of his personal beliefs with full knowledge of the consequence," and agreed that this could be incredibly influential on a large majority of the African-American population.⁸⁷ When talking about the plight of the black American, Ali stated, "Well, we weren't brought here to be citizens in white America. The intention was for us to work for them- and like it."⁸⁸ He did not shy away from expressing his true feelings about the way that black people were being treated. The explosive comments that he made were graphic and openly critical of the oppression that black people faced: "The black man was robbed of his language, the slaves were mated like animals [...] so we have a nation of people called Negroes who are suffering a mental death. And this death is going on 500 long years." Ali told a crowd of anti-Vietnam War protestors that, "It has been said that I have two alternatives: Either go to jail or go to the army. But I would like to say that there is another alternative. And that alternative, that alternative is justice. And if justice prevails, I will neither go to the army, nor will I go to jail."⁸⁹ These

⁸⁶ Wicker, Tom. "In the Nation: Muhammad Ali and Dissent." *New York Times*, May 2, 1967. The New York Times Archives. <https://www.nytimes.com/1967/05/02/archives/in-the-nation-muhammad-ali-and-dissent.html>.

⁸⁷ *ibid*

⁸⁸ Eig, *Ali, A Life*, 230

⁸⁹ "Muhammad Ali on Vietnam" *NBC News*, New York, NY: NBC Universal, 01/29/2008. from NBC Learn: <https://archives.nbclearn.com/portal/site/k-12/browse/?cuecard=5126>

quite explosive remarks undeniably influenced the judges and their preconceived ideas about what Ali deserved. Yes, a judge is supposed to be unbiased, but it is simply not possible, especially during a time like 1960-70s America where there were so many societal tensions that were bubbling over into all realms of public life.

Looking at the way both his race and his outspoken nature affected his court proceedings, it is possible to see how the jury/judges/justices could have been impacted by both the normalised societal attitudes towards African Americans and the comments that Ali and the NOI had made about white people and government corruption.

Race Issues in the Court Proceedings

Race and racism undeniably played a significant role in Ali's court proceedings. Starting at his initial court hearing in 1967, the fact that he was a black man created barriers to him receiving a fair hearing and fair treatment. The jury at Ali's initial trial in June 1967 consisted of "six men and six women, all of whom were white."⁹⁰ While there was no official commentary or complaints from Ali about racial bias on behalf of the jury, it is important to note that they were all white. They were tasked with deciding the guilt of a man who had been very vocal in his dislike of white America. It is difficult to imagine Ali's comments about racism and his race not being spoken about in the deliberation process. After hearing both sides of the argument, the jury took only 20 minutes to decide that Ali was guilty of intentionally evading military service and Judge Ingraham sentenced him to five years in prison and a \$10,000 fine.⁹¹ When Ali's appeal went to the Supreme Court between 1970-71, the public was becoming more aware of and more critical of the unfairness of the draft and conscription system as a whole. A narrative formed that made Ali's "lengthy opposition to

⁹⁰ Bowman, Winston. *United States v. Clay: Muhammad Ali's Fight Against the Vietnam Draft*, 15

⁹¹ *Ibid*, 29

military service a principled stand against an arbitrary system rather than an act of petulance or cowardice.”⁹² The previously dominant public attitudes to conscientious objectors became more accepting and the Vietnam War became increasingly unpopular. Ali made a career out of being a symbol of the anti-war movement and became a prominent public speaker, travelling throughout America and giving speeches to university campuses and at anti-war protests. Ali rode the wave of the change in public opinion: “perceptions of Ali himself began to warm as the image of the gregarious former champ displaced that of the militant black radical.”⁹³ People were becoming more aware of everything that Ali had sacrificed during his draft evasion trial and his message of black power and the right to equality began to resonate at an even higher level with the public. In his refusal to join the military and his subsequent arrest, “his licence to box was suspended in New York the same day (of his conviction); other boxing commissions followed. Ali was unable to obtain a boxing licence in the US for the next three years.”⁹⁴ Those would have been prime years in his boxing career, commercial marketability and financial gain, but he was kept out of the sport due to his court case. As people became more aware of this sacrifice alongside the message that he was promoting, support for Ali rose. Ali was not in any way being less vocal about his opposition to the white establishment, but he was reshaping the aggressive persona that he had counted on during his time as a professional fighter.

On April 19th, 1971, the Supreme Court heard the oral arguments being made in the case. On that day, one of the Justices, Justice Blackmun, expressed concern that “the court will be excoriated whether it upholds or reverses,” Ali’s conviction.⁹⁵ This statement is a perfect example of how Ali’s case was tainted by external factors rather than the matter at

⁹² Ibid,18

⁹³ Ibid, 19

⁹⁴ Calamur, Krishnadev. "Muhammad Ali and Vietnam." *The Atlantic*, June 4, 2016. <https://www.theatlantic.com/news/archive/2016/06/muhammad-ali-vietnam/485717/>.

⁹⁵ Bowman, 21

hand. The Court was aware of the cultural significance of the case and the implications of race playing a large role in Ali's rhetoric. It was occurring in the peak of Civil Rights battles and because of Ali's status and fan base, anything that they did would be scrutinized regardless of whether his conviction was overturned or upheld. In their eyes it was a lose-lose situation. Solicitor General Griswold said during the oral arguments that Ali "just doesn't want to fight the white man's wars," he also said that in his opinion Ali, "would not be opposed to wars in which the black Muslims were attacked or involved."⁹⁶ The argument suggested that Ali was rejecting his duty to fight in the war mainly because of his disdain for the white establishment. It is a valid argument and one that is based on evidence from Ali himself. Ali had consistently spoken about how he did not feel that he should fight in Vietnam when America was oppressing his own people at home. Griswold goes on to state that there is no evidence to suggest that "if the domestic hierarchy of black Muslims decided that its members should participate in general Muslim wars, that he would not participate."⁹⁷ Griswold was indicating that he believed Ali's opinions were based on political and racial opposition to fighting in Vietnam rather than religious opposition or an inherent religious belief that war was wrong. Throughout his argument, Griswold mentions multiple times in different phrasing that in his opinion, Ali was opposed to fighting in "what he regards as the white man's wars, although having no religious or conscientious scruples against participation in war which would defend the black man's interest."⁹⁸ Ali's membership to the NOI was clearly true; he had converted to be a practicing Muslim in the early 1960s and so the court had no doubt that Ali was a follower of the Islamic faith. The complications arose due to Ali's belief system being a combination of both a racial critique of American society and a religious objection to war. Ali's race and religion were so closely linked due to his

⁹⁶ Ibid, 92

⁹⁷ Ibid, 93

⁹⁸ Ibid, 91

membership to the NOI that race relations undoubtedly played a role in the supreme court's decisions. The interwoven facets of Ali's argument and life story made the court's decision difficult.

Following Justice Harlan's change of vote upon reading literature that convinced him of the legitimacy of Ali's claims to religious objection to the war, the Supreme Court placed the blame on a lack of evidence on the part of the Department of Justice. Ali's previous conviction was overturned, and he was found not guilty of draft evasion. This was a huge success in what was a very long and intense court proceeding. Ali and his legal team's victory was seen as a success for African Americans. One of America's oldest black newspapers, *New York Amsterdam News*, published on its front page on July 3rd 1971 a quote from a member of the public who said, "It is about time that a black man has truly won in the courts."⁹⁹ At the time, it was rare to see a black man be successful in the Supreme Court that was so heavily controlled by white men, and for that black man to be a black Muslim was exciting for many and energised Ali's supporters/fans. Although he was already a powerful figure in the civil rights movement and had spoken so frequently about his feelings about the treatment of African Americans in society, this court case gave him even more of a platform to build from; his impact on the cultural revolution that took place during the years before, during and after his trial cannot be understated.

In the foreword to *Muhammed Ali's Greatest Fight*, a book written about his legal battle, Ali writes, "Some people thought I was a hero. Some said that what I did was wrong. But everything I did was according to my conscience. I wasn't trying to be a leader. I just wanted to be free. And I made a stand all people, not just black people should have thought about making, because it wasn't just black people being drafted [...] I wanted America to be

⁹⁹ Ibid, 100

America.”¹⁰⁰ Ali wrote in this statement in 2000 and it gives an insight into how he reflects on the draft evasion case from 30 years prior. It is interesting to see how he recognises that his actions were controversial but that at the core he just wanted to be free. Being a black man taking such a powerful stand in the context that he did was and continues to be inspirational for many people in the U.S. and the globe who still feel oppressed because of their race. Race certainly played a significant role in the treatment of Ali’s case. The judges were not only dealing with a popular outspoken man, they were not only dealing with a popular, outspoken Muslim man, they were dealing with a popular, outspoken, black Muslim man. Ali challenged so many aspects of the government and of US society. The comments that he made about his extreme disdain for the white establishment and white people certainly did not help him along the way as his critiques only served to raise the judges’ trepidation and dislike of him. Having looked at the impact of race and religion on Ali’s case, it is important to turn to FBI surveillance and examine how that may have impacted the court proceedings.

¹⁰⁰ Bingham, Howard, and Max Wallace. *Muhammad Ali's Greatest Fight; Cassius Clay vs. the United States of America*. Lanham, MD: M. Evans, 2000. 9

Chapter 3: The Impact of FBI Surveillance

A third aspect of Ali's draft evasion trial that is important to recognize is the role of government and FBI surveillance. The combination of the religious and racial aspects of the case and of Ali's life created a whirlpool of suspicion and fear on behalf of the government. The Civil Rights movement, its leaders and the groups that played important roles were all under surveillance from the FBI. Whether it was wiretapping, bugs, physically being followed or a multitude of other surveillance techniques, the government kept a close eye on everything and everyone that it viewed as a threat to national security. Muhammad Ali had a lot of powerful friends and acquaintances in a lot of powerful places. Two of them were Elijah Muhammad and Martin Luther King Jr. Both men were intensely followed and tracked by the FBI because of the power that they held to generate support and promote radical progress. Ali's association with the two men meant that some of his conversations were recorded and this caused problems in his court case when his defense team launched an accusation that Ali had not had a fair trial due to the influence of the illegally recorded conversations. This chapter will look at the background and context of government surveillance and how Ali's involvement in the lives of the leaders of the civil rights movement affected his trial and court proceedings.

A Brief History of the FBI

On July 26th, 1908, the Bureau of Investigation (BOI) was created as a part of the U.S. Department of Justice and defined as a new investigative agency.¹⁰¹ It had

¹⁰¹ "A Brief History- FBI." Federal Bureau of Investigation. <https://www.fbi.gov/history/brief-history>.

approximately thirty-four people working for it and its first tasks involved visiting and making surveys of prostitution houses. In 1933 the BOI was linked to the Bureau of Prohibition and renamed the Division of Investigation (DOI). The Bureau of Prohibition was a federal law enforcement agency that was formed to enforce the National Prohibition Act of 1919 which prohibited and regulated the manufacture and sale of high proof spirits. In 1935, the DOI became an independent service within the Department of Justice and later on that year, was renamed the Federal Bureau of Investigation (FBI).¹⁰² During the time period that is relevant for this project, J. Edgar Hoover was the director of the FBI. His tenure as director lasted from 1923 to 1972. In the 1920s, he introduced wiretapping to track and capture prohibition criminals. Wiretapping was a technique that the FBI continued to use. Throughout the civil rights movement, wiretapping was used to track the moves of Civil Rights Activists and members of groups all over the spectrum of the Civil Rights Campaign. From Martin Luther King Jr. to Elijah Muhammad and the NOI, all of them were under intense surveillance which included wiretapping, bugs and many other modes of espionage. The term “national security state” was coined and frequently used to describe the unrelenting efforts of the FBI to know as much as it could about the people it feared.¹⁰³ Muhammad Ali came into contact with and interacted with a number of the men on the list of surveilled people. The evidence that came from those interactions caused questions to be raised about the validity of Ali’s guilty verdict. Ali’s lawyers argued that the illegally recorded phone calls unfairly influenced the decision in Ali’s trial. What followed was a re-examining of Ali’s case and an insight into the impacts that the FBI and government surveillance could have had on his trial and its outcome.

¹⁰² *ibid*

¹⁰³ Greenberg, David. "Civil Rights;; Let 'em Wiretap." *History News Network*, 2000. <http://hnn.us/articles/366.html>.

Civil Rights Movement and government surveillance

The Civil Rights movement was the cause of a lot of concern with regards to security on behalf of the U.S. government. For Muhammad Ali, his connection to Martin Luther King Jr. automatically placed him in a group of people that was being watched by the FBI and the government. King was one of many civil rights activists who were victims of the government's surveillance activity. Ali and King were not individuals who interacted frequently and failed to see eye to eye on most issues but the fact that the two men were in communication made Ali even more of a cultural and social threat to the government. Two of the phone call recordings that played a role in Ali's court hearing features conversation between King and Ali. The existence of the recordings shows the fear that the Department of Justice felt about the power that African American activists held and the change that they could create in society. It is important to look at the context in which Ali's phone calls with King were recorded and why the FBI was so set on knowing all there was to know about King.

In a letter from 1963 in which he addresses the injustices he believed to exist in America, Martin Luther King Jr. writes, "injustice anywhere is a threat to justice everywhere," and then goes on to critique the laws of the country in the statement, "any law that uplifts human personality is just. Any law that degrades human personality is unjust."¹⁰⁴ King was a lot less inflammatory with the language he used and the comments that he made about oppression in America than the NOI. He was focused on proving that African Americans deserved equal rights in the eyes of the law and in society. However, despite his non-violent rhetoric he was still a threat to the U.S. government. He was a powerful public

¹⁰⁴ Sehat, *Myth of American Religious Freedom*, 245

speaker and his organization, the SCLC, became an influential force within the Civil Rights Movement. In 1963, FBI director J. Edgar Hoover ordered that King be placed under intense surveillance by FBI agents.¹⁰⁵ This surveillance would last for the rest of King's life. In 1975, Congress established the Church Committee to investigate the abuses of power within intelligence operations launched by various government agencies. The FBI was one of the agencies that was investigated. It was discovered that "From December 1963 until his death in 1968, Martin Luther King Jr. was the target of an intensive campaign by the Federal Bureau of Investigation to 'neutralize' him as an effective civil rights leader."¹⁰⁶ King was threatening the power structure of U.S. society and this was a problem for many. Hoover was set on knowing everything that there was to know about King's plans, his associates and who he was talking to. In 1967, Hoover classified the SCLC as a black nationalist hate group. In a memo dated August 23rd, 1967 with the subject line *Counterintelligence Program Black Nationalist- Hate Groups Internal Security*, Hoover wrote, "No opportunity should be missed to exploit through counterintelligence techniques, the organizational and personal conflicts of the leaderships of these groups ... to insure the targeted group is disrupted, ridiculed, or discredited."¹⁰⁷ With these words coming from the top of the Department of Justice, it makes sense that similar sentiments arose during the Ali's court case. Ali had been implicated in recordings of conversations with the man that was at the top of the government's people to watch list. Just the association alone with King was enough to raise suspicions about Ali.

In his book *War at Home*, Brian Glick writes about the extent to which King was seen as a threat to the U.S. government. The Counterintelligence Program or COINTELPRO were a series of both covert and illegal intelligence projects conducted by the FBI between 1956

¹⁰⁵ Dyson, Michael Eric (2008). "Facing Death". *April 4, 1968: Martin Luther King Jr.'s death and how it changed America*. Basic Civitas Books. pp. 58–59

¹⁰⁶ Church, Frank (April 23, 1976), "Church Committee Book III", *Dr. Martin Luther King Jr., Case Study*, Church Committee

¹⁰⁷ Glick, Brian. *War at Home: Covert Action Against U.S. Activists and what We Can Do about it*. Cambridge, MA: South End Press, 1989. <https://bit.ly/3bONBbV> p77

and 1971. Hoover used these projects to approve unrestricted espionage into the lives of the targets, in particular, Martin Luther King Jr. Through COINTELPRO, the government mainly targeted domestic threats and people that they deemed as being subversive. Civil rights activists became targets of COINTELPRO, and Martin Luther King Jr and the Nation of Islam are on the long list of people who were affected by the projects. Looking at which members of the Civil Rights movement were watched by COINTELPRO, Glick argues that “the choice of targets reflects government and corporate fear of a militant broad based black movement.”¹⁰⁸ The government knew and were afraid of the momentum that people within the civil rights movement could generate and the rebellion that this could cause. By conducting secret surveillance of the leaders of the civil rights movement, the government had more access to be able to get rid of any threats they saw or anticipate any action that could put them at a disadvantage. Maintaining power and control was the aim. They did not like the challenges that were being made to the status quo. Glick notes that although King was world-renowned for being a staunch proponent of non-violent activism, they labelled him as a “potential messiah who could ‘unify and electrify’ the black movement.”¹⁰⁹ The terminology used to describe him is illuminating in that it shows the level of intimidation that the U.S. government felt and why Ali’s link to him could have influenced the court proceedings. There were many other concerns at the time—the Vietnam War, the Cold War, and other social movements that were developing. The FBI certainly paid attention to all of them but looking at the way that the government interacted and dealt with the perceived threat of the Civil Rights movement and its leaders, it is clear that any involvement with the people under surveillance was going to stick with a person for a long time, as evidenced by Ali.

¹⁰⁸ *ibid*11

¹⁰⁹ *ibid*11

NOI and the FBI

The Nation of Islam was another group within the civil rights movement that intimidated the government. The group was very vocal about its thoughts and its disdain for white dominated society and did not shy away from challenging the government at all. In a chapter of the book, *The FBI and Religion*, Karl Evanzz writes that “what had begun in the early 1940’s as a legitimate pursuit by the FBI to deter subversive activities [...] devolved twenty years later into a scorched earth policy on the First Amendment for nearly every radical group in the United States.”¹¹⁰ The Nation of Islam clearly fit the definition of a radical group. With its overtly aggressive political and religious rhetoric, the group challenged the structure of U.S. society. The job of the FBI was to ascertain perceived threats in order to protect what they saw as the national interest. The NOI was at the top of the list of groups that the government deemed necessary to keep a watchful eye on. Muhammad Ali was one of the people who fell victim to the undercover surveillance of the FBI and as mentioned before, this surveillance played a role in the development of his trial. Before looking in more detail at Ali’s case specifically, it is important to understand the context in which Ali was being monitored and how his personal connections to Elijah Muhammad and the Nation of Islam could have served to motivate the FBI to have heightened suspicions.

Elijah Muhammad, the leader of the NOI, drew the attention of the FBI when he became embroiled in an FBI raid that led to his imprisonment for sedition and draft evasion crimes in 1942. As it did at the time of the Vietnam War, the U.S. government enacted a

¹¹⁰ Evanzz, Karl. "The FBI and the Nation of Islam." In *The FBI and Religion: Faith and National Security before and after 9/11*, edited by Johnson Sylvester A. and Weitzman Steven, 148-67. Oakland, California: University of California Press, 2017.
www.jstor.org/stable/10.1525/j.ctv1xxznq.14. 148

military draft during World War II, starting in 1940. The clerks at the Selective Service offices realized that there was a stark increase in African American men who were refusing to be drafted. A suspicious majority of the men cited the same reasons for their refusals. The three reasons were, “(1) they cited religious grounds; (2) they described themselves as Muslims; and (3) they did not seek an exemption as ‘conscientious objector’ because they would not comply with its requirements.”¹¹¹ Instead of claiming conscientious objector status, they were simply refusing to register for the draft at all. During this time period, the US government and its intelligence agencies became aware of the presence of Japanese espionage and surveillance within the U.S. The two countries were at war with the attacks on Pearl Harbor occurring on December 7th, 1941, and tensions and suspicion became heightened. The government suspected that that the Japanese government was funding African American groups within America, including the Nation of Islam and that it was promoting a racially based rebellion on U.S. soil. Understandably, during a time of war, the FBI was on high alert and trying to intercept any threats to national security. Many African Americans who were unsatisfied with the treatment that they were receiving within the U.S. found support from Japanese groups and saw similarities between themselves and the persecution of Japanese Americans and also the persecution of the country of Japan by the US government. The US and Japan were at war and there was targeting and oppression from both sides but for some African Americans, they could not find it within themselves to support the US effort and so sympathized with the Japanese.

One particularly influential group was the Black Dragon Society. This was a group founded in 1901 in Japan by Uchida Ryohei. The initial goal of the group was to keep the Russian Empire out of East Asia, but by World War II, the group had spread its influence/mission through immigration to the U.S. and was involved with black nationalists.

¹¹¹ ibid

African Americans, in particular those that were a part of the black nationalist movement, liked the “image of strength connoted in the symbol of a black dragon,” and appreciated the imagery of the black dragon fighting the American eagle.¹¹² It was an image that represented their mission to overthrow the institutions that had oppressed them for so long.

The Black Dragon Society sent a man named Satokata Takahashi to the US to be the figurehead of their influence on American soil. Takahashi was a retired major of the Japanese Imperial Army. By 1939, the FBI was aware of Takahashi’s involvement with the Nation of Islam. He was outspoken in his support for the African American cause and dislike of white America. He spoke about the similarities between the treatment that both the Japanese Americans and African Americans had been subjected to and developed a series of guiding principles he believed could lead African Americans down a path to overthrowing white domination. These five principles were Freedom, Justice, Equality, Liberty and Honor and can be said to be a play on the principles that white Americans so proudly lived their lives by. He was promoting all of the same things that the U.S. government was because black people were not able to access these things. In a speech he gave about white supremacy, he stated, “The white man will give you little. If you obtain anything it will be done through conquest. You must fight. Japan has succeeded because everyone worked as a unit. You must work as a unit.”¹¹³ His words echoed and influenced the sentiments of the Nation of Islam in that he encouraged a separation of black and white people. He presented Japan as an ally to African American people saying, “you are clinging to an era of Caucasian civilization and psychology because you are afraid to leave the sinking ship. [...] Here is the Negro’s chance to freedom in life. Leave the sinking ship.”¹¹⁴ The sinking ship he referred to was the U.S.

¹¹² Kearney, Reginald. *African American Views of the Japanese: Solidarity of Sedition*. New York: State University of New York Press, 1998. <https://bit.ly/2xeatT4>. 77

¹¹³ *Ibid* 33

¹¹⁴ *Ibid* 34

and he was promoting the idea that they should join the Japanese cause. Elijah Muhammad had developed a bond with Takahashi and was impacted by the statements that he made about the plight of African Americans. The NOI taught that “the original black man was ‘Asiatic’”¹¹⁵ and within the group’s eschatology, Muhammad highlighted “Japan’s role in returning whites to a predestined role of subordination.”¹¹⁶ The FBI was aware of the message that Takahashi and Muhammad were presenting to African American people and decided that they needed to be vigilant in order to gain a better understanding of what exactly was being promoted.

In September 1942, after sending undercover African American operatives into NOI and the Allah Temple (which was another group that was a part of and aligned with the NOI) meetings to retrieve evidence of the NOI sympathizing with and being funded by the Japanese government, “federal agents in Chicago arrested eighty-five African Americans. Three women and nine men were charged with sedition; the remainder were accused of draft evasion.”¹¹⁷ Elijah Muhammad was arrested on charges of draft evasion and sedition, found guilty and imprisoned from 1942-1946.¹¹⁸ The FBI interviewed temple members who had refused to sign up for the draft and “agents collected numerous statements showing that (Elijah) Muhammad had specifically and repeatedly advised members not to register. He had further counseled them to disregard government questionnaires related to the draft.”¹¹⁹ This fact is linked to one of the arguments the Supreme Court made against Ali in his court case. Elijah Muhammad had a proven history of telling members of the NOI to refuse to be drafted, as proven in this arrest. While he was being interviewed, Elijah Muhammad “confessed to

¹¹⁵Ibid. 83

¹¹⁶ Ibid 83

¹¹⁷ Allen, Ernest. "When Japan Was "Champion of the Darker Races": Satokata Takahashi and the Flowering of Black Messianic Nationalism." *The Black Scholar* 24, no. 1 (1994): 23-46.

www.jstor.org/stable/41068457.23

¹¹⁸ Bobo, Jacqueline, Cynthia Hudley, and Claudine Michel, eds. *The Black Studies Reader*. New York: Routledge, 2004. 458

¹¹⁹ Evanzz 150

having met with Sakotaka Takahashi,” which made the FBI even more aware and suspicious of the threat that Muhammad and the NOI could pose to national security. The NOI having links to Japan was incredibly intimidating to the government and something that they did not take lightly. Elijah Muhammad’s draft evasion was remembered and referenced during Ali’s case. Benjamin Harrison writes that the Supreme Court noted that “members of the Nation of Islam, including Elijah Muhammad had refused service in the military on conscientious objector grounds” in the past.¹²⁰ Muhammad had actually told his followers to reject the call to serve in the military but not claim conscientious objector status. It had been a show of defiance instead of a claim of conscientious objection. When looking at how the NOI and Elijah Muhammad were constantly challenging the government and being watched by the FBI, it makes complete sense that Ali also became a person of interest.

If being known to have communicated with Martin Luther King Jr. was not already enough to get the FBI to pay attention to Ali, being a known associate and member of the Nation of Islam certainly made him a target. Michael Ezra writes that “The day after he had revealed his affiliation with the Nation of Islam, FBI Director J. Edgar Hoover had ordered his agents to inquire about Ali’s draft status and obtained Ali’s high school records in order to prove that the fighter was competent to serve in the military.”¹²¹ Hoover and the FBI recognised the power that Ali’s membership to the NOI would give to the black power movement and wanted to make sure that they knew everything that they could about him. Ali’s entire public persona centered on the fact that he was a dissenter who would do anything that he could to inspire and create change within the U.S. Karl Evanzz suggests that Hoover had a plan to send Ali into the military to control his outspokenness. Ali had been

¹²⁰ Harrison, Benjamin T. "The Muhammed Ali Draft Case and Public Debate on the Vietnam War." *Peace Research* 33, no. 2 (2001): 69-86. Jstor. www.jstor.org/stable/23608073.

¹²¹ Ezra, Michael. *Carving Out Moral Authority: Ali's Race Man Phase*. Philadelphia: Temple University Press, 2009. Jstor www.jstor.org/stable/j.ctt14bt257.14.

placed on the U.S. House of Representatives' List of Radical and Revolutionary Speakers by the time of his trial.¹²² As his public recognition grew "it was not just rank and file citizens, the press and important civil rights figures who were treating Ali like a race leader, but the federal government as well."¹²³ Although he was one of the most recognizable faces in the world, he was still a follower of Elijah Muhammad. He was not in a leadership role in the NOI but was certainly one of the most well-known members. The notion that the government viewed Ali as a "race leader" proves the level to which they were concerned about the cultural shift he was creating. Ali was incredibly in touch with the poor and disadvantaged members of the black community. Civil Rights leaders sympathized with people who were in the lowest socio-economic class but rarely physically interacted with them. Ali was a welcomed face in some of the most dangerous neighborhoods. He once said, "You don't need protection from people who love you."¹²⁴ He was able to communicate with the most violent of street criminals because they respected him, and that kind of power had the ability to start revolutions. He was becoming the voice of his generation and one that people listened to. The influence of Ali's voice intimidated the FBI; their surveillance of him and his associates was something that gave them control.

The Court Case and the FBI

There was no doubt that groups involved in the civil rights movement and those that the FBI deemed radical enough to warrant monitoring were under government surveillance. This surveillance would serve to raise issues in court, as the legality of the evidence that the court had against Ali was brought into question. In 1969, when Ali first took his appeal to the Supreme Court, the FBI and the Department of Justice (DOJ) were under fire for allegedly

¹²² Evanzz., *FBI and The Nation of Islam*. 130

¹²³ Ibid, 130

¹²⁴ Ibid, 131

carrying out illegal covert surveillance of perceived domestic threats. In *Alderman v. United States* a case the justices ruled on in 1969, it was decided that “courts could not simply rely on the authorities’ assertion that information obtained via illegal surveillance had not influenced the investigation of criminal suspects.”¹²⁵ This meant that the court had to hold trials to determine whether or not any evidence obtained by the FBI or DOJ was tainted by the fact that it had been retrieved illegally. Ali had certainly been the target of many tapped phone calls and bugged rooms. On August 30th, 1968, the DOJ admitted to the Supreme Court that Ali had been recorded on wiretaps five times but insisted that Ali was not the initial target of the recordings.¹²⁶ However, there was evidence to suggest that Ali was being intensely watched. Historian Kenneth O’Reilly wrote that “FBI surveillance of Muhammad Ali sucked in everyone around him,” and claimed that FBI agents would watch every move that he made.¹²⁷ O’Reilly is the only person to have made this claim publicly so it may not be completely true but what is known to be true is that Ali’s voice was recorded on five separate phone calls by the FBI and that those calls played a significant role in his court proceedings

Despite the FBI’s claims that Ali was not being monitored, Ali’s defense argued that the recordings could have influence in the court and the decisions that were being made. Bowman writes that following *Giordano v. United States* (1969), the court sent many cases involving surveillance back to the original court to make judgement on the influence of surveillance in the decision. In *Giordano v. United States*, it was ruled that, “the judgments of the Courts of Appeals in these cases are vacated, and the cases remanded to the respective District Courts for further proceedings in conformity.”¹²⁸ Ali’s case was included in the cases

¹²⁵ Bowman, 23

¹²⁶ Van Wynsberghe, Scott. "How Muhammed Ali got caught up in the FBI's Surveillance state." *National Post*, July 5, 2016. <https://nationalpost.com/opinion/scott-van-wynsberghe-how-muhammad-ali-got-caught-up-in-the-fbis-surveillance-state>.

¹²⁷ Ibid.

¹²⁸ "Giordano v. United States: 394 US 310 (1969)." Justia US Supreme Court. <https://supreme.justia.com/cases/federal/us/394/310/>.

that were remanded. This meant that Ali's case was sent back to district court in Texas, in which Judge Joe Ingraham oversaw the re-examination of the surveillance used in Ali's case. Elijah Muhammad, Martin Luther King Jr. and Ali had all been impacted by wiretapping. At this rehearing, five conversations that had been recorded were in question. Ali's defense team claimed that they should be allowed to have access to the five phone calls and all of the other surveillance that involved Ali. The phone calls featured conversations that Ali had with King and Elijah Muhammad on separate occasions. Ingraham allowed them access to four of the phone calls and the names of FBI agents who were involved so that they could question them about how that information was used. The fifth phone call was restricted and not released because "it's recording has been authorized by the Attorney General for the purposes of gathering foreign intelligence and its continued secrecy was in the national interest."¹²⁹ The people that Ali was involved with at the NOI had previously had links to groups that the FBI deemed international threats and at the time the Vietnam War was occurring. It is unclear exactly what was recorded on that fifth phone call, but it would not be unreasonable to suggest that the NOI was under surveillance to see whether or not they were in communication with international threats. There are of course, a multitude of other international and domestic threats that the government could have been monitoring.

Judge Ingraham ruled that the surveillance of Ali and his associates had not impacted the ruling on his draft appeal on the basis that the content of the phone calls was random and not influential enough. One of the sentences that Ali's team argued could have been used against him was when Ali warned King to "watch out for them whites."¹³⁰ Ali's lawyers claimed that that simple statement could have been twisted to support the notion that Ali's rejection to be drafted had political rather than religious origins. Ingraham disagreed and

¹²⁹ Bowman, 24

¹³⁰ Ibid, 24

states that “A negro not a member of the Nation of Islam would be as likely to say the same thing [...] there was ample evidence from an independent origin before the Department to conclude that the Muslim religion holds the white race in contempt.”¹³¹ Ali had made plenty of other public statements to suggest his disdain for the white establishment that it was not feasible to claim that this one comment to King was enough to sway the decisions of the court. The rest of that phone call with King was short; Ali told King that “he was his brother and invited him to his next fight.”¹³² It was a show of respect between the two men who had been consistently on opposite sides of the Civil rights Movement.

On June 6th, 1969, Judge Ingraham ruled that information from the FBI surveillance was so insignificant and innocuous that he did not think it had impacted Ali’s trial. Ali’s lawyers appealed this decision but on July 6th, 1970, the Court of Appeals for the Fifth Circuit upheld Judge Ingraham’s ruling. Finally, on January 11th, 1971, the Supreme Court decided that it agreed with the lower courts that Ali’s initial conviction had not been influenced by the surveillance and that they would hear his case.¹³³ The focus of the Supreme Court trial was supposed to be to determine the validity of Ali’s religious objections to fighting in Vietnam and to re-evaluate his previous conviction. Therefore, previously recorded conversations with King and Elijah Muhammad were irrelevant to the deliberations that the court would be having. Despite the judgement of the court that the FBI surveillance did not influence Ali’s trial, it is difficult to imagine how that is possible. Looking at the context of the time in which Ali’s case was being heard, the suspicion surrounding the leaders of the Civil Rights movement and the threat that they posed to the government and societal structure it would be hard for the judges to ignore. Even if Ali was not specifically

¹³¹ *ibid*

¹³² Ezra, Michael. *Carving Out Moral Authority: Ali's Race Man Phase*. Philadelphia: Temple University Press, 2009. Jstor www.jstor.org/stable/j.ctt14bt257.14. 124

¹³³ *Ibid* 30.

followed by the FBI, just presence of his name in the same sentence as FBI surveillance would understandably raise questions as to why that was. This could have led to mistrials by the jury and judges that came into contact with his case throughout its path to the Supreme Court. Ali's life trajectory and was one that the government was aware of. He was a powerful black Muslim who had a lot of friends who were also incredibly powerful. He was adored by the public (for the most part) and had a way of getting people to listen to what he said because he always spoke from his heart. The involvement of the FBI in his life is not a surprise and neither is the fact that this involvement could have influenced decisions made by the court during his trial. It just shows that beyond the issues of his race and religion that plagued the proceedings, influence from the federal government and its intelligence agencies was also present and is something that is often overshadowed by the intensity of the previous two issues.

Conclusion.

Muhammad Ali was and forever will be a cultural icon. The impact that he had on American society is very difficult to match. Yes, he was a boxing juggernaut and yes, his accomplishments in the world of sport are incredibly impressive but I think that one of the most significant things that he ever did was refusing to step forward at his military induction ceremony in 1967. In refusing to take that step, Ali was jumping in the path of the government's power. He was forcing people to take even more notice of him. There were certainly mixed responses to his actions, but it is undeniable that they generated conversation and debate about the limits placed on religious freedoms. From 1967 to 1971, Ali's court case shone a light on the way that the government treated people who it could not control. Looking in depth at the court proceedings that followed to determine if Ali had committed the crime of draft evasion, it is clear that there were many different attributes that played a role in the way that the court made its decisions. Each of these external attributes negatively impacted Ali's access to religious freedom.

Religious freedom is a constitutionally granted right in the United States, however, as this thesis shows through the analysis of Ali's court case, the court was unable to separate Ali's identity as an outspoken Black Muslim from the facts of the case. The three major influences on Ali's court decision center on what made him different or an "other" to the white establishment. His Islamic religious beliefs challenged the norm of being part of the Christian faith. His race and outspokenness about his dissatisfaction with the treatment of African Americans challenged the inherent racial bias present in the U.S. Finally, all of the aforementioned facts alongside his relationships and association with the controversial figures, Martin Luther King Jr. and Elijah Muhammad, resulted in him being a person of

interest for the FBI and the subject of government surveillance. Ali's trial is a perfect example of how cultural, social, and political pressures can work together to cloud judgement and complicate matters within a judicial setting. Despite the judges/juries having a duty to remain non-biased, all of the external factors made it difficult in Ali's case and this placed restrictions on his right to the freedom of religious expression.

I am not entirely sure that it is possible to completely separate religion from politics in the US just because of how the founding documents were created and the multicultural nature of society. I think that a prime place to start to combat the issue of religious freedom would be to try to create a definition of religion that can be used in judicial proceedings. This is an incredibly difficult task and honestly something that I am not even sure is possible. Religion is such a wide reaching and expansive, but also deeply personal, entity that it will be difficult to create a definition that encompasses and respects all religions and traditions. It will require a lot of discussion and a lot of time but in a country that guarantees religious freedom in its constitution, I personally think that a codified definition of religion is a requirement for fair and just judicial proceedings.

Muhammad Ali's court case is incredibly significant in exemplifying the restrictions placed on religious freedoms because of other facets of a person's being. In claiming religious objection to the Vietnam War, his life was scrutinized by the court system even more than it was already scrutinized by the public due to his fame. Ali once said that "He who is not courageous enough to take risks will accomplish nothing in life."¹³⁴ He took a huge risk in refusing to be drafted. One that affected him and his boxing career, as for three years he was banned from the sport that he loved and was unable to compete. The impact that he had on American culture and society is astonishing. Ali was a fighter. He was one of the

¹³⁴ Reynolds, Barbara. "Kids meet Ali." *Chicago Tribune*, October 1977.
https://www.newspapers.com/image/?clipping_id.

best fighters in the world. He fought ferociously in the boxing ring but his fight against the U.S. government and Supreme Court, in my opinion, was his most significant and admirable fight of all.

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