

We Shall Overcome: An Examination of Copyright, Misattribution, Complicity, and the Black Woman Behind the World's Most Influential Protest Song

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1. Introduction and Literature Review

This article offers an interdisciplinary, evidence-based reappraisal of the authorship and cultural legacy of “*We Shall Overcome*.”¹ It foregrounds Black sacred music and the creative and cultural production of Louise Shropshire, proposing a contextual framework relevant to scholars of music, history, law, and cultural studies.

1.1 Introduction: Challenging the Existing Origin Narrative

For more than sixty years, “*We Shall Overcome*” has echoed across the spiritual, cultural, rhetorical, and political frontlines of the African American Civil Rights Movement, fortifying the resolve of activists, demonstrators, and supporters.² Beyond the United States, it has achieved extraordinary global recognition as a universal anthem of protest, resistance, hope, and human

¹ Library of Congress, National Recording Registry, “We Shall Overcome,” accessed [Month Day, Year].

² Encyclopedia Britannica, “We Shall Overcome,” accessed December 4, 2025.

dignity. Its familiar refrain—“*We shall overcome, we shall overcome, we shall overcome someday, oh deep in my heart, I do believe, we shall overcome someday*”—has been sung in numerous languages and has crossed cultural and political boundaries, offering strength and solidarity in churches, prisons, protest marches, vigils, and sites of resistance worldwide. From Birmingham, Alabama, and South Africa to Tiananmen Square and the fall of the Berlin Wall, the song has transcended time, religion, and ideology in service of ideals such as justice, equality, and peace.³ Its enduring power lies in its capacity to evoke moral, physical, and emotional courage among those who endure suffering and sacrifice in pursuit of fundamental human rights.

Despite being described by *The Atlantic* as “the most influential song of all time,” the song’s history remains poorly understood, often characterized as complex, convoluted, or indeterminate.⁴ One widely circulated narrative traces its origins to an eighteenth-century Catholic Sicilian mariners’ hymn (“*O Sanctissima*”), followed by an antebellum spiritual (“*No More Auction Block for Me*”), a nineteenth-century African American hymn (“*I’ll Be Alright*”), and a 1901 Methodist hymn, “*I’ll Overcome Someday*,” by Rev. Charles Albert Tindley of Philadelphia. According to this account, the song later appears as “*I’ll Be Like Him Someday*” (1945) by Faye Brown of Chicago before migrating south to African American tobacco workers in Charleston, South Carolina. In 1946, it purportedly arrived at the Highlander

³ Stephen Winick, “Tracing the Long Journey of ‘We Shall Overcome,’” *Folklife Today* (Library of Congress blog), February 3, 2014.

⁴ Stephen Winick, “Tracing the Long Journey of ‘We Shall Overcome,’” *Folklife Today* (Library of Congress blog), February 3, 2014.

Folk School in Monteagle, Tennessee, where Zilphia Horton is said to have encountered it, preserved it from obscurity, and transmitted it into the folk revival.⁵

According to this narrative, Horton taught “*We Will Overcome*” to Pete Seeger in 1947, who published it the following year in *People’s Songs*.⁶ Seeger later claimed to have taught the song to Guy Carawan, though Carawan asserted that he learned it from Frank Hamilton in Los Angeles. Hamilton acknowledged that he taught Carawan the song but stated that he first heard it in the 1950s, sung by a large Black Baptist church choir in Los Angeles. While Seeger and Hamilton agreed that Carawan later popularized the song throughout the southern United States during the civil rights demonstrations of the early 1960s, Black church communities in the South already knew the song as “*I’ll Overcome*” by the time of Carawan’s arrival.⁷

Amid the violence and collective trauma of the Civil Rights Movement—marked by marches, sit-ins, arrests, bombings, and lynching—two copyrights were filed for “*We Shall Overcome*,” in 1960 and again in 1963.⁸ Although the named registrants publicly described themselves as “adapters” of a preexisting African American spiritual, Pete Seeger, Guy Carawan, Frank Hamilton, and Zilphia Horton, together with their publishers The Richmond Organization and Ludlow Music, Inc. (TRO/Ludlow), claimed sole authorship and control of the song. Zilphia Horton had died in 1956 without ever asserting authorship. Her husband and estate executor,

⁵ Robert Shelton, “Rights Song Has Own History of Integration,” *New York Times*, July 23, 1963.

⁶ Pete Seeger, *Where Have All the Flowers Gone: A Musical Autobiography* (Bethlehem, PA: Sing Out! (1993), 164–70.

⁷ Mark Dvorak, “Frank Hamilton Remembers Zilphia Horton, Guy Carawan, Pete Seeger and ‘We Shall Overcome,’” accessed December 5, 2025.

⁸ U.S. Copyright Office, registrations for “We Shall Overcome,” 1960 and 1963.

Myles Horton, subsequently affixed her name to the copyright registrations.⁹ Thereafter, published sheet music, recordings, textbooks, and articles listed Horton, Hamilton, Carawan, and Seeger as authors. Although the registrations identified “*We Shall Overcome*” as derived from a previously copyrighted song titled “*I’ll Overcome*,” no author of that antecedent work was named.¹⁰

To reassess these claims, this article subjects foundational assertions by Seeger, Carawan, Hamilton, Horton, and TRO/Ludlow to close scrutiny using archival research, legal and documentary evidence, oral histories, and musicological analysis, including materials introduced in federal litigation between 2016 and 2018. Emphasizing Black sacred traditions and the copyright-protected work of Louise Shropshire, the study reexamines the anthem’s origins. Shropshire’s hymn “*If My Jesus Wills*,” commonly known as “*I’ll Overcome*,” includes the refrain “*I’ll overcome, I’ll overcome, I’ll overcome someday, oh yes, if my Jesus wills, I do believe, I’ll overcome someday*,” closely paralleling the lyrics, structure, cadence, harmony, and melodic phrasing of “*We Shall Overcome*.”¹¹¹² The analysis demonstrates that Shropshire’s hymn not only predates the protest anthem but likely served as its principal source. It further

⁹ Bernice Johnson-Reagon, *Songs of the Civil Rights Movement 1955–1965* (PhD diss., Howard University, 1975).

¹⁰ *We Shall Overcome Foundation et al. v. The Richmond Organization et al.*, S.D.N.Y., complaint and exhibits.

¹¹ Archives and Rare Books Library, University of Cincinnati Libraries, “Louise Shropshire Collection, 1932–2013.”

¹² Louise Shropshire, “If My Jesus Wills,” copyright registration, 1954.

presents evidence that the 1960 and 1963 copyright registrations contained material omissions and misrepresentations, resulting in the suppression of Black intellectual property rights.

This reassessment also considers how Black cultural expression—particularly oral, performative, and gospel traditions—has been marginalized, misappropriated, or rewritten by white musicians, publishers, and legal and academic institutions that have historically privileged white-authored texts. “*We Shall Overcome*” thus emerges not only as an anthem of hope but also as a living artifact of suppressed Black cultural, creative, and intellectual labor.

1.2 Literature Review: Between Folklore and Fabrication

Among the scholars who have examined the history of “*We Shall Overcome*,” Bernice Johnson Reagon occupies a central position. In her 1975 doctoral dissertation, “*Songs of the Civil Rights Movement, 1955–1965: A Study in Cultural History*,” Johnson Reagon analyzed the song’s authorship and copyright history, emphasizing the fluidity of group-participatory songs and the difficulty of assigning individual authorship within freedom-song traditions.

Johnson Reagon also documented interviews with Myles Horton, co-founder of the Highlander Folk School, concerning the song’s copyright arrangements. Horton expressed reluctance to profit from what he regarded as collective cultural labor and described the creation of the “We Shall Overcome Fund,” through which royalties were to be redirected toward Black cultural work in the South. Subsequent correspondence between Johnson Reagon and Seeger further reveals deep concerns about racial inequities embedded in the copyright framework, particularly

the exclusion of Black contributors such as Lucille Simmons and the problematic reliance on the Tindley hymn as an antecedent.

Notably, Johnson Reagon questioned the centrality of Rev. Charles Albert Tindley's "*I'll Overcome Someday*" to the song's genealogy, observing that the hymn was not widely sung within Black congregations outside of Tindley Temple. Her assessment aligns with later private correspondence by Seeger and executives at TRO/Ludlow acknowledging doubts that Tindley's hymn constituted the song's source.

Archival materials uncovered in the mid-2010s—including financial records associated with the We Shall Overcome Fund—demonstrate substantial royalty accumulation alongside comparatively limited disbursement for Black cultural initiatives. These records further show that, under the 1960 and 1963 songwriter contracts, only half of the royalties were allocated to the Fund, with the remainder directed to TRO/Ludlow, complicating claims that the copyright arrangement functioned solely as a benevolent mechanism for cultural redistribution.

2. Documentary Film and Legal Evidence—Reconstructing the Historical Record

In 2010, an investigation was initiated into a longstanding claim that Louise Shropshire, a Cincinnati-based gospel composer, was the original author of "*We Shall Overcome*."¹³ The claim had been articulated years earlier by Robert Goins, Shropshire's grandson, during a recording session in the early 1990s. At the time, the assertion lacked documentary support and was initially assumed to be easily refutable. Subsequent inquiry demonstrated otherwise.

¹³ Author interview notes and documentary research files, 2010–2020.

An initial review of publicly available reference sources in 2010—including the widely consulted *Wikipedia* entry for “*We Shall Overcome*”—presented a seemingly settled origin narrative crediting Pete Seeger, Guy Carawan, Frank Hamilton, and Zilphia Horton as authors.¹⁴ That account appeared detailed and authoritative. Closer examination of the cited references, however, revealed that the overwhelming majority derived from publications authored or edited by Seeger, Carawan, Carawan’s wife Candie, or secondary sources dependent on their interviews and writings. This concentration of self-referential sourcing raised significant concerns regarding evidentiary independence and historiographical reliability.¹⁵

What began as a preliminary inquiry developed into a decade-long research project resulting in the collection of extensive documentary, legal, and archival evidence that had received little prior scholarly attention. Among the earliest significant findings were the 1954 U.S. copyright registration for “*If My Jesus Wills*” by Louise Shropshire; multiple additional copyrighted gospel hymns authored by Shropshire; and previously unpublished photographs documenting her close personal relationships with Rev. Dr. Martin Luther King Jr., Rev. Fred Shuttlesworth, and Rev. Thomas A. Dorsey, widely regarded as the “Father of Gospel Music.”¹⁶

Oral histories preserved in the documentary film *Claim the Sky: We Shall Overcome*, including testimony from family members, former choir members, and close associates, indicate that Shropshire frequently hosted prominent civil rights leaders at her family home during their visits to Cincinnati. On one such occasion, Dr. King reportedly stayed at the Shropshire residence

¹⁴ Wikipedia, “We Shall Overcome,” revision history viewed 2010 (archived copy).

¹⁵ Portia K. Maultsby, “African American Music: An Introduction,” in *African American Music: An Introduction*, 2nd ed. (New York: Routledge, 2015), 3–20.

¹⁶ U.S. Copyright Office, registration for “If My Jesus Wills,” 1954.

because local hotels would not accommodate him.¹⁷ According to multiple accounts, an evening gathering included Shropshire performing hymns at the piano—a customary household practice—during which Dr. King expressed particular admiration for “*If My Jesus Wills*.” He reportedly requested permission to adapt the hymn for use in the movement, proposing a single lyrical modification: changing “*I’ll Overcome*” to “*We’ll Overcome*.” Shropshire is said to have granted this request.¹⁸ A contemporaneous newspaper article published on April 6, 1968, in the *Pomona Daily Bulletin* quotes Shropshire recalling a similar visit, noting that Dr. King had traveled to her Cincinnati home shortly after receiving the Nobel Peace Prize in 1964 and spoke candidly about beatings and mistreatment he had endured while incarcerated.

The investigation further uncovered a copyrighted hymnbook, *His Precious Blood* (1955), containing seven gospel compositions by Shropshire, including “*His Precious Blood*,” “*Crucified for Me*,” “*I Know Jesus Pilots Me*,” “*Are You Worthy to Take Communion*,” “*I’m a Child of Christ the King*,” “*Longing to Go There Someday*,” and “*If My Jesus Wills*.” Additional copyright registrations documented Shropshire’s authorship of “*Whom Do Men Say That I Am*” (1953), “*Crucified for Me*” (1954), “*Behold the Man of Galilee*” (1954), “*If My Jesus Wills*” (1954), a co-authored version of “*Behold the Man of Galilee*” with Rev. Thomas A. Dorsey (1957), and “*I’m Trying My Best to Get Home to See Jesus*” (1960). Collectively, these materials demonstrate Shropshire’s sustained compositional

¹⁷ Gina Vasquez Cabral, “Her Song Helped King Movement,” *Pomona Progress-Bulletin*, April 6, 1968.

¹⁸ Documentary testimony, *Claim the Sky: We Shall Overcome* (dir. Isaias Gamboa).

output, her prominence within gospel music circles, and her close ties to major figures of the Civil Rights Movement.¹⁹

Interviews with family members, former choir participants, representatives of the National Convention of Gospel Choirs and Choruses (NCGCC), and Cincinnati church historians further indicate that Shropshire performed multiple arrangements of “*If My Jesus Wills*” as early as the 1930s with her gospel ensembles—the Humble Three, the New Prospect Singers, and the Shropshire Singers—well before the hymn’s 1954 copyright registration. While arrangements varied across congregational settings, witnesses consistently recalled the refrain—“*I’ll overcome, I’ll overcome, I’ll overcome someday, oh yes, if my Jesus wills, I do believe, I’ll overcome someday*”—as remaining constant.²⁰

Taken together, this growing body of documentary, oral, and archival evidence provides a substantial basis for reassessing the established origin narrative of “*We Shall Overcome*” and recognizing Louise Shropshire as a foundational creative source whose work likely informed one of the most significant protest anthems of the twentieth century.

3. Copyright History, Misrepresentation, and the Folk Narrative

Pete Seeger’s stature within musical, journalistic, and academic circles appears to have produced a pronounced *halo effect*, whereby his assertions were frequently accepted as authoritative without independent corroboration.²¹ This reputational dynamic helps explain why respected

¹⁹ Louise Shropshire, *His Precious Blood* (Cincinnati, 1955).

²⁰ Oral history interviews with former choir members and NCGCC affiliates, on file with the author.

²¹ Bernice Johnson-Reagon, *Songs of the Civil Rights Movement 1955–1965* (PhD diss., Howard University, 1975), 212–18.

institutions repeatedly published unverified claims concerning the song's origins. Such predispositions enabled The Richmond Organization and Ludlow Music, Inc. (TRO/Ludlow), together with Seeger, Guy Carawan, Frank Hamilton, and Zilphia Horton's estate, to advance and sustain a narrative that misrepresented the song's authorship for decades.

A Tangled Web

TRO/Ludlow, Seeger, Carawan, and Bernice Johnson Reagon have each maintained that Zilphia Horton first encountered "*We Will Overcome*" in 1946 from tobacco workers associated with Highlander Folk School, who had themselves learned the song earlier from African American tobacco workers in South Carolina, where it had been sung as "*I'll Overcome*" in church settings. According to this account, Horton taught the song to Seeger in 1947, who published it in *People's Songs* in 1948. If accepted, this chronology implies that the song existed prior to 1946 and that its origins predated the folk revival intermediaries later credited as authors.²²

Despite this asserted preexistence, TRO/Ludlow, Seeger (in 1963), Carawan, Hamilton, and Myles Horton—acting as executor of Zilphia Horton's estate—executed *Popular Songwriter Contracts* in 1960 and 1963 containing warranties that they were the sole authors and owners of the composition, that the work had never been published or copyrighted elsewhere, and that it did not infringe upon any prior musical work. These contractual representations form a critical but largely obscured chapter in the song's official history.²³

²² Pete Seeger, *Where Have All the Flowers Gone* (1993), 164–70; Bernice Johnson-Reagon, *Songs of the Civil Rights Movement*, 205–10.

²³ "Popular Songwriters Contract," Ludlow Music, Inc., 1960 and 1963, admitted exhibits, *We Shall Overcome Foundation et al. v. The Richmond Organization et al.*, S.D.N.Y.

This was the chapter in the We Shall Overcome origin story that the public was never meant to see.²⁴

The corresponding 1960 and 1963 copyright applications list Ludlow Music, Inc. as the copyright claimant, with Horton, Hamilton, Carawan, and Seeger identified as authors.²⁵ The registrations asserted authorship of “new words and music arrangement” and conferred upon TRO/Ludlow the right to collect and administer royalties. Evidence introduced during federal litigation between 2016 and 2018 demonstrated that none of the named authors contributed original lyrical or musical material sufficient to support a valid copyright claim.²⁶²⁷ Once registered, however, a copyright enjoys a presumption of validity, placing the burden of challenge on third parties—often at prohibitive financial cost.

Even had the named claimants substantially modified the song, any such contribution would constitute a derivative work requiring authorization from the copyright holder of the underlying composition. Under U.S. copyright law, unauthorized adaptations of protected works do not confer enforceable rights and may constitute infringement when registered or exploited without permission.²⁸

²⁴ *We Shall Overcome Foundation et al. v. The Richmond Organization et al.*, complaint and exhibits, S.D.N.Y.

²⁵ U.S. Copyright Office, registrations for “We Shall Overcome,” 1960 and 1963.

²⁶ Trial exhibits and discovery materials, *We Shall Overcome Foundation et al. v. The Richmond Organization et al.*, S.D.N.Y.

²⁷ Douglas Easterling and George R. Goukas, “Comparative Musicological Analyses,” expert reports, 2015.

²⁸ U.S. Copyright Office, Circular 14: *Copyright Registration for Musical Compositions and Sound Recordings* (rev. Oct. 2021).

Profit Motive and Narrative Construction

Archival correspondence suggests that financial considerations played a role in shaping the narrative surrounding “*We Shall Overcome*.” In a 1969 letter obtained during litigation, TRO/Ludlow general manager Al Brackman wrote to David Platz of Essex Music Ltd. acknowledging uncertainty about the song’s melodic origins and conceding that no demonstrable antecedent could be identified.²⁹ Brackman noted that claims of traditional origin rested solely on hearsay and suggested maintaining full royalty payments unless contrary evidence emerged.³⁰

Additional documentary evidence further undermines the validity of the 1960 and 1963 registrations. Two recorded arrangements of “*We Shall Overcome*” were commercially released prior to those filings and identified the song as a “Negro spiritual,” without attribution of authorship. In 1952, Hootenanny Records issued a recording by the Jewish Young Folk-Singers, arranged by Robert De Cormier (under the pseudonym Bob Corman).³¹ In 1959, Cherry Lane Music filed a copyright registration corresponding to a Vanguard Records release featuring “*We Shall Overcome*,” again arranged by De Cormier.³² Neither recording was acknowledged by Seeger, Carawan, Hamilton, Horton, or TRO/Ludlow in subsequent authorship claims.³³

²⁹ K. J. Greene, “Copyright, Culture & Black Music,” *Hastings Communications and Entertainment Law Journal* 21, no. 2 (1999): 339–392.

³⁰ Al Brackman to David Platz, letter, 1969, TRO/Ludlow internal correspondence, admitted exhibit, S.D.N.Y.

³¹ Jewish Young Folk Singers, “We Shall Overcome,” Hootenanny Records, 1952.

³² Cherry Lane Music, Inc., copyright registration EU 606164 (1959); Vanguard Records, 1959 release documentation.

³³ Trial testimony and discovery materials, *We Shall Overcome Foundation et al. v. The Richmond Organization et al.*, S.D.N.Y.

The Likelihood of Confusion

Conflicting accounts further complicate the folk narrative. Seeger asserted that Horton taught him the song in 1947, after which he taught it to Guy Carawan, whereas Frank Hamilton later claimed to have taught it to Carawan. Interviews documented in Bernice Johnson Reagon's 1975 dissertation indicate that the tobacco workers visiting Highlander in 1946 were white and that they had learned the song from African American union workers in South Carolina.³⁴ Nonetheless, institutional archives at the Library of Congress, the Smithsonian Institution, and the Kennedy Center continue to reproduce inconsistent accounts emphasizing collective authorship while obscuring specific Black compositional origins.

Internal TRO correspondence from the mid-1960s reflects a conscious effort to promote claims of public-domain origin. In a 1964 internal memorandum, Brackman advised staff to retain a musical motif of "*O Sanctissima*" supplied by Seeger "in case someone claims authorship." Seeger's accompanying note suggested a parochial-school origin for the melody, despite the absence of corroborating evidence. These materials appear designed to introduce doubt preemptively rather than to resolve authorship accurately.³⁵

Copyright Registration and Cultural Consequence

The 1960 copyright registration claimed that the melody had been changed, harmonization was wholly original, and verses were newly authored. Evidence presented during litigation demonstrated that neither the refrain, melody, nor verses cited in the registrations originated with

³⁴ Bernice Johnson-Reagon, *Songs of the Civil Rights Movement*, 208–12.

³⁵ Al Brackman to Jay Mark, interoffice memorandum, August 19, 1964, TRO files.

the named claimants. The 1963 amendment added Seeger as co-author while failing to identify any antecedent work, thereby reinforcing the presumption of ownership and enabling continued royalty collection for decades.

The persistence of a false origin narrative facilitated cultural and economic disenfranchisement by masking the song's African American gospel roots and legitimizing the registration of defective copyrights.³⁶ Such practices were consistent with broader twentieth-century patterns in which white musicians and publishers claimed authorship of Black-created works, reframing them as folk artifacts of uncertain origin and asserting that white mediation was necessary for legitimacy.

Song Hunting and Prior Misappropriation

The case of “*We Shall Overcome*” is not isolated. Alan Lomax, a close associate of Seeger and a self-described “song hunter,” played a significant role in similar acts of appropriation. In 1945, Lomax introduced Seeger to “*Mbube*,” composed by South African musician Solomon Linda. Seeger adapted the song as “*Wimoweh*” for The Weavers, a version that later evolved into “*The Lion Sleeps Tonight*.” Linda died impoverished, while royalties continued to be collected under pseudonymous authorship.³⁷

³⁶ Robert Shelton, “Rights Song Has Own History of Integration,” *New York Times*, July 23, 1963.

³⁷ Rian Malan, “In the Jungle: Inside the Long, Hidden Genealogy of ‘The Lion Sleeps Tonight,’” *Rolling Stone*, May 25, 2000, <https://www.rollingstone.com/feature/in-the-jungle-inside-the-long-hidden-genealogy-of-the-lion-sleeps-tonight-108274/> (accessed December 2, 2025)

In 2010, Seeger submitted a handwritten letter to TRO/Ludlow president Larry Richmond requesting the removal of his name from numerous songs that had been copyrighted in his name without legitimate authorship.³⁸ Among the titles Seeger acknowledged as improperly claimed were “Wimoweh,” “Guantanamera,” and “We Shall Overcome.”

4. Federal Lawsuit, Outcome, and Impact

In 2016, a class action lawsuit was filed in the United States District Court for the Southern District of New York, *We Shall Overcome Foundation et al. v. The Richmond Organization et al.*, challenging the decades-long copyright control over “We Shall Overcome” asserted by The Richmond Organization (TRO), its affiliate Ludlow Music, and the named copyright claimants Pete Seeger, Guy Carawan, Frank Hamilton, and Zilphia Horton.^{39,40} The plaintiffs alleged that the copyright registrations filed in 1960 and 1963 were improperly obtained and wrongfully enforced, restricting public access to a historically significant protest anthem rooted in African American sacred traditions.

³⁸ Pete Seeger to Larry Richmond, handwritten letter, June 2010, The Richmond Organization/Ludlow Music, Inc. internal correspondence, admitting improper copyright claims for numerous songs including “Wimoweh,” “Guantanamera,” and “We Shall Overcome”; admitted exhibit in *We Shall Overcome Foundation et al. v. The Richmond Organization, Inc.*, No. 16-cv-2725 (S.D.N.Y.).

³⁹ *We Shall Overcome Foundation et al. v. The Richmond Organization et al.*, S.D.N.Y., complaint filed 2016.

⁴⁰ Trial exhibits and discovery record, *We Shall Overcome Foundation et al.*, S.D.N.Y.

*Basis of the Legal Challenge*⁴¹

The plaintiffs' claims rested on extensive documentary, archival, and musicological evidence demonstrating that the copyright registrations omitted essential antecedent works, asserted originality where none existed, and inaccurately identified the named individuals as sole authors. Materials admitted during the litigation included: (1) evidence that verses attributed to Seeger, Carawan, Hamilton, and Horton predated the registrations and originated elsewhere;⁴² (2) internal TRO correspondence acknowledging awareness of pre-1960 published versions;⁴³ (3) internal communications reflecting strategies to defend authorship claims despite unresolved provenance;⁴⁴ (4) signed songwriter contracts containing representations later shown to be inaccurate;⁴⁵ (5) previously published recordings and copyrighted works predating 1960 that closely resembled "*We Shall Overcome*";⁴⁶ (6) Louise Shropshire's original copyright registrations and supporting evidence;⁴⁷ (7) expert musicological analyses comparing

⁴¹ *We Shall Overcome Foundation et al. v. The Richmond Organization, Inc.*, amended complaint and exhibits, S.D.N.Y.

⁴² Trial exhibits demonstrating pre-1960 lyric usage, including published recordings and hymn materials admitted in *We Shall Overcome Foundation et al. v. The Richmond Organization, Inc.*, S.D.N.Y.

⁴³ Internal correspondence of The Richmond Organization and Ludlow Music, Inc., admitted as discovery exhibits in *We Shall Overcome Foundation et al. v. The Richmond Organization, Inc.*, S.D.N.Y.

⁴⁴ Al Brackman, internal memoranda and correspondence, 1964–1969, TRO/Ludlow files, admitted exhibits, *We Shall Overcome Foundation et al. v. The Richmond Organization, Inc.*

⁴⁵ "Popular Songwriters Contract," Ludlow Music, Inc., executed 1960 and 1963, admitted exhibits, *We Shall Overcome Foundation et al. v. The Richmond Organization, Inc.*

⁴⁶ Jewish Young Folk Singers, "We Shall Overcome," Hootenanny Records (1952); Cherry Lane Music, Inc., copyright registration EU 606164 (1959).

⁴⁷ Louise Shropshire, "If My Jesus Wills," copyright registration, 1954; Archives and Rare Books Library, University of Cincinnati Libraries, *Louise Shropshire Collection, 1932–2013*.

Shropshire's hymn to later versions of the song;⁴⁸ and (8) internal correspondence, including handwritten notes in which Seeger acknowledged lack of authorship and requested removal of his name from multiple copyrights.⁴⁹

Collectively, this evidence demonstrated a pattern of omission and misattribution extending beyond a single work, raising broader questions about systemic cultural dispossession within the music publishing industry.⁵⁰

Judicial Findings and Resolution

The case was presided over by Judge Denise Cote of the Southern District of New York.⁵¹ The court denied the defendants' motion to dismiss, permitted discovery to proceed, and, following extended litigation, approved a settlement that resulted in "*We Shall Overcome*" being placed in the public domain, except for specific later arrangements.⁵² In a July 2018 order, Judge Cote emphasized the public benefit of the litigation and the importance of access to culturally significant works.

Judge Cote wrote:

⁴⁸ Douglas Easterling and George R. Goukas, "Comparative Musicological Analyses of *If My Jesus Wills* and *We Will Overcome*," independent expert reports commissioned 2015, on file with the author.

⁴⁹ Pete Seeger to Larry Richmond, handwritten correspondence, June 2010, TRO/Ludlow internal files, admitted exhibit, *We Shall Overcome Foundation et al. v. The Richmond Organization, Inc.*

⁵⁰ Greene, "Copyright, Culture & Black Music," 365–78.

⁵¹ *We Shall Overcome Foundation et al. v. The Richmond Organization, Inc.*, Order and Opinion, July 2018 (Cote, J.).

⁵² *Ibid.*; see also docket entries denying defendants' motions to dismiss, S.D.N.Y.

“Because of the plaintiffs, the Song is now, except for the arrangements covered by the copyrights, in the public domain. This result serves one of the twin aims of the Copyright Act, which is to provide access for the public to the creative works of others and to permit others to build on those creative works... The degree to which plaintiffs succeeded in this litigation, and the inestimable benefit they have conferred on the public through doing so, renders this the type of lawsuit that should be encouraged in order to promote the purposes of the Copyright Act.”⁵³

While the court did not make formal findings regarding intent, its ruling acknowledged substantial defects in the copyright registrations and underscored the ethical and legal consequences of prolonged control over a song grounded in Black gospel traditions.⁵⁴

Impact on the Public Domain and Scholarship

As a result of the settlement, “*We Shall Overcome*” entered the public domain, lifting restrictions that had governed its use for more than fifty years.⁵⁵ Since January 2018, educators, performers, scholars, activists, and community groups have been free to use, adapt, and perform the song without fear of legal liability.

The case has been widely cited in legal and scholarly discourse for clarifying several principles relevant to folk and sacred music traditions: that derivative arrangements must exhibit sufficient

⁵³ *We Shall Overcome Foundation et al. v. The Richmond Organization, Inc.*, Order and Opinion, July 2018.

⁵⁴ Jessica Litman, “The Public Domain,” *Emory Law Journal* 39, no. 4 (1990): 965–1023.

⁵⁵ Timothy B. Lee, “The Most Famous Civil Rights Song, ‘We Shall Overcome,’ Is No Longer Copyrighted,” *Ars Technica*, September 12, 2017.

originality to qualify for protection; that public-domain material cannot be transformed into private property through minimal alteration; and that courts may scrutinize historical authorship claims using archival and musicological evidence.⁵⁶ Although the ruling does not constitute binding precedent, it is frequently referenced as a significant example of modern public-domain restoration.⁵⁷

Beyond its legal implications, the litigation reignited longstanding historical questions concerning the authorship of “*We Shall Overcome*” and the processes through which Black creative labor has been marginalized or obscured. While the court did not assign authorship to Louise Shropshire, the evidence presented—supported by archival documentation and expert testimony—has prompted renewed scholarly attention to her hymn “*If My Jesus Wills*” as a likely antecedent and to the broader cultural context from which the anthem emerged.⁵⁸

5. Musicological Evidence and Comparative Lyrical Analysis

In 2015, two independent musicologists, Douglas Easterling and George R. Guokas, conducted comparative analyses of Louise Shropshire’s hymn “*If My Jesus Wills*” (composed between 1932 and 1942) and Zilphia Horton’s 1947 performance of “*We Will Overcome*.”⁵⁹ Their

⁵⁶ U.S. Copyright Office, Circular 14: *Copyright Registration for Musical Compositions and Sound Recordings* (rev. October 2021).

⁵⁷ Litman, “The Public Domain,” 1015–18.

⁵⁸ Bernice Johnson-Reagon, *Songs of the Civil Rights Movement 1955–1965: A Study in Cultural History* (PhD diss., Howard University, 1975); Louise Shropshire, “If My Jesus Wills,” copyright registration, 1954.

⁵⁹ Douglas Easterling and George R. Goukas, “Comparative Musicological Analyses of *If My Jesus Wills* and *We Will Overcome*,” independent expert reports commissioned in 2015, on file with the author.

conclusions independently point to a direct musical and textual relationship between the two works.

Easterling Report

Easterling concluded that it is “likely and even probable” that Shropshire’s *“If My Jesus Wills”* influenced the tune later sung as *“We Will Overcome”* and adapted into *“We Shall Overcome.”* While the lyrical parallels provide the most immediate connection, Easterling emphasized that the choruses of both songs also exhibit strong similarities in rhythmic, melodic, harmonic, and formal characteristics. He noted that an ordinary listener would likely recognize the substantial lyrical and musical correspondences between the two works and concluded that the degree of similarity “almost surpass[es] the possibility of coincidence.” Accordingly, Easterling determined that Horton’s 1947 performance was not created independently of Shropshire’s earlier composition.⁶⁰

Goukas Report

Goukas similarly concluded that Horton’s rendition of *“I Will Overcome”* constituted a slightly adapted version of Shropshire’s *“If My Jesus Wills,”* a song widely sung in African American congregations from the 1930s through the 1950s. Drawing on recorded interviews and comparative musical analysis, Goukas observed that *“If My Jesus Wills”* was commonly referred to as *“I’ll Overcome”* because of its repetitive refrain, a circumstance that likely contributed to later title variations. He found the analytical evidence “overwhelming,” noting nearly identical

⁶⁰ Easterling and Goukas, “Comparative Musicological Analyses,” Easterling report, conclusion section.

text, rhythmic patterns, phrasing, and melodic contour, and concluded that both songs derive from a single source—Shropshire’s hymn.⁶¹

“I Do Believe”: Structural and Textual Correspondence

Beyond the expert musicological analyses, a key textual distinction further differentiates Shropshire’s hymn from other purported twentieth-century antecedents of “*We Shall Overcome*.” None of the commonly cited predecessor songs contain the phrases “*Oh*” or “*I do believe*.” By contrast, “*If My Jesus Wills*” includes both expressions in structural positions that closely parallel those found in the later freedom song.⁶²

Shropshire’s refrain reads: “*I’ll overcome someday—Oh yes, if my Jesus wills, I do believe, I’ll overcome someday*,” with “*Oh*” appearing immediately after “*someday*” and “*I do believe*” following directly after “*If my Jesus wills*”⁶³. “*We Shall Overcome*” exhibits the same formal pattern: “*We shall overcome someday, Oh deep in my heart, I do believe, we shall overcome someday*.” In both cases, “*I do believe*” occupies the same corresponding structural position within the stanza.⁶⁴

⁶¹ Easterling and Goukas, “Comparative Musicological Analyses,” Goukas report, conclusion section.

⁶² Pete Seeger, *Where Have All the Flowers Gone: A Musical Autobiography* (Bethlehem, PA: Sing Out!, 1993), 164–70; Stephen Winick, “Tracing the Long Journey of ‘We Shall Overcome,’” *Folklife Today* (Library of Congress blog), February 3, 2014.

⁶³ Louise Shropshire, “If My Jesus Wills,” copyright registration, 1954; sheet music, private archival collection.

⁶⁴ U.S. Copyright Office, registrations for “We Shall Overcome,” 1960 and 1963.

The phrase “*If my Jesus wills*,” which functions both as the title and a central theological statement in Shropshire’s hymn, introduces a conditional framework—if it is God’s will, the singer will overcome. This explicit religious formulation would almost certainly have been altered or replaced to render the song suitable for secular, interracial, and interfaith movement contexts of the time.⁶⁵

Lyrics in Comparison

“If My Jesus Wills”

I’ll overcome, I’ll overcome, I’ll overcome someday,

Oh yes, if my Jesus wills, I do believe,

I’ll overcome someday.

“We Shall Overcome”

We shall overcome, we shall overcome, we shall overcome someday,

Oh, deep in my heart, I do believe,

We shall overcome someday.

⁶⁵ Portia K. Maultsby, “African American Music: An Introduction,” in *African American Music: An Introduction*, 2nd ed., ed. Mellonee V. Burnim and Portia K. Maultsby (New York: Routledge, 2015), 3–20; Eileen Southern, *The Music of Black Americans: A History*, 3rd ed. (New York: W. W. Norton, 1997), 431–36.

Comparative Context

The U.S. national anthem, “*The Star-Spangled Banner*,” authored by Francis Scott Key, has been performed in countless musical arrangements across genres, yet its lyrics remain fixed.⁶⁶ Similarly, Shropshire’s hymn circulated widely within Black church communities in multiple musical forms while preserving its core text and theological message. As with “*We Shall Overcome*,” it is the stability of the lyrics—rather than any particular arrangement—that appears central to the song’s origins, transmission, and enduring influence.

6. Law, Moral Rights, Historical Redress, and the Public Domain

During the early 2010s, heightened federal attention to intellectual property enforcement—including the formation of a Department of Justice task force on intellectual property—coincided with the accumulation of documentary evidence indicating that the copyright registrations for “*We Shall Overcome*” contained material inaccuracies and omissions.⁶⁷ The evidence suggested that the registrations conflicted with earlier protected works and raised serious concerns regarding the treatment of Black sacred authorship within copyright law.

Prior to the initiation of civil litigation, the compiled evidentiary record was submitted to federal authorities for review, including materials alleging improper copyright registration and

⁶⁶ National Museum of American History, Smithsonian Institution, “The Lyrics,” *Star-Spangled Banner* online exhibit.

⁶⁷ U.S. Department of Justice, “Justice Department Announces New Intellectual Property Task Force as Part of Broad IP Enforcement Effort,” press release, June 22, 2010.

enforcement practices.⁶⁸ After preliminary evaluation, federal investigators advised that while the record did not establish a sufficient criminal nexus to pursue prosecution, the claims were more appropriately addressed through civil litigation.⁶⁹ This guidance ultimately shaped the legal strategy that followed.

The subsequent legal resolution placing “*We Shall Overcome*” in the public domain represented more than a conventional copyright outcome.⁷⁰ It marked a rare moment of partial historical redress—one that acknowledged, if indirectly, the long-standing erasure of Black sacred authorship. Central to this redress is the recognition of Louise Shropshire’s creative contributions and the broader moral implications of systemic misattribution, exploitation, and exclusion within American music history.⁷¹

Beyond Legal Restoration: Toward Cultural Reconciliation

As media and entertainment attorney Kelly Crabb has observed, “there are no copyright police.” Judge Cote’s order dedicating “*We Shall Overcome*” to the public domain addressed the legal defects in the song’s registration but did not resolve the deeper ethical and historical injustices associated with its misattribution.

⁶⁸ Author, “Investigation into Alleged Criminal Copyright Infringement and Violations of the Racketeer Influenced and Corrupt Organizations (RICO) Act,” investigative report, March 2015, on file with the author.

⁶⁹ Author interview notes and contemporaneous memoranda documenting communications with FBI representatives, March–April 2015.

⁷⁰ Jessica Litman, “The Public Domain,” *Emory Law Journal* 39, no. 4 (1990): 965–1023.

⁷¹ K. J. Greene, “Copyright, Culture & Black Music: A Legacy of Unequal Protection,” *Hastings Communications and Entertainment Law Journal* 21, no. 2 (1999): 339–392.

Prior to the litigation, representatives acting on behalf of Shropshire’s family formally notified both Pete Seeger and TRO/Ludlow of her authorship and requested that her name be added to the copyright. That request was declined.⁷² Because Shropshire’s 1954 copyright had expired in 1982, her heirs lacked both standing and financial capacity to pursue infringement claims, highlighting the structural limitations of copyright law in addressing historical injustice.

Despite the 2018 public-domain ruling, institutional narratives surrounding “*We Shall Overcome*” have proven slow to change. In 2019, Smithsonian Folkways released *Pete Seeger: The Smithsonian Folkways Collection*, with “*We Shall Overcome*” listed as the opening track and authorship still attributed to Horton, Hamilton, Carawan, and Seeger—despite the court’s ruling. The release later received a Grammy Award for Best Historical Album.⁷³

In 2025, following renewed correspondence prompted by legal representatives associated with the litigation, Smithsonian Folkways issued a content advisory acknowledging attribution errors and the court decision placing the song in the public domain.⁷⁴ While incomplete, this acknowledgment represents a tentative step toward correction. Major cultural institutions—including the Library of Congress, the Kennedy Center, and the Smithsonian—have yet to fully revise their official narratives to reflect the evidentiary record.

For musicologists, historians, and educators, this moment invites renewed scrutiny of how cultural authority is assigned, how attribution narratives are constructed, and whose voices are

⁷² Pre-litigation correspondence, *We Shall Overcome Foundation et al. v. The Richmond Organization et al.*, 2012.

⁷³ Smithsonian Folkways Recordings, *Pete Seeger: The Smithsonian Folkways Collection*, liner notes and metadata, accessed [December 12, 2025].

⁷⁴ Smithsonian Folkways Recordings, content advisory regarding “*We Shall Overcome*,” posted 2025.

marginalized in the process. Eurocentric frameworks have historically shaped scholarly canons in ways that diminish or relegate Black sacred traditions, often reframing them as anonymous folk artifacts rather than authored works deserving of recognition.

Implications for Future Action

The *We Shall Overcome* litigation illustrates how civil courts can serve as a mechanism for correcting defective copyright claims rooted in historical erasure, even when criminal remedies are unavailable. Although the ruling does not establish binding precedent, it provides a practical model for addressing misappropriation of cultural works grounded in oral, sacred, and communal traditions.

More broadly, the case demonstrates that the public domain can function not only as a space for access but also as an instrument of cultural equity. When unjustly privatized works are restored to the public, the communities that created them are better positioned to reclaim authorship, reaffirm historical narratives, and sustain cultural memory.⁷⁵

7. The Politics of Cultural Memory and White Intermediaries

The appropriation, misattribution, dilution, and exploitation of Black creative works and intellectual property—often driven by the pursuit of recognition and economic benefit—have recurred throughout American cultural history.⁷⁶ The contested authorship of “*We Shall*

⁷⁵ Davis, “All Rights Reserved: Behind the Strategic Copyright of ‘We Shall Overcome,’” *Journal of the Society for American Music* 16, no. 1 (2022): 105–10.

⁷⁶ K. J. Greene, “Copyright, Culture & Black Music: A Legacy of Unequal Protection,” *Hastings Communications and Entertainment Law Journal* 21, no. 2 (1999): 339–392.

Overcome,” debated for more than six decades, has frequently been shaped by individuals and institutions, both Black and white, with vested interests in preserving established narratives.

This controversy unfolds within a broader context of longstanding social and institutional inequities. What distinguishes this case is not misattribution alone, but the exceptional cultural stakes involved, the prominence of the figures asserting authorship, and the substantial resources devoted to maintaining control over the song.⁷⁷ Although Pete Seeger, Guy Carawan, Frank Hamilton, and Myles Horton publicly acknowledged the song’s roots in Black sacred tradition, they did not ultimately relinquish claims of authorship or control, raising unresolved legal, ethical, and moral questions.

From Gospel to Folk: The Reframing of Black Sacred Tradition

“*We Shall Overcome*” did not originate as a folk song, nor did it become one simply through performance by prominent figures in the American folk revival. Substantial evidence situates the song’s origins in African American sacred music, most notably Louise Shropshire’s hymn “*If My Jesus Wills*,” composed and copyrighted in 1954 but performed decades earlier within Black church communities.⁷⁸ Shropshire’s composition was explicitly theological, intended for communal worship, and closely tied to faith-based understandings of endurance, struggle, and liberation.

⁷⁷ Jessica Litman, “The Public Domain,” *Emory Law Journal* 39, no. 4 (1990): 965–1023.

⁷⁸ Portia K. Maultsby, “African American Music: An Introduction,” in *African American Music: An Introduction*, 2nd ed., ed. Mellonee V. Burnim and Portia K. Maultsby (New York: Routledge, 2015), 3–20.

The transformation of this hymn into a secular protest anthem may be understood, in part, as a pragmatic adaptation to interracial and interfaith movement contexts. At the same time, the process entailed a deliberate distancing from the song's sacred and cultural origins. As "*We Shall Overcome*" entered the folk revival canon, explicit Christian language and distinctly African American musical elements were minimized, while the song was reframed as a folk artifact of uncertain provenance. This reframing rendered the work ostensibly authorless and therefore susceptible to appropriation.⁷⁹

Such processes mirrored broader mid-twentieth-century dynamics in which white folk revivalists positioned themselves as intermediaries within African American musical spaces, often presenting their roles as protective or altruistic while simultaneously accruing cultural authority. A handwritten letter by Seeger in the mid-1990s requesting removal of his name from the copyright of "*We Shall Overcome*," and stating that his name was "no longer necessary ... to protect it," illustrates this complex posture of mediation and authority.⁸⁰

Folk Revival Intermediaries and Institutional Power

The principal figures associated with the folk revival framing of "*We Shall Overcome*"—Seeger, Carawan, Hamilton, and Horton—were closely linked to the Highlander Folk School, an institution central to labor and civil-rights organizing. While Highlander's stated mission aligned

⁷⁹ Eileen Southern, *The Music of Black Americans: A History*, 3rd ed. (New York: W. W. Norton, 1997), 431–36.

⁸⁰ Pete Seeger to TRO/Ludlow, handwritten correspondence, 1994, admitted exhibit, *We Shall Overcome Foundation et al. v. The Richmond Organization et al.*, S.D.N.Y.

with movement goals, the practices surrounding the song reveal a more complicated dynamic, in which performative solidarity coexisted with the obscuring of Black authorship.⁸¹

The continued collection and administration of royalties—later determined to rest on defective copyright claims—positioned these intermediaries and affiliated institutions as cultural gatekeepers.⁸² Regardless of stated intentions, this arrangement imposed barriers on performers, educators, and communities, restricting access to a song rooted in collective struggle while reinforcing narratives that centered white authorship.

Scholarly Silence and Institutional Complicity

Since the 2018 litigation, many scholarly, journalistic, and cultural institutions have been slow to incorporate court-admitted evidence that directly challenges long-standing origin narratives. This inertia reflects a broader failure of self-correction within academic and cultural discourse.

Scholars whose work, reputations, or institutional affiliations are intertwined with established interpretations may face structural disincentives to reassess foundational assumptions.⁸³

Such silence is not neutral. By declining to engage with publicly available legal records and archival evidence concerning Louise Shropshire's role, academic and cultural institutions have effectively shielded dominant folk-revival narratives from sustained critical examination. This

⁸¹ Stephen Winick, "Tracing the Long Journey of 'We Shall Overcome,'" *Folklife Today* (Library of Congress blog), February 3, 2014.

⁸² *We Shall Overcome Foundation et al. v. The Richmond Organization et al.*, discovery materials and expert reports, S.D.N.Y.

⁸³ Davis, "All Rights Reserved: Behind the Strategic Copyright of 'We Shall Overcome,'" *Journal of the Society for American Music* 16, no. 1 (2022): 89–110.

reluctance underscores how authority, reputation, and institutional investment can inhibit historiographical revision.

Cultural Gatekeeping and the Cost of Erasure

For more than half a century, royalties generated by “*We Shall Overcome*” were administered by TRO/Ludlow and associated funds under the control of the song’s purported authors and their institutional partners.⁸⁴ The 2018 court ruling established that these parties lacked a valid legal basis for exclusive control over the song. During that period, however, artists and communities encountered licensing barriers, while generations of students and audiences were taught that the anthem was authored by white folk musicians rather than emerging from Black sacred tradition.

This case, therefore, extends beyond attribution to broader questions of power, privilege, and cultural mediation. Like the histories of blues, jazz, soul, R&B, hip-hop, and other Black-originated genres, the story of “*We Shall Overcome*” reflects a recurring American pattern: Black creative labor rendered anonymous, reframed, and monetized through intermediaries with disproportionate access to institutional authority and economic resources.

8. Ethical Scholarship and the Role of Academic Institutions

A 2022 article published in the *Journal of the Society for American Music*, “All Rights Reserved: Behind the Strategic Copyright of ‘We Shall Overcome,’” illustrates the ongoing tension

⁸⁴ Timothy B. Lee, “The Most Famous Civil Rights Song, ‘We Shall Overcome,’ Is No Longer Copyrighted,” *Ars Technica*, September 12, 2017.

between historical accuracy and entrenched scholarly and institutional narratives.⁸⁵ While the article acknowledges the 2016–2018 federal litigation concerning “*We Shall Overcome*,” it characterizes the song’s disputed copyright registrations as instances of “strategic copyright,” framing them as an effort to leverage legal protections afforded to derivative works. The article further suggests that proceeds from the song were used to facilitate the redistribution of royalties to Black artists and activists in the South.

Although the article offers a detailed account of the activities of the Highlander Folk School and prominent figures associated with the folk revival, it does not fully engage with court-admitted evidence that directly challenges the validity of the underlying copyright claims. In particular, the omission of documentary materials—including contemporaneous correspondence acknowledging lack of authorship—raises important questions about the selective incorporation of evidence when established cultural narratives are at stake.⁸⁶

These omissions point to a broader reluctance within academic and cultural institutions to critically reassess canonical accounts, especially when doing so may complicate the legacies of widely admired figures. While the historical contributions of Seeger, Carawan, Hamilton, Horton, and affiliated institutions to social justice movements warrant recognition, ethical scholarship also requires sustained engagement with evidence of misattribution and the long-term consequences of such practices for Black creators and communities.

⁸⁵ Lizzy Cooper Davis, “All Rights Reserved: Behind the Strategic Copyright of ‘We Shall Overcome,’” *Journal of the Society for American Music* 16, no. 1 (2022): 89–110.

⁸⁶ Smithsonian Institution; Library of Congress; Kennedy Center, published online narratives, accessed [December 12, 2025]

Archives, Citation Ethics, and Institutional Responsibility

Major archival institutions—including the Smithsonian Institution, the Library of Congress, and university-affiliated collections—have long curated materials related to “*We Shall Overcome*.” Yet few have substantively revised their publicly disseminated narratives to reflect the evidentiary record established during the 2016–2018 litigation. Given the authority these institutions exercise over scholarly and public memory, reluctance to amend established accounts raises ethical concerns regarding archival responsibility and transparency.⁸⁷

Ethical citation practices in cases of disputed authorship require more than deference to legacy figures or long-standing interpretations. They demand active engagement with new evidence, acknowledgment of prior omissions or errors, and an awareness of how racial, institutional, and disciplinary biases shape historiography. Archives and scholarly publications function not only as custodians of history but also as gatekeepers whose decisions can either perpetuate exclusion or facilitate correction.

Toward Reparative Scholarly Practice

For more than six decades, academic, cultural, and journalistic communities have circulated a dominant origin narrative for “*We Shall Overcome*,” one that foregrounds folk revival intermediaries while marginalizing Black sacred authorship. The evidentiary record emerging from the 2016–2018 litigation and subsequent archival research presents an opportunity for

⁸⁷ Smithsonian Institution; Library of Congress; Kennedy Center, published online narratives, accessed [December 12, 2025]

reassessment. Whether Louise Shropshire and her hymn “*If My Jesus Wills*” will receive sustained scholarly attention comparable to that long accorded to folk revival figures remains an open question.

Reparative scholarship entails more than restoring works to the public domain. It requires affirmative recognition of creators whose contributions were historically obscured, particularly where misattribution intersects with race, gender, and unequal access to legal or institutional power.⁸⁸ Such recognition should extend to textbooks, scholarly citations, museum exhibits, and pedagogical materials.

Louise Shropshire’s documented compositional activity, her associations with key figures in Black gospel and civil-rights history, and the demonstrable musical relationship between “*If My Jesus Wills*” and “*We Shall Overcome*” warrant systematic inclusion in scholarly discourse. Although she lacked formal education beyond elementary school and the financial means to pursue extended litigation, contemporaneous accounts indicate that she consistently asserted authorship of the song within her community and to legal counsel.⁸⁹ Incorporating these testimonies and materials into the historical record is essential to a more accurate and equitable account of American music history.

9. Conclusion: Cultural Legacy, Attribution, and Historical Responsibility

On January 19, 2017, in his farewell message to the American public, President Barack Obama concluded with a reflection on collective identity: “The single most powerful word in our

⁸⁸ K. J. Greene, “Copyright, Culture & Black Music,” 370–78.

⁸⁹ Archives and Rare Books Library, University of Cincinnati Libraries, “Louise Shropshire Collection, 1932–2013.”

democracy is the word ‘We’—‘We the People,’ ‘We shall overcome,’ ‘Yes, we can.’”⁹⁰ The rhetorical lineage invoked in this statement underscores the enduring cultural resonance of “*We Shall Overcome*” as a symbol of collective struggle and aspiration.

Historical recognition often privileges symbolic figures while obscuring individual authorship. For example, the phrase “*We the People*” in the preamble to the United States Constitution is widely associated with the Founding Fathers collectively, though it was authored by Gouverneur Morris—whose contribution, while not commonly cited, is nevertheless acknowledged within constitutional scholarship.⁹¹ This comparison highlights the importance of distinguishing cultural symbolism from historical authorship.

Measured by cultural impact, global circulation, rhetorical power, and historical endurance, “*We Shall Overcome*” occupies a singular place in American and global history. The evidence examined in this article—legal, archival, historical, and musicological—supports a revised genealogy of the song that privileges primary sources, documentary corroboration, Black sacred musical traditions, and lived community practice over speculative or romanticized folk narratives. In doing so, it calls into question long-standing assumptions rooted in Eurocentric frameworks of authorship and cultural transmission.⁹²

At the center of this reassessment is Louise Shropshire, an African American gospel composer whose hymn “*If My Jesus Wills*” bears demonstrable textual, structural, and musical relationships to “*We Shall Overcome*.” Although the 2018 federal court ruling did not formally

⁹⁰ Barack Obama, “Farewell Address to the American People,” January 19, 2017.

⁹¹ Library of Congress, “Gouverneur Morris,” accessed [December 18, 2025].

⁹² Eileen Southern, *The Music of Black Americans*, 436–55.

assign authorship to Shropshire, it did identify material deficiencies in the copyright claims asserted by later intermediaries and emphasized the public interest served by correcting those defects. The court's findings marked a rare moment in which institutional authority acknowledged the consequences of exclusion and erasure within copyright practice.⁹³

This ruling, however, should not be understood as a final resolution. Rather, it invites continued scholarly engagement with the broader questions raised by the case: whose creative labor is preserved in historical memory, whose contributions are minimized or omitted, and how institutional authority shapes cultural narratives. These questions are particularly pressing where race, gender, and access to legal and academic power intersect.⁹⁴

Ultimately, reassessing the history of "*We Shall Overcome*" is not solely an exercise in attribution. It is an inquiry into cultural memory, intellectual responsibility, and the ethics of scholarship. Accurate acknowledgment of authorship affirms dignity, restores historical agency, and strengthens the integrity of academic inquiry.⁹⁵ By engaging critically with evidence and revising inherited narratives when warranted, scholars and institutions contribute to a more equitable and truthful understanding of American music history.

⁹³ *We Shall Overcome Foundation et al. v. The Richmond Organization et al.*, Order and Opinion, July 2018.

⁹⁴ Michel-Rolph Trouillot, *Silencing the Past: Power and the Production of History* (Boston: Beacon Press, 1995), 26–30, 48–52.

⁹⁵ Bernice Johnson-Reagon, *Songs of the Civil Rights Movement, 1955–1965: A Study in Cultural History* (PhD diss., Howard University, 1975), esp. 1–6, 230–35.

The continued study and teaching of “*We Shall Overcome*”—grounded in honest scholarship and inclusive historical practice—ensure that its legacy remains aligned with the values of justice, dignity, and collective responsibility that the song itself has long symbolized.⁹⁶

⁹⁶ Portia K. Maultsby, “African American Music: An Introduction,” in *African American Music: An Introduction*, 2nd ed., edited by Mellonee V. Burnim and Portia K. Maultsby (New York: Routledge, 2015), 3–20.

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