

THE UNFINISHED AGENDA

Hubert H. Humphrey

Hubert H. Humphrey is United States Senator from Minnesota.

He was born in South Dakota and educated at the University of Minnesota and Louisiana State University. He was Mayor of Minneapolis from 1945 to 1948, and in 1949 he became the first Democrat in Minnesota history to win a seat in the U.S. Senate by popular election. He served there until 1964 when he won the vice-presidency in the Johnson Administration. In 1968 he was defeated in his campaign for the presidency by a margin of half a million votes. In 1970 he was again elected to the Senate from Minnesota, winning 57 percent of the vote.

John A. Gronouski, Dean of the Lyndon B. Johnson School of Public Affairs, presented Senator Humphrey to the Symposium audience.

THE UNFINISHED AGENDA

HUBERT H. HUMPHREY

Today is historic in that we observe the opening of the Civil Rights papers on deposit in the Lyndon Baines Johnson Library. It is historic because scholars will find in those papers a rich source of information and insight into mid-20th century America's overriding moral and social challenge—the quest for racial justice and opportunity. As we look back over the period of the sixties, we remember that we went through a veritable revolution in many of the social standards and institutions of our land. The miracle is that we survived and that our institutions held intact, making the adjustments and the refinements that were required. And no man was more crucial to this struggle, no man gave more of himself to this cause and asked more of us than a United States Senator from this state and later President of the United States, Lyndon Johnson.

This Symposium is historic in other equally significant ways. Just the fact it has been held is historic. It has been more years than I care to count since such a distinguished group of national leaders have come together for something called a Civil Rights Symposium. Finally, this meeting is historic because it offers a rare opportunity to speak honestly and directly in the presence of friends and critics to the unfinished agenda of civil rights that still confronts this Nation. It is my judgment that we need candor among ourselves now more than anything else, a willingness to engage in dialogue and debate that will afford us a basis for some decisions.

I do not accept the proposition that most Americans believe that two centuries of racial injustice have somehow vanished from this land. No matter how they may feel personally about school busing or scatter-site housing or the Philadelphia Plan, I believe that most Americans understand the job is far from finished. It is therefore vitally important that we seize this opportunity to

HUBERT H. HUMPHREY

remind our fellow citizens of this unfinished agenda, and that should be the purpose of this Symposium. If we did no more than this, if we only enumerated the wrongs and the injustices that remain, we would be throwing away a chance to carry forward the struggle to eradicate these living denials of justice and freedom. To make this a truly historic conference, we must face directly the kind of tough political problems that we faced many years ago and, through unremitting effort, eventually surmounted. It is to this task that I thought I might usefully direct my remarks today.

It is fashionable in some circles to suggest that white politicians no longer have much to offer in this struggle; that blacks, Chicanos, and Indians have now taken over the full burden of organizing the political forces to end the racial abuses that offend us all. While it is certainly true that a great deal of the responsibility has shifted to those who personally suffer under these wrongs, I flatly reject the notion that this burden is theirs alone. I do so for two reasons. First, I still believe that racial injustice and prejudice is as much a white problem as it is a black, brown, or red problem. And if that is so, I am unable to understand how the problem can be solved without full and active participation by whites—public officials and private citizens alike. Second, real progress will be achieved only when the overwhelming majority of Americans are committed to action and are prepared to communicate this message to their elected representatives in cities and states, in the Congress and in the White House.

We look back at the civil rights battles of the fifties and sixties with an air of nostalgia. In those years, the legislative goals were well-defined: the removal of a host of legal barriers to civil equality and equal opportunity. More than this, the legal barriers existed primarily in one section of the country, so that the lives of most Americans, it seemed, would be unaffected by whatever reforms we might achieve in Congress. We were, in a sense, working with a civil rights agenda that was uniquely suited to legislative remedy. We now look back on those times as the easy days of the civil rights struggle.

But if we think a moment longer—and in this I defer to my good friend, Clarence Mitchell, who will be participating in tomorrow's panel—we realize that those easy days were not so

easy. In the early 1950's, the number of U.S. Senators actively committed to passing the pending civil rights legislation could caucus in the rear corner of the Senate cloakroom. Those were actually years of unrelieved frustration and failure until Senate Majority Leader Lyndon Johnson decided that we could postpone no longer the most urgent portions of the pending legislation. In what still must be regarded as one of the Senate's most amazing demonstrations of parliamentary skill, the Civil Rights Act of 1957 became law when Lyndon Johnson maneuvered the legislation through the Senate without a protracted filibuster.

By the early 1960's, these initial steps were no longer sufficient as remedies for the problems that remained: equal access to public accommodations, equal job opportunity, non-discriminatory use of federal funds, and greater protection of the right to vote. The legislative outlook was as dismal as it had been ten years earlier. The dramatic events in Birmingham, the decision by President Kennedy to seize the legislative initiative, his tragic assassination, and the total commitment of President Johnson to realizing these objectives produced a more hospitable legislative climate. But even then, the outlook in the Congress was grim. Our eventual triumph was not pre-ordained, by any means. At numerous points in the 75-day battle to break the filibuster, the legislation could have been compromised irretrievably. That none of this happened was due almost entirely to the political strategy that had been mapped out and was followed even in the most difficult moments of debate.

These retrospective remarks have had only one purpose: to suggest again that the struggle for civil rights in Congress has never been easy and that, in many respects, our present difficulties are no more insuperable than the barriers we faced back in the "good old days." They are different, to be sure, but not insuperable.

Other participants in this Symposium will speak to the substance of the remaining problems: racially-restrictive suburbs, racially-exclusive schools, racially-protected jobs, crime, drugs, and the host of other intertwined domestic problems. We will also talk about the Northern battlegrounds where many of these issues must be resolved. But I would like to devote the remainder of my remarks to the political strategy that must be devised if we are to continue the progress of the 1960's in this decade.

I begin with this proposition: unless we can agree on a strategy that will attract a majority coalition in the Congress and the Nation at large, we can look forward to little in the way of concrete results. It will avail us nothing to beat our chests in righteous indignation with a sense of moral consciousness about the inequities and injustices, unless we have a program of action and the important forces to put it to work. This lesson is as true today as it was 20 years ago. Between the two extremes of empty appeals to the Nation's moral consciousness and premeditated violence and intimidation lies a broad field for constructive political action, not so dramatic maybe, but effective; and it is in this area that we must begin to think more creatively.

It is commonplace in current political analysis to suggest that the national constituency in support of continued civil rights progress has vanished. "No interest," they say. The Nixon landslide in the general election, the surprising showing of George Wallace in the primaries, and the reams of polling data are offered as evidence of this decline. The momentum toward greater racial justice of the 1960's apparently has given way to a growing sense of retrenchment and disquiet in the 1970's. On the other hand, if one looks behind these highly visible developments at other examples of the public's attitude, the outlook is less stark and more hopeful.

The Gallup Poll, for example, has discovered a marked decline in the number of southern white parents who object to sending their children to schools with blacks. In 1963, 61 percent of southern white parents said they objected to such a development: in 1970 only 16 percent said they objected. Gallup described this as one of the most dramatic shifts in the history of public opinion polling. In 1958, 39 percent of the voters interviewed in another national Gallup Poll said they would vote for a well-qualified black man for president. Fifty-three percent said they would not support such a candidate. Last year, 69 percent said they would vote for a well-qualified black presidential candidate of their party—an increase of 31 percent. On the basis of this survey, Gallup reported that prejudice towards blacks in politics had declined to its lowest point yet recorded. These findings are significant if they do no more than remind us that integration of blacks into our educational and political structure has moved forward in the past decade, even as we read of the bitter

opposition of a specific group of whites to a local busing plan or the defeat of a particular black candidate at the polls.

We are now in a peculiar but vitally important period of our national life when our lack of direction in the civil rights arena is no greater than the lack of direction generally. The American people and their elected leaders are confused and ambivalent about where we should be heading as a Nation and deeply divided about our short-range objectives. Goals and priorities are literally untabulated and unknown. The 1972 elections did little to clarify this situation. It is regrettable but nonetheless true that many people voted *against* Senator McGovern or *against* President Nixon rather than *for* either candidate. And an alarmingly large number of eligible voters didn't vote at all. The issues of the campaign became hopelessly muddled, and many people voted against positions that neither candidate actually advocated. Thus we emerge from the presidential election no better informed about our future than when the campaign began more than a year ago. In fact, Democrats are even asking themselves, "What is the Deomocratic Party?" "Why the Democratic Party?" And to all of these questions there are no easy answers.

But this much can be said: drawing on the election returns and our knowledge of current public attitudes, it seems clear that any political appeal that appears rightly or wrongly to favor one group or class of people over another is going to be rejected by a majority of the American electorate. I said the time was at hand for candor, and I shall use some of it myself. The Democratic Party got into trouble when its internal reforms came to be perceived, even though falsely, as establishing specific quotas that favored young people, women, and blacks over the more traditional elements of the party, particularly ethnic Americans, blue-collar workers, the elderly, and elected Democratic officials. There was a considerable propaganda campaign to make this point stick in the minds of the American people.

By the same token, I would argue that the Civil Rights Movement got into trouble when more and more people were propagandized into believing that it was only an effort to give blacks a special break that was not afforded to any other group in American society. We know this perception is wrong but this perception exists, whether we like it or not. I am a political man,

and I know that what is true in public affairs frequently is not nearly as compelling as what people think is true. It is our job to get the thinking straightened out.

It is within our power to break out of this impasse and to begin the mobilization of the political resources that can restore the positive momentum of the 1960's, not only for civil rights, but for a total national agenda. How can this be done? I am not sure that any of us have all the answers, and I surely do not. But I can point up several facts that should be kept in mind. First, I subscribe to Vernon Jordan's thesis that President Nixon has within his grasp an extraordinary opportunity to move to the forefront of the quest for racial justice in this country. Just as he confounded his critics with his dramatic trips to China and the Soviet Union and his adoption of wage and price controls, Mr. Nixon could seize the initiative on the civil rights front. I know or at least assume that a second-term President must begin to think seriously about the historical judgments of his Administration. And I can imagine no more harsh indictment than that President Nixon should have failed to lead the United States in the most critical and urgent area of domestic concern: human rights. Such a move by President Nixon would be supported and applauded by a large majority of Democrats and, I suspect, a significant number of Republicans. It would bring back to life almost overnight the bi-partisan coalition that was responsible for all the civil rights legislation of the 1960's.

Presidents, however, do not operate in a vacuum, no matter how much they seek to seal themselves off from public opinion. So I would supplement the Jordan thesis with this proposal: we should be devising a political strategy that will assist—yes, insist and propel—President Nixon to make this kind of affirmative decision. There is good historical precedent for this approach. We may forget that the early 1960's was a time of convincing President Kennedy that he should adopt a more aggressive posture in support of civil rights legislation that had been pending in the Congress for many years. We forget that his initial Civil Rights Proposals in 1963 were judged inadequate by the Leadership Conference on Civil Rights. It was only after those tragic and dramatic events in Birmingham that the Kennedy Administration became fully and totally committed to the legislative package that eventually became the Civil Rights Act of 1964.

The times and the circumstances are indeed different today, but there are several factors that President Nixon should be reminded of as he looks ahead to his second term of office. He should be reminded that the defeat of George McGovern was not a repudiation by the voters of the programs and the policies that had been advocated by other presidents and passed by a coalition of Democrats and Republicans in Congress. For example, there is solid evidence that a majority of Americans strongly favor closing tax loopholes and creating a more equitable tax structure. In like fashion, there is significant national support for cutting out non-essential defense expenditures. This is significant, because progress in these two areas, only possible with strong presidential leadership, would begin to provide the federal government with the financial resources that are essential for any realistic attack on our most urgent domestic problems of education, housing, jobs, health care, environment, crime, and transportation. As we attack these problems either directly through the federal government or through cities and states, we touch the areas of daily life that now comprise most of what we mean by civil rights. The new budgetary flexibility means that these goals can be achieved without seeming to advocate special advantages for one group at the expense of another. There is virtually no segment of our society that would not benefit directly from meaningful progress in each of these areas.

In this context, I contend that the entire concept of the Civil Rights Movement must be broadened to include the rights and opportunities that should be available to other disadvantaged groups in America. I am thinking of the physically handicapped, for example, or the mentally retarded who are discriminated against in the most cruel and inhumane ways; or the elderly, who are frequently locked up in what we call Senior Citizen Housing Projects, oftentimes forgotten and isolated. All these people must face many of the same barriers and misunderstandings and prejudices that confront blacks and other minority citizens. Injustice knows no race, and it knows no age. We are also in a period where the issue of women's rights and women's political power must be included in a broader definition of civil rights.

In other words, it can be demonstrated that the success of President Nixon's second term depends in a large measure upon his

willingness to take the lead on a number of issues that were raised in the recent campaign by Senator McGovern. Moreover there already exists a base of popular support should Mr. Nixon pursue such a course of action. It is imperative then that we begin to organize the political forces that can help bring President Nixon to a realization of his opportunity. We cannot afford to let a President chart his own course. He must have the benefit of the advice and the counsel of the great American electorate. I intend to urge the Democratic Congressional leadership working in close cooperation with black and other minority leadership to speak out forcefully on these matters at the beginning of the 93rd Congress. I would hope that state leaders, governors, mayors, and county executives would do likewise.

As I see it, we must identify the struggle for civil rights as an all-embracing struggle for the rights and privileges and duties of all Americans. In the political arena, there are not enough blacks, there are not enough Chicanos and Indians and Puerto Ricans to form an electoral majority. We must create a climate of identity of interests between the needs, the hopes, and the fears of the minorities and the needs and the hopes and the fears of the majority. In simple language this means identifying the cause of civil rights with quality education for all children. Millions of parents, white and black, feel that the present educational system is not satisfying the needs of their children. We must identify civil rights with the right of every American to good health care. It is not only blacks or Chicanos that have inadequate health care. There are millions of Americans white as well as black or brown or red who are either victims of inadequate health care or unable to pay for what care is available. We must find some new, common denominators, mutual needs, mutual wants, common hopes and fears, and use them to bind together a coalition of people representing the hopes and the fears of the majority. Out of this coalition we can then fashion a new Bill of Rights that will belong to all Americans and, because it does, will have tremendous force:

The right to a meaningful life, free from poverty.

There are more whites in poverty than there are blacks. Unite the people today who are the victims of poverty.

THE UNFINISHED AGENDA

The right to full and equal protection of the law.

All people find today that justice delayed is justice denied. The people who live in the ghetto are the victims of crime much more than the people who live in the suburbs. But all people have the right to equal protection of the law.

The right to productive and gainful employment.

Unemployment knows no race. It stands as a constant threat to the life and the well-being of millions of families.

The right to economic, political, and social opportunity free from the obstruction of discrimination based on race, creed, or sex.

The right to move up in the social structure; not just the right to a job, but the right to be a manager as well as a worker. The right to be on a board of directors as well as to be a customer. Not only the right, but the realization of the right.

The right to a clean and decent neighborhood.

The right to life free from violence and terrorism.

The right to privacy free from official or private invasion.

The right to safety, including protection of person and property.

The right to quality education at all levels free from segregation.

Quality education is integrated education. If we can learn together, we can live together. But if we learn separately, we are apt to pursue separate courses.

The right to live in good health under a system of comprehensive insurance providing and assuring modern health care for all.

The right to be free from hunger.

The right to recreation and leisure.

The right to a clean and wholesome environment.

These rights belong to the American people; they are not just for blacks or Chicanos or Indians, but for the blue-collar worker, the poor white, the student, the farmer, the worker in the office or the shop. Without these rights alive and well and vital, without these rights applicable and accepted, there are no real civil rights.

*Vernon E. Jordan, Jr., speaks on
"The Challenge of the Seventies."*

Photo by News and Information Service,
The University of Texas at Austin.



*Senator Hubert H. Humphrey
addresses the Symposium
on Monday morning.*



Photo by Frank Wolfe, LBJ Library.

We now have the formalities of law, the legal protections, but we have not had the social acceptance that is required. The new dimensions of civil rights are to be found in the living and working and playing conditions of our people. It is not enough to have laws that declare discrimination in employment illegal. We must have jobs and income and upward mobility.

It is not enough to ban segregation in education. We must have well-financed, modern, well-equipped schools with competent, well-paid, qualified teachers. Those who can least afford education are those who should have the best education. But the poorest schools are generally to be found in areas where the children have no books in their homes, no libraries available, and little or no income to satisfy the needs of learning.

It is not enough for government to employ blacks and other minorities, even though government should set the example. We must insist that corporate industry open its doors, not only to menial assembly-line jobs in factories, but to jobs all the way up the management spectrum. And the same must be true of finance and the institutions of higher education.

The emphasis must be on developing the political and economic system to its full potential so that all may benefit. In the context of the ending of the war in Vietnam, this appeal may generate far more political support than some of our more cynical, political commentators would imagine. As U.S. participation in this war ends and our prisoners are returned, we will be liberated from a burden that has stifled and blurred our vision of what is possible in this country.

The academic community of intellectuals has been paralyzed by the cruelty of the war and has not given its attention to the days that lie ahead. America has been denied the creative, innovative thinking about the basic social and domestic problems that plague us, because so many have found themselves in an emotional binge about a cruel and lasting war, which pray God is fast coming to an end. I appeal to the academic community, to the intellectual life of America, to think anew, to cleanse itself of the past, to think of tomorrows, to ask itself, "How can we in America learn to live in dignity with respect for one another?" "How can we open up the harmony of peace which is more than the absence of war?" It is not just a matter of the diversion of billions of dollars

to support our military effort in Southeast Asia. It is basically a matter of our energy and our awareness and our willingness to buckle down to the hard tasks that lie ahead. Although it may not happen immediately, I am confident that over time we will come to know a political climate free of the hatred and antagonism that arose as a consequence of the war. In such a political climate, it will be more feasible to win the support of the American people for a renewed attack on the unfinished agenda of domestic concerns.

But, you ask, do we have time enough? How can we expect black Americans, Chicanos, Indians, and other deprived minorities to postpone for one day longer their full and fair participation in American life? The answer is simple: you can neither expect nor ask them to be patient. On the other hand, one of the factors that always amazed me throughout my years of public life has been the degree of faith in the American system that has been retained by blacks and other minorities. In many respects, they have kept the democratic faith far more than some of our more affluent and fortunate white Americans who have benefited so fully from the system.

Early next year, the Potomac Associates will release a study showing that blacks express about as much sense of personal progress from the past to the present as whites, but that blacks are more optimistic than whites about their personal futures. These findings raise questions about the notion that members of the black community are overwhelmed by feelings of personal frustration and hopelessness.

I do not cite these results to suggest in any way that our past achievements are adequate, or that we have been truly responsive to the problems that remain. I cite them only to suggest that the blacks and most minority groups have not given up on this country. Some of the people who have given up are the very ones who can enjoy the luxury of being unhappy. But many of the people who have every reason to be unhappy today hope for the better tomorrow and express their faith in our ability to achieve it.

I ask you to join me not in a child-like optimism but in a resolve to put together in this country the coalition of economic and political forces that can move mountains. We have done much, but what we have done is only an indication of what we can do and what we must do.

THE UNFINISHED AGENDA

There is no time for self-pity; no time for recriminations; no time for looking back.

In light of the political developments in this country, everyone in this room has a special obligation to be a leader and to be a cooperator; to remind those who hold high office that they hold it, not for themselves, but solely for the fulfillment of the highest purposes of this Nation.

Senator Humphrey's address concluded the Monday morning session of the Symposium.

000816

- (X) Welcome - Ice - Minnesota
- (X) Busing - San Antonio (Clara Mitchell)
- (X) Presidential Suite
Tried to open twice

~~Mr Chief Justice -~~

~~- Dean Bronowski~~

~~- Lady Bird Johnson~~

~~President Spiro~~

REMARKS BY SENATOR HUBERT H. HUMPHREY

CIVIL RIGHTS SYMPOSIUM

President Johnson -

LBJ LIBRARY, AUSTIN, TEXAS

Lady Bird Johnson

DECEMBER 11, 1972

Dean Bronowski

Mr Chief Justice (Warren)

Vernon Jordan

Elspeth
Rostow -

Roy Wilkins

IT IS A GREAT PRIVILEGE FOR ME TO PARTICIPATE IN THIS
CIVIL RIGHTS SYMPOSIUM SPONSORED JOINTLY BY THE LYNDON
BAINES JOHNSON LIBRARY AND THE UNIVERSITY OF TEXAS.

I AM EVEN TEMPTED TO SUGGEST THAT THIS IS A HISTORIC
OCCASION! ALTHOUGH I RECOGNIZE THAT THE TERM "HISTORIC" HAS
BEEN USED TO EXCESS IN CERTAIN QUARTERS, I AM FULLY PREPARED TO
DEFEND THIS GATHERING AS PROPERLY BEING PLACED IN THE
HISTORICAL CATEGORY.

IT IS HISTORIC IN THE SENSE THAT TODAY WE OBSERVE THE
OPENING OF THE CIVIL RIGHTS PAPERS ON DEPOSIT IN THE LBJ
LIBRARY.

-2-

SCHOLARS, *Commentators + others* ~~WILL FIND THESE~~ WILL FIND THESE

DOCUMENTS TO BE A RICH SOURCE OF INFORMATION AND INSIGHT ABOUT
MID-20TH CENTURY AMERICA'S OVERRIDING MORAL AND SOCIAL CHALLENGE
 -- THE QUEST FOR RACIAL JUSTICE AND OPPORTUNITY.

AND NO MAN WAS MORE CRUCIAL TO THIS STRUGGLE -- NO MAN GAVE
 MORE OF HIMSELF TO THIS CAUSE AND ASKED MORE OF US -- THAN
U.S. SENATOR AND THEN PRESIDENT LYNDON JOHNSON.

BUT THIS SYMPOSIUM IS HISTORIC IN OTHER EQUALLY SIGNIFICANT
 WAYS. JUST THE FACT OF ITS BEING HELD IS HISTORIC! IT HAS BEEN
 MORE YEARS THAN I CARE TO COUNT SINCE SUCH A DISTINGUISHED GROUP
 OF NATIONAL LEADERS HAVE COME TOGETHER FOR SOMETHING CALLED
A "CIVIL RIGHTS SYMPOSIUM."

-3-

THIS IS THE KIND OF GATHERING THAT ONE ATTENDED REGULARLY
IN THE 1960'S. *I recall so vividly,*
~~SUCH AS~~ THE CIVIL RIGHTS CONVOCATION HELD AT
GEORGETOWN UNIVERSITY AT THE HEIGHT OF OUR EFFORTS TO PASS
THE CIVIL RIGHTS ACT OF 1964. *Out* THE FACT THAT TODAY THIS
SYMPOSIUM GENERATES SUCH INTEREST AND COMMENT IS STRIKING
EVIDENCE OF THE PROFOUND CHANGES THAT HAVE TAKEN PLACE
SINCE THESE EARLIER YEARS OF OPTIMISM AND HOPE.

h FINALLY, THIS MEETING IS HISTORIC BECAUSE IT OFFERS A RARE
OPPORTUNITY TO SPEAK HONESTLY AND DIRECTLY TO THE UNFINISHED
AGENDA OF CIVIL RIGHTS THAT STILL CONFRONTS THIS NATION.

I DO NOT ACCEPT THE PROPOSITION THAT MOST AMERICANS BELIEVE

THAT TWO CENTURIES OF RACIAL INJUSTICE HAVE SOMEHOW VANISHED

FROM THIS LAND. *No matter how* HOWEVER, THEY MAY FEEL PERSONALLY ABOUT SCHOOL

BUSING, OR SCATTER-SIGHT HOUSING, OR THE PHILADELPHIA PLAN. I

BELIEVE MOST AMERICANS UNDERSTAND THAT THE JOB IS FAR FROM FINISHED.

IT IS, THEREFORE, VITALLY IMPORTANT THAT WE SEIZE THE

OPPORTUNITY TO REMIND OUR FELLOW CITIZENS OF THIS UNFINISHED

AGENDA. BUT, IF WE DID NO MORE THAN THIS -- IF WE ONLY

ENUMERATED THE WRONGS AND INJUSTICES THAT REMAINED -- WE WOULD

BE THROWING AWAY OUR CHANCE TO CARRY FORWARD THE STRUGGLE OF

ERADICATING THESE LIVING DENIALS OF JUSTICE AND FREEDOM.

-5-

L To MAKE THIS A TRULY HISTORIC CONFERENCE, WE MUST FACE
DIRECTLY THE KIND OF TOUGH POLITICAL PROBLEMS THAT WE FACED MANY
YEARS AGO AND THAT, THROUGH YEARS OF UNREMITTING EFFORT, WE
EVENTUALLY SURMOUNTED. AND IT IS TO THIS TASK I THOUGHT
I MIGHT USEFULLY DIRECT MY REMARKS. [REDACTED]

L I RECOGNIZE THAT IT HAS BEEN FASHIONABLE IN SOME CIRCLES TO
SUGGEST THAT WHITE POLITICIANS NO LONGER HAVE MUCH TO OFFER
IN THIS STRUGGLE. THAT BLACKS, CHICANOS AND INDIANS HAVE NOW
TAKEN OVER THE FULL BURDEN OF ORGANIZING THE POLITICAL FORCES TO
END THE RACIAL ABUSES THAT OFFEND US ALL. WHILE IT IS CERTAINLY
TRUE THAT A GREAT DEAL OF THIS RESPONSIBILITY HAS SHIFTED TO
PERSONS WHO ^{personally} ~~ACTUALLY~~ SUFFER UNDER THESE WRONGS, I FLATLY REJECT
THE NOTION THAT THIS BURDEN IS THEIRS ALONE.

-6-

I DO SO FOR TWO REASONS. First, WE HAVE SAID MANY TIMES

-- AND I STILL BELIEVE -- THAT RACIAL INJUSTICE AND PREJUDICE IS

as much as ~~it is~~ *as it is*
~~HERE~~ A WHITE PROBLEM, ~~AND~~ A BLACK, BROWN, OR RED PROBLEM. IF THAT

IS SO, I AM UNABLE TO UNDERSTAND HOW THE PROBLEM CAN BE SOLVED

WITHOUT FULL AND ACTIVE PARTICIPATION BY WHITES -- PUBLIC OFFICIALS

AND PRIVATE CITIZENS, ALIKE.

Second, ~~THE~~ REAL PROGRESS WILL BE ACHIEVED ONLY WHEN

THE OVERWHELMING MAJORITY OF AMERICANS ARE COMMITTED TO ACTION

AND ARE PREPARED TO COMMUNICATE THIS MESSAGE TO THEIR ELECTED

REPRESENTATIVES IN CITIES, STATES AND IN THE CONGRESS AND WHITE

HOUSE.

L WE LOOK BACK AT THE CIVIL RIGHTS BATTLES OF THE 1950's AND
1960's WITH AN AIR OF NOSTALGIA. L IN THOSE YEARS, THE LEGISLATIVE
GOALS WERE RELATIVELY WELL DEFINED; THE REMOVAL OF A HOST OF
LEGAL BARRIERS TO CIVIL EQUALITY AND EQUAL OPPORTUNITY.

L MORE THAN THIS, THE LEGAL BARRIERS EXISTED PRIMARILY IN ONE
SECTION OF THE COUNTRY SO THAT THE LIVES OF MOST AMERICANS
WOULD BE UNAFFECTED BY WHATEVER REFORMS WE MIGHT ACHIEVE IN
CONGRESS.

L WE WERE, IN A SENSE, WORKING WITH A CIVIL RIGHTS
AGENDA THAT WAS UNIQUELY SUITED TO LEGISLATIVE REMEDY.

L WE NOW LOOK BACK ON THOSE TIMES AS THE EASY DAYS OF THE
CIVIL RIGHTS STRUGGLE.

BUT IF WE THINK A MOMENT LONGER -- AND IN THIS I DEFER TO
MY GOOD FRIEND, CLARENCE MITCHELL, WHO WILL BE PARTICIPATING
IN TOMORROW'S PANEL -- THESE EASY DAYS WERE NOT SO EASY.

IN THE EARLY 1950's, THE NUMBER OF U.S. SENATORS WHO WERE
ACTIVELY COMMITTED TO PASSING THE PENDING CIVIL RIGHTS LEGISLATION
COULD CAUCUS IN THE REAR CORNER OF THE SENATE CLOAKROOM. AND

I HAVE THE DISTINCT IMPRESSION THAT THE SENATE ESTABLISHMENT OF
THOSE YEARS WAS DECIDEDLY UNENTHUSIASTIC ABOUT THESE BILLS.

Some members were

~~ONE NIGHT~~ EVEN ~~8~~ DOWNRIGHT HOSTILE.

-9-

AS CLARENCE MITCHELL REMEMBERS, THESE WERE YEARS OF
UNRELIEVED FRUSTRATION AND FAILURE, UNTIL SENATE MAJORITY
LEADER LYNDON JOHNSON DECIDED THAT WE COULD POSTPONE NO LONGER
THE MOST URGENT PORTIONS OF THE PENDING LEGISLATION. IN WHAT
STILL MUST BE REGARDED AS ONE OF THE SENATE'S MOST AMAZING
DEMONSTRATIONS OF PARLIAMENTARY SKILL, THE CIVIL RIGHTS ACT
OF 1957 BECAME LAW WHEN LYNDON JOHNSON MANEUVERED THE LEGIS-
LATION THROUGH THE SENATE WITHOUT A FILIBUSTER.

BY THE EARLY 1960'S, THESE INITIAL STEPS WERE NO LONGER
SUFFICIENT AS REMEDIES FOR THE PROBLEMS THAT REMAINED: EQUAL
ACCESS TO PUBLIC ACCOMMODATIONS, EQUAL JOB OPPORTUNITY, THE
NON-DISCRIMINATORY USE OF FEDERAL FUNDS, AND GREATER PROTEC-
TION OF THE RIGHT TO VOTE.

-10-

L THE LEGISLATIVE OUTLOOK WAS AS DISMAL AS IT HAD BEEN TEN
YEARS EARLIER.

THE DRAMATIC EVENTS IN BIRMINGHAM; THE DECISION BY
PRESIDENT KENNEDY TO SEIZE THE LEGISLATIVE INITIATIVE, HIS
TRAGIC ASSASSINATION, AND THE ~~THE~~ COMMITMENT OF PRESIDENT
JOHNSON TO REALIZING THESE OBJECTIVES PRODUCED A MORE HOSPITABLE
LEGISLATIVE CLIMATE.

L BUT, EVEN THEN, THE OUTLOOK IN THE SENATE WAS GRIM. OUR
EVENTUAL TRIUMPH WAS NOT PRE-ORDAINED. ~~BY ANY MEANS~~ AT
NUMEROUS POINTS IN THE 75 DAY BATTLE TO BREAK THE FILIBUSTER
THE LEGISLATION COULD HAVE BEEN COMPROMISED IRRETRIEVABLY.

L THE FACT THAT NONE OF THIS HAPPENED WAS DUE ALMOST ENTIRELY

TO THE POLITICAL STRATEGY THAT HAD BEEN MAPPED OUT AND

THAT WAS FOLLOWED EVEN IN THE MOST DIFFICULT MOMENTS OF DEBATE.

L THESE ~~REMARKS~~ RETROSPECTIVE REMARKS HAVE ONLY ONE PURPOSE:

TO SUGGEST AGAIN THAT THE STRUGGLE FOR CIVIL RIGHTS IN CONGRESS

HAS NEVER BEEN EASY. ~~AND THAT~~ ^{yet}, IN MANY RESPECTS, OUR PRESENT

DIFFICULTIES ARE NO MORE INSUPERABLE THAN THE BARRIERS WE

FACED BACK IN THE GOOD OLD DAYS.

L ^{+difficult} DIFFERENT, TO BE SURE, BUT NOT INSUPERABLE!

L OTHER PARTICIPANTS IN THIS SYMPOSIUM WILL SPEAK TO THE

SUBSTANCE OF THE REMAINING PROBLEMS: RACIALLY-RESTRICTIVE

SUBURBS, RACIALLY-EXCLUSIVE SCHOOLS, RACIALLY-PROTECTED JOBS,

CRIME, DRUGS, AND THE HOST OF OTHER INTERTWINED DOMESTIC PROBLEMS.

WE WILL TALK AT LENGTH ABOUT THE NEW NORTHERN

BATTLEGROUNDS WHERE MANY OF THESE ISSUES ~~BE~~ ^{must} BE RESOLVED.

BUT, I WOULD LIKE TO DEVOTE THE REMAINDER OF MY REMARKS TO THE

POLITICAL STRATEGY THAT MUST BE DEvised IF WE ARE TO CONTINUE

THE PROGRESS OF THE 1960'S IN THIS DECADE ^{of the 1970's.}

I BEGIN WITH THIS PROPOSITION; UNLESS WE AGREE ON A

STRATEGY THAT CAN ATTRACT A MAJORITY COALITION IN THE CONGRESS

AND THE NATION AT LARGE, WE CAN LOOK FORWARD TO LITTLE IN THE

WAY OF CONCRETE RESULTS.

THIS LESSON IS AS TRUE TODAY AS IT WAS TWENTY YEARS AGO.

-13-

Between the two extremes of empty appeals to the nation's moral consciousness and premeditated violence and intimidation lies a broad field for constructive political action.

And, it is in this area where we must begin to think more creatively.

OK yes, I know that

It is now commonplace in current political analysis to suggest that the national constituency in support of continued civil rights progress has vanished.

The Nixon landslide in the general election; the surprising showing of Governor Wallace in the primaries; and the reams of polling data are offered as evidence of this decline.

The momentum toward greater racial justice of the 1960's apparently has given way to a growing sense of retrenchment and disquiet.

But ~~_____~~ IF ONE LOOKS BEHIND THESE HIGHLY

VISIBLE DEVELOPMENTS AT OTHER EXAMPLES OF THE PUBLIC'S ATTITUDE,

THE OUTLOOK IS LESS STARK AND MORE HOPEFUL. ~~_____~~

The GALLUP POLL, FOR EXAMPLE, HAS DISCOVERED A MARKED
DECLINE AMONG SOUTHERN WHITE PARENTS WHO OBJECT TO SENDING

THEIR CHILDREN TO SCHOOLS WITH BLACKS.

In 1963, 61 PERCENT OF SOUTHERN WHITE PARENTS SAID THEY

OBJECTED TO SUCH A DEVELOPMENT; IN 1970, SEVEN YEARS LATER,

GALLUP ASKED THE SAME QUESTION AND DISCOVERED THAT ^{only} 16 PERCENT

SAID THEY WOULD OBJECT,

GALLUP DESCRIBED THIS AS ONE OF THE MOST DRAMATIC SHIFTS IN

THE HISTORY OF PUBLIC OPINION POLLING.

OR CONSIDER THIS BIT OF EVIDENCE: IN 1958, 39 PERCENT OF THE VOTERS INTERVIEWED IN ANOTHER NATIONAL GALLUP POLL SAID THEY WOULD VOTE FOR A GENERALLY WELL-QUALIFIED BLACK MAN FOR PRESIDENT; 53 PERCENT SAID THEY COULD NOT SUPPORT SUCH A CANDIDATE.

LAST YEAR, GALLUP ASKED THE SAME QUESTION: 69 PERCENT SAID THEY WOULD VOTE FOR A GENERALLY WELL-QUALIFIED BLACK PRESIDENTIAL CANDIDATE OF THEIR PARTY, AN INCREASE OF 31 PERCENT.

ON THE BASIS OF THIS SURVEY, GALLUP REPORTED THAT PREJUDICE TOWARD BLACKS IN POLITICS HAD DECLINED TO ITS LOWEST POINT YET RECORDED.

-16-

THESE FINDINGS ARE SIGNIFICANT IF THEY DO NO MORE THAN
REMINDE US THAT THE INTEGRATION (A GOOD WORD) I CONTINUE
TO BELIEVE -- OF BLACKS INTO OUR EDUCATIONAL AND POLITICAL
STRUCTURE HAS MOVED FORWARD IN THE PAST DECADE, EVEN AS WE
READ OF THE BITTER OPPOSITION OF A SPECIFIC GROUP OF WHITES
TO A LOCAL BUSING PLAN OR THE DEFEAT OF A PARTICULAR BLACK
CANDIDATE AT THE POLLS.

WE ARE, IT SEEMS TO ME, IN A PECULIAR BUT VITALLY
IMPORTANT PERIOD OF OUR NATIONAL LIFE, WHERE OUR LACK OF
DIRECTION IN THE CIVIL RIGHTS ARENA IS NO GREATER THAN OUR
LACK OF DIRECTION GENERALLY.

-17-

THE AMERICAN PEOPLE AND THEIR ELECTED LEADERS ARE DEEPLY
CONFUSED AND AMBIVALENT ABOUT WHERE WE SHOULD BE HEADING AS A
NATION AND, CONSEQUENTLY, DEEPLY DIVIDED ABOUT OUR SHORTER-RANGE
OBJECTIVES.

THIS IS CERTAINLY TRUE ABOUT THE DEMOCRATIC PARTY
ITSELF -- LONG THE NATION'S PRINCIPAL SOURCE OF VISION AND
INITIATIVE.

WHAT IS THE DEMOCRATIC PARTY? WHY THE DEMOCRATIC
PARTY? THESE ARE NOT EASY QUESTIONS TO ANSWER.

THE 1972 ELECTIONS DID LITTLE TO CLARIFY THIS SITUATION.
IT IS REGRETTABLE BUT NONETHELESS TRUE THAT MANY PEOPLE VOTED
AGAINST SENATOR McGOVERN OR AGAINST PRESIDENT NIXON, RATHER
THAN FOR EITHER CANDIDATE. AND, AN ALARMINGLY LARGE NUMBER

-18-

OF ELIGIBLE VOTERS DIDN'T VOTE AT ALL. THE ISSUES OF THE
CAMPAIGN BECAME HOPELESSLY MUDDLED AND MANY PEOPLE VOTED
AGAINST POSITIONS THAT NEITHER CANDIDATE ACTUALLY ADVOCATED.

↳ THUS, WE EMERGE FROM THIS PRESIDENTIAL ELECTION NO
BETTER INFORMED ABOUT OUR FUTURE THAN WHEN THE CAMPAIGN BEGAN
MORE THAN A YEAR AGO.

↳ BUT I THINK THIS MUCH CAN BE SAID: DRAWING FROM THE
ELECTION RETURNS AND OUR KNOWLEDGE OF CURRENT PUBLIC ATTITUDES,
IT SEEMS CLEAR THAT ANY POLITICAL APPEAL THAT APPEARS, RIGHTLY
OR WRONGLY, AS FAVORING ONE GROUP OR CLASS OF PEOPLE OVER
ANOTHER IS GOING TO BE REJECTED BY A MAJORITY OF THE AMERICAN
ELECTORATE.

-19-

THE DEMOCRATIC PARTY GOT INTO TROUBLE WHEN ITS INTERNAL
 REFORMS CAME TO BE PERCEIVED AS ESTABLISHING SPECIFIC QUOTAS

THAT FAVORED YOUNG PEOPLE, WOMEN AND BLACKS OVER THE MORE

TRADITIONAL ELEMENTS OF THE PARTY, PARTICULARLY ETHNIC

AMERICANS, BLUE COLLAR WORKERS, THE ELDERLY AND ELECTED

DEMOCRATIC OFFICIALS.

AND, BY THE SAME TOKEN, I WOULD ARGUE THAT THE CIVIL

RIGHTS MOVEMENT GOT INTO TROUBLE WHEN MORE AND MORE PEOPLE ~~CAME~~ ^{WERE}

propagandized into believing that it was
~~TO BE~~ AN EFFORT TO GIVE BLACKS A SPECIAL BREAK THAT WAS

AFFORDED NO OTHER GROUP IN AMERICAN SOCIETY.

WE KNOW THIS PERCEPTION IS WRONG.

BUT IT EXISTS, WHETHER WE LIKE IT OR NOT.

But it is what people believe to be true that is often more controlling than what is in fact true.

-20-

I WOULD ARGUE, HOWEVER, THAT IT IS WITHIN OUR POWER TO
BREAK OUT OF THIS IMPASSE AND TO BEGIN THE MOBILIZATION OF
POLITICAL RESOURCES THAT CAN RESTORE THE POSITIVE MOMENTUM OF
THE 1960's, NOT ONLY FOR CIVIL RIGHTS BUT FOR THE NATION
GENERALLY.

How IS THIS TO BE DONE?

I AM NOT SURE ~~THAT~~ THAT I HAVE THE ANSWERS, BUT I CAN
POINT UP SEVERAL FACTS THAT SHOULD BE KEPT IN MIND AS WE
SEARCH FOR MORE LASTING SOLUTIONS.

First, I SUBSCRIBE ~~TO~~ TO VERNON JORDAN'S THESIS
THAT PRESIDENT NIXON HAS WITHIN HIS GRASP AN EXTRAORDINARY
OPPORTUNITY TO MOVE TO THE FOREFRONT OF THE QUEST FOR RACIAL
JUSTICE IN THIS COUNTRY.

-21-

JUST AS HE CONFOUNDED HIS CRITICS WITH HIS DRAMATIC
TRIPS TO CHINA AND THE SOVIET UNION, OR HIS ADOPTION OF
WAGE AND PRICE CONTROLS, MR. NIXON COULD JUST AS EASILY SEIZE
THE INITIATIVE ON THE CIVIL RIGHTS FRONT.

I KNOW, OR AT LEAST I ASSUME, THAT A SECOND-TERM
PRESIDENT MUST BEGIN TO THINK SERIOUSLY ABOUT THE HISTORICAL
JUDGMENTS OF HIS ADMINISTRATION.

AND I CAN IMAGINE NO MORE HARSH INDICTMENT THAN ^{President Nixon} ~~HIS~~ HAVING
FAILED TO LEAD THE UNITED STATES IN THE MOST CRITICAL AND
URGENT AREA OF DOMESTIC CONCERN.

SUCH A MOVE BY PRESIDENT NIXON WOULD BE SUPPORTED AND
APPLAUDED BY THE LARGE MAJORITY OF DEMOCRATS AND, I SUSPECT,
BY A SIGNIFICANT NUMBER OF REPUBLICANS.

-22-

IT WOULD BRING BACK TO LIFE, ALMOST OVERNIGHT, THE BI-PARTISAN
COALITION THAT WAS RESPONSIBLE FOR ALL THE CIVIL RIGHTS
LEGISLATION OF THE 1960'S.

↳ PRESIDENTS, HOWEVER, DO NOT OPERATE IN A VACUUM. ↳ So I
WOULD SUPPLEMENT THE JORDAN THESIS WITH THIS PROPOSAL. ~~THE~~

we SHOULD BE DEVISING A POLITICAL STRATEGY THAT WILL ASSIST, *yes proposed*

PRESIDENT NIXON TO MAKE THIS KIND OF AFFIRMATIVE DECISION.

↳ THERE IS GOOD HISTORICAL PRECEDENT FOR THIS APPROACH.

WE FORGET THAT THE EARLY 1960'S WAS A TIME OF CONVINCING

PRESIDENT KENNEDY TO ADOPT A MORE AGGRESSIVE POSTURE IN

SUPPORT OF THE CIVIL RIGHTS LEGISLATION THAT HAD BEEN PENDING

IN THE CONGRESS FOR MANY YEARS.

WE FORGET THAT HIS INITIAL CIVIL RIGHTS PROPOSALS IN 1963
WERE JUDGED TOTALLY INADEQUATE BY THE LEADERSHIP CONFERENCE
ON CIVIL RIGHTS.

↳ IT WAS ONLY AFTER THE DRAMATIC EVENTS IN BIRMINGHAM THAT
THE KENNEDY ADMINISTRATION BECAME FULLY COMMITTED TO THE
LEGISLATIVE PACKAGE THAT EVENTUALLY BECAME THE CIVIL RIGHTS
ACT OF 1964.

↳ THE TIMES AND CIRCUMSTANCES ARE VERY DIFFERENT TODAY.
BUT THERE ARE SEVERAL FACTORS THAT PRESIDENT NIXON SHOULD BE
REMINDED OF AS HE LOOKS AHEAD TO HIS SECOND TERM OF OFFICE.

HE SHOULD BE REMINDED THAT THE DEFEAT OF GEORGE MCGOVERN
WAS NOT A REPUDIATION BY THE VOTERS OF THE PROGRAMS AND
POLICIES ADVOCATED BY OTHER PRESIDENTS AND PASSED BY DEMOCRATS
a coalition of
& Republicans
IN CONGRESS

-24-

In Example
~~IN PARTICULAR~~

THERE IS SOLID EVIDENCE THAT A MAJORITY OF
AMERICANS STRONGLY FAVOR CLOSING TAX LOOPHOLES AND CREATING
A FAR MORE EQUITABLE TAX STRUCTURE.

L IN LIKE FASHION, THERE IS SIGNIFICANT NATIONAL SUPPORT
FOR CUTTING OUT NON-ESSENTIAL DEFENSE EXPENDITURES.

THIS IS SIGNIFICANT BECAUSE PROGRESS IN THESE TWO AREAS *and*
-- ONLY POSSIBLE WITH STRONG PRESIDENTIAL LEADERSHIP -- WOULD
BEGIN TO PROVIDE THE FEDERAL GOVERNMENT WITH THE FINANCIAL
RESOURCES THAT ARE ESSENTIAL IN ANY REALISTIC ATTACK ON OUR
MOST URGENT DOMESTIC PROBLEMS ⁷ EDUCATION, JOBS, HEALTH CARE,
HOUSING, CRIME, THE ENVIRONMENT AND TRANSPORTATION.

-25-

As ^{we} ~~you~~ ATTACK THESE PROBLEMS, EITHER DIRECTLY BY THE FEDERAL GOVERNMENT OR THROUGH THE STATES AND CITIES, ^{we} ~~you~~ ARE TOUCHING THE AREAS OF DAILY LIFE THAT NOW COMPRISE MOST OF WHAT WE MEAN BY CIVIL RIGHTS.

THIS NEW BUDGETARY FLEXIBILITY ALSO MEANS THAT THESE GOALS CAN BE ACHIEVED WITHOUT SEEMING TO ADVOCATE SPECIAL ADVANTAGES FOR ONE GROUP AT THE EXPENSE OF ANOTHER. THERE IS VIRTUALLY NO SEGMENT OF OUR SOCIETY THAT WOULD NOT BENEFIT DIRECTLY FROM MEANINGFUL PROGRESS IN EACH OF THESE AREAS.

IN THIS CONTEXT, ^{contend} ~~I intend to argue strongly~~ THAT THE ENTIRE CONCEPT OF CIVIL RIGHTS ^{must} BE BROADENED TO INCLUDE THE RIGHTS AND OPPORTUNITIES THAT SHOULD BE AVAILABLE TO OTHER DISADVANTAGED GROUPS IN AMERICA.

-26-

I AM THINKING IN PARTICULAR OF THE PHYSICALLY HANDICAPPED

THE MENTALLY RETARDED AND THE ELDERLY, ALL OF WHOM MUST FACE

MANY OF THE SAME BARRIERS OF MISUNDERSTANDING AND PREJUDICE

THAT CONFRONT BLACK AND OTHER MINORITY CITIZENS AND WE KNOW

THAT WE ARE IN A PERIOD WHERE THE ISSUE OF WOMEN'S RIGHTS

AND POLITICAL POWER MUST BE INCLUDED IN A BROADER DEFINITION

OF CIVIL RIGHTS

IN OTHER WORDS, I THINK IT CAN BE DEMONSTRATED THAT THE

SUCCESS OF PRESIDENT NIXON'S SECOND TERM DEPENDS IN LARGE

MEASURE UPON HIS WILLINGNESS TO TAKE THE LEAD ON A NUMBER OF

ISSUES THAT WERE RAISED IN THE ^{recent} CAMPAIGN BY SENATOR MCGOVERN.

Women
Rt.

-27-

MOREOVER, THERE ALREADY EXISTS A BASE OF POPULAR SUPPORT IF

MR. NIXON ELECTS SUCH A COURSE OF ACTION.

L IT IS, THEN, IMPERATIVE THAT WE BEGIN TO ORGANIZE THE
POLITICAL FORCES THAT CAN HELP BRING PRESIDENT NIXON TO THIS
POINT OF VIEW.

L I INTEND TO URGE THE DEMOCRATIC CONGRESSIONAL LEADERSHIP,
WORKING IN CLOSE COOPERATION WITH BLACK AND OTHER MINORITY
LEADERSHIP, TO SPEAK OUT FORCEFULLY ON THESE MATTERS AT
THE BEGINNING OF THE 93RD CONGRESS. L I WOULD HOPE THAT STATE
LEADERS -- GOVERNORS, MAYORS, AND COUNTY EXECUTIVES -- WOULD
DO LIKEWISE.

-28-

L AS I SEE IT, WE MUST IDENTIFY THE STRUGGLE FOR CIVIL
RIGHTS AS AN ALL-EMBRACING STRUGGLE FOR THE RIGHTS,
PRIVILEGES, AND DUTIES OF ALL AMERICANS.

L IN THE POLITICAL ARENA, THERE JUST AREN'T ENOUGH BLACKS,
CHICANOS, INDIANS, AND PUERTO RICANS TO FORM AN ELECTORAL
MAJORITY. ~~OVEREMPHASIS ON THE NEEDS OF THESE IDENTIFIABLE
GROUPS CAN BE AND HAS BEEN COUNTERPRODUCTIVE.~~

L WHAT IS NEEDED IS THE CREATION OF A CLIMATE OF IDENTITY
BETWEEN THE NEEDS -- THE HOPES AND FEARS -- OF THE MINORITIES
AND THE NEEDS -- THE HOPES AND FEARS -- OF THE MAJORITY.

-29-

L FOR EXAMPLE, WE OUGHT TO BE EMPHASIZING THAT THE IMPORTANT
NEW DIMENSION OF CIVIL RIGHTS IS THE RIGHT OF EVERY AMERICAN
TO AN OPPORTUNITY TO USE HIS OR HER TALENTS, TO DEVELOP
HIS OR HER ABILITIES AND CAPACITIES, TO MAKE A CONSTRUCTIVE
CONTRIBUTION TO SOCIETY.

L IN PLAIN SIMPLE LANGUAGE, THIS MEANS IDENTIFYING THE CAUSE
OF CIVIL RIGHTS WITH QUALITY EDUCATION FOR ALL CHILDREN.

REMEMBER, MILLIONS OF PARENTS, WHITE AND BLACK, FEEL THAT
THE EDUCATION SYSTEM IS NOT SATISFYING THE NEEDS OF THEIR
CHILDREN.

-30-

WE MUST IDENTIFY CIVIL RIGHTS WITH THE ~~CIVIL~~ RIGHT OF
EVERY AMERICAN TO ^{good} HEALTH CARE. REMEMBER WHITE AMERICANS,
AS WELL AS BLACK, BROWN, OR RED AMERICANS, ARE ALL TOO OFTEN
THE VICTIMS OF INADEQUATE HEALTH CARE.

WHAT I'M SAYING IS THAT WE MUST FIND COMMON DENOMINATORS
-- MUTUAL NEEDS, MUTUAL WANTS, COMMON HOPES, THE SAME FEARS
-- AND USE THIS BODY OF ACCEPTED INFORMATION AS THE BINDING
THAT HOLDS TOGETHER A COALITION OF PEOPLE: A COALITION
REPRESENTING THE HOPES AND FEARS OF THE MAJORITY.

OUT OF THIS COALITION OF NEEDS + HOPES, FEARS, AND
INJUSTICES, WE MUST FASHION A NEW BILL OF RIGHTS FOR ALL
AMERICANS:

-31-

THE RIGHT TO A MEANINGFUL LIFE FREE FROM POVERTY.

THE RIGHT TO FULL AND EQUAL PROTECTION OF THE LAW.

THE RIGHT TO PRODUCTIVE AND GAINFUL EMPLOYMENT.

THE RIGHT TO ECONOMIC, POLITICAL AND SOCIAL OPPORTUNITY

FREE FROM THE OBSTRUCTION OF DISCRIMINATION BASED ON RACE,

CREED, OR SEX.

THE RIGHT TO A CLEAN AND DECENT NEIGHBORHOOD.

THE RIGHT TO LIFE FREE FROM VIOLENCE AND TERRORISM.

THE RIGHT TO PRIVACY, FREE FROM OFFICIAL OR PRIVATE

INVASION.

THE RIGHT TO SAFETY, INCLUDING PROTECTION OF PERSON AND

PROPERTY.

THE RIGHT TO QUALITY EDUCATION AT ALL LEVELS, FREE FROM
SEGREGATION.

THE RIGHT TO LIVE IN GOOD HEALTH UNDER A SYSTEM OF
COMPREHENSIVE INSURANCE PROVIDING AND ASSURING MODERN HEALTH
CARE FOR ALL.

THE RIGHT TO BE FREE OF HUNGER.

THE RIGHT TO RECREATION.

THE RIGHT TO A CLEAN AND WHOLESOME ENVIRONMENT.

THESE ARE RIGHTS, NOT JUST FOR THE BLACKS OR THE CHICANOS
OR THE INDIANS, BUT FOR THE BLUE COLLAR WORKER, THE POOR
WHITE, THE STUDENT, THE FARMER, THE OFFICE OR SHOP WORKER
-- YES, FOR EVERYONE.

WITHOUT THESE RIGHTS BEING ALIVE AND WELL -- BEING
APPLICABLE AND ACCEPTED -- THERE ARE NO REAL CIVIL RIGHTS.

WE NOW HAVE THE FORMALITIES OF LAW, THE LEGAL PROTECTIONS,
BUT WE HAVE NOT HAD THE KIND OF SOCIAL ACCEPTANCE THAT IS
REQUIRED!

THE NEW DIMENSIONS OF CIVIL RIGHTS ARE TO BE FOUND IN THE
LIVING AND WORKING CONDITIONS OF OUR PEOPLE.

⌈ IT IS NOT ENOUGH TO HAVE LAWS THAT DECLARE DISCRIMINATION
IN EMPLOYMENT ILLEGAL. WE MUST HAVE JOBS AND INCOME.

⌈ IT IS NOT ENOUGH TO BAN SEGREGATION IN EDUCATION, WE
MUST HAVE MODERN, WELL-EQUIPPED SCHOOLS WITH COMPETENT,
WELL-PAID TEACHERS.

-34-

IT IS NOT ENOUGH TO HAVE GOVERNMENT EMPLOY BLACKS AND
OTHER MINORITIES; WE MUST INSIST THAT CORPORATE INDUSTRY,
FINANCE, AND INSITUTIONS OF HIGHER EDUCATION PRACTICE TRUE
EQUAL OPPORTUNITY AND EQUAL TREATMENT IN ALL OF THEIR
ECONOMIC, MANAGEMENT, AND EMPLOYMENT FUNCTIONS.

-35-

THE EMPHASIS MUST BE ON DEVELOPING THE AMERICAN POLITICAL
AND ECONOMIC SYSTEM TO ITS FULLEST POTENTIAL SO THAT ALL MAY
BENEFIT IN THE CONTEXT OF THE ENDING OF THE VIETNAM WAR, THIS
APPEAL MAY WELL GENERATE FAR MORE POLITICAL SUPPORT THAN

SOME OF OUR MORE CYNICAL POLITICAL COMMENTATORS WOULD IMAGINE.

THIS LAST POINT IS VERY IMPORTANT AS U.S. PARTICIPATION
IN THE WAR ENDS AND AS OUR PRISONERS OF WAR ARE RETURNED, WE
WILL, IN A VERY REAL SENSE, BE LIBERATED FROM A BURDEN THAT HAS
STIFLED AND BLURRED OUR VISION OF WHAT IS POSSIBLE IN THIS
COUNTRY. IT IS NOT JUST A QUESTION OF THE DIVERSION OF BILLIONS
OF DOLLARS TO SUPPORT OUR MILITARY EFFORT IN SOUTHEAST ASIA.

-36-

IT IS EQUALLY A QUESTION OF OUR ENERGY, OF OUR AWARENESS AND
OF OUR WILLINGNESS TO BUCKLE DOWN TO HARD DOMESTIC MATTERS
AS LONG AS THE VIETNAM WAR WAS CONTINUING.

L ALTHOUGH IT MAY NOT HAPPEN IMMEDIATELY, I AM CONFIDENT
THAT, OVER TIME, WE WILL COME TO KNOW A POLITICAL CLIMATE FREE
OF THE HATRED AND ANTAGONISM THAT AROSE AS A CONSEQUENCE OF
THE WAR. ~~AND~~ IN SUCH A POLITICAL CLIMATE IT WILL BE MUCH MORE
FEASIBLE TO WIN THE SUPPORT OF THE AMERICAN PEOPLE FOR A RENEWED
ATTACK ON THE UNFINISHED AGENDA OF DOMESTIC CONCERNS.

BUT, YOU ASK, DO WE HAVE ENOUGH TIME? HOW CAN YOU EXPECT
BLACK AMERICANS, CHICANOS, INDIANS AND OTHER DEPRIVED MINORITIES
TO POSTPONE FOR ONE DAY LONGER THEIR FULL AND FAIR PARTICIPA-
TION IN AMERICAN LIFE? THE ANSWER IS SIMPLE: YOU CAN NEITHER
EXPECT NOR ASK THEM TO BE THIS PATIENT.

L ON THE OTHER HAND, ONE OF THE FACTORS THAT ALWAYS AMAZED
ME THROUGHOUT MANY YEARS OF PUBLIC LIFE HAS BEEN THE DEGREE
OF FAITH IN THE AMERICAN SYSTEM THAT HAS BEEN RETAINED BY
BLACKS AND OTHER MINORITIES. IN MANY RESPECTS, THEY HAVE KEPT
THE DEMOCRATIC FAITH FAR MORE THAN WHITE AMERICANS WHO BENEFITTED
MORE FULLY FROM THE SYSTEM.

L EARLY NEXT YEAR THE POTOMAC ASSOCIATES WILL RELEASE A STUDY THAT WILL SHOW THAT BLACKS EXPRESSED JUST ABOUT AS MUCH SENSE OF PERSONAL PROGRESS FROM THE PAST TO THE PRESENT AS WHITES, BUT THAT BLACKS ARE MORE OPTIMISTIC THAN WHITES ABOUT THEIR PERSONAL FUTURES. THESE FINDINGS AT LEAST RAISE QUESTIONS ABOUT THE NOTION THAT MEMBERS OF THE BLACK COMMUNITY ARE OVERWHELMED BY FEELINGS OF PERSONAL FRUSTRATION AND HOPELESSNESS.

L I DO NOT CITE THESE RESULTS TO SUGGEST, IN ANY WAY, THAT WHAT WE HAVE ACHIEVED IN THE PAST IS ADEQUATE OR THAT WE HAVE BEEN TRULY RESPONSIVE TO THE PROBLEMS THAT REMAIN. I CITE THEM ONLY TO SUGGEST THAT BLACKS, AND I BELIEVE MOST OTHER MINORITY GROUP MEMBERS, HAVE NOT GIVEN UP ON THIS COUNTRY.

-39-

IF THOSE WHO HAVE SUFFERED MOST HAVE NOT GIVEN UP,
THEN I FAIL TO SEE HOW THOSE OF US WHO HAVE SUFFERED LEAST CAN
EVEN CONTEMPLATE SUCH A COURSE.

L THIS MEANS GETTING BACK TO WORK -- UNDERSTANDING THE PROBLEMS
THAT REMAIN AND SEARCHING FOR THE AVENUES OF SOLUTION THAT
EVENTUALLY CAN BE FOUND.

THAT IS WHAT WE DID IN THE 1950'S AND 1960'S. WE CAN DO
NO LESS TODAY AND TOMORROW.

MEMORANDUM

March 7, 1973

TO: KEN

FROM: AL

SUBJ: Transcript of HHH remarks at Civil Rights Symposium.

In response to your assignment today, I have read the transcripts of HHH remarks at the L. B. J. Library Symposium on Civil Rights.

The key final documents are 1) biographical sketch; 2) "Copy C" -- the editor's judgment of what the Senator's address should look like, after comparing his verbatim remarks with the prepared address; and c) "Copy E" -- the editor's revision of verbatim remarks during the panel discussion that occurred the same day.

I have read these documents and then skim-reviewed the verbatim transcripts. I believe the final documents are in good shape and should be given our "imprimatur."

Per instructions of Ken Gray
Communicated approval of sketch & Copies C + E,
to Mr. Rooney, director of publications, by phone
on 3/8/73.
AA



THE UNIVERSITY OF TEXAS AT AUSTIN
LYNDON B. JOHNSON SCHOOL OF PUBLIC AFFAIRS
AUSTIN, TEXAS 78712

February 28, 1973

Mrs. Ursula Culver
Senator Hubert H. Humphrey's office
United States Senate
Washington, D. C. 20510

Dear Mrs. Culver:

Here are the materials we discussed in our phone conversation of last week relating to the Lyndon B. Johnson School of Public Affairs publication of the proceedings of the Lyndon Baines Johnson Library Symposium on Civil Rights that Senator Humphrey took part in in December.

You'll find here:

- (1) a copy (labeled A) of the Senator's prepared address to the Civil Rights Symposium in its original form;
- (2) a copy (labeled B) of the transcript of the actual delivery of the address;
- (3) a copy (labeled C) of the edited version of the address as we recommend it appear in the published volume of the Symposium proceedings;
- (4) a copy (labeled D) of the actual transcript of the Senator's part in the panel discussion showing my editorial markings;
- (5) a copy (labeled E) of the edited discussion as it will appear in the book; and
- (6) a brief biographical sketch that will appear on the opening page of the Senator's address.

Any changes the Senator wishes to make in his address should be indicated to me on copy C. Any changes he wishes to make in the panel discussion can be shown on copy E. Any changes he wishes to make in the biographical sketch can be noted on that page.

If he desires no change at all or if his changes are minor I suggest you communicate those to me by phone (512-471-4174) in the interest of time. If his changes are more extensive, he will of course have to get copies C and E and the sketch back to me (the rest can be thrown away). I will hope in any event to hear from the Senator not later than the middle of March. We must get to the printer not later than the end of March if we are to meet our scheduled publication date.

*Answered by
phone. 3/8/73. DA*

Mrs. Culver
February 28, 1973
Page 2

On publication, it'll be our pleasure to send the Senator two complimentary copies of the book and 50 off-prints of his address.

It was a pleasure talking with you last week. Please know how much I appreciate your help in getting Senator Humphrey to act on these matters as soon as he can.

Harry Middleton, Director of the Library, and John Gronouski, Dean of the School, join me in sending best wishes.

Yours,

A handwritten signature in dark ink, appearing to read "Robert C. Rooney". The signature is fluid and cursive, with the first name "Robert" being more prominent than the last name "Rooney".

Robert C. Rooney
Director of Publications

RCR/em

Enclosures

CR

E

OK, AS

m312,1 CIVIL RIGHTS SYMPOSIUM

MONDAY AFTERNOON, DECEMBER 11, 1972

PANEL DISCUSSION

sI,j Monday afternoon, December 11, began with a panel discussion that took as its starting point some of the insights and ideas expressed by the morning's speakers. The discussion was moderated by Senator Hubert Humphrey, and the panelists included Dr. Jerre Williams, Professor of Law at The University of Texas at Austin; Senator Barbara Jordan of the Texas State Senate, currently Congresswoman-elect from the 18th District of Texas; Richard Hatcher, Mayor of Gary, Indiana; Renaldo G. Garza, United States District Judge of the Southern District of Texas; and Mrs. Frankie Muse Freeman, a Commissioner of the United States Commission on Civil Rights.

Senator Humphrey described the session's format which called for an opening statement by each of the panelists in turn before the initiation of a general discussion and the consideration of a limited number of questions from the audience. Mrs. Freeman spoke first.

sI, Mrs. Freeman:

s-6M, Reference has already been made to the fact that in the first Civil Rights Act of 1957, under the leadership of President Johnson, the Congress created the Commission on Civil Rights as an independent agency of the Federal Government, charged with the responsibility of appraising the laws and policies of the United States to determine the extent to which equal protection of the laws is afforded to all of its citizens. This Commission during the past 15 years has attempted to carry out that job. We are a fact-finding agency. We have subpoena powers but no enforcement powers. In pursuit of our responsibilities, we have held hearings throughout this nation and have made many reports and recommendations to the Congress and to the President. About 60 percent of our recommendations have been enacted into law-which wouldn't have been possible except for the leadership of President Johnson in the passage and signing of the Omnibus Civil Rights Act of 1964. The Voting Rights Act of 1965 was responsible for the fact that so many black people and other minorities are now voting and holding office.

s,

1 jm312, We have not been the most popular agency in this country. Some people have
2 called the Commission—which is a bi-partisan commission of six members—the conscience
3 of the nation. We have taken positions in opposition to every President. I would like
4 to point up three of our most recent reports. The Commission has responded to what has been
5 a very misleading effect on the American people with a report called sI, Your Child and
6 BusingsM,. In response to ^{we have spoken out during the last few months with a statement} ~~the misleading issue of quotas versus affirmative action~~ ^{putting into perspective the issue of} ~~on affirmative action~~ ^{And we}
7 on an issue that has come to the forefront very recently, we have published a report ^{to have} ~~affirmative~~
8 called the sI, American Indian Civil Rights HandbooksM,. ^{action}

9 Somebody has said that what is true is not nearly as compelling as what people
10 think is true. So it is our job to get across the facts. And this is what our Commission
11 has tried to do. We have published these reports because we believe the people have a
12 right to know, the people have a duty to learn what the facts are. And we also believe,
13 regretfully, that people have been misled on far too many issues that concern us.

14
15 sI, Judge Garza:

16
17 s-6M, From what I gathered here this morning there are people that feel there has been
18 a slow-down in the Civil Rights Movement, and that we are regressing. I know there is a
19 feeling among a lot of people that the Burger Court might retreat from things that were
20 exposed in the Warren Court. I have always been a great defender of the Supreme Court
21 as an institution long before I became a judge. And now that I have to follow the
22 Court's decisions, I am more so. For those who feel that the Burger Court might retreat
23 in the matters of Civil Rights, I want to read a press report of Friday, December 8th
24 on a Supreme Court ruling on a case out of California.

25
26 s10-6, i21, m343, The Court decided unanimously that a complaint of racial discrimination
27 in housing did not have to be brought by a minority group member who had been refused
28 accommodations but could be raised by someone on whom the policy of exclusion had less
29 direct effect. i,

30
31 s11/13-6, m312, In other words, the Supreme Court has told us in this case that the Civil
32 Rights Acts weren't passed just for minority groups.

33 s,
34
35
36
37
38

2

1 xjm312, I set down in an opinion not long ago on the question of segregation of
2 unions that the Civil Rights Act was passed for all Americans--white, black, yellow,
3 and red--and not only for minority groups. They are to protect the individual rights of
4 all of us. And for those who fear that the Federal Courts are going to retreat from the
5 quest for justice for all, I think they shouldn't have that fear. I think this opinion
6 by the Supreme Court speaks well on the very basic issues of justice and equality, and
7 I don't think you will ever find a Federal Judge wanting when it comes to defending the
8 rights of the individual.

9 I am very happy to participate in this symposium on Civil Rights as a
10 Mexican-American. I have always felt that the Mexican-Americans owe a great debt of
11 gratitude to the blacks in this country, because they were at the foreground of fighting
12 for the Civil Rights Act. They were like the first wave of marines that hit the beach.
13 We Mexican-Americans came behind them and have been enjoying the fruits of their labors.

14
15 sI, Mayor Hatcher:

16
17 s-6M, I am delighted to be here and to participate in this forum. There is something
18 almost nostalgic about holding a Conference on Civil Rights in 1972. Many things have
19 happened very quickly, and we find in many instances that the struggle for equal
20 opportunity has moved to new levels. Much of what occurred during the sixties, for example,
21 built a foundation for many of the things that are taking place today. We can be
22 extremely grateful for the tremendous effort that was put forth on behalf of many of the
23 programs of the sixties that came from Washington, such as the Voting Rights Act. That
24 was a significant Act, because it gave black people and other minorities in this country
25 an opportunity to do something for themselves. Throughout history, black people have
26 been looking for a way, a lever, a means of lifting themselves to that point where they
27 would have the same opportunities that other people have in the United States of America.
28 By being assured of the right to cast their ballot and gain access to the political
29 process in this country, they have one lever that has proven to be extremely effective
30 for them.

31 Since that time, we have seen the election of well over 2,000 black public
32 officials in this country. Just a few short years ago, there were no black mayors, for
33 example, in any major city in this country. Today there are in excess of 100 black mayors
34 around the country. We have seen the election of State Representatives, of Congressmen
35 and even United States Senators. So I think we can be very pleased with what has developed
36 out of that Act, as well as the many other efforts that were put forth.

37 s,
38

C

1 xjm312, We all recognize, however, that political empowerment and the opportunity
2 to participate at all levels of the political process is not sufficient to guarantee
3 equal opportunity. We all realize that we must also have equal opportunity in the area
4 of economic development. Until we are able to participate in the economic mainstream
5 and life of this country, we cannot truly say that we are equal. There have been some
6 steps in that direction. Some of us feel, especially in viewing the national scene these
7 last two or three years or maybe longer, that we didn't know how good we had it back in
8 the sixties. We did not know how important it was that there was a Supreme Court that,
9 in almost every instance that involved equal rights and equal opportunity, came down
10 on the right side; a Supreme Court that was responsive and sensitive to the needs of all
11 people in this country.

12 Many of us in the sixties did not realize what it meant to have someone in the
13 White House who was concerned about poor people, who was concerned about the minorities
14 in this country; to have people in departments such as Housing and Urban Development and
15 HEW and the Department of Labor who were willing to try to develop people-type programs.
16 Some of us now are beginning to realize that and to feel that unfortunately in some
17 instances it is no longer true today.

18 I believe that black people and other minority groups in this country over the
19 next few years are going to have to do more things for themselves. Without strong support
20 and strong backing from Washington, they are going to have to be resourceful enough to
21 develop their own thrust and to unite in a way they have never united before, if they,
22 in fact, are to achieve equal opportunity in this country.

23 My great interest lies in the cities, because the cities are becoming more and
24 more populated by members of minority groups, by poor people, by the have-nots. And
25 there is a process underway in this country today that represents a conspiracy of
26 abandonment of the tremendous investment in physical plants and culture and all the
27 other things that cities represent. At the same time, another concern I have about what
28 is happening to the cities can be best described by the term "regionalism." There
29 seems to be a tendency to draw wider lines that, in effect, at the very moment when
30 political activity is increasing, when the participation and involvement of poor people,
31 black people, Spanish-speaking people is increasing in the political arena in the
32 central cities, appears to be taking away from them the power that that increased
33 participation represents through such mechanisms and devices as metropolitan government
34 and regional government and regional commissions. I do not criticize or condemn
35 regionalism or metropolitan government out-of-hand, because there are many things to
36 recommend it. However, when it takes away the political potential of poor people and
37 black people to speak for themselves, and to some degree to begin to control what
38 happens to them, in their own neighborhoods, then I think that we have great cause to be

1 xjm312, And so the struggle for equal rights in the seventies will essentially
2 be fought in the cities, and what happens to the cities in large part will determine
3 what happens to the entire quest for equality of opportunity in our country.
4

5 sI, Mrs. Jordan:
6

7 s-6M, This is a very significant gathering of people, because at this point in time,
8 as you well know, it is not popular to talk about Civil Rights, human rights, or the
9 challenge of the seventies. There are some who feel that any day now an executive order
10 is going to cancel out 1972 through 1976 and that somehow the Chief Executive of this
11 country is going to be able to orchestrate every move made by the American people in
12 whatever direction he desires, without speaking to the conscience and dedication and
13 commitment which is evident in this room.

14 But I happen to feel that there is no executive fiat which can erase from your
15 minds and your hearts what you feel to be the great, overwhelming, deep necessity to
16 fulfill rights for all people in America throughout the seventies and eighties and
17 beyond. I do not feel that we will relax until we make real the kinds of legislative
18 and executive commitments which we witnessed in the sixties.

19 We come here today to remember how far it is we have come; how difficult it was
20 to do what was done. James D. Wilson, Professor of Government at Harvard speaks
21 eloquently about "status-ends as opposed to welfare ends." And he speaks of the gains
22 we achieved in the sixties as desirable "status-and achievements." They were desirable
23 achievements. We concentrated on restrooms and restaurants and the front of the bus
24 and hotel accommodations; it was meaningful, significant. Now we are going to shift in
25 the decade of the seventies to concentrating on those welfare ends—money, jobs, credit—which
26 insure the ultimate dignity of the individual, hoping that once and for all we can rewrite
27 the definition of democracy to include black people.

28 The concept of democracy in 1776 or 1789 did not include black people in its
29 definition of terms. But today black people are going to try to redesign democracy, to
30 redesign equal opportunity to also encompass equality. Everyone who speaks of equal
31 opportunity does not always envision equality for all people. Senator Humphrey was
32 correct this morning when he talked about black people continuing to have faith in
33 America, faith in its future, faith in the sense of direction of this country. You may
34 not feel that way when you hear some people talk about an abandonment of these shores,
35 or when you hear eloquent phraseology about "Come home, America," when you thought
36 you were "at home" in the first place. Black people in the seventies will continue
37 to make real commitments of the sixties and the redefinitions of which I speak and
38 really make America true to the faith we as black people already hold in this country.

CK

1 xjm312, A black separatist said to me, "I really do not feel comfortable here.
2 We need our own nation. The electoral process is a fraud. We ought to abandon it, and
3 we should not participate in presidential politics. Don't you agree with me?" he asked.
4 I said to him that I would never agree with a proposition which in effect means that I
5 commit suicide, A proposition that asserts that all we have done, all that we are, ought
6 to be relinquished while we remove ourselves from the aegis of a striving democratic
7 republic to a separate nation where there will be a dictator. We cannot trade out what
8 we have here in terms of hope and gains for some spurious fanciful activity that has no
9 relationship to the kind of life we would like to see for our children and our children's
10 children.

11 Admittedly there are great complexities in administrative approaches to
12 the problems of black people and other minorities. At times, the implication seems to
13 be that you, no matter what degree you hold, will not be able to work through these
14 complexities to reach the heart of the problem and come up with a solution. But the
15 right to know what is going on in our country will also not be abandoned in the seventies,
16 no matter how complex the various structures through which one must move to find the
17 truth. The truth will be sought and ultimately the truth will be found.

18 We need a revival of the old coalition that led us through the difficulties
19 of the restrooms and the restaurants to lead us through the next phase of difficulties
20 which are certain to increase. It is going to take a revival of that old coalition in the
21 United States Congress. It is going to take men and women such as we have here, speaking
22 to the conscience of this nation. But more than anything, it will take moral leadership
23 from a President of the United States who will stand up before Congress and say, "We
24 shall overcome," and mean it. That's the kind of leadership we must have if the 1970's
25 are going to make any sense to minority people or people who care about whether this
26 country survives or disintegrates and dies. I hope that this Conference will somehow
27 spark a regeneration and a revival of that old coalition.

28
29 s,
30
31
32
33
34
35
36
37
38

6

CR

1 xjm312, sI, Mr. Williams:

2
3 s-6M, I would like to add from the point of view of the academic, my own tribute and
4 the tribute of all of those who work in the fields that I work in to the incredible,
5 effective leadership of Senate Majority Leader Johnson in getting through that great
6 breakthrough in 1957, the first Civil Rights Act since Reconstruction, and in giving
7 us those great years when he was President which thus far, unquestionably, have been the
8 Civil Rights years of this century. Sometimes it's difficult to communicate to young
9 law students a feel for the past. They accept so completely the accomplishments of even
10 the past few years, that they can't imagine there ever could have been any problems.
11 That's a tribute to great leadership and great success.

12 As a lawyer, it strikes me that we tend to think too much of constitutional
13 litigation as a way of getting rid of things we don't like. One of the remarkable things
14 about the Civil Rights progress of the last few years, as the Chief Justice pointed
15 out this morning, is the magnificent interplay of the various branches of the
16 Government in getting the job done. The great breakthrough decision written by Chief
17 Justice Warren in 1954 and the great legislation starting in 1957 show that the job
18 cannot be done by any one branch of the Government. It must be done by the political
19 processes, at least in part. And I was particularly pleased today to hear from Senator
20 Humphrey of the need for gathering together rather than dividing to become a political
21 force.

22 Speaking again with candor, I was concerned in the latter 1960's to find people
23 equating the Civil Rights movement with opposition to our commitments in Southeast Asia.
24 That isn't the way to accomplish this Nation's objectives. The Civil Rights movement
25 in the United States must stand on its own feet as an affirmative program which can be
26 sold to well-meaning Americans. You don't shut people out by saying, "If you believe
27 in our movement, you must commit yourself to another highly controversial subject in
28 some other field." We must get together, rather than divide. And here, I would like
29 to pay particular tribute to Senator Jordan. I have been her great admirer for some
30 years now, watching her work within the political process, when there were
31 unquestionably great pressures upon her to join forces divisive to this process. The
32 process has been successful thus far through working together, and I hope that one
33 important thing to come out of this meeting can be this feeling of uniting in the
34 cause instead of dividing.

35 s,
36
37
38

7

1 xjm312, Through the good offices of President Johnson, I was able to spend two
2 and a half years in Washington in a reasonably responsible position; and the most important
3 single thing I learned in those two and a half years was the art of successful, responsible
4 valid, conscientious compromise. Very few people agree with each other totally on
5 anything, and we must be willing to modify our views to get ahead rather than stand
6 on our views and go down. The importance of moving ahead, of getting the job done, has
7 been exemplified by the great career of President Johnson. Sometimes of course the
8 importance of ideological views is critical and a stand must be taken on their importance.

9 Finally, I would make two specific observations about things that strike me.
10 First, much of what we have been doing in the last few years in the United States is
11 redefining freedom. We used to talk in terms of economic freedom, in an ill-defined
12 sense of economic exploitation. But the freedom of business from government control in
13 our society is of course just a "freedom for the mighty" and not one written into our
14 Constitution. President Roosevelt, with the last two of his Four Freedoms—Freedom from
15 Want and Freedom from Fear—began to reorient our definition of freedom. These are
16 freedoms that must be written into the structure of our society, and this is what we
17 have been doing.

18 Second, against the background of the magnificent improvements and progress we
19 have made, we must keep in mind that there must still be an individual freedom to be a
20 disagreeable malcontent, to disagree with all of the worthwhile goals of our society,
21 to be ornery, unreasonable, irascible, to oppose all social progress. And as we are
22 caught up in the importance of the freedom of all citizens, we must remember the freedom
23 of the individual to have individuality. There are going to be certain people who don't
24 want this euphoric feeling of well-being and brotherhood for everyone else, who don't
25 like it, who oppose it. And in a free society, they must have that right of
26 individuality.

27 Where we draw the line on individuality as a person moves into society, and say,
28 "At this point, you can't be any longer an individual with these beliefs and these
29 actions, because you are hurting somebody else," is still a very difficult, legal, and
30 constitutional issue which we must keep in mind. We have not resolved that legal problem
31 in all of its ramifications as yet.

32 I, too, can hope that in the explorations of this Civil Rights Symposium, there
33 may be a new birth of concern for substantial and effective progress in this area.
34

35 s,
36
37
38

8

1 xjm312, sI, Senator Humphrey:

2
3 s-6M, Thank you. I suggested as we started this Panel Discussion that, after each
4 individual had made a presentation, we would open it up for discussion amongst ourselves.
5 Barbara, do you want to cross examine anyone here or make further comment?

6
7 sI, Mrs. Jordan:

8
9 s-6M, I would like to ask Frankie Freeman to give us a little light on the future of
10 the Civil Rights Commission. It has been said that the Commission has not met personally
11 with the present President of the United States since he has been in office, so you don't
12 know whether your reports have been read. Would you care to make a statement about that?

13
14 sI, Mrs. Freeman:

15
16 s-6M, Yes. To respond to the first part of your question, Barbara, the Commission was
17 created by Congress, and as a lawyer, I believe that it will continue until Congress
18 disestablishes it. On October the 16th, the President signed into law a bill which had
19 been passed by the Congress extending the life of the Commission for an additional
20 five and a half years to June 30, 1978.

21 As to the rest of your question, the Commission met with the President in
22 February of 1968. Of course, we would hope that the President has read our reports.
23 We submit our reports to the President and the Congress, and we will continue to do so.
24 We have every hope that they will be read, but I do not have the power to take a report
25 over and read it to anybody.

26
27 sI, Mayor Hatcher:

28
29 s-6M, Perhaps the most significant piece of legislation passed in the last few years
30 relating to the cities is revenue sharing. Unlike much of the legislation that created,
31 for example, the poverty programs during the sixties and many of the other programs that
32 deal with the problems of the poor and minorities in our country, the revenue-sharing
33 legislation has very few guarantees in it with respect to equal opportunity and equal
34 access to the revenue-sharing funds on the part of all people.

35 I would like to ask Mrs. Freeman whether the Civil Rights Commission itself had any
36 opportunity to make real input in that area, and if so, why did the legislation wind up
37 in the form that it did?

1 xjm312, sI, Mrs. Freeman:

2
3 s-6M, I want to remind Mr. Hatcher that the legislation was passed by the Congress,
4 not by the Civil Rights Commission. I think you want to be clear on that.
5

6 sI, Mayor Hatcher:

7
8 s-6M, Yes. I understand that.
9

10 sI, Mrs. Freeman:

11
12 s-6M, But I'm glad you asked the question, because there are some very serious
13 implications in revenue sharing, and I have raised this point at recent Commission
14 meetings. I have seen a danger of our going back to the period after Reconstruction in
15 the matter of states' rights and local autonomy. So the Commission staff has brought
16 it to the attention of those individuals in the Government who are responsible for the
17 development of guidelines that the guidelines need to be tightened to assure that Title
18 VI will be complied with. The regulations as we now know them are not tight enough to
19 assure the benefits of revenue sharing to all persons. This is something that we are
20 watching.

21 In response to your question as to whether we had input before the Legislation
22 was enacted, I can say that we gave comments to certain members of Congress. But certainly
23 the law as passed does not include the guarantees which I, as a Commissioner, feel are
24 necessary to at least give us the protection of Title VI of the Civil Rights Act.
25

26 sI, Senator Humphrey:

27
28 s-6M, It was the judgment of the Congress that Title VI is applicable. Regardless
29 of the fact that specific language is not included in the revenue-sharing bill relating
30 to non-discriminatory application of federal funds, these funds are raised through the
31 federal tax system, and are appropriated to the State and local governments by an Act
32 of Congress. Therefore, the non-discriminatory use of those funds is required. Some of
33 us in the Senate thought that we ought to specify it with more detail, and we passed an
34 amendment to the Act. But it was stricken in the Conference Committee, not because there
35 was any desire to weaken the law, but simply because the Revenue-Sharing Act was to
36 be kept free of a number of what were called inhibiting or restrictive provisions. But
37 it should not be interpreted that there are no restrictions on the use of those funds
38 as they relate to services for communities or individuals. The non-discriminatory

CK

1 application and use of funds is required by the 14th Amendment, and it is required
2 by Title VI of the Civil Rights Act which affects all appropriations by the Congress
3 of the United States. Furthermore, revenue sharing will be monitored this year, and
4 the application of those funds will be reviewed by the appropriate Committees of the
5 Congress.

6 s,xjm312,sI,Mrs. Freeman:

7
8 s-6M, Senator, the point that Mr. Hatcher makes is one that we ought not to leave,
9 because in this country we have put the burden of compliance on the victim. It seems
10 to me that Congress has a duty when it passes such a law to build some self-monitoring
11 into it so that a person will not first have to be denied, and then show the guts
12 to make a complaint. You can get walked over just because you complain.

13
14 sI,Senator Humphrey:

15
16 s-6M, A vast majority of us in the United States Senate felt exactly that way, and
17 we passed the appropriate amendment to the law to require that kind of monitoring, so
18 that we would not have to rely on an adversary proceeding or a lawsuit on the part of
19 an individual in a local community to redress any misuse of the funds. But as Professor
20 Williams said, we had to ask ourselves do we want to have revenue sharing at the end of
21 this Congress, or don't we? We agreed that it was necessary, and we did the best we could
22 with the legislating coming up at the very end, some of us knowing there were weaknesses
23 within it. There are a lot of things that might have been added to it, but if the Civil
24 Rights movement will keep in mind that it is not only there to pass legislation, or to
25 encourage its passage, but to act as a constant monitoring system on what we are doing,
26 then the movement will be not only improving the legislative process, but the
27 administrative process as well. Now I have a question from the audience:

28
29 s10/12-6,i21,m343,Mayor Hatcher, did the Civil Rights movement play a key role in your
30 election to the office of Mayor?i,

31
32 s,

(11)

1 xSI/11,m312,Mayor Hatcher:

2
3 sM-6, There is no question that I would not have been elected--probably would not
4 have run--had it not been for the Civil Rights movement in its totality. The atmosphere
5 that existed in 1967 made it possible. I spoke before of the responsiveness and the
6 sensitivity of that time at the level of the White House and the Supreme Court of the
7 United States. There was the strong feeling that one's rights would be protected, that
8 one would have some chance of recourse to the courts. It is significant that breakthroughs
9 such as the election of black mayors and other so-called "firsts," occurred during
10 that period between 1960 and 1968, and the fact that there have been very few "firsts"
11 in the last several years indicates that the national atmosphere for change has in
12 itself changed, and the opportunities are no longer there.

13
14 sI,Senator Humphrey:

15
16 s-6M, One of the problems I have seen in the Civil Rights movement is that we sort
17 of enjoy being in misery. That is one of the problems of being a liberal: we are never
18 quite so happy as when we are unhappy, and never quite so unhappy, as when we have reason
19 to be happy. It's always been my judgment that we should maintain a balance between what
20 we know are the unfulfilled goals and what we have accomplished. We need to remember
21 our accomplishments, not to give ourselves a pat on the back, but to show what can be
22 done. While the Civil Rights Commission and others have done a good job of pointing out
23 the weaknesses, the story needs to be told of what has happened in America. It is a
24 great, inspiring story. How many Americans know the difference between voter registration
25 of minorities in 1965 and voter registration in 1972 in different areas of the country?

26 We just need to have some hope. So as we approach the problems of Civil Rights
27 problems, let us hear somewhere along the line about where we have succeeded and where we
28 have progressed.

29 Now I have a question addressed to Senator Jordan:

30
31 s10-6,i21,m343,What effect did the Civil Rights movement have upon your initial
32 election as a State Senator?i,

33
34 s,

CR

1 xs11/I, Mrs. Jordan:

2
3 s-6M, The Civil Rights movement in Texas was a little different but in a very good
4 way, because we understood each other a little better than black and white people in
5 New York and Gary, Indiana, and places like that. In 1966 I announced for the Senate
6 from a new district. It was not predominantly black but we felt we could put together
7 again a coalition of good people to bring about a desirable result in the 1966 election.
8 So the Civil Rights movement had a tangential effect, if not an immediate effect, in that
9 we felt, as a result of what was happening around the country, that we could elect a black
10 State Senator. But we did it our way. We did not have national figures coming in and
11 gathering people together, but there was this very deep confidence, as a result of what
12 had occurred legislatively in the Congress and as a result of the positive feeling
13 generated from the White House. All of these things made us feel confident that success
14 would be possible in that first election, and it was.

15
16 sI, Senator Humphrey:

17
18 s-6M, This is directed to Judge Garza.

19
20 s10-6, i21, m343, You cite the recent unanimous Supreme Court case involving housing
21 discrimination as showing there is no retreat by the court. What about the recent
22 Supreme Court decision in the sI, Elks sM, case, holding that the Elks could bar black
23 guests because there was no state action involved in the granting of the liquor licence⁵?
24

25 sI11, m312, Judge Garza:

26
27 s-6M, That is not the way I read that case. In passing the Civil Rights Act Congress
28 put in certain conditions that were not to be considered violations of it. You will find
29 Supreme Court cases that follow what Congress has said in the field of Civil Rights,
30 especially in the Civil Rights Act. If Congress makes an exception, there is nothing
31 that the court can do about it, and the private club was such an exception.

32
33 s,
34
35
36
37
38

LB

CR

1 xsI,jm312,Senator Humphrey:

2
3 s-6M, That is correct. I recall that legislative history much to my dismay at this
4 moment. The private club matter was discussed ad infinitum in the Senate.
5

6 sI,Mrs. Freeman:

7
8 s-6M, When the state gives a license to serve liquor, this is a benefit. Not
9 everybody can serve liquor. If the Supreme Court is going to uphold the right of the
10 private club to deny service to black people, then it ought to make the private club
11 serve sarsaparilla instead of liquor.

12 This is the point of concern about that decision where the private club is given
13 a privilege that everybody cannot exercise. There is some question as to whether giving
14 this license and acquiescing in the discrimination is not state action in violation of
15 the Constitution.
16

17 sI,Senator Humphrey:

18
19 s-6M, Another question directed to the Panel is whether or not there are additional
20 laws that might clarify ambiguities in the Civil Rights Act or strengthen Civil Rights
21 legislation. Surely this is one of the areas in which we need clarification and more
22 precise language.
23

24 sI,Judge Garza:

25
26 s-6m, The last Elks case that I remember coming before the Supreme Court had to do
27 with the question of Internal Revenue Exemptions from taxation. The Court said that Elks
28 would not be exempt from taxes who didn't comply with certain things like letting
29 anybody come in. That's how many of these private clubs are being made to conform to the
30 Civil Rights Act.
31

32 sI,Mrs. Jordan:

33
34 s,
35
36
37
38

14

CP

1 xsm,jm312, Any clarification of the Civil Rights Act should go to the judges. The
2 people understand the clarification. Wrongful interpretations come from the court.
3 Perhaps the Congress needs to give a special clarification for some of the judges who
4 are interpreting the Act.
5

6 sI, Senator Humphrey:
7

8 s-6m, Mrs. Freeman, I have two questions from the audience concerning the Commission.
9

10 s10-6,i21,m343,Has the Civil Rights Commission been effective as it could be? If not,
11 cite some of the reasons. What can be done about securing support for a more effective
12 Civil Rights Commission?i,
13

14 s11-6,m312,and
15

16 s10-6,i21,m343,What do you foresee for the Civil Rights Commission under the Nixon
17 Administration?
18

19 s11-6,i,m312,sI,Mrs. Freeman:
20

21 s-6m, The Commission's jurisdiction has now been expanded to include sex discrimination,
22 which means that we now have jurisdiction over more than half of the population. We have
23 held two hearings in November on Indian problems, and we contemplate a continuing series
24 of them.

25 The Civil Rights Commission consists of six members, not more than half of whom
26 may belong to any one political party. Right now there are three Republicans and two
27 Democrats. I anticipate that the Commission, which is an independent agency and which has
28 issued reports during its 15-year history none of which has been popular will continue
29 to do what we have been doing all along-publishing reports, trying to eliminate some of
30 the confusion about quotas, trying to deal with the issues and the facts. We have no
31 enforcement powers. Our power is the extent to which facts can mold public opinion and
32 public opinion in turn can respond.
33

34 s,
35
36
37
38

CR

1 xSI,jm312,Senator Humphrey:

2
3 s-6m, The Commission's reports are extraordinarily valuable and informative, but so
4 few of them seem to get into the hands of people that are deeply interested in the Civil
5 Rights movement. How can copies of the reports be secured?

6
7 sI,Mrs. Freeman:

8
9 s-6m, All of our reports can be obtained free from the Civil Rights Commission
10 Information Office at 1121 Vermont Avenue, N.W., Washington, D.C. 20009. We are glad to
11 send anyone a copy, and we urge people to write. Our reports can also be purchased from
12 the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

13
14 sI,Senator Humphrey:

15
16 s-6m, I have another question for you, Mrs. Freeman. It reads:

17
18 s10-6,121,m343,The U.S. Commission on Civil Rights has earned great respect for its
19 integrity in calling things like they are. Even when the fallout was not pleasing to many
20 in positions of power. Are you optimistic that this independence will be carried forward
21 in the future?i,

22
23 sI11,m312,Mrs. Freeman:

24
25 s-6m, Yes, I am really optimistic. There have been times when no President has been
26 happy with us, but no President has interfered with us, and every report that has been
27 completed by the Commission has been published. Two years ago we published si,The Federal
28 Civil Rights Enforcement Effortsm,, an appraisal of 40 agencies of the Federal government.
29 It was the Commission's opinion that not a single Federal agency was carrying out its
30 Civil Rights responsibilities. About a year ago, we published a follow-up report ranking
31 the agencies "poor," "fair," or "good," and I don't recall that any agency got a
32 rating of "good." We are going to issue still another follow-up report in February 1973,
33 but I am not in a position to say anything about it since it has not yet been released.

34
35 s,x
36
37
38

CL

1 jm312,sI,Mayor Hatcher:

2
3 s-6m, I don't think there is any doubt in anyone's mind that the Commission has done
4 an excellent job, given the limitations Mrs. Freeman has referred to such as its lack of
5 enforcement powers. It has certainly, at the very least, been a conscience at the national
6 level. However, in treating other problems with reference to encroachment upon the rights
7 of others, if a person steals from another person, we have a simple process that calls for
8 the thief to be taken to court and if found guilty, to be punished. Why then do we make a
9 distinction in the area of human and civil rights by creating commissions that, in effect,
10 have complex procedures to follow? I believe that the reports and other efforts of the
11 Commission serve a very useful purpose. But I wonder whether there isn't a danger in that
12 persons in this country who feel they have not received fair and equal treatment under the
13 law may view the United States Civil Rights Commission as a mechanism that is going to
14 solve their problem for them. It is the old problem of increasing expectations. What
15 happens when such people find that the Commission will not in fact be able to accomplish
16 as much as they initially thought? Isn't there a danger in the entire approach of creating
17 commissions, not just at the national level, but at the local level also?

18
19 sI, Senator Humphrey:

20
21 s-6m, Mayor Hatcher, the next question I'd like to move on to is addressed to you:

22
23 s,x 6/2

24 s10-6,i21,m343,Would you give a brief report on the recent developments in your youth
25 program and the (to be continued)

26
27 s,x
28
29
30
31
32
33
34
35
36
37
38

1 s10-6,i21,m343,Would you give a brief report on the recent developments in your youth
2 program and the impact that you feel this program has had on your community?i, 2-27

3
4 s11I,m312,Mayor Hatcher:

5
6 s-6, Basically our youth programs have tried to give youngsters who have not felt they
7 were a part of the community an opportunity to participate and to be involved; and with th
8 a feeling that someone cares about them. We have tried, for example, to deal with the
9 problem of youth crime in a different way. Instead of automatically sending youngsters
10 in trouble into the criminal justice process-to jail, then to court, then ultimately
11 to prison-we put them into a constructive, positive program. It is early yet to determine
12 whether this is the best approach or not, and some people have already condemned it. But
13 it seems to me that the chances of salvaging youth are far greater this way than through
14 routinely referring them to the criminal justice process.

15
16 s1I,Senator Humphrey:

17
18 s-6M, I Have a question for Mayor Hatcher and Senator Jordan:

19
20 s10-6,i21,m343,As a northern Mayor and a southern legislator, do you consider conditions
21 for blacks today to be better in the North or in the South?i,

22
23 sI,Mrs. Jordan:

24
25 s,m312, Without a doubt, in the South.

26 I have always said that when the Civil Rights struggle reached some resolution, as
27 opposed to solution, the South would be the preferred region of the country in which to
28 live. We have never deluded ourselves here about what we needed to do or what we were
29 about. Whereas the struggle has a degree of similarity and the issues are common, the
30 results in the South have been a more open region with freedom of movement and spirit
31 on the part of people. I do not see that kind of openness or freedom occurring in the
32 North; the North deluded itself into thinking that it was really the most liberal in
33 terms related to black people and their lives.

34
35 s,

1 xsI,jm312,Mayor Hatcher:

2
3 s-6M, I think the struggle that is taking place in the South is to some degree
4 different than that which is taking place in the North. I think that blacks in the
5 North at this point are perhaps more discouraged, probably more bitter and disappointed
6 than blacks in the South. The illusion of equal-opportunity that Senator Jordan referred
7 to has been shattered for most blacks-especially younger blacks-in the North by the hard
8 reality that has come. It is recognized that simply to have the right to go into a
9 restaurant and sit down to eat is not enough; and to have the right to be hired for a
10 job, when you are going to be hired at the lowest level and your chances for progressing
11 upward are almost non-existent is not enough. These are very frustrating things.

12 As long as a person is outside in the cold and has never been inside and doesn't
13 know how warm it is inside perhaps he can tolerate his situation. He may not like it, but
14 he can tolerate it. Once you have been outside or seen the potential and the possibilities
15 inside, and find that you are, in effect, still on the outside without a chance to get
16 inside, then the frustrations are doubled.

17 So I think the situations North and South are different but there is a good deal to
18 be said for more progress in both areas.

19
20 si,Mrs. Jordan:

21
22 s-6m, I don't think we are really in disagreement or competition here as to which
23 region is going to do the most. Dick and I hope that the day will come when it makes no
24 difference whether a black is in the North or the South in terms of the openness and the
25 freedom and the real equality he experiences in his community.

26
27 s,
28
29
30
31
32
33
34
35
36
37
38

19

CP

1 xjm312,sI,Senator Humphrey:

2
3 s-6m, I have a controversial question here that is much discussed among the general
4 public:

5
6 s10-6,121,m343,Since crime in the cities hurts blacks more than whites, why do black
7 leaders not take a more active role in seeking protection for the civil right to be
8 secure in one's home and neighborhood?i,

9
10 s11I,m312,Mayor Hatcher:

11
12 s-6m, The question has an inherent assumption that I believe is incorrect. It isn't
13 true that black leaders fail to take a strong position with respect to the right of all
14 people to be secure in their homes and in their places of business and on the street.
15 Roy Wilkins and other black leaders have taken very strong positions in this respect.
16 The implication that black leaders sanction and encourage criminal acts is just incorrect
17 and without basis in fact. On the contrary, black leaders not only take a strong position
18 against the kind of crime we have just mentioned, they also oppose all crime, including
19 the kind that occurs when a slum lord permits a building to run down and become hazardous
20 to the people who live in it. They say in effect that all laws ought to be enforced,
21 equally and fairly. One reason persons may think there is a degree of tolerance and sanction
22 that is not there is that black leaders also try to recognize and point out at every
23 opportunity some of the basic, root causes of crime, and to say that we should not only
24 treat the symptoms, which is the act itself, but that we ought to also try to get to the
25 root cause, which in some cases is the deprivation of human rights and equal opportunity
26 imposed upon many people in our society simply because of the color of their skin.

27
28 s,

cl

1 xsi,jm312,Mrs. Jordan:

2
3 s-6m, I agree with Dick, wholeheartedly.

4
5 si,Senator Humphrey:

6
7 s-6m, There is a need for those who are deeply involved in this movement of Civil
8 Rights to delineate what we mean by law and order and law enforcement. I can recall
9 enforcing laws as mayor of a city 25 years ago, in reference to the condition of a house
10 for rent that was in violation of a city health ordinance or a building code. It's
11 nothing short of a national disgrace in this country that we not only compel people to
12 live in facilities that are unfit for human habitation, but at times we pay exorbitant
13 prices out of the public treasury for them to live there.

14 I hope to see the day when people who must be on welfare because of their inability
15 to provide for themselves will have a program through which they can become property
16 owners. I see no reason to be spending vast sums of public funds for rent when people
17 could acquire equity in a home and feel some sense of possession for the same amount of
18 money that is expended for the rent charge. I think that can be done. Sometime later,
19 I will give you the full details.

20 Here's another combined question and observation:

21
22 s10-6,i21,m343,What focus do you see for the American Indian in his struggle for
23 Civil Rights? I note no participation in the Symposium. Several speakers have addressed
24 Civil Rights as a bi-racial, black-white problem while other minorities-Chicanos,
25 native Americans, orientals-are relegated to passing mention or complete omission.
26 Please comment on the challenge of forgotten minorities to the Civil Rights efforts
27 of the 1970's.

28
29 s,

30
31
32
33
34
35
36
37
38

CP

1 xjm312,s111,i, We are not going to have time to dig into
2 this question but when I was out on the political hustings in the months of January
3 through July, I found that there was something happening around this country: there
4 was a division among people that ought to be together. I was attending a meeting in
5 Detroit where my friends in the Mexican-American community pointed out the few houses
6 that had been built ^{for Mexican Americans} under any federal housing program. Then they said very bluntly,
7 "But look at the thousands of homes for those blacks." I have heard this repeatedly,
8 and I think it is imperative that we face up to the fact that there are minorities in
9 the country that are beginning to see division in their own ranks at a time when all
10 of them stand in need of the same kind of help and cooperation from government, the same
11 kind of social services, and same opportunities. We have not addressed ourselves to this
12 problem, and we'll have to because to ignore it is just to play games. If there is
13 anything the Civil Rights movement needs now it is that we talk frankly to each other
14 without getting angry.

15 s,x

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

1 jm312,s11m, Here now are some questions on the bussing issue: 2-21

2
3 s10-6,i21,m343,What does the Panel feel to be the most effective and least antagonistic
4 method to use bussing to achieve racial balance and/or desegregation? Do you see any hope
5 of Congress providing a solution to the bussing problem by passing legislation, or do
6 you feel the decision will ultimately rest with the Supreme Court?

7
8 s-6,Do you feel that bussing provides any kind of solution to the inequality of school
9 systems? Doesn't it rather, at best, offer no more than bandaid and, at worst, force
10 black and Chicano children out of their own communities, because we don't bus white
11 kids?E,

12
13 s110,m312,Professor Williams:

14
15 s-4m, Maybe it would be helpful to state the legal foundations of where we seem to be
16 on Bussing, because I think a lot of people don't understand them. The United States Supreme
17 Court and the other courts have not thus far taken the position that bussing-which is a
18 form of "quota system", a counting up of the races in various schools-is a substantive
19 obligation under the Constitution. The courts are saying-and it is important to realize
20 this-that we must take affirmative steps to eliminate the effects of improper and
21 unconstitutional racial segregation in the schools in the past. And one of the ways this
22 can be done is to intermix races through moving them into various schools, so that we
23 don't have wholly isolated schools on a racial basis just because of their location. The
24 courts ^{are} not establishing a principle that we must always count races in all of our public
25 activities. They are establishing a specific, affirmative remedy for a previous failure
26 to follow constitutional obligations. I have very little difficulty with this kind of
27 affirmative, creative remedy by the courts as a legal proposition.

28 The United States Supreme Court has also recognized that these affirmative steps
29 are not to be taken under one specific guidepost or rule applicable to all situations.
30 Indeed from the very beginning, with the si,Brown sm,decision, the Court made the
31 Federal Judges at the District Court level administrators of the difficult problem of
32 eliminating the vestiges of racial segregation in the schools. This means that the
33 various judges can themselves shape the remedies as they are needed in particular
34 situations. It seems to me that this is a very effective function for the courts to
35 carry out and a very useful process as a matter of statecraft in our society. Since
36 the judges are the administrators, I personally view with a great deal of concern any
37 attempt by Congress to establish general, over-all rules which would be applicable in all
38 situations.

23

1 xjm312, We concern ourselves a lot about the localism problem in integrating the schools
2 One way we are trying to solve that problem is to have Federal Judges consider the local
3 circumstances as they apply in each case before him. There is one difficulty with this tha
4 I recognize. A Federal Judge can act only within certain circumscribed limits. He
5 doesn't have to wait for a particular case in a particular community. Early in the whole
6 proceedings, a Federal Judge undertook to desegregate the schools in the whole State of
7 Delaware all at once. So there is a great deal of power there, but because the burden
8 on a Federal Judge is a heavy one, he has a tendency to react to the cases that are filed
9 and not take on the whole process. I recognize that as a weakness and I therefore don't
10 say automatically that Congress shouldn't think about this problem. But a word of caution
11 is in order: a solution that purports to solve this difficult and complex problem in
12 exactly the same way all over the United States is something we had better be very
13 careful about.

14
15 sI, Mrs. Jordan:

16
17 s-6m, If the goal is equal education, and I think it is, then there will be times,
18 instances, and circumstances when the bussing of school children will be necessary for
19 the achievement of that goal. It is going to be difficult for that idea to become
20 acceptable to the country, but I think its acceptance would be hastened if politicians
21 would talk less about the issue and do more about sensitizing people to the hard reality
22 of integration and the transportation of children to reach the goal of equal education.
23

24 sI, Mayor Hatcher:

25
26 s-6m, I do think that Barbara has hit the nail on the head. The real issue isn't
27 bussing at all but how to give every child in this country the opportunity to receive
28 the very best education possible. And if we are truly committed when we say that our
29 youngsters will have the awesome responsibility of leading this country tomorrow, then
30 we will do whatever is necessary to accomplish the goal of equal education. And if that
31 includes bussing, so be it.
32
33
34
35
36
37
38

1 xjm312, sI, Judge Garza:

2
3 s-6m, The crucial question is whether the problem of bussing is going to be decided
4 by the Congress or by the Supreme Court. I am looking forward to Court rulings this year
5 on certain cases that are now pending: the sI, Redmond sm, case; the sI, Denver sm, case,
6 which involves not only blacks but also Mexican Americans; the sI, Corpus Christi sm, case;
7 and ^{on} sI, Austin sm, case. The Supreme Court will give us the guidelines on bussing, because
8 for the first time it is faced with the problem of having to decide just how much bussing
9 there will be.

10 Those of us who live in the Fifth Circuit are committed under its rulings to force
11 bussing to achieve racial balance. We look forward to hearing what the Supreme Court says
12 about these rulings. What the Court decides on this issue will determine whether or not
13 Congress has to take any action. If the Court decides that forced bussing is not necessary
14 in every case, the question then will be whether Congress makes it so. I think the
15 decisions of the Supreme Court are going to take Congress off the hook on the issue of doing
16 away with bussing. It might put them back on the hook on the issue of ordering bussing.
17 I don't know how the Supreme Court is going to rule but as one Federal Judge, I am hopeful
18 it will give us some guidelines that we will know how to follow and that we can follow.

19 Barbara, you said to me that the judges ought to go by what the law is. But we have
20 a hard time knowing what the law is sometimes, because the Supreme Court doesn't always
21 tackle the point. It says, "We don't have to decide this issue. It is not before us."
22 So we get inklings of what the law is, but we cannot always be sure.

23 In defense of the Federal Courts it was pointed out clearly by Chief Justice
24 Burger in his address to the American Bar Association that the jurisdiction of the Federal
25 Court has expanded so tremendously that it is being literally overworked. Many times
26 Civil Rights cases are not getting the attention they deserve because the Courts are
27 overworked. He suggested that Congress make an impact study before it passes a piece of
28 legislation, and ask, "What is this going to do to the courts? Will they need more help?"
29 I don't know of any Federal Judge who doesn't have his hands more than full on all types
30 of cases, including Civil Rights cases. It might be well that those who are prone to accuse
31 the courts of not taking prompt and decisive action on matters of Civil Rights heed the
32 words of Chief Justice ^y Burger on the increased jurisdiction of the Federal Courts and
33 remember that right now we are just overworked.

34
35 s,
36
37
38

1 xjm312,sI,Mrs. Freeman:

2

3 s-6m, Again I would like to commend to you the report of the Commission entitled
4 si,Your Child and Bussing sm,which we issued because we believe the American people have
5 not been served well on this issue. Only in the context of desegregation has the question
6 become emotional, because millions of children are being bussed to school every single
7 day for many, many reasons. Bussing is just one among many other tools. We believe
8 that the great importance the American people have placed on education is justified, and
9 that every child deserves as a matter of right, a high quality education. And if it takes
10 a bus to get it, then let us have buses.

11

12 sI,Mayor Hatcher:

13

14 s-6m, I would hope that we would get away from the term "forced integration" in this
15 matter of bussing. We don't use the term in any other context, and I don't see where it's
16 really applicable today. When a court rules, we try to follow that ruling as the law:
17 it is not a matter of force or non-force.

18

19 sI,Senator Humphrey:

20

21 s-6M, The Chair of this Panel would like to conclude by noting that this highly
22 emotional issue of bussing has been discussed in its separateness, rather than in the
23 context of the total community in which people live. The court has laid down specific
24 instructions on bussing. It has said, for example, that bussing shall not be used at any
25 risk of impairment of health or comfort of a child. It has not required statistical
26 quota racial balance. It has primarily insisted that bussing be used, as Mrs. Freeman
27 said, as one of the tools available to a School District and public authority to bring
28 about a better quality education and a better racial balance within the school structure,
29 and to break up patterns of segregation.

30 I have some suggestions. One way to break up patterns of segregation is open
31 neighborhoods. One way to remove the need for bussing is to provide an opportunity for
32 children to attend truly good schools within the reach of child and parent in which the
33 child and the parent can become fully involved. Another way of approaching the question
34 of bussing is to look at the total health and well-being of children and avoid trying
35 to solve all of our social problems on a bus. What good does it do to put a child into
36 a good school all day and then dump him back into a social garbage heap? Why don't we
37 start to think about the total picture? The total picture of a child's education begins
38 the day a child comes into this world and enters his home, his neighborhood, the street

1 he walks on; it is the picture of the social, political, ^{and} physical environment in which the
2 child lives from Day One! When we talk about Civil Rights, we are talking about the right
3 to live like a human being.

4 s,xjm312, I believe that a lot of us are being led off into an emotional, political
5 wilderness when we don't have to get down to the job of building a better country. I
6 believe in good buses. I believe in safe drivers, too. But more importantly, I believe
7 children should be able to feel that the homes in which they live are wholesome, decent,
8 safe homes; that the neighborhoods in which they live are socially established
9 neighborhoods with all the services that belong to a neighborhood; that, above all, they
10 are respected. All the bus rides in the world are not going to answer the need for
11 mutual respect and understanding.

12 I really believe the answer is to get this country moving again, not just by a bus,
13 but to move the whole ^e country forward, in health, in job training, in opportunity, and
14 in actual gains. It isn't enough to present Civil Rights as a movement for equal
15 opportunity at this stage, because if you are the victim of malnutrition, it takes
16 time to get your system back into balance, so that you can participate as an equal.
17 It is not amiss for us to be talking about some extras, about a little more than equal,
18 for awhile, until some people get a chance to catch up. It is not enough to have an
19 ordinary teacher for an emotionally disturbed child or a mentally retarded child. It takes
20 a special teacher, and we ought to pay the bill. It is not enough for a child to go to
21 an ordinary school that everybody else can go to, if that child has been the victim
22 of life in an area that did not permit human advancement or enrichment. It's going to
23 take more than "just as much" for awhile.

24 That's the end of my sermon for the day.

25
26 s,
27
28
29
30
31
32
33
34
35
36
37
38

Copy (C) CP

1m312, sB, REMARKS

rsM, HUBERT H. HUMPHREY

si, United States Senator, Minnesota

jsm, Today is historic in the sense that we observe the opening of the Civil Rights papers on deposit in the Lyndon Baines Johnson Library. It is historic because scholars will find in those papers a rich source of information and insight into the mid-20th century America's overriding moral and social challenge—the quest for racial justice and opportunity. As we look back over the period of the sixties, we remember that we went through a veritable revolution in many of the social standards and institutions of our land. The miracle is that we survived and that our institutions held intact, making the adjustments and the refinements that were required. And no man was more crucial to this struggle, no man gave more of himself to this cause and asked more of us than a United States Senator from this state and later President of the United States, Lyndon Johnson.

This Symposium is historic in other equally significant ways. Just the fact it has been held is historic. It has been more years than I care to count since such a distinguished group of national leaders have come together for something called a Civil Rights Symposium. Finally, this meeting is historic because it offers a rare opportunity to speak honestly and directly in the presence of friends and critics to the unfinished agenda of Civil Rights that still confronts this Nation. It is my judgment that we need candor among ourselves now more than anything else, a willingness to engage in dialogue and debate that will afford us a basis for some decisions.

I do not accept the proposition that most Americans believe that two centuries of racial injustice have somehow vanished from this land. No matter how they may feel personally about school bussing or scatter-site housing or the Philadelphia Plan, I believe that most Americans understand the job is far from finished. It is therefore vitally important that we seize this opportunity to remind our fellow citizens of this unfinished agenda, and that should be the purpose of this Symposium. If we did no more than this, if we only enumerated the wrongs and the injustices that remain, we would be throwing away a chance to carry forward the struggle to eradicate these living denials of justice and freedom. To make this a truly historic conference, we must face directly the kind of tough political problems that we faced many years ago and, through unremitting effort, eventually surmounted. It is to this task that I thought I might usefully direct my remarks today.

s,

1 xjm312, I recognize that it is fashionable in some circles to suggest that white
2 politicians no longer have much to offer in this struggle; that blacks, Chicanos,
3 and Indians have now taken over the full burden of organizing the political forces to
4 end the racial abuses that offend us all. While it is certainly true that a great deal of
5 the responsibility has shifted to those who personally suffer under these wrongs, I flatly
6 reject the notion that this burden is theirs alone. I do so for two reasons. First,
7 I still believe that racial injustice and prejudice is as much a white problem as it is
8 a black, brown, or red problem. And if that is so, I am unable to understand how the
9 problem can be solved without full and active participation by whites—public officials
10 and private citizens alike. Second, real progress will be achieved only when the
11 overwhelming majority of Americans are committed to action and are prepared to communicate
12 this message to their elected representatives in cities and states, in the Congress and
13 in the White House.

14 We look back at the Civil Rights battles of the fifties and sixties with an air of
15 nostalgia. In those years, the legislative goals were well-defined: the removal of a host
16 of legal barriers to civil equality and equal opportunity. More than this, the legal
17 barriers existed primarily in one section of the country, so that the lives of most
18 Americans, it seemed, would be unaffected by whatever reforms we might achieve in Congress.
19 We were, in a sense, working with a Civil Rights agenda that was uniquely suited to
20 legislative remedy. We now look back on those times as the easy days of the Civil Rights
21 struggle.

22 But if we think a moment longer—and in this I defer to my good friend, Clarence
23 Mitchell, who will be participating in tomorrow's panel—we realize that those easy days
24 were not so easy. In the early 1950's, the number of U.S. Senators actively committed to
25 passing the pending Civil Rights legislation could caucus in the rear corner of the
26 Senate cloakroom. Those were actually years of unrelieved frustration and failure until
27 Senate Majority Leader Lyndon Johnson decided that we could postpone no longer the most
28 urgent portions of the pending legislation. In what still must be regarded as one of the
29 Senate's most amazing demonstrations of parliamentary skill, the Civil Rights Act of
30 1957 became law when Lyndon Johnson maneuvered the legislation through the Senate without
31 a protracted filibuster.

32 s,

33

34

35

36

37

38

CP

1 xjm312, By the early 1960's, these initial steps were no longer sufficient as remedies
2 for the problems that remained: equal access to public accommodations, equal job
3 opportunity, non-discriminatory use of federal funds, and greater protection of the right
4 to vote. The legislative outlook was as dismal as it had been ten years earlier. The
5 dramatic events in Birmingham, the decision by President Kennedy to seize the legislative
6 initiative, his tragic assassination, and the total commitment of President Johnson to
7 realizing these objectives produced a more hospitable legislative climate. But even
8 then, the outlook in the Congress was grim. Our eventual triumph was not pre-ordained,
9 by any means. At numerous points in the 75-day battle to break the filibuster, the
10 legislation could have been compromised irretrievably. That none of this happened was
11 due almost entirely to the political strategy that had been mapped out and was followed
12 even in the most difficult moments of debate.

13 These retrospective remarks have had only one purpose: to suggest again that the
14 struggle for Civil Rights in Congress has never been easy and that, in many respects,
15 our present difficulties are no more insuperable than the barriers we faced back in the
16 so-called "good old days." They are different, to be sure, but not insuperable.

17 Other participants in this Symposium will speak to the substance of the remaining
18 problems: racially-restrictive suburbs, racially-exclusive schools, racially-protected
19 jobs, crime, drugs, and the host of other intertwined domestic problems. We will also
20 talk about the Northern battlegrounds where many of these issues must be resolved. But
21 I would like to devote the remainder of my remarks to the political strategy that must
22 be devised if we are to continue the progress of the 1960's in this decade.

23 I begin with this proposition: unless we can agree on a strategy that will attract
24 a majority coalition in the Congress and the Nation at large, we can look forward to
25 little in the way of concrete results. It ~~isn't going to do us one bit of good~~ ^{will avail us nothing} to beat
26 our chests in righteous indignation with a sense of moral consciousness about the
27 inequities and injustices, unless we have a program of action and the important forces
28 to put it to work. This lesson is as true today as it was 20 years ago. Between
29 the two extremes of empty appeals to the Nation's moral consciousness and premeditated
30 violence and intimidation lies a broad field for constructive political action, not so
31 dramatic maybe, but effective; and it is in this area that we must begin to think more
32 creatively.

33 s,

34

35

36

37

38

3

1 xjm312, It is commonplace in current political analysis to suggest that the national
2 constituency in support of continued Civil Rights progress has vanished. "No interest,"
3 they say. The Nixon landslide in the general election, the surprising showing of George
4 Wallace in the primaries, and the reams of polling data are offered as evidence of this
5 decline. The momentum toward greater racial justice of the 1960's apparently has given
6 way to a growing sense of retrenchment and disquiet in the 1970's. On the other hand, if
7 one looks behind these highly visible developments at other examples of the public's
8 attitude, the outlook is less stark and more hopeful.

9 The Gallup Poll, for example, has discovered a marked decline in the number of
10 southern white parents who object to sending their children to schools with blacks. In
11 1963, 61 percent of southern white parents said they objected to such a development: in
12 1970 only 16 percent said they objected. Gallup described this as one of the most dramatic
13 shifts in the history of public opinion polling. In 1958, 39 percent of the voters
14 interviewed in another national Gallup Poll said they would vote for a well-qualified
15 black man for president. Fifty-three percent said they would not support such a candidate.
16 Last year, 69 percent said they would vote for a well-qualified black presidential candidate
17 of their party—an increase ^{of} 31 percent. On the basis of this survey, Gallup reported that
18 prejudice towards blacks in politics had declined to its lowest point yet recorded. These
19 findings are significant if they do no more than remind us that integration of blacks
20 into our educational and political structure has moved forward in the past decade, even as
21 we read of the bitter opposition of a specific group of whites to a local bussing plan
22 or the defeat of a particular black candidate at the polls.

23 We are now in a peculiar but vitally important period of our national life when our
24 lack of direction in the Civil Rights arena is no greater than the lack of direction
25 generally. The American people and their elected leaders are deeply confused and ambivalent
26 about where we should be heading as a nation and deeply divided about our short range
27 objectives. Goals and priorities are literally untabulated and unknown. The 1972
28 elections did little to clarify this situation. It is regrettable but nonetheless true
29 that many people voted against Senator McGovern or against President Nixon rather than
30 for either candidate. And an alarmingly large number of eligible voters didn't vote at all.
31 The issues of the campaign became hopelessly muddled, and many people voted against
32 positions that neither candidate actually advocated. Thus we emerge from the presidential
33 election no better informed about our future than when the campaign began more than a year
34 ago. In fact, Democrats are even asking themselves, "What is the Deomocratic Party?"
35 "sI, Why sm, the Democratic Party?" And to all of these questions there are no easy
36 answers.

37 s,

38

41

1 xjm312, But this much can be said: drawing on the election returns and our knowledge CP
2 of current, public attitudes, it seems clear that any political appeal that appears
3 rightly or wrongly to favor one group or class of people over another is going to be
4 rejected by a majority of the American electorate. I said the time was at hand for candor,
5 and I shall use some of it myself. The Democratic Party got into trouble when its internal
6 reforms came to be perceived, even though falsely, as establishing specific quotas that
7 favored young people, women, and blacks over the more traditional elements of the party,
8 particularly ethnic Americans, blue-collar workers, the elderly, and elected Democratic
9 officials. There was a considerable propaganda campaign to make this point stick in the
10 mind^{CS} of the American people.

11 By the same token, I would argue that the Civil Rights movement got into trouble
12 when more and more people were propagandized into believing that it was only an effort
13 to give blacks a special break that was not afforded to any other group in American
14 society. We know this perception is wrong but this perception exists, whether we like
15 it or not. I am a political man, and I know that what is true in public affairs frequently
16 is not nearly as compelling as what people think is true. It is our job to get the thinking
17 straightened out.

18 It is within our power to break out of this impasse and to begin the mobilization of
19 the political resources that can restore the positive momentum of the 1960's, not only
20 for Civil Rights, but for a total national agenda. How can this be done? I am not sure
21 that any of us have all the answers, and I surely don't. But I can point up several
22 facts that should be kept in mind. First, I subscribe to Vernon Jordan's thesis that
23 President Nixon has within his grasp an extraordinary opportunity to move to the forefront
24 of the quest for racial justice in this country. Just as he confounded his critics with
25 his dramatic trips to China and the Soviet Union and his adoption of wage and price
26 controls, Mr. Nixon could seize the initiative on the Civil Rights front. I know or at
27 least assume, that a second-term President must begin to think seriously about the
28 historical judgments of his Administration. And I can imagine no more harsh indictment
29 than that President Nixon should have failed to lead the United States in the most
30 critical and urgent area of domestic concern: human rights. Such a move by President Nixon
31 would be supported and applauded by a large majority of Democrats and, I suspect, a
32 significant number of Republicans. It would bring back to life almost overnight the
33 bi-partisan coalition that was responsible for all the Civil Rights legislation of the
34 1960's.

35 s,

36

37

38

5

1 xjm312, Presidents, however, do not operate in a vacuum, no matter how much they seek
2 to seal themselves off from public opinion. So I would supplement the Jordan thesis with
3 this proposal: we should be devising a political strategy that will assist--yes, insist
4 and propel--President Nixon to make this kind of affirmative decision. There is good
5 historical precedent for this approach. We may forget that the early 1960's was a time
6 of convincing President Kennedy that he should adopt a more aggressive posture in support
7 of Civil Rights legislation that had been pending in the Congress for many years. We
8 forget that his initial Civil Rights Proposals in 1963 were judged inadequate by the
9 Leadership Conference on Civil Rights. It was only after those tragic and dramatic events
10 in Birmingham that the Kennedy Administration became fully and totally committed to the
11 legislative package that eventually became the Civil Rights Act of 1964.

12 The times and the circumstances are indeed different today, but there are several
13 factors that President Nixon should be reminded of as he looks ahead to his second term
14 of office. He should be reminded that the defeat of George McGovern was not a repudiation
15 by the voters of the programs and the policies that had been advocated by other presidents
16 and passed by a coalition of Democrats and Republicans in Congress. For example, there
17 is solid evidence that a majority of Americans strongly favor closing tax loopholes,
18 and creating a more equitable tax structure. In like fashion, there is a significant
19 national support for cutting out non-essential defense expenditures. This is significant,
20 because progress in these two areas, only possible with strong presidential leadership,
21 would begin to provide the Federal government with the financial resources that are
22 essential for any realistic attack on our most urgent domestic problems of education,
23 housing, jobs, health care, environment, crime, and transportation. As we attack these
24 problems either directly through the Federal government or through cities and states,
25 we touch the areas of daily life that now comprise most of what we mean by Civil Rights.
26 The new budgetary flexibility means that these goals can be achieved without seeming to
27 advocate special advantages for one group at the expense of another. There is virtually
28 no segment of our society that would not benefit directly from meaningful progress in
29 each of these areas.

30 In this context, I contend that the entire concept of the Civil Rights movement
31 must be broadened to include the rights and opportunities that should be available to
32 other disadvantaged groups in America. I am thinking of the physically handicapped,
33 for example, or the mentally retarded who are discriminated against in the most cruel
34 and inhumane ways; or the elderly, who are frequently locked up in what we call Senior
35 Citizen Housing Projects, oftentimes forgotten and isolated. All of these people must
36 face many of the same barriers and misunderstandings and prejudices that confront blacks
37 and other minority citizens. Injustice knows no race, and it knows no age. We are in a
38 period where the issue of women's rights and women's political power must be included in
a broader definition of Civil Rights.

6

1 xjm312, In other words, it can be demonstrated that the success of President Nixon's
2 second term depends in a large measure upon his willingness to take the lead on a number
3 of issues that were raised in the recent campaign by Senator McGovern. Moreover there
4 already exists a base of popular support should Mr. Nixon pursue such a course of action.
5 It is imperative then that we begin to organize the political forces that can help bring
6 President Nixon to a realization of his opportunity. We cannot afford to let a president
7 chart his own course. He must have the benefit of the advice and the counsel of the
8 great American electorate. I intend to urge the Democratic Congressional leadership working
9 in close cooperation with black and other minority leadership to speak out forcefully
10 on these matters at the beginning of the 93rd Congress. I would hope that state leaders,
11 governors, mayors, and county executives would do likewise.

12 As I see it, we must identify the struggle for Civil Rights as an all-embracing
13 struggle for the rights and privileges and duties of all Americans. In the political
14 arena, there just aren't enough blacks, there aren't enough Chicanos and Indians and
15 Puerto Ricans to form an electoral majority. We must create a climate of identity of
16 interests between the needs, the hopes, and the fears of the minorities and the needs
17 and the hopes and the fears of the majority. In simple language this means identifying the
18 cause of Civil Rights with quality education for all children. Millions of parents, white
19 and black, feel that the present educational system is not satisfying the needs of their
20 children. We must identify Civil Rights with the right of every American to good health
21 care. It isn't only blacks or Chicanos that have inadequate health care. There are millions
22 of Americans white as well as black or brown or red who are victims of inadequate health
23 care-health care, ^{or} ^{over} that, ^{it} even if it is available, they cannot afford to pay for it. We must
24 find some new, common denominators, mutual needs, mutual wants, common hopes and fears,
25 and use them to bind together a coalition of people representing the hopes and the fears
26 of the majority. Out of this coalition we can then fashion a new Bill of Rights that will
27 belong to all Americans and, because it does, will have tremendous force:

28
29 s10-6,i21,m343,The right to a meaningful life, free from poverty.i,
30

31 s11,m312, There are more whites in poverty than there are blacks. Unite ^{the} ~~white~~ people today
32 who are the victims of poverty.
33

34 s,
35
36
37
38

1 xs10-6,jm343,i21,The right to full and equal protection of the law.i,

2
3 s11-6,m312, All people find today that justice delayed is justice denied. The people
4 who live in the ghetto are the victims of crime much more than the people who live in
5 the suburbs. But all people have the right to equal protection of the law.
6

7 s10-6,i21,m343,The right to productive and gainful employment.i,

8
9 s11-6,m312, Unemployment knows no race. It stands as a constant threat to the life
10 and the well-being of millions of families.
11

12 s10-6,i21,m343,The right to economic, political, and social opportunity free from the
13 obstruction of discrimination based on race, creed, or sex.i,
14

15 s11-6,m312, The right to move up in the social structure; not just the right to a job,
16 but the right to be a manager as well as a worker. The right to be on a board of directors
17 as well as to be a customer. Not only the right, but the realization of the right.
18

19 s10-6,i21,m343,The right to a clean and decent neighborhood.
20

21 s-6,The right to life free from violence and terrorism.
22

23 s-6,The right to privacy, free from official or private invasion.
24

25 s-6,The right to safety, including protection of person and property .
26

27 s-6,The right to quality education at all levels, free from segregation.i,
28

29 s11-6,m312, Quality education is integrated education. If we can learn together, we
30 can live together. But if we learn separately, we are apt to pursue separate courses.
31

32 s,
33
34
35
36
37
38

8

CP

1 s10-6,m343,i21,The right to live in good health under a system of comprehensive insurance
2 providing and assuring modern health care for all.

3
4 s-6,The right to be free from hunger.

5
6 s-6,The right to recreation and leisure.

7
8 s-6,The right to a clean and wholesome environment.1,
9

10 s11-6,m312, These rights belong to the American people; they are not just for blacks
11 or Chicanos or Indians, but for the blue-collar worker, the poor white, the student, the
12 farmer, the worker in the office or the shop. Without these rights alive and well and vital
13 without these rights applicable and accepted, there are no real Civil Rights.

14 We now have the formalities of law, the legal protections, but we have not had the
15 social acceptance that is required. The new dimensions of Civil Rights are to be found
16 in the living and working and playing conditions of our people. It is not enough to have
17 laws that declare discrimination in employment illegal. We must have jobs and income and
18 upward mobility.

19 It is not enough to ban segregation in education. We must have well-financed,
20 modern, well-equipped schools with competent, well-paid, qualified teachers. Those who
21 can least afford education are those who should have the best education. But the poorest
22 schools are generally to be found in areas where the children have no books in their
23 homes, no libraries available, and little or no income to satisfy the needs of learning.

24 It is not enough for government to employ blacks and other minorities, even though
25 government should set the example. We must insist that corporate industry open its doors,
26 not only to menial assembly-line jobs in factories, but to jobs all the way up the
27 management spectrum. And the same must be true of finance and the institutions of higher
28 education.

29 s,
30
31
32
33
34
35
36
37
38

9

1 xjm312, The emphasis must be on developing the political and economic system to its
2 full potential so that all may benefit. In the context of the ending of the war in Vietnam,
3 this appeal may generate far more political support than some of our more cynical,
4 political commentators would imagine. As U.S. participation in this war ends, and as
5 our prisoners are returned, we will be liberated from a burden that has stifled and
6 blurred our vision of what is possible in this country.

7 The academic community of intellectuals has been paralyzed by the cruelty of the
8 war and has not given its attention to the days that lie ahead. America has been denied
9 the creative, innovative thinking about the basic social and domestic problems that
10 plague us, because so many have found themselves ~~just~~^{over} in an emotional binge about a cruel
11 and lasting war, which pray God is fast coming to an end. I appeal to the academic
12 community, to the intellectual life of America, to think anew, to cleanse yourself^{oves} of the
13 past, to think of the tomorrows, to ask yourselves, "How can we, in America, learn to
14 live in dignity and respect with one another?" "How can we open up the harmony of peace
15 which is more than the absence of war?" It is not just a matter of the diversion of
16 billions of dollars to support our military effort in Southeast Asia. It is basically
17 a matter of our energy and our awareness and our willingness to buckle down to the hard
18 tasks that lie ahead. Although it may not happen immediately, I am confident that over
19 time we will come to know a political climate free of the hatred and antagonism that
20 arose as a consequence of the war. In such a political climate, it will be more feasible
21 to win the support of the American people for a renewed attack on the unfinished agenda
22 of domestic concerns.

23 But, you ask, do we have time enough? How can we expect black Americans, Chicamos,
24 Indians, and other deprived minorities to postpone for one day longer their full and
25 fair participation in American life? The answer is simple. You can neither expect nor
26 ask them to be patient. On the other hand, one of the factors that always amazed me
27 throughout my years of public life has been the degree of faith in the American system
28 that has been retained by blacks and other minorities. In many respects, they have kept
29 the democratic faith far more than some of our more affluent and fortunate white
30 Americans who have benefitted so fully from the system.

31 s,
32
33
34
35
36
37
38

10

1 xjm312, Early next year, the Potomac Associates will release a study showing that blacks
2 expressed about as much sense of personal progress from the past to the present as whites,
3 but that blacks are more optimistic than whites about their personal futures. These
4 findings raise questions about the notion that members of the black community are
5 overwhelmed by feelings of personal frustration and hopelessness.

6 I do not cite these results to suggest in any way that our past achievements are
7 adequate, or that we have been truly responsive to the problems that remain. I cite them
8 only to suggest that the blacks and most minority groups have not given up on this country.
9 Some of the people who have given up are the very ones who can enjoy the luxury of being
10 unhappy. But many of the people who have every reason to be unhappy today hope for the
11 better tomorrow and express their faith in our ability to achieve it.

12 I ask you to join me not in a child-like optimism but in a resolve to put together
13 in this country the coalition of economic and political forces that can move mountains.
14 We have done much, but what we have done is only an indication of what we can do and
15 what we must do.

16 There is no time for self-pity; no time for recriminations; no time for looking back.

17 In light of the political developments in this country, everyone in this room has a
18 special obligation to be a leader and to be a cooperator; to remind those who hold high
19 office that they hold it, not for themselves, but solely for the fulfillment of the
20 highest purposes of this Nation.

21
22 SI, Senator Humphrey's address concluded the Monday morning session of the Symposium.

23
24 s,
25
26
27
28
29
30
31
32
33
34
35
36
37
38

11

REMARKS

HUBERT H. HUMPHREY
UNITED STATES SENATOR, MINNESOTA

Copy (B) 60
Hume to
p. 62

SENATOR HUMPHREY: My special thanks to Dean Gronouski for presenting me. Of course, I had looked forward to Professor Elspeth Rostow. John is a good substitute, but not quite what I had hoped for.

I must add that you in this great audience must be singularly disappointed because at this particular moment, you were going to have Roy Wilkins. This just proves that the Civil Rights Movement is on target. I am substituting for Roy. Later on this afternoon, he will have to take care of my problems.

Mr. President, President Johnson, how good it is to see you, and the one and only, the dearest of them all, Lady Bird Johnson. So good to be with you.

(Applause.)

And our great Chief Justice. What a rare and rich privilege it is to even share for a moment in your friendship. And Mrs. Warren. And, indeed, of course, the distinguished speaker that has just preceded me, Vernon Jordan, with a powerful message.

To all of them and to the others, I pay my respects today and consider it a high honor to share in

1 this Symposium.

2 I am even tempted to suggest that this is an
3 historic occasion. Although I recognize that the term
4 "historic" has been used to excess in certain quarters—
5 (Ripple of laughter.) — I see there is a bit of political
6 motivation today. I am fully prepared to defend this
7 gathering as being properly placed in the "historic"
8 category.

9 For example, Texans are known for their hospi-
10 tality. Muriel and I were worried about coming here be-
11 cause we are a little self-conscious about the weather in
12 Minnesota, particularly when the Vikings are losing to the
13 Green Bay Packers when the wind factor is 18 below zero.
14 And, arriving in San Antonio and hearing there was a sleet
15 storm, we said, "These Texans will go the extra mile."
16 (Laughter and applause.)

17 Then, as I said to my beloved friend, Clarence
18 Mitchell, when I got to San Antonio, I said, "Clarence,
19 you will stop at nothing." The first thing Clarence said
20 was, "Hubert, get on the bus." I said, "I knew that's what
21 you all had in mind these many years we were working to-
22 gether." I want you to know, Clarence, I enjoyed the ride
23 very much.

24 Then when we arrived at our hotel, we had such
25 generous hospitality again and the helping hands of friends

3

1 In fact, I went to the 12th floor— Muriel and I went to
2 the 12th floor with Jim Jones and his wife. We had a key
3 that said 1219 and we looked up and down the aisles and
4 corridors and there was no 1219. Finally, Jim looked
5 over and he saw a sign on one of the walls that said,
6 "Presidential Suite." He just mentioned it and I felt
7 better right away. (Applause.) Jim said, "Why don't you
8 try the key," and I did. As you know, obviously, it didn't
9 open. (Laughter.)

10 We looked up and down the corridors. I kept
11 looking for Room 1219. No such number, and finally Jim
12 said, "Try it again." I said, "I did, and it still won't
13 work."

14 But, I am happy to tell you that after a protracted
15 search, we were able to find that there was such a room,
16 and now for those of you that may think I am all done and
17 a "has -been," I just want you to know that the management
18 did come up and open the room and said, "This is yours,
19 Senator Humphrey."

20 ~~No announcement in that, I want you to know.~~

21 ~~This~~ ^{Today} is historic in the sense that today, of
22 course, we observe the opening of the Civil Rights papers
23 on deposit in the Lyndon Baines Johnson Library. ^{It is} And it's
24 historic because scholars will ~~be delving into~~ ^{find in} those
25 papers ~~and will find~~ a rich source of information and

4 1 insight into the mid-20th century America's overriding
2 moral and social challenge—the quest for racial justice
3 and opportunity.

4 ~~Might I add to the discussion this far, that as~~
5 we look back over the period of the ^{Sixties} 60's, ^{we} remember that
6 we went through a veritable revolution, in many of the
7 social standards and ~~social~~ institutions of our land. The
8 miracle ~~of it all~~ is that we survived, and that our in-
9 stitutions held intact, making the adjustments and the
10 refinements that were required. And no man was more
11 crucial to this struggle, ~~and it has been and continues~~
12 ~~to be a struggle~~ no man gave more of himself to this
13 cause and asked more of us than a United States Senator
14 from this ~~great~~ State, and ^{later} ~~then as~~ President of the United
15 States, President Lyndon Johnson.

16 ^{But} ~~But~~, this Symposium is historic in other ^{equally} signi-
17 ficant ways. Just the fact it has been held, is historic.
18 It has been more years than I care to count since such a
19 distinguished group of national leaders have come together
20 for something called a Civil Rights Symposium.

21 And, finally, this meeting is historic because it
22 offers a rare opportunity to speak honestly and directly
23 in the presence of friends and critics to the unfinished
24 agenda of Civil Rights that still confronts this nation.
25 And it is my judgment that ~~what~~ ^{honesty} we need among ourselves ^{now}

5 1 more than anything else ~~now is candor and openness~~, a
 2 willingness to engage in dialog and ~~discussion and debate~~
 3 that will afford us ^{a basis for} ~~the opportunity to~~ make some decisions.

4 ~~Now~~ I do not accept the proposition that most
 5 Americans believe that two centuries of racial injustice
 6 have somehow vanished from this land. No matter how they
 7 may feel personally about school bussing, or scatter-sight
 8 housing, or the Philadelphia Plan, I believe that most
 9 Americans understand the job is far from finished.

10 [It is therefore vitally important that we seize
 11 this opportunity to remind our fellow citizens of this
 12 unfinished agenda, and that should be the purpose of this
 13 Symposium. But, if we did no more than this, if we only
 14 enumerated the wrongs and the injustices that remained,
 15 we would be throwing away ^a ~~our~~ chance to carry forward the
 16 struggle ^{to} ~~of~~ ^{to} ~~eradicating~~ these living denials of justice
 17 and freedom.

18 To make this, ~~then~~, a truly historic conference,
 19 we must face directly the kind of tough political problems
 20 that we faced many years ago and ~~that through the years~~
 21 of unremitting effort, we eventually surmounted. And it
 22 is to this task that I thought I ^{might} ~~must~~ usefully direct
 23 ~~some of~~ my remarks ^{today}.

24 Now, I recognize that it is fashionable in some
 25 circles to suggest that white politicians no longer have

6 much to offer in this struggle; that Blacks, Chicanos,
 2 and Indians have now taken over the full burden of
 3 organizing the political forces to end the racial abuses
 4 that offend us all. And while it is certainly true that a
 5 great deal of ^{the} ~~this~~ responsibility has shifted to ^{those} ~~persons~~
 6 who personally suffer under these wrongs, I flatly reject
 7 the notion that this burden is theirs alone. →

8 { I do so for two reasons. First, ~~we have said~~
 9 ~~many times~~ and I still believe that racial injustice
 10 and prejudice is as much a white problem as it is a black,
 11 brown, or red problem. And if that is so, I am unable to
 12 understand how the problem can be solved without full and
 13 active participation by whites, public officials and pri-
 14 vate citizens alike. →

15 { Second, real progress will be achieved only
 16 when the overwhelming majority of Americans are committed
 17 to action and are prepared to communicate this message to
 18 their elected representatives in cities, ^{and} states, ^{and} in
 19 the Congress and in the White House.

20 We look back at the Civil Rights battles of the
 21 ^{fifties} 1950's and ^{sixties} 1960's with a ^{sort} of air of nostalgia. In
 22 those years, the legislative goals were ~~rather~~ well-
 23 defined: the removal of a host of legal barriers to civil
 24 equality and equal opportunity. →

25 { More than this, the legal barriers existed

7 1 primarily in ^{just} one section of the country, so that the
 2 lives of most Americans, it seemed, would be unaffected by
 3 whatever reforms we might achieve in Congress. We were,
 4 in a sense, working with a Civil Rights agenda that was
 5 uniquely suited to legislative remedy. →

6 [We now look back on those times as the easy
 7 days of the Civil Rights struggle.

8 But, ^{if} if we think a moment longer—and in this
 9 I defer to my good friend, Clarence Mitchell, who will be
 10 participating in tomorrow's panel—^{we realize that these} ~~these~~ easy days were
 11 not so easy. →

12 [In the early 1950's, the number of U. S. Senators
 13 ~~who were~~ actively committed to passing the pending Civil
 14 Rights legislation could caucus in the rear corner of
 15 the Senate cloakroom.] ~~As Clarence Mitchell remembers,~~
 16 ^{those} ~~these~~ ^{actually} were years of unrelieved frustration and failure
 17 until Senate Majority Leader, ^{Lyndon Johnson,} decided that
 18 we could postpone no longer the most urgent portions of
 19 the pending legislation. In what still must be regarded
 20 as one of the Senate's most amazing demonstrations of
 21 parliamentary skill, the Civil Rights Act of 1957 became
 22 law when Lyndon Johnson maneuvered the legislation through
 23 the Senate without a protracted filibuster.

24 By the early 1960's, these initial steps were
 25 no longer sufficient as remedies for the problems that

81 remained: equal access to public accommodations, equal
 2 job opportunity, the non-discriminatory use of Federal
 3 funds, and greater protection of the right to vote. The
 4 legislative outlook was as dismal as it had been ten years
 5 earlier.

6 The dramatic events in Birmingham; the decision
 7 by President Kennedy to seize the legislative initiative;
 8 his tragic assassination; and the total commitment of
 9 President Johnson to realizing these objectives produced
 10 a more hospitable legislative climate.

11 But, even then, the outlook in the Congress was
 12 grim. Our eventual triumph was not pre-ordained, by any
 13 means. At numerous points in the 75-day battle to break
 14 the filibuster, the legislation could have been compromised
 15 irretrievably beyond redemption. The fact that none of
 16 this happened was due almost entirely to the political
 17 strategy that had been mapped out and that was followed
 18 even in the most difficult moments of debate.

19 And, might I add as one who was an active par-
 20 ticipant, the constant guiding and firm hand of the
 21 President of the United States, without which there could
 22 have been no success, and let no one forget it, and that's
 23 why we honor him here today. (Applause.)

24 Now, ^{had} these retrospective remarks have only one
 25 purpose: to suggest again that the struggle for Civil

9
1 Rights in Congress has never been easy and that, in many
2 respects, our present difficulties are no more insuperable
3 than the barriers we faced back in the so-called "good old
4 days." They are different, and difficult, to be sure, but
5 not insuperable.

6 Now, ⁹other participants in this Symposium will
7 speak to the substance of the remaining problems: racially-
8 restrictive suburbs, racially-exclusive schools, racially-
9 protected jobs, crime, drugs, and the host of other inter-
10 twined domestic problems.

11 These will be before us. And, might I add, I hope
12 that the whole substance of urban life will be before us.
13 One of the reasons I feel that there is no national strate-
14 gy to benefit our great metropolitan areas is because
15 many of the great cities of America today have become
16 ever more black, and therefore some people feel that you
17 can avoid coming to grips with the problems of urban
18 America. But, I submit that we will do it at our peril,
19 because what happens in our cities is really what's going
20 to happen to our country, white or black, brown, red,
21 yellow, whatever we may be. It's our problem.

22 Now, ^{with also} we are going to talk I suppose at length
23 ^{about the} on northern battlegrounds where many of these issues must
24 be resolved. But, I would like to devote the remainder of
25 my remarks to the political strategy that must be devised

10

1 if we are to continue the progress of the 1960's in this
 2 decade, ¹ in the 1970's.

3 I begin with this proposition: Unless we can
 4 agree on a strategy that ^{will} ~~can~~ attract a majority coalition
 5 in the Congress and the nation at large, we can look
 6 forward to little in the way of concrete results. →

7 [It isn't going to do us one bit of good to beat
 8 ^g on our chests in righteous indignation ^{with} ~~and~~ a sense of
 9 moral consciousness about the inequities and injustices
 10 unless we have a program of action and the important
 11 forces to put it to work. ^{This} ~~The~~ lesson is as true today
 12 as it was twenty years ago. →

13 [Between the two extremes of empty appeals to
 14 the nation's moral consciousness and premeditated violence
 15 and intimidation lies a broad field for constructive
 16 political action. ^{Not maybe} ~~Not maybe~~ so dramatic, ^{Maybe} but ~~it can be~~
 17 effective, ^{That} and it is in this area ~~where~~ we must begin to
 18 think more creatively.

19 It is ~~now~~ ^g commonplace in current political
 20 analysis to suggest that the national constituency in
 21 support of continued Civil Rights progress has vanished.
 22 "No interest," they say. The Nixon landslide in the
 23 general election, ^g the surprising showing of Governor ^{George} ~~Governor~~
 24 Wallace in the primaries, ^g and the reams of polling data
 25 are offered as evidence of this decline. The momentum

11 1 toward greater racial justice of the 1960's apparently
2 has given way to a growing sense of retrenchment and
3 disquiet. in the 1970's.

4 But, ^{on the other hand,} if one looks behind
5 these highly visible developments at other examples of
6 the public's attitude, the outlook is less stark and
7 more hopeful.

8 The Gallup Poll, for example, has discovered
9 a marked decline ^{in the number of} among southern white parents who object
10 to sending their children to schools with blacks. In
11 1963, 61 per cent of southern white parents said they
12 objected to such a development. In 1970, seven years
13 later, Gallup asked the same question and discovered that
14 only ¹⁶ sixteen per cent said they would object. ^{sed} That seems
15 to me to be a rather significant accomplishment. (Gallup
16 described this as one of the most dramatic shifts in the
17 history of public opinion polling.

18 Or, consider this little bit of evidence. (In
19 1958, 39 per cent of the voters interviewed in another
20 national Gallup Poll said they would vote for a generally
21 well-qualified black man for president. Fifty-three per
22 cent said they would not support such a candidate. Last
23 year, the Gallup Poll asked the same question and 69 per
24 cent said they would vote for a generally well-qualified
25 black presidential candidate of their party—an increase

31
of thirty-one per cent.

Now, on the basis of this survey, Gallup reported that prejudice towards blacks in politics had declined to its lowest point yet recorded. Now, these findings are significant, if they do no more than remind us that "integration," a good word, I continue to believe, of blacks into our educational and political structure has moved forward in the past decade, even as we read of their bitter opposition of a specific group of whites to a local bussing plan, or the defeat of a particular black candidate at the polls.

~~Might I add that I doubt that the bussing issue would have ever had the attention that was given to it, had it not been raised during what we call "Presidential Primaries," which some of us are of the opinion are not exactly the most—what should I call it—the better way of making great national decisions. (Laughter.)~~

Now we are, ^{now} it seems to me, in a peculiar but vitally important period of our national life, ^{when} where our lack of direction in the Civil Rights arena is no greater than the lack of direction generally. And let me once again state our lack of direction in the Civil Rights arena is no greater than our lack of direction for all matters in this country.

The American people and their elected leaders

13

1 are deeply confused and ambivalent about where we should
2 be heading as a nation, and, consequently, deeply divided
3 about our short range objectives. Goals and priorities
4 are literally untabulated and unknown.

5 [The 1972 elections did little to clarify this
6 situation. It is regrettable, but nonetheless true, that
7 many people voted against Senator McGovern or against
8 President Nixon, rather than for either candidate. And,
9 an alarmingly large number of eligible voters didn't vote
10 at all. The issues of the campaign became hopelessly
11 muddled, and many people voted against positions that
12 neither candidate actually advocated.]

13 [Thus, we emerge from the Presidential election
14 no better informed about our future than when the cam-
15 paign began more than a year ago. In fact, Democrats
16 are even asking themselves, "What is the Democratic Party?"
17 "Why the Democratic Party?" And to all of these questions,
18 there are no easy answers.

19 But, I think this much can be said: Drawing
20 on from the election returns and our knowledge of current,
21 public attitudes, it seems clear that any political appeal
22 that appears rightly or wrongly ^{to} as favoring one group or
23 class of people over another is going to be rejected by
24 a majority of the American electorate.

25 [I said the time was at hand for candor, and I

14. 1 shall use some of it myself.

2 { The Democratic Party got into trouble when its
3 internal reforms came to be perceived, even though falsely
4 perceived, as establishing specific quotas that favored
5 young people, women, ^{and} blacks, over the more traditional
6 elements of the party, particularly ethnic Americans,
7 blue-collar workers, the elderly, and elected Democratic
8 officials.

9 { There was a considerable propaganda campaign to
10 make this point stick in the mind of the American people.
11 And ^{by} the same token, I would argue that the Civil
12 Rights Movement got into trouble when more and more
13 people were propagandized into believing that it was only
14 an effort to give blacks a special break that was not
15 afforded to any other group in American Society.

16 Now, we know this perception is wrong. But, ~~I am~~
17 ~~a political man. The fact is,~~ this perception exists,
18 whether we like it or not. ^{I am a political man, and I know} ~~And the fact is that what's~~
19 ^{is} true in public affairs frequently is not nearly as com-
20 pelling, as what people think is true. ^{IT IS} And ~~it's~~ our job
21 to get the thinking straightened out.

22 ~~I would argue, however, that~~ ^{it} it is within our
23 power to break out of this impasse and to begin the mobili-
24 zation of the political resources that can restore the
25 positive momentum of the 1960's, not only for Civil Rights,

15 1 ~~as we characterize them,~~^g but for a total national agenda.
 2 Now,^g how can this be done? Well,^g I am not sure that any
 3 of us have all the answers, and I surely don't. But,^g I
 4 can point up several facts that should be kept in mind.
 5 First, I subscribe to Vernon Jordan's thesis that President
 6 Nixon has within his grasp an extraordinary opportunity
 7 to move to the forefront of the quest for racial justice
 8 in this country. →

9 { Just as he confounded his critics with his
 10 dramatic trips to China and the Soviet Union,^g ~~or~~^{and} his
 11 adoption of wage and price controls, Mr. Nixon could ~~just~~
 12 ~~as easily~~^g seize the initiative on the Civil Rights front.
 13 I know,^g or I,^g at least assume, that a second-term President
 14 must begin to think seriously about the historical
 15 judgments of his administration. And I can imagine no more
 16 harsh indictment than ^{That} President Nixon ^{should have} ~~having~~ failed to lead
 17 the United States in the most critical and urgent area of
 18 domestic concern: human rights. →

19 Now,^g { such a move by President Nixon would be
 20 supported and applauded by a large majority of Democrats,^g
 21 and, I suspect, a ~~very~~^g significant number of Republicans.
 22 It would bring back to life,^g almost overnight,^g the bi-par-
 23 tisan coalition that was responsible for all the Civil
 24 Rights legislation of the 1960's.

25 Presidents, however, do not operate in a vacuum,

16

1 no matter how much they seek to seal themselves off from
2 public opinion. So, I would supplement the Jordan thesis
3 with this proposal: We should be devising a political
4 strategy that will assist—yes, insist—and propel—
5 President Nixon to make this kind of affirmative decision.
6 There is good historical precedent for this
7 approach. We may forget that the early 1960's was a time
8 of convincing President Kennedy ^{that he should} to adopt a more aggressive
9 posture in support of Civil Rights legislation that had
10 been pending in the Congress for many years. We forget
11 that his initial Civil Rights Proposals in 1963 were
12 judged inadequate by the Leadership Conference on Civil
13 Rights. It was only after those tragic and dramatic
14 events in Birmingham that the Kennedy administration be-
15 came fully and totally committed to the legislative
16 package that eventually became the Civil Rights Act of
17 1964.

18 There are people in this room who were involved
19 in those decisions. My outline of what happened, I think
20 is accurate.

21 The times and the circumstances are indeed
22 different today, but there are several factors that
23 President Nixon should be reminded of as he looks ahead
24 to his second term of office. He should be reminded that
25 the defeat of George McGovern was not a repudiation by the

17 1 voters of the programs and the policies that had been
2 advocated by other presidents and passed by a coalition
3 of Democrats and Republicans in Congress.

4 [For example, there is solid evidence that a
5 majority of Americans strongly favor closing tax loopholes,
6 *and* creating a ~~far~~ more equitable tax structure. In like
7 fashion, there is a significant national support for
8 cutting out non-essential defense expenditures.

9 [This is significant, because progress in these
10 two areas, *and* only possible with strong presidential
11 leadership, would begin to provide the Federal Government
12 with the financial resources that are essential for any
13 realistic attack on our most urgent domestic problems of
14 education, housing, *of* jobs, health care, environment,
15 crime, *and* transportation. *And* as we attack these problems
16 either directly *through the* by Federal Government or through cities
17 and states, we ~~are~~ touching the areas of daily life that
18 now comprise most of what we mean by Civil Rights.

19 [The new budgetary flexibility *also* means that
20 these goals can be achieved without seeming to advocate
21 special advantages for one group at the expense of another.
22 There is virtually no segment of our society that would
23 not benefit directly from meaningful progress in each of
24 these areas.

25 In this context, I contend that the entire

18

1 concept of the Civil Rights Movement must be broadened
 2 to include the rights and opportunities that should be
 3 available to other disadvantaged groups in America. I am
 4 thinking ~~in particular~~ of the physically-handicapped, for
 5 example, or ~~of~~ the mentally retarded, who are discriminated
 6 against in the most cruel and inhumane way. The elderly,
 7 who are frequently just locked up in what we call Senior
 8 Citizen Housing Projects, oftentimes forgotten and
 9 isolated, ^{these people} all of whom must face many of the same barriers
 10 and misunderstandings and prejudices that confront black
 11 and other minority citizens. Remember, injustice knows
 12 no race, and it knows no age.

13 And we know that we are in a period where the
 14 issue of Women's Rights and women's political power must
 15 be included in a broader definition of Civil Rights. In
 16 other words, I think it can be demonstrated that the
 17 success of President Nixon's second term depends, in a
 18 large measure, upon his willingness to take the lead on
 19 a number of issues that were raised in the recent
 20 campaign by Senator McGovern. Moreover, there already
 21 exists a base of popular support, if Mr. Nixon should
 22 pursue such a course of action. It is then imperative
 23 that we begin to organize the political forces that can
 24 help bring President Nixon to a realization of his
 25 opportunity. We cannot afford to let a president just chart

19 1 his own course. He must have the benefit of the advice
2 and the counsel of the great American electorate.

3 [I intend to urge the Democratic Congressional
4 leadership working in close cooperation with black and
5 other minority leadership to speak out forcefully on
6 these matters at the very beginning of the 93rd Congress.
7 I would hope that state leaders, governors, mayors and
8 county executives would do likewise.

9 As I see it, we must identify the struggle for
10 Civil Rights as an all-embracing struggle, for the rights
11 and privileges and duties of all Americans.

12 In the political arena, there just aren't enough
13 blacks, There aren't enough Chicanos, and Indians, and
14 Puerto Ricans, to form an electoral majority. ^{we must} ~~What is~~
15 ~~needed is a creation of~~ a climate of identity of interests
16 between the needs, the hopes, and the fears of the
17 minorities and the needs and the hopes and the fears of
18 the majority. In plain, simple language, this means
19 identifying the cause of Civil Rights with quality educa-
20 tion for all children. ~~Just remember that~~ millions of
21 parents, white and black, feel that the present educational
22 system is not satisfying the needs of their children. We
23 must identify Civil Rights with the right of every American
24 to good health care. It isn't only blacks or Chicanos
25 that have inadequate health care. There are millions of

20

others, many millions. Remember that white Americans ^{white} as well as black, ^{or} brown or red Americans are ^{who} also the victims of inadequate health care. And, frequently, health care ^{that} even if it is available, ^{that} they cannot afford to pay for it.

What I am saying is that we must find some new, common denominators, mutual needs, mutual wants, common hopes, ^{and} the same fears, and use ^{those} this body of accepted information as the binding ^{to} that holds together a coalition of people, ^a coalition representing the hopes and the fears of the majority.

Out of this coalition of needs and hopes, fears and injustices, we can then fashion a new Bill of Rights

for all Americans. And how well I remember President Johnson asking members of his Cabinet to settle down to the task of putting down on paper what they considered to be the basic needs and rights of the American people, to become more specific. And out of that discussion and out of that study came many productive and creative proposals.

Now, this new Bill of Rights belongs to all of ^{That will} Americans ^{does} us. And because it belongs to all of us, ^{will} it can have a tremendous force:

"The right to a meaningful life, free from poverty."

Remember, there are more whites ~~that are~~ in

21 1 poverty, than there are blacks. Unite the people today
2 who are the victims of poverty.

3 "The right to full and equal protection of
4 the law."

5 Remember that all people find today that justice
6 delayed is justice denied. Remember that the people who
7 live in the ghetto are the victims of crime much more than
8 the people who live in the suburbs. But, remember that all
9 people have the right to equal protection of the law.

10 "The right to productive and gainful employ-
11 ment."

12 Unemployment knows no race. It stands as a con-
13 stant threat to the life and the well-being of millions of
14 families.

15 "The right to economic, political and social
16 opportunity free from the obstruction of discrimi-
17 nation based on race, creed, or sex."

18 The right to move up in the social structure;
19 not just the right to a job, but the right to be a manager,
20 as well as a worker. The right to be on a board of
21 directors, as well as to be a customer. Not only the
22 right, but the realization of the right.

23 "The right to a clean and decent neighborhood."

24 "The right to life free from violence and
25 terrorism."

22

"The right to privacy, free from official or private invasion."

"The right to safety, including protection of person and property."

"The right to quality education at all levels, free from segregation."

Because to me, quality education is integrated education. If we can learn together, we can live together. But, if we learn separately, we are apt to pursue separate and unidentifiable courses.

"The right to live in good health under a system of comprehensive insurance providing and assuring modern health care for all."

"The right to be free from hunger."

"The right to recreation and leisure."

"The right to a clean and wholesome environment."

Now, these are rights. These belong to the American people; and they are rights, not just for blacks or Chicanos, or Indians, but for the blue-collar worker, the poor white, the student, the farmer, the office or the shop worker. Yes, they are what everybody would want.

Without these rights being alive and well, and vital, without ~~these rights~~ them being applicable and accepted, there are no real Civil Rights.

23

1 We now have the formalities of law, the legal
 2 protections, but we have not had the ~~kind of~~ social
 3 acceptance that is required. The new dimensions of Civil
 4 Rights are to be found in the living ^{and working} and playing and
 5 ~~working~~ conditions of our people. →

6 [It is not enough to have laws that declare
 7 discrimination in employment illegal. → Important as that
 8 is, and I listened well to our great friend, the Chief
 9 Justice speaking of the difference between discrimination
 10 and prejudice. But, I repeat that it is not enough just
 11 to have laws that say that discrimination in employment
 12 is illegal. [We must have jobs and income and upward
 13 mobility.

14 It is not enough to ban segregation in education.
 15 We must have well-financed, modern, well-equipped schools
 16 with competent, well-paid, qualified teachers. In fact,
 17 ~~it is my judgment, that~~ ^{least} those who can afford education
 18 ~~the least, are~~ ^{Those} ~~the ones who should have~~ ^{the best} education, ~~that is~~
 19 ~~the best.~~ The trouble in this country is that too many
 20 things are upside down. The best schools are where
 21 generally the people can afford to send their children to
 22 ~~private schools.~~ ^{But} And the poorest schools and the least,
 23 well-equipped teachers, are generally to be found in the
 24 areas where the children have no books in their homes, no
 25 libraries available, and little or no income to satisfy the

24

needs of learning.

It is not enough for the Government to employ blacks and other minorities, even though the Government should set the example. We must insist that corporate industry open its doors, not only ^{to} ~~for~~ ^{assembly-line} menial jobs in factories, ~~assembly-line jobs~~, but ^{to} ~~for~~ jobs all the way up the management spectrum. And the same must be ^{true} ~~be~~ of finance and the institutions of higher education. ~~Institutions of higher education are notably guilty of discrimination against women in positions of importance, professorial, administrative positions.~~

What I am talking about then is equal opportunity, not only equal opportunity, but equal access to every opportunity in the economic, management and employment ~~functions of our private society.~~

The emphasis must be on developing the political and economic system to its full potential, so that all may benefit. In the context of the ending of the war in Vietnam, this appeal may ~~very well~~ generate far more political support than some of our more cynical, political commentators would imagine.

This last point is rather important. [As U. S. participation in this war ends, and as our prisoners are returned, we will, ~~in a very real sense,~~ be liberated from a burden that has stifled and blurred our vision of

25 1 what is possible in this country.

2 And ~~may I take a moment to address myself to the~~
3 ~~intellectuals of America, who have failed us.~~ ⁷⁹ The academic
4 community with ~~its great~~ ^{of} intellectuals has been paralyzed
5 by the cruelty of the war, ⁹ and has not given its attention
6 to the days that ~~yet~~ lie ahead. America has been denied
7 the ~~kind of~~ creative, innovative thinking about the basic
8 social and domestic problems that plague us, because so
9 many have found themselves just in ~~a kind of~~ an emotional
10 binge about a cruel and lasting war, which ~~Pray~~ God is
11 fast coming to an end. →

12 And ² ~~I~~ appeal now to the academic community, to
13 the intellectual life of America, to think anew, to cleanse
14 yourself of the past, to think of the tomorrows, to ask
15 yourselves, "How can we, in America, learn to live in peace
16 with one another?" "How can we learn to live in dignity
17 and respect with one another?" "How can we open up the
18 harmony of peace which is more than the absence of war?"

19 It is not just a ^{matter} ~~question~~, you see, of the
20 diversion of billions of dollars to support our military
21 effort in Southeast Asia. It is basically a ^{matter} ~~question~~ of
22 our energy and our awareness and our willingness to buckle
23 down to the hard tasks that lie ahead. →

24 Although it may not happen immediately, I am
25 confident that over time, ⁹ we will come to know a political

26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

^{The} climate free of hatred and antagonism that arose as a
consequence of ^{the} war. In such a political climate, it will
be ~~much~~ more feasible to win the support of the American
people for a renewed attack on the unfinished agenda of
domestic concerns.

But, you ask, do we have time enough? How can
^{we} you expect black Americans, Chicanos, and ^TIndians and
other deprived minorities to postpone for one day longer
their full and fair participation in American life? The
answer is simple. You can neither expect nor ask them to
be patient.

^T On the other hand, one of the factors that
always amazed ^{we} throughout my years of public life has been
the degree of faith in the American system that has been
retained by blacks and other minorities. In many respects,
they have kept the democratic faith far more than some of
our more affluent and fortunate white Americans, ^g who have
benefitted so fully from the system.

Early next year, the Potomac Associates will
release a study ~~that will~~ ^{show} that blacks expressed ~~just~~
about as much sense of personal progress from the past
to the present as whites, but that blacks are more
optimistic than whites about their personal futures.
These findings, ~~at least~~, raise questions about the notion
that members of the black community are overwhelmed by

27

1 feelings of personal frustration and hopelessness.

2 I do not cite these results to suggest, in any
 3 way, that ^{our past} ~~we have achieved~~ ^{in the past} ~~what is~~ ^{adequate,}
 4 or that we have been truly responsive to the problems that
 5 remain. I cite them only to suggest that the blacks, ~~the~~
 6 ~~minorities,~~ and I ~~believe that~~ most minority groups, have
 7 not given up on this country. Some of the people who ~~talk~~
 8 ~~the loudest about~~ "The country is sick," and have given
 9 up, are the very ones who ~~are living it up,~~ never had it
 10 ~~so good,~~ can enjoy the luxury, if you please, of being
 11 unhappy. But many of the people today who have every
 12 reason to be unhappy ^{today} hope for the better ^{tomorrow} day, and express
 13 their faith in our ability to achieve it.

14 So, I am asking you to join me in not being a
 15 child-like optimist, but ^{in a} ~~having the~~ resolve to put to-
 16 ^{economic and} ~~gether~~ the coalition of political forces in this country,
 17 ~~economic and political,~~ that can move mountains. We have
 18 done much, ^{but} and what we have done is only an indication of
 19 what we must do, and what we can do.

20 There is no time for self-pity; no time for self
 21 recrimination; no time for looking back.

22 I suggest that ~~in the~~ light of the political
 23 developments in this country, ~~that~~ everyone in this room
 24 has a special obligation to be a leader and to be a
 25 cooperator; to remind those who hold high office that they

28
1 hold it, not for themselves, but ^{solely} only for the fulfillment
2 of the highest purposes of this nation.

3 ~~Thank you.~~

4 (Applause.)

5 (Several announcements were made.)

6 DR. MIDDLETON: We will reassemble here at
7 1:30 for the afternoon session. Thank you very much.

8 (Whereupon the luncheon recess was taken.)

9
10 *ited* Senator Humphrey's address con-
11 cluded the Monday morning
12 session of the Symposium.
13
14
15
16
17
18
19
20
21
22
23
24
25

29

MONDAY, DECEMBER 11, 1972

PANEL DISCUSSION
AFTERNOON SESSION

(Extended applause as President Johnson and his entourage arrive.)

DR. HARRY J. MIDDLETON: Ladies and gentlemen, welcome to the afternoon session.

Those of you who are trying to follow your program, will find that that is a very confused roadmap. Because of the conditions of weather which have delayed some of our participants, we have tried to reorchestrate the afternoon program, as we did the morning program.

Those of us who worked for President Johnson in the White House learned that the first thing that we had to do was to improvise. Whether we did it successfully or not, we don't know, and whether this turns out to be a successful improvisation this afternoon, will depend on how things go.

We are going to lead off with the Panel Discussion that was scheduled to come later. The Panel that is assembled at this table will discuss the issues as they see them of some of the ideas that were generated in this morning's discussion. Some of the panel members at that table were not here for this morning's discussions.

30

1 (Laughter.) So, the improvisation on their part will be
2 very interesting, I think. (Laughter.)

3 Let me tell you who the Panel members are,
4 generally:

5 *School* Dr. Jerre Williams, who is a Professor of the
6 ~~University~~ of Law, at the University of Texas at Austin.

7 Senator Barbara Jordan of the State Senate of
8 Texas; now Congresswoman Elect from the 18th District of
9 Texas. (Applause.)

10 Richard Hatcher, Mayor of Gary, Indiana.
11 (Applause.)

12 Reynaldo G. Garza, United States District Judge
13 of the Southern District of Texas. (Applause.)

14 Mrs. Frankie Muse Freeman, a Commissioner of
15 the United States Commission on Civil Rights. (Applause.)

16 Senator Humphrey will moderate this discussion,
17 and most of the improvising will be up to him.

18 (Laughter and applause.)

19 In the Symposium on Education which was held
20 in this auditorium several months ago, we learned two
21 things about questions from the audience: One, they are
22 an important part of the proceedings, because they do
23 help to spark a lively give-and-take. And, two, they are
24 very difficult, logistically, to handle.

25 The most successful and effective way to handle

31

1 them, we've found, is this: Our ushers will pass up and
2 down the aisles with pads of paper and pencils. As the
3 discussion up here proceeds, if you have questions you
4 wish to direct to specific members of the Panel, or the
5 Panel, in general, raise your hand to attract the attention
6 of the ushers. An usher will supply you with paper and
7 pencil. If you will write out your question, give it to
8 the usher, and he will then deliver those questions to
9 Senator Humphrey. There will be, undoubtedly, more ques-
10 tions than the Panel will be able to answer. And this
11 becomes Senator Humphrey's problem, but since he did
12 effectively solve the problem of getting in a Presidential
13 Suite last night, I think he will be able to handle this
14 one too. (Laughter.)

15 Thank you very much.

16
17 PANEL DISCUSSION

18
19 SENATOR HUMPHREY: Thank you. I will do my
20 best to be an improviser. I am sure that our President
21 will recall that that's one of the talents that a Vice
22 President is supposed to have, and I shall try to recall
23 some of that.

24 I am still disappointed that Elspeth Rostow
25 hasn't introduced me. (Laughter.) I saw Elspeth out for

32

1 lunch, however, and she told me she had a marvelous in-
2 troduction which she was mailing to me. (Laughter.) But,
3 I am going to ask unanimous consent to have it spread
4 upon the proceedings of this Symposium, (Laughter) not
5 that Dean Gronouski didn't do a good job.

6 We will proceed according to the announcements.
7 The format will be that each of our Panel participants
8 will make a brief statement or a statement of whatever
9 length— Who am I to say that it ought to be brief?
10 (laughter and applause.) Make a statement with reference
11 to any views or attitudes, opinions, or statements of
12 fact as they see them, as they would like.

13 And we are going to lead off with Frankie Muse
14 Freeman, who, as has been presented, is the Commissioner
15 of the United States Commission on Civil Rights.

16 I want to forewarn each member of the Panel, so
17 that you will take notes, that after you are all through
18 giving your own special presentation—and don't let the
19 fact that you didn't hear the morning's proceedings bother
20 you at all. Some of the best things I've said were not
21 related at all to anything I knew. (Laughter.) So, just
22 go right ahead and make your comment on whatever you'd
23 like to say. But, when you are all through with it, then
24 I want to stir up a good struggle amongst you, because
25 there is no sense in having this be a peaceful meeting.

CIVIL RIGHTS SYMPOSIUM
Afternoon
MONDAY, DECEMBER 11, 1972
A PANEL DISCUSSION
~~AFTERNOON SESSION~~

discussion
Monday afternoon, December 11, began with a panel session that took as its starting point some of the insights and ideas expressed by the morning's speakers. The discussion was moderated by Senator Hubert Humphrey, and the panelists included Dr. Jerre Williams, Professor of Law at The University of Texas at Austin; Senator Barbara Jordan of the Texas State Senate, currently Congresswoman-elect from the 18th District of Texas; Richard Hatcher, Mayor of Gary, Indiana; Renaldo G. Garza, United States District Judge of the Southern District of Texas; and Mrs. Frankie Muse Freeman, a Commissioner of the United States Commission on Civil Rights.

Senator Humphrey described the session's format which called for an opening statement by each of the panelists in turn before the initiation of a general discussion and the consideration of a limited number of questions from the audience.

OPENING STATEMENTS

Mrs. Freeman spoke first. She defined the United States Commission on Civil Rights as a fact-finding agency with subpoena powers but without enforcement powers, created by the Congress under the Civil Rights Act of 1957 as "an independent agency of the Federal Government charged with the responsibility of appraising the laws and policies of the United States to determine the extent to which equal protection of the laws is afforded to all of its citizens." Mrs. Freeman pointed out that about 60 percent of the recommendations made by the Commission during the past fifteen years have been enacted into law, a record made possible only by President Johnson's leadership in the passage and signing of the

1 We will try our best to provoke a certain amount
2 of discussion and controversy and make this a real good
3 Civil Rights meeting. My recollection of them is that
4 we often have a difficult time agreeing, and I see no
5 reason that we should break precedent today.

6 So, with that, I ask Commissioner Freeman to
7 open with her observations. We welcome you and are very
8 pleased that you are with us on this Panel.

9 ^{MRS.}
10 COMMISSIONER FREEMAN: Thank you very much,
11 ~~Senator Humphrey.~~

12 Mr. President, Mrs. Johnson, Mr. Chief Justice,
13 Mrs. Warren, Senator and Mrs. Humphrey, Panelists:

14 I think probably it might be well if I say,
15 yes, I am still, as far as I know, a Commissioner of the
16 ~~United States Commission of Civil Rights.~~ (Applause.)

17 Reference has already been made to the fact that
18 in the first Civil Rights Act of 1957, under the leader-
19 ship of President Johnson, the Congress created the
20 Commission on Civil Rights as an independent agency of
21 the Federal Government, charged with the responsibility
22 of appraising the laws and policies of the United States
23 to determine the extent to which equal protection of the
24 laws was afforded to all of its citizens.

25 This Commission during the past fifteen years
has attempted to carry out that job. We are a fact-finding

34
1 ^{Subpoena powers but} agency. We have no enforcement powers. ~~We have subpoena~~
2 ~~powers.~~ In pursuit of our responsibilities, we have held
3 hearings throughout this nation. ^{and} We have made many reports
4 ^{and recommendations} to the Congress and to the President. We have made many
5 recommendations. About ⁶⁰ sixty per cent of our recommenda-
6 tions have been enacted into law. ⁵ — which wouldn't have

7 ~~But, most of these recommendations would not~~
8 ^{been possible} ~~have been enacted into law~~ except for the leadership of
9 President Johnson. ⁱⁿ The passage and signing of the Omnibus
10 Civil Rights Act of 1964.

11 ~~Some of you may remember that in 1963 when the~~
12 Civil Rights Commission ^{actually} suggested ~~they actually suggested~~
13 that funds be withheld from a state that would not give
14 to all of its citizens those funds. In fact, specifically,
15 the issue was then Mississippi, that the President then and
16 many people thought that this was ^{at the time} ~~just~~ a terrible injustice.
17 ^{Suggestion} ~~That happens now to be Title VI.~~ ^{embodied in}

18 [The Voting Rights Act of 1965 was responsible
19 for the fact that so many black people and other minorities
20 are now voting and holding office. ⁹ We have not been the
21 most popular agency in this country. Some people have
22 called the Commission—which is a bi-partisan commission
23 of six members—the conscience of the nation.]

24 [We have taken positions in opposition to every
25 President. And I would like at least to point up three of

35 1 our most recent reports, because when Vernon Jordan was
 2 talking about "quotas" and bussing, ^{The} our Commission has
 3 responded to what has been a very, very misleading effect
 4 on the American people, ^{with} by a report which I believe we
 5 have already given to your Library, Mr. President,
 6 called "Your Child And Bussing." ^(ital)

7 { In response to that misleading issue of quotas
 8 versus affirmative action and timetables and goals, we
 9 have spoken out during the last few months on our own
 10 ^{with a} statement ^{on Affirmative Action (ital)} of putting into perspective the issue of why
 11 we need to have affirmative action. →

12 And, ^{on} in a very recent issue that has come to the
 13 forefront, we have published a report called "The American
 14 ^{very recently} Indian's Handbook." ^{(with Rights (ital))} I believe you have in this Library

15 all three of those. But, lest you did not have them, I
 16 brought them with me today, to present my own personal
 17 copies of what is actually already considered to be a
 18 governmental record. So, therefore, you get it anyway.

19 But, maybe if I autograph it, that will give
 20 a little bit more validity to it.

21 # Somebody has said, and I believe Senator Humphrey
 22 said, that what is true is not nearly as compelling as
 23 what people think is true. And ^{so} it is our job to get
 24 across the facts. And this, actually, is what our
 25 Commission has tried to do. We have published these

36

1 reports because we believe the people have a right to
2 know, the people have a duty to ^{learn} know what the facts are.
3 And we also believe, regretfully, that people have been
4 misled on far too many issues that concern us.

5 I will take your questions after the other
6 Panelists. Thank you.

7 SENATOR HUMPHREY: Thank you very much,
8 Mrs. Freeman.

9 I am going to just move down the table in the
10 line here of the seating arrangements.

11 The next participant, as you know, is United
12 States District Judge, the Honorable Reynaldo G. Garza.
13 We look forward to Judge Garza's commentary now.

14 JUDGE GARZA: Thank you. Somebody asked me
15 if I had prepared anything for this Panel, and I told
16 Jerre Williams, I said, "You know, Jerre, I didn't prepare
17 anything, because you never know what they are going to
18 ask you." The only thing I did was look in my Docket and
19 find out what Civil Rights cases I had pending on my
20 Docket, so I wouldn't be trapped into making a decision
21 out of Court. (Laughter.)

22 Mr. President, Mrs. Johnson, Mr. Chief Justice
23 Warren and Mrs. Warren: I think that from what I gathered
24 here this morning in the talks that there are people that
25 feel ⁹ that there has been a slow-down in the Civil Rights

37 1 Movement and that we are regressing. I know that there
 2 is a feeling amongst a lot of people that the Burger (sy)
 3 Court might retreat from the things that were exposed in
 4 the Warren Court.

5 I have always been a great defender of the
 6 Supreme Court as an institution long before I even became
 7 a judge. And now that I have to follow ^{The Court's} their decisions,
 8 I am moreso.

9 I haven't had a chance to read the opinion, but
 10 for those ^{who} ~~that~~ might feel that the Burger Court might
 11 retreat in the matters of Civil Rights, I ^{want to read} think that if
 12 the ~~report of the~~ ^{a report} press is correct that I read on Friday,
 13 December the 8th, ^{on a} that the Supreme Court ^{ruling} had ruled on a
 14 case out of California. And they unanimously held and
 15 this is what the press says

16 ^{extract} "The Court decided unanimously that a com-
 17 plaint of racial discrimination in housing did
 18 not have to be brought by a minority group member
 19 who had been refused accommodations, but could be
 20 raised by someone on whom the policy of exclusion
 21 had less direct effect."

22 ^{was} In other words, ~~Senator Humphrey, I believe that~~
 23 ~~what~~ the Supreme Court has told us, in this case is that
 24 the Civil Rights Acts weren't passed just for minority
 25 groups.

38

I set down in an opinion I wrote not long ago on the question of segregation of unions that the Civil Rights Act was passed for all Americans, ^{white,} ~~Why~~ black, yellow, ^{and} red ~~and that's what I think you said we had to educate the American people on; that the Civil Rights Acts were not passed only for minority groups. They are to protect the individual rights of all of us.~~

And for those ^{who} ~~that~~ might fear that the Federal Courts are going to retreat ^{from} ~~in their~~ quest for justice for all, I think ~~that~~ they shouldn't have that fear. And I think ~~that~~ this opinion by the Supreme Court speaks well on that point, ^{no} ~~because on~~ very basic issues of justice, ^{and} ~~and~~ equality, I don't think ~~that~~ you will ever find a Federal Judge wanting when it comes to defending the rights of the individual.

So, I am very happy that I am here. I have the advantage over the other panelists, that if you send me a question, or direct a question to me that I don't think I ought to handle, I can always have the excuse that I have that question pending before me. (Laughter.) So, I have that advantage over the rest of you.

But, I am very happy to participate in this symposium on Civil Rights as a Mexican-American. They tell me that I was the first Mexican-American ever appointed to the Federal Judiciary. I have always felt that the Mexican

39

1 Americans owe a great debt of gratitude to the blacks in
2 this country, because they were at the foreground of
3 fighting for the Civil Rights Act. They were like the
4 first wave of marines that hit the beach. We Mexican
5 Americans just came behind them and have been enjoying the
6 fruits of their labors.

7 To be here at this wonderful Library, named after
8 a great President, whom I have known for so many years and
9 who I owe so much to: I am a very busy judge and I think
10 the records will show it, Mr. Chief Justice, but whenever
11 there is anything for Lyndon B. Johnson, Reynaldo Garza
12 will be there. (Laughter and applause.)

13 SENATOR HUMPHREY: Judge Garza, I want you
14 to know that your concluding statement is met with unani-
15 mous support. We are very pleased with your observations.
16 You said that there were those that were of the opinion
17 that the courts would retreat from their support of basic
18 civil rights. There are some that feel that way, and
19 there are others that hope it will.

20 I want you to know that I am one of those that
21 hopes that the court will stand steadfast and it seems to
22 be doing so.

23 The next participant is a friend of ours, a
24 young man that I have known for a long time. I recall when
25 he first came to Washington, telling us that he was going

1 to run for the office of Mayor in the City of Gary,
 2 Indiana. Well, I always felt that next to being president,
 3 it was best to be Mayor. (Laughter.) Since I was once
 4 Mayor, you see. I was mayor of Minneapolis.

5 Now, we have with us the Mayor of Gary, Indiana.
 6 Not only the Mayor once, but the Mayor twice. I have been
 7 to his city and have seen the fine job that he's doing.
 8 I consider him a personal friend and a very fine public
 9 servant.

10 I want to present now Richard G. Hatcher, Mayor
 11 of Gary, Indiana. (Applause.)

12 MAYOR HATCHER: Mr. President, Senator
 13 Humphrey, Chief Justice Warren, I should say to you,
 14 Senator Humphrey, that being Mayor today is not such a
 15 good thing. It's not as good as it used to be. (Laughter.)

16 I am delighted to be here and delighted to have
 17 an opportunity to participate in this forum. I was talk-
 18 ing to someone earlier today and I said that there is
 19 something almost nostalgic about holding a Conference on
 20 Civil Rights in 1972. Many things have happened very
 21 quickly, and we find in many instances that the struggle
 22 for equal opportunity has moved to new levels. It seems
 23 to me that much of what occurred during the 60^s, for
 24 example, built a foundation for many of the things that
 25 are taking place today. And I think that we can be

41

1 extremely grateful for the tremendous effort that was put
2 forth on behalf of many of the programs of the ^{60's} that
3 came from Washington, and ~~certainly, Bills,~~ such as the
4 Voting Rights Act.

5 I think ^{that} that was a significant Act, because it
6 gave black people and other minorities in this country
7 an opportunity to do something for themselves. Throughout
8 history, black people have been looking for a way, a lever,
9 a means of lifting themselves to that point where they
10 would have the same opportunities that other people ^{have} had in
11 the United States of America.

12 And ^{by} being assured of the right to cast their
13 ballot and ^{gain} being given the opportunity and the access to
14 the political process in this country, they ^{have} had one lever
15 that has proven to be, in my opinion, extremely effective
16 for them.

17 Since that time, we have seen the election of
18 well over 2,000 black public officials in this country.
19 Just a few short years ago, there were no mayors, for
20 example, in any major city in this country. Today, there
21 are in excess of 100 black mayors around the country.
22 We have seen the election of State Representatives, of
23 Congressmen and even United States Senators. And ^{so} I
24 think we can be very pleased with what has developed out
25 of that Act, as well as, ^{the} of course, many of the other

42 1 efforts that were put forth.

2 I think we all recognize, however, that political
3 empowerment and the opportunity to participate at all
4 levels of the political process is not sufficient to
5 guarantee equal opportunity. We all realize ~~and recognize~~
6 that we must also have equal opportunity in the area of
7 economic development. ~~That is extremely important that~~
8 ~~until we are able to participate in the economic mainstream~~
9 ~~and life of this country, that we cannot truly say that~~
10 ~~we are equal.~~

11 There have been some steps in that direction. I
12 think ~~some~~ ^{or three} of us feel, especially in viewing the national
13 scene the ~~last two years, the last two or three years,~~
14 ~~and maybe longer, that, really,~~ we didn't know how good we
15 had it back in the ~~60's~~ ^{sixties}. We did not know how really
16 important it was that there was a Supreme Court, ~~that~~ ^{and} in
17 almost every instance that involved equal rights, ~~that~~
18 involved equal opportunity, came down on the right side;
19 a Supreme Court that was responsive, ~~one that was~~ ^{and} sensitive
20 to the needs of all people in this country.

21 Many of us in the ~~60's~~ ^{sixties} did not recognize and
22 realize what it meant to have someone in the White House
23 who was concerned about poor people, who was concerned
24 about the minorities in this country; to have people in
25 departments such as Housing and Urban Development and HEW

43

1 and the Department of Labor, who were willing to try to
2 develop people-type programs. | We did not realize that.
3 I think some of us now are beginning to realize that and
4 to unfortunately feel the fact that in some instances, ^{it} that
5 is no longer true today.

6 I believe that ~~the need of~~ black people and other
7 minority groups in this country over the next few years ~~is~~
8 ~~to try to work~~ They are going to have to do more things
9 for themselves. By that, I simply mean that without strong
10 support and strong backing from Washington, they are going
11 to have to be resourceful enough to develop their own
12 thrust and to unite in a way they have never united before,
13 if they, in fact, are to achieve equal opportunity in this
14 country.

15 ~~From my standpoint,~~ ^{my} great interest lies in
16 the ~~area of the~~ cities, because the cities are becoming
17 more and more populated, ~~of course,~~ by members of minority
18 groups, by poor people, by the have-nots, ^{so to speak.}
19 And there is a process underway, ~~in my judgment,~~ in this
20 country today that represents a ^{conspiracy of} kind of abandonment of the
21 tremendous investment in physical plants and culture and
22 all the other things that cities represent. There seems
23 to be a kind of conspiracy of abandonment that is taking
24 place with respect to those cities.

25 And, at the same time, there is another concern

44

1 ~~that~~ I have about what is happening to the cities, ~~and~~
2 ~~it~~ can be best described by the term "regionalism."

3 There seems to be a tendency to draw wider lines that,
4 in effect, at the very moment when political activity is
5 increasing, when the participation and involvement of
6 poor people, black people, Spanish-speaking people is
7 increasing in the political arena in the central cities,
8 that the power that that increased participation represents
9 appears to be being ^{taking} taken away from them through such
10 mechanisms and devices as metropolitan government and
11 regional government and regional commissions. ↗

12 { I do not criticize or condemn regionalism or
13 metropolitan government out-of-hand, because there are
14 many things to recommend it. However, when it takes away
15 the political potential of poor people and black people to
16 speak for themselves, and to some degree to begin to
17 control what happens to them, in their own neighborhoods,
18 then I think that we have great cause to be concerned. "

19 And so, ^{seventies} ~~it seems to me that~~ the struggle for
20 equal rights in the 70's will essentially be fought in the
21 cities, And that what happens to the cities in large part
22 will determine what happens to the entire quest for
23 equality of opportunity in our country.

24 Thank you. (Applause.)

25 SENATOR HUMPHREY: Thank you very much,

451

Mayor Hatcher. A point that you emphasized about the cities is one that we alluded to this morning and I hope that we can come back to it for further discussion.

The next participant in our Panel has already, of course, been presented, and the people of this great State of Texas know her well. And the people of the nation will get to know her well and favorably.

She is a member of the State Senate, of the State of Texas, and highly respected and held in admiration by many and in affection also by many.

She was just elected in the 1972 elections as the United States Representative from the 18th Congressional District of Texas, and will be a marvelous addition to the whole Congress of the United States, and particularly, the House of Representatives.

I present to you the Honorable Barbara Jordan.

Barbara? (Applause.)

MRS.
CONGRESSWOMAN-ELECT, JORDAN: Thank you.

And, thank you, Senator Humphrey, for your kind words. I am looking forward to going to Washington and being a member of the Texas delegation. Texas has done a lot for this country. We gave you Lyndon Johnson and now we are giving you Barbara Jordan. (Laughter and applause.)

Well, you just never know what— (Laughter.)

This is a very significant gathering of people,

46 1 because, at this point in time, as you well know, it is
 2 not popular for us to talk about Civil Rights, human
 3 rights, or the "Challenge of the ^{seventies} '70's." There are some
 4 people who feel that any day now, we are going to see
 5 where an executive order ^{is going to} has been issued cancelling out
 6 1972 through '76, and that somehow, a Chief Executive of
 7 this country is going to be able to orchestrate every move
 8 which is made by the American people in ^{what we} the direction of
 9 ~~whichever~~ he desires, without speaking to the conscience
 10 and dedication and commitment, which is quite evident in
 11 this room.

12 But I happen to feel that there is no executive fiat
 13 which can ^verase from your minds and your hearts what you
 14 feel to be the great, overwhelming, deep necessity to
 15 really fulfill rights for all people in America throughout
 16 the 1970's and '80's and beyond.

17 I do not feel that we will relax until we make
 18 real the kinds of legislative commitment and executive
 19 commitments which we witnessed in the ^{sixties} decade of the '60's.
 20 There is no problem which we can recite in this Symposium
 21 today, as far as it relates to black people, which will be
 22 a new problem to you. There are no new discomforts for
 23 black people to experience. There are no new deprivations
 24 for us to experience.

25 We've had it. We know it. And to continue to

47 1 recite to you the depth, extent and quality of those problems
 2 does not really come to the point of a design for
 3 solutions to the problem. We come here today to remember
 4 how far it is we have come; how difficult it was to do what
 5 was done. James D. Wilson, Professor of Government at
 6 Harvard, ~~as you know~~^g, speaks eloquently about "status-ends
 7 as opposed to welfare ends." And he speaks of the gains
 8 we achieved in the '60's^{status} as desirable "status-end achieve-
 9 ment." ~~And these~~^{They} were desirable achievements. We con-
 10 centrated on restrooms and restaurants, and the front of
 11 the bus and hotel accommodations: ^{it was} meaningful, significant.
 12 Now, we are going to shift, in the decade of
 13 the 70's, to concentrating on those welfare ends, money,
 14 jobs, credit, ~~all~~^s which inure to the ultimate dignity, the
 15 enhancement of the dignity of the individual, hoping that
 16 once and for all we can rewrite the definition of
 17 democracy to include black people.

18 ~~As you know~~^g, the concept of democracy, ⁱⁿ 1776 or
 19 1789 did not include black people in ~~terms of~~^{its} definition. ^{of terms}
 20 But, today, black people are going to try to redesign
 21 democracy, to redesign equal opportunity to also encompass
 22 equality. And ~~everyone~~^g who speaks of equal opportunity
 23 does not always envision equality for all people. →

24 [Senator Humphrey was absolutely correct this
 25 morning when he talked about black people continuing to

48 1 have faith in America, faith in ^{us} our future, faith in
 2 the sense of direction of this country. You may not feel
 3 that way when you ^{hear} see some people ~~who~~ talk about an aban-
 4 donment of these shores, or when you hear eloquent phra-
 5 seology about "Come home, America," and ^{where} you thought you
 6 were "at home," in the first place.

7 ~~What we are talking about in terms of what~~ black
 8 people think in the '70's, ^{will} is to continue to make real
 9 the commitments of the '60's and ~~come through~~ the re-
 10 definitions of which I speak and really make America true
 11 to the faith we as black people already hold in this country

12 ~~A question was posed to me by~~ ^{to me} a black separatist.
 13 He said, "I really do not feel comfortable here. We need
 14 our own nation. And the electoral process," ~~he says to~~
 15 ~~me,~~ "is a fraud, and I feel that we ought to abandon it,
 16 and we should not participate in presidential politics.
 17 And, ^{he asked,} don't you agree with me?" ~~was the concluding statement~~
 18 ~~of his question.~~

19 And I said to him that I ^{would} never agree with ^a the
 20 proposition which in effect means that I commit voluntary
 21 suicide. I ~~would not agree with a proposition that would~~
 22 ^{assert} ~~assert,~~ all we have done, all ^{that} we are, ought to be relin-
 23 quished ~~for good for some spurious activity where~~ ^{while} we re-
 24 move ourselves ~~not~~ from the aegis of a democracy and a
 25 striving democratic republic, ~~but remove ourselves to a~~

49

1 ~~separate land, a separate nation where there will be a~~
 2 ~~dictator, there will be a monarch and the dictator and~~
 3 ~~the monarch is the very one who is trying to get you to~~
 4 ~~agree to move yourself to his country.~~

5 ~~We cannot trade out. We cannot trade out, what~~
 6 ~~I am saying, what we have here, in terms of hope, in terms~~
 7 ~~of gains for some spurious activity which is fanciful, at~~
 8 ~~best, and has no relationship to the kind of life that we~~
 9 ~~would like to see for our children and our children's~~
 10 ~~children.~~

11 ~~When Frankie Freeman talks about the work of the~~
 12 ~~Civil Rights Commission in presenting the problems to us,~~
 13 ~~in uncovering things which we need to know, there are also~~
 14 ~~complexities in terms of administrative approaches to~~
 15 ~~black people and to minority people, which are so complex~~
 16 ~~that you, no matter what kind of degree you hold, are not~~
 17 ~~supposed to be able to work through the complexities to~~
 18 ~~reach the heart of the problem and come up with some kind~~
 19 ~~of a solution.~~

20 ~~When we hear sounds that the defense budget is~~
 21 ~~really too complicated in the way that it is compiled for~~
 22 ~~you to understand it, so why don't you abandon all of your~~
 23 ~~conversation about this very complex issue.~~ The right to
 24 know what is going on in our country will also not be
 25 abandoned in the 70's, no matter how complex or complicated

50

1 the various structures through which one must move to find
 2 the truth. I think the truth will be sought and that
 3 ultimately the truth will be found.

4 There does need to be a coalition, and I'm not
 5 going to call it a new coalition. We need a revival of
 6 the old coalition; ~~that coalition~~ that led us through the
 7 difficulties of the restrooms and the restaurants, to lead
 8 us through the next phase of ~~the~~ difficulties which are
 9 certain to increase. It is going to take a revival of
 10 that old coalition in the United States Congress. It is
 11 going to take men, ~~men~~ and women such as we have here,
 12 speaking to the conscience of this nation. But, more than
 13 anything, it will take ^{moral} leadership from ^a the President of
 14 the United States.

15 ~~Now, we can sit here and talk about moral~~
 16 ~~leadership and wonder, "What are we talking about?" But,~~
 17 ~~when I say it will take leadership from the President of~~
 18 ~~the United States, I'm talking about a President of the~~
 19 ~~United States~~ who will stand up before ~~the United States~~
 20 Congress and say, "We shall overcome," and mean it. That's
 21 the kind of leadership ^{must} that we are going to have to have,
 22 if the 1970's are going to make any sense to black people
 23 or minority people, or people who care about whether this
 24 country survives, or whether this country disintegrates
 25 and dies. //

51

1 I would hope that this Conference would somehow
2 spark a regeneration and a revival of that old coalition.
3 Maybe that can happen here. (Applause.)

4 SENATOR HUMPHREY: Barbara, for a while,
5 when you alluded to what Texas had given to the nation, I
6 thought you might have been slightly immodest. But, after
7 hearing you— (Laughter) —but after hearing you, I think
8 it was a gross understatement. (Applause.)

9 Now, we have saved for the final panel speaker,
10 the distinguished professor of law at the University of
11 Texas, because, when you get right down to it, we have to
12 have a total objective analysis of everything that has been
13 said thus far, putting it within the framework of accepted
14 institutionalism called the law. And so, ^{Dr.} ~~Doctor~~ Williams,
15 if you'd like to give your point of view—and which, of
16 course, will be totally objective—and then summarize
17 whatever else you wish to, we will be very grateful. We
18 look forward to your remarks. (Applause.)

19 ~~DR.~~ WILLIAMS: Thank you, Senator.

20 Mr. President and Mrs. Johnson, Mr. Chief Justice
21 and Mrs. Warren, Senator Humphrey and Mrs. Humphrey, and
22 may I also particularly recognize my Congressman, and he
23 is a great Congressman, Congressman Jake Pickle and Mrs.
24 Pickle. (Applause.)

25 I have not been running for office, at least,
(next page)

52

1 lately, and never, as a matter of fact. And I don't have
2 one of those outstanding, rousing and completely valid
3 effective political and philosophical speeches that
4 Senator Jordan has, and which we have just heard, and
5 what is there to say after we have heard Senator Jordan?

6 Well, I can shift the focus completely. I come
7 from the academic classroom, and oddly enough, this year,
8 the biggest battle we had in the classroom was the issue
9 of Civil Rights concerning the right of young men to wear
10 long hair and mustaches and beards.

11 And one of the most interesting things to me was
12 the vociferous battle that the women law students put on
13 to uphold this right of the young men to wear beards and
14 mustaches. I guess under Judge Garza's new court decision,
15 the women have the right to raise that issue. (Laughter.)

16 I must say, though, that in that classroom also,
17 they are concerned about a lot of other very important
18 issues, which we have been talking about here today.

19 Mr. Williams:
20 ~~The second thing I would like to say, and the~~
21 ~~first reasonably serious or important thing~~ I would like to
22 say, I expect, is to add from the point of view of the
23 academic, my own tribute and the tribute of all of those
24 who work in the fields that I work in, to the incredible,
25 effective leadership of Senate Majority Leader Johnson in
getting through that great breakthrough in 1957, the first

1 Civil Rights Act since Reconstruction, ^{in giving us} And then, those
 2 great years when he was President which thus far, at least,
 3 unquestionably, have been the Civil Rights years of this
 4 ~~Nation.~~ ^{Century.} →

5 Sometimes, ^{communicate} it's a little difficult to ~~get the~~
 6 ~~feel, even for a period so briefly in the past, over to~~
 7 young law students, ^{a feel for the past} but you know, it's a tribute that it
 8 ~~is,~~ because they ^{accept} are so completely accepting the accomplish-
 9 ments of those ^{was the past} last few years, that they can't ^{imagine} see that
 10 there ever could have been any problem ^{see} about it. That's a
 11 tribute to great leadership and great success. And coming
 12 out of the law school classroom, I can't say anything on
 13 this Panel without making that tribute. (Applause.)

14 The next thing that strikes me is something that
 15 Chief Justice referred to this morning, but I would like to
 16 ^{As a} emphasize and stress, because from the point of view of the
 17 lawyer, ^{it strikes me that} again, we tend to think a little bit too much of
 18 the courtroom and of constitutional litigation, ^{at a} and if we
 19 ^{way of getting rid of things we} don't like it, let's run to the Supreme Court and get it
 20 declared unconstitutional.

21 One of the remarkable things about the Civil
 22 Rights progress of the last few years, as the Chief Justice
 23 pointed out this morning, is the magnificent interplay
 24 of the various branches of the Government in getting the
 25 job done ^{so} thus far. The great breakthrough decision,

54

1 written by Chief Justice Warren in 1954, and then the
 2 great legislation, starting in 1957, shows that the job
 3 cannot be done by any one branch of the Government. It
 4 must be done by the political processes, at least in part.
 5 And I ^{was} am particularly pleased today to hear talk from
 6 Senator Humphrey of the need for gathering together rather
 7 than dividing to become a political force.

8 ¶ Speaking again with candor, as ~~Senator Humphrey~~
 9 ~~gave us the right to do this morning~~, I was tremendously
 10 concerned in the latter 1960's to find people equating the
 11 Civil Rights movement with opposition to our commitments
 12 in Southeast Asia. That isn't the way to accomplish ^{These Nations} the
 13 objectives ^{that we need to accomplish in this Nation.}

14 The Civil Rights movement ~~must stand~~ in the
 15 United States ^{must stand} on its own feet as an affirmative program
 16 which can be sold to well-meaning Americans, ^{and} ~~and~~ you don't
 17 shut people out by saying, "If you believe in our movement,
 18 you must commit yourself to another highly controversial
 19 subject in some other field." We must get together,
 20 rather than divide. →

21 { And here, I would like to ^{my} state a specific
 22 and particular tribute to Senator Jordan, ^{because} I have
 23 been ^{her} a great admirer of ~~Senator Jordan~~ for some years now,
 24 ~~because I have watched~~ ^{her} her work within the political
 25 ~~structure and within the political~~ ^{process} system, when there were

55

unquestionably
 1 great pressures and temptations upon her unquestionably
 2 to join those who wished to be a divisive force *is divisive to* in this
 3 process.

4 And the process has been successful thus far
 5 through the coalition, through the working together, And
 6 *I hope that* if there is one important thing that *to* can come out of this
 7 meeting, *I hope it* can come from this feeling of "uniting
 8 in the cause," instead of dividing.

9 Through the good offices and good grace of
 10 President Johnson, I was able to spend two and a half years
 11 in Washington in a reasonably responsible position; and I
 12 would say that the most important single thing I learned
 13 in those two and a half years was the art of successful,
 14 responsible, valid, conscientious compromise. Because,
 15 very few people agree with each other totally on anything,
 16 And there is this tremendous need *and we must* to be willing to modify
 17 *our* your views to get ahead rather than stand on *our* your views
 18 and go down. This is not to say that *of course* sometimes the
 19 importance of your ideological views is not critical,
 20 and you *a must be taken on* must stand up and show their importance. But, the
 21 importance of moving ahead, of getting the job done, I
 22 think has been exemplified in the most fantastic way, by
 23 the great career of President Johnson.

24 Now, finally, I don't want to take on the
 25 entire job that Senator Humphrey gave me, of relating

56 1 ~~everything that has been said thus far to the law—that's~~
 2 ~~too much.~~ ^{Finally,} But, I would make ~~one or two~~ specific observa-
 3 ~~tions at this point of~~ ^{about} things that strike me. ^{First,} Much of
 4 what we have been doing in the last few years in the
 5 United States is redefining freedom. We used to talk in
 6 terms of economic freedom, in an ill-defined sense of
 7 economic exploitation, ^{But the} freedom from government control
 8 ~~the economy of business,~~ ^{in business} of our society, which, of course,
 9 is just a "freedom for the mighty," economically, and
 10 not ~~at all~~ ^{one} written into our Constitution.

11 ~~Much of what we have been doing has been re-~~
 12 ~~orienting our definition of freedom.~~

13 ^{with} President Roosevelt, in the last two of his
 14 Four Freedoms, freedom from want and freedom from fear—
 15 ^{began to reorient our definition of freedom.} these are freedoms that must be written into the structure
 16 ^{of our society} of freedom, and this is what we have been doing.

17 Now, ~~finally,~~ in the way of being slightly
 18 provocative, since Senator Humphrey wants to get us
 19 ^{A second, against} provocative, I would say—and I say this in the background
 20 of all of the tremendous admiration for the magnificent
 21 improvements and the magnificent progress we have made—
 22 we must also keep in the back of our minds that there
 23 still is a freedom and there still must be an individual
 24 freedom to be a disagreeable malcontent, to disagree with
 25 all of the worthwhile goals of our society, to be ~~onery,~~ ^{disagreeing,}

57

1 unreasonable, irascible, to oppose all social progress.
 2 And, as we are caught up in the importance of the freedom
 3 of all citizens, we must remember that ~~way out there~~
 4 ~~somewhere~~ is the freedom of the individual in his own
 5 ~~individual life to be an individual and to have individu-~~
 6 ~~ality.~~

7 Now, where we draw the line, ^{on} where we stop that
 8 person's individuality as ^{a person} they move ^{out} into society,
 9 and say, "At this point, you can't be any longer an
 10 individual with these beliefs and these actions, because
 11 you are hurting somebody else," is still a very difficult,
 12 legal and constitutional issue, which we must keep in mind.
 13 ~~We can't all run down the road gung-ho for everyone to~~
 14 ~~have this euphoric feeling of well-being and brotherhood~~
 15 ~~for everyone else.~~ There are going to be certain people
 16 who don't want ~~it~~; who don't like it; who oppose it. And
 17 in a free society, they must have that right of individu-
 18 ality.

19 Again, I repeat, where we put the ^{brakes} ~~breaks~~ on
 20 that individuality and say, "Your individuality no longer
 21 prevails as we move on out here, in who you hire, in
 22 who will be your customers." We've solved those problems.
 23 ~~The individuality doesn't go that far. But, we still have~~
 24 ~~to face that legal problem, and we have not resolved it~~
 25 ^{problem} in all of its ramifications, as yet.

1 I, too, can hope that in the exploration^{CS} of this
2 Civil Rights Symposium, there may be a new birth of concern
3 for real, substantial and effective progress in this area.

4 (Applause.)

5 SENATOR HUMPHREY: Thank you.

6 Well, I am sure you will agree with me that we
7 have had a feast of good ideas and cogent and thoughtful
8 observations. I suggested as we started this Panel
9 Discussion, that after each individual had made a presenta-
10 tion, that we would open it up for a little discussion
11 amongst ourselves. And I don't want any of you to be
12 bashful, hesitant. Maybe Senator Jordan down there would
13 like to open it up with some commentary. I was so impressed
14 with her first words about Texans, that I want her to go
15 back and just take hold once again.

16 Barbara, do you want to cross examine anyone here,
17 or make further comment?

18 SENATOR JORDAN: Well, I would like to ask
19 Frankie Freeman, if she would, to give us a little light,
20 if you can, on what the future of the Civil Rights Commis-
21 sion is. It has been said that the Commission has not
22 met personally with the present President of the United
23 States since he has been in office, so you don't know
24 whether your reports have been read, and you are assuming
25 that the President can read and (Laughter and applause.)

59

Would you just care to make a statement about that?

MRS.
COMMISSIONER FREEMAN: Yes, *think* I could *first*,

CR
Gmm.
Barbara, I want to repeat—what you said about the life of the Commission. *To respond to the first part of your question, Barbara,*

The Commission was created by Congress, and as a lawyer, I am going to have to say that I believe that it will continue until Congress disestablishes it.

Now, ~~in October~~ on October the 16th, the President signed into law a Bill which had been passed by the Congress extending the life of the Commission for an additional five and a half years to the end of fiscal '78. That means June 30th, 1978.

As to
Now, ~~what was~~ the rest of your question?
Well, you said something about— We did. The Commission met with the President in February of 1968. Now, the question is with respect to whether the President has read our reports. Now, of course, we would have to hope that the President has read our reports. We submit our reports to the President and the Congress. We will continue to do so. We have another report coming out in February on the Federal Civil Rights Enforcement Effort, which is our third follow-up report. And we have every hope that they will be read. Of course, you know, I do not have the power to take the report and read it to anybody.

60
 MAYOR HATCHER: ⁹ Senator Humphrey, I don't

want to give the impression that we are all ganging up on

Mrs. Freeman. ~~I'd like to ask her:~~ Perhaps the most

significant piece of legislation that ~~has~~ passed in the

last few years, ⁹ ~~at least again, as it~~ relates ^{City} to the

cities, is revenue sharing. ⁹ One of the unique things

~~about that piece of legislation,~~ unlike much of the legis-

lation that created, for example, the poverty programs

during the Sixties, ⁹ and many of the other programs that

deal with the problems of the poor and minorities in our

country, ^{The revenue-sharing} ~~that this piece of~~ legislation has very few

guarantees in it with respect to equal opportunity and the

equal access to the ^{Revenue-sharing} funds ~~under the legislation~~ on the part

of all people. ^{I would like to ask Mrs. Freeman,}

And I just wonder whether the Civil Rights

Commission itself had any opportunity to make real input

in that area, and if so, what happened? ^{Did} That is, why was

~~it that~~ the legislation ^{did} finally wind up in the form

that it did?

^{MRS.} COMMISSIONER FREEMAN: I want to remind Mr.

Hatcher that the legislation was passed by the Congress,

not by the Civil Rights Commission. I think you want to

be clear on that.

MAYOR HATCHER: Yes. I understand that.

COMMISSIONER FREEMAN: But, ⁹ with respect to

61 1 revenue sharing, I'm glad you asked the question, because
 2 there are some very serious implications ⁱⁿ for revenue
 3 sharing, and I, ^a as Commissioner, have raised this point
 4 at recent Commission meetings, because I have seen a
 5 danger of our going back to the subsequent period ^{after} of Recon-
 6 struction, ^{in the matter of} if you are talking about states' rights and
 7 local autonomy. So that ~~what~~ the Commission staff is now
 8 doing ~~and it~~ has brought ^{it} to the attention of those in-
 9 dividuals in the Government who are responsible for the
 10 development of guidelines, ~~is to suggest to them that the~~
 11 guidelines need ^{to} be tightened to assure that Title VI, ~~that~~
 12 ~~the law~~ will be complied with.

13 [The Regulations, as we now know them, are not
 14 tight enough, in my opinion, to assure that the benefits
 15 of revenue sharing will be available to all persons.]

16 Now, ^{and} this is something that we ~~have to~~ watch, ^{might}
 17 and we are, ^A in response to your question as to whether we
 18 had input before the Legislation was enacted, I ^{can say} believe
 19 that we gave some comments to certain members of Congress.
 20 But, whether you call that input or not, I don't know.

21 But Certainly, the law, as passed, does not include
 22 the guarantees which I, as a Commissioner, feel ^{one} ~~should be~~
 23 necessary to at least give us the protection of Title VI,
 24 of the Civil Rights Act.

25 SENATOR HUMPHREY: ~~I might add that I think~~

62
 1 it was the judgment of the Congress that Title VI is
 2 applicable; ~~that~~ regardless of the fact that specific
 3 language is not included in the revenue-sharing bill
 4 relating to non-discriminatory application ~~or use~~ of
 5 Federal funds, that these (are funds) raised through the
 6 Federal tax system, and by an Act of Congress are
 7 appropriated to the State and local governments, ~~and~~
 8 therefore, the non-discriminatory use of those funds is
 9 required.

10 Now, ~~some~~ some of us in the Senate thought that we
 11 ought to specify it with more detail, and we did so. We
 12 did pass ^{sed} such an amendment to the Revenue Sharing Act,
 13 but in the Conference Committee, it was, I believe,
 14 stricken. Not because there was any desire to weaken the
 15 law, but simply because the Revenue Sharing Act was to
 16 be kept free of a number of what were called inhibiting
 17 or restrictive provisions. But

18 It should not be interpreted, and I was a co-
 19 ~~author of the Revenue Sharing Bill~~ It should not be
 20 interpreted ^{that there are} to be with no restrictions on the use of those
 21 funds, ^{as it} as it relates to services for communities or
 22 individuals.

23 ~~To put it in the affirmative,~~ the non-discrimina-
 24 tory application and use of funds is required by the
 25 14th Amendment; ^{and it} is required by Title VI of the Civil Rights

63 1 Act, which Title affects all appropriations by the
 2 Congress of the United States. ^{Furthermore, revenue sharing} ~~If we have any doubt~~
 3 ~~about it, we can re-examine it.~~

4 And, ~~by the way,~~ it will be monitored this
 5 year, and the application, ~~or the use~~ of those Federal
 6 funds will be reviewed by the appropriate Committees of
 7 the Congress.

8 We have two or three questions on this, by the
 9 way, from the audience. Yes? ~~Yes?~~

10 COMMISSIONER FREEMAN: Senator, the point
 11 that Mr. Hatcher makes, ~~though,~~ is I think one that we
 12 really ought not to leave, because we have in this country,
 13 ^{we have} we put the burden of compliance on the victim. We blame
 14 the victim? It seems to me that Congress also has a
 15 duty, when it passes such a law, ^{some self-monitoring} to build into that law
 16 the monitoring, or the self-monitoring of it, so that a
 17 ^{first} person will not have to be denied, and then ^{show} have the guts
 18 to make a complaint. Really, you know, you can get walked
 19 over just because you complain. And so, therefore, there
 20 ought to be in the Legislation— (Applause.) —some
 21 assurance that there will be compliance without putting the
 22 burden for compliance on the victim.

23 SENATOR HUMPHREY: Again, I want to say
 24 that there were a vast majority of us in the United States
 25 Senate ~~that~~ felt exactly that way, and we passed the

64

1 appropriate amendment to the law to require that kind of
 2 monitoring. In other words, governmental protection and
 3 governmental supervision as to the use of the funds, so
 4 that we would not have to rely on an adversary proceeding
 5 or a lawsuit on the part of an individual ~~out~~ ^a in the
 6 local community. *To address any misuse of the funds.*

7 ~~But, again, we have to go through what Dr.~~ ^{as Professor}
 8 ~~Williams talked about, "Did we want to have revenue sharing~~
 9 ~~at the end of this Congress, or didn't we?"~~ ^{Said, we had to ask ourselves do} And we agreed
 10 ~~thought that it was necessary to have it and the legisla-~~
 11 ~~tion came up at the very end and so we did the best we~~
 12 ~~could, some of us knowing that there were weaknesses~~
 13 ~~within it.~~ ^{with the legislation coming up at the very end,}

14 For example, I happen to believe that there
 15 ought to be a sort of a performance rating under revenue
 16 sharing. Do you, for example, improve your whole tax
 17 structure? Does it really provide some tax, property, tax,
 18 relief? Do you continue to have a high quality of ser-
 19 vices, or do you merely use revenue sharing to reduce
 20 local expenditures and thereby hold the level of services
 21 ~~at what they were?~~ ^{might} [There are a lot of things that you
 22 ~~could add to it.~~ ^{have been added} And we will get at it, but that's why
 23 you need groups like this. That's what the Civil Rights
 24 movement is all about. ^{but} If the Civil Rights movement will
 25 keep in mind that it is not only there to pass legislation,

65 1 or to encourage its passage, but to act as a ~~constant eye~~
 2 ~~of surveillance, as a constant monitoring system,~~ on what
 3 we are doing, then the ~~Civil Rights~~ movement will be not
 4 only improving the legislative process, but the administra-
 5 tive process, ^{as well.} And that's really what we hope to get at,
 6 as we go along, not merely legislation, but watching to
 7 see what's done with what we provide.

8 Now, ~~let's see. Who else wants to get into an~~
 9 ~~argument?~~ (Laughter.)

10 ^{I have}
 11 Let's see. I've got a question or two here
 12 that we can read: ^{from the audience:}

12 ^{extract} "Mayor Hatcher, did the Civil Rights movement
 13 play a key role in your election to the office of
 14 Mayor?"

15 MAYOR HATCHER: I ~~don't think~~ ^{no} there is ~~any~~
 16 question that I would not have been elected ~~would~~ probably
 17 ^{would} not have run, had it not been for the Civil Rights movement
 18 in its totality. I ~~think that~~ ^{and} the atmosphere that existed,
 19 for example, in 1967, made it possible. I spoke before
 20 of the responsiveness and the sensitivity that ~~existed~~
 21 ^{at} at that time at the level of the White House, ^{and} the Supreme
 22 Court of the United States, ^{there was} the feeling that one's rights
 23 would be protected, ^{that an} and one would have some chance of ^{strong} some
 24 kind of recourse to the courts. ~~That was a very strong~~
 25 ~~feeling.~~ And I think ² it is significant that breakthroughs

661 such as the election of black mayors and other so-called
 2 "firsts," occurred during that period, ¹⁹⁶⁸ roughly between
 3 1960 and 1967-~~68~~ ^{and} I think the fact that there have been
 4 very few firsts in the last several years indicates that
 5 the national atmosphere for change has, in itself, changed,
 6 and so the opportunities are no longer there.

7 ~~So the answer would be a very definite "yes."~~

8 SENATOR HUMPHREY: I'd like to just toss
 9 out this to maybe get the Mayor's comment upon it and
 10 Senator Jordan's and others.

11 My father was my best teacher and he always took
 12 a good deal of time to talk to me about things. I remember
 13 one time he told me—he said: "If you constantly tell a
 14 man he's a failure, he'll most likely be one." Another
 15 way of telling you that if you encourage someone and give
 16 someone reason to hope that he can succeed or improve,
 17 that most likely will happen.

18 One of the problems I have seen in the Civil
 19 Rights movement is that we sort of enjoy being in misery.
 20 And ^{is} that has been one of the problems, ~~I might say,~~ of
 21 being a liberal. ^{and} You are never quite so happy as when ^{me} you
 22 are unhappy, ^{very little} (Laughter.) And you are never quite so
 23 unhappy, as when ^{me} you have reason to be happy.

24 ~~I don't happen to agree with that as a personal~~
 25 philosophy, but ^{me} it's always been my judgement that we

^{main} should have a balance between what we know are the in-
 justices and the unfulfilled goals, the needs of people,
 as well as ^{what} what we have accomplished. Because, if you find
 for years that you can achieve nothing, it takes a very
 strong-hearted and committed person to stay with the
 course. I just jotted down as I listened to some of the
 discussions here today, we need to ^{remember our} know what we have
 accomplished; not to give ourselves a pat on the back, but
 to show that ^{what} it can be done.

We found this out in school, if we can get a
 child to understand that a child can read, then the child
 learns how to read better. Or we have found another way:
 If you tell a child day after day, "You're a failure in
 school." That child ends up believing that he or she is
 a failure.

Now, I would like to see, while the Civil Rights
 Commission and others have done a good job ^{of} pointing out
 what I believe ^{the} are weaknesses, there needs to be ^{the} a story
 told in America ^{needs to be} what has happened, ^{in America} the great changes.
 Here is Mayor Hatcher who told us, for example, the number
 of black, elected officials. I think that ^{it} is a great,
 inspiring story.

How many Americans know the difference between
 voter registration 1965 and voter registration ⁱⁿ 1972,
 amongst minorities, in different areas of the country?

68

1 We just need to have some hope. There are very
 2 few of us that are as optimistic as I am over the long
 3 period of time. I have been accused of congenital opti-
 4 mism, which is a kind of a unique disease. But, most
 5 people work on the basis of reality and fact. And if you
 6 are constantly told that you are a failure; that there is
 7 no hope; no success; no achievement, I think you generally
 8 end up that way. So, can we get somewhere along the line,
 9 ^{So} as we approach the ^{problems} areas of Civil Rights problems, ^{let us hear about} where
 10 we have succeeded ^{and} where, if not succeeded, where we have
 11 progressed? Maybe a little of that will help us along the
 12 line to give us a little more hope.

13 Now, ^{a addressed} I have a question, to Senator Jordan:

14 ^{extract} "What effect did the Civil Rights Movement
 15 have upon your initial election, as a State Senator?"

16 SENATOR JORDAN: The Civil Rights movement
 17 in Texas was a little different. ^{very slight} (Laughter.) But, in a
 18 very good way, because we understand each other a little
 19 better than black and white people in New York and Gary,
 20 Indiana, and places like that. ^{very slight} (Laughter.)

21 [In 1966, when I announced for the Senate, it was
 22 from a new district. It was not predominantly black, and
 23 yet, ^{glad} we felt we could put together ^{again a} the coalition ~~again~~ of
 24 good people to bring about ^a the desirable result in the
 25 '66 election. So the Civil Rights movement had, let me say,

69 1 a tangential effect, if not an immediate effect. ^{It was}
 2 ~~tangential~~ in that we felt, as a result of what was
 3 happening around the country, that we could ~~do it~~: elect
 4 a black State Senator, ^{but that we would do it our way.}
 5 ^{But} And we did it our way. ~~And it may not~~ We did not have
 6 perhaps the voices, or the national figures coming in and
 7 gathering people together, but there was this very deep
 8 confidence, as a result of what had occurred, ^{legisla-}
 9 tively in the Congress, ^{and a} as the result of ^{the} a positive feeling
 10 which had been generated from the White House. All of
 11 these things made us feel quite confident that success
 12 would be possible in that first election, and it was.

13 So, the Civil Rights movement had an effect in
 14 the kind of sense that I have described.

15 SENATOR HUMPHREY: Thank you. I am going to
 16 move right down these questions, because we have a whole
 17 basketful of them, and some of them are "beauts."

18 (Laughter.)

19 ^{directed} This is ^{to} Judge Garza.

20 ^{extended} "You cite the recent unanimous Supreme Court
 21 case involving housing discrimination, ^{as} showing
 22 there is no retreat by the court. What about the
 23 recent Supreme Court decision in the Elks case,
 24 holding that the Elks could bar black guests
 25 because there was no State action involved in the

1 granting of the liquor license?"

2 JUDGE GARZA: Well, that is not the way I
3 read that case, but

4 ~~SENATOR HUMPHREY: That's just the way~~
5 ~~the question was, Judge. (Laughter.)~~

6 ~~I don't want to be held in contempt of court~~
7 ~~here. (Laughter.)~~

8 ~~JUDGE GARZA: But, I think that Congress,~~
9 ~~in passing the Civil Rights Act~~ ^{Congress} ~~put in there certain~~
10 ~~conditions that could not be considered to be violations~~ ^{were to}
11 ~~of the Civil Rights. I have to admit that I haven't read~~
12 ~~that case as thoroughly as maybe I should have before I~~
13 ~~came up here, but you will find Supreme Court cases that~~
14 ~~will follow what the Congress has said in the field of~~
15 ~~Civil Rights, especially in the Civil Rights Act. And~~
16 ~~if Congress makes an exception, there is nothing that the~~
17 ~~court can do about it,~~ ^{and} ~~That was one of the exceptions~~
18 ~~when they talked about~~ ^{the} ~~private clubs.~~ ^{was such an}
19 ^{exception.}

20 SENATOR HUMPHREY: That is correct. I
21 recall that legislative history, much to my dismay at
22 this moment. ~~But,~~ ^{the} ~~the private club matter was discussed~~
23 ~~ad infinitum in the Senate, as a matter of fact. And I~~
24 ~~imagine that was the base for the decision.~~

25 COMMISSIONER FREEMAN: May I comment on
that?

JUDGE GARZA: ~~Yes.~~

SENATOR HUMPHREY: ~~Stir them up here now!~~

COMMISSIONER FREEMAN: A private club.

There is one distinction that ought to be made between what a private club gets. Now, when the State gives a license to serve liquor, this is a benefit. Now, it seems to me that ^{now} if the Supreme Court is going to uphold the right of the private club to deny service to black people, ^{There} that it ought to say that ^{make the private club} it ought to be made to serve sarsaparilla instead of liquor, because not everybody can serve liquor. (Applause.)

This is ^{The point of} where there is concern about ^{that} the decision and that is where the private individual has a ^{club is given} right that everybody cannot exercise ^{privilege} in other words a privilege. I cannot just go out here and sell liquor. I have to have a license to sell liquor. And then when I get that license, the State is giving me that license. There is still some question as to whether the giving of this license and ^{not} the acquiescing in the discrimination is State action in violation of the Constitution.

I think that is what the question was getting to.

SENATOR HUMPHREY: And I might add that ^{Another} that is a question that was directed to the Panel ^{is} here, as to whether or not there were additional laws that might be needed to clarify ambiguities in the Civil Rights Act, or

1 to strengthen Civil Rights legislation. Surely, this is
 2 one of the areas in which there needs ^{be} to be a clarification
 3 and much more precise language.

4 ~~Yes. Did someone else want to comment on this~~
 5 ~~matter?~~

6 JUDGE GARZA: I ~~want to say that the last~~
 7 Elks case that I remember coming before the Supreme Court
 8 had to do with the question of Internal Revenue Exemptions
 9 from taxation, ⁽¹⁾ where the Court said that ^{the Elks} they would not
 10 be exempt from taxes because ^{who} they didn't comply with
 11 certain things like letting anybody come in. ~~It wasn't~~
 12 ~~really a non-profit organization.~~ And ^{how} that's the way that
 13 many of these private clubs are being made to conform to
 14 the Civil Rights Act ⁽¹⁾ by taking away their exemption from
 15 paying taxes. I think the Supreme Court itself would not
 16 have that exemption if they did not open their membership
 17 to everyone.

18 SENATOR HUMPHREY: The tax laws are very
 19 unique in spite of all the terrible things of the Capone
 20 era, we never were able to catch Al Capone on murder or
 21 anything, but he didn't pay taxes. And it's amazing what
 22 the Government will do to collect taxes. I mean

23 Any other comment down here?

24 SENATOR JORDAN: I would just add, Senator
 25 Humphrey, that any clarification of the Civil Rights Act

^{which should}
~~needs to be a clarification that would~~ go to the judges.

The people understand the clarification. Wrongful interpretations come from the court. ^{And perhaps what} the Congress needs to ~~do is to~~ give a special clarification for some of the judges who are interpreting the Act.

(Applause.)

Mrs. Freeman, I have

SENATOR HUMPHREY: ~~I have always just~~
^{two questions from the audience concerning the}
~~thought if we would just look at folks as people, it~~
^{Commission.}
~~would help a lot. It would simplify it a lot, rather~~
~~than trying to take their dimensions and their temperature~~
~~and their weight and their color and their religion, and~~
~~just sort of figure out that they were citizens. That~~
~~simplifies the approach to law.~~

extract
^{The Civil Rights Commission}
~~"Commissioner Freeman, the role of the Civil~~
~~Rights Commission: Has it been effective as it~~
^{Some as}
~~could be? If not, cite one of the reasons and what~~
~~can be done about securing support for a more~~
~~effective Civil Rights Commission?"~~

and
^{extract}
~~I've got a whole lot of them here. One says:~~
~~"What do you foresee in the cards for the U.~~
~~S. Civil Rights Commission under the Nixon Admini-~~
~~stration? Don't get angry. Just tell me."~~

^{MRS.}
~~COMMISSIONER FREEMAN: The Commission, you~~
^{has now been}
~~know, as I have said, we now have had our jurisdiction~~
~~expanded to include sex discrimination, which means that~~

1 we now have jurisdiction over more than half of the popula-
 2 tion.

3 *have held two hearings in November*
 4 ~~We contemplate a series of hearings on Indian~~
 5 ~~problems.~~ *and we contemplate a continuing series of them.*
 6 ~~We have had two, during the month of November.~~

7 ~~We anticipate—~~all I can say is that the program of the
 8 ~~Commission will continue, and probably we will not be~~
 9 ~~any more popular.~~ *When* ~~We~~ I say *is* "we," you must recognize that
 10 I am using the "we" in generic. *is* The Civil Rights Commission

11 *consists of* is six members. *is* It's a bi-partisan commission. There
 12 must be *whom may* not more than half of the members who belong to
 13 any one political party. Right now there are three

14 Republicans and two Democrats. There are, I understand
 15 now five. But, anyway, we are constituted to have six, and

16 I anticipate that the Commission, which is an independent
 17 agency and which has issued reports during its fifteen-year
 18 history, *has* none of which have been sort of, we'll say popular
 19 versions. Well, I anticipate that we will continue to

20 do what we have been doing all along, publishing reports
 21 such as "Your Child And Bussing," "Statement On Affirmative

22 Action;" trying to at least eliminate some of the confusion
 23 about quotas, trying to deal with the issues and the facts.

24 We have no enforcement powers. We have none. *our* Actually,
 25 the power is the extent to which the facts can mold the
 public's opinion and that public opinion *in turn* can respond.

SENATOR HUMPHREY: It leads to this question,

1 Frankie:

2 "Please discuss the Commission's recommenda-
3 tions in "Your Child And Bussing," and where could
4 one secure a copy of the report?"

5 *Sen. Humphrey: Commission's*

6 The reports are extraordinarily valuable and in-
7 formative, ^{but} and so few of them seem to get into the hands
8 of people that are deeply interested in the Civil Rights
9 movement. *How can copies of the reports be secured?*

10 COMMISSIONER FREEMAN: ¹¹⁰⁵ ~~This little book is~~
11 ~~just a twenty-page report. It's free. We published~~
12 ~~several hundred thousand. It's one of the few reports~~
13 ~~that has gotten read. A lot of people have read this~~
14 ~~report. Most of our reports gather dust and get to~~
15 ~~libraries. All of our reports can be~~ ^{obtained free} ~~purchased, from~~
16 ~~either the Superintendent of Documents or if you write~~
17 ~~to the Civil Rights Commission Information Office at 1121~~
18 ~~Vermont Avenue, Northwest, for any of them, we will be~~
19 ^{N.W., Washington, D.C. 20009.} ~~glad to send you a copy, and we urge people to write.~~
20 ~~Our reports can also be purchased from the Superintendent~~
21 ~~of Documents, U.S. Government Printing Office, Washington,~~
22 ~~and we would certainly urge you to write for a copy.~~
23 ~~D.C. 20402.~~

24 SENATOR HUMPHREY: I have ^{another} a question ~~that~~
25 ~~again, because it all relates to this subject matter, Mrs.~~
26 ~~Freeman. It says:~~ ^{reads:}

27 *Excerpt* "The U. S. Commission on Civil Rights has earned
28 great respect for its integrity ⁱⁿ of calling things like

they are. This course has been followed even when the fallout was not pleasing to many in positions of power. Are you optimistic that this independence will be carried forward in the future?"

COMMISSIONER FREEMAN: Yes, I am. I really am optimistic. We have, I think we have said that there have been times when no President has been happy with us, ^{but} and no President has actually interfered with us, ^{and} or, at least, every report that has been completed by the Commission has been published, without regard to whether any President would have been happy with us.

^{Two years ago}
We published a report, "The Federal Civil Rights Enforcement Effort," which was an appraisal of forty agencies of the Federal Government. We published that two years ago. ^{It was} ^{the opinion} ^{Federal Agency} The Commission found that not a single one of those Federal Agencies was, in the opinion of the Commission, carrying out its Civil Rights responsibilities.

Last year, ^{about a year ago}, we published a report one year later, with a follow-up report. We were not able and we were sort of ranking them "poor," "fair," and "good." ^{and} I don't recall that any agency got a rating of "good."

We are going to come up with another follow-up report in February, ^{1973,} ^{issue} ^{still} and since it has not ^{yet} been released, ^{but} I am not in a position to say anything about it. Anyway,

1 ~~it is going to be published in February of 1973.~~

2 MAYOR HATCHER: ~~Mr. Chairman?~~

3 SENATOR HUMPHREY: ~~Yes.~~

4 MAYOR HATCHER: ~~I wonder if I might break in~~
 5 ~~here and just perhaps raise a different aspect of this~~
 6 ~~question.~~ I don't think there is any doubt in anyone's
 7 mind that the Commission has done an excellent job, given
 8 the limitations, ~~some of which~~ Mrs. Freeman has referred
 9 to, such as the ^{it's} lack of enforcement powers ^{and} ~~and so on.~~ It
 10 has certainly, at the very least, been a conscience at the
 11 national level ^{and} ~~and has been speaking on that respect.~~

12 ^{in treating} However, I just wondered, whether given the way
 13 we treat other problems with reference to the encroachment
 14 upon the rights of others, if a person decides to steal
 15 from another person, then we have a very simple process that
 16 calls for them ^{the thief} to be prosecuted and taken to court and if
 17 found guilty, to be punished. *Why then do we make a*

18 ~~I wonder why we make, first of all, the distinction~~
 19 ~~in the area of human rights, and civil rights; that is, by~~
 20 ~~creating commissions that, in effect, have, in some cases,~~
 21 ~~rather complex procedures to be followed.~~ Now, I believe
 22 that the reports and the other efforts, ~~as I said,~~ of the
 23 Commission serve a very useful purpose. ~~There is no doubt~~
 24 ~~in my mind about that.~~ And I happen to be one who regrets
 25 ^{HESBURN (M)} greatly the fact that Father Hester, for example, will no

1 longer be serving in that capacity. // But, I just wonder
 2 whether there is ^{can't} a danger in that those persons in this
 3 country who feel that they have been deprived, who feel
 4 that they have not received ^{fair and} equal treatment and fair
 5 treatment under the law, I wonder if there isn't a danger,
 6 when they ^{may} view the existence of a United States Civil
 7 Rights Commission as a way or a mechanism that is going
 8 to do something about that, and that is going to solve ^{their} that
 9 problem for them. ^{It is} and the old problem of increasing ex-
 10 pectations. ^{What happens when such people} And then to find that that Commission in fact
 11 will not ^{in fact} be able to accomplish at least as much as they
 12 may have thought initially.)

13 I wonder if there ^{there} isn't a danger in the entire
 14 approach of creating Commissions, not just at the
 15 National level, but at the local level also?

16 SENATOR HUMPHREY: Mayor Hatcher—By the way,
 17 every question that has been presented to the Panel will
 18 be responded to, if not in our oral presentation here, but
 19 as a part of the proceedings of this Symposium. And there
 20 will be relevant answers, or answers that are directed
 21 towards the question. We can't get to all of these
 22 questions, unless you want to stay through the week. We
 23 have a very large body of them. ^{Mayor Hatcher the}
 24 ^{more or to is scheduled to you:} next question I'd like to

25 "Mayor Hatcher, would you give a brief report on
 the recent developments in your youth program and the

Copy (D)

1 impact ^{that} you feel that this program has had on your
2 community?"

3 MAYOR HATCHER: Well, basically, ^{your} youth
4 programs have ^{tried to} ~~dealt with~~ the ^{give} ~~question of making~~ youngsters,
5 ^{have} ~~of course, who previously had not felt that they were a~~
6 ~~part of the community, or, for that matter, that anyone~~
7 ~~really cared about them, giving them an opportunity to~~
8 ~~participate and to be involved; and~~ ^{with that} ~~and a feeling that~~
9 ~~Someone cares about them.~~
10 We have tried, for example, to deal with the
11 problem of youth crime in a different way. That is, ^{instead}
12 of automatically sending youngsters ^{in trouble} into the criminal
13 justice process; ^{-- to} ~~that is jail, then~~ ^{to} ~~court, and then ulti-~~
14 ~~mately prison, rather to take youngsters who get into~~
15 ~~trouble and to put them into a constructive program, a~~ ^{positive}
16 ~~positive kind of program. Of course, it is early~~ ^{yet} ~~to de-~~
17 ~~termine whether this is the best approach or not, and some~~
18 ~~people have already condemned it. But, it seems to me that~~
19 ~~the chances of rescuing and salvaging them are far greater~~ ^{than}
20 ~~than to simply automatically, routinely refer them to the~~
21 ~~criminal justice process.~~

21 SENATOR HUMPHREY: I have a follow-up
22 question for both Senator Jordan and Mayor Hatcher:

extract
23 "As a northern Mayor and a southern legislator,
24 do you consider there to be better conditions for
25 blacks today, to be in the ^{better} ~~north~~ or in the ~~south~~?"

MKS
SENATOR JORDAN: Without a doubt, ⁱⁿ the South.

(Applause.)

91
You know, I have always said that when the Civil Rights movement or struggle reached some resolution, as opposed to solution, that the South would be the preferred region of the country in which to live. And I mean that quite seriously, because we have never deluded ourselves here about where we were, or what we needed to do, or what we were about. So, whereas the struggle has a certain degree of similarity and the issues are common, the results, *in the South have been* I think, will be a more open region with freedom of movement and spirit on ^{the part} behalf of people, and I do not see that kind of openness or freedom occurring in the north; given the desires of the north to delude ^{cd} itself into thinking that it really was the most liberal in terms of regions related to black people and their lives.

SENATOR HUMPHREY: Mayor?

MAYOR HATCHER: Yes. In defense of the north, I should say that, first of all, I would rarely take issue with Senator Jordan, and certainly I would not do so in Texas. (Laughter.)

SENATOR HUMPHREY: A prudent man.

MAYOR HATCHER: I think, though, ^{that} it is a matter of two different situations. I think what is taking place in the south, or the struggle that is taking place in

the South is, to some degree, different than that which is taking place presently in the north.

~~I think, for example, among blacks, and I speak~~
~~essentially from the standpoint of blacks,~~ I think that
 blacks in the north at this point are perhaps more
 discouraged, probably more bitter, ~~probably more~~ ^{and} disap-
 pointed than blacks in the South. ~~Because the illusion~~
~~that Senator Jordan referred to; that is,~~ the illusion of
 equal opportunity has been shattered for most blacks in
~~especially younger blacks - in~~
 the north by the very hard reality that has come. And I
~~think that right now it is recognized in the North,~~
~~especially by younger blacks.~~ I think it is recognized
 that simply to have the right to go into a restaurant and
 sit down to eat is not enough; ^{and} to have the right, ~~for~~
 example, to be hired ^{for} on a job, when you are going to be
 hired at the lowest level, ^{for} and your chances ~~of progress,~~
 progressing upward are almost non-existent; ^{is not enough,} ~~that is a~~
^{these are} very frustrating things.

~~I think it is true that~~ ⁹¹ as long as a person, for
 example, ~~is out in the cold~~ ^{is} outside in the cold ~~and has~~
 never been inside, ^{and} ~~doesn't know what it's like inside;~~
 doesn't know how warm it is inside, or how nice it is
 inside; ~~that perhaps they can tolerate their situation~~ ^{he} ~~out in the cold.~~ ^{he} They may not like it, but they can
 tolerate it. I think once you have been inside, ^{seen} or have

1 had a look inside, and had an opportunity to see what the
 2 ^{the} potential and the possibilities ^{inside} are, and then when you
 3 find that you, in effect, are still on the outside, or
 4 that you really don't have ^{without} a chance to get inside in the
 5 most realistic way, then the frustrations are doubled.

6 ^{A So, I think it's two different situations, and}
 7 ^{that but} I would think there is a good deal to be said for more
 8 progress in both areas.

9 ^{and} SENATOR JORDAN: I would just wrap that
 10 up by saying ^{that I} "Don't think that we are really in great
 11 disagreement ^{here} or competition ^{as to which region is}
 12 going to do the most. Dick and I hope that the day ^{will} does
 13 come when it ^{will} make no difference whether a black is
 14 in the ^{no} north or south, in terms of the openness and the
 15 freedom and the real equality ^{in fact} which he experiences
 16 in his community. I think that would be a fair statement.

17 ^{question here that is much discussed among the} SENATOR HUMPHREY: I have a ^{controversial} couple of
 18 highly controversial ones here, and I want to toss them
 19 ^{general public:} out and we will maybe get a chance to include this in our
 20 oral discussion.

21 ^{critic} "Since crime in the cities hurts blacks more
 22 than whites, why do black leaders not take a more
 23 active role in seeking protection for the Civil
 24 Right to be secure in one's home and neighborhood?"

25 I gather that this is the kind of a question that

1 ~~is kicked around a great deal in the general public. I~~
2 ~~think it deserves our attention from any and all members~~
3 ~~of the Panel.~~

4 ~~Starting with you, Mrs. Freeman, how would you~~
5 ~~like to respond to that?~~

6 COMMISSIONER FREEMAN: I ^{want to} ~~move we start~~
7 ~~with the Mayor.~~

8 SENATOR HUMPHREY: Mr. Mayor? (Laughter.)
9 ~~This is a new exercise of women's rights. (Laughter.)~~

10 MAYOR HATCHER: Yes, better known as
11 ~~"passing the buck."~~ (Laughter.)

12 I would say that the question itself has an
13 inherent assumption that I believe is incorrect. ^{It isn't} I don't
14 think ~~it's~~ true that black leaders ^{fail to} ~~do not~~ take a strong
15 position with respect to the right of all people to be
16 secure in their homes and in their places of business and
17 on the street. I think that perhaps one excellent example
18 of that— I have read several columns written by Roy
19 Wilkins, where he has gone into some detail in that
20 respect. And other black leaders have also taken very
21 strong positions in ^{This} ~~that~~ respect.

22 Somehow ^{the} the implication that black leaders
23 sanction and encourage criminal acts or crime, ^{it is} ~~it's~~ just
24 incorrect, and I don't believe that ^{without} ~~it has~~ basis in fact.
25 ^{On the contrary} I think what is true is that at the same time

^{act only} that black leaders take a strong position against ^{the kind of} crime, ^{we have just mentioned} and the violation of the law, they ^{also} take, first of all, a position that they oppose all crime, ^{including} and that includes not only the kind of crime that occurs on the streets, but the kind of crime that occurs when a slum lord permits a building to run down and to become dangerous and hazardous to the people who live in it. *They say a*

And what they are saying in effect is that they feel that all laws ought to be enforced, equally and fairly. I think beyond that, it may be one reason that persons may think that there is a degree of tolerance and sanction that is not there, ^{That} is because black leaders also try to recognize and try to point out, I think, at every opportunity they have, some of the basic and root causes of crime. And to say that we should not only treat the symptoms, which is the ^a Act itself, perhaps, but that we ought to also try to get to the root cause, which ^{is to} is the deprivation of human rights, the deprivation of equal opportunity that is imposed upon many people in our society, simply because of the color of their skin. ^{and}

But, most black leaders that I know take a very strong position that all people, including black people, ought to have the right to be secure in their homes and in their places of business, on the streets of their community, free from crime.

1 SENATOR HUMPHREY: Anyone else? Barbara?
2 the Senator? or anybody?

3 SENATOR JORDAN: I agree with Dick, whole-
4 heartedly.

5 SENATOR HUMPHREY: *There is a need* Could I just toss in that
6 again here, for those who are deeply involved in this
7 program, or this movement of Civil Rights, ~~the need of~~
8 ~~trying to outline or to delineate~~ what we mean by law and
9 order, ~~what we mean by~~ *and* law enforcement. I know that it
10 is different to be a Mayor now than it was 25 years ago.
11 But I can recall enforcing laws, *a 25 years* as a Mayor of the City,
12 *1907* in reference to the condition of a house that was for rent
13 that was in violation of a City health ordinance, or a
14 building code. And I think ~~it's~~ *it's* nothing short of a
15 national disgrace in this country that we not only compel
16 people to live in facilities that are unfit for human
17 habitation, but at times we pay exorbitant prices for them
18 out of the public Treasury. *for them to live there.*
19 *91* I hope to see the day, and I get my little pitch
20 in here, when people who ~~are~~ *must be* on welfare and need to be
21 there, because of their inability to provide for themselves,
22 that we will have a program *through* in which they can become
23 property owners. I see no reason to be spending vast sums
24 of public funds for rent, when people could *acquire* very well have
25 an equity in a home that was theirs, and feel some sense of

possession for the very same amount of money that ^{is ex-} the
~~pendent for the~~ rent charge, may be. (Applause.) I think that can be done.
 (Applause.)

Some time later, I will give you the full details.
~~I just thought I would toss that out. I have a little~~
~~idea in mind.~~

Another combined question and observation:
 Here's the second one. By the way, we have a
 number of questions on this whole subject of violent
 crimes in the cities, and if these questions will be
 related, they will be referred to the participants.

But, one of the other questions or observations
 is made:

Extract
 "What focus do you see for the American
 Indian in his struggle for Civil Rights? I note
 no participation in the Symposium. Several
 speakers have addressed Civil Rights as a bi-
~~racial~~ ^{black-white} problem; that is, blacks and ^{white} other
 minorities; Chicanos, native Americans, orien-
 tals are relegated to passing mention, or
 complete omission. Will Panel members please
 comment on the challenge of forgotten minorities
 to the Civil Rights efforts of the 1970's"

not
 I just toss that question out here. I don't
 think we are going to have time to really dig into it, but
 this is one of the hang-ups that you will find out when you

when I was
 1 are out on the political hustings. *If I had any question*
 2 ~~put to me~~ in the months of January through July, ~~as I~~
 3 ~~traveled around this country in search of things that were~~
 4 ~~not available.~~ (Laughter.) *I* I found that there was some-
 5 *around this country:* thing happening, where there was a division amongst people
 6 that ought to be together.

I was attending a meeting
 7 I remember being in Detroit where my friends in
 8 the Mexican American community. ~~I was attending a meeting~~
 9 and they pointed out ~~that~~ *the* few houses that had been built
 10 under any Federal housing program *for Mexican Americans,*
 11 *then* and then said very bluntly, "But look at the thousands of
 12 homes for those blacks." And I have heard this repeatedly.
 13 And I think that it is imperative that we ~~start to~~ face up
 14 to the fact that there are minorities in the country that
 15 are beginning to see division in their own ranks *at a time when* all of
 16 them *stand* in need, *may I say,* of the same kind of *help and* cooperation
 17 from Government, ~~the same kind of help~~ the same kind of
 18 social services, ~~the same opportunities.~~

19 But, *we* we have not addressed ourselves to this
 20 problem, and we'll have to, ~~in the written commentary,~~ be-
 21 cause to ignore it, is just to play games. If there is
 22 anything the Civil Rights movement needs now, *just* is that we
 23 talk frankly to each other without getting angry, and maybe
 24 we will be able to do it, because we are going to do some-
 25 thing about it.

Some

Here now are some questions on the bussing issue;

Now, bussing. Here is one:

ex-tract
~~"With all the discussion on bussing today and for the past few months, I would like to ask the Panel what they feel to be the most effective and least antagonistic method to effectively use bussing to achieve racial balance and/or desegregation? Concerning bussing, what do you feel is a feasible solution? Do you see any hope for Congress to provide a solution by passing legislation, or do you feel the decision will ultimately be decided by the Supreme Court?"~~

met with
 This was addressed to Barbara Jordan.

How no more than
 "Do you feel that bussing provides any kind of solution to the inequality of school systems? Doesn't it rather, at best, attempt to be a bandaid and, at worst, force black and Chicano children out of their own community, because we don't bus white kids?"

side
~~And so on. Now, there are about a dozen questions along that line. Let's go at it. Well, let's get the Professor in on this. He's been having an easy life; I didn't mean on the bus, *der* Do you want to get in on that?~~

DR. WILLIAMS: Well, I think everybody on the Panel ought to get in on that.

SENATOR HUMPHREY: Yes, we are going to do it, but we'd like to have you be the sacrificial lamb for

1 a minute here. (Laughter.)

2 DR. WILLIAMS: Well, I certainly don't

3 purport to give all the answers to all of those very
4 difficult questions which have been raised. Maybe it would
5 be a little bit helpful at the moment to state the legal
6 foundations of where we seem to be on bussing, because I
7 think a lot of people don't understand ^{them} that: →

8 [The United States Supreme Court and the other
9 courts ^{not thus far} thus far have never yet taken the position that
10 bussing, which is a form of, and I use the word in quotes,
11 a form of a "quota" system. In other words, it's a
12 counting up of the races in various schools. ^{g--} They have
13 never taken the position that this is a substantive obli-
14 gation under the Constituion. What they are doing, and I
15 think it is very important that this be realized--what they
16 ^{The courts are} are doing is, saying, ^{-- and it is important to realize this --} that we must take affirmative steps to
17 eliminate the effects of improper and unconstitutional
18 racial segregation in the schools in the past. And that,
19 ^{to} therefore, one of the ways that this can be done is the
20 intermix^{ture} of races through moving them into various
21 schools, so that ^{we} you don't ^{have} get wholly isolated schools on
22 a racial basis just because of their location. ^{The courts} They are
23 not establishing an over-all principle that we must always
24 count races in all of our public activities. →

25 [They are establishing a specific, affirmative

1 remedy for a previous failure to follow constitutional
2 obligations.

3 Now, ~~as a legal proposition,~~ I certainly have
4 very little difficulty with this kind of affirmative,
5 creative remedy by the courts. *As a legal proposition.*

6 Now, ~~another thing that I think that is important~~
7 ~~that has been done is the recognition by the United States~~
8 Supreme Court *has also recognized that these affirmative steps* ~~that this is not something that ought to be~~
9 ~~done under one specific guideline or rule applicable to~~
10 all situations. ~~What the court has done, and indeed, did,~~
11 from the very beginning *with* ~~in the first decision,~~ the Brown
12 decision, *the court* made the Federal Judges at the District Court
13 level, administrators of the difficult problem of eliminat-
14 ing the vestiges of racial segregation in the schools.

15 *no 11* And this means that the various judges can them-
16 selves shape the remedies as they are needed in the par-
17 ticular situations.

18 It seems to me that this is a very effective
19 function for the courts to carry out and is a very useful
20 process as a matter of statecraft in our society. Since
21 the judges are handling it; ~~since they are the administra-~~
22 tors, I must say that I personally view with at least a
23 great deal of concern *by* ~~an~~ attempt by Congress to establish
24 general, over-all rules which would be applicable in all
25 situations.

1 We concern ourselves a lot about the localism
 2 problem in integrating the schools. Well, one way we are
 3 effectively trying to solve that problem is to have Federal
 4 Judges effectively considering the local circumstances as ^{they}
 5 apply in each locality, ^{before him.} as a result of the case which they
 6 have. ←

7 Now, there is one difficulty with this, that I
 8 recognize. A Federal Judge can act only within certain
 9 obviously circumscribed limits. He doesn't have to wait for
 10 a particular case in a particular community. Early in the
 11 whole proceedings, we had a Federal Judge undertake ^{work} to de-
 12 segregate the schools in the whole State of Delaware, all
 13 at once. So there is, at least, a great deal of power
 14 there, but ~~there is an obvious tendency~~ because the burden
 15 is a heavy one on a Federal Judge. ^{he has} There is an obvious
 16 tendency to react to the cases that are filed and not take
 17 on the whole process, and ~~that's the weakness~~ and I recognize
 18 ^{that as} it's a weakness. And I therefore don't say automatically,
 19 ^{That shouldn't} Congress couldn't face this problem, or think about this
 20 problem, but I simply say, we've got to have a word of cau-
 21 tion there, ^{is in order:} the word of caution being that an over-all
 22 solution that purports to solve ^{This} the very difficult and com-
 23 plex problem ⁱⁿ exactly the same ^{way} all over the United States
 24 is something we had better be very careful about.

25 ~~SENATOR HUMPHREY:~~ Barbara?

1125.
SENATOR JORDAN: ~~I would only say that~~

~~if the goal is equal education, and I think it is, then~~
~~there are going to be~~ *will* ~~at times, instances, and circumstances~~
~~when the bussing of school children is going to be neces-~~ *will*
~~sary for the achievement of that goal. It is going to be~~
~~very difficult for that idea to become acceptable~~ *to* ~~in the~~
~~country,~~ *but* ~~I think its acceptance would be hastened if~~
~~politicians would talk less about the issue and do more~~
~~about sensitizing people to the hard reality of~~ *integration and* ~~the~~
~~transportation of children, integration, in order to reach~~
~~the goal of equal education.~~

SENATOR HUMPHREY: ~~Richard?~~

MAYOR HATCHER: ~~Well, I would just say in~~
~~view of the facts that no planes were able to come into~~
~~Austin last night, nor this morning, and due to the fact~~
~~that I was bussed into Austin this morning, that I would~~
~~speak very strongly in favor and in defense of bussing.~~

~~I do think that Barbara has hit the nail on the head. The~~
~~issue really isn't bussing at all.~~ *real* ~~The real issue is~~ *but* ~~how~~
~~can we give every child in this country the opportunity~~ *to*
~~to receive the very best education possible,~~ *quality edu-*
~~cation.~~ ~~And that if we are truly committed, if we really~~
~~mean it when we say that our youngsters are the leaders of~~
~~tomorrow, they will have the awesome responsibility of~~
~~running this country.~~ *leading* *tomorrow* ~~And if we are committed to that~~

particular principle, then, I think we will do whatever
The goal of equal education
 is necessary in order to accomplish that. And if that in-
 cludes bussing, so be it.

SENATOR HUMPHREY: Judge?

JUDGE GARZA: I do want to say this: The
initial *is whether the problem of*
 question that is generally said, is this question of
 bussing *is* going to have to be decided by the Congress, or is
 it going to have to be decided by the Supreme Court?

for to rulings
 I am looking forward to this Court, this year, to
 rule on certain cases that are now pending before them:
 the Redmond case, the Denver case, which involves not only
 blacks but also Mexican Americans; the Corpus Christi case,
 an Austin case, *that are now pending.* The Supreme Court
 will give us the guidelines on the questions of bussing,
 because, for the first time, *it* I think that the Supreme Court
 is faced with the problem of having to decide just how much
 bussing there will be.

Those of us who live in the Fifth Circuit are
 committed under *its* the rulings of the Fifth Circuit to force
 bussing to achieve racial balance. We are looking forward
 to *hearing* finding out what the Supreme Court says about *these rulings* it. I
 think that whatever the Supreme Court decides on this issue
will determine *or not*
 is going to decide whether Congress has to take any action
The Court
 or not. If they decide that forced bussing is not necessary
question
 in every case, the problem then will be whether Congress

1 makes it so. ~~It won't be whether they stop it.~~ I think
 2 the decisions of the Supreme Court are going to take
 3 Congress off the hook, ⁹ Senator. ~~I think whatever the court~~
 4 ~~decides on this issue is going to take Congress off the~~
 5 ~~hook on the question of doing away with bussing.~~ It might
 6 put them back on the hook on the ¹⁵⁵⁴ ~~question~~ of ordering
 7 bussing. I don't know how the Supreme Court is going to
 8 rule, ^{but} ~~and I don't think any of us have any idea.~~

9 I, ^{as} for one Federal Judge, ^I am hopeful that ^{it} they
 10 will give us some guidelines that we will know how to
 11 follow ^{and} that we can follow.

12 ~~I want to say to Barbara, when you said to me~~
 13 ~~that what we needed was that the Judges ought to go by~~
 14 ~~Congress, what the law is.~~ ^{But} We have a hard time ^{knowing} finding
 15 out what the Supreme Court says the law is sometimes, be-
 16 cause ^{The Supreme Court doesn't always} ~~they don't~~ tackle the point. They ^{is} say, "We don't
 17 have to decide this issue. It is not before us." ^{So} ~~We~~
 18 get inklings of what the law is, but we, ^{ourselves}, are
 19 ^{can} not ^{always be} sure ~~what the law is.~~

20 I ~~want to say this~~ ⁹ in defense of the Federal
 21 Courts, ~~too, and I think~~ it was pointed out very clearly
 22 by Chief Justice Burger in his address to the American
 23 Bar Association when ~~he said, for instance,~~ that the
 24 jurisdiction of the Federal Court has expanded so
 25 tremendously, ^{that it is} ~~We are being literally overworked.~~ And many

times, your Civil Rights cases are not getting the proper attention that they deserve because ^{The Courts} we are overworked. He suggested that the Congress ^{make} have an impact study, ^{before it} When we ^{pass a piece of} this legislation, ^{and ask,} "what is it going to do to the courts?" He said, ^{get it} "Will they need more help?" ^{this}

[I don't know of any Federal Judge that just who doesn't have his hands more than full on all types of cases, including the Civil Rights cases.]

And ^{it} might be well that those who are prone to accuse the courts of not taking ^{prompt and} decisive action and ~~prompt action~~ on the matters of Civil Rights heed the words of the judiciary, speaking through Chief Justice Berger when he said that Congress ought to determine that ^{on the} this piece of legislation is going to ^{it} increase the jurisdiction of the Federal Courts so much that we need to give ^{and remember that} them more help, because that's our main problem right now, that we are just overworked.

SENATOR HUMPHREY: Mrs. Freeman?

COMMISSIONER FREEMAN: Again, I would like to commend to you the report of the Commission entitled "Your Child and Bussing." ^{which}

^{ital} We issued this report which is a very, as I said, just a twenty-page report, because we believe that on this issue, the American people have not been served well, ^{on this issue} Only in the context of desegregation has the question of

1 issue become hot and emotional, because millions of children
 2 are being bussed to school every single day for many,
 3 many reasons. ~~Some of them are even taken from Alaska to~~
 4 ~~Oklahoma by plane.~~

5 And I'd like to at least point up some of the
 6 issues that we believe are most important and of primary
 7 concern. ~~First of all,~~ ^{among many other} bussing is just one tool, ^{one of}
 8 ~~many, many other tools.~~ ^{The} We believe that the great importance
 9 American people have placed on education is justified,
 10 and that every child deserves as a matter of right, a
 11 high quality education. And if it takes a bus to get it,
 12 ~~we believe it ought to be.~~ ^{Then let us have buses.} (Applause.)

13 MAYOR HATCHER: Mr. Chairman, could I have
 14 just one last footnote on that?

15 SENATOR HUMPHREY: Yes.

16 MAYOR HATCHER: I would hope that we would
 17 get away from the term "forced integration" ⁱⁿ as it applies
 18 to this matter of bussing. We don't use ^{The term} that in any other
 19 context, and I don't see where it's really applicable to-
 20 day. ^{When a} It is a question if ^{ruling} the court rules, we try to follow
 21 that as being the law. ¹ It is not a matter of force or
 22 non-force. ~~That has been used at some rather high levels,~~
 23 and I would hope that we would begin to get away from that.
 24 (Applause.)

25 SENATOR HUMPHREY: The Chair of this Panel

would ~~just~~ like to conclude by noting that this highly emotional issue of bussing has been discussed in its separateness, rather than in the context of the total community in which people live. ~~And that is both its danger and its weakness.~~

The court has laid down specific instructions on bussing. ~~There is no problem about that.~~ It has said, for example, that bussing shall not be used at any ^{risk of} impairment of health or ~~convenience or comfort~~, so to speak, of the child. It has not required statistical quota racial balance. It has primarily insisted that bussing be used as Mrs. Freeman said, as one of the tools available to a School District and public authority ^{to} ~~for~~ bringing about a better quality education and a better racial balance within the school structure, ^{and} to break up patterns of de-segregation.

I have some suggestions. One way to break up patterns of desegregation is open neighborhoods. ~~That's one way. (Applause.)~~ *One way to remove the*

And to provide
Another way to break up the desire on the part of some people for bussing is having an opportunity for children to attend schools that are truly good schools, in fact, quality schools, within the reach of the child and the parent, in which the child and the parent can become fully involved.

Another way of approaching the whole question of

1 bussing, ^I it seems to me, ^{then} is to look at the total health
2 and well-being of that child and ^{avoid} not just trying to solve
3 all of our social problems ⁱⁿ in the front or the back of a
4 bus. [insert (A) p. 159] [two 99]

5 And I happen to believe that a lot of us are
6 being just led off on divergent trails, being led off, so
7 to speak into the emotional, political wilderness ^{where} so that
8 we don't have to get down to the job of building this
9 country into a better country. I believe in good buses, ⁽¹⁾
10 if that helps anybody feel happy. I am for the bus industry
11 but I don't think that's the prime purpose of government.

12 I believe in safe drivers. ^{too.} I believe it's good
13 for children to be acquainted with the automotive industry.
14 I think that's good, too. [But, ^I more importantly, I think ^{believe}
15 it ^{is} important for children to know that the homes in which
16 they live are wholesome, decent, safe homes; that the
17 neighborhoods in which they live are fully, ^I socially
18 established neighborhoods with all the services that belong
19 to a neighborhood; that, above all, they are respected.

20 All the bus rides in the world are not going to answer the
21 ^{need for} problem of mutual respect, ^I and mutual understanding.

22 So, I am not going to have any problem in Congress
23 about bussing. I am not going to vote for Constitutional
24 amendment against bussing; not on your life! I don't
25 believe in doing that. I think the Constitution takes care

of this question very well. I don't feel that I have the wisdom of Solomon to say how many ought to go this way and that way. I think we can leave that up to the judicial system and the courts, working together.

And I really believe ~~that~~ the answer ~~to it~~ is to get on the stick and get this country moving again, instead of trying to just ^{not just} move it by a bus, ^{but} to try to move the whole country forward, in health, in job training, in opportunity ^{and in actual gains.} As somebody said here, "Is it ^{isn't} enough to present Civil Rights as a movement for equal opportunity?" Not at this stage, ^{because} and I will tell you why: If you are the victim of malnutrition, it doesn't do any good to say, "Well, tomorrow morning, we can all eat hamburgers." Or, "Tomorrow morning, we can all have T-bone steak."

Anybody that knows anything about the problems of malnutrition knows that if you are the victim of malnutrition, physical malnutrition, it takes a time to get your system back into balance, so that you can participate as an equal, ^{and} and have equal opportunity at MacDonald's, or some other place. (Laughter and applause.) We all know that.

Now, therefore, it seems to me that it is not amiss for us to be talking about some extras, ^{about} just a little more than equal, for awhile, until ^{some} people get a chance to get ^{catch} caught up. And that isn't only for blacks. It is for

others that may have been disadvantaged over the years.

It is not enough just to have an ordinary teacher, for an emotionally disturbed child, or a mentally retarded child. It takes a special teacher, and we ought to pay the ^bBill.

And it is not enough just to have children ^{for a} go to an ordinary school that everybody else can go to, if ^{that} the child has been the victim of a cultural shock, or ^{life} living in an area that does not permit really human advancement or enrichment. It's going to take more than that. "just as much" for awhile.

[The last sentence is on p. 160]

Then, I will leave something else with you and then I will shut up. What good does it do to put a child into a good school all day and then dump him back into a social garbage heap? (Applause.) Why don't we start to think about the total picture? (Applause.) The total picture of a child's education is ^{begins} the day that a child comes into this world, the home, the neighborhood, the street on which he ^{and enters his} or she lives; ^{walks on} the social environment, ^{picture of the} the political environment, the physical environment in which that child lives, from Day One! ^{when} And if we are really talking about Civil Rights and Human Rights, we are talking about the right to live like a human being.

And the phrase that always intrigued me the most in the Declaration of Independence wasn't only those

inalienable rights of life and liberty, but, above all, the pursuit of happiness, the right to pursue it, in your own way. As somebody said here today, the right of an individual to be different; not the right to be the same, but the right to be different, to pursue this great goal of happiness.

p. 159 Now, that's the end of my sermon for the day.

Ordinarily, benedictions are shorter and invocations are longer, but I thought I'd just switch it around and we have a very distinguished guest with us, a dear friend, who, by the way, had the blessing of going to the University of Minnesota, and I wanted to get my plug in, Barbara, and we will hear from him a little bit later. Thank you very much.

(Applause.)

MR. MIDDLETON: Thank you very much, Senator Humphrey, and all the members of the Panel.

To emphasize something that Senator Humphrey alluded to, these proceedings will be published, and we hope will be disseminated as widely as possible. We will take the questions that have been unanswered. We will distribute them to the Panelists; ask them to give us answers to those questions, so that they can be part of the published proceedings.

One of the pleasures for me leading up to this

to supply
ital
connection
here
2/29

160
119
43



Minnesota Historical Society

Copyright in this digital version belongs to the Minnesota Historical Society and its content may not be copied without the copyright holder's express written permission. Users may print, download, link to, or email content, however, for individual use.

To request permission for commercial or educational use, please contact the Minnesota Historical Society.



www.mnhs.org