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## A Conversation on Learning from the History of the Civil Rights Movement

*Abridged Transcript, The Summit for Civil Rights, November 10, 2017*

Walter F. Mondale†

### Introduction

On November 10, 2017, as part of the *Summit for Civil Rights*, I took part in a conversation on the Fair Housing Act and history of civil rights with Congressman James E. Clyburn. Professor William P. Jones served as a moderator. Our discussion focused on the lessons of history and how they can inform a new movement for civil rights in the United States.

In our comments, Congressman Clyburn and I revisited some of our memories of the civil rights questions and struggles of years past. We underlined the importance of remembering and understanding earlier pushes for racial equality, including the often-overlooked heroes who laid the groundwork for the stunning victories of the 1960s. As Congressman Clyburn said eloquently, advocates should recognize past progress so they can build on those successes and move forward, rather than relitigate issues anew.

In that spirit, I also counseled civil rights advocates to stand strong behind the Fair Housing Act, one of my proudest endeavors during my long tenure in public service. Even when political winds have shifted against civil rights progress, proponents of fairness and equality can take shelter behind this law. It is targeted at one of the most durable sources of racial injustice in the United States: the segregated racial ghetto. It provides the tools for government officials to reduce residential segregation and a strong obligation that they do so. Rather than relitigate the battles that led to its passage, I hope American leaders can learn the lessons of history and move toward diligent application and enforcement of this law.

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†. Walter F. Mondale was vice president under President Jimmy Carter. As a Democratic senator from Minnesota, he was a co-author of the Fair Housing Act.

**Transcript:****Professor Jones**

Good morning. My name is Will Jones.<sup>1</sup> I'm a professor in the history department, and I have the honor of moderating a conversation this morning with Vice President Walter Mondale<sup>2</sup> and Congressman James Clyburn.<sup>3</sup>

Last night, we tried to lay out some of the problems that we're facing with segregation, the harms of segregation, and the causes and the symptoms. Today we're gonna try to focus on what we can do about that. And I think that there's no better way to start that [than] with talking to two veterans of this struggle. Vice President Walter Mondale is probably best known as President Carter's vice president and the Democratic nominee in 1984.

I want to focus today on his earlier career. First, as a senator from here in Minnesota who played a key role in the passage of the important civil rights legislation of the 1960s and particularly in drafting the Fair Housing law.<sup>4</sup>

Before that, he was also an attorney general in the state of Minnesota and played a really key role in a very controversial compromise in the Democratic Party in 1964, that in many ways—I teach the history of civil rights—is often seen as a setback.

This was a compromise that was waged really between two wings of the Democratic Party in the state of Mississippi, one of which was a segregationist wing that had sent a delegation that was all White, in which African Americans were not allowed to participate. The other was an integrated wing that was built by a civil rights activist as a challenge to the segregationist wing.

And it presented, as you might imagine, a difficult problem for the Democratic Party, and Vice President Mondale played a key role in negotiating that challenge and coming up with a compromise that really ended in the dramatic transformation of the Democratic Party.

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1. *About*, UNIV. OF MINN., COLL. OF LIBERAL ARTS, <https://cla.umn.edu/about/directory/profile/wpjones> (last accessed May 5, 2018).

2. *Walter F. Mondale, 42nd Vice President (1977–1981)*, SENATE, [https://www.senate.gov/artandhistory/history/common/generic/VP\\_Walter\\_Mondale.htm](https://www.senate.gov/artandhistory/history/common/generic/VP_Walter_Mondale.htm) (last accessed Mar. 8, 2018).

3. *Representative James E. Clyburn*, CONGRESS, <https://www.congress.gov/member/james-clyburn/C000537> (last accessed Mar. 8, 2018).

4. Title VIII Civil Rights Act of 1968, Pub. L. No. 90-284, 82 Stat. 73, 81–90 (1968) (codified as amended at 42 U.S.C. §§ 3601–3619 (2009)) (noting that this law is commonly known as the Fair Housing Act).

In some ways, I think it was the transformation of the Democratic Party that paved the way for James Clyburn's career as a politician. And so he will give us, I think, a different perspective on that history. He entered politics in the wake of those changes as a young civil rights activist and teacher in the state of South Carolina and went on to become the first non-White adviser to the governor of South Carolina. He was appointed in 1971 after police officers shot into a demonstration by Black students at South Carolina State University.<sup>5</sup> Three students were killed, twenty-seven were injured. And this was one of these moments, again, that sort of opened up a possibility for a shift in state politics and national politics. Congressman Clyburn worked in state government until 1992, when he was elected to Congress. And this, also, was made possible by a challenge from the Supreme Court, which ended the gerrymandering of congressional districts in South Carolina that had spread Black voters across districts in a very deliberate way, to prevent them from gaining any political power within the state.

Again, I think these are struggles and questions that we're still grappling with today, and I hope these two gentlemen can help us understand the history and how we can go forward. So I'd like to ask both of you to reflect on these experiences. You have, I think, very different perspectives from different parts of the country and from different racial backgrounds, and I'd like to hear how you might offer us some wisdom from those experiences.

### **Congressman Clyburn**

The Vice President and I have a totally different set of experiences. But I admire, emotionally, his work, because when he took on stuff here, it wasn't looking for votes—because there weren't too many civil rights votes to get in Minnesota. I admire what his predecessor in the Senate, Hubert Humphrey,<sup>6</sup> did, because that 1948 convention,<sup>7</sup> that speech of his, had a direct impact on me because it drove Strom Thurmond out of the Democratic Party. It

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5. See Jim Morrill, *50 Years After 3 Students Died in SC Civil Rights Protest, Survivors Still Ask 'Why?'*, CHARLOTTE OBSERVER (last updated Feb. 8, 2018, 5:27 PM), <http://www.charlotteobserver.com/news/local/article198943934.html> (providing historical reports of the demonstration).

6. *Hubert H. Humphrey, 38th Vice President (1965–1969)*, SENATE, [https://www.senate.gov/artandhistory/history/common/generic/VP\\_Hubert\\_Humphrey.htm](https://www.senate.gov/artandhistory/history/common/generic/VP_Hubert_Humphrey.htm) (last accessed Mar. 8, 2018).

7. American Speeches, *Hubert Humphrey 1948 Civil Rights Speech*, YOUTUBE (Jan. 25, 2009), <https://www.youtube.com/watch?v=8nwIdIUVM4&feature=youtu.be>.

did. Strom Thurmond left the party, formed the States' Rights Party, and ran for President, if you recall, on the States' Rights ticket. All over that speech. But a lot of other things were going on that same year. That's the year that the Executive Order was written: Harry Truman integrated the Armed Services.<sup>8</sup>

If you go down through '48 and look at all that started in 1948, that culminated in 1968, with this man penning the amendment to the 1964 Civil Rights Act,<sup>9</sup> it says to us that Hubert Humphrey's talents, Walter Mondale's talents, the talents of Fannie Lou Hamer,<sup>10</sup> all of these people doing what they could, using the talents they had—Fannie Lou Hamer was unlettered, unlettered, but she was absolutely at the heart of effecting that change—so it doesn't say to us that we have to have PhDs to teach. It doesn't say to us that we have to have an elected office in order to effect change.

It says to us, we have to use what talents the good Lord gave us to effect real change. And that's what I try to do as I travel around the country, getting people to understand that your backgrounds or experiences are different.

We all celebrate *Brown v. Board of Education*.<sup>11</sup> It was a great decision. But few people realize that *Brown v. Board of Education* started in 1948 when the case was filed, *Briggs v. Elliott*,<sup>12</sup> that led to *Brown v. Board of Education*. 1948 was a very critical year. Now 1968, a very productive year, with Lyndon Johnson's Great Society stuff.<sup>13</sup> But '48, I think, was the year.

### Professor Jones

I think this points to a theme that we've been focused on, and that, I think, we'll focus on for the rest of the day, which is that when we think about civil rights, I think we focus on key moments or key individuals, these big things like the *Brown* decision. But

8. Exec. Order No. 9981, 13 Fed. Reg. 4,313 (July 28, 1948).

9. Civil Rights Act of 1968. This law, the Fair Housing Act, expanded the protections given under the Civil Rights Act of 1964. Pub. L. No. 88-352, 78 Stat. 241 (codified as amended in scattered sections of 2 U.S.C., 28 U.S.C., and 42 U.S.C.).

10. DeNeen L. Brown, *Civil Rights Crusader Fannie Lou Hamer Defied Men—and Presidents—Who Tried to Silence Her*, WASH. POST (Oct. 6, 2017), [https://www.washingtonpost.com/news/retropolis/wp/2017/10/06/civil-rights-crusader-fannie-lou-hamer-defied-men-and-presidents-who-tried-to-silence-her/?utm\\_term=.0d1fec12bd17](https://www.washingtonpost.com/news/retropolis/wp/2017/10/06/civil-rights-crusader-fannie-lou-hamer-defied-men-and-presidents-who-tried-to-silence-her/?utm_term=.0d1fec12bd17).

11. 347 U.S. 483 (1954).

12. 342 U.S. 350 (1952).

13. See Representative James E. Clyburn, *Developing the Will and the Way to Address Persistent Poverty in America*, 51 HARV. J. ON LEGIS. 1, 3 (2014) (providing background on President Lyndon B. Johnson's Great Society initiative and its programs that remain today).

that they always have a deep history of organizing and struggle that lead up to that, that we often forget about. We think of the passage of the Fair Housing law as this pinnacle event, but I think we often forget what went into building up to that. I wonder if you could tell us a little bit about that history.

### **Vice President Mondale**

Yes. To summarize, you need a lot of support to get something through the Congress, and particularly if it's controversial, you need a lot of "oomph" out there, a lot of workers on the ground pressing members of the Congress to do their duty. None of this was clearer than with the civil rights legislation. We had a Civil Rights Committee in the Senate, and we had Clarence Mitchell, God bless him, from St. Paul, who was called the 101st senator.<sup>14</sup> He was a remarkable leader. I remember one time, we were having trouble with the senator from Illinois. We were trying to get him to strengthen his commitment to fair housing. He was waffling, but he was trying to pretend that he was for fair housing. So, we had this meeting, and he was there, and Clarence Mitchell did a tally sheet of how [Senators were voting] and besides this senator from Illinois it said, "Uncertain." He was sitting with all of us, and he finally said, "No, I'm for it." That was Clarence Mitchell, knew how to get things done. Wonderful, wonderful, wonderful man.

Where we had iffy senators, we'd work on leaders back home. I remember we'd call the editorial boards. We were trying to get [Senator Jack] Miller from Iowa. He could be with us, but he was mumbling. The Des Moines Register worked him over in an editorial, and he decided he was for fair housing.<sup>15</sup>

We went through a lot of one-off strategies to try to get into the consciousness of people who were ducking. I talked last night about trying to get the senator from Alaska, who could vote for us, was really kind of for us, but Alaska never voted for cloture, they said. I don't do this, but I called Lyndon Johnson. He was coming back from Puerto Rico. He was in his plane. He asked me, "Are there any senators who should vote for us, and can vote for us, who haven't yet said yes?" I said, "Yes. There's a senator from Alaska." I said, "He's for us, but he doesn't want to vote for cloture, but he very much wants a housing project in downtown Anchorage."

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14. Paul McCardell, *Clarence M. Mitchell Jr.*, BALT. SUN (Feb. 9, 2007), <http://www.baltimoresun.com/features/bal-blackhistory-mitchell-story.html>.

15. See Johnathan Zasloff, *The Secret History of the Fair Housing Act*, 53 HARV. J. ON LEG. 247, 271–72 (2016) (describing the "Dirksen Compromise," which brought Senator Miller and five other Republican Senators to support the Fair Housing Act).

The next day, I saw an announcement in the paper that Anchorage had this new housing project. When the vote occurred, we got right down to the last vote. We were one vote short. That was it. We're not going to have any more votes. The doors of the cloakroom opened, and out strode the senator from Alaska, and guess what? He voted "aye."

This shows that the kind of stuff you have to do, and you're kind of shocked by the fact we don't have some of those resources now. You surely wouldn't ask the President of the United States now to help on any of this. We got a majority of people who control the House and the Senate who probably wouldn't want to be for this thing. But the one thing is, we have the law. We're not asking that a new law be enacted in this case. We're asking that what is the law be enforced. That is still a tough thing, but it's not as tough as trying to pass a law.

But, there's a lot of law enforcement officers and public officials in Minnesota, and around the country, that are dragging their feet. It's an uncomfortable issue. They'd rather go on to something else. It's as though the Supreme Court, when they issued its recent decision about three years ago, [these officials] had never heard of it. I would say our strategy now needs to be, go to these officers and say, "You've got a law here that you're supposed to enforce. It's not a passive law. It's not a law that you can just sit and watch. You have an affirmative duty to help integrate American communities. When you're dealing with these housing projects and other things, I want to see what you're doing to *affirmatively* move toward that goal." I think those speeches should be given to these local officers every day.

### **Professor Jones**

Congressman, last night there was a moment when we were talking that I thought was kind of funny. You were talking about the history of civil rights, and you were talking about the importance of the year 1948. You were so familiar with the history that somebody asked you about you being there, and you had to clarify that you were only eight years old.

### **Congressman Clyburn**

When I was growing up, my parents had two rules in our house that we had to abide by: The first one was that every morning, at breakfast, we had to recite a Bible verse before we could pick up the fork. You couldn't say the same one twice. On the day my dad laid down the rules, he took "Jesus wept" off the table. The second rule

was, every night before retiring to bed, we had to share with our parents a current event. We did not have TV. We had radio, and the newspaper was delivered every afternoon. Every night after doing homework, we had to sit down and share a current event. So, I got caught up in reading newspapers and the Bible.

I followed very closely the 1948 presidential election as a kid. I just got caught up in this thing. Here's Harry Truman. Nobody expected [him] to win. Did not have a college education. But here he is, with a disability. Had some little quirk about himself. Everybody is still trying to figure out what the "S" stand[s] for in his name. Quite frankly, it doesn't stand for anything. He just thought that, to be important, you had to have a middle initial. A lot of people still think it stood for the Simpson family. I know that history. I go with the party that said it didn't stand for anything. So, I wasn't caught up in all of this.

But, I always tried to look at the background of stuff. Even when I learned Bible stuff. What did Saint James have in mind when he was writing this epistle? I started looking behind all of this. And here was Truman. Let me tell you, interesting little story about Truman. There's a little book, I don't know if it's still in print, called, "The Wit and Wisdom of Harry Truman."<sup>16</sup> I look at this little book one day, and Strom Thurman hated Harry Truman. He loved Franklin Roosevelt. So, a reporter walks up to Strom Thurman one day and says, "Senator, why is it that you hate Harry Truman so much, but you love Franklin Roosevelt?" He says, "Truman is just following the Roosevelt policies. It's the same thing." He said, "Yeah, but Truman means it."

Just think about that. Truman means it. You go back and look at the executive order integrating the armed services. You look at the stuff that Harry Truman did under the so-called Fair Deal and compare it with the New Deal, you will find that Truman not only meant it, but he did it.

A. Philip Randolph, all of the labor leaders, the sleeping car workers, these people laid the foundation. And I just hate it when I hear people say "the Civil Rights Movement," when they talk about what I call a student movement [in the 1960s]. It was not the Civil Rights Movement. The Civil Rights Movement started a long time before that. You can go back and look at those African-American soldiers coming back from World War II. They really built upon what A. Philip Randolph and others were doing, trying to get Franklin Roosevelt to do the right thing, which he was

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16. RALPH KEYES, *THE WIT & WISDOM OF HARRY TRUMAN* (1995).

refusing to do. So that wasn't *the* Civil Rights Movement. That was *a* civil rights movement. The March on Washington—there'd been a big march on Washington by these guys [a] long time before folks got there in 1963.

So, I just think that a lot of us would do well to, as we go through our responsibilities, to remember one little thing. I think it was George Santayana who wrote that "If we fail to learn the lessons of our history, we're bound to repeat them."<sup>17</sup> He didn't say if you fail to learn history. I want to repeat that. He didn't say if you failed to learn history. A lot of us have learned history. But I'm not sure all us have learned the lessons of that history. And I think that's why we are today, with this administration, repeating.

**Professor Jones (addressing Vice President Mondale)**

I wanted to read something you said in 1967. That's the danger of being in public work. People take what you said and put it back at you.

**Vice President Mondale**

You have to live with it.

**Professor Jones**

I think you can defend this statement. "America will never be able to solve its other problems of failing schools, slum housing, crime, violence, blight, disease, and pollution, until we address racial segregation."<sup>18</sup> Can you tell us what you meant by that?

**Vice President Mondale**

You know, I meant what I said. Surprisingly.

That's really the issue of fair housing, though. I've been in this for over 50 years, fighting for good education, fighting for jobs, fighting for housing and the rest. But it doesn't work in the ghetto. Kids in the ghetto feel that they're inferior. They've got poor schools. It sort of supports that idea. There must be something wrong with them, that they can't get out of there. Their parents are dispirited. Regardless of what we do—for kids, for example—it

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17. See generally Matthew C. Flemm, *George Santayana (1863–1952)*, INTERNET ENCYCLOPEDIA OF PHILOSOPHY, <https://www.iep.utm.edu/santayan/> (last accessed Apr. 22, 2018) (noting that the official quote is "Those who cannot remember the past are condemned to repeat it"); GEORGE SANTAYANA, *THE LIFE OF REASON: REASON IN COMMON SENSE* 284 (1905).

18. 113 CONG. REC. 22,841 (1967).

doesn't work in the ghetto. We've tried. We've tried all these years. But, in the areas of our country where we have healthy, integrated neighborhoods—and we've got some in the Minnesota suburbs—Black kids are doing a lot better. They're doing better in school. They can plan on going on to careers, just like other Americans. And as we know, if you get one kid on the road, you have inter-generational consequence. He'll raise his family and they'll all get a better chance.

So I think there's one civil rights issue today. Will fair housing be enforced, or won't it? Will we direct American government and the rest to eliminate the deliberate placement of housing in ghettos? That's not going to be an easy job, except that we got something with us: the law is on our side. I don't know why Kennedy wrote that decision [in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*],<sup>19</sup> but it's a damn good decision. It clarifies that fair housing is real. It has to be complied with. And I won't go over my speech, but we need to push people who are sitting on their duffs.

### **Congressman Clyburn**

Well, let me help you. Back when I became director of the Neighborhood Youth Corps New Careers Program down in Charleston, back in the early 1960s, I received a phone call one day from a lady who I knew by reputation as one of what they call a "Charleston blue blood." Her name was Rowena Tobias. And she invited me to her home. She lived down on South Battery. I went down to her house that day and she invited me in for high tea. This little black boy from Sumter, South Carolina. I didn't know anything about high tea or low tea, but I went in there and she had this high ceiling and parlour and just the two of us sat down.

She said, "I've been watching you for several years now. I think that you've got a tremendous future in public life. I want to share something with you." And she told me, shared with me, the history of Charleston. She said, "Here in Charleston, we at one time had the most flourishing economy on the East Coast. This port, the Charleston port, was much busier than the New York port." She says:

The reason we were so successful is because anytime we had a problem, this community would gather around the table. They would sit down. They would talk through it. And they would find a way to resolve their problem, save one. Whenever the

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19. 135 S. Ct. 2507 (2015) (holding disparate impact claims cognizable under the Fair Housing Act).

problem of race came up, we stopped talking.

She said “I want you to make me a promise. You are not going to do the things you want to do unless we solve the problem of race—which we will never do, until we develop the ability to talk about it.”

And so, I think that if you think about all that, if you go back and look at civil rights now—people look at the history of civil rights, they rush down to Georgia, or over to Mississippi or Alabama, nothing ever happened in South Carolina.

The fact of the matter is, Martin Luther King Jr. never called Rosa Parks the mother of the movement, the media did. He always called Septima Clark the mother of the movement, who taught Rosa Parks at Highlander Folk School.<sup>20</sup>

If you go down through this history, you look at the integration of transit, public transit, public transportation, we all say there was a Rosa Parks case—but if you read the Rosa Parks case, you will see that when it came to the question of integrated public transit, the Supreme Court in a footnote says, “We do not have to decide that question, that question is decided in *Sarah Flemming v. South Carolina Electric and Gas*.”<sup>21</sup> So, a little woman from the little town of Hopkins, South Carolina, really integrated public transit, but I doubt that anybody in this room ever heard of Sarah Flemming. But it’s right there in the Rosa Parks case.

So, the point I’m making is, what we have to do in this stuff is remember, there’s nothing new. Almost anything we attempt to do, somebody has blazed a trail, somebody has laid a foundation, and what we need to do is stop recreating the foundation; we lose time doing that. Let’s build on these foundations, let’s go forward. Because if you keep recreating, you’re never going to get to the next level, you keep re-fighting the same twenty years, as if nothing has happened before. So much has happened before us. Let’s pay homage to it, let’s build on it, and let’s go forward. And for God’s sake, don’t stop talking.

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20. See KATHERINE M. CHARRON, *FREEDOM’S TEACHER: THE LIFE OF SEPTIMA CLARK* 234–35 (2009) (recounting Septima Clark’s encounter with Rosa Parks at Highlander’s United Nations workshop in 1955).

21. See *Browder v. Gayle*, 142 F. Supp. 707, 716 n.14 (M.D. Ala. 1956), *aff’d*, 352 U.S. 903 (1956).