# Civil Rights Summit

LBJ Presidential Library • April 8-10, 2014

BY LOWELL BROWN, HANNAH KIDDOO, LINDSAY STAFFORD MADER, AND PATRICIA BUSA McCONNICO

President Barack Obama and three former U.S. presidents were among the featured speakers at the LBJ Presidential Library Civil Rights Summit, which marked the 50th anniversary of the Civil Rights Act of 1964. The *Texas Bar Journal* covered the three-day event, posting updates to Twitter (@statebaroftexas) and the Texas Bar Blog (blog.texasbar.com). What follows are highlights of the people and discussions that examined the momentous legislation and shed light on the legal and public service work that remains to be done.

In June, the State Bar of Texas 2014 Annual Meeting also will commemorate the anniversary of the Civil Rights Act with speeches from Lynda Bird Johnson Robb, daughter of former President Lyndon B. Johnson, and LBJ Presidential Library Director Mark Updegrove, among others. For more information, go to texasbar.com/annualmeeting.





Attorneys David Boies (center) and Theodore Olson (right) discuss same-sex marriage with Daily Beast editor-in-chief John Avalon.

### **Gay Marriage**

The fight for same-sex marriage is part of a continuum of the civil rights movement that has only one valid legal outcome, said David Boies and Theodore Olson. The two high-profile attorneys, who successfully represented the plaintiffs challenging California's gay marriage ban, opened the three-day Civil Rights Summit with an hourlong discussion that touched on the landmark Supreme Court case, their views on the public's shifting attitudes toward gay rights, and their relationship as a legal "odd couple" (the attorneys hold different political philosophies and argued opposing sides of Bush v. Gore in 2000). "I thought it was extremely important that we present this not as a left-or-right issue but as a constitutional issue," said Olson, who is currently working with Boies in challenging Virginia's gay marriage ban.

The attorneys acknowledged that some people hold religious objections to same-sex marriage. But legally speaking, there should be no question about what is right, said Boies. "As a matter of legal principle, there simply are not two arguments." The session did not include an opponent of same-sex marriage.

District court rulings, along with rapidly changing public views in favor of gay rights, make it clear that the United States is on course to legalize same-sex marriage, said Boies and Olson. "The Supreme Court has said we do not tolerate putting classes of our citizens into boxes and groups in which we deny them rights to equal dignity,"

said Olson. "And that's what we have done with our gay and lesbian citizens."

### **Immigration Reform**

During the first day of the Civil Rights Summit, Julián Castro, mayor of San Antonio, and Haley Barbour, former Mississippi governor, discussed immigration reform in the 21st century, touching on the history and current state of immigration in the United States and examining opportunities for future updates. Overall, the two leaders shared the belief that there is a need for realistic modifications in immigration policy, calling on government leaders to set aside politics for change.

"Pure and simple, it is in the best interest of America, economically and for other reasons, that we have immigration reform and that we take the 11 million people that are here and give them the opportunity to be here legally so that they, as the term is, 'get out of the shadows,'" said Barbour.

The two discussed financial issues of immigration reform, acknowledged the current challenge of defining "border security," and tackled the topic of overstayed visas. Barbour and Castro also touched on Republican Jeb Bush's recent comments that some illegal immigration is the result of an "act of love." Castro noted that candidates likely will feel more comfortable expressing honest opinions following the primaries and predicted that more

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Former President Jimmy Carter (right) talks with Mark Updegrove, the director of the LBJ Presidential Library.

### **Jimmy Carter**

Former President Jimmy Carter talked about racial disparities, the Camp David peace negotiations, and our country's inability to act during a conversation with LBJ Presidential Library Director Mark Updegrove.

The 89-year-old Carter said that "too many people are at ease with the still-existing disparity" between black and white Americans, citing high unemployment rates for African-Americans and some schools in the South that are still segregated. "We're pretty much dormant now," said Carter.

In a poignant discussion about the Camp David peace accords, Carter said that the last day was the turning point. "We thought we had failed," he said. But after delivering signed photos of himself with then-Israeli Prime Minister Menachem Begin, in which he addressed each of Begin's eight grandchildren by name, Carter said that Begin responded by saying, "Why don't we try one more time."

When asked what he thinks is the greatest concern facing the country right now, Carter said, "The government's inability to act."

2016 Republican candidates than not will hold views closer to Bush's position.

As the panel came to a close, Castro used the opportu-nity to remind the audience that throughout history, groups of immigrants that once had been seen as bothersome were finally welcomed, and America was strengthened for it. "We need them as much as they need us," he said.

### LBJ and MLK

President Johnson and Dr. Martin Luther King Jr. shared a personal and practical relationship that helped in passing civil rights legislation, said panelists at the Civil Rights Summit.

"Whenever I was with them, there was never an argument or tension; there was gentlemen's disagreement," said former U.S. Rep. Andrew Young, a close King aide. "Dr. King saw himself as having to keep the pressure on."

Pressure created by the March on Washington and civil rights demonstrations in the South—and authorities' often brutal crackdowns—began to open the door to

major civil rights legislation in 1963, but it took guidance from Johnson and congressional leaders to push it through the following year, said the panelists.

The speakers agreed that although Johnson initially called for passage of the Civil Rights Act in honor of the recently slain President John F. Kennedy, he quickly made the issue his own, even at the risk of alienating fellow Southern Democrats. "Within a month after Johnson became president, the government changed," said Joseph Califano Jr., former U.S. Army general counsel who was Johnson's top domestic aide. "The pressure to do civil rights ... it was in his gut."

The session began with the playing of a recorded phone conversation between King and Johnson in which they pledged cooperation, although their relationship was not without conflict. Historian Doris Kearns Goodwin, a former LBJ aide, said tension is inevitable when an outside movement is pushing a president to act more quickly than the government is prepared to act. "...together Martin Luther King and LBJ produced something—thank God they were there at that moment of history—that changed our country forever."

# AUTOSRAPH BY DAVID HUME KENNERLY

### **Bill Clinton**

Former President Bill Clinton reflected on the accomplishments of civil rights leaders in the 1960s and how the nation should work to honor and continue their efforts. "These laws were bargained for shrewdly by a political genius," said Clinton. "They were championed with great purpose by distinguished citizens. But they were also paid for with the blood of martyrs."

Citizens owe it to those trailblazers to continue to move forward together, Clinton said, noting that there are "no final victories in politics" and that "thank you is not good enough."

After referencing the leadership style of Nelson Mandela, Clinton stressed the importance of practicing the "politics of inclusion." He also touched on the current state of the Voting Rights Act and state voter ID issues, specifically criticizing Texas laws. "This is a way of restricting the franchise after 50 years of expanding it," said Clinton.

### The Movement

Speakers for the panel titled "Heroes of the Civil Rights Movement: Views From the Front Line" stressed the importance of looking to the future. But their recounted experiences served as an instrumental reminder to inform the present. Julian Bond, former chairman of the NAACP, U.S. Rep. John Lewis of Georgia, and UN Ambassador Andrew Young spent the panel reflecting on their past despairs, fears, and victories, as well as their hopes for today's generations.

Growing up in rural Alabama, Lewis heard about the actions of Rosa Parks and listened to the words of Martin Luther King Jr. "I saw signs and I didn't like the signs I saw," he said. Lewis went on to help form the Student Nonviolent Coordinating Committee and lead the "Bloody Sunday" demonstration, all the while maintaining a philosophy of nonviolence. "When I got arrested the first time, I felt free," he said, noting that it was the civil rights movement that created the processory environment to make the Civil

ted the necessary environment to make the Civil Rights Act possible.

Bond was a student at Morehouse College when he staged a student sit-in at Atlanta City Hall. "One thing was certain—being arrested would follow," he said. Bond would soon help found SNCC, found the Southern Poverty Law Center, and serve in the Georgia Senate and House of Representatives.

Young, meanwhile, was growing up in New Orleans, where his father told him, "'White supremacy is a sickness. And you don't get mad at sick people. You help



Lonnie G. Bunch III, the founding director of the National Museum of African American History and Culture (left), talks with Julian Bond, the former chairman of the NAACP, during a panel on the "Heroes of the Civil Rights Movement: Views from the Front Line."

them. Don't get mad—get smart." He said that the March on Washington never would have happened without the South. Young went on to help King and the Southern Christian Leadership Conference coordinate desegregation efforts.

All three of the men shared their proudest moments of the civil rights movement. Bond's was when he was arrested in the Atlanta City Hall, while Lewis's was marching from Selma to Montgomery for what turned into "Bloody Sunday." Young's was when he was beaten by Ku Klux Klan members for marching in St. Augustine, Florida.

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Still, they had moments of deep sadness. When King was assassinated, Bond said he felt like one of his family members had died. But Lewis and Young explained that King had so prepared them for the event that they knew how to move on. "The philosophy of nonviolence tells us not to get lost in a sea of despair," said Lewis.

The panel also discussed the role of women in the movement. Although history remembers leaders such as King and Malcolm X, women—with the exception of Parks—are less well known. "Without young women, middleaged women, old women, there wouldn't have been a modern-day civil rights movement," said Lewis.

As for the civil rights issues of today and of the future, Young focused on the importance of addressing economic matters to help remedy world hunger and homelessness, as well as lowering the cost of college tuition. Bond cited concerns for education and segregated housing, and Lewis encouraged a movement for immigration reform. "There's no such thing as an illegal human being," he said. "I think we've been too quiet."

### **Education**

U.S. Rep. George Miller of California and Margaret Spellings, president of the George W. Bush Presidential Center and former U.S. secretary of education, answered questions on the current state and potential future of the American education system. Both Miller and Spellings assisted with the national implementation of the Bush-signed No Child Left Behind Act, a reauthorization and revision of Johnson's 1965 Elementary and Secondary Education Act. "It was a common cause," said Spellings of the bipartisan support for No Child Left Behind. "We shared a belief that we could and should do this work."

The Common Core State Standards and President Obama's Race to the Top initiatives soon came into the discussion. "The Common Core, I think, takes us to a new iteration," said Miller. "We recognize that students in America are not going to thrive in an advanced economy if they're just filling in bubbles, if they can't explain the concepts that they learned in class or they learned in a particular course. That analytical thinking is part of education." Spellings said she has no quarrel with the Common Core but is concerned about its application and accountability.

Both parties agreed that equal access to excellent teachers and resources is essential to closing the nation's education gap and shared excitement for successful charter schools. The pair also stressed the importance of using technology in classrooms to customize teaching plans and make test results immediate for quicker adjustments to learning needs. "We need an effective teacher with all of our children, not some of our children," said Miller. "That's part of the civil rights legacy."

### From the Bookshelf

New works highlight Civil Rights Act history

When President Lyndon B. Johnson signed the Civil Rights Act into law on July 2, 1964, he said it was a product of "months of the most careful debate and discussion." But in reality, as the president knew, the discourse had been raging for much longer.

"We have talked long enough in this country about equal rights," Johnson had said during his first presidential address to Congress in November 1963, two days after his predecessor's funeral. "We have talked for a hundred years or more. It is time now to write the next chapter, and to write it in the books of law."

Author Todd S. Purdum recounts the scene in *An Idea Whose Time Has Come*, one of several new books detailing the history of the landmark civil rights legislation. As the State Bar of Texas celebrates the Civil Rights Act's 50th anniversary during its 2014 Annual Meeting, consider this reading list to help you learn more about the law and its legacy.

# An Idea Whose Time Has Come: Two Presidents, Two Parties, and the Battle for the Civil Rights Act of 1964 Todd S. Purdum (2014, Henry Holt and Co.)

This narrative account by Purdum, an editor and correspondent for *Vanity Fair*, explains how two presidents worked with civil rights leaders and lawmakers from both parties to overcome deep-rooted opposition to the 1964 law, resulting in the country's first meaningful civil rights legislation in a century.

# The Bill of the Century: The Epic Battle for the Civil Rights Act Clay Risen (2014, Bloomsbury Press)

New York Times op-ed section editor Clay Risen explores the personalities and political forces at work as Congress passed the Civil Rights Act, which the author calls "the most important piece of legislation passed by Congress in the 20th century." Risen looks beyond the roles of Johnson and the Rev. Martin Luther King Jr. to a "long list of starring and supporting players" inside and outside Washington.

## We the People, Vol. 3: The Civil Rights Revolution Bruce Ackerman (2014, Belknap Press)

Ackerman, a professor of law and political science at Yale University, focuses on the events and laws that shaped the civil rights era and helped to end Jim Crow, starting with the 1954 *Brown v. Board of Education* decision and moving through to the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

### The Passage of Power Robert A. Caro (2012, Knopf)

The fourth installment in Caro's The Years of Lyndon Johnson series, the book covers the turbulent but legislatively fruitful years of 1958 to 1964, when Johnson used his mastery of Washington, honed by years of experience in congressional leadership, to pass Great Society and civil rights laws in the wake of the Kennedy assassination.

# Indomitable Will: LBJ in the Presidency Mark K. Updegrove (2012, Crown Publishers)

Focusing on the breadth of Johnson's five-year presidency, the book is a character study of a complex and driven leader who, Updegrove argues, is too often given "short shrift through historical shorthand." Told through a collection of impressions from Johnson, his aides, members of Congress, and White House reporters, the book is a deep dive inside a "giant of a man" who helped pass more than 200 laws—including landmark civil rights, education, health care, and immigration bills—before the Vietnam War overwhelmed his presidency. Updegrove, the director of the LBJ Presidential Library, will speak about Johnson's civil rights achievements June 27 in Austin as part of the State Bar's Annual Meeting.



### **President Barack Obama**

While President Barack Obama, delivering the summit's keynote address, fell silent on gay marriage, equal pay for women, and immigration reform, he delved into LBJ's childhood, time in the U.S. Senate, and characteristics as a "master of politics and the legislative process."

Obama reminded the audience that LBJ had moral shortcomings and "was not perfect," having opposed every single civil rights bill during his first 20 years in Congress. But when LBJ stood in the Oval Office, "and asked himself what the true purpose of his office was for, what was the endpoint of his ambitions, he would reach back in his own memory and he'd remember his own experience with want. And he knew that he had a unique capacity, as the most powerful white politician from the South, to not merely challenge the convention that had crushed the dreams of so many, but to ultimately dismantle for good the structures of legal segregation." LBJ, Obama said, embodied America, "with all our gifts and all our flaws. Making their lives better was what the hell the presidency was for."

Obama said LBJ used his iron will and skills honed in Congress and "fought for and argued and horse traded and bullied and persuaded until ultimately he signed the Civil Rights Act into law... And he didn't stop there.... 'The meat in the coconut,' as President Johnson would put it, was the Voting Rights Act, so he fought for and passed that as well. Immigration reform came shortly after. And then, a Fair Housing Act. And then, a health care law that opponents described as 'socialized medicine' that would curtail America's freedom, but ultimately freed millions of seniors from the fear that illness could rob them of dignity and security in their golden years, which we now know today as Medicare."

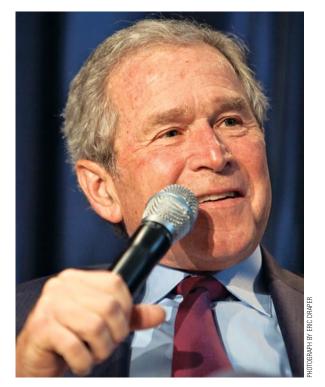
Obama said that progress in America can be hard and slow and stymied. Still, he called on the young people who will follow him to fulfill the goals of a great society. "And that means we've got a debt to pay. That means we can't afford to be cynical.... We are here today because we know we cannot be complacent."

### George W. Bush

"The real influence of a president is not found in the headlines. It can only be judged with time," said former President George W. Bush on the 10th-floor atrium of the LBJ Presidential Library. "And at the distance of a half of a century, we know with complete certainty that America is a more just and generous country because LBJ set his mind and will to the cause of civil rights."

Bush was the last speaker at the Civil Rights Summit. In his speech, he spoke of former President Johnson and Dr. King and their commitment to making our nation a country of equality for all. "The civil rights movement required the spiritual and moral leadership of the Reverend Martin Luther King Jr. It required the courage and sacrifice of protesters who walked toward water hoses and dogs and police batons," said Bush. "But in the end, it also required a legislative strategist of uncommon determination and skill to translate the demands of conscious into the words of law."

Bush talked at length about LBJ's past as an educator in Cotulla, Texas, and what he learned while teaching in the small town. And he stressed the importance of education and how it connected with civil rights. "Quality education for everyone of every background remains one of the most urgent civil rights issues of our time." TBJ



To see videos, photos, and more coverage of the event, go to civilrightssummit.org.

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