

With All Deliberate Speed? Massive Resistance in Virginia

A Keynote Address by Governor L. Douglas Wilder

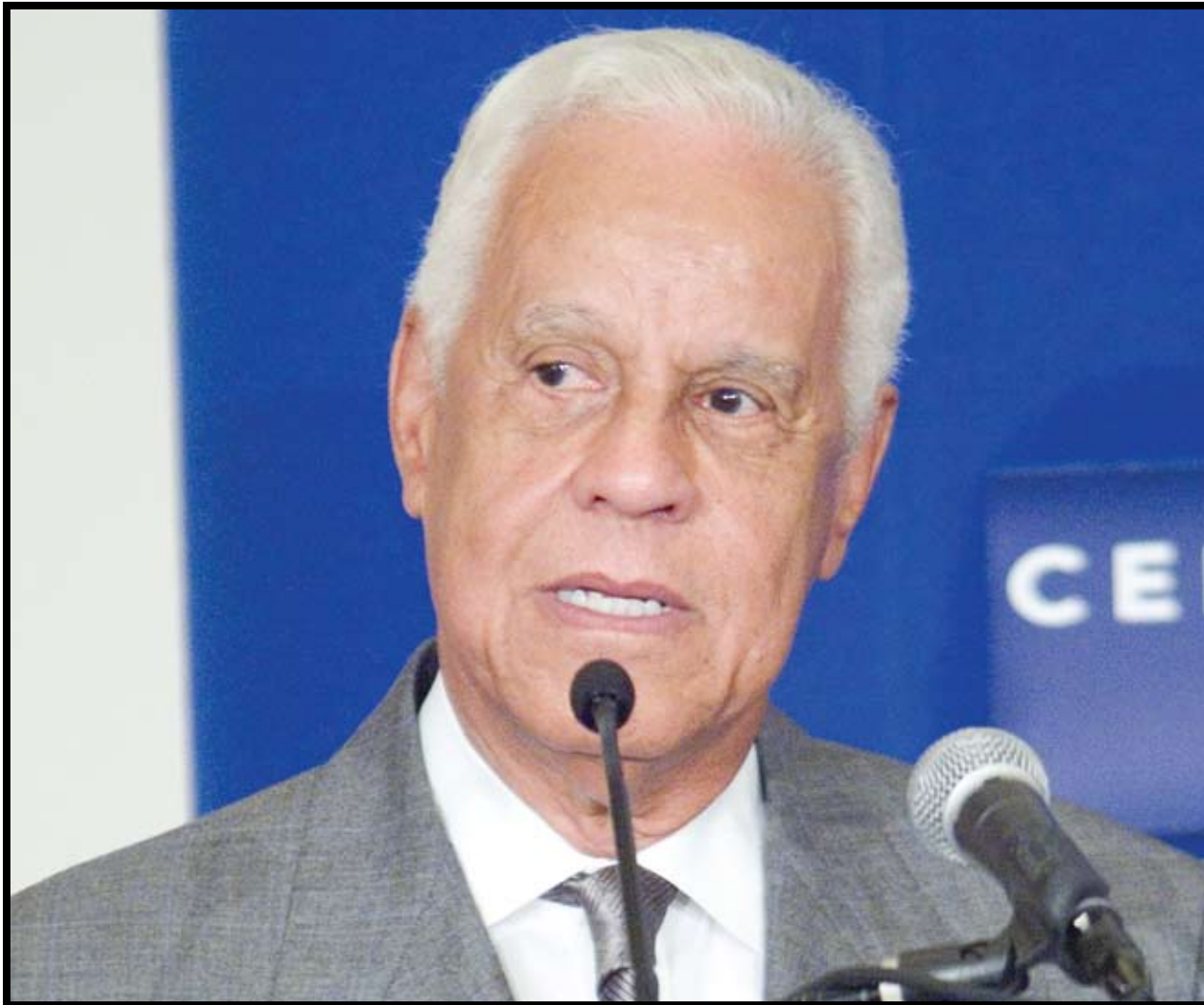
Friday, July 17, 2009 at the State Capitol of Virginia

LARRY SABATO: Ladies and gentlemen, we are honored to have as our keynote speaker for this conference about the historical implications and the modern implications of Massive Resistance, former Governor Lawrence Douglas Wilder.

Governor Wilder was born in January 1931 in Richmond. He's the grandson of slaves. He was named after abolitionist orator Frederick Douglass and poet Paul Lawrence Dunbar. Governor Wilder attended Richmond racially segregated public schools, George Mason Elementary and Armstrong High School. In 1951, he graduated from Virginia Union University with a degree in chemistry and that comes in handy in politics, doesn't it, Governor?

He served in the Army. This has always impressed me enormously. He served in the Army during the Korean War, that time of terrible segregation in the armed forces, and yet he won a Bronze Star for heroism. He fought hard for the country that wasn't delivering equal rights to him at home. Using the benefits provided under the G.I. Bill of Rights, he studied law at Howard University in Washington. He received his degree in 1959 and after passing the Bar, he established his own law firm, Wilder, Gregory & Associates. In 1969, and I remember the campaign. Governor Wilder entered politics running in a special election created by the election of Sarge Reynolds to the lieutenant governorship for the Virginia State Senate out of Richmond. He won that election and that was a bolt out of the blue because he became the first African American State Senator in Virginia since Reconstruction. He spent 10 very productive years in the General Assembly. He was chairman of a major committee. He was recognized repeatedly as one of the most effective legislators in the General Assembly. In 1985, Governor Wilder was elected Lieutenant Governor and four years later, he became Virginia's governor in January of 1990 and a day that I don't think any of us who were alive then will ever forget. Most amazing inauguration Virginia has ever seen.

Let's remember. Governor Wilder was the first elected African American governor in American history. As I mentioned this morning, Barack Obama would not be president of the United States were there not pioneers like Doug Wilder who managed the near impossible in a Virginia very different in 1989 from the Virginia we know in 2009. He's gone on to do so many other things. He surprised me by coming back and running for mayor of Richmond. Honestly, it was temporary insanity and I wanted to pay for a doctor's visit for him but he assured me that it wasn't necessary, but seriously, Richmond needed him and he's the one who got the city-wide election for mayor, direct election, passed which has definitely been a needed and useful reform in Richmond. He finished up that four-year term. He is temporarily in retirement. I wouldn't be surprised if that ended again at some point in the next year or two. I won't say anything beyond that, but truly, he's a dear friend. We've had many wonderful experiences together over the years on the political trail and off. There's very few people I admire as much as Doug Wilder and it is always my privilege to introduce him. Governor—



GOVERNOR WILDER SPEAKS AT THE STATE CAPITOL

GOVERNOR DOUGLAS WILDER: Thanks, Larry. Thank you very much, Dr. Sabato, first, for the invitation to speak here and, secondly, for the very kind words. This is a most auspicious occasion and you and I had a rather questionable rocky start. But we got past it and the mutual respect and friendship has continued to grow and I'm very, very grateful for that. I'm also grateful for the opportunity to see so many people here that I've shared many experiences with and it's good to see and to get a chance to greet them. Talk about door-openers. One of the guys who opened the door for a lot of us, particularly me, is sitting in here, too, Fergie Reid, my good friend who was the first African American elected to the General Assembly since Reconstruction. I watched that. Two years later, I said look here, I may try for the Senate, but he handled it with such aplomb and dignity and grace that he showed that it wouldn't be the end of the world if someone else that might look like him got elected and, parenthetically, I'll say Fergie did a lot of things, but that door-opening was tremendous for us because it let me know what could happen.

Larry you're a man of precision, so I'll get right to it, but I would ask that I might be permitted to place into a context for this purpose by visualizing the role that Virginia has played in shaping and forming our nation as well as their role in what may in the future some may call America's dark age, no pun intended.

Bob Deans, a native Virginian and celebrated author of the recently published book, *The River Where America Began*, had this to say in the introduction to that book. "Certainly no single region anywhere can rightly claim to be the nation's sole place of birth. This country's beginnings are spread out across Plymouth Rock, Charleston, Boston, Philadelphia, Washington, D.C., New Orleans and New York as well Bunker Hill, Lexington, Yorktown, and many other places and even that list moreover gives little hint as to the making of America. A democracy is built, after all, one citizen at a time and is ever a work in progress in every community, city and back road where the nation touches and ours is a land of immigrants and our true ancestral headwaters are to be found as much across the broad plateau of central Asia, the bone-bleaching savannah of Western Africa and the rain forest of Latin America. As the James itself finds its true origins not in a single confluence of streams but in an intricate web of distant waters springing from beneath porous limestone beds laid down many hundreds of millions of years ago.

And yet it is from this majestic river along the muddy banks of the James that our country got its start four centuries ago. It was into these waters that we first waded—red, white, and black—and from it emerged as one. It is here, in that sense, that our national story begins." I was asked shortly ago to write a foreword for a forthcoming National Geographic children's book dealing with runaway slaves during the Revolutionary War. In that regard, I was forwarded certain

proofs of what is expected to be published and as we know, Lord Dunmore was appointed by the Crown to be the governor of Virginia, but he became increasingly alarmed by Virginians showing commiseration as well as cooperation with the people of Boston who were being punished for having had a little tea party, but they served the tea in the water to everybody, and he ordered his troops to remove the colony's store of gunpowder and to load it on a British warship. When the theft was discovered, the crowd was angry and came upon him and he lied to them, and he said he took the gunpowder from the place because he had heard that the slaves were planning an uprising and that they may steal the gunpowder. They didn't believe him and soon thereafter hundreds of armed men began marching towards Williamsburg, the capital at the time, to deal with the outnumbered governor. That was when he played his trump card. He said, "by the living God, if any insult is offered to me or to those who have obeyed my orders, I will declare freedom to the slaves and lay the town to ashes."

Well, he didn't have to carry out his immediate threat. Rather, they worked out a compromise. He paid them for all the gunpowder he'd stolen, but he'd bought enough time to get his family onto a warship, ultimately back to England and then he himself went and lived on that warship, but things worsened and he had to indeed then issue his proclamation and he said that all indentured servants, Negroes or others, appearing to rebels, they would be free. Those that are able and willing to bear arms and join in His Majesty's troops serving the Crown. We're talking about the Revolutionary War.

Now, there were many furious responses during that time and one came from a slave-owner, one of which describes a community feeling as to the acceptance of inferior status that obviously existed in Virginia for many years thereafter and he wrote a letter to the editor warning that if the British were to win, the patriots' lands would be taken and our Negroes would be sold as part of our estates, probably to the West Indies where they'd be treated far worse than they would be treated here and he issued another warning, that if the slaves were caught trying to run away to Dunmore, they would be hanged and their wives and children left behind. They would be punished, but here is the clincher. Here's why I refer to it. He said the slaves should be contented with their situation and to expect a better condition in the next world and not run the risk of being unhappy here and miserable hereafter.

Now, why did I say that mentality existed for a period longer than that rebellious effort in Williamsburg during the Revolutionary War? If we just took that letter to the editor and tracked where we were then and where we are today, we should still question whether the removal of all of the legal impediments to fair and equal treatment in our society have shown the results that were fought for and expected. No one could nor can deny that real and substantial progress has been made in our nation and as the old expression goes, from the courthouse to the White House and the recent election of Barack Obama is the dearest example to show that it is, in fact, now in the White House and yet when you look to see Barack Obama's election and you look to see that he was supported by an overwhelming majority of votes in our Commonwealth as further attestation to the change that I'm speaking about and to the progress that we've made.

Though Massive Resistance may have legally ended in 1959, lingering effects of decades of justifying segregation continued. The Virginia State Bar—that's the organization that controls the licenses of lawyers—they constituted what was called a Committee on Offenses Against the Administration of Justice. Now if you think the Bush Administration's attempts at surveillance of suspected terrorists' activities now coming under attack as being unconstitutional, if you think that this is bad, good God, that communitas posse group that existed at that time were ruthless. They would break into your office. They didn't have a search warrant. If the lawyer refused, he'd be up for disbarment and if you refuse, you'd be up for disbarment. If Lester Banks, then the head of the NAACP refused, they would run him out of business. Why? They were searching for the names of the individuals who belonged to this organization that was behind the desegregation efforts of the schools, the NAACP.

Now, this took place in the 60s. Talk about the '50s and we're leading up to Massive Resistance. This took place in the '60s and in that regard, they said we're going to take the license of Sam Tucker who was practicing then in Emporia, a noted civil rights lawyer, as well as in Richmond, and his brother Otto Tucker of Alexandria, likewise an NAACP lawyer, was similarly brought up for the same treatment at another time. We are going to disbar them. Well, if you disbar the lawyers, the rest is almost understood. You're not going to have anybody. They were working for little or nothing, whatever little monies they could get from the NAACP and so that was the effort. The Committee on Offenses Against the Administration of Justice, spending I don't know how much money, and so when this happened, people started wondering what was going to take place. Fortunately, sanity prevailed and the frivolous and unsubstantiated charges against the Tuckers were dismissed, but not before the battle.

What I'm talking about and Henry Marsh, you know how the moot courts at Howard were set up. Thurgood Marshall arrayed a battery of the sharpest legal minds in the country to prepare for the ultimate defense of Sam Tucker. There was Bob [Maine] from Chicago, Pierre [T Trudeau] and Mark [Morrell] from Louisiana, New Orleans; Louis Redding from Delaware and Wally Blanton from Arkansas; Bob Carter from New Jersey; George E.C. Hayes of Washington, DC; Herb Reed, Howard Law School professor; as well as Spottswood Robinson and Oliver W.Hill. Robinson asked me— I'm just about six months out of law school, passing the Bar rather, "you want to ride with me up to this thing, Doug?" because he'd asked me to help him a little bit in his office. Would I like it? Let's go.

Boy, when I got there and saw these guys preparing for the defense of Sam Tucker and where they came from and how they were doing it, I was awestruck by the preparation and the brilliance, the opportunity to stand next to Thurgood Marshall. You know, I'm short and he's way up in the air and to see them say this is it, we are going all the way because if they take Sam Tucker's license, they'll take our license. They'll take anyone's license. Oh, they dismissed those charges, but not before the battle and I knew I was lucky just to be there, just to be infused with the spirit of knowing that what had gone on was wrong.

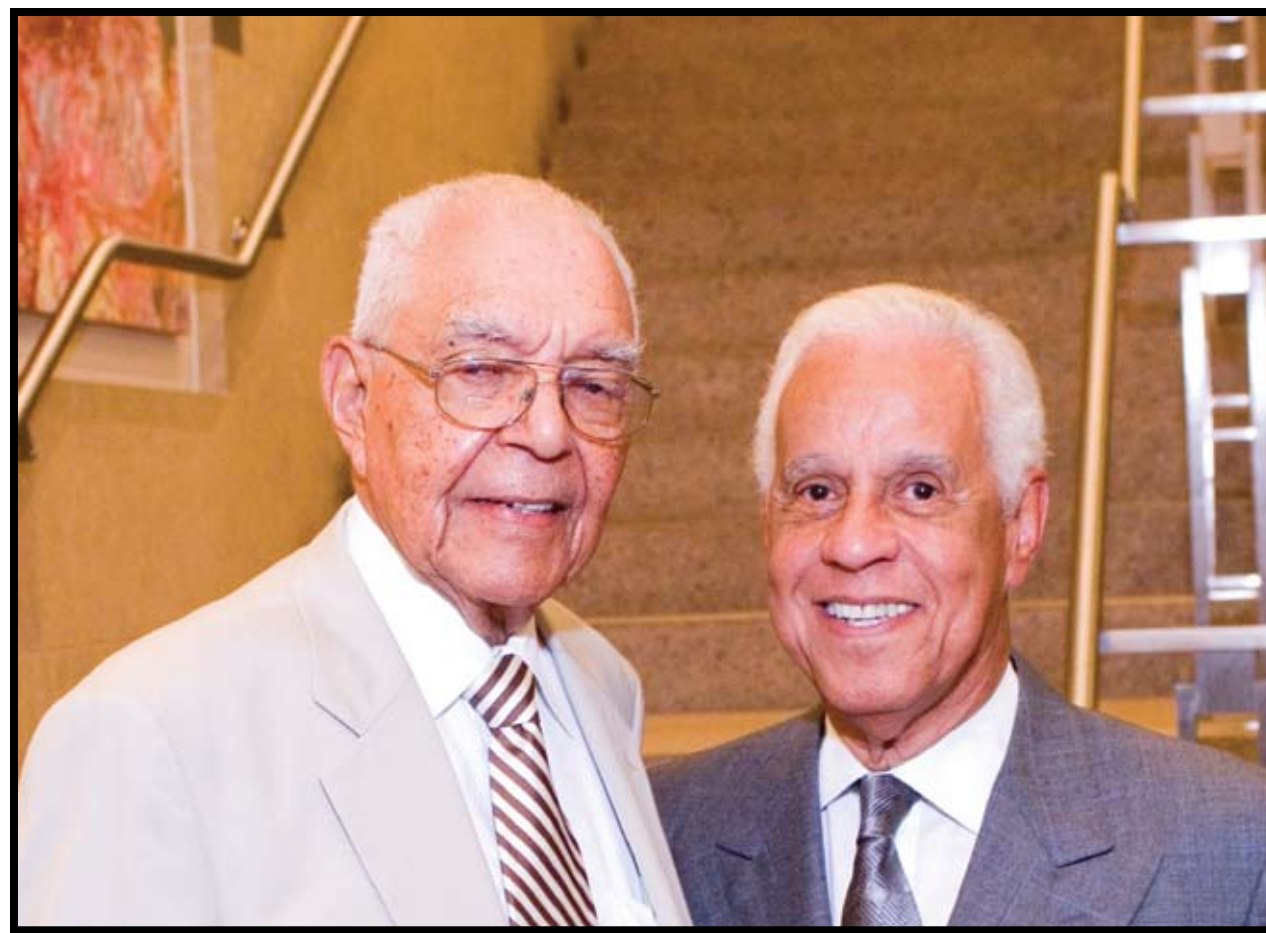
After all, I've said on so many occasions that I would never have been a lawyer but for Brown v. Board of Education. As you pointed out, I was a chemist working for the state. Worked for two years in the State Medical Examiner's Office, toxicology, and when Brown v. Board of Education decision came down, I said you mean to say nine white men have recognized that they were wrong. I had been sent to Korea to fight for the freedoms of Koreans and I didn't have freedoms in my own country. I couldn't understand it. Couldn't understand I couldn't ride on the street car, couldn't go to the schools, couldn't enter in a restaurant, but fighting there. The system can't work. There must be another way and when that decision came down, I said, oh, my goodness; I've got to get into law. Brown sent me to law school.

Now, what had the Tuckers and others done that was so bad? They were NAACP lawyers and they were representing those in pursuit of rights under our Constitution. That was their biggest sin. The

panels that you have instructed for this project and I've heard already how well they've been conducted and will be continuing. They'll have discussions which hopefully will provide answers and reasons for what has resulted through the years. Why do you think we have a moratorium on cities in Virginia being able to annex areas? Have mercy. What has been the affect of these actions on the quality of education in urban areas? It's necessary to look at the total picture or the entirety of the massive effort of denial of rights and to know all of the ramifications.

Their revisionists or apologists failed to fully mention the full affect of the closings of the public schools in Virginia. Not only were thousands of lives of African Americans damaged thereby, some permanently, some permanently, never able to come back and connect, but also countless numbers of others—whites and others—likewise affected, particularly those unable to afford tuition for private schools and whose children did not attend the religious academies. Though there was the re-opening of the schools in Charlottesville and Norfolk and Front Royal in 1959, damage had already been inflicted to the school systems throughout Virginia and the South, affecting the progress that was made by the southern states or that should be made by the southern states economically.

Now, Virginia was looked to for leadership by many during this period. Just had been the case in seceding from the Union prior to the Civil War, Virginia was the leader of the South. If Virginia went the other way, the others weren't going to go—maybe South Carolina, but I can tell you, Virginia was a leader. They watched what Virginia did. Look—who they're talking about now? Stonewall Jackson, Robert E. Lee. They are Virginians. When you talk about what role was played and what we did in addition to the closing of the schools, what the lawmakers did was to repeal Virginia's compulsory school attendance law. I was shocked, brand new, coming in here as a state senator and I said to my colleagues, Fergie Reid and Bill Robinson, "the schools—the kids don't have to go school." And we said we're not going to put up with this.



DR. W. FERGUSON REID AND GOVERNOR L. DOUGLAS WILDER, 2009

One of the first bills that I introduced and had enacted into law was the Compulsory School Attendance Law. That was in the early '70s. Lin Holton, you know, because you were participating in escorting that child to the school to show I'm going to be different from the others and when you take it off the books, children had been made to feel they didn't have to go to school. Parents were powerless to compel them and so what and how do you measure the affects of that.

Paramount in any analysis of the past 50 years should be whether the quality of education has been what was intended and sought. Like many of you of my generation, and I see many of you here, I did not attend any of the integrated public schools, but as I've said on any numbers of occasions, we had the most dedicated and committed teachers and instructors that one could have. They were not paid at the same rate as the white teachers. Our facilities were woefully inadequate. Outdoor toilets in some schools. No cafeterias in some schools. No auditoriums. No gymnasiums in most schools. We had hand-me-down books from the white schools and as well, other shortcomings, but all of our teachers and our communities supported them in this, challenged us to be equal to the best in society and they accepted no excuses. No, you're going to have to cut it, no, no, don't want to hear it." No. Homework and do it.

Compare the graduation rates now and then. The dropout rates, truancy rates, and after doing that, find out what the results are and then what are the reasons and give the reasons for whatever they are and what should be done.

Now, I didn't come here with a jeremiad or screeed to preach. I, too, would like answers and this forum is such an excellent venue for that to occur. Needless to say, I have some thoughts on it, but I can tell you, it's a very serious challenge we have in America today with our youngsters, all across the country, not just Virginia, and in the absence of us doing something about it, we'll pay a tremendous price.

Yesterday I was asked by a news source to read and to respond to the Richmond Times-Dispatch editorial expressing regret for Massive Resistance. I read the piece and in a nutshell, found it to be quite evasive. Some would say better late than never. Some would say if it's not sincere and heartfelt, why say anything at all. Let us be unmistakably clear. Virginia was the leader of the southern states as to what course they should follow after the Brown decision just as it had been the state that provided the grist for the mill of secession from the Union and the Civil War. Virginia's newspapers, especially its editorials, were looked to for guidance. No, in appealing to its gentility, as the editorial said, "Virginia did not have a firebrand like 'Elnadge Faustus Wallace Bilbo, etc.'" Virginia had Harry F. Byrd whose name doesn't even appear in the editorial. He was Chairman of the Senate Finance Committee and in many respects, senior, as it related to committee assignments. He was the most powerful member of the United States Senate as the Chairman of the Finance Committee. If you control money, you control everything. And he ruled Virginia's political machinery with an iron hand from the courthouse to the White House. He practiced what was called and referred to as golden silence, in other words, I don't have to speak. I do it. And woe betides never crossed him.



AUDIENCE GATHERED AT THE 12TH ANNUAL VIRGINIA POLITICAL HISTORY PROJECT

Then-Governor J. Lindsay Almond. He was the governor at the time, refused to be Byrd's firebrand, proclaiming that he was not going to go to jail in defiance of any court order to desegregate the schools. Byrd felt that Almond had retreated on his word to, and this was Almond's campaign speeches and talks, "to not allow the livid stench of immorality to stain or despoil those young white children in Virginia schools because of any integration efforts." Almond was severely punished by Byrd and was banished to the political dustbin and he was denied a much cherished and sought-after seat on the federal bench. No mention of this sort of episode appeared in the editorial either.

I had occasion later on at a social event to chat with then-Governor Almond and he told me that his biggest regret in his life was leaving the Congress and coming back to Virginia to be Attorney General and then governor.

James Jackson Kilpatrick—you young people would know nothing at all about him. You mention that name to some of these others in here; they know who I'm talking about. He was the official voice of those who ushered in the...they referred to it, as you know, Fergie, the doctrines of nullification and interposition, arguing for state's rights. The 10th Amendment took precedence over the 14th and just spending millions and millions of taxpayers' dollars in a failed attempt and he never swerved from that cause. That was the guy writing the editorials in the newspapers who never ever changed. That was the poison put in the air that so many people never had purified, that spread from Virginia to Carolina to Georgia to Florida to Mississippi to Georgia to Alabama and other parts of the country.

Let us be further clear: here we are not talking about an apology and I'm not calling for one, but a lament, regret. As I said to Larry outside, I've reminded of the song, "Miss Otis regrets that she's unable to make lunch today, ma'lame." She not sad about it. She's not sorry about it. She just can't make it. Well, after 50 years, I don't think anybody was expecting Miss Otis anyway. So, the regret does not take into account all of the affects on human lives, families, communities and the nation itself. Persistence and the right by those aligned in the cause of liberty and justice for all prevailed and it always will.

I'm a part of this older generation charged with the responsibility of successfully instilling in our young people an understanding and an appreciation of the travails that have been overcome. They don't know. They don't know about Jackie Robinson and what he had to go through. They don't know about Marian Anderson and what she had endured. Our job is to say it didn't come full blown like Popsy from the cabbage patch. We had to do some things for you to have what you have. Even though you might not believe you have enough, you didn't start with what we had. We had far less, but we're here because there were those who believed we could persevere and as I look out across the American cultural landscape today, I'm reminded of Winston Churchill's description of the Soviet movement across the European continent. He described it as an iron curtain descending across Europe and I'm left to wonder how we've gone from a generation that during the depths of segregation we were taught that we could achieve the American dream to today where so much emphasis is on self-interest, violence, and mediocrity. I say to our young people, there're those who say that they can't succeed because some entity is holding them back or because government is still in the way or the judicial system and state legislatures are still blocking the path and to some extent, this may be true.

Certainly, there can be no doubt that a historic damage has been done to a great number of people in this country, but what has been neglect and in some instances, racism and slavery, there will never be a shortage of people to tell our young that they have no chance in society. They will tell them it's a white world controlled by the rich.

When I think back to my childhood and I see my sister here, I consider myself lucky to have grown up when I did. People say on so many occasions, wouldn't you like to be starting out? No, I'm lucky to have been born and raised when I did and that surprises some people because looking back, I don't see the ravages of poverty and racism. Instead, I see the wealth of a community who lifted me up and pushed me to achieve my best. Our families, our teachers, and our communities taught us to believe in our ability to succeed and the heroes we looked to like Frederick Douglass and Carter G. Woodson, George Washington Carver, Marian Anderson and Sojourner Truth joined the cause by achieving great success despite overwhelming odds.

Conversely, they're being raised today in a culture where in the media, which seems to be omnipresent in our lives, produce segments which do not really challenge you or motivate you to succeed, but where are the role models that challenge them to be their best. Turn on the network news or open the front page of the paper. You'll find the turmoil of the Middle East, the fetishes of a possible child killer, and Tom Cruise's lack of a movie deal, all treated with the same gravitas. Lack of steroid use and political marital infidelity are in that same ranking. Paris Hilton's employment status. Who's going to adopt another baby? All of that gets more scrutiny than the national economy. Now right there, you know something is wrong in terms of where our young people need to go and who's going to be there to tell them.

I am not here to lay blame at the feet of the media because the media is but one arc in a vicious cycle of voyeurism and whose voyeurism came first is really a chicken and an egg question, so it's really of no importance. What is important and, in fact, imperative, is that our youngsters become aware of what goes on in our communities and, indeed, the world and that they're not satisfied with the snippets and sound bites that occur in headlines in newspapers. They must be reminded that they can achieve the high possibility of the individual. They must not be permitted to walk in a crippled state when they're crippled, stumble about as though they're blind when they're not blind or appear to be deaf when they really can hear and it's fitting and appropriate, Larry, that we're meeting in this place because this is where the laws were made, the forces arrayed, and the schemes and plans set forth to assure that it would be that next world before liberty would be for all.

But it was also this place where I was sworn in to the highest office of the Commonwealth and all of its people and I concluded my remarks after the swearing in by saying that I am a son of Virginia and I said that because I was a product of what Virginia brought to fruition—the good, the bad, and the ugly. Whatever and whoever I was sprang from here. Now, America has gone through its dark age. Let us unite to let the age of enlightenment continue.

Thank you very, very much.