

ASCA Opening 2010 – Gray Keynote

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First Transcribers: Wesleigh Wright – October 2020

[Applause]

Fred Gray throughout

00:19

Karen Boyd is my hero. Thank you, Karen, for that wonderful introduction. And I'd like to thank her- I want you to know how much I appreciate the work that Karen has done in making – from the time I got the first phone call, and we had many since that – all of the hard work she has done in making it possible for me to be here with you tonight. And I called her on yesterday because I've been dealing with another governor 50 years later, who is doing equally as bad of things, and I had to go in court and was up all Thursday night and Friday night and the judge granted us a temporary restraining order and he wanted to set the hearing for preliminary injunction for Wednesday or Thursday morning. And I plead with him to not do that, so he ended up setting it for Friday morning. Madam President, King, other officials of this organization; my clients, Mr. Dixon and Mr. McFadden, who I haven't hardly seen in 50 years; ladies and gentlemen, let me express my genuine appreciation (to this???) organization for asking me to share with you this year's convention and your theme ASCA 2010: our history informs us, our mission moves us; connecting the traditional ways in a new day. As I sat and listened to Karen, I crossed off one-by-one the things I was going to talk about.

[Laughter]

02:52

I had excerpted from my book – Bus Ride to Justice, page 173 – that introduce you to the movement. She's already done it and I'm not gonna do it again.

[Laughter]

03:09

I want to thank her for doing such an excellent job. She has done a tremendous job of research because she mentioned so many things here tonight that I had even forgotten about. So let's give Karen a real hand....

[Laughter]

03:57

You are a past president, aren't you? You know, I'm a past president of any number of organizations: past president of the National Bar Association – which is the largest minority bar – and I'm a past president of the Alabama State Bar, the group that tried to take my law license when I was handling civil rights cases. Past presidents don't usually work like she has done and don't usually get the responses that she has gotten here tonight. So I- we- it shows you, Karen, how much your colleagues think about you for your hard work. The other side of that, though, it should encourage others of you who are aspiring to leadership to not only get to be the leader, but after you're a leader then continue to work in your organization and that's a part of what organizations are all about.

[Applause]

05:00

What my prepared speech next said that Karen has done all of this, so I was going to describe for you something about the parties and the events involved. And guess what? She has done that, too. She has told you about these 22 students at ASU. But I was going to also tell you that I had enough sense when I started out handling civil rights cases, and I started out handling them- my first one was six months after I started. And it wasn't Rosa Parks and it wasn't Dr. King but rather, it was a 15 year old African American girl named Claudette Colvin, who did the same thing that Rosa Parks did, but she did it nine months before Rosa Parks under circumstances where she didn't know what was gonna happen to her. And Ms. Parks knew what to do, because we had talked for over a year about it. But then you had those students- and I had enough sense when we started the Montgomery Bus Boycott to go to New York and I had a conference with Thurgood Marshall and his chief assistant, Robin Carter, and they promised to give me all the legal assistance that I needed. And the lawyer from the NAACP Defense Fund, who worked with me on that case, was attorney Derrick Bell.

06:36

Derek Bell later became a professor of law at Harvard University and has written several books including *And We Are Not Saved*, *Faces At The Bottom Of The Well* and *Preeminence of Racism*. I mentioned that to you because that's another person who was involved as a young lawyer who has gone ahead and has distinguished himself as one of the leading law professors in this nation. The other students who were involved – Marzetta Watts and Elroy Emory – were involved in another demonstration at the Regal Cafe, which was a Black cafe. And the city officials in Montgomery arrested, when the group of white students for MacMurray College came down; in a Black restaurant they came in and arrested them. So we had some of those students and one of those was Edwin King. And then King and Emory had to come back later. And they were involved in a lawsuit which, when they were arrested when they attempted to integrate the Jefferson Davis Hotel in downtown Montgomery. Elroy Emory went ahead and became involved with the Freedom Rides later on in Montgomery. So- and not only that, but she has told you and I was going to mention, about the demonstrations at the Capitol and she's told you about that. I was going to mention about the Hutchinson Street Baptist Church; she told you about that. I was gonna mention about the students from Tuskegee coming down; she's told you about that. And that's good. Tell you about the Alabama State Board of Education and she told you about that.

08:43

Not only that, I was gonna tell you something about Governor Patterson. I was going to talk about his involvement in Tuskegee and NAACP, and she told you about that. But there's one thing she couldn't tell you about. I talked to Governor Patterson last week; called him up. He had served after being governor on Alabama Court of Civil Appeals and my youngest son, Stanley, was a law clerk for Judge Tyson who was on that same court. And of course, I had talked with Governor Patterson many times since then; called him and told him about the invitation that I had to speak with you here tonight. And I just wanted to find out a little something about what he thought now looking back 50 years over what he did. Karen couldn't tell you about that conversation. She did tell you- I was gonna talk about George Wallace; she told you about that. I was going to talk about Dr. H. Council Trenholm and she told you about that. But what she didn't tell you about that is that H. Council Trenholm's wife, Portia, was the best friend to Joanne Robinson. And Joanne Robinson and Fred Gray sat down and Joanne Robinson's living room on December 1- December 2nd, 1955. And made and wrote out the blueprints for the Montgomery Bus Boycott.

10:40

And when we set it all out, Joanne said, "Fred, well, I know you all gon go out and have to have all these meetings, but I'm gonna write a leaflet right now and go run it off and tell people we're going to stay off of the buses on Monday when Ms. Parks is arrested." I was going to tell you about Judge Frank M. Johnson but she's told you about him. Let me tell you a little something about him that she didn't tell you about is he was from Winston County. Winston County is a county up in North Alabama. He was a republican appointed to the position by President Eisenhower and he was appointed to the position just six weeks before Rosa Parks did what she had done. And just a year after Dr. King had become pastor of Dexter Avenue, and just a little more than a year after Fred Gray had been licensed to practice law in Montgomery. But they said about Winston County that it was the "Free State of Winston". And the reason they did that is that when Alabama succeeded from the union and became and formed the Confederacy, Winston County succeeded from Alabama. So you had free-spirited people. And so he was sent down to Montgomery and I think one of the best things that happened was for Frank M. Johnson, Jr. to be the district court judge in Montgomery. He decided my first civil rights case *Browder vs. Gayle*, which integrated the buses. He ruled against me in the other one, *Gomillion vs. Lightfoot*, but we were able to ultimately get that one reversed. He ruled against us in this case, and we were able to get it reversed. He ruled against me in *NAACP vs. Alabama* dealing with Attorney General Patterson, and we were able to get him reversed. But when you look at his overall record, you will find that he decided the law the way he thought the constitution required him to decide.

13:03

I was gonna talk with you about Sherriff Mac Sim Butler, and even told her confidentially about- about how we voted for him and she's told you about that. But it's good. I call Mac Sim Butler's son who practices law in Montgomery, and I just- we just finished settling a case with him. And I told him, I said, "Phil" – told him about the invitation down here – and I said, "Now I know- I don't know whether your father talked with you or not." But I wanted to find out as I was getting ready to talk to you. So you know that people read cases and they think that this is just a case, but it's not really just a case. These are people. Like these two gentlemen here had real problems; their whole life depended on whether or not we would be able to get them back in school – somebody's school – so they could get an education. So I call- I called Phil and I said, "Phil, did

your father ever talk anything about these demonstrations at the courthouse.” He said, “Fred, I really wish I could tell you he did, but he never did bring any of his business home; he just didn’t talk with us about it.” So I can’t tell you anything about him. I can tell you about another student: Joe Reid. He was arrested in this group, too. But he was arrested in the state of Alabama so he was not expelled; he was suspended. He has gone ahead to become one of the most powerful political figures in the state of Alabama. Cofounders of the Alabama Democratic Conference, which has been instrumental in getting Black and Whites elected to office in the state. He served as the executive director of the Black Teachers Association and when they merged with AEA he became the Deputy Director, and serves in that capacity now. He’s a former member of the City Council of the city of Montgomery.

15:33

So, you had individuals who were involved in this demonstration who have gone ahead and have been and made outstanding contributions to this nation. I was going to tell you about some other events but Karen has told you about them, too. Let me tell you a little something about all of these events that were going ahead. We talked about the legal cases, we talked about the demonstrations, and Karen mentioned about Dr. King’s tax case. I mentioned this in my book. And I really think it’s probably his most serious case because at a time when he has become an international figure and at a time when he had started talking about the war, his opposition to it, Alabama for reasons I don’t know – and he’d been gone from Alabama now about two years – why they wanted to come and indict him now for allegedly tax fraud that occurred when he was there a couple of years before is beyond me. But they did. This case was the most important case, I think, in Dr. King’s career. They got together a whole firm, a good team, and I was on that team of lawyers that represented him. In the middle of all of this a couple of months after this case and before it was ultimately decided by the Court of Appeals, we tried Dr. King’s tax case in Montgomery before a all white jury, males. And guess what happened: they exonerated him. His police commissioner filed a lawsuit; it ended up being *Sullivan vs. New York Times*, all occurring within the same year that these- this case occurred. And it changed the- may (???) at this time resulted and gave us an opportunity in this case, for the court – the Fifth Circuit – to rule that a student in effect has constitutional rights to an education in a state supported institution and before you can take those rights away they must receive procedural due process. It is because of all of that that you’re here and so many other things have developed.

18:16

I was a member and I represented, one time, Alabama State and I still represent Tuskegee University. And as a result of this case, there was a group of lawyers representing universities across the country who wanted to know- who called each other about what to do with *Dixon* so we can comply with it. As a result of that the National Association of College and University Attorneys was formed: NACUA. I didn’t realize it then, and I served on their board at one time. And then a few years later, they started a Fellowship Award and I was given one of those first awards because I was instrumental in crea- in that organization coming into existence. Then that organization formed an insurance company that would end up- that these member universities could be members of so that they could have somebody to insure them. And all of that can be traced back to these two men. I’m gonna say about two or three other things, and I know my time is up. You read about the demonstrations. You read about the speeches. And they were all important and they played important roles. People, for the most part, have written lawyers out of the Civil Rights Movement. But I want you to know, it wasn’t the speeches that

changed the landscape of this country. It wasn't the marches that changed the landscape. It's the court orders that were in it that changed the landscape. But you know what; you can't have a lawsuit without what? Plaintiffs. So let's give these two men who are here, who represent all this because they are the ones...

[Applause]

20:48

Not only that, you can have all the plaintiffs in the world you want to have but if you don't have a lawyer to file the lawsuit, you don't get anywhere.

[Laughter then applause]

21:21

For years, the state of Alabama didn't even have reciprocity because they didn't want law us to come into the state so they could handle these cases and I am so glad that I decided and this is one reason why this case is so personal to me: is 1) I lived in Montgomery 2) I was a graduate of Alabama State University and 3) I decided to become a lawyer because of segregation that existed in Montgomery at the time and I said that, "I'm going to become a lawyer in law any state(???)- become a lawyer, come back, finish law school, pass the bar exam and destroy everything segregated I could find and that's what I fought to do for the last 55 years.

[Applause]

22:19

Finally. The question then arises, as we sit here tonight reviewing what has taken place in the past, I think it's important that we not only protect these rights but we need to preserve them. I did want to say a couple of other things to you, too. When I talked to Governor Patterson, and I thought it was really interesting. He says, "Fred, hindsight is better than foresight". He said what he did was wrong and he did it for the wrong motives. He says what he did then, he did it 1) his desire to continue to be governor of the state and 2) because of the pride and went along with it, and he wanted to do what the folks around him ask him to do. The question then is what can be learned from what happened 50 years ago in Montgomery. What the governor told me is that he did what he did in this case for improper motives. And I say to you, as university and college administrators, don't be prompted by improper motives rather, it's for your own benefit or for some other benefits in deciding cases. As student matters come before you, you stand between them and the rest of their careers. You have to, on the one hand, protect the administration as best you can and on the other hand, your primary responsibility is to be fair with those students.

[Applause]

24:50

It's your responsibility to protect their rights. Remember – and sometimes college administrators forget it – that colleges and universities exist solely for the benefit of educating students. My (???) administrators are to educate students. If you don't have an issue guess what? You don't have a job! So what I say is- to you as I close and that is this case demonstrates the fact- and I can't tell you how to treat these various students. The only thing I can tell you is 'do the right

thing'. If you do what is right, even though it may be – it may not be popular with your dean, it may not be popular with your president, it may not be popular with the governing body of the institution – but if you do the right thing and give students sometime the benefit of the doubt, you'll be able to go home at night and you will be able to rest comfortably knowing that you did what was right.

26:18

If it ends up that you have lost or you lose your job- and nobody wanna lose their job now; nobody wanna lose their job anytime. Jo Ann Robinson lost hers for what she did. But there are basic principles involved. The last thing I want to tell you and that is that the history of this case and the history of other cases in the Civil Rights Movement is so important that it needs to be preserved. And if those of us who living don't preserve it, it won't get done. I have devoted the last 10 years toward building a history museum in Tuskegee – the Tuskegee Human and Civil Rights Multicultural Center – where we have this history there. We want to invite you to come and share it and we want to invite you to help support the Multicultural Center. And I want to thank you so much for inviting me and giving me the privilege of meeting here with you this evening. Thank you very much.