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## We Have a Dream

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## WE HAVE A DREAM

When the leaders of the March on Washington assembled on the high stage built in front of the Lincoln Memorial, they saw below them a vast host of marchers stretching out along the Reflecting Pool to the Washington Monument, a mile away and beyond. I was down there.

However, I had another perspective on the March—from the United States Senate.<sup>1</sup> I was marching with the staff of Senator Hubert H. Humphrey, of which I was the most junior member. Humphrey had the job of getting the Senate to pass President John F. Kennedy’s civil rights bill. When I was an intern the previous summer, the senator told me about the seeming impossibility of this assignment. Southern senators would filibuster the bill and, try as he might, he could not round up enough votes to stop the filibuster. His despair was palpable.

That same summer, I was among the Yale College interns invited to talk with Senator Strom Thurmond. We sat around his desk and asked questions. When the civil rights bill came up, he said that he adamantly opposed it although, he added, “Some of my best friends are Negroes.” I couldn’t believe he uttered that phrase because even then it was widely regarded as a parody of racist attitudes. Yet—and this surprised me even more—he sounded completely sincere. Perhaps he was thinking of the daughter he begot with a black maid when he was twenty-two. He supported the child financially, but kept his paternity a secret.<sup>2</sup> Thurmond’s seeming sincerity convinced me that he had no self-consciousness about his opposition to civil rights legislation. He and people like him would never willingly relent.

In sum, my Senate vantage point made me see the opposition to civil rights legislation as an immovable object.

The night before the March, I worried about what the next day would bring. Would we marchers be embarrassingly small in number? Would we be targets of violence? Washington, D.C. and the territory around it were much more Southern than they are today. Thousands of adamant bigots were within striking distance.

All these worries vanished when I got to the March. There were many more marchers than I could have possibly hoped. There was no hint of violence, no tinge of fear. What did pervade the atmosphere was a common purpose. Here was a community—a “communion” in the root sense of the word. It was vast, and it was determined. The immovable object of bigotry had met an irresistible force.

The Reverend Dr. Martin Luther King’s Speech convinced the marchers that the irresistible force would prevail. Clarence Jones, one of the participants in the New York Law School symposium upon which this issue is based,<sup>3</sup> wrote a draft of the

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1. My recollections are corroborated by those of Senator Hubert Humphrey’s legislative assistant John G. Stewart, a central figure in these events. See generally John G. Stewart, *When Democracy Worked: Reflections on the Passage of the Civil Rights Act of 1964*, 59 N.Y.L. SCH. L. REV. 145 (2014–2015).
  2. Mary C. Curtis, *Strom Thurmond’s Black Daughter: A Symbol of America’s Complicated Racial History*, WASH. POST (Feb. 5, 2013), <http://www.washingtonpost.com/blogs/she-the-people/wp/2013/02/05/strom-thurmonds-black-daughter-a-flesh-and-blood-symbol-of-americas-complicated-racial-history>.
  3. The symposium upon which this issue is based was entitled: Remembering the Dream, Renewing the Dream: Celebrating the 50th Anniversary of Dr. Martin Luther King, Jr.’s “I Have a Dream” Speech and the March on Washington (Sept. 13, 2013), available at <http://www.nylslawreview.com/remembering->

Speech. However, as he tells in his compelling book, *Behind the Dream: The Making of the Speech That Transformed a Nation*, the copy of the speech King brought to the podium did not contain the famous “I Have a Dream” passage. Partway through the Speech, the wonderful gospel singer, Mahalia Jackson, shouted out to him, “Tell ‘em about the ‘Dream,’ Martin, tell ‘em about the ‘Dream!’”<sup>4</sup> She was referring to a passage that he had included in some previous sermons. And he told us about the Dream.

The appeal of the Dream came from its delivery and the occasion, even more than the words themselves. As Jones put it at the symposium:

If you read the text of the Speech, while you might be impressed and moved by certain parts of it, you would probably think it was a good speech, but not necessarily a profound or powerful Speech. . . . What made the Speech an extraordinary speech was a combination of factors. One of the most important was that this was a speech at a gathering of . . . the largest group of people assembled anywhere in the country at any time in the history of the United States for any purpose, twenty-five percent of whom were white. The second factor was that this was in the capital of the United States. The third factor was that this was at the foot of the Lincoln Memorial, the Great Emancipator, one hundred years after the Emancipation Proclamation. . . . Dr. King, to me, spoke on that day in a way I had never heard him speak before, and had never heard him speak since.<sup>5</sup>

As Jones states in his book, “We caught lightning in a bottle because the right man spoke the right words to the right people at the right time. No part of this formula should be undervalued.”<sup>6</sup>

This combination of factors set off reverberations. One reverberation was between King and the marchers. The passage moved the marchers and, in turn, the marchers’ reaction moved King.

There was still another reverberation, and it too was powerful. Both speakers and marchers were aware that the March had a vast audience through television. As I heard the “I Have a Dream” passage, I knew that the people in the affluent, largely Republican suburbs of Chicago where I grew up would watch the Speech on television and that it would touch them. I knew too that it would also touch the people in the midwestern heartland for hundreds of miles in every direction around Chicago. As Jones puts it, “Once those words hit the ears of the listener at home, all that was left

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the-dream-renewing-the-dream. The symposium was sponsored by the *New York Law School Law Review*, the Justice Action Center at New York Law School, and the New York Law School Racial Justice Project. The Justice Action Center and Racial Justice Project have since combined with other projects and institutes to form the Impact Center for Public Interest Law at New York Law School.

4. CLARENCE B. JONES & STUART CONNELLY, *BEHIND THE DREAM: THE MAKING OF THE SPEECH THAT TRANSFORMED A NATION* 112 (2011).
5. Clarence B. Jones, Remarks at the New York Law School Law Review Symposium: Remembering the Dream, *Renewing the Dream: Celebrating the 50th Anniversary of Dr. Martin Luther King, Jr.’s “I Have a Dream” Speech and the March on Washington* (Sept. 13, 2013), available at [http://youtu.be/fR\\_44BevHQ4?t=1h31m15s](http://youtu.be/fR_44BevHQ4?t=1h31m15s).
6. JONES & CONNELLY, *supra* note 4, at 122.

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was to let their meaning take hold and stir the conscience of everyone who was tuned in.<sup>7</sup> Many marchers, like Jones, knew that the Dream would overcome bigotry and that knowledge created a second reverberation that amplified the first.

Thus, it became clear on the spot that the Dream's irresistible force would move the immovable object. And so it was, but not at first.

Immediately after the March, King and other leaders went to the White House to meet with President Kennedy. In Clarence Jones's words, the president's response was in essence, "The March hadn't done much for *him*. . . . [He] was more worried about his party's chances come election day than about the Negroes' chances for justice. Despite the rousing success of the March, he wasn't going to give the Movement any genuine support."<sup>8</sup>

In 1964, five months after the March and two months after the assassination of President Kennedy, King and key civil rights leaders met with President Lyndon B. Johnson. Robert Caro, in the most recent volume of his biography of Johnson, writes that the civil rights leaders walked into the Oval Office with little hope that Johnson could get Kennedy's Civil Rights Act passed, but left the meeting confident that he would.<sup>9</sup> According to Caro, the president needed a strong civil rights bill to secure the support of liberals in the 1964 election<sup>10</sup> and also believed passionately in civil rights.<sup>11</sup> Ironically, one tactic that the president used to sell the legislation was that its passage would honor the memory of President Kennedy.<sup>12</sup>

Johnson could get the Civil Rights Act passed only because Republican senators voted to stop the Southern filibuster by an overwhelming margin of twenty-seven to six.<sup>13</sup> A key reason why Republicans voted to stop the filibuster in 1964 but not in 1962 was that, after the March, the conservative, northern-rural heartland of America shared the Dream.<sup>14</sup> The Dream reverberated first between King, the marchers, and the heartland—and then again the next year in Congress.

The Dream got shared so widely because it was already in many people's hearts. However, many people needed King's words to know what was already in their hearts. The pollster Scott Rasmussen compares King's Speech to the Declaration of Independence: "In both cases, remarkable men gave eloquent voice to public opinion that had been developed long before. And in both cases, as with other great events in

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7. *Id.* at 138.

8. *Id.* at 130.

9. ROBERT A. CARO, *THE YEARS OF LYNDON JOHNSON: THE PASSAGE OF POWER* 489 (2012).

10. *Id.* at 349.

11. *Id.* at 486.

12. *Id.* at 600–01.

13. *Id.* at 568.

14. *See id.* at 565–68.

American history, the attitudes of Americans changed first and the actions of the politicians lagged behind.”<sup>15</sup>

People, of course, have many different dreams—even about the single topic of civil rights—and indeed, many different ideas about what precisely King himself dreamt. However, for a period of time, tens of millions of Americans dreamed the Dream.

There are wrongs to right today. I hope that we can share a dream again.

#### AFTERWORD

I could be at the March and join Humphrey’s staff only because Neal D. Peterson hired me as an intern in the summer of 1962 and as a staff member in the summer of 1963 (and later as a staff member for Vice President Humphrey in the summer of 1965). These experiences with Neal gave me important opportunities, and the lessons he imparted helped me take advantage of them. His powerful dreams of fairness shaped the results I have tried to achieve, and I hope he would feel that I have made good use of his gifts.

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15. SCOTT RASMUSSEN, *THE PEOPLE’S MONEY: HOW VOTERS WILL BALANCE THE BUDGET AND ELIMINATE THE FEDERAL DEBT* 32 (2012).