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# Reflections on an Era

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## REFLECTIONS ON AN ERA

BENJAMIN L. HOOKS\*

As we approach the year 2000 and prepare to set a new agenda for civil rights, it is, as Charles Dickens has said, the best of times and the worst of times. My mind goes back some years ago to very a stormy night in Memphis, Tennessee. It was the third of April when a member of my church and I went to a memorial service for a dear friend, and it was one of the stormiest nights I had ever witnessed in Memphis. The rain was falling incessantly, lightning flashing ominously, and thunder roaring loudly. When the memorial service was over and we had started home, we decided that since Dr. King was in town, we would go to hear him speak. But because of the lateness of the hour and the storm, we changed our minds; however, when we were almost home, we changed our minds again and drove to the Mason Temple Church of God and Christ where Dr. King was speaking.

The church had a large ten thousand seat auditorium owned by its members. To our surprise, when we entered the auditorium, there were more than fifteen hundred other people there on this very, very stormy night. Dr. Ralph Abernathy was still in the process of making the

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\* Executive Director of the NAACP; attended LeMoyne (now LeMoyne-Owen) College and Howard University; received J.D. from DePaul University. Dr. Hooks was the first black judge of a court of record in the South since the Reconstruction Era. Dr. Hooks was also the first black Commissioner on the Federal Communication Commission. This essay is a slightly buffed version of a presentation given at the West Virginia University College of Law in Morgantown, February 25, 1992, as part of the First Annual Franklin D. Cleckley Civil Rights Symposium. Other speakers at various points during the two-day gathering included James Douglas, Dean of Thurgood Marshall Law School at Texas Southern University in Houston; Dennis Hayes, Assistant General Counsel of the NAACP; Marilyn Yarbrough, Professor of Law at the University of Tennessee and former Maier Chair Visiting Professor of Law at West Virginia University College of Law (1991-92); Fran Ansley, Professor of Law, University of Tennessee College of Law; and Anita Hill, Professor of Law at the University of Oklahoma.

introduction, and there was an ominous feeling. I cannot quite describe it. The temple had a tin roof and the rain kept falling. Through the stained glass windows, we could see lightning striking and hear the wind howling and the thunder roaring incessantly. It was a peculiar sight.

By this time, I knew Dr. King very well. For many years I had been a member of the Board of Directors of the Southern Christian Leadership Conference, and I had heard him speak all over the nation. I had been present in 1963 during that great magnificent drama when he delivered his magnificent "I Have A Dream" speech. But on the night of April 3rd, I had never heard him speak with more pathos, power, and passion. I sometimes wish that more Americans could have really known Dr. King. I wish the young people of this country could have had the opportunity to know this gentle, and yet strong, prophet of God. In my judgment, he was sent not simply to black people, not even to the people of America, but to the world. He was sent to claim a new dimension of love, fellowship, prosperity, peace, and forward movement.

I remember that on that night he dealt with his own mortality and the prospect of death. He even talked about the time that a woman had stabbed him when he was autographing books in Harlem. The letter opener had protruded from his chest and the doctor had said later that "if he had so much as sneezed, he would have died." Dr. King talked about the fact that he had received letters, cards, and telegrams from presidents, governors, and heads-of-state—but the one letter that stuck in his mind, after all those years, was the letter that had said:

Dear Dr. King: I'm a white girl and I'm twelve years of age. I read that where if you had sneezed, you would have died. Dr. King, I just wanted to write and tell you, I'm glad you didn't sneeze.

Dr. King discussed how the chasm of racial separatism, hatred, and bigotry seemed to have been resolved just in this one letter. He was a very stoic person. Very seldom did he show any great emotion, publicly or even privately. But on that night, when he finished speaking, he wheeled toward his seat and started to recite the words of what I think

was his favorite song: "My Eyes Have Seen the Glory of the Coming of the Lord." Tears were rolling down his cheeks and lapping under his chin. We stood there transfixed. Little did I know that before twenty-four hours had passed, he would be dead. A cowardly assassin would have taken his life.

Although he killed the dreamer, he did not kill the dream. You and I have the task of carrying forward the dream of Dr. King as we prepare to enter the twenty-first century. He reminded us that we shall either live and stand together as brothers and sisters, or perish separately as fools. And I remember that on that night as he talked about dark and difficult days ahead, I had a little funny feeling and I thought, "Now Doc, this is 1968. We have had the passage of this bill and that bill. We are using the restrooms and able to stay in hotels. I'm a judge on the bench in Shelby County."

I want to tell you, however, from the vantage point of some twenty years later, that we have had some difficult days. Just think of all the things that have happened. The phenomenal has occurred. Never in my wildest dreams did I think that we would end up with Ronald Reagan as President, who tried his best to bring this nation down. He came out of the golden West, produced the most unwise tax cuts this nation has ever known, and tried to pretend that affirmative action was reverse discrimination. He had a lot of young white men believing there was no point in going to school because black folks had all the jobs. My message to the young man is: Don't be afraid, we don't have them all yet.

President Reagan was busy looking for the welfare queen. He talked about that woman, that *mythical* woman somewhere, who was driving a great big Cadillac and eating steaks everyday on welfare. He enlisted the aid of the CIA, the FBI, the Secret Service; he even got the highway patrol involved. While Reagan had all of the law enforcement officials going up and down the country looking for the welfare queen, the savings and loan crooks almost stole the country away from us. In fact, at one time I thought Reagan was the poorest President we had ever produced. But in reading about presidents, I recognized that they cannot tell the truth all the time.

It was our loss to try to work with a man who tried to give tax exempt credit to Bob Jones University, which openly discriminated. Reagan tried to turn back the clock. Many young people may not remember the reenactment of the Voting Rights Act in the early 1980s. We thought it would be an easy victory, but it turned into a vicious fight. William French Smith, then Attorney General, decided that we should have the "intent test." How in the name of God would you discover what five dead white men had in their minds? But we do know what the effect was. The effect was to prevent black people from being elected to office. We were there in the Congress, seriously having to argue against a major counter-offensive aimed at turning back the clock. I could speak at length about the initiatives we passed to prevent this. Yet after Congress passed these initiatives, and before we could rejoice, Reagan vetoed them. Still the record will show that we produced the votes to override those vetoes. I thought about Dr. King so many times during those dark and difficult days.

Clearly, brothers and sisters, these are difficult times that we face. These are times when racism seems to raise its ugly head. David Duke had his face changed, but not his heart. He was known as anti-Semitic and anti-black. The nation knew it, and Louisiana knew it. But the fact remains that when he ran for Governor, he received fifty-five percent of the white vote. Also, just a few months ago, I was out in Colorado and the Klu Klux Klan was demonstrating against me. But I wasn't afraid; I knew the real Klu Klux Klan was back in Mississippi. Besides, I had five highway patrolmen behind me. I kept looking back there. I don't mean to sound prejudiced, but thank God, three of them were black; so I was feeling pretty good. I walked up to one of the klansmen and said, "What's your problem? Why are you picketing my program?" And he said, "Because you got a black history month, we white folks want us a history month." I said, "My God, I thought you had twelve. If you want mine, you can have it."

These are the kinds of problems we face with many people, with the Reagan/Bush government, and with the Supreme Court, which has become increasingly conservative. I'm not going to talk about Clarence Thomas' argument, but notice how he votes. I am convinced that if it were possible for the greatest brain surgeon in America to take the living, pulsating brains of the members of the Supreme Court and to

transplant them into a bird, that bird would fly backwards from the rest of the world.

As we looked out and saw the distribution of wealth and saw the United States in the midst of a recession, we also saw that President Bush did not seem to understand what a recession is. I sometimes think we ought to have a requirement that our presidents go into the grocery store and see how the rest of us live. The president should understand how the checkout counter works and should become accustomed to the daily rip-offs and injustices that the rest of us have to suffer with. The president should understand the people who live on too little for too many. It is a tragic time in this country in so many ways.

I have led the NAACP for the last fifteen years and I am not going to stay with it very much longer. We have so many problems. I think about our own black community with tears in my eyes when I hear young people singing. I become emotional when people sing spirituals because I can visualize people who did not own the shoes on their feet or the little cotton dresses they wore. I think about those who were forced to work and were sold on the auction block like cattle and hogs. Nursing children were separated from their mothers. Yet, those people, our ancestors, did not lose hope, did not give up, and did not hide their harps and say, "We can't sing the songs." It gives me courage right now to think about them. Let me say this to my young black brothers and sisters: "Don't you dare give up, because our foreparents didn't give up. They left us a legacy that we ought to be proud to have." We ought to work hard for a new tomorrow and leave something for those who come after us to cheer and sing about.

I look at the problems in our black community: babies having babies, teenage pregnancy, crime, and drugs. A recent survey was recently taken. I was flattered. The results indicated the NAACP ought to take charge of the fight against drugs and provide jobs. I have to say that is too much for us. We cannot do it all. We do not intend to let the government pass off what it can do best. We have some difficult days ahead and as we set the agenda for the year 2000 and beyond, we first we must be mindful of our past. We must remember what we have come through and what we have achieved. Great victo-

ries have been achieved out of a sea of defeat. I remember when Dr. King prepared to finish his speech that April night, he did not leave us groping in the darkness. Instead, he closed by saying: "Although there will be dark and difficult days ahead, I've seen through the door to the promised land. I may not make it there with you, but I've seen it, and I believe you will make it."

In the midst of all the despair and difficulties, there are many things that we can be proud of. I travel this country and say anything I feel like saying about Brother Reagan, Brother Bush, and all the rest of them. I go back to my hotel room and although it may be bugged, I will get up in the morning. This is a great trip. I enjoy it. I am going to talk until my tongue gets tired. I enjoy the fact that we have achieved much more than having seven thousand elected black officials. That is important, however. When I was a boy, I recall only one black male elected official in the whole country and that was Ben Greene. He was a Harvard graduate, from Mt. Boyou, Mississippi. I kept wanting to go to Mississippi and see him. My brother finally took me there, and what a glorious day it was. We have come a long way and we have a right to be proud. We have one million black youngsters in secondary education and more than thirty thousand black lawyers going before the courts of justice. We have brilliant black lawyers, like your own Professor Cleckley, who has written law books and evidence books not just for black lawyers, but for all lawyers. We have those like Professor Cleckley who have transcended race and background stand as scholars, able to lead and teach others.

Still, it sometimes bothers me to see people sitting in the Peabody Hotel. If you have never been there, the Peabody is the biggest hotel in Memphis. As a boy, I used to look at it and wonder whether I would ever get inside. I go there now, and when people tell me things are no better than they used to be, with filet mignon juice dripping down from their mouth, I worry. I went back to Clarksdale, Mississippi. I was down there several times in the old days, trying to get people registered to vote. I wore out many cars driving there from Memphis. Memphis was not much better, but it was larger; you could hide in it. I would come back driving 120-125 miles an hour down the highway. I went back down to speak in Clarksdale just a few days ago. As my wife was driving, I thought about the old days. I thought

about those highway patrolmen, walking in with their deputies saying, "What you want boy?" I would have some black folks with me; we would be trying to get them registered. The looks of those patrolmen: they would have on dark glasses and big boots and they would have pistols hanging down, looking like Wild Bill Hickok. They would have blackjacks and clubs.

About three months ago, I went down to Clarksdale about 8 o'clock at night. Suddenly, there was a highway patrol car behind us with its blue lights flashing. I said, "Oh my God." I know what to do in Mississippi—get out of the car; do not just sit there. I walked up to the policeman. He was so big. I thought, "God, this is a big man." I saw the star, I saw the pistol, and then a booming voice said, "Welcome to Clarksdale, Dr. Hooks. I'm the sheriff here and I'm here to welcome you." Lord, it makes a difference.

Yet, there is still hatred and there are problems. People resist and fight the things that have helped us move forward. Affirmative action was never meant to make a surgeon out of a man who couldn't cut down a tree. We have always had affirmative action. We have had those who could sing, dance, and play football. They did not start granting scholarships for football players when blacks folk started attending college. They were doing it a long time ago. Yet, so many lies have been told that have caused misunderstanding and dissatisfaction. This nation can never be whole until there is not only equality of opportunity, but, as the late Lyndon Johnson said, equality of results.

Let me close now by saying a few brief things. First of all, if we are going to move forward into the twenty-first century, we have to be prepared to vote intelligently. It is sickening that America has the poorest voter participation of any Western democracy. Many Ph.D.s and M.D.s are saying that they don't want to be bothered with voting. But the people we put in office determine where we are born and where we will lay when we are dead. The people in office determine what we have on our plate, our tax rate, and whether we are going to be fighting or whether we are going to have peace.

Second, we have got to rise above color and creed and recognize people for the content of their character and not the color of their



skin. It is stupid for black folks to go around saying they hate white folks because they have blue eyes and blond hair. It is just as stupid for white folks to hate us because our eyes are not blue and our hair is not blond. I have discovered something, and I think I am right about it. Most of the folks you know had absolutely nothing to do with how they got here. They did not choose their mother, their father, the time they were to be born, their color, or whether they would be male or female. When I knew what I was, I was already here. I am pretty well satisfied. I am not going to argue with God. We have to accept what God made, and cross boundaries and build coalitions. I am a veteran of the civil rights movement, and one of my fondest memories is when we were down in Jackson, Mississippi and Memphis, Tennessee. We saw black and white people marching together, singing "Oh Freedom." We have got to build those coalitions now, not just because of what we had yesterday, but for what we must do tomorrow.

Then we must prepare ourselves. Education is the answer. Many doors are still closed, but we ought to prepare ourselves to move forward and participate. I have a little expression I use sometimes: "The service you render is the rent you pay for the space you occupy on God's earth." That is something to remember. If I was going to be malicious, I would ask you how far behind you are in your rent. We ought to participate; we owe something. The little old honey bee in the backyard robbed the flower, but it never robbed that flower without also fertilizing that flower. We must give something as well as take something away. And so we must prepare for the twenty-first century by understanding our past and trying to forecast our future. One of the great historians has said that those who forget the lessons of history are doomed to repeat the mistakes of history, and we have made so many mistakes. But we have come so far, and together we can move mountains and bridge rivers. Something in the nature of the universe tells me that God is still there on the throne.

I have had many disappointments during my life. I shall never forget when I was an assistant public defender in Shelby County, Tennessee. When I started practicing law in 1949, going to the courthouse was tough. Nobody called you "mister" or "lawyer." When you went to the clerk's office, you could not get waited on until every

white lawyer had been waited on, even those that came in after you. There were no blacks serving on juries. Restrooms in the courthouse were segregated. There was not a single black in the courthouse who was anything but a maid or a janitor. I remember this, not with bitterness, but because I do not want to forget where I came from so that I can enjoy what we have now. We agitated and threatened to surround the courthouse with blockades unless they appointed a public defender who was black. I was chosen, and I served for three or four years. They said that I was a very fine lawyer.

One day, the chief of the office came to me and said, "Hooks, we've got some money now and we are going to have two public defenders in each courtroom. Mr. So-and-So will have charge of your courtroom and you will be working for him." I felt a little funny because I did not recognize the name. I checked and discovered that my boss was going to be white, that he had finished law school just six months before, that he had received his license just two months before, and that he had never tried a case in his life. But he was going to be my boss and I would be his assistant because he was white and I was black. He would have a secretary and he would get more money.

Now, I did not get angry. I got mad as hell. I tried to pray, but all I could see was this man's face. Then it dawned on me that my situation was not special. Black folks through the years had been put back while other folks had advanced over them. So I decided that I would heed the teachings of the God I serve and the man that I knew best, Dr. King. I wrote a beautiful letter saying that under those conditions, I could not serve. A few days later, I got a call from the governor. He said, "I want to appoint you as judge. Will you accept?" I said, "Governor, it's never been done before." I wanted to make sure that he knew precisely what he was saying and that I was hearing him correctly.

On September 1, 1965, I walked down to the courthouse and into the courtroom of a judge who, before he had died, had not even wanted to see a black lawyer in this courtroom. I put on a black robe and stepped out from behind the bench. People were there crying and weeping because they never expected to see a black man become a

judge in their lifetime. I was sworn in, made a little speech, adjourned the court, and went back in the chambers and received congratulations. I had three bailiffs; one of them ran back and said, "Judge, there are some lawyers here that want you to hear guilty pleas and other lawyers want to get continuances." I put my black robe back on and stepped out.

I want to tell you something as I close. I have been to the United States Supreme Court, state courts, federal courts, appellate courts, and little J.P. courts out under the trees. I have heard it all my lawyer days, but it sounded different that morning: "Hear ye, hear ye, hear ye. This honorable criminal court of Shelby County, Tennessee, Division 4, is now open for business pursuant to adjournment. All persons having business with this court, draw neigh and give attention, you shall be heard. The Honorable Ben L. Hooks presides, be seated please." I said, "That's right, be seated, because I'm in charge."

I tell you, my brothers and my sisters, there is a God who rules above and His power will reign. He will help us fight our battles and we shall get home.