

RESPECTFUL PROTEST, CIVIL LIBERTIES AND THE CLIFFORD J. DURR
MEMORIAL LECTURE SERIES ON THE CONSTITUTIONAL PROTECTION OF CIVIL
LIBERTIES TO BE DELIVERED TO THE PUBLIC ON THE 90TH BIRTHDAY OF
VIRGINIA FOSTER DURR.

August 7, 1993

Today is my mother's 90th birthday. She has requested that donations be given to The Clifford J. Durr Lecture Series on the Constitutional Protection of Civil Liberties in place of birthday presents to herself. I, as my mother and father's daughter am making respectful protest not of my mother's birthday which she has well earned having lived with all her wits to the ripe old age of 90 but of the purpose for which these donations are being given, i.e., to provide "speakers fees and expenses to "distinguished and celebrated scholars" to speak each spring to students at Auburn University in Montgomery, Alabama.

One might well wonder why I am choosing to make respectful protest at my mother's birthday party which will undoubtedly cause her and my family some unhappiness and possibly create anger toward myself. I can assure you that if I had any opportunity to engage my mother, my family or participants in the lecture series in respectful dialogue with the possibility of influencing them to the extent that we could come to a compromise concerning the purpose of an endowment for The Clifford J. Durr Memorial Lecture Series by using a less conspicuous forum I would have done so quite happily and willingly.

This essay of and on the subject of protest is a product of years of thought and deliberation and failed efforts to communicate my passionate convictions regarding the content, meaning and application of the concept of civil liberties, especially as it is enunciated in the 1st Amendment.

Although, today IS my mother's birthday party and I do very much wish her to be joyfully celebrated, it is also a day intended to be celebrate my father. This day has the aspects of being both a public and a personal event. The theme of my mother's birthday, as it has been for many years is social justice. It is in this context that I have chosen to speak and make public my personal dissent.

Now, to give some background regarding my position.

Auburn University chose well in their brochure presenting The Clifford J. Durr Lecture series when they quoted from my father's speech to the Associated Church Press in 1947 where he said:

" Democratic government is based upon faith in people -- in their innate intelligence and decency -- upon a belief in their ability to shape out a good destiny for themselves between the hammer and anvil of conflicting ideas, provided they are given full freedom to know and to discuss, to associate and to exchange their views one with another, and to protest when the occasion arises. This was not the gamble of fearful men. It will not be won by fearful men."

The letter I received two years ago to raise money for the Clifford J. Durr Memorial lecture series used another favorite quote from my father: "The danger to our liberties lies not in evil men for they are few; rather it lies with normally decent men (and women) who are silent when they ought to say, "These things which are being done are wrong and I will stand against them."

Eighteen years after my father's death and more than forty years after he wrote so eloquently about democracy and the danger to civil liberties, he has at long last been honored by his family and by his native city, Montgomery, Alabama. It was the Clifford J. Durr Memorial Lecture series for The Constitutional Protection of Civil Liberties that allowed Clifford J. Durr to become a posthumous hero in his native state. This, on the face of it, is certainly a fine thing in that my father adored the state and the city in which he was raised and in which he began to develop his fine intellect and exceptional gift for taking courageous moral stands both in the personal and the public sphere.

I understand that the committee for The Clifford J. Durr Memorial Lecture series did a fine job in choosing its speakers for the last two years. Tom Johnson, President of CNN, the first speaker for the opening of was certainly a great find in that he spoke to Montgomery's students soon after the marvelous CNN reporting on the Gulf War. Lady Bird Johnson's presence was also a great draw.

In the second year of the series, my brother-in-law Sheldon Hackney, former President of the University of Pennsylvania and now a Clinton appointee to the National Endowment for the Humanities spoke about The Law as the ultimate social contract capable of maintaining some sort of non violent equilibrium between the THEM's and the US's. His speech was

thoughtful and extremely written in my opinion, although I took some exception to a small portion of his speech which I will speak about later in this essay. My cousin Hugo Black Jr., son of Justice Hugo Black, one of the most respected of Supreme Court justices also did a lovely job of recounting the more personal aspects of my father.

These speeches from "prominent and celebrated men" certainly should have provided Auburn University student's and the Montgomery citizens with a satisfying and stimulating intellectual experience.

So then why am I protesting now and why over a year ago, did I refuse to sign a fund raising letter requesting between \$250,000 to \$500,000 to pay speakers fees and expenses to "distinguished and celebrated scholars." (It must be noted here that the aforementioned speakers mentioned generously did not accept speakers fees).

I must state here that my refusal had and has nothing to do with not wanting my father honored nor did I have any issue with his name being used to protect the constitutional guarantees for civil liberties provided in the Consitution. I refused to sign this letter because I DO want my father honored in the spirit in which he led his life and because I believe so strongly in the Constitutional Protection of Civil Liberties.

Now to further explain and clarify

It was my mother, not my father who always pointed out to me that full freedom to debate ideas and come to compromise and solution could not happen unless there was true economic opportunity. I interpreted this to mean that food, basic health care, adequate housing and good public education must be the foundation in which to put into effect the kind of freedoms my father spoke about...."How does a man speak out for himself if he is not assured an adequate standard of living or feels that he is in debt to the company store" she told me...

After witnessing a great many elections where poverty made it a virtually impossible task for a poor or middle class individual to fairly compete in running for elective office. And after witnessing countless examples where people who were poor or even middle class were intimidated, discredited and denied the power of their convictions and beliefs, I came to believe that my mother, not my father had the most accurate point of view about the need for an adequate economic base if one

wished to speak out against unfairness and exploitation. Sometime, a long time ago, I adopted my mother's viewpoint as my own.

Now here again it was my father, not my mother who held the view that, "the danger to our liberties lies not in evil men, for they are few"; rather, it lies "with the normally decent men" who are silent when they ought to say, "These things which are being done are wrong, and I will stand against them." My mother believed that evil was a conscious rather than an unconscious state of being. I, myself after much pondering came to the conclusion that my father, not my mother was right about evil and here I adopted his viewpoint as my own.

Just what are "these things which are being done are wrong?" and why should I stand against them?, " I have often asked myself.... Who am I to pass judgement?...I, who am as guilty as the next one of wrong doing... Am I behaving badly and reacting from jealousy? Am I projecting my own sins onto someone else? Do I consider an uncomfortable difference of opinion with another just cause for self-righteous indignation.? Believe me, these have been tough questions and I have found myself shamefully capable of doing all the above when hit square in the heart with a desire to shout "these things which are being done are wrong?"

Because of this self knowledge I have done my best to take another look at my position regarding my opposition to supporting an endowment for the lecture series. I have done my best to re-perceive it and accept the idea that since others believe I am wrong about my stand regarding the benefits of The Clifford J. Durr Memorial Lecture Series and the manner in which it commemorates and honors my father, I should "let go" of my position or at least keep quiet about it while proudly holding my head up high when graciously accepting defeat as my Confederate ancestors did so many years ago.

Alas, because of what both my mother and my father taught me about the relationship between free speech, economics and political power I have never been able to rid myself of my passionate opinion and belief that the purpose of The Clifford J. Durr Memorial Lecture series, to bring "celebrated and nationally prominent speakers" to speak to students is simply wrong despite majority rule in my family that says otherwise. At least wrong in the sense that it does not honor my father's viewpoints regarding democracy, free speech and the very purpose of the Bill of

Rights; i.e., to bring into balance the terrible polarities between the haves and the have nots in our American society and to give the disempowered a means to engage in honest and respectful dialogue with those in power with the possibility of redressing their grievances and perhaps changing the condition of their lives.

I sincerely believe that my father would not have wanted his name or the causes he passionately encouraged to be commemorated by party upon party, honor upon honor and speech upon speech delivered by the most celebrated, distinguished and prominent within our society.

In my opinion, my well spoken brother-in-law Sheldon Hackney glossed over this extremely important and fundamental subject (proving my point) when he spoke at the second annual lecture of The Clifford J. Durr Memorial Lecture Series on The Constitutional Protection of Civil Liberties in May, 1993 and said:

"First economic opportunity provides a rational basis for allegiance. Even though we may fall short of our own ideal of equal opportunity, there has always been enough of it to provide hope and it has always been far superior in the United States to the available alternatives. The increasing disparity of income over the last twenty years raises the question of the elasticity of this bond of social cohesion. How much disparity of income or wealth can be tolerated in the United States before the bonds break? That is an interesting and important question but it needs to be the subject of a separate investigation."

Unlike Sheldon Hackney (and now I repeat myself) I believe income disparity and how one deals with it from a "civil libertarian" stance is more fundamental than all the other diverse and contending forces. Already the disparity of income, wealth and power between nations, ethnic groups, races, communities and families is fracturing us and breaking us apart. There is no doubt in my mind that the eternal "debate" needs better ground rules.

My father always told me that one should not criticize, complain and protest just for the sake of what he called "belly aching." But, he said if one wishes to criticize and complain, one must offer remedies and solutions. Here are just a few I have come up with and am receptive to other suggestions:

Those involved with the Clifford J. Durr Memorial Series can encourage Auburn University to have speakers come free of charge and perhaps donate money that will serve to help the unempowered or disempowered learn to use the power of their speech to change the conditions of their lives. Perhaps a whistle blower fund would be of great value or a legal defense fund? Apparently, there has been about \$200.00 dollars provided as prizes to four students each year who submit essays on the subject of civil liberties. I would suggest that when thousands can be spent on a party in honor of social justice far more than \$200.00 could be allocated to a student who wishes to change the conditions of his or her life and thereby the lives of others by using the power of speech?...

Perhaps, this money could be given to someone who wishes to make both public and personal protest about something that involves issues of social justice within the bounds of civility. Perhaps it could be used to supplement the work of those teachers, artists and social workers who choose to go into the communities of the poor to teach and help along the process of spiritual and human liberation from the Lords and Ladies of Power and Purse strings who inhibit the eloquent speech of the imprisoned souls of mankind.

Others in the family or on the board of the organizing committee for the lecture series could be invited to come forth with their ideas and such could be hammered out by the board. The only aspect that truly concerns me is that if we are to raise money in the name of my father, we do it to promote and put in action what I believe was my father's intent concerning civil liberties.

I am open to many remedies that would allow my father's spirit to live and breathe. I cannot accept those that confine his memory to outdated myths, to history books and to the exclusive use of the more privileged among us. I would be able to accept remedies that serve to help those not empowered in our human family to resist the temptation to be helplessly reactive; to give into despair, cynicism and hopelessness; especially when previous efforts to share their passionate convictions, beliefs, ideas and opinions have been met with silence, denial, minimization, ostracism and loss of economic livelihood. I cannot support actions that keep the polarities between us alive and ongoing.

Perhaps, one might think a middle class daughter protesting what she believes is a misuse of a symbol of social justice, especially at a birthday party, is rather silly given the extent of the rampant injustice going on all over the world.

My own work with the mentally ill and with people in financial distress has reinforced my belief and desire to see to it that our marvelous constitutional liberties are enacted before it is too late. In my work I am always trying to create a more equal balance of power in families so that the most vulnerable have the opportunity to speak up and be heard regarding their most profound legitimate needs for respect and fairness. I also try best I can to help the more powerful learn that it is also in their best interest to be just, truthful and fair rather than project their vulnerabilities on those less equipped to carry the human load of imperfection.

I believe like my father that when "normally decent men and women speak up...(I am referring to people such as myself and my family) and say " "these things which are being done are wrong and we will stand against them", we have taken at least one step toward making democracy work. However, none of this does much good unless those who believe themselves to be powerless can see some positive results from their efforts to respectfully protest. I believe violence and blood shed, addictions and expensive family and societal dysfunction is an assured consequence of a democratic vision that goes awry.

Unfortunately, it seems necessary at times to take stands that may antagonize our own families and the people we love (when private attempts fail) in order to make manifest a fundamental vision and spirit that appears to have been intellectualized rather than internalized. It is easy with the passage of time, with economic affluence and in the labyrinth and confusing complexities of present day life to forget to identify or empathize with human suffering. And yet, it is flesh and blood; people of all races, creeds, colors, political persuasions and economic circumstances (people like our own family) that we must be aware of when we speak about how to make manifest the constitutional protection of civil liberties that my father championed so beautifully when he said and I repeat:

"Democratic government is based upon faith in people -- in their innate intelligence and decency -- upon a belief in their ability to shape out a good destiny for themselves between the hammer and anvil of conflicting ideas, provided they are given full freedom to know and to discuss, to associate and to exchange their views one with another, and to protest when the occasion arises. This was not the gamble of fearful men (or women). It will not be won by fearful men (or women).

It was my father who told me that he learned about social justice, about facing fear, about telling the truth and about the brotherhood of man, in the heart of his southern family. I believe that I can say the same. It was my mother that clearly laid out the barriers to the enactment of noble abstractions. I have been witness countless times to these obstacles that she so clearly delineated for me a long time ago.

It is in the spirit of this legacy of social justice that I, Virginia Durr, daughter of Clifford and Virginia Durr am making respectful protest against what I believe to be the slow erosion of the concept and purpose of civil liberties to provide equal opportunity to all. In specific I am also protesting the manner in which people I do not know and people I immensely care about have chosen to commemorate my father's life and the intent behind those guarantees which protect our constitutional liberties.

This is my best effort to reconcile my conscience with my love for and sense of loyalty to my family. Even if it is not taken as such, It is actually a tribute to both my father and my mother for bequeathing such a powerful legacy to me, my sisters and their spouses, to grandchildren and future generations.

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