

Tricia Johnson (00:00):

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Tricia Johnson (00:38):

This is Aspen ideas to go from the Aspen Institute. I am Tricia Johnson.

Tricia Johnson (00:44):

American's understanding of racism shifted during the 1960s civil rights movement. Its leaders knew the opportunity to vote and economic equality were key to making real change. They were savvy about using the media to reach people around the nation Stanford law school. Professor Pamela Carlin says helping people to see the relationship between their lives and the lives of others is critical to creating a civil rights movement. She says the media is still crucial for increasing awareness of systemic racism. In 2020

Tricia Johnson (01:13):

Black men in this country has been killed and brutalized by police for years. The difference with George Floyd was that it was caught on video tape, and that is a very powerful message. Getting people to understand that this is about people like them,

Tricia Johnson (01:35):

Aspen ideas to go brings you compelling conversations from the Aspen Institute. Today's discussion is from Aspen ideas, show up the history of the American civil rights movement offers lessons for unraveling systemic racism. Today's activists need to work from outside and within the political system. Pamela Carlin is an expert on voting and political process. She's worked with the California fair political practices commission, the NAACP legal defense fund, and the U S department of justice, civil rights division. James Dyer founded in Leeds, common sense media, a child advocacy and children's media organization. He teaches civil rights, civil liberties, and education at Stanford. They discussed the 1960s civil rights movement, LGBTQ and women's rights and the path to equality for all people. Here's Stier

Pam Karlan (02:26):

My colleague, Pam Karlan, and I are delighted to have this discussion with you about lessons from the civil rights movement and advocacy. Today. It's such an important topic. I came up like professor Carlin and my good friend, Pam, um, through the civil rights movement. Um, I'm a former school teacher, but I went to law school, um, in order to be a civil rights lawyer, actually in order to be a civil rights lawyer at the NACP legal defense fund, which of course is part of the incredible history of the civil rights movement. And it was there that I first met Pam Carlin. You know, that was my dream, that the reason I went to law school and in fact it shaped my career. Um, I've spent the last 25 years or so doing child advocacy, um, as opposed to civil rights law. But my classes at Stanford are all focused on civil rights and civil liberties. And I have a particular affinity for the civil rights movement itself and the impact it had on my life, on our society, on my kids' lives. It's why I'm so pleased to be here today with Pam Carlin. So Pam, why don't I turn it over to you? And then let's get the discussion going.

Jim Steyer ([03:28](#)):

Jim. I went to law school to be a civil rights lawyer. Uh, when I was in high school, I read a book called simple justice by Richard Kluger. And it's the story of the civil rights movement that led to Brown against board of education, where the Supreme court held that public schools in America could not be segregated on the basis of race. Uh, I started out doing voting rights and employment litigation, uh, and in addition to doing voting rights litigation and employment discrimination litigation, uh, I also kind of branched out into doing, uh, LGBT rights issues and reproductive justice rights issues. Uh, and last year at the Supreme court, I had the honor of representing, uh, two gay men, uh, who sought to use title seven of the 1964 civil rights act, one of the foundational statutes of the second reconstruction to protect themselves against discrimination for being gay in the workplace.

Jim Steyer ([04:21](#)):

And we were fortunate enough to win the case 63. And so when we start talking about the lessons from the civil rights movement, uh, I'll have a couple of things to say about that as well. So I'm super glad to be here. I'm looking forward to your questions, uh, in our discussion, what we thought we would do is talk for a little while about some lessons from the civil rights movement that we've learned and then throw it open to discussion because, uh, that's how that's, how we'll find out what's of most interest to you all.

Pam Karlan ([04:50](#)):

Jen, what has always moved me about the civil rights movement is not just the extraordinary success that this movement had. It was a movement that had enormous impact in society and it changed our society on many, many different levels. And I would argue that none of us today are the same nor have our lives been the same because of the impact of the civil rights movement. But if you, if you ask me how I would think about the original civil rights movement, what strikes me by far the most is the extraordinary stories of great personal heroism and leadership on the part of the people who made it happen. And, you know, it's interesting, Pam said that she decided to become a civil rights player when she read in high school, simple justice by Richard Kluger, a book, which I have lectured out of for 20 years at Stanford university, because it's an incredible set of story.

Pam Karlan ([05:39](#)):

But just to mention a few for you, and then I'm going to turn it over to Pam. I mean, if you think about it and the civil rights movement, there are so many different ways that it started, but one of the most emblematic starting points was the Montgomery bus boycott of 1954. And you think of, it's not just Rosa parks, who was a carefully selected leader of that movement refusing to sit in the blacks only section of the bus, but it was also the people who organized on the ground that bus boy cop, it was such an economic and personal hardship on the people there. And then of course it's when Martin Luther King jr a young minister of 25, 26 years old, ended up becoming the leader of a movement, surrounded by other clergy and people with far greater experience and leadership, but he emerged in Montgomery and to the extraordinary role he played in all of our lives.

Pam Karlan ([06:30](#)):

The other one that, that always touches me so much because it involves kids is, and I'm a child advocate is that little rock night there for the kids. It's the kids who integrated little rock central high school and the personal courage that those nine kids had to have being the first black children ever to go to that high school and waiting through, you know, crowds of people wielding sticks and, and, and

the most horrible epithets and denigration and doing it on their own, not just the first day, but day after day, and then ultimately being accepted and being that spear the tip of the spear, if you will, of that integration effort at great personal expense and great PR with great personal courage. And they weren't only in high school, but imagine what their families went to through as well, watching them go in it.

Pam Karlan ([07:27](#)):

And then I moved to the sixties. You know, I've been the fortunate of having some of the people who were at some of the original freedom writers come and speak at my class at Stanford. So the story of the freedom riders going through Georgia and Alabama, you know, the James foremans that the Ralph Abernathy's that John Segan fellers, and of course the extraordinary John Lewis and what they did getting on buses, going through the South, integrating the railways, the bus system, knowing they would be beaten in some cases not being sure they would return alive, the extraordinary courage they had and then non-violence which, which they practiced it in the face of disgusting white supremacist movements that sadly have in some ways, reared their ugly heads again in America, you know, uh, some 58 years later, but, but the freedom riders. And then finally, I, you have to say, because there's been, we've, there's such a loss when someone has great as John Lewis leaves us, but Selma and the bridge to freedom.

Pam Karlan ([08:28](#)):

And so the whole idea of those folks who crossed Edmund Pettus bridge, and let's hope they rename the John Lewis bridge, um, and marched into the crowds again, you know, knowing the personal threat to their lives and to their end, to their health and wellbeing, and yet believing in a bigger vision to me, that's the civil rights movement of the 1960s, but what it translated, what that extraordinarily personal courage translated into, it's three things. And it was also, it's completely coupled with three other things, strategic leadership, really good leaders who really were smart and thought about what they were trying to achieve and then went about and did it and organized, well, second, the creative use of media now media in those days was completely different than it is today. And you had the three major television networks and sort of the advent of broadcast television, but there had never been as successful with the civil rights movement.

Pam Karlan ([09:23](#)):

Had they not been strategic about the use of media and communications and understanding how much it mattered. And John F. Kennedy had shown that in the 60 presidential election, that the civil rights leaders were very effective then. And I was mentioning to Pam earlier that one of the things I'm doing in the civil rights world now is running common sense. Media is this whole campaign called stop hate for profit, where we, along with the ADL and the NAACP and color of change, and some other civil rights groups have, have both led an advertising boycott of Facebook and Instagram, and also a broader social movement to ask the platforms to stop undermining our democracy and being participants in voter suppression and the amplification of racist and hateful messages. Again, that's media technology, 2020. What I say about the civil rights leaders of the sixties is they were very smart about the mediums of those days, TV, radio, and print, and then finally success. And that's what it's all about. They, they succeeded, they changed the world. And I would tell you where this cusp of an incredibly important moment here, the most important election of our lives, and hopefully a new civil rights movement and advocacy that we've seen verbal up since the murder of George Floyd, but will hopefully deliver huge results in 2021 for everybody in this society. But most of all, for kids and disadvantaged communities and communities of color. So that's my intro. And I turn it over to my colleague, Pam.

Speaker 5 ([10:45](#)):

Yeah. So I thought what I would do is talk to you about kind of four lessons that we learned from the civil rights movement and the 19 say of the 1960s that I think are applicable again at this moment. Um, one thing to keep in mind is that the promise that everyone in America could vote as a matter of the law on the books existed long before the civil rights movement. But the civil rights movement is when we finally got full enfranchisement in the United States. And we're at a period again now where we're seeing once again, the kind of vote suppression that we saw in the 1960s. So the first thing to say about the 1960s, civil rights movement was it was about voting, but it was about so much more than voting because a lot of people, I think, think of their civic duty as simply being to show up on election day in Kansas, the ballot, one of the major party candidates, and then go back to their lives.

Speaker 5 ([11:45](#)):

And I think the civil rights movement understood that voting was the beginning, in some sense of the process of gaining equality and justice. It was not the end of the process. And that's a really important thing to keep in mind today. And I'll just give you one example that I think is especially powerful, which is, uh, in 1870, when the 15th amendment to the constitution was ratified that amendment in franchise about 1.1 million black Americans. It only enfranchised men because women couldn't vote then, and it only infringes people over the age of 21 today, we disenfranchise more black men,

Jim Steyer ([12:32](#)):

Then we're enfranchised by the constitution through disenfranchisement based on convictions for crimes. And one of the things we're seeing now is that the courts did nothing to protect people against that kind of disenfranchisement, but people working in the streets gaining, uh, getting, uh, initiatives on the ballot and the like have changed that. So that first lesson about voting is you can go to the courts for some of it, but you have to go to the streets and you have to go to Congress and you have to go to the ballot box for other parts of getting people the right to vote, the right to cast about and to have that ballot counted. And that's the first lesson from the civil rights movement is second lesson that I want to talk about is to elaborate on what Jim was saying about the role of the media.

Jim Steyer ([13:24](#)):

And here, you know, black people in the South had been beaten for years trying to register to vote. Um, you know, sheriffs in the South had been enforcing white supremacy for years, without there being much change. How did we end up with the change? Well, the civil rights movement was very strategic in looking for opportunities to bring to the nation's attention, what was going on in the South. So they did marches when they knew there would be camera coverage of the marches. And they did those marches in places where they knew it would provoke a reaction of violence and suppression. And so two of the things that happened in the civil rights movement that I just want to kind of highlight for you here, because I'll turn them to the contemporary issue, which is, uh, when the civil rights movement tried to, uh, try to work in Albany, Georgia, it failed because the sheriff of Albany didn't overreact, it was the overreaction that caused people to recognize.

Jim Steyer ([14:38](#)):

The second thing that the civil rights movement taught us about media is something that's disquieting, but it's important for you to know if you're going to be strategic. And that is, uh, in 1964, the student nonviolent coordinating committee Snick, uh, ran something called freedom summer in Mississippi. And the idea of freedom summer was to hold a shadow election to show how black people in Mississippi

would vote if they could vote. Because as of 1964, only 6.4% of black adults in Mississippi were registered and they did citizenship classes and they did classes to try and teach people, uh, how to pass the literacy test, which was tremendously unfair. Um, and what got people's attention was when three of the civil rights workers who were working in freedom summer, uh, got kidnapped by the Klan and ultimately murdered two of those civil rights workers were white and from the North. And it was only once people in the North started understanding that this was about them as well, that they paid attention. Now, fast forward to today, black men in this country have been killed and brutalized by police for years. The difference with George Floyd was that it was caught on video tape.

Jim Steyer ([16:03](#)):

And then that is a very powerful message. Getting people to understand that this is about people like them and getting people to see and therefore to understand the relationship between their lives and the lives of others is critical. One of the really fascinating things that pollsters have discovered in recent months is that the so-called racial resentment score among young people in the United States has gone down. That is white. Young people today are less likely to hold prejudice views about black people in the United States than they were a year or two ago. And that's partly because of the coverage, Brianna Taylor and George Floyd, and, uh, of several other people, uh, who lost their lives to police violence. So the role of the media and the role of getting people outside of the group, that's seeking rights to understand those rights is critical. And here I'll just make another observation, not about the racial justice part of the civil rights movement, but about contemporary gay rights, which is the point at which the gay rights movement started to succeed dramatically in the United States was the point at which people who were LGB came out of the closet, because that meant that people who were not themselves gay started to understand that people, they respected people.

Jim Steyer ([17:32](#)):

They worked with people, they loved their children were gay. And so right before the argument in the United States against Windsor case, which was a challenge to the federal defense of marriage act that I worked on, uh, Senator Rob Portman from Ohio, came out in favor of same-sex marriage after being against marriage equality for all of his political career. Why did he do this? Because his son came out to him and he wrote an op ed that said, I want my son to be able to get married in the same way that I wanted my other children to get married. And so that ability to try and build bridges across a divide is critical to a civil rights movement because generally you're in a civil rights movement. The group that's seeking its rights is a minority numerically of the population. And a numerical minority is not going to win at the polling place on its own.

Jim Steyer ([18:26](#)):

It has to build a coalition. And so one of the lessons from the civil rights movement is the various ways of building that coalition. The third point I want to make is about, uh, the March on Washington in 1963. Everybody talks about the March on Washington as this March for civil rights, but the actual formal title of the March was the March for jobs and freedom because one of the things that the civil rights movement understood was you would never have full equality in America, unless, and until you had economic equality as well. And the shocking thing is today, we have made virtually no progress since the end of the civil rights movement at equalizing wealth and AF access to, uh, education and access to jobs since the end of the civil rights movement. Um, and that's something that we need to get back to as well.

Jim Steyer ([19:25](#)):

This is not just a movement, uh, about police brutality. It's not just a movement about gun violence. It's not just a movement about hate crimes. It's also a movement about economic equality and economic opportunity. And that's critical that those two things go hand in hand with each other. You can't really get one without the other. And finally, the fourth part of the civil rights movement that I want to emphasize goes back to something. Jim was saying that dr. Martin Luther King, jr, which is that the civil rights movement was built, not just on, um, rational argument, it was built not just on arguments, about particular rights, the right to vote the right to a job, the right to housing or the like, but it was also built on a moral crusade and it was built on a religious foundation as well. Um, because people of faith, almost every faith has requirements of care for the poor care for the vulnerable, uh, recognize the dignity of all people.

Jim Steyer ([20:36](#)):

And so it's no accident that the civil rights movement of the 1960s was led by people like John Lewis, who had gone to seminary thinking he would a minister or by dr. Martin Luther King, jr. Or by Reverend Fred shuttle worth all of the ministers. The same thing is true today. I think after a long period in America, where religion was thought to be solely the province of conservatives reactionaries, we're starting to again see, uh, religious movement as well as a civil society movement. Uh, and there's no better exemplar of this, I think, than doctor, than dr. William Barber, Reverend William Barber. So if you haven't seen any of his speeches, go to YouTube and watch them, uh, go and look at the poor people's campaign that he's running. Think about the work that moral Mondays has done in North Carolina, in turning people out to demonstrate for the broad panoply of rights that is dr.

Jim Steyer ([21:42](#)):

Barber recognizes. He's not just talking about racial justice. He's not just talking about, okay, economic justice. He's also talking about reproductive rights. He's also, we're talking about rights for LGBT folks and all of these things can come together. The last thing I'll say, and then we'll turn it over to questions, um, is just to note for you, um, you know, the, the civil rights movement is the ultimate success of the civil rights movement in the law was the creation of some foundational statutes title seven of the civil rights act of 1964, which prohibits discrimination in employment, title six of the civil rights act of 1964, which prohibits discrimination in federally funded programs, which includes almost everything that state and local governments do as well as universities. Um, title two of the civil rights act of 1964, which is about public accommodations. Um, and then the voting rights act of 1965, one of the crown jewels of American civil rights, um, more black people were registered under its provisions.

Jim Steyer ([22:47](#)):

In the two years after it was enacted, it was the product of the Edmund Pettus bridge, and it produced more, uh, enfranchisement, more registration in those two years than had happened in the previous 75. Uh, it has been the statute that has transformed city councils County commissions, and like all over the country. And then the fair housing act that was referred to often as the second reconstruction, because the first reconstruction, which came at the end of the civil war ultimately failed. It failed when the South engaged in what came to be known as the redemption where whites regained power, uh, in the South, uh, and the promises of the civil war and the 13th, 14th and 15th amendments were never reached. I fear that we are on the cusp right now of either having the opportunity to have a third reconstruction or a second redemption. And the choice really is up people in your generation to take up the work of

bringing really, to fruition, the promises that the constitution and the civil rights movements of the 1860s and the 1960s did before

Tricia Johnson ([24:05](#)):

[inaudible].

Tricia Johnson ([24:05](#)):

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Jim Steyer ([25:20](#)):

I think we'll throw it open to questions in the Lake. Okay. So Steven's question is, do you believe the, the success of the civil rights movement can be linked to a clear set of policy reforms, uh, voting rights, marriage rights rather than a specific goals? So that's a, that's a great question. Um, you know, the thing about the earlier civil rights movement is its goals changed over time. Um, so the initial goal, I think one thing to say about it is that the goals were that they always had some concrete demands in addition to everything else. So the concrete demand that the Montgomery bus boycott started off with was, uh, do not ask black people who are already sitting down in the bus to get up and move to the back of the bus when they need more seats for white people. Uh, ultimately by the end of that, uh, that movement, which lasted about a year, they were saying no more segregation on the buses at all. And so there was, um, there was a change. Um, I think you're right, that if you just have a movement that says we want more fairness, um, it can, it can dissipate. So a movement needs at any particular time to have some idea of some short-term goals that it wants to get and then some longer term goals. So Pam, I would just, I would just chip in and absolutely,

Pam Karlan ([26:44](#)):

I think you have to have a framework overall. I mean, we were talking about rev barber just now, you know, about among the really current leaders. I think you have to be relatively clear at sort of in a broad set of goals for people to be. I mean, it's interesting because you could argue that black lives matter has been somewhat of a more broad-based, but vaguer, in terms of policy specific policy reforms, I'm not talking about local branches I'm talking about in general, but I do think that having a, for a movement to have two or three sort of North star goals is really effective in many ways. And so, uh, I actually, I think it's a very good question, but I think it's important. And I also think it goes to the issue that you raised multiple times, which is leadership, which is leadership has to articulate a vision. That's why rev Barbara is not just a great speaker on YouTube. He says he has a real vision. He's incredibly smart, but I think you

have to lay it out there in a way that people can understand it because they can then see hope for success. That's my quick take on.

Jim Steyer ([27:43](#)):

Yeah. So I got a question here that says that coalitions are essential because typically a minority seeking civil rights, et cetera, an exception would be, uh, suffragists. Um, yes. And I think the answer there is no, because at the time that women were seeking suffrage, they, they, they couldn't vote. So you had to get a majority of the voters in this country to agree to women's suffrage before you could get suffrage. Um, you know, today I think there are, there are obviously a variety of feminist movements in the United States that if all women agreed with there would, their views would be majority would be majority movements. Um, but the interesting about the suffrage movement in the United States is it started in the Western States, uh, which allowed women to vote because they were trying to encourage women to move to those States and kind of be pioneers.

Jim Steyer ([28:37](#)):

You know, it wasn't so pleasant, uh, to be, uh, to be in those States in the 1880s, 1890s. And so they started out as States that recognized women's right to vote. Uh, and then the movement stalled quite a bit and we gained its velocity during world war one. And it regained its philosophy for a really interesting reason, which also ties in with how 18 year olds in the United States got the right to vote, which is a, women's started being very critical to the war effort once the United States entered world war one. Uh, and that was what kind of vaulted the suffrage movement back into prominence and ultimately got the 19th amendment, which, um, uh, which resulted in women getting the legal right to vote in the United States. Make one last observation about that before we turn back to the questions. And it's a, it's a really interesting one that ties in with my point before about coming out, which is after the 19th amendment was passed in 2000 ratified in 2020, we really didn't have problems with people being denied the right to vote because of sex in the United States, even though, uh, the 15th amendment, which is identical in every way, except it used the word race rather than sex, we have terrible problems.

Jim Steyer ([29:51](#)):

And that's because, uh, women's votes. Didn't actually with the exception maybe of prohibition, didn't actually change the outcome of elections very much. I mean, today we have a tremendous gender gap at the national level, you know, in pulling data for this presidential election, but that's not been true in our history. I mean, people who thought that giving women the vote would somehow change a national policy. It didn't really change national policy all that much.

Speaker 5 ([30:18](#)):

And so pamphlets, how about the next one? I wonder how to know when you should think about having a social change from inside the system or from the outside doing nonviolent protest. In other words, why civil rights activists didn't want to change the system from within, I'll take a quick crack at that, but you can click on that is this one.

Pam Karlan ([30:39](#)):

If you've worked in the political system and even the great professor Carlin has worked within the justice department, which is a cyst that's sort of within the system. Um, I have almost always worked outside the system, but knowing the people inside of it. Um, I think that there are a couple of thoughts. One in terms of big, bold change, it's always going to come from the outside. Not always, but 95% of



times it's going to come from the outside because people will think bigger and they are unconstrained by internal politics and the dynamics of internal politics with a small PE. Um, second I think that bureaucracies and large institutions create inertia. Sometimes one of the biggest things I would tell you running the biggest kids' media, an group in the country, you always want to, you always want to be entrepreneurial and be renew yourself and not be large.

Pam Karlan ([31:24](#)):

And self-flying, I think that's very hard when you're inside the government, whether it's, let's say that our class last night was about that education. So we had two former secretary of education and run a huge department with hundreds of thousands of employees, et cetera. That's really hard to move it a cruise ship like that, as opposed to from the outside, when you can be small. Um, but you cannot do change solely from the outside. You ultimately have to impact people within the system, whether it's Congress, people, the president, or the executive branch or your state legislature, or the people would, or, you know, in our business, the FCC and the FTC have a big impact on media and technology regulation. So, but I do think it's much easier to do stuff on the outside because you can think bigger act more quickly and probably have less politics involved. But that's my quick take on the question, Pam, anything from you,

Speaker 5 ([32:19](#)):

I'll add one sort of small point and then a larger point. Why the civil rights activists didn't want to change the system from within. They couldn't get into the system. That's why I started by talking about voting, which is, you know, if you can't vote, it's very hard to influence elected officials. I mean, ultimately they manage so to sear

Jim Steyer ([32:40](#)):

The conscience of the nation, that people who weren't directly affected, demanded that their elected officials vote for the voting rights act. Um, so some of it is sometimes you can't change the system from within because the very, the very nature of the system is to have excluded you. Um, on top of that, you know, there are some things that, as Jim says, you've got to get inside the system to do because they can't be done from outside the system. So for example, just, you know, think about healthcare in the United States. You, you can demonstrate all you want, but ultimately the Congress is going to have to pass a healthcare. Bill. HHS is going to have to enforce it. Um, and the like, uh, and so, you know, one thing to kind of keep in mind is there are what are sometimes referred to as negative Liberty interests and positive Liberty interests.

Jim Steyer ([33:28](#)):

The negative and Liberty interests is a point that Isaiah Berlin, a political foster made a long time ago, but the negative interest, it Liberty interests are the rights to be let alone. And those rights it's, it's often quite easy to get from the outside. They don't require a lot of the government just keep the government out of my bedroom, right, as one of those, or keep the government, uh, you know, keep the police out of my house. Uh, those are negative Liberty interests, but the positive Liberty interests something like the right to go to a school where you'll learn what you need to learn in order to function effectively in a 21st century society and 21st century economy, you've got to get the government to provide that because if the government doesn't provide that, there's no way for people who can't afford it for themselves to get it. So there's a balance of what you can do inside the system and what you can do outside the system. And some of what a civil rights movement does is create so much pressure outside

the system that the system has to respond. Uh, either it has to respond because, you know, no peace, no justice, no peace, or it has to respond because people become so convinced by the movement that it's important to change.

Pam Karlan ([34:43](#)):

And that's the lesson of the sixties. And because it was in, it started outside, but undeniably, it had to end up inside. I mean, yeah, this is a great question. Arena time where the larger public who react to moral movements in quotations, you know, black lives matter seems to be one for sure. What do you think? That's a really interesting question. Yeah.

Jim Steyer ([35:00](#)):

I mean, I think, I think a lot of the movements that are most powerful tape black lives matter is one. And obviously the environmental justice movement is another, I think our moral movements, they're talking about, uh, you know, stewardship of the planet, or they're talking about equal dignity and respect for, uh, African-Americans in the United States. Um, I think it's really hard to have a civil rights movement that doesn't have at its core, some moral commitments, um, and whether that commitment is everybody should be free to, you know, free to love in the way that the LGBT was about or whether it's, uh, black lives matter or it's the environmental movement. It's really hard to have an effective civil rights movement that doesn't grab people in some way about their moral core.

Pam Karlan ([35:50](#)):

I mentioned some of his stories of extraordinary personal heroism and putting your body and life on the line that has to come from Memorial court. And then it is driven by a deep conviction. And then that can be such an inspiration to people. And I think by the way, this can be misused though, too. Right. And, uh, it's interesting to try to explain some of what's going on in current American politics on some sides of the aisle in terms of morality, in a way, and, and, and whether it is seen as moral or whether it's seen as amoral. It's really an interesting question now. Okay.

Jim Steyer ([36:23](#)):

There was a great essay recently by Peter Wainer. Who's a Bush appointed angelical Protestant who has written that he's quite worried that his movement has lost its moral compass that in return for getting judges, uh, and some deregulation out of the Trump administration, it's stopped being about, uh, morality. And it's really interesting if you look at, you know, the, the change in religiosity in America over the last 30 years, I think some of that change that some of the decline in religious commitment and contemporary America comes from the fact that people no longer think that religion is about taking care of poor people, treating people with dignity, uh, and the like it's become, you know, solely about, uh, can I refuse to sell a cake to a gay couple that wants to get married and how do I ban as many abortions as possible?

Pam Karlan ([37:23](#)):

I'm sorry, there has been a disgraceful. I've go much farther than that. Pam, you're being more polite than I would be. I think you've had a series of quote unquote religious leaders who basically done such damage to the idea that of a moral or religious leadership cause it's pure raw transactional at the lowest level firms are politics as opposed to any more leadership. Really interesting question. Here's another one. That's good though, too. I think it's easy to go from quote, we're different to I'm better than you are. I think this in the context of social change, how can we inspire everyone to see themselves in

others, empathy and see the best in others? Positive regard? I think great question. In the context of today's Uber partisanship, Pam, what do you think?

Jim Steyer ([38:06](#)):

I think an emphasis on justice, as well as kindness because kindness or empathy by itself, um, doesn't tell you what you're supposed to do afterwards. I mean, you can be sympathetic and not feel any compunction to do anything about, about the injustice in the world you've seen. And I think, you know, this is one of the hardest, one of the hardest things, I mean is to, is to keep a sense of optimism and keep a sense of hope in a world right now where, you know, you're just seeing incredible forms of selfishness. I mean, for me, the idea that people won't wear a mask in order to avoid infecting other people is just mind boggling.

Pam Karlan ([38:57](#)):

These are unusual times. I mean, this is a unique moment in American history and in my lifetime, for sure. And I am older than most of you guys in the audience, and it is mind boggling to see some of what has happened, but, and the choices that are being made. And I think history is going to be looking back at this year in a very unique way. I mean, down this an interesting short, we can answer this question very quickly, cause I don't know what you think, but you should answer it first. What's your view on the importance of the era?

Jim Steyer ([39:24](#)):

So at this point, I don't think the era makes much of a difference. It would've made a big difference in 1970 when it was proposed because as late as the early 1970s, um, courts treated claims of sex discrimination, the same way they treated claims of discrimination against people for, you know, wearing green or, uh, the, like they used what was called rational basis test. And as long as the government had some reason, however, farfetched, uh, discrimination on the basis of sex was okay. So there was, uh, you know, there's a case from Michigan that w w that the Supreme court decided where they said women could only work in bars if the bar was owned by their husband or their father. And the certain guards said not a problem, because you know what, this is just a way of making sure that, you know, waitresses and bartenders who are female, uh, don't get, uh, no get hit on in the bars, or, uh, women were excluded from juries in Louisiana and the Supreme court Sado, not a problem because women are home taking care of the kids, right?

Jim Steyer ([40:29](#)):

So the worst forms of stereotypes about women, uh, and they were as Ruth Bader Ginsburg recognized in her early litigation. I gilded cage. So at that point, having an amendment to the constitution that said, you can't discriminate on the basis of sex would have made a huge difference. But by the mid 1970s, the Supreme court had come around on this to hold that discrimination on the basis of sex was something the government should be very skeptical of. And so virtually no sex based discrimination in the law, uh, has survived since then. Uh, for a while, there were a couple of cases that involved issues connected to pregnancy and childbearing that were treated differently, but even those have largely changed and statutes today, make it a constant, make it illegal, to discriminate on the basis of sex and employment in educational opportunities. And the like. So you know that if the era were ratified today and there's this very real question, whether it can be ratified today because the original proponents of the amendment gave a certain amount of time within which to get ratification and that times long past, but assuming

that it could be ratified today, it would be deeply symbolic, but I'm not sure that there's any law that is, uh, that's okay.

Jim Steyer ([41:49](#)):

Now or any practice that's okay. Now that would become a, no, that would become forbidden or vice versa.

Pam Karlan ([41:56](#)):

Very interesting. I'm not going to add anything cause I agree with everything Pam said. Okay, next question. I think this is a very interesting one. It's easy to see why people who are part of an oppressed group should w or will engage, but what gives hope or makes progress seen seems to really be due to people who are not in that group, real meaningful change doesn't seem possible unless those not in the group can empathize with the oppressed groups. Can you speak to that? And the role of outsiders and movements? Okay. I'm definitely saying something about that one. Okay. Because I think about it in the context of my own kids. So I've got four cats. They are not a member of a press group. Actually my son, it happened to be blind youngest son that happened to be black. And he was completely impacted for the first time, really by what he saw and the George Floyd murder in the aftermath and Brianna Taylor and all that.

Pam Karlan ([42:45](#)):

And he doesn't talk about it all the time with his parents because he's 16, but it was a big issue. But for my older three, for our older three kids, they are not part of an oppressed group, but the thing that's been most impressive to me in the car as a dad. But I also see this in the, in my role as at Stanford prof, and that was working with students is I think the big key, and this is going to be hugely important in terms of whether or not there's going to be fundamental major change over the next year or two, is that post the murder of George Floyd. Young people came out, quite young people, privileged young people came out. Pam was referring to Michigan, Mississippi freedom summer before and said that two white Jewish guys from the North were murdered among the four people murdered by the Klan in Mississippi, during the Mississippi freedom, summer Chaney and Schwerner or Schwerner and Goodman, excuse me, Schwerner and Goodman were the two. And that made the rest of white people wake up. And it's the same thing. Dan was so right about Rob Portman story apartment completely does a one 80 on gay marriage when his son comes out. So yes, there's something that happened this time with George Floyd and the aftermath. That's different. In my opinion,

Jim Steyer ([44:00](#)):

I do think just the graphic nature of

Pam Karlan ([44:03](#)):

You were right. I totally agreed what you said about the fact that the fact is with the body cams now and the Philando Castiel do you remember that one now I've been there again as the father of a son who happens to be black. I watch all those things and go crazy. Cause I think of my own son and that in being in the backseat of the car, pulling out his driver's license, that's what that guy Philando Castiel was Dwayne or Jordan Floyd. Who's basically just pleading, you know, I I'm, you know, what did he change? The \$20 bill. So I think that there, for the first time in, in memory, and I really see this in the Stanford students that I teach, they're thinking bigger and in terms of societal change, as opposed to this issue on campus or that thing. And I do think that that's the key. If you looked at the people who are out

marching with black lives matter, it isn't just members of oppress groups and it's young people. And that's why Pam keeps coming back to young people, by the way, because so many of them important social movements, whether it's civil rights movement, women's movement, gay rights movement, et cetera, young people are huge role. And so I'm optimistic, but yes, that's a great question.

Speaker 5 ([45:10](#)):

Yeah. I mean, I, I, I'm optimistic in one sense, but a little cautious in another sense, which is people need to understand that whatever happens in the presidential election that is not the end of the rainbow, you know, people need to keep the pressure on about economic justice issues. Uh, people need to keep the pressure on about police reform. I mean, one of the things, when I was at the justice department during the Obama administration, um, we had a whole section of the civil rights division that spent huge amounts of its time, working with police departments to try and change their culture and change the way they behave. And we need to rebuild all of that capacity. And that requires people to keep the pressure on. Um, you know, if they just say, well, we've gotten rid of Donald Trump, Donald Trump is a symptom of our problems. Donald Trump is not the cause of our problems.

Pam Karlan ([46:08](#)):

No. And I think you actually, in the context of civil rights movement, look, you got to put it out there on the table right now, folks, you have the rise of a white supremacist, tiny minority in our society, given unprecedented megaphones over the past few years, which I never thought was going to happen. I mean, I started out by saying stories from the 1960s when the bull Connors, that was the police chief in mobile, Alabama, whatever Montgomery or mobile. Um, but you know, when you had symbols of white racism, George Wallace standing, you know, where the governor of, uh, um, of Arkansas trying to block the kid, the little rock nine kids from coming in, you had open white supremacists open and, you know, in the sixties, a lot of that got buried, uh, at least in terms of public. And what's interesting is that movement, if you, I don't want to call it that, but the, those folks and the groups that they represent have surfaced largely because of social media and largely, basically was the Facebook and Instagram, not only, but largely because of those two companies, which is why we have pounded them at common sense and the ADL and other civil rights, because they are disgraceful in there in the platform that they have given a tiny minority of white supremacy.

Pam Karlan ([47:19](#)):

But that said, what does that say about American society? The, the proud boys and all the Boogaloo boys and all the other, what I find beyond despicable white supremacist groups, they're there. And yes, the president of the United States has actually given them a platform and an audience, but what is that about our country? And what does that say as we go into a civil rights movement of the 2020s,

Jim Steyer ([47:47](#)):

It says essentially that we have never fully reconstructed the country after the civil war, right? We, you know, if you look at, if the S you know, if the civil war, if the promises of the civil war had been carried out at the end of the war, uh, if every black person in the United States then had been given the proverbial 40 acres and a mule, the wealth disparities that exist in America today would not exist. Um, if we have a government that was more committed to economic equality, I mean, in addition to everything else, we're now sort of in a second gilded age, on top of everything else, the levels of economic inequality in the United States resemble those at the turn of the 20th century. Um, and you know, that breeds racial, that breeds the kind of racial resentment that you're now seeing, because it,

you know, cynical politicians managed to displace the anger that should be directed at, you know, what, what did our Roosevelt once were purchased malefactors of great wealth.

Jim Steyer ([48:59](#)):

They've mentioned displace that onto immigrants, uh, and on to, uh, black Americans. And we need to do something about that, which reads the most recent question, which is about the case for reparations. Um, you know, in some sense, it's impossible to do reparations for what has been done in the United States, because most of the people who deserve the reparations are dead, right? I mean, even, even if you think about what can we do today, and so the best thing I think we can do is not to try and figure out, you know, which black people in the United States today are descended from people who were enslaved in 1865, um, or, you know, or, or the like, but to change fundamentally the communities in which black Americans live so that those communities have the same level of educational opportunities, the same level of employment opportunities, the same ability to vote and elect candidates of their choice that other Americans enjoy. Um, you know, rather than writing individual checks to people, um, which I'm not sure, I'm not sure, you know, if you had to write those checks, they would be massive checks, and I'm not sure you could get public commitment to that as opposed to getting public commitment, to decent healthcare and decent education and, and, uh, decent, decent

Speaker 5 ([50:28](#)):

For Pam.

Pam Karlan ([50:28](#)):

I don't think, I don't think that the reparations it's so interesting. You know, when my brother Tom was running for president, he actually called for reparations, the hedge fund guy.

Speaker 5 ([50:36](#)):

But what, what did he mean?

Pam Karlan ([50:39](#)):

I'm gonna say? Cause I think what you just did with the definition of reparations was sort of the classic, by the way. I totally agree with what you're saying. I'm fine. But the classic desperation is you're going to actually figure out how much money is doing an individual personal and individual family or whatever. No, but do I feel that they, and this is let's think of our friend Brian Stevenson or rev barber, who you were talking about, you know, really, really incredibly important moral leaders. I would say to the audience, more leaders really leading the next version of the civil rights movement. Brian Stevenson say what they're saying, massive Marshall plan investment in low income, black

Speaker 5 ([51:15](#)):

Communities, wait,

Pam Karlan ([51:17](#)):

Hold on. But it's still okay to call that reparations.

Speaker 5 ([51:20](#)):

It is, but I think it's a massive investment and it's

Pam Karlan ([51:28](#)):

The term reconstruction, I mean, or redemption. But the thing is this, when Tom came out and said, you're for reparations, AI had been falling off of my chair when my brother did that because of who his background, but I got it. He was saying massive, massive investment in low income cooties. And particularly African-American committees denied so many different ways for so long. So thanks. A lot of sense. Just depends on the semantic definition of it.

Speaker 5 ([51:55](#)):

Yeah. I mean, if I could recommend three things for folks in the audience to read that I think they would find fascinating. The first is, um, uh, well, four things. The first is David Halberstam's book, the children, which is about the students who led the civil rights movement. And then on top of that, John Lewis's book, either the version walking in the wind, which is completely written version or the March trio, which is his graphic novel, uh, uh, version. Um, and then I would say, uh, IRA Katznelson when affirmative action was white, so that you understand that where we find ourselves today is not just a product of slave of the 200 years or so of slavery, uh, leading up to the civil war. And it's not even about the failure of reconstruction. It's about what the United States did in the 1930s, forties, fifties, and sixties, that made it impossible during a period of massive economic growth in America for black Americans to catch up. And it's really important to do that. And then the last thing I'd say obviously, as a coats is the case for black reparations, which is in his, in his book. And it's a terrific, uh, discussion of the reparations issue.

Pam Karlan ([53:09](#)):

And I'm going to add two more. This is in our profit story, by the way, Pam does this every week in class and the students love it, but here I'm going to add two more. Remember we talked, Pam said the books she read in high school, Richard Kluger, simple, simple justice read that book. You'll never be the same in terms of thinking about racial justice in America and the hearer heroism of the original civil rights movement. And the second thing I would do is go find the TV series eyes on the prize. If you really want to be moved and understand where we could go and how grassroots social movements led by extraordinary people during really interesting times, go watch Henry Hampton's eyes on the prize. I sh I showed it for years in my Stanford class, two young incoming students said that they would get a sense of the courage and the heroism, but the vision of the people who led that movement.

Speaker 5 ([53:59](#)):

Let me, let me kick in one more book that I think people will find really fascinating. It's David Cole's engines of Liberty, and it's about how citizen movements actually change the constitution. The first piece of it is about, um, is about, uh, the marriage equality movement. And the second piece is about gun rights. So it will show you both the liberal and a conservative movement and how those movements change, what the courts think changed, what legislatures think and change, uh, how we all live.

Pam Karlan ([54:30](#)):

If you're in the younger range, 18 to 34, how you view this and then continue your commitment to social change, whether it's inside the system, outside the system or both is imperative. So I would just say, learn the lessons of the civil rights movement. Um, follow up with me and Pam find me at common sense media find Pam and me at Stanford. Um, but, but chart your own course in changing America because this country needs it. We need a new, we need a new civil rights movement, and we need you to participate and vote.

This transcript was exported on Nov 11, 2020 - view latest version [here](#).

Speaker 5 ([55:03](#)):

So thanks so much for being with us. And

Tricia Johnson ([55:07](#)):

Thanks, Pam, Pamela Carlin is a professor of public interest law and co-director of the Supreme court litigation clinic at Stanford law school. As one of the nation's leading experts on voting and the political process she's worked for civil rights and to establish fair political practices. Stanford professor James Dyer is the founder and CEO of common sense media, which advocates for children and children's media. He's taught numerous courses on civil rights, civil liberties and children and education issues. Their conversation was recorded in October. Make sure to subscribe to Aspen ideas to go wherever you listen to podcasts. Follow us on social media at Aspen ideas. Listen on our website, Aspen ideas.org today's show was produced by Shauna Lewis. It was programmed by Aspen ideas show up. Our team is Katie Boone Killeen. Bratman Katie Kasita Kristen Cromer, Libby Franklin, Ava Hartman, Marci [inaudible] Azalea Milan, Jonathan Belgard. And me, our music is by Wanderly I'm Trisha Johnson. Thanks for listening. This podcast

Speaker 5 ([56:20](#)):

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Tricia Johnson ([56:24](#)):

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