Interview with **Mary Frances Berry**
Date: August 2, 1989
Interviewer: Jacqueline Shearer
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Sound Rolls: 477-478
Team: D

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Note: These transcripts contain material that did not appear in the final program. Only text appearing in ***bold italics*** was used in the final version of *Eyes on the Prize II*.

[camera roll #1001]
[sound roll #114]

00:00:12:00

Camera Crew Member #1:

Mark it, please.

[slate]

00:00:17:00

Interviewer:

OK. So, can you give us the story of walking with your teacher, in Nashville, the day that Brown v. Board of Education cam-came out, and then segue into the lesson that you learned in the movement about the elements necessary for change?

00:00:33:00

Mary Frances Berry:

When Brown against the Board of Education was decided, 1954, I was, happened to be downtown in Nashville, Tennessee, with my high school teacher. And we were buying some material for the senior class play. I was graduating that year. And I saw the headline on the case, and I said to my teacher, You know, this means that next year all the kids

will be going to school together. And well, you know, they won't have to be going to separate schools. And she said, It's not gonna happen quite that fast. [laughs] Not next year. And she was right, of course. It wasn't next year, and it wasn't soon after that. And Brown was about the use of legal strategy in the struggle, and we were to see over the next few years that litigation plays a major role, but that there also has to be implementation, and that you must have different strategies in trying to achieve justice for our people. Everything from direct action, civil disobedience, politics, almost anything that comes to hand. So, Brown was important, but litigation's not the whole story.

00:01:41:00

Interviewer:

OK. Now, does preferential treatment for Blacks, in and of itself, mean reverse discrimination against Whites?

00:01:50:00

Mary Frances Berry:

One of the things that happened in the civil rights struggle, and the use of remedies for the lack of opportunity, was a quarrel, and dispute, and struggle over language. You know, if people can define you, they can confine you. What we say, if you let me set the terms of the debate, I'll always win. [laughs] So that ***when you start talking about affirmative action as being preferential treatment, you have already set up a situation where anybody who is the beneficiary of preferential treatment will lose. If you say reversed discrimination against somebody, it already sounds like a bad thing is happening, and you don't focus on what the injustice was.*** So, affirmative action was not preferential treatment for Whites. What it was, was trying to do something about remedying, or preferential treatment for Blacks, the injustice that had occurred in the past.

00:02:49:00

Interviewer:

Now, you had a, a nice analogy, by way of explaining affirmative action, remedy for harm done, coming out of [unintelligible]—

Mary Frances Berry:

I'll explain.

Interviewer:

—with car accidents.

00:03:01:00

Mary Frances Berry:

Right. In fact, affirmative action, when it came into use as a remedy, was seen by lawyers and by civil rights people as really a sort of conservative remedy that fit within what lawyers already understood you would do about remedies in general, not just in the civil rights context. For example, if you ran into somebody with your automobile, and you smashed up their car, 'cause you had run a stop sign, you were liable. It meant that you had to pay for any kind of harm that you did. And if you happened to die before you paid, then your estate had to pay. And so, that was called an affirmative response to the harm you did. And so, what affirmative action in the civil rights context would do is to follow that pattern. And also, people, when I say that to them about how we thought about it in those days, people say, Well, what about the fact that, Whites will say, Well, my granddaddy didn't have any slaves, and I didn't do anything to you, so that may be okay, but what about me? Well, in the law too, we have under principles of equity, in the non-civil rights context, clearly understood that when the equity court has to choose between two people who are both claiming that they have a right to the result, that the court doesn't like to make that choice. It's a hard choice. It's almost a Solomon-like choice. But that equity will always come to the rescue of those who have been victimized over those who have benefitted from harm. So, you don't really have to do the harm, you just have to benefit from it, and then the victim will get relief.

00:04:49:00

Interviewer:

Now, does affirmative action connote inferiority?

00:04:52:00

Mary Frances Berry:

Affirmative action has nothing to do with inferiority. People try to define it that way, know that again you can win the game by the way you define things. What affirmative action says is that people who have been left out in the past, we're going to see to it that they are included. It doesn't mean that if they can't do a job, if they can't do something, or if they can't pass course, they ought to be permitting to pass on, or they ought to be permitted to have the job, but it's to open the doors for people who can do, but who haven't been permitted to.

00:05:29:00

Interviewer:

Tell us the story of arriving at HEW in 1977, and if you can, tell us what you were brought there to do. The, the statistical good news that you heard.

00:05:40:00

Mary Frances Berry:

When I was, went to Washington to run education in the Carter administration in 1977, one of the first things that happened was the head of my statistical agency came in to see me, and she said, Good news. The college going rate for Blacks is equal to the college going rate for Whites for the first time in American history. So, if you were Black, and you graduated from high school, the chances that you would go to college were as great as if you were White. And I thought to myself, glory, hallelujah! I almost said it out loud, because it was a goal we had been striving for, for so long, because we understood that even though education didn't solve all problems, and even though it wouldn't pay off for us as well as other people because of discrimination, that if you had education, it would mean that you had more options, and that you might have people move up from the poverty classes into the middle class. ***And so, this was just wonderful news, and I thought to myself, Boy! If we can just keep up this progress for the next few years, just think of how far we will have come.*** Of course, even as I was sitting there, in glee over this news, the figures were getting ready to change. In fact, that progress came about because of affirmative action, and because of student aid programs, and all the things we'd worked so hard for, and the motivation of students added to it. And those figures were changing because, need—little did I know, by 1978 they were be the Bakke case, which would have a chilling effect on the affirmative action efforts, and that there would be a redirection of the student aid programs away from the poor, and by 1979 those numbers that I'd been so happy about had started to go down again.

00:07:27:00

Interviewer:

Now, I'd like you to think about your being a Black appointed official in Washington in 1977, looking at the Bakke case coming up. Even before you could point to the chilling effect of the conclusion, which we'll get to later, what did you think then in '77 was the significance of the case?

00:07:48:00

Mary Frances Berry:

When I heard about the Bakke case and the necessity for the federal government to take a position, and the claims about it being reverse discrimination, there was sort of this deep apprehension. Because I understood that a legal change would provide a basis for people to withdraw a commitment from what was going on. And I worried greatly about the kind of arguments that would be made, and the kind of defenses, and the control over language which is so important in trying to get the court to understand what was necessary.

00:08:26:00

Interviewer:

OK, and now I want you to think back on the decision when it came out. What did you think it augured for Blacks and for the nation?

00:08:35:00

Mary Frances Berry:

When the Bakke decision was handed down, I recall that there were some people in the civil rights and education community who said, We ought to put a good spin on it, and make it sound like the court didn't say you couldn't do affirmative action, and you couldn't do any of these things, and I refused. Because it was clear to me that on an issue like civil rights and affirmative action, and the people who were hostile to doing anything to increase the number of Black students on our campuses anyway, and who had resisted the efforts at that time, that in fact they could use this as a cover. Because when the Supreme Court says that you may do something, may means you may not do whatever it is, and leaving it up to people's discretion, [laughs] I knew just would not be good enough, and that in a thousand places, in a thousand admissions offices, and faculty offices, and on campuses where those decisions were being made, people could say, Well, you know, we'd like to help you, but, but look at the Bakke case.

00:09:39:00

Interviewer:

Great. Cut.

[beep]

[cut]

[sound roll #477]

Camera Crew Member #1:

Can you push it to your—yes. That's it. Mark it, please.

[slate]

00:09:48:00

Camera Crew Member #1:

OK.

00:09:49:00

Mary Frances Berry:

Sometimes people ask me what I mean when I say that Whites have been beneficiaries of the discrimination against Blacks, which affirmative action is designed to remedy. It's very simple. Most White people who are walking around in the United States, and who are walking around in the United States in the 1970s, who in fact had good jobs, got them without competing ever against all the people who were qualified for those jobs. How do we know that? Because there were a myriad of jobs for which Blacks could not even apply. You couldn't apply to be on the police department, or the fire department. Blue collar jobs, white collar jobs. Even if you were a college graduate, you were more likely to end up working at the post office, which is fine, [laughs] but you would not be able to compete. So when you have a closed system, where a little group of people get to compete among themselves and exclude everybody else, that means they had no merit standards. They benefited from that. They made incomes from that. They moved up the ladder from that. It's not even a question of whether you were alive when there were slaves or you were alive when there were Jim Crow. One benefited just from the pi-privilege of having a White skin in the United States at that time.

00:11:00:00

Interviewer:

Great. Cut?

Mary Frances Berry:

Is that what you meant?

Interviewer:

Yeah, I think—

Camera Crew Member #2:

Did you get it all [inaudible]?

[beep]

[cut]

[wild sound]

Camera Crew Member #1:

[inaudible]

Interviewer:

OK.

Mary Frances Berry:

It's the, it's the God factor. [laughs]

Interviewer:

[laughs]

Camera Crew Member #1:

Roll sound please.

[cut]

[camera roll #4133]

Camera Crew Member #1:

Mark it.

[slate]

Mary Frances Berry:

Ready?

00:11:20:00

Interviewer:

Yeah.

00:11:22:00

Mary Frances Berry:

By 1979, the climate of opinion had changed almost completely in the country on issues related to civil rights and the advancement toward equality for Blacks in American

society. College going rates down for Black students. The unemployment rates up for Blacks in general, and for youth in particular. People who had jobs and had gotten them through the civil rights and affirmative action programs found themselves stuck and stranded, not able to get promotions, under attack everywhere for complaints about things like reverse discrimination and the like, so that it was a very terrible time for the Black community. And many people in our community seemed to have forgotten the strategies that brought us to where we were. We had the right to vote, and people were putting all their eggs either into the political basket, some people were talking about litigation. One of the pieces that we forgot was direct action strategies, and how to put all of these things together to use everything that came to hand. And I think in general in the country, if you looked at talk shows in that period, whether it was a Sunday, all the Sunday shows that'd come on, or the evening talk shows, you would see the reaction everywhere, the backlash against the progress that had been made. You would see rationales being used for why nothing else more needed to be done. ***For example, people would say, Well, we can't have equal opportunity and excellence at the same time,*** and since we want excellence, I guess we have to stop all of this emphasis on civil rights. ***And what did they mean by excellence? In many cases, it seems that they meant an absence of Black folk at every level of any importance in the society.***

00:13:00:00

Interviewer:

Great. Cut. Good. Thank you.

Mary Frances Berry:

You can do something with that.

Interviewer:

Yeah—

Mary Frances Berry:

[laughs]

Camera Crew Member #1:

Cut.

Interviewer:

—we can work with that.

[beep]

[cut]

00:13:08:00

Camera Crew Member #1:

Mark it, please.

[slate]

00:13:14:00

Interviewer:

November 21st, 1984, demonstration took place at the South African Embassy in D.C. Describe why this demonstration was so significant, and maybe even necessary, and describe why you felt it was important for you to take part in it.

00:13:30:00

Mary Frances Berry:

I had been involved in the anti-apartheid struggle for a number of years and in issues related to freedom and justice in Africa in general, struggle for freedom in Zimbabwe, and, and other issues for a long time, because I considered it as part of my responsibility as a Black person in the diaspora in the United States. But it seemed in 1984 that there was a particular need to respond to the crisis in South Africa. We had heard in the news and in messages from friends and from colleagues in South Africa about the repression that was taking place, that people were being detained. There was a new constitution, which explicitly said again to Blacks, you will not be able to vote here in the land of your birth. And so there was a need for us to show that we had solidarity with the people who were there, and they kept saying to us, the leaders there, that one of our problems is that the United States keeps supporting the regime. We have to have the West say to them, No more. We will not stand for it. And the question came, how can we get? How can we find a way to get the Congress of the United States and the President of the United States to in fact take this position? And it was in, really, the belly of the whale. It was right after Reagan had just been re-elected. There was a widespread despair in the community of progressives all across the country about both domestic issues and foreign policy issues. People were saying, Well, we got through one Reagan term. We're not sure [laughs] we can make it through another one. And the question was, how could you have the temerity to do anything that would be civil disobedience, a direct action in that kind of climate? But we felt that we had to do something to dramatize the issue, and we understood that we had to do it in a smart way, as smart as possible, for the people who were involved. Because we didn't want it to fail, and so what better to do but to go to the South African embassy, and to meet there with the ambassador? And then to just simply say, We will not leave. Now, the ambassador could have thrown us out and, or simply put us out on the doorstep without engaging in argument with us, and keeping us in the embassy,

and then having us arrested. But, that was his arrogance that led—put him in the predicament that we were able to proceed and fail without failing. And so we went there to show our solidarity, and we went there to try to change American policy and to try to start a movement that would do that, and I felt it was absolutely essential to do so.

Interviewer:

As a Black woman who's been involved in civil rights struggles— [door opens]

Mary Frances Berry:

You'll have to go around. Sorry. [laughs]

00:16:10:00

Interviewer:

—what's [door closes] your personal philosophy of struggle in moral authority?

00:16:16:00

Mary Frances Berry:

I believe that once you understand that an injustice is taking place, you have a responsibility to act. And you have a responsibility to analyze it, but you should not engage in so much analysis that you simply become paralyzed by thinking that, Boy! There's so much to do. And since there's so much to do, and I can't do it all, then I guess I won't do anything. [laughs] That there's a need to do something to help, and that also you, one should think in terms of a multifaceted approach to achieving a goal. And not simply one strategy, but in trying to explain to the public what you're doing when you take action, you should always keep it simple. Figure out what it is, what your goal is, what it is you're attacking. You may use litigation, and that's entirely proper, and it's effective in certain circumstances. You may use voting for people, or running for office, or trying to influence people who are in office to make change, and that's entirely appropriate to do. You may even use spiritual appeals to people to do something, and you may engage in direct action. You have to be willing to engage in direct action, civil disobedience, when it is necessary, and you have to be willing to suffer the consequences. So, I think it's necessary to act against injustice, and I also believe that it's necessary never to compromise with injustice.

00:17:47:00

Interviewer:

Now, we read a great one-liner in that book about, If Rosa Parks had taken a poll—

Mary Frances Berry:

Yes.

Interviewer:

—we'd still be standing.

00:17:55:00

Interviewer:

Yes, one of the things when we came out of the embassy, South African embassy protests in November 1984, and, and got out of jail, and, and we announced to the press that we were starting the Free South Africa movement, one of the reporters said to me, How dare you do this when Reagan's president and there's a conservative reaction in the country? What do you think you're doing? You know, the people are conservative, and I said to the reporter then, that it didn't matter. That, "If Rosa Parks had taken a poll before she sat down on the bus in Montgomery, she'd still be standing up." But she didn't take a poll. She knew what was necessary to be done, and she did it. So, I didn't take any polls either.

00:18:37:00

Interviewer:

Great. Cut. Great. That's good.

Mary Frances Berry:

[laughs]

Interviewer:

OK.

[beep]

[cut]

00:18:44:00

Camera Crew Member #1:

Mark it.

[slate]

00:18:50:00

Interviewer:

So, can you give us some illustrative stories or anecdotes to talk about the old Howard?

00:18:56:00

Mary Frances Berry:

Well, when…at Howard in the late '50s and in the period before the civil rights movement began, the atmosphere was that what we're about is to try to educate you at this capstone of Negro higher education, so that you can be as much like whoever your counterparts are at great White university wherever that is, and that is your goal when you're here. And the entire ethos of the place took that approach, and it was a very good institution then as it, as it has been since. But the culture mitigated against any kind of real focus on Black consciousness or anything of that sort. But that started to change when the civil rights movement began in the South, and it started to change with students from Howard who got involved in teach-ins on the campus, and discussions of the issues, and national leaders came from around the country, and there was ferment in the place, and I think that some, even though some of the students went to the South to work in the movement, the ones who were there and the ones who came after them set the sort of tone and climate for the student rebellion, the movement that took place later on in the 1960s.

00:20:20:00

Interviewer:

As a Howard alumna, what did you feel, what did you think when you heard the news of the student takeover in '68?

00:20:27:00

Mary Frances Berry:

I thought that the student takeover was overdue, and I thought that there was a great need for the institution while it maintained high standards and high academic standards, and taught all the kinds of courses that students should be expected to learn, to be more aware of its particular responsibility to being a bridge between the past, present, and future for Black folk. And I think that's what the students were about.

00:20:57:00

Interviewer:

Now, can you?

Camera Crew Member #2:

We've got a change over [inaudible].

Interviewer:

OK, we can't even have one second?

[beep]

[cut]

00:21:02:00

Camera Crew Member #1:

Mark it.

[slate]

Mary Frances Berry:

As an alumni of Howard—

00:21:07:00

Interviewer:

Could you start over? Sorry.

00:21:09:00

Mary Frances Berry:

Want me, want me to start over?

Camera Crew Member #2:

Yes, please.

Mary Frances Berry:

OK. As an alumni of Howard University, I thought the student takeover in 1968 was long overdue, in fact, in order to bring the institution to the point where it would understand it must renew its commitment to Black America.

00:21:29:00

Interviewer:

Great. Cut.

[beep]

Interviewer:

OK.

[cut]

[camera roll #4134]

Camera Crew Member #1:

Mark it.

[slate]

Interviewer:

And maybe you can ask those people to be quiet, too.

00:21:39:00

Camera Crew Member #2:

Which ones?

Mary Frances Berry:

Say please. Whoever it is, say please, though. Now, ask your question.

00:21:48:00

Interviewer:

OK, this is positioning you in Michigan, and talking about urban rebellions and the, the White popular reaction.

00:21:57:00

Mary Frances Berry:

I was at the University of Michigan in graduate school and law school, and was there at the time that the Detroit riot, which we called rebellions in the '60s, took place. And I think it is fair to say that what happened with the rebellions was a lot of people didn't understand why these people are rioting. The argument was, Look, we gave them everything. Well, we all know what was given and what was not, and what was deserved and what was not, and what was worked for. But the reaction was, We've had the civil rights movement. We passed these laws, and now equality has come to America, and these people have every opportunity in the world without realizing that there were serious problems that remained, and there was this backlash against which…this backlash which began, I think, in that period, and which one can sort of trace as it grew, and grew, and grew, and the ensuing period until we finally get to the end of the period.

00:22:59:00

Interviewer:

Great. Cut. Good.

[beep]

Mary Frances Berry:

I gave you the transition. Those—

[cut]

00:23:06:00

Camera Crew Member #1:

Mark it, please.

[slate]

Mary Frances Berry:

Tell me when you're ready.

00:23:11:00

Interviewer:

OK.

Mary Frances Berry:

Many of us thought—

Camera Crew Member #2:

Sorry. Can you hold [inaudible]? OK, go ahead.

00:23:16:00

Mary Frances Berry:

[laughs] Many of us thought, in the '60s, that especially with the activities of the Black Panthers and other organizations in the mid and late '60s that the FBI and intelligence agents were everywhere, and also with the anti-war movement, and we would tell each other stories about them spreading disinformation and the sowing dissension in the ranks, but, and about them even perpetrating activities which led to the death of some people. But we didn't know that it was all true. [laughs] And so when we found out later that in fact these counterintelligence activities were going on, it wasn't a surprise. It's despicable, but it was not a surprise.

00:24:06:00

Interviewer:

Now, you're a lawyer. How did you feel about movement activists who chose to take up arms in the struggle? Did you feel that they were gonna jeopardize hard-won gains of the movement? Did their posture, their language offend you?

00:24:21:00

Mary Frances Berry:

Well, I'm a lawyer, but I'm also a historian, and I'm also a Black person. And it seems to me that in order to make change in society, you have to use a number of different strategies, and that every kind of strategy pa—plays a role. There may be strategies that I would not participate in, and I would play the role I play, but I can understand why some people approach matters differently. So, I wouldn't reject people out of hand. I would just simply say they chose to engage in those activities as their part of what was going on in the struggle at that time.

00:25:01:00

Interviewer:

Now, can you give me that, saying the Black Panthers or the Black Panther Party explicitly? Because your response was a little general.

00:25:09:00

Mary Frances Berry:

OK. I'm a lawyer, but I'm also a historian and also a Black person. And I understand that in order to make change in society lawyers play a role, litigation plays a role, activities of organizations like the Black Panthers play a role, and that these are all participants in a struggle. And while I might not be a participant in one particular kind of activity, and I do what I do, I understand how the pieces fit together in order to make change.

00:25:43:00

Interviewer:

I'd like to ask you if you felt, when the prison uprising took place in Attica in 1971, did you feel that, that was part of the movement, an extension of the movement, or something else altogether different?

00:25:56:00

Mary Frances Berry:

We thought in the '60s and the '70s that the effort to reform and change conditions, and protest around prison issues, and what was happening to Black prisoners, was a part of the struggle. It's not that we condone criminality, or that if somebody, you know, beat up our mama or something, we were gonna say they shouldn't go to jail. We understand that there are people who are criminals, but we know about the—and we knew then, about the injustice in the criminal justice system, and the discrimination, and the conditions that in some cases led people to do what they did. And we knew what was happening to them in the prisons, and so we were sympathetic to efforts on their part to try to change the situation. So, the prison justice movement was part of a movement.

00:26:43:00

Interviewer:

OK. Cut please.

Camera Crew Member #1:

Yes.

[beep]

[cut]

[wild sound]

Mary Frances Berry:

And about Fred Hampton's murder in particular. I remember that.

00:26:52:00

Camera Crew Member #3:

And taking from that to say what you thought of the Panthers and their final degrade.

00:26:55:00

Interviewer:

Since they're dealing with Fred Hampton's murder, if you can give us a specific reference to that, that would be wonderful.

00:27:00:00

Mary Frances Berry:

Oh, you are dealing with it. I didn't know that.

00:27:00:00

Interviewer:

Yeah. Yeah, sorry, I should have said that.

Camera Crew Member #3:

[inaudible]

Mary Frances Berry:

OK. Well, I'll try. You ready?

Camera Crew Member #1:

Yes.

Camera Crew Member #2:

One minute. OK, this is take nine. I have speed.

[cut]

00:27:15:00

Camera Crew Member #1:

Mark it, please.

[slate]

00:27:18:00

Interviewer:

Hold on, let's—Suzette, you're gonna sit. OK.

00:27:23:00

Mary Frances Berry:

I remember Fred Hampton's murder, and, and thinking at the time that, you know—

00:27:29:00

Camera Crew Member #2:

I'm sorry. Keep that.

[beep]

Camera Crew Member #1:

Cut?

Camera Crew Member #2:

The other, could you [inaudible]? There's a [inaudible]—

[cut]

[wild sound]

00:27:35:00

Interviewer:

And let's persist through it if it happens again, on Leslie's screen.

Mary Frances Berry:

OK.

Camera Crew Member #2:

OK, it was probably that one. Can we get another slate, please? So, this is take ten. And I have speed.

[picture resumes]

00:27:51:00

Camera Crew Member #1:

Mark it.

[slate]

00:27:57:00

Interviewer:

OK.

00:27:59:00

Mary Frances Berry:

I remember Fred Hampton's murder, and I remember all of the activities surrounding Bobby Seale, and Huey Newton, and the Panthers, and Eldridge Cleaver, and the rest of them. And feeling at the time that they were all part of the movement for justice, because I understand as historian that, all of these activities play a role in the movement. You have to have a multifaceted strategy. People may engage in activities in which I would not engage, and I play the role that I play, but I understand where they fit, and they're all part of the movement.

00:28:35:00

Interviewer:

Great. Cut. All right.

[beep]

Camera Crew Member #3:

Good. It's good.

[cut]

[wild sound]

Interviewer:

—good. That's like—but we can let Dr. Berry go [unintelligible].

Camera Crew Member #3:

After, after the [unintelligible].

Camera Crew Member #1:

Pardon?

Camera Crew Member #3:

What are we doing?

00:28:46:00

Camera Crew Member #2:

Can everyone hold still please? Coming up is gonna be a wild line—

Camera Crew Member #3:

One eighty.

Camera Crew Member #2:

—for Dr. Berry. I need to say, you just to say these words that I tell you. Policy.

Mary Frances Berry:

Policy.

Camera Crew Member #2:

OK, policy.

Mary Frances Berry:

Policy.

Camera Crew Member #2:

And injustice.

Mary Frances Berry:

Injustice.

Camera Crew Member #2:

Again?

Mary Frances Berry:

Injustice?

Camera Crew Member #2:

Injustice.

Mary Frances Berry:

Injustice.

Camera Crew Member #2:

Injustice.

Mary Frances Berry:

Injustice.

Camera Crew Member #2:

Great. Thank you. [laughs]

[beep]

Mary Frances Berry:

Why did I say that?

[cut]

[end of interview]

00:29:12:00