

## ABSTRACT

Title of Document: THE *ONLY* WOMAN IN THE COURTROOM  
DISMANTLED *JIM CROW*: CONSTANCE  
BAKER MOTLEY

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Almost all of the work to desegregate public schools, colleges, housing, transportation, lunch counters, parks, and other public accommodations was done by Constance Baker Motley (1921-2005), the *only* woman lawyer at the LDF and the *only* woman who argued desegregation cases in court during most of the civil rights movement from 1946 through 1964. Her agency and action as a key strategist and trial lawyer affected the outcome of the movement; it facilitated the dismantling of *Jim Crow* and a segregated society.

Motley tried and won cases to end legalized segregation and vestiges of racial discrimination in American society when neither the federal nor state governments would do so. In addition to writing briefs in *Brown*, she argued ten major civil rights cases before the Supreme Court and won nine of them. Motley was trial or appellate counsel in 57 cases in the United States Supreme Court, 82 cases in federal courts of appeals, 48 cases in federal district courts, and numerous cases in state courts. She represented protestors who sat in at "white only" restaurants and lunch counters and won the case in the Supreme Court which set aside *all of the convictions* that had resulted from the sit-ins.

She represented "Freedom Riders" who were arrested and jailed when they rode across the country to test the Supreme Court decision that prohibited segregation in interstate transportation. Motley represented civil rights activists and forced their release when they were arrested and locked up in Southern jails. She secured the right for blacks to register, vote, ride and sit in any vacant seat on buses and trains, be served and eat at lunch counters and restaurants, stay in hotels, and to go to parks, museums, and other places of public accommodations. She sued and won discrimination in education cases against the states of Mississippi, Florida, Alabama, Louisiana, Arkansas, Georgia, Tennessee, North and South Carolina, Ohio, New Jersey, and New York and the District of Columbia and secured the right for blacks to attend formerly all white public schools, colleges, and universities, including the Universities of Mississippi, Alabama, Georgia, Florida, and Clemson College. She represented Dr. Martin Luther King, Jr. and helped maintain support for the civil rights movement.

Motley endured physical threats and encountered hostile mobs, hostile governors and hostile school board officials, as well as segregationist judges and lawyers in her work. In Mississippi and Alabama, black men with guns surrounded the house she slept in to protect her.

The story of the civil rights movement changes as a result of the work that she did. Her contributions complicate the view of history from the male model of leadership by charismatic men to a more complete model that is inclusive of women.

THE *ONLY* WOMAN IN THE COURTROOM DISMANTLED *JIM CROW*:  
CONSTANCE BAKER MOTLEY

By

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## Chapter 1:

### Introduction

This work centers on Constance Baker Motley, a northern black woman, wife and mother who became a path breaking civil rights lawyer in the South, a political leader, and a federal judge who devoted her life to achieving a goal – equality under law for all people. It is a biographical work that is intended to portray a more accurate and complete perception of the social movement during the second half of the twentieth century that became known as the civil rights movement by including the life, work, and experiences of Motley as an agent of social and political change and a leader of the movement. It is also an interdisciplinary work that incorporates social sciences and humanities disciplines including history, law, women's studies, cultural studies and ethnography.

The civil rights movement can be conceptualized as part of a movement for human rights and the struggle of disadvantaged and excluded groups against racism, sexism, and inequality as well as the struggle to attain social justice and inclusion in society. Other political and social movements (antiwar, feminist, lesbian, gay, new immigrants, disability, environmental, students, and contemporary activists) were inspired and galvanized by the black challenge to racism and discrimination. In her book, *From Margin to Mainstream: American Women and Politics Since 1960*, Susan Hartmann argued that the black struggle for equality in the 1960s provided the model and inspiration for the other groups that derived their ideologies, tactics, and legislative agenda from the civil rights example (Hartmann, p. 9, 1989).

The civil rights movement was made up of many movements and campaigns to end official racial segregation and discrimination. It had both national and local/regional dimensions. It was not confined to the South; campaigns were waged in the North, East, Midwest, and major cities and small rural areas across America. The struggle for equality extended beyond a challenge to segregation. It also focused on disparity in economic opportunities, consumer credit, welfare rights, health care, and all aspects of social and political activities. The social movement spread over more than two decades. Civil rights campaigns were continuous struggles that began before the 1954 case of *Brown v Board of Education*, 347 U.S. 483 (1954), and continued after the assassination of Dr. Martin Luther King, Jr. in 1968.

Two of the more effective strategies employed by blacks in the civil rights movement were nonviolent protest and court action. Non-violent protest involved mobilization of blacks to participate in mass demonstrations to end official racial segregation and discrimination, achieve equality, and bring about social and political change. It was made up of many movements and grassroots campaigns (Hamlin, 2012). Although many of the movements and campaigns were primarily organized and sustained by black women activists, charismatic men are given most of the credit for being the change agents and leaders of the civil rights movement. Court action, the second strategy employed in the movement, involved a legal challenge to *de jure* segregation laws, policies, and practices, to dismantle *Jim Crow*, and to overturn the Supreme Court decision in *Plessy v. Ferguson*, 163 U.S. 537 (1896). That case mandated “separate but equal” in public accommodations. Assistance in achieving the goals and objectives of the legal challenge came from the National Association

for the Advancement of Colored People (NAACP) and the NAACP Legal Defense And Educational Fund, Inc. (LDF), the legal arm of the NAACP. They used litigation to eradicate the *Jim Crow* system and to achieve social and political change. The LDF led the battle in the courts winning crucial civil rights cases. It challenged segregation in education, public accommodations, transportation, employment, housing, and voting rights.

“The Constance Baker Motley story is intertwined with that of the LDF,” wrote Allan Morrison in his piece entitled, “Top Woman Civil Rights Lawyer Securing rights for millions, Negro woman is one of world’s most influential lawyers” (Morrison, p. 50, 1963). Motley was the *only* woman lawyer at the LDF and the *only* woman who argued desegregation cases in court during most of the civil rights movement. “She won most of the important desegregation cases,” said Jack Greenberg, her long time colleague and former Director Counsel of the LDF, former Dean of Columbia College, former Vice Dean of Columbia Law School, and current Alphonse Fletcher, Jr. Professor of Law at Columbia University Law School. Her victories were crucial to the strategies employed and the success of the movement (Greenberg, 2009).

She may have won most of the important desegregation cases; however, well known male lawyers at the LDF received most of the national press and most of the credit for legal victories the LDF secured during the movement. They were also recorded as change agents and leaders in stories about the role of the LDF in the civil rights movement.

Motley, on the other hand, has remained largely invisible and not properly credited for her work. She received some attention from local/regional newspapers in the South and black newspapers and magazines; however, the white mainstream media and historians either overlooked her or viewed her as a secondary and supporting actor who contributed to the work performed by Marshall and other male lawyers at the LDF. Historians also failed to examine who Motley was, what work she did, how she experienced the civil rights movement, and her role as a change agent and leader of the movement.

In a *USA Today* article entitled, "Four lionesses put their imprint on history" Wayne Wickham commented on the lack of credit Motley received and his concern about how history would record her.

Constance Baker Motley...was the only woman on the NAACP legal team that won the historic U.S. Supreme Court decision outlawing school segregation. It wasn't the positions she held but the difference she made that should have secured Motley a prominent place in the history of her time....She led the legal team that got Charlayne Hunter into the University of Georgia in 1961. The following year, Motley spearheaded the legal fight that won James Meredith admission to the University of Mississippi...While Thurgood Marshall rightfully earned top billing as the civil rights movement's most important legal figure. Motley was a lioness who braved great danger to use the laws of this land to fight racial bigotry... I worry that history will give short shrift to what she and ...other women have accomplished" (Wickham, 2005).

Wickham's concern about how Motley's accomplishments would be recorded in history was well founded. She remains virtually unknown; she is not widely recognized or credited for her work. Many people, including civil rights activists she represented, don't even know who Motley was or what her achievements as a civil rights lawyer did for them. The number includes thousands of black graduates from

formerly all white public schools, colleges, universities, and professional schools that were forced to desegregate and admit blacks after she won cases against them. The number also includes thousands of people who were arrested and jailed for participating in freedom rides, sit-ins, marches with King, and other forms of protest. Many of them know that the LDF represented them, but they do not know that it was Motley who actually won the cases that secured their release from jail, overturned their convictions, and desegregated formerly all white institutions – dismantled *Jim Crow*.

Lynn Huntley, President of the Southern Education Foundation, a former staff member at the LDF, and a former law clerk for Motley, wrote that despite her accomplishments, “millions whom she helped in her lifetime will never know her name” (Huntley, 2005). Drew Days, Alfred M. Rankin Professor of Law at Yale Law School, former United States Solicitor General, former LDF attorney, and the first African American Assistant Attorney General for the Civil Rights Division as well as Motley family friend also commented about the fact that many people still do not know who Motley was or what she accomplished during the civil rights movement. “She won many of the most significant desegregation cases in America in courts in Mississippi, Florida, Alabama, Tennessee, South Carolina, and North Carolina and throughout the country,” said Days. “She won many cases whose names we have seen but unfortunately...not connected properly her name to them” (Days, 2009).

Although the legal victories Motley won were important to the success of the civil rights movement, she, like other black women agents of change, has been

completely omitted or marginalized in historical narratives. When she has been included in stories, she has often been portrayed in a contributory role as only providing assistance to male attorneys at the LDF.

Juan Williams, noted journalist and author, commented on the virtual omission of Motley. The story of the civil rights movement and the role played by the “Legal Defense Fund’s acclaimed male lawyers – Thurgood Marshall, Jack Greenberg, Bob Carter and Wiley Branton” is well known, said Williams. “But somehow, a hole exists in the heart of the tale which omits or overlooks Constance Baker Motley who was often times the enforcer in terms of the law. She was the iron lady... with the dignified manner. She was the one who would go into Georgia and work with Charlayne Hunter Gault... and go into Alabama and work with Autherine Lucy and go into Mississippi and work with James Meredith to make the law a reality,” and dismantle *Jim Crow* (Williams, 2009).

### **Why I Decided To Research And Write About The Life And Work Of Motley**

I became interested in Motley during a visit to her country home in Chester Connecticut. My family and I had been invited to join Motley, her husband Joel Motley, jr., and her niece, Constance Royster, for a wonderful dinner of baked chicken, mashed potatoes, green beans, and a “mile high pie” with vanilla ice cream. Before dinner, Motley talked with me about her civil rights work. She showed me photographs she had taken with King and other activists she represented. She also showed me newspaper and magazine clippings about the desegregation cases she had won and people she had represented.

After critically reading traditional narratives and literature recently produced by feminist and civil rights scholars who wrote about the civil rights movement, I saw that they were incomplete because they omitted Motley and her accomplishments when discussing the NAACP, the Southern Christian Leadership Conference (SCLC), the Student Non-Violent Coordinating Committee (SNCC), the LDF, Marshall, King, Meredith, and other celebrated male figures who impacted the movement. I began this biographical work that centers on Motley in order to fill in a gap in the scholarly literature and to help make the history of the civil rights movement more complete and accurate.

This work focuses on Motley as a movement lawyer. It explores the key role she played in the movement, how she experienced it, and how the cases she won affected the strategies and outcomes of the movement and changed American society. It also explores how she lived and worked in a gendered world and was able to overcome obstacles of race and sex to become the *only* woman lawyer at the LDF and the *only* woman lawyer who did trial work in the courts – an atypical career for a woman – during most of the civil rights movement.

The goal of this work is two-fold. First, it is intended to portray a more complete perception about the civil rights movement and the contribution Motley made to it. Second, this work is intended to help people understand and know who Motley was both personally and professionally, what she accomplished, why she should be viewed as a change agent and a leader of the movement, and why she should be fully written into narratives of the movement and the history of America.



## Questions, Sources, Methods

The central questions I address are:

1. Why have Motley and so many other “unsung” black women who made important contributions to the civil rights movement remained virtually anonymous and *invisible*?
2. Who was Constance Baker Motley? What was her “story,” both personal and professional? How did she figure in the civil rights movement as a black woman trial lawyer ?
3. What was the work that Motley did? What major desegregation cases did she take on? How did she experience the civil rights movement? How was the world in which she performed her work gendered?
4. What were the immediate and long term consequences of the desegregation cases Motley won and how did their outcome affect the broader local or national strategies employed in the movement? What was the impact of her work on political and social change in America?
5. How and why did Motley transition to an elected official and the judiciary?

The specific sources for my research on Motley included court decisions, scholarly literature about the civil rights movement, newspaper and magazine articles, biographies and autobiographies, “The Reminiscences of Judge Constance Baker Motley,” a personal recorded oral interview with Mrs. Walter Gellhorn conducted from December 4, 1976 to March 11, 1978, and boxes of material made available by the Motley family. (Motley was an attorney in approximately 200 cases at the LDF.

They are listed in Appendix A. The sources made available by the Motley family are listed in Appendix B.)

Sources for my research also included The Constance Baker Motley papers in the Sophia Smith Collection at Smith College and The Constance Baker Motley papers at Columbia University.

The papers in the two collections span the period from 1948 through 1988. The civil rights related material includes speeches given by Motley, articles written by her, draft copies of court decisions and other legal documents, correspondence with King, Meredith, and other civil rights activists, newspaper and magazine articles about cases that Motley won, photographs with civil rights activists, and transcripts of interviews with and about her. The collections also include Motley's writings about the implementation of *Brown* and the struggle to end racism in education, voting, and public accommodations in the South and the impact of *Brown* on ending discrimination in housing, employment, and opportunities for blacks to enter professions, especially in law. (A summary of Motley's writings in the collections are in Appendix C.) Most of the material in the collections covers the period from 1964 to 1966 (the two year period that Motley was an elected official). It relates to her career as a New York State Senator and Manhattan Borough President. That material consists of correspondence with constituents about social and political matters, press releases related to Motley's political career, campaign literature, and various types of memorabilia. The collections also contain a good deal of material that relates to Motley's early years as a judge on the Federal District Court for the Southern District of New York and drafts of her judicial opinions. The material in the

collections that relate to Motley's career as a public official contains correspondence with constituents, President Lyndon Johnson about her appointment as a judge, and correspondence with other elected officials. It also includes speeches and press releases about legislation pertaining to education, employment, housing, development in urban areas in New York City, especially in Harlem, and political and social matters that concerned Motley as an elected official.

I supplemented the material in the Motley collections with other sources of research including correspondence with people who participated in my research. I received responses to questionnaires and written statements about Motley from Katherine Blakeslee, John Brittain, Charlayne Hunter-Gault, Lynn Huntley, James Nabrit, Andrew Young, and Wyatt Tee Walker. I conducted interviews with Herbert Wright, Carlotta Walls LaNier, Bernard Lafayette, and Maya Angelou and I arranged for audio visual recordings about Motley with President Bill Clinton, Charlayne Hunter-Gault, Vernon Jordan, and Jack Greenberg, I also drafted questions and arranged for Juan Williams to conduct audio visual interviews with Derrick Bell, Drew Days, Charles Ogletree, Ernest Green, Joel Motley, III, William Coleman, and Stephen Breyer at the U.S. Supreme Court. All of these interviews were used and incorporated into the Quinnipiac University documentary, *Justice Is A Black Woman: The Life and Work of Constance Baker Motley* (Quinnipiac, 2012). Maya Angelou acquiesced to my request for her to read a stanza from her poem, *Still I Rise* as the opening for the film. The documentary, which aired on PBS in 2012, was narrated by Juan Williams. I was included as a producer and given credit for use of interviews that I conducted and arranged and for the use of my research on Motley.

Herbert Wright, one of Motley's colleagues at the NAACP and Jack Greenberg, Derrick Bell, and James Nabrit, Motley's colleagues at the LDF, shared their perception of how she experienced the civil rights movement in her work as the only woman lawyer working primarily in the South where almost all of the other lawyers and judges were white males. They commented on the cases she handled and the manner in which she was disrespected by hostile, segregationist judges that she appeared before in courts. They provided details about the unexpected actions of hostile governors, school board officials, and state legislatures who engaged in tactics to block desegregation and made her work much more difficult. They talked about the constant danger she faced from angry white mobs, the many nights she slept in houses surrounded by black men with machine guns to protect her from the mobs, and the many nights she had to drop everything and take flights from New York to the South to represent King, freedom riders, sit-in protestors, and other civil rights activists who had been arrested and jailed. They also talked about the pride that people in the black community took in Motley and how they flocked to the courthouse to see the black woman attorney from the North who made southern segregationist officials squirm in their seats on the witness stand when she cross examined them. Vernon Jordan, Andrew Young, Drew Days, Joel Motley, Charles Ogletree, John Brittain, Charlayne Hunter Gault, Carlotta Walls LaNier, Ernest Green, Wyatt Tee Walker, and others who knew or worked with or were represented by Motley during the civil rights movement also shared stories that help us understand and appreciate who she was, what she accomplished, and how she experienced the civil rights movement. The reflection on the years that were spent

with Motley either as her colleagues, clients, family members, or friends – and the stories they told – provided an intimate portrait of Motley that most historians did not have. The stories, together with other research that formed the basis of this biographical work, support the argument that Motley was a change agent and leader who should be fully written into narratives of the civil rights movement to give a more accurate and complete perception of it. The following comment also succinctly made the case for writing Motley in:

Much of the history of the civil rights movement has focused ...on the stories of great men like Martin Luther King, Jr., Thurgood Marshall, and many others... But the movement's successes would not have been achieved without the support, dedication, defiance, intelligence and hard work of many women...

Constance Baker Motley ...brought her legal brilliance to the most important civil rights cases for 20 years...fighting...cases to break down barriers... The LDF assigned her the James Meredith case in 1961, and the nation saw her escort the young student as he braved a jeering crowd to integrate the University of Mississippi...She won cases that struck down segregation in Southern restaurants and lunch counters...hung out with the Rev. Dr. Martin Luther King, Jr., while he was in jail, sang freedom songs in bombed churches, and spent a night under armed guard with Medgar Evers before he was murdered. Throughout her career...Motley was renowned for the quiet but powerful way in which she prepared and presented the lawsuits that led to a greater equality for black people. "Balancing Race and Gender: LDF Women Pioneers (March 31, 2009, <http://www.thedefendersonline.com/2009/03/31/balancing-race-and-gender-ldf-women-pio>

### **Significance Of The Project**

The project will contribute to an understanding and development of a more inclusive, complete, and accurate representation of the civil rights movement and the diverse work performed by black women who helped make it successful. It will fill in a gap in the scholarly literature about the movement by including a discussion of

Motley's work and experiences. The project will bring attention to who she was and what she did that affected the movement. It will contribute to a revision and correction of the previous interpretation about lawyers at the LDF who performed work that was important to the movement by giving Motley appropriate recognition for work that she performed. The project will help readers understand that there is something missing in their conception of the history of the civil rights movement and the male model of leadership by charismatic men. It will help readers understand the need for a more complete and inclusive definition of leadership that makes room for the diverse black women leaders who performed their work in many different venues and political spaces and who utilized alternative styles of leadership that differed from those utilized by men. Finally, the project will demonstrate that formal male activism should no longer be viewed as the only style of leadership that was effective or acceptable in the civil rights movement.

I want readers to know that Motley's work in the courts mattered; it was crucial to the success of the movement. I want them to know that the law suits she won were central to the success of the civil rights movement and that without the legal victories Motley secured, major social and political change in America may not have been achieved.

I want people to understand that although Motley won most of the important desegregation cases in courts, there was always a great deal of hostility and resistance to the implementation of the victories. I want them to understand that she still had to fight hostile school boards, mayors, governors, university and college administrators, segregationist judges, and mob violence in local communities to actually get the

students into the schools and make the Supreme Court's ruling in *Brown* a reality. I want them to know that much of that work was performed under difficult and often dangerous conditions in which she was away from her family for extended periods of time and her life was threatened.

I want people to understand that Motley won long and hard fought battles that led to the implementation of *Brown* and desegregation in America; however, she has been marginalized or overlooked in narratives about them and the civil rights movement. For example, historians wrote about how brave James Meredith was for integrating the University of Mississippi, but they did not write about the constant trips – over 21 – that Motley made to Mississippi or the emotional stress, tension, and physical danger she was exposed to in order to win the case and then to actually get him registered as a student in the University. Historians also wrote about the desegregation of the University of Alabama, the University of Georgia, public schools, and other institutions that were forced to admit blacks after Motley won cases against them, but they failed to explore her role and experience in securing the victories. In addition, historians wrote about the impact of marches and other forms of protest led by King, and direct action by students who participated in sit-ins and freedom rides, but not about how the work that Motley performed in the courts made it possible for them to go forward with the activities and be released from jail when they were arrested or convicted.

When historians wrote about the desegregation cases Motley won, they primarily focused on her clients, many of whom became celebrated heroes of the civil rights movement (*i.e.* James Meredith and Martin Luther King, Jr.). They also

focused on the LDF, Thurgood Marshall, its chief counsel, and other male attorneys at the LDF. Motley's name was not properly linked to the LDF civil rights successes or to Marshall's name. She was not properly connected with cases that she won involving King and other activists she represented. Similar to other black women activists, Motley faded into the background behind well known men.

When one thinks of how *Jim Crow* was dismantled and how desegregation became a reality, usually *Brown v Board of Education*, 347 U.S. 483 (1954), the landmark United States Supreme Court case, comes to mind. The Court's order directing schools to desegregate and admit blacks was momentous; however, it was not automatically implemented. Resistance to the ruling was widespread, especially in the deep South states. The authorities in those states were angered by *Brown* and refused to comply with the Court's order to admit black students (Woodward p. 147, 1955; Hamlin, p. 43, 2012).

In her book, *Crossroads at Clarksdale The Black Freedom Struggle in the Mississippi Delta after World War II*, Francoise N. Hamlin wrote that "Brown...enraged whites" and "a few short weeks after the *Brown* decision, James O. Eastland from Mississippi stood on the Senate floor and declared: 'Let me make this very clear. The South will retain segregation!'" (Hamlin, p. 32, 2012). Eastland's emphatic declaration encouraged defiant rhetoric and acts by governors, legislators, school boards, and lawyers who opposed desegregation. Their oratory and acts of defiance "blazoned across the pages of the local press for days after the *Brown* ruling and buttressed white citizens' resolve to fight" to maintain racially segregated schools (Hamlin, pp. 29, 30, 2012).



Blacks soon realized “that the struggle had just begun” – that state and local governments across the South were determined to resist implementation of *Brown*; and “large –scale integration.” Rather than integrate schools, state and local officials created “figurative blockades to ensure that all deliberate speed...successfully translated into strategies of avoidance” and resistance (Hamlin, pp. 37-38, 57- 58, 2012). As a result of the resistance, the LDF was deluged with desegregation cases. It was the work involved in trying those cases in state after state, city after city, and school district after school district to enforce the Court’s ruling in *Brown* that actually implemented it.

Almost all of the work to desegregate public schools as well as colleges, housing, transportation, restaurants and lunch counters, parks, and other public accommodations was done by Motley. “She was the LDF attorney mostly in charge of the desegregation cases at the trial level,” said Greenberg. She was the attorney who was sent south to handle most of the significant desegregation cases that flowed from *Brown* (Greenberg, 2009).

Joel Motley summarized his mother’s work and career as a civil rights lawyer at the LDF as follows:

My mother began her work at the Legal Defense Fund...at a time when the litigation phase of the civil rights movement had just begun to take off and there had been some successes in challenging segregation in law schools and other professional schools...[The strategy] was to begin integration at the top of the education structure and work its way down to eventually [elementary school] the *Brown* case in 1954...My mother was a part of the team that worked on *Brown*. And then after the *Brown* decision in 1954, the all deliberate speed component of *Brown* meant that there would be a generation, in fact several generations, of individual cases designed to implement *Brown*. And so while *Brown* was a pervasive weapon for the movement of civil rights litigation, it required a house by house, street

by street implementation and many, many cases, not just in school desegregation, but also housing desegregation, and employment discrimination (Joel Motley, 2009).

Black women were on the front lines organizing, risking their lives, jobs, and the security of their families...In summary, although black women's participation in the civil rights movement is recorded, their roles as leaders are not duly recognized (Peacock, pp. 14-15, 2008).

## **Chapter Two**

### **They Were "Invisible" But Their Work Mattered**

Historians conceived of the civil rights struggle as primarily a coalition of national organizations in a political movement that helped secure judicial and legislative victories. They focused on the NAACP, the Southern Christian Leadership Conference (SCLC), the Student Non-Violent Coordinating Committee (SNCC), the LDF, and other male dominated national organizations.

Valeria Harvell commented on the attention focused on the NAACP and the other organizations in her article, "Social Movement Theory And Black Women's Political Activism" (Harvell, pp. 2-14, 2005). She wrote that the "NAACP is often cited as an early mobilizing entity that provided essential resources to local campaigns" and much needed leadership on the national and state level; it provided a "mass-based membership, a communications infrastructure, and an organizational network with considerable fundraising capabilities" (Harvell, pp. 12-13, 2005). The resources allowed the NAACP to play an essential role in the movement.

Historians examined events of national significance and large protest demonstrations led by charismatic black ministers and men who held formal titles in the national organizations and made public statements that were covered by the white mainstream media. They ignored or marginalized lower profile, but indispensable activities engaged in primarily by black women. Those activities included recruiting

participants needed to support the movement, establishing organizational procedures and routines, devising political strategies, fund raising, alliance building, mobilizing constituencies that sustained the movement, voter education, and participating in direct action protests (Harvell, pp.12-15, 2005). Sometimes black women were not prominent in media reporting of the dramatic events (Sartain, p. 2). Other times they were intentionally deleted from photographs and coverage of events they participated in; they were “cropped out of the picture” by the media. An example is the *Atlanta Constitution* which gave front page coverage to a march in which King and 51 other people were arrested with him. In the photograph that accompanied the story, the newspaper cropped out a black woman carrying a sign that read, “We want to sit down like everyone else.” The picture of Dr. King was prominently featured in the newspaper (Lefever, p. 66, 2005).

The well known, high profile, and charismatic black men had traditional authority, access to power, and responsibility for decision making about organizational tactics, goals, and strategies. The widespread coverage they received in newspapers, magazines, and television networks made them very visible and reinforced the perception of them as change agents and principal leaders of the civil rights movement by those within the organizations (*i.e.*, their followers) and by the public (Robnett, p. 18, 1997; Robnett, pp. 1664-1665, 1996; Barnett, pp. 163-164, 1993). Black women were portrayed as followers of the men and organizers.

“Behind the scenes and elsewhere, of course, women played essential roles...both organizationally and politically, although usually with much less fanfare than their male counterparts” (Harvell, pp. 12-13, 2005).

Some women (*i.e.*, Daisy Bates, the local NAACP president who orchestrated the Little Rock Nine desegregation of Central High) spoke for their organizations and were visible; however, most black women were prevented from attaining visibility (speaking publicly for organizations they were associated with). Women were also prevented from being acknowledged as leaders because they were confined to entrenched gender roles in society and in the civil rights movement.

In "Ella Baker: Free Agent in the Civil Rights Movement," Aprele Elliott argued that "scholars must look beyond the body of male rhetoric and the white-male dominated media reports" that covered stories of the civil rights movement only partially and ignored black women's action and agency because they did not speak publicly for their organizations (Elliott, p. 602, 1996).

Black women's action and agency mattered in the civil rights movement. Without their important contributions, the goals and successes of the movement would not have been achieved. The women made their contributions in various ways. Often, they were the ones who initiated and sustained catalytic events of the movement.

Historians generally agree that certain events were catalysts for the civil rights movement. They include: the 1954 U.S. Supreme Court ruling in *Brown v. Board of Education*, the 1955 Montgomery Bus Boycott, the 1957 crisis surrounding the integration of Central High School in Little Rock, Arkansas, the lunch counter sit-ins initiated by college students, the freedom rides, the crisis surrounding the desegregation of the University of Georgia, the crisis surrounding the desegregation of the University of Alabama, and the crisis surrounding the desegregation of the

University of Mississippi. Motley played a critical role as an LDF lawyer in each of these catalytic events and most, if not all, of the other significant events that occurred during the movement. Other black women also risked their lives and played crucial roles in these and other catalytic events in the struggle for racial equality.

Black women participated in significant desegregation lawsuits that Motley won. They also participated in various forms of direct action such as boycotts, marches, sit-ins, and freedom rides to force change and end *de jure* segregation. They were tear gased, fired from their jobs, assaulted with water from fire hoses, attacked by dogs, raped, beaten, arrested, convicted, and jailed for protesting segregation and for attempting to register to vote. The women were “agents of change and fought valiantly on all fronts” (Elliott, 1996, p. 593). They acted because they wanted to transform American society; they wanted to eradicate *Jim Crow*, eliminate segregation, end racial oppression, obtain equal rights and justice, and change the way blacks were discriminated against and forced to live their daily lives.

Among the black women whose action and agency was important were mothers who objected to their children walking across dangerous railroad tracks or riding buses past all white schools with superior academic programs, buildings, and supplies to get to racially segregated, dilapidated, and poorly equipped all black schools. The women took the initiative, challenged racial discrimination and disparity in public education in their local communities, and became plaintiffs in *Brown v. Board of Education*. They facilitated a change in the circumstances under which their children and other black public school children were educated.

Black women who were tired of the policy of forcing blacks to stand and give their seats on public buses to whites set a goal to end the policy, designed and implemented the plan to achieve the goal (*i.e.* the Montgomery Bus Boycott), and assumed responsibility to carry out the plan that forced the end of the objectionable policy.

Six young black women were among the nine students who voluntarily joined the protest Daisy Bates orchestrated to desegregate Central High School in Little Rock. As a result of the brave action of the young women and Bates, the formerly all white school was forced to admit black students and provide them the same quality of education available to white students.

Black college women who wanted to end the discriminatory policy which prevented black shoppers in stores from enjoying a meal at the lunch counter organized sit-ins at the "all white" lunch counters to protest and change the policy. Their action resulted in a Supreme Court ruling and a civil rights act which required restaurants and lunch counters to serve blacks in the same manner in which they served whites.

Black women who opposed state laws and practices that prohibited blacks from riding in the front of interstate buses or from sitting in the "all white section" of bus stations or using the "all white" restroom facilities organized and participated in freedom rides. Their action in challenging the laws forced Congress to adopt legislation to prohibit racial discrimination in interstate transportation and facilities and forced bus and train companies across the country to openly accommodate black passengers in the same way they accommodated whites.

Black women who wanted to attend all white colleges and universities filed lawsuits against schools that refused to accept black students. As a result of their actions which challenged discriminatory admission policies, blacks were admitted to formerly all white colleges, universities, and professional schools where they were able to obtain educations that allowed more blacks to enter the middle class.

Black women who wanted to change the policies and practices that prevented them from voting organized voter education programs and drives to help blacks register to vote. As a result of their action, political power was developed in black communities; black candidates were elected to local, state, and national positions where they advocated for services and programs to benefit black communities.

In her book, *Women in the Civil Rights Movement Trailblazers And Torchbearers, 1941-1965*, Vicki Crawford discussed the myriad ways in which black women activists were change agents in the ongoing struggle for racial equality and the manner in which historians failed to document their contributions. She wrote that:

They have organized and led struggles for suffrage, fair housing, temperance, antilynching laws, as well as to abolish poll taxes, white primaries, *Jim Crow* laws, and to obtain full employment for themselves and their men, and for equal educational facilities for their children...Hence the civil rights movement of the fifties and sixties is merely the continuation of a long-standing tradition. Still, few published accounts of the civil rights era document the major role women played in the modern movement for social change” (Crawford, 1993, p. xvii).

In “Ella Baker Free Agent in the Civil Rights Movement,” Aprele Elliott argued that black women received “little coverage or credit for their accomplishments” in historical accounts of the movement because of “sexism within and outside the movement” and “the traditional charismatic perspective of leadership”



(Elliott, p. 593, 1996). The article examined the experiences of Ella Baker, who was “held in high esteem by many civil rights activists,” but who was largely ignored by historians due to the “narrow construct imposed on women” that rendered them “invisible to all but regional audiences and movement insiders” (Elliott, p. 393, 1996).

In her 1993 article, “Invisible Black Women Leaders in the Civil Rights Movement: The Triple Constraints of Gender, Race, and Class,” Bernice McNair Barnett asserted that, “During the period of more than thirty years of scholarship since the heyday of the civil rights movement,” the experiences and leadership roles of black women had virtually been “neglected, forgotten, or considered inconsequential or of secondary importance relative to those of men.” She argued that black women remained anonymous and invisible (while high profile black men were visible) in part because of “gender, race, and class biases” in social movement literature and scholarship which continued to concentrate on the roles played by elite and charismatic black men (Barnett, p. 163, 164 1993).

Feminist scholars argue that much of the work black women performed was not accurately documented because they were women and they were kept in the background – *invisible*. Barnett, in particular, argues that black women's work was not documented because despite the fact that in many local campaigns, they performed dangerous organizing and mobilizing work in the early stages of activities, they were forced into the background when nationally recognized men with formal titles arrived, took over, and made public speeches (Barnett, p. 176, 1993).

Hamlin argued that black women received little coverage or recognition for their accomplishments because of their gender. She “chronicled the black freedom struggle in Clarksdale, Mississippi from 1951 to the mid-1970s.” She focused on Vera Mae Pige, a beautician and secretary of the local NAACP chapter who organized civil rights activities throughout Mississippi. Hamlin illuminated the manner in which women were pushed in the background so that men could receive more attention for the work they did (Hamlin, pp. 87, 88, 89, 2012).

Recent literature by other feminist scholars demonstrates that black women initiated and sustained some of the most significant events of the civil rights movement but were marginalized or completely overlooked in stories about those events (Allen, 1996; Elliott, 1996; Robinson, 1987; and Robnett, p. 191, 1997). The literature demonstrates that despite the importance of their action and agency, the civil rights community and historians failed to recognize the women as leaders and credit them for their work. Examples are stories that did not include exploration of the experiences of Daisy Bates in initiating and sustaining the desegregation of Central High School in Arkansas. Other examples are stories that did not examine the contributions and experiences of Ella Baker, Diane Nash, and Jo Ann Robinson.

Bernard Lafayette, Jr. currently the National Chairman of the SCLC and Distinguished Scholar in Residence at Emory University, was a civil rights leader. During the movement, he served as the National Coordinator of the SCLC, the National Coordinator of the Poor People’s Campaign, the Director and Organizer of the Alabama Voter Registration Project in Selma, Alabama, and the Field Secretary for the SNCC in Jackson, Mississippi. Lafayette spoke with me about the

marginalization of women activists he knew and worked with who were marginalized in stories about the movement. He talked about Baker, Nash, and Robinson in particular and the fact that they were not recognized or respected for the contributions they made. "Ella Baker, the Executive Director of the Southern Christian Leadership Council organized the Student Nonviolent Coordinating Committee and she organized more NAACP Chapters in the South than anyone else but she did not get the recognition she deserved for her work," Lafayette said (Lafayette, 2011).

When he was a college student, Lafayette participated in the Nashville student sit-in movement led by Diane Nash. He was part of the second group of riders Nash organized to continue the freedom rides after the first group of freedom riders were viciously beaten by a mob and their bus was firebombed (*Freedom Riders*, 2011; Halberstam, 1998). Lafayette was also a founding member of the SNCC and a participant in many SNCC activities that Ruby Doris Smith Robinson organized. "Diane, Ruby Doris, and other courageous black women were constantly in danger because of their leadership work; they were harassed, beaten, and sentenced to hard labor in some of the worst prisons in the South because of their activities. They did not receive proper recognition for all that they did and endured," said Lafayette (Lafayette, 2011).

Often when stories included black women actors, their participation was primarily discussed from the point of view of men writing about well known men. They usually gave men primary credit for leading activities and portrayed women as only contributors to the work performed by men. Other times, black men received extensive media coverage and became widely known for leading activities that black

women had organized, implemented, and sustained. Instead of giving credit to the women, historians gave credit to the men for the work that black women actually performed (Barnett, pp. 176 – 177, 1993; Harvell, p. 14, 2005). For instance, in the narrative about the Montgomery Bus Boycott, the student sit-ins, the freedom rides, and voter registration drives, the role of well known men with formal titles was emphasized and many of the black women who initiated, organized, and participated in the activities were viewed as secondary actors or completely ignored.

Lafayette talked about Jo Ann Robinson and the Montgomery Bus Boycott. Some historians who have written about the boycott attributed the organization and successful leadership of it to King and other ministers; however, the boycott was actually led by black women. It was organized, initiated, and sustained by Robinson, an English professor at Alabama State College and President of the Women's Political Council (WPC), and the women of the WPC (Robinson, 1987; Allen, pp. 7-8, 1996; Barnett, p. 168, 1993; Elliott, p. 596, 1996; Lafayette, 2011).

If Robinson and the women of the WPC did all of the work, why did historians credit King and other black ministers with leading the boycott? One answer is the *constraints* on black women during the civil rights movement. The constraints made black women less powerful than men, denied them proper recognition for their achievements, and contributed to their invisibility.

Movement experiences and opportunities were different for black women and men because of constraints of race, gender, theology/doctrine and traditions of black churches, patriarchy, and class (Barnett, pp. 173-175, 1993; Robnett, p. 17, 1997). The constraints affected women negatively in the context of power; they determined

and restricted the resources, experiences, leadership opportunities, and visibility women had in the movement. Conversely, the constraints affected men positively in the context of power. Formal titles and leadership positions were reserved for and only available to men, especially in black churches and on the national level in civil rights organizations where they had power, resources, and enjoyed high visibility in the civil rights community and the media.

The *gender* constraint, which I concentrate on here, was a particularly important factor in the difference that men and women had for access to structural and institutional power and visibility. It played an important role in the structure of black churches and the NAACP, SCLC, SNCC and other civil rights organizations; it determined and limited the experiences and opportunities black women had in them (Barnett, pp.173 -175, 1993; Harvell, 1-18; Robnett, p. 17, 1997). Gender also influenced the perception that the public, the media, and historians formed of women and their work as change agents and leaders of the civil rights movement.

King and the other black ministers credited with leading the Montgomery Bus Boycott had something the black women did not have and could not obtain because of their gender. They had access to the formal leadership opportunities in black churches which played a very important role in the movement (Robnett, p. 19, 1997). Black women were not permitted to be ministers in most black churches (Collier-Thomas, 2010).

Doctrines and traditions in black churches dictated that only men could be ministers. Societal norms also made it acceptable for women to be subordinated, confined to the background, and oppressed by men in the male dominated hierarchy

of black churches; they perpetuated the expectation that only men would occupy formal leadership positions in the churches (*i.e.*, ministers, deacons, trustees and top decision makers) and that black women would raise their children and stay in their place in the pews (or in the kitchen) (Barnett, p. 170, 1993). Thus, both church doctrines and societal norms prevented women from attaining the power and status black ministers enjoyed and from having access to the same resources available to men. They reinforced patriarchy and the belief that women's places were in their home fulfilling their role as mothers, housewives, supporters, and inspiration for their husbands who were deemed to be the heads of households and leaders women should follow.

Black churches were very important institutions in the civil rights movement (Collier-Thomas, 2010). They provided "spaces for social and spiritual interaction on Sundays, and as the mass movement grew... most of the mass meetings" were hosted in black churches" (Hamlin, xvi).

Black ministers, especially pastors of black churches, were charismatic leaders of their congregations. They inspired people to follow them and they were regarded as leaders in the black community in the South where black church people were in the majority and were accustomed to regarding ministers as leaders (Gellhorn, p. 441).

King and the black ministers who were credited with leadership of the Montgomery Bus Boycott had a status position in the community, they were respected, they had access to resources (*i.e.* money, pulpits they regularly spoke in, and church facilities where mass meetings were held). They were able to mobilize

large groups for political action and they regularly represented and spoke on behalf of the community. They had more influence and power than any others in the black community (Dumas, pp. 201-204, 1980; Barnett, p. 170, 1993; Standley, 1993).

Robinson and the women of the WPC initiated and sustained the campaign; however, they did not have the same status, influence, power, or access to resources the black ministers had. As a result, the women were forced to recede to the background when the ministers arrived on the scene, took over, made public speeches, became visible, and were recognized as leaders of the boycott.

Lafayette seemed to agree that black ministers got credit for the boycott because they spoke publicly, received extensive attention from the media, were visible, and were viewed as leaders of the black community. "Jo Ann had been advocating desegregation of the buses before the black ministers stepped in, however when you called a mass meeting and the press got involved, men got the credit because they spoke at the public rallies...Jo Ann took the initiative, organized the women, and continued the Montgomery Bus Boycott while the preachers were in a meeting at the church arguing over what to do next," Lafayette said (Lafayette, 2011).

Motley commented on her observation of the political power and recognition of black ministers during the movement. "Black ministers were regarded as the natural leaders in the black community and they had always acted as the negotiators with the white community for the black community with respect to whatever they did manage to get: for example, a better school in the black community or paved streets or more bus facilities" or other services that were needed (Gellhorn, pp. 441-442). In Montgomery, "King...set himself and the whole movement in a setting which was

familiar” to the black community. That setting was the black church. “He led from that point...right within the institution itself by just preaching.” His civil rights message “on Sunday morning...became his sermon.” From the pulpit in black churches, “he preached about what he and others were doing that week” in the civil rights movement, said Motley (Gellhorn, pp. 552-553).

Black churches were critical training grounds for leadership in the movement. Men were trained for leadership in the churches but women were not. The majority of black leaders got their start in the churches. The training they received in black churches, their access to formal educational institutions, and their executive positions combined to make black men, especially ministers, powerful and celebrated leaders in the civil rights movement. In her book, *Jesus, Jobs, And Justice: African American Women and Religion*, Betty Collier-Thomas argued that because black women did not get the same training that men received in black churches, they did not have the opportunity men had to become powerful or leaders (Collier-Thomas, 2010).

Progressive black church women formed women’s clubs and voluntary organizations in which they gained some leadership experience (Collier-Thomas, 2010). They created the National Association of Colored Women, the National Council of Women, Church Women United, National Council of Negro Women, and other gender based auxiliaries, organizations, networks, and societies that served as training grounds to acquire leadership experience and skills. The auxiliaries, organizations, and societies provided women with a degree of autonomy from the black male dominated leadership of institutionalized life in black churches and were the early incubators of bridge leadership (Harvell, pp. 13, 15-16, 2005). The women



in the organizations worked alongside national black civil rights organizations and fought to eradicate racism in society and sexism in black churches (Collier-Thomas, 2010).

Paula Giddings commented on the religious context within which women's political activism occurred in black churches. She argued that black churches were the most cohesive institutions in the South and that black women were the most dynamic force in the churches (Giddings, 1984). For example, when ministers were opposed to opening their churches as a gathering place for civil rights workers, black women convinced the ministers to permit the workers to use their churches as gathering places. It was also black women who continued to pressure black churches and the black community to address issues of racism and sexism. In the early 20<sup>th</sup> century, black women members of the National Baptist Convention took the lead and protested unfairness and unequal treatment of blacks and whites on passenger trains and the indignity of one bathroom in the black section that had to be shared by both men and women (Harvell, p. 14, 2005). Despite these and other important contributions made by black church women, they were often not acknowledged as leaders by the civil rights community, the media, or civil rights scholars.

In her article, "The Role of Black Women in the Civil Rights Movement," Anne Standley asserted that the historical account of black men as the principal leaders of the movement is not completely inaccurate. She incorporated criticisms by Ella Baker, Septima Clark, and historians Jacqueline Jones and Paula Giddings to support her argument that "sexism and authoritarian views of leadership" prevented women from assuming command of any of the national civil rights movement

organizations. Standley argued that “In light of the advantages men possessed in establishing themselves as leaders of the movement – the preachers’ virtual monopoly on political power within the black community and exclusion of women from the ministry in many black churches – it is remarkable that any women achieved positions of authority” (Standley, p. 184, 1993).

Gender was significant in accounts of the civil rights movement, in part, because of the important role it played in the structure of the NAACP, SCLC, SNCC, and other civil rights organizations, as well as in black churches. Gender was a determining and limiting factor in the opportunities open to women in organizations and institutions and the perception of them and the important contributions they made to the movement.

In her book, *How Long? How Long? African American Women in the Struggle for Civil Rights*, Belinda Robnett argued that gender was a “defining construct of power relations” that “shaped the structure of the movement.” It was an exclusionary construct of power relations that channeled women away from formal leadership in organizations and confined them to informal leadership because they were women (Robnett, p. 19, 1997).

The relationship of women to men in civil rights organizations was the same as it was in black churches. Leadership was divided along gender lines. It was expected that men would occupy formal leadership positions in organizations and it was acceptable for women to be confined to informal leadership roles. Black men were primarily the formal leaders with traditional titles, power, and authority on the national level. Black women were constrained in the roles they could assume on the

national level because of their gender (Robnett, p. 1664 -1667, 1669, 1996). When black women were given responsibilities in the organizations, they were generally assigned clerical duties or relegated to serve on committees such as those that handled matters dealing with education, membership, welfare, and fundraising.

The NAACP, SCLC, SNCC, and other national civil rights organizations (that received widespread media attention during the movement) were male dominated; the traditional title of leader was reserved for men on the national level. Some black women activists were considered to possess traditional leadership qualities, however, those qualities were only viewed in positive terms in local communities or as “suitable for local activities and committee duties” within the organizations. They were not considered leadership qualities for formal titles and positions in organizations on a national level (Robnett, p.1670, 1996).

Men exercised most authority and made public statements for the civil rights organizations while women, who were restricted in the type of work they could do, participated largely in behind the scene roles (*i.e.*, clerical work, educational work, fundraising, and organizational type work assigned to them on the basis of gender – women’s work) (Robnett, p. 1669-1672, 1996). The gender roles assigned to them were considered to be supportive of or contributing to the formal leadership provided by men and reinforced societal gender norms and expectations (Rouse, p.116, 2001). The women were not respected or viewed as leaders because the women’s work they were assigned was not considered transformative and did not fit the traditional definition of leadership.

In her research, Hamlin found that the NAACP, in particular, was a bureaucratic organization “known for male chauvinism and sexism” (Hamlin, p. 87, 2012).

Executive officers on the national level were all men. Although women were excluded from formal leadership titles on the national level, educated, middle class, self employed, and even poor uneducated black women were elected to and held important leadership positions on local and regional levels in communities around the country. (Many of the women were elected as secretaries of local NAACP branches.) Women were an indispensable part of the local recruitment of members and fund raising drives that kept the NAACP alive and functioning during the movement (Wright, 2012).

The gender constraint prevented them from holding formal titles on the national level; however, the NAACP recognized the importance of black women leaders at the grassroots level. It encouraged organizers and field workers to exploit the “resources” the black women offered. Vera Mae Pigeo was one of the women who offered her resources as a grassroots leader in Mississippi and “carried out the branches’ business” (Hamlin, pp. 87-88, 2012).

Pigeo was an entrepreneur who owned her own beauty parlor in “the heart of a black neighborhood in downtown Clarksdale.” During the day, she worked as a beautician in her shop. At night, she used her shop to teach voter registration classes and shelter “strategy meetings” and civil “rights activists” (Hamlin, p. 65, 2012).

Hamlin argued that beauticians were community leaders and that beauty shop culture in the black community aided the dissemination of information about the civil rights movement. She further argued that as a self employed person and a beautician,

Pigee was one of the most important leaders in the local black community in Mississippi (Hamlin, pp. 65, 67, 68, 2012).

In addition to being a beautician, Pigee was the secretary and a founding member of her local NAACP branch, a mother, church woman, and a bridge leader who connected local youth and the community to the movement (Hamlin, pp. 5, 6, 2012). She worked as an advisor at the state and regional levels, organized youth councils throughout Mississippi, and ran a citizenship school in Clarksdale (Hamlin, pp. 59, 65, 2012).

Pigee organized “the strongest and most active NAACP youth council in the state of Mississippi (Hamlin, pp. 5, 6, 2012). She nurtured, recruited, and mobilized youth to drink from “white only” water fountains, to enter “white only” bathrooms, to sit-in at “white only” lunch counters, and to participate in boycotts, marches, rallies and other direct action protests to eradicate *Jim Crow* segregation and bring about “radical social change” in Mississippi (Hamlin, 59, 70, 73-76).

The large media outlets did not cover her activities. “No spotlight or camera illuminated” Pigee for people outside of her local and regional area to see, “but her presence helped to drive the local movement, and her guidance of the youth movement...and enabled her to reach larger numbers of local people” (Hamlin, p. 61, 2012).

She was “not a woman to shy away from the spotlight or reject her due accolades” for what she accomplished; however, similar to Motley and many other black women who did important work and helped make the civil rights movement successful, Pigee remains invisible in the history of the movement “despite her very

real visibility” locally “in Clarksdale and the state” of Mississippi and the region in which she lived and worked (Hamlin, pp. 87, 88, 2012).

Hamlin argued that Pigeo’s “invisibility in history is typical of the women who worked in the NAACP... Her exclusion from the official records of the mass civil rights movement stems largely from the omission of her name from most organizational reports about conferences and meetings.” She organized and actively participated in most of the important meetings and conferences; however, the official NAACP reports “promote the recognizable national names,” and not Pigeo or “the local people” who did the groundwork. Hamlin wrote that in her role as secretary of the local chapter, “Pigeo corresponded with and hosted most of the senior officers when they were in Mississippi and during national conventions” but she did not share the national spotlight with them in the civil rights community on a national level. Her “invisibility...denied her any credit when her colleague [Aaron Henry] took center stage...She could not access his networks, which enabled him to receive the mantle of formal leadership in the national spotlight” (Hamlin, pp. 87-88, 2012).

Two photographs are used by Hamlin to illustrate and compare the attention, national prominence, and visibility, Henry, a local community leader, pharmacist, and president of the Mississippi state NAACP chapter received when he testified at the 1964 Democratic National Convention with the invisibility and minimal attention Pigeo received when she introduced Motley at a local NAACP branch meeting (Hamlin, pp. 89-90, 2012).

During the civil rights movement, Herbert Wright was the director for youth and college students at the NAACP. He worked with Motley and other women

activists who worked for the NAACP. “The women played a major role...in the breaking down of the racial barriers in the South. I can think of numerous instances of women leaders who directed the fight,” Wright said. Among other activities, he said, unsung and little known black women led on many fronts. “Women led the fight to end discrimination in voting. They led the fight against the poll tax. They led the fight for admission of black undergraduate students to the University of Texas and the other major colleges in that state and in other universities throughout the South – in Georgia, Florida, in Mississippi.” When he mentioned the NAACP in particular, Wright stated, “We had outstanding women working with us providing the leadership and the guidance and the direction. Many of the civil rights leaders were women working with our youth groups.” As an example, Wright mentioned the key role Juanita Jackson Mitchell played at the NAACP and in desegregating the University of Maryland. “Juanita was my predecessor as the national youth director of the NAACP and she was from Baltimore...In addition to playing a leadership role, Juanita became the plaintiff in the admission of blacks to the University of Maryland. She was one of the first black women candidates for admission to the University of Maryland Law School and graduated from the University of Maryland Law School,” said Wright (Wright, 2009).

Similar to the NAACP, gender limited and restricted black women’s experiences, opportunities, and visibility in the SCLC, a male dominated organization in which King, a founder and the first President, was the primary spokesperson. He was recognized by the media, the public, and historians as a leader and primary agent of social and political change in the civil rights movement.

Formal titled positions in the SCLC were held by men, mostly black ministers who dominated at the executive staff level (Robnett, p. 94, 1997; Robnett, pp. 1670, 1996). Robnett found that only two areas (fundraising and citizen education) were generally available for women at the executive staff level (Robnett, p. 93, 1997). She wrote that women did not hold seats on the SCLC board of directors until 1965 and, even when they were included in board or executive staff meetings, women were excluded from important decision making positions (Robnett, pp. 1670-1677, 1996). Robnett also found that gender played a role at most of the SCLC conventions where the only women allowed to participate by speaking were Septima Clark and Dorothy Cotton (who ran the education area of the organization) and Diane Nash (who was the youth group coordinator). Women were limited to a few minutes to report on the progress of their respective programs. They were also marginalized at board meetings and executive staff meetings where they were limited with respect to oral presentations and their comments were not taken seriously, especially if they were policy suggestions.

Clark, Baker, and other black women who perceived that sexism existed in the SCLC commented about it. Clark wrote as follows about the sexism:

I was on the staff of the SCLC, but the men on it didn't listen to me too well. They like to send me into many places, because I could always make a path in to get people to listen to what I have to say...Reverend Abernathy would say continuously, 'Why is Mrs. Clark on this staff?' Dr. King would say, 'Well she has expanded our program. She has taken it into eleven deep south states.' Rev. Abernathy come right back the next time and ask again (Standley, 195-196).

Baker remarked that, "I knew from the beginning that as a woman...in a group of ministers who are accustomed to having women largely as supporters, there was no



place for me to have come into a leadership role.” She also stated that “having a woman to be an executive of SCLC was not something that would go over with the male-dominated leadership” (Harley, p. 188, 2000).

Baker was critical of the single leader model utilized by King and the SCLC. She advocated a group leadership model instead. She argued that strong people did not need strong leaders (Peacock, 2008; Elliott, 1996). Baker also believed that the media made leaders.

Baker’s opposition to the single leader model leadership style was a factor in her decision to encourage college student protestors to form the SNCC rather than become an affiliate of the SCLC. She encouraged the SNCC to adopt a group leadership model in which all participants would have an opportunity to acquire management skills and speak for the organization (Payne, p. 2; 1995; Standley, p.194, 1993). It initially adopted a group centered decision making process; however, gender still impacted black women’s leadership opportunities in the SNCC. The organizational structure limited their participation and visibility because of their gender.

Women in the SNCC were seen as capable. They were accepted as equal participants in sit-ins, freedom rides, and grassroots organization but restrictions that involved gender based assumptions were imposed on their participation as formal leaders with titles. Men held most formal leadership jobs and official positions (*i.e.* project directors and rotating committee chairpersons) that indicated authority over others. Men were also the visible public spokespersons who held titled positions of chairman, executive secretary, program director, and executive committee members

(Fleming, 2001; Robnett, pp. 134, 139, 1999). Women were assigned gendered behind the scene jobs such as telephone operators, clerks, secretaries, office managers, personnel managers, work in the financial department, and other office work. (Job titles and positions adhered to gender-based divisions of labor.) In her piece, "Black Women and Black Power: The Case of Ruby Doris Smith Robinson and the Student Nonviolent Coordinating Committee," Cynthia Fleming wrote that when Ruby Doris was elected to a titled position in the SNCC in 1966, it was an "extremely rare feat for any woman" (Fleming, p., 211, 2001).

After 1966 when Stokely Carmichael assumed leadership as Chairman of the SNCC, it adopted the Black Power philosophy which had negative implications for women's leadership. The SNCC ceased to be a participatory democracy; power was centralized in men. The organization promoted a philosophy that centered on the assertion of black masculinity and patriarchal power over women (Hartmann, p. 33, 1989; Robnett, pp. 156-160, 1999). Women were subjected to "tremendous and often unpleasant pressures to step aside," serve in clerical and other gender based positions, and support their black men. Those who sought to be leaders and who deviated from the gender based positions were ostracized; they were denounced for aspiring to take over the organization, for being too domineering and robbing black men of their manhood, and for being castrators and posing a threat to black manhood (Fleming, pp. 207-208, 2001).

### **Black Women Activists Were Forced To Adopt Alternative Leadership Styles**

Because of oppression in society and gender discrimination in the movement, black women were mainly limited to achieving positions of power based upon their

community work or extraordinary activism rather than from a titled leadership position in a black church, national civil rights organization, or other institutional hierarchal structure that was available for men on the national level. Some black women counteracted the oppression and discrimination by adopting various types of nontraditional leadership styles that were different from the conventional models employed by men.

The leadership styles the women utilized included organizing campaigns, supportive networks, essential office work, and fundraising. They taught in freedom schools, organized and led membership drives, and directed voter registration campaigns. They organized and participated in boycotts, marches, sit-ins and other types of direct action leadership. Some women even took up arms and fought battles in the streets (*i.e.* Angela Davis and women members of the Black Panthers and Gloria Richardson). Others mobilized the masses in small towns and cities to participate in and support the movement. "It was the women going door to door, speaking with their neighbors, meeting in voter-registration classes, and organizing through their churches, that gave the vital momentum and energy to the movement, and that made it a mass movement," said Andrew Young, former Ambassador to the United Nations, former Mayor of Atlanta, and former civil rights leader (quoted in Payne, p. 265, 1995). Without their work, there may not have been participants for a mass movement.

Black women also utilized a style of leadership known as bridge leadership. As bridge leaders, they connected social movement organizations and their potential constituents – communities of black people needed to support the movement and

bring about change (Robnett, pp. 19-26, 113-114, 1997). Robnett discussed bridge leadership; she defined it as the intermediate layer of leadership and the primary area of leadership employed by black women that was socially constructed and largely determined by gender (Robnett, 1997).

Women became bridge leaders and adopted other nontraditional leadership styles not because they lacked the experience or ability to be formal leaders with titles but because of gender discrimination and other constraints imposed on them. The nontraditional styles were the only types of leadership women were allowed to assume (Robnett, pp. 19 - 26, 113-114, 1997). They provided the organizing on the local and the regional level that formal networks and leaders needed to recruit participants to get involved in the civil rights movement. Without this important work performed primarily by black women, the protest demonstrations led by charismatic male leaders of national organizations might never have even occurred (Harvell, p.16, 2005).

Many blacks, especially those in Southern rural areas were not predisposed to join the movement because they feared for their lives or jobs or both. They were afraid that the "outsiders" who came to their communities would stir up trouble and get them killed. Often male dominated national organizations and their leaders with formal titles could not mobilize the masses or gain the support of blacks in the rural South because they were disconnected from their local organizations. They were the outsiders who had no connections to people in local communities, they did not understand issues that affected people in the local communities, and they were not trusted by the people (Hamlin, pp. 22, 23, 2012). Grassroots leaders, primarily

black women organizers and bridge leaders who had little or no direct access to the power politics of formal organizations, were the insiders who had the confidence and loyalty of the masses in local and rural communities. They went into local areas and provided the strategy needed to connect people in isolated rural areas to movement organizations; they recruited and mobilized the participants needed to make it a mass movement (Hamlin, 2012; Robnett, pp. 1663-1664, 1679, 1996; Robnett, pp. 16-17, 1997). Mobilization of the masses, especially in southern rural areas, may not have been achieved without the work performed by black women.

In her work, *Geographies of Mentorship: Black Women and the Civil Rights Movement, A Case Study of Septima Clark and Ella Baker*, Jardana Peacock discussed the gender constraint and its impact on black women and their leadership (Peacock, 2008). She used Clark and Baker to emphasize how black women who participated in the movement negotiated the oppression that they were subjected to because of their gender and how the leadership styles they were forced to develop and adopt differed from the conventional models men used.

Peacock explored sexism in the SCLC. She argued that rather than accept marginalized status and exclusion on the basis of gender, Baker and Clark responded by adopting an alternative group leadership style that differed from the style utilized by men in male dominated organizations and that incorporated mentoring, mobilizing participants, and grassroots organizing to build relationships in their daily activities with people in local communities. Because their gender prevented them from attaining a formal leadership position in the SCLC, they developed a secondary or intermediate level of leadership to facilitate social and political change.

Barnett also explored the issue of gender and leadership. She, too, found that the gender constraint limited black women's participation as formal leaders so they became the primary organizers in order to bring about radical change (Barnett, 1993). They organized and initiated protest activities, formulated strategies and tactics, and mobilized resources on the local/regional level – especially the communication networks, funds needed to finance the movement, and personnel and workers required for successful collective action (*i.e.*, they led organizationally). The women were not perceived as leaders because they did not have formal titles. They did not perform traditional leadership roles and make speeches at public rallies and mass meetings – the roles that were perceived by some to be more valuable to the movement than the informal leadership styles employed by the women.

In her essay, “We Seek to Know...in Order to Speak the Truth: Nurturing the Seeds of Discontent – Septima P. Clark and Participatory Leadership,” Jacqueline A. Rouse examined the impact of the gender constraint and grassroots work that Clark and Baker performed. She found that through leadership at the grassroots level, Clark and Baker demonstrated that women, as well as men, could be leaders even if constraints prevented them from attaining formal titles or the respect they and their work deserved. She argued that, because Clark and Baker were accepted as leaders by the masses, the formal male activism model of leadership was no longer the only style of leadership that was acceptable.

The gender constraint put obstacles in their way, however, some black women became traditional leaders, held formal titles in organizations on the *local* level, and led innovative and successful programs that transformed American society. Some of

the women include: Daisy Bates, President of the local NAACP branch and leader of the black community in Little Rock during the crisis to desegregate Central High School; Fanny Lou Hamer, Vice Chairperson of the Mississippi Freedom Democratic Party, a recognized leader on the local level in Mississippi and a spokesperson for the organization at the Democratic national Convention; Diane Nash, Chair of the Central Committee of the Nashville Student Movement and leader of sits-ins and freedom rides; Ruby Doris Smith Robinson, leader of the Spelman Student Movement who also helped Nash develop field operations for strategies employed in sit-ins and freedom rides they organized; Jo Ann Robinson, President of the Women's Political Council and leader of the Montgomery Bus Boycott; Vera Mae Pigee, secretary and leader of her local NAACP chapter in Mississippi and leader of direct protest activities to desegregate public facilities in that state, and Gloria Richardson. the leader of the Cambridge Movement, a local civil rights campaign, and an advisor to the Cambridge Nonviolent Coordinating Committee (CNCC), a branch of the SNCC.

Feminist scholars wrote these and other black women into narratives of the civil rights movement; they presented a new and different way of understanding leadership and "how attention to gender advances [that] understanding" (Greene, p.165, 2005; Robnett, p. 19, 1997; Harvell, pp. 13-17, 2005; Barnett, p. 165, 168, 169, 1993). The scholars challenged male centered narratives and the perception that there was a singular leadership style and that the movement was only led by men in national organizations. Their findings demonstrate that a large contingent of diverse black women participated in the movement as leaders. Their findings also

demonstrate that there were many different levels and styles of leadership employed in the movement and that black women's action and agency mattered.

The diverse group of black women included professionals, entertainers, students, school teachers, college professors, business women, church workers, domestics, service workers, club women, entertainers, housewives, factory workers, sharecroppers, welfare recipients, Head Start activists, beauticians, and family members (grandmothers, mothers, daughters, sisters) (Barnett, pp. 168, 169, 1993).

Leadership styles exhibited by the women ranged from traditional formal leaders of organizations and charismatic influence and power leaders to bridge leaders, grassroots leaders, behind the scenes leaders, and foot soldiers (Lafayette, 2011; Barnett, p. 163, 1993). They risked their lives, economic security, families, and homes and performed important work that helped transform America into a more equal and just society.

### **Case Studies: Invisibility Of Black Women Change Agents In Historical Narratives Of Two Catalytic Events Of The Civil Rights Movement – The Montgomery Bus Boycott And The Desegregation Of Central High School In Little Rock**

#### **The Montgomery Bus Boycott: Women Led It But Men Got The Credit**

In her book, *Black Women Leaders Of The Civil Rights Movement*, Zita Allen asserted that black women were often the spark that ignited a number of the movement's most prominent protests, demonstrations, and activities that historians described as having been led by black men when in fact they were led by black women. Rather than giving the women credit for their leadership and work, historians often gave the credit for their work to black men. Allen used the



Montgomery Bus Boycott as an example. After black women had initiated, organized, and sustained it, black men – primarily ministers – stepped in, took over, and became publicly acknowledged as the leaders.

Historical narratives credit Martin Luther King, Jr. with starting and leading the boycott. Allen emphasized that it was not started by King or any of the city's other black ministers. She wrote that credit for organizing and leading it belongs to Jo Ann Robinson and black women members of the Women's Political Council (WPC). In her book, *Freedom's Daughters: The Unsung Heroines of the Civil Rights Movement from 1830 to 1970*, Lynne Olson also wrote about the women who led the boycott (Olson, 2001).

Robinson and the women of the WPC had planned the boycott long before King and other black ministers got involved. The women had filed a written complaint with Montgomery's mayor about the policy that required blacks to surrender their seats to white bus passengers and warned that they would organize a boycott of the buses if the policy was not changed (Allen, 1996; Robinson, 1987). While they were finalizing their boycott plans, Claudette Colvin, a sixteen year old black girl, was arrested and physically dragged off of a bus because of her refusal to get out of her seat and give it to a white passenger. Colvin was an unmarried and pregnant teenager. As a result of her out of wedlock pregnancy, and the negative portrayal of black women's sexuality, the black establishment and religious community in Montgomery determined that she could not be the standard bearer for protest action (Olson, 2001; Branch, 1988).

The anger and outrage over Colvin's physical abuse and arrest was still simmering when Rosa Parks refused to give up her seat. That's when Robinson and the women of the WPC took action. As word that Parks had been arrested spread, Robinson stepped in, organized the boycott, and put the WPC's plan into effect. She drafted, mimeographed, and distributed over 52,000 handbills alerting black residents of Park's arrest and urging them to demand an end to the discriminatory policy toward blacks (Allen, 1996; Alpin, 2011; Branch, 1988; Olson, 2001; Robinson, 1987). The handbills urged every black person in Montgomery to stay off the buses in protest over the arrest of Parks. Throughout the duration of the boycott, Robinson produced a newsletter and distributed leaflets to keep the black community informed about the boycott which initially was only supposed to last throughout the one day that Parks was on trial. However, at the end of that day, the boycott had been so successful that Robinson decided to continue it until the bus company changed its policy. The boycott lasted 382 days; it ended after the Court ruled that segregation in public transportation was illegal and the bus company abandoned its policy of forcing black passengers to surrender their seats to whites (Allen, 1996; Branch, 1988; Olson, 2001; Robinson, 1987). Robinson and the other black women were change agents not only in initiating and organizing the boycott but also in its successful conclusion.

The boycott established a new form of racial protest, ignited the civil rights movement, and led to King being appointed president of the Montgomery Improvement Association (MIA) (Crowell, 2011). As soon as he became the "newly appointed president" of the MIA, King "delivered his first speech on the bus boycott. An overflow crowd of thousands...spilled out of the church and into the streets.

Outdoor speakers were set up to enable all in attendance to hear the first address of the young and emerging leader,” a black minister who became the recognized spokesperson for the MIA and the boycott (Crowell, p. 27, 2011).

Robinson was not acknowledged as the leader of the protest action – the boycott – because she was a woman. King gave Robinson some credit for initiating the boycott; however, he suggested that it was actually E.D. Nixon, a man and former president of the local NAACP, who spearheaded the action. Johnnie Carr, a participant in the boycott, disputed the role Nixon played in it. She characterized him as a hardworking man who did not have the capacity to lead the boycott and hold the movement together. She recalled that Nixon did assist by acting as a mediator between the ministers and the women of the WPC (Robnett, p. 62, 1997). “After learning of Rosa Park’s arrest...Robinson called E.D. Nixon...to suggest that the people of Montgomery boycott the buses...Nixon called Dr. Martin L. King. And both agreed to the suggestion” (Alphin, p. 32, 2011).

Nixon played a role in the boycott, but he was not a formal leader; he was a bridge leader who was in the “inner circle” with King and the other ministers. (Some men in the movement were bridge leaders rather than formal leaders with titled positions; however, they were not precluded from becoming a part of the inner circle in the same way that women were excluded.) Because of their gender, black women were excluded from the inner circle of the formal leaders; they were “outsiders within.” Robnett argued that it was necessary for one to be a man in order to be a part of the inner circle (Robnett, pp. 22, 164, 1997). Nixon, a man, was in a position that allowed him to be in the inner circle, have access to the ministers, and persuade

them to support the boycott after the women had done all of the work in the early phase.

Gender was important in King's perception of the role Nixon played in the boycott. Robinson and the women were not perceived as the leaders because they were excluded from both formal leadership and the inner circle. Nixon was not formally educated and was not a minister; therefore, he too was excluded from the position of a formal leader. However, because of his gender, Nixon was able to become a part of the inner circle and occupy a secondary formal tier of leadership located between the women of the WPC and the black ministers. That allowed him to be perceived by King as the initiator of the boycott (Robnett, pp. 62-63, 1997).

The work the black women performed in the early phase allowed the men to join the protest activity, ascend to formal leadership of an *already mobilized* constituency and movement, and emerge as leaders. When the men got involved, the women receded into the background and became invisible. The men, on the other hand, made speeches at rallies and mass meetings to overflow crowds where they were perceived by the civil rights community, the public, the media, and historians as leaders of the boycott and the agents of change.

### **The Desegregation Of Central High: Daisy Bates Led It But She Was Still An Outsider Excluded From The Inner Circle Of Male Leaders Of The Movement**

Carolyn Calloway-Thomas wrote about Daisy Bates, the President of the local NAACP branch and the formal leader of the black community in Little Rock during the crisis to desegregate Central High School in her article, "Daisy Bates and the Little Rock School Crisis: Forging the Way" (Calloway-Thomas, 1993). Bettye

Collier-Thomas researched and wrote about Bates in her book, *Sisters in the Struggle: African American Women in the Civil Rights Black-Power Movement* (Collier-Thomas, 2001). In her memoir, *The Long Shadow of Little Rock: A Memoir*, Bates also wrote about her leadership in the struggle to integrate the school (Bates, 1987). (The important work Bates performed in her capacity as a formal leader demonstrates that there were some black women who were traditional leaders and who overcame the gender constraint and operated outside of the feminine role assigned to them by society and the civil rights movement.)

Bates was the central participant in the crisis surrounding the desegregation of Central High. She was a formal local community leader; she initiated the action to desegregate the school and she sustained the efforts of the students and their parents during the crisis (Bates, 1987; Calloway -Thomas, 1993; Collier-Thomas, 2001). Bates was also the bridge that connected formal male leaders to the cause of the students and their parents. Although she enjoyed some media coverage and had direct contact with the national government, Bates was not in a position of authority within the national NAACP. She was an outsider and was excluded from the inner circle of national leaders because she was a woman. She was even excluded from the national level negotiations between the federal government and the male leaders of civil rights organizations (King of the SCLC and Roy Wilkins of the NAACP) to resolve the Little Rock crisis which she had organized and led (Robnett, pp. 83-84, 1997).

### **More Case Studies: Invisibility Of Black Women Actors In The March On Washington And Disrespect At The Democratic National Convention In 1964**

Dorothy I. Height reflected on male/female power relations in the civil rights movement, invisibility of women, and the sexism that existed during the historic March on Washington in her essay, "We Wanted the Voice of a Woman to be Heard: Black Women and the 1963 March on Washington" (Height, 2001). Thousands of black women participated in the march; however, the men who organized the march failed to include any woman as a major speaker. Height and other members of the National Council of Negro Women (NCNW) expressed concern about the lack of visible and direct representation of women as speakers. They approached the march organizers and suggested that a woman be included as a major presenter. The organizers, primarily men, were unreceptive to the suggestion. The women were unsuccessful in the attempt to have a woman added to the program. No woman was invited to make a major speech and no woman was invited to be part of the delegation of leaders who went to the White House after the march (Height, p. 86 - 88, 2001).

The men were able to exclude the women because of the socially acceptable view that women were expected to remain in the background and behind the scenes – be invisible – and support the men while the men were expected to be the leaders, to speak, and to be visible at public events. The actions of the organizers reflected the expectations about gender roles in the greater society and the differences in power relations that existed among men and women actors in the civil rights movement.

The marginalization and disrespect of Fannie Lou Hamer by male leaders of national organizations at the Democratic National Convention also demonstrates the difference in power relations that existed between men and women actors in the

movement. It provides another example of how men had more traditional power than women and how they used their power against women.

In 1964, the Mississippi Freedom Democratic Party (MFDP) sent Hamer, its elected Vice Chairperson, and a delegation of poor Mississippians to the Democratic National Convention in Atlantic City to challenge Mississippi's segregated Democratic Party and its all white delegation. At the Convention, Hamer fought to have members of the MFDP seated as delegates. King, Roy Wilkins, and Bayard Rustin, the formal national leaders, were pressured by elected officials to accept a compromise in which only two seats were given to the MFDP delegates. (Elliott, p. 601, 1996; Robnett, pp. 157 -158, 1997). When Hamer refused to accept the compromise, she was unfairly excluded from further negotiations.

Despite Hamer's appeal and her formal title on a local level (*i.e.* Vice Chair of the Mississippi Freedom Democratic Party), she was not accepted as a primary formal leader within the social movement sector on the national level. The men had more power than Hamer and they used it against her. (Gender operated to undermine the power of Hamer.) The men did not acknowledge Hamer as a leader; she was not a part of their inner circle and she did not have the power that men had (Robnett, pp. 164 - 165, 1997). During a heated argument when she objected to the compromise that only allocated two seats to MFDP delegates, Wilkins reportedly stated that Hamer and the other women were ignorant of the political process and they should listen to their leaders – the men – and they should just go back home to Mississippi (Robnett, p. 159, 1997).

Black women's participation in the movement was shaped and informed by their class as well as their gender. They were constrained in the role they played because of biases based on class and gender.

Both class and gender were determinants of who became a formal leader and in what context others participated in the movement (Robnett, 7, 1997). Elite and educated black men were acceptable as formal leaders of the movement, however, poor and uneducated black women were not. As an example, Robnett wrote that a SNCC leader commented that middle class SNCC members were embarrassed that Hamer, an illiterate and poor black woman from rural Mississippi, was representing them and speaking at the Democratic Convention. Robnett also asserted that the emergence of King, as the recognized formal leader on a national level, can be tied to his "fit with a set of culturally prescribed attributes" as "black, male, educated, and a minister." She argued that an uneducated poor woman who was not a minister could not have emerged as a formal leader of the movement on the national level. She concluded that "if Dr. King, had lacked any one of the constructs" (race, gender, class, or cultural status), he could not have been acknowledged as the leader. Robnett further argued that although the church served as the institution from which King assumed formal leadership of the movement, it was the "overarching cultural context" and beliefs about race, gender, class, and his status as a black minister "that defined his position as a leader" (Robnett, p. 30, 1997).

The experiences of Robinson, Bates, Height, and Hamer are only a few examples of the constraint, difference in power relations between men and women, the invisibility of black women actors, and the failure of the civil rights community as



well as the public, the media, and historians to perceive them as leaders and to acknowledge and value their work.

Although women's work was essential to the success of the civil rights movement and the development of the United States; "studies of black women as workers lagged far behind the study of black men's or white women's labor for most of the twentieth century. Scholars and governmental agencies paid little attention to black women workers, except as domestics" (Harley, p. Preface, xvii, 2002). *Sister Circle: Black Women And Work*, a scholarly book by feminist academics, addresses the oversight of black women workers. Articles in the book illuminate their struggles, achievements and the various ways in which they assumed leadership roles in social, political, educational, and economic reform movements throughout history. It also draws attention to a diverse group of black women and the different ways in which they worked.

Black women led struggles to abolish slavery and for the adoption of antilynching laws, women's suffrage, fair housing, temperance and to abolish poll taxes and white primaries. Long before the civil rights movement of the 1950s-1960s, Sojourner Truth, Harriet Tubman, Anna Julia Haywood Cooper, Ida B. Wells-Barnett, Mary Church Terrell, Mary McLeod Bethune, and Dorothy I. Height were among black women who worked to eliminate racial discrimination and social inequalities (Harley, 2002). They served as role models for black women actors during the civil rights movement who fought to eliminate *Jim Crow* and for contemporary black women workers.

“Civil rights and economic activism” were closely related for black women workers such as the seamstress Rosa Parks and the sharecropper Fannie Lou Hamer, and for thousands of workers who boycotted and demonstrated” during the civil rights movement (Harley, p. 8; 2002). They acted to bring about change and to improve the economic and political status of blacks and women (Harley, 2002). The black women activists “argued for the rights of black men and women, particularly the right to work with dignity, free from racial oppression” (Harley, Preface, xviii, 2002).

Over the years black women have exercised the rights they fought for and performed paid and unpaid work in diverse occupations. The women have ranged from professional and educated mothers and wives to uneducated and single mothers. They have worked as public and private school teachers, college and university professors, writers, visual and performing artists, anthropologist, inventors, corporate executives, athletes, secretaries and clerks, beauticians, seamstresses, and industrial workers making cars, army vehicles, and aircraft workers. They have also worked as janitors, farmers, domestics, and sharecroppers (Harley, 2002). Black women have overcome barriers and worked in black churches as ministers and pastors; they have worked as elected officials on the local, state, and national level and they have worked as policy makers. They have secured jobs as tourist workers, hotel managers, photographers, museum curators, authors, journalists, mass media figures, entertainers, accountants, economists, doctors, nurses, and other medical practitioners. Black women have also worked in “legal and illegal jobs in nightclubs, dance halls, jook joints, and private homes (Harley, p. 50, 2002). Some black women have even worked in the criminal underground economy and operated houses of

prostitution and taken bets on numbers prior to legalized gambling” (Harley, pp. 48 - 66, 2002). Harley wrote about Odessa Marie Madre, a dark skinned black woman who “was a prominent figure in the mid-twentieth century in Washington, D.C.” and who worked in the male dominated underground economy” because she “recognized that the few professional and clerical jobs open to educated black women were more likely to be filled by light-skinned, so called attractive women,” (Harley, p. 53, 2002).

### **Invisibility Of Motley: Legal Strategist, Trial Attorney, Change Agent, Leader**

Some unrecognized black women actors performed their work in nontraditional political spaces for women during the civil rights movement. Motley was one of them; she performed her work as a legal strategist and litigator in courtrooms across America at a time when the legal profession was almost exclusively populated with men and black lawyers and women lawyers were almost nonexistent. There were very few women lawyers and almost no women litigators who argued cases in court when she began her work at the LDF in the 1940s. For most of her career, Motley was the only woman lawyer at the LDF and the only woman trial lawyer who performed her work in the courts. In a 1991 interview for *Ms. Magazine*, she commented that, “In the 1940s women lawyers were a joke in most courthouses and unheard of in virtually every place except New York City. She continued and stated that when she tried a case in Jackson, Mississippi in 1948, it was such a novelty that “the whole town turned out to see the Negro lawyers from New York, one of whom was a woman” (*Ms.*, pp. 88-89, 1991).

I am supposed to tell you about some of my personal experiences over the last forty years as a black woman and a woman in the legal profession but let me note that during that period I have spent most of my time trying to decide who is in the good guy camp and who is in the bad guy camp. As a result, my view of the world is that men fall into two camps, the good guys and the bad guys.

Now one thing that most people have been curious about regarding my career and have always asked me about is, how I happened to study law. What made me decide to become a lawyer? That's a difficult question really because it is a very complicated question. But let me try to simplify it for you. Let me say that my becoming a lawyer was the result of commitment of one of the good guys (Motley quoted in Smith, p. 41, 2000).

Just before I graduated from Columbia Law School, I was fortunate enough to get a job as a law clerk on the staff of the NAACP Legal Defense And Educational Fund. The chief counsel was Thurgood Marshall. And there was another one of those good guys, because if it had not been for Thurgood Marshall's liberal view of how women ought to have the same chance as men to become lawyers, I probably would not be standing here today telling you about my career (Motley quoted in Smith, p. 42-43, 2000).

### Chapter Three

**"I was the kind of person who would not be put down. I rejected the notion that my race or my sex would bar my success in life," (Motley, p. 41, 1988)**

More often than not, when the name, Constance Baker Motley is mentioned, the response is, "Who was she?" or "What did she do?" The answer is that Motley was a pioneer and trailblazer in the legal profession. She was a black woman who broke down barriers, overcame the gender constraint, and operated outside of the feminine role often assigned to women by society and the civil rights movement. She was a key litigator and strategist for most of the significant desegregation cases during the movement. She was one of the first women ever – black or white – to

argue a case in court. She was a civil rights advocate who performed important work that brought both immediate and long term social and political change to America. She was also an elected political leader and a federal judge.

Motley was born in New Haven, Connecticut on September 14, 1921. She was the ninth of twelve children of Rachel Keziah Huggins Baker and Willoughby Alva Baker, both of whom were immigrants from Nevis, British West Indies (Martin, 2005). Motley's father left Nevis and arrived in New Haven in 1906. Her mother moved to New Haven in 1907 to marry Motley's father (Motley, pp. 11, 13, 1988; Gellhorn, pp. 17 - 22).

There were few job opportunities for blacks when Motley's family migrated to New Haven. She wrote that, "Prior to World War II there was nothing for blacks to do except domestic work or work at Yale." Her father got a job at Yale where he became chef of the Skull and Bones Club; he remained at that job throughout his life (Gellhorn, pp. 34- 35; Martin, 2005).

While growing up in New Haven, Motley was keenly aware that the only jobs available to her father and other blacks were service jobs or domestic work even if they were educated and qualified for positions that were exclusively reserved for and only available to whites. This realization of the limitation on opportunities available to blacks, because of their race, motivated her to want to become a lawyer and fight to change the system of racial discrimination in employment.

Motley's parents were Episcopalians; they were brought up in the Anglican Church, the main church on the British island of Nevis. When they arrived in New Haven, they joined St Luke's Episcopal Church, the only Black Episcopal Church in

the city. St Luke's was not only the church that Motley's family attended when she was a child, it was also the church where she married her husband, Joel Wilson Motley, Jr. in 1946, and where her funeral was held October 5, 2005 (Days, 2005).

All of the West Indians Motley and her family knew belonged to St. Luke's; they could all see and socialize with each other on Sundays at church. They had what Motley referred to as a common background. The church was the place where West Indians from Nevis, Jamaica, Granada, Montserrat and other islands gathered (Gellhorn, pp. 30 - 32).

Life in her home was what Motley described as traditional in West Indian families. Her mother was a home maker and caretaker for the children; she was always home. She had originally planned to become a school teacher but "gave that up to marry" Motley's father (Gellhorn, pp. 21-22, 35). Her father was a very strong father figure; he was the "head of the family who earned the money and decided how it was going to be spent." He would "dish out" a "fixed amount of money to her mother each day." If Motley's mother needed an additional amount of money to buy shoes or other items for the family, she had to sit down with her father and explain what the money was to be used for (Gellhorn, pp. 35, 36).

### **Education And Inspiration To Become A Lawyer**

Motley attended integrated public schools in an ethnically diverse community "composed of West Indian, Irish, Jewish, and Polish families" near her home in New Haven (Martin, 2005). Education was very important in her home; her parents realized that it was an important tool for advancement. Both of them finished the English standard school in Nevis which is comparable to completion of the eighth or

ninth grade in the United States. Motley's father, in particular, "was a person who understood the value of education having been born in the West Indies, and so he agreed to turn loose some of his money he had saved" for his children's education. All of Motley's brothers and sisters, except her youngest sister who had health issues, were well educated and had successful careers (Gellhorn, pp. 40, 41, 42). The limited "financial resources" Motley's parents had went into making sure that she and all of her siblings "went to elementary school, high school and on to college as best they could" (Gellhorn, pp. 81, 82, 83).

Similar to other people from Nevis, Motley's parents settled in the part of New Haven where immigrants settled. It became a tradition of her family and other West Indians in New Haven to go to the Welcome Hall on Sunday afternoon at 3:00. The Welcome Hall provided a camp for children in the summer; it also provided different types of classes for them (Gellhorn, p. 85). One Sunday after leaving the Welcome Hall when she went to a beach (in either Branford or Milford) with some white youth (a racially mixed group), Motley was turned away and not permitted to enter the beach because she was black (Martin, 2005; Gellhorn, pp.101, 102). The exclusion from the beach incident motivated her to become a civil rights lawyer so that she could attack the system of racial injustice that permitted whites to enter public areas but prevented blacks from entering them because of their race.

Prior to the beach experience, Motley had not been exposed to any "white only" or "colored only" facilities. She had not personally been subjected to *Jim Crow* – legal segregation that she recognized. She was not knowledgeable about the black experience in America and the kind of racial discrimination black people lived with

on a daily basis, especially in the South, because she had not been taught black history in school or at home (Gellhorn, p. 157).

Motley was first exposed to black history at St. Luke's when a new minister came from St. Augustine College in North Carolina. She was a teenager at the time. Shortly after arriving at the church, the minister realized that there was no black history being taught at all in New Haven schools so he "instituted a program of black history, and every Friday night at the young people's fellowship meeting he taught" black history to Motley and other youth (Gellhorn, p. 95; Holley, 2005).

One of Motley's teachers at the Welcome Hall was Alice White. On Saturday afternoons, Miss White invited Motley and other children to her house and read literature to them. During the visits, Miss White read to Motley about Abraham Lincoln and his belief that "the law was one of the most difficult professions that a person could go into." Later in life, Motley reflected on the influence Miss White had on her life; she believed that by reading and talking to her about Lincoln, Miss White inspired her to seek to become a lawyer. She credited Miss White with having more influence directly on her life than any of her regular school teachers (Gellhorn, pp. 85-86, 88, 89, 92).

When growing up in New Haven, Motley was aware of two black lawyers in the city. Both were men. One of the lawyers, George W. Crawford, a graduate of Yale Law School, was very prominent and successful. After being introduced to black history by her minister at church, reading black history books, and learning about the struggles of civil rights heroes, Motley was inspired to become a lawyer and join the fight for equality and justice for blacks.



Motley decided that she wanted to be a lawyer at the age of fifteen (Holley, 2005). She informed her teachers of her decision; however, they didn't think much of it because they "could not envision any black woman being a lawyer" (Days, 2009; Ogletree, 2009; Gellhorn, pp. 91 - 92). Her family did not encourage her to pursue a career in law either. Her mother thought she should become a hairdresser (Holley, 2005). No one seemed to think it was a good idea for her, a young black woman, to aspire to be a lawyer so she received no encouragement.

The lack of encouragement did not deter Motley. In fact, the effect was just the opposite. The lack of encouragement motivated her to pursue her dream. "I was the kind of person who would not be put down. I rejected the notion that my race or my sex would bar my success in life," she wrote (Motley, p. 41, 1988).

Elaine Jones, a prominent civil rights lawyer and the first woman Director-Counsel and President of the LDF, elaborated on Motley's resolve to become a lawyer despite the lack of encouragement from her teachers and family. "Constance Baker Motley knew she wanted to be a lawyer. She knew it and she knew it early. How she was going to do it, she didn't know," Jones said (Jones, 2009).

Charles Ogletree, the Jesse Climenko Professor of Law at Harvard University and founder of the Charles Hamilton Houston Institute for Race and Justice, also commented about the lack of encouragement Motley received to become a lawyer. "I remember her telling a story about as great a student as she was in college, that one of her professors discouraged her from going to law school. 'That's not for women.' And what he really meant to say was that's not for black women," said Ogletree.

“She took that as a challenge and went to Columbia and did an exceptional job including her first work with the NAACP” (Ogletree, 2009).

Drew Days, the Alfred M. Rankin Professor of Law at Yale Law School, former United States Solicitor General, and the first African American Assistant Attorney General for the Civil Rights Division worked as an attorney at the LDF. He reflected on a photo of Motley standing in a doorway in the South with white protestors carrying hostile signs in front of her. Motley was clutching her pocketbook, and looking firm and committed. “That photo captured, more than anything else...who the woman was. It was the photo of a woman who was confident, defiant, very firm, very straight forward, but [who] also had a grace about her that...made her particularly successful in difficult situations” and a woman “determined not to let her gender or her race or anything else prevent her from achieving her goal of becoming a lawyer or anything else she decided to do,” Days said (Days, 2009).

In September 1936, when she enrolled at Hillhouse High School in New Haven, Motley held fast to her desire to become a lawyer. She pursued an interest in political affairs, race relations, black history, and the legal profession. She read books about black history in the United States, especially those written by W. E. B. Du Bois and James Weldon Johnson, and she began to debate adults on current events (Motley, pp. 33-34, 1988). She also took on Du Bois’ challenge to become one of the talented tenth.

W.E.B. Du Bois, a Harvard educated scholar and political activist, had challenged Booker T. Washington's philosophy that blacks should limit themselves to

trade and agricultural schools and careers to achieve economic parity with whites and that they should adjust their attitudes in order to accommodate, appease, and get along with whites. Washington articulated this position in his Atlanta Compromise Speech in which he argued that, "In all things purely social, we (blacks and whites) can be as separate as the five fingers, and yet one as the hand in all things essential to mutual progress" (Harlan, pp. 583-587, 1974). Many in the South interpreted Washington's philosophy as a complete surrender of blacks' demand for civil and political equality, and, therefore, an endorsement of segregation and a limitation of the aspirations of blacks.

Du Bois asserted that blacks should not only seek economic parity with whites but that they should also demand full and complete social and political equality. He argued that talented blacks – the talented tenth – should attain university educations and become professionals (lawyers, doctors, and teachers) and gain positions of full authority with whites and then fulfill their duty to help less fortunate and uneducated blacks improve their lives and the conditions under which they lived in America. Du Bois believed that all blacks would benefit because the talented tenth would become leaders in the fight for equal rights for the black race. In 1905, to assist in achieving this goal, he and his supporters met in Niagara Falls, New York to oppose racial segregation and the accommodation and compromise with whites' policy advocated by Washington. With Du Bois as a leader, the group founded the Niagara Movement, the first black civil rights organization of the twentieth century. It was the precursor to the NAACP which Du Bois also helped found to further the goal of achieving full equality for blacks (Lewis, pp. 359, 1993).

The Supreme Court decision in *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337, 59 S. Ct. 233 (1938), may have been a factor that reinforced Motley's resolve to become a civil rights lawyer and an advocate for social and political change in America. The ruling was rendered during her junior year in high school (*Black Enterprise*, p. 23, 1977; Gellhorn, p. 91).

In *Gaines*, the United States Supreme court struck down a policy by the State of Missouri to pay for blacks to attend out-of-state graduate schools rather than admitting them to Missouri's in-State schools for whites only. The plaintiff in *Gaines* had argued that the policy of providing out of state scholarship funds for him, a black person, in lieu of admitting him to the State's law school (for whites only) violated his Fourteenth Amendment right. The Supreme Court agreed and held that when a state provides in-state graduate education for whites, it must also provide in-state graduate education for blacks. The decision in *Gaines* drew support from blacks in the South and in the North.

The Court's ruling in *Gaines* was "a prominent thing in the nation..., it was like the *Brown* decision – people just kind of automatically wanted to discuss it," Motley said (Gellhorn, p. 97). People in New Haven were very excited about the decision; they gathered at the Dixwell Community Center to discuss it.

The center was the place where black people would meet whenever any community issues came up. It had been built by Clarence Blakeslee, a successful white businessman and long-established philanthropist in New Haven.

Crawford, the black lawyer, attended the meeting and explained the *Gaines* decision to the New Haven residents (Gellhorn, pp. 91, 96 - 97). Motley recalled the meeting and Crawford's explanation of the decision as follows:

When the Supreme Court rendered its decision in the *Gaines* case... everybody in the country was very excited about it, and we went to the community house, which had been built by the man who paid for my education, and Crawford explained it to us – that the decision didn't have the meaning that it originally appeared to have. That is, white state – owned universities were not required to accept blacks. The decision simply held that the state of Missouri could not send Gaines out of the state to get his education. They had to provide it within the state. And, of course, they could provide a separate school as far as the decision was concerned, because it did not outlaw segregation. It simply outlawed sending blacks out of the state [to get an education] (Gellhorn, p. 91-92).

The *Gaines* decision reflected, and was consistent with, the Supreme Court's earlier "separate but equal" ruling in *Plessy*. It did not require states to desegregate all white schools and admit blacks. It only required them to provide blacks an education within the state in a school or location which could be separate from the school for whites only.

Motley was disappointed with the *Gaines* decision which upheld the *Plessy* separate but equal doctrine. It was an additional incentive for her to become a lawyer, challenge racial discrimination in education, and work to change the system of racial exclusion that required blacks and whites to be separated in public educational institutions because of their race.

Shortly after the *Gaines* decision, Motley graduated from Hillhouse High School with honors and her determination to become a lawyer and an advocate for equality and justice. She had planned to attend college; however, in 1939 when she graduated, "the nation was trying to pull itself out of a depression... there was not

much by way of opportunity for black people” (Smith, p. 41, 2000). Her family was poor and unable to finance her education (Smith, p. 41). Motley had written to several colleges inquiring about scholarships but the financial assistance they could provide was not sufficient to cover her expenses. Although the lack of encouragement to become a lawyer was no obstacle for her resolve to achieve her career goal, poverty was. Without financial resources, Motley did not have the means to attend college (Martin, 2005).

Instead of continuing her education, Motley took a job to try to earn money for tuition. The only job she could get was with the National Youth Administration where she learned to refinish furniture; she earned \$50 a month in that training program (Gellhorn, pp. 105, 106).

Motley also immersed herself in community and church activities. She attended lots of meetings and became very active in civic affairs. She became president of the New Haven Youth Council. She participated in political activities when groups went to lobby state legislators in Hartford, Connecticut, and she became secretary of an adult group called the New Haven Community Council. That group was formed by New Haven residents who wanted to do something about unemployment in the black community, the lack of adequate housing, and other issues that affected the quality of life for blacks (Gellhorn, pp. 98-100, 106; Smith, p. 41).

In addition to her work as a local community activist, Motley became involved in national affairs during the period in which she could not attend college. She experienced racial discrimination that she recognized in that work. It occurred at a lunch counter when she was president of the Negro Youth Council. She had

traveled from Chicago to Washington, DC in 1940 with a peace organization that was concerned about America's intervention in World War II. She was also going to Washington to accept an invitation to visit the White House and have tea with Mrs. Eleanor Roosevelt. On the way, Motley and the others in the group stopped in Indiana and went into a restaurant. The white member of the group was permitted to sit at the counter and eat, but when Motley and the black members attempted to sit down, the man behind the counter said, "We don't serve Negroes in here." One of the black members of the group called the police to complain about the refusal to serve them. In response to his call, a state police officer came by on a motorcycle and said, "They're not going to serve you here. If you want to stay and fight it, fine, but I would advise you to leave and go across the state line... They have an ordinance in this town which says that blacks are not to be found here after sundown" (Gellhorn, p. 134).

The denial of service at the lunch counter informed Motley about the manner in which racial segregation affected the daily lives of blacks in America. Prior to the incident, she had never been in a situation in which black people could not sit and eat with white people. She had grown up in New Haven where blacks and whites sat and ate together at restaurants; she had never before been refused service because of her race. The lunch counter incident further incentivized her to become a civil rights lawyer and challenge racial discrimination in public accommodations.

"The time between graduating from high school and going to college, in February 1941, was one of the most stressful periods" in Motley's life. The longer

she stayed out of school, the more she was sure her “chances of going to college would diminish” (Motley, p. 42, 1988).

Motley remained determined to go to college and become an attorney despite her economic circumstances. “Her big break came when...she spoke at a meeting” and “so impressed builder and philanthropist Clarence W. Blakeslee that he offered to finance her college education and then pay her law school tuition as well” (Derrick, p. 21, 2004). The meeting was held at the Dixwell Community Center Blakeslee had built for blacks in New Haven (Smith, p. 41-42, 2000).

The center was a beautiful building with a gymnasium and meeting rooms but blacks were not using it. Blakeslee wanted to know why so he held a meeting to find out, first hand, why they were not using the facilities (Smith, p. 42, 2000). The meeting was chaired by Crawford, the black lawyer who was on the board of directors of the center (Gellhorn, pp. 106 - 108). The board of directors was made up predominantly of white people from Yale.

Blakeslee sat through the entire meeting and listened to people express their opinion about why the community center was not being used. Motley, the youngest person at the meeting, stood up and proclaimed that it wasn't being used because blacks didn't feel like they had a vested interest in the center. She said “the reason blacks were not participating more was because they were not on the board” and “didn't have anything to say about the programs that were instituted there.” She said that black residents of New Haven “didn't feel that it was their institution” because they had “no role...in decision making at the community center” and that what was needed for blacks to take advantage of it was for more blacks from the community to



be on the board and be given more control of the center and its programs (Gellhorn, pp. 106 - 107). Years later in an interview about her comments at the meeting, Motley remarked that, "It was not the thing to say to these good white people who had established this place" and "it was very embarrassing" to the black adults who were annoyed with her for speaking up and feared Blakeslee was offended by her comments (Gellhorn, p. 107; Smith, p. 42, 2000).

Blakeslee was not offended. Instead, the day after the meeting, he sought Motley out and asked to meet with her. He was so impressed with her presentation that he invited her to his office and offered to pay for her education (*Jet*, p. 13, 1959; Martin, 2005; Smith, p. 42, 2000). When asked if she was afraid to meet with Blakeslee after she had made potentially offensive comments at the meeting, Motley replied no, "I wasn't afraid, because I guess that was my nature, not to be afraid" (Gellhorn, p. 109). She described the meeting with Blakeslee as follows:

And I went there, and he said, "I was impressed with what you had to say." He said to me, "Well, you know, this morning I called the principal of the high school and I see you graduated from high school with honors. Why aren't you in college?" I said, "I don't have the money." He said, "Well, you know, I would be willing to pay for your college education for as long as you want to go." Just like that out of the clear blue sky. And he said, "What do you want to do?" I said, "I want to be a lawyer. And he said, "Well, I'm sending my grandson to Harvard to law school and I guess I can send you if that's what you want to do" (Gellhorn, p. 109).

One of the things that Motley always remembered about the meeting with Blakeslee was his statement, "You know, Abraham Lincoln said that an independent voice is God's gift to the nation...I don't want you ever to forget that" (Gellhorn, p.110). Throughout her entire professional career, she was an independent voice.

Jones told a similar version of Motley's meeting with Blakeslee as follows:

Connie Motley couldn't go to college right away because she had no money. So she graduated high school and took a job....One evening, Clarence Blakeslee heard her give a talk in a community meeting; he met with her and was very impressed. He was 77 years old at the time... He had her come in [to meet him in his office]. They had a meeting, and he said, what do you want to do? He said, I looked up your high school record and I saw how well you had done. He asked "Why are you not in college?" Her response was, "I don't have the money." He was thinking, well, you got it now. He asked, "What do you want to do?" She said, "I want to be a lawyer." He didn't stop; he liked what he heard so then he told her, "I will support you through college and through law school." He not only paid the tuition, but he also gave her spending change and traveling money...Connie Motley tells us...she was thinking, oh, will he live to see me through this? And he did. He came to her graduation from law school. He was there. He lived to be 91 (Jones, 2009).

In 1993 when Motley was inducted into the National Women's Hall of Fame, she publicly acknowledged that Blakeslee, a white man, was responsible for her success, that he "made millions of dollars, and what he did with those millions was to help educate black Americans" (*New Yorker*, 1993; Smith, p. 42, 2000). Motley's assessment of Blakeslee's generosity and his determination to help deserving young black people obtain an education was confirmed by his niece, Katherine Blakeslee in her correspondence with me. "As a descendant [of Blakeslee], I am aware that...Constance Baker Motley...was helped, but family lore has it that there were many, many more as well. It is an awesome thought, but not one that family members seem to know much about. It was kept very private," Katherine wrote. She also shared the following family story about a communication Blakeslee had with Motley:

[T]here is one funny anecdote about Clarence Blakeslee and Constance Baker Motley. While she was in college he contacted her and asked if she didn't need money for clothes. Apparently he was experiencing similar requests from others and wanted to be sure that she had everything she needed (Blakeslee, 2009).

Motley had applied to all black colleges. After reading African American Literature, learning about racial segregation and limitations on blacks just because of their race, and the disappointing decision in the *Gaines* case, she was inspired to go to a black college and learn more about the black experience in America. She expressed her desire to go to a black college as follows:

I was very much interested by then in the whole civil rights thing and the whole black situation, which was new to me in the sense that...my parents were not American Negroes and so had no real sense of black history as people talk about it here. When you say black history here, you're talking about the black experience in the South, and West Indians are something else again. So I was for the first time all het up. You know, I'd read James Weldon Johnson and DuBois and all that kind of thing in high school on my own, because we weren't assigned that. I read it because I wanted to.

I was very much interested for the first time in my life in black history, and it was at that juncture I think that Father Edwards was teaching us black history, and we were gaining – at least I was for the first time – some pride in being black and wanting very much to be a part of the black community. And, of course, I had applied to Fisk University, and that's where I went when I finally got a chance to go to college (Gellhorn, pp. 104-105).

Fisk University was one of the black schools Motley had applied to and been accepted at during her senior year in high school. With Blakeslee's financial assistance, she enrolled at Fisk in 1941. During her train ride to Nashville, she experienced *Jim Crow* segregation and the extent to which it affected the daily lives, activities, and freedom of movement of black people south of the Mason Dixon line when she was "directed to ride in the *Jim Crow* car" (Holley, 2005). Motley had to "disembark" from an integrated car on the train "while the train employees put another passenger car behind the engine." The car that was put on was "older and rustier than the other cars on the train." When Motley attempted to get back to her

original seat on the train, a black porter said to her, 'You have to go in this car,' pointing to the one that had just been added. It had a sign reading COLORED on the coach door" (Motley, p. 47, 1988). Motley described the experience as follows:

Well, when I went to Fisk, it was my first train south, and I took a train from New Haven to New York...I don't remember whether I had to change in New York or not – but I do remember when I got to Cincinnati I had to go into the *Jim Crow* car because from Cincinnati that train was going south to Nashville, so I had to come out of the car in which I was riding and go into a car on which there was a sign that said "Colored." And that was my first real experience with segregation in the United States. I had never before experienced [legal] segregation.

I was alone and I went into this car, and there were very few blacks in there. I remember there was an elderly man [who]... said to me, "Oh, yes, you come right in here, as if to say, "This is the way it is and we have to accept it... Well, I did... So here we were in Cincinnati which was not the South, but you were required then to get in the *Jim Crow* car because the next stop I guess was going to be in Kentucky..., and that was where the segregation was required (Gellhorn, pp. 111, 112).

Although Motley knew that she would have to get into a *Jim Crow* car at some point on her train ride from New York to Tennessee, she was both frightened and humiliated when it actually happened (Motley, p. 47, 1988). Those emotions escalated to indignation several years later when she was again subjected to riding in a *Jim Crow* car or being "screened in" on a train. "I remember being infuriated from the top of my head to the tip of my toes the first time a screen was put around... me on a train leaving Washington in the 1940s," she said (Motley, pp. 96, 97, 1998).

On her first trip home from Nashville, Motley "brought her parents a souvenir of Southern life – a sign that read 'Colored Only'" (Holley, 2005). Being forced to get out of her seat in an integrated train car and move to a seat in the racially segregated car because she was black further exposed Motley to racism in America

and reinforced her determination to pursue law as a career, fight to eradicate *Jim Crow*, and end racial segregation in transportation, public accommodations, and all aspects of society.

Once in Nashville, Motley learned that being black prevented her from attending the theater, eating in restaurants, and trying on clothing and shoes in department stores, all things she had done routinely in New haven. When shopping for clothing in Nashville, "Colored women were expected to give their size and buy without trying on, so the clothing never touched you," Motley said. After a couple of times shopping in Nashville, she resolved that she would not continue to subject herself to that humiliating treatment and that if she needed clothes, she would wait until she was back in New Haven to buy them. She said, "I wasn't going shopping in Nashville anymore" (Morello, p. 159, 1986). Motley restricted herself almost exclusively to the Fisk campus. She resented the predicament she found herself in because of racial discrimination in Nashville and decided to transfer to New York University.

In 1942, Motley left Fisk, enrolled at New York University, and graduated with honors and a degree in Economics in 1944 (Martin, 2005; Holley, 2005). The decision was influenced by the *Jim Crow* segregation she experienced in the South, America's intervention in World War II, and the departure of many of the best professors from Fisk to take positions elsewhere. Motley feared Fisk would lose its accreditation and she would not be able to compete for admission to Columbia Law School if she remained there (Gellhorn, pp. 114-115).

Her experience interacting with black students at Fisk “paid off much later in life” when Motley was a lawyer with the LDF and had a large number of cases in the deep South where hotels were segregated by law. *Jim Crow* segregation prevented her from staying in hotels when she went South to represent clients in court. She had to find private homes to stay in (Wright, 2012). Motley said that in some of the places where she and the other LDF lawyers had to go, “there were Fiskites and ex-Fiskites” and we “could always stay with them... they were always the leaders in the black community.” In reflecting on the inability to stay in hotels and the need to find people who were not afraid to open their homes to her when she had to try cases in courts in the South, Motley remarked, “So in that sense, it paid off to have that contact at Fisk University with these black middle class people who were later to become and were in fact the leaders in their communities” (Gellhorn, p. 128).

When she enrolled at New York University, Motley lived uptown in Harlem at the YMCA on 137<sup>th</sup> Street; she met her future husband, Joel Motley, Jr., who lived uptown at the YMCA (Joel Motley, 2009). She graduated from NYU with honors and a Bachelor of Arts degree in Economics in October 1943 (*Jet*, p. 13, 1959). She could not go directly to law school at Columbia because the fall semester had already begun; she had to wait until February 1944 to enroll.

While waiting to matriculate in law school, Motley took a job with the Office of Dependency Benefits (ODB) in Newark, New Jersey. It was a new wartime agency to aid servicemen’s dependents. She was required to take a mandatory placement test at that agency. After she took the test, Motley’s supervisor, “a white woman from the Bronx came up to her all excited” and exclaimed, “You are going to

get a promotion.” Motley asked why and was told, “Because you got a ninety-five on the exam.” Then the supervisor said, “The only thing is that the promotion won’t come through until February.” “Well, I’m not going to be here in February,” Motley said. “I’m going to Columbia Law School in February” (Motley, pp. 55-56, 1988). Similar to the reaction of her school teachers years earlier when Motley proclaimed her decision to become a lawyer, the supervisor replied, “That’s the dumbest thing I ever heard, a complete waste of time...” “Women don’t get anywhere in the law” (Derrick, p. 21, 2004). Her boss continued, “That’s crazy. Why do you want to waste your time doing that? You should stay here. Women like you are moving right up here. Look at me. I am a supervisor... You could be a supervisor soon” (Motley, pp. 55-56, 1988).

Despite the supervisor’s admonition, Motley declined the promotion, left the ODB, and enrolled in Columbia University Law School in February 1944. She was the first black woman admitted to the law school. “When I finally got to Columbia Law School the next February, I found – much to my surprise – that the student body included several other women like myself who were determined to become lawyers, notwithstanding the hard-nosed, antiwomen bias prevalent in the profession,” Motley wrote (Motley, p. 56, 1988). The Dean of the Law School had voted against admitting women” (Smith, p. 42, 2000). They were admitted because “men were being drafted” to serve in the army during World War II and “women who had done well in college were considered acceptable candidates” and were needed to fill the vacant seats at the law school (Motley, p. 56, 1988).

As late as 1963, there were still no women professors or women senior administrators at Columbia Law School. Kristin Booth Glen, graduate of Columbia Law School and a former Dean of CUNY Law School, wrote that, "When I entered Columbia in 1963...women made up less than seven percent of my class, and constituted only three percent of the profession." She further wrote that, "There were no women professors or senior administrators at the Law School, as was generally true at law schools throughout the country. When I graduated (three years later) there were few women clerks, no women judges on the Second Circuit, and only one, Constance Baker Motley (Columbia Law School '46) on the Southern District" (Glen, Preface, 1697).

Motley received her law degree in 1946, the same year that she married her husband, Joel Motley, Jr. (*Jet*, p. 13, 1959; Martin, 2005). With the financial assistance provided by Blakeslee, she had achieved her career goal. She had become a lawyer.

Blakeslee not only went to Motley's graduation from Columbia in June 1946 but he also congratulated her on her achievement and offered to help her find a job. He told Motley that "he knew a Mr. Thacher" of the Wall Street law firm of Simpson & Thacher and he would see if Mr. Thacher, "who he believed to be a very fine man" would help her get a job. Motley had already decided that she wanted to do civil rights work so she informed Blakeslee that she had secured a position at the LDF. He seemed please to learn that (Gellhorn, p. 146).

She continued to write him from time to time; however, the last time Motley saw Blakeslee was at her law school graduation. He died at the age of 91 in July 1954 (Gellhorn, pp. 59-60). His death occurred less than two months after the



Supreme Court's decision in *Brown*, a case on which Motley had worked as a part of the LDF team. His death also occurred after she had become a primary actor in the battle to eradicate *Jim Crow* segregation, implement *Brown*, and secure equal rights for blacks, and become the civil rights lawyer southern segregationists referred to as "That Motley Woman" (Holley, 2005; Jones, 2005).

Motley began working at the LDF as a law clerk. She accepted the position during her second year of school in October 1945 even though the dean and faculty discouraged law students from having jobs because they considered the curriculum so demanding that students should devote all their time to their course work. Despite the discouragement, Motley went to the LDF office, met Thurgood Marshall, and was "overwhelmed with joy" at "getting a job in a law office involved in civil rights litigation." She was especially pleased because a course in civil rights was not part of the curriculum at Columbia, and there was no other civil rights law office. The work as a law clerk gave her the opportunity to obtain the practical civil rights related work experience that the law school curriculum did not. "Clinical legal education had not yet been born, and civil rights litigation was virtually unknown" outside of the LDF. The *Gaines* case and the other "few civil rights cases" Motley "had heard about when growing up" in New Haven "had been the catalyst for [her] interest in law in the first place...and the LDF job was just what [she] wanted to do with [her] legal education and [her] life." Once she began working on real cases at the LDF, she found law school to be "an unmitigated bore, wholly theoretical, esoteric, and without practical application" (Motley, pp. 58-59, 1988). After Motley graduated from Columbia in 1946 and passed the New York Bar examination, she became a full time staff attorney at the LDF.

An abundance of literature, movies, and plays have been written about the LDF. They portray it as the oldest and the leading civil rights law firm in the country. They credit it with winning more cases in the United States Supreme Court than any other nongovernmental organization. They credit it with winning cases that ended *de jure* segregation in education, public accommodations, transportation, employment, and housing in addition to cases that protected black voting rights. Much of the literature about the LDF primarily focuses on Marshall, the director counsel of the LDF, and other high profile male lawyers who are presented as leaders who worked through the courts and won the cases. Stories about Marshall present him as an American hero who systematically challenged segregation in the courts, won major desegregation cases, changed the law, and secured equal rights for blacks. Some of the literature about the LDF focuses on other male attorneys, including Charles Hamilton Houston, Robert Carter, Jack Greenberg, and James Nabrit, Jr. and the role they played in cases brought by the LDF.

The literature about Marshall explores his childhood, education, professional life, experiences before and during the civil rights movement, his speeches and oral arguments as an LDF lawyer, his judicial opinions, and other writings as a Supreme Court justice. A sampling includes *Thurgood Marshall: American Revolutionary – A Biography* by Juan Williams; *Thurgood Marshall: A Life For Justice* by James Haskins; *Up Close: Thurgood Marshall* by Chris Crowe; *Dream Makers, Dream Breakers: The World Of Justice Thurgood Marshall* by Carl T. Rowan; and *Thurgood Marshall: His Speeches, Writings, Arguments, Opinions and Reminiscences* by Mark V. Tushnet. A video, *A & E Biography of Thurgood*

*Marshall: Justice for All*, and several movies and plays about Marshall have also been produced.

Although Marshall deserves credit for winning *Brown* and other important cases, Motley was the LDF lawyer who actually went to the dangerous South and tried most of the significant desegregation cases. Similar to other black women who played essential roles in the civil rights movement, she was *invisible* and not perceived as a change agent or leader. Motley was denied coverage by the mainstream national media which focused on the male lawyers at the LDF. She also received less attention and examination than the male lawyers in scholarly literature about the LDF. Often she was completely omitted in stories or only mentioned in passing in narratives that usually portrayed her as contributing to the work of the males.

I found little scholarly literature that does anything other than mention that Motley was an attorney at LDF, she litigated ten cases before the Supreme Court, and she represented Meredith in the desegregation of the University of Mississippi. Brief references to Motley were found in biographies and articles about women. They include: *Black Women in America: An Historical Encyclopedia* by Darlene Clark Hine, Elsa Barkley Brown, and Rosalyn Terborg-Penn; *Great Dames What I Learned From Older Women* by Marie Brenner; and "Constance Baker Motley (1921-2005) Civil Rights Attorney, Lawmaker, Judge," included in The National Women's History Project. *Crossroads at Clarksdale The Black Freedom Struggle in the Mississippi Delta after World War II* by Francoise N. Hamlin includes a photograph of Motley and mentions her as an attorney for the NAACP during the civil rights

movement. The book, *Thurgood Marshall American Revolutionary*, by Juan Williams, is a biography of Marshall that contains Motley's comments about her reflections of Marshall. *Crusaders In The Courts: How A Dedicated Band Of Lawyers Fought For The Civil Rights Revolution* by Jack Greenberg contains a few pages about Motley in the discussion of *Brown*. The book, *All Deliberate Speed: Reflections On The First Half Century Of Brown v. Board of Education* by Charles Ogletree, mentions Motley as a member of the team that worked on *Brown* and the lawyer who won the case to desegregate the University of Mississippi.

Some of the sources I found about Motley were in local or regional newspapers (*i.e.* Georgia, Alabama, Mississippi, and Florida). Most of the sources that I found were in black magazine articles – *Ebony*, *Jet*, *Black Enterprise*, *The Crisis*, and *Essence* – and, after her death, obituaries appeared in some major newspapers.

The only in depth scholarly literature that I found about her life and experiences in the civil rights movement was written by Motley herself in *Equal Justice Under Law, An Autobiography* by Constance Baker Motley.

An article entitled, "NAACPs Constance Baker Motley Helps Make Legal History" was written immediately after Motley won the case in which the Court ruled that Atlanta, Georgia's segregated schools were unconstitutional and it ordered them to desegregate. The article states that the case was the "first successful test of public school desegregation in the Deep South" and one of the "300 odd cases" Motley worked on at the LDF before 1959 (*Jet*, pp. 12-17, June 1959).

Following the LDF victory in the desegregation of the Atlanta public school system, an article in *Jet* magazine highlighted the breadth of Motley's civil rights work:

Out of the hushed chambers of the U.S. District Court at Atlanta, Ga and into the harsh glare of sunlight and photographers' flash bulbs walked a battery of four lawyers, pausing now and then to answer questions, accepting the congratulations of jubilant Negroes. Segregation in the city's schools had been ruled unconstitutional; Atlanta ordered to desegregate within a reasonable time...the decision had an even greater impact than the immediate city limits. It was also the first successful test of public school desegregation in a Deep South, or hard core state.

For one of the lawyers, however, the decision represented still more. As Mrs. Constance Baker Motley put it, she was "helping make a little history." It was not her first time. With an impressive string of legal victories already behind her, she was no novice at courtroom battles, since joining the NAACP legal staff in 1948, she has helped research, write briefs, or try the 300 odd cases which find their way to the organization's lawyers each year (*Jet*, p. 13, 1959).

The following appeared article in *Ebony* magazine in 1963:

Constance Motley has won many cases while representing the NAACP Legal Defense Fund and each had its own significance in the onward march toward the goal of equal justice under law. She never forgets that she is part of a team which right now is conducting over 100 cases in lower, appellate and the U.S. Supreme courts involving 4,200 Negroes, which aim at obtaining equality in education, employment opportunity, housing, voting rights and hospital care. She personally handles over one-third of all pending cases of the NAACP Legal Defense Fund.

The Constance Motley story is intertwined with that of the NAACP Legal Defense and Educational Fund...she has played...major roles in legal actions conducted by the Fund to win for Negroes the right to use public transportation and terminal facilities without segregation...

Director-Counsel Jack Greenberg described Mrs. Motley as the Fund's field general. She gets the most difficult cases which come to the Fund. If a case is important or tough, one that really requires a major undertaking, then Connie gets it.' Greenberg explains...Apart from her own cases, Mrs. Motley supervises cases assigned to other Fund lawyers.

Greenberg regards Constance Motley as the anchor woman on his team. "Connie has real devotion and perseverance," he says. "The opposition never wears her down."

Constance Motley is one of the legal engineers working on the demolition of the structure of racial segregation in America.

Her current cases are spread across the spectrum of the civil rights legal struggle, but there is a concentration on school desegregation actions. Of 18 school desegregation cases which she is personally conducting, 12 are country-wide in Florida, two are in Tennessee, two are in Georgia and two in South Carolina...She is also directing the legal assault upon Jacksonville's segregated public school system...A decision is awaited in another suit brought in Atlanta, Ga to have teachers and pupils of that city's schools reassigned on a non-racial basis. She is the attorney of record in a suit to prevent continued segregation at Alabama Vocational Technical School in Mobile, Ala.

Other Motley - directed civil rights legal actions include a suit filed on behalf of Jackson, Miss residents to enjoin state officials and police from enforcing laws requiring segregation in bus, railroad and airline terminals. She is also directing a suit to desegregate the public parks and playgrounds of Tampa, Fla. and one to outlaw racial discrimination at the Tampa, Fla International Airport restaurant.

Since 1949, she has been making frequent appearances in Southern courts as counsel for Negro plaintiffs seeking their citizenship rights. Before the opening of a 1949 case in federal district court in Jackson, Miss,...Mrs. Motley and her associate, Robert L. Carter, were advised by a local Negro attorney to say "yes sir" and "no sir" when addressed by state lawyers. Both refused. The trial was a revelation to local Negroes who had never before seen Negro lawyers representing Negroes in a civil rights case (*Ebony*, p. 50-56, 1963).

After her death on September 29, 2005, Motley was praised in obituaries, eulogies, and articles that highlighted her contribution to the movement as an agent of change.

Godfrey Hodgson wrote an obituary that praised Motley as a "Pioneering black woman lawyer at the forefront of the civil rights struggle in America," a "key member" of the *Brown* team, and the person "who drafted the original complaint, which was successfully argued by Thurgood Marshall" in the *Brown* case. "She was one of Martin Luther King's chief legal advisers and defended his right to march

against segregation in such southern cities as Birmingham, Alabama, and Albany, Georgia...She was also the lead counsel for James Meredith" in the desegregation of the University of Mississippi and for "Charlayne Hunter" in the desegregation of the University of Georgia, Hodgson, wrote (Hodgson, 2005).

Jones, wrote as follows about Motley in the November/December 2005 *The Crisis*:

"Constance Baker Motley: Defender of Justice"

Constance Baker Motley embodied the best that the law can offer: a superb advocate, a great judge, a courageous visionary and a path-clearing pioneer who advanced civil rights, social justice and the rule of law over nearly six decades... When Judge Motley passed away Sept. 21...she had helped dramatically reshape the world into which she had been born...

She devoted the first two decades of her career to the NAACP Legal Defense and Educational Fund...Continually risking her life and challenging the status quo, she litigated case after historic case. She crisscrossed the racially divided South, confronting *Jim Crow* in mid-20<sup>th</sup> century America.

She played a central role in drafting the complaint that would become *Brown v. Board of Education*, led the legal campaign that won James Meredith admission to the University of Mississippi in 1962 and Charlayne Hunter-Gault and Hamilton Holmes to the University of Georgia a year earlier; represented Freedom Riders and defended Martin Luther King, Jr.

She was dignified, unflappable, and possessed a regal bearing. With her calm demeanor and cunning skill, she induced hostile witnesses to divulge too much and discredit their own testimony, earning her the title among Southern opponents of "that Motley woman."

Our nation, its institutions and all our people are better because Constance Baker Motley passed this way and chose the law as her life's work. She gave the best of herself – setting the highest standards and, by doing so, she has inspired legions" (Jones, 2005).

On September 29, 2005, Douglas Martin of *The New York Times* wrote:

"Constance Baker Motley, Civil Rights Trailblazer, Dies at 84"

Constance Baker Motley, a civil rights lawyer... fought nearly every important civil rights case for two decades...

Judge Motley was at the center of the firestorm that raged through the South in the two decades after World War II, as blacks and their white allies pressed to end the segregation that had gripped the region since Reconstruction. She visited the Rev. Dr. Martin Luther King, Jr. in jail, sang freedom songs in churches that had been bombed, and spent a night under armed guard with Medgar Evers, the civil rights leader who was later murdered. But her métier was in the quieter, painstaking preparation and presentation of lawsuits that paved the way to fuller societal participation by blacks.

She dressed elegantly, spoke in a low, lilting voice and, in case after case, earned a reputation as the chief courtroom tactician of the civil rights movement.

Gov. George C. Wallace of Alabama and other staunch segregationists yielded, kicking and screaming to the verdicts of courts ruling against racial segregation. These huge victories were led by the NAACP's Legal Defense and Education Fund, led by Thurgood Marshall, for which Judge Motley...and a handful of other underpaid, overworked lawyers labored. In particular, she directed the legal campaign that resulted in the admission of James H. Meredith to the University of Mississippi in 1962.

She argued 10 cases before the United States Supreme Court...Judge Motley won cases that ended segregation in Memphis restaurants and at white-only lunch counters in Birmingham, Ala. She fought for King's right to march in Albany, Ga. She played an important role in representing blacks seeking admission to the Universities of Florida, Georgia, Alabama, and Mississippi and Clemson College in South Carolina. She helped write briefs in the landmark school desegregation case *Brown v. Board of Education* in 1954...As a black woman practicing law in the South, she endured gawking and more than a few physical threats. A local paper in Jackson, Miss. derided her as "the Motley woman" (Martin, 2005).



One of the things I remember about my career in the 1950s and 1960s is being the only woman in the courtroom...In the period 1949 to 1964 I tried school desegregation and other cases in eleven southern states and the District of Columbia and in that time I saw only one woman argue a case in the Fifth Circuit (Motley, quoted in Smith, p. 43, 2000).

We had, of course, anticipated that there would be resistance to implementation of the Supreme Court's decision in the *Brown* case. We had contemplated that opposition to the end of segregation would be felt, particularly in 1954, in the Deep South States – that is, Mississippi, Louisiana, Georgia, Alabama, South Carolina and parts of Florida. We thought that there would be some resistance in Virginia but not to the extent to which resistance actually developed in that state during the period 1954-1964. The one thing we did not foresee, however, was that federal troops would be utilized on more than one occasion to put down official resistance to the decision (Legacy of Brown, Motley draft paper dated 1994)

## Chapter Four

**“The whole town turned out to see the Negro lawyers from the North, one of whom was a woman” (Motley, quoted in Gellhorn, p. 458).**

After she passed the New York bar examination and became a full time staff attorney for the LDF, Motley entered a profession that was exclusionary and dominated primarily by white men. Both women lawyers and black lawyers, especially black women, were almost nonexistent (Sokoloff, 1992). Out of all of the lawyers in the country at the time, only 57 of them were black women (Bolin, p. 464, 1993). In the research for her work, *Black Women and White Women in the Professions: Occupational Segregation by Race and Gender, 1960-1980*, Natalie Sokoloff found that the few women lawyers who existed at that time did not do trial work in court (Sokoloff, p. 6, 1992).

Motley was one of the first women to become a member of the New York City Bar Association and one of the first to encounter discrimination on the basis of gender when she attempted to use its library. "She was stopped at the entrance by a white 'gatekeeper' who first ignored her while he conversed with another person and then refused her entry to the library because entrance was limited to members" (Washington, p. 131, 1994). Motley was quoted as saying:

When I told him I was a member, it was as if he had seen a ghost. He shouted in disbelief, "You are a member of this association?" He couldn't believe I was a member. There were only one or two other female members. Female members were so recent, there weren't even restrooms for us. The gatekeeper asked for my name and searched the membership list. When he found my name on the list, he said, "Oh, right this way, *Constance*" (Washington, p. 131, 1994).

The LDF, like other civil rights organizations, was dominated by male lawyers when Motley began her work as a lawyer and throughout most of her career there. She did not speak publicly for the LDF or have the position of formal leader; that title and position was held by men (Morrison, 1963; Motley, p. 151, 1998).

Despite the fact that she was the only woman lawyer at the LDF, Motley was not confined to secretarial and other feminine roles that black women were relegated to in black churches and national civil rights organizations. She became a key strategist and litigator and was assigned some of the most significant desegregation cases which she won. She became the lawyer with primary responsibility for trials to desegregate American society (Holley, 2005).

"I was on the ground floor of the civil rights revolution as it has come to become known," said Motley. Because the LDF staff was small "and it was not very fashionable in those days to be working on civil rights matters," she got an

“opportunity to actually try major cases, take appeals to courts of appeals, and to argue in the Supreme Court of the United State” (Smith, p. 43, 2000). In the 1940s, that was an opportunity that very few women lawyers had.

“At the Legal Defense Fund,” [Motley] was not only hired as a lawyer, she was given important responsibility. Thurgood Marshall was going all over the country giving speeches and trying to avoid being shot... That provided opportunities for Motley to learn how to practice law from the ground up,” Ogletree said (Ogletree, 2009).

Wright talked about Motley’s status as the only woman lawyer at the LDF and expressed his opinion about the high regard that Marshall, in particular, had for her and her ability as a lawyer.

Thurgood Marshall had, I think great admiration and respect for Connie and her talents and skills as a lawyer. He reflected that and showed that by the assignments and cases that he assigned to her. She took on some cases that some of our male colleagues in the NAACP... seemed to suggest... that “cases as big as that” should only go to a male lawyer... feeling that a woman could not have handled a case like that as effectively as a man. It was never said, of course in that fashion, never the less, the way some of the men reacted [to the cases Marshall assigned to Motley] led me to that conclusion. But Marshall was not bothered by that. He felt that Connie was an extremely capable and talented individual and he assigned some of the most difficult cases in some of the most horrible and dangerous places to her (Wright, 2009).

Joel also expressed his opinion that Marshall and the other lawyers at the LDF respected Motley, accepted her as a colleague, and that her gender was not an issue and did not limit her experiences or opportunities. He said that, “She was completely a part of the team and worked very closely with Thurgood Marshall, Bob Carter, Jack Greenberg...[T]hey certainly had from what I could tell no problem with her so... her

being a woman was more of an issue, a hurdle if you will, in courtrooms in the South where being black was certainly a hurdle, but being a black woman was yet again a whole another source of friction...that upset and frustrated her opponents but not her (Joel Motley, 2009).

John Brittain, the former General Counsel for the Lawyers Committee for Civil Rights, a civil rights lawyer who worked in the South during the civil rights movement, and a law professor, grew up in Connecticut and was personally acquainted with Motley and some of the other lawyers at the LDF. He talked about the respect that Motley demanded and received from the male attorneys at the LDF. He also talked about the authority she exerted over the local male counsel she retained to assist her in cases in the South. Motley often reminded local counsel that she was the lead lawyer and she was in charge of the case. Brittain provided the following by way of example:

I will tell you the funniest story about Connie. On the day of the oral argument in the Fifth Circuit Court of Appeals to admit Meredith to Ole Miss, Connie was accompanied by her local Mississippi state lawyer, a colorful veteran attorney named R. Jess Brown. Brown told me this story when I practiced civil rights law in Mississippi from 1969-73. Brown showed up...wearing some red leather shoes. Connie ordered Brown to change shoes because she thought they were too loud and inappropriate for a lawyer in federal court, particularly for a controversial civil rights case. She later confirmed the incident with laughter (Brittain, 2009).

Motley was very comfortable, confident, and defiant as a black woman challenging white lawyers, judges, and adverse witnesses in courts as well as segregationist governors and other elected officials she encountered during the civil rights movement. She was also very secure about her situation as the only woman working in a male dominated environment. Motley had no doubt that she was as

good at her craft as the male lawyers. She was good and she wanted to look good when she argued her cases in court. "Once a writer asked her what she did to prepare for her first argument in the Supreme Court and she said, 'I went to Lord and Taylor and bought a new dress.' So she was able to kind of mix together a lot of different factors of being a woman and a successful lawyer at the same time," Joel said. (Joel Motley, 2009)

In addition to writing briefs in *Brown* and many other cases, Motley was trial or appellate counsel in fifty seven cases in the United States Supreme Court, eighty two cases in federal courts of appeals, forty eight cases in federal district courts, and numerous cases in state courts. She argued four appeals in one day. She won cases that ended *de jure* segregation in "white only" restaurants and lunch counters. She protected the right of protestors to march, sit-in, and demonstrate in other direct action ways. She represented King, and other jailed civil rights activists and forced their release when they were arrested and locked up in Southern jails. She secured the right for blacks to register, vote, and have access to the political power structure. She secured the right for blacks to attend formerly all white public schools, colleges, and universities and obtain an education to help them get better jobs and move up economically. She protected the right of blacks to ride and sit in any vacant seat on buses and trains, to use bathroom facilities and drink from fountains in bus and train stations, to be served and eat at lunch counters and restaurants, to stay in hotels, and to go to parks, museums, and places of public accommodations on an equal basis with whites.

Her victories in the courtroom affected the strategies and outcomes of the movement; they helped dismantle *Jim Crow* segregation, led to equality in many aspects

of life for blacks and whites, and made major, long term changes in society that helped transform America from a racist society to an inclusive and democratic society.

“During the civil rights movement, a lot of attention was given to the protests that were led by Dr. Martin Luther King...and freedom rides and the sit-ins. All of these got a lot of press but it’s important to remember that behind the scenes was a group of lawyers, mostly from the NAACP Legal Defense Fund who dealt with the messiness from a legal standpoint of these activities,” said Days. “When freedom riders were beaten up, when school children were expelled from school in Birmingham, it was Constance Motley and other lawyers from the Legal Defense Fund who went into court to try to get the courts to respond to those situations and make clear to the affected communities that the Constitution did not permit such action” (Days, 2009).

Jones elaborated on the type of work Motley performed as a trial lawyer at the LDF. “Judge Motley performed a wide range – a variety of work at the LDF...She not only excelled in the education cases and the desegregation of colleges in the South, but she also won cases having to do with elementary and junior high and senior high school... She tried cases...in Georgia, Atlanta, Savannah, Florida, Pensacola and Tallahassee and Jacksonville, Daytona Beach and Tampa, and in Alabama - Mobile, Huntsville and Birmingham, and Tennessee, Ohio, Hillsborough, New York, New Rochelle, Amityville, and in New Jersey, Englewood,” Jones said (Jones, 2009).

Jones also reflected on her own experience as a black woman lawyer. She remarked, “Now, I was in those courts in the South in the early 70s. As an African American woman sitting in some courts in the backwaters of Alabama... I just imagine

Judge Motley sitting in those same courts twenty years before me... How difficult it was... when she was in those courts” in the 1940s, 1950s, and 1960s (Jones, 2009).

Motley argued hundreds of cases while at the LDF, including ten in the United States Supreme Court (*Jet*, 1959; *Ebony*, 1963; Appendix A). The key to her leadership in the civil rights movement was the work she performed in courts, especially in the deep South, where almost all of the other lawyers as well as the judges were white males. She performed under very difficult circumstances; however, she was not afraid or deterred from doing her work. Rather, she exuded confidence, she was eloquent and articulate, “she was never fearful of taking a difficult case,” and she was defiant when necessary to represent her clients (Ogletree 2009).

Days was familiar with the type of cases Motley handled. He also had some familiarity with the difficulties and danger that she worked under in the South. While at the LDF, he worked as a lawyer on the Florida School Desegregation Docket. “Everywhere I went, Constance Baker Motley’s name was on the complaints filed in the courts there,” said Days (Days, 2009).

One of the first things Days asked himself when he first heard of Motley was, “Who was this storied lawyer...who played a role everywhere in the history of civil rights cases, not only in *Brown v. Board of Education*, but the Birmingham demonstrations where she saved literally thousands of students from being denied an education in a place where they were the targets.” After he met her, Days “basked in the glory of being so fortunate as to receive a tutorial” from her.” He regarded Motley as a “a key legal strategist of the civil rights movement” who “waged the

battle for equality in the court room with quiet courage and remarkable skill and won landmark victories that dismantled segregation in America” (Days, 2009).

Motley exhibited confidence, fearlessness, and defiance when she challenged segregationists. Godfrey Hodgson wrote that she was confident and a formidable advocate in courts in the South. He described her as “a tall, handsome woman” who “was often faced with open hostility from white lawyers.” He continued and wrote that Motley possessed a “style as an advocate that was widely admired...she would appear to be indulgent to witnesses, appearing to allow them to get away with untrue statements, then turning on them with devastating effect” (Hodgson, 2005).

Charlayne Hunter-Gault, one of Motley’s former clients, witnessed the display of Motley’s confidence, demeanor, and style in the courtroom when she represented her in the desegregation of the University of Georgia. “Judge Motley could be deceptive, often allowing a witness to get away with one lie after another without challenging them...It was as if she would lull them into an affirmation of their own arrogance, causing them to relax as she appeared to wander aimlessly off into and around left field, until she suddenly threw a curveball with so much skill and power it would knock them off their chair...She was so disarming in the way that she approached her opposition” said Hunter-Gault (Hunter-Gault, 2009).

Both Days and Greenberg remarked that because she was confident, undaunted, and uncompromising as a civil rights advocate in the courtroom, Motley incurred the wrath of segregationist opponents and hostile Southern newspapers. That hostility led them to refer to her negatively as “That Motley Woman.” In contrast to this description, after over half a century as a crusader for justice, *The New*



*York Times* described Motley as a “tall, gracious and stately woman whose oft-stated goal was as simple as it was sometimes elusive: dignity for all people” (Days, 2005).

Anne S. Emanuel, associate dean of the Georgia State University School of Law reflected on the obstacle Motley had to overcome to do something as simple as make a telephone call while she was conducting a trial in courts in the South.

Emanuel also reflected on the reason Motley was the LDF attorney sent to the South and the manner in which she performed her work in the courts. Emanuel shared her reflection in “Constance Baker Motley, 1921-2005: Lawyer’s calling was civil rights,” *The Atlanta Journal-Constitution*:

When I think of Constance Baker Motley, I think of pay phones, the old-fashioned pay phones that took only coins for calls, local or long distance...She was often representing clients in courthouses that stood square in the center of a *Jim Crow* zone. No black lawyers had offices nearby; no white lawyers who did were likely to offer her use of their office. She might have to walk for blocks before crossing an invisible line, on the other side of which she could walk up to a counter and order a glass of iced tea.

I think of the rest, too. I think of her standing by James Meredith’s side, or Medgar Evers’, or the Rev. Martin Luther King, Jr.’s. I remember that she was ‘Connie’ to Thurgood Marshall – who as legal director for the NAACP sent her, a very young attorney, to the Deep South to handle litigation as intense as any the world has known. He sent her because a black woman was safer than any man.

Motley walked through fire as if it were not there...She carried herself like the professional she was as she walked into Southern courtrooms where local black people never ventured. They knew they would not be welcome. In some cases, they knew they would enter at their own risk.

Her demeanor seemed to say there was nothing at all unusual about her being there, about her walking inside the bar, about her cross-examining the white patriarchs.

Motley...was an excellent trial attorney, well prepared, thoughtful, good on her feet. She was appropriately deferential to the bench, but not so deferential that she ever failed to make an important point (Emanuel, 2005).

## Motley's Early Cases

Motley tried her first big case in 1948 when Marshall sent her to Jackson, Mississippi, to handle an equalization of salary law suit brought by black teachers against the city of Jackson and its public school system (Holley, 2005). Andrew Young was familiar with the case; he recalled that the black teachers were challenging the difference in pay they received (Young, 2012). Robert Carter, a federal judge in the Southern District of New York, former General Counsel of the NAACP, and a former attorney at the LDF, worked with Motley on the case (*Jet*, 1959, p. 13; Young, 2012).

The black teachers had been systematically paid less than white teachers although they had better credentials than the white teachers. Most of the white teachers had bachelors' degrees and had been educated in-state at the University of Mississippi. Most of the black teachers had masters' degrees. Colleges and universities in Mississippi were segregated; therefore, the black teachers had been educated out-of-state. They had obtained their degrees at New York University, the University of Chicago, and other institutions in the North and Midwest (Gellhorn, pp. 458-460).

Although the trial was held in Jackson where *Jim Crow* was entrenched, the judge in the teachers' salary case was not a segregationist. He was from the more liberal Gulfport area of Mississippi rather than from the Jackson or Delta area where blacks were severely oppressed and the majority of whites were segregationists. He was also "a federal judge as opposed to a state court judge and did not fear reprisals

from the electorate” if he ruled in favor of the teachers or if he treated Motley and Carter, the black attorneys, with respect “because he wasn’t standing for election” (Gellhorn, p. 469).

The novelty of Motley, the first black woman lawyer to try a case in a Mississippi courtroom, created a great deal of curiosity and excitement. Local newspapers ran prominent stories about the trial (*Ebony*, pp. 50-56, 1963). The courtroom was packed every day. Although blacks in Mississippi were intimidated and afraid to challenge segregation, “the whole town turned out to see the Negro lawyers from the North, one of whom was a woman.” (Holley, 2005; Gellhorn, p. 458)

On the first day of the trial, blacks arrived at the courthouse first. They didn’t know whether the federal courtroom in which the case was tried was segregated or not. They did know that the state court was segregated. Since they assumed the federal court was segregated too, all of the blacks sat in the balcony or in the back of the court or stood along the walls when all of the seats in the balcony and back had been taken by whites. At the end of the first day of trial, Motley informed the blacks that the federal court was not segregated and that they could sit anywhere. “When the case resumed the next morning at nine o’clock...all the seats were taken” by blacks; the whites had to stand. Everyday after the first day, “the blacks got to court early and took all the seats,” said Motley. “The courtroom was just packed the whole time that the case went on” and after the first day of the trial, the white people stood while the black people sat. Motley remarked that it was, of course, something new for white people; they had never been in a situation where they had to stand and blacks

were seated. The white people opened the “large doors of the courtroom so that white people could parade by all day” and gawk at the “two Negro lawyers... one of whom was a woman lawyer” (Gellhorn, pp. 471-472). They had never seen a black lawyer, and certainly not a black woman lawyer argue a case in court.

Years later, in an interview for *Ms. Magazine*, Motley commented on her experience in the Jackson courtroom. She stated that, “In the 1940s women lawyers were a joke in most courthouses and unheard of in virtually every place except New York City...The whole town turned out to see the Negro lawyers from New York, one of whom was a woman” (*Ms.*, pp. 88-89, 1991).

Derrick Bell, a professor at New York University School of Law, former professor at Harvard Law School, and a former attorney with the Civil Rights Division of the Justice Department, was also Motley’s assistant and a colleague at the LDF. He commented on the the pride black people took in Motley’s courtroom performance. In a reflective moment, he recalled that state courts in the South were segregated. “The courts were crowded with black and white folk. White people on one side, black folks on the other and the black people were just so proud of her. It didn’t really matter to them whether she won or lost. The fact that she was up there talking back to white folks was something that many of them had never done – could never do...so they were filled with pride. It’s hard to convey the significance of black folk in those courts actually standing up – speaking out, arguing with and disagreeing with white lawyers on the other side” (Bell, 2009).

At the beginning of the trial, Motley saw, first hand, how fearful and submissive some black lawyers in the South were and why they would not assist the

LDF in cases that challenged *Jim Crow* segregation. It was necessary for Motley and Carter to have a local attorney who was admitted to the Mississippi bar sign the complaint and receive service of all court papers. That was a huge problem because “there were only two” black lawyers in the area and one of them, Moon, “wasn’t going to have anything to do with it [the lawsuit]. In fact, whenever Moon “got a case which required going to court, he would give it to a white lawyer.” The other black lawyer, Burns, “a very elderly” man finally agreed to file the complaint and accept service of papers for the LDF. Although he “apparently had been admitted to the Mississippi bar for many years...nobody knew any actual cases he had tried” (Gellhorn, pp. 458, 461, 462).

Several unsettling things stood out in Motley’s mind about the trial. One occurred on the day the trial began. Burns asked Motley and Carter to step outside of the courtroom for a moment. When they got outside, Burns said, “Now, I think that you should address the white lawyers on the other side: ‘yes, suh,’ and ‘no, suh.’” When Carter asked why he and Motley should say ‘yes, suh’ and ‘no, suh’ to the white lawyers, Burns replied, “because I think you’ll prejudice the case if you don’t say, ‘yes, suh’ and ‘no, suh’ to them.” Carter responded, “No, we’re not going to say that. The case will just have to be prejudiced” (Gellhorn, p. 462; *Ebony*, pp. 50, 56, 1963).

Another awkward situation involved the trouble the federal judge had in addressing Motley. “In 1949, there were few women lawyers in the United States and apparently none in Mississippi,” said Motley. The novelty of a woman lawyer arguing a case in his court “added a quixotic dimension to the unusual challenge”

Motley and Carter were making. The federal judge seemed incapable of addressing her by her name; he “could not bring himself to address her as ‘Mrs. Motley,’ Swain wrote (Swain, 2006). The local newspapers also had a problem with referring to her as Mrs. Motley. Rather than identifying her as “Mrs. Motley,” a visiting lawyer from New York, the “local newspapers referred to her derisively as “The Motley woman” (Swain, 2006; Motley, p. 75, 1988). Motley believed that “there could have been no clearer statement of Mississippi’s white-supremacists policy and practice (Swain, 2006).

Motley was disturbed by the mural in the federal courtroom where the trial occurred. It depicted life in Mississippi and included an “ante-bellum mansion” with “white people...dressed all beautifully...with the women in long gowns and hats and parasols” on the right and “then on the left” there were “black people, who were slaves...with bales of cotton” and standing next to the white people. Motley found the mural offensive and ironic, especially since it depicted the very system she was challenging – a “system which set aside blacks and treated them as inferior” (Gellhorn, p. 472, 473).

Finding a place to stay while they were litigating the case was challenging. Hotels in Mississippi were segregated so Motley and Carter could not stay in them (Wright, 2012). Blacks in Jackson were oppressed and intimidated by whites. Motley said they had grown up in a “state of fear, actual fear of reprisals by the white community for any effort at all which seemed to challenge the system” of discrimination. Blacks were also dependent on the white community for their jobs and well being; therefore, they were not willing to have Motley and Carter in their

homes. While they were in Jackson, Motley and Carter stayed in a black owned “so called hotel” that was “barren” and had a “stove in the same room” that they slept and ate in (Gellhorn, pp. 475, 465). The accommodations were typical of those available in the South for traveling black salesmen. “Black visitors to Jackson” Mississippi and other places in the South “usually stayed with relatives or friends,” (Motley, p. 73, 1988).

Lunch counters and restaurants were also segregated in Mississippi; there was no place close to the court for Motley and Carter to eat lunch during the trial. Lunch counters, restaurants, hotels, and other public accommodations in the South remained segregated until Congress passed the Civil Rights Act of 1994.

Motley recalled that one day, they went to a local grocery store down the street from the court and the white man who owned it didn’t look up and acknowledge them until he completed a very lengthy conversation with a white customer. “Finally he said to Bob [Carter], ‘What do you want, boy’ and in that moment...I realized for the first time – how humiliating it was for a black man to be in that kind of situation: that is having to say, ‘I’ll take a few apples’ and not being able to say, ‘I’m not a boy,’” Motley said. When describing the anger she felt, Motley stated “I kind of bristled and both knew I was bristling and he [Carter] said, ‘Don’t say anything.’ And so we got our fruit and he hustled me out of there” (Gellhorn, p. 466). She added, “I felt Bob’s hand pulling me out the door. I melted in anger. It’s a good thing I was not a candle” (Motley, pp. 73, 74, 1988).

The immediate and long term impact of Motley’s work in the teacher salary case was tremendous. Equal pay for teachers was an important issue that affected the

entire black community in Jackson and the state of Mississippi (Young, 2012). Among other reasons, it was an important issue because teachers “were the only blacks in the community with any regular income other than the few blacks who were independent of the white community (*i.e.*, self employed people like barbers, beauticians, undertakers, doctors and ministers). Teachers were “the only other people in Jackson who had any economic viability.” Even though their salaries were lower than those paid to white teachers, black teachers had a regular income and that was a very important ingredient of middle class status. Teachers “were at least able to...buy a few things, maybe a car and that kind of thing; whereas the average black person could not.” The theory in the black community was that, if black teachers were paid more money, everybody in the black community would benefit because the teachers would have more money to give to black churches and spend in black businesses (Gellhorn, pp. 470 - 471).

Another case that Motley worked on shortly after she became a full time staff attorney at the LDF was *Sweatt v. Painter* in 1950. In that case, the plaintiff, Herman Marion Sweatt, a black man, had applied for admission to the University Of Texas Law School (Young, 2012). The University applied the separate but equal standard of *Plessy v. Ferguson*, and “hurriedly established a separate law school for blacks – in effect, just for him...in the basement of a building in Austin, Texas” (Motley, p. 61, 1988). The plaintiff filed an action against the University seeking admission. The LDF successfully represented him in the lawsuit and forced the University to admit him (Young, 2012).



*Sweatt* was one of the many successful education desegregation cases the LDF brought to implement a legal strategy to challenge the Supreme Court's ruling in *Plessy*. The strategy, which had been developed by the NAACP in the 1920s-1930s, focused on school integration, housing, voting rights, and discrimination in employment. Initially, the NAACP focused on desegregation of professional and graduate schools because it believed there would be less white resistance to admission of blacks to higher education and because it would not be as difficult to prove to a court that the small number of black students who had been rejected from graduate schools were equally as qualified as white students who had been admitted (Kluger, p.136, 1979). In 1935, the plan worked when victory was achieved in *Gaines v. Missouri* and the Supreme Court ruled that Missouri could not provide in-state education for whites to attend law school and send blacks out of the state to attend law school (Kluger, p. 202, 1979).

After its victory in *Gaines*, the NAACP and the LDF lawyers began looking for test cases to challenge segregated school systems in the South and to attack the constitutionality of racial segregation in public education. They found five cases and took them to the Supreme Court where they were consolidated into *Brown*; Motley was part of the legal team that won that historic desegregation case.

The plaintiffs in *Brown* challenged the application of the separate but equal doctrine established in *Plessy* to public school education. *Plessy* involved a challenge to a Louisiana statute that required railroad companies to provide separate accommodations for blacks and whites. Separate but equal became the law of the

land when the Supreme Court upheld the Louisiana law and ruled that separate but equal facilities for blacks and whites were constitutional.

The Court's ruling in *Plessy* put the imprimatur of the United States on legal segregation. It sanctioned racial segregation in education and most other aspects of life. Motley criticized the decision which gave a "ringing endorsement" to the establishment of separate societies for blacks and whites in America (Motley, Preface, 1988). She expressed her opinion of the Court's ruling as follows:

Our Supreme Court recognized, early on, that, although some Africans had been enslaved by Europeans and American colonists, non-enslaved Africans were among the free peoples of the world. This explicit recognition of free Africans as free people occurred in 1841 in the *Amistad* case. In 1857, however, when asked to determine the status of free Africans in the American community, the Supreme Court noted that our Founding Fathers never contemplated that free Africans would constitute a part of the body politic. The high court said, in dicta, that free Africans in American society had always been regarded as an inferior order of beings and had no rights that a white man was bound to respect. Thus, the Court plainly established the young United States as a racist society (Motley, Preface, 1988).

When questioned about her opinion that the Court's decision in *Plessy* established the United States as a racist society, Motley responded, "If the court's decision had gone the other way, it's clear we would not have had a society which developed as completely segregated as it did with the sanction of law. That decision affected not only public institutions, but private institutions as well" (Gellhorn, pp. 265-266).

On May 17, 1954, the Court issued its landmark ruling in *Brown*. It held that the doctrine of separate but equal had no place in the field of public education and that separate educational facilities were inherently unequal (347 U.S. 483). In that case, which became known as *Brown I*, the Court did not prescribe any remedy for

desegregating public schools. It did, however, subsequently order public school desegregation to begin in a case decided the next year – *Brown II*. The Supreme Court sent the five consolidated cases back to the lower courts and ordered them to use traditional equity principles to provide remedies to desegregate public schools and to admit black children to them on a “racially nondiscriminatory basis with *all deliberate speed*” (349 U.S. 294).

Throughout the country, blacks applauded and became optimistic about the end of racism and *de jure* – legal segregation – after the *Brown* decision “reversed a constitutional trend started long before *Plessy* and marked the beginning of the end of *Jim Crow*” (Woodward p. 147, 1955). The optimism did not last long; however, because despite the Court’s desegregation order in *Brown*, the end of *Jim Crow* racism “was to be agonizingly slow in coming” as states in the South refused to comply with the Court’s order to admit black children to all white schools (Woodward p. 147, 1955).

Resistance to desegregation and violence occurred when school began in the fall of 1957. Opposition to the desegregation order in *Brown* spread throughout the South and by the end of 1956, “eleven Southern states” had passed “106 pro-segregation measures” (Woodward p. 162, 1955). In Tennessee, Texas, Kentucky, West Virginia, and Arkansas, mobs of white segregationists attempted to block the entrance of black students to some of the first Southern schools to be desegregated (Woodward p. 162, 1955).

In Arkansas, Daisy Bates initiated and led the effort to desegregate Central High School. Motley worked with the LDF team of lawyers on that case which was a catalyst for the civil rights movement.

Issues of race and politics intersected the efforts to desegregate schools in Arkansas. Orval Faubus, the governor, was apparently seeking reelection and decided that resistance of implementation of the *Brown* decision and court order to integrate schools in Arkansas would get him reelected so he called out the Arkansas National Guard to prevent nine black students (the “Little Rock Nine”) from entering the all-white Central High School (*Parade Magazine*, p. 10, 1992). His action resulted in the LDF going to the Supreme Court to obtain an order to force the school to admit the students. His action also forced President Dwight Eisenhower to reluctantly send federal troops to Arkansas to enforce the Court’s order (LaNier, 2011, Green, 2009).

Hamlin wrote that, “The struggle of the Little Rock Nine...sent searing messages to the NAACP about the strength of opposition to school integration.” She continued and wrote that, “In spite of the students’ eventual entry into Central High School, following President Eisenhower’s reluctant intervention, the event never became a clear-cut victory for the NAACP. Indeed, Arkansas governor Orval Faubus’s landslide reelection that year highlighted the fervor of opposition. Historian Adam Fairclough affirmed that Little Rock foreshadowed years of dogged white resistance that not only delayed large-scale integration for more than a decade, but also ensured that schools were eventually integrated under the worst possible circumstances” (Hamlin, p. 58, 2012). Motley was the LDF attorney assigned to

litigate most of the cases that eventually resulted in the integration of public schools, colleges, and universities under the worst possible circumstances.

Carlotta Walls LaNier, the youngest member of the Little Rock Nine spoke to me about the battle waged to desegregate Central High School and how she first met Motley, “the only woman attorney in a smoke filled room with the other male lawyers” who worked with Daisy Bates in the legal battle to desegregate the school. (LaNier, 2009) (When Motley was in Little Rock to represent the LDF, she stayed with Daisy Bates, the secretary of the local NAACP chapter in Little Rock.) (Gellhorn, p. 376).

LaNier described the circumstances under which she and the other students were finally enrolled and entered “under the protection of the federal troops, a convoy of jeeps” and “soldiers dressed in helmets and combat gear” with rifles drawn (LaNier, 2011).

The hard fought battle to integrate Central High in Little Rock was followed by many, many more school desegregation cases in which Motley was the trial lawyer. Her work, which was performed out of the spotlight of the white male dominated media, was critical in achieving desegregation in public education – an important goal of the civil rights movement.

The LDF was flooded with a deluge of school desegregation cases as a result of the defiance and hostility of segregationist school board officials and governors who used their power to prevent implementation of *Brown* and desegregation of their schools. The LDF had to hurriedly come up with a strategy to desegregate schools. A strategy was devised and Motley was an integral part of it. She was assigned the

most significant education desegregation cases; she was sent to eleven Southern states and the District of Columbia to try them (Greenberg, 2009; Wright, 2012).

Although the LDF was a male dominated organization, Motley, its only woman attorney, became a key strategist, “legal theoretician,” “quarterback,” and trial lawyer in the “campaign to desegregate America by legal means and methods” (Morrison, 1963). She was given primary responsibility for trying cases in courts throughout the South to enforce the ruling in *Brown* and *actually desegregate* schools, colleges, universities, transportation, housing, parks, restaurants and lunch counters, and other accommodations.

“It was necessary to bring suit after suit” in many Southern communities to enforce the ruling in *Brown* (Gellhorn, p. 413). When Motley won a case in the trial court and obtained a ruling to desegregate the schools, the southern state that lost to her would appeal the ruling and “try to get the Supreme Court to review it simply to delay if they could the ultimate results.” Therefore, in addition to arguing desegregation cases on the trial level, Motley was always busy opposing state petitions in appellate courts and trying to sustain victories – favorable rulings – she had won in the lower courts (Gellhorn, pp. 567-568).

Because she handled a large number of cases and the most significant desegregation cases, Motley was constantly inundated with work getting cases ready to be heard in the Supreme Court. She had to do the time consuming work: prepare the record for the appeal, write the brief to be filed in the Supreme Court, and prepare to argue the case. In her memoir, Motley talked about the difficulty she encountered in preparing for appeals from the Southern states. “It took a great deal of just plain

technical skill and energy to put them together” and “just arguing the cases” in the Supreme Court was a small part of the work,” she said (Gellhorn, p. 568).

In his capacity as the Director for Youth and College Students at the NAACP, Wright was very involved with the education desegregation cases (*Parade Magazine*, p. 10; Hamlin, pp. 70-71, 75, 2012; Wright, 2012). His office was down the hall from Motley. He “worked closely with her on many of the cases that involved black students who were trying to desegregate white schools” (Wright, 2012).

Wright talked with me about his initial introduction to Motley and his continual relationship working with her. “When I first walked into the LDF office, Connie came over, shook my hand and introduced herself. We got along very well. Her office was just two doors down from mine so we saw each other every day when we were both in town,” he said. When he was in the office, Wright attended the daily meetings of the NAACP where each staff member was required to give a report on his group and what was going on. Motley and the other LDF attorneys reported on the cases they were working on. Wright sat in on mock trials conducted by the LDF attorneys; he also sat in on education desegregation trials conducted by Motley in courtrooms throughout the South (Wright, 2012). “I worked closely with her on many of her cases that involved college students...especially in helping to prepare black students who were trying to integrate white schools for the first time – trying to get them ready, trying to help them understand what was about to happen and what might happen, the objection that might take place to their presence either in the colleges or universities and trying to win support from friendly white students...and people who could give them support,” Wright said (Wright, 2009).

Derrick Bell also worked closely with Motley on desegregation cases during the civil rights movement. He commented that Motley's job was made harder, especially when the school board members and governors were elected officials, who for political reasons, resisted trial court orders to desegregate schools (Bell, 2009). They wanted to prevent the *Brown* decision from being enforced in their state because they did not want to appear to be friendly to blacks and alienate their white constituents.

Their defiance required Motley to file and litigate desegregation cases on the trial level and on the appellate level throughout the South in order to actually get black students admitted into formerly all white schools. It was a daunting task for Motley to win case after case in courtrooms all over the South. She had to leave her family in the North, make constant trips to the South, and spend extended periods of time challenging hostile school boards, university and college administrators, and even segregationist judges to win the cases. And then she had to fight governors, mayors, and angry mobs of citizens who opposed integration and adopted tactics to block black students from entering all white schools, and appeal to higher courts to enforce her trial court victories.

In court, Motley won the desegregation cases on issues of law; however, there was still "persistent racism" that prevented the victories from going forward and being implemented (Ogletree, 2009). The case to force the University of Mississippi to admit James Meredith, the University of Alabama to admit Autherine Lucy, and the University of Georgia to admit Charlayne Hunter and Hamilton Holmes provide examples of the persistent racism and resistance. Motley prevailed against all three



universities in the trial courts; however, she had to return to the courts time after time and appeal to higher federal courts, including the United States Supreme Court, to obtain orders to implement the victories and remove hostile governors who stood in doorways and governors who used state police to prevent black students from entering the schools. She also had to endure personal taunts and threats of physical violence from segregationist mobs to actually get the black students enrolled in the universities.

Motley's job was made particularly difficult because of hostility and resistance of the *Brown* decision by two segregationist governors in particular: Ross Barnett, the Governor of Mississippi and George Wallace, the Governor of Alabama. Federal courts had ordered Barnett to permit James Meredith to enroll at the University of Mississippi. Federal courts had also ordered Wallace to permit Autherine Lucy to enroll at the University of Alabama. Both governors refused to enforce court ordered desegregation. That's when Motley's work shifted to high gear, and she became involved in what she classified as the "trigger points" for resistance, hostility, and violence in the civil rights movement (Gellhorn, p. 330). She became the lead attorney in the cases to desegregate both the University of Alabama and the University of Mississippi. She was also the lead attorney in the case to desegregate the University of Georgia.

Motley's action and agency mattered in the civil rights movement. Without the victories she won in the courtroom, public schools, colleges, and universities may not have been desegregated and the goals and success of the movement may not have been achieved. She, like other "unsung" black women activists, worked under

difficult and often dangerous conditions in many local communities in the early stages of activities and then became invisible as the media focused on nationally recognized men with formal titles and credited them for work she did and cases she won. She experienced racial insults from segregationist school officials, governors, and even judges in her work to implement *Brown*. She was threatened and “often accosted by hostile white spectators in the corridors of Southern courts or outside on the sidewalk” (*Ebony*, pp. 50-56, 1963). In Alabama and Mississippi, local black leaders had to surround her with bodyguards armed with machine guns because of fear that she would be attacked and killed. Black men armed with machine guns escorted her during the day and stood on rooftops and outside of houses where she slept at night (Wright, 2012; Williams, pp. 248-249, 1998).

Similar to other black women activists, much of the work Motley performed in the civil rights movement was not accurately documented. She, too, has remained anonymous and invisible while high profile male attorneys at the LDF and her high profile clients received recognition and credit as change agents and leaders. For example, stories do not include the importance of Motley’s action and agency in the representation of Meredith in the desegregation of the University of Mississippi. The spotlight was put on Meredith who was hailed as the brave young man who desegregated the University. He was even awarded a Congressional Gold Medal. It is important to point out that Meredith would not have been successful in his quest – and the University would not have been desegregated – without Motley’s *behind the scene work in the trenches*. That work included over 21 trips to Mississippi to try the case and many nights spent in houses guarded by men with machine guns to protect

her from angry segregationists who objected to her lawsuit to force the University to admit Meredith. It also included a great deal of stress, fatigue, harassment and threats to her life and multiple trips to federal courts of appeal and the United States Supreme Court to enforce the victory she obtained against the University. Motley even had to appeal to the President of the United States to send troops to Mississippi to end violent riots in which people were killed and to provide protection for Meredith so that he could safely enter the campus, register, and attend classes.

### **Case Studies: Motley's Action And Agency In The Desegregation Of The University Of Mississippi, The University Of Alabama, And The University of Georgia**

#### **The University Of Mississippi**

In January 1963, after Motley succeeded in desegregating the University of Mississippi, Allan Morrison wrote an article entitled, "Top Woman Civil Rights Lawyer: Securing rights for millions, Negro Woman is one of the world's most influential lawyers." An excerpt from the article that appeared in *Jet* magazine reads as follows:

Best known and most widely admired Negro civil rights attorney in the U.S. today is Mrs. Constance Baker Motley, a sturdy, handsome woman of 41 whose latest triumph was the admission of James Meredith to the University of Mississippi. As associate counsel of the NAACP Legal [Defense] and Educational Defense Fund, Inc., Mrs. Motley shares with director Jack Greenberg, responsibility for managing the nation-wide campaign to desegregate America by legal means and methods. Greenberg is the formal successor to Thurgood Marshall who left the Fund a year ago to become a federal judge. Yet it is upon the strong shoulders of Constance Motley that Marshall's mantle has increasingly fallen as legal theoretician and quarterback in the fight to secure the Negro's civil rights (Morrison, 1963, pp. 50-56).

Motley went to Mississippi and filed the desegregation case against the University of Mississippi in 1961, approximately a year after James Meredith had been denied admission and seven years after the Court's decision in *Brown*. Marshall assigned the case to Motley "because she was a woman." His theory was that "in the South, they don't bother black women because they all have mammies" (Holley, 2005). Marshall was mistaken. Black women civil rights activists were victims of diabolical acts of violence including vicious beatings, rape, and even murder in the South (Hamlin, pp. 95-96, 110-111, 2012; Lee, p. 152, 1999; Lafayette, 2011).

Extreme anger, gunfire, bombs, and death were integral components of Motley's protracted battle to desegregate the University (Greenberg, 2009; Wright, 2012; Young, 2012). To a great extent, the anger and violence "resulted from the fact that the *Meredith* case was filed at the exact same time that the freedom riders," led by Diane Nash, "arrived in Jackson, Mississippi determined to break down segregation in transportation," Motley said. Neither she nor any of the other LDF attorneys had anticipated the freedom rides which, when combined with her lawsuit to integrate the University, constituted a combustible situation in Mississippi. "White segregationists in Mississippi were enraged when the freedom riders went and sat in the white waiting rooms at various bus and train stations," said Motley (Gellhorn, pp. 302 - 303). "The anger and bitterness from the combination of the freedom riders' audacity of sitting in "white only" waiting rooms in Jackson and the lawsuit to desegregate the University caused a "combustible reaction," increased the resistance to desegregation, and resulted in violence... and even death (Gellhorn, pp. 306-307).

Motley commented on the explosive combination of the action of the freedom riders and her filing of the *Meredith* case to integrate the University as follows:

Finally we [the LDF] decided to bring this suit, and we got it ready, and low and behold...at that very time...the freedom riders arrived in Jackson. I remember going into court in Jackson. ..before Judge Mize. [He] just shook his head and said, 'Why did you have to come now? He knew that we had a situation which had literally inflamed the state, and we were going to have the same kind of trouble we had with the *Autherine Lucy* case in Alabama. And of course sure enough, we did (Gellhorn, p. 306).

After Motley won the lawsuit against the University, the governor of Mississippi "made a deal with President Kennedy" in which the governor promised that he would step aside and let Meredith into the University" when he attempted to enter and register. "But when Meredith arrived on campus, the governor double-crossed him" [Kennedy] and refused to let Meredith in. Meredith was escorted onto the campus later at night under cover of darkness. When word got out that Meredith was on campus, white mob violence and riots broke out and "several people were killed that night on the University of Mississippi campus" (Gellhorn, pp. 302-304; Greenberg, 2009; Young, 2012; Wright, 2012; Hamlin, pp. 58, 113, 2012). Despite the violence, Motley immediately went to court and obtained an injunction against the governor to prevent him from blocking Meredith's entrance into the University.

The legal battle that Motley fought to desegregate the University lasted over sixteen months. To finally win, she "had to make at least 21 trips" to go to court in Mississippi and try the case. After she won the case to force the University to accept Meredith as its first black student, Motley still had to elicit the support of President Kennedy and federal troops to implement the victory over the University and compel

it to permit Meredith to register and attend classes (Greenberg, 2009, Gellhorn, pp. 303-305).

Hamlin remarked that although two U.S. presidents – Eisenhower and Kennedy – were forced to use federal troops in the battle to integrate the University of Mississippi and Central High School, federal troops were not sent to other southern states “despite the ranting of governors and the local threats” against black students attempting to enroll in public schools. She wrote that, “Even in the later crisis produced by James Meredith’s enrollment at the University of Mississippi in 1962, troops were called in to stop riots, not to enforce integration. Federal intervention to force school integration was not in the offing – the push would continue to originate from NAACP court challenges” (Hamlin, p. 58, 2012) Those court challenges were led by Motley.

The term Greenberg used to characterize Motley was indomitable. “When she’d go after some of those Southern defendants, it was like Grant at Vicksburg – she would dig in, appealing in case after case until she defeated them,” he said (Derrick, 2004, p. 21).

Greenberg analogized Motley’s relentless effort to force the University to admit Meredith to the last battle of the Civil War:

I’d say Connie Motley’s most important case was the *Meredith* case...the case in which he was the first black student to enter and enroll and attend the University of Mississippi... And sometimes, it’s been referred to as the last battle of the Civil War because it ended with gunfire and bombs and ...people were killed...

She was involved in all aspects of the case. She was involved in filing the case in court. She was in all the hearings. She was in the final hearing in the Fifth Circuit Court of Appeals...she was the lead lawyer in the *Meredith* case...

Connie was very steady, very dogged, very persistent, very even. And I think that was why I've likened her to Grant at Vicksburg during the Civil War. He wasn't going to attack the confederacy across the Mississippi River. That would have been too dangerous. He just dug in and didn't let them go anywhere...

I like to refer to her as General Grant at Vicksburg where she just dug in and stayed there until the confederates decided to give up. He said he was going to stay there so that was the end of that and that pretty much brought the Civil War to an end, except for the *Meredith* case that I referred to [where Motley dug in, stayed there, and won the battle]. (Greenberg, 2009).

Bell affirmed Greenberg's reflection of Motley's tenacity in the battle to desegregate the University of Mississippi. "The *Meredith* case was a remarkable exhibition of her talents which were persistence, never say die," said Bell. He elaborated and stated that Motley had to deal with James Meredith who could be very difficult and she also had to deal with segregationist judges who were disrespectful to her. "There were a few judges...I can't remember their names, who literally when she got up to make an argument turned and faced the wall...They were ready to rule against her before she got started...So, I got a lot of my sense of what a civil rights lawyer should be from Constance Baker Motley," Bell said. He was "extremely impressed" by the way Motley dealt with Meredith and the segregationist judges and how she kept her focus, won the trial, and succeeded in desegregating the University and actually getting him into it (Bell, 2009).

Wright also spoke about the manner in which Motley was constantly disrespected by judges, as well as opposing lawyers in courts in the South. "Alabama and Mississippi were some of the worst places in the country at that time for blacks" and "even the judges couldn't sometimes hide their negative attitudes and their

prejudicial attitudes” toward blacks when Motley argued cases in front of them, he said. “The prejudice reflected itself in the courtrooms where black lawyers were still referred to as boys or girl...Connie would always correct them and say, “I’m not a girl, I’m a lawyer” and keep on going,” Wright said (Wright, 2012).

Jones talked about how Motley persevered in the case to desegregate the University despite the violent riots and obstructionist antics of Ross Barnett, the staunch segregationist governor who had vowed to block Meredith’s admission. She explained that Motley “got the Meredith case when she worked for the Legal Defense Fund in 1961...And she made twenty-two trips to Mississippi... And then the Justice Department of course wanted to come in and take it over.” Motley resisted the Justice Department’s attempt to take her case over after all of the hard work she had done. “She just said, ‘You can join us but we [the LDF] are moving forward’” with the case (Jones, 2009).

Mississippi resorted to intimidation tactics against Motley. She said that she was “sued in Mississippi...for failure to pay a tax as an outside lawyer coming into the state or some such nonsense” (Gellhorn, p. 377).

Motley was exposed to great danger in Mississippi. (Gellhorn, pp. 380-381). Although she did not frighten easily, she feared for her life, especially in Clarksdale. She remarked that she had a “feeling that anything could happen there because” of the history of violence against blacks and the fact that “the whites there were rural whites who were a part of a system which explicitly held blacks in a subjugated situation” (Gellhorn, p. 370).



“Mississippi was the worst state” she worked in. The “fear of violence was greater there ...than any other place... and there was less protection” there because “fewer people in the black community were willing to be identified with us [Motley and the NAACP]... they really feared economic and physical reprisals” (Gellhorn, p. 313). Blacks who engaged in or were simply “suspected of engaging in NAACP activities [in Mississippi] faced reprisals, which included the calling in or refusal of loans, eviction, closure of credit, exorbitant utility rates, and even the disconnecting of utilities” (Hamlin, p. 34, 2012). As a result, most blacks “were intimidated to the point where they didn’t even join the NAACP,” and if anybody asked if they belonged, they would say, ‘Of course not,’” said Motley (Gellhorn, p. 380). Most black people in Mississippi were even “afraid to be seen at a NAACP meeting” (Hamlin, p. 22, 2012).

Motley elaborated about the fear she experienced in Mississippi. She said, “I remember being in Clarksdale and being very fearful because it was so rural and blacks seemed so deprived there, and the general atmosphere was kind of eerie. There were, as far as you could see, nothing but cotton fields and a cotton mill whining all night long. It was so desolate – the abandoned shacks where blacks once lived...and worked the cotton fields...were being worked by machines when I was there.” Motley continued, “I remember being anxious to get out of there, because it seemed like a community where anything could happen and absolutely nothing would be done. And, of course...later those three young boys [civil rights activists] who went there - two from New York and one from Mississippi itself...were murdered

and buried in an earthen dam there in '63" and they weren't found for quite a long time" (Gellhorn, pp. 378-379).

The violence Motley spoke about in Mississippi was discussed by Hamlin. She documented some of the "diabolical" acts – rape, murder, unprovoked assaults, vicious beatings, lynchings, and other forms of brutal murder of blacks in Mississippi and the bombing of their homes (Hamlin, pp. 9, 13, 25-27, 47-48, 109-110, 56-57, 95-97, 111, 112-113, 122-124, 2012). She found that all too often, southern justice meant that the white perpetrators of violent acts against blacks walked away free (Hamlin, p. 13, 2012).

Hotels in Mississippi were segregated so Motley could not stay in them (Wright, 2012). Most local blacks in Mississippi were afraid to associate with her or have her stay in their homes; however, Medgar Evers, the NAACP secretary for the state of Mississippi, opened his home to her. Hamlin wrote that, less than six months after Evers was appointed as NAACP secretary for Mississippi, his name was at the top of "the death list circulating among the state's extremist groups" (Hamlin, p. 36, 2012). Evers soon realized that he was "a marked man" because of his visible position in the NAACP. He found that black people were afraid to associate with him; they "shunned him, hoping to avoid potential stray bullets" intended for him (Hamlin, pp. 46, 47, 2012).

Evers always met Motley at the airport when she arrived in Mississippi to go to court for the *Meredith* case. In fact, he was the person who first notified her that Meredith had applied for admission to the University of Mississippi (Gellhorn, p. 307).

While she was working on the Meredith case, Evers drove Motley to Meridian, Mississippi where Judge Mize was sitting so that she could argue the case. Motley described the fear she experienced one night while they were driving to Meridian when Evers said to her, "Don't look back now, but we're being followed." He made the comment as they "came to a stretch of road where there were no houses" and while she "was busy writing out something in longhand." She described it as a "terrifying experience." When they got to Meridian, "Medgar was able to see that it was the state police...They knew Medgar's car; they knew the license number" and had him under constant surveillance because of his association with the NAACP. They followed him all the time, Motley said. She further stated that, "The state police were sometimes prone to commit violence against blacks involved in the civil rights movement too." Motley stayed over in Meridian that night, but it was another night that she stayed awake all night. She could not sleep because she had no protection. "There weren't any people around with guns" to protect us that night, she said (Gellhorn, pp. 308-309).

### **The University Of Alabama**

The period in history that Motley characterized as the "Black People's Awakening" coincided with her representation of Autherine Lucy in Alabama. She remarked that the case was filed right after the *Brown* decision and it "led to a great deal of trouble in Alabama" (Gellhorn, pp. 281-282). Although Motley was the LDF trial attorney who succeeded in getting Lucy admitted to the University of Alabama, her name was rarely associated with the case in the national press. The media reports credited Marshall or the NAACP or the LDF for the victory. It was

another example of black women performing difficult, and often dangerous work in campaigns, and then being marginalized when men came on the scene and were recognized for work the women performed.

As with her other school desegregation cases, winning in the courts was just the beginning of the battle to desegregate the University and enroll Lucy. Motley won the case in court, and as ordered by the federal judge, the University admitted Lucy. When she appeared on campus to attend classes, a riot broke out and the University put Lucy out alleging that she caused the riot (Gellhorn, pp. 282-283).

After Lucy was expelled, Motley went back to court and filed a petition seeking to have her reinstated. The case was abandoned when Lucy decided not to pursue readmission because of threats against her life, mob violence directed against her, and the lack of protection by the federal government.

Motley was disappointed with the failure of the federal government to step in and provide protection for Lucy and to support her effort to implement *Brown*. She expressed her opinion about the *inaction* of the President and the Justice Department as follows:

Eisenhower was President in the *Lucy* case, and that was one of the reasons the suit was abandoned, because Eisenhower and the Justice Department were not on our side and were not backing us with respect to the resistance offered by the people in Alabama,... This was one of the things that the federal judge discussed with us, that there's no protection... "Who's going to protect her down there?" The President was not going to call out federal troops to protect her, the state was not going to protect her, and the local police who had stood by when the riots occurred may have been leaders of the Klu Klux Klan so there was real danger in sending Lucy back to the University of Alabama (Gellhorn, pp. 283-287).

During the trial of the *Lucy* case, Alabama was in real turmoil. JoAnn Robinson and the black women of the WPC spontaneously initiated the Montgomery Bus Boycott to protest the policy of racial discrimination on the city's buses at the same time Motley filed her lawsuit. Resistance to integration "reached its peak" when the boycott and the lawsuit coincided (Gellhorn, pp. 288-289).

The hostility and danger that Motley was exposed to in Alabama provide some indication of how she experienced the civil rights movement as she performed her work as a trial lawyer. The possibility existed that she would be killed, particularly at night while she slept.

Motley stayed at the home of Arthur Shores when she was in Alabama because hotels were segregated and she had no place else to stay. Although Shores had a beautiful home and always made her feel very welcome, Motley always stayed awake all night; she couldn't sleep because his home had been bombed 15 times. While Motley was in Shores' home, a group of men were always outside the garage and on the roof with machine guns and rifles to protect her (Wright, 2012). The "men were there all the time. They took turns around the clock" protecting the house while she was inside. When she was driven to court, the men who drove her also carried guns to protect her (Gellhorn, pp. 292-294; Wright, 2012).

Almost everybody she associated with in Alabama carried a gun to protect her. Even Arthur Shores' secretary who met Motley at the airport carried a gun in a little brown bag which she inadvertently left on the counter one day. As Motley and the secretary were about to get in her car and leave the airport, the secretary exclaimed, "Oh, my goodness, I have to go back and get my bag." Motley thought

the bag had a sandwich in it and suggested that the secretary should just leave it. The secretary responded, "No, I have my gun in there." That's when Motley realized that Shores, his secretary, and the black men who had volunteered to guard his house while she was inside all carried guns to protect her while she was in Alabama (Gellhorn, p. 294).

In a paper that she wrote on the "Legacy of *Brown*," Motley reflected on the persistent racism and acts of violence in Mississippi as well as Alabama and Arkansas in her work to implement the desegregation order in *Brown*. She wrote that although the LDF and NAACP had anticipated "resistance to implementation" of the decision in *Brown* "and opposition to the end of segregation" they had not foreseen the extent of mob violence and necessity for "federal troops to be utilized on more than one occasion to put down official resistance to the decision." She explained that the "uncivilized mob response" in the *Lucy* case "was against the backdrop of the wholly spontaneous Montgomery Bus Boycott" led by Robinson.

Motley further wrote that the "first thing ... civil rights lawyers learned about mob resistance to desegregation was that President Eisenhower was unenthusiastic about enforcing the *Brown* decision, particularly if it meant the mobilization of a state's national guard or sending in Federal Troops or Marshals from outside the state" to facilitate desegregation of schools. She believed that if Eisenhower had "made a strong statement endorsing the Supreme Court's decision" in *Brown* or if he had declared his duty as President to enforce the decision, "the whole course of massive resistance might have been different." Motley criticized the federal government's failure to provide protection for *Lucy*. She criticized Eisenhower for

failure to leave his golf game in Rhode Island to address the crisis in Arkansas and the desegregation of Central High. She also commented on the lack of experience “President Kennedy and his Attorney General brother [Robert Kennedy]” had with segregationist elected officials and the manner in which the governor of Mississippi double crossed them, failed to provide State Troopers to protect Meredith when he entered the campus to register, and as a result “at least three newspaper reporters and a French photographer were killed on the campus by the anti-integration protestors” (Legacy of *Brown v. Board of Education*, Motley draft paper, 1994).

### **The University Of Georgia**

Motley’s name is associated with the desegregation of the University of Georgia; however, little is written about the fact that she also won a similar case against Georgia State College. The judge ruled in Motley’s favor in that case and blacks enrolled there for the first time. As with other black women civil rights activists, her work was not properly documented because she was a woman.

Motley continued the fight to implement the goals of the civil rights movement when she successfully represented Charlayne Hunter and Hamilton Holmes in their lawsuit against the University of Georgia after their applications for admission had been denied (Emmanuel, 2005; Holley, 2005). She tried the case in the federal district court in Macon, Georgia. (Hunter married and is now known as Hunter-Gault.)

Hunter-Gault and others who were in the courtroom during the trial to desegregate the University of Georgia described Motley’s performance as brilliant (Hunter-Gault, 2009; Jordan, 2009; Trillin, 2009). They were especially impressed

with her cross examination of University administrators in the case. They described the cross examination as full of curve balls and ferocious. Motley used the “old clincher” strategy; it was a strategy in which she asked the President, Director of Admission, and Registrar of the University if he would be in favor of accepting a qualified black student into the University. The person would have to answer “yes.” (Hunter-Gault, 2009).

“The judge was very amused during the whole trial...I guess he was amused by the fact that here I was, a black woman, cross-examining and calling to the stand all of those Georgia officials, who were just squirming, making all kinds of statements that obviously weren’t true” about the fact that they didn’t have any policy of segregation, said Motley (Gellhorn, p. 273).

“Needless to say, the court was packed with local citizens and other people watching this scene” that strengthened the black community...They had not had an opportunity to see this kind of thing, and all of the lawyers on our side were black...and of course they had not seen a woman lawyer in most of those parts of the country. Women lawyers were just not in existence...So it was something for the town to turn out for,” Motley said (Gellhorn, pp. 274- 275).

During the trial, Hunter-Gault had to take the witness stand and testify in the case. She reflected on her experience as a witness and how she tried to emulate Motley’s style and performance in the courtroom. “I was a pretty good witness on the stand...because I had watched Constance Motley in her performance...She was graceful, she was feminine, she was quiet in her interrogation of these people, and she was so calm that they would be lulled into...not appreciating that she was about to hit



them over the head with the hardest possible question that would reveal their duplicity and lying...They let their guard down and so when I got up to go to the stand, I sort of, I tried to adopt the same attitude," that Motley had, Hunter-Gault said (Hunter-Gault, 2009).

Motley was very focused, intense, confident, and poised in the courtroom throughout the trial. She was also un-self revelatory, very formal, and she displayed very little emotion in her interactions with everyone, including Hunter-Gault.

Being "very formal and very dignified" was ingrained in Motley. Her son, Joel, believes that, "her formality was effective as a shield" and that "it was a natural part of her persona." He attributes Motley's formality to the influence of her parents who were from Nevis in the West Indies and were also quite formal themselves; they brought a "kind of British slightly distant atmosphere" with them when they immigrated to New Haven (Joel Motley, 2009).

One day during the trial, Motley showed her less formal side and her compassion in a private moment with Hunter-Gault as they were leaving court. She tried to comfort Hunter-Gault and let her know that she understood how the ordeal of the trial and being away from family, school, and her social network affected Hunter-Gault as a teenager. Motley also revealed her feelings about how the ordeal of the trial affected her personally and how she missed being away from her own family. Hunter-Gault described that as the moment that she bonded with Motley and began to feel empowered:

She [Motley] never paid much attention to me until one day at the end of the week of the trial... I had testified. I wanted to get back to Wayne State University. I had just become a Delta...I wanted to get back to the parties. I was nineteen years old...The lawyers went to the

state and asked for permission for me to leave and they denied it just out of meanness because they didn't need me as a witness anymore. But they denied it saying they might need me again.

So as only a nineteen year old could, I sat in the backseat of the car with my lips poked out so far you could just walk on them. I was in a heated funk and Connie Motley got in the car and sat next to me. And there was a woman who never talked to me, ever, and all of a sudden, she put her hand on my leg and said, "I know how you feel." My neck whipped around as I realized, she is talking to me, she is actually talking to me. She said, "I would like to leave this weekend too." She said, "I've been down here a long time." And at that time, she lived in New York with her husband, Joel and her son, who was about twelve...I remember she said, "I'd like to be in New York with my husband and twelve year old son whom I haven't seen in a long long time, but we have a job to do here." I said wow, I exist. It was wonderful. And I think from that moment on, there was bonding beyond her representing me, and that was empowering for me (Hunter-Gault, 2009)

Family was very important to Motley. She loved her husband, Joel Wilson Motley, Jr., her son, Joel, III, and her extended family. "She relished the time she spent with them" (Swain, 2006).

Motley and her husband had a very close and loving relationship and a strong marriage. He was an accomplished professional in his own right and was also a man ahead of his times in his role as a supportive husband. He encouraged Motley to pursue her career as a trial lawyer. He played a major role as a care giver for their son and assumed other responsibilities in their home that made it possible for Motley to travel extensively and be away from home for extended periods of time while litigating the case against the University of Georgia and other cases for the LDF and still maintain balance in her life, work, and family.

When asked what impact Motley's extensive travel and absence from home had on him as a young child and on her relationship with his father, Joel replied that his mother always made him feel that he "was the most important thing in her life"

and that “even though she was away and traveling” a great deal of the time, “he knew he was loved by her and he “never felt abandoned or anything like that.” He added that my mother and father were “very happily married for over 50 years...They were married in 1946 and they were very close... My father was a very supportive husband all of the time, both taking care of me when it was necessary when she was away, but also just encouraging her career. I think he really felt that what she was doing was extremely important and he wanted to do whatever he could to help her do well at it, which, when you think about the time, was really extraordinary.” Joel concluded his response with the statement: “I don’t think there were a lot of men of any ethnic group who could have taken that position as well as my father did” (Joel Motley, 2009).

Days, too, commented that Motley’s husband was an extraordinarily supportive partner and that he took care of their son and responsibilities of the home so that she could concentrate on and excel in her work. When “Judge Motley” was “flying off to Mississippi or Tennessee or Florida to very scary places at scary times,” her husband “was back in New York...taking care of...their son and various other things and being totally supportive of her work,” Days said.

The love, devotion, and support that Motley and her husband had for each other was witnessed by Wright who reflected on how the NAACP staff became familiar with him. He drove to the office to pick Motley up almost every day when she was in New York. He “would sit and wait quietly. And we would say, ‘You’re the most patient man in the world because he was. He cared about his wife and he

cared about her work... and was flattered that such as this was his wife and mother of his child,” Wright said (Wright, 2009).

Days often visited with Motley and her husband in their home and observed the close and supportive relationship that existed among them. “It was really special to be able to sit around the dinner table up in Chester where they had a house or even in Manhattan where they had an apartment and it was really interesting to watch the dynamics” between them and their son when he was home. “[I]t was really terrific to watch something like that...and to see a marriage like that that had lasted for so long under very trying circumstances,” Days said (Days, 2009). He emphasized that not only was her husband “supportive of her personally and professionally” while Motley was an attorney at the LDF but, he also encouraged her to pursue her career in political life and as a judge. “When she got into politics as Borough President of Manhattan and in the State Senate...he was there backing her. When the question...whether she was going to be appointed to the federal bench was up in the air, he was right there supporting her.” Days proclaimed, “So Joel [Motley, Jr.] requires all kinds of badges for being a great husband, a supportive partner, and a wonderful father” (Days, 2009).

In a 1979 *Jet* magazine article, entitled, “Federal Judge Motley Tells How She Keeps 33-Year Marriage Intact,” Motley talked about how her marriage and family remained strong despite the “long hours” she worked and the “frequent trips that she took.” She gave credit to her husband who was totally involved in what she was doing, who shared the cause she was advocating for, and who even traveled to the

Supreme Court in Washington to hear her argue civil rights cases when she was an attorney at the LDF (*Jet*, p. 24, 1979).

In June 1960 when he graduated from Howard Law School, Vernon E. Jordan, adviser to President Bill Clinton, Senior Managing Director of Lazard Frères & Co., former Director for the NAACP, former Executive Director of the United Negro College Fund, and former President of the National Urban League, among other positions, obtained his dream job. It was a position as a law clerk for Donald Hollowell, an attorney in Atlanta, for “thirty-five dollars a week” (Jordan, 2009). Hollowell was part of Motley’s team in the desegregation case against the University of Georgia. Because he was working for Hollowell, and “because Hollowell was a local NAACP Legal Defense Fund lawyer,” Jordan was also working for... Constance Baker Motley” in the case to desegregate the University of Georgia (Jordan, 2009).

The federal district court was in Macon, Georgia. The University of Georgia was in Athens, Georgia. Motley had to go to there and search through thousands of records to compare the credentials of white applicants who were admitted to those of Hunter-Gault and Holmes to prove that they were rejected because of race and not because they were not qualified for admission. (Jordan, 2009).

Hotels in Athens were segregated; there was no place for Motley to stay. As a result, Jordan, had to drive her over a hundred miles each way every day from Macon to Athens for several weeks. They had to leave Macon at six o’clock each morning in order to take the two hour trip to Athens and then take the two hour trip back at the end of the day (Gellhorn, pp. 270-271; Jordan, 2009). At lunchtime, there was always a problem finding a place to eat because the restaurants and lunch counters in

Athens were segregated too (Jordan, 2009). Looking back on that experience, Motley commented that getting up in order to be on the road by six in the morning, going through records all day, searching for a place to eat lunch, and driving two hundred miles a day back and forth from Macon to Athens was “sheer physical exhaustion” for her (Gellhorn, pp. 271-272).

“After like a month... I was serving subpoenas on the Chancellor of the University, the President of the University...and the Governor...I had not even passed the bar and I’m out serving subpoenas,” Jordan said. “The Attorney General, Eugene Cook, told me...that I would pay a price for that and I did, I flunked the bar exam!” Jordan continued, “But then, after the lawsuit was filed, we got a subpoena *duces tecum*, which meant that we could go to the University in Athens and go through all of the records.” He stated:

I was the youngest lawyer. I was the flunky lawyer, I carried the brief cases, I went and got lunches. I did the research and so it was my job to pick up Connie Motley at Edmond Thomas’s house; he was a lawyer. She had to stay with that family because she couldn’t stay any place else. And it was my job to drive Constance Baker Motley...to Athens everyday and we would sit there in the admissions office and go through records after records after records. And what impressed me was, the kind of intensity she had...She told me what to look for and after about two weeks, I found it (Jordan, 2009).

Motley had instructed Jordan on how to review applications and other evidence to prove inequality in the admission process and to prove that the University discriminated against Hunter-Gault and Holmes when it rejected them. “I found the key piece of evidence that unraveled the University of Georgia’s fiction about why the absolutely qualified Charlayne Hunter could not be admitted,” said Jordan. The evidence he found demonstrated that “Charlayne had been denied admission” to the

University “and subsequent to her denial, “a white coed from Marietta, Georgia, Cobb County” who had a “worse academic record” had been admitted. “That made our case. I think we call it *prima facie*” evidence (Jordan, 2009). Motley was pleased that he had found the evidence and he was pleased too.

“And then in December was the trial and, I’m still the driver and Judge Motley sat across from me. I did the driving and she sat in the other seat and she didn’t talk. She didn’t look out the window either,” said Jordan. He explained that Motley was completely focused on preparing her questions for the registrar, the Chancellor, and the other witnesses as he drove. “She was like a barber who takes his strap, that leather strap – and gets the razor sharp. That’s what it reminded me of...Her concentration, her intensity were unbelievable. I mean, if I had to stop the car fast, she just kept reading and kept preparing” (Jordan, 2009).

Jordan described Motley’s courtroom performance. He stated, “When she got to the courtroom...she was formidable... She had this way with witnesses, of telling you to go to hell and making you look forward to the trip!” (Jordan, 2009).

Driving for Motley and working as her researcher in the case was the ultimate legal experience for Jordan. Watching her was a lesson in lawyering itself,” he exclaimed (Jordan, 2009).

When questioned about the significance of Motley’s victory in the desegregation case against the University of Georgia case, Jordan replied, “It was quite significant because it was the first successful desegregation case in higher education in the South and even more successful because they finished, they graduated and went on to distinguish themselves” (Jordan, 2009).

Hunter-Gault became the first black reporter for the *New Yorker*, the second black reporter for the *New York Times*, and winner of two Emmys. She recently moved to South Africa where she became the Johannesburg bureau chief, a foreign correspondent for NPR, and the chief correspondent for CNN. Holmes became a physician.

Calvin Trillin, a noted author, was the reporter for *Time Magazine* and the *New Yorker* during the civil rights movement. He covered the South in the *Time Magazine* Atlanta bureau. He sat in court and watched Motley everyday of the trial.

Trillin commented on Motley's expertise in cross examining hostile witnesses in the case. He also talked about how she used the "old clincher strategy" on them. Trillin provided an example of the strategy by quoting from his copy of the trial transcript of Motley's cross examination of defendants: the Admissions Director, the Registrar, and the President of the University of Georgia.

Question: "Would you be in favor of accepting a qualified Negro into the University of Georgia?"

Answer: Yes"

Trillin recalled that, "The day after Motley used the old clincher on the University officials, the *Atlanta Journal* noted in a story that 'The University Registrar has testified in federal court here that he favors admission of qualified Negroes to the University'" (Trillin, 2009).

Although Trillin spent a great deal of time following and watching Motley, she maintained a very disciplined, professional, and distant relationship with him throughout the trial. When asked about his impression of her, Trillin replied, "She scared the hell out of me. She was a very imposing person...she was dead serious,



but you also have to realize what sort of situation she was in...She was down there in an atmosphere where it was war and she was sort of geared up for that and she wasn't going to be distracted in talking...unless she had to" (Trillin, 2009).

The governor of Georgia was hostile and opposed to desegregation of the University so Motley had to fight him in addition to University officials to get Hunter-Gault and Holmes admitted. After she won the case, the governor threatened to close the University rather than permit Hunter-Gault and Holmes to enroll and desegregate the University (Young, 2012; Jordan, 2009). His action prompted a "90 miles an hour" car race between the Georgia Attorney General and Motley to get to the Fifth Circuit Court of Appeals in Atlanta to have a judge there sign her papers so she could appeal the case to the United States Supreme Court (Gellhorn, p. 268; Morrison).

"I remember when we went to Atlanta, Attorney General Cook was driving his car because he knew we were going to Atlanta and appeal...And so he was driving with his associates at 90 miles an hour, and we were right behind him. We figured they'd have to arrest him first before they arrested us, and we all got to Atlanta about noon," said Motley (Gellhorn, p. 267-269). The next day, after the Supreme Court heard Motley's appeal and sustained the decision to force the University to admit Hunter-Gault and Holmes, the governor closed the University. When he reopened it several days later, Hunter-Gault and Holmes enrolled and became the first blacks to attend and graduate from the University (Young, 2012).

Emanuel wrote about Motley's experience in the case to desegregate the University of Georgia:

When she represented Hamilton Holmes and Charlayne Hunter in their effort to desegregate the University of Georgia, she had to cross-examine the chancellor of the Board of Regents, the president of the University of Georgia and the registrar of the University as they all insisted under oath that race did not play any part in admission decisions at the University of Georgia...a black woman facing this pantheon of the old South – her job was impossible.

She held her ground. She presented her case well, and she won. U.S. District Court Judge Walter “Gus” Bootle in Macon...ruled that it appeared from all the evidence that the only reason these two bright young people were denied admission was their race. He ordered them admitted...Then a few days later, Bootle entered an order staying the resolution of the matter pending appeal. Despair – even if an appeal were expedited, registration for the semester was about to close. Time was of the essence. Enter the pay phone.

Motley went to the pay phone and called Judge Elbert Tuttle, chief judge of the Court of Appeals for the 5<sup>th</sup> Circuit in Atlanta. She told him she was appealing Bootle’s decision and asked when the appeal could be heard.

“When can you get here.” He asked. By 2 p.m., she exclaimed. “Then tell opposing counsel that the appeal will be heard in my courtroom at 2 p.m.,” he advised her.

She did, and then, with her co-counsel Atlanta attorney Donald Hollowell, at her side, she drove to Atlanta...Even as Gov. Ernest Vandiver and his lieutenants were celebrating their victory, Tuttle ruled from the bench: the stay was lifted, the two young applicants could register at once. It was a turning point not only in their lives, but also in the life of the nation (Emanuel, 2005).

Allan Morrison wrote as follows about how Motley experienced her work to desegregate the University:

Her most exciting case was the one resulting in the admission to the University of Georgia of Charlayne Hunter and Hamilton Holmes in 1961. The pressure then was so intense that for one entire week she existed on two hours’ sleep a night. In one action filled day, she drove 90 miles from Atlanta to Macon, Ga, and back. On the return trip, she wrote a lengthy motion in longhand which had to be typed out by two secretaries waiting for her in Atlanta in order to enable her to file it under the deadline set by the federal judge. ‘That was the most exciting case of all’ she recalls, ‘exciting in terms of the speed with which the district, circuit, and U.S. Supreme courts acted, all within a period of 24 hours (Morrison, p. 55, 1963).

In addition to her victories in the cases to desegregate the University of Alabama, the University of Mississippi, and the University of Georgia, Motley was the LDF lawyer who won the case to desegregate Clemson College where Harvey Gantt had been rejected for admission to the School of Engineering. After she won the case, Gantt was admitted; he was the first black student to enroll and complete graduate education at Clemson. She won the case to desegregate Louisiana State University (LSU); she represented Ernest Morial who became the first black student admitted to the LSU Law School. He subsequently became the mayor of New Orleans. She won education desegregation cases in almost every state in the South and the District of Columbia (Young, 2012; Greenberg, 2009; Joel Motley, 2009; Days, 2009). Without her victories in the courtroom, the goal of ending racial segregation in public schools, colleges, and universities – a goal of the civil rights movement – may not have been achieved.

### **Hostile Segregationist Legislatures And Hostile Judges**

Motley was often thrust into situations where things were always changing – and changing very fast in her education desegregation cases. A multitude of things happened that she had not and could not have anticipated that made her job very difficult. Her experience in New Orleans provides an example of how rapidly things changed and how her work became much harder.

In New Orleans, Motley quickly realized that in addition to challenging actions by segregationist governors and school administrators who engaged in action to physically block black students from entering schools, she also had to deal with hostile state legislatures that enacted laws nullifying the desegregation ruling in

*Brown* and declaring that the Supreme Court's ruling did not have any effect in their states.

Motley went into court in New Orleans and sued to desegregate the public schools. While she was litigating the case, the legislature immediately enacted a "whole raft of laws obviously unconstitutional" to avoid desegregation of the schools. She still had to challenge them. She had "to go court and get every one of them knocked out," said Motley (Gellhorn, p. 503). She also unexpectedly found herself going to courts in other states where segregationist legislatures had quickly adopted laws to prevent desegregation of their schools. She had to argue the school desegregation cases as well as challenge all of the newly enacted laws. Often she had to prepare for emergency hearings because the invalid laws were adopted right before the beginning of the academic year and they had to be invalidated in order for black students to enroll and attend school.

On many occasions, Motley had to argue her cases in front of judges who were personally opposed to desegregation – segregationists – who were hostile to blacks and who refused to enforce the decision in *Brown* (Wright, 2012; Bell, 2009). They had an obligation to uphold the law; however, the segregationist judges abused their power and used tactics in their courts that contributed to making Motley's experience in the civil rights movement unpleasant, extremely difficult, and sometimes dangerous (Wright, 2012).

In many communities the resistance to implementation of *Brown* was actually aided by the segregationist judges. This was particularly true in Southern states such as Mississippi, Florida, Louisiana, Alabama, Georgia, and Tennessee where both state

and federal court judges strenuously resisted desegregation. All of the resistance required Motley to spend more time confronting angry mobs as she tried to enter and exit courts. It also required her to appeal every decision that was rendered by hostile judges (Gellhorn, p. 414).

Motley's experience with Judge Cox in Meridian, Mississippi provides an example of an extremely hostile judge whose action forced her to file several appeals; he even refused to give up after she had gone all the way to United States Supreme Court and obtained a ruling compelling him to order Meredith's admission to the University of Mississippi. Motley's secretary had made a "typographical error in a hastily prepared" motion to enjoin the Governor from blocking Meredith's entrance into the University after she had won the case against it. When Cox saw the error, he angrily "threw the paper across the table" at Motley. At that point, Judge Mize who was also sitting on the case reminded Cox that "the case had been fought all the way through the courts, it had been up to the Supreme Court and they had lost, and that they had done all that they could in Mississippi to resist this [desegregation], and having lost, it was time to comply with the law" and grant the order to compel the governor to allow Meredith to register at the University (Joel Motley, 2009).

Motley said she was "amazed that the man [Judge Cox] would demonstrate such lack of judicial temperament in front of lawyers, particularly one from the Justice Department" who was also in the court room. She was also amazed that during his display of anger and poor judicial conduct, Cox accused the Justice Department lawyer, a white male, "of being a nigger lover...because he just despised blacks so"

and “he despised any whites who would pursue in his court black rights” (Gellhorn, pp. 493-495).

In Dallas, Motley encountered another segregationist judge. He simply “rendered a decision saying that he disagreed with the Supreme Court decision” in *Brown* and wasn’t going to do anything to facilitate desegregation in Texas (Gellhorn, p. 417).

Many of the judges in Florida were hostile to the idea of desegregation of the schools. One such hostile segregationist judge, DeVane, presided over the case Motley filed to desegregate the University of Florida. The case pended in the Florida state courts for nine years. The judge was so hostile to the whole idea of integration of the University that he refused to let Motley speak; he refused to listen to the plaintiff’s argument against the University. Motley finally had to file and win a petition for mandamus in the United States Supreme Court to compel Judge DeVane to hear the case (Gellhorn, pp. 251, 526-527).

Motley was the attorney in 12 elementary school cases in Florida. She filed lawsuits in Pensacola, Jacksonville, Palm Beach, and Tampa (Days, 2009). In Tampa, she encountered another judge who was hostile and unalterably opposed to integration and who also abused his power and tried to control, if not prevent, integration in schools in the state. In discussing his actions, Motley said, “We filed a case involving the Tampa school system and Judge Whitehurst, an elderly man, was a segregationist and he would not even permit the case to be argued” in his court. The resistance of the judge was so great that he “just wouldn’t hear the case” (Gellhorn, p. 262). Although the case was on his docket, the judge “wouldn’t call it” so Motley

could not argue it. "He never called" the case. There was no way to go over the head of the judge. He "finally resigned, and that was the only way" Motley and the LDF could get the case called up" for trial (Gellhorn, pp. 416 - 417).

The segregationist judges refused to "abide by the decision in *Brown* because Motley and the NAACP were attacking a deeply rooted social policy of segregation and the judges were a part of the whole system. The judges had grown up in that system and they embraced it. They saw integration as a threat to the social structure and way of life in the South. "To them, it did not involve simply the admission of one black to a classroom. If that were the beginning and the end of it, there would not have been so much resistance," Motley said. "But they knew that essentially what was involved was an attack on the social structure of the South, which dictated segregation of blacks and their exclusion from institutions." Blacks just were not a part of the body politic in the South. "Segregation was the way of life... and these judges having grown up in that system, having developed it, being a part of it, obviously presented the same kind of resistance you'd get from anyone whose entire life style was being threatened," she said (Gellhorn, pp. 264-265).

The segregationist judges knew that Motley wasn't just arguing to desegregate a particular school or university in their courtrooms. They knew that she was also arguing for the end of segregation and the way of life in the South that they supported. Therefore, the judges engaged in massive resistance; they abused their power to delay or prevent compliance with the *Brown* decision and desegregation of public education in America.

## Chapter Five

If a case is important or tough, one that really requires a major undertaking, then Connie gets it," said Greenberg (Morrison, p. 54, 1963).

In the heart of the American South, during the early days of the Civil Rights Movement in the late 50's and 60's, there were only two layers that made white segregationists tremble and gave civil rights workers hope – Constance Baker Motley and Thurgood Marshall. When someone mentioned that one of them was coming to town, we knew there would be a shake-up for the cause of justice (Lewis, 2005).

### **“Martin Luther King Might have Gone Down In Birmingham” And Support For The Movement May Have Been Lost (Motley, p. 137, 1998)**

In addition to her school desegregation work, in 1946 Motley won, *Rice v. Elmore*, a voting rights case in South Carolina where blacks had been excluded from voting in primary elections of the Democratic Party. The LDF took the case because the exclusion constituted a violation of the Fifteenth Amendment and because primary elections were an integral part of the election process (Gellhorn, pp. 333-334). The case was important in protecting the right of blacks to register and vote. It gave them access to the political power structure, empowered them to become politically active to force elected officials on the local, state, and national level to represent their interest, and it facilitated the development of black political power.

Motley sued and won public accommodation cases where blacks had been excluded from state parks in South Carolina and Tennessee because of their race. She also represented King and protestors who participated in marches, sit-ins, and



freedom rides across the country (Wright, 2012; Young, 2012; Lafayette, 2011). The cases were all important in ending racial discrimination in public accommodations.

### **Martin Luther King, Jr. And The Albany And Birmingham Campaigns**

Some believe that “Motley first gained national attention as a civil rights lawyer defending Dr. Martin Luther King, Jr. and other activists during the stormy protest days in the South” (*Black Enterprise* p. 23, 1977). Andrew Young, the Executive Director of the SCLC during the civil rights movement and close friend of King, often joined him in those battles and was arrested with him during those stormy days. King referred to those days in a Western Union Telegram he sent to Motley on February 10, 1964. “We have been in many battles together,” King wrote (King correspondence, Motley collection, box 8). On February 12, 1964, Motley replied, “We have indeed been in many battles together and will be in the future.” (King correspondence, box 8).

Young recalled that Motley regularly went South to represent King and protestors who participated in mass demonstrations with him. “King constantly consulted with us about what he was lawfully permitted to do” in connection with marches and other forms of protest “and whether certain programs...would run into difficulty, such as boycotts of businesses and...whether they were required to get certain kinds of permits or whether they were permitted to sit-in in a capital or state office building itself or whether they were limited to the sidewalk...He would seek to get advice on how far the demonstrators could go and that kind of thing,” said Motley (Gellhorn, p. 553).

“Martin never sought advice on whether or not he should move forward with action he planned to take, even if he knew he would be arrested and put in jail. And, Motley was not the type of attorney who would advise him not to go forward with the protest or other action such as a march without obtaining the legally required permit...She would simply tell him, ‘I’ll do my best to get you all out of jail,’” Young said (Young, 2012). Sometimes getting them out of jail required “Sidney Poitier and Harry Belafonte to drive all night long with thousands of dollars” to pay protestors’ fines and cover other expenses required to keep the SCLC offices open. Aretha Franklin, Sammy Davis, Jr., and other performers gave us money for the movement too, Young said (Young, 2012).

As a result of the constant involvement with King, Motley developed a very close relationship with him and was called upon to represent him when he was arrested or jailed. She represented King in Albany, Georgia when an injunction was issued against him and the march he planned to lead; she also represented him in Birmingham, Atlanta, and other places when he was arrested and jailed (Young, 2012; Hodgson, 2005; Lafayette, 2011; Wright, 2012).

Historians emphasize events of national significance including marches and mass protests led by King; however, they omit the importance of Motley’s *out of the spotlight* action and agency which included constantly flying to Georgia, Alabama, and other places in the South to secure King’s release from jail, to remove injunctions against marches, and to make it possible for him to lead large protests which the media highlighted. Without Motley’s “behind the scene” courtroom work, many of the marches and other forms of protest might not have occurred.

For example, historians focus on how King's campaign in Albany and Birmingham brought much needed support from black and white people who previously had not supported him or the movement. What they omit, however, is the fact that if Motley had not prevailed in court, the Albany march would not have taken place at all. And, if she had not engaged in exhaustive litigation in both the trial court in Birmingham and the appellate court in Atlanta (in a single day) and obtained an order to reinstate students who had been expelled for participating in the march with King, the Birmingham campaign would have been a failure and support for King and the civil rights movement may have been lost.

### **The Albany Campaign**

Motley first became personally acquainted with King when she was sent by the LDF to represent him in Albany early in 1962. On a Friday afternoon, a judge issued an injunction against a march King planned to lead to protest segregation in that city and other areas in Georgia (Motley, p.138, 1998; Young, 2012; Lafayette, 2011; Wright, 2012). The march was scheduled to take place two days later on Sunday. After he issued the injunction, the "judge rushed out of town" and went to Florida for the weekend so King could not satisfy the two days notice requirement to have city officials vacate the injunction and lift the restriction on the march (Gellhorn, pp. 423, 424; Motley, p.138, 1998). Donald Hollowell, the local counsel for the LDF in Atlanta, called Motley and said, "Could you come down and help us because we want to get this injunction lifted" so the march can take place? Motley got on a plane and went to Albany; she arrived around midnight Sunday and went to court the next day to argue the case for removal of the injunction. She prevailed in

court and as a result, King was able to go forward and lead the march. (Gellhorn, p. 480; Motley, p.139, 1998). Hollowell worked with Motley on the case.

Even though she had extensive experience arguing cases throughout the country, William Kunstler, a white male attorney, assumed that Motley was not competent or experienced enough to handle the case involving King. Kunstler “interjected himself” in the case, Motley said (Gellhorn, p. 424).

Shortly after she arrived in Albany, Motley “encountered William Kunstler and his interloper strategy” She was met at the airport by Howell and C.B. King, the local attorney for the protestors. Kunstler was there also. He pushed himself ahead of them and kissed and embraced” her like he was a long lost friend, said Motley. (Motley, 139) Kunstler, who said he was King’s lawyer, suggested to Motley that they should divide the argument in court with Kunstler getting up first to lay out the facts of the case for the judge and then with Motley following him with the substantive argument on the law. Motley had not spoken with King in person prior to her arrival in Albany; therefore, she assumed what Kunstler told her about being King’s personal lawyer was true (Gellhorn, p. 424; Motley, p. 139, 1998).

Motley stayed up all night and prepared her papers and argument for the appeal of the injunction against the march. The next morning, she and Kunstler went to the Fifth Circuit Court of Appeals. Motley wrote that when they got inside the courtroom, Kunstler took over. He “jumped up to address the court before anyone else could” and said, “Judge Tuttle...I would like to introduce Mrs. Motley from New York” to the Court (Motley, p.140, 1998). The judge responded, “Mr. Kunstler, Mrs. Motley has appeared here so often I sometimes think she’s a member of this court.

We'll hear the jurisdictional question first." Kunstler replied, "Oh, Mrs. Motley will argue that." "Kunstler's strategy was suddenly reversed. and Martin King was sitting there and so he saw this little transaction," said Motley. She argued the case with King sitting in the courtroom (Gellhorn, pp. 423-428).

As she and Kunstler turned around to leave the courtroom, King and his wife, Coretta, were sitting on the first bench. "King did not greet Kunstler or introduce him as his lawyer" (Motley, p.140, 1998). Motley learned after the court appearance that King had never spoken with Kunstler or ever asked him to be his lawyer and that Kunstler's practice was to inject himself – volunteer – in cases and try to take over on the theory that the other attorney was not experienced enough or capable of handling an important case or high profile client (Motley, p.140, 1998; Gellhorn, pp. 423-428).

After Motley represented King in Albany, she represented him many more times. She was his lawyer in Selma and Birmingham where he was arrested and jailed regularly (Young, 2012; Lafayette, 2011; Wright, 2012). She commented that sometimes King was physically assaulted when he was arrested but was "never assaulted in public by the police" (Gellhorn, p. 429).

### **The Birmingham Campaign**

Although the Birmingham campaign was one of the most significant events of the civil rights movement, Motley received almost no recognition for her action that made it a successful event. Little has been written about the fact that it was Motley who went to the South, got all of the protestors out of jail, and secured the court order to force the school board in Birmingham to reinstate the 1,081 black children who had been expelled for participating in the demonstration with King. She also

represented King and Young; both men had been arrested and jailed (Young, 2012; Wright, 2012).

The march in Birmingham occurred in May of 1963. That was ten years after the *Autherine Lucy* case. King was involved in a major campaign in Birmingham when he and the students marched (Motley, p. 135; Young, 2012; Wright, 2012; Lafayette, 2011). “Bull Connor...the sheriff turned back the marchers with the use of hose from the fire department and police dogs,” said Motley. After she received a late night telephone call for help, she immediately acted to get the children released from jail and reinstated in school. She responded to the call for help “because again Martin Luther King had been arrested for parading without a permit,” which was the favorite charge. “A permit to march would never be issued so, if they marched at all, it had to be done without a permit,” she said (Gellhorn, pp. 429, 430).

The media had captured live footage of police using vicious dogs and fire hoses on the children. That horrific scene was repeatedly shown around the world; it was a pivotal event that broadcast the oppression and violence of racial segregation in America. The media’s exposure of the brutality and violence leashed on the children by the police had a beneficial effect; it strengthened the movement and the battle to end racial discrimination; it brought much needed support from many people on the local, regional, and national level who had not supported the movement.

Motley’s work in the Birmingham campaign was crucial for King and critical for continual support of the civil rights movement by blacks in Birmingham (Young, 2012; Joel Motley, 2009). King had led the march one week before graduation. The school board immediately announced that all of the children who participated in it

were expelled from school and none of them would graduate (Young, 2012; Wright, 2012; Lafayette, 2011). Motley provided more detail about the march and expulsion of the children. She wrote that:

When the children appeared in a planned demonstration on Saturday morning, the city fathers did something totally unexpectedly. They retaliated by getting the Birmingham school board to expel from school eleven hundred students who allegedly had participated in the march. This was one week before graduation. Some of these students were poised to be graduating from eighth grade and go on to high school; some would be graduating from high school... This school-board action greatly vexed these children and their parents. The parents wanted their children to graduate... and they let Dr. King and his associates know it. At this point, the city fathers had the upper hand. King and his associates were stymied as to what to do next (Motley, p. 135).

People in the black community, and especially the parents of expelled students “were very put out with Martin King,” so something had to be done very quickly to remedy the situation. At 11:00 the next morning, Motley went before a judge in Birmingham to get the protestors released from jail and to obtain an injunction to force the school board to reinstate all the students. The judge refused to issue the injunction. (Gellhorn, pp. 430, 431; Young, 2012).

Although Motley had been accompanied in court by four male attorneys, she was the one who argued the case. When the judge asked why she, “a woman lawyer, was the only one arguing” the case, Motley replied, “Well, because I am the Legal Defense Fund attorney assigned to the case, and I have had prior experience in issues of this kind, and these local lawyers are not experienced in civil rights matters” (Gellhorn, p. 431).

Motley described the drama, the race against the clock, and the two flights she took within a five hour time period in her battle to get the students back into school. She said that even before she went into court in Birmingham, she knew that the judge, a staunch segregationist, was not going to enjoin the school officials from expelling the students or order their reinstatement so she had already called Judge Tuttle, the Chief Judge in the Fifth Circuit Court of Appeals in Atlanta, and informed him that she would be there to appeal the anticipated adverse decision of the Birmingham judge around 4:00 in the afternoon. The judge in Birmingham apparently suspected the plan to fly from Birmingham to Atlanta to appeal his ruling so he waited until after 2:00 in the afternoon to issue his order denying Motley's motion. He did not want her to have enough time to get to court in Atlanta where he knew the injunction would be issued and an order would be rendered to reinstate the students. (Motley, p. 136; Emanuel, 2005; Gelhorn, pp. 431-436)

After the judge in Birmingham issued his ruling, Motley called Judge Tuttle in Atlanta again; he told her to take the 5:00 p.m. flight, the last flight of the day from Birmingham to Atlanta and that he would hear her argument at 7:00 p.m. (Emanuel, 2005).

"I notified the lawyers for the school board that Judge Tuttle was going to hear the case that night at seven, and of course they were stunned," Motley said. She rushed out of court, made the 5:00 p.m. flight, stopped by a local attorney's office in Atlanta, typed up her papers for the injunction, and argued the case in Judge Tuttle's courtroom at 7:00 p.m. (Emanuel, 2005; Gellhorn, pp. 431- 436).



Two other LDF lawyers accompanied Motley to the Court of Appeals where she argued the case. She commented as follows about the significance of the role, she, and the other LDF lawyers played in the Birmingham Campaign:

I went to Atlanta with Leroy Clark and one of the local parents, Reverend Calvin Wood, who had been named as plaintiff. We were met by Donald Hollowell, our local counsel in Atlanta; we rushed to his office and hastily drew up the papers. He accompanied Leroy and me to court. Leroy, a Columbia Law School graduate and a very competent lawyer, had been hired by Thurgood right after *Brown*. If I ever needed another lawyer with me, it was then. When we got to court at 7:00, it suddenly dawned on me that I was then the one in the eye of the storm...

I made our argument, which was that the young plaintiffs had been expelled without notice or hearing, a violation of due process... Tuttle ruled that he would issue our requested injunction... I was anxious to get back to Birmingham that night to advise Dr. King and his followers, who were gathered in one of the many black churches for their nightly meeting. I knew they would be there until 11: p.m. as they had been each night for months because I had been with them each night for about two weeks. With Judge Tuttle's permission, I left the courtroom to make the 9:00 flight. My opponents were still arguing with the judge when I left.

I think it is fair to say that this was the most critical point in what we now call the Birmingham campaign. If Judge Tuttle had not held this extraordinary court session, Martin Luther King might have gone down in Birmingham. Instead, Tuttle's injunction revitalized King's efforts. Yet there was not a single line the next day in the Birmingham papers or on the local radio station about the injunction (Motley, pp. 136, 137).

As soon as Judge Tuttle granted the injunction and issued the order for the Birmingham school board to reinstate all of the expelled students, Motley asked him if she could leave to get the 10:00 p.m. flight, the last flight of the day, back to Birmingham. He said, "sure" and she left court while "the school board lawyers" were still arguing against the injunction (Gellhorn, p. 435; Emanuel, 2005).

Motley got the 10:00 p.m. flight out of Atlanta and arrived back in Birmingham at 11:00 p.m. She went directly to the church where King was meeting with members of the black community and discussing the march, the expulsion of the

students, and tactics of the civil rights movement. The meetings, which never ended before midnight, were held at a church every night (Young, 2012). "The black community was completely involved in the Birmingham campaign and they had meetings every night. As these demonstrations went on...the people would just...move from church to church so that it would not appear that just one church was involved. They wanted the whole black community involved, which they did have," said Motley (Gellhorn, pp. 433-437).

The expulsion of the students had presented a crisis situation in the black community in Birmingham and a critical situation for King as a leader. People, especially parents, blamed King for the school board's action in expelling the students. The black community "had gotten upset with Martin Luther King and his protest movement when it affected their children in this way...They were turning against him and turning against the civil rights movement, said Motley. "So, I wanted to get back to Birmingham to let them know that the injunction had been issued and the students would be going back to school the next day, and therefore graduating in a couple of days," she said (Gellhorn, p. 435-437).

Because of Motley's work, King was able to announce that Judge Tuttle (in the Court of Appeals in Atlanta) had ordered that all of the students who participated in the march were reinstated in school and he, King, was able to enjoy the continued support of the parents of the expelled students and the black community in Birmingham. It was a significant turn of events; however, there was nothing at all in the local newspapers about Motley's victory in forcing the school board to reinstate the children the next day. She found out later that the judge in Birmingham "who

opposed the issuance of the injunction, had called the local newspapers and suggested to them that they not publish anything about the granting of the injunction” and the court order to reinstate the students. “He didn’t want the blacks to know that this victory had been achieved for them and that the children would be going back to school. If word didn’t get to them, he figured...that they would continue to be annoyed with Martin King and not continue to support him,” Motley said. Despite the fact that the newspapers did not print anything, blacks in Birmingham knew the injunction had been granted because it had been announced by King at the church meeting when Motley returned from Atlanta with the court order (Gellhorn, pp. 435-436).

On many occasions, Motley had to find a telephone and call Judge Tuttle to schedule a time to argue an appeal of a trial court ruling. Emanuel elaborated Motley’s search for telephones in an article in *The Atlanta Journal-Constitution* entitled “Constance Baker Motley, 1921-2005: Lawyer’s calling was civil rights.” She described how Motley always had to leave the area surrounding the courthouse and walk a great distance to a black area to find a pay phone to call Judge Tuttle and appeal adverse rulings. Motley had to do it in the University of Georgia case and she had to do it again in the Birmingham school case. Emanuel wrote:

Three years later [after the University of Georgia case], Motley would have occasion to find another pay phone and make another emergency call to Tuttle. In May 1963, Birmingham was a tinderbox. The civil rights revolution was at a critical turning point.

In near desperation, King had agreed to let the children of Birmingham join in peaceful protest. Some 1,100 children... were arrested...The Board of Education announced that everyone arrested was expelled, or suspended for the remainder of the school year...

Motley sought an injunction on their behalf. They were being penalized for exercise of First Amendment rights, she argued. This time her plea fell on deaf ears: Judge Clarence Allgood denied any relief.

Once again, Motley went to a pay phone and called Tuttle. It would be evening before the attorneys could make their way to Atlanta. When they did, Tuttle was waiting.

The hearing began at 7 p.m. Tuttle heard arguments from both sides. He ruled from the bench: Allgood had erred; the school board's mass expulsion was a denial of the children's constitutional rights and they were entitled to an injunction pending appeal...

Motley would remember that as her most satisfying achievement, even after she became the nation's first African-American federal [district court] judge (Emanuel, 2005).

The exhaustive experience in the Birmingham case is an example of Motley's work ethic. In addition to being "very bright and she was well trained" she possessed a "predacious capacity for plain old hard work driven by the justice of her causes and her commitment to her standards of excellence," Days said (Days, 2009). Wright agreed with this assessment of Motley and stated:

People are not aware of the long hours that she ...put in... Connie was an exemplification [of the hard work ethic] by her attitude and the workload that she took...She would be there early in the morning and you would see her late at night in the office, in the library with the staff preparing for the next case or preparing to leave for Mississippi or Texas or Louisiana or wherever the case may be (Wright, 2009).

Wright continued and stated:

Her husband Joel came to pick her up every night and he would say, "Honey are you ready to go? And she would say, "No, I gotta finish this brief or review this brief, I want to go over this brief or I won't be able to come into the office tomorrow or I'll be going straight to the airport to go to Mississippi or Louisiana or to Georgia or wherever she had to go to represent the...plaintiffs [in the case] that she was handling at that particular time (Wright, 2009).

Motley went to Birmingham many times after she won the case against the school board because King was always being arrested and jailed and she was the attorney assigned to represent him (Young, 2012). Many of the trips were taken to get King and other protestors out of jail. She would stay in Birmingham a day or two, go back to New York, and then go back to Birmingham a few days later. She prepared her court papers as much as she could in the office in New York and then took a 7:00 p.m. flight out of Newark, New Jersey to Birmingham in order to get to the church before the meetings were over and to gather whatever was needed to appear in court the next day (Wright, 2012).

There was always a possibility that Motley could be injured or killed in Alabama. "All during the Birmingham situation, we had bodyguards with us because...the situation was very tense" and dangerous, she said (Gellhorn, p. 437). Motley was always met at the airport by people who had been assigned to pick her up and escort her wherever she had to go. Hotels in Birmingham were segregated so she always stayed at Gaston's Motel. It was a black owned and operated motel which was also the headquarters for King. Gaston was constantly worried that his hotel would be bombed "because everything else was being bombed down there," Motley said (Gellhorn, p. 438).

In addition to representing King, Motley was called upon to address the membership of the SCLC from time to time. Following a presentation at which she updated the members on important civil rights issues, King sent her the following letter:

Dear Connie,

This note comes as an expression of my appreciation for your marvelous contribution to the Ninth Annual Convention of the Southern Christian Leadership Conference. The eloquent and profound statements that you made brought to the audience a grasp of the real issues of the day and a sense of responsibility.

I feel that it was most significant that we returned to a "desegregated Birmingham." SCLC is grateful to you for taking a day out of a very busy schedule to address our pre-convention banquet.

Again, I reiterate my deep appreciation.

Sincerely,

Martin (King correspondence, box 8).

### **Representation of Protestors In Sit-Ins And Freedom Rides**

*Freedom Riders*, *Eyes On The Prize*, and other documentaries about the civil rights movement stimulate discussion about the sit-ins and freedoms rides in the 1960s. In addition scholarly literature about the civil rights movement including *The Children* by David Halberstam, *Freedom Riders: 1961 and the Struggle for Racial Justice* by Raymond Arsenault, and *Parting the Waters in the King Years* by Taylor Branch promote the sit-ins and freedom rides as catalytic events in the movement.

Both the documentaries and literature fail to acknowledge Motley as the LDF attorney who won the cases that protected the right of the activists to engage in those protests and the cases that set aside the arrests and convictions of those who participated in them. Motley's agency and action in the protest movement mattered. It was her success in the courtroom that made it possible for them to continue the sit-ins and freedom rides that ultimately forced Congress to act and pass legislation that prohibited racial segregation in public accommodations (the Civil Rights Act of 1964) and achieve goals of the civil rights movement.

In the early 1960s, black college students joined the protest movement to end legal segregation and achieve full equality for blacks. They engaged in civil disobedience and demonstrations to force desegregation of lunch counters, restaurants, public transportation, theaters, museums, hotels, parks, swimming pools, and beaches, as well as courtrooms, and libraries (Lafayette, 2009; Wright, 2012). They organized sit-ins at segregated lunch counters and other public places. They also organized freedom rides to force desegregation of bus and train stations to test federal enforcement of the Supreme Court ruling and laws that prohibited racial discrimination on buses that traveled from state to state – interstate transportation (Lafayette, 2011). The sit-ins and freedom rides mobilized blacks throughout the South and the country to protest racial segregation and convinced whites from the North to join the movement.

The sit-in movement was sparked by the bold leadership of a group of college students “who dared to sit in at a drug store or Woolworth’s lunch counter and demand service” in North Carolina in 1960 (Gellhorn, p. 532). Around the same time students were staging sit-ins in North Carolina, Diane Nash was leading a group of students in sit-ins in Nashville. Those students also attacked segregation at lunch counters (Gellhorn; Halberstam, 1998; Lafayette, 2011).

The college students who staged the sit-ins knew that in *Brown*, the Court had decided that blacks had to be accorded equality – equal treatment – with whites. They understood that *Brown* symbolized the national government’s recognition of its responsibility to protect blacks and to guarantee that they received equal treatment (Lafayette, 2009).

The students knew they would be arrested and possibly jailed, but they didn't have any jobs to lose or any fear of economic or other forms of reprisal from whites (Lafayette, 2009). They did not sit-in at first-class restaurants that blacks generally could not afford to eat in. Rather, they attacked "lunch counters in department stores and in Five and Tens in their home town" where their family and friends shopped and in the college towns where they went to school because they frequented those stores and bought a lot of their clothes and school supplies in them (Gellhorn, p. 534). "Every black child knew that when he went shopping on Saturday with Mama downtown to buy clothes, the white children could go to the lunch counter and have a hot dog and soda and ice cream and black children could not. And this was something which...black college students who grew up in the South were quite aware of, and so they were ready to do away with this indignity after the Supreme Court decision in *Brown*, and the groundswell for equality was taking shape" (Gellhorn, pp. 534-535).

As the sit-in movement spread, thousands of students were arrested around the country. Lafayette had responsibility for continuously filling establishments in Nashville with "new sit-in protestors" as students were led out and arrested (Lafayette, 2011).

Within a relatively short time, the whole country "was engulfed in a wider desegregation struggle arising out of the freedom rider movement which attacked segregation in transportation, and the sit-in movement which attacked segregation at lunch counters and places of public accommodation." The LDF was "totally unprepared for these two major developments – that is, the spontaneous movement in



the black community to do away with the indignity which blacks daily faced in just going to work on public transportation and the equally absurd indignity of not being able to get a hot dog when they went downtown to shop in the Five and Ten,” said Motley (Gellhorn, p. 531-532). Taken by surprise, it had to quickly realign its priorities and divert some of its legal resources to defend thousands of students who had been arrested, convicted, and jailed all over the country for participating in freedom rides and sit-ins. It also had to file lawsuits to knock out state and local laws requiring segregation of public transportation, lunch counters, and public facilities (Greenberg, 2009; Wright, 2012).

Again, Motley was pressed into action; she was the attorney who assumed the responsibility to represent students who had been arrested, convicted, and jailed. She argued cases to get students out of jail so that they could continue their protest actions. She took a series of the cases to the Supreme Court. Those cases became known as the *sit-in cases*.

As convictions mounted in thousands of sit-in and freedom rider cases, the question arose as to what would happen to all of these convictions pending around the South. The question was answered when Motley won the sit-in cases in the Supreme Court and Congress was forced to pass the Civil Rights Act of 1964 (1964 Act).

The 1964 Act was predicated not only on the Fourteenth Amendment but also on the Interstate Commerce Clause – the power of Congress to regulate all aspects of interstate commerce.

The sit-ins and freedom rides to force desegregation of public facilities and transportation had put enormous pressure on Congress to pass the 1964 Act to end *de*

*jure* segregation and create equal rights for blacks in American society. As soon as it was passed, Motley petitioned the Supreme Court to set aside *all of the convictions* that had resulted from the sit-ins because the establishments used channels of interstate commerce in their businesses.

The 1964 Act provided that if a facility or business used channels of interstate commerce, it could not engage in racial discrimination. The lunch counters and restaurants where the sit-ins occurred relied upon interstate commerce to receive shipments of food and other goods required to supply the inventory and products to be served to customers. The buses the students used in the freedom rides traveled on interstate roads.

In the Supreme Court, Motley argued that neither the sit-in arrests nor convictions could stand in light of Congress's enactment of the 1964 Act. The justices agreed and overturned all of the convictions (*Lupper v. State of Arkansas*; *Hamm v. City of Rock Hill*).

Wright assisted Motley with the sit-in cases. "Working with youth and college people meant that we were fully involved in the major campaigns and activities to try and bring about freedom and equality...Many of the civil rights activities...were started by our youth and college groups...The activities that kicked off the sit-ins that started in Greensboro, North Carolina were started by young people who were members...of the NAACP," Wright said (Wright, 2009). The mass movement of student sit-ins and other forms of direct action protest was organized by students who were "disillusioned with the snail's pace" of desegregation and frustrated with "the deliberate thwarting of justice in all deliberate speed." The

NAACP experienced difficulty in controlling the activities of its young members “in the rapidly shifting civil rights terrain.” They wanted to be on the “direct-action frontlines” and “pushed well past the adult leadership of old-line civil rights organizations” like the NAACP to bring about social change more quickly. (Hamlin, p. 75, 2012).

Both Young and Wright remembered that although the officials of the NAACP on the national level, and most attorneys at the LDF, initially opposed the students’ sit-in actions, Motley was quick to defend them. Young remarked that Marshall was slow to support the students and that Roy Wilkins, the former executive director of the NAACP, never came around to support their action (Young, 2012). Wright agreed. He recalled the concern about the NAACP supporting attempts to restrain trade and the “rift” that developed between the college student members and adult members of the NAACP when the students first staged their sit-ins. Wright stated:

There was a conflict between our youth and our adult units. There was a belief among some of our lawyers – the late Thurgood Marshall who was our general counsel – and others who were worried that there might be an interpretation that if our youths were to initiate some of these activities it might be construed that the NAACP was attempting to restrain trade and that created a problem for us. So many of our young people undertook the activities on their own or through their youth counsels without the identification of the NAACP (Wright, 2009).

Wright emphasized that although Marshall and male lawyers at the LDF and male leaders of the NAACP opposed the students’ actions and were hesitant to lend support to them, Motley courageously stepped up and represented the students from the very beginning.

Motley's agency in the sit-in and freedom ride protests was critical to the success of the civil rights movement. Her work in trial courts, appellate courts, and the United States Supreme Court on behalf of the students who were arrested made it possible for them to sustain their protest action, accelerate the end of *de jure* segregation, and force radical change to take place in America.

### **Working Under Unpleasant And Dangerous Conditions In The South**

Time after time, Motley was the lawyer Marshall sent to the *Jim Crow* South to represent students fighting to integrate colleges and universities and to represent King, the sit-in protestors, freedom riders, and other activists when they were arrested and jailed (Wright, 2012). She was also the one Marshall sent to Mississippi to work with Medgar Evers and the NAACP; Motley even spent a night under guard at his home "just before an assassin killed him in his front yard" ("Martin, 2005; Huntley, 2005).

When asked why she had been sent to the dangerous South so many times, Motley replied that she was sent on those assignments by Marshall because she was a woman and that "Thurgood's theory was, in the South, they don't bother black women because they all have mammies" (Holley, 2005; Martin, 2005). Marshall may have nurtured Motley and helped her develop into an excellent attorney; however, his action in sending her to the South could be classified as discrimination on the basis of sex since gender was the determining factor for the difference in treatment and the assignments in which a woman – but not a man – was constantly sent to the South.

Notwithstanding Marshall's theory about black women being safe in the South, they were harassed, beaten, sexually assaulted and raped, pistol swiped and shot, and tortured because of their civil rights activities (Hamlin, 25, 26, 56, 57, 95, 96, 111-113, 122-124). For example, Fannie Lou Hamer and other black women were brutally beaten within inches of their lives, arrested, and jailed. (Hamer's permanent injuries from beatings she incurred included the loss of her left eye, irreparable damage to her kidneys, and exacerbation of a limp that she had from childhood polio) (Lee, p. 152, 1999). The homes of Daisy Bates and Carlotta LaNier were bombed, set on fire, and riddled with bullets (LaNier, 2011). Jo Ann Robinson and black women organizers of the Montgomery Bus Boycott were also victims of violence. Robinson barely escaped serious injuries when rocks and bombs were thrown in her home and acid was poured over her car. Black women freedom riders were beaten and strip searched while confined at Parchment Penitentiary, a notorious maximum security facility where executions were carried out (Lafayette, 2011).

Motley, too, was exposed to acts of violence and danger in much of her work in the South. She was threatened and "often accosted by hostile white spectators in the corridors of Southern court houses or outside on the sidewalk" (*Ebony*, pp. 50-56, 1963). She experienced racial insults and physical threats from segregationist mobs, school officials, governors, and even judges. When she worked in Alabama and Mississippi, local black leaders had to surround her with bodyguards armed with machine guns because of fear that she would be attacked and killed because of her

lawsuits to desegregate the University of Alabama and the University of Mississippi (Wright, 2012; Williams, pp. 248-249, 1998).

Ogletree spoke about the fact that Motley was constantly required to leave her family in the North and travel extensively to dangerous places in the South to represent LDF clients while the male attorneys remained in the comfort and safety of the LDF office in New York. “Bill Coleman sort of understated it when he commented that the guys at the LDF said, ‘Let Connie do it. Send Connie there [South]. Maybe they won’t hurt her’” (Ogletree, 2009). He was quoting William T. Coleman, former United States Secretary of Transportation, former President of the LDF and member of the NAACP’s national legal committee, and LDF attorney who worked alongside Motley and other attorneys during the civil rights movement. “You know, we had tough problems and she’d go South and she would tell us how to work out the problems. We’d sit in New York or Philadelphia and talk from there. And I sometimes felt guilty that I didn’t have the courage to face them in the South the way she did” Coleman said (Coleman, 2009). Marshall may have thought that Motley would be safe doing trial work in the safe, however, “violence was always there” and “fear was always there...but she never let her family know about it; she never complained about it” (Ogletree, 2009). When Greenberg looked back and reflected on the resistance to desegregation and the disdain segregationists had for Motley and other LDF attorneys, he recalled, “There was always the potential for violence wherever we went” (Greenberg, 2009).

Wright often traveled with Motley and was an eyewitness to some of the dangerous conditions she worked under. He commented about the precautions that were taken to try to protect her:

Connie in her various trips to Mississippi to try and get James Meredith into Ole Miss, of course was always in constant danger because of the fact that there was major objection to integration of the schools in that state....We were aware of that and we took precautions to keep her as safe as humanly possible...We couldn't count on, unfortunately, the local police to provide the security needed, nor in some instances, could we count on the local members of the FBI because oft times they were in cahoots with the local police (Wright, 2009).

Wright further stated that because he and Motley could not stay in hotels in the South, they always looked for blacks in the community who were not afraid to have them in their homes and provide protection for them. "Members of local chapters of the NAACP would stand guard outside all night and watch the houses" where he and Motley slept to provide protection for them (Wright, 2012).

"Being a lawyer for the Legal Defense Fund was, in some cases, a dangerous occupation," said Days. He further stated that, "In later years, Motley reminisced about the dangers she faced and her experiences driving throughout the South, "looking over her shoulder, fearful that she was being followed by racist members of the clan who might do her in" (Days, 2009).

"My mother talked to me rarely about the danger of the work because I was only 10 or 11 at the time and she didn't want to frighten me... She didn't tell me...when a lot of this was going on, but it was clear that it was tense and difficult and she would be away sometimes for ten days at a time," Joel said. He added:

But in subsequent years she talked about it and we looked back and there were two instances that really come to mind. One was when she

and her secretary, I believe in Mississippi, were traveling at night from one courthouse to another and were being followed by a State Police car. That was the one instance where she felt specifically frightened that something very bad could happen, but luckily nothing did. The other thing that brought the danger home was when she talked about the assassination of Medgar Evers... When I was 8 or 9, she took me to Mississippi to see what was going on and I played with Medgar Evers' children and his wife looked after us at their house. And of course, Medgar was shot right in front of the house. And after that, she left the Legal Defense Fund (Joel Motley, 2009).

"Motley often talked about mourning Medgar Evers" and about the shrubbery around his house. She warned him to "do something about the bushes" because somebody could hide in them and "come from behind those bushes" and ambush him, Days said (Days, 2009). As Motley feared and warned, Medgar Evers was assassinated with the use of a high-powered rifle; he was killed by someone hiding behind those bushes (Hamlin, p. 112, 2012).

### **The Supreme Court Cases**

The LDF and the NAACP did not limit themselves to challenging desegregation in education, housing, voting rights, and public accommodations; they also took cases challenging discrimination and unequal treatment of blacks in the criminal justice system. Motley argued and won criminal cases, including a death penalty case she tried with James Nabrit, a colleague at the LDF. He commented about Motley and his work with her in correspondence with me:

I worked with Constance Baker Motley on various occasions during the time she was a lawyer for the NAACP Legal Defense and Educational Fund Inc... We successfully represented an Alabama death row inmate named Charles Clarence Hamilton before the U.S. Supreme Court. Hamilton had been convicted of an Alabama capital crime, (burglary in the night with intent to ravish), despite never having touched the crime victim... In *Hamilton v. Alabama*,



Mrs. Motley won for our client who had no lawyer at his arraignment, which was deemed to be a crucial procedural stage in the case, even though he had a lawyer later. The Supreme Court victory led to the saving of Hamilton's life after further proceedings (Nabrit, 2009).

Nabrit also wrote about Motley's demeanor in court and the high regard the Supreme Court justices had for her. "I have a recollection of Mrs. Motley's great dignity and presence as she argued that and other cases in the U.S. Supreme Court, and remember the relish that Chief Justice Earl Warren seemed to take in addressing her as "Senator" Motley after her election to the New York State Senate. It was clear that the Chief Justice of the United States was impressed by Constance Baker Motley," (Nabrit, 2009).

Of the ten major cases Motley argued in the United States Supreme Court, she won nine while she was at LDF. She won the tenth case twenty years later when the Court reversed the only case it ever decided against her. The cases, which are summarized here, were all important in the advancement of civil rights and equality for all – goals of the civil rights movement.

On October 17, 1961, Motley argued *Hamilton v. State of Alabama*, 368 U.S. 52 (1961), her first case in the Supreme Court. It was, as Nabrit wrote, a criminal case that involved the right of a defendant to have counsel at the arraignment in a capital case. All of her colleagues at the LDF were there to back her up and give her support. The night before her Supreme Court argument, Motley had an oral argument practice session at Howard University. Law professors asked her questions similar to those they assumed Supreme Court justices would ask so that she got a good workout. The next day, the Supreme Court treated her well and rendered a unanimous decision in her favor (Gellhorn, pp. 511, 513-514).

The issue Motley raised on appeal was whether in a capital case a defendant was entitled to counsel at every step of the proceeding, including the arraignment, or whether the right to counsel was limited to just the trial. She argued that Hamilton had been denied his Fourteenth Amendment right of due process because he had not been represented by counsel at his arraignment. The Supreme Court ruled that in a criminal case, the defendant was entitled to counsel at his arraignment and every stage of the proceeding and reversed Hamilton's conviction. The case was very important in establishing the right of all defendants to have legal representation at every stage of a criminal matter.

Motley argued her second case in the Supreme Court in 1962. That case, *Turner v. City of Memphis*, 369 U.S. 350 (1962), involved a plaintiff who was refused nonsegregated service in a restaurant with seating arranged so that blacks and whites were physically separated. The restaurant was operated by a business that leased space from the City of Memphis in the municipal airport. It had followed a state law that required racially segregated seating in eating facilities (Motley, p. 196, 1988).

Motley attacked the state regulation on constitutional grounds and sought an injunction to permanently prohibit the City of Memphis and its tenant, the restaurant in the city airport, from operating racially segregated eating facilities and bathrooms. She won in the Supreme Court; it ruled that the state regulation requiring racial segregation in publicly operated facilities violated the Fourteenth Amendment and was unconstitutional. The case was remanded back to the district court with directions to enter an injunction permanently banning racial discrimination in the restaurant at the airport. That case was important in the fight for equality; it set the

precedent which made it possible for all travelers and visitors to sit, eat, and use fully integrated facilities in the airport.

On November 6, 1962, Motley went to the Supreme Court again and argued *Gober v. City of Birmingham*, 373 U.S. 374 (1963), a student sit-in case. This time, she challenged an ordinance in Birmingham, Alabama that required racial segregation in public eating places and the conviction of ten black students who violated the ordinance by engaging in a sit-in to protest racial discrimination. The students had been convicted of criminal trespass on private property in state court because they sat at the all white lunch counters in department stores, requested service, and failed to leave when they were asked to do so. The Supreme Court reversed the convictions and held that the ordinance requiring racial segregation in publicly operated facilities violated the Fourteenth Amendment and was unconstitutional.

Motley argued a related case concerning sit-ins in Birmingham. That case, *Shuttlesworth v. City of Birmingham*, 373 U.S. 262 (1963), involved two black ministers who had provided counseling to students who staged sit-ins at lunch counters. The ministers had not accompanied the students to the lunch counters nor participated in the sit-in action. "Nevertheless, the ministers were convicted in the Alabama court of aiding and abetting trespass" because "they had counseled the students beforehand" (Motley, pp. 196, 1988). The Supreme Court reversed the convictions. It held that the ministers' convictions had to be set aside because the convictions of the students they allegedly assisted had been reversed in the *Gober* case; therefore, there could be no convictions for aiding and abetting.

*Watson v. City Of Memphis*, 373 U.S. 526 (1963), involved black residents of Memphis who brought an action against the City seeking declaratory relief and injunctive relief to require immediate desegregation of municipal parks and all recreational facilities that were either owned or operated by the City. The United States District Court for the Western District of Tennessee denied the plaintiffs' request; it ordered the City to submit a plan providing for desegregation of the parks and recreational facilities over a period of years. The Court of Appeals for the Sixth Circuit affirmed the District Court's decision. Motley appealed to the Supreme Court which unanimously reversed the District Court decision. It held that the delay in desegregating public parks and recreational facilities over a period of years – rather than desegregating them immediately – could not be justified in the absence of the City's showing of compelling reasons for the delay in implementing constitutionally required desegregation of public facilities. Motley's victory in that case was important. It opened previously all white public parks and recreational facilities to blacks and whites on an equal basis.

In *Calhoun v. Latimer*, 377 U.S. 263 (1964), Motley represented the plaintiffs who sought to desegregate public schools in Atlanta. The United States District Court for the Northern District of Georgia ruled against her and refused to order the schools to admit black students. After the United States Court of Appeals for the Fifth Circuit affirmed the District Court's ruling, Motley appealed the case to the Supreme Court. She had tried the case in Atlanta in 1958; the trial court had decided that "segregation in the school system was voluntary on the part of blacks and whites" and it came up with "the most unreasonable plan one could devise – a grade a year plan [for

desegregation of the schools] starting in the twelfth grade” (Motley, pp.197-198, 1988). During oral argument in the Supreme Court, the attorney for the Atlanta School board advised the justices that the plan Motley characterized as unreasonable (because it would take twelve years to integrate the schools) had been modified, and that under the new plan, students could freely transfer between schools in order to desegregate them and end the dual/segregated school systems immediately. The Supreme Court remanded the case back to the District Court so that it could determine the impact of the School Board’s free transfer plan and whether it complied with *Brown*.

In *Bouie v. City of Columbia*, 378 U.S. 347 (1964), two black students were convicted of trespass for staging a sit-in and refusing to leave a booth in the luncheonette section of a drug store. The store had a policy that permitted blacks to shop in the store but not to be seated and served in the luncheonette located inside of the store. After the black students sat down, a store employee put a “No Trespassing” sign up and asked them to leave the booth they had sat in. The students refused to leave; they were arrested and charged with breach of the peace and criminal trespass. They were only convicted of trespass. (The relevant South Carolina statute made it a crime – trespass – for a person to enter the lands of another *after* being notified that the entry was prohibited.) The Supreme Court reversed the trespass convictions because the students had not entered the luncheonette and sat in the booth after being notified not to enter. Instead, the notice (“No Trespassing” sign) had not been put up until *after* they had entered the premises and sat in the booth. The Court held that punishment of the students for a crime that they did not have prior notice of – an *ex*

*post facto* crime – would constitute a violation of due process under the Fourteenth Amendment. (This case was decided by the Supreme Court two days after the Senate passed the bill that subsequently became known as the Civil Rights Act of 1964 – the legislation that prohibited segregation in all public accommodations.)

*Barr v. City of Columbia*, 378 U.S. 146 (1964), was another sit-in case argued by Motley. Similar to the facts in *Bouie*, black students were arrested and charged with breach of the peace after they had sat down and waited for service at a lunch counter in a store that had a policy of permitting only whites to sit and eat. The Supreme Court cited its decision in *Bouie* and reversed the convictions. It held that the students had been polite, quiet and peaceful from the time they entered the store until they left and that there was no evidence to support the breach of peace convictions.

*Hamm v. City of Rock Hill* and *Lupper v. State of Arkansas*, 379 U.S. 306 (1964) were two sit-in cases in which the defendants had been convicted of trespass. The Supreme Court granted *certiorari* in order to review the decisions of the state courts and consolidated the cases. Jack Greenberg argued the *Hamm* case and Motley argued the *Lupper* case.

Hamm's sit-in occurred at a lunch counter that was restricted to service for whites only in a South Carolina variety store. He remained seated when he was refused service because of his race. Lupper's sit-in occurred in a mezzanine level tearoom that was restricted to service for whites only in an Arkansas department store. He, too, remained seated when he was refused service because of his race and was requested to leave.

Both Hamm and Lupper were arrested at the stores where they sat in. They were prosecuted and convicted of violating their respective state's trespass statutes. Both argued that their Fourteenth Amendment rights had been violated and that their convictions had to be set aside because the Civil Rights Act of 1964 prohibited segregation in places of public accommodation. The Supreme Court agreed and overturned their convictions. It held that the lunch counter (and tearoom) in the stores that offered service to interstate travelers were places of public accommodation within the meaning of the 1964 Act.

Motley's victory in the *Lupper* case led to the *reversal of all of the arrests and convictions in all of the sit-in cases*. "It was, without a doubt, the most difficult case I argued. If it had been lost, thousands of students involved in sit-in cases pending in the South would have remained in the clutches of angry local police, prosecutors, and jailers who had just lost the war in the Congress. The Civil Rights Act of 1964 meant that Congress finally joined the executive and judicial branches in ending segregation and discrimination in America's public life. In short, the struggle for equal protection under the laws had been won," Motley wrote (Motley, p. 199, 1988).

In December 1964, Motley argued *Swain v. State of Alabama*, 380 U.S. 202 (1965), the tenth and last case that she argued in the Supreme Court – and the only one she lost. She challenged an Alabama prosecutor's use of his "preemptory challenges" to remove all black jury duty candidates who had been called to try the defendant, Robert Swain, a black man, for the alleged attempt to rape a white woman in Talladega County, Alabama. Use of the preemptory challenges to exclude blacks

from juries was a wide spread practice in the South at the time (Gellhorn, pp. 543-544).

Prospective jurors can be excluded from juries by two methods. One method of exclusion is by a “challenge for cause” if, for example, the person is not a citizen or does not understand and speak English or is a convicted felon. The other method for exclusion is by use of a “peremptory challenge.” That’s where a lawyer has the right to exclude or remove a person from the jury when the lawyer personally believes that person should not be selected to serve on the jury. When the peremptory challenge is used, the lawyer does not have to disclose a reason for exclusion or removal of a person from the jury.

Motley lost the *Swain* case when the Supreme Court affirmed the trial court’s ruling and upheld the use of preemptory challenges to remove all of the black jurors in the case. Twenty years later, in *Batson v. Kentucky*, 476 U.S. 79 (1966), the *Swain* case was reversed.

In a 2004 interview, Motley applauded the reversal of *Swain* and claimed a victory in all ten of the cases she argued in the Supreme Court. “The tenth case I won 20 years later...when the Court adopted my view that it was a violation of equal protection for prosecutors in criminal cases to use their preemptory challenges to get rid of all of the blacks on a jury panel” (Derrick, 2004). She also gave her perspective about her achievements in the Supreme Court in her autobiography:

Undoubtedly, the dream of every litigating lawyer is to argue a case before the Supreme Court and win. Most lawyers never get the chance. Arguing several significant cases before that Court and winning is, indeed, a rarity. This opportunity earned me a place in the history of the Supreme Court. I may have been the first black woman in modern times to argue before the Supreme Court. It was an



opportunity I never expected to have when I initially contemplated law as a profession. I must acknowledge, of course, that I also coincided with history, and I have never lost sight of that fact. In the twentieth century, the rights of black Americans under the Constitution were vindicated, and the federal judiciary emerged as the primary forum for recognizing these rights. I must also acknowledge my good fortune in having had the educational training and litigation experience with the LDF, whose victories they really were (Motley, pp. 201-202, 1998).

After characterizing Motley as “a brilliant woman and a wonderful lawyer,” Days commented on her performance in the Supreme Court. “Now there is no contesting the fact that Judge Motley, during her... years with the NAACP Legal Defense Fund, was one of the finest lawyers in America,” Days said. He went on to state that she was recognized by justices on the Supreme Court as being a superb lawyer and that U. S. Supreme Court Justice William O. Douglas, in particular, praised her as “an outstanding lawyer who mastered the facts, mastered the record, and also mastered the art of trial advocacy and the best argument the other side could make” (Days, 2009). He quoted Justice Douglas who said, “Of all the lawyers who appeared before the Supreme Court,” he would “probably have to rank her among the top 10” (Days, 2009).

## Chapter Six

**“The major legal battles were over...I thought I should look for other areas in which to practice law or use my legal training” (Motley, 204-205).**

### **Transition from Activist Movement Attorney to Political Life**

After almost twenty years at the LDF (from 1945 as a law clerk and from 1946 as a staff attorney through 1964), Motley made the transition from an activist movement lawyer to political office. The stress of constant travel and extended periods away from her family, the emotional toll of dealing with taunts and hostility directed at her in the South from angry mobs, and insults from having to be served in segregated restaurants and confined to segregated public accommodations because she was black may have influenced her decision.

Joel believed that the assassination of Medgar Evers, who she had worked very closely with on NAACP cases, was the most significant factor in her decision. “She looked back on those years [and] said that Medgar’s assassination was one of the things that really made her feel that continuing on would be especially difficult not just because they had worked closely together, but because of the particularly violent...way in which he had been killed,” Joel said. He added, “I think that when Medgar was killed she really decided that twenty years of going to the South had become just not enough but almost too much and it was time to move on. But by then she had done twenty years of litigation it was time to move on and to make a career change and I think it was all very natural” (Joel Motley, 2009).

Marshall's decision to pass over Motley and support Greenberg to replace him as director counsel of the LDF may have also influenced her decision to leave the organization. She had begun her tenure at the LDF before Greenberg arrived; however, Marshall chose Greenberg over her as his successor when he left to become a judge on the Second Circuit Court of Appeals. "Medgar Evers, the NAACP field secretary in Mississippi, was so certain [Motley] would be [Marshall's] successor that he had posters printed to this effect announcing a public meeting in Mississippi at which [Motley] was the main speaker...The resentment among the NAACP rank and file" to the selection of Greenberg over Motley "remained muted and private (Motley, p. 151, 1998).

It could be argued that gender played a role in Marshall's decision. Some may characterize his action as evidence of a particular act of sexism that was consistent with the pattern of denying black women formal titles and positions as leaders of black churches and national/male dominated civil rights organizations. They may believe that Marshall had difficulty with the idea of a woman being the formal titled leader of a predominantly male civil rights organization.

Greenberg rejected the view that Marshall or any of the male attorneys at the LDF were sexist or that Motley was discriminated against because she was a woman. He stated that she was treated the same as all of the other lawyers at the LDF. "Connie... was like any other lawyer. She had her strengths and her unique qualities but I don't think that the fact that she was a woman played any part in anybody else's perception of her ....Everybody had a good working relationship with Thurgood and

she did too. And she had a good working relationship with me and all her other colleagues,” Greenberg said (Greenberg, 2009).

Motley was sensitive to the argument that sexism played a role in Marshall’s action. She refuted the sexism theory, defended Marshall’s selection of Greenberg, over her, and revealed details about the internal feud and politics that may have led to Marshall’s action. She explained that a feud developed between Robert Carter, who had been Marshall’s “chief assistant since about 1949. Carter had become quite dissatisfied with Marshall’s leadership of the LDF because he believed he “was spending too much time visiting NAACP branches and raising funds” and neglecting legal work which fell on Carter to do (Motley, p. 150, 1998). Marshall was under the impression that Motley “supported Carter’s campaign to oust him,” but she had not. Carter had not confided in her about his plans (Motley, p. 151, 1998). “Because of his feud with Carter,” Marshall “moved quickly to maneuver Jack Greenberg into his position as his successor” rather than Motley. “Greenberg’s installation came with such swiftness that there was no time for the opposition to mobilize” (Motley, p. 151, 1998).

Motley wrote that Marshall’s reason for promoting Greenberg as his successor was also based on financial concerns. The LDF was in great need of funds to finance its legal work and Greenberg (who was white) had the support of most of the largest contributors to the LDF, all of whom were also white. In addition, Greenberg had the approval of the LDF board of directors for the position. Marshall’s decision, said Motley, was based on merit and the only opposition to Greenberg’s selection as Marshall’s successor would have been based “solely on the fact that Jack was white,

his credentials were impeccable” (Motley, p.151, 1998). She acknowledged, however, that, “Thurgood [Marshall] also had difficulty with the idea of a woman in a leadership role in a male world” and that since “the women’s rights movement of the 1970s had not yet emerged” she had no women supporters other than Bella Abzug (Motley, p. 151, 1998).

In the 1960s when Motley became a political actor, women held a marginal position in politics. “What distinguished women from men as political actors was their absences in all but token numbers from the visible, central seats of decision-making,” wrote Susan Hartmann. Politics was still considered to be for men and not for women. “Sex roles socialization continued to define politics as a man’s world and to discourage women from careers that typically provided stepping stones to political leadership. Those women who overcame such barriers to political aspiration still faced male reluctance to share power and popular misgivings about the propriety and capability of women for high office” (Hartmann, p. 22, 1989).

The cases that Motley won during the civil rights movement opened doors for women – both black and white – in all fields and endeavors, including political careers. Hartmann believed that the movement “helped transform the possibilities for women in politics,” in particular and that it “afforded a broad scope for women’s participation and leadership, especially at the grassroots level” (Hartmann, 24).

In the South, in particular, it was largely black women activists who had worked and led grassroots campaigns to end racial segregation in local communities, organized voter registration drives, and recruited the masses to participate in and support the civil rights movement. Motley not only represented many of those

women during her career as a civil rights lawyer but she also saw, first hand, the impact that qualified and devoted leaders could have on initiating change and improving the lives of others.

Motley “understood that once the walls were torn down, once segregation had been largely if not totally eliminated, there were other challenges, substantial challenges and those challenges largely involve economic and political empowerment of African-Americans” (Schoen, 2009) She had developed an interest in those issues and acquired training as a leader during the period when she was unable to attend college because of a lack of financial resources. She became very active in civic affairs. She became president of the New Haven Youth Council. She participated in political activities when groups went to lobby state legislators in Hartford, Connecticut, and she became secretary of an adult group called the New Haven Community Council. That group was formed by New Haven residents who wanted to do something about unemployment in the black community, the lack of adequate housing, and other issues that affected the quality of life for blacks (Gellhorn, pp. 98-100, 106).

While doing her work in the South, Motley had observed that politics and issues that affected the black community were largely under the control of black ministers. She respected and had confidence in King and the other ministers she had represented; however, she believed that lawyers and qualified leaders from other professions had to get involved in politics and the representation of the black community.

Motley decided that she should enter the business of politics. She ran for office, was elected, and became the first black woman to serve in the New York Senate in 1964 (Motley, p. 206, 1998). She was quoted as follows about her decision to seek the senate seat:

When I learned ... that the state-senate job would be only part-time...and that I could still work for the LDF, I decided to run for the seat because it would broaden my experience...I had been with LDF for eighteen years. The march on Washington the previous August had brought on that perennial feeling, which I had had many times since 1954, that the major legal battles were over...I thought I should look for other areas in which to practice law or use my legal training. Moreover, I had been passed over for the top spot at LDF” when Marshall chose Jack Greenberg to replace him for the position of director counsel (Motley, pp. 204-205, 1998).

In 1965, Motley ran for another office and became the first woman to sit on the New York Board of Estimate and the first woman ever – black or white – to be elected and to serve as the New York Borough President. All three political parties – Republican, Democratic, and Liberal – endorsed her for borough president, a position in which “she wielded enormous influence” and power (Swain, 2006). “The New York Times editorial noted in 1965, that Motley, a Democrat, had received the endorsement of the Liberal and Republican Parties, calling her ‘a person of such unusual character that color became an irrelevancy in her candidacy’” (Days, 2009).

Douglas Schoen, a political consultant and political historian, was very familiar with Motley’s transition to political office. He recalled that she ran and won in three elections in a two year period and was opposed by Congressman Adam Clayton Powell and other black male leaders in Harlem – reform Democrats – who had been “the champions of progress in the 50s and 60s” (Schoen, 2009). Despite the

opposition, Motley “quickly became a leader and the highest ranking African American woman in American politics, all within one year” (Schoen, 2009).

She had been a movement lawyer who represented the interests of blacks; however, when she became an elected official, Motley represented all of her constituents. “Throughout her two year career [in politics], she was absolutely consistent in making it clear that while she was going to stand up and speak for African Americans, she would in no way be a champion of only African Americans...In one of her speeches, she inserted with an asterisk that she was a champion of all races in order to emphasize her concern about all people” (Schoen, 2009). In another of her speeches as Manhattan Borough President, Motley explained her plan to “rehabilitate and renovate Harlem.” An article about Motley’s election to the New York Senate entitled, “Going Upstate” reads, “Mrs. Constance Baker Motley, 42, first Negro woman elected to State Senate, is sworn in by Mayor Wagner at City Hall. She...vowed to fight for “the cause of all people” (Sophia Smith Collection). Motley spoke out in favor of a “rebirth” in Harlem, however, she also emphasized that she wanted Harlem to be a “center of New York Life and a vibrant community for all New Yorkers” (Schoen, 2009). During her tenure as Manhattan Borough President, Motley worked tirelessly to revitalize the inner city and improve urban housing and public schools (Drew Days, p.6, 2005).

### **Transition to the Judiciary**

After a tumultuous two years in politics, in January 1966, Motley “received a call from the White House instructing her, without further explanation...to appear at the East Gate on a particular day, at a particular time.” She did as directed. Years



later, Motley remarked that when she and her husband arrived at the White House, she was happy that “she was wearing her favorite black dress and a new hat” because President Lyndon B. Johnson “informed her that he was nominating her” to be the first woman to serve as a judge in the United States District Court for the Southern District of New York, the largest federal trial bench in the United States (Swain, 2006). The appointment was the culmination of episodes of gender discrimination and much political theater.

Originally, Johnson had planned to submit Motley’s name to the Senate to fill the vacancy on the Second Circuit Court of Appeals when Thurgood Marshall left to become Solicitor General of the United States. There was so much “opposition on the court and among Wall Street lawyers,” primarily white men, to her appointment that Johnson was forced to withdraw her name. The men opposed Motley’s appointment because she was a woman. The position on the Court of Appeals had never been filled by a woman (Motley, 212). Motley believed the opposition had been led by J. Edward Lombard, the Chief Judge of the Second Circuit Court of Appeals. She was quoted as stating that:

Lombard and others on the Second Circuit didn’t want any woman in this milieu. New York was the real power center of the whole circuit, which also includes Connecticut and Vermont, because there you had all the great commercial cases and so forth. Their attitude, pure and simple, was that a woman had no business being there (Washington, p.129, 1994).

Motley was confirmed to the Federal District Court nine months after Johnson’s appointment despite strong opposition from Southern Senators she had alienated when she won desegregation suits against states they represented. Her gender also “sparked a level of opposition among some federal jurists that rivaled the

race-based resistance of southern senators” (Washington, p.127, 1994). Motley fought hard for her appointment. She won the battle and was confirmed as the first black woman appointed to the federal judiciary (Swain, 2006).

While her nomination was pending, the judicial screening committee from the New York Bar Association had only one question to ask Motley. The question was whether she would “appear on the bench in one of those bright flowered dresses that women wear” (Swain, 2006).

In addition to opposition from Southern Senators, Robert F. Kennedy, who initially submitted Motley’s name for the judicial appointment, withdrew his support for her because of a subsequent political disagreement with her. Joel related the following story about the politics that surrounded Motley’s judicial nomination and appointment and why Kennedy had withdrawn his support:

In 1964, my mother was elected to the State Senate which was then a part time position so she was still at the Legal Defense Fund and at the State Senate part time. [The year] 1964 was also the landslide in which Lyndon Johnson was elected President and the landslide had the effect of giving democrats control of the State Senate which they had not had for many years...And in the course of organizing the [New York] senate after the election, Bobby Kennedy was elected Senator from New York and he actually submitted my mother’s name to the White House to be a federal judge. And then after that the struggle over leadership of the state senate got underway...Bobby Kennedy had a candidate, and the minority leader, Joe Zaresky who was a state senator from the Bronx had been in line to become the majority leader...Kennedy was pushing someone else and my mother thought Zaresky really deserved it because he had been the minority leader for so long...And she voted for him and he won. After that, her nomination to the federal bench went nowhere and she became Borough President of Manhattan...

One day, she saw Bobby Kennedy at a political event and invited him for a ride in her limousine and asked him whatever happened to her judicial nomination – to which he gave no response....In the White House, others had seen her nomination and

brought it to the President's attention and eventually Lyndon Johnson himself nominated her to be on the bench... When she went to the White House to meet the President, he told her that he had seen her name come across his desk and wondered about it and decided on his own to find out more about it. So he [Johnson] called Martin Luther King and Whitney Young and said, "Who is Constance Baker Motley?" They said, "Oh, she's wonderful and she's done all this for us and would make a fabulous judge." And he said he decided to go ahead and put her name in himself...

Those of you who remember the history will remember that Lyndon Johnson and Bobby Kennedy were not always the best of friends, so after he [Johnson] told her this story, he said to his secretary, "See if you can get Senator Kennedy on the phone" which she did... The President took the phone and he said, "Bobby this is Lyndon and I have Judge Motley here, and I thought you wanted to be the first one to congratulate her." He handed the phone to her and she felt a bit awkward but got through it (Joel Motley, 2009).

Schoen reminisced about the politics that surrounded Motley's judicial nomination and appointment. He repeated the story that, "During a limousine ride that Motley and Bobby Kennedy took together, she asked him about the nomination but Senator Kennedy looked at her and smiled and asked her about other things and there was never an answer." Schoen recounted the incident surrounding Motley's appointment to the judiciary:

When word got to White House that Bobby Kennedy had abandoned Connie Motley, Lyndon Johnson loved it. And he [President Johnson] called Connie Motley to the White House... and proclaimed that he was going to appoint her to the bench... and Johnson said well, the first thing we need to do is get Bobby Kennedy on the phone. So the President had the White House operator get Senator Kennedy on the phone and he told Senator Kennedy that Constance Baker Motley was being elevated to the court and there was a tentativeness to Senator Kennedy and Lyndon Johnson didn't waste the opportunity, he said, well Senator Kennedy, I know you are going to wanna,... congratulate Connie herself so here is Judge Motley (Schoen, 2009).

After being appointed as a judge, Motley had to attend the school for new judges. She was disrespected and marginalized by the male judge who introduced her at the school. She was quoted as stating:

I remember after being appointed going out to Berkeley, California to attend a school for new federal judges. At that meeting the chairman of the group, who was a federal judge, whose name I have forgotten – it's just as well – he introduced each new judge at the meeting. In doing so, he told those assembled about how great each new judge was, how each had distinguished himself in the law. When it came to introducing me, he said simply that I had been on the Board of the United Church Women, and I had been on the Board of the YMCA, and that was it (Smith, p. 44, 2000).

At the completion of judge school, Motley took her place in a gendered world as the only woman judge on the Federal District Court for the Southern District of New York. In addition to being the only woman judge and the only black judge, Motley was also the only black professional and the only woman who worked in the federal court. For many years, there was only one black male employee who worked there in a non-professional position.

The male judges apparently welcomed Motley as a colleague when it came to assignments and adjusting to the work of the court, however, she may have been a victim of sexism in other respects and marginalized/oppressed on the basis of gender. For instance, even after she joined them as a judge, the male judges continued to eat meals and/or hold meetings that she had to attend at places that admitted and served males exclusively rather than move the meetings or dinners to a place that admitted and served women (Motley, p. 221, 1998).

A specific example of sexism – or at the very least insensitivity – was the judges' dinner that was held every year in a restaurant that did not admit or serve

women customers. For the first ten years or so after her appointment to the court, the judges had a dinner every two to three months at a country club that barred women from membership. "When I arrived [became a judge] the judges realized that they might have a problem with my admission for the dinner meetings because the club had the policy of not admitting women to social functions that took place above the first floor," wrote Motley. "The dinners were always held in a room on the second floor...Sidney Sugarman, who became the chief judge of our court right after I was sworn in...told me a few years later that in order to get me on the second floor, he had told a little white lie to the powers that be: that I was the secretary and, therefore, had to come to the dinner meeting to take notes" (Motley, p. 221, 1998).

In her autobiography, Motley wrote about a specific meeting she was invited to attend shortly after she became a judge. It, too, was held at a club that was not open to women. She wrote:

I was invited to attend a meeting of the Lawyers Club as a newly appointed judge...The club's meeting room was on the twentieth floor of a building near the courthouse on lower Broadway. When I got on the elevator the day of the luncheon, I said to the young white male operator: "Twenty please." He responded, "No women on twenty." When I told him I was a guest of the Lawyers Club, he took me to twenty-one, where I got off. There was no one there. The room was dark. The elevator man must have then notified a club member, because soon thereafter someone came up the stairs from the twentieth floor and "fetched" me (Motley, p. 224, 1998).

Despite the gender based obstacles she faced in her early career as a judge, Motley settled in and performed her job. She took Roberta Thomas, her trusted secretary with whom she had had a "long, rich and complex relationship" to the court as her secretary. Their professional and personal association dated back to Motley's days working on desegregation cases at the LDF. Thomas had often accompanied

Motley on her trips to the South so that she could type documents that had to be filed in court on an emergency basis (Swain, 2006).

Law clerks were hired to assist Motley with work as a federal judge. Two of them provided accounts of their observations of her and their experiences working in her chambers. Laura Taylor Swain, currently a judge herself in the Southern District for the Southern District of New York, was one of the former clerks. James Farmer, Chief of the Criminal Division of the United States Attorney's Office in Boston was the other.

Motley had such high regard for Derrick Bell, her former colleague at the LDF, and the law professor who recommended that she hire Swain as her law clerk, that she hired her "sight unseen" without interviewing her for the position (Swain, 2006). Swain developed a close relationship with Motley; she regarded her as a mentor and role model. Swain paid a tribute to Motley on March 29, 2006 at the Thurgood Marshall Federal Judiciary Building in Washington D.C. during the celebration of Women's History Month (Swain, 2006). The tribute included reminiscences about Motley's career as a trial lawyer and political leader. Swain also used the tribute to expound on what it was like for Motley to be virtually the first woman on the federal bench in an era when there were very few women lawyers and almost no black women lawyers.

When Motley was appointed as the first woman judge to serve on the Federal District Court for the Southern District of New York, she was also the first black woman to be appointed "as a lifetime federal judge in the entire country" (Swain, 2006). As a black woman and a former trial lawyer in a civil rights practice, "she was

obviously ...novel, or at least perceived as novel in her background. Most of the judges on the Southern District had traditionally come out of the prosecutorial arm of the government, and/or out of the major Wall Street law firms” (Swain, 2006).

Because Motley was a woman and her legal experiential background differed from that of most of the men who had been appointed as judges, “there was some skepticism attached to her civil rights background...perhaps even more so than many women and people of color perceive today” (Swain, 2006).

There was a presumption by her detractors that Motley “might not be up to the task” of being a federal judge (Swain, 2006). She “quickly disabused any notions” that she was not qualified to perform the job effectively “and developed a reputation as an excellent jurist in all of the areas of concern” in the court “from criminal law to admiralty and securities law and certainly held her own on the civil rights front as well” (Swain, 2006).

Farmer described Motley as having “partly poise and partly supreme self-confidence as a federal judge. If she felt any self doubt, the law clerks never saw it – she kept it to herself, he said (Farmer, 2009). He also described her as being partly graceful and partly insisting that she be respected as a judge and taken seriously.

Six and seven day work weeks and long hours working with Motley in chambers was the norm. Even so, her law clerks “never saw Motley fazed by workload, court politics or anything else.” Instead, “she always projected a somewhat intimidating level of confidence, presiding knowingly, firmly and, where appropriate, gently both in and out of the courtroom” (Swain, 2006).

Motley had “high expectations for herself, for the “management of her chambers and courtroom” and for those who came into her courtroom (Swain, 2009). “Litigants before her always said that she insisted that the lawyers be completely prepared” when they presented their cases to her (Farmer, 2009).

In the courtroom, Motley was very much the judge and was in charge. She made it perfectly clear that she was the person presiding and that she was the decider of matters before her (Swain, 2006). Her law clerks remembered her as being “very demanding in many respects” and exhibiting “an extraordinary toughness.” Farmer recalled that a former prosecutor who appeared regularly in Motley’s courtroom commented that from the prosecutors’ perspective she was “a tough law and order judge, frequently a tough sentencer on particularly those who abused their position or had power or had advantages and disadvantaged others” (Farmer, 2009). “She was really intimidating in court. She was God on the bench....Everyone agrees that she could be extraordinarily intimidating” Farmer, said (Farmer, 2009).

Although she could be intimidating, Motley was very careful and attentive and went out of her way to make sure that both the lawyers and their clients understood that they were being listened to, that the positions on both sides of the cases were being very carefully considered by her, that “there was absolute equality” in her courtroom and “that ultimately there would be a wise decision by a wise judge” (Swain, 2006).

When he spoke about working in Motley’s chambers, Farmer stated that the law clerks “were privileged to sit in great proximity to her” and to share in a “very intimate experience of working” with her. “This movement lawyer brought to



judging the same work habits she had brought to litigation in the South,” as a civil rights trial lawyer (Farmer, 2009). Motley worked long hours; she was in the court every morning at nine o’clock and did not leave until eight thirty or ten o’clock most days. Farmer and her other law clerks were there with her everyday, including Saturdays, “at least during the school year when she was not going to [Connecticut] in the summer.” They worked in her chambers. “And one of the great rhythms and rituals of the day was spending the evening in the quiet chambers, broken up occasionally by hysterical laughter, until Mr. Motley came to pick her up. Everyone found Mr. Motley their absolute favorite” (Farmer, 2009).

Assiduous, diligent, and workaholic are terms that could be used to describe Motley as a civil rights advocate and a judge. She was obviously very bright, well trained, and an excellent jurist, but what was “underestimated about her was her predacious capacity for plain old hard work driven by the justice of her causes and her commitment to her standards of excellence,” Days said (Days, 2009). Wright reflected on the work habit Motley displayed at the LDF and said that:

People are not aware of the long hours that she ...put in... Connie was an exemplification [of the hard work ethic] by her attitude and the workload that she took...She would be there early in the morning and you would see her late at night in the office, in the library with the staff preparing for the next case or preparing to leave for Mississippi or Texas or Louisiana or wherever the case may be (Wright, 2009).

He further stated that when “her husband came to pick her up every night... he would say, ‘Honey are you ready to go? And she would say, “No, I gotta finish this brief or review this brief, I want to go over this brief or I won’t be able to come into the office tomorrow or I’ll be going straight to the airport to go to Mississippi or Louisiana or to

Georgia or wherever she had to go to represent LDF clients at that particular time” (Wright, 2009).

In addition to talking about how hard Motley worked as a judge, Farmer talked about how her background as a person of color and woman affected her as a judge. “The manner in which she carried forward the habits and the passions of a lifetime in the civil rights war...were manifested in the manner in which she dealt with the parties before her,” Farmer said. “It was always a matter of insuring that everyone received a fair shake” when they appeared before her. To assure that fairness, Farmer recalled that in many instances “where a plaintiff brought a case and she was convinced that the plaintiff’s counsel was not adequately prepared or was incompetent,” Motley took over and “asked most of the questions of witnesses. She wanted to “ensure that the pertinent factual areas were developed...She was determined that the record would be complete, whatever the jury were to determine” (Farmer, 2009). That was just one of the “innumerable ways...in which her habits and attitudes and experiences” from her role as a lawyer in civil rights battles became part of who she was as a judge” (Farmer, 2009). Motley handled every case conscientiously, for the benefit of the litigants, and “with an eye toward doing justice” and being fair and applying her judicial philosophy that everybody got a fair shake in her courtroom, “but she was not a sucker” for every claim of discrimination brought to her court (Farmer, 2009; Forbath, 2009).

Swain conducted what she characterized as a “highly unscientific poll” of the 80 law clerks Motley had over the years she served as a judge. The results demonstrated that Motley was consistent in her “commitment to justice and clear

sense of right and wrong, her high standards, and her ability to remain seemingly aloof while honing in on every detail and rising above any sign of disrespect for her or for her office” (Swain, 2006). The law clerks’ account of “special skill sets required” to work for Motley overlapped substantially. They agreed that “accurate lunch procurement was very high on the list” and “woe to the law clerk who got croutons put in the pea soup.” The clerks also agreed that “required skills” included “fast typing on Selectrics, finding eyeglasses, taking notes on complicated jury instructions, turning around finished products that had Judge Motley convinced [they] could take steno” and always being “ready for field trips” with Motley to “Cheese of All nations or to Little Italy,” for good meals (Swain, 2006).

Farmer also conducted unscientific ethnographic research and found that law clerks had a similar recollection about the attributes Motley displayed and the fact that “she demanded respect...she was slightly autocratic...she had dignified honorary grace” and an aura which conveyed the sense that she was to be taken seriously. They believed that “her imposing demeanor” and “sense in which she commanded a room when she entered” were not acquired as a judge. Rather, they were attributes “she brought to the bench” with her (Farmer, 2009).

Questions about the treatment male litigants and lawyers accorded to Motley as the only woman – and the first black woman – judge in the federal court were answered by Farmer. He emphatically stated that Motley dealt with her gendered world by demanding the same respect that litigants, lawyers, and all involved in the litigation experience extended to the male judges. She demanded that she be accorded the same respect as any federal judge would receive (Farmer, 2009). “No

lawyer who appeared before me ever made an audible remark regarding my race, sex, or ability,” Motley wrote (Motley, p. 225, 1998).

Farmer recounted an anecdote about a lawyer who insisted on talking over Motley in her courtroom while she was presiding. “She questioned him and questioned him and questioned him and finally when he wouldn’t stop [talking over her], she fined him \$1,500, found him in contempt [of court] and she walked out [of the courtroom] and said to her law clerk, “Men, they always talk over you no matter what you do”” (Farmer, 2009).

It wasn’t just the lawyers that appeared before her that Motley demanded respect from. She also demanded respect from her law clerks. “She, in ways that we all found I think, very amusing, made perfectly clear who was boss...There was always a sense in which the judge was clear as to who was in charge in a way that was terribly endearing,” Farmer said. He elaborated and explained that she wasn’t saying “respect me, Connie Motley, an individual.” Rather, she was saying “respect this person of color, this woman, this judge, who deserves to be treated like any other judge in this position” (Farmer, 2009).

William Forbath, the Lloyd M. Benson Chair in Law at the University of Texas and a long time Motley family friend, also commented on how Motley demanded respect in her courtroom. “After the indignities she endured from lawyers and judges in the *Jim Crow* South, she was not going to take grief from any lawyers and it took a while, there were sanctions. She became notorious for sanctioning lawyers to establish her respect on the bench,” he said (Forbath, 2009).

Although she was tough, intimidating, and demanded respect, Motley had quite a sense of humor. It was a very wry sense of humor that was not immediately apparent. "She was always dignified and controlled in her public statements, her public demeanor... even in chambers... But then every once in a while she would come up with something that would both put you off your guard and make you laugh" (Swain, 2006). Motley was "very careful to manage the interaction" and situations in which her sense of humor came into play "so that it was always appropriate." Swain thought "that was part of [Motley's] success as a judge, as a communicator, and as a lawyer" (Swain, 2006).

An example of Motley's sense of humor was displayed in her first meeting with Swain who wrote:

She invited me to her chambers for lunch. And I had no real sense of what she'd be like... I walked into her chambers and here was a beautiful, very tall, very imposing person, dressed all in white and wearing high heels... One of the first things she said to me was a question whether I knew a certain person who was related to her. And I said, no, and asked in the most polite way that I could think of if there was reason that she thought I would know this person... Her reply was, "She's short – like you (Swain, 2006).

Joel talked about his mother's demeanor and personality. He said that although she was very formal and very dignified, she was also quite warm and funny and "had a wonderful sense of humor" (Joel, 2009). He told an anecdote as an example. He said that a few years before her death, Motley received an award from the Federal Bar Council. Prior to the ceremony, she had spent a good deal of time with the president of the Council as he prepared his introduction of her. "After they talked on the phone... she went to the event" which was held at the Waldorf Astoria "with about a thousand lawyers" in attendance. The president "introduced her – a

very nice introduction,” Joel said. When Motley got up to receive her award, she said, “Mr. Smith, I want to thank you for that lovely introduction.” She continued her acceptance speech and said, “And in fact we talked about it on the phone for about an hour and I had hoped that the conversation would have made the introduction free of errors.” Joel said when my mother made that statement, “you could hear a pin drop. I mean all these litigators, hair standing on their heads, they all wanted to sink under the table.” Motley then added, “For example, you said I have 31 honorary degrees. I have 33 honorary degrees.” At that point, “everyone just cracked up. It was a great example of the kind of humor that she had,” Joel said (Joel Motley, 2009).

Motley had a unique way of making people feel comfortable and encouraging them to engage with her. Swain experienced it and said she always felt encouragement to ask Motley questions and express her thoughts so that she could do her best job as a clerk. Over the years, she heard that other law clerks, “especially women, perceived that same sense of welcome and encouragement” from Motley who was proud of – and protective of – all of her law clerks (Swain, 2006).

Swain’s fondest memories of Motley were of two social occasions. One occurred during her clerkship year when New York City celebrated the 100<sup>th</sup> anniversary of the Brooklyn Bridge. From her Chambers, Motley had a great view of the East River and the Brooklyn Bridge which had been set up with fireworks. Motley suggested that she and the law clerks stay for the evening and watch the celebration from her office. “We ordered in some food and got set up as the day got dark to watch the bridge celebration. As the fireworks went off, Judge Motley and her husband, Mr. Motley, stood by the window...and she said, “Oooh” “Ahhh”

“That’s neat” for the fifteen or twenty minutes of the presentation” (Swain, 2006).

The other fond and warm memory Swain had was of the “gracious welcome” Motley extended to her when she was appointed as a district judge. Motley swore her in. She also “hosted a luncheon and invited all the women judges of the Southern District, Eastern District, and Second Circuit and made a very personal introduction” of Swain to her new colleagues. That, Swain wrote, was characteristic of Motley’s thoughtfulness, warmth and care for her former clerks and her friends (Swain, 2006).

Two weeks before her death from congestive heart failure, Swain and another woman judge had an impromptu surprise 84<sup>th</sup> birthday celebration for Motley in her chambers. Recalling that event, Swain wrote, “I will treasure the memory of our out-of-tune rendition of ‘Happy Birthday’ and her smile and laughter on receiving flowers.” She continued and stated, “I suppose the end [Motley’s death while she was still actively serving as a judge] was fitting. She wasn’t really ever the retiring type, and had remarked to me a few months earlier in an offhand way...that she really had no idea what she’d do if she weren’t working on cases and coming into chambers regularly” (Swain, 2006).

Motley’s commitment to hard work and excellence was apparent throughout her nearly four decades of service as a federal judge in which she decided 2500 cases. The range of her rulings was broad and extensive.

She issued what may have been her most controversial ruling in *Sostre v. Rockefeller*, 312 F. Supp. 863 (1970), a prisoner’s rights – due process – case brought by a black prisoner “who was very active in bringing suits against New York State prison officials.” He had been punished and put in solitary confinement for doing

things like “writing a letter to his sister,” having law review articles in his cell, and “other ridiculous things like that,” she said. The prisoner claimed that he had been “brutally mistreated” by being put into solitary (Gellhorn 13-15).

The question before Motley was, what due process rights do prisoners have? During the trial, psychiatrists and psychologists testified that keeping a person in solitary confinement for more than two weeks was harmful to him mentally. Sostre had been kept in solitary for more than a year. Motley ruled that such a long period of solitary confinement constituted cruel and unusual punishment and a violation of the Eighth Amendment. She awarded the plaintiff monetary damages against the state of New York. The Court of Appeals for the Second Circuit reversed the award of damages to Sostre. It did, however, affirm Motley’s ruling that he “had been punished for things that were not really crimes” and that it was “a violation of his due process” rights to put him in solitary confinement for such things (Gellhorn, p. 13).

The case received extensive publicity. Motley was heavily criticized for her decision protecting prisoner’s rights. There was “a very strong feeling” that she had overstepped her background of civil rights involvement in the case (Gellhorn, 13-15). She rejected the criticism and expressed her view that when it comes to protecting rights, “somebody has to start it and...be willing to be criticized for that kind of thing and...have the courage” to do what is right, fair, and just. Motley believed that the *Sostre* case was one of the early decisions about prisoner’s rights and that it “started the whole process of trying to establish what rights prisoners have.” She also believed that the “real” issue concerning her ruling in favor of Sostre was whether she had gone too far and too fast in protecting prisoner’s rights (Gellhorn, p. 15). Motley



analogized her decision in the *Sostre* case to her experiences in the South during the civil rights movement. “Well, you know the history of the whole civil rights movement...Every time we (LDF) brought a case we were always going too fast, weren’t we? That was always one of the things we were criticized for. But you have to start somewhere,” to achieve fairness and justice, she wrote (Gellhorn, p.18).

In *Olivieri v. Benjamin Ward*, 801 F.2d 602 (1986), Motley protected the right of gay protestors to picket in front of St. Patrick’s Cathedral. The plaintiffs had alleged that their civil rights had been violated when they were refused permission to assemble in a peaceful demonstration on the public sidewalk in front of the church while the Gay Pride Parade passed by. Motley ruled in favor of the plaintiffs. When questions about her ruling, she replied, “I said they could [march in front of St. Patrick’s Cathedral] because the City owns the sidewalk, not the church” (Derrick, p. 21, 2004).

Since Motley was a trail blazer who broke through the gender gap to become the first woman lawyer at the LDF and the only woman trial lawyer in courts in the South during the civil rights movement, the first woman elected to major political offices in New York, and the first black woman federal court judge, some might question whether she was a black feminist. The answer seems to be no – that Motley did not consider herself to be a black feminist or a feminist at all. “On several occasions, Motley declared, ‘I’m not a feminist.’ She wasn’t a movement woman in the sense of being a feminist,” however, she was fierce in the protection of women as well as others plaintiffs in discrimination cases in her court. (Forbath, 2009).

As a civil rights lawyer, Motley was not an advocate for issues that concerned women exclusively. She did not join, engage, or support feminist organizations, activities, or ideology. She did not become actively engaged in the women's rights movement. Motley was primarily an advocate for social change and a leader to help uplift the black race and the black community. She used her intellect, influence, and power within the legal system and the courts as venues for her battle against racial inequality and segregation in American society.

By the time the feminist movement fully developed, Motley was no longer an advocate or civil rights activist; she had become a federal judge. As a judge, she was required to interpret and apply the law and not to actively work to change it. Even if she had not become a judge, Motley probably would not have been involved in the feminist movement. She wrote as follows about her relationship with the feminist movement:

Although I was the first black woman in the New York State Senate, the first woman Manhattan borough president, and the first woman on the federal bench in New York, I had no particular attachment to the newest women's rights movement, which emerged about 1965, the year I became borough president. I remember meeting with Betty Friedan before she wrote *The Feminine Mystique*. Our children attended the same grammar school, Dalton, and we had been mommies together, exchanging home visits and such.

In my view, I did not get to the federal bench because I was a woman. I understood my appointment as based on my accomplishments as a civil rights lawyer (Motley, p. 226, 1988).

She did not consider herself a feminist; however, Motley protected the rights of women in her rulings as a judge. In *Letke v. Bouie Kuhn*, (461 F. Supp. 86 (1978), a woman sports reporter challenged the policy that permitted male sports reporters to enter male locker rooms after games to interview players but excluded female

reporters from entering the locker rooms. Motley had to rule on the issue of whether or not female sports reporters could get access to the Yankees locker room to conduct interviews at Yankee Stadium during the World Series so that they could perform their jobs without restrictions in the same way that male reporters did. She was not deterred by the defense argument that women reporters would have to be in a locker room filled with men, many of whom were naked and showering after their game. Motley said “they [the players] can wear towels” and cover up. She ruled in favor of the plaintiff. Her decision was important for women’s employment rights; it opened up male locker rooms in professional sports so that female reports could enter them and work under equal conditions with male sports reporters.

Motley “distinguished herself in all different areas of the law...and proved that a woman was... the equal of anyone else who was qualified to serve on the Court.” She “ultimately led the Court with distinction as well...She was a “giant in the federal judiciary,” Swain said (Swain, 2006).

In 1982, Motley accomplished another first when she became the first woman to serve as Chief Judge of the Court. In 1986, she assumed senior status, a position she held when she died on September 28, 2005 (Days, 2005; Swain, 2006).

Despite her accomplishments, Motley was basically ignored by the mainstream media and historians who wrote narratives about the civil rights movement and the role the LDF and its male lawyers played in it. She was also virtually invisible in the history of the movement and nameless and unknown by civil rights activists and the larger society.

Brittain has an opinion about why the mainstream media, historians, civil rights activists, and other people may have overlooked Motley and her work: He writes and expresses that opinion as follows:

To further your thesis that Connie was ignored from within the civil rights movement and the larger society, I suggest you interview family and friends about her rather reserved personality. She was a no nonsense person bordering on an introvert despite her high profile professional experiences...

Perhaps her low and soft demeanor belied her brilliance and inner tenacity to lead people to overlook her tremendous contributions...

To further speculate, her proud West Indian and Caribbean ancestry from the small island of Nevis may have played a role in her modest ways. She certainly did not promote herself or use the expression, "toot her horn" (Brittain, 2009).

Motley did not toot her horn; however, the extraordinary work that she performed and the cases she won during the civil rights movement speak for themselves. She may have been marginalized by historians and overlooked by the white media; however, the black media highlighted her victories that helped eradicate *Jim Crow*. In addition, over thirty colleges and universities awarded her honorary degrees for outstanding achievement as a trailblazer who knocked down barriers as a civil rights lawyer and agent of change. She also received hundreds of awards and citations from professional, social, and civil rights organizations. (The organizations are listed in Appendix B) The national NAACP presented her the Spingarn Medal – the highest honor and award conferred by it. In 2001, President Bill Clinton awarded Motley the Presidential Citizens Medal in recognition of her many years of extraordinary service. He observed that, "As a dedicated public servant and distinguished judge, [Motley had] broken down political, social, and professional

barriers, and her pursuit of equal justice under Law [had] widened the circle of opportunity in America” (Derrick, 2004). The citation for the 2001 Presidential Citizens Medal reads:

A key strategist of the civil rights movement, Constance Baker Motley waged the battle for equality in the courtroom and, with quiet courage and remarkable skill, won landmark victories that dismantled segregation in America. As a dedicated public servant and distinguished judge, she has broken down political, social and professional barriers and her pursuit of equal justice under law has widened the circle of opportunity in America (Motley memoirs).

Although she declined the opportunity to have the federal court building at 500 Pearl Street named in her honor, Motley agreed to have the jury assembly room renamed the “Constance Baker Motley Jury Assembly Room” in 2002. Her former law clerks donated the “stunning portrait” of Motley that was hung there (Swain, 2006).

Swain told an interesting story about the naming of the jury room. She said, “The jury room in the Federal District Court for the Southern District of New York is named in Judge Motley’s honor and that is something that the board of judges was delighted to do in 2002. Actually, she had the opportunity to have the entire courthouse named for her... We found out in later years that the Senator [Moynihan] had reached out to her... basically inviting her to accept having the courthouse named after her, and she declined.” Swain continued:

At her [Motley’s] memorial service... the then Chief Judge related an interesting anecdote about the fact that this courthouse could have been named in its entirety for her and I’d just like to read you that portion of his remarks:

“As many of you know, we named the Jury Assembly Room for Judge Motley and when I went to her chambers to tell her the good news, she was quite pleased, of course, but she took the occasion to show me a

copy of a note Senator Moynihan sent her suggesting that this building should be named after her. Characteristically, she declined that honor, and, of course, we all know the building eventually came to be named after Senator Moynihan. But she did let it be known in her own good and subtle way, even as I delivered the cheerful news about the naming of the Jury Room, that she could have had the whole thing” (Swain, 2009).

Since her death in 2005, two bills have been introduced to award a Congressional Gold Medal to Motley. Secretary of State Hillary Clinton (formerly Senator Clinton) and Senator Charles Schumer introduced a bill (S. 2235) to posthumously award Motley the Gold Medal in the 109<sup>th</sup> Congress (2005-2006). The bill was referred to the Committee on Banking, Housing, and Urban Affairs; however, no further action was taken on it during the Congress and it died. In the 110<sup>th</sup> Congress (2007-2008), Senator Schumer introduced S. 1317 to award the Congressional Gold Medal to Motley posthumously. This bill was also referred to the Committee on Banking, Housing, and Urban Affairs, and again the Senate took no further action on the bill during the Congress.

On February 2, 2006, the following article appeared in US Fed News:

Sens. Charles Schumer and Hillary Clinton announced today that they have introduced a bill to posthumously award a congressional gold medal to Judge [Constance] Baker Motley, who passed away last September. Before becoming a judge, Baker Motley was a renowned civil rights lawyer and public servant, who was steadfastly committed to social justice.

“A Congressional Gold Medal for Judge Constance Baker Motley will pay a great tribute to this American trailblazer and civil rights hero. Constance Baker Motley was a tough minded and determined lawyer and later judge who broke down barriers throughout her distinguished career,” Senator Schumer said. “She was a focused, motivated and very effective advocate and spokeswoman for civil rights and social justice and she should be given this top honor.”

Judge Constance Baker Motley was a true pioneer. A champion of civil rights and a giant of her legal profession. “She will be remembered, not only for her lasting contributions to American jurisprudence, but to our society as a whole,” Senator Clinton said. I

am proud to be part of this effort to award Judge Baker Motley the Congressional Gold Medal. An honor of this magnitude would be a fitting tribute to someone whose work and life impacted us all.”

After earning her Bachelor of Arts degree in Economics from New York University and her law degree from Columbia University, Constance Baker Motley joined Thurgood Marshall at the NAACP Legal Defense Fund. For two decades, Constance Baker Motley worked closely with Marshall and other leading civil rights lawyers to dismantle segregation throughout the country.

She was the only woman on the legal team that won the landmark desegregation case, *Brown v. Board of Education*. She went on to argue 10 major civil rights cases before the Supreme Court, winning all but one of them, including James Meredith’s fight to gain admission to the University of Mississippi.

In 1964, Judge Motley became the first African American woman elected to the New York State Senate, and in 1965, she became the first woman to serve as a city borough president. During this time, Judge Motley worked tirelessly to revitalize the inner city and improve urban housing and public schools.

Also in the early 1960s, she successfully argued for 1,000 school children to be reinstated in Birmingham, Ala., after the local school board expelled them for demonstrating. She represented “Freedom Riders” who rode buses to test the Supreme Court’s 1960 ruling prohibiting segregation in interstate transportation. During this time, she represented Rev. Martin Luther King, Jr. as well, defending his right to march in Birmingham and Albany, Ga.

In 1966, President Lyndon B. Johnson appointed Constance Baker Motley to the Southern District of New York. She was confirmed 9 months later, over the strong opposition of Southern Senators. She rose to the position of Chief Judge in 1982, and assumed senior status four years later. She served with distinction for nearly four decades, until she passed away on September 28, 2005.

Congressional gold medals are reserved for individuals worthy of the highest level of national appreciation for distinguished achievements and contributions, particularly in the area of civil rights. Judge Motley’s life exemplifies such criteria, and she should be honored in the same way as other great leaders, including Rosa Parks (1999), Dr. Dorothy Height (2003), and Reverend Dr. Martin Luther King, Jr. and Coretta Scott King (2004).

The bill, which will posthumously award a congressional gold medal to the late Judge Constance Baker Motley, was introduced on February 1, 2006, in recognition of the start of Black History Month.

Last October Senators Schumer and Clinton, along with Senators Specter and Obama, introduced a Senate Resolution recognizing Judge Motley’s 39-year tenure on the United States District Court for the Southern District of New York and her lifelong

commitment to the advancement of civil rights and social justice. The resolution, which had 27 co-sponsors, passed with unanimous consent that same week.

On October 7, 2005, S. Res. 272, "Recognizing and Honoring the Life and Achievements of Constance Baker Motley" was approved by the Senate by unanimous consent.



## Chapter Seven

### Conclusion

This work centers on Motley and the work she performed as a movement lawyer. It focuses on her victories in the courtroom that affected the strategies and outcomes of the civil rights movement, accelerated the end of *Jim Crow* segregation, led to equality in many aspects of life for blacks and whites, and made major, long term changes in society that helped transform America into a more inclusive, equal, just, and democratic society. With all of her accomplishments, many people, even those she helped during the movement, still do not know who Motley was or what she did for them. When her name is mentioned, they ask, “Who was she?”

The answer to that question is that Motley was a pioneer, trailblazer, change agent and leader. Her life and career were filled with “firsts.” She was the first black woman to attend and graduate from Columbia University Law School. She was the first and only woman lawyer at the LDF during most of her career there from 1945 through 1964. She was the first black woman senator in New York, the first woman president of the Borough of Manhattan, the first black woman federal judge, and the “first woman to serve as chief judge for the Southern District of New York, the largest federal trial court in the country” (Washington, p.127, 1994; Swain, 2006; Days, 2006).

Motley was a leader who exhibited a leadership style that reflected her personality traits, skills, and strengths. She was a visionary who devised and implemented the legal strategy for LDF cases; she formed alliances; and she inspired local counsel and others to work with her to achieve the goals of the civil rights movement. Jordan commented that as a leader, she was committed to the cause of justice, she focused her attention on the task at hand and was not easily distracted, and she directed those who worked with her on what to do and how to do it to achieve the desired result (Jordan, 2009).

The leadership style exhibited by Motley was different than the formal male activism model of leadership exhibited by men in male dominated organizations. She did not hold the title of director counsel – formal leader – of the LDF and she did not speak publicly on behalf of the organization at mass gatherings. Instead, she worked in the trenches in the South and behind the scene in courts where she performed her leadership. Motley was an excellent orator and a formidable trial lawyer who was tough, independent, formal, reserved, decisive, courageous, and not afraid to make hard decisions or venture into dangerous situations. She responded quickly to crisis situations when immediate action was required. She was persistent, persuasive, strong, confident, patient, and compassionate but not “warm and fuzzy” (Forbath, 2009).

The protest action was important in the civil rights movement; however, most of the significant gains that brought about social and political change were actually achieved through court decisions. Motley’s work in the courts was crucial in securing those gains. For close to twenty years, she was a key strategist and trial lawyer who

fought to implement the Supreme Court's ruling in *Brown*. She tried and won cases to end legalized segregation and all vestiges of racial discrimination in American society when neither the federal nor state governments would do so. That was part of the problem which required case after case to be litigated to end *Jim Crow*. She used trial courts (and the appeal process) to integrate society and create black and white – integrated – public institutions and accommodations. She fought for dignity and equality under law for all people.

Motley worked incessantly and “won some of the most significant desegregation cases and championed the cause of equal rights...In addition to writing the brief in *Brown* and many other cases, she was trial or appellate counsel in fifty seven cases in the Supreme Court, eighty two cases in Federal Courts of Appeals, forty eight cases in Federal District Courts, and numerous cases in state courts. She argued four appeals in one day,” Days said (Days, 2005). The four appeals were argued “in Montgomery before the Fifth Circuit,” Court of Appeals, said Motley (Gellhorn, p. 301). (Motley's cases are listed in Appendix A.)

Days repeated a statement Greenberg made about the exhaustive work Motley performed in May of 1963. “Greenberg said that in between May 20<sup>th</sup> and May 27<sup>th</sup> in 1963...she won the decision integrating Memphis Parks, got a court order to admit black students to the University of Alabama, and secured a federal appellate ruling reinstating 1,081 Birmingham school children suspended for demonstrating” and marching with Martin Luther King to protest segregation (Days, 2009). Motley sued and won discrimination in education cases against the states of Mississippi, Florida, Alabama, Louisiana, Arkansas, Georgia, Tennessee, North and South

Carolina, Ohio, New Jersey, and New York. She won cases that ended *de jure* segregation in “white only” restaurants and at lunch counters in Memphis, Birmingham, and throughout the South. She protected the rights of black protestors to demonstrate in Georgia and Alabama and to sit-in in North Carolina and Tennessee. She went to Alabama and Mississippi and throughout the south and won the release of jailed freedom riders who rode buses to test the 1960 Supreme Court ruling that prohibited segregation in interstate transportation (Young, 2012; Walker, 2009; Nabrit, 2009).

On many occasions, Motley went South, represented King and other jailed civil rights activists, and forced their release when they were arrested and locked up in Southern jails (Young, 2012; Walker, 2009; Nabrit, 2009; Holley, 2005; Huntley, 2005). One of those activists was Reverend Wyatt Tee Walker, King’s Chief of Staff, who was arrested and jailed many times for protesting during the civil rights movement. Walker reminisced about Motley’s representation of him and other activists in the courtroom in the following letter he wrote to me:

First and foremost, Constance Baker Motley was the quintessential lady, a worthy role model for any young woman of African descent or any descent. An able and highly qualified practitioner of American jurisprudence. I am not sure how many times she represented me personally but she was perennially in court for participants of the Movement. She conducted herself with great aplomb in spite of being confronted in southern courts with all kinds of discourtesies that would not be allowed in American courts elsewhere. I do know she represented my wife and me in Mississippi very ably.

Judge Motley was always the epitome of grace and regal bearing. I member her as being eloquent and speaking with the assurance that is usually coupled with high intellect. Her pronouncements in court were never bombastic nor tinged with bitterness or satire. Even her tone of voice was measured and I’m sure the defense counsel was awed by her knowledge of the law despite the fact that she represented the “enemy.” It was obvious the judges felt

they were being lectured to by a person far above them in academic preparation and personal talent. There was no way to camouflage her immense talents.

In her presence, one would feel immediately they had met someone special. I know I felt that way in the several times I chatted with her away from court proceedings. It was no surprise to any of us when she was named to the Federal bench where her service remains legendary.

I genuinely hope that the statement above concerning Judge Motley helps others to see her as many of us do (Walker, 2009).

When asked about his mother's accomplishments and what Motley considered to be her most important work, Joel replied:

My mother considered the desegregation cases that she argued and won in the South to be her most important work during the civil rights movement...because they had the largest affect on the most people and did the most to change the country. She certainly viewed her work on the federal bench as very important, but I think she viewed the civil rights work as more transformational" (Joel Motley, 2009).

Motley's work in the courts affected the outcome of the civil rights movement, advanced the goal of securing civil rights and equality for blacks and whites, and forced major long term social and political change to occur in society. Her victories opened doors that had previously been closed to blacks. As a result of her action and agency, they no longer had to confine themselves to public facilities designated "colored only." They were no longer excluded from public accommodations or institutions that were designated "white only."

Racial barriers were torn down so that blacks, as well as whites, could freely move and participate in the larger society. "The cases that Constance Baker Motley won... helped to put the nails in the coffin of legalized inequality in America...They vindicated the rights of ordinary Black people to be affirmed by their fellow Americans and agencies of government as equal, sentient and valued human beings

whose rights deserve vindication and protection,” proclaimed Huntley (Huntley, 2009).

As a civil rights leader performing her work in courtrooms, Motley knocked down racial barriers in the South and throughout America. Her cases secured the right for blacks to register and vote, attend public schools, colleges and universities, ride and sit in any seat on interstate buses and trains, sit in waiting rooms and use bathroom facilities in bus and train stations, be served and eat at lunch counters and restaurants, go to parks, museums, and places of public accommodation and stay in hotels on an equal basis with whites. Her victories in the courts helped dismantle a whole way of life – a segregated society. They forced two presidents – the executive branch of the national government – to take action to enforce judicial decisions rendered by the courts to desegregate society. Her work in the courts that protected the rights of activists to protest, march, sit-in and eat in public establishments, engage in freedom rides, sit in the front of the bus, and vote also provided the impetus needed to force Congress – the legislative branch of government – to enact laws (civil rights acts) to dismantle segregation in America.

By winning cases that desegregated public schools, colleges, universities, and professional schools, Motley made it possible for blacks to become better educated, obtain better jobs, and move up economically. Her work expanded the black middle class and made it possible for blacks to move into careers, professions, employment in major governmental positions, corporations, and other areas that previously had not been available to them because of racial discrimination.

By winning cases to protect the right of blacks to register and vote, Motley facilitated the development of black political power and the election of black mayors, governors, members of Congress, and the election of blacks to local and state offices throughout the country. Her voting rights cases also gave blacks access to the political power structure; they empowered the black masses to become politically active and able to force state legislatures and Congress to appropriate money for education, roads and housing in black communities, and to represent the interests of their black constituents in the same way that they protected their white constituents.

Blacks suffered psychological damage, felt inferior to whites, and were powerless as a result of legal racial segregation. In *Brown*, the LDF argued that state mandated public school segregation affected the ability of black children to learn because they saw themselves as inferior people and it became a self fulfilling prophecy. "So one of the effects of segregation was to make blacks feel inferior because the reality for them was that they were inferior in the society, that the white people were the privileged people, and they were underprivileged people," said Motley. "Every black child could see that blacks had less than whites, and therefore black children grew up feeling that they were in fact inferior people," she said. Motley believed that the inferiority attitude manifested itself in efforts by the NAACP and the LDF to get blacks to participate in desegregation cases. "They were fearful, they knew that the white community was powerful; they felt there was no hope; they felt that black people just could not overcome this powerful" system of racial segregation. They felt powerless," she said (Gellhorn, pp. 363-364). As a result of Motley's victories that ended legal segregation and provided equality and inclusion

for blacks, they no longer felt inferior or powerless. They developed self esteem, self assurance, and pride in their heritage and culture. Black communities also became empowered.

Motley's work also benefited whites. *Jim Crow* segregation laws that had prohibited blacks from sitting in white areas on buses or in restaurants or from using "white only" restrooms had also prohibited whites from entering or using "black only" facilities. The desegregation cases she won opened all public institutions, facilities, and accommodations to both blacks and whites on an equal basis and without regard to race.

Through her agency in the courts, Motley "broke down political, social, and professional barriers" and her pursuit of equal justice under law...widened the circle of opportunity" for blacks, whites, and women (Days, 2009). Her actions as a trail blazer in the legal profession created opportunities for women – both black and white – to work as business lawyers, law professors and deans, legal services attorneys, partners in law firms, corporate officers, judges, governmental lawyers, and executives in non-profit and for profit business entities (Swain, 2006). She also paved the way and served as a role model for women to work as political leaders and in all other jobs formerly performed only by men. Joel spoke about Motley as a role model for women. He said:

I think my mother's place in American history will always be marked by both the specific achievements in terms of prosecuting and winning the cases that she won in terms of moving the civil rights movement forward and by her personal role as a role model for African Americans and for women generally. And she was a role model for both groups at a time when the women's movement really didn't exist. But she always carried herself as an elegant and reasonably attractive woman in addition to being effective and forceful in her work, and



never really seemed to be affected by stereotypes of style and how women should behave or not behave (Joel Motley, 2009).

The story of the civil rights movement changes as a result of the work that Motley, a woman, did. Her contributions to the movement complicate the view of history from the male model of leadership by charismatic men to a more complete model that is inclusive of women. Motley's agency and actions require a revision of historical narratives of the movement to "write-in" diverse women leaders who performed their work in many different venues and political spaces and who utilized alternative styles of leadership. They provide persuasive evidence that formal male activism should no longer be viewed as the only style of leadership that was effective or acceptable in the civil rights movement.

## **List of the people quoted**

Angelou, Maya, a poet, novelist, actress, historian, an educator. Currently a Professor of American Studies at Wake Forest University. Interviewed by author 8 June, 2011 via telephone.

Bell, Derrick, former Professor at New York University School of Law and Harvard Law School and former attorney with the Civil Rights Division of the Justice Department. Comments recorded 13 July, 2009, New York, NY.

Blakeslee, Katherine, T., attorney and niece of Clarence Blakeslee. Comments sent to author in response to questionnaire 21 April 2009.

Brittain, John, C., Professor of Law, University of the District of Columbia, former General Counsel for the Lawyers Committee for Civil Rights, and former Professor of Law, University of Connecticut School of Law and Motley family friend. Comments sent to the author in response to a questionnaire 29 April, 2009.

Clinton, Bill, former President of the United States. Comments and audio visual recording obtained by author 3 August 2011.

Coleman, William, T., Jr., attorney O'Melveny & Meyers, former United States Secretary of Transportation, President of the LDF and member of the NAACP's national legal committee and LDF attorney. Interviewed by Juan Williams, 8 September 2009, Washington, DC.

Days, Drew, S. III, Alfred M. Rankin Professor of Law at Yale Law School, former United States Solicitor General, the first African American Assistant Attorney General for the Civil Rights Division, former LDF attorney, and Motley family friend. Comments recorded 15 July, 2009, New Haven, CT.

Days, Drew, S. III remarks made at Funeral Service for The Honorable Constance baker Motley, United States District Judge Southern District of New York, 5 October 2005, New York, NY.

Farmer, James, Chief of the Criminal Division of the United States Attorney's Office in Boston, MA and one of Motley's former law clerks. Comments recorded September, 2009, Hamden, CT.

Green, Ernest, former Assistant Secretary Human and Urban Affairs, Senior Managing Director, Lehman Brothers, Board of the NAACP, and member of the "Little Rock Nine." Interviewed by Juan Williams, 8 September 2009, Washington, DC.

Greenberg, Jack, Alphonse Fletcher, Jr. Professor of Law at Columbia University Law School, former Vice Dean of Columbia Law School, former Dean of Columbia College, and former Director Counsel of the LDF comments recorded 13 July 2009, New York, NY.

Hunter-Gault, Charlayne, Johannesburg Bureau Chief and Chief Correspondent for CNN and a foreign correspondent for NPR. She was represented by Motley in the desegregation of the University of Georgia case and became the first black woman to attend and graduate from the University, the first black reporter for the *New Yorker*, the second black reporter for the *New York Times*, and winner of two Emmys. Comments recorded September 2009, Hamden, CT. and comments sent to author in response to a questionnaire on \_\_\_\_\_, 2009.

Huntley, Lynn, former President of the Southern Education Foundation, a former staff member at LDF, and a former law clerk for Constance Baker Motley. Comments sent to the author in response to questionnaire 9 April 2009.

Huntley, Lynn comments taken from "The Measure of Greatness: Thoughts About the Honorable Constance Baker Motley," 5 December 2005.

Jordan, Vernon E., Jr., adviser to President Bill Clinton and Senior Managing Director of Lazard Frères & Co., former Director for the NAACP, Executive Director of the United Negro College Fund, and President of the National Urban League. During the civil rights movement, he worked as a law clerk for Motley in the desegregation of the University of Georgia case. Comments recorded 18 September 2009, Hamden, CT.

Jones, Elaine, civil rights lawyer, first woman director-counsel and president of the LDF and Motley family friend. Comments recorded 18 September 2009, Hamden, CT.

Jones, Elaine comments taken from "Constance Baker Motley: Defender of Justice," *The Crisis*, (Nov/Dec 2005), p. 13.

Lafayette, Bernard, National Vice Chairman of the Southern Christian Leadership Conference, Distinguished Scholar in Residence at Emory University, former National Coordinator of the SCLC, National Coordinator of the Poor People's Campaign, the Director and Organizer of the Alabama Voters Registration Project in Selma, Alabama, and the Field Secretary for the Student Non-Violent Coordinating Committee (SNCC) in Jackson, Mississippi. Interviewed by author 22 July 2011 via telephone.

Lafayette, Bernard interviewed by author 4 April 2011, Hamden, CT.

Lafayette, Bernard interviewed by author 18 September 2009, Hamden, CT.

LaNier, Carlotta Walls, President of LaNier and Company Real Estate Company, Trustee of Iliff School of Theology, Trustee of University of Northern Colorado, and youngest member of the "Little Rock Nine." Interviewed by author 27 September 2011, New York, NY.

LaNier, Carlotta Walls interviewed by author 28 September 2011, Hamden, CT.

LaNier, Carlotta Walls comments sent to author in response to questionnaire 7 August 2009.

Motley, Constance Baker quoted from her memoir, "The Reminiscences of Judge Constance Baker Motley" recorded interviews with "Mrs. Walter Gellhorn from 4 December 1976 to 11 March 1978."

Motley, Joel, III, attorney and son of Constance Baker Motley. Interviewed by Juan Williams 13, July 2009, New York, NY.

Nabrit, James, former LDF attorney. Comments sent to author in response to questionnaire 16 April 2009.

Ogletree, Charles, J., Professor of Law Harvard University, founder of the Charles Hamilton Houston Institute for Race and Justice, and Motley family friend. Comments recorded 13, July 2009, New York, NY

Schoen, Douglas, political consultant and political historian familiar with Motley's political career and transition to the judiciary.

Taylor Swain, Laura, judge on the Federal District Court for the Southern District of New York and one of Motley's former clerks. Comments recorded 13 July, 2009, NY, NY.

Taylor Swain, Laura, judge on the Federal District Court for the Southern District of New York and one of Motley's former clerks. Comments made March 29, 2006, Thurgood Marshall Federal Judiciary Building in Washington D.C.

Trillin, Calvin, noted author, reporter for *Time Magazine* and the *New Yorker* who covered the South in the *Time Magazine* Atlanta bureau during the civil rights movement. He covered the trial to desegregate the University of Georgia. Comments recorded 18, September 2009, Hamden, CT.

Walker, Wyatt Tee, Reverend, former pastor and Chief of Staff for Dr. Martin Luther King, Jr. Comments sent to author in response to questionnaire 17 April 2009.

Williams, Juan, journalist and author. Comments recorded 18 September 2009, Hamden, CT.

Wright, Herbert, former Director for Youth and College Students at the NAACP. He worked closely with Motley on her school desegregation cases during the civil rights movement. Comments recorded 20 July 2009, Hamden, CT.

Wright, Herbert interviewed by author 17 July 2012 via telephone.

Young, Andrew, former Executive Director of the Southern Christian Leadership Conference during the civil rights movement, former Ambassador to the United Nations, and former Mayor of Atlanta. Comments recorded 16 February 2012, Hamden, CT.

## Appendix A

Cases that Constance Baker Motley argued or worked on as an attorney at NAACP Legal Defense and Educational Fund.

### UNITED STATES SUPREME COURT

*Swain v. Alabama*, 380 U.S. 202, 85 S.Ct. 824, 13 L.Ed.2d 759 (1965).  
Peremptory challenges to exclude blacks from petit jury; Alabama.

*Hamm v. City of Rock Hill, Lupper v. State of Arkansas*, 379 U.S. 306, 85 S.Ct. 384, 13 L.Ed.2d 300 (1964). Lunch-counter sit-ins; trespass prosecution; South Carolina, Arkansas.

*Barr v. City of Columbia*, 378 U.S. 146, 84 S.Ct. 1734, 12 L.Ed. 2d 766 (1964). Lunch-counter sit-ins; trespass prosecution; South Carolina.

*Bouie v. City of Columbia*, 378 U. S. 347, 84 S.Ct. 1697, 12 L.Ed.2d 894 (1964). Lunch-counter sit-ins; trespass prosecution; South Carolina.

*Calhoun v. Latimer*, 377 U.S. 263, 84 S.Ct. 1235, 12 L.Ed.2d 288 (1964).  
School desegregation; Atlanta, Georgia.  
*Watson v. City of Memphis*, 373 U.S. 526, 83 S.Ct. 1314, 10 L.Ed.2d 529 (1963). Desegregation, public parks, recreational facilities; Memphis, Tennessee.

*Shuttlesworth v. City of Birmingham*, 373 U.S. 262, 83 S.Ct. 1130, 10 L.Ed.2d 335 (1963). Lunch-counter sit-ins; trespass prosecution; Birmingham, Alabama.

*Gober v. City of Birmingham*, 373 U.S. 374, 83 S.Ct. 1311, 10 L.Ed.2d 419 (1963). Lunch-counter sit-ins; trespass prosecution; Birmingham, Alabama.

*Turner v. City of Memphis*, 369 U.S. 350, 82 S.Ct. 805, 7 L.Ed.2d 762 (1962). Desegregation, transportation, municipal-airport restaurant; Memphis, Tennessee.

*Hamilton v. State of Alabama*, 368 U.S. 52, 82 S.Ct. 157, 7 L.Ed.2d 114 (1961). Right to counsel at arraignment, capital case.

*Blow v. North Carolina*, 379 U.S. 684, 85 S.Ct. 635, 13 L.Ed.2d 603 (1965). Restaurant; trespass prosecution.

*Katzbach v. McClung*, 379 U.S. 802, 85 S.Ct. 11, 13 L.Ed.2d 20 (1964).  
Public Accommodations, restaurant: constitutionality of Civil Rights Act of 1964 as applied to restaurant and interstate travel, Alabama.

*Mitchell v. City of Charleston*, 378 U.S. 551, 84 S.Ct. 1901, 12 L.Ed.2d 1033 (1964). Lunch-counter sit-ins; trespass prosecution; South Carolina.

*Hamm v. City of Rock Hill*, 377 U.S. 988, 84 S.Ct. 1902, 12 L.Ed.2d 1042 (1964). Lunch-counter sit-ins; trespass prosecution; South Carolina.

*Lupper v. Arkansas*, 377 U.S. 989, 84 S.Ct. 1906, 12 L.Ed.2d 1043 (1964).  
Lunch-counter sit-ins; trespass prosecution; Arkansas, South Carolina.

*Swain v. Alabama*, 377 U.S. 915, 84 S.Ct. 1183, 12 L.Ed.2d 185 (1964).  
Peremptory challenges to exclude blacks from petit jury.

*Henry v. City of Rock Hill*, 376 U.S. 776, 84 S.Ct. 1042, 12 L.Ed.2d 79 (1964). Breach-of-peace prosecution; South Carolina.

*Gibson v. Harris*, 376 U.S. 908, 84 S.Ct. 661, 11 L.Ed.2d 606 (1964).  
School desegregation; Georgia and Alabama.

*City of Jackson v. Bailey*, 376 U.S. 910, 84 S.Ct. 666, 11 L.Ed.2d 609 (1964). Desegregation, transportation, common carriers; Mississippi.

*Calhoun v. Latimer*, 375 U.S. 983, 84 S.Ct. 516, 11 L.Ed.2d 472 (1964).  
School desegregation; Atlanta, Georgia.

*Abernathy v. Alabama*, 375 U.S. 963, 84 S.Ct. 485, 11 L.Ed.2d 413 (1964).  
Desegregation, interstate transportation facilities; trespass prosecution.

*Fields v. South Carolina*, 375 U.S. 44, 84 S.Ct. 149, 11 L.Ed.2d 107 (1963). Breach-of-peace prosecution.

*Henry v. City of Rock Hill*, 375 U.S. 6, 84 S.Ct. 44, 11 L.Ed.2d 38 (1963).  
Breach-of-peace prosecution; South Carolina.

*Thompson v. Virginia*, 374 U.S. 99, 83 S.Ct. 1686, 10 L.Ed.2d 1025 (1963). Lunch-counter sit-ins; trespass prosecution.

*Bouie v. City of Columbia*, 374 U.S. 805, 83 S.Ct. 1690, 10 L.Ed.2d 1030 (1963). Lunch-counter sit-ins; trespass prosecution; South Carolina.

*Bell v. Maryland*, 374 U.S. 805, 83 S.Ct. 1691, 10 L.Ed.2d 1030 (1963).  
Lunch-counter sit-ins; trespass prosecution.

*Fields v. South Carolina*, 372 U.S. 522, 83 S.Ct. 887, 9 L.Ed.2d 965 (1963). Breach-of-peach prosecution.

*Watson v. City of Memphis*, 371 U.S. 909, 83 S.Ct. 256, 9 L.Ed.2d 169 (1962). Desegregation, public parks, recreational facilities; Tennessee.

*Shuttlesworth v. City of Birmingham*, 370 U.S. 934, 82 S.Ct. 1580, 8 L.Ed.2d 805 (1962). Lunch-counter sit-ins; trespass prosecution; Alabama.

*Gober v. City of Birmingham*, 370 U.S. 934, 82 S.Ct. 1580, 8 L.Ed.2d 805 (1962). Lunch-counter sit-ins; trespass prosecutions; Alabama.

*Wright v. State of Georgia*, 370 U.S. 935, 82 S.Ct. 1580, 8 L.Ed.2d 806 (1962). Breach-of-peace prosecution.

*Peterson v. City of Greenville*, 370 U.S. 935, 82 S.Ct. 1577, 8 L.Ed.2d 806 (1962). Lunch-counter sit-ins; trespass prosecution; South Carolina.

*Northcross v. Broad of Education of City of Memphis*, 370 U.S. 944, 82 S.Ct. 1586, 8 L.Ed.2d 810 (1962). School desegregation; Tennessee.

*Edwards v. South Carolina*, 369 U.S. 870, 82 S.Ct. 1141, 8 L.Ed.2d 274 (1962). Breach-of-peach prosecution.

*Bailey v. Patterson*, 369 U.S. 31, 82 S.Ct. 549, 7 L.Ed.2d 512 (1962). Desegregation, interstate and intrastate transportation; Mississippi.

*Bailey v. Patterson*, 368 U.S. 963, 82 S.Ct. 440 (1962). Desegregation, interstate and intrastate transportation; Mississippi.

*Bailey v. Patterson*, 368 U.S. 346, 82 S.Ct. 282, 7 L.Ed.2d 332 (1961). Desegregation, interstate and intrastate transportation; Mississippi.

*Board of Education of City School District of City of New Rochelle v. Taylor*, 368 U.S. 940, 82 S.Ct. 382, 7 L.Ed.2d 339 (1961). School desegregation; New York.

*Turner v. City of Memphis*, 368 U.S. 808, 82 S.Ct. 31, 7 L.Ed.2d 19 (1961). Desegregation, transportation, municipal-airport restaurant; Tennessee.

*Louisiana State Board of Education v. Allen*, 368 U.S. 830, 82 S.Ct. 52, 7 L.Ed.2d 33 (1961). Trade-school desegregation.



*St. Helena Parish School Board v. Hall*, 368 U.S. 830, 82 S.Ct. 52, 7 L.Ed.2d 33 (1961). School desegregation; Louisiana.

*Kennard v. Mississippi*, 368 U.S. 869, 82 S.Ct. 111, 7 L.Ed.2d 66 (1961). Exclusion of blacks from grand and petit juries.

*Danner v. Holmes*, 364 U.S. 939, 81 S.Ct. 686 (1961). Desegregation; University of Georgia.

*United States v. Louisiana, Bush v. Orleans Parish School Board, Williams v. Davis*, 364 U.S. 500, 81 S.Ct. 260, 5 L.Ed.2d 245 (1960). School desegregation.

*Bush v. Orleans Parish School Board*, 364 U.S. 803, 81 S.Ct. 28, 5 L.Ed.2d 36 (1960). School desegregation; Louisiana.

*Davis v. Williams*, 364 U.S. 803, 81 S.Ct. 28, 5 L.Ed.2d 36 (1960). School desegregation; Louisiana.

*Orleans Parish School Board v. Bush*, 364 U.S. 803, 81 S.Ct. 28, 5 L.Ed.2d 36 (1960). School desegregation; Louisiana.

*Boynton v. Virginia*, 361 U.S. 958, 80 S.Ct. 584, 4 L.Ed.2d 541 (1960). Desegregation, interstate transportation facilities, terminal restaurant.

*Kelley v. Board of Education of City of Nashville, Davidson County, Tennessee*, 361 U.S. 924, 80 S.Ct. 293, 4 L.Ed.2d 240 (1959). School desegregation.

*Cohen v. Public Housing Administration*, 358 U.S. 928, 79 S.Ct. 315, 3 L.Ed.2d 302 (1959). Housing desegregation; public housing; Savannah, Georgia.

*Harrison v. National Association for the Advancement of Colored People*, 358 U.S. 807, 79 S.Ct. 33, 3 L.Ed.2d 53 (1958). School desegregation, registration and barratry statutes; Virginia.

*Harrison v. National Association for the Advancement of Colored People*, 360 U.S. 167, 79 S.Ct. 1025 (1960). School desegregation; registry and barratry statutes; Virginia.

*Aaron v. Cooper*, 357 U.S. 566, 78 S.Ct. 1189, 2 L.Ed.2d 1544 (1958). School desegregation; Little Rock, Arkansas.

*Speed v. City of Tallahassee, Florida*, 356 U.S. 913, 78 S.Ct. 670, 2 L.Ed.2d 586 (1958). School desegregation.

*Adams v. Lucy*, 351 U.S. 931, 76 S.Ct. 790, 100 L.Ed.2d 1460 (1956).  
University desegregation; Alabama.

*Board of Education of Hillsboro, Ohio v. Clemons*, 350 U.S. 1006, 76 S.Ct. 651, 100 L.Ed. 868 (1956). School desegregation.

*Brown v. Board of Education of Topeka, Kansas*, 347 U.S. 483, 74 S.Ct. 686, 98 L.Ed.2d 873 (1954), supp. by 349 U.S. 294, 75 S.Ct. 753, 99 L.Ed. 1083 (1955). School desegregation.

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*Rabinowitz v. United States and Jackson v. United States*, 366 F.2d 34 (5<sup>th</sup> Cir. (Ga.) 1966). Exclusion of blacks from jury list; federal prosecution for perjury.

*Singleton v. Board of Com'rs of State Institutions*, 356 F.2d 771 (5<sup>th</sup> Cir. (Fla.) 1966). Reform-school desegregation.

*Jackson Municipal Separate School District v. Evers*, 357 F. 2d 653 (5<sup>th</sup> Cir. (Miss.) 1966). School desegregation.

*Henry v. Coahoma County Bd. Of Ed.*, 353 F.2d 648 (5<sup>th</sup> Cir. (Miss.) 1965). Employment, fired teacher, member of NAACP.

*Hammond v. University of Tampa*, 344 F.2d 951 (5<sup>th</sup> Cir. (Fla.) 1965).  
University desegregation.

*Flagler Hospital, Inc. v. Hayling*, 344 F.2d 950 (5<sup>th</sup> Cir. (Fla.) 1965). De-segregation of hospital facilities, dining rooms, toilets.

*United States v. Barnett*, 346 F.2d 99 (5<sup>th</sup> Cir. (Miss.) 1965). University desegregation, contempt; University of Mississippi.

*Morrison Cafeteria Co. of Nashville, Inc. v. Johnson*, 344 F.2d 690 (6<sup>th</sup> Cir. (Tenn.) 1965). Demonstrations, attempt by cafeteria owner to enjoin.

*Lockett v. Board of Ed. of Muscogee County School Dist., Ga.*, 342 F.2d 225 (5<sup>th</sup> Cir. (Ga.) 1965). School desegregation; Columbus.

*Bivins v. Board of Public Ed. and Orphanage for Bibb County, Ga.*, 342 F.2d 229 (5<sup>th</sup> Cir. (Ga.) 1965). School desegregation.

*Wimbish v. Pinellas County, Fla.*, 342 F.2d 804 (5<sup>th</sup> Cir. (Fla.) 1965).  
Desegregation, public recreational facilities, golf course.

*Smith v. Holiday Inns of America, Inc.*, 336 F.2d 630 (6<sup>th</sup> Cir. (Tenn.) 1964). Public accommodations, motel desegregation.

*Gaines v. Dougherty County Bd. Of Ed.*, 334 F.2d 983 (5<sup>th</sup> Cir. (Ga.) 1964).  
School desegregation.

*Zellner v. Lingo*, 334 F.2d 620 (5<sup>th</sup> Cir. (Ala.) 1964). Demonstrations,  
Civil Rights Act, criminal prosecutions, freedom walkers.

*Woods v. Wright*, 334 F.2d 369 (5<sup>th</sup> Cir. (Ala.) 1964). Demonstrations,  
expelled schoolchildren; Birmingham.

*Kelly v. Page*, 335 F.2d 114 (5<sup>th</sup> Cir. (Ga.) 1964). Desegregation, public  
facilities; Albany.

*Armstrong v. Board of Ed. of City of Birmingham, Jefferson County, Alabama*,  
333 F.2d 47 (5<sup>th</sup> Cir. (Ala.) 1964). School desegregation.

*Davis v. Board of School Commissioner of Mobile County, Alabama*, 333 F.2d  
53 (5<sup>th</sup> Cir. (Ala.) 1964). School desegregation.

*Stell v. Savannah-Chatham County Bd. of Ed.*, 333 F.2d 55 (5<sup>th</sup> Cir. (Ga.)  
1964). School desegregation.

*Northcross v. Board of Ed. of City of Memphis*, 333 F.2d 661 (6<sup>th</sup> Cir.  
(Tenn.) 1964). School desegregation.

*Parker v. Franklin*, 331 F.2d 841 (5<sup>th</sup> Cir. (Ala.) 1964). University desegregation,  
graduate school; University of Alabama.

*Eaton v. Grubbs*, 329 F.2d 710 (4<sup>th</sup> Cir. (N.C.) 1964). Desegregation,  
public facilities, hospital.

*Gaines v. Dougherty County Bd. of Ed.*, 329 F.2d 823 (5<sup>th</sup> Cir. (Ga.) 1964).  
School desegregation; Albany.

*McCorvey v. Lucy*, 328 F.2d 892 (5<sup>th</sup> Cir. (Ala.) 1964). University desegregation,  
University of Alabama.

*Evers v. Jackson Municipal Separate School District*, 328 F.2d 408 (5<sup>th</sup> Cir.  
(Miss.) 1964). School desegregation.

*Brown v. School District No. 20, Charleston, South Carolina*, 328 F.2d 618 (4<sup>th</sup> Cir. (S.C.) 1964). School desegregation.

*Board of Public Instruction of Duval County, Florida v. Braxton*, 326 F.2d 616 (Fifth Cir. (Fla.) 1964). School desegregation; Jacksonville.

*Bailey v. Patterson*, 323 F.2d 201 (5<sup>th</sup> Cir. (Miss.) 1963). Desegregation, interstate and intrastate transportation.

*Harris v. Gibson*, 322 F.2d 780 (5<sup>th</sup> Cir. (Ga.) 1963). School desegregation; Brunswick.

*Anderson v. City of Albany*, 321 F.2d 649 (5<sup>th</sup> Cir. (Ga.) 1963). Desegregation, public facilities.

*Armstrong v. Board of Education of City of Birmingham, Jefferson County, Alabama*, 323 F.2d 333 (5<sup>th</sup> Cir. (Ala.) 1963). School desegregation.

*Davis v. Board of School Com'rs of Mobile County, Alabama*, 322 F.2d 356 (5<sup>th</sup> Cir. (Ala.) 1963). School desegregation.

*Mapp v. Board of Ed. of City of Chattanooga, Tenn.*, 319 F.2d 571 (6<sup>th</sup> Cir. (Tenn.) 1963). School desegregation.

*Calhoun v. Latimer*, 321 F.2d 302 (5<sup>th</sup> Cir. (Ga.) 1963). School desegregation; Atlanta.

*Davis v. Board of School Com'rs of Mobile County, Alabama*, 318 F.2d 63 (5<sup>th</sup> Cir. (Ala.) 1963). School desegregation.

*Stell v. Savannah-Chatham County Bd. of Ed.*, 318 F.2d 425 (5<sup>th</sup> Cir. (Ga.) 1963). School desegregation.

*United States v. Barnett*, 316 F.2d 236 (5<sup>th</sup> Cir. (Miss.) 1963). University desegregation, contempt; University of Mississippi.

*Gantt v. Clemson Agr. College of S.C.*, 320 F.2d 611 (4<sup>th</sup> Cir. (S.C.) 1963). University desegregation.

*Stone v. Members of Bd. of Ed. of the City of Atlanta, Georgia*, 309 F.2d 638 (5<sup>th</sup> Cir. (Ga.) 1962). School desegregation.

*Meredith v. Fair*, 328 F.2d 586 (5<sup>th</sup> Cir. (Miss.) 1962). University desegregation, contempt; University of Mississippi.

*Meredith v. Fair*, 313 F.2d 534 (5<sup>th</sup> Cir. (Miss.) 1962). University desegregation, contempt; University of Mississippi.

*Meredith v. Fair*, 313 F.2d 532 (5<sup>th</sup> Cir. (Miss.) 1962). University desegregation, contempt; University of Mississippi.

*Nelson v. Grooms*, 307 F.2d 76 (5<sup>th</sup> Cir. (Ala.) 1962). School desegregation; Birmingham.

*Bush v. Orleans Parish School Bd.*, 308 F.2d 491 (5<sup>th</sup> Cir. (La.) 1962). School desegregation; New Orleans.

*Meredith v. Fair*, 306 F.2d 374 (5<sup>th</sup> Cir. (Miss.) 1962). University desegregation; University of Mississippi.

*Augustus v. Board of Public Instruction of Escambia County, Florida*, 306 F.2d 862 (5<sup>th</sup> Cir. (Fla.) 1962). School desegregation; Pensacola.

*Meredith v. Fair*, 305 F.2d 343 (5<sup>th</sup> Cir. (Miss.) 1962). University desegregation; University of Mississippi.

*Watson v. City of Memphis, Tenn.*, 303 F.2d 863 (6<sup>th</sup> Cir. (Tenn.) 1962). Desegregation, parks, recreational facilities.

*Hampton v. City of Jacksonville, Florida*, 304 F.2d 320 (5<sup>th</sup> Cir. (Fla.) 1962). Desegregation, public recreational facilities, golf course.

*Christian v. Jemison*, 303 F.2d 52 (5<sup>th</sup> Cir. (La.) 1962). Desegregation, local transportation companies; Baton Rouge.

*Turner v. City of Memphis*, 301 F.2d 310 (6<sup>th</sup> Cir. (Tenn.) 1962). Desegregation, transportation, municipal-airport restaurant.

*Northcross v. Board of Ed. of City of Memphis, Tenn.*, 302 F.2d 818 (6<sup>th</sup> Cir. (Tenn.) 1962). School desegregation.

*Stoudenmire v. Braxton*, 299 F.2d 846 (5<sup>th</sup> Cir. (Fla.) 1962). School desegregation; Duval County.

*Meredith v. Fair*, 305 F.2d 341 (5<sup>th</sup> Cir. (Miss.) 1962). University desegregation, University of Mississippi.

*Meredith v. Fair*, 298 F.2d 696 (5<sup>th</sup> Cir. (Miss.) 1962). University desegregation, University of Mississippi.

*Mapp v. Board of Ed. of City of Chattanooga, Hamilton County, Tenn.*, 295 F.2d 617 (6<sup>th</sup> Cir. (Tenn.) 1961). School desegregation.

*Taylor v. Board of Ed. of City School Dist. of City of New Rochelle*, 294 F.2d 36 (2d Cir. (N.Y.) 1961). School desegregation.

*Taylor v. Board of Ed. of City School Dist. of City of New Rochelle*, 288 F.2d 600 (2d Cir. (N.Y.) 1961). School desegregation.

*Louisiana State Board of Education v. Allen*, 287 F.2d 32 (5<sup>th</sup> Cir. (La.) 1961). Trade-school desegregation.

*Louisiana State Board of Education v. Angel*, 287 F.2d 33 (5<sup>th</sup> Cir. (La.) 1961). Trade-school desegregation

*East Baton Rouge Parish School Board v. Davis*, 287 F.2d 380 (5<sup>th</sup> Cir. (La.) 1961). School desegregation.

*Mannings v. Board of Public Instruction of Hillsborough County, Florida*, 277 F.2d 370 (5<sup>th</sup> Cir. (Fla.) 1960). School desegregation.

*Tonkins v. City of Greensboro, North Carolina*, 276 F.2d 890 (4<sup>th</sup> Cir. (N.C.) 1960). Desegregation, public swimming pool.

*Boson v. Rippy*, 275 F.2d 850 (5<sup>th</sup> Cir. (Tex.) 1960). School desegregation; Dallas.

*Orleans Parish School Board v. Bush*, 268 F.2d 78 (5<sup>th</sup> Cir. (La.) 1959). School desegregation; New Orleans.

*Prater v. Boyd*, 263 F.2d 788 (6<sup>th</sup> Cir. (Tenn.) 1959). University desegregation; Memphis State University.

*Aaron v. Cooper*, 261 F.2d 97 (8<sup>th</sup> Cir. (Ark.) 1958). School desegregation; Little Rock.

*Aaron v. Cooper*, 257 F.2d 33 (8<sup>th</sup> Cir. (Ark.) 1958). School desegregation; Little Rock.

*Cohen v. Public Housing Administration*, 257 F.2d 73 (5<sup>th</sup> Cir. (Ga.) 1958). Housing desegregation, public housing; Savannah.

*Hawkins v. Board of Control of Florida*, 253 F.2d 752 (5<sup>th</sup> Cir. (Fla.) 1958). University desegregation; University of Florida.

*Gibson v. Board of Public Instruction of Dade County, Florida*, 246 F.2d 913 (5<sup>th</sup> Cir. (Fla.) 1957). School desegregation.

*Heyward v. Public Housing Administration*, 238 F.2d 689 (5<sup>th</sup> Cir. (Ga.) 1956). Housing desegregation, public housing; Savannah.

*Clemons v. Board of Ed. of Hillsboro, Ohio*, 228 F.2d 853 (6<sup>th</sup> Cir. (Ohio) 1956). School desegregation.

*Adams v. Lucy*, 228 F.2d 619 (5<sup>th</sup> Cir. (Ala.) 1955). University desegregation; University of Alabama.

*Lucy v. Adams*, 228 F.2d 620 (5<sup>th</sup> Cir. (Ala.) 1955). University desegregation; University of Alabama

*Detroit Housing Commission v. Lewis*, 226 F.2d 180 (6<sup>th</sup> Cir. (Mich.) 1955). Housing desegregation, public housing; Detroit.

*Ex parte Clemons*, 218 F.2d 956 (6<sup>th</sup> Cir. (Ohio) 1954). School desegregation; Hillsboro, Ohio.

*Lucy v. Board of Trustees of University of Alabama*, 213 F.2d 846 (5<sup>th</sup> Cir. (Ala.) 1954). University desegregation; University of Alabama.

*Heyward v. Public Housing Administration*, 214 F.2d 222 (D.C. Cir. 1954). Housing desegregation, public housing; Savannah, Georgia.

*Davis v. Arn*, 199 F.2d 424 (5<sup>th</sup> Cir. (Ala.) 1952). Employment discrimination, police and fire exams; Mobile County.

*Bates v. Batte*, 187 F.2d 142 (5<sup>th</sup> Cir. (Miss.) 1951). Employment, equal pay, teachers' salaries; Jackson.

*Baskin v. Brown*, 174 F.2d 391 (4<sup>th</sup> Cir. (S.C.) 1949). White Democratic Party primaries.

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*Monroe v. Board of Ed., Madison County, Tenn.*, 269 F. Supp. 758 (W.D. Tenn. 1965). School desegregation.

*Monroe v. Board of Com'rs, City of Jackson, Tenn.*, 244 F. Supp. 353 (W.D. Tenn. 1965). School desegregation.

*Willis v. Pickrick Restaurant*, 234 F. Supp. 179 (N.D. Ga. 1964). Public Accommodations, restaurant desegregation, Civil Rights Act of 1964; Atlanta.

*Willis v. Pickrick Restaurant*, 231 F. Supp. 396 (N.D. Ga. 1964). Public Accommodations, restaurant desegregation, constitutionality of Civil Rights Act of 1964; Atlanta.

*Lee v. Macon County Bd. of Ed.*, 231 F. Supp. 743 (M.D. Ala. 1964). School desegregation; Macon County.

*Farmer v. Moses*, 232 F. Supp. 154 (S.D. N.Y. 1964). Demonstrations, picketing, distributing handbills at World's Fair.

*Youngblood v. Board of Public Instruction of Bay County, Fla.*, 230 F. Supp. 74 (N.D. Fla. 1964). School desegregation.

*Franklin v. Parker*, 223 F. Supp. 724 (M.D. Ala. 1963). University desegregation, graduate school; University of Alabama.

*Lee v. Macon County Bd. of Ed.*, 221 F. Supp. 297 (M.D. Ala. 1963). School desegregation, Macon County.

*Brown v. School District No. 20, Charleston, South Carolina*, 226 F. Supp. 819 (E.D. S.C. 1963). School desegregation.

*Monroe v. Board of Com'rs of City of Jackson, Tenn.*, 221 F. Supp. 968 (W.D. Tenn. 1963). School desegregation.

*Smith v. Holiday Inns of America, Inc.*, 220 F. Supp. 1 (M.D. Tenn. 1963). Motel desegregation.

*Davis v. East Baton Rouge Parish School Bd.*, 219 F. Supp. 876 (E.D. La. 1963). School desegregation.

*Gaines v. Dougherty County Bd. of Ed.*, 222 F. Supp. 166 (M.D. Ga. 1963). School desegregation.

*Stell v. Savannah-Chatham County Bd. of Ed.*, 220 F. Supp. 667 (S.D. Ga. 1963). School desegregation.



*Davis v. Board of School Com'rs of Mobile County, Ala.*, 219 F. Supp. 542 (S.D. Ala. 1963). School desegregation.

*Zellner v. Lingo*, 218 F. Supp. 513 (M.D. Ala. 1963). Demonstrations, Civil Rights Act, criminal prosecutions, freedom walkers.

*Lucy v. Adams*, 224 F. Supp. 79 (N.D. Ala. 1963). University desegregation; University of Alabama.

*Davis v. East Baton Rouge Parish School Bd.*, 214 F. Supp. 624 (E.D. La. 1963). School desegregation.

*Anderson v. Kelly*, 32 F.R.D. 355 (M.D. Ga. 1963). Desegregation, public facilities; Albany.

*Gantt v. Clemson Agr. College of South Carolina*, 213 F. Supp. 103 (W.D. S.C. 1962). University desegregation.

*Calhoun v. Latimer*, 217 F. Supp. 614 (N.D. Ga. 1962). School desegregation; Atlanta.

*Gantt v. Clemson Agr. College of South Carolina*, 208 F. Supp. 416 (W.D. S.C. 1962). University desegregation.

*Bailey v. Patterson*, 206 F. Supp. 67 (S.D. Miss. 1962). Desegregation, interstate and intrastate transportation; Jackson.

*Mapp v. Board of Ed. of City of Chattanooga, Hamilton County, Tennessee*, 203 F. Supp. 843 (E.D. Tenn. 1962). School desegregation.

*Meredith v. Fair*, 202 F. Supp. 224 (S.D. Miss. 1962). University desegregation; University of Mississippi.

*Meredith v. Fair*, 199 F. Supp. 754 (S.D. Miss. 1961). University desegregation; University of Mississippi.

*Bailey v. Patterson*, 199 F. Supp. 595 (S.D. Miss. 1961). Desegregation, interstate and intrastate transportation.

*Brooks v. City of Tallahassee*, 202 F. Supp. 56 (N.D. Fla. 1961). Desegregation, transportation, municipal-airport restaurant.

*Turner v. Randolph*, 195 F. Supp. 677 (W.D. Tenn. 1961). Desegregation, public facilities, public libraries; Memphis.

*Taylor v. Bd. of Ed. of City School Dist. of City of New Rochelle*, 195 F. Supp. 231 (S.D. N.Y. 1961). School desegregation.

*Turner v. City of Memphis*, 199 F. Supp. 585 (W.D. Tenn. 1961). Desegregation, transportation, municipal-airport restaurant.

*Holmes v. Danner*, 191 F. Supp. 394 (M.D. Ga. 1961). University desegregation; University of Georgia.

*Holmes v. Danner*, 191 F. Supp. 385 (M.D. Ga. 1960). University desegregation; University of Georgia.

*Calhoun v. Latimer*, 188 F. Supp. 412 (N.D. Ga. 1960). School desegregation; Atlanta.

*Augustus v. Board of Public Instruction of Escambia County, Florida*, 185 F. Supp. 450 (N.D. Fla. 1960). School desegregation; Pensacola.

*Tonkins v. City of Greensboro, North Carolina*, 175 F. Supp. 476 (M.D. N.C. 1959). Desegregation, public swimming pool.

*Calhoun v. Members of Bd. of Ed., City of Atlanta, Georgia*, 188 F. Supp. 401 (N.D. Ga. 1959). School desegregation.

*Hunt v. Arnold*, 172 F. Supp. 847 (N.D. Ga. 1959). University desegregation; Georgia State College of Business Administration; Atlanta.

*Hawkins v. Board of Control of Florida*, 162 F. Supp. 851 (N.D. Fla. 1958). University desegregation; University of Florida.

*Tonkins v. City of Greensboro, North Carolina*, 162 F. Supp. 549 (M.D. N.C. 1958). Desegregation, public swimming pool.

*Heyward v. Public Housing Administration*, 154 F. Supp. 589 (S.D. Ga. 1957). Housing desegregation, public housing; Savannah.

*Watts v. Housing Authority of Birmingham Dist.*, 150 F. Supp. 552 (N.D. Ala. 1956). Housing desegregation, housing projects.

*Heyward v. Public Housing Administration*, 135 F. Supp. 217 (S.D. Ga. 1955). Housing desegregation, public housing; Savannah.

*Johnson v. Levitt & Sons, Inc.*, 131 F. Supp. 114 (E.D. Pa. 1955). Housing discrimination, housing development; Levittown.

*Brown v. Baskin*, 80 F. Supp. 1017 (E.D. S.C. 1948). White Democratic Party primaries.

*Brown v. Baskin*, 78 F. Supp. 933 (E.D. S.C. 1948). White Democratic Party primaries

*Harris v. Chappell*, 8 R.R.L.R. 1355 (1963). Suit to enjoin insurrection prosecution; Americus, Georgia.

#### **CASES BEFORE THE NEW YORK STATE COMMISSIONER OF EDUCATION**

*Matter of Central School District No. 1, Town of Ramapo*, 65 State Dept. Repts. 106 (1944).

*Matter of W. Scott Davis, et al.*, 75 State Dept. Repts. 57 (1954).

*Matter of School District No. 1, Village of Hempstead*, 70 State Dept. Repts. 108 (1949).

*Matter of School District No. 1, Village of Hempstead*, 71 State Dept. Repts. 133 (1950).

*Matter of School District No. 9, Village of Hempstead*, 71 State Dept. Repts. 166 (1950).

*Matter of School District No. 6, Town of Babylon*, 77 State Dept. Repts. 118 (1956).

## Appendix B

Following is a list of awards, plaques, drafts and final copies of unpublished and published writings and speeches, newspaper clippings and magazine articles, citations, honorary degrees, tributes, and other material in the Constance Baker Motley collection:

Associated Transit Guild Achievement Award - December 1961

New Haven Branch NAACP Annual Award - Oct. 5, 1961

Barrister Club of Pennsylvania Award of Merit October 1962

Kappa Omicron Chapter Omega Psi Phi Fraternity Outstand. Citizen of the Year - November 1962

The Harlem Lawyers Association - Work for the Legal Defense Fund of the NAACP - October 1962

The National Association of Colored Women's Club Achievement Award - August 1962

Achievement Award -The General Conference of Grand Chapters Holy Royal Arch Masons - June 1963

Constance B. Motley appointment to the State Advisory Counsel, Nelson Rockefeller - March 1963

Delta Sigma Theta Sorority, Incorporated - Mary Church Terrell Award - Distinguished Public Service August 1963

Federation of Negro Civil Service Organization Distinguished Service Award - October 1963

Grand Temple Daughters IBPOE of , Emma V. Kelley Award - August, 1963

Harriet Beecher Stowe - Lady of the Year - May 1963

Memphis Branch NAACP - Contribution to the Field of Jurisprudence -1963

NAACP Legal Defense Fund, Inc., New York - June 1963 (Photograph)

National Freedom Award - National Freedom Day Association, February 1963

New Era Democratic Club Public Service Award – March 3, 1963

Outstanding Service in the Field of Civil Rights, St. Luke Church - June 1963

The Frontier Club of Newark Lawyer of the Year - January 1963

The National Business and Professional Women's Clubs, Inc National Sojourner Truth Meritorious Service. Award, September 1963

The Utility Club, Inc. - Women of the Year - June 1963

Central Nassau Club Human Relations Award- April 1964

Certificate of Election City of New York - February 1964

Citation to Constance Motley Baker National Council of Negro Women, Inc - 1964

Guardian Association Police Department – March 1, 1964

New York University Citation of Achievement – April 18, 1964

Outstanding Achievement in the Service to Youth, The Links, Incorporated - June 1964

Senator Baker Motley Public Service Award from the Women's Society of St. James Presbyterian Church - October 1964

Side Spanish American Voters Association Recognition Award - April 24, 1964

Sisterhood of Temple Israel - NAACP Legal Defense and Education. Fund - April 1964

Special Award Meritorious for Service Senator Baker Motley - April 1964

The American Teachers Association - Distinguished Service in Human Relations - July 1964

The City of New York Certificate of Election – November 25, 1964

The Trinity Temple of Church Award to Constance Baker Motley on her election to the NY State Senate – April 1964

Women of the Year, Zeta Phi Beta Sorority - 1964

Women's Day Award Bethel AME Church - March 15, 1964  
 Life Member Negro Actors Guild - 1965  
 1965 Woman of the Year Award, American Association of University Women  
 Morgan State College Doctor of Laws - 1965  
 New York Chapter Circle - Lets, Inc. - 1965  
 President, Borough of Manhattan - Woman of the Year - 1965  
 President of the Borough of Manhattan - 1965  
 Russwurm Award- First Negro Newspaper - 1965  
 Smith College Doctor of Human Letters - 1965  
 The City of New York Certificate of Election – November 29, 1965  
 The Louise Waterman Wise Award – 1965  
 The National Sorority of Phi Delta Kappa - Citation Associate Counsel for NAACP  
 Legal Defense and Education Fund Award - August 1965  
 1966 Spirit of Achievement Award - The Greater New York Women's Division of  
 Yeshiva University  
 Churchwoman Leader Pioneer – 1966  
 Howard University Doctor of Laws - 1966  
 National Achievement Award - 1966  
 Negro Council of Negro Women, Mary McLeod Bethune Achievement Award - 1966  
 Red Leather Bound Box and Award Certificate  
 The 110 Associated Women - 1965  
 Woman of the Year (Women's League for Histadrut Scholarships) -1966  
 Women's Hall of Fame - 1966  
 The Sage College Doctor of Public Service - 1997

Elizabeth Blackwell Award "Outstanding Service to Mankind" - 1968

Outstanding Achievement and Service - 1968

Westchester Clubmen Award - Field of Civil Rights - 1968

Iowa Wesleyan College Doctor of Laws - 1969

Judge Constance Baker Motley original typed and edited Opinions (1970 - 1996)

Manual for Complex and Multidistrict Litigation - Amendments to May 18, 1970

Miss American of New Haven Humanities Award June 13, 1971

The Barristers' Wives of New York Contribution to American Jurisprudence - 1972

Atlanta University Doctor of Laws – 1973

Outstanding Service in the Field of Law April 6, 1974

Social Engineers Citation August 22, 1975

Association of Black Women Meritorious Service Dedication and Leadership –  
February 28, 1976

Bicentennial Conference on the Constitution: A Report to the Academy - July 1976

Connecticut Trails Girl Scout Council -1976

Outstanding Achievement and Contribution to Human Rights November 21, 1977

Lester Blackwell Granger Urban League Award - 1978

The Atlanta NAACP 'Freedom Fighter' Award, October 19, 1978

Delta Sigma Theta, Incorporated Public Service Award, October 1979

John Jay College of Criminal Justice Doctor of Laws – 1979

Spelman College Doctor of Laws – 1979

Trinity College Doctor of Laws - 1979

Black American Law Students Association Humanitarian Award University of  
Toledo, May 20, 1980

The Committee of Black Psychiatrist – 1980

The Links Incorporated Honorary Membership - 1980

Educational Register - 1981/1982

*"A Pioneer for Justice"* National Conference of Black Lawyers Award, December 2, 1984

University of Bridgeport Honorary Degree - 1984

The Washington Time February 22, 1985 - Black History Month

Desk Books and Diaries

The Sentencing Options of Federal District Judges - June 1985

AntiTrust Moot Court 1986

Seventh Annual Supreme Court Swearing in Ceremony - 1987

State of Connecticut - Constance Baker Motley Day - 9/15/88

University Louisiana Doctor of Laws - 1990

University of Connecticut Doctor of Laws -1990

Senatvs-Collegii - Colbiani Doctor of Laws - 1991

The Claremont Graduate School Doctor of Laws - 1991

Recognition and Award for Outstanding Accomplishments January 20, 1992

Columbia Law School Board of Visitors Books

The Association of the Bar of the City of New York Years of Service on the Federal Judiciary, October 14, 1993

The Record November 1994

Woman of the Year - 1994 (Picture)

University of Hartford Doctor of Laws 1997

Panel Discussion - Discussion Challenges of Black Leadership in the New Millennium - 1998



University of Puget Sound Doctor of Laws 1998

"Till Victory is Won" JTBF - September 2006 (Picture)

"Law and Order" and the Criminal Justice System" by Constance Baker Motley (5 Copies)

Annual Award Ephesus S.D.A. Church

Antitrust Contributions and Claim Reduction: An Objective Assessment

Bronx Association NAACP First Annual Service Award

Folder with various speeches and writings by Constance Baker Motley

Collegii Westernensis Doctoris Legum

First Women Borough President New York

Good Government Award New York State Careerists Society

Judge Motley's Hood and gavel

"Just the Beginning/FJTN News Update (February 2001) - VHS tape

"Against The Wind: Blacks In The Business Of Law" VHS tape

Lady Judge with White Hair Picture

M.I.A. Interracial/Interfaith Certificate

VanDelinder Jean, "Interview with Constance Baker Motley: *Brown v. Board of Education of Topeka* Oral History Project," Kansas State Historical Society, interview conducted on October 6, 1992

Envelope with newspaper clippings and magazine articles about Motley:

Morrison, Allan, "Top Woman Civil Rights Lawyer Securing rights for millions, Negro woman is one of the world's most influential lawyers," *Ebony*, Vol. 18, Issue 3, January 1963, pp. 50-56

"NAACPs Constance Baker Motley Helps Make Legal History," *Jet*, June, 1959, pp. 12 - 17.

Constance Baker Motley paragraph discussion in "Black Women Attorneys in the Legal Profession: A General Event" Louisiana Bar J. February 1993 pp 464.

"Federal Judge Motley Tells How She Keeps 33-Year Marriage Intact," *Jet*, May 24, 1979 p. 26

Envelope with newspaper clippings and articles from political career and appointment to federal court

Envelope with newspaper clippings from civil rights movement

Envelope with pictures of federal black federal judges

Envelope with copies of tributes and speeches at ceremony naming Constance Baker Motley jury room at the Federal District Court in New York

Syracuse University unopened box with (Orange Ribbon)

The Museum of Afro-American History The African Meeting House

The National Conference of Christians and Jews

The Portrayal of Federal Intervention in Domestic Disorder in Selected U.S. History Textbooks

VHS - "Against the Wind: Blacks in the Business of Law" (unopened video)

VHS - "Just the Beginning"/ FJTN News Update video

World Without Borders - Lester R. Brown (Random House)

Young Lawyers Division Outstanding Book Award '*Equal Justice Under Law*'

The Seating of Senator Motley in the New York State Senate (article and U.P.I photograph)

Box with videos and CDs of awards conferred on Constance Baker Motley

Box with drafts and originals of articles written by Motley:

Motley, Constance Baker, "James Meredith in Perspective," *The Crisis*, January 1963, p. 4 - 11

"Attorneys-at-Law: Constance Baker Motley," *Black Enterprise*, August 1977, pp. 23

Motley, Constance Baker, "From Brown to Bakke: The Long Road To Equality," 14 *Harvard Civil Rights Civil Liberties Review* (1979), pp. 315 – 327.

Address by the Honorable Constance Baker Motley, Graduation, University of North Dakota School of Law, May 9, 1987

Motley, Constance Baker, "Desegregation And Education," 58 *Mississippi Law Journal* (1988)  
pp. 241 - 246

Motley, Constance Baker, "Civil Rights: Our Legacy And Our Responsibility," 64 *North Dakota Law Review* 121 (1988), pp. 121 – 122.

Motley, Constance Baker, "Some Recollections of My Career," 6 *Law and Inequality* (1988) pp. 35-40

Motley, Constance Baker, "Massive Resistance: America's Second Civil War," 41 *Arkansas L. Review* 123 (1988), pp. 123-140

Motley, Constance Baker, "Thurgood Marshall: A Personal Tribute," *Ms.*, September 1991 pp. 88-89

Motley, Constance Baker, "My Personal Debt to Thurgood Marshall," *The Yale Law Journal*, Vol. 101, No. 1 (Oct, 1991) pp. 19-24

"The Historical Setting Of *Brown* And Its Impact On The Supreme Court's Decision," *Fordham Law Review* Volume LXI, Number 1, October 1992 pp 9- 17

Address By The Honorable Constance Baker Motley, Indiana University School Of Law, Distinguished Jurist In Residence Program, October 6, 1993

"Remarks of the Hon. Constance Baker Motley at the Thurgood Marshall Commemorative Luncheon," Association of the Bar of the City of New York, April 24, 1996

"Reflections On Justice Before And After *Brown*," *Fordham Urban Law Journal*, Vol. XXXII No. 1 (December 2004) pp. 101 - 108

"The Legacy of *Brown v. Board of Education*," The Hon. Constance Baker Motley with notation "NYU Article"

"The *Brown* Case Transformed American Society" by Judge Constance Baker Motley

Motley, Constance Baker, "Law And Order And The Criminal Justice System," *Northwestern University School of Law Review*, Vol. 64, No. 3 pp. 259-269 (1973)

Original Copies of speeches given By Motley:

"Remarks by the Hon. Constance Baker Motley," Law School, Queens College, City University of New York, October 21, 1983

"Remarks By The Honorable Constance Baker Motley," Holmes-Hunter College University Of Georgia, Athens, Georgia - November 20, 1987

"Opportunity For Minorities In The Legal Profession – A Look At The Judiciary," Remarks by Honorable Constance Baker Motley, Second Circuit Judicial Conference, Lake George, New York, September 6-9, 1990

"Higher Education And Affirmation Action." Address By The Honorable Constance Baker Motley, Indiana University School Of Law Distinguished Jurist In Residence Program, October 6, 1993

Remarks by Constance Baker Motley (U.S. District Judge), "Challenges Of Black Leadership And Responsibility In The New Millennium, Paul Robeson Symposium, Columbia Law School, April 18, 1998

"Remarks By The Honorable Constance Baker Motley Senior United States District Judge: The Amistad Celebration, New Haven, Connecticut, July 15, 2000"

"Remarks By Judge Constance Baker Motley Occasion: Portrait Hanging In Jury Assembly Room," May 14, 2003.

Remarks by United States District Judge Constance Baker Motley, Association of Black Women Attorneys Annual Meeting, September 30, 2003

"Memory, History, And Community: The Assimilation Of Houstonian Principles In The Career Of Matthew J. Perry, Jr.," Honorable Constance Baker Motley

"Draft Two Federal Judges Share Memories of Historic Civil Rights Victory"

Paper with no title – begins "It has been almost four centuries since Africans arrived in the New World" - the paper appears to be an enlarged version of the first chapter of the autobiography, *Equal Justice Under Law*

CD - Just The Beginning Foundation Trailblazers Awards & Tributes 2006, September 23, 2006

CD - 40<sup>th</sup> Anniversary of Desegregation Panel Discussion – The University of Georgia

CD – Yale Law School Brown vs. Board of Education “Perspectives from the Frontline: A Conversation with Brown Litigators. The Hon. Constance Baker Motley & The Hon. Robert Carter” Saturday April 3, 2004

VHS – “Just the Beginning” FJTN News Update, February 2001

VHS - “Against The Wind: Blacks In The Business Of Law”

Spingarn Medal (Highest honor and award conferred by the NAACP)

Presidential Citizens Medal conferred by President Bill Clinton in 2001 (Highest civilian medal that the President can confer. The highest civilian medal is the Congressional Gold Medal that requires approval of 2/3 vote of both the branches of government – the Senate and the House of Representatives.)

Box with videos and CDs of memorial services for Constance Baker Motley

Box with tributes and speeches delivered at memorial services for Constance Baker Motley

CD - Riverside Memorial Service for Constance baker Motley, 11/4/05

CD - Memorial Service for the Hon. Constance Baker Motley, 12/8/05 Daniel Patrick Moynihan U.S. Courthouse

## Appendix C

Following is a summary of writings in the Motley materials:

VanDelinder, Jean, "Brown v. Board of Education of Topeka Oral History Project: Interview with Constance Baker Motley, (dated October 6, 1992) This is a 17 page transcription of an oral interview with Motley about the cases she worked on at the LDF and the strategy for cases brought by the LDF during the civil rights movement.

Motley, Constance Baker, "Desegregation And Education"

This document discusses the "frontal assault on the southern states' policy of racial segregation" by the "freedom riders" in Mississippi (who Motley represented), the impact of the *Meredith* case, in ending "*Jim Crow*" segregation in America, and the litigation strategy of LDF in bringing cases in the Supreme Court and lower federal courts that set the stage for the landmark decision in *Brown* which overruled the *Plessy v. Ferguson* "separate but equal" doctrine.

Motley, Constance Baker, "James Meredith in Perspective," *The Crisis*, (January 1963), pp. 4-11.

This article written by Motley that provides insight into her perspective of the two year battle that she fought and the many trips she made to Mississippi to win James Meredith's right to enroll in the University of Mississippi.

Motley, Constance Baker. "My Personal Debt to Thurgood Marshall," *The Yale Law Journal*, Vol. 101 No. 1 (Oct. 1999), pp. 19-24.

In this published piece, Motley praises Thurgood Marshall for hiring her as the first woman lawyer at LDF and for training her as a civil rights trial lawyer.

Motley, Constance Baker, "Remarks By Judge Constance Baker Motley Occasion: Portrait Hanging In Jury Assembly Room," May 14, 2003

These remarks were made to the audience assembled to pay tribute to Motley on the day that the Jury Assembly Room in the Federal District Court for the Southern District of New York was named in her honor and her portrait was hung there.

Motley, Constance Baker, "Remarks by United States District Judge Constance Baker Motley: Association of Black Women Attorneys Annual Meeting" September 30, 2003" (copy of draft with marked up corrections)

In this draft, Motley wrote about the 1963 March on Washington, the adoption of the Civil Rights Act of 1964 as an enactment of the civil rights legislation enacted by the Reconstruction Congress to enforce the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Amendments, *Brown* and other cases and federal legislation that brought an end to legal segregation in the U.S., and opportunities for blacks to be educated and become a part of the middle class.

Motley, Constance Baker. "Some Recollections of My Career"

In this document, Motley discusses how she became a lawyer, her career and cases she argued while at LDF, her career in politics, and her career as a judge.

Motley, Constance Baker, "The Brown Case Transformed American Society," pp. 1-12

In this paper, Constance Baker Motley engages in a historical discussion about the NAACP and the (which was incorporated in 1939 as a separate organization from the NAACP to "directly and unequivocally challenge the constitutionality of racial segregation in public education in 11 Southern states and the District of Columbia.") She provides a detailed discussion of the "strategy" of the LDF to first challenge "dual school systems in the U.S. Supreme Court" and then to attack the "separate but equal" doctrine established in *Plessy v. Ferguson* and to challenge state mandated segregation in schools as a violation of the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the Constitution.

Motley, Constance Baker, "The Legacy of *Brown v. Board of Education*"

Neither a date nor an occasion for which this speech was written appears on this document that begins, "May 17, 1994 marked the Fortieth Anniversary of the Supreme Court's historic decision in *Brown v. Board of Education of Topeka*." The piece presents a discussion of slavery and the policy of racial segregation in the U.S. beginning with the Supreme Court's ruling in *Plessy v. Ferguson* in 1896. It discusses the Civil War, Reconstruction, and the legal struggle to end de jure segregation (i.e., 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> Amendments, the Civil Rights of 1964) and the *Brown* case. It also discusses the Southern states' resistance to *Brown* (that required Motley to do the mopping up work to implement *Brown* and try cases all over the South) and that required two Presidents to send federal troops to protect black students who integrated schools, and the inability of the government to protect civil rights activists such as Medgar Evers who was assassinated in his front yard.

Motley, Constance Baker, "Thurgood Marshall: A Personal Tribute, *Ms.*, (September 1991), pp. 88-89.

This tribute by Motley praises Thurgood Marshall ("Marshall") for hiring her as the first woman lawyer at LDF at a time when women were not being hired as attorneys. She also praises Marshall for hiring her, personally training her, and giving her the opportunity to work on important civil rights cases at LDF and for preparing her to become the first black woman appointed as a judge in the Federal District Court.

"Two Federal Judges Share Memories of Historic Civil Rights Victory" - no author or source indicated on the document marked "DRAFT"

This is a marked draft of an article "based on interviews with Judges Constance Motley and Robert Carter," the upcoming "50-year anniversary of the historic Supreme Court decision in *Brown*, their recollections and memories of the case and

those involved in it, and the progress made in securing civil rights since the *Brown* decision.

"Federal Judge Motley Tells How She Keeps 33-Year Marriage Intact" *Jet*, (May 24, 1979), p. 26.

In this magazine article, Motley reportedly stated that her marriage was in tact because despite the "long hours and frequent trips that she took, her husband was totally involved in what she was doing; he shared the cause she was advocating for, and traveled with her to the Supreme Court to hear her argue civil rights cases.

Remarks by the Honorable Constance Baker Twenty Fifth Anniversary Puerto Rican Bar Association Dinner New York, New York (October 29, 1982)

Remarks by the Hon. Constance Baker Motley Law School Queens College City University of New York (October 21, 1983)

Address By The Honorable Constance Baker Motley Graduation University Of North Dakota School Of Law (May 9, 1987)

Remarks by The Honorable Constance Baker Motley, Holmes-Hunter Lecture, University of Georgia, Athens Georgia (November 20, 1987)

Remarks by Honorable Constance Baker Motley at Second Circuit Judicial Conference Lake George, New York September 6-9, 1990 ("Opportunity For Minorities In The Legal Profession – A Look At The Judiciary)

Address By The Honorable Constance Baker Motley Indiana University School of Law Distinguished Jurist In Residence Program October 6, 1993

Remarks By Constance Baker Motley (U.S. District Judge) Paul Robeson Symposium Columbia Law School April 18, 1998 "Challenges Of Black Leadership And Responsibility In The New Millennium"

Remarks By The Honorable Constance Baker Motley Senior United States District Judge The Amistad Celebration New Haven, Connecticut (July 15, 2000)



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*Barr v. City of Columbia*, 378 U.S. 146, 84 S.Ct. 1734, 12 L.Ed. 2d 766 (1964)

*Bouie v. City of Columbia*, 378 U. S. 347, 84 S.Ct. 1697, 12 L.Ed.2d 894 (1964). Lunch-counter sit-ins; trespass prosecution; South Carolina.

*Brown v. Board of Education*. 347 U.S. 483 (1954).

*Calhoun v. Latimer*, 377 U.S. 263, 84 S.Ct. 1235, 12 L.Ed.2d 288 (1964). School desegregation; Atlanta, Georgia.

*Danner v. Holmes*, 364 U.S. 939, 81 S.Ct. 686 (1961). Desegregation; University of Georgia.

*Freedom Riders*, PBS video, American Experience, (2011).

Gellhorn, Mrs. Walter, "The Reminiscences of Judge Constance Baker Motley" (oral history recorded from 4 December 1976 to 11 March 1978).

*Gober v. City of Birmingham*, 373 U.S. 374, 83 S.Ct. 1311, 10 L.Ed2d 419 (1963). Lunch-counter sit-ins; trespass prosecution; Birmingham, Alabama.

*Hamilton v. State of Alabama*, 368 U.S. 52, 82 S.Ct. 157, 7 L.Ed.2d 114 (1961). Right to counsel at arraignment, capital case.

*Hamm v. City of Rock Hill*, 377 U.S. 988, 84 S.Ct. 1902, 12 L.Ed.2d 1042 (1964). Lunch-counter sit-ins; trespass prosecution; South Carolina.

*Justice Is A Black Woman: The Life And Work Of Constance Baker Motley*, Quinnipiac University, Hamden, CT 2012.

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Lewis, John, "Congressman John Lewis Remembers Constance Motley," U.S. House of Representatives, <http://www.house.gov/johnlewis/05pressreleases/pro93005.html> (December 2, 2005).

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Motley, Constance Baker. *Equal Justice Under Law An Autobiography By Constance Baker Motley*. (New York: Farrar, Straus & Giroux, 1988), p., at B10, quoting Hunter-Gault, *In My Place* (1992)

Meredith, James, H., correspondence with Constance Baker Motley, Motley collection.

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*Meredith v. Fair*, 313 F.2d 534 (5<sup>th</sup> Cir. (Miss.) 1962). University desegregation, contempt; University of Mississippi.

*Meredith v. Fair*, 313 F.2d 532 (5<sup>th</sup> Cir. (Miss.) 1962). University desegregation, contempt; University of Mississippi.

*Meredith v. Fair*, 306 F.2d 374 (5<sup>th</sup> Cir. (Miss.) 1962). University desegregation; University of Mississippi.

*Meredith v. Fair*, 305 F.2d 343 (5<sup>th</sup> Cir. (Miss.) 1962). University desegregation; University of Mississippi.

*Meredith v. Fair*, 305 F.2d 341 (5<sup>th</sup> Cir. (Miss.) 1962). University desegregation, University of Mississippi.

*Meredith v. Fair*, 298 F.2d 696 (5<sup>th</sup> Cir. (Miss.) 1962). University desegregation, University of Mississippi.

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Motley, Constance Baker, "Personal Memoirs of Constance Baker Motley." *The New Yorker*, (New York, 1993).

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Motley, Constance Baker, "The Brown Case Transformed American Society," pp. 1-12 (Personal papers, box 4).

Motley, Constance Baker -. "The Legacy of Brown v. Board of Education. "  
(Personal papers, box 4).

Motley, Constance Baker, "Two Federal Judges Share Memories of Historic Civil Rights (Personal papers, box 4).

Motley, Constance Baker, "Thurgood Marshall: A Personal Tribute, *Ms.*, (September 1991), pp. 88-89 (box 5).

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Motley, Constance Baker, "Two Federal Judges Share Memories of Historic Civil Rights  
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NAACP's Constance Baker Motley Helps Make Legal History, *Jet*, (June 1959)  
pp. 12-17 (received from James Nabrit 2012).

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Peremptory challenges to exclude blacks from petit jury; Alabama.

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