

# Poverty & Race

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## Local People as Law Shapers: Lessons from Atlanta's Civil Rights Movement

by Tomiko Brown-Nagin

Many of those who profess to want change “don’t care nothing about poor people...If they had poor people at heart, they could make it better.” Ethel Mae Mathews, president of the Atlanta chapter of the National Welfare Rights Organization, made this statement in 2000, after decades of community-based activism in Atlanta. Five decades after passage of the Civil Rights and Voting Rights Acts, Mathews criticized policymakers who ignored the poor. The African-American woman directed special contempt at other African-American leaders, elected and self-appointed: “They forget about you, they forget about who they are and where they come from, and who helped them get where they is.”

Years of work in Atlanta’s impoverished neighborhoods informed Mathews’ assessment of civil rights and anti-poverty activism at the dawn of the 21st Century. The daughter of Alabama sharecroppers, Mathews had arrived in Atlanta penniless during the 1950s. She had a sixth-grade education. She found work as a housekeeper

and lived in public housing, where she struggled to raise her children. Mathews found her political voice in the welfare rights movement. Budget cuts by federal and state legislators to programs to aid the poor angered her. Moreover, Congress had enacted the Civil Rights Act of 1964 and the 1965 Voting Rights Act—legislative landmarks—but neither law had cured her ills. Formal equality under the law had not changed her daily life; and the right to vote, alone, had not brought about a responsive government.

Mathews, together with Eva Davis, Emma Armour and other occupants of Atlanta’s housing projects, organized. They protested budget cuts and other policies that undermined the poor—in the streets, in the legislature, in the courts. The women demanded concrete changes for themselves and their children. They sought an adequate income, affordable housing and desegregated schools.

Ethel Mae Mathews and the searing critiques of the legal and social orders that she and fellow activists lodged during the late 1960s feature prominently in my book, *Courage to Dissent: Atlanta and the Long History of the Civil Rights Movement*. Mathews is just one of the book’s figures who answer the central question posed: What would the story of black Americans’ struggle for civil rights look like if legal historians shifted the

focus from the work of the national NAACP, the legendary Thurgood Marshall and the U.S. Supreme Court, to local agents of change?

The book answers the question by shining a spotlight on unsung lawyers and activists who fought for equality in Atlanta from the 1940s through 1980. It shows that courageous local lawyers, organizers, negotiators, students and working-class men and women shook up the nation—and frequently clashed with the mandates of the national black leadership.

*Courage to Dissent* discusses three distinct waves of dissenters from the racial status quo at three different historical moments. All of the dissenters sought “equality,” but each wave of lawyers and activists imputed different meaning to the word and had different priorities and tactics for achieving equality.

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Tomiko Brown-Nagin (tb3u@virginia.edu) is Justice Thurgood Marshall Distinguished Professor Law and Professor History at the University of Virginia. Her book, from which she has drawn this précis, was published by Oxford Univ. Press in 2011.

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The book discusses “pragmatists,” dominant beginning in the late 1940s, “movement lawyers and demonstrators” who burst onto the scene during the 1960s, and “welfare rights activists,” prominent during the 1970s. Each wave of civil rights activists insisted on defining equality and the paths toward it in its own way, and each group gave rise to a new wave of activists with different priorities, strategies and tactics. The book discusses debates among these waves of dissenters over politics, housing, education and economic disparities—issues that continue to incite debate among activists.

## The Pragmatists

The pragmatists sought to challenge Jim Crow laws incrementally, without destroying the social and economic capital the black middle class built during segregation. One of the South’s first African-American lawyers, Austin Thomas (“A.T.”) Walden, numbered among this group. Walden valued voting rights over litigation and rejected the idea that integration equaled equality—a cornerstone of the NAACP’s court battles. Like Walden, black college presidents, ministers, teachers and contractors also championed racial reform through voting rights. But these professionals shied

away from legal challenges to school and housing segregation. Both sorts of litigation posed financial threats to the pragmatists. Black teachers might lose their jobs if school desegregation occurred. Black builders, who enjoyed a captive market under segregation, would compete in a larger environment if Jim Crow fell in housing. The pragmatists also could cite community-interested rationales to support their choices. Pragmatists argued that black students might meet hostility in desegregated schools. And

## ***Racialized poverty—the legacy of Jim Crow—remained.***

they noted that blacks prospered in same-race neighborhoods where they maintained cultural ties. If pragmatists accommodated segregation, they did so for good reasons, they believed.

## The Movement Lawyers

Movement lawyers and the demonstrators challenged the incrementalism of the pragmatists, whom they dismissed as “Uncle Toms.” The demonstrators sought “Freedom Now.” They protested segregated public accommodations in the streets, staged rent strikes and demanded the right to vote. The students found allies in a new generation of the civil rights bar—trailblazing lawyers Len Holt and Howard Moore, Jr. Holt introduced the Student Non-violent Coordinating Committee (SNCC) to “movement lawyering”—a style of civil rights litigation supportive of direct action. Moore, SNCC’s general counsel, litigated across a wide variety of cases—criminal, school desegregation and draft resistance actions, among others.

Moore eventually represented some of his clients when they took advantage of new opportunities created by the Voting Rights Act. In a bid to transition from “protest to politics,” student radicals ran for public office, and some won. By the early 1970s, At-

lanta had elected a black mayor, a black Board of Education chairman, a black congressman, and blacks held half the seats on the School Board.

## Welfare Rights Activists

These changes, however symbolically significant, did not satisfy the third wave of dissenters—welfare rights activists such as Ethel Mae Mathews, who emerged during the late 1960s and 1970s. This final wave of dissidents attacked economic and structural inequality in society—the same world that some middle-class blacks had helped to build and fought to preserve. Mathews and other anti-poverty activists also criticized the political structure—the same structure that some of the 1960s demonstrators had now embraced.

Thus, the disappointments that Mathews expressed in 2000 had deep roots; they rested in the unfinished struggles of the 1960s. Her critique persisted because the legacy of Jim Crow that she had identified—racialized poverty—remained.

*Courage to Dissent* illuminates the relationship between the past and the present. The story that it tells about Atlanta and its evolution over the post-war era is unique, but Atlanta’s post-war history is, in many ways, representative of urban America. And Ethel Mae Mathews stands in for many Americans, forgotten citizens who still seek a political voice and political power.

## Lessons Learned

What lessons, then, does *Courage to Dissent* offer for today? Each reader can find something in the book that relates to his or her movement of choice—whether it is the continuing struggle for racial justice, women’s rights, environmental justice or gay rights. Above all else, this bottom-up history of legal activism teaches that people from all walks of life can be law shapers—if given the chance. The

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gift the array of featured dissenters pass along to contemporary change agents is, as the conclusion notes, “a tradition of protest itself, the will to object to injustice, in some way.”

This lesson—about the power of human agency—sometimes seems lost on lawyers who favor court-based forms of advocacy. Yet, the most beloved lawyers in *Courage to Dissent*, Len Holt and Howard Moore, Jr., embraced the grassroots. During the movement’s finest hours, community-based protest and ideas from below shaped legal and political agendas. The imperatives of the poor mattered.



## Related Materials

- Martha Biondi, *To Stand and Fight: The Struggle for Civil Rights in Postwar New York City* (Harvard Univ. Press, 2006).
- Tomiko Brown-Nagin, “Elites, Social Movements, and the Law: The Case of Affirmative Action,” 105 *Columbia L. Rev.* 1436 (June 2005).
- Matthew Countryman, *Up South: Civil Rights and Black Power in Philadelphia* (Univ. of Penn., 2006).
- Archon Fung, *Empowered Participation: Reinventing Urban Democracy* (Princeton, 2004).
- Lani Guinier, “The Triumph of Tokenism: The Voting Rights Act and the Theory of Black Electoral Success,” 89 *Mich. L. Rev.* 1077 (1991).
- David Lublin, *The Paradox of Representation: Racial Gerrymandering and Minority Interests in Congress* (Princeton, 1997).
- Charles Payne, *I’ve Got the Light of Freedom: The Organizing Tradition and the Mississippi Freedom Struggle* (Berkeley, 1995).

## Resources

Most Resources are available directly from the issuing organization, either on their website (if given) or via other contact information listed.

Materials published by PRRAC are available through our website: [www.prrac.org](http://www.prrac.org). Prices include the shipping/handling (s/h) charge when this information is provided to PRRAC. “No price listed” items often are free.

When ordering items from PRRAC: SASE = self-addressed stamped envelope (44¢ unless otherwise indicated). Orders may not be placed by telephone or fax. Please indicate from which issue of P&R you are ordering.

### Race/Racism

- “Institutionalization of Racial Inequality in Local Political Geographies,” by Ben Marsh, Allan Parnell & Ann Moss Joiner (19

pp.), appeared in Vol. 31 (2010) of *Urban Geography*. Reprints available (free) from co-author Parnell, 919/563-5899, [mcmoss@mindspring.com](mailto:mcmoss@mindspring.com) [12662]

- *Slavery in the Upper Mississippi Valley, 1787-1865*, by Christopher P. Lehman (224 pp., 2011, \$45), documents the presence of African-American slaves in the legally “free” states of Illinois, Wisconsin, Iowa and Minnesota during the antebellum years. Link to publisher’s website: <http://www.mcfarlandpub.com/book-2.php?id=978-0-7864-5872-1> [12666]

- *Dorm Room Dealers: Drugs and the Privileges of Race and Class*, by A. Rafik Mohamed & Erik D. Fritsvold (199 pp., 2009, \$49.95), has been published by Lynne Rienner Publishers, 1800 30th St., #314, Boulder, CO 80301, 303/444-2011 [12668]

- *How Racism Takes Place*, by George Lipsitz (310 pp., 2011, \$26.95), has been published by Temple Univ. Press, 215/926-2154. [12674]

- *Civil Rights Monitor* (Fall 2010, Vol. 20, 40 pp.) is available (no price listed) from The Leadership Conference Education Fund (headed by former PRRAC Bd. member Wade Henderson), 1629 K St. NW, 10th flr., Wash., DC 20006, 202/466-3434. [12675]

- “Color Blinded - Do Americans See Race Too Much -- Or Not Enough?” is a 23-page Special Report in the April 2011 issue of *The American Prospect*, co-produced with Demos. Among the authors of the 13 articles: Shirley Sherrod, William Julius Wilson (interviewed), David Moberg, Mark Warren, Randall Kennedy. Available (no price given) at 888/687-8732. [12686]

- *Everyday Forms of Whiteness: Understanding Race in a “Post-Racial” World* (2nd ed.), by Melanie Bush (330 pp., 2011?, \$24.47 with discount code 4S11EFOW), has been published by Rowman & Littlefield, 800/462-6420, [www.rowman.com/isbn0742599973](http://www.rowman.com/isbn0742599973) [12699]

- “2011 Statistical Portrait of Asian Americans, Native Hawaiians, and Other Pacific Islanders” is available (likely free) from the UCLA Asian American Studies Center (formerly headed by PRRAC Bd. member Don Nakanishi), 310/825-2974, [dkyoo@ucla.edu](mailto:dkyoo@ucla.edu), [www.aasc.ucla.edu](http://www.aasc.ucla.edu) [12701]

- “Race: Are We So Different?” is an exhibit that has been traveling around the country. Still-to-come locations (contact them for dates) include DC, Santa Barbara, New