LDF@70

DEFEND EDUCATE EMPOWER

70 YEARS FULFILLING THE PROMISE OF EQUALITY

The NAACP Legal Defense and Educational Fund is simply the best civil rights law firm in American history.

President Barack Obama, December 7, 2007

70 YEARS FULFILLING THE PROMISE OF EQUALITY

A Message from the President and Director-Counsel

JOHN PAYTON

70 years is a significant amount of time in America's nearly 400-year continuing struggle for racial justice and equality before the law. In those seven decades, the NAACP Legal Defense and Educational Fund, Inc. (LDF) has helped change the world.

Because of LDF, no one can get away with saying that black people—or any people—have "no rights under the Constitution," as the Supreme Court did in its 1857 *Dred Scott* decision.

Because of LDF, no one can say that racially discriminatory treatment is simply in the minds of those who experience it, as the majority of the justices said in the 1896 *Plessy v. Ferguson* decision, which sanctioned discrimination under the guise of "separate-but-equal."

LDF's mission is to use the law to expand democracy and to create a more just society. For 70 years, we have focused the attention of the nation and even the world on issues of race and inequality. LDF's work is to make America the inclusive democracy that we must become. It is a mission set by our leaders and staff, from Charles Hamilton Houston to Thurgood Marshall to Constance Baker Motley to right now.

Starting 70 years ago, a team of dedicated lawyers of different races used the law, aided by groundbreaking social science

techniques, to establish precedents recognizing the equal dignity of people of all races. They attacked and delegitimized the system of racial segregation and Jim Crow.

Our early cases did not so much vindicate rights that African Americans enjoyed. Our rights guaranteed by the Constitution and its amendments were diminished in the eyes of the law. LDF's work gave expression to rights that were out of reach for too many Americans—to work, to live, to obtain an education free from discrimination and the other basic rights we take for granted today.

LDF carefully designed and executed strategies to confront legally sanctioned racial segregation. We created new possibilities for equal justice and inclusive democracy in the United States. While our best known victory may be *Brown v. Board of Education* in 1954, our most notable achievement is the work we've done to transform this country into a racially just and inclusive society.

LDF's litigation not only accelerated the Civil Rights Movement, it fueled a new sense of racial justice and equality. The steady vindication of rights in those cases brought about the power to assert them—because they declared that the justice and equality embodied in our Constitution cannot be diminished by laws seeking to deny them.

Along with a small army of brilliant attorneys and courageous citizens, LDF worked through the courts and congress to ensure that the rights many take for granted today were not honored only in their breach. The work occured within the context of a sustained struggle of a people for basic equality. Generations of American lives have been markedly changed.

We have achieved progress in racial justice since our founding in 1940 by Thurgood Marshall. If we look at our society then and now, the challenges to justice are markedly different, just as the work that LDF is doing today is different from what we have done in the past.

But we continue to take seriously the admonition of Charles Houston, when after the first victory on the road to *Brown* he said, "Don't shout too soon." We are well aware that some of the problems we thought were solved decades ago have metastasized into new problems.

Race-infused crises still persist—in education, housing, employment, criminal justice, and health care.

Regrettably, our nation's criminal justice system is still infected by racism. Our election process has not fully eradicated efforts to suppress and intimidate minority voters or to dilute their voting power. The economic recession and extraordinary anxiety that has gripped the nation has had a disastrous impact on African-American homeownership and wealth.

LDF is still crusading for quality schools: confronting the deteriorating educational quality of inner-city public schools, the resulting high drop-out rates of black and Latino males; addressing the intensifying patterns of city-suburban residential segregation; working to restore Gulf communities ravaged by hurricanes; attacking discriminatory employment practices; seeking to have every vote counted; and to remedy the grossly disproportionate rates of incarceration of African Americans.

These inequities have dire consequences for our democracy. Today, as when we started, LDF is aggressively engaging fundamental problems in our society—problems that if left unchallenged, will undermine the health and vitality of our democracy.

We know that a right gained is not a right secured forever. I am proud to be an inheritor of the legacy built by Thurgood Marshall 70 years ago and carried on effectively by his successors. We will call upon those in positions of power as well as people in communities across the nation to vindicate those rights that empower us all. And we will continue to guard against all efforts to push back the progress that we all celebrate, and to help form our "more perfect union."

John Payton

PLANTING TIME: 1929-1940

Charles Hamilton Houston as Vice Dean of Howard University Law School.

From the late 1920s to the early 1940s, African Americans began to devise a strategy to achieve the rights of citizenship, of equal opportunity and of due process of law that we cherish today. The Great Migration brought millions of blacks out of the rural South and a feudal existence where they had virtually no protection from violence and discrimination. The Great Migration was one of the developments of the period that gave millions of blacks a small measure of freedom. It enabled millions more to attend elementary school and high school—opportunities which were possible for only a few in the South. And it produced a significant increase in the number of blacks attending college.

The Great Migration also enabled blacks to get a foothold in the industrial economy, even if it was at the lowest rungs of the ladder. Most importantly, it brought masses of black people together in the cities at a time when America was forming itself into a modern nation through the development of new technologies like radio, electrical grids, and the mass affordability of automobiles. The nation also faced the aftermath of two wars in which blacks played important roles. All of this contributed to the desire of blacks for more opportunity in every facet of American life. And they understood that the only way to get that was to secure their civil rights.

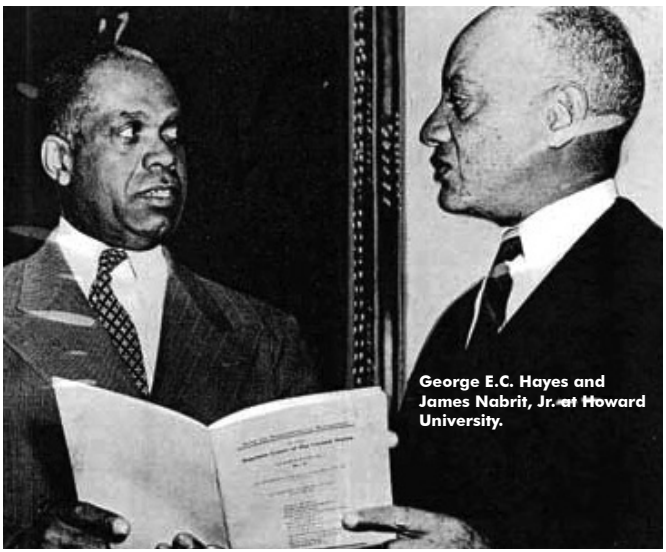
The combination of the impact of the Great Migration in bringing millions of blacks to the "freer," urban North, and the expansiveness of the larger, American society, which characterized the 1920s, produced a remarkable dynamism in black people. This was reflected by the cultural flowering of the Harlem Renaissance, which gave birth to the increased political assertiveness among African Americans. The Niagara movement and efforts of W.E.B. DuBois, among other influences, all fed the heightened consciousness.

This new sensibility was more than a cultural phenomenon. Rather, it was an expression of a new political consciousness that also existed among blacks in the South who were bombarding the NAACP with requests for legal assistance in fighting discrimination and racial oppression.

The devastating economic consequences of the Great Depression and the pervasive discrimination in the implementation of the New Deal programs only intensified blacks' determination to gain their rights.

Enter Charles Hamilton Houston, who in the 1930s began to build at Howard University Law School, the "West Point of Negro Leadership"—a small army of black attorneys committed to challenging the legal bulwarks of segregation. Houston's groundwork soon led to the founding of LDF, the nation's first civil rights law firm in 1940.

The tilling had begun.



George E.C. Hayes and James Nabrit, Jr. at Howard University.

Charles Hamilton Houston in the courtroom.

Making the Constitution Real for Black Americans

Equal access. Equal opportunity. Equal protection. For 70 years, LDF has used every legal means at its disposal to create and defend these rights of black Americans across the United States. Our fierce commitment to the cause of justice and our dedication to excellence have never been deterred by the state of any existing law or interpretation that seeks to deny equal rights to black Americans.

The brilliant strategies and tactics employed by generations of LDF attorneys have yielded landmark victories, established precedents for fairness in our nation's legal system, and helped relieve many of the oppressive conditions born out of racial discrimination and exclusion. As we celebrate decades of cutting-edge legal work and continue to use litigation, legislative advocacy, and public education to address economic and social problems in our society, we take this time to reflect upon how it all began.

In 1939, the Treasury Department threatened to deny tax-exempt status to the NAACP because of a concern that funds contributed for educational and civil rights litigation purposes could be spent by the NAACP for lobbying activities. In response, LDF was created on March 15, 1940 as a separate arm of the NAACP to litigate cases and raise money exclusively for its legal program. From the outset, LDF served as the nation's first nonprofit educational and legal aid agency for African Americans. The "Inc. Fund," as it was known in its early years, was created to be distinct, with separate account books, from the NAACP. The incorporators were Dr. William Allan Nelson, President of Smith College; attorneys Arthur Spingarn, William H. Hastie, and Hubert Delaney; Herbert H. Lehman, Governor of New York; civil rights reformer Mary White Ovington; and Judge Charles E. Taney.

In its early years, LDF shared board members, staff and office space with the NAACP. After 1957, the organization eventually maintained its own staff, budget and board of directors to respond to new interpretations of the laws governing tax-exempt organizations.

LDF was responsible for the NAACP's legal program with founder Thurgood Marshall as its first Director-Counsel. Racial segregation was firm in its grip and in its legal underpinning. America's legal system spoke with one voice, saying that black Americans had virtually no exercisable civil, political, or economic rights. The great principles that we recognize today as the very essence of our judicial system—equal protection under the law for all regardless of race—were neither part of the rhetoric nor reality of American jurisprudence. From its inception, LDF set a strategic course to improve the quality of life, and make the Constitution real for millions of Americans through its mission: to defend, educate and empower.

LDF's story begins much earlier than its founding, its roots stretching back into the early period of the Civil Rights Movement. The 1930s and 1940s were planting time for the Civil Rights Movement when new approaches to civil rights issues were devised even as new threats developed. During the Great Depression, Negro America, in the words of African-American civic leader Lester Granger, "almost fell apart." One out of every four blacks was on relief.

By 1940, the country braced for entry into World War II. Though African Americans would eagerly add their efforts and blood to the fight against fascism, their hopes of being included in the American creed were dashed by segregation laws. Blacks continued to suffer inferior housing, minimal access to education, limited employment, and little protection under the law. The era was also still marked by unrestrained lynchings.

In the face of this pervasive exclusion, black Americans hammered out strategies that carried the offensive against Jim Crow. World War II provoked an unprecedented degree of black protest and activism, and the Great Migration from 1910-1940 led to a new set of political relationships in the North, which were accompanied by stepped-up campaigns in the courts. In the 1930s and 1940s, the federal government became more responsive to black activism. As African Americans increased their demands for social change, a brilliant strategy unfolded to make use of the legal community. The NAACP, with branches throughout the nation, was increasingly called upon to aid grassroots organizations in protesting segregation. These pleas led to the creation of LDF, whose mission and work stemmed from its parent organization's strategy to attack Jim Crow in the South and across the country through every available legal means.

To Boldly Challenge the Constitutional Validity of Segregation

Nearly two decades before LDF's founding, a young, white man named Charles Garland put a million-dollar inheritance to good use. Roger Baldwin, who had recently founded the American Civil Liberties Union, persuaded Garland to create a trust to assist "pioneer enterprises" for social and economic freedom. Garland did so, requesting that the money be given away "as quickly as possible, to 'unpopular' causes, without regard to race, creed or color." The American Fund for Public Service was formed in 1929, its funding committee calling for "a dramatic, large-scale campaign to win equal rights for blacks in public schools, in voting booths, on the railroad, and on juries." The money from that trust enabled the NAACP to hire Nathan Margold as a special counsel to study the legal status of African Americans and to plan a coordinated attack against segregation, pointing toward a social, political, and economic transformation of the South and the entire country. Nathan Margold, a former assistant U.S. attorney for the Southern District of New York, focused his 1931 report on

an assessment of discrimination in public schools, advising the NAACP to "boldly challenge the constitutional validity" of segregated schools as a violation of the equal protection clause of the Fourteenth Amendment. His report served as the initial blueprint for the NAACP's strategy against segregation. Margold resigned from the NAACP in 1933 to join the Interior Department as a solicitor.

The NAACP then turned to Charles Hamilton Houston, the architect of the legal strategy of the Civil Rights Movement and one of the greatest legal minds of the 20th century.

Social Engineers and Sentinels Guarding Against Wrong

Thurgood Marshall famously recalled that as he waited to argue *Brown v. Board of Education* in the Supreme Court, he looked at his team of lawyers and realized that almost all of them had been touched by Houston as a teacher and mentor. "Charlie Houston," Marshall recalled, "was the engineer of it all."

Born on September 3, 1895, a bleak era for black people, Houston grew up in racially segregated Washington, D.C. He was never content with any segregated station in his life or the lives of other black people. Nor was he ever satisfied with the state of democracy in the United States. He graduated first in his class from Amherst College, where he was the only black student in his class. Houston returned to Washington in 1915 and taught at Howard University for several years before enlisting in the war effort and becoming a pioneering black officer in a segregated army. The racism he experienced from white officers intensified his belief in the paramount need for racial justice.

Young Charles Hamilton Houston with father William LePre Houston and mother Mary Hamilton Houston.

After the war, Houston attended Harvard Law School, where he was the first black editor of the *Harvard Law Review*. In 1924, he joined his father's prestigious firm and taught at Howard Law School. Three years later, he traveled the country to survey black lawyers, witnessing sobering results. Black lawyers had poorer training than white lawyers, had often marginal legal practices, and limited resources—especially access to libraries. Howard Law School was then unaccredited, with most of its students being part-time, and there were few blacks in white law schools. Meanwhile, the need for lawyers in the struggle for racial justice was becoming more critical.

In 1929, Houston became the Vice Dean of Howard Law School. Believing that the time had come for black lawyers to play the commanding role in defending and advancing the rights of the race, he worked to ensure that Howard gain accreditation as a full-time law school. Then, he transformed it into something completely new—a law school dedicated to social change—the "West Point of Negro Leadership." Its special mission was embodied in his oft-repeated words: "The Negro lawyer is either a social engineer or a parasite." A social engineer by definition was to be "the mouthpiece of the weak and a sentinel guarding against wrong." And they were to be combat ready.

Charles Hamilton Houston's father in his law office in Washington, DC.

"No tea for the feeble, no crepe for the dead," was a Houston quote that all his students knew. No excuses, just results. Howard Law students were expected to participate in the struggle for racial justice. Many were drafted by Houston to work on cases. Many worked directly with Houston, or later with Thurgood Marshall, filling out and honing the NAACP's strategy to attack segregation.

As Houston reinvented Howard Law School, the NAACP's strategy with regard to white supremacy and segregation was in disarray. The NAACP had not devised and executed an effective legal strategy to attack segregation. From his base at Howard Law School, Houston addressed matters dealing with issues of race—both NAACP and non-NAACP matters.

In the summer of 1935, Houston was appointed Special Counsel to the NAACP and put in charge of all legal affairs for the organization. Houston and his various teams of black lawyers and law students had gathered invaluable experience through challenging the convictions of black defendants on the grounds that all black people had been excluded from the jury pool; the lack of public post-graduate educational institutions open to black students; grossly disparate pay for black and white public school teachers; and the lack of transportation for black children to attend school when the state provided transportation for white children. From these experiences—some successful, many not—Houston forged the strategy that would lead to the ultimate breakthroughs.

Having traveled the South for years documenting the disparities in educational resources, Houston theorized that establishing truly equal separate schools would eventually become so economically burdensome that the Southern states would be forced to end segregation.

The American Negro, Houston argued, "must fight for complete elimination of segregation as his ultimate goal." To this end, Houston identified a series of tactics to be carefully chosen and executed. These included the selection of the proper plaintiff; the selection of the proper defendant; the appropriate cause of action; the ability to marshal the evidence; and a proposed remedy that can be enforced. He found that the legal template for "separate-but-equal" was inconsistent with its realities. And so his campaign began with the soft underbelly of Jim Crow—graduate schools. Houston and his former law students, now colleagues—William H. Hastie, Robert Carter, Thurgood Marshall and others—planned to take case after case to the Supreme Court. Their efforts culminated, roughly two decades later, in the celebrated *Brown v. Board of Education* decision declaring segregation in public schools unconstitutional in 1954.

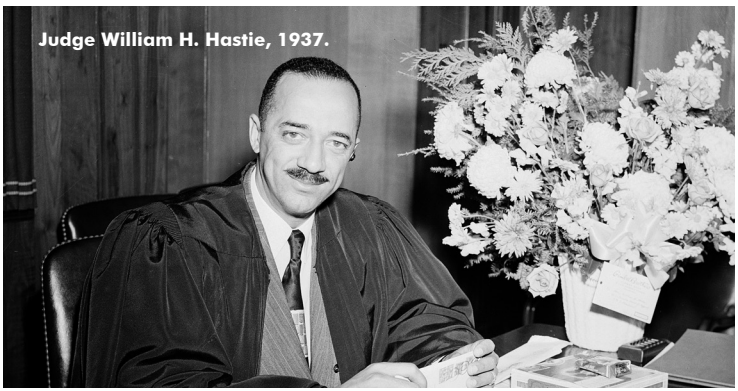
In 1949, a year before his death, Charles Houston looked back on the early decades of struggle against segregation. He expressed concerns about the long battle for civil rights, saying ". . . the Negro shall not be content simply with demanding an equal share in the existing system, it seems to me that his historical challenge is to make sure that the system [that] shall survive in the United States of America shall be a system which guarantees justice and freedom for everyone."

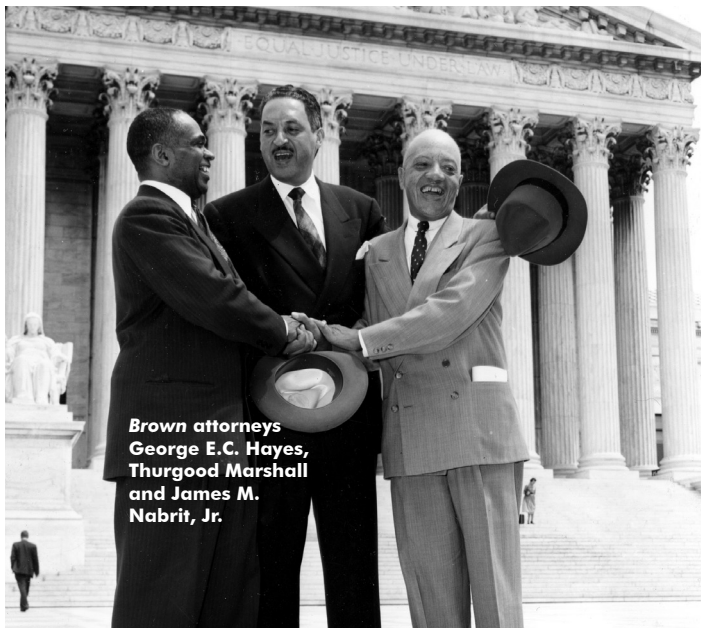
Houston's death on April 22, 1950 marked the end of a chapter. Planting time was over. The seeds were sown. It was now time for the crops of justice and equality to take root and grow.

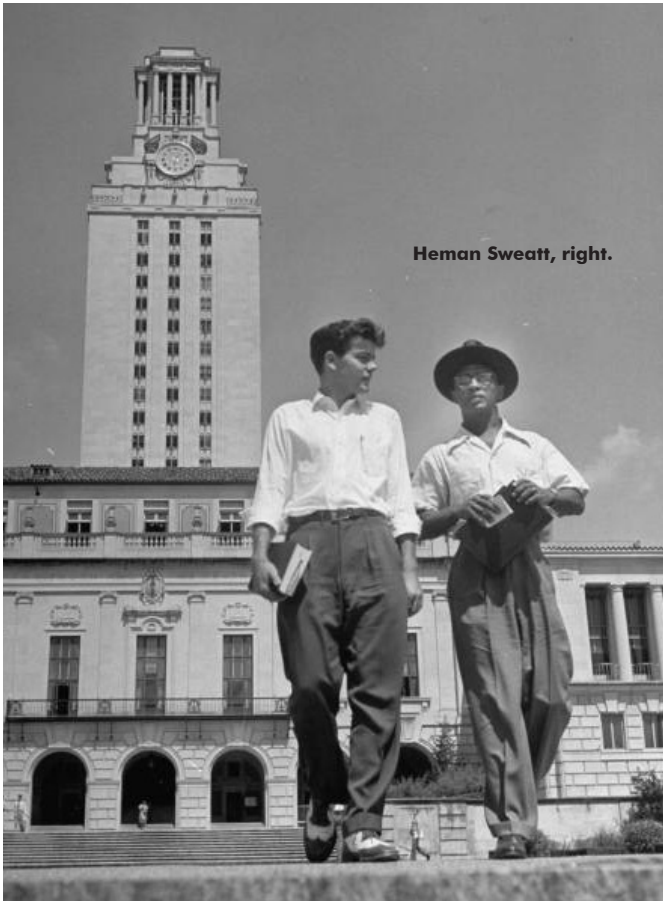
THE GROWING SEASON: 1941-1954

The growing season marked the next seminal stage of the Civil Rights Movement, which was made possible by the northward migration of millions of black people who continued to face *de facto* segregation, poverty, racial violence, and discrimination. After World War II, black political consciousness intensified, along with the world's perception of freedom and democracy. No longer were African Americans willing to accept legalized racial segregation.

In the 1940s and 1950s, blacks' struggle for equality was boldly announced to the nation and the world as they, and their allies, publicly confronted the hypocrisy of post-war America. During this season, LDF's work in the courts complemented the mass-action campaigns. Under Thurgood Marshall's leadership, LDF launched efforts to systematically dismantle the legal structure of segregation.


Judge William H. Hastie, 1937.

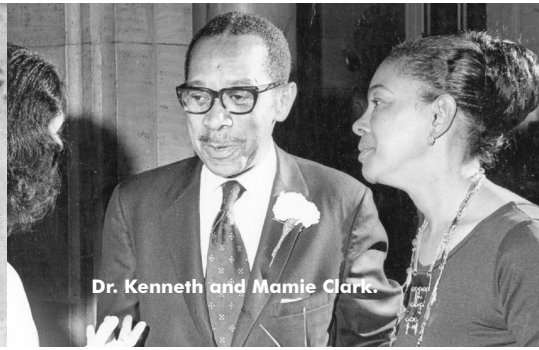

***Brown* attorneys George E.C. Hayes, Thurgood Marshall and James M. Nabrit, Jr.**



Heman Sweatt, right.

Part of the *Brown v. Board of Education* legal team: John Scott, James M. Nabrit, Jr., Spottswood L. Robinson III, Frank D. Reeves, Jack Greenberg, Thurgood Marshall, Louis L. Redding, V. Simpson Tate, and George E.C. Hayes.

***Briggs v. Elliot* plaintiffs.**



Dr. Kenneth and Mamie Clark.

Lining up on the U.S. Supreme Court steps for the *Brown v. Board of Education* decision.

Mr. Civil Rights

THURGOOD MARSHALL

LDF Director-Counsel
1940-1961

- Founded NAACP Legal Defense and Educational Fund in 1940
- Led the 1954 *Brown v. Board of Education* legal team
- Appointed in 1961 to U.S. Court of Appeals for the Second Circuit
- Appointed Solicitor General in 1965 by President Lyndon B. Johnson
- Became first black Supreme Court Justice on August 30, 1967

LDF's founder and first Director-Counsel, Thurgood Marshall, was one of the nation's finest courtroom tacticians and the most important civil rights lawyer of the 20th century. His greatest victory came in 1954, when he led the legal team that defeated school segregation before the Supreme Court. In 1967, he broke the 178-year old color barrier on the Supreme Court by becoming its first African-American justice.

Long before the decisive victories of Civil Rights Movement over legalized racism, Marshall was one of the few people who believed blacks could get justice through the law. He spent his entire life fighting for the rights of African Americans and serving as a great champion of justice, insisting that this nation live up to the Constitution. The great historian John Hope Franklin noted that it was Thurgood Marshall who told African

Americans a decade before the *Brown v. Board of Education* victory to "hold fast" because he was going to get the law on their side.

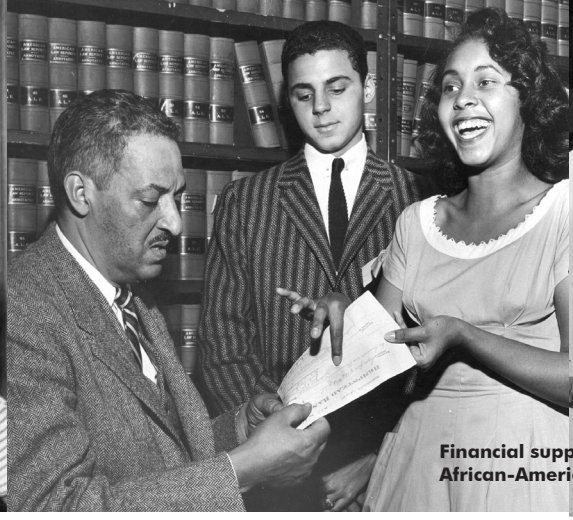
What inspired such confidence in an era of stifling racial hostility and unrelenting discrimination? "I really believed we couldn't be held down any longer and that right would win out and people would realize that we weren't just fighting for Afro-Americans, we were fighting for the heart of an entire nation," Marshall said.

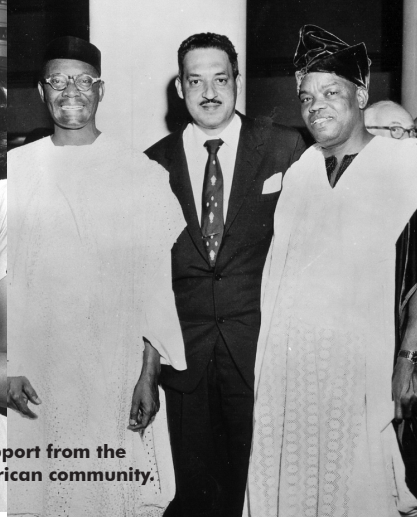
Marshall was born on July 2, 1908, in a fiercely segregated Baltimore, Maryland to a train steward and a schoolteacher. "The only thing different between the South and Baltimore was the trolley cars," he recalled in a 1990 interview. "They weren't segregated. Everything else was segregated."

Growing up in a comfortable home, Marshall had no burning desire to fight segregation. In high school he displayed his sharp sense of humor but was a mediocre student who struck the ire of his teachers. He was frequently punished by being made to read the Constitution aloud. By the time he graduated, he knew the nation's founding document by heart.

After graduating from Lincoln University in 1930 with a degree in humanities, Marshall applied to the law school of the University of Maryland School of Law, in Baltimore. It did not admit black students, so Marshall enrolled at the Howard University Law School in Washington, D.C., where Charles Hamilton Houston had begun his great transformation. With Houston as his mentor, Marshall blossomed intellectually, developing the skills and legal sixth sense that made him a master oral advocate and litigator.

The Marshall Family
Cecelia Marshall, John W. Marshall, Thurgood Marshall, and Thurgood Marshall, Jr.





Financial support from the African-American community.

Marshall returned to Baltimore after graduation and opened a one-man law firm where he made time to represent the local NAACP. His work in that city ranged from negotiating with white storeowners who sold to blacks but wouldn't hire them, to joining John L. Lewis's efforts to unionize black and white steelworkers. Houston and Marshall took on the University of Maryland Law School for denying entry to a black applicant, Donald Gaines Murray. Their successful prosecution of the case, *Murray v. Pearso*n, was one of the steppingstones to *Brown*.

In 1936, Houston invited Marshall to join the NAACP's national office in New York as Assistant Special Counsel. When Houston left two years later, Marshall was appointed to fill his position, and for 20 years he traveled the country using the Constitution to force state and federal courts to protect the rights of African Americans. The work was dangerous, and Marshall frequently wondered if he might end up in the same jails holding those he was trying to defend, or worse, end up dead.

After LDF's momentous victory in *Brown,* Marshall said the Supreme Court's decision, "probably did more than anything else to awaken the Negro from his apathy to demanding his right to equality."

By 1959, Marshall had become known nationally as "Mr. Civil Rights." In 1961, he was appointed to the U.S. Court of Appeals by President John F. Kennedy. Six years later, President Lyndon B. Johnson nominated Marshall to the Supreme Court, where he was confirmed by a Senate vote of 69 to 11.

***Brown* legal team: Lewis L. Redding, Robert Carter, Oliver Hill, Thurgood Marshall, Spottswood Robinson, Jack Greenberg, James M. Nabrit, Jr., and George Hayes.**

Throughout his tenure on the Court, Marshall remained a strong advocate of civil rights, never wavering in his devotion to ending discrimination. He ardently supported affirmative action, freedom of the press, freedom of choice on abortions, and remained firm in his opposition to the death penalty. In his 24 years as a Supreme Court justice, Thurgood Marshall's extraordinary ability to see the human dimensions of legal doctrine helped shape opinions even after the Court took a conservative turn with the elevation of Reagan and Bush appointees. By the 1990s, he became highly critical of the Supreme Court's rulings limiting black rights and accused the nation of running "'full circle' back to the days before 1954."

Thurgood Marshall retired from the Supreme Court in 1991 at age 83.

Thurgood Marshall receiving financial support for LDF.

Supreme Court Justices
Front row: Thurgood Marshall, William Brennan, Warren Burger, Anthony Kennedy, Harry Blackmun.
Back row: John Paul Stevens, Lewis F. Powell, William Rehnquist, Sandra Day O'Connor.

THE TROUBLED HARVEST: 1955-2010

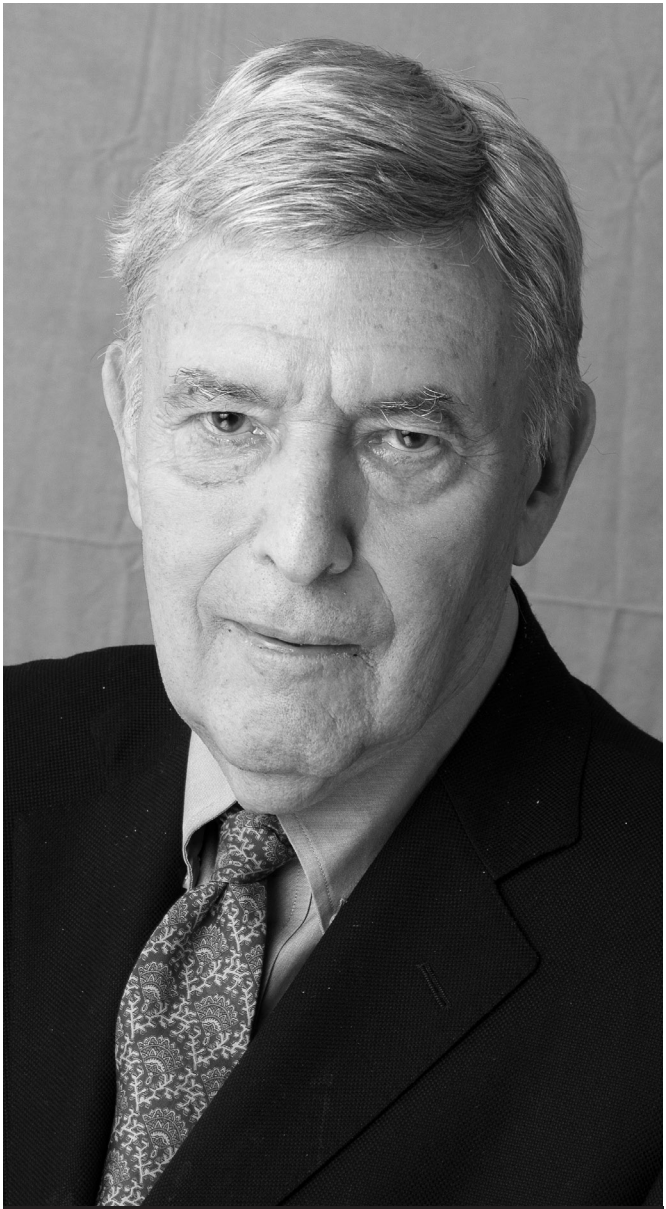
The 1954 *Brown v. Board of Education* decision created the opportunity for a new quality of life for African Americans. But it turned out to be a troubled harvest. The resistance to the nation living up to its creed became glaringly evident almost immediately. Southern congressmen and state and local officials pledged themselves to a virulent campaign of mass resistance that legally opposed civil rights laws and policies and supported outright violence.

In the North, many whites merely stood on the sidelines, considering this crucial test of American democracy not their issue. Meanwhile, certain trends such as residential and school segregation continued, making the desegregation that eventually occurred much more contentious.

The moral power and legislative victories of the Civil Rights Movement brought a new awareness of the connection between racial and economic inequality and the need for continued advocacy on the ground, in the courts as well as in the larger political arena.

People took to the streets and LDF defended them.

Today as we did then, LDF expands rights and enforces them.



Crusader for Change

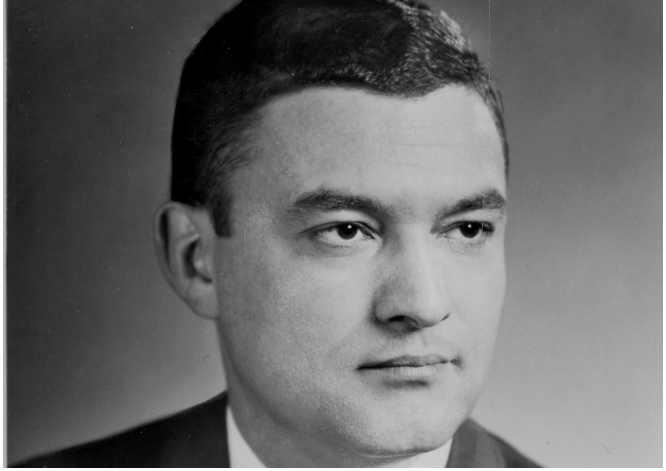
JACK GREENBERG

LDF Director-Counsel
1961-1984

- Was a member of the *Brown v. Board of Education* litigation team
- Appeared before the Supreme Court 40 times
- Helped to establish the Mexican American Legal Defense Fund, Inc. (MALDEF)
- Served as Dean of Columbia Law School from 1989 to 1993
- Published *Crusaders in the Courts* in 1994
- Was among 28 distinguished Americans honored with a Presidential Medal of Freedom by President Bill Clinton in 2001

When Jack Greenberg assumed the reins of LDF leadership in 1961 as Thurgood Marshall's successor, so much had changed after *Brown*, and yet there was so much more to do. Greenberg first joined LDF in 1949 as a 24 year-old Columbia Law School graduate. At the time, Marshall was looking for an assistant to help fight Jim Crow. A few years later, a 27 year-old Greenberg became the youngest member of the team of lawyers that brought the *Brown* school desegregation cases to the Supreme Court.

The Court's unprecedented decision to desegregate schools provided political and legal opportunities for African Americans



to openly challenge segregation in a whole range of public amenities. A series of legal actions, protests, and boycotts mobilized the black community in a mass movement for civil and voting rights which reached full tide in the 1960s. At the same time, black activists were met with the full force of white resistance as southern legislatures sought to protect every brick in the walls of segregation.

Greenberg saw the courts as the central arena for achieving peaceful social change. Decades after *Brown*, he would ask, "I have wondered why we went through the period of immense struggle after the *Brown* decision. Why was it so difficult for at least 15 years to do anything at all to implement the *Brown* decision?"

The answer was that segregationist political figures in Congress, state and local governments opposed integration. *Brown* was not just a case about schools, it changed the political system in America. And Greenberg, a Jewish attorney, was overseeing landmark legal cases in school integration, equal employment, fair housing and voter registration during the dramatic years of the 1960s and 1970s.

So how did a young Jewish lawyer born in the Bensonhurst section of Brooklyn in 1924 become director of a black civil rights organization? This question was raised quite frequently, even hostilely, by the white press and some blacks in the movement.

The morning after the press announced that a 36-year-old Greenberg had been named to succeed Marshall as head of LDF, he sat at his desk fuming, dejected and deeply offended that the newspapers had described him as "a white lawyer."

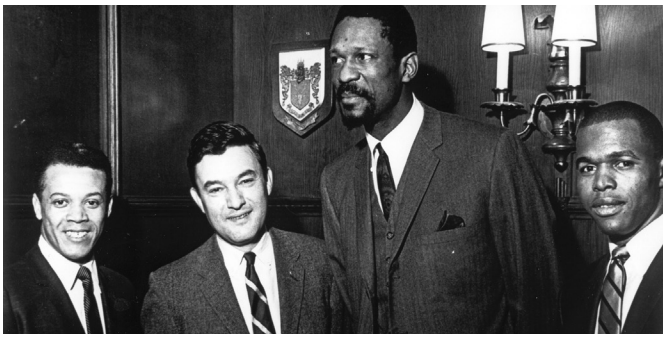
"Why do people use racial tags?" he asked a magazine reporter sitting before him.

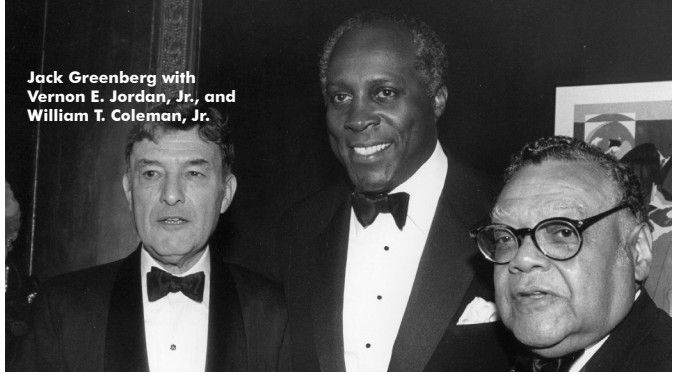
At that moment, the phone rang with an NAACP official offering congratulations. The official added: "I didn't know you were white until I read it in the *New York Times*." Greenberg put his feet on his desk and roared with laughter.

Greenberg saw a resemblance between anti-Semitism and black oppression in the United States. Raised in a family committed to fairness and justice, Greenberg became part of the black world of the Civil Rights Movement—sleeping in segregated hotels, eating in segregated restaurants and even denying his own skin privilege in pursuit of justice.

Jack Greenberg with Constance Baker Motley.

Jack Greenberg receiving financial support from the Shriners.



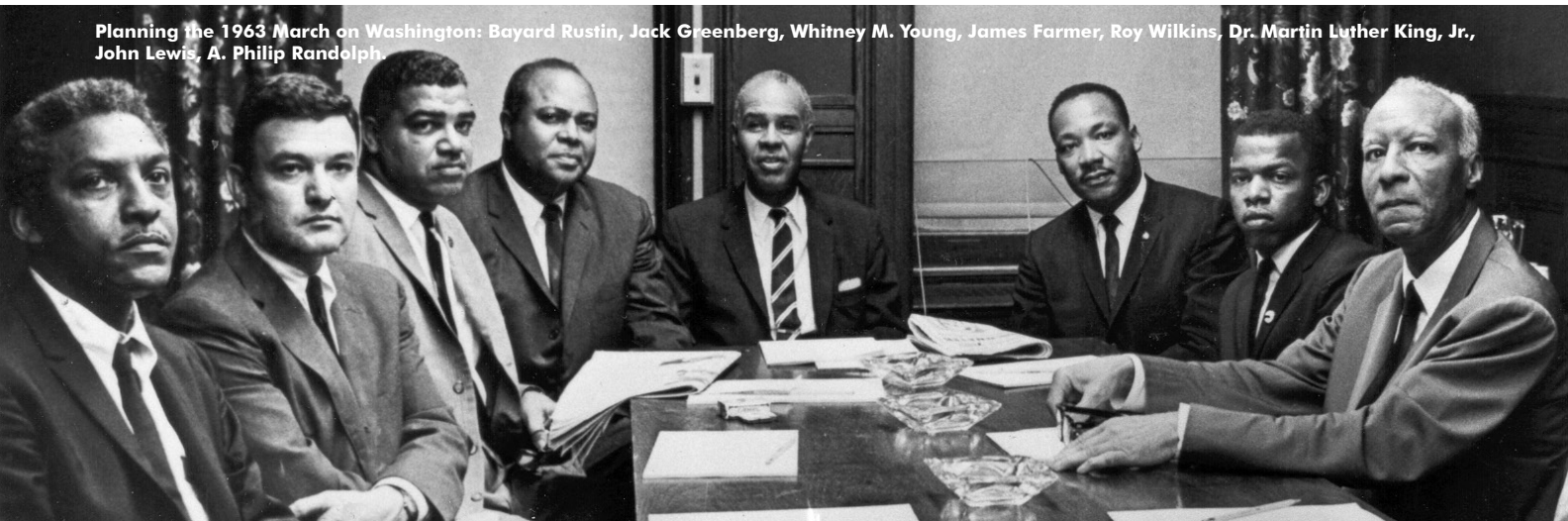


Jack Greenberg with Vernon E. Jordan, Jr., and William T. Coleman, Jr.

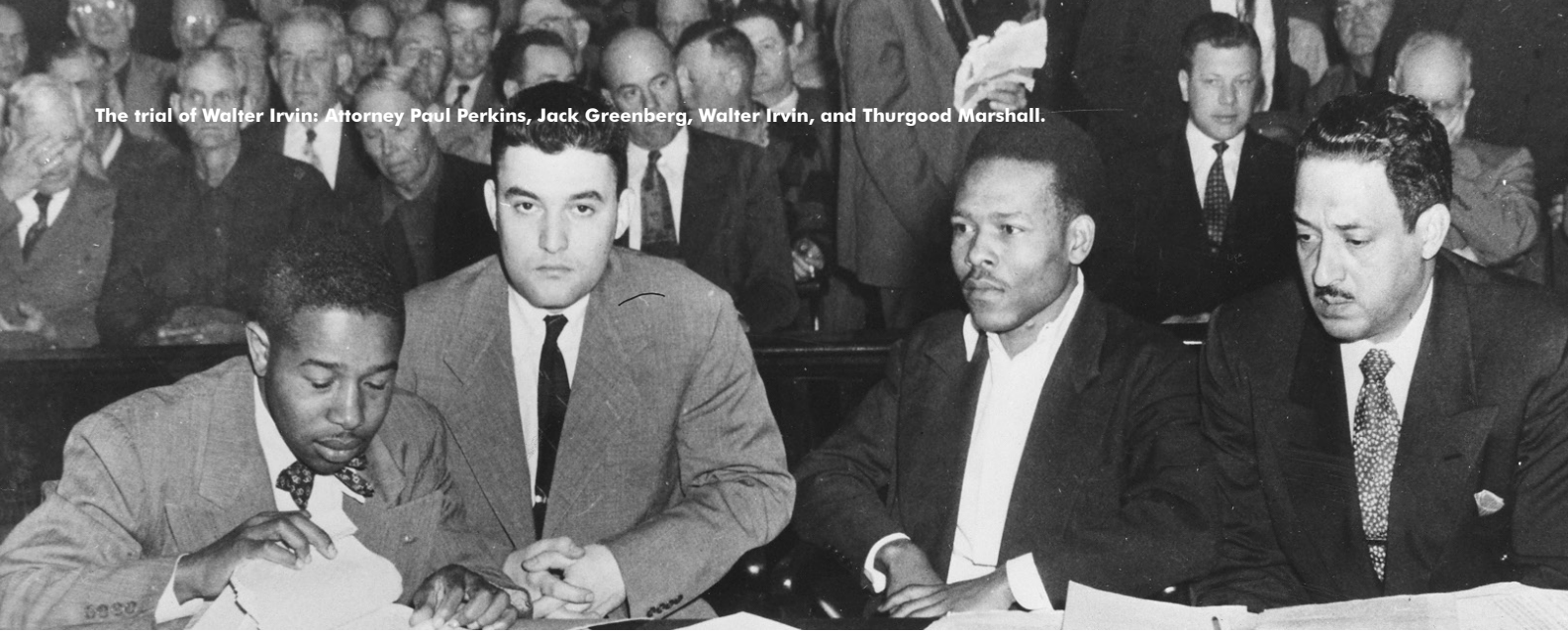
In 1951, he hailed a cab in Atlanta with two black colleagues. The driver said he was not authorized to carry Negro and white passengers. Greenberg insisted that he was a Negro. The driver believed him. His ability to size up situations and maneuver in segregated spaces equipped him with the skill to argue more than 40 cases before the Supreme Court and hundreds in the lower courts.

In 1963, Martin Luther King, Jr. called on Greenberg and LDF to handle all demonstration cases in which the Southern Christian Leadership Coalition was involved. He oversaw cases ranging from the elimination of racial restrictions on the use of public parks; to discrimination in health care; to busing as a means to integrate public schools.

The core of Greenberg's life was his 35-year tenure at LDF. Under his leadership LDF took on landmark cases including *Meredith v. Fair* in 1961, which resulted in James Meredith's



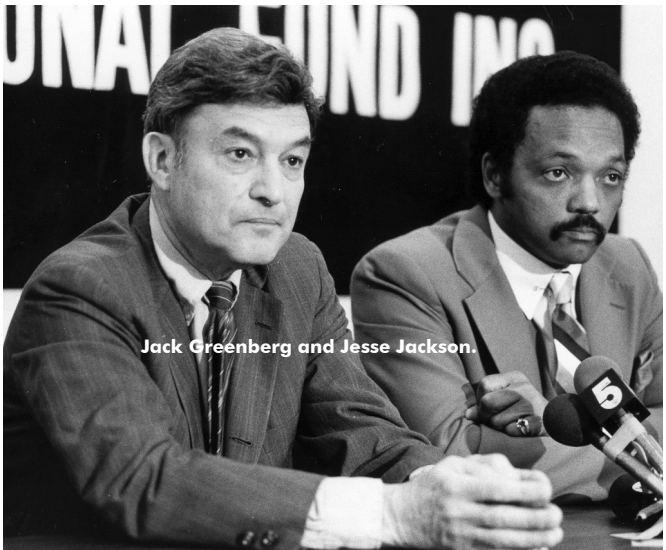
Planning the 1963 March on Washington: Bayard Rustin, Jack Greenberg, Whitney M. Young, James Farmer, Roy Wilkins, Dr. Martin Luther King, Jr., John Lewis, A. Philip Randolph.



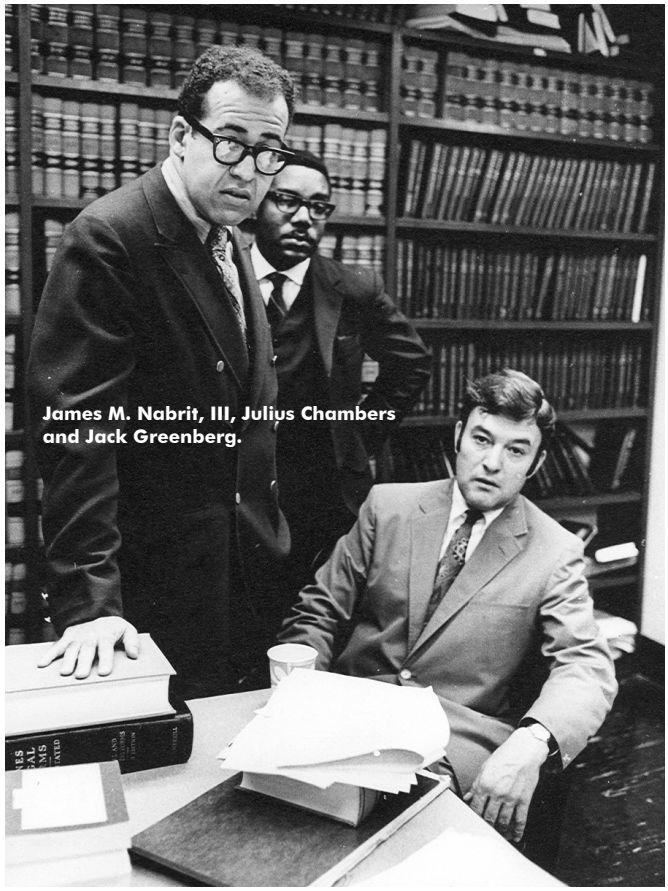
The trial of Walter Irvin: Attorney Paul Perkins, Jack Greenberg, Walter Irvin, and Thurgood Marshall.

integration of the University of Mississippi, and *Griggs v. Duke Power Company* in 1971, the first case on disparate impact in employment discrimination.

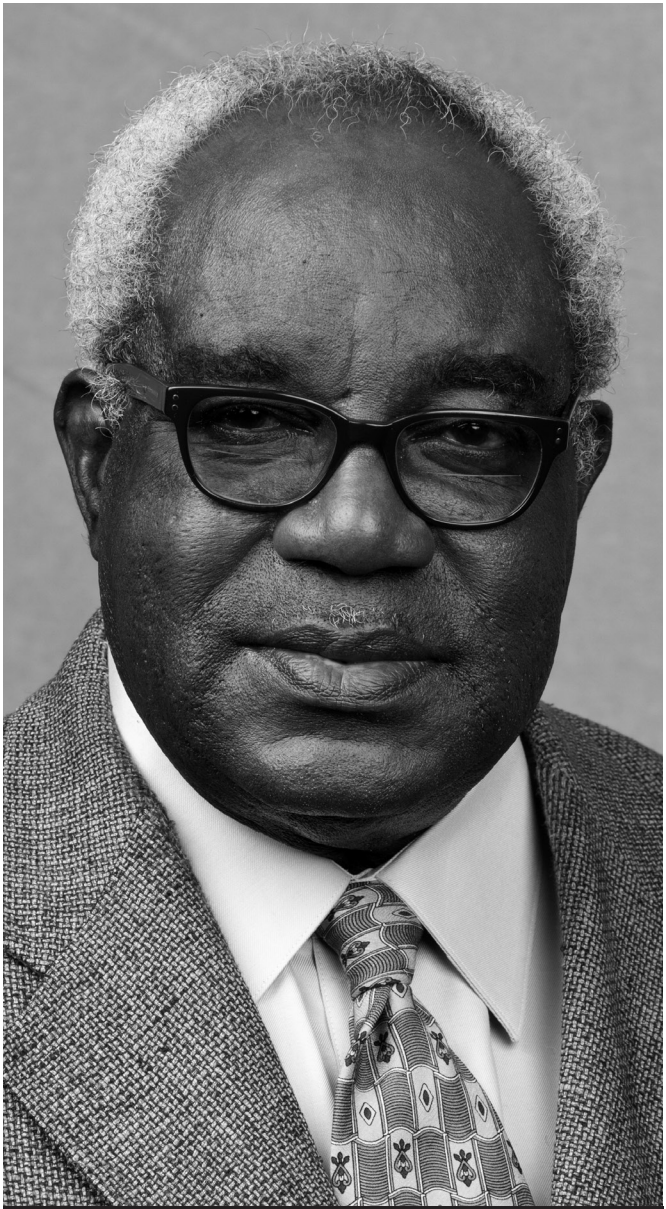
When Greenberg retired in 1984, he had put his mark on nearly every important civil rights decision and legislation. In 1994, he published *Crusaders in the Courts*, recounting how he and a band of dedicated lawyers fought for civil rights. As he put it aptly, these crusaders were unwilling to "accept the things they could not change."



Jack Greenberg and Jesse Jackson.



James M. Nabrit, III, Julius Chambers and Jack Greenberg.



Determined to Fight

JULIUS L. CHAMBERS

LDF Director-Counsel
1984-1993

- Became first black Editor-in-Chief of the University of North Carolina Law Review
- LDF's first legal intern
- Co-founder of the first integrated law firm in North Carolina
- Survived multiple attempts on his life
- Argued the 1971 landmark *Swann v. Charlotte-Mecklenburg Board of Education,* a case upholding busing for school desegregation
- Inaugurated as Chancellor of North Carolina Central University in 1993

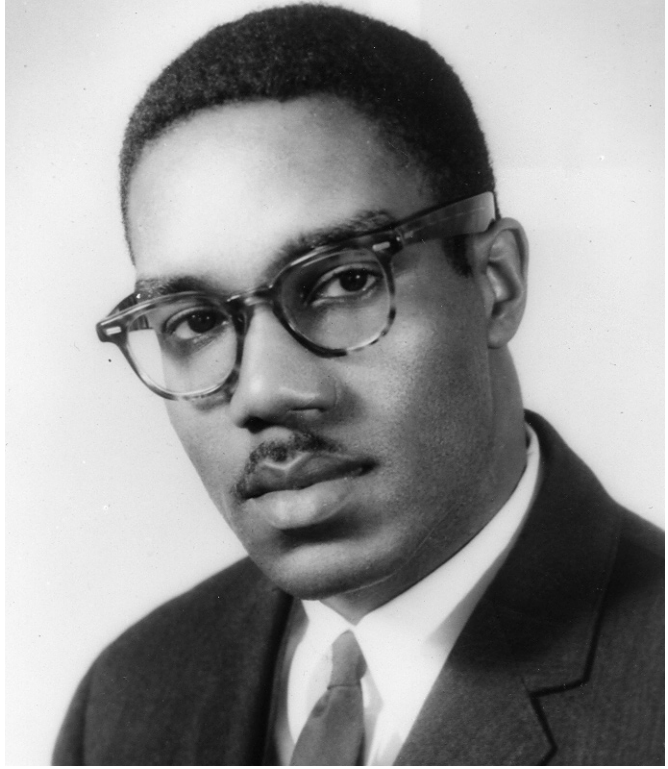
Julius Chambers is a civil rights lawyer with calm tenacity. That was on display when he was a target of racial violence in the 1970s.

Julius Chambers in his office after it was firebombed, 1971.

In the late 1960s, Chambers' home was bombed, his car dynamited, his law office bombed, his father's garage burned twice, and on February 5, 1971 a firebomb gutted his Charlotte, North Carolina-based office, burning his books, papers and records. It took 50 men with seven trucks an hour to get the fire under control. Damages to the building exceeded $50,000 and many legal records were completely destroyed.

That last incident would have discouraged many, but Chambers continued his fight for justice. LDF promised to re-establish his office as he prepared to appear before the courts shortly after the bombing. At that time, Chambers had 33 desegregation cases pending before courts all over the state of North Carolina, plus one landmark school desegregation case before the Supreme Court.

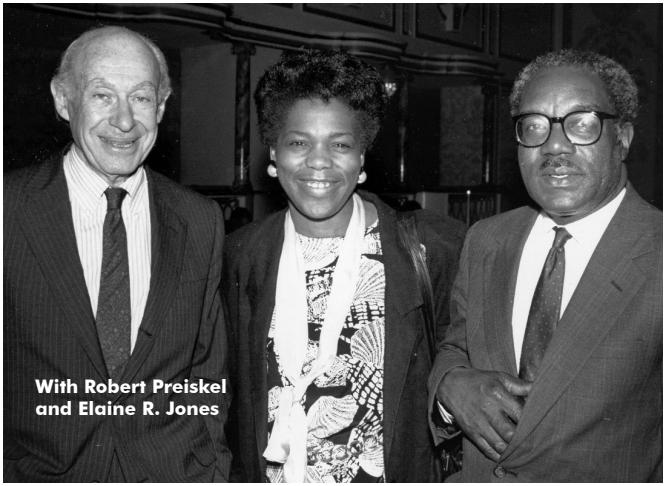
Julius Chambers and Jack Greenberg during a media interview.



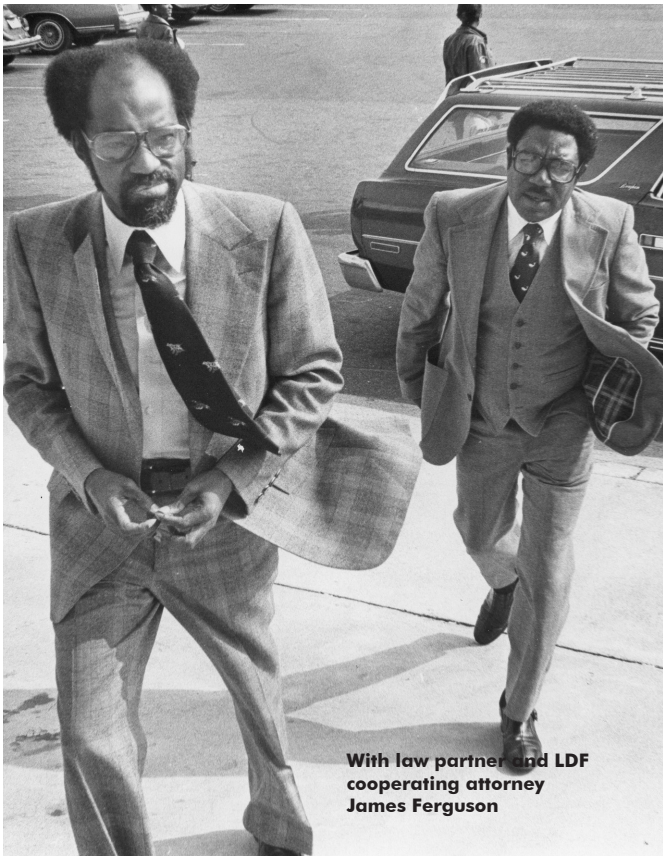
The numerous threats Julius Chambers endured in that time speak to his many successes in the battle for civil rights, a battle he committed himself to fighting when he was a teenager growing up in Mt. Gilead, east of Charlotte, North Carolina.

Young Chambers learned about racial discrimination one afternoon in 1949 as his father explained how the family had been cheated out of $2,000 by a white man who refused to pay for repairs that his father had made on his truck, and drove away jeering. For the rest of that day, Chambers' father went from lawyer to lawyer, but nobody wanted to represent a colored mechanic in a dispute with a white man. The unfairness of the situation made such an impression on young Chambers that he decided to become an attorney.

In 1954, the year the Supreme Court handed down its landmark ruling in *Brown*, Chambers graduated from high school. The University of North Carolina, Chapel Hill was closed to blacks. That fall, Chambers enrolled at North Carolina Central University. In 1958, he graduated first in his class, and after earning a Master's degree in history at the University



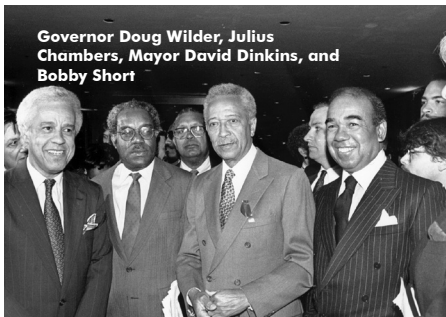
With Robert Preiskel and Elaine R. Jones



With law partner and LDF cooperating attorney James Ferguson

of Michigan, returned to his home state to study law at the University of North Carolina at Chapel Hill. Chambers was chosen Editor-in-Chief of the *University of North Carolina Law Review*, becoming the first black to hold that position at a historically white law school in the South.

After law school, Chambers was selected as LDF's first intern. One year later, he returned to North Carolina where he opened his own law practice. From this one-person office, Chambers created the first integrated law firm in North Carolina history. In his first year in Charlotte, he filed 34 school desegregation lawsuits, 10 public accommodations lawsuits, and 10 suits challenging discrimination by public hospitals. With the assistance of lawyers from LDF, he litigated many historic civil rights cases, including the 1971 *Swann v. Charlotte-Mecklenburg Board of Education*, a Supreme Court case that upheld busing as an appropriate way to integrate schools.



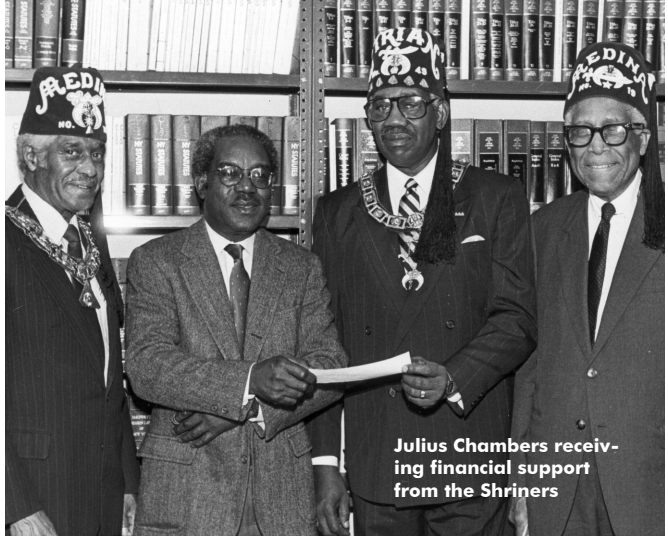
Governor Doug Wilder, Julius Chambers, Mayor David Dinkins, and Bobby Short

Artist/sculptor David Davis

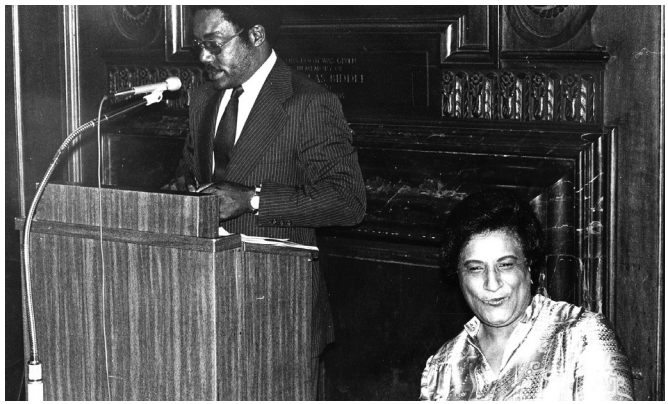
Chambers left his firm in 1984 to lead LDF at a time when the conservative-dominated Supreme Court was shredding legislative efforts to redress the inequities wrought by decades of racial discrimination. In addition, the Court placed heavier burdens on employees to prove discrimination, raised fees for filing lawsuits, and opened the door for whites to challenge affirmative action.

Under Chambers' leadership, LDF mobilized grassroots organizations and planned educational campaigns to heighten awareness of the dangers posed by the Supreme Court's backpedaling on civil rights issues. LDF continued filing suits ranging from discrimination in hospital emergency rooms in New Orleans to pushing for testing of lead poisoning in poor children living in California and Texas. In 1992, LDF won a record settlement in an employment discrimination case involving Shoney's Restaurants, which agreed to pay African-American employees $105 million and to implement aggressive equal employment opportunity measures.

Chambers served as LDF's Director-Counsel for nine years until 1993, when he was inaugurated as Chancellor of North Carolina Central University. He retired in June 2001.



Julius Chambers receiving financial support from the Shriners



A Force For Justice

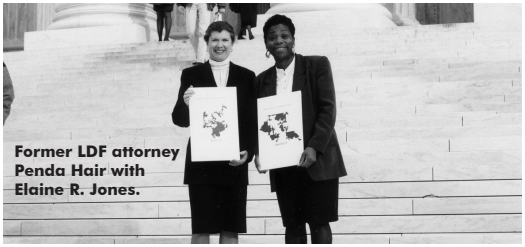
ELAINE R. JONES

LDF President and Director-Counsel 1993-2004

- LDF's first woman President and Director-Counsel
- First black woman to defend death row inmates
- First black woman to earn a law degree from the University of Virginia
- Counsel in *Furman v. Georgi*a, a Supreme Court Case which abolished the death penalty in 37 states
- Argued *Pullman Standard v. Swint*, a Title VII employment case involving railroad company's seniority system.
- Served as Special Assistant to U.S. Secretary of Transportation William Coleman, Jr.
- Helped establish LDF's Washington, D.C. office

Growing up in the Jim Crow South, Elaine R. Jones never played with dolls or dreamed of getting married. Instead, at age eight, this daughter of a Pullman porter and schoolteacher decided she'd become a lawyer to "right the wrongs" she experienced and observed growing up in Norfolk, Virginia.

"There was so much wrong in the world," Jones recalled of her childhood. "We were sitting in the back of the bus, going to segregated schools, living a life mapped out by signs that said 'COLORED ONLY.' My thought was, I can't do anything now. But I can prepare myself so I can be a player and make a difference later."



Former LDF attorney Penda Hair with Elaine R. Jones.

And that she did.

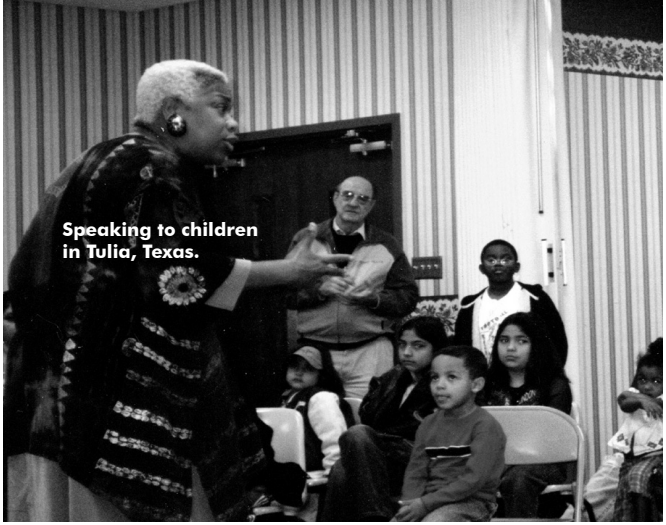
When Jones took the helm of LDF in 1993 as the first woman President and Director-Counsel in the organization's then 53 year-old history, she stepped up to the challenge she had set for herself as a child.

In 1965, Jones graduated from Howard University with honors and began a career marked by many firsts. She became the first black female to get a law degree from the University of Virginia in 1970. Reflecting on her time at the University of Virginia, she said, "the job of 'the first' is to make sure other folks come through the door. So if you're a first and things aren't any better when you leave, then you haven't done what you're supposed to do."

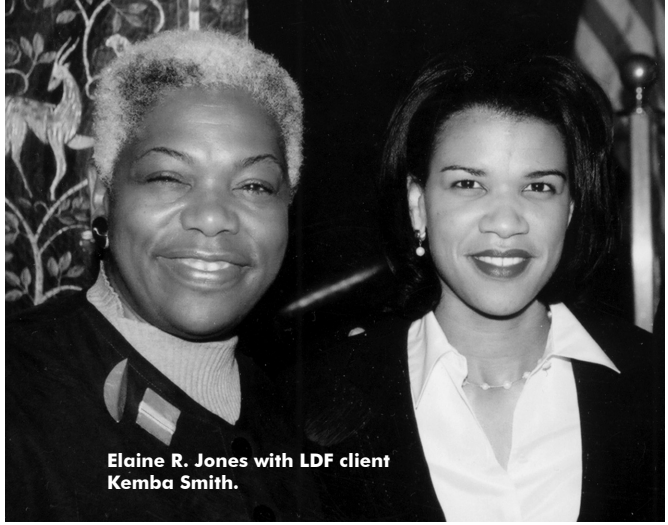
After law school, Jones turned down a lucrative position at the Wall Street law firm Mudge, Rose, Guthrie & Alexander. "I always wanted to work with my own people," she said. Jones then joined the LDF staff in 1970, where she became the first black woman to defend death row inmates and was a member of the core team that litigated *Furman v. Georgia*, a landmark U.S. Supreme Court case that abolished the death penalty in 37 states. She also argued numerous employment discrimination cases, including class actions against some of the nation's largest employers.

From 1975 to 1977, Jones left LDF to serve as Special Assistant to U.S. Secretary of Transportation William Coleman, Jr. She then returned "home" to LDF where she earned a reputation as a skillful negotiator and outspoken advocate for civil rights. Jones helped establish and manage LDF's Washington, D.C. office and became its first official legislative advocate on Capitol Hill.

One of her primary responsibilities was to monitor federal judicial appointments and civil rights initiatives of the House and Senate Judiciary Committees. Her work was instrumental in reshaping the federal judiciary to include more people of color and more judges committed to equal rights. She also played a key role in securing passage of legislative milestones such as the Voting Rights Act Amendments of 1982, the Fair Housing Act of 1988, the Civil Rights Restoration Act of 1988, and the Civil Rights Act of 1991.

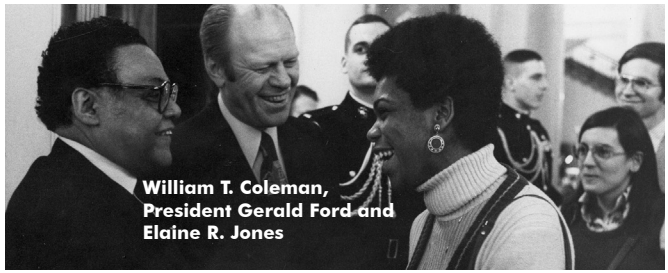


Speaking to children in Tulia, Texas.



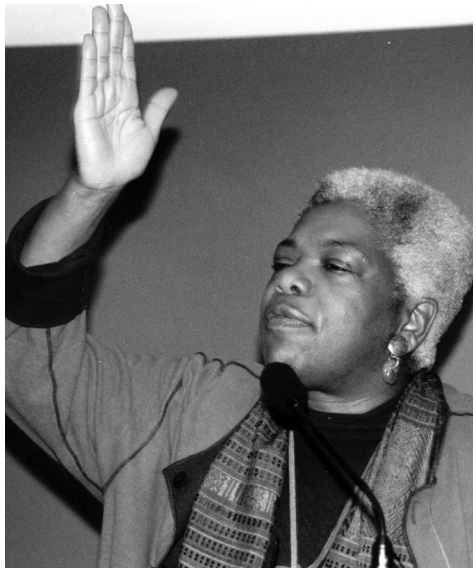
Elaine R. Jones with LDF client Kemba Smith.

Elaine R. Jones with Cecelia Marshall and Dorothy Height.



William T. Coleman, President Gerald Ford and Elaine R. Jones

LDF staff members: Victor Bolden, Marianne Laddo, Jacqueline A. Berrien, Elaine R. Jones, student intern, Steven Hawkins. Rear: David Goldberg, Charles Stephen Ralston, Paul Sonn, Ted Shaw, Dennis Parker, student intern.

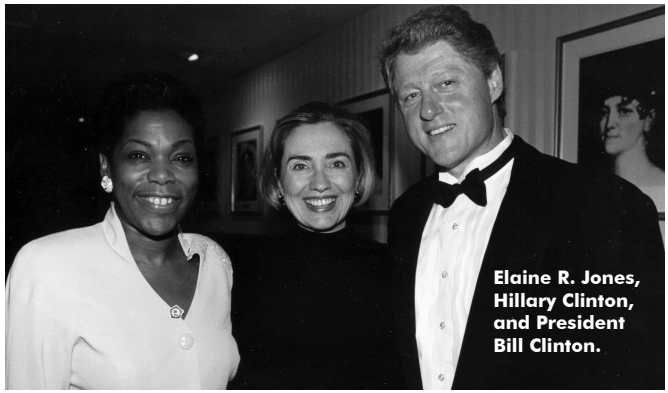


By the early '90s, LDF had argued hundreds of cases before the Supreme Court, second only to the U.S. Solicitor-General's Office. In 1993, Jones ascended to LDF's top position after the 12-year Reagan-Bush era, when many of the civil rights gains of the '60s were reversed or went unenforced. The vivacious and politically astute Jones oversaw LDF offices in New York, Washington, D.C. and Los Angeles, managing a $9 million annual budget and docket of 300 cases.

LDF entered a new frontier during the Jones era. While keeping the organization focused on its core work in education, voting rights, economic and criminal justice, LDF broadened its litigation to include new areas such as health care and environmental justice. LDF staff lawyers and cooperating attorneys addressed issues that caused poverty in black communities, while focusing on hate crimes, funding for schools, equal access to health care, and enhancement of minority-owned businesses.

During the 1990s, LDF sued the Los Angeles Police Department to end the abusive use of police dogs in black neighborhoods and argued numerous fair employment and voting cases before the Supreme Court and lower courts.

For Jones, civil rights was not a narrow issue. She believed that anything that improves the quality of life for African Americans and lessens their suffering and discrimination helps society as a whole. In 2004, after 34 years of groundbreaking service, Jones stepped down from her position at LDF. Her service to law and civil rights continues.



Elaine R. Jones, Hillary Clinton, and President Bill Clinton.

In Tulia, Texas on prison release day.

Speaking Truth To Power

THEODORE M. SHAW

LDF Director-Counsel and President 2004-2008

- Was a trial lawyer for the U.S. Dept. of Justice Civil Rights Division
- Serves on the Legal Advisory Network of the European Roma Rights
- Recipient of the Wien Prize for Social Responsibility from Columbia Law School
- Recipient of the A. Leon Higginbotham, Jr. Memorial Award
- Argued *Missouri v. Jenkins*, a Supreme Court case, long-running Missouri desegregation case

Theodore "Ted" M. Shaw never knew what it was like to live in a United States where the promise of equal education under the law was meaningless. He was born in 1954, just six months after Thurgood Marshall engineered the *Brown* decision. Shaw, who grew up in a housing project in New York City and attended Catholic school, was a member of the generation that bore the brunt of the school desegregation battles which continued into and through the 1970s. The culmination of his experiences made ending discrimination his life's work.

Of those years he recalled: "The most important thing happening was the Civil Rights Movement, and I wanted to figure out how to make my contribution."

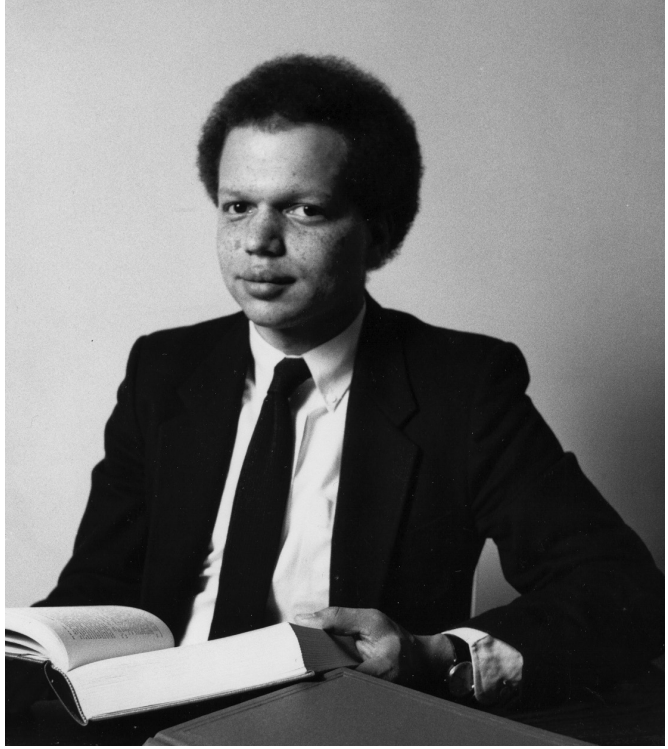
After graduating from Wesleyan University with honors in 1976, Shaw earned a law degree from Columbia University. There were only two places Shaw wanted to work—the U.S. Justice Department and LDF. "I never wanted to be anywhere else," he said.

He did both.

Shaw's legal career began during the Carter Administration as a trial lawyer in the Civil Rights Division of the U.S. Department of Justice from 1979-1982. He litigated civil rights cases at the trial and appellate levels and before the Supreme Court. But when Ronald Reagan was elected President in 1981, Shaw found himself in conflict with the Administration's new appointees and policies regarding racial discrimination.

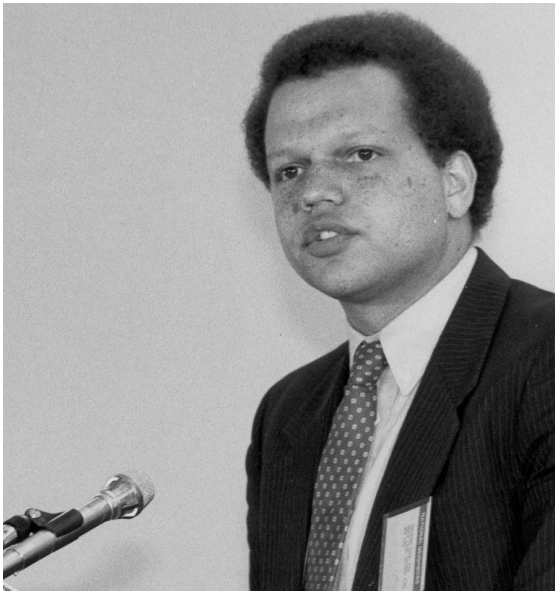
The "Justless" Department, Shaw charged, had gone bad. Its civil rights division cut back on the enforcement of housing discrimination laws, challenged school busing, and voluntary desegregation programs, and made an all-out assault on the affirmative action employment agreements that it actively helped fashion in previous administrations. Shaw decided it was time to leave.

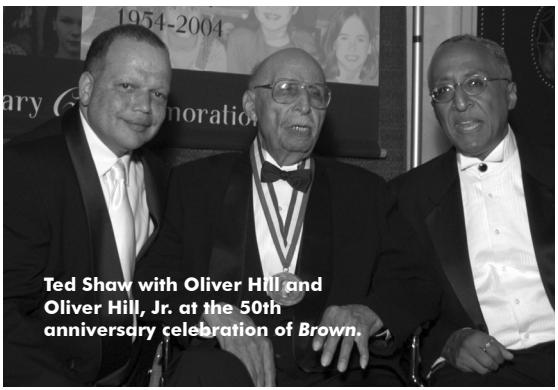
"The job I would have given my right arm for was the NAACP Legal Defense Fund, but you didn't call them, they called you. One day I got a call from Jack Greenberg, who was then head of the Legal Defense Fund." Greenberg asked Shaw if he wanted to work with LDF. "I already decided I was resigning—it was like a lightning bolt for me."



In his early years at LDF, Shaw directed the education docket, litigated school desegregation and capital punishment cases. In 1987, he established LDF's Western Regional Office in Los Angeles. Shaw argued *Missouri v. Jenkins* in 1995, the last school desegregation case decided by the Supreme Court, and one in a series in which the Court had signaled a retreat from its earlier cases implementing the *Brown* decision. He was counsel in a coalition that represented African-American and Latino students in the University of Michigan undergraduate affirmative action admissions case. That case, *Gratz v. Bollinger*, went before the U.S. Supreme Court in 2003, along with *Grutter v. Bollinger*, which challenged the use of affirmative action at the University of Michigan Law School. The victory in *Grutter* preserved a vital pathway of equal education opportunity.

When Shaw assumed leadership of LDF in 2004, the Bush Administration's political and judicial appointees declared war on affirmative action and other civil rights gains. Conservatives touted the language of "colorblindness," hijacking the concept to blunt voluntary attempts to address racial inequality. Under Shaw's leadership, LDF battled the legal consequences of the





Ted Shaw with Oliver Hill and Oliver Hill, Jr. at the 50th anniversary celebration of *Brown*.

LDF attorney Anurima Bhargava and Ted Shaw at U.S. Supreme Court in *Meredith v. Jefferson County Board of Education*.

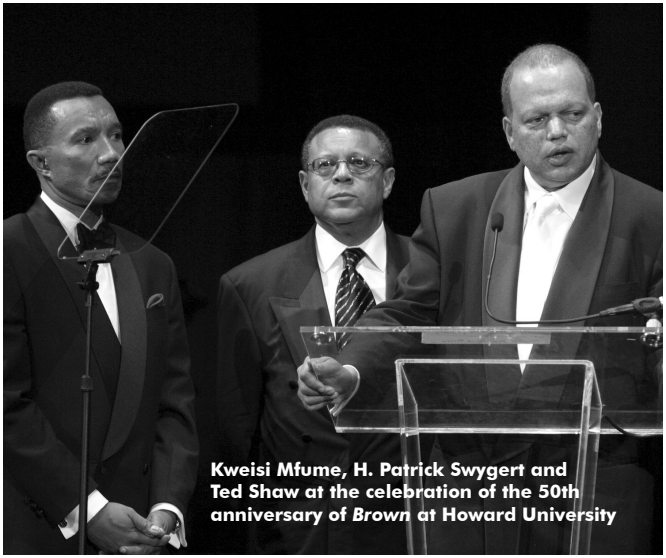
Ted Shaw speaking at the U.S. Supreme Court on the *Gratz* and *Grutter* affirmative action cases.

era's "zero-sum game" philosophy—the notion that any remedy for racial discrimination unfairly burdened white Americans.

During the Shaw years, LDF, in collaboration with other organizations, argued to preserve voting rights gains. In addition, LDF sought to correct flaws of the nation's racially discriminatory criminal justice system including the crack-powder cocaine disparity that unfairly impacted African Americans more severely than whites. LDF also continued to focus on housing discrimination and the concentration of poverty and their devastating impact on education and employment opportunities.

Led by Shaw, LDF responded to the heightened needs of Louisiana's black community and Gulf residents following Hurricanes Katrina and Rita with impact litigation and advocacy in the areas of voting and elections, criminal justice, education, housing, and recovery programs. Indeed, LDF continues to litigate the Road Home case involving the discriminatory allocation of an $11 billion housing recovery program—the largest in the nation's history.

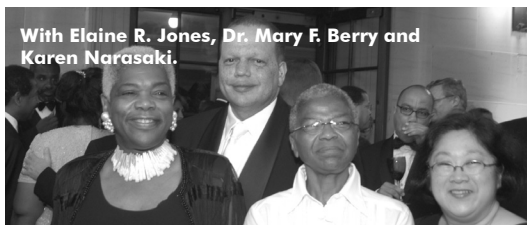
Ted Shaw left LDF in 2008. He teaches at Columbia University School of Law, is of counsel at Fulbright & Jaworski L.L.P., and continues to be involved in civil and human rights work in America, Africa, Asia, Europe, and South America.



Kweisi Mfume, H. Patrick Swygert and Ted Shaw at the celebration of the 50th anniversary of *Brown* at Howard University

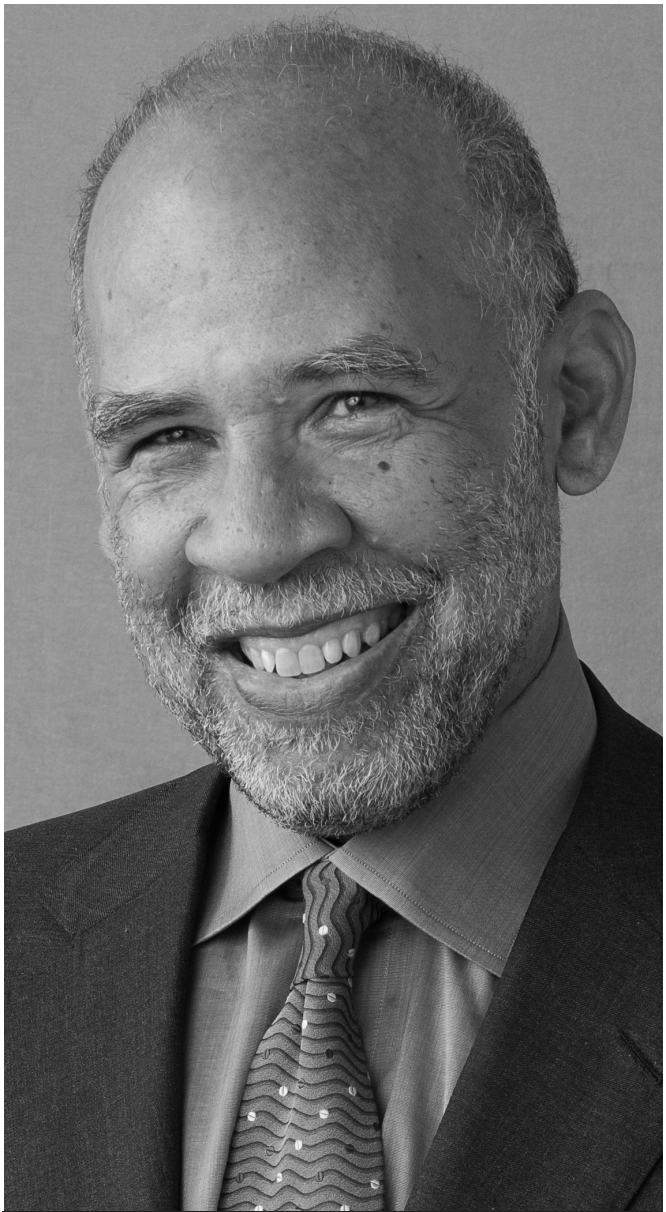
Ted Shaw and Studs Terkel.

ormer LDF Director of Litigation Norman Chachkin and Ted Shaw.



With Elaine R. Jones, Dr. Mary F. Berry and Karen Narasaki.

With Elaine R. Jones and Caroline Kennedy.



Pressing The Fight Forward

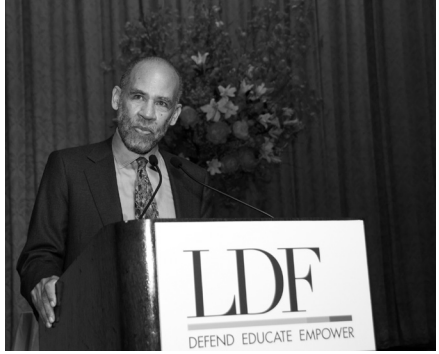
JOHN PAYTON

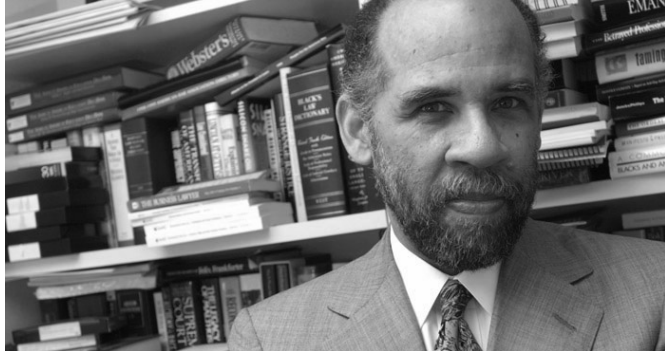
LDF President and Director-Counsel 2008 to present

- Former WilmerHale Partner
- Served as D.C. Corporation Counsel from 1991-1994
- Lead counsel in *Gratz v. Bollinger* and *Grutter v. Bollinger* affirmative action cases
- Served as President of the D.C. Bar
- Secured victory in *Lewis v. Chicago*, an employment discrimination suit involving 6,000 firefighter applicants
- Selected by the *National Law Journa*l as one of the most influential civil rights lawyers of the decade

When John Payton was a student at Pomona College in the late 1960s, he helped form the Black Student Union because he wanted to contribute to the momentum of the black freedom struggle. Ultimately, he decided that the best way to do that was to become a lawyer because they were social change agents.

Though Payton's career did not begin at LDF, he worked a parallel life in private practice litigating cases that embody LDF's mission. For him, this was fitting: he understood his position at the very top of the legal profession would not have been possible had it not been for the work of LDF before the 1960s.





When Payton was at Harvard Law School in the 1970s, considerable attention was focused on an anti-trust case in Mississippi—*NAACP v. Claiborne Hardware Co*. The case involved a 1966 NAACP-led boycott of white merchants in Claiborne County. Though the protest was largely peaceful, there was some violence. The lower courts held the NAACP and boycott participants liable for all the merchants' losses. The massive judgment, if upheld, would have bankrupted the NAACP and eliminated one of the most successful weapons in the civil rights arsenal—the civil rights boycott.

After law school and his clerkship with the Honorable Cecil F. Poole, who was the first black U.S. Attorney and an LDF Board member, Payton was determined to be involved in the NAACP's appeal in the *Claiborne case*. He interviewed with the organization's lawyers Wilmer Cutler & Pickering and accepted an offer on the condition of being able to work on that case. In

1982, the Supreme Court reversed the Mississippi court and upheld the constitutionality of civil rights boycotts in *NAACP v. Claiborne Hardware Co*. Payton was an integral part of the team that secured that victory.

The *Claiborne Hardware* case encapsulates why John Payton went to law school in the first place. A student of the 1960s and the Civil Rights Movement, he was always motivated by the desire to help make America a more just society. And it seemed that practicing law was the best way to pursue that goal.

After *Claiborne Hardware*, Payton coordinated a series of civil rights cases against the construction industry in Washington, D.C. In 1989, he argued *Richmond v. Croson*, a case in which the Court imposed stricter standards for affirmative action programs in the construction industry. LDF was part of the considerable amicus support that Payton had in the Supreme Court. That year, Payton filed an amicus brief on behalf of Congress in *Patterson v. McLean Credit Union*, a case that clarified the right to sue for workplace discrimination under the 1866 Civil Rights Act. Those two cases were the beginning of his direct relationship with LDF.

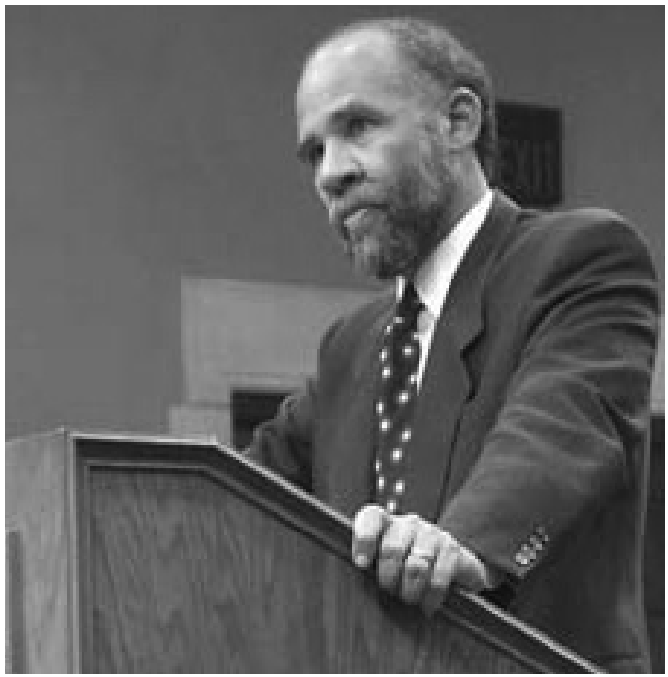
That relationship was at its highest in the University of Michigan admissions cases—*Gratz* and *Grutter*. Payton was counsel for the University in both cases—at the trial level, in the court of appeals, and he argued *Gratz* in the Supreme Court. LDF intervened in the undergraduate case and wrote an amicus brief in the law school case. In the law school case, the admission policy ultimately vindicated by the Supreme Court had been written by Ted Shaw while a law professor.

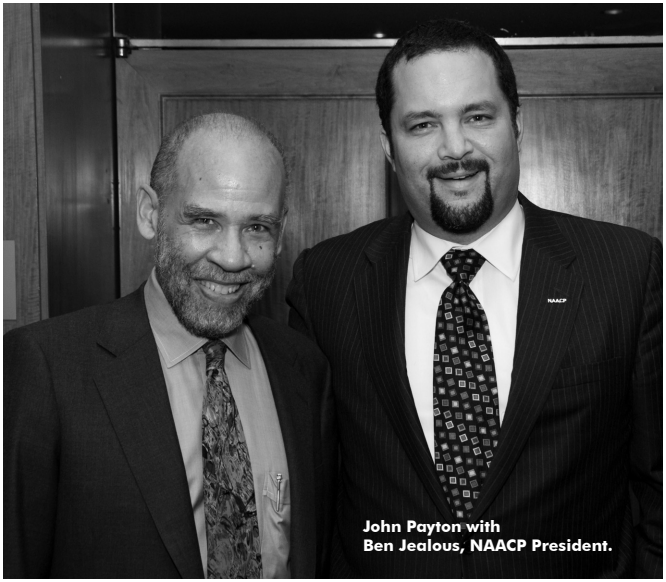
Since taking the helm at LDF in 2008, Payton has led the organization's involvement in 15 cases before the U.S. Supreme Court. Two of those cases, in which LDF was either lead

LDF staff attorneys and colleagues on the steps of the U.S. Supreme Court following *Northwest Austin Municipal Utility District No. 1 v. Holder*, 2009.

counsel or co-counsel, produced critical victories in the areas of voting rights in *Northwest Austin Municipal Utility District Number One v. Holder*, and employment discrimination in *Lewis v. the City of Chicago*.

In addition, LDF, along with the National Association of Criminal Defense Lawyers (NACDL) and the Charles Hamilton Houston Institute for Race and Justice (CHHIRJ) filed a friend of the court brief challenging the constitutionality of juvenile life without parole sentences. The U.S. Supreme Court ultimately declared that children convicted of non-homicide offenses cannot be sentenced to life in prison without the possibility of parole. LDF also argued in support of *Cuomo v. Clearing House Association*, a case that ensures robust enforcement of federal and state laws against predatory mortgage lending practices.

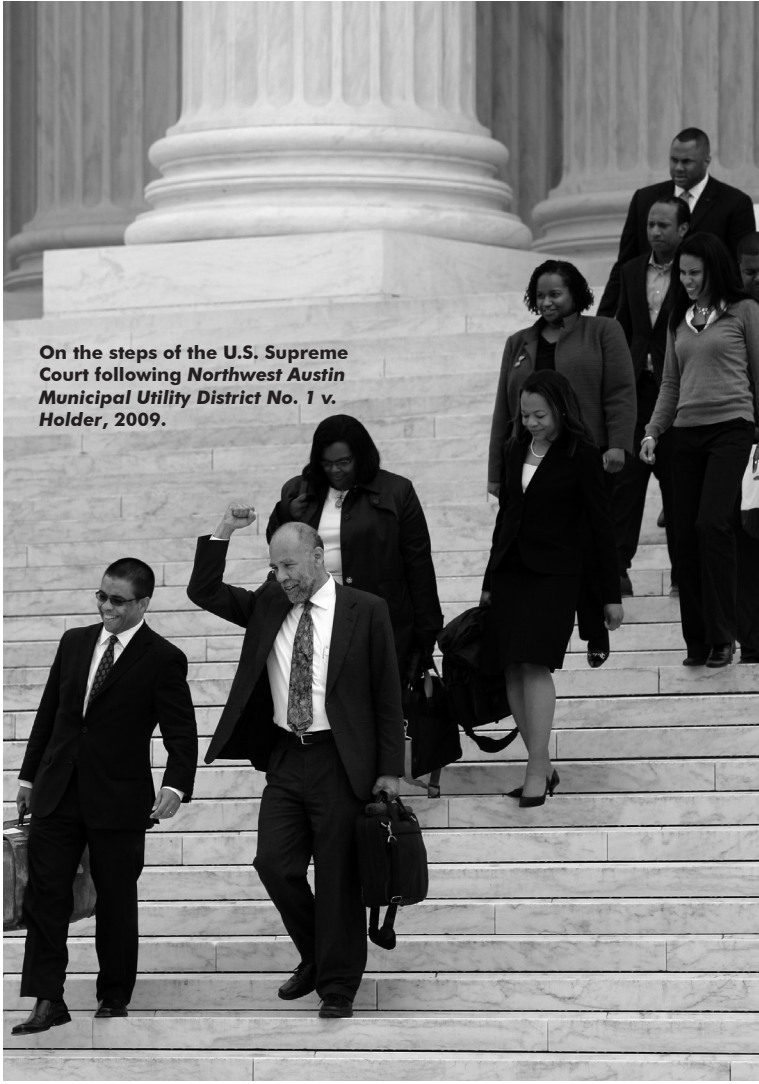




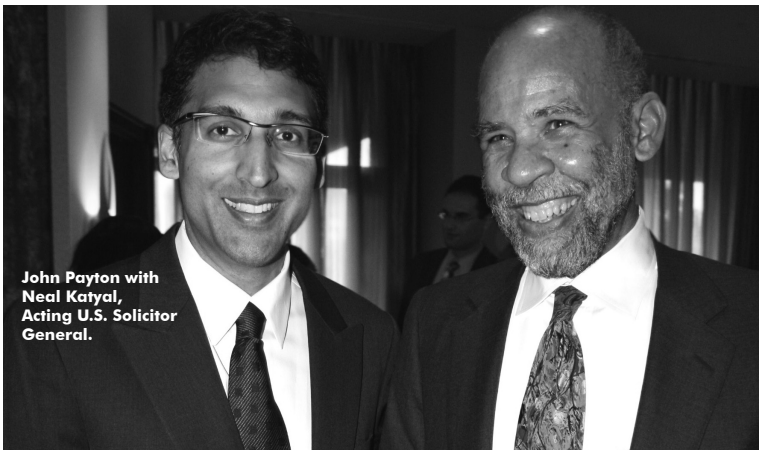
John Payton with Ben Jealous, NAACP President.

At this moment, LDF is confronting challenges in a host of other cases, including voting rights, displacement of black homeowners from Hurricane Katrina, diversity in higher education, felon disenfranchisement, and illegal application of stop-and-frisk laws in New York City.

In other words, John Payton's work and LDF's work goes on.



On the steps of the U.S. Supreme Court following *Northwest Austin Municipal Utility District No. 1 v. Holder*, 2009.



John Payton with Neal Katyal, Acting U.S. Solicitor General.

A SELECTED LDF CASE HISTORY

CRIMINAL JUSTICE

Chambers v. Florida, 1940
Supreme Court overturned the convictions—based on coerced confessions—of four young black defendants accused of murdering an elderly white man.

Patton v. Mississippi, 1947
Supreme Court reversed a murder conviction obtained through a jury selection process that had systemically excluded African Americans from criminal juries for 30 years.

Fikes v. Alabama, 1957
Supreme Court held that a confession used to convict an African-American defendant was obtained in violation of the Constitution.

Carter v. Jury Commission, 1970
Supreme Court approved affirmative suits by African-American citizens challenging their exclusion from the jury selection process, thereby allowing a powerful new tool to end this long-standing discriminatory practice.

Turner v. Fouche, 1970
Supreme Court invalidated a racially exclusionary process for selecting grand juries and school board members in Taliaferro County, Georgia.

Groppi v. Wisconsin, 1971
Supreme Court ruled that a criminal defendant in a misdemeanor case has the right to move a trial to another venue where jurors are not biased against him.

Haines v. Kerner, 1972
Supreme Court upheld the right of pro se prisoners to bring federal court actions challenging prison conditions.

Alexander v. Louisiana, 1972
Supreme Court approved the use of statistical evidence to prove racial discrimination in jury selection.

Furman v. Georgia, 1972
Supreme Court ruled that the death penalty, as then applied in 37 states, violated the Eighth Amendment's protection against "cruel and unusual" punishment because there were inadequate standards to guide judges and juries in determining which defendants should receive a death sentence. Under revised state laws, however, the Court permitted U.S. executions to resume in 1977.

Ham v. South Carolina, 1973
Supreme Court ruled that defendants are entitled to have potential jurors interrogated about whether they harbor racial prejudice.

Coker v. Georgia, 1977
Supreme Court banned capital punishment for rape, the crime that historically resulted in the most racially disproportionate application of the death penalty.

Enmund v. Florida, 1982
Supreme Court banned capital punishment for a defendant who participated in a robbery, during which, a murder was committed, because the defendant did not take or attempt to take a life, or intend that lethal force be employed.

Ford v. Wainwright, 1986
Supreme Court held that the Eighth Amendment prohibits states from inflicting the penalty of death upon a prisoner who is insane.

McCleskey v. Kemp, 1987
Supreme Court narrowly rejected a challenge to the constitutionality of Georgia's death penalty, disregarding LDF's compelling evidence that racial discrimination infected every aspect of the state's capital punishment system.

Lawson v. City of Los Angeles; Silva v. City of Los Angeles, 1994
Court approved settlements that led to the end of the Los Angeles Police Department's discriminatory use of police dogs in minority neighborhoods.

Smith v. United States, 2000
President Clinton commuted the sentence of Kemba Smith, a young African-American mother who received a mandatory minimum sentence of 24½ years in prison—even though she was a first-time offender—after her abusive boyfriend led her to play a peripheral role in a cocaine conspiracy.

Banks v. Dretke, 2004
Supreme Court overturned the death sentence of Delma Banks, Jr. and remanded for reconsideration in light of the prosecution's withholding of impeachment evidence related to two principal witnesses.

Bad Times in Tulia, Texas, 2005
Monetary settlement awarded after it was brought to light that nearly 10% of the African-American community of Tulia, Texas had been arrested in a drug "sting" operation based on unreliable testimony from a lone undercover agent with a checkered past.

Rideau v. Louisiana, 2005
After 44 years of incarceration, a jury of ten women and two men (four of whom were black) found Wilbert Rideau guilty of manslaughter and not murder, which permitted his immediate release based on the time he already had served. This was Rideau's fourth trial after three previous death sentences by all-white, all-male juries were overturned by federal courts.

House v. Bell, 2006
Supreme Court held that an individual sentenced to death for murder made the stringent showing required to present his federal *habeas corpus* claim that he was actually innocent.

Williams v. Allen, 2008
Federal appellate court vacated the death sentence of a 20-year Alabama death row inmate holding first, that he was entitled to present his claims that the prosecutor unconstitutionally struck blacks from the jury; and second, that his attorney failed to investigate mitigating evidence of the extreme abuse he suffered as a child.

EQUAL EDUCATIONAL OPPORTUNITY

Missouri ex rel. Gaines v. Canada, 1938
Supreme Court held that Missouri violated the Constitution by requiring African-American students to attend out-of-state graduate schools rather than operating separate graduate schools within the state for black students or permitting them to attend all-white state facilities. (This case was handled by Thurgood Marshall for the NAACP before the formal foundation of LDF.)

Sipuel v. Board of Regents of University of Oklahoma, 1948
Supreme Court ruled that a state could not bar an African-American student from its all-white law school on the ground that she had not requested the state to provide a separate law school for black students.

McLaurin v. Oklahoma State Regents, 1950
Supreme Court ruled that an African-American student admitted to a formerly all-white graduate school could not be subjected to segregation practices that interfered with meaningful classroom instruction and interaction with other students.

Sweatt v. Painter, 1950
Supreme Court ruled that a separate law school, hastily established for black students to prevent their admission to the all-white University of Texas Law School, was unequal, and therefore unconstitutional.

Brown v. Board of Education, 1954
Supreme Court, in four consolidated cases, unanimously struck down public school segregation, overruling the long-standing "separate but equal" doctrine of *Plessy v. Ferguson* (1896).

Bolling v. Sharpe, 1954
Supreme Court, on the same day as *Brown*, held that public school segregation in the District of Columbia was unconstitutional.

Brown v. Board of Education, 1955 (Brown II)
Supreme Court ordered that implementation of its school desegregation decision should proceed "with all deliberate speed."

Lucy v. Adams, 1955
Federal district court barred the University of Alabama from denying admission based on race, and the Supreme Court quickly affirmed that decision.

Cooper v. Aaron, 1958
Supreme Court unanimously barred Arkansas Governor Orval Faubus from interfering with the desegregation of Central High School in Little Rock. Subsequently, the "Little Rock Nine" were escorted to school for several months by the Arkansas National Guard, which had been federalized by President Eisenhower.

Holmes v. Danner, 1961
Federal district court ordered desegregation at the University of Georgia, requiring the admission of two African Americans, Charlayne Hunter and Hamilton Holmes.

Meredith v. Fair, 1962
Under federal court order, James Meredith finally succeeded in becoming the first African-American student admitted to the University of Mississippi.

Lucy v. Adams, 1963
Federal court ordered Alabama officials to comply with a 1955 decree, described above, requiring desegregation of the University of Alabama. After Governor George Wallace tried to prevent desegregation, President Kennedy mobilized the National Guard and federal marshals to ensure compliance.

Green v. County School Board of New Kent County, 1968
Supreme Court held that "freedom of choice" plans were an insufficient response to court-ordered public school desegregation.

Alexander v. Holmes County Board of Education, 1969
Supreme Court ruled that a Mississippi school district's foot-dragging on desegregation violated Brown's mandate.

Swann v. Charlotte-Mecklenburg Board of Education, 1971
Supreme Court upheld the use of busing as a tool to desegregate public schools.

Wright v. Council of the City of Emporia; U.S. v. Scotland Neck City Board of Education, 1972
Supreme Court refused to allow public school systems to avoid desegregation by creating new, mostly white or all-white "splinter districts."

Norwood v. Harrison, 1973
Supreme Court ruled that states could not provide free textbooks to children attending private schools that were established to allow whites to avoid public school desegregation.

Keyes v. School District No. 1, Denver, 1973
Supreme Court held, in its first case addressing school segregation outside of the South, that where deliberate segregation affected a substantial part of a school system, the entire district must ordinarily be desegregated.

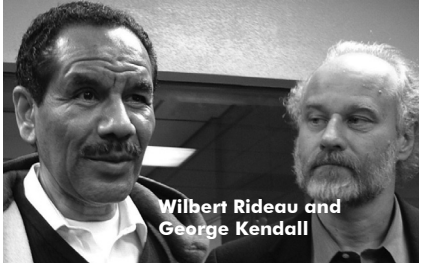
Adams v. Richardson, 1973
Federal appellate court required federal education officials to enforce Title VI of the 1964 Civil Rights Act, which prohibits universities, schools, and other institutions that receive federal funds from maintaining racial segregation.

Bradley v. School Board of City of Richmond, 1974
Supreme Court ensured attorneys' fees for students and parents in this protracted litigation to desegregate public schools in Richmond, Virginia.

Bob Jones University v. U.S.; Goldsboro Christian Schools v. U.S., 1983
Supreme Court appointed then LDF Board Chair William T. Coleman, Jr. as a "friend of the court" and upheld his argument against granting tax exemptions to religious schools that discriminate.

Missouri v. Jenkins, 1990
Supreme Court held that federal courts could set aside state limitations on local taxing authority in order to ensure sufficient funds for Kansas City's school desegregation plan.

Board of Education v. Dowell, 1991
Limiting the scope of prior rulings, the Supreme Court held that, in determining whether to dissolve a school desegregation decree, courts should consider whether school districts have complied in good faith and whether the vestiges of past discrimination have been eliminated to the extent practicable.


Wilbert Rideau and George Kendall


Gonzalez v. Abercrombie & Fitch

Missouri v. Jenkins, 1995
Supreme Court held that aspects of the remedy in a long-running desegregation case in Kansas City, described above, exceeded the scope of the proved legal violation.

Sheff v. O'Neill, 1996
Connecticut Supreme Court ruled that the State of Connecticut had an affirmative obligation to provide school children with a substantially equal educational opportunity, found the State liable for maintaining racial isolation in the Hartford area, and ordered the legislative and executive branches to propose a remedy.

Gratz v. Bollinger; Grutter v. Bollinger, 2003
Supreme Court held that narrowly-tailored, race-conscious university admissions policies are constitutional.

Geier v. Bredesen, 2006
District court granted the joint motion of LDF and the State of Tennessee's joint motion to end nearly four decades of court-ordered desegregation of public colleges and universities in recognition of the state's progress in creating a higher education system that preserves access and educational opportunity for black and white students alike.

Parents Involved in Community Schools v. Seattle School District, 2007
Supreme Court struck down voluntary integration plans in Seattle, Washington and Jefferson County, Kentucky, but affirmed the constitutionality of school district efforts to promote diversity and reduce racial isolation.

EQUAL EMPLOYMENT OPPORTUNITY

Alston v. School Board of City of Norfolk, 1940
Federal appellate court ordered equal pay for African-American and white public school teachers.

Quarles v. Philip Morris, 1968
Federal district court prohibited an employer's practice of relying solely on departmental rather than plant-wide seniority, a practice which forced long-time black workers to give up their seniority rights when they transferred to better jobs in previously white-only departments.

Griggs v. Duke Power Company, 1971
Supreme Court ruled that Title VII of the 1964 Civil Rights Act prohibits both intentional employment discrimination and "artificial, arbitrary, and unnecessary barriers to employment" that result in different outcomes for blacks and whites.

Phillips v. Martin Marietta, 1971
Supreme Court ruled that, under Title VII, an employer must demonstrate that a refusal to hire women with preschool-aged children was a bona fide occupational qualification reasonably necessary to its normal business operations.

McDonnell Douglas v. Green, 1973
Supreme Court held that, under Title VII, an African American complaining of unlawful discrimination is entitled to have his case heard in court if he can make the minimal showing that he was qualified for a job, applied for it, and was rejected but the job either remained open or was filled by a person of another race.

Albemarle v. Moody, 1975
Supreme Court ruled that most victims of job discrimination are entitled to back pay relief under Title VII and set additional court standards for job-related employment testing.

Johnson v. Railway Express Agency, 1975
Supreme Court reaffirmed that the 1866 Civil Rights Act, passed during Reconstruction, provides an independent remedy for employment discrimination.

Luevano v. Campbell, 1980
Federal district court approved a settlement ending the federal government's use of a written test for entry-level hiring that disproportionately disqualified African-American and Latino applicants from employment opportunities.

Lorance v. AT&T Technologies, 1989
Supreme Court held that Title VII's statute of limitations barred a challenge to a discriminatory seniority system. This holding was overturned by the 1991 Civil Rights Act.

Patterson v. McLean Credit Union, 1991
Supreme Court held that racial harassment in the course of employment was not actionable under the 1866 Civil Rights Act. This holding was overturned by the 1991 Civil Rights Act.

Haynes v. Shoney's, 1992
Federal district court approved a record settlement in which a restaurant chain agreed to implement aggressive equal employment opportunity measures and pay $105 million to African Americans who experienced an "overt policy of blatant racial discrimination and retaliation."

McKennon v. Nashville Banner, 1995
Supreme Court refused to allow employers to defeat otherwise valid claims of job discrimination by relying on facts they did not know until after the discriminatory decision had been made.

Robinson v. Shell Oil Company, 1997
Supreme Court held that a former employee may sue his ex-employer under Title VII for retaliating against him (by giving a bad job reference) after he filed discrimination charges over his termination.

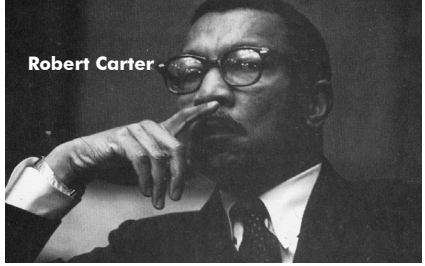
Wright v. Universal Maritime Service Corp., 1998
Supreme Court held that an arbitration clause in a collective bargaining agreement did not deprive employees of their right to enforce federal anti-discrimination laws in federal court.

Gonzales v. Abercrombie & Fitch Stores, 2005
Federal district court approved a consent decree requiring significant corporate reforms to promote workforce diversity, as well as more than $40 million in relief to rejected applicants and employees who alleged racial and gender discrimination.

Wright v. Stern, 2008
Federal district court approved a class action settlement requiring injunctive relief and damages of more than $21 million due to systemic employment discrimination by the New York City Parks Department against its African-American and Latino employees.

Lewis v. City of Chicago, 2010
Supreme Court ruled unanimously that Chicago could be held accountable for each and every time it used a hiring practice that discriminatorily blocked qualified minority applicants from employment as firefighters.


LDF attorneys at the Supreme Court.


Robert Carter -

Wright v. Stern.

FAIR HOUSING & FAIR CREDIT

Shelley v. Kraemer, 1948
Supreme Court held that the Constitution prohibits state courts from enforcing racially restrictive covenants.

Barrows v. Jackson, 1953
Supreme Court expanded upon *Shelley v. Kraemer* by barring state courts from enforcing racially restrictive covenants in lawsuits for damages.

Thorpe v. Housing Authority of City of Durham, 1969
Supreme Court ruled that public housing tenants could not be evicted without prior notice under procedures required by federal regulatory guidance.

Sniadach v. Family Finance Corp., 1969
Supreme Court ruled that state laws allowing garnishment of wages without notice or a hearing violate constitutional due process.

Kennedy Park Homes Association v. City of Lackawanna, 1970
Federal appellate court forbade a city government from discriminatory interference with the construction of new housing for low-income and minority families in a predominantly white section of the city.

Mourning v. Family Publication Service, 1973
Supreme Court upheld federal regulations under the Truth in Lending Act that require full disclosure to consumers of the actual cost of a loan or finance agreement.

Greater New Orleans Fair Housing Action Center v. HUD, 2010
Federal district court ordered Louisiana to stop using a formula for awarding federal recovery funds that had a discriminatory impact on sub-class of African Americans seeking to rebuild and return to their homes after Hurricanes Rita and Katrina.

FREEDOM OF ASSOCIATION

NAACP v. Alabama, 1958
Supreme Court enforced privacy of NAACP membership list and the free association rights of its members.

McLaughlin v. Florida, 1964
Supreme Court struck down as unconstitutional a Florida statute criminalizing interracial cohabitation.

State of Alabama v. Martin Luther King, Jr., 1963
Supreme Court upheld Dr. King's contempt conviction for marching in Birmingham, Alabama without a permit.

Hamm v. City of Rock Hill, 1964
Supreme Court held that the 1964 Civil Rights Act voided convictions of all lunch counter sit-in demonstrators.

Williams v. Wallace, 1965
Federal court order allowed Dr. Martin Luther King, Jr. to lead thousands in a five-day voting rights march from Selma to Montgomery, Alabama, after prior attempts had resulted in the "Bloody Sunday" police riot on the Edmund Pettus Bridge.

Davis v. Francois, 1968
Federal appellate court held that Port Allen, Louisiana's expansive anti-picketing ordinance, enforced against civil rights protesters, violated the Constitution.

Shuttlesworth v. Birmingham, 1969
Supreme Court invalidated Birmingham's parade permit law, posthumously vindicating Rev. King's 1963 Birmingham civil rights march, described above, in the year following his assassination in Memphis.

Ali v. Division of State Athletic Commission, 1970
Federal district court held that New York violated Muhammad Ali's constitutional rights when it discriminatorily stripped him of his boxing license after his conviction for refusing drafted military service.

Clay v. United States, 1971
Supreme Court struck down Muhammad Ali's conviction for refusing to report for drafted military service.

HEALTH CARE

Simkins v. Moses H. Cone Memorial Hospital, 1963
Federal appeals court ruled that federal law prohibited hospitals receiving federal funds from discriminating in the admission of patients or in granting staff privileges to doctors.

Cypress v. Newport News General and Nonsectarian Hospital Association, 1967
Federal appellate court ruled that a federally-funded hospital violated federal law by denying staff privileges to African-American physicians.

Hatcher v. Methodist Hospital, 1978
Federal district court ratified a settlement blocking the use of federal funds to build a hospital in an all-white Indiana suburb to replace a facility in downtown Gary, because it would have deprived poor and minority city dwellers of access to adequate health care.

Matthews v. Coye; Thompson v. Raiford, 1991-1993
LDF attorneys compelled California, Texas, and the federal government to enforce and implement federal regulations calling for testing of poor children for lead poisoning.

Campaign to Save Our Public Hospitals v. Giuliani, 1999
New York Court of Appeals barred an attempt by New York City's mayor to privatize public hospitals, and thereby cut hospital services for the poor.

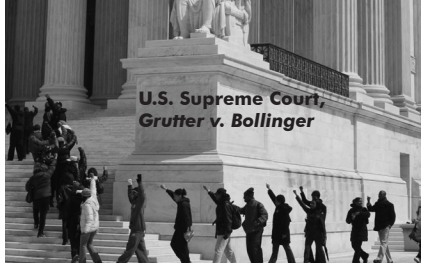
ACCESS TO PUBLIC FACILITIES AND SERVICES

Morgan v. Virginia, 1946
Supreme Court struck down a Virginia law requiring segregated seating on interstate buses. The ruling prompted the Congress of Racial Equality (CORE) to initiate the first Freedom Rides in Virginia, North Carolina, Kentucky, and Tennessee to test this new ruling.

Mayor and City Council of Baltimore v. Dawson, 1955
Supreme Court affirmed an appellate court's ruling barring racially segregated public beaches and bathhouses.


Tulia, Texas


Elizabeth and Milo Sheff, *Sheff v. O'Neill*


U.S. Supreme Court, *Grutter v. Bollinger*

Gayle v. Browder, 1956
Supreme Court declared segregated seating on city buses unconstitutional, thereby ending the Montgomery, Alabama bus boycott.

Boynton v. Virginia, 1960
Supreme Court ruled that the Interstate Commerce Act prohibits racial discrimination in bus terminal restaurants. The ruling prompted a subsequent round of Freedom Rides by CORE and SNCC into the Deep South.

Watson v. City of Memphis, 1963
Supreme Court ruled that racial restrictions on the use of public parks and other recreational facilities had to be eliminated immediately.

Abernathy v. Alabama; Thomas v. Mississippi, 1965
Supreme Court used the 1964 Civil Rights Act to reverse state convictions of Deep South Freedom Riders who were testing the efficacy of court rulings issued well before the Civil Rights Act was passed.

Willis v. Pickrick Restaurant, 1964
Three-judge federal district court held that the 1964 Civil Rights Act required Lester Maddox, owner of an Atlanta restaurant and future Georgia governor, to serve African-American customers; Maddox opted to close his restaurant rather than integrate.

Newman v. Piggie Park, 1968
Supreme Court recognized that civil rights plaintiffs act as "private attorneys general" and, when they prevail, are entitled to attorneys' fees, as in this case which barred discrimination against African-American customers at a South Carolina restaurant chain.

Hawkins v. Town of Shaw, 1972
Federal appellate court held that a Mississippi town discriminated based on race in violation of the Fourteenth Amendment by providing inferior services to black neighborhoods "on the other side of the tracks."

Labor/Community Strategy Center v. MTA, 1996
Federal court approved a settlement of a class action on behalf of minority bus riders who challenged the discriminatory impact of Los Angeles Metropolitan Transportation Authority's proposal to raise fares and eliminate monthly passes while pouring millions into construction of rail lines for white suburban commuters.

VOTING RIGHTS

Smith v. Allwright, 1944
Supreme Court ruled that the exclusion of African Americans from voting in Texas primary elections violated the Fifteenth Amendment.

Allen v. State Board of Elections, 1969
Supreme Court held that the 1965 Voting Rights Act guarantees the opportunity to cast a write-in ballot.

United Jewish Organizations of Williamsburgh v. Carey, 1977
Supreme Court ruled that states may consider race in drawing electoral districts if necessary to comply with the Voting Rights Act and avoid a dilution of minority voting strength.

Major v. Treen, 1983
Federal district court found that congressional districts in the New Orleans area had been gerrymandered to limit black voting strength following the 1980 census.

Thornburg v. Gingles, 1986
Supreme Court affirmed that at-large election of state legislators in North Carolina illegally diluted black voting strength in violation of the Voting Rights Act, and it established basic principles for interpreting the 1982 amendments to the Voting Rights Act, which resulted in major increases in African-American elected officials nationwide.

Chisom v. Roemer; Houston Lawyers Association v. Attorney General, 1991
Supreme Court held that the Voting Rights Act applies to the election of judges.

Easley v. Cromartie, 2001
Supreme Court ruled that the North Carolina majority-minority district from which Mel Watt was elected to Congress was not an illegal racial gerrymander.

NAACP v. Harris, 2001
Settlement of a landmark class action, filed on behalf of thousands of African-American and Haitian-American Floridians who were unable to vote in the 2000 election, which required Florida to take concrete steps to improve the voting process.

Herring v. Marion County Election Board, 2008
Settlement of a lawsuit filed in Indiana state court to ensure that eligible voters with property subject to foreclosure proceedings or evictions would not have their right to vote challenged during the 2008 election based upon their foreclosure status.

Northwest Austin Municipal Utility District No. 1 v. Holder, 2009
Supreme Court declined a municipal utility district's plea that Section 5 of the Voting Rights Act should be struck down as no longer constitutionally necessary to safeguard minority voting rights.

Farrakkan v. Gregoire, 2010
Federal appellate court left in place the State of Washington's felon disenfranchisement law, even though it results in the denial of the right to vote to Latinos, African Americans, and Native Americans on a racially discriminatory basis.

LDF@70
70 Years Fulfilling the Promise of Equality

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LDF
DEFEND EDUCATE EMPOWER

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