

# A Persuasive Judge

## Constance Baker Motley

By EDITH EVANS ASBURY

In this era of militants who throw four-letter words around and are avowedly bent on overturning the Establishment, Constance Baker Motley's mild manner, soft voice and amiability come as a shock to those who knew her only by her formidable reputation. For 20 years, between 1945 and

**Woman** 1965, Mrs. Motley fought as a lawyer in court battles that struck down state-enforced segregation laws in the South. She worked on all the major school segregation cases supported by the Legal Defense Fund, with which she was associated during those years. As the fund's associate counsel, she argued and won nine civil rights cases before the United States Supreme Court.

James Meredith entered the University of Mississippi and Charlayne Hunter entered the University of Alabama and other Southern universities became integrated as a result of Mrs. Motley's legal successes. She also persuaded the Supreme Court to order desegregation of buses in Jackson, Miss., recreational facilities and the airport restaurant in Memphis, and dime-store lunch counters in Birmingham.

### Commanded Respect

She was firm and forceful in her arguments and persistent as a questioner. But she also was respectful toward the judges and her adversaries in the courts. The result was that she usually commanded their respect in turn.

A reporter once wrote of Mrs. Motley that she had demanded some action by the court. The next day she asked the reporter: "What do you mean, I 'demanded'? You don't demand in court, you pray for relief or move for some action."



The New York Times

*A long-standing interest in minorities' rights.*

When she donned the judicial robe and ascended bench as the first black woman to be a Federal judge, Mrs. Motley did not abandon her role as pioneer, nor shed her interest in the rights of minorities.

Within the last 15 months, Judge Motley has upheld a widening group of minority rights in ruling on behalf of welfare recipients, low-income Medicaid patients and a prisoner who claimed to have been unconstitutionally punished by 372 days of solitary confinement.

Judge Motley awarded the prisoner damages.

She also participated in a decision enjoining the enforcement of a state law giving the aged, blind and handicapped welfare recipients less in counties outside New York City than is given those in the city, and she enjoined the state from requiring low-income people to pay 20 per cent of their medical bills.

Judge Motley also registered a vigorous dissent from the decision of two other Federal judges upholding a

state law requiring applicants to the bar to appear before a character and fitness committee.

The tall, stately judge was born in New Haven on Sept. 14, 1921, the ninth of 12 children of emigrants from the British West Indies. Her father Willoughby Baker, was a cook.

In high school, she excelled at basketball and debating and was always an honor student.

But she was unable to go on to college until a speech she made as president of the New Haven Youth Council a year and a half after her graduation impressed a white philanthropist.

She attended Fisk University at Nashville, then New York University, where she obtained a degree in economics in 1943.

### Recommended by Kennedy

In 1945, while a student at Columbia Law School, the future judge began working as a volunteer for a fledgling group that then consisted only of Thurgood Marshall (now a United States Supreme Court Justice), Edward Dudley, now a State Supreme Court justice, and a research attorney.

She remained with the group later to be called the N.A.A.C.P. Legal Defense and Education Fund, until 1965, when she was elected the first woman Borough President of Manhattan.

In January, 1966, on the recommendation of Senator Robert F. Kennedy, President Lyndon B. Johnson appointed Mrs. Motley to the Federal bench. After a delay, caused by Senator James O. Eastland of Mississippi, Mrs. Motley was finally confirmed by the Senate on Aug. 30, 1966.

The judge lives in Manhattan with her husband, Joel W., a real estate broker and insurance man she married in 1946, and her son, Joel Jr., 16. They have a weekend home in Connecticut, about 30 miles from New Haven, where she grew up.