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Interview

with

THEODORE FILLETTE

April 11, 2006

By Sarah Thuesen

Transcribed by Emily Baran

The Southern Oral History Program
University of North Carolina at Chapel Hill

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TRANSCRIPT—THEODORE FILLETTE, III

Interviewee: Theodore Fillette, III

Interviewer: Sarah Thuesen

Interview date: April 11, 2006

Location: Offices of Legal Aid of North Carolina, Inc., Charlotte, North Carolina

Length: 1 disc; approximately 2 hours and 3 minutes

START OF TRACK 1

ST: This is a second interview with Ted Fillette in the offices of Legal Aid of North Carolina--or Legal Aid of Southern Piedmont--

TF: No, it's Legal Aid of North Carolina.

ST: Legal Aid of North Carolina. Today is April eleventh, 2006. My name is Sarah Thuesen. I am conducting this interview for the Southern Oral History Program. This is part of our Long Civil Rights Movement project. In our last interview, we were talking about your work with the Cherry neighborhood in Charlotte and how the residents there were fighting to prevent the demolition of their neighborhood as part of a community block grant initiative. You had discussed how you had had some success with that effort, partly because of changes in Charlotte politics, changes on the city council. I wanted to maybe pick up with that story and extend it a little bit, and ask you to describe the similar work you did with the Biddleville neighborhood in Charlotte. Could you tell me a little bit about what was going on in Biddleville in the mid-70s and what brought you into work with that neighborhood?

TF: Sure, Biddleville is a neighborhood in west Charlotte that's probably within a mile of the immediate downtown commercial district that surrounds Johnson C. Smith University, the historically black college in Charlotte. This neighborhood was built back in the late 1800s

and early 1900s and had mostly fallen into a state of disrepair on most of the streets. Some of the streets were dominated totally by very low-income rental housing. There were a few homeowner streets that were very close to the university, but for the most part, it was a very deteriorated neighborhood and it was one of the nine neighborhoods selected by the city for so-called redevelopment through the community development block grant program. The main plan as it had been adopted in 1975 was to demolish virtually all of the housing, again similar to what had happened in the First Ward urban renewal area in Brooklyn and the Cherry community.

What happened in this neighborhood was that a VISTA volunteer project, that had been organized by a part-time professor out at UNC-Charlotte, had sent young VISTA volunteers through the neighborhoods to do surveys of the residents about how they felt about the prospect of their neighborhood being torn down. That was really the catalyst for an attempt by an indigenous neighborhood leader named Louise Sellers, who reacted to that by deciding to do her own door-to-door campaign to organize people and started having meetings of residents in churches. The essence of their meeting was that people did not want to be displaced wholesale. Most of them did not want to go into what they perceived as dangerous and bad public housing in other parts of the city, which is what a lot of them assumed would happen to them if they were forced to move.

Ms. Sellers contacted our office for assistance in trying to stop this demolition plan. I was the main lawyer that was available at that time. This was about the end of 1979 and, I think, the beginning of 1980. At that time, we had pretty much finished the litigation in the [Margaret] Harris-[Mitchell] Kannon suit and we didn't really see any necessary relationship of that litigation to this new community fight. I can't remember the details about that analysis, but

regardless, we thought that we were probably going to have to have a political solution rather than a legal solution. So what was interesting about this fight was that the district representative for that neighborhood was someone who befriended the administration at Johnson C. Smith University and it became clear from dialogue that we had, that he thought that the city's plan for demolition would inure to the benefit of the university, because they would probably be able to get very inexpensive or free land from the city once it had been cleared.

ST: And who was that city representative?

TF: That was Charlie Dannelly, who serves in the General Assembly now as a state senator. So when the community organization approached Mr. Dannelly for help to try to modify the plan, he pretty much rebuffed them and said there wasn't anything wrong with the plan and it needed to proceed. Although that was somewhat disappointing, what it did was make the neighborhood organization even more motivated and angry about the initial lack of sympathy for their position. They started taking carloads and busloads of residents to the city council meetings and completely filling the audience to express their displeasure with the plan.

ST: Was Louise Sellers the leader of this?

TF: Oh yes, she was. She would go door to door and tell people they needed to come out. They needed to find babysitters or they would bring the children with them. Sometimes there were children of all ages who were coming down to these city council meetings and packing the room. After having that done once or twice, the decision by the city council, which was not made in public, I think out of deference to Mr. Dannelly, was to tell the staff to go negotiate with the community organization about a new plan so that nobody would lose face. The upshot of that was that a new plan was devised and what it did was save all of the structurally-feasible housing that was in the community. So instead of demolishing everything,

a more selective analysis was done to determine the buildings that could be reasonably rehabilitated and saved. That was fairly successful with most of the single-family homes.

The one section that had very small and severely dilapidated housing we conceded needed to be replaced and what we were able to do there was negotiate for a brand-new apartment complex to be owned and operated by the housing authority, where residents would have the first right to apply and live there. What that ended up doing was providing housing that was actually more affordable than some of the previously-owned substandard housing, where some of those low-income families were paying more than thirty percent of their net income for really bad houses and having to pay their own utilities. By getting public housing, the federal subsidy limited the tenants' contribution to only thirty percent of their net income for rent and utilities and they got much better housing. That was a lot better than having people go to some of the older public housing in other parts of the city. So I think generally speaking, people in the community thought that was a good compromise and overall preserved the neighborhood as being a low-income neighborhood, but with better quality housing and with some options.

ST: How do you think Charlie Dannelly ultimately felt about the compromise?

TF: I think that he ended up believing that it was alright, was fair. The university did get some property that was adjacent to its athletic field. As far as I can tell, they still haven't been able to build anything new on that vacant land they got twenty-five years ago. They got more land than they were able to utilize, but not at a great expense to the neighbors. I think that ended up being a pretty decent outcome also. It took about a year and a half to do that in the whole process. It also gave the neighborhood a sense that they could have some power. At one point, the director of the city neighborhood development department tried to hire Ms. Sellers,

which we interpreted as somewhat of a blatant attempt to co-opt her. At that point, I took her to see the movie *Norma Rae* so that she could try to get some perspective on what kind of role she was playing in this environment. I think she appreciated seeing that and could see how the city would like to get rid of her because she had a whole lot more power than she imagined.

ST: I take it she refused the city's offer?

TF: She did refuse the job and she remained the leader of the neighborhood and ended up becoming an entrepreneur in this different organization that came up with some foundation money in the 1980s after that. But anyway, that's pretty much how that one turned out.

ST: What was her background prior to her community activism?

TF: She was a housekeeper and a single mother who had raised quite a few kids. By the time this was going on, most of her kids were teenagers. So she had a busy life.

ST: Do you know the name of the organization she worked for after the Biddleville activism?

TF: I don't.

ST: That's okay.

TF: It had something to do with "incubator" in it, but I can remember, something about the 'northwest corridor incubator' something, but I'm not sure.

ST: It was a development organization of some sort?

TF: Yeah, it was an attempt for economic development promotions.

ST: This is skipping ahead a little bit in chronology, but just to wrap up the Cherry and Biddleville stories, how have those neighborhoods fared over the past twenty-five years since your main work with them?

TF: Well, I don't have a very detailed working knowledge of that. I have watched what happened in Cherry somewhat from a distance and from reading things that are in the newspaper. I think that Cherry survived pretty well for about twenty-five years, with the neighborhood remaining pretty much intact with a lot of the lower-income and elderly residents still there. But there have been more commercial encroachments in Cherry, with some of the folks that own land, individuals, were eventually persuaded to sell out to developers that have started to develop some other property on the borders. I think that the Cherry community organization has not had any great increase in financial support that has enabled them to maintain some of that older housing that was rehabilitated in the late 1970s. So some of those properties have kind of worn out, and I'm afraid that some of those are going to be lost. I think the public housing development, which was another fifty-unit complex, has survived quite well. It seems like it's in good shape and is occupied all the time.

ST: It was a scattered-site-type model?

TF: Yeah, it was sort of mixed. It had duplexes and fourplexes that were sort of scattered around several streets. It was not a very intrusive-looking development, no bricks, no high rise. It was designed to fit in somewhat with the prior building structures and styles.

ST: Your sense is that the Biddleville neighborhood has had a similar trajectory?

TF: I think so. I drive through it from time to time and it looks like to me, most of the housing that was there when the new plan was implemented in 1980 is still there. There has not been as much pressure from outside development on Biddleville as there has been in Cherry. But one of the contiguous neighborhoods has experienced some gentrification and my sense is that if that continues, eventually it may arrive in Biddleville too. But the public housing development is still in quite good shape and it seems to be completely occupied. That part

continues, so that's another scattered-site success of sorts. By having only fifty units in the complex, it makes it more manageable.

END OF TRACK 1

START OF TRACK 2

ST: In a moment, I want to return to the issues of public housing as well as recent gentrification in several areas of Charlotte, but I thought we might step back a little bit right now and talk about some of your more general work in the area of tenants' rights and welfare rights. It might be helpful if you could sketch for me sort of the general landscape in the mid-70s that you encountered that led to your work in those areas.

TF: Alright, I'll try to sort of describe the landscape in 1974, which was the first full calendar year after I came to Charlotte. The low-income housing in Charlotte was in generally extremely bad shape in the private market. Most of the low-income tenants had week-to-week leases and many of those were oral and not written. A typical lease would be for the tenant to pay fifty dollars a week or seventy-five dollars per week and there would be no provision for any kind of repairs to be done in the lease. If there were written leases at all, they would usually be one page and it would be very perfunctory. It would say what the address was, the amount of the rent, and what time the rent was due, and that's all it said.

The law in North Carolina at that point was based upon the common law of England in the seventeenth century, which has been described in legal jurisprudence as under the doctrine of *caveat emptor*, or "the buyer beware," which means that the tenant was not entitled in common law to have the landlord make any repairs at all. What that meant was that low-income tenants could not force their landlords to do any repairs at all, no matter how serious. The only potential relief that tenants had at that time was to ask for an inspection from a housing inspection department of the city of Charlotte that enforced the housing code. But what that meant in practical terms was that if a tenant requested a housing inspection from the city, the inspector would come out and might find twenty or twenty-five violations of the housing

code that would include things such as leaking plumbing, holes in the roof, unsafe wiring, inoperable furnace or dangerous flues. There was actually no requirement that the landlord provide any heating equipment at that time even in the housing code. What that would do is cause the city inspector to send the owner of the property a written complaint and offering the owner the opportunity for a hearing to dispute whether or not those conditions existed. What would happen in about ninety-eight percent of those circumstances is the owner would get in touch with his property manager and the property manager would then send a notice for terminating the lease to the tenant.

Under North Carolina law at that time, the week-to-week tenancy could be terminated on two days' notice. So if the lease began on a Monday, the landlord could give the notice on Friday to be effective Sunday night, and then on Monday, they would be considered a holdover tenant. It was very common at that time for landlords to retaliate by evicting tenants that called for housing inspections. So in the same scenario I've described, if the notice was sent out on Friday, the landlord would file an action for summary ejectment in the small claims court on Monday and that might be scheduled for a trial on Friday of that same week. Then when the tenant would go to that trial and I went to many of these in small claims court, the tenant was not entitled to raise as a defense to the summary ejectment that it was in retaliation for having called for the housing inspection. That was not a defense in common law and there was no statutory right to be protected from retaliatory evictions. So it was very well-known in the community that if a housing inspector came into your home and reported the defects to the owner, that inside of a week, you were likely to be faced with an eviction trial.

So let me tell you what happened when people had eviction trials. When there was no right to get repairs done, there was no claim for the tenant to make about having paid rent for

dangerous and unhealthy houses and there was no defense for retaliatory eviction. So when we had these trials, the tenant would always lose. When the tenants lost, they had a theoretical right to appeal for a new trial in the district court, but there was a procedural requirement in the North Carolina statutes that said if a tenant wanted to appeal a judgment of a magistrate to district court to have a trial in front of a jury or a real judge, that the tenant would have to pay three months' rent in advance to stop the judgment of the magistrate from being carried out or executed by the sheriff. Well, in my entire career of working for Legal Aid, we had never had any client who had enough money to pay three months' rent in advance. We had plenty of clients who were able to pay their next week's rent in advance, or perhaps one month in advance, but none of them had enough money saved. They were living pretty much from check to check, so they could not afford to pay the rent appeal bond to stop the landlord from putting them out while they sought an appeal. Of course, since they didn't have many substantive rights, there was very little reason to need an appeal, but if they had any sort of good claim, they would surely be displaced before any new trial occurred.

What happened then is, and this is going back to the original scenario, if the trial was scheduled on Friday and they lost and they could not pay three months' rent in advance, the following Monday, the sheriff and the landlord would be at the house and they would physically remove all of the belongings of the tenant and they would put them out on the street. Usually every Monday and sometimes every day of the week, you would drive through the low-income neighborhoods of the city and you would see all the furniture, the clothes, the food, the appliances, the televisions, everything that belonged to these families, was put out on the street. You had people with pickup trucks who were scavengers that would go through the neighborhoods and pick through the items of the tenants that were put out on the street and take

the things that they wanted and just carry them off with impunity, while the tenants usually weren't home to protect them; they were at work and they weren't there to protect them. And they didn't necessarily know when these evictions were going to occur, but usually they would occur within one or two days after they lost in court.

ST: In talking with other folks in Legal Aid work across the region, did you find this to be a similar pattern? North Carolina, how would it rank or compare to other southern states or nationally?

TF: Well, there weren't very many Legal Aid people in the South at that time. There were only three counties in North Carolina that had Legal Aid offices and all of us could talk, we could all meet in this same room. When we would talk, we would realize we all had the same problem with the landlord-tenant law or the complete lack of it. So that was very well-known among our three offices. South Carolina, I knew, had similar laws that were mostly just common law from England. Alabama and Mississippi, I think, were similar. I didn't know much about Georgia and Tennessee. But that was pretty typical in the South. It was certainly very different from the law in Massachusetts that I had studied under and had practiced with as a law student working with Legal Aid there. I was quite aware that in Massachusetts, they had a statute that created a right of tenants to get repairs done and that when landlords failed to make repairs, the tenants had a right to escrow some of their rent to help pressure the landlord to do the repairs. But that was done by statute in Massachusetts.

Now what compounded this problem for tenants who could be evicted so swiftly and so severely was what went on with the Department of Social Services at that time. The Department of Social Services, of course, received money from the federal government through the Social Security Act, which set up the Aid to Families with Dependent Children, which was

the main cash assistance program, and Medicaid, which was the relatively new medical assistance program, to cover families that qualified for AFDC. When people lost their jobs or lost the breadwinner in their home, they would need to apply for money if they had children. If you didn't have children and you were unemployed and you were not disabled, you weren't eligible for anything. So it's only the families with children that could apply for AFDC. I believe the grant at that time in 1974 for a family of four, the maximum that you could receive, was two hundred dollars per month.

One of the things that really shocked me in 1974, that I still remember vividly, was how many families came to us with what was viewed as a housing or utilities crisis—that is they were behind in their rent or their utilities were unpaid and utilities were either threatened to be terminated or had already been terminated, and the landlords were threatening to terminate the lease for non-payment—was really as a result of their family having applied for AFDC and having gotten no decision from the welfare department. There were a couple of families that came to us with that problem, but then the same month, it was July of 1974, and one lady had applied more than ninety days previously and still had not gotten a decision. Another one had applied something like sixty or seventy days.

One of the other lawyers in the Legal Aid office and I were looking at this and we realized, we did a little research and found that the federal regulation that governed the AFDC program required the local department to make a decision within thirty days of the family's applying for help. For people that apply for Medicaid, they had forty-five days to make a decision if that was based upon a claim for disability of the applicant. When we contacted the welfare department and asked why these applications were pending so long and creating these crises for people that were about to be evicted, the answer was, well we had different answers,

but the most common one was the application worker for this particular client had gone on maternity leave or had quit and they didn't reassign the cases to anybody else. So they were just sitting there in a file drawer and nobody was taking any responsibility for it. We explained that this had caused some severe crises where people were living in houses without power or without water and some of them were about to be evicted. The welfare department said, "Well, we just can't do any better than this."

So what we decided to do was file a civil action in the federal district court in Charlotte seeking injunctive relief to compel the welfare department to comply with the federal processing standard of making a decision within thirty days, to get the decisions made so that people would have enough money to pay for at least the rent and the utilities, to try to not be completely destroyed by eviction. I've just explained to you what happens when a family is evicted. The welfare department's only remedy for a family that's been put on the street was to pick up the children and put them in foster care, which was a whole lot more expensive than paying the grant for the family of four. It would cost the welfare department three times as much to put the family in foster care as it would be to just grant their application for AFDC and try to stabilize the family where they were.

ST: Was this the *Alexander. v. Hill* case?

TF: Yes it is. It was filed in 1974.

ST: And who was Alexander?

TF: She was one of those families that I described. Her name was Clara Alexander and she was a young mother. I can't remember exactly how many children she had. It was not a very large family, but she just didn't have any other source of income at that time. Now a lot of times people were working and then they lose their job and there wasn't any other way to get

income to support the family. That's usually what happened. The other problem with the department at that time was that young women that were pregnant for the first time would want to apply for AFDC to have some income and to be able to get Medicaid so they could get prenatal care. In other states in the country, the welfare departments would pay for the unborn children and consider that applicant qualified for assistance as soon as she was diagnosed as pregnant. So they would cover the unborn child and that would qualify them. North Carolina refused to cover unborn children and so we had young first-time mothers that were trying to get income and be able to get medical care to have a healthy delivery and they couldn't get any help. So we filed another federal action to try to establish that right to get assistance for the unborn children through the AFDC and Medicaid programs. That was again an action under the Social Security Act.

ST: Was that the *Taylor v. Hill* case?

TF: I believe that was Taylor. Both of those cases were assigned to Judge McMillan and eventually, we turned both of those cases into statewide class actions. After we had filed the Alexander case, we were in communication with some of the other people in the other two Legal Aid offices and at that time, they realized that the counties they were trying to serve had similar problems. They were not as severe as Mecklenburg's. In Mecklenburg, we had people that were going three and four months without getting a decision and it was creating truly severe crises for families, whereas in Greensboro and Durham, they wouldn't make the decisions in thirty days, but they usually didn't take three or four months. They would just take maybe two months instead of one month. By doing discovery with some of those other counties, we realized that it was more of a statewide problem, so we asked permission to convert the case for the individuals in Mecklenburg County to cover a class of similarly-

situated AFDC and Medicaid applicants across the state. Within a year of filing it, I think we got a temporary order from Judge McMillan, I think on August thirteen, 1975, about a year after we filed it, that authorized us to proceed as a class and to have the state make a plan to come into compliance with the federal processing regulations.

END OF TRACK 2

START OF TRACK 3

ST: In working with welfare recipients, to what extent did you find race played a role in the distribution of benefits? Or did you find that both white and black clients, their rights were being ignored?

TF: Well, I think that on an individual basis, we could not find in Mecklenburg County any conscious decision to discriminate on the basis of race. There was certainly a very great predominance of African-American recipients in Charlotte. We very rarely saw white AFDC recipients in Charlotte. Most of those folks that got help from Social Services that were white lived outside of Charlotte in the mobile home parks and the other parts of the county or in adjacent counties. So there was no clear way for us to see discrimination on the ground. However, in pursuing the *Taylor v. Hill* case, which was the one about the failure of the state to cover unborn children in their AFDC and Medicaid programs, initially we had won that. We had gotten a decision from Judge McMillan that found that the Social Security Act did cover unborn children for these programs and he ordered the state to provide AFDC and Medicaid to the women with unborn children. The state appealed that decision to the Fourth Circuit Court of Appeals and while that was pending in front of the Fourth Circuit, the same issue reached the United States Supreme Court from a case that had started in Iowa. And despite the fact that every circuit court that had decided this issue was in favor of covering the unborn children, the Supreme Court of the United States decided that the Social Security Act did not cover unborn children.

Then the fourth circuit vacated Judge McMillan's decision based upon the decision of the Supreme Court on the same statutory issue, which then left us back in the trial court level with our constitutional claim. Our constitutional claim was actually based on the Fourteenth

Amendment and at that time, we decided to explore whether or not there had been a racial purpose in not opting to cover unborn children. This other lawyer named Rick Hart, who worked in our office in Charlotte, and I decided to research the history of the state welfare department records about the AFDC program. We went to Raleigh and started reading the minutes of the board meetings to see what considerations there had been regarding the state's decisions to set the benefit levels where they set them and what options to cover or not cover. Because the Congress had given enough money to the federal agency, the health and education welfare department, to reimburse states that did choose to provide money for unborn children, and I think a majority of states did choose that option.

What was interesting to us is that most of the southern states did not. In North Carolina at that time, we realized we had the second highest infant mortality rate in the country. We had very poorly developed medical delivery systems in the rural parts of the state. And if there was anything that pregnant women needed to try to avoid premature births or losing children, it was medical care, but they couldn't get it without having this coverage that we were seeking through the litigation. Well, as we started reading through these archives, we found minutes that showed the board members of the state welfare department saying that the biggest problem they thought the state had was Negro births out of wedlock, is how they determined it. They did all kinds of things to try to discourage people from having children. We also saw references to how some counties in eastern North Carolina, and I particularly remember Robeson County systematically cutting off AFDC payments to qualified mothers during harvesting season to provide a source of cheap labor for the farmers to force women to go harvest crops in the field. That was known to the state welfare board and they tolerated it, because they thought that was a good way to motivate people to go work for cheap prices. It was put in the minutes of the state.

With that background, we decided we wanted to interview some of the people in the department that had tried to fashion policy and we found this guy that worked at the social work school at Chapel Hill, who had been the deputy director of the department. We interviewed him and found out that when he and the director would go to the state legislature to try to get their budgets passed that they were commonly asked about the racial statistics of the participants in the program, and the AFDC program was very heavily black and the program that covered disabled people was very predominately white. The state legislature had authorized budgets to pay a much higher per capita benefit to the disabled program than the family program. He was convinced it was because the legislators didn't like the predominately-black AFDC program and favored, just out of pure racial politics, the disabled program.

So we decided with that knowledge, we thought that the decision of the department to not cover unborn children was viewed by the department as unpopular because it was predominately black families that needed that help. That was the basis for our constitutional challenge to the decision of the department not to cover unborn children at the constitutional level.

ST: Who was the person at Chapel Hill you spoke with, do you remember?

TF: I don't remember his name.

ST: This would have been mid-70s?

TF: This would have been about 1976, probably.

ST: So what was the ultimate outcome of the *Taylor v. Hill* and *Alexander v. Hill* litigation?

TF: With Taylor, we had a new hearing in front of a three-judge court in Charlotte. Judge McMillan was one of the judges. The district judge from the Asheville division was the

second district court judge. Then [James] Braxton Craven from the Fourth Circuit Court of Appeals was the third judge. They heard all of this evidence that we put in front of them about the historical racial discrimination in the AFDC program in North Carolina and we argued that the current policy that we were attacking was the outgrowth of that same policy and that they could infer that and should infer that because there was no rational justification for it articulated by the state. They never gave any sensible explanation.

I had done a deposition of the secretary of the state department and asked him why, with North Carolina having the second highest infant mortality rate in the country and no free health clinics available throughout the state, would the state choose not to accept the federal money and cover these unborn children. His answer was something to the effect of, "My wife didn't need any more money after she was married than before she was married." That was his answer to that question. We argued to this three-judge court that that was an irrational basis for making a policy decision that adversely affected thousands of people's lives in the state.

Unfortunately, the two judges other than Judge McMillan voted to deny our claim and Judge McMillan dissented with a very strong opinion. We appealed that decision to the Supreme Court of the United States and the court chose not to hear the appeal, as they have their power to decide which cases they will consider important enough to hear. They accept about one out of a hundred and ours was one of the ninety-nine they chose not to hear. By 1977, I think that that case had been declined for review by the Supreme Court. Two more years later, our lobbyist in the General Assembly, who was Leslie Winner, who's now the general counsel for UNC, I think by it was probably 1981, she was able to convince a couple of key legislators that it was irrational and damaging to not cover the unborn children. So through legislative action, we got the state to opt in to cover the unborn children.

As for *Alexander v. Hill*, the processing case, the state departments at the county level basically just seemed to not want to have enough competent staff to make the decisions in a timely manner. So similar to what happened in Harris and Kannon v. HUD, about every two years, we would keep monitoring their progress and find that they were not complying. We filed a motion for contempt of court in front of Judge McMillan and he decided that after three years of not coming into compliance, and in some counties, like Mecklenburg particularly was doing worse than better in many instances, he got mad enough to enter a new order that said for every single application that was pending over the deadline without good cause that was documented in the file, the county would have to pay a fine to the applicant in the amount of fifty dollars per week for every week the application was overdue without good cause.

The state appealed that decision the Fourth Circuit Court of Appeals and that appeal was heard in Durham, which is an unusual place for the Fourth Circuit. It usually doesn't sit in any place other than Richmond, but they had a panel in Durham. They heard the state's arguments there and completely dismissed them and upheld Judge McMillan three to zero. The state then petitioned the Supreme Court of the United States to review that decision and we wrote a brief in opposition to that petition. The Supremes declined to review the Fourth Circuit's decision that upheld Judge McMillan. I think that decision was made in 1979. So we had a permanent injunction that required all the decisions to be made within the federal time guide.

By then, the federal rule had been amended from thirty days to forty-five days, so they had fifteen more days to make the decision than when we started in 1974 and most of the counties still were not doing it. Then we would have a series of other motions in front of the court. There were so many creative ways that the state and some of the counties figured to

subvert their obligation. In many counties, they just started denying every application that had not been approved on the forty-fourth day so they would show no cases that were pending over forty-five days. And we would go into the counties and we would go through file drawers to see what had happened in those files and we would see hundreds of files where they didn't make a decision based upon anybody's being ineligible because they had too much money or they weren't cooperating by providing information necessary to finish the application. They would just deny every application that was still pending on the forty-fourth day that they couldn't otherwise approve, that they hadn't approved for some reason. When they were just overworked or hadn't gotten to it, they would just start denying people.

So we had to go back in and get supplemental orders to prohibit their denying people arbitrarily to avoid having the deadline come and being overdue and having to pay the fines. This went on for twenty-five years. After about the first seven years, I couldn't stand it anymore. I got out of it shortly after the Fourth Circuit decision. I was pretty much totally into housing work and doing this work with these neighborhood organizations and things like that, and doing legislative work.

I could not do the day-to-day guerrilla warfare, but I do remember this one thing. There was one county in the state that finally got its act together and consistently accepted people on the same day that they came to apply, which was another part of the order. They would process all the applications within the forty-five-day time limit. They wanted to be exempt from the fifty-dollar per week fines, because they just said, "Well, we're the only county that's doing well." This was Davie County.

So the attorney general made a motion before the court to exempt Davie County from the class action that covered all a hundred counties for the purposes of the fine. We had sort of

a lukewarm opposition to that. We thought, you know, if this county was really doing what it needed, it would never be fined and so there was no point in exempting them, so we sort of made kind of an offer to Davie County. We composed a song, "The Ballad of Davie County," and we offered to record that and have it played in their lobby to honor their compliance with the order and tendered that to Judge McMillan. In his opinion, which was printed in the *Federal Supplement*, he recited "The Ballad of Davie County" that we had offered and printed it in the court's opinion, but granted the state's motion and let them out. So we were able to get a little bit of humor in this otherwise terrible, seemingly endless struggle. It was a very difficult time.

ST: You don't remember any of the lyrics of the ballad, do you?

TF: Sure I do.

ST: Do you care to put those down for history?

TF: Well, I'll be glad to. I've got the printed opinion. I'll be glad to give it to you if you want to add that to the transcript [see copy enclosed with transcript].

ST: Sure, yeah, that'd be great. You're, of course, describing considerable hostility to the notion of welfare rights across the time you're working with this issue. Thinking broadly about the years you worked with this issue and beyond, how would you describe the level of popular and political support for the idea of welfare rights and any changes in that level of support?

TF: Well, within North Carolina, there was just virtually never any visible support for welfare recipients in any way that I ever saw. I mean, welfare was just generally unpopular and poor people were generally unpopular. I never quite realized the level of that hostility until I became an amateur lobbyist and went to the General Assembly to try to change all of those common law rules and negative rules about tenants that I was describing for you.

ST: Tell me a little bit about that experience lobbying on behalf of low-income tenants.

TF: Well, I still remember my first meeting with a very progressive Democratic representative in Mecklenburg County who had been one of the leaders in the women's political caucus and was a political science professor out at UNC-Charlotte. I told her about these rules, about the common law rule that entitled tenants to no repairs and the quick procedure for evicting people and how impossible it was to ever have a new trial and get it in front of a judge and so forth. I told her we wanted to try to get a bill that would give some minimum protections for tenants' rights and she said, "They won't vote for that." I said, "What do you mean?" She says, "Most of the people in the General Assembly are landlords and they're not going to tell you why they're going to vote against it, but that's the reason. You have no chance. You shouldn't even bother." That was 1975.

ST: Who was that?

TF: That was Louise Brennan. Well, given how bad things were in the courts and we had tried three different times to get the court of appeals to change the *caveat emptor* rule, that is amend the common law and adopt the modern day doctrine of the implied covenant of habitability or implied warranty of habitability, as they tend to call it, which every other appellate court in the country had accepted in the 1970s, but North Carolina rejected it three times. After the third time, one of the judges said, "And by the way, this is a matter for the legislature." So finally we decided even though it might be difficult to deal with the legislature, we weren't getting anywhere with the courts. So, in 1975, we tried to get a bill that would create this implied warranty of habitability and outlaw retaliatory evictions. The bill's sponsor for us in the House was Wade Smith, a lawyer from Raleigh. Wade Smith was a very

impressive guy. He had been a star athlete at UNC. He was very popular and the very idea that he was willing to carry this flag terrified the landlords' lobby for the Realtors' Association.

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ST: What do you think inspired Wade Smith to take up such an unpopular issue?

TF: He was just a good person and the rules were so grossly unfair that I think it just—he found it unconscionable that tenants could be required to pay the rent and have completely unsafe and unhealthy dwellings and not be able to do anything about it, and the one attempt people could make to do something about it, through the city inspectors, could be completely undercut by retaliatory evictions. So he was willing to try that and we came very close in 1975. I think we got it passed on the first reading and then it was defeated in the second reading, but it was very close.

The following year, I came back again and I decided I was going to just work full-time on it for the whole session, if it took four months. I just moved to Raleigh and I worked on it for four days a week. Wade Smith had dropped out of the legislature and this time we convinced Henry Frye to be the sponsor. Now he was one of only three African-Americans in the House out of a hundred and twenty, but the good thing about Henry was that he was smart and he was kind and he was fairly well-respected and he had been appointed chairman of the judiciary committee by Carl Stewart, the Speaker of the House. I think he realized that it was very difficult. He knew that two-thirds of the people in the legislature were probably landlords, but he realized that this was probably the single most important thing for African-American families in the state that he could deal with.

At that time, there were two other really, really hot issues going on in the General Assembly. One was the ERA [Equal Rights Amendment] and people were extremely excited about that. All the women's groups were working hard for it and many of those groups wanted to get the Landlord-Tenant Bill passed, because most of the tenants that were low-income were

female. So we would end up getting a lot of support from the political caucuses at the county level. They were already sort of activated around the ERA. The other interesting thing that was going on was the liquor-by-the-drink legislation. Prior to 1977, there had been no right for any restaurants or any retail establishments to sell alcohol. The only way you could get alcohol was to bring it to the restaurant and some of them would mix you a drink. You could bring your own alcohol, but they wouldn't sell you a drink for a bar, because there weren't any allowed in the state. The chambers of commerce were very actively supporting the legislation, and the Restaurant Association was supporting it.

Henry Frye and the two other black legislators finally realized that they and some of their allies could make the difference on whether or not liquor-by-the-drink would pass, because they'd have to have about ten or twelve urban votes to pass liquor-by-the-drink. Because the rural legislators were generally very much opposed to it and they were also opposed to the landlord-tenant bill. So the margin of difference for getting the landlord-tenant bill and liquor-by-the-drink was all in the metropolitan areas. So I think Henry and some of his allies finally figured out that they could find a way to support both if people would agree to support both. I think that was the key to getting the bill passed that created the implied warranty of habitability for the first time in 1977.

We got it passed on the Senate side by another just incredible quirk of circumstances. The lieutenant governor was Jimmy Green and he hated these tenants' rights bills. He had been the one that stopped it in the House side in 1975 and now he was lieutenant governor and he had Henry Frye's bill bottled up in a committee on the Senate side. But I found a lobbyist for the AARP [American Association of Retired Persons], who was this little old, retired professor from Wake Forest who was seventy-eight years old. I explained to her how important this

legislation was for elderly people. I had all of the census data from 1970 and a vast majority of elderly people lived in very low-income substandard housing in the state and none of them had any protection. She went in and saw Jimmy Green by herself and in fifteen minutes, she came out and said, "He's going to get the bill out." I said, "How in the world is he going to get the bill out?" She says, "Well, I had to explain to Mr. Green that if he didn't get the bill out, I was going to have to go on my TV program this Sunday and explain how he didn't care about the housing for any the elderly people in this state." The bill came out of the committee the next day and it passed. It was truly amazing.

ST: That was some skillful maneuvering on her part.

TF: It was brilliant on her part.

ST: Do you remember her name?

TF: I think it was Dr. Elizabeth Welch, I think was her name.

ST: Was Green himself a landlord?

TF: I think so, yeah. Tobacco warehouses was his main business, but I think he was a landlord too. So that passed in 1979. Then in 1977, we came back and got a new bill to outlaw retaliatory evictions and the key to that again was the Charlotte city council, because people like Harvey Gantt and Betty Chafin knew that their housing inspection program was completely thwarted by the imminent threat of retaliatory evictions, which created such a climate of fear that most of the tenants wouldn't let the inspectors into their houses. So they convinced Parks Helms, who was one of the legislators from Mecklenburg County, to sponsor the Retaliatory Eviction Defense Bill in 1979. He did a masterful job getting that passed. What that did is it disallowed evictions in response to tenants asking the landlords for repairs, tenants having inspections done by the city or health department, the city doing an inspection on its

own, tenants attempting to organize their own organizations, or tenants exercising their rights under the state statute or federal law. All five of those activities were protected from retaliatory eviction in this bill. It was one of the most far-reaching retaliatory eviction bills in the country. It was just wonderful.

That same year, Louise Brennan, that same legislator I was telling you about, was on Henry Frye's committee. No, this was 1977. She was on his judiciary committee and we had gotten Judge McMillan to declare the rule about all the procedural rules that kept tenants from doing appeals were unconstitutional: the requirement that they pay three months' rent in advance, the rule that if they did appeal and they lost, they'd have to pay the landlord double the amount that he claimed, I didn't tell you about that before, and then the third rule was that there was no grace period to not be evicted during the ten-day period you had to appeal after you lost in small claims court. Those three rules together were declared unconstitutional by Judge McMillan in 1976 in *Usher v. Waters Insurance and Realty Company*, which is on that list I gave you.

Then the Landlords' Association came back the next year in the General Assembly and tried to undo that decision by sponsoring a bill that would give the magistrates complete discretion to set any amount of bond they wanted. So it could be more than three months' rent if they wanted. That was assigned to Henry Frye's committee and Louise Brennan created a subcommittee and basically invited me to rewrite the bill. I sat down with the Realtors' Association and we worked out a whole new bill that enabled tenants to stay in possession by paying only the next week's rent in advance one at a time, or if it's a monthly rent, one month at a time. That became the law. So by 1979, all of those fundamental problems for tenants that

we had faced in 1974 had been completely changed as a combination of Judge McMillan's decision and three successful legislative bills.

ST: How did the passage of that legislation affect the type of clients you saw on a daily basis here at the Legal Aid office?

TF: Well, it mainly meant that we had so many new rights to protect people that it became somewhat known in the community that we could actually do something. Instead of just telling people they were out of luck and that they were going to lose and how quickly they were going to lose and how badly they were going to lose, we suddenly had all kinds of rights. We had the ability to stop retaliatory evictions, the ability to get repairs done, we had counter-claims to offset unpaid rent when people had lived in substandard conditions for long periods of time, and we were winning virtually every case, at least in district court. That success started to become known by people in the social services community, so we got more clients referred to us, because we had something useful to provide.

Part of what we did eventually was develop *pro se* pleading forms that people could take and fill out themselves and go to court on their own. We developed videos, which simulated trials, so people could watch that and learn how to present their own case. We've had plenty of tenants that used that and stopped their evictions in court, won judgments against their landlord. Then sort of the next level of what we did was start training volunteer lawyers to help tenants exercise these rights, too. So we've had a whole series of continuing legal education programs that we offer for private lawyers to learn about tenants' rights and remedies. Now we have a pretty good set of volunteer lawyers that help people.

Just three months ago, I gave a case to this lawyer who was a first-year lawyer, this is the first trial she had ever had. In that case, she stopped the eviction, she won a counter-claim

based on implied warranty of habitability, and an unfair trade practice, which trebled the amount of the claim. She won a fifty-five-thousand-dollar claim for her tenant and the judge awarded her attorney's fees of thirteen thousand dollars on top of the award for the client. That was a very happy first-year lawyer. She had a real strong sense of accomplishment and success. Unfortunately, I think her career peaked in her first year, but still that's a great adjunct to our services to have volunteers that will go and will spend fifteen to twenty hours doing that and protecting a consumer. That was a pretty strong case; there were some imminently dangerous conditions in that house. But if that same case had come to us in 1974, that tenant would have gotten no money, probably would have been out on the street in three weeks.

ST: Were there new issues that you started dealing with more in the 1980s that you had not dealt with in the 1970s, even as you continued the tenants' rights work?

TF: Well, there were different things that came up at different times. A lot of what happened in the 1980s was trying to expand some of the victories that we had achieved in litigation or in a legislative way to other parts of the state. When we had these new laws for tenants, in Mecklenburg County, it only took us maybe two to three years to educate the magistrates and the judges to be able to get them to actually follow the new law. While that was happening here, nothing was happening in Gaston County twenty-five miles away and nothing was happening in Cabarrus County. Down in the eastern part of the state, it was even more primitive than the counties contiguous to Mecklenburg. So a great deal of what we did in the 1980s and in the 1990s, frankly, was hiring and training lawyers to cover these other parts of the state outside of the three main metropolitan areas, and trying to get those lawyers to be able to educate judges and get clients with enough confidence to try to stand up for their rights. This was not just in housing and in welfare. It was also in the context of employment.

The changes in consumer law were equally as dramatic as in housing and welfare. In 1974, the consumer law was completely oriented towards the creditors. I still recall that furniture companies would create security agreements that would take a security interest in every single thing in a consumer's house. So they would go to the furniture company and they would try to buy a couch and the couch would cost five hundred dollars, or a dining room set. The security interest as collateral for the purchase in that loan would say that they were giving a security interest in the dishes, the other furniture, the TV, the pictures in their house, and they would waive their right to their constitutional exemption from judgments that would take all of their personal possessions. Whether that was lawful or not was tested in the North Carolina Supreme Court in a case that two of our lawyers handled. The Supreme Court said that it was okay for the consumer to waive her constitutional right to keep a minimum amount of her own personal property in one of these security agreements, and that security agreement enabled that creditor to take her picture of President Kennedy, Martin Luther King, and Robert Kennedy, and they took it out of her house to sell to satisfy their claim. It was that extreme.

ST: This was the mid-70s?

TF: This was in the middle 70s. Our response to that Supreme Court was to send two cracker-jack legal services lawyers to Raleigh to create new legislation for exemptions from judgments. It created the first statute that defined how people could make claims for their exemptions and they would have twenty days to make a claim for exempting their basic household goods and a certain amount of other personal property from execution of judgments. Until that time, people, again it was similar to the landlord-tenant law, they could be just totally wiped out by creditors. So I think we got that, that legislation was passed in 1979 also, to protect creditors from total, total wipeout through judgments in security interests.

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ST: You're describing a lot of victories that you had in the mid- to late 70s. Then in the late 80s, you became involved in more housing advocacy work. You were one of the founding board members, am I right, of the Charlotte-Mecklenburg Housing Partnership?

TF: That's right, yeah.

ST: What led you to become involved in that organization and how did you see at that point the various housing needs of Charlotte changing?

TF: Well, I think the reason I became involved in it was because it was going to be the politically acceptable vehicle to do more housing work than the Housing Authority of the City of Charlotte could be. I need to explain that. The Housing Authority of the City of Charlotte was just sort of an unpopular political entity, for lack of a better description. It had a huge inventory of housing that was beginning to deteriorate. It had leadership that was not very skillful and was not able to get any good support from the city council. Political support for low-income housing in the Congress was beginning to wane. The budget for HUD [Department of Housing and Urban Development] to support the ongoing operation of low-income housing was beginning to decline. It didn't matter which administration was there. HUD was pretty much the whipping boy of every administration. It was getting the worst treatment in all the budget fights and what that meant on the local level is that as the older public housing inventory began to deteriorate, nobody wanted to do anything about it.

The people on the city council were not willing to try to put a lot of local money into public housing and so I think a decision was made politically, and I don't know exactly how it was, but to create a new vehicle that would have some business components in it and some other leadership component, and that would try to leverage private money to put into housing

that would not have to be totally subsidized, either by the federal government or local governments. So I helped Betty Chafin, who was the key person trying to design this new vehicle, along with the person who was the assistant city manager at that time and later became the city manager, Pam Syfert. She was the other key player in the design of the Housing Partnership.

The political theory behind it was get some high-level executives from the banks, from Duke Power, from Piedmont Natural Gas, and a couple of ministers, and you'll have kind of a political Noah's Ark and they will have the credibility to borrow money, do partnerships with private developers, and draw down whatever kinds of federal money was available at that time. Well, about the only federal money that was available after we got operating was the federal low-income housing tax credit deals that were administered through the state department that got the allocation of federal tax credits. But my thought was if we had a vehicle for new housing that would be aimed mostly at first-time home buyers and then to some extent, working-class tenants, that that still was very helpful, because it was still filling a niche in the market that existed, that was pretty much vacant between the subsidized housing at the very bottom and the market rate middle-class rental housing was still completely out of reach for most very low-income tenants. People that were making the minimum wage, were living on disability, couldn't pay market-rate rent at that time, because market-rate rents were five hundred and fifty to six hundred dollars for a three-bedroom apartment. Most people that were our clients had ability to pay at about two hundred and fifty dollars, and so there was this gap of two hundred and fifty to three hundred dollars between what the market provided for decent housing and the ability of even the working-class lowest tenants could pay. So our theory was create a vehicle that can somewhat provide some housing in that gap using a variety of

resources, and because this was politically acceptable for the city, they were willing to put two million dollars a year into the budget that would then be used to leverage loans or try to match other capital, like from the federal tax credits.

Then the other aspect of this was it could become the development arm for attacking deteriorated neighborhoods that the Housing Authority wouldn't be able to do, wouldn't have the credibility to do. So one of the first projects we took on was the neighborhood adjacent to the Fairview Homes public housing development, this neighborhood that was considered to be probably the biggest drug infestation in the city of Charlotte. It was located between Interstate 77 and Fairview Homes. It was a relatively small, but intensely-populated, low-income, mostly rental property neighborhood.

ST: Is this Genesis Park?

TF: It became Genesis Park. What we did there essentially was go in and buy up the entire neighborhood and convert fourplexes or duplexes into single-family homes that would have four bedrooms and two bathrooms, instead of having two two-bedroom apartments next to each other. We tore down the worst properties and evicted the drug dealers and essentially remade a neighborhood that had been the biggest criminal thorn in the side of the city into a very upbeat, home ownership neighborhood where people could buy a new home with two thousand square feet for forty-eight thousand dollars. It was a huge bargain. Of course, it had to be a huge bargain to attract people. The only people that really were willing to do that were people who were tired of renting and not having any value for their monthly housing payment, no investment. Once you had a few pioneers that would do that and the city assigned community policing to this neighborhood, it was sort of the advent of that program at the same

time, that created the sense of security that I think, along with the bargain value, made it a successful project.

ST: The [Charlotte Mecklenburg Housing] Partnership was founded in '88, '89?

TF: Yeah, it started in 1988, but I don't think we hired Pat Garrett until 1989. She was the first director and the only director we've had.

ST: And the Genesis Park project was in the mid-90s that that was going on, is that correct?

TF: I think it started in the early 90s. It was one of the first things. The other neighborhood we did was ironically, the old Greenville urban renewal neighborhood that had been pretty much left dormant. Some of that land was vacant for twenty years after the urban renewal occurred, but we were able to get that property from the city for free and just built new houses with Bank of America Community Development Corporation, was the partner with that. They built beautiful houses, eighteen hundred square feet, for high forties or low fifties, a good bargain, half a mile from downtown.

ST: In 1999, when the *Charlotte Observer* did their series on the housing situation in the city, you at that time warned that Charlotte was becoming a "tale of two cities." What did you mean by that?

TF: Well, Charlotte had become one of these so-called Sun Belt success cities in the sense of suburban development, not totally suburban, but also in sort of a renaissance of the inner city too, with some of the high-end developments that were coming into near downtown or in downtown in Fourth Ward and in Third Ward, the reinvestment in Dilworth. You had great expansion of the three major banks and very successful attraction of other business. I think that Charlotte was perceived sort of on a national scale as being a very attractive place for

wealthy people. The growth pattern was to have mostly very wealthy people coming to the city and as new neighborhoods developed in the suburbs and became annexed into the city limits, it was mostly very affluent people that were coming here. But at the same time that was going on, the wage level for the unskilled laborers remained static. North Carolina had not increased its minimum wage in, I don't know, fifteen or twenty years. The AFDC levels were still very low, I think to try to encourage people to work. And the federal government had quit building any new public housing. There was no new public housing at all, period.

So what was going on was that we had a strata of people at the bottom, who were the disabled people or the people that were making the minimum wage, who really could not afford to live here, but they were still here. What has happened is that a lot of those people now are the hidden homeless people. What they have done, since they can't afford to rent their own house for six hundred dollars a month, is they join households. Sometimes you have one or two and even three families living in the same houses. You don't have families with children living out on the streets like you do in Calcutta. Instead, they don't live on the street, they live in other people's houses unknown to the host family's landlord, which creates a precarious situation.

ST: You mentioned the declining number of public housing units, or the federal government not building new units. You've worked with some folks who used to live in Piedmont Courts, is that right, or the Belmont neighborhood, or maybe both?

TF: Well, Piedmont Courts is in Belmont. That's another one of these developments that, that is one of the two original public housing developments. I think it was built about 1938. It was built, ironically, for white people. It was officially segregated when it was originally built. The Housing Authority had tried to do some renovations on that property in the 1980s, I think, to keep it from falling apart, but twenty years later, even those renovations had

pretty much worn out and the structures were not viable for any further rehab. So the Housing Authority applied for one of these federal grants under the Hope VI program, which is the latest incarnation of urban renewal, which is focused on destroying older public housing and doing some form of reuse of that land, which usually takes the form of mixed-use housing, most of which is not affordable to the original residents that are being displaced. This is, I think, the fourth Hope VI project for Charlotte and it may be the last one, because I think Congress is not even interested in continuing this program, even though it has the effect of demolishing a lot of unpopular public housing that's old. Even that doesn't seem to have very much support in Congress.

ST: What's been your sense of what's happened to the people displaced by the demolition of Piedmont Courts?

TF: Well, the real short answer is I don't know what's happened with them. I know that they have been offered other places and they've in fact relocated. Most of them, I believe, have gotten these portable Section 8 vouchers that have allowed them to rent private dwellings. I think that probably most of them feel like that's better than what they had before, because Piedmont Courts had become deteriorated and there were still some serious crime problems. Unfortunately, a lot of people just thought any other place would be better than having to live there, and for that reason, they haven't come to our office and complained. But somewhat to the credit of the Housing Authority, I think that out of the criticism that they receive from their handling of the first Hope VI project in Earle Village that was somewhat featured in that article in the paper, they have become a whole lot more sensitive to developing more feasible and likeable alternatives for the relocatees. I think some of them also did transfer to other public housing vacancies and I think they have promised to let people come back to the new

developments as long as they can qualify to be there, which means some of them will need to be able to work, and some of them may be able to do that. Some of them probably already have jobs, but whether they'll have jobs that will pay enough to be in the replacement housing, I think remains to be seen. But the Housing Authority, I think, did a much better job trying to accommodate the needs of the relocatees in Piedmont Courts as a result of some of the criticism they got before and also from having written a better plan this time, I think.

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ST: Just by way of summing up then, how would just describe the progress Charlotte has made in the time you've worked here and lived here, in terms of closing the gap between rich and poor?

TF: Well, I think that the severity of the conditions poor people lived in from the early 1970s and before, I think has certainly been ameliorated. I think that the quality of the housing now is so much better as a result of state law changes and also some amendments to the housing code, including the requirement that there actually be heating equipment in the houses. I think that the city inspection process has worked well. I think the landlord community has largely accepted the new responsibilities. What has not happened is there is any real improvement in the economic buying power of the lower-income community. The minimum wage has remained so low and the welfare payment level is so low and the disability compensations are so low, that the people at the lowest strata of the community can barely afford to live here. If they can get more income from any sources, they can do much better. I mean, I think there is a whole lot available in terms of amenities in housing and good places to live and work. This is not unique to Charlotte. It's true all over the state and all over the country. I think the economic trends show that. There's not much you can do tinkering with a local government and a local economy that will address that. That's sort of the new reality.

ST: If it can't be done on the local level, what do you think ultimately is going address this wage and income gap you're describing?

TF: I can't quite get a vision of that. I think it's going to be a crisis that will have to get to a certain proportion where people that have a political interest in fixing it will speak on behalf of the lowest-income strata. That is, enough employers will start to say, "We've got to

have more affordable housing because we can't have workers close enough to our places to operate what we have, what we need to fill with workers, and the workers are going to have enough skills to do what we do. So we're going to have to have enough educational training and enough competence from the school system to work. We're going to have to have enough income in the families so that the kids who come to school aren't coming ill-clothed and hungry." It's really the entire package of what it takes for people to survive and be successful at a decent level. They're all sort of inextricable from one another. People that make minimum wage now cannot afford decent homes, rental or ownership, without some other supplement. It just doesn't work. The North Carolina Justice Center has published some great studies that demonstrate how minimum wage will not buy half of what it takes to live and own a car and rent a home and feed and clothe people; it will not do that. I think as that phenomenon grows, it's going to create crises in other institutions that I think will force some change.

ST: What role do you see race playing in the crises that you're describing here?

TF: Well, I think that in the short run, it's the general perception that all poor people are people of color and that is somewhat of a hindrance, I think, to conservative-dominated legislatures at the state and federal level to want to address them. It's very unclear what impact this national crisis over immigrants and particularly Latinos will have on this. My thought is that how that is resolved will also impact the whole issue of minimum wages, health care provision, and funding of schools in a way that we've never seen before. It's extremely important that Mecklenburg County is now a predominately non-white school system. I'd say that it's very much up for grabs as to whether or not the upper-middle-class leadership in this community is going to continue to support and provide resources for the school system or abandon the school system, like what has happened in most of the metropolitan communities in

this country. I look at what happened in Mobile, where the middle-class leadership has abandoned the public school systems and you've got three school systems. You've got the private school system, the parochial school system, and the public school system, which is predominately black and poorly funded. If Charlotte-Mecklenburg goes to that level where they can't pass bonds for school expansion and they can't pay enough salaries to get good enough teachers to maintain order and decent scores for their students, I think it will deteriorate into essentially a second-class system that will not be redeemed.

ST: So in other words, we can sort of look to the schools to see where the rest of the city's health is?

TF: I think that's it a great barometer. Right now, the Chamber of Commerce in Charlotte is saying, "We need to go ahead and support the schools and maintain them, because companies, leaders that are considering Charlotte, want to know about whether the public school system is positive or not." As long as they still ask that and the Chamber of Commerce wants to attract more business to the community, then they see that as something that has to be addressed. But if it ever gets to the point where the whispering campaign says, "You can forget the public schools. Everybody of substance is going to go to private schools and it doesn't matter," then we will have completely institutionalized class strata in every way. I think because of what Judge McMillan did with the school system and the Supreme Court upholding it, we had a truly integrated school system where the upper-middle-class and the lower-class people had a common stake to make a school system work. That was probably the overarching point of contact for people of different races and classes here for thirty years. If that source of contact and common interest is lost, I think we will have an almost irreversible disconnect between the poor and the wealthy in this community.

ST: Well, I know that's an issue we could probably spend another hour at least talking about, but you've already been very generous with your time today. Was there anything that you had wanted to bring up that I haven't asked you?

TF: I don't think so. I think we've covered all the main points pretty well.

ST: Well, thanks so much for sharing your time with us.

TF: Glad to do it.

END OF INTERVIEW

Transcribed by Emily Baran. April 2006