Vol. XV, No. 16/April 22, 1997 FREE

STYLE WEEKLY

Upholding the ASHE LEGACY

Will Tom Cruise join Charlottesville GLITTERATI?

Summer conferences beckon WOULD-BE WRITERS

Henry McLaughlin is out to shatter stereotypes about the city's poor and homeless.

ICONOCLAST

voice of conscience

For Henry McLaughlin, there are no political expediencies or compromises, just

As Henry McLaughlin enters the conference room of The Historic District Hotel in downtown Richmond, he greets members of the Central Virginia Client Council, a consumer arm of the Central Virginia Legal Aid Society.

"Looky-here, looky-here," says McLaughlin as he put his arms around Lular R. Lucky and then Judith Budd, two long-time members of the group. "It's a sight for sore eyes to see you."

"Hi sweetie, how you doing?" the women respond.

At 6-feet-1, the 56-year-old McLaughlin towers over Lucky and Budd, a disparity he corrects by slouching his shoulders, pursing his lips and peering intently into their faces. Dressed in a rumpled white shirt, red tie and the pant half of a brown suit, McLaughlin stands jingling the coins in his pockets, talking easily in his Southside Virginia drawl.

His salt-and-pepper beard, wire-rimmed glasses and dark hair sprawled across his forehead give him a timeless appearance, as though he could have been a 19th-century patriarch instead of the only white man present in a room of African-American civic leaders.

Henry W. McLaughlin is executive director of the Central Virginia Legal Aid Society. He specializes in legal issues surrounding home foreclosures without bankruptcy, tenant-landlord disputes and advocacy for the homeless.

It is in this role that McLaughlin has earned his iconoclastic reputation. He works tirelessly to shatter myths and stereotypes that surround the city's poor and homeless by forcing city officials and citizens to acknowledge them and by standing in the way of any attempt to sweep them out of sight. In nearly every recent public debate involving the poor or disenfranchised of Richmond, McLaughlin stands out as an unbending, and sometimes unwelcome, voice of conscience.

by Rebecca Neale

PHOTOS BY STEPHEN SALPUKAS

one unswerving principle: Everyone deserves the same level of dignity and respect.

Today's meeting is a gathering of representatives of client councils from across the state who, under McLaughlin's direction, form an integral part of Legal Aid's outreach and volunteer efforts. They discuss the power local housing authorities have to evict families from their homes.

"If your children do something across town in another apartment, that family will be evicted," says Anna Bullock, a member of the Richmond Client Council. "If your child plays hooky while you are at work, how would you know? You can be evicted. I think this gives housing authority managers too much power."

McLaughlin agrees. "If a teen-ager gets into trouble, the housing authority will seek to evict the mother and her small children, even if there is no proof the mother knew anything about it," he says. "The attitude is, if the mother didn't know, she should have known. If there is a mother in Windsor Farms and her son gets into drugs, people feel sympathy for the mother. If there is sympathy for the mother in Windsor Farms, there should be sympathy for the mother in Whitcomb Court."

That is the simple message that McLaughlin wants the world to hear. Everyone deserves to be treated with the same level of dignity and respect. Income, places of residence and homelessness are mere accidents of fate that cannot erode that basic truth. And it is not a principle that can be compromised in the name of political expediency.

McLaughlin's admirers call him dedicated, committed, kindhearted, caring, tenacious and driven. Even his critics say they are exasperated admirers, respectful survivors of the gale force of McLaughlin's convictions.

Their words for McLaughlin are "uncompromising," "stubborn," "adversarial."

"Henry McLaughlin has stepped on toes — but Ralph Nader steps on toes," says Janice Fatzinger, executive director of Emergency Shelter Inc. and co-convener of the Greater Richmond Coalition for the Homeless. "If you believe passionately about something, feel strongly about protecting rights, you will step on toes. I grew up in the '60s, I was a young adult in the '70s, so I know what the hippie movement was all about. I know how impassioned people can get about issues. I see Henry as a little bit of a throwback — and I admire that."

The latest public policy battle to engage McLaughlin is whether the Daily Planet — which provides a variety of services for homeless people — will stay downtown at 302 W. Canal St., move to a new location (a site at 17th and O streets near the city jail has been proposed), or be divided into smaller service units and dispersed throughout the city when its lease expires at the end of the year.

The city is considering a change in zoning regulations that would restrict services to the homeless in B-4 zones, the only zones still remaining where homeless services can be provided by right without the need for special use permits. City officials, businesses, residents, homeless advocates and service providers disagree on the best solution to the Planet's dilemma.

McLaughlin is legal adviser and a founding member of ASWAN (A Society Without a Name), the advocacy group of and for the homeless. The group believes services should remain centralized downtown and opposes any changes to zoning regulations that would further restrict services to the

continued

BIO

Henry W. McLaughlin

Executive director, Central Virginia Legal Aid Society Inc.

Born: Sept. 30, 1940

Education: Halifax County High School, graduated 1958; B.A. English, Princeton University, 1962; LL.B., University of Virginia, 1966

Family: Married to Virginia Tyack. A son, Henry W. McLaughlin IV, 33, and a daughter, Virginia McLaughlin, 29

homeless. McLaughlin believes efforts to shunt the shelter to a remote site amounts to racial discrimination.

"We would do well as a community to look at issues of race," says McLaughlin, as he narrows his eyes and studies his listener. "In 1986, the homeless in Richmond were two-thirds white. In 1991, the homeless are 82 percent African-American." He points out that in 1969 the Daily Planet was placed among mostly white merchants, patrons and residents — near the Commonwealth Club and The Jefferson Hotel — when the homeless still had a white face.

McLaughlin refers with indignation to an anonymous offer made a year ago to give the Daily Planet $1 million to move to 17th and O streets.

"That site is under the Martin Luther King Bridge, in an isolated location in a majority African-American neighborhood," says McLaughlin. "I'm no expert on motives, but the effect of that offer would be to use public money, along with the donation, to move the Daily Planet from a majority white area to a majority black one."

McLaughlin compares Richmond's struggle to serve the homeless with efforts to desegregate schools in the 1950s and '60s. "Brown vs. Board of Education said that the 'separate-but-equal' doctrine does not work," says McLaughlin. "There is damage done if someone is told you go over there, or if we select a site for a homeless shelter where you are less visible. By its very nature that is a barrier to overcoming homelessness."

One person's segregation is another person's integration, says Gray Wyatt, who is in the midst of rebuilding Perly's Delicatessen Restaurant at 111 E. Grace St. after an April 10 fire gutted the downtown eatery. As president of the Downtown Neighborhood Association, Wyatt supports zoning changes to spread homeless services throughout the metropolitan area. "We're of the opinion services should not be segregated into one location at the Daily Planet, they should be more integrated into the community. Henry feels any attempt to move out of downtown is wrong."

Although Wyatt admires McLaughlin's passionate defense of his convictions, he says that same passion can sometimes be a stumbling block. For example, Wyatt pointed to a 1993 city land-use committee. "We had 14 meetings to look into the homeless issue and how it related to land use," he says. "When it became apparent something different needed to be done — to move the shelter or spread out services away from downtown — Henry dug in his heels and rallied support to produce a minority report.

"A consensus never came out of that group, which I feel has perpetuated our current situation of not coming up with a plan to deal with the homeless. I get frustrated. I feel we do need to move forward, and Henry can be uncompromising in that regard. He is a barrier — there are a host of barriers when it comes to this issue, and Henry is one of them."

It is not only the business community that differs sharply with McLaughlin on how to provide services to the homeless. "I have always believed that it is better to have services spread out around neighborhoods, not clustered in one place," says Fatzinger.

Even James Price, executive director of the Daily Planet, is more flexible than McLaughlin on the issue. "We don't mind reinventing the Daily Planet to look a little different," he says. "There are some services we could spin off that might make us a little more attractive to neighborhoods."

The Planet's board of directors has not ruled out moving to the controversial 17th Street site, an issue that has brought them in direct confrontation with McLaughlin. In an attempt to preempt such a move, in July 1996, McLaughlin filed a request for a civil rights investigation of the Daily Planet and the city with the Housing and Civil Enforcement Section, Civil Rights Division of the U. S. Department of Justice.

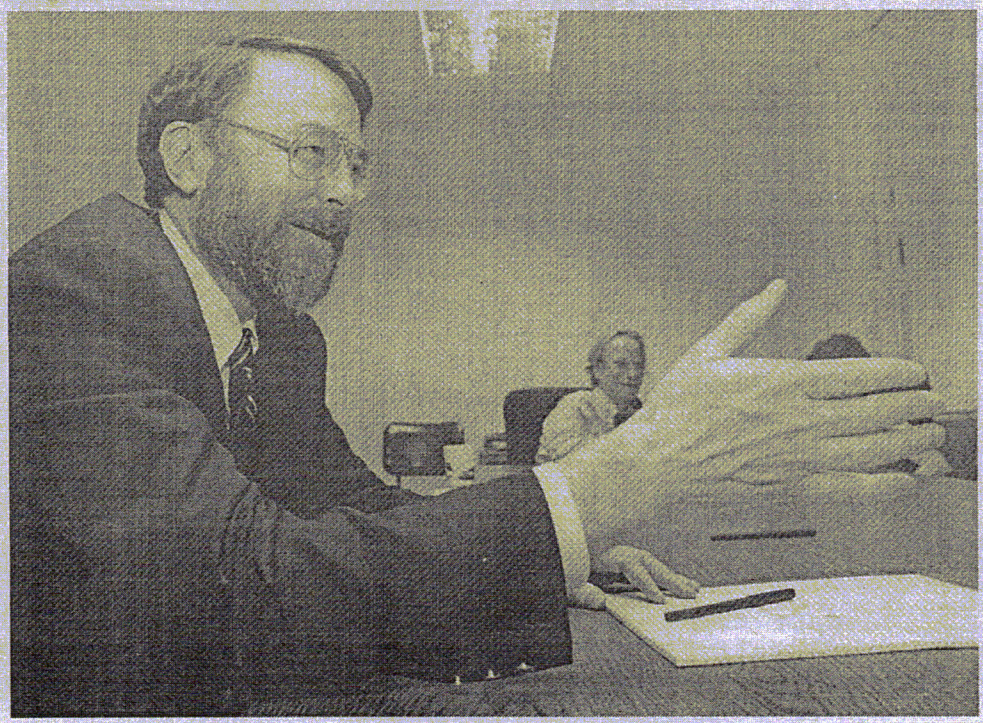
In the letter requesting the investigation, McLaughlin alleges that discrimination against the disabled and African Americans occurred "in certain plans, actions, and policies to steer selection of a long-term site for the Richmond Street Center away from Richmond's mainstream, away from its present majority white neighborhood, and away, in effect, from any majority white neighborhood."

McLaughlin would not comment on the request except to say no investigation has taken place.

"He doesn't mind stepping on any toes as long as he thinks he's doing the right thing for the homeless," says Price. "There is nobody who has any more tenacity than Mr. McLaughlin. He is a very strong advocate for the homeless, which means a lot to them. And it keeps us on our toes if we make a decision he feels is not in the best interest of the homeless."

McLaughlin sees the furor about the homeless as a "false conflict" that misses the point — the entire community benefits when it treats its poorest members as honorable citizens. In that, there is no room for compromise.

If there is sympathy for the mother in Windsor Farms, there should be sympathy for the mother in Whitcomb Court.



"There is so much concern shown here for the homeless," McLaughlin says. "Richmond has done such a good job — we are not that far away from a significant reduction in the number of our homeless. We don't have to accept homelessness as permanent. ... It certainly makes a difference when the community says, 'You are entitled to respect.' It costs nothing — you don't have to get a grant to do that."

He acknowledges the "overwhelming support" Richmond's corporate, religious and nonprofit communities have given the Daily Planet. "There are no bad guys here," he says.

"One thing is very important to remember about Henry," says City Councilman Timothy Kaine, who initiated the Homeless Service Task Force in November 1995 and who is married to Central Virginia Legal Aid managing attorney Anne Holton, now on leave of absence. "I've heard people criticize him for being unswerving, but if we have a matter on the council docket involving zoning changes to build a McDonald's or another commercial use of some kind, there is always a lawyer who comes down to represent the business.

"Nobody criticizes that lawyer for being unswerving and dedicated. Nobody expects that lawyer to advocate a balanced position that is not in the best interest of his client. It is the policy-makers' job to come up with compromise. It is a lawyer's job to advocate."

Voice of Conscience

McLaughlin's advocacy for the homeless does not stop at City Hall or in the courtroom. He has earned the gratitude and affection of those who live their lives on the streets, because he offers them his time, his friendship and rarest of all — his respect.

John Felts, a formerly homeless man and co-convener of ASWAN, speaks with pride about the accomplishments of his organization. ASWAN produces a newsletter and has representatives on the Daily Planet board and in the Greater Richmond Coalition for the Homeless.

"Now I feel like the homeless have a voice," says Felts, "that we are acted with, instead of acted upon."

Felts credits McLaughlin with much of ASWAN's success. "Henry is the one who boosted us and really got us going," he says. "He made us see the light and realize we can change circumstances, but we've got to do it ourselves. Henry is one of the most unique, powerful persons representing the homeless I've ever met. ... I look up to Henry like I'd look up to Booker T. Washington."

Booker T. Washington, Ralph Nader, Mother Teresa — McLaughlin routinely inspires such comparisons. He waves it all aside with impatience.

"I am a plumber," says McLaughlin. "I am a technician for Legal Aid who gets a good salary to represent the issues that the community says we should put our resources into. It is a mistake, and it is counterproductive to romanticize what I do. My job is to be a technician and do the work to articulate the interests of the poor and the rights of the homeless."

The Central Virginia Legal Aid Society is located at 101 W. Broad Street in the 101 West Building, which also houses the Richmond Free Press and the NAACP Community Resource Development Program. Although space is ample, decor is Spartan and slightly scuffed.

McLaughlin occupies a small corner office. The only window is small, high above the line of vision and shuttered against sunlight. Files and papers are stacked on all available surfaces, including the floor around his feet. Vying for space on a crowded table is a small photograph of his 33-year-old son, Henry W. McLaughlin IV, and his daughter, Virginia McLaughlin, 29. Here he speaks about his life with equal doses of courtly courtesy and brimstone intensity.

McLaughlin has worked with Legal Aid since February 1978 and has been executive director since March 1990. His life before Legal Aid included growing up in a liberal family in segregated Halifax County, attending Princeton University, where he majored in English and served as editor of the campus humor magazine, and working as a reporter in the Farmville bureau of the Richmond Times-Dispatch, where he covered the massive resistance to integration in Prince Edward County schools.

Voice of Conscience

After finding he could not support a family on a reporter's salary, he entered the University of Virginia Law School and graduated in 1966 to join his father's law practice in Halifax.

"Law was a better choice for me," McLaughlin says. "The job of a reporter is to be a witness to events. I'm better suited for involvement in issues."

In law school, McLaughlin continued working summers for the newspaper. When his 17-year-old sister was killed in an automobile accident, McLaughlin turned his grief into action by writing a series on automobile safety. He then tried his hand in politics, serving first as a foot soldier in George McGovern's 1972 drive to register black voters. A year later, he was appointed press secretary in Henry Howell's failed campaign for governor. In 1977, he served as a district chair for the Carter presidential campaign. But McLaughlin was unsettled by the lack of rules governing the political process. He returned with relief to the structured code of law he loves so well.

"I'm not sure people are good at talking about what they love," McLaughlin says as he stoops to find a file on the floor. Time and again, he abruptly retreats from talking about himself to focus on the people he admires, which includes almost everyone — his staff of eight attorneys who handle 3,500 to 5,000 cases a year; the private attorneys who last year donated services worth $470,000 to the Legal Aid office; the support staff who regularly work evenings and weekends without overtime pay; and his clients.

Central Virginia Legal Aid's director of operations, Jean F. Smith, describes McLaughlin as a man who works on behalf of his clients three days running without ever going to bed, then comes to the office and worries that his staff is working too hard.

"He's always asking if this person needs a better chair for her back, or if that person should take more time off for an illness," Smith says. "But just this week Henry worked all day and all night. I came in at 6:30 a.m. and he was still here. He was leaving to go to Virginia Beach to meet a client. Then he came right back at it and went to work. He never went to bed.

"He cannot stop. He says it's because the work is so rewarding and the need so great. I believe that he just can't say no. I'm concerned he doesn't seem to have a shut-off valve."

McLaughlin says he is free to work hard because he's been happily married to his second wife for 12 years, his children are grown, and he "doesn't do volunteer work." His long hours compensate for his disorganization, he says. It's a shortcoming that grieves him and one he tries to change; meanwhile, his employees and family work around his preoccupations.

"One day my sister and I were in the back seat of the car because Dad was driving us to the school bus," recalls McLaughlin's son. At the time, the family lived in Richmond while McLaughlin commuted to the law practice he shared with his father in Halifax.

"We were being loud and Dad said, 'You be quiet back there.' Well, we got quiet, and after awhile we got really quiet because we realized something was wrong when we kept driving and driving. Two hours later, we arrived in Halifax — Dad had forgotten to take us to the bus. So we had a great time spending the day in Halifax with our cousins."

Although McLaughlin considers this an embarrassing lapse of memory, the younger McLaughlin chalks it up to his father's "laser focus" on issues of work. "He was probably driving along thinking of a case he had that day," he says.

"Henry doesn't do much in his private life but sleep and work," says McLaughlin's wife, Virginia Tyack, an artist, potter and former social worker. "I once quoted something from H.G. Wells to Henry that said, If you find something important to do, stay with it until you end on the slag heap. I've been trying to back-pedal on that ever since." She laughs.

Later, talking over Caesar salads at TJ's in The Jefferson Hotel, the very private McLaughlin winces when asked what he is most proud of in his life. He responds softly that he is very proud of his son and daughter and his wife.

But as he begins telling the story of how he, Central Virginia Legal Aid attorney Anne Holton and former Richmond Tenants Organization president Alma Marie Barlow took on the Justice Department and the Department of Housing and Urban Development in 1990, his voice rises and his words gust like the March winds swirling outside.

"I got a call one night after a meeting of the Richmond Tenants Organization," McLaughlin begins. Tenants of the city's public housing had received fliers saying that if drug activity occurred in their homes, they could be evicted without notice. After calling the National Housing Law Project on a Thursday, McLaughlin learned that federal marshals planned a high-profile raid Monday on public housing complexes throughout the country to immediately evict families suspected of illegal drug activity.

The Central Virginia Legal Aid staff worked around the clock to halt what they considered a gross violation of public housing tenants' constitutional right to due process. Within 48 hours, Holton argued in federal district court the case for a class action suit against no-notice evictions. Legal Aid won a temporary national injunction then and later on appeal — "except in exigent circumstances" — they had stopped the raids before they began.

"I was proud of that," says McLaughlin quietly as he settles back in his chair.

"One of the remarkable things about that case was we later learned that lots of other liberal legal groups declined to be involved because it was too politically hot," says Holton. "Henry doesn't worry about the political consequences of something if he thinks he is doing the right thing. As it turns out, it was too hot. Congress just imposed very restrictive conditions on what legal services can do."

Holton refers to a 1996 appropriations bill that severely restricts Legal Aid activities as a condition for receiving federal funds. Among other restrictions, Legal Aid societies are prohibited from filing class-action lawsuits; lobbying any governmental body unless in response to a written request regarding legislation, policy or funding; providing advocacy training to others; participating in any litigation related to redistricting; or defending any person who has been charged with illegal drug distribution in an eviction proceeding from public housing.

"The reason behind it was a lot of rhetoric about Legal Aid protecting drug dealers in the past," says Holton. The congressional debate included pointed references to CVLAS' no-notice eviction case.

"Henry said, 'We weren't protecting drug dealers, we were protecting innocent people,'" Holton adds.

McLaughlin's work protecting the rights of the poor has not gone unnoticed by his peers. He received the Virginia State Bar Legal Aid Award in 1994, and in 1992, The Virginia Bar Association presented McLaughlin its Pro Bono Publico Award for working with the VBA to establish pro-bono hotlines staffed by volunteer attorneys in Legal Aid societies throughout the state.

"The way to think of Henry McLaughlin," says state bar association Executive Vice President Breck Arrington, "is that he has devoted his career and his life to the finest aspirations that exist in the legal profession — the life of public service. Plainly he could have made a lot more money, been more comfortable working in the private sector doing some good through pro bono work. Henry has walked the walk, not talked the talk. He absolutely personifies what the law can do for others and what a fine legal career can be.

"Sure, he has strong views about things that sometimes put him a little out of the mainstream. But if you want to be a change agent and explore further reaches, you have to be out of the mainstream from time to time. ...

"Henry," says Arrington, "is out where the action is." S

McLaughlin, who practiced law with his father in Halifax, pauses before a portrait of his great grandfather, Circuit Court Judge William R. Barksdale.

Central Virginia Legal Aid Society

CVLAS, a subsidiary of Legal Services Corp. of Virginia that receives federal, state and United Way funds, is mandated to provide free legal services to low-income clients and those older than 60. As the last stop for legal services for the poor, CVLAS is loath to turn anyone away. A staff of eight CVLAS attorneys and a cadre of pro-bono lawyers handled 3,500 cases in 1996.

As executive director of the Central Virginia Legal Aid Society, McLaughlin earns $73,000. (Starting salary for new attorneys there is $26,500.)

Annual budget: $1.2 million

Number of clients: 3,500 in 1996

Number of employees: 26