

Thurgood Marshall

(Biography—PART A)

First African American Supreme Court Justice/ Judge /Civil Rights Activist / Lawyer (1908–1993)

SOURCE (Part A): <https://www.biography.com/people/thurgood-marshall-9400241>

Thurgood Marshall was instrumental in ending legal segregation and became the first African-American justice of the Supreme Court.

Quote:

“There is very little truth in the old refrain that one cannot legislate equality.”

—Thurgood Marshall

Born on July 2, 1908, in Baltimore, Maryland, Thurgood Marshall studied law at Howard University. As counsel to the NAACP, he utilized the judiciary to champion equality for African Americans. In 1954, he won the *Brown v. Board of Education* case, in which the Supreme Court ended racial segregation in public schools. Marshall was appointed to the Supreme Court in 1967, and served for 24 years. He died in Maryland on January 24, 1993.



Thurgood Marshall was born on July 2, 1908, in Baltimore, Maryland. His father, William Marshall, the grandson of a slave, worked as a steward at an exclusive club. His mother, Norma, was a kindergarten teacher. One of William Marshall's favorite pastimes was to listen to cases at the local courthouse before returning home to rehash the lawyers' arguments with his sons. Thurgood Marshall later recalled, "Now you want to know how I got involved in law? I don't know. The nearest I can get is that my dad, my brother, and I had the most violent arguments you ever heard about anything. I guess we argued five out of seven nights at the dinner table."

Marshall attended Baltimore's Colored High and Training School (later renamed Frederick Douglass High School), where he was an above-average student and put his finely honed skills of argument to use as a star member of the debate team. The teenaged Marshall was also something of a mischievous troublemaker. His greatest high school accomplishment, memorizing the entire United States Constitution, was actually a teacher's punishment for misbehaving in class.

After graduating from high school in 1926, Marshall attended Lincoln University, a historically black college in Pennsylvania. There, he joined a remarkably distinguished student body that included Kwame Nkrumah, the future president of Ghana; Langston Hughes, the great poet; and Cab Calloway, the famous jazz singer.

After graduating from Lincoln with honors in 1930, Marshall applied to the University of Maryland Law School. Despite being overqualified academically, Marshall was rejected because of his race. This firsthand experience with discrimination in education made a lasting impression on Marshall and helped determine the future course of his career. Instead of Maryland, Marshall attended law school in Washington, D.C. at Howard University, another historically black school. The dean of Howard Law School at the time was the pioneering civil rights lawyer Charles Houston. Marshall quickly fell under the tutelage of Houston, a notorious disciplinarian and extraordinarily demanding professor. Marshall recalled of Houston, "He would not be satisfied until he went to a dance on the campus and found all of his students sitting around the wall reading law books instead of partying." Marshall graduated magna cum laude from Howard in 1933.

After graduating from law school, Marshall briefly attempted to establish his own practice in Baltimore, but without experience he failed to land any significant cases. In 1934, he began working for the Baltimore branch of the National Association for the Advancement of Colored People. In one of Marshall's first cases—which he argued alongside his mentor, Charles Houston—he defended another well-qualified undergraduate, Donald Murray, who like himself had been denied entrance to the University of Maryland Law School. Marshall and Houston won *Murray v. Pearson* in January 1936, the first in a long string of cases designed to undermine the legal basis for de jure racial segregation in the United States.

Later in 1936, Marshall moved to New York City to work full time as legal counsel for the NAACP. Over the following decades, Marshall argued and won a variety of cases to strike down many forms of legalized racism, helping to inspire the American Civil Rights Movement. Marshall's first victory before the Supreme Court came in



Chambers v. Florida (1940), in which he successfully defended four black men who had been convicted of murder on the basis of confessions coerced from them by police. Another crucial Supreme Court victory came in the 1944 case of *Smith v. Allwright*, in which the Court struck down the Democratic Party's use of whites-only primary elections in various Southern states.

However, the great achievement of Marshall's career as a civil-rights lawyer was his victory in the landmark 1954 Supreme Court case *Brown v. Board of Education of Topeka*. The class action lawsuit was filed on behalf of a group of black parents in Topeka, Kansas on behalf of their children forced to attend all-black segregated schools. Through *Brown v. Board*, one of the most important cases of the 20th century, Marshall challenged head-on the legal underpinning of racial segregation, the doctrine of "separate but equal" established by the 1896 Supreme Court case *Plessy v. Ferguson*.

On May 17, 1954, the Supreme Court unanimously ruled that "separate educational facilities are inherently unequal," and therefore racial segregation of public schools violated the equal protection clause of the 14th Amendment. While enforcement of the Court's ruling proved to be uneven and painfully slow, *Brown v. Board* provided the legal foundation, and much of the inspiration, for the American Civil Rights Movement that unfolded over the next decade. At the same time, the case established Marshall as one of the most successful and prominent lawyers in America.

Thurgood Marshall (July 2, 1908 - January 25, 1993) (Biography—PART B)

SOURCE (PART B): Gale Virtual Reference

INTRODUCTION (OVERVIEW)

Thurgood Marshall's long and illustrious career was capped by his 1967 nomination to the highest court in the land--the United States Supreme Court--where he became the first African-American to hold the coveted position of Supreme Court Justice. At fifty-nine, the son of a sleeping-car porter and the great-grandson of a slave became a sign of progress for many. He was viewed with the utmost respect for all of his years on the bench, retiring June 27, 1991. Marshall died at the age of eighty-four in 1993. He was laid in state in the Great Hall of the Supreme Court of the United States on the same bier where Abraham Lincoln once rested. Over 20,000 mourners paid their last respects to Justice Marshall.



Born in Baltimore, Maryland, on July 2, 1908, Marshall earned a B.A. degree from Lincoln University, hoping to become a dentist. He changed his mind, and instead went to Howard University's law school, graduating in 1933 at the top of his class. He immediately went into private practice in Baltimore, where he remained for five years.

With President Lyndon Baines Johnson who nominated him to the U.S. Supreme Court. (Looking on is Lady Bird Johnson)

In 1936, he entered into what was going to be a long and illustrious career with the NAACP, starting as an assistant special counsel, and eventually becoming director-counsel of the Legal Defense and Educational fund, a position he left in 1961. In 1938, as a national special counsel, he handled all cases involving the constitutional rights of African Americans. Then, in 1950, he was named director-counsel of the organization's eleven-year-old Legal Defense and Education Fund. In 1954, as part of an imposing team of lawyers, he played a key role in the now-historic Supreme Court decision on school desegregation, *Brown v. Board of Education*, which overruled the "separate but equal" doctrine in public education. He also figured prominently in such important cases as *Sweatt v. Painter* (requiring the admission of a qualified black student to the law school of Texas University) and *Smith v. Allwright* (establishing the right of Texas blacks to vote in Democratic primaries). Of the thirty-two cases that he argued before the Supreme Court, Marshall won twenty-nine.

Marshall was also known for his lifelong support of rights for women. Constance Baker Motley commented that Marshall hired her for a NAACP counsel position when virtually every other employer had turned her down. He also encouraged her when he argued cases before the Supreme Court, and made certain he pointed out other African-American women role models.

In 1961, Marshall became a federal circuit judge for the second circuit. In 1946, he was awarded the prestigious Springarn Medal for his many achievements. He had over twenty honorary degrees to his credit, including LL.D. honors from the University of Liberia in 1960, the University of Michigan in 1964, and University of Otago, in Dunedin, New Zealand, in 1968. Marshall was also the representative for the White House Conference on Youth and Children, and a member of the

National Bar Association. He was once sent by President John F. Kennedy to be a personal representative to the independence ceremonies of Sierra Leone.

BIOGRAPHY

United States Supreme Court Justice Thurgood Marshall built a distinguished career fighting for the cause of civil rights and equal opportunity. *Ebony* contributor Juan Williams calls Marshall "the most important Black man of this century--a man who rose higher than any Black person before him and who has had more effect on Black lives than any other person, Black or White." By the end of his tenure as Supreme Court Justice, Marshall stood alone as the Supreme Court's liberal conscience, the last impassioned spokesman for a left-wing view on such causes as affirmative action, abolishment of the death penalty, and due process.



Duke University professor John Hope Franklin told *Ebony*: "If you study the history of Marshall's career, the history of his rulings on the Supreme Court, even his dissents, you will understand that when he speaks, he is not speaking just for Black Americans but for Americans of all times. He reminds us constantly of the great promise this country has made of equality, and he reminds us that it has not been fulfilled. Through his life he has been a great watchdog, insisting that this nation live up to the Constitution."

Marshall's work on behalf of civil rights spans five and a half decades and includes the history-making *Brown vs. Board of Education* ruling that led to integration of the nation's public schools in 1954. As an attorney for the National Association for the Advancement of Colored People, Marshall fought to have blacks admitted to segregated state universities, challenged the armed services to offer equal treatment for black recruits, and even assured that blacks would have the right to serve on a jury. John Hope Franklin put it this way: "For Black people he holds special significance because it was Thurgood ... and a few others who told us we could get justice through interpretation of the law.... Marshall was at the head of these lawyers who told us to hold fast because they were going to get the law on our side. And they did."

Marshall was born in Baltimore, Maryland, in 1908, into modest but prosperous circumstances. His mother worked as a teacher in a segregated public elementary school, and his father was a steward at the staunchly all-white Gibson Island yacht club. Marshall's first name derives from a great-grandfather, Thoroughgood Marshall, who was brought to America from the Congo as a slave. Both of Thurgood Marshall's grandfathers owned grocery stores. The judge told *Ebony* that he rarely felt uncomfortable about his race while growing up in Baltimore. He lived in a nice home on

Druid Hill Avenue and played with children of both races. He described himself as a "mediocre" student and a "cutup," whose punishment was often to read the United States Constitution out loud. By the time he graduated from high school, he knew it by heart.

Planned to Study Medicine

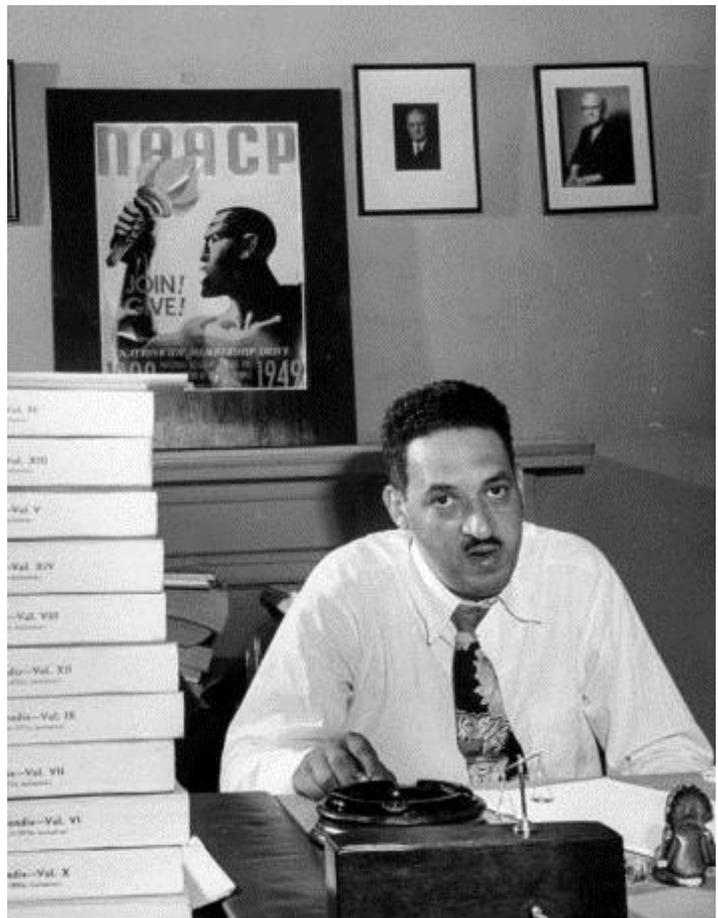
In September of 1925, Marshall became a student at Lincoln University, near Philadelphia. He originally intended to study medicine and dentistry, but he changed to the humanities and began to consider a career in law. Williams notes that in college Marshall still was something of a cutup--"he was thrown out of the college twice for fraternity pranks." During his junior year, however, he married a student from the University of Pennsylvania, Vivian Burey.

The relationship settled him down, and he graduated *cum laude* from Lincoln in 1930. From there he moved to Howard University in Washington, D.C., where he enrolled in the small, all-black law school. The course supervisor was Charles H. Houston, a demanding but inspiring instructor who instilled in his students a burning desire to change segregated society. Marshall graduated first in his class, earning his LL.B. in 1933. He was admitted to the Maryland Bar the same year.

Joined NAACP Staff

Returning to Baltimore, Marshall began working as a private practice lawyer. Williams noted, however, that the young lawyer "still made time for the fight against segregation. Representing the local NAACP, he negotiated with White store owners who sold to Blacks but would not hire them." Marshall also took the case of a would-be law student who wanted to attend the all-white University of Maryland law school. The case against the university was Marshall's first big one. His former professor came to town to help him argue it, and the judge gave them a favorable ruling. Soon thereafter, Marshall was invited to join the NAACP's national office in New York City as an assistant special counsel. Two years later, in 1938, he became the head special counsel for the powerful organization.

"For the next 20 years," Williams wrote, "[Marshall] traveled the country using the



Constitution to force state and federal courts to protect the rights of Black Americans. The work was dangerous, and Marshall frequently wondered if he might not end up dead or in the same jail holding those he was trying to defend." Marshall prepared cases against the University of Missouri and the University of Texas on behalf of black students. He petitioned the governor of Texas when a black was excluded from jury duty. During and after the Second World War, he was an outspoken opponent of the government detention of Japanese Americans, and in 1951 he investigated unfair court-martial practices aimed at blacks in the military in Korea and Japan. William H. Hastie, of the U.S. Third Circuit Court of Appeals, told the *New York Times*: "Certainly no lawyer, and practically no member of the bench has Thurgood Marshall's grasp of the doctrine of law as it affects civil rights."

Helped End [legalized] School Segregation

The limelight found Marshall in 1954, when he led the legal team that challenged public school segregation in the courts. The case advanced to the U.S. Supreme Court and resulted in a landmark ruling that ended a half-century of segregated schooling. Remembering those days when he worked on *Brown vs. Board of Education*, Marshall told *Ebony* that the Court's decision "probably did more than anything else to awaken the Negro from his apathy to demanding his right to equality." At the time, however, Marshall was an opponent of civil disobedience for blacks in the South, feeling that organized opposition might lead to white violence--as indeed it did.

Marshall's first wife died after a long illness in 1955. A year later, he married Cecilia Suyat, a secretary at the NAACP's New York office. The *Brown vs. Board of Education* ruling had made Marshall a national figure--he was known for some time as "Mr. Civil Rights"--and when

Democrats took control of the White House, the ambitious attorney let it be known that he wanted a judgeship.



Eventually, after much opposition from Southern senators and even from Robert Kennedy, Marshall was named to the 2nd U.S. Circuit Court of Appeals in 1961. As the civil rights movement gained ground in the 1960s, so did Marshall. In 1965 he was given the post of United States solicitor general, a position in which he represented the government before the Supreme Court. His most important case during these years was the one leading to the adoption of the Miranda rule, which requires policemen to inform suspects of their rights.

Named to Supreme Court

Against stiff opposition even in his own (Democratic) party, president Lyndon Johnson nominated Marshall to the Supreme Court in 1967. Marshall's

nomination was opposed most violently by four Southern senators on the Judiciary Committee, but nevertheless he was confirmed by a vote of 69 to 11. He was sworn in and took his seat on October 2, 1967, and he has been there ever since. Williams wrote: "Throughout his time on the court, Marshall has remained a strong advocate of individual rights.... He has remained a conscience on the bench, never wavering in his devotion to ending discrimination."

Marshall was known as the most tart-tongued member of the court. He was never reticent with his opinions, especially on matters affecting the civil rights agenda. Former justice William Brennan, long Marshall's liberal ally on the court, told *Ebony*: "The only time Thurgood may make people uncomfortable, and perhaps it's when they should be made uncomfortable, is when he'll take off in a given case that he thinks ... is another expression of racism."

It is therefore no surprise that judge Marshall was a vocal critic of both Ronald Reagan and George Bush. Few justices have been known to speak out on political matters, and for years Marshall himself refused to grant interviews. Even into late in his career, however, he was stung by court reversals on minority set-aside programs and affirmative action. In 1987 Marshall dismissed Reagan as "the bottom" in terms of his commitment to black Americans. He later told *Ebony*: "I wouldn't do the job of dogcatcher for Ronald Reagan." Last year Marshall heaped equal vitriol on the Bush administration after the president vetoed an important civil rights bill. The justice told *Newsweek* that the actions of Bush and Reagan reflect a return to the days "when we [blacks] really didn't have a chance."

Liberal Voice in Changing Court

The period when Republicans sat in the White House brought changes to the nation's Supreme Court. One by one, retiring judges were replaced with more conservative successors. For many years Marshall and Brennan teamed as the high court's true liberals, and Marshall was gravely disappointed when his colleague was forced to retire. Marshall remained the lone outspoken liberal on the nine-member court, and he was absolutely determined to hold his seat despite suffering heart attacks, pneumonia, blood clots, and glaucoma. "I have a lifetime appointment," Marshall told *Ebony*, "and I intend to serve it. I expect to die at 110, shot by a jealous husband." However, Marshall retired in 1991 and died in 1993 at the age of 84.



Before his death, Marshall and his wife lived near Washington, D.C. Their oldest son, Thurgood, Jr. is an attorney on Senator Edward Kennedy's Judiciary Committee staff. The younger son, John, is a Virginia state policeman. The Marshalls also have several grandchildren.

Sources:

Ebony, May 1990.

Newsweek, September 21, 1987; August 6, 1990.

New York Times, November 23, 1946; April 6, 1951.

People, July 7, 1986.

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