

Charles Hamilton Houston

(Biography—PART A)

Lawyer, Educator, Civil Rights Activist (1895–1950)

SOURCE (Part A): <https://www.biography.com/people/charles-h-houston-9344795>

Attorney Charles H. Houston helped create the legal precedents that led to the rejection of "separate but equal" schools for African Americans.

Quote:

"The hate and scorn showered on us Negro officers by our fellow Americans convinced me that there was no sense in my dying for a world ruled by them. I made up my mind that if I got through this war I would study law and use my time fighting for men who could not strike back."

—Charles H. Houston



Born in 1895 in Washington, D.C., Charles H. Houston's service in the segregated army during World War I inspired him to study law. He became the *Harvard Law Review's* first African-American editor, the vice dean of Howard University's law school and headed the NAACP's legal fight against "separate but equal" schools, which led to the Supreme Court's decision in *Brown v. Board of Education*. Houston died on April 22, 1950.

Charles Hamilton Houston, generally known as Charles H. Houston, was born on September 3, 1895, in Washington, D.C. In 1915, he graduated from Amherst College, where he was one of six valedictorians and a member of Phi Beta Kappa. He taught English at Howard University before joining the U.S. Army during World War I.

While serving in a segregated military unit, Houston saw that African-American service members were treated poorly, and could be convicted of crimes without any substantial evidence against them. Witnessing this unequal and unfair treatment made him decide to become a lawyer.

Houston attended Harvard Law School, where he became the first African-American editor of the *Harvard Law Review*. He graduated in 1922; the next year, he earned a Doctor of Juridical Science

(S.J.D.) degree from Harvard, another first for an African American. After studying in Spain at the University of Madrid, Houston returned to Washington to practice at his father's law firm, which became Houston and Houston.

In Washington, Houston also joined the faculty of Howard University's law school. There, he taught his students to look at the law as not just a static set of rules and regulations, but as a force that could be used to promote the rights of African Americans. Houston became vice dean of the law school in 1929. He also worked to help the school gain accreditation, which happened in 1931.

In 1935, Houston left Howard to work full-time as an attorney for the National Association for the Advancement of Colored People. At the NAACP, he designed a strategy of accumulating legal precedents against "separate but equal" education for African Americans. In one of Houston's most important cases, *Missouri ex rel. Gaines v. Canada* (1938), the Supreme Court ruled that it was not constitutional to give an African-American student funds to attend an out-of-state law school instead of granting him admittance to the only law school in the state.

Houston was joined at the NAACP by one of his top students from Howard, Thurgood Marshall. Health issues forced Houston to resign from the NAACP in 1940, but Marshall remained at the organization, overseeing its legal fight for civil rights. In 1954, Marshall won the court case of *Brown v. Board of Education*, whose ruling stated that segregated schools were unconstitutional. Marshall gave Houston credit for setting the organization on the right course to win the landmark case, saying, "We wouldn't have been anyplace if Charlie hadn't laid the groundwork for it."



U.S. Postage Stamp Honoring Charles Hamilton Houston and the Head of the NAACP, Walter White

Even after leaving the NAACP, Houston continued to work for improved rights for African Americans. In the 1944 cases of *Steele v. Louisville & Nashville Railroad Co.* and *Tunstall v. Brotherhood of Locomotive Firemen and Enginemen*, the Supreme Court ruled that railway unions needed to fairly represent African-American employees. In *Hurd v. Hodge* (1948), Houston won the court's agreement that race could not be a discriminatory factor in the use and sale of property.

Houston died at the age of 54 on April 22, 1950, in Washington, D.C. That same year, he was posthumously awarded the NAACP's Spingarn Medal, the organization's highest honor. The

Charles Hamilton Houston Institute for Race and Justice at Harvard Law School and the main building at Howard's law school, Charles Hamilton Houston Hall, were named in his honor.

Charles Hamilton Houston (September 3, 1895 - April 22, 1950)

(Biography—PART B)

SOURCE (PART B): Gale Virtual Reference

INTRODUCTION (OVERVIEW)

Charles Hamilton Houston was born in Washington, DC, on September 3, 1895. Finishing high school at the young age of fifteen, he went on to attend Amherst College and earned his A.B. from that institution in 1915, one of six valedictorians. He taught English briefly, then enlisted in the United States Army in 1917, and served in France and Germany until 1919. He attended Harvard Law School and became the first African-American editor of the *Harvard Law Review*. He received his LL.B. in 1922, and was at the top five percent of his class. He also became the first African-American to receive a S.J.D. from Harvard University in 1923. In 1923, he received a Sheldon Fellowship and studied civil law at the University of Madrid. He was admitted to the Washington, DC, bar in 1924.

Houston was in private practice with his father from 1924 to 1950. Between 1929 and 1935, he was vice dean of the school of law at Howard University. He was special counsel to the NAACP from 1935 to 1940, and a member of the national legal aid committee from 1940 to 1950. He served as the vice-president for the American Council on Race Relations from 1944 to 1950, and was a member of the President's Commission on Fair Employment Practice in 1944.

While with the NAACP, Houston teamed with the American Fund for Public Service to direct a program of legal action and education aimed at the elimination of segregation. Former student Thurgood Marshall served under Houston for several years. While in this position, Houston argued several cases before the United States Supreme Court, including *Missouri ex rel. Gaines v. Canada*. The court ruled that Missouri could not keep an African American from attending the white state law school because there was no such school for African-Americans. This ruling was a major blow to the separate but equal rule.

Historically, Houston's major impact was in his strengthening of Howard University's Law School, as well as his work in civil rights litigation. Much of the cases he argued were instrumental in setting precedents that were to be used in the historic *Brown v. Board of Education* and *Boling v. Sharpe* cases that were to outlaw racial segregation. In addition, he was a columnist for *The Afro-American*.

Houston died April 22, 1950, of a heart ailment and was buried in Lincoln Memorial Cemetery. Five Supreme Court justices attended his funeral. He received a great deal of recognition after his

death, including the Springarn Medal, awarded by the NAACP.

BIOGRAPHY

Charles Hamilton Houston, a groundbreaking lawyer and educator, is credited with having recognized in the 1930s that the incipient black civil rights movement would achieve its greatest and most lasting successes in the courtroom. Endowed with a legal mind celebrated for its precision, Houston believed that the U.S. Congress and state legislatures, mired in the politics of race and beholden to constituencies that might be reluctant to disavow institutional discrimination against blacks, were more likely to frustrate the advances sought by civil rights leaders. In Houston's eyes, the courts, as ostensibly apolitical forums, would be more responsive to sound, analytical, legal arguments elucidating the nature and consequences of Jim Crow laws--which



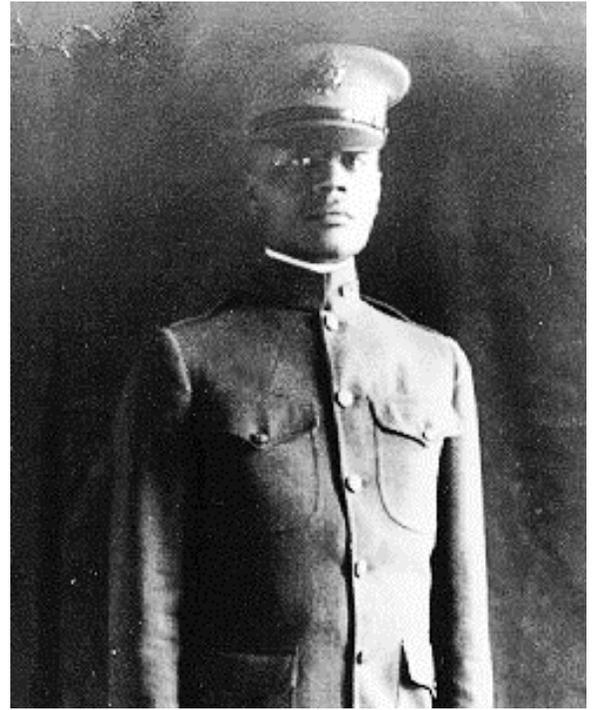
enforced discrimination against blacks after the Civil War--and state-sanctioned segregation.

Whether plotting strategy for the National Association for the Advancement of Colored People (NAACP), arguing cases before the U.S. Supreme Court, or retooling a second-rate law school into a first class institution that churned out generations of brilliant black lawyers, Houston helped focus politicians and courts in the United States on the patently unconstitutional foundation of racial inequality. Although he labored quietly and without self-promotion, his famous students and more flamboyant colleagues were

always quick to point out that he effectively laid the groundwork for many of the century's milestone court decisions that progressively undid the knot of legal discrimination in the United States.

Unlike the more prominent civil rights leaders of the twentieth century, Charles Hamilton Houston did not experience abject poverty or suffer the injurious tentacles of blatant discrimination as a child. He was born on September 3, 1895, in Washington, D.C., the only child of William, a lawyer,

educator, and future assistant U.S. attorney general, and Mary, a public school teacher who abandoned her career for hairdressing and sewing in order to provide additional money for the family. The Houstons revered education, surrounding young Charles with books and encouraging his prodigious intellect. Legend had it that Houston's grandfather, a Kentucky slave, constantly provoked the ire of his illiterate master by reading books that had been smuggled onto the plantation. Largely insulated from the ways in which society denigrated blacks--including inadequate housing, lower wages for doing the same work as whites, and racial violence--Charles Houston attended what was arguably the best all-black high school in the country, from which he graduated as class valedictorian in 1911.



In Uniform as a First World War Soldier

Excelled in School, Became Activist-Dean

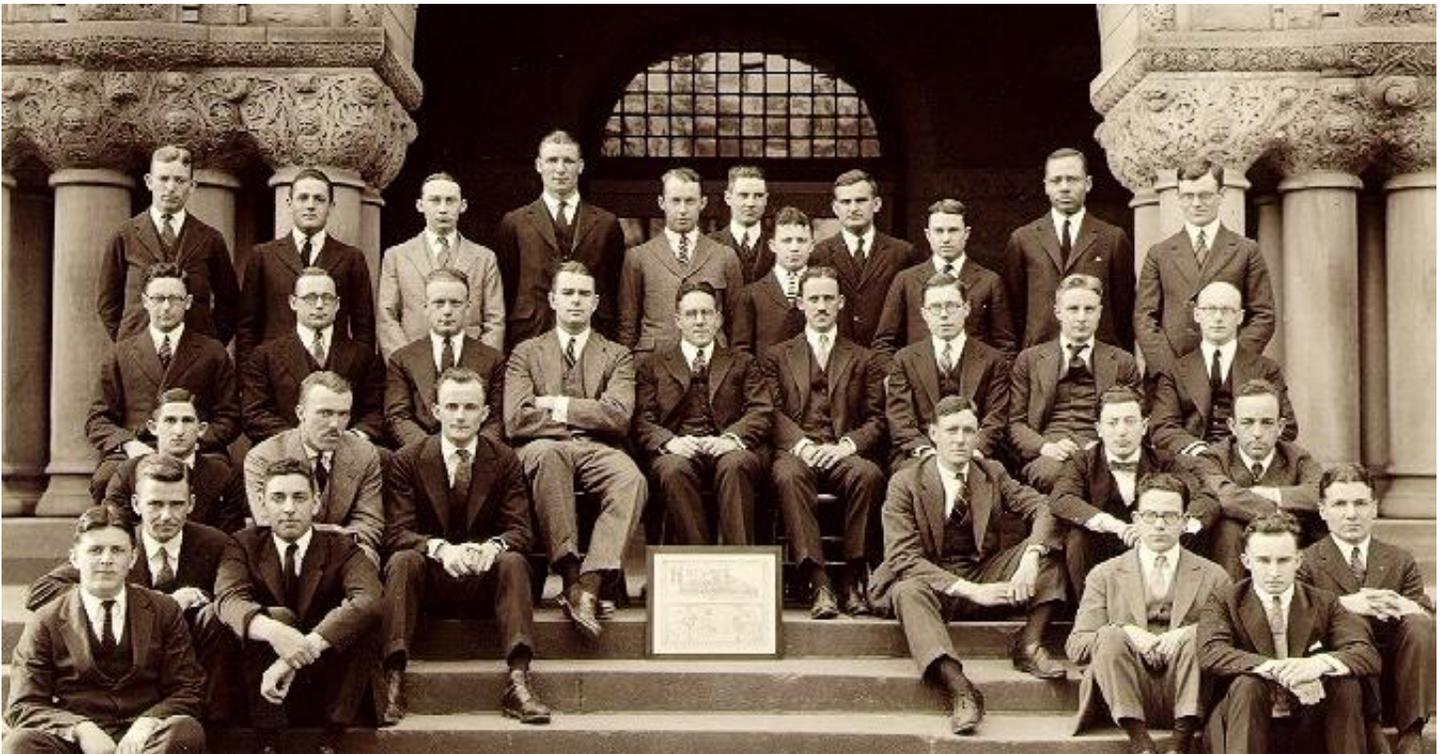
Houston enrolled at Amherst College in Massachusetts, where he was elected to Phi Beta Kappa and was one of six valedictorians in 1915. Determined to be a lawyer like his father, Houston taught English for a couple of years back in Washington in order to save enough money to attend Harvard Law School. With an ever-sharpening analytical eye, Houston saw his choice of career validated when, while teaching, he came to see that blacks had not advanced meaningfully in the past 20 years and were becoming increasingly victimized by segregation in the public and private sectors.

After serving in the army during World War I, Houston entered Harvard Law School, where his intellectual zeal and worldly curiosity found a home. Author Richard Kluger wrote in his 1976 book *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality*, "From the start, it was evident that [Houston] had a mind ideally contoured for a career at law. He relished the kind of abstract thinking needed to shape the building blocks of the law. He had a clarity of thought and grace of phraseology, a retentive brain, a doggedness for research, and a drive within him that few of his colleagues could match or understand."

After his first year, Houston was elected to the *Harvard Law Review*, a prestigious scholastic honor, and discovered a legal mentor in the eminent professor and future Supreme Court Justice Felix Frankfurter. Graduating with honors, Houston decided to obtain his doctorate degree in juridical science under Frankfurter, who taught his student not only the finer points of constitutional law but also the need to incorporate the lessons of history, economics, and sociology into a comprehensive, legalistic world view. These teachings, in combination with his own growing awareness of the second-class citizenship forced on blacks, forged in Houston the conviction of a

social activist and the strategic thinking of a lawyer who understood the power of law to effect social change.

Returning from a one-year fellowship at the University of Madrid in Spain, Houston practiced law with his father, an experience that exposed him to the minutiae of case preparation and provided courtroom opportunities for him to exercise his blossoming forensic talents. In 1929 Houston was appointed vice-dean at the Howard University School of Law, a black institution that, despite glaring weaknesses, had produced nearly all the distinguished black lawyers in the country for two generations after the Civil War. Recognizing the need for blacks to thoroughly understand constitutional law with an eye toward dismantling the legal basis of segregation, and for black students to have higher education institutions on a par with those available only to whites, Houston set about reconstituting the law school. He shut down the night school, from which his father had graduated, toughened admissions standards, improved the library and curriculum, and purged from the faculty those he believed were not tapping the intellectual potential of the next generation's black lawyers and leaders.



Houston as member of the 1923 Harvard Law Review Editorial Board. (Standing in the Last Row, Second from Right.)

By 1935, although there was still only one black lawyer for every 10,000 blacks in the country, Houston was optimistic. August Meier and Elliot Rudwick, writing in the *Journal of American History* in 1976, quoted Houston as saying at an NAACP convention, "The most hopeful sign about our legal defense is the ever-increasing number of young Negro lawyers, competent, conscientious, and courageous, who are anxious to pit themselves (without fee) against the forces of reaction and injustice.... The time is soon coming when the Negro will be able to rely on his own lawyers to give him every legal protection in every court."

Pursued Civil Rights as a Teacher and Lawyer

It was not only as an administrator that Houston advanced his cause. As a professor, he was empowered to directly shape the future of black law. His principal goal was to elucidate for his students--the future fighters for racial justice--the stark differences between the laws governing whites in American society and those governing blacks. In his book *Black Profiles*, George R. Metcalf wrote that Houston "called it making `social engineers.' He had become dean in 1929 with but one purpose: to make Howard, which was then second rate, a `West Point of Negro leadership' so that Negroes could gain equality by fighting segregation in the courts."

Of the students who braved Houston's intense mock court proceedings and military-style cerebral drillings, none would more successfully carry the torch that Houston had lit than Thurgood Marshall, who would ultimately be appointed to the Supreme Court. "First off, you thought he was a mean so-and-so," Marshall was quoted as saying in *Simple Justice*. "He used to tell us that doctors could bury their mistakes but lawyers couldn't. And he'd drive home to us that we would be competing not only with white lawyers but really well-trained white lawyers, so there just wasn't any point crying in our beer about being Negroes.... He made it clear to all of us that when we were done, we were expected to go out and do something with our lives."

In 1934 Houston was retained by the NAACP, then the dominant civil rights organ of the century, to chip away at segregation by leading a legal action campaign against racially biased funding of public education and discrimination in public transportation. One of his first cases, in which his legal artfulness was fully displayed, involved a black man from Maryland who wished to attend the University of Maryland Law School, the same school that years earlier had denied Thurgood Marshall admission on the grounds that he was black. Houston operated on the 1896 *Plessy v. Ferguson* Supreme Court decision, which validated separate but equal public education. University officials had told Donald Murray that because he was black he would not be admitted, but that he was qualified to attend Princess Anne Academy, a lackluster, all-black institution that was an extension of the university. Houston and Marshall set out to prove that Princess Anne Academy, without a law school or any other graduate programs, did not provide an education on a par with the University of Maryland, and therefore, the state had violated *Plessy*.

Houston and Marshall were victorious, not only in getting Murray into the University, but in showing that states that wanted to sustain separate but equal education had to face the onerous and expensive task of making black institutions qualitatively equal to white institutions. The courts, it



became clear, were going to carefully scrutinize the allegedly equal education in states hiding behind *Plessy*. Segregation took on an impractical quality to those who tried to defend it on moral grounds. In subsequent pioneering cases, Houston would further lead the attack on segregated education by using the testimony of psychologists and social scientists who claimed that black children suffered enormous and lasting mental anguish as a result of segregation in public schools and the societal ostracism of blacks.

Argued Against Discrimination Before Supreme Court

Houston's first case before the U.S. Supreme Court involved a black man named Jess Hollins who had been convicted of rape in Oklahoma by an all-white jury and sentenced to death. Brandishing arguments he had used before in lower courts, Houston claimed that because blacks historically had been denied jury placements in Sapulpa, Oklahoma, only on the basis of their race, black defendants could maintain that they had been denied due process under the law. The Supreme Court, citing one of its recent decisions, concurred. Houston became the first black to successfully represent the NAACP before the highest court in the land.

During his tenure at the NAACP, Houston was praised not only for his legalistic virtuosity but for his prescience in picking cases that would collectively help erode segregation in the country. In his second major Supreme Court victory, he succeeded in guaranteeing that an all-white firemen labor union fairly represent in collective bargaining black firemen excluded from the union. Houston also persuaded the court that racially restricted covenants on real estate--such as deeds prohibiting blacks from occupying a house--were unconstitutional. In 1945 he argued and won a case involving a black woman from Baltimore who, on the basis of her skin color, had been denied entry into a training class operated by a public library and funded by tax-payer dollars.

Always trying to expand the scope and appeal of the NAACP, Houston suggested the establishment of satellite offices on college campuses and advised the association's officials to attend conferences of religious leaders as a way of better accessing black communities. As a native Washingtonian with many political contacts, he was also expected to comment on the racial consequences of legislation that was being considered by Congress, where he frequently testified before legislative committees. In 1944 Houston was appointed to the Fair Employment Practices Committee, created to enforce integration in private industries, but quit 20 months later, decrying what he viewed as a transparent commitment to racial equality on the part of the administration of President Harry S. Truman.

Houston died in 1950, four years before his star pupil, Marshall, succeeded in arguing before the Supreme Court that the separate but equal defense of segregated education was unconstitutional. The precedent set in *Brown v. Board of Education* was the culmination of decades of legal challenges, many of which had been masterminded and implemented by Houston. Although his name never would be as widely known as others in the civil rights community, many lawyers and activists who worked with him, including Marshall, have never strayed from their belief that Charles Hamilton Houston was one of the early, unsung heroes of the assault on segregation. Richard Kluger quoted

Howard University Professor Charles Thompson in *Simple Justice* as saying, "[Houston] got less honor and remuneration than almost anyone else involved in this fight. He was a philanthropist without money."

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Additional information for this profile was obtained from papers housed at Howard University, Washington, D.C.

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