

Thurgood Marshall

Civil Rights Activist, Supreme Court Justice, Judge, Lawyer (1908–1993)

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

Thurgood Marshall was the first African-American to serve on the United States Supreme Court. He was also one of the most effective Civil Rights crusaders of the 20th Century.

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.

Early Life

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.

Murray v. Pearson

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.

Chambers v. Florida & Smith v. Allwright

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.

Brown v. Board of Education

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.

Circuit Court Judge & Solicitor General

In 1961, then-newly elected President John F. Kennedy appointed Thurgood Marshall as a judge for the U.S. Second Circuit Court of Appeals. Serving as a circuit court judge over the next four years, Marshall issued more than 100 decisions, none of which was overturned by the Supreme Court. Then, in 1965, Kennedy's successor, Lyndon B. Johnson, appointed Marshall to serve as the first black U.S. solicitor general, the attorney designated to argue on behalf of the federal government before the Supreme Court. During his two years as solicitor general, Marshall won 14 of the 19 cases that he argued before the Supreme Court.

Supreme Court Justice

Finally, in 1967, President Johnson nominated Marshall to serve on the bench before which he had successfully argued so many times before—the United States Supreme Court. On October 2, 1967, Marshall was sworn in as a Supreme Court justice, becoming the first African American to serve on the nation's highest court.

Marshall joined a liberal Supreme Court headed by Chief Justice Earl Warren, which aligned with Marshall's views on politics and the Constitution. As a Supreme Court justice, Marshall consistently supported rulings upholding a strong protection of individual rights and liberal interpretations of controversial social issues. He was part of the majority that ruled in favor of the right to abortion in the landmark 1973 case *Roe v. Wade*, among several other cases. In the 1972 case *Furman v. Georgia*, which led to a de facto moratorium on the death penalty, Marshall articulated his opinion that the death penalty was unconstitutional in all circumstances.

Throughout Marshall's 24-year tenure on the Court, Republican presidents appointed eight consecutive justices, and Marshall gradually became an isolated liberal member of an increasingly conservative Court. For the latter part of his time on the bench, Marshall was largely relegated to issuing strongly worded dissents, as the Court reinstated the death penalty and limited affirmative action measures and abortion rights. Marshall retired from the Supreme Court in 1991; Justice Clarence Thomas replaced him.

Death and Legacy

Thurgood Marshall died on January 24, 1993, at the age of 84.

Thurgood Marshall stands alongside Martin Luther King Jr. and Malcolm X as one of the greatest and most important figures of the American Civil Rights Movement. And although he may be the least popularly celebrated of the three, Marshall was arguably the most instrumental in the movement's achievements toward racial equality. Marshall's strategy of attacking racial inequality through the courts represented a third way of pursuing racial equality, more pragmatic than King's soaring rhetoric and less polemical than Malcolm X's strident separatism. In the aftermath of Marshall's death, an obituary read: "We make movies about Malcolm

X, we get a holiday to honor Dr. Martin Luther King, but every day we live with the legacy of Justice Thurgood Marshall."

Personal Life

Marshall married Vivian "Buster" Burey in 1929, and the couple remained married until her death in 1955. Shortly thereafter, Marshall married Cecilia Suyat, his secretary at the NAACP; they had two sons, Thurgood Jr. and John Marshall.