

Black History Report on Thurgood Marshall

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Thurgood Marshall was one of the most influential lawyers and judges in United States history. He became the first African American justice of the U.S. Supreme Court in 1967 and served until 1991. Before joining the Court, he built a national legal campaign against racial segregation as an attorney and leader of the NAACP Legal Defense and Educational Fund. The original report correctly emphasizes *Brown v. Board of Education*, Marshall's opposition to Jim Crow, his service as solicitor general, and his importance to Black history. It also contains several errors and low-quality sources. Marshall had two marriages, not "mirages"; his father encouraged debate but did not routinely turn dinner arguments into violence; and his legal philosophy cannot be reduced to setting formal law aside. Marshall used constitutional doctrine, facts, history, and practical consequences to expand equal citizenship and protect individual rights.

Early Life

Thurgood Marshall was born Thoroughgood Marshall on July 2, 1908, in Baltimore, Maryland. He later shortened his first name. His father, William Canfield Marshall, worked as a railroad porter and steward, while his mother, Norma Arica Williams Marshall, was a teacher. Family discussion encouraged him to analyze arguments and defend positions. Marshall later recalled that his father took him to observe court proceedings and challenged him to debate issues. These experiences contributed to his interest in law, but his career was also shaped by direct experience with racial segregation.

Education at Lincoln University

Marshall attended Lincoln University in Pennsylvania, a historically Black institution. His classmates and contemporaries included future leaders and artists. He was not initially the most disciplined student and participated actively in debate and campus life. During college, he married Vivian "Buster" Burey in 1929. His academic development and encounters with segregation helped direct him toward legal advocacy. Lincoln exposed him to intellectual arguments about race, leadership, and the responsibilities of educated professionals.

Exclusion From the University of Maryland

Marshall wanted legal training near his home, but the University of Maryland School of Law excluded Black students under segregation. He attended Howard University School of Law in Washington, D.C., graduating first in his class in 1933. The exclusion was personally significant and later influenced

litigation against Maryland's segregated educational system. Marshall's success at Howard demonstrates why segregated admissions could not be defended as neutral: talented Black students were denied access because of race, not qualification.

Charles Hamilton Houston

At Howard, Marshall studied under Charles Hamilton Houston, the law school's vice dean and a major architect of the legal strategy against segregation. Houston trained students to treat law as an instrument of social change and demanded rigorous preparation. He taught that lawyers should document inequality, develop precedent gradually, and connect constitutional argument with facts about institutions. Marshall carried this method into decades of litigation. His courtroom confidence rested on detailed records and strategic planning rather than charisma alone.

Beginning a Legal Career

Marshall opened a law practice in Baltimore during the Great Depression and represented clients who often lacked resources. He became involved with the NAACP and challenged discrimination in education and criminal justice. Early work required travel, fundraising, investigation, and personal risk. Civil-rights lawyers operating in segregated communities faced threats and hostility, while their clients risked employment, housing, and safety. Marshall's later national reputation grew from years of local and regional work.

Murray v. Pearson

One of Marshall's early victories was *Murray v. Pearson*, a Maryland case challenging the exclusion of Donald Gaines Murray from the University of Maryland School of Law. Marshall worked with Houston to argue that the state could not satisfy equal-protection obligations by sending Black students elsewhere when it maintained a law school for White students. Maryland courts ordered Murray's admission in 1935. The case had personal meaning and helped demonstrate a strategy of forcing states either to create genuinely equal institutions or abandon exclusion.

NAACP Legal Work

Marshall joined the NAACP's legal staff and became special counsel. In 1940, he became director-counsel of the newly created NAACP Legal Defense and Educational Fund, which later became a separate organization. He supervised lawyers, selected cases, raised money, traveled throughout the country, and developed constitutional challenges. The legal campaign addressed voting, housing, criminal procedure, higher education, public schools, and unequal pay. Marshall argued numerous cases before the Supreme Court and won most of them.

Voting Rights

In *Smith v. Allwright* (1944), the Supreme Court struck down Texas's White primary system. Because the Democratic primary effectively determined officeholders in much of the one-party South, excluding Black voters denied meaningful political participation. The decision weakened a major mechanism of disfranchisement, although intimidation, registration barriers, and violence continued. Marshall's voting-rights work showed that formal constitutional rights require access to the institutions where political power is actually decided.

Housing Segregation

Marshall participated in *Shelley v. Kraemer* (1948), in which the Supreme Court held that courts could not enforce racially restrictive housing covenants. Private parties had used covenants to prevent property from being occupied by people of particular races. The decision did not eliminate residential segregation, which continued through lending, zoning, violence, real-estate practices, and public policy. It established that judicial enforcement of racial exclusion constituted state action inconsistent with equal protection.

Higher Education Cases

Before directly attacking segregated public schools, the NAACP litigation campaign challenged inequality in graduate and professional education. In *Sweatt v. Painter* (1950), the Supreme Court ruled that a separate law school created for Black students in Texas was not equal to the University of Texas because equality included reputation, faculty, alumni, interaction, and other intangible qualities. In *McLaurin v. Oklahoma State Regents* (1950), the Court rejected internal segregation imposed on a Black graduate student. These decisions weakened the legal foundation of "separate but equal."

Brown v. Board of Education

Marshall is best known for leading the legal team in *Brown v. Board of Education*. The consolidated cases challenged public-school segregation in several jurisdictions. In 1954, the Supreme Court unanimously held that separate educational facilities are inherently unequal and violate the Equal Protection Clause. The decision rejected segregation in public education even where states claimed physical facilities were comparable. It was a constitutional and moral landmark, but it did not produce immediate integration.

The Evidence and Argument in *Brown*

The legal team used constitutional history, precedent, educational evidence, and social-science material to show that segregation imposed inequality and stigma. The decision's famous language concerning the effect of separation has generated debate about the role of social science, but the constitutional claim did not depend only on one psychological study. State-enforced racial classification denied equal citizenship. Marshall's strategy combined doctrinal development from earlier cases with a direct challenge to the institution itself.

Brown II and Resistance

In 1955, the Supreme Court directed desegregation to proceed with "all deliberate speed." The phrase allowed delay, and many states organized massive resistance, closed schools, or used assignment plans to preserve separation. Federal courts and civil-rights activists spent years enforcing the decision. The gap between legal victory and practical change reveals both the power and limits of litigation. Marshall knew that a court judgment required political action, administration, and community courage.

Danger and Personal Courage

Marshall traveled in the Jim Crow South while investigating cases and representing Black defendants. He faced threats and narrowly avoided violence. His work required strategic awareness because local law enforcement and officials could be hostile. Personal courage should not be romanticized in a way that hides the contributions of clients, local lawyers, activists, witnesses, and families who took equal or greater risks. Civil-rights litigation was a collective project.

Criminal Justice Cases

Marshall represented defendants in cases involving coerced confessions, racially discriminatory juries, and wrongful accusations. The legal system frequently denied Black defendants fair investigation and representation. These experiences influenced his later concern with criminal procedure and the death penalty. He understood that formal rules can fail when police, prosecutors, juries, and courts operate within racial hierarchy. Equal justice required enforceable safeguards.

Federal Judge

President John F. Kennedy nominated Marshall to the U.S. Court of Appeals for the Second Circuit in 1961. Senate opposition delayed confirmation, and he initially served through a recess appointment.

As an appellate judge, he decided cases rather than acting as a civil-rights advocate. His judicial service demonstrated professional range and provided experience within the federal judiciary. He served until 1965.

Solicitor General

President Lyndon B. Johnson appointed Marshall solicitor general in 1965. The solicitor general represents the United States before the Supreme Court and helps determine federal appellate positions. Marshall became the first African American to hold the office. He argued cases on behalf of the government and reportedly won a large majority. The role required him to represent national interests beyond the civil-rights cases most associated with his career.

Appointment to the Supreme Court

Johnson nominated Marshall to the Supreme Court in 1967, and the Senate confirmed him. He became the first African American justice in the Court's history. The appointment had profound symbolic importance, but Marshall was not selected only as a symbol. He had extensive Supreme Court advocacy, appellate judging, administrative leadership, and constitutional expertise. He served for twenty-four years and retired in 1991.

Judicial Philosophy

Marshall's jurisprudence emphasized the Constitution as a protector of individuals and minorities against unjust government action. He paid close attention to practical consequences and historical exclusion. This did not mean ignoring legal formality. He used text, precedent, constitutional structure, records, and principle. His dissents often argued that formal neutrality can preserve inequality when law overlooks how power operates. He also believed that constitutional meaning developed through struggle rather than being perfectly completed at the founding.

Equal Protection

Marshall remained a strong defender of racial equality and affirmative measures intended to address exclusion. He rejected the view that the Equal Protection Clause requires government to treat remedial and oppressive racial classifications as morally identical. His opinions reflected the experience of litigating against laws that claimed order or local choice while imposing caste. He also supported equality claims involving gender, poverty, and access to institutions, although the Court did not always adopt his position.

Criminal Procedure

Marshall supported constitutional safeguards for people accused or convicted of crime, including fair counsel, limits on unlawful searches, and meaningful review. Critics sometimes described such positions as favoring criminals, but procedural rights limit government error and abuse. Marshall's earlier cases taught him that innocent people and marginalized defendants can be convicted through coercion or prejudice. Due process protects the legitimacy of the justice system as well as the individual.

The Death Penalty

Marshall concluded that capital punishment violated the Constitution. In *Furman v. Georgia* (1972), he joined the majority invalidating existing death-penalty systems because of arbitrary application. When revised statutes were upheld in *Gregg v. Georgia* (1976), Marshall dissented and maintained his opposition. He argued that the penalty was excessive, unreliable, and inconsistent with human dignity. His position was shaped by racial disparities, irreversible error, and the absence of demonstrated necessity.

The “Marshall Hypothesis”

Marshall argued that if the public knew the facts about capital punishment, many would find it morally unacceptable. This idea became known as the Marshall hypothesis. It reflects his belief that democratic judgment should be informed rather than based on fear or myth. Research has debated whether greater information changes attitudes consistently. The hypothesis remains an important example of how facts and values interact in constitutional argument.

Privacy and Individual Freedom

Marshall supported privacy and autonomy in areas involving family and reproduction. He viewed constitutional liberty as protection against intrusive state control, particularly where restrictions burdened people with limited political power. His opinions connected equality and liberty rather than treating them as unrelated categories. Individual freedom meant little if access depended entirely on wealth or social status.

Education

Although *Brown* defined his advocacy career, Marshall's concern with educational equality continued on the Court. He understood schools as gateways to citizenship and opportunity. He was skeptical of

systems that allowed district lines, finance rules, or local decisions to reproduce racial and economic separation. The Court's later retreat from some integration remedies frustrated him because he believed legal doctrine was becoming detached from the reality of segregated education.

Dissent

As the Court became more conservative, Marshall increasingly wrote dissents. Dissent does not make a justice legally victorious in the immediate case, but it records an alternative interpretation for future courts, scholars, and citizens. Marshall's dissents combined doctrinal criticism with attention to people affected by the ruling. He often reminded colleagues that abstract rules operate in unequal social conditions. His willingness to dissent became part of his legacy.

The Bicentennial Speech

In a 1987 speech marking the Constitution's bicentennial, Marshall rejected the idea that the original Constitution was perfect. He emphasized that it tolerated slavery and excluded much of the population from political power. The Constitution worthy of celebration, he argued, emerged through civil war, amendments, court decisions, and movements that made its promises more inclusive. This was not rejection of the Constitution; it was a historical account of constitutional development.

Personal Life

Marshall's first wife, Vivian Burey Marshall, died in 1955. Later that year, he married Cecilia "Cissy" Suyat, who had worked at the NAACP. They had two sons, Thurgood Marshall Jr. and John W. Marshall. Public biography should describe these relationships accurately and respectfully. Marshall's family lived with the demands and risks of a career involving extensive travel, public controversy, and government service.

Personality and Storytelling

Marshall was known for humor, storytelling, confidence, and an ability to make legal issues vivid. These traits supported advocacy but should not replace analysis of his work. Accounts of his warmth coexist with descriptions of rigorous expectations for colleagues and clerks. He understood narrative as part of law because facts about human life shape how constitutional principles are applied. His stories often exposed the distance between official claims and lived reality.

Retirement and Death

Marshall retired from the Supreme Court in 1991 because of declining health. He died on January 24, 1993. His replacement by Justice Clarence Thomas highlighted significant differences in legal philosophy despite the shared historical fact of African American membership on the Court. Marshall's influence continued through precedent, institutions, former clerks, legal education, and civil-rights advocacy.

Legacy in Black History

Marshall occupies a central place in Black history because he converted constitutional promises into legal tools against segregation and disfranchisement. He did not act alone, and his victories depended on communities that challenged local systems. His career illustrates how Black institutions such as Howard University and the NAACP developed national legal leadership despite exclusion from White institutions. His appointment to the Supreme Court represented both individual achievement and collective struggle.

Legacy in American Law

Marshall's significance extends beyond race. He shaped voting rights, education, housing, criminal justice, capital punishment, privacy, and access to courts. His career connected advocacy, judging, and government representation. He demonstrated that practical knowledge of inequality can deepen constitutional interpretation. The law's legitimacy depends not only on formal language but on whether institutions protect people who lack political power.

A More Accurate View of Heroism

Calling Marshall a living legend or role model captures admiration but can make success seem inevitable. He experienced exclusion, financial difficulty, hostile courts, threats, and political opposition. Legal victories often produced resistance and delay. His importance lies not in a flawless personality but in disciplined preparation, strategic collaboration, courage, and sustained commitment. Historical study should preserve complexity rather than replace evidence with praise.

Conclusion

Thurgood Marshall transformed American law through a career that moved from segregated Baltimore to Howard University, NAACP litigation, the federal bench, the solicitor general's office, and the Supreme Court. He helped dismantle legal segregation through cases involving education, voting,

and housing, culminating in *Brown v. Board of Education*. As a justice, he defended equality, due process, privacy, and human dignity and opposed the death penalty. He was the first African American Supreme Court justice, but his significance rests on far more than being first. Marshall showed how careful legal strategy and constitutional principle can challenge institutions that present inequality as tradition. His legacy belongs to Black history and to the continuing American struggle to make equal justice real.

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