

Thurgood Marshall

Baltimore · Lincoln University · Howard Law · New York (LDF) · Washington, D.C. (U.S. Supreme Court)

In Sixty Seconds

Origins. Thurgood Marshall was born July 2, 1908, in Baltimore, Maryland, to Norma Williams, a schoolteacher, and William Marshall, a railroad porter and steward at the Gibson Island Club. By the second grade he had shortened his first name to Thurgood. He graduated from Frederick Douglass High School in 1925 and Lincoln University with honors in 1930. He applied to the University of Maryland School of Law. They refused to admit him because he was Black.

Work. Howard University School of Law, first in the class of 1933, trained by Dean Charles Hamilton Houston. Private practice in Baltimore, 1933 to 1936. NAACP Legal Defense Fund, 1936 to 1961, its founding director-counsel. Twenty-nine of thirty-two cases won before the U.S. Supreme Court. U.S. Court of Appeals for the Second Circuit, 1961 to 1965. Solicitor General of the United States, 1965 to 1967. Associate Justice of the U.S. Supreme Court, October 2, 1967 to October 1, 1991.

Impact. He argued *Smith v. Allwright* (1944), which ended the white primary. *Shelley v. Kraemer* (1948), which ended court enforcement of racially restrictive housing covenants. *Sweatt v. Painter* and *McLaurin v. Oklahoma State Regents* (1950), which cracked segregation in graduate education. *Brown v. Board of Education* (1954), which ended separate-but-equal. On the bench he wrote the majority opinions in *Stanley v. Georgia* (1969) and *Bounds v. Smith* (1977), and dissents that became law.

Legacy. The Thurgood Marshall College Fund, founded in 1987, funds students at forty-seven publicly supported HBCUs. Baltimore/Washington International Thurgood Marshall Airport is named for him. Thurgood Marshall College at UC San Diego. Dozens of schools and courthouses in his name. Every Black attorney sworn to practice after 1954 stands on legal ground he cleared.

The Network

Charles Hamilton Houston

Mentor and architect. Dean of Howard Law School, 1929 to 1935. First Black editor of the *Harvard Law Review*. The legal strategist behind the NAACP's long war on segregated education. Known in the field as the man who killed Jim Crow. Marshall's professor, then his first boss, then his partner. Died in 1950, four years before *Brown*.

Robert L. Carter

LDF attorney. General counsel of the NAACP and author of the social-science brief in *Brown*. Won *Brown* itself at the district court level in Topeka and worked the case through to the Supreme Court. Later a U.S. District Judge for the Southern District of New York.

Constance Baker Motley

LDF co-counsel. Joined the LDF in 1945 as a law clerk, became associate counsel by 1949. Co-wrote the *Brown* briefs and argued ten of her own cases before the Supreme Court, winning nine. Later the first Black woman appointed to the federal bench, 1966.

Jack Greenberg

LDF co-counsel and successor. One of the few white attorneys on the LDF's *Brown* team. Co-wrote the Delaware briefs. Succeeded Marshall as director-counsel of the LDF in 1961 when Marshall left for the Second Circuit. Led the LDF for the next twenty-three years.

For Discussion

1. Marshall built the NAACP Legal Defense Fund in 1940 and ran it for twenty-one years. What does it take to build a civil-rights litigation shop from scratch and keep it working at federal appellate scale across two decades, and what are the organizational features of LDF that have made it durable for eighty-five years?
2. Marshall argued thirty-two cases before the Supreme Court and won twenty-nine. He then joined the court and wrote dissents now taught as canonical constitutional law. What is the craft continuity between arguing a case and writing a dissent against one, and where does the LDF lawyer appear inside the Associate Justice's later opinions?
3. The University of Maryland School of Law rejected Marshall in 1930 because he was Black. In 1936 he won *Murray v. Pearson*, which forced the school to desegregate. What is the professional experience of litigating against the institution that refused to train you, and how does that specific grievance appear in his later career choices?
4. *Brown v. Board of Education* was decided 9 to 0 on May 17, 1954. The unanimity was produced by Chief Justice Earl Warren through prolonged internal negotiation. What decisions did Marshall make as outside counsel to secure the unanimous ruling rather than a split, and what did a nine-to-zero decision accomplish that a five-to-four would not have?
5. The Thurgood Marshall College Fund supports forty-seven publicly funded historically Black colleges and universities, distinct from the UNCF. What is the organizational division of labor between the two funds, and how has each responded to twenty-first-century enrollment trends at public HBCUs?

Primary Sources

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2. Tushnet, Mark V. *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961*. Oxford University Press, 1994.



3. Tushnet, Mark V. Making Constitutional Law: Thurgood Marshall and the Supreme Court, 1961-1991. Oxford University Press, 1997.
4. NAACP Legal Defense and Educational Fund. Archival records and case files, 1940-1961.
5. Supreme Court of the United States. Oral Argument Transcripts, Brown v. Board of Education of Topeka, December 1952 and December 1953.

