

The Most Important Lawyer of the 20th Century

By GARLAND L. THOMPSON

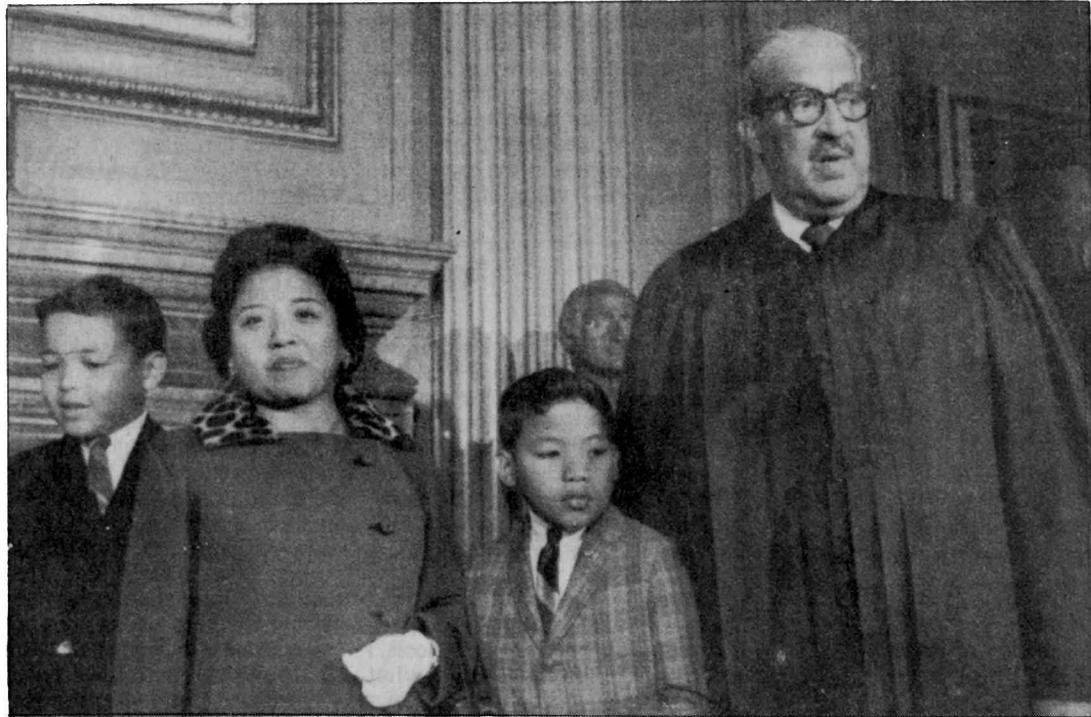
Thurgood Marshall is retiring, and people are using words like "giant" to describe him. Giant he is, to be sure. But 61 years after the University of Maryland refused to let him into its law school, 37 years after the Supreme Court decision in *Brown v. Board of Education* loosed black ambitions that had seemed permanently walled away, Americans have forgotten the conditions that combined to make the man the revolutionary he became.

To see Thurgood Marshall as a mere disgruntled dissenter, stepping down after 23 years on the Supreme Court, isolated and far to the left of "mainstream" politics, is to ignore the history Justice Marshall can never forget. "Giant" falls easy on the mouths of even his detractors, but a return to the context of his greatest achievements underlines the true meaning of his performance.

For that, you have to stand in the sanctuaries of Baltimore's black churches, where attorney Thurgood Marshall stood, calling parishioners to arms for a fight only he, God and Charles H. Houston believed they could win. History breathes from the floorboards of those churches. It sighs beneath the notes washing from organ pipes and rising from choral voices, lifting religious harmonies that became battle cries to the believers who went out and changed the face of a nation. It is well known that the church provided the energy that propelled the civil-rights movement, but curiously little acknowledged how often Thurgood Marshall and the black lawyers stood in pulpits, giving sermons about the temple of rights.

You had to be black and a victim of segregation to appreciate fully the ugly dichotomy of standing outside a white-owned restaurant, well dressed, highly educated, successful, but denied at the front door, by people whose bigotry was exceeded only by their ignorance, the

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On the day he took his seat in the Supreme Court in 1967, Thurgood Marshall stood with his wife Cecilia and their sons Thurgood Jr. and John

dignity of being served. Thurgood Marshall, a *cum laude* graduate of Lincoln University, a brilliant alumnus of Howard Law School, met such ugliness routinely as he traveled the Jim Crow South, patiently enduring the segregation he attacked so aggressively in the courts. Justice Marshall never forgot what that was like, decades after Jim Crow was trampled under the marching feet of Martin Luther King's legions, and it continued to animate his legal analysis to the end.

People of any color could appreciate the irresistible thrust of human dignity those marchers exemplified. People of any color could appreciate the fear that permeated the mood of the marchers and the planning sessions Mr. Marshall led before sallying forth into the courts, only to need whisking out of town by circuitous routes, secret changes of automobiles and drivers and subterfuges afterward. That fear and the violence provoking it were real; the deaths of Vio-

la Liuzzo, Schwerner, Cheyney and Goodman and Medgar Evers put new scars across the consciousness of the civil-rights crusaders before the killing of Martin Luther King shamed the nation. But every fear can eventually be overcome, especially with a leader like Mr. Marshall to help inspire confidence.

Civil rights transformed the marchers, their friends and allies among the Jewish community, Catholic clergy and all the "liberal" whites whose courage and commitment are so often forgotten. In the end, even those who resisted civil rights were changed, and the nation moved over ground from which it cannot retreat without sparking a cataclysm.

The man who charted the strategy, laid out the arguments and spearheaded the transformation by attacking the underpinnings of segregation, Thurgood Marshall, was described by a Georgetown constitutional scholar, Thomas G. Watenmaker, in a *Washington Post* profile: "When I think of great American

lawyers, I think of Thurgood Marshall, Abe Lincoln and Daniel Webster. In this century, only Earl Warren approaches Marshall. He is certainly the most important lawyer of the 20th century."

Thunderous praise, for a century illumined by Clarence Darrow, Benjamin Cardozo and others. None of them had to endure Jim Crow segregation. Thurgood Marshall, lawyer and judge, dedicated his life to making a difference for the most downtrodden in a society which often has ignored the rights its founding was supposed to enshrine. His sensitivity on that point furnished a compassionate ear to the sufferings of people protesting injustice everywhere, broadening his contributions to the nation and the world.

That might be a fitting epitaph, but one must be mindful of Justice Marshall's admonition to the people who gathered to celebrate his birthday four years ago: "I ain't dead yet!" And neither is the transformation he oversaw.