

# Burden of Proof

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## ABSTRACT

Forty-three years of letters, photographs, campaign buttons, itineraries and the occasional miniature flag are crammed into 2,000 fat binders lining three walls -- floor to ceiling -- of a storage room in the University of Maryland School of Law. [...]in 2002, the dean of the law school, Karen Rothenberg, said, 'I'm tired of hearing you complain that no one understands Marshall but you.'

## FULL TEXT

Forty-three years of letters, photographs, campaign buttons, itineraries and the occasional miniature flag are crammed into 2,000 fat binders lining three walls -- floor to ceiling -- of a storage room in the University of Maryland School of Law.

They amount to a meticulous chronicle of Larry S. Gibson's professional life from 1965, when he was still a law student, to 2008, when he was active in a presidential election in Ghana.

And that doesn't include 160 binders worth of material that's still in boxes, plus 200 more at Gibson's home and his law school office.

He can flip open any of the spiral-bound books at random and remember what he was doing that day: Working to elect Kurt L. Schmoke, serving as President Jimmy Carter's assistant deputy attorney general, or lobbying to have Baltimore's airport renamed in honor of Thurgood Marshall, the first African-American to be appointed to the nation's highest court.

No wonder the man needs 2,360 binders.

In recent years, Gibson has neglected his personal archives and turned his attention to Marshall's. His new biography, "Young Thurgood: The Making of a Supreme Court Justice," has received glowing praise from the jurist's family. The 413-page book includes interviews and other material that Gibson, 70, has been gathering since the night in 1975 when he first pounded on the door of Marshall's home in Northern Virginia.

"He was different than what I'd been led to expect," Gibson says. "He was more jovial and had fonder recollections of Maryland. He had a better sense of humor. Over the years, I kept reading things in the media that did not match up with my impressions of him."

"Finally in 2002, the dean of the law school, Karen Rothenberg, said, 'I'm tired of hearing you complain that no one understands Marshall but you. Why don't you write a book and set the record straight?'"

Marshall has been the subject of several major biographies, plus a Broadway play (and 2011 television movie) starring Laurence Fishburne. But Gibson's biography is the first to focus exclusively on the forces in Baltimore and Maryland that helped shape Marshall's first 30 years.

Gibson's hobby is photography, a subject on which he is eloquent. (As he puts it: "Photography is the closest thing there is to immortality. It preserves a moment that is never going to be repeated.") So it's not surprising that "Young Thurgood" has a camera-like focus that registers both foreground and background. There's a section on Marshall's high school debates, another on an influential science teacher and a third on how Maryland coped with the

Depression.

"I wanted to introduce the true individual to the public," Gibson says, "and that includes the environment he grew up in. This book is as much about Maryland as it is about Thurgood Marshall."

Gibson is known for his strongly held opinions and for advocating tirelessly for the causes in which he believes. Nonetheless, he places immense importance on factual accuracy. For Gibson, a fact is as rough-edged and weighty as a brick. Stack a bunch of them together, and you build something that will stand for all time.

Schmoke, who has known Gibson since the late 1960s, said that his former campaign manager excelled at data analysis.

"Larry did the initial polling work when I first ran for state's attorney," Schmoke says.

"The results came back, and it appeared that I was going to get trounced. Larry sorted through the data and came to the conclusion that we were going to be able to close a 20-point gap between May and mid-September and win the election. And we did. He had it all figured out."

So perhaps it's not surprising that Thurgood Marshall Jr. says he learned new things about his father from Gibson's book.

"Gosh, this book is just amazing," Marshall says over the phone from his Washington law office. "On every page are stories that are filled with detail that we didn't know anything about."

Marshall appreciates that Gibson's book corrects misconceptions about his father -- in particular, that the late justice harbored a grudge against his hometown. Nothing, Marshall says, could be further from the truth.

"One thing that Professor Gibson does very well," Marshall says, "is to demonstrate the people and the experiences that caused Baltimore to have a hold on my father that lasted all his life."

At 11 p.m. on July 1, 1975, Gibson and another attorney went to Marshall's home to ask the justice to intervene on behalf of former Baltimore schools Superintendent Roland Patterson, who was about to be fired. Marshall, in his bathrobe, invited the young men inside. They stayed until 2 a.m.

"I view 'Young Thurgood' as a story about a partnership between two men," says Ron Shapiro, Gibson's legal and political colleague and his best friend since 1967. "I think that Justice Marshall saw something in Larry that made him think that was a guy he should give some time to."

"It takes people like Thurgood Marshall to change history by changing the law. And it takes people like Larry Gibson to use activism to implement those changes in the streets and homes and lives of African-Americans."

In some ways, the two men couldn't be more different. Marshall never was involved in numerous national and international political campaigns, as Gibson has been; and Gibson never wanted to become a judge.

But there also are similarities. For instance, both Marshall and Gibson grew up poor in segregated Baltimore.

Gibson's father was a janitor, while his mother worked as a domestic and cook. The couple had four children and rent money was scarce, so the family moved every 18 months.

"After I finished law school, I was determined to buy my folks a house," he says. "They wanted to stay in the same neighborhood, so I went around and bought the biggest house I could find. They lived there until my father died."

Marshall was a gifted raconteur and so is Gibson. Both men fused idealism with pragmatism and were known for their grueling work ethic. And neither was above being deliberately provocative to make a point.

After helping elect Parris N. Glendening as governor in 1994, Gibson dumped Glendening after they disagreed about funding for Baltimore public schools, and in 1998 campaigned for an opponent, Eileen M. Rehrmann.

Eyebrows also were raised in 1999 when Gibson, a lifelong Democrat, advised and distributed campaign literature for Carl Adair, a candidate in Baltimore's Republican mayoral primary. Gibson describes Adair as a lifelong friend and fraternity brother, and says that he played no formal role in that campaign.

Gibson can be, as Schmoke puts it drolly, "an acquired taste." But the biographer has begun to use Marshall's example to temper his own brash style.

"He could be this persistent, forceful advocate," Gibson says, "but most of his adversaries believed that he had at least heard and understood their views. Sometimes, I think I'm not as persuasive as he was because I'm so intent on advocating my own position."

One of Gibson's favorite stories is of the time that he and some friends participated -- or attempted to participate -- in a sit-in at a segregated Baltimore restaurant in 1961.

"We went in the front door of the old Oriole Cafeteria," he says.

"I began grabbing food from the counter that I didn't even like, baked fish and this salad with carrots and raisins in it. We were expecting to be thrown out. We didn't expect to eat. But the cashier just rang us up. I had to borrow money to pay for my meal."

He later figured out that the restaurant had received advance notice of the protests and decided to integrate for one day only.

"I still call that salad my Sit-in Salad," Gibson says.

The anecdote is instructive for the pleasure Gibson takes in telling it and for the way in which he gently mocks his 19-year-old self. The strategist in him admires the adroitness with which he and his friends were disarmed. And it's clear that he hates every single thing about segregated restaurants except the people on the other side of the counter.

"At his core, Larry is a guy who wants to build on history and not rest on history," Schmoke says.

"He doesn't want people to read the book and say, 'I'm glad we know what happened in 1928.' He wants people to be inspired by Marshall's story and do better in the future."

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"Young Thurgood: The Making of a Supreme Court Justice" will be published Tuesday by Prometheus Books. 413 pages; \$28.

Larry S. Gibson

Age: 70

Career highlights: Has taught at the University of Maryland School of Law since 1974. Served as associate deputy attorney general during President Jimmy Carter's administration. Managed Kurt L. Schmoke's successful mayoral campaigns in 1987, 1991, and 1995. Was Maryland chairman of the Clinton/Gore presidential campaign in 1992.

Residence: Baltimore's Guilford neighborhood

Birthplace: Washington, D.C.

Education: Bachelor's degree in government and philosophy from Howard University, 1964; law degree from Columbia University, 1967.

Personal: married for 39 years; the couple's son is an anesthesiologist at Johns Hopkins University.

If you go

Larry S. Gibson will talk about his new book, "Young Thurgood: The Making of a Supreme Court Justice" at 7 p.m. Thursday at the Enoch Pratt Free Library, 400 Cathedral St. Free. Call 410-396-5430 or go to [prattlibrary.org](http://prattlibrary.org).

Credit: THE BALTIMORE SUN

### Illustration

Photo(s); Caption: Photo: "Why don't you write a book and set the record straight?" Karen Rothenberg, then dean of University of Maryland law school, asked Larry S. Gibson in 2002. He did: "Young Thurgood." Photo: Larry S. Gibson says Thurgood Marshall "had fonder recollections of Maryland" than he'd been led to expect, and "had a better sense of humor."

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