



Making history: Thurgood Marshall, 1965, is sworn in as U.S. solicitor general, the first person of his race to hold the position; he was joined by his wife, Cecilia, and sons John and Thurgood Jr., as President Johnson looks on. Photos from Prints and Photographs Division

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Thurgood Marshall: *His Papers at LC Document a Career in Civil Rights*

by Lucy D. Suddreth

He has been hailed as a great defender and giant in his quest for human rights. With the acquisition of the Thurgood Marshall papers the Manuscript Division has deeply enriched its 20th century civil rights holdings.

"We initially asked for his papers around 1965," recalled Debra Newman Ham, Afro-American history and culture specialist in the Manuscript Division. "At that time he wrote us back and said that he did not have any papers."

In 1977 a second request was made. This time: no answer. "Then we began to hear rumors that Justice Marshall was planning to destroy his papers and that he was not going to keep them," Dr. Ham continued.

When Marshall announced his retirement in 1991, the Librarian of Congress wrote him again, requesting a meeting to discuss the disposition of his papers. This time, the Librarian received a favorable response for a meeting. Dr. Ham recalled that Mr. Marshall was quite the elder statesman that day and displayed a rollicking humor.

"After a long discussion with Dr. Billington, David Wigdor [assistant

chief of the Manuscript Division] and myself about his career and other involvements, he announced that he would give his papers to the Library." The collection was delivered by late fall.

Thurgood Marshall challenged segregationists, championed civil rights and believed until his death that the judicial system was the most effective vehicle for change. He altered the course of a nation and made those who were discriminated against the beneficiaries of their constitutional rights and new opportunities.

When Marshall donated his papers to the Library of Congress in 1991 the documentation of his 60-year

career, from civil rights lawyer to Supreme Court justice, had finally been brought together in one place.

The Thurgood Marshall Collection, arranged by court session and year, contains 150,000 items and spans the years 1949 to 1991, with the bulk of the items ranging from 1961 to 1991. The majority of the papers document Marshall's career as a judge of the U.S. Court of Appeals for the Second Circuit, 1961 to 1965; as U.S. solicitor general, 1965 to 1967; and as an associate justice of the Supreme Court, 1967 to 1991.

The Supreme Court file consti-

pertaining to his retirement. Many of the birthday and retirement letters contain compelling comments about how his service on the court inspired or influenced the lives of the writers.

Some of the most significant and frequent of Marshall's correspondents were author Benjamin O. Davis; author and historian John Hope Franklin; Supreme Court Justice Arthur J. Goldberg; Lyndon B. Johnson; former Rep. Adam Clayton Powell; Roy Wilkins, former executive director of the National Association for the Advancement of Colored People (NAACP); and col-

papers but also in the notable records of the NAACP, one of the largest collections in the Manuscript Division.

Thurgood Marshall was born on July 2, 1908, in Baltimore, where he attended public school graduating in 1925 from Douglass High School. He completed his undergraduate studies with honors in 1930 from Lincoln University, a historically black institution in Pennsylvania. While at Lincoln he was a member of the varsity debating team for four years, taking part in many interracial and international debates.



Marshall and Donald Gaines Murray on their way to court to argue for Murray's admission to the University of Maryland Law School in 1935; outside the New York headquarters of the NAACP (from left) staff attorney Roy Wilkins; Walter White, executive secretary; and special counsel Marshall.

tutes by far the largest part of the collection. This series documents Marshall's 24 years of service on the high court and includes general correspondence, case files, dockets and miscellany. Also included is a significant amount of correspondence

umnist Carl T. Rowan, who has recently written a biography of Marshall.

Marshall's tireless efforts to change the injustices toward people of color in the United States through the judicial system is chronicled, not only in his personal

It was to his father's credit, however, that Marshall received his bachelor of law degree from Howard University in 1933 and was graduated as valedictorian of his class.

In a 1948 newspaper article, Marshall is quoted as saying, "My father

[a writer and yacht-club steward] turned me into a lawyer without once telling me that was what he wanted me to be. He did this by teaching me to argue, by challenging logic on every point, by making me prove every statement—even if we were only discussing the weather. I only realized later that he was trying to sharpen my mind, to convince me to take nothing for granted."

Although the University of Maryland law school was nearby, segregation barred Marshall from attending, so he commuted to Howard Univer-

Dean Houston set out to develop a cadre of civil rights lawyers, which included Thurgood Marshall.

Houston left Howard University to become special counsel to the NAACP. According to the NAACP files, one of the earliest civil rights victories for Marshall and Houston was to obtain the admission of Donald Gaines Murray to the University of Maryland law school in 1935. This decision was epochal, because it was the first decision of the highest court of any state that set out the rights of the black student.

Financed by the American Fund for

ceeded him as the national organization's chief legal officer.

From 1940 to 1961 he served as counsel and director of the NAACP Legal Defense and Educational Fund, which was founded after the Treasury Department had refused to grant tax-exempt status to the 30-year-old association. The Defense Fund led the assault on the "separate but equal" doctrine, enshrined in American jurisprudence, making it a formidable advocate for the civil rights of black Americans.

In 1939 Marshall gained admission to plead cases before the Supreme



Marshall (sitting on table) and his staff spearheaded the NAACP's successful campaign in the courts.

sity in Washington, D.C. It was at Howard where he came under the influence of Dean Charles Hamilton Houston, who was regarded by blacks as one of the heroes of their battle for equal rights. After being told by a Supreme Court Justice that "Negroes" often lost court cases, because of inadequate preparation,

Public Service, the NAACP undertook other cases leading to the entrance of blacks to state university graduate schools in the South.

Houston invited Marshall, after the Murray victory, to become his assistant at \$2,400 a year. Marshall agreed. When Mr. Houston retired two years later, Marshall, just 26 years old, suc-

Court. He won all but three of the 32 cases that he argued before the court, paving the road for the landmark 1954 case of *Brown v. Board of Education of Topeka, Kan.*, which outlawed racially segregated public schools and challenged all areas of racial injustice.

In his arguments before the Supreme Court, Marshall emphasized

that the 14th Amendment said that the "Negro was equal before the law." To oppose *Plessy vs. Ferguson*, which upheld the doctrine of separate but equal schools, "was merely asking for what was ours by right—it was simple justice."

During the 1930s the association also renewed efforts to have lynching made a federal crime. To this end, the legal staff, headed by Marshall, drafted an anti-lynching bill sponsored in 1933, by Sens. Edward P. Costigan, Robert Wagner and Frederick Van Nuys.

By 1943 there were more than 400

der the law. The victory to which Mr. Marshall lent his hand will for decades to come be a landmark in the fight to make the 14th Amendment part of our way of life."

That victory, thanks to Marshall and attorney William Hastie, was a 1941 Supreme Court decision, a copy of which is in the NAACP papers, granting blacks the right to vote in Texas primary elections. The decision read, "The U.S. is a constitutional democracy. Its organic law grants to all citizens a right to participate in the choice of elected officials without restriction by any

tent and fierce litigator spread quickly throughout the country. Dr. Ham described his courtroom style as "a display of flamboyancy, wit, cleverness, subtlety and the ability to marshal different types of materials, resources and human beings to bring factual information to the floor."

"To be able to present these to often very hostile judges and jurors and win his case displayed a remarkable level of magnetism and ability," she added.

The climate in which Marshall and other NAACP attorneys operated



President Johnson signs the landmark Civil Rights Act, Jan. 15, 1968. Justice Marshall (third from right) was in attendance; the act was signed by Johnson, Speaker of the House John McCormack and Vice President Humphrey.

NAACP branches of varying sizes in all sections of the country. In 1947 more than 300 legal cases were either being advised upon or actually handled by Marshall and his staff.

Marshall's success as a litigator earned him the coveted NAACP Spingarn Medal in 1946. The award was presented on June 28 by Robert W. Kenny, attorney general of California, at the association's annual convention in Cincinnati. In his remarks Mr. Kenny said, "Any success in defeating discrimination is a victory in the fight for equality un-

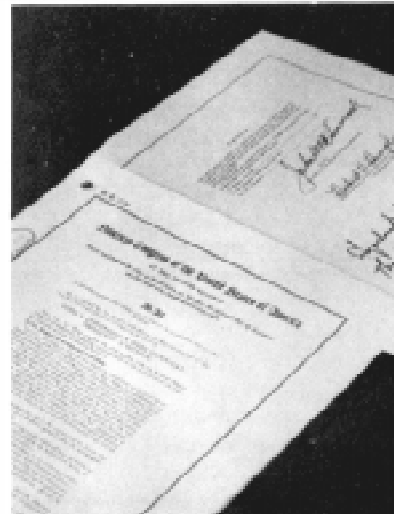
state because of race. This grant to the people of the opportunity for choice is not to be nullified by a state through casting its electoral process in a form which permits a private organization to practice racial discrimination in the election. Constitutional rights would be of little value if they could be this indirectly denied."

In 1948 a million black Americans went to the polls in Southern states alone, as a result of U.S. Supreme Court victories won by the NAACP in its long fight for free and unfettered elections.

Marshall's reputation as a compe-

was very tumultuous. "We do not remember their courage as clearly as we should, because we forget the danger in which their simple activities were surrounded," said Dr. Ham. "People's lives were threatened, mortgages were revoked, or they were driven out of town for challenging the system in their own courts."

In his book *Dream Makers, Dream Breakers: The World of Thurgood Marshall*, Carl Rowan says, "To try to write a book about the 'world of Justice Thurgood Marshall' is tantamount to trying to write the social,



legal, economic, political and moral history of this nation over most of the 20th century.

"That is because Marshall's life encompasses the violent years of the great black migration out of the post-bellum South; the years of frightening powers wielded by the Ku Klux Klan and later the White Citizens Councils; the years of the Great Depression and of economic recovery forged by Franklin D. Roosevelt and a world war; a postwar black revolution in both the courtrooms and the streets of America; and a counterrevolution led by politicians who were and are determined to break every dream of liberty that Marshall and black Americans ever embraced."

In a telephone interview, Mr. Rowan acknowledged researching the Marshall and NAACP Collections at the Library of Congress for his book. He said that in this biography "I wanted to highlight the 'dream makers,' who, like Marshall, helped to fight the good fight and the 'dream breakers,' who opposed them through most atrocious acts."

The danger that Marshall faced when he traveled throughout the South is evidenced in a memo he wrote to NAACP staff on Nov. 25, 1946, that read: "After having won this acquittal of a black defendant and vowing to appeal the conviction of another in Columbia, Tenn., lawyers including Thurgood were stopped outside the city limits by three carloads of officers, including deputy sheriffs, city policemen, constables and highway patrol men."

"The alleged purpose was to search the car for whiskey. When none was found, Marshall's car was stopped two more times. The third time the car was stopped Marshall was placed in one of the patrol cars and driven down a side road. Attorneys Looby and Weaver [who were] left behind, courageously followed them. Realizing that they were being followed, the officers turned back on the main road and took Marshall be-

fore a magistrate who smelled his breath and determined that he had not been drinking and released him."

In a Jan. 25 *Washington Post* article, Karen Hastie Williams, former law clerk and goddaughter to Marshall, said, "People who didn't know how to read and write, who didn't even know who the president was, knew who Thurgood Marshall was."

Wherever a case of any racial significance arose, Marshall, or members of his staff were there. This included visiting Japan and Korea to investigate court martial cases involving black American soldiers.

In the NAACP Collection, Marshall's grueling travel schedule, some 30,000 miles a year at one point, is recorded through receipts, memos and telegrams.

When stricken with a serious illness, related to his intense traveling, Marshall allayed any fears that he would not recover. A memo, in the collection, to staff from Walter White, executive secretary of the NAACP, read, "He looks better than when he went to the hospital and you can judge that his spirits are rising when he asked me to 'give them the bad news that I'll live.'"

Thurgood Marshall's departure from the NAACP came with an appointment by John F. Kennedy to the United States Court of Appeals in 1961.

During his tenure he extended his interest in human rights to the international arena. He helped write the constitution for the newly independent state of Kenya, while serving as a consultant to the Constitutional Convention Conference on Kenya.

Four years later, President Lyndon B. Johnson named him solicitor general of the United States and in 1967 nominated him to the Supreme Court. "Neither of the two latter positions had ever been held by a black person," said Dr. Ham.

The announcement of his retire-



Justice Marshall is helped with his court robe by his wife, Oct. 2, 1967

ment in 1991 was literally heard "around the world." During his years on the Supreme Court he worked to solidify the *Brown* decision and other civil rights victories through a series of judicial remedies.

"The holdings in the Manuscript Division relating to Marshall chronicle a lifetime of public service and dedication to securing equal justice for all within the U.S. judicial system," said Dr. Ham.

Marshall's declining health and eyesight played a major factor in his stepping down from the high court. During his last news conference in June 1991, after announcing his retirement, Justice Marshall said that he wished to be remembered with 10 words, "That he did what he could with what he had."

Discussions are under way regarding public access to the Library's NAACP Legal Defense and Educational Fund Collection.

According to Dr. Ham, the Manuscript Division's civil rights collections provide rich sources for the study of the struggle by blacks and whites to obtain equal rights and opportunities for all people regardless of race, creed, sex or religion during the 20th century.

Other 20th century civil rights collections include:

- ☐ Bayard Rustin
- ☐ Brotherhood of Sleeping Car Porters
- ☐ Carter G. Woodson
- ☐ Center for National Policy Review
- ☐ Kenneth Bancroft Clark
- ☐ Joseph Rauh
- ☐ Leadership Conference on Civil Rights
- ☐ Mary Church and Robert H. Terrell
- ☐ NAACP Legal Defense and Educational Fund Records
- ☐ Nannie Helen Burroughs
- ☐ National Urban League
- ☐ Roy Wilkins
- ☐ A. Philip Randolph
- ☐ William LePre Houston and Charles Houston