

# Books

## A biography of Thurgood Marshall, who 'came to personify the NAACP'

By Maurice C. Taylor

**T**hurgood Marshall changed forever the face of public institutions in Maryland. Charles Houston, his law professor at Howard University, taught that black lawyers should become "social engineers" and use the practice of law to reform society. As a young attorney in Maryland, Mr. Marshall helped to engineer the desegregation of Maryland's public beaches (*Dawson v. Mayor and City Council of Baltimore City*); public golf courses (*Law v. Park Board*); the state's training schools for boys (*State Board of Public Welfare v. Myers*); the University of Maryland's School of Law (*Murray v. University of Maryland*), and its school of nursing (*McCready v. Byrd*). In 1937, Mr. Marshall challenged segregated education in Baltimore County in a case involving Catonsville High School (*Williams v. Zimmerman*).

After sharpening his social engineering skills in Maryland, this native of West Baltimore joined the staff of the National Association for the Advancement of Colored People at its headquarters in New York, and he subsequently became the NAACP's chief counsel. Although Mr. Marshall received his greatest recognition for his 1954 Supreme Court victory in *Brown v. Board of Education*, he in fact won 29 of the 32 cases he argued as an attorney before the court. In 1965, President Lyndon B. Johnson appointed him U.S. Solicitor General, and Mr. Marshall in turn won 14 of the 19 cases he took to the Supreme Court on behalf of the United States. In all, Thurgood Marshall won 43 of the 51 cases he had argued before the court before his appointment there in 1967. He retired from the court 24 years later, in 1991.

A biography of Thurgood Marshall that rises to the level of his accomplishments would help us un-

**THURGOOD MARSHALL:  
WARRIOR AT THE BAR, REBEL  
ON THE BENCH.**  
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derstand how constitutional law was rewritten by the cases Mr. Marshall brought before the Supreme Court. We would also see how this revision of constitutional law nourished the hope and fed the courage of the leaders of the civil rights movement.

Regrettably, "Thurgood Marshall: Warrior at the Bar, Rebel on the Bench" offers few insights into the life and accomplishments of the man that could not be obtained from a rather cursory perusal of newspaper headlines. Information about Mr. Marshall is gathered largely from secondary sources such as court documents, government reports, letters and other memorandums. I found no indication that Mr. Marshall had volunteered any information for this biography.

Rather, it appears that the authors mostly use this book to display their collection of novel, curious and quirky banalities about Mr. Marshall. Michael D. Davis, a former reporter for *The Evening Sun*, and Hunter R. Clark may receive some notice for being among the first to publish a biography of him, but they have lost the opportunity to achieve acclaim for literary excellence.

Numerous problems haunt this text. The organization of the content is choppy, repetitive and somewhat difficult to follow. Reading the events and ideas flung haphazardly across the biography's 24 chapters is like wading through intellectual confetti.

Sometimes the events and ideas are only tangentially related to Mr. Marshall. In Chapter 23, the authors

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Thurgood Marshall joined the Supreme Court in 1967.

reprint a poem having nothing to do with Thurgood Marshall; "Keep the Faith" was written by former Justice William O. Douglas on the occasion of his own retirement from the Court. The last chapter is entitled "Marshall's Legacy," yet the authors spend several pages discussing the background and philosophy of the newest justice, Clarence Thomas.

Their conclusion in Chapter 1 that while on the Supreme Court Mr. Marshall "turned from a quick-witted verbal combatant to a philosophical joker" is simply not supported by the consistently well-crafted legal opinions he wrote during his tenure on the court. I do not believe the characterization is malicious, but it does foretell the authors' tendency throughout the text to offer naive explanations for the complex social forces of race and class with which Mr. Marshall wrestled throughout his personal and professional career.

In Chapter 24, for example, the authors note that Mr. Marshall "came to personify the NAACP" but that "a lot of things have changed" since he began his legal career. They conclude that the election of black

mayors by white majorities in some cities "indicates that white America is beginning to realize its moral obligation to assure fairness and equality for all citizens."

This conclusion represents a leap of faith over a chasm of contrary evidence. Certainly, the recently nationally publicized actions of white police officers brutally beating African-American motorists Rodney King in Los Angeles and Malice Green (who was beaten to death) in Detroit are contrary to the notion of a "moral obligation" among whites "to assure fairness and equality for all citizens."

One of the major problems with this text is the authors' relentless pursuit of trivia. After introducing Mr. Marshall's second wife, Cecilia Suyat, in Chapter 14, they remind us on two occasions that she is Hawaiian-born and of Philippine ancestry. Chapter 20, "A House Becomes a Home," is little more than a recitation of Mr. Marshall's tastes in friends, food and entertainment. The authors reprint his secret recipe for steaming Maryland blue-claw crabs and we are also informed that "He knew how to eat them, too. . . ."

The fixation on frivolity is compounded when the authors attempt to explain the relevance of Mr. Marshall's light skin tone and his colorful use of the English language. We are told in Chapter 7 that "the lines of exclusivity within high yellow societies of Baltimore and Washington were as sharply drawn as those that existed between black and white society. . . . Parents encouraged their children to socialize and marry within this select group; when birthday parties were held, nearly all of the children who attended were fair-skinned."

While the authors' observations may have some validity, the relevance of skin tone in the black community is more complex than deciding on the guest list for a birthday

party. The larger problem for this biography, though, is that the authors fail to demonstrate that skin tone is in any way relevant to the personal philosophy or professional conduct of Thurgood Marshall.

The first half of this biography does offer insights into Mr. Marshall's philosophy and conduct. We learn in chapters 5 and 7 of the Margold plan: "The Margold strategy was not to attack the constitutionality of segregation itself, but to challenge its legality as practiced. . . ."

Mr. Marshall's genius was in implementing this strategy. He established Supreme Court precedents supporting the desegregation and public accommodations by standing the "separate but equal" doctrine of *Plessy v. Ferguson* on its head.

Thus, Mr. Marshall did not begin his initial assault on segregation by attempting to convince the justices that *Plessy* was wrongly decided. Rather, by documenting, in a number of cases preceding *Brown*, the inequality in racially separate public facilities, he convinced the court that the states were in violation of the law because of their failure to uphold *Plessy*. In the end, the loudest noise heard in 1954 was the "separate but equal" doctrine collapsing under the weight of its own contradictions.

Thurgood Marshall's contribution to the demise of the "separate but equal" mythology in Maryland and in America is certainly worthwhile reading. But a biography of him should disclose substantially more of the interrelationship between the personal philosophy and professional conduct of such an important figure. This book contains too much trivia and too little insight to qualify as a seminal biography of Thurgood Marshall.

Dr. Taylor is assistant dean of the College of Arts and Sciences at Morgan State University.