

Thurgood Marshall biography recounts formative years

by Alex G. Philipson

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At the confirmation hearing for Chief Justice Roderick L. Ireland, one of the speakers to wax eloquent was the Supreme Judicial Court's former chief, Herbert P. Wilkins.

Gesturing toward a portrait of John Adams that hung on a wall behind the governor's councilors, Wilkins remarked that, if confirmed, Ireland would be the first person appointed chief justice since Adams whose (wait for it) surname begins with a vowel.

Laughter proved that the other "first" was too obvious to require mention; the importance of the governor's selection of the first African-American chief justice was lost on no one.

Ireland's confirmation owed something to the many firsts that fellow Lincoln University graduate Thurgood Marshall laid down in the last century. Among them was Marshall's victory in the landmark desegregation case that, in 1935, opened the doors of the University of Maryland School of Law to African-Americans.

More than 75 years later, a member of that law faculty, Larry S. Gibson, has published a biographic sketch of the civil rights trailblazer, "Young Thurgood: The Making of a Supreme Court Justice."

Rather than trying for comprehensiveness, Gibson concentrates on the highlights and lowlights of Marshall's first 30 years. With the blessing of the Marshall family, the volume includes many photographs from personal and other collections, adding intimacy to the story of the icon's early life.

The result is an account of the formative education, influences and adversities that shaped the man who, years later, would cap his career as the first African-American to sit on the U.S. Supreme Court. But because the story Gibson tells ends 30 years before Marshall joined the high court, it relates only part of the making of a Supreme Court justice. Fortunately, it is a captivating part.

The obstacles to a young black man's ambitions for success in the law could hardly have been more formidable than those Marshall faced in 1933, the year he joined the rolls of Maryland's attorneys.

The country was on the ropes from the Great Depression; Marshall was only the 60th African-American attorney licensed in Maryland; and racial violence in the state hit a horrific peak with the lynching of George Armwood.

While Armwood was being held in a Princess Anne jail awaiting arraignment on a charge of assault, a mob dragged him from his cell, cut off his ear with a butcher knife, yanked gold fillings from his teeth, cut clothes and flesh from his body, hung him from a tree, and burned his body.

The dismalness of the era might have defeated other men, but Marshall was reared to meet the difficulties of his age with determination.

Born in Baltimore in 1908, Thoroughgood Marshall was raised by a mother who taught in public schools and a father who worked as a waiter in hotels, country clubs and railroad dining cars.

Marshall quickly tired of writing his cumbersome first name, and so from second grade on he substituted "Thurgood"; he changed his name legally only when he turned 40.

His mother Norma (named after Bellini's 1831 opera) achieved her goal of raising both Thurgood and his older brother, Aubrey, a physician, to be professionals.

Thurgood's chosen vocation was foreshadowed by childhood debates with his father over politics,

news events and race relations. Of his father, Marshall said: "He never told me to be a lawyer, but he turned me into one."

The contrariness and sharp tongue that Marshall inherited from his father distinguished him in high school. Marshall excelled at competitive debate, growing into the role quite literally — he shot up to 6-foot-2 and developed a loping gate that earned him the nickname "Legs."

Scholastic debate continued to engage Marshall in college, though it sometimes proved trying. The organizers of one match between Lincoln and Harvard universities gave Marshall the "con" side to the proposition "that further intermixing of races in the U.S. is desirable." Marshall struggled with having to argue against his strong personal beliefs, and the event was made further uncomfortable by threats and protests from the Ku Klux Klan.

But nothing could quell his affinity for argument. When Marshall graduated from college, he was poised to make the law his life's work.

Marshall began law school in 1930 at Howard University. In those days, Howard had produced more than 70 percent of the country's black attorneys, but the quality of its education was lacking. Justice Louis Brandeis told Howard's president that the U.S. Supreme Court could tell when briefs were prepared by black attorneys because the records were often incomplete and the briefs were too deficient to permit even a sympathetic justice to take them seriously.

Resolved to turn the school around, Howard's president appointed a new dean: the eminent attorney and future mentor to Marshall, Charles Hamilton Houston. The school adopted a full-time day program for the first time, and Marshall was the only member of the inaugural class to graduate cum laude.

Following Marshall's admission to the bar, his first client was an organizer of Baltimore's "Buy Where You Can Work" campaign — a series of protests and boycotts aimed at shops that refused to hire blacks.

Even apart from difficulties in finding employment with retail stores, blacks often found shopping at them humiliating. Large department stores forbid blacks to try on garments before buying them, and so a black customer who wanted to purchase a pair of shoes had to draw an outline of his feet on a paper bag and give it to the clerk.

Those indignities were among many that prompted Marshall to take action, but not all concerned race. Marshall teamed up with Houston to save from federal disbarment Bernard Ades, a white International Labor Defense lawyer whose methods for promoting the interests of the Communist Party U.S.A. struck some as exploitative. Years later, Ades' daughter recalled that her father would invariably refer to Marshall, even long after his meteoric rise in the profession, as "young Thurgood."

In the mid-1930s, budding lawyer Marshall cut his teeth on personal injury and products liability cases, murder charges, contract disputes, zoning issues, "bastardy" prosecutions and even wills.

But it was through his work with Houston to combat racial discrimination in education — not only in admissions, but also in teachers' pay — that Marshall found his full voice. Their collaborative success in desegregating the law school at the University of Maryland was a telling precursor to their monumental victory years later in *Brown v. Board of Education*.

In the Maryland case, the state made the insulting claim that if plaintiff Donald Murray were allowed to enter the law school, parents of white students would pull their children out of the program, especially their daughters.

The court wisely disagreed and ordered Murray admitted. The victory was too precious an opportunity to squander; when Murray had difficulty affording tuition, money was secured through the National Association for the Advancement of Colored People, and through Marshall's college fraternity, Alpha Phi Alpha. In addition, Marshall arranged for a tutor to ensure Murray's academic success.

Besides retelling triumphs like those, "Young Thurgood" does not let the reader forget the personal sacrifices that Marshall made for his clients.

In 1936, he was flat broke, having provided much of his services pro bono. He applied futilely for a position on Howard's law faculty, and considered, but rejected, running for political office. To make

ends meet, he took a night job keeping records at Baltimore's Department of Public Health.

Marshall soon found financial security in a full-time position at the NAACP's headquarters in New York. By then, when "Young Thurgood" comes to a close, the foundation was set for Marshall's eventual ascent to the marble palace.

In an echo of the book's subtitle, today's Supreme Court includes a justice whom Marshall himself helped make: his 1987 law clerk Elena Kagan. Her appointment, by the nation's first African-American president no less, ensures that Marshall's influence on the court will be felt for some time.

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