

"Marshall's life was a seminal one for 20th-century American history . . . a readable and important book."—*The New York Times*



# THURGOOD MARSHALL

*American  
Revolutionary*

JUAN WILLIAMS

Bestselling author of *Eyes on the Prize*

# THURGOOD MARSHALL



## *American Revolutionary*

Juan Williams



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ALSO BY JUAN WILLIAMS

*Eyes on the Prize*

THURGOOD  
MARSHALL



*American Revolutionary*

To Roger and Alma Williams;  
the Episcopal Church; Brooklyn, New York, public schools;  
Oakwood Friends School; Haverford College;  
*The Washington Post*; and  
Delise, Antonio, Rae, and Raphael.

*For inquire, I pray of you, of bygone ages, and consider  
what the fathers have found. . . . Will they not teach you,  
and tell you, and utter words out of their understanding?*

—Job 8:8–10

## INTRODUCTION

*We make movies about Malcolm X, we get a holiday to honor Dr. Martin Luther King, but every day we live with the legacy of Justice Thurgood Marshall.*

—*Washington Afro-American* editorial  
after Thurgood Marshall's death

THURGOOD MARSHALL'S LIFEWORK made him one of America's leading radicals. As a suit-and-tie lawyer, however, he was the unlikely leading actor in creating social change in the United States in the twentieth century. His great achievement was to expand rights for individual Americans. But he especially succeeded in creating new protections under law for America's women, children, prisoners, homeless, minorities, and immigrants. Their greater claim to full citizenship in the Republic over the last century can be directly traced to Marshall. Even the American press has Marshall to thank for an expansion of its liberties during the century.

But for black Americans especially, Marshall stood as a colossus. He guided a formerly enslaved people along the road to equal rights. Oddly, of the three leading black liberators of twentieth-century America—Thurgood Marshall, Martin Luther King, Jr., and Malcolm X—Marshall was the least well known. Dr. King gained fame as the inspiring advocate of nonviolence and mass protests. Malcolm X was the defiant black nationalist whose preachings about separatism and armed revolution were the other side of King's appeals for racial peace. But the third man in this black triumvirate stood as the one with the biggest impact on American race relations.

It was Marshall who ended legal segregation in the United States. He won Supreme Court victories breaking the color line in housing, transportation, and voting, all of which overturned the "separate-but-equal" apartheid of American life in the first half of the century.



It was Marshall who won the most important legal case of the century, *Brown v. Board of Education*, ending the legal separation of black and white children in public schools. The success of the *Brown* case sparked the 1960s civil rights movement, led to the increased number of black high school and college graduates and the incredible rise of the black middle class in both numbers and political power in the second half of the century.

And it was Marshall, as the nation's first African-American Supreme Court justice, who promoted affirmative action—preferences, set-asides, and other race-conscious policies—as the remedy for the damage remaining from the nation's history of slavery and racial bias. Justice Marshall gave a clear signal that while legal discrimination had ended, there was more to be done to advance educational opportunity for blacks and to bridge the wide canyon of economic inequity between blacks and whites.

Marshall's lifework, then, literally defined the movement of race relations through the century. He rejected King's peaceful protest as rhetorical fluff, which accomplished no permanent change in society. And he rejected Malcolm X's talk of violent revolution and a separate black nation as racist craziness in a multiracial society.

Instead Marshall was busy in the nation's courtrooms, winning permanent changes in the rock-hard laws of segregation. He created a new legal landscape, where racial equality was an accepted principle. He worked in behalf of black Americans but built a structure of individual rights that became the cornerstone of protections for all Americans. Marshall's triumphs led black people to speak of him in biblical terms of salvation: "He brought us the Constitution as a document like Moses brought his people the Ten Commandments," the NAACP board member Juanita Jackson Mitchell once said.

The key to Marshall's work was his conviction that integration—and only integration—would allow equal rights under the law to take hold. Once individual rights were accepted, in Marshall's mind, blacks and whites could rise or fall based on their own ability.

Marshall's deep faith in the power of racial integration came out of a middle-class black perspective in turn-of-the-century Baltimore. He was the child of an activist black community that had established its own schools and fought for equal rights from the time of the Civil War. His own family, of an interracial background, had been at the forefront of demands by Baltimore blacks for equal treatment. Out of that unique fam-

ily and city was born Thurgood Marshall, the architect of American race relations in the twentieth century.

Martin Luther King, Jr., and Malcolm X both died young, the victims of assassins. They became martyrs to the nation's racial wars. Thurgood Marshall lived to be eighty-four and was no one's martyr. He held high public office, but for those last thirty years of his life Marshall was reclusive, making few public appearances and rarely talking with reporters. The public knew him primarily as a distant figure whose voice was heard only in the legalistic language of Supreme Court dissents.

I began writing to Marshall in the early 1980s, while working on a book to accompany the Public Broadcasting documentary *Eyes on the Prize: America's Civil Rights Years, 1954-1965*. Marshall knew me as a writer for *The Washington Post* but declined my request to talk to him about his life. His family and friends persisted in asking the cloistered justice to tell his story. Eventually Marshall called and invited me to his Supreme Court chambers.

That two-hour visit in July 1989 began six months of almost weekly interviews. The result was a 1990 article in *The Washington Post Magazine*. But that article could hold only so much of the rich material Marshall had shared in the exclusive interviews. I hoped that he might agree to cooperate with a more lengthy biography. But his earlier experience with a book project had left a bad taste, and he confided that he was tired. He wanted neither to do the work required for a biography nor to defend his views to critics. He agreed, however, not to burn his personal papers, as he had always threatened to do. He let me know he had sent them to the Library of Congress, where they could be opened after his death.

I was in Japan and still hoping Justice Marshall might change his mind about doing a book when I heard that he had retired from the court. The ensuing fury over the confirmation of his successor, Clarence Thomas, made Marshall all the more gun-shy about doing a biography. He felt both out of sync with the times and forgotten.

As I persisted, Marshall gave me some tips on people to interview and I got started on the book in 1992. His wife, Cissy, refused to cooperate with the project and persuaded her children to do the same. Marshall's FBI files were shut to me for years and opened only in stages, after painstaking struggles. Even worse, the NAACP Legal Defense and Educational Fund withheld its cooperation despite Marshall's long, happy association with that group. Justice Marshall had offered to have the LDF's files opened to me while I was working on the magazine article. But later

the head of the LDF, angry over a column I wrote defending the conservative Clarence Thomas's right to confirmation hearings based on his merits and ideas—and not on charges of making off-color sexual comments ten years earlier—shut the door on my efforts to see those files.

Despite a petition by more than ten leading historians, as well as requests by the Library of Congress that terms be set for legitimate research, the LDF tried to stop my work. They discarded a powerful chance to promote the LDF and advance Marshall's legacy by deciding to keep the history of the LDF's heroic struggles closed to the American people.

Ultimately other sources of documents and stories opened up and more than covered that time period. Marshall's friends, schoolmates, fellow lawyers at the LDF, and colleagues on the court provided me with more than 150 interviews.

Marshall also arranged for me to see the oral history he had contributed to Columbia University in the 1970s, and I reviewed interviews he had done for the Kennedy and Johnson presidential libraries, as well as files in archives and repositories nationwide. In addition, there was a wealth of fascinating newspaper coverage of his exploits against the worst bigots in southern courtrooms. Best of all, I had his words and memories of the work he had done.

After Marshall died, in 1993, there was still no authoritative, thorough account of his life and the impact of his work. The combination of his reclusiveness and his standing in popular culture as an elderly, establishment figure blinded much of the nation to the importance of his legacy. Young people were especially uninformed about the critical role Marshall had played in making history.

This book is intended to fill some of that vacuum. In these pages the great storyteller tells his stories. And the history, of both his family and the civil rights movement, is in one place so that future generations can understand the dynamics that created and sustained Thurgood Marshall's conception of successful race relations. Given that Marshall laid the foundation for today's racial landscape, his grand design of how race relations best work makes his life story essential for anyone delving into the powder keg of America's greatest problem. He was truly an American Revolutionary.

Mary Robinson  
b: 1830  
m: ?  
d: ?

Levi Fossett Mary Nelson  
b: Oct. 1824 b: 1832  
m: ? m: ?  
d: Aug. 21, 1901 d: ?

Thorney G. Marshall Annie E. Robinson  
b: Sept. 1849 b: June 1857  
m: Dec. 9, 1879 m: Dec. 9, 1879  
d: Jan 10, 1915 d: Feb. 6, 1948

James O. Williams Isaiah O.B. Williams Mary Fossett  
b: 1840 b: Jan. 7, 1838 b: April 1849  
m: ? m: Nov. 28, 1872 m: Nov. 28, 1872  
d: ? d: March 21, 1894 d: July 21, 1926

Mary E. Thoroughgood Anne B. Cyrus W. Thomas R. Marg. B.  
b: 1880 b: 1888 b: 1891 b: 1896 b: 1897

Avonia Avon Denmedia Fearless Ravine  
b: 1873 b: 1875 b: 1878 b: 1882 b: 1888

William C. Norma A.  
b: March 25, 1882 b: Aug. 13, 1885  
m: April 17, 1905 m: April 17, 1905  
d: Feb. 25, 1948 d: Aug. 1961

William Aubrey  
b: 1906

Thurgood  
b: 1908

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MARSHALL



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## CHAPTER 1



# *Right Time, Right Man?*

RUMORS FLEW THAT NIGHT. Supreme Court Justice Tom Clark had resigned a few hours earlier. By that Monday evening, Solicitor General Thurgood Marshall and his wife, Cissy, heard that the president was set to name Clark's replacement the very next morning. At the Marshalls' small green town house on G Street in Southwest Washington, D.C., the phone was ringing. Friends, family, and even politicians were calling to see if Thurgood had heard anything about his chances for the job. But all the Marshalls could say was that they had heard rumors.

As Marshall dressed for Clark's retirement party on that muggy Washington night of June 12, 1967, he looked at his reflection in the mirror. Years ago some of his militant critics had called him "half-white" for his straight hair, pointed nose, and light tan skin. Now, at fifty-eight, his face had grown heavy, with sagging jowls and dark bags under his eyes. His once black hair, even his mustache, was now mostly a steely gray. And he looked worried. He did have on a good dark blue suit, the uniform of a Washington power player. But the conservative suit looked old and out of place in an era of Afros and dashikis. And even the best suit might not be strong enough armor for the high-stakes political fight he was preparing for tonight. At this moment the six-foot-two-inch Marshall, who weighed well over two hundred pounds, felt powerless. He was fearful that he was about to lose his only chance to become a Supreme Court justice.

Staring in the mirror as if it were a crystal ball, Marshall could see