



TRIBUTE TO JUSTICE THURGOOD MARSHALL

Born in Baltimore, Maryland on July 2, 1908, Thurgood Marshall received his A.B. degree with honors from Lincoln University in 1930. After the all-white University of Maryland Law School rejected his application, Marshall attended Howard University Law School where he led his class for three straight years and graduated as valedictorian in 1933.

Following graduation, Marshall returned to Baltimore where he passed the Maryland bar and established a private practice in the midst of the Great Depression. Private practice, however, was not to be Marshall's calling. During Marshall's three years at Howard, he had been exposed to the wisdom of Dean Charles Hamilton Houston and Walter White. Their work for the National Association for the Advancement of Colored People (NAACP) undoubtedly influenced Marshall's future affiliation with the organization.

In 1934, Marshall began donating his services to the NAACP's local branch. That same year, he won his first case for the NAACP and ironically gained admission for the first black law student to the University of Maryland.¹ About the same time, Marshall's Howard University mentor, Charles Houston, was appointed Special Counsel to the NAACP. In 1936, Houston convinced the NAACP to appoint Marshall as Assistant Special Counsel.

That appointment began Marshall's long association with the NAACP and he quickly became one of its leading advocates. That affiliation, coupled with his astounding success rate, earned Marshall a reputation as the nation's greatest civil rights attorney. In his role as the NAACP's Director-Counsel of the Legal Defense & Education Fund, Marshall ably practiced his theory of a lawyer's role in society. Marshall long considered lawyers to be proponents of social change because he viewed the traditional judicial system as an avenue for advancing social issues, in particular, equal justice and civil rights.

As the NAACP's leading advocate, Marshall argued some of the most important legal decisions of this century. For example, he played a significant role in the outlawing of the "white pri-

¹ Pearson v. Murray, 169 Md. 478, 182 A. 590 (1934).

mary" in *Smith v. Allwright*;² helped eliminate racial barriers to interstate commerce in *Morgan v. Virginia*;³ and successfully reversed the separate-but-equal doctrine in *Brown v. Board of Education*.⁴ For his efforts, the NAACP awarded Marshall the Spingarn Medal, its highest symbol of appreciation, in 1946.

Marshall was often considered the most highly recognized black leader after Martin Luther King, Jr., and many considered him a leading candidate for the bench. President John F. Kennedy apparently agreed and appointed Marshall to the United States Court of Appeals for the Second Circuit. Marshall served on the court of appeals from October 24, 1961 to September 23, 1965, when he resigned to become President Lyndon B. Johnson's Solicitor General. As Solicitor General, Marshall pressed for social change and exemplified his continued dedication to civil rights by relentlessly pursuing the murderers of three civil rights workers in Mississippi.⁵

In October 1967, however, President Johnson and the United States Senate determined that Marshall could best effect his social policies as an Associate Justice of the United States Supreme Court. The newly-appointed Justice was immediately identified as a member of the Warren Court's "liberal bloc" and demonstrated his unending commitment to equal rights. Marshall supported the Court's attempts to constitutionally protect the right to an abortion in *Roe v. Wade*⁶ and opined that Title VII should be extended to protect pregnant women in *California Federal Sav. & Loan Ass'n v. Guerra*.⁷

The Justice also remained fiercely protective of first amendment rights. In *Stanley v. Georgia*,⁸ the Justice held that states could not proscribe the mere private possession of obscene material. Marshall stood steadfastly behind his convictions and readily dissented when he felt the court was not supporting first amendment protections. He joined two fellow Justices and dissented in *Osborne v. Ohio*,⁹ when his holding in *Stanley* appeared to be eroding.

By his untiring dedication to the cause of equal justice for

² 321 U.S. 649 (1944).

³ 328 U.S. 373 (1946).

⁴ 347 U.S. 483 (1954).

⁵ *United States v. Price*, 383 U.S. 787 (1966).

⁶ 410 U.S. 113 (1973).

⁷ 479 U.S. 272 (1987) (plurality opinion).

⁸ 394 U.S. 557 (1969).

⁹ 110 S. Ct. 1691 (1990).

over sixty years, Marshall has earned a distinguished and deserved place in American jurisprudence. Recognizing his enormous contributions, Seton Hall University School of Law instituted the Thurgood Marshall Award for Outstanding Contributions to Civil Rights and Equal Justice.

This country has unquestionably benefitted from Thurgood Marshall's advocacy and decision making. One can only hope that his commitment to social justice will inspire others to pursue equally just goals with the same vigor.