Thurgood Marshall

How a great-grandson of a slave became the U.S. Supreme Court's first African-American Justice

PROLOGUE
Narrator Thurgood: My name is Thurgood Marshall. I was born in Baltimore, Maryland, in 1908, the great-grandson of a slave. Slavery was long gone by then, but Jim Crow was in full swing throughout the South. Blacks and whites had separate drinking fountains, bus seats, even schools.

Marshall: But how?
Hughes: Doesn't it bother you that this all-black college has an all-white faculty? Let's persuade Lincoln U. to hire some black professors.

Narrator C: The two write letters, talk with administrators, and keep pushing. The following year, Lincoln hires its first black professor.

Narrator Thurgood: Langston taught me that one person can make a difference. I started reading history, joined the debate team—and decided to become a lawyer.

SCENE 1
Narrator A: One day while attending Lincoln University in Pennsylvania, Thurgood and some friends go into town to see a movie.
Usher: Go up to the balcony, boys. Only white people sit downstairs.
Thurgood Marshall: We paid full price. If we have to sit in crummy seats, you should charge less.
Usher: Take it or leave it.
Marshall: Then we'll leave it. Give us our money back.
Usher: Get out—now!

Narrator B: As they go, the teens angrily knock over a sign. Later, Thurgood talks with a friend.
Marshall: Do I have to spend the rest of my life being humiliated because of the color of my skin?
Langston Hughes: Instead of knocking things down, why not try making a real difference?

SCENE 2
Narrator D: In 1930, Marshall attends all-black Howard University Law School. At his first lecture . . .

Charles Hamilton Houston: This country has 160,000 white lawyers and fewer than 1,000 black ones. To win, you're going to have to be better than every one of the white lawyers. Learn what your rights are under the Constitution. Not how laws have been interpreted, but what the Constitution actually says.

Narrator E: After class . . .
Houston: Thurgood, what is continued on p. 18 →
Supreme Court decisions become the law of the land.

1954: Thurgood Marshall (center) and two colleagues celebrate their historic victory in Brown v. Board of Education on the steps of the Supreme Court building.
carved above the entrance to the Supreme Court building?

**Marshall:** *Equal justice under law.*

**Houston:** Just remind every judge you face what those words mean.

**SCENE 3**

**Narrator A:** Marshall goes on to practice law with Houston. In 1935, they take on their first big case.

**Marshall:** Charlie, meet Donald. He just got turned down by the University of Maryland Law School. Listen to the rejection letter.

**Donald Gaines Murray:** "The university does not accept Negro students. We run a separate academy for the education of Negroes."

**Houston:** Did you study *Plessy v. Ferguson* in school, young man?

**Murray:** Yes, sir. It’s the Supreme Court’s 1896 ruling that *segregation* by race is constitutional as long as blacks and whites have facilities that are “separate but equal.”

**Marshall:** But they rarely are.

**Houston:** The university is using *Plessy* against you. But we can use it against *them!*

**Marshall:** We’ll do it by asking the right questions in court.

Doesn’t the university have distinguished judges as teachers while the academy has none? Doesn’t the university have many professors with master’s degrees but the academy has only one? Hmm.

**Narrator B:** In court . . .

**Marshall:** We don’t challenge the university’s right to separate schools. But *Plessy* says that the schools must be equal, and they aren’t. Your honor, the law requires that Mr. Murray be given an equal education.

**Narrator C:** On June 25, 1935, the judge announces his decision.

**Judge Eugene O’Dunne:** I hereby order the University of Maryland to admit Mr. Murray to its law school!

**Supreme Court Firsts**

*Here are five other Justices who broke barriers.*

- **1836** First Roman Catholic
  ROGER BROOKE TANEY

- **1916** First Jew
  LOUIS D. BRANDEIS

- **1981** First Woman
  SANDRA DAY O’CONNOR

- **1986** First Italian-American
  ANTONIN SCALIA

- **2009** First Hispanic
  SONIA SOTOMAYOR

**SCENE 4**

**Narrator D:** Marshall goes on to win case after case against Jim Crow practices. He even files voting-rights lawsuits in the South, where blacks risk being murdered for even trying to register to vote.
Narrator Thurgood: Every time I worked down South, I feared I wouldn't make it back alive. One time, in Columbia, Tennessee . . .

Lee Jackson: We'd better get out of town. The Ku Klux Klan will kill us if we're here after nightfall.

Narrator E: But on the road, state police cars force them to a halt.

Sheriff: Open your trunk, boys! We hear you're carrying illegal goods.

Marshall: That's ridiculous! Do you have a warrant to search us?

Sheriff: Oh, you're that hotshot lawyer. You're under arrest!

Marshall: For what?

Sheriff: Let's say drunk driving.

Narrator Thurgood: I hadn't had a drop, but that didn't matter. They drove me into the woods, where a noose was hanging from a tree! Lucky for me, some friends found me in time and made sure that I got taken to the judge in town. He was white but had no patience with false charges.

Magistrate: Sheriff, no way this man was driving drunk. Let him go!

SCENE 5

Narrator Thurgood: The turning point came when I argued Brown v. Board of Education before the Supreme Court in December 1953. During the wait for a ruling . . .

Marshall: Losing this case could set the fight for equality back decades.

Vivien Burey Marshall: You've won big cases before. Why worry about this one?

T. Marshall: Supreme Court decisions become the law of the land. This isn't just about Linda Brown and Harry Briggs Jr. being turned away from good schools because they're black. This time, I'm aiming at Jim Crow across the country.

V. Marshall: Well, you made a solid case that "separate but equal" treats blacks as inferior to whites.

T. Marshall: It does such damage to black kids! There's no way to make up for lost school years.

Narrator A: On May 17, 1954, the Court renders a unanimous decision.

Chief Justice Earl Warren: Does segregation in public schools on the basis of race deprive minority children of an equal education? We believe that it does. These children have been denied the equal protection of the laws guaranteed by the 14th Amendment.

Narrator B: The Brown decision helps end segregation nationwide.

EPILOGUE

Narrator Thurgood: Winning Brown knocked down barriers for me, too. President Lyndon B. Johnson named me to the Supreme Court. On September 1, 1967, I was sworn in by my good friend Justice Hugo Black. Me, a black man; Hugo, a former Ku Klux Klan member.

I spent the next 24 years on the highest court in the land. As a boy growing up under Jim Crow, I never could have imagined that. It reminds me of something my classmate Langston Hughes once wrote: America never was America to me. And yet, I swear this oath—America will be.

JS adaptation by Kathy Wilmore, based on the play by George Stevens Jr. airing this month on HBO