

Thurgood Marshall understood that the Constitution contained promises Black Americans had rarely been allowed to collect. His life's work was forcing the United States to answer for the distance between the democracy it advertised and the racial system it practiced. Before becoming the first Black justice on the United States Supreme Court, he traveled through hostile towns, defended people whose lives were in danger and helped construct the legal campaign that destroyed government-mandated school segregation. He did not approach the law as an abstract collection of rules. For Marshall, the law could determine whether a person received an education, served on a jury, voted in an election, confessed under torture or survived an encounter with the state.

He was born Thoroughgood Marshall on July 2, 1908, in Baltimore, Maryland. He shortened his name to Thurgood while he was still young because he disliked having to spell the longer version. His father, William Marshall, worked as a railroad porter and later as a steward at a country club. His mother, Norma, was an elementary school teacher. Neither parent allowed him to believe that intelligence belonged to another race. His father regularly took him to courtrooms and later questioned him about the lawyers' arguments, teaching him to listen for weaknesses instead of being impressed by confident language.

Marshall could be playful, argumentative and occasionally difficult in school. A teacher reportedly punished him by making him study sections of the United States Constitution. The punishment worked differently than intended because Marshall became deeply familiar with the document. He learned the language of due process, equal protection and individual rights before he had the power to enforce any of it. He also learned that written principles do not enforce themselves. A right can exist on paper while judges, lawmakers and police officers cooperate in denying it.

In 1925, Marshall entered Lincoln University in Pennsylvania, a historically Black institution sometimes called the "Black Princeton." His classmates included people who later became influential leaders in Africa and the United States. Poet Langston Hughes had attended Lincoln, while future Ghanaian president Kwame Nkrumah studied there several years after Marshall. Marshall participated in debates, joined Alpha Phi Alpha Fraternity and developed the speaking ability that became one of his greatest courtroom strengths. He was not initially the completely disciplined scholar later images sometimes suggest, but marriage and maturity sharpened his focus. In 1929, he married Vivian "Buster" Burey, whose support remained important throughout the difficult early years of his legal career.

Marshall graduated from Lincoln in 1930 and wanted to attend the University of Maryland School of Law. The university did not admit Black students. Rather than abandon his ambition, he attended Howard University School of Law in Washington, D.C. His mother reportedly pawned her wedding and engagement rings to help pay his expenses. The rejection from Maryland stayed with him, but it also gave him a personal understanding

of how segregation wasted ability. He was qualified to attend a public institution supported by taxpayers, yet the state treated his race as more important than his preparation.

Howard Law changed the direction of his life. The school's vice dean, Charles Hamilton Houston, became Marshall's mentor and one of the principal architects of the legal attack on segregation. Houston was demanding because he was training lawyers for more than private practice. He believed a lawyer could either challenge social injustice or become part of the system that maintained it. His students had to be better prepared than the white lawyers facing them because racial prejudice meant that an average performance would not receive an average judgment.

Houston taught Marshall to build cases patiently, establish evidence carefully and think beyond a single courtroom victory. Segregation rested on hundreds of laws, customs and judicial decisions. One dramatic case could not dismantle the entire structure. Lawyers would have to challenge selected parts of the system, establish useful precedents and gradually remove the legal support beneath it. Marshall absorbed that strategy while developing his own more conversational courtroom style. He graduated first in his class in 1933.

After law school, Marshall opened a practice in Baltimore. Black clients often could not afford substantial legal fees, and white clients were unlikely to hire him. His practice struggled financially, but he gained experience handling the kinds of cases that revealed how ordinary people encountered injustice. Law was not only argued before the Supreme Court. It operated in police stations, rental agreements, local schools, criminal trials and county courthouses where a Black defendant might face an all-white jury before the evidence was even heard.

One of Marshall's early victories was *Murray v. Pearson* in 1935. Donald Murray, a qualified Black applicant, had been denied admission to the University of Maryland School of Law because of his race. Marshall and Houston argued that Maryland could not satisfy its constitutional responsibility by telling Murray to attend an out-of-state school. Maryland was required to provide an equal legal education within the state, and no equivalent Black law school existed there. The court ordered the university to admit Murray. Marshall had helped break the barrier that had once kept him out.

The case demonstrated the weakness inside the "separate but equal" doctrine created by *Plessy v. Ferguson* in 1896. Southern states claimed that separating people by race was constitutional as long as the facilities were equal. In practice, the facilities were almost never equal. Black schools received inferior buildings, outdated books, shorter academic terms and lower teacher salaries. Houston and Marshall forced states to prove the equality they claimed existed. If a state built truly equal professional schools for Black students, it would face enormous expenses. If it refused, it exposed the dishonesty of its own system.

Marshall joined the legal staff of the NAACP and eventually became the leader of the NAACP Legal Defense and Educational Fund. His position placed him near the center of some of the most dangerous racial conflicts in the country. He traveled through the South investigating cases, interviewing witnesses and arguing before judges who did not necessarily believe a Black lawyer belonged in their courtroom. He sometimes slept in private homes because hotels would not accept him. Eating, traveling and finding safe lodging required planning because segregation controlled nearly every part of public life.

The danger was not theoretical. Marshall defended Black people in communities where white mobs had already demonstrated their willingness to kill. Local officials could cooperate with those mobs or deliberately fail to protect defendants and lawyers. Marshall learned to leave some towns quickly after court, sometimes driving through the night rather than risking a local hotel. There were places where getting a fair hearing was difficult and getting out alive was not guaranteed. His later position inside the marble Supreme Court building was built on years spent practicing law where the Constitution carried little authority unless someone was brave enough to demand it.

In *Chambers v. Florida* in 1940, Marshall helped represent Black men convicted of murder after being subjected to prolonged interrogation and coercion. The Supreme Court reversed their convictions, recognizing that confessions produced through pressure and fear could not be treated as voluntary evidence. This work attacked a common method of Southern law enforcement: arresting Black suspects, isolating them, threatening them and then presenting coerced statements as proof. Marshall understood that constitutional protection had little meaning if police could create guilt through terror.

In *Smith v. Allwright* in 1944, Marshall successfully challenged the white primary system in Texas. The Democratic Party dominated Southern politics, so winning the Democratic primary often meant winning the election. By excluding Black voters from those primaries, white officials could deny them meaningful political participation while pretending they still possessed the right to vote in general elections. The Supreme Court ruled that the exclusion violated the Constitution. The decision weakened a major device used to preserve white political power.

Marshall also fought segregation in interstate transportation. In *Morgan v. Virginia* in 1946, the Supreme Court struck down a Virginia law requiring racial segregation on interstate buses. The ruling did not immediately end segregated travel because states and transportation companies resisted enforcement. Nevertheless, it created legal ground later used by civil rights activists, including the Freedom Riders. Marshall's cases often functioned this way: a court decision opened a door, but organized people still had to push through it.

Housing segregation also required attention. Racially restrictive covenants were agreements used to prevent property from being sold or rented to Black people and other targeted groups. In *Shelley v. Kraemer* in 1948, the Supreme Court ruled that courts could not constitutionally enforce such agreements. Private prejudice did not automatically

become constitutional merely because it was written into a contract. When a court enforced the restriction, the government became involved in racial discrimination. The ruling weakened one mechanism of housing segregation, though banks, real estate companies and local governments continued using other methods to separate communities.

Marshall's most frightening work included the defense of Black men falsely accused or unfairly prosecuted for crimes against white people. In many Southern communities, an accusation involving a white woman could place a Black man in immediate danger regardless of the evidence. These cases involved coerced confessions, concealed evidence, intimidated witnesses and juries from which Black citizens had been excluded. Marshall's presence did not guarantee justice, but it brought national attention and professional legal pressure into courtrooms accustomed to operating without serious challenge.

The Groveland case in Florida showed both the necessity and the limits of legal representation. Four young Black men were accused in 1949 of raping a white woman. One was killed by a posse before he could be tried. The others faced mob violence, brutal treatment and deeply compromised legal proceedings. After the Supreme Court overturned two convictions, Sheriff Willis McCall shot the defendants while transporting them to a new trial, killing Samuel Shepherd and seriously wounding Walter Irvin. McCall claimed they attempted to escape. Marshall and his colleagues understood they were confronting more than a prosecutor; they were confronting a local system in which law enforcement, racial power and violence protected one another.

The NAACP's education strategy moved gradually from demanding equal resources to attacking segregation itself. In *Sweatt v. Painter* in 1950, Heman Sweatt had been denied admission to the University of Texas Law School. Texas attempted to create a separate Black law school, but Marshall argued that legal education involved more than buildings and books. Reputation, faculty influence, professional networks and interaction with future leaders were also part of the education. The Supreme Court agreed that the separate institution was not truly equal.

That same year, *McLaurin v. Oklahoma State Regents* confronted segregation inside an institution. George McLaurin, a Black graduate student, had been admitted to the University of Oklahoma but was forced to sit apart from white students in classrooms, the cafeteria and the library. The university claimed he had been admitted and therefore had access to education. Marshall's side showed that separating him within the school damaged his ability to learn, exchange ideas and participate in academic life. The Supreme Court ruled that the treatment violated equal protection.

These graduate-school cases prepared the legal foundation for the attack on segregated public education. Marshall and his team gathered lawsuits from several states and the District of Columbia. The cases were eventually considered together under the name *Brown v. Board of Education*. The named plaintiff, Oliver Brown, was a Black father in

Topeka, Kansas, whose daughter Linda had to travel past a nearby white school to attend a more distant Black school. The case was never only about one child's commute. It asked whether a government could separate children solely because of race and still claim to treat them equally.

Marshall argued before the Supreme Court that segregated schools were inherently unequal. Even where officials attempted to equalize buildings or teacher salaries, the act of government-enforced separation marked Black children as socially inferior. Psychologists Kenneth and Mamie Clark contributed research involving children's responses to Black and white dolls, helping demonstrate how racial hierarchy could affect children's self-perception. The case included social science, historical evidence and extensive legal reasoning, but its central truth was plain: a state could not classify children by race, isolate them and then pretend that the separation carried no message.

On May 17, 1954, the Supreme Court unanimously ruled that racial segregation in public schools violated the Equal Protection Clause of the Fourteenth Amendment. Chief Justice Earl Warren wrote that separate educational facilities were inherently unequal. The ruling overturned the constitutional foundation supporting segregated public education. Marshall had won the most important case of his career and one of the most significant constitutional decisions in American history.

The victory did not instantly integrate American schools. In *Brown II* in 1955, the Supreme Court instructed school systems to desegregate "with all deliberate speed." The vague language allowed hostile states and local officials to delay compliance for years. Some districts closed public schools rather than allow Black and white children to attend together. White politicians organized "massive resistance," and Black families who attempted to enter white schools faced threats, job loss and violence. A legal victory had removed segregation's constitutional approval, but court orders could not substitute for enforcement and political courage.

Marshall was sometimes criticized by younger activists who believed courtroom strategy moved too slowly. Sit-ins, boycotts, marches and direct action placed immediate pressure on institutions in ways lawsuits could not. Marshall occasionally worried that activists might provoke violence or create legal problems that weakened carefully prepared cases. That caution could appear disconnected from people tired of waiting for rights they already possessed. Yet litigation and direct action were not truly separate struggles. Activists created public pressure, while lawyers defended them, challenged arrests and converted moral demands into enforceable legal rights.

Marshall's legal record made him one of the most accomplished attorneys in the country. He argued thirty-two cases before the United States Supreme Court and won twenty-nine. The importance of that record cannot be measured only by the number of victories. His cases reshaped voting, education, criminal justice, housing and transportation. He did not merely prove that a Black lawyer could succeed within the legal system. He changed what the legal system was required to recognize.

President John F. Kennedy nominated Marshall to the United States Court of Appeals for the Second Circuit in 1961. Several Southern senators delayed his confirmation because of his civil rights work. He initially served through a temporary appointment and was eventually confirmed in 1962. As a federal appellate judge, Marshall handled a broader range of legal questions and gained experience deciding cases rather than arguing them. His opinions demonstrated that his abilities extended far beyond racial discrimination cases.

President Lyndon B. Johnson appointed Marshall solicitor general of the United States in 1965. The solicitor general represents the federal government before the Supreme Court, making the position one of the most influential legal offices in the nation. Marshall had spent years forcing the government to obey its own Constitution. Now he was standing before the Court as the government's chief advocate. He won most of the cases he argued in that position and developed an even deeper understanding of federal power.

In 1967, Johnson nominated Marshall to the United States Supreme Court. Johnson reportedly said it was the right thing to do, the right time and the right man. Marshall faced hostile questioning during his confirmation hearings, including efforts by segregationist senators to portray him as intellectually unqualified. Those attacks ignored his extraordinary Supreme Court record and decades of constitutional work. The Senate confirmed him, and on October 2, 1967, Thurgood Marshall became the first Black justice in the Court's history.

His appointment carried enormous symbolism, but Marshall was not placed on the Court merely to represent Black Americans. He handled the full constitutional responsibilities of a justice. His decisions and dissents addressed criminal procedure, freedom of expression, privacy, education, poverty, voting, reproductive freedom and the death penalty. At the same time, his personal experience gave him an understanding of state power that many judges did not possess. He knew that police reports could lie, prosecutors could hide misconduct and apparently neutral rules could preserve racial inequality.

Marshall believed the Constitution had to protect unpopular people and powerless minorities because politically secure groups could usually protect themselves. He was particularly concerned about the rights of criminal defendants. This did not mean he was unconcerned about victims. He understood that a government allowed to ignore the rights of an accused person could eventually abuse anyone. Fair trials, access to counsel and protection from coerced confessions were restraints on government power, not rewards for wrongdoing.

He became a firm opponent of the death penalty. In *Furman v. Georgia* in 1972, the Supreme Court temporarily invalidated existing death penalty systems because of the arbitrary manner in which they were applied. Marshall went further, concluding that capital punishment violated the Constitution. He recognized that the death penalty did

not operate evenly. Race, poverty, geography, the quality of legal representation and the identity of the victim could influence who received a death sentence.

When the Court allowed revised death penalty laws in *Gregg v. Georgia* in 1976, Marshall dissented. From that point forward, he continued opposing capital punishment even as executions resumed. He believed that if the public fully understood its unfairness, lack of proven necessity and capacity to kill innocent people, support would weaken. His position came from decades spent near criminal courts where procedural language could conceal coercion, prejudice and human error.

Marshall also defended reproductive freedom and the constitutional right to privacy. He supported the central protection recognized in *Roe v. Wade*. His view was connected to equality because government control over pregnancy could shape women's education, employment, health and independence. He understood that restrictions often fell hardest on poor women who lacked the ability to travel or purchase private medical care. A legal rule that appeared to apply to everyone could create very different consequences depending on wealth.

In *San Antonio Independent School District v. Rodriguez* in 1973, the Supreme Court ruled that education was not a fundamental right under the federal Constitution and upheld a school-financing system that created large inequalities between wealthy and poor districts. Marshall dissented. He believed the Court's reasoning treated rights too mechanically and failed to appreciate how education affected the exercise of nearly every other freedom. Voting, employment, political participation and access to information all depend partly on education. His dissent remains important because public schools are still heavily shaped by local property wealth, allowing a child's address to influence the resources available in the classroom.

Marshall also dissented in *Milliken v. Bradley* in 1974, which limited the use of metropolitan-wide desegregation plans across school district boundaries. The case involved Detroit and its surrounding suburbs. The Court's majority refused to include suburban districts without specific proof that each had intentionally contributed to segregation. Marshall believed this approach ignored how government policies, housing discrimination and district boundaries had created racially divided metropolitan areas. He warned that the decision would leave many urban schools isolated and unequal despite the promise of *Brown*.

His opinions on affirmative action were grounded in history. Marshall rejected the argument that measures designed to address racial exclusion were constitutionally identical to the segregation he had fought. Segregation had been created to subordinate Black people and reserve opportunity for white people. Affirmative action attempted, however imperfectly, to open institutions shaped by that exclusion. Treating those two purposes as morally indistinguishable erased the reason the policies existed.

In the 1978 case *Regents of the University of California v. Bakke*, Marshall reviewed the long history of laws and practices that denied Black Americans education, property, employment and political power. He explained that centuries of enforced disadvantage could not be repaired by suddenly announcing that the government would stop noticing race. A society cannot deliberately create racial inequality and then declare every effort to correct it unfair. His reasoning did not claim that every affirmative action policy was automatically valid; it demanded that constitutional analysis remember actual history.

Marshall was known inside the Court for storytelling and humor. He often told his fellow justices about life under segregation and the realities he had encountered as a lawyer. These stories were not distractions from legal reasoning. They reminded people who worked inside a protected institution that court decisions affected lives outside its walls. A rule that looked orderly in a law book could become brutal when applied by a prejudiced sheriff, an underfunded defense attorney or a school board determined to resist equality.

As the Supreme Court became more conservative during the 1970s and 1980s, Marshall increasingly found himself in dissent. He and Justice William Brennan became close allies, often defending the liberal constitutional principles established during the Warren Court era. Marshall's dissents could be sharp because he believed the Court was retreating from protections that had taken decades to build. Losing a vote did not make the dissent meaningless. A dissent preserves an alternative constitutional understanding that later judges, lawyers and movements may recover.

Marshall did not describe the original Constitution as a perfect document created by flawless founders. In a 1987 speech marking its bicentennial, he reminded the country that the original Constitution protected slavery and excluded most people from political power. The nation's more honorable constitutional principles emerged through amendments, civil war, protest, legislation and generations of struggle. This was not disrespect for the Constitution. It was an honest recognition that American freedom had been expanded by people who refused to accept the document's original limitations.

That understanding separated Marshall from those who treated the founders' intentions as the final answer to every constitutional question. The men who wrote the Constitution did not create racial equality, women's political equality or modern democratic participation. Later generations had to change the law and its meaning. Marshall viewed the Constitution as a living framework whose promise had to be applied to people originally excluded from its protection.

His personal life included painful loss. His first wife, Vivian, died of cancer in 1955. Marshall later married Cecilia Suyat, a staff member at the NAACP of Filipino ancestry. They had two sons, Thurgood Marshall Jr. and John W. Marshall. The interracial marriage itself existed within a period when many states still prohibited such unions. Those laws were not declared unconstitutional nationwide until *Loving v. Virginia* in 1967, the same year Marshall joined the Supreme Court.

Marshall retired from the Court in 1991 because of declining health. President George H. W. Bush nominated Clarence Thomas to replace him. Although both men were Black, their constitutional philosophies differed considerably. Marshall believed government sometimes had an affirmative responsibility to correct inequality, while Thomas generally favored a more conservative understanding of federal power and race-conscious policy. The replacement demonstrated that representation and philosophy are not the same thing. A Black justice may occupy the same seat without carrying the same interpretation of history or law.

Thurgood Marshall died on January 24, 1993, at the age of eighty-four. His body lay in repose at the Supreme Court, where thousands came to honor him. By then, his name had become attached to schools, courthouses, scholarships and civil rights institutions. Yet reducing him to the title “first Black Supreme Court justice” leaves out the hardest part of his contribution. He had already changed American law before he ever joined the Court.

Marshall’s career exposes the difference between legality and justice. Segregation was legal. White primaries were legal. Racially restricted schools were legal. Coerced confessions were routinely accepted through legal proceedings. Law can protect freedom, but it can also organize oppression with official language, stamped documents and courtroom approval. Marshall’s achievement was learning the rules of that system well enough to turn its own stated principles against its discriminatory practices.

He was not working alone. Charles Hamilton Houston designed much of the early strategy. Black teachers, parents, students and local organizers agreed to become plaintiffs even when doing so placed their jobs and safety at risk. NAACP attorneys such as Robert Carter, Constance Baker Motley, Jack Greenberg and Spottswood Robinson carried major parts of the legal campaign. Psychologists, researchers, ministers and community organizations supplied evidence and support. Marshall became the most visible lawyer, but the movement’s victories were collective.

His story also shows that courage does not always resemble a dramatic speech before a cheering crowd. Sometimes courage means entering a courthouse where the judge dislikes you, the sheriff may threaten you and the jury has been selected to exclude people who look like you. It means preparing the record carefully enough that a higher court cannot easily avoid the truth. It means returning after a loss, finding another plaintiff and building the next case. Marshall’s weapon was not politeness or passive faith in the system. It was disciplined preparation backed by people willing to challenge that system.

Thurgood Marshall forced America to apply its most celebrated principles to people it had deliberately excluded. He did not eliminate segregated housing, unequal schools, voter suppression or racial injustice. No judge could accomplish that alone. What he did was remove important legal protections from those systems and establish constitutional tools that later generations could use. He demonstrated that understanding the law is a

form of power—but only when that understanding is combined with organization, evidence, endurance and the determination to make written rights become lived realities.