



THURGOOD MARSHALL AND THE TEXAS NAACP CONNECTION

Thoroughgood, later changed to Thurgood, Marshall spent the first third of his life exploring the Eastern Shore of Maryland. His family moved to New York's Harlem when he was two years old but returned to Baltimore's Druid Hill Avenue four years later. In high school, he traveled to Delaware with the debating team, and as a part-time porter; he traveled the line on the B&O railroad. There is nothing in Thurgood's youth, adolescence, or young adulthood that remotely suggests he had, or would have a connection to the State of Texas. For that matter, Marshall had never ventured into the Deep South until he joined his friend, mentor, and former law professor, Charles Hamilton Houston, on some fact-finding trips for the National Association for the Advancement of Colored People (NAACP) around 1933 or 1934. Together, the two men toured such venues as Virginia, Kentucky, Missouri, Tennessee, the Carolinas, and Mississippi to investigate school segregation.

By October 1938, Marshall had moved to the NAACP's national office in New York City. While sitting at his desk, he was rummaging through a pile of newspapers when he came across a story depicting the experience of George F. Porter, a fifty-five year old Black Texan, who was the president of a small Black college, and who had been roughed-up and literally thrown down the courthouse steps for trying to exercise his right to serve on a jury.

It was then that Marshall decided it was time to go to Texas. He immediately realized this was the type of case that could bring national attention to the "monstrous reality of second class treatment given to Black Americans even in a court of law." The intended trip was somehow communicated to the Dallas Police chief, who let it be known that Marshall's visit was not welcomed, and further, that he would personally take care of the young lawyer should he decide to visit his city. Marshall verified the Chief's threat through the office of Texas Governor James Allred. The Governor, however, promised Marshall he would be protected should he decide to come to Dallas. When Marshall arrived in Dallas, a Texas Ranger met him. He was initially skeptical of the Ranger's sincerity because of his typical southern demeanor and mannerisms. Marshall asked the Governor to replace the Ranger with someone with whom he would feel more comfortable. The Governor assured Marshall there was no better man for the job.

After meeting with the Judge in the Porter case, Marshall was returning to his car when the angry Police Chief accosted him outside the courtroom. The Chief, gun in his hand, reportedly yelled at Marshall, "Hi, you Black son-of-a-bitch, I've got you now." Marshall began running towards the car where the Ranger sat atop the hood. The Ranger immediately drew his weapon, pointed it at the Chief, and said, "Fella, just stay right where you are." As Marshall settled back into the car seat, he felt relieved and happy the Governor had refused his request to have the Ranger removed.

Little did Marshall realize at the time that that fortuitous event which brought him to Texas in 1938 would set into motion a series of related and unrelated, perhaps coincidental, maybe Kismet or fate-dictated occurrences which would shape his life and destiny and bind him more to Texas than his move to New York City, or subsequent return to Washington, D.C. or even to his native Baltimore.

The Porter incident, for example, generated sufficient negative publicity to send a message to the Dallas power structure that the type of treatment Porter received would no longer be tolerated by Blacks exercising their civil rights. Within a few weeks after the Marshall incident, Judge Paine Bush allowed another Black man, W. L. Dickerson, to serve as a juror, and gradually the policy of Black juror exclusion in Texas was eliminated.

The 1938 Dallas trip also produced a secondary opportunity. It allowed Marshall a chance to establish and develop relationships with many of the city's local Black leaders, and especially with that of A. Maceo Smith, President of the Texas NAACP. Mr. Smith, like Marshall, was a large man who cut an impressive figure. He was

constantly seen gripping a large cigar between his teeth while emphatically making a point. Smith impressed upon Marshall the need to continue pursuing a legal course of action that would end the White primary system in Texas. The problem was that the NAACP had already brought three suits against the system, and each suit had resulted in the Democratic Party finding a legal and linguistic way to justify the continuation of social separation in the area of Black suffrage. Smith was partially angry and partially frustrated by those previous failures since he had invested both his energy and financial wherewithal to bringing an end to that ignoble system and nothing appeared to have changed.

Black suffrage was Marshall's primary strategic objective. He chose it over education for reasons explained below. He also chose suffrage because the Association had a history in Texas, although suffrage issues had been fought in Louisiana and would later be fought in other places both North and South. The Association had both won and lost in Texas White primary wars before Marshall became its legal commander. It was his task in *Smith v. Allwright* to bring those wars to an end. Unfortunately, Smith would not be the Association's last encounter with Black suffrage in Texas. There would be another and the wars would go on in other parts of the country.

In the arena of public education, Marshall is most famous for his role in bringing legal segregation in education to an end in *Brown v. Bd. of Educ., Topeka*, his fight to end social separation began many years prior to 1954, and far away from Kansas, when he successfully prosecuted *Sweatt v. Painter*. Although *Brown* began outside of Texas, it was in Texas that his first major victory was accomplished -- the one that would set the stage for the showdown in Kansas.

Once more, unseemly and random events and circumstances took place in Texas, which would aid in shaping the future outcome of American social and political history. The Supreme Court heard oral arguments in the *Sweatt v. Painter* case on April 4, 1950. W.J. Durham began with his remarks, but Marshall soon took over and carried the weight of the argument. The court concluded that black law students were not offered substantial quality in educational opportunities and that *Sweatt* could therefore not receive an equal education in a separate law school. Surrounded by photographers, *Sweatt* registered at the UT law school on September 19, 1950. Marshall credits the *Sweatt* decision along with rulings in two companion cases, significantly eroded the doctrine of "separate but equal" and opened the door for *Brown v. the Board of Education*.

Marshall's Texas connection continued as historical events in Texas unfolded. President John Kennedy, who appointed Marshall to the Federal Circuit Court, was assassinated in Dallas, Texas; this event brought Lyndon Johnson of Texas to the Presidency. Johnson, in turn, convinced Marshall to leave the security of the Federal Court and to accept the position of Solicitor General, which in turn allowed Marshall to litigate those cases which would finally bring a conclusion to the voting rights dilemma that had plagued America for more than 100 years and Thurgood Marshall for more than twenty-five. Finally, the Texas Connection, President Lyndon B. Johnson, made it possible for Marshall to take the next, and final, step in his illustrious career -- an appointment as the first African-American justice to sit on the Supreme Court of the United States.

LEWINSON, RACE, CLASS, AND PARTY (1932); Johnson, A Negro Looks at Politics (1929) 18 AMERICAN MERCURY 88; Roofert, Race in Politics (1929) 7 SOCIAL FORCES 435. The early constitutions of many states restricted the suffrage to whites. The problem of negro suffrage was by no means a new one after the Civil War. See REUTER, THE AMERICAN RACE

Donald K. Hill - Looking Back, SOCIAL SEPARATION IN AMERICA. (2003), Thurgood Marshall Law Review