

Justice Thurgood Marshall - Breaking Barriers

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Junior Division

Historical Paper

Paper Length: 2485

Justice Thurgood Marshall, “Mr. Civil Rights,” (pictured on the right) was an extremely influential mid-20th century lawyer who broke many racial barriers on a personal level and for others during his nearly 60 year career. Personally, he became the first African American Supreme Court justice in 1967. Marshall broke barriers for others through legal victories that eliminated “separate but equal” schools, all-white political primaries, and government-enforced racially restrictive housing covenants. These triumphs inspired several laws to be passed, including the Civil Rights Act of 1964, and laid the groundwork for the major successes of the barrier-breaking civil rights movement.¹



Background

Thurgood Marshall (1908-1993) was born to William, a railroad porter, and Norma Marshall, a kindergarten teacher, in Baltimore, Maryland. The grandson of a slave, he was raised in a middle-class African-American community.² Marshall attended Lincoln University, a predominantly African-American college in Pennsylvania, and graduated with honors in 1930. In 1929, Marshall married Vivian “Buster” Burey. After her death of lung cancer, in 1955, Marshall married Cecilia “Cissy” Suyat.

After graduation from college, Marshall was rejected from the University of Maryland Law School, solely for being black.³ As a result, Marshall attended Howard University, a

¹ *Image*: “Justice Thurgood Marshall.” *Thurgood Marshall College Fund*, <https://www.tmcf.org/about-us/who-we-are/justice-thurgood-marshall-2/>.

² “Thurgood Marshall: Supreme Court Justice.” *Center for History and New Media*, <http://chnm.gmu.edu/courses/122/hill/marshall.htm>; Tushnet, Mark V. *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961*. Oxford University Press, 1994. Pg. 8

³ Smentkowski, Brian P. “Thurgood Marshall.” *Britannica School*, Encyclopædia Britannica, 9 July 2019, school.eb.com/levels/high/article/Thurgood-Marshall/51119.

historically black school, in Washington DC, where he earned his law degree in 1933, placing first in his class. One of Marshall's most influential teachers was Dr. Charles Hamilton Houston. It was Houston who taught Marshall that the law is a "vehicle for social change."⁴ Marshall's desire to use the law as a tool to make progress shaped his legal philosophy, "You do what you think is right and let the law catch up," and his entire career.⁵

Marshall worked for the NAACP (National Association for the Advancement of Colored People), becoming one of its most influential leaders. The NAACP, founded in 1909 by W.E.B. Du Bois became the most lasting pro-civil rights organization.⁶ Its ultimate goal is "to ensure a society in which all individuals have equal rights, without discrimination based on race."⁷ The NAACP worked (and still works) to implement equal treatment for blacks in housing, work, education, and public accommodations by bringing attention to injustices and filing and funding lawsuits. Marshall was instrumental in many of the NAACP's successes.

Marshall believed that the biggest obstacle to equal rights for African Americans was *Plessy v. Ferguson*, an 1896 Supreme Court case, which established the principle of "separate but equal" facilities for white and black citizens. Convinced of a 14th Amendment equal protection clause violation (since the separate facilities were not even remotely equal), Marshall dedicated his work as a lawyer to defeating *Plessy v. Ferguson*.⁸

Breaking Racial Barriers for Others

⁴ Tushnet, Mark V. *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961*. Oxford University Press, 1994. Pgs. 6-7

⁵ Glass, Andrew. "Senate Confirms Thurgood Marshall Aug. 30, 1967." *Politico*, 30 Aug. 2018, <https://www.politico.com/story/2018/08/30/this-day-in-politics-aug-30-1967-797371>.

⁶ Carson, Clayborne. "American civil rights movement." *Britannica School*, Encyclopædia Britannica, 21 June 2017, <https://school.eb.com/levels/high/article/American-civil-rights-movement/82763>.

⁷ "What is the Mission of the NAACP?" *NAACP*, <https://naacp.org/about-us/>.

⁸ Carson, Clayborne. "American civil rights movement." *Britannica School*, Encyclopædia Britannica, 21 June 2017, <https://school.eb.com/levels/high/article/American-civil-rights-movement/82763>.

In 1933, Thurgood Marshall began private practice as a lawyer. Partially motivated by revenge, Marshall successfully sued the Maryland University Law School for rejecting Donald Murray because he was black.⁹ This case, *Murray v. Pearson*, was Marshall's first great accomplishment, breaking barriers for future black lawyers in Maryland.

In 1936, Marshall joined the NAACP, becoming a staff lawyer under Houston, his former mentor. In 1938, Marshall replaced Houston as chief counsel of the NAACP's legal section and, in 1940, he became head of the NAACP Legal Defense and Education Fund.

Throughout his career, Marshall argued 32 cases in front of the Supreme Court and won a stunning 29 of them, establishing himself as one of the best lawyers in the country.¹⁰ His strategy was generally to take on one relatively small issue/case at a time, rather than attacking the entire racial inequity problem all at once. Marshall was an extremely talented lawyer but also a very talented "people person." He had to convince people to file lawsuits, risking their jobs, property, and potentially their lives. Marshall is known for a few legal victories in particular.

One is *Smith v. Allwright* (1944), which broke racial barriers in party politics. A black man named Dr. Lonnie Smith was prevented from voting in the 1940 Democratic primary because blacks were prohibited membership in the party. In November 1943 and again in April 1944, Marshall argued (if a case is very important, it is sometimes reargued) in front of the Supreme Court that the Democratic Party could not restrict membership based on race, hence restricting primary voting. He argued that this violated the Fifteenth Amendment, which states, "The right of citizens of the United States to vote shall not be denied or abridged by the United

⁹ Tushnet, Mark V. *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961*. Oxford University Press, 1994. Pg. 11

¹⁰ Smentkowski, Brian P. "Thurgood Marshall." *Britannica School*, Encyclopædia Britannica, 9 July 2019, school.eb.com/levels/high/article/Thurgood-Marshall/51119.

States or by any State on account of race, color, or previous condition of servitude.”¹¹ On April 3, 1944, the Supreme Court ruled, 8-1, in favor of Smith and forced the Democratic Party to allow African Americans. This case began the breaking of the barrier known as the “white primary,” which allowed whites to select most political candidates.

Another important case was *Shelley v. Kraemer*. The Shelleys, a black family, tried to buy a house in St. Louis, Missouri. However, the house was under a racially restrictive covenant, which prevented people of African American or Mongolian races from purchasing or occupying the property. Louis Kraemer, who lived ten blocks away, sued the Shelleys to stop them from buying the property. After a loss in the State Supreme Court, Marshall appealed and argued the case in front of the US Supreme Court in January 1948. He argued that racially restrictive housing covenants violate the 14th Amendment’s equal protection clause. On May 3, 1948, the Supreme Court ruled 6-0 (three justices abstained because they owned properties with restrictive covenants themselves) in favor of progress. The court ruled that, since restrictive covenants are private agreements, they themselves are legal, however it is illegal for the government (in this case the Missouri State Supreme Court) to cooperate with or enforce the covenants. A major victory, this case broke a powerful racial barrier in housing.

Thurgood Marshall and the NAACP argued cases to break barriers in voting, housing, and transportation (*Morgan v. Virginia* (1946), *Henderson v. United States* (1950)), but Marshall is best known for fighting inequality in education. After more minor cases such as *Sipuel v. Board of Regents of Oklahoma* (1948), Marshall argued *Oliver Brown et al. v. Board of Education of Topeka et al*, which challenged segregated schools. Previously, Marshall had

¹¹ Parrott-Sheffer, Chelsey. “Fifteenth Amendment.” *Britannica School*, Encyclopædia Britannica, 16 Jul. 2010, <https://school.eb.com/levels/high/article/Fifteenth-Amendment/474683>.

argued two companion cases, *Mclaurin v. Oklahoma State Regents for Higher Education* and *Sweatt v. Painter* (1950), in which the Supreme Court admitted that “separate but equal” schools did not give black students the same opportunities as white students. The schools were just separate, not equal. Using this precedent, Marshall challenged segregated schools again, in Topeka Kansas, where several black parents had just enrolled their children into white schools and were rejected. After a loss in the District Court, the case was appealed and, in the brief for appellants, Marshall and the other plaintiffs made their case clear: “The Fourteenth Amendment precludes a state from imposing distinctions or classifications based upon race and color alone. The State of Kansas has no power thereunder to use race as a factor in affording educational opportunities to its citizens.”¹² *Brown v. Board* combined with segregated school cases from around the country such as *Belton v. Gebhart* and *Bulah v. Gebhart* from Delaware, *Bolling v. Sharpe* from Washington DC, *Briggs v. Elliot* from South Carolina, and *Davis v. County School Board of Edward County* from Virginia, to become one segregated school case. However, *Brown v. Board* led the pack and was argued on December 9, 1952 and again on December 8, 1953. All eyes were on Thurgood Marshall and the Supreme Court. On May 17, 1954, the US Supreme Court ruled unanimously in favor of Brown and overruled *Plessy v. Ferguson*. The justices ruled, “We conclude that, in the field of public education, the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.”¹³ Even though school desegregation took a long time and Marshall and the NAACP had to argue more education cases

¹² “Brief for Appellants.” *NAACP Legal Defense and Education Fund*, <https://www.naacpldf.org/wp-content/uploads/Oliver-BROWN-Mrs-Richard-Lawton-Mrs-Sadie-Emmanuel-et-al-Appellants-v-BOARD-OF-E-1.pdf>.

¹³ “Transcript of Brown v. Board of Education (1954).” *Our Documents*, 13 Jan. 2020, https://www.ourdocuments.gov/print_friendly.php?flash=false&page=transcript&doc=87&title=Transcript+of+Brown+v.+Board+of+Education+%281954%29.

(i.e. *Cooper v. Aaron* (1958)), Marshall's broad goal was accomplished, defeating *Plessy* and replacing it with *Brown* as the foundation for the approach to civil rights arguments. The most powerful barrier was broken.

Effects of Marshall's Work as a Lawyer

Now, the law was on the side of progress. In addition, the decision in *Brown* inspired peaceful protests across the country, which became the renowned and barrier-breaking civil rights movement.¹⁴ People acted. In the mid-1950s, Rosa Parks, a black Alabama seamstress, inspired the Montgomery Bus Boycott by not giving up her bus seat. The Greensboro Sit-In, a North Carolina lunch counter protest, was in 1960. In 1961, the Freedom Riders, mostly white northerners, brought nationwide attention to racial segregation. While those people were acting peacefully, in the early 1960s, Malcolm X, a more radical leader, was calling for a violent revolt against discrimination. However, the most well known example was in 1965, when Martin Luther King Jr. led the Selma to Montgomery March in which thousands of people protested peacefully, drawing attention to the oppression African Americans suffered.

The culmination of the civil rights movement occurred in the 1960s, when President Lyndon B. Johnson signed a trio of acts into law that helped African Americans. First, he signed the Civil Rights Act of 1964. Title II states, "All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, and privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin."¹⁵ The next was the Voting Rights Act of 1965, which helped African Americans get around obstacles that prevented them

¹⁴ "NAACP Legal History." *NAACP*, <https://www.naacp.org/naacp-legal-team/naacp-legal-history/>.

¹⁵ "An Act." *U.S. Equal Employment Opportunity Commission*, https://www.eeoc.gov/eeoc/history/35th/thelaw/civil_rights_act.html.

from exercising their 15th Amendment rights. The final act was the Fair Housing Act of 1968, which banned refusal to sell, rent, or negotiate with someone based on race, sex, nationality, religion, familial status, abilities, or color.

The Personal Barrier Breaking

In September 1961, President John F. Kennedy nominated Marshall to the Federal Court of Appeals for the Second Circuit. His Senate confirmation was delayed many months due to strong opposition from white southern senators. However, Marshall was ultimately confirmed. Marshall's career advanced again in July 1965, when President Johnson tapped him to be the first African American Solicitor General.

On June 13, 1967, President Johnson appointed Thurgood Marshall to be the first African American US Supreme Court Justice and, on August 30, the Senate confirmed him: 69-11. There were only 80 votes cast because President Johnson warned some hesitant southern senators that the newly implemented Voting Rights Act would raise black turnout and, if the senators opposed Marshall, they would be unseated.¹⁶ Marshall remained on the bench until his retirement in 1991, two years before his death (1993).

While on the high court, Justice Marshall was a reliable liberal. He often chose federal rights over state's and opposed capital punishment.¹⁷ Marshall was one of the seven majority votes in *Roe v. Wade* (1973), which declared that restricting abortion violates the right to privacy. However, Marshall's ultimate vision was an America where no one is treated or judged based on a personal trait beyond their control. That is the legacy of Thurgood Marshall.

¹⁶ "For High Court's First Black Justice, Road to Confirmation Wasn't Simple." *National Public Radio*, 30 Aug. 2015, <https://www.npr.org/2015/08/30/436107514/for-high-courts-first-black-justice-road-to-confirmation-wasnt-simple>.

¹⁷ Smentkowski, Brian P. "Thurgood Marshall." *Britannica School*, Encyclopædia Britannica, 9 July 2019, school.eb.com/levels/high/article/Thurgood-Marshall/51119.

His legacy can be seen in the little progress since his career. When Marshall retired, the 102nd Congress was in power. There were 42 racial minority members and 30 female members out of 535 total legislators. Today, in the 116th Congress, things have improved significantly, yet not enough. There are now 120 racial minority members and 127 female legislators. In addition, in 2008, Barack Obama became the first African American elected president. Recently, Marshall's legacy can be seen in the brave counterprotesters, who marched against the 2017 Unite the Right rally, a white nationalist, supremacist, and neo-Nazi march, that turned violent in Charlottesville, Virginia. However, the mere existence of this rally clarifies one thing, despite the progress, Thurgood Marshall's legacy of equality for all is under attack.

A Legacy Under Attack

Marshall wanted no United States citizen to be treated or judged based on something beyond their control and his work is being undone. In 2013, the Supreme Court decided *Shelby v. Holder*, which threw out Sections 4(b) and 5 of the Voting Rights Act. Even worse, Marshall's own successor, another African American, but a conservative one named Clarence Thomas, voted in favor of *Shelby*. In her dissent, Justice Ruth Bader Ginsburg wrote "Throwing out [parts of the Voting Rights Act] when it works and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet."¹⁸ *Roe v. Wade*, the case that allows abortion is also under attack with Justice Thomas clearly opposed, again contradicting what Marshall stood for.¹⁹ Another example of Thomas's

¹⁸ United States Supreme Court *Shelby v. Holder* Syllabus and Opinions. *Supreme Court of the United States*, 25 Jun. 2013, https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf

¹⁹ Thomas, Clarence. Concurring Opinion for Scott Harris et al. v. West Alabama Women's Center et al. *U.S. Supreme Court*, 28 Jun. 2019, https://www.supremecourt.gov/opinions/18pdf/18-837_hgdj.pdf; Kelly, Caroline, and Ariane de Vogue. "Clarence Thomas Urges Supreme Court to Revisit Abortion Precedents as Justices Dodge Another Case." *Cable News Network*, 28 Jun. 2019, <https://www.cnn.com/2019/06/28/politics/supreme-court-alabama-abortion-clarence-thomas/index.html>.

disagreements with Marshall is, as Brooklyn College Professor Corey Robin notes in the *New Yorker*, Thomas believes that racism is unavoidable and the only way blacks can have equal opportunity to whites is to create their own society in which they can create opportunities.²⁰ Marshall, on the other hand, fought for the exact opposite, that “separate but equal” never works.

More prominent attacks on Marshall’s legacy are the racist comments coming from powerful political forces such as the President of the United States, Donald Trump.²¹ Thurgood Marshall fought racism but now it is surging back, all the way to the presidency.

Conclusion

Thurgood Marshall’s role in the civil rights movement was getting the law on the side of progress. Even though he did not convince people to halt discrimination against African Americans, he laid the groundwork for hearts to be changed by people like Martin Luther King Jr. and Rosa Parks, and laws to be passed by politicians, such as President Lyndon B. Johnson. Without Marshall, these things could not have happened and no one knows where we would be today.

Justice Marshall was awarded the Liberty Medal in 1992. In his acceptance speech, reaffirming his Supreme Court nickname, the “Great Dissenter,” Justice Marshall said, “We cannot play ostrich. Democracy just cannot flourish amid fear. Liberty cannot bloom amid hate. Justice cannot take root amid rage. America must get to work. In the chill climate in which we live, we must go against the prevailing wind. We must dissent from the indifference. We must

²⁰ Robin, Corey. “Clarence Thomas’s Radical Vision of Race.” *The New Yorker*, Condé Nast, 10 Sep. 2019, <https://www.newyorker.com/culture/essay/clarence-thomass-radical-vision-of-race?verso=true>.

²¹ Lopez, German. “Donald Trump’s Long History of Racism, From the 1970s to 2019.” *Vox Media LLC*, 15 Jul. 2019, <https://www.vox.com/2016/7/25/12270880/donald-trump-racist-racism-history>; Graham, David A., et al. “An Oral History of Trump’s Bigotry.” *Atlantic*, Jun. 2019, <https://www.theatlantic.com/magazine/archive/2019/06/trump-racism-comments/588067/>.

dissent from the apathy. We must dissent from the fear, the hatred, and the mistrust. We must dissent from a nation that has buried its head in the sand, waiting in vain for the needs of its poor, its elderly, and its sick to disappear and just blow away. We must dissent from a government that has left its young without jobs, education, or hope. We must dissent from the poverty of vision and the absence of moral leadership. We must dissent because America can do better, because America has no choice but to do better.”²² Marshall understood that the barrier breaking can never, will never, and should never end. We must continue in his footsteps.

²² Marshall, Thurgood. 1992 Liberty Medal Acceptance Speech. *National Constitution Center*, 4 Jul. 1992, https://constitutioncenter.org/libertymedal/recipient_1992_speech.html.

Works Cited

Primary Sources

“An Act.” *U.S. Equal Employment Opportunity Commission*,

https://www.eeoc.gov/eeoc/history/35th/thelaw/civil_rights_act.html. This webpage has the original Civil Rights Act of 1964 verbatim.

Brown, DeNeen L. “Thurgood Marshall’s Interracial Love: I Don’t Care What People Think, I’m Marrying You.” *Washington Post*, 28 Aug. 2016,

https://www.washingtonpost.com/local/thurgood-marshalls-interracial-love-i-dont-care-what-people-think-im-marrying-you/2016/08/18/84f636be-54d5-11e6-bbf5-957ad17b4385_story.html. This article included bits of an interview with Thurgood Marshall’s widow, Cecilia “Cissy” Suyat and provided more information about Marshall’s family.

Carter, Robert L. et al. “Brief for Appellants.” *NAACP Legal Defense and Education Fund*, <https://www.naacpldf.org/wp-content/uploads/Oliver-BROWN-Mrs-Richard-Lawton-Mrs-Sadie-Emmanuel-et-al-Appellants-v-BOARD-OF-E-1.pdf>. The official brief for appellants in the case *Brown v. Board of Education* (1954), this document was helpful because it is not a summary of or spin on the argument. This was *the* argument.

Marshall, Thurgood. 1992 Liberty Medal Acceptance Speech. *National Constitution Center*, 4 Jul. 1992,

https://constitutioncenter.org/libertymedal/recipient_1992_speech.html. This source

contains Thurgood Marshall's acceptance speech when he was awarded the Liberty Medal in 1992.

"NAACP Legal History." *NAACP*,

<https://www.naacp.org/naacp-legal-team/naacp-legal-history/>. This source covers the protests that *Brown v. Board* (1954) started, which ultimately led to the Civil Rights Act of 1964. It also confirmed some of my previous research.

Rosenthal, Andrew. "Marshall Retires from High Court: Blow to Liberals." *New York Times*. 28 Jun. 1991,

<https://www.nytimes.com/1991/06/28/us/marshall-retires-from-high-court-blow-to-liberals.html>. This helpful summary of Marshall's life also confirmed some previous research and had some insight into the appointment of Justice Clarence Thomas to the Supreme Court.

Thomas, Clarence. Concurring Opinion for Scott Harris et al. v. West Alabama Women's Center et al. *U.S. Supreme Court*, 28 Jun. 2019,

https://www.supremecourt.gov/opinions/18pdf/18-837_hgdj.pdf. Justice Thomas's opinion to this abortion case displays his opposition to abortion and *Roe v. Wade* (1973), for which Thurgood Marshall voted.

"Transcript of *Brown v. Board of Education* (1954)." *Our Documents*, 13 Jan. 2020,

https://www.ourdocuments.gov/print_friendly.php?flash=false&page=transcript&doc=87&title=Transcript+of+Brown+v.+Board+of+Education+%281954%29. This is the transcript of the ruling in *Brown v. Board of Education* (1954) and contains the famous quote that overruled *Plessy v. Ferguson* (1896), "We conclude that, in the field of public education,

the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.”

United States Supreme Court *Shelby v. Holder* Syllabus and Opinions. *Supreme Court of the United States*, 25 Jun. 2013,

https://www.supremecourt.gov/opinions/12pdf/12-96_6k47.pdf. This primary source has a summary of and some interesting quotes from *Shelby v. Holder* (2013), the case that threw out Sections 4(b) and 5 of the Voting Rights Act.

“What is the Mission of the NAACP?” *NAACP*, <https://naacp.org/about-us/>. This webpage from the NAACP’s official website contained the NAACP’s mission and goals.

Secondary Sources

“A Brief History of Civil Rights in the United States: Civil Rights Acts (1964-1968).”

Georgetown University Law Library, 5 Dec. 2019,

<https://guides.ll.georgetown.edu/c.php?g=592919&p=4172702>. This source has information about the Civil Rights Act of 1964 and the Fair Housing Act of 1968.

“A Brief History of Civil Rights in the United States: Desegregation.” *Georgetown*

University Law Library, 5 Dec. 2019,

<https://guides.ll.georgetown.edu/c.php?g=592919&p=4172700>. This webpage displays the stark contrasts in views between the Supreme Court that ruled in favor of *Plessy v.*

Ferguson (1896) and the Supreme Court that decided *Brown v. Board of Education* (1954).

“A Brief History of Civil Rights in the United States: 1965 Voting Rights Act.”

Georgetown University Law Library, 5 Dec. 2019,

<https://guides.ll.georgetown.edu/c.php?g=592919&p=4172704>. This Georgetown University article covers information on the Voting Rights Act and the attacks on it (*Shelby v. Holder* (2013)).

“Brown Case: Brown v. Board.” *Brown Foundation*,

<https://brownvboard.org/content/brown-case-brown-v-board>. This source has some background of *Brown v. Board of Education of Topeka* (1954). Black children were enrolled and rejected from white schools. Thurgood Marshall and Oliver Brown sued.

“Brown v Board of Education of Topeka, KS 347 U.S. 483 (1954).” *Columbus State Library*, Columbus State Community College,

https://library.csc.edu/ld.php?content_id=12903313. This PDF contains a broad overview of how *Brown v. Board* (1954) happened.

Carson, Clayborne. “American civil rights movement.” *Britannica School*, Encyclopædia Britannica, 21 Jun. 2017,

<https://school.eb.com/levels/high/article/American-civil-rights-movement/82763>. The NAACP's goals and origins are in this Britannica source. This article also includes some other events occurring as part of the civil rights movement.

“Cooper v. Aaron, 361 U.S. 197 (1959).” *Columbus State Library*, Columbus State Community College, https://library.csc.edu/ld.php?content_id=15378407. This source contains an overview of *Cooper v. Aaron* (1958), a post-*Brown* education case argued by

Thurgood Marshall, which provided another obstacle in the path of full school desegregation.

Davis, Michael D., and Hunter R. Clark. *Thurgood Marshall: Warrior at the Bar, Rebel on the Bench*. Carol Publishing Group, 1992. This book gives more information about one of Thurgood Marshall's key Supreme Court victories, *Smith v. Allwright* (1944), the case that began the break of the “white primary” barrier, enforced by political parties.

Eberlin, Eric. “The Basics of the Fair Housing Act.” *Balance Small Business*, 11 Aug. 2019, <https://www.thebalancesmb.com/what-is-the-federal-fair-housing-act-2125014>. This source includes the factors the Fair Housing Act prohibits discrimination against (race, sex, nationality, religion, familial status, abilities, and color).

“The Five Cases.” U.S. *National Parks Service*, 10 Apr. 2015, <https://www.nps.gov/brvb/learn/historyculture/fivecases.htm>. This government website consists of the five cases that combined with *Brown v. Board of Education* (1954) to form one school desegregation case.

“For High Court’s First Black Justice, Road to Confirmation Wasn’t Simple.” *National Public Radio*, 30 Aug. 2015, <https://www.npr.org/2015/08/30/436107514/for-high-courts-first-black-justice-road-to-confirmation-wasnt-simple>. This radio transcript explained the reason for only 80 votes cast (out of 100 senators) in Justice Marshall’s Supreme Court confirmation. President Johnson

warned some hesitant southern senators that the new Voting Rights Act would raise black turnout and, if they opposed Marshall, the senators would be unseated.

“Fourteenth Amendment.” *Britannica School*, Encyclopædia Britannica, 11 Jul. 2018, <https://school.eb.com/levels/high/article/Fourteenth-Amendment/474682>. This source has information on the 14th Amendment and its equal protection clause.

Geiger, A. W., et al. “The Changing Face of Congress in 6 Charts.” *Pew Research Center*, 15 Feb. 2019, <https://www.pewresearch.org/fact-tank/2019/02/15/the-changing-face-of-congress/>. This webpage provided a count of minority and female members in the 116th Congress.

Glass, Andrew. “Senate Confirms Thurgood Marshall Aug. 30, 1967.” *Politico*, 30 Aug. 2018, <https://www.politico.com/story/2018/08/30/this-day-in-politics-aug-30-1967-797371>. This article overviewed some of my previous research and contains Marshall’s legal philosophy: “You do what you think is right and let the law catch up.”

Graham, David A., et al. “An Oral History of Trump’s Bigotry.” *Atlantic*, Jun. 2019, <https://www.theatlantic.com/magazine/archive/2019/06/trump-racism-comments/588067/>. This culls some of the most racist things President Trump has said, along with commentary for each statement.

“Justice Thurgood Marshall.” *Thurgood Marshall College Fund*, <https://www.tmcf.org/about-us/who-we-are/justice-thurgood-marshall-2/>. This source from

a charity named for Thurgood Marshall contains the image of Thurgood Marshall on Page 1.

“International Walk of Fame: Thurgood Marshall.” *U.S. National Parks Service*, https://www.nps.gov/features/malu/feat0002/wof/Thurgood_Marshall.htm. This source confirmed a lot of information and I learned that Marshall was called the “Great Dissenter.”

Kelly, Caroline, and Ariane de Vogue. “Clarence Thomas Urges Supreme Court to Revisit Abortion Precedents as Justices Dodge Another Case.” *Cable News Network*, 28 Jun. 2019, <https://www.cnn.com/2019/06/28/politics/supreme-court-alabama-abortion-clarence-thomas/index.html>. This article highlights Justice Clarence Thomas’s opposition to abortion and to *Roe v. Wade* (1973), the case that legalized abortion.

Keneally, Meghan. “What to Know About the Violent Charlottesville Protests and Anniversary Rallies.” *ABC News Network*, 8 Aug. 2018, <https://abcnews.go.com/US/happen-charlottesville-protest-anniversary-weekend/story?id=57107500>. This article provides basic information about the disgraceful Unite the Right rally in Charlottesville, Virginia (along with President Trump’s response).

Lopez, German. “Donald Trump’s Long History of Racism, From the 1970s to 2019.” *Vox Media LLC*, 15 Jul. 2019, <https://www.vox.com/2016/7/25/12270880/donald-trump-racist-racism-history>. This is a

compilation of some of the most notable of all the many racist statements President Trump has made.

“*McLaurin v. Oklahoma State Regents for Higher Education.*” *Britannica School*, Encyclopædia Britannica, 14 May 2018, <https://school.eb.com/levels/high/article/McLaurin-v-Oklahoma-State-Regents-for-Higher-Education/608782>. This source contains background information for *McLaurin v. Oklahoma State Regents* (1950) and its companion case, *Sweatt v. Painter*, the cases that laid the path for the big barrier-breaking in *Brown v. Board of Education* (1954).

“*Morgan v Virginia*, 328 U.S. 373 (1946).” *Columbus State Library*, Columbus State Community College, https://library.csc.edu/ld.php?content_id=15407586. This source has information on *Morgan v. Virginia* (1946), a case argued by Thurgood Marshall that fought discrimination in public transportation.

Ornstein, Norman J. et al. “Vital Statistics on Congress.” *Brookings Institute*, 23 Apr. 2014, <https://www.brookings.edu/wp-content/uploads/2016/07/Vital-Statistics-Full-Data-Set.pdf>. This compilation of data for about 20 Congresses provides information on the number of minority and female members in the 102nd Congress (42 and 20 respectively), the Congress in power when Justice Thurgood Marshall retired.

Parrott-Sheffer, Chelsey. “Fifteenth Amendment.” *Britannica School*, Encyclopædia Britannica, 16 Jul. 2010,

<https://school.eb.com/levels/high/article/Fifteenth-Amendment/474683>. This source contains the text of the 15th Amendment and a good, brief explanation.

Robin, Corey. "Clarence Thomas's Radical Vision of Race." *The New Yorker*, Condé Nast, 10 Sep. 2019,

<https://www.newyorker.com/culture/essay/clarence-thomass-radical-vision-of-race?verso=true>. This New Yorker article is about Clarence Thomas's positions on race, how Thomas believes in separate but equal communities, which contradicts the argument of Marshall's entire career.

"Roe v. Wade Fast Facts." *Cable News Network*, 6 May 2019,

<https://www.cnn.com/2013/11/04/us/roe-v-wade-fast-facts/index.html>. This source from the CNN Library provides the basics of *Roe v. Wade* (1973), the case that legalized abortion.

Rowan, Carl T. *Dream Makers, Dream Breakers*. CTR Productions, 1993. *Dream Makers, Dream Breakers*, has a more in depth look at some of the cases that ended up combining with *Brown v. Board of Education* (1954), especially *Briggs v. Elliot*. I also learned that Marshall's nickname was "Mr. Civil Rights."

"Shelley v Kraemer (McGhee v Sipes), 334 U.S. 1 (1948)." *Columbus State Library*,

Columbus State Community College, https://library.csc.edu/ld.php?content_id=13796037.

This PDF has background information for *Shelley v. Kraemer* (1948), which dealt with racially restrictive housing covenants. The ruling was not to strike down restrictive

covenants but to strike down government cooperation with and enforcement of restrictive covenants.

“*Sipuel v University of Oklahoma*, 332 U.S. 631 (1948).” *Columbus State Library*, Columbus State Community College, https://library.csc.edu/ld.php?content_id=13010951. This source contains information about *Sipuel v. University of Oklahoma* (1948), Marshall’s first education case argued in front of the Supreme Court.

Smentkowski, Brian P. “Thurgood Marshall.” *Britannica School*, Encyclopædia Britannica, 9 Jul. 2019, school.eb.com/levels/high/article/Thurgood-Marshall/51119. This Britannica article, my first source, has an overview of Thurgood Marshall's life and successes and provided a basis for my research.

“*Smith v Allwright*, 321 U.S. 649 (1944).” *Columbus State Library*, Columbus State Community College, https://library.csc.edu/ld.php?content_id=13795979. This source has Smith's argument in *Smith v. Allwright* (1944), that barring party membership to African Americans violated the 15th Amendment.

“*Sweatt v Painter*, 339 U.S. 629 (1950).” *Columbus State Library*, Columbus State Community College, https://library.csc.edu/ld.php?content_id=13011003. This source contains information about *Sweatt v. Painter* (1950) which, along with its companion case, *McLaurin v. Oklahoma State Regents*, made the Supreme Court admit that “separate but equal” facilities are not equal, laying the path for Marshall’s most famous case, *Brown v. Board of Education* (1954).

“Thurgood Marshall: Cases Argued.” *Columbus State Library*, Columbus State Community College, 16 Dec. 2019, <https://library.csc.edu/ThurgoodMarshall/Cases>. This useful source includes a timeline of the cases Marshall argued.

“Thurgood Marshall: Supreme Court Justice.” *Center for History and New Media*, <http://chnm.gmu.edu/courses/122/hill/marshall.htm>. This helpful source provides a to-the-point timeline of Marshall’s life and some more information about his personal life.

Tushnet, Mark V. *Making Civil Rights Law: Thurgood Marshall and the Supreme Court, 1936-1961*. Oxford University Press, 1994. *Making Civil Rights Law*, my most helpful book resource, has background and details on most of Thurgood Marshall's major legal cases and education.

Wermiel, Stephen. “SCOTUS for Law Students: Rearguments.” *Supreme Court of the United States Blog*, 31 Oct. 2014, <https://www.scotusblog.com/2014/10/scotus-for-law-students-rearguments/>. This source explains that rearguments only occur for very important cases, such as *Brown v. Board of Education* (1954) and *Smith v. Allwright* (1944).

Williams, Juan. *Thurgood Marshall: American Revolutionary*. Juan Williams, 1998. This book has more information about *Shelley v. Kraemer* (1948), the case which outlawed government cooperation with or enforcement of racially restrictive housing covenants. The most interesting part was that three Supreme Court justices abstained because they had property covered with restrictive covenants themselves.