



For Immediate Release
Monday, October 2, 2017

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LDF Commemorates the 50th Anniversary of Thurgood Marshall’s Swearing-In to the U.S. Supreme Court

Fifty years ago today, Thurgood Marshall was sworn in as an Associate Justice of the United States Supreme Court, becoming the nation’s first African American Supreme Court Justice.

A graduate of Howard University School of Law—first in his class—Marshall, under the mentorship of Howard’s Vice-Dean Charles Hamilton Houston, won his first major civil rights case in 1935 when a court in Baltimore held that the exclusion of African-American students from the University of Maryland Law School violated the U. S. Constitution. The decision in that case became the first step on “the road to *Brown*,” the careful and methodical 20-year effort led by Marshall and Houston and developed and litigated by a “dream team” of NAACP Legal Defense Fund (LDF) lawyers, to overturn the Supreme Court’s 1896 decision in *Plessy v. Ferguson*, which upheld state-sponsored racial segregation.

In 1940, Marshall founded LDF, which under Marshall’s leadership litigated and won a stunning run of civil rights cases that outlawed state-sanctioned segregation in almost every aspect of American life. The *Brown v. Board of Education* opinion in 1954, which held that the doctrine of “separate but equal” was unconstitutional, is widely regarded as one of the most monumental decisions ever decided by the Supreme Court. Marshall left LDF in 1961, when he was nominated by President Lyndon B. Johnson for a seat on the Second Circuit Court of Appeals. Marshall became Solicitor General of the United States – the first African American to hold that position – in 1966.

“Thurgood Marshall was almost single-handedly responsible for creating the concept of the ‘civil rights lawyer,’” said [Sherrilyn Ifill](#), the current President and Director-Counsel of the LDF. “Before Marshall, it was unheard of -- a lawyer who devoted his practice full-time to civil rights matters and did so with the same level of excellence as attorneys practicing at the nation’s top law firms. Marshall combined exceptional skill and relentless work ethic with a common touch. He enjoyed a deep and close relationship with African-American lawyers and leaders in communities throughout the country. When he was nominated and confirmed to sit on the Supreme Court, he brought all of that with him. He was truly revered by the African-American community, and his decisions reflected his deep understanding of how the law worked in the lives of those who are most marginalized in our society.”

When President Johnson [announced](#) Marshall's nomination to the Supreme Court on June 13, 1967, he emphasized Marshall's bona fides:

“He has argued 19 cases in the Supreme Court since becoming Solicitor General. Prior to that time, he had argued some 33 cases. The statisticians tell me that probably only one or two other living men have argued as many cases before the Court-and perhaps less than half a dozen in all the history of the Nation.”

Marshall endured one of the most grueling confirmation hearings in the history of the Supreme Court. Segregationist Senators on the Judiciary Committee grilled him on minute and arcane facts about the history of the Constitution, and sought to paint Marshall as a racist who hated White southerners. Marshall calmly and deftly answered the questions put to him, never losing his cool. The ordeal of Marshall's confirmation hearing was powerfully recounted in Wil Haygood's 2016 acclaimed book: *Showdown: Thurgood Marshall and the Supreme Court Nomination That Changed America*.

On October 2, 1967, Marshall took the [Judicial Oath](#). At the time of his swearing-in, he was one of the most qualified and decorated lawyers to ever join the Court. In a recent conversation with Associate Justice Ruth Bader Ginsberg, the Dean of Georgetown Law School noted that only Justice Ginsburg and Justice Marshall were more famous before they joined the bench than afterwards. Justice Ginsburg pointed out that unlike her experience as a trailblazing women's rights attorney, Marshall had risked his life as a civil rights attorney with LDF.

Marshall's contributions as a Justice on the Court solidified his place as a powerful and important voice for equality and justice. He authored one of the most important decisions protecting the right to privacy from government intrusion. In *Stanley v. Georgia* in 1969, Marshall wrote the opinion for the Court, known for its famous passage:

“If the First Amendment means anything, it means that a State has no business telling a man, sitting alone in his own house, what books he may read or what films he may watch. Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds.”

It was Marshall's deep understanding of racial discrimination, learned from his own experiences and from decades of civil rights practice in southern courtrooms, that gave him a unique influence on the Court. In a 1991 tribute to Justice Marshall after his retirement, Associate Justice Byron White wrote about the importance of Marshall's voice in the conference, when the justices convened to discuss pending cases. Marshall, Justice White explained, would tell the justices things “we knew but would rather forget; and he told us much that we did not know due to the limitations of our own experiences.”

As the Court turned increasingly more conservative in his later years on the bench, Marshall's dissents became known for their unflinching honesty. In his final written decision, Marshall issued a blistering dissent, opening with a clear-eyed diagnosis of the firmly conservative Court: “power, not reason,” Marshall wrote, “is the new currency of this Court's decision-making.”

Even a year after he left the bench, Marshall continued to speak out forcefully about the state of racism in our country and the unfinished business of securing equal justice under law. When he received the [Liberty Medal](#) from the National Constitution Center in 1992, Marshall reminded the nation that “Democracy just cannot flourish amid fear. Liberty cannot bloom amid hate. Justice cannot take root amid rage.” There, at age 84, Marshall urged us all to push harder to fulfill the promise of equality and justice in our Constitution, saying “America must get to work.”

“It’s difficult to separate Marshall’s legacy on the bench from his legacy off the bench,” Ifill said. “He was the whole package. Generations of lawyers were inspired by him. He made us all believe that it was possible to work on behalf of the most powerless members of our society and still rise to the heights of the legal profession. This was simply unheard of before the example of Marshall’s exceptional career.”

“The ascendancy of Thurgood Marshall – the great-grandson of freed slaves – to a seat on the United States Supreme Court is nothing short of remarkable,” Ifill added. “It sounds cliché to call him a legal giant, but he truly was.”

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.