

## **Rawl James, Jr. Interview – Part 1**

*Q. How did you get started on this story?*

**Rawl James:** I was drawn to the story of Charles Hamilton Houston, a great American attorney who many of us don't know much about and then as I learned more about his relationship with Thurgood Marshall. How early in Marshall's life they met and how their friendship continued, and how it changed over the course of Marshall's life. How Houston and Marshall morphed from becoming teacher and student with Charles Hamilton Houston being Marshall's law professor at Howard University and then they became mentor and mentee, Houston became Marshall's mentor and then Houston became Marshall's boss at the NAACP, and they became very close friends.

*Q. Can you tell me when they first met?*

**Rawl James:** Let's see Marshall graduated in 1933, so I guess they would have met in 1930, maybe 1929. It might have been the school year 1929, 1930 at Howard University law school. Houston is the dean of the law school, officially the vice dean but the acting dean of the law school.

*Q. What was it like on that campus then?*

**Rawl James:** When Marshall got there, the campus is not far from where we are right now, in fact, it was in downtown Washington D.C., a few blocks from where we are, a few blocks from the FBI building. The campus was very centered and small, it was really one building. And they were in the process, Houston, the faculty and administrators were in the process of building up the law school. And they were building it up and Marshall's class was an important class not just because of who was in it, it was Thurgood Marshall and Oliver Hill among others. Howard Law School became an accredited law school while Thurgood Marshall was attending. And the students and faculty were rightfully very proud about that and happy about it.

*Q. Margold principle?*

**Rawl James:** The equalization strategy. The Nathan Margold report. Some give credit for the equalization strategy to Margold, I do not. I don't think that's accurate. But Margold did first put on paper the idea of fighting segregation by arguing for the implementation of separate but equal rights. So the NAACP, under its new legal office, would sue states and force them to equalize their facilities. – make equal the facilities for black students and white students, which the states of course, had no intention of doing. And at their current tax rates, it would have been difficult for them to do. Indeed, when states began to build, Texas for example, built a law school for its black students that was actually a real law school as they sought to stave off the NAACP's lawsuits. The governor persuaded the state legislature to raise bonds and taxes to build this law school and they spent three million dollars in 1948 dollars to build this law school that the governor said would be worthy of the name Texas. So it would cost these states more money if they were to build separate and equal facilities. And that was the idea behind the Margold report, was that the legal strategy was that we will either bankrupt the states, or we will make them realize that separate but equal facilities are, they're not feasible.

*Q. How did Marshall and Houston's relationship change?*

**Rawl James:** Certainly. Thurgood Marshall arrived at that campus of Howard law school, very brash, an exceptionally intelligent young man who had not been forced to work all that hard in his academic life thus far. He had done very well at Lincoln University, an all-African American university in Pennsylvania, and when he arrived, he wanted to be a

lawyer. He chose to be a lawyer over being a dentist. He wanted to be a lawyer but he ended up working much harder than he had expected he would. For a couple of reasons. First, from a simply pragmatic level, a pragmatic point of view, he lived in Baltimore and his law school was in Washington dc. And I would like to take just a moment to say that Thurgood Marshall did not apply to the University of Maryland law school, which was in Baltimore. It's a common misconception that one can find even in otherwise outstanding biographies of justice Marshall. It's that state that he applied to the University of Maryland law school, was rejected and then came back and successfully sued them as an NAACP lawyer.

It's not true. Marshall said repeatedly throughout his life "I did not apply to the University of Maryland law school". He wanted to go there, he did not want to have to commute by train back and forth each day to Washington dc. But he did not apply there. His family convinced him not to apply, because it would have been useless because university of Maryland law school did not admit black applicants. Houston and Marshall were fraternity brothers, they were both members of Alpha Phi Alpha fraternity incorporated, but Houston wanted no part of any fraternal camaraderie when Marshall arrived there. He told the class. "It does me no good to flunk a dumb person, because dumb people are dumb people, but I love to flunk a smart person. And I love to flunk a key man" and a key man was an individual who had his fraternity key in his pocket. And Marshall said later that everyone in the class sat there shoving their fraternity keys into their pockets.

Marshall, Houston forced Marshall to work very hard. He forced all of his students to work very hard. There were 30 students on Marshall's first day of law school. 6 of them graduated. Thurgood Marshall graduated first in that class. Thurgood Marshall lost twenty pounds during his first year of law school, from commuting back and forth and as he says from hard work. He walked to union station. He walked from the law school to union station and back each day. For the first time in his life he truly applied himself, and I think that made him respect Charles Hamilton Houston that much more. That Houston was able to put him to the grindstone. They had a nickname for Professor Houston. The students called him iron shoes.

*Q. The Crawford case?*

**Rawn James:** the Crawford case, I won't use the term celebrated. It was an infamous murder trial that was tried in Leesburg Virginia, just about 40 miles from Washington dc. A terribly segregated town. A worker named George Crawford, was accused of murdering two white women. A wealthy white woman and her servant. A brutal attack. Viscous attack. He fled the state by rail car by clutching the bottom of a rail car, and rode a railroad car over a hundred miles. And then was found in Massachusetts. Extradition hearings in Massachusetts. Eventually he ended up back in Virginia to stand trial. Walter white, the executive secretary of the NAACP, wanted Crawford to have an all-black legal team.

Said it will be such a spectacle that it will be the true meaning of a spectacle. Really something to see for both black and white citizens of Virginia as well as the country, to see this all black legal team in this very complicated murder case. He convinced Charles Hamilton Houston, who was then dean of Howard law school, who had never tried a murder case in his life, he was a civil attorney, convinced him to become lead counsel. Houston had three other members of his team and they represented George Crawford. They also had working with them, Houston's favorite student, Thurgood Marshall – then I believe was a rising third year law student who was working in the library. He was able to get a job in the law school library because he was able to rank first in his class.

That was their award in what we now would call work study. They worked on the Crawford trail. No black family in Leesburg would risk putting the lawyers up in his or her home, because it was a sure way for their home to be firebombed. So the attorneys commuted back and forth from Leesburg, 40 miles each way. Which today is not that big of a deal, aside from traffic, it's not that big of a deal today. But then it was quite a journey, when one considers how slow the cars traveled then. George Crawford was guilty and Houston learned that when George Crawford told him as much from a jail cell. What Houston succeeded in doing was saving Crawford's life. He was not lynched, which in itself was a victory for the town, and frankly for the police officers guarding George Crawford. George Crawford was not jailed in Leesburg, the judge moved him to Alexandria, and he was under heavy guard in Alexandria. So that he would not be pulled from the jail and murdered.

He was not lynched and he was not sentenced to death. He was sentenced to life in prison. And he was very happy about that. He was smiling at the end when the judge handed down his sentence. The case ended up being controversial for a number of other reasons, but to our point here, it was Thurgood Marshall's first time, seeing these attorneys, seeing these black men, standing up in a courtroom, and address the judge, address the jurors, as equals, and as members of the bar. And it had a very profound effect on young Thurgood Marshall.

*Q. Murray or Gaines?*

**Rawn James:** Murray was the first in Maryland. That was their first victory. That case showed that the strategy, the equalization strategy as Houston put it to effect, could work. They were pushed into filing a lawsuit. There was Donald Murray who was a scion of a prominent family. Like Houston was an Amherst graduate. Was an impeccable student. Charles Hamilton Houston graduated from Amherst College and Harvard law school as well.

He was the first person to serve on the Harvard law review. He had an affinity for and knew that he needed as plaintiffs' outstanding students, and he found that in Donald Murray. Donald Murray wanted to be a lawyer and Donald Murray wanted to go to University of Maryland law school. He applied. He was rejected. Alpha Phi Alpha fraternity was going to represent Donald Murray and file a suit on his behalf. Marshall caught wind of this, Thurgood Marshall caught wind of this through fraternity channels, because they wanted him to work on the case. Thurgood Marshall at this time is a lawyer. He is a graduate, he has a practice in Baltimore that is not all that financially successful.

People are really struggling even though the depression is officially over. Its 1936 was a very difficult time. Alpha Phi Alpha wants Marshall to work with them, representing Donald Murray. They see the state of Maryland as right....a border state. It is certainly not Alabama or South Carolina or Georgia and they want to begin soon. They want to begin suing to end segregation. Marshall tells Houston about it and says 'Charlie I am up a tree as to what to do' he writes.

Thurgood Marshall writes him a letter two days after Christmas and says Charlie I hope you had a wonderful Christmas etc. I am up a tree as to what to do about this Murray case. Please contact me. Finally Houston says ok, we will take the case. Marshall tells Murray, they get together, they meet, and they file suit on Murray's behalf....versus the state of Maryland. The case is called to trial and the courtroom is just about empty.

Nobody, black or white gives them much of a chance to integrate the University of Maryland law school. It's simply not going to happen. They get a judge, and I want to say its judge Dinwitty or Dunwitty, I get the judges mixed up in the Gaines/Murray cases sometimes, but the judge, by the time that Houston and Marshall get to their second witness, the judge begins to show real keen interest in this case. And Houston and the Marshal's case is simple. They say "your honor we are not asking you to overturn Plessy vs Ferguson " we would not ask you to do that, we know that this is a trial court.

We are asking you to enforce Plessy vs Ferguson. The state of Maryland provides a law school for its white students. If a white student is qualified he can be admitted to the University of Maryland law school. There is no law school for any of Maryland's colored citizens. One does not exist. Therefore Maryland is violating the rights of its colored citizens under Plessy vs Ferguson. In order to get the state of Maryland to adhere to the Supreme Court's well settled precedent, the state of Maryland must admit our client, Donald Murray to the University of Maryland law school. Because there is no other place for him to go.

The judge was absolutely intrigued by this. The judge took the rare step of questioning the state's witnesses, including the dean of the law school, professors of the law school, questioning them himself. He almost took over the cross examination from Mr. Houston. His questions were quite pointed and quite simple. Is there a law school for colored citizens to go to? And the dean began to fudge and said we have Princess Anne academy, which was something of a celebrated high school really, on the eastern shore. And the judge, the answer is no. There is no place for a qualified colored applicant to go.

The judge shocks everybody in the courtroom by announcing that he is going to issue his ruling there. Right then and there. In part because, in no small part because he was leaving for vacation, and his wife had told him earlier that day "do not be late coming home" so he sent Thurgood Marshall upstairs to type up the order. He should have sent Houston, because even in 1938 Houston could type, I mean type like the best secretary in 1938. And Marshall typed like most lawyers did in 1938, the hunt and peck slow method. He sent Marshall, the younger attorney upstairs to type up the order. Marshall came down with the order sometime later and the judge signed it and Donald Murray was admitted to the University of Maryland law school.

When the University of Maryland appealed, it went to the appeals court, but Houston and Marshall's argument prevailed and Donald Murray was admitted to the university of Maryland law school. He did very well in no small part because Charles Hamilton Houston made sure he did well. He stayed on him. In fact, he sent him one letter and said "girls are nix until after examinations" Houston knew that this young man had to do well and he did. And Murray practiced law for many decades in Baltimore, was a very successful lawyer in private practice and also did a number of, worked a number of cases for the NAACP.

*Q. Did Maryland (u of) have problems after?*

**Rawn James:** oh no, oh no, it's been open. In fact the next year another black student enrolled and the next year two more enrolled after that.

*Q. He is now taking over for Houston – 1938. Porter case first?*

**Rawn James:** oh George Porter in Texas. That's later. The one, the first one, the big one he dealt with was that they realized they needed federal precedent. They had to take what they achieved with Murray and they had to get that on a federal level. Porter, wasn't that Smith v. Allwright, the voting case.

*Q. Old man thrown down stairs and Marshall was told he would die there.*

**Rawn James:** there was no lawsuit filed in that case, that was a pure investigation case, and I thought that was later, I didn't think that was 1938. I think that one is in the mid-40s where Porter wanted to serve on the jury. There was a professor....I would like to go to the Gaines case. (Instead). It was after Marshall took over that I used my cheat sheet.

The Porter case. There is a lawsuit filed in Dallas, Texas for \$2600. Filed against Coca Cola. There are a bunch of jurors. It's hot in Dallas and a bunch of jurors are milling about the Dallas courthouse, hoping they don't get called for

jury duty. Except for an elderly black man in his Sunday best suit. And that is Dr. Georges Porter, and he is determined to serve on a jury. He has tried this before, but he thinks today will be his lucky day. He goes before the judge and the judge kindly asks him to leave. And he says no I am qualified to serve.

He said we don't have Negroes serve on juries here. So you will have to go. Negroes have served on juries in worse states than Texas. That may be true but you are going to have to leave sir. When he refuses to leave, he is escorted out to the hallway by bailiffs, and some of the prospective jurors in the hallway take him and hurl him down the steps. He is an older man and he is hurt by this...physically. But he gets up, dusts himself off, and runs back up the steps. And they catch him, and they throw him back down the steps again. And now he is hurt pretty badly, but he does get up one more time. And he makes his way up the steps one more time, and they grab him and they throw him down on the steps and tell him "you are not serving on a jury here in Texas".

The newspapers, the press, the African American press, very strong, they get wind of this and they publish a number of stories about it, interviewing Dr. Porter, interviewing his family, interviewing his students where he teaches. And Thurgood Marshall, who has now taken the helm from Charles Hamilton Houston. Marshall is now the special counsel for the NAACP in New York City and he reads this and Walter white agrees with him that he should go to Texas. He receives word that if he arrives in Dallas Texas, he won't leave Dallas Texas alive. He said when he was in his 80s, I thought about not going down there. But he did go down there.

Governor Rawn James already (CK spelling) was President Franklin Roosevelt's choice for a federal judgeship. And President Roosevelt really wanted the Texas governor to serve on the bench and wanted him to sail through the senate confirmation. And told him Allred, there better be no race trouble in your state, between now and then – the confirmations. Allred says there will be none Mr. President and then gets word that Thurgood Marshall is coming to his state to investigate. So, Allred decided he was going to take no chances with this one. He gets his best ranger, his best Texas Ranger, to meet Thurgood Marshall, and will be escorting him wherever he needs to go. Because Thurgood Marshall, according to Dallas's own police chief, will be in danger. Because Dallas's own police chief says, and I quote, I will personally kick the shit out of him.

So Thurgood Marshall was in danger, and the governor realized this and the last thing that the Texas governor needed was for Thurgood Marshall to be murdered in Dallas Texas – while investigating African American exclusion from Texas juries. Their exclusion from juries is illegal at this point because of a case that Charles Hamilton Houston had won before the Supreme Court, Hale vs Kentucky. So African Americans must be permitted to serve on juries. More specifically, more precisely, no one can be excluded from a jury on account of his or her race. So it is illegal what Texas is doing.

So Marshall shows up in Texas and interestingly he files no lawsuit there. He files no lawsuit, he investigates. He talks to every judge there in Dallas. He talks to prospective jurors, the jurors who will speak with him. He speaks to African Americans who have been denied jury service, and there are many of them, and they were eager to talk to Thurgood Marshall, who by now had achieved some level of fame, particularly in the black community and in the black press.

He is walking down the courthouse steps, after a long day of interviewing judges, one day, when a police officer, I believe it was the sheriff. Marshall is walking down the steps and he gets to the parking lot and lost in his own thoughts when he hears rustling behind him and he turns around and looks and there is this big sheriff, and he says quote, I got you now you black son of a bitch. He is reaching for his gun. Marshall takes off running.

Goes to the car, it's like something out of a movie, he jumps in to the car. The ranger is there, comes out and leans outside the car, and aims his rifle scope dead on the police officer, who cannot believe it. I should back up a bit and

show marshals relationship with this Texas Ranger. When Marshall had got there to Texas two days early he was assigned this Texas Ranger. And the ranger is not treating him very respectfully. He is guarding him and getting him to where he needs to go, but this ranger ends up saving Thurgood Marshall's life, calling him nothing but a boy. Boy where are we going. Tell me when you're going to be done boy.

Marshall decides very soon that he has had enough of this and he calls governor Allred and says you got to get me, actually he says "this is not the man I need. You need to get me a new Texas Ranger." Governor already says "has the best I've got. If I straighten him out, will that work for you." And Thurgood Marshall says yes governor, it would." Hands the phone to the Texas Ranger, who according to Marshall, his face goes completely white, listening to the governor. Texas Ranger hangs up and Marshall said he never had any problems with the Texas Ranger after that. And that's the same ranger, who a couple of days later, aimed his scope dead on the sheriff who was chasing Marshall across the parking lot. And as the ranger drove away he kept his rifle aimed dead at the sheriff, standing there dumbfounded in the parking lot.

*Q. He Was Becoming Famous And High Profile Cases?*

**Raw James:** yes he really was. Well first he had to raise money. Thurgood Marshall had to raise money, they had to keep money flowing into the NAACP coffers – it later became the legal defense and education fund. But at this point it was still part of the NAACP, the office of the special counsel. And these cases were expensive. In crisis magazine, Thurgood Marshall like Houston before him explained he said to people that these cases are expensive to do. We traveled, and they were not traveling lavishly at all.

They were staying in people's homes. But they had to travel, they had court filing fees. And they had just paper, things like paper and typewriter ribbons and all that stuff. They needed all that. And so he had to raise money. How he raised the money, was the way that anyone else raises money if you raise excitement. And he did this by speaking. He spoke at universities, he spoke at churches, and he is as I call him in the book an evangelist stump speaker. He is an excellent, obviously Thurgood Marshall is an excellent public speaker. But he was able to inject humor into the stories, when he talked to people, and told them about the cases they were prosecuting.

Some of the people he was meeting. And he was able to, it was very important, he was able to explain the law. Such that, many of the people he was talking to in these churches did not have a whole lot of formal education. It's easy to forget as we deal with the excitement of Thurgood Marshall's practice during this period. It's easy to forget that we are talking about Gossamer layers of constitutional law. We're talking about the 14<sup>th</sup> amendment. We are talking about the 5<sup>th</sup> amendment which applies to the District of Columbia, because the District of Columbia is not a state.

We are dealing with the technical aspects of constitutional law and that is often lost, sometimes lost in the discussion. It is not appealing to what these judges think is fair. That's not what matters. What matters is what the constitution demands. And Marshall was able to explain what he believed the constitution demanded. He was able to explain that to appellate judges and he was also able to explain it to those in the recesses of the American south. And that's what he did so well. That generated so much enthusiasm, such that by world war two you had cartoons of Thurgood Marshall in an engineer's cap.

He loved model trains. But there were cartoons of Marshall in an engineer's cap. They would say Thurgood's coming. If he was coming to Norfolk, Virginia he would be in the African American newspaper there. The name I forget at the moment. But they would say "Thurgood's coming. And people were excited for weeks in advance, because Thurgood Marshall was coming to their town. He was going to be speaking, they were going to see him there. He would be feted

with a huge feast. It was very exciting when Thurgood came to town. And it was partly because he was very, frankly a somewhat glamorous figure.

What he was doing at the time. And he is standing up to these white folks in courtrooms. He is directly challenging these segregationists. But also because he was so smart, and able to explain what he was doing, to everyone, anyone who was willing to listen. Whether the person had a third grade education or whether the person was the chief justice of the United States. If you would listen he would explain it to you so you could understand his understanding of the constitution.

*Q. How did he choose cases and how did he use them?*

**Rawn James:** He used several of the criminal cases because they would be widely covered in both the black and the white press. He used those to create enthusiasm, and to generate coverage for what the NAACP was doing. Black men wrongfully convicted of crimes in the south. And sometimes those were easier to understand. Easier to explain. This person is accused of murdering that person and he didn't do it.

Ok that's the case in a nutshell. So they used those cases to get good publicity. And there is a great deal of correspondence between Marshall and Walter White on those cases. And just the facts of some of those cases were just downright heartbreaking. And Marshall thought if I can do something to save this man's life I am going to do it. He received a staggering amount of mail and people pleading with him to accept their cases. And some of this mail was from attorneys asking for help. Saying if you come down here they will pay attention to my case. I have filed this lawsuit, and I have been to court three times.

Attorneys tried to fight these battles and they weren't getting anywhere, for many, for many different reasons. But Thurgood Marshall just received a staggering amount of mail and he had to choose which cases were the ones that he would take. And his resources were very limited.

*Q. Smith Vs Allwright*

**Rawn James:** Right, the democratic primary where he got them to say....right he believed it was, even after Brown, he thought it was the best.

**Rawn James:** so this would be the Smith vs Allwright case. So we're in world war two times now, so we're in between 1942 and 1944. So Thurgood Marshall by now is in his mid-30s. So he is still a young man, practicing law at an incredible high level, both for that age, and for that many years of practicing law. In Texas. In Texas in 1944, Texas had not elected a non-Democrat to state office since 1859. The Democratic Party in the state of Texas did not allow black Texans to vote. The democratic primary was the de facto election in Texas. But because of a Supreme Court case, Grovey v. Townsend, years earlier, the Democratic Party was permitted, according to the Supreme Court's interpretation of the United States constitution, to exclude African Americans from its voting roles, because the Democratic Party was a private entity. Thurgood Marshall, along with William Hastie, an absolutely brilliant lawyer.

William Hastie went to Amherst College and Harvard law school, and served on Howard law review as well, about two years after Charles Hamilton Houston did. Marshall and Hastie decided that they would ask the Supreme Court overturn Grovey v. Townsend. They would seek to have African American voters in Texas admitted to the voting roles of the Democratic Party. This is significant for a number of reasons, but the first reason it is significant is because they are now asking the court, this case goes all the way up to the Supreme Court, first starts at the trial level. They are asking the court to overturn a race-based precedent. The NAACP has not yet asked the court to overturn Plessy vs

Ferguson. They did not do that until the latter case of Sweatt vs Painter in 1950. And the court will not overturn Plessy vs Ferguson until the brown vs board of education decision.

This case here, Smith vs Allwright, for the first time the NAACP is asking the court to overturn a previous settled decision and say that decision is wrong. That decision that discriminated against African Americans is wrong. Their argument comes down to this. They say the court has ruled that there are three steps in voting. There is the qualification to vote, there is the selection of candidates, and there is the actual election. The court has ruled that the constitution forbids a qualified American from being excluded from, one, registering to vote, and three, the actual election. We, Marshall and Hastie told the court, are asking you to add the second prong. Say the selection of candidates is part of the state function, and therefore an individual cannot be excluded from the selection of candidates, on the basis of his race. The democratic party of Texas went to, argued to the court.

First this is settled law. Grovey v. Townsend sets out that we are a private entity—the democratic Party of Texas. Therefore we can decide who votes and who doesn't vote with us. Just like any organization, any club can. The court disagrees. The court says no, Democratic Party of Texas, you are performing essentially a state function now. You are using state employees, and as a practical matter as the NAACP has pointed out, the Democratic Party has won every election since 1859. The election is the democratic primary. African Americans cannot be excluded, no Texan can be excluded from the democratic primary on the basis of his or her race because the constitution forbids it. To the extent that Grovey v. Townsend contradicts this, Grovey v. Townsend is overturned. It was a massive victory!

For the rest of his life Thurgood Marshall called smith v allwright, quote, and the greatest one

*Q. Columbia Tennessee?*

**Raw James:** didn't remember the case.

*Q. Social network of NYC lawyers?*

**Raw James:** in Manhattan then, it was an exciting time. Marshall was very excited any time he was home for two weeks at a time, because he traveled so much, he was always on the road. It was exciting for him anytime he could be home. They would have parties. He could by all accounts, he could cook. He enjoyed the culinary arts. And it's because his grandmother told him. And he said, I want to be a dentist when I grow up. She said that will be good, but a black man needs to know how to cook or how to blow a horn. So I am going to teach you how to cook right now. And that's something that he enjoyed the rest of his life. He loved cooking for guests.

So he and his wife would have over Walter White and his wife, Houston and his wife when Houston still lived in New York City. And they would have these little Suarez and parties. And was funniest back then, when they had party, particularly at Walter whites home, very nice home with a nice even stately looking dog sitting there beneath him in the easy chair, it would be reported in the paper. So the good thing about that is that we can still go and read about these events, even to this day.

*Q. His blend of the legal and dramatic*

**Raw James:** yes, he was able to summon the dramatic when necessary and able to subdue it when not necessary. He knew that before an appellate court is the last place one wants to be dramatic. One wants to be conversational with an appellate court. And by the time we get to the brown case in 1952, Thurgood Marshall has been in a decade-long conversation with the justices of the supreme court of the United States. He knows them and they know him. So if one ever listens to a c-span argument, or is fortunate enough to watch an argument before the Supreme Court, really any

appellate court, you see that it's a conversation that takes place between the attorney and the judges. And Thurgood Marshall was a master of that conversation.

He would inject a little humor, when he thought it necessary and appropriate. And he sometimes of course did better than others. The first brown argument he did not do well on. It was far from one of his best arguments. And I think that is in part because the justices really wanted to hear from him. The NAACP was asking him to overturn Plessy vs Ferguson, and say that the constitution forbids black students and white students from being separated for purposes of education. Explain to us why? And not all of the attorneys who were there on the NAACP side were as daft as Marshall in explaining why.

One of them in fact argued the 13<sup>th</sup> amendment which puzzled Marshall to no end. So by that time. When Marshall got up to speak, it was almost like they pounced on him. Ok tell us what it is! It rattled him or maybe he felt that the burden was on him, because it was on him. And other times his flair for the dramatic. There is one case that comes to mind when he goes to the University of Texas.... He is suing the University of Texas law school, saying you have to let in my client, Heman Sweatt, and Sweatt v. Painter.

You have to let in my client Heman Sweatt because you have no law school for black students. Texas then builds an outstanding law school for black students. Thurgood Marshall then says you have to let in my client. You cannot exclude him from the University of Texas Law School.

There is a huge rally at the University of Texas, which was all white at the time. And the white student body president gets up on the podium that they have there, and says were are very happy to have with us today, Thurgood Marshall. Thurgood Marshall comes and all the students clap and he says "I read in the paper that the governor, this is what the governor said, we are going to build a law school worthy of the name Texas. And Thurgood Marshall says i read in the paper that the governor and some of the elected officials in Texas are saying that Thurgood Marshall and the NAACP have come to integrate our colleges here in Texas. They are seeking integration. Thurgood Marshall says "that's not a secret!

That is what I have been trying to do this whole time: integrate this place! That is my life's work" he gets all the students fired up. The student leader gets back up and says we have a surprise for you Mr. Marshall. We have signed the papers. We paid the money. It's all official. We have here right now, an NAACP chapter at the University of Texas! And the students cheer even more loudly and no one can hear what anyone else says on the podium, for the rest of the time. So he enjoyed the dramatic flair and he knew what a useful tool it could be.

He was not a fan of some of the more dramatic civil disobedience that took place in the 1960s as the civil rights movement took off. And he spoke out against it from time to time and it caused him some heartache. Because his comments were sometimes misconstrued or taken to mean more than what they were intended.

Marshall's focus was always to work within the judicial system. He believed in it heart and soul. Believed it would work if we fought within the confines, within the four corners of the constitution.

*Q. How Did He Remain An Integrationist With All These Bad People?*

**Rawl James:** I think that part of it is that he saw in some of these segregationists, aside from the fact that they were segregationists, and some of them were racists, otherwise they were good people. They were regular people and he was able to see that, even as others were not. And he was questioned about that repeatedly. He would have cordial relations oftentimes with opposing counsel, who were doing a job, and like him, happened to believe in what they were doing.

The most famous example is John W. Davis, who defended South Carolina, in the Brown vs. Board of Education case before the Supreme Court.

(Skipped a bunch about Davis here)

*Q. Inspiration for young people of the time?*

**Rawl James;** absolutely. I can only imagine how inspiring it must have been to live in that contemporary time and to see this young dapper man, dismantling segregation case by case. Black Americans were so euphoric when Charles Hamilton Houston and Thurgood Marshall won their first case in Maryland, the University of Maryland case, that Marshall wrote a piece in the NAACP's crisis magazine, saying we have a long road ahead of us. This is going to be a long struggle. And he closed it by saying "shout if you want to, but don't shout too soon". People were so excited at first that it could be done. Secondly it can be done by us. And that gets back to how Walter White first enticed Houston to come back from Howard and work on the Crawford case, saying "imagine what it would look like to have a table of black lawyers. And Thurgood Marshall took that ball and ran with it. Even as he led an integrated team with Jack Greenberg. Greenberg did incredible work on the civil rights cases.

But the man at the top was still Thurgood Marshall and it had to be incredibly inspiring as a young person, a law student at that time. Because I know how I felt reading the newspaper clippings and even reading books about Thurgood Marshall or some of his speeches. Even his opinions, which I really encourage people to do, to read some of Justice Marshall's opinions. They are truly outstanding and firmly believe that the constitution can do what's right. That it's not a rigid document, that it can do what is right. Imperfect as it is, it can do what's right. Like the quote that is often attributed to Dr. King that the arc of the moral universe is long but it bends towards justice. I would offer that Thurgood Marshall believed, certainly by the end of his life, the same about the United States constitution.