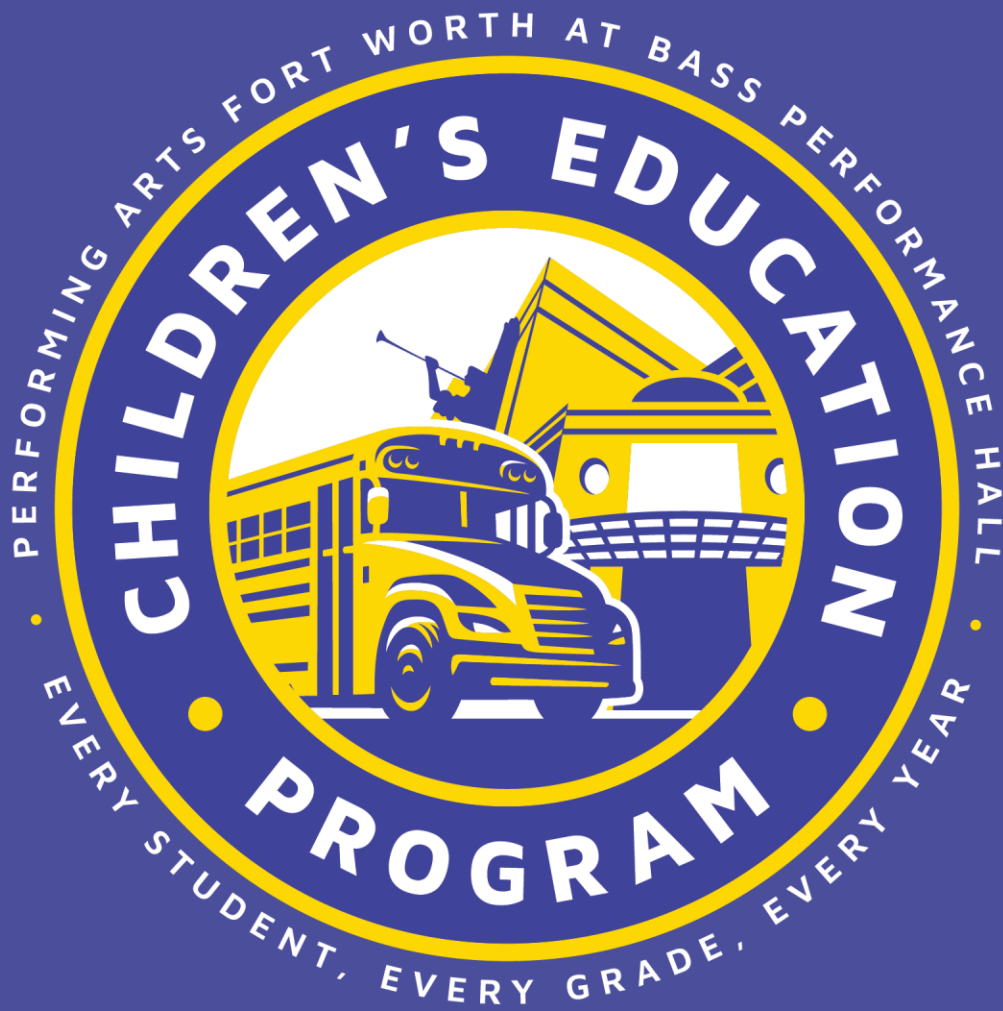




presents

Thurgood Marshall: Civil Rights Champion

featuring

Major Attaway as Justice Thurgood Marshall

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Introduction

Dear Teachers,

We are proud to share this special performance featuring Major Attaway as Supreme Court Justice Thurgood Marshall in this unique interview style production. Justice Marshall was an American revolutionary who became the nation's first Black United States Supreme Court Justice. Thurgood Marshall spent years doing the methodical work of building a structure of laws and individual rights for every American, regardless of race.

Marshall was a civil rights lawyer who fought to dismantle segregation in the United States and is known for arguing the historic 1954 *Brown v. Board of Education* case. He reasoned that the Jim Crow era law, "separate, but equal" was unconstitutional in public schools. Justice Thurgood Marshall was one of the country's greatest jurists and civil rights advocates whose tremendous legacy lives on in the pursuit of racial justice.

"Where you see wrong or inequality or injustice, speak out, because this is your country. This is your democracy. Make it. Protect it. Pass it on." – Justice Thurgood Marshall

Children's Education Program
Performing Arts Fort Worth



Texas Essential Knowledge and Skills

Texas Essential Knowledge and Skills

There are many TEKS that correspond with *Thurgood Marshall: Civil Rights Champion*. Below are just a few that we felt best correlated with the production.

Social Studies:

The student understands important issues, events, and individuals in the United States during the 20th and 21st centuries.

- 5.5(A) explain the significance of issues and events of the 20th century such as industrialization, urbanization, the Great Depression, the world wars, the civil rights movement, and military actions
- 5.5(C) identify the accomplishments and contributions of individuals and groups as well as in the areas of civil rights, women's rights, military actions, and politics
- 5.14(B) explain the purposes of the U.S. Constitution as identified in the Preamble
- 5.14(C) explain the reasons for the creation of the Bill of Rights and its importance
- 5.18(B) identify leadership qualities of national leaders, past and present
- 5.17(A) explain why individuals have a duty to participate in civic affairs at the local, state, and national levels
- 5.19(A) describe the fundamental rights guaranteed in the Bill of Rights, including freedom of religion, speech, and press; the right to assemble and petition the government; the right to keep and bear arms; the right to trial by jury; and the right to an attorney
- 5.21(B) summarize the contributions of people of various racial, ethnic, and religious groups to our national identity

Theater:

The student relates theatre to history, society, and culture. The student responds to and evaluates theatre and theatrical performances.

- 5.4(A) explain theatre as a reflection of life in particular times, places, cultures, and oral traditions specific to American history.
- 5.5(B) compare visual, aural, oral, and kinetic aspects of informal and formal theatre with the elements of art, dance, or music.



Thurgood Marshall's Early Life

Thurgood Marshall's Early Life

Thurgood Marshall (1908-1993) was born in Baltimore, Maryland, as Thoroughgood, the great-grandson of a slave. Tired of being made fun of because of his name, at the age of six, he legally changed his name to Thurgood. His mother was a teacher at an all-Black school in their hometown of Baltimore and his father was a porter on trains and sometimes a waiter in restaurants. His father, however, had a hobby: he loved to attend trials at the local courthouse. Often, he would take Thurgood and his brothers along and later at the dinner table, they would reenact the arguments.

At school, Thurgood was an above-average student and was a leader of the debate team. He was also a troublemaker in class. As punishment for misbehaving so frequently in class, his teacher would make him study the United States Constitution. By the time he graduated, he had memorized the entire thing!

Thurgood entered all-male, all-Black Lincoln University in 1925 and graduated with honors in 1930. Fellow classmates at Lincoln were writer Langston Hughes; the future president of Ghana, Kwame Nkrumah; and the musician and entertainer, Cab Calloway. Thurgood led the debate team at the University. All that arguing with his father and watching court cases seems to have paid off!

He wanted to continue his education to study law and had wanted to attend the University of Maryland Law School in his hometown of Baltimore but was rejected, because it was an all-white school. Therefore, he chose to attend Howard University in Washington, DC. When Thurgood entered law school, his mother sold her wedding and engagement rings to help pay for him to go to school.

While his being rejected by the University of Maryland was unfair and upsetting, it turned out to be a stroke of good luck for Marshall. At Howard, Charles Hamilton Houston became his mentor. Houston was a tireless worker for the National Association for the Advancement of Colored People (NAACP) and was the first African American to win a case before the Supreme Court. Houston encouraged students to use the law as a means for social transformation. Marshall graduated from Howard University at the top of his class. In 1934 he opened a law office in Baltimore and was a representative for the NAACP.



Thurgood Marshall

The Detroit Tribune, November 1946



Career in Law

Career in Law

Marshall's first legal victory was a case against the University of Maryland Law School, which would not let a school applicant in because of their race. He rose quickly through the ranks and in 1938 was made chief lawyer for the Legal Defense Fund of the NAACP and worked for them for 25 years.

In 1940 he argued his first case before the Supreme Court and won. In fact, he won 29 out of 32 cases he tried before the Court and earned the title of "Mr. Civil Rights."

Over the years he filed voting rights cases, employment discrimination cases, housing discrimination cases, and all these victories became the blueprint for the 1964 Civil Rights Bill and the 1965 Voting Rights Bill. He and his mentor, Charles Houston, became chief strategists of the Legal Defense Fund. They would travel into the deep south and often would have to hide in people's houses at night, for fear of being lynched by Ku Klux Klan members before the end of the trial. At one time Marshall oversaw 450 simultaneous cases of the Legal Defense Fund. On the Court of Appeals for the Second Circuit, he wrote 112 opinions, none of which was overturned.

Marshall and the lawyers at the Legal Defense Fund with the NAACP, went on to defend Martin Luther King, Jr., Rosa Parks and other Civil Rights activists through the many marches and demonstrations in the early days of the fight for equal justice for Black Americans.

Some of Marshall's notable cases included:

- *Chambers v. Florida* (1940): Marshall successfully defended four convicted Black men who were coerced by police into confessing to murder.
- *Smith v. Allwright* (1944): In this decision, the Supreme Court overturned a Texas state law that authorized the use of whites-only primary elections in certain Southern states.
- *Shelley v. Kraemer* (1948): The Supreme Court struck down the legality of racially restrictive housing covenants.
- *Sweatt v. Painter* (1950): This case challenged the "separate but equal" doctrine of racial segregation that was put in place in the [Plessy v. Ferguson](#) (1896) case and set the stage for future legislation. The court sided with Heman Marion Sweatt, a Black man who was denied admission to the [University of Texas School of Law](#) due to his race even though he had the option of "separate but equal" facilities.
- [Brown v. Board of Education of Topeka](#) (1954): This landmark case was considered Marshall's greatest victory as a civil-rights lawyer. A group of Black parents whose children were required to attend segregated schools filed a class-action lawsuit. The Supreme Court unanimously ruled that "separate educational facilities are inherently unequal."

Brown v. Board of Education of Topeka

Brown v. Board of Education of Topeka (1954) was a landmark decision of the U.S. Supreme Court in which the Court ruled that U.S. state laws establishing racial segregation in public schools are unconstitutional, even if the segregated schools are otherwise equal in quality. Handed down in 1954, the Court's unanimous decision stated that "separate educational facilities are inherently unequal", and therefore violate the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. However, the decision did not spell out any sort of method for ending racial segregation in schools, and only ordered states to desegregate "with all deliberate speed".

The case originated in 1951 when the Topeka, Kansas, public school district refused to enroll the daughter of local black resident Oliver Brown at the school closest to their home. Instead, they required her to ride a bus to a segregated black elementary school farther away.



A mother and daughter sit on the steps of the Supreme Court Building, c. 1954

Psychologist Kenneth Clark, a researcher involved in the case is quoted to have said in his findings: "To separate [African-American children] from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone."

The Browns and twelve other black families then filed a class action lawsuit in U.S. federal court against the Topeka Board of Education, alleging that its segregation policy was unconstitutional. A three-judge panel of the U.S. District Court for the District of Kansas rendered a verdict against the Browns, relying on the precedent of the Supreme Court's 1896 decision in *Plessy v. Ferguson*, that schools could be "separate but equal". The Browns, then represented by NAACP chief counsel Thurgood Marshall, appealed to the Supreme Court, which agreed to hear the case.

The Court's decision in *Brown* partially overruled *Plessy v. Ferguson* by declaring that the "separate but equal" notion was unconstitutional for American public schools and educational facilities. It paved the way for integration and was a major victory of the civil rights movement, and a model for many future impact litigation cases. Of course, it took many years to implement integration across the country and there is still work being done today to bring equity to public schools.



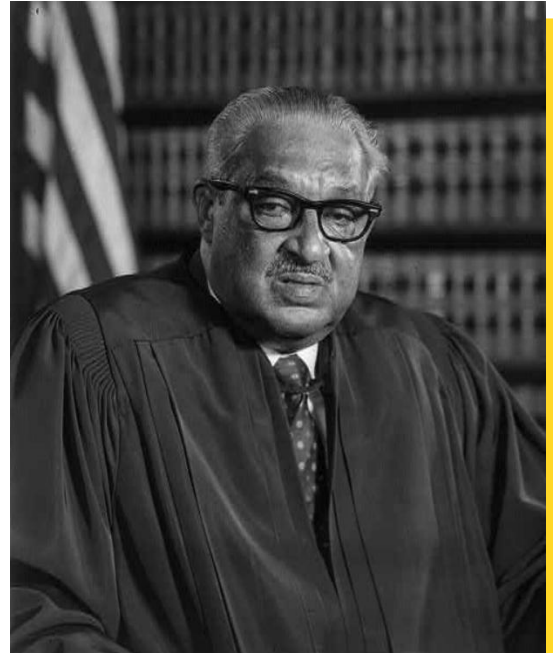
Supreme Court Justice Marshall

Justice Marshall

In 1967, Thurgood Marshall became the first person of color, and the first African American to serve as a Supreme Court Justice, the highest legal court in America.

After the Civil Rights Act of 1964 and the Voting Rights Act of 1965, President Lyndon B. Johnson (LBJ) nominated Thurgood Marshall to the Supreme Court in 1967. He had previously been named to the US Court of Appeals, then as solicitor general by President Johnson. He later said that Marshall's nomination was, “the right thing to do, the right time to do it, the right man and the right place.”

Justice Marshall spent 24 years on the Supreme Court. He helped to expand civil rights, enacting affirmative action laws, limiting criminal punishment and acting as a balance for more conservative legal judgments. He was late in his career called “The Great Dissenter,” because he would have to write the often, lone dissent against many decisions.



Official portraits of the 1976 U.S. Supreme Court: Justice Thurgood Marshall
Library of Congress. January 28, 1976

Marshall's status as a pillar of the Civil Rights Movement is confirmed and upheld by the Legal Defense Fund and other organizations that strive to uphold the principles of civil rights and racial justice. His legacy cannot be overstated: he worked diligently and tirelessly to end what was America's official doctrine of separate-but-equal.

One of his clerks during his years on the Supreme Court, who later took her place on the Supreme Court, Elena Kagan, said, “This was a man who created opportunities for so many people in this country and improved their lives. I would call him a hero. I would call him the greatest lawyer of the 20th Century.”

Thurgood Marshall symbolizes what is best about our American society: the belief that human rights must be satisfied through the orderly process of law.

– President Lyndon B. Johnson



Resources

- Legal Defense Fund:
 - Biography of Justice Marshall, Information about Brown v. Board of Education: <https://www.naacpldf.org/about-us/history/thurgood-marshall/>
- National Association for the Advancement of Colored People (NAACP)
 - General information about NAACP issues: <https://naacp.org/know-issues>
 - Information regarding Justice Marshall: <https://naacp.org/find-resources/history-explained/civil-rights-leaders/thurgood-marshall>
- The History Channel:
 - Biography with Videos of Justice Marshall: <https://www.history.com/topics/black-history/thurgood-marshall>
- United States Courts:
 - In depth biography: <https://www.uscourts.gov/educational-resources/educational-activities/justice-thurgood-marshall-profile-brown-v-board>
- National Geographic Kids:
 - Brief bio and additional articles on African American Heroes: <https://kids.nationalgeographic.com/history/article/thurgood-marshall>
- PBS American Experience:
 - History of *Briggs v Elliot* and how segregated schools certainly were not separate but equal: <https://www.pbs.org/wgbh/americanexperience/features/blinding-isaac-woodard-mr-civil-rights/>
- Atlanta History Center:
 - Interactive lesson about the Birmingham Children's Crusade: <https://www.atlantahistorycenter.com/learning-research/learning-lab/civil-rights-toolkit/>
- DK Findout!:
 - Leaders of the Civil Rights Movement: <https://www.dkfindout.com/us/history/civil-rights-movement/what-is-civil-rights-movement/>
- Supreme Court of the United States:
 - Printable Activity Booklet of the Supreme Court building: <https://www.supremecourt.gov/visiting/activities/>
- Soundcloud:
 - Audio of Justice Marshall's dissenting opinion in Regents of the University of California v. Bakke: <https://soundcloud.com/cristian-a-farias/justice-thurgood-marshall-bakke-dissenting-opinionclip>
- Crayola:
 - Lesson for Diorama of Thurgood Marshall: <https://www.crayola.com/lesson-plans/thurgood-marshall-makes-a-difference-lesson-plan/>



Angels In The Wings

Angels In The Wings

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