Thurgood Marshall: A Heroic Influence on The American Justice System

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“I told myself, ‘You either shape up or ship out.’ When you are being challenged by a great human being, you know that you can’t ship out.”

--Thurgood Marshall

Thurgood Marshall, the first African American appointed to serve on the U.S. Supreme Court, exemplified the hero’s transformative journey as he first developed, and then applied, his sense of idealism to the legal issues surrounding the civil rights movement. In doing so, he became a national inspiration. Marshall was a black man, the great grandson of a former slave, and throughout his upbringing, a witness to, and victim of, inequality and racism. It would be those experiences that would transform him into the American hero that he is remembered as today.
Marshall was America’s 96th Supreme Court justice and the first African American justice appointed to the Supreme Court. “As an associate justice of the Supreme Court... he crafted a distinctive jurisprudence marked by uncompromising liberalism, unusual attentiveness to practical considerations beyond the formalities of law, and an indefatigable willingness to dissent” (History.com Staff, 2009). Principled and confident, Thurgood Marshall would become known as the “Great Dissenter”, as he was not afraid to voice his contrarian opinion to represent a suppressed segment of American society. He would emerge as an idealist who fought for equality of all suppressed minorities, and a hero of civil rights advocating for equal protection under the law.

The purpose of this chapter is to offer an analysis of Thurgood Marshall’s heroic contribution though an understanding of his own personal heroic transformation. In doing so, I will describe the impact of a mentorship relationship in Marshall’s development, and define the ten dimensions of transformation that heroes, in general, may undergo during their journey. I will also discuss the moral, intellectual and emotional transformation that Marshall personally experienced while also evaluating which of the “great eight traits” of heroes Marshall possessed. Finally, I will conclude by discussing his pathway of transformation and his personal sacrifice that made him into the American hero he is remembered to be today.

BACKGROUND AND INSPIRATION

Marshall was born to William and Norma Marshall on July 2, 1908 in Baltimore, Maryland. From an early age he developed an interest in the law and was often found listening to cases in the local courthouse. He attended Baltimore’s Colored High and Training School, and later attended Lincoln University where he graduated cum laude. His crusade on behalf of civil rights may have begun when he applied to the University of Maryland Law School. As the result of his African American heritage, he was denied acceptance to the university, despite the fact that he was, in reality, over-qualified for admission. Such awareness of the implications and limitations imposed by his race would trigger the beginning of
his heroic journey. The concept of the “mythic hero's journey” was first developed by mythologist Joseph Campbell (1988) and is described as a transformative journey where "a hero ventures forth from the world of common day into a region of supernatural wonder: fabulous forces are there encountered and a decisive victory is won: the hero comes back... with the power to bestow boons on his fellow man” (Allison & Goethals, 2017). The critical part of this theory is that the hero returns to share his newly discovered knowledge with his community. In Marshall’s case, his community would turn out to be 1950s America struggling to come to terms with the civil rights of its minority citizens. Marshall’s mythic hero’s journey would be result of his moral, intellectual, and emotional transformation that would take place during that time period.

Mentors and Their Role in Transformation

At Howard University, Marshall would meet his greatest inspiration, Charles Houston. Houston served as the dean at the university and immediately took Marshall under his wing, forging a life-long mentoring relationship. Houston was an African American lawyer and a civil rights activist. Every hero ultimately relies on a mentor or a 'sidekick' to teach the hero what they need to succeed (Allison & Smith, 2015). Houston would engage Marshall in philosophical discussions regarding the constitutionality of civil rights and they would debate the founding fathers' intent in their statement that "All men are created equal." Houston would drill into Marshall his view that the law was not just a static set of rules and regulations, but a "force that could be used to promote the rights of African Americans" (Biography.com Editors, 2014).

Houston and Marshall would later continue their relationship while working together at the NAACP. When Marshall was credited with orchestrating the successful outcome of Brown v. Board of Education, he would give much of the credit to Houston saying, “We wouldn't have been anyplace if Charlie hadn't laid the groundwork for it” (Biography.com Editors, 2014). It is well established that heroes who have mentors and are transformed by them, are likely to become mentors to others (Allison & Smith, 2015). “Transformed people transform people,” according to Richard Rohr (2014, p. 263). In Marshall’s case, he
was transformed by Houston and became a guiding light to future lawyers, government officials, and many Americans. Under Houston’s guidance and with his encouragement, Marshall graduated magna cum laude and was valedictorian of his class on his road to becoming a civil rights activist.

Ten Dimensions of Transformation

According to Allison and Goethals (2017), “When people embark on the hero’s journey, they ‘undergo a truly heroic transformation of consciousness’ making them think a different way.” Although Marshall did not intentionally set out to become a hero, his journey transformed him into an influential leader. The “ten dimensions of transformation” describe different ways in which a hero’s transformation can differ among individuals (Allison & Goethals, 2017). In Marshall’s case, his transformation can be understood by defining the subject that became transformed, and the scale of that transformation.

Subject of Transformation

The first dimension of transformation defines the “subject” to be transformed. The subject can refer to either the hero or to the followers of that hero. “In some stories, however, the heroic protagonist remains unchanged throughout the narrative but he or she serves as the catalyst for the transformation in others” (Allison & Goethals, 2017). Thurgood Marshall was not the only individual who was transformed; all of America was forever changed as the result of his influence. While Marshall may have himself been considered the subject of transformation, his more important heroic contribution was serving as the catalyst for the transformation of the United States. Determined to revolutionize America, he took on one of the most prominent and influential court cases in American history known as Brown v. Board of Education.

His victory in this 1954 case is considered his greatest accomplishment as a civil rights lawyer. Marshall challenged the Brown v. Board of Education doctrine, suggesting that the “separate but equal” clause was actually unconstitutional. This clause was first established in 1890 in the case of Plessy v. Ferguson when Louisiana established a new law that “provided for ‘equal but
separate accommodations for the white and colored races’ on its railroads” (History.com, 2009). This case was initiated when Homer Plessy refused to sit in the Jim Crow car on a train, and in doing so, broke Louisiana law.

In a 7-1 decision, the U.S. Supreme Court ruled that segregation in this case was constitutional as defined under the “separate but equal” clause, and as such, did not violate the 13th and 14th Amendments. On May 17, 1954 Marshall brought this case before the Court, and this time, in a unanimous decision, the Supreme Court concluded that “separate educational facilities are inherently unequal” (Biography.com Editors, 2017). As the result of Justice Marshall’s intervention, segregation in public schools was to be considered unconstitutional as a violation of the 14th Amendment (Biography.com Editors, 2017). This victory would propel Thurgood Marshall down his path toward becoming a great American hero. Although it took time to implement the ruling, the Brown v. Board of Education case was a needed push for the American civil rights movement and provided the needed legal foundation for its advancement. “The case established Marshall as one of the most successful and prominent lawyers in America” (Biography.com Editors, 2017) and would establish Marshall as a catalyst for change in American civil rights.

Scale of Transformation

Another component of the Ten Dimensions of Transformation is the “scale,” or, understanding who would be the target of the hero’s transformation. Scale can either be small, as in a small group, or it can be large, as in the case of an entire society (Allison & Smith, 2015). Marshall began small when he began working on his first court case. His scale increased in 1938 when he was hired as an attorney for the NAACP, where he ultimately founded the NAACP Legal Defense and Educational Fund in 1940. While he argued many court cases, one of his first important “small scale” cases was Smith v. Allwright (1944), which argued that excluding black voters from participating in the primary elections in Texas was unconstitutional. This was considered small in scale when compared against the ultimate far-reaching effects of Brown v. Board of Education. Yet it did have larger scale implications as it helped to spread his message that there was a need for change, and that there must be more widespread
legal arguments on behalf of civil rights. Along with this court case, he would also argue other smaller scale civil rights cases including Morgan v. Virginia, Shelley v. Kramer, and Sweatt v. Painter, among others.

THE GREAT EIGHT TRAITS OF HEROES

Thurgood Marshall demonstrated several of the “great eight traits” as described by Allison and Goethals (2013) and Allison, Goethals, and Kramer (2017). The “great eight” defines several potential traits of a hero including: being smart, strong, selflessness, caring, charismatic, resilient, reliable and inspiring (Allison et. al., 2017, p. 6). While heroes do not need to possess all "great eight traits," Thurgood Marshall would demonstrate most of them throughout his legal career.

Smart

Graduating with high honors from college, and first in his class from law school, Marshall would become recognized for his brilliant legal mind when he was selected to serve as a judge for the U.S. Second Circuit of Appeals by President John F. Kennedy. While serving in that role, Marshall continued to “issue more than 100 decisions," all of which were passed (Biography.com Editors, 2017). Once President Lyndon B. Johnson took office, he “appointed Marshall as the first black U.S. solicitor general”, where he would win 14 out of the 19 cases that he argued before the U.S. Supreme Court (Biography.com Editors, 2017). Marshall’s keen legal mind was clearly recognized and sought after by all around him.

Strong

Marshall had a unique combination of intellectual strength and strength of character. His idealism provided him with the courage to stand up to his fellow justices, even if he stood alone in his representation of African Americans during a time of racism and inequality. Along his
journey to the Supreme Court, he would witness the inequity of race and he would endure many racist insults directed toward him. However, these prejudices only served to strengthen him and to motivate him to persevere in his calling to end segregation and inequality in America. The work that Marshall immersed himself in was dangerous. He traveled from state to state to ensure that state and federal courts were protecting African American rights, which were supposed to be guaranteed under the Constitution (Biography.com Editors, 2017).

Williams wrote; “The work was dangerous, and Marshall frequently wondered if he might not end up dead or in the same jail helping those he was trying to defend” (Thurgood Marshall, 2004). Decter-Frain et al. (2017) also highlighted the idea of “personal sacrifice.” Defending one’s beliefs or values can sometimes require a significant sacrifice of time, resources, physical well-being, and personal freedom. Marshall was willing to die for the cause. He recognized the work he was doing was risky and even life threatening, however he knew this was his calling and had no choice but to follow his heart (Campbell, 1991). “Following your bliss” is what Joseph Campbell said each person must do in order to bestow the world with their heroic powers. Similarly, Abraham Maslow (1943) once proclaimed, “What a man can be, he must be,” suggesting that an individual in possession of Marshall’s heroic qualities must be strong enough to use them.

Selflessness

Marshall’s selflessness pursuit of equality for all American citizens can be seen in many people’s descriptions of him. For example, his encyclopedia.com entry sings his praises as follows: “Justice Thurgood Marshall built a distinguished career fighting for the cause of civil rights and equal opportunity... Marshall stood alone as the Supreme Court’s liberal conscience toward the end of his career, the last impassioned spokesman for a left-wing view on such causes as affirmative action, abolishment of the death penalty, and due process” (Thurgood Marshall, 2004).
His selfless pursuit of individuals’ rights guaranteed in the Constitution can be seen not only in his defense of minorities, but also of the rights of criminals themselves. Specifically, he sought the “abolishment of the death penalty and guarantee of due process” for all (Thurgood Marshall, 2004). Although he was victorious in 29 out of 32 cases, he would have to settle with his dissenting opinion against the death penalty. Duke University professor John Hope Franklin states:

“If you study the history of Marshall’s career, the history of his rulings on the Supreme Court, even his dissents, you will understand that when he speaks, he is not speaking just for black Americans but for Americans of all times. He reminds us constantly of the great promise this country has made of equality, and he reminds us that it has not been fulfilled. Through his life he has been a great watchdog, insisting that this nation live up to the Constitution.” (Thurgood Marshall, 2004).

Putting himself at physical and intellectual risk promoting not only the rights of fellow African Americans, but all suppressed individuals, including criminals themselves, was the ultimate demonstration of Marshall’s selflessness in his never-ending pursuit of equality for all under the law. Significant risk-taking is considered to be a hallmark feature of heroism (Franco, Blau, & Zimbardo, 2011).

Charismatic

To achieve the successes that Marshall achieved, he clearly possessed an abundance of charisma. He was the only liberal (not to mention the sole African American) on a nine-member court, representing liberal thought on an otherwise conservative Court. Only a charismatic individual could have swayed the Court to his point of view or delicately dissent when the need arose. The fact that he served as mentor to an entire generation of young attorneys is also a reflection of his ability to communicate effectively and lead charismatically.

Resilient

Perhaps there is no better way to describe Thurgood Marshall than with the trait of resilience. When he was denied admission from the University of Maryland, he learned from the experience and pursued admission to a different school, which turned out to open even more doors for him. He fought his fight for civil rights
over and over again as in the case of Morgan v. Virginia. In this case, similar to others, Irene Morgan was an African American woman arrested for refusing to give up her seat on a city bus simply because she was sitting in the “white section.” Marshall defended Morgan, and, once again, won this case, in a 6-1 decision, on the grounds that segregation in busses was unconstitutional (Catsam & Wolfe, 2014). Resilience implies the ability to fight the same fight over and over until the message takes hold.

Reliable

Marshall was obviously reliable. He was not only loyal to African Americans, but to all Americans, and to the idealism of America as defined by the Constitution. Encyclopedia.com’s description of Marshall is most apt: “The most important black man of this century -- a man who rose higher than any black person before him and who has had more effect on black lives than any other person, black or white” (Thurgood Marshall, 2004). This description suggests that many recognized what a great leader and hero he was to all of America and the world. He earned the trust of Americans and they knew that he would not let them down.

Inspiring

Marshall was an inspiration to those with whom he worked. He was, perhaps, the most influential African American man in politics, the outsider who dared to transform our history. Professor James Freedman, former President of Dartmouth College and a law clerk to Marshall early in his career, stated in an essay about his mentor that Marshall's achievements “were marked indelibly by Justice Marshall's idealism and courage, his compassion and humanity... The force of his moral example changed our lives utterly, and in ways that have made us better citizens and more reflective lawyers” (Freedman, 2000). Marshall’s adherence to a high moral ideal allowed him to serve as a mentor not only to generations of young attorneys (as in the case of James Freedman), but also to future generations of civil rights activists looking to the Constitution for a path to true equality. He also served as a leader with the courage to leverage the power of the
Supreme Court to legitimize the actions of other civil rights activists of the time, including Martin Luther King. Thurgood Marshall’s role as a mentor, by definition, served to inspire us all.

Types of Heroic Transformations

Despite not going through the typical “monomyth journey” that Campbell (1949) defined previously as a hero setting out on an adventure, overcoming obstacles, and returning to share his new enlightenment with the people (Campbell, 1949), Marshall set out on his own unique journey. He did embark on a mission knowing there was danger, or to specifically save any particular life. His was a transformative journey that began innocently at a very young age when his great grandfather would preach to him the words of the Constitution. Allison and Smith (2015) define five potential transformations that a hero can experience along his journey and that contribute to the emergence of a hero. These transformations include: “moral, emotional, spiritual, intellectual, and physical transformations” (Allison & Smith, 2015). Allison and Goethals however added a sixth transformation referred to as “motivational transformation” (Allison & Goethals, 2017). As the result of his legal education, a keen awareness of the condition of his fellow African Americans, and exposure to inspirational African American mentors, Marshall would experience moral, intellectual, and emotional transformations.

Moral Transformation

Marshall began his moral journey to heroism as he became aware of the need to take a stand on the issue of racial inequality within America. Marshall’s moral journey began with “self-actualization,” defined as “the achievement of one’s full potential through creativity, independence, spontaneity, and a grasp of the real world” (Maslow, 1943). He would become open to personal “change and growth” as a result of ‘finding himself’ (Sedikides & Hepper, 2009). He had grown up in a time of inequality, and his rejection from the University of Maryland was the first real setback that allowed him to come face-to-face with the cruel realities of the world in which he lived. This awareness of the perceptions of the real world, along with his sense of independence and confidence, would contribute to his moral growth and transformation as he resolved to pursue his dream of completing his education and having an impact on the condition of his fellow African Americans.
In 1930 Marshall was accepted to Howard University Law School, which was founded in 1867 to help educate slaves and their descendants. Marshall fulfills the requirements of the moral hero because he ultimately became known for both his “agency” and his “communal focus,” dedicating himself to bettering the lives of others (Decter-Frain et al., 2017).

Emotional Transformation

Emotional transformation refers to the process by which heroes who, “through adversity, grow in courage, resilience, and empathy” (Allison & Smith, 2015). Marshall grew in courage and resilience through the hardships that he experienced throughout his life. He grew up in a well-to-do household with a mother who was a teacher in a segregated school and a father who was a steward at an all-white yacht club. What may have tied him emotionally to his African American heritage was his awareness that his great-grandfather was brought to America from the Congo as a slave. After his rejection from the University of Maryland’s Law School, Marshall knew he needed to take a stand. This was his first real experience of racism, and through this adversity, he gained the courage and resilience (Allison & Smith, 2015) that he needed to become a hero.

Difficulties and challenges from “outside forces” however can result in an “external source of transformation” (Allison & Goethals, 2017; Worthington & Allison, 2018). Although many may not consider his rejections a “traumatic experience”, he was able to change this setback and convert it into a strength (Rendon, 2015).

Intellectual Transformation

Intellectual transformation is “a change in mental abilities or fundamental insights about the world” (Allison & Smith, 2015). From a very young age, Justice Marshall knew he was interested in law, visiting the courthouse daily after school. As a “punishment” for occasionally misbehaving as a child, he was made to read the Constitution, and by the end of high school, he knew the entire document by heart (Thurgood Marshall, 2004). Since he was not directly exposed to inequality or the complexities of the law as a child, his intellectual transformation took place later in life. He studied civil rights and the law at Howard University. He began to favor the liberal side of politics. After Charles Houston took him under his wing, he was able to broaden his knowledge about
the law, ultimately getting appointed by John F. Kennedy to the U.S. Court of appeals. Despite being a minority on the court, he did not let that hold him back. He knew he had a voice and wanted it to be heard. He “voted to uphold gender and racial affirmative action policies” (History.com Staff, 2009). Since he was against the death penalty, in every case the Supreme Court did not rule against the death sentence, he dissented:

“No justice has been more libertarian in terms of opposing government regulation of speech or private sexual conduct. Nor has any justice been more egalitarian in terms of advancing a view of the Constitution that imposes positive duties on government to provide certain important benefits to people—education, legal services, access to courts—regardless of their ability to pay for them” (History.com Staff, 2009).

In his time on the Supreme Court, he won 29 of 32 civil court cases, an accomplishment that demonstrated his significant intellectual and legal influence on American civil rights law.

Pathways to Transformation

Allison and Goethals (2017) also described three different pathways to transformation that heroes may take: egocentric to sociocentricity, stagnation to growth, and dependency to autonomy. Thurgood Marshall would follow the pathway from dependency to autonomy on his journey to becoming an American hero.

Dependency to Autonomy

Marshall would develop the courage, intellect, and charisma to stand against prevailing social norms and to fight for what he believed. A hero has to be confident in his beliefs to the point that he is willing to defy social norms at great personal cost. Marshall’s views could at times have been considered deviant from the norm, a characteristic reflective of his path to autonomy. For example, as already stated, he was not afraid to dissent despite being a minority (in opinion and race) on the court. Heroes do the right thing, and do what they must do, regardless of authority, tradition, and consequence. Maslow (1943) called this characteristic autonomy. “There are the ‘strong’ people,” wrote Maslow, “who can easily
weather disagreement or opposition, who can swim against the stream of public opinion and who can stand up for the truth at great personal cost” (Allison & Goethals, 2017). The pathway from dependency to autonomy relates to Maslow’s hierarchy of needs because it describes how one must fulfill the lower level needs in order to transcend social norms (Allison & Goethals, 2017)

Personal Sacrifice

According to Decter-Frain et al. (2017), “Enduring personal hardships for the cause may make people seem like moral heroes for several reasons. First, martyrs no longer have the opportunity to fall from grace, and so they cement their legacy when they die.” Although Marshall was not a martyr, he cemented his legacy in the law itself, leaving an enduring impact on America. He contributed significantly to the civil rights movement by inspiring other leaders to take a stand on the issue of inequality. Regardless of whether he was the sole dissenter, or shared the majority opinion, he never strayed from his own personal high road, despite the potential consequences.

CONCLUDING THOUGHTS

Marshall passed away on January 24, 1993 at the age of 84, leaving behind a great personal and legal legacy. Over eighteen thousand people of all races and different backgrounds came to the Great Hall of the Supreme Court to pay their respects to him -- a reflection of how he unified and inspired not only African Americans, but all Americans. As Thurgood Marshall, remarked, “A child born to a black mother in a state like Mississippi... has exactly the same rights as a white baby born to the wealthiest person in the United States. It’s not true, but I challenge anyone to say it is not a goal worth working for.” Of course, this ideal vision never came true during his lifetime, but it was an inspiring guiding principle for him.

Marshall was a humble idealist (Worthington & Allison, 2018). He was inspirational to those around him and stood tall as a hero fighting for
justice and equality in an unfair and imperfect world (Gray et al., 2018). Thurgood Marshall may have never worn a cape, or personally saved lives, but through his confidence in his himself and his ideals, his ability to inspire others, and his tenacity, he changed the face of America. He represented minorities, the poor, the wealthy, the criminal, and everyone in between, always hoping to end segregation and hate within America, always striving to provide everyone with an equal opportunity. Marshall clearly represents the truism that not all heroes wear capes.

REFERENCES


