Professor José Anderson has produced a wonderful biography of Charles Hamilton Houston, the pioneer in the fight for desegregating America and the mentor to Justice Thurgood Marshall. The book is a must-read for anyone interested in the history of the civil rights movement and in the quest for "a more perfect Union."

Richard L. Revesz
AnBryce Professor of Law and Dean Emeritus
New York University School of Law

Brown v. Board of Education is the best-known Supreme Court decision of the 20th century. Thurgood Marshall is the jurist most associated with that decision. What is less well known is the lawyer who devised the long-range, carefully-orchestrated legal strategy. Charles Houston was the visionary who developed and implemented the legal strategy. Professor José Anderson's engaging, carefully researched and thorough examination of Houston's profound contributions finally gives the credit that is due to this "genius for justice."

Leland Ware
Louis L. Redding Chair of Law and Public Policy
University of Delaware

Professor Anderson provides powerful legal insight into the driving force behind Thurgood Marshall and the civil rights court battles he waged by shining remarkable, informative and overdue light on his little-known mentor Charles Houston . . . A must read!

Chief Judge Wanda Keyes Heard
Circuit Court for Baltimore City (Retired)

Before Black Lives Matter, Martin Luther King, Jr., and Thurgood Marshall, there was Charles Hamilton Houston. With *Genius for Justice,* José Anderson has written a fresh and captivating look at one of the architects of the modern civil rights movement, while providing an essential read for anyone interested in the long crusade for racial justice in America

Mick Caouette
Film Producer
Mr Civil Rights: Thurgood Marshall and the NAACP

Charles H. Houston was the most brilliant and courageous legal freedom fighter in 20th-century America. His peerless intellect and matchless will to fight for justice set a high standard that even his more famous student, the great Thurgood Marshall, aspired to. This magisterial book lays bare the sheer genius and profound love of Black and vulnerable people that sit at the center of Houston's life. His prophetic Christian fire led to his early death, but we should never forget his gifts to Black freedom and American democracy!

Dr. Cornel West
Professor Emeritus
Princeton University

Genius for Justice

Genius for Justice

Charles Hamilton Houston and the Reform of American Law

JOSÉ FELIPÉ ANDERSON

With a foreword by Charles Hamilton Houston, Jr.

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To all the plaintiffs, law students, and lawyers who made themselves available to support the justice vision of the genius Charles Hamilton Houston. I firmly believe this is who he would want me to thank.

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Foreword

Few Americans outside of the legal profession or in rarified academic circles know of my father. Those who have heard of him usually recall his role as the man who mentored Thurgood Marshall. Marshall went on to serve with distinction on the Supreme Court of the United States as its first African American Justice. As the architect of the *Brown v. Board of Education* cases, my father devised the strategy that destroyed legally sanctioned racial segregation in this country.

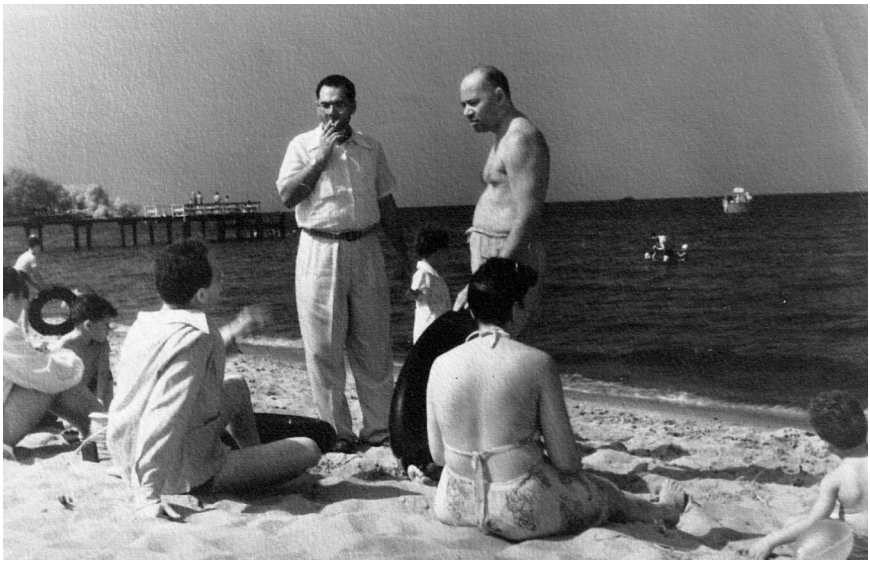
The *Brown* case is often referred to as the most important legal decision in United States history because it led to the transformation of America and made possible a more inclusive society. Even the election in 2008 of the first African American president, Barack Obama, may not have been possible without the lawyers in *Brown* who blazed the trail toward an egalitarian society.

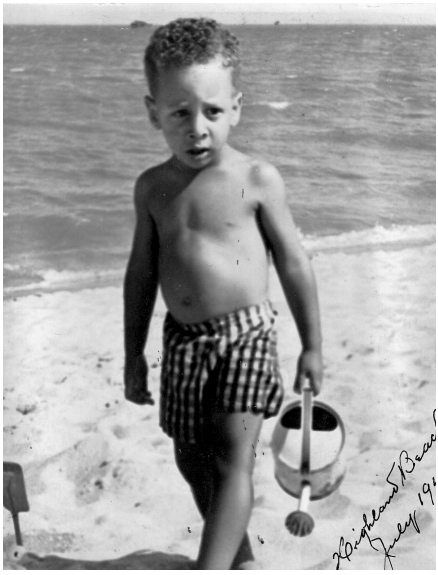
My father's contributions, however, go far beyond *Brown* and his role in shaping the career of Thurgood Marshall and many other great lawyers and judges. Professor Anderson discusses many interesting things about my father's life and extraordinary legal career in the biography that follows. Those details reveal a brilliant, compassionate man with many interests, a love of America and a passion for the people he served.

My father was born in Washington, D.C., in 1895, when slavery was still a living memory. Both of his paternal grandparents had been born slaves in Missouri and Kentucky, respectively, and had liberated themselves. He attended Washington's famous M Street High School, where he received an excellent education. It was the first academic high school in the country for African American students; its faculty included many Ph.Ds. who were unable to find teaching positions elsewhere because of racial segregation and discrimination.

In 1911 he matriculated at Amherst College, where he was elected to Phi Beta Kappa. Graduating in 1915 at age nineteen, my father was undecided about his career path. He loved playing the piano, however, and, according

to my mother, wanted to become a concert pianist, but his father, William L. Houston, a successful and pragmatic practicing attorney, saw no future in it. Therefore, with his Amherst degree in English literature in hand, my father became a lecturer in the Department of English at Howard University, where he also developed a course in African American literature.





Above: Charles H. Houston and family and friends at Highland Beach, Maryland, in the summer of 1947.
Left: Charles H. Houston, Jr. ("Bo"), at Highland Beach, 1947.
COURTESY OF THE CHARLES H. HOUSTON, JR., FAMILY COLLECTION

Teaching at Howard in 1917, when Woodrow Wilson led the United States into World War I to "save the world for Democracy," my father joined with young men at Howard and at other historically black colleges to protest the government's refusal to train black military officers to lead black troops. The protests worked, and consequently my father became one of the first black officers commissioned during the war, with the rank of First Lieutenant in the army infantry. Subsequently, however, my father and several of his fellow black officers objected to the army's policy of excluding black soldiers from artillery training. Military officials considered black people to be too unintelligent to do the mathematical calculations required of artillery officers. My father and several of his fellow protesters resigned their infantry commissions and applied for artillery training. Again, the protest paid off. He was accepted in artillery school, completed the training and was re-commissioned a second lieutenant of artillery.

Before he was shipped to France, my father had a life-altering experience. He was ordered to serve as judge advocate in the prosecution of a black career army sergeant who was charged with a minor infraction of military regulations. Investigating the charges, my father determined that the sergeant had an excellent military records and, moreover, that the charges against him were groundless. Unwilling to spoil the sergeant's outstanding record and ruin his career, my father reported his findings to his white superior officer with the recommendation that the charges be dismissed. For his initiative, my father was severely reprimanded. He was told that his job was not to investigate the facts but to secure a conviction. It was at this moment, my mother later told me, that my father decided to study the law so that he could fight for men who could not strike back for themselves.

In France during the first world war, my father experienced a more dangerous form of American racism. One evening he and a fellow black officer were returning from a concert, through the darkened streets of the seaport town of Vanne, France. They encountered another black officer who was accompanied by two French women. Stopping to chat, my father and his two fellow officers soon found themselves surrounded by a large group of white American enlisted men who were enraged to find black men in the company of white women. The fact that the black men were officers notwithstanding, the mob threatened to lynch them. Violence was averted only by the timely arrival of a captain of the military police, who had been attracted by the commotion. He ordered the mob to disperse and threatened to arrest anyone who did not comply. This experience later led my father to remark bitterly that he was glad that he had not laid down his life for his country.

My father was demobilized during the "Red Summer" of 1919. It was a time marked by widespread racial and labor violence across the country. He made good his commitment to study the law. He enrolled in Harvard Law School, where he became the first black person to serve as an editor of the *Harvard Law Review* and received his law degree in 1922. In 1923 he earned a doctor of juridical science degree and was awarded a Sheldon Fellowship that allowed him to travel to the University of Madrid in Spain to study Spanish civil law. Returning to his hometown of Washington, D.C., in 1924, he began to practice law with his father William L. Houston, who had been a lawyer in Washington since 1892. My father also joined my grandfather as a part-time faculty member in Howard's law school night program.

My father's early years of practice coincided with the rise of a new spirit of militancy and racial pride among black Americans. Shortly after beginning to practice law, he joined the national legal committee of the National Association for the Advancement of Colored People (NAACP). The committee planned legal action to secure civil rights for people of color. This was the age of the "New Negro," when African Americans were migrating out of the South to the North and West, where they became more assertive and showed new racial pride in themselves and their culture. During the 1920s, the NAACP's leadership, for the first time since its founding in 1909, was beginning to shift from white to black. Noted black poet, author, diplomat, playwright and activist James Weldon Johnson was named executive secretary in 1920 and appointed Walter White assistant secretary.

The NAACP was not the only black institution to reflect the racial pride and self-confidence of the New Negro movement. In 1926 Mordecai Johnson became the first black president of Howard University. That same year, Johnson gave a speech at the NAACP annual convention in which he spelled out his agenda for the historically black institution. He said the time had come to demonstrate to the world that the accomplishments of black people were equal to those of any other people. To do this, he explained, he would transform Howard into a first-rate university, second to none. Johnson would appoint as department heads individuals who were leaders in their fields, even if he had to raid other black institutions to find the very best talent. Three years later, he chose my father to lead Howard's law school and charged him with the task of transforming it from an unaccredited night school to a fully accredited day school.

Johnson's plan coincided with my father's conviction that the time had come for black lawyers to lead the fight for civil rights. Under his leadership,

the law school became fully accredited and newly dedicated to training young black civil rights lawyers.

The same year that my father was hired to transform Howard University School of Law, the NAACP also underwent a momentous transformation. In 1929, the association received a $100,000 grant from the American Fund for Public Service (AFPS), established by Charles Garland, a young socialist who believed it was immoral to keep money he had not earned. Garland formed the AFPS to give away a $1,000,000 inheritance from his father to organizations promoting radical social change. The grant to the NAACP changed the association's mission. It had been founded in 1909 as a vigilance organization, dedicated to the investigation and reporting of lynching, lobbying for a federal anti-lynching law and to providing pro-bono legal representation by volunteer white attorneys in cases of judicial lynching.

The AFPS grant in 1929 enabled the association for the first time to shift from a reactive to a proactive stance. After much debate, representatives of the fund and the association agreed the money should be spent on a litigation campaign attacking segregation and discrimination across a wide spectrum of issues, including housing, jobs, public accommodation and education.

This ambitious plan, however, was curtailed by the stock market crash of 1929. Because the grant to the association was in stocks, the crash shrank the amount of the grant to $30,000. With reduced resources, the association narrowed the focus of the campaign to end discrimination in education, because equal access to education was considered to be essential in order for black people to compete in a modern industrial society.

My father left Howard's law school in 1935 to become the first black special counsel for the NAACP, having transformed the law school into an institution dedicated to training young black civil rights attorneys. At that time he turned his attention to implementing the NAACP's legal campaign against segregated education. Required by a limited budget to "make bricks without straw," my father started his attack on segregated education where it would meet the least resistance: tax-supported graduate and professional schools. His early strategy was to demand full implementation of the separate-but-equal doctrine, thereby demonstrating that *Plessy v. Ferguson* was, in practice, a fiction and that southern states would not and indeed could not spend the money to equalize graduate and professional school facilities or resources. Southern state officials would always require separate facilities but would never make them equal.

In the early days of the litigation campaign my father rarely attempted to integrate tax-supported elementary schools because he knew southern segre-

gationists would staunchly resist any attempt to integrate children in schools, especially young black boys with little white girls. His ultimate goal, of course, was to achieve recognition that we were all equal members of the human race.

My father's greatest legacy was his commitment to building a civil rights movement that would improve the quality of life not only for his people but for all people. He conceived the plan and began implementing it long before he was named special counsel to the NAACP in 1935. He began by rigorously preparing himself as a legal advocate so that he could fight for the marginalized and powerless. He trained and mentored young black civil rights attorneys at Howard and around the country so that they could join the fight for racial equality and social justice, and by planning and implementing the nation's first sustained and ultimately successful litigation campaign against *de jure* segregation.

The movement my father built was not merely a litigation movement but was more broadly a civil rights movement, with several underlying objectives. First, my father realized that social change cannot simply be legislated or adjudicated. The law reflects social attitudes, not the other way around. He used press coverage of the cases, therefore, to educate a great majority of white people outside the South, who had little knowledge of black people or of racial segregation, with the aim of gradually winning their support. Second, he recognized that a movement required grassroots support in the national black community. My father therefore used black press coverage of the cases to demonstrate how the law could be used to attack Jim Crow segregation. Third, he used the cases to overcome southern black fear and apathy about challenging the racial status quo, by appealing to local black communities through NAACP branch leaders, ministers and lawyers, for members of the community to put themselves forward as prospective plaintiffs. Early courtroom victories encouraged others to step forward and agitate for their rights. Fourth, my father recognized that negative stereotypes of black people were detrimental to black civil rights aspirations.

Consequently, he used the cases to force the white press to provide dignified coverage of black plaintiffs and their attorneys involved in state and federal courtroom proceedings. Through the rigor with which he and his fellow lawyers prepared their cases, my father also used press coverage to overcome negative stereotypes of black lawyers as inept and incompetent. Finally, my father wanted the fight for civil rights to be self-sustaining. He realized that any individual leader might fall before victory was achieved, posing the risk that the campaign might falter and fail. To avoid such a consequence, he mentored

outstanding young lawyers like Thurgood Marshall and Oliver Hill who could continue the struggle if he should fall in the fight.

Despite his remarkable accomplishments, his legacy has languished in the shadows of history. My mother told me that my father was not better known because he always considered himself a better "inside" man than an "outside" man, that he was more effective behind the scenes than out in front.

After getting the NAACP's school desegregation campaign up and running, he returned to private practice. Free of the NAACP's budget constraints and political considerations, my father tried a variety of cases over a wide range of issues beyond school desegregation. These issues included labor, restrictive real estate covenants, criminal law, desegregation of the military and First Amendment rights. He decided to leave the NAACP in 1938 because he felt as an independent lawyer he could do more by selecting areas of legal reform without the need for approval of a committee. At the same time, he remained a vigorous and active supporter of the NAACP's legal cases and served on its legal committee until his death in 1950. Over the last twelve years of his life he won some victories and lost others, but in all his legal fights he set a standard of excellence that is still admired in the legal profession and beyond, almost seven decades after his untimely death at the age of 54.

Although I was six years old when my father died, I do have some memories of him. Fragmented and anecdotal, my recollections are a combination of things I remember and things my mother told me when I was a boy. Nevertheless, I like to think they afford me some insight into his character. Though my father traveled frequently, I have fond memories of the time we spent together. On summer evenings, he would take me to the hillside below New York Avenue in Washington, D.C., overlooking the train yard at Union Station, where we would watch trains come and go, making the earth tremble as they rumbled past. My father loved trains, a potent symbol of America's industrial might. We had at home a model train set—an American Flyer freight train with a locomotive that puffed smoke—and he sometimes would let me operate the controls.

He told me once about a railroad case he had handled. Black locomotive firemen in the South were being pulled off trains in remote woods by white mobs that attacked them, because the whites wanted their jobs. My father fought to protect the black railroad firemen.

In fact, my father spoke frequently with my mother in my presence about the cases he had handled. What I gleaned from these conversations was that Negroes were victims and underdogs. One evening, as we were driving home after picking up my father from his office, I asked my parents what we were,

Negro or white. My mother turned her head to look at me in the back seat and said, "What do you think we are?" "White," I replied, reasoning intuitively that Negroes were always in trouble, and we were not. My parents corrected me, and they were more than a little amused by my misapprehension. I was sorely disappointed to find out we were "Negroes," among the underdogs, and did not understand why my parents found this so amusing.

My father also had a strong protective instinct. As we were driving home one evening after visiting my maternal grandmother, we passed the block where my father and I got our hair cut. Several doors away from the barbershop a two-story building seemed to be on fire. A doorway stood ajar and smoke poured out. As my father stopped the car and pulled on the emergency brake, my mother implored him to stay in the car and then, in her most commanding voice, forbade him to investigate the smoking doorway. Saying something reassuring to my mother, father got out of the car, crossed the street, and disappeared through the doorway. He emerged a few moments later, saying the problem was a smoking stove. But the potential fire he now faced was his wife who sat next to him on the front seat of our car, upset he had taken the risk.

My father did his utmost to protect me, and when he could not, he avenged me. One bright day we were in our backyard. My father was tending his rose bushes, which he kept so my mother could have fresh flowers on the dining room table. I was playing with our dog, when a bee stung me on the back of my neck. I must have screamed in pain, because my father swept me up in his arms and carried me into the safety of our basement. He put a wet compress on my neck and tried to calm me, but I was inconsolable. Try as he might, he could not persuade me to return to the yard. Explaining that he had to leave me for a moment but would be right back, he disappeared into the bright light beyond the doorway. A few moments later he returned. With his handkerchief balled up in has fist, he told me that he had killed the bee that stung me and that it was safe to return to the yard.

My father, however, sought to protect me from something more harmful than a bee sting, and when he could not, he was devastated. One day I walked with him the block and a half to our neighborhood Peoples Drug Store. As he was transacting his business with a cashier, I left his side, ran over to the soda-fountain counter and climbed up on one of the barstools. When he realized what was happening, my father rushed over but not in time to prevent the "soda jerk" from telling me rudely to get down. My father was upset and said something to the young man about my being just a little boy. As we walked home, my little hand in his big one, he apologized to me.

My mother told me later that when we arrived home, my father was weeping.

My father was a patriot who demonstrated his love of country in countless ways, both large and small. He volunteered to serve his country during World War I and spent the rest of his life fighting to make his country live up to its democratic ideals. He took my mother and me on vacation to destinations that symbolized our nation's greatness: Niagara Falls, Yellowstone National Park, the Grand Canyon, and Yosemite National Park. Whenever we were in the car, no matter how short the trip, we sang songs that reflected the spirit of America like, "Oh! Susannah," On Top of Old Smokey," "She'll be Coming 'Round the Mountain" and "Darling Clementine."

I remember my parents one evening talking with some trepidation about government investigations of individuals and concern that my father would come under scrutiny. Only later did I learn the context for this conversation: my father represented the "Hollywood Ten," screen writers and actors who were being investigated by the House Un-American Activities Committee for suspected Communist affiliations.

In what must have been the last few months of his life, my father took me to the grounds of the National Botanical Gardens, where the government had put on display a Japanese kamikaze airplane. I remember my father's explaining to me what a kamikaze pilot did: how they said goodbye to their family, climbed into the cockpit of a plane whose landing gear would fall away after takeoff, and flew away on a suicide mission for love of their country.

I remember the day my father died, April 22, 1950. My mother and I were in Baton Rouge, Louisiana, staying with my mother's youngest sister, Eva Mae Taylor, and her husband, Tommy, who was commandant of ROTC at Southern University. My father, hospitalized in Washington, D.C., with a heart attack, had sent us away because my mother had suffered a nervous breakdown when he was stricken, and he was concerned about her welfare and mine. The day he died, I was playing with friends in a drainage ditch in front of Uncle Tommy and Aunt Eva's cabin, when my uncle stepped out onto the porch and asked me to come inside.

My mother was sprawled in an armchair, flailing her arms and wailing in grief. My aunt and uncle were bent over my mother, trying in vain to comfort her. One of them turned and told me my father had died and then told me to go back outside. Full of self-importance, I announced to my playmates that my father had died. I sensed that my life had changed, but I had no idea how much.

Charles Houston and Charles Jr. at their final Christmas in 1949.
COURTESY OF THE CHARLES H. HOUSTON, JR., FAMILY COLLECTION

The next day or so my mother left for Washington to attend my father's funeral. She did not take me. The family decided the funeral would be too traumatic for a child. I never got a chance to say goodbye or to grieve properly. So, I grieve still. Nevertheless, I take pride in my father's accomplishments and consolation in the knowledge that his life's work expanded American democracy, created opportunities for me and countless others, and helped make possible the election of Barack Obama as the 44th, and first African American, president of the United States.

Charles Hamilton Houston, Jr.
Baltimore, Maryland
July 2016