Thurgood Marshall was an icon of the civil rights movement in the United States. The founder and executive director of the NAACP Legal Defense and Educational Fund, Marshall played a pivotal role in U.S. Supreme Court decisions that declared racially restricted housing covenants, all-White primaries, and segregated public schools unconstitutional.

He served as a justice of the U.S. Court of Appeals and as Solicitor General of the United States. In 1967, Marshall became the first African-American appointed to the United States Supreme Court.

Until his retirement in 1991, he remained an evangelist for equal opportunity and equal rights for all Americans.

In "Showdown," journalist Wil Haygood, the author of biographies of Sugar Ray Robinson, Sammy Davis, Jr., Adam Clayton Powell, Jr., and "The Butler: A Witness to History," provides a dramatic account of the confirmation of Marshall by the United States Senate. A gifted storyteller, Haygood sets the context with vivid and moving chapters about Marshall's early career fighting segregation in the South.

Haygood sings the praises as well of previously unsung heroes, like Harry and Harriette Moore, the NAACP members who were murdered by the Ku Klux Klan in Florida and J. Waties Waring, a White judge who was forced to flee South Carolina because of his support for civil rights.

"Showdown" is a worthy addition to the literature documenting the extraordinary achievements of Thurgood Marshall. There is a flaw, however, in the fundamental premise of the book. The outcome of the "showdown" over Marshall's confirmation was never really in doubt.

When he nominated Marshall, President Lyndon Johnson knew that the southern Senate barons, James Eastland (Mississippi), John McClellan (Arkansas), Strom Thurmond (South Carolina), and Sam Ervin (North Carolina) would try to block him. But also he knew that he and not they had the votes, not only to confirm but to invoke cloture against a filibuster. In the end, the vote to confirm was 69-11, with 20 southern senators refraining from casting a ballot.

Republican support
The real story of Marshall's confirmation, touched on lightly by Haygood, it seems to me, is the support given to the nominee by Republicans. Everett Dirksen (Illinois), the minority leader of the Senate, who played an essential role in the passage of the Civil Rights Act of 1964, lobbied his colleagues to vote yes.

And despite Marshall's "judicial activism" (he would later declare "You do what you think is right and let the law catch up") and his support of controversial decisions on the rights of criminals by the Warren Court, conservative and moderate Republicans complied. These days, of course, bipartisanship is an endangered species.
Also worth noting is the “narrow window” President Johnson had to get Marshall on the court. By 1967, urban riots (one of which broke out during Marshall’s confirmation hearings) had eroded support for civil rights and ignited a white “backlash.” And opposition to the war in Vietnam was growing.

Soldiered on

In the spring of 1968, Lyndon Johnson announced that he would not seek re-election. He would be succeeded by Richard Nixon, who won the presidency in no small measure by courting Whites in a “southern strategy.”

In the 1970s and ’80s, as conservative Republican appointees joined the Supreme Court, Marshall found himself increasingly in dissent. He soldiered on, sometime cantankerously, drawing on his first-hand knowledge of poverty and discrimination to keep a light burning for a jurisprudence of racial and economic justice.

When he died in 1993, Haygood reports, in pulpits around the country, “frail Negro men and women who remembered the walls of segregation come tumbling down,” spoke one word. They said – and kept saying – about Thurgood Marshall: “Amen.”

Dr. Glenn C. Altschuler is the Thomas and Dorothy Litwin Professor of American Studies at Cornell University. He wrote this review for the Florida Courier.