

REVIEW OF GENNA RAE MCNEIL'S
GROUNDWORK,
CHARLES HAMILTON HOUSTON
AND THE STRUGGLE FOR CIVIL RIGHTS

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The introduction in *Groundwork* appropriately begins with a quote from Charles Hamilton Houston's most famous student, the late United States Supreme Court Justice Thurgood Marshall. "We wouldn't have any place if Charlie hadn't laid the groundwork for it." Without question, even a casual examination of the life and work of Charles Hamilton Houston welcomes the conclusion that the title of this extensive biography is fitting. The book not only surveys Houston's most noted legal victories and accomplishments in higher education, it moves beyond the veneer. The reader is afforded a perspective into childhood and early adult experiences that undoubtedly shaped Houston's philosophy about American society and in particular, its judicial system.

In gifted detail, the book suggests that Houston inherited a family legacy of social defiance and a tenacity to dream beyond the dictates of his immediate circumstances. Houston's grandfather, Thomas Jefferson Hunn or "T.J." as he was called by his family and friends, escaped a cruel, violent master and changed his surname to Houston to avoid capture. T. J. Houston later became a 'conductor on the underground railroad between Missouri and Illinois, repeatedly crossing the Mississippi River to bring slaves into free territory.' Eventually T.J. met and married Katherine Theresa Kirkpatrick—a slave who fled the constant abuse of her owner. After the end of the Civil War the two escaped slaves began their lives together as "free" people. William Houston, Charles' father, was the oldest son of the five surviving children of T.J. and Katherine. Eventually, William Houston migrated to Washington D.C. where he worked as a clerk in the federal government and studied law at night at Howard University. William married Mary Hamilton in 1891, was admitted to the D.C. bar, and established a law practice in 1892.

In 1895, Charles Hamilton Houston was born, cloaked with a family legacy of upward social mobility and within an era marked by "... peonage, occupational ceilings for the race and unemployment." An accomplished student, Houston was accepted into Amherst College(?) where he was elected Phi Beta Kappa, and selected as one of the commencement speakers. The author of *Groundwork* exercised care not to convey an unblemished account of Houston's academic experiences. As the only black student at Amherst in the class of 1915, Houston had to navigate isolation and social codes that precluded meaningful interactions with other students. He had 'very few friends in town and rarely paid a social

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visit.' Houston, sensitive of the impact race had on all aspects American society, chose to highlight Paul Laurence Dunbar, noted African American poet, as the subject of his commencement speech.

Following his graduation from Amherst, Houston, reluctant to enter the legal profession, joined the military. One of the many experiences profoundly effecting Houston's decision to become a lawyer, was his tenure with the Army during World War I. Determined to avoid the traditional path for blacks of being drafted to labor details, front-line duty, or other menial assignments, Houston, along with others advocated for a "Colored Officers Training Camp." He met this opposition with fierce determination to serve the country as an officer, and, eventually, the War Department acquiesced. Houston was assigned, with others, as an infantry officer, and segregated from white officers of the regiment. He was later reassigned to serve as a judge-advocate in two cases involving black soldiers charged with disorderly conduct. It was during this time that Houston learned of the disparity in prosecution and sentencing of soldiers along racial lines. Houston's experiences altered the trajectory of the American judicial system. He recalled, 'I made up my mind that I would never get caught again without knowing something about my rights; that if luck was with me, and I get through this war, I would study law and use my time fighting for me who could not strike back.'

Upon his discharge from the military, Charles was greeted by a nation that was a racial battleground with a "Red Summer" of approximately twenty-five race riots. In 1919, he began his first year at Harvard Law School. Later he was elected to the editorial board of *Harvard Law Review*, graduated with an LL.B. in the top 5 percent of his class, and later earned a Doctor of Judicial Science. Armed with the necessary tools to fight discrimination, Houston ~~was~~ became instrumental in cultivating black lawyers to join the cause beginning with his efforts in transforming Howard University's Law School, where he served as Dean in 1924. The title *Groundwork* is indeed appropriate when one reads about the tremendous, time, effort and devotion Houston expended toward Howard's Law School. In 1931, under Houston's leadership, the university's law school program had the distinction of being approved by the American Bar Association and accredited by the Association of American Law Schools.

Eventually, Houston left his position at Howard to focus his immediate attention on cases impacting race relations in America. The book chronicles, through a series of events of cases, Houston's transformation of the legal landscape for the benefit of socioeconomic conditions of blacks and American society overall. Houston served as chief counsel on matters of concern to the NAACP, including the case involving the "Scottsboro Boys." He was strategic in his attack on discrimination. Houston sought not simply isolated struggles, but rather a system-wide approach. He recognized that: "In the United states the Negro is economically exploited, politically ignored and socially ostracized. Further, "[h]is education reflects his condition; discriminations against him are no accident." Yet, he realized that in order to dismantle a system so entrenched in society as to be perceived as normal and acceptable, success could only be achieve by incorporating slow building of legal precedents to support equality.

Houston achieved major United States Supreme Court victories¹⁹¹ in his fights for employment rights and against unfair labor practices affecting black workers, as well as housing. Expectedly, his victories met with some political opposition that sought to slow progress. In 1944, President Harry Truman appointed Houston to serve as a member of the Fair Employment Practices Committee. As a result of the committee's work, Houston revealed discriminatory practices against blacks in a transportation company. When the federal government took control of the company after employees called a strike rather than modify their practices, the committee voted to issue a directive demanding the elimination of discriminatory treatment. President Truman wrote a letter to Houston explaining that when the company was seized by the federal government the conditions and practices that existed within company were to remain in effect. Houston resigned from the committee.

Houston made a mark in dismantling discrimination in higher education as well. In 1935, the NAACP, with Houston serving as chief legal strategist, launched a legal campaign against segregation in professional and graduate training. His efforts resulted in the desegregation of the University of Maryland's² law school—a decision that served as a foundation for other cases leading to the integration of various state universities across the country.

The author reminds us that while Houston enjoyed legal victories and acclaim, he was not immune from the indignities that the culture of his time inflicted on some of its citizens on a recurrent basis. To prevent the reader from being seduced into thinking that Houston's professional social status allowed him to be emotionally detached from the overall goal of advancing civil rights, the author relays a private observation. While practicing in D.C., when the court was in recess, it was the law and custom that white judges, law students, and clerks could eat where they pleased. However, Houston and his black lawyer associates had to either stand for carryout at a restaurant or go back to their offices. On one particular day, when Houston returned to his office for lunch, he said he couldn't stand it and 'he threw the stuff on the floor... burst into tears and said, one day, we'll see these streets open and Negro[es] can ... go anywhere and eat.'

Although in later years Houston's health constrained his work schedule, he remained involved in a number of cases that paved the way for dismantling *de jure* and *de facto* discrimination in voting rights, public transportation, and education. Houston was a strategist. When his protégée, Thurgood Marshall, worked on NAACP cases, and developed cases and tactics, Houston regularly met with Marshall, and "Thurgood ...didn't make any moves without ...Houston."

Charles Hamilton Houston died on April 22,1950, and the impact of his groundwork on civil rights is undeniable. He understood the Constitution of the United States, and altered the trajectory of the judicial system. He understood the power of education. The 1954 victory of *Brown v. Board of Education*³ was "the

2 *Steele v. Louisville and Nashville et al* and *Tunstall v. Brotherhood of Locomotive Firemen and Enginemen*, 305 U.S. 337 (1938), *Tunstall v. Brotherhood of Locomotive Fireman and Enginemen*, 323 U.S. 192 (1944), *Hurd v. Hodge*, 323 U.S. 210 (1944).

3 347 U.S. 483 (1954)

simultaneous culmination of the legal campaign based on Charles Houston's strategy carried forward by the NAACP's a cadre of lawyers and a watershed decision in constitutional law with respect to equal protection of the laws."

Houston had faith in the legal process and used it to effectuate positive change. His legacy lives on not only at Howard University, but in his students, their students, and the countless individuals who now live in a better society. This well researched book on a man who's life's work was groundbreaking is, at the very least, a must read for anyone with even the slightest interest in history. For attorneys who have lost sight of purpose, perhaps Charles Hamilton Houston's famous quote may serve as inspiration:

"A lawyer's either a social engineer or he's a parasite on society."