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CHARLES HAMILTON HOUSTON AND THE SEARCH FOR A JUST SOCIETY

I was determined that if I lived I was going to have something to say about how this country should be run.

Charles Hamilton Houston

The *North Carolina Central Law Journal* staff is pleased to publish the keynote address of Walter J. Leonard and his introduction by Dean Percy R. Luney, Jr., on the occasion that marked the establishment of The Charles Hamilton Houston Chair. On March 22, 1995, Franklin R. Anderson, NCCU Trustee, and Susie R. Powell, former NCCU Law faculty member, honored North Carolina Central University and the School of Law by the establishment of The Charles Hamilton Houston Chair in the School of Law.

Mr. Anderson and Ms. Powell commissioned a bronze wall relief by Gale Fulton Ross to commemorate The Charles Hamilton Houston Chair. The work of art, which includes the above quotation, is permanently displayed in the School of Law.

INTRODUCTION OF WALTER J. LEONARD

DEAN PERCY R. LUNEY, JR.

Walter J. Leonard is a native of Georgia. He was educated at Savannah College and Morehouse College and holds a law degree from Howard University. Prior to law school, Mr. Leonard worked with Martin Luther King and the Southern Christian Leadership Conference. He was an assistant dean at Howard Law School before joining Harvard Law School as assistant dean in 1969.

When Derek Bok was elevated from the position of Dean of Harvard Law School to President of Harvard University, Mr. Leonard was named Special Assistant to the President of Harvard University. His leadership helped to establish and to secure the existence of the W.E.B. Du Bois Institute at the Harvard Law School.

While at Harvard University, Mr. Leonard authored *Black Lawyers*. The book examined the role of the African-American lawyer in confronting the paradox of inequality within a society founded upon the doctrine of equality. While working as a research assistant on that book, I spent six hours interviewing the Honorable William B. Hastie and the Honorable A. Leon Higginbotham, whom you should remem-

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ber as outstanding Federal Court of Appeals judges. From my work with Mr. Leonard and those interviews during my second year of law school, I first learned of Charles Hamilton Houston. By the end of this project and after many wonderful exchanges with Walter J. Leonard and hours of reading books on African-American history, I finally understood and appreciated the brilliance, courage and contributions of Charles Hamilton Houston to the African-American community and to the world.

I graduated from law school in 1974 and went to work in Washington, D.C. Walter J. Leonard continued to work with President Bok at Harvard and was subsequently named President of Fisk University after withdrawing as a finalist for Executive Director of the NAACP in 1976. I then received a phone call and to this day, I still do not know why I agreed to give two years of my life to Fisk University except for my faith in Walter J. Leonard. I became Mr. Leonard's one-man transition team for six months prior to his arrival at Fisk University and remained for two years as his special assistant and general counsel. We inherited an institution whose endowment had dwindled from sixteen million dollars to four million dollars, had not operated in the black for fifteen years, and had a two-million-dollar operating deficit. He had told me that the job would be tough but I had not expected a war. Under Mr. Leonard's leadership, in two years Fisk was operating in the black, the two-million-dollar operating deficit was refinanced and we had added two million dollars to the endowment. We also placed the entire campus on the national register of historic places, a project which I started and completed in less than a year and which has resulted in millions of dollars being given to Fisk for historic preservation. Other historically black universities later adopted this same strategy.

After serving as President of Fisk University during the turbulent years of the Reagan administration and its cutbacks in student financial aid, Mr. Leonard returned to Washington, D.C. He was soon named Executive Director of the Cities In Schools, Inc. program, which now reaches over 120,000 children annually and is the largest nonprofit dropout prevention network in the United States. Mr. Leonard recently retired as Executive Director in 1994, and with a little encouragement, I hope that Walter J. Leonard will become the first person to hold The Charles Hamilton Houston Visiting Chair in the not too distant future.

CHARLES HAMILTON HOUSTON
AND THE SEARCH FOR A JUST SOCIETY

WALTER J. LEONARD

I am very much indebted to my very dear friend, Dean Percy R. Luney, Jr., for the invitation that permits me to participate in these historic and meaningful proceedings. I am also pleased to extend congratulations to everyone who played any part in the establishment of this fine, admirable, and living tribute to Charles Hamilton Houston. By honoring Houston, one of the greatest lawyers in this nation's history, we recognize the importance of this institution, we honor all who have studied here, and we raise a beacon, an expectation, a benchmark for all who will work and study here in the future.

In addition to Dean Luney, I must express my continuing admiration for Chancellor Julius L. Chambers. As a soldier/servant in the battle for human dignity, he has always stood steadfast, without equivocation, without ambiguity.

We offer a very, very special "thank-you" to Susie Powell and Franklin Anderson, who out of their care for this school, their concern for and about students, and their personal commitment to excellence in education have generously provided nearly \$700,000 toward the \$1,000,000 required to establish and endow The Charles Hamilton Houston Chair. Their action and generosity provide an example, a challenge, and set a standard for many who may wish to tender a portion of those resources which are beyond their immediate and reasonably expected use. In this world where there is the constant search for models, standards, examples and positive images, I would gladly offer Frank and Susie as my choices.

It is completely appropriate that in 1995, the one hundredth anniversary year of Houston's birth, we would assemble here to pay respect to his memory and to engage in brief assessment of the enormous impact that his life, his work and his initiatives had on the American legal system. We shall take a moment to examine how his tremendous intellect affected the lives of everyone in this country — especially those of African-Americans — and how his efforts helped to shape the life chances of all men and women, black and non-black, who were in any way excluded from full participation in the economic, educational, social and political life of the nation. As we follow his path of study, his courage and his determination, we arrive at a better understanding of, and a greater appreciation for, the fact that it was Charles Hamilton Houston who helped to guide and ensure the development of the United States Constitution as an organic, powerful and essential document.

Some have referred to Charles Hamilton Houston as a brilliant, hurt and angry man: one whose encounter with segregation, discrimination and racial bias moved him to vow an eternal fight against all forms of bigotry. That is true. Houston was not content to just destroy and bury Jim Crow; he aimed his considerable intellectual firepower at inequity and unfairness in all forms, wherever their presence was seen.

Born in Washington, D.C., on September 3, 1895, Charlie Houston (as he was affectionately known by colleagues and friends) could not have selected a more historic time or place to begin life as a black man in America.

His personal history focuses a clear and bright light on the depth to which bias and bigotry were pervasive at the time. After early education — paid for in part by his mother's work as a hairdresser and seamstress — Houston attended Washington's M Street (Dunbar) High School, from which he graduated at age fifteen. Like many of Dunbar's honor graduates, he continued his studies at Amherst College, where he majored in English, French and music. After graduating at age nineteen from Amherst, magna cum laude, and his election to Phi Beta Kappa, Houston taught for a couple of years at Dunbar and at Howard University. He enlisted in the U.S. Army in 1917, earned a commission as a First Lieutenant in the infantry and served overseas as an artillery officer.

In a foreword to a biographical glimpse of Houston's life, Judge William H. Hastie observed that in 1916 Houston was a very bright, young college graduate, working as a "school teacher in a Negro high school in Washington, D.C." Such work "was about as congenial and remunerative . . . as was available to a bright young black college graduate in 1916 America." At that point in his life, Hastie says:

Charlie was a rather spoiled and self-centered only child, living a rather comfortable and somewhat secluded life and not very acutely or painfully disturbed by American racism. If he was not pleased with the status of the Negro, he was not greatly moved by it and had no passionate concern to change it. All of that was changed by World War I, which intervened while he was a young school teacher and before he entered law school. He earned a commission in the Army of the United States at a separate training school that the Army grudgingly provided for a few black officer candidates. He went to France and there suffered all of the indignities, humiliations and crass injustices that the American Command and white "comrades in arms" heaped upon black officers and enlisted men. His comfortable and protected upbringing made him less prepared for this experience than were most black soldiers. It seared him to be treated as a despised inferior by whites to whom he was vastly superior by any measure. And the mark of that branding and its pain would ever remain with

him He came out . . . wiser and tougher . . . with a hatred for American racism that he . . . would always retain as a motivating force.¹

In an effort to better appreciate the history of that period, one must remember that it was just fifteen days after Houston's birth that Booker T. Washington delivered his well-known Atlanta Exposition speech in which he advised African-Americans to be a little less aggressive regarding social equality and to accept something less than full-citizenship status while working for an economic footing. His words: "It is at the bottom of life we must begin, and not at the top — nor should we permit our grievances to overshadow our opportunities."²

In 1896, one year after Washington's speech, the U.S. Supreme Court ruled in *Plessy v. Ferguson*³ that racial segregation in *all* public facilities was not offensive to the Constitution. That decision, along with the Court's finding in *Dred Scott v. Sanford*,⁴ weaved the most rigid fabric of white supremacy since the days of *de jure* slavery. Known through the annals of history as the "separate-but-equal" decision, *Plessy* really was an official governmental act that further condemned black men and women to social, political and economic disinheritance, and by implication and practice, classified black children as inferior.⁵

The Reconstruction period had been very much deconstructed by 1895. The few gains achieved following the recent Civil War and the power and intent of the Thirteenth, Fourteenth and Fifteenth Amendments were being systematically eroded. Very loud arguments to the effect that the federal government was doing too much for the African-American and that the government ought to get off the backs of the people (especially white people in the South) were being advanced from every quarter of the land. While standing on the floor of the United States Senate, Ben Tillman, a senator from South Carolina, commonly known as "Pitchfork," told the nation that in 1895 the State of South Carolina convened a constitutional convention for the purpose of disenfranchising "the Negroes." Tillman said more:

We of the South have never recognized the right of the Negro to govern white men, and never will. We have never believed him to be equal to the white men, and we will not submit to his gratifying his lust

1. GERALDINE R. SEGAL, IN ANY FIGHT SOME FALL 5-6 (1975).

2. Booker T. Washington, Atlanta Exposition Speech, in *THE VOICE OF BLACK AMERICA: MAJOR SPEECHES BY NEGROES IN THE UNITED STATES, 1797-1971*, 577, 580 (Philip S. Foner ed., N.Y., 1972).

3. 163 U.S. 537 (1896).

4. 60 U.S. (19 How.) 393 (1857).

5. 163 U.S. 537 (1896).

on our wives and daughters without lynching him. I would to God the last of them was in Africa, and none of them had ever been brought to our shores⁶

Tillman was not alone in broadcasting racial hatred, invectives and demagoguery. There were others: James Kimble Vardaman (1861-1930); Thomas Edward Watson (1856-1922); and, a little earlier, Thomas Roderick Dew (1802-1846). According to one author, these men were architects of the “early turbulent, reasonless days when sectionalism grew in the South and the region began to think on how different it was”⁷ The writer says that these four became the spiritual ancestors for much of the racism and meanness that we hear, even to this day.

And, of course, there was the Ku Klux Klan, the movie “Birth of a Nation” and a steady stream of profane denunciation of any attempt toward the uplift or the education of the African-American population. The Klan, known as the “Invisible Empire,” claimed the loyalty of several governors, senators, congressmen, judges, politicians, business executives and many members of the clergy.

The identification of bigotry and discrimination, hatred and repression was glaringly simple and easy. The lines were clearly drawn, and black people were segregated. Schools made no pretense about excluding African-American students. Labor unions made it very clear that for most jobs “no black person need apply.” Most training programs were off-limits. In fact, the unions would, by tacit agreement with the establishment of segregated auxiliary locals and in collusion with employers, exclude African-Americans from knowledge of, or consideration for, employment opportunities. Many jurisdictions did not provide regular courses and hours in public schools. Buses were not available for black children. State, county and city services were hardly provided to black neighborhoods. Access to housing developments was controlled by “Gentlemen’s Agreements” — *Restrictive Covenants*. The various professions (engineering, law, architecture, dentistry, finance, medicine and most others) made it pellucidly clear that negative quotas (none, or only a very, very few) were affirmatively enforced against black people. Bias, segregation and open defiance of the law gave the country an easy and visible choice between good and evil. Those in power usually chose evil.

When one travelled through the South, the land of my birth, the signals were clear. Devices and posters of every sort were employed to remind African-Americans not to cross over certain well-marked lines of custom and practice.

6. CONG. REC. (daily ed. Mar. 22, 1900).

7. RALPH MCGILL, *THE SOUTH AND THE SOUTHERNER* 112-113 (1963).

When one visited the North, other symbols and alarms were utilized. Policemen, cab drivers or almost anyone could direct one to the black reservation — sometimes called the Inner City. Various code names, metaphors, were used: Harlem, Hough District, Roxbury, South Side, Watts, Uptown, Hill District, Mission Hill, Buttermilk Bottom. It did not matter, the message was clear: this was where black folks were expected to stay. Hateful and racist remarks were commonplace. Every institution in the country — from the White House and Congress to the State House and the Church House — seemed to stand as an apologist and as a defender of harassment, violence and denial.

Such were the prevailing conditions and attitudes that Houston would confront as a child, encounter as a student, and experience as an adult citizen in the nation's capital.

As it is now in 1995, it was then, in 1895. The country was facing economic uncertainty, and white America, particularly in the South, had no intention of sharing or providing even a semblance of equality to African-Americans at the voting booth, the classroom, or the employment line. Moreover, Houston knew that the business interests and the corporate executives of the North were far more concerned about profits and stability than about democracy and fair play. Further, Houston completely understood that many of America's problems were then, as they are now, directly traceable to the economic inequality that provides many of the country's upper-class citizens with illusions of grandeur, while providing poor whites a basis for the foolish belief that their skin color gives them some sort of cushion that will protect them against positive change and black advancement.

Houston knew that if change and progress were to be obtained in the conditions, treatment and life chances of African-Americans, a movement, in the nature of a revolution, had to occur. It would be, indeed it had to be, a struggle to breathe life into the Constitution. Houston believed it possible to develop legal theories capable of persuading the courts to hear and act positively on petitions from African-Americans. Mapping, planning and implementing such an attack on negative racial practices, in addition to simultaneously exposing the nation's moral contradictions, would begin to bring the country's promises and practices closer together.

Houston would have an opportunity to advance and test many of his theories.

In 1928, when the Board of Trustees of Howard University took the decision to comply with *all* requirements to convert the law school from a four-year, part-time night school to a full-time, three-year, fully accredited law facility, they did not have to search very far in their

effort to find an extraordinarily intellectually gifted person to lead them.⁸ “On June 4, 1929, the Board appointed Charles Hamilton Houston, Resident Vice-Dean, in charge of the three-year day school along with general supervision of the Law School Library, beginning July 1, 1929, at a salary of \$4,500.”⁹

Within three years, both the American Bar Association and the Association of American Law Schools announced that the Howard Law School had fully developed and maintained standards acceptable to both of those bodies. With the school fully accredited, Houston began to build a law school faculty of outstanding scholars, to further enhance the library holdings, to strengthen the curriculum, and to recruit and nurture additional students. Further, he began to commit the law school to the development of a cadre of legal scholars who would join him, and other progressive lawyers, in and before the courts, the commissions and regulatory bodies to continue his quest to change the negative conduct of those who controlled the distribution of power in the nation.

In many ways, Charlie Houston was, among his own people, a child of class, privilege and social status. However, he soon became very much aware that regardless of his sterling academic record at the M Street (Dunbar) High School, his magnificent graduate and postgraduate performance (B.A. degree at Amherst, his Doctor of Civil Law degree from the University of Madrid, his LL.B., LL.M. and S.J.D. [Doctor of Juridical Science] from the Harvard Law School), or his unique honored status as editor of the *Harvard Law Review*, in the eyes of most white Americans, he was just another black man (Negro at that time) who had been lucky enough to go to school. In the eyes of many whites — especially the Southern political leadership — he was just another “uppity, troublemaking nigger.”

Houston had come of age during the decades of 1910 and 1920. He had witnessed the lynchings, the brutal beatings, the open violations of voting rights, the absence of employment security, the discrimination and bigotry in housing, and the restrictive covenants in real estate contracts and deeds. He knew that there was no such thing as the observance of equal protection or due process. He “was affronted by the murder of black men — many of whom were still wearing uniforms and decorations as veterans of World War I — and he had encountered American apartheid, firsthand, in almost every manner and matter of life. Moreover, Houston was convinced that powerful oratory and moving “rhetoric were weak instruments in effecting

8. RAYFORD LOGAN, *HOWARD UNIVERSITY: THE FIRST HUNDRED YEARS, 1867-1967*, 267 (1969).

9. *Id.*

change in attitude and behavior.”¹⁰ He “was firmly convinced that only through the courts could justice be obtained for his people. Laws against discrimination must be enforced through the unceasing efforts of dedicated lawyers, and he saw himself in the role of such a champion.”¹¹ He had witnessed the founding of the National Association for the Advancement of Colored People in 1908 and the National Urban League in 1910, the establishment of the National Race Congress, the National Equal Rights League and the Commission on Interracial Cooperation, various civic groups, social fraternities and many other self-help initiatives.

Law and custom had conspired to claim that the African-American’s chattel slavery, caste status and color had rendered him forever fit only for the servant class.¹² The sociologist had not yet developed the dictionary of poverty with its obscurants, shibboleths and euphemisms of degradation such as “culturally disadvantaged,” “inner-city youth,” “culturally deprived,” “educationally disadvantaged,” “at-risk students,” “racially isolated,” “children of poverty,” “ghetto-mentality,” “affirmative-action hire,” “dysfunctional family member,” “welfare recipient,” “poor tester,” and “unqualified,” but the opponents of black freedom were skillful and resourceful. Houston was aware of the need to compel America to come face to face with its own errors, to confront its own deceptions and to recognize its own hypocrisy. How should this be done? What would be the best, most effective strategy? How could the nation, finally, be compelled to realize that it could not be free if millions of its countrymen and countrywomen were still in virtual servitude?

He concluded that the answer was in aiming his intellect at the Declaration of Independence, the Constitution of the United States, and the laws, rules, regulations and cases developed pursuant to these documents. He saw a need to mount a challenge to the nation’s everyday customs and practices. It was his belief that the drafters and adopters of the Declaration of Independence meant what they said. He was convinced that the framers and the amenders of the Constitution intended to do what they had promised. The task was to compel and convince the nation that these documents applied to the lives of African-Americans. Further, he was persuaded that the whole of the Constitution, every clause of that document, had been painstakingly developed with the aim and thought of protecting the life, liberty and property of every individual, every citizen, every resident of this country. He saw government not as a master but as a servant of the peo-

10. SEGAL, *supra* note 1, at 28.

11. *Id.*

12. *See generally* Dred Scott v. Sanford, 60 U.S. (19 How.) 393 (1857).

ple; not as an intruder but as a supporter, a facilitator, charged to carry out the *will* of the people, organized and adopted to make a reality of the promises enunciated in our founding documents.

In a real sense, Charles Houston viewed the Constitution as a set of rules by which the United States had sworn to live. He would, therefore, use these rules, as they were sanctioned by society, to change society's unfair sanctions. He would call into question the essential credibility and validity of the whole of the American system. To him, it was clear that America was engaging in a tragic and depressing waste of human talents and squandering the genius of millions of its citizens, solely because of *race*.

To Houston, it was obvious that any right-thinking American would not, or should not, endorse the development of black communities as slums or ghettos, but as wholesome and handsome neighborhoods in which anyone would be proud to have a home. It was his belief that every school should be a first-class learning environment, open to all children. He knew that economic "Jim Crowism" had to be vigorously exposed and relentlessly fought.

So, what was to be done? He was certain that the Howard-trained lawyer must be keen to the task of striking, and striking hard, at the very heart of economic discrimination. The Howard lawyer, from Houston's perspective, must see racial discrimination as the root from which so many of society's evils sprang. He would teach that unequal treatment fostered substantive inequality, and that such a condition in American life was an insult to, and a violation of, the Constitution. In very much the way that W.E.B. Du Bois used history, economics, language and literature; that Benjamin E. Mays and Mordecai Johnson used religion and education; that Langston Hughes used prose and poetry; that Percy Julian, Clement Morgan and Elmer Imes used chemistry, mathematics and physics; and that Roland Hayes and Paul Robeson used music and theatre; Houston would use the *law*, as a shield, as a sword and as a tool for change.

He would tell his students that in the eyes of America, the African-American was expendable, no longer needed. The cities had been built, the levees had been laid, the railroads had been constructed. Machines were now digging ditches. Machines were now picking cotton. European immigrants had been brought in for the next steps of common industrial labor. Houston knew that in the minds of too many white Americans, the black man was fit only for boot camp, jail, prison, the penitentiary or banishment. That view must be challenged and changed.

Houston knew that students matriculating at most of the nation's law schools would not have his knowledge, sensitivity or single-

mindful purpose toward examining, shaping and influencing the legal system. It was his plan and his wish to develop lawyers who, in their daily work, would consider ways of using the law as a means of solving the country's most complex social problem: the continuing degradation of the African-American.

With this view toward the courts, the judges, the legal and political system, and the legal profession, he — along with the Howard Law School faculty — began to recruit, teach and train students to understand the structure of the American system and to imagine, construct and fashion a viable attack against the remnants of slavery: segregation, government-sponsored, publicly-financed and officially-sanctioned inequality.

Maybe he was an angry man. But he gave persona to the admonition, "Don't get mad — get even." He channelled his anger into the development of a truly gifted mind. He chose his weapon: his intellect. He chose the arena, the field of battle: the courtrooms; legislative chambers; and his laboratory, the classroom of the Howard University School of Law. At Howard, he would recruit, enlist and train his soldiers/disciples: Thurgood Marshall, Robert L. Carter, James A. Washington, William Benson Bryant, Frank D. Reeves, Scovel Richardson, Joseph C. Waddy, Spottswood W. Robinson, III and others.

Having placed Howard Law School in the front ranks of legal education and having produced and encouraged a beginning cadre of bright and bold black lawyers, in 1934, Houston began to shift his efforts more and more toward New York and a full-time job with the NAACP. For the next year, until his formal appointment in the spring of 1935, Houston would maintain his leadership at Howard; argue *Hollins v. Oklahoma*¹³ before the Supreme Court; lead a fight against the exclusion of agricultural and domestic workers from the Social Security legislation; deal with discrimination in the labor unions;¹⁴ organize the New Negro Alliance (a group of black professionals); assist the family firm (Houston, Houston & Hastie); inspect the conditions of black schools, especially in Maryland, Virginia, North Carolina and South Carolina; confront General Douglas MacArthur and General Dwight David Eisenhower about racism and discrimination in the Army; document and expose massive discrimination in the works of the Tennessee Valley Authority; combine efforts with James M. Nabrit

13. 295 U.S. 394 (1935).

14. See *Tunstall v. Brotherhood of Locomotive Firemen & Enginemen*, 323 U.S. 210 (1944); *Teague v. Brotherhood of Locomotive Firemen & Enginemen*, 127 F.2d 53 (1942), FEPC/RG228 (1940); *Steele v. Louisville & Nashville R.R.*, 323 U.S. 192 (1944).

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and others to challenge white primaries; and, spend long hours as advisor to Walter White.¹⁵

He was more and more confident of his strategic efforts. He would hit the segregationist where it would be most hurtful: in the pocket-book. Since the Court had allowed “separate-but-equal” treatment of United States citizens, he and his colleagues would demand *performance* under that doctrine. His two-pronged attack would compel the states to equalize salaries for teachers (especially in the elementary and high schools), and at the same time, initiate litigation to open the doors of graduate and professional schools. After all, how many states would be financially able, or politically willing, to erect *completely equal* law schools, medical schools and schools of engineering for black students?

After careful consideration, and urging by Thurgood Marshall, the *Donald Murray v. University of Maryland*¹⁶ case was selected, framed and filed. A victory here, opening the Maryland law school to black students, would be the foundation, the beginning, of a string of precedents which would expose the absurdity and hypocrisy of the “separate-but-equal” doctrine. Victory in the *Murray* case helped stir up greater interest and stronger resolve. Black people all over the country stiffened their backs and began to ask for help from the Houston team.

Houston then examined and responded to the facts involving Lloyd Lionel Gaines of St. Louis, Missouri. Much like *Murray*, the State of Missouri offered to pay Gaines to study outside the state. The case, styled *Missouri ex rel. Gaines v. Canada*,¹⁷ was entered as a prayer for a writ of mandamus against the officials — more particularly against the registrar of the University of Missouri. After losing in the state court, as expected, Gaines appealed to the United States Supreme Court, and in 1938, Houston appeared for Gaines before the Court. Houston’s argument went beyond *Gaines* and challenged the very notion of white supremacy.¹⁸ In less than sixty days, the Supreme Court reversed the state court and ordered the state to admit Gaines to its law school.¹⁹

In the meantime, Houston advised the NAACP to establish an independent legal arm. Consequently, The NAACP Legal Defense Fund, Inc. was established in 1939. This new entity remained an integral part of the NAACP until 1950.

15. WALTER WHITE, *A MAN CALLED WHITE* (1944).

16. 182 A. 590 (1936).

17. 305 U.S. 337 (1938).

18. *Id.*

19. *Id.* at 352.

After the victory in *Gaines*, Houston returned to private practice. Having confronted the arsenals of the slavocrats, Dixiecrats, the Ku Klux Klan and the indifference and hypocrisy of too many elected officials, Houston's personal health began to require greater attention. Moreover, as he had advised his father, he needed to make economic preparations for his immediate family.

Still ahead were milestone cases such as *Sipuel v. Oklahoma State Board of Regents*,²⁰ *McLaurin v. Oklahoma State Regents for Higher Education*,²¹ *Sweatt v. Painter*,²² *Shelley v. Kraemer*,²³ *District of Columbia v. John R. Thompson Co., Inc.*,²⁴ *Hurd v. Hodge*²⁵ and, of course, the *Brown v. Board of Education* cases,²⁶ as well as several others. Houston would personally participate in a few of these matters, but whether he did or did not, he had successfully erected an unstoppable intellectual attack on any conduct, public or private, that manifested disregard for, or hostility toward, the rights of black Americans.

Charles Hamilton "Charlie" Houston died on April 22, 1950.

20. 332 U.S. 631 (1948).

21. 339 U.S. 637 (1950).

22. 339 U.S. 629 (1950).

23. 334 U.S. 1 (1948).

24. 346 U.S. 100 (1953).

25. 334 U.S. 24 (1948).

26. 347 U.S. 483 (1954).