

Houston, Charles Hamilton (3 Sept. 1895-22 Apr. 1950), lawyer and professor, was born in the District of Columbia, the son of William LePre Houston, a lawyer, and Mary Ethel Hamilton, a hairdresser and former schoolteacher. Houston graduated Phi Beta Kappa from Amherst College in 1915. After a year of teaching English at Howard University in Washington, D.C., he served during World War I as a second lieutenant in the 351st Field Artillery of the American Expeditionary Forces. Having experienced racial discrimination while serving his country, Houston "made up [his] mind that [he] would never get caught . . . without knowing . . . [his] rights, that [he] would study law and use [his] time fighting for men who could not strike back." He entered Harvard Law School in 1919, where he became the first African American elected as an editor of the *Harvard Law Review*, and in 1922 he earned an LL.B. cum laude. In 1922-1923 he studied for the doctorate in juridical science, becoming the first African American to be awarded the S.J.D. at Harvard. Following an additional year of study with a concentration on civil law at the University of Madrid, Houston passed the bar examination for the District of Columbia in 1924. In that year he married Margaret Gladys Moran. They divorced in 1937, and Houston married Henrietta Williams, with whom he had one child.

Houston practiced law as a partner in the District of Columbia firm of his father (Houston & Houston; later Houston, Houston, Hastie & Waddy) from 1924 to 1950, with occasional leaves of absence. He also taught law and became an academic administrator at Howard University Law School, serving on its faculty from 1924 to 1935. His accomplishments at Howard were remarkable. From 1929 to 1935 he provided leadership during the transformation of the then nonaccredited evening school to a highly respected, full-time, American Bar Association-accredited day law school that enjoyed membership in the Association of American Law Schools. Directing the work of the law school as vice dean and chief administrative officer (1930-1935), Houston inspired the faculty and students with a sense of urgency and a spirit of boldness regarding the duty of African-American lawyers as advocates of racial justice. Houston expounded a philosophy of "social engineering," which was grounded in the beliefs that law could be used effectively to secure fundamental social change in society and that the law was an instrument available to minority groups who were unable to use fully the franchise or direct action to achieve recognition of their rights and equality. Among his students during this period were Oliver Hill, William Bryant, and [Thurgood Marshall](#), each of whom would become distinguished civil rights litigators and the latter two of whom would achieve national renown as federal jurists.

Houston's civil rights advocacy primarily focused on achieving recognition of African Americans' equal rights under law through the elimination of legally enforced racial discrimination. He argued that the status of African Americans as an oppressed minority necessitated the "complete elimination of segregation" through a protracted struggle including a legal campaign supported by a "sustaining mass interest," with "leadership . . . develop[ing] from the aspirations, determinations, sacrifices and needs of the group itself." He served as the first full-time, salaried special counsel of the National Association for the Advancement of Colored People (NAACP) from 1935 to 1940. He proposed in 1934 and thereafter implemented a strategy for overturning the "separate but equal" precedent of *Plessy v. Ferguson* (1896) to the end that racial discrimination and segregation might be declared unconstitutional by the U.S. Supreme Court. In recognition of courts' reliance on *stare decisis* and of widespread racism, Houston developed a long-range strategy of building favorable precedents over time until a direct attack on segregation per se could be made based upon such precedents rather than following one proposed earlier by [Nathan Margold](#) to make an immediate attack on segregation. Houston's strategy was implemented by the NAACP and later its Legal Defense and Educational Fund under Thurgood Marshall's direction. While the NAACP and its Legal Defense Fund were concerned about various manifestations of racial discrimination, a special grant from the American Fund for Public Service was primarily devoted to funding cases involving discrimination in education because of its relation to the fundamental problem of white supremacy. According to Houston in 1935, "Apparent senseless discriminations in education against Negroes have a very definite objective on the part of the ruling whites to curb the young and prepare them to accept an inferior position in American life without protest or struggle."

As special counsel and later adviser to Thurgood Marshall, Houston emphasized for the sake of "effectiveness" both the importance of the use of African-American lawyers and the commitment to a program of "intelligent leadership plus intelligent mass action." Houston worked with local African-American attorneys and argued before the U.S. Supreme Court *Missouri ex rel. Gaines v. Canada* in 1938, the first major Supreme Court case in the groundwork laid for *Brown V. Board of Education* (1954), which declared segregation in public schools unconstitutional. He thereafter shaped with Marshall many of the essential legal precedents leading to *Brown*, including *Sipuel v. Oklahoma State Board of Regents* (1948), *McLaurin v. Oklahoma State Regents* (1950), and *Sweatt v. Painter* (1950). For African Americans in the Consolidated Parent Group of the District of Columbia, Houston initiated litigation against inequality in public schools, which under James Nabrit was later transformed and ultimately led to *Bolling v. Sharpe* (1954), the companion case to *Brown* declaring segregation in the District's public schools unconstitutional.

Houston's historical significance is chiefly derived from his role as strategist, legal counsel, and adviser in the struggle against racial discrimination in public education. It is noteworthy, however, that while he was among the first to emphasize the importance of training lawyers to change law and to participate in dissent regarding fundamental policy and practice of the government, he recognized that the judicial process was slow and not designed to change, but rather to uphold the status quo. Because of these "limitations," he cautioned those who would rely on the courts alone and encouraged African Americans to "do [their] own fighting and more of it by extra-legal means," that is, boycotts, demonstrations, and the like.

Houston's contributions to eliminating legal validation of racial discrimination extended into other areas, particularly the struggles for fairness in employment, housing, and the rights of the accused. He served, for a time, on the President's Fair Employment Practices Committee and in 1944 successfully argued before the U.S. Supreme Court in *Steele v. Louisville and Nashville Railroad* as well as *Tunstall v. Brotherhood of Locomotive Firemen and Engineers* the duty of fair representation regardless of race or union affiliation. In regard to housing discrimination, Houston assisted the NAACP in its preparation for *Shelley v. Kraemer* (1948) and was chief counsel before the U.S. Supreme Court in the companion case, *Hurd v. Hodge* (1948), in which the Court barred racially restrictive covenants in the states and the District of Columbia. With respect to the rights of persons accused of crimes, Houston litigated *Hollins v. Oklahoma* (1935) and *Hale v. Kentucky* (1938), in which the U.S. Supreme Court overturned the convictions and death sentences of African-American defendants who had been tried by juries from which African Americans had been excluded on the basis of race.

An active participant in the civil rights struggle of African Americans beyond the courtroom, Houston engaged in a variety of expressions of political activism during his lifetime, including marching during the 1930s for the freedom of the "Scottsboro Boys," writing a regular column of political commentary in the *Afro-American*, and testifying before Congress against lynching and other forms of racial injustice. His analysis and experiences compelled him in 1949 to urge African Americans not simply to be "content . . . with . . . an equal share in the existing system," but to struggle to establish a system that "guarantee[d] justice and freedom for everyone."

Charles Hamilton Houston's grueling pace in the struggle for racial justice eventually resulted in a heart attack from which he died in Washington, D.C. He was buried in Lincoln Memorial Cemetery in Suitland, Maryland.

Bibliography

Letters and papers of Houston may be found in the records of the NAACP and the William L. Houston Family Papers in the Library of Congress, in the records of the Fair Employment Practices Committee at the National Archives, and in the Charles H. Houston vertical file, the Consolidated Parent Group Records, and the C. H. Houston Collection at the Moorland-Spingarn Research Center, Howard University. Genna Rae McNeil, *Groundwork: Charles Hamilton Houston and the Struggle for Civil Rights* (1983), is a full-length biography, while Geraldine Segal, *In Any Fight Some Fall* (1975), is a shorter study of Houston's life. Recollections of Thurgood Marshall's relationship with Houston appear in "College Honors Charles Houston '15," *Amherst Magazine*, Spring 1978, and Kenneth Gormley, "The Man Who Won't Retire with Thurgood Marshall," *ABA Journal* 78, no. 6 (1992): 62-66. The recollections of Houston's colleague Spottswood Robinson III and his cousin and former law partner William H. Hastie are published in "No Tea for the Feeble," *Howard Law Journal* 20 (1977): 1-9. Houston may be seen and heard in *The Road to Brown* (1990), an audio-visual production produced by William Elwood and Mykola Kulish. Conrad Harper's particularly useful biographical entry incorporating excellent summaries of Houston's major legal cases appears in the *Dictionary of American Negro Biography* (1982). Compare Richard Kluger, *Simple Justice* (1976), and Mark Tushnet, *The NAACP Legal Strategy against Segregated Education, 1925-1950* (1987), for different interpretations on Houston's role as strategist. See also Clement Vose, *Caucasians Only* (1959), and G. R. McNeil, " 'To Meet the Group Needs': The Transformation of Howard University School of Law, 1920-1935," in *New Perspectives on Black Educational History*, ed. V. P. Franklin and James Anderson (1978). Lengthy obituaries are in the *Afro-American*, 29 Apr. 1950, and the *Pittsburgh Courier*, 6 May 1950.

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