



Charles Hamilton Houston: Pioneer killer of Jim Crow

“A lawyer is either a social engineer or he’s a parasite on society.” – Charles Houston

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From the scalding, unforgiving fires born of racial bigotry and hatred, there rose a phoenix from the ashes whose name was Charles Hamilton Houston. Although he primarily addressed the needs of an oppressed black America, he spoke for all Americans in his relentless campaign to use the law as a fundamental instrument of social change.

Charles Hamilton Houston was a remarkable constitutional attorney, whose distinguished life was honored in 1955 by African-American lawyers from Northern California, who formalized their bond in a club that today bears his name, The Charles Houston Bar Association (CHBA). Although Washington, D.C., was his home for all of his formidable life, Houston was no stranger to Northern California. He had several friends in the Bay area, namely Walter Gordon Sr., who lived on Acton Street in Berkeley and Leonard Richardson, at whose Derby Street home he often stayed while attending NAACP meetings. In 2005, the CHBA celebrated its 50th anniversary, and the Alameda County Board of Supervisors declared April 22 (the anniversary of his death) “Charles Houston Bar Association Day.”

The early years

September 3, 1895, was a most propitious day for black America. It marked the birth of a man who was determined to make a difference in a world of racial hatred and intolerance. In a modest, middle-



Houston

class home just a few blocks away from the Washington, D.C., Supreme Court, Mary Hamilton Houston and her lawyer husband, William Le Pre Houston, became the proud parents of a male child they

named after King Charles I.

The Houstons bestowed upon their intellectually-gifted son all the advantages they could afford, and whenever they could, they took him to theaters, zoos and matinees and lavished his life with books. Houston became a bit of a bookworm, content to practice long hours playing the piano and to thrive within the fantasy world of books. At age 12, his parents enrolled him in the M Street School, which was the first black high school in the United States.

Despite the security and loving guidance offered by his parents and his superior intellect, no one could protect Houston from the temperament of the times and the crippling, cruel hegemony of Jim Crow legislation. No amount of sugar could ever sweeten the devastating impact of these terrible “separate but equal” laws enforced in America’s southern and border states between 1876 and 1965, which caused the life of every black American to be of a second-class and inferior nature.

Education and early experiences

He earned an undergraduate degree from Amherst College as the only black

student in the graduating class of 1915. During his tenure at Harvard University Law School, his exceptional scholastic record earned him a position on the editorial board of the Harvard Law Review, and Houston was the first African-American to do so. After graduation, Houston joined his father’s law firm in Washington, D.C., specializing in civil rights cases.

In 1917, after teaching English for two years at Howard University, Houston enlisted in a segregated officers’ training program and served as a second lieutenant during World War I in a segregated army unit. There he witnessed firsthand the racial prejudice inflicted upon and endured by black soldiers. Thus was born his resolve to use the law as a weapon of change more powerful than any mortar fire.

Fighting Jim Crow: Howard University and the NAACP

In 1929, Mordecai Johnson, the first African-American president of Howard University, named Charles Houston to head the law school. His unremitting goal became training attorneys who would become civil rights advocates. He single-handedly created an accredited, full-time program with an intensified civil rights curriculum. One of his most promising students was a young man from Baltimore named Thurgood Marshall, who referred to his mentor as “Iron Shoes.”

During his tenure as dean of Howard’s Law School, Houston argued cases in court and continued to fight for equality within the legal community. In



1925, when the American Bar Association refused entry to African-American attorneys, he helped to establish the National Bar Association, an all black organization.

In 1934, Houston left Howard University to head the Legal Defense Committee of the NAACP in New York City. His former star pupil, Thurgood Marshall, became part of the inter-racial staff he built to defend victims of racial injustice. In July of 1938, health problems and disagreements in policy caused Houston to relinquish his leadership at the NAACP. He passed the torch to Thurgood Marshall who said of his mentor's contributions, "We owe it all to Charlie."

Houston continued to do civil rights work in his legal practice. He challenged the Supreme Court in the 1944 case of *Steele v. Louisville and Nashville Railroad Company* (1944) 323 U.S. 192 [65 S.Ct. 226] when African Americans were excluded from labor unions. He persuaded the court to adopt the rule that unions had a "duty of fair representation" to all workers even if they excluded those workers from membership.

A terrible battle; an unjust war

Between 1910 and 1940, in the Bay area of Northern California, there were only a handful of black lawyers practicing law. Some notables included: Lawrence Sledge, John Drake, McCants Stewart, Edward Mabson, Leland Hawkins and Annie Virginia Stephens Coker (California's first African-American female lawyer). Private practice was the only option, as for the most part, neither law firms nor the government would hire them.

There were a handful of black lawyers who built up successful practices and became prominent citizens, notably

Oscar Hudson in San Francisco and H. Leonard Richardson in Oakland, but they were few and far between. Some, like Tabytha Anderson, worked out of their homes while others, like Frank Larche and John C. Henderson, held full-time, non-legal jobs and settled for part-time caseloads.

Racism was blatant and as lethal to the human spirit as a spreading malignancy. There was little support from the legal community and The American Bar Association denied entry to African-Americans until 1943. Some local Northern California bar associations would admit black professionals, but these lawyers faced intense hostility both from the bench and other white members who bad-mouthed them without due cause to potential clients, making their professional lives difficult and miserable.

In spite of the prevailing attitudes, the number of black attorneys in Northern California grew. With traditional doors closed to them, they found ways to open others by welcoming each other into the legal fold and extending the opportunity to every black student who passed the bar to start his or her legal career under the auspices of an established black attorney.

The Charles Houston Law Club

Charles Houston died on April 22, 1950, at the too-young age of 55. His legacy was honored some five years later when African-American lawyers in Northern California formed The Charles Houston Law Club. It consisted of 32 lawyers, and its founder, Richard Bancroft, a graduate of Howard Law School, proposed its namesake. Between 1955 and 1975 the club continued to grow and many legal careers flourished.

The club became incorporated in 1976, and its members continue to this day to organize groups and programs that benefit many people. Throughout the 1970s and 1980s, the CHBA supported affirmative action in state federal cases. In 2003, in *Grutter v. Bollinger*, (2003) 539 U.S. 306 [123 S.Ct. 2325] and *Gratz v. Bollinger*, (2003) 539 U.S. 244 [123 S.Ct. 2411 L.Ed.2d 257], the CHBA spoke out as an advocate for diversity in education.

And for the brilliant, vital man who dared to mold the American dream into all it should have been in the first place, the seeds of equality have been reaped but not completely sown. No doubt, Houston would smile down wistfully upon the progress and the accolades achieved since his untimely death more than 50 years ago, but only for a moment. Alas, for in his wisdom he would know that there is little time to waste and much work that still needs to be done.

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