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A Personal Account of The Unveiling of
The Bust of Associate Justice Thurgood Marshall At
Howard University School of Law:
January 23, 1991

By J. Clay Smith, Jr.
Professor of Law

It is minutes after Unveiling of The bust of Thurgood Marshall and these words flow: Today was an historic day in the history of the Howard University School of Law. First, the Class of 1991 presented The Law School with a life-size bust of Associate Justice Thurgood Marshall in the James A. Cobb Moot Court Room. Second, Justice Marshall, was present to witness the unveiling. Third, five other Associate Justices of the United States Supreme were present to witness the unveiling, also: Justice Harry Blackmun, Sandra Day O'Connor, Byron White, Anthony Kennedy and David Souter. This is the largest number of Justices who have simultaneously parted the close of Howard University School of Law since 1869, the year the law school opened. Howard may now be the only law school in America to have six sitting Justices of the U.S. Supreme Court ever to participate in an event.

The program was was inspirational. This was a student's program. The law students in the Class on 1991 collected the money from their class during 1990 to commission The Marshall Bust. They received the consent from Justice Marshall to have the bust done. They selected the artist: Dr. Randolph Craig, of the University of Maryland Art Department, a black artist, who also created the

bust of Charles Hamilton Houston in 1985. That bust also was funded by law students, the Class of 1985.

The centerpiece of the program was the remarks of Judge William Benson Bryant, who spoke eloquently of Thurgood Marshall's challenge to dismantle segregation. He said, however, that he was glad that the University of Maryland had rejected Marshall's application to attend its law school in the late 1920's, allowing him to attend Howard. It was Howard's gain and Maryland's lost. Judge Bryant, looking at the Justices and speaking deliberately, said that Thurgood Marshall had been a "trouble maker" for Justice, and that "trouble makers for Justice" would continue to follow in Justice Marshall's footsteps.

After the unveiling, Justice Marshall addressed the audience. His message was bleak. He described the retrenchment of the Nation in the area of civil rights. It was almost scary-for he said in so many words-that the system was closing down on "Negroes." He told a few stories about a man some years ago who had said that if he died, if there was re-incarnation that he wanted to come back as a white man because of the discrimination in America. Marshall said that this statement bothered him and inspired him to fight for equality so this sort of psychology among blacks would be reversed.

The student participants were excellent. Each of them were articulate and wonderfully informed, particularly Patricia Hunter,

The Class President and Norman O. Hemming, III, the President of the Student Bar Association.

As relates to my own experience I must say: Justice Marshall hollered at me on two occasions. First of all, the Justice has difficulty standing. I offered him a chair after the ceremony ended so that a group photograph could be taken. Justice Marshall's vanity caused him to shout, "NO!" It was audible throughout the Moot Court Room. So angry was the Justice that he incidently broke his cane when he thumped it on the floor. I was taken back, but immediately realized that I had made a terrible mistake in trying to help Justice Marshall. I had stepped inadvertently on his vanity. I will at least go down in history as perhaps one of the few Americans that angered a Justice of U.S. Supreme Court enough for him to break his cane. What a moment! The cane, broken in two parts was quickly picked up by Justice Marshall's body escorts. I think only a few people in the front of the moot court room saw and heard what happened. A few of the Justices did, however, but seem to pay no mind. One of the Justice's sons, who had observed the incident, quietly apologized to me.

The new Dean of Howard's Law School Henry Ramsey, Jr. was present, also. This event was his first truly public appearance as our new dean. He too, spoke eloquently about justice and equality when he opened that program and welcomed 400 people in the

moot court room, as did Franklin Jenifer, president of Howard University.

In all, this day, in the midst of the Iraqi War in The Persian Gulf, stopped the World and gave it a glimpse of Goodness.*

* An account of the unveiling appeared in the Style Section of the Washington Post. Conconi, Out and About, Washington Post, Jan. 24, 1991, at B3, col. 4; Gaines, Thurgood Marshall, "A Prophet" Comes Home, 27 The Barrister 1, Jan. 28, 1991 (law school student newspaper).