

Thurgood Marshall Bar Association: Advancing Equality for Everyone

by MARION H. WHEELER, JR.

In the fall of 1954, as I was about to enter the third grade at West Ward School in Albion, Michigan, my parents delivered the unsettling news that they were taking me to Independence, Kansas to attend school and live with my paternal grandparents. A precocious child, I asked, “Why?” My father explained the whole scenario as we drove in our 1954 Mercury from Michigan to Kansas.

From the time we had moved to Michigan from Texas in 1951, I had attended West Ward School. West Ward was racially segregated; all of its students, faculty, and administrators were black. I recall looking at the inside front covers of some of my textbooks then and being puzzled to see “Washington-Gardner School-1936” inscribed. That school was across town to the east. Its entire student body, faculty, and administration were white. Michigan was one of the northern states which legally prohibited segregation in public schools. Despite, however, the *de jure* prohibition, *de facto* segregation was our reality. The strange inscriptions referenced earlier were the product of hand-me-down textbooks.

My father, the late Rev. M. H. Wheeler, Sr., then pastor of Bethel Baptist Church and civil rights activist, had organized a boycott of West Ward based on racial segregation. He then offered the basement of his church for the children’s educational needs. With no real indicators of how long the boycott would last, my parents thought it best to take me to Kansas. Interestingly, *Oliver Brown et al. v. Board of Education of Topeka, Kansas et al.* had been decided on May 17, 1954, with the Warren Court finding unanimously (9-0) that racial segregation in public schools violated both the Equal Protection Clause and the 14th Amendment of the U.S. Constitution.

In Independence, Kansas, I enrolled in Lincoln Elementary

School, an intriguingly appropriate school name under the circumstances. There, for the first time, I went to school with white children and was taught by a white teacher. I recall a few telling thoughts I had at the time: although the majority of students at Lincoln were white, I was surprised to learn how much we were otherwise very much alike; my white teacher treated me no differently than she treated my white classmates; and my reading and comprehension levels were the same as or higher than most of my white classmates, a direct result of being taught in the first and second grades by no-nonsense black teachers who were educated in the South. By the time I reached third grade, I could read like an adult. After one semester at Lincoln, my parents sent for me. The boycott had been successful. West Ward was subsequently boarded up and condemned. Upon my return, I enrolled in

the predominantly white Dalrymple School.

I learned later that the lead lawyer in a series of anti-segregation cases that resulted in the *Brown* decision was a formidable talent who later was appointed to the United States Supreme Court. Thus, when the time came to help organize a bar association that reflected both excellence in the practice of law and diversity in the legal profession, the name “Thurgood Marshall” seemed a perfect fit. Our founding members came together, united by these common purposes. Now that we are officially in existence, please allow us to introduce ourselves.

Our Mission

Our Thurgood Marshall Bar Association is a contemporary bar association committed to diversity, professional improvement, and the advancement of justice through positive community involvement and excellence in the practice of law.

Our bylaws list five specific objectives:

(1) to provide a professional association of attorneys practicing in the County of Orange, and of judges of courts in the State of California, wherein the members can exchange professional information and discuss matters of current interest in the law and social problems relating thereto;

(2) to advance the social and economic well-being of its members; improve relations between the legal profession and the community at large; promote understanding, goodwill, and cooperation among lawyers; and to improve and promote the



administration of justice;

(3) to aid in the enactment and adoption of laws and social reforms for the economic and social welfare of all people in a manner consistent with the principles of our federal and state constitutions, and to promote, speak for, and advance the cause of civil and human rights for all citizens of the world;

(4) to increase the diversity of the legal community and highlight the contributions

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of persons who have advanced diversity in the legal profession; and

(5) to promote ethical standards in the practice of law and promote an adherence to legal competency in the members of the profession through continuing legal education.

Why Diversity?

Diversity is the hallmark of the American dream, in which neither qualified, nor *qualifiable*, persons are left out, or behind, due to immaterial factors such as skin color, race, creed, religion, national origin, gender, or sexual orientation.

Diversity is consistent with our form of representative democracy which continues its trek to a more perfect union through the legal, political, and social benefits reaped from combining varied viewpoints gleaned from:

- *three distinct branches* of state and federal government: Executive, Legislative, and Judicial;
- *bicameral* legislatures;

- *multi-tiered* governing bodies at the federal, state, county, and city levels;
- *diverse* political parties; and
- *plaintiffs and defendants* in courts of law.

Diversity forms the core of this country's social landscape. Unlike certain other nations, both historical and current, America boasts of its tolerance, and promotes itself as a multi-cultural, multi-ethnic, and multi-religious polygon.

Diversity provides checks and balances necessary in a true democracy. It broadens cultural reference points, so that issues may be reviewed from broader perspectives than those garnered in narrow, singular, culturally-restrictive special interest groups.

Under the Constitution of the United States, no ethnic, social, or cultural group is valued above any other. Accordingly, our Thurgood Marshall Bar Association determined that no such group would be referenced in either the bar association's founding documents or name.

Thurgood Marshall as a Worthy Namesake

Thurgood Marshall (July 2, 1908 – January 24, 1993) was an associate justice of the United States Supreme Court. Serving from October 1967 until October 1991, Justice Marshall was the Court's 96th justice and its first African American.

Before becoming a bench officer, Justice Marshall was a lawyer best known for his high success rate in arguing before the Supreme Court and for the victory in *Brown v. Board of Education*, 347 U.S. 483 (1954), which abolished the archaic standard set by *Plessy v. Ferguson*, 163 U.S. 537 (1896) that the promises of democracy are fulfilled when public facilities are separate and equal. *Brown* established the antithetical legal principle that laws requiring racial separation are "inherently unequal," and provided important precedent for dismantling a multitude of federal, state, and local discriminatory laws.

Justice Marshall argued more cases before the United States Supreme Court than anyone else in history. He served on the United States Court of Appeals for the Second Circuit after being appointed by President John F. Kennedy, and then served as Solicitor General after being appointed in 1965 by President Lyndon Johnson. President Johnson nominated him for the United States Supreme Court in 1967.

Hence, not only did Justice Marshall personify "diversity" on the Supreme Court, he is a model of professional excellence, as well as one of the chief legal architects of race relations in America. The Thurgood Marshall

Bar Association's existence celebrates one of the greatest legal giants in the history of our magnificent, yet still evolving, republic. We relish his name, and will remain forever grateful to the Marshall family for allowing us to use it.

Meet the Founders

The Thurgood Marshall Bar Association was conceived and formed by a diverse group of attorneys practicing law in Orange County: Michael Gregg is a shareholder at the employment law firm of Littler Mendelson; Connie Louis is employed by the Service Employees International Union, which represents 2.2 million employees in the United States, Canada, and Puerto Rico; Carolyn Carlisle is an Orange County senior deputy district attorney who currently serves as filing deputy for one of the branches of the Orange County Superior Court; former federal prosecutor Daphne Sykes Scott was an Orange County deputy district attorney until her appointment as a superior court judge by Governor Arnold Schwarzenegger; and Marion Wheeler, organizing president, after serving for over sixteen years with the Orange County Public Defender's Office, currently enjoys a thriving private practice in criminal defense.

Share Our Vision

The founding members of Thurgood Marshall Bar Association believe that no organization of lawyers can long survive unless it has as its primary goal the protection of the public, and that laws are made for the benefit of all and not just the few. Laws should apply with equality and integrity to all people.

In keeping with that philosophy, our organization has been designed not only for the benefit and betterment of its members, but also for the public at large. We will not be subservient to political dictation or intimidation, nor control from outside our membership. We do not draw distinctions within our membership based on color, gender, race, creed, national origin, sexual orientation, or similar personal characteristics. We will not stand aloof from our community. We will remain democratic, independent, and representative of the best ideals of American citizenship.

The legacy of Justice Thurgood Marshall endures as having forever altered the landscape of American society in the twentieth and twenty-first centuries, paving the way for the unprecedented election of the first African American President of the United States, irreversibly changing the very fabric of

America and the face of world leadership in a manner consistent with the preamble to the Declaration of Independence, "We hold these truths to be self-evident, that all men are created *equal* . . ."

The Thurgood Marshall Bar Association is dedicated to the goal that this organization, and its membership, be living testimony of its principles and objectives: primarily to produce, foster, facilitate, educate, promote, support, and associate the most dedicated and respected lawyers in Orange County; and have its membership diversity reflect the whole of America. We would love to welcome you as a member.



Marion H. Wheeler, Jr., is president of Thurgood Marshall Bar Association. After serving for over sixteen years in the Orange County Public Defender's Office, he now is in private practice, concentrating on criminal defense. Prior to switching to criminal defense, Marion practiced corporate law, including serving as senior attorney at the Office of the General Counsel, Ford Motor Company, Dearborn, Michigan. For an application form for membership in the Thurgood Marshall Bar Association, please contact Mr. Wheeler at mewhee2@hotmail.com.