



COMMITTEE COMMENTARY

This engaging and folksy one-man reminiscence brings to audiences the long journey of Thurgood Marshall through the wilderness of segregation to the very pinnacle of the American establishment. The two-act play stars T. Mychal Rambo as Marshall. Fighting against odds that at the time must have seemed insurmountable to most people, Marshall waged a fierce, strategic, unrelenting, and successful assault on the legal support for segregation, ultimately enshrining in constitutional doctrine a principle that seems now universally accepted: discrimination in law on the basis of race is unacceptable and unconstitutional. In so doing, Marshall was a key figure in the emancipation not only of African-Americans but of all Americans from the disfiguring harms of official race prejudice. But in our very acceptance of the principles for which Marshall fought all his life we risk forgetting the earthy, spirited, very human individual who overcame huge obstacles to earn a permanent place in the history of the country. "Thurgood Marshall's Coming!" acquaints or reacquaints us with a unique individual, reminds us of the importance of dedication to principles and perseverance against the odds, and demonstrates anew that legal reform and political struggle are not mere abstractions, but always play out on a human stage.

Periakto Productions | Rapid City, South Dakota
Anna Marie Thatcher, *Co-author and Producer*
Graham Thatcher, *Co-author and Director*
T. Mychal Rambo, *Actor*
Stanford Adelstein, *Co-producer*

EXCERPT

Scene 2—*Brown v. Board of Education*

THURGOOD MARSHALL: If there's one thing lawyers know how to do it's stall... and the Supreme Court Justices are all lawyers. The Court was pretty *legally* deadlocked but *morally* wanting to find a way. There *is* a big difference. Eisenhower was our new president, and I think the Court probably wanted to bring the administration along the segregation issue. We argued *Brown* and the Court didn't decide. Instead they issued the famous five questions that were to be answered by the plaintiffs, the defense, and as it turned out in an *amicus* brief... a friend of the court, ... the United States government. We had to answer the five questions and then reargue the case before the Court. I won't get into those inane questions. You can look 'em up.

I think all stalling tactics are rooted in the notion that, if you can just stall until the Second Coming, you won't have to deal with it. And maybe that's what happened. Just in the nick of time, something really extraordinary happened. In September of 1953, Fred Vinson, the Chief Justice, dies. While he was alive the Court was split five to four to uphold *Plessy*. Vinson's death wouldn't be such a big deal in itself, but whenever you get to thinking that one person can't make a difference in history, take a look at Earl Warren. Warren was appointed by Eisenhower to become Chief Justice. I don't think Eisenhower had any idea what he had done... until it was too late.

In the White House and the Congress everyone felt pretty safe with a genial old Republican, the former governor from California being the Chief Justice. We knew... that is, "usn's" at the NAACP knew, that when Earl Warren came on the court as Chief Justice we had the five votes it would take to overturn *Plessy* and end segregation. Warren, Black, Douglas, Minton and Burton. Anybody else was "iffy." When Warren was appointed I went out to California, where he'd been governor, just to find out about him. Everybody I talked to said the same thing. "He's great, just great. A great man." I had a drink with two of the justices of the California Supreme Court and they told me, "If Warren doesn't do right by you, you just let us know and we'll come back there and kick his ass. But he will, don't worry about it. He's a great man."



Anna Marie and Graham Thatcher



T. Mychal Rambo

On Monday, December 7, 1953—that "day of infamy" wasn't lost on me—we reargued *Brown* before the Court. After I was through, John Davis rose to speak. He'd aged a good deal just in the last year. He was an elderly man but still filled with the dignity that characterized his every movement. He trotted out the same old arguments about the intentions of the framers of the Fourteenth Amendment, countered our sociological evidence, you know, the white and black dolls I told you about a bit ago. The powerful voice was weaker now, but the mind, the spontaneous eloquence... I was as awestruck as when I was a kid... but sad now... really sad. His time had passed, his style had passed. In his heart of hearts I think Davis knew it was all lost and it was as if he was warning me to be careful about what I wanted, because I just might get it.



For more information about "Thurgood Marshall's Coming!" or to inquire about performances, visit <http://www.periakto.com/periakto/tmarshall.html>.