

Thurgood Marshall Had Secret Contact With FBI

Files Show Relationship Dated Back to Civil Rights Days

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The late Supreme Court Justice Thurgood Marshall maintained a secret relationship with the FBI during the 1950s, when he was a prominent civil rights lawyer, occasionally providing information to bureau officials and seeking advice from them, according to newly released FBI files.

Like many other civil rights leaders, Marshall often criticized the FBI publicly—especially in the 1940s, when he demanded greater FBI efforts to investigate lynchings and other crimes against African Americans. Some 1,300 pages of FBI documents released in response to requests under the Freedom of Information Act reveal another side to the relationship.

In 1956, for example, Marshall contacted a senior FBI official to say that he would be giving the keynote address at an upcoming annual convention of the NAACP.

As reported in a memo to a top aide of FBI Director J. Edgar Hoover, Marshall thought he "could do some good" by noting communist efforts to infiltrate civil rights groups and believed that "some general items as to what the communists are doing . . . could be used to good advantage."

The memo said Marshall "stated that no one would know where he got the information and he wondered if I could be of any help to him."

At the time the FBI devoted considerable resources to running surveillance and harassment programs against alleged communists and others the agency considered to be subversive. The document suggests that the FBI's domestic intelligence division should come up with information for Marshall, but there is no account of how the matter was resolved.

"These documents are written from the FBI's point of view and what is missing entirely is any account of Marshall's motivations," said Alexander Charns, a North Carolina attorney and author, who has written extensively on the relationship between the judiciary and the FBI and who obtained the FBI files on Marshall.

"Marshall may have been trying to protect the NAACP from the kind of attacks that the FBI directed at other groups by convincing Hoover that they were part of the fight against communism or he may have been trying to develop a relationship so that the

NAACP could count on more help from the FBI when it ran into trouble in the South. But, for sure, Marshall was no simple informant," Charns said.

The FBI files, which were first reported in US Today, show a relationship that is "very complex and changed over time," Charns said.

In the 1940s Marshall harshly criticized the FBI for failing to investigate lynchings and other civil rights crimes forcefully enough, and in response Hoover openly stated his dislike of him, Charns said.

Then, in the 1950s, when Marshall was chief lawyer for the NAACP Legal Defense

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and Education Fund, he cooperated with the FBI primarily on the issue of anti-communism.

"This is not surprising," said Taylor Branch, a historian of the civil rights era, "because at the time any number of civil rights leaders were telling the FBI how vigilant they were against communism because it was the only way they could survive in the highly charged politics of that era."

In the mid-1960s, when Marshall served as solicitor general in the Johnson administration, his attitude toward the FBI turned negative again as he criticized the agency's use of wiretaps and other surveillance measures in conversations with government officials that were reported back to the bureau, Charns said. Again Hoover became harshly negative toward Marshall.

Marshall served on the Supreme Court from 1967 until his retirement in 1991. He died in 1993.