



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

Joel W. Solomon United States Courthouse
900 Georgia Avenue
Chattanooga, Tennessee 37402

WILLIAM HENRY HASTIE, A LEGALTRAIL BLAZER

February is Black History Month. The commemoration began as Black History Week in 1926, the brainchild of historian Carter G. Woodson. President Gerald Ford officially recognized Black History Month in 1976, calling on the public to “seize the opportunity to honor the too-often neglected accomplishments of Black Americans in every area of endeavor throughout our history.”

For Black History Month this year, we focus on Judge William Henry Hastie, whose life and accomplishments shine as an example of what Professor Woodson had in mind. Hastie is a giant in American history: an architect of the strategy that ultimately ended legal segregation; the first African American to serve as a federal judge in a District Court; and the first African American to serve on a federal Court of Appeals. Still, he rarely receives the recognition he deserves.

His story starts in 1904 in Knoxville, Tennessee. Compared to many African American children of the time, he was fortunate to be born into a household of two college graduates: his mother was a schoolteacher and his father a government clerk. During his youth, his family moved from Knoxville to Washington, D.C., when his father became a clerk with the U.S. Pension Bureau. Hastie graduated from Dunbar High School and attended Amherst College in Massachusetts. He graduated first in his college class, magna cum laude and Phi Beta Kappa.

Hastie entered Harvard Law School in 1927. He became not only the second African American on the Harvard Law Review, but also one of its editors. He earned his LL.B., or Bachelor of Laws, in 1930, and his J.D. in 1933. He then practiced with a D.C. law firm and joined the faculty of Howard University Law School. At Howard, he taught Thurgood Marshall, who would go on to become the first African American Supreme Court Justice.

U.S. District Judge

Hastie’s talent and potential came to the attention of others. He was recruited to serve in President Franklin D. Roosevelt’s new administration, first as an advisor on race relations and then as an assistant solicitor in the Department of the Interior. President Roosevelt was so impressed with Hastie’s talent and performance that in 1937, in a history-making action, he appointed Hastie to the U.S. District Court of the U.S. Virgin Islands—the first time an African American had ever been appointed to a federal judgeship. The appointment, made while segregation was still legal in the United States, drew considerable resistance. Senator William H. King of Utah, chairman of

the Senate Judiciary Committee at the time, called the appointment a “blunder.” Despite this resistance, Hastie was confirmed and took the bench as the first Black U.S. District Judge.

Attacking Segregation

Hastie was offered the deanship at Howard Law School in 1939. He resigned his judgeship to accept, and he then turned his intellectual firepower against legal segregation. With Thurgood Marshall and former Howard Law Dean Charles Hamilton Houston, he developed a plan to use federal lawsuits under the “separate but equal” doctrine of the Supreme Court’s *Plessy v. Ferguson* opinion of 1896. Their plan was to show that states were not in fact providing equal treatment and facilities for Blacks, beginning in the context of professional and higher education. Hastie served with Marshall as lead counsel in one of the most significant cases using this legal strategy, *Smith v. Allwright*, in which the Supreme Court held in 1944 that a state could not allow a political party to segregate its primary elections based on race. This legal strategy ultimately led to the Supreme Court’s rejection of the separate-but-equal doctrine in *Brown v. Board of Education* in 1954.

In the meanwhile, President Roosevelt brought Hastie back into government service in 1940. Concerned that racial tensions could undermine the war effort, Roosevelt appointed Hastie as a civilian aide to the Secretary of War to focus on race relations in the armed forces. But Hastie was unwilling to accept the open racial discrimination and segregation faced by African American soldiers, and in 1943, he resigned in protest. Nor did he go quietly. Rather, he publicly registered his opposition to racism and discrimination in the armed forces. That same year, he received the highest award from the National Association for the Advancement of Colored People (NAACP), the Spingarn Medal.

U.S. Court of Appeals Judge

Hastie’s resignation and public protest did not dim his prospects for future government service. In 1946, President Harry S. Truman appointed Hastie as Governor of the U.S. Virgin Islands, again making Hastie the first African American to hold a given position in government. Then, on October 21, 1949, President Truman appointed Hastie to the U.S. Court of Appeals for the Third Circuit. This was another historic first: Hastie was the first African American appointed to a federal appeals court. Hastie was confirmed to the position some eight months later, in July 1950, despite once again facing considerable opposition from some senators.

Judge Hastie served on the Third Circuit with distinction for twenty-two years, including as chief judge from 1968 to 1971. President John F. Kennedy considered appointing him to the Supreme Court to replace retiring Justice Charles Whittaker in 1962, but he did not do so because of expected resistance from Southern senators. President Kennedy reportedly said he would make several other appointments and Judge Hastie would receive one of those, but his assassination in 1963 cut short that expectation. However, Judge Hastie’s outstanding record and government service paved the way for Thurgood Marshall, Judge Hastie’s legal pupil and colleague, to become the first Black Supreme Court Justice in 1967.

Judge Hastie died on April 14, 1976. He was survived by his wife and two children, both of whom had become lawyers.

Born at a time in our nation's history when the future of a Black child was at best uncertain and, in many instances, bleak; when African American talent often went unrecognized, unrewarded, and unused; and when few doors were open for Black advancement and progress, Judge Hastie assembled an unsurpassed record of accomplishment. He was first in so many things, often under hostile circumstances: academic star, law review editor, law school professor, law school dean, government servant, U.S. District Court Judge, Governor of the U.S. Virgin Islands, and U.S. Court of Appeals Judge. Judge Hastie was a trailblazer in every sense of the word. Our nation today is a better place because of him. He blazed a bright trail for so many of us to follow.

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