

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 170833)

RESOLUTION

Honoring the life and legacy of Thurgood Marshall on the 50th Anniversary of his swearing-in to the United States Supreme Court.

WHEREAS, October 2, 2017, marks the 50th Anniversary of the swearing-in of Thurgood Marshall as the first African-American justice of our nation's highest court; and

WHEREAS, Thurgood Marshall, the grandson of a slave, was born in Baltimore on July 2, 1908. When Justice Marshall was a child, his father would use his days off to take his children to watch court proceedings, and the family would often argue the cases afterwards over the dinner table; and

WHEREAS, While attending Frederick Douglass High School in Baltimore, Justice Marshall began to memorize the U.S. Constitution after he was made to read it as punishment for pulling pranks; and

WHEREAS, Justice Marshall attended college at Lincoln University in Oxford, PA, graduating *cum laude* in 1930 and leading the college debate team. While there, his classmates included luminaries such as poet Langston Hughes, jazz musician Cab Calloway, and the first president of Ghana, Kwame Nkrumah. He met his first wife, Vivian Burey, then a student at the University of Pennsylvania, during a weekend trip to Philadelphia in 1929; and

WHEREAS, He graduated as the valedictorian of his class from Howard Law School in 1933. In 1935, five years after the University of Maryland Law School denied him admission because of his race, he won his first major civil rights case, *Murray v. Pearson*, which desegregated that same law school; and

WHEREAS, Justice Marshall was the Director-Counsel of the NAACP Legal Defense Fund from 1940 until 1961, ultimately winning 29 of the 32 cases he argued before the

City of Philadelphia

RESOLUTION NO. 170833 continued

U.S. Supreme Court, including the landmark *Brown v. Board of Education*, which desegregated the U.S. public education system. He won his first case before the Supreme Court, *Chambers v. Florida*, when he was only 32; and

WHEREAS, In 1961, Justice Marshall was appointed by President John F. Kennedy to the U.S. Court of Appeals for the Second Circuit. During the four years he served on the Second Circuit, he issued 112 opinions, none of which were ever overturned on appeal; and

WHEREAS, Justice Marshall served as solicitor general under President Lyndon B. Johnson for two years from 1965 until 1967, winning 14 of the 19 cases he argued for the government; and

WHEREAS, During Justice Marshall's Supreme Court confirmation hearings, the chairman of the Senate Judiciary Committee was James Eastland of Mississippi, a man who himself owned a plantation with more than 100 African-American sharecroppers. Senator Strom Thurmond attempted to humiliate Justice Marshall during the hearings with esoteric questions that Thurmond later admitted he could not answer himself. His confirmation hearings took place just once month after *Loving v. Virginia*, which struck down laws banning interracial marriage. Justice Marshall himself was in an interracial marriage at the time. He married his second wife, Cecilia, a Filipina-American, in 1955, following the death of his first wife, Vivian; and

WHEREAS, Once confirmed, by a vote of 69 to 11, Justice Marshall asked to be sworn in by Justice Hugo Black of Alabama, a onetime Klansman who became an ardent desegregationist as a Supreme Court justice; and

WHEREAS, Justice Marshall spent 24 years on the Supreme Court. He wrote a number of majority opinions enforcing broad individual rights, including free speech and trial by jury. In *Bounds v. Smith*, he wrote for the majority that state prison systems are constitutionally obliged to provide inmates with "adequate law libraries or adequate assistance from persons trained in the law." Also notable are his powerful concurrence in *Furman v. Georgia*, deeming capital punishment unconstitutional, and an equally powerful dissent in *Gregg v. Georgia*, four years later, reversing parts of *Furman* and allowing capital punishment in certain limited circumstances. Marshall is best known as a justice for his dissents against an increasingly conservative Supreme Court. Kathleen M. Sullivan, former dean of Stanford Law School, dubbed Justice Marshall "the great dissenter" in an article published shortly after his retirement. In one of his most famous dissents, for *San Antonio School District v. Rodriguez*, he authored a 63-page opinion. He criticized the majority's holding—that drastic school funding disparities among school districts in Texas were not unconstitutional—sanctioned a form of discrimination that infringed "the right of every American to an equal start in life"; and

City of Philadelphia

RESOLUTION NO. 170833 continued

WHEREAS, Justice Marshall also had a significant influence on the legal profession as a professor and a mentor to legal legends including Supreme Court Justice Elena Kagan and Harvard Law Professor Cass Sunstein, both former law clerks, and Judge Damon Keith of the Sixth Circuit, a former student. Judge Keith recalls Marshall telling his class, “When you finish Howard Law, I want you to use the law as a means for social change”; and

WHEREAS, Justice Marshall passed away in 1993 as one of the most accomplished figures in American legal history. He posthumously received the Presidential Medal of Freedom, the national’s highest civilian honor, from President Bill Clinton for his work. A fearless advocate, master litigator and principled jurist, Justice Marshall’s long career of combatting racism continues to reverberate today, 50 years after he was sworn in to the U.S. Supreme Court; now, therefore, be it

RESOLVED BY VIRTUE OF THIS CITATION, THE COUNCIL OF THE CITY OF PHILADELPHIA, Hereby honors the life and legacy of Justice Thurgood Marshall on the 50th Anniversary of his swearing-in to the United States Supreme Court.

City of Philadelphia

RESOLUTION NO. 170833 continued

CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the twenty eighth of September, 2017.

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Johnson

Sponsored by: Councilmembers Johnson, Domb, Green, Parker, Gym, Reynolds Brown, Blackwell, Bass, Oh, Squilla, Greenlee, Council President Clarke, Councilmembers Jones and Taubenberger