File #: 200484, **Version:** 0

Commemorating the life of legal aid giant and former Pennsylvania Secretary of Education Thomas Gilhool, a founding figure for community legal services, education equity, and the rights of the disabled and the poor, who led a rollicking life in pursuit of law and justice through eight decades of Philadelphia history.

WHEREAS, Thomas K. Gilhool, renowned for his natty bow ties, piles of paperwork, and a creative and passionate approach to the law, was born in 1938 in Ardmore, Pennsylvania to a close-knit family of Pennsylvania miners. His father passed away when Gilhool was 16, and Gilhool's 10-year-old brother, Bob, whom he deeply loved, was then sent to live at the former Pennhurst State School and Hospital, a notorious residential facility for the developmentally disabled - a decision Gilhool said was to his "everlasting shame"; and

WHEREAS, Gilhool earned his bachelor's degree from Lehigh University in 1960 and both his master's degree in Political Science and law degree from Yale University in 1964, where he met his beloved wife, Gillian. During these years, Gilhool spent time at the Berean Institute in North Philadelphia, a center for vocational training for Black Philadelphians and worked with Marian Wright Edelman and Peter Countryman as one of the founders of the Northern Student Movement, a group working to advance civil rights in affiliation with the Student Non-Violent Coordinating Committee (SNCC). Inspired by these experiences, Gilhool established the Philadelphia Tutoring Project, connecting college students with Black middle and high school students, launching a lifelong pursuit of education equity and justice; and

WHEREAS, After graduating from Yale, Gilhool returned to Philadelphia and joined the law firm Dilworth Paxson, where he worked with Cecil B. Moore on the case to desegregate Girard College. In 1966, Gilhool became one of the first attorneys to join the newly-created Community Legal Services (CLS), the first public interest law organization in the City which provided free assistance to low-income Philadelphians facing threats to their homes, incomes, healthcare, and families. Prior to CLS, there was no federally organized support for legal services, and existing legal aid societies had minimal resources and focused on providing perfunctory individual representation to a high volume of marginalized clients. Gilhool was part of the generation of lawyers that created legal aid as we know it today, shifting the vision of legal aid from providing charity representation to one aimed at achieving social justice change; and

WHEREAS, As head of the Consumer Advocate Unit at CLS, Gilhool recruited and inspired young lawyers and staff, and established a new approach representing low-income clients, partnering closely with public housing tenants groups and the Philadelphia Welfare Rights Organization through the War on Poverty. Renowned for his creative approach to the law, Gilhool led major impact legislation that helped create a new model for how to attack root causes of poverty and injustice through law; and

WHEREAS, While at CLS, Gilhool argued and won *Shapiro v. Thompson,* the first legal services case ever brought before the U.S. Supreme Court. The case involved the denial of welfare benefits to a 19 year old mother who had not lived in-state for a full year. *Shapiro* overturned residency requirements for welfare benefits and sparked a series of cases affirming the constitutional rights of poor people; and

WHEREAS, For the next 30 years, Gilhool led the Public Interest Law Center as Chief Counsel, from 1975 through 2006, and anchored many important cases, including leading a coalition of legal services organizations to require states to provide comprehensive healthcare to children enrolled in Medicaid. This case led to the additional enrollment of 300,000 children in Pennsylvania and fostered similar cases in other states; and

WHEREAS, Gilhool was the lead attorney in two landmark federal civil rights cases affirming the rights of the disabled. In *PARC v. Commonwealth of Pennsylvania*, Gilhool successfully argued that children with intellectual disabilities had a right to a free public education. This case was the first of its kind to litigate civil rights for the disabled and was followed by a wave of similar cases across the country. Three years later, Congress passed the Individuals with Disabilities Education Act (IDEA), establishing a nationwide right for students with disabilities to receive a free and appropriate public education; and

WHEREAS, Although *PARC v. Commonwealth of Pennsylvania* established a right to free public education, many students with disabilities remained warehoused in dangerous, state-run residential institutions, rather than kept at home and educated in their communities. Gilhool, who had eventually removed his beloved brother Bob from Pennhurst, represented PARC again when they intervened in *Halderman v. Pennhurst*, a case that had challenged the horrendous conditions at the state institution. Gilhool's clients didn't want to stop by fixing the institution, they wanted to close it down altogether. The case went to the U.S. Supreme Court on three occasions and, although the parties lost on the legal issues, they achieved the result they sought: in 1984 the parties settled, agreeing to create services in the community for the former residents; and in 1987, Pennhurst closed. Similar class-action cases followed to close institutions and provide necessary services in the community; and

WHEREAS, Gilhool often spoke about trials as a command performance in which the eyes of the nation could be opened to a sense of humanity and injustice by the stories that poured forth and the arguments that were made. Gilhool said: "The resonance of the history to uncovering, exposing, and overcoming stereotypes is obvious. And since overcoming stereotypes was what we wanted to be sure happened in the courtroom, . . . we wanted to overcome it as well amongst the wider public . . . We wanted them to be as deeply informed as was necessary for them to feel and be free to act"; and

WHEREAS, Gilhool was credited by historian Fred Pelka as the attorney most responsible for changing the institutionalization and neglect of children of varying abilities and supporting the shift to community based services. Gilhool also spoke proudly of his work in founding a Disability Rights Movement, stating that it was his aim "to want the world to welcome and cherish people with disabilit[ies]" and credited some of his success to the fact that once parents of disabled children learned what their children were subjected to: "Well, parents across the country found it unacceptable, and they revolted, all across the country"; and

WHEREAS, Gilhool took time to serve as Pennsylvania's Secretary of Education from 1987 to 1989 under Governor Robert Casey, and then taught 8th graders at Vaux Middle School the following year in 1990. He recognized that to solve a problem like education inequity, he had to understand the issue from many facets - not just the law; and

WHEREAS, Gilhool also advocated for disability rights across the globe. In 2003, he received a Senior Fulbright Fellowship in Japan and convened American and Japanese advocates to share their experiences and knowledge. He then participated in the drafting of the United Nations convention of rights of persons with disabilities, which was adopted in 2006; and

WHEREAS, Throughout his life, Gilhool served as a leader in the fight for racial justice, educational equality,

for people with disabilities in Philadelphia and beyond, and was tireless in his representation of the marginalized and ignored. He never stopped fighting for people's right to access healthcare, increased police accountability, and more. In an oral history, he urged his fellow advocates never to settle, saying, "The largest trap for the Disability Movement, for any movement, for anyone with a need and a deep wish to see the equality commitments of the United States recognized and more fully realized, is summed up in one of two phrases: 'that's the best we can do,' or 'it made no sense to try, because we wouldn't have gotten anything'"; and

WHEREAS, In retirement, he "took the boulder off his back" and enjoyed time with his family, reading voraciously, and listening to Gillian's accomplished musical talents. He is survived by his wife, Gillian; children, Bridget and Nicholas; his brother Bob, and sister; four grandchildren, as well as a community of countless public interest lawyers and disability rights scholars whom he mentored and inspired; now, therefore, be it

RESOLVED, THAT THE COUNCIL OF THE CITY OF PHILADELPHIA, Commemorates the life of legal aid giant and former Pennsylvania Secretary of Education Thomas Gilhool, a founding figure for community legal services, education equity, and the rights of the disabled and the poor, who led a rollicking life in pursuit of law and justice through eight decades of Philadelphia history.

powered by Legistar™