



City of Cambridge

3.

IN CITY COUNCIL
January 11, 1999

COUNCILLOR REEVES
VICE MAYOR GALLUCCIO
COUNCILLOR BORN
COUNCILLOR DAVIS
MAYOR DUEHAY
COUNCILLOR RUSSELL
COUNCILLOR SULLIVAN
COUNCILLOR TOOMEY
COUNCILLOR TRIANTAFILLOU

WHEREAS: This City Council was deeply saddened at learning of the death of A. Leon Higginbotham, Jr., on December 14, 1998, a former chief judge of the US Third Circuit Court of Appeals and winner of the nation's highest civilian honor, the Presidential Medal of Freedom; and

WHEREAS: Judge Higginbotham will be remembered as a Herculean giant, who marched for freedom and equality; and as a courageous jurist who traveled the corridors of history in search of social justice and human rights; and

WHEREAS: Judge Higginbotham strived throughout his career to ensure that America lived up to its promise of justice for all; he was a powerful voice of the voiceless, a tireless defender of the oppressed and an unparalleled champion of justice; and

WHEREAS: Judge A. Leon Higginbotham, Jr.'s passing will leave a void in the lives of all his surviving friends and family; his wife Evelyn Brooks Higginbotham and his four children; and

WHEREAS: Judge Higginbotham's brilliant mind, eloquent voice and tenacious spirit will be sorely missed by all he touched and loved; now therefore be it

RESOLVED: That this City Council go on record extending its deepest sympathy to the family of A. Leon Higginbotham, Jr. at this time of such personal loss; and be it further

RESOLVED: That the City Clerk be and hereby is requested to forward a suitably engrossed copy of this resolution to the Higginbotham family on behalf of the entire City Council.

In City Council January 11, 1999.

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

D. Margaret Drury
D. Margaret Drury
City Clerk

3

✓

January 11, 1999

COUNCILLOR REEVES
COUNCILLOR BORN
COUNCILLOR DAVIS
MAYOR DUEHAY
VICE MAYOR GALLUCCIO
COUNCILLOR RUSSELL
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DATE: 12/15/98

TIME: 9:19

COUNCILLOR: Reeves

BIRTHDAY: _____

BIRTH: _____

DEATH: ✓

MARRIAGE: _____

ANNIVERSARY: _____

BACKGROUND IN _____ NEWSPAPER

NAME: (1) Judge Leon Higgenbotham, Jr
(2) _____

Message taken by: Gail

Obituary

A. L. Higginbotham Jr., civil rights voice; at 70

By Peter S. Canellos
GLOBE STAFF

A. Leon Higginbotham Jr., a noted jurist who fought to uphold the civil rights decisions that he felt cleared the way for his own rise from humble beginnings, died yesterday at Massachusetts General Hospital after suffering several strokes over the weekend. He was 70.

As chief justice of the US 3d Circuit Court of Appeals from 1977 until 1993, Judge Higginbotham applied broad constitutional protections of individual rights and personal liberties in the manner of his role model, the late Supreme Court Justice Thurgood Marshall.

After the judge's retirement from the bench, President Clinton awarded him the Presidential Medal of Freedom, the nation's highest civilian honor. At the time of his death, he was a professor at Harvard University's John F. Kennedy School of Government.

In 1991, Judge Higginbotham explained his judicial philosophy in a widely quoted law-review article presented as an open letter to Supreme Court Justice Clarence Thomas. Judge Higginbotham rejected Thomas's belief that judges must follow the "original intent" of the Constitution, noting that the early Constitution did not even consider black people citizens.

"I could not find one shred of evidence suggesting an insightful understanding on your part of how the evolutionary movement of the Constitution and the work of the civil rights organizations have benefited you," Judge Higginbotham wrote, directing his arguments at Thomas.

Later, he was a relentless critic of Thomas's performance on the Supreme Court, and, in 1998, tried unsuccessfully to persuade the National Bar Association, the leading black legal association, to rescind a speaking invitation to Thomas.

Thomas lashed out at those, like Judge Higginbotham, who had portrayed his views as anathema to blacks. The justice said he would "refuse to have my ideas assigned to me as though I was an intellectual slave because I'm black."

Judge Higginbotham was unrepentant.

Growing up in Trenton, N.J., in the years before World War II, the young Higginbotham received a firsthand lesson in how unequal opportunities could lower the horizons of African Americans.

He credited his mother, a domestic worker, with teaching him that education was the best route to accomplishment. She determined that he should attend the city's all-white academic high school. But students could not apply to the school without knowing Latin, and Latin was not taught at black elementary schools.

His mother pressured school officials to admit him without knowing Latin, but they remained unmoved. Finally, a Latin teacher volunteered to tutor him over the summer until he was skilled enough to complete his application.

"When I see students who went to Ewing Park with me now working as elevator operators or on street maintenance, I often wonder what their future would have been if the school had offered Latin," he once told *The New York Times*.

Graduating at 16, Judge Higginbotham enrolled at Purdue University. He planned to become an engineer. But on the segregated campus, he was assigned to live with the university's 12 other black students in an unheated building called International House.

Angered over the poor conditions in the black dorm, Judge Higginbotham complained to Purdue's president. When the president refused to make changes, he altered his career plans, deciding he could best address the unfairness of segregation as a lawyer.

He transferred to Antioch College in Ohio, from which he earned a bachelor of arts degree in 1949, and entered Yale Law School the following fall. His great moment of inspiration, he said, came during his second year in law school when he journeyed to Washington to watch Marshall, one of the most famous litigators of the time, argue before the Supreme Court.

A Yale professor, John Frank, gave Judge Higginbotham the money for the train fare from New Haven to Washington and introduced the young student to both Marshall

and Supreme Court Justice Hugo Black, then one of the court's leading progressives.

The case being argued was *Sweatt v. Paine*, which involved the question of whether the court should compel the state of Texas to admit a black student to the University of Texas Law School.

Judge Higginbotham was dazzled both by Marshall's performance and by the idea of using the courts as vehicles for advancing the rights of minorities.

"I can think of nothing more exhilarating for a young person than to hear Thurgood's measured, eloquent, effective arguments," he told the *Globe* in 1995.

After a yearlong clerkship with a justice of the Pennsylvania Supreme Court, Judge Higginbotham took a position as an assistant to Philadelphia District Attorney Richardson Dilworth, who became widely known for attacking political corruption.

Before he was 30, Judge Higginbotham was made partner in an all-black law firm in Philadelphia, arguing civil rights cases and other matters. He sat on the Pennsylvania Human Relations Commission — a group dedicated to improving race relations — and the Federal Trade Commission.

In 1964, President Lyndon Johnson appointed him a federal district court judge. He was 35, and the youngest appointee to the federal bench in 30 years.

Soon after joining the federal bench, Judge Higginbotham began teaching at the University of Pennsylvania, an association that was to last three decades. He was a trustees' search committee's top choice to become the university's president in 1980, but declined the offer to remain on the bench.

He continued to study and write, eventually authoring over 100 law-review articles. Even after President Carter elevated him to the 3d Circuit Court of Appeals, Judge Higginbotham continued his scholarly endeavors. His treatise on the history of race and law in the United States, "In the Matter of Color," was published in 1978.

During the 1970s and 1980s, Judge Higginbotham was widely considered a leading candidate for the Supreme Court. But he was a progressive, appointed by Democratic presidents, and Carter, the only Democrat in office during those decades, never got to make an appointment to the Supreme Court.

In 1991, Justice Marshall, in ill health, retired from the court. President Bush nominated Thomas, a black man whose conservative judicial philosophy was anathema to Marshall and to Judge Higginbotham.

Writing in the *University of Pennsylvania Law Review*, Judge Higginbotham attacked Thomas in sharply personal terms, suggesting that the new appointee had learned nothing from his experiences as a black person growing up during segregation.

In his later years, Judge Higginbotham seemed to relish his self-appointed role as defender of Marshall's expansive approach to civil rights and the use of the law to aid the advancement of underprivileged people.

"Some people look at age 65 as a time when they can get their main pension, sleep late, and have a few cocktails," he told the *Philadelphia Inquirer*. "While I'm in good health, I really want to work on trying to implement what Martin Luther King's goal was when he said, 'I have the temerity to believe that people everywhere can have three meals a day for their body, education for their minds, and dignity for their spirit.'"

As judge and professor, Judge Higginbotham wrote more than 100 articles on the law and race relations. Among many affiliations, he was a member of the board of directors of *The New York Times Co.*, parent company of the *Boston Globe*.

He leaves his wife, Evelyn Brooks Higginbotham, and four children.

Funeral services are scheduled for Dec. 21 at the Peoples Baptist Church in Roxbury. A memorial service will be held at Harvard University in mid-January.

Material from the Associated Press was used in this report.

Smithsonian office closes

■ SMITHSONIAN

Continued from Page D1

unemployed archivist in the Boston office, Master-Karnik added that "what Bob Brown did was essential to collecting, he knew everybody, he stayed in touch with everyone. He did enormous work with things like Newbury Street gallery records, papers that are critical to scholars and museums."

Brown, who was surprised, if not stunned, by the closing of his office and the end of nearly 30 years of employment by the Smithsonian, said last week that the great shame was not merely closing his office, but abandoning the concept of collecting records and materials nationally. "There was not a serious attempt to raise money" to continue the work of the regional offices, he said. "There was never an explicit appeal. In fact, I was never hired to do fund-raising; I was told explicitly that 'fund-raising is not in your picture.'"

Barbara de Marneffe, former chair of the New England advisory committee and now a trustee of the Archives of American Art, acknowledged that there had been rumors and hints that the regional offices would be closed, but still, when the word came in September, it was a shock. "There wasn't any question of keeping the office open," she recalled, "and when officials came up

from Washington it wasn't to discuss the decision, it was just to explain it."

"If the Smithsonian couldn't continue to fund it," de Marneffe added "at least they could back us in fund-raising. We're hoping to raise private funds; we're going to notify the New England congressional delegation. Taking a full-time collector away from New England is very very shortsighted."

The plan now is to send out collecting teams from the Smithsonian headquarters when a gallery closes or an artist's papers become available. "That just doesn't work," according to Sinclair Hitchings, curator of prints at the Boston Public Library and another member of the advisory committee. "The returns from Bob Brown's collecting have been fabulous. He's got a retentive memory and a network of friends and contacts. As for the officials at the Smithsonian," Hitchings added "they are defiantly wrongheaded." Indeed, "defiantly" is an adverb that applies to many actions since the closing was announced. Relations between the director of the archives Richard J. Wattenmaker, and his Boston committee, couldn't be more defiant. Concluding a written response to complaints from staff at the Museum of Fine Arts, Wattenmaker noted that the Boston committee hadn't raised any serious

VOLUNTEER OPPORTUNITIES

WBZ Call for Action. The information and referral service needs people with good listening and problem-solving skills, as well as familiarity with computers. A commitment of one day a week for a year is required. Training provided. Call 617-787-7070.

Generations Inc. People over age 55 are needed for the

Leaps in Literacy School in Mattapan (one day per week) and several others are needed to help with reading. Training provided. Call 617-401-0401.

BOSTON

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★ **STAR TREK: INSURRECTION** (PG) - ON 2 SCREENS
SCREEN 1: (11:00, 1:20, 4:00) 7:15, 9:40 DIG

★ **JACK FROST** (PG) (10:50, 1:30, 4:00) 7:15, 9:35 DIG

★ **PSYCHO** (R) (11:20, 1:40, 4:20) 7:45, 10:15

★ **A BUG'S LIFE** (G) - ON 2 SCREENS
SCREEN 1: (10:30, 12:45, 3:00, 5:20) 7:35, 9:55 DIG

★ **THE RUGRATS MOVIE** (G)
- ON 2 SCREENS
SCREEN 1: (10:30, 12:35, 2:40, 5:00)

SCREEN 2: (11:00, 1:10, 3:20, 5:30) 7:30, 9:40

★ **ENEMY OF THE STATE** (R)
- ON 2 SCREENS
SCREEN 1: (10:30, 1:20, 4:10) 7:05, 9:55

★ **I STILL KNOW WHAT YOU DID LAST SUMMER** (R) 8:00, 10:25

★ **MEET JOE BLACK** (PG-13) 7:30

★ **THE WATERBOY** (PG-13)
(10:40, 12:50, 3:00, 5:10) 7:40, 10:10

★ LEXINGTON ★

LEXINGTON FLICK

1794 Massachusetts Ave.

781-861-6161

() DOL

★ **PLEASANTVILLE** (PG-13) 6:45

★ **AMERICAN HISTORY X** (R) 7:00, 9:30

★ **CELEBRITY** (R) 9:30

★ LOWELL ★

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★ **STAR TREK: INSURRECTION** (PG) - ON 3 SCREENS
SCREEN 1: (10:45, 1:10, 3:45) 7:00, 9:30 DIG

★ **JACK FROST** (PG) (10:50, 1:15, 3:30) 6:50, 9:15 DIG

★ **PSYCHO** (R) (11:00, 1:30, 4:00) 7:25, 10:05 DIG

★ **A BUG'S LIFE** (G) - ON 2 SCREENS
SCREEN 1: (10:15, 12:35, 2:55, 5:15) 7:35, 9:55 DIG

★ **THE RUGRATS MOVIE** (G)
- ON 2 SCREENS
SCREEN 1: (10:30, 12:40, 2:50, 5:00) 7:10, 9:20 DIG

★ **ENEMY OF THE STATE** (R)
- ON 2 SCREENS
SCREEN 1: (12:45, 3:45) 6:45, 9:50 DIG

★ **MEET JOE BLACK** (PG-13)
(12:00, 3:30) 8:00 DIG

★ **THE WATERBOY** (PG-13)
(10:15, 12:15, 2:20, 4:25) 6:35, 9:10 DIG

★ **I STILL KNOW WHAT YOU DID LAST SUMMER** (R) 7:50, 10:10 DIG

★ MARLBORO ★

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BARGAIN MATINEES \$4.25

BARGAIN TUESDAYS/ALL SEATS-ALL SHOWS

ALL TIMES \$4.25

★ **JACK FROST** (PG)

(1:30, 3:30, 5:30) 7:30, 9:35 DIG

★ **CELEBRITY** (R) (1:15, 4:00) 7:00, 9:20 DOL

★ **BABE: PIG IN THE CITY** (G)

(12:50, 3:15, 5:20) DOL

★ **A BUG'S LIFE** (G)

(12:50, 3:00, 5:15) 7:30, 9:35 DIG

★ **THE RUGRATS MOVIE** (G)

(1:00, 3:15, 5:15) 7:15, 9:15 DOL

★ **MEET JOE BLACK** (PG-13) 8:00 DOL

★ **THE WATERBOY** (PG-13)

(1:30, 3:30, 5:30) 7:45, 9:45 DOL

★ **PLEASANTVILLE** (PG-13)

(1:15, 4:00) 7:00, 9:20 DOL

★ MAYNARD ★

FINE ARTS THEATRE

19 Summer Street (Rte 62)

978-897-8100

♿ () ★ DSS

★ **JACK FROST** (PG) (4:00) 7:00, 9:00 DOL

★ **HOME FRIES** (PG-13) 7:00, 9:00

★ **THE WIZARD OF OZ** (G) (4:00)

★ **PRACTICAL MAGIC** (PG-13) 7:00

★ NATICK ★

LOEWS THEATRE

NATICK

Rte. 9 Opp Shoppers World

508-653-5000

♿ ()

★ **PSYCHO** (R) (1:30, 4:45) 7:30, 9:55

★ **HOME FRIES** (PG-13)

(1:45, 4:00) 6:30, 9:00

★ **ENEMY OF THE STATE** (R)

- ON 2 SCREENS

SCREEN 1: (2:30, 4:15, 5:30) 7:15, 8:30, 10:10

★ **AMERICAN HISTORY X** (R) 6:45, 9:20

★ **I'LL BE HOME FOR CHRISTMAS** (PG)

(2:15, 4:30)

★ **PLEASANTVILLE** (PG-13) 7:00, 9:40

★ **ANTZ** (PG) (1:00, 3:45)

★ NEWTON ★

General Cinema

CHESTNUT HILL

27 Boylston Street

617-277-2500

♿ () DIG

★ **A BUG'S LIFE** (G)

(1:00, 3:15, 5:30) 7:45, 9:55 THX

★ **VERY BAD THINGS** (R)

(1:20, 4:00) 7:10, 9:35 DIG

★ **HOME FRIES** (PG-13) (1:30, 4:10)

★ **CELEBRITY** (R) (1:15, 3:45) 7:00, 9:25 THX

★ **THE WATERBOY** (PG-13)

(1:40, 4:20) 7:30, 9:45

Go Hollywood

without ever leaving

New England!

Movies in THE BOSTON GLOBE



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Consent Order #3

29

Councillor Reeves, Vice Mayor Galluccio
and entire membership re: resolution on the
death of Judge A. Leon Higginbotham, Jr.

In City Council January 11, 1999

ORDER ADOPTED