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Recess Appointments [1]

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Revised Final 12/27/00 12pm

Terry Edmonds

PRESIDENT WILLIAM J. CLINTON
REMARKS ON THE RECESS APPOINTMENT OF
ROGER GREGORY
THE WHITE HOUSE
December 27, 2000

Good afternoon. Thirty-nine years ago, the great grandson of a slave became the first African American to serve on the U.S. Court of Appeals for the Second Circuit. In 1961, amidst fierce opposition, President John F. Kennedy appointed Thurgood Marshall as only the second African American to fill a vacancy on a U.S. Court of Appeals. In doing so, President Kennedy not only ensured that the people of the Second Circuit would be served by an excellent jurist, he also took a big step forward in America's on-going struggle for equal opportunity in every aspect of American life – including our courts.

Judge Marshall went on to become one of our nation's most distinguished jurists, highlighted by his 1967 appointment as the first African American Justice of the United States Supreme Court.

President Kennedy's action was in the grand tradition of Presidents from both parties, dating back to George Washington, who have used their constitutional authority to bring much-needed balance and excellence to our nation's courts. Four of the first five African Americans to ascend to the appellate bench were initially appointed in the same fashion.

Today, to fill a similar gap in our judicial system, I am appointing Roger Gregory, one of Richmond's most respected trial lawyers, to fill an emergency vacancy on the U.S. Court of Appeals for the Fourth Circuit. I will renominate him when Congress returns in January, and I urge the Senate to confirm him.

I am taking these extraordinary measures for extraordinary reasons. First, the people of the Fourth Circuit are not receiving the judicial representation they deserve. The U.S. Judicial Conference has declared this seat a "judicial emergency." It has been vacant for more than a decade. In the last five years alone, Fourth Circuit caseloads have increased more than 15 percent, yet one-third of its judgeships are vacant.

This has left too many citizens waiting in line for justice. And it is a travesty in a nation that prides itself in the fair and expeditious rule of law.

Second, it is unconscionable that the Fourth Circuit, with the largest African American population of any circuit in this country, has never had an African-American appellate judge. As I said when I first nominated Roger Gregory, it is long past time to right that wrong. Justice may be blind, but we all know that diversity in the courts, as in all aspects of society, sharpens our vision and makes us a stronger nation.

Time and again, in the last five years, I have tried to fill these gaps in justice and equality. And time and again, the Senate leadership has stood in the way.

Finally, Roger Gregory is the right man at the right time to fulfill this historic role. His life is a testament to the power and promise of the American Dream. The son of factory workers, Roger Gregory is the first in his family to graduate from high school, let alone college and law school. He graduated *summa cum laude* from Virginia State University and went on to earn his law degree from the University of Michigan Law School. Mr. Gregory returned to teach at Virginia State where his mother had once worked as a dormitory maid.

He is now one of Virginia's leading litigators and one of its most civic minded citizens. He has earned high praise from all quarters, including the American Bar Association, religious leaders, and both of Virginia's Senators, Republican John Warner and Democrat Chuck Robb. I want to especially thank Senator Robb for all he has done to make this day possible, and for his tireless leadership in the Senate on this and so many other issues. Roger Gregory will make an excellent judge for all the people of the Fourth Circuit.

In closing, let me say that I have not come to this decision lightly. I have always respected the Senate's role in the appointment process.

But, I am compelled by the facts and by history to do what I can to remedy the injustice that has for too long plagued the Fourth Circuit. As President, it is my Constitutional responsibility to see that “justice for all” is not just what we promise – it’s what we practice everyday, everywhere. That is the principle behind my appointment of Roger Gregory today.

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December 21, 2000

MEMORANDUM TO THE PRESIDENT (via John Podesta)

From: Beth Nolan, Bruce Lindsey, Sarah Wilson, and Eric Angel

Subject: Decision Memorandum Regarding Recess Appointment of Roger Gregory to serve on the United States Court of Appeals for the Fourth Circuit

I. INTRODUCTION

Although the Supreme Court has never reviewed the practice, it has been the long-standing view of the Executive Branch that Presidents have the authority to recess appoint federal judges. Two federal appellate courts have upheld that view. Moreover, Presidents made more than 300 recess appointments to the federal judiciary between 1789, the year of the first judicial recess appointment, and 1980, the year the last such an appointment was made. Thus, both the law and historical practice indicate that judicial recess appointments are legally available to you.

If you do wish to recess appoint a judge to temporary office – recess appointees serve until the end of the next Congressional session, or, in this case, until the end of 2001 – we believe that you should recess appoint Roger Gregory, your Virginia nominee for the Fourth Circuit. Senator Chuck Robb strongly supports this action. Recess appointing Roger Gregory to the Fourth Circuit would have historic resonance: the Fourth Circuit has the largest African American population of any circuit in the nation, yet it has never had an African American judge. By appointing Roger Gregory – Gregory is a renowned African American attorney and the first in his family to finish high school – you could right that historic wrong. Although there would no doubt be strong criticism of the action, the recess appointment of Roger Gregory would be greeted with jubilation in the civil rights community.

II. AUTHORITY

The recess appointment clause of Article II of the Constitution states that the “President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.” U.S. Const. art. II, § 2, cl. 3. By its plain language, therefore, the recess appointment clause appears to authorize the President to appoint temporary officers, including federal judges, without prior Senate approval.

As previously noted, historical practice vindicates this point of view. President George Washington recess appointed two district judges in 1789, immediately after the first session of the first Congress. Since then, Presidents of all parties – Republicans, Democrats, Federalists, Jeffersonian Republicans, Whigs – have made more than 300 recess appointments to the federal judiciary, including 11 Supreme Court appointments.

All three branches have, in one fashion or another, accepted the right of the President to make recess appointments. It has been the long-standing position of the Executive Branch that the President has the power to make such appointments. This position is corroborated by historical statements of Attorneys General and Office of Legal Counsel opinions supporting the President's power to make such appointments. OLC has confirmed to us its view that you have the clear legal authority to make judicial recess appointments.

Even the Legislative Branch – some of whose members will no doubt be highly critical of a recess appointment of a judge – has both by statement and action accepted the President's right to make judicial recess appointments. In 1960, the Senate issued a resolution discouraging recess appointments to the Supreme Court. Nevertheless, the sponsor of the resolution conceded that "[t]he President does have such power and this resolution does not argue otherwise." Moreover, the Senate has proceeded to confirm approximately 85% of the judges who were recess appointed, including all but one Supreme Court appointment.

Finally, although there will clearly be litigation risk involved if you were to recess appoint Roger Gregory, the two federal appellate courts that have reviewed the issue have affirmed the power of judges appointed through recess appointment. These cases arose in the Second and Ninth Circuits when convicted criminal defendants challenged the constitutionality of their convictions on the grounds that the presiding federal judge -- an Article II recess appointee at the time of the trial -- did not enjoy Article III protections and thus had unconstitutionally exercised Article III powers. A panel of the Second Circuit in 1963 and the Ninth Circuit sitting en banc in 1985 both concluded that judicial recess appointees can exercise Article III powers. It is worth noting, however, that the Ninth Circuit ruling was 7-4, and that the initial panel had ruled judicial recess appointments unconstitutional, concluding that only federal judges enjoying the attributes of an Article III judge of life tenure and protection against diminution of compensation may lawfully exercise the judicial power of the United States.

In sum, there is very solid authority for the recess appointment of federal judges. Nevertheless, there are arguments for being cautious in the use of the judicial recess appointment power. OLC has articulated strong policy reservations against such appointments, most notably because judicial recess appointees may be perceived to lack the complete judicial independence derived from life tenure. OLC has also expressed concern – not as relevant at this point in the Administration – about the effect a judicial recess appointment would have on the appointments' process generally. There is also a litigation risk associated with recess appointing a judge – a risk that could be heightened in the Fourth Circuit, given its reputation as an aggressive (some might say "activist") court.

Moreover, the reaction from Republicans in the Senate is likely to be very negative. Many in the Senate, who view even recess appointments of executive branch officials with deep

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Gregory has served as Vice President for the Virginia Branch of the NAACP. He was also the first African American to serve as a Rector at Virginia Commonwealth University. Gregory has served as Vice Chair of the Christian Children's Fund, a non-sectarian fund providing relief services to 2.4 million impoverished children in 32 countries, including the United States. Gregory is the recipient of a variety of awards and commendations. Most notably, he is a recipient of Virginia State University's President's Proclamation of Honor and of the National Conference of Christians and Jews' Award for civic accomplishments.

Gregory's nomination was greeted with great excitement in Virginia. Even Senator John Warner publicly endorsed Gregory's candidacy, stating that Gregory is "a well-qualified nominee who would serve as an excellent jurist on this circuit which is vital to our state." Nevertheless, Gregory did not even receive a Judiciary Committee hearing during the 168 days his nomination was pending before the Senate.

The seat which Gregory would be filling has been declared a "judicial emergency" by the Administrative Office of the United States Courts. It has been vacant for almost a decade, longer than any seat in the nation. Fully one third of the Fourth Circuit – five of fifteen seats – is now vacant. Accordingly, there is strong argument that Gregory's appointment not only cures an historical injustice but fills a dire need in the judiciary.

V. CONCLUSION

Although the recess appointment of a federal judge would be highly controversial, it is clear that you have authority to do so and that there is a long, grand tradition of such appointments. If you do choose to recess appoint a judge, we recommend the appointment of Roger Gregory, who has told us that he would be honored to serve in such a capacity.

VI. DECISION

- _____ Recess Appoint Roger Gregory to the United States Court of Appeals for the Fourth Circuit
- _____ Make no recess appointments
- _____ Schedule Discussion

suspicion, will likely be angered by a recess appointment of a judge. Indeed, on December 15, 2000, Senators Byrd and Lott engaged in an extensive colloquy on the floor cautioning against the recess appointment of judges. Senator Byrd stated that federal judgeships are appointments for life, not "just until the end of the next session. . . . I will not support any administration, Democratic or Republican, that attempts to fill Federal judgeships while the Senate is in recess. I think that is playing politics." After Senator Lott agreed that he would oppose a judicial recess appointment from any administration, Senator Byrd expressly urged Lott to write you to get your commitment not to recess appoint any judge. In addition to the reaction in the Senate, it is worth noting that some commentators and scholars may criticize a recess appointment as an act that could have the effect of politicizing the judiciary at a time when that institution is particularly vulnerable to criticism.

III. TRADITION

There is a grand tradition of recess appointing Article III judges. Some of the Nation's most respected jurists have originally received recess appointments, including Pennsylvania district judge (later Third Circuit) Judge A. Leon Higginbotham; D.C. Circuit Judges David Bazelon and Spottswood Robinson; Second Circuit Judges Augustus N. Hand and Thurgood Marshall; Fifth Circuit Judge Griffin Bell; and Supreme Court Justices William Brennan and Earl Warren. Indeed, Justice Earl Warren was sitting as a recess appointee when the Court heard re-argument in Brown v. Board of Education.

More to the point here, Presidents have often exercised their recess powers to make historic appointments to bring diversity to the courts. Four of the five first African American appellate judges were recess appointed to their first Article III position: Judge William Hastie, recess appointed to Third Circuit by President Truman in 1949; Judge Thurgood Marshall, recess appointed to the Second Circuit by President Kennedy in 1961; Judge A. Leon Higginbotham, recess appointed to the Eastern District of Pennsylvania by President Johnson in 1964. Likewise, two of the three first women judges received recess appointments: Judge Burnita Shelton Matthews, recess appointed by President Truman to the D.C. District Court in 1949 and Judge Sarah Hughes, recess appointed by President Kennedy to the Northern District of Texas in 1961. The recess appointment of Roger Gregory would be in this grand tradition.

IV. ROGER GREGORY

As you noted when you first nominated Roger Gregory in June 2000, Gregory's life story is a testament to the power and promise of the American dream. The son of parents who worked in a tobacco factory, Gregory is the first in his family to graduate from high school, let alone college and law school. Gregory graduated from Virginia State University, *summa cum laude*, in 1975, receiving the University's Frederick Douglas Award for the highest scholastic achievement in political science during both his junior and senior years. Gregory received his J.D. from the University of Michigan Law School in 1978. Thereafter, Gregory returned to Virginia to teach as a professor at Virginia State University, an historically black college that once employed his mother as a dormitory maid.



Oliver D. Pangborn

12/27/2000 01:46:10 PM



Record Type: Record

To:

cc:

Subject: FACT SHEET: President Clinton Appoints Roger Gregory to the United States Court of Appeals for the Fourth Circuit

PRESIDENT CLINTON APPOINTS ROGER GREGORY TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

December 27, 2000

Today, President Clinton appointed Roger Gregory to serve on the United States Court of Appeals for the Fourth Circuit. This appointment is historic. The Fourth Circuit, which hears appeals from trial courts in Maryland, North Carolina, South Carolina, Virginia, and West Virginia, has the largest African American population of any circuit in this country, yet it has never had an African American appellate judge. The President's power to make recess appointments is embedded in the Constitution. Presidents have made more than 300 recess appointments to the federal judiciary since 1789, the year of the first judicial recess appointment. Moreover, Presidents have often exercised their recess powers to make historic appointments to bring diversity to the courts. Four of the five first African American appellate judges were recess appointed to their first Article III position. The recess appointment of Roger Gregory to the United States Court of Appeals for the Fourth Circuit is in this grand tradition.

Integrating the Fourth Circuit with the Appointment of Roger Gregory

The United States Court of Appeals for the Fourth Circuit serves the people of Maryland, North Carolina, South Carolina, Virginia, and West Virginia, states that have the largest African American population of any circuit in the country. Yet, until the President recess appointed Roger Gregory, the Fourth Circuit had *never* had an African American appellate judge. The President has nominated four qualified African Americans to the Fourth Circuit: Judge James Beatty, of North Carolina, nominated in December 1995 and re-nominated in January 1997; Judge James Wynn, of North Carolina, nominated in August 1999; Roger Gregory, of Virginia, nominated in June 2000, and Judge Andre Davis, nominated in October 2000. None of these exceptional candidates has even received a Judiciary Committee hearing, let alone a vote on the Senate floor.

Roger Gregory's story is a testament to the power and promise of the American dream. Roger Gregory is from Richmond, Virginia, and is the first in his family to finish high school. He went

on to college and law school, returning as a young adjunct professor to a school where his mother had worked as a maid. Today Roger Gregory is a highly respected, seasoned Richmond litigator. Gregory has tried hundreds of cases in the Virginia courts.

The seat for which the President nominated Roger Gregory has been declared a “judicial emergency” by the Administrative Office of the United States Courts. It has been vacant for almost a decade, longer than any seat in the nation. Before Gregory was recess appointed, fully one third of the Fourth Circuit – five of fifteen seats – was empty. Gregory’s appointment not only cures a historical injustice but fills a dire need in the Fourth Circuit.

Gregory was never afforded a Judiciary Committee hearing, notwithstanding the fact that he received the enthusiastic support of both of his home state Senators. Democratic Senator Chuck Robb recommended Gregory to the President and worked tirelessly on behalf of Gregory’s nomination. Republican Senator John Warner publicly endorsed Gregory’s candidacy, stating that Gregory is “a well-qualified nominee who would serve as an excellent jurist on this circuit which is vital to our state.”

Recess Appointments

The President has the authority, pursuant to Article II of the Constitution, to recess appoint federal judges. In fact, President George Washington recess appointed two district judges in 1789, immediately after the first session of the first Congress. Since then, Presidents of all parties – Republicans, Democrats, Federalists, Jeffersonian Republicans, Whigs -- have made more than 300 recess appointments to the federal judiciary, including 11 Supreme Court appointments.

All three branches have, in one fashion or another, accepted the right of the President to make recess appointments. It has been the long-standing position of the Executive Branch that the President has the power to make such appointments. This position is corroborated by historical statements of Attorneys General and Office of Legal Counsel opinions supporting the President's power to make such appointments.

The Legislative Branch has accepted the President’s right to make judicial recess appointments, both by statement and action. In a 1960 Senate Resolution urging the President discourage recess appointments to the Supreme Court, the sponsor of the resolution noted that “[t]he President does have such power and this resolution does not argue otherwise.” Likewise, the Senate has proceeded to confirm approximately 85% of past judicial recess appointees, including all but one Supreme Court appointment. Finally, although the Supreme Court has never addressed the issue, the two federal appellate courts that have reviewed the issue have affirmed the power of judges appointed through recess appointment.

Tradition of Recess Appointments

Some of the most well respected jurists have originally received recess appointments, including Pennsylvania district court judge (later Third Circuit judge) Judge A. Leon Higginbotham; D.C.

Circuit Judges David Bazelon and Spottswood Robinson; Second Circuit Judges Augustus N. Hand and Thurgood Marshall; Fifth Circuit Judge Griffin Bell; and Supreme Court Justices William Brennan and Earl Warren. Indeed, Justice Earl Warren was sitting as a recess appointee when the Court re-heard argument in Brown v. Board of Education.

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CONFIDENTIAL
DRAFT

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_____ Recess Appoint Roger Gregory to the United States Court of Appeals for the Fourth Circuit

_____ Make no recess appointments

_____ Schedule Discussion

Thurgood Marshall



Thurgood Marshall
(Library of Congress)

One of the greatest fighters of civil rights, Thurgood Marshall; was born on July 2, 1908 in Baltimore, Maryland. He achieved national recognition for his civil rights achievements as a lawyer and later as an associate justice of the Supreme Court of the United States.

Marshall attended public schools in Baltimore. He is a product of Frederick Douglass High School. Later Marshall graduated from Lincoln University in Pennsylvania and Howard University Law School in Washington, D. C..

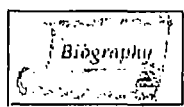
Marshall returned to his native Baltimore to practice law. Most of his clients were people who made a modest living. Many could not afford the services he rendered. However, personal circumstances did not stop him from handling the problems that were presented to him. Marshall handled numerous cases involving legal disputes, police brutality, evictions, and other civil rights issues. Due to his untiring dedication and skillful court presentations, he became known as the "little man's lawyer."

In 1934, Marshall was appointed as an assistant to special counsel Charles Hamilton Houston, who worked for the Baltimore branch of the NAACP. In 1938, Marshall became a special assistant to the NAACP. Marshall represented clients with civil rights cases all over the United States. He won thirty-two out of thirty-five cases taken to the Supreme Court. His reputation spread throughout the United States for his outstanding work. Marshall was known as the greatest constitutional lawyer of this century when he served as chief attorney for the NAACP.

Marshall was nominated by President John F. Kennedy for appointment to the Second Supreme Court of Appeals in 1961. The appointment was confirmed by the Senate. President Lyndon B. Johnson nominated Marshall for appointment as Solicitor General of the United States. In August of 1965, Judge Marshall took his oath. In June of 1967, President Lyndon B. Johnson nominated Judge Marshall to become an Associate Justice of the Supreme Court. This nomination was indeed a historical event, Marshall became the first African-American to serve as a Justice of the Supreme Court.

Justice Marshall received many awards and citations for his outstanding contributions to the field of civil rights.

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Thurgood Marshall

THURGOOD MARSHALL WAS A CRUSADING NEGRO LAWYER WHO FOUGHT TO PROTECT THE CIVIL RIGHTS OF BOTH BLACK AND WHITE AMERICANS FOR NEARLY SIXTY YEARS. IN 1967, HE BECAME THE NATION'S FIRST AFRICAN AMERICAN SUPREME COURT JUSTICE, WHERE HE CHAMPIONED THE RIGHTS OF UNDER-PRIVILEGED PEOPLE. HE WAS CONSIDERED TO BE A LIBERAL JUSTICE WHO DEFENDED THE RIGHT OF A WOMAN TO HAVE AN ABORTION, AND STAUNCHLY REFUSED TO SUPPORT THE DEATH PENALTY.

THURGOOD MARSHALL, THE GREAT GRANDSON OF A NEGRO SLAVE, WAS BORN IN MARYLAND IN 1908. HIS FATHER, WILLIAM, WAS A COUNTRY CLUB STEWARD AND HIS MOTHER, NORMA A. WILLIAMS, WAS AN ELEMENTARY SCHOOL TEACHER. HE EXCELLED AT DOUGLAS HIGH SCHOOL IN BALTIMORE AND LATER ENTERED THE ALL-NEGRO LINCOLN UNIVERSITY IN PENNSYLVANIA. IN 1930, THURGOOD MARSHALL GRADUATED FROM LINCOLN AND ENROLLED IN LAW SCHOOL AT HOWARD UNIVERSITY IN WASHINGTON D. C. THREE YEARS LATER, HE BEGAN PRACTICING LAW IN BALTIMORE, MARYLAND.

IN 1938, THURGOOD MARSHALL BECAME CHIEF LEGAL COUNSEL FOR THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE. IN THIS CAPACITY, HE OFTEN TRAVELED INTO THE AMERICAN SOUTH TO ARGUE CIVIL RIGHTS CASES.

IN 1939, HE WAS ADMITTED TO PRACTICE LAW BEFORE THE SUPREME COURT, WHERE HE WON 29 OF THE 32 CASES HE ARGUED BEFORE THE COURT. HIS SUCCESSES WERE THE RESULT OF METICULOUS PREPARATIONS AND THOROUGH KNOWLEDGE OF CONSTITUTIONAL PRINCIPLES.

THURGOOD MARSHALL'S GREATEST CIVIL RIGHTS VICTORY WAS IN 1954, WHEN HE WON THE BROWN VERSUS BOARD OF EDUCATION CASE, WHICH ENDED THE "SEPARATE BUT EQUAL" COURT RULING THAT KEPT MOST SCHOOLS ACROSS THE NATION RACIALLY SEGREGATED. THE PRINCIPLE OF EQUAL TREATMENT UNDER THE LAW HAS ALSO LED TO LEGAL VICTORIES FOR WOMEN, OTHER ETHNIC MINORITIES AND THE DISABLED.

IN 1961, AGAINST THE OBJECTIONS OF MANY, PRESIDENT JOHN F. KENNEDY NOMINATED THURGOOD MARSHALL TO SERVE ON THE U-S COURT OF APPEALS.

IN 1967, PRESIDENT LYNDON JOHNSON NOMINATED THURGOOD MARSHALL TO BE A U-S SUPREME COURT JUSTICE. SOUTHERN SENATORS UNHAPPY WITH THE SELECTION QUESTIONED MR. MARSHALL EXTENSIVELY FOR NEARLY A YEAR BEFORE THE U-S SENATE VOTED 69 TO 11 IN FAVOR OF HIM.

TWENTY-FOUR YEARS LATER, AT THE AGE OF EIGHTY-TWO, THURGOOD MARSHALL ANNOUNCED HIS RETIREMENT FROM THE COURT. HE TOLD A GROUP OF REPORTERS, "I AM OLD. I'M GETTING OLD AND COMING APART." WHEN ASKED HOW HE WANTED TO BE REMEMBERED, HE SAID HE WANTED PEOPLE TO SAY, "THAT HE DID WHAT HE COULD WITH WHAT HE HAD."

JUSTICE THURGOOD MARSHALL DIED AT THE AGE OF 84, IN 1993, FROM HEART FAILURE.

U-S PRESIDENT BILL CLINTON SAID OF MR. MARSHALL, "HE WAS
A GIANT IN THE QUEST FOR HUMAN RIGHTS AND EQUAL
OPPORTUNITY IN THE WHOLE HISTORY OF OUR COUNTRY."

14-Feb-97

Source: Voice of America

Return to: Thurgood Marshall



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The African American Journey:

Marshall, Thurgood

Thurgood Marshall (1908-1993), was the first African-American justice of the Supreme Court of the United States. He served as an associate justice from 1967 until his retirement in 1991. Marshall was appointed by President Lyndon B. Johnson. As a justice, Marshall took liberal positions on a wide variety of issues, including capital punishment, free speech, school desegregation, the rights of welfare recipients, and affirmative action.

Marshall was born in Baltimore. He graduated from Lincoln University and studied law at Howard University. He began practicing law in 1933. From 1938 to 1950, Marshall served as chief counsel for the National Association for the Advancement of Colored People (NAACP). From 1940 to 1961, he was director and chief counsel for the NAACP Legal Defense and Educational Fund. Marshall presented the legal argument that resulted in the 1954 Supreme Court decision that racial segregation in public schools is unconstitutional. In 1961, Marshall was appointed to the U.S. Court of Appeals. In 1965, he was appointed solicitor general of the United States. Marshall won the Spingarn Medal in 1946.



George E.C. Hayes, Thurgood Marshall, and James Nabrit congratulate each other in 1954 following the Supreme Court decision declaring segregation unconstitutional.

Photo: Library of Congress

Deep Background

African American Journey

From Africa to America

From Slavery to Freedom

The First Years of Freedom

The Modern Civil Rights Movement

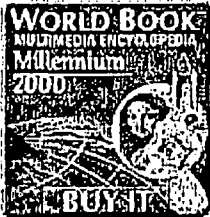
Civil Rights Organizations Since 1945

Protest and Civic Unrest

Civil Rights Laws and Legislation Since 1945

African American Leaders Since 1945

A Brief History of Black History Month



[Stokely Carmichael](#)

[Shirley Chisholm](#)

[Eldridge Cleaver](#)

[Bill Cosby](#)

[Medgar Evers](#)

[Louis Farrakhan](#)

[Dick Gregory](#)

[Jesse Jackson](#)

[Barbara Jordan](#)

[Martin Luther King, Jr.](#)

[Thurgood Marshall](#)

[James Meredith](#)

[Kweisi Mfume](#)

[Elijah Muhammad](#)

[Rosa Parks](#)

[Colin Powell](#)

[Malcolm X](#)

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FOURTH CIRCUIT

- In his *Wall Street Journal* piece, Senator Hatch claimed that the President attempted to “move the judgeship from North Carolina to Virginia.” This is untrue. Tellingly, Senator Hatch does not repeat this claim in his letter to Senator Robb. As we have noted before, the seat for which Gregory was nominated is an unallocated seat. It was created in 1990 and has never been filled, making it the longest pending vacancy in the nation. Not surprisingly, the vacancy is one of the two Fourth Circuit seats that have been declared “judicial emergencies” by the Administrative Office of the United States Courts. (The other judicial emergency is the seat for which we have nominated Judge James Wynn of North Carolina.)
- In 1990, Congress passed PL 101-650 creating four new judgeships in the Fourth Circuit. These seats were not allocated to any particular state within the Fourth Circuit. President George Bush made four nominations for these four seats: one for a candidate from North Carolina, one for a candidate from South Carolina, and *two* for candidates from Virginia. (Two of these candidates were confirmed: the South Carolinian and one of the Virginians). By Senator Hatch’s logic, President Bush “effectively agreed” that two of the four seats should be filled by Virginians. So far, one of the four seats has been filled by a Virginian; another Virginian, Roger Gregory, is awaiting consideration by the Senate.
- In fact, President’s have traditionally preserved their right to nominate individuals of their choice from within the Circuit. There are only ten judges sitting on the Fourth Circuit. Four of these ten judges are filling seats that were previously filled by a candidate from another state.

See Chart 1 illustrating the history of the nominations to these four unallocated judgeships.

Over the years, these 4 judgeships have shifted states 11 times. Most of these shifts occurred prior to 1960. Chart 2 sets forth the chronology of all the judges who have sat in the Fourth Circuit.

Public Papers of the Presidents

Public Papers of the Presidents

June 30, 2000

CITE: 36 Weekly Comp. Pres. Doc. 1562**LENGTH:** 614 words**HEADLINE:** Statement on the Nomination of Roger Gregory to the United States Court of Appeals for the **Fourth Circuit****BODY:**

Today I am very pleased to announce the nomination of Roger Gregory to serve on the United States Court of Appeals for the Fourth Circuit. Roger Gregory is a highly qualified candidate who will, if confirmed, serve the fourth circuit and our Nation with distinction.

His life story is also a testament to the power and promise of the American dream. Roger Gregory is from Richmond, Virginia, and is the first in his family to finish high school. He went on to college and law school, returning as a young adjunct professor to a school where his mother had worked as a maid. Today Roger Gregory is a highly respected Richmond litigator. He has tried hundreds of cases in the Virginia courts.

I am honored to nominate Roger Gregory because he is highly qualified and a strong candidate. But I am also proud to nominate a man who, if confirmed, will be the first African-American ever to serve on the fourth circuit. The fourth circuit has the largest African-American population of any circuit in this country, yet it has never had an African-American appellate judge. It is long past time to right that wrong. Justice may be blind, but we all know that diversity in the courts, as in all aspects of society, sharpens our vision and makes us a stronger nation. Roger Gregory's confirmation would be an historic step for the people of Maryland, North Carolina, South Carolina, Virginia, West Virginia, and for American justice.

The fourth circuit needs Roger Gregory. Its caseload has increased by over 15 percent in just 5 years yet more than a quarter of its bench stands empty. The seat for which I have nominated Roger Gregory has been declared a judicial emergency by the Administrative Office of the United States Courts. It has been vacant almost a decade, longer than any seat in the Nation. That is an embarrassment for any American who cares about our justice system. We cannot be tough on crime if our courts cannot conduct judicial reviews promptly and efficiently. And we cannot be tough on crime if the message we send Americans is that we do not care about our courts.

By all rights, Roger Gregory should be given a Senate vote in the next few months. But the Senate's failure to fulfill its obligations with respect to my nominees gives me cause for profound concern. Thirty-nine of my judicial nominees are pending before the Senate. These nominees have been kept waiting, on average, 273 days. And the fourth circuit has fared particularly poorly -- my other fourth circuit nominee, Judge James Wynn, an African-American judge on the North Carolina Court of Appeals, has already been kept waiting for 330 days. I urge the Senate to give Roger Gregory and Judge Wynn the Senate votes that they so richly deserve.

We cannot afford to allow political considerations to empty our courts and put justice on hold. I have worked very hard to avoid contentious ideological fights over nominees. I have worked hard to put forward good, qualified candidates who reflect the diversity of our Nation. The judges I have nominated during my tenure as President are the most diverse group in history. They have also garnered, as a group, the highest American Bar Association ratings of any President's nominees in nearly 40 years. They have shattered the myth that diversity and quality do not go hand in hand. But despite the high qualifications of my nominees, there is a mounting vacancy crisis in our courts. Too often, we are creating situations in which justice delayed means justice denied. And ultimately, if we

fail to make our courts reflect America, we risk an America where there may be less respect for the decisions of our courts.

LOAD-DATE: July 27, 2000

Source: [All Sources](#) : / . . . / : **Public Papers of the Presidents** 

Terms: **headline (fourth circuit)** ([Edit Search](#))

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Date/Time: Friday, December 22, 2000 - 3:53 PM EST

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The Washington Post, September 28, 2000

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The Washington Post

September 28, 2000, Thursday, Final Edition

SECTION: METRO; Pg. B01

LENGTH: 556 words

HEADLINE: Robb Goes To Bat for Nominee; Helms Is Blocking Black Va. Lawyer

BYLINE: Brooke A. Masters, Washington Post Staff Writer

BODY:

Flanked by representatives of civil rights groups, Sen. Charles S. Robb (D-Va.) yesterday urged the Senate to give the 4th U.S. Circuit Court of Appeals its first black **judge** by confirming Richmond lawyer **Roger L. Gregory**.

Gregory is a former law partner of former Virginia governor L. Douglas Wilder, the nation's first elected African American governor. Nominated June 30, he is the third black man President Clinton has tried to appoint to the all-white appeals court.

In the past six years, Sen. Jesse Helms (R-N.C.) has blocked hearings on two African American nominees from North Carolina. Helms has said the 4th Circuit's chief judge has told him that he does not need any more judges of any race.

One-third of the circuit's 15 judgeships are vacant, and the U.S. Judicial Conference has declared this seat a "judicial emergency" because it has been open for more than a decade. The 4th Circuit, which covers Virginia, Maryland, both Carolinas and West Virginia, has the highest percentage of blacks of any multi-state appeals court. It is the only circuit that has never had a minority member.

"This is the year 2000. There's no excuse not to desegregate this court," Robb said. "The 4th Circuit needs more judges, and it needs them now."

Yesterday's event was an effort to put pressure on the Senate Judiciary Committee chairman, Orrin G. Hatch (R-Utah), who has no plans to hold confirmation hearings on Gregory or anyone else before the Nov. 7 elections.

Robb's opponent in November, former governor George Allen (R), also has called for hearings on the Gregory nomination. But in a recent letter to Hatch, he criticized "the last-minute nature of [the] nomination. It is a shame that President Clinton and Senator Robb were apparently more interested in trying to gain a political campaign issue than they were in securing Mr. Gregory's confirmation."

The Gregory nomination has had a strongly political flavor since Robb sent the lawyer's name to the White House in the thick of his fight for a third term. The Democrat is relying again on a strong turnout by African American voters, who were pivotal to his reelection in 1994.

Wilder could help Robb this fall by campaigning energetically for him, and the Gregory nomination is widely viewed by Virginia Democrats as a warm, conciliatory gesture to Wilder by Robb after a history of bickering.

*4 AA's nominated for 4th circuit
vacancies - none heard yet
confirmed*

12/22/2000 4:09 PM

Hatch's spokeswoman pointed to a newspaper opinion piece the chairman wrote last month in which he said that Gregory's nomination had come too late in the year and that a North Carolinian should get that seat on the court.

But Rep. James E. Clyburn (D-S.C.), chairman of the Congressional Black Caucus, joined Robb outside the Senate and said "that excuse rings very hollow" because of Helms's previous actions.

Virginia's senior senator, John W. Warner (R), briefly joined the event and reiterated his support for Gregory.

The Judiciary Committee last held a confirmation hearing in July and has acted on three appeals court nominees all year, according to the ranking minority member, Sen. Patrick J. Leahy (D-Vt.).

The delay in confirming a black judge "has caused some to question whether the vacancy on the court is a vacancy of justice," said Rep. Robert C. Scott (D-Va.).

Staff writer R.H. Melton contributed to this report.

LOAD-DATE: September 28, 2000

Source: [All Sources](#) : / . . . / : **News Group File, All** 

Terms: **judge /s roger /s gregory** ([Edit Search](#))

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Date/Time: Friday, December 22, 2000 - 4:09 PM EST

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**Remarks of Governor Parris N. Glendening
Thurgood Marshall Memorial
Unveiling and Dedication Ceremony
Tuesday, October 22, 1996**

Thank you Judge Cole. Good afternoon and welcome to Mrs. Marshall, Thurgood Marshall, Jr., Mr. and Mrs. John Marshall, Comptroller Goldstein, Treasurer Dixon, members of the General Assembly, Judges and members of the Bar, and other distinguished guests.

Today is a very significant day. One which we should long remember. Today, here in the shadow of the Maryland State House, we restore the way in which our history is interpreted. And we pay tribute to the single most important premise of democratic government: peaceful attainment of equal justice under law.

Nearly 124 years ago, another statue was unveiled on the other side of the State House. The seated figure has his back to the State House and faces south east, towards a recently defeated confederacy. 1872 was time of high passion. Many Marylanders, including probably a majority of legislators, regretted that the South had lost the Civil War and they wished to honor the one Marylander who, as Chief Justice of the United States, had done more to argue the cause of slavery within the context of the law than any other individual before or since.

Indeed, no one remembers the Roger Brooke Taney who, as a young lawyer, successfully defended a Methodist minister for preaching the principles of the Declaration of Independence to a mixed group of slaves and free men and women. And few remember the Roger Brooke Taney who fought for the rights of citizens not to be put in jail without being formally charged.

What we do remember today is Taney's pronouncement that African Americans never were - and never could be - citizens of the United States, entitled to all the rights and privileges that the Constitution bestowed. We ought not to erase such erroneous views from our memories of the past. Instead, we need to refute them by example, persuasive argument, and striking memorials like this one.

When the proposal was first made that the Taney statue be uprooted from the State House Grounds and consigned to oblivion somewhere else, calmer heads prevailed and a more thoughtful recommendation made. Why not remind people who visit our State House of the diversity and the whole of our history so that we can profit from our mistakes and our misinterpretations, as well as our triumphs? Why not honor a man who put the lie to Taney's interpretation, and through the process of law, made the Constitution work the way in which those who wrote it, and those who continue to amend it, intended it to work: peacefully providing equal justice under law.

Thanks to Pete Rawlings who took up the cause, and to the thoughtful, determined leadership of Commission chairman Harry Cole, that goal has been accomplished, on schedule and within budget. And it has been accomplished in a way that should bring national acclaim and a steady stream of visitors to this spot.

With the unveiling of this memorial to Thurgood Marshall, we turn ours, and the nation's, attention to the very essence of what our government is all about and what is so proudly carved in granite above us: Equal Justice Under Law. These same words also appear above the entrance to the Supreme Court of the United States upon whose steps, Thurgood Marshall, often stood... sometimes in defeat, but more often in triumph.

By the time Thurgood Marshall was born in 1908, the world had not changed all that much from Justice Taney's day. Paul Gewirtz, one of Justice Marshall's former law clerks wrote in a tribute after the Justice

retired from the court: "He grew up in a ruthlessly discriminatory world -- a world in which segregation of the races was pervasive and taken for granted, where lynching was common, where the African American's inherent inferiority was proclaimed widely and wantonly. Thurgood Marshall has the capacity to imagine a radically different world, the imaginative capacity to believe that such a world was possible, the strength to sustain that image in the mind's eye and the heart's longing, and the courage and ability to make that imagined world real."

Just as this is a memorial to Thurgood Marshall, the man, it is a memorial to that "radically different" and greatly improved world he helped bring about. It was a world in which Mr. Marshall, one of the century's premier champions of civil rights, rose to a height unimaginable in his youth: to become the first African American ever to serve on our nation's highest court.

I could spend some time recounting Thurgood Marshall's many accomplishments. We should remember, for example, the case of Esther McCready, who was only admitted to the University of Maryland School of Nursing in 1950 after Thurgood Marshall, in partnership with Donald Gaines Murray, a statue of whom is also part of this monument, successfully argued her case before the Maryland Court of Appeals. We are honored to have Mrs. McCready with us today.

There are other achievements of Thurgood Marshall that I could talk to you about today, but those who follow me here will do that well, and you will also have the opportunity to linger afterwards to read what is here etched in stone. Instead, let us consider the triumph of this national memorial, so thoughtfully designed and so wonderfully executed by Toby Mendez. On another day, bring your lunch here or just pause and sit on one of the benches and contemplate Toby's creations. The seated figures represent the beginning and the end of Justice Marshall's legal journey to provide equal education under law to all Americans.

Here, you can sit with Donald Gaines Murray, whose desire to attend the University of Maryland Law School was realized because Thurgood Marshall successfully pursued his case in the Court of Appeals that once stood near this site.

Here you can sit with two children who represent those who benefitted from the Supreme Court cases that Marshall finally won in 1954. Here, you can gaze on the likeness of Marshall. When you look at this monument, notice that Marshall is not lively, not pleased with any particular success. Notice that he is young, pensive, thoughtful, looking to the future, and knowing in his heart that the journey is never finished, the process is never over, that Equal Justice Under Law requires constant and personal attention by each and every citizen if it is to work for the benefit of all.

From this day forward, in this plaza dedicated to Thurgood Marshall, citizens will come to exercise their first amendment rights of peaceable assembly. This is where they will congregate to peacefully advocate changes in the laws under which justice is administered. This is now a place that symbolizes for us and the nation the continuously evolving process of attaining social change through legal, peaceful means.

What we have here is an enduring symbol of what Americans always have been about, improving our lives through hard work, a clear mind, and a steely determination. If Roger B. Taney represents our historical past, and Thurgood Marshall represents how we might, through a process that emphasizes building consensus, achieve our goals, then the State House between represents our future a future in which, because of Justice Marshall, our children and our children's children will enjoy freedom, equality and justice for all.

Click [here](#) for Fact Sheet about the Thurgood Marshall Memorial in Annapolis.

MARSHALL NAMED TO APPEALS COURT

N.A.A.C.P. Counsel Is Picked by President Kennedy

Special to The New York Times.
HYANNIS PORT, Mass., Sept. 23—President Kennedy nominated today including Thurgood Marshall, to the Court of Appeals for the Second Circuit.
Mr. Marshall is chief counsel to the National Association for the Advancement of Colored People. He has participated in the legal conduct of court cases involving that organization and the rights of Negroes since 1938.
His nomination, which was sent to the Senate today, is for a life term at a salary of \$25,500 a year.

Pierre Salinger, the White House press secretary, said it was doubtful that the Senate would have time to confirm Mr. Marshall at this session, since Congress was rushing toward adjournment.
In that case, he said, Mr. Marshall, a Negro, would receive an interim appointment, enabling him to serve on the Second Circuit bench. His nomination still would be pending before the Senate when the Congress reconvenes in January. The Second Circuit covers Vermont, Connecticut and New York.

District Judges Named
President Kennedy also sent to the Senate today the nominations of two Federal district judges, both for the South District of New York. They were Dudley B. Bonsor of 180 East Seventy-third Street, New York, and Irving Ben Cooper of 83 Riverside Drive, New York.

The President also nominated a career Foreign Service officer, Paul Geren, to be the deputy director of the Peace Corps.

In addition, the President named John Wold Peck and Ben C. Green to be district judges in Ohio. Frederick Daugherty to be a district judge in Oklahoma. Clarence W. Allgood to be a district judge in Alabama, and Talbot Smith to be a district judge in Michigan.

All the judicial nominations were to judgeships created this year by Congress.

Mr. Marshall's nomination was the tenth the President has made to a circuit judgeship, and it completed filling the circuit positions open to him. With the district judgeships announced today the President has filled forty of the sixty-three places available under the new legislation.

Senate Fight Expected

The naming of Mr. Marshall, a New Yorker, was expected to be highly controversial. He is likely to be opposed by a number of Southern Senators. The opposition may be particularly heavy in the Judiciary Committee, which must recommend his confirmation to the Senate.

Senator James O. Eastland, Democrat of Mississippi, is chairman of the committee and its deliberations often are dominated by Southerners.
Mr. Geren, named as the Peace Corps deputy director, is 47 years old and has had a varied career in diplomacy and education. His present position is that of deputy director of the Office of International Municipal and Development Affairs in the State Department.

He was educated at Baylor University, Louisiana State University and Harvard, where he earned a doctor of philosophy degree in economics in 1941.

In World War II, he served

Sketches of 3 Bench Appointees



Dudley B. Bonsor



Thurgood Marshall



Irving Ben Cooper

A SIX-FOOT, 84-year-old lawyer who has specialized in private international practice... has often expressed concern over the need for greater individual freedoms... holds that personal security and rights of the individual are important aspects of national security... was chosen in 1936 by city bar leaders to head their study of the Federal loyalty-security program... urged due-process reforms on grounds that liberties must be upheld in this country as "a continuing appeal to the oppressed in every land"... was born of an early American family in Bedford, N. Y., Oct. 6, 1900... received A. B. from Dartmouth in 1927... LL. B. from Harvard in 1930... admitted New York bar in 1932... past president of Association of the Bar of the City of New York... is a registered Democrat... who often splits ticket... married to former Lois Worrall... has grown son and daughter... lives in Bedford Village home and New York apartment.

GREAT GRANDCHILD of a Negro slave... outstanding civil rights lawyer for nearly two decades... chief counsel to National Association for Advancement of Colored People... Director of its Legal Defense and Educational Fund, Inc., since 1940... has won twenty-five cases before Supreme Court covering broad areas of civil rights... during the last two years... has worked with Southern lawyers on arrests of Freedom Riders, sit-ins and pickets... turned down all earlier approaches on bench appointments... at 63, apparently ready to retire from strenuous career as lawyer... first ambition to be a dentist... received bachelor's degree from Lincoln University in Pennsylvania... decided on law after experience in segregated theatre... took law degree at Howard University... has two small sons by second wife, the former Cecilia Suant of Hawaii... is a Protestant Episcopal vestryman, a thirty-third degree Mason and a sought-after speaker.

A JUDGE with a long record of deep concern for first offenders and young people in trouble... was first member of Special Sessions Court here to receive appointments and reappointments by four consecutive Mayors... his resignation last year accepted by Mayor Wagner with comment: "We are losing one of our best judges, a man of impeccable integrity and great devotion to his task"... one of six children of an English immigrant tailor... attended high schools in Roselle, N. J., and St. Joseph, Mo... received A. B. from University of Missouri in 1922 and an LL. B. from Washington University in St. Louis in 1926... received his first important assignment here as investigator and prosecutor in Seabury investigation... was special counsel for three years under Mayor La Guardia in Department of Accounts (now Department of Investigation)... is 61 years old... was married to former Anita Bennett in 1929 and has two grown children.

MAHONEY WILL SEEK NEW WELFARE STUDY

ALBANY, Sept. 23. (AP)—Amid reports that other states encourage welfare recipients to move to New York, the Senate majority leader said today that a law passed with his support could end this practice.
Senator Walter J. Mahoney, an advocate of a residency requirement for relief eligibility, said that he would ask a Morrell Act commission to check on enforcement of the law. The commission is investigating the state's welfare program.
The law, enacted this year, also prohibits payment of relief during the first six months of residency. In New York state unless the applicant can show that he had reasonable assurance of subsistence of staying off the welfare roll when he moved to the state.

Charges that persons on relief in other states were being encouraged to move to New York have been made in recent days by Paul F. Burke, Welfare Commissioner of Erie County, and William B. Woods, Welfare Commissioner of Monroe County.
"The bill... that other states are shipping welfare recipients into New York state should come as no surprise," Mr. Mahoney said. "This condition has long been suspected by people conversant with skyrocketing welfare costs."

FALL-OUT HERE IS SAFE

Pope Names Envoy to Austria

CASTEL GANDOLFO, Italy, Sept. 23. (UPI)—Pope John XXIII appointed today Magr. Opilio Rossi as the new Papal Nuncio to Austria. Magr. Rossi, who was born in New York, is 51 years old. He was formerly Papal Nuncio to Chile.

Columbia Aide Is Chosen

Columbia College has named William F. Mann and John Wellington assistant directors of admission. Mr. Mann was manager for WABC-TV. Mr. Wellington was an assistant in part-time placement at the Columbia placement office.

SPELLMAN IS HOST TO PRESIDENT PRADO

President Manuel Prado of Peru and Señora Prado were luncheon and dinner guests of leading New Yorkers yesterday.
The Peruvian President and his wife, with members of their party, were entertained at lunch by Cardinal Spellman at his residence, 452 Madison Avenue. President Prado had presented to the Cardinal on Friday a seventeenth-century painting from Cuzco.
In the evening the President and Señora Prado were the guests at a reception and formal dinner given by Mr. and Mrs. J. Peter Grace at their home in Manhattan. Mr. Grace is president of W. R. Grace & Co.

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His nomination, which was sent to the Senate today, is for a life term at a salary of 25,500 a year.

Piero Salinger, the White House press secretary, said it was doubtful that the Senate would have time to confirm Mr. Marshall at this session, since Congress was rushing toward adjournment.

In that case, he said, Mr. Marshall, a Negro, would receive an interim appointment, enabling him to serve on the Second Circuit bench. His nomination still would be pending before the Senate when the Congress reconvenes in January. The Second Circuit covers Vermont, Connecticut and New York.

District Judges Nominated President Kennedy also sent to the Senate today the nominations of two Federal district judges, both for the South District of New York. They were Dudley B. Bonsor, of 130 East Seventy-third Street, New York, and Irving Ben Cooper, of 83 Riverside Drive, New York.

The President also nominated a career Foreign Service officer, Paul Geren, to be the deputy director of the Peace Corps. In addition, the President named John Weld Peck and Ben C. Green to be district judges in Ohio, Frederick Daugherty to be a district judge in Oklahoma, Clarence W. Allgood to be a district judge in Alabama, and Talbot Smith to be a district judge in Michigan.

All the judicial nominations were to judgeships created this year by Congress.

Mr. Marshall's nomination was the tenth the President has made to a circuit judgeship, and it completed filling the circuit positions open to him. With the district judgeships announced today the President has filled forty of the sixty-three places available under the new legislation.

Senate Fight Expected

The naming of Mr. Marshall, a New Yorker, was expected to be highly controversial. He is likely to be opposed by a number of Southern Senators. The opposition may be particularly heavy in the Judiciary Committee, which must recommend his confirmation to the Senate.

Senator James O. Eastland, Democrat of Mississippi, is chairman of the committee and its deliberations often are dominated by Southerners.

Mr. Green, named as the Peace Corps deputy director, is 47 years old and has had a varied career in diplomacy and education. His present position is that of deputy director of the Office of International Financial and Development Affairs in the State Department.

He was educated at Baylor University, Louisiana State University and Harvard, where he earned a Doctor of Philosophy degree in economics in 1941.

In World War II, he served in Burma with Dr. Gordon Sengrove and later under Gen. Joseph Stilwell.

He is the author of "Burma Diary," "New Voices, Old Worlds," and "Freedom vs. Communism."

Martin Gets Bullpup Contract ORLANDO, Fla., Sept. 23 (UPI)—The Martin Company announced today that it had received a \$17,000,000 Air Force-Navy contract to step up production of the Bullpup air-to-surface missile. The Bullpup is a pilot-guided missile used by fighter-bombers against surface targets. Martin said the Bullpup covered by the contract would carry a conventional, high-explosive warhead.

Dudley B. Bonsor

A SIX-FOOT, 54-year-old lawyer who has specialized in private international practice... has often expressed concern over the need for greater individual freedoms... holds that personal security and rights are important aspects of national security... was chosen in 1956 by city bar leaders to head their study of the Federal loyalty-security program... urged due-process reforms on grounds that liberties must be upheld in this country as "a continuing appeal to the oppressed in every land"... was born of an early American family in Bedford, N. Y., Oct. 6, 1906... received A. B. from Dartmouth in 1927... LL. B. from Harvard in 1930... Admitted New York bar in 1932... past president of Association of the Bar of the City of New York... is a registered Democrat who often splits ticket... married to former Lois Worthall... has grown son and daughter... lives in Bedford Village home and New York apartment.

Thurgood Marshall

GREAT-GRANDCHILD of Negro slaves... outstanding civil rights lawyer for nearly two decades... chief counsel to National Association for Advancement of Colored People... director counsel for its Legal Defense and Educational Fund, Inc. since 1940... has won twenty-five cases before Supreme Court covering broad areas of civil rights... during the last two years has worked with Southern lawyers on arrests of Freedom Riders, sit-ins and pickets... turned down all earlier approaches on bench appointments... at 53, apparently ready to retire from strenuous career as lawyer... first ambition to be a dentist... received bachelor's degree from Lincoln University in Pennsylvania... decided on law after experience at segregated theatre... took law degree at Howard University... has two small sons by second wife, the former Cecilia Suvar of Hawaii... is a Protestant Episcopal vestryman, a thirty-third degree Mason and a sought-after speaker.

Irving Ben Cooper

A JUDGE with a long record of deep concern for first offenders and young people in trouble... was first member of Special Sessions Court here to receive appointments and reappointments by four consecutive Mayors... his resignation last year accepted by Mayor Wagner with comment: "We are losing one of our best judges, a man of impeccable integrity and great devotion to his task"... one of six children of an English immigrant tailor... attended high schools in Roselle, N. J., and St. Joseph, Mo... received A. B. from University of Missouri in 1922 and an LL. B. from Washington University in St. Louis in 1926... received his first important assignment here as investigator and prosecutor in Seabury investigation... was special counsel for three years under Mayor La Guardia in Department of Accounts (now Department of Investigation)... is 61 years old... was married to former Anita Bennett in 1929 and has two grown children.

MAHONEY WILL SEEK NEW WELFARE STUDY

ALBANY, Sept. 23 (AP)—Amid reports that other states encourage welfare recipients to move to New York, the Senate majority leader said today that a law passed with his support could end this practice.

Senator Walter J. Mahoney, an advocate of a residency requirement for relief eligibility, said that he would ask a Morand Act commission to check on enforcement of the law. The commission is investigating the state's welfare program.

The law, enacted this year also prohibits payment of relief during the first six months of residency in New York state unless the applicant can show that he had reasonable assurance of a job and of staying off the welfare rolls when he moved to the state.

Charges that persons on relief in other states were being encouraged to move to New York have been made in recent days by Paul F. Burke, Welfare Commissioner of Erie County, and William B. Woods, Welfare Commissioner of Monroe County. "The disclosure that other states are shipping welfare clients into New York state should come as no surprise," Mr. Mahoney said. "This condition has long been suspected by people concerned with skyrocketing welfare costs."

FALL-OUT HERE IS SAFE

City Calls '43' Reading Not Dangerous to Health

Health Commissioner Leona Baumgartner said yesterday that fall-out here is not a danger to health at this time.

The radioactive fall-out for the twenty-four hour period ending at 10 A. M., yesterday was forty-three micromicrocuries, according to an announcement by the Health Department. A micromicrocurie is a millionth of a millionth part of the radioactivity of one gram of radium, elements from ten to fifty-two varied in day to day measurement. In the last week, fall-out has micromicrocuries.

Pope Names Envoy to Austria CASTEL GANDOLFO, Italy, Sept. 23 (UPI)—Pope John XXIII appointed today Msgr. Opilio Rossi as the new Papal Nuncio to Austria. Msgr. Rossi, who was born in New York, is 51 years old. He was formerly Papal Nuncio to Chile.

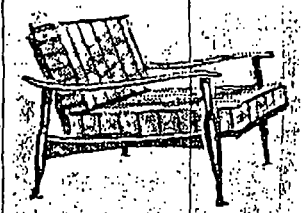
Columbia Aide Is Chosen Columbia College has named William F. Mann and John Wellington assistant directors of admission. Mr. Mann was manager for WABC-TV. Mr. Wellington was an assistant in part-time placement at the Columbia placement office.

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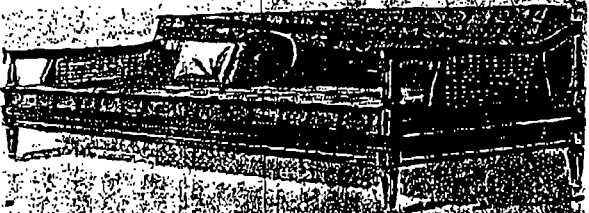


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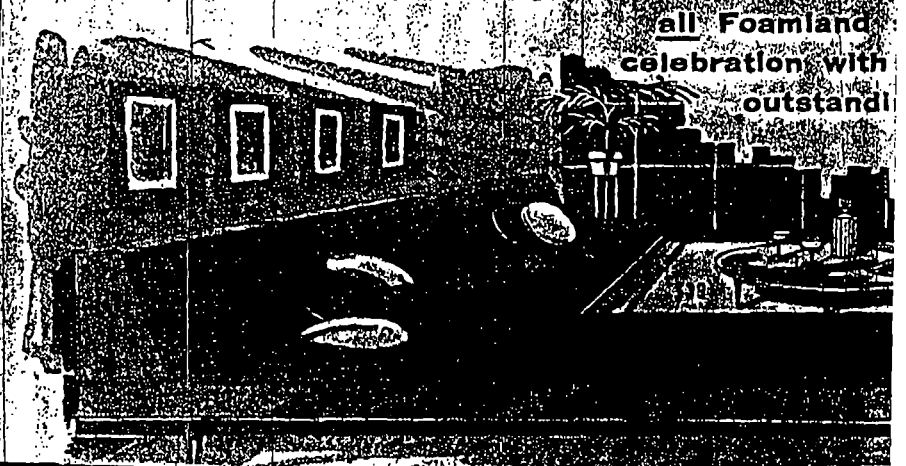


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IMMEDIATE RELEASE

SEPTEMBER 23, 1961

Office of the White House Press Secretary
(Hyannis, Massachusetts)

THE WHITE HOUSE

The President today nominated Thurgood Marshall of New York to be United States Circuit Judge for the Second Circuit, a new position.

Thurgood Marshall was born July 2, 1908, at Baltimore, Maryland. He attended Baltimore public elementary and high schools prior to matriculating at Lincoln University, Oxford, Pennsylvania, and was graduated from Howard University Law School, June 1933 with honors.

Mr. Marshall was admitted to the Bar of the State of Maryland, October 1933, and immediately thereafter to the United States District Court for the District of Maryland. He entered private practice in his native city and continued until 1938. From 1936 to 1938 he also served as Assistant Special Counsel for the National Association for the Advancement of Colored People.

In 1938 he was appointed Special Counsel for the NAACP in active charge of legal cases to secure and protect full citizenship rights for Negroes. He was admitted, December 1939, to practice before the United States Supreme Court and thereafter to the United States Circuit Courts for the 4th, 5th and 8th Circuits.

Since 1950 he has served as Director-Counsel of the NAACP, Legal Defense and Educational Fund, Inc. In his career with the NAACP Mr. Marshall has participated in every case affecting constitutional rights of Negroes since 1938.

Mr. Marshall, a Democrat, is a member of the Board of Trustees, Lincoln University and a holder of the Spingarn Medal, an award to the Negro making the greatest contribution to the advancement of Negroes in American life. He is married and has two children. In April of this year he was personal representative of President Kennedy and head of the United States Delegation to the Celebration of the Independence of Sierra Leone.

All United States Circuit Judges are appointed for life and receive annual salaries of \$25,500.

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See pgs. 3+4

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

October 29, 2000

REMARKS BY THE PRESIDENT
TO CONGREGATION AT ALFRED STREET BAPTIST CHURCH

Alfred Street Baptist Church
Alexandria, Virginia

12:40 P.M. EST

THE PRESIDENT: Thank you so much. Thank you, ladies and gentlemen. Good morning.

AUDIENCE: Good morning.

THE PRESIDENT: I want to thank Reverend Peterson and Mrs. Peterson, and Reverend Jackson, all the staff and members of the Alfred Street Baptist Church family. I'd like to say a special word of appreciation to the young choir and choir director for the music. They were great. (Applause.) You made the rest of us feel pretty young again, there singing. (Laughter.)

I am delighted to be here with a large number of folks from the White House -- you saw them all stand up. (Laughter.) You should know, we have -- we actually have two ministers in the White House -- Zina Pierre, who works in the Office of Intergovernmental Affairs, and Kevin Jefferson, who is the Deputy Director of Vice President Gore's Community Empowerment Board. They're doing their job every day.

I am also very grateful for one of your members who works with us, Ms. Jena Roscoe, who made sure I got here today. Where's Jena? She's here somewhere. Where are you? Stand up there. (Applause.)

This church, I am well aware, is not just a Sunday church. You minister to the spiritual and physical needs of the people every day of the week, from nurturing border babies to promoting to good health to this Habitat project that your pastor just told you how much you were giving to today. (Laughter.) The Scripture says, while we have time, let us do good unto all men. And a week from Tuesday it will be time for us to vote.

I am grateful that your Representative in Congress, Jim Moran, came with me today. He is a very fine man and a great member of Congress, and he's been a good ally of mine for these years I have served as your President. And I thank him. (Applause.) But for many reasons, I am especially grateful that Linda Robb came with me today to be with you. You know, her husband, Chuck, has been your governor, your lieutenant governor, your senator. Her father, President Johnson, did more for civil rights than any President since Abraham Lincoln. (Applause.)

Linda and Chuck have been friends of Hillary's and mine for almost 20 years now. We've seen our children grow up together. We served as governor together. We have fought the battles of the last eight years together. In the United States Senate, almost no one had more to lose than Chuck Robb by voting for my economic plan in 1993. You know, we'd been living on that deficit medicine for so long, we were pretty well hooked up. (Laughter.) We were addicted.

I used to have a Senator from Arkansas named Dale Bumpers, who just retired, who used to joke that if he could write everybody in America \$200 billion worth of hot checks, he could show them a good time, too. (Laughter.)

And I remember when I became President, Senator Robb knew he had to run for reelection the next year. And once you get in that big a hole, there's no easy way to crawl out, everybody has got to hurt a little bit. But without blinking, he came in and voted for the economic plan, and he and -- thanks to him and thanks to Vice President Gore -- if we'd lost Chuck Robb, Vice President Gore never would have gotten the vote. By one vote, the narrowest of margins, it turned the economy around, got interest rates down, got things going again. And we've gone from the biggest deficits in history to the biggest surpluses.

I think you shouldn't forget that on election day, that he was there. (Applause.) But in so many other ways, large and small, Senator Robb always tries to do the right thing, even when it's not the popular thing. When it comes to civil rights and human rights, he's always tried to do the right thing. When it comes to the safety of our children on the streets, the Brady Bill, assault weapons ban, 100,000 police, even if some big, powerful interest group is going to get mad at him, he just sort of stands up there and does the right thing.

I don't know how many times -- there's been a time or two in the last eight years I've tried to get him to vote against me. (Laughter.) I have. I've said, Chuck, what are you doing, you're from Virginia, you've got to run again. He'd just say, it's the right thing.

When I normalized relations with Vietnam, Senator Robb, who probably saw more combat in Vietnam than any other combat veteran, stood by my side and said it was the right thing to do. So we've been friends a long time and I'm highly biased, but I want you to know, there is not a braver person in the United States Congress, or a person more likely day in and day out, no matter what the pressure is to do wrong are, to stand up and do right for you. (Applause.)

Now, mostly I came here to say thank you. You know, this is the first time in 26 years I haven't been on the ballot somewhere. (Laughter.) I have been coming into African American churches for almost 27 years now, listening, learning. And today my mind is both here, concentrated on the task at hand -- which is to try to persuade you to go out and talk to every friend, family member, co-worker, and stranger on the streets you see between now and November 7th and drag them to the polls -- but my mind is also wandering back over this amazing life the American people have given me, and the people of my native state of Arkansas.

I've thought about all the early times in the 1970s I was in various churches. I can still remember the songs that were sung. I can still remember when I was in poor churches when they didn't have all the instruments, and men would sit in chairs around the singers and use spoons on their knees to provide the rhythm. I can still remember going to investitures of pastors in churches built for 200, where there were 300 people there and 8 choirs. And it was hot. And we couldn't tell whether the people were being seized with the spirit or just having strokes. (Laughter.)

So I just came mostly to say thank you. I have a heart filled with gratitude that I have had the unusual opportunity to serve. I have tried to turn our country around, to move it forward, and to bring it together. I am proud that we have had an administration from the Cabinet to our appointees -- at least one of whom is a member of this church -- to our judicial nominees that looks like America. (Applause.)

I am grateful that we have had an economy that has not only given us the longest economic expansion in history, but has benefitted all Americans. (Applause.) We have the lowest African American and Latino unemployment rates ever recorded. (Applause.) We have a 15 percent increase, after inflation, in income over the last 8 years for African Americans, and in just the last 3 years it's almost 10 percent; 1.1 million buying their own homes for the first time; child poverty at a 20-year low. (Applause.)

I am glad that this has been about more than economics. We're a more united country. We have the lowest welfare rolls in 32 years, the lowest crime rates in 26 years. The teen birth rate has dropped by one-third for African American teens since 1991 alone -- by one-third. (Applause.) For the first time in history, over 90 percent of our children have been immunized against serious childhood diseases. And for the first time in a dozen years, the number of people without health insurance is going down, because 2.5 million kids have been given health insurance under the Children's Health Insurance Program that was part of our balanced budget. (Applause.)

Listen to this -- for the first time in history, African American children are graduating from high school at the same rate as white children. (Applause.) And the number of African American children taking advance placement exams in the high schools is up 300 percent in just the last three years. It has tripled in the last three years. (Applause.) Record college-going rate; and record levels of support through the HOPE Scholarship, the Lifetime Learning tax credit, the Pell grant, and so many other things for our young people to go on to college.

Now, what I want to say to you is not didn't we do great. That's not why I came here. I came here to say thank you, and now it's your turn. I have done everything I could to turn our country around, to move it forward, to pull it together. But it is in the nature of, first of all, human beings, secondly, democracy, and thirdly, America, that there's always something to be done. And our public life always is about tomorrow.

When the framers of the Constitution wrote the Declaration of Independence and the Constitution, hey, they were smart guys. They knew that the world was about more than white male property owners. They weren't dumb. They knew what they were saying when they said, all men are created equal. They knew they meant men, women, and kids. And they knew they meant blacks and whites and whoever else shows up -- the Native Americans. They were not stupid.

I've got a copy of the only book Thomas Jefferson ever wrote -- The Notes On The State of Virginia. I believe it was the first printing; certainly it was printed in the 1700s. Before he became President. And there is in one of these chapters about a paragraph on slavery, but it's pretty obvious that Mr. Jefferson knew before he became President that it was a bad deal, and that it would have to fall and that change would have to come. So we would start with a set of ideals, and then we would work on making our union more perfect.

So that is the eternal purpose of America. And election time is your time to make a more perfect union. It's your job. On November 7th, you count as much as I do. Your vote counts just as much -- unless you stay home; then mine counts more than yours. (Applause.)

And there are still issues out there. Racial profiling, affirmative action, diversity on the bench. I have named 62 African American judges, three times the number of the previous two administrations combined, but -- (applause) -- wait a minute. That's

not why I came here. I came here for you to think about your responsibility to the future. But there has never been an African American judge on the federal court of appeals here in Virginia for the 4th Circuit, which has the largest number of African Americans in the entire United States, because I have been trying for eight years to do it, and for eight years I have been blocked in the United States Senate. I appointed Roger Gregory from Virginia; I appointed two people from North Carolina. I have virtually gone out with a searchlight looking for people that could get by the folks in the Senate. They were all qualified. This was not about qualifications.

And so, in the year 2000, when we still don't have an African American jurist on the federal court of appeals, and we're running over with qualified people, there's still work to do in this country. (Applause.)

While poverty among African American children has dropped by almost 30 percent since I took office, it's still way too high. Poverty among people over 65 is below 10 percent, for the first time in the history of our country. But the poverty rate among our children is still nearly double that. There is still a digital divide. Even though we've hooked up 95 percent of our schools to the Internet, thanks to Vice President Gore's e-rate program, which gives a discount to poor schools, you and I know there's still a digital divide and if we don't close it, the world will not come together.

Well, there are lots of other issues, but you get the point. You know, I'm 54 now -- it looks younger every day. (Laughter.) The pastor said it was young. And I can honestly say there has never been a time in my lifetime where we have had the longest economic expansion in history and lowest unemployment rate in 30 years, so we're moving in the right direction economically. But we also have declining crime, declining welfare rolls, declining teen pregnancy and drug abuse among young people, improving schools, improving health care coverage, and a cleaner environment. So you've got the economy getting better, the society getting stronger, with the absence of severe domestic crisis or external threat to our security.

We all know it's still a dangerous world, as the people of Virginia felt most of all when our USS Cole was attacked and we lost those fine young men and women sailors several days ago. But we are as free from external threat to our security and internal paralyzing crisis as we have ever been. And all these things are going well.

Now, what's the point of -- why am I telling you this? Again, not to make you clap, but to make you think. Everybody in this church over 30 has made at least one big mistake in your life not because things were going well at the time -- poorly -- but because they were going so well at the time, you thought you didn't have to concentrate anymore. Isn't that right? Is that true? Has everybody here over 30 made a mistake because things were going well in your life at least once? You didn't think you had to concentrate, at that moment, it's just going so well, everything is on automatic.

Nothing is ever on automatic -- ever. Ever. And the reason I am here today is I don't know if we'll have another chance in my lifetime, or yours, to go and vote as equals, to shape the future of our country -- when you have economic prosperity, social progress, the absence of internal crisis or external threat.

We can paint the future of our dreams for kids. We can figure out how to deal with the aging of America, how to save Social Security and Medicare when the baby boomers retire, how to give all of our kids excellence in education, how to make the most of the scientific and technology revolution. The young women in this audience will be having

babies within five or 10 years that have a life expectancy of 90 years, because of the Human Genome Project.

These young people behind me that sang for us so beautifully today, when they begin to have their children, just be a matter of a couple of years until they'll -- every mother will come home from the hospital with a little gene card that tell you everything about your baby's biological makeup. Some of it will be kind of scary, but at least you will know. And they will say, if you do these 10 things, you can dramatically increase your child's life expectancy.

We worry about the energy crisis now, but GM just announced they developed a car that gets 80 miles to the gallon. And yesterday I signed the Agriculture appropriations bill which funds research into energy -- listen to this -- and right now, some cars in America, but not many, run on ethanol. You know, that's basically you make fuel from corn. And the problem with that is it takes 7 gallons of gasoline to make 8 gallons of ethanol, so the conversion is not too good. But the chemists are working on cracking the resistance to this, and when they do, they estimate that you'll be able to make 8 gallons of ethanol with one gallon of gasoline; furthermore, that you'll be able to make it -- you don't have to use corn, you can use rice hulls, or even grass -- anything.

Now, when that happens, all of you will be driving around in cars that will have the equivalent of 500 miles to the gallon. And the world will change.

AUDIENCE MEMBER: Amen! (Laughter.)

THE PRESIDENT: Now, why is that important? Because the 1990s were the hottest decade in a thousand years, and we don't want these kids and their children to grow up in a world full of storms and troubles and burned-up fields and global instability and wars because we couldn't take care of our environment.

So all this big stuff is out there. This is very exciting. I just hope I can stick around long enough to watch it unfold. It's really great. The best stuff is still out there. But it all depends on the choices we make. And, look, I don't have to -- I shouldn't tell you who to vote for -- you already know who I'm for. (Laughter.) So this is not rocket science. But here's what I want you to know. You may not ever get another chance like this in your lifetime to vote in an election like this -- ever. And those of us who are older have a solemn responsibility to tell that to the younger people, who may take this for granted, who may think this kind of a ride just goes on and on and on.

You know, my first election was between Hubert Humphrey, Richard Nixon, and George Wallace. And my country was torn clean apart. This stuff does not last forever. We've got to make the most of this moment. Number one.

Number two, there are -- we can have a happy election. We don't have to say anything bad about anybody in this election. We don't have to bad-mouth -- the Republicans don't have to bad-mouth the Democrats, and the Democrats don't have to bad-mouth the Republicans. We can just posit, every is patriotic; everyone loves their family; everyone loves their country. Now, let's just see what they say and where they disagree.

But I'm telling you, there are huge differences -- on economic policy, on health care policy, on education policy, on crime policy, on environmental policy, on foreign policy and how we deal with arms control and how we relate to Africa and other emerging areas of the world. And you need to know that.

One side believes that it would be better if we had a very large tax cut and we partially privatize Social Security and we spent a fair amount of money -- even though to do this would get us back into deficit, because they believe that tax cuts grow the economy more than deficits hurt it.

Then one side, our side, believes that we ought to first say, let's stick with what works and keep paying this debt down, get the country out of debt, because if we get the country out of debt we won't be borrowing money, and therefore, you can borrow money more cheaply. That's the biggest tax cut we can give everybody. If we keep interest rates one percent lower a year for a decade, do you know what that's worth for you? Listen to this -- for the American people, \$390 billion in lower home mortgages, \$30 billion in lower car payments, \$15 billion in lower college loan payments. That's a lot of money.

But more important, it keeps the economy healthy. But anyway, that's our view. Our view is first things first; let's go on and get out of debt here. And then whatever is left we'll invest in our education, health care, our children, and then give people a tax cut we can afford. But there are differences. And you should listen to them and listen to us, and make up your mind. But don't pretend that there aren't any differences.

When I hear people say, this is not really a very significant election, it makes me want to go head first into an empty swimming pool. (Laughter.) I mean, this is -- we really do have a good choice here. I mean, a big, clear, unambiguous, stark choice. We don't have to get upset, we don't have to get mad, but we need to be smart.

So I want to tell you, as I said, you know how I feel, but that's not what's important. What's important is how you feel. Because on November 7th, you're just as important as the President. And I will say again, I have done everything I could do to turn the country around, move it forward, pull it together. I have loved doing it. It has been a joy for me. I am thrilled to see an election unfolding in a more positive environment than so many in recent years have. It is wonderful. But the only thing I'm concerned about is people believing that it doesn't much matter whether they vote, that the consequences are not great, that there aren't any significant differences. Those things are not true.

It matters whether you vote. It's the most important election in, arguably, that you've ever had to vote in, because you've never gotten to vote at a time when you could be completely faithful to your vision, to build a future of your dreams for your children.

So I implore you, show up. Call every friend, family member, co-worker, and halfway interesting-looking stranger you see on the street -- (laughter) -- between now and November 7th. It's a great chance for these kids here in this church to avoid some of the mistakes and trouble and heartbreak all of us had to live through -- to keep making America the beacon of hope in the world. What a great chance it is; what a great responsibility it is.

For me, I'm grateful -- I'm grateful that I got to serve. I'm grateful that you stuck with me. I'm grateful that I got to serve with people like Jim Moran. I'm grateful that when I'm gone I hope Chuck Robb will be left behind, because he is a rare bird. I want you to remember what I told you. I've known a lot of people in politics; I never saw anybody take more chances to stick up for little people and lost causes. I never, ever saw anybody do it in a tougher environment. And I think that kind of courage should be rewarded. I thank you from the bottom of my heart. God bless you. (Applause.)