

HONORING THE MARK SHORE
MEMORIAL BIKE TEAM

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1999

Mrs. MORELLA. Mr. Speaker, I rise today in recognition of the Mark Shore Memorial Bike Team. This devoted team helped raise money to fight the chronic and debilitating disease of multiple sclerosis in the 17th Annual Snow Valley MS 150 Bike Tour. The inspirational bike team, consisting of Shore family members and close friends, was formed out of respect and love for Mark Shore.

Mark was born and raised in the Washington, DC metropolitan area. He died of MS-related complications on November 25, 1998. Mark is perhaps best known for serving as a two-term commissioner on the Montgomery County, Maryland Commission on People with Disabilities. He was very active in my district, consistently fighting for disability rights. I am proud to say that Mark was very instrumental in the implementation of many transportation-accessibility initiatives in Montgomery County, such as sidewalk curb cuts. His dedication to improving the lives of others with disabilities will not be forgotten.

The Mark Shore Memorial Bike Team set an ambitious goal to raise more money to fight multiple sclerosis than any other team in history. Mark's parents, Senator Frank and Josie Shore, brothers and sisters, friends and team co-captain Michael Gresalfi set a goal to raise over \$25,000. The team was supported by many community members whose donations will help to end the devastating effects of multiple sclerosis.

Today, we thank the Mark Shore Memorial Bike Team for their tribute to Mark Shore, a man who did so much for the disabled community during his short life.

JOHN MINOR WISDOM

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 1999

Mr. PETRI. Mr. Speaker, John Minor Wisdom, an outstanding American, Judge, son of the South, and Republican passed on this weekend. I submit the following review of his eventful legal and political career which appeared in the New York Times today, to be entered in the RECORD at this point.

[From the New York Times, May 17, 1999]

JOHN MINOR WISDOM, APPEALS COURT JUDGE
WHO HELPED END SEGREGATION, DIES AT 93

(By Jack Bass)

Judge John Minor Wisdom, the New Orleans legal scholar who wrote opinion after opinion that desegregated courthouses throughout the Deep South and put blacks on juries, in the voting booth, in state legislatures and in integrated classrooms, died on Saturday in New Orleans. He would have turned 94 today.

He had remained active in the 1990's, saying he had no interest in retirement.

Judge Wisdom wrote the opinion that allowed James Meredith to attend the University of Mississippi, the first black student to do so. In 1967 he wrote the majority opinion in *United States v. Jefferson County*, the case that, as he recalled, "really started affirmative action."

His wide-ranging judicial opinions over more than four decades kept public schools open in Louisiana when officials tried to close them rather than integrate, ordered Florida to desegregate even its reformatories and told sports authorities to desegregate the boxing ring.

He accomplished this after President Dwight D. Eisenhower named him in 1957 to the United States Court of Appeals for the Fifth Circuit, a jurisdiction that then including six states of the old Confederacy—Louisiana, Florida, Alabama, Mississippi, Texas and Georgia.

It was four judges of the Fifth Circuit whose opinions helped shape the civil rights laws of the 1950's and 60's, changing forever the Deep South. Judge Wisdom was the last survivor of the men who came to be called "the Four," a term used in a dissenting opinion by a fellow judge from Mississippi who saw them as destroyers of the Old South that he cherished. The others were Elbert P. Tuttle of Georgia, John R. Brown of Texas and Richard T. Rives of Alabama. All but Judge Rives were Republicans.

The judges of the Fifth Circuit amplified the mandate of *Brown v. Board of Education*, the epochal Supreme Court decision of May 17, 1954, that nullified state laws and state constitutional provisions allowing or requiring the segregation of black and white students in public schools because of their race. Among the Four's trail-blazing decisions of the 1960's, most of them written by Judge Wisdom, were the following:

In 1961, the judges struck down Louisiana's school-closing law, after St. Helena Parish voted to close its public schools rather than submit to desegregation.

In 1962, they agreed that James H. Meredith had been turned down for admission to the University of Mississippi because of his race, and ordered Ole Miss to admit him. In the court's opinion, Judge Wisdom wrote that university officials had "engaged in a carefully calculated campaign of delay, harassment and masterly inactivity." Mr. Meredith became the first black to go to public school with white students in accordance with the *Brown* decision.

In 1963, the judges ordered the desegregation of all public parks, playgrounds and community and cultural centers in New Orleans.

In 1964, they struck down the jury-selection system in Orleans Parish in Louisiana because, as Judge Wisdom wrote, it "operated to exclude all but a token number of Negroes" from jury lists. He noted that "no black ever sat on a grand jury or a trial jury panel in Orleans Parish."

In 1965, they ruled that Louisiana's voter-registration law, because of its written test on the Constitution, discriminated against poorly educated back voters. Judge Wisdom wrote: "A wall stands in Louisiana between registered voters and unregistered eligible Negro voters. The wall is the state constitutional requirement that an applicant for registration 'understand and give a reasonable interpretation of any section' of the Constitution of Louisiana or of the United States." It is, he wrote "the highest, best-guarded, most effective barrier to Negro voting in Louisiana."

He concluded that "this wall, built to bar Negroes from access to the franchise, must come down."

In 1966, the judges ordered Florida to desegregate its reformatories and declared no state could legally maintain segregation in any school, whatever its mission.

In 1967, they affirmed that the six states within their jurisdiction had to integrate their public schools from kindergarten on.

In 1968, Judge Wisdom made what he regarded as the most important opinion of his career, in *United States v. Jefferson*, in which the court overturned the so-called *Briggs* dictum. This was the belief, widely held by conservative judges in the South, that the Constitution did not require integration but merely forbade discrimination.

Judge Wisdom expressed his "nagging feeling that it is not how far blacks have come that is important but how far they will have to go." He advocated "the planned organized undoing of the effects of past segregation" and set in motion the philosophical framework for what would come to be known as affirmative action. He wrote: "To avoid conflict with the equal protection clause, a classification that denies a benefit, cause harm or imposes a burden must not be based on race. In that sense, the Constitution is color blind. But the Constitution is color conscious to prevent discrimination being perpetuated and to undo the effects of past discrimination. The criterion is the relevancy of color to a legitimate government purpose."

UNDOING THE YEARS OF 'INGENIOUS DEVICES'

The Fifth Circuit made these rulings at a time when die-hard segregationists were using everything from violence to subtle evasion to resist change.

"Our court rapidly desegregated every place that could be desegregated: buses, hotels, restaurants, parks, barrooms and athletic contests," Judge Wisdom recalled in 1982.

"Our court had strong opposition from six state legislatures and state governors, year in and year out."

"Senators, Congressmen, governors and local politicians eventually changed their attitude toward minorities," he continued. "This not attributable to a change of heart but to the Voting Rights Act of 1965," which, he noted, enfranchised blacks "previously disenfranchised by many ingenious devices."

President Clinton, in awarding him the Presidential Medal of Freedom in 1993, said that his opinions "advanced civil rights and economic justice, and his inspired words echo throughout many of this century's most significant Supreme Court opinions."

SON OF THE SOUTH WHO LOVED LITERATURE

John Minor Wisdom was born in New Orleans on May 17, 1905, the son of Mortimer M. Wisdom and Adelaide Labatt Wisdom. His father was a member of the city's elite and proudly remembered marching in the funeral procession of Robert E. Lee in 1870. In 1925 the son received his bachelor's degree from Washington and Lee University, where he had an interest in literature. He studied literature for a year as a graduate student at Harvard University, but then entered the law school at Tulane University, where he graduated first in his class.

He formed the law firm of Wisdom and Stone with a classmate, Saul Stone, practicing law in New Orleans in the 1930's. He joined the Army Air Forces in World War II, serving in the Office of Legal Procurement.

Some of his early legal work dealt with business law. He opposed so-called fair-trade laws, legislation that permitted manufacturers to set the retail prices of products, ostensibly to protect small retailers from competition from big discounters. He told those