

COMMONWEALTH OF PENNSYLVANIA

Induction

of

JUDGE JUANITA KIDD STOUT

as

Justice of the Supreme Court

Three o'clock p.m.

March 3, 1988

Room 456 City Hall

Philadelphia, Pennsylvania

Supreme Court of Pennsylvania:

CHIEF JUSTICE ROBERT N. C. NIX, JR.

JUSTICE ROLF LARSEN

JUSTICE JOHN P. FLAHERTY

JUSTICE JAMES T. McDERMOTT

JUSTICE STEPHEN A. ZAPPALA

JUSTICE NICHOLAS P. PAPADAKOS

Invocation:

REVEREND JOHN A. SMART

Speakers:

THE HONORABLE ROBERT P. CASEY

Governor

Commonwealth of Pennsylvania

THE HONORABLE LAWRENCE PRATTIS

Court of Common Pleas

THE HONORABLE J. MCGIRR KELLY

United States District Court Eastern District of Pennsylvania

THE HONORABLE EDWARD J. BRADLEY

President Judge

Court of Common Pleas

CHARLOTTE A. NICHOLS, ESQUIRE

Women's Division National Bar Association

Presentation of Judge Stout:

FRANK DESIMONE,

Esquire



HONORABLE JUANITA KIDD STOUT

Proceedings

CHIEF JUSTICE NIX: Good afternoon. I would say for all to be seated, but that would be a little ridiculous under these circumstances. I hope there is not too much of an inconvenience for those who are not able to be seated. I understand though that there is another provision being made in the other courtroom for those who may want to see the video tape of this particular program.

The Court now recognizes the Reverend John A. Smart, Rector of the Church of the Holy Trinity, for the invocation.

REVEREND SMART: I bid your prayers for two things today; first, for justices and magistrates in all the courts of this land, especially here in Philadelphia; and, secondly, for our friend, Juanita Kidd Stout. Let us pray.

All Mighty God, who sits on high judging right and wrong, we give thanks today for the faithful witness of your servant, Juanita. At a time when justice is held suspect by courts and justices themselves facing a jaundiced and suspicious public, when venality and greed and corruption, even criminality are being rooted out, we are grateful for the opportunity to honor one of those many justices who have given themselves and their services to the administration of justice with integrity and honor, a sense of incorruptible duty and unquestioned fidelity to the sacred and inviolate right of everyone to a fair, uncorrupt and impartial system of justice.

We honor our friend, Juanita Kidd Stout, today for exemplifying these virtues, for upholding the highest standards in a long, distinguished career of true public service, for all that she has been known to do, for all that only some of us know that she does. We give thanks.

Bless her, O Lord, and all the courts of this land with wisdom, and understanding, and make them places where human rights are safeguarded and justice served. In gratitude and joy for our friend, Juanita and in thanksgiving for the honor bestowed on her today. Amen.

CHIEF JUSTICE NIX: I understand that prior to the commencement of the official ceremony that you had the good fortune of being entertained by the String Quartet of Central High School. We thank them for their participation. I can't help but observing that when I was in Central High School, the student body looked a little different in its composition. We particularly want to recog-

INDUCTION CEREMONY

nize Dr. Wendell Pritchett, the Assistant Director of Music Education of the School District. Doctor, will you stand and be acknowledged. Thank you very much. I am concerned though because of my particular position where I'm sitting, I can only see two of the members of the quartet. I trust that a male still is surviving at Central High School. Well, on that note, I don't know whether that sort of indicates what our justice-to-be coming to this body might mean, gentlemen.

I welcome you to the induction of Judge Juanita Kidd Stout as Justice of the Supreme Court, Commonwealth of Pennsylvania. I think that the significance of this particular moment will be heightened with a brief background of the Court itself.

In 1684 an Act was passed creating a Provincial Court consisting of five judges appointed by the governor of the province. And by the way, Governor Casey, I note that there was no consent of the Senate required. This body was charged with the responsibility of sitting twice in Philadelphia, and it rode circuit to accommodate other parts of the state. That was a body that was the predecessor of this particular Court and had jurisdiction over all appeals, civil as well as criminal.

We mark officially the existence of this Court from the Judiciary Act of 1722, which created for this Commonwealth, a Supreme Court. Even with that, this court is the oldest State Supreme Court within the United States, the Court of last resort. That initial Court resulting from the Act of 1722 consisted of a Chief Justice and two Associate Justices. Sessions were held biannually—when we think of the case load that we have today, it is inconceivable that a court could operate on a biannual schedule. By the time of the Revolution the Court had acquired appellate jurisdiction and original jurisdiction in capital cases and certain civil matters. It is that Court that Judge, soon to be Justice, Stout is to become a member of today. This is the official ceremony which will have as its highlight the administration of the oath.

The Court first recognizes the Governor of the Commonwealth of Pennsylvania, the Honorable Robert P. Casey.

GOVERNOR CASEY: Thank you, very much, Mr. Chief Justice. Distinguished members of the Supreme Court of Pennsylvania, Reverend Smart, President Judge Bradley, Judge Prattis and Judge Kelly, Ms. Nichols, and, of course, Judge Stout, soon to be Justice Stout. Mr. Chief Justice and ladies and gentlemen, if you will permit me a brief historic footnote to this proceeding. Twenty-two years ago, this spring, almost to the day, Judge Juanita Kidd Stout and I ran on the same statewide ticket in Pennsylvania, and we both lost. Now here we are twenty-two years later and the lines are

HONORABLE JUANITA KIDD STOUT

converging once again. And I find it to be a day of great pride for me to be able to come here before you today in this public ceremony and say that I'm reading from a program of today's induction ceremony, and one of the sentences in that induction ceremony is a sentence of which I am extremely proud to quote. It says, "By appointment of Governor Robert P. Casey, Juanita Kidd Stout will become the first black woman on the court of the last resort in any of the fifty states." (applause)

So I am extremely proud on behalf of the people of this Commonwealth of what we are doing here today, this month, which is in Pennsylvania, Women's History Month, because today we're writing the history of our own era. And it is a history that will record with the achievements of women like Juanita Kidd Stout the future of all Pennsylvania women is brighter than it was before. Equal rights and full opportunity for women, today's legacy, will become tomorrow's heritage.

It was twenty-five years ago that John Kennedy told us that we are here on earth to do God's work, and that God's work must truly be our own. This is why as governor I take great pride in sending this signal from one end of this Commonwealth to the other, from one end of this country to the other, that the time has come in Pennsylvania to make real the promises of equality of opportunities for all of our citizens.

Once you take your oath of office, Justice Stout, you will become the first black woman on a court of last resort in any of our fifty states. So you are, indeed, a pioneer, a trailblazer, and I have no doubt that your term on the Supreme Court will be a distinguished one.

I know you love the law and you hold in awe its impact on virtually every aspect of modern life. As Chief Justice Marshall told a Virginia state convention more than one hundred fifty years ago, "A judicial department comes home in its effect to every man's fireside. It passes upon his property, his reputation, his life, his all."

To hold that judicial power is a tremendous responsibility, one that is not bestowed lightly. I am confident in your hands the rights of all of our citizens will be secure. I congratulate you, Justice Stout, for the honor you receive today. And I congratulate the people of Pennsylvania who will benefit the most from the wisdom and grace you bring to the administration of justice.

CHIEF JUSTICE NIX: Governor, may I say to you that a valuable gift is not in any way diminished, even though its receipt is deferred. So we are glad today that we could celebrate the rectifying of an error that occurred—how many years ago?

INDUCTION CEREMONY

GOVERNOR CASEY: Twenty-two.

CHIEF JUSTICE NIX: The reason I could not remember is because I was a mere infant at the time. Our next speaker is, not only an excellent Philadelphia lawyer and an outstanding jurist, but he had the opportunity of clerking under a gentleman who I also served as a clerk during the old days that they had a clerkship prior to being admitted to the bar. The gentleman that I am referring to, of course, is my father, Congressman Nix. And the jurist that benefited from that tutelage is the Honorable Lawrence Prattis, Judge of the Court of Common Pleas.

JUDGE PRATTIS: Mr. Chief Justice, members of the Court. Juanita Kidd Stout was born in Wewoka, Oklahoma, the only child of Henry and Mary Chandler Kidd. She was educated in the public schools of Oklahoma and received a Bachelor of Arts Degree in music from the University of Iowa in 1939. She received a Juris Doctor and a Master of Laws Degree from Indiana University in Bloomington, Indiana in 1948 and 1954 respectively.

She married Dr. Charles Otis Stout in June of 1942.

Juanita came to Philadelphia in 1949 to serve as Administrative Secretary to William H. Hastie, who had just been appointed Judge for the United States Court of Appeals for the Third Circuit. And she came to Philadelphia from Washington, D.C., where she had been serving as secretary to Charles H. Houston, distinguished Washington lawyer.

Many of us know that the constitutional foundation for this nation's civil rights revolution in the twentieth century was laid by the legal redress committee of the National Association for the Advancement of Colored People in a series of landmark Supreme Court decisions in the late 1930's, 1940's and 1950's. That legal redress committee consisted of three men, Charles H. Houston of Washington, D.C., William H. Hastie of Washington, D.C. and Thurgood Marshall of Baltimore, Maryland. Judge Stout worked for two out of three of them.

Juanita Kidd Stout became my friend and colleague in 1949. I was working late one evening at the Temple University Law Library—I used to do that in those days—when I noticed this frail, delicate little lady wandering in the stacks. And I offered to help. And my offer was rejected; but Otis and Juanita became my best friends and very much like the brother and sister that I never had. And I, therefore, had a front row seat to observe the dramatic career of Juanita Kidd Stout. I knew her as administrative secretary to Judge Hastie. Judge Hastie was one of our nation's most distinguished appellate judges. He was a Felix Frankfurter protege, and like Felix Frankfurter, he traded in his law clerks every

HONORABLE JUANITA KIDD STOUT

year. They came and went. He even had me one year. But he had one permanent continuing legal right arm. And that was his administrative secretary, Juanita Kidd Stout. Then and now she loved legal research; she loved drafting. She had phenomenal energy. She had a weird filing system. She had one file drawer that was current opinions, one file drawer that was past opinions and eighteen file drawers marked "miscellaneous".

Thereafter I had the privilege of observing Juanita as an Assistant District Attorney. Now, Judge Kelly will tell you more about her work in the District Attorney's Office. But I have observed her at this podium lecturing the Supreme Court of Pennsylvania. You should get used to that.

In 1959 she was appointed a Judge of the Municipal Court of Philadelphia, which was later changed to be the County Court. And in that assignment I observed the warmth, the sensitivity that she brought to juvenile cases, domestic relation cases and that whole spectrum of human problems that are addressed in family court. She still has that warmth and sensitivity. When the County Court and Common Pleas Court were merged, Juanita was promptly transferred to City Hall, where she has been assigned to criminal trials for about the last twenty years. For about the last ten years she has been hearing only homicide cases. It is a tremendous tribute to her that a significant number of cases that she hears even today are tried without juries by Judge Stout alone.

She still loves research; she still loves the study of the law, and she is very, very good at it.

Last week when I started work on these extemporaneous remarks, I asked her what part of her judicial career was she most proud. And she instantly replied, her relationship with lawyers. She is right. In almost thirty years as a judge in Philadelphia she has gained respect, the admiration and the affection of the practicing bar. In almost thirty years as a judge she's never had to hold a lawyer in contempt of court. She corrects their English frequently. And when lawyers misbehave in her court, the temperature drops precipitously. So she does not have to hold them in contempt. She gained their respect, admiration and affection the old-fashioned way. She earned it.

Mr. Chief Justice, members of the Court, as a friend, as a lawyer, as a colleague, it is my privilege to join with this distinguished company to present to you for induction a lawyer's lawyer, a judge's judge, the Honorable Juanita Kidd Stout.

CHIEF JUSTICE NIX: Before we proceed to hear from the next speaker I have been asked by Judge Stout to note the presence of certain relatives and friends and colleagues. We started off with

INDUCTION CEREMONY

one list with about five names when I first suggested she might want to acknowledge someone. Within two days we had a list of about twenty names.

Now there are about fifty names on that list. Under the circumstances, I trust you will understand why I will not acknowledge the names. I want you all to know how special you are to Judge Stout. When she was discussing this occasion, what I think was a factor that was more compelling to her than assuming the office, was the opportunity of again sharing time on a pleasant occasion with people who are very dear to her. I also acknowledge the presence of a number of public officials. I see the Mayor of the City of Philadelphia. Will you stand, Mr. Mayor. The Honorable W. Wilson Goode.

I see many, many judges of the Court that Judge Stout has served with such distinction. I see the President Judge of the Superior Court, one of the intermediate appellate courts. Will you stand, Judge Cirillo. I see our present Chancellor of the Bar Association. Will you stand, Mr. Baccini. And if I'm not mistaken, I see your successor right behind you—that must be a cause of some insecurity, isn't it—Mr. Hearn. And the relatives that I had referred to are a Mr. and Mrs. Wayne C. Chandler from Oklahoma City, Oklahoma. Are they present in the room? Would they mind standing? Doctor and Mrs. Luther H. Foster of Alexandria, Virginia, Mr. and Mrs. William H. Tibbs, Jr. from Elmsford, New York, Mr. and Mrs. John Tibbs from Peekskill, New York, and children; and Mr. and Mrs. Joe Chandler Tibbs of Peekskill, New York. There is no question that we have a good representation from Peekskill, New York.

Our next speaker has been a dear friend of our justice to be, who served I understand in the District Attorney's Office during the time that Judge Stout served in that capacity. One of the excellent jurists of this area, the Honorable J. McGirr Kelly of the United States District Court for the Eastern District of Pennsylvania.

JUDGE KELLY: Chief Justice, Justices, may it please the Court, Judge Stout has known me long enough to tell me to say a few words to describe our relationship. And my thoughts, I guess in a few words are ability, integrity, industry, faith, hope and charity. I think that describes Judge Stout.

I first had the honor of meeting Judge Stout when I was appointed as an assistant district attorney, and I was assigned to the appeals division of the District Attorney's Office, and Judge Stout was the Chief of the Appeals Division. The remarkable thing that impressed me first about Judge Stout was that she led by

HONORABLE JUANITA KIDD STOUT

example and not by fiat or by order. She worked harder than any of the assistants. She was always available to help you. She was always available just to listen to your problems. She did it with such graciousness. As Judge Prattis has stated, her trial of so many non-jury trials, the highest type of felony, is because everyone who knows her appreciates the honesty and integrity and the good grace in which she conducts herself.

Confession is good for the soul. And I have carried a secret about Judge Stout for about thirty years, which I have not even told her. But, Reverend Smart, I think it's time. Judge Stout, to my knowledge is the original merits appointee of the Philadelphia area. And that includes Kelly. At the time that we were in the District Attorney's Office together the first Assistant District Attorney was Jim Lafferty. Jim ran the office. Victor Blanc was the District Attorney, a very wonderful person and able person. But Jim Lafferty was the man who made sure the people showed up on time, did the work, made sure the supplies were ready and appeals were filed on time; did all that kind of work.

One day we were sitting around in the Essex Hotel, a lovely spot, talking with one another, and we were talking about the different assistant district attorneys. And he said, "You know, Juanita Kidd Stout is unique." And I thought he was going to say something about a very able black woman lawyer. At the time it was about fifty years—thirty years ago. I'm sorry, Judge. He said, "You know, she was hired without any political sponsorship."

He said one day Ray Smith, who was the county detective who used to stand outside the office there and if somebody would come in and want a complaint about a landlord, he would send them to somebody; if somebody wanted something about bail, he would send them to somebody else. He called on the phone. He said, "Mr. Lafferty, I've got somebody out here I don't know who to send to." He said why. He said, "I got a young woman out here. She wants to apply for a job as a district attorney. She just walked in."

Lafferty had a few moments. He said I think this would be fun or interesting to meet this young, sort of naive person, just going to walk up to the County District Attorney's Office and say, "Hi." He said, "Send her in", you know, something for an afternoon's relaxation.

She came in. He said, "Within a very few moments, I realized I had a gem." I realized that I had one of the best potentially able citizens, public servants there could be. So I got on the phone and found Vic Blanc who was at some convention somewhere. I said, "Vic, you have to hire this person."

INDUCTION CEREMONY

Vic wanted to know what ward she was from. I said, "No, you got to hire this person."

Vic, in a moment of graciousness, said, "All right, we'll hire her." And he said, "We've got a gem." And he hired her. And he was right. She turned out that way.

I watched over her for thirty years that I've known her, and she's been that way. She had the faith in this system to say, "Here I am; I'm talented; I'm able," and mean it and be correct. And her faith overcame the handicaps that she and so many others have faced in this country. She has also given hope, hope to this country. The governor mentioned, the first black woman to serve on the Supreme Court anywhere in this country, first black woman judge of a court of record to serve anywhere in this country. She has given hope to many people, charity. She loves people. When I say love, I don't mean she's not only affectionate. She cares about people, their well-being. She always was fair. She was concerned, and at any time in our view the District Attorney may have gone too far, we admitted it. We did not try under her tutelage to cover up problems and defects.

You know, when you were running for office with this candidate as governor, you had a great party. We had a bipartisan office. I'm sure there is today the same thing in the District Attorney's Office. In those days the bipartisan statistics were fifty-seven Democratic assistant district attorneys and one Republican. And I was the Republican. And when the governor was considering—and I'm sure Governor Casey did the same thing—was considering someone for the bench, he wanted a background check on that person. And the police detective, the state police detective, assigned to the background check called me up. He said, "Can I interview you?" He told me what it was about. I always kind of suspected the reason he did that was he figured, "Well if there's something about this candidate that someone is going to speak up about, I'm going to go to the one, not to the fifty-seven."

So he interviewed me. And I said just about what I said here, integrity, ability and industry. And he's writing it down, looking at me as a policeman does, and says, "Okay, listen, no one is perfect. It doesn't have to be anything really terrible. But everybody has something a little bit negative about them. I want to get a balanced report. Tell me something about her, something negative." And I thought for a few minutes. I said, "I'm sorry, there's nothing negative that I can say about her."

You know, if that detective were to come in this courtroom today and ask me that same question, thirty years later, I'd have to give the same answer. There's nothing negative I know about her.

HONORABLE JUANITA KIDD STOUT

And to repeat the words of the late Jim Lafferty, "Gentlemen, you're getting a gem."

CHIEF JUSTICE NIX: At this point, I think it is appropriate for me to introduce to you the members of this Court that are sitting with me today. To my right is the Senior Justice, the Honorable Rolf Larsen. To my left is the Honorable John Flaherty, the historian of the Court. I took some of his scholarly research for those remarks I gave you with reference to the background of the Court. To my far right is the Honorable James T. McDermott, a former colleague of Judge Stout, on the Common Pleas Bench, Philadelphia County, and now a new colleague of hers on this Court. To my far left is the Honorable Stephen A. Zappala, today's junior member of the Court, from Allegheny County, one of our outstanding jurists, one who has I think demonstrated in a short period of time that he is going to be a very capable, hard working jurist.

I want to express on behalf of Justice Papadakos his sincere regrets that he could not be here. He was out of the state on personal business. It was of the utmost importance. He wanted to make it very clear to you, Judge Stout, that only something of the highest priority would keep him away from this moment.

We will now hear from the President Judge of the Court of Common Pleas, the Honorable Edward J. Bradley.

JUDGE BRADLEY: Mr. Chief Justice Nix, Justices of the Supreme Court, Governor Casey, my colleagues of the Common Pleas Court, ladies and gentlemen. If it please the Court, I really enjoyed my good friend and neighbor, Judge Kelly's remarks. Obviously, Judge Stout did not impose the same three-minute limitation on him that she did on me.

This is a very joyous occasion for Justice Stout, her family and her legion of friends. But, frankly, I come to it with mixed emotions, reasons for which I think are obvious, and which I will enlarge on in just a moment. But before I do that, I would like to mention a minor footnote, and that has to do with a collateral duty of Judge Stout while in our court, a self-imposed duty I might add, which was that of being the guardian and critic of my use of the English language.

As President Judge I have occasion to issue a wide variety of regulations, bulletins and memoranda. And as has been mentioned, that Justice Stout in her earlier days—and note that I did not say younger days, because she is ever youthful—she was a teacher of English. If I should chance to split an infinitive, have disagreement between a subject or predicate, misuse who or whom, commit any one of the thirty-nine standard errors in punctuation or any

INDUCTION CEREMONY

other solecism—and that is a word I got from Judge Stout which means any grammatical error—I was sure to receive a note from her within twenty-four hours. Not only would she point out my many errors, but she would cite the standard English text by chapter and page wherein I could read all about why I was so wrong.

CHIEF JUSTICE NIX: May I ask you, Judge Bradley, is that why she limited you to three minutes today?

JUDGE BRADLEY: I fully expect, Chief Justice, that she will peruse very carefully the notes of this proceeding. And I will hear from her as soon as she has the chance to do that.

Now I don't know who is going to do that job for me now that she is gone. My only concern is that when Judge Stout wrote me concerning my writings, that was a correction. When Justice Stout does it, it will be a reversal.

The departure of Judge Stout from our Court leaves a gaping void. That vacancy will promptly, I hope, be filled. But her place can never be taken. She has served for over twenty-eight years our Court and the citizens of the City of Philadelphia. And she has done so with distinction. In that time she has handled every kind of case and situation that can be encountered in a trial court of general jurisdiction. And your Court is fortunate to obtain a colleague with such broad trial experience. Over the last fifteen years she has presided primarily in homicide cases. And in that time she has handled the very most difficult, complex, highly charged and sensitive murder cases that were heard in the City of Philadelphia. And she handled every one with a sure touch that was a blend of legal scholarship, a sure knowledge of courtroom tactics and strategy, sheer intelligence, basic fairness, plain common sense and the thorough knowledge of the human condition.

The confidence, as Judge Prattis has alluded to, that counsel both for Commonwealth and defense imposed in her was legendary. Countless trials that seemed destined for a lengthy jury trial became a waiver when assigned to Justice Stout, because counsel was sure that was the best way to obtain the truest, fairest and most just verdict.

Her energy has been boundless, her output prodigious. In addition to her courtroom duties she has been for the past several years the chairperson of our Criminal Justice Committee, which is the busiest and most sensitive of all our committees on the Board of Judges in the Court of Common Pleas of Philadelphia, dealing as it does with the whole range of local criminal rules and procedures.

HONORABLE JUANITA KIDD STOUT

Finally, she was the one colleague to whom I would turn to for advice, counsel and guidance, which I knew would always be solid and would be sensible.

I think I have said enough to indicate why I approach this day as my colleagues do with mixed feelings. Her departure will diminish our court, as it will enhance yours. We are sorry to see her leave us. But we are frankly overjoyed that she is finally receiving the recognition which was long overdue her. We will miss you, Justice Stout. We will miss you. And on behalf of all of my colleagues and yours, I want to say that we respect you; we admire you, and we love you. We salute you, and wish you well on the Supreme Court.

You do us all proud.

CHIEF JUSTICE NIX: We now call on Ms. Charlotte A. Nichols, Women's Division National Bar Association and a member of the bar of this Commonwealth.

MS. NICHOLS: In deference to this Honorable Court, Mr. Chief Justice, I wish to protest. I was just tripped up by the press. It is a joy and special privilege to be a participant in this historic event. More so because I, and I am certain many, many others consider Judge Stout to be and to have been over the years an extremely positive role model. So it is a delight to be here on her behalf. Without even the slightest hint of bias, I suggest that she is more than ably qualified for the seat she will shortly assume. She has all the qualities of character that will stand her in good stead, qualities such as integrity, such as a willingness to work hard and often and such as a passion for excellence, in addition to which she also possesses, I suggest a quality that is not at all a prerequisite, but none the less, an important asset; a measure of humility, witnessed by the fact that she wears her many accomplishments as a loose garment. They never seem to choke her.

I would like to share a couple of encounters, personal encounters, that I have had with the learned Judge, perhaps to better illustrate my point. Some years ago, not too many, Chief Justice, I suppose I was a senior in high school, maybe even a freshman in college. And I had occasion to come to Philadelphia to visit my dad for a portion of the summer.

Now, at that time my father was a very very busy trial attorney. On this particular day I followed him around as he went to his office and then on to City Hall to attend to those chores that lawyers frequently have to attend. And when they were completed, he said, "Now daughter, I want you to go with me to meet two judges of whom I am especially fond." And so off we went to the

INDUCTION CEREMONY

first judge, who was the late Raymond Pace Alexander; and he was a character. And the second was the Inductee Stout.

Now truthfully, I only remember three things about that first encounter. One, she greeted us with a broad smile as bright as sunshine. Two, her Oklahoma accent perfectly complemented my Virginia accent, and I was delighted. Finally, and most interestingly of all, she was sitting behind this long metal table in front of a huge manual typewriter busily typing that which I later learned was an opinion.

Now I was impressed. I came away from that first meeting with the thought that Philadelphia judges really work. And they do. I think they do.

The second encounter of which I will speak occurred some years later. I myself became a member of the Bar in 1973. And in 1975, as I recall, I had my first homicide case before the learned Judge, Courtroom 513, with a jury. And I was prepared, I assure you, because I knew of her reputation and of her prerequisite that you be prepared. That was an unwritten law. And I was prepared, and so was the Assistant District Attorney, except that he had not, as Judge Bradley said, boned up on the rules of grammar. And during the course of this trial, he made the fatal mistake of saying, "Well, Your Honor, the witness or the defendant had came from wherever," you know, whatever he said. And a few pregnant seconds passed, and then the familiar Oklahoma twang became audible, and the learned trial judge said, "May I see counsel at side bar, please." And off we went, the Assistant District Attorney and I, to sidebar. And she never stopped smiling; she continued to smile. And she said, "Mr. Jones"—I don't really remember his name—"I will not permit you to do violence to the English language in my courtroom. Now are you familiar with the rule of grammar which provides as follows?" Then she went on to recite chapter and verse, the appropriate rule as Judge Bradley had said, and lectured him as if she was discussing the rules against perpetuity or Shelley's Case, it didn't matter, and lovingly. And I stood there very quietly and very humbly and said, "Well it could have been worse. It could have been me."

So this illustrates the passion for excellence that motivates Inductee Stout. And I am delighted to add my name to the list of those who have preceded me to say, "Yes, it's long overdue, this honor." But, Mr. Governor, you did a good thing. And I salute you.

CHIEF JUSTICE NIX: I could not help but notice, Ms. Nichols, the great pride shown by your father as you were speaking. One aspect of public speaking, you have grasped in a very short time

HONORABLE JUANITA KIDD STOUT

which apparently has eluded your father over the years, is that brevity does have its value.

MS. NICHOLS: My mother is also here.

CHIEF JUSTICE NIX: Would she please stand.

Unlike Judge Prattis, I must confess I did not consider the extemporaneous remarks that I am about to make two weeks ago. But last night I was thinking about this occasion, and I ran across a poem by a poet by the name of Robert Hayden, a black poet, born around 1913. And it was entitled, "Runagate Runagate." And I thought that it did strike a chord, quite relevant today. And this is only a part of that poem.

Rises from their anguish and their power,

Harriet Tubman,

woman of earth, whipscarred
a summoning, a shining

Mean to be free

And this was the way of it, brethren brethren,
way we journeyed from Can't to Can.

Moon so bright and no place to hide,
the cry up and the patterollers riding,
hound dogs belling in bladed air.

And fear starts a-murbling, Never make it,
we'll never make it. *Hush that now,*
and she's turned upon us, levelled pistol
glinting in the moonlight:

Dead folks can't jaybird-talk, she says:
you keep on going now or die, she says.

The indomitable will of Harriet Tubman epitomizes in my judgment the sustaining force that delivered a group of people during an otherwise hopeless and painful segment of our history. Although the "patterollers" have now vanished from the scene, and the shackles are no longer evident, the quest for full equality for millions of our citizens is still an elusive goal. In responding to the twentieth anniversary of the publication of the Kerner Report, University of Chicago sociologist William Julius Wilson is reported to have stated:

"Even the most pessimistic observers of the scene in the late 1960's probably did not foresee or anticipate the sharp increases in the rates of social dislocation and the massive breakdown of social institutions in ghetto areas."

Although the problems are different from those of the times of Harriet Tubman or even in the 1960's when there was for the first

INDUCTION CEREMONY

time a national commitment to address these concerns, Mrs. Tubman's unwavering determination is still needed, if we ever hope to obtain that egalitarian society that offers opportunity to all that was the promise of this nation at its inception.

The Justice to be, as indicated by the speakers that have appeared before you today, has served long in the vineyards. She has demonstrated a unique ability to separate the tinsel of life from the substance of life. Even though she was of the manor born, she possesses the sensitivity of the needs of those who were not privy to the same good fortune.

As a lawyer and a judge she participated in the struggle for equal justice for all. Her elevation to this bench today offers promise to many who heretofore believed that they could never reach such a position either because of sex or race or both. All who have known her can properly entertain every confidence that she will bring her extraordinary talents to this new level of engagement. And I say to you today, without the fear of contradiction, that the direct beneficiaries of this new presence, albeit for a brief period, will be the people of this Commonwealth.

At this point, we will administer the oath. We will have the presentation of Judge Stout by attorney Frank DeSimone. Immediately after that, Judge Stout, you will come to the bar of the Court, and you will stand with whoever will accompany you at that particular time.

MR. DeSIMONE: Mr. Chief Justice, Mr. Justices, I might address, the Court, it is indeed my distinguished honor and pleasure to present to you today a woman who I have known over eighteen years in my practice of law as a public defender and assistant district attorney and private practitioner. This woman comes before this historic Court, this first Supreme Court of the United States of America whose signators, whose members, have been signators of the Declaration of Independence. And it is significant that in the wisdom of Governor Casey that this Court has again created history by appointing this gracious lady, this gracious jurist, to this Court. Forevermore she will be a member of this illustrious body. And I want to say to you, members of the court, that what everybody else has said and my personal experiences with her, you are going to receive a woman, a jurist, a gracious lady, in that seat who has the respect of all who have known her.

Why does she have this respect? Because of her unquestioned integrity, her superior intellect. But, yes, Justices and Governor Casey, that's only the wrappings of this person. Underneath the wrappings when you remove it, you find a person, as Judge Kelly said, of great sincerity, great warmth, tremendous humility. As a

HONORABLE JUANITA KIDD STOUT

lawyer for eighteen years here in the City of Philadelphia I have never had occasion when I have been in front of Judge Stout, win or lose, when I didn't leave the courtroom happy knowing that my client, be it a victim of the crime or the defendant that I represented, was treated fairly.

This lady, this jurist, leaves us with a sense of joy. And I was trying to capture to tell this Court what you are going to receive here on that empty seat as she ascends the bench, Mr. Justices, this lady leaves you joyous. And the reason she leaves you joyous is because she has faith in the Lord, faith in humanity and a hope, a hope for herself and for everyone else. You feel when you leave her courtroom and after discussing either personal or legal issues with her that there's no barrier that is insurmountable and no obstacle that you cannot overcome. So it is again with great joy that today I present to you the Honorable Justice of the Supreme Court, Juanita Kidd Stout.

CHIEF JUSTICE NIX: You may be seated again, just for a moment. The person that will be holding the Bible is Mrs. Vera Chandler Foster, a cousin of the Justice to be. And the persons assisting with the robe are Mrs. Rebecca H. Troupe and Mrs. Jo Bird Davis.

At this time before the administration of the oath, without fear of contradiction at this point, the crier will ask all to rise.

THE CRIER: All rise.

CHIEF JUSTICE NIX: Would you raise your right hand, Judge Stout, and repeat after me. I, Juanita Kidd Stout, do solemnly swear, that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity, so help me God.

(Oath repeated)

Congratulations, Justice Stout. We will now ask Justice Zapala and Justice Flaherty to escort our new justice to the bench.

(Justice Stout escorted to the Bench)

We will now allow the press a few moments. We will now have the response by the newest Justice of the Supreme Court of Pennsylvania, Honorable Juanita Kidd Stout.

JUSTICE STOUT: Members of the Clergy, Governor Casey, Chief Justice Nix, my colleagues, both of the Supreme Court and the Court of Common Pleas, members of the Bar, my relatives and friends: Thank all of you for your graciousness in sharing this happy and historic moment with me.

INDUCTION CEREMONY

I want to thank you, Governor Casey, more than words adequately can express for appointing me to the Supreme Court of Pennsylvania. This Court was established 1722, 54 years before the birth of the Nation and 67 years before the United States Supreme Court came into being.

During the 266 years of its existence only one of its justices, Anne X. Alpern, who was appointed by Governor Lawrence in September of 1961, has been a woman. She served only four months. Only 21 of the other 50 states have women on the highest appellate benches. Three states, Michigan, Minnesota and my home state of Oklahoma, have two women each on the court of last resort. With my appointment, Governor Casey, there are twenty-five women on the Supreme Courts of twenty-two states. Your appointment of me, however, has an even greater significance. You have appointed the first woman of Afro-American ancestry to any state court of the last resort. My friend, Julia Cooper Mack of Washington, D.C., who I believe is here today has the distinction of being the first black woman on a court of the last resort in America; as she was appointed in 1975 by President Ford to the Court of Appeals of the District of Columbia.

There is an old French proverb which declares that, "Gratitude is the heart's memory."

Today my heart is remembering the many relatives and friends who have brought me thus far on my way.

I remember my adventurous father, who had a college education before the turn of the century and who came from Missouri to the Indian Territory before statehood was declared in 1907. I remember my kind and compassionate mother, a great teacher of English, Judge Bradley, and mathematics, who came to the Indian Territory fleeing the oppression of Mississippi. Each of my parents had a fierce sense of independence, a dedication to the work ethic, a love of education and a deep sense of morality. They believed that one should pay for his stay on earth by being useful to others.

These principles they instilled in their only child, not only by example, but often by force. My mother's favorite weapon of persuasion was the peach tree switch, which she wielded quite frequently without giving any thought whatsoever to the due process of law. To my wonderful parents, my gratitude is unlimited. I am grateful to my husband of forty-six years, Charles Otis Stout, who unfortunately lies ill in a local hospital. It was with his encouragement and support and with the aid of the educational benefits afforded by his G.I. Bill of Rights, that I earned two law degrees while he earned a master's and a doctorate degree from Indiana University at Bloomington, Indiana.

HONORABLE JUANITA KIDD STOUT

There are others, too numerous to mention, to whom a deep debt of gratitude is owed. A few of them must be mentioned, however. They are Charles Hamilton Houston of Washington, D.C., one of the greatest lawyers who ever lived; Judge William H. Hastie; Judge Victor H. Blanc; Congressman William J. Green; Justice Anne X. Alpern and Governor David N. Lawrence.

I worked for Charles H. Houston of the firm of Houston, Houston and Hastie in Washington, D.C. as a legal secretary. He was a perfectionist in the practice of law and adhered to the highest standards of legal ethics. Years later when William H. Hastie of that firm became Judge Hastie of the United States Court of Appeals for the Third Circuit, he brought me to Philadelphia as a combination secretary and law clerk.

My gratitude extends to Judge Victor H. Blanc, who when he was District Attorney of Philadelphia gave me the opportunity to be Chief of the Appeals, Pardons and Paroles Division of that office. When a vacancy arose on the Municipal Court, it was Mr. Blanc who persuaded Congressman William J. Green, Sr., who incidentally had never heard of me, that he should recommend me to fill it. I am grateful to Congressman Green for taking Mr. Blanc's suggestion.

At that time also, it was then Attorney-General Anne X. Alpern who persuaded Governor Lawrence that he should appoint me. I am grateful to him for taking her suggestion.

My gratitude goes to the Philadelphia Bar Association and to the voters of Philadelphia for their overwhelming support of me at my original election in 1959 and at the two retentions. To my former colleagues on the Common Pleas Court, who have been most cooperative throughout my twenty-eight years there, and to the many lawyers who have practiced so harmoniously before me, go my warmest thanks. To the members of my staffs, both of the District Attorney's Office and during my judicial career, I shall be grateful forever for your invaluable assistance and your unswerving loyalty.

Finally, and most importantly, I am thankful to our Heavenly Father who has blessed me so abundantly in so many ways.

As some of you know, I have no relatives in Philadelphia, none in Pennsylvania and have but a few relatives anywhere in the world. Those few relatives are very dear to me and most of them are here today. I have been blessed, however, with many true and sincere friends, many of whom have travelled great distances to share this occasion with me. One friend of whom I am aware who is here is Justice Florence Murray of the Supreme Court of Rhode Island. Justice Murray will you please stand. Is Judge Julia Cooper Mack of the District of Columbia here? I believe I see

INDUCTION CEREMONY

Judge Jean Murrell Capers of Cleveland here. Now, I'm not discriminating against the male jurists who may be here, but if there are any other women jurists, will they please stand?

Now there is one other group of people I want to stand. That group consists of those who are graduates of Douglas High School in Wewoka, Oklahoma. There are several Ph.D.'s in that group. We believe in education in Wewoka, Oklahoma.

Now as a country girl from Oklahoma, I belonged to a great youth organization known as the 4-H Club. Now the motto of the 4-H Club was, "Make the Best Better."

Throughout my years of service to the federal government, the City of Philadelphia and the Commonwealth of Pennsylvania, I have tried to do my best. In accordance with that 4-H Club motto, I promise you, Governor Casey, my colleagues and the citizens of Pennsylvania, that during my tenure on the Supreme Court, short though it may be, I shall strive to make the best better. Thank you very much for giving me this opportunity to serve.

CHIEF JUSTICE NIX: Immediately following the services there will be a reception in Conversation Hall, Room 202 City Hall. That will be on the second floor. Go out and take the elevator and immediately down to the second floor. The reception will follow the closing of this event.

You may proceed to close the court. (adjourned)