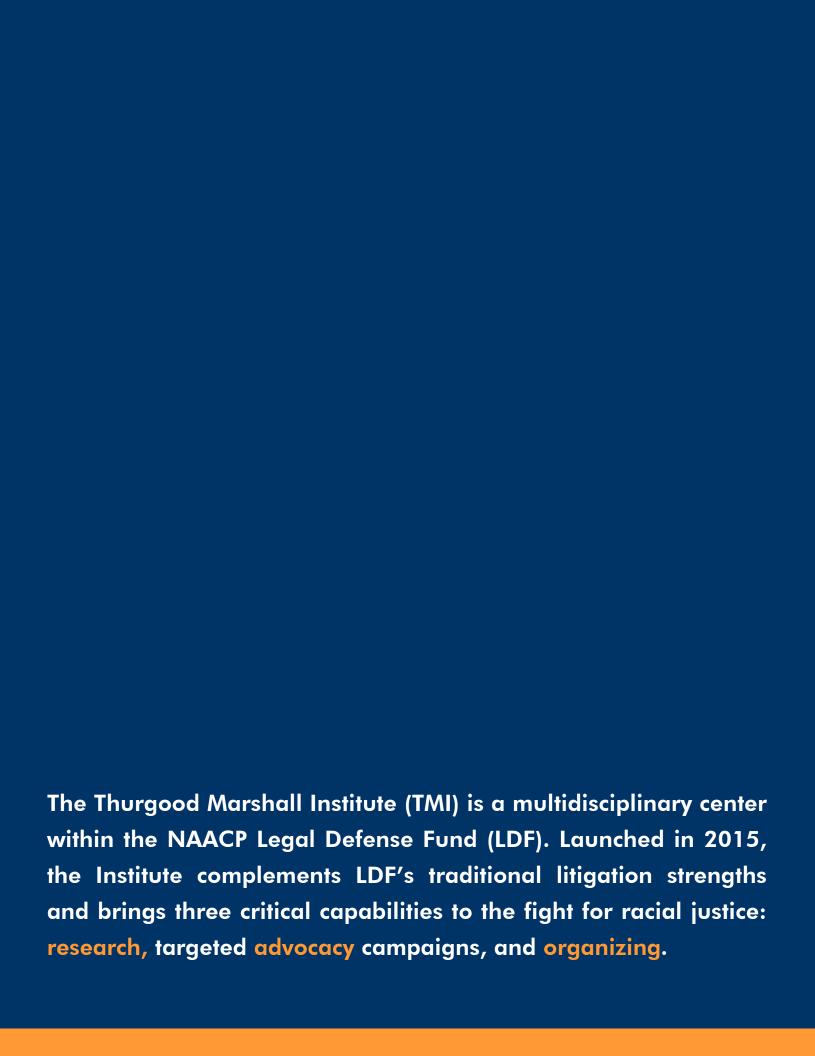


# JACK GREENBERG

COMMEMORATION PROGRAM



# AGENDA

## 5:00p.m.

**OPENING REMARKS** 

Janai Nelson

Associate Counsel, NAACP Legal Defense and Educational Fund, Inc.

Professor Tomiko Brown-Nagin Dean of the Radcliffe Institute for Advanced Study

Sherrilyn Ifill

President and Director-Counsel, NAACP Legal Defense and Educational Fund, Inc.

# 5:10p.m.

LITIGATION IN THE GREENBERG ERA

**Panelists** 

William L. Robinson Olie W. Rauh Professor of Law University of the District of Columbia David A. Clarke School of Law

Patrick Patterson

Former Senior Counsel to EEOC Chair Jacqueline Berrien and Former Deputy Director of the OFCCP in the Obama Department of Labor

Bridget Arimond

Clinical Professor of Law

Director, LLM Program for International Human Rights

Northwestern Pritzker School of Law

Michael Meltsner

Matthews Distinguished University Professor of Law

Northeastern University School of Law

Moderator

Professor Ken Mack Lawrence D. Biele Professor of Law Harvard Law School

### 6:05p.m.

JACK GREENBERG AS A VISIONARY AND INNOVATOR

### **Panelists**

Elaine Jones

Former President and Director-Counsel NAACP Legal Defense and Educational Fund, Inc.

Ted Shaw

Julius L. Chambers Distinguished Professor of Law and Director of the Center for Civil Rights at UNC School of Law

Moderator

Sherrilyn Ifill President and Director-Counsel NAACP Legal Defense and Educational Fund, Inc.

6:55p.m.

CLOSING REMARKS



# IN CELEBRATION OF A LIFE

ack Greenberg, the second director-counsel of the NAACP Legal Defense and Educational Fund, Inc. and its longest-serving leader, never intended to become a civil rights lawyer, let alone a pioneer in the fight for racial justice and equality. That career path, he once said, didn't exist when he went to law school.

But Thurgood Marshall, who in the 1940s was already working and strategizing to tear down Jim Crow's hold on African-American life, saw promise in the 24-year-old and hired him soon after his graduation from Columbia Law School. A lawyer of Jewish background born to immigrant parents from Poland and Romania, Greenberg was LDF's first white assistant counsel but one among equals with Marshall and his trusted assistants, Robert Carter and Franklin Williams.

It was during those early years that he was thrust immediately in the legal battle to dismantle racial segregation in the United States — he was the youngest attorney who helped litigate the collection of cases that led to the landmark *Brown v. Board of Education.* "I was a kid," he told *The New York Times* in 2014 as he reflected on what he has called "a cosmic decision" in our nation's history.

Some 15 years later, once he had taken the reins of LDF as director-counsel, a post he held for 23 years, it fell to him to argue Alexander v. Holmes County Board of Education, in which he convinced the Supreme Court to declare that there couldn't be any further delay in the efforts to desegregate schools nationwide.

In time, Greenberg would argue 40 cases before the Supreme Court, among them two back-to-back landmarks: 1971's Griggs v. Duke Power Company, an employment discrimination case, and 1972's Furman v. Georgia, a dispute that effectively placed a four-year moratorium on the death penalty across the country. Griggs, in particular, was foundational in decreeing that the workplace protections of the Civil Rights Act of 1964 prohibit employment decisions that, though neutral on their face, otherwise have a "disparate impact" on racial minorities. That watershed holding has since been extended to areas of the law, such as the protections of the Fair Housing Act and the Americans with Disabilities Act.

When President John F. Kennedy appointed Marshall to serve as a federal appeals judge in 1961, the LDF founder handpicked Greenberg to succeed him as director-counsel, a monumental decision that led to friction within the ranks — particularly with Robert Carter, Marshall's first assistant and later a federal judge himself — and the broader civil rights world. In her autobiography, Constance Baker Motley, herself one of the architects of Brown, called Greenberg's appointment "one of the more stunning developments in the civil rights community." But as Theodore Shaw, LDF's fifth director-counsel, would go on to reflect about that tumultuous period, Greenberg never took lightly his role leading the nation's foremost civil rights organization. "Even still, Jack knew in whose shoes he walked and who had paved the way," Shaw wrote in a tribute that appeared in the Columbia Law Review.

Greenberg's abiding respect for the struggle of African Americans was more than evident in his tireless commitment to Marshall's grand vision to end American apartheid. But it was also visible in cases that LDF took on as a matter of principle, such as its representation of the Groveland Four, a group of African Americans who were wrongfully prosecuted and convicted for the rape of a white woman in Lake County, Florida. Alongside Marshall and Williams, Greenberg was there at the counsel's table with the men — which he wrote about in his own Crusaders in the Courts: How a Dedicated Band of Lawyers Fought for the Civil Rights Revolution. The case and its rank injustices would inspire Greenberg to establish LDF's capital punishment program, which exists to this day.

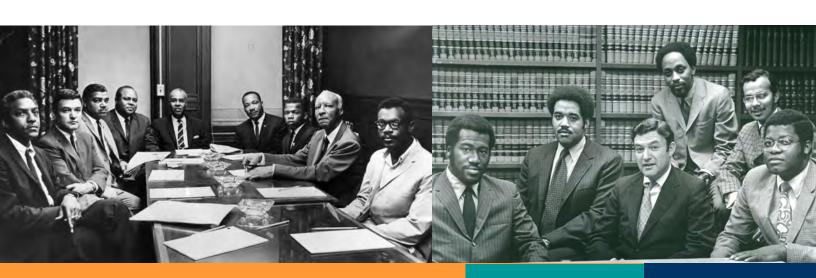
As the civil rights movement grew ever-louder and stronger in the early 1960s, Greenberg's LDF became the law firm to those making their voices heard in the streets. In 1963, he answered the call of Dr. Martin Luther King, Jr. to represent him and all demonstrators with the Southern Christian Leadership Conference, just as the civil rights leader spearheaded a march against Jim Crow laws in Birmingham, Alabama — an

episode that would serve as catalyst for King's famed "Letter from Birmingham Jail." Two years later, in the lead-up to the passage of the Voting Rights Act of 1965, the activist-lawyer relationship between Greenberg and King remained strong as the two devised ways to combat an injunction that prevented the historic march toward Selma to move forward. The rest, as they say, is civil rights history.

In his 35 years at LDF, Greenberg's influence extended beyond the courtroom and the cases he brought. "In the courtroom and the classroom, Jack Greenberg has been a crusader for freedom and equality for more than half a century," President Bill Clinton said when awarding him the Presidential Citizens Medal. That calling included inspiring and hiring a generation of brilliant civil rights lawyers, founding like-minded organizations such as the Mexican American Legal Defense and Educational Fund, and establishing a presence in Washington, D.C., so that LDF could help advance public policy.

Greenberg retired from LDF in 1984 and joined academia. He returned to Columbia University, his alma mater, where he taught law for many years served as dean for Columbia College between 1989 and 1993. He returned to teaching law until his retirement in 2015.

"Can the law alter race relations?" a young Greenberg asked in 1959 Race Relations and American Law, his first book on civil rights. With Brown under his belt and a lifetime in the law still ahead, he answered his own question with optimism, observing that "law often can change race relations, that sometimes it has been indispensable to changing them, and that it has in fact changed them, even spectacularly."



# CASES ARGUED BY JACK GREENBERG BEFORE THE UNITED STATES SUPREME COURT

CASE NAME	DECISION DATE	CITATION
Brown v. Board of Education	May 17, 1954	347 U.S. 483
Reeves v. Alabama	Dec 06, 1954	348 U.S. 891
Fikes v. Alabama	Jan 14, 1957	352 U.S. 191
Anderson v. Alabama	May 01, 1961	366 U.S. 208
Garner v. Louisiana	Dec 11, 1961	368 U.S. 157
Edwards v. South Carolina	Feb 25, 1963	372 U.S. 229
Avent v. North Carolina	May 20, 1963	373 U.S. 375
Goss v. Board of Education	Jun 03, 1963	373 U.S. 683
Anderson v. Martin	Jan 13, 1964	375 U.S. 399
Shuttlesworth v. Birmingham	Mar 09, 1964	376 U.S. 339
Barr v. Columbia	Jun 22, 1964	378 U.S. 146
Bell v. Maryland	Jun 22, 1964	378 U.S. 226
Bouie v. Columbia	Jun 22, 1964	378 U.S. 347
Griffin v. Maryland	Jun 22, 1964	378 U.S. 130
Robinson v. Florida	Jun 22, 1964	378 U.S. 153
Hamm v. Rock Hill	Dec 14, 1964	379 U.S. 306
Evans v. Newton	Jan 17, 1966	382 U.S. 296
McLeod v. General Electric Co.	Jan 16, 1967	385 U.S. 533
Sims v. Georgia	Jan 23, 1967	385 U.S. 538
Walker v. Birmingham	Jun 12, 1967	388 U.S. 307
Newman v. Piggie Park Enterprises	Mar 18, 1968	390 U.S. 400
Green v. County School Board	May 27, 1968	391 U.S. 430

CASE NAME	DECISION DATE	CITATION
Monroe v. Board of Commissioners	May 27, 1968	391 U.S. 450
Raney v. Board of Education	May 27, 1968	391 U.S. 443
Shuttlesworth v. Birmingham	Mar 10, 1969	394 U.S. 147
United States v. Montgomery Board of Education	Jun 02, 1969	395 U.S. 225
Sniadach v. Family Finance Corp.	Jun 09, 1969	395 U.S. 337
Alexander v. Holmes County Board of Education	Oct 29, 1969	396 U.S. 19
Griggs v. Duke Power Co.	Mar 08, 1971	401 U.S. 424
Davis v. Board of School Commissioners	Apr 20, 1971	402 U.S. 33
Triangle Improvement Council v. Ritchie	May 17, 1971	402 U.S. 497
Furman v. Georgia	Jun 29, 1972	408 U.S. 238
NAACP v. New York	Jun 21, 1973	413 U.S. 345
Curtis v. Loether	Feb 20, 1974	415 U.S. 189
Jackson v. Metropolitan Edison Co.	Dec 23, 1974	419 U.S. 345
Johnson v. Railway Express Agency	May 19, 1975	421 U.S. 454
Gulf Oil Co. v. Bernard	Jun 01, 1981	452 U.S. 89
USPS Board Of Governors v. Aikens	Apr 04, 1983	460 U.S. 711
Barefoot v. Estelle	Jul 06, 1983	463 U.S. 880

# PANELIST BIOGRAPHIES

# PANEL 1: LITIGATION IN THE GREENBERG ERA



Michael Meltsner, hired by Thurgood Marshall, served as First Assistant Counsel at the NAACP Legal Defense and Educational Fund, Inc. (LDF) in the 1960s, handling major civil rights cases before the federal courts. Among his clients were the North Carolina doctors and dentists who ended Southern hospital racial segregation, Mohammad Ali, and numerous death row inmates challenging capital punishment. After co-founding the clinical program at Columbia Law School, he served as dean of Northeastern University School of Law from 1979 until 1984. His memoir, The Making of a Civil Rights Lawyer, was published in 2006. Among his other writings are: Cruel and Unusual: The Supreme Court and Capital Punishment, Public Interest Advocacy, Reflections on Clinical Legal Education, and Short Takes, a novel. His most recent book, With Passion: An Activist Lawyer's Life, recounts his life growing up in New York and his struggle to make sense of coming of age during a turbulent era. His 2011 play, "In Our Name: A Play of the Torture Years," has been performed in New York and Boston to great acclaim.

Professor Meltsner has received a Guggenheim Fellowship; served as a consultant to the U.S. Department of Justice, The Ford Foundation, and the Legal Action Center; has lectured in Canada, Egypt, Germany, India, the Netherlands, and South Africa; was named a fellow of the American Academy in Berlin and conducted research on German constitutional law; received the Hugo Bedau Award for excellence in death penalty scholarship; and in 2012 was awarded an honorary doctorate by John Jay College (CUNY).

Professor Meltsner is currently teaching a seminar on constitutional litigation and a course on the law governing freedom of speech at Northeastern University School of Law. He is a regular contributor to the press on a range of legal topics.



**Bridget Arimond** is the Director of the LL.M. Program in International Human Rights at Northwestern University School of Law and a Clinical Professor of Law with the law school's Center for International Human Rights. She teaches Human Rights Advocacy at the LL.M. Level and Human Rights Clinical Practice, through which she involves J.D. and LL.M. students in cases and projects applying the norms of international human rights law, international humanitarian law, and international criminal law.

Professor Arimond's international human rights work includes representation of clients and preparation of amicus curiae briefs in Alien Tort Statute and Torture Victim Protection Act cases; advocacy before U.S. courts and the UN Human Rights Committee regarding the Guantanamo detentions and military commissions; and preparation of memoranda for the Offices of the Prosecutor of international criminal tribunals. Professor Arimond joined Northwestern following 24 years as a civil rights lawyer litigating race and sex discrimination cases in U.S. federal courts, in fields including voting rights, employment discrimination, and equality before the courts. She is a graduate of Stanford University and Harvard Law School.

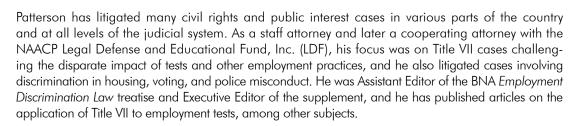
**William L. Robinson**, founding Dean of the District of Columbia School of Law and the University of the District of Columbia School of Law, is a litigator, teacher, leader of the civil rights bar, and leader in the civil rights movement.

Beginning in 1967, Professor Robinson litigated civil rights cases for the NAACP Legal Defense and Education Fund, Inc. (LDF), including public accommodations, school desegregation, public housing, and employment discrimination. As Director of LDF's employment discrimination practice and First Assistant Counsel, he and his team won more than 25 federal appellate cases that essentially rewrote the procedural requirements of Title VII of the Civil Rights Act of 1964 so that laypersons could effectively bring employment discrimination claims under the statute.



Professor Robinson has served on the boards of the Lawyers' Committee for Civil Rights Under Law, the Leadership Conference on Civil Rights Education Fund, the District of Columbia School of Law Foundation, and Oberlin College.

**Patrick Patterson** served in the Obama Administration as Senior Counsel to EEOC Chair Jacqueline Berrien and as Deputy Director of the Office of Federal Contract Compliance Program in the Department of Labor. Patterson was previously Assistant Counsel and Western Regional Counsel for LDF in New York and Los Angeles, taught at the University of Wisconsin and UCLA Law Schools, worked as a legal services lawyer in Milwaukee, and has engaged in private practice for many years. His B.A. and J.D. are from Columbia University.





**Kenneth W. Mac**k is the inaugural Lawrence D. Biele Professor of Law and Affiliate Professor of History at Harvard University. He is also the co-faculty leader of the Harvard Law School Program on Law and History. His 2012 book, Representing the Race: The Creation of the Civil Rights Lawyer, was a Washington Post Best Book of the Year, a National Book Festival Selection, awarded honorable mention for the J. Willard Hurst Award by the Law and Society Association, and a finalist for the Julia Ward Howe Book Award. He is also the co-editor of The New Black: What Has Changed – And What Has Not – With Race in America. His work has been published in the Harvard Law Review, Yale Law Journal, Journal of American History, Law and History Review and other scholarly journals. He has served as the co-director of the workshops on "The Long Civil Rights Movement" (2008-09) and "The History of Capitalism in the Americas" (2015-16) at the Charles Warren Center for Studies in American History at Harvard University. In 2016-17, he was a Radcliffe Fellow at the Radcliffe Institute for Advanced Study, Harvard University. He is currently working on a book project that examines the social and political history of race and political economy in the United States after 1975.



He has taught at Harvard, Stanford, and Georgetown Universities, and the University of Hawai'i, and has served as Senior Visiting Scholar, Centre for History and Economics at Cambridge University. In 2016, President Obama appointed him to the Permanent Committee for the Oliver Wendell Holmes Devise. He is also a member of the American Law Institute. Before joining the faculty at Harvard Law School, he clerked for the Honorable Robert L. Carter, in the United States District Court for the Southern District of New York, and practiced law in the Washington, D.C. office of the firm Covington & Burling.





**Elaine R. Jones** served as the President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF) from 1993-2004, becoming the first woman to head the organization. She brought with her vast experience as a litigator and civil rights activist, as well as a passion for fairness and equality that dates back to her childhood.

Ms. Jones graduated with honors in political science from Howard University and joined the Peace Corps, becoming one of the first African Americans to serve in Turkey. Following her two-year Peace Corps stint, she became the first black woman to graduate from the University of Virginia School of Law and subsequently the first African American to serve on the Board of Governors of the American Bar Association.

With the exception of two years as Special Assistant to the United States Secretary of Transportation, Ms. Jones spent her career with LDF where she continued to blaze trails, becoming one of the first African American women to defend death row inmates. Only two years out of law school, she was counsel of record in Furman v. Georgia, a landmark U.S. Supreme Court case that abolished the death penalty in 37 states. During this period, she also argued numerous employment discrimination cases, including class actions against some of the nation's largest employers (e.g., Patterson v. American Tobacco Co., Stallworth v. Monsanto, and Swint v. Pullman Standard).

Ms. Jones holds 13 honorary degrees and the Jefferson Medal of Freedom, the highest honor awarded by the University of Virginia, which does not award honorary degrees. She also has received the recognition of many organizations, including the Secretary's Award of the Department of Transportation, first recipient of the Brennan Award of the D.C. Bar Association, the Hannah G. Solomon Award of The National Council of Jewish Women, Mickey Leland Public Service Award of the Congressional Black Caucus, Ida B. Wells-Barnett Justice Award of the Metropolitan Bar Association in New York City, Brennan Legacy Award of the Brennan Center, American Lawyer Lifetime Achievement Award, National Newspaper Publishers Association's First Public Service Award, People for the American Way's 2001 Democracy Award and The American Bar Association's Commission on Women in the Profession (Margaret Brent Award). In December 2000, President Clinton presented her with the Eleanor Roosevelt Human Rights Award.



**Theodore M. Shaw** is the Julius L. Chambers Distinguished Professor of Law and Director of the Center for Civil Rights at the University of North Carolina School of Law at Chapel Hill. Professor Shaw teaches Civil Procedure and Advanced Constitutional Law/Fourteenth Amendment. Before joining the faculty of UNC Law School, from 2008-2014 Professor Shaw taught at Columbia University Law School, where he was Professor of Professional Practice. During that time, he was also "Of Counsel" to the law firm of Norton Rose Fulbright (formerly Fulbright & Jaworski, LLP). His practice involved civil litigation and representation of institutional clients on matters concerning diversity and civil rights.

Professor Shaw was the fifth President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF), for which he worked in various capacities over the span of 26 years. He has litigated education, employment, voting rights, housing, police misconduct, capital punishment and other civil rights cases in trial and appellate courts, and in the United States Supreme Court. From 1982 until 1987, he litigated education, housing, and capital punishment cases and directed LDF's education litigation docket. In 1987, under the direction of LDF's third Director-Counsel, Julius Chambers, Professor Shaw relocated to Los Angeles to establish LDF's Western Regional Office. In 1990, Mr. Shaw left LDF to join the faculty of the University of Michigan Law School, where he taught Constitutional Law, Civil Procedure, and Civil Rights. While at Michigan, he played a key role in initiating a review of the law school's admissions practices and policies and served on the faculty committee that promulgated the admissions program that was upheld by the U.S. Supreme Court in 2003 in *Grutter v. Bollinger*.

Mr. Shaw served on the Obama Transition Team after the 2008 presidential election, as team leader for the Civil Rights Division of the Justice Department.

Sherrilyn Ifill, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF), began her legal career as a fellow at the American Civil Liberties Union and then an Assistant Counsel in LDF's New York office, where she litigated voting rights cases. In 1993, Ifill joined the faculty of the University of Maryland School of Law, where, in addition to teaching Civil Procedure, Constitutional Law and a variety of seminars, she continued to litigate and consult on a broad and diverse range of civil rights cases.

From her base in Baltimore, Ifill emerged as a highly regarded national civil rights strategist and public intellectual whose writings, speeches, and media appearances enrich public debate about a range of political and civil rights issues. Ifill is the immediate past Chair of the Board of U.S. Programs at the Open Society Institute, one of the largest philanthropic supporters of civil rights and social justice organizations in the country. She is a graduate of Vassar College and received her J.D. from New York University School of Law.



### INTRODUCTION

**Janai Nelson** is the seventh Associate Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF), and a Visiting Professor of Clinical Law at New York University School of Law. Nelson is also one of the lead counsel in Veasey v. Abbott, a federal challenge to Texas's voter ID law. Prior to joining LDF, Nelson was Associate Dean for Faculty Scholarship and Associate Director of the Ronald H. Brown Center for Civil Rights and Economic Development at St. John's University School of Law, where she was also a full professor of law.

Nelson received the 2013 Derrick A. Bell Award from the American Association of Law Schools Section on Minority Groups and was named one of Lawyers of Color's 50 Under 50 minority professors making an impact in legal education. Prior to joining St. John's faculty, she was a Fulbright Scholar at the Legal Resources Center in Accra, Ghana. She began practicing law as the 1998 recipient of the NAACP LDF/Fried Frank Fellowship, following federal district and appellate court clerkships. Nelson later became Director of LDF's Political Participation Group, overseeing all voting related litigation and matters, litigating voting rights and redistricting cases, and working on criminal justice issues. Nelson has appeared in various media as an expert on race, civil rights, constitutional law and election law and regularly speaks at conferences and symposia nationwide.

**Tomiko Brown-Nagin** is Dean of the Radcliffe Institute for Advanced Study, the Daniel P.S. Paul Professor of Constitutional Law at Harvard Law School, Professor of History at Harvard University's Faculty of Arts and Sciences, the Faculty Director of the Charles Hamilton Houston Institute, and Co-Director of the Law School's Program in Law and History. Brown-Nagin is an award-winning legal historian, an expert in constitutional law and education law and policy, a member of the American Law Institute, a fellow of the American Bar Foundation, and a distinguished lecturer for the Organization of American Historians. She has published articles and book chapters on the Supreme Court's equal protection jurisprudence, civil rights law and history, the Affordable Care Act, and education reform in a variety of publications, including the Yale Law Journal, the Harvard Law Review, the Columbia Law Review, and the Journal of Law & Education.

Her 2011 book, Courage to Dissent: Atlanta and the Long History of the Civil Rights Movement (Oxford), won the Bancroft Prize in U.S. History. Brown-Nagin also has published articles and opinion pieces on education reform in the popular press. She is a frequent media commentator on legal issues and educational policy. Brown-Nagin currently is at work on a book about the life and times of the Honorable Constance Baker Motley, the civil rights lawyer, politician, and judge.

She earned a law degree from Yale University, where she served as an editor of the Yale Law Journal, a doctorate in history from Duke University, and a B.A. in history from Furman University.





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