



Clifford Scott Green

Born: April 2, 1923, in Philadelphia, Pennsylvania

Died: May 31, 2007, in Philadelphia, Pennsylvania

Federal Judicial Service:

Judge, U.S. District Court for the Eastern District of Pennsylvania

Nominated by Richard M. Nixon on December 1, 1971, to a seat vacated by Harold K. Wood.

Confirmed by the Senate on December 4, 1971, and received commission on December 9, 1971.

Assumed senior status on April 2, 1988.

Service terminated on May 31, 2007, due to death.

Education:

Temple University, B.S., 1948

Temple University School of Law (now James E. Beasley School of Law), J.D., 1951

Professional Career:

U.S. Air Force Sergeant: 1943-1946

Instructor, William Penn Business Institute: 1951-1952

Private Practice, Philadelphia, Pennsylvania: 1952-1964

Special Deputy Attorney General, Commonwealth of Pennsylvania: 1954-1955

Lecturer in Law, Temple University: 1968-1971

Judge, Court of Common Pleas of Philadelphia County, Pennsylvania: 1964-1972

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Judicial Biography

*President Nixon's last appointment in 1971 was Clifford Scott Green from Philadelphia. He was the second African-American to be selected for the Eastern District. After his time in the Army Air Corps during World War II, he matriculated to Temple University where he obtained a B.S. degree in economics, the first member of his family to attend college. His original plan was to become a certified public accountant, but he was told there were no such jobs in Philadelphia for African-Americans. He then decided to pursue a career in law and was graduated near the top of his class at Temple Law School. Like Leon Higginbotham, he secured a position with the law firm headed by Austin Norris and later became a partner. Again, this was at a time when other opportunities for employment for African-American lawyers in Philadelphia, even ones of his ability, were virtually non-existent.

After law school, Green became involved in politics and was the Republican Leader in the 44th Ward in West Philadelphia for a number of years. He ran unsuccessfully for City Council and the Municipal Court but ultimately was appointed and then elected to the old County Court of Philadelphia (later merged into the Court of Common Pleas) with the strong support of Governor William Scranton. He was a judge of the Court of Common Pleas when named to the federal bench. Citing the "joy his district court job provided him and the numerous friendships he enjoyed there," he subsequently declined an appointment to the Court of Appeals.

Judge Broderick told an amusing story about his friend Clifford Green, which he repeated often and which Judge Green continued to recount after Judge Broderick's death. When Broderick was running for state-wide office, he noticed in reviewing the election returns that he had received only one vote in the home division of Clifford and Mable Green in West Philadelphia. When Broderick asked Clifford Green about it, Green insisted that he had indeed voted for Broderick. When Broderick inquired of Mable Green, she responded emphatically that she was the one who had cast the ballot for him. The matter, of course, was never resolved, but the story always generated laughter among the judges.

Judge Green presided over a class action in *Bolden v. Pennsylvania State Police* in which the named plaintiff claimed that the Pennsylvania State Police were engaged in racially discriminatory policies in the hiring and promotion of state troopers. In 1974, Judge Green approved a Consent Decree which mandated the hiring and promotion of more minorities. At the time it was entered, total minority representation among the employees of the Pennsylvania State Police was only 1.48% compared with 10.8% for all Pennsylvania state agencies and a minority population in the Commonwealth of 9.2%. The Decree, which Judge Green monitored, remained in effect for twenty-five years.

As a result of *Roe v. Wade*, the Pennsylvania General Assembly quickly passed the Abortion Control Act of 1974, but it was not long before a three-judge panel comprised of Judge

* The following material is excerpted from JUDGE HARVEY BARTLE, III, *MORTALS WITH TREMENDOUS RESPONSIBILITIES, A HISTORY OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA*, 3-12 (Saint Joseph's University Press, 2011). Reproduced with the permission of the author, Judge Harvey Bartle, III, and the publisher, Saint Joseph's University Press.

Green, Judge Newcomer, and Circuit Judge Arlin Adams declared portions of the Act unconstitutional, including provisions requiring parental consent for a minor to have an abortion and the provision requiring spousal consent in all cases. Several years later Judge Bechtel held that Pennsylvania's prohibition against Medicaid funding for abortions other than those necessary to save the life of the mother violated federal law.

Judge Green assumed senior status on April 2, 1988 and continued to serve the Court in that capacity until his death on May 31, 2007 in Philadelphia, at the age of 84.