



Albert B. Maris

Born: December 19, 1893, in Philadelphia, Pennsylvania

Died: February 7, 1989, in Lansdale, Pennsylvania

**Federal Judicial Service:**

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

Nominated by Franklin D. Roosevelt on June 18, 1936, to a new seat authorized by 49 Stat. 1523. Confirmed by the Senate on June 20, 1936, and received commission on June 22, 1936. Service terminated on June 27, 1938, due to appointment to another judicial position.

Judge, U.S. Court of Appeals for the Third Circuit

Nominated by Franklin D. Roosevelt on June 14, 1938, to a seat vacated by Victor Baynard Woolley. Confirmed by the Senate on June 16, 1938, and received commission on June 24, 1938.

Assumed senior status on December 31, 1958.

Service terminated on February 7, 1989, due to death.

**Other Federal Judicial Service:**

Judge, Emergency Court of Appeals: 1942-1962

Chief Judge: 1943-1962

**Education:**

Temple University School of Law (now James E. Beasley School of Law), LL.B., 1918

Drexel Institute of Art, Science and Industry, 1926

**Professional Career:**

U.S. Army Private: 1918

Assistant Secretary, Proportional Representation League, Philadelphia, Pennsylvania: 1918-1919

Legal Staff Member, Bureau of Municipal Research, Philadelphia, Pennsylvania: 1919  
Private Practice, Philadelphia, Pennsylvania: 1919-1936  
Editor, The Legal Intelligencer: 1935-1936  
Adjunct Professor of Law, Temple University Law School: 1941-1955

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### Judicial Biography

\*In 1936, Democratic Senator Joseph F. Guffey, elected in 1934 as an ardent New Dealer, was instrumental in effecting the addition of a temporary judgeship for the Eastern District. On the recommendation of the Senator, President Franklin D. Roosevelt nominated Albert Branson Maris of Delaware County to fill the position. At a testimonial dinner in honor of Maris at the time of his confirmation, one of the speakers was Guffey, who declared, "I have known Albert Maris for sixteen years. He was the chief legal advisor to the Democratic state committee, and we always found his judgment to be good and his advice to be sound, and that was why he was appointed to the judgeship." Guffey then predicted, "You [Maris] are destined to have a fine judicial career, and this is just the first step in your advancement toward great honors." The Senator's words turned out to be prescient.

The family of Albert Maris had been in Pennsylvania since the days of William Penn. One of his ancestors had arrived in 1683, served as a justice in Chester County, and sat as a member of the Provincial Assembly and Provincial Council.

Maris, who was born in 1893, served in the Army in World War I. He first obtained a law degree from Temple University and thereafter an engineering degree from Drexel Institute of Technology. Like all judges up to that time, he had been active in politics. The voters elected him as the auditor of the Borough of Yeadon in the 1920's. In 1928, his try for higher office as the Democratic candidate for the state Senate from Delaware County ended in defeat, but he was a member of the Yeadon Borough council when appointed to the federal bench. In the 1920's, he chaired the County's Democratic Party. He practiced law in Philadelphia and was the presiding clerk of his Monthly Meeting of the Society of Friends. Maris was a "soft-spoken, gentle, thoughtful Quaker with a deep sense of basic fairness in all his judicial dealings."

His time on the District Court, however, was brief. In 1938, President Roosevelt appointed him to the Court of Appeals. Well-versed in the law and procedure, Maris was a member of various Judicial Conference Committees over the years and had a major responsibility in the much needed recodification of both the Criminal and Judicial Codes in 1947 and 1948. He was also selected as the codifier and draftsman of much of the Revised Organic Act of 1954 of the Virgin Islands. Not surprisingly, he was the first recipient of the prestigious

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\* 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.

Devitt Award for his significant contributions to the administration of justice, the advancement of the rule of law, and the improvement of society as a whole.

The Court, in the 1930's, had on its docket cases involving business insolvencies and bankruptcy reorganizations. Judge Maris decided an action brought by the Trustees of the General Assembly of the Presbyterian Church as a general creditor of Northwestern National Bank in Philadelphia which had become insolvent and was under a conservatorship.

In addition to legal actions concerning new technologies, the court continued to grapple with the age-old questions involving the rights of minorities and unpopular causes. In late 1937, as fascism and communism were on the ascent in parts of Europe, a very significant case came before the District Court. It involved the requirement that public school children salute the flag. Walter Gobitis, a Jehovah's Witness, filed suit on behalf of himself and his two children who had been expelled from the Minersville Public School in Schuylkill County after refusing as a matter of religious conscience to participate in this daily exercise mandated by the local School Board. Gobitis asserted that saluting the flag would cause his children to deny the supremacy of God and to bow down to a graven image in violation of the first two of the Ten Commandments set forth in the Twentieth Chapter of the Book of Exodus. Judge Maris denied a motion to dismiss the complaint. In concluding that a cause of action had been stated, he declared, "In these days when religious intolerance is again rearing its ugly head in other parts of the world, it is of the utmost importance that the liberties guaranteed to our citizens by the fundamental law be preserved from all encroachment."

Judge Maris thereafter granted an injunction compelling school officials to readmit the Gobitis children. He ruled that the students' freedom of religion under the Fourteenth Amendment to the Constitution had been violated. While he conceded that he found "it difficult to understand the plaintiffs' point of view," he explained:

Upon such a foundation of religious freedom our Commonwealth and Nation were built. We need only glance at the current world scene to realize that the preservation of individual liberty is more important today than ever it was in the past. The safety of our nation largely depends upon the extent to which we foster in each individual citizen that sturdy independence of thought and action which is essential in a democracy. The loyalty of our people is to be judged not so much by their words as by the part they play in the body politic. Our country's safety surely does not depend upon the totalitarian idea of forcing all citizens into one common mold of thinking and acting or requiring them to render a lip service of loyalty in a manner which conflicts with their sincere religious convictions. Such a doctrine seems to me utterly alien to the genius and spirit of our nation and destructive of that personal liberty of which our flag itself is the symbol.

Although the Court of Appeals affirmed, the Supreme Court, speaking through Justice Felix Frankfurter, reversed over the dissent of Justice Harlan F. Stone. The School District's expulsion of the Gobitis children was sustained. The Supreme Court, which ruled shortly before the United States entered World War II, held that compulsory saluting of the flag did not abridge the freedom of religion under the Constitution and was simply an allowable policy decision made

by the School Board to promote patriotism. Within several years, however, the Supreme Court thought better of its decision. It reversed itself in *West Virginia State Board of Education v. Barnette*. Judge Maris, at last, was vindicated.

Judge Maris died on February 7, 1989, at the age of 95 in Lansdale, Pennsylvania. He elected senior status as an appeals court judge in 1958 but continued to handle appeals until his passing. He served occasionally as a special master for the Supreme Court to decide such matters as land and water disputes between states and the federal government.