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Statement on Girard College Supreme Court decision

Strom Thurmond

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MR. PRESIDENT:

On Monday, April 29, 1957, the United States Supreme Court shifted gears again and this time the court threw the fairly well settled law of trusts and estates into a mass of confusion. The court, which seems bent on its desire to strip the States and individuals of their most cherished and fundamental rights, has now taken up the hobby of re-writing wills and denying to individuals the right to dispose of their property for any purpose they might choose.

In the Girard College case, the Supreme Court in a one-page opinion, reversed a 5 - 1 decision of the Pennsylvania Supreme Court which was backed up by a 40-
majority opinion full of legal doctrines and precedents which had been the law of the land for more than a century. The court added a post mortem codicil to the will of Stephen Girard who bequeathed his money in his 1831 will for the establishment of a college for "poor white male orphans." One hundred and twenty-six years later the Supreme Court, after twice holding the provisions of this will to be valid, has violated the expressed intent of the testator by permitting persons excluded by the will to enter Girard College.

The court seized upon the fact that officials of the City of Philadelphia assist as trustees in the management of Girard College. The failure of the officials to admit the persons excluded by the will was
described as discrimination under the 14th Amendment, which amendment was approved some 30 years after the testator's death.

A great number of prominent attorneys and newspapers have already voiced deep concern over this latest attempt by the Supreme Court to further curb the fundamental rights of the States and individuals.

I ask unanimous consent to have printed at the conclusion of my remarks several editorials and comments from outstanding newspapers. One article contains a comment by the President of the American Bar Association, the Honorable David F. Maxwell, in which he said that the latest Girard College decision "hurts to the quick."

I also call attention to a splendid analysis of the decision which appeared in numerous newspapers across the country and
which has already been inserted on page A 3265 in the Record of May 2, 1957. This article was written by one of America's most outstanding columnists, Mr. David Lawrence. Another excellent editorial has also been inserted on page A 3338 of the May 6, 1957 Record. It was taken from the April 30, 1957 issue of the Augusta (Ga.) Chronicle.

I urge that every Member of the Senate give most careful attention to all of these newspaper comments.

At a later date I shall have more to say about this decision.

END