

---

---

DEDICATION  
to  
The Honorable John J. Gibbons

*The Honorable D. Brooks Smith*<sup>1</sup>

Dear Family, Colleagues and Friends of John Gibbons:

That I am unable to attend today's celebration of the life and legacy of John J. Gibbons disappoints me greatly. As I explained to Larry Lustberg, I am away from chambers and outside the geographical confines of the Third Circuit this week. But for that fact, it would have been top priority to be in Newark today to recognize, and lionize, the contributions of Judge Gibbons to the United States Court of Appeals for the Third Circuit.

Although I cannot claim to have known Judge Gibbons well, it was my privilege to have joined the federal judicial family at a time when he was serving as Chief Judge of a court that many of my colleagues call "the Mighty Third." As a young district judge, I regularly read what were then printed slip opinions from the court of appeals sent to us by U.S. mail—and in doing so, I became familiar with the solid jurisprudence of John Gibbons and the very robust style in which he declared it. His commitment to elemental justice and to the rule of law were evident from every page of his written work.

And Judge Gibbons was prolific. From his appointment to the Third Circuit in late 1969 until his departure from the court in early 1990, he authored more than 800 opinions. I honestly cannot recall if, as a district judge, I was reversed in any of those opinions—but if I was, I'm sure I deserved it.

Another distinguished jurist from New Jersey, our late colleague Leonard Garth, knew John Gibbons well. In 2008, Len conducted an oral history interview in which he asked what cases and opinions Judge Gibbons considered to be his most important. For one, there was the decision in *Halderman v. Pennhurst State School and Hospital* in which Judge Gibbons wrote for our *en banc* court, holding that mentally retarded persons enjoyed

---

<sup>1</sup> Chief Judge of the United States Court of Appeals for the Third Circuit.

---

---

rights under the Pennsylvania and federal statutory law to treatment or habilitation in the least restrictive environment practicable. It was a landmark case in the civil rights history of the mentally challenged.

Not surprisingly, Judge Gibbons viewed the Delaware desegregation cases he ruled on as quite important in his years on the bench. And he recalled as noteworthy and memorable a habeas corpus case involving one Edgar Smith who had been charged with murder. One reason it was noteworthy is because the presider in that case was “District Judge” Gibbons. Chief Judge Hastie had designated John to handle the matter, and he concluded that Smith had been unlawfully coerced by law enforcement. He granted a conditional writ, and Smith was not retried. Judge Gibbons acknowledged that the decision was not a popular one—but then John Gibbons’ entire life in the law was about seeking justice, not popularity.

That John Gibbons’ contributions to the work of the Third Circuit was just a portion of his life and remarkable career is something we all recognize. He was a member of what has become known as “the greatest generation.” Service to his country in the U.S. Navy, Champion of civil rights, Servant of justice and the rule of law. John Gibbons was truly “a man—and a judge—in full.”

On behalf of all the judges of the Third Circuit, I extend to the family and friends of John our sympathies. But more importantly, we of the Third Circuit are thankful for his life in the law and contributions to our court’s history and tradition.

And to John, the sailor, I wish clear skies and calm seas.