

## **UVA LAW | Judge Carlton Reeves '89 Calls for Justice, Truth and Diversity on the Bench**

RISA GOLUBOFF: Thank you all for coming. Good afternoon and welcome. We are so delighted-- I am personally so delighted, and I know I speak on behalf of the whole institution to say we are so delighted to celebrate this eminent jurist, this leading voice for justice, the 2019 recipient of the Thomas Jefferson Medal in Law Judge Carlton Reeves.

[APPLAUSE]

So you may not know that the University of Virginia does not confer honorary degrees. And so the Thomas Jefferson medals in law are the highest external honors that the university offers to recognize the achievements of individuals who excel in the fields that Thomas Jefferson represented, law, civic leadership, architecture, and global innovation. And here we are at the law school, we have Judge Reeves, this is the law medal.

It is customary for the recipient to deliver a talk to mark the occasion and to share his or her insight with us about their life's work. That is what we are here for today. Before I invite Judge Reeves to deliver his remarks, defending the judiciary, a call for justice, truth, and diversity on the bench, let me tell you why he was selected as this year's Jefferson Foundation Medalist in Law.

Judge Reeves grew up in Yazoo City, Mississippi where he was among the state's first cohort of students to attend integrated public schools. He was a first generation college student who graduated magna cum laude from Jackson State University in 1986. He then came straight to the University of Virginia Law School and graduated here in 1989, in the process winning the Mary Claiborne and Roy H Ritter prize for honor, character, and integrity, words he has clearly lived by.

He returned to Mississippi to clerk for justice Reuben Anderson of the Mississippi Supreme Court. Reuben Anderson was the first African-American justice on that court. Judge Reeves then stayed on for additional year as a staff attorney before joining, as a litigation associate, the firm. Of Phelps Dunbar.

While in private practice, Judge Reeves also taught as an adjunct faculty member at Jackson State and the Mississippi College of Law. Proving himself an adroit litigator, Judge Reeves was tapped at an unusually young age to serve as Chief of the Civil Division as the assistant US attorney in 1995, where he oversaw all civil trial and appellate litigation. He handled civil and constitutional torts, medical malpractice, employment discrimination, FOIA claims, administrative law, and more.

He was also the district election officer, ensuring fair access to the polls and safeguarding the electoral process. And he served on the National Civil Chiefs Working Group of the Executive Office of US Attorneys where he received commendation and accolades for his many and substantial contributions. In 2001, Judge Reeves left the Department of Justice to become a founding partner in the integrated Jackson law firm of Pigott Reeves & Johnson, where he handled state and federal trial and appellate matters on behalf of a wide variety of clients.

In 2010, Judge Reeves responded to President Obama's call to serve on the US district court for the Southern District of Mississippi, becoming the second African-American federal judge in Mississippi history. All the while throughout his career, Judge Reeves' commitment to opportunity, equality, and justice motivated him to serve and lead and enjoy recognition from a dazzling array of professional and public service organizations.

I have not even listed them all, but they go on for more than a page. I won't mention all of them, but they range from serving a special master for the Hinds County Chancery Court, to serving on the Mississippi Board of Bar Commissioners. He served as president and on the board of directors of the Magnolia Bar Association. He worked with the ACLU of Mississippi, the Jackson Urban League, the Mississippi Workers Center for Human Rights, and on and on.

He was also, and continues to be, a pillar of his community and his state. He is a brother of Kappa Alpha Psi fraternity, a predominantly black organization with a history of social service. He is a trustee at College Hill Missionary Baptist Church, a member of the Jackson State University management investment committee, and a member of the college savings plan of Mississippi.

The awards are equally overwhelming. Just to name a few-- Mississippi Association of Justice's Distinguished Jurists of the Year, the highest honor given by the Magnolia Bar Association, among others, the R Jess Brown award. He was named a top 40 under 40 lawyer in the Mississippi Business Journal, a mid-south super lawyer, and honored by the Jackson branch of the NAACP.

This necessarily abridged recitation of Judge Reeves accomplishments hardly does justice, no pun intended, to his true impact on the law and the world. It is not the what, but the how of Judge Reeves' life in the law that is truly extraordinary. From early in his life, Judge Reeves exhibited a moral core and commitment to his community, his state, his nation, and his fellow citizens that set him apart.

He joined local organizations, supported voting rights efforts, and in an inspiring twist of fate, worked purposefully in the courthouse chambers of the Honorable William Barber Junior, so that he could be close to the law in the courtroom. And that is the seat that he now holds as a federal judge.

To Judge Reeves, quote, "The practice of law is about changing people's lives." And from every personal and professional perch, as a lawyer, leader of the bar, engaged participant in the democratic process, and unstintingly generous servant to the public and the profession, Judge Reeves has used his moral core, his trenchant voice, and his formidable intelligence to do just that.

That has been nowhere more true than during his almost 10 years as a federal judge. Judge Reeves remarked, quote, "I knew being a judge would be the best thing to create a greater good in Mississippi. It's not about creating new rights. It's about breathing new life into the Constitution that we have sworn to uphold."

Over the past decade, Judge Reeves has offered a unique judicial perspective on the most challenging legal issues of our time, with jurisprudential impact that has been profound. He struck down his state's ban on same sex marriage, he ordered the gerrymandered districts be redrawn, and he, inadvertently, I think, spoke, to the heart of the nation when he sentenced hate crime defendants who had reopened old wounds of racist violence.

This last case took place in 2011, when a group of 10 white teenagers brutally beat and murdered a 48-year-old African-American man named James Anderson in Jackson, Mississippi. Three of them would later be convicted of a federal hate crime. And as Judge Reeves issued his opinion and sentenced them, he gave what has been called a speech that is breathtaking in both the moral force of its arguments and the palpable sadness with which they are delivered.

Judge Reeves stated the following. "Today we take another step away from Mississippi's tortured past. We move farther away from the abyss. Indeed Mississippi is a place and a state of mind, and those who think they know about her people and her past will also understand that her story has not been completely written. Mississippi has a present and a future. That present and future has promise.

As demonstrated by the work of the officers within these state and federal agencies, black and

white, male and female, in this Mississippi, they work together to advance the rule of law. Having learned from Mississippi's inglorious past, these officials know that in advancing the rule of law, the criminal justice system must operate without regard to race, creed, or color. This is the strongest way Mississippi can reject those notions, those ideas which brought us here today."

Judge Reeves, in his speech there and elsewhere, has revealed an unflinching ability to look directly at human cruelty and suffering, to judge its legal dimensions, to think about it historically, and to call upon those in his courtroom, his state, and his nation to do justice with humanity. Judge Reeves, you represent the best of our profession and our law school, and you inspire us each to live our best lives in the law. It is my unmatched privilege to welcome you back to Charlottesville as the recipient of the Thomas Jefferson Medal in Law. Thank you.

[APPLAUSE]

**CARLTON  
REEVES:**

Professor Armacost, you can take that seat that you were about to go to.

[LAUGHING]

That's one of my co-recipients of this Ritter award that we got in 1989. It is my delight to be here and to support Dean Goluboff. As I told a group of students earlier, she and her administration is the best thing for this law school at this point.

[APPLAUSE]

I've come to know her and talk with her, and I am just so proud of what she's doing for this law school in these years in these times. This great honor that the university bestowed upon me is obviously great, but I come to you today-- I cannot-- I share this with you, today is my birthday.

[APPLAUSE]

And so 30 years ago when I was graduating from here, whoever thought-- I didn't think that I'd be here standing before students, but this is the second birthday of my life since 1984 that I had to spend without my wife. She's here with me every day, though. My daughter's here with me though, who's spent 24 birthdays with me. And my youngest sister is also here.

But there are other special people here as well. Elizabeth Lowe, who was one of the associate deans of the law school during the time that I was here, has graced me with the presence that she's here, and I certainly appreciate that. And there are so many others. I see people from Mississippi here.

And I appreciate my senator for coming and my former person who I practices with in the US attorney's office, his son, is here. And there are others, Judge Abdul Kallon has decided to take a time away to be here today. And I appreciate that.

What UVA did for me, it has done for so many others. Those three years when I was here I had an opportunity to create friendships, endearing, long term friendships, people who I know and love and talk to often. They're very instrumental and part of my life, people with whom I've practiced, Brad Pigott, for example, preceded by about nine or 10 years here at UVA, but we didn't meet until I got back to Jackson.

And we decided to open up what we thought was a law firm that would be committed to do what Mississippi should have been doing all along. During those three years here, I had a chance to meet giants. A. Leon Higginbotham, for example, former judge, spoke on the undergraduate campus. And I had opportunity to go hear him speak and shake his hand.

Julius Chambers came to the law school, had a chance to have lunch in North Grounds cafeteria with him and to sit down and talk to him. Robert Carter, contemporary of Thurgood Marshall. Oliver Hill, who you people in Virginia know, he was the Thurgood Marshall of Virginia. I had a chance to be with him.

I was taught by Judge James Spencer, you all know him. He's now a colleague, or former colleague because he's retired from the federal bench now. And then I had the pleasure of meeting the greatest, Muhammad Ali, came to Steven Salzberg's class, the criminal procedure class, and spoke to us.

So yeah, that's what UVA does. So I'm deeply honored to receive this award. Again, when I was a student here over 30 years ago, Justice Sandra Day O'Connor received the Medal in Law, and to be named alongside of her and Marian Wright Edelman and Elaine Jones, who I love dearly, is one of the greatest honors of my life.

Of course, it is complicated because Thomas Jefferson is complicated. There is so much to

admire about him, his genius, his curiosity, and his industry. I was pleased to quote from Mr. Jefferson's notes on the State of Virginia and the decision a few years ago. It captured something true about the case, despite being more than 200 years old.

One of the things I appreciate about universities though, is that we can engage in difficult conversations in more than 280 characters. So I should add that truth requires us to recognize the complication of Mr Jefferson, the slave holder, because in notes on the State of Virginia, he also wrote that black people were much inferior among other things.

To him, people like me, were best fit to give our labor, blood, and sweat to build this great university. We certainly though were not fit to attend it, let alone be honored by it. Now Jefferson would truly question what you all have done on this day if he knew I was not just a black man, but a black federal judge, for he believed that federal judges were sappers and miners, steadily working to undermine the independent rights of states and assault the Constitution.

Jefferson led his party to attack the judiciary's independence. So I'm here today, not just as a black man, but a black judge. My friend Judge Reggie Walton once said that when black judges see injustice, we have an obligation to stand up and speak. So as a black judge, accepting an award named for a man whose views on race cannot be untethered from an assault on the judiciary, I must stand up and speak about that parent.

How corrosive it has been since the days of Jefferson, who we all agree was a man of his time. How often that pairing has been embraced throughout our history by men of their times. And how we must defend against it's poison when spewed today by men of our time.

Because there is another vision of what the judiciary is and should always be, a vision of the courts as the defender of justice. First, let me explain to you what I mean by the word justice. People go to church to find peace, to the hospital to be healed. To be educated, they go to school. And yes, they go to Minneapolis to bring back a national championship.

[APPLAUSE]

But they go to courts to get justice. Now the Constitution says, we the people, we're united to form a more perfect union. But that great document has another purpose, as you think about it, more perfect union to establish justice. And hard justice is a search for the truth, deciding what is fair, what is reasonable, what is owed.

These questions are too important to be decided by position, power, or tradition. Only truth can resolve them, thus as Justice John Marshall Harlan II wrote, quote, "The job of courts is not merely one of an umpire, in disputes between litigants. Their job is to search out the truth, both as to the facts and the law."

Finding truth is hard. It takes time. That's why courts have carefully crafted rules of evidence, rules of procedure, and why injustice happens when courts place expediency and finality ahead of truth. Finding truth takes independence, that's why courts must be shielded from partisanship and undue influence. Most of all, though, finding truth takes experience.

Experience is famously the life of the law, where people come from, what they have lived through, what they do with their time, and who they spend their time with. It all matters because we don't see the beauty of Monticello by looking at it from one angle, nor the horror of the slave quarters by observing them from a distance.

To find truth, we need all the angles, all distances, all perspectives, what Judge A. Leon Higginbotham called a multitude of different experiences to find the truth. That is what justice requires. Justices demand for diverse experiences is best seen in the heart of our court system, the jury. The Constitution requires trials by an impartial jury.

The Supreme Court says we should try to draw juries that reflect a representative cross-section of the community. Excluding classes of people from the juries, like women and black folk, results in decision making that according to the Supreme Court is exposed to the risk of bias. Reams of scientific evidence support this conclusion, along with the idea that diversity is essential to all kinds of courtroom decision making.

As justice Thurgood Marshall said, "If we deprive the legal process of the benefit of differing viewpoints and perspectives on a given problem, then we are left with one-sided justice." Mississippians know what one-sided justice looks like. We've seen it, we've felt it, we've been hurt by it. Sometimes, we've even been killed by it.

One-sided justice was when Mississippi courts declared that black folk were inferior, that we were personal property, that beating and whipping us was not cruel or unusual. One-sided justice enabled the exclusion, the torture, and sale of black people, enabled the system of slavery that shapes my state's dismal social economic statistics to this day.

This one-sided justice was not exclusive to Mississippi, Virginians had it too, as did the rest of the country. The law of the land was Dred Scott, which said black people were beings of an inferior order, with no rights which the white man was bound to respect.

What these decisions reflected was a lack of experience, the black experience, a lack of acknowledgment that black folk also have souls. Without that black experience, courts were led to falsehood. As Abraham Lincoln said, Dred Scott was wrong for a simple reason, it was based on assumed historical facts, which were not really true.

Reversing the untruths of Dred Scott took a war and a new constitution rewritten to reflect the truth of black equality through the 13th, 14th, and 15th Amendments. It also took a revitalized federal court with expanded jurisdiction, more judgeships, and new causes of action to protect civil rights.

Mississippi courts saw black plaintiffs, black juries black lawyers, black judges, black witnesses. For the first time ever, Mississippi's judiciary was equipped with the experience of black folk. But then came push-back. In Mississippi and across the South, the Klan responded to the threat of democratic justice by trying to assassinate black judges, shooting black jurors, and murdering federal court officers.

In Congress, advocates of white power smeared federal judges as unresponsive to the will of the people, pushed to roll back the jurisdiction and autonomy of federal courts, and field judgeships with former confederates who had sworn to uphold slavery. One judge, a former lawyer, to the Klan, LQC Lamar is the only Mississippi to have served on the US Supreme Court.

The great assault on the judiciary succeeded. Black perspectives were again banished from our courts, especially in my Mississippi. But barring of the experience of a majority of a citizen, our courts saw only a disfigured growth, like a tree raised with water, but not light. That tree bore strange fruit, like Plessy vs. Ferguson, which assumed in ignorance of all the relevant evidence, that segregation stamps the colored race with a badge of inferiority, the court said, solely because, solely because the colored race chooses to put that construction upon it.

If you want to know what that kind of all white justice looks like, what it feels like, what it hurts like, ask the people in Mississippi who lived through it. Ask those whose lynchings were sanctioned by a judiciary that was, quote, "the Klan in black robes instead of white sheets" as described by former Mississippi Supreme Court Justice Fred Banks.



Ask Ed Brown, Henry Shields, and Hank Ellington, three black men arrested for the murder of a white man. They were beaten, indicted, tried, and sentenced to death, all within five days after the jury deliberated for just 30 minutes. Their prosecutor, John Stennis, graduated from this institution 61 years before me. How badly were these defendants tortured? Quote, "not too much for a Negro. Not as much as I would have done it if it was left to me", a deputy testified.

Ask Emmett Till, that child was kidnapped, that child was beaten, had an eye gouged out, that child was shot, that child was killed, his body mutilated, undressed and thrown into the Tallahatchie River tied to a 100 pound gin so that his desecrated body would never be discovered. A child, a child whose killers were served Mississippi justice, justice who servants called black folk niggers in open court, justice that ignored black eyewitness testimony, justice that delivered a unanimous not guilty verdict from an all white, all-male jury that deliberated for of an hour and seven minutes. Why that long? Because they took a pop break.

Mississippi justice show the world what courts look like when twisted by the falsehood of hate, deprived of the experiences of those they serve. That revelation helped fuel a struggle for real justice to push experiences of black folk back into the places they had been excluded from for generations. Ordinary folk like Fannie Lou Hamer, Vernon Dame, and Medgar Evers and George Lee led a freedom movement of blood, sweat, and tears.

Judges, like William Henry Hastie, integrated our article three courts, ended 160 years of judicial segregation. Lawyers like Thurgood Marshall revived civil rights statutes, prying open the doors of the antebellum courthouses where white supremacy ruled. With black folks oppression once again on the scales of justice, our courts tipped again towards truth. The result, of course, was Brown vs. Board of Education with the Supreme Court embracing a few simple facts that the doctrine of separate but equal has no place in a free society, that black people are indeed created equal, that we, we are included in, we the people.

Brown showed that our courts were once again willing to incorporate the experiences of the many rather than the few into their searches for truth. And lo and behold, then came the second great pushback against the judiciary, white power returned to the playbook of the pads, smearing judges, shrinking judicial power, and scrubbing diversity from the courtrooms. Through the Southern Manifesto, segregation is launch a massive resistance against the judiciary.

The signatories included Mississippi's moderate, Senator John Stennis, attack courts as dangerous, guilty of judicial usurpation, filled with judges who encouraged agitators and troublemakers invading our states. It's signatories pushed to strip federal courts of jurisdiction over civil rights claims and impeach judges as receptive to those claims.

South Carolina's Strom Thurmond decried the tyranny of the judiciary. Alabama's George Wallace lamented what he called the sorriest federal court system in the world. And Mississippi's other more strident Senator, James Eastland attacked judicial nominees whose experiences affirmed black truths, asking Thurgood Marshall during his confirmation hearing if he was, quote, "prejudiced against white people", how ridiculous.

To counter these experiences of Marshall and those like him, segregationist senators wielded their seniority, seniority built on the disenfranchisement of black people. Men like Senator Eastland, who saw his voter suppression efforts in Mississippi, rewarded by being given the chairmanship of the Judiciary Committee. He then in turn demand the appointment of men who would enforce white supremacy, men like Harold Cox, a man who called black people in his court baboons, chimpanzees, niggers.

His behavior was repugnant to anyone with a sense of fairness. Cox was far from the only threat to the rule of law during those times. I can think of your Senator, Harry Byrd, vowing to fight Brown with every ounce of energy and capacity of his. Set forth what would later happen in Prince Edward's County, Virginia where they decided to close all their public schools just so black students couldn't get an education.

We saw it in Mississippi, too. I know it. I know what they did. I saw them. How will I know them? I know their children. See, because after Brown vs. Board in my hometown of Yazoo City, a group of 1,500 white citizens formed the citizens council to protect white supremacy. When 53 black parents signed the petition, asking the Yazoo City school board to desegregate, the council listed their names in full page newspaper ads and posted those signs around town.

Almost immediately, the signatories lost their jobs, their businesses lost customers and shut down. Even those known to be the help were no longer needed. Soon, nearly every signatory had removed their names from the petition. The two names left, well they had already fled.

The story of my Yazoo City though is not unique. Black folk across the country who had the gall to ask for justice were interrogated, trapped, beaten, jailed, bombed, and murdered,

sometimes about offices of justice themselves, the police. Judges who sought to deliver justice faced an onslaught of death threats and hate mail.

Their pets were poisoned. Their children grades were desecrated. White powers tried to sniff out the light of freedom. But the brave leaders, judges, plaintiffs, who saw the truth that we, again, we are we the people, they prevailed. And in *Alexander vs. Holmes County* decided 50 years ago this year, the Supreme Court ruled that all deliberate speed was no longer a strategy for keeping Mississippi schools segregated.

With the independence, power, and fortitude to do justice, our court's search for truth bore freedom's fruit. I count myself among that harvest. *Alexander* came down when I was just in kindergarten. So I was among the first full class to go into Amy Ellis Elementary in the first grade in an integrated school.

I spent the next 12 years of public education with black and white children, Maxine and Melody and Don and Thomas, Fizz and Charles, and every other member of my class of 1982, whose graduation song-- for you old folk in here, whose graduation song that yeah was Stevie Wonder's and Paul McCartney's "Ebony and Ivory". We live in perfect harmony.

Across Mississippi, thousands of children like me learned from white and black teachers, played for black and white coaches, sang for black and white choir directors. We were in harmony, learning that white and black kids could be hungry to learn, could be brave, could be curious and silly, especially silly if you had some of my old friends.

We learned the truth that our courts had affirmed that black people are equal with white folk, deserving of every opportunity given to the form. I got many of these opportunities, including an education at this fine institution. This institution, which put me on the path to one of the greatest opportunities of my life, serving as a federal judge.

That opportunity, just like the opportunity of an integrated education, came from an effort to defend and strengthen our courts. For eight years at the beginning of this century, building on the legacy of the president elected the year of America's bicentennial, our nation witnessed a revolution, one that dramatically expanded and improved the body of expertise federal courts depend on to find the truth.

We saw the addition of more black judges, more women judges, more Latina and Latino judges, more Asian-American judges, more Native American judges, more Pacific Islander

judges, more LGBTQ judges than ever before. We saw that. For a brief moment, there were so many firsts, each one making our judiciary better reflect the best of America.

I know because I was there. On the day of my confirmation hearing, five of us, all people of color, appeared before the Senate Judiciary Committee. There was Mary Madea, a first generation Mexican-American headed to the Ninth Circuit Court of Appeals. Denise Casper, the first African-American female federal judge in Massachusetts.

Edmund Chang, the first Asian-American federal judge in Illinois. And Leslie Kobayashi, the first Japanese-American confirmed during the Obama administration. Finally, there I was, the second black judge, federal judge, in Mississippi's history, ready to claim the seat once held by Harold Cox. The only white men in the room that day were the two senators.

I could not list the endless array of useful experiences the revolution in judicial appointments allow our courts to draw on, but I do think about Abdul Kallon who sits in Alabama. Judge Kallon, born in Freetown, Sierra Leone and raised by his mother, shows us what immigrants and how they can get the job done. Think of Nitza Quinones Alejandro, who serves as the first openly lesbian Article III judge in Pennsylvania. Think of my friend, Luis Restrepo, who took his oath of office 20 years after taking his oath of citizenship, strengthening the Third Circuit with the insights only a former public-- only a form of federal public defender can know.

It was during these years that Mississippi got its first African-American female judge. And for the first time, the 5th circuit court of appeals had two African-American judges to serve with each other. Appointments like these wove the essence of America into the tapestry of our judiciary, making our courts of, by, and for, we the people. That effort to make our judiciary reflect America was as brief as it was remarkable, because now we are eye witnesses to the third great assault on our judiciary.

If you've never relied on a court, you may not see the assault. If you've never seen a friend, a loved one, wrongly imprisoned, you may not feel it. If you have never been stopped for driving while black, like my friend Judge Robert Wilkins, you might not fear it. But if you know the words of Mississippi's darkest moment, you can hear. When politicians attack the courts as dangerous, political, and guilty of egregious overreach, you can hear the Klan's lawyers assailing officers of the court across the South. When leaders chastise people for merely using the courts, you can hear the citizen council hammering up those names of those black petitioners there in Yazoo City.

When the powerful accuse the courts of opening up our country to potential terrorists, you can hear the southern manifestos authors smearing the judiciary for simply upholding the rights of black folk. When lawmakers say, we should get rid of our judges, you can hear segregationist senators writing bills to strip our courts of their power. And when the executive branch calls our courts and their work stupid, horrible, ridiculous, incompetent, a laughingstock, and a complete and total disgrace, you can hear the slurs and threats of executives like George Wallace echoing into the present.

I know what I heard when a federal judge was called very biased and unfair because he is of Mexican heritage. When that judge's ethnicity was said to prevent his issuing fair rulings, when that judge was called a hater simply because he is Latino, I heard the words of James Eastland, a race baiting politician, empowered by the falsehood of white supremacy questioning the judicial temperament of a man solely because of the color of his skin. I heard those words, and I did not know if I was in 1967 or 2017.

This false seed is being sown across this country, from Mississippi to Virginia. I know because I'm here. The proof is in my mailbox, in countless letters of hatred. I've been called a piece of garbage, and arrogant, pompous piece of-- sh-- you fill in the rest. This may not be appropriate for children.

[LAUGHTER]

A disgrace. An asshole who will burn in hell, and the embodiment of Satan himself. One person has even told me that he has prayed that God will give me complete discomfort. The deliverers of hate who send these messages aim to bully and scare judges who look like me from the judiciary. And so they share an aim with those who used whips, and robes, and trees against my ancestors, scrubbing the black experience from our nation's courts.

Of course-- of course-- courts can and should be criticized. Judges get it wrong all the time-- that includes me. Scrutiny of our reasoning is not, on it's own, troubling. Indeed, debating judicial decisions improves, rather than impedes, our court's search for truth. But the slander and falsehoods thrown at courts today are not those of a critic seeking to improve the judiciary's search for truth. They are the words of an attacker seeking to distort and twist that search toward falsehood. This attack is heard loudest in the slander of Judge Curiel But it will be felt through this administration's judicial nominations, especially those confirmed with the advice and consent of the Senate.

Of article three judges confirmed under this current administration, 90% have been white. Just one of those judges is black. Just two are Hispanic. But it's not just about racial diversity. Barely 25% of this administration's confirmed judges are women, none have been black or Latina. Achieving complete gender equality on the federal bench would require us to confirm only 23 women a year. How hard could that be? I suspect Deans Goluboff and Kendrick would say, not very hard. She does not have to agree with me.

And think about it. In a country where they make up 30% of the population, non-Hispanic white men make up nearly 70% of this administration's confirmed judges. That's not what America looks like. That's not even what the legal profession looks like. Some say our judicial nomination process is hampered by a campaign of systematic and comprehensive obstruction. They may be right. But what others see is a systematic campaign to deprive America of a bench that reflects the richness of the nation.

There is no excuse for this exclusion of minority experiences from our courts. Minority populations are not monolithic. We contain multitudes. Presidents from Nixon, to Reagan, to Bush one, have proven that Republican administrations have no trouble finding women and people of color with suitable judicial philosophies. Justice Sotomayor, for example, was originally a George HW Bush appointee. And the last Republican administration confirmed 24 black judges. This administration has confirmed one.

This administration, and a bare majority of the Senate, walking arm-in-arm are not stumbling unaware towards a homogeneous judiciary. Think of the slurs against Judge Curiel. Think of the nominations to the bench of those who call diversity code for relaxed standards. Who call transgender children part of Satan's plan. Who defend the KKK in online message boards. Who led voter suppression efforts for segregationists like Jesse Helms.

Think of the pattern of judicial nominees refusing to admit, like every generation of nominees before them, that Brown vs. Board was correctly decided. That same Brown which led to Alexander vs. Holmes, which breathes justice into my segregated streets there in Yazoo city. As if equality was a mere political position. Friends, friends, students-- let it be said that equal protection of the law is not a political position, it is enshrined in our constitution.

As Alexander Hamilton said of the judiciary, "all possible care is requisite to enable it to defend itself against their attacks." To fulfill the Constitution's promise, to establish justice, we the people need to defend the judiciary. Defending the judiciary means more than demanding that

more women and people of color be appointed to the bench. With no Muslims on the bench, will our judiciary understand the many facets of religious freedom? How can it defend economic opportunity with so few judges who know the taste of a free lunch program, or the weight of poverty? How can our judiciary understand the depth of mass incarceration when so few judges have stood with the accused or know them as neighbors, as Sunday school students, as loved ones?

Filled only with the experiences of prosecutors and state court judges, of big law partners and corporate counsel, of a single religion or sexual orientation, our courts will fail to find the many truths justice must see. We need a judiciary as diverse as our country. As diverse as we the people. And that brings me to the US Supreme Court.

It is no doubt overflowing with wisdom-- infinite wisdom. But its wisdom. We know, is drawn from a shallow pool. For our current justices, collectively, have 21 degrees, none of which were from a public university, unless you consider Oxford public.

[LAUGHTER]

Every current justice went to Harvard or Yale. Nobody went to UVA. Almost every justice served on a federal appellate court, just one has served as a trial judge. None served in a legislature as a governor or as attorney general. None worked as a public defender or legal aid attorney. Justices O'Connor, Kennedy, Warren, and Douglas, brought to the court a unique perspective from the American West. Today, that perspective is represented by Justice Gorsuch, a graduate of Georgetown Prep.

We have as many justices who have graduated from Georgetown Prep as we have justices who have lived as a non-white person. When our Supreme Court captures such a narrow set of perspectives, what truths will it overlook? When Oliver Wendell Holmes said that experience was the life of the law, he noted that these experiences included the prejudices which judges share with their fellow man. The prejudices that they share with their fellow man, with the experiences of some of the people, not we the people. What prejudices, misperceptions, and stereotypes will be left unchallenged and forge into the next president? What Dred Scotts or Plessys will be handed down?

James Madison cautioned that it was, "essential a democracy's officials be derived from the great body of the society, not from an inconsiderate--" inconsiderable, excuse me-- "proportion or of a favorite class of it." We ignore, today, this warning, at our peril. But a diverse bench--

be it at the Supreme Court or elsewhere-- is not enough to democratize the judiciary. Article III judges represent only a tiny fraction of the people involved in our judiciary's decision making process. They are the bankruptcy and magistrate judges, the powerful prosecutors and public defenders. The many law clerks and court staff we hire. The lead counsel, receivers, and steering committees that our judges appoint to serve. The marshals and police who structure our criminal justice system. All of these positions are critical parts of our courts truth-seeking function.

We cannot overlook how these positions fail to reflect the experiences and diversity of the public they serve. When people of every race, ethnicity, religion, gender, and sexual orientation can see their own experiences reflected in our highest interest institutions, they receive hope and inspiration beyond measure. When courts look like the country they represent, they, more than any claim to pedigree or prestige, is what instills public confidence in the courts.

Again, my mailbox proves it. For every piece of hate mail I get, I receive 10 letters telling a different story of America. Letters like one that reads, "thank you from the bottom of my heart for standing up for the LGBT community of Mississippi." Signed, a closeted gay Mississippi teen. I'm sending you positive energy, good thoughts, and loving prayers, your way, said another. And one person simply said, thank god for you and our system of justice. Another fellow American said, "I am grateful for our strong and independent judiciary."

So each of us has a role to play in defending our judiciary. Judges, politicians, and citizens alike, must denounce attacks that undermine our ability to do justice. It is not enough for judges, seeing race-based attacks on their brethren, to say that they are merely disheartened or to simply affirm their non-partisan status. We must do more to defend our bench. Those who control the judicial confirmation process, and those who elect them, must demand that diverse experiences be seen as a necessary qualification for office, rather than a box happily left unchecked. Moreover, they must realize that democratizing our judiciary will take more than a return to past practices.

For example, even if future presidents appoint female judges at the same unprecedented rate as the Obama administration, we will never have women experiences truly reflected in our courts, as they would forever be stuck at 42%. Judges must recognize their own power to orient the judiciary toward inclusiveness. We judges must ensure the communities we serve are represented on our court staff, especially amongst our law clerks. Judge Chhabria in



California is challenging us to do better by advocating for using the NFL's Rooney Rule in our law clerk hiring.

We must push for the appointment of diverse bankruptcy and magistrate judges. We judges-- we-- we must do that. Many federal judges, including my friend Kathryn Vratil, have taken important steps to diversify the judiciary. We judges must follow their footsteps. Courts must do more than denounce and diversify, for the attack on the judiciary aims to close the courthouse doors to those who most need justice, by shrinking the size, the resources, and jurisdiction of our courts.

Over the last 30 years, while the US population has increased by over 30%, Congress has increased the number of Article III judges by just 3%. Meanwhile, there are continued attempts to close the doors to our courtrooms. I think of the heightened pleading standards, the rise of mandatory arbitration, and judges who proclaim that prisoners civil rights cases should be eliminated from the federal dockets altogether. Defending the judiciary requires judges to demand, not diminish, the resources they need to find truth. We must expand the reach and the power of our courts, offering justice to all who claim the promise of America.

This speech began with Thomas Jefferson, and I know you want to see me end with him. Because of all of his failings, Mr. Jefferson-- again, we will agree, a man of his times-- also framed our country's greatest truth that all men are created equal. Searching for his truth, interpreting its meaning, and applying its mandates, are the tasks that make our judiciary a bastion of democracy. What makes we, we the people. We do Jefferson justice, we do the martyrs of Mississippi justice, we do our country justice, by defending our judiciary now more than ever. Thank you so very much for listening.

[APPLAUSE]

**RISA GOLUBOFF:** Judge Reeves is open to taking some questions and there are microphones set up. So if you want to come up to the microphones, ask a question.

**CARLTON** I'd like to thank the interpreters because I know I had you going.

**REEVES:**

[LAUGHTER]

And I know I said that my daughter had celebrated 24 birthdays with me, but she's here with me today. And I'm so happy that she is, along with my baby sister. I don't know if I mentioned that-- but I did mention? I don't know. OK.

[LAUGHTER]

All right. Oh, OK. You just wanted-- OK. All right. You're all right? All right. Yes?

**ZANE CLARK:** Hi, Judge. Zane Clark, thank you for being here today. I've had the chance to ask a few judges, as they've come throughout the past semester, for advice and insight on how young law students should start to try and shape our own judicial philosophy. I'm fortunate I have Dean Goluboff for Constitutional Law, and she's done a great job. But any extra insight that might help me ace my exam would be much appreciated.

[LAUGHTER]

**RISA GOLUBOFF:** Did you say unfortunately?

[LAUGHTER]

**CARLTON** Listen to what she says. No. I mean, you know who you are, you know why you came here.  
**REEVES:** You know why you want to be a lawyer. Just stay committed to that, whatever that is, why you want to do it. Just stay committed to that. Don't let anybody sidetrack you from where you want to go. You're going to stray away from time to time, you're going to. But if you keep your focus on what it is, where you want to be.

I don't know how to tell you to shape your judicial philosophy, other than, I do believe that part of your philosophy has already been shaped for you. You've grown up wherever you did, however you did. The experiences that you have, what do you see as the role of the courts, role of the justice system? I assume it's being shaped now, and has been for years. So just stay focused on that.

**ZANE CLARK:** Thank you.

**CARLTON** Hope that helps.

**REEVES:**

[LAUGHTER]

**ZANE CLARK:** Me too.

**RISA GOLUBOFF:** We'll see, won't we.

**STUDENT:** I was wondering-- you mentioned in your speech a couple of times the idea that Jefferson is sort of a product of his times-- and I was wondering if you thought about our generation, what we might be blind to if some later generation were to look back at us and say that, oh, they were a product of their times? They didn't fight for this particular justice that they didn't see.

**CARLTON REEVES:** I think how we're treating immigrants. I mean, you know, I think how we're treating the people who we consider the less of these. How we restrict the definition of we the people, and who does that include. Who is part of that collective we the people. And if we are doing things to restrict that notion of we the people, or restrict the expansive embrace of the 14th Amendment, I think then, in the future-- just like a generation, just like 15 years ago it was lesbian, gays, and all that. And we've seen, lesbian and gays have been here since this earth was formed.

[APPLAUSE]

They have lived. They have loved. They have broken the law, they have done great things. They are us. We live with them, we know them, we know who we are. We are them. So when the country looks back, when this generation looks back and say that, oh, they wanted to still not treat them like the 14th Amendment doesn't apply to them, I think the generations to come will say, mom, dad, how did you all let that happen?

Just like I cannot believe-- just like I can't believe-- how black kids and white kids can not go to school together. I can't believe the notion of a system of government deciding to close all of its public schools. I cannot believe that, but we know it happened. I can not believe the stuff that I read about in the 1950s, 40s, '60s. And we say, how did that happen?

And part of it happened, I think, because-- Elie Wiesel I think I'm pronouncing his name right. When I went to the Civil Rights Museum in Memphis, they take you through there and then they end up with a video presentation of how King's words have inspired so many people globally-- Tiananmen Square and other things. But they showed this clip of Elie Wiesel And he says, "the opposite of hate--" no, no-- "the opposite of love is not hate, it's indifference." And I think that the stuff that happens, and happened in the 30s, 40s, 50s, 60s-- lynchings and killings-- how did a boy like Emmett Till get killed, for example?

It's because people decided that they would not say anything when they knew that their best friend, their neighbors, their loved ones, the person with whom they were sleeping with at night, who was helping raise their children, was involved in a dastardly act like that. So they share the blame, the people who, who are just middle of the road. You know, Dr. King talked about them in the letters at Birmingham jail. If it's not, you know-- come on, now.

So it's that type of thing. Because your children will ask you, mom, dad, where were you when this was going on? I don't know if I answered your question, but that's it.

[LAUGHTER]

**RISA GOLUBOFF:** Please join me in thanking Judge Carlton Reeves.

[APPLAUSE]