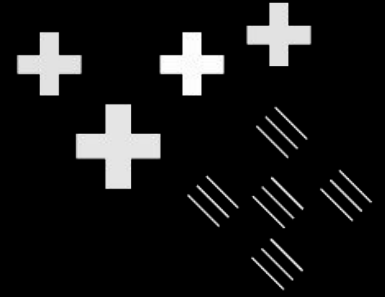




The Leadership Conference  
on Civil and Human Rights



**President Carter's  
Judicial Appointments  
Are Central to His Tremendous  
Civil Rights Legacy**

**August 2023**

On May 17, 1979, President Jimmy Carter held a ceremony in the East Room of the White House to commemorate the 25th anniversary of the landmark *Brown v. Board of Education* decision. One of the guests was civil rights lawyer and leader Nathaniel Jones, then the general counsel of the NAACP, who worked alongside Roy Wilkins — one of our founders. President Carter chose that profoundly important moment in civil rights history to make a surprise announcement: He was [nominating Jones](#) to a seat on the U.S. Court of Appeals for the Sixth Circuit. When the Senate confirmed Jones later that year, he became the first Black judge from Ohio to serve on that court.

President Carter celebrated and embraced Jones' civil rights career and, over the course of his presidency, nominated a number of icons of the movement to serve for life on the federal bench. And his appointees weren't just professionally diverse: By the end of his term, [President Carter appointed](#) more women and people of color to the federal judiciary than all previous presidents combined.

In January 1980, President Carter nominated lawyer and civil rights icon Fred Gray — who represented Dr. Martin Luther King, Jr., Rosa Parks, and Claudette Colvin — to serve on the U.S. District Court for the Middle District of Alabama and civil rights lawyer U.W. Clemon to the U.S. District Court for the Northern District of Alabama. When the American Bar Association (ABA) rated them Not Qualified, the National Bar Association — organized in 1925 to give voice to Black attorneys who were denied admission to every nationally organized bar association at the time — stepped in and rated them “very well qualified.”

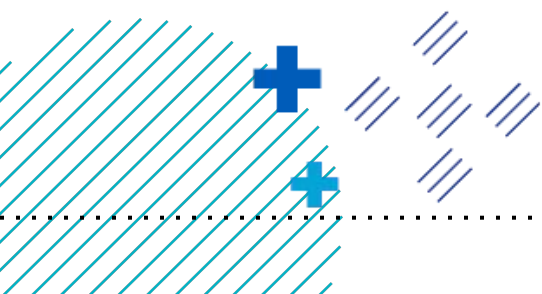
When Gray and Clemon appeared before the Senate Judiciary Committee, The Leadership Conference's legislative chair Clarence Mitchell [testified](#) and described the ABA's evaluation process at the time of being tinged by racism. Gray was unfortunately forced to withdraw his nomination, while Clemon was confirmed and became the first Black lifetime federal judge in Alabama. In Gray's place, President Carter nominated Myron Thompson, who remains the first and only Black lifetime judge to ever serve on the Middle District of Alabama — and who continues to serve as a senior judge on this court today. Gray, who is 92 years old, is still practicing law and [was awarded the Presidential Medal of Freedom](#) last year by President Biden for his pivotal work — for which Dr. Martin Luther King, Jr. described him as “chief counsel” of the movement.

**“By the end of his term,  
President Carter  
appointed more women  
and people of color to  
the federal judiciary than  
all previous presidents  
combined.”**

President Carter sought out the boldest nominees who worked to advance and expand our recognized fundamental civil rights that had been largely excluded from consideration previously — including an impressive number of Black civil rights lawyers and other historic and remarkable Black jurists. He celebrated them, he believed in them, and he wanted them to serve on the federal bench for life. In addition to Judges Nathaniel Jones, U.W. Clemon, and Myron Thompson, this included:

- **Clyde Cahill, U.S. District Court for the Eastern District of Missouri.** Judge Cahill was the first Black lifetime judge to serve on the Eastern District of Missouri. Before his appointment to the bench, he served as chief legal advisor to the Missouri NAACP for a decade and filed the first lawsuit in the state to implement *Brown v. Board of Education* — which helped to end school segregation in the state. He also served as executive director and general counsel for the Legal Aid Society of St. Louis.
- **Joseph Hatchett, U.S. Court of Appeals for the Fifth Circuit (and later Eleventh Circuit).** Judge Hatchett served as a cooperating attorney with the NAACP Legal Defense and Educational Fund in the 1960s and later became the first Black justice on the Florida Supreme Court and the first Black judge on a federal appellate court in the Deep South (serving on the Fifth Circuit before being reassigned to the Eleventh Circuit).
- **Thelton Henderson, U.S. District Court for the Northern District of California.** Judge Henderson, who investigated the 16th Street Baptist Church bombing in Birmingham, was the first Black lawyer to serve in the Department of Justice’s Civil Rights Division and the second Black lifetime judge on this court. [According to the Marshall Project](#), “One night, a civil rights activist with car trouble asked to borrow Henderson’s government-rented car. Henderson agreed. The activist was Martin Luther King, Jr., on his way to the marches in Selma. The incident was seized by critics as evidence the Kennedy administration was providing direct support to civil rights activists.” While having been erroneously ousted from his role at the Justice Department, President Carter insisted on his confirmation. On the bench, he became the [first judge to rule](#) that gay people are entitled to equal protection and due process under the U.S. Constitution.
- **Leon Higginbotham, U.S. Court of Appeals for the Third Circuit.** After being appointed by President Johnson to the U.S. District Court for the Eastern District of Pennsylvania, President Carter elevated Judge Higginbotham — who became the fifth Black federal appellate court judge in our nation’s history and the second on the Third Circuit. Judge Higginbotham was a civil rights champion — advising President Johnson after the assassination of Dr. King and later serving as a commissioner of the U.S. Commission on Civil Rights.

- **George Howard, Jr., U.S. District Court for the Eastern District of Arkansas and U.S. District Court for the Western District of Arkansas.** Judge Howard was the first Black judge to serve on the Arkansas Court of Appeals, on the Arkansas Supreme Court, and as a lifetime federal judge in the state. According to [one biography](#), “he served as President of the Pine Bluff Chapter of the National Association for the Advancement of Colored People (NAACP) and President of the Arkansas State Conference of Branches for the NAACP. His civil rights litigation included acting as counsel for the NAACP in cases related to the integration of Central High in Little Rock and a lawsuit to desegregate the Dollarway school district in Jefferson County, Arkansas where one of his daughters was the first Black student registered in the high school.”
- **Amalya Kearse, U.S. Court of Appeals for the Second Circuit.** In 1979, Judge Kearse made history as the first Black woman to serve on any federal appellate court in the United States — and the second Black judge on this court after Justice Thurgood Marshall. Judge Kearse continues to serve on this court today as a senior judge. Among her notable opinions, Judge Kearse [ruled in 1984](#) in *McCray v. Abrams* that people could not be systematically excluded from juries solely based on race.
- **Damon Keith, U.S. Court of Appeals for the Sixth Circuit.** After being appointed to the U.S. District Court for the Eastern District of Michigan by President Johnson, President Carter nominated him to serve on the Sixth Circuit. Judge Keith became the sixth Black federal appeals court judge ever — and the second on the Sixth Circuit. Judge Keith served as co-chair of the Michigan Civil Rights Commission following the Detroit race riots. [As noted in his obituary](#) in 2019: Keith, the grandson of enslaved people “and the longest-serving African-American judge in the nation, burst onto the national stage in 1970 when, as a U.S. district judge, he ordered citywide busing to desegregate Pontiac schools. It was the first court decision to extend federal court-ordered busing to the North.”
- **Mary Johnson Lowe, U.S. District Court for the Southern District of New York.** In 1978, Judge Lowe became just the second Black woman to serve as a lifetime federal judge — the first since Judge Constance Baker Motley’s historic confirmation 12 years earlier. Before her tenure on the bench, [Judge Lowe served](#) as the New York state education chair for the NAACP and was a member of civil rights organizations including the National Urban League, National Council of Negro Women, and National Organization for Women. She [issued notable rulings](#) during her time as judge, including protecting the voting rights of people who are unhoused and recognizing gender bias in the New York City pension system.



**“President Carter sought out the boldest nominees who worked to advance and expand our recognized fundamental civil rights that had been largely excluded from consideration previously — including an impressive number of Black civil rights lawyers and other historic and remarkable Black jurists.”**

- **Gabrielle McDonald, U.S. District Court for the Southern District of Texas.** Judge McDonald was a civil rights lawyer who served as a staff attorney at the NAACP Legal Defense and Educational Fund after graduating from the Howard University School of Law in 1966. “She became one of a small group of lawyers who traveled around the south assisting lawyers and community members in lawsuits involving school desegregation, equal employment, housing and voting rights,” [according to the Texas Woman’s University](#). In 1979, she became the first Black judge confirmed to the federal bench in Texas and the third Black woman lifetime federal judge in the United States.
- **Matthew J. Perry, U.S. District Court for the District of South Carolina.** Before Judge Perry served as the first Black lifetime federal judge in South Carolina, he was the chief counsel of the South Carolina State Conference of the NAACP and was profoundly important to the civil rights movement in South Carolina. [According to the University of South Carolina](#), for example: “As his legal career progressed, Judge Perry would eventually play a central role in almost every case that integrated South Carolina’s public schools, hospitals, golf courses, restaurants, parks, playgrounds and beaches. He individually tried more than 6,000 cases, and his work led to the release of nearly 7,000 people arrested for protesting various forms of segregation.”
- **Cecil Poole, U.S. Court of Appeals for the Ninth Circuit.** Before becoming the second Black judge to serve on the Ninth Circuit (and first from California), Judge Poole served as the nation’s first Black U.S. attorney and first Black judge on the U.S. District Court for the Northern District of California. Prior to his judicial service, [Judge Poole served](#) as a director of the NAACP Legal Defense and Educational Fund and as a national trustee of the National Urban League. As [one biography notes](#), “His understanding and support for other marginalized groups was obvious and Poole was extremely influential in ruling in favor of Native American–Alaskan groups who were seeking sovereignty over their lands.”



- **Anna Diggs Taylor, U.S. District Court for the Eastern District of Michigan.** In 1979, Judge Taylor became the first Black woman to serve as a lifetime federal judge in Michigan and on any court within the Sixth Circuit. After law school, Judge Taylor served as a staff lawyer in the solicitor’s office of the U.S. Department of Labor. Then, in 1964, “she went to Mississippi with other lawyers to represent civil rights workers jailed for registering black people to vote,” [according to the Administrative Office of the U.S. Courts’](#) obituary of Judge Taylor. “The day she got there, James Chaney, Andrew Goodman and Michael Schwerner, vanished near Philadelphia, Miss., Judge Taylor, her brother, a law student and George Crockett Jr., the eventual Congressman, went to the Neshoba County Courthouse to ask about the disappearance, which made news nationwide.”
- **Horace Ward, U.S. District Court for the Northern District of Georgia.** Judge Ward was an exceptional civil rights lawyer who served as the first Black lifetime federal judge in Georgia. His path toward becoming a lawyer — and later a federal judge — was incredible. In 1951, Judge Ward was rejected from the University of Georgia’s law school because of his race and, when he sued, was represented by Thurgood Marshall and other lawyers. Though his case was dismissed as moot because he had gone to law school in another state, “it laid the groundwork for the university’s desegregation a decade later. After graduating from Northwestern University’s law school, in 1979 he was named Georgia’s first black federal judge. His swearing-in took place in the same courtroom where his lawsuit seeking admission to the university had been thrown out,” [as one obituary recalled.](#)

Other notable judicial appointees include [Judge James DeAnda](#), the second Mexican American lifetime federal judge, who helped to organize the Mexican American Legal Defense and Educational Fund; [Judge Dickinson Debevoise](#), who helped to recruit other lawyers to represent civil rights workers during Freedom Summer in 1964; [Judge Richard Enslen](#), a lawyer for a local NAACP who went to Mississippi during Freedom Summer; [Judge John T. Nixon](#), who worked to ensure the safety of voting rights activists in Selma and later took his law clerks on an annual pilgrimage to observe the Bloody Sunday anniversary; and [Judge Louis Pollack](#), who for nearly three decades volunteered his services to the NAACP Legal Defense and Educational Fund, including preparing the plaintiff's briefs for *Brown v. Board of Education*.

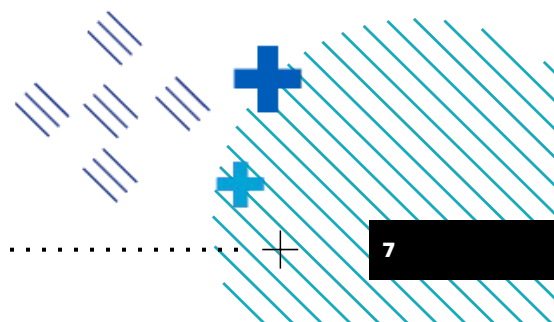
President Carter also elevated [Judge Frank M. Johnson, Jr.](#) to the Fifth Circuit after his storied tenure on the Middle District of Alabama — desegregating schools in Alabama, eliminating the state's poll tax, recognizing the constitutionality of Black people serving on juries, and authorizing the 1965 voting rights march from Selma to Montgomery.

Though President Carter never had an opportunity to appoint a Supreme Court justice, he did nominate civil rights lawyer and future Justice Ruth Bader Ginsburg to the important D.C. Circuit in 1980 before her elevation to the Supreme Court in 1993. Justice Ginsburg dedicated her entire career — on and off the bench — to protecting rights for women and LGBTQ people and to advancing justice for millions of people in America.

As Justice Ginsburg once said, “People often ask me, ‘Well, did you always want to be a judge?’ My answer is it just wasn’t in the realm of the possible until Jimmy Carter became president and was determined to draw on the talent of all of the people, not just some of them.” President Carter also appointed future Justice Stephen Breyer to the First Circuit before President Clinton nominated him to a seat on the Supreme Court in 1994.

Additionally, President Carter appointed five former public defenders to the federal district courts — four who are still serving as senior judges today. Among these were Judge Anne Elise Thompson, the first woman and first Black lifetime federal judge in New Jersey, and Judge Sylvia Rambo, who would become the first woman chief judge of the Middle District of Pennsylvania.

Today, President Biden is building on President Carter's legacy by appointing professionally and demographically diverse federal judges who are highly qualified and committed to civil and human rights. We wrote about President Biden's record during the 117th Congress in a report earlier this year — [“Persevere: Our Ongoing Fight for an Equal Justice Judiciary”](#) — and we continue to update the progress made and the work still ahead [in this brief](#).



The nation will remember President Carter for his service as governor of Georgia, as president of the United States, and as a volunteer for the Georgia-based Habitat for Humanity. And we will remember him for signing the Pregnancy Discrimination Act of 1978, for signing the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and for posthumously awarding Dr. Martin Luther King, Jr. with the Presidential Medal of Freedom.

We must also remember what is perhaps his most enduring and consequential legacy: his lifetime appointments to the federal judiciary. President Carter showed up for our courts and for our democracy — seeking out phenomenal nominees who were qualified, diverse, and committed to civil rights. Today’s leaders must honor President Carter’s tremendous judicial appointments legacy and continue the important work of building an equal justice judiciary that works for all.

**“Today’s leaders must honor President Carter’s tremendous judicial appointments legacy and continue the important work of building an equal justice judiciary that works for all.”**





**The Leadership  
Conference**

The nation's premier  
civil & human rights coalition



**1620 L Street NW, Suite 1100  
Washington, DC 20036**



**(202) 466-3311**



**civilrights.org**



**@civilrightsorg**



**@civilandhumanrights**



**@civilrightsorg**



**Pod for the Cause**

Copyright © 2023  
The Leadership Conference  
on Civil and Human Rights  
All Rights Reserved