

Diversity on the Supreme Court Matters for Equal Justice

The U.S. Supreme Court has failed to live up to its promise of equal justice under the law. The judiciary — which was built to protect White wealth and power — has been stacked against us. Though progress has been made to put judges on our courts who look like us and care about us,¹ our Supreme Court remains broken. For far too long, our judges and justices have been disproportionately White men and have possessed very narrow legal experiences as corporate attorneys or government prosecutors. These perspectives have dominated our Court, where justices decide cases that impact our freedom to vote, health care access, reproductive freedom, immigrant rights, LGBTQ equality, disability rights, and other crucial civil and human rights.

For us to have equal justice, we need more perspectives on the Court: more fair-minded justices who are committed to protecting the rights of all people and who come from all of our communities. On February 25, 2022, President Biden nominated Judge Ketanji Brown Jackson, a brilliant jurist with a demonstrated commitment to civil rights, to the U.S. Supreme Court. When confirmed, she will be the first Black woman to serve on our nation’s highest court, as well as the first former public defender. This is a critical step towards equal justice.

Diversity improves judicial decisionmaking by making sure more viewpoints are heard.

- Racially diverse judges include the perspectives of communities who were traditionally excluded from seats of power in the judiciary’s formal and informal decisionmaking.²
- Judges from different demographic and legal backgrounds infuse more viewpoints into judges’ conversations, preventing a single set of values from dominating judges’ decisions.³
- Diverse judges often better understand the needs and respect the interests of communities who have been marginalized by the judicial system, and help communities trust that courts’ decisions are not biased in favor of a select few.⁴

¹ This diversity includes race, sex, gender identity, sexual orientation, disability status, religion or no religion, ethnicity, national origin, socio-economic status, and experiential and professional background. For more on the progress made, see [“Building an Equal Justice Judiciary: Progress During the Biden Administration.”](#)

² Ifill, Sherrilyn A. [“Racial Diversity on the Bench: Beyond Role Models and Public Confidence.”](#) 57 Wash. & Lee L. Rev. 405 (2000).

³ Sen, Maya. [“Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time.”](#) 2017 Wis. L. Rev. 367 (2017); Root, Danielle, et al. “Building a More Inclusive Federal Judiciary.” Center for American Progress. October 3, 2019.

⁴ Hoster, Paige E. [“Understanding the Value of Judicial Diversity through the Native American Lens.”](#) 36 Am. Indian L. 457 (2012).

⁵ Ifill, Sherrilyn A. [“Racial Diversity on the Bench: Beyond Role Models and Public Confidence.”](#) 57 Wash. & Lee L. Rev. 405 (2000).

“Every judge brings to the bench a range of professional and life experiences which will influence his judicial decision-making.”

- Sherrilyn A. Ifill⁵

The Supreme Court does not reflect our nation’s diversity.⁶

- There has **never been a Black woman on the Supreme Court** — when confirmed, Judge Ketanji Brown Jackson will be the first.
- Out of **115 justices** who have served on the Supreme Court, only **three have been people of color**: Justices Thurgood Marshall (confirmed in 1967); Clarence Thomas (1991); and Sonia Sotomayor (2009).
- Out of **115 justices** who have served on the Supreme Court, only **five have been women**: Justices Sandra Day O’Connor (confirmed in 1981); Ruth Bader Ginsburg (1993); Sonia Sotomayor (2009); Elena Kagan (2010); and Amy Coney Barrett (2020).

The Supreme Court needs more justices with experience protecting civil rights.

- There has **never been a former public defender on the Supreme Court** — when confirmed, Judge Ketanji Brown Jackson will be the first. Public defenders represent people who cannot afford an attorney and play a crucial role in protecting the civil rights of all people in America.
- It has been more than **30 years since the Supreme Court had a justice with significant criminal defense experience** — Justice Thurgood Marshall, who was confirmed in 1967 and retired in 1991. Judge Ketanji Brown Jackson, a former public defender and former commissioner of the U.S. Sentencing Commission, understands how the criminal-legal system impacts our lives and would bring this crucial experience to the Court.

Judicial diversity is more than just a benefit — it’s a necessity.

To ensure equal justice and protect and advance civil rights, we need fair-minded, empathetic justices and judges who come from all walks of life and who represent and reflect the rich diversity of our nation. Judge Ketanji Brown Jackson brings critical perspectives that are missing from our Supreme Court and is dedicated to equal justice for all.

For more information, please visit civilrights.org/edfund or contact Samantha Cyrulnik-Dercher at cyrulnikdercher@civilrights.org.

⁶ All judicial data comes from Federal Judicial Center (FJC)’s [“Biographical Directory of Article III Federal Judges, 1789-present”](#) unless otherwise noted.