

A VOICE ON THE COURT

The Nomination of Ketanji Brown Jackson

The nomination of U.S. Circuit Judge Ketanji Brown Jackson to the U.S. Supreme Court fulfills one of President Joe Biden's campaign promises, but it is also the first nomination of a Black Woman in the 233-year history of the Court. It has been a long time coming, bringing a needed voice to the court that has so far been served by 108 white men, two Black men, four white women, and one Hispanic woman. Justice Thurgood Marshall, nominated by President Lyndon Johnson in 1967, was the first Black man on the court. Justice Sandra Day O'Connor, nominated by President Ronald Reagan in 1981, was the first woman on the court.

Though this sermon is really intended to laud the nomination of Judge Jackson, as a straight white male, I have chosen to exercise my historical prerogative to make the story all about me, at least for a moment! As an introverted, thoughtful, 3rd or 4th generation European-American male of Hungarian-German, English, Irish, Scotch and French ancestry; of Jewish, Catholic, and Methodist religious heritage, I have frequently found myself without a place at the table. However, as a white male, I have also frequently found that I could have a place at the table on any matter that really was important to me. If there were times I felt more on the outside as a philosophical religious humanist, it was relatively easy to admit that my place was claimed or not, by my own choice far more often than I was excluded because of any characteristic of ethnicity, color, or gender. The same cannot be said of the numerous acts, orders, laws and practices of exclusion that have long been suffered by women, blacks and other persons of color, and LGBTQ+ persons. I therefore hereby yield my historical straight white male prerogative.

Judge Jackson will hopefully be the first Black woman to have a voice on the U.S. Supreme Court. It would be nicer if it were not within a 3-6 progressive minority, but her personal and judicial history allows her to bring a voice never before heard but much needed within the halls of the high court.

Before coming to the US Circuit Court, Jackson served as a U.S. District Judge in Washington for 8 years and prior to that as a Public Defender and on the U.S. Sentencing Commission. She also clerked for Justice Breyer. She is a graduate of Harvard and Harvard Law and extraordinarily qualified to serve on the Supreme Court according to Donna Brazile, (adjunct professor at Georgetown and the King Endowed Chair in Public Policy at Howard University, former interim chair of the DNC and its Voting Rights Institute, and manager of Al Gore’s Presidential Campaign in 2000).

Whitehouse.GOV says this about Judge Jackson:

Judge Jackson was born in Washington, DC and grew up in Miami, Florida. Her parents attended segregated primary schools, then attended historically black colleges and universities. Both started their careers as public-school teachers and became leaders and administrators in the Miami-Dade Public School System. When Judge Jackson was in preschool, her father attended law school. In a 2017 lecture, Judge Jackson traced her love of the law back to sitting next to her father in their apartment as he tackled his law school homework—reading cases and preparing for Socratic questioning—while she undertook her preschool homework—coloring books.

Judge Jackson stood out as a high achiever throughout her childhood. She was a speech and debate star who was elected “mayor” of Palmetto Junior High and student body president of Miami Palmetto Senior High School. But like many Black women, Judge Jackson still faced naysayers. When Judge Jackson told her high school guidance counselor she wanted to attend Harvard, the guidance counselor warned that Judge Jackson should not set her “sights so high.” That did not stop Judge Jackson. She graduated *magna cum laude* from Harvard University, then attended Harvard Law School, where she graduated *cum laude* and was an editor of the *Harvard Law Review*.

Judge Jackson lives with her husband, Patrick, and their two daughters, in Washington, DC. Members of her family have been teachers and police officers. Because of her diverse and broad public service, Judge Jackson has a unique appreciation of how critical it is for the justice system to be fair and impartial. With multiple law enforcement officials in her family, she also has a personal understanding of the stakes of the legal system.

According to the Federal Judicial Center, only 70 Black Women have been Federal Judges in American History, less than 2% of those who have served. There wasn’t a single Black female Federal Judge until 1966, when President Johnson nominated Constance Baker Motley to the U.S. District Court for the Southern District of New York in Manhattan. Before nominating Judge Jackson, President Biden had nominated 11 Black women to Fed judgeships.

As Blacks, Hispanics, Native Americans, and other Persons of Color, Women, and LGBTQ+ persons know only too well from U.S. History, to be without a voice as various courts decide your fate and that of your children can be a risk to money, property, relationships, freedom, and even to life. High National Ideals and Marketing aside, this nation has not afforded persons of color, women, and LGBTQ+ persons the same protections and justice as that received by white men, especially those with wealth and power. Whites are rarely convicted for many crimes that frequently earn persons of color life sentences. Persons of Color without financial resources may sit in jail for years awaiting trial on relatively minor offenses. The judicial system rarely provides equal justice for all persons. Judge Jackson has stated that she loves this nation and she loves the Constitution, but her most important role may be in describing to her colleagues how often injustices and inequality are allowed.

No matter how well-qualified and effective Judge Jackson has been, it is not fair to place upon her head all the hopes and dreams of progressives for change in the justice system and the nation. That she will make a difference is a virtual certainty, but there are many persons, groups, and the majority of a now very conservative and partisan Court aligned against her. Against such a line-up, the impact of her service will likely take time to see. She will hopefully sit on the court for decades and be a strong voice for justice over all that time. In the more immediate future, if she can heighten the awareness of the other justices as to the needs of the poor and persons of color, she may be able to moderate harsh decisions we might expect from the Conservative side of the Court.

The work of the Supreme Court is tremendously important as we have seen in several recent decisions, but the court can only deal with the cases presented to it. The problems of society include multiple levels of action or inaction before any case is brought to the high court, and many laws within states may not have been covered in the Constitution or its list of Amendments. Other matters may already be so entrenched in previous decisions that overturning settled law may cause more harm than good. Great wisdom is expected and required of Supreme Court Justices in addition to significant study of the Constitution and related laws. The work of the high court is hardly for the faint of heart! And like even some of Solomon's decisions, not everyone will be happy with the decisions rendered.

The beginnings of Unitarian and Universalist Religion in America was developing out of the same enlightenment energy that inspired Jefferson and other founders of our nation. Universalists were among the first to voice opposition to slavery and the slave trade. Unitarians and Universalists have long voiced support for equality and justice for all persons, though white men have long provided most of the leadership of our movements as for our country. Within our religion and within our nation, changes that include women and persons of color have been hard won and too long in coming. Only now, in our third century are we beginning to see the fruits of change. And even now, there are naysayers and critics aplenty. Our voices are needed now more than ever in support of leadership by women and persons of color. We have yet to have a woman elected president of the nation, nor a black woman to lead UUism. We have made progress, but it has been far too slow.

One of the great risks to holding back the women and minorities who are ready to lead is that the revolution may become violent as energies intended for good may be turned toward more destructive means. White men have clutched power and wealth so tightly that many within our nation are actively seeking change and are suspicious of the motivations of any men who happen to be white. There is tremendous energy among the poor and minorities that is ready to be unleashed in perhaps even more violent ways if further injustices are perpetrated by the white men in power in politics, businesses, and carrying a badge. Defusing those energies will not come by harsher sentences or greater restrictions. Only real justice is likely to make a difference. If Judge Jackson can help to ensure progress in real justice, it may make a huge difference.

As Judge Jackson begins the confirmation process, the world is in the midst of at least two crises never before faced to the current extent. Russia, a nuclear power in Europe is waging what appears to be approaching all-out war against a young democracy in Ukraine, without any justification beyond an effort to rebuild an empire for Putin. The ecological crisis is now bringing most of the scientifically predicted changes in rapidly rising sea levels, intensified storms, greater impacts of floods, drought, fires, and worsening impacts of pollution in the ocean and waterways and decreasing air quality especially near factories and power plants. These two crises, paired with the current logjam blocking any serious progress in a narrowly divided Congress makes these times inauspicious at best.

Many authors and societal commentators over the last Century or so have argued for incrementalism in bettering the situation of Blacks, Women, and minorities in our society, but the world of today is in need of massive changes if humanity is to survive the current century. Oligarchs in Russia are currently being targeted for sanctions, but American corporations and the Super-Rich who own them are still enjoying the latest Trillions in cutbacks of taxes accomplished by Trump and the GOP. The wealthy need to pay a fair share and corporations need to be held to account for the damages they have caused. Judge Jackson may help that to happen in the long run, but it will take the rest of us to make a difference in the short-run.

Our society, and the world, can change if the people will stand up to the abuse of power by wealthy elites and dictators. The people of Ukraine have absolutely been making a difference in slowing down Putin's forces. Whether they can hold out long enough to make Putin back off is unknown. We need to stand up in this country and prevent Trump from escaping accountability and regaining the White House. I continue to hope that justice will prevail here and in Ukraine and around the world. Courageous and principled women like Judge Jackson help to give me hope.

Our UU Principles call us to work for justice and equity in our congregations, our movement, in society at large, and across the global community. We are all connected in an interdependent and interconnected web of existence. Whatever small difference we each can make in making things better will echo throughout the web. We each need to do what we can, and that will have to be enough. May Judge Jackson quickly be confirmed to the service for which she is clearly so well-fitted!

Shalom, Salaam, Blessed Be, Namaste, and Amen!

And now, I invite your thoughts and responses to the sermon and today's topic!