

Governor Barbour 0-for-24 in Judicial Appointments of African-Americans

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When our governor's name was included in the recent national discussion of who could best expand the shrinking Republican party and restore it to power in 2012 by opening the GOP tent to more minorities and moderates, most African-Americans in Mississippi viewed the news with quiet bemusement or measured disbelief. As we have followed our governor's recent trips to Iowa and New Hampshire and his recent talk show appearances, it has been difficult to reconcile what we have seen and heard with what we have lived. And while many throughout the country have noted the irony of a Mississippi governor offering himself as the transformational beacon to lead the GOP outward from its southern base, the irony is thicker than Mississippi mud for Governor Barbour's African-American constituents.

Since Governor Barbour's return to the national stage following the 2008 election, he has sought to cast himself as a progressive force in the GOP. In April, he joined the National Council for a New America in its efforts to re-brand the party. In a June event in Iowa, he decried the forces of "purity" in the party and prompted his fellow Republicans to rebuild the party by "addition and multiplication" and not "subtraction and division." The governor's math back home, however, has reflected a racial division that pushes Mississippi back toward the same white male-dominated purity that plagues the very party he seeks to transform.

The statistics are truly shocking. Since taking power in 2004 in a state boasting a 37% African-American population, Governor Barbour has had the opportunity to appoint 24 judges

to vacancies in every level of the Mississippi court system. Governor Barbour has not appointed a single African-American to any of these positions. Not one.

Not one in a state boasting a strong African-American bar. Not one in a state where even President Reagan found a black lawyer worthy of being named a federal district court judge. Not one in a state where the previous Republican governor appointed two African-American lawyers to the bench. Not one in a state where African-Americans have been elected and served honorably as judges at every level, including chief judge of the Mississippi Court of Appeals. Not one in a state where African-American lawyers have been named to Fortune 500 boards and represented some of the world's largest corporations in lawsuits involving hundreds of millions of dollars. Not one in a state where both law schools have employed several African-American professors. Not one.

The governor's failure to demonstrate any sincere belief in the principle of inclusiveness for those who do not look like him can best be shown by his appointment to a county court vacancy in Leflore County, a 70% African-American county in the Mississippi Delta.

After the vacancy was announced, at least two African-American lawyers applied to the governor for consideration. One had practiced in the county for over 16 years, and had been temporarily appointed to the position by the Mississippi Supreme Court (where she served honorably for 18 months). The other told the governor of his service as a Justice Court and a Municipal Judge in the county. Neither of these African-American lawyers was found sufficiently qualified by Governor Barbour to be named to the post — a post

vacated by the departure of an African-American judge.

Instead, the governor chose and appointed a white male who was admitted to the bar just nine years before assuming office. A white male who, prior to being appointed, served as a Court Administrator to another judge, a post that carries administrative responsibilities rarely ever filled by an attorney.

In a February CNN interview, the governor quoted Dr. Martin Luther King, Jr. and said, "Race ought not be an issue. I mean, Martin Luther King was right. We ought to judge people by the content of their character." Were he alive today, the self-styled 'drum major for justice' would likely shudder at the governor's embrace of his words. In view of Dr. King's struggle for African-Americans against the south's segregated justice system, it is ironic that his name was invoked by a 21st century governor who 40 years later still believes that only whites should do the judging here.

It remains to be seen whether the GOP will look to Governor Barbour to deliver it from the wilderness. In the meantime, African-Americans in Mississippi will continue to follow with interest his late-hour lip service to openness. But whatever happens in 2012, we know the value our governor places on diversity and inclusiveness. His 0 for 24 record speaks plainly enough.

This Haley — the one far from the national spotlight in Iowa and New Hampshire and the one who governed here before he suddenly sought to endear himself to moderates and independents nationally — is the Haley we know; a governor who cannot see sufficient character in a single African-American lawyer in Mississippi to justify his or her appointment to the bench. Not one!