

**CONSTANCE BAKER MOTLEY TRAILBLAZER AWARD
ACCEPTANCE REMARKS
MARIOTT MARQUIS, NEW YORK, NY
SATURDAY, SEPTEMBER 17, 2016**

**VERNON E. JORDAN, JR.
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SENIOR COUNSEL, AKIN GUMP STRAUSS HAUER & FELD LLP**

**JUSTICES, FELLOW ATTORNEYS, ASPIRING ATTORNEYS,
FRIENDS, COLLEAGUES, AND THE GOOD PEOPLE OF JUST THE
BEGINNING: I AM HUMBLLED TO ACCEPT THE FIRST EVER
CONSTANCE BAKER MOTLEY TRAILBLAZER AWARD.**

**IT IS SUCH A PRIVILEGE TO ADDRESS THIS GROUP FOR THE
SECOND TIME, AND TO BE SURROUNDED BY SO MANY GIANTS
OF THE LEGAL PROFESSION.**

**IT'S ALSO ALWAYS GOOD TO SEE JUDGES NOT IN THE
COURTROOM, BUT IN A BALLROOM— WHERE THE ONLY CASES
WE HAVE BEFORE US ARE FILLED WITH WINE!**

**SO MANY OF YOU, LIKE ME, ENJOYED THE MENTORSHIP
~~AND FRIENDSHIP OF THE REMARKABLE WOMAN WE CELEBRATE~~
AND COMMEMORATE TONIGHT.**

**CONSTANCE BAKER MOTLEY—WHO FIFTY YEARS AGO
BECAME THE FIRST BLACK WOMAN ON THE FEDERAL BENCH—
WAS A TRAILBLAZER IN SO MANY WAYS.**

**WITHOUT CONSTANCE BAKER MOTLEY, THERE WOULD BE
NO ATTORNEY GENERAL LORETTA LYNCH. THERE WOULD BE NO
ASSOCIATE JUSTICE SONIA SOTOMAYOR.**

IF I AM TO BE CALLED A TRAILBLAZER TONIGHT IN ANY RESPECT, IT IS ONLY BECAUSE CONSTANCE BAKER MOTLEY SHOWED ME THE WORK THAT IS REQUIRED TO BLAZE A TRAIL IN THE FIRST PLACE.

MY EARLIEST EXPERIENCE WITH CONNIE—AS WE CALLED HER THEN—WAS AS A STUDENT AT THE HOWARD UNIVERSITY LAW SCHOOL. I SAT IN THE MOOT COURT ROOM AND WATCHED AS SHE PREPARED HER ARGUMENTS FOR THE SUPREME COURT. SHE TESTED HER IDEAS AND ARGUMENTS WITH LEGENDS LIKE THURGOOD MARSHALL, CHARLIE HOUSTON, ROBERT CARTER, WILLIAM T. COLEMAN, OLIVER HILL AND ROBERT MING.

[WITH ALL DUE RESPECT, THOMAS JEFFERSON DINING ALONE DIDN'T HOLD A CANDLE TO THE INTELLECTUAL FIREPOWER IN THAT MOOT COURTROOM!]

DARING BREAKS AS THEY HUDDLED IN SMALL GROUPS OUTSIDE THE COURTROOM. I WOULD STAND CLOSE, JUST TO HEAR WHAT THEY WERE SAYING. STANDING IN THEIR PROXIMITY WAS PART OF MY EDUCATION, AND INSPIRATION. I WANTED TO JOIN THEIR CAUSE.

SO WHEN I GRADUATED FROM HOWARD, I WENT HOME TO ATLANTA TO WORK AS A LAW CLERK FOR THE GREAT DON HOLLOWELL. AND ONE OF THE FIRST CASES I WORKED ON WAS AN EFFORT TO INTEGRATE THE UNIVERSITY OF GEORGIA. TWO STUDENTS, HAMILTON HOLMES AND CHARLAYNE HUNTER, WHO WERE BOTH STAR PUPILS AT TURNER HIGH SCHOOL IN ATLANTA, HAD APPLIED TO THE UNIVERSITY, AND HAD BEEN TURNED DOWN. THEY DECIDED TO CHALLENGE THE UNIVERSITY'S REJECTION OF THEIR APPLICATIONS. THIS CASE WAS SO IMPORTANT—TO THE MOVEMENT, AND TO THE COUNTRY—THAT THURGOOD MARSHALL SENT CONSTANCE BAKER MOTLEY DOWN TO GEORGIA TO WORK ON IT.

AND THAT IS WHEN I WENT FROM A STUDENT WATCHING HER... TO A LAW GRAD WORKING FOR HER.

I SAW WHAT A BRILLIANT STRATEGIST SHE WAS. SHE WAS IMMENSELY FOCUSED, THINKING OF EVERY POSSIBLE TWIST AND TURN THE CASE COULD TAKE. I MARVELED AT HOW SHE WOULD POUNCE AT ANY HINT OF VULNERABILITY IN THE

OPPOSING ARGUMENT, AND LOOK FOR ANY OPPORTUNITY TO STRENGTHEN HER OWN.

INDEED, AS I DROVE THE CAR TO ATHENS EACH DAY FOR THE TRIAL, SHE SAT NEXT TO ME GOING THROUGH HER PAPERS, AND HER ARGUMENTS. I CAN STILL SEE HER FLIPPING THROUGH THOSE PAGES, AND I REMEMBER IT SO VIVIDLY BECAUSE SHE SEEMED TO ME THE LEGAL EQUIVALENT OF A BARBER, SHARPENING THE RAZOR AGAINST THE STROP.

CONNIE TAUGHT ME SO MUCH ABOUT THE IMPORTANCE OF PREPARATION. I SAW HOW SHE PLANNED EVERY DETAIL OF HER DIRECT EXAMINATION, AND ANTICIPATED EVERY POSSIBLE ISSUE THAT COULD BE RAISED ON CROSS-EXAMINATION. SHE HAD A RESPONSE FOR EVERYTHING.

SHE EVEN HAD A RESPONSE TO THE LONG DAYS—WHICH WE'D OFTEN CONCLUDE BY RECAPPING THE PROCEEDINGS OVER A GOOD BOTTLE OF SPIRITIOUS LIQUID. SO YES, IT'S FAIR TO SAY I GOT A HIGH-LEVEL INTRODUCTION TO EVERY ASPECT OF THE LEGAL PROFESSION.

BUT MY ENDURING IMAGE OF CONSTANCE BAKER MOTLEY IS OF HER KICKING OFF HER SHOES AT THE END OF THE DAY, WHEN WE DROVE BACK TO THE HOME OF EDWIN AND MAMIE THOMAS IN ATLANTA, WHERE SHE WAS STAYING.

SHE HAD NO CHOICE, BECAUSE, AT THE TIME, HOTELS AND MOTELS WERE STILL SEGREGATED.

SHE HAD WORKED FROM SUNUP TO SUNDOWN—THE DAYS WERE LONG; THE WORK WAS HARD. THE REWARD WAS OUT OF SIGHT, AND SOME DAYS FELT OUT OF REACH. BUT DESPITE THE DISCRIMINATION AND INJUSTICE SHE FACED, SHE KEPT FIGHTING SO OTHERS MIGHT SEE JUSTICE. AND THAT FIGHT—~~THAT TIRELESS COMMITMENT TO JUSTICE—CONTINUED IN ALL~~ HER YEARS ON THE FEDERAL BENCH.

OF COURSE, CONSTANCE BAKER MOTLEY WAS ONE OF MANY GIANTS OF THE LEGAL PROFESSION WHO I WAS FORTUNATE TO LEARN FROM EARLY IN MY CAREER. THERE WAS ALSO THE GREAT ROBERT CARTER, A COLLEAGUE OF CONSTANCE BAKER MOTLEY'S AT LDF, AND ANOTHER DRIVING FORCE BEHIND *BROWN VS. BOARD OF EDUCATION*. I WAS TREMENDOUSLY LUCKY TO WORK

WITH HIM AT THE NAACP, AND TO RECEIVE HIS ADVICE AND COUNSEL THROUGHOUT MY CAREER.

AND THEN, OF COURSE, THERE WAS THURGOOD MARSHALL. I WILL ALWAYS REMEMBER JANUARY 29TH, 1968, THE DAY WILEY BRANTON MOVED MY ADMISSION TO THE SUPREME COURT OF THE UNITED STATES. AND AS SOON AS I PUT MY HAND DOWN, I LOOKED STRAIGHT AT JUSTICE MARSHALL, WHO WINKED HIS EYE TO ME FROM THE BENCH. MY MOTHER LATER SAID TO ME: "BOY, THAT'S A LAYING ON OF HANDS."

AND WHILE CONSTANCE BAKER MOTELY AND ROBERT CARTER AND THURGOOD MARSHALL HAVE ALL PASSED, MY DEAR FRIEND NATHANIEL JONES IS PRESENT TONIGHT. THIS YEAR, JUDGE JONES WON THE NAACP'S HIGHEST HONOR, THE SPRINGARN MEDAL, JUST LIKE JUDGES MOTLEY AND CARTER AND JUSTICE MARSHALL BEFORE HIM.

EACH OF THESE EXTRAORDINARY LAWYERS LIVED THE WORDS OF THE 19TH CENTURY ENGLISH REFORMER LORD BROUGHAM, WHO SPOKE OF THE LAW IN TERMS THAT HAVE RELEVANCE TO OUR DAY AND OUR TIME. HE SAID:

**IT WAS THE BOAST OF AUGUSTUS THAT HE FOUND
ROME OF BRICK AND LEFT IT MARBLE; A PRAISE NOT
UNWORTHY OF A GREAT PRINCE. BUT HOW MUCH
NOBLER WILL BE OUR SOVEREIGN'S BOAST WHEN HE
SHALL HAVE IT TO SAY, THAT HE FOUND LAW DEAR,
AND LEFT IT CHEAP; FOUND IT A SEALED BOOK—LEFT
IT A LIVING LETTER; FOUND IT THE PATRIMONY OF
THE RICH—LEFT IT THE INHERITANCE OF THE POOR;
FOUND IT THE TWO- EDGED SWORD OF CRAFT AND
OPPRESSION—LEFT IT THE STAFF OF HONESTY AND
THE SHIELD OF INNOCENCE.**

**BECAUSE AS GREAT AN IMPACT AS THESE LAWYERS HAD ON
ME PERSONALLY, THEY HAD AN EVEN GREATER IMPACT ON OUR
COUNTRY. IT'S BECAUSE OF THEM AND THEIR
CONTEMPORARIES, WE HAVE TORN DOWN WHAT DR. KING
CALLED "THE SAGGING WALLS OF SEGREGATION."**

ANYONE WHO HAS SEEN A WRECKING BALL AT WORK KNOWS THAT THE ACT OF FELLING A BUILDING CAN BE FAST. BUT CLEARING THE RUBBLE TAKES FAR LONGER. TODAY WE ARE STILL DEALING WITH THE RUBBLE LEFT WHERE THE WALLS OF SEGREGATION ONCE STOOD. ON FIRST GLANCE, IT MAY BE LESS IMPOSING. BUT IT IS NO LESS CRITICAL TO CLEAR AWAY.

WE SEE THE RUBBLE IN CITIES LIKE THIS ONE, WHERE 85 PERCENT OF BLACK STUDENTS AND 75 PERCENT OF LATINO STUDENTS STILL ATTEND SEGREGATED SCHOOLS.¹

WE SEE THE RUBBLE IN THE POLICE DEPARTMENTS OF FERGUSON, MISSOURI, AND BALTIMORE, MARYLAND, WHERE INVESTIGATIONS BY THE JUSTICE DEPARTMENT HAVE REVEALED PATTERNS OF BEHAVIOR AND RACIAL BIAS AS UNSETTLING AS THEY ARE UNSURPRISING.

WE SEE THE RUBBLE IN COMMUNITIES LIKE FLINT, MICHIGAN, WHERE INSTITUTIONAL RACISM LEAD TO MALFEASANCE AND NEGLECT.

WE SEE THE RUBBLE IN OUR PRISONS AND JAILS, WHEN THE INCARCERATION RATE FOR AFRICAN AMERICANS IS SIX TIMES HIGHER THAN THAT OF WHITE AMERICANS.ⁱⁱ

WE SEE THE RUBBLE WHEN ONLY 83 WOMEN OF COLOR SERVE ON THE FEDERAL BENCH—LITTLE MORE THAN 10 PERCENT.ⁱⁱⁱ

WE SEE THE RUBBLE WHEN A PRESIDENTIAL CANDIDATE CHALLENGES A FEDERAL JUDGE ON HIS ABILITY TO DO HIS JOB NOT, TO BORROW WORDS FROM DR. KING, BECAUSE OF THE CONTENT OF HIS CHARACTER, BUT BECAUSE OF THE COLOR OF HIS SKIN—AND THE SOUND OF HIS LAST NAME.

~~WE SEE THE RUBBLE WHEN VOTING RIGHTS ARE ERODED TO THE POINT THAT—FOR THE FIRST TIME IN HALF A CENTURY— WE WILL HOLD A PRESIDENTIAL ELECTION WITHOUT THE FULL PROTECTIONS OF THE VOTING RIGHTS ACT.~~

AND SO WE MUST ASK OURSELVES, HOW DO WE CONFRONT THE UGLINESS WE STILL SEE? HOW DO WE BUILD ON THE PROGRESS WE'VE MADE? HOW DO WE CLEAR THE RUBBLE?

AND THE ANSWER TO THAT QUESTION, IF YOU'LL ALLOW IT, MIGHT JUST BE ANOTHER QUESTION: WHAT WOULD CONSTANCE BAKER MOTLEY DO?

WHAT WOULD SHE DO IN THE FACE OF CONTINUED DISCRIMINATION, PERSISTENT SEGREGATION, AND MASS INCARCERATION?

WHAT WOULD THEY DO IN THE FACE OF INEQUALITY AND INJUSTICE?

I AM OF THE BELIEF THAT IN ORDER TO CHANGE A NATION YOU MUST OF COURSE CHANGE HEARTS AND MINDS. BUT YOU MUST ALSO CHANGE THE LAWS.

AND, MORE OFTEN THAN NOT, TO CHANGE THE LAWS, YOU NEED TO RECRUIT SOME GOOD LAWYERS.

IF YOU ARE HERE TONIGHT, YOU ARE INHERITORS OF THE LEGACY OF CONSTANCE BAKER MOTLEY AND ROBERT CARTER, OF THURGOOD MARSHALL . SO MANY OF YOU, LIKE THEM, HAVE GIVEN UP THE CORNER OFFICES AND THE LUCRATIVE FEES FOR THE TIRELESS PURSUIT OF JUSTICE. YOUR COMMITMENT TO

SERVICE—OF THE LAW, AND OF OUR COUNTRY—IS AS NECESSARY NOW AS IT EVER WAS.

LONG AFTER MY WORK WITH CONSTANCE BAKER MOTELY WAS FINISHED, SHE SAID THAT I WAS, AND I QUOTE, “HAPPY AT THE TIME TO JUST CARRY THEIR BRIEFCASES.”

I AM NOT INSULTED BY THAT ONE BIT. SHE WAS RIGHT. I LOVED BEING HER CHAUFFEUR, HER AIDE-DE-CAMP, AND YES, THE PERSON WHO CARRIED HER BRIEFCASES. BECAUSE IT SEEMS TO ME THAT “CARRYING THEIR BRIEFCASES” IS WHAT I’VE BEEN TRYING TO DO MY ENTIRE LIFE—TO TAKE THE TOOLS THEY TAUGHT ME AND BRING THEM TO BEAR IN MY CAREER, TO CARRY ON THE WORK OF THE MOVEMENT.

AND IN THAT WAY, THERE IS SO MUCH MORE WE CAN DO TO CARRY THE BRIEFCASES—TO CONTINUE THE HARD WORK AND HEAVY LIFTING OF THE MOVEMENT, AND TO LENGTHEN THEIR LEGACIES, AND LIFT UP A NEW GENERATION.

WE MUST ENSURE THAT MORE YOUNG LAWYERS HAVE THE OPPORTUNITIES WE HAD, THE MENTORS WE HAD, THE INSTITUTIONS THAT HELPED US GROW. IT’S NO COINCIDENCE

THAT CONSTANCE BAKER MOTLEY, ROBERT CARTER, AND NATHANIEL JONES—AND SO MANY OTHER GREAT LAWYERS AND JUDGES—CAME UP THROUGH THE LEGAL DEFENSE FUND FOUNDED BY CHARLIE HAMILTON HOUSTON WHO TAUGHT THURGOOD AND HIRED HIM AT LDF.

IT'S NO COINCIDENCE THAT SO MANY OF US ARE HERE TONIGHT—AND WHERE WE ARE TODAY—BECAUSE WE LEARNED FROM THEM.

ORGANIZATIONS LIKE "JUST THE BEGINNING" ARE APTLY NAMED, BECAUSE WE HAVE ONLY JUST STARTED THE WORK THAT NEEDS TO BE DONE TO TRANSFORM AND REFORM OUR JUSTICE SYSTEM SO IT IS A SYSTEM THAT DISPENSES JUSTICE EQUALLY.

INDEED, IF OUR WORK WERE ONLY A MATTER OF WINNING ONE CASE, OR BEING APPOINTED TO ONE SEAT ON THE BENCH, OR EVEN WINNING THE PRESIDENCY, OUR WORK WOULD HAVE BEEN FINISHED YEARS AGO.

BUT CONSTANCE BAKER MOTLEY KNEW THAT WE WOULD HAVE TO KEEP FIGHTING THESE SAME BATTLES OVER AND OVER

**AGAIN. AND SHE ALSO UNDERSTOOD, AS WE ALL UNDERSTAND,
THAT THESE FIGHTS ARE WORTH FIGHTING.**

**TOGETHER WE MUST NOT SIMPLY CELEBRATE THE TRAIL
THAT CONSTANCE BAKER MOTLEY AND OTHERS BLAZED; WE
MUST PAVE IT, AND EXPAND IT INTO A HIGHWAY.**

**WE MUST RECRUIT, SUPPORT AND SUSTAIN THE NEXT
GENERATION OF CONSTANCE BAKER MOTLEYS.**

THIS IS HOW WE PRESS FORWARD.

**AND I WOULD LIKE TO LEAVE YOU TONIGHT WITH A STORY
ABOUT WHY.**

**NOT TOO LONG AFTER I HAD THE CHANCE TO WORK WITH
~~CONSTANCE BAKER MOTLEY, I TRAVELED WITH DON HOLLOWELL~~
TO A SMALL TOWN IN RURAL GEORGIA CALLED REIDSVILLE. WE
WERE THERE REPRESENTING AN EIGHTEEN-YEAR-OLD WHO HAD
BEEN ARRESTED, ARRAIGNED, INDICTED, TRIED, CONVICTED
AND SENTENCED TO DIE IN THE ELECTRIC CHAIR IN THE SPACE
OF 48 HOURS. THE YOUNG BLACK MAN'S NAME WAS JAMES
FAIR—THE LEGAL SYSTEM IN THIS CASE MADE A MOCKERY OF
HIS LAST NAME.**

THE PROCEEDINGS WERE HELD IN THE SEGREGATED COURTHOUSE OF TATNALL COUNTY. MY COLLEAGUES HOLLOWELL, CB KING, AND I SLEPT IN THE NEAREST COLORED MOTEL 30 MILES AWAY. EVERY DAY, WE WOULD APPEAR IN COURT AND PLEAD OUR CLIENT'S CASE. EVERY DAY AT LUNCH, THE WHITE LAWYERS AND COURT OFFICIALS WOULD GO ACROSS THE SQUARE TO THE WHITES-ONLY CAFÉ. AND WE THREE BLACK LAWYERS WOULD GO TO THE LOCAL GROCERY STORE, ORDER SLICED BALONEY, A LOAF OF BREAD, A JAR OF MUSTARD, AND A COCA-COLA, WHICH WE WOULD EAT IN OUR CAR, PARKED IN THE COURHOUSE SQUARE.

ON THE THIRD DAY OF THE TRIAL, A BLACK WOMAN SITTING IN THE "COLORED" SECTION UPSTAIRS DROPPED A BOOK TO GET MY ATTENTION. I MET HER IN THE LOBBY. SHE WHISPERED, "WE BEEN WATCHING YOU LAWYERS EAT BALONEY SANDWICHES FOR TWO DAYS NOW. DON'T EAT TODAY. AFTER COURT, COME TO MY HOME FOR LUNCH." AND SHE GAVE ME DIRECTIONS.

WHEN WE ARRIVED, WE SAW A BEAUTIFUL SIGHT: A TABLE SET FOR ROYALTY. HER BEST SILVER, CHINA AND CRYSTAL, A LACE TABLECLOTH, BEAUTIFULLY-FOLDED WHITE CLOTH NAPKINS, AND THE MOST EXQUISITE SOUTHERN CUISINE I'VE EVER EATEN. SOME TEN BLACK WOMEN AND THEIR HUSBANDS JOINED HANDS WITH US FOR GRACE.

I SHALL NEVER FORGET ONE SENTENCE IN THAT PRAYER: "LORD, WAY DOWN HERE IN TATNALL COUNTY WE CAN'T JOIN THE NAACP, BUT THANKS TO YOUR BOUNTIFUL BLESSINGS, WE CAN FEED THE NAACP LAWYERS."

IN THE INTERVENING YEARS, I HAVE ADVISED PRESIDENTS AND CEOS, NEGOTIATED NATIONAL AND INTERNATIONAL TRANSACTIONS, ALL FOR WHICH I WAS MORE THAN ADEQUATELY COMPENSATED. BUT NOTHING COMPARES TO THE GIFT WE RECEIVED FROM THOSE HUMBLE BLACK PEOPLE IN TATNALL COUNTY IN THE SUMMER OF 1960—THE BEST LEGAL FEE OF MY CAREER.

THAT'S WHEN I KNEW I HAD CHOSEN THE RIGHT PATH. BECAUSE WHILE IT WAS WARPED LAWS THAT DEFINED AND

CIRCUMSCRIBED LIFE IN THE JIM CROW SOUTH, IT WAS ALSO THE LAW—FAR-SIGHTED, FAIR-MINDED JURISPRUDENCE—THAT GAVE US THE TOOLS TO DISMANTLE SEGREGATION, PIECE BY ROTTEN PIECE. IT WAS THE CONSTANCE BAKER MOTLEYS AND ROBERT CARTERS AND NATHANIEL JONESES AND SO MANY OTHERS WHO BENT THAT ARC OF THE UNIVERSE TOWARDS JUSTICE.

THE LAW CONTINUES TO HOLD THIS EXTRAORDINARY POWER TO REMAKE ITSELF—TO CORRECT INJUSTICE AND FURTHER JUSTICE—AND WE MUST PASS ON THAT POWER TO THOSE WHO WILL WALK THE PATH THAT CONSTANCE BAKER MOTLEY WALKED, WHO WILL KEEP FIGHTING UNTIL THE TIME COMES TO KICK THEIR SHOES OFF.

ALL OF US IN THIS ROOM CAN FEED THAT NEXT GENERATION OF LAWYERS—NURTURE THEIR SPIRITS AND NOURISH THEIR MINDS—AND IN DOING SO STRENGTHEN THE CAUSE OF JUSTICE FOR MANY YEARS TO COME.

THANK YOU.

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