

CRS Insights

Number of African American Judges Reaches All-Time High; Do Issues Remain?

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This CRS Insight provides historical and statistical information related to the appointment of African Americans as U.S. circuit and district court judges. Such information addresses ongoing congressional interest in the demographic characteristics of lower federal court judges. [Previous CRS analysis](#) examines other racial groups and additional demographic characteristics, such as gender.

The first African American to be appointed to a lower federal judgeship authorized by Article III of the U.S. Constitution was [William H. Hastie](#), appointed by President Truman in 1949 to the U.S. Court of Appeals for the Third Circuit (comprised of Delaware, New Jersey, Pennsylvania, and the U.S. Virgin Islands). Judge Hastie initially received a recess appointment from President Truman, but was later confirmed by the Senate in 1950. The first African American to serve as a U.S. district court judge was [James B. Parsons](#), appointed by President Kennedy in 1961 to the U.S. District Court for the Northern District of Illinois.

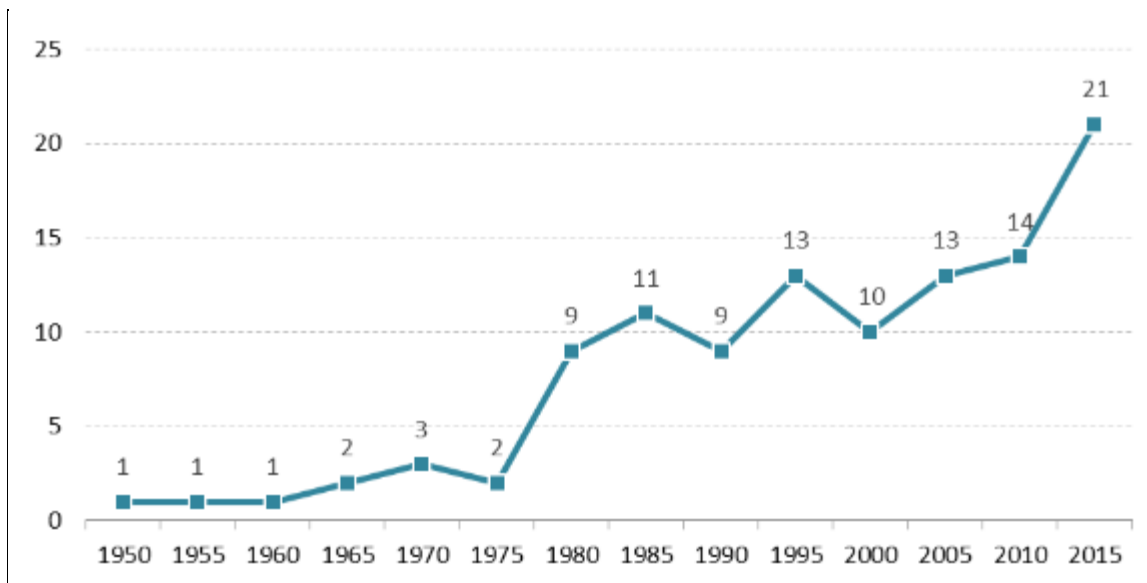
The first African American woman to serve as a lower federal court judge was [Constance B. Motley](#), appointed by President Johnson in 1966 to the U.S. District Court for the Southern District of New York. The first African American woman to serve as a U.S. circuit court judge was [Amalya L. Kearse](#), appointed by President Carter in 1979 to the Second Circuit (comprised of Connecticut, New York, and Vermont).

In the years following Judge Hastie's appointment in 1949, the number of African Americans serving as U.S. circuit and district court judges remained relatively low. [Figure 1](#) shows the number of African Americans serving as U.S. circuit court judges at the start of every five-year period from January 1, 1950, to January 1, 2015.

The number of African American circuit court judges, as of January 1 during the years listed in the figure, remained below five until 1980 (immediately following the emphasis on diversity in the judicial selection process [during the Carter presidency](#)). From January 1, 1975, to January 1, 1980, the number of African American circuit court judges increased from two to nine, a 350% increase. On January 1, 2015, there were 21 African American circuit court judges—a 50% increase over the 14 that were serving on January 1, 2010.

Figure 1. Number of African American U.S. Circuit Court Judges

(Serving on January 1 of Years Indicated)



Source: Internal CRS data.

From January 1, 2010, to January 1, 2015, there has been a greater increase in the number of African American male circuit court judges than African American female circuit court judges. The number of African American male judges increased by 56%, from 9 to 14, while the number of African American female judges increased by 40%, from 5 to 7.

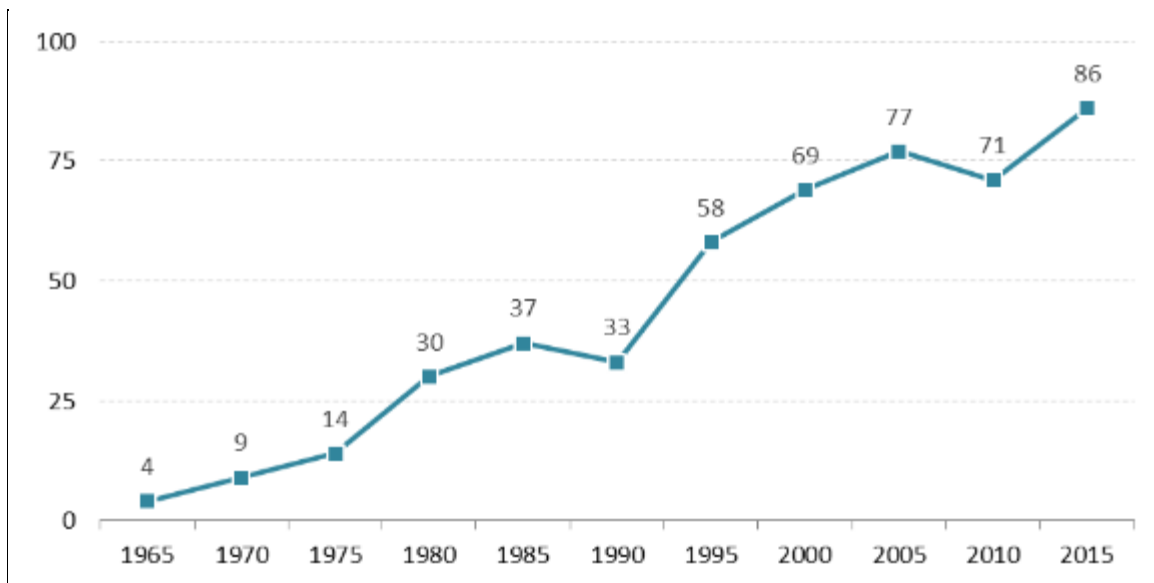
Figure 2 shows the number of African Americans serving as U.S. district court judges at the start of every five-year period from January 1, 1965, to January 1, 2015. As with circuit court judges, the number of African American district court judges increased notably from January 1, 1975, to January 1, 1980, rising from 14 to 30, a 114% increase. A relatively large increase in the number of African American district court judges occurred again from January 1, 1990, to January 1, 1995—increasing by 76% from 33 to 58 judges. The current number of African American district court judges, 86, is at an historical high and represents a 21% increase from the number serving on January 1, 2010.

The most recent increase in the number of African American district court judges is largely attributable to an increase in the number of African American women appointed during the past five years. From January 1, 2010, to January 1, 2015, the number of African American female district court judges increased from 22 to 36 (a 64% increase), while the number of African American male district court judges increased by 1, from 49 to 50 (a 2% increase).

Note that **Figure 1** and **Figure 2** report the *number* of African Americans serving as judges and not the *percentage* of judgeships to which African Americans were appointed. For U.S. circuit court judgeships, the percentage of judgeships held by African Americans ranged from a low of 1.5% (on January 1 of 1950, 1955, and 1960) to a high of 11.7% (on January 1, 2015). For U.S. district court judgeships, the percentage of judgeships held by African Americans ranged from a low of 1.3% (on January 1, 1965) to a high of 12.8% (on January 1, 2015).

Figure 2. Number of African American U.S. District Court Judges

(Serving on January 1 of Years Indicated)



Source: Internal CRS data.

While the recent increase in the number of African Americans serving as U.S. circuit and district court judges is notable, there might remain, for some advocates of greater demographic judicial diversity, continuing issues to address in the appointment of African American judges.

One issue might be that there are few or no African American judges currently serving in several judicial circuits and districts with populations comprised of relatively high percentages of African Americans. [Other CRS research](#) provides discussion on why some advocates of judicial diversity consider this an important issue (and alternative views held by others).

For example, the [Eleventh Circuit](#) (Alabama, Georgia, and Florida) has an African American population of over 7.5 million, comprising approximately 22% of its total population. An African American is currently appointed to one (8%) of the circuit's 12 authorized judgeships. The Tenth Circuit (Colorado, Kansas, New Mexico, Utah, Wyoming, and Oklahoma)—a circuit with an African American population of approximately 800,000, or 4.6% of its population—also has one of its 12 seats currently occupied by an African American.

Additionally, 4 of the 10 federal judicial districts with the highest percentage of population that is African American (in each case 33% or greater) do not presently have an African American district court judge actively serving. Altogether, these 4 districts—the Middle and Southern Districts of Alabama, the Southern District of Georgia, and the Western District of Louisiana—have 16 U.S. district court judgeships authorized by Congress.