

Appointment of African American U.S. Circuit and District Court Judges: Historical Overview and Current Data

February 12, 2016 (IN10444)

-|

Related Author

- [Barry J. McMillion](#)
-

-|

Barry J. McMillion, Analyst in American National Government (bmcmillion@crs.loc.gov, 7-6025)

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.

U.S. Circuit Courts

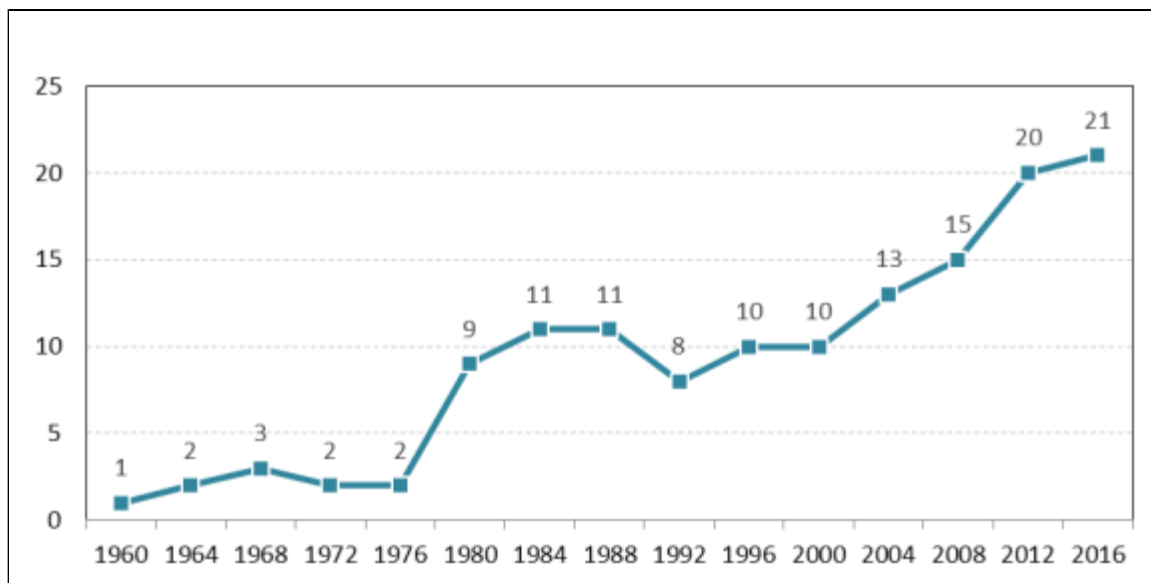
Judge Hastie remained the sole African American circuit court judge until the appointment of [Thurgood Marshall](#) by President Kennedy in 1961 to the [U.S. Court of Appeals for the Second Circuit](#). [Figure 1](#) shows the number of African Americans serving as U.S. circuit court judges at the start of every four-year period from January 1, 1960, (when Judge Hastie was the sole African American on the bench) to January 1, 2016.

As shown by the figure, the number of African American circuit court judges, as of January 1 during the years listed in the figure, remained at three or below until 1980 (immediately following the emphasis on diversity in the judicial selection process [during the Carter presidency](#)). From January 1, 1976, to January 1, 1980, the number of African American circuit court judges increased from 2 to 9, a 350% increase.

Since (and including) Judge Hastie's appointment in 1949, there have been a total of 39 African Americans appointed to U.S. circuit court judgeships. As shown by [Figure 1](#), of the 39 ever appointed, 21 (54%) were still serving on the bench as of January 1, 2016.

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

(Serving on January 1 of Years Indicated)



Source: Congressional Research Service

Of the 21 active African American judges, 14 (67%) are men and 7 (33%) are women. The first female circuit court judge, [Amalya Lyle Kearse](#), was appointed in 1979 (30 years after Judge Hastie's appointment). Of the 8 African American women ever appointed as circuit court judges, 7 (87%) are currently serving (each appointed since 1994)—showing that the appointment of African American women as circuit court judges is a relatively recent phenomenon. In contrast, for example, of the 31 African American men ever appointed as circuit court judges, 14 (45%) are currently serving.

At present, there are African Americans serving as judges on 12 of the country's 13 circuit courts (the exception is the [U.S. Court of Appeals for the Federal Circuit](#)).

Note that [Figure 1](#) reports the *number* of African Americans serving as judges and not the *percentage* of circuit court judgeships to which African Americans were appointed. As of January 1 during the years listed in the figure, the percentage of such judgeships held by African Americans ranged from a low of 1.5% in 1960 to a high of 11.7% in 2016.

U.S. District Courts

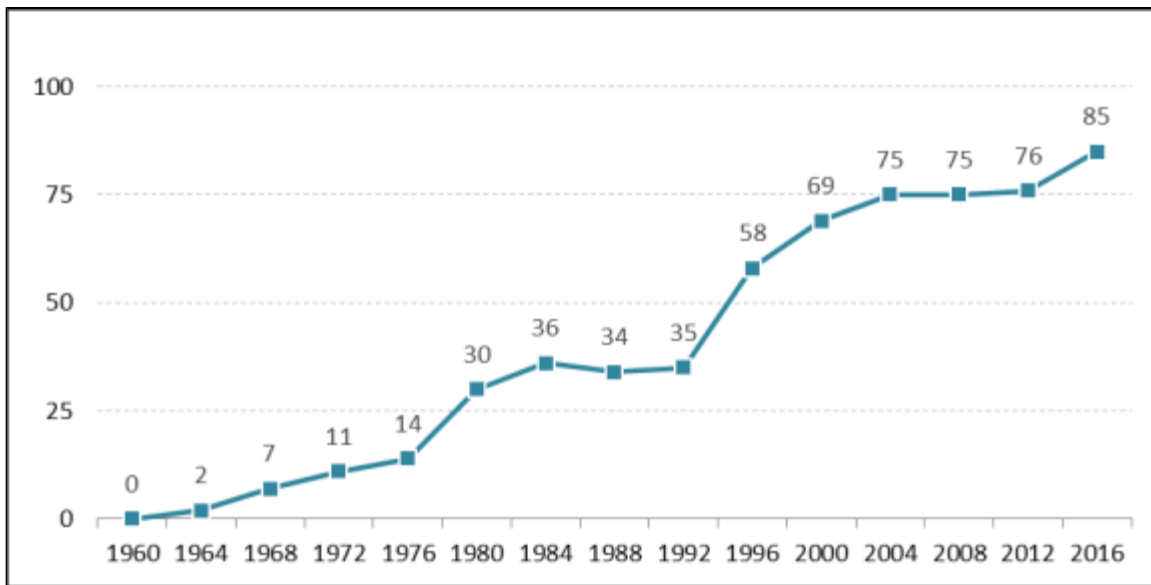
The first African American to serve as a U.S. district court judge was [James B. Parsons](#), appointed by President Kennedy in 1961 to the [U.S. District Court for the Northern District of Illinois](#) (Chicago). [Figure 2](#) shows the number of African Americans serving as U.S. district court judges at the start of every four-year period from January 1, 1960, (the year prior to Judge Parson's appointment) to January 1, 2016.

The largest increase in the number of African American district court judges, over the four-year periods displayed in the figure, occurred from January 1, 1992 to January 1, 1996. During this period, the number of African American district court judges increased from 35 to 58, a 66% increase.

Since Judge Parson's appointment in 1961, there have been a total of 185 African Americans appointed to district court judgeships. As shown by [Figure 2](#), of the 185 ever appointed, 85 (46%) were still serving on the bench as of January 1, 2016.

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

(Serving on January 1 of Years Indicated)



Source: Congressional Research Service

Of the 85 active African American judges, 48 (56%) are men and 37 (44%) are women. The first female district court judge, [Constance Baker Motley](#), was appointed in 1966 (five years after Judge Parsons's appointment). Of the 53 African American women ever appointed as district court judges, 37 (70%) are currently serving. Of the 132 African American men ever appointed as district court judges, 48 (36%) are currently serving.

At present, there are African Americans serving as judges in 45 (49%) of the country's 91 judicial districts—with the greatest number, 6, serving in the [Southern District of New York](#) (Manhattan).

As of January 1 during the years listed in the figure (apart from 1960), the percentage of district court judgeships held by African Americans ranged from a low of 0.7% in 1964 to a high of 12.6% in 2016.

Do Issues Remain?

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, as well as on alternative views held by others.

The [Eleventh Circuit](#) (comprised of Alabama, Georgia, and Florida), for example, has an African American population of nearly 8 million—comprising approximately 22% of its total population—while an African American currently is appointed to 1 of its 12 judgeships. In comparison, there is also one African American judge currently sitting on the [Tenth Circuit](#), a circuit also with 12 authorized judgeships and an African American population of approximately 830,000—comprising 4.6% of its total population.

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