

U.W. Clemon
retired federal judge
5202 Mountain Ridge Parkway
Birmingham, AL 35222
Phone 205 506-4524
uwclemo1@gmail.com

February 4, 2022

The President
The White House
Washington, DC

Re: The First Black Female Justice of the United States Supreme Court

Dear Mr. President:

As one who has labored in the vineyards of civil rights all his life, I rejoice in your determination to appoint the first black female to the United States Supreme Court. In the tradition of Thurgood Marshall, hopefully she will stand tall for equal justice for all and equality in the workplace.

As you consider the candidates for your legacy appointment to the highest court of the land, it is entirely appropriate for you to take into account not simply what each aspirant has done for her own career, but equally so, what has she done for the cause of justice and equality?

Based on her conduct in, *Ross v. Lockheed*, No. 1:16-cv-02508-KBJ, (DCDC), I strongly believe that Circuit Judge Ketanji Brown Jackson should not be appointed by you as the first black female justice of the Supreme Court of the United States.

The *Ross* case was brought as a 2016 class action on behalf of 5,500 black workers of Lockheed Martin Corporation - the nation's largest federal contractor. Before filing the lawsuit, lawyers for the black plaintiffs negotiated a settlement with Lockheed Martin which provided for a reformed evaluation system -the cornerstone of pay and promotion decisions - and \$22 million to be distributed to the black workers. When the lawyers presented the settlement to Judge Jackson, she incredibly

refused to approve the settlement because in her view there were no common factual questions. Then, more incredibly, she denied the plaintiffs their fundamental right to take discovery of Lockheed Martin's books and records as they sought to prove class action status. Finally, by taking fifty-four (54) days to issue her Memorandum Opinion accompanying her Order denying class certification, she effectively aborted plaintiff's right to appeal her class certification decision under Rule 23 (f) of the Federal Rules of Civil Procedure.


So, Judge Jackson in *Ross* (1) gave the axe to a settlement designed to benefit numerous black workers at one of the nation's largest employers, (2) denied the injunctive relief agreed to by Lockheed Martin that would have addressed a root cause of systemic racial bias that could have been a model for a nation hungry for racial equity solutions; (3) denied the black workers the right to seek evidence to prove their claim of company-wide racial discrimination, and (4) knowingly frustrated the rights of the black workers to appeal her decision.

Each of these considerations, standing alone, is a bell sounding the alarm that if Judge Jackson is appointed to the Supreme Court, simple justice and equality in the workplace will be sacrificed.

There are several exceptionally well-qualified black female aspirants for the Supreme Court who have shown by their works their commitment to justice and equality. Please give each of them your favorable consideration.

Thank you for your attention to this vital matter.

Most respectfully,

A handwritten signature in dark ink, appearing to read 'U.W. Clemon', written in a cursive style.

U.W. Clemon

cc: Ronald A. Klain, White House Chief of Staff
Dana A. Remuse, White House Counsel
Paige L. Herwig, White House Assistant Counsel
Cedric L. Richmond, Special Advisor to the President