

**JOHN MINOR WISDOM AWARD  
MARTHA BERGMARK ACCEPTANCE REMARKS  
APRIL 23, 2010**

David, thank you so much for your kind words. Thanks, too, to the Section of Litigation for making this experience so pleasurable, and to a very special group of friends and family who are here with me today. Thank you all.

Most of all, I want to express my gratitude for the attention this award has brought to a still-fledgling organization -- the Mississippi Center for Justice. As David well knows, this award significantly enhances our effort to institutionalize in Mississippi a capacity for legal advocacy to advance racial and economic justice.

In 1957, President Eisenhower appointed John Minor Wisdom - a native New Orleanian and a Republican - to the Fifth Circuit Court of Appeals, which then included deeply segregated states from Georgia to Texas. In the tumultuous two decades following its decision in *Brown v. Board of Education*, the Supreme Court issued only a few civil rights decisions, preferring instead to affirm Fifth Circuit opinions by letting them stand without hearing an appeal. Judge Wisdom, consequently, authored many of the decisions that helped bend the arc of history toward justice.

When David told me he was nominating me for this award, I pulled out my copy of "Unlikely Heroes," Jack Bass's inspiring account of the pivotal roles of Wisdom and his Fifth Circuit colleagues. I recalled that when my husband Elliott Andalman and I began our civil rights practice in Hattiesburg, Mississippi, in 1973, we regularly made the hundred-mile drive to New Orleans to seek recourse from the Fifth Circuit and Judge Wisdom. So I am struck by how fortunate we are that Judge Wisdom's blessing should now fall -- via this wonderful award -- on the Mississippi Center for Justice. I can't tell you how much it means to me to receive an award that bears Judge Wisdom's name.

Writing for the majority in *U.S. v. Jefferson County Board of Education* in 1967, Judge Wisdom said,

"The Constitution is both color blind and color conscious. To avoid conflict with the equal protection clause, a classification that denies a benefit, causes harm, or imposes a burden must not be based on race. In that sense the Constitution is color blind. But the Constitution is color conscious to prevent discrimination being perpetuated and to undo the effects of past discrimination. The criterion is the relevancy of color to a legitimate government purpose."

Wise words for us today.

Civility in political discourse seems to have vanished, and the lessons of our racist past seem irrelevant to political leaders who know or should know better. By proclamation of Governor Haley Barbour, April is Confederate Heritage Month in Mississippi, and we've

again been treated to the revisionist notion that slavery was just one unfortunate aspect of an otherwise noble cause that the tea partiers have now taken up.

We at the Mississippi Center for Justice are neither surprised nor disillusioned that racism remains a fact of everyday life. After all, we live in a state where racism is, if you will, our confederate heritage. It finds contemporary expression

- in our state's rejection of tens of millions of federal recovery dollars that should provide unemployment benefits in a state where unemployment in several counties exceeds 20 percent.
- in bureaucratic impediments that keep tens of thousands of *eligible* children off the Medicaid rolls.
- in predatory payday lending, with a Mississippi version that is the most pernicious and pervasive in the nation.
- in Katrina recovery policies that categorically excluded victims whose homes were literally "across the tracks." We are still working toward relief for some 7,000 of these families whose homes remain unrepaired to this day.

At the Mississippi Center for Justice, we are observing Confederate Heritage Month by attacking these and other policies that systematically keep Mississippi at the bottom of every national measure of human and societal well-being. This legacy must be eradicated. It is in our national interest, and it is our moral imperative.

All this we are attempting without Judge Wisdom on the bench in New Orleans. Instead, we magnify our influence with the help of hundreds of lawyers from around the country who contribute some 18,000 hours of service each year and who donate the dollars that make up a crucial 25 percent of our operating budget. Some of you are in this room today. For this, and for the spotlight this wonderful award brings to our work, we are deeply grateful. Thank you so very much.