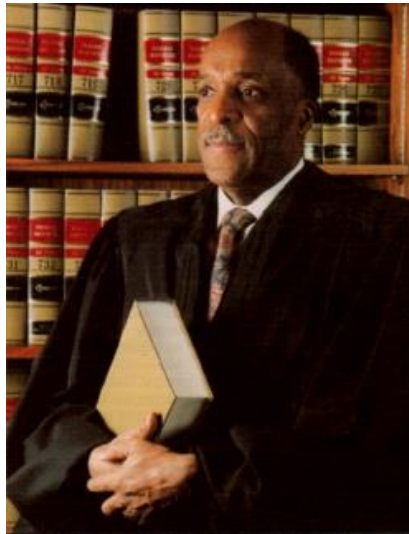


## **LDF Mourns the Passing of Judge Nathaniel R. Jones**

*Former NAACP General Counsel Served on Kerner Commission, Federal Bench*



The NAACP Legal Defense and Educational Fund, Inc. (LDF) mourns the passing of Judge Nathaniel R. Jones, who died on January 26, 2020 at the age of 93. A dedicated lawyer who helped lead the charge against northern school segregation as General Counsel of the NAACP (an entirely separate entity from LDF since 1957), he was later appointed to the federal judiciary, where he served for more than 20 years. He played a key role in advancing the causes of freedom and equality on two continents, through his decades-long career as a civil rights lawyer and federal judge and as an advisor on the creation of a constitution in South Africa after the end of apartheid.

“The long and distinguished career of Nathaniel Jones was based on a simple conviction: that the law must be an instrument that upholds the principles of equality and full citizenship for African Americans that undergird the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> Amendments to the Constitution,” said LDF President and Director-Counsel Sherrilyn Ifill. “He grew up in the segregated North, and by the time he was an adult had a clear-eyed understanding of racism in America, and the critical role of the law in challenging and dismantling the infrastructure of racial inequality. Whether he was arguing against school segregation before the Supreme Court, helping the people of South Africa draft a more equitable constitution, or presiding from the federal bench, he embodied the best of our profession.”

Indeed, during his ten years as General Counsel for the NAACP, Mr. Jones played a critical role in advancing national work to end racial discrimination in the military, defend affirmative action, and desegregate schools in cities across the United States. This work was just one of the many ways in which he advanced racial justice and equality throughout his storied career.

“I first met Nate Jones when I was working on my first case in the Cleveland, Ohio federal courthouse. He was trying the Cleveland school case. I will never forget the interest he

took in this young lawyer, the friendship he shared, and the mentoring with which he graced me,” Ted Shaw, LDF’s fifth President and Director-Counsel, remembered fondly.

Born in Youngstown, Ohio in 1926, Jones was exposed to the fight against racial prejudice at an early age. As a boy, his mother frequently took him to Youngstown’s segregated YMCA to hear and meet national civil rights leaders like NAACP Executive Secretary Walter White, Howard University President Mordecai Johnson, and LDF founder and Supreme Court Justice Thurgood Marshall.

“It was during that period of time that I became sensitized to this question of segregation and discrimination, and the programs that were underway to effect change,” he said in a [2016 interview with New York Public Radio](#).

His mother also introduced him to J. Maynard Dickerson, the publisher of Youngstown’s weekly black newspaper, *The Buckeye Review*. An active member in the state and local chapters of the NAACP, Dickerson was one of Youngstown’s few Black lawyers. He began to mentor the young Jones, taking him into a courtroom for the first time.

“What I saw was a white judge, and white constables and bailiffs, whites in every position of authority,” Jones later recalled in the *Cincinnati Enquirer*. “I was the only other black person there who was not in the prisoners’ dock. They sat there with an air of smugness and superiority; and I felt like they looked at me and were merging me with the people in the dock. It made an impression.”

In high school, Jones was heavily involved in the youth council of the Youngstown NAACP. Among other actions, he and his friends organized a boycott of the local roller skating rink, which by custom allowed Black customers to skate only on Monday nights.

Jones graduated from high school in 1945. World War II had not yet ended, and he was promptly inducted into the Army. Although Jones had experienced some discrimination in Youngstown, he had lived in an integrated neighborhood and attended an integrated school. By contrast, the Army was totally segregated, an experience Jones would later call “traumatic.” In his memoir, Jones recounted his shock upon arriving at Camp Atterbury, Indiana, and discovering that enemy soldiers received better treatment than Black Americans in uniform: “I was stunned to see the freedom that Italian prisoners of war enjoyed at the base. The PX [post exchange] and base theater were open to them, while the service clubs and theater were not available to those of us who were black, except on a segregated basis.”



Upon his discharge at the end of the war, Jones returned home and entered Youngstown College (later Youngstown State University) with the help of the G.I. Bill. He remained active with the NAACP, which gave him a chance to observe Thurgood Marshall firsthand. When the nearby town of Warren, Ohio, attempted to bar African Americans from using the city pool, the state NAACP's legal team swung into action, with occasional help from Marshall. In his memoir, Jones described the aura that surrounded the future Supreme Court Justice: "His arrival always stirred enormous excitement. The phone calls from lawyer to lawyer, city to city across Ohio, beamed the message: 'Thurgood's coming, Thurgood's coming.'" Sitting in on strategy sessions led by Marshall, Jones' desire to become a lawyer only deepened.

After graduation, he enrolled in Youngstown College's evening law school. By day, he complemented his studies with firsthand experience on the front lines of the push for integration, serving as director of Youngstown's Fair Employment Practices Committee, where he succeeded in widening its mandate and launching educational programs in schools and workplaces.

Jones graduated from law school in 1956. After passing the bar the following year, he established his own private practice in Youngstown. In 1961, Attorney General Robert Kennedy appointed him as an Assistant U. S. Attorney for the Northern District of Ohio, making Jones the district's first African-American federal prosecutor. In 1967, he was asked to serve as assistant general counsel to President Johnson's National Advisory Commission on Civil Disorder, known as the Kerner Commission, which was formed in response to years of destructive urban rioting. The commission's report, published in 1968, famously warned, "Our nation is moving toward two societies, one black, one white – separate and unequal."

For the rest of his life, Jones would argue that the commission's findings remained relevant, and that Americans ignored them at their own peril. In an interview with New York Public Radio, he said, "The central finding of the Kerner Commission was that we are a racist society – that issues of race create the inequities that we have in our society ... that they sustain the inequities that we have in our communities, and that it's going to take a combined effort on the part of the total community, and also the public ... to get to the problems that lead to poverty and that sustain the impact of race."

In 1969, Roy Wilkins asked Jones to serve as General Counsel of the NAACP, a job once held by Marshall. For the next 10 years, he devoted much of his energy to efforts to integrate northern schools. He argued before the Supreme Court in *Milliken v. Bradley*, a case that ultimately dealt a severe blow to desegregation efforts.

“Nathaniel Jones was one of the great civil rights lawyers of the twentieth century. Among the landmark cases he litigated were *Milliken v. Bradley*, the interdistrict case in which the Supreme Court tragically put urban/suburban segregation beyond the reach of the courts, and *Reed v. Rhodes*, the Cleveland, Ohio school case,” former Director-Counsel Ted Shaw added when reflecting on Mr. Jones’ career. “... I admired Nate Jones tremendously, and I shall miss him. He lived a good life, dedicated to the cause of racial justice, and to the law. We were blessed to have him.”

In May of 1979, Jones received an invitation to a White House ceremony commemorating the *Brown v. Board* decision. To Jones’ surprise, President Jimmy Carter chose the occasion to announce that he was nominating Jones to the Sixth Circuit Court of Appeals. At the time, LDF Director-Counsel Jack Greenberg called Jones’s selection “a splendid appointment,” applauding him as someone “totally committed to the cause of human rights.”

Jones remained on the court until his retirement in 2002. During his time on the bench, he made multiple trips to South Africa and spoke out against the legal framework of white supremacy that undergirded that nation’s Apartheid regime. During a 1985 visit to observe the South African judiciary, Jones was arrested and held in custody for four hours, an incident that drew international attention. After the end of Apartheid in 1994, Jones consulted with the drafters of the South African Constitution. In his memoir, he described observing a South African trial during the 1980s and reflecting that neither the demeanor of the judges nor the skill of the lawyers had any bearing on whether justice would prevail, “because the underlying laws themselves were fundamentally flawed.”

What was true of Apartheid South Africa was also true of the America of Jones’ youth, and he constantly sought to remind the public that laws can oppress as readily as they protect. He had no patience for disparagement of so-called “activist judges,” believing that such criticisms merely hid contempt for civil rights behind a veneer of cautious restraint. “When reference is made to ‘activist judges,’” he said, “that refers to Chief Justice Earl Warren, Justice [William] Brennan, Justice Thurgood Marshall, those outstanding justices who gave us *Brown v. Board of Education*, who gave us the Little Rock decision, and they gave us the decisions that gave meaning to the 13th, 14th, 15th Amendments. ... They moved us forward on the civil rights front.”

Reflecting on the lessons of the civil rights movement, Jones pointed to the ability of ordinary people to replace discriminatory laws with just ones: “It was their belief in the efficacy of the law as an instrument of social change that kept them pressing forward in the courts and under the rule of law, and given the delicate network of the American constitutional system, the maintenance of that faith was and is crucial.”

Jones is survived by five children: Stephanie J. Jones, William L. Hawthorne, Ricky B. Hawthorne, Marc D. Hawthorne, and Pamela L. Velez. The Nathaniel R. Jones Federal Building and U.S. Courthouse in Youngstown, Ohio is named in his honor.

A public memorial is planned for Judge Jones at the Underground Railroad Freedom Center in Cincinnati, Ohio in the coming weeks. Further details on this memorial service will be provided [here](#) as soon as they are available.