

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 2268 (Gray)
Version: March 16, 2022
Hearing Date: June 21, 2022
Fiscal: Yes
Urgency: No
ME

SUBJECT

Charles James Ogletree, Jr. Courthouse

DIGEST

This bill names the Merced County main courthouse of the Superior Court of California as the Charles James Ogletree, Jr. Courthouse.

EXECUTIVE SUMMARY

This bill honors the life and work of Charles James Ogletree, Jr., by naming the main courthouse in Merced County after him. The bill details the incredible impact Professor Ogletree has made to our state and nation. A bill is necessary to effectuate naming the courthouse after Professor Ogletree because the current Judicial Council courthouse naming policy prohibits naming courthouses after people who are still alive. This bill is sponsored by the Merced County NAACP and NAACP California Hawaii State Conference; supported by the California Legislative Black Caucus, and Pamela A. Ogletree; and has no registered opposition.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Grants counties designated authorities and responsibilities with regard to court facilities located in those counties, including managing shared-use buildings the title to which is held by counties. (Gov. Code § 70393.)
- 2) Grants the Judicial Council full responsibility, jurisdiction, control, and authority over trial court facilities the title to which is held by the State. (Gov. Code § 70391 (a).)

This bill:

- 1) Names the Merced County main courthouse of the Superior Court of California as the Charles James Ogletree, Jr. Courthouse.
- 2) Includes findings and declarations about the remarkable life of Charles James Ogletree, Jr. and his extraordinary contributions to California and the United States.

COMMENTS

1. A well-deserved honor for an extraordinary man

According to the author:

From humble beginnings in his hometown of Merced, Professor Ogletree went on to earn a Master's Degree from Stanford and his Juris Doctor from Harvard before embarking on a prolific career focused on the advancement of civil rights, racial justice, and social tolerance. In addition to his influential writings as a legal scholar, Professor Ogletree inspired generations of law students as a professor at Harvard, including former President and First Lady Barack and Michelle Obama. As a public defender and civil rights attorney, Professor Ogletree notably represented survivors of the 1921 Tulsa Race Massacre and acted as legal counsel to Professor Anita Hill during the Clarence Thomas Senate confirmation hearings. Professor Ogletree received countless prestigious awards throughout his career including being named one of the 100 Most Influential Lawyers in America by the National Law Journal. Both Harvard Law School and UC Merced have established endowed positions named in his honor.

Professor Ogletree founded The Charles Hamilton Houston Institute for Race and Justice in honor of the legendary civil rights lawyer and mentor to such influential figures as Thurgood Marshal and Oliver Hill. He has been a leader pushing the national conversation on race and justice forward including as an author of such works as *Life without Parole: America's New Death Penalty*, *The Presumption of Guilt: The Arrest of Henry Louis Gate, Jr.* and *Race, Class, and Crime in America*, and *The Road to Abolition: The Future of Capital Punishment in the United States*.

As one of Merced County's proudest native sons who has made incredible contributions towards the advancement of racial justice in the American legal system, there is no more deserving individual on whom to bestow this honor than Professor Ogletree. As the criminal justice system reexamines practices that have resulted in the over-incarceration of minority communities, and in particular black men, it would be fitting for more judges to conduct their work in facilities named for leaders like Professor Ogletree.

2. Legislation is needed to name a Courthouse after a living legend absent action by the Judicial Council

The Judicial Council's Courthouse Naming Policy was adopted in 2009 and prohibits the naming of a courthouse after a person who has not been deceased for 10 years. The policy specifies that Courthouses are rarely named after people. However, a "courthouse may be named after a deceased person" if the "person made recognizable, significant contributions to the state or national justice system" and the person has been "deceased a minimum of 10 years."

The Legislature does have the authority to rename courthouses without Judicial Council's consent. However, that authority must be exercised through a bill rather than a resolution because of the authority the Legislature vested in the judicial branch through the Trial Court Facilities Act. (Gov. Code § 70391.)

3. Professor Ogletree is an extraordinary person who has made a huge impact on the justice system

As explained in the findings and declarations of the bill, Charles James Ogletree, Jr. has lived an exemplary life and made numerous positive contributions to the state and national justice system as a professor at Harvard Law School, a public defender, defender of those seeking justice, and key figure in the fight for civil rights, social justice, and equality for all. He was born in 1952 and grew up in a migrant worker community and began working in the fields at a young age. The bill states that "he excelled in high school" and also witnessed firsthand the challenges of African Americans facing prejudice and injustice. He is a graduate of Stanford University, was active in the civil rights movement and graduated from Harvard Law School and was a professor of law there. Professor Ogletree was the Vice Dean for Clinical Programs and the founding Director of the Charles Hamilton Houston Institute for Race and Justice at Harvard Law School. He is the author of numerous books and founding director of Harvard Law School's Introduction to Trial Advocacy workshop and founder of Harvard Law School's Criminal Justice Institute, a program that engaged and served low-income communities. He was a partner in private practice and routinely took on controversial cases, at risk to his job and career, including representing Anita Hill during Justice Clarence Thomas's confirmation hearings to the United States Supreme Court and seeking reparations for the survivors of the 1921 Tulsa Race Massacre. He is married to Pamela Ogletree and has two children.

The Merced NAACP writes the following in support of this bill:

Professor Ogletree is highly revered not just by the African American Community of Merced, but by other groups within the community as well. Early in life, he demonstrated perseverance, the tenacity with a strong desire to learn, provide leadership, with an insatiable commitment to excellence. It all

began right her in Merced with Merced High School as the launching pad when he became the first Black High School Class President.

While he moved from Merced we know he kept Merced in his heart and mind, providing scholarships for youth, and making himself available when assistance was needed.

Thank you for including us in this historic moment for a man from humble beginnings, who rose to such an exceptional stature in our country, while remaining one of God's humble servants.

In support of this bill, the NAACP California Hawaii State Conference writes:

From humble beginnings in his hometown of Merced, Dr. Ogletree went on to earn a Master's Degree from Stanford and his Juris Doctor from Harvard before embarking on a prolific career focused on the advancement of civil rights, racial justice, and social tolerance. In addition to his influential writings as a legal scholar, Dr. Ogletree inspired generations of law students as a professor at Harvard, including former President and First Lady Barack and Michelle Obama. As a public defender and civil rights attorney, Dr. Ogletree notably represented survivors of the 1921 Tulsa Race Massacre and acted as legal counsel to Professor Anita Hill during the Clarence Thomas Senate confirmation hearings. Dr. Ogletree received countless prestigious awards throughout his career including being named one of the 100 Most Influential Lawyers in America by the National Law Journal. Both Harvard Law School and UC Merced have established endowed positions named in his honor. [. . .] [T]here no more deserving individual on whom to bestow this honor than Dr. Ogletree.

As noted by the California Legislative Black Caucus in support of the bill:

As the criminal justice system reexamines practices that have resulted in the over-incarceration of minority communities, and in particular black men, it would be fitting for more judges to conduct their work in facilities named for a leader like Professor Ogletree.

SUPPORT

Merced County NAACP (sponsor)
NAACP California Hawaii State Conference (sponsor)
California Legislative Black Caucus
Pamela A. Ogletree

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation: ACR 9 (Gray, 2021) was introduced last year to name the Merced Court house after Professor Ogletree, but the author determined, after consulting with Legislative Counsel, that a bill is the correct vehicle to effectuate the change. This measure remains in the Assembly Judiciary Committee.

PRIOR VOTES:

Assembly Floor (Ayes 59, Noes 0)

Assembly Appropriations Committee (Ayes 12, Noes 1)

Assembly Judiciary Committee (Ayes 7, Noes 0)
