

SYMPOSIUM ON PURSUING RACIAL
FAIRNESS IN CRIMINAL JUSTICE: TWENTY
YEARS AFTER *McCLESKEY v. KEMP*

MARCH 2–3, 2007

OPENING REMARKS: RACE AND THE
DEATH PENALTY BEFORE AND AFTER
McCLESKEY

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My assigned topic is “Race and the Death Penalty Before *McCleskey*,” but I want to talk as much about the future as the past. Thurgood Marshall, in the fullness of his years, was asked, “What’s the most important case you ever handled?” His answer was “the next one.”¹ I hope his spirit animates this symposium. The history of our efforts to eradicate the racial caste system that has permeated and corrupted American society since 1619, when the first twenty Africans on the North American continent were offloaded by Dutch

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1. Thurgood Marshall, *The Federal Appeal, in* Counsel on Appeal 141, 142 (Arthur A. Charpentier ed., 1968).