



CONSTITUTION, NEWS

‘What Unites us is...a Common Hope for the Future – a Shared Love of Freedom’

U.S. Appeals Court Judge James Ho testified at a House Judiciary Committee hearing about diversity on the federal bench that is very much worth noting:

It is true that I am the only Asian American on my court. I’m also the only immigrant on my court. But I would never suggest that a wise Asian would, more often than not, reach a better conclusion than a white judge. That would be antithetical to our legal system, and poisonous to civil society. No one should ever assume that I’m more likely to favor Asians or immigrants or anyone else—or that my colleagues are less likely to. Everyone should win or lose based on the law—period. That’s why Lady Justice wears a blindfold. That’s why judges wear black robes.

My point is just that I don’t come to my views because I think racism is behind us. Rather, I come to my views precisely because racism is not behind us. The last thing we should do is divide people by race. The last thing we should do is suggest that the racists are right. We don’t achieve equality of opportunity by denying it to anyone—we achieve it by securing it for everyone.

So make no mistake: It would be profoundly offensive—and un-American—to tell the world that you’re restricting a judgeship to members of only one race. It’s offensive to people of other races. And it’s offensive to people of that race—because you’re suggesting that the only way they’ll get the job is if you rig the rules in their favor.

As a judge, I have the honor of presiding over a naturalization ceremony every year, to celebrate my own naturalization thirty-nine years ago. People from all around the world come together in one room, for one purpose—to become an American. And it reminds me that what binds our nation is not a common race, or religion, or philosophical point of view. What unites us is not a common past, but a common hope for the future—a shared love of freedom—and a mutual commitment to the Constitution and to the principle of equality of opportunity.

Ho was born in Taiwan and is a naturalized U.S. citizen. President Donald Trump appointed Ho to the bench in 2018.