

Item # ADD-ON

Moved by: _____

Prepared by: Ashley Haynes

Seconded by: _____

Reviewed by: Marcy Ingram

RESOLUTION IN SUPPORT OF THE PUBLIC CENSURE OF THE HONORABLE JUDGE JIM LAMMEY, 30TH JUDICIAL DISTRICT CRIMINAL COURT LOCATED IN SHELBY COUNTY, TENNESSEE, CONDEMNING HIS SOCIAL MEDIA PUBLICATIONS REGARDING THE HOLOCAUST AND IMMIGRANTS. SPONSORED BY COMMISSIONER TAMI SAWYER, COMMISSIONER MARK BILLINGSLEY, COMMISSIONER WILLIE BROOKS, COMMISSIONER EDMUND FORD, JR., COMMISSIONER EDDIE JONES JR., COMMISSIONER MICKELL LOWERY, COMMISSIONER REGINALD MILTON, COMMISSIONER MICHAEL WHALEY, AND CHAIRMAN VAN TURNER.

WHEREAS, the right of access to the courts is an essential First Amendment Right and fundamental to democracy; and

WHEREAS, the citizens of Shelby County have complained to the Shelby County Board of Commissioners about the social media comments reportedly made by the Honorable Judge Jim Lammey regarding the Holocaust and Muslims which made both local and national news headlines, e.g., “Memphis judge posts Facebook link to Holocaust denier’s essay calling immigrants ‘foreign mud’,” as reported by Daniel Connolly, *Memphis Commercial Appeal* on April 20 219 and “Memphis Judge Under Fire For Facebook Post of Holocaust Denier’s Essay Calling Muslims ‘Foreign Mud’,” as reported by Daniel Moritz-Rabson, *Newsweek* on May 2, 2019; and

WHEREAS, the Preamble for the Tennessee Code of Judicial Conduct reads, in pertinent part that, “[1] **An independent, fair and impartial judiciary is indispensable to our system of justice.** The United States legal system is based upon the principle that an independent, **impartial**, and competent **judiciary**, composed of men and women of integrity, will interpret

and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that **judges**, individually and collectively, **must** respect and honor the judicial office as a public trust and **strive to maintain and enhance confidence in the legal system**” Rule 10: Code of Judicial Conduct (emphasis added); and

WHEREAS, the County Commission has heard that the purported remarks by Judge Lammey about the Holocaust and immigrants have caused several of its constituents to question the fairness and impartiality of his judicial decisions in certain criminal matters and the body has been asked to support the efforts to have this honorable judge censured, see e.g., “A coalition of advocacy groups is calling for the censure of Criminal Court Judge Jim Lammey for sharing racially charged content on Facebook,” as reported in the Commercial Appeal, “The 9:01: Coalition aims to censure local judge for ‘dark message of hatred,’ May 7, 2019 and “Muslim organization calls for disciplinary review of Memphis judge’s comments,” as reported by Yolanda Jones, *Daily Memphian*, May 2, 2019 ; and

WHEREAS, the Tennessee Board of Judicial Conduct is a judicial disciplinary agency created by the General Assembly “to investigate and, when warranted, act on complaints against judges,” (<https://www.tncourts.gov/board-of-judicial-conduct>) for misconduct including, but not limited to, “[a]ny ... conduct calculated to bring the judiciary into public disrepute or to adversely affect on the administration of justice” (Tenn. Code Ann. Section 17-5-302 (8)).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, that this body respectfully supports the advocacy groups efforts in having the Honorable Judge Jim Lammey censured by the Tennessee Board of Judicial

Conduct for the offensive comments made on his social media page regarding immigrants and the Holocaust.

BE IT FURTHER RESOLVED, that this Resolution shall take effect in accordance with the Shelby County Charter, Article II, Section 2.06(B), the public welfare requiring same.

Lee Harris
Shelby County Mayor

Date: _____

ATTEST:

Clerk of County Commission

ADOPTED: _____