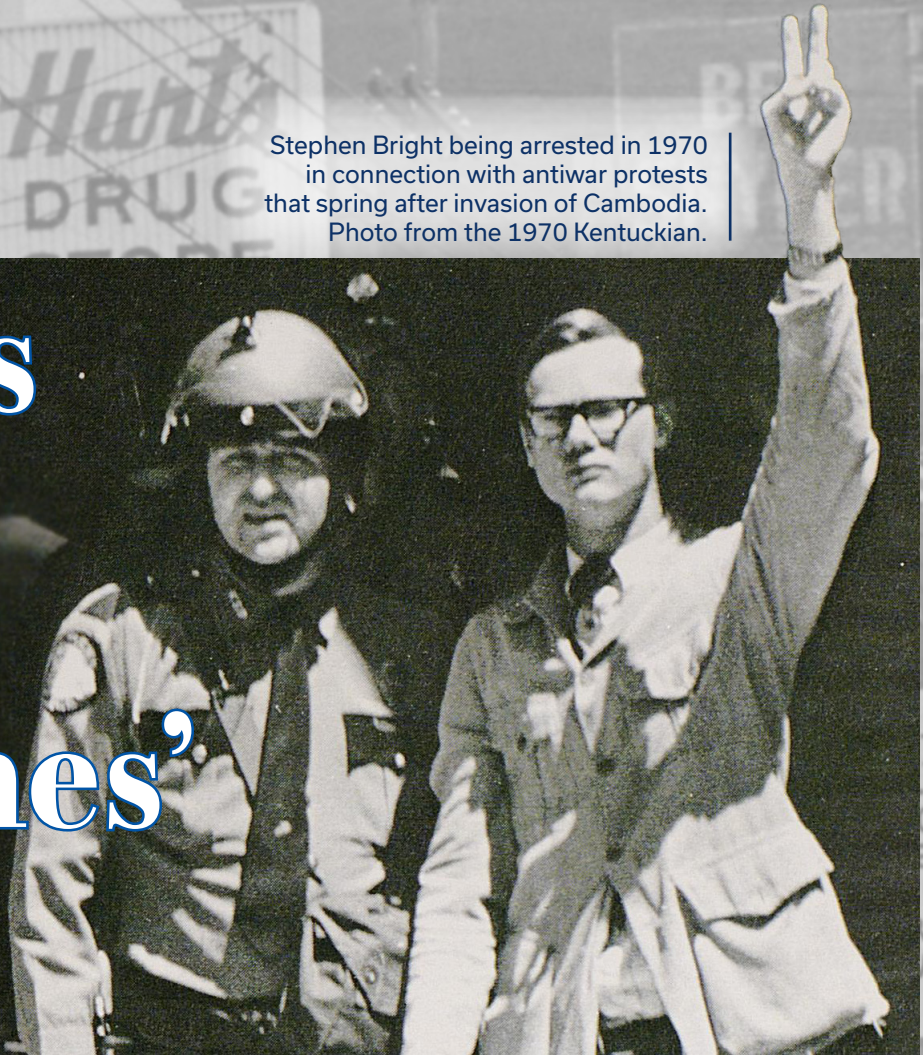


Stephen Bright being arrested in 1970 in connection with antiwar protests that spring after invasion of Cambodia. Photo from the 1970 Kentuckian.

He has 'been in the trenches'

New book tells about UK activist's work to make a difference



By Jaci Carfagno

Stephen Bright planned to be a journalist when he left his family's farm in Boyle County in 1966 to come to the University of Kentucky. He'd worked for the Danville Advocate-Messenger through high school, gaining the wide experience a reporter — even a very young one — gets at a small newspaper.

But those were turbulent times. The Civil Rights movement pushed for a more just society, the antiwar movement advocated for a more peaceful one and Bright '71 AS, '75 LAW was engaged in both movements (his parents were among the 10,000 people who marched to the capitol in Frankfort in 1964 to hear Dr. Martin Luther King Jr. speak).

Classes with political science professor Bradley Canon on constitutional law and civil liberties and his own experiences gave him the idea that "one of the ways you can make a difference is through the law."

Now, a half century later, Bright's work at the Southern Center for Human Rights representing people in death penalty cases and on death row has received numerous accolades, including an honorary degree from UK and induction into the J. David Rosenberg College of Law's Hall of Fame in 2000 and the University of Kentucky Alumni Association Hall of Distinguished Alumni in 2015. It is also the subject of two books and a documentary.

He won all four of the capital cases he took to the U.S. Supreme Court.

Recently, Bright combined the two interests of his early years by writing, with co-author James Kwak: "The Fear of Too Much Justice: Race, Poverty, and the Persistence of Inequality in the Criminal Courts."

Writing about the book for The Guardian, Ed Pilkington called Bright "the doyen of death penalty lawyers," who for decades "has gone to battle for prisoners the U.S. criminal justice system has abandoned, cases so tough no other lawyer would take them: mentally ill prisoners who have no idea what is happening to them, defendants so poor and poorly represented they were condemned before they entered the courtroom."

Although other books have been written about the profound problems presented by the death penalty and how it is administered in the United States, Bright said they were often written for legal audiences. He thought it was important to tell the story from the point of view of someone "who had been in the trenches."

Several chapter titles — The All-Powerful Prosecutor, A Poor Person's Justice, The Whitewashed Jury, The Madness of Measuring Mental Disorders — reflect his real-life experience and most begin with a story from Bright's practice.

Among those who have praised the book is best-selling author John Grisham, a lawyer himself, whose novels often explore the shortcomings of our criminal justice system.

"Only Steve Bright could write such a clear and poignant indictment of criminal justice in America," Grisham wrote.

While this was not the career that Bright envisioned when he first came to UK, his time there carried the seeds of his later activism. In the spring of his junior year, 1970, he was elected student body president. Within days, President Richard Nixon invaded Cambodia, an expansion of the Vietnam War that set off demonstrations on campuses across the country, and UK was no exception.

"One of the early demonstrations was a motley crew of hippies walking down Rose Avenue and at the front was Steve Bright in a white button-down shirt and a necktie," recalled Sheryl Snyder, then a second-year law student at UK (and now, like Bright, a member of the college's Hall of Fame.)

Although Bright acted as a calming influence and engaged in negotiations with the administration as the protests grew, Gov. Louie Nunn decided to call out the National Guard.

"Soldiers came in with live ammunition and fixed bayonets," Bright recalled, saying Nunn had "established martial law" on campus. Ultimately several students, including Bright, were arrested and the university "tried to throw me out of school," along with a few dozen other demonstrators.

Bright reached out to Snyder to represent him and his was the first of several hearings for students facing expulsion proceedings.

"The board had scheduled hearings an hour apart, thinking they would be done quickly," Bright recalled. But Snyder "did a fantastic job," defending him, calling witnesses and probing evidence against him, arguing passionately for his First Amendment right to express his political views. His hearing took five days and he remained in school.

By the time he graduated, Bright had settled on going to law school and began at UK in the fall of 1971.

"I hated it," he said, and left after one semester to work in the presidential campaign of anti-war candidate Sen. George McGovern throughout 1972. When McGovern lost that fall to Nixon, Bright decided to return to the study of law.

Bright knew he wanted to work for people underserved by the criminal legal system. Although he had taken criminal law in his first semester, he felt he hadn't learned what he needed from his teacher and so asked respected professor Robert Lawson, a member of the UK College of Law Alumni Hall of Fame like Bright and Snyder, if he could sit in on his criminal law class for no credit.

"He was the most serious student I had in the classroom," Lawson recalled, adding Bright never missed a class and took the final exam (he did well) even though he wasn't getting credit.

"He was one of the best students that I ever had." The admiration was mutual. "He was an excellent teacher," Bright said of Lawson, and he took every class of Lawson's that he could work into his schedule.

In those days, Bright said, law school tuition was \$250 a

semester and he graduated in December 1974 with only about \$3,000 in debt. He'd worked during school for the Appalachian Research and Defense Fund (Appalred) and took a job there after graduation.

"I was paid \$8,000 a year but continued to live like a student so I was able to pay off my debt in the first year," he said, "that left me completely independent and then I could do whatever I wanted."

He stayed there for two years before joining the Public Defender's Office in Washington, D.C. "It was like graduate school in defending criminal cases," Bright said, a well-resourced office with reasonable case loads and learning opportunities. He was soon to learn that wasn't the norm.

After six years in Washington, D.C., an organization based in Atlanta, Georgia, that did prison reform and death row cases but was essentially bankrupt contacted Bright to see if he would be willing to come and try to revive it. He recruited a colleague from the public defender's office, Bob Morin, to join him. They packed their things and drove south.

"Not long after we got out of Washington, we said, 'what in the hell have we done,'" Bright recalled.

It was good he had learned to be thrifty in his years in Kentucky. He had to write a personal check for the first month's office rent.

Thus began Bright's 33-year career at the organization now called the Southern Center for Human Rights.

What he found were cases where Black people were convicted by all-white juries after they were represented by court-appointed lawyers who had no experience with capital cases, where the trial transcripts were too short for such grievous results. And he found that poor people, regardless of race, simply didn't have much chance in the criminal legal system. People who got the death penalty, he said, didn't commit the worst crime, they simply had "the worst lawyer."

Bright and his colleagues raced from jurisdiction to jurisdiction, filing appeals and more appeals, seeking new trials, trying to save lives. Sometimes they lost and Bright sat with clients he'd known for years as they awaited execution.

After 23 years directing the center, Bright stepped back from that job but stayed on and began teaching a class at Yale Law School each year. He later also became an annual visiting professor at Georgetown Law.

In 2016 he left the center altogether.

"I didn't want to be looking over anyone's shoulder, but I still consult on cases when they call me," he said.

Bright also returned to Kentucky and has a home in Lexington not far from where he went to school, led marches and learned how to use the law to fight for justice.

Among all the idealistic people he knew in college and in law school, Snyder said, "the person who lived true to his principles was Steve Bright."

Lawson, a two-time dean, agrees. "I'm just more satisfied with what he's done as a graduate of the Law School than I am almost anybody...he's one of the most highly respected lawyers in the whole country." ■