



April 27, 2021

**SUPPORT THE CONFIRMATION OF CANDACE JACKSON-AKIWUMI TO THE
U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

Dear Senator,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 220 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we write to express our strong support for the confirmation of Candace Jackson-Akiwumi to the U.S. Court of Appeals for the Seventh Circuit.

Ms. Jackson-Akiwumi is highly qualified and has an exemplary record of defending and protecting the rights of all people. She is currently in private practice, though she spent most of her legal career as a public defender. For 10 years, Ms. Jackson-Akiwumi served as a staff attorney for the Federal Defender Program for the Northern District of Illinois, Inc., representing more than 400 clients who could not afford counsel. She has clerked for Judge David Coar of the U.S. District Court for the Northern District of Illinois and Judge Roger Gregory of the U.S. Court of Appeals for the Fourth Circuit. She is a graduate of Yale Law School and Princeton University. Ms. Jackson-Akiwumi is also an involved member of her community, as demonstrated by her service on the boards of the Federal Bar Association, the Black Women Lawyers' Association of Greater Chicago, and the Just the Beginning Foundation. She has a demonstrated commitment to upholding civil and human rights, and her experience at all levels of the federal court system qualifies her to fill this seat on the Seventh Circuit.

Ms. Jackson-Akiwumi has demonstrated her commitment to civil and human rights throughout her career. As a law student, she helped plan a conference at Yale Law School called "The Legacy of *Brown v. Board of Education*: Reflections on the Last Fifty Years."¹ Ten years later, she reflected further on this landmark civil rights case, writing, "we must continue to fight for equal opportunity with an energy that should match those who fought for civil rights fifty and sixty years ago."²

Indeed, she has dedicated her career to pursuing equal justice. If confirmed, Ms. Jackson-Akiwumi would be the first Seventh Circuit judge who spent most of their career as a public defender. Federal public defenders play a critical role in our criminal-legal system yet are underrepresented on the federal bench. For every former criminal defense attorney on the federal bench, there are at least four former prosecutors.³ Overall, just more than 2 percent of

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¹ Jackson-Akiwumi, Candace. *Questionnaire for Judicial Nominees: Attachments to Question 12(a)*. Pg. 870.

² *Id.* at 530.

³ Neily, Clark. "[Are a Disproportionate Number of Federal Judges Former Government Advocates?](#)" *Cato Institute*. September 18, 2019.

all federal appellate judges have experience as a public defender.⁴ Our judiciary needs to reflect the diversity of the legal profession, including more judges experienced in ensuring that defendants have counsel and that their rights are recognized in federal court. Ms. Jackson-Akiwumi's experience would bring significant value to the Seventh Circuit.

Public defenders play a meaningful role in our legal system by helping their clients navigate the complexities of federal law and ensuring their access to justice. Ms. Jackson-Akiwumi said of her work at the Federal Defender Program: "I am a counselor, helping clients to navigate difficult choices,"⁵ and "I am an investigator: hunting down facts and evidence... I am a teacher, introducing clients and their families to the federal court system... I am a lay social worker: many of our clients have disadvantaged backgrounds, extensive mental health histories, substance abuse issues, and other everyday challenges."⁶ This work has been meaningful to her — as she herself explained: "Representing clients and safeguarding the Sixth Amendment and Fourth Amendment is incredibly rewarding and meaningful and important work... I cherish the ability to walk clients through what were some of the most harrowing days of their life, when they were being judged for some of their worst days."⁷

During her time as a public defender, Ms. Jackson-Akiwumi demonstrated a deep commitment to upholding the rights of communities that have been marginalized by the criminal-legal system, including Black and Brown communities. She successfully argued that robbery stings run by the U.S. Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) were unfairly targeting people by their race.⁸ During a nearly two year period, 26 people in the Chicago area had been incarcerated as a result of the ATF stings, and all of them were either Black or Hispanic.⁹ A court later found that there was a "strong showing of potential bias" in the stings.¹⁰ This order, and the arguments advanced by Ms. Jackson-Akiwumi, illuminated the discriminatory practice of selective prosecution of people by their race.¹¹ She has used this experience to train other defense lawyers on how to spot racial bias in proceedings.¹² Her experience as a public defender would bring a much-needed perspective to the currently all-white Seventh Circuit created by the previous administration.

In addition to the professional experience Ms. Jackson-Akiwumi would bring to the bench, it is notable that if confirmed she would be the only judge of color on the Seventh Circuit and would be only the second judge of color to ever serve on that court. She would also be the first Black woman to be confirmed to a federal appellate court in nearly 10 years. In 2016, President Obama nominated Myra Selby, the first woman and first Black justice on the Indiana Supreme Court, to serve on the Seventh Circuit. Unfortunately, her nomination expired, and the Seventh Circuit has had an all-white bench since 2017. More than 7.5 million people of color reside within the court's jurisdiction, including 2.8 million

⁴ ["Biographical Directory of Article III Federal Judges, 1789-present."](#) *Federal Judicial Center*. Accessed April 2021.

⁵ Jackson-Akiwumi, Candace. ["Alumni & Student Profiles: Candace Jackson-Akiwumi '05."](#) *Yale Law School*.

⁶ *Id.*

⁷ Jarvis, Sarah. ["Former Federal Public Defender Joins ZuckermanSpaeder."](#) *Law 360*. December 1, 2020.

⁸ Heath, Brad. ["Judge: ATF stings may be targeting minorities."](#) *USA Today*. August 1, 2013.

⁹ *Id.*

¹⁰ Meisner, Jason and Annie Sweeney. ["ATF sting operation accused of using racial bias in finding targets, with majority being minorities."](#) *Chicago Tribune*. March 3, 2017.

¹¹ *Id.*

¹² Jackson-Akiwumi, Candace. ["Racial Profiling and Other Challenges in Stash House Cases."](#) *Questionnaire for Judicial Nominees: Attachments to Question 12(a)*. Pg. 796-827.



Black residents, 3.1 million Latino residents, and 1 million Asian American residents.¹³ It is shameful that any 21st-century federal court has an entirely White bench.

Our courts depend upon the public's trust for legitimacy, and it is vital that decision-makers share characteristics with the people their decisions impact — especially for those who are a party to a case.¹⁴ Diversity helps improve decision-making and ensures that judicial rulings reflect a broad set of viewpoints, particularly from perspectives that have historically been left out of the federal judiciary — including Black, Brown, and Asian American and Pacific Islander individuals, women, LGBTQ people, and people with disabilities.¹⁵ The nomination of the eminently qualified Ms. Jackson-Akiwumi is a step towards ensuring that our federal judiciary reflects the rich diversity of our nation.

Throughout her career, Ms. Jackson-Akiwumi has proven to be an experienced, dedicated defender of the rights of all people. She has demonstrated a commitment to upholding constitutional and legal rights and protections for defendants that is needed on the federal bench.

We strongly urge the Senate to confirm Candace Jackson-Akiwumi to the Seventh Circuit. If you have any questions or would like to discuss this matter further, please contact Lena Zwarenstejn, Senior Director of the Fair Courts Campaign, at (202) 466-3311. Thank you for your consideration.

Sincerely,

Wade Henderson
Interim President & CEO

LaShawn Warren
Executive Vice President of Government Affairs

¹³ “[QuickFacts](#).” *United States Census Bureau*. Accessed April 2021.

¹⁴ Sen, Maya. “[Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time](#).” 2017 *Wis. L. Rev.* 367 (2017).

¹⁵ *Id.*