



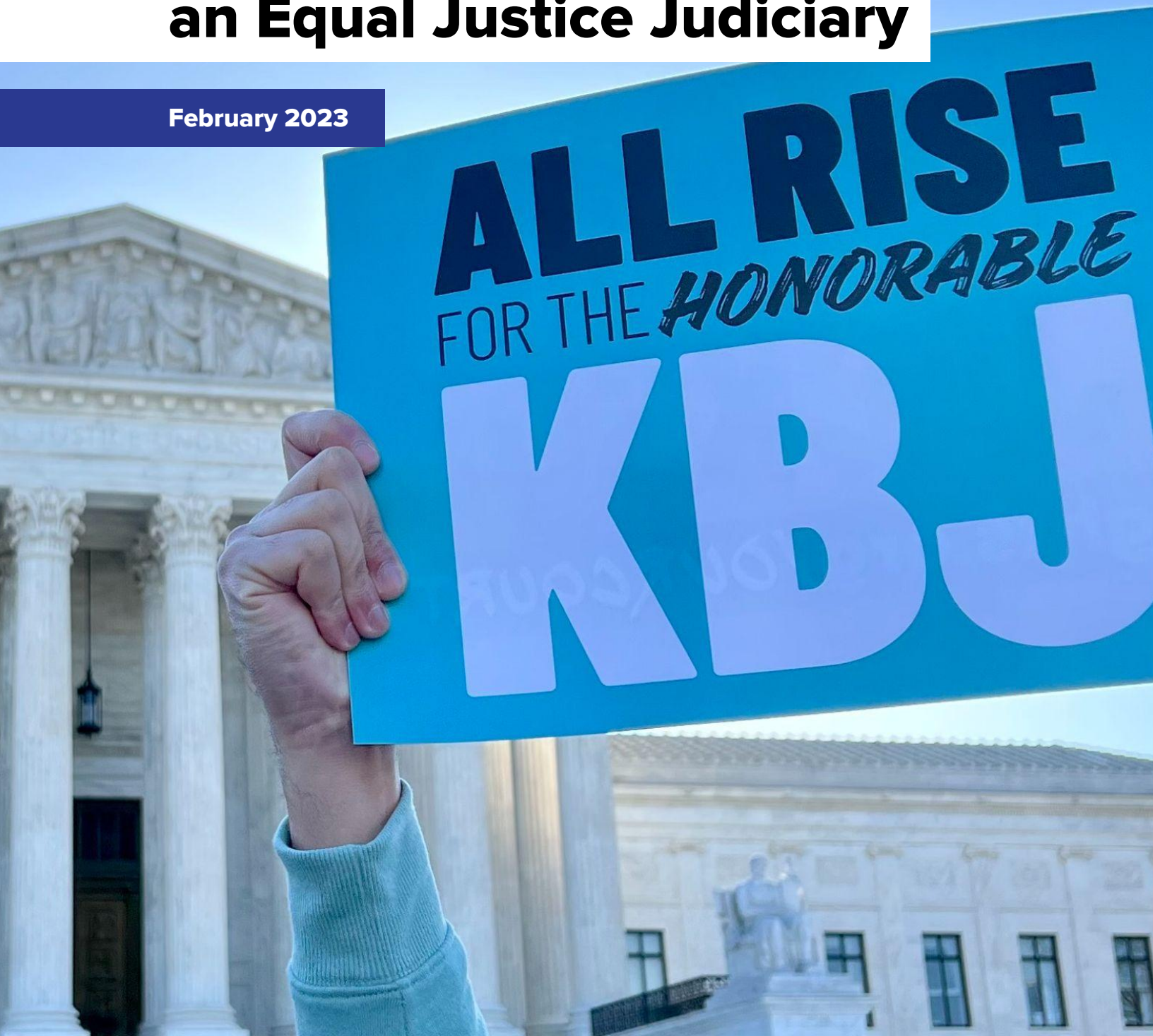
The Leadership Conference
on Civil and Human Rights

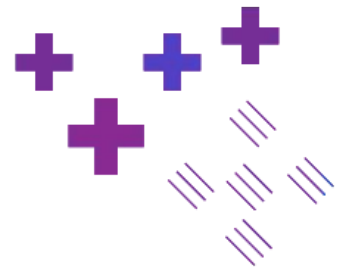


Persevere:

Our Ongoing Fight for an Equal Justice Judiciary

February 2023





“Persevere: Our Ongoing Fight for an Equal Justice Judiciary” is a project of The Leadership Conference on Civil and Human Rights.

The Leadership Conference on Civil and Human Rights is a coalition charged by its diverse membership of more than 230 national organizations to promote and protect the civil and human rights of all persons in the United States. Through advocacy and outreach to targeted constituencies, The Leadership Conference works toward the goal of a more open and just society — an America as good as its ideals.

Together with our coalition members and the Fair Courts Task Force, co-chaired by People For the American Way and National Women’s Law Center, we educate the public about the impact of federal courts, evaluate the civil rights records of federal judicial nominees, talk to decision makers, and mobilize public participation in support of a judiciary that recognizes and protects the rights of all people.

The principal author of the report was Patrick McNeil. Staff assistance on this report was provided by Samantha Cyrulnik-Dercher, Veena Muraleetharan, Kylee Reynolds, and Corrine Yu. Overall supervision was provided by Jesselyn McCurdy and Lena Zwarensteyn. The report was designed by Celeste Jacobs.

“Persevere: Our Ongoing Fight for an Equal Justice Judiciary” documents the work during the 117th Congress to build an equal justice judiciary by nominating and confirming diverse and highly qualified individuals — including people with civil rights and public defender experience — to serve on the federal bench. The civil rights community has long understood that for there to be equal justice in America, we need fair-minded judges and justices who are committed to protecting the rights of all people and who come from all of our communities. This report details many of the judicial nominees — including Justice Ketanji Brown Jackson — who were confirmed during the 117th Congress, explains why their confirmations matter, and calls on lawmakers to bolster our democracy by strengthening the judiciary so that it works for all of us.

The author and publisher are solely responsible for the accuracy of statements and interpretations contained in this publication.

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Executive Summary

For our democracy to thrive, it must be multiracial, inclusive, and work for all of us. But today, our democracy — and our hard-won civil and human rights — are under attack. In order to bolster our democracy, we must strengthen our federal judiciary so that it works for everyone. This includes insisting that the president nominate and the Senate confirm highly qualified judicial nominees who are professionally and demographically diverse and committed to civil and human rights.

This work of building a judiciary that lives up to the promise inscribed above the U.S. Supreme Court — “Equal Justice Under Law” — matters tremendously. The Leadership Conference and the civil rights community have been at the forefront of this work for decades because we know that each confirmation of a judicial nominee who is dedicated to equal justice makes a difference in the lives of people who appear in that judge’s courtroom and to all of us who are impacted by their decisions. Having judges who reflect and represent all of us also increases public trust in the judiciary and improves judicial decision-making. This is the work of every generation. Now, after four years of the Trump administration stacking our courts with many judges who were selected because of their anti-civil rights records, building an equal justice judiciary has never been more important.

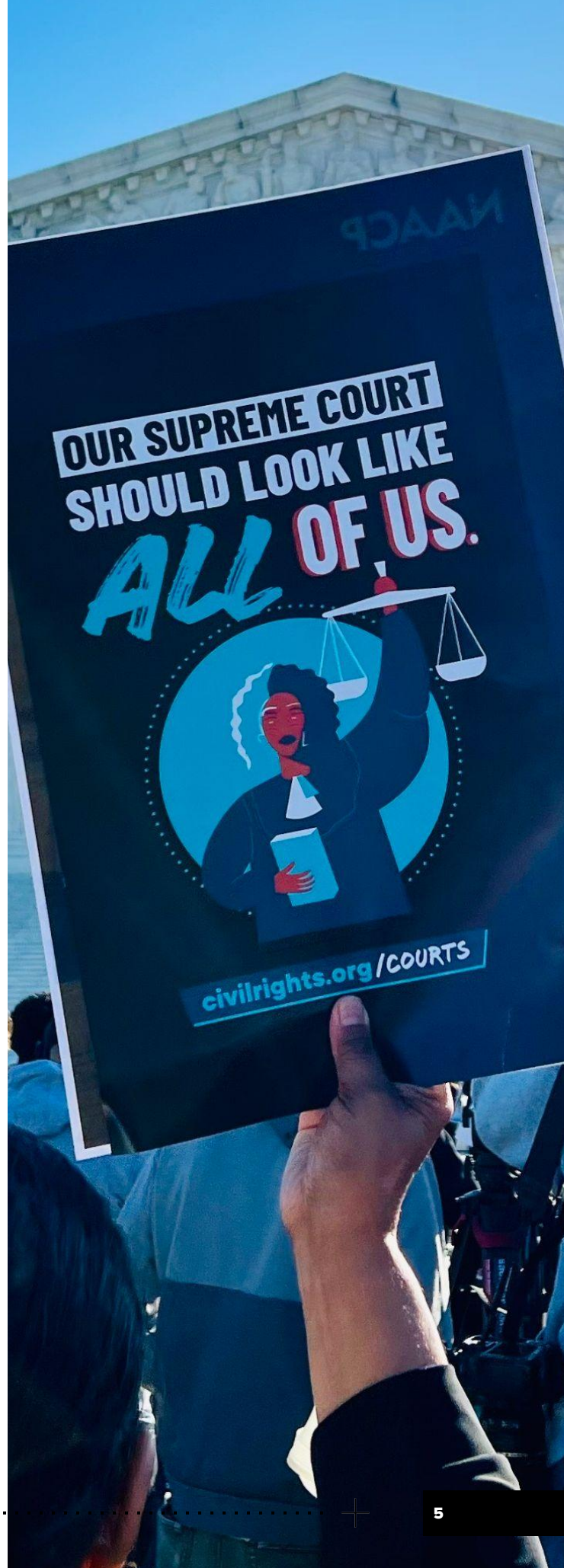
During the first two years of the Biden administration, the Senate — with critical leadership from Senate Majority Leader Chuck Schumer and Senate Judiciary Committee Chair Dick Durbin — confirmed 97 lifetime federal judges, many of whom possess the professional and personal experience that strengthens our judiciary, yet has been historically excluded. This included one Supreme Court justice, 28 circuit court judges, and 68 district court judges. Of these confirmations:

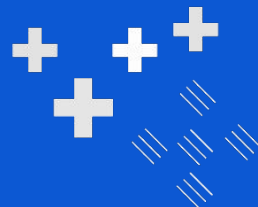
- **Three-fourths** are women
- **Nearly half** are women of color
- **More than two thirds** are people of color
- **Three-fourths** of circuit court judges are people of color
- **Nearly 60 percent** of circuit court judges are women of color
- **More than a quarter** have public defender experience
- **Nearly one-fifth** have experience as civil rights lawyers

This report also details President Biden’s nomination and the Senate’s confirmation of Justice Ketanji Brown Jackson, the first Black woman and first former public defender to serve on the U.S. Supreme Court. This historic confirmation embodies not only the kind of important experience needed at all levels of our judiciary, but also the difficult confirmation process.

For us to continue to fortify our democracy, and our federal judiciary in particular, this report recommends that the president and Senate ensure filling judicial vacancies across the country is an enduring priority, including the nomination and confirmation of more judges who identify as Latino/a, disabled, LGBTQ, and Native American, in addition to judges who have meaningful experience in civil rights law — including experience protecting voting rights, disability rights, LGBTQ rights, workers’ rights, women’s rights, and other areas of civil rights law that remain underrepresented on the federal bench today.

In addition, we urge Congress to pass legislation to modernize and reform our federal judiciary by shoring up ethics and transparency reforms, such as extending the Code of Conduct for United States judges to apply to Supreme Court justices. This also requires Congress reconsidering the structure of the federal judiciary, including the expansion of our lower courts where the caseload, changing population, and numerous other factors merit authorizing more federal judges, and thoroughly exploring potential structural changes to the U.S. Supreme Court.





I. Introduction

For our democracy to thrive, it must be multiracial, inclusive, and work for all of us. But today, civil and human rights — and our very democracy — are under attack by ideological groups and politicians who are stoking baseless fears about the growing diversity of the United States in order to roll back the hard-won progress we have made. It has not come without consequence: From unfounded claims of voter fraud propelling regressive laws that make it more difficult to vote — especially for voters of color, older voters, Native voters, young voters, and voters with disabilities — to the outright attack on truthful teaching and books that confront our nation’s complex history, we now face an onslaught of repressive, anti-democratic laws and a rise in hate-filled threats, harassment, and violence.

But those who seek an America as good as its ideals — where democracy can flourish and serve everyone — are the majority. In a recent poll, 78 percent of likely voters believed that our democracy is under threat, and 53 percent feared that we may no longer be a democracy in the next four to five years.¹ This is an astounding recognition of what we and our country have endured over the past few years, including the violent attack on the U.S. Capitol on January 6, 2021.

Still, we the majority are not deterred. We want our government to do more to protect the civil and human rights of all people. During the 2022 midterm elections, voters participated in high numbers — and the results were a clear repudiation of the election denial and anti-civil rights stances of many candidates seeking office. This served as an important reminder that the majority of voters in America want leaders who will protect abortion rights, ensure free and fair elections, and work to strengthen our democracy.

Our democratic rights and values, however, are not destiny. They require an ongoing fight to create a country where equal justice for all is a reality and not just a promise. Our courts are crucial to this fight. In any democracy, there are different viewpoints and ideologies — but the central role of our federal courts, and all of our courts, is to ensure that our fundamental civil and human rights are protected and that we can thrive in a multiracial and inclusive democracy that works for everyone.

The fights for our rights that we are waging today are not new. Indeed, the progress we have made to recognize and honor our civil and human rights — as well as to make our institutions, including our judiciary, serve everyone — has been hard fought. For generations, people across our nation have worked tirelessly to push our laws and institutions to reflect, represent, include, and serve everyone in the United States. After the Civil War, the adoption of the 13th, 14th, and

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15th Amendments promised civil and human rights advancement for people who had been enslaved. Still, white supremacists continued or reconstituted laws, customs, and social acceptance of practices that denied Black people the protection of these rights.² Our nation's highest court was complicit in issuing devastating rulings — including white supremacist decisions that maintained racial apartheid systems, most notably in *Plessy v. Ferguson* and *Korematsu v. United States*.³

Still, the civil rights movement worked tirelessly to achieve watershed victories in the courts and in Congress. The Supreme Court, for example, sought to end racial segregation in education in *Brown v. Board of Education* (1954)⁴ and upheld marriage equality for interracial couples in *Loving v. Virginia* (1967).⁵ Many lower federal courts met their tremendous responsibility to protect civil rights as well. During the height of the civil rights movement, the U.S. District Court for the Middle District of Alabama allowed the historic Selma to Montgomery voting rights march to proceed,⁶ declared Montgomery's segregated buses unconstitutional,⁷ and struck down Alabama's poll tax.⁸ And in Congress, the civil rights movement achieved landmark civil rights victories such as passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

As more people — including immigrants, women, LGBTQ people, and people with disabilities — saw more of their rights finally recognized, the extreme far-right launched their decades-long plan⁹ to deliberately¹⁰ roll back hard-fought rights¹¹ and prevent future progress. For years, people, organizations, and corporations with ultra-conservative agendas hostile to our civil and human rights movement

— such as the Federalist Society and Heritage Foundation — built inroads to those in government, including powerful Republicans like Senator Mitch McConnell.¹² When then-candidate Donald Trump was campaigning during the 2016 presidential election and needed to shore up his conservative bona fides, he relied on the Federalist Society and the Heritage Foundation — including then-vice president of the Federalist Society Leonard Leo — to assemble a list of potential Supreme Court nominees. He declared that anyone on this list would end the fundamental right to abortion by overturning *Roe v. Wade* and eviscerate our access to health insurance by undermining the Affordable Care Act.¹³ His unprecedented move to create a shortlist of individuals who would meet his litmus tests was precipitated by then-Majority Leader McConnell's appalling refusal to allow any Senate consideration of President Obama's nominee, Merrick Garland, who was nominated to fill the late Justice Antonin Scalia's seat on the Supreme Court.¹⁴

Once elected and throughout his one term as president, Trump used his shortlist to select three Supreme Court justices. His transformation of the judiciary did not stop there: By the end of his term, President Trump filled the judiciary with 234 lifetime federal judges, representing 25 percent of the federal bench. The justices and judges he appointed are overwhelmingly white, overwhelmingly male, and overwhelmingly hostile to our most basic civil and human rights.

Today, we have seen concerning examples of judges and justices appointed by President Trump who are ignoring or undermining longstanding precedent protecting our civil rights. For example, last year, President

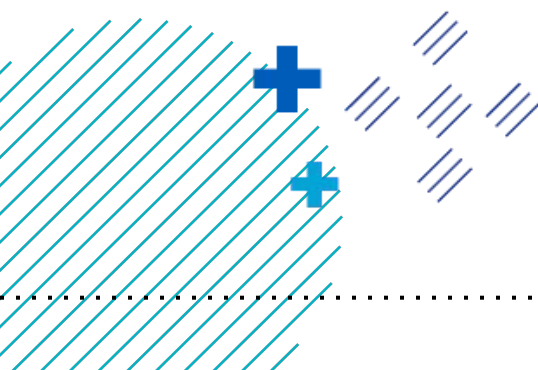
Trump's three Supreme Court appointees helped form the majority opinion in *Dobbs v. Jackson Women's Health Organization*¹⁵ — revoking the fundamental right to abortion and reversing nearly 50 years of precedent. The unconscionable decision allowed states to criminalize millions of people and disproportionately jeopardizes the health, safety, and freedom of women, pregnant people, people of color, and people living with less wealth.¹⁶

Dobbs is perhaps the most high-profile and alarming example of how jurists nominated by President Trump are rolling back our rights and damaging our democracy. But judges at the district and circuit court levels¹⁷ are also endangering our civil and human rights. Judge Matthew Kacsmaryk, whose 2019 confirmation was vigorously opposed by the civil and human rights community,¹⁸ has issued numerous harmful decisions, including one that sided with the extremist argument advanced by some in the Texas attorney general's office who challenged anti-discrimination guidelines to protect the rights of transgender people in the workplace.¹⁹ In another instance, six judges on the Eleventh Circuit, five of whom were appointed by President Trump, circumvented the will of Florida voters who, in 2018, overwhelmingly voted to restore the voting rights of approximately 1.5 million people²⁰ with past felony convictions.²¹

Some judges have gone well beyond the scope of court decisions to telegraph their divisive ideology. Judge James Ho of the Fifth Circuit — an appellate court known to be at the forefront of diverging from long-standing precedent with the addition of six Trump-appointed judges — invoked harmful rhetoric about the ways in which people express disagreement and call for accountability.²² At a Federalist Society event, Judge Ho urged judges to join him in boycotting Yale Law School for promoting so-called “cancel culture” by refusing to hire Yale Law students and graduates as clerks.²³

This much is clear: Our democracy and our civil and human rights — including the freedom to vote, access to health care, LGBTQ equality, the rights of working people, immigrants' rights, disability rights, environmental justice, and more — are on the line in far too many courthouses around the country where judges who were selected for the purpose of rolling back our civil and human rights are serving for life.

In sharp contrast, the Biden administration, Senate Majority Leader Chuck Schumer, and Senate Judiciary Committee Chair Dick Durbin heeded the calls of the civil rights community and have prioritized the nomination and confirmation of diverse and highly qualified judicial nominees who are committed to civil and human rights. During the 117th Congress, the Senate confirmed 97 of President Biden's lifetime judicial nominees — including historic numbers of women, people of color, civil rights lawyers, and public defenders. This matters tremendously, because each confirmation of a judicial nominee who is dedicated to equal justice makes a difference in the lives of people who appear in that judge's courtroom and to all



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of us who are impacted by their decisions. A fair and independent judiciary strengthens our democracy. And after four years of the Trump administration stacking our courts with lifetime judges who oppose our rights, this work to build an equal justice judiciary has never been more important.

This report documents progress made during the 117th Congress to ensure our federal judiciary is staffed by more highly qualified judges who are professionally and demographically diverse and committed to respecting the rights of all. This includes the historic confirmation of Justice Ketanji Brown Jackson, the first Black woman and first former public defender to serve on the U.S. Supreme Court, which was accomplished with strong support from the civil and human rights community. Finally, this report urges continued prioritization of the selection, nomination, and confirmation of diverse nominees who have a demonstrated commitment to civil and human rights, as well as congressional action to modernize and strengthen our judiciary to promote independence and fairness. This includes the creation of ethical standards for Supreme Court justices, further transparency measures for all federal judges and justices, and additional circuit court and district court judgeships that provide access to justice for more people across the nation.



II. Progress on Professional and Demographic Diversity

To build a federal judiciary that delivers equal justice, the nation needs judges who will protect the rights of all people, no matter their race or background. This requires federal judges with different perspectives on the law, including judges who have worked as civil rights attorneys, public defenders, and public interest lawyers. Our diverse nation also needs judges who reflect and represent all of us. Demographic and professional diversity on our courts has been shown to increase public trust in the judiciary and improve judicial decision-making.²⁴

More diverse courts include the perspectives of communities who have been traditionally excluded from seats of power in the judiciary's formal and informal decision-making, and judges from different demographic and legal backgrounds infuse more viewpoints into judges' deliberations. Importantly, diverse courts help communities trust that judicial decisions are fair and do not favor a select few like the wealthy and powerful. Yet for far too long, with rare exception, those selecting and confirming federal judges have historically excluded demographically and professionally diverse individuals from consideration or failed to prioritize this important work.²⁵

The Leadership Conference on Civil and Human Rights and our Fair Courts Task Force have long advocated²⁶ for the White House and the Senate to prioritize this diversity, setting the expectation that all judicial nominees possess a demonstrated commitment to civil and human rights.²⁷ At the start of the Biden administration, the White House Counsel echoed this call, requesting that senators recommend to the president diverse nominees with experience as public defenders and civil rights lawyers.²⁸

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Throughout the 117th Congress, Senate Judiciary Committee Chair Durbin and Senate Majority Leader Schumer also prioritized the consideration of judicial nominees in committee and the confirmation of nominees on the Senate floor. Under the leadership of Chair Durbin, the committee moved 126 lifetime nominees to full Senate consideration, and the full Senate confirmed 97 of these nominees. In the 118th Congress, our coalition is working to build upon this progress. The work to fulfill the promise of equal justice is the work of every generation, and we are demanding that we get closer to the day when our courts truly deliver justice for all.

President Biden's first slate of nominees

On March 30, 2021, President Biden announced²⁹ his first slate of judicial nominees. Among his selections were three circuit court nominees — all of whom were Black women. Two of the three were former public defenders, including now-Supreme Court Associate Justice Ketanji Brown Jackson, nominated at the time to serve on the U.S. Court of Appeals for the D.C. Circuit, and Candace Jackson-Akiwumi, nominated to the U.S. Court of Appeals for the Seventh Circuit.

This first slate included seven district court nominees, including Margaret Strickland, a civil rights lawyer nominated to the U.S. District Court for the District of New Mexico, and Judge Deborah Boardman, a former public defender nominated to the U.S. District Court for the District of Maryland. It also included nominees who would become the first woman of color to serve as a lifetime federal judge in Maryland (Judge Lydia Kay Griggsby), the first AAPI woman to serve on the U.S. District Court for the District of Columbia (Judge Florence Pan), the first AAPI judge to serve on the U.S. District Court for the District of Colorado (Regina Rodriguez), and the first American Muslim lifetime federal judge in U.S. history (Judge Zahid Quraishi). The professional and demographic diversity of Biden's first slate of judicial nominees was impressive — and it became the hallmark of his judicial selections during the 117th Congress.

When the Senate Judiciary Committee considered several of those nominations on April 28, 2021, Seventh Circuit nominee Candace Jackson-Akiwumi explained the importance of demographic diversity. “I do believe that demographic diversity of all types,

even beyond race, plays an important role in increasing public confidence in our courts and increases the public's ability to accept the legitimacy of court decisions...I also think that demographic diversity of all types helps us achieve a role-modeling result for young students, law students, young lawyers — it's important for anyone aspiring to public service to know that that path is open to all.”³⁰

Jackson-Akiwumi would go on to become the second judge of color to ever serve on the Seventh Circuit — re-integrating the court after it was made all-white under President Trump.

Civil rights lawyers confirmed to federal courts

In June 2021, President Biden nominated³¹ voting rights expert Myrna Pérez³² to serve on the U.S. Court of Appeals for the Second Circuit. For 15 years, Pérez worked to defend the freedom to vote and safeguard our democracy at the Brennan Center for Justice at New York University School of Law.

Pérez's background in voting rights and election law was especially notable, as civil rights lawyers continue to be broadly underrepresented on the federal bench. At the Brennan Center, she served as counsel in more than 50 cases in state and federal courts, including the U.S. Supreme Court and numerous federal circuit courts of appeals. As a legal academic and advocate, Pérez studied and understood the importance of ensuring free and fair elections for all and protecting the freedom to vote. Pérez, a daughter of Mexican immigrants, would become the only Latina serving on the Second Circuit and the first Latina to serve on this court since the elevation of Justice Sonia Sotomayor to the U.S. Supreme Court in 2009.

When the Senate confirmed Pérez in October 2021, she became the first civil rights lawyer to be confirmed to a federal appellate court during the Biden administration. And this came at an important moment for representation in our judiciary: On October 26, the Senate confirmed Jia Cobb³³ to the D.C. district court, making her the third civil rights lawyer and third woman of color in a row — along with Pérez and Tana Lin³⁴ — to be confirmed to the federal bench. Lin, who also previously served as a public defender, became the first Asian American judge on the U.S. District Court for the Western District of Washington.

One week after Pérez's confirmation, the Senate confirmed celebrated civil rights lawyer and then-Vermont Supreme Court justice Beth Robinson³⁵ to join Pérez on the Second Circuit. Due to Robinson's tireless advocacy, the state of Vermont was a trailblazer for numerous LGBTQ rights, including becoming one of the earliest states to recognize marriage equality. Importantly, she became the first openly lesbian judge to ever serve on a federal appellate court.

The following month, the Senate confirmed Jennifer Sung,³⁶ another civil rights lawyer, to the U.S. Court of Appeals for the Ninth Circuit. Sung's career had been steeped in defending and protecting the rights of working people. Upon confirmation, she became the first Asian American judge from Oregon to ever serve on the Ninth Circuit. Then, one month after Sung's confirmation, the Senate voted to confirm Judge Holly Thomas³⁷ to the same court. Judge Thomas, whose civil rights experience includes serving as assistant counsel at the NAACP Legal Defense and Educational Fund, Inc., became the first Black woman from California to serve on the Ninth Circuit.

That these four women — a Latina voting rights lawyer, an openly lesbian LGBTQ rights lawyer, an Asian American labor lawyer, and a Black civil rights lawyer — were all confirmed to federal appellate courts, in a span of fewer than 90 days, matters tremendously for our judiciary, for our rights, and for our democracy.

In 2022, progress toward an equal justice judiciary continued as the Senate confirmed additional highly qualified civil rights lawyers to our federal district courts. For example, Sarah Geraghty,³⁸ who also worked as a public defender challenging harmful and discriminatory practices in the criminal-legal system, is now a judge on the U.S. District Court for the Northern District of Georgia. Charlotte Sweeney,³⁹ who spent her career defending the rights of working people, is now serving on the District of Colorado as the state's first openly LGBTQ federal judge. Nina Morrison,⁴⁰ who dedicated her career to the exoneration of people wrongfully convicted of crimes, is now a judge on the U.S. District Court for the Eastern District of New York — the second openly LGBTQ person to serve on this court. And Nancy Maldonado,⁴¹ another nominee with experience protecting and advancing the rights of working people, now sits on the U.S. District Court for the Northern District of Illinois. When the Senate confirmed Maldonado on July 19, she became the first Latina to ever serve as an Article III judge in the state of Illinois.

In August 2022, just two days before the anniversary of the Voting Rights Act of 1965, the Senate confirmed Roopali Desai⁴² to an Arizona seat on the Ninth Circuit. Desai had extensive experience in civil rights law — particularly in the field of election law — and became the court's first South Asian judge.



Continuing progress — including confirmation of additional public defenders

When the Senate returned in September, Majority Leader Schumer held confirmation votes on seven more circuit court nominees — all of whom are women and/or people of color — in 22 days. They included Judge John Lee,⁴³ the first Asian American judge to serve on the Seventh Circuit; Judge Salvador Mendoza,⁴⁴ the first Latino from Washington state to serve on the Ninth Circuit; Lara Montecalvo,⁴⁵ the second public defender to serve on the U.S. Court of Appeals for the First Circuit; Sarah Merriam,⁴⁶ the third public defender to serve on the Second Circuit; and Arianna Freeman,⁴⁷ the first woman of color and second public defender to serve on the U.S. Court of Appeals for the Third Circuit.

Freeman's confirmation brought long overdue representation to the federal appellate court that hears cases from Pennsylvania, New Jersey, Delaware, and the Virgin Islands. The nation's first Black federal appellate court judge, William H. Hastie, served on the Third Circuit. Five Black men — still far too underrepresented — have served on this court, but a Black woman never had. In 2016, President Obama nominated Rebecca Haywood — who would have broken this barrier — to a seat on this court. But Senator Pat Toomey blocked any consideration of her nomination until it expired and was returned to the White House. President Trump, who nominated zero Black people to any federal appellate courts, appointed four judges to the Third Circuit — all white men. Arianna Freeman's confirmation to a Pennsylvania seat on this court, because of both the professional

and lived experiences she now brings to the bench, is a significant, albeit long overdue, step forward.

Additional nominees from Pennsylvania were confirmed by the end of 2022. In December, the Senate confirmed Kelley Hodge, Judge Mia Perez, and Judge Kai Scott⁴⁸ to the Eastern District of Pennsylvania. Hodge and Scott became the third and fourth Black women to serve on this court, and Perez became the first Asian American judge and second Latina judge in the court's history. Importantly, all three women, like Arianna Freeman, had vital experience as public defenders — experience that has been historically underrepresented on our federal courts.

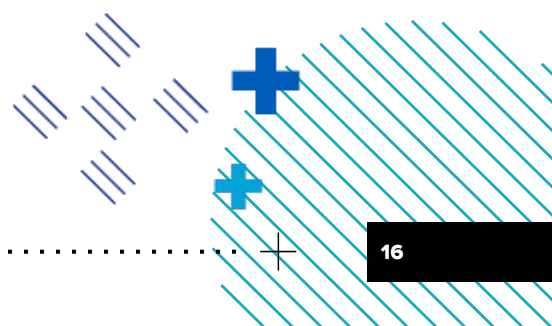
At the conclusion of the 117th Congress, 29 public defenders had been confirmed to the federal bench — more than a quarter of the 97 total lifetime confirmations. Nine of them were confirmed to circuit court seats, far exceeding President Obama's record of five circuit court judges with public defender experience confirmed during his eight years in office.

A remarkable milestone for Black women appellate court judges

Freeman wasn't the last circuit court judge confirmed during the 117th Congress. In December, the Senate voted to confirm Judge Doris Pryor to the Seventh Circuit, Justice Tamika Montgomery-Reeves to the Third Circuit, and Judge Dana Douglas to the U.S. Court of Appeals for the Fifth Circuit. The confirmations of these three highly qualified jurists, all of whom are Black women, were historic and added crucial representation to our courts.

Judge Pryor made history for the same reason as Freeman: In 2016, President Obama nominated Justice Myra Selby to the Seventh Circuit, but Republican senators blocked her confirmation. Selby would have been the first Black person and first woman from Indiana to serve on this court. When President Trump took office the following year, he nominated Amy Coney Barrett to the seat instead. Judge Pryor's ascension to the Seventh Circuit means that there is finally a Black judge from Indiana on this court.⁴⁹ Similarly, Justice Montgomery-Reeves is now the first Black judge from Delaware — and second woman of color after Freeman — to serve on the Third Circuit. And Judge Douglas is now the first woman of color — and second Black judge from Louisiana — to serve on the Fifth Circuit.

These confirmations marked another important milestone for representation in our judiciary. Pryor, Montgomery-Reeves, and Douglas were the ninth, tenth, and eleventh Black women confirmed to federal appellate courts since the beginning of the Biden administration. Before 2021, only eight Black women had ever served at this level of the federal judiciary — meaning President Biden appointed more Black women to federal appellate courts during the 117th Congress (11 total) than all previous presidents combined (eight). The first Black woman confirmed to the appellate courts during the Biden administration, of course, was Justice Ketanji Brown Jackson — who was confirmed to the D.C. Circuit before her elevation to our nation's highest court.



Movement towards an equal justice judiciary

By the end of the 117th Congress, there were 97 Article III judicial confirmations — including one Supreme Court justice, 28 circuit court judges, and 68 district court judges. Of these confirmations:

- **Three-fourths** are women
- **Nearly half** are women of color
- **More than two thirds** are people of color
- **Three-fourths** of circuit court judges are people of color
- **Nearly 60 percent** of circuit court judges are women of color
- **More than a quarter** have public defender experience
- **Nearly one-fifth** have experience as civil rights lawyers

And importantly, the Senate confirmed three Native American judges — Lydia Kay Griggsby, Lauren King, and Sunshine Sykes — to district courts in Maryland, Washington state, and California,

respectively. Before the Biden administration, only four Native American judges had ever served in lifetime appointments on our federal courts.⁵⁰

Many of these recently confirmed judges bring with them experience that makes a difference — and already, Biden appointees have secured and protected civil and human rights. For example, Judge Candace Jackson-Akiwumi of the Seventh Circuit wrote a panel decision that provides a woman the opportunity to pursue claims against her employer who she alleged improperly denied her disability claims.⁵¹ In another case, Northern District of Georgia Judge Sarah Geraghty allowed a Black student to pursue race and national origin discrimination claims against a university he alleged improperly dismissed him from the graduate program.⁵² Fair-minded judges like these — ones who possess important experience and perspectives — strengthen judicial decisions and ensure our courts are more reflective of our country's great diversity.

This progress must continue during the 118th Congress and beyond. The Leadership Conference coalition and our Fair Courts Task Force will continue its fierce advocacy in support of an equal justice judiciary, including urging the Biden administration, Leader Schumer, Chair Durbin, and all senators to make this an enduring priority. And we will continue to work alongside all people who are fighting for a future where every single judge is committed to achieving the promise inscribed on the Supreme Court: "Equal Justice Under Law."

III. The Supremely Historic Confirmation of Justice Ketanji Brown Jackson

President Biden's historic Supreme Court nomination represented the embodiment of our demands to strengthen the federal judiciary with incredible judges who possess a demonstrated commitment to civil and human rights and who bring with them previously excluded professional and personal diversity. Indeed, Justice Ketanji Brown Jackson's confirmation provides a spectacular example of not only how important this work is, but also of the difficult confirmation process.

A nomination years in the making

Nine months before winning the presidency, Joe Biden heeded the calls of Black women and allies and pledged to voters during a presidential debate in South Carolina that he would nominate a Black woman to serve on the U.S. Supreme Court. Less than two years later, the opportunity would present itself. On January 26, 2022, Justice Stephen Breyer announced he would retire from the Supreme Court at the end of that term. Justice Breyer had served on the federal bench for more than four decades, initially serving as a judge on the First Circuit before replacing Justice Harry Blackmun — author of *Roe v. Wade*, the landmark decision recognizing the fundamental right to abortion — on the Supreme Court in 1994. Justice Breyer's legacy was celebrated by the civil rights community, and his retirement created a tremendous moment for President Biden to deliver on his promise.

On February 25, during Black History Month, President Biden announced the nomination of Judge Ketanji Brown Jackson — Justice Breyer's former Supreme Court clerk — who since 2021 had been serving as a judge on the D.C. Circuit. "Her opinions are always carefully reasoned, tethered to precedent, and

demonstrate respect for how the law impacts everyday people. It doesn't mean she puts her thumb on the scale of justice one way or the other, but she understands the broader impact of her decisions. Whether it's cases addressing the rights of workers or government service, she cares about making sure that our democracy works for the American people," President Biden said during remarks in the White House.⁵³ "And she strives to ensure that everyone understands why she made a decision, what the law is, and what it means to them. She strives to be fair, to get it right, to do justice."

When Justice Jackson spoke following the president's remarks, she shared what she referred to as an "interesting coincidence."

"As it happens," she said,⁵⁴ "I share a birthday with the first Black woman ever to be appointed as a federal judge: the Honorable Constance Baker Motley. We were born exactly 49 years to the day apart. Today, I proudly stand on Judge Motley's shoulders, sharing not only her birthday, but also her steadfast and courageous commitment to equal justice under law. Judge Motley's life and career has been a true inspiration to me as I have pursued this professional path."

It was more than an interesting coincidence — it was perfect symmetry. Judge Motley was a civil rights titan who wrote the original complaint in the landmark school desegregation case, *Brown v. Board of Education*. During her confirmation hearings in March 2022, Justice Jackson spoke about her parents attending racially segregated schools, but also noted that — when she grew up in Miami in a post-*Brown* world — she attended diverse, public institutions. "The fact that we had come that far was to me a testament to

the hope and the promise of this country, the greatness of America, that in one generation — one generation — we could go from racially segregated schools in Florida to have me sitting here as the first Floridian ever to be nominated to the Supreme Court.”⁵⁵

It wasn't just a testament to the greatness of America. It was also a testament to the greatness of Judge Constance Baker Motley and the many other civil rights champions who helped pave the way.

The confirmation hearings get underway

Four days before the confirmation hearings began, The Leadership Conference and 186 additional organizations sent a letter to senators in support of Justice Jackson's confirmation.⁵⁶ “Judge Jackson will be a tremendous addition to the Supreme Court,” we wrote. “Her broad and impressive legal career has demonstrated her commitment to civil and human rights, and during her time as a judge, she has earned a stellar reputation for being an outstanding, fair-minded arbiter of justice.” Her nomination was a significant moment for the civil rights community and a long overdue historic milestone for our nation: Fifty-five years after Justice Thurgood Marshall's confirmation as the first Black Supreme Court justice, Jackson would be the first Black woman on the Court. She would also be the first former public defender to serve on the Court, making her the first justice with any significant criminal defense experience since Justice Marshall's retirement in 1991.

Justice Jackson's confirmation hearings began on March 21 — the same date that, in 1965, thousands of courageous marchers left Selma,

“And like that march — which resulted in swift passage of the Voting Rights Act — the impact and outcome of those confirmation hearings will reverberate for decades to come.”

Alabama headed to the capital city of Montgomery in their quest for the freedom to vote. Justice Jackson's four-day hearing, like the multi-day march from Selma decades earlier, represented yet another piece of this country's long struggle for a more inclusive democracy, as the Senate Judiciary Committee considered the nomination of the first Black woman to serve on the highest court in our nation. And like that march — which resulted in swift passage of the Voting Rights Act — the impact and outcome of those confirmation hearings will reverberate for decades to come.

This moment matters

During the hearing, several senators spoke about what the moment meant for America. “Judge Jackson's nomination breaks an artificially confining mold of our past and opens up a more promising, potential-filled future for us all as Americans,” said Senator Cory Booker, the first Black man to serve on

the Senate Judiciary Committee, during his opening statement.⁵⁷ “It signals that this nation will draw more deeply from all of our talent and genius that will benefit all Americans.”

Senator Amy Klobuchar, the first woman elected to the Senate from Minnesota, remarked that Justice Jackson was “opening a door that’s long been shut to so many. And by virtue of your strong presence, your skills, your experience — you are showing so many little girls and little boys across the country that anything, and everything, is possible.”⁵⁸

Justice Jackson knew that was true. When answering a question from Senator Dianne Feinstein, who was the first woman to ever serve on the Senate Judiciary Committee and the first woman to serve as its ranking member, Justice Jackson noted the importance of representation on the Supreme Court. “One of the things that having diverse members of the Court does is it provides for the opportunity for role models. Since I was nominated to this position, I have received so many notes and letters and photos from little girls around the country who tell me that they are so excited for this opportunity and that they thought about the law in new ways because I am a woman, because I am a Black woman,” Jackson said.⁵⁹ “We want, I think, as a country for everyone to believe that they can do things like sit on the Supreme Court. And so having meaningful numbers of women and people of color, I think, matters.”

During the first three days of her confirmation hearing, the nation witnessed what the civil rights community already knew: that Ketanji Brown Jackson would be a justice for all of us. We knew that we would all be well-served by her brilliance, by her thoughtful and thorough approach to the law, and by her stellar judicial

temperament. Her passion for public service and commitment to equal justice was on full display. She was clearly the right person for the job, and the hearing had proven that to our country.

The civil rights community testifies

On the fourth and final day of the confirmation hearing,⁶⁰ when the committee heard from a panel of outside witnesses, Leadership Conference Interim President and CEO Wade Henderson testified on behalf of the civil rights community. Nearly 13 years earlier, Henderson had testified⁶¹ before the committee in support of now-Justice Sonia Sotomayor’s historic confirmation as the first Latina — and first woman of color — to serve on our nation’s highest court. He was there, yet again, to ensure the civil rights community’s voice was heard.

“The constitutional responsibility to provide ‘advice and consent’ on those who might be federal judges, including Supreme Court justices, is one of the most solemn duties of senators. This moment demands that you take this duty seriously,” Henderson said in his testimony.⁶² “We believe that after reviewing her exceptional qualifications, hearing her testimony, and examining her stellar record of protecting the constitutional rights of all people, the decision should be clear: Judge Ketanji Brown Jackson is exactly the kind of nominee who all senators should support and vote to confirm to our nation’s highest court.”





Civil and human rights organizations agreed: Justice Jackson's elevation to the Supreme Court was well-deserved and would matter tremendously. Her broad and impressive legal career demonstrated her commitment to civil and human rights, and during her time as a judge, she earned a superb reputation for being an outstanding, fair-minded arbiter of justice.

In responses to questions from Senators Durbin and Padilla, Henderson also called out questioning from some Republican committee members. When the confirmation hearing began, the civil rights community made clear that we expected a fair confirmation process.⁶³ Unfortunately, despite Justice Jackson's exceptional qualifications and the historic significance of this nomination, she faced meritless attacks and unfair treatment by some Republican committee members during the

hearing.⁶⁴ Henderson said the questioning by some "bordered on the demagogic." As he stated: "My hope is that the partisan considerations that may have affected some in the questioning of Judge Jackson will be set aside, and that members of this committee, out of their love for the country and its people and the future of the Court, will do what's right."

This was echoed later in an April 1 letter sent by The Leadership Conference and 55 other organizations, who wrote to senators calling out the insidious behavior and demagoguery on display by some Republican members.⁶⁵

"We are celebrating this historic moment and Judge Jackson's unique qualifications. But as we celebrate, we must reiterate that it is unacceptable that some senators have embraced political pandering to extremists, which undermines our fragile democracy," the

letter stated. “Judge Jackson should not have to endure this differential treatment by senators who are willing to tear down a highly respected public servant in order to secure media attention for their own antics. This cannot be the way that the Senate Judiciary Committee considers nominees to sit on our federal courts for a lifetime. It will poison both the Senate and our federal judiciary if some senators on the committee continue this dangerous trajectory.”

A historic confirmation

On the morning of April 4, the Senate Judiciary Committee voted on Justice Jackson’s nomination. Fittingly, Justice Jackson’s committee vote occurred on poet and civil rights activist Maya Angelou’s birthday. As Angelou wrote in one of her best-known poems: “You may shoot me with your words / You may cut me with your eyes / You may kill me with your hatefulness / But still, like air, I’ll rise.”⁶⁶ As hard as some senators tried to tear her down, Justice Jackson soared.

The committee vote was tied along party lines, thereby requiring an additional discharge vote to bring her nomination to the Senate floor. Later that day, Leader Schumer moved to discharge her nomination from the committee, and the motion passed with bipartisan support by a vote of 53-47. On April 7, after additional procedural votes, the Senate confirmed Ketanji Brown Jackson to be an associate justice of the U.S. Supreme Court — officially making her the first Black woman and first former public defender ever to serve on our nation’s highest court. All Senate Democrats — plus Republican Senators Collins, Murkowski, and Romney — voted to confirm her.⁶⁷

“As hard as some senators tried to tear her down, Justice Jackson soared.”

The following day, on the South Lawn of the White House, President Biden, Vice President Harris, and Justice Jackson celebrated the confirmation and reflected on the importance of this moment. “It has taken 232 years and 115 prior appointments for a Black woman to be selected to serve on the Supreme Court of the United States. But we’ve made it. We’ve made it, all of us,” Jackson said.⁶⁸

Jackson also paid tribute to the civil rights champions who came before her. “I am also ever buoyed by the leadership of generations past who helped to light the way: Dr. Martin Luther King Jr., Justice Thurgood Marshall, and my personal heroine, Judge Constance Baker Motley,” she said. “They, and so many others, did the heavy lifting that made this day possible. And for all of the talk of this historic nomination and now confirmation, I think of them as the true pathbreakers. I am just the very lucky first inheritor of the dream of liberty and justice for all.”

After launching cable TV, radio, and online ads, after press calls and letters to senators, after rallies and testimony before the Senate Judiciary Committee, and after coordinating our vast coalition of civil and human rights organizations in urging the Senate to confirm a #JusticeForAll, The Leadership Conference celebrated what our coalition had worked for decades to achieve. And it didn't take long for Justice Jackson to show why her confirmation mattered.

A new Supreme Court term begins

On June 30, in advance of her first term on the Supreme Court beginning on October 3, Justice Jackson was sworn in for her lifetime appointment.

As we've already witnessed, Justice Jackson's questioning during oral arguments in important cases being heard by the Court this term on crucial civil rights issues such as voting rights, LGBTQ rights, and affirmative action has shown the importance of her confirmation and her participation on our highest court. She has demonstrated a deep and nuanced understanding not just of the law, but of the rights of all people in America.

For example, on the second day of the Court's term, the justices heard oral argument in *Merrill v. Milligan* — an important Alabama voting rights case that represents yet another

frontal attack on the Voting Rights Act of 1965 (VRA). The state of Alabama made the shocking argument before the Supreme Court that redistricting should be race-neutral and that to the extent Section 2 of the VRA requires otherwise, it should be held unconstitutional. This provoked a powerful history lesson from Justice Jackson, who reminded us that the express purpose of the VRA was to protect Black voters and that the framers adopted the foundational 14th Amendment in a race-conscious manner. As Justice Jackson said, "They were trying to ensure that people who had been discriminated against, the freedmen during the Reconstruction period, were actually brought equal to everyone else in the society."⁶⁹

Later in October, when the justices heard arguments in a pair of affirmative action cases, Justice Jackson's voice on the bench was again powerfully important.

She offered a hypothetical about two university applicants — one whose family has been in North Carolina for generations, since before the Civil War, and one whose family has also been in North Carolina for generations, but had been enslaved. It was important to both applicants, given their families' backgrounds, to attend the university. "Now, as I understand your no-race-conscious admissions rule, these two applicants would have a dramatically different opportunity to tell their family stories and to have them count," Justice Jackson said to the lawyer arguing the case. "The first applicant would be able to have his family background considered and valued by the institution as part of its consideration of whether or not to admit him, while the second one wouldn't be able to because his story is in many ways bound up





with his race and with the race of his ancestors.”⁷⁰ As Justice Jackson pointed out, considering the first student’s background and giving them a legacy benefit was permissible, while considering the second student’s race was not.

As President Biden noted when he introduced his nominee to be the next associate justice on the Supreme Court, Justice Jackson is a

brilliant jurist who understands history, the law, and how her decisions could impact communities. Her presence on the Court and her incisive questions have already mattered during this term — and will continue to matter during every term moving forward.

And just like the trailblazing jurists before her, Justice Jackson’s judicial legacy will inspire generations to come.

IV. Moving our Judiciary Forward

During the first two years of the Biden administration, the Supreme Court issued devastating rulings that further undermined the Voting Rights Act and overturned *Roe v. Wade* — and it agreed to hear additional cases that could damage our democracy, further erode our voting rights, jeopardize LGBTQ equality, and reverse more than 40 years of precedent on affirmative action. And we are experiencing similar decisions from our district and circuit courts.

To be sure, this hasn't happened in a vacuum. During the Trump administration, the president declared that he would select jurists who would eviscerate the fundamental right to abortion as well as devastate other civil and human rights and protections.⁷¹ He did so, and Senate Republican leaders ultimately changed the procedural rules and norms surrounding nominations and confirmations to facilitate this dramatic transformation of our courts.

Many of these judges are manifestly unqualified to serve and explicitly worked to counter the progress made by the civil and human rights movement. The well-funded and long-term strategy to roll back civil rights has been two-pronged: pursue litigation against civil rights protections and stack the courts with judicial extremists who eschew the rule of law. Today, wealthy and powerful litigants working to undermine our civil rights are met with sympathetic jurists — including at our nation's highest court. This has upended the law, caused harm to our communities, and has undermined the public's trust in the judiciary — which is now at historic lows.⁷²

In 2022, further allegations surfaced that described the far-right efforts to infiltrate and exert undue influence on the Supreme Court.⁷³

These reports further call into question the integrity and independence of our nation's highest court. Any and all attempts to rig the Court's decisions and harm our communities are unacceptable and require urgent action.

Strengthening our democracy means strengthening our judiciary

As our then-interim president and CEO Wade Henderson noted when he testified before the Presidential Commission on the Supreme Court of the United States in July 2021, Congress must legislate more fairness into our judiciary so that it truly provides equal justice for all of us — and not just a powerful few.⁷⁴ This means passing legislation to modernize and reform our federal judiciary by shoring up ethics and transparency reforms, such as extending the Code of Conduct for United States judges to apply to Supreme Court justices. It also means Congress reconsidering the structure of the federal judiciary, including the expansion of our lower courts where the caseload, changing population, and numerous other factors merit authorizing more federal judges. All potential structural changes to the Supreme Court should be thoroughly explored. And they must be examined by understanding how the current institution — and the process for selecting those who serve on our highest court — fails to uphold the Constitution and laws so that they serve all of us, especially communities historically excluded from protection of the rule of law.



In addition to these more structural changes, the nomination and confirmation of judges who will work toward equal justice must continue. This includes the confirmation of highly qualified nominees who were not confirmed before the end of the 117th Congress.

The nominations of many incredible civil rights lawyers and public defenders were returned to President Biden at the conclusion of the Congress⁷⁵ — including exceptional New York district court nominees Nusrat Choudhury, Jessica Clarke, Dale Ho, and Natasha Merle, who are all brilliant civil rights lawyers supported by The Leadership Conference.

Likewise, circuit court nominees Nancy Abudu, Rachel Bloomekatz, Julie Rikelman, and Brad Garcia — who all possess significant civil rights experience — have not yet been confirmed. But their confirmations will matter: Abudu will be the first Black woman on the Eleventh Circuit and the first Black person ever to serve in a Georgia seat on this court.⁷⁶ Rikelman will be the first immigrant woman and first Jewish woman to serve on the First Circuit.⁷⁷ And D.C. Circuit nominee Brad Garcia will be the first Latino judge to serve on this important court.⁷⁸

Additional civil rights lawyers like Tiffany Cartwright (Western District of Washington), Araceli Martínez-Olguín (Northern District of California), Judge Hernán Vera (Central District of California), and Jamal Whitehead (Western District of Washington) still require confirmation — as do former public defenders like Judge Todd Edelman (District of D.C.) and Judge Margaret Guzman (District of Massachusetts). We urge their swift confirmation during the 118th Congress.



**“Our communities
depend on federal
courts and federal
judges to fairly
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and we must do
everything to ensure
that they do.”**

And to guarantee that the federal courts reflect the diversity of America, the president and Senate must ensure that judicial nominations are an enduring priority. Currently, there are more than 110 judicial vacancies, with more likely in the near future. President Biden and senators must continue to select people for federal judgeships across the country who show a demonstrated commitment to civil and human rights, possess a progressive vision of the law and Constitution, and who represent the vast and rich diversity of our country. This diversity should include race, sex, gender identity, sexual orientation, disability status, ethnicity, religion, national origin, socioeconomic status, and experiential and professional background.

Courts rely on public trust for legitimacy, and diversity among judges and justices helps improve both public trust and balanced judicial decision-making.⁷⁹ Diversity also helps ensure that rulings reflect a wide variety of viewpoints, especially from perspectives and communities that have historically been excluded from the judiciary.

That is why we continue to call for the nomination and confirmation of more nominees who identify as Latino/a, disabled, LGBTQ, and Native American. We also need more nominees with meaningful experience in civil rights law — including experience protecting voting rights, disability rights, LGBTQ rights, workers’ rights, women’s rights, and other areas of civil rights law that remain underrepresented on the federal bench today. Additionally, vacancies in jurisdictions such as the Fourth, Fifth, and Eleventh Circuits, which frequently hear civil rights cases, must be filled with such fair-minded jurists.

We call on the Biden administration to continue this important work to strengthen our democracy, and we look forward to working with Senate Judiciary Committee Chair Durbin, Senate Majority Leader Schumer, and all senators who are committed to building an equal justice judiciary that works for all. Our communities depend on federal courts and federal judges to fairly administer justice — and we must do everything to ensure that they do.

V. Appendix

Appendix 1. A brief history of The Leadership Conference's advocacy for an equal justice judiciary

The civil rights community has long understood that for there to be equal justice in America, we must have fair-minded judges and justices who are committed to protecting the rights of all people and who come from all of our communities. That is why The Leadership Conference on Civil and Human Rights — for decades — has weighed in on the president's nominees to our federal courts.

Following the March on Washington for Jobs and Freedom in 1963, the passage of landmark civil rights legislation throughout the 1960s, and the historic confirmation of Justice Thurgood Marshall in 1967, the election of President Richard Nixon in 1968 brought uncertainty to ongoing civil rights progress and forced our coalition to focus with great urgency on the future of equal justice in America.

In 1969, President Nixon nominated Clement Haynsworth to the U.S. Supreme Court. Because of his demonstrated record of hostility to civil rights as a judge on the U.S. Court of Appeals for the Fourth Circuit, The Leadership Conference strongly opposed his confirmation. This included testimony before the Senate Judiciary Committee by Clarence Mitchell, our legislative chairman, and Joseph Rauh, our counsel, who jointly urged senators to oppose Haynsworth's confirmation and read a prepared statement from Roy Wilkins, executive secretary of the NAACP and one of The Leadership Conference's founders. Senators ultimately rejected Haynsworth's nomination by a vote of

45-55, making him the first Supreme Court nominee since 1930 to be defeated by the Senate.

Two months later, President Nixon nominated G. Harrold Carswell — a recent appointee to the U.S. Court of Appeals for the Fifth Circuit — to the Supreme Court. When Nixon nominated Carswell to the Fifth Circuit, The Leadership Conference wrote to the Senate Judiciary Committee saying that Carswell had been “more hostile to civil rights cases than any other federal judge in Florida.”⁸⁰ Nixon's desire to elevate him to the Supreme Court outraged the civil rights community and led to additional testimony before the committee from Clarence Mitchell on behalf of our coalition. Like Haynsworth, Carswell was unable to win confirmation. The Senate rejected his nomination 45-51.

Similarly, during the Reagan administration, The Leadership Conference mobilized to defeat Supreme Court nominee Judge Robert Bork — a federal judge on the D.C. Circuit with deeply anti-civil rights views. In a prepared statement⁸¹ from our chair Benjamin Hooks and executive director Ralph Neas, we said at the time that: “The confirmation of Robert Bork, an ultra conservative, would dramatically alter the balance of the Supreme Court, jeopardizing the civil rights achievements of the past three decades. Well established law could overnight be substantially eroded or overturned. This is the most historic moment of the Reagan Presidency. Senators will never cast a more important and far reaching vote. Indeed, this decision will profoundly influence the law of the land well into the 21st century.”

The work of our coalition mattered. Although we were unsuccessful in defeating the nominations of Justice William Rehnquist and Justice Antonin Scalia after testifying against both before the

Senate Judiciary Committee, the rejection of Haynsworth, Carswell, and Bork led to the nomination and confirmations of Justice Harry Blackmun and Justice Anthony Kennedy. Less than three years after his unanimous confirmation, Justice Blackmun authored *Roe v. Wade* and ultimately wrote and joined many other decisions that recognized our civil and human rights during his 24 years on the bench. Justice Kennedy, who served for three decades, was the architect of four landmark decisions that helped recognize the full humanity and rights under law of LGBTQ people and their families. His presence on the Court, especially when compared to the hostile record of Bork, was important.

The Leadership Conference has continued to mobilize our coalition in support of pro-civil rights Supreme Court nominees and in opposition to nominees whose records demonstrate they are unqualified and hostile to our fundamental rights. We testified against the confirmation of Justice David Souter⁸² and against the elevation of Justice John Roberts⁸³ to be chief justice. We testified in support of Justices Sonia Sotomayor⁸⁴ and Ketanji Brown Jackson.⁸⁵ We waged campaigns to defeat Justices Clarence Thomas⁸⁶ and Samuel Alito,⁸⁷ and worked to support the confirmations of Justice Elena Kagan⁸⁸ and Judge Merrick Garland. And during the Trump administration, our coalition fought to stop the elevation of Justices Neil Gorsuch,⁸⁹ Brett Kavanaugh,⁹⁰ and Amy Coney Barrett⁹¹ to our nation's highest court.

We do this work because we believe in equal justice and understand the immense power of federal judges and justices, who serve in lifetime appointments, to make a difference in the lives of people throughout the nation. This work extends to the lower federal courts as

“We do this work because we believe in equal justice and understand the immense power of federal judges and justices, who serve in lifetime appointments, to make a difference in the lives of people throughout the nation.”

well, and it has occurred without regard to the president's party.

In June 1965, for example, just weeks before President Lyndon Johnson signed the landmark Voting Rights Act (VRA) into law, we wrote a letter to senators⁹² — signed by more than 30 organizations — in opposition to Governor J.P. Coleman's nomination to the U.S. Court of Appeals for the Fifth Circuit. We noted that Governor Coleman was “one of the architects of most of Mississippi's white supremacist political and legal structure” and that, if confirmed, he would hear voting rights appeals under the future VRA related to discriminatory laws that he designed. More recently, when Barack Obama was president, our coalition wrote in 2014 in opposition to the confirmation of Michael Boggs, whose “elevation to the federal bench,” we said,⁹³ “would undermine the future

of civil and human rights jurisprudence in the Northern District Court of Georgia.” His nomination was never confirmed. We ultimately supported many of President Obama’s nominees who brought important diversity and experience to the bench. And we were dismayed during the final two years of his presidency when Senate Republican leaders, spearheaded by Majority Leader McConnell, blocked consideration of Supreme Court nominee Judge Merrick Garland and dozens of lower court nominees.

During the administration of President George W. Bush, our coalition opposed dozens of judicial nominees with hostile civil rights records. In several cases, we were successful: Our efforts helped to defeat the confirmation of anti-civil rights nominees like Miguel Estrada (D.C. Circuit),⁹⁴ Terrence Boyle (Fourth Circuit),⁹⁵ Carolyn Kuhl (Ninth Circuit),⁹⁶ William Myers (Ninth Circuit),⁹⁷ Claude Allen (Fourth Circuit),⁹⁸ William J. Haynes, II (Fourth Circuit),⁹⁹ Robert Conrad (Fourth Circuit),¹⁰⁰ Steve Matthews (Fourth Circuit),¹⁰¹ and a number of other nominees. The Leadership Conference also fiercely opposed Judge Charles Pickering’s confirmation to the Fifth Circuit.¹⁰² And though Judge Pickering received a recess appointment by President Bush in January 2004,¹⁰³ he was ultimately forced to withdraw his nomination and retired from his seat on the U.S. District Court for the Southern District of Mississippi.

Likewise, during the Trump administration — when civil rights were under constant assault¹⁰⁴ — The Leadership Conference opposed anti-civil rights nominees to our federal bench. Senate Republicans under then-Leader McConnell, who controlled the upper chamber, changed rules and norms to stack our federal courts with Trump’s selections — but the civil rights community helped to stop the confirmation of several extreme nominees.

These included Ryan Bounds (Ninth Circuit),¹⁰⁵ Thomas Farr (Eastern District of North Carolina),¹⁰⁶ Gordon Giampietro (Eastern District of Wisconsin),¹⁰⁷ Jeff Mateer (Eastern District of Texas),¹⁰⁸ Damien Schiff (Court of Federal Claims),¹⁰⁹ and Brett Talley (Middle District of Alabama).¹¹⁰

Our work has always been nonpartisan and has focused on ensuring that our federal courts are staffed by judges and justices who respect the rights of all and who understand the law — and how it impacts all communities. Under Republican and Democratic presidents, The Leadership Conference has evaluated the civil rights records of judicial nominees and weighed in with senators when we had reason to believe a nominee would do irreparable damage to our nation’s hard-won progress — or when we believed a nominee would protect civil rights, as demonstrated by their experience. This vital work continues.

Appendix 2. Confirmed nominees supported by The Leadership Conference

The Leadership Conference on Civil and Human Rights supported the following judges — listed in order of confirmation date — who were confirmed during the 117th Congress.

Ketanji Brown Jackson, U.S. Court of Appeals for the D.C. Circuit

The Leadership Conference supported Ketanji Brown Jackson’s confirmation because of her exceptional qualifications and her commitment to pursuing equal justice under the law. For eight years, she was a fair-minded jurist on the

U.S. District Court for the District of Columbia, upholding the rights of immigrants, people with disabilities, and working people. Prior to becoming a judge, she served as vice chair of the U.S. Sentencing Commission and served as a federal public defender. On June 14, 2021, the Senate confirmed the nomination by a vote of 53-44.

Candace Jackson-Akiwumi, U.S. Court of Appeals for the Seventh Circuit (Illinois)

The Leadership Conference supported Candace Jackson-Akiwumi's confirmation due to her exemplary record of defending and protecting the rights of all people. She spent most of her legal career as a public defender, representing more than 400 clients who could not afford counsel. Jackson-Akiwumi is the first Seventh Circuit judge who spent most of their career as a public defender. At the time of her confirmation, she was the only judge of color actively serving on the Seventh Circuit and is only the second judge of color to ever serve on this court. On June 24, 2021, the Senate confirmed the nomination by a vote of 53-40.

Eunice Lee, U.S. Court of Appeals for the Second Circuit (New York)

The Leadership Conference supported Eunice Lee's confirmation because she has devoted her entire career to pursuing equal justice. For more than 20 years, Lee was an attorney at the Office of the Appellate Defender in New York City, where she represented clients involved in the criminal-legal system who could not afford an attorney. She then served as an assistant federal defender in the Appeals Bureau at the Federal Defenders of New York. Lee is the second Black woman ever to serve on the Second Circuit. On August 7, 2021, the Senate confirmed the nomination by a vote of 50-47.

David Estudillo, U.S. District Court for the Western District of Washington

The Leadership Conference supported the confirmation of David Estudillo because of his extensive experience as a fair-minded adjudicator and his commitment to equal justice for all. For nearly six years, he served as a state court judge on the Grant County Superior Court in Washington, where he presided over more than 1,000 cases. Previously, Estudillo operated his own immigration law firm, representing individuals seeking asylum, Deferred Action for Childhood Arrivals protections, work authorizations, temporary protected status, and citizenship. Estudillo is the second Latino judge to ever serve on this court. On September 14, 2021, the Senate confirmed the nomination by a vote of 54-41.

Veronica Rossman, U.S. Court of Appeals for the Tenth Circuit (Colorado)

The Leadership Conference supported Veronica Rossman's confirmation because of her significant experience protecting and defending the rights of people who have been accused of crimes. She possesses more than 10 years of experience as a public defender, where she represented clients who could not afford an attorney. On September 20, 2021, the Senate confirmed the nomination by a vote of 50-42.

Margaret Strickland, U.S. District Court for the District of New Mexico

The Leadership Conference supported Margaret Strickland's confirmation because of her proven record of defending civil rights. In private practice, she divided her caseload between civil rights litigation and criminal

defense; half of her criminal defense work was pro bono. As a pro bono criminal defense lawyer and a trial lawyer at the Law Offices of the Public Defender, New Mexico, Strickland played a critical role in our criminal-legal system — ensuring that people had access to counsel. On September 21, 2021, the Senate confirmed the nomination by a vote of 52-45.

Lauren King, U.S. District Court for the Western District of Washington

The Leadership Conference supported Lauren King's confirmation because of her commitment to civil rights and her significant experience in tribal law. For nearly 10 years, King was an attorney at Foster Garvey PC, where she chaired the firm's Native American Law Practice Group. Since 2013, she served as a pro tem appellate judge with the Northwest Intertribal Court System. King is only the sixth Native American to ever serve as an Article III judge and the first Native American to serve in the state of Washington. On October 5, 2021, the Senate confirmed the nomination by a vote of 55-44.

Gustavo Gelpí, U.S. Court of Appeals for the First Circuit (Puerto Rico)

The Leadership Conference supported Gustavo Gelpí's confirmation because of his dedication to equal justice and experience as a fair-minded judge. He previously served as chief judge for the U.S. District Court for the District of Puerto Rico, having been confirmed by the U.S. Senate by unanimous consent in 2006. Prior to this, Gelpí served as a magistrate judge for the same court. Before becoming a jurist, Gelpí served in a number of roles, including solicitor general, at the Puerto Rico Department of Justice. He began his legal career as an assistant federal public defender

at the office of the Federal Public Defender for the District of Puerto Rico, helping to ensure access to justice for people who could not afford an attorney. Gelpí is the second Latino judge ever to serve on the First Circuit. On October 18, 2021, the Senate confirmed the nomination by a vote of 52-41.

Tana Lin, U.S. District Court for the Western District of Washington

The Leadership Conference supported Tana Lin's confirmation due to her exceptional career and demonstrated commitment to upholding civil and human rights. For more than 15 years, she practiced law at Keller Rohrbach L.L.P. in Seattle, helping to advance the rights of consumers and employees through class action litigation. Previously, she worked at the Michigan Poverty Law Program, the Equal Employment Opportunity Commission, and the Civil Rights Division of the U.S. Department of Justice. She also has experience as a public defender in the District of Columbia. Lin is the first Asian American judge to serve on this court. On October 21, 2021, the Senate confirmed the nomination by a vote of 52-45.

Myrna Pérez, U.S. Court of Appeals for the Second Circuit (New York)

The Leadership Conference supported Myrna Pérez's confirmation because of her pursuit of equal justice for all and her exceptional experience protecting voting rights. For 15 years, Pérez led the Brennan Center for Justice at New York University School of Law's Voting Rights and Election Program, where she worked to defend the freedom to vote and safeguard our democracy. She is the second Latina to ever serve on the Second Circuit. On October 25, 2021, the Senate confirmed the nomination by a vote of 48-43.

Jia Cobb, U.S. District Court for the District of Columbia

The Leadership Conference supported Jia Cobb's confirmation because of her impressive experience as a civil rights attorney and public defender. For nearly 10 years, she worked at Relman Colfax PLLC, a national plaintiff-side civil rights firm. Previously, Cobb spent six years at the Public Defender Service for the District of Columbia, helping to ensure that the rights of people accused of crimes are protected. On October 26, 2021, the Senate confirmed the nomination by a vote of 52-45.

Michael Nachmanoff, U.S. District Court for the Eastern District of Virginia

The Leadership Conference supported Michael Nachmanoff's confirmation because of his significant experience as a public defender and fair-minded judge. He served for six years as a U.S. magistrate judge in the Eastern District of Virginia and for 13 years in the Eastern District of Virginia's Office of the Federal Public Defender, representing and defending the rights of clients who could not afford an attorney. He helped develop the district's first drug court and oversaw a re-entry program for people with a history of substance abuse who had been convicted. On October 27, 2021, the Senate confirmed the nomination by a vote of 52-46.

Beth Robinson, U.S. Court of Appeals for the Second Circuit (Vermont)

The Leadership Conference supported Beth Robinson's confirmation because of her distinguished career as a judge and her steadfast commitment to civil rights. She spent 10 years serving as an associate justice on the

Vermont Supreme Court. Previously, she specialized in employment law with a focus on workers' compensation claims, supporting the rights of working people during her nearly two decades as a civil litigator. Her tireless work on litigation and policy advocacy were instrumental in advancing the rights of the LGBTQ community and laid the groundwork to make Vermont one of the first states to recognize marriage equality for same-sex couples. Robinson is the first openly lesbian judge to serve on any federal appellate court. On November 1, 2021, the Senate confirmed the nomination by a vote of 51-45.

Lucy Koh, U.S. Court of Appeals for the Ninth Circuit (California)

The Leadership Conference supported Lucy Koh's confirmation because of her dedication to equal justice and public service throughout her illustrative career. Koh served as a judge on the U.S. District Court for the Northern District of California for 11 years, where she demonstrated her even-handed approach to the law, including protection of the integrity of the census. She previously served as a California Superior Court judge and has an impressive background in commercial civil litigation. Koh is the first Korean American woman to serve on a federal appellate court. On December 13, 2021, the Senate confirmed the nomination by a vote of 50-45.

Jennifer Sung, U.S. Court of Appeals for the Ninth Circuit (Oregon)

The Leadership Conference supported Jennifer Sung's confirmation because of her steadfast commitment to protecting civil rights and her experience as an even-handed adjudicator. Sung served as a member of the

Oregon Employment Relations Board, resolving labor disputes on issues impacting 250,000 workers. Previously, she served as a civil litigator on employment and labor issues, fighting for the rights of working people and against violations of union contracts and retaliatory terminations. Sung also worked for the Economic Justice Project at the Brennan Center for Justice at New York University School of Law. She is the first Asian American from Oregon to serve on the Ninth Circuit. On December 15, 2021, the Senate confirmed the nomination by a vote of 50-49.

David Urias, U.S. District Court for the District of New Mexico

The Leadership Conference supported David Urias' confirmation because of his impressive legal career and extensive civil and human rights experience. For 13 years, he worked in private practice at Freedman Boyd Hollander Goldberg Urias & Ward, P.A., where he protected the rights of immigrants against discriminatory policies, including the inhumane separation of families. Previously, Urias worked at the Mexican American Legal Defense and Educational Fund (MALDEF) as a civil rights fellow and staff attorney. On December 17, 2021, the Senate confirmed the nomination by a vote of 45-26.

Holly Thomas, U.S. Court of Appeals for the Ninth Circuit (California)

The Leadership Conference supported Holly Thomas' confirmation because of her deep commitment to civil and human rights, including her notable work to further educational equity. She served as a judge on the Los Angeles Superior Court. Prior to her

judicial service, Thomas worked to uphold civil rights at the New York State Attorney General's Office of the Solicitor General, the California Department of Fair Employment and Housing, and the NAACP Legal Defense and Educational Fund, Inc. At the Civil Rights Division of the U.S. Department of Justice, she strove to protect the freedom to vote, ensure educational equity, and hold police accountable for misconduct. Thomas is the first Black woman from California, and only the second Black woman ever, to serve on the Ninth Circuit. On January 20, 2022, the Senate confirmed the nomination by a vote of 48-40.

Alison Nathan, U.S. Court of Appeals for the Second Circuit (New York)

The Leadership Conference supported Alison Nathan's confirmation because of her fair-minded approach to the law as a district court jurist and her strong commitment to civil and human rights. For nearly 10 years prior to her elevation to the Second Circuit, Nathan served as a judge on the U.S. District Court for the Southern District of New York, where she upheld the freedom to vote, protected the rights of immigrants, and recognized the rights of students to access equitable education. Prior to this, Nathan served as special counsel to the solicitor general in the Office of the Attorney General of New York, and as special assistant to the president and associate counsel in the White House Counsel's Office. Nathan is the second openly LGBTQ woman to serve on any federal appellate court. On March 23, 2022, the Senate confirmed the nomination by a vote of 49-47.

Sarah Geraghty, U.S. District Court for the Northern District of Georgia

The Leadership Conference supported Sarah Geraghty's confirmation because of her impressive experience defending civil rights and rooting out discrimination and disparities within the criminal-legal system. From 2003 until her confirmation, Geraghty worked at the Southern Center for Human Rights, serving as staff attorney, managing attorney for impact litigation, and eventually senior counsel. Throughout her career, Geraghty challenged discriminatory practices in the criminal-legal system, including excessive and inappropriate bail and the unconstitutional confinement of women with mental health illnesses. Previously, she served as a staff attorney for the Office of the Appellate Defender, which gave her invaluable and underrepresented experience. Geraghty is the first former public defender to serve on this court. On March 31, 2022, the Senate confirmed the nomination by a vote of 52-48.

Ketanji Brown Jackson, U.S. Supreme Court

The Leadership Conference supported Ketanji Brown Jackson's confirmation because of her outstanding commitment to civil and human rights and her superb record as a fair-minded jurist. Prior to her confirmation to the U.S. Supreme Court, she served on the federal judiciary, first as a district court judge on the U.S. District Court for the District of Columbia, and then as a circuit court judge on the U.S. Court of Appeals for the D.C. Circuit. As a judge, she worked to uphold the rights of immigrants, people with disabilities, and working people. Prior to becoming a judge, she served as vice chair of the U.S. Sentencing Commission from 2010 to 2014, where she

helped implement bipartisan reforms to federal sentencing guidelines that addressed their disproportionate impact on Black and Brown people. Justice Jackson also served in the Office of the Federal Public Defender in the District of Columbia, making her the first ever former public defender to serve on the U.S. Supreme Court. She is also the first Black woman to serve on the Court. On April 7, 2022, the Senate confirmed the nomination by a vote of 53-47.

Stephanie Davis, U.S. Court of Appeals for the Sixth Circuit (Michigan)

The Leadership Conference supported Stephanie Davis' confirmation because of her even-handed approach to the law and experience as an outstanding jurist committed to the rights of all people. From 2019 until her elevation to the Sixth Circuit, Davis served on the U.S. District Court for the Eastern District of Michigan, where she previously served as a magistrate judge. As a jurist, she demonstrated a fair-minded approach to the law, protecting the rights of people to freely exercise their religion, the rights of people with disabilities, and our freedom to vote. Before joining the bench, Davis held a number of positions in the U.S. attorney's office for the Eastern District of Michigan. She is the first Black woman from Michigan, and only the second Black woman ever, to serve on the Sixth Circuit. On May 24, 2022, the Senate confirmed the nomination by a vote of 49-43.



Charlotte Sweeney, U.S. District Court for the District of Colorado

The Leadership Conference supported Charlotte Sweeney's confirmation because of her impressive civil rights background protecting the rights of working people. Throughout her career, she defended the rights of working people through litigation, fighting wage and employment discrimination on the basis of sex, national origin, and disability. Sweeney also helped to pass Colorado's Equal Pay for Equal Work Act in 2019, which strengthens protections against wage discrimination on the basis of sex. Sweeney is the first openly LGBTQ federal judge in Colorado and the first openly LGBTQ woman to serve on any federal district court west of the Mississippi River. On May 25, 2022, the Senate confirmed the nomination by a vote of 48-46.

Nina Morrison, U.S. District Court for the Eastern District of New York

The Leadership Conference supported Nina Morrison's confirmation because of her demonstrated experience pursuing equal justice for all and, in particular, her extensive work defending the rights of those wrongfully convicted. Morrison spent 20 years at the Innocence Project working as a senior staff attorney, executive director, and senior litigation counsel. At the Innocence Project, Morrison helped to exonerate those serving time for crimes they did not commit, and as a result of her tireless efforts, 30 people in more than 10 states were freed from prison or death row. Morrison is the second openly LGBTQ judge on this court. On June 8, 2022, the Senate confirmed the nomination by a vote of 53-46.

Nancy Maldonado, U.S. District Court for the Northern District of Illinois

The Leadership Conference supported Nancy Maldonado's confirmation because of her dedication to the rights of working people and impressive career in employment law. Prior to her confirmation, Maldonado was a partner at Miner, Barnhill & Galland, P.C., specializing in representation for workers facing employment discrimination and other civil rights litigation. Throughout her career, Maldonado defended the rights of migrant farmworkers, including litigating in support of proper overtime compensation and paid rest breaks for workers and challenging unfair labor practices that violated the Migrant and Seasonal Agricultural Worker Protection Act. She also challenged a racially discriminatory tax assessment plan in Cook County that intentionally over-assessed houses in low-income neighborhoods. She is the first Latina to serve as a lifetime federal judge in Illinois. On July 19, 2022, the Senate confirmed the nomination by a vote of 53-45.

J. Michelle Childs, U.S. Court of Appeals for the D.C. Circuit

The Leadership Conference supported Michelle Childs' confirmation because of her experience as a fair-minded judge and her demonstrated commitment to the rights of all people. From 2010 until her elevation to the D.C. Circuit, she served as a judge on the U.S. District Court for the District of South Carolina, where she protected equitable access to the ballot box and the rights of LGBTQ couples. Prior to her appointment to the federal bench, she served as a circuit court judge for the South Carolina Judicial Department. Before becoming a judge, she served as a

commissioner with the South Carolina Workers' Compensation Commission and as deputy director of the South Carolina Department of Labor, Licensing and Regulation. On July 19, 2022, the Senate confirmed the nomination by a vote of 64-34.

Elizabeth Hanes, U.S. District Court for the Eastern District of Virginia

The Leadership Conference supported Elizabeth Hanes' confirmation because of her impressive judicial and legal experience protecting the rights of all people, including her service as a public defender and work on consumer protection litigation. Prior to her elevation as a lifetime federal judge, Hanes served as a magistrate judge for the U.S. District Court for the Eastern District of Virginia. She led the drug court program for the Richmond Division of the Eastern District of Virginia, which seeks to help people on probation or supervised release with a history of substance abuse by providing them with treatment and mental health resources. Hanes spent seven years as an assistant federal public defender for the Office of the Federal Public Defender for the Eastern District of Virginia, representing clients who could not afford an attorney. On August 2, 2022, the Senate confirmed the nomination by a vote of 59-37.

Roopali Desai, U.S. Court of Appeals for the Ninth Circuit (Arizona)

The Leadership Conference supported Roopali Desai's confirmation because of her impressive civil rights experience, particularly in the field of voting rights. Prior to her confirmation, Desai worked at Coppersmith Brockelman PLC. Leading the firm's elections,

political, and public law group, she served as an integral part of the litigation team that challenged the onslaught of baseless election fraud allegations that were brought after the 2020 presidential election. Throughout her career, Desai defended the rights of unions, pushed for accountability for the abuse and neglect of foster children, and protected public safety by successfully defending the legality of public health efforts. Desai is the first South Asian judge to serve on the Ninth Circuit. On August 4, 2022, the Senate confirmed the nomination by a vote of 67-29.

John Lee, U.S. Court of Appeals for the Seventh Circuit (Illinois)

The Leadership Conference supported John Lee's confirmation because of his experience as a fair-minded judge and his demonstrated commitment to the rights of all people. Prior to his elevation to the Seventh Circuit, Lee served as a judge on the U.S. District Court for the Northern District of Illinois, where he upheld health and safety protections for young people. Lee had already administered equal justice in our appellate courts, sitting by designation on the Seventh Circuit several times and defending the right to privacy for people who had been incarcerated. Prior to his judicial service, he worked in private practice and as a trial attorney for the Environment and Natural Resources Division of the U.S. Department of Justice. He is the first Asian American judge to serve on the Seventh Circuit. On September 7, 2022, the Senate confirmed the nomination by a vote of 50-44.

Salvador Mendoza, U.S. Court of Appeals for the Ninth Circuit (Washington)

The Leadership Conference supported Salvador Mendoza's confirmation because of his demonstrated commitment to equal justice, including making sure that people have access to qualified counsel in criminal defense proceedings. From 2014 until his elevation to the Ninth Circuit, Mendoza served as a judge on the U.S. District Court for the Eastern District of Washington, where he upheld the rights of migrant farmworkers. Before serving on the federal bench, he had a long judicial career in Benton County and Franklin County, including his time as a superior court judge, district court judge pro tempore, and juvenile court judge pro tempore. In private practice, he specialized in criminal defense litigation with more than half of his caseload pro bono on behalf of clients who could otherwise not afford counsel. Mendoza is the first Latino from Washington to serve on the Ninth Circuit. On September 12, 2022, the Senate confirmed the nomination by a vote of 46 -40.

Lara Montecalvo, U.S. Court of Appeals for the First Circuit (Rhode Island)

The Leadership Conference supported Lara Montecalvo's confirmation because of her impressive experience as a public defender and her commitment to pursuing equal justice for all people. Montecalvo served as the Rhode Island Public Defender, overseeing the entire Rhode Island Public Defender's Office, and she is the second former public defender ever to serve on the First Circuit. She held numerous other positions in the Rhode Island Public Defender's Office, including chief of the appellate division and trial attorney in both the appellate and trial divisions. Montecalvo

helped eliminate the practice of keeping imprisoned those unable to pay fines or fees imposed by courts and helped form a medical-legal partnership with a local Rhode Island health clinic. On September 14, 2022, the Senate confirmed the nomination by a vote of 52-47.

Sarah Merriam, U.S. Court of Appeals for the Second Circuit (Connecticut)

The Leadership Conference supported Sarah Merriam's confirmation because of her experience as a fair-minded judge and her dedication to protecting civil rights, especially as a public defender. From 2021 until her elevation to the Second Circuit, Merriam served on the U.S. District Court for the District of Connecticut, where she also served for more than six years as a magistrate judge. Merriam demonstrated her commitment to the rights of working people even before her legal career as the political director of Connecticut Employees Union Independent/SEIU Local 511. She also spent eight years as an assistant federal defender in the Office of the Federal Defender, defending clients who could not afford an attorney. On September 15, 2022, the Senate confirmed the nomination by a vote of 53-44.

Arianna Freeman, U.S. Court of Appeals for the Third Circuit (Pennsylvania)

The Leadership Conference supported Arianna Freeman's confirmation because of her notable experience in pursuit of equal justice as a public defender specializing in post-conviction relief. Freeman served at the Federal Community Defender Office of the Eastern District of Pennsylvania. As a public defender, Freeman assisted clients who could

not afford counsel in post-conviction relief, overseeing litigation for those harmed by unconstitutional mandatory minimum sentencing policies. Freeman is the first woman of color, first Black woman, and second former public defender to serve on the Third Circuit. On September 29, 2022, the Senate confirmed the nomination by a vote of 50-47.

Kelley Hodge, U.S. District Court for the Eastern District of Pennsylvania

The Leadership Conference supported Kelley Hodge's confirmation because of her demonstrated commitment to civil rights, including her impressive work rooting out disparities in the criminal-legal system and her experience ensuring that schools are safe and inclusive. Hodge spent six years as an assistant public defender and senior assistant public defender in the Richmond Public Defender's Office, where she worked to ensure that all people had access to qualified counsel. Later, as the first Black woman to serve as district attorney for the city of Philadelphia, Hodge expanded resources to respond to hate crime allegations, worked to combat voter intimidation, and implemented programs to address bullying in schools. She also worked to ensure that schools and universities were safe and inclusive for all students as a Safe Schools Advocate for the Philadelphia School District and a Title IX coordinator at the University of Virginia. Hodge is one of two Black women actively serving on this court and just the third in the court's history. On December 6, 2022, the Senate confirmed the nomination by a vote of 52-44.

Mia Perez, U.S. District Court for the Eastern District of Pennsylvania

The Leadership Conference supported Mia Perez's confirmation because of her outstanding commitment to protecting civil rights, including her experience as a public defender. From 2016 until her confirmation to this court, Perez served as a judge with the Pennsylvania Court of Common Pleas. Previously, she worked in private practice at her own firm, as counsel with Jalon and Rossman, and as an associate attorney with Friedman Schuman. During her time at Friedman Schuman, she defended the rights of LGBTQ people when she helped pass a local ordinance that prohibited discrimination in housing, employment, and public accommodations on the basis of sexual orientation, gender identity, and gender expression. She worked to defend the constitutional rights of people accused of wrongdoing in private practice and as a member of the Criminal Justice Act Panel, where she served as court-appointed counsel for people unable to pay for legal services. Perez began her legal career as a public defender, spending four years as an assistant defender with the Defender Association of Philadelphia. She is the first Asian American judge, and only the second Latina judge, to ever sit on this court. On December 7, 2022, the Senate confirmed the nomination by a vote of 52-43.

Kai Scott, U.S. District Court for the Eastern District of Pennsylvania

The Leadership Conference supported Kai Scott's confirmation because of her experience ensuring equal access to justice and her commitment to the rights of those involved in the criminal-legal system. Prior to her confirmation to this court, Scott served as a judge in the Court of Common Pleas Criminal Trial Division, where she worked to support formerly incarcerated people and those charged for the first time. She also oversaw the MENTOR program, a reentry program that matches formerly incarcerated people with mentors to provide them with support, including job training and trauma-informed counseling, and allows those who complete the program to receive a significantly reduced probation period. Prior to serving as a judge, Scott worked for 15 years as a public defender, including serving as an assistant federal defender, chief of the trial unit with the Federal Community Defender Office for the Eastern District of Pennsylvania, and assistant defender with the Defender Association of Philadelphia. She is one of two Black women actively serving on this court and just the fourth in the court's history. On December 7, 2022, the Senate confirmed the nomination by a vote of 50-42.

Appendix 3. Exceptional nominees who are awaiting confirmation in the 118th Congress

The Leadership Conference on Civil and Human Rights supported the following judicial nominees who were not confirmed during the 117th Congress.¹¹¹

Three of the nominees noted below were confirmed in February 2023.¹¹²

Circuit court nominees

Nancy Abudu, U.S. Court of Appeals for the Eleventh Circuit (Georgia)

The Leadership Conference supports the confirmation of Nancy Abudu because she has dedicated her impressive career to defending and protecting our civil rights, including our freedom to vote. After spending years as a civil rights litigator at the ACLU's Voting Rights Project and the ACLU of Florida, Abudu joined the Southern Poverty Law Center to help establish its Voting Rights Practice Group. She will be the first Black woman on the Eleventh Circuit and the first Black person ever to serve in a Georgia seat on this court.

Rachel Bloomekatz, U.S. Court of Appeals for the Sixth Circuit (Ohio)

The Leadership Conference supports the confirmation of Rachel Bloomekatz because she possesses an impressive legal background protecting the rights of all people. Throughout her career advancing equal justice, she has defended the freedom to vote and access to the ballot box. Bloomekatz has



also protected the rights of consumers and challenged dangerous policies that would allow teachers without sufficient training to carry firearms.

Cindy Chung, U.S. Court of Appeals for the Third Circuit (Pennsylvania)

The Leadership Conference supports the confirmation of Cindy Chung because she has a vast record of defending people and communities who have experienced hate crimes. Since 2014, she has worked at the U.S. Attorney's Office for the Western District of Pennsylvania, holding several positions including deputy chief of the Major Crimes Section and acting deputy chief of the Violent Crimes Section. She was a responding attorney in the aftermath of the hate-motivated mass shooting of Jewish congregants at the Tree of Life Synagogue. Previously, Chung worked as a trial attorney in the Civil Rights Division of the U.S. Department of Justice, where she was the first lawyer to bring a case to enforce the Shepard-Byrd Hate Crimes Prevention Act. She will be the first Asian American to ever serve on the Third Circuit.

Brad Garcia, U.S. Court of Appeals for the D.C. Circuit

The Leadership Conference supports the confirmation of Brad Garcia because he has a strong record of defending civil rights. For example, he has protected the constitutional rights of people involved in the criminal-legal system, defended abortion access, and protected immigrants from unlawful deportation. Garcia will be the first Latino judge to serve on the D.C. Circuit.

Julie Rikelman, U.S. Court of Appeals for the First Circuit (Massachusetts)

The Leadership Conference supports the confirmation of Julie Rikelman because she has devoted her career to pursuing equal justice under the law. As litigation director at the Center for Reproductive Rights, she has defended our right to bodily autonomy, including our right to access abortion. Rikelman has also defended the freedom to vote. Her commitment to civil and human rights stems from her experiences as a child fleeing Soviet-controlled Kiev to escape religious persecution. Rikelman will be the first immigrant woman and first Jewish woman to serve on the First Circuit.

District court nominees

Daniel Calabretta, U.S. District Court for the Eastern District of California

The Leadership Conference supports the confirmation of Daniel Calabretta because he is an accomplished jurist with a commitment to civil and human rights. He currently serves as the presiding judge of the juvenile court in the Superior Court of California for the County of Sacramento. When he joined that court as a superior court judge in 2019, he became the first openly gay man ever appointed to that court. Calabretta previously worked for the office of the governor as deputy legal affairs secretary and spent five years as deputy attorney general for the California Department of Justice. When confirmed, he will be the first openly LGBTQ person ever to serve on the Eastern District of California.

Tiffany Cartwright, U.S. District Court for the Western District of Washington

The Leadership Conference supports the confirmation of Tiffany Cartwright because she possesses an impressive background as a civil rights attorney. Since 2014, she has specialized in civil rights litigation at MacDonald Hoague & Bayless, where she has defended the rights of people who were wrongly convicted of crimes and held police officers accountable for their misconduct. Cartwright also has an extensive background defending the rights of working people.

Nusrat Choudhury, U.S. District Court for the Eastern District of New York

The Leadership Conference supports the confirmation of Nusrat Choudhury because she has worked tirelessly challenging discriminatory policies that target communities of color. Throughout her impressive career at the ACLU, she has challenged modern-day debtors' prisons, racially discriminatory policies, and unlawful surveillance of religious minorities. Choudhury will be the first Muslim woman and first Bangladeshi American ever to serve as a lifetime federal judge.

Jessica Clarke, U.S. District Court for the Southern District of New York

The Leadership Conference supports the confirmation of Jessica Clarke because she has spent her career working to protect and defend the civil and human rights of all of us. She has served as chief of the Civil Rights Bureau of the New York State Office of the Attorney General since 2019, and she has experience investigating and litigating housing

discrimination cases as a trial attorney in the Housing and Civil Enforcement Section of the Civil Rights Division of the U.S. Department of Justice.

Todd Edelman, U.S. District Court for the District of Columbia

The Leadership Conference supports the confirmation of Todd Edelman because he is an eminently qualified and fair-minded jurist who has devoted his career to equal justice for all. Before joining the Superior Court of D.C., he worked in private practice defending the rights of workers and unions and, through his pro bono work, helped exonerate people who had been wrongfully convicted. Edelman also spent eight years as a public defender, representing clients who could not afford an attorney and ensuring they had access to justice.

Margaret Guzman, U.S. District Court for the District of Massachusetts

The Leadership Conference supports the confirmation of Margaret Guzman because she is a distinguished jurist with an outstanding commitment to equal justice. She currently serves as the first justice for the Ayer District Court and was previously an associate justice for the Commonwealth of Massachusetts Trial Court. Prior to her judicial service, Judge Guzman served for 13 years as a public defender, representing clients who could not afford an attorney and helping them navigate the complex criminal-legal system. She will be the first Latina ever to serve on the District of Massachusetts.

Dale Ho, U.S. District Court for the Southern District of New York

The Leadership Conference supports the confirmation of Dale Ho because throughout his extensive legal career, he has advanced the rights of all people. As director of the voting rights project at the ACLU, Ho has protected civil rights by defending the freedom to vote. He has successfully challenged the Trump administration's efforts to add a citizenship question to the census and opposed its efforts to exclude unauthorized immigrants from calculations used to determine representation in Congress.

Myong Joun, U.S. District Court for the District of Massachusetts

The Leadership Conference supports the confirmation of Myong Joun because he has spent his career in pursuit of equal justice. Before becoming an associate justice of the Boston Municipal Court, he spent many years in private practice focused on criminal defense matters, successfully representing people whose constitutional rights were violated by the government. His significant pro bono experience included representing people who were unable to afford an attorney, thus ensuring they had access to justice. Joun will be the first Asian American man to ever serve on this court and on any court in the First Circuit.

Rita Lin, U.S. District Court for the Northern District of California

The Leadership Conference supports the confirmation of Rita Lin because she is a fair-minded jurist with critical experience working towards equal justice for all. During her 10 years in private practice, she took on

significant pro bono work, including important LGBTQ rights cases and cases defending the rights of people living with disabilities. Lin will be the only Asian American woman actively serving on the Northern District of California and only the second Asian American woman judge in the court's history.

Araceli Martínez-Olguín, U.S. District Court for the Northern District of California

The Leadership Conference supports the confirmation of Araceli Martínez-Olguín because she has spent her entire career in pursuit of equal justice for all. She has defended the rights of immigrants in her work at the National Immigration Law Center and Community Legal Services in East Palo Alto. Martínez-Olguín also has notable civil rights experience working at the Office for Civil Rights at the U.S. Department of Education, the American Civil Liberties Union's Women's Rights Project and Immigrants' Rights Project, Legal Aid at Work, and the National Day Laborer Organizing Network. She will be the second Latina ever to serve on the Northern District of California.

Natasha Merle, U.S. District Court for the Eastern District of New York

The Leadership Conference supports the confirmation of Natasha Merle because she has demonstrated her deep commitment to equal justice throughout her notable career. As the deputy director of litigation at the NAACP Legal Defense and Educational Fund, Inc., she has led critical civil rights lawsuits on the freedom to vote and discriminatory sentencing practices. Merle has also served as a federal public defender, fighting bias in our criminal-legal system and defending clients who could not afford an attorney.

Adrienne Nelson, U.S. District Court for the District of Oregon

The Leadership Conference supports the confirmation of Adrienne Nelson because she has significant experience as a fair-minded jurist. She currently serves as an associate justice on the Oregon Supreme Court, and previously spent 12 years as a circuit court judge on the Multnomah County Circuit Court. Nelson was the first Black woman to serve on both of these courts. She began her legal career at the Texas Council on Family Violence, supporting efforts to eradicate domestic violence through public policy and direct services, and served for three years as a public defender with Multnomah Defenders, Inc. Nelson will be the first woman of color and first Black woman ever to serve on the District of Oregon.

Casey Pitts, U.S. District Court for the Northern District of California

The Leadership Conference supports the confirmation of Casey Pitts because he has dedicated his career to protecting and defending the rights of working people. Through complex litigation, collective bargaining sessions, and grievance arbitration, he has successfully challenged unfair labor practices across the country. Pitts will be the only openly LGBTQ judge actively serving on the Northern District of California.

Hernán Vera, U.S. District Court for the Central District of California

The Leadership Conference supports the confirmation of Hernán Vera because he has dedicated his career to equal justice. Before serving as a judge on the Los Angeles County

Superior Court, Vera served for 12 years at Public Counsel, the largest pro bono law firm in the nation, where he created an impact litigation department for economic injustice. He also served as an attorney at the Mexican American Legal Defense and Educational Fund.

Jamal Whitehead, U.S. District Court for the Western District of Washington

The Leadership Conference supports the confirmation of Jamal Whitehead because of his commitment to and work defending and protecting the rights of all people. He has an impressive record as a civil rights lawyer, representing people who experienced racial discrimination, sexual harassment, and disability discrimination in the workplace. He is also the first nominee from this administration known to be living with a disability. Whitehead will be the only Black judge in active service on the Western District of Washington.



Endnotes

- ¹ [*Leadership Conference Poll: 54 Percent Fear America Is on the Path to Another Civil War, 53 Percent Think Democracy May Be Done in Four to Five Years*](#). The Leadership Conference on Civil and Human Rights (Oct. 2022).
- ² Michele Goodwin, [*The Thirteenth Amendment: Modern Slavery, Capitalism, and Mass Incarceration*](#), 104 Cornell L. Rev. 899 (2019).
- ³ *Plessy v. Ferguson*, 163 U.S. 537 (1896); *Korematsu v. United States*, 323 U.S. 214 (1944).
- ⁴ *Brown v. Board of Education*, 347 U.S. 483 (1954).
- ⁵ *Loving v. Virginia*, 388 U.S. 1 (1967).
- ⁶ *Williams v. Wallace*, 240 F. Supp. 100 (M.D. Ala. 1965).
- ⁷ *Browder v. Gayle*, 142 F. Supp. 707 (M.D. Ala. 1956).
- ⁸ *U.S. v. Alabama*, 252 F. Supp. 95 (M.D. Ala. 1966).
- ⁹ Ralph G. Neas, [*The Federalist Society: From Obscurity to Power*](#), PEOPLE FOR THE AMERICAN WAY (Aug. 2001),
- ¹⁰ Lewis F. Powell Jr., [*Powell Memorandum: Attack On American Free Enterprise System*](#), WASH. & LEE SCH. OF LAW SCHOLARLY COMMONS (Aug. 23, 1971).
- ¹¹ Lynn Adelman, [*Laundering Racism Through the Court: The Scandal of States' Rights*](#), DISSENT (2018).
- ¹² David Montgomery, [*Conquerors of the Courts*](#), THE WASHINGTON POST MAGAZINE (Jan. 2, 2019).
- ¹³ See e.g., Sopan Deb, [*Donald Trump's Supreme Court Litmus Test*](#), CBS NEWS (Feb. 17, 2016), Dan Mangan, [*Trump: I'll Appoint Supreme Court Justices to Overturn Roe v. Wade Abortion Case*](#), CNBC (Oct. 19, 2016), Jeremy W. Peters, [*Trump's New Judicial Litmus Test: Shrinking "the Administrative State,"*](#) THE NEW YORK TIMES (Mar. 2, 2018).
- ¹⁴ Alan Rappeport & Charlie Savage, [*Donald Trump Releases List of Possible Supreme Court Picks*](#), THE NEW YORK TIMES (May 18, 2016).
- ¹⁵ *Dobbs v. Jackson Women's Health Org.*, 213 L. Ed. 2d 545, 142 S. Ct. 2228 (2022).
- ¹⁶ Amenda Zablocki & Mikela T. Sutrina, [*The Impact of State Laws Criminalizing Abortion*](#), LexisNexis (Sept. 27, 2022).
- ¹⁷ Ed Pilkington, [*Special master ruling shows Trump's takeover of courts has started to sting*](#), THE GUARDIAN (Sept. 18, 2022).
- ¹⁸ [*Oppose the Confirmation of Matthew Kacsmaryk to the U.S. District Court for the Northern District of Texas*](#). The Leadership Conference on Civil and Human Rights (Dec. 12, 2017).
- ¹⁹ *Texas v. EEOC*, No. 21-194, 2022 WL 4835346 (N.D. Tex. Oct. 1, 2022).
- ²⁰ Kelly McEvers, [*In Florida, People With Past Felony Convictions Can't Vote, But That Could All Change*](#), NPR (Nov. 2, 2018).
- ²¹ *Jones v. Governor of Florida*, 975 F.3d 1016 (11th Cir. 2020).

²² Ann E. Marimow, [Trump's lasting legacy on the judiciary is not just at the Supreme Court](#), The Washington Post (Jan. 29, 2023).

²³ Nate Raymond, [Trump-appointed judge boycotts Yale for law clerks over 'cancel culture'](#), Reuters (Sept. 30, 2022).

²⁴ Maya Sen, [Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time](#), 2017 WIS. L. REV. 367 (2017).

²⁵ [Damage to the Federal Judiciary During the Trump Administration](#), The Leadership Conference on Civil and Human Rights (Dec. 2020).

²⁶ See Appendix 1 of this report for a brief history of The Leadership Conference's advocacy for an equal justice judiciary.

²⁷ [The Leadership Conference on Civil and Human Rights Transition Priorities](#), THE LEADERSHIP CONFERENCE ON CIVIL AND HUMAN RIGHTS (Nov. 24, 2020) at 8,9 (on file with author).

²⁸ [Letter](#) from Dana Remus, White House Counsel-Designate to U.S. Senators (Dec. 22, 2020) (on file with the White House).

²⁹ Press Release, The White House, [President Biden Announces Intent to Nominate 11 Judicial Candidates](#) (Mar. 30, 2021) (on file with author).

³⁰ [Nominations: Hearing Before the S. Comm. On Jud.](#), 117th Cong. (Apr. 28, 2021).

³¹ Press Release, The White House, [President Biden Announces Fourth Slate of Judicial Nominations](#) (June 15, 2021) (on file with author).

³² [Support the Confirmation of Myrna Pérez to the U.S. Court of Appeals for the Second Circuit](#), The Leadership Conference on Civil and Human Rights (July 14, 2021).

³³ [Support the Confirmation of Jia Cobb to the U.S. District Court for the District of Columbia](#), The Leadership Conference on Civil and Human Rights (Aug. 3, 2021).

³⁴ [Support the Confirmation of Tana Lin to the U.S. District Court for the Western District of Washington](#), The Leadership Conference on Civil and Human Rights (July 13, 2021).

³⁵ [Support the Confirmation of Beth Robinson to the U.S. Court of Appeals for the Second Circuit](#), The Leadership Conference on Civil and Human Rights (Sept. 13, 2021).

³⁶ [Support the Confirmation of Jennifer Sung to the U.S. Court of Appeals for the Ninth Circuit](#), The Leadership Conference on Civil and Human Rights (Sept. 13, 2021).

³⁷ [Support the Confirmation of Judge Holly Thomas to the U.S. Court of Appeals for the Ninth Circuit](#), The Leadership Conference on Civil and Human Rights (Oct. 18, 2021).

³⁸ [Support the Confirmation of Sarah Geraghty to the U.S. District Court for the Northern District of Georgia](#), The Leadership Conference on Civil and Human Rights (Jan. 12, 2022).

³⁹ [Support the Confirmation of Charlotte Sweeney to the U.S. District Court for the District of Colorado](#), The Leadership Conference on Civil and Human Rights (Nov. 17, 2021).

⁴⁰ [Support the Confirmation of Nina Morrison to the U.S. District Court for the Eastern District of New York](#), The Leadership Conference on Civil and Human Rights (Feb. 17, 2022).

⁴¹ [Support the Confirmation of Nancy Maldonado to the U.S. District Court for the Northern District of Illinois](#), The Leadership Conference on Civil and Human Rights (May 10, 2022).

⁴² [Support the Confirmation of Roopali Desai to the U.S. Court of Appeals for the Ninth Circuit](#), The Leadership Conference on Civil and Human Rights (July 11, 2022).

⁴³ [Support the Confirmation of Judge John Lee to the U.S. Court of Appeals for the Seventh Circuit](#), The Leadership Conference on Civil and Human Rights (June 7, 2022).

⁴⁴ [Support the Confirmation of Judge Salvador Mendoza to the U.S. Court of Appeals for the Ninth Circuit](#), The Leadership Conference on Civil and Human Rights (June 7, 2022).

⁴⁵ [Support the Confirmation of Lara Montecalvo to the U.S. Court of Appeals for the First Circuit](#), The Leadership Conference on Civil and Human Rights (May 24, 2022).

⁴⁶ [Support the Confirmation of Judge Sarah Merriam to the U.S. Court of Appeals for the Second Circuit](#), The Leadership Conference on Civil and Human Rights (May 24, 2022).

⁴⁷ [Support the Confirmation of Arianna Freeman to the U.S. Court of Appeals for the Third Circuit](#), The Leadership Conference on Civil and Human Rights (Feb. 22, 2022).

⁴⁸ [Support the Confirmations of Judge Mia Perez, Judge Kai Scott, and Kelley Hodge to the U.S. District Court for the Eastern District of Pennsylvania](#), The Leadership Conference on Civil and Human Rights (Sept. 28, 2022).

⁴⁹ [More Black Women Are Serving on Federal Circuit Courts Than Ever Before. We're Pushing for More.](#), The Leadership Conference on Civil and Human Rights (Dec. 6, 2022).

⁵⁰ See [American Indian Judges on Federal Courts](#), FEDERAL JUDICIAL CENTER (Accessed Jan. 2023).

⁵¹ *Jarnutowski v. Kijakazi*, No. 21-2130 (7th Cir. 2022).

⁵² *Taylor v. Bd. of Regents of the Univ. Sys. of Ga.*, Civil Action 1:20-CV-5048-SEG (N.D. Ga. Oct. 3, 2022).

⁵³ President Joe Biden, [Remarks by President Biden on his Nomination of Judge Ketanji Brown Jackson to Serve as Associate Justice of the U.S. Supreme Court](#), THE WHITE HOUSE (Feb. 25, 2022).

⁵⁴ *Id.*

⁵⁵ [The Nomination of Ketanji Brown Jackson to be an Associate Justice of the Supreme Court of the United States \(Day 2\)](#): Hearing Before the S. Comm. On Jud., 117th Cong. (Mar. 22, 2022).

⁵⁶ [Support the Confirmation of Judge Ketanji Brown Jackson to the Supreme Court of the United States](#), The Leadership Conference on Civil and Human Rights (Mar. 17, 2022).

⁵⁷ [The Nomination of Ketanji Brown Jackson to be an Associate Justice of the Supreme Court of the United States](#): Hearing Before the S. Comm. On Jud., 117th Cong. (Mar. 21, 2022).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ [The Nomination of Ketanji Brown Jackson to be an Associate Justice of the Supreme Court of the United States \(Day 4\)](#): Hearing Before the S. Comm. On Jud., 117th Cong. (Mar. 24, 2022).

⁶¹ Testimony of Wade Henderson, President and CEO, The Leadership Conference on Civil and Human Rights to S. Comm. On Jud, [Continuation of the Nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court of the United States](#), Hearing Before the S. Comm. On Jud., 111th Cong. (July 16, 2009). See also [Sotomayor Confirmation Hearing- Testimony of Wade Henderson](#), The Leadership Conference on Civil and Human Rights (July 16, 2009).

⁶² Testimony of Wade Henderson, Interim President and CEO, The Leadership Conference on Civil and Human Rights to S. Comm. On Jud, [The Nomination of Ketanji Brown Jackson to be an Associate Justice of the Supreme Court of the United States \(Day 4\)](#), Hearing Before the S. Comm. On Jud., 117th Cong. (Mar. 24, 2022). See also [Statement of Wade Henderson](#), The Leadership Conference on Civil and Human Rights (Mar. 24, 2022).

⁶³ [As Judge Jackson's Confirmation Hearing Begins, We Celebrate and Call for a Fair Process](#), The Leadership Conference on Civil and Human Rights (Mar. 21, 2022).

⁶⁴ While we do not wish to elevate this insidious behavior and demagoguery any further, and therefore don't go into more detail about their behavior in this report, it is important to document that it happened — and to work to ensure that it never happens again.

⁶⁵ [Letter](#) from The Leadership Conference on Civil and Human Rights and 55 organizations to S. Comm. On Jud. (Apr. 1, 2022) (on file with author).

⁶⁶ Maya Angelou, [Still I Rise](#), THE POETRY FOUNDATION (1978).

⁶⁷ [Roll Call Vote](#) on the Nomination of Ketanji Brown Jackson, of the District of Columbia, to be an Associate Justice of the Supreme Court of the United States, 117th Congress (Apr. 7, 2022).

⁶⁸ Joe Biden, U.S. President, Kamala Harris, U.S. Vice President, Ketanji Brown Jackson, Associate Justice of the U.S. Supreme Court, [Remarks by President Biden, Vice President Harris, and Judge Ketanji Brown Jackson on the Senate's Historic, Bipartisan Confirmation of Judge Jackson to be an Associate Justice of the Supreme Court](#) (Apr. 8, 2022).

⁶⁹ Transcript of Oral Argument, *Merrill v. Milligan* (21-1086), Supreme Court of the United States, retrieved at https://www.supremecourt.gov/oral_arguments/argument_transcripts/2022/21-1086_f204.pdf.

⁷⁰ Transcript of Oral Argument, *Students for Fair Admissions, Inc. v. University of North Carolina* 21-707), Supreme Court of the United States, retrieved at https://www.supremecourt.gov/oral_arguments/argument_transcripts/2022/21-707_9o6b.pdf.

⁷¹ See, e.g., Sopan Deb, [Donald Trump's Supreme Court Litmus Test](#), CBS News (Feb. 17, 2016).

⁷² See e.g. Jeffrey M. Jones, [Confidence in U.S. Supreme Court Sinks to Historic Low](#), GALLUP (June 23, 2022); [Positive Views of Supreme Court Decline Sharply Following Abortion Ruling](#), PEW RESEARCH CENTER (Sept. 1, 2022).

⁷³ Jody Kantor & Jo Becker, [Former Anti-Abortion Leader Alleges Another Supreme Court Breach](#), THE NEW YORK TIMES (Nov. 19, 2022).

⁷⁴ [Statement](#) of Wade Henderson, Interim President and CEO of The Leadership Conference on Civil and Human Rights to the Presidential Commission on the Supreme Court of the United States (July 20, 2021).

⁷⁵ See Appendix 3 for more information about the pending nominees referenced in this section.

⁷⁶ [Support the Confirmation of Nancy Abudu to the U.S. Court of Appeals for the Eleventh Circuit](#), The Leadership Conference on Civil and Human Rights (Jan. 28, 2022).

⁷⁷ [Support the Confirmation of Julie Rikelman to the U.S. Court of Appeals for the First Circuit](#), The Leadership Conference on Civil and Human Rights (Sept. 19, 2022).

⁷⁸ [Support the Confirmation of Brad Garcia to the U.S. Court of Appeals for the District of Columbia Circuit](#), The Leadership Conference on Civil and Human Rights (July 25, 2022).

⁷⁹ Sen, *supra* note 24.

⁸⁰ [Rights group says judge is 'biased.'](#) THE AFRO AMERICAN (June 21, 1969).

⁸¹ Leadership Conference Education Fund, [Bork Nomination Reported Negatively out of Committee, Nominee Stays In](#), CIVIL RIGHTS MONITOR, Vol. 2, No. 5 (Oct. 1987).

⁸² [Souter Confirmation Day, Part 3](#): Hearing Before the S. Comm. On Jud., 101st Cong. (Sept. 18, 1990).

⁸³ [LCCR Announces Opposition to Roberts Nomination](#), The Leadership Conference on Civil and Human Rights (Sept. 15, 2005).

⁸⁴ [Statement](#) of Wade Henderson, President and CEO of The Leadership Conference on Civil Rights to the S. Comm. On Jud., Hearing on The Nomination of Sonia Sotomayor to be an Associate Justice of the Supreme Court of the U.S., 111th Cong. (July 16, 2009).

⁸⁵ [Statement](#) of Wade Henderson, Interim President and CEO of The Leadership Conference on Civil and Human Rights to S. Comm. On Jud., Hearing on The Nomination of Judge Ketanji Brown Jackson to be an Associate Justice of the Supreme Court of the U.S., 117th Cong. (Mar. 24, 2022).

⁸⁶ [Opposition to Judge Thomas Nomination](#): Hearing Before the S. Comm. On Jud. 102nd Cong. (Aug. 7, 1991).

⁸⁷ [Opposition to the Confirmation of Samuel Alito](#), The Leadership Conference on Civil Rights (Jan. 6, 2006).

⁸⁸ [Confirm Elena Kagan to the U.S. Supreme Court](#), The Leadership Conference on Civil Rights (Aug. 2, 2010).

- ⁸⁹ [Civil and Human Rights Organizations Oppose Confirmation of Judge Gorsuch to Supreme Court](#), The Leadership Conference on Civil and Human Rights (Mar. 20, 2017).
- ⁹⁰ [Oppose the Confirmation of Brett Kavanaugh to the Supreme Court of the United States](#), The Leadership Conference on Civil and Human Rights (Sept. 3, 2018).
- ⁹¹ [Oppose the Confirmation of Amy Coney Barret to the Supreme Court of the United States](#), The Leadership Conference on Civil and Human Rights (Oct. 6, 2020).
- ⁹² [Statement Opposing Confirmation of Governor J.P. Coleman](#), The Leadership Conference on Civil Rights (1965).
- ⁹³ [Oppose the Confirmation of Michael P. Boggs to the U.S. District Court for the Northern District of Georgia](#), The Leadership Conference on Civil and Human Rights (June 4, 2014).
- ⁹⁴ [LCCR Opposes the Confirmation of Miguel Estrada](#), The Leadership Conference on Civil Rights (Jan. 28, 2003).
- ⁹⁵ [The Nomination of Terrence Boyle](#), The Leadership Conference on Civil Rights (Apr. 19, 2005).
- ⁹⁶ [Carolyn Kuhl Nomination](#), The Leadership Conference on Civil Rights (May 7, 2003).
- ⁹⁷ [Leadership Conference on Civil Rights Opposes Myers](#), The Leadership Conference on Civil Rights (Mar. 1, 2005).
- ⁹⁸ [Confirmation of Claude Allen](#), The Leadership Conference on Civil Rights (June 22, 2004).
- ⁹⁹ [Oppose the Confirmation of William J. Haynes, II](#), The Leadership Conference on Civil Rights (July 10, 2006).
- ¹⁰⁰ [Oppose the Confirmations of Robert Conrad and Steve Matthews](#), The Leadership Conference on Civil Rights (May 1, 2008).
- ¹⁰¹ *Id.*
- ¹⁰² [Oppose the Confirmation of Charles Pickering](#), The Leadership Conference on Civil Rights (Oct. 29, 2003).
- ¹⁰³ [Civil Rights Coalition Calls Bush's Appointment of Pickering Hypocritical](#), The Leadership Conference on Civil Rights (Jan. 16, 2004).
- ¹⁰⁴ [Trump Administration Civil and Human Rights Rollbacks](#), The Leadership Conference on Civil and Human Rights.
- ¹⁰⁵ [Oppose the Confirmation of Ryan Bounds to the U.S. Court of Appeals for the Ninth Circuit](#), The Leadership Conference on Civil and Human Rights (Feb. 22, 2018).
- ¹⁰⁶ [Oppose the Confirmation of Thomas Farr to the U.S. District Court for the Eastern District of North Carolina](#), The Leadership Conference on Civil and Human Rights (Oct. 16, 2017).
- ¹⁰⁷ [Civil Rights Leaders Condemn Trump Judicial Nominee Following Discovery Of Inflammatory Audio Recordings](#), Lambda Legal (Feb. 15, 2018).
- ¹⁰⁸ The Leadership Conference, [Mateer's Nomination is a Brazen Attack on LGBTQ Americans](#), MEDIUM (Sept. 22, 2017).

¹⁰⁹ [Oppose the Confirmation of Damien Schiff to the U.S. Court of Federal Claims](#), The Leadership Conference on Civil and Human Rights (June 9, 2017).

¹¹⁰ [Oppose the Confirmation of Brett Talley to the U.S. District Court for the Middle District of Alabama](#), The Leadership Conference on Civil and Human Rights (Nov. 8, 2017).

¹¹¹ The nominees listed in this section were all renominated by President Biden in two batches of renominations on January 3, 2023 and January 23, 2023. See Press Release, The White House, [Nominations Sent to the Senate](#) (Jan. 3, 2023) (on file with author) and Press Release, The White House, [Nominations Sent to the Senate](#) (Jan. 23, 2023) (on file with author).

¹¹² As of February 24, 2023, the Senate had confirmed three nominees listed in this section: Cindy Chung to the U.S. Court of Appeals for the Third Circuit (Pennsylvania), Adrienne Nelson to the U.S. District Court for the District of Oregon, and Daniel Calabretta to the U.S. District Court for the Eastern District of California.



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