



PRESIDENT
NAN ARON

CHAIR
PAULETTE MEYER

March 25, 2021

The Honorable Henry C. Johnson
Chairman
House Judiciary Committee
Subcommittee on Courts, Intellectual Property, and the Internet

Dear Chairman Johnson:

On behalf of the Alliance for Justice (AFJ), a national association representing over 120 public interest and civil rights organizations, I write to thank you for holding the hearing *The Importance of a Diverse Federal Judiciary* concerning the urgent need for more jurists of diverse professional and demographic backgrounds to serve on our federal courts. For four years, the Trump Administration confirmed hundreds of predominantly white, male, and too-often unqualified federal judges with disturbing records of undermining critical rights and legal protections — aided by his Republican allies in the Senate. As AFJ [made clear](#) in November, along with over 70 other organizations, it is more necessary than ever for President Biden and the Senate to reverse course by nominating and confirming demographically and professionally diverse jurists with a demonstrated commitment to equal justice.

Federal courts and the judges who serve on them are essential to the protection of our most important constitutional rights. Judges determine the scope and enforceability of protections for reproductive rights, health care, equal opportunity in the workplace and education, social and criminal justice, corporate accountability, and more. The judiciary is often the last defense for vulnerable Americans fighting for their civil rights and liberties.

Individuals in every industry and of all backgrounds bring their personal experiences to bear in their work. This breadth of experience is especially beneficial among judges sitting on federal courts. For everyday Americans, including from historically marginalized communities, having their disputes heard before judges of diverse racial, ethnic, and gender backgrounds inspires confidence in the fairness and equality of our judicial system. It is outrageous, as just one example, that there are no persons of color on the Seventh Circuit Court of Appeals, despite the fact that thirty percent of the circuit — which

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includes Chicago, Milwaukee, and Indianapolis — are racial minorities. The Eighth Circuit Court of Appeals has only had two women in its entire 152-year history (and only has one woman sitting on the court now). More jurists from underrepresented demographic backgrounds would decrease the mistrust that vulnerable members of our society have for our judicial institutions and would also strengthen our democracy and rule of law.

Judicial decision-making is enriched when the judges on a panel hear from colleagues with different professional backgrounds and career paths. A former corporate attorney will likely consider a given piece of evidence through a different lens than a former public defender. That multiplicity of perspectives will ultimately result in a more thorough and informed ruling. In 2014, AFJ published [Broadening the Bench: Professional Diversity and Judicial Nominations](#), a report on the need for greater professional diversity in a federal judiciary composed largely of jurists who spent most of their legal careers in private practice or as prosecutors. And, seven years later, it is even more imperative that those who have been public defenders and fought for equal justice — as advocates for workers’ rights, women’s rights, civil rights, LGBTQ rights, disability rights, consumers, immigrants, and environmental protections — also be represented on the federal bench.

Indeed, a more diverse bench improves the quality of decision-making. There are countless examples of the valuable contributions that minority perspectives bring to our judiciary through increased legitimacy of our institutions and more legally robust judicial opinions. Rulings and even dissents by celebrated Supreme Court Justices Thurgood Marshall and Ruth Bader Ginsburg are particularly illustrative of how underrepresented perspectives on the bench lead to greater interest in and respect for the judiciary among the public, more careful consideration of matters before the Court, and improved legal reasoning justifying answers to the most significant questions facing our society. The unique perspectives of these legal giants have been acknowledged and appreciated by their colleagues appointed by both political parties.

Justice Sandra Day O’Connor, for instance, reflected that while all justices “come to the court with our own personal histories and experiences, Justice Marshall brought a special perspective. His was the eye of a lawyer who saw the deepest wounds in the social fabric and used the law to heal them. His was the ear of a counselor who understood the vulnerabilities of the accused and established safeguards for their protection.” The jurisprudence that came out of the Supreme Court during Justice Marshall’s tenure benefited immeasurably not only from his perspective as the first Black American to serve on the high court, but also thanks to his decades of unique experience as an NAACP Legal Defense Fund lawyer.

It is long past time that Congress prioritizes the confirmation of underrepresented jurists who will similarly enhance the quality of judicial decision-making. Thank you again for holding this hearing to increase awareness of our judiciary’s desperate need for judges who reflect not only the diversity of race, sex, gender identity, sexual orientation, disability status, ethnicity, national origin, and socio-economic status, but also the broad spectrum of lawyers across the profession who advocate for clients with different legal needs from all walks of life.

AFJ applauds your commitment to ensuring our diverse nation is served by the equally diverse judiciary it deserves. We look forward to working with you in the coming years to advocate for the nomination and confirmation of highly qualified and demographically and experientially diverse nominees for the federal courts.

Sincerely,



Nan Aron
President