
December 8, 2023

The Honorable Richard Durbin
Chairman
Senate Committee on the Judiciary
Washington, DC 20510

The Honorable Lindsey Graham
Ranking Member
Senate Committee on the Judiciary
Washington, DC 20510

RE: Nomination of Nicole Berner for the United States Court of Appeals for the Fourth Circuit

Dear Chairman Durbin and Ranking Member Graham:

We at Whistleblower Aid write in strong support of President Biden's nomination of Nicole Berner to serve as a Circuit Judge on the United States Court of Appeals for the Fourth Circuit.

Our non-profit legal organization supports public interest whistleblowers and have had the honor of working with your committee in the past - most recently the hearing with Peiter "Mudge" Zatkos former security lead at Twitter (now X). Our clients are motivated by their consciences to inform superiors or the public of secrets they are forced to keep that are detrimental to the public and to our national security. Whistleblower Aid makes sure that the information makes its way to those who can then make informed decisions about policy, conduct investigations and have regulatory oversight over the matter. When appropriate, we work to ensure the public is made aware as well, as was the case with Frances Haugen and her evidence that Facebook knew the harm it was subjecting its youngest users to.

We know Ms. Berner to be a strong advocate for working people and a highly skilled lawyer. Ms. Berner has a deep understanding of the statutes that protect whistleblowers - and the courage it takes to risk everything to refuse the complicity of silence. Given the importance of whistleblowers in corporate America, in the government and for our democracy, having a person with her understanding of the law would be an invaluable asset on the court.

Ms. Berner has demonstrated a breadth of knowledge, work ethic, and temperament that will serve her well as an appellate judge.

For all these reasons, we believe Ms. Berner is highly qualified to serve on the Fourth Circuit and will be an excellent appellate judge and urge her swift confirmation.

Respectfully,



Chief Executive Officer

Whistleblower Aid