

April 26, 2022

VIA EMAIL

The Honorable Dick Durbin  
Chair  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C., 20510

The Honorable Chuck Grassley  
Ranking Member  
Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, D.C., 20510

Re: *Letter in Support of Nancy Abudu for the U.S Court of Appeals for the Eleventh Circuit*

Dear Chairman Durbin and Ranking Member Grassley,

We are writing on behalf of the National Women’s Law Center (the “Law Center”) and the undersigned gender justice organizations to express our support for the nomination of Nancy Abudu to the United States Court of Appeals for the Eleventh Circuit. Ms. Abudu is a legal luminary with a demonstrated commitment to equal justice under law and we urge the Senate to grant her respectful consideration and the swift confirmation she deserves.

Nancy Abudu is a distinguished attorney with a deep understanding of the impact of laws and the Constitution on the rights of women, girls, people of color and LGBTQ+ people and is incredibly qualified to serve on the Eleventh Circuit. Throughout her career, Ms. Abudu has demonstrated a tireless commitment to upholding the Constitutional rights of all people and safeguarding democracy. Ms. Abudu is a renowned voting rights expert, currently serving as the Deputy Legal Director and Director for Strategic Litigation at the Southern Poverty Law Center, where she protects the right of all Americans to vote.<sup>1</sup> Prior to joining SPLC, Ms. Abudu served as a Senior Staff Attorney for the ACLU’s Voting Rights Project.<sup>2</sup> She has also penned a chapter in *America Votes!: Challenges to Modern Election Law and Voting Rights*,<sup>3</sup> and was called to testify before the United States’ House of Representative’s Subcommittee on Elections.<sup>4</sup> And as the Legal Director for the ACLU of Florida, she fought to protect a range of fundamental rights for women and LGBTQ+ people. Additionally, Ms. Abudu has litigated extensively at the federal appellate level, including before the Eleventh Circuit, and has submitted over 80 briefs to the United States Supreme Court.<sup>5</sup> Ms. Abudu’s deep expertise on Constitutional rights,

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<sup>1</sup> *Nancy Abudu: Strategic Litigation Director*, Southern Poverty Law Center (accessed Apr. 20, 2022) [Nancy Abudu | Southern Poverty Law Center \(splcenter.org\)](#)

<sup>2</sup> *Id.*

<sup>3</sup> AMERICA VOTES: CHALLENGES TO MODERN ELECTION LAW AND VOTING RIGHTS (Benjamin E. Griffith & John Hardin Young eds., 4th Ed. 2019).

<sup>4</sup> *Voting Rights and Election Administration in Alabama: Hearing Before the Subcomm. On Elections of the H. Comm. On Admin.*, 116th Cong. (2019) (statement of Nancy Abudu). <https://www.govinfo.gov/content/pkg/CHRG-116hhrg38128/html/CHRG-116hhrg38128.htm>

<sup>5</sup> *Nancy G. Abudu Fact Sheet*, Alliance for Justice (Jan. 26, 2022) [Nancy G. Abudu Fact Sheet — AFJ](#)

including voting rights, attest to her commitment to safeguarding democracy and ensuring that the fundamental right are protected for all Americans.

In addition to the tremendous legal expertise and commitment to equal justice for all Ms. Abudu would bring to the Eleventh Circuit, she also brings much needed professional, gender and racial diversity to the appellate bench. If confirmed, Ms. Abudu would be the first Black woman and the second woman of color to serve on the Eleventh Circuit Court of Appeals.<sup>6</sup> The underrepresentation of Black women and other women of color on the Eleventh Circuit is incredibly concerning. The Eleventh Circuit covers Florida, which is 17% Black and 47% people of color,<sup>7</sup> Alabama which is 27% Black and 35% people of color,<sup>8</sup> and Georgia, which is 33% Black and 48% people of color,<sup>9</sup> and yet **not one of the 40 judges** to ever serve on that court has been a Black woman.<sup>10</sup> Moreover, lawyers who've spent the bulk of their careers at civil rights and liberties nonprofit organizations, like Ms. Abudu, are vastly underrepresented on the federal bench.<sup>11</sup> As of 2021, only 20 of 880 federal judges possessed civil liberties litigation experience.<sup>12</sup> Confirming Ms. Abudu to the Eleventh Circuit Court of Appeals is an important step in ensuring that the Eleventh Circuit reflects the diversity of the people that it serves.

Ms. Abudu is one of the brightest legal minds in our nation and has spent her career pursuing equal justice for all to protect the rights of women, people of color, and LGBTQ+ people. Additionally, her confirmation would bring desperately needed racial and gender diversity to both the Eleventh Circuit and the federal bench. The Law Center and the undersigned gender justice organizations respectfully urge the Senate to swiftly confirm Nancy Abudu to the U.S. Court of Appeals for the Eleventh Circuit. Please feel free to contact Erinn Martin, Director of Nominations and Cross-Cutting Policies, at [erinnmartin@nwlc.org](mailto:erinnmartin@nwlc.org) should you have any questions.

Sincerely,

The National Women's Law Center

Alliance for Justice

Catholics for Choice

Clearinghouse on Women's Issues

Cobalt

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<sup>6</sup> *Biographical Directory of Article III Federal Judges, 1789-Present*, Federal Judiciary Center (2022), *Biographical Directory of Article III Federal Judges, 1789-present* | Federal Judicial Center ([fjc.gov](http://fjc.gov))

<sup>7</sup> *QuickFacts Florida*, United States Census Bureau (July 1, 2021) U.S. Census Bureau QuickFacts: Florida

<sup>8</sup> *QuickFacts Alabama*, United States Census Bureau (July 1, 2021) U.S. Census Bureau QuickFacts: Alabama

<sup>9</sup> *QuickFacts Georgia*, United States Census Bureau (July 1, 2021) U.S. Census Bureau QuickFacts: Georgia

<sup>10</sup> *Biographical Directory of Article III Federal Judges, 1789-Present*, Federal Judiciary Center (2022), *Biographical Directory of Article III Federal Judges, 1789-present* | Federal Judicial Center ([fjc.gov](http://fjc.gov))

<sup>11</sup> Clark Neily, *Are a Disproportionate Number of Federal Judges Former Government Advocates?*, Cato Institute (May 27, 2021) [Are a Disproportionate Number of Federal Judges Former Government Advocates?](https://www.cato.org/insights/commentary/are-a-disproportionate-number-of-federal-judges-former-government-advocates) | Cato Institute

<sup>12</sup> *Id.*

Disability Rights Education and Defense Fund  
Feminist Majority Foundation  
KWH Law Center for Social Justice and Change  
MS Black Women's Roundtable  
NARAL Pro-Choice America  
National Council of Jewish Women  
Pro-Choice Oregon  
Religious Coalition for Reproductive Choice  
Reproaction  
UltraViolet  
URGE: Unite for Reproductive & Gender Equity