



April 26, 2022

United States Senate
Washington, DC 20510

Re: Support for the Nomination of Natasha Merle to the United States District Court for the Eastern District of New York

Dear Senator:

On behalf of the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee"), we urge you to support the nomination of Natasha Merle to the United States District Court for the Eastern District of New York. The Lawyers' Committee is one of the nation's leading nonprofit civil rights legal organizations, founded in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and securing equal justice under law. For nearly sixty years, the Lawyers' Committee has been at the forefront of many of the most significant cases to advance racial equality and secure equal justice. Our mission and history make our organization uniquely qualified to comment on this nomination.

Natasha Merle is a champion for equal justice under law and exceptionally well-qualified to serve as a judge for the Eastern District of New York. As the Deputy Director of Litigation at NAACP Legal Defense Fund, where she has spent the last six years of her career, she has led extensive litigation and advocacy across the country to ensure equal justice under the law. Before assuming her role at NAACP-LDF, she spent a year as a law clerk for Judge John Gleeson of the Eastern District of New York, and a year as an Assistant Federal Public Defender for the District of Arizona, where she worked primarily on capital habeas cases. Her federal court experience initially began as a law clerk for Judge Robert Carter of the Southern District of New York between 2008 and 2009. Ms. Merle graduated *cum laude* from New York University School of Law, and obtained her undergraduate degree with Honors in Spanish and Government from University of Texas at Austin.

Members of the Lawyers' Committee team have had the pleasure of working closely with Ms. Merle, engaging in countless hours of discussion pertaining to civil rights, criminal justice, and voting rights issues. A New Yorker with Southern roots, Ms. Merle is often the smartest person in the room, and also the most courteous, kind, and empathetic. Throughout her career, Ms. Merle has exhibited a deep knowledge of the law, strategic thinking, and the kind of even-keeled legal analysis that will serve her well as a federal judge.

As a civil rights attorney, Ms. Merle would bring much-needed professional diversity to the federal appellate bench. Currently, only 33 federal judges out of 661 in

total are former civil rights advocates.¹ Civil rights attorneys play an essential role in our legal system to ensure that all individuals' fundamental rights are protected, especially the rights of people of color, women, people with disabilities, and LGBTQ+ people. The federal judiciary should reflect the diversity of the legal profession and include more judges who have experience representing and protecting the rights of people who are marginalized in our society.

To ensure the federal courts remain impartial, committed to the rule of law and trusted by the American public, the Senate must confirm highly qualified judges from across the legal profession that represent the vast racial and ethnic diversity present in the United States. Currently, the federal judiciary lacks racial, ethnic, and gender diversity. People of color are forty percent of the population but are only twenty-nine percent of federal judges.² Additionally, women make up roughly half of the population, but less than thirty-six percent of active Article III judges.³ In the Eastern District of New York, these trends continue as fifty percent of the sitting judges are white.⁴ If confirmed, Ms. Merle would be joining only two other sitting Black judges in the Eastern District of New York, a district that is roughly 19% Black.⁵

Ms. Merle's extensive record and measured approach to the law make her preeminently qualified to serve on the United States District Court for the Eastern District of New York. She was also a member of the prevailing legal team in *Buck v. Davis*, which was a case argued before the United States Supreme Court that overturned an individual's death sentence because it was poisoned with the "toxin" of racial bias.⁶ Ms. Merle was also heavily involved with LDF's lawsuit against Alabama's insidious voter ID law which, unfortunately, ended at the Eleventh Circuit in the State's favor, but is emblematic of her continued dedication to securing voting rights.⁷ Ms. Merle's commitment to upholding the fundamental right to vote and equal justice under law is exemplary as it is an essential duty of our federal judiciary.

¹ Clark Neily, *Are a Disproportionate Number of Federal Judges Former Government Advocates*, CATO INST. (May 27, 2021), <https://www.cato.org/study/are-disproportionate-number-federal-judges-former-government-advocates>; Samantha Cyrulnik-Dercher, *Building an Equal Justice Judiciary: Progress During the Biden Administration*, The Leadership Conference on Civil and Human Rights. (April 14, 2022), <http://civilrightsdocs.info/pdf/policy/letters/2021/Biden%20Progress%2011.2.2021.pdf>.

² "Biographical Directory of Article III Federal Judges, 1789-present." *Federal Judicial Center*. <https://www.fjc.gov/history/judges>; Clark Neily, *Are a Disproportionate Number of Federal Judges Former Government Advocates?*, CATO INST. (May 27, 2021), <https://www.cato.org/study/are-disproportionate-number-federal-judges-former-government-advocates#procedure-findings>.

³ "Diversity of the Federal Bench," American Constitution Society, Diversity of the Fed. Bench (2022), <https://www.acslaw.org/judicial-nominations/diversity-of-the-federal-bench/>.

⁴ *Id.*

⁵ U.S. Census Bureau (2020). *American Community Survey*. Retrieved from <https://data.census.gov/cedsci/table?g=0500000US36047,36059,36081,36085,36103&tid=ACSST5Y2020.S0501>.

⁶ See 137 S.Ct. 759, 777 (2017).

⁷ *Case: Greater Birmingham Ministries v. Alabama*, NAACPLDF (June 1, 2021), <https://www.naacpldf.org/case-issue/greater-birmingham-ministries-v-alabama/>.

Thank you for your consideration of our support of the nomination of Natasha Merle to serve on the United States District Court for the Eastern District of New York. We urge the Senate to swiftly confirm Ms. Merle. We welcome the opportunity to discuss her nomination with your office further; if you have any questions or concerns, please contact Demelza Baer, Director of Public Policy, at dbaer@lawyerscommittee.org, or Alex Ault, Policy Counsel, at aault@lawyerscommittee.org.

Sincerely,



Damon T. Hewitt
President & Executive Director
Lawyers' Committee for Civil Rights Under Law



Demelza Baer
Director of Public Policy
Lawyers' Committee for Civil Rights Under Law