



April 27, 2021

United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Grassley, and Committee Members:

On behalf of our 1.5 million supporters nationwide, People For the American Way enthusiastically supports the nomination of Candace Jackson-Akiwumi to the Seventh Circuit Court of Appeals. Her brilliance, her experience, and her demonstrated commitment to civil rights make her an excellent choice who will help inspire confidence in the courts.

From her early years to her current position as a partner at Zuckerman Spaeder, Candace Jackson-Akiwumi's entire career demonstrates a pattern of excellence and a commitment to equal justice. Jackson-Akiwumi graduated from Princeton University with honors in 2000. At Yale Law School, she was a Senior Editor of the *Yale Law Journal* and an NAACP LDF Earl Warren Legal Scholar, graduating in 2005. She then had two clerkships, one for Judge David H. Coar of the United States District Court for the Northern District of Illinois, and another for Fourth Circuit Judge Roger L. Gregory. Jackson-Akiwumi then spent three years as an associate at Skadden Arps in Chicago, practicing complex litigation in both state and federal court at both the trial and appellate level. While representing the firm's clients, she also maintained a strong pro bono practice. She dedicated 30 percent of her time to giving vital legal assistance to disadvantaged people in the areas of adoption, civil rights, criminal law, immigration, and tort matters.

At the age of 30, she left the law firm and began her decade-long service as a public defender that has been the hallmark of her career. Using her abilities to advance justice and fairness for all people, she represented indigent men and women in Illinois who were accused of crimes but who could not afford a lawyer. She stood with them to make sure their rights were not violated by prosecutors or law enforcement.

Public defenders play a vital and underappreciated role in protecting freedom, not only of defendants in criminal cases but of all people in the United States. We have given our government the power to take a person away from their homes, imprison them, and even execute them. That power is subject to terrifying abuse. So if our government is going to use that power against someone, it must do so in a way that complies with the safeguards set forth in the Bill of Rights. Otherwise, we make it easier for abusive government officials to take away anybody's liberty. That basic tenet of the United States

Constitution is vital to protecting all of us. Jackson-Akiwumi’s work defending indigent people accused of crimes has also gave her insight into how the system works in real life and often fails to serve justice—insight that circuit panels could use to make more informed decisions.

Jackson-Akiwumi’s groundbreaking work on “phony stash houses” provides an example. These are sting operations in which law enforcement—usually the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)—identify a confidential informant to recruit individuals to participate in the robbery of a fictional “stash house” that contains a substantial amount of drugs or cash. When the recruited individuals meet with the informant and an undercover ATF agent, their conversations are recorded, and they are told that the stash house is heavily armed and are encouraged to bring weapons. At an arranged “pre-meeting,” the targeted individual is arrested on charges relating to drugs, robbery, and firearms.<sup>i</sup> Seventh Circuit Judge Richard Posner has called this a “disreputable tactic . . . to increase the amount of drugs that can be attributed to the persons stung, so as to jack up their sentences.”<sup>ii</sup>

While representing two men charged in a “phony stash house” prosecution, Jackson-Akiwumi worked with counsel in related cases to identify and quantify the racial disparities in how ATF was bringing such cases in the Northern District of Illinois. Specifically, while the district’s adult population was approximately 18 percent Black, 11 percent Latinx, and 63 percent white, the defendants set up in phony stash house cases were 78.7 percent Black, 9.6 percent Latinx, and 11.7 percent white. Based on the evidence Jackson-Akiwumi presented in the case, Judge Rubén Castillo wrote that it is “time for these false stash house cases to end and be relegated to the dark corridors of our past.”<sup>iii</sup> Because of the work Jackson-Akiwumi has done on the issue, the U.S. Attorney for the Northern District of Illinois stopped bringing charges based on phony stash houses.<sup>iv</sup>

No current judge on the Seventh Circuit has had a career as a public defender. Jackson-Akiwumi would bring the court priceless insight into how the criminal justice works in real life. She would also help restore racial diversity to the Seventh Circuit. Because former President Trump filled all five vacancies on this court during his term with white judges, it has the dubious distinction of being the only geographic circuit court in the United States to have reverted back to an all-white bench. So Jackson-Akiwumi, who is Black, would enhance the racial as well as the professional diversity of the Seventh Circuit. The panels she would participate in would better understand the lived experiences of those whose cases come before them, enabling them to more effectively achieve justice and fairness.

Jackson-Akiwumi's impressive skills and experience make her among the nation's top lawyers. The U.S. Senate should take advantage of the opportunity President Biden has offered and confirm her to the Seventh Circuit.

Sincerely,

A handwritten signature in cursive script that reads "Marge Baker".

Marge Baker  
Executive Vice President

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<sup>i</sup> "Racial Profiling and Other Challenges in Stash House Cases," Candace R. Jackson, Staff Attorney, Federal Defender Program, 2014 Criminal Justice Act Annual Fall Criminal Defense Seminar, reproduced in Senate Jackson-Akiwumi Judiciary Committee Questionnaire response attachments at p. 796.

<sup>ii</sup> *U.S. Kindle*, 698 F.3d 401, 414 (7th Cir. 2012, Judge Posner concurring and dissenting).

<sup>iii</sup> *U.S. v. Brown*, 299 F. Supp. 3d 976, 983 (2018).

<sup>iv</sup> *Id.*, 984 n. 2.