



May 9, 2022

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 Northern District of Illinois Judge John Z. Lee to the Seventh Circuit Court of Appeals. When confirmed, he will become the first Asian American in history to serve on that court. His brilliance, his extensive legal experience, and the wisdom gained from his own life experiences combine to make him highly qualified to be an appeals court judge.

Lee was born in West Germany, the child of a coal miner and a nurse who had emigrated from South Korea. When he was a few months old, his parents went to America. While they worked to earn enough money to reunite their family, they sent him to be raised by his grandmother in South Korea. When he came to the United States at the age of four, he found himself in a new and unfamiliar country, where he did not speak the language at all. Though he had difficulties at first, he worked hard and excelled, eventually graduating from both Harvard undergraduate and Harvard Law School with honors.

His first job out of law school was in public service as a trial attorney at the Justice Department's Environment & Natural Resources Division. In 1994, he moved to Chicago and shifted to private practice. He expanded his legal practice to include complex commercial disputes, eventually becoming a partner at the firm of Freeborn & Peters.

During these years, he served as a board member and leader of the Coordinated Advice and Referral Program for Legal Services ("CARPLS"), a legal hotline serving more than 50,000 low-income clients in Cook County every year. He also helped establish a legal aid clinic based upon a partnership between CARPLS and his church. The clinic provides free legal services to low-income individuals in the Northwest suburbs, an area where legal aid services are scarce. He also helped lead Asian Human Services of Chicago, which provides mental health and community health services, employment training and placement services, and literary services to Asian American immigrants.

Lee returned to full-time public service when President Obama nominated him to be the first Korean American Article III judge in the Northern District of Illinois. His nomination had the bipartisan support of his home state senators, Democrat Dick Durbin and Republican Mark Kirk, and he was confirmed by voice vote in 2012.

During his ten years on the bench, Judge Lee has handled complex cases involving a wide variety of criminal and civil issues. For instance, he is currently overseeing multidistrict litigation against TikTok alleging that the company collected biometric information from its users without their consent in violation of state laws.<sup>i</sup> He has also ruled on cases involving constitutional issues. For instance, he struck down an Illinois law prohibiting political candidates from receiving contributions from medical cannabis cultivation centers and dispensaries. While recognizing the government's authority to regulate campaign contributions, he concluded that it does not have "free rein to selectively impose contribution restrictions in a manner that discriminates based on content or viewpoint."<sup>ii</sup>

Judge Lee has also sat by designation on several Seventh Circuit panels. In one notable dissent, he would have ruled in favor of a group of women inmates at an Illinois prison who were subjected to a strip search as part of a training exercise for cadet correctional officers. The plaintiffs were forced to stand with 8-10 other women in a room where they could be seen by others not conducting the searches, including male officers. The women sued, claiming the search had been unreasonable and unconstitutional under the Fourth Amendment.

The panel majority ruled that the women had no reasonable expectation of privacy from "visual inspection," as long as prison officials did not physically touch the women themselves. Therefore, they ruled, there was no need to determine if the search was reasonable. Judge Lee dissented, writing that people in prison have a legitimate expectation of privacy in the insides of their bodies and body cavities. On appeal, Lee was vindicated by the circuit *en banc*, which ruled that incarcerated individuals do not completely lose the right to bodily privacy when they are in prison.<sup>iii</sup>

Judge Lee will contribute the benefit of his own experiences as an Asian American immigrant to a court that has never had any AAPI member. He has spoken publicly of the importance of understanding the perspectives of people with different life experiences. A classics major in college, he cites Odysseus as a model:

[I]n order to become a "man of many wiles," Odysseus had to develop the ability to see a situation from different perspectives. He had to appreciate the fact that others may view the world differently, may have different experiences, and come from different backgrounds. To do this, he had to have the ability to realize that he was not always right. In other words, he had to have humility. ...

If diversity within this great country means anything, it is the value of having different people from different countries and different walks of life sharing their individual perspectives in the pursuit of a common goal. As Asian Americans, as immigrants, and as people of color, we can contribute significantly to the American dialogue by bringing the experiences that we have encountered as we have tried to navigate our own Odyssey in this country.<sup>iv</sup>

Judge Lee will ably serve the people of Seventh Circuit, and we urge his quick confirmation.

Sincerely,

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

Marge Baker  
Executive Vice President

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<sup>i</sup> In re TikTok, Inc., Consumer Privacy Litig., No. MDL No. 2948, 2021 U.S. Dist. LEXIS 188949 (N.D. Ill. Sep. 30, 2021).

<sup>ii</sup> Ball v. Madigan, 245 F. Supp. 3d 1004 (N.D. Ill. 2017).

<sup>iii</sup> Henry v. Hulett, 930 F.3d 836 (7th Cir. 2019) (Lee, J., dissenting), vacated, 788 F. App'x 387 (7th Cir. 2019), on rehearing, 969 F.3d 769 (7th Cir. 2020) (*en banc*).

<sup>iv</sup> Remarks for Asian Heritage Week Annual Dinner, Asian Pacific American Law Students Association, Northwestern University Pritzker School of Law, March 2017, reproduced in Senate Judiciary Questionnaire attachments at 449-450.