



January 26, 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 Nancy Abudu to the Eleventh Circuit Court of Appeals. When confirmed, she will become the first Black woman in history to serve on that court. Having dedicated her career to ensuring that no one is deprived of the protections guaranteed by the law, she will now bring that commitment to justice and fairness with her to the courtroom.

Nancy Abudu's parents immigrated to the United States from Ghana. She has spoken of being inspired by her father, who had advocated for the release from prison of people whose only "crime" was demanding the right to vote and having a say in their own lives and in the life of their nation. She graduated from Columbia University in 1996 and, three years later, she graduated with honors from Tulane University School of Law. She began her legal career in New York at the prestigious firm of Skadden Arps, defending large corporations in complex multistate litigation. While at the firm, she became a Skadden Extern in the Harlem office of the Legal Aid Society of New York, representing victims of domestic violence in family court.

Moving to Georgia in 2002, she spent two years as a staff attorney for the Eleventh Circuit, the court on which she has now been nominated to serve. While there, she reviewed appeals covering a wide range of legal issues, including criminal justice, prison conditions, and employment discrimination. She then spent a year and a half as a full-time, stay-at-home parent.

Resuming her legal career in 2005, she soon became a litigator with the American Civil Liberties Union's Voting Rights Project in Atlanta. No individual right is mentioned more often in the United States Constitution than the right to vote. It is a subject of the Fourteenth, Fifteenth, the Nineteenth, the Twenty-Fourth, and the Twenty-Sixth Amendments. Its prominence in the Constitution reflects its importance in our society: Ultimately, it is the core right undergirding all others.

Expanding her areas of constitutional experience, Abudu then spent five years as Legal Director of the ACLU of Florida, both managing and handling litigation in critically important areas such as freedom of speech, religious liberty, education, criminal justice, and employment law.

Since 2019, she has served as Deputy Legal Director for the Southern Poverty Law Center, where she helped establish its Voting Rights Practice Group. Simultaneously, she also serves as the SPLC's Director for Strategic Litigation. Her areas of practice include voting rights, immigrants' rights, criminal justice reform, children's rights, and LGBTQ+ rights.

Abudu has dedicated her career and her formidable legal skills to helping those without wealth and power access the courts to protect their constitutional and legal rights, especially the right to vote. These include Rosemary McCoy and Sheila Singleton, two formerly incarcerated Black women in Florida whose convictions prevent them from getting the kinds of jobs that would let them earn enough to pay the fees, fines, and restitution the legislature requires be paid for their right to vote to be restored. Abudu argued that since Black women face demonstrably greater obstacles to fully paying off legal financial obligations than do any other group, the legislature's restitution requirement violates the Constitution.ⁱ

Abudu recognizes the many ways that racial discrimination can manifest itself in society, including in practices that may appear to some as racially neutral. For instance, when six-year-old Clinton Stanley (C.J.) arrived for school on his first day of first grade, the school turned him away because he had locs—a hairstyle disproportionately worn by Black students. Abudu was part of an ACLU-NAACP Legal Defense and Education Fund legal team that filed a complaint with Florida officials, defending C.J.'s legal right to an education free from racial discrimination.ⁱⁱ She recognized the ugly historical pattern being played out, which made this about much more than just hair: “The framing of black features, such as C.J.'s hair, as inferior has deep roots.”ⁱⁱⁱ

Abudu also helped Kate Calvin, a registered voter living in Jefferson County, Florida, whose right to vote under the Supreme Court's “one person, one vote” doctrine was unconstitutionally diluted by a county gerrymandering scheme involving a local prison.^{iv} She went to court for Benjamin Newmark, an employee of the Collier County Sheriff's Office and a Chasidic Jew who claimed his supervisors routinely scheduled him to work on Saturdays, tried to pressure him into eating pork and non-Kosher foods, and routinely mocked his yarmulke.^v She argued for Derrick Issac Brown and other Muslim inmates in the Miami-Dade county jail, which made dietary accommodations for Christian and Jewish individuals but would not provide halal meals.^{vi}

Throughout her career, Nancy Abudu has demonstrated a deep understanding of how the law impacts people's lives and an unbreakable commitment to recognizing the rights of all people, regardless of their politics or background. An experienced litigator before and within the Eleventh Circuit, she knows the court system there well, and she has extensive experience addressing the many complex legal matters she would be called upon to address as a judge.

She will also bring a much-needed perspective to a court that has only one Black judge among its 20 active and senior judges, and which has never before had a Black woman.

We urge the Senate to quickly confirm Nancy Abudu to the Eleventh Circuit Court of Appeals.

Sincerely,

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

Marge Baker
Executive Vice President

ⁱ *McCoy v. DeSantis*, 15 F.4th 1062 (11th Cir. 2021).

ⁱⁱ *Complaint of Clinton Stanley Jr. and his parents*, Nov. 29, 2018, <https://www.naacpldf.org/wp-content/uploads/11.29.2018-Stanley-Complaint-002.pdf>.

ⁱⁱⁱ "Private school's rejection of boy with locs was wrong," Nancy Abudu, *Orlando Sentinel*, Dec. 18, 2018, <https://www.orlandosentinel.com/opinion/os-op-locs-private-schools-nancy-abudu-20181215-story.html>.

^{iv} *Calvin v. Jefferson County Board. of Commissioners*, 172 F. Supp. 3d 1292 (N.D. Fla. 2016).

^v *Newmark v. Rambosk*, No. 2: 15-cv-00263 (M.D. Fla. 2017).

^{vi} *CAIR Fla., Inc. v. Miami-Dade County*, No. 1:15-cv-23324, Dkt. 76-1 (S.D. Fla. 2015).