

July 22, 2013

The Honorable Patrick J. Leahy, Chair
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Charles Grassley, Ranking Member
Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, D.C. 20510

Re: *Nomination of Cornelia T.L. Pillard to United States Court of Appeals for the District of Columbia Circuit*

Dear Chairman Leahy and Ranking Member Grassley:

We, the undersigned, have served in the U.S. armed forces and have worked to ensure that the military is able to take full advantage of the talents of dedicated women who wish to serve their nation. We write in strong support of the nomination of Cornelia (Nina) Pillard to the U.S. Court of Appeals for the District of Columbia Circuit.

Nina Pillard has exceptional credentials, a broad range of legal experience, and a reputation for being thoughtful and fair-minded. She has litigated at all levels of the federal courts, including the Supreme Court, where she has argued nine cases. Ms. Pillard is currently a tenured law professor at Georgetown University Law Center, where she has taught constitutional law, civil procedure, employment law and policy, and international and transnational law over the last fifteen years.

Throughout her career, Professor Pillard has dedicated herself to advancing principles of equality. She joined the NAACP Legal Defense and Education Fund, the organization that litigated *Brown v. Board of Education*, and litigated civil rights cases for five years. She later vindicated a state employee's right to take unpaid leave to care for his ailing wife under the Family and Medical Leave Act (FMLA), in *Nevada Department of Human Resources v. Hibbs*, 538 U.S. 721 (2003), successfully arguing that the FMLA was intended to remedy discriminatory assumptions that women are family caregivers.

We want to highlight Professor Pillard's role in one case that is emblematic of that dedication and has particular significance for us: *United States v. Virginia*, 518 U.S. 515 (1996). Although the military service academies had admitted women since the 1970s, the Virginia Military Institute (VMI), a public college in Virginia that has a tradition of an intensely disciplined "adversative" educational training, including barracks, uniforms, and a military-style hierarchy for students, did not. Many VMI graduates did, and continue to, enter military service after graduation.

While an Assistant in the U.S. Solicitor General’s office, Professor Pillard wrote the legal briefs that challenged VMI’s exclusion of women. She crafted the arguments that the failure to admit women violated the Equal Protection Clause of the U.S. Constitution. The briefs argued that VMI lacked a persuasive justification for excluding women, and instead relied on stereotypes about whether women could succeed in VMI’s unique educational environment. In particular, the briefs contended that “[t]he continued exclusion of women from VMI . . . imparts the impermissible message that, as a matter of official policy, Virginia continues to believe that women are not suited for rigorous military training, or for military service or other leadership positions that require such training.” The Supreme Court agreed: in a 7-1 decision, it found VMI’s exclusion of women to be unconstitutional. The majority opinion stated unequivocally that “generalizations about ‘the way women are,’ estimates of what is appropriate for *most* women, no longer justify denying opportunity to women whose talent and capacity place them outside the average description.”

Our experience advocating for the full participation of women in the armed forces has shown us that women, indeed, are suited for rigorous military training, service, and leadership. Our military and our nation benefit when both women and men are able to fully contribute to the defense of our country. We support Professor Pillard’s nomination because her accomplishments and credentials demonstrate that she has the qualifications to be a federal appellate judge, and because her dedication to principles of equality demonstrates that she will be a great one. We urge you to give her a swift and fair hearing, and vote to approve her nomination.

Sincerely,

Nancy R. Adams, Major General, USA (Ret.), RN, MSN, FAAN, Ft. Lauderdale, FL
Julia J. Cleckley, Brigadier General, ARNG (Ret.), Fredricksburg, VA
Gina S. Farrisee, Major General, USA (Ret.), Burke, VA
Evelyn “Pat” Foote, Brigadier General, USA (Ret.), Accokeek, MD
Claudia J. Kennedy, Lieutenant General, USA (Ret.), Hilton Head Island, SC
Dennis J. Laich, Major General, USA (Ret.), Powell, OH
Gale S. Pollock, Major General, USA (Ret.), CRNA, FACHE, FAAN, Falls Church, VA
Wilma L. Vaught, Brigadier General, USAF (Ret.), Falls Church, VA
Mary A. Baldy-Klotz, Lieutenant Colonel, NC, USA (Ret.), Dallas, TX
Margarethe Cammermeyer, Colonel, USAR (Ret.), Langley, WA
Marilla J. Cushman, Lieutenant Colonel, USA (Ret.), Springfield, VA
Sherry de Vries, Lieutenant Colonel, USMC (Ret.), Alexandria, VA
Debrah Feil, Lieutenant Colonel, NC, USA (Ret.), The Hills, TX
Elizabeth W. Fleming, Colonel, JA USAR (Ret.), Kodiak, AK
Norma L. Garrett, Colonel, USA (Ret.), San Antonio, TX
Lawrence Korb, Captain, USN (Ret.), Arlington, VA
Cindy McNally, Chief Master Sergeant, USAF (Ret.), Yorktown, VA
Robert (Mac) McNally, Chief Master Sergeant, USAF (Ret.), Yorktown, VA
Paul Mango, Pittsburgh, PA
Lory Manning, Captain, USN (Ret.), Arlington, VA
Debra D. Mark, Lieutenant Colonel, NC, USA (Ret.), Honolulu, HI

Stephanie Marshall, Colonel, USA (Ret.), Honolulu, HI
Joellen Oslund, Captain, USNR (Ret.), Castro Valley, CA
Dwayne Oslund, Captain, USNR (Ret.), Castro Valley, CA
Michael E. Pheneger, Colonel, USA (Ret.), Tampa, FL
Dawn S. Rucker, Captain, USA (Ret.), Gibsonia, PA
Katherine Scheirman, MD, Colonel, USAF (Ret.), Oklahoma City, OK
Loren Simpson, Command Sergeant Major, USA (Ret.), Virginia Beach, VA
Genie Davison Sorensen, Lieutenant Colonel, NC, USA (Ret.), Austin, TX
Alfonse P. Squitieri, Colonel, USA (Ret.), MD, FACS, DABU, Medford, NJ
Glenna L. Tinney, Captain, MSC, USN (Ret.), Alexandria, VA

Cc.: Senate Judiciary Committee