

April 28, 2022

VIA EMAIL

United States Senate
Washington, D.C. 20003

Re: *Letter in Support of Mr. Dale Ho for the U.S. District Court for the Southern District of New York*

Dear Senator:

On behalf of the National Women’s Law Center (the “Law Center”), I write to express support for the confirmation of Mr. Dale Ho to the U.S District Court for the Southern District of New York. The Law Center fights for gender justice – in the courts, in public policy, and in society – working across the issues that are central to the lives of women and girls. The Law Center uses the law in all its forms to change culture and drive solutions to the gender inequity that shapes society and to break down the barriers that harm women and girls – especially those who face multiple forms of discrimination, including women of color, LGBTQ people, and low-income women and families. For nearly 50 years, the Law Center has been on the leading edge of every major legal and policy victory for women.

Dale Ho is an experienced litigator with an unwavering commitment to civil rights and equal justice under the law. First at the NAACP’s Legal Defense and Education Fund (“LDF”) and later at the ACLU’s Voting Rights Project, Mr. Ho has worked tirelessly to defend Americans’ essential right to vote. As a result, Mr. Ho has worked on some of the most significant voting rights cases in American history. At LDF, Mr. Ho was a member of the litigation team which represented Black voters in the watershed *Shelby County v. Holder*.¹² At the ACLU, Mr. Ho served as the lead attorney in *Fish v. Kobach*, a landmark win for voting rights, where he successfully challenged a Kansas law requiring residents to show a birth certificate or passport before registering to vote.³ Twice, Mr. Ho’s commitment to protecting democracy and voting rights has brought him before the United States Supreme Court. First, in *Department of Commerce v. New York*, Mr. Ho succeeded in blocking the Trump Administration’s efforts to include a citizenship question in the United States Census.⁴ Second, in *Trump v. New York*, Mr. Ho argued against the Trump Administration’s exclusion of undocumented immigrants from the population count which apportions membership in the

¹ 570 U.S. 529 (2013).

² *Re: The Nomination of Mr. Dale Ho to the district court for the Southern District of New York*, NAACP Legal Defense and Education Fund (Nov. 30 2021), https://www.naacpldf.org/wp-content/uploads/Dale-Ho-Letter-of-Support_FINAL_-Letterhead.pdf.

³ 840 F.3d 710 (10th Cir. 2016).

⁴ 139 S. Ct. 2551 (2019).

House of Representatives.⁵ Mr. Ho's role in the above four cases demonstrates not only his skill in litigation but also his deeply held commitment to equal justice and protecting the rights of all Americans.

Mr. Ho is also very well-respected within the legal community. In 2020, Mr. Ho was honored with the Asian Law Alliance Legal Impact Award and in 2019, he received the National Asian Pacific American Bar Association ("NAPABA") President's Award.⁶ Moreover, in 2017, Mr. Ho was named one of the best Asian American Lawyers under 40 by NAPABA.⁷ These accolades, and indeed, Mr. Ho's entire career history, illustrate his unwavering commitment to protecting the constitutional rights and civil rights of vulnerable communities. Such a commitment makes Mr. Ho an outstanding candidate to serve the American people as a federal judge.

Importantly, Mr. Ho's personal background and professional experience will add much needed diversity to the Southern District of New York and to the federal judiciary as a whole. Despite comprising 5.7% of the American population,⁸ only 2.8% of federal judges are Asian American.⁹ Mr. Ho would be only the third Asian American to ever serve on the U.S. District Court for the Southern District of New York, which hears cases from Manhattan, NY where 13% of the population is Asian American,¹⁰ meaning that he would bring desperately needed racial diversity to the bench. In addition, Mr. Ho would be one of the few federal judges appointed to the bench directly from a nonprofit civil liberties organization, bringing a diversity of professional background and of perspective to the federal judiciary.

During his hearing before the Senate Judiciary Committee, Mr. Ho demonstrated a commitment to equal justice under the law and an even temperament that would serve him admirably on the federal bench. Mr. Ho answered the Senate Judiciary Committee's questions clearly, comprehensively, and in full, displaying his deep expertise and knowledge of the Constitution. Throughout his hearing, Mr. Ho maintained his composure, exhibiting a grace under pressure that is a vital characteristic for any judge. Mr. Ho's intelligence, temperament, and extensive litigation experience make him an immensely qualified candidate for the Southern District of New York.

⁵ 141 S. Ct. 530 (2020).

⁶ Dale Ho, Senate Judiciary Committee Questionnaire.

⁷ Dale Ho, Senate Judiciary Committee Questionnaire.

⁸ Office of Minority Health, *Profile: Asian Americans*, U.S. Department of Health and Human Services, [Asian American - The Office of Minority Health \(hhs.gov\)](https://www.hhs.gov/ashpe/themes/health/our-work/2017-profile/asian-americans)

⁹ American Bar Association, *Diversity on the Federal Bench*, ABA Profile of the Legal Profession (2021), [Judges – ABA Profile of the Legal Profession \(abalegalprofile.com\)](https://www.abalegalprofile.com/).

¹⁰ The City of New York Department of City Planning, *2020 Census Results for New York City: Key Population & Housing Characteristics* (Aug. 2021), available at https://www1.nyc.gov/assets/planning/download/pdf/planning-level/nyc-population/census2020/dcp_2020-census-briefing-booklet-1.pdf.

The Law Center offers its support of the nomination of Dale Ho to serve on the United States District Court for the Southern District of New York and urges the Senate to quickly approve his nomination. Please feel free to contact me, or Erinn D. Martin, Director of Nominations & Cross-Cutting Policies, at erinnmartin@nwlc.org should you have any questions. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Fatima Goss Graves". The signature is written in a cursive style and is enclosed within a thin blue rectangular border.

Fatima Goss Graves
President and CEO