

June 21, 2023

VIA EMAIL

United States Senate
Washington, D.C. 20003

Re: *Letter in Support of Ms. Natasha Merle for the United States District Court for the Eastern 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 Ms. Natasha Merle to the United States District Court for the Eastern 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 over 50 years, the Law Center has been on the leading edge of every major legal and policy victory for women.

Ms. Merle’s extensive experience in civil rights and public interest law, and commitment to equal justice, make her well suited for the United States District Court for the Eastern District of New York. She presently serves as the Deputy Director of Litigation at the NAACP Legal Defense and Education Fund, Inc., where she also previously served as a Fellow, Assistant Counsel and Senior Counsel. At LDF she uses a coordinated litigation, policy, and public education strategy to advance racial justice in criminal justice, voting rights, and education opportunities.¹ Prior to her time at LDF, she completed two years at Fried, Frank, Harris, Shriver & Jacobson LLP as an LDF/Fried Frank Fellow, working on complex commercial and civil rights litigation.² Natasha Merle has also worked as an Equal Justice Work Fellow/Staff Attorney at the Gulf Region Advocacy Center—a Houston-based charity that provides high quality capital defense to indigents facing the death penalty.³ After graduating from University of Texas at Austin (B.A.) and from New York University School of Law (J.D.), she clerked for Judge Robert L. Carter of the United States District Court for the Southern District of New York and for Judge John Gleeson of the United States District Court for the Eastern District of New York.⁴ Ms. Merle’s career-long dedication to civil rights and racial justice reflects her commitment to equal justice for all—well-equipping her to be a fair and impartial judge on the federal bench.

¹ LDF, “Natasha Merle,” <https://www.naacpldf.org/about-us/staff/natasha-merle/>.

² LDF, “Natasha Merle,” <https://www.naacpldf.org/about-us/staff/natasha-merle/>.

³ Grace Gulf Region Advocacy Center, “Home,” <http://gracelaw.org/home>.

⁴ The White House, “President Biden Names Thirteen Round of Judicial Nominees,” January 19, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/01/19/president-biden-names-thirteenth-round-of-judicial-nominees/>.

Ms. Merle’s impressive legal career spans over a large swath of public service roles—most notably representing individuals in the criminal justice system.⁵ Her work in the criminal justice system began at Gulf Region Advocacy Center where she represented individuals who were facing re-sentencing on capital murder convictions.⁶ Ms. Merle continued her work in the criminal justice system as an Assistant Public Defender for the Capital Habeas Unit of the Federal Public Defender for the District of Arizona.⁷ Additionally, Ms. Merle was part of the *Buck v. Davis* team at LDF that successfully advocated before the Supreme Court on behalf of Mr. Duane Edward Buck, a death-sentenced individual.⁸ Her background in defending the rights of low-income people accused of crimes and in working to ensure that the rights of all are protected would bring an important perspective to the federal bench.

Ms. Merle’s commitment to the Constitution and our democracy is also reflected in her work protecting our fundamental right to access fair and free elections—including for voters of color experiencing disfranchisement. She is the lead counsel on the *LDF et al. v. Trump et al.*, a lawsuit that challenges the creation of the Presidential Advisory Commission on Election Integrity. LDF argued that the Commission was created with the intent to discriminate against voters of color, in violation of the Constitution.⁹ In 2016, she led efforts to enhance voting rights education for the public through the Prepared to Vote campaign at LDF, which focuses on equipping voters with important information about how to comply with election laws and enables LDF to monitor and respond to instances of discrimination.¹⁰ Ms. Merle’s demonstrated commitment to protecting our democracy and upholding the rights of all under the Constitution would serve her well on the U.S. District Court for the Eastern District of New York.

In addition to Ms. Merle’s immense experience and commitment to equal justice, if confirmed, she would increase gender, racial and professional diversity on the federal bench. If confirmed, she would be just the fourth Black woman judge to serve on the Eastern District of New York. Black women have historically been overlooked from serving on the federal bench with Black women comprising fewer than 2% of people who have ever served as federal judges.¹¹ When judges reflect the rich diversity of our country, public trust in our judiciary is strengthened. Additionally, Ms. Merle’s years of experience as a civil rights attorney and public defender protecting and defending the fundamental rights of all people will bring much needed professional diversity and a deep understanding of the impact of our laws and the Constitution on our lives.

⁵ Merle Senate Judiciary Questionnaire,

<https://www.judiciary.senate.gov/imo/media/doc/Merle%20SJQ%20Public.pdf>.

⁶ *Id.*; LDF, “Natasha Merle,” <https://www.naacpldf.org/about-us/staff/natasha-merle/>.

⁷ *Id.*

⁸ The *Buck v. Davis* case challenged the racially discriminatory death sentence imposed on Mr. Duane Edward Buck—largely attributed to ineffective counsel and testimony by a psychologist that said Mr. Buck would likely commit criminal acts of violence in the future because he is Black. The Supreme Court ruled 6-2 in favor of Mr. Buck finding his death sentence unconstitutional. LDF, “Natasha Merle,” <https://www.naacpldf.org/about-us/staff/natasha-merle/>; LDF, “Criminal Justice, Case: Buck v. Davis,” <https://www.naacpldf.org/case-issue/duane-buck-sentenced-death-black/>.

⁹ LDF, “Political Participation, Case: LDF v. Trump,” <https://www.naacpldf.org/case-issue/ldf-v-trump/>.

¹⁰ LDF, “Political Participation, Case: Prepared to Vote,” <https://www.naacpldf.org/case-issue/prepared-to-vote/>.

¹¹ John Gramluch, “Black women account for a small fraction of the federal judges who have served to date,” Pew Research Center, <https://www.pewresearch.org/fact-tank/2022/02/02/black-women-account-for-a-small-fraction-of-the-federal-judges-who-have-served-to-date/#:~:text=Only%2070%20of%20the%203%2C843,arm%20of%20the%20federal%20judiciary.>

Throughout her Senate Judiciary Committee hearing, Mr. Merle displayed her impressive legal acumen and an even and decisive temperament befitting a judge.¹² She responded thoughtfully and respectfully to each question posed by the Senators.¹³ Additionally, Ms. Merle demonstrated her keen understanding of the Constitution and federal laws and commitment to equal justice for all. Her expertise, temperament and substantive legal experience would be a wonderful asset for the Eastern District of New York and our entire federal judiciary.

The Law Center offers its support of the nomination of Ms. Merle to serve on the U.S. District Court for the Eastern District of New York and urges the Senate to quickly approve her nomination. Please feel free to contact me or Erinn D. Martin, Director of Nominations & Cross-Cutting Policies, at (202) 588-7608 should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Fatima Goss Graves". The signature is written in a cursive style and is positioned above a thin horizontal line.

Fatima Goss Graves
President and CEO

¹² Senate Judiciary Committee, "Nominations Hearing," April 27, 2022, <https://www.judiciary.senate.gov/meetings/04/20/2022/nominations>.

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