

New York Office  
40 Rector Street,  
5th Floor  
New York, NY  
10006-1738



Washington, D.C.  
Office  
700 14th Street,  
NW, Suite 600  
Washington, D.C.  
20005

T 202.682.1300

F 202.682.1312

August 4, 2021

Senator Dick Durbin  
United States Senate  
711 Hart Senate Office Building  
Washington, D.C. 20510

Senator Chuck Grassley  
United States Senate  
135 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (“LDF”), I write to express the support of LDF for the nomination of Myrna Pérez, to serve as a judge on the Court of Appeals for the Second Circuit. This court is of particular importance to the Legal Defense Fund. Our founder, Thurgood Marshall, was nominated to this court in 1961, and served on the Second Circuit for four years until he was nominated to serve as the U.S. Solicitor General in 1965. He later became the first African American to sit on the United States Supreme Court. When Marshall was nominated to the seat on the Second Circuit, he brought with him a distinguished record as a ground-breaking, legendary civil rights lawyer. His accomplishments in the courtroom resulted in the most important transformative shift in our democracy in nearly 100 years. Marshall’s work, including his landmark win in *Brown v. Board of Education* in the U.S. Supreme Court, changed the course of American democracy, moving us closer to the promise of equality set forth in the 14th amendment to the Constitution.

Ms. Pérez is an esteemed civil rights lawyer with unassailable expertise in voting rights and election litigation. Her professional record demonstrates broad qualification—both as a litigator and a legal academic—and a reputation of integrity, rigorous intellect, and compelling analysis. LDF has worked with Ms. Pérez on numerous occasions, and we are confident that she will bring the same profound commitment to democracy and the rule of law to the Second Circuit that we have witnessed in her capacity at the Brennan Center for Justice. Furthermore, if confirmed, Ms. Pérez would be the only Latina on the Court of Appeals for the Second



Circuit<sup>1</sup> and the first on that court since Justice Sonia Sotomayor was elevated to the U.S. Supreme Court.<sup>2</sup>

Founded in 1940 by Thurgood Marshall, LDF is the country's first and foremost civil rights law firm. It has been an entirely separate organization from the NAACP since 1957. Through litigation, advocacy, and public education, LDF seeks structural changes to expand democracy, eliminate disparities, and achieve racial justice in a society that fulfills the promise of equality for all Americans. LDF was launched at a time when the nation's aspirations for equality and due process of law were stifled by widespread state sponsored racial inequality. From that era to the present, LDF's mission has always been transformative: to achieve racial justice, equality, and an inclusive society. LDF has always been a pioneering force in our nation's quest for greater equality and will continue to advocate on behalf of African Americans, both in and outside of the courts, until equal justice for all Americans is attained. For more than 80 years, LDF has relied on the Constitution and federal and state civil rights laws to pursue equality and justice for African Americans and other people of color.

### **Professional Experience and Qualifications**

After graduating from Yale University, Harvard Kennedy School and Columbia Law School, Ms. Pérez clerked for the U.S. District Court for the Eastern District of Pennsylvania and the Court of Appeals for the Third Circuit.<sup>3</sup> Since 2006 she has worked for the Brennan Center for Justice in various capacities, including as counsel, senior counsel, deputy director of the Democracy Program and Director of the Voting Rights and Election Program. Founded in 1995 by former law clerks to Justice William J. Brennan,<sup>4</sup> the Brennan Center for Justice is an independent,

---

<sup>1</sup> Judge Jose A. Cabranes is the only active Latino judge on the Second Circuit.

<sup>2</sup> Despite making up nearly 20 percent of the U.S. population, Latinos make up only 8 percent of active federal judges in the nation. *Examining the Demographic Compositions of U.S. Circuit and District Courts*, Center for American Progress (February 13, 2020), <https://www.americanprogress.org/issues/courts/reports/2020/02/13/480112/examining-demographic-compositions-u-s-circuit-district-courts/>.

<sup>3</sup> Pérez clerked for Hon. Anita B. Brody of the United States District Court for the Eastern District of Pennsylvania and for Hon. Julio M. Fuentes of the United States Court of Appeals for the Third Circuit. Myrna Perez, *Questionnaire for Judicial Nominees*, United States Senate Committee on the Judiciary (last accessed July 13, 2021), <https://www.judiciary.senate.gov/imo/media/doc/Perez%20SJQ%20Public%20Final.pdf>.

<sup>4</sup> *About, Mission and Impact*, Brennan Center for Justice (last accessed July 13, 2021), <https://www.brennancenter.org/about/mission-impact>.



nonpartisan law and policy research institution affiliated with New York University School of Law and committed to the protection of a fair and inclusive democracy.

In her capacity as Director of the Voting Rights and Election Program, Ms. Pérez has led and managed voting rights and election litigation strategy for the Brennan Center’s litigation docket in state and federal courts. She has represented nonprofit clients nationwide in all aspects of litigation, including oral argument at the trial and appellate level.<sup>5</sup> In particular, Ms. Pérez has litigated complex civil matters related to election law. She recently served as co-counsel with LDF in *Gruver v. Barton* (consolidated with *Jones v. DeSantis*)<sup>6</sup> a case challenging a Florida state law that creates wealth-based hurdles to voting and undermines Floridians’ overwhelming support for Amendment 4—an amendment to the state constitution which would restore voting rights to people convicted of most felonies once they completed their sentences. Ms. Pérez also collaborated with LDF in *Veasey v. Abbot*,<sup>7</sup> which successfully challenged Texas Senate Bill (“S.B.”) 14. S.B. 14, often referred to as the most restrictive voter ID law in the country,<sup>8</sup> was initially blocked pursuant to Section 5 of the VRA.<sup>9</sup> Shortly after the Supreme Court invalidated Section 5 of the VRA in *Shelby County v. Holder*,<sup>10</sup> Texas moved to pass S.B. 14 into law. Ms. Pérez was critical in the arguments and litigation strategy that convinced a panel of the Fifth Circuit to strike down the law as discriminatory.<sup>11</sup>

Ms. Pérez’s work as Director of the Voting Rights and Elections Program has established her as a respected legal advocate, academic and expert committed to the rule of law. Secure and accessible elections are fundamental to the health of a democracy, and there is a critical need for individuals with voting rights expertise on the federal appellate bench. Ms. Pérez’s confirmation would bring urgently needed expertise and professional diversity to the Court of Appeals for the Second Circuit.

---

<sup>5</sup> Myrna Perez, *Questionnaire for Judicial Nominees*, United States Senate Committee on the Judiciary (last accessed July 13, 2021),

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

<sup>6</sup> *Gruver, et al. v. Barton, et al.*, No. 1:19-cv-121 (N.D. Fla. 2019).

<sup>7</sup> *Veasey v. Abbott*, 830 F.3d 216 (5th Cir. 2016).

<sup>8</sup> *Veasey v. Abbott: A Challenge to Texas’ Harsh Voter ID Law*, Campaign Legal Center (May 18, 2016)

<https://campaignlegal.org/sites/default/files/Veasey%20v%20Abbott%205.18.16%20One%20Pager.pdf>

<sup>9</sup> *Texas v. Holder*, 888 F.Supp.2d 113, 144-45 (D.D.C. 2012), vacated and remanded, \_\_\_ U.S. \_\_\_, 133 S.Ct. 2886 (2013).

<sup>10</sup> *Shelby Cnty., Ala. v. Holder*, 570 U.S. 529 (2013).

<sup>11</sup> *Supra* note 9.



In addition to her role at the Brennan Center, Ms. Pérez also serves as a lecturer at Columbia Law School and an adjunct professor of clinical law at New York University School of Law.

### **Conclusion**

The role of the federal judge is among the most central to maintaining the rule of law and the preservation of our constitutional democracy. As such, it is important that individuals who serve as judges have a demonstrated commitment to fairness and to upholding the law. For nearly two decades, Ms. Pérez has dedicated her career to strengthening and protecting voting rights, the fair administration of elections, and this nation's democracy.

Myrna Pérez's record demonstrates a deep and unwavering commitment to the preservation of our constitutional democracy as well as critical experience with complex voting rights and election litigation. Her confirmation will bring an underrepresented viewpoint and much needed demographic diversity to the Court of Appeals for the Second Circuit. She is well-suited to serve on the Court of Appeals for the Second Circuit, and we urge the Senate Judiciary Committee to advance Ms. Pérez's nomination without delay.

Sincerely,

Sherrilyn Ifill  
President-Director Counsel  
NAACP Legal Defense & Educational Fund  
40 Rector Street  
5th Floor  
New York, NY 10006  
sifill@naacpldf.org