



December 6, 2021

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 members and supporters nationwide, People For the American Way urges confirmation of Dale Ho to be a federal judge on the Southern District of New York. As one of the most accomplished civil rights litigators in the nation, he is exactly the kind of judge our nation needs to ensure that all people's legal rights are protected in court.

A graduate of Princeton University and Yale Law School, Ho began his legal career with two prestigious clerkships. The first was with federal Judge Barbara Jones of the Southern District of New York, and the second was at the highest court in the state of New York with Court of Appeals Judge Robert Smith. When the clerkships ended, he opted to dedicate his considerable talents to protecting the rights of others. He joined Fried, Frank, Harris, Shriver & Jacobson as a litigation associate and NAACP Legal Defense Fund Fellow, then spent four years as an assistant counsel at LDF. In 2013, he took his current position as director of the ACLU's Voting Rights Project, where he has been a stirring and effective advocate for the right to vote for all people regardless of partisan affiliation.

Ho also possesses the temperament that a fair and effective judge must have. This was made clear at his confirmation hearing, where he faced personal attacks – with senators seeking to tar him as angry, vindictive, and dishonest. Ho responded calmly and respectfully to every accusation, demonstrating the equanimity it is essential to have from jurists, especially those who will hold lifetime seats.

A judge has to treat every litigant with respect, regardless of how desperate their arguments are, and regardless of any negative personal feelings their courtroom performance may engender. It can be quite challenging. But Ho showed the committee room and the entire nation exactly what “judicial temperament” looks like.

This came as no surprise to those who have worked with him over the years. Indeed, support for his nomination has come from across the political spectrum, including the New York Court of Appeals judge he clerked for. Judge Smith, a conservative nominated by a Republican governor, has written to the Judiciary Committee:

[Dale Ho] is not one of those people (of whom there are all too many today) who think of members of a different political tribe as the enemy. If he were, I do not think he could have clerked for me, and remained my friend since.

Courtesy to everyone is a hallmark of Dale's character. Of course, most law clerks are polite to the judge they work for, but I observed that Dale was equally courteous to his colleagues, Court staff, and homeless people who approached him on the street to ask for money. I think his sense of the innate worth and dignity of every human being and his ability to behave accordingly will serve him in good stead in a trial courtroom.<sup>i</sup>

Similar testimony has come from more than 90 of his fellow graduates from the Yale Law School Class of 2005, a bipartisan group including prosecutors, public defenders, judges, in-house counsel, corporate executives, and many others. What unites them is their admiration for Ho and their confidence that he will make a superb federal judge:

We remember Dale not just for his careful and thoughtful approach to the law, but also for his ability to listen and engage with his classmates and professors in a reasoned and principled way that allowed for robust and open-minded debate. While we may not have always agreed on every legal issue we grappled with in law school – and we may not all agree with every decision Dale will make as a judge – we are confident that he will apply the laws and precedents of the United States fairly and objectively.<sup>ii</sup>

The man that they remember from law school is the man who the American people saw before the Judiciary Committee. As he stated at the hearing:

I became a lawyer because I deeply, deeply believe in the principle of equal justice under the law: that everyone who walks into court, regardless of who they are, what their interests are, what their claims are, deserves a fair opportunity to be heard, and ultimately, equal treatment by the court and under the law. That's the principle that led me to have a career as a civil rights lawyer. ... The through line throughout my career has been a commitment to the equality of all people.<sup>iii</sup>

Dale Ho will be a welcome addition to the federal judiciary, and we urge senators to confirm him quickly.

Sincerely,

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

Marge Baker  
Executive Vice President

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<sup>i</sup> Letter to the Senate Judiciary Committee from Judge Robert Smith, posted online at <https://www.judiciary.senate.gov/robert-smith-support-for-ho>.

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<sup>ii</sup> Letter to the Senate Judiciary Committee from Yale Law School classmates, posted online at <https://www.judiciary.senate.gov/90-yls-classmates-support-for-ho>.

<sup>iii</sup> Senate Judiciary Committee nominations hearing, Dec. 1, 2021, <https://www.judiciary.senate.gov/meetings/11/24/2021/nominations>, at 2:33:15.