

January 23, 2023



**SUPPORT THE CONFIRMATION OF DALE HO  
TO THE U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we write to express our strong support for the confirmation of Dale Ho to the U.S. District Court for the Southern District of New York. The Leadership Conference intends to include your position on the confirmation of Mr. Ho in our voting record for the 118th Congress.

Mr. Ho possesses both the eminent qualifications and the temperament to serve on the federal bench. Since 2013, Mr. Ho has served as the director of the Voting Rights Project for the American Civil Liberties Union (ACLU), defending the freedom and right to vote in courts across the country. Before this, Mr. Ho worked for the NAACP Legal Defense and Educational Fund, Inc. (LDF) as a fellow and an assistant counsel. He also worked as an associate for Fried, Frank, Harris, Shriver & Jacobson, LLP. Additionally, Mr. Ho has trained future lawyers, teaching at New York University School of Law, Brooklyn Law School, and New York Law School. A graduate of Princeton University and Yale Law School, he clerked for Judge Barbara Jones of the Southern District of New York and Judge Robert Smith of the New York Court of Appeals. Mr. Ho would be an exceptional addition to the Southern District of New York.

As demonstrated throughout his extensive career, Mr. Ho possesses a deep commitment to equal justice. For example, he has vast experience defending the freedom to vote, which is foundational to the functioning of our democracy. Mr. Ho has been involved in several of the most crucial voting rights cases of the modern era, including *Shelby County v. Holder* and *North Carolina State Conference of NAACP v. McCrory*. In the landmark case of *Shelby County v. Holder*, Mr. Ho was a part of the team arguing the constitutionality of provisions in the Voting Rights Act that had been enacted to safeguard the right to vote in states with a history of voter disenfranchisement.<sup>1</sup> In *North Carolina State Conference of NAACP v. McCrory*, Mr. Ho served as co-counsel successfully challenging a North Carolina election law that the U.S. Court of Appeals for the Fourth Circuit said “target[ed] African Americans with almost surgical precision.”<sup>2</sup> Mr. Ho has also argued against some of the most restrictive voter ID laws in the country, including successfully challenging a Kansas law requiring proof of citizenship to register to vote. The U.S. Court of Appeals for the Tenth Circuit called this law a “mass denial of a fundamental constitutional right.”<sup>3</sup> Mr. Ho has shown an even-handed commitment to defending the freedom to vote for all people,

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<sup>1</sup> *Shelby County v. Holder*, 570 U.S. 529 (2013).

<sup>2</sup> *North Carolina State Conference of NAACP v. McCrory*, 831 F.3d 204 (4th Cir. 2016).

<sup>3</sup> *Fish v. Kobach*, 840 F.3d 710 (10th Cir. 2016).



working to enfranchise all voters regardless of political affiliation.<sup>4</sup> Mr. Ho's tireless defense of our democracy and the freedom to vote is experience that will be a tremendous asset to the federal bench.

Mr. Ho also has worked to safeguard our democracy by ensuring full and accurate representation through data collection for the decennial census. Mr. Ho successfully litigated a challenge to a decision by the U.S. Secretary of Commerce to add a last minute, untested citizenship question to the 2020 Census, which would have had a chilling effect on response rates and resulted in a severe undercount of people.<sup>5</sup> When the Trump administration then tried to prevent undocumented immigrants from being counted in the census for purposes of the apportionment of congressional seats,<sup>6</sup> Mr. Ho also led the subsequent litigation challenging this attempt. The census is a cornerstone of our democracy, and the resilience of our democracy depends on government officials using this data. Mr. Ho's relentless advocacy to protect the integrity of the decennial census shows a dedication to civil rights that will make him an excellent addition to the court.

In addition to his impressive professional work, Mr. Ho would also add important lived experiences to the court. A judiciary that reflects both the demographic diversity and the experiential diversity of the legal profession helps deliver equal justice. If confirmed, Mr. Ho would be the only active AAPI man serving on the Southern District of New York, and just the second in this court's history.<sup>7</sup> New York is home to nearly 2 million AAPI people, and representation on the bench is deeply important to building public trust in the judiciary.<sup>8</sup> Certainly, diversity on the bench also results in better judicial decision-making.<sup>9</sup> Mr. Ho would bring this vital experience to the federal judiciary.

Mr. Ho's record makes him an exceptionally qualified nominee, and we strongly urge the Senate to confirm him to the U.S. District Court for the Southern District of New York. If you would like to discuss this matter further, please contact Lena Zwarensteyn, senior director of the fair courts program, at (202) 466-3311. Thank you for your consideration.

Sincerely,

Maya Wiley  
President & CEO

Jesselyn McCurdy  
Executive Vice President of Government Affairs

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<sup>4</sup> See e.g.; *Hotze v. Hollins*, No. 20-20574, 2020 WL 6440440 (5th Cir. Nov. 2, 2020); *Fletcher v. Lamone*, 831 F. Supp. 2d 887 (D. Md. 2011).

<sup>5</sup> *U.S. Dep't of Commerce v. New York*, 139 S. Ct. 2551 (2019).

<sup>6</sup> *Trump v. New York*, 141 S. Ct. 530 (2020).

<sup>7</sup> [Biographical Directory of Article III Federal Judges, 1789-present](#), Federal Judicial Center (Accessed November 2021).

<sup>8</sup> Berry, Kate, [Building a Diverse Bench: Selecting Federal Magistrate and Bankruptcy Judges](#), Brennan Center for Justice at NYU School of Law and American Bar Association Judicial Division (2017).

<sup>9</sup> Sen, Maya, [Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time](#), 2017 Wis. L. Rev. 367 (2017).