

**Congress of the United States**  
**Washington, DC 20515**

June 7, 2023

The Honorable Joseph R. Biden  
President  
United States of America  
1600 Pennsylvania Ave.  
Washington, DC 20500

Dear President Biden

Thank you for your leadership on working to bring diversity to our federal judiciary. That is why it is even more difficult to ask that you withdraw the nominations of Jerry Edwards, Jr and Brandon Long to the federal bench. The process used to make these selections makes it impossible to support the nominations at this time. Our objection is not to them as individuals, rather our position is predicated on the process used to select the nominees because it did not provide the opportunity for our meaningful participation.

Over the past several weeks, your staff reached out to discuss judicial nominees for the State of Louisiana with Congressman Troy A. Carter Sr. This outreach was the first outreach made to Congressman Carter. In the first instance, Congressman Carter was informed that a nomination was **imminent** and that the outreach was a notification, and that the nomination would be going forward. Congressman Carter was assured that for future nominations he would be consulted in a meaningful way. Now, two more judicial vacancies are being filled. These nominations were again presented to Congressman Carter as a *fait accompli*.

It almost goes without saying that filling judicial vacancies is an important priority of any administration. After four years of witnessing the Trump Administration fill vacancy after vacancy with MAGA ideologues, this is an even higher priority. This priority, however, cannot stand alone. It certainly cannot create a situation where we allow anyone to be appointed if two senators will return blue slips on a nominee.

Federal judgeships are important because they are often the last resort to protect the rights of citizens from overreaching state governments. This is particularly true in the Deep South where federal judges have often stood against an entire state's apparatus to push back Jim Crow Laws, desegregate schools and voter protection. Federal judges receive lifetime appointments, and one must have as much knowledge of their heart as their mind.

People change on the bench and knowing a person's heart can be difficult. It is certainly more of an art than a science. However, there are things that we can look to: their work in the community, their ideology, the type of law they have chosen to practice and many others. So far, in Louisiana, and other states it appears having two blue slips returned trumps all of these considerations. Nominees should have broad backgrounds including public defenders and attorneys familiar with civil rights laws.

During your campaign, you promised to remake the bench to look like America. The federal judiciary, particularly in the South, is disproportionately populated with white males. It is past time to bring more black and brown people and women to the bench. It is particularly important that the black

and brown people appointed to the bench identify as black or brown and that people in the community also identify them as such.

Diversity is not only about race and gender. Prosecutors can be good judges, but they are not the only people who can be quality judges. Public defenders, litigators, and even attorneys who are primarily business attorneys all have shown that service comes from the individual not their practice area. There are many types of diversity and diversity of experience is valuable.

No one knows a community as well as their elected representatives. Elected officials have unique personal knowledge of candidates and the needs of the communities they were elected to represent. Negotiating with senators to fill judicial vacancies without meaningfully including elected members of the House of Representatives must stop.

Leaving judicial vacancies unfilled is a poor outcome. Filling judicial vacancies with the wrong people, however, is a tragedy that is not easily undone. Providing meaningful opportunity for consultation prior to confecting deals is the bare minimum that we expect from any administration.

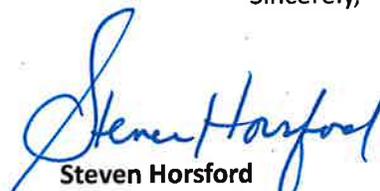
Mr. President, what we desire is meaningful consultation to avoid these situations of discomfort and to truly have a competent, professional, representative and diverse bench with nominees we can support.

At this time, we are requesting a meeting with your Chief of Staff, Jeff Zients, to more fully discuss this important issue. Thank you in advance for your time and attention to this matter.

Sincerely,



**James E. Clyburn**  
Member of Congress



**Steven Horsford**  
Member of Congress



**Bennie G. Thompson**  
Member of Congress



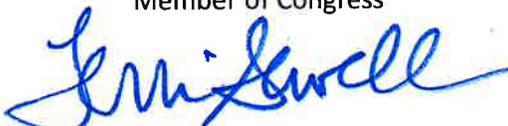
**Sheila Jackson Lee**  
Member of Congress



**Al Green**  
Member of Congress



**Emanuel Cleaver**  
Member of Congress



**Terri Sewell**  
Member of Congress



**Robin L. Kelly**  
Member of Congress



**Troy A. Carter, Sr.**  
Member of Congress