

Congress of the United States
Washington, DC 20515

February 10, 2022

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

Dear President Biden,

We write to commend you on your administration’s commitment to appointing a Black woman to the United States Supreme Court. The nomination of a Black woman is not mere symbolism; it is an essential step for our country’s promise of justice for all. It is therefore of utmost importance that the Administration appoints a Black woman with a strong track record of advancing civil and constitutionally protected rights and whose work has shown dedication to affirming the rights of our country’s most marginalized communities. In its 233-year history, all but seven Supreme Court justices have been white men.¹ It is no coincidence that the precedents set by the court in its history have largely reflected the perspective and limitations of those appointed to the bench, all the while, eroding public trust and credibility in an institution established to protect our most sacred and fundamental rights.

We write to you as a collective of 14 Black women lawmakers serving in the United States House of Representatives, but write on behalf of the over 21 million Black women in America. There is not a single Black woman in the United States Senate to vote to confirm the first Black woman nominated to the Supreme Court. For this reason, we write as a collective to commend you for this historic announcement, and ask that the nominee reflect a deep and abiding commitment to adjudicate with moral and legal clarity. As Justice Sonia Sotomayor said, “a different perspective can permit you to more fully understand the arguments that are before you and help you articulate your position in a way that everyone will understand.”² In the spirit of Justice Sotomayor’s comments, the experience and expertise of a Black woman can transform the court’s ethos. The Supreme Court’s decisions meaningfully impact the material conditions and lives of all Americans. Its decisions, whether around abortion rights, school segregation, labor rights, or protecting the right to vote have disproportionate impacts on Black communities across the country.

History shows that the appointment of a Black justice with a strong record of affirming constitutional rights is crucial in confronting this country’s racial, civil rights, and democratic crises – and our nation has been better off for this lens and jurisprudence. In 1967, Lyndon B. Johnson nominated lawyer and civil rights champion Thurgood Marshall to the Supreme Court, the first ever appointment of a Black person to the court. Prior to being appointed to the court, Thurgood Marshall had long cemented his record of advancing civil rights, successfully arguing

¹ *Justices 1978 to Present*. Supreme Court of the United States: February 7, 2022.

https://www.supremecourt.gov/about/members_text.aspx

² Reilly, Katie. *Justice Sotomayor Calls for More Supreme Court Diversity*. TIME Magazine: August 9, 2016.

<https://time.com/4287655/sonia-sotomayor-supreme-court-diversity/>

cases before the Supreme Court, including *Smith v. Allwright* which affirmed voting rights and racial desegregation by outlawing the use of white primaries; *Shelley v. Kraemer* which struck down racially restrictive housing covenants; and the landmark *Brown v. Board of Education* case, which deemed “separate but equal” racial segregation in public schools and facilities unconstitutional. Justice Marshall furthered his support of constitutionally protected rights in landmark rulings regarding fair representation, the death penalty, and on the formulation of the standard of materiality – all in the midst of longstanding historical and institutional racial strain in this country.

As we approach this historic appointment to the Supreme Court, during a time of similarly long standing and unprecedented crises, the American people will be well served with the appointment of a Black woman to the bench who has an equally powerful record of advancing civil rights.

It is long past time for a Black woman to be on the Supreme Court, and we commend your unwavering commitment to correcting this long-standing injustice on the nation’s highest court so that our institutions can be closer to reflecting the diversity of race, gender, and lived experience in America. The appointment of a Black woman justice with an established record of working to advance racial justice and eradicating entrenched white supremacy is of the utmost importance in reviving the Supreme Court’s credibility, and we look forward to supporting the Administration and US Senate in getting this done.

Sincerely,



CORI BUSH
Member of Congress



ELEANOR HOLMES NORTON
Member of Congress



BARBARA LEE
Member of Congress



JOYCE BEATTY
Member of Congress



BRENDA LAWRENCE
Member of Congress



BONNIE WATSON COLEMAN
Member of Congress



GWEN MOORE
Member of Congress



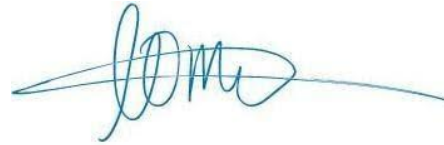
AYANNA PRESSLEY
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SHONTEL BROWN
Member of Congress



NIKEMA WILLIAMS
Member of Congress



ILHAN OMAR
Member of Congress



SHEILA CHERFILUS MCCORMICK
Member of Congress



ROBIN KELLY
Member of Congress

/s/

SHEILA JACKSON LEE
Member of Congress