

Clark M. Neily III
1000 Massachusetts Ave. NW
Washington, DC 20001

February 8, 2022

The Honorable Richard Durbin
Chair, Committee on the Judiciary
United States Senate
Washington, DC

The Honorable Chuck Grassley
Ranking Member, Committee on the Judiciary
United States Senate
Washington, DC

Re: Nomination of Nina Morrison to be United States District Judge

Dear Chair Durbin and Ranking Member Grassley:

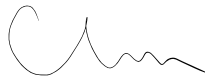
I write to express my strong support for the nomination of Nina Morrison to be appointed to the U.S. District Court for the Eastern District of New York. As a leading libertarian public interest lawyer at the Institute for Justice and now at the Cato Institute, I have worked with Nina on criminal justice reform issues for nearly five years. During that time I have come to know Nina as a person of exceptional dedication, intelligence, and integrity who I believe would make an excellent district court judge and would substantially enhance the overall quality of the bench in her jurisdiction by adding important diversity of professional experience.

The work of Nina and her colleagues at the Innocence Project is in my judgment among the most important anywhere in criminal-justice policy. Indeed, last fall, the Cato Institute selected the Innocence Project to receive its biannual Milton Friedman Prize for Advancing Liberty. The Milton Friedman Prize is Cato's most prestigious accolade, and the Innocence Project is the first domestic organization to whom we have ever given the award. The reason we chose the Innocence Project is because it has been so effective at publicizing the national scandal of false convictions in America, which is perhaps the most extreme infringement of liberty one can imagine. Notably, the Innocence Project's mission is assiduously nonpartisan. The urgent work of identifying and rescuing from incarceration people who have been falsely convicted knows no political allegiance, and it has been my experience that Nina and her colleagues at the Innocence Project will gladly work with any organization, of whatever political or philosophical stripe, that is dedicated to the mission of ensuring fair trials and just verdicts in this country.

I have spent more than two decades as a libertarian public interest lawyer, during which time I have been the architect of and otherwise involved in a number of high-profile, cutting-edge constitutional cases including *District of Columbia v. Heller* (2008), in which the Supreme Court held that the Second Amendment protects the right to own a gun; *Kelo v. City of New London* (2005), in which the Court controversially approved the use of eminent for economic development; and the ongoing campaign to eliminate qualified immunity, a judicially invented affirmative defense that protects police and other government from plausible allegations of wrongdoing under federal civil rights laws. I have encountered dozens judges, lawyers, and policy activists in the course of that work, and I can say with absolute conviction that Nina is one of the most capable, committed, and effective advocates that it has been my honor to work alongside.

As a criminal justice reformer, it has been a real privilege to work alongside Nina and her colleagues at the Innocence Project. As a constitutional litigator, I would want to appear before a judge like Nina not because I think she would be predisposed to my side, but instead because I would be absolutely confident in getting a fair shake from a deeply thoughtful jurist with a razor sharp mind and an unwavering commitment to treating all persons and all parties with dignity, fairness, and respect. The federal bench will, in my judgment, benefit tremendously from the addition of Nina Morrison, and I wholeheartedly support her nomination.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clark M. Neily III', with a stylized, flowing script.

Clark M. Neily III