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November 24, 2021

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Richard J. Durbin
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member, Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Nomination of Dale E. Ho for United States District Court for the Southern District of New York

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Ranking Member Grassley:

I write to give my highest recommendation for Dale Ho, whom President Biden has nominated for a position as a federal district court judge for the Southern District of New York.

I have known Mr. Ho for many years through his work on voting rights and democracy issues at the NAACP Legal Defense and Education Fund and at the American Civil Liberties Union. As someone who follows election law legislation and litigation very closely in my role as professor of law and political science and as editor of the *Election Law Blog*, I have observed Mr. Ho as a litigator and as a Supreme Court advocate. I have interviewed Mr. Ho and appeared on panels with him.

I carefully reviewed the transcript of his work as a trial court lawyer in the case of *Fish v. Kobach*, which I consider to be the most important voting rights trial so far of this century. I wrote in detail about the case and his role in it in my 2020 book, *Election Meltdown: Dirty Tricks, Distrust, and the Threat to American Democracy* (Yale University Press 2020). His advocacy in that case helped to reenfranchise at

least 30,000 Kansans of all political parties who had their registrations put on hold by a law he demonstrated served no governmental interest.

From all of my observations, I can say that Mr. Ho is a brilliant lawyer. I believe his cross-examination skills are about the best I have ever seen, and his oral argument before the Supreme Court in *Trump v. New York* on the potential inclusion of a citizenship question on the census was masterful. In that oral argument, Mr. Ho relied upon text, precedent, and history to make an argument that ultimately proved successful before the Supreme Court in a case of national importance to our democracy.

Mr. Ho has shown himself consistently on the side of the voters, regardless of political party. He has defended Democrats, Republicans, and independent voters to assure that they have fair access to the ballot and an election system free of bias and partisanship. He is a zealous advocate who could have continued to pursue a career in private practice that no doubt would have been lucrative and successful; instead, he made the laudable choice to help protect our democracy and assure the fair administration of Justice.

Mr. Ho is a person of integrity. He has the ideal temperament to be a federal judge. He is evenhanded and even-keeled. Despite his passion for the cause of voting rights and democracy, he invariably shows deep respect to opposing counsel and to the judiciary. He has a commitment to fairness and the rule of law, and a great love for the United States Constitution and its promise of equality and fairness. I expect as a judge he will rule on the law and the facts, paying attention to text, history, and justice.

In short, Mr. Ho is an excellent choice to serve on the federal bench. I urge his timely confirmation with broad bipartisan support.

Please let me know if you have any further questions.

Very truly yours,

A handwritten signature in blue ink that reads "Richard L. Hasen". The signature is written in a cursive, flowing style.

Richard L. Hasen