



February 25, 2022

United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Grassley, and Committee Members:

On behalf of our 1.5 million supporters nationwide, People For the American Way strongly supports the nomination of Judge Stephanie Dawkins Davis to the Sixth Circuit Court of Appeals. She is a skilled litigator and respected judge whose experience and understanding of the law makes her an excellent choice to serve on the Sixth Circuit.

Judge Davis was born in Kansas City, Missouri. When she was four, her father died unexpectedly, leading her mother and her to move out of state to Kansas. They moved frequently during the next few years, so much so that Judge Davis attended seven different elementary schools, often one of the only Black students in her class. Each school required her to learn anew how to fit in. She succeeded academically, eventually graduating from Wichita State University and earning a full tuition scholarship to law school. In 1992, she graduated from Washington University School of Law in St. Louis.

Moving to Michigan, Judge Davis began her legal career in Detroit as a litigation associate at the firm of Dickinson Wright. She shifted to the public sphere in 1997 and spent nearly twenty years at the U.S. Attorney's Office for the Eastern District of Michigan. She rose to become the Deputy Chief of the Controlled Substances Unit in 2007, then the Executive Assistant U.S. Attorney in 2010. In that position, her responsibilities included overseeing a variety of law enforcement and community initiatives to implement crime prevention strategies and foster trust between police and the community. Her work led the State Bar of Michigan to give her its annual Champion of Justice award in 2015.

She earned the respect of the federal judges throughout the Eastern District of Michigan, so much so that in 2016 they selected her to become a magistrate judge. In 2019, upon the recommendation of home state senators Debbie Stabenow and Gary Peters, she was nominated to be a federal district judge by President Trump, and the Senate voted to confirm her without opposition.

On the bench, she has handled legally and factually complex cases of the types she will be reviewing on the Sixth Circuit. For instance, she considered the claims of incarcerated Muslim individuals who alleged that prison officials unlawfully failed to give them adequate nutrition after regular meal hours, the only time they could eat during Ramadan. The case required constitutional analysis of religious free exercise, equal protection, and cruel and unusual punishment, along with questions surrounding qualified immunity and exhaustion of

administrative remedies. After she concluded that most of the claims should advance to trial rather than be dismissed as the defendants urged, the parties ultimately settled the case.ⁱ

Judge Davis is open to understanding life experiences different from her own. She credits growing up in working class neighborhoods, attending public schools, and frequently being the only or one of few African Americans or women in a particular setting for helping her understand the diversity of people's experience and enhancing her communications skills.ⁱⁱ She has explained how this plays out in the courtroom:

Courts are routinely called upon to apply the reasonable person or reasonable jury test in administering justice. It is my view that in evaluating what a reasonable person or group of persons would do, a judge must consider the broad scope of human experience which necessarily includes appreciation of the reality of others outside of oneself.ⁱⁱⁱ

Judge Davis's experiences have also helped her see how implicit racial bias can lead to unjust outcomes. She has observed:

I think that judges can first acknowledge that implicit racial bias exists and guard against allowing it to seep into their own decision-making by asking questions along the way about their own evaluation of the factors that impact sentencing, including, but not limited to, whether they are placing the same value on the same factors across racial lines.^{iv}

When confirmed, Judge Davis will be one of only two Black women among the Sixth Circuit's 29 active and senior judges, and the first Black woman from Michigan ever to serve on that court. We urge her prompt confirmation.

Sincerely,

A handwritten signature in cursive script that reads "Marge Baker".

Marge Baker
Executive Vice President

ⁱ *Conway v. Purves*, No. 13-10271, 2016 U.S. Dist. LEXIS 128171 (E.D. Mich. Aug. 1, 2016), R&R adopted, 2016 U.S. Dist. LEXIS 127648 (E.D. Mich. Sept. 20, 2016).

ⁱⁱ Davis Responses To Questions For The Record, Nomination to be United States District Judge for the Eastern District of Michigan, 2019, <https://www.judiciary.senate.gov/download/davis-responses-to-questions-for-the-record>, p. 16.

ⁱⁱⁱ *Id.*

^{iv} *Id.*, p. 22.