President Joseph R. Biden, Jr.
1600 Pennsylvania Avenue NW
Washington, DC 20500

December 16, 2024

Dear President Biden,

I write to thank you for nominating me to the United States Court of Appeals for the Third Circuit. There is now no pathway to confirmation for any appellate nominees given the deal struck in the Senate "to save coveted appellate [seats]" for the next administration. But before I go, I have a few things to say. What I set forth here are my individual opinions.

In 1957, President Dwight D. Eisenhower, a Republican, spoke at the inauguration of a mosque in Washington, D.C. He said: "And I should like to assure you, my Islamic friends, that under the American Constitution, under American tradition, and in American hearts, this Center, this place of worship, is just as welcome as could be a similar edifice of any other religion. Indeed, America would fight with her whole strength for your right to have here your own church and worship according to your own conscience. This concept is indeed a part of America, and without that concept we would be something else than what we are."

It was that vision of America that led me, 25 years ago, to make it my home. I saw in America a country where I could succeed based on my professional skill, hard work, and character—regardless of my faith or background. For years, in my work defending the civil rights of the LGBTQ+ community, or working with massive inter-faith coalitions on amicus briefs, I celebrated an America where we stand up for each other. And while I was successful in private practice as a commercial trial lawyer, I had no second thoughts when offered an opportunity to serve my adopted country. Nothing could be a greater privilege.

When my nomination then came before the Senate Judiciary Committee, I was prepared to answer any questions about my qualifications, philosophy, or legal issues. I received none. Instead, I was asked questions about Israel, whether I supported Hamas, and whether I celebrated the anniversary of 9-11. Even more revealing, however, was the tone. The underlying premise appeared to be that because I am Muslim, surely I support terrorism and celebrate 9-11. When I made clear that all these claims are false—that I condemn the Hamas attacks and all forms of terrorism, and indeed that it was my city that was attacked on 9-11—the next Republican Senators up just repeated their performative outrage. There were children in the audience.

The pretext for these questions was that I had agreed to serve on an outside advisory panel for an academic center that was being established at a preeminent New Jersey Law School to combat bigotry and discrimination, including Islamophobia. I attended four meetings over four years where I focused on areas of academic research that could support civil rights litigation. Yet Senators sought to attribute to me the views of individuals that I do not know at university speaker events that I never even heard of. Muslims in America recognize well these sort of guilt-by-association attacks. Thereafter, advertisements were run deeming me an antisemite, a radical, and a terrorist sympathizer. Horrifying images were published with the Hamas flag substituted for my eyes or interspersing my face with footage of the twin towers on fire. And all of this, even while major Jewish organizations across the country condemned these

attacks, ranging from the National Council of Jewish Women to the Anti-Defamation League, and over a dozen more. One of the largest Jewish groups put it this way: "Adeel Mangi, was questioned aggressively on thin pretext about his views on Israel, terrorism, and antisemitism, turning these serious issues into a tool of partisan attack. … American Jewish Committee (AJC) has joined several U.S. Supreme Court briefs led by Mangi and find him to be an able jurist, a person of integrity, champion of pluralism, and adversary of discrimination against any group."

These attacks nonetheless continued endlessly for a simple reason. As Senator Whitehouse revealed on the Senate floor, this was an organized smear campaign fueled by dark money. But it did not end there. After Jewish groups came to my defense, these same attackers pivoted focus to a new absurdity, claiming that I supported the killing of police officers—silently underpinned, in my view, by the notion that as a Muslim I surely support violence, including against law enforcement. What was the ostensible basis for this ludicrous claim? I successfully litigated a landmark pro bono lawsuit—the Karl Taylor case—on behalf of the family of a mentally-ill incarcerated Black man who we alleged was choked to death by corrections officers after having been handcuffed. We secured a precedent-setting resolution that compensated the family and ensured cameras and microphones would be installed to make incarcerated persons and officers safer. My colleagues and I then agreed to serve on an advisory panel, which never met or had any responsibilities, for the not-for-profit organization that referred that case to my law firm, to provide legal advice on future similar pro bono cases that might arise involving suspicious deaths in prisons. In the event, we brought no other cases. This pro bono legal service aimed at enforcing the law apparently was enough for attackers to deem me an opponent of law enforcement.

As I detailed in a letter, this twisted attack—again based on outright lies, the actions of a person I never even met, or speaker events that I never heard of—is shocking and false. I am proud to have the support of a dozen police organizations, a group of Attorneys General from around the country, and a bipartisan group of current and former New Jersey Attorneys-General and U.S. Attorneys. Law enforcement groups that spoke to me before taking a position supported me. But others repeated slander without speaking to me. Some of those opposing police groups later did speak to me and then openly recognized that the attacks against me were wrong—and yet were instructed by their leadership not to get involved. Meanwhile, history has recorded who raised a fist of solidarity to the protestors that later attacked law enforcement officers in our nation's capital on January 6, 2021. And which lawmakers support them still.

Amidst all of this, countless additional and spurious online assaults were launched on a regular basis from within the extremist ecosystem; the staff of the ranking member of the Senate Judiciary Committee took the extraordinary step of demanding information from my partners and my law firm; volleys were launched against even my private sector clients; and Senators, led by the Minority Leader himself, launched regular attacks on me online and on the Senate floor as an antisemite radical. I was even attacked for board service with the New York Legal Aid Society.

What can explain all of this? One commentator recounted my professional accomplishments and then observed: "But he also successfully fought efforts by two New Jersey communities to prevent the construction of mosques. He has served on the board of directors of the Muslim Bar Association and Muslims for Progressive Values. Clearly, he's both an accomplished attorney and a proud representative of his religion. That's what his Republican critics can't tolerate. They will never accept someone who is so prominently associated with

Islam." Meanwhile, here is what it was not about: throughout this entire process, I was never criticized by anyone for a single statement that I ever uttered or a single word that I ever wrote.

I accepted these farcical attacks with the silence demanded of judicial nominees in service of my country. Others were not silent. Senator Booker eviscerated these attacks in an extraordinary and passionate address. They were condemned by almost 50 pro bono partners and chairs at leading law firms and legal organizations, over 125 civil rights groups, and dozens of bar associations. They were meticulously exposed in many newspapers, including two op-eds in the New York Times (first and second) and in the New Yorker. A historical parallel was drawn in The Atlantic to the attacks on Thurgood Marshall, and the attack campaign was decried in columns by prominent Muslim Americans, e.g., on CNN and MSNBC, and by Jewish Americans. My home-state newspaper of record in New Jersey, The Star Ledger, wrote five editorials: "GOP to NJ judge pick: Muslims need not apply"; "Ugly lies about antisemitism and terrorism: GOP smears NJ judge pick"; "Cowering in the face of anti-Muslim bigotry: Shame on Democrats,"; "First bigotry, now lies: This judge pick deserves better"; and "A MAGA judge for N.J.? You can thank Democrats." A highly-respected Republican-appointed former judge of the Third Circuit wrote and spoke out in my support. And these attacks were demolished by John Oliver who concluded: "As with the Islamophobic attacks on Mangi, the evidence that he is somehow antipolice are laughably thin. It's yet more six degree of separation nonsense." Yet it was three Democratic Senators who surrendered to this campaign.

Two allied Senators from a state far from the Third Circuit announced their opposition ostensibly based on the attacks claiming I am against law enforcement. I will not assume the worst possible motivation for their embrace of this attack. But to me that leaves two possibilities: that these Senators lack the wisdom to discern the truth, which exposes a catastrophic lack of judgment; or they used my nomination to court conservative voters in an election year, which exposes a catastrophic lack of principle. One reportedly made the decision based on fear of an attack ad—and apparently not for the first time. Meanwhile, a third Senator literally handed control of his vote to Republicans. To fetishize bipartisanship amidst an outrageous attack campaign is not a virtue—it is a preening abandonment of morality. But ultimately, none of these Senators had to reach a final decision and vote. Resurgent efforts after the election towards confirmation were derailed by the deal in the Senate that denied all circuit nominees a vote. My family and I were put through this astonishing prolonged process and yet in the end denied even a vote requiring Senators to show who they are. The strength of the Senate's collective commitment to principle stands revealed.

Our country faces an incoming tsunami of bigotry, hatred, and discrimination. It targets Muslims, Arabs, Jews, Black people, the LGBTQ+ community, and many others. And it always pretends to be something other than what it is. These forces are fueled not only by their proponents, but equally by the collaboration and silence of the spineless. They can be defeated only by those who lead voters with courage, not those who sacrifice principles for votes. But courage can be found outside of politics. American Muslims are part of this nation's fabric and will not cower. This campaign was intended to make it intolerable for Muslims proud of their identity to serve this nation. It will fail. Our Constitution forbids religious tests for any Office of the United States and American Muslims will cherish that fundamental American value, even if others apply it only selectively. And let me be clear: I will always be immensely proud of my faith as well as my pro bono legal work to challenge both denials of freedom of worship and the

alleged killing of an incarcerated Black man. I have battled for justice, even if it meant there would be none for me.

This unfortunate fact remains: we have a fundamentally broken process for choosing federal judges. This is no longer a system for evaluating fitness for judicial office. It is now a channel for the raising of money based on performative McCarthyism before video cameras, and for the dissemination of dark-money-funded attacks that especially target minorities. Nominees pay the price—and so too does our nation. Who will give up the rewards of private sector success for public service, if the added price is character assassination and wading though a Senatorial swamp like this one? This process must be reinvented to protect nominees from threats both reputational and physical in an era of Congressional dishonor where disinformation reigns and all decency has been abandoned. I set forth this record of my experience and my opinions so that this playbook will be recognized the next time a Muslim is nominated to a prominent position of service.

Thank you for the principled and steadfast support that the White House nominations team provided to me throughout this process. That team is the embodiment of true and honorable public service. Thank you also for your historic support of exceptional judicial candidates who happen to be from minority communities. I am grateful for the unprecedented coalition of bar associations, lawyers, Attorneys General, unions, mayors, religious groups, civil rights organizations, the City Council of Jersey City, and countless individual citizens, who demanded my confirmation. And I am deeply appreciative of the support I received from minority law enforcement groups around the country, including those in New York and New Jersey, who acted with courage based on facts.

To return to President Eisenhower's words, Americans must now look at the story of this nomination, and ask themselves: is this who we are now? For my children, I hope America one day lives up to President Eisenhower's promise, even if not today. For my part, I entered this nomination process as a proud American and a proud Muslim. I exit it the same way, unbowed.

Respectfully Yours



Adeel A. Mangi

cc: Senator Cory Booker
Senator Sheldon Whitehouse
Senator Dick Durbin