



April 26, 2022

United States Senate  
Washington, DC 20510

**Re: Support for the Nomination of Nusrat Choudhury to the United States  
District Court for the Eastern District of New York**

Dear Senator:

On behalf of the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee"), we urge you to support the nomination of Nusrat Choudhury to the United States District Court for the Eastern District of New York. The Lawyers' Committee is one of the nation's leading nonprofit civil rights legal organizations, founded in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and securing equal justice under law. For nearly sixty years, the Lawyers' Committee has been at the forefront of many of the most significant cases to advance racial equality and secure equal justice. Our mission and history make our organization uniquely qualified to comment on this nomination.

Nusrat Choudhury is a champion for equal justice under law and exceptionally well-qualified to serve as a judge for the Eastern District of New York. As the Legal Director at the American Civil Liberties Union (ACLU) of Illinois, where she has spent the last few years of her career, she has led litigation and advocacy on a range of vital civil rights issues, including efforts to improve policing in Chicago, to protect medically-vulnerable persons detained on immigration charges in county jails during the pandemic, and to challenge harmful fines and fees practices that drove people into bankruptcy. Before assuming her role there, she spent twelve years at the national ACLU, including as the Deputy Director of the Racial Justice Project in New York, and as a staff attorney for both the Racial Justice Project and the National Security Project. She began her career as a law clerk for both Judge Barrington Parker, Jr. on the United States Court of Appeals for the Second Circuit, and for Judge Denise Cote on the United States District Court for the Southern District of New York. Ms. Choudhury graduated from Yale Law School, and obtained her undergraduate degree, *summa cum laude*, from Columbia University. She also obtained her M.P.A. from the Princeton School of Public and International Affairs.

We have had the pleasure of working with Ms. Choudhury throughout her career, and can attend to her exceptional legal acumen and expertise. She has litigated more than two dozen cases, primarily in federal court, working to protect fundamental liberties guaranteed under the First, Fourth, Sixth, Eighth, and Fourteenth Amendments. Ms. Choudhury's extensive litigation experience is coupled with her wide-ranging knowledge and experience in an array of legal areas, including national security law, criminal law

and procedure, privacy, religious freedom, education, housing, the First Amendment, and Equal Protection jurisprudence. Throughout her career, Ms. Choudhury has also demonstrated a deep concern about access to justice and protecting the legal rights of low-income individuals, including challenging practices that penalize people in poverty with both criminal and civil penalties. In addition to bringing a commitment to excellence and service to her work, Ms. Choudhury also brings great empathy for her clients and generosity and support to her colleagues. Professionally, Ms. Choudhury is the kind of lawyer who elevates the work of everyone around her, and she would be a remarkable judge.

Ms. Choudhury would also bring much-needed personal and professional diversity to the federal appellate bench. Upon confirmation, she would be the first Muslim woman and first Bangladeshi American to ever sit on a federal court, and she would be one of only a small group of former civil rights lawyers serving as federal judges. Currently, only 33 federal judges out of 661 in total are former civil rights advocates.<sup>1</sup> Civil rights attorneys play an essential role in our legal system to ensure that all individuals' fundamental rights are protected, especially the rights of people of color, women, people with disabilities, and LGBTQ+ people. The federal judiciary should reflect the diversity of the legal profession and include more judges who have experience representing and protecting the rights of people who are marginalized in our society.

To ensure the federal courts remain impartial, committed to the rule of law and trusted by the American public, the Senate must confirm highly qualified judges from across the legal profession that represent the vast racial and ethnic diversity present in the United States. Currently, the federal judiciary lacks racial, ethnic, and gender diversity. People of color are forty percent of the population but are only twenty-nine percent of federal judges.<sup>2</sup> Additionally, women make up roughly half of the population, but only thirty-six percent of active Article III judges.<sup>3</sup> In the Eastern District of New York, these trends continue as fifty-five percent of the sitting judges are white.<sup>4</sup> The population of the Eastern District as a whole is 56% non-white.<sup>5</sup> If confirmed, Ms. Choudhury would be the first Muslim woman and first Bangladeshi-American to serve on the federal bench.<sup>6</sup>

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<sup>1</sup> Clark Neily, *Are a Disproportionate Number of Federal Judges Former Government Advocates*, CATO INST. (May 27, 2021), <https://www.cato.org/study/are-disproportionate-number-federal-judges-former-government-advocates>; Samantha Cyrulnik-Dercher, *Building an Equal Justice Judiciary: Progress During the Biden Administration*, The Leadership Conference on Civil and Human Rights. (April 14, 2022), <http://civilrightsdocs.info/pdf/policy/letters/2021/Biden%20Progress%2011.2.2021.pdf>.

<sup>2</sup> “Biographical Directory of Article III Federal Judges, 1789-present.” *Federal Judicial Center*. <https://www.fjc.gov/history/judges>; Clark Neily, *Are a Disproportionate Number of Federal Judges Former Government Advocates?*, CATO INST. (May 27, 2021), <https://www.cato.org/study/are-disproportionate-number-federal-judges-former-government-advocates#procedure-findings>.

<sup>3</sup> “Diversity of the Federal Bench,” American Constitution Society, Diversity of the Fed. Bench (2022), <https://www.acslaw.org/judicial-nominations/diversity-of-the-federal-bench/>.

<sup>4</sup> *Id.*

<sup>5</sup> U.S. Census Bureau (2020). *American Community Survey*. Retrieved from <https://data.census.gov/cedsci/table?g=0500000US36047,36059,36081,36085,36103&tid=ACSST5Y2020.S0501>.

<sup>6</sup> Joey Garrison, *Biden nominates Muslim woman to the federal bench, a first in US history as he diversifies the judiciary*, USA TODAY (Jan. 19, 2022).

Thank you for your consideration of our support for the nomination of Nusrat Choudhury to serve on the United States District Court for the Eastern District of New York. We urge the Senate to swiftly confirm Ms. Choudhury. We welcome the opportunity to discuss her nomination with your office further; if you have any questions or concerns, please contact Demelza Baer, Director of Public Policy, at [dbaer@lawyerscommittee.org](mailto:dbaer@lawyerscommittee.org), or Alex Ault, Policy Counsel, at [aault@lawyerscommittee.org](mailto:aault@lawyerscommittee.org).

Sincerely,



Damon T. Hewitt  
President & Executive Director  
Lawyers' Committee for Civil Rights Under Law



Demelza Baer  
Director of Public Policy  
Lawyers' Committee for Civil Rights Under Law