



September 14, 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 enthusiastically supports the nomination of Connecticut Supreme Court Justice Maria Araujo Kahn to be a federal judge on the Court of Appeals for the Second Circuit. She has extensive experience practicing a variety of types of law, both as an advocate and as a judge. Her career shows her commitment to protecting the rights of all people, not just the wealthy and powerful.

Justice Kahn was born in Benguela, Angola, to Portuguese parents. In 1975, as a result of that nation's violent civil war, she immigrated to the United States with her parents at the age of ten. She learned English and graduated with honors from New York University, earning a full scholarship to Fordham Law School. After graduating from Fordham in 1989, she clerked for Connecticut federal district court Judge Peter Dorsey—the same judge who had administered the oath of citizenship at her naturalization ceremony two years earlier.

Kahn then began her long career serving the people of Connecticut, with a focus on civil rights that began early. From 1991-1993, she worked as a deputy assistant public defender for the state, representing indigent juveniles in delinquency matters. Public defenders play a vital and underappreciated role in protecting freedom. Kahn understands that defending the constitutional rights of those accused of breaking the law protects not only them, but also the rest of us. She has stated:

When courts issue decisions suppressing evidence because a police procedure violates the law, it results in law enforcement agencies changing practices and procedures to comport with the law. ... [Such judicial decisions] achieve the greater goal of protecting all of society.<sup>i</sup>

From 1993-1997, Kahn represented people with disabilities as an attorney with Connecticut's Office of Protection and Advocacy for Persons with Disabilities. In that position, she worked on a wide variety of civil rights litigation before administrative hearing officers, state courts, and federal courts. She provided important legal assistance to individuals with disabilities in cases involving employment, housing, criminal matters, patients' rights, and reasonable accommodations under the Americans with Disabilities Act. For instance, she represented a group of individuals who sued several Connecticut hospitals for failing to provide interpreters and other reasonable accommodations to deaf and hard of hearing patients.<sup>ii</sup>

In 1997, Kahn became an assistant U.S. Attorney in Connecticut. She specialized in health care fraud prosecutions, then shifted to general crimes including theft of intellectual property, identity theft, computer crimes, healthcare fraud, tax fraud, and bank fraud. Her work was recognized as exceptional: Every year from 1998-2005, she received a Department of Justice Special Achievement Award.<sup>iii</sup>

In 2006, Republican Gov. Jodi Rell appointed Kahn to be a trial court judge on the Superior Court, where she presided over thousands of criminal and juvenile cases for a decade. She transitioned to hearing appeals in 2017 when Democratic Gov. Dannel Malloy named her to the Connecticut Appellate Court. She was confirmed with an overwhelming bipartisan vote of 133-10 in the House and 36-0 in the Senate.<sup>iv</sup> Gov. Malloy subsequently nominated her to the Connecticut Supreme Court, and she was confirmed in 2018 to an eight-year term 137-3 in the House and by unanimous consent in the Senate.<sup>v</sup>

In addition to addressing numerous Connecticut constitutional, statutory, and common law issues, Justice Kahn has also ruled on federal constitutional issues. For instance, she wrote an opinion clarifying what sources of information courts can consider in reviewing a criminal defendant's double jeopardy claim relating to charges brought in a single trial.<sup>vi</sup> She also authored an opinion involving a man whose parole was revoked for threatening staff at his son's preschool, ruling that he had not engaged in constitutionally protected speech.<sup>vii</sup> In a concurring opinion, she has noted the absence of controlling guidance from the Supreme Court in analyzing how DNA evidence can be presented to a jury while protecting the defendant's constitutional right to confront the witnesses against them.<sup>viii</sup>

Justice Kahn's experience on the bench goes even farther than her extensive work presiding over trials and considering appeals. She has also taken an active role in seeking to improve the state's judicial system from within. Since 2014, she has chaired or co-chaired the Connecticut judiciary's Access to Justice Commission (ATJC). The ATJC's mission is:

[T]o develop recommendations to help ensure equal access for all people, including low- and moderate-income individuals, people with different physical or developmental abilities, the elderly, limited English proficient individuals, and ethnic, cultural and racial minorities.<sup>ix</sup>

In addition, she has co-chaired the state judiciary's Limited English Proficiency Committee since 2008. Working with other committees dedicated to making justice available to all residents, she has coordinated many trainings on implicit bias and cultural competency for Connecticut judges, judiciary staff, bar associations, lawyers and law schools.

We are confident that Justice Maria Araujo Kahn will be an excellent judge on the Second Circuit, and we urge her swift confirmation.

Sincerely,

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

Marge Baker  
Executive Vice President

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<sup>i</sup> Maria Araujo Kahn, CT General Assembly Supreme Court Nomination Questionnaire, Feb. 8, 2018, pp. 2-3.

<sup>ii</sup> *CAD et al. v. Middlesex Memorial Hospital et al.*, Civil No. 3:95CV02408 (AHN) (D. Conn.) (Nevas, J.).

<sup>iii</sup> Maria Araujo Kahn, Attachments to U.S. Senate Judiciary Committee Questionnaire, p. 398.

<sup>iv</sup> Connecticut Legislature 2017 S.J. No. 49.

<sup>v</sup> Connecticut Legislature 2018 S.J. No. 22.

<sup>vi</sup> *State v. Porter*, 328 Conn. 648 (2018).

<sup>vii</sup> *State v. Taveras*, 342 Conn. 563 (2022).

<sup>viii</sup> *State v. Rodriguez*, 337 Conn. 175, 202 (2020) ( concurring).

<sup>ix</sup> Charge of the Access to Justice Commission, [https://www.jud.ct.gov/committees/access/Nov\\_2017\\_Charge.pdf](https://www.jud.ct.gov/committees/access/Nov_2017_Charge.pdf).