

January 23, 2023



**SUPPORT THE CONFIRMATION OF NUSRAT CHOUDHURY
TO THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 230 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, we write to express our strong support for the confirmation of Nusrat Choudhury to the U.S. District Court for the Eastern District of New York. The Leadership Conference intends to include your position on the confirmation of Ms. Choudhury in our voting record for the 118th Congress.

Ms. Choudhury's distinguished career and demonstrated commitment to civil rights make her eminently qualified to serve on the district court. Since 2020, Ms. Choudhury has served as the legal director of the Roger Baldwin Foundation of the American Civil Liberties Union (ACLU) of Illinois. Prior to this, she held a number of different positions at the ACLU, including staff attorney with the National Security Project and staff attorney, senior staff attorney, and deputy director of the Racial Justice Program. A graduate of Columbia University, Princeton School of Public and International Affairs, and Yale Law School, she clerked for Judge Barrington Parker of the U.S. Court of Appeals for the Second Circuit and Judge Denise Cote of the Southern District of New York. Ms. Choudhury possesses vast experience protecting the rights of all people and is an exceptional choice to serve on the federal bench.

During her impressive career, Ms. Choudhury has worked tirelessly challenging discriminatory policies that specifically target communities of color. She led the ACLU's litigation strategy and efforts to end the practice of keeping those unable to pay court-imposed fines or fees imprisoned, without consideration of relevant factors such as ability to pay the fines or if the person had representation of counsel. These fines and fees practices essentially punish people for their poverty — amounting to a modern-day debtor's prison — and have an outsized impact on Black, Latino, and low-income communities.¹ Ms. Choudhury successfully brought cases challenging this practice in many states, including Georgia,² Mississippi,³ and Washington⁴, whose settlements led to substantial reform regarding fine and fee imposition. In addition, she helped courts develop policies and tools to help ensure that the imposition and collection of fees passed constitutional muster. She drafted and successfully advocated for passage of the American Bar Association's Ten Guidelines on Court Fines,⁵ and served on the National Task Force on Fine, Fee, and Bail Practices.⁶ Ms. Choudhury also brought many successful lawsuits challenging racial profiling

¹ *A Pound of Flesh: The Criminalization of Private Debt*, AMERICAN CIVIL LIBERTIES UNION (2018).

² *Thompson v. DeKalb Cty.*, No. 1:15-cv-280 (N.D. Ga. Mar. 18, 2015).

³ *Kennedy v. Biloxi*, No. 1:15-cv-348 (S.D. Miss. Mar. 15, 2016).

⁴ *Fuentes v. Benton County*, No. 15-2-02976-1 (Wash. Super. Ct. Oct. 16, 2016).

⁵ ABA Presidential Task Force on Building Public Trust in the American Justice System, *Ten Guidelines on Court Fines*, THE AMERICAN BAR ASSOCIATION (2018).

⁶ *Questionnaire for Judicial Nominees*, U.S. Senate Committee on the Judiciary, at 81.



policies, such as discriminatory “stop and frisk” policies in Wisconsin⁷ and unlawful surveillance and mapping of Muslim communities by the New York Police Department.⁸ Ms. Choudhury’s background in defending and protecting the rights of all people would bring much needed experience to the court.

The confirmation of Ms. Choudhury would also mark a significant and overdue milestone for our federal judiciary. If confirmed, she would be the first Bangladeshi American woman and first Muslim woman to ever serve as an Article III judge.⁹ The importance of a judiciary that reflects the communities it serves cannot be overstated. Public trust in the judiciary is vital and is bolstered when our courts reflect the rich diversity of our country.¹⁰ Additionally, different lived experiences, especially from historically excluded and underrepresented communities, bring varied perspectives to our federal courts — which is crucial to improving judicial decision-making.¹¹ Ms. Choudhury’s lived and professional experiences would be an asset to our federal judiciary.

Ms. Choudhury is an extremely qualified nominee, and we strongly urge the Senate to confirm her to the Eastern District of New York. If you would like to discuss this matter further, please contact Lena Zwarenstejn, senior director of the fair courts program, at (202) 466-3311. Thank you for your consideration.

Sincerely,

Maya Wiley
President & CEO

Jesselyn McCurdy
Executive Vice President of Government Affairs

⁷ *Collins v. Milwaukee*, No. 2:17-cv-234 (E.D. Wis. July 23, 2018).

⁸ *Raza v. City of New York*, No. 13-CV-3448 (E.D.N.Y. Mar. 20, 2017).

⁹ [President Biden Names Thirteenth Round of Judicial Nominees](#), THE WHITE HOUSE (Jan. 29, 2022).

¹⁰ Berry, Kate, [Building a Diverse Bench: Selecting Federal Magistrate and Bankruptcy Judges](#), BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW AND AMERICAN BAR ASSOCIATION JUDICIAL DIVISION (2017).

¹¹ Maya Sen, [Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time](#), 2017 WIS. L. REV. 367 (2017).