



May 25, 2022

Senator Dick Durbin
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Senator Chuck Grassley
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (“LDF”), I write to express LDF’s strong support for the confirmation of Nusrat J. Choudhury to the U.S. District Court for the Eastern District of New York (“EDNY”). Ms. Choudhury has devoted her career to advocating for the civil rights of all, and the federal judiciary would be well served by her confirmation.

Founded in 1940 by Thurgood Marshall, LDF is the country’s first and foremost civil rights law firm. It has been an entirely separate organization from the NAACP since 1957. Through litigation, advocacy, and public education, LDF seeks structural changes to expand democracy, eliminate unjust disparities, and achieve equality under the law for all Americans.

The role of a federal judge is among the most central to maintaining the rule of law and the preservation of our constitutional democracy. Article III judges enjoy lifetime tenure and hold a position of the highest public trust. As such, it is important that individuals who serve as judges have a demonstrated commitment to fairness and to upholding the rule of law.

Ms. Choudhury has impeccable academic credentials, and a demonstrated commitment to civil rights. A graduate of Yale Law School, the Princeton School of Public and International Affairs, and Columbia University, Ms. Choudry also clerked for Judge Barrington D. Parker, Jr. of the Second Circuit Court of Appeals and for Judge Denise L. Cote of the Southern District of New York.¹ While she currently serves as the Roger Pascal Legal Director of the American Civil Liberties Union (“ACLU”) of Illinois, she served for more than 11 years at the national ACLU based in New York City. From 2013-2020, Ms. Choudhury served on the ACLU’s Racial Justice Program, including as Deputy Director, and from 2009-2013, she served as a staff attorney in the ACLU’s National Security Project.

¹ Nusrat J. Choudhury, *Questionnaire for Judicial Nominees*, U.S. Senate Committee on the Judiciary at 1-2. Available at <https://www.judiciary.senate.gov/imo/media/doc/Choudhury%20SJQ%20Public.pdf>.



Ms. Choudhury has dedicated the entirety of her legal career to challenging discriminatory policies that target communities of color. Notably, 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. In this capacity, Ms. Choudhury has represented multiple clients who lacked the financial resources to retain representation and were subsequently jailed when unable to pay fines for traffic tickets or misdemeanor violations.² 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.³ Ms. Choudhury's efforts in this field led to a landmark settlement agreement in which the city of Biloxi established a public defender's office to represent indigent people in Biloxi Municipal Court and changed how the Biloxi Municipal Court imposes and collects fines and fees, evaluates a party's ability to pay, and uses alternatives to incarceration.⁴

Ms. Choudhury also brought many successful lawsuits challenging racial profiling policies, such as discriminatory “stop and frisk” policies. At the ACLU, Ms. Choudhury represented nine Black and Latino people in Wisconsin who had been stopped and frisked by Milwaukee police officers without sufficient legal justification.⁵ The case led to a settlement agreement that reformed the city's stop-and-frisk practices, instituted data collection on police encounters with members of the public, improved officer training and supervision, and improved the process for filing police complaints.⁶

Ms. Choudhury would be an excellent addition to the District Court for the Eastern District of New York. Over the course of her accomplished career, she has litigated more than two dozen complex cases in federal courts in New York and throughout the country.⁷ She has served as lead counsel in more than a dozen complex cases on issues including government transparency over public records, the interpretation of federal statutes, and rights protected under the First, Fourth, Sixth, Eighth, and Fourteenth Amendments.⁸

If confirmed, Ms. Choudhury would become the first Muslim woman federal judge and the second ever American Muslim to serve in this role. She would also be the first Bangladeshi American to ever sit on a federal court. In addition to the racial and ethnic diversity Ms. Choudhury's confirmation would bring to the federal judiciary, Ms. Choudhury is also a first-generation lawyer and would be one of the few civil rights attorneys confirmed to the federal bench. According to a 2021 Cato Institute study, former prosecutors and

² See *Brown v. Lexington County*, No. 3:17-cv-1426 (D.S.C.); *Brown v. Reinhart*, No. 18-1524 (4th Cir.); *White v. Shwedo*, No. 2:19-cv-3083 (D.S.C.); *Kennedy v. Biloxi*, No. 1:15-cv-348 (S.D. Miss.); *Thompson v. DeKalb Cty.*, No. 1:15-cv-280 (N.D. Ga.).

³ *A Pound of Flesh: The Criminalization of Private Debt*, American Civil Liberties Union (2018). Available at https://www.aclu.org/sites/default/files/field_document/022318-debtreport_0.pdf

⁴ *Kennedy v. Biloxi*, No. 1:15-cv-348 (S.D. Miss.).

⁵ *Collins v. Milwaukee*, No. 2:17-cv-234 (E.D. Wis.).

⁶ *Id.*

⁷ *Id.* at 54-55.

⁸ *Id.*

New York Office
40 Rector Street, 5th Floor
New York, NY 10006-1738

T 212.965.2200
F 212.226.7592



Washington, D.C. Office
700 14th Street, NW, Suite 600
Washington, D.C. 20005

T 202.682.1300
F 202.682.1312

government attorneys outnumber former defense and civil rights attorneys on the federal bench by roughly seven to one.⁹ The federal bench would be improved by the addition of judges who have spent a portion of their legal career representing criminal defendants and who have demonstrated a deep commitment to the preservation of civil rights for all.¹⁰

Ms. Choudhury's educational and professional record make clear that she is eminently qualified to serve on the federal bench. We urge her swift confirmation.

Sincerely,

Janai Nelson
President-Director Counsel
NAACP Legal Defense & Educational
Fund
40 Rector Street
5th Floor
New York, NY 10006
jnelson@naacpldf.org

⁹ Clark Neily, *Are a Disproportionate Number of Federal Judges Former Government Advocates?*, Cato Institute (May 21, 2021), <https://www.cato.org/study/are-disproportionate-number-federal-judges-former-government-advocates#>.

¹⁰ Sherrilyn Ifill, *Racial Diversity on the Bench: Beyond Role Models and Public Confidence*, 57 Wash. & Lee L. Rev. 405 (2000).