



July 23, 2021

Via Electronic Mail

Majority Leader Chuck Schumer
Hart Senate Office Building
Washington, DC 20510

ATTN:

Reginald Babbini: reginald_babin@schumer.senate.gov

Helena Contes: helena_contes@schumer.senate.gov

Senator Kirsten Gillibrand
Russell Senate Office Building
Washington, DC 20510

ATTN:

Alix Lowe-Server: alexandra_lowe-server@gillibrand.senate.gov

Patti Lubin: patti_lubin@gillibrand.senate.gov

RE: Nusrat Jahan Choudhury Should be the First Muslim Woman Federal Judge

Dear Leader Schumer and Senator Gillibrand -

On behalf of Muslim Advocates, a national civil rights organization for American Muslims, we write to strongly endorse Nusrat Jahan Choudhury for a nomination to one of several vacancies on New York's federal district bench.

As senators representing New York and the largest American Muslim and Bangladeshi American populations in the country, you have an unprecedented opportunity to put forth this brilliant legal practitioner to make history as the first Muslim woman and first Bangladeshi American to ever sit on a federal court. We strongly urge you to do so.

Muslim Advocates is dedicated to serving justice for all Americans and we take our responsibility as legal advocates for American Muslims and all marginalized communities very seriously. We have filed major litigation to end police surveillance based on racial and religious profiling, to work against online hate, and to provide relief to families separated

by the Muslim Ban. We believe that the role of our courts is to ensure equality under the law for all people. From experience, we know that the strength and integrity of our federal courts are crucial to ensuring constitutional protections for everyone in our country.

Elevating Nusrat Jahan Choudhury to the federal bench furthers the goal of ensuring equality under law for all people because she has a stellar reputation for advancing the civil liberties and rights of minority communities. Moreover, a confirmation of Ms. Choudhury to the federal bench would amplify the message that it is possible to be promoted to one of our country's most powerful positions of respect and authority based on a professional career that has been entirely devoted to advancing justice, strengthening constitutional protections, and protecting the marginalized.

Nominating Nusrat Jahan Choudhury would be a historic first. To the best of our knowledge, she would be the first Muslim woman and first Bangladeshi American to ever sit on a federal court. In over 230 years since our federal court system was established, the Senate has confirmed over 3,000 jurists to sit on the bench, but apparently none have been a Muslim woman. As senators representing New York and the largest American Muslim and Bangladeshi American populations in the country, you are well-placed to change this history. If future litigants looked up to see "Judge Nusrat Choudhury" on the bench before them, they would tangibly feel the legacy of your and President Biden's goal of diversifying the federal judiciary.

Ms. Choudhury is ready to serve New York on day one. First, she has served New York's legal system for almost her entire adult life in numerous roles, including as:

- Judicial Law Clerk for Judge Denise Cote of the Southern District of New York;
- Judicial Law Clerk for Judge Barrington Parker of the U.S. Court of Appeals for the Second Circuit;
- An advocate for women and families at the Women's Prison Association and Home and at Spence-Chapin Services to Families and Children;
- Staff Attorney for the American Civil Liberties Union Foundation's Racial Justice Program and National Security Project and Deputy Director for the ACLU's Racial Justice Program; And
- A litigator in *Raza v. City of New York*, a lawsuit against the NYPD's profiling of Muslims.¹

Second, she is an expert in legal matters, especially regarding the rights of marginalized communities. For example, she:

¹ "Raza v. City of New York (Challenging the NYPD's Muslim Surveillance Program)." 2013. New York Civil Liberties Union. July 1, 2013. <https://www.nyclu.org/en/cases/raza-v-city-new-york-challenging-nypds-muslim-surveillance-program>.

- Researched and wrote Promoting Opportunity and Equality in America: A Guide to Federal Circuit Authority on Permissible Government Actions to Promote Racial and Gender Equality, a report published by the ACLU and the Opportunity Agenda.²
- Led the drafting of an amicus brief to the U.S. Supreme Court in *Chicago v. Fulton*.³
- Represented the ACLU of Michigan and New Jersey in federal lawsuits under the Freedom of Information Act to access public records regarding the FBI's racial and ethnic mapping program.⁴
- Brought emergency litigation to protect the constitutional rights of medically vulnerable immigrants in ICE detention.⁵
- Led an ACLU campaign to decriminalize poverty, an advocacy initiative to disassemble policies that harm poor people of color.⁶

She is also a leading light in legal advocacy for Muslims in the United States. During her impressive legal career, she:

- Led Freedom of Information and Access litigation to combat FBI surveillance and invasive questioning of Muslims.⁷
- Led litigation in *Latif v. Holder*, the first federal lawsuit challenging the U.S. government's No Fly List procedures.⁸
- Litigated *Jarrar v. Harris* to challenge the racial profiling of an Iraqi-born airline passenger in the Southern District of New York.⁹

It is clear that Ms. Choudhury's extensive experience makes her an ideal and highly qualified contender for New York's federal district bench. She has already made an impact in advancing the civil liberties and rights of minority communities through her influential

² "Promoting Opportunity and Equality in America." American Civil Liberties Union. <https://www.aclu.org/report/promoting-opportunity-and-equality-america>.

³ *Chicago v. Fulton*. 2021. Supreme Court of the United States.

⁴ "ACLU Sues For Records About FBI Collection Of Racial And Ethnic Data In New Jersey." American Civil Liberties Union. <https://www.aclu.org/press-releases/aclu-sues-records-about-fbi-collection-racial-and-ethnic-data-new-jersey>; "ACLU Sues For Records About FBI Collection Of Racial And Ethnic Data In Michigan." American Civil Liberties Union. <https://www.aclu.org/press-releases/aclu-sues-records-about-fbi-collection-racial-and-ethnic-data-michigan>.

⁵ "Two Men Vulnerable to COVID-19 Sue ICE and McHenry County Officials for Release." 2020. ACLU of Illinois. April 17, 2020. <https://www.aclu-il.org/en/news/two-men-vulnerable-covid-19-sue-ice-and-mchenry-county-officials-release>.

⁶ "Poverty Is Not a Crime, Whether You Live in DeKalb County or Ferguson or Anywhere Else." American Civil Liberties Union. <https://www.aclu.org/blog/smart-justice/mass-incarceration/poverty-not-crime-whether-you-live-dekalb-county-or-ferguson>.

⁷ "FBI FOIA Docs Show Use of 'Mosque Outreach' for Illegal Intel Gathering." n.d. American Civil Liberties Union. Accessed June 23, 2021. <https://www.aclu.org/blog/national-security/discriminatory-profiling/fbi-foia-docs-show-use-mosque-outreach-illegal-intel>.

⁸ *Latif v. Holder*. 2011. United States District Court, D. Oregon, Portland Division.

⁹ *Jarrar v. Harris, et al.* 2008. United States District Court, E.D. New York.

legal work. Furthermore, as a representative of the American Muslim and Bangladeshi American populations, Ms. Choudhury is precisely the person needed to achieve President Biden's goal of bringing diversity and inclusion to the federal bench.

For the last sixteen years, Muslim Advocates has worked tirelessly for the civil rights of American Muslims. We believe that, today, there is no better candidate for New York's federal district bench than Ms. Choudhury to further our organization's mission and to lead our communities to a nation where they are guaranteed justice.

Senators, we urge you to recommend Nusrat Jahan Choudhury for a nomination to the United States District Court and we look forward to the possibility of broadcasting this exciting nomination throughout the American Muslim and minority communities with which we work.

Sincerely,

Farah Brelvi Asifa Quraishi-Landes

Farah Brelvi and Asifa Quraishi-Landes
Interim Co-Executive Directors

Scott Simpson

Scott Simpson
Public Advocacy Director



Madihha Ahussain
Senior Policy Counsel