

February 6, 2024



**SUPPORT THE CONFIRMATION OF AMIR ALI
TO THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 240 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 Amir Ali to the U.S. District Court for the District of Columbia. The Leadership Conference intends to include your position on the confirmation of Mr. Ali in our voting record for the 118th Congress.

Mr. Ali's impressive experience in pursuit of equal justice makes him extremely well qualified to serve on the federal bench. Since 2022, Mr. Ali has been the president and executive director of the Roderick & Solange MacArthur Justice Center. Prior to his promotion to president, Mr. Ali held numerous other positions at the Center, including executive director, director of the D.C. office, and Supreme Court and appellate counsel. He spent time in private practice as an associate at Jenner & Block LLP. Additionally, Mr. Ali has worked to train future lawyers. Since 2018, he has co-directed the criminal justice appellate clinic at Harvard Law School. He has also worked as an adjunct professor with the University of the District of Columbia and the Georgetown University Law Center. A graduate of the University of Waterloo and Harvard Law School, Mr. Ali clerked for Judge Raymond Fisher on the U.S. Court of Appeals for the Ninth Circuit and Justice Marshall Robinson on the Supreme Court of Canada. The breadth and depth of his exceptional legal experience would be a tremendous asset to this court.

Mr. Ali brings much needed and underrepresented experience to the judiciary. Much of his extensive legal career has been dedicated to protecting the rights of people involved in the criminal-legal system. For example, he successfully represented Corey Williams, who had been wrongfully convicted of murder, allowing Mr. Williams to be free after 20 years of incarceration.¹ In another case, Mr. Ali represented Kevan Brumfield, a man with an intellectual disability who had been sentenced to death before the U.S. Supreme Court decided *Atkins v. Virginia*, which held that such sentences were unconstitutional.² Despite *Atkins*, Mr. Brumfield was denied an evidentiary hearing to have his sentence reviewed.³ Mr. Ali's zealous representation of his client resulted in Mr. Brumfield's death sentence being reversed.⁴ Mr. Ali also successfully argued after the Supreme Court issued its opinion in *Johnson v. U.S.*,⁵ which held that a section of the Armed Career Criminal Act (ACCA) related to sentencing was unconstitutionally vague,

¹ Mark Berman, [He was 16 when Louisiana charged him with murder. Two decades later, he's free](#), THE WASHINGTON POST (May 22, 2018).

² *Atkins v. Virginia*, 122 S. Ct. 2242 (June 20, 2002) (Holding that imposing a death sentence on people with intellectual disabilities was a violation of their 8th Amendment right to be free from cruel and unusual punishment).

³ *Brumfield v. Cain*, 135 S. Ct. 2269 (June 18, 2015).

⁴ *Id.*

⁵ *Johnson v. United States*, 135 S. Ct. 2551 (June 26, 2015).

that people sentenced under the ACCA prior to *Johnson* could have the constitutionality of their harsh sentences reviewed.⁶ Mr. Ali's work has had far-reaching implications for those involved in the criminal-legal system.

Mr. Ali has also worked to hold law enforcement accountable for wrongdoing. On numerous occasions, he successfully challenged the overbroad application of the qualified immunity defense for police officers who use excessive force. For example, he successfully challenged a lower court's decision to grant qualified immunity to police officers who had used excessively violent tactics to arrest a man, including the use of pepper spray, beating with a police baton, and the use of a taser twice.⁷ In another case, Mr. Ali successfully represented Ryan Cole, a 17-year-old boy who, despite not posing a threat to the officers, police shot multiple times, resulting in permanent injury.⁸ In an *en banc* ruling, the Fifth Circuit held that the lower court's pretrial rejection of a qualified immunity defense could stand, allowing Mr. Cole's excessive force case to move ahead.⁹ Mr. Ali also represented the family of Marquez Smart, an unarmed Black man who police fatally shot.¹⁰ He secured a reversal of the lower court's ruling that granted qualified immunity to the officers, which allowed Mr. Smart's case to move forward.¹¹ Mr. Ali's experience is exceptional, and it has prepared him well to be a federal judge.

In addition to the crucial professional experience he would bring to the bench, Mr. Ali's lived experience would also bring important perspectives to the judiciary. If confirmed, he would be the first Arab American person and the first Muslim person to ever serve a lifetime appointment on this court.¹² Depending on the timing of his confirmation,¹³ Mr. Ali could become only the third Muslim Article III judge to ever be confirmed to any of our federal courts.¹⁴ It is estimated that 3.45 million people in the United States are Muslim,¹⁵ yet until 2021 there had never been a lifetime-appointed Muslim federal judge in our nation's history.¹⁶ Having courts that better reflect the many communities that they serve helps to strengthen the public's trust in the judiciary, which is crucial to our courts' function.¹⁷ Additionally, a diversity of personal and professional experiences helps to improve judicial decision-

⁶ *Welch v. United States*, 136 S. Ct. 1257 (April 18, 2016).

⁷ *Jones v. Treubig*, 963 F.3d 214 (2d Cir. 2020).

⁸ *Cole v. Carson*, 935 F.3d 444 (5th Cir. 2019).

⁹ *Id.*

¹⁰ *Est. of Smart by Smart v. City of Wichita*, 951 F.3d 1161 (10th Cir. 2020).

¹¹ *Id.*

¹² Nate Raymond, [Biden names first 6 new judicial nominees of 2024](#), REUTERS (January 10, 2024).

¹³ As of this letter's publication, there are two other judicial nominees who are Muslim (Third Circuit nominee [Adeel Mangi](#) and District of Oregon nominee [Mustafa Kasubhai](#)) and are awaiting their Senate confirmation votes.

¹⁴ See e.g., Saeed Ahmed, [The Senate Has Just Confirmed The First Muslim American Federal Judge In U.S. History](#), NPR (June 10, 2021); Lola Fadulu, [First Muslim Woman to Be Federal Judge Confirmed by Senate](#), THE NEW YORK TIMES (June 16, 2023).

¹⁵ Besheer Mohamed, [New estimates show U.S. Muslim population continues to grow](#), PEW RESEARCH CENTER (January 3, 2018).

¹⁶ Azi Paybarah, [U.S. Senate Confirms First Muslim Federal District Judge](#), THE NEW YORK TIMES (June 11, 2021).

¹⁷ Maya Sen, [Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time](#), 2017 WIS. L. REV. 367 (2017).



making.¹⁸ The confirmation of Mr. Ali would be a meaningful step towards ensuring that our federal courts reflect and represent the diversity of our nation.

Mr. Ali is an excellent choice for this position, and we strongly urge the Senate to confirm him to the U.S. District Court for the District of Columbia. 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

¹⁸ Kate Berry, *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).