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March 3, 2021

Co-Chairs Pauline Schneider & Jon Bouker
Federal Law Enforcement Nominating Commission
Arent Fox LLP
1717 K Street, NW
Washington, D.C. 20006
DCFLENC@arentfox.com

**Re: Endorsement of Ayesha N. Khan for Vacancy on United States
District Court for the District of Columbia**

Dear Ms. Schneider & Mr. Bouker:

On behalf of the South Asian Bar Association of Washington, D.C. (“SABA-DC”), I write to express our unequivocal support for the potential appointment of Ayesha N. Khan to fill the vacancy on the United States District Court for the District of Columbia (the “D.C. District Court”). Through her extensive trial and appellate litigation experience that has taken her to courts around the United States on some of the landmark cases of the past two decades, Ms. Khan would bring a wealth of experience, diversity of perspective, and passion for justice to the D.C. District Court bench.

SABA-DC is a voluntary bar association dedicated to the needs, concerns, and interests of the South Asian American legal community in the Washington, D.C. area. Our organization reaches approximately 1,000 attorneys and jurists of South Asian origin in the D.C. metropolitan area. SABA-DC’s key objectives are to advance the professional development of South Asian American lawyers, increase awareness and dialogue regarding legal issues concerning South Asian Americans, and improve access to legal services for the South Asian American community. In making our endorsements, we consider a candidate’s experience, past accomplishments, demonstrated interest in or commitment to the South Asian community, and broader efforts to improve diversity, equity, and inclusion in the legal profession.

Based on her extensive personal and professional accomplishments, SABA-DC strongly believes that Ms. Khan is exceptionally qualified to be elevated to the role of District Judge on the D.C. District Court. She graduated from the



University of Michigan Ann Arbor and the University of California, Berkeley, School of Law, and clerked for District Judge Charles A. Legge of the United States District Court for the Northern District of California. Ms. Khan began her legal career representing indigent survivors of domestic violence seeking and enforcing Civil Protection Orders in D.C. Superior Court. After working as an associate at Covington & Burling LLP, where she maintained an expansive *pro bono* practice, she joined the American Civil Liberties Union (“ACLU”) National Prison Project. At the ACLU, Ms. Khan fought to improve prison and jail conditions around the country, litigating class action cases on behalf of women, HIV-positive and transgender inmates, religious minorities such as Sunni Muslims, and other groups that have faced systemic mistreatment by our nation’s carceral system. Ms. Khan also served as Legal Director for Americans United for Separation of Church and State (“Americans United”), where she built and directed a litigation program intended to advance the equal treatment of religious minorities, reproductive rights, and LGBTQ equality. Her work at Americans United included challenges to the NYPD’s surveillance of mosques and Muslim Student Associations, the erection of a Ten Commandments monument in the Alabama Judicial Building, and Alabama’s ban on same-sex marriage. She also served as lead counsel for the respondents in the United States Supreme Court case *Town of Greece v. Galloway*.

After her impactful time at Americans United, Ms. Khan joined the DOJ Civil Rights Division as a Deputy Chief in the Appellate Section. She supervised attorneys working on federal and state appellate cases involving discrimination on account of race, sex, religion, disability, service-member status, and sexual orientation in employment, housing, education, correctional facilities, and public accommodations. Ms. Khan subsequently returned to private practice in 2016 and has represented individual clients in civil rights cases at the trial and appellate levels and advised nonprofit civil rights organizations on their litigation programs. From 2017 to 2020, she was a member of the D.C. Bar’s seven-member Nominations Committee.

Ms. Khan has devoted her career to advancing the public interest and securing equal justice for marginalized communities. She has extensive litigation experience at the trial and appellate levels—from conducting numerous D.C. Superior Court trials on behalf of domestic violence survivors, to litigating a class action in the D.C. District Court on behalf of prisoners at the former Lorton Correctional Complex, to defending Affordable Care Act regulations designed to ensure that students and faculty were able to access insurer-funded contraceptives, to fighting for equal pay for female mechanics, Ms. Khan has demonstrated her commitment to ensuring equal access to impartial justice for all litigants. She also has a



diversity of experience, having worked in the nonprofit sphere, government, and private practice; litigated in state and federal courts, and at the trial and appellate levels; handled small cases and class actions; and represented individuals and corporations. Ms. Khan's broad litigation practice covers numerous areas and issues that the D.C. District Court frequently encounters, including the First Amendment, Section 1983, Title VII, the Americans with Disabilities Act, Title IX, and complex litigation.

Beyond her deep commitment to public service, Ms. Khan would bring her rich and diverse perspective as a South Asian American and Muslim to the D.C. District Court. As the daughter of Indian immigrants, this commitment is deeply personal. Ms. Khan's parents chose to remain in India after the 1947 Partition—rather than migrating to Pakistan—and faced constant threats to their personal safety during this tumultuous period in South Asian history. In just one example of the history she carries, her father was forced to abandon his childhood home in the middle of the night, fearing anti-Muslim riots. Despite the lived experience of her parents—and her own experiences with anti-Muslim bigotry when she was in college and beyond—Ms. Khan was not discouraged from achieving her dream of becoming a lawyer and fighting for what is right and just.

Through these experiences, Ms. Khan knows what it is feels like to be an outsider in this country and would bring an empathetic voice to the D.C. District Court bench. Her background and lived experiences drive her commitment to the fundamental values that the American judicial system is supposed to represent: fairness, non-discrimination, impartiality, and justice for all. In short, Ms. Khan epitomizes the type of judicial candidate that President Biden has expressed interest in appointing: a brilliant advocate who has dedicated her life to public service and would add much-needed demographic and professional diversity to the federal bench. Her elevation would be historic, as she would be the first Indian-American female District Judge on the D.C. District Court and the first Muslim Article III judge in the nation.

Based on the information highlighted in this letter, combined with the extensive materials you have received regarding her qualifications, SABA-DC believes that Ms. Khan is an exceptional candidate to serve as a District Judge on the D.C. District Court. She exemplifies the qualities that will most benefit this office and will serve the citizens of this country well. We enthusiastically support her for this position and respectfully request that you extend her every possible consideration for inclusion in the group of nominations presented to the President for consideration.



Sincerely,

A handwritten signature in black ink, appearing to read 'A. Sidhu', is positioned below the word 'Sincerely,'.

Amandeep S. Sidhu
Chairman, SABA-DC Endorsements Committee

cc: Priya L. Bhanu, President, SABA-DC
Nandu Machiraju, President-Elect, SABA-DC