

January 23, 2023



**SUPPORT THE CONFIRMATION OF CINDY CHUNG
TO THE U.S. COURT OF APPEALS FOR THE THIRD CIRCUIT**

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 support for the confirmation of Cindy Chung to the U.S. Court of Appeals for the Third Circuit. The Leadership Conference intends to include your position on the confirmation of Ms. Chung in our voting record for the 118th Congress.

Ms. Chung is dedicated to protecting and advancing equal justice for all. Throughout her career, Ms. Chung has enforced critical civil rights laws, which is important experience that will benefit the Third Circuit. Since 2014, she has worked at the United States Attorney's Office for the Western District of Pennsylvania where she has held several positions, including U.S. attorney, assistant U.S. attorney, deputy chief of the Major Crimes Section, and acting deputy chief of the Violent Crimes Section. Prior to this, she worked as a trial attorney in the Civil Rights Division of the U.S. Department of Justice and as assistant district attorney and investigation counsel for the Corruption Unit of the New York County District Attorney's Office. She has also worked to train future lawyers as a professor at the University of Pittsburgh School of Law. A graduate of Yale University and Columbia Law School, she clerked for Judge Myron Thompson on the U.S. District Court for the Middle District of Alabama. Her experience and exceptional career would be a tremendous asset to the Third Circuit.

Ms. Chung has a vast record of protecting the rights of all people, especially when it comes to protecting and defending people and communities who have experienced horrific hate crimes. While serving in the Civil Rights Division at the Justice Department, she enforced key hate crimes laws, including being the first lawyer to bring a case to enforce the Shepard-Byrd Hate Crimes Prevention Act.¹ She successfully prosecuted white supremacists who firebombed the home of an interracial couple,² two men who endangered the lives of Latinos by intentionally causing a car accident,³ and a leader of a neo-Nazi group for making racially motivated threats through letters and phone calls to numerous people in the community.⁴ Additionally, during her time as a U.S. attorney, she brought a federal hate crimes lawsuit against two men for ongoing and cruel abuse against non-verbal residents at a long-term care facility

¹ *United States v. Maybee et al.*, 3:11-CR-30006 (W.D. Ar.), *aff'd*, 687 F.3d 1026 (8th Cir. 2012).

² *United States v. Barnwell et al.*, 4:11-CR-62 (E.D. Ar. 2011).

³ *United States v. Maybee et al.*, 3:11-CR-30006 (W.D. Ar.), *aff'd*, 687 F.3d 1026 (8th Cir. 2012), *cert. denied*, 133 S. Ct. 556 (2012).


⁴ *United States v. White*, 7:08-CR-54 (W.D. Va.), *aff'd in part, vacated in part*, 670 F.3d 498 (4th Cir. 2012).

where the men were employed.⁵ She has held law enforcement officials responsible for their actions by, for example, successfully bringing cases against officers for excessive force claims⁶ and concealment of criminal action in the wake of Hurricane Katrina.⁷ Notably, she was a responding attorney in the aftermath of the hate-motivated mass shooting of members of Jewish congregations at the Tree of Life Synagogue, helping to develop a case that included federal hate crime charges and leading the initial trial stages.⁸ As this impressive portfolio of work demonstrates, Ms. Chung has a demonstrated commitment to civil and human rights and would be an excellent addition to the federal bench.

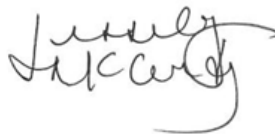
In addition to the important professional experience she would bring to the bench, Ms. Chung's lived experience would also bring critical perspectives to the judiciary. The Third Circuit is home to more than 1.5 million AAPI people yet,⁹ if confirmed, Ms. Chung would be the first Asian American to ever serve on the Third Circuit.¹⁰ Not only would her confirmation be a historic milestone for the Third Circuit, but for the federal appellate courts overall, as Ms. Chung would be only the fourth AAPI woman to serve on a federal circuit court.¹¹ The United States is home to more than 21 million AAPI people, yet only 12 of the 172 current active federal appellate judges identify as AAPI.¹² Public trust in the judiciary is bolstered when our courts reflect the rich diversity of our country.¹³ Different lived experiences, especially from communities that have long been excluded from serving on our courts, bring varied perspectives to our federal courts that are crucial to improving judicial decision-making.¹⁴ The confirmation of Ms. Chung would be an important step towards ensuring that our federal courts reflect and represent the diversity of our nation.

Ms. Chung would be a wonderful addition to the Third Circuit, and we urge the Senate to confirm her nomination. 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

⁵ The U.S. Attorney's Office for the Western District of Pennsylvania, [Former Employees of Beaver County Health Care Facility Indicted on Federal Hate Crime Charges Related to Alleged Assaults Against Disabled Residents](#), U.S. DEPARTMENT OF JUSTICE (March 25, 2022).

⁶ *United States v. Matakovich*, 2:16-CR-73 (W.D. Pa.), *aff'd*, 758 F. App'x 295 (3d Cir. 2018).

⁷ *United States v. Bowen et al.*, 969 F. Supp. 2d 546 (E.D. La. 2013), *aff'd*, 799 F.3d 336 (5th Cir. 2015).

⁸ *United States v. Bowers*, 498 F. Supp. 3d 741 (W.D. Pa. 2020).

⁹ [Quick Facts: Delaware, Pennsylvania, New Jersey](#), THE U.S. CENSUS BUREAU (accessed July 2022).

¹⁰ [President Biden Names Twenty-First Round of Judicial Nominees](#), THE WHITE HOUSE (July 12, 2022).

¹¹ [Biographical Directory of Article III Federal Judges](#), 1789-present, FEDERAL JUDICIAL CENTER (accessed July 2022).

¹² *Id.*

¹³ Maya Sen, [Diversity, Qualifications, and Ideology: How Female and Minority Judges Have Changed, or Not Changed, Over Time](#), WIS. L. REV. 367 (2017).

¹⁴ 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).