

Nusrat Choudhury claimed police kill unarmed black men in America 'every day.' That's nowhere near true.

Was a Judicial Nominee Prejudiced in Her 'Role as an Advocate'?

Shelby Steele calls them "poetic truths." They are narratives that play down or disregard reality and facts to advance a favored ideological position. A poetic truth about policing and race in the U.S. has gained currency in recent years, and it was on vivid display last week at a Senate Judiciary Committee hearing. President Biden has nominated Nusrat Choudhury to serve as a judge on the U.S. District Court for the Eastern District of New York. Ms. Choudhury is a product of Columbia University, Princeton University and Yale Law School, but she's also an activist who has spent most of her career working on racial justice for the American Civil Liberties Union. When Republican Sen. John Kennedy of Louisiana asked the nominee about remarks she made on a panel at Princeton in 2015, the following exchange ensued: Mr. Kennedy: You said that "the killing of unarmed black men by police happens every day in America." Did you say that?

Ms. Choudhury: Senator, I don't recall the statement, but it's something I may have said in that context.

Mr. Kennedy: You think it happens every single day?

Ms. Choudhury: Senator, I believe in that statement I was making a comment in my role as an advocate, and I was engaging in rhetorical advocacy, as advocates do.

Mr. Kennedy: But do you believe that police officers kill unarmed black men every day in America?

Ms. Choudhury: Senator I believe the killing of unarmed citizens by law enforcement is tragic, and I believe in that instance? . . .

Mr. Kennedy: I believe it's tragic too, but do you believe and this is a really simple question, counselor? do you believe that cops kill unarmed black men in America every single day? You

said it at Princeton.

Ms. Choudhury: Senator, I said it in my role as an advocate.

There is no evidence that police officers kill unarmed black men daily. Black deaths at the hands of police are statistically rare, and those involving unarmed suspects are rarer still. Arrests in the U.S. number more than 10 million in a typical year. According to a database maintained by the Washington Post, police shot 1,054 people in 2021, including 234 whites and 139 blacks. Thirty-three of those shooting victims were unarmed, including eight whites and six blacks.

Meanwhile, black homicides not involving police numbered more than 7,700 in 2019 and more than 9,900 in 2020 and are expected to surpass 10,000 when the 2021 figures are released. These civilian shooting deaths are the real scourge of low-income black communities, but highlighting them doesn't advance the left's political agenda. So such activists as Ms. Choudhury choose to keep the focus on law enforcement, even if it means distorting the truth and smearing police.

To make matters worse, mainstream media outlets go out of their way to spread the ignorance that these activists spew. Last week the New York Times ran a story about the rise in shootings in New York City and the impact on children, 40 of whom have been shot this year. Nowhere in the story are we told that the shooters and shooting victims in these tragedies are almost always black or Hispanic. Aside from a reference near the end to a candlelight vigil attended by "mostly young Black children between 12 and 14 years old," race isn't mentioned.

The same edition of the Times includes a story about a fatal police shooting last month in Grand Rapids, Mich., involving a man who was allegedly resisting

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arrest. By the third paragraph we are told that the cop was white and the suspect was black. Next, we are told that the encounter has "raised questions" about "racial profiling," "excessive force" and "overpolicing." The story about civilian shootings appeared deep inside the paper. The story about the cop shooting ran on the front page.

The narratives being pushed by woke elites such as Ms. Choudhury, and disseminated uncritically in the establishment media, are not only wrong but dangerous. They provide encouragement to the millions of Americans who have chosen to demonstrate against law enforcement in recent years, sometimes violently. They help explain why soft-on-crime policies are back in vogue, why police departments have trouble recruiting new officers, and why the number of cops killed last year grew by nearly 60%.

The Senate will have to decide if someone like Ms. Choudhury, who exercised such poor judgment in her "role as an advocate," is fit to sit on a federal bench in judgment of others. But Mr. Kennedy has performed a public service by challenging her reckless remarks. If only more journalists would follow his lead.

UPWARD MOBILITY

By Jason L. Riley WSJ

