



February 23, 2021

The Honorable Richard J. Durbin
Chair
Senate Judiciary Committee
Washington, DC 20510

The Honorable Charles E. Grassley
Ranking Member
Senate Judiciary Committee
Washington, DC 20510

Dear Chair Durbin and Ranking Member Grassley:

Now in our 50th year, the Southern Poverty Law Center (SPLC) is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people.

On behalf of the SPLC Action Fund and the 53 undersigned organizations, we write in strong support of the nomination of Kristen Clarke to serve as Assistant Attorney General for Civil Rights. Ms. Clarke is exceptionally well qualified for the job, having previously served in the Justice Department's Civil Rights Division, for the NAACP Legal Defense and Educational Fund, as head of the Civil Rights Bureau for the New York State Attorney General's Office, and, since 2016, as President and Executive Director of the Lawyers Committee for Civil Rights Under Law. We are confident that this demonstrated, lifelong commitment to promoting equal justice has prepared Ms. Clarke to effectively lead enforcement of our nation's existing civil rights laws – and help address structural racism, historic inequalities, and unjust barriers to equal treatment under the law.

Under her direction, the Lawyers Committee's Election Protection initiative has played a national leadership role in working to protect free and fair elections and ballot access for voters. Ms. Clarke led the Lawyers Committee when it successfully sued white supremacists and racists, and created the Stop Hate Project, which has provided excellent resources and a number of training initiatives designed to strengthen capacity of community-based organizations and law enforcement officials to confront all forms of violent bigotry and hate crimes

Over the past four years, the Lawyers Committee has helped fill the gap caused by the Justice Department's almost total inattention to a number of traditional Civil Rights Division priorities. The Department significantly aided the Trump administration's effort to undermine the Census, and filed almost no voting rights cases – even defending some restrictive voting laws. After the 2020 election and 2021 runoffs, the Georgia State Legislature immediately began to consider ballot access restrictions based entirely on white supremacist conspiracy theories and lies about election fraud. To date, there have been at least 30 voter suppression bills introduced in the two chambers. Facing legislation that amounts to modern-day poll taxes and Jim Crow tactics, voters in Georgia and other states in the Deep South will need a vigilant and

forceful Voting Rights Section ready and willing to enforce the law and defend the right to vote. Targets of this restrictive legislation, including people of color, the elderly, people with disabilities, people experiencing poverty, rural citizens, and students deserve nothing less.

The Trump Justice Department played a lead role in working to roll back health, welfare, and workplace protections for LGBTQ people. Following President's Biden's election, we are now seeing concerted efforts to pass anti-transgender legislation in many Deep South states, including measures designed to target the medical care and school activities of children. In Alabama, Mississippi, and Georgia, we are defending against bans on medical care and sports participation by transgender youth, who already face substantial discrimination.¹ We very much look forward to a Civil Rights Division led by Ms. Clarke and committed to fight for safety, opportunity, dignity, and equity for LGBTQ communities.

The COVID pandemic has had a starkly disproportionate impact on Black, Indigenous, and Latinx communities – revealing staggering inequities in health care and housing, in the workplace, and in financial and educational systems. These dramatic racial disparities must be addressed. Recently, a deadly nitrogen leak at a poultry processing plant in Georgia left six immigrant workers dead² and a community in fear of retaliation and discrimination. The poultry industry's abuses are well-known and continue to go unchecked, and workers deserve a watchdog with the ability and resources to take on some of the wealthiest and largest employers in the Deep South.

At the same time, the killing of George Floyd and many other unarmed men and women of color by the police has driven thousands to sustained protests in the streets, energizing a decades-long movement calling not just for reform, but for a fundamental reimagining of policing and incarceration policies – and a deep reinvestment in community-based programs. Under both Attorney General Sessions and Attorney General Barr, the Justice Department failed to act to curb police misconduct and harshly restricted pattern and practice police reform work. We believe Ms. Clarke will be an essential voice promoting Justice Department leadership in reforming and transforming the criminal justice system.

In addition, we expect that, under Ms. Clarke's leadership, the Civil Rights Division will act to protect the health and safety of incarcerated persons. The Georgia Department of Corrections has reported that at least 88 incarcerated people and four staff members have died from the coronavirus disease. Incarcerated people report a lack of testing, filthy conditions, and no sterilization products, and staff not providing adequate medical assistance or medication to those who are ill.

In addition, we trust that she will continue and expand upon the Justice Department's existing litigation against the state of Alabama for unconstitutional conditions in its men's prisons. Sexual abuse, excessive force by corrections staff, pervasive assault, understaffing, and overcrowding are only some of the 8th and 14th Amendment claims that incarcerated people, their loved ones, and organizers have been rallying around for years. This Justice Department litigation has provided an opportunity for a measure of relief for people suffering under decades of overly-harsh sentencing laws and mass incarceration.

¹ Alabama's HB1, medical ban; Georgia's HB276 and HB372, sports ban and an attempt to define gender; Mississippi's SB2536, sports ban.

² Joshua Sharpe, <https://www.ajc.com/news/crime/breaking-victims-ided-after-deadly-poultry-plant-nitrogen-leak/ITNUHYOFSNBA3GTMR4V6FHJLVI/>

The Civil Rights Division of the Justice Department has a leadership role to play in enforcing our nation's civil rights laws and ensuring equal justice for all. It is not enough for the next Assistant Attorney General for Civil Rights to merely restore lost rights and freedoms. We need a person in that position who is ready, on day one, to take immediate and aggressive steps to reimagine how we can truly become a more just and equitable nation – to drive litigation, enforcement, and policy strategies that will help make an America as good as our highest ideals and aspirations for individual dignity, fairness, equal treatment, and justice.

Kristen Clarke is that deeply experienced leader – uniquely qualified to take on these important responsibilities. We urge you to support her speedy confirmation.

Sincerely,

SPLC Action Fund
AIDS Alabama
Alabama Black Women's Roundtable
Alabama Civic Engagement (ACE) Coalition
Alabama CURE
Alabama Justice Initiative
Alabama Rivers Alliance
Asian Youth for Civic Engagement
Bay Area Women Coalition, Inc.
Church Without Walls
COALITION OF LATINO LEADERS-CLILA
Common Cause GA
Faith in Action Alabama
Faith and Works
Fair Fight Action
GALEO Impact Fund, Inc.
The Georgia Coalition for Higher Education in Prison
Georgia Coalition for the People's Agenda
The Georgia Coalition of the People's Agenda - Coastal Georgia
Georgia Conservation Voters
Georgia STAND-UP
¡HICA! Hispanic Interest Coalition of Alabama
Hispanic Interest Coalition of Alabama
HousingLOUISIANA
Indivisible Georgia Coalition
Jobs to Move America
LatinoJustice PRLDEF, Southeast Office
Louisiana Fair Housing Action Center
Loyola University New Orleans
Medical Advocacy & Outreach
McIntosh SEED
Mississippi Center for Justice
Mississippi Low Income Child Care Initiative
Montgomery PRIDE United/ Bayard Rustin Community Center
MS AFL-CIO,
NAACP Florida State Conference
NAACP Louisiana State Conference
National Association of Social Workers-Mississippi Chapter

Necessary Trouble
The New Georgia Project
Open Table United Church of Christ
Our Lady of the Valley Catholic Church
Pax Christi and Our Lady of Lourdes
Power Coalition for Equity and Justice
Progressive Women of Northeast Alabama
Promise Of Justice Initiative
Project Hope to Abolish the Death Penalty
Refugee Women's Network
Represent GA Action Network
Southern Center for Human Rights
SURJ ATL
Tuscaloosa County Office of Public Defender
Unitarian Universalist Church of Pensacola
Women Watch Afrika