



April 9, 2021

United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Durbin, Ranking Member Grassley, and Committee Members:

On behalf of our 1.5 million supporters nationwide, People For the American Way enthusiastically supports the nomination of Kristen Clarke to be Assistant Attorney General for Civil Rights at the Department of Justice.

Although the Civil Rights Division has existed for more than 60 years, it has never been led by a Black woman. That would finally change with Clarke, the daughter of Jamaican immigrants, who brings with her a lifetime of experience that will help the Division more effectively fulfill the role Congress has assigned it. More importantly, Clarke's lifelong dedication to justice and equity—her indomitable determination to make the struggles of others her own—make her a stellar choice, especially at this point in American history.

While Clarke's nomination has been pending before the Judiciary Committee, the United States has been experiencing the most dramatic and widespread rollback in the right to vote in well over a century. In just three months, more than 360 voter-suppression bills have been introduced in 47 states.ⁱ Voting procedures used more frequently by Black and brown communities have been targeted for reduction or elimination by Republican-controlled legislatures. Georgia has even criminalized giving food or water to people hoping to vote but stuck in long lines at overcrowded and under-resourced polling places.

Also occurring while Clarke's nomination has been pending has been the trial of former police officer Derek Chauvin for the murder of George Floyd. Due to video technology and social media, the horrifying last moments of Floyd's life and of too many other Black individuals brutalized and killed by the police have been exposed for all to witness. This terror is not new to communities long targeted for violence; what's new is that the rest of America sees it. This has helped galvanize a national movement for justice and for reimagining our approach to public safety-

Ominously, hate crimes across the nation are on the rise. For instance, after a year of hateful, racist rhetoric surrounding the COVID-19 virus, there has been a frightening yet predictable rise in harassment and violence against Asian Americans. In New York, the number of hate crimes targeting Asian Americans jumped from three in 2019 to 28 last year.ⁱⁱ In Atlanta, after an individual murdered six Asian Americans in March, one law enforcement official chalked it up to the suspect having a "bad day."ⁱⁱⁱ Entire communities are living in fear, which is exactly what the perpetrators of hate crimes want.

These are just some of the crises within the purview of the Civil Rights Division that must be addressed. That is why it must be led by a person with a demonstrated commitment to civil rights. President Biden could not have chosen better than Kristen Clarke, the woman who now leads the Lawyers' Committee for Civil Rights Under Law.

Kristen Clarke's entire career shows a core commitment to civil rights, one that has benefited the lives of the people she has worked to protect. Her very first job out of law school in 2000 was at the Civil Rights Division she would now lead, where she worked as a trial attorney in the Voting Section. In 2002, she had a six-month detail to prosecute assault, domestic violence, and sex offense cases in District of Columbia Superior Court. Returning to the Civil Rights Division, she prosecuted civil rights violations and handled investigations involving official misconduct, police misconduct, hate crimes, and human trafficking. For instance, she helped prosecute a Kentucky man for setting fire to the apartment of three Black men in an effort to frighten them into leaving an all-white neighborhood.

In 2006, she began advocating for civil rights from outside the federal government. From 2006-2011, she co-directed the NAACP Legal Defense and Educational Fund's voting rights docket, litigating cases to protect people's right to vote under the Constitution and federal statutes. As one prominent example, before the Supreme Court issued its devastating opinion in *Shelby County v. Holder*, Clarke defended the constitutionality of the Voting Rights Act's preclearance formula, winning the case before a three-judge district court panel. In addition to litigating, she also testified before Congress, Congressional committees, the U.S. Election Assistance Commission, and state legislatures regarding redistricting, voting rights, and election reform matters.

From 2011-2015, she served as chief of the Civil Rights Bureau at the New York Attorney General's Office, where she helped to direct investigations and prosecute discrimination cases on the basis of race, color, national origin, sex, marital status, sexual orientation, gender identity, religion, source of income, and disability status. She also oversaw the office's Religious Rights Unit, where she took a leadership role in combatting anti-Semitism, securing religious accommodations, and protecting the religious rights of all people. In one notable case, she led the office's successful effort to reach a settlement with the power utility Con Edison, where there had been ongoing and widespread sexual harassment by male employees.

And for the past five years, she has served as the President and Executive Director of the Lawyers' Committee for Civil Rights Under Law, one of the nation's leading civil rights legal organizations. The Lawyers' Committee is a nonpartisan organization formed in 1963 at the request of President John Kennedy to combat racial discrimination by enlisting the private bar's leadership and resources. As the organization's leader, Clarke has determined its programmatic strategies in promoting civil rights and racial justice through litigation in areas such as voting rights, fair housing, criminal justice, educational opportunities, economic justice, hate crimes, and digital justice. For instance, she went to court and helped expose the inner workings and

actual agenda of the Trump administration’s sham “Commission on Electoral Integrity,” which led to its eventual disbanding.

Given Clarke’s manifest commitment, principles, and abilities, it is no wonder that her nomination has been so widely endorsed. In fact, the Union for Reform Judaism, which has only endorsed a nomination three times since its founding in 1873, has made an exception this time by endorsing Clarke, calling her “a steadfast ally to the Jewish community and a trusted partner in the fight against white supremacy and antisemitism.”^{iv} She also has the support of more than 70 former state attorneys general—Republicans and Democrats alike—who note her “immense credibility among community leaders in each of our states” and praise her “effective work on violent extremism and the threat that it poses to our citizens.”^v More than 100 organizations have joined The Leadership Conference on Civil and Human Rights in a letter of support, noting that the “breadth and scope of Ms. Clarke’s civil rights record is without parallel.”^{vi} More than 100 interfaith and community-based organizations have written that they “have no doubt that Kristen Clarke is the right person to ensure the safety of our communities and strengthen our civil rights protections as head of the Civil Rights Division.”^{vii}

Kristen Clarke is unquestionably the right person for the job. The Senate should confirm her without delay.

Sincerely,



Marge Baker
Executive Vice President for Policy and Program

ⁱ “Voting Laws Roundup: March 2021,” Brennan Center for Justice, published April 1, 2021, <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-march-2021>.

ⁱⁱ “‘Nobody Came, Nobody Helped’: Fears of Anti-Asian Violence Rattle the Community,” The Washington Post, Feb. 25, 2021, <https://www.washingtonpost.com/nation/2021/02/25/asian-hate-crime-attack-patrol/>.

ⁱⁱⁱ “Official Who Said Atlanta Shooting Suspect Was Having A ‘Bad Day’ Faces Criticism,” NPR, March 18, 2021, <https://www.npr.org/2021/03/17/978141138/atlanta-shooting-suspect-is-believed-to-have-visited-spas-he-targeted>.

^{iv} “Union for Reform Judaism Endorses Kristen Clarke’s Nomination to Lead Department of Justice’s Civil Rights Division,” Union for Reform Judaism, March 10, 2021, <https://urj.org/press-room/union-reform-judaism-endorses-kristen-clarkes-nomination-lead-department-justices-civil>.

^v Letter from former state attorneys general supporting Merrick Garland, Lisa Monaco, Vanita Gupta, and Kristen Clarke, Feb. 3, 2021, <https://www.judiciary.senate.gov/police-chiefs-and-sheriffs-letter-of-support-for-gupta>.

^{vi} “Support the Nomination of Kristen Clarke to be Assistant Attorney General for Civil Rights,” Feb. 25, 2021, <https://civilrights.org/resource/support-the-nomination-of-kristen-clarke-to-be-assistant-attorney-general-for-civil-rights>.

^{vii} “Interfaith Sign-on Letter in Support of Kristen Clarke,” March 15, 2021, <https://www.ncjw.org/news/interfaith-sign-on-letter-in-support-of-kristen-clarke>.