



April 13, 2021

United States Senate
Washington, DC 20510

Re: Support of Nomination of Kristen Clarke for Assistant Attorney General for the Civil Rights Division at the United States Department of Justice

Dear Senator:

On behalf of the Lawyers' Committee for Civil Rights Under Law ("Lawyers' Committee"), we urge you to support the nomination of Kristen Clarke to the position of Assistant Attorney General for the Civil Rights Division at the United States Department of Justice ("DOJ"). The Lawyers' Committee is one of the nation's leading nonprofit civil rights legal organizations, founded in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and securing equal justice under law. For over fifty years, the Lawyers' Committee has been at the forefront of many of the most significant cases to advance racial equality and secure equal justice.

While our mission makes us particularly qualified to comment on this nomination, our history makes us uniquely well positioned to do so. Ms. Clarke has been the well-respected and beloved leader of our organization since 2016. She has devoted herself entirely to the creation of a more equitable nation, and has masterfully stewarded the organization toward increased growth and impact. Ms. Clarke has spent her career exemplifying our passion for social and racial justice, as well as championing civil rights and equality for all. NAACP Legal Defense and Educational Fund's president and director-counsel, Sherrilyn Ifill, noted that "Ms. Clarke has led one of the country's most important civil rights organizations...Ms. Clarke will undoubtedly understand the priorities needed for the division at this critical moment."¹ Sheila Katz, CEO of the National Council of Jewish Women, said that "as the leader of one of this country's most important civil rights organizations, Kristen Clarke has devoted her life to the pursuit of equal justice for all. Her efforts to combat discrimination throughout her career have helped to strengthen our democracy."²

¹ "LDF Issues Statement on President-Elect Biden's Nominees for Attorney General and Key Department of Justice Leadership Position", LDF, Jan. 7, 2021, https://naacpldf.org/wp-content/uploads/AG-Statement-01.07.21-FINAL-1.pdf?_ga=2.94284701.1000485116.1617191962-274206298.1617191962.

² Shana Sisk, "National Council of Jewish Women Applauds Department of Justice Nominees", NCJW, Jan. 7, 2021, <https://www.ncjw.org/news/national-council-of-jewish-women-applauds-department-of-justice-nominees/>.

Ms. Clarke will bring an unprecedented breadth of experience and civil rights leadership to the Civil Rights Division of the DOJ. As such, we wholeheartedly support her nomination and urge her prompt confirmation by the United States Senate.

The Civil Rights Division of the Department of Justice was created by the Civil Rights Act of 1957, and has since worked to uphold the civil and constitutional rights of all Americans. The Division protects society's most vulnerable groups, enforcing federal statutes barring discrimination on the basis of race, color, sex, disability, familial status, citizenship status, and national origin. This work is of the utmost importance. In President Joe Biden's announcement of his DOJ nominees, he stated that the Civil Rights Division "represents the moral center of the Department of Justice. And the heart of that fundamental American ideal that we're all created equal and all deserve to be treated equally."³ We are currently facing a pivotal moment in our nation's history and understanding of racial justice. From the police killings of unarmed Black Americans, including Elijah McClain, George Floyd and Breonna Taylor, whose deaths sparked nationwide outrage last summer, to the white supremacist violence at the Capitol on January 6th, America is in need of a Civil Rights Division that protects the rights of all people. There is no one better prepared to lead the Division in this mission than Ms. Clarke, who President Biden called "one of the most distinguished civil rights attorneys in America."⁴

Ms. Clarke has spent two decades devoting herself to the enforcement of civil rights and advocating for equality for all in America. After graduating from Harvard University and Columbia Law School, she began her career in the DOJ's prestigious honors program. There, she spent six years working as a career attorney for the Civil Rights Division, affording her invaluable experience within the office she has now been nominated to lead. Ms. Clarke worked in the Division's Voting Section, where she handled voting rights and redistricting cases. She also served as a federal prosecutor in the Criminal Section, handling cases of police brutality, police misconduct, hate crimes, and human trafficking. Both roles have afforded Ms. Clarke a deep knowledge of the Division's mission and the necessity of aggressively enforcing America's federal civil rights laws.

Following her time at the DOJ, Ms. Clarke continued her commitment to voting rights in her role as Co-Director of the Political Participation Group at the NAACP Legal Defense and Educational Fund ("LDF"). It was at LDF, a racial justice legal organization founded by Thurgood Marshall, that she litigated important voting rights cases such as *Northwest Austin Municipal Utility District Number One v. Holder* and *Shelby County v.*

³ "Joe Biden Introduces DOJ Nominees, Merrick Garland Transcript", Rev, Jan. 7, 2021, <https://www.rev.com/blog/transcripts/joe-biden-introduces-doj-nominees-merrick-garland-transcript>.

⁴ *Id.*

Holder. In her work on these cases, Ms. Clarke fought to defend the constitutionality of the Voting Rights Act of 1965 and demonstrated the persistence of racial discrimination in the communities that were covered by the Act’s preclearance provision.

In 2011, Ms. Clarke continued to advocate for social and racial justice in her role as head of the Civil Rights Bureau for the New York State Attorney General’s Office. In this position, she led civil rights enforcement over a broad range of issues, including employment discrimination, criminal justice reform, education, housing discrimination, fair lending, barriers to reentry, voting rights, immigrants’ rights, gender inequality, disability rights, reproductive access, LGBTQ+ rights, and hate crimes. She also led the establishment of the Religious Rights Unit, which helped to combat religious discrimination and promote tolerance. Specifically, she secured major settlements with employers to protect the rights of Shabbat-observing employees.

We, of course, are most familiar with Ms. Clarke’s unparalleled work at the helm of the Lawyers’ Committee for the last five years. As one of the nation’s leading civil rights organizations, the Lawyers’ Committee has always done critical work on behalf of people of color and low-income people. Under Ms. Clarke’s leadership, the Lawyers’ Committee has not only continued this tireless fight, but has expanded our litigation and legislative advocacy to protect and advance voting rights, equitable educational opportunities, economic justice, fair housing, immigrant rights, judicial integrity, and to combat hate crimes. As our President and Executive Director, Ms. Clarke led our Election Protection Coalition, the nation’s largest and longest-running nonpartisan voter protection program. She also spearheaded the launch of our James Byrd, Jr. Center to Stop Hate, and has worked continuously to combat hate crimes, neo-Nazis, and white supremacist groups. Under her leadership, we partnered with the International Association of Chiefs of Police to strengthen law enforcement response to hate crimes and ensure the safety of all threatened by hate. Regarding Ms. Clarke and her impressive role in the civil rights community, former U.S. District Court Judge and National Lawyers’ Committee Board Co-Chair Shira Scheindlin stated, “Kristen Clarke is a force of nature. She has been working tirelessly, around the clock, morning, noon and night to ensure that all Americans share the same rights and privileges as equal members of our society.”⁵ If confirmed as the leader of the Civil Rights Division, Ms. Clarke would be unwilling to do anything less.

The American public expects and relies upon the Senate to take its constitutionally mandated duty to vet executive appointees seriously to ensure they fulfill their duties to our country. Kristen Clarke’s track record demonstrates a respect for all communities, appreciation for the diversity that makes our nation strong, and determination to enforce civil rights protections for all, indicating that she is the right

⁵ Don Owens, “National Lawyers’ Committee Board Co-Chairs Scheindlin, Sager and West on Kristen Clarke’s Nomination as Assistant Attorney General for Civil Rights”, The Lawyers’ Committee for Civil Rights Under Law, Jan. 7, 2021, <https://lawyerscommittee.org/national-lawyers-committee-board-co-chairs-scheindlin-sager-and-west-on-kristen-clarkes-nomination-as-assistant-attorney-general-for-civil-rights/>.

choice to lead the Civil Rights Division during these times. For twenty years, she has worked tirelessly to secure equal justice for all, including for communities of color facing racial and sex discrimination, the LGBTQ+ community, and religious minorities targeted because of their beliefs. Furthermore, if confirmed, Ms. Clarke will set historic precedent as the first woman confirmed to lead the Civil Rights Division since it was founded in 1957.

Thank you for your consideration of our support of the nomination of Ms. Kristen Clarke to the position of Assistant Attorney General for Civil Rights at the United States Department of Justice. We welcome the opportunity to discuss her nomination with your office further; if you have any questions or concerns, please contact Demelza Baer, Director of Public Policy, at dbaer@lawyerscommittee.org or Erinn D. Martin, Policy Counsel, at emartin@lawyerscommittee.org.

Sincerely,

A handwritten signature in cursive script that reads "Damon T. Hewitt".

Damon T. Hewitt
Acting President & Executive Director/
Executive Vice President
Lawyers' Committee for Civil Rights Under Law
Washington, D.C.