



NAACP

April 12, 2021

The Honorable Richard Durbin
Chairman, Senate Judiciary Committee
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Charles Grassley
Ranking Member, Senate Judiciary Committee
152 Dirksen Senate Office Building
Washington, DC 20510

RE: NOMINATION OF KRISTEN CLARKE FOR ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS

Dear Chairman Durbin and Ranking Member Grassley:

On behalf of the NAACP, our nation's oldest, largest, and most widely-recognized grassroots based civil rights organization, I strongly urge you to support the nomination of Kristen Clarke to be Assistant Attorney General for Civil Rights in the U.S. Department of Justice.

The selection of the next leader of the Civil Rights Division may be the most important executive nomination considered by the Senate this year. Established in 1957, the Civil Rights Division is charged with enforcing our nation's civil rights laws and is known as the "Crown Jewel" of the Justice Department. Its vital work represents the core of the Department's mission to ensure justice on behalf of all Americans.

Kristen Clarke is exactly the extraordinary leader we need at the helm of the Civil Rights Division at this critical moment when a number of civil rights crises have converged to render the work of the Division the most consequential in decades. Longstanding racial disparities are in stark relief as the pandemic still disproportionately impacts communities of color. Police violence remains a looming danger for people of color. Racially-motivated domestic terrorism is now classified as the gravest threat to our democracy. Communities across the country are targets of hate-filled assaults, tragically only growing in number. At the same time, we are forced to defend against a reinvigorated attack on our democracy post-election that has produced hundreds of state-sponsored voter suppression bills, unprecedented in the modern era. Finally, after four years of civil rights reversals and rollbacks by the Trump administration, the Department of Justice must repair the grave harm done to the Civil Rights Division and move quickly to restore and advance civil rights enforcement. Civil rights are always front and center, but never more so than now.

Kristen Clarke's confirmation is imperative in this moment. She would make history in becoming the first Senate-confirmed woman to lead the Civil Rights Division. As the daughter of Jamaican immigrants, she will be the first woman of color to serve in this position. Women of color have always been an integral part of the civil rights movement and many are leading the civil rights battles of today. It is unfathomable that

a woman has never been confirmed as Assistant Attorney General for Civil Rights in the sixty-four years since the founding of the Division. With Ms. Clarke's nomination, the Senate has the opportunity to correct this longstanding omission in civil rights leadership.

Kristen Clarke is an incredibly accomplished civil rights lawyer who has devoted her entire career to advancing the cause of justice. It was civil rights that first motivated her to become a lawyer when, as a high school student, she attended a hearing in the famous school desegregation lawsuit, *Sheff v. O'Neill*. After graduating from Harvard University and Columbia Law School, she began her civil rights career with the Civil Rights Division, participating in the prestigious Honors Program. As a testament to her longstanding belief that civil rights are never partisan issues, she spent her first years as a lawyer with the Civil Rights Division under the George W. Bush administration, prosecuting hate crimes, domestic violence, human trafficking, police brutality, and voting rights cases.

In addition to her federal civil rights enforcement background, Kristen Clarke has substantial leadership experience in state civil rights enforcement. For four years, she served as Chief of the Civil Rights Bureau in the New York Attorney General's Office. As New York's top civil rights enforcement officer, she directed one of the most active and robust civil rights dockets in the country, supervising a broad range of civil rights enforcement activity in areas such as voting rights, fair housing and lending, equal opportunity in education, anti-discrimination in the workplace, access for individuals with disabilities, religious rights, LGBTQ rights, and hate crimes. She also worked to address barriers to reentry for individuals with criminal convictions, the school-to-prison pipeline, and police misconduct, including overseeing preparation of a comprehensive report regarding the New York City Police Department's Stop and Frisk Program.

In addition to her prosecutorial experience, Kristen Clarke has held leadership positions with national civil rights litigating organizations. She headed the political participation project at the NAACP Legal Defense & Educational Fund, which was founded by Thurgood Marshall. Currently, she serves as president and executive director of the Lawyers' Committee for Civil Rights Under Law, which was established at the request of President John F. Kennedy in 1963 to engage the legal profession in the protection of civil rights.

Over the course of her career, Ms. Clarke has developed an incredible breadth and depth of civil rights litigation experience which makes her an extraordinary nominee to lead the Civil Rights Division. She has litigated in every civil rights area in which the Division is involved, including voting rights, equal educational opportunity, fair housing, equal employment, environmental justice, and criminal justice. Importantly, she has also represented many diverse communities protected by our nation's civil rights laws, including people of color, women, people with disabilities, members of the LGBTQ community, people of faith, older Americans, service members, and victims of hate crimes.

Our nation needs a nationally renowned voting rights lawyer like Kristen Clarke in the top civil rights position at the Department of Justice. Ensuring full political participation for voters of color has been a central theme of Ms. Clarke's career. As a young lawyer in the Division's Voting Section, she enforced voting rights laws on behalf of the United States. While working on voting rights at the Legal Defense Fund, she was engaged in some of the most complex and consequential voting rights cases of our time. It was Ms. Clarke who argued on behalf of Black intervenors in the lower court hearing in *Shelby County v. Holder*, defending the constitutionality of Section 5 of the Voting Rights Act. Ms. Clarke also supervised voting rights cases when she directed New York's Civil Rights Bureau. The Lawyers' Committee for Civil Rights Under Law, which she has headed for the last five years, operates a signature year-round election protection program for federal, state, and local elections and manages a campaign staffed by thousands of

volunteer lawyers to ensure that all citizens, from Hawaii to New Hampshire, can cast a ballot and have that ballot count. Ms. Clarke has testified before Congress and numerous state and local public bodies about the importance of defending the franchise for communities of color. It is difficult to think of someone more experienced at protecting democracy than Kristen Clarke.

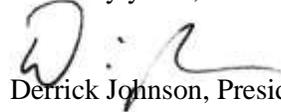
The NAACP believes that Ms. Clarke is exceptionally suited to oversee the Civil Rights Division at a time when people of color have suffered devastating harm at the hands of law enforcement. She is the leader we need to ensure local police agencies are complying with civil rights laws and advancing public safety by maintaining positive relationships with the communities they serve. Ms. Clarke has prosecuted police misconduct cases and has worked to make the criminal justice system fairer for people of color. She can help the Justice Department develop effective solutions to the tremendous challenges created by the policing crisis by prioritizing accountability and transparency and inspiring confidence and trust. Ms. Clarke is known as a bridge-builder who opens lines of communication and works collaboratively to advance the cause of justice. Her nomination enjoys broad support from the law enforcement community such as the Major Cities Chiefs Association, the National Association of Police Organizations, the executive director of the International Association of Chiefs of Police, and the National Association of Women Law Enforcement Executives. She is also supported by bipartisan groups of U.S. Attorneys, State Attorneys General, former top Justice Department officials, and police chiefs and sheriffs across the country.

Importantly, Kristen Clarke has fought against hatred and bigotry throughout her 20-year career and can use her experience to help the Justice Department stem the shocking rise in hate crimes. She prosecuted hate crimes on behalf of the Department under the George W. Bush administration. In the New York Civil Rights Bureau, she oversaw a religious rights initiative which promoted religious tolerance and religious accommodations. At the Lawyers' Committee, she launched the James Byrd Jr. Center to Stop Hate to address hate crimes by strengthening the capacity of community leaders, law enforcement, and national organizations to combat hate. She led efforts to ban hate speech on social media platforms and won a lawsuit against one white supremacist website and shut down numerous others. Under her leadership, the Lawyers' Committee filed suit against the Proud Boys for attacking a historic Black church in Washington, D.C.

Our nation urgently needs Kristen Clarke's civil rights vision and leadership at the Justice Department. President Biden was correct when he introduced Kristen Clarke as "one of the most distinguished civil rights attorneys in America." Every community protected by our federal civil rights laws is extremely fortunate that she is willing to head the Civil Rights Division at a time when her commitment and expertise are vitally necessary to restore the "Crown Jewel" of the Department. Her unique combination of talents and skills can assuredly help chart our nation's path toward the promise of equal justice under law. The Senate should confirm her as quickly as possible.

Thank you for your attention to this important matter. Should you have any questions or comments, please contact Hilary Shelton, Director of the Washington Bureau and Senior Vice President for Policy and Advocacy at his office at (202) 463-2940.

Sincerely yours,



Derrick Johnson, President and CEO

cc: Members of the Senate Judiciary Committee