LDF Statement on Nomination of Kenneth L. Marcus to Lead U.S. Department of Education’s Office for Civil Rights

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) sent a letter formally opposing the nomination of Kenneth L. Marcus to lead the U.S. Department of Education’s Office for Civil Rights (OCR) to Senate Committee on Health, Education, Labor & Pensions leadership. LDF Policy Director Todd A. Cox issued the following statement:

“The leader of the Office for Civil Rights must be a fierce advocate for the rights of all students – someone deeply committed to using every tool at his or her disposal to create a safe and healthy learning environment for students of color. Unfortunately, Kenneth Marcus’s civil rights record, including his writing and prior stint as Assistant Secretary for Civil Rights, suggests he’s simply not up to the task. In particular, Mr. Marcus lacks a strong commitment to using all legal theories available to protect the civil rights of students, including disparate impact theory. His record and recent testimony also suggest he is unlikely to use OCR’s authority to advance diversity and equal access to educational resources. Finally, Mr. Marcus’ use of departmental guidance to assist schools and districts with civil rights laws compliance is problematically unclear.

‘This Department of Education has already launched an assault on our civil and human rights, and we need someone in charge of OCR who will vigorously protect the rights of all students, particularly students of color. After thoroughly reviewing his record, we urge members of the Senate Committee on Health, Education, Labor & Pensions to vote against Mr. Marcus’s confirmation.”

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.