



For Immediate Release
Thursday, June 7, 2018

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**LDF Statement on Confirmation of Kenneth L. Marcus to Lead U.S.
Department of Education's Office for Civil Rights**

Today the Senate confirmed Kenneth L. Marcus to serve as Assistant Secretary for Civil Rights at the U.S. Department of Education.

In January the NAACP Legal Defense and Educational Fund, Inc. (LDF) sent a [letter](#) formally opposing the nomination of Mr. Marcus, noting that during his nomination hearings he expressed a lack of commitment to enforcing federal laws designed to protect all student from discrimination, particularly students of color. He also demonstrated an unwillingness to use 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.

LDF's Policy Director [Todd A. Cox](#) issued the following statement:

"Today the Senate made the wrong choice in confirming Kenneth Marcus to lead the Office for Civil Rights. The U.S. Department of Education needs leaders who are fierce advocates for the rights of all students – individuals committed to creating safe and healthy learning environments for all students, as well as recognizing the need to address the discrimination that students of color still experience.

"The Department of Education has already demonstrated its disregard for civil and human rights. This confirmation is disappointing, but it will not stop us and our allies from working together to protect the rights of all students and to hold the Department of Education and OCR accountable."

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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.