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LDF Issues Statement on President-elect Biden's Nominees for Attorney General and Key Department of Justice Leadership Positions

Today, President-elect Joe Biden announced that he has nominated Judge Merrick Garland to serve as the next Attorney General (AG) of the United States, Vanita Gupta as Associate Attorney General, and Kristen Clarke as Assistant Attorney General for Civil Rights.

Sherrilyn Ifill, President and Director-Counsel of the NAACP Legal Defense and Educational Fund, Inc. (LDF) issued the following statement regarding these leadership announcements and the importance of the Department of Justice (DOJ) prioritizing civil rights enforcement under the Biden administration:

“From the perspective of civil rights advocates, the Attorney General is the most important position in the cabinet. The AG is charged with overseeing enforcement of federal law, including federal civil rights laws. The DOJ under the Trump administration worked systematically to roll back civil rights gains and shut down avenues for civil rights progress. The new Attorney General will have a monumental task ahead to right the ship at the DOJ. We congratulate Judge Garland on his nomination for the role of U.S. Attorney General. His record as a jurist is one of decency, ethics, and adherence to the rule of law – necessary attributes for anyone seeking to serve as this country’s top law enforcement official.

“Nevertheless, Judge Garland has been on the bench and removed from daily engagement with some of the most important issues facing Black communities around the country. This concern is particularly acute in the area of criminal justice reform given Judge Garland’s record in criminal justice cases. He will need to quickly master the most pressing civil rights issues facing this country, including voter suppression and the eradication of white supremacy from law enforcement. We are gratified that he will have a superb team around him as he undertakes this challenging work, including two superb civil rights lawyers who received their foundational training at LDF.

“As part of this team, the guidance of Vanita Gupta as Associate Attorney General will be critical to Judge Garland as he sets and executes the department’s agenda for the coming months. We are delighted and encouraged by Ms. Gupta’s nomination. Her confirmation will mark the first time a civil rights lawyer has been selected for one of the top three positions at the DOJ.

“Ms. Gupta is among the most highly-respected, visionary civil rights lawyers in the country, and her skill in consensus-building is exceptional. These attributes were

epitomized in her bold, courageous leadership of the Civil Rights Division during the Obama administration, which jump-started the division's deep engagement in investigating unconstitutional policing. Ms. Gupta honed her understanding of these issues during her years as an attorney at LDF, where she worked on an array of criminal justice issues, including defending Black residents in Tulia, Texas, who were wrongly convicted of drug crimes after being racially profiled by a racist law enforcement officer. Her work on racial justice issues at the American Civil Liberties Union distinguished her as one of the most influential civil rights attorneys in the country.

“In her current role as President and Chief Executive Officer of The Leadership Conference on Civil and Human Rights, Ms. Gupta has led a coalition of over 100 civil rights groups during the most challenging period our nation has experienced in decades. Her voice, vision, and clarity have been exceptional — and critical to the success of civil rights groups in pushing back against the tide of President Trump's anti-civil rights agenda. We are immensely pleased that Ms. Gupta will be playing such a critical role in shaping the DOJ's trajectory under the Biden administration.

“We are also excited by the selection of Kristen Clarke as Assistant Attorney General for Civil Rights. Ms. Clarke, who will be the fifth former LDF attorney to lead the Civil Rights Division, brings exceptional and broad civil rights experience to the DOJ. Her compelling and admirable record as a civil rights attorney at the Department of Justice, LDF, and the New York Attorney General's Office, where she led the Civil Rights Bureau, affirms her exceedingly strong qualifications for this role.

“During her time at LDF, Ms. Clarke was intimately involved in a broad range of voting rights and election law cases, including powerfully defending Section 5 of the Voting Rights Act of 1965. As president and executive director of the Lawyers' Committee for Civil Rights, Ms. Clarke has led one of the country's most important civil rights organizations, including its national Election Protection voter protection coalition, which has helped to protect the vote and ensure access to the ballot box for millions of voters. Ms. Clarke will undoubtedly understand the priorities needed for the division at this critical moment, and we look forward to working closely with her and her team.

“The new leadership team at the Department of Justice must take immediate, comprehensive steps to restore the Civil Rights Division of the Department of Justice to its stated purpose of upholding ‘the civil and constitutional rights of all Americans’ and enforcing ‘federal statutes prohibiting discrimination on the basis of race, color, sex, disability, religion, familial status and national origin.’ This is especially imperative following four disgraceful years of systemic undermining of civil rights that sought to undo decades of critical progress and reform.

“Indeed, there are several areas that warrant immediate attention from the Biden Justice Department's Civil Rights Division. It must restore pattern and practice investigations of police departments to address systemic discrimination by law enforcement and to prosecute individual officers who have engaged in unconstitutional policing practices. The police killing of George Floyd and others earlier this year awakened the public to the need for greater police accountability and a reimagining of public safety. These must be top priorities for the Department of Justice.

“Moreover, as evidenced most recently in the November 2020 general election, voter suppression at the local, state, and federal levels is intensifying. To ensure that everyone is able to freely exercise their right to vote, the Biden Justice Department must return to the critical function of enforcing the Voting Rights Act.

“It must also investigate constitutional violations related to conditions at state prisons. We are witnessing a full-blown humanitarian crisis in this nation’s prisons, with incarcerated individuals regularly subjected to violence, sexual abuse, and unsafe living conditions. People of color are disproportionately impacted by unconstitutional practices in the criminal justice system, and the Justice Department should readily act to stop these dangerous and inhumane violations.

“Finally, leadership in the Biden administration’s Department of Justice must acknowledge the severity of the crisis of white supremacy in the country and the attendant increase in hate crimes and related criminal and civil rights violations. Hate crimes are currently at their highest level in nearly a decade, and the FBI has identified white supremacist groups as the most dangerous domestic terrorism threat. The DOJ, alongside other executive departments, must develop a comprehensive plan to eradicate these crimes and hold their perpetrators accountable to the fullest extent of the law.

“LDF stands ready to work with Judge Garland and his leadership team, and we are hopeful that the DOJ will re-institute its long-held commitment to vigorously enforcing civil rights protections and advancing critical components of criminal justice reform. We are relieved to close the book on the shameful chapter at the Department of Justice led by the Trump administration and look forward to a new era.”

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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. LDF 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.

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