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April 12, 2021

Senator Dick Durbin  
United States Senate  
711 Hart Senate Office Building  
Washington, D.C. 20510

Senator Chuck Grassley  
United States Senate  
135 Hart Senate Office Building  
Washington, D.C. 20510

***Re: Letter of support for Assistant Attorney General for Civil Rights nominee, Kristen Clarke***

Dear Chairman Durbin and Ranking Member Grassley:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (“LDF”), I write to express the unequivocal support of LDF for the nomination of Kristen Clarke to serve as the Assistant Attorney General for Civil Rights at the United States Department of Justice (“Department”). LDF is the country’s first and foremost civil rights organization. Founded in 1940 under the leadership of Thurgood Marshall, LDF’s mission has always been transformative: to achieve racial justice, equality, and an inclusive society.<sup>1</sup> Ms. Clarke was an esteemed member of the LDF staff from March 2006 to August 2011. During that time, she worked tirelessly to advance LDF’s mission, especially in the areas of voting rights and political participation.

The work and leadership of the Civil Rights Division of the Department of Justice is of particular interest to LDF. Created by the Civil Rights Act of 1957, the Civil Rights Division (“Division”) is charged with upholding “the civil and constitutional rights of all Americans, particularly some of the most vulnerable members of our society.”<sup>2</sup> The Division is responsible for protecting and building

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<sup>1</sup> LDF has been a separate organization from the NAACP since 1957.

<sup>2</sup> About Division Overview, Department of Justice (last accessed March 29, 2021)  
<https://www.justice.gov/crt/about-division-overview>



upon the hard-won civil rights of marginalized communities, and it requires a leader with a proven commitment to that goal.

Since its formation in the early days of the Civil Rights Movement, many of the leaders of the Division<sup>3</sup> have brought a wealth of experience and commitment to the robust enforcement of civil rights statutes that prohibit discrimination on the basis of race, sex, disability, religion, familial status and national origin. For most of its history, the Division has been at the forefront of civil rights protection in each of these areas. However in recent years, we saw a drastic change with the Division largely absent from leadership in, and often opposed to, civil rights enforcement. At the same time, we have seen a dramatic increase in the attacks and antagonism against civil rights laws in this country.

This is indeed a critical moment in the nation’s history and it is of paramount importance that the Department of Justice and the Civil Rights Division be led by lawyers with a demonstrated commitment to integrity, independence, civil rights, and equal justice under the law. As President Biden recently noted,

“[The Justice Department] was formed in 1870 to enforce the civil rights amendments that grew out of the Civil War. The 13th, 14th, and 15th amendments. To stand up to the Klan, to stand up to racism, to take on domestic terrorism. This original spirit must again guide and animate its work.”<sup>4</sup>

Ms. Clarke is precisely the person to restore the original spirit of the Civil Rights Division. She has dedicated her entire career to the enforcement and expansion of civil rights. In fact, when announcing his intent to nominate Ms. Clarke, President Biden described her as “one of the most distinguished civil rights attorneys in America.”<sup>5</sup>

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<sup>3</sup> Four former LDF staff attorneys have served as the Assistant United States Attorney General for Civil Rights, leading the Civil Rights Division in its work during critical periods in the Division’s history: Vanita Gupta, Bill Lann Lee, Deval Patrick, and Drew S. Days III.

<sup>4</sup> *Joe Biden Introduces DOJ Nominees Merrick Garland Transcript*, (Jan. 07, 2021)

<https://www.rev.com/blog/transcripts/joe-biden-introduces-doj-nominees-merrick-garland-transcript>.

<sup>5</sup> *Id.*



Ms. Clarke’s extensive record of civil rights advocacy and enforcement, as well as her deep commitment to justice and professional integrity makes us confident in her ability to excel as Assistant Attorney General for Civil Rights. After graduating from Harvard University and Columbia Law School, Ms. Clarke spent six years as a career attorney at the Civil Rights Division.<sup>6</sup> Serving in both the Criminal Section and Voting Section, she handled critical matters ranging from police misconduct, hate crimes and human trafficking to voting rights and redistricting.

After serving at the Civil Right Division, Ms. Clarke joined LDF and helped lead litigation focused on voting rights and election law. As Co-Director of the Political Participation Group at LDF, Ms. Clarke oversaw and coordinated LDF’s legal strategy to defend the constitutionality of the Voting Rights Act in federal courts and to fight for full political participation for communities of color.

Ms. Clarke litigated some of LDF’s most important and high-profile voting rights cases, including *Northwest Austin Municipal Utility District Number One v. Holder*<sup>7</sup> which upheld the constitutionality of Section 5 of the Voting Rights Act. She also led the effort to intervene in the watershed case of *Shelby County v. Holder*<sup>8</sup> representing local African-American community leaders and voters. Ms. Clarke presented argument on behalf of the intervenors before a three-judge panel of the D.C. Circuit Court of Appeals. That argument was successful as the both the district court and the Court of Appeals rejected the constitutional challenges to the Voting Rights Act (“VRA”) asserted by Shelby County. However, in June 2013, the Supreme Court issued a ruling that the geographic coverage provision of the VRA was unconstitutional.

After leaving LDF, Ms. Clarke served as chief of the Civil Rights Bureau of the New York State Attorney General’s office. In that position, she led and coordinated civil rights enforcement in the State of New York and helped to direct investigations and prosecute discrimination cases on the basis of race, color, national origin, sex, marital status, sexual orientation, gender identity, religion, source of income and disability status.

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<sup>6</sup> Kristen Clarke, Responses to Senate Judiciary Questionnaire (last accessed March 3, 2021) p. 2

<sup>7</sup> 557 U.S. 193 (2009).

<sup>8</sup> 679 F.3d 848 (2012)



Most recently, Ms. Clarke served as president and executive director of the Lawyers' Committee for Civil Rights ("Lawyers Committee"), one of the country's premier civil rights organizations. In that capacity, she has also led the Lawyers' Committee's national Election Protection coalition, the nation's largest and longest-running nonpartisan voter protection program.<sup>9</sup> Ms. Clarke also launched the James Byrd, Jr. Center to Stop Hate,<sup>10</sup> a national project focused on combating and responding to hate crimes against marginalized communities. Ms. Clarke's tenure at the Lawyers' Committee is marked by the organization's legal advocacy combating racist, anti-Semitic, Islamophobic and anti-immigrant hate on the internet. In 2019, the Lawyers' Committee, stewarded by Ms. Clarke, won a landmark victory against *The Daily Stormer* for engaging in online racial harassment and threats.<sup>11</sup>

The breadth and depth of Ms. Clarke's professional record is unparalleled. Her litigation and advocacy experience in crucial civil rights issues provide expertise desperately needed in the Division today. Moreover, she has the reputation of a trusted and respected civil rights advocate, across ideological or partisan boundaries.<sup>12</sup> Ms. Clarke is an incredibly qualified and passionate civil rights leader with a career of distinction, committed to fighting hate and bias and promoting racial justice.

As the nation's top law enforcement agency, the Department of Justice serves as a backstop for the protection of fundamental civil rights. Kristen Clarke will restore integrity, independence, and the pursuit of justice to Civil Rights Division of

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<sup>9</sup> About, Election Protection: 866-Our-Vote (last accessed March 29, 2021) <https://866ourvote.org/about/>.

<sup>10</sup> Don Owens, *Lawyers' Committee for Civil Rights Under Law Remembers James Byrd Jr.*, Lawyers' Committee for Civil Rights Under Law (Jun. 7, 2020) <https://lawyerscommittee.org/lawyers-committee-for-civil-rights-under-law-remembers-james-byrd-ir/#:~:text=Earlier%20this%20year%2C%20the%20Lawyers%E2%80%99%20Committee%20for%20Civil,the%20Lawyers%E2%80%99%20Committee%20for%20Civil%20Rights%20Under%20Law%3A>.

<sup>11</sup> Stanley Augustin, *National Civil Rights Organization Wins Lawsuit Against Daily Stormer and White Supremacists Engaging in Online Threats and Harassment*, Lawyers' Committee for Civil Rights Under Law (Aug. 9, 2019) <https://lawyerscommittee.org/national-civil-rights-organization-wins-lawsuit-against-daily-stormer-and-white-supremacists-engaging-in-online-threats-and-harassment/>.

<sup>12</sup> Spectrum News Staff & Associated Press, *Police Groups Endorse Kristen Clarke, Biden's Pick for Civil Rights Chief*, Spectrum News New York 1, (March 11, 2021) <https://www.ny1.com/nyc/all-boroughs/news/2021/03/11/police-groups-endorse-kristen-clarke-civil-rights>.



the Department of Justice. We urge the Senate Judiciary Committee to confirm Kristen Clarke as Assistant Attorney General for Civil Rights without delay.

Sincerely,

Sherrilyn Ifill  
President-Director Counsel  
NAACP Legal Defense & Educational Fund  
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cc: Members of Senate Judiciary Committee