

April 8, 2021

The Honorable Dick Durbin  
Chair  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Chuck Grassley  
Ranking Member  
Senate Committee on the Judiciary  
152 Dirksen Senate Office Building  
Washington, D.C. 20510

*Re: Gender Justice Coalition Letter in Support of Kristen Clarke to be Assistant Attorney General for the Civil Rights Division at the Department of Justice*

Dear Chairman Durbin and Ranking Member Grassley:

We write on behalf of 55 gender justice; reproductive health, rights, and justice; and anti-violence organizations unified in strong support for the confirmation of Kristen Clarke as Assistant Attorney General for the Civil Rights Division at the Department of Justice. The Civil Rights Division (the Division) is responsible for enforcing federal laws of utmost importance to women, girls, and anyone facing discrimination, and the nomination of the leader for this Division is a top priority for our communities. The Division oversees litigation sections including the Employment Litigation Section, which litigates gender discrimination cases under Title VII; the Educational Opportunities Section, which brings Title IX claims; and the Criminal Section, which handles cases brought under the Freedom of Access to Clinic Entrances Act (FACE) and prosecutes hate crimes. The Division also includes other important sections to gender justice, such as disability rights, voting, immigration, and housing and civil enforcement. With an unprecedented breadth of civil rights litigation and civil rights leadership, Ms. Clarke is the right person we need to lead the Division at this critical juncture.

With over 20 years of experience advancing equal justice in state and federal civil rights agencies and national civil rights organizations, Ms. Clarke will bring much needed skills, knowledge, and expertise to the leadership team of the Justice Department. Ms. Clarke is intimately familiar with the very Division she is tasked to lead as she started her career in the Civil Rights Division prosecuting police misconduct, police brutality, hate crimes, and voting rights cases. She later helped lead the NAACP Legal Defense and Educational Fund's voting rights and election law work, where she defended the constitutionality of the Voting Rights Act in federal court. She went on to lead the Civil Rights Bureau for the New York State Attorney General's Office, where she supervised broad civil rights enforcement matters in the areas of criminal justice, education and housing discrimination, fair lending, barriers to reentry, voting rights, immigrants' rights, gender inequality, disability rights, reproductive health care access, and LGBTQ discrimination. Most recently, Ms. Clarke was the Executive Director of the Lawyers' Committee for Civil Rights under Law, one of the nation's most respected civil rights organizations dedicated to securing equal justice for all. Under her command, the organization has been on the forefront of combating the rise in hate crimes and white supremacy, stopping rampant voter suppression in the face of a pandemic, holding accountable law enforcement officers for violating the rights of peaceful Black Lives Matters protesters, defending racial diversity policies in higher education, and fighting attempts to eviscerate fair housing discriminatory effects claims. Ms. Clarke's extensive experience on virtually every area of civil rights makes her ready on day one to confront the inequities and injustices faced by the most vulnerable communities.

Additionally, Ms. Clarke's racial justice work importantly included work to address discrimination that particularly affected women and girls of color. Through the New York State Attorney General's Civil Rights Bureau, she led a groundbreaking gender equity and sexual harassment investigation against a major corporation that resulted in a multimillion-dollar settlement fund for employees.<sup>i</sup> Moreover, under her leadership, the Lawyers' Committee broadened its partnerships on gender justice efforts. It collaborated on litigation demanding equal pay data collection,<sup>ii</sup> supported trans women and girls in schools,<sup>iii</sup> challenged the harmful Title IX sexual harassment rules,<sup>iv</sup> opposed a rule that would block access to birth control,<sup>v</sup> and ensured workplaces are free from discrimination.<sup>vi</sup> Ms. Clarke also successfully represented American University student body president Taylor Dumpson, who was targeted in an online troll storm because of her race and gender, in her case against neo-Nazi website the Daily Caller.<sup>vii</sup> Notably, in her recent testimony in front of this Committee, she focused on issues disproportionately affecting women of color, including "the right to be free from discrimination in jobs and housing and the right to privacy-including contraception and abortion."<sup>viii</sup> Her deep understanding of the intersecting forms of structural discrimination and the real-life impacts of the laws makes her uniquely able to incorporate diverse interests when tackling the pressing civil rights challenges of our time.

Kristen Clarke's nomination comes at a crucial time. Under the Trump Administration, the Department of Justice's Civil Rights Division acted counter to the core mission of protecting and enforcing the legal rights of all people in American and instead scapegoated immigrants and communities of color and defended a litany of unconstitutional legal battles. The Justice Department argued that the Affordable Care Act is unconstitutional, a move decried by former DOJ officials and legal scholars and defended unconstitutional abortion restrictions. It was the driving force of the cruel and unjust policy separating immigrant children from their parents at the border. It cast aside the rule of law and encouraged discrimination in schools, workplaces, and health care; allowed rampant voter suppression; and otherwise weakened civil rights protections. The Department of Justice's Civil Rights Division is in dire need of strong leadership to rebuild trust and repair the credibility of this agency, and Ms. Clarke is precisely the tried and tested civil rights champion to undo the harm and trauma the Division inflicted on communities of color.

Ms. Clarke is exactly the accomplished civil rights attorney who will bolster civil rights enforcement and ensure equal justice for all. Kristen Clarke has a sterling reputation amongst the civil rights and the gender justice community. She has worked on a broad set of issues, from religious freedom to criminal justice to discrimination in housing, workplace, and health care. Furthermore, Ms. Clarke's confirmation to this position would be historic as she would be the first woman to be confirmed in that role and the first Black woman to ever hold that position. Her lived experiences and unparalleled dedication to civil rights make her uniquely situated to root out hate and discrimination. In a time when this country is reckoning with its deeply imbedded institutional racism and sexism, Ms. Clarke's leadership is desperately needed in the Justice Department to begin the hard work of rectifying these systemic inequities.

Kristen Clarke is an exceptional nominee for the Assistant Attorney General for the Civil Rights Division of the Department of Justice. We urge the Committee to approve her nomination swiftly.

Sincerely,

A Better Balance  
A Woman's Choice of Jacksonville  
A Woman's Choice of Raleigh  
A Woman's Choice of Greensboro  
A Woman's Choice of Charlotte  
Advocates for Youth  
All\* Above All Action Fund  
American Association of University Women (AAUW)  
American Federation of Teachers  
California National Organization for Women  
Casa de Esperanza: National Latin@ Network  
Clearinghouse on Women's Issues  
Cobalt  
Colorado Coalition Against Sexual Assault  
Feminist Majority Foundation  
Florida Interfaith Coalition for Reproductive Health and Justice  
Futures Without Violence  
Gender Justice  
Girls for Gender Equity  
In Our Own Voice: National Black Women's Reproductive Justice Agenda  
Iowa Coalition Against Sexual Assault (IowaCASA)  
Justice for Migrant Women  
KWH Law Center for Social Justice and Change  
League of Women Voters of the United States  
Minnesota Coalition Against Sexual Assault  
MomsRising  
Monroe County NOW  
NARAL Pro-Choice America  
National Asian Pacific American Women's Forum (NAPAWF)  
National Coalition Against Domestic Violence  
National Council of Jewish Women  
National Organization for Women  
National Partnership for Women & Families  
National Women's Law Center  
National Women's Political Caucus  
Nebraska Coalition to End Sexual and Domestic Violence  
Nevada Coalition to End Domestic and Sexual Violence  
New York State Coalition Against Sexual Assault  
NYC Alliance Against Sexual Assault  
Ohio Alliance to End Sexual Violence

Ohio National for Women  
Physicians for Reproductive Health  
Planned Parenthood Federation of America  
Religious Coalition for Reproductive Choice  
Reproaction  
SisterLove Inc.  
TIME'S UP Now  
Ujima Inc., The National Center on Violence Against Women in the Black  
Community  
UltraViolet  
United State of Women  
URGE: Unite for Reproductive & Gender Equity  
Vote Run Lead  
Wisconsin Coalition Against Sexual Assault  
Women's Medical Fund  
YWCA USA

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<sup>i</sup> A.G. Schneiderman And U.S. EEOC Announce \$3.8 Million Settlement With Con Edison Over Allegations Of Sexual Harassment And Gender Discrimination Against Female Employees, New York State Attorney General (ny.gov), Sept. 9, 2015, <https://ag.ny.gov/press-release/2015/ag-schneiderman-and-us-eec-announce-38-million-settlement-con-edison-over>

<sup>ii</sup> NWLC and Lawyers' Committee for Civil Rights Under Law File FOIA Request to Uncover OMB's Secretive Decision-making Process that Halted Equal Pay Data Collection, Sept/ 20, 2017, <https://nwlc.org/press-releases/nwlc-and-lawyers-committee-for-civil-rights-under-law-file-foia-request-to-uncover-ombs-secretive-decision-making-process-that-halted-equal-pay-data-collection/>

<sup>iii</sup> Brief for Amici Curiae National Women's Law Center, Lawyers' Committee for Civil Rights Under Law and 60 additional organizations in support, *Hecox v. Little*, Dec. 21, 2020, <https://nwlc.org/resources/hecox-v-little/>

<sup>iv</sup> Brief of the Civil Rights and Advocacy Amici as *Amici Curiae* in support of Plaintiffs' Motion for Preliminary Injunction, July 27, 2020, <https://www.aauw.org/app/uploads/2020/08/Victim-Rights-Law-Center-v.-DeVos-72720.pdf>

<sup>v</sup> NWLC Blog, Our Fight in the Supreme Court Includes Your Stories About Birth Control, <https://nwlc.org/blog/our-fight-in-the-supreme-court-includes-your-stories-about-birth-control/>

<sup>vi</sup> See NWLC Comment on EEOC Religious Discrimination Guidance <https://nwlc.org/resources/nwlc-comment-on-eec-religious-discrimination-guidance/> ; [Lawyer's Committee Statement, Civil Rights Groups Condemn White House Move to Censor Race and Gender Equity](https://lawyerscommittee.org/civil-rights-groups-condemn-white-house-move-to-censor-race-and-gender-equity/), <https://lawyerscommittee.org/civil-rights-groups-condemn-white-house-move-to-censor-race-and-gender-equity/>

<sup>vii</sup> Landmark Settlement Between Hate Incident Perpetrator and Survivor Announced in *Dumpson v. Ade*, Lawyers' Committee for Civil Rights Under Law, Dec. 19, 2018, <https://lawyerscommittee.org/landmark-settlement-between-hate-incident-perpetrator-and-survivor-announced-in-dumpson-v-ade/>

<sup>viii</sup> Statement of Kristen Clarke, President and Executive Director of the Lawyers' Committee for Civil Rights under the Law, Testimony before the Senate Judiciary Committee regarding the nomination of Amy Coney Barrett, Oct 15, 2021, <https://www.judiciary.senate.gov/imo/media/doc/Clarke%20Testimony.pdf>