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May 14, 2021

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

Dear Senator:

On behalf of the National Women's Law Center (the "Law Center"), I write in strong support for the confirmation of Kristen Clarke as Assistant Attorney General for the Civil Rights Division at the Department of Justice. The Law Center fights for gender justice – in the courts, in public policy, and in society – working across the issues that are central to the lives of women and girls. The Law Center uses the law in all its forms to change culture and drive solutions to the gender inequity that shapes society and to break down the barriers that harm women and girls – especially those who face multiple forms of discrimination, including women of color, LGBTQ people, and low-income women and families. For nearly 50 years, the Law Center has been on the leading edge of every major legal and policy victory for women. The Law Center has had the privilege and honor to work directly with Ms. Clarke to advance equal justice for all and believes she is exactly the dedicated civil rights champion we need to lead the Civil Rights Division.

The Assistant Attorney General of the Civil Rights Division (the Division) is one of the most consequential roles affecting the rights of women, girls, and anyone facing discrimination, because it bears the responsibility of enforcing federal laws of utmost importance to this community. 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 steers the work of other sections important to gender justice, such as disability rights, voting, immigration, and housing and civil enforcement. With an extraordinary breadth of civil rights litigation and leadership experience, Ms. Clarke is the right person we need to lead the Division at this critical juncture.

Ms. Clarke brings decades of experience in state and federal civil rights agencies and national civil rights organizations 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

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on the forefront of combating the rise in hate crimes and white supremacy, stopping rampant voter suppression in the face of a pandemic, holding law enforcement officers accountable 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.

Ms. Clarke's work addressing discrimination is centered on the most marginalized communities, with a particular focus on advancing issues that impact women and girls of color. When she steered the New York State Attorney General's Civil Rights Bureau, Ms. Clarke led a groundbreaking gender equity and sexual harassment investigation against Con Edison that resulted in a multimillion-dollar settlement fund for employees.¹ Likewise, under her leadership, the Lawyers' Committee broadened its efforts at the intersection of gender and racial justice. This intersectional work included Ms. Clarke's successful advocacy on behalf of 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 a neo-Nazi website, the Daily Caller.² She also focused on issues disproportionately affecting women of color in her testimony against Justice Barrett's nomination, where she discussed "the right to be free from discrimination in jobs and housing and the right to privacy-including contraception and abortion."³ Additionally, the Law Center had the privilege of collaborating with the Lawyers' Committee under Ms. Clarke's leadership on litigation as counsel and as amicus, in matters seeking to shine a light on efforts to block equal pay data collection,⁴ highlighting the devastating impact that Medicaid work requirements have on women and communities of color,⁵ supporting trans women and girls in schools,⁶ challenging the harmful Title IX sexual harassment rules,⁷ opposing a rule that would block access to birth control,⁸ and ensuring

¹ 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>

² 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/>

³ 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>

⁴ 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/>

⁵ Brief of Lawyers' Committee for Civil Rights Under Law and the National Women's Law Center as Amici Curiae, Jun. 27, 2019, <https://live-lawyers-committee-2020.pantheonsite.io/wp-content/uploads/2019/06/Azar-Brief-filed.pdf>

⁶ 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/>

⁷ 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>

⁸ Amicus Brief in *Little Sisters of the Poor v. Pennsylvania, et al.*, Apr. 8, 2020, <https://nwlc.org/wp-content/uploads/2020/04/19-431-19-454-Amici-Brief-The-National-Womens-Law-Center-FILED.pdf>

workplaces are free from discrimination.⁹ Ms. Clarke’s deep understanding of the intersecting forms of structural discrimination and the real-life impacts of the laws demonstrates her ability to incorporate diverse interests when tackling the pressing civil rights challenges of our time.

Moreover, Ms. Clarke’s flawless testimony during her nomination hearing further demonstrates she is ready for this role. She was thoughtful, poised, and unflappable despite frequent interruptions and hostile questioning. She has earned the respect and support of allies fighting for issues across the partisan divide.

Ms. Clarke’s confirmation to this position would be historic as she would be the first woman to be confirmed in this role and the first Black woman to ever hold this position. Her personal story is humbling, and her unwavering pursuit of equal justice makes her uniquely situated to root out hate and discrimination. In a time when this country is reckoning with its deeply imbedded systemic racism and sexism, Ms. Clarke’s leadership is desperately needed in the Justice Department to begin the hard work of dismantling institutional inequities and rebuilding a world of equal opportunity for all.

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

Sincerely,



Fatima Goss Graves
President and CEO

⁹ See NWLC Comment on EEOC Religious Discrimination Guidance, Dec. 21, 2020, <https://nwlc.org/resources/nwlc-comment-on-eEOC-religious-discrimination-guidance/>; Lawyer’s Committee Statement, Civil Rights Groups Condemn White House Move to Censor Race and Gender Equity, Oct. 7, 2020, <https://lawyerscommittee.org/civil-rights-groups-condemn-white-house-move-to-censor-race-and-gender-equity/>