

March 8, 2021

The Honorable Richard Durbin
Chairman
Senate Committee on the Judiciary
711 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Charles Grassley
Ranking Member
Senate Committee on the Judiciary
135 Hart Senate Office Building
Washington, D.C. 20510

**RE: National, State and Local LGBTQ Organizations Support the Confirmations of
Vanita Gupta and Kristen Clarke**

Dear Chairman Durbin and Ranking Member Grassley:

The 28 undersigned national, state and local LGBTQ organizations write to convey our strong support for the nominations of Vanita Gupta to serve as Associate Attorney General of the United States and Kristen Clarke to serve as Assistant Attorney General for Civil Rights at the U.S. Department of Justice (DOJ).

An unwavering commitment to civil rights should be a baseline expectation for any nominee seeking to fill these key roles in the Justice Department. But in this moment of racial reckoning and amid the growing threat of white supremacy and domestic terrorism, especially competent hands are needed at the helm to correct the course of the Justice Department. The DOJ has taken particular aim at the LGBTQ community during the past four years, and there is a pressing need to repair that harm through leadership that understands that LGBTQ people and people living with HIV should be able to rely on the Justice Department to view them with dignity and respect, and to have a commitment to ensuring that their civil rights are protected.

Ms. Gupta and Ms. Clarke's leadership will be essential to moving the DOJ to recommit itself to furthering racial equity, immigrant justice, LGBTQ protections and the many other priorities that have suffered over the last four years. This past summer showed us that police violence impacts Black and other communities of color and LGBTQ communities, and that our struggles for justice are connected. As a civil rights movement that traces our modern LGBTQ history to protests against police violence, we know how important it will be to have leaders in the DOJ committed to police accountability and constitutional policing.¹

Ms. Gupta is unquestionably qualified to serve as the next Associate Attorney General of the United States. Throughout her career, Ms. Gupta has worked relentlessly to advance civil and human rights. Ms. Gupta led the Justice Department's Civil Rights Division, where she was a stalwart champion of voting rights, criminal justice reform, disability rights, LGBTQ protections

¹ [Gupta Testimony1.pdf \(senate.gov\)](#)

and many other issues. Ms. Gupta also advanced civil rights at the NAACP Legal Defense and Educational Fund, Inc. (LDF), the American Civil Liberties Union (ACLU), and in her current role as Executive Director of the Leadership Conference on Civil and Human Rights (LCCHR) she has worked tirelessly to defend civil rights.

Ms. Gupta has long been a fierce advocate of LGBTQ protections. When she led the Civil Rights Division for example, Ms. Gupta filed a challenge to HB2, North Carolina’s notorious law barring transgender people from using restrooms in accordance with their gender identity. Ms. Gupta reassured transgender people of her commitment through remarks announcing the lawsuit that clarified that transgender people “belong just as you are. You are supported. And you are protected” and that “you can be who you are, and you deserve to live in dignity.”² Ms. Gupta is the ideal nominee to carry forward the policy commitments to racial equity and LGBTQ equality and other civil rights priorities of the Biden-Harris Administration.

Likewise, Ms. Clarke is also eminently qualified to serve as the next Assistant Attorney General for Civil Rights in the Justice Department. Ms. Clarke has a long and unswerving commitment to advancing civil and human rights. Ms. Clarke currently leads the Lawyers’ Committee for Civil Rights under Law where she has defended civil rights at a particularly perilous time. Ms. Clarke also served as a career attorney for six years in the Civil Rights Division where she worked on voting issues, police misconduct, and hate crimes. Ms. Clarke also advanced civil rights at the NAACP Legal Defense and Educational Fund, Inc. and in the Civil Rights Bureau of the New York Attorney General’s office where she worked on a wide array of civil rights issues.

Ms. Clarke has also been a longstanding champion of LGBTQ equality. Ms. Clarke strongly opposed the rollback of employee protections by then Attorney General Sessions,³ and under her leadership the Lawyers’ Committee filed a powerful amicus brief in support of the employees in the *Bostock v. Clayton County* decision highlighting the discrimination faced specifically by LGBTQ employees of color and the harm that would be caused to those communities by excluding LGBTQ people under Title VII.⁴ Ms. Clarke will provide the leadership needed to correct the course of the Civil Rights Division.

It is important to note that Ms. Clarke would be the first Black woman to lead the Civil Rights Division, and Ms. Gupta would be the first woman of color to serve as the Associate Attorney General at the Justice Department. Such milestones in 2021 are long overdue. It is essential that

² The United States Department of Justice, Home of Public Affairs, News, *Head of the Civil Rights Vanita Gupta Delivers Remarks at Press Conference Announcing Complaint Against the State of North Carolina to Stop Discrimination Against Transgender Individuals*, (May 9, 2016), available at <https://www.justice.gov/opa/speech/head-civil-rights-division-vanita-gupta-delivers-remarks-press-conference-announcing-0>.

³ Lawyers’ Committee for Civil Rights Under Law, *Lawyers’ Committee for Civil Rights Under Law Reacts to Latest DOJ Assault on LGBTQ Community*, (Oct. 5, 2017), available at <https://www.lawyerscommittee.org/lawyers-committee-civil-rights-law-reacts-latest-doj-assault-lgbtq-community/>.

⁴ *Bostock v. Clayton County, Georgia*, Nos. 17-1618, 17-1623, 18-107, Brief For Lawyers’ Committee for Civil Rights Under Law, The Leadership Conference on Civil and Human Rights and 57 Civil Rights Organizations as Amici Curiae Supporting the Employees, available at <https://lawyerscommittee.org/wp-content/uploads/2019/07/Lawyers-Committee-and-Leadership-Conference-Title-VII-Amicus-Brief.pdf>.

the leadership of the Justice Department, and especially the Civil Rights Division reflect the diversity of our country, which is its strength. As the Department itself acknowledges, “[w]e are stronger, more credible and more effective when our workforce includes highly qualified individuals with backgrounds, cultures and traditions that reflect our Nation’s diversity.”⁵

We urge you to move swiftly to confirm both nominations.

Sincerely,
Lambda Legal
Human Rights Campaign
Athlete Ally
Bayard Rustin Liberation Initiative
BiNet USA
California LGBTQ Health and Human Services Network
Center for LGBTQ Economic Advancement & Research (CLEAR)
CenterLink: The Community of LGBT Centers
Equality California
Equality Federation
Equality Utah
Family Equality
Fenway Health
FORGE, Inc.
Georgia Equality
Massachusetts Transgender Political Coalition
Mazzoni Center
National Black Justice Coalition
National LGBTQ Task Force Action Fund
One Colorado
OutFront Minnesota
Silver State Equality-Nevada
SPLC Action
Tennessee Equality Project
The Trevor Project
True Colors United
URGE: Unite for Reproductive & Gender Equity
Whitman-Walker Institute

⁵ The United States Department of Justice Diversity Policy, *available at* <https://www.justice.gov/careers/diversity-policy>.