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September 5, 2017

The Honorable Chuck Grassley
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

The Honorable Dianne Feinstein
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Feinstein,

We write today to express our strong opposition to the confirmation of Eric Dreiband to serve as Assistant Attorney General of the Department of Justice's Civil Rights Division. The Trump Administration has evidenced a hostile approach to civil rights issues in numerous areas and the Dreiband nomination is the latest iteration of this hostility. The Civil Rights Division's mission is far too important to entrust to someone whose only experience litigating civil rights issues has been to stand up for powerful special interests against the interests of marginalized and victimized Americans. This nomination demonstrates the dismissive approach to civil rights issues that has been a hallmark of this administration. The American people will not be well served with Mr. Dreiband leading the Civil Rights Division and we respectfully urge you to reject his nomination, which is before the Judiciary Committee.

First, we have serious doubts that the process the Committee is employing to consider a nomination of this importance is appropriate. In light of this Justice Department's apparent hostility to civil rights issues, Mr. Dreiband's nomination deserves a rigorous and extensive discussion. Instead, the Committee has chosen to consider his nomination with four other pending nominations, ensuring that Mr. Dreiband's record will not receive the thorough vetting that it deserves. This is terribly disappointing. This Justice Department will go down in history as one of the most problematic in American history for its deafness to the grave civil rights concerns under its remit. We would have hoped that our colleagues in the Senate would look at this nomination in its proper context and provided sufficient opportunity for Senators on the Committee to explore Mr. Dreiband's fitness for this important role. We are sorry that this is not the case.

These are challenging times for civil rights in America, from attacks on voting rights and mounting barriers to equal employment opportunities, to discriminatory policing practices and a rising tide of hate crimes. These challenges make the role of the Civil Rights Division, rightfully known as the "crown jewel" of the Department of Justice, more critical than ever. The Division, which celebrates its 60th anniversary this year, was birthed out of the Civil Rights Act of 1957 to balance the scales of justice by enforcing and protecting the civil rights of all individuals. Over the decades, the Division's work has evolved to address the unique needs of every era, from school desegregation and discriminatory voting practices, to prison conditions and employment discrimination. However, the mission of the Division "to uphold the civil and constitutional rights of all Americans, particularly some of the most vulnerable members of our society," remains critical. Protecting that mission is of utmost concern to the Congressional Black Caucus and the millions of African Americans and other marginalized communities for whom we speak.

Accordingly, we have several well-founded concerns with Mr. Dreiband's nomination, as he has demonstrated a deeply concerning pattern of fighting against civil rights. Mr. Dreiband is woefully unqualified to lead the federal agency charged with enforcing and defending the civil rights of all Americans. At best, he has no known experience in the Division's core issue areas, such as voting rights and hate crimes. At worst, he has devoted the vast majority of his career defending corporations accused of employment discrimination. Mr. Dreiband not only sought to limit the civil rights and remedies of Americans in the courtroom, but has also fought efforts in Congress to strengthen civil rights protections.

For example, Mr. Dreiband testified before Congress against bipartisan legislation to prevent long-term pay discrimination against women. Mr. Dreiband also testified against legislation to strengthen protections for millions of older Americans facing age discrimination in the workplace. Additionally, Mr. Dreiband has a long history of opposing efforts to "ban the box," a national campaign to remove the barriers to employment for people with arrest or conviction histories by delaying inquiry into the conviction history of job applicants. Each of these positions negatively impact the communities we represent by limiting the civil rights that empower women, older Americans, and formerly incarcerated individuals. In this regard, Mr. Dreiband's appointment follows President Trump's agenda of tapping the fox to guard the henhouse.

Moreover, Mr. Dreiband has no experience in issues of critical importance to African American communities, most notably voting rights, hate crimes, and police accountability. The Civil Rights Division has a long history of protecting the bedrock of our democracy by breaking down barriers to the ballot. This work is especially needed following a wave of restrictive voter laws at the state level, and the President's efforts to combat nonexistent voter fraud at the federal level.

The Civil Rights Division is also equipped with tools to investigate and prosecute hate crimes. Given the surge of hate crimes, particularly following the election of Donald Trump, the Civil Rights Division must commit to aggressively enforcing hate crimes laws because every person deserves to feel safe in their community.

Lastly, the Civil Rights Division is responsible for enforcing laws that hold police accountable. There is growing public concern over the epidemic of unarmed Black men killed at the hands of police, contributing to community distrust of law enforcement that makes everyone less safe. Bridging the gap between police and the communities they serve requires swift, independent investigation of police misconduct and strong enforcement of consent decrees, both of which fall within the jurisdiction of the Civil Rights Division.

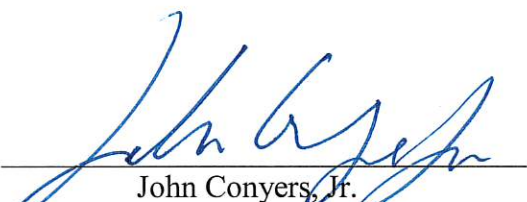
These issues, and many others, are of critical importance to our constituencies, so Mr. Dreiband's lack of experience in any of these areas of law is completely unacceptable. Mr. Dreiband's decades long career is completely devoid of any practice in advancing or even protecting the civil rights that he would be expected to defend and uphold, and this position is too important for on-the-job training, as the communities we represent face irreparable harm.

For these reasons, we strongly oppose his confirmation as Assistant Attorney General of the Department of Justice's Civil Rights Division. We hope that you will keep our strong opposition in mind as you begin confirmation proceedings.

Sincerely,



Cedric Richmond
Chair, Congressional Black Caucus



John Conyers, Jr.
Co-Chair, Civil and Voting Rights Task Force



Terri Sewell
Co-Chair, Civil and Voting Rights Task Force