



THE UNITED STATES
DEPARTMENT OF JUSTICE

[Re: National Association for the Advancement of Colored People, USA]

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Assistant Attorney General Kristen Clarke Delivers Keynote Speech at the NAACP Annual Convention: Clarence M. Mitchell Jr. Memorial Luncheon

Good afternoon, thank you, President Derrick Johnson for that warm introduction and for your leadership of this storied organization. I also want to recognize Leon Russell, Chair of the NAACP’s Board of Directors, Secretary Marcia Fudge, members of Congress, NAACP leaders, members and supporters from across the country, as we gather this afternoon to celebrate the enduring legacy of this remarkable organization.

The NAACP has spent the last 113 years guiding us through moments of turbulence and demonstrating that we need the light of justice more than ever. It is the NAACP that fought lynching, racial segregation, white supremacy and racial violence. It is the NAACP that has fought for voting rights and racial justice. So, before I go further, I want to thank the NAACP for undertaking work that has helped to make our nation a more just and equitable place.

I also want to take a brief moment and recognize the person this luncheon is named for – Clarence Mitchell Jr. He was the chief lobbyist for the NAACP for nearly 30 years. Mitchell was instrumental in the passage of some of our most seminal civil rights laws including the Civil Rights Act of 1957 and 1964, the Voting Rights Act of 1965 and the Fair Housing Act.

Mitchell’s legacy and the NAACP’s ongoing efforts today underscore why the fight against injustice remains critical and why all of the advocates in this room standing before me, fight every day. We fight to uphold justice, even when it seems like the deck is stacked against us. It is during those times that we must work with purpose to continue that pursuit of justice until all Americans secure the rights we hold most sacred.

As the head of the Justice Department’s Civil Rights Division, I am responsible for ensuring our most vital rights – the rights that make America a true democracy – are protected. Now, I’m not going to pretend that this isn’t a challenging time to be tasked with protecting the right to vote, the right to bodily autonomy, the right to constitutional policing, the right to be free from discrimination.

But we are not strangers to challenging times. We have been down this road before. Indeed, the Justice Department was born out of one such period in our country’s history. As Attorney General Garland frequently reminds the public, one of the reasons the department was created after the Civil War was to coordinate efforts to prosecute white supremacists like the Ku Klux Klan that were terrorizing Black communities and using violence to block them from exercising their constitutional rights.

At the Justice Department, we are committed to that pursuit of justice. And while there is much work that remains to be done, the Justice Department has made significant gains on some of the biggest issues during this Administration. I'd like to highlight our efforts to protect communities by enforcing hate crimes laws, promoting police accountability, protecting fair housing opportunity and fighting to ensure that all Americans have the right to vote.

The recent rise in hate crimes demonstrates both why it is easy to feel that we are in such a challenging period — but also the power we have to respond. FBI statistics show that, during the pandemic, there was a rise in hate crimes committed against Black Americans, already the group most often targeted. Anti-Asian violence has also risen by over 70%. We have seen attacks on communities of faith. We have seen acts of hate-driven violence unfold in our stores, schools, houses of worship and on the streets inside the communities we call home.

Attacks on people because of their race, national origin, religion, gender or sexual orientation are unacceptable and have no place in our society today.

We need to look no further than the recent tragic mass killing of 10 Black people in Buffalo, New York, to understand why the division's work to combat hate crimes and hate incidents remains a top priority for entire department. First, I extend my condolences to all of those impacted by this tragedy. But I also want communities across our country to hear this – we recognize that white supremacist violence is real and a threat to democracy. We will use every tool in our arsenal to stand up to this threat and to ensure the safety of all communities in our country.

Last week, the Justice Department announced a 27-count indictment against the defendant in Buffalo. The indictment charges the shooter with violations of the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act and other federal charges for willfully causing the death of the victims because of their actual and perceived race and color. We are committed to seeking justice for the victims and the entire Buffalo community. As Attorney General Garland has stated, we will pursue the perpetrators of hate crimes and hold them accountable. And we will be vigilant in our quest to secure justice for the victims and their families.

The division has been hard at work prosecuting other critical cases, including securing guilty verdicts on federal hate crime charges brought against the three men who killed Ahmaud Arbery. The evidence at trial revealed that the defendants had strongly held racist beliefs that led them to make assumptions and decisions about Mr. Arbery because he was Black. At trial, the evidence showed that one defendant had referred to his daughter's Black boyfriend as a "monkey" and used the "n-word"; that a second had made deeply racist comments, including that he wished that Julian Bond, a former NAACP leader, "had been put in the ground years ago," and that the third had expressed on social media and in text messages that he associated Black people with criminality and wanted to see them killed or harmed.

The tragic killing of Ahmaud Arbery underscores why robust enforcement of our federal hate crimes laws is essential. Enforcing hate crimes laws sends a powerful message to those who are affected, and to the broader community: that they are valued, that their communities are important and that the federal government will not stand by idly when they are targeted.

But we know that work to confront hate in this era requires that we use every tool available to us. That is why the department is also hard at work addressing hate incidents – acts that may not be criminally prosecutable but may require redress through our civil statutes.

For example, in October 2021, the Justice Department secured a settlement agreement with the Davis School District in Utah to address race discrimination in the district's schools, including serious and widespread racial harassment of Black and Asian American students. Our investigation revealed the district failed to respond to reports of race-based harassment of Black and Asian American students. Between 2015 and 2020, the department uncovered hundreds of documented uses of the "N-word," and other racial epithets, and physical assaults targeting students at dozens of schools. We also found that the school district disciplined Black students more harshly than their white peers for similar behavior. The department's resolution of this case requires the school district to enact significant institutional reforms to address discrimination and protect vulnerable students. All students deserve to attend schools free from the threat of harassment or violence, especially on the basis of their race.

I want to now turn to our work to address law enforcement accountability. One of the Civil Rights Division's highest priorities is ensuring that every person in our country benefits from policing that is lawful, transparent and non-discriminatory. We approach this work with urgency as we know that people's civil and constitutional rights are at stake.

The Civil Rights Division's main tools to address these issues are criminal prosecutions of individual law enforcement officers who commit misconduct, and investigations into patterns or practices of misconduct by law enforcement agencies.

One of our central responsibilities inside the Civil Rights Division of the Justice Department is to hold accountable individual law enforcement officers who willfully deprive a person of their civil or constitutional rights. Since January 20, 2021, the Department of Justice has charged more than 45 defendants, and convicted more than 35 defendants. This number includes the convictions of all four law enforcement officers involved in the tragic killing of George Floyd. These prosecutions demonstrate that we will seek accountability for law enforcement officers whose actions, or failure to intervene, violate the law. Simply put, George Floyd should be alive today. We hope that these prosecutions provide a small measure of justice for his family and for communities impacted. But these prosecutions should also send a strong message about our commitment to ensuring law enforcement accountability in our country.

We are also committed to addressing unconstitutional policing through use of our power to conduct "pattern or practice investigations" into police departments. Rather than addressing isolated instances of police misconduct, these investigations generally focus on systemic and widespread police practices and seek to create institutional change within law enforcement agencies. When we open these investigations, the rights we tend to focus on include the rights to be free from excessive force; unreasonable stops and searches; arrests without warrants or sufficient cause, or in retaliation for exercising free speech rights; and discrimination based on race, ethnicity, national origin, religion, disability and sex — including sexual orientation and gender identity.

Since last year, the department has opened pattern or practice investigations of the police departments in Louisville, Minneapolis, Phoenix, Mount Vernon, New York, the New York City Police Department's Special Victims Unit and a statewide investigation into the Louisiana State Police. This work will remain a priority in the road ahead.

Pattern-or-practice investigations into police departments are resource-intensive, but they can have a transformative impact on policing in communities. For example, our consent decree

with the Baltimore Police Department has already yielded significant change including new policies on use of force, stops, searches and arrests, a revamped internal affairs unit and more.

Our goal is to advance a community- and problem-oriented policing strategy, promote bias-free policing, address unlawful use of force, improve community engagement, retrain officers, reform accountability systems and address the link between policing and other criminal justice and social systems. We are also leveraging federal grants through our Office of Justice Programs and other services provided by our COPS office to ensure a holistic approach to this work. This work is critically important, and we know there is more to be done.

We can't conclude a discussion about our criminal justice system without talking about our jails and prisons. The United States continues to have one of the largest prison populations in the world. Today, there are almost 2 million people held in a vast network of federal, state and prisons and jails, juvenile correctional facilities, immigration detention facilities and more. We know that Black people and other people of color are disproportionately represented among them. Why is this work important? We have an obligation and duty to ensure the inherent human dignity and worth of all people in our country, including those who may be incarcerated. As Nelson Mandela observed: "No one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones."

To carry out this work, we use the Civil Rights of Institutionalized Persons Act. Using this critical law, last summer, the Justice Department opened a statewide investigation of Georgia state prisons. In 2020, at least 26 people died in Georgia prisons by confirmed or suspected homicide. There have been reports of violent assaults, including stabbings and beatings. Concerned citizens, family members and civil rights organizations have provided photos and videos of contraband weapons and open gang activity in the prisons. Under our investigation, we are reviewing allegations of harm to prisoners resulting from staff-on-prisoner violence, prisoner-on-prisoner violence, sexual abuse of gay, lesbian and transgender prisoners by prisoners and staff, and severe understaffing.

In April, 2022, I announced that the Department of Justice completed a thorough investigation of conditions of Parchman prison in Mississippi (also known as the Mississippi State Penitentiary). Parchman, founded in 1901, is the state's oldest prison. Black people make up 70% of the Parchman's incarcerated population though only 37% of the state's population. Based upon our investigation, we concluded that there is reasonable cause to believe that conditions at Parchman constitute violations of the 8th and 14th Amendments of the U.S. Constitution. These constitutional violations include uncontrolled violence between incarcerated persons, inadequate mental health treatment and suicide prevention measures, and over-reliance on restrictive housing, also known as "solitary confinement," in a manner that endangers physical and mental health. These conditions have resulted in 10 homicides and 12 suicides at Parchman since 2019.

Our investigation into Parchman marks the first time the department has concluded that a prison's use of solitary confinement or restricted housing violates the constitutional rights of persons without serious mental illness. As we now turn to the reforms necessary to address conditions at Parchman, we are focused on ensuring that incarcerated people are housed in the least restrictive setting necessary for their own safety, the safety of staff, other incarcerated persons and the public. We are focused on the need for mental health monitoring of all people, including those held in solitary confinement, to determine if there are sufficient opportunities for daily recreation and sufficient time out of cell.

I also want to shine a light on economic justice – issues that lied at the core of the 1963 March on Washington for Jobs and Freedom. Just this past Friday, we opened an investigation into the Maryland State Police to determine whether the agency denies Black people access to jobs and promotions. Discrimination has no place in any workplace, especially inside our police and fire departments.

We are also working to promote economic justice by combatting the ongoing problem of modern-day redlining.

As many of you know, redlining is a major historic and present-day driver of racial wealth disparities. It happens when lenders refuse to offer credit services or make loans to individuals in a neighborhood because of the race or national origin of its residents.

We know well that redlining is not a problem from a bygone era. While its origins extend back to the 1930s, a problem that was decades in the making cannot and will not disappear overnight. The current wealth disparities between Black and white families are staggering. Today, the median wealth of a Black family is approximately \$24,000. The median wealth of a white family is approximately \$188,000.

In addition, a White family is 30% more likely to own a home than a Black family. This means that the homeownership gap between Black and white families is larger today than it was in 1960, before the passage of the Fair Housing Act.

These grim statistics cannot, and will not, deter the Justice Department from action. That is why we launched a new initiative to investigate lenders across the country and analyze whether they are engaging in unlawful redlining.

Our recently launched Combatting Redlining Initiative represents the Justice Department's most aggressive and coordinated effort yet to address this problem. Through the initiative, the Justice Department is working to address fair lending concerns on a broader geographic scale than the Justice Department has ever done before.

And we have already started. We reached the first settlement of the initiative with Trustmark National Bank, which redlined predominantly Black and Hispanic neighborhoods in the Memphis, Tennessee, metro area. Our settlement required a 3.85 million loan subsidy fund to increase credit opportunities for Black and Latino communities.

We know that confronting redlining is critical to ensuring that all communities, including Black people, enjoy fair and equitable access to economic opportunity in our country.

I would be remiss if I did not address what Dr. King described as “the most powerful instrument ever devised by human beings for breaking down injustice” – voting rights. We all know that voter suppression is alive and well. Across the country, we continue to see efforts by certain states and jurisdictions to implement discriminatory, burdensome and unnecessary restrictions on access to the ballot. We also see jurisdictions adopting discriminatory redistricting plans that dilute the voting strength of Black voters and other voters of color. And the Department of Justice's tools in this space have been limited by recent decisions by the U.S. Supreme Court, most notably in *Shelby County, Alabama v. Holder*. Yesterday marked two years since we lost the late Congressman John Lewis – a giant who dedicated his life to pushing for access to the ballot for all Americans. We must honor John Lewis's legacy by continuing to press Congress to restore the Voting Rights Act.

Notwithstanding these challenges, this administration and the Department of Justice remains steadfast in its commitment to making sure that all eligible voters can cast a vote; that all lawful votes are counted; and that every voter can cast a ballot free from discrimination and harassment.

This has been a foremost priority within the Civil Rights Division under my watch and that will continue in the road ahead. As President Biden declared in his Executive Order on voting, “[i]t is the policy of [his] Administration to promote and defend the right to vote for all Americans who are legally entitled to participate in elections. It is the responsibility of the federal government to expand access to, and education about, voter registration and election information.” To carry out this goal, we recently issued guidance for a category of citizens who are often overlooked: our community members who have been convicted of crimes. We are providing state-specific information to citizens who have been convicted of crimes and returning citizens to help them retain, or regain, their right to vote.

In addition, we have filed multiple lawsuits across the country and filed multiple statements of interest to protect voting rights for all Americans, especially for our nation’s most vulnerable communities.

We also sued to stop Texas’s Senate Bill 1, which impairs the rights of Black and Latino voters to vote absentee and, when they vote in person, to receive help in the voting booth from their assistants of choice.

We recently sued Arizona over HB 2492 which imposes several restrictions on voter registration.

We have also filed lawsuits challenging redistricting plans that deny Black and Latino voters an equal opportunity to elect their candidates of choice. We have brought challenges against the State of Texas and Galveston County.

In short, the department is committed to rooting out and challenging voter suppression wherever it rears its ugly head.

Through our enforcement work, we will keep fighting to make sure everyone can vote, all those votes are counted and the results of those votes are honored.

The division has filed statements of interest, or amicus briefs, in voting rights cases in Georgia, Florida, Arkansas, Texas, Arizona, North Dakota and South Dakota. Some of these briefs touch on very critical issues related to voting rights enforcement. For example, we have filed briefs supporting the basic principle that private plaintiffs, including Black voters and organizations like the NAACP, may bring litigation under Section 2 of the Voting Rights Act.

We are also closely monitoring developments as redistricting progresses and the 2022 election cycle continues.

The work of the Civil Rights Division is broad and deep. We have a lot of ground we need to cover.

And, as I said at the outset of this speech, we are confronting, challenging, difficult issues. Despite the good work that the Civil Rights Division engages every day, we all face an uphill climb.

But we cannot – we will not – be discouraged. We cannot – we will not – allow the darkness to shut out the light. And we must remember that we are continuing to see progress and continuing to eliminate barriers. This morning, Vice President Harris reminded us that for the first time, we have a Black woman sitting on our nation’s highest court. And Justice Ketanji Brown Jackson reminded us that “it has taken 232 years and 115 prior appointments” to reach this moment. But we’re here.

I am honored to be in that pursuit alongside all of you in this room today. I am confident that we will all leave this convention filled with hope, purpose and encouragement – determined to carry out work that can help spread the principles of justice, fairness and equity to every corner of this nation. And out of a long night of injustice, a brighter day will come.

Thank you for your work. And thank you for having me here today.

Speaker:

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