**U.S. Senator Maria Cantwell**

**Senate Floor Speech on the Nominations of Vanita Gupta, to be Associate Attorney General; and Kristen Clarke, to be Assistant Attorney General, Civil Rights Division**

**April 20, 2021**

CANTWELL: Mr. President, I ask the quorum call be dispensed with.

BOOKER: Without objection.

CANTWELL: Thank you, Mr. President. I come to the floor this afternoon to support the nominations of Vanita Gupta and Kristen Clarke to serve in the leadership of the U.S. Department of Justice, and I'm here, Mr. President, to say that just because you are pro-civil rights does not mean that you are somehow anti-police. To be for a Department of Justice that will help us make the right decisions in enforcing civil rights laws around the United States is what is at stake with these nominations. I personally am tired of the challenges that we have faced at home when we do not have people being held accountable and we have incident after incident. And the last administration said instead of playing our role on consent decrees and making sure federal civil rights laws are enforced, instead they said, “we're going to stop playing that role.”

So it is so important that we get a Department of Justice that will fight for the civil rights and civil liberties of all Americans. Both these women are highly qualified. They have defended our constitution. They have defended the civil rights of all Americans, and they will ensure that everyone, including the police, are held accountable. We've probably heard this afternoon my colleagues praising Vanita Gupta and supporting her to serve as Associate Attorney General, the third-highest position in the United States Department of Justice. She is very qualified for the position. She will be the first civil rights lawyer and woman of color to serve in this role. She led the Civil Rights Division during the Obama administration and previously served as attorney with the American Civil Liberties Union. When it came to enforcing consent decrees, she made sure in the Obama administration did the job.

Now why is this so important? I can tell you in Seattle, we had a Native American carver who happened to stop carving on one corner to walk to another corner and was shot and killed by a police officer because he didn't respond immediately to, “drop your knife.” I'm so glad the federal government was there to say what is going on in Seattle with the police department and overseeing on a consent decree. We had a tragic situation in Spokane where a disabled man just went in to buy a soft drink and snacks, but because somebody thought he was fooling around with the ATM machine, they called the police. And when the police arrived and he didn't respond immediately, he was brutally beaten in the head with a baton, tasered, improperly hogtied to the ground, and stopped breathing shortly after first responders improperly strapping a non-rebreather mask to his face. That was Otto Zehm’s afternoon activity, to just go to the store. As he lay there dying he said, “all I wanted was a Snickers.”

And thank god we had a Civil Rights Division at the United States Department of Justice that said, yes, we are going to intervene and make sure that there is oversight of the Seattle Police Department and an investigation, and we are going to make sure that the civil liberties of all Americans, all Americans, whether you're white, black, or disabled, or native American, your civil rights are going to be upheld. But instead of discussing what is the proper role of the federal government in making sure that civil liberties and civil rights of all Americans are upheld when their rights are violated. Instead, people have said, well, Ms. Gupta supports decriminalization of all drugs. Well, from a state that's actually passed legislation legalizing the recreational use of marijuana, I guarantee you, my state views some of these issues very differently. But I can say emphatically, Ms. Gupta has stated consistently she does not support the decriminalization of all drugs. Nor do the people of Washington, just because they voted to legal marijuana.

Ms. Gupta does not claim that all drugs should be legal and she does not adhere to the statements that some people have tried to paint her with. You have to ask yourself, what are they afraid of? What are they afraid that she's going to do at the Department of Justice besides uphold our civil liberties? Some of my colleagues have argued that she supports defunding the police. There is zero proof that she supports defunding the police. I don't know why we keep having this debate, but she has worked and understands the police officers' perspective. She has worked to ensure that they were provided with adequate resources. She has worked on building relationships. She has a comprehensive approach to law enforcement and support from their organizations. And I believe she deserves the support of our colleagues. In a letter to the Senate Judiciary Committee, the Fraternal Order of Police described Ms. Gupta as one who, quote, “always worked with us to find common ground, even when that seemed impossible,” end quote. So it's clear that she has the support of police. So we need someone like her who's going to bring back this important role of oversight to these important issues.

Ms. Clarke is the same. She's nominated to head the Civil Rights Division where she once worked as a trial lawyer. She previously co-directed the voting rights work of the NAACP Legal Defense and Education Fund, led the Civil Rights Bureau in New York state, attorney general's office and has served as the President of the Lawyers Committee on Civil Rights Under the Law. I've called her, I've interviewed her. Why? Because I am tired of the violence and hate crimes in the state of Washington. I'm tired of hearing time and time again about these issues. And it can be the synagogue in Spokane, where literally somebody spray painted it. And you would think, “well how are we going to find who spray painted a swastika on a synagogue in Spokane?” You think how are we going to find that person? Okay, not a lot of trouble because people actually said we did it purposely because we're an organization who believes in this, and we wanted to get our message out. That's what we're facing.

And several years ago we found a bomb planted in the Martin Luther King Day Parade in Spokane, just a few years ago. So these aren't issues that we're sending somebody over to the Department of Justice to analyze and write a report on. We're asking people to help us with the situation in the United States of America to fight hate crimes and to bring about justice on the civil rights and civil liberties of all Americans. And so we have to have people that we have confidence that they are going to uphold our laws and enforce them.

We need to have consent decrees to hold police departments accountable for systematic violations of constitutional rights. We need to defend voting rights and to make sure that hate crimes against Asian American and Pacific Islanders are prosecuted. And so this is why the nomination of Ms. Clarke is so important. I ask my colleagues on the other side of the aisle, if you are facing any of this in your state, please get Kristen Clarke to be there to help us address these issues.

Advocating for increased investment in mental health and social work and school resources for minority communities is something that law enforcement agrees with. They agree that we should do these things. So that is not defunding the police, and yet people accuse Kristen Clarke of the same thing. She must be for defunding the police. I've talked to prosecutors throughout the state of Washington, and they will tell me that these programs that help families and communities identify these problems early are actually the best things to keep them from having to really have problems later. I certainly hope that some of the false claims that people have made about Ms. Clarke being anti-police are also continued to be struck down as untrue. Ms. Clarke understands law enforcement must collaborate with the state, local, and federal level. She has a solid record of working cooperatively with law enforcement for decades. She is supported by the Major Cities Chief Association, the National Association of Black Law Executives, a bipartisan group of over 70 former State Attorney Generals, and more than 40 Police Chiefs and Sheriffs throughout the United States. That can't be somebody who sounds anti-law enforcement. They have the support of law enforcement.

What we need is the support of our colleagues to say that these are serious issues and the federal government does play a role. That is why it's called the Department of Justice, and that is why they oversee and make sure that the civil liberties of all Americans are upheld. As Attorney General and at the Lawyers Committee, Ms. Clarke played a key role in launching a Religious Rights Initiative to address faith-based discrimination to fight anti-Semitic activities. When Ms. Clarke lead the Lawyers Committee, she led the charge in shutting down abhorrent anti-Semitic websites that made racist comments and some were in connection with stormfront.org, which was a central site used to organize the 2017 Unite the Right rally in Charlottesville.

She recognized that online hate is an emerging threat, and that Congress must address that threat. After seeing what happened on January 6th and the plethora of anti-Semitic paraphernalia presented here even in the Capitol as we saw riots, Ms. Clarke's expertise and dedication to fighting online hate would be extremely beneficial to the department and to all Americans.

So I implore my colleagues, these are strong women, great qualifications, have been in the mix on these policy issues for a long time. They know what we're up against. We have to ask ourselves, are we going to enforce the law? These women will enforce the law and they have the support of law enforcement. We should proceed and confirm both of them. I thank the president and I yield the floor.