



**LAWYERS FOR
CIVIL RIGHTS**
BOSTON

January 7, 2021

Via email GertnerCommittee@gmail.com

Hon. Nancy Gertner
Advisory Committee Chair
Nomination of U.S. Attorney for the District of Massachusetts

Re: Civil Rights And The Next U.S. Attorney For The District Of Massachusetts

Dear Judge Gertner:

We were pleased to see that Senators Warren and Markey have asked you to chair an Advisory Committee to make recommendations for the next U.S. Attorney for the District of Massachusetts. We are confident that under your leadership the Committee will greatly assist in the selection process for this important position.

As the Committee reviews candidates and makes recommendations, we hope and trust that you will be actively seeking candidates with a strong commitment to racial justice and civil rights. Particularly at this moment in our Nation's history, it is essential that the next U.S. Attorney for the District of Massachusetts demonstrate both a deep passion for civil rights, as well as a proven track record of successfully working with communities of color, immigrant communities, and civil rights leaders.

At Lawyers for Civil Rights (LCR), we have seen firsthand how important it is that leadership in the U.S. Attorney's Office understands the vital role that the federal government plays in enforcing and protecting civil rights. Whether we are working cooperatively with the Office, or on different sides of a particular issue, the tone that is set from the top is critical – and will undoubtedly be so in the years ahead. Pressing civil rights issues that will require attention from the next U.S. Attorney for the District of Massachusetts include:

Policing: The problem of racial profiling and police brutality against communities of color is by now well-recognized – by the communities that experience it, by social scientists, and increasingly by the courts – and requires urgent action from all quarters. The next U.S. Attorney for the District of Massachusetts should prioritize rooting out illegal police practices that harm communities of color and that undermine the integrity of law enforcement.

The recent [Justice Department investigation](#) of the Narcotics Bureau of the Springfield Police Department is an excellent example of how the power of the federal government can be brought to bear on this issue, and we hope that your Committee will probe candidates about how they would deepen and expand upon this important police accountability work. See “Justice Department Announces Findings of Investigation into Narcotics Bureau of Springfield, Massachusetts Police Department,” Justice Department (July 8, 2020).

Voting Rights: Since the Supreme Court gutted the pre-clearance provisions of the Voting Rights Act in *Shelby County v. Holder*, the role of the federal government in bringing affirmative voting rights cases has become even more critical. 570 U.S. 529 (2013). Yet over the last four years, the Justice Department has been largely absent from voting rights enforcement. While civil rights organizations such as LCR have done our part to [fill this void](#), the power and resources of the federal government are essential in this battle. See “Lowell Embarks On Redrawing Its Voting Map,” *Boston Globe* (July 23, 2020) (noting LCR’s groundbreaking work to empower voters of color in Lowell). Our hope is that any candidate for the U.S. Attorney position for the District of Massachusetts will be able to elucidate a forward-looking vision for reinvigorating voting rights enforcement in Massachusetts.

Discrimination In Education And Housing: Similarly, over the last four years, we have seen a dramatic retreat on the part of the Justice Department from civil rights enforcement in the areas of education and housing. Past cases that the U.S. Attorney’s Office has tackled have demonstrated [how powerful such enforcement can be](#) when it happens. See “U.S. Attorney Finds Civil Rights Violation at Boston Latin School,” *Boston Magazine* (Sept. 26, 2016) (noting that the U.S. Attorney’s Office launched the investigation at the urging of local civil rights groups). Lack of equal education opportunity for English Language Learners, housing policies that perpetuate discrimination, and racially hostile education and housing environments are all areas that call out for greater federal civil rights enforcement. We hope that the Committee will question potential candidates about how they would promote civil rights enforcement in these areas.

Hate Crimes: At LCR, we often counsel [victims of hate crimes](#) who have been preyed upon because of the color of their skin or their immigration status. See “Mother and Daughter Attacked for Speaking Spanish, Prosecutor Says,” *New York Times* (Feb. 29, 2020) (noting LCR’s advocacy on behalf of the hate crime victims).

Unfortunately, it is often a struggle to get law enforcement to take such incidents seriously, with officials often downplaying the insidious intent motivating these crimes. We hope that your Committee will question candidates about the role they see for the federal government in prosecuting perpetrators of hate crimes and how this fits into access to justice and into a larger civil rights vision.

Our hope is that the next U.S. Attorney for the District of Massachusetts will be an ally in these and other urgent civil rights struggles – and that the Advisory Committee will press candidates for their views on these matters. For our part, we stand ready to assist whoever is ultimately confirmed for the position, to further justice for communities of color and immigrant communities.

Thank you and the Committee for your time and attention to these critical matters.

Sincerely,

Iván Espinoza-Madrigal, Esq.
Executive Director

Oren Sellstrom, Esq.
Litigation Director

cc: Senator Edward J. Markey
Senator Elizabeth Warren
Massachusetts Congressional Delegation
Advisory Committee Members