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July 11, 2024

The Honorable Merrick Garland
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20202

The Honorable Miguel Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Ave., SW
Washington, D.C. 20202

Dear Attorney General Garland, and Secretary Cardona,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the civil and human rights of all persons in the United States, we urge you to take immediate steps to review, investigate, and address law enforcement violence against nonviolent protestors. Specifically, we urge the Department of Justice (DOJ) and the Department of Education (ED) to review the conduct of law enforcement agencies that respond to protests, in particular, recent campus protests, and open investigations in jurisdictions where there are allegations or evidence that the civil rights of protestors have been violated. In addition, we call your attention to the letter submitted by our colleagues at LDF¹ and uplift their urgent recommendations for DOJ and ED action in response to this matter.

For more than 150 years, law enforcement has used excessive force against striking workers and protesting students in responding to requests for service from institutions such as businesses² and universities³. These brutal police responses to nonviolent protests have been tolerated for far too long; law enforcement departments and individual officers have rarely been held accountable.⁴ Over the past five years, including in response to overwhelmingly

¹ NAACP Legal Defense and Education Fund. "Civil and Human Rights Groups Urge Justice Department to Investigate Law Enforcement Abuses and University Responses to Campus Protests." July 11, 2024. <https://www.naacpldf.org/news/civil-and-human-rights-groups-urge-justice-department-to-investigate-law-enforcement-abuses-and-university-responses-to-campus-protests/>

² Gourevitch A. "Police Work: The Centrality of Labor Repression in American Political History." *Perspectives on Politics*. Vol 13(3). 2015. Pgs. 762-773. <https://www.cambridge.org/core/journals/perspectives-on-politics/article/police-work-the-centrality-of-labor-repression-in-american-political-history/7DF60C0EBD68C32C500D28EF215D765B>.

³ Tucker, Emma. "Police tactics at campus protests reveal disparities in approaches to public order and lessons learned post-George Floyd". *CNN*. May 5, 2024. <https://www.cnn.com/2024/05/05/us/police-tactics-campus-protests-george-floyd/index.html>.

⁴ Osei, Zipporah. Simon, Mollie. Syed, Moiz. Waldron, Lucas. "We Tracked What Happens to Police After They Use Force on Protesters." *ProPublica*. July 29, 2020. <https://projects.propublica.org/protest-police-videos/>

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nonviolent campus protests⁵, there have been multiple incidents of police use of weapons marketed for crowd control, including rubber bullets, Oleoresin Capsicum (OC) spray, smoke, and other so-called “less lethal” devices.⁶ Research has shown that law enforcement are more likely to utilize these weapons and arrest protesters at racial justice protests than at protests that are not about racial justice.⁷

When police use violence against nonviolent protesters, they are known to violate civil and constitutional rights, discriminate, and further undermine community trust in police and their legal legitimacy.⁸ Our Vision for Justice policy platform⁹, signed by more than 40 organizations, lays out key reforms that address law enforcement excessive use of force and surveillance against the public, including protesters. We call your attention in particular to the platform’s recommendations regarding prohibitions on the militarization of law enforcement and the use of dangerous “less lethal” weapons.

Democracy requires civic engagement and nonviolent protest is a key avenue of political participation. It is critical to uphold and safeguard the First Amendment right to protest. When police are called to remove student protesters, there is a higher likelihood of conflict escalation and police misconduct. Police should never use violence to punish or brutalize protesters for social justice advocacy or indeed, advocacy on any other topic, even when their advocacy causes inconveniences for institutions. The safety of all students on campus is an important responsibility of college and university administrations.

However, what we have witnessed in recent months requires investigation. While most protests have been nonviolent¹⁰, we recognize that there have been instances of hateful, biased, or intimidating behavior directed toward students who are or are perceived to be Arab, Black, Jewish, and/or Muslim. In such cases, campuses must take appropriate action within their policies and consistent with the acknowledgment and enforcement of student civil rights. There have been incidents suggesting a failure to do that, resulting in the repression of the rights of students. Police have an obligation to investigate allegations that a hate crime has been committed on a college or university campus. However, there have also been incidents of police use of excessive force and civil rights violations of students.

⁵ Ho, Bianca. Doyle, Kieran. “US Student Pro-Palestine Demonstrations Remain Overwhelmingly Peaceful”. *ACLEd*. May 10, 2024. <https://acleddata.com/2024/05/10/us-student-pro-palestine-demonstrations-remain-overwhelmingly-peaceful-acled-brief/>.

⁶ *Physicians for Human Rights*. “Shot in the Head”. September 14, 2020. <https://storymaps.arcgis.com/stories/29cbf2e87b914dbaabdec2f3d350839e>.

⁷ Kajeepeta, Sandhya. Johnson, Daniel K.N. “Police and Protests: The Inequality of Police Responses to Racial Justices Demonstrations.” *LDF Thurgood Marshall Institute*. November 2023. <https://tminstituteldf.org/police-and-protests-the-inequity-of-police-responses-to-racial-justices-demonstrations/#:~:text=Police%20were%203.8%20times%20as,after%20controlling%20for%20contextual%20differences>.

⁸ *Id.*


⁹ The Leadership Conference on Civil and Human Rights. The Leadership Conference Education Fund. “Vision for Justice: A New Paradigm for Public Safety”. April 2024. <https://downloads.ctfassets.net/qyzml03adckj/3MLkII1dkZF4jGxYGOUFIT/2a8ec859d7d0e151cb97473df84f5586/Vision-For-Justice-2024.pdf>.

¹⁰ Ho, Bianca. Doyle, Kieran. “US Student Pro-Palestine Demonstrations Remain Overwhelmingly Peaceful”. *ACLEd*. May 10, 2024. <https://acleddata.com/2024/05/10/us-student-pro-palestine-demonstrations-remain-overwhelmingly-peaceful-acled-brief/>.

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The federal government must protect nonviolent protesters, hold police accountable, and prevent police violence from discouraging members of the public from civic engagement and protest in the future, on and off college and university campuses. Thank you for considering our views. If you have any questions or would like additional information, please contact Bree Spencer, senior program director, justice at spencer@civilrights.org or Jesselyn McCurdy, executive vice president of government affairs at mccurdy@civilrights.org.

Sincerely,



Maya Wiley
President and CEO



Jesselyn McCurdy
Executive Vice President of Government Affairs