



September 5, 2017

The Honorable Charles Grassley, Chairman
The Honorable Dianne Feinstein, Ranking Member
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Grassley and Ranking Member Feinstein:

On behalf of the Human Rights Campaign's nearly 2 million members and supporters nationwide, I write to express serious concerns regarding the nomination of Eric Dreiband as Assistant Attorney General for the Civil Rights Division of the U.S. Department of Justice. The Civil Rights Division has a proud and storied history of enforcing our nation's civil rights laws and has served as a leader within the federal government. For decades career civil servants and dedicated appointees have worked to make equality a lived reality for a myriad of vulnerable populations. The recent events in Charlottesville amplify the critically important role the Civil Rights Division plays nationwide. As it faces burgeoning ideological fissures across American society specifically in the context of our nation's dearest civil rights laws, the Civil Rights Division demands leadership wholly committed to the basic underpinnings of the laws it enforces and to the people it pledges to represent. We see no evidence that Eric Dreiband has exhibited these baseline qualities. Instead, Mr. Dreiband has built his career on the backs of some of the most vulnerable members of our community by discounting and undermining the reach and effect of our civil rights laws.

We remain deeply concerned by Mr. Dreiband's lengthy record of undermining employment protections across the board. While representing the clothing company Abercrombie and Fitch to the Supreme Court, Mr. Dreiband argued that the company had not discriminated against a female Muslim applicant despite the company's choice not to hire her because her headscarf violated the company's "look" policy. Mr. Dreiband argued that in order to receive protections under civil rights laws, applicants must state that they are wearing the headscarf for religious reasons. Mr. Dreiband has taken similarly disrespectful tactics in court while representing a

group of organizations seeking expansive exemptions of the Affordable Care Act's contraceptive requirement.

As the nation's largest lesbian, gay, bisexual, transgender, and queer (LGBTQ) organization, we are compelled to bring to your attention Mr. Dreiband's personal role in defending North Carolina House Bill 2 – an egregiously discriminatory law designed specifically to target transgender North Carolinians for discrimination. We recognize that while in private practice attorneys are tasked with representing the best interest of their clients and may not always support their views. However, as a senior partner within his practice, Mr. Dreiband has significant discretion in accepting clients and participating in the daily tasks of litigation. By all accounts Mr. Dreiband volunteered to join the legal team defending the University of North Carolina in the Department of Justice suit, which strove to hold the University and other state entities accountable for the federally-prohibited discrimination mandated by state law.

Outside of his role in the court room, Mr. Dreiband has testified as a private citizen before Congress several times in opposition of the enactment of critical civil rights protections including the Lilly Ledbetter Fair Pay Act and the Protecting Older Workers from Discrimination Act. We are also concerned about his leadership role with organizations that have advocated for a narrow interpretation of Constitutional and statutory law to the detriment of LGBTQ people, including the Federalist Society. These indicate not only a professional specialization in undermining civil rights enforcement, but a personal aversion to the basic tenets of the laws themselves.

We urge the Committee to take the opportunity during this hearing to explore these concerns and to assure the American people that the leader of this most critical division within the Department of Justice is truly committed to pursuing justice for all.

Thank you for your consideration. If you have any questions or need more information, please contact me at david.stacy@hrc.org.

Sincerely,

A handwritten signature in cursive script that reads "David Stacy".

David Stacy
Government Affairs Director