

DCR Nomination Statement

I'd like to thank the Attorney General for her kind words and her confidence in me. I am honored to have been nominated to this important post, and I hope to have the opportunity to serve the citizens of the State of New Jersey as the next Director of the Division on Civil Rights. I'd also like to thank all of you, the Commissioners, for this opportunity to appear before you, to tell you a little bit about myself, and to answer your questions. I hope that I will be able to earn your support and confirmation today.

[As the Attorney General mentioned,] I began my legal career as a law clerk on the Third Circuit, which is of course the U.S. court of appeals with jurisdiction over federal cases filed in New Jersey. Following my clerkship, I had the privilege of working with the NAACP Legal Defense Fund, which is an incredibly exciting place to work because, as many of you know, for the past fifty-plus years, it has been the nation's preeminent civil rights legal organization. LDF litigated some of the most prominent civil rights cases in history and, most famously, is responsible for the cases leading up to and including *Brown v. Board of Education*. In providing legal assistance and expanding opportunity for African Americans, LDF's work over the years has brought greater justice to all Americans. Recently, for instance, LDF weighed in on the Proposition 8 battle to protect the equal marriage rights of gays and lesbians in California.

As an attorney with the Legal Defense Fund, I had the honor of representing diverse groups of litigants in high impact, national civil rights cases in almost a dozen states, on issues ranging from school desegregation and educational equity, to affirmative action and voting rights. My experience at LDF exposed me to some of the most serious and compelling civil rights issues of our time, and allowed me to develop my skills as an advocate on behalf of those most in need. I am also grateful to LDF because it was there that I met my now wife, Vanita Gupta, who is the real civil rights lawyer between the two of us. She's here today because I promised her that I'd take her to dinner in the Ironbound afterward.

I then joined the law firm of Jenner & Block and litigated complex commercial and securities cases, and worked on white collar criminal investigations. In entering private practice, I decided on Jenner in large part because of its reputation as a leader in progressive pro bono work, having argued and won several important voting rights, capital punishment, and LGBT rights cases in the U.S. Supreme Court in the past decade, including the landmark 2003 *Lawrence v. Texas* case, which struck down Texas's sodomy law as unconstitutional and served as a watershed moment in the gay rights movement. While at Jenner, I myself had the opportunity to work on several pro bono matters implicating civil rights and equal opportunity, including a brief in a felon disenfranchisement case and a class action RICO case on behalf of Harlem residents against a large corporate landlord.

Last summer, I joined the clinical faculty of Seton Hall Law School, where I currently direct an Urban Revitalization Project funded by the New Jersey State Bar Association and housed in the Law School's Center for Social Justice. We are very proud of the successes of the Project over the last year. In part through our work with Essex-Newark Legal Services, I have been able to represent homeowners and former homeowners in fairly complex cases involving foreclosure rescue scams, which also include, in some instances, allegations of mortgage and

lending fraud. We have won major motions in the law and chancery divisions in both Essex and Union counties in these cases, establishing the right of former homeowners to sue lenders and brokers, as well as other third parties. Together with the New Jersey Institute for Social Justice and the City of Newark, we are also representing tenants against the landlord of a mid-sized apartment building in what we believe to be one of the first test cases here in Newark under the state's 2004 rent receivership law. Over the past year, I have also worked with Legal Services of New Jersey and the Fair Share Housing Center to review compliance of several townships with their *Mt. Laurel* affordable housing obligations. And I am also counsel on an eminent appeal to the appellate division in a case that seeks equity in charter school funding under the New Jersey constitution's equal protection clause. A theme runs throughout all of this work, which has been about inequality, poverty, age, race, and equal and fair access to decent schools and affordable housing for all New Jerseyans.

I am very excited by the possibility of bringing my experiences in litigating these and other matters to the Division, and also in expanding my prior civil rights work into new areas. As all of you know, New Jersey has one of the oldest and the most broad-reaching anti-discrimination statutes in the nation, and I would be honored to work on behalf of the state to enforce it. I am also excited about the possibility of building upon the excellent work of the Division, especially its recent decisions enforcing LGBT rights. Although there have been some questions raised in recent days about my commitment to LGBT rights, let me be clear: I am personally committed to these issues. My wife and I are proud to say that we have dipped into our pocketbooks to help fund the good work of prominent gay and lesbian rights organizations, including Queers for Economic Justice, the Empire State Pride Agenda, and the Human Rights Campaign. I am thrilled by the prospect of now working affirmatively on behalf of the state to enforce these rights that I have a proven record of supporting. At the same time, I am also eager to expand the Division's focus, to include both new substantive areas as well as a docket of high impact investigations and cases.

In closing, I would like to say just a little bit about my personal commitment to social justice and civil rights work. My parents, three older sisters, and I came to this country 34 years ago as Vietnamese refugees, fleeing a civil war. We escaped from Saigon on a boat, the night before that city fell into Communist hands. Carrying scores other refugees, that boat wandered the seas. We ended up at refugee camps, first in Guam, and then in Pennsylvania. An American family, themselves of modest means, opened up their hearts and home to us. Through their church, they sponsored us to move to Virginia, and for a short while, our family of six lived with their family of five in the basement of their townhome. Uncle Bert and Aunt Jennie, as we now call them, helped my parents – who at that point were nearly 40 years old – find new jobs and new careers and a new home in a new country, where they hardly spoke the language. Like my sisters, I attended public schools, and then the state college.

I tell you this not because I can take any credit for any of this history – I was not yet even a year old when we moved to Virginia – but because I cannot. We are the beneficiaries of nearly unimaginable human generosity and the best that this nation can offer. Every person in this country should have access to the American dream, as my family and I have. My passion for social justice and civil rights work comes from the realization that the opportunities that have been afforded to my family and me are afforded to the few and, frankly, the lucky. It is from this

history, then, that I have developed an understanding that working to make these kinds of opportunities more accessible to others must be my life's work. I hope that you will allow me the privilege to continue the best traditions of the Division on Civil Rights, and to work on behalf of the State to ensure equal access and equal opportunity for all New Jerseyans.