

February 8, 2021

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Ave.  
Washington, DC 20500

Dear Mr. President:

On behalf of the American Civil Liberties Union, I congratulate you as you start your journey as the 46th president of the United States. Since our founding in 1920, we have worked with every president to advance civil liberties and civil rights. But this is the first time in our 101 years that the president is a card-carrying member of the ACLU. Having worked with you during your time as a senator and then as vice president, we know that your membership is no mere shibboleth. You take the defense of civil liberties and civil rights seriously. We therefore look forward to leadership from your administration that is guided by the values and ideals that have made the United States — while imperfect — a truly great nation.



National Office  
125 Broad Street, 18th Floor  
New York, NY 10004

This was a historic election for reasons good and bad. A record number of Americans exercised their right to vote and, in so doing, declared that our Constitution's promise of a government of the people, by the people, and for the people lives on. I am proud that every part of the ACLU engaged to ensure free and fair elections up and down the ballot, in every state. Still, this election saw an unprecedented number of baseless challenges to the legitimacy of its results. For the first time in our history, the losing candidate — a sitting president no less — refused to acknowledge the will of the majority of the American people. President Trump trafficked in dangerous conspiracy theories and, by summoning the worst demons among us, pushed us to a constitutional crisis. We watched in horror as President Trump instigated a mob of insurrectionists to attack the Capitol and produce mayhem, terror, and death.

As you stated in your inaugural address, our democracy prevailed. But I know I write for the entire ACLU in expressing a new and profound appreciation for how fragile our democracy really is. The ACLU fought tooth and nail — filing 413 legal actions against the Trump administration — to defend our Constitution from an unprecedented assault. No other organization has done more to resist and intercept the erosion of democratic norms and the attempted incineration of our most precious rights. After the January 6 insurrection, our resolve and determination are more steadfast than ever to do the restorative work necessary to see our democracy fulfill its promise.

We are laser-focused on what Charlottesville and the Capitol attack had in common: white supremacy. We believe that, more than any other single force, racial hierarchy and racial caste are woven into the very fabric of our society. By failing to reckon with the horrific legacy of slavery, America created systems predicated on white supremacy, systems that routinely and intentionally harm and kill citizens of color, especially those of African and Native descent. The events of Charlottesville played a key role in your decision to run for president, so you understand the dangerous harm caused by white supremacy and its potential to wreak profound havoc. As the Capitol attack made clear, the forces of white supremacy can also, when summoned, threaten the very core our democracy.

In this past election, Black voters, as they have so many times before, stood up for our democracy when they had every reason to lose faith. Earlier this year, millions protested the murder of George Floyd, in the largest demonstrations since the civil rights movement. And through our voting rights and electoral work in Georgia, Michigan, and Wisconsin last year,

we bore witness to the mighty contributions of Black voters at the ballot box. Just last month, Georgia's Black voters ensured that your administration's agenda, and the cause of civil liberties and civil rights, will have a fighting chance in Congress. We are in awe of their contributions and know that the debt is overdue.

We respectfully suggest that you can meet this moment and leave an indelible mark in the annals of history by ensuring that our nation guarantees **Systemic Equality** to every individual in our union. Systemic Equality, as we see it, is not an aspirational goal. Our country has sent people to the moon, stopped genocide and fascism in Europe, transformed every industry, and built technologies that are the envy of the world. Given that, we undoubtedly can ensure that all people in this nation get a fair shot, especially those Black, Brown, and Indigenous communities that have suffered unjustly from systemic racism and inequity. We believe that systemic equality requires empowerment, access, prosperity, and a real reckoning with the legacy of our racist past. An agenda to achieve these important goals must include:



1. **Democratic Inclusion via Voting Rights Protections:** Your administration and Congress must prioritize the John Lewis Voting Rights Advancement Act. Congressman Lewis was the eternal optimist, urging all of us to fight for others and “make some noise and get in good trouble, necessary trouble.” We call on you to expend whatever political capital is necessary to ensure the franchise is secured for every American citizen. And while we work towards that legislation, we urge you to place dedicated voting rights attorneys in each U.S. attorney's office, to ensure that voting rights enforcement is prioritized.
2. **Digital Inclusion via Universal Broadband:** The COVID-19 pandemic offered a stark reminder that, in the 21st century, broadband internet is an essential service. Without reliable broadband access, children cannot learn and many Americans cannot work. As we accelerate towards greater reliance on technology, we must close the digital divide. We call on your administration and Congress to ensure that every American has access to broadband at an affordable rate within your first term. Programs, including Lifeline, can be enhanced to include more Americans and meet the increasingly high costs of broadband access.
3. **Economic Inclusion via Fair, Affordable Housing:** Nearly one-third of Americans struggled to pay their rent, even before the pandemic. We commend Secretary Marcia Fudge for her determination to keep families in their homes and your willingness to reassess Trump-era housing regulations. We believe that a return to and robust implementation of the 2015 Affirmatively Furthering Fair Housing rule is a key step to reverse the enduring legacy of segregation in our nation.
4. **Economic Inclusion via Tackling Student Debt:** Graduates across America are struggling with crippling student debt. This is especially true for Black Americans: 20 years after graduation, the average Black graduate still owes 95 percent of their balance, while other borrowers have paid off 94 percent of theirs. We urge your administration to substantially reduce the racial wealth gap by forgiving up to \$50,000 of student debt.
5. **Economic Inclusion via Postal Banking:** Due to the increase of banking deserts throughout the nation, one in four Americans is unbanked or underbanked, even before the pandemic ravaged the U.S. economy. We urge your administration to work with the Postmaster General to provide basic financial services through the Post Office. This nation provided Postal Banking services for several decades, and continues to have that authority. Your action is imperative: Without access to financial services, prosperity is unattainable.



6. **Economic Inclusion via Eradicating Child Poverty:** We strongly support your proposal to enhance the Child Tax Credit and make it refundable. Now, it must be made permanent. If enacted, your tax credit would dramatically reduce child poverty across America, and we cannot send those same children back into poverty after demonstrating our ability to address their plight. All of America's children deserve an equal shot at the American dream.
7. **Reparations:** On the campaign trail, you indicated a willingness to study how to repair the harms of racial slavery, Jim Crow, mass incarceration, and other systems that continue to harm Black Americans. We are asking that you make this commitment concrete by supporting H.R. 40, which would formally establish a bipartisan congressional commission to study reparations for Black Americans.

While your administration and Congress work on these issues in partnership with us, ACLU litigators will continue to pursue justice in the courtroom — to end algorithmic bias and promote equity in artificial intelligence technology; to strike down laws that lead to unjust discipline of Black and Brown students in local school systems; to remove barriers to reentry, such as occupational licensing and other obstacles in state laws; and to engage the decennial redistricting process to expand Black and Brown political power. Because the American South has a unique history of racial oppression and violence alongside a rich history of antiracist organizing and advocacy, we will expand ACLU organizing, advocacy, and legal capacity in the region. A collective of 12 ACLU state affiliates in the South will implement regional strategies around voting rights, reproductive justice, and reparations.

In the ACLU's 101-year history as the nation's premier defender of civil rights and civil liberties, we have borne witness to extraordinary times. When President Johnson faced the civil rights movement and the death of President Kennedy, he responded with a trilogy of civil rights laws that initiated America's second reconstruction. It is our greatest hope that you will join the pantheon of LBJ and even that of President Lincoln by leading this country through its final reconstruction, redoubling our commitment to racial justice, and advancing an ambitious Systemic Equality agenda to finally erase the insidious legacy of American racial slavery.

The ACLU stands ready to assist you in every aspect of this critical endeavor. To quote Roger Baldwin, one of our founders, "So long as we have enough people in this country willing to fight for their rights, we'll be called a democracy."

I wish you the very best, and I look forward to working with your team to transform our country's history of systemic racism into a future of Systemic Equality.

Sincerely,

A handwritten signature in black ink that reads "A. Romero". The signature is stylized and written in a cursive-like font.

Anthony D. Romero  
Executive Director