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June 19, 2020

Vote NO on the Motion to Proceed - S. 3985 the JUSTICE Act

Dear Senators,

On behalf of The Leadership Conference on Civil and Human Rights (The Leadership Conference), a coalition charged by its diverse membership of more than 220 national organizations to promote and protect civil and human rights in the United States, we write to express our strong opposition to S. 3985, the Just and Unifying Solutions to Invigorate Communities Everywhere (JUSTICE) Act. The JUSTICE Act is an inadequate response to the decades of pain, hardship, and devastation that Black people have and continue to endure as a result of systemic racism and lax policies that fail to hold police accountable for misconduct. This bill falls woefully short of the comprehensive reform needed to address the current policing crisis and achieve meaningful law enforcement accountability. It is deeply problematic to meet this moment with a menial incremental approach that offers more funding to police, but few policies to effectively address the constant loss of Black lives at the hands of police. We therefore urge you to oppose the JUSTICE Act and vote **no** on the motion to proceed when this legislation is brought to the floor. **The Leadership Conference will score this vote in our voting record for the 116th Congress.**

Abusive policing practices, coupled with devastating state-sanctioned violence, have exacted systemic brutality and fatality upon Black people since our nation's founding. Police have shot and killed more than 1,000 people in the United States over the past year,¹ and Black people are disproportionately more likely than white people to be killed by police.² The chronic structural issue of police killings and lawlessness against Black people has escalated to a boiling point in recent weeks following the deaths of individuals like Breonna Taylor, Dreajon "Sean" Reed, George Floyd, Tony McDade, and others. The current protests in our cities are a response not only to the unjust policing of Black people, but also a call for action to public officials to exact bold, comprehensive, and structural change.

That is why, on June 1, 2020, The Leadership Conference sent Congress a letter outlining accountability principles that must be adopted as a baseline to address rampant, systemic, white supremacy in law enforcement across America. In less than 12 hours, more than 450 of this country's most diverse civil rights, civil liberties, and racial justice organizations signed onto that letter because what was asked of Congress aligned with what advocates, policing

¹ Database of Police Shooting since 2015. (May 29, 2020). Fatal Force, *The Washington Post*, <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

² The Sentencing Project. (Apr. 19, 2018). UN Report on Racial Disparities in the Criminal Justice System Available at, <https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>

experts, and other stakeholders agree is needed. The priorities highlighted are not only reasonable but reflect a bare minimum of what must be in any policing legislation Congress adopts in order for systemic reform to occur.

These priorities are: (1) the creation of a use of force standard that allows force when necessary and as a last resort; (2) a ban on chokeholds; (3) a ban on racial profiling; (4) the establishment of a police misconduct registry; (5) the inclusion of a “reckless” standard in 18 U.S.C. Section 242 that enables federal prosecutors to hold law enforcement accountable for criminal civil rights violations; (6) a prohibition on no-knock warrants, especially in drug cases; (7) the elimination of the judge-made doctrine of qualified immunity, which allows officers and other government actors to evade accountability when they violate individuals’ rights; and (8) the demilitarization of law enforcement agencies. These policies are reflected in S. 3912, the Justice in Policing Act of 2020.

Unfortunately, Senate Republican leadership ignored these critical policies and introduced the JUSTICE Act, a bill that fails to align with our framework principles and will therefore not bring about the fundamental shift in policing our country needs. The bill does nothing to address current barriers to holding law enforcement accountable, such as abolishing qualified immunity or criminalizing the reckless use of force. It does not address, let alone prohibit, the perverse yet pervasive practice of racial profiling, nor does it include explicit bans on dangerous practices like chokeholds or no-knock warrants. It fails to address the militarization of police or the need for a national standard restricting the use of force, and lacks the national, robust, and publicly available misconduct registry required for true transparency.

Further, the JUSTICE Act provides more than \$7 billion of additional federal dollars for law enforcement over the next five years, directly contradicting our coalition’s call to redefine public safety by reducing the footprint of our criminal legal system. Many of the crises that currently involve police responses, and which too often lead to mistreatment and increased mistrust, would be better handled through the addition of health providers, social workers, and others who can meet the needs of communities in a non-punitive manner. Pouring additional funding into a broken system is bad policy. All the reforms outlined above can be achieved using existing funds. Considering the limited financial resources prompted by the COVID-19 pandemic, all policing reform models must reprioritize how limited dollars are spent. The programs authorized by the JUSTICE Act will necessarily mean fewer funds to tackle other issues critical to long-lasting safety, such as housing, education, and health care. Millions of people in the United States are calling for these kinds of direct investments into communities, and Congress should heed that call.

Now is the time for Congress to pass meaningful police accountability reform legislation. A vast and diverse collection of people from coast to coast are calling on lawmakers to prioritize Black communities and protect them from the systemic perils of over policing, police brutality, misconduct, and harassment. It is your moral and ethical duty to ensure Black people and communities are free from the harm and threats from law enforcement and militarized police responses. It is also your responsibility to ensure that any legislation passed does not just provide lip service to these problems, but fully meets the critical needs of this moment. For that reason, we urge you to oppose the JUSTICE Act and vote no on the motion to proceed on this legislation.

June 19, 2020
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Thank you for your leadership in advancing these important policy recommendations. If you have any questions about the issues raised in this letter, please contact Sakira Cook of The Leadership Conference at cook@civilrights.org or The Leadership Conference Justice Task Force co-chairs, Kanya Bennett of the ACLU, kbennett@aclu.org and Hilary Shelton of the NAACP at hoshleton@naacpnet.org.

Sincerely,

A handwritten signature in cursive script that reads "LaShawn Y. Warren".

LaShawn Warren
Executive Vice President for Government Affairs