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June 23, 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, and the undersigned 138 organizations, 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, and 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 have escalated to a boiling point in recent weeks following the deaths of individuals like Breonna Taylor, Dreasjon "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 enact 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

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/>

onto that letter because what was asked of Congress aligned with what advocates, policing experts, and other stakeholders agree is needed. The priorities highlighted are not only reasonable but reflect a bare minimum of what must be included 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 only 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 cases³; (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’ rights⁴; and (8) the demilitarization of law enforcement agencies.⁵ This accountability framework is reflected in S. 3912, the Justice in Policing Act of 2020.

Unfortunately, Senate majority 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 and that of those marching in the streets 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. Furthermore, 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 be bold and 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

³ Justice in Policing would prohibit no-knock warrants **only** in drug cases.

⁴ Justice in Policing would eliminate QI for police officers **only**.

⁵ Justice in Policing limits the transfer of certain equipment, doesn’t eliminate the 1033 program.

ensure that any legislation passed does not just provide lip service to these problems, but fully meets the critical needs of this moment and beyond. Passing watered-down legislation that fails to remedy the actual harms resulting in the loss of life is a moral statement that is inconsistent with a genuine belief that black lives matter. Anything less than full support for comprehensive legislation that holds police accountable is inexcusable. Further, any attempt to amend or salvage the JUSTICE Act will only serve to “check the box” and claim reform when, in actuality, no reform has occurred to combat police misconduct and to protect Black lives. For these reasons, we urge you to oppose the JUSTICE Act and vote no on the motion to proceed on this legislation.

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,

The Leadership Conference on Civil and Human Rights
A Little Piece Of Light
ActionAid USA
AFGE Local 3354
African American Ministers In Action
Alabama State Association of Cooperatives
Alianza Americas
Alianza Nacional de Campesinas
American Association for Justice
American Atheists
American Civil Liberties Union
American Family Voices
American Federation of Teachers
American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
American Humanist Association
American Indian Mothers Inc.
American-Arab Anti-Discrimination Committee (ADC)
Americans for Democratic Action (ADA)
Amnesty International USA
Arkansas United
Asian Americans Advancing Justice | AAJC
Atrisco Community
Autistic Self Advocacy Network
Autistic Women and Nonbinary Network
Bazelon Center for Mental Health Law
Bend the Arc: Jewish Action
Black Farmers and Agriculturalists Association, Inc.

Bread for the World
Center for Disability Rights
Center for Law and Social Policy
Center for Responsible Lending
Center for the Study of Hate & Extremism-California State University, San Bernardino
Chi-Town GVP Summit
Church of Scientology National Affairs Office
Clearinghouse on Women's Issues
Climate Reality Project
Coalition of Black Trade Unionists
Coalition on Human Needs
Coalition to Stop Gun Violence
Common Cause
CommonSpirit Health
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Constitutional Accountability Center
Council on American-Islamic Relations (CAIR)
CURE (Citizens United for Rehabilitation of Errants)
Daniet Initiative Set Project
Defending Rights & Dissent
Demand Progress
DemCast USA
Democracy 21
Drug Policy Alliance
Earthjustice
End Citizens United // Let America Vote Action Fund
Equal Rights Advocates
Equality California
Farmworker Association of Florida
Feminist Majority Foundation
Government Information Watch
Hindu American Foundation
Hispanic Federation
Human Rights Campaign
Human Rights First
Immigration Hub
IndivisAbility
Innocence Project
Japanese American Citizens League
Jewish Council for Public Affairs
Joint Action Committee
Justice in Aging
Justice Roundtable

Juvenile Law Center
Kansas Black Farmers Association Inc
Lambda Legal
Landowners Association of Texas
Leadership Conference on Civil & Human Rights
League of Women Voters of the United States
Mennonite Central Committee U.S. Washington Office
Mommieactivist and Sons
MomsRising
MoveOn
Muslim Advocates
NAACP
NAACP Legal Defense and Educational Fund, Inc.
National Action Network
National Advocacy Center of the Sisters of the Good Shepherd
National Association of Human Rights Workers
National Association of Social Workers
National Center for Transgender Equality
National Council of Churches
National Council on Independent Living
National Domestic Workers Alliance
National Down Syndrome Congress
National Education Association
National Employment Law Project
National Equality Action Team (NEAT)
National Housing Law Project
National Latino Farmers & Ranchers Trade Association
National LGBTQ Task Force Action Fund
National Organization for Women
National Partnership for Women & Families
Natural Resources Defense Council
NETWORK Lobby for Catholic Social Justice
New America's Open Technology Institute
Oklahoma Black Historical Research Project, Inc.
Open Society Policy Center
Oxfam America
People For the American Way
People's Action
Pesticide Action Network
PFLAG National
Prison Policy Initiative
Public Citizen
Public Justice

Rabbinical Assembly
RAICES
Restore The Fourth
Rural Advancement Fund of the National Sharecroppers Fund
Rural Coalition
Silver State Equality-Nevada
Southern Border Communities Coalition
SPLC Action Fund
Stand for Children
Stand Up America
Students for Sensible Drug Policy
T'ruah
Texas Progressive Action Network
Texas Watch
The Agenda Project
The Black Alliance for Just Immigration (BAJI)
The Daniel Initiative
The Sikh Coalition
The Workers Circle
Union for Reform Judaism
United Church of Christ, Justice and Witness Ministries
UNITED SIKHS
United We Dream Action
Voices for Progress
Win Without War
Woman's National Democratic Club (WNDC)