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January 6, 2008

Dear Member of Congress:

On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest, and most diverse civil and human rights coalition, representing over 200 national organizations, we write to share with you our goals for the 111th Congress and to urge you to join with us in working for these legislative priorities. The issues we have identified represent a path forward for this country in bringing change in all sectors—the economy, education, healthcare, criminal justice and others.

LCCR believes that these important legislative priorities are well positioned to pass in this Congress. Many of the items on our list are bills that have had bipartisan support and/or have passed one or both houses of Congress, such as SCHIP, Ledbetter, economic recovery, hate crimes, D.C. voting rights, and comprehensive immigration reform. Others, such as automatic and permanent voter registration, have emerged as crucial issues to be addressed in order to ensure fairness and access for all Americans.

We have divided our priority list into three categories: those that we believe can be passed in the first 100 days; those that we believe can pass in the first year; and those that we believe can be enacted by the end of the 111th Congress. We hope that you will support our issues, and join us in pursuing passage of these important civil rights bills.

First 100 Days

Ensure economic security: LCCR believes it is imperative for the 111th Congress to pass an economic recovery package that assists low-income individuals; protects public services; includes infrastructure and job creation provisions that contribute to the nation's recovery; and provides for access to jobs for disadvantaged populations, including:

- Providing additional state and local fiscal relief to preserve other vital services;
- Allowing struggling homeowners to obtain relief in bankruptcy court to avert foreclosures;
- An increase in Food Stamp benefits;
- Increased funding for WIC Supplemental Funding, Commodity Supplemental Food Program, and The Emergency Food Assistance Program;
- Restoring Child Support Enforcement to prevent \$2 billion in losses to children and their families over two years;
- Responding to the surge in home energy costs by increasing LIHEAP;
- Preventing or minimizing reductions in Head Start;
- Creating jobs for unemployed youth;

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- School repair or maintenance, which would create 280,000 jobs; and
- Increasing Unemployment Insurance.

Protect Employees from Paycheck Discrimination: In *Ledbetter v. Goodyear Tire & Rubber Company*, the Supreme Court reversed a well-established legal standard and severely weakened protection for pay discrimination critical for women in the workplace. In an effort to overturn the Supreme Court ruling and to help ensure that individuals subjected to unlawful pay discrimination are able to effectively assert their rights under the federal anti-discrimination laws, last year the House passed the *Fair Pay Restoration Act* in the 110th. However, the Senate narrowly failed to invoke cloture. With a new administration that has indicated support for the bill, we urge Congress to pass the *Lilly Ledbetter Fair Pay Act/Fair Pay Restoration Act*.

Combat hate crimes: In recent years, this legislation, which will strengthen federal law to combat hate crimes, has been approved by bipartisan majorities in both the House and the Senate several times. However, this measure has yet to become law. We strongly urge the 111th Congress to pass the *Local Law Enforcement Hate Crime Prevention Act*, to give local law enforcement officials important tools to combat violent, bias-motivated crimes – and facilitate federal investigations and prosecutions when local authorities are unwilling or unable to achieve a just result. Hate crime statutes are necessary to protect members of these groups from this most egregious form of discrimination.

Ensure health care for America's children: Last year, *SCHIP* (State Children's Health Insurance Program) passed both Houses of Congress, but support was insufficient to override President Bush's veto. The bill that passed in 2008 included a citizen documentation requirement and excluded the legal immigrant improvements. LCCR urges Congress to pass *SCHIP* without citizenship documentation requirements and with the provision that will end restrictions imposed on legal immigrant children's access to *SCHIP*, including a five-year waiting period. Repeal of the immigrant restrictions has a long-standing history of bipartisan support, the endorsement of the Tri-Caucus, and a history of positive votes.

Confirm new director and fully fund the Census Bureau: With the decennial census around the corner in 2010, the Census Bureau's ramp-up, including implementation of its communications plan, hiring of its vast temporary work force, and address canvassing, will occur in 2009. The Senate must ensure that it quickly and efficiently confirms a new director for the Census Bureau. Additionally, Congress must fully fund the Census Bureau in these upcoming years in order to conduct the most accurate census in 2010, including insisting on full funding for the communications, outreach, and partnership programs targeting minority and other hard-to-count communities. These programs are critical to the ability of the Census to accurately count these important populations. Additionally, the American Community Survey, which collects the socioeconomic data upon which we all rely, must also be fully funded so that we can obtain an accurate picture our nation's population.



First Year

Guarantee the right of employees to organize: Employees are the backbone of our nation's economy. The sad reality is that tens of thousands of workers are routinely fired or discriminated against every year when they try to freely exercise their right to freedom of association. The right to organize is a fundamental right recognized in the United Nations Declaration of Human Rights and it is essential to a free and democratic society. Congress must pass the *Employee Free Choice Act* to restore the right of workers to organize free from employer intimidation and coercion.

Provide voting representation for D.C. residents: The right to vote for those who make and enforce laws – the antidote to “taxation without representation” – is the most important right that citizens have in any democracy. Yet D.C. residents have long been deprived of this right. While they must pay federal income taxes, register for selective service, and serve on federal juries, U.S. citizens who live in D.C. have no voice in the laws that govern these matters, or over any other federal legislation. Congress must provide D.C. residents with fair and effective representation. We therefore urge you to pass the *DC Voting Rights Act* to provide U.S. citizens who live in the District of Columbia with a meaningful vote in the House of Representatives.

Reauthorize the Juvenile Justice and Delinquency Prevention Act (JJDPA): Every year there are over two million juvenile arrests, over 100,000 youth under juvenile justice supervision, and many thousands more who are under the custody of the criminal justice system. There is no need to incarcerate a child for skipping school or other “status offenses.” Juvenile justice systems must do everything possible to ensure that children and youth in the justice system are treated in an age, cultural, and linguistically appropriate manner. The juvenile justice system must provide developmentally appropriate, evidenced-based services and supports. Under *JJDPA*, states would be required to assess and address the disproportionate contact of youth of color at key points of contact in the juvenile justice system – from arrest to detention to confinement. Most importantly, the *JJDPA* will help ensure fairness by making system officials more accountable for reducing disproportionate minority contact through policies, practices, and programs within the juvenile justice system. The reauthorization of the *JJDPA* contains provisions that establish equity, fairness, competence, and culturally- and linguistically-appropriate programs, policies, and practices. Core requirements of *JJDPA* reauthorization include alternatives to incarceration, putting children in juvenile, not adult, jails, making the juvenile system accountable, and providing appropriate treatment based on culture, language, and age.

Remove restrictions on legal services for low-income communities: As the nation struggles under the burgeoning economic crisis and record numbers of Americans are threatened with the loss of their homes, civil legal aid is more critical than ever. However, an outdated, ill-conceived, and inefficient law cuts deeply into the ability of low-income and minority communities to obtain a fair day in court. Restrictions in the Legal Services Corporation (LSC) appropriation rider prohibit vulnerable legal aid clients from joining class actions, claiming court-ordered attorneys' fee awards, or having their lawyers engage in other types of advocacy. The restrictions also prohibit certain legal immigrants, all undocumented

immigrants, and people in prison from relying on legal aid lawyers at all. Finally, a particularly draconian restriction extends all of these restrictions to the non-LSC funds -- state, local and private funds -- of recipient programs as soon as they accept their first dollar in LSC funds. These restrictions, starting with the restriction on state, local and private funds, should be removed from the next rider to the Commerce, Justice, Science appropriations bill.

Achieve automatic and permanent voter registration: As evidenced by the most recent election, as well as previous elections, our nation continues to face both old and new barriers to ensuring the right of all Americans to vote and to have their votes count. While there are many improvements Congress should make to our nation's electoral systems, we believe that achieving automatic and permanent voter registration of all eligible Americans will go a long way to addressing these problems. Congress should pass legislation creating an affirmative duty for government to register eligible voters and establishing Election Day failsafe registration.

Ensure quality education: The *No Child Left Behind Act of 2002* (NCLB) has played a significant role in exposing the breadth of educational disparities and changing the national debate around education reform. However, the law requires major improvements if it is to accomplish its goal of ensuring that all children receive a quality education. Most importantly, the law must be fully funded. There are also substantive improvements that need to be made, including improving the law's treatment of English Language Learners and other students with special needs, addressing the graduation rate crisis afflicting low-income and minority students, and helping districts to recruit, train, and retain highly qualified teachers, especially in hard-to-staff schools. We urge Congress to reauthorize the *Elementary and Secondary Education Act* to preserve accountability, spur the development of higher standards and better assessments, and increase funding and support for students, schools, and teachers.

Eliminate the cocaine sentencing disparity: We urge Congress to enact a bill that, after more than 20 years, would finally correct a major error in drug policy - the harsh sentencing policy for crack cocaine. The policy, particularly the mandatory minimum for simple possession, subjects those who are low-level participants to the same or harsher sentences as major drug dealers. This has had an especially devastating impact on African-American and low-income communities. Possessing or dealing as little as five grams of crack cocaine, a quantity that yields 10-50 doses, can result in the same five-year mandatory minimum sentence as dealing 500 grams of powder cocaine, a quantity that yields 2,500-5,000 doses. To combat this disparity, Congress should enact the *Drug Sentencing Reform and Cocaine Kingpin Trafficking Act*, which would equalize the crack and powder penalties at the powder level and eliminate the mandatory minimum for simple possession.

End discrimination in employment based on sexual orientation and/or gender identity: LCCR has long believed that every American should be judged solely on his or her merits. Yet in most states, it remains legal to reject or fire a worker simply because of his or her sexual orientation or gender identity. *Employment Non-Discrimination Act (ENDA)* would prohibit such discrimination in most workplaces, while carefully addressing the needs of small businesses, religious institutions, and other employers with a legitimate need for flexibility. *ENDA* has enjoyed strong support from Congress as well as from the general public, and its enactment is long overdue.

End racial profiling: During the last five years, LCCR worked in coalition with other organizations to build congressional support for the enactment of the End Racial Profiling Act. In 2007, the *End Racial Profiling Act of 2007 (ERPA)* was introduced by Senator Feingold in the Senate and by Congressman Conyers in the House. If enacted, *ERPA* would prohibit any local, state, or federal law enforcement agency or officer from engaging in racial profiling. It would make efforts to eliminate the practice a condition of law enforcement agencies receiving federal money. *ERPA* would institute a meaningful enforcement mechanism to ensure that anti-profiling policies are being followed. Law enforcement agencies would be required to collect demographic data on routine investigatory activities, develop procedures to respond to racial profiling complaints, and craft policies to discipline officers who engage in the practice. *ERPA* would also provide victims of racial profiling with the legal tools to hold law enforcement agencies accountable (a private right of action).

Ensure language access: Approximately 24 million Americans speak English less than “very well.” Individuals should be encouraged to learn English but should never be discriminated against based on their level of proficiency or their national origin and Congress should provide the necessary funding and resources to allow federal agencies to fully enforce Title VI of the Civil Rights Act of 1964. Further, Congress should enact legislation authorizing Medicare to pay for language services and increase federal payments for language services in Medicaid and SCHIP.

Create an independent fair housing enforcement agency: The fair housing enforcement system at HUD is broken. There is a fundamental conflict of interest: HUD is in the awkward position of policing its own programs for fair housing violations. HUD depends on various entities to carry out its policy goals, but is also responsible, when acting as a fair housing enforcer, to investigate some of these very same entities for housing discrimination. For example, HUD depends on lenders to promote homeownership, on builders to build affordable housing, and on cities to redevelop neighborhoods after a natural disaster. Forty years after Congress first passed the Fair Housing Act, we continue to have segregated communities, perpetuated in large part by the very agency charged with protecting the country against illegal housing discrimination. That is why a bipartisan commission, co-chaired by former HUD Secretaries Henry Cisneros and Jack Kemp, recommended amending the Fair Housing Act to move fair housing enforcement from HUD to an independent agency.

By the end of the 111th Congress

Comprehensive immigration reform: As Congress continues its efforts to consider reforming our broken immigration system, it must be careful to protect the civil and human rights of all people in the United States. New immigration legislation must take a comprehensive approach that: 1) encourages hardworking undocumented immigrants to come out of the shadows by providing a workable path to citizenship; 2) reduces unconscionable backlogs in the family immigration system; 3) respects the civil rights and civil liberties of all Americans and provides immigrants and their families with fair, humane, and common-sense procedures at all levels of the immigration, naturalization, or removal process; and 4) fully protects the rights of all workers regardless of their immigration status. We urge the 111th Congress to demonstrate



a solid commitment to comprehensive immigration reform – starting with, as a down payment, the swift enactment of bipartisan legislation such as the *DREAM Act*, which would provide undocumented children who grew up in the United States the opportunity to become fully integrated members of our society through higher education or service to our country; *AgJOBS*, a bipartisan compromise supported by labor and management, which provides America with a stable farm labor force and helps ensure that farmworkers are treated fairly by giving undocumented workers a chance to earn legal status; and the recapture of unused family and employment visas, a bipartisan measure which “recaptures” family and employment-based immigrant visas that do not get used each year, due to bureaucratic delays, and allow unused visas each year to “roll over” and be used in the following year.

Pass the Civil Rights Act of 2009: The Civil Rights Act, a comprehensive bill addressing Supreme Court decisions that have undermined existing civil rights laws, remains one of LCCR’s highest priorities. Among its most notable and far-reaching provisions, the Civil Rights Act corrects the Supreme Court’s 2001 *Alexander v. Sandoval* decision by establishing a private right of action against entities receiving federal funding based on evidence of disparate impact. The bill also strengthens gender and age discrimination protections, improves remedies for victims of discrimination, prevents employers from forcing workers to bring workplace claims to arbitration instead of the courts, and addresses workplace exploitation of undocumented workers.

Sincerely,

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