



## **RESOLUTION SUPPORTING ENFORCEMENT AGAINST RACIAL PROFILING**

Endorsed July 2014

**WHEREAS**, the Coalition of Bar Associations of Color (CBAC), organized in 1983, is a coalition created to act as a collective voice for issues of common concern to its member organizations; and

**WHEREAS**, the member organizations of the Coalition of Bar Associations of Color are the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA); and

**WHEREAS**, racial and religious profiling is a pervasive practice that profoundly affects communities of color across the country; and

**WHEREAS**, the practice of racial profiling contributes to a culture that breeds hate crimes against communities of color, including the massacre of Sikhs practicing their faith at the gurdwara in Oak Creek, Wisconsin in 2012; and

**WHEREAS**, racial and religious minorities are disproportionately targeted by traffic stops and “stops and frisks” often implemented as pretext for determining criminal activity; and

**WHEREAS**, Immigration and Customs Enforcement programs such as 287(g), Secure Communities, and the Criminal Alien Program that deputize state and local law enforcement agencies to enforce civil immigration laws—the domain of the federal government— and state measures such as Arizona’s S.B. 1070 lack meaningful safeguards against racial profiling and have been used to disproportionately target U.S. citizens and lawful residents from racial and religious minority groups; and

**WHEREAS**, since September 11th, programs and policies continue to perpetuate sweeping and aggressive discrimination against members of Muslim, Arab, and South Asian American communities; and

**WHEREAS**, the practice of racial profiling is an ineffective law enforcement practice that focuses on factors unrelated to criminal activity rather than on specific indicators of criminal behavior; and

**WHEREAS**, the practice of racial profiling diverts valuable law enforcement resources from the task of pursuing specific and actual threats to public safety; and

**WHEREAS**, the practice of racial profiling further undermines public safety by creating fear and mistrust of law enforcement among community members who are vital to effective community policing; and

**WHEREAS**, the practice of racial profiling violates constitutional guarantees of freedom against unreasonable searches and seizures, the right to due process, and the right to equal protection; and

**NOW THEREFORE BE IT RESOLVED** that CBAC supports the passage of the End Racial Profiling Act (ERPA), similar legislative measures, and Administrative efforts to curb racial profiling. Specifically, ERPA would curtail this unlawful, discriminatory, and ineffective practice by:

- Prohibiting the use of profiling based on race, religion, ethnicity, or national origin;
- Instituting training programs and data collection and monitoring mechanisms at the local, state, and federal law enforcement levels; and
- Creating a private right of action for victims of racial profiling, among other requirements; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that CBAC supports efforts to curtail programs and laws that deputize state and local law enforcement agencies to enforce federal immigration laws; and

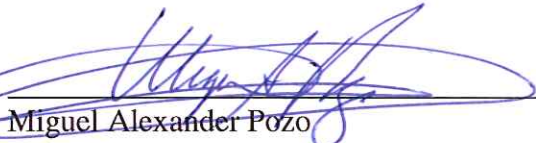
**NOW THEREFORE BE IT FURTHER RESOLVED** that CBAC authorizes its president, board, and staff to communicate the content of this resolution to its members, affiliates, other bar associations, members of Congress, the Administration, the press, and others to take steps to implement this resolution, as they deem necessary; and

**BE IT FINALLY RESOLVED** that this resolution shall be the legislative priority of the Coalition of Bar Associations of Color until it is withdrawn or modified by subsequent resolution.


#### **CERTIFICATION**

**WE**, the duly-elected Presidents of the Hispanic National Bar Association (HNBA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), and the National Native American Bar Association (NNABA), hereby certify that the foregoing Resolution was duly enacted by a duly noticed meeting of the Board of Directors.

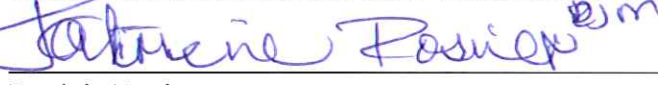


  
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 Miguel Alexander Pozo  
 President, Hispanic National Bar Association


July 15, 2014  
 Date

  
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 William J. Simonitsch  
 President, National Asian Pacific American Bar Association

July 15, 2014  
 Date

  
 \_\_\_\_\_  
 Patricia Rosier  
 President, National Bar Association

July 15, 2014  
 Date

  
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 Mary Smith  
 President, National Native American Bar Association

15 July 2014  
 Date

