



**HNBA 2019 RESOLUTION IN SUPPORT OF TIMELY CONFIRMATION OF  
DIVERSE JUDGES TO THE FEDERAL BENCH**

**WHEREAS**, the Hispanic National Bar Association (“HNBA”) is an association created to represent the interests of Hispanic legal professionals and the Hispanic community, acting as a collective voice for issues of common concern to its members; and

**WHEREAS**, the HNBA is the national voice of its legal community and Hispanics in the United States and its territories and possessions; and

**WHEREAS**, there are currently approximately 121 judicial vacancies, of which 28 have been rated “judicial emergencies,” and these vacancies have caused extraordinary caseloads for federal courts;

**WHEREAS**, there are at least 8 future federal judicial vacancies that will continue to exacerbate the judicial emergency crisis; and

**WHEREAS**, the system of justice in the United States cannot function effectively without a fully staffed judiciary because these vacancies impede access to justice; cause delays in criminal defendants’ Constitutional right to speedy trials; increase the number of pleas taken by defendants to avoid longer detention; increase legal costs; slow resolution of all civil and criminal disputes; and

**WHEREAS**, the federal appointments process should be an apolitical process involving the selection of the brightest legal minds reflecting the people and communities served by the federal courts, including diversity of gender, racial and ethnic background, law practice experience, educational background, and socio-economic background to sustain the confidence of the people in the fairness and integrity of the justice system; and

**WHEREAS**, the federal appointments process should be an apolitical process involving the selection of the brightest legal minds, and the current composition of the federal bench; and

**WHEREAS**, nearly 80% of the current members of the federal judiciary are white and 73% are male;

**WHEREAS**, as of February 2019, 92% of individuals that the current President of the United States has nominated for Article III judicial appointments and have been confirmed by the Senate are white, and 76% are male; and

**WHEREAS**, as of February 2019, 74% of the pending nominees the current President of the United States has nominated for Article III judicial appointments are white, and 85% are male; and

**WHEREAS**, approximately 18.1% of the total U.S. population is Latino, but only 1.2% of the individuals that the current President of the United States has successfully appointed for Article III judicial appointments are Latino (as compared to 10.9% of President Barack Obama's appointees and 9.1% of President George W. Bush's appointees); and

**WHEREAS**, approximately 50.8% of the total U.S. population is female, but only 23.5% of the individuals that the current President of the United States has successfully appointed for Article III judicial appointments are female (as compared to 42.3% of President Obama's appointees and 21.8% of President Bush's appointees);

**WHEREAS**, approximately 13.4% of the total U.S. population is African-American, but only 1.2% of the individuals that the current President of the United States has successfully appointed for an Article III judicial appointment are African-American (as compared to 18.7% of President Obama's appointees and 7.3% of President Bush's appointees); and

**WHEREAS**, approximately 6.0% of the total U.S. population is Asian-Pacific American, and 5.9% of the individuals that the current President of the United States has successfully appointed for Article III judicial appointments are Asian-Pacific American (as compared to 6.7% of President Obama's appointees and 1.2% of President Bush's appointees); and

**WHEREAS**, approximately 1.3% of the total U.S. population is Native American, but none of the individuals that the current President of the United States has nominated for Article III judicial appointment are Native American (as compared to one Native American appointee by President Obama and no Native American appointees from President Bush); and

**WHEREAS**, the HNBA has a strict vetting and endorsements process available to any and all candidates for a position on the federal bench or the Federal Executive Branch; and

**WHEREAS**, the HNBA has worked vigorously to identify, vet, and endorse qualified judicial nominees to fill the numerous vacancies in the federal court system and has endorsed and provided the current administration and U.S. Senators with a number of endorsed diverse candidates for federal judicial vacancies; and

**WHEREAS**, the HNBA supports the nomination and confirmation of many of the highly-qualified, diverse judicial candidates endorsed by the American Bar Association (ABA), the National Asian Pacific American Bar Association (NAPABA), the National Bar Association (NBA), the National LGBT Bar Association and the National Native American Bar Association (NNABA), because the confirmation of these individuals as Article III judges would demonstrate

respect for diverse individuals who reflect the changing demographics of our country and the rich tapestry of backgrounds, ethnicities, cultures, experiences and interests that characterize the American population, and inspire the confidence of minority populations in our justice system; and

**WHEREAS**, including Asians, African Americans, Latinos, and Native Americans at all levels of the federal workforce enables our government to better understand, relate to and execute policies that will effectively reach and serve Asian, African American, Latino, LGBT community and Native American citizens;

**NOW THEREFORE BE IT RESOLVED**, that the HNBA will continue to seek out and promote talented Asian, African American, Latino, and Native American attorneys for positions on the federal bench and the federal Executive Branch and is committed to working with Senators and the Trump Administration in order to bring them a slate of talented Asian, African American, Latino, LGBT community and Native American attorney candidates for judicial and executive branch appointments; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA calls on the President of the United States to timely identify and nominate a greater number of Latino, Asian, Native American and African American attorneys to fill judicial vacancies and for the U.S. Senate and the President of the United States to fully support the confirmation of Asian, African American, Latino, LGBT community and Native American judicial candidates in a number that shows greater parity with the total U.S. Asian, African American, Latino, LGBT community and Native American populations; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA stands ready to assist in identifying and supporting diverse candidates for the federal bench because a more diverse bench ensures and fosters better decision-making and a richer jurisprudence that reflects the entire population, and further, a full complement of judges from diverse backgrounds increases the public's trust and confidence and ensures both access to justice and citizen confidence in the justice system; and

**NOW THEREFORE BE IT RESOLVED** that the HNBA also supports other efforts and laws that are consistent with this resolution.

**BE IT FURTHER RESOLVED** that the HNBA authorizes its officers and staff to communicate this resolution's content to other bar associations, members of the U.S. Congress, judicial nominating committees nationally and locally, the press, and to whomever else is suited to receive the information in order to effect this resolution.

**BE IT FINALLY RESOLVED** that this resolution shall be the policy of the HNBA until it is withdrawn or modified by subsequent resolution.

**CERTIFICATION**

**I, Jennifer Salinas**, National President of the Hispanic National Bar Association, hereby certify that the foregoing resolution was duly enacted by the Executive Committee pursuant to the authority delegated to it by a duly-noticed meeting of the Board of Governors.

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Jennifer Salinas,  
HNBA National President



## **HNBA 2019 RESOLUTION IN SUPPORT OF IMMIGRATION REFORM**

**WHEREAS**, the Hispanic National Bar Association (“HNBA”) is an association created to represent the interests of Hispanic legal professionals and the Hispanic community, acting as a collective voice for issues of common concern to its members; and

**WHEREAS**, the HNBA is the national voice of its legal community and Hispanics in the United States and its territories and possessions; and

**WHEREAS**, the United States immigration system should uphold our nation’s basic values of family, economic opportunity, and fairness; and

**WHEREAS**, families are the source of this nation’s social, cultural, and economic vitality, and a reasonable and workable comprehensive immigration plan must accord with America’s tradition of family reunification; and

**WHEREAS**, the United States immigration system, which has torn apart families, created long visa backlogs, and contributed to the production of high numbers of undocumented foreign nationals in the country, is broken and in dire need of comprehensive reform; and

**WHEREAS**, the United States needs legislation that provides a pathway to earned citizenship for undocumented immigrants currently residing within our country, who have been educated in the United States, who work hard in the United States, who share values cherished by the United States, and who otherwise pose no threats to the national security of our nation;

**WHEREAS**, family separation can lead to irreparable trauma and emotional distress for children and their parents; and

**WHEREAS**, keeping families together and reuniting separated families are core national values that have direct, positive impact on reducing homelessness, crime, mental and physical health issues, and the number of children in state custody, which values must be upheld and advanced in any immigration reform legislation; and

**WHEREAS**, in 2017 there were 40,810 unaccompanied minors who entered the United States undocumented; and

**WHEREAS**, undocumented and unaccompanied minors should be provided with adequate medical attention and mental health care to address the physical toll and mental trauma an immigration journey can cause on a child; and

**WHEREAS**, unaccompanied minors should have the right and proper access to a court-ordered attorney and a timely hearing in court; and

**WHEREAS**, the United States must require the highest standards in immigration detention centers to ensure that all detainees are treated with dignity, respect, and care, and that they are not subjected to ridicule, abuse, or other forms of maltreatment; and

**WHEREAS**, food and medical attention must be provided for immigrant detainees and not withheld for any reasons due process must be afforded to immigrant detainees, and judicial discretion must be restored to immigration and asylum hearings; and

**WHEREAS**, there are currently more than 300,000 people from ten countries, including El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan and Yemen, receiving protection under the Temporary Protected Status (TPS) program who are not currently able to safely return to their home countries because of natural environmental disasters, violence, ongoing armed conflict and other extraordinary conditions; and

**WHEREAS**, TPS holders are an integral part of the United States economy, making and generating valuable economic contributions to their communities and the United States economy; and

**WHEREAS**, TPS holders have lived in the United States for an average of 19 years and are employed at high rates, ranging in 2017 from 69.2 to 83.5 percent, which will continue to grow in the future; and

**WHEREAS**, current data indicates that TPS holders from El Salvador, Haiti and Honduras contribute a combined 4.5 billion dollars to our nation's gross domestic product; and

**WHEREAS**, many recipients cannot return home due to fear of violence or other conditions in their country of origin that could bring them harm; and

**WHEREAS**, TPS recipients should receive the support and protection of the United States as long as they qualify for protected status; and

**WHEREAS**, the United States needs to simultaneously address the problems of family separation and immigration visa backlogs in both family and employment preference categories by implementing fair and efficient processes for the legal immigration system that do not sacrifice family-based immigration for employment-based immigration, as the two complement one another and must work in tandem; and

**WHEREAS**, Deferred Action for Childhood Arrivals (“DACA”) recipients, like other individuals with privacy rights, have the right to limit the use of their data for the specific purpose for which they provide the data; and

**WHEREAS**, the Privacy Act of 1974, 5 U.S.C.A 552a (“Privacy Act”) prohibits the disclosure of a record about an individual from a system of records absent the written consent of the individual unless the disclosure is according to one of twelve statutory exceptions; and

**WHEREAS**, DACA recipients were initially informed that information provided to the U.S. Government would be used only to review their DACA application; and

**WHEREAS**, Section 14 Executive Order 13768, 82FR 8799 2017 (“Executive Order”) removed Privacy Act protections for data given to the US Government by individuals who are not US citizens or lawful permanent residents; and

**WHEREAS**, DACA recipients did not provide free, informed and transparent consent to have their data that was provided for purposes of their DACA application or renewal application removed from the protections under the Privacy Act; and

**WHEREAS**, the information provided by DACA recipients should be used for the limited scope of reviewing their DACA applications for qualification under the DACA status program as promised, and should not go beyond this use without freely given, informed and specific consent; notwithstanding anything to the contrary enacted in administrative policies or written in government forms or instructions to those forms pursuant to the terms of the Executive Order, which policies and other related writings and documents to the contrary should be null and void; and

**WHEREAS**, since the HNBA first began to advocate on immigration reform and recognized immigration reform as an important priority, Congress has not passed significant legislation, and further inaction will only continue to deteriorate the already dire condition of the immigration system, and;

**WHEREAS**, the HNBA incorporates by reference the HNBA’s 2018 Resolution in Support of Legislation to Protect the Status of, and Create a Path to Citizenship for DACA Recipients and the HNBA’s 2018 Resolution in Support of Funding to Provide Minor Children Asylum Seekers With Access to Legal Representation to Protect Their Rights.

**NOW THEREFORE BE IT RESOLVED**, that the HNBA calls for full support of the creation of fair and just immigration reform legislation by the Congress consistent with the recitals and provisions contained in this resolution; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA opposes immigration reform legislation that does not include an earned path to citizenship; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA supports administrative relief that will address the harms caused by our broken immigration system, in the face of lack of action by Congress and consistent with the policy provisions reflected in the recitals herein; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA requests that proper medical and mental health attention be provided to children and families separated at the border; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA supports access to timely legal representation and a hearing in court for unaccompanied minors entering the U.S.; and

**NOW THEREFORE BE IT RESOLVED** that the HNBA demands that detention facilities are equipped to provide for the well-being of all undocumented immigrants in their best interests consistent with the policy provisions reflected in the recitals herein; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA calls on this Administration to protect those who are in need and eligible for TPS and to formally rescind its decisions to end TPS for an estimated 97 percent of TPS beneficiaries including from El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan, and also calls upon Congress to provide a path to citizenship for TPS holders; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA calls for the passage of a DREAM Act that does not include provisions related to ancillary immigration issues, or other unrelated issues, and does not attempt in any way to undermine, diminish or remove DREAMers' equal protection and due process rights under the Constitution; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA opposes administrative and legislative efforts to target, remove, or criminalize DREAMers who have been shown to pose no danger to this country; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA calls for the continued protection of all data provided by DACA recipients for purposes of their initial DACA application and any subsequent application for the continuance of their DACA status under the Privacy Act; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA calls for any personal data provided by DACA recipients under any application for DACA status or application for continued DACA status be used only for determining DACA status or continued status, regardless of any consent on any such form or any information to the contrary in any form, instructions, or other information associated with the DACA application and renewal process that may allow other uses of such data; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA supports that all policies enacted under Section 14 of the Executive Order by administrative agencies of the U.S. Government and related information and forms be redacted or modified such that any data provided by DACA recipients and held by, or accessible to, the U.S. Government or such Agencies shall be under the protection of the Privacy Act; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA seeks implementation of the requests made in the HNBA's 2018 Resolution in Support of Legislation to Protect the Status of, and Create a Path to Citizenship for DACA Recipients and the HNBA's 2018 Resolution in Support of Funding to Provide Minor Children Asylum Seekers With Access to Legal Representation to Protect Their Rights; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA also supports other efforts and laws that are consistent with this resolution.

**BE IT FURTHER RESOLVED** that the HNBA authorizes its officers and staff to communicate this resolution's content to other bar associations, members of the U.S. Congress, the press, and to whomever else is suited to receive the information in order to effect this resolution.

**BE IT FINALLY RESOLVED** that this resolution shall be the policy of the HNBA until it is withdrawn or modified by subsequent resolution.

### **CERTIFICATION**

**I, Jennifer Salinas**, National President of the Hispanic National Bar Association, hereby certify that the foregoing resolution was duly enacted by the Executive Committee pursuant to the authority delegated to it by a duly-noticed meeting of the Board of Governors.

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Jennifer Salinas,  
HNBA National President



## **HNBA 2019 RESOLUTION IN SUPPORT OF LEGISLATIVE ACTION TO RESTORE THE VOTING RIGHTS ACT**

**WHEREAS**, the Hispanic National Bar Association (“HNBA”) is an association created to represent the interests of Hispanic legal professionals and the Hispanic community, acting as a collective voice for issues of common concern to its members; and

**WHEREAS**, the HNBA is the national voice of its legal community and Hispanics in the United States and its territories and possessions; and

**WHEREAS**, on June 25, 2013 the Supreme Court issued a decision in *Shelby County v. Holder*, a case challenging the constitutionality of provisions of the Voting Rights Act; and

**WHEREAS**, in a 5-4 decision, the Court struck down Section 4 of the Voting Rights Act, invalidating the coverage formula that determines which jurisdictions are subject to Section 5 of the Voting Rights Act, and its preclearance provisions; and

**WHEREAS**, Chief Justice John Roberts explicitly recognized that “voting discrimination still exists,” but the Court did not rule on the constitutionality of Section 5; and

**WHEREAS**, the Voting Rights Act provides critical protection for millions of voters, particularly in states with a history of voter suppression; and

**WHEREAS**, without the coverage formula in Section 4b, the voting rights of millions of historically disenfranchised populations, which are primarily communities of color, are now endangered; and

**WHEREAS**, in recent years, attempts have been made to restrict access to the polls through strict voter identification laws, barriers to voter registration, failure to comply with the Voter Registration Act, reduced early voting opportunities, and failure to provide language access; and

**WHEREAS**, the Voting Rights Act has received strong bipartisan support in Congress and the White House since 1965; and

**WHEREAS**, any change in the enforcement of the Voting Rights Act is of significant concern to communities of color and our attorney constituents;

**NOW THEREFORE BE IT RESOLVED**, that the HNBA supports the passage of bipartisan legislation to protect the voting rights of all Americans, especially those targeted by discriminatory efforts; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA calls for passage of legislation to update and pass a new, modernized coverage formula to determine what jurisdictions will be subject to Section 5 so that voters in jurisdictions with pervasive histories of discrimination continue to be protected and as required by the decision in *Shelby County v Holder*; and

**NOW THEREFORE BE IT RESOLVED**, that the HNBA also supports other efforts and laws that are consistent with this resolution; including for example, automatic voter registration, accessibility, accountability and integrity in the electoral process, decreasing barriers to voting, increasing federal funding for voter election security (physical and cyber); increasing prohibitions on and penalties for voter intimidation and suppression; eliminating restrictive voter identification laws and proof of citizenship laws, and eliminating restrictions on early voting.

**BE IT FURTHER RESOLVED** that the HNBA authorizes its officers and staff to communicate this Resolution's content to other bar associations, members of the U.S. Congress, the press, and to whomever else is suited to receive the information in order to affect this Resolution.

**BE IT FINALLY RESOLVED** that this resolution shall be the policy of the HNBA until it is withdrawn or modified by subsequent resolution.

### **CERTIFICATION**

**I, Jennifer Salinas**, National President of the Hispanic National Bar Association, hereby certify that the foregoing resolution was duly enacted by the Executive Committee pursuant to the authority delegated to it by a duly-noticed meeting of the Board of Governors.

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Jennifer Salinas,  
HNBA National President