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Wade J. Henderson

January 8, 2007

Dear Senator:

On behalf of the Leadership Conference on Civil Rights, the nation's oldest, largest, and most diverse civil and human rights coalition, we write to outline key legislative priorities of the civil rights community for the 110th Congress.

In addition to this list of legislative proposals below, we also urge the Senate to provide meaningful review of nominations to our nation's federal courts. In recent years, our nation has experienced an attack on the independence of the judicial system with few historical parallels, which threatens to undermine civil and human rights protections and to roll back progress in our nation's drive for equality. This effort has come most often through attempts to stack the federal courts with judges who will slowly work to weaken civil and human rights laws as well as the constitutional principles upon which those laws are based. Given the importance of the judicial branch, Congress should strongly oppose any judicial nominee whose record fails to reveal a strong commitment to deciding cases with independence, impartiality, and integrity.

We note that next year marks the 50th anniversary of the 1957 Civil Rights Act, the first of a series of laws passed by Congress in the 20th century that were the foundation of the modern civil rights movement. Two important agencies were formed with the passage of that law -- the Civil Rights Division at the United States Department of Justice, and the United States Civil Rights Commission. This anniversary affords us a unique opportunity to focus on the performance of those two agencies in recent years. We urge Congress to engage in thorough oversight of the work of these two landmark agencies in the next two years, to help ensure that the promises made in 1957, and subsequent years, are kept in 2007 and beyond.

While the following list does not reflect the complete agenda of all of our member organizations, it does attempt to highlight those issues that are at the top of the coalition's agenda.

(1) Strengthen Federal Civil Rights Laws

Civil rights laws enacted over the last 40 years have strengthened our nation and brought us closer to the fundamental American principle of equal treatment for all. However, recent Supreme Court decisions have weakened these basic protections in ways that were never expected. We therefore urge the 110th Congress to remedy this erosion of rights by enacting legislation to end discrimination in government funded programs and ensure equal and effective remedies for victims of discrimination. We also urge passage of

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Hubert H. Humphrey Civil Rights Award Dinner • May 10, 2007



legislation to reduce the cost of employment and civil rights-related litigation by remedying excessive and unfair tax treatment of settlements and awards that drive the costs of settlements up.

(2) Improve the No Child Left Behind Act of 2002

In 2007, the No Child Left Behind Act of 2002 (NCLB) is scheduled to be reauthorized. 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.

(3) Enact 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. In addition, we urge the 110th Congress to pass 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.

(4) Repeal the REAL ID Act

Enacted in 2005 with virtually no serious study or debate and rushed through Congress as a rider to an unrelated emergency spending bill, the REAL ID Act mandates impossible new requirements for state-issued ID cards such as drivers' licenses. Scheduled to become effective in May 2008, the new law will cost an estimated \$11 billion to implement, will drastically undermine the civil and privacy rights of all Americans, will create unprecedented bureaucratic nightmares, and will do practically nothing to protect our nation against terrorism. It must be repealed.

(5) Combat Hate Crimes

In recent years, both the House and the Senate have passed nearly identical bills to strengthen federal law to combat hate crimes. However, this measure has yet to become law. We strongly urge the 110th Congress to pass the Local Law Enforcement Enhancement Act, which would remove unnecessary obstacles to federal prosecution of hate crimes and permit federal



involvement in the prosecution of bias-motivated crimes based on the victim's gender, gender identity, sexual orientation, or disability. This expansion is critical in order to protect members of these groups from this most egregious form of discrimination.

(6) Prohibit Employment Discrimination Based on Sexual Orientation

More needs to be done on a federal level to eliminate workplace discrimination based on sexual orientation and gender identity. In 34 states, it is perfectly legal to fire someone based on his or her sexual orientation, and in 44 states on the basis of gender identity. This remains true even though polls consistently show that the public strongly supports anti-discrimination protections for these communities. Congress should enact the Employment Non-Discrimination Act (ENDA), a modest and sensible proposal that will help ensure that all Americans are treated fairly in the workplace.

(7) End Racial Profiling

In 2003, the Department of Justice issued guidance which bans federal law enforcement officials from engaging in racial profiling. It is past time for Congress to act to end this discredited practice nationwide by prohibiting the use of racial profiling by state and local law enforcement agencies and requiring data collection to monitor the government's progress toward eliminating profiling. The DOJ guidance was a good first step, but Congressional action is needed to "end racial profiling in America," as President Bush has pledged to do.

(8) Voting Rights and Electoral Reform

As evidenced by the 2006 election, 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, it should start by improving the security of voting systems, providing better standards for the use of provisional ballots, and ensuring that the Department of Justice is fully and vigorously enforcing the provisions of the Voting Rights Act.

(9) 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.

(10) Raise the Minimum Wage

It has been 10 years since the last time the minimum wage was raised, and inflation has already wiped out that increase; in fact, the buying power of the minimum wage is now at its lowest point in over 50 years. At the current wage, working 40 hours per week for 52 weeks earns only



\$10,700, barely enough to keep a single person over the federal poverty line; and working 60 hours per week without taking any time off still wouldn't be enough to keep a family of three out of poverty. A disproportionate percentage of minimum wage earners are women and people of color and along with all other minimum wage earners, and the 7.3 million children who depend on them, they deserve a raise. Congress must act to raise the minimum wage.

(11) Pass the Employee Free Choice Act

We cannot forget that our most powerful weapons in the battle for a just economy are employees themselves. 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.

(12) Enforce Fair Housing Laws

As the 40th anniversary of the 1968 Fair Housing Act approaches, our nation's housing remains highly segregated, which directly impacts wealth creation, quality education, health care and voting rights. Congress must work to see that there is full and effective enforcement of fair housing laws by public and private agencies. In addition, Congress should take all steps to promote integration in federally funded and supported housing programs.

(13) End Predatory Lending

Too many individuals and families, particularly those in minority and disadvantaged communities, are targeted for abusive, high-interest home loans that strip away their hard-earned home equity and put their homes at a higher risk of foreclosure. Congress should reduce such "predatory" lending practices by enacting legislation that improves protections for all homeowners and buyers, ensures access to fair and effective legal remedies, and guarantees equal access to fairly-priced credit. In addition, Congress should make it clear to Department of Housing and Urban Development that the Fair Housing Act must also be used to challenge specific predatory lending practices.

(14) Move to Close the Digital Divide

This year, legislators will once again face intense pressure to update the 1996 Telecommunications Act and engage in oversight of the Federal Communications Commission regarding media ownership and the potential consolidation of the telecommunications industry. Access to advanced telecommunications services and to diverse sources of local information is a civil right to be enjoyed by all Americans. As policymakers debate how our nation should govern communications, issues such as access to the Internet and digital television, and more diversity of owners and voices, should be front and center.



(15) Improve Access to Quality Health Care

All Americans should have access to high quality, comprehensive, and affordable health care. The 110th Congress must develop comprehensive legislation to eliminate the disparities in health care access, research, and quality experienced by racial, ethnic, language and cultural minorities, women, and children. Such legislation should include public reporting of provider performance, expanded training and education for minority health care professionals, improved access to care for underserved communities, and increased resources for research and other activities aimed at reducing the unique effects of racial, ethnic, and gender health care disparities. In addition, Congress should act to maintain and expand access to comprehensive health care through Medicaid and the State Children's Health Insurance Program (SCHIP), and pass comprehensive and meaningful legislation to prohibit employment or insurance discrimination based solely on an individual's genetic make-up.

(16) Fully Fund the Census Bureau

While the decennial census will not occur until 2010, the final policy and budgetary decisions will be made in 2007 and 2008 and we must ensure that the decisions take into account reaching hard-to-count communities. To this end, 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 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.

We look forward to working with you and your staff on these critically important issues during the 110th Congress. Please contact Nancy Zirkin at (202) 263-2880 or Julie Fernandes, senior policy analyst/ senior counsel, at (202) 263-2856 if you would like to discuss the above issues or any other issues of importance to LCCR.

Sincerely,

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