

## Legislative Fact Sheet

# Support the End Racial Profiling Act of 2013

January 1, 2013

### The Issue

- In 2013, the End Racial Profiling Act (ERPA) will respectively be considered in the U.S. Senate and House. While the act did not pass last year, it would have prohibited the use of racial profiling by federal, state, or local law enforcement agencies through clearly defining racial profiling to include race, ethnicity, national origin, and religion as protected classes.
- Since September 11, 2001, CAIR has received hundreds of reports from innocent Americans that have been wrongfully targeted by federal and state law enforcement agencies because of their race, religion and national origin. They have been searched, investigated, and detained without cause in the name of national security.
- In 2003, the U.S. Department of Justice made a partial attempt to put a stop to racial profiling by issuing a policy guidance that banned federal law enforcement from engaging in such activities. However, the guidance remains ineffective because it does not prohibit profiling based on religion or national origin and includes open-ended loopholes that allow federal law enforcement to profile at U.S. borders and for reasons of national security. Also, as a guidance it lacks any enforcement mechanisms.

### What is Being Asked of Members of Congress?

**Support the introduction and co-sponsorship of an End Racial Profiling Act of 2013 for the 113<sup>th</sup> Congress.** If signed into law, ERPA would require:

- *Federal law enforcement agencies* to maintain policies and procedures eliminating racial profiling and any pre-existing practices of racial profiling.
- *State and local government* applying for federal law enforcement assistance grants to certify that they maintain similar policies and practices to eliminate racial profiling. They must also establish procedures and programs for addressing complaints of racial profiling.
- *The Attorney General* to collect data on hit rates for stops and searches by law enforcement agents. He or she must also create grants to develop and implement best practice devices and systems to eliminate racial profiling.

### Reasons to Support

- **There is bi-partisan support for banning racial, religious and ethnic profiling. Many law enforcement and government agencies also do not support profiling.**
  - In 2012, the National Council of Law Enforcement Organizations (NCLEO) signed a letter in support of ERPA. NCLEO members include the Hispanic American Police Command Officers Association, the National Asian Peace Officers Association, the National Latino Peace Officers Association, the National Organization of Black Law Enforcement Executives, and the Women in Federal Law Enforcement.
  - In 2009, President Obama pledged to ban racial profiling by federal law enforcement agencies and provide incentives to state and local law enforcement agencies to prohibit the practice.
  - In 2001, President George W. Bush proclaimed in his State of the Union address, “[Racial profiling is] wrong, and we will end it in America.”
- **Profiling is unconstitutional.** Profiling violates the basic Constitutional protections of the First, Fourth, and Fourteenth Amendments.
- **Profiling hinders anti-terrorism efforts** and is not effective law enforcement. Anti-government extremist such as Timothy McVeigh (Oklahoma City Bombing, 1995), John Bedell (Pentagon Shooting, 2010), and Joseph Stack (IRS - Austin, TX Suicide Bombing, 2010) would not have been identified by profiling.
- **Profiling** diverts precious law enforcement resources away from investigations of individuals who have been linked to terrorist activity by specific and credible evidence.