

CHAIR
Wm. T. Robinson III
wrobinson@fbtlaw.com

Robert N. Weiner, Board of Governors Liaison

Michael A. Bedke

Donald R. Dunner

Thomas A. Forbes

H. Russell Frisby, Jr.

Rosemary E. Giuliano

Martin E. Lybecker

Richard M. Macias

Laura A. Miller

Janice E. Mulligan

Pauline A. Schneider

ABA DAY IN WASHINGTON
PLANNING COMMITTEE

Laurel G. Bellows, Chair
lbellow@bellowspsc.com

GOVERNMENTAL AFFAIRS OFFICE

DIRECTOR

Thomas M. Susman
(202) 662-1765
susmant@staff.abanet.org

DEPUTY DIRECTOR

Denise A. Cardman
cardmand@staff.abanet.org

SENIOR LEGISLATIVE COUNSEL

R. Larson Frisby
frisbyr@staff.abanet.org

Lillian B. Gaskin
gaskinl@staff.abanet.org

LEGISLATIVE COUNSEL

Ann Carmichael
carmicha@staff.abanet.org

Kristi Gaines
gainesk@staff.abanet.org

Kirra L. Jarratt
jarratk@staff.abanet.org

E. Bruce Nicholson
nicholsonb@staff.abanet.org

LEGISLATIVE COUNSEL/DIRECTOR

GRASSROOTS OPERATIONS
Julie M. Strandlie
jstrandlie@staff.abanet.org

LEGISLATIVE COUNSEL/

DIRECTOR OF STATE LEGISLATION
Kenneth J. Goldsmith
goldsmithk@staff.abanet.org

INTELLECTUAL PROPERTY

LAW CONSULTANT
Hayden Gregory
gregoryh@staff.abanet.org

LEGISLATIVE COORDINATOR

Jared D. Hess
hessj@staff.abanet.org

December 1, 2009

Honorable John Conyers, Jr.
2426 Rayburn Office Building
United States House of Representatives
Washington, DC 20525

Dear Representative Conyers:

I write on behalf of the American Bar Association to express our strong support for the End Racial Profiling Act of 2009 (ERPA), legislation designed to enforce the constitutional right to equal protection of the laws by eliminating racial and ethnic profiling through changing the law enforcement policies and procedures underlying the practice. We applaud your leadership in introducing this legislation, which represents a comprehensive federal commitment to healing the rift caused by racial profiling and restoring public confidence in the criminal justice system.

The ABA has repeatedly called for reforms addressing racial and ethnic disparities in our nation's criminal justice system from the point of arrest through sentencing. Most recently, in August 2008, our House of Delegates urged federal, state, local and territorial governments to enact effective legislation, policies, and procedures to ban law enforcement's use of racial or ethnic characteristics not justified by specific and articulable facts suggesting that an individual may be engaged in criminal behavior, the practice known as "racial and ethnic profiling."

Recent events demonstrate that racial profiling remains a divisive issue that strikes at the very foundation of our democracy. When law-abiding citizens are treated differently by those who enforce the law simply because of their race, ethnicity, religion, or national origin, they are denied the basic respect and equal treatment that is the right of every American. Decades ago, the passage of sweeping civil rights legislation this country made clear that race should not affect the treatment of individual Americans under the law. The practice of using race as a criterion in law enforcement undermines the progress we have made toward racial equality.

ERPA will implement comprehensive steps designed to eliminate racial and ethnic profiling. First, the legislation prohibits racial profiling under federal law. Second, it mandates that training on racial profiling issues be part of federal law enforcement training and that collection of data take place regarding all routine or

spontaneous investigatory activities. Third, the bill authorizes the Justice Department to provide grants for the development and implementation of best policing practices, such as early warning systems, technology integration, and other management protocols that discourage profiling. Finally, ERPA would require the Attorney General to provide periodic reports to assess the nature of any ongoing discriminatory profiling practices.

The ABA commends your commitment to end racial and ethnic profiling and to improve law enforcement training and practices. We recognize that racial and ethnic profiling serves as the prototypical example of a law enforcement practice that can undermine the legitimacy of rule of law in our society, as well as the foundations of all of our institutions built around the rule of law – not just police, but every institution of the legal system. When citizens perceive that police enforce the law unequally, according to skin color or other physical characteristics, accent or manner of dress, the rule of law is undermined. It is the responsibility of all of us to work to achieve both the perception and reality that our criminal justice system is fair, unbiased and just. The ABA stands ready to work with you toward timely enactment of the End Racial Profiling Act.

Sincerely,

A handwritten signature in black ink, reading "Thomas M. Susman" with a long horizontal flourish extending to the right.

Thomas M. Susman