

A blue-tinted photograph of a statue of Lady Justice, the personification of the Roman goddess Iustitia. She is depicted from the waist up, wearing a blindfold and holding a pair of scales of justice. The scales are ornate, with a decorative top and two pans hanging from a central point. The background is blurred, suggesting an indoor setting like a courtroom or a museum. The overall mood is serious and formal.

CIVIL RIGHTS

Today's obstacles to the full civic engagement of our vibrant and compassionate Latino community come from both institutional and purposefully discriminatory actions that continue to profile, punish, and marginalize Latino potential. The NHLA recommits itself to restoring the dignity that comes with the protection of civil and constitutional rights in a strong democracy and to ensuring public safety while concomitantly combating the worst effects of mass imprisonment.

DEMOCRACY AND VOTING RIGHTS

American democracy requires constant vigilance against overt and dilutive measures to weaken the Latino vote. Suppression of the Latino vote has evolved from delays and intimidation at the polls to illegal purges to excessive documentary requirements to prove citizenship among our naturalized citizens. Such laws purport to address “voter fraud” – a phenomenon that has no basis in fact. Instead these measures are aimed at disenfranchising many Latino citizens, and have an especially disproportionate negative impact on women.⁶⁸

The power of minority voters was also directly compromised by the gutting of a powerful provision of the Voting Rights Act of 1965 (VRA). In 2013, the Supreme Court’s decision in *Shelby County v. Holder* struck down Section 4 of the VRA, a key provision that determines those states and subdivisions required to seek federal preclearance for election changes, in order to ensure voters are not disenfranchised based on race.

Today’s obstacles to the full civic engagement of our community come from both institutional and purposefully discriminatory actions that continue to profile, punish and, marginalize Latino potential.

Policy Recommendations

- Oppose voter photo identification requirements, voter purges, and other measures that disproportionately suppress Latino voter turnout.
- Oppose proof of citizenship requirements for purposes of voter registration; signed attestations are sufficient.
- Support same-day registration and early voting options.
- Support the right of the people of Puerto Rico and the District of Columbia to determine their own future political status.
- Support legislation or a constitutional amendment to rein in unlimited corporate money from influencing elections and the democratic process and to remove “personhood” from corporations.
- Support legislation to amend the Voting Rights Act of 1965 that restores key voting protections by providing for pre-clearance review of election changes by historic offenders and also guards against future discrimination by requiring federal review of election changes most associated with voter discrimination. The NHLA requires any

legislation to amend the VRA to provide meaningful, long-term protections for the growing and highly mobile Latino electorate.

- Oppose legal and legislative efforts to alter the 14th Amendment’s grant of citizenship to native-born Americans, or to reinterpret the 14th Amendment to exclude children and non-citizens from consideration in legislative apportionment and redistricting.
- Provide for new discretionary funding to support states and localities, through the mechanisms established in the Help America Vote Act, in making crucial upgrades to outdated election equipment and processes.
- Ensure the Federal Government is using all tools at its disposal to target voter discrimination, including rigorous investigation and prosecution of violations of federal language assistance and accessibility requirements applicable to all levels of government actors.

CENSUS

The activities of the Census Bureau to collect data on all residents of the United States through the decennial census, American Community Survey (ACS), and other surveys are indispensable to the enforcement of civil rights, to the fair allocation of federal funding, and to documenting the economic and social status of the Latino population. As the United States’ demographic profile becomes increasingly diverse, it is critical that the Census Bureau collect reliable data about Latinos and the nation as a whole.



As the United States’ demographic profile becomes increasingly diverse, it is critical that the Census Bureau collect reliable data about Latinos and the nation as a whole.

Policy Recommendations

Funding

Support sufficient funding to the Census Bureau to adequately prepare for the 2020 Census, and assure the continuation of the Economic Census. The Congress must provide sufficient funding to the Census Bureau to ensure the data collection process is both more effective and efficient, while reducing the incidence of undercounting Latinos, children, immigrants, non-English proficient, and other hard-to-reach populations.

American Community Survey And 2020 Census Testing

Support the continuation and further development of the American Community Survey (ACS), including increasing its sample size, to further improve its accuracy with smaller geographies and subgroups. Turning the ACS into a voluntary survey would seriously and completely undermine its value.

The Census Bureau must ensure that it tests all options under consideration with linguistically diverse pools of sample respondents, and that any redesign of race and ethnicity questions does not diminish the quality of detailed data collected of a specific Latino national origin and other racial and ethnic groups.

Latino Employment And Procurement

Establish a special Latino Employment Task Force that reports directly to the Director of the Census Bureau to address the longstanding and persistent problem of the extreme underrepresentation of Latinos on the Bureau's workforce, including, but not limited to, a review of the Bureau's use of prior arrest records and citizenship status as barriers to employment. This is particularly important in the staff recruitment and build-up that takes place prior to the next decennial census.

Support a change in the Bureau's "usual residency rule" to allow prisoners to be counted at their home address and thus eliminate "prison-based gerrymandering."

The Census Bureau should create and adequately fund the position of Chief Diversity Officer to develop a Minority and Female Owned Business Procurement Program to substantially increase the business it conducts with Latino and other minority-owned vendors, particularly as it develops its Communications Program for the 2020 Census. This program should identify and eliminate obstacles to such contracting in the Census Bureau's current procurement rules and practices.

Latino Community Outreach

The Census Bureau must increase its active engagement with Latino stakeholders on critical decisions regarding the 2020 Census and other Census surveys, including decisions that may fundamentally alter the collection of racial, ethnic, and immigration data. The Bureau must assure adequate Latino representation on its National Advisory Committee on Racial, Ethnic, and Other Populations, its Scientific Advisory Committee and other advisory and expert committees and forums.

The Census Bureau must develop a stronger language assistance program that can provide accurate translations and culturally sensitive messages for all of its surveys and services.

In preparation for the 2020 Census outreach, we support the expansion of the Census Bureau's Census Information Centers (CIC) Program that supports Latino and other community-based institutions in the dissemination of Census data and research to the nation's communities of color and other underserved populations.

Begin to fully fund the Census Bureau's Partnership Program by 2017 and maintain it thereafter as a means of strengthening the Bureau's network of stakeholders and informing them in a timely manner about key policy concerns.

The Census Bureau must increase its active engagement with Latino stakeholders on critical decisions regarding the 2020 Census.

Puerto Rico

The Census Bureau should include Puerto Rico and other U.S. territories as part of its regular national population counts and all of its data sets. This would include the immediate inclusion of Puerto Rico and other U.S. territories in the Current Population Survey (CPS) and the Economic Census to ensure full inclusion of all U.S. citizens in the federal statistical system on such critical issues as national measures of economic, health, and other indicators.

CRIMINAL JUSTICE AND MASS IMPRISONMENT

The United States continues to have the highest proportion of prisoners per capita of any country in the world, a product of a racially skewed criminal justice and law enforcement system. The reality is that Latinos are disproportionately and adversely affected by discriminatory policing and criminal justice practices, but are not actively and fully engaged in shaping their solutions. The reasons for this are multilayered but at the core is the overall Black and White binary that dominates the criminal justice debate in this country. In some parts of the country imprisonment and/or arrest data is still collected only for Blacks and Whites. In other parts of the country the police killing of unarmed Latinos and Latinas is not elevated sufficiently by the mainstream press.

The United States continues to have the highest proportion of prisoners per capita of any country in the world, a product of a racially skewed criminal justice and law enforcement system.

In addition, unconstitutional practices such as racial profiling based on group stereotypes, not individualized suspicion, are a constant yet unwarranted feature of Latino life both near the border and in our urban enclaves. This bias results in more frequent stops by law enforcement, higher incidences of police brutality (including death), and greater obstacles to post-incarceration re-entry. The bias is particularly acute in the pre-trial stages: Hispanics are more likely than any other racial or ethnic group to be detained pretrial, least likely to receive a non-financial release option, and are given the highest bail amounts. This holds true even when controlling for the type of offense, prior failure to appear in court, number of charges, and prior criminal record.

Latinos are disproportionately and adversely affected by discriminatory policing and criminal justice practices.

“Latinas make up one of the fastest-growing groups imprisoned. In fact, the number of women behind bars is increasing at almost double the rate for men, and Latinas are 69% more likely to be incarcerated than White women.”⁶⁹ Once in prison, women are subject to sexual misconduct perpetrated by prison guards who often go unpunished.⁷⁰ Finally, the privatization of correctional facilities, especially for immigration detention, places profit over humane treatment of Latino families, women, and children.

At the same time there is an urgent need to address the public safety needs of Latino communities – needs that often go unmet by law enforcement. In 2010 the FBI reported that two-thirds of ethnically motivated hate crimes in the country were based on “anti-Hispanic bias,” the highest percentage of such victims in the past decade.

Data Collection

Require through regulatory oversight the collection of all relevant criminal justice data, at the federal and state level, for both Hispanics and others across racial classifications, as well as sexual orientation classifications; condition federal appropriations to States on full and accurate race/ethnicity reporting.

Eliminate excessive and unreasonable bail in all nonviolent criminal prosecutions.

Addressing Abuse of Power by Law Enforcement

Support the use of body cameras on police personnel, and other measures to document the incidences of the use of police force, with appropriate protections for the confidentiality of victims of underreported crimes, such as domestic violence and sexual assault.

Two-thirds of ethnically motivated Support the institution of special prosecutors to independently investigate and convene grand juries in every instance of a shooting or other severe physical harm of civilians by law enforcement.

Require a full accounting of all injuries and attacks against Latinos and immigrants in private federal detention centers.

Pre-trial Reforms

Eliminate excessive and unreasonable bail in all nonviolent criminal prosecutions.

Reform bail procedures so that those who are ultimately not convicted are refunded their full bail payment, and eliminate bail requirements for asylum claimants.

Develop a far-reaching mechanism to enforce Padilla, which holds that defense attorneys must explain the immigration consequences of a guilty plea to their clients.

Prohibit excessive bonds and civil forfeiture related to Latinos and immigrant detainees.

Trial and Sentencing Reforms

Study mechanisms to increase the diversity of criminal court juries by promoting service by non-English speakers and by non-citizens.

Adopt drug policy reform measures that have the biggest impact on reducing the incarceration of Latinos for nonviolent drug crimes.

Eliminate mandatory minimums. Such laws take discretion away from judges to take nuances of a given case into account, and result in longer prison sentences, thus expanding the prison population.

Ban the use of the death penalty, which disproportionately impacts people of color.

The U.S. Department of Justice should aggressively investigate complaints related to excessive fines and fees that result in increased incarceration of poor Latinos in debtors' prisons across the United States.⁷⁰

Corrections Reforms

In order to sever financial incentives to incarcerate Latinos, eliminate the use of private prisons and terminate the Immigration and Customs Enforcement quota of 34,000 immigration detention beds throughout the country. Additional policy recommendations for reforming immigrant detention can be found in the Immigration section of this report.

Prohibit the shackling of pregnant women during their pregnancy and delivery in immigration and criminal detention centers. Such practices are cruel and cause trauma to both the mother and child.⁷¹

Prohibit the use of solitary confinement for pregnant women, juveniles, transgender, and gender non-conforming people. For all others, eliminate solitary confinement for petty corrections violations, severely limit the stay in solitary confinement beyond reasonable limits, and ensure that basic human needs are provided to anyone sentenced to solitary confinement.

Create a guide on how to prevent sexual assault in prison and a protocol on how to respond to sexual assault in prisons.

Re-entry

Support the establishment of educational resources available to prisoners as a way to rehabilitate Latinos behind bars.

Eliminate felon disfranchisement as a way to accelerate prisoner reentry and civic engagement and enhance democracy.

Congress and the President should enact the Second Chance Act and require employers to "ban-the-box" so that the formerly incarcerated have better chances to find permanent employment.

Collaborate with Hispanic Serving Institutions (HSIs) to link formerly incarcerated people with higher education opportunities upon release.

Invest additional resources in family reunification to address the cross-generational effects of incarceration.

Eliminate the use of private prisons and terminate the Immigration and Customs Enforcement quota of 34,000 immigration detention beds throughout the country.

Ensure that juvenile justice reforms address the issues of young women of color, including Latinas.

Juvenile Justice

Provide funding to school districts to reduce the racial discipline gap and over-reliance on school suspensions of Latino students as a way to curb the school-to-prison pipeline that harms so many Latinos.

Ensure the full inclusion of Latinos in the priorities and program service delivery of the President's My Brother's Keeper and eliminate the gaps in opportunity and achievement that they face.

Ensure that juvenile justice reforms address the issues of young women of color, including Latinas, which are among one of the most rapidly increasing groups of incarcerated youth.⁷³

Ensure that juvenile justice facilities and adult facilities across the country track Latinos by race, gender, and ethnicity, from initial court processing through final sentencing or case disposition.

Advance a federal mandate that requires all children under 18 years of age be tried as youth offenders. Latino youth are more likely than their White peers to receive adult sentences.

Insist that incarcerated youth receive the same quality vocational and educational opportunities that public school students receive by implementing stronger accountability systems.

Allow teens to speak with a trauma informed counselor who may be able to determine whether the juvenile has been a victim of sexual assault or domestic violence in order to address his/her needs as a victim, not as a criminal.

Hate Crimes

Increase the support and funding for the U.S. Department of Justice investigations and prosecutions of hate crimes against Latino residents.

Allocate additional resources to the U.S. Commission on Civil Rights to investigate hate crimes against Latinos.

Latino youth are more likely than their White peers to receive adult sentences.

EMPLOYMENT DISCRIMINATION

The NHLA strongly supports vigorous federal enforcement of Title VII of the Civil Rights Act and other federal anti-discrimination laws, especially as they relate to actions on behalf of Latino employees.

Policy Recommendations

- Support efforts to ensure that the U.S. Department of Justice (DOJ) and the U.S. Equal Employment Opportunity Commission (EEOC) aggressively pursue violations of civil rights employment laws, especially in matters of discrimination based on language, previous criminal histories, and credit worthiness.
- Support affirmative action outreach and hiring benchmarks via the federal contracting process through the Office of Federal Contract Compliance and other means.
- Ensure robust implementation of Executive Order 13583, or any similar executive actions, to increase Latino representation in the federal workforce.
- Enhance enforcement of protections against discrimination based on national origin or citizenship status.
- Support gender equity in the workplace by enforcing existing anti-discrimination provisions that prohibit sex-based discrimination in hiring, job placement and segregation, training, promotions, pregnancy discrimination, and equal pay.
- Enhance enforcement of protections for survivors of violence who are required to take time off work to deal with child custody, criminal prosecutions, protection orders, and other issues related to intimate partner violence.
- Create pathways to professional licensing for non-citizens.
- Enhance enforcement of protections against pregnancy discrimination. Women of color and immigrant women disproportionately work in physically demanding and low-wage jobs that offer little flexibility. Thus, they are especially likely to need these accommodations.⁷³
- Update and improve the EEOC's guidance on national origin discrimination as a way to curb unlawful practices against Latinos.

Create pathways to professional licensing for non-citizens.

- Take steps to protect against racial, sexual, citizenship, and other forms of bias-driven harassment in the workplace.
- Enhance protections against discrimination on multiple bases, such as national origin and sex or national origin and LGBTQ identity, among others.

LANGUAGE AND INTEGRATION

The Latino community strongly opposes both the increasing hostility to language minorities and the resulting efforts to establish English as the national or official language.

Policy Recommendations

- Oppose national legislation or state or local laws establishing English as the official or national language as they are unnecessary, harmful, and conflict with the constitutional rights of citizens and non-citizens alike.
- Support "English-Plus" legislation that celebrates the country's multiculturalism and multilingualism and enhances our global competitiveness.
- Significantly increase efforts across the Federal Government to ensure that Executive Order 13166 language assistance standards (for those with limited English proficiency skills) are carried out in all federal conducted activities, and by recipients of federal assistance, like state courts.



JUDICIARY

A fair and independent judiciary is critical for the preservation of Latino civil rights. As the Latino population continues to grow, and the backlash of discrimination continues to manifest itself, the need to protect the civil rights of the community will become even greater. Having diverse perspectives and experiences represented on the bench further enriches the ability of the judiciary to consider cases that impact our nation's diverse population and reverses the underrepresentation of Latinos in the judiciary.

As the Latino population continues to grow, and the backlash of discrimination continues to manifest itself, the need to protect the civil rights of the community will become even greater.

Policy Recommendations

- Nominate and confirm judges who have demonstrated a record of preserving or expanding civil rights legal protections and who reflect the growing diversity of the country.
- Increase efforts to close the gap of law school enrollment and retention of Latino students so as to diversify the ranks of lawyers.
- Nominate and confirm more Latina judges.
- Nominate and confirm Latino/a and other judges with significant experience with and awareness of the growing Latino population.

PROMOTING DIVERSITY AND TOLERANCE IN MEDIA

Today nearly 40% of Americans are people of color, yet exceedingly few people of color are represented at mainstream media outlets. The number of Latino men in lead roles is diminishing and Latinas continue to be relegated to roles based on gender and ethnic stereotyping.⁷⁴ For example, “since 1996 Latinas have portrayed nearly 70% of the most well known maids on television and cinema.”⁷⁶ This lack of diversity has resulted in reckless and false representations of Latinos and other people of color, fostering a climate of hate and intolerance that breeds racism and hate crimes. It has also prevented Latinos and other communities from accessing the important news and information needed to fully engage in our democracy.

Nearly 40% of Americans are people of color, yet exceedingly few people of color are represented at mainstream media outlets.

Policy Recommendations

- Encourage a comprehensive Federal Communications Commission (FCC) inquiry into the extent and effects of hate speech in media, and/or an update to the National Telecommunications and Information Administration's (NTIA) 1993 report to Congress, *The Role of Telecommunications in Hate Crimes*.
- Undertake efforts to discontinue the use of inflammatory language about Latinos and immigrants by the media in order to help prevent the fueling of hate speech and intolerance.
- Support FCC policies to expand and promote media ownership diversity.
- Oppose broadcast consolidation as a race-neutral way to open doors for diverse owners to enter the media marketplace, including but not limited to unreasonable covert consolidation, such as through Joint Sales Agreements and other vehicles, designed to circumvent FCC ownership limits.
- Ensure that the FCC is collecting thorough data on diversity of media ownership and employment. Require that the FCC provide this data to the public in a transparent and easily searchable format that breaks the numbers down by race and ethnicity.
- Support congressional action to reinstate the “minority tax certificate,” which increased ownership diversity substantially before it was abandoned in the late 1990s.