

## **ISSUE ADVISORY: Despite House Action, Senate Republicans Refuse to Consider Racial Justice Legislation**

**Dec. 2, 2020**

The tragic police-involved murder of George Floyd this spring and a succession of tragic police-involved fatal shootings that followed prompted an historic public outcry by tens of millions in the U.S. and elsewhere. Rallies, marches, and demonstrations challenged police brutality and protested racial injustice. Each year, there are slightly less than 1,000 fatal shootings by police officers, about half the victims are White and the remainder are Black and Hispanic persons who suffer disproportionately from police-involved fatalities. The broad public display of opposition to state violence and oppression suggests that we are living through one of the largest and long-overdue social justice movements in history.

**White Supremacy Resurgence** - Unfortunately, the demonstrations – sometimes accompanied violence and destruction of property -- provoked a counter response by those who deny that systemic racism is a problem that demands change. Certainly, a large proportion of the public remain in denial. And Donald Trump took advantage of events to promote his own brand of white supremacy. During the campaign, Trump even went so far as to describe the teaching of African American history in the 1619 Project and critical race theory as un-American and issued an executive order to create the National Commission for Patriotic Education. This is gas-lighting on a major scale, providing comfort to a segment of the population fearful of change.

**Legislative Solutions Proposed** - Fortunately, progressive lawmakers who recognize America's legacy with slavery have forged ahead with legislation that would bring about substantive change. Over the past year, more than 30 bills related to racial justice have been introduced. Of these, only four have passed in the House, and none have passed in the Senate. The COVID-19 pandemic interrupted the Congressional calendar as many members remained safely in their districts and official business came to a near standstill for much of the year.

Nonetheless, four bills passed by the House are foundational steps towards addressing the impacts of systemic racism. The most well-known, the

[George Floyd Justice in Policing Act \(H.R. 712\)](#), targets some of the main causes of racial injustice due to police practices. By creating a national registry to compile data on police misconduct, banning chokeholds and no-knock warrants, and redirecting funding towards evidence-based and community-based programs, this bill would make policing safer and more effective.

**McConnell Refuses to Bring Up Bill** - Even though the House passed this bill in late June, Senate Majority Leader Mitch McConnell (R-KY) has since refused to bring it to a vote. Instead, an anemic bill was offered by North Carolina Sen. Tim Scott (R ) calling for more studies while leaving police reform up to the states was offered up. Democrats led the effort to block the Scott bill procedurally.

Other bills passed by the House are the [Domestic Terrorism Prevention Act of 2020 \(H.R. 5602\)](#), which combats racially motivated acts of domestic terrorism, and the [Improving Corporate Governance Through Diversity Act of 2019 \(H.R. 5084\)](#), which requires public companies to promote diversity. Both bills may be on the same path as the Justice in Policing Act and the CROWN Act—dying in committee. Even though 55 House Republicans voted for H.R. 5084, Senate Republicans still refuse to consider the bill. Even when racial justice legislation is bipartisan, Senate Republicans choose party politics over helping Black Americans.

Most recently, the House passed the [CROWN Act of 2020 \(H.R. 5309\)](#) on September 21st which prohibits discrimination based on individuals' texture or style of hair. Today, many companies' dress codes require hair to be seen as "professional." In these circumstances, hair styles associated with particular races or national origin are used as justification for racial discrimination. This bill therefore addresses an aspect of racism in the workplace, but it is currently stalled in the Senate Judiciary Committee. While the issue of hair may seem unimportant to Senate Republicans, for nonwhite Americans, it can present an unjust obstacle to success in their careers.

**Black Maternal Health Addressed** - Numerous other important pieces of legislation have been introduced, such as the [Black Maternal Health Momnibus Act of 2020](#) (H.R. 6142/S. 3424). Composed of nine individual bills sponsored by the Black Maternal Health Caucus, this bill comprehensively addresses the Black maternal health crisis in America.

Specifically, the bill would: invest in housing and access to healthy food; improve data collection on maternal health disparities; improve maternal healthcare for incarcerated women; and expand health insurance coverage to one-year postpartum. These policies would support expecting and current mothers by working to end preventable deaths and close racial disparities. However, the bill has no Republican cosponsors and is currently stuck in the House Subcommittee on Health. The White House and the Republican Party has not given a clear signal of where they stand on this bill, but for the sake of Black mothers who are [2 to 6 times more likely to die](#) from complications of pregnancy than white women, they ought to prioritize it in their legislative agenda.

**Cut Funding for Police In Schools** - One of the critical problems that NOW and other organizations have cited is the ‘school to prison pipeline’ created by the use of uniformed police officers placed in schools as “Resource Officers.” Federal funding has encouraged many school districts to employ police to be on duty in schools when classes are ongoing. In recent years, reports of excessive or inappropriate use of force by Resource Officers have surfaced. The use of police in this capacity is strongly opposed by civil rights organization which urge the end of federal funding for this purpose. The [Counseling Not Criminalization in Schools Act \(S. 4360/H.R. 7848\)](#) attempts to do just that. It would divert federal funding away from school-based law enforcement and reinvest that funding in evidence-based and trauma informed services for students in need. Given that law enforcement within schools often promotes the school-to-prison pipeline by increasing disciplinary rates and reducing graduation rates, these changes are necessary.

This bill, alongside others such as the [Combating Implicit Bias in Education Act \(H.R. 4776\)](#) and [Black History is American History Act \(H.R. 6902\)](#), tackles systemic racism within the education system. Unfortunately, similar to all the other crucial bills mentioned previously, it remains held up by Republicans in committee.

**Reparations Unaddressed** - Another important bill is languishing; it is the [The Commission to Study and Develop Reparation Proposals for African-Americans Act \(H.R. 40\)](#). This bill would establish a commission to examine the lasting impacts of slavery and the possible benefits of reparations. Some legislative bodies in the past year, such as in [Evanston, Illinois](#) and the state of [California](#), passed measures to provide reparations to citizens

who are descendants of slaves. Similarly, [Georgetown University](#) has also promised to grant reparations to the descendants of the slaves that built their campus. This bill takes these measures to a federal level. Given that the average White family has roughly [10 times](#) the amount of wealth as the average Black family, this bill would contribute to establishing economic justice to those wronged by the racist horrors of this country.

**A Sorry Legacy for Antilynching Legislation** - Finally, there is the story of the failed attempt to pass an anti-lynching bill, something that has eluded Congress for decades. In early 2019, the Senate passed by voice vote S. 488, the Justice for Victims of Lynching Act of 2019, sponsored by Sen. Kamala Harris (D – CA), co-sponsored by 47 mostly Democrats, but with a handful of Republicans. The House took up nearly identical legislation in the Emmett Till Antilynching Act, H.R. 35, sponsored by Rep. Bobby Rush (D-IL) and 148 co-sponsors, and passed it in February 2020, by a vote of 410-4.

All that was required next was that the Senate vote to agree to the changed title of the bill. On June 4, a session was scheduled to do just that – but Sen. Rand Paul (R-KY) launched an attack on the bill claiming that the legislation would subject persons found guilty of causing even the slightest injury to another person subject to the penalties of the Act. Both Sens. Harris and Cory Booker were gobsmacked by the attack and spoke movingly about the tragedy of the failure of Congress to pass antilynching legislation. This took place on the day of the memorial service for George Floyd. The cynics among us concluded that the Republicans just wanted to deny the Democrats an opportunity to claim victory during a highly contested election year.

**Hundreds of House-Passed Bills Ignored** - The broad range of focus of these bills reflects an intersectional attempt to dismantle systemic racism. Unfortunately, Senate Republicans have blocked hundreds of House-passed bills from being considered and racial justice legislation is no exception. Although various Republican legislators, such as Sen. Mitt Romney (R-UT), participated in or voiced support for Black Lives Matter protests, they continue to place party politics above addressing the issues that caused the protests in. In addition, they cultivate among their supporters opposition to solutions to police brutality and persistent discrimination against African-Americans that perpetuates socio-economic barriers. If the Republicans retain control of the Senate in the next

Congress, it is highly doubtful that much progress can be made towards addressing racial injustice.

As Dr. Martin Luther King said in “A Letter from a Birmingham Jail,” injustice anywhere is a threat to justice everywhere. Until Senate Republicans act on the promises they’ve made and do their fundamental job to consider legislation, injustice will continue to threaten the wellbeing of all Americans.

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