

# Toward a Just and Equitable Future

A policy platform to meet the challenges of 2024 and beyond

# Foreword

Zora Neale Hurston wrote, “There are years that ask questions and years that answer.”

For too long, a majority of people across the nation have been asking for — and demanding — transformative change. People are desperate for safe housing, affordable health care, educational opportunities, and the ability to live safely and freely in their own bodies and their communities. And yet, progress not only seems out of reach — too frequently it feels as though we’re backsliding on decades of momentum toward a more perfect democracy.



Is this the year policymakers will courageously answer the people’s call for change?

The SPLC Action Fund published *Toward a Just and Equitable Future: A Policy Platform to Meet the Challenges of 2024 and Beyond* as a resource to help policymakers and candidates for elected office do just that. Our platform features five focus areas — strengthening democracy, combating hate and extremism, ending the nation’s reliance on the carceral system, eradicating poverty, and supporting international human rights — and offers recommendations to steer our nation toward a just future for all.

Importantly, our recommendations are informed directly by communities in the Deep South. As our teams fight for a multiracial democracy on the ground, we’re engaged in ongoing dialogue with community members about their needs and priorities. We bring their stories, experiences, and voices to our work in statehouses and Congress.

It’s no secret that we face urgent challenges ahead. As leaders continue to make decisions that will shape our lives for years to come, voters deserve to know how their elected officials will represent them on the issues that matter most.

However, it’s also true that change cannot happen with one lawmaker, one advocate, or one group alone. It takes a coalition of people who are willing to speak up because they want better for their communities. This policy platform provides a foundation from which all of us can move a policy agenda forward to achieve multiracial, inclusive democracy.

I want to thank our many dedicated staff whose expertise and thoughtful analysis supported the development of this platform. In partnership with community members, advocacy groups, and policymakers, we will work to implement these policy recommendations and continue to push for a bold, compassionate future.

Together, let’s make 2024 the year our elected officials answer the calls for change.

**Margaret Huang**  
President and CEO  
SPLC Action Fund

**The 2024 election is likely to be one of the most consequential of our time.** Its outcome will shape national policy on some of the most pressing challenges facing our nation. From the mainstreaming of hateful rhetoric and violence to the economy and growing income inequality to the composition of the federal judiciary and the need to safeguard voting rights and election outcomes, the election will have a direct impact on critical issues central to the mission of the SPLC. With so many different views about the best direction for the country, it is increasingly important for candidates to articulate their position on issues that will greatly impact the lived experience of voters.

Though the country has seen progress in the last 50 years, we have a long way to go to live up to the values we espouse in our founding documents and achieve our vision of a world where everyone can thrive and the ideals of equity, justice and liberation are a reality for all. There is an opportunity – and an urgent need – for transformative change now. Our fragile, imperfect democracy is in crisis. With a barrage of regressive rulings by the U.S. Supreme Court over the last several years, the judicial branch has largely relegated the protection of fundamental rights to the states and lost some legitimacy in the process. Meanwhile, state legislatures in the South remain focused on passing oppressive legislation modeled on divisive rhetoric and false narratives that are openly hostile to the democratic ideals envisioned by the U.S. Constitution. The United States has also lost its footing on the international stage. Amid a concerted and pervasive backlash against civil rights gains and the growing power of Black and Brown communities as the country becomes increasingly diverse, the U.S. government continues to ignore its obligations under the international human rights treaties that would fortify them.

As policymakers and those seeking public office develop and refine their policy platforms, the SPLC and SPLC Action Fund encourage them to speak to the issues that matter most to voters. This platform identifies critical issues for the communities we serve. We urge policymakers to incorporate the recommendations outlined below to address persistent and longstanding racial, economic and gender inequities and to strengthen our democracy to ensure that it endures for generations to come. Because the SPLC works in communities throughout the South and devotes significant resources to researching and collecting data to assess legal, social and economic impacts, we have unique insight into policy outcomes, particularly for communities of color. Accordingly, our recommendations are informed by our work.

Established in 1971, the Southern Poverty Law Center (SPLC) is a nonprofit organization founded in Montgomery, Alabama, to help ensure the promise of the Civil Rights Movement became a reality for all, particularly for Black communities in the South, who are all too often the victims of discriminatory policies and who experience targeted violence at the hands of white supremacists. The SPLC continues to safeguard civil rights gains and fight to secure a



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# Strengthen Democracy



The foundation of a democratic government is inclusion – a rule “of the people, by the people, for the people.” The equal participation of all citizens is fundamental to democracy’s health and legitimacy. When barriers prevent certain groups from engaging in the democratic process, the very essence of democracy is compromised. That process is how people have a say in government and how they hold government officials accountable. Yet many lawmakers have engaged in consistent efforts to exclude Black and Brown voters from accessing the ballot box – actions antithetical to a democratic system.

Recent events, specifically the Jan. 6, 2021, insurrection on Capitol Hill, highlight the fragility of our democracy and challenge the promise of a multiracial, inclusive future. It was clear then, as it is now, that there must be a concerted effort to safeguard our democracy, which is essential to maintaining a society where the rights and voices of all people are protected.

The fundamental right to vote, the right the U.S. Supreme Court called “preservative of all rights,”<sup>1</sup> is at risk, especially for people of color. As we outline in the SPLC report *A Decade-Long Erosion*, in the decade since that same court gutted the Voting Rights Act of 1965, legislatures in the Deep South have passed laws and changed policies in ways that have made it harder to vote, especially for people of color.<sup>2</sup> In fact, states across the country have passed nearly 100 restrictive voting laws over the last decade.<sup>3</sup> Further, no longer subject to federal preclearance, these states have also engaged in discriminatory gerrymandering, leaving voters of color, especially in the Deep South, without fair representation.<sup>4</sup> Exacerbating the threats to democracy, new bills and laws fueled by the Big Lie of “voter fraud” and a “stolen” election subvert our democratic processes and sow doubt in our elections. Alabama, Florida, Georgia and Mississippi – among other states – enacted 19 such laws in 2022 and 2023.<sup>5</sup>

Democracy in the U.S. is further weakened by long-standing disenfranchisement schemes like the more-than-century-old laws rooted

in white supremacy that continue to deprive people convicted of felony offenses of the fundamental right to vote. By design, these laws disproportionately impact communities of color.<sup>6</sup> Civil War and Reconstruction-era laws to enfranchise Black men for the first time were closely followed by criminal laws targeting Black people with the express aim of preventing newly enfranchised Black communities from exercising political power.<sup>7</sup>

These structural policy barriers have been further exacerbated by years of disinvestment in election infrastructure across the country. In the Deep South in particular – which has been home to the lion’s share of our nation’s growth in recent years<sup>8</sup> – state lawmakers have failed to adequately fund local election administration and compounded the problem by enacting bans on private funding to stand in the gap. Federal funding for state and local election administration has been inconsistent over the last few decades, and the most recent appropriations have been wholly insufficient, especially in light of minimal investment by states.<sup>9</sup> Aging – in some cases crumbling – infrastructure only exacerbates voter suppression schemes. Inadequate funding leads to shuttered polling places, as well as insufficient staffing and at times inoperable voting machines at those that remain open, which in turn leads to long lines and voters turned away from casting their ballot. In short, inadequate funding for election administration compounds voter suppression schemes, making it even more likely

## 19 BILLS

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voters will face disenfranchisement.<sup>10</sup>

There is a good deal elected officials committed to championing the freedom to vote can do to support ballot access for all. Because these threats target and most severely impact voters of color, actions aimed at restoring and strengthening our democracy must include a strong and explicit commitment to racial equity.

## Policy Recommendations

### 1. Support federal measures to combat discrimination in voting and ensure voting access for all eligible voters.

In a democracy, the right to vote must be guaranteed. That means citizens who want to cast a ballot should be able to do so, without barriers or interference, and know their ballot will be counted. It also means that once people come of voting age, they never lose that right to vote. A pro-democracy platform must prioritize passage of the John R. Lewis Voting Rights Advancement Act to restore and modernize geographic preclearance, strengthen protections against vote dilution and vote denial, and institute other changes that will restore the full strength of the Voting Rights Act, including its protections against racial discrimination. The platform should similarly prioritize the Freedom to Vote Act to institute national minimum standards for secure, accessible and effective election administration, including commonsense reforms like automatic and same-day registration, expanded early voting and vote by mail, protections against wrongful and discriminatory voter purges and other harmful practices, guidelines and guardrails for the redistricting process, and reforms to our big-money campaign finance system. The next administration and the 119th Congress must prioritize passage.

### 2. Oppose discriminatory and subversive voting and election laws.

In addition to making it harder for certain communities, and especially communities of color, to vote, such laws propagate incorrect and harmful narratives about the security of elections and sow doubt in democratic processes among alarmingly large segments of the population. The next administration and 119th Congress must condemn these restrictive laws and the cynical actors behind them in the strongest possible terms and articulate a plan for combating such laws.

### 3. Oppose racial and prison-based gerrymandering that threatens the ability of voters of color to cast ballots and elect candidates of choice.

There is a long history of white majorities, especially in the Deep South, using racially discriminatory redistricting to maintain political power. Even in the face of clear reprimands and court orders to remediate, some states in the Deep South are digging in their heels and doing everything they can to prevent Black communities from exercising political power.<sup>11</sup> Creating unfair voting districts designed to limit or reduce voters' influence on the basis of race – and/or asserting pure partisan motivations as a shield against claims of racial gerrymandering – diminishes these communities' fundamental right to vote and ability to secure funding and policies that lead to healthy, prosperous communities.

Prison-based gerrymandering involves counting incarcerated people for the purposes of the census – and, in turn, federal representation and resource allocation – where they are incarcerated, rather than in their home communities. With disturbing echoes of the three-fifths compromise, the practice artificially inflates the power of disproportionately white, rural communities where prisons are often situated, while draining that power from the more diverse, urban communities that many people who are incarcerated call home. Policymakers should condemn both racial gerrymandering and prison-based gerrymandering and support a directive to the U.S. Census Bureau to revise its “usual residence” rule to count incarcerated people at their home address.

### 4. Support robust, regular funding to states and localities for election administration.

The lack of adequate, predictable funding inhibits election administrators' ability to conduct secure, accessible elections. Local election administrators who work on the frontlines of our elections are especially underfunded in many states. Policymakers should support significant federal funding for election administration during each annual federal appropriations process. Further, such funding should come with a passthrough requirement so that a significant portion of that funding goes directly to local election administrators who conduct elections, as well as an equitable distribution formula to ensure those funds flow to the localities that need them most.



**Read our report** on the impact of the *Shelby County* decision on the political participation and representation of Black people and other people of color in the deep South.



**5. Support increased funding to the U.S. Department of Justice for enforcement of federal voting and civil rights laws.**

The Voting Section of the Civil Rights Division of the Department of Justice often provides a critical line of defense when voting rights are violated. In light of ongoing and heightened attacks on the Voting Rights Act, including on the enforcement mechanism that has been used by private parties for decades to vindicate the rights of voters, aggressive enforcement of federal voting and civil rights laws is more critical than ever. Policymakers must prioritize increased funding for the Voting Section, including hiring more attorneys, and they must fight for that funding through each annual appropriations process.

**6. Support full voting rights for people involved in the criminal legal system, regardless of conviction or incarceration status.**

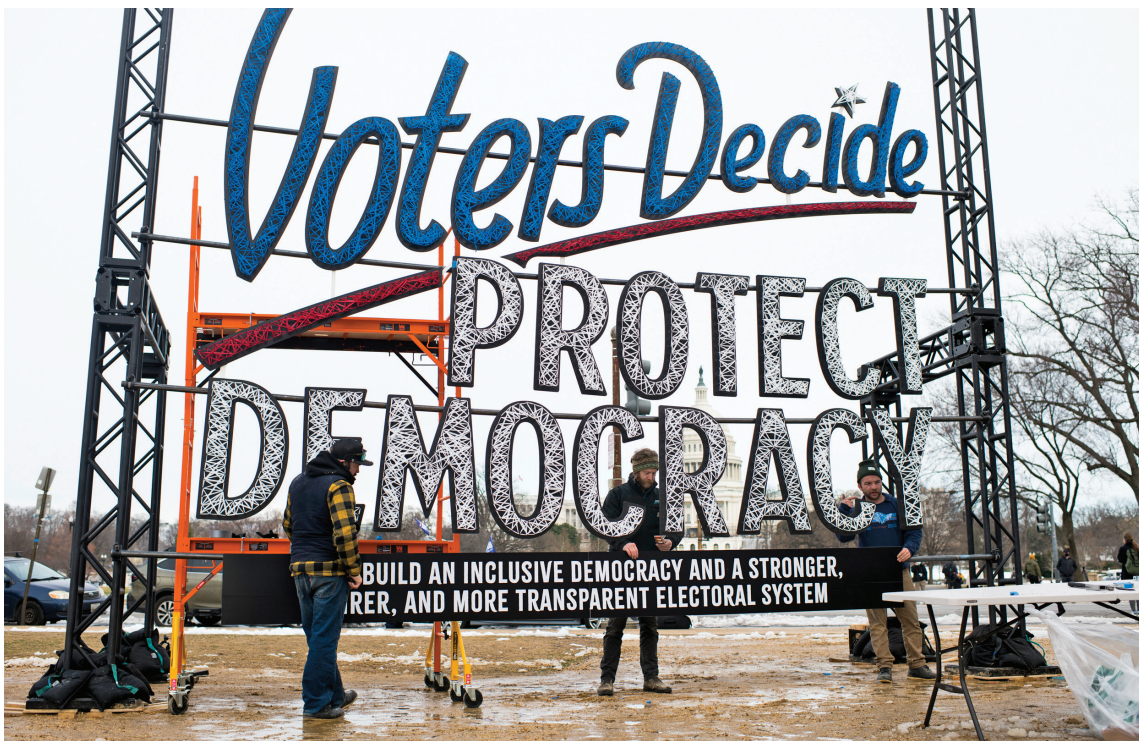
The centuries-long, deeply racialized systematic exclusion of people impacted by the criminal legal system is fundamentally undemocratic, and it underscores and exacerbates racial inequities. Candidates for elective office should forcefully condemn this policy and embrace proposals to end the practice of disenfranchising people due to a felony conviction, including while they are incarcerated, on probation or parole, or have outstanding court-imposed fines or fees.

**7. Support robust implementation of Executive Order (EO) 14019 Promoting Access to Voting.**

Issued on the anniversary of Bloody Sunday in 2021, EO 14019 is a visionary and urgent call to federal agencies to do what they can to improve access to registration and voting for the eligible Americans they serve.<sup>12</sup> A fraction of eligible voters are registered to vote in the United States. Compliance with this mandate has the potential to make the electorate more representative and more complete by broadening voter registration options among eligible voters. Doing so will move the United States closer to our democratic ideal. Policymakers must highlight this historic EO and promote steps for realizing its full potential, especially through integration of voter registration opportunities at agencies serving Americans facing historic and present-day barriers to voting.

**8. Create an Office of Democracy Within the White House.**

All these efforts – and others taken to strengthen our democracy – will be most effective if coordinated and driven by a single office within the White House. This office would be responsible for coordinating across the federal government and with state, local and tribal governments and community stakeholders to advance efforts to protect and strengthen democratic systems and promote civic participation among the American people.



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# Eliminate the Reliance on Criminalization and Incarceration as a Public Safety and Immigration Solution



## Decarceration, Decriminalization and Criminal Legal System Reform

Our judicial system is rooted in white supremacy, which has led to discriminatory laws, policies and practices that have harmed Black and Brown communities for generations. Two million people are incarcerated in the United States, a disproportionate number of whom are Black and live in the South, due to systemic racism in policing, arrest rates, sentencing practices and parole denials.<sup>13</sup> In the Deep South, the incarceration rate for Black people is often triple the rate for white people. Reducing the incarcerated and detained populations in the Deep South will require dismantling the school-to-prison pipeline, upending criminal legal and immigration detention systems, and providing alternative models for public safety that are anti-racist, equitable, humane and affirming.

# 77m

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In addition, approximately 77 million Americans – 1 in 3 adults in the country – have an arrest record, a criminal charge, or a conviction. A criminal record has significant collateral consequences, negatively impacting opportunities for employment, housing, higher education and occupational licensing.<sup>14</sup> For those recently released from incarceration, the challenges and barriers are even more substantial. Annually, more than 600,000 people are released from state and federal correctional facilities and transition back to their home communities. An additional 11 million people cycle through local jails each year. Lack of employment, housing and other support systems upon reentry increase the likelihood of continued involvement in the criminal legal system – at a significant cost to the individual, the legal system and the community. Research

shows that programs providing reentry services such as housing assistance, access to health care and public benefits, and employment training and assistance can substantially reduce recidivism.<sup>15</sup>

We must challenge the narrative that incarceration increases public safety or provides meaningful opportunities for rehabilitation and build a public narrative that noncarceral approaches create public safety through prevention. Through executive action, improved agency rules and regulations, and congressional action, the federal government must fund evidence-based programs to enhance public safety without incarceration, reduce federal funding for prisons and the profit incentive for mass incarceration, and mitigate its reliance on detention as a default for individuals in the



immigration system. These actions should also include the construction of alternative public safety models that provide treatment, health care and anti-poverty responses that address individual needs instead of criminalizing addiction, mental health issues or poverty.

Our current public safety paradigm endangers people and communities by overemphasizing a system of policing and criminalization that disproportionately targets Black and Brown communities, people with disabilities, and other vulnerable communities. It is past time we reimagine this failed paradigm and end the racist and classist system of criminalization and incarceration and move toward a new paradigm for safety that rethinks the role, scope and responsibilities of police in a democratic society and reallocates resources away from punitive systems toward upfront investments in prevention-focused community interventions and social supports.

## Policy Recommendations

**1. Support the development of noncarceral options and evidence-based programs outside the criminal legal system** to address mental health care, substance use disorders, youth services, and the needs of people experiencing homelessness so that people do not enter the criminal legal system in the first instance.

**2. End police enforcement of traffic violations and other minor offenses to prevent police encounters** from escalating into police violence, moving instead to civil enforcement of all traffic violations. In addition, end civil asset forfeiture.

**3. End the 1033 program and prohibit state and local law enforcement from using the following tools that have a disparate impact on marginalized communities, including protesters and communities working to advance social change:**

- Tear gas, rubber bullets, pepper bullets, pepper spray, flash bangs, long-range acoustic devices (LRADs), Stingrays, lasers and any other “less than lethal” forms of crowd control.
- Military-grade weaponry, vehicles and stun grenades.
- Sedatives, such as ketamine.
- Tasers.

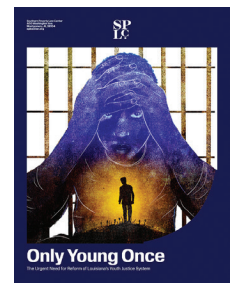
### **4. Eliminate wealth-based detention in the federal criminal legal system and provide incentives for states to end this and other racially biased pretrial practices.**

Poverty is not a crime, and wealth should never determine one’s freedom. It is time to take action to ensure liberty – and human dignity – is protected for all people in the U.S. The next administration and the 119th Congress should support a complete overhaul of the pretrial system to ensure that pretrial liberty is maximized, including drastically reducing the number of people incarcerated while awaiting trial. This would result in cost savings on jails and more money available to fund local community-based support efforts, including childcare, housing, mental health, drug treatment, and other noncarceral programs. Finally, policymakers must end the use of secured bonds in federal criminal proceedings, provide grants to states that wish to implement alternate pretrial systems to reduce their pretrial detention population and withhold grant funding from states that continue to use money bail systems.

### **5. Support enactment of legislation to ban the incarceration of children in adult prisons and raise the federal minimum age to 14 for juvenile prosecution.**

In reports on racially discriminatory youth legal systems in Louisiana<sup>16</sup> and Mississippi,<sup>17</sup> the SPLC documented how the perceptions of Black youth contribute to an overreliance on punitive measures – in both school and youth legal systems – leading to stark racial disparities. The reports also detail the significant physical and psychological harm posed to incarcerated youth, while taxpayers pay the cost for a fiscally wasteful approach to youth crime. Below are effective policy solutions that should be supported by policymakers to address the myriad issues associated with youth incarceration:

- Raise the minimum age of youth incarceration and prosecution.
- Make nonviolent offenses – especially technical violations, status offenses and nonviolent drug offenses – nonjailable for youth.
- Invest in community-based alternatives to youth incarceration and school-based policies and programs that prioritize rehabilitation.
- Completely ban the practice of incarcerating youth in adult facilities.



**Read our report** on the urgent need to reform Louisiana’s youth justice system.



- Expand parole eligibility for people convicted as teenagers.

In addition, policymakers must ban corporal punishment, solitary confinement and the use of restraint punishments.

**6. Enact meaningful police accountability legislation, which includes a publicly accessible national police misconduct registry and a lower standard for federal prosecution of police misconduct.**

The recently launched Justice Department National Law Enforcement Accountability Database (NLEAD) will centralize federal law enforcement officer records and is designed to help prevent officers who have a history of misconduct or abuse from being hired by other police agencies.<sup>18</sup> NLEAD is another significant step toward greater accountability and transparency set in motion by Executive Order (EO) 14074 on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety.<sup>19</sup> In addition, through congressional action or executive action, elected officials must prohibit chokeholds and all maneuvers that restrict the flow of blood or oxygen to the brain; require the use of de-escalation techniques; prohibit the use of no-knock warrants; and end the qualified immunity doctrine. In addition, we must oppose any efforts to prohibit peaceful protests or peaceful efforts to observe or record police-citizen interactions.<sup>20</sup>

**7. Support legislation and executive action to abolish the federal death penalty, ban solitary confinement, and provide incentives to encourage states to end these practices.**

The death penalty is an extremely flawed method of achieving justice. Throughout history, Black people targeted by law enforcement and without the guarantee of a fair trial have disproportionately wound up on death row, currently making up 41% of people facing execution.<sup>21</sup> For states in the Deep South like Georgia, Louisiana and Mississippi, Black people make up over half of the death row population. However, the death penalty is not proven to deter crime. It also comes at a significant cost to the state and potentially violates human rights for being cruel and inhumane. This compounds the reality that some on death row are actually innocent but were not afforded a fair trial.

In addition, policymakers should insist on comprehensive implementation of the Death in Custody Reporting Act (DCRA). According to The

Leadership Conference Education Fund report, *A Matter of Life and Death: The Importance of the Death in Custody Reporting Act*:

*Deaths in custody have long been, and remain, a national crisis. Far too many of these deaths are caused by excessive violence from law enforcement, including dangerous and unnecessary use of force by police and the abuse and neglect of incarcerated people. The United States government does not know how many people die in the custody of the criminal-legal system each year. This is both a moral and administrative failure. Without clear, accurate, and publicly accessible information on deaths in custody, policymakers, researchers, and advocates are unable to make the changes necessary to reduce preventable in-custody deaths.*<sup>22</sup>

**8. Eliminate barriers for formerly incarcerated people to employment, housing and voting rights and prohibit the use of fines and fees that deny the right to fully participate in democracy.**

Policymakers should support legislation to automatically reenroll returning citizens in Medicaid, eliminating a critical gap in mental health medication coverage. They should support the elimination of bans on individuals with felony convictions receiving key social supports such as SNAP and TANF. In addition, they should reduce the profit incentive for mass incarceration by addressing excessive fines and fees to fund police and municipal court operations and mandating low-cost jail and prison phone calls.

**9. Support innovative and research-based solutions that reduce jail populations and recidivism rates.** For example, simple changes like developing text message reminders for court dates and updating and simplifying public forms have been shown to reduce failure-to-appear rates in court by more than 30%. These are cost-effective solutions that reduce negative consequences and criminalization in a community.<sup>23</sup>

**10. Support executive and congressional initiatives designed to reduce and reprogram funds from police and mass incarceration, while investing in social services, community infrastructure and better schools.**

For many Americans, law enforcement has been the primary method for ensuring public safety, which is reflected in local budgets and policy. However, throughout U.S. history, the criminal legal system has also brought with it a certain

**41%**

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level of harm for the very communities it purports to serve. Our country should imagine a new vision of safety that does not rely on armed police units, bigger jails and longer prison sentences. Stronger schools and community resources have been shown to reduce crime. Many functions handled by police officers, such as episodes with mental health and substance abuse, could also be addressed with counselors, restorative justice programs and decriminalizing drug use.

**11. Oppose fines and fees that criminalize homelessness and poverty and increase mass incarceration.**

As the SPLC highlighted in its recent report *Sheltering Injustice*,<sup>24</sup> across the South, as well as in other parts of the U.S., cities, counties and states impose a plethora of fines and fees that result in criminal charges and often life-altering consequences for people who cannot afford to pay – including people experiencing homelessness. This criminalization of poverty frequently leads to people being jailed for nonpayment<sup>25</sup> in modern-day debtors’ prisons or losing their jobs or homes. Lawmakers should oppose these unconstitutional practices<sup>26</sup> and take every available step to curtail them.

**12. Expand funding for educational opportunities and vocational training for incarcerated persons.**

For an incarcerated person, the chance to attain a GED, degree or vocational certification provides an enormous advantage toward successfully reintegrating into society upon release.<sup>27</sup> At least 95% of all incarcerated people will be released and will need the opportunity to contribute to their home communities. Studies consistently maintain that investing in prison programming reduces recidivism and increases earning potential, which, in turn, saves money for taxpayers and provides more stability to the communities where incarcerated people will resume their lives.

**13. Support legislation and executive action to decriminalize and deschedule marijuana,** including retroactive relief from excessive sentences and collateral consequences of harsh sentencing laws, and incentivize states to follow suit. It has been more than 50 years since the so-called “War on Drugs” began, an effort that massively ballooned police budgets and ushered in the enactment of mandatory minimum sentences, costing us trillions of dollars and devastating Black, Brown, Indigenous and low-income communities. Despite similar usage rates, Black people are approximately four times as likely to be arrested for marijuana possession

than white people. Nearly 80% of people in federal prison and almost 60% of people in state prison for drug offenses are Black or Latinx. It is past time we put an end to this failed approach and treat drug addiction like a public health crisis, and that starts with marijuana decriminalization and regulation. This will provide much-needed consistency across the country where states have already begun to legalize, decriminalize and allow medical marijuana use.

## **Immigration Reform, Refugees and Asylum Seekers**

For too long, the U.S. has had a dysfunctional and punitive immigration system – despite most Americans having an immigrant background and the American people’s deep and broad support of welcoming, humane policies. A majority of voters support a pathway to citizenship for the country’s 11 million undocumented immigrants, including 84% of Democrats, 68% of Republicans and 52% of independents.<sup>28</sup> And yet, not only has the federal government failed to adopt any productive reforms of our immigration system, but it has also actually expanded the immigration detention system, cut off access to asylum, and entangled local law enforcement and federal immigration enforcement agencies in enforcing harmful immigration practices. The Trump administration oversaw a sweeping assault on immigrant communities – especially on Black and Brown immigrants – that scapegoated migrants and foreigners in an attempt to distract from the failures of four decades of economic deregulation, the rising cost of living and stagnant wages.

Rejecting our dysfunctional, punitive system and adopting a just, humane and welcoming



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immigration framework would recognize immigrants' vital role in our communities. The South is home to millions of immigrants: one out of five residents of Florida, the region's largest state, was born outside the country, and one of every eight Floridians is a U.S. citizen with at least one foreign-born parent. The United States remains the preferred destination for migrants around the world who want to live in safety, security and prosperity.

But this is not a "crisis" or an "invasion," as far-right white nationalists call it. It is, in fact, a generational opportunity – one that we, as a country, must recognize and embrace. Immigrants are overrepresented in fast-growing care industries and help power innovations and business ideas that drive the competitiveness of the U.S. economy. More broadly, immigrants have played and continue to play a vital role in the economic, social and cultural life of the Deep South – adding to the vibrancy of our communities and revitalizing rural areas that were in decline.

## Policy Recommendations

### **1. Create a pathway to citizenship for undocumented people and provide permanent status to Dreamers and DACA recipients.**

Policymakers must prioritize transforming our immigration system and provide a pathway to citizenship. Instead of criminalizing migrants or using them as political scapegoats, policymakers should redesign our immigration system to be more humane, welcoming and supportive of the noncitizens in our communities. In the mid-20th century, when most undocumented immigrants were from Europe, the federal government used to offer regular "amnesties" through a simple legislative fix called "updating the registry." The last time the federal government provided undocumented people a chance to fix their immigration status was nearly 40 years ago, in 1986. It is long past time that we allow our undocumented friends and neighbors to become full members of our communities by regularizing their immigration status and providing them with a pathway to citizenship.

It is essential that policymakers provide permanent status to Dreamers and DACA recipients. In many cases, beneficiaries of the Deferred Action for Childhood Arrivals (DACA) program know of no other home than the United States. They have lived here, attended school here and become an integral part of our communities. They should not be subject to the

political whims of any particular administration and should not have to live in fear of being rounded up by Immigration and Customs Enforcement and deported.

### **2. Protect and strengthen the U.S. asylum system.**

It is critical that the United States remains a country that offers safety and protection to people fleeing persecution or danger. After our restrictionist midcentury immigration laws failed to offer sufficient protection for European Jews seeking to flee the Holocaust,<sup>29</sup> we signed the Refugee Protocol<sup>30</sup> and later adopted the Refugee Act,<sup>31</sup> which has served as the cornerstone of our asylum system for over four decades. We cannot now give in to restrictionist, xenophobic proposals that limit access to our asylum system.

Policymakers must wholly reject any reimplementing of Trump-era policies. These policies subjected people seeking asylum to harm and precarious conditions, violated our country's domestic and international obligations to people seeking asylum, and attempted to destroy the asylum system we created in the aftermath of World War II to uphold our moral and ethical values.

This includes:

- **End the policy and practice of turning back asylum seekers at ports of entry on the U.S.-Mexico border. Since 2016,** Customs and Border Protection (CBP) agents – acting pursuant to an initially unwritten and unannounced agency policy – have prevented asylum seekers from accessing the U.S. asylum system at ports of entry on the U.S.-Mexico border by physically ejecting them from the ports and, primarily, by preventing them from stepping across the border to begin with. This policy, which has been declared illegal by a federal court,<sup>32</sup> violates the letter and spirit of U.S. immigration law and could effectively end asylum at ports of entry, forcing asylum seekers to take on the risk of crossing the Rio Grande or the desert in an attempt to find safety and protection.
- **Reject any attempts to reimplement any version of the Migrant Protection Protocols** (also known as "Remain in Mexico"). This policy – implemented by the Trump administration and reimplemented under court order by the Biden administration – sent over 70,000 people seeking asylum to face dangerous conditions

and potential abuses in Mexico while they waited for their immigration court hearings.

- **Reject any attempt to reimplement or expand authority for CBP officials to expel migrants** under Title 42 or any similar authority. The Trump administration used Title 42 to expel migrants from the United States, without any opportunity to request asylum, at the start of the COVID-19 public health emergency. The Biden administration continued to use Title 42 to expel migrants until May 2023. Any effort to expand or create authority for CBP to expel migrants without due process and without migrants' ability to apply for asylum must be denounced and rejected.

More people than ever, from more parts of the world, are seeking asylum in the United States. But that is not a reason to destroy the current asylum system – a system the United States created intentionally to honor our humanitarian principles and our international commitments.

Policymakers must strengthen our asylum system. They must ensure that asylum seekers have time to consult with legal counsel, allow people to work while awaiting their asylum determinations, and hire additional qualified asylum officers to increase our processing capacity.

### **3. End immigration detention and replace it with cost-effective, community-based case management.**

Immigration offenses are civil in nature, yet are penalized with detention and loss of liberties. Across the country, noncitizens are held in black-box immigration detention centers that are often run by for-profit companies and are functionally equivalent to prison. These immigration detention centers exploit members of our communities – including the people who work there. The harms and abuses that occur in immigration detention are well documented, and they disproportionately harm people of color.<sup>33</sup> The United States must move away from this carceral approach to migration. Ending immigration detention for people seeking immigration relief in the United States is one of the most accessible and meaningful forms of change that the next administration can – and must – adopt.

Immigration detention relies heavily on profit-oriented prison companies, which are particularly prone to poor oversight and horrible conditions, in

addition to wasting millions of dollars of taxpayer funds. Immigration detention is not necessary for public safety or to ensure compliance with immigration proceedings. Rather, the data has routinely shown that noncitizens in immigration proceedings attend their immigration court hearings whether they are detained or not.<sup>34</sup> Aware of the harms of for-profit prisons, the Biden administration ordered an end to such contracts in the federal criminal context. Unfortunately, the job is not yet done, as dozens of for-profit immigration detention centers remain operational across the country today.

There are humane, cost-effective alternatives to detention, such as community-based case management programs, which assist individuals in participating in their immigration cases while costing U.S. taxpayers far less than what it costs to lock people up in detention.

It is past time for immigration detention to end in our country. As part of ending immigration detention, the next administration must support executive or congressional actions to hold ICE accountable for the horrific conditions people in immigration detention centers have experienced – some of which led to their deaths.

### **4. Cancel 287(g) agreements, and oppose efforts to enter into any new 287(g) agreements with local law enforcement agencies.<sup>35</sup>**

Programs that entangle local law enforcement and federal immigration enforcement are riddled with abuse, discrimination, racial profiling and



**“It is past time for immigration detention to end in our country. As part of ending immigration detention, the next administration must support executive or congressional actions to hold ICE accountable for the horrific conditions people in immigration detention centers have experienced – some of which led to their deaths.”**

violations of people’s constitutional rights. Study after study has highlighted the problems endemic to 287(g) agreements, including the mistreatment of residents and the high costs to localities.<sup>36</sup> And while some Southern counties in Louisiana, Georgia and South Carolina have chosen to end their 287(g) agreements in recent years, Florida has mandated that every county in the state enter into either a full jail-enforcement model agreement or a warrant service officer agreement.<sup>37</sup> Now, any encounter with law enforcement in Florida could result in deportation. This discourages people from reporting crime and cooperating with investigations.

**5. Ensure equal access to medical care by prohibiting hospitals or other health care providers from asking a person’s immigration status before, during or after treatment.**

A recently passed state law in Florida requires hospitals that accept Medicaid to inquire into the immigration status of their patients on admission or registration forms.<sup>38</sup> As predicted, these requirements have created an atmosphere of fear within the immigrant community and led to a chilling effect in health care.

This fearful environment makes it difficult for people to attend health care appointments due to the risk and fear of being deported based on immigration status. Nearly half of the people living in the U.S. without documentation are women and children, and they need access

to health care so that our entire society can thrive. The American Medical Association has concluded that, for ethical reasons, “explicit documentation of immigration status of patients and their family members in a health record should be avoided...”<sup>39</sup> Especially as COVID-19 continues to circulate, the federal government needs to act before other states engage in similar dangerous legislation that threatens health outcomes across the country.

**6. Support Passage of the Equal Citizenship for Children Act.**

The next administration should support, and the 119th Congress should pass, the Equal Citizenship for Children Act to help remedy the racially discriminatory impacts still reverberating across our country today. The “Guyer Rule” of 1940 prevented children born to parents outside of marriage from deriving citizenship from their fathers, disproportionately impacting Black immigrants from becoming U.S. citizens. Although Congress took some action to remedy this in 2000, a large number of then-children were unable to receive the necessary remedies for immigration relief, resulting in devastating deportations of longtime U.S. residents and family members who are predominantly Black.<sup>40</sup> The Equal Citizenship for Children Act, introduced in March 2023, would ensure wholesale protections are in place and remedy the devastating and ongoing racial impacts of this clearly discriminatory law.<sup>41</sup>



**Policymakers must prioritize transforming our immigration system and provide a pathway to citizenship. Instead of criminalizing migrants or using them as political scapegoats, policymakers should redesign our immigration system to be more humane, welcoming and supportive of the noncitizens in our communities.**

# Eradicate Poverty



In the Deep South, racism and poverty are entrenched in laws and policies that perpetuate economic exploitation of Black and Brown communities. Alabama, Mississippi, Louisiana, Georgia and Florida have some of the highest rates of poverty, childhood hunger and illiteracy.<sup>42</sup> For example, Mississippi has the country's highest poverty rate at 18.1%, 28% of Mississippi children live in poverty, and 22.9% of the state's children have difficulty meeting basic food needs.<sup>43</sup> As the country continues to recover from the devastating effects of the COVID-19 pandemic, we must continue to focus on the communities with the greatest needs and ensure there is economic opportunity for all. Poverty is a policy choice, as recent economic data demonstrates: Expanded public benefits during the public health emergency – including the child tax credit, housing supports and an eviction moratorium, Medicaid and SNAP continued enrollment – helped keep many families from falling deeper into poverty.<sup>44</sup>

Access to federal funding for basic necessities like housing, education and employment can open doors for economic mobility and help address the racial wage gap. In 1870, the wealth gap between Black and white Americans was a staggering 23 to 1.<sup>45</sup> That is equivalent to just \$4 of wealth for Black Americans for every \$100 for white Americans. 150 years later, that gap has narrowed to about 6 to 1 – and yet, a significant gap remains. Average per capita wealth of white Americans was \$338,093 in 2019 but only \$60,126 for Black Americans.

The federal government must do more to fund and remove barriers to programs and services that support all people. It must commit to racial equity, equal opportunities and economic mobility, through the implementation of impactful policies – especially for communities of color and those historically underserved and underrepresented. Poverty is an intersectional issue that can only be reduced by ensuring everyone has access to housing, employment, education and other basic supports to thrive and prosper.

## Policy Recommendations

### 1. Ensure equitable, inclusive and nondiscriminatory access to federal funding.

The federal government funds many key anti-poverty programs and projects that have a critical impact on the day-to-day lives of people living with the lowest incomes. Racial Equity Executive Order 13958 was a significant step toward expanding infrastructure and access to resources for disadvantaged and underserved communities after years of neglect and disinvestment. More should be done to address the systemic barriers and inequities that keep Black, Indigenous and other people of color from having equal access to opportunities.<sup>46</sup> Restrictions on public benefits programs such as arbitrary work limits, drug testing and supposed “work requirements” are rooted in racist and sexist notions about who is deserving of assistance.<sup>47</sup> Despite being more likely to face poverty and food insecurity, new immigrant families and people who are impacted by the criminal legal system are often barred from receiving public benefits simply because of their

## 6 to 1

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status.<sup>48</sup> Attempts to ensure more equitable distribution of federal funding and remedy past harms and inequities are met with legal challenges.<sup>49</sup> And even when federal funding is allocated to communities in need, the allocation, disbursement and implementation can continue to be discriminatory.<sup>50</sup>

Eradicating poverty requires supporting increased appropriations, expanding access, and eliminating discriminatory barriers to health care, food and nutrition, housing, disaster relief, farm aid, and other federal anti-poverty programs. Increasing funding alone is an important step, but policymakers must also expand efforts to establish meaningful racial equity goals and track progress and impact. In addition, they must work to improve diversity, equity and inclusion efforts among federally funded programs. This includes increasing equity assessments on federally funded projects and supporting a study on awarding reparations for descendants of slaves and the history of racist laws.

## **2. Reimagine the existing welfare system and advance guaranteed income and unrestricted cash support programs.**

TANF is the only federal program that provides direct cash assistance to families in need.<sup>51</sup> TANF can promote long-term stability, lead to positive health and education outcomes, and prevent negative consequences associated with experiencing poverty during childhood.<sup>52</sup> However, the failure to reform the TANF program has led to very few funds reaching families in need and opportunities for states to misspend TANF funds. For example, in 2021, Mississippi spent \$57 million in federal and state funds under the TANF program, but only 6% on cash assistance. Many states divert TANF funds toward programs that are allowable but are outside the intent of the program, such as child protective services investigations aimed at separating families or other vague programming around fatherhood initiatives that are not targeted toward low-income families.<sup>53</sup> We should establish more accountability and transparency standards for public benefits programs to ensure funding gets to the folks who need it most. In addition to reforming the welfare system, the current method for determining eligibility for social safety net programs, the federal poverty level, is based on the household food budgets from the 1960s adjusted for inflation.<sup>54</sup> Working families do not make enough to cover the cost of basic necessities like housing, food, utilities and more.

We must modernize the federal poverty level to account for real costs and regional differences to ensure that people who need public assistance can get it.<sup>55</sup>

## **3. Reform the tax code to be more equitable.**

Most Americans believe that our current tax system overburdens working families and allows those with the highest incomes and corporations to avoid paying their fair share.<sup>56</sup> The nation's 400 richest billionaires pay a tax rate of only 8.2% compared to the average tax rate for all taxpayers of 13.3%.<sup>57</sup> Economic assistance programs like the child tax credit are popular because they make a significant difference to low-income families to help reduce poverty and achieve greater financial stability.<sup>58</sup> We must modernize our current tax system and provide sufficient support to the IRS to enforce compliance of wealthy individuals and corporations to ensure they pay their fair share. We must also maximize tax credits that support low- and middle-income people, including expanding the child tax credit, the Low-Income Housing Tax Credit and the Earned Income Tax Credit.<sup>59</sup>

## **4. Advance policies to recognize housing as a human right.**

The right to healthy, high-quality housing and protections from being forcibly removed from one's home are fundamental to a person's health and well-being. Housing is a key factor to improve economic stability and mobility and to prevent intergenerational, concentrated and persistent poverty. But across the country, there is not enough affordable, healthy and safe housing available for those who need it.<sup>60</sup> The barriers to housing come in many forms. For renters, landlords are still permitted to use discriminatory screening processes in approving tenancies, require exorbitant security deposits, include unreasonable terms and conditions of rental agreements, impose fees and notice requirements during the eviction process, and discriminate against sources of income such as housing vouchers.<sup>61</sup> Protections for renters can vary greatly by ZIP code and in many Deep South states, state governments are actively working to preempt progressive local efforts to help alleviate the housing burdens and limit evictions.<sup>62</sup> The vestiges of racism in housing access remain a concern.<sup>63</sup> For people seeking homeownership, redlining – where lenders avoid providing credit services to communities of color – is prohibited by the Fair Housing Act. However, lenders continue to engage in the practice of redlining predominantly Black and Latinx

# \$57m

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neighborhoods in the South.<sup>64</sup>

Advancing housing as a human right requires more federal investments to increase affordable, high-quality, safe and healthy housing, to bolster fair housing and lending enforcement and to affirmatively further fair housing by taking meaningful actions to overcome patterns of segregation and foster inclusive communities.<sup>65</sup>

### **5. Combat the criminalization of people experiencing homelessness.**

Access to safe, stable housing is a human right. But for those struggling to make ends meet, the lack of adequate housing, insufficient shelter beds and lack of supports to address the root causes of housing instability contribute to the cycle of homelessness. And across the country, states and localities are using the criminal legal system to punish people experiencing homelessness for conduct necessary to survive – such as sleeping, camping, sitting or lying down, storing personal property, asking for help, or otherwise being physically present in public places. These laws exacerbate the struggles of people experiencing homelessness because a criminal record can further negatively impact eligibility for employment, education, health care and other existing needs.<sup>66</sup> The government must invest in programs that increase access to quality housing, champion the Housing First approach, and consider conditioning federal funds to prevent the criminalization of those experiencing homelessness.<sup>67</sup>

### **6. Prevent systemic land loss and wealth extraction in Black and Brown communities.**

There is a long history of federal, state and local governments using federal funds for new economic development projects and developing economic initiatives that disproportionately harm communities of color.<sup>68</sup> In the South, industrial and government entities often attempt to build new highways, rail systems or other infrastructure projects that uproot historic communities of color with little recourse.<sup>69</sup> Similarly, local and state governments continue to use the criminal legal system to extort and extract money from communities that simply cannot afford to pay. Policymakers must end and redress practices that systematically dispossess, displace, pollute or degrade land and properties occupied by communities of color. They must also eradicate discriminatory practices that punish and extract money from people experiencing poverty, such as debt collection schemes, fines and fees, and private probation.

### **7. Reform exploitative labor systems.**

There is a widening gap between those working hard to make ends meet and productivity because of wage suppression and wage inequality. These racist structures, including low wages, anti-union laws and weak labor protections, continue to plague Black and Brown workers. Over 60% of American workers live paycheck to paycheck, and the current federal minimum wage is a paltry \$7.25 an hour, which is insufficient for anyone working 40 hours a week to meet their basic needs.<sup>70</sup> In particular, the exploitation of low-wage immigrant workers is a systemic problem that degrades the labor standards for all workers. Policymakers must fight to dismantle racist, exploitative work structures. And they must safeguard workers' rights, including livable wages that adequately cover basic needs, stronger worker and prison labor protections, healthy and safe working conditions and equal opportunity to high-quality jobs.

### **8. Improve access to well-resourced and high-quality education and reduce systemic inequities for Black and Brown children and youth.**

Across the country, public schools are facing attacks such as systemic defunding through the proliferation of private school vouchers, the banning of discussions around race and gender identity, the erasure of the experiences and history of marginalized people, and the exclusionary practice of pushing students out of schools.<sup>71</sup> Access to education can open doors for economic mobility and address the racial wealth gap. A stronger education can lead to better jobs and higher wages, which can allow for stable housing and communities and more educational



**“Access to safe, stable housing is a human right. But for those struggling to make ends meet, the lack of adequate housing, insufficient shelter beds and lack of supports to address the root causes of housing instability contribute to the cycle of homelessness.”**

opportunities. But structural inequities like systemic disinvestment and lack of resources and services for low-income, communities of color, and immigrant families perpetuate the opportunity gap and lead to lower educational achievement, fewer career opportunities, and less long-term success for children.<sup>72</sup> Establishing a fundamental right to high-quality, equitable public education is a first step to strengthening our public education system.

Lawmakers and the next administration must advocate for increased equitable funding and education resources and oppose vouchers for private and parochial schools and other efforts to undermine, resegregate and defund public

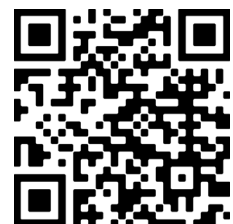
schools. In the wake of attacks on affirmative action and diversity, equity and inclusion in all levels of education, we must ensure equal opportunities for all students. That not only means all students enrolled in a public school are entitled to a good public education regardless of sex, race or disability status,<sup>73</sup> but also that all students should be free from discriminatory punishment practices that criminalize and push students of color and with disabilities out of schools. Lastly, lawmakers should increase funding for Historically Black Colleges and Universities and other Minority Serving Institutions and remedy the historic inequities and underfunding of these critical institutions.



**Tiara is a 20-year-old African American woman who recently moved from Chicago, Illinois, to Atlanta, Georgia. Alongside her family, which was full of love despite the hardships they faced, she experienced homelessness from the age of 9 to 18.**



**Read our report** on the call for Georgia to stop criminalizing people experiencing homelessness



# Combat Hate and Extremism and White Supremacy



Under the Hate Crime Statistics Act of 1990 (HCSA), the FBI is required to collect hate crime data from the nation’s 18,000 police agencies and publish an annual report. The latest report indicates that hate crimes rooted in race, ethnicity or ancestry remain the most common in the United States, with crimes against Black people always the highest by far. The 2022 HCSA report documented 11,643 incidents, the highest number of hate crimes ever recorded – but certainly a significant undercount of the actual numbers because, unfortunately, reporting is voluntary. Thousands of police agencies do not report any data to the FBI, or report data that is not credible. Still, this is the highest number of reported race-based crimes ever recorded (including the highest number of anti-Hispanic crimes, the second highest number of anti-Asian crimes, and the highest number of anti-Black crimes since 2000), and the highest number of crimes targeting people and institutions on the basis of sexual orientation, gender identity and religion (including the highest number of antisemitic crimes since 1993 and a growing increase in anti-Muslim crimes).<sup>74</sup>

## IN 2022

The HCSA report documented 11,643 incidents, the highest number of hate crimes ever recorded – but certainly a significant undercount of the actual numbers because, unfortunately, reporting is voluntary.

Equally disturbing, in recent years, we have seen the line between extremism and mainstream politics blur and diminish. Federal and state far-right lawmakers are pushing legislation straight from the scripts of hate groups, including measures that seek to control the bodies of women and those who can give birth, erase and whitewash Black history in schools, and criminalize LGBTQ+ people. We have seen the normalization of corrosive, hateful and destructive ideologies based on white supremacy as extremist groups mobilize at the local level and target schools, libraries, and other community institutions. And the work we do year and year out to research and catalog U.S. hate and extremist groups in The Year in Hate and Extremism report has led us to one conclusion: We cannot legislate,

regulate, tabulate or prosecute racism, hatred or extremism out of existence.<sup>75</sup> The law is a blunt instrument against hate and bigotry – it is much better to prevent these incidents from happening in the first place. It is critical that policymakers support communities and initiatives that are taking positive steps to deter bias-motivated violence, improve law enforcement training and response, and address the harms caused by bigotry and discrimination.

## Policy Recommendations

### 1. Speak out against hate and extremism.

It is impossible to overstate the importance of elected officials, business leaders and

community officials using their public platforms to condemn hate crimes, targeted threats to community institutions, and vandalism and violence against houses of worship and other minority institutions.

## **2. Support mandatory hate crime reporting to the FBI.**

Our nation’s hate crime problem cannot be addressed without accurate data. Better data is necessary to design targeted training, prevention and response initiatives and to help allocate appropriate resources to meet the threats. In 2022, a year of record-breaking hate crime reports, thousands of police agencies did not report any hate crime data to the FBI – and about 80% of the rest affirmatively reported zero hate crimes, including dozens in cities over 100,000 in population.

The 119th Congress must enact legislation to mandate hate crime reporting to the FBI. Until legislation requiring reporting can be enacted, federal funds to police agencies should be conditioned on credible HCSA reporting or meaningful community hate crime prevention, outreach, and awareness initiatives.

## **3. Enforce hate crime laws and provide more funding for training and community-based prevention initiatives.**

Enforcement of properly crafted federal and state hate crime laws that include sexual orientation and gender identity – and training for judges, prosecutors and law enforcement officials charged with enforcement – is critical, but insufficient. We must also promote alternative sentencing and restorative justice programs.

Prevention is the key. We must complement significant federal and state funding allocated for security enhancements at synagogues, day schools, mosques, museums and other at-risk public institutions with more funding to address root causes of hate and violence and to build local community resilience against extremism.<sup>76</sup> A key part of prevention is education to help people think more critically about the information they receive. In the absence of information, people are more susceptible to accepting false stereotypes, narratives and disinformation that can lead to radicalization. Teaching the “hard history” of slavery, for example, has the potential to inform thinking about Black people and the role systemic racism has played in their plight in this country.

Understanding American slavery is vital to understanding racial inequality today. The formal and informal barriers to equal rights erected after emancipation, which defined the parameters of the color line for more than a century, were built on a foundation constructed during slavery.<sup>77</sup>

Policymakers must support funding for more research and evidence-based programs designed to inoculate against extremism, to empower adults to help steer people away from violent extremism, and to promote community awareness and preparedness to address hate-fueled violence.<sup>78</sup> One model that can be replicated with prevention-focused investments is being run through an SPLC partnership with American University’s Polarization and Extremism Research and Innovation Lab (PERIL) to develop multidisciplinary tools designed to provide community-based, victim-centered strategies to address the threat of extremism through early prevention and noncarceral solutions.<sup>79</sup>

Finally, proposals to include police officers in hate crime laws should be rejected. Adding police – or any other category based on vocation or employment – confuses the purpose of hate crime laws, which are designed to address crimes directed against people because of their personal characteristics. While these crimes are frequently downplayed and underreported, there is no evidence that prosecutors anywhere in the country are failing to vigorously investigate and prosecute crimes against police.

## **4. End discrimination against Black, Brown and LGBTQ+ people and fund the development of civic engagement initiatives and curricula to celebrate diversity and address structural racism.**

Beyond legislation and administrative actions to address violent bigotry, we must do much more to address discrimination in the workplace, in housing, in federally funded programs, and in schools. At this time when seminal books written by leading Black authors – and others who address race and equity and gender issues – are being banned, policymakers must oppose educational gag orders on teaching accurate, truthful history, as well as efforts to impose anti-LGBTQ+ censorship. Much more needs to be done to teach young people the unvarnished truth about American history – both good and bad – so that we can learn lessons from the past to shape a better future. It is increasingly important to fund digital literacy initiatives and programs to teach critical thinking skills.<sup>80</sup>



**Read our report**  
the Year in Hate & Extremeism where in 2022, SPLC documented 1,225 hate and antigovernment extremist groups across the United States.



Policymakers must also expand efforts to assess and track racial equity; fund diversity, equity and inclusion (DEI) initiatives; and vigorously defend government and private-sector affirmative action initiatives against the concerted attacks they now face. For decades, affirmative action programs have helped dismantle racial segregation and served as an essential tool in promoting equal opportunity in higher education and in the workplace, helping women and Black and Brown people overcome barriers to professional achievement. The Supreme Court's decisions last June overturning decades of precedent in cases involving Harvard and the University of North Carolina are a significant setback, requiring a reimagining of ways to advance educational equity.<sup>81</sup> While the case should only be narrowly applied to higher education admissions policy, we are already seeing similar attacks on DEI initiatives expanding into the private sector, government programs, and even charitable foundation funding – led by right-wing members of Congress and conservative think tanks. These unfounded attacks ignore reality: Diversity is one of our country's greatest assets. As a nation, we must continue to prioritize providing opportunity and combating discrimination.

Hate and bias often fuel discrimination and run counter to an inclusive democracy. It seeds the ground for exclusion, prejudice, and violence against marginalized communities. While laws and policy changes alone will not shift hearts and minds, they can protect those who are most vulnerable to attacks.

Across the nation, conservative state legislators and governors have adopted draconian restrictions on speech, assembly, education, health care and other matters – all in an attempt to end protest and dissent and oppress marginalized people. This can be seen most acutely with constant and unrelenting targeting of LGBTQ+ people. It is still legal to fire LGBTQ+ people at will in 16 states based on gender identity or sexual orientation, refuse to rent a house to them in 19 states, and deny them a loan in 34 states.<sup>82</sup>

The next administration and the 119th Congress should support federal, state and local legislation and regulations to prohibit discrimination and unequal treatment for communities that are continuous targets of hate and intolerance. For example, policymakers should support the enactment of the Equality Act, legislation which would amend existing civil rights laws to provide

explicit anti-discrimination protections for LGBTQ+ people across key areas of life. Similarly, policymakers should support the Economic Inclusion Civil Rights Act, which would expand protections against racial discrimination, including discriminatory effects, in the context of economic activity such as employment, contracts, or other commercial transactions. This legislation, as well as other policy initiatives aimed at eliminating discrimination and promoting DEI programs, should be prioritized.

#### **5) Improve government response to political violence and domestic extremism.**

There must be more transparency and reporting on efforts that federal, state and local law enforcement officials are making to address white supremacy and hate-fueled violence. The 119th Congress should hold oversight hearings on federal agency responses – and provide funding for government and academic research on the best evidence-based responses to political violence and extremism.

The next administration and Congress must ensure that the planners and perpetrators of the deadly Jan. 6, 2021, insurrection – and those who financed and inspired them to action – are held accountable with real consequences. The January 6th Select Committee report and accompanying materials have provided a blueprint toward these objectives for Congress and the U.S. Department of Justice.<sup>83</sup>

In addition, white supremacy and extremism in the military, state guards, and law enforcement agencies must be addressed at every stage. That includes recruitment; expanding and clarifying prohibitions against advocating for, or involvement in, supremacist or extremist activity for active-duty personnel; and more extensive efforts to help veterans transition into civilian



**“Hate and bias often fuel discrimination and run counter to an inclusive democracy. It seeds the ground for exclusion, prejudice, and violence against marginalized communities.”**

life, including counseling, mental health, and social welfare services.

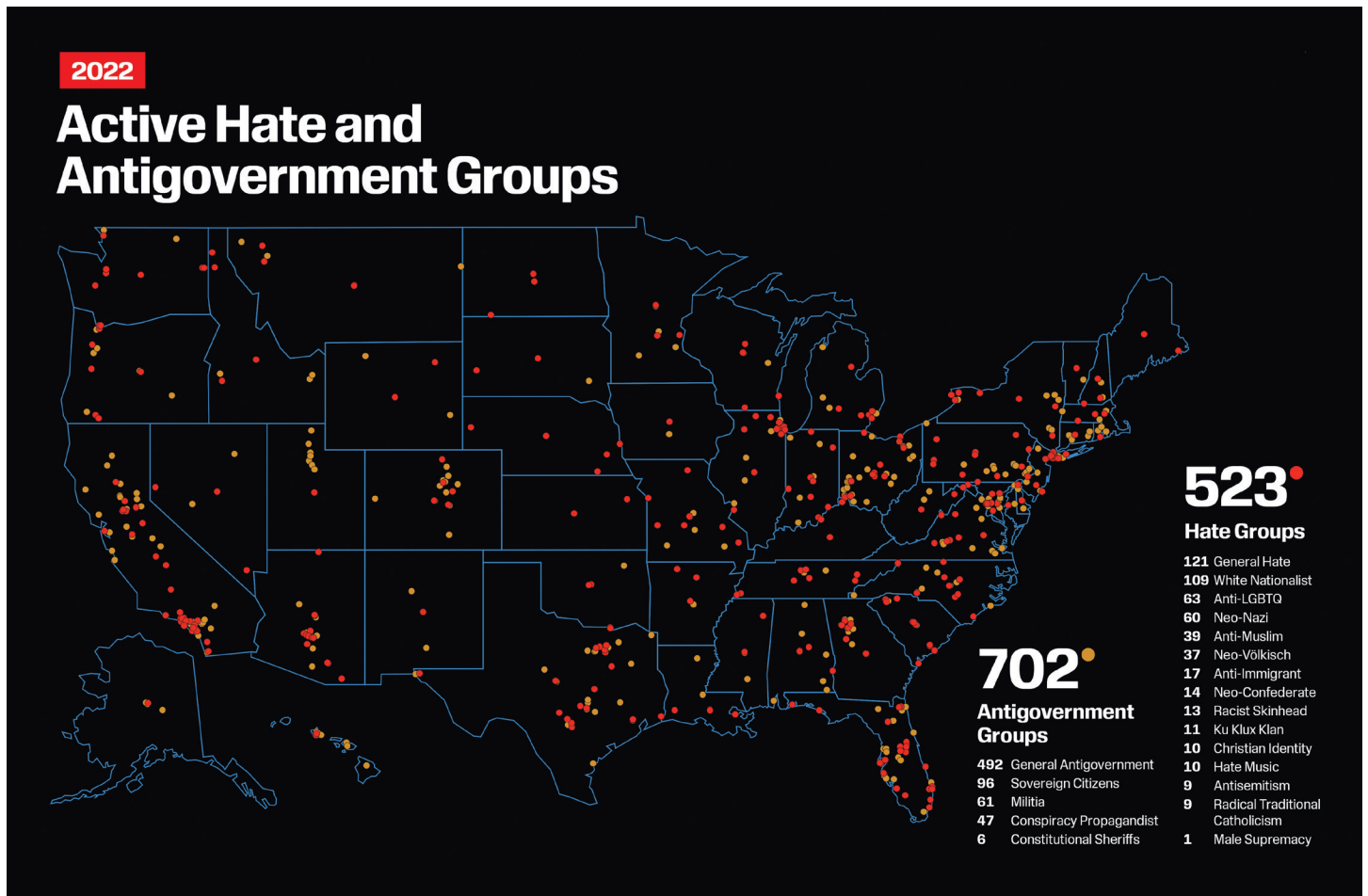
The May 2022 police reform Executive Order 14074 contained this important mandate for the Office of Personnel Management, with an explicit requirement to ensure that federal law enforcement officials who promote white supremacy and other bias-based behavior are not hired or retained:

*(iv) develop best practices for conducting background investigations and implementing properly validated selection procedures, including vetting mechanisms and ongoing employment screening, that, consistent with the First Amendment and all applicable laws, help avoid the hiring and retention of law enforcement officers who promote unlawful violence, white supremacy, or other bias against persons based on race, ethnicity, national origin, religion, sex (including sexual orientation and gender identity), or disability.<sup>84</sup>*


The next administration and Congress must ensure comprehensive implementation of this mandate – and promote the adoption of similar restrictions for police agencies across the country.

**6) Promote online safety and hold tech and social media companies accountable.**

It is frighteningly simple for racists and extremists to disseminate propaganda, recruit followers, generate profits, and spread intimidation on the major social media platforms. Social media companies should not enable the funding or amplifying of white supremacist ideas or provide a safe haven for extremists. The next administration and the 119th Congress should support the adoption of rules and regulations to ensure that tech companies increase accountability and transparency and comply with civil rights and anti-discrimination laws. And they should support efforts to ensure that social media networks, payment service providers, and other internet-based services do not provide platforms where hateful activities and extremism can grow.



# Comply With International Human Rights Obligations



In an increasingly global society, it is critical to have a common understanding of how nation states will interact with one another, but more importantly, how they will treat people living within their borders. The U.S. is party to important human rights treaties, including the International Covenant on Civil and Political Rights, the International Convention on the Elimination of Racial Discrimination, and the Convention Against Torture, all of which were ratified by Congress decades ago. The rights declared in and protected by these treaties are integral to the maintenance of a multiracial and inclusive democracy. Moreover, U.S. credibility on human rights issues abroad is tied to its fulfillment of its human rights commitments at home.

Implementation of international human rights treaty obligations in domestic policy can be a vital and effective tool in helping to advance the priorities outlined across our four impact areas. The treaties oblige state parties to protect a broad array of rights that help to ensure equality, combat hate and extremism, guarantee free and fair political participation and representation, and promote equitable access to vital resources. Unfortunately, implementation of these treaties remains both unaddressed by Congress and largely ignored by successive administrations in the White House, despite renewed engagement with U.N. human rights bodies over the last few years. These U.N. experts have repeatedly called for the U.S. to make substantial changes to protect the human rights of voters of color, schoolchildren subjected to racially discriminatory discipline and policing, individuals and communities subjected to high rates of hate-fueled violence,<sup>85</sup> and incarcerated people,<sup>86</sup> among many others.

Although there are no coercive enforcement mechanisms associated with human rights treaties, they are binding obligations. The SPLC believes that engagement with international human rights mechanisms is essential to

push the United States to be responsive to the recommendations of international human rights bodies and to the need to effectively collaborate with civil society organizations. To advance these goals, the SPLC, in partnership with many U.S. NGOs, is vigorously raising U.S. human rights violations at the U.N. through detailed reporting and analysis and by bringing people directly impacted by those violations to testify before U.N. human rights bodies. More policymakers must engage U.N. treaty bodies to bring human rights home and ensure the U.S. meets its obligations.

## Policy Recommendations

**1. Support the appointment of a study commission to explore potential models and structures for a U.S. national human rights institution (NHRI) and to present recommendations within one year for the establishment of an NHRI.**

Despite long-standing and numerous recommendations from international human rights bodies and from its allies and fellow U.N. member states, the U.S. has never established an NHRI or any other coordinating mechanism

to monitor and promote the implementation of human rights obligations it has accepted under ratified international treaties. Several U.N. human rights bodies, including the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, have urged the U.S. to establish an NHRI, as more than 120 other nations have already done.

The absence of any infrastructure for implementation of U.S. human rights treaty obligations is a significant obstacle that must be addressed. A growing SPLC-led coalition<sup>87</sup> of organizations and advocates is calling on the U.S. to move toward establishing an NHRI.<sup>88</sup> Over the last year, this coalition has been joined by scholars, members of Congress,<sup>89</sup> and the International Association of Official Human Rights Agencies in urging the appointment of a study commission to examine options for the structure and mission of an NHRI in the United States.<sup>90</sup> Following the receipt of recommendations from the study commission, Congress should act promptly to enact legislation establishing an NHRI that complies with the Paris Principles.

**2) Support the establishment of a Federal Advisory Committee, interagency coordinating council, or other similar mechanism to promote awareness and implementation of the requirements of**

**international human rights treaties.**

Until legislation is adopted to establish an NHRI, other measures should be adopted to provide structure and guidance for governmental agencies to implement U.S. human rights obligations as part of their mission. Establishing a Federal Advisory Committee, interagency coordinating council, or other similar mechanism will help ensure that the requirements of international human rights treaties are incorporated in domestic policies and their implementation is monitored and adequately reported.

**3) Support the implementation of international human rights treaties that the United States has ratified – and track compliance with them.**

Although the U.S. has ratified international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant for the Elimination of Racial Discrimination, and the Convention Against Torture, both Congress and successive administrations have failed to take needed steps to implement them. The goals the SPLC seeks to achieve – strengthening democracy, combating hate and extremism, eradicating poverty, and ending mass incarceration – would be substantially advanced by the implementation of U.S. human rights treaty obligations.







# Conclusion

As we continue to grapple with decisions that will affect the future direction of the country, it is essential for voters to know where their elected leaders stand on the issues of greatest concern to them and their community. The newly elected leaders who will be sworn into office at all levels of government – federal, state and local – will face a wide array of urgent domestic and international challenges. They must seize the opportunity – and take actions to make our nation more just and equitable.

It is our sincere hope that policymakers at all levels and across the political and ideological spectrum will heed the SPLC and the SPLC Action Fund’s recommendations for bold, transformative change and affirm and energize our nation’s commitment to eliminate white nationalism, structural racism and historic inequalities; to remove unjust barriers to fundamental voting rights; to ensure that people living in poverty in the Deep South – especially Black communities and other communities of color – are not exploited and receive access to life saving resources; to expand inclusive anti-discrimination protections; and to reinvigorate our values as a diverse, welcoming and compassionate nation.

**A better, more just and equitable future is possible.**

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