

The End Racial Profiling Act: A Factsheet for the South Asian Community January 2012

*In 2011, Congressman John Conyers of Michigan and Senator Ben Cardin introduced the **End Racial Profiling Act of 2010 (ERPA) (S. 1670; H.R. 3618)** which aims to eliminate profiling in its various forms. This factsheet answers basic questions about the legislation, how racial and religious profiling affects the South Asians in the U.S., and how community members can take action to support this bill.*

WHAT IS “PROFILING” AND WHY IS IT WRONG?

Profiling is a law enforcement tactic that treats individuals as suspects based on characteristics unrelated to criminal conduct. Such characteristics include race, religion, ethnicity, national origin, nationality, and perceived immigration status. Law enforcement has improperly used such factors as predictors of criminal activity. The African-American and Latino communities have long been affected by profiling. Since 9/11, Arab, Muslim, Sikh, and South Asian individuals have been targeted by law enforcement in the name of national security.

Profiling is both wrong and ineffective:

- **It violates fundamental rights of fairness and equality.** By treating them differently from “mainstream Americans”, it effectively turns communities of color into second-class citizens.
- **It diminishes trust between law enforcement and affected communities.** Those who have been profiled and may be witnesses or victims of crimes, such as hate crimes or domestic violence, become more hesitant to reach out to police in times of need.
- **It diverts limited law enforcement resources away from finding actual criminal and national security threats.** In many cases, law enforcement misses the real criminals by focusing on race- or religion-based profiles rather than looking for signs of unusual activity based on individualized behavior.

HOW HAS PROFILING AFFECTED THE SOUTH ASIAN COMMUNITY?

Since 9/11, incidents of law enforcement officials profiling Arabs, Muslims, Sikhs and South Asians have increased. Examples have been documented in the following contexts:

- **Special registration/NSEERS:** Under this Department of Justice program, certain male nationals from predominantly Muslim-majority countries, including Bangladesh and Pakistan, were required to register with the government and undergo questioning after 9/11. As a result, an estimated 84,000 men registered and 13,000 were placed in deportation proceedings for minor immigration violations. There has been no evidence to date that this program yielded any counterterrorism information. While the program was modified in April 2011, many continue to face negative repercussions in their immigration cases.
- **Domestic airport screenings:** When traveling, Sikh and Muslim passengers are often automatically subjected to secondary screening by Transportation Security Administration (TSA) because of their religious dress, including turbans and headscarves. While TSA policies do not

mandate extra screening for individuals of these faiths, many officers tell passengers that such searches are required and there is 100% screening rate of Sikh travelers in certain airports.

- **Border security screenings:** South Asian travelers entering the country from abroad have been targeted by Customs and Border Protection (CBP) for detailed interrogation on their political views and religious beliefs. Many have also had their laptops, phones, and papers searched and copied despite no evidence that they pose a threat.
- **Surveillance:** Law enforcement agencies, including the Federal Bureau of Investigation (FBI) have focused their surveillance and undercover operations on Arab, Muslim, and South Asian community members and places of worship. Policies and practices include infiltration of ethnic and religious communities through informants and agents provocateurs as well as laws expanding the ability to commence national security investigations with virtually no preliminary evidence required. In 2011, the Associated Press reported on the NYPD engaging in a mapping and monitoring project of Muslim communities in parts of the city.
- **State and local law enforcement of immigration laws:** State and local law enforcement agencies are increasingly being given authority to carry out federal immigration laws and turn over those suspected of being undocumented to immigration authorities. Programs such as 287(g) agreements between Immigration and Customs Enforcement (ICE) and state and local police, Secure Communities, and similar policies instituted by state and local policymakers, often result in profiling on the streets, in schools, and elsewhere in the community.

HOW DOES THE *ERPA* PROTECT THE RIGHTS OF SOUTH ASIANS AND OTHERS AFFECTED BY PROFILING?

If enacted into law, the *End Racial Profiling Act* will accomplish various goals, including:

- Prohibit profiling based on race, religion, ethnicity, or national origin by federal, state and local law enforcement (including searches in the transportation context and interviews at the border)
- Establish requirements for law enforcement to collect data, provide anti-profiling trainings, and develop a complaint mechanism for affected individuals
- Allow the Department of Justice to withhold grants to entities that fail to comply with the law and provide funding to these seeking to eliminate the practice
- Allow affected individuals to seek redress by being able to file a lawsuit

HOW CAN I SUPPORT THE PASSAGE OF *ERPA*?

SAALT strongly supports its passage and urges community members to take the following steps to help make this bill law:

- Send a message to your member of Congress asking them to co-sponsor the legislation through SAALT's Action Center at <http://www.saalt.org/pages/Take-Action-for-Policy-Change.html>.
- Been affected by profiling? Share your story with SAALT by emailing info@saalt.org
- Learn more about profiling by checking out SAALT's resources and links to ally organizations available at <http://www.saalt.org/pages/Racial-and-Religious-Profiling.html>.

South Asian Americans Leading Together (SAALT) is a national non-partisan non-profit organization whose mission is to elevate the voices and perspectives of South Asians to build a more just and inclusive society in the U.S. For more information about SAALT, visit www.saalt.org or email info@saalt.org.