

THE BREATHE ACT

SECTION 4:

**HOLDING OFFICIALS ACCOUNTABLE & ENHANCING
SELF-DETERMINATION OF BLACK COMMUNITIES**

M4BL

SECTION 4:

HOLDING OFFICIALS ACCOUNTABLE & ENHANCING SELF-DETERMINATION OF BLACK COMMUNITIES

Section 4 seeks to establish accountability: historical accountability for the U.S. legacy of racial exclusion and violence; political accountability through free and fair elections; and democratic accountability through measures that will enhance accountability for law enforcement.

HISTORICAL ACCOUNTABILITY THROUGH REPARATIONS

(Subsection 1)

The BREATHE Act would seek historical accountability for systemic racism using reparations and healing commissions.

- ❖ The BREATHE Act establishes **four commissions to study and establish reparations programs** for the following harms: slavery, the War on Drugs and mass criminalization, police violence, and immigration enforcement.

- ❖ The bill establishes an independent United States **Commission on Truth, Racial Healing, and Transformation**. The Commission is designed to assess and acknowledge the U.S. history of racial violence and exclusion; memorialize that history; and provide recommendations to move the U.S. toward:
 - Jettisoning the belief in a hierarchy of human value;
 - Embracing our common humanity; and
 - Permanently eliminating persistent racial inequities.



FULFILLING TREATY & TRUST COMMITMENTS (Subsection 2)

This Subsection is designed to protect Tribal sovereignty and fulfill the federal government's treaty and trust commitments to Indian Tribes.

- ❖ The BREATHE Act requires the federal government to secure **free, prior, informed consent** before the federal government makes any decision that would affect a Tribal community, their lands, resources, members, or religious practices.
- ❖ The bill establishes a process whereby Tribal Nations have a **right of first refusal** for the purchase of any public lands that are made for sale.
- ❖ This Subsection creates a **grant program for Missing and Murdered Indigenous Women** within the new federal Community Public Safety Agency. This grant would provide funding for Indigenous-led, community-based organizations to:
 - Research and gather data on missing and murdered Indigenous women and girls;
 - Provide safe shelter, counseling, and other non-carceral services and supports for impacted individuals and families; and
 - Administer transformative justice, healing justice, conflict resolution, and other traditional, non-carceral models of justice.

VOTING JUSTICE AND ELECTIONS ACCOUNTABILITY

(Subsection 3)



Voting is a fundamental right that has for too long been denied, suppressed, or otherwise made inaccessible to Black, Latinx, Indigenous, and other communities of color. The federal government must protect the constitutional right to vote and guarantee free, secure, and accessible elections.

- ◆ The BREATHE Act **creates uniform election standards** that all federal elections must follow. In turn, the federal government will cover the costs of all federal elections. These standards are designed to **protect the right to vote and increase democratic participation.** They include:
 - Enfranchisement of all formerly and currently incarcerated people;
 - Accessible, universal, and automatic voter registration processes, including same-day registration;
 - Unhindered access to vote-by-mail;
 - Extended early voting periods and adequate voting hours at polling locations;
 - Standards for optimal ballot design; and
 - A ban on automatic voter purges.



Under the Act, States and localities could gain full federal funding of all State and local election costs if those elections also adhere to the federal election uniform standards.

- ◆ The bill would establish a **federal public financing program for grassroots, small-dollar driven political campaigns**, with a 6-to-1 match for small donations.
- ◆ The bill **abolishes prison gerrymandering**.
- ◆ The bill requires **strong oversight of elections and robust data collection** to promote voter registration and turnout, as well as reduce barriers to voting.

DEMOCRATIC ACCOUNTABILITY (Subsection 4)

This Subsection is designed to promote law enforcement accountability, as well as prevent and address instances of police violence and misconduct.

- ❖ The BREATHE Act **abolishes qualified immunity for federal law enforcement** and **guarantees a private right of action** for recovering damages when a federal officer has violated a person's constitutional rights.
- ❖ The BREATHE Act requires the Attorney General to **collect comprehensive data and report annually on law enforcement misconduct.**
- ❖ The bill **establishes a competitive grant that will promote police accountability.** This competitive grant would award funding to States and localities if they make specified reforms, which include:
 - Dissolving police departments that have shown a pattern of misconduct;
 - Eliminating State statutes that protect officers from misconduct allegations and disciplinary proceedings; and
 - Abolishing State Law Enforcement Officer Bills of Rights.

In turn, grant funding may be used to:

- Pay reparations to individuals who were impacted by police brutality; and
- Invest in non-carceral, non-punitive public safety programs.