

December 1, 2022

U.S. Chamber of Commerce  
1615 H Street, NW  
Washington, DC 20062-2000

Longview Chamber of Commerce  
410 N Center St,  
Longview, TX 75601

American Bankers Association  
1333 New Hampshire Avenue NW  
Washington, DC 20036

Consumer Bankers Association  
1225 New York Avenue, NW  
Suite 1100  
Washington, DC 20005

Independent Bankers Association of Texas  
1700 Rio Grande Street  
Suite 100  
Austin, TX 78701

Texas Association of Business  
316 W 12th St #200  
Austin, TX 78701

Texas Bankers Association  
PO Box 162407  
Austin, TX 78716

Dear U.S. Chamber and Banking Associations,

The below list of consumer, civil rights, labor, faith-based, and community groups call on you to drop your lawsuit against Rohit Chopra and the Consumer Financial Protection Bureau (CFPB). The lawsuit focuses on the Bureau's warning that the federal prohibition on unfair practices covers discrimination, and that the Bureau will be using its examination authority to look for and address unlawful discrimination in financial services, including in areas outside of lending. The CFPB was well within its authority to take these actions. Discrimination is unfair and unlawful, and it should have no place in our financial system. This suit attacks the CFPB's ability to identify discriminatory practices and to provide consumers with much-needed protection against discrimination. The lawsuit goes against the promises that the plaintiffs and big banks across the nation made to commit themselves to racial equity. We call on you to match your words with action and drop the suit.

CFPB's efforts to combat discrimination in the financial system are desperately needed. Wall Street has benefited from racism throughout its history. Investors once generated wealth by selling "securitized slave bonds," and modern big banks including JP Morgan Chase and Bank of America have profited from ties to slavery.<sup>1</sup> The effects of this history continue today. Just this year the CFPB took action against Trident Mortgage company for redlining.<sup>2</sup> This type of discrimination in the financial system has contributed to the racial wealth gap, which between Black and white families has hardly changed over the past 20 years and between Latinx and white families has improved only slightly and remains large.<sup>3</sup> Racial discrimination in the financial system also makes Black and Latinx families significantly more likely than white families to be unbanked or underbanked.<sup>4</sup> Lack of access to financial services impedes economic mobility, leaves families with fewer choices of housing and employment and often forces people to turn to predatory lenders in times of emergency. All of these things then in turn worsen the racial wealth gap. If the plaintiffs stand against efforts to detect and combat discrimination in the financial system, they stand for the persistence of this systemic racism.

Nearly all of the plaintiffs have made public statements against racism in the last two years. In direct response to the murders of George Floyd and Breonna Taylor, the American Bankers Association wrote: "Unacceptable racial disparities in health, wealth, income, education and other measures of opportunity continue to grow... We cannot look away from these facts, we cannot declare them someone else's problem, we cannot fail to engage. We must be part of the solution."<sup>5</sup> Yet the lawsuit attempts to force the CFPB to look away. In the wake of John Lewis's passing The U.S. Chamber of Commerce wrote: "Rep. Lewis devoted his life to ending systemic inequalities and we must do our part to address these issues."<sup>6</sup> Longview Chamber<sup>7</sup> and Consumer Bankers Association<sup>8</sup> have made similar public statements opposing discrimination. We call on you to show that your words are not empty.

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<sup>1</sup> *Is Our Economy Fair?* Take On Wall Street. (2021, April 9). Retrieved November 2, 2022, from <https://isoureconomyfair.org/>

<sup>2</sup> *CFPB, DOJ order Trident Mortgage Company to pay more than \$22 million for deliberate discrimination against minority families.* Consumer Financial Protection Bureau. (2022, July 27). Retrieved November 2, 2022, from <https://www.consumerfinance.gov/about-us/newsroom/cfpb-doj-order-trident-mortgage-company-to-pay-more-than-22-million-for-deliberate-discrimination-against-minority-families/>

<sup>3</sup> *Racial differences in economic security: The Racial Wealth Gap.* U.S. Department of the Treasury. (2022, September 15). Retrieved November 2, 2022, from <https://home.treasury.gov/news/featured-stories/racial-differences-economic-security-racial-wealth-gap>

<sup>4</sup> *2021 FDIC National Survey of unbanked and underbanked households.* FDIC. (n.d.). Retrieved November 2, 2022, from <https://www.fdic.gov/analysis/household-survey/index.html>

<sup>5</sup> *A message from Laurie Stewart & Rob Nichols: Call for change.* ABA. (n.d.). Retrieved November 2, 2022, from <https://www.aba.com/training-events/career-workforce-development/diversity-equity-inclusion/call-for-change>

<sup>6</sup> Staff, U. S. C. (2021, October 21). *U.S. Chamber of Commerce Statement on the passing of rep. John Lewis.* U.S. Chamber of Commerce. Retrieved November 2, 2022, from <https://www.uschamber.com/about/us-chamber-of-commerce-statement-the-passing-of-rep-john-lewis>

<sup>7</sup> East Texas Review. (2020, June 12). *The Longview Chamber partners with the U.S. Chamber to launch a national initiative on Inequality of Opportunity.* East Texas Review. Retrieved November 2, 2022, from <https://easttexasreview.com/the-longview-chamber-partners-with-the-u-s-chamber-to-launch-a-national-initiative-on-inequality-of-opportunity/>

<sup>8</sup> *CBA, leading financial groups pursue legal action against CFPB for unlawful changes to UDAAP exam manual.* Consumer Bankers Association. (2022, September 28). Retrieved November 2, 2022, from <https://www.consumerbankers.com/cba-media-center/media-releases/cba-leading-financial-groups-pursue-legal-action-against-cfpb>

Furthermore, the legal argument that discrimination is not unfair is simply wrong. An “unfair” practice is defined by both FTC and Dodd Frank statute as something “(1) likely to cause substantial injury to consumers; (2) which is not reasonably avoidable; and (3) that is not outweighed by countervailing benefits to consumers or competition.” Discrimination fits within each of these three prongs of unfairness, and we challenge you to say otherwise. The term “unfair” has been used to describe discrimination based on protected classes for decades.<sup>9</sup> In plain language, discrimination is unfair and unlawful.

This lawsuit is a wrongful impediment to progress against racism in the financial system. This lawsuit opposes the same values that nearly all of the plaintiffs have proudly asserted they hold over the last two years. We desperately need the CFPB to look for discrimination in financial services wherever it occurs, and to protect consumers against discrimination and it is well within their authority to do so. We call on you to drop this case.

Sincerely,

Americans for Financial Reform Education Fund  
Accountable.US  
AKPIRG  
Alliance for Justice  
Association for Neighborhood and Housing Development (ANHD)  
California Reinvestment Coalition  
Center for Digital Democracy  
Center for Economic Integrity  
Coalition on Human Needs  
Connecticut Legal Services, Inc.  
Consumer Action  
Consumer Federation of America  
Consumers for Auto Reliability and Safety  
Center for LGBTQ Economic Advancement & Research (CLEAR)  
Consumer Reports  
Delaware Community Reinvestment Action Council, Inc.  
Demand Progress Education Fund  
Empire Justice Center  
Fair Housing Center of Central Indiana, Inc.  
Fight Corporate Monopolies  
Global Capital Funding Group, LLC  
Housing Action Illinois  
HPP CARES CDE  
Indiana Community Action Poverty Institute  
Integrated Community Solutions, Inc

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<sup>9</sup> *Discrimination is unfair - student borrower protection center*. (n.d.). Retrieved November 2, 2022, from [https://protectborrowers.org/wp-content/uploads/2021/04/Discrimination\\_is\\_Unfair.pdf](https://protectborrowers.org/wp-content/uploads/2021/04/Discrimination_is_Unfair.pdf)

Legal Services NYC  
Maryland Consumer Rights Coalition  
Metropolitan Interfaith Council on Affordable Housing  
Montana Fair Housing  
Mountain State Justice, Inc.  
Multicultural Real Estate Alliance  
National Association of Consumer Advocates  
National Coalition for Asian Pacific American Community Development (National CAPACD)  
National Community Reinvestment Coalition  
National Consumer Law Center (on behalf of its low income clients)  
National Housing Resource Center  
New Jersey Citizen Action  
Our Spring Lake Store, LLC  
Pennsylvania Council of Churches  
Prosperity Now  
Public Justice  
Public Justice Center  
Revolving Door Project  
South Carolina Appleseed Legal Justice Center  
Student Borrower Protection Center  
Texas Appleseed  
The Greenlining Institute  
THE ONE LESS FOUNDATION  
Tzedek DC  
VOICE (Voices Organized in Civic Engagement)  
Virginia Organizing  
Virginia Poverty Law Center  
Woodstock Institute