



June 20, 2013

**Support Cardin Amendments #1266 and 1267 to S. 744
Prohibit Profiling and Discrimination**

Dear Senator:

On behalf of the 75 undersigned civil rights, faith-based, immigration, human rights, and criminal justice advocacy organizations, we urge you to support a strong prohibition against racial profiling in S. 744, the “Border Security, Economic Opportunity, and Immigration Modernization Act.” We urge your support for Senator Ben Cardin’s Amendments #1266 and 1267. Cardin Amendment #1266 would modify the Department of Homeland Security’s (DHS) authority to conduct additional security screening of individuals from certain countries or regions. Cardin Amendment #1267 would broaden the protected categories covered from profiling and remove exemptions that make the current provision ineffective.

When drafting S. 744, the “Gang of Eight” recognized the need to address racial profiling in immigration reform by including a provision that bans some limited forms of racial profiling. Cardin Amendment #1267 would remove sweeping exemptions that would allow for profiling under the guise of border protection or national security and would include religion and national origin among the categories protected from profiling. Cardin Amendment #1267 recognizes that law enforcement is critical to protecting our country from both foreign and domestic threats and nothing in the amendment is intended to impede their ability to do so.

Cardin Amendment #1266 would modify the DHS’s authority to conduct additional screening of individuals who are or were citizens or long-term residents of certain countries or regions that have posed national security concerns. Unfortunately, during the markup of S. 744, the Judiciary Committee adopted Graham Amendment #3, requiring individuals from certain countries or regions that have been deemed to pose a national security threat to undergo additional screenings. The screening required by Graham Amendment #3 casts sweeping suspicion on individuals based solely on their country or region of origin. This method of screening systemizes profiling and poses a serious threat to the civil and human rights of many of the people that S. 744 attempts to help. The Graham Amendment #3 screening is unnecessary and inefficient since the legalization process established in the bill already includes wholly adequate security screening requirements, including the collection of biometric data and national security and law enforcement background checks. In the past, similar provisions based on unspecified national security concerns have resulted in the broad targeting of members of the Arab, Muslim, Middle Eastern, South Asian, and Sikh communities.



Cardin Amendment #1266 would mitigate the Graham Amendment #3 screening requirements adopted in Committee by requiring DHS to make an intelligence-based assessment about an individual before subjecting the individual to additional screenings. Amendment #1266 would also protect national security by not diverting DHS resources to unnecessary security screenings and away from actual threats.

Congress should not sanction any form of racial profiling; it is a pervasive and harmful practice that negatively impacts individuals and communities and undermines our American values. We urge you to support Cardin Amendments #1266 and 1267. Should you have any questions, please contact Lexer Quamie at quamie@civilrights.org or Sameera Hafiz at shafiz@rightsworkinggroup.org. Thanks for your consideration of this very important issue.

Sincerely,

National Organizations

American Civil Liberties Union (ACLU)
American-Arab Anti-Discrimination Committee (ADC)
Arab American Institute
Asian American Justice Center, member of Asian American Center for Advancing Justice
Black Alliance for Just Immigration
Blacks in Law Enforcement of America
Breakthrough
Center for NuLeadership on Urban Solutions
Community Action Partnership
Council on American-Islamic Relations (CAIR)
Detention Watch Network
The Episcopal Network For Economic Justice
Evangelical Lutheran Church in America
Gamaliel
Interfaith Alliance
International Center for Advocates Against Discrimination (ICAAD)
Laborers' International Union of North America (LIUNA)
LatinoJustice (PRLDEF)
The Leadership Conference on Civil and Human Rights
Lutheran Immigration and Refugee Service
Mayflower United Church of Christ, Isaiah Core Team, a PICO Member
Muslim Advocates
Muslim Legal Fund of America (MLFA)
Muslim Public Affairs Council

NAACP

NAFSA: Association of International Educators

National African American Drug Policy Coalition Inc.

National Asian Pacific American Bar Association (NAPABA)

National Asian Pacific American Women's Forum (NAPAWF)

National Center for Transgender Equality

National Council of Jewish Women

National Federation of Filipino American Associations (NaFFAA)

National Gay and Lesbian Task Force Action Fund

National Immigrant Justice Center

National Immigration Law Center

National Network for Arab American Communities (NNAAC)

Open Society Policy Center

Rights Working Group

SAALT

Sikh American Legal Defense and Education Fund (SALDEF)

The Sikh Coalition

South Asian Americans Leading Together (SAALT)

Student Action with Farmworkers

Transgender Law Center

T'ruah: The Rabbinic Call for Human Rights

Union for Reform Judaism

Unitarian Universalist Association

Unitarian Universalist Service Committee

United Automobile, Aerospace and Agricultural Implement Workers of America (UAW)

State/Local Organizations

Amal Law Group, LLC

CASA de Maryland

Cobb Immigrant Alliance

Colorado Progressive Coalition

Community to Community

Coney Island Avenue Project

CORES, INC.

Daya Inc.

Georgia Rural Urban Summit

Gulf Coast Center for Law & Policy

Houston United/Unido

Human Rights Center of Chapel Hill & Carrboro

Illinois Coalition for Immigrant and Refugee Rights

Interfaith Coalition on Immigration (ICOM, MN)
Islamic Circle of North America Chicago
Islamic Foundation North
Jewish Community Action
Lulac-Syracuse chapter
Massachusetts Immigrant and Refugee Advocacy Coalition
Muslim Bar Association of New York (MuBANY)
New York Immigration Coalition
OneAmerica
SEIU Healthcare 775NW
South Asian Network
South Asian American Policy & Research Institute (SAAPRI)
Washington Defender Association's Immigration Project
Washington DREAM Act Coalition
Washington New Sanctuary Movement