



# Friends Committee on National Legislation

A Quaker Lobby in the Public Interest

January 10, 2017

Senator Ron Johnson  
Senate Homeland Security and Governmental Affairs  
Committee  
340 Dirksen Senate Office Building  
Washington, DC 20510

Senator Claire McCaskill  
Senate Homeland Security and Governmental Affairs  
Committee  
340 Hart Senate Office Building  
Washington, DC 20510

Dear Chairman Johnson and Ranking Member McCaskill,

I am writing to you on behalf of the Friends Committee on National Legislation, a 74-year-old nonpartisan Quaker lobby in the public interest, committed to policies that cultivate peace and justice throughout our nation and the world. To assist you and your staff in preparing for the confirmation hearing for the nomination of the Secretary of the Department of Homeland Security, we have outlined specific areas we hope you will explore when assessing how General Kelly might carry out this responsibility.

## **Racial and religious profiling**

As a faith community, we are very concerned about policy proposals advocated for by President-elect Donald Trump and his advisers that would discriminate against individuals on the basis of their religious identity or country of origin. President-elect Trump has advocated for profiling American Muslims and Muslim communities. Subjecting a targeted segment of our population to surveillance or registration based solely on their religious background is a clear violation of the U.S. Constitution and is contrary to our values of non-discrimination and religious freedom. Generalizations about diverse groups of people fuel fear, discrimination, and hatred; support the notion that an entire people or culture should be held liable for individuals' crimes; and go against American values.

In 2011, the Department of Homeland Security suspended the National Security Entry-Exit Registration System (NSEERS), which was the government's preventive immigration measure that targeted citizens of principally Arab and Muslim-majority nations. NSEERS singled out immigrant men and boys from designated countries for extraordinary registration requirements with DHS, ranging from an extra half-hour of screening on arrival, through tracking of whereabouts while in the United States, to limitations on points of departure. Repeatedly condemned by the United Nations' Committee on the Elimination of Racial Discrimination, NSEERS mandated ethnic profiling on a scale not seen in the United States since Japanese-American internment during World War II and the "Operation Wetback" deportations to Mexico of 1954.<sup>1</sup> NSEERS proved completely ineffective as a counterterrorism tool while failing to give proper notice to many of its targets and often violating their right to counsel. Will the incoming Secretary of Homeland Security reject the implementation of counterterrorism measures that will target individuals on the basis of their national origin or religion?

---

<sup>1</sup> [https://www.aclu.org/news/un-human-rights-body-issues-decisive-observations-racial-discrimination-us?redirect=human-rights\\_racial-justice/un-human-rights-body-issues-decisive-observations-racial-discrimination-](https://www.aclu.org/news/un-human-rights-body-issues-decisive-observations-racial-discrimination-us?redirect=human-rights_racial-justice/un-human-rights-body-issues-decisive-observations-racial-discrimination-)

## **Refugee resettlement**

We are in the midst of the worst humanitarian crisis since World War II, with more than 65 million people displaced globally, including more than 21 million refugees. As a global leader, the United States leverages resettlement for international diplomacy, to encourage other countries to welcome refugees, and to further our national security interests. Refugees are subjected to the most rigorous and detailed security screenings of any category of person -- immigrant or visitor -- to enter the United States, in a process that on average takes 18-24 months and involves over a dozen national security, law enforcement, and intelligence agencies. The vetting and security process for refugees has been reviewed, continuously improved (including as new technologies have come available) and reaffirmed under both the Obama and Bush administrations. Will the next Secretary of Homeland Security ensure the U.S. continues to welcome those most vulnerable, without regard to their religion or national origin?

## **Humanitarian responses to migration**

It is imperative that the incoming Secretary of DHS commit to promoting human rights obligations, upholding the right to seek asylum, and safeguarding refugees. While it is an asset that General Kelly – having run the U.S. Southern Command – is familiar with the country conditions in Central America, we hope General Kelly will purposefully steer away from an increasingly militarized approach to how the U.S. encounters migration. The humanitarian crisis at the U.S. southern border is precipitated by particularly harrowing circumstances faced by everyday citizens in Honduras, El Salvador, and Guatemala. The U.S. should cease funding and incentivizing governments to deter migration by building up border enforcement and instead focus on helping these countries strengthen civil society and protection programs.

We urge senators to explore with General Kelly how he will oversee the role of the Border Patrol as two-fold; carrying out the role of protecting national security, while also guaranteeing that our international and moral obligation to provide safe-haven for individuals seeking asylum and other vulnerable populations is met.

President-elect Trump has advocated building a 2,000-mile wall along the southern border to halt any undocumented immigration. However, expanding the southern border wall has been widely identified as a waste of taxpayer money, as this approach to border enforcement has never been effective in curtailing undocumented immigration. We encourage senators to ask General Kelly what he sees as the most effective use of government resources – outside of enforcement – to put in place smarter, more effective policies that honor our legacy as a nation of immigrants.

## **DHS enforcement accountability to communities**

The number of Border Patrol agents deployed in border communities has doubled in just over 10 years. However, oversight mechanisms did not grow commensurate to this expansion and the agency has been plagued by reports of corruption and integrity challenges, leaving many border community members feeling distrustful and frustrated by the lack of accountability and transparency for enforcement. General Kelly should be ready to implement a standard, accessible, and responsive complaint process for border communities, and outline his plans to bring more transparency, accountability, and oversight to CBP, and DHS at large.

There are patterns of abuse within Border Patrol, as extensively reported in the 2014 *Politico* article “The Green Monster”.<sup>2</sup> It is crucial that DHS build on the improvements that have been made and dedicate

---

<sup>2</sup> <http://www.politico.com/magazine/story/2014/10/border-patrol-the-green-monster-112220>

resources for adequate training and continuing education for Border Patrol and other enforcement personnel, with a focus on non-lethal enforcement and protection of civil rights. The Border Patrol recently updated its use-of-force policy, but has yet to fully implement recommendations that would bring it into line with law enforcement best practices. The nominee for DHS Secretary should commit to adopting and implementing these recommendations made by law enforcement experts.

Pursuant to current ICE and CBP “sensitive locations” guidance, ICE and CBP are instructed to avoid enforcement actions at sensitive locations, such as schools, courthouses, places of worship, and healthcare facilities. The incoming DHS Secretary should commit to ensuring that sensitive locations, such as schools and places of worship are truly protected and hold accountable anyone who violates this policy.

Policies that strengthen relationships between local law enforcement and the community are essential for public safety. Separating local policing from immigration enforcement promotes the safety of the whole community. Immigrants, family members of immigrants, and individuals perceived to be immigrants should neither feel vulnerable, nor fear retribution or deportation if they report being victim or witness to a crime. Requiring policies that use local police to carry out federal immigration enforcement has not increased public safety, and we urge senators to explore with General Kelly how he plans to respect the right for local law enforcement to limit interaction with federal immigration authorities.

#### **Detention oversight and reduction**

General Kelly served on the Homeland Security Advisory Committee (HSAC) that developed a report on the use of immigration detention. We urge General Kelly to implement the committee recommendations on increased oversight of federal immigration facilities and county jails. Additionally, a majority of the full Council recommended that DHS should make a concerted effort to move away from contracting with private prisons. Three-fourths of immigration detention is currently run by the private prison industry. We encourage senators to ask General Kelly how he plans to implement the full HSAC recommendation.

Thank you for your attention to this letter.

Sincerely,



Diane Randall  
Executive Secretary