

November 19, 2014

The Honorable Carl Levin
Chairman, Senate Armed Services Committee
228 Russell Senate Building
Washington, DC 20510

The Honorable Howard "Buck" McKeon
Chairman, House Armed Services Committee
2120 Rayburn House Office Building
Washington, DC 20515

The Honorable James Inhofe
Ranking Member, Senate Armed Services Committee
228 Russell Senate Building
Washington, DC 20515

The Honorable Adam Smith
Ranking Member, House Armed Services Committee
2120 Rayburn House Office Building
Washington, DC 20515

RE: Department of Defense 1033 program; H. R. 4435 - FY15 National Defense Authorization Act

Dear Chairman Levin, Chairman McKeon, Ranking Member Inhofe, and Ranking Member Smith:

We, the undersigned national and local criminal justice, civil rights, human rights, individual liberty, faith-based, and immigrants' rights organizations, have long opposed the militarization of state and local law enforcement in all its forms, including programs such as the Department of Defense (DOD) 1033 program. We are writing to oppose expansion of the 1033 program through the FY15 National Defense Authorization Act (NDAA). Section 1072 of H.R. 4435, the House-passed NDAA, expands the 1033 program to include a preference for "border security activities." We also oppose Section 1085 of H.R. 4435, which reiterates that expansion with a 1033 program preference for agencies "that plan to use such eligible equipment primarily for the purpose of strengthening border security along the international border between the United States and Mexico." For the reasons set forth below, we urge you to remove these provisions from the NDAA now under consideration in the Senate and use the bill instead as a vehicle to impose a moratorium on the 1033 program.

Given the Administration's current review of the 1033 program and other federal resources that provide state and local law enforcement with military weapons and equipment, expansion of the 1033 program is especially inappropriate at this time. Present concerns with militarized policing at the state and local levels suggest the need for limiting the 1033 program, rather than expanding it. In fact, the 1033 program currently provides preferences for "counter-drug and counter-terrorism activities," which should be eliminated since these preferences have instigated militarized policing for low-level drug offenses and activity unrelated to terrorism.

Recent events in Ferguson, Missouri, have brought national attention to the issue of militarized policing. Communities across the country, as well as law enforcement leaders, have voiced their concerns. Former Seattle Police Chief Norm Stamper recently wrote in Roll Call that “[a] militarized police force operates as if the community it serves is the enemy, breeding fear and mistrust of the police.” Law enforcement militarization is not a new phenomenon, however; for decades militarized SWAT teams have been used to serve search warrants in drug investigations. And in border communities, militarized law enforcement has been a constant and abusive presence for years.

But as incidents in Ferguson allow us to take stock of increased militarized policing, and the 1033 program in particular, Congress has an opportunity to be deliberate in the reforms we would like to see implemented. Therefore, we oppose current efforts to expand the 1033 program through NDAA and request that a moratorium be placed on the 1033 program as the Administration conducts its review. We urge the Senate bill be adjusted accordingly and we urge leaders of the House to consent to those changes.

We look forward to working with you. Please contact Kanya Bennett, ACLU Legislative Counsel, by phone: (202) 715-0808 or email: kbennett@aclu.org, or Chris Rickerd, ACLU Policy Counsel, by phone: (202) 675-2339 or email: crickerd@aclu.org, with any questions or comments about our request.

Sincerely,

Alliance San Diego
American Civil Liberties Union
Americans for Immigrant Justice
Campaign for Liberty
Church of the Brethren, Office of Public Witness
Church of Scientology National Affairs
Esperanza Immigrant Rights Project
Friends Committee on National Legislation
Illinois Coalition for Immigrant and Refugee Rights
The Leadership Conference on Civil and Human Rights
National Center for Transgender Equality
National Council of Churches, USA
New York State Council of Churches
Ohio Council of Churches
Pax Christi USA
Southern Border Communities Coalition
StoptheDrugWar.org

cc: The Honorable Harry Reid, Majority Leader of the U.S. Senate
The Honorable Mitch McConnell, Minority Leader of the U.S. Senate
The Honorable John Boehner, Speaker of the U.S. House of Representatives
The Honorable Nancy Pelosi, Minority Leader of the U.S. House of Representatives