



**RE: ACLU Recommends Voting YES on Ellison Amend. to HR 5855**

June 7, 2012

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Dear Representative,

On behalf of the American Civil Liberties Union, please see the below alert strongly urging you to vote YES on today's anticipated consideration of Rep. Keith Ellison's (D-MN-5) amendment to H.R. 5855, the Department of Homeland Security Appropriations Act, 2013. A recorded vote on this amendment is anticipated on the House floor tonight or tomorrow morning.

Please call Legislative Counsel Devon Chaffee with any questions at (202) 675-2331.

Regards,

Laura W. Murphy  
Director, Washington Legislative Office

Devon Chaffee  
Legislative Counsel

**ACLU Urges YES Vote on Representative Ellison's Amendment to H.R. 5855, the Department of Homeland Security Appropriations Act, 2013**

Rep. Rep. Keith Ellison (D-MN-5) is expected to introduce an amendment to H.R. 5855, the Department of Homeland Security Appropriations Act, 2013 to block the use of Homeland Security funds for programs or activities that involve discriminatory racial, ethnic, or religious profiling in violation of the Constitution or federal statutes.

The American Civil Liberties Union urges you to vote YES on the Ellison amendment.

**Vote YES on the Ellison amendment because federal funds should not support practices that violate the U.S. Constitution.** Racial profiling betrays the fundamental American promise of equal protection under the law and infringes on the Fourth Amendment guarantee that all people be free from unreasonable searches and seizures. Such discriminatory law enforcement practices have no place in American life and should not be supported by federal funds. It is particularly important to pass this amendment to DHS's budget, as DHS last year funded racial profiling of Latinos by Maricopa County, Arizona, Sheriff Joe Arpaio's department, described by a Department of Justice expert as having engaged in "the most egregious racial profiling in the United States that he has ever personally seen."

**Vote YES on the Ellison amendment because federal funds should not be wasted on enforcement practices that make us less safe.** Racial profiling targets individuals not because of evidence of illegal activity but because of the individuals' perceived race, ethnicity, nationality, or religion. It diverts limited law enforcement resources away from proven more effective strategies. Racial profiling also causes resentment in targeted communities and makes people in those communities less likely to cooperate with enforcement agencies, including by calling law enforcement when they are the victims of or witnesses to crime, or in emergencies. Creating a climate of fear compromises public safety for all Americans.

**Vote YES on the Ellison amendment because there is bipartisan opposition to racial profiling.** In February 2001, President George W. Bush said of racial profiling: "It's wrong, and we will end it in America. In so doing, we will not hinder the work of our nation's brave police officers. But by stopping the abuses of a few, we will add to the public confidence our police officers earn and deserve." In 2003, DOJ, under Attorney General John Ashcroft, issued guidance prohibiting race from being used "to any degree" in law enforcement investigations (unless describing a specific suspect). Likewise, in July 2009, President Barack Obama said, "There's a long history in this country of African-Americans and Latinos being stopped by law enforcement disproportionately... [T]he more that we're working with local law enforcement to improve policing techniques so that we're eliminating potential bias, the safer everybody is going to be."

**Vote YES on the Ellison amendment because racial profiling harms innocent victims.** Racial profiling incites feelings of helplessness, frustration, anxiety and anger for victims of the practice. Racial profiling affects the lives of responsible, productive citizens as they dine, drive, shop, or worship. Victims include not just those who are wrongly detained, but those who fear being wrongly detained and restrict their activities as a consequence of that fear. Congress should not allow federal funds to support such victimization.

For more information, please contact Devon Chaffee, ACLU Legislative Counsel, at 202/675-2331 or [dchaffee@dcaclu.org](mailto:dchaffee@dcaclu.org).