



ACLU Vote Recommendation on Senate Passage of the Border Security, Economic Opportunity, and Immigration Modernization Act (S.744)

Status: This vote is anticipated to take place on Thursday, June 27, 2013.

Vote Recommendation: The ACLU recommends a “Yes” vote on the Senate passage of S.744. However, the ACLU finds the border militarization provisions of the Act to be wasteful, excessive, and abhorrent, and remains committed to working to remove these provisions before the bill reaches the President.

Background:

- **Though far from perfect, the core provisions of S.744 will advance the civil rights and civil liberties of millions of aspiring American citizens.**
 - S.744’s road to citizenship is fair, which will allow millions of aspiring American family members and neighbors to come out of the shadows.
 - S.744 contains a robust version of the DREAM Act, which will legalize young people brought up in the United States.
 - S.744 significantly improves legal protections in the deeply flawed immigration jail and deportation system.
 - S.744 creates improved oversight and accountability mechanisms for DHS agencies, including over immigration jails, which continue to be sites of egregious basic rights violations.

- **However, the border militarization provisions in S.744 will be devastating for communities in southern California, Arizona, New Mexico, and Texas. The border militarization provisions guarantee civil liberties violations, intrusive surveillance, and corruption on a massive scale. The ACLU is committed to pursuing every available avenue to remove wasteful border militarization provisions of the Corker-Hoeven amendment, from any legislation before it heads to President Obama’s desk.**
 - S.744 does not reflect our security needs. There is ample evidence that the southwest border is more secure than it has ever been. Border apprehensions are at a nadir, approaching levels not seen for forty years, and net migration from Mexico is at zero.
 - The “border surge” amendments to S.744, spearheaded by Sens. Corker (R-Tenn.) and Hoeven (R-N.D.), would waste \$46 billion on an illusory border security problem, militarizing some of the safest communities in America. For example, under these provisions, our country would double the number of border patrol agents to about 20

agents per mile on the Southwest border- or about one agent for every length of a football field.

- The border surge will inevitably exacerbate civil liberties violations characteristic of Customs and Border Protection (CBP) operations, including racial profiling and excessive uses of force, sometimes resulting in civilian deaths.
 - Drones and other surveillance equipment would extend 100 miles in from the southwest border, exposing American lands and dwellings without the legal protections guaranteed to the rest of the country.
- **The ACLU remains concerned about the inclusion of a mandatory employment verification system.**
 - Under the best case scenario, this system will result in hundreds of thousands of workers being forced to visit government offices before they can get approval to work while doing little to stop the unscrupulous employers who currently hire workers under the table.
 - While the bill contains improved due process and privacy protections, it also takes significant steps toward a “cardless” national ID system which could be used to track and limit Americans’ movements and activities.

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