



WASHINGTON LEGISLATIVE OFFICE
Caroline Fredrickson
Director

915 15th Street, NW Washington, D.C. 20005

(202) 544-1681 Fax (202) 546-0738

September 30, 2008

The Honorable Robert C. Scott
Chair, Subcommittee on Crime, Terrorism and Homeland Security
Judiciary Committee
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Scott:

On behalf of the American Civil Liberties Union (ACLU), a non-partisan organization with hundreds of thousands of activists and members and 54 affiliates nationwide, we want to thank you for recently introducing the Fairness and Accuracy in Employment Background Checks Act of 2008 (H.R. 7033). As you know, the accuracy and completeness of federal records have significant implications for our criminal justice system, as well as for civil liberties.

The ACLU has repeatedly expressed concerns about the expansive use of criminal background checks as a condition of employment. Current systemic and statutory inadequacies have resulted in the inclusion of innocent citizens and arrestees never convicted of a criminal offense in criminal databases and have turned the principle of “innocent until proven guilty” on its head.

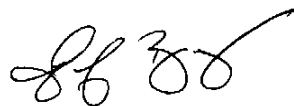
In recent years, Congress has considered a number of bills requiring employers to screen employees for criminal records in some jobs. Because of the sensitive nature and frequent errors in criminal history files, we have opposed many of these initiatives in the absence of due process protections for the subjects of criminal background checks, including the right to review, challenge the accuracy of, and supplement or correct the resulting report. Additionally, because one of the purposes of the criminal justice system is to encourage the transformation of criminals, especially those who commit offenses when they are young, we have favored requiring a nexus between specific jobs and the types of criminal offenses that might act as a bar to employment or licensing.

By imposing additional safeguards to ensure the accuracy and completeness of federal records, the Fairness and Accuracy in Employment Background Checks Act of 2008 would serve as a critical first step in ensuring that background checks are used appropriately. Again, we commend you for your leadership in introducing this important legislation and look forward to working with you and the members of the House Judiciary Subcommittee on Crime to secure its passage.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Fredrickson', with a long horizontal flourish extending to the right.

Caroline Fredrickson
Director, Washington Legislative Office

A handwritten signature in black ink, appearing to read 'J. Bellamy', with a long horizontal flourish extending to the right.

Jennifer Bellamy
Legislative Counsel

cc: House Judiciary Subcommittee on Crime, Terrorism and Homeland Security