



Joint ACLU-Cuban American National Foundation Letter

Wednesday, October 20, 2004

Dear Conferee:

Although our two organizations agree on little, we are writing to you today to express our very strong reservations about the intelligence reform legislation recently passed by the United States House of Representatives. Specifically, we write today about the anti-immigration provisions of the legislation, which were not included in the recommendations issued by the 9/11 Commission.

We believe that the legislation proposed represents the worst attack on immigrants in almost a decade. Although the 9/11 Commission did not say the government needed to tighten immigration laws, the House legislation would expand the government's ability to deport more people without a hearing. It would allow the government to seize people who may have entered the United States outside the system in the last five years and throw them into a so-called expedited deportation process without the right to a lawyer or to at least make their case in court.

In other words, the government would -- with no check or balance on its powers -- be allowed to decide whether an individual is allowed to stay or be sent to another country, even ones like Cuba, Libya, North Korea or Iran, as long as those governments promise not to engage in torture. And if for some reason, the government cannot deport an individual, the legislation would allow the government to put them in jail for the rest of their life without any ability to go to court to appeal their imprisonment.

The House legislation would remove protections for asylum seekers who have real fear of persecution and torture if repatriated. While both of our organizations understand the concerns of a post-September 11 world, we are extremely apprehensive of legislation that would affect those who flee torture and tyranny in search of freedom. This legislation -- currently pending before a congressional conference committee -- would undermine the due process rights of potential asylum seekers and run contrary to our country's moral imperative of aiding those who flee totalitarianism and seek safe harbor in this country.

We are also opposed to the language in the House legislation that would eliminate protection under the Convention Against Torture for anyone ineligible for withholding of removal based on criminal convictions or other disqualifying grounds. This provision would allow for the indefinite detention of Cubans and other nationals who fall under this category.

In addition, the legislation, as currently written in the House version, would even make it more difficult for immigrants present lawfully to obtain the identification papers necessary to prove that they are here lawfully by forbidding any state to accept most documents issued by a foreign government as proof of identity. As a result, some lawfully present non-citizens and new Americans may be unable to obtain the documents needed to find employment, rent a house, drive a car or otherwise go about their daily lives.

The bill proposed would divert resources from fighting terrorism to wage war against people whose only crime is seeking a better life in America. The new tools proposed in the House bill could create a dictatorial nightmare where people caught in immigration sweeps could be summarily detained or deported with no access to lawyers or courts.

We urge you and President Bush to use your power to stop this potential nightmare from becoming a reality for tens of thousands of our neighbors, colleagues and friends.

Sincerely,

Laura W. Murphy
Director, Washington Legislative Office
American Civil Liberties Union

Jorge Mas
Chairman
Cuban American National Foundation