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Public Advocacy Center, Room 223

Touro Law Center

225 Eastview Drive, Central Islip NY 11722

631 650 2310

www.saltlaw.org

July 21, 2009

Attorney General Eric Holder
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Secretary Janet Napolitano
Department of Homeland Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Attorney General Holder and Secretary Napolitano:

We are writing to you on behalf of the Society of American Law Teachers (SALT), an organization of progressive legal educators who have worked for more than 35 years to create diversity in the legal academy and the profession, to incorporate issues of social justice in the law school curriculum, and extend the power of law to under-served communities.

We applaud the latest decisions made under your direction at the Justice Department and Department of Homeland Security to reform and revise 287(g) of the Immigration and Nationality Act, and to begin allowing victims of severe domestic and sexual abuse to seek asylum. Many of the immigration policies developed and implemented during the Bush administration did much to erode the rule of law and to increase fear among already vulnerable groups such as undocumented workers and victims of crime. We understand that the process of reviewing and reforming immigration practices takes time. To assist with this administrative review, on June 17, 2009, SALT sent recommendations to the President and to you to immediately revise nine categories of immigration policy through executive orders and administrative directives while Congress undertakes comprehensive immigration reform. We hope that these two decisions on 287(g) and asylum for victims of sexual abuse are only the beginning of further immigration policy reforms.

We urge the Administration to release the full details of the revised 287(g) program, as requested by the American Civil Liberties Union, and to formalize the guidelines for granting asylum to victims of domestic abuse. We also urge you to continue this comprehensive review of the administration of immigration law. The new Memorandum of Agreement that amended the federal 287(g) program appears to contain many encouraging revisions that serve to prevent the most common abuses of power that have pervaded the system while adding significant procedural protections. The three-tier priority system and the stated purpose of the revised 287(g) program to redirect local law enforcement of immigration laws to the apprehension of individuals who have been convicted of serious crimes and who are a threat to the community are examples of important steps in the right direction.

Requiring local law enforcement agencies to provide ICE with operating plans *prior* to executing arrests is also a significant improvement. We hope these changes will serve to eliminate many of the more problematic aspects associated with enforcement of immigration laws including pretextual arrests, privacy violations, and unjust deportations.

Although we are optimistic about the impact these changes will have, we encourage the Administration to fund and supervise adequate training of local law enforcement; provide and maintain federal oversight for the eleven new affiliates of the program; and create the mechanisms needed to ensure that local agencies comply with the new initiatives. We are reticent, however, about supporting the enrollment of additional local law enforcement units before the public release of the new 287(g) protocols and an opportunity to see if these will indeed end the kinds of activities made notorious by Sheriff Joe Arpaio's department. The Administration also must send a strong signal that it will insist on legitimate and humane immigration enforcement. We also urge the Administration to suspend immediately the participation in the 287(g) program of local law enforcement departments with a known record of civil rights abuses, including Sheriff Arpaio's department.

The recent decision affording asylum in the United States to victims of domestic violence in their homeland is one that deserves praise. We hope this will begin a comprehensive review and reform of the entire asylum process. Congress authorized the Attorney General to establish an asylum procedure that comports with the Constitution, ensures basic human rights, and protects and treats those who have been subjected to persecution with the utmost respect and human dignity. The disparities in asylum rulings require an examination of the appointment and training of immigration court judges. These courts need adequate resources to investigate claims, and the appeals process should be streamlined. When dealing with claims of children, the most vulnerable of asylum seekers, the process should require adult advocates to represent the interests of minors.

For your convenience, we include a copy of the June 17, 2009 **SALT RECOMMENDATIONS TO THE ADMINISTRATION FOR IMMIGRATION AGENCY REFORMS.**

We thank you once again for your service to our country, and your commitment to restoration of respect for the rule of law and fair treatment of everyone within the United States of America.

Sincerely yours,



Margaret Martin Barry
Co-President



Deborah Waire Post
Co-President