

December 1, 2008

Alicia Shepard  
NPR Ombudsman  
635 Massachusetts Ave., NW  
Washington, D.C. 20001

Dear Ms. Shepard,

We are writing to you concerning the underwriting credit that currently runs on NPR radio stations for the Department of Homeland Security "E-Verify" program. The tagline for the DHS program is "confirming employment eligibility . . ." We believe this is a controversial claim that should not be widely disseminated by NPR. We read your November 25, 2008 statement and we understand that NPR intends to run the E-Verify credit until February 9, 2009. We are writing specifically to ask NPR to discontinue the promotion for E-Verify.

EPIC, the CATO Institute, the Government Accountability Office, the Social Security Administration's Inspector General, and others have detailed the many shortcomings of E-Verify, including its high cost, high levels of inaccuracies in the databases on which the program is based, employer misuse resulting in discrimination and unlawful termination, and the lack of privacy protections. While ineffective as a solution to U.S. immigration problems, many experts have documented how the flawed E-Verify program could deny many eligible individuals – including U.S. citizens and legal immigrants -- the opportunity to work.

The ad running on NPR radio stations is part of a political campaign to make E-Verify mandatory for all U.S. employers. The Department of Homeland Security is actively recruiting employers to enroll. Several states, including Arizona, now require employers – approximately 200,000 employers -- to enroll in E-Verify. A new regulation, issued by the DHS, requires federal contractors to use the program, even after similar proposals were rejected by Congress.

We are concerned about efforts to expand this problem-ridden program that threatens to harm the livelihood of millions of U.S. workers.

We appreciate that NPR receives funding from many different sources and also that funding from sponsors does not imply endorsement by NPR. However, unlike typical underwriting credits that are heard on NPR, the DHS item explicitly promoted a controversial program and made a factual assertion that is in dispute.

According to the NPR Ombudsman FAQ:

NPR is an independent, nonprofit organization that carries no on-air advertising. One of the ways NPR funds programming and general operations is through underwriting and sponsorship support from corporations, foundations, and associations. This support provides virtually all of NPR's contributed income.

Unlike advertisements, NPR's on-air underwriting credits are only 10-seconds long-- just enough time to state the organization or company name. Regulations from the Federal Communications Commission (FCC) govern all underwriting and sponsorship announcements by NPR and public radio stations. The regulations require NPR and stations to provide funders on-air recognition while stipulating that these credit announcements are strictly for identification- not promotion. (emphasis added).<sup>1</sup>

We believe it is appropriate to acknowledge DHS support as an NPR underwriter, but not to include the promotion for E-Verify. (We're also not wild about the Orwellian DHS slogan -- "Preserving our Freedoms, Protecting America" -- but perhaps it is consistent with the NPR policy to include.)

In any event, we urge you to drop the reference to "E-Verify" in the DHS acknowledgement. Perhaps NPR could also look more closely at how the government tries to influence public opinion through expanded media presence and paid sponsorship.

Sincerely,

/s/

Marc Rotenberg  
Executive Director  
EPIC

/s/

Caroline Fredrickson  
Director, Washington Legislative Office  
ACLU

/s/

Josh Silver  
Executive Director  
Free Press

/s/

Marielena Hincapie  
Executive Director  
National Immigration Law Center

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<sup>1</sup> See generally Commission Policy Concerning the Noncommercial Educational Nature of Educational Broadcasting Stations, 97 FCC 2d 255 (1984); Commission Policy Concerning the Noncommercial Educational Nature of Educational Broadcasting Stations, 90 FCC 2d 895 (1982); Second Report and Order, 86 FCC 2d 141 (1981); First Report and Order and Notice of Proposed Rulemaking, 69 FCC 2d 200 (1978).