

July 31, 2009

The President
The White House
Washington, DC 20500

Dear Mr. President:

We, the undersigned civil rights, community, and immigrant rights organizations, urge you to immediately terminate the 287(g) program operated by the Department of Homeland Security (DHS). The program has come under severe criticism this year because local law enforcement agencies that have been granted 287(g) powers are using the program to target communities of color, including disproportionate numbers of Latinos in particular places, for arrest. Racial profiling and other civil rights abuses by the local law enforcement agencies that have sought out 287(g) powers have compromised public safety, while doing nothing to solve the immigration crisis.

We applaud your recent remarks acknowledging, that “there is a long history in this country of African Americans and Latinos being stopped by law enforcement disproportionately.” However, DHS’s continued use of the 287(g) program exacerbates exactly this type of racial profiling. In light of well-documented evidence that local law enforcement agencies are using 287(g) powers to justify and intensify racial profiling, Secretary Napolitano’s July 10, 2009 announcement that DHS has expanded the 287(g) program to include 11 new jurisdictions is deeply alarming.

Since its inception, the 287(g) program has drawn sharp criticism from federal officials, law enforcement, and local community groups. The program, largely recognized as a failed Bush experiment, relinquishes the power to enforce immigration law to local law enforcement and corrections agencies and has resulted in the widespread use of pretextual traffic stops, racially motivated questioning, and unconstitutional searches and seizures primarily in communities of color. In a country where racial profiling by law enforcement agents has led to massive arrests of people of color, these efforts to push immigrants into the criminal justice system is not surprising, but absolutely counterproductive to increasing public safety.

A March 2009 Government Accountability Office (GAO) report criticized DHS for program mismanagement and insufficient oversight of the controversial program. The DHS Inspector General is currently conducting an audit of the 287(g) program, and the Department of Justice launched a civil rights investigation into the Maricopa County Sheriff's Office, whose 287(g) program has been widely criticized for engaging in racial and ethnic profiling. The Police Foundation, the International Association of Chiefs of Police, and the Major Cities Chiefs Association have expressed concerns that deputizing local law enforcement officers to enforce civil federal immigration law undermines their core public safety mission, diverts scarce resources, increases their exposure to liability and litigation, and exacerbates fear in communities.

Reports of abuse in local communities have been widespread. In Davidson County, Tennessee, the Sheriff's Office used its 287(g) power to apprehend undocumented immigrants driving to work, standing at day labor sites, or while fishing off piers. One pregnant woman---charged with driving without a license---was shackled to her bed during labor. In Gwinnett County, Georgia, even without formal 287(g) powers, over 350 individuals were detained and deported from the jail this February after being arrested for driving without a license, a county ordinance violation, or on traffic or misdemeanor charges. The Gwinnett jail is triple-bunked, with one person in each cell sleeping on the floor, and the jail's internal SWAT team is known for appearing in ski masks to subdue detainees it deems uncooperative. Yet, Gwinnett County is among the 11 jurisdictions granted new 287(g) approval by Secretary Napolitano earlier this month.

In a recent research report, Justice Strategies, a nonpartisan research firm, found evidence that links the expansion of the program to racial animus against communities of color. According to FBI and census data, sixty-one percent of ICE-deputized localities had violent and property crime indices lower than the national average, while eighty-seven percent of these localities had a rate of Latino population growth higher than the national average.

The abusive misuse of the 287(g) program by its current slate of agencies has rendered it not only ineffective, but dangerous to community safety. The program has worked counter to community policing goals by eroding the trust and cooperation of immigrant communities and diverted already reduced law enforcement resources from their core mission. DHS's proposed changes to the program not only fail to correct its serious flaws, but also create new ones.

We know that you are committed to tackling our nation's most complex issues, for these reasons we ask that you examine the damaging impact the 287(g) program is having on immigrant communities across the country and terminate the program. We would be pleased to provide additional information or recommendations regarding current programs and operations of DHS.

Thank you for your consideration. Should you have any questions, please do not hesitate to contact Marielena Hincapié, executive director, National Immigration Law Center at (213) 639-3900 ext. 109.

Cc:

Janet Napolitano, Secretary, Department of Homeland Security
Eric Holder, Attorney General, USDOJ
Loretta King, Acting Assistant Attorney General for Civil Rights, USDOJ
Congressional Black Caucus
Congressional Hispanic Caucus
Congressional Asian Pacific American Caucus
Congressional Progressive Caucus

Mesa, AZ & Florence, AZ:
Rep. Ann Kirkpatrick

Rep. Jeff Flake
Sen. Jon Kyl
Sen. John McCain

Sussex, DE:
Rep. Michael N. Castle
Sen. Thomas R. Carper
Sen. Edward E. Kaufman

Gwinnett, GA:
Rep. David Scott
Sen. Saxby Chambliss
Sen. Johnny Isakson

Mesquite, NV:
Rep. Dean Heller
Sen. John Ensign
Sen. Harry Reid

Monmouth, NJ & Morristown, NJ:
Rep. Frank Pallone, Jr.
Rep. Rodney Frelinghuysen
Sen. Robert Menendez
Sen. Frank R. Lautenberg

Guilford, NC:
Rep. Brad Miller
Sen. Kay R. Hagan
Sen. Richard Burr

Rhode Island
Sen. Jack Reed
Sen. Sheldon Whitehouse

Charleston, SC:
Rep. Henry E. Brown, Jr.
Sen. Lindsey Graham
Sen. Jim DeMint

Houston, TX:
Rep. John Culberson
Sen. Kay Bailey Hutchison
Sen. John Cornyn

Signatory Organizations:

National Organizations:

Regional, State and Local Organizations: