

# Congressional Hispanic Caucus

United States Congress

Washington, DC 20515

CHAIRWOMAN

NYDIA M. VELAZQUEZ

12TH DISTRICT, NEW YORK

September 28, 2009

The Honorable Barack Obama  
President of the United States  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Dear President Obama:

On behalf of the Congressional Hispanic Caucus (CHC), we write to ask that you immediately terminate all Department of Homeland Security (DHS) Memorandums of Understanding (MOUs) under the 287(g) program and cease to establish further such agreements. These agreements are the subject of serious concern as local law enforcement agencies have used the new powers to target communities of color, including a disproportionate number of Latinos, for arrest.

The 287(g) program, which was significantly expanded throughout the Bush Administration, relinquishes the power to enforce federal immigration laws to local law enforcement and corrections agencies. Since its inception, the 287(g) program has raised serious concerns among federal officials, law enforcement, and local community groups. For example, a March 2009 Government Accountability Office report found alarming examples of mismanagement and insufficient oversight of this controversial program. In addition, the DHS Inspector General is currently conducting an audit of the 287(g) program, and the Department of Justice has 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. Finally, 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 federal immigration law undermines their core public safety mission, diverts scarce resources, increases their exposure to liability and litigation and undermines public trust.


The misuse of the 287(g) program by its current participants has rendered it ineffective and dangerous to community safety. Although its stated purpose is to provide law enforcement a tool to pursue criminals, it is our experience that state and local law enforcement officials actually use their expanded and often unchecked powers under the program to target immigrants and persons of color. It is our opinion that no amount of reforms, no matter how well-intentioned, will change this disturbing reality.

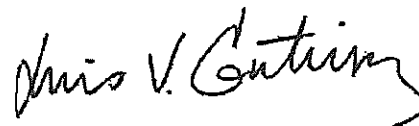
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For these reasons we ask you to reconsider your evaluation of 287(g) and instead of reforming it, end it entirely. We understand that your Administration faces significant challenges as it addresses a system that has long been broken, and we agree that the best way forward is through comprehensive immigration reform (CIR). However, we do not believe that allowing state and local police to racially profile and target our immigrant communities inspires confidence in our ability to enact CIR and is, therefore, absolutely unnecessary to achieve our shared and vital goal.

Thank you for your consideration, and we look forward to your response.

Sincerely,

  
Nydia Velázquez  
Chair  
Congressional Hispanic Caucus

  
Luis V. Gutierrez  
Chair  
CHC Immigration Task Force

cc: The Honorable Janet Napolitano