

# Congressional Hispanic Caucus

United States Congress

Washington, DC 20515

CHAIRMAN

CHARLES A. GONZALEZ

20TH DISTRICT, TEXAS

May 5, 2011

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

Dear President Obama:

On behalf of the Congressional Hispanic Caucus, we write to request that you freeze the Secure Communities Program ("S-Comm"), effective immediately. We appreciate and steadfastly support your efforts to reform broken immigration laws and to strengthen national security and public safety. Unfortunately, neither of these goals are served or advanced by the S-Comm policy in its current form. To the contrary, evidence reveals not only a striking dissonance between the program's stated purpose of removing dangerous criminals and its actual effect; it also suggests that S-Comm may endanger the public, particularly among communities of color.

We are concerned that S-Comm contains and amplifies several of the defects associated with its predecessor, the deeply flawed 287(g) program. In September of 2009, we communicated to you our strong opposition to that program following several reports of ICE mismanagement and abuse by participating local law enforcement partners. The Police Foundation, the Major Cities Chiefs Association, the International Association of Chiefs of Police all registered their apprehension about the program as well. Additionally, venerable labor, immigrant, and civil rights organizations all weighed-in with grave warnings about attendant racial profiling caused by the program.

Since then, our fears were validated when the Department of Homeland Security's Office of Inspector General issued a report with over 30 substantive recommendations, in sum demonstrating the 287(g) program was simply too broken to be fixed. Given widespread criticism of the mismanagement and lack of oversight that plagued the 287(g) program, we would have expected that subsequent programs involving local police in civil immigration enforcement – especially programs as vast in scope as S-Comm – would have been carefully vetted, implemented, and monitored. We are frustrated to observe that such has not been the case.

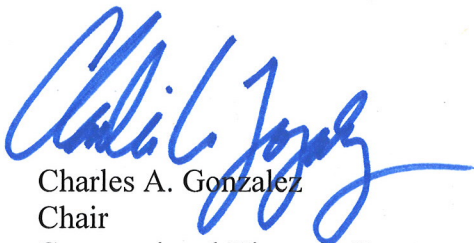
Since its inception in October 2008, S-Comm has been deployed at a breathtaking pace with apparently little forethought or oversight. Currently in effect in over 1,000 local jurisdictions, we understand the S-Comm is set to be active nationwide by 2013 despite recent news reports

describing a program details in disarray. Indeed, among the only things clear about S-Comm's rapid deployment is that it has been defined by misrepresentations and confusion. ICE's public characterization of S-Comm as a program to target serious criminals has been called into question, and its own statistics (revealed only after federal litigation was commenced under the Freedom of Information Act) shows that 79 percent of individuals deported through S-Comm either lacked any criminal record or have been convicted only of minor offenses, including traffic violations. Moreover, rates of non-criminal deportations appear to vary widely between jurisdictions, raising concerns about localized abuses such as racial profiling and pre-textual arrests. Local jurisdictions that requested to opt-out of the program were given conflicting responses.


Law enforcement officials have repeatedly told us that fusion of police and immigration functions carries serious risks for public safety, civil rights, and community-police relations. Experience with 287(g) taught us that it also leads to targeting of immigrants and persons of color. There are ominous warning signs the S-Comm program has ignored these lessons. Recently, the non-partisan Migration Policy Institute released a thorough review of these programs and warned, "[u]nless ICE takes steps to ensure that it is a targeted program, Secure Communities may replicate many of the controversies and negative community impacts" of the 287(g) program. We agree and believe in the absence of significant improvements to the current program, S-Comm will contribute to the criminalization of immigrant families by casting them under a cloud of suspicion and by further conflating civil immigration violations with criminal conduct.

We have said emphatically that we support initiatives that prioritize and effectuate the removal of dangerous criminal aliens. However, the astonishing rate of non-criminal deportations caused by this program suggests S-Comm is not living up to its name. We are not convinced the program is achieving its stated goals, and we see nothing in the management and oversight of S-Comm that convinces us that these risks have been adequately addressed in this latest incarnation of local police immigration enforcement, the scope of which is vastly broader than any other similar program to date. For these reasons, we request an immediate freeze of S-Comm pending a thorough review.

Sincerely,



Charles A. Gonzalez  
Chair  
Congressional Hispanic Caucus



Luis V. Gutierrez  
Chair  
CHC Immigration Task Force