



June 7, 2012

**Re: ACLU Urges Voting NO on Rep. Sullivan (R-OK)'s amendment to H.R. 5855**

AMERICAN CIVIL  
LIBERTIES UNION  
WASHINGTON  
LEGISLATIVE OFFICE  
915 15th STREET, NW, 6<sup>TH</sup> FL  
WASHINGTON, DC 20005  
T/202.544.1681  
F/202.546.0738  
[WWW.ACLU.ORG](http://WWW.ACLU.ORG)

LAURA W. MURPHY  
DIRECTOR

NATIONAL OFFICE  
125 BROAD STREET, 18<sup>TH</sup> FL.  
NEW YORK, NY 10004-2400  
T/212.549.2500

OFFICERS AND DIRECTORS  
SUSAN N. HERMAN  
PRESIDENT

ANTHONY D. ROMERO  
EXECUTIVE DIRECTOR

ROBERT REMAR  
TREASURER

Dear Representative:

On behalf of the American Civil Liberties Union, please find below our vote recommendation for today's recorded vote on Rep. Sullivan (R-OK)'s amendment to H.R. 5855, the Homeland Security Appropriations Act 2013, an amendment which passed by voice vote earlier this evening. A recorded vote on this amendment is anticipated tonight on the House floor.

Please call Joanne Lin, ACLU Legislative Counsel (202/675-2317) with any questions.

Regards,

Laura W. Murphy  
Director, Washington Legislative Office

Joanne Lin  
Legislative Counsel

**Representative Sullivan (R-OK) has filed an amendment to H.R. 5855, the Homeland Security Appropriations Act 2013, which prohibits funding from being used to terminate existing Immigration Customs Enforcement (“ICE”) 287(g) agreements.**

**The American Civil Liberties Union urges a NO vote on the Sullivan amendment.**

**Vote NO on the Sullivan Amendment because the ICE 287(g) program is an irreparably flawed program on which Congress should no longer continue wasting taxpayer money.**

In recent years several different agencies have concluded that the 287(g) program is a complete failure, including the DHS Office of the Inspector General (“OIG”) and the Government Accountability Office. Their reports make clear that 287(g) is unfixable, with systemic problems. The 2010 DHS OIG report concluded that the 287(g) program found critical deficiencies in the management and oversight of ICE partnerships with local law enforcement agencies.

Recognizing the program’s failures, DHS stated in its 2013 budget proposal plans to downsize the 287(g) program. Given our country’s grave fiscal challenges and the program’s well-documented shortcomings, *we should be slashing the budget for 287(g)*; not requiring DHS to preserve a model which simply doesn’t work.

**Vote NO on the Sullivan Amendment because the 287(g) program fosters racial profiling and undermines community policing.**

The 287(g) harms crime victims including victims of domestic abuse and sexual assault. It deters immigrant crime victims and crime witnesses from reporting crimes and cooperating with local police in criminal investigations and prosecutions. And 287(g) promotes racial profiling and unlawful detention and arrests, while undercutting community policing -- all contrary to widely acknowledged effective policing practices.

**Vote NO on the Sullivan Amendment because it will force the federal government to partner with “bad actor” state and local LEAs, creating a culture of impunity.**

In recent years several 287(g) participants - particularly the program run by Maricopa County, Arizona's Sheriff's Office (MCSO) - have come under intense scrutiny by the federal government, the press, researchers, religious leaders, civil rights groups, victim service groups, immigrant communities, and prominent national law enforcement officials across the country. If the Sullivan amendment passes, DHS will be unable to terminate its 287(g) agreements with states engaging in unlawful, discriminatory, and intimidating law enforcement practices, thus letting state enforcement agencies run free.

For more information, please contact Joanne Lin, ACLU Legislative Counsel, at 202/675-2317 or [jlin@dcaclu.org](mailto:jlin@dcaclu.org)