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## **Statement of Chairman Bennie G. Thompson**

### **“Examining 287(g): The Role of State and Local Law Enforcement in Immigration Law”**

March 4, 2009 (Washington) – Today, Committee on Homeland Security Chairman Bennie G. Thompson (D-MS) delivered the following prepared remarks for the full Committee hearing entitled “Examining 287(g): The Role of State and Local Law Enforcement in Immigration Law”:

“The 287(g) program has been around since 1996 but has experienced a remarkable surge in popularity in recent years.

According to Immigration and Customs Enforcement, the main goal of the program is to increase the safety and security of our communities by apprehending and removing undocumented criminal aliens who are involved in violent, serious crimes.

According to ICE, local sheriffs and police officers would work with ICE to identify, locate, and apprehend these dangerous people.

The 287(g) program- as intended- would achieve two parallel goals—

- (1) participating jurisdictions would have dangerous people removed from their communities; and
- (2) the Federal government would have a “force multiplier” to enhance efforts to remove dangerous aliens from the country.

In theory, it seems like a very good deal for everyone involved.

In fact, many jurisdictions have bought into the promise of this program as evidenced by the surge in popularity over the last two years. Participation has grown from 29 programs in 2006 in 13 states to 67 programs in 23 states today.

There is even a waiting list to join. Forty-two (42) state and local law jurisdictions are on the waiting list. As the popularity of this program has grown, so has its funding.

In the last three years, the 287(g) program’s budget has increased from \$5 million to \$60 million. Like everyone else, I applaud the growth of successful programs.

But the record is incomplete, at best, as to whether this program is a success.

For instance, in 2008, it was credited with resulting in the removal of about 29,000. Its budget for fiscal year 2008 was just under \$40 million.

To determine whether this was a prudent way to spend the taxpayer’s money, we would need to know whether the people removed were dangerous aliens.

Unfortunately, we do not know that critical piece of information.

We cannot answer this basic question because, as we will hear from the Government Accountability Office, ICE does not require that specific data be collected; does not require that specific information be reported; and does not have any performance measures.

Without objective data we cannot evaluate the effectiveness of this program nor can we determine whether better results could be achieved by other means such as increasing the number of ICE agents.

While I do not know whether 287(g) is an effective program, I do know that it is a program that has been accused of racial profiling. And that accusation should concern all of us.

Effective law enforcement and discrimination cannot coexist. Our communities must be safe and our nation must be secure. We will only achieve those goals by making sure that our efforts are strategic and tailored.

Popularity cannot be a replacement for documented performance and constitutional principles.”

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