

STATEMENT OF THE NATIONAL COUNCIL OF LA RAZA

Hearing on
“Sanctuary Cities: A Threat to Public Safety”

Submitted to
U.S. House of Representatives
Committee on the Judiciary
Subcommittee on Immigration and Border Security

Submitted by
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The National Council of La Raza (NCLR) is the largest national Hispanic civil rights and advocacy organization in the United States, an American institution recognized in the book *Forces for Good* as one of the highest-impact nonprofits in the nation. We represent nearly 300 Affiliates—local, community-based organizations in 41 states, the District of Columbia, and Puerto Rico—that provide education, healthcare, housing, workforce development, and other services to millions of Americans and immigrants, annually.

To achieve its mission, NCLR conducts applied research, policy analysis, and advocacy, providing a Latino perspective in five key areas—assets/investments, civil rights/immigration, education, employment and economic status, and health. In addition, it provides capacity-building assistance to its Affiliates who work at the state and local level to advance opportunities for individuals and families.

NCLR has a long history of fighting for sensible immigration laws, evidenced through our work in the Hispanic community, in the states and in Washington, DC. Most of our Affiliates teach English, provide health care services, promote financial literacy, and otherwise ease the integration of immigrants into the mainstream. We support and complement the work of our Affiliates by advocating for public policies here in Washington and at the state level. For America's Latino community, 75% of who are United States citizens, real immigration solutions are a top concern and priority both as a matter of policy and of civil rights.

The nation's immigration system is experiencing a systemic failure. Its multiple components are designed to work in tandem to (1) achieve a legal and regulated flow of workers and the reunification of families, (2) implement enforcement measures that advance national security and public safety and help ensure employers maintain a legal workforce, (3) support the successful integration of immigrants into society, and (4) conduct itself in way that upholds the nation's values and traditions respecting the legal and civil rights of America's diverse community. A breakdown in any one area has an impact on the effectiveness of all the others, and on the ability to maintain a legal and orderly process.

Congress has long had in its reach a solution that the vast majority of Americans supports—laid out in bipartisan legislation passed in the Senate in 2013—yet that solution continues to be blocked. The recent tragic death of Kathryn Steinle in San Francisco again puts in high relief the consequences of Congressional inaction.

First and foremost, our sympathies and prayers are with the Steinle family, who has suffered the tragic loss of a loved one. This loss is made more acute, if that were possible, by the refusal of Republican leadership to bring to a vote S744, which among other things included measures to strengthen community safety and allow law enforcement efforts to focus on the detention and removal of dangerous criminals.

While we see some members rush to introduce reactionary legislation arguing the need to act, we cannot oversee the fact that those very members have at every turn opposed sensible solutions from becoming a reality. We urge a respectful and serious conversation following this recent tragedy instead of a rush to pass measures that would criminalize communities wholesale, making law enforcement's ability to focus on those who mean us harm even more challenging.

In the current context, we should keep in mind that:

Community policing is an important tool for local law enforcement. Data and statements from law enforcement officials show that police need cooperation from everyone in the community to do their job and keep the public safe. They need witnesses and victims to be able to come forward. While misrepresentation about so-called “sanctuary cities” abound, these policies are designed to promote community safety, are premised on the community policing model, and are not designed to protect dangerous criminals.

States and localities should be permitted to pursue policies that foster trust and cooperation between communities and police. If victims and witnesses are afraid to interact with police, the police simply cannot do its job. A 2013 study found that nearly half of all Latinos surveyed reported being less likely to contact police officers if they have been a victim of crime out of fear that such contact could provide an opportunity for police officers to inquire into their immigration status or that of a person they know.¹ The same study found that 70% of undocumented individuals reported that they are less likely to contact police if they are the victim of a crime due to local police entanglement with federal immigration enforcement.

Many local law enforcement agencies have refrained from asking about the immigration status of a victim or witness precisely to ensure public cooperation and trust. In a recent [opinion editorial](#), Dayton Police Chief Richard Biehl stated “Sanctuary policies and practices are not designed to harbor criminals. On the contrary, they exist to support community policing, ensuring that the community at large — including immigrant communities — trusts state and local law enforcement and feels secure in reporting criminal conduct. Cooperation with federal immigration enforcement officials still can exist, but state and local law enforcement should carefully tailor policies to ensure that community policing is not undermined. What everyone wants is a safe community.”

This tragedy should not be used to scapegoat immigrants or allow for widespread racial profiling. During this time, we urge a respectful dialogue that protects all communities. Labeling immigrants as criminals is not only harmful, it is incorrect. A report by the American Immigration Council demonstrates that increased immigration to the United States has in fact coincided with a significant decrease in both violent and property crimes nationwide.² We know that the majority of the immigrant population comes to this country to reunite with family and work, and make meaningful contributions that enrich their communities.

Furthermore, what we have seen as a result of the entanglement of immigration enforcement and local law enforcement is an increase in racial profiling. There is widespread evidence that delegating to states and localities the enforcement of federal immigration laws threatens civil rights and subjects entire communities to unlawful law enforcement stops, arrests, and detention.

¹ Nik Theodore, “Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement,” University of Illinois at Chicago (May 2013).

² Walter A. Ewing, Ph.D., *et al.*, “The Criminalization of Immigration in the United States,” Immigration Policy Center (July 2015).

Just last week, Maricopa County settled with the U.S. Department of Justice (DOJ) in litigation stemming from the rampant discrimination and raids targeting Latinos under the pretense of immigration enforcement. There is an upcoming federal court trial that will address the DOJ finding that he targeting Latino drivers.

The solution has been and continues to be in the hands of Republican leadership—it is time to pass immigration reform. The Senate passed bipartisan legislation in 2013 that among other things would have required that undocumented immigrants prove their identity, pass a criminal background check, and pay taxes in order to earn their legalization, allowing ICE to focus on dangerous elements. It is time for Congress to finish the job. We firmly believe that the moral, economic and political imperatives for action are aligned, and Congress has an opportunity and a responsibility to deliver immigration reform that:

- Restores the rule of law by creating a roadmap to legalization and earned citizenship for 11 million aspiring Americans, and promoting smart enforcement that improves safety, supports legal immigration, and prevents discrimination;
- Preserves the rule of law by creating workable legal immigration channels that reunite families, strengthen our economy, and protect workers' rights; and
- Strengthens the fabric of our society by adopting proactive measures that advance the successful integration of new immigrants.

The intertwined nature of these elements make a comprehensive approach a necessity and piecemeal efforts will fall short in addressing legitimate frustration over the consequences of this outdated system. This is illustrated by the fact that annually, federal immigration enforcement has reached \$18.5 billion and exceeds that of all other federal criminal law enforcement combined, yet that alone cannot solve the issues we face.

There is a reason why 326 counties, 32 cities, and 4 states chose to limit their cooperation with Immigration and Customs Enforcement (ICE): although the Secure Communities program was established to target the most dangerous criminals, more than half the people deported were non-criminals or people with traffic violations. In 2013 alone, only 12% of the people deported through the program were the agency's top priority. Additionally, two federal courts ruled that ICE requests for local law enforcement to hold individuals beyond when they would otherwise be released, violated the Constitution.

Donald Trump was widely condemned for his inflammatory remarks seeking to paint a whole community as criminals. Congress should not follow his reprehensible path by turning his remarks into legislation.