

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
April 22, 2004

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Senate Judiciary Committee
Subcommittee on Immigration, Border Security and Citizenship
Hearing on "State and Local Authority to Enforce Immigration Law: Evaluating a Unified Approach for Stopping Terrorists"
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The Committee today will explore whether Congress should add to the ever-increasing burdens on local law enforcement by tasking these local officers with the authority to enforce Federal civil immigration law. This is a bad idea and Congress should reject it.

We should be clear at the outset that law enforcement officers already have the authority to detain and arrest aliens who violate the criminal provisions of the Immigration and Nationality Act, or who violate any other criminal law. Indeed, the Law Enforcement Support Center in my state of Vermont operates 24 hours a day, seven days a week to provide criminal history information regarding aliens to state and local law enforcement officers around the nation.

I think that if you polled local law enforcement officers, most would say they do not want the additional authority of detaining and arresting aliens who have overstayed their visas but are doing no harm in their communities. I know that police chiefs and sheriffs across the country have opposed this additional authority, in places as varied as High Point, North Carolina; Putnam County, Tennessee; Cobb County, Georgia; and Lenexa and Overland Park, Kansas. The California Police Chiefs Association and the Los Angeles, San Diego, New York, Houston, San Antonio, Boston, Philadelphia, Chicago and Washington, D.C. police departments, among many others, have also spoken out against enlisting state and local authorities to enforce civil immigration laws.

The widespread opposition to this concept should come as no surprise. Many police departments have spent years building trust among immigrant communities so that all residents in their communities - including those who are not here legally - will feel free to report and assist police in solving crimes. They have gone about the business of protecting their communities, and left the Federal government to enforce civil immigration laws. This division of labor makes a great deal of sense, and the burden faced by those who would change it should be awfully high.

It is particularly absurd to add this burden to local law enforcement at a time when the Republican Congress and the Bush Administration are failing to provide sufficient aid to first responders. Estimates show that the U.S. will fall more than \$98 billion short of meeting critical emergency responder needs over the next five years if current funding levels are not increased. Clearly, the domestic preparedness funds available are still not enough to protect from, prepare for and respond to future domestic terrorist attacks anywhere on American soil, let alone take on the additional burden of enforcing civil immigration laws.

Beyond the burden this would place on local law enforcement, immigrant victims of crime could suffer tremendously if the responsibility for enforcing our immigration laws shifts to states and localities. How often will crime victims who are here illegally come forward to the police? This concern is particularly acute in the case of battered immigrant women, whom Congress has taken great steps to protect under the Violence Against Women Act. We will undo the progress we have made in that area if immigrant women who are beaten by their husbands are afraid to contact police officers. For that reason, the Vermont Network Against Domestic Violence and Sexual Assault opposes the legislation we will discuss today.

In a related question, how will police gain the cooperation of undocumented aliens who witness or have information about a crime? The chilling effect of adopting this new policy could be widespread and deeply harmful to law enforcement and immigrants alike.

Moreover, we cannot even be confident that this chilling effect would impact only illegal aliens, since many immigrants who are here legally may be confused about their status or about the law itself.

In conclusion, I have deep reservations about heading down this path, and I hope that Congress will not do so.

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