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June 26, 2013

**Oppose Wicker Amendment 1462: Keep State & Local Police
Focused on Community Policing – Not Immigration Enforcement**

Dear Senator:

The undersigned organizations urge you to oppose Senator Wicker's amendment 1462 to S.744. It would unravel much of the hard work of the Gang of Eight and the Judiciary Committee, and it would take us backwards as a nation.

Wicker 1462 would require state and local law enforcement officers to abandon their core crime-fighting responsibilities and spend their scarce resources enforcing immigration law. It would undermine public safety, lead to widespread racial profiling and wrongful arrests, and jeopardize civil rights.

• **Wicker 1462 would force states and localities to engage in immigration enforcement.**

The federal government, not the states, is responsible for enforcing immigration laws. Yet Wicker 1462 would require untrained state and local law enforcement officials to determine who in their custody is "believed to be inadmissible or deportable," collect extensive information about them, and send that information to the federal government. In delegating these enforcement duties to thousands of localities across the country, the amendment would greatly increase the likelihood of racial and ethnic profiling, as well as wrongful detentions.

It would also threaten states and localities with the loss of longstanding federal funding, unless they agree to become active participants in this enforcement. This would interfere with the Constitution's allocation of state and federal responsibilities, and raises serious Tenth Amendment concerns.¹

It would also divert state and local law enforcement officers from their core mission of controlling crime and ensuring public safety, jeopardize community policing programs, and penalize states and localities for making policy choices that are theirs to make, such as encouraging crime victims and witnesses to come forward. In short, it would undermine S. 744's goal of creating a commonsense national immigration policy that respects the human rights of all.

• **Wicker 1462 would turn the National Crime Information Center (NCIC) into an immigration-status database.**

NCIC is a computerized database that provides federal, state, and local criminal justice agencies with real-time access to criminal history and crime-related information. It is a vital tool for criminal law enforcement. Wicker 1462, however, would flood NCIC with millions of new entries concerning purely civil (non-criminal) immigration-status information, by requiring the addition of broad new categories of information concerning alleged



“immigration violators,” which is very broadly defined, “regardless of whether . . . sufficient identifying information is available” to support the listing.

As the Supreme Court recently explained in *Arizona v. United States*, state and local law enforcement officers generally lack the power to make arrests for civil immigration violations.ⁱⁱ By adding millions of new, unverified immigration-related records to NCIC that state and local officers are not legally authorized to enforce, the amendment would inevitably lead to the very sorts of unlawful arrests that the Supreme Court prohibited, and open the door to increased racial profiling of both immigrants and U.S. citizens.

For these reasons, law enforcement leaders – including the Major Cities Chiefs Associationⁱⁱⁱ; the Police Executive Research Forum^{iv}; and the police chiefs of many jurisdictions such as Montgomery County, MD^v and Salt Lake City, UT^{vi} – have opposed the expansion of NCIC to include non-criminal immigration information.

Again, we urge you to oppose Wicker 1462. Thank you for your consideration. If you have any questions, please feel free to contact Senior Counsel Rob Randhava at (202) 466-6058.

Sincerely,

American-Arab Anti-Discrimination Committee (ADC)
American Civil Liberties Union
American Friends Service Committee (Miami)
American Immigration Lawyers Association
Americans for Immigrant Justice, formerly Florida Immigrant Advocacy Center
Anti-Defamation League
Arab American Institute
Asian Law Alliance
Asian Law Caucus
Asian Pacific American Labor Alliance, AFL-CIO
Asian Pacific Islander Institute on Domestic Violence
Blacks in Law Enforcement of America
California Immigrant Policy Center
Casa de Esperanza: National Latin@ Network for Healthy Families and Communities
CASA de Maryland
The Children’s Hope Chest of Dreams
CLUE Santa Barbara
Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA)
Colorado Progressive Coalition
Community Legal Services in East Palo Alto
Counselors Helping (South) Asians/Indians, Inc
Detention Watch Network
DRUM - Desis Rising Up & Moving
El CENTRO de Igualdad y Derechos
Families For Freedom

Farmworker Association of Florida, Inc.
FIERCE
Florida Immigrant Coalition
Forks Human Rights Group
Georgia Latino Alliance for Human Rights
Haitian American Democratic Club of Broward, Inc.
Heartland Workers Center
Illinois Coalition for Immigrant and Refugee Rights
Immanuel Lutheran Church
Immigrant Defense Project
Immigrant Justice Network
Immigrant Law Center of Minnesota
Immigration Equality Action Fund
International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW
Justice for our Neighbors of Nebraska
Justice Strategies
Kansas Stronger Together
Latin American Association
Latino Center of the Midlands
LATINOJUSTICE PRLDEF
The Leadership Conference on Civil and Human Rights
Legal Aid Society - Employment Law Center
Lutheran Immigration and Refugee Service
Manavi
Massachusetts Immigrant and Refugee Advocacy Coalition
Mi Familia Vota
Missouri Immigrant and Refugee Advocates
N.C. Immigrant Rights Project
NAFSA: Association of International Educators
National Asian Pacific American Women's Forum
National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund
National Center for Transgender Equality
National Council of Jewish Women
National Council of La Raza (NCLR)
National Immigrant Justice Center
National Immigration Forum
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Network for Arab American Communities (NNAAC)
National Organization for Women
New York Immigration Coalition
Northern Manhattan Coalition for Immigrant Rights



Northwest Immigrant Rights Project
People for the American Way
PFLAG National
Rights Working Group
Sarah Lawrence College for Immigration Advocacy
Satrang
SEIU Healthcare 775NW
Service Employees International Union (SEIU)
South Asian American Policy & Research Institute (SAAPRI)
South Asian Americans Leading Together (SAALT)
South Florida Interfaith Worker Justice
Southern Poverty Law Center
Students Working for Equal Rights
The Advocates for Human Rights
Unitarian Universalist Legislative Ministry, California
Vermont Immigration and Asylum Advocates
Washington Defender Association
Washington New Sanctuary Movement
Washington State Coalition Against Domestic Violence
Women's Refugee Commission

ⁱ See *NFIB v. Sebelius*, 132 S. Ct. 2566, 2602-03 (2012).

ⁱⁱ *Arizona v. United States*, 132 S. Ct. 2492, 2505 (2012).

ⁱⁱⁱ Major Cities Chiefs Association, *Revised Immigration Position*, 3 (Oct. 2011), available at https://www.majorcitieschiefs.com/pdf/news/immigration_position102311.pdf.

^{iv} Police Executive Research Forum, *Police and Immigration: How Chiefs Are Leading Their Communities Through the Challenges*, 62 (2010), available at <http://www.policeforum.org/library/immigration/PERFImmigrationReportMarch2011.pdf>

^v Police Chief J. Thomas Manger, "Examining 287(g): The Role of State and Local Law Enforcement in Immigration Law" (Mar. 2009), available at <http://www.gpo.gov/fdsys/pkg/CHRG-111hhrg49374/html/CHRG-111hhrg49374.htm>

^{vi} Statement of Police Chief Burbank (June 18, 2013).