Stephen L. Nass

Wisconsin State Senator

SB 275 Prohibiting Sanctuary Cities in Wisconsin

Testimony of Senator Steve Nass Senate Committee on Labor & Regulatory Reform October 12, 2017 • 412 East, State Capitol

Thank you committee members for allowing me to testify in support of Senate Bill 275. This legislation will protect the public by prohibiting sanctuary cities in Wisconsin.

On July 1, 2015, Kate Steinle, a 32 year old woman from California, was shot and killed while she was walking on a San Francisco pier with her father. The shooter was Francisco Sanchez, an illegal alien and convicted felon who had been previously deported five times. In March 2015, U.S. Immigration and Customs Enforcement (ICE) had Sanchez in custody after he completed a third prison term, but turned him over to the San Francisco sheriff's office on an outstanding drug charge.

ICE issued a detainer requesting notification prior to Sanchez's release so they could take him into custody again. When the district attorney declined to prosecute Sanchez on the drug charges, San Francisco did not honor the detainer because of their sanctuary city policy and he was released from jail and set free. Less than four months later Sanchez opened fire on the San Francisco pier, killing Ms. Steinle. This is just one of many examples of innocent Americans that have been victims of crimes committed by illegal aliens.

Sadly, this violent attack and tragedy could have been prevented if only San Francisco had cooperated with federal immigration officials. There are more than 200 cities, counties, and states across the country that are considered sanctuary governments, according to the Center for Immigration Studies (CIS).

Generally, a sanctuary city is a city, village, town, or county that by ordinance or policy prohibits their employees from cooperating with federal immigration authorities or inquiring into the immigration status of individuals who have been charged with a crime in their local jurisdiction.

SB 275 would prohibit any city, village, town, or county in Wisconsin from enacting or enforcing an ordinance or policy that prohibits the enforcement of a federal or state law relating to illegal aliens or determining whether an individual has satisfactory

"In God We Trust"

immigration status. The bill also requires a political subdivision to comply with a lawful detainer that is issued by U.S. Immigration and Customs Enforcement (ICE). The bill is directed specifically at illegal aliens that have committed a crime. It simply requires a local municipality to follow state and federal law.

SB 275 authorizes the attorney general, district attorney, or sheriff with jurisdiction to file a writ of mandamus with the circuit court to require compliance with the requirements created by the bill if a political subdivision is failing to comply with the law.

If a court finds that the political subdivision has failed to comply with the law, it must notify the Department of Revenue. The Department must reduce the local government's shared revenue payments in the next year by \$500 to \$5,000 (depending on population) for each day of noncompliance. In addition, if the court makes such a finding, the local unit of government is liable for damages to an individual or property caused by an illegal alien.

The penalty is determined by population as follows:

0 – 9,999 population: \$500 per day 10,000 – 99,999 population: \$1,000 per day 100,000 – 249,999 population: \$2,000 per day 250,000 or greater population: \$5,000 per day

Contrary to claims of opponents, sanctuary cites do not make our communities safer. These politically correct policies actually increase the risk to public safety in order to make a political statement regarding federal immigration laws.

According to a recent study by the Center for Immigration Studies (CIS):1

- Sanctuary city policies caused the release of more than 8,000 criminal illegal alien offenders sought by ICE over just an eight-month period in 2014.
- 63% of those freed by local sanctuary authorities had prior criminal histories or were labeled a public safety concern at the time of their release.
- 2,984 (37%) had a prior felony conviction or charge.
- 1,909 (23%) had a prior misdemeanor conviction or charge related to violence, assault, sexual abuse, DUI, weapons, or drug distribution or trafficking.
- Nearly 1,900 (23%) of those released were rearrested for another crime within an 8 month period.

¹ http://cis.org/rejecting-detainers-endangering-communities

In addition to the threat to public safety, sanctuary city policies are also expensive. The cost to taxpayers to provide education, health care, criminal justice, and other general services to illegal aliens is estimated by the Federation for American Immigration Reform (FAIR) to be \$113 Billion per year.²

Sanctuary policies create a magnet for illegal immigration, especially among those who have committed crimes in the U.S. In fact, Francisco Sanchez admitted that he came to San Francisco because of the city's strong sanctuary city policy. Accommodating those who violate our immigration laws encourage others to follow the same path. It harms prospective legal immigrants by providing little incentive to pursue legal paths to immigration.

These policies also conflict with federal law. The 1996 Illegal Immigration Reform and Immigrant Responsibility Act prohibits state and local governments from preventing public employees from receiving or sharing information on illegal aliens with federal immigration officials.

Under federal law (8 U.S. Code, Section 1373), "A federal, state, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual."

In April 2017, the U.S. Department of Justice (DOJ) notified Milwaukee County that they were at risk of losing federal grant money as a result of the county's sanctuary policies regarding illegal aliens that have committed crimes. Milwaukee County was also identified in a May 2016 report by the DOJ's Inspector General as having policies that potentially violate federal law (8 U.S. Code, Section 1373).⁴ According to an April 21, 2017 Milwaukee Journal-Sentinel report, Milwaukee County could potentially lose more than \$900,000 from the U.S. DOJ Edward Byrne Memorial Justice Assistance Grant Program if they fail to comply with conditions of the grant award.⁵

During a two-day operation conducted by ICE in January 2017, 16 illegal aliens with previous criminal convictions were arrested in the Milwaukee area. The arrests were made in Milwaukee, Waukesha, Greenfield, New Berlin, Oconomowoc, and Pewaukee. All 16 arrested had been convicted of crimes in the United States. Two were previously deported and two others had outstanding deportation orders. Their convictions included: assault with a deadly weapon, receiving stolen property, battery, grand theft (auto), drug possession with intent to distribute, and drunk driving.⁶

² https://fairus.org/

³ http://uscode.house.gov/view.xhtml?path=/prelim@title8&edition=prelim

⁴ https://www.justice.gov/opa/pr/department-justice-sends-letter-nine-jurisdictions-requiring-proof-compliance-8-usc-1373

 $^{^{5}\} http://www.jsonline.com/story/news/local/milwaukee/2017/04/21/us-justice-department-warns-milwaukee-follow-immigration-law/100753656/$

⁶ http://fox6now.com/2017/01/27/ice-milwaukee-arrests-16-during-operation-targeting-criminal-aliens/

In another ICE enforcement operation in Wisconsin and other Midwest states during the week of February 6, 2017, 235 illegal aliens were arrested. Of those arrested, 163 had previous criminal convictions in the United States. The operation was aimed at immigration fugitives, re-entrants, and at-large criminal aliens. It included the states of Wisconsin, Illinois, Indiana, Kentucky, Kansas, and Missouri.⁷

In addition, Waukesha County Sheriff Eric Severson, who has lobbied on behalf of the Wisconsin Sheriffs & Deputy Sheriffs Association, acknowledged in a September 21, 2017 interview on the Mark Belling Show that his county and others in the state do not always honor all ICE detainer requests. Violation of these federal laws could result in the loss of federal funds for sanctuary city jurisdictions in Wisconsin. Loss of these funds could lead to state and local taxpayers having to fill this gap, as a result of sanctuary city's failure to comply with federal regulations. This is another reason the state has an interest in ensuring local municipalities are following the law.

Some opponents of this bill may argue that creating sanctuary cities is designed only to help protect crime victims who are in the country illegally. However, this assertion is false. Law enforcement rarely, if ever, inquire about the immigration status of crime victims or witnesses, and have the discretion to grant immunity to victims and witnesses of crimes. As we've seen in San Francisco and elsewhere, many of the sanctuary city policies are so extreme they are actually helping to shield dangerous convicted felons and putting law-abiding citizens in harm's way.

This is common sense legislation that will help protect Wisconsin residents from unnecessarily becoming victims of crime. However, it does <u>not</u> make local law enforcement officers act as immigration enforcement agents and it does <u>not</u> require local law enforcement to go out looking for people who entered the United States illegally. Nor is it meant to harm law-abiding immigrants in Wisconsin. SB 275 is targeted specifically at individuals who have criminal convictions and are already in the custody of local law enforcement agencies.

Immigration policy is made and controlled at the federal level, by our federal officials; not by state and local governments. If changes to current laws on immigration are desired, they must be debated and acted on by Congress and the President. Each local municipality cannot pick and choose which state and federal laws to obey or ignore; otherwise we no longer have a government of laws. This bill simply requires local municipalities to comply with state and federal law.

Thank you again for the opportunity to provide testimony in support of SB 275. If any committee members have further questions, I am happy to answer them at this time.

 $^{^{7}\} http://www.tmj4.com/news/national/235-arrested-after-ice-raids-in-wisconsin-and-other-midwest-states$

Examples of Serious Crimes Committed by Illegal Aliens:8

Tessa Tranchant

Tessa Tranchant, 16, was killed on March 30, 2007 in Virginia Beach, Virginia. Tessa and her friend, Ali Kunhardt, were sitting at a stoplight when Alfredo Ramos, an illegal alien from Mexico who was intoxicated and speeding, rear-ended their car. Ramos had a history of prior convictions, but due to Virginia Beach's sanctuary policies, he was never detained. He was charged with two counts of involuntary manslaughter and sentenced to 40 years in prison.

Sarah Root

Sarah Root, 21, from Omaha, Nebraska was killed on January 31, 2016. Her SUV was rearended by Eswin Mejia, an illegal alien from Honduras, who was street racing. Sarah had just graduated from Bellevue University with a 4.0 GPA the day before she passed away. Omaha is in Douglas County, Nebraska which has sanctuary policies that impede local law enforcement's ability to cooperate with ICE officers. Mejia was charged with motor vehicular homicide but posted bond to get out of jail and was released. He is still on the run.

Shayley Estes

Igor Zubko, an illegal alien from Russia, killed Shayley on July 24, 2015 in Phoenix, Arizona. Shayley obtained an order of protection against Zubko just 10 days before her murder, but he entered her home and fatally shot her. Zubko entered the U.S. legally, but overstayed his visa and remained in the U.S. illegally. He is in police custody and faces first-degree murder charges.

Drew Rosenberg, 25



Roberto Galo, an unlicensed driver from Honduras who entered the U.S. illegally but earned temporary protective status (TPS), killed Drew Rosenberg, a second-year law student, on November 16, 2010 in San Francisco, California. Rosenberg was riding his motorcycle when Galo ran over him three times with his car. Galo was convicted of vehicular manslaughter and sentenced to 6 months in jail. USCIS refused to deport him and he was released after serving only 43 days. Thanks to the Rosenberg family's activism, Galo was finally deported on April 4, 2013.

"The number one responsibility of the federal government is to protect the citizenry. We have been betrayed by successive administrations who have allowed campaign contributions and votes to supersede that responsibility with the result being the deaths of tens of thousands of our loved ones."

Don Rosenberg, Drew's father

⁸ http://www.fairus.org/issue/examples-of-serious-crimes-of-illegal-aliens

Grant Ronnebeck, 21



Apolinar Altamirano, an illegal alien from Mexico, murdered Grant Ronnebeck on January 22, 2015 in Mesa, Arizona. Ronnebeck was shot over a pack of cigarettes while he was working his shift at a convenience store. Altamirano was out on bond from a previous conviction while ICE determined whether he should be deported when he killed Ronnebeck.

- August 2017 Martel Valencia-Cortez, a human smuggler from Mexico, was sentenced to eight years in American Prison for assaulting a U.S. Border Patrol agent with a rock; he was also charged with three counts of human smuggling. Valencia-Cortez has been listed as one of the most dangerous human smugglers in the San Diego area. Previous to the most recent charge, Valencia-Cortez served three years in prison for human smuggling charges and was then deported back to Mexico. (U.S. News, August 29, 2017)
- August 2017 Thirty three-year-old nanny Lidia Quilligana, an illegal alien from Ecuador, was convicted and sentenced to fifteen years in prison for the brutal torture and abuse of three small children. Nanny cam footage caught Quilligana burning the hands and legs of the three-year-old child as well as grabbing her by the hair and hitting her in the face. The torture was described as "sustained and depraved cruelty" by the District Attorney, and the judge admitted that the sentence nowhere near fit the heinous nature of the crime. Quilligana cited her own abusive childhood in Ecuador as justification for her actions. (Newstimes, August 22, 2017)
- July 2017 Ariel Cuellar Guizar will face thirty-one years in prison for a collection of charges relating to his activities as a human trafficker. He has been found guilty of trafficking, pimping women out to prostitution, and the rape of a fifteen-year-old girl. Guizar will also be registered as a sex offender for life. (ABC7, July 20, 2017)
- June 2017 Vanessa Hernandez, an illegal alien from Mexico, was sentenced to 100 months in prison for importing nearly 9 pounds of methamphetamine. Hernandez is expected to face deportation proceedings after she is released from prison. (ICE.gov, June 9, 2017)
- May 2017 Illegal alien, Edwin Velasquez Curuchiche, has been sentenced to fifty years
 in prison after being convicted of two counts of producing child pornography. Specifically,
 Curuchiche has been charged with sneaking into the room of a six year old girl and filming
 himself molesting her while she slept. Originally apprehended entering the country illegally
 in 2013, the Guatemalan national never returned for his immigration hearing and was living
 in the U.S. illegally at the time he assaulted the child. (Tennessean, May 15, 2017)

- May 2017 An Uzbek refugee serving 25 years behind bars for a plot to kill U.S. military
 personnel or civilians has been charged with stabbing the warden at the California federal
 prison where he was serving his sentence, prosecutors said Thursday. (Fox News, May 27,
 2017)
- May 2017 Pasqual Mendez, 24, of Morganton, was given an active prison term of 12 to 19 years for felony human trafficking of a child, assault on a female, interfering with emergency communication and statutory rape of a child less than 15 years of age (News Herald, May 23, 2017)
- May 2017 Oscar De La Rosa-Mendoza, 31, of Mission a Mexican citizen who wasn't lawfully present in the United States — pleaded guilty to driving while intoxicated, a Class B misdemeanor, on May 9. (CBS News, May 18, 2017)
- May 2017 Carlos Santiago-Alvarez, 41, of Holyoke, was sentenced Monday to six to
 eight years in state prison followed by five years probation in a child rape case. (Mass Live,
 May 4, 2017)
- April 2017 Ignacio Luque-Verdugo, 32, was convicted Friday in Adams County District Court of first-degree murder and attempted first-degree murder charges. (Denver Channel, April 18, 2017)
- April 2017 Four Charlotte-area members of the El Salvadoran gang MS-13 were convicted Tuesday of federal racketeering charges. (Charlotte Observer, April 18, 2017)
- April 2017 Pablo Gonzales Sanchez will spend at least 18 years in prison for molesting
 a young teenage girl an estimated 50 times. The girl's mother, an illegal alien, has also
 been sentenced to prison for not reporting her daughter's allegations of abuse. Both she
 and Sanchez also were ordered to be added to the Sex Offender Registry. (Shelby Star,
 April 11, 2017)
- April 2017 Abdirahman P. Sahel was sentenced Monday, April 10, to 20 years in prison for sexually assaulting and terrorizing a young woman nearly four years ago. (Jamestown Sun, April 11, 2017)
- April 2017 Gil Gaxiola was convicted of first-degree attempted murder of a National Park Service employee, as well as armed robbery, three counts of aggravated assault, kidnapping and theft of means of transportation, following an 11-day trial. (Wilcox Range News, April 1, 2017)
- March 2017 Mexican National Miguel Rangel-Arce, 36, has been convicted of trafficking methamphetamine in New Mexico and Navajo Nation land. He will serve 10 years in prison. He is one of eight others who were charged with trafficking drugs between November 2015 and March 2016. When they were apprehended, the police also found 2 1/2 pounds of meth and 10 firearms. (Daily Times, March 8, 2017)
- February 2017 29-year-old Ricardo Solis Garcia was sentenced to 20-29 years in prison after being convicted of raping a 13-year-old girl in Burke County, North Carolina in March of 2015. Garcia lured the girl into his car on the pretense of giving her a ride but instead took her to a motel room where he forced her to have sex with him. Garcia will be scheduled to be deported after he has served his prison sentence. (WHKY, February 2, 2017)

- January 2017 A Mexican illegally in the United States;, Leonard Pennelas-Escobar, was shot dead in Arizona as he assaulted a police officer by banging his head against cement after Pennelas shot and wounded the officer who had stopped to render assistance after Pennelas driving at a high speed had rolled the car killing the woman passenger.
- January 2017 Alexis De La Rosa Sosa, an illegal alien from Mexico, was sentenced in Texas to four concurrent terms of 12 years in prison for the deaths of two persons as a result of his crashing into their vehicle while driving recklessly and then fleeing the scene of the crime. (Breitbart News, January 11, 2017)
- November 2016 A Mexican illegal alien, Claudia Raquel Herrera Ibarra, pled guilty to
 possession of a firearm in Laredo Texas and was sentenced to three years imprisonment.
 She and a partner were caught smuggling weapons to the violent "Los Zetas" narcotics
 smuggling gang in Mexico. (Breibert News, November 30, 2016)
- October 2016 A previously deported illegal alien is jailed in Michigan after admitting to strangling his girlfriend. Raul Perez had been deported to Mexico in 2004 and again in 2005 after a judge found him guilty of illegal reentry. He also had been in police custody five days before the murder for driving under the influence. The local authorities established his identity from his fingerprints he was using an assumed name but according to a news account there was no request from ICE that he be detained (perhaps because he was detained on a weekend). ICE has now issued a detainer request for whenever Perez is released. (WoodTV, Channel 8, Grand Rapids Mich.)
- September 2016 Cecil Burrows, an immigrant from India, is due to be deported following more than three years imprisonment for his involvement in orchestrating a gang rape in his home in 2012. (Washington Post, September 25, 2016)
- September 2016 A British illegal alien, Michael Steven Sandford, pled guilty in Nevada to possession of a gun—that he tried to take from a policeman and disrupting and official function—a campaign rally by GOP presidential candidate Donald Trump. Sandford said he was attempting to kill the candidate. A psychiatrist found that Sandford was "delusional" according to an AP report. Sentencing guidelines call for 18 to 27 months in prison. (Daily News. September 13, 2016)
- September 2016 September 2016 Jorge Elizade Sanches, an illegal alien confessed to the beating death of his common-law spouse in Texas. (12newsnow.tv September 15, 2016)
- September 2016 September 2016 Walter Gomes DaSilva, a Brazilian illegal alien, pled guilty to the murder of his teen-aged daughter in Massachusetts. (Boston Herald, September 7, 2016)
- September 2016 September 2016 Ecuadorian illegal aliens, Paul Esteban Estrella Villota and his wife Magaly Alemania Malagon Sandoya were respectively sentenced in Texas to six and five years respectively in federal prison for an alien smuggling operation. (Breibart News September 7, 2016)
- August 2016 Two Salvadoran illegal alien gang members were convicted of murder in the Virginia suburbs of Washington DC. Jose Lopez Torres was convicted of a brutal stabbing death of another MS-13 gang member suspected of being an informer. He was sentenced to life imprisonment plus 20 years. According to the Washington Post, "His

conviction was part of a sweeping federal case against Northern Virginia members of the El Salvador-based gang, in which six defendants pleaded guilty and six more were found guilty at trial." The other just convicted Salvadoran was Jesus Alejandro Chavez, who was sentenced to two life terms plus 10 years for two murders. (Washington Post, August 11, 2016)

- July 2016 Mauricio Morales-Caceres, an illegal alien from El Salvador was sentenced in Montgomery County, Maryland to life in prison without parole for the stabbing death of another Salvadoran. Morales identified himself as an MS-13 gang member, and testimony indicated he had no remorse for his crime. (Washington Post July 15, 2016)
- June 2016 Aroldo Castillo-Serrano, a Guatemalan illegal alien, was sentence to 15 years in prison in Ohio for forced labor conspiracy, forced labor, witness tampering and encouraging illegal entry into the country. Castillo paid smugglers to smuggle teen-aged Guatemalan youth into the country under the promise of getting them into school and then put them to work as indentured servants in an egg farm. (Fox News Latino, June 27, 2016)
- June 2016 A Mexican illegal alien, Juan Carlos Sepulveda-Castro, was sentenced to two and one half years in prison in Idaho for threatening people with an assault rifle. The news report notes that illegal aliens are prohibited from possessing a firearm. (Pocatello TV channel 8)
- June 2016 Eleven illegal alien members of the Salvadoran MS-13 gang have been convicted of a series of crimes including murder. Jorge Enrique Moreno-Aguilar, Juan Alberto Ortiz-Orellana and Minor Perez, all from Maryland were convicted in mid-May of murder and conspiracy in a racketeering enterprise. (MRC-TV May 24, 2016) New Jersey gang members Santos Reyes-Villatoro, Mario Oliva, Roberto Contreras, Julian Moz-Aguilar, Hugo Palencia, Jose Garcia, Cruz Flores, and Esau Ramirez were convicted in late May in New Jersey of various murder, racketeering and firearms crimes. (MRC-TV, June 2, 2016)
- May 2016 Illegal aliens, Reinol Vergara and Edson Benitez, pled guilty to second degree murder for the death of a 90 year-old Minnesota man they beat and tied up while they stole from his home, leaving him to bleed to death. (Breibart News May 11, 2016)
- April 2016 A Salvadoran illegal alien, Mauricio Morales-Caceres, was convicted of first degree murder in Maryland and sentenced to life imprisonment. (Washington Post, April 30, 2016)
- March 2016 Juan Razo, a Mexican illegal alien living in Painesville, Ohio, agreed to
 plead guilty to a crime spree that included the shooting death of a 60-year old woman,
 attempted rape of a 14-year old girl, kidnapping and burglary. His plea was to avoid the
 death penalty and accept a life sentence. (<u>Cleveland.com</u>, March 4, 2016)
- February 2016 Three illegal aliens from Mexico were sentenced to federal prison for alien smuggling and illegally re-entering the U.S. after previous deportations. One man was sentenced to 57 months, another will serve 24 months, and the last man was sentenced to serve 12 months and one day in prison. (U.S. Immigration and Customs Enforcement, February 2, 2016)

- January 2016 An illegal alien from Mexico was sentenced to nearly 6 years in prison after having been convicted for transporting illegal aliens, which resulted in the death of two illegal aliens. (U.S. Immigration and Customs Enforcement, January 20, 2016)
- December 2015 A 40-year-old illegal alien, Michael Rodriguez Garcia, was sentenced to four life terms for the rape and sodomy of two children in Alabama. (Breitbart News, December 2, 2015)
- November 2015 Humberto Erazo-Medrano and Ricardo Castaneda, two illegal aliens, were arrested and charged with second-degree promoting prostitution in Alabama. The bond for each man is set at \$100,000. (Gadsden Times, November 2, 2015)
- October 2015 Marco Hernandez Ramirez, a 34-year-old illegal alien from Guatemala, was sentenced to 40 years in prison for killing a couple and their 5-year-old daughter in a car crash. (Athens Banner-Herald, October 14, 2015)
- September 2015 An illegal alien from Mexico, Martin Margarito-Casimiro, was sentenced to 40 years in federal prison for kidnapping a man in Texas. (U.S. Immigration and Customs Enforcement, September 24, 2015)
- August 2015 Jose Angel Villarreal-Sanchez, a 42-year-old illegal alien from Mexico, was convicted of possessing a firearm in Texas. According to federal law, illegal aliens are not permitted to possess firearms. Three baggies of cocaine were also found hidden in his backyard. Villarreal-Sanchez is expected to be sentenced in December. He could face up to 10 years in federal prison and a possible \$250,000 fine. (U.S. Immigration and Customs Enforcement, August 11, 2015)
- July 2015 Ever Olivos-Gutierrez, an illegal visa overstayer, was convicted of second degree murder in Colorado for the death he caused while driving intoxicated. It was the fourth time since 2000 he had been arrested for DUI, but there was no record of immigration authorities ever being notified. He was sentenced to 40 years imprisonment. (Denver Channel 7)
- June 2015 A Salvadoran, Mauricio Hernandez, convicted of rape and murder of the baby born to his victim was sentenced to 50 years in prison in Texas and faces deportation when he has served his sentence. (The Dallas Morning News, June 5, 2015)
- May 2015 A Salvadoran, Julio C. Saravia, faces deportation following a prison sentence
 of 29 years for rape of a minor, to which he pled guilty in Virginia.
- May 2015 Two Mexicans, Juan Hernandez-Sanchez and (FNU) Canela-Perez, pled guilty in Portland, Oregon and were sentenced to seven years in state prison for distribution of methamphetamines and heroin. (*Oregonian*, May 14, 2015)
- May 2015 Zeng Liang Chen and Dong Biao Lin, illegal aliens from China, were convicted of first degree murder and sentenced to life in prison in New Jersey. (NJ.com, May 5, 2015)
- May 2015 Bernabe Flores, a Mexican illegal alien, pled guilty to first-degree rape in California and was sentenced to eight years in prison. (*Times-Herald Record*, May 7, 2015)

- April 2015 Victor Garzon-Alvarez, a Mexican illegal alien pled guilty and was sentenced in New Jersey to 14 years in prison for murder. (NJ.com, April 22, 2015)
- April 2015 Sergio Quezada Lopez, a Mexican illegal alien who had been deported four times, was sentenced in Oregon to 15 years in prison for a heroin overdose death. His brother, Gerardo Chalke Lopez, also a previously deported alien, was earlier sentenced to 18 years in prison on the same charges. (Oregonian, April 29, 2015)
- April 2015 Three illegal aliens, Uriel Ramirez-Perez, Darwin Zuniga-Rocha, and Eliseo Mateo Perez, pled guilty to first-degree sexual abuse (rape) in New York and were sentenced to time served in jail and will be deported. (Daily News, April 29, 2015)
- March 2015 Javier Guerrero Molina, a Mexican illegal alien, was sentenced in federal court in Jacksonville, Florida to 10 years imprisonment for attempting to transport a minor to engage in sexual activity. Guerrero said he had entered the United States illegally in 1999 or 2000. (Dept. of Justice, Middle District of Florida, March 30, 2015)
- March 2015 An Idaho judge sentenced Phuong Hoang Le, a Vietnamese illegal alien, to prison for 36 months. Le was convicted of possession of a stolen car and stolen credit card. The judge commented, "Stealing cars and credit cards strike at the hearts of average middle class citizens." The prosecutor said that Le had 10 prior felony convictions, but that according to U.S. Immigration and Customs Enforcement, he is not likely to be deported because if Le were to be deported to Vietnam "he would be killed."

 (http://magicvalley.com/news/local/mini-cassia/ March 25, 2015)
- March 2015 Luis Daniel Cabrera-Guzman, a Mexican illegal alien, was sentenced in Kansas City to two years in federal prison for conspiracy to produce and distribute false and counterfeit identification documents that were sold to illegal aliens. He had previously been deported twice in 2009. Four other Mexican illegal aliens have pled guilty to the same conspiracy and await sentencing. (Kansas City infozine, March 25, 2015)
- February 2015 Sergio Cobaruvias-Romero, an illegal alien from Mexico, was convicted
 of possessing with intent to distribute drugs in Texas. He was found with 20 bundles of
 methamphetamine weighing 46 pounds and four bundles of heroine weighing 13 pounds.
 He was sentenced to 10 years in federal prison. (U.S. Immigration and Customs
 Enforcement, February 17, 2015)
- January 2015 Jaime Gerardo Serrano-Villegas, a 28-year-old illegal alien from Mexico, was convicted of transporting illegal aliens. He assisted in moving a boat filled with illegal aliens and faces up to 10 years in federal prison. (U.S. Department of Justice, Southern District of Texas, January 14, 2015)

JOHN SPIROS

State Representative • 86th Assembly District

Senate Bill 275

October 12, 2017

Testimony from Rep. Spiros

Hello, and thank you Chairman Nass and members of the Senate Committee on Labor and Regulatory Reform for allowing me to have the opportunity to share my testimony with you today regarding Senate Bill 275, a bill that would ban so called "Sanctuary Cities" in Wisconsin.

On July 1, 2015 32 year old Kathryn Steinle was shot and killed as she was walking on a San Francisco pier with her father. The shooter was Francisco Sanchez, an illegal immigrant and convicted felon who had been previously deported five times. In March, after serving a third prison term for entering the country illegally, he was sent to San Francisco for an outstanding drug charge. The San Francisco district attorney's office declined to prosecute the case. U.S. Immigration and Customs Enforcement (ICE) had issued a detainer for Sanchez requesting that he be kept in custody until immigration authorities could pick him up. However, since San Francisco is a sanctuary city, the city did not honor the detainer and he was released from jail and set free. Less than 4 months later he opened fire on the San Francisco pier. Sadly, this is not the only situation where a violent crime has been committed by an illegal immigrant who has been released in spite of an ICE detainer.

This bill is common sense legislation that protects public safety by calling for cooperation with federal law enforcement agencies. This will ensure protection for all Wisconsin citizens, as well as those visiting our state. As a state we should be preemptive and make sure what happened in San Francisco cannot happen here.

This bill seeks to ensure our local governments are complying with federal immigration laws and detainers by prohibiting them from enacting any ordinances, resolutions, or policies that prevent them from doing otherwise. Those political subdivisions that still fail to comply will see a reduction in shared revenue payments and will be held liable for damages caused by the illegal alien.

According to a report published by U.S. Immigration and Customs Enforcement, 98% of individuals removed from the country by ICE in 2015 were demonstrated to be a threat to public safety or national security. 59% of those individuals had been previously convicted of a crime. The individuals who are the subjects of these ICE detainers are a genuine threat to the safety of those living in and visiting in our state, and we should be holding our local governments when they fail to cooperate in decreasing this threat.

Thank you again for allowing me the opportunity to share testimony in support of this bill.



Darryl Morin Testimony - Wisconsin SB 275 - October 12, 2017

Chairman Nass, Vice Chair Wanggaard and distinguished members of this committee, I wish to thank you for holding today's hearings on Senate Bill 275 and for providing an opportunity for me to testify on this proposed legislation.

My name is Darryl Morin of Muskego, Wisconsin, and I speak to you here today, as not only a Wisconsin business owner who serves customers in all 50 states of our great Republic as well as in 9 countries across the globe, but also as a representative of the League of United Latin American Citizens (LULAC) of Wisconsin. LULAC is our nation's largest and oldest Hispanic membership based organization with over 130,000 advocates and solution providers throughout the United States.

I am proud to say here in Wisconsin, LULAC:

- Has opened and operates a LULAC Community Technology Center in Waukesha,
 Wisconsin where individuals learn important job skills, can apply for jobs online and much more.
- Has donated just under 100,000 lbs. of meat with our partners at Tyson Foods to provide relief for families that suffer from food insecurity here in our great state.
- Have provided over \$1,400,000 in college scholarships to deserving and talented
 Wisconsin Hispanic American Youth
- Have provided over \$500,000 in online reading intervention software to schools in need.
- Have spent over \$450,000 in a dual enrollment program that takes at-risk youth out of some of Wisconsin's most challenged high schools and take them to the local community college, where they transfer college credits, earn their high school diploma and transition to a college or university and much more.

Midwest Region:

- Illinois
- Indiana
- lowa
- Kansas
- Michigan
- Minnesota
- Missouri
- Nebraska
- Morth ○ lota
- Ohio
- South Dakota
- Wisconsin

5012 W. Ashland Way Franklin, WI 53132 4 34-8860



Personally, I can also add that through my company, Advanced Wireless, Incorporated, we have donated over \$850,000 in Wireless LAN equipment and services to schools in need.

I share these contributions not to boast of our accomplishments, but to underscore that LULAC is not an organization dedicated identifying issues, but providing solutions. Through our national network of committed volunteers and alliance of corporate partners ranging from Ford, General Motors and Toyota, to Wal-Mart, Target and Walgreen's to McDonald's, Taco Bell, MillerCoors as well as AT&T, Comcast and more, we deliver solutions. I am proud to say that over 99% of all funding for the projects I mentioned came from LULAC or LULAC partnerships with other non-profit or for-profit entities and not from federal, state, county or municipal governments.

LULAC was founded on the guiding principal of helping Hispanics integrate in to the American cultural fabric. Much of our constitution is modeled after the U.S. Constitution. The LULAC Prayer is an adaptation of Thomas Jefferson's "Prayer for a Nation", our flag is the U.S. Flag, our song, is America the Beautiful.

Hispanics continue to make rich cultural contributions to society and are beginning to drive more of our state economy as Wisconsin's median workforce age continues to climb. Given recent workforce statistics found in numerous studies, and now with the state entering into an agreement with Foxconn, one thing is certain, Wisconsin does not have the workforce it needs and needs to be doing everything it can to attract motivated, entrepreneurial and most importantly, younger workers.

Since our inception in 1929, LULAC members have fought to defend our nation on foreign battlefields, as well as at home in the courts; never asking for something given, but always insisting our constitutional right, to an equal opportunity to earn the American Dream.



This brings me to today and Wisconsin Senate Bill 275. While LULAC firmly believes that every sovereign nation has a responsibility to protect its borders, and that each branch of government has its exclusive rights, and that we must vigorously defend each right in the constitution, not just a select few, so must we respect jurisdictions and authorities defined within this most of sacred of documents. LULAC is committed to the defense of the U.S. Constitution and those it serves.

After careful review of Wisconsin Senate Bill 275, LULAC and LULAC of Wisconsin have found it to have striking similarities with Texas Senate Bill 4.

Both Texas SB 4 and Wisconsin SB 275 seek to prohibit ordinances, resolutions or policies that prohibit the enforcement of federal or state law relating to undocumented immigrants as well as inquiring as to an individual immigration status. They both require compliance with detainer requests from Immigration and Customs Enforcement (ICE) and they both seek to impose financial penalties on government entities that do not comply. In addition, they both seek to force liability on those governing bodies for damages found to have been caused by undocumented immigrants.

As I am sure you are aware, LULAC with The City of El Cenizo, the ACLU and the Mexican American Legal Defense and Education Fund (MALDEF) are currently in litigation with the State of Texas. As with SB 4, our analysis, as well as the findings of U.S. Chief District Judge Garcia who has heard our complaint have found numerous constitutional issues with these provisions. Due to the limited time I am afforded here today and the numerous issues with these provisions, I have included a copy of the Judges order in Section 2 of my written testimony. Suffice to say, Judge Garcia has enjoined the State of Texas from implementing majority of provisions found in SB 4.

I would be also be remiss as a resident of the great state of Wisconsin if I did not at least mention additional litigation applicable to SB 275 regarding financial penalties. Earlier this year, in the County of Santa Clara and City and County of San Francisco v. Donald J. Trump, et al, a nationwide injunction was placed upon Executive Order 13768 titled "Enhancing Public Safety in the Interior of the United States" regarding section 9(a). This executive order purports to "ensure the jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except



as mandated by law." This was found by Judge Orrick to have numerous constitutional issues and as I stated earlier, this executive order is under a nationwide injunction. Once again, due to time constraints, I have included a copy of Judge Orrick's decision in Section 3 of my written testimony for your review.

I have also included in Section 4 of my written remarks, legal clarification as to the nature of detainer requests from Immigration and Customs Enforcement (ICE). It is important to know that detainer requests are not court orders, and per ICE itself, is a voluntary request and do not carry the weight of a court order, and as such, their execution cannot be mandated by the state.

In closing, I would like to add that not only does SB 275 have numerous constitutional issues, but above and beyond, our analysis has shown that it is simply not in the "Public Interest". As a state we pride ourselves on fair play, in helping our neighbors, on the benefits of working hard to provide for our families, and in times of need, lending a helping hand. SB 275 would send a message of fear and division and would have a chilling effect on police - community relations as well as have a disproportionate and discriminatory impact on individuals with prominent Hispanic features. As we all seek what is best for our state, do we not want each and every person to feel comfortable to report a crime that they witnessed or is in progress? Do we not want each and every person to feel comfortable calling the police or fire department when witnessing a medical emergency or a fire? Do we not want women and children to feel comfortable calling for aid if they are victims of domestic violence?

While there are some who say SB 275 is designed to help keep us safe, it will in fact have the opposite effect.

I could continue but once again I will simply say that the LULAC and LULAC Wisconsin for constitutional reasons I have mentioned above as well as for reasons of Public Interest cannot support SB 275.



Once again, distinguished gentleladies and gentlemen, I appreciate your time and serious consideration of my remarks on the proposed bill.

May the Lord bless all of you, may the Lord bless the great state of Wisconsin and may the Lord continue bless the United States of America.

Thank you,

Mr. Darryl D. Morin



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SPECIAL REPORT

The Faulty Legal Arguments Behind Immigration Detainers

By Christopher Lasch, Esq. December 18, 2013

In late June 2012, the Supreme Court struck down three provisions of Arizona's SB 1070 and left a fourth vulnerable to future legal challenge. As has been well documented, the Court's rejection of SB 1070 tipped the balance in favor of federal enforcement and away from state and local enforcement of the immigration laws. But this essay explores a less obvious consequence of the Court's decision: its implications for the viability of a critical federal enforcement mechanism: the immigration "detainer."

An immigration detainer is a piece of paper that federal immigration officials send to state and local jails requesting that they continue holding an individual for up to 48 business hours *after* he or she would otherwise be released, so that agents of U.S. Immigration and Customs Enforcement (ICE) can investigate the person's status and assume custody if necessary. Also known as immigration "holds," detainers are the key enforcement mechanism behind federal enforcement initiatives like the Criminal Alien Program and Secure Communities.

There has been considerable confusion as to whether a detainer is a mere request that ICE be notified of a suspected immigration violator's impending release, or a command by ICE that state or local officials hold a prisoner for ICE beyond the time the prisoner would otherwise be released. Independent of that question, however, the Court's decision in *Arizona v. United States* identifies a more fundamental problem: that detainers may violate the Constitution and federal statutes even when honored on a voluntary basis.

Indeed, detainers are invalid in many instances for the same reason the Supreme Court struck down numerous parts of SB 1070—they permit law enforcement action inconsistent with laws enacted by Congress. Moreover, as Justice Anthony Kennedy's majority opinion also makes clear, the use of immigration detainers raises serious problems under the Fourth Amendment, which requires state and local law enforcement officials to have "probable cause" that a person has violated the law before placing him or her under arrest or extending the period of custody. Ironically, then, even as the *Arizona* decision trumpeted the supremacy of the federal government over immigration enforcement, it also cast doubt on the validity of ICE's central mechanism for obtaining custody of individuals targeted for removal proceedings.

Due to these underlying legal problems, many of the "anti-detainer" measures enacted around the country are well founded. For example, numerous municipalities—including Chicago, New York, and San Francisco—now prevent local jails from honoring immigration detainers unless an arrestee has been charged with or convicted of certain criminal offenses. However, to the extent jurisdictions believe they can selectively honor immigration detainers, they may yet be exposed to civil liability. While legally sound in resisting the notion that the federal government can impose any binding obligation on state and local officials, even selective enforcement of detainers may violate the Constitution and the Immigration and Nationality Act (INA).

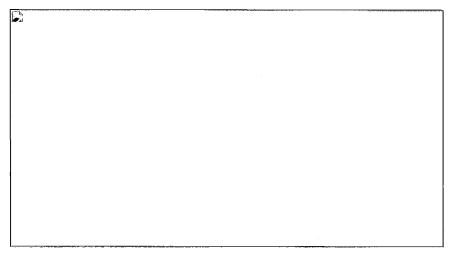
Jurisdictions can avoid legal liability by following the lead of Cook County, Illinois, which does not honor immigration detainers under any circumstances. Alternatively, jurisdictions can attempt to enact detainer polices crafted to avoid the aforementioned legal problems, such as requiring probable cause that the subject of a detainer has committed a federal crime. Selective enforcement policies, however, could be preempted as efforts to hijack federal enforcement discretion.

Background

How Immigration Detainers Work

Immigration detainers are the principle mechanism for ICE to obtain custody of suspected immigration violators who are initially arrested by state or local law enforcement officials. When ICE learns a suspected immigration violator is in a state prison or local jail, the agency sends a detainer—or "Form I-247"— requesting that the individual be held in custody for an additional 48 hours after he or she would otherwise be released, excluding weekends and holidays. Thus, once suspected immigration violators are entitled to release (e.g. after posting bail or being acquitted of the charges against them), local agencies that choose to honor detainers continue to hold them in custody.

Unlike criminal arrest warrants, which are based upon probable cause and must be issued by a neutral magistrate, detainers can be issued by virtually any ICE officer and without any proof that an inmate is removable from the country. For years, the Form I-247 itself (see excerpt of December 2011 Form I-247 below) allowed federal immigration officials to issue a detainer after merely "[i]nitiat[ing] an investigation" into whether an arrestee is removable. A complaint alleging detainer illegalities in Los Angeles estimated that 78% of detainers issued to the Los Angeles County Sheriff's Department had the "[i]nitiated an investigation" box checked. (As discussed below, ICE issued revised detainer guidance, accompanied by a new detainer form, following the Arizona decision.)



Although detainers have been issued for decades, their use has become increasingly common since 2008 due to the launch and expansion of the Secure Communities program, which routes to ICE all fingerprints taken by local police. When the fingerprints of a local arrestee generate a "match" in federal databases, ICE determines whether to send a detainer to the arresting agency. From less than 15,000 detainers issued in fiscal year 2007, after the implementation of Secure Communities, immigration officials now issue some 250,000 detainers each year.

As the Secure Communities program has expanded across the country, detainers have become the mechanism by which people arrested for minor offenses—such as traffic violations—are held for transfer to ICE agents. As a result, concerns have been raised that the detainer "tail" will wag the street-level enforcement "dog," encouraging profiling by police. In addition, due to flawed databases on which ICE agents rely, U.S. citizens have been mistakenly held on immigration detainers. And, although the detainer form only purports to authorize continued detention for 48 hours (excluding weekends and holidays), numerous lawsuits have been filed by arrestees who have been detained beyond this period.

The Supreme Court's Decision in Arizona v. United States

The law known as Arizona SB 1070 was enacted and signed by Gov. Jan Brewer in April 2010. Its legality was quickly challenged in federal court, first by a coalition of civil and immigrants' rights groups, and later by the Obama administration. The administration's challenge eventually made its way to the Supreme Court, which agreed to consider whether four provisions of SB 1070 were in conflict with—and therefore "preempted" by—federal immigration laws.

Of the four provisions the Supreme Court agreed to review, two have particular relevance to the validity of federal immigration detainers: Section 2(B), which was upheld by the Court, and Section 6, which was struck down. Although the Court reached different conclusions about their legality, the discussion of each provision revolved around a common theme: namely, that law enforcement officers are constrained by Congress's enactments and the Constitution when detaining and arresting suspected immigration law violators.

Section 2(B) of SB 1070

Section 2(B), also known as the "show me your papers" provision, imposes two distinct obligations on Arizona law enforcement officers. First, it requires officers to attempt to determine the immigration status of any person they have stopped or detained if "reasonable suspicion" exists that the person is unlawfully present in the United States. Second, it requires officers to determine the immigration status of all persons arrested before they are released, regardless of whether they are suspected of being in the country unlawfully. In both circumstances, officers are required to contact federal immigration authorities to determine whether a person is unlawfully present, not make their own determination.

In upholding Section 2(B), the Court emphasized that on its face, the provision required nothing more than communication between state and federal officials, which it described as "an important feature of the immigration system." In practice, however, Justice Kennedy recognized that Section 2(B) could potentially result in persons being detained "for no reason other than to verify their immigration status." If officers subjected arrestees to "prolonged detention" to determine their immigration status, the majority made clear that such detentions would violate the Fourth Amendment, which prohibits law enforcement officers from arresting individuals unless they have probable cause to believe they have broken the law. The Court thus left open the door to future legal challenges to Section 2(B) based on how it is applied in practice.

Section (6) of SB 1070

Meanwhile, Section 6 would have authorized Arizona officers to arrest immigrants without a warrant if probable cause existed that they had committed a public offense making them removable from the United States.[xi] In other words, the provision would have authorized Arizona officers to make warrantless arrests based solely on the suspicion of a civil immigration violation.

In striking down Section 6, the Court held that the provision exceeded the careful statutory structure put in place by Congress in the INA, and was therefore preempted. That statutory structure, the Court observed, included explicit allocation of civil immigration arrest authority to state officials—but in carefully limited circumstances. The Court noted that Congress has authorized "287(g)" agreements whereby state and local officers may be authorized to make civil immigration arrests, but only after adequate training in immigration enforcement.

The Court found that not only did Section 6 exceed the specific civil enforcement ability conferred by Congress upon state and local officers, but also the enforcement ability conferred by Congress on *federal* immigration agents to make warrantless arrests. As Justice Kennedy explained in the majority opinion, the INA generally requires immigration officers to obtain an administrative warrant before making an arrest, unless they have reason to believe a suspected immigration violator is "likely to escape before a warrant can be obtained." Because Section 6 would have given Arizona officers more authority to make immigration arrests than Congress granted even federal agents, the Supreme Court found it to be inconsistent with the system Congress created, and struck Section 6 down as preempted.

The Effect of Arizona v. United States on Federal Immigration Detainers

Although the Supreme Court's ruling in *Arizona v. United States* did not directly address the legality of detainers, the majority opinion nonetheless makes clear that honoring immigration detainers often violates both the Constitution and the INA. Like Section 6 of SB 1070, detainers are inconsistent with the statutory enactments of Congress. And like Section 2(B), detainers raise substantial Fourth Amendment concerns because of the possibility of prolonged detention based on suspected civil immigration violations. Detainers raise additional constitutional concerns not discussed in the *Arizona* decision because they cause individuals to be held in custody for more than 48 hours without an independent probable cause determination, which is a separate violation of the Fourth Amendment.

How Immigration Detainers Violate Federal Immigration Law

Immigration detainers are inconsistent with the statutory system Congress enacted for immigration enforcement. As noted above, the Court in striking down Section 6 of SB 1070 found that Congress had carefully delineated the civil arrest powers of state and local officers, and of federal immigration officials. Today, federal immigration officials often issue detainers in a manner that exceeds Congress's grant of arrest authority.

As the *Arizona* Court discussed, federal immigration officials may take persons into custody either (1) pursuant to an immigration arrest warrant or (2) when the person is "likely to escape before a warrant can be obtained." Although holding an individual in custody solely because of an immigration detainer amounts to a warrantless arrest, federal officials frequently issue detainers without regard to the individual's likelihood of escape. Indeed, ICE's practice has included filing immigration detainers that are not accompanied by arrest warrants against individuals who are not scheduled to be released for days, weeks, or even months.

Some might argue that persons in the custody of a law enforcement agency should be presumed flight risks, and therefore likely to escape before a warrant can be obtained. While this argument might have force in a particular case, it sweeps too broadly to justify the issuance of detainers in circumstances where immigration officials clearly *can* obtain a warrant before the prisoner's release. Indeed, a strong case can be made for the opposite presumption, because individuals who are already in the custody of law enforcement officials are much less likely to be able to flee than those who have not yet been arrested.

Additionally, the issuance of a detainer results in prolonged detention not by federal officials, but by state and local officials. Congress has not authorized state and local officials to arrest suspected immigration violators, except in the narrow circumstances the Court noted in *Arizona*. Just as Section 6 purported to authorize state and local officials to effectuate civil immigration arrests beyond any power Congress had delegated to them or even to federal immigration officials, the issuance of immigration detainers exceeds Congress's carefully crafted statutory structure.

How Immigration Detainers Raise Substantial Constitutional Questions

Under the Fourth Amendment, state and local law enforcement officials generally cannot take a person into custody without probable cause to believe he or she has committed a crime. As importantly, a person subjected to a warrantless arrest is entitled to a reasonably prompt hearing—generally within 48 hours—before a neutral magistrate.

The Supreme Court's discussion of Section 2(B) makes clear that holding a prisoner under the sole authority of an immigration detainer implicates the Fourth Amendment's probable cause requirement. It must be noted that Section 2(B), like an immigration detainer, applies generally to circumstances in which the prisoner is already lawfully in state custody. The Fourth Amendment concern is triggered in both instances when it is proposed that state officials prolong detention on the basis of a suspected civil immigration violation. As noted above, in the case of Section 2(B) the *Arizona* Court avoided this constitutional concern by construing Section 2(B) as requiring an inquiry into immigration status only "during the course of an authorized, lawful detention or after a detainee has been released." With this construction of Section 2(B), the Court found it need not even consider whether prolonged detention would be justifiable if state officials had reasonable suspicion (or probable cause) to believe an immigration *crime* had occurred.

Like Section 2(B), immigration detainers call for prolonged detention by state and local officials even in the absence of proof that an individual is removable. While DHS's most recent detainer guidance states that immigration officials "should" place a detainer only where there is "reason to believe" an individual is subject to removal, this guidance cannot eliminate the substantial Fourth Amendment concern. First, the guidance is expressed not as a legal position of DHS, but as an enforcement priority. The guidance contains an express disclaimer stating that it does not "limit the legal authority of ICE or its personnel" and does not "create any right ... enforceable at law by any party" The guidance also excludes U.S. Customs and Border Protection (CBP) from its ambit, further emphasizing the document's function as an enforcement priority policy position as opposed to a legal position. The guidance also calls for a six-month review, whereupon "ICE will consider whether modifications, if any, are needed."

There is no guarantee, in other words, that ICE will not continue its practice over the past three decades of issuing detainers based upon nothing more than an *initiated investigation* into whether an individual is subject to removal. Notwithstanding the new detainer guidance, detainers allow state and local officials to do precisely what the Supreme Court said Arizona officers could not do when enforcing Section 2(B): subject individuals to "prolonged detention" solely to determine their immigration status.

A second reason the detainer guidance cannot cure this Fourth Amendment problem is that it requires only "reason to believe" the target of a detainer is removable. Because there is no requirement of reasonable suspicion or probable cause that a *crime* has been committed, the detainer guidance continues to put state and local officials in the position of enforcing federal *civil* immigration law. Blocking Indiana's SB 1070 "copycat" legislation, a federal district court held Indiana's law, authorizing its law enforcement officials to arrest and detain persons subject to immigration detainers, likely violated the Fourth Amendment because it "authorizes the warrantless arrest of persons for matters and conduct that are not crimes." (The *Arizona* decision additionally makes clear that unlawful presence itself is not a crime, and state officials cannot enforce civil immigration law except in the narrow circumstances Congress has authorized.)

Furthermore, even aside from the Fourth Amendment's probable cause requirement, continued custody under the authority of an immigration detainer may violate the Fourth Amendment for a separate reason. The Fourth Amendment requires the subject of a warrantless arrest to be brought before a neutral magistrate within 48 hours of the arrest—*including* weekends and holidays—for an independent probable cause determination. By contrast, the detainer regulation flatly contradicts this requirement, authorizing prolonged detention for longer than 48 hours (indeed, up to five days over a holiday weekend) without any provision whatsoever for an independent probable cause determination by a neutral magistrate.

Detainer Resistance and its Limitations

In recent years, some jurisdictions have sought to indirectly "opt out" of Secure Communities by limiting the circumstances in which local jails may honor immigration detainers. The foregoing discussion demonstrates the legal validity of this resistance; detainers often exceed Congress's grant of authority, raise substantial constitutional questions, and provide no legal authority for state and local officials to prolong detention of suspected immigration violators. But the majority of anti-detainer ordinances enacted around the country appear to have been motivated not by the legal issues, but by civil rights concerns stemming from the expansion of Secure Communities. Contrary to its stated purpose, Secure Communities does not focus on the removal of noncitizens who have committed serious crimes. Opponents of Secure Communities argue that the program instead encourages racial profiling, diverts local resources from crime control, and makes communities less safe by discouraging immigrants from reporting crimes or cooperating with police.

Resistance to detainers was rooted in these criticisms. For example, years before California adopted statewide legislation limiting detainer compliance, the Santa Clara County, California Board of Supervisors passed a resolution urging the disentanglement of local law enforcement from federal immigration enforcement. The resolution indicated a clear concern for the civil rights of immigrants in Santa Clara County. Its opening paragraph described the county as "home to a diverse and vibrant community of people representing many races, ethnicities, and nationalities, including immigrants from all over the world." The resolution also expressed the belief of the Board of Supervisors that "laws like Arizona's SB 1070 ... subject individuals to racial profiling" and affirmed the county's commitment to protect all of its residents from "discrimination, abuse, violence, and exploitation ..."

Ultimately, the county adopted a measure prohibiting jails from honoring detainers unless the federal government agreed to pay the costs of detention, and then only if the arrestee was convicted of a felony classified as violent or serious under California law. Likewise, the District of Columbia adopted an ordinance that, among other things, would only allow jails to honor detainers filed against arrestees convicted of dangerous and violent crimes. Similar measures or policies have been enacted in Amherst, Berkeley, Chicago, Los Angeles, New Orleans, New York, and San Francisco, and in several counties as well, such as King County, Washington. On the state level, resistance has occurred in Connecticut and California, and has been proposed in Florida, Massachusetts, and Washington

The civil rights roots of detainer resistance were rendered visible in Cook County, Illinois, which voted in September 2011 to stop complying with detainers altogether. The ordinance in question appeared to be legally rooted in the Constitution's "unfunded mandate" doctrine, allowing the sheriff to honor detainers only if the federal government agreed to reimburse the county for all associated costs. Yet, when ICE Director John Morton offered to reimburse the county for any costs associated with honoring immigration detainers, County Board President Toni Preckwinkle told the press: "Equal justice before the law is more important to me than the budgetary considerations."

Unlike Cook County, which honors no detainers, other jurisdictions that have resisted wholesale compliance with detainers have claimed discretion to honor some detainers and not others. Santa Clara County and the District of Columbia are examples of jurisdictions that have indicated they may honor detainers when they target serious criminal offenders. In December 2012, California's Attorney General Kamala D. Harris issued guidance to law enforcement agencies stating: "Immigration detainer requests are not mandatory, and each agency may make its own decision about whether or not to honor an individual request." Subsequently, California's TRUST Act ratified the idea that California officials have discretion to honor immigration detainers, while limiting the exercise of that discretion.

But jurisdictions that claim a power to honor detainers selectively still confront many of the same legal problems that render immigration detainers invalid under federal law. Local officers honoring detainers are making what amount to civil immigration arrests, in circumstances beyond those specifically authorized by Congress. Even where there is an administrative arrest warrant, state or federal law may be violated by, for example, reliance upon a warrant that is not issued by a judge and not issued upon oath or affirmation. Further, local officers honoring detainers may violate the Fourth Amendment, by prolonging detention without probable cause of a crime having been committed, and by failing to provide prompt judicial review.

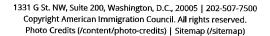
To avoid incurring legal liability, jurisdictions can follow the lead of Cook County by declining to honor immigration detainers in all circumstances. Alternatively, state and local jurisdictions can attempt to craft policies preventing local jails from honoring detainers unless authorized by Congress and in compliance with the Fourth Amendment and local law. Selective enforcement policies, however, may be subject to preemption if they interfere with federal immigration enforcement policy.

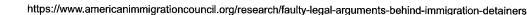
Conclusion

In *Arizona v. United States*, the Supreme Court made clear that states may not enforce civil immigration law unless explicitly authorized by Congress. But while generally providing a ringing endorsement of federal power, *Arizona* also limits the power of the federal executive to pursue immigration enforcement objectives. The executive branch, like the states, has an obligation to implement "the system Congress created" and none other. The *Arizona* opinion leaves little doubt that immigration detainers do not comport with the system Congress created.

Detainers also raise substantial constitutional questions, including the Fourth Amendment issue raised by prolonged detention—the precise concern raised by the justices concerning implementation of Section 2(B) of SB 1070. It is clear that such detention must comply with the Fourth Amendment; it must be supported by probable cause and meet the independent requirement of prompt neutral review.

Federal immigration detainers cannot support prolonged detention. Those jurisdictions that have resisted immigration detainers have done so with sound legal justification. But some of these jurisdictions simultaneously assert a power to selectively comply with detainers. Given the legal problems attendant to the use of detainers, jurisdictions wanting to honor immigration detainers in some cases must do more than focus on the seriousness of the offense of which arrestees are accused. At a minimum, they must be sure that honoring a detainer in a particular case complies not only with "the system Congress created" for immigration enforcement, but also with state and federal constitutional requirements. By honoring immigration detainers that do not meet these threshold legal requirements, local officials and localities risk civil liability.







Susan Tully Testimony before the Wisconsin Senate Committee on Labor and Regulatory Reform State House, Room 412 East October 12, 2017

Senator Nass, other distinguished Members of the Committee on Labor and Regulatory Reform, thank you for inviting me here today to testify regarding Senate Bill 275.

If enacted, SB 275 would prohibit jurisdictions from employing dangerous policies that provide a safe-haven, or "sanctuary," in which illegal aliens can work and live without fear of apprehension by federal immigration authorities. Such policies undoubtedly encourage illegal immigration; everyone is familiar with Kate Steinle's story, the young woman walking with her father on the San Francisco pier who was gunned down by Juan Francisco Sanchez-Lopez, an illegal alien with seven prior criminal convictions and five previous deportations.

Sanchez-Lopez admitted that he chose to live in San Francisco because he knew he would be protected by its sanctuary policy. His belief couldn't have been truer—as law enforcement in San Francisco had him in custody just months before Kate Steinle's death—but refused to turn him over to federal immigration authorities.

Many expect crimes like this to happen in big states like California, with huge illegal alien populations. However, most would be shocked to find out these incidents are not relegated to those states alone. Wisconsin has sheltered its share of criminal aliens. Raul Ponce-Rocha, an illegal alien from Mexico, brutally murdered Wausau high school senior Breanna Schneller in May 2009. Before illegal alien Jorge Dominguez killed the young mother in Kenosha County in 2010, he had at least 4 run-ins with law enforcement officers for serious crimes including battery and drug possession. Dominguez was released back into the community despite federal officials claiming a detainer had been issued. In 2013, in Marathon County, illegal alien Eduardo Organista-Temich was charged with sexually molesting a 7-year-old girl that he was babysitting.

While there is no firm definition of the term, generally, sanctuary policies bar state or local officials, including law enforcement, from asking lawfully stopped or detained individuals about

¹ Breitbart, "Murderer: I chose SF Because it is a 'Sanctuary City,'" July 6, 2015.

their immigration status, and otherwise reporting to or cooperating with federal immigration officers. This often includes policies limiting compliance with immigration detainer requests.

Accordingly, sanctuary policies come in all shapes and sizes. Some are written; some are not. Some are enacted through state or local laws, while others masquerade as "welcoming" resolutions or executive orders; some even appear as internal law enforcement agency policy.

Despite these differences in appearance, the uniting factor is that sanctuary policies place a greater emphasis on the welfare of illegal aliens than those citizens and legal residents in their own communities. For example, days prior to the infamous 9-11 attacks, two of the hijackers were stopped on separate occasions by police. If their backgrounds and immigration status been checked, their plot might have been uncovered before this tragedy occurred.

Sanctuary policies rely on the false premise that individuals in the country unlawfully are "law-abiding," but simply lack "papers" or "documentation." It wrongfully assumes that such individuals have not committed crimes and that immigration violations do not carry the same weight as other violations of federal law.

However, many provisions of federal immigration laws are criminal laws, with fines and/or jail time attached. For example, federal law provides:

- at 8 U.S.C. § 1302 that an alien has committed a crime by failing to properly register with the federal government;
- at 8 U.S.C. § 1323 that an alien has committed a crime by unlawfully bringing other individuals into the United States;
- at 8 U.S.C. § 1325 that an alien has committed a crime by failing to enter the country properly or without inspection;
- at 18 U.S.C. § 758 that an alien has committed a crime by fleeing an immigration checkpoint by a high speed motor vehicle; and
- at 19 U.S.C. § 1459 that an alien has committed a crime by entering the United States outside a designated border crossing point.²

Additionally, the average illegal alien routinely commits multiple crimes just to work, including falsely representing oneself as a U.S. citizen (18 U.S.C. § 911), Social Security fraud (42 U.S.C. § 408), false statements and fraudulent acts (18 U.S.C. § 1001), document fraud (8 U.S.C. 1324 c) and/or forgery or false use of a passport (18 U.S.C. 1543).³ It is improper for a state legislature to turn a blind-eye to sanctuary jurisdictions that enable these federal crimes.

3 Ibid.

² Center for Immigration Studies, "The Myth of the 'Otherwise Law-Abiding' Illegal Alien," October 2013.

According to U.S. Sentencing Commission data provided at a recent U.S. House of Representatives hearing on immigration enforcement, over 35 percent of the individuals who are sentenced for federal crimes are illegal aliens.⁴ Given that illegal aliens are an estimated 3.5 percent of the population,⁵ that means that illegal aliens are ten times more likely to be sentenced for a federal crime than legal residents.

Furthermore, shielding criminal aliens needlessly endangers innocent lives. There are roughly 3 million criminal aliens are living in the United States, and nearly 1 million of these aliens have final orders of removal.⁶ These criminals should not be able to continue to live in communities and engage in further criminal activity.

While the cost of illegal immigration to public safety is incalculable, the fiscal cost of illegal immigration also bears a heavy price tag. Annually, U.S. taxpayers pay roughly \$116 billion in costs associated with illegal immigration. A significant majority of this price tag, \$88.9 billion, is absorbed by state and local governments.⁷

In Wisconsin, taxpayers spend an estimated \$568,453,120 million each year for illegal aliens and their U.S.-born children.⁸ These costs come in the form of educational, healthcare, welfare, and law enforcement expenditures to illegal aliens and their families.

Sanctuary policies contribute significantly to these costs by telling individuals that despite violating federal laws, law enforcement and other government officials will ignore them. Just because the regulation of immigration is a federal issue, does not mean that state and local law enforcement agencies must overlook immigration violations that harm their communities.

To the contrary, the cost of illegal immigration disproportionately affects state and local governments, giving them even more incentive to cooperate with federal officials.

To ensure the safety of our communities, state and local law enforcement and governments should be encouraged—not discouraged—from cooperating with federal immigration authorities. SB 275 provides a step toward that path. Thank you again for inviting me to testify today, and I welcome any questions you may have.

⁵ Pew Research Center, "5 facts about illegal immigration in the U.S.," Nov. 3, 2016.

8 Ibid.

⁴ United States Sentencing Commission Interactive Sourcebook.

⁶ The Washington Examiner, "ICE: 950,000 Illegals With 'Removal Orders', Raids Get Just A Sliver, Feb 20, 2017

⁷ Federation for American Immigration Reform, "The Fiscal Burden of Illegal Immigration," 2017.



Department of Administration Intergovernmental Relations Division Tom Barrett Mayor

Sharon Robinson Director of Administration

La Keisha W. Butler Director of Intergovernmental Relations

City of Milwaukee Testimony on SB 275 Senate Committee on Labor and Regulatory Reform October 12, 2017

I am José Pérez, alderman for the 12th Aldermanic District in the City of Milwaukee. I would like to thank the Committee members for allowing the City to testify on this bill. The City of Milwaukee has serious concerns about the unintended consequences of SB-275 on our local neighborhoods and law enforcement resources.

Under federal law, immigration enforcement is the responsibility of the federal government. We believe that municipal governments and local law enforcement agencies should focus on making our community safer, as opposed to fostering a climate of fear due to immigration status for those that are lawfully and unlawfully present. Instead of any temporary measures such as this legislation, the City of Milwaukee supports comprehensive immigration reform at the federal level. We are joined in believing in the urgent need to overhaul our outdated immigration system by fellow Wisconsinite Speaker of the House Paul Ryan and innumerous business leaders across the State, including leaders across the dairy industry.

The City of Milwaukee is compliant with federal law and fully cooperative with federal law enforcement as requested and our city also serves as an inclusive and welcoming community that believes safer neighborhoods equal a stronger economy. On June 30, 2017, the City of Milwaukee certified compliance with 8 U.S.C § 1373, which addresses intergovernmental communication on immigration matters.

Is it important to note that the City **does not receive nor process detainer requests** from the U.S. Department of Homeland Security Immigration and Customs Enforcement (ICE). All detainer requests are processed through the Milwaukee County Jail. The Milwaukee Police Department's policies are strategic, pragmatic, and conducted in full accordance with state and federal law. According to MPD's current Standard Operating Procedure 130.30(F):

Pursuant to federal law 8 U.S.C. § 1373, "(n)otwithstanding any other provision of Federal, State or local law, a Federal, State, or local government entity or official may not prohibit or in any way restrict any government entity or official from sending to or receiving from the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual." Police members shall, using discretion consistent

with federal law and section G below, inform federal immigration officials of the whereabouts or behaviors of any suspected illegal immigrant or foreign visitor, when the immigrant or foreign visitor:

- 1. Is arrested for a felony.
- 2. Is arrested for a misdemeanor involving the possession or use of a dangerous weapon.
- 3. Is arrested for a terrorism-related offense, or is otherwise reasonably suspected of involvement in terrorism and/or subversive activities.
- 4. Is arrested for any offense involving the entry or fraudulent assimilation of undocumented foreigners into the country, or is reasonably suspected of participating in an organized venture to bring or fraudulently assimilate undocumented foreigners into the country
- 5. Is a previously deported felon.
- 6. Is reasonably suspected of participating in violent criminal street gang activity.

We believe that any effort to distract from the reality that immigration enforcement is clearly the responsibility of the federal government will not only produce an inestimable drain on finite local resources, but will actively prevent some of our most vulnerable populations, including victims of domestic violence and human trafficking, from reporting crime, including crimes committed against our children.

Public safety and the well-being of our neighborhoods should be a shared goal between local and state stakeholders and must be done in a way that encourages, rather than discourages, all individuals from utilizing police services. I implore this committee to consider the unintended consequences of creating an environment in which an elected stakeholder may bring legal action against another municipality. Notwithstanding the fiscal and operational strain on already limited resources, the U.S. Supreme Court has consistently held that it is the obligation of the federal government to enforce immigration law. More importantly, we hope the committee recognizes how this legislation can create unnecessary harm when it ultimately deters victims from their civil and moral obligation to report crime and interact with the police. Due to the potential public safety consequences of this bill, the City of Milwaukee is opposed to SB 275.

Thank you for your time and attention.

memo

To:

Members of the Senate Committee on

Labor and Regulatory Reform

Date: October 12, 2017

From: Chase Tarrier, Public Policy Coordinator

Re:

Opposition to SB 275/AB 190



End Domestic Abuse Wisconsin 1245 E Washington Ave., Suite 150

Madison, Wisconsin 53703 Phone: (608) 255-0539 Fax: (608) 255-3560

chaset@endabusewi.org

Dear Chairman Nass and members of the Senate Committee on Labor and Regulatory Reform,

Thank you for the opportunity to provide testimony regarding Senate Bill 275 (SB 275), which would prohibit local ordinances, resolutions, and policies that prohibit local law enforcement agencies and other governing bodies from inquiring about immigration status. End Abuse is the statewide voice for survivors of domestic violence and the membership organization representing local domestic violence victim service providers throughout the state. We strongly oppose this legislation and respectfully urge the Committee not to approve its passage.

While we understand that this bill is intended to increase safety and lawfulness in our state, we oppose this legislation because of the effect it will have to further endanger the lives of domestic violence victims. SB 275 will lead to a dramatic decrease in the willingness of crime victims to reach out to law enforcement, meaning violent offenders will continue their abusive behavior unimpeded. Because abusers will feel shielded by their victim's fear of deportation if they contact the authorities, this bill will have the direct opposite of its intended purpose, putting victims all across the state directly in harm's way.

In a number of other states, legislators have proposed, and in a few cases passed, similar bills. Proponents argue this type of legislation enhances community safety. However, the experiences from other states demonstrate this is not the case. Legislation like SB 275 that institutes blunt mandates to local law enforcement officers make immigrant crime victims more fearful of the police. When victims of heinous crimes feel unable to come forward, dangerous batterers and sex offenders go unidentified, and the entire community is at risk. This legislation, by increasing the fear of arrest and deportation for immigrant survivors, will therefore push victims of crime to the shadows of our society where they are afraid to report violent crimes, making them more vulnerable to victimization and harm.

Senate Bill 275 would also undermine federal immigration protections for victims of domestic violence. These protections exist to encourage victims to come forward and improve community safety. Under federal law, immigrant victims who cooperate with law enforcement are eligible for legal status, however, if victims are too fearful to cooperate with local law enforcement, they may never utilize the lawful protections available to them.

Earlier this year a Wisconsin advocate told us the story of a victim who lives with the father of her two children. After an incident in which her partner strangled her, dragged her by the hair, and threatened to kill her, she sought help from her local domestic abuse program. However, fear of ICE and being deported and separated from her children continues to make her hesitant to report the abuse to law enforcement or seek a restraining order. All across our state, domestic violence programs are reporting dramatic decreases in Latino and immigrant willingness to work with the legal system or even file restraining orders. In some cases immigrant victims are even afraid to drop their children off at school for fear of deportation and separation from their families.

When our local law enforcement are forced to abandon the community policing tactics that they prefer to use, and instead treat undocumented people as criminals, our communities do not get safer. When police are given a mandate to inquire about immigration status for something as trivial as a minor traffic violation, it doesn't stop crime in our neighborhoods. Rather, policies like SB 275 will only sharpen the psychological tools that abusers use to discourage victims from reporting violent crimes, which makes our communities less safe.

Immigrant and undocumented people do not deserve to be further victimized because of their status. We respectfully urge you to please oppose SB 275. Passage of this legislation will create an atmosphere in which many more victims stay silent and as a result, abusers and sex offenders will remain free in our communities.

If you have any questions about End Domestic Abuse Wisconsin's position on this issue, please contact me at 608.237.3985 or <a href="mailto:characteristics.com/charac



WISCONSIN CATHOLIC CONFERENCE

TESTIMONY ON SENATE BILL 275: PROHIBITING SANCTUARY CITIES

Presented to the Senate Committee on Labor and Regulatory Reform By Barbara Sella, Associate Director October 12, 2017

On behalf of the Wisconsin Catholic Conference (WCC) – the public policy voice for Wisconsin's bishops – I wish to express our opposition to Senate Bill 275.

The Catholic Church teaches that "Every migrant is a human person who, as such, possesses fundamental, inalienable rights that must be respected by everyone and in every circumstance." (Pope Emeritus Benedict XVI, *Caritas in veritate*, #62) Alongside this respect for the fundamental human rights of immigrants, the Church also recognizes the legitimate right of governments to maintain public safety and control their borders. As the Church consistently teaches, these rights need not be opposed to one another, but rather they can and must complement one another.

The Church recognizes that illegal immigration can be a problem not just for the host country, but also for the undocumented immigrants who live in constant fear. It is for this reason that the Church has for decades urged our national leaders to fix our broken immigration system by means of comprehensive reform. It is also the lens through which we measure this bill's impact.

In assessing Senate Bill 275, which would prohibit "sanctuary cities," the WCC recognizes that the bill does not mandate any immigration inquiries. However, it does limit the discretion of law enforcement and unnecessarily fosters distrust and fear.

Unlike last session's bill, Senate Bill 275 would require a political subdivision to comply with a lawful detainer that is issued by U.S. Immigration and Customs Enforcement (ICE). The attorney general, appropriate district attorney, or sheriff could file a writ of mandamus with the circuit court to require compliance with this provision, or any of the bill's requirements, if he or she believes that the political subdivision is failing to comply.

Compelling local authorities to comply with detainer requests would place an onus on local government far beyond what is required under federal law. Currently, 8 U.S. Code § 1373 speaks to the requirements placed on local government authorities regarding cooperation in an immigration enforcement action. This section forbids local governmental entities from placing restrictions on communications between local government agencies and ICE.

That is, federal law already ensures that local authorities have access to the information necessary to make determinations on whether an individual should be detained or released back into the community. However, forcing local authorities to comply with a federal detainer means forcing those entities to incarcerate individuals without discretion. Local authorities often

encounter issues of domestic violence, neglect, or welfare concerns that require some measure of judgement regarding imprisonment. The bill eliminates this discernment process.

Having local entities enforce immigration detainers will not only place a burden on local resources, but will also have a chilling effect on immigrant communities. Passing this bill will make law-abiding members of our state's immigrant communities less likely to contact law enforcement if they are victims of or witnesses to criminal activity. Only criminals benefit when communities lose trust in the police.

For all these reasons, we urge you to oppose SB 275 and instead work with local law enforcement, immigrants, and federal authorities to address violent crime, preserve security, and promote the common good. The WCC is committed to helping achieve these goals in every way possible.



Every Kid. Every Family. Every Community.

Date: October 12, 2017

To: Senate Committee on Labor and Regulatory Reform

From: Ken Taylor, Executive Director, Kids Forward

(Formerly Wisconsin Council on Children and Families)

Subject: SB 275

Thank you for the opportunity to testify today. I'm Ken Taylor, Executive Director of Kids Forward, formerly the Wisconsin Council on Children and Families. Kids Forward works to inspire action and promote access to opportunity for every kid, every family, and every community in Wisconsin. We are proudly pro-kid, and have been ever since we were founded in 1881.

I believe that every member of this committee would agree that children do best when they grow up in families that are stable, economically secure, and able to contribute to their communities. I believe that too, which is why I oppose Senate Bill 275. Kids Forward opposes SB 275 because it would make it harder for immigrant families to raise their children in a safe and nurturing environment, and for immigrant workers to contribute to our state's economy.

Immigrant families are an important part of Wisconsin. There are 143,000 children in immigrant families living in the state, in which at least one parent or the children themselves are immigrants. That means that more than 1 out of 10 Wisconsin children live in immigrant families.

The vast majority of children in immigrant families are U.S. citizens (over 90%). Yet many of them have the potential to be harmed by this bill, which increases the threat of families being torn apart and children separated from their parents if their parents are detained or deported. In fact, 28,000 students in our K-12 system have a parent who is undocumented and could be threatened by this legislation.

Children are traumatized when they are separated from their families. There is a great deal of interest in Wisconsin about toxic stress and trauma and how it is best minimized and mitigated. The First Lady, and members of the legislature, have committed significant time and resource to learning about and addressing this challenge. SB 275 will do the opposite of your concerted efforts to decrease trauma, it will increase the trauma experienced by thousands of kids in Wisconsin. SB 275 will also make it harder for immigrant families to protect their children from harm. If this bill passes, undocumented immigrants whose children have been victimized may be afraid to report the crime for fear of involvement with law enforcement. By discouraging crime victims from working with law enforcement, we make everyone in the community less safe.



SB 275 will also make it harder for immigrant workers to contribute to our economy. Undocumented immigrants work, buy goods, and pay taxes in Wisconsin -- \$72 million a year in taxes, in fact. That's \$36 million a year in sales tax, \$22 million in property tax, and \$13 million in income tax that undocumented workers pay to help keep state and local governments working. Undocumented workers pay a bigger share of their income in taxes than the top 1% of taxpayers. We also know that immigrants make huge contributions to Wisconsin's businesses and farms, particularly our dairy industry, Nationally, farms with immigrant labor produce nearly 80% of the nation's milk.

For Wisconsin to develop the workforce it needs to move forward with a strong economy, we need to make sure that immigrant workers can achieve their full potential and contribute to our economy. Instead, this bill would likely result in immigrant workers, business owners, and homeowners leaving Wisconsin. They would leave behind farm owners who can't hire enough workers, customers who can no longer purchase the supplies or services they used to, and communities that are missing important members.

Wisconsin should be working to keep children with their parents, not splitting them apart based on their immigration status. And Wisconsin should be making sure that our businesses and farms can find enough workers, not sending workers away. For these reasons I ask you to oppose Senate Bill 275.

Thank you.



October 11, 2017

Dear Members of the Senate Committee on Labor & Regulatory Reform,

Thank you for the opportunity to share the following statements from two Wisconsin Farmers Union dairy farmers regarding SB275.

From Hans Breitenmoser: "I am a dairy farmer and an employer of hardworking, dedicated immigrant workers. I just cannot fathom why we are considering deporting people who add to the fabric of our community, both economically and culturally. Our longest-serving immigrant employee has been with us for 10 years, and is a critical member of our farm team."

"I am also a Lincoln County board supervisor," Breitenmoser adds. "Our county just passed a wheel tax to plug the hole in our budget created by significant road repair needs and declining state support for local governments. Now the state legislature is proposing that our county sheriffs are supposed to do the work of federal Immigration and Customs Enforcement agents? Where is the funding for that? Are the Feds going to do training and provide equipment? I don't think so. SB275 represents yet another unfunded mandate for local governments, which are strapped for resources as it is."

"At the end of the day, real live people have to stand up and say 'enough is enough.' Putting the blame on immigrants is misguided and misplaced. I decided I needed to stick my neck out and say, 'I'm going to take a stand for what is right.""

Another dairy farmer, who wishes to remain anonymous, states, "The type of people who come to the U.S. as immigrants typically have a lot of ambition and desire to succeed. That's what built this country to what it is today. The immigrant who worked on our farm at different times over the course of 10 years has those same good qualities. I fear a sudden change in immigration laws or enforcement would harm his ability to take care of his family, including his three children. As an employer, I also fear repercussions from ICE and the IRS, which can be very intimidating."

He goes on to say, "Right now on our farm, we are getting by with additional family labor and two reliable high school employees. The very large farms would be the hardest hit by increased immigration enforcement, since they are the most dependent on immigrant labor. I'm not a big fan of that style of operation, but even then, I don't think a sudden change is helpful. If something would drastically change in our immigration enforcement, it would be chaotic."

On September 27, Wisconsin Farmers Union's Board of Directors voted unanimously to oppose SB275, and released the following statement regarding the bill and its implications:

"Farmers need a stable labor force and business climate, in contrast with the wild swings in immigration policy that we're currently getting from the federal level. SB275 will mean that all of those swings at the federal level – 'yes' one day, 'no' the next - will be the directive for local law enforcement as well. Let's leave the craziness in Washington, and keep some measure of stability and predictability here at home."

Nick Levendofsky, Government Relations Associate

Remarks in Regard to AB/190 and SB275 And a Proposed Driver's Card

By Wilda Nilsestuen

I am here today to speak against AB 190/SB 275 and to express my disappointment that we are contemplating such treacherous tactics in the name of "enforcing the law." Such "enforcement" makes local police instruments of federal law and diminishes trust in the communities they serve, as well as deporting without due process.

I was raised on a dairy farm in Trempealeau County and since I moved back to Wisconsin a dozen years ago, I have worked on several projects aimed at understanding and addressing the changes that have come to rural Wisconsin in the decades I was gone. Among the most obvious are the aging population and the increasingly diverse, willing and able-bodied workforce upon which the \$43B dairy industry utterly depends. Without these hardworking immigrants – 80% of the dairy workforce – this industry, so vital to Wisconsin's economy, would be devastated.

Rural Wisconsin has numerous challenges with unequal access to health care, to quality education, to broadband; to preserving agricultural lands and clean water; and to an adequate workforce, to name a few. But the issue of unconstitutional discrimination for the sake of deporting industrious immigrants we can avoid.

We have a chance to set aside partisan tropes and easy scapegoating because of a technical difference between the citizen who holds a legal piece of paper and the one who does not, and consider instead the consequences to our communities without the youth, diversity and community building possible with this newcomer generation and those following.

For many years, I have been involved in issues of civic engagement, social justice and community building in rural Wisconsin. The issue of welcoming immigrants and valuing their contributions to society, to the economy and to community life is central to how this country was built. To ignore these contributions is to deny how America became America and shows ignorance of how this country can build its future.

When we cannot welcome the stranger in our midst, we have lost a lot of what it means to be a Wisconsinite and have forfeited much of what Wisconsin's future can be. Instead of inciting fear and undercutting a critical industry, let us instead look at legislation that supports both families <u>and</u> the economy by, for instance, creating legislation for a driver's card that facilitates safety and access to employment and community participation.

lwvwi.org

Madison, WI 53703-4714

October 12, 2017

To: Senate Committee on Labor and Regulatory Reform

Re: Opposition Senate Bill 275

The League of Women Voters of Wisconsin opposes SB 275 based on our long-held positions supporting equality and strong communities. This legislation denigrates fundamental principals embraced by our growing democracy. Of the many unambiguous reasons to oppose this bill, three stand out.

- 1. SB 275 assaults traditional values that permeate caring societies and are the bedrock of our nation's institutions.
- 2. The bill undermines public safety.
- 3. It will drain our economy.

SB 275 is an assault on democratic values. This bill undermines public trust in our institutions. Wisconsin villages, towns, cities, and counties, in their wisdom, are following public policies to protect vulnerable members of their communities who have come here to invest in our society with dreams of a secure future for themselves and their families. Their ordinances, resolutions, and policies reflect the warm welcome of President George W. Bush, who wrote to new citizens:

"Americans are united across the generations by grand and enduring ideals. The grandest of these ideals is an unfolding promise that everyone belongs, that everyone deserves a chance, and that no insignificant person was ever born. Our country has never been united by blood or birth or soil. We are bound by principles that move us beyond our backgrounds."

Surely, that "unfolding promise that everyone belongs" has made our country benevolent, increasingly robust, and bound by democratic principles of diversity and inclusion. These are the very values that our local political "subdivisions" embrace in their ordinances, resolutions, and policies that prevent the fusion of local law enforcement and Immigration and Customs Enforcement (ICE) in detaining undocumented community members. "Everyone deserves a chance" means one thing: that we are fair to others. Among us are undocumented Wisconsinites who have forged deep family and community connections. They work hard and pay taxes. Their daily lives--whether as formal citizens or not--are significant. Consequently, they expect to be treated fairly, to remain with their families, their places of worship, and their employers. We hope that you, as respected members of our legislature, will reject immigration policies that are contemptuous of community values of trust and mutual respect. We ask that you do not penalize political "subdivisions" because they are upholding vital democratic principals. SB 275 is unfair. It denigrates local efforts to protect members of our communities from fear and predation and will lead to untold misery.

SB 275 undermines public safety.

SB 275 strains community relationships with local law enforcement and public health agencies. Public trust and public safety are undeniably bound together. Examples are rife of how the increased fear of deportation forces many to avoid reporting crimes. Domestic abuse referrals are declining, leaving many victims at the hands of abusers. We are aware of employees in unsafe working conditions who are silenced from speaking up by the fear of deportation; and there are many whose fears of deportation prevent them from seeking medical care. In addition, this bill will harm the psychological and emotional health of the individuals and families of those facing deportation. It may also fuel racially disparate results in our criminal justice system, as a disproportionate

number of detained and imprisoned are Latinos and non-citizens. We are also concerned that, as ICE has little oversight, we may see a reckless deportation of harmless immigrants. Reckless "roundups" encumber community trust and deride good will. We are witnessing an unhealthy spiraling of racial intolerance, even among our children. It is not uncommon to hear reports of children in Wisconsin schoolyards screaming loudly "build a wall" at the children of immigrants. If ours is a nation of democratic principles, and we of the League of Women Voters of Wisconsin believe we are, we should recall those words of President George W. Bush, that we are "bound by principles that move us beyond our backgrounds."

SB 275 drains our economy. Our economy cannot sustain increased local militarization and prison growth. The expansion of private and public prisons places great economic stress on our state's and nation's resources and on our ability to meet such everyday needs as roads, schools, health and human services. Detaining and deporting large numbers of taxpayers will ensure severe economic losses in terms of costs to taxpayers, Gross Domestic Product reduction, and decreases in social security and Medicaid contributions. Costs of commodity production, tied to wages, will increase as undocumented workers are forcibly removed from our local communities. The loss of valuable workers in the food and dairy industries will inevitably place more financial stress on Wisconsin families' ability to meet their daily expenditures.

To conclude, the League of Women Voters of Wisconsin hopes that you will understand that SB 275 is an egregious affront to our common moral values. Reducing Chapter 79, Subchapter 1 shared revenue payments to "political subdivisions" that refuse to abide by undemocratic and unsafe immigration procedures is punitive and violates a public order built on democratic values, safety, and a strong economy.

We urge you to reject this bill.





To:

Members, Senate Committee on Labor and Regulatory Reform

From:

Badger State Sheriffs' Association

Wisconsin Sheriffs and Deputy Sheriffs Association

Date:

October 12, 2017

RE:

For Information Only

Statement on SB 275 - Sanctuary Cities Legislation

Our organizations submit these comments for information only on Senate Bill 275, the "Santuary Cities" legislation. Badger State Sheriffs' Association (BSSA) is a statewide organization representing all of Wisconsin's 72 Sheriffs and Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA) is a statewide organization representing over 1,000 members, including Sheriffs, Deputies, and jail officers. BSSA and WS&DSA have a joint legislative committee and work closely on public safety issues of concern to our members.

To be clear, Badger State Sheriffs' Association and Wisconsin Sheriffs and Deputy Sheriffs Association are NOT opposed to this legislation. We are not in favor of illegal immigration and do not support communities designating themselves as a "refuge" for illegal aliens. However, we have questions relating to the provision in the bill requiring compliance with any lawful detainer issued by the U.S. Immigration and Customs Enforcement (ICE).

While we support federal efforts to apprehend, hold, and deport criminals, the issue we are concerned that we cannot lawfully hold someone beyond what is allowed relating to their state charges and for the additional 48 hours under the bill for ICE to take physical custody of the person, without violating the person's Constitutional rights. Case law from across the country has found that prolonged detention without probable cause or warrant is unconstitutional.

The matter becomes further complicated by the fact that immigration violations that result in the ICE detainers are *civil* and not *criminal*. This means an ICE detainer is supported by civil probable cause for arrest, a civil arrest warrant, and a civil arrest. Furthermore, we are concerned Sheriffs, and other local law enforcement, cannot enforce these civil violations. We believe such enforcement is limited to ICE's authority.

This issue is one every Sheriff in the country is facing. Sheriffs must be vigilant in how they respond to ICE detainers and are working to find a solution that is lawful, productive for public safety, and allows ICE to do their job of removing criminal illegal aliens from the United States.

The National Sheriffs' Association (NSA) has been engaged in finding a solution for this problem. NSA has been meeting with the U.S. Department of Homeland Security and the U.S. Attorney General to find a solution on how jails may lawfully hold someone beyond his or her state charges, allowing ICE time to take physical custody of the individual.

We are committed to finding a solution and will continue to work with NSA to do so. In the meantime, we are open to discussing any ideas from legislators to examine how this issue can be resolved.



SHERIFF'S OFFICE COUNTY OF VERNON

1320 BAD AXE COURT VIROQUA, WISCONSIN 54665 BUSINESS: 608-637-2123

FAX: 608-638-5702 RECORDS: 608-638-5710 JAIL: 608-638-5780

JAIL FAX: 608-638-5785 E-MAIL: vcso@vernoncounty.org

JOHN B. SPEARS, SHERIFF

NATHAN CAMPBELL, CHIEF DEPUTY SHERIFF

Dear Senator Nass,

I am writing this letter as a show of support of SB 275 regarding sanctuary policies in Wisconsin.

As a Constitutional Officer and being sworn to protect the citizens of Vernon County, I believe that this will help protect and ensure the safety of all citizens in Vernon County. As Sheriff it is my duty to protect and defend the Constitution of the United States and the State of Wisconsin.

I am proud of the partnerships that have been forged in our community with Local, State and Federal agencies and working with local groups to ensure that we are placing public safety first over politics.

I have been in law enforcement for 35 years in Vernon County and for the last 8 years have served as Sheriff. I have worked with ICE repeatedly over those years and just last week partnered with them to apprehend an individual on a warrant. I feel that local control and enforcement is the fundamental base for protecting our citizens from harm.

Illegal immigration is a costly and statewide issue, with all citizens carrying the financial burden and law enforcement must do its part. I am a firm believer in "Do the right thing, do the best you can, always show people you care."

I am confident that there will be pro-active and effective immigration reform in our country over the next few years, which will prove to have a positive affect on our country, our citizens and our future.

I support SB 275 and the efforts to bring change in this very important issue.

Respectfully,

John B. Spears

Sheriff



MEMBERS

African Methodist Episcopal Church

American Baptist Churches of Wisconsin

Armenian Oriental

Orthodox Church

Christian Church: Disciples of Christ

Christian Methodist

Episcopal Church

Church of God in Christ (COGIC)

Church of the Brethren Coptic Orthodox Church

Episcopal Church

Evangelical Lutheran

Church in America

Ecumenical Catholic Communion

Greek Orthodox Church

Mennonite Church USA

Moravian Church

Orthodox Church in America

Presbyterian Church (USA)

Reformed Church in America

United Church of Christ United Methodist Church

OBSERVERS

Roman Catholic

Archdiocese of Milwaukee Diocese of Green Bay

Diocese of Green Bay Diocese of LaCrosse

ASSOCIATE MEMBERS

Benedictine Women of Madison

Church Women United

Interfaith Conference of Greater Milwaukee

The Leadership Conference of Women Religious Region 9

Madison-area Urban Ministry

Laurie Wilkinson Interim Executive Director

Wisconsin Council of Churches

750 Windsor Street, Suite 301 Sun Prairie WI 53590-219 Ph 608.837.3108 Fax 608.837.3038 E-mail wcoc@wichurches.org

·TO:

Committee on Labor and Regulatory Reform

FROM:

Peter Bakken, Coordinator for Public Policy

Wisconsin Council of Churches

DATE:

October 12, 2017

RE:

SB 275 Prohibiting local ordinances, resolutions, and policies that prohibit the enforcement of federal or state law relating to illegal

aliens or immigration status

The Wisconsin Council of Churches (WCC) is a community of 19 Christian denominations that covenant to engage in a common ministry focused on church unity, peacemaking, social and economic justice for Wisconsin's most vulnerable residents, and revitalizing congregations.

The Council's statement on Immigration Reform (2013) notes that "hospitality and justice for the 'resident alien' are key themes in the Bible" and that "hospitality and justice are important words for us today as we encounter new neighbors who are immigrants and refugees from Latin America, Africa, Asia or Europe. But these values are regularly violated by a broken immigration system that separates parents, spouses and children for years on end, deprives workers of their rights, and forces families to live in the shadows and on the margins of their communities."

The security and well-being of our communities depends on the strength of the trust that exists between those who live in the community and their local authorities, including local law enforcement. If some members of the community are afraid to report crimes, suspicious behavior, domestic abuse, or other public safety concerns to local police, or tend to withdraw from civic life, because of their immigration status, the safety of everyone in the community is compromised.

In addition, there is a danger that placing local authorities and employees in a role of enforcing federal immigration law could encourage racial profiling or other forms of discrimination against persons due to their ethnicity or perceived immigration status. This is a matter of greater concern for us than the fear that havens for criminal activity will be created because local governments resist or fail to cooperate with federal immigration enforcement.

The Wisconsin Council of Churches therefore opposes SB 275 because of its impact on our immigrant neighbors, and also because it will undermine the well-being and security of other residents in our communities.

Thank you for your attention to our concerns about this bill.

We pray and work together for the unity and renewal of the church and the healing and reconciliation of the world

Written testimony in opposition to 'AB190 / SB275

Nicholas Davies 414 N. Segoe Rd #58B Madison, WI 53705

Dear committee members,

I urge you to reject this bill. If the bill achieves its goal of compelling police to be immigration officers, this will make communities like mine across the state less safe, in two main ways:

- 1. Non-citizens will avoid police assistance.
- 2. It will stretch police department resources thin.

For a city that sees these outcomes as unjust and accepts the penalty, the "punishment" will bear no relation to the supposed "offense". The city will be forced to cut its budget in areas that have nothing to do with immigration enforcement.

I live in a community with an international population. My neighbors from abroad likely all have student or work visas, or they may already be on the road to naturalization. But it's none of my business to know everyone else's status. My neighborhood is quite safe, which I attribute to a high level of education and employment.

Crimes will go unreported if the victims or witnesses can't seek police assistance, merely because of some technicality with their visa paperwork. Already we have incidents of fraud by impostor ICE agents; the only reason we know about these crimes is because the victims were able to report them without fear. If this bill passes, those cases of fraud could go unreported, as well as car break-ins, burglaries, domestic abuse, or worse.

I fear the day when I witness a crime being committed in a neighbor's home, but can't in good conscience call 911 on their behalf, because it could ruin their life.

Police already play many roles in our community. They're our first responders for issues of mental health, substance abuse, and homelessness. Compelling them to simultaneously be immigration officers will make them less effective at their core purpose, and erode the community's trust.

Please don't create barriers to law and order. Please don't turn communities against cops. Keep my neighborhood safe by rejecting this bill.

Thank you,

Remarks in Regard to AB/190 and SB275 And a Proposed Driver's Card

By John Rosenow

Rosenholm Dairy, Buffalo County

I'm a dairy farmer and today I speak for my colleagues who are in the middle of corn harvest here in Wisconsin, the Dairy State. The dairy industry is a \$43 billion business in Wisconsin and a part of the fabric of who we are. The whole industry relies on the cows that give the milk and the men and women who tend those cows.

Today over 80% of the milk sold on Wisconsin dairy farms is harvested by immigrants, many of them from Mexico. These hard working people are now the backbone of the dairy industry. But Wisconsin is not unique. Nationally, more than 50% of farm workers on dairies are immigrants.

Our Legislature is confronted with two bills – AB 190 and SB 275 - *introduced to cause fear* and anxiety among these fine people. We dairy farmers need immigrants to work on farms to help the industry to continue to be robust. Any negative action such as these two bills causes concern among our employees who may leave to work in other areas where they are welcome. There is a *shortage of employees in rural* Wisconsin and these bills will make things even worse. We recommend that these bills be soundly defeated.

Instead, the legislature should be creating legislation that offers a driver's card so everyone who drives can be assured that everyone has passed a driving test and knows the rules of the road. We will all be safer if this is done. It makes good common sense.

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FAIR is a nonprofit public interest organization working to end illegal immigration and to set levels of legal immigration that are consistent with the national interest



October 6, 2017

The Honorable Stephen Nass 10 South State Capitol P.O. Box 7882 Madison, WI 53707

Dear Senator Nass,

On behalf of the Federation for American Immigration Reform's (FAIR) nearly 1.5 million members and supporters nationwide including 1,230 in Wisconsin, I am writing to thank you for introducing Senate Bill (SB) 275 to end dangerous sanctuary policies in the state. Because of your leadership in introducing and advocating for SB 275, the people of Wisconsin are several steps closer to being freed from policies that unfairly place the needs of illegal aliens above those of innocent and law-abiding Americans.

Cooperation between federal, state, and local governments is the cornerstone of effective immigration enforcement. State and local law enforcement officers are often the last line of defense against criminal aliens, and are far more likely to encounter illegal aliens during routine job activities than are federal agents. As such, the ability of state and local law enforcement and other government officials to freely cooperate and communicate with federal immigration authorities is not just important — but essential — to the enforcement of our immigration laws.

Shielding criminal aliens impedes the federal government's ability to enforce immigration laws, needlessly endangering innocent American lives. All too often, this can result in tragedy. According to U.S. Immigration and Customs Enforcement (ICE) estimates, roughly 2.1 million criminal aliens are living in the U.S., over 1.9 million of which are removable. If state and local law enforcement are prohibited from cooperating with federal immigration officials, these criminal aliens will continue to live in communities and engage in further criminal activity.



Furthermore, illegal immigrants and their U.S.-born children are a huge burden Wisconsin, costing state taxpayers an estimated \$568,453,120. These costs come in the form of educational, healthcare, welfare, and law enforcement expenditures to illegal aliens and their families. By giving them a place to live and work where they can go undetected, sanctuary policies encourage further illegal immigration, thereby driving up these already outrageous costs.

To put an end to such dangerous policies in Wisconsin, your bill (SB 275) would encourage cooperation between federal, state, and local law enforcement officers, and withhold funding from jurisdictions that insist on obstructing enforcement of our immigration laws. These critical fixes represent significant steps toward responsible immigration reform and a safer America.

Again, on behalf of FAIR, thank you for your leadership in advancing sound immigration policy and putting the safety of the people in Wisconsin first.

Bob Dane

Sincerely,

Executive Director

TESTIMONY

UNITED MIGRANT OPPORTUNITY SERVICES INC. (UMOS) SENATE BILL 275 AND ASSEMMBLY BILL 190 OCTOBER 12, 2017

UNITED MIGRANT OPPORTUNITY SERVICES, INC., (UMOS) OPPOSES THE PASSAGE OF SENATE BILL 275 AND ASSEMBLY BILL 190 AND STRONGLY URGES THAT THE BILLS BE REJECTED. BOTH BILLS CALL FOR THE IMPOSITION OF SANCTIONS, FINES AND OTHER PENALTIES ON CITIES THAT DO NOT AGREE TO BE ACTIVE PARTICIPANTS IN THE IMPLEMENTATION AND ENFORCEMENT OF FEDERAL IMMIRATION LAWS.

UMOS BELIEVES THAT LAWS GOVERN OUR NATION AND ARE THE BASIS UPON WHICH OUR DEMOCRACY WAS FOUNDED AND CONTINUES TO OPERATE. IMMIGRATION HAS BEEN RECOGNIZED IN THE CONSTITUTION AS A FEDERAL CONCERN AND SHOULD REMAIN AN AREA OF THE LAW THAT IS GOVERNED BY THE NATIONAL GOVERNMENT.

THE RECENT ELECTIONS AND ONGOING CONTROVERSIES HAVE RESULTED IN EFFORTS BY STATE AND LOCAL GOVERNMENTS TO REGULATE, WHAT IS ESSENTIALLY OUTSIDE OF ITS SCOPE OF GOVERNANCE BY ADVOCATES TO GAIN POLITICAL FAVOR AMONG CONSTITUENTS.

THE EFFORT TO LIMIT AND PENALIZE SANCTUARY CITIES WILL NOT HAVE ANY IMPACT ON THE NATIONAL IMMIGRATION SITUATION. IT WILL ONLY FINANCIALLY TAX THE RESOURCES OF CITIES WHICH ARE ALREADY BURDENED BY SIGNIFICANT CHALLENGES SUCH AS BUDGET DEFICITS, CRIME, REDUCTION OF SERVICES AND DETERIORATION OF INFRASTRUCTURES. THE USE OF FUNDS THAT ARE NEEDED FOR DAILY FUNCTIONING OF THE MUNICIPALITIES CANNOT AND SHOULD NOT BE DIRECTED TOWARDS THE ENFORCEMNENT OF IMMIGRATION LAWS.

IN ADDITIONTHERE ARE OTHER SIGNIFICANT DOWNSIDES TO THE PASSAGE OF THESE BILLS:

1) THE LABOR SUPPLY FOR LOCAL DAIRY FARMS AND FOOD PROCCESING PLANTS DEPEND HIGHLY ON NON-LOCAL LABOR. THE REDUCTION IN THE LEVEL OF PRODUCTION OR ELIMINATION OF THESE ECONOMIC ASSETS WILL PROVE TO UNDERMINE LOCAL ECONOMIES.

- 2) POLICE RESOURCES THAT NEED TO BE FOCUSED ON VIOLENT, DRUG RELATED OR SERIOUS CRIMES MUST NOT BE MISAPPLIED TO THE IDENTIFICATION OF OTHERWISE LAW ABIDING RESIDENTS WHOSE ONLY CONCERN IS LACK OF STATUS
- 3) THE CRIME RATES IN SANCTUARY CITIES AS PORTRAYED BY INTENTIONALLY INCORRECT RHETORIC IS LOWER IN SANTUARY CITIES THAN IN AREAS WITHOUR SUCH STATUS (THE CRIMINALIZATION OF IMMIGRATION IN THE UNITED STATES, AMERICAN IMMIGRATION JOURNAL, JULY 2015)
- 4) IMMIGRANTS WHO ARE WORKING WITHOUT DOCUMENTAION WILL BE EXTREMELY RETICENT TO REPORT WHEN THEY OF THEIR CHILDREN HAVE BEEN VICTIMS OF CRIME FOR FEAR OF DEPORTATION AND SEPERATION FROM THEIR FAMILIES.
- 5) MANY FAMILIES HAVE A MIXED STATUS BEING THAT MANY OF THE CHILDEREN ARE U.S. CITIZENS BORN IN THE COUNTRY. THE PARENTS OF THESE CHILDREN MAY BE CITIZENS, LEGAL RESIDENTS OR WITHOUT STATUS. THE REMOVAL OF ONE FAMILY MEMBER, SPECIFICALLY ONE OR BOTH PARENTS RESULTS IN THE DISINTEGRATION OF THE FAMILY UNIT AND CREATES A SUBSTATIAL SOCIAL ISSUE REGARDING THE CARE, EDUCATION AND SUPPORT OF THE CHILDREN.
- 6) THE BIILS THAT WOULD REQUIRE LOCAL POLICE TO ENFORCE COMPLICATED FEDERAL IMMIGRATION LAW COULD ALSO LEAD TO MISTAKEN AND ERRONEOUS DETENTIONS AND IN SOME CASES, RACIAL PROFILING

SUBMITTED TO THE WISCONSIN STATE LEGISLATURE ON OCTOBER 12, 2017 BY RODERICK A. RITCHERSON FOR UMOS, INC., A WISCONSIN-BASED NON-PROFIT, ADVOCACY ORGANIZATION THAT PROVIDES PROGRAMS AND SERVICES WHICH IMPROVE THE EMPLOYMENT, EDUCATIONAL, HEALTH AND HOUSING OPPORTUNITIES OF UNDER-SERVED POPULATIONS

ICE Milwaukee arrests 16 during operation targeting criminal aliens

POSTED 11:04 AM, JANUARY 27, 2017, BY TRISHA BEE



MILWAUKEE — Sixteen convicted criminal aliens from Mexico were arrested in the greater Milwaukee area during a two-day operation conducted this week by officers from U.S. Immigration and Customs Enforcement's (ICE)



Enforcement and Removal Operations (ERO).

According to a press release, all 16 arrested during this operation had been convicted of crimes in the United States. Their convictions include the following crimes: force/assault with a deadly weapon not firearm — gross bodily injury likely, receiving stolen property, battery, grand theft (auto), drug possession with intent to distribute, and drunk driving.

Two were previously deported and two have outstanding deportation orders.

This enforcement surge, which concluded Wednesday, is the latest effort by ICE to prioritize the arrest and removal of convicted criminals living illegally in the United States. ERO received significant assistance during this operation from the Wisconsin Department of Justice's Division of Criminal Investigation (DCI) and the Milwaukee County Sheriff's Office (MCSO).

Following are two of those arrested during the operation:

A 50-year-old twice-deported Mexican national with prior felony convictions for force/assault with a deadly weapon not firearm: gross bodily injury likely, battery/police officer, grand theft (auto), and intentionally causing bodily injury to a child-habitual criminal. He has additional convictions for battery and resisting an officer-habitual criminal. He was previously removed to Mexico in 1997 and 2003, and illegally re-entered the United States, which is a felony. He was arrested Jan. 25 in Waukesha and remains in ICE custody pending removal to Mexico.

 A 41-year-old Mexican national with prior felony convictions for receiving stolen property and attempted unlawful driving or taking of a vehicle, and possession of a controlled substance. He was arrested Jan. 25 in Milwaukee and remains in ICE custody pending a hearing before a federal immigration judge.

All 16 arrested are Mexican males. Arrests were made in the following Wisconsin communities: Milwaukee (8), Waukesha (4), and one arrest each in Greenfield, New Berlin, Oconomowoc and Pewaukee. All remain in ICE custody, except one individual who was turned over to MCSO on outstanding arrest warrants.

SPONSORED CONTENT

Passenger Drone creates a driverless aircraft



OCT 11, 2017, BY CONNATIX

This company has
created a driverless
aircraft, a two-seater
drone with 16 electric
engines.



Department of Justice arrests 60-plus in nationwide internet operation



12 charged in federal court in wake of long-term drug, money laundering investigation



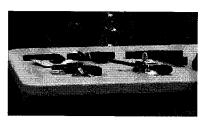
National Johns Suppression Initiative:" Pastor, trooper, sex offender among 1K arrested in trafficking operation



"Extensive operation" busted: 19 arrested, 2 more sought in nationwide drug conspiracy



"We're coming for you:" 25 arrested in DOJ stings related to sex trafficking



"Proactive street policing" in Center St. corridor operation nets arrests, drugs and guns

It is the responsibility of all governments to protect the human rights of all people, regardless of their immigration status.

Wisconsinites are proud that when slavery was the law (and was even codified in the constitution), Wisconsin defied the law and upheld human rights by refusing to extradite runaway slaves, who were criminals present in our state according to the law.

It is entirely within the ability of the United States to provide legal status to millions of immigrant workers and their families thereby improving their human rights protections.

Our failure to do so is itself a human rights violation.

Forcing police officers, teachers, and others to participate in human rights atrocities undermines confidence in government, the rule of law and society overall.

The Manitowoc Human Rights Coalition calls on all decent and moral people of Wisconsin and world to resist human rights violations, even when they are committed according to the law, and in fact, even moreso when they are required by the law.



October 11, 2017

The Honorable Stephen Nass 10 South State Capitol P.O. Box 7882 Madison, WI 53707

Dear Senator Nass,

My name is Don Rosenberg. I am the president of a new group called Advocates for Victims of Illegal Alien Crime (AVIAC.US). While just launched at the end of June the members of the board – all victims of illegal alien crime - have been fighting this battle for years.

Our Board is made up of law-abiding citizens who have lost a loved one at the hands of an illegal alien. We know that our fight will never bring them back but we want to make sure what happened to our loved ones never happens to anyone else.

The Board thanks you for introducing SB 275 and your efforts to end sanctuary policies that threaten the public safety for American citizens and legal aliens and tie the hands of law enforcement, all to protect illegal aliens who are also committing additional crimes.

In my case my son Drew was killed in San Francisco by an illegal alien in 2010. Like in so many cases his killer was protected by San Francisco's sanctuary city policies.

The other members of the board all lost a child and two brothers to illegal alien crime. Not only did sanctuary policies contribute to the deaths of our loved ones but in two of the cases the refusal of local authorities allowed two of the killers to flee. One is in Mexico and the whereabouts of the other killer is unknown.

Unfortunately, the media rarely reports on these crimes so much of the American public has no idea of the extent of these killings let alone other crimes committed by people who are actually protected by the very people we elect and hire to protect us.

Why anyone would think that protecting criminals from deportation and releasing them back into the community will enhance public safety is inconceivable and certainly not borne out by the facts. Since California passed the Trust Act in 2013 – the first step in protecting criminal illegal aliens - crime, which had been declining year to year has risen by double digits each of the past three years.

Just last week California doubled down when Governor Jerry Brown signed SB 54, California's sanctuary state law. The week the bill was being debated in the assembly Veronica Cabrera Ramirez was murdered because of the already existing sanctuary policy of Sonoma County.

Ms. Ramirez was the victim of domestic violence when she reported her boyfriend to the police. He had been previously deported and ICE wanted to detain him. Instead of cooperating, the Sonoma County Sheriff's office released Nery Israel Estrada-Margos and two weeks later he murdered Ms. Ramirez.

I wish these crimes were a rare occurrence but they are not. In the almost seven years since my son was killed I have studied hundreds of cases and in almost every one of them the killer had been previously cited for "minor" crimes and released. Of course, had they been deported, or in my case my son's killer, I would not be writing you today.

Short of a lifetime incarceration there is no better crime deterrent than deportation. Sanctuary policies are nothing short of an invitation for criminals to commit more crime.

The AVIAC Board appreciates your efforts and hopes that your state will pass SB 275. We look forward to the day we can disband knowing that our loved one's deaths were not in vain.

Sincerely,

Don Rosenberg

Don Rosenberg
President, Advocates for Victims of Illegal Alien Crime