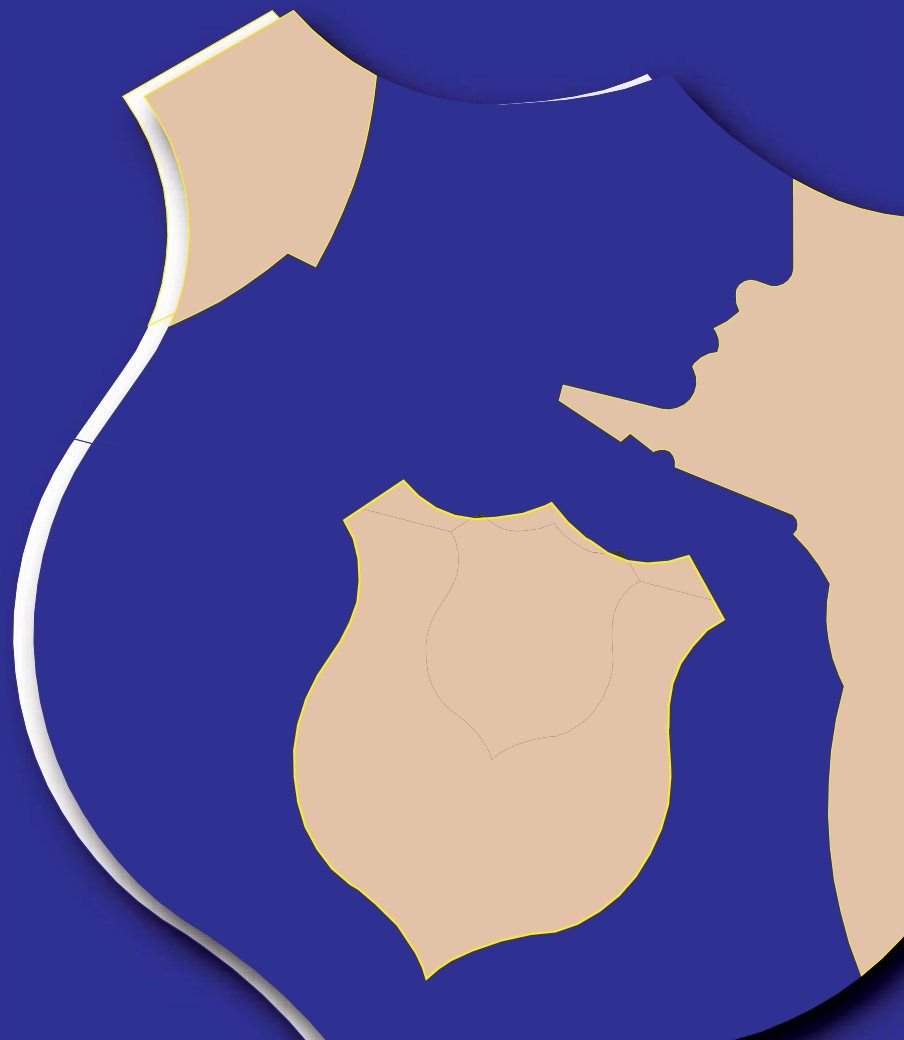




# State and Local Police Enforcement of Federal Immigration Laws:

A Tool Kit for Advocates



# **State and Local Police Enforcement of Federal Immigration Laws: A Tool Kit for Advocates**

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# I. INTRODUCTION

**W**hether or not state and local police agencies should enforce federal immigration laws has become a hot-button issue at the federal, state, and local levels of government. In 2003 the Administration overturned a Department of Justice legal opinion and stated that the police have the “inherent authority” to enforce all federal immigration laws and began to enter the names of immigration violators into a national criminal database. This policy is being challenged in the courts.

In the U.S. Congress, Members have had some success in passing federal legislation mandating immigration enforcement by state and local police. While the “CLEAR Act” in the House and the “Homeland Security Enhancement Act (HSEA)” in the Senate – bills mandating state and local police to enforce immigration laws and giving them additional tools to do so – did not pass as stand-alone bills, elements have been passed as amendments to other pieces of legislation. Most recently, the “Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005” (H.R. 4437 or the “Sensenbrenner bill”) passed by the House in December 2005 includes the “CLEAR Act” provisions. It is expected that the Senate will debate these provisions as part of its immigration agenda in early 2006.

In addition to the threat of the federal legislation, state and local advocates are facing battles either in securing strong local policies that protect immigrants’ access to police protection, or defeating policies that encourage police to enforce immigration laws.

These are emotional battles that can be won despite efforts by the opposition to use fear and prejudice to stifle debate. The key to winning is to address the public’s fears with logic and information, to deliver the information in an effective manner, and to work with allies such as law enforcement to make the strongest possible case to your state’s lawmakers and regulators.

This tool kit is designed to help you advocate against federal, state, and local efforts to involve state and local police in the enforcement of federal immigration laws and to speak with the media about this complex issue. This tool kit provides you with the resources and tips you need to advocate effectively on behalf of your community. It is designed to help you become part of this effort regardless of your level of resources or time constraints. How-to guides are provided on media and grassroots advocacy, including messaging and step-by-step instructions on how best to use your resources to impact public and policy-makers’ opinions positively. You also will find helpful information about how to build a grassroots coalition with the institutions and activists in your community to produce a united effort that demands attention. Finally, model materials (including sample op-eds, editorials, and resolutions) are attached to aid your work.



## Issue in Brief

# Immigration Law Enforcement by State and Local Police

## National Immigration Forum

The enforcement of our nation's immigration laws has historically been a federal duty. Federal legislators set U.S. immigration policies, and federal agencies administer immigrant admissions and removals. While state and local police often work with federal agents on criminal matters, they generally steer clear of the enforcement of administrative/civil immigration laws. In fact, scores of cities, counties, and even states have policies in place that explicitly limit their police departments' ability to coordinate with federal immigration authorities outside of criminal investigations.

As has been historically recognized by the legislature, executive branch, and the courts, state and local police do not have the authority to enforce federal civil immigration laws. Attempting to enforce immigration laws makes local police vulnerable to lawsuits stemming from liability, particularly when they arrest the wrong person or use racial profiling to determine who to scrutinize. Also, enforcement of such complex and ever-changing laws requires not only weeks of training and continuing education, but knowledge of case histories and files that only the Department of Homeland Security (DHS) has. Police simply do not have access to the training and information they would need to take on this kind of administrative enforcement.

Finally, state and local police have long sought to separate their activities from those of federal immigration agents in order to enhance public safety. Why is that? Because when immigrant community residents begin to see state and local police as deportation agents, they stop reporting crimes and assisting in investigations. The fear of deportation often silences them from reporting abuses, making it more difficult for police to effectively do their jobs.

Concern for the impact on public safety has led many police departments to reject policies that would expand their role in federal immigration law enforcement, policies which have been promoted increasingly since the September 11<sup>th</sup> terrorist attacks. However, legislation passed by the U.S. House of Representatives would compel state and local police to do just that, and would punish those who refuse by denying them reimbursements already owed for assisting in the enforcement of criminal laws. The Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act (H.R. 3137) was added by amendment to the Border Protection, Antiterrorism, and Illegal Immigration Control Act (H.R. 4437) that passed the House in December 2005. The CLEAR Act has been introduced in the U.S. Senate as the Homeland Security Enhancement Act (S. 1362), but has not yet passed this chamber.



Even though federal legislation is still under consideration, the Department of Justice (DOJ), now the Department of Homeland Security, DHS) and some states have taken steps toward a greater role for police in immigration law enforcement. In 2002, the Justice Department's Office of Legal Counsel (OLC) reversed its long-standing legal opinion regarding the lack of authority state and local police have in enforcing federal civil immigration laws. Based on no new direction from Congress on the matter, and in a 180-degree turn from 1996 and 1989 OLC legal opinions and decades of Department policy, the OLC decided that state and local police have "inherent authority" to enforce all immigration laws. This declaration was highly controversial among police and immigrant advocates, for all of the reasons mentioned above.

Confusion remains regarding the authority of police to make immigration arrests. After the 2002 opinion was leaked to the press, the Justice Department (now DHS) began entering the names of some immigration law violators into the National Crime Information Center (NCIC) database, an FBI-controlled database of wanted persons that state and local police access in routine situations, such as traffic stops.

Because of the way the new policy was announced, many police departments across the nation think that this is an anti-terror initiative and that the names being entered into NCIC are of criminals with immigration violations. In fact, many of the names entered have purely civil immigration law violations. Arresting or detaining these individuals violates many of the state and local policies in place around the country, which prohibit civil immigration enforcement by police.

In the future, DHS may expand the use of NCIC as an immigration enforcement tool, or the bill that passed the House of Representatives may become law. This bill mandates new categories of immigration violations to be entered into the NCIC. There are many problems with going down this path. For one, many local police agencies, up to the FBI's own NCIC advisory board, have expressed concern about sending state and local police to round up civil immigration law violators instead of actual criminals. Many law enforcement officials feel that this would undermine their ability to keep our streets and communities safe. Secondly, much of the data being entered into this criminal database is inaccurate or out of date. This will inevitably lead to false arrests and civil rights violations, as well as litigation that states and localities cannot afford.

In addition to the NCIC arrests, some states have entered into Memoranda of Understanding (MOUs) with the DHS so that a cadre of their police officers can be trained in immigration enforcement and take on additional duties. While these arrangements are few and far between, they are causing distress in the states where they exist or are under consideration. In many cases, they can have the same negative impact as the NCIC arrests or broad authorization of police to enforce immigration laws: they can chill immigrants' cooperation with state and local law enforcement in criminal matters.



Immigrant advocates are in the preferable position of favoring good law enforcement policy. Carving out a greater role for state and local police in the enforcement of federal immigration laws will make police less effective in their primary missions: protecting public safety and fighting crime. That is why so many government leaders, police departments, and others have come out in opposition to the CLEAR Act, the bill that unfortunately passed the House in December 2005. This legislation would undermine police roles in ensuring public safety for all community residents, and would ultimately miss the mark in cleaning up a broken immigration system because it does not address the causes of unauthorized migration.

As President Bush acknowledged in his January 7, 2004 announcement about principles for a new temporary worker program, the answer is reform of our legal admissions system, not round-ups of hardworking, tax-paying immigrants. If we accomplish such reform, he said, "Law enforcement will face fewer problems with undocumented workers, and will be better able to focus on the true threats to our nation from criminals and terrorists. . . . Temporary workers will be able to establish their identities by obtaining the legal documents we all take for granted. And they will be able to talk openly to authorities, to report crimes when they are harmed, without the fear of being deported."

As President Bush says, immigration reform is a win-win for American families, businesses, workers, and indeed, law enforcement. Instead of band-aid, and even counterproductive, approaches like the CLEAR Act and its Senate companion, Congress should enact comprehensive immigration reform.



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For a summary of the House bill, the CLEAR Act (H.R. 3137), see:

<http://www.nclr.org/content/publications/detail/34355/>

For a summary of the Senate bill, the Homeland Security Enhancement Act (S. 1362), see:

<http://www.nclr.org/content/publications/detail/34356/>

For a more detailed backgrounder, see: <http://www.immigrationforum.org/DesktopDefault.aspx?tabid=572>  
or <http://www.nclr.org/content/publications/detail/1390/>

For bill status and other information, see: <http://www.immigrationforum.org>

## II. MESSAGES, MESSENGERS, AND TALKING POINTS

Talking points help communicate complicated issues in ways that politicians, the media, and the general public can understand.

This tool kit contains talking points on the use of state/local police to enforce federal immigration laws. These talking points were compiled from several different organizations and address general issues, as well as specific concerns that may or may not be important in your region or area.

Feel free to adapt these talking points to fit your own campaign; using state-specific data is often critical to success.





## Sample Talking Points

# Why Shouldn't Local Police Enforce Federal Immigration Laws? Congressional Legislation Would Harm, Not Help, Public Safety

### National Immigration Forum

The Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act and the Homeland Security Enhancement Act would require police to enforce federal immigration laws or lose certain federal funds. If enacted, this legislation would put a muzzle on immigrant crime victims and witnesses, trading their safety for fear, at the expense of everyone who lives near, works with, and is related to the individuals targeted under this legislation. The CLEAR Act and the Homeland Security Enhancement Act are dangerous bills that must be defeated.

### The Legislation Jeopardizes Public Safety

These proposals strike a direct blow at the efforts of police to win the trust and confidence of the communities they serve. If police become immigration agents, word will spread like wildfire among newcomers that any contact with police could mean deportation for themselves or their family members. Immigrants will decline to report crimes or suspicious activity, and criminals will see them as easy prey, making our streets less safe as a result. Experience shows that this fear will extend not only to contact with police, but also with the fire department, hospitals, and the public school system.

### The Legislation Undermines National Security

Security experts and law enforcement agree that good intelligence and strong relationships are the keys to keeping our nation and our streets safe. Under this legislation, foreign nationals who might otherwise be helpful to security investigations will be reluctant to come forward, for fear of immigration consequences. If immigrant communities are alienated rather than embraced, local law enforcement loses important relationships that can lead to information they might not otherwise have access to.

### The Legislation Weakens an Important Criminal Database

Police rely upon the FBI's National Crime Information Center (NCIC) database to give them timely and accurate information on criminals and dangerous people. This legislation would undermine the usefulness of the NCIC by loading it with information about millions of people with minor immigration violations. Poor data management at the former Immigration and Naturalization Service (INS) has resulted in numerous inaccurate records, further complicating matters for police who rely on the integrity of the NCIC. Even if the data were correct upon entry, case statuses often change and would have to somehow be updated in the FBI's database. This



mess would lead to many false “hits” and unlawful detentions and arrests, wasting precious law enforcement resources.

### **The Legislation Is Not About Apprehending Criminals**

Proponents of this legislation say it is needed so that police can help deal with the “criminal alien crisis.” They ignore the fact that police already have the authority to arrest criminals, both in enforcing state or local laws and assisting the federal government. It is absurd to suggest that foreign nationals are somehow immune from our criminal laws unless this legislation passes, or that police are unable to detain criminals who are also immigration law violators.

Police also help the federal government deport criminals who are removable because of their offenses. Those areas of the country that have policies ensuring the confidentiality of crime victims’ and witnesses’ immigration status are also those who call the federal government most often to check the immigration status of crime perpetrators. These are often areas with large immigrant populations, so they understand the most effective policing strategies for these communities. They distinguish between enforcing criminal laws and enforcing civil immigration laws – a mandate best left to the federal agencies who do not also have local crime-fighting responsibilities.

### **The Legislation Leaves Police Unequipped for the Job**

Federal immigration law is even more complex than the U.S. tax code and is constantly changing. Immigration agents undergo seventeen weeks of intensive training before they are allowed “on the beat,” and they have unfettered access to case history data maintained by the federal government that helps them do their jobs. This legislation requires no training of local law enforcement and does not cover the full cost of training for those responsible departments who insist on it.

### **The Legislation Imposes New Bureaucratic Requirements on Under-Staffed Public Agencies**

This legislation also imposes significant new reporting requirements on critically under-staffed and under-funded local law enforcement agencies. The responsibilities of state and local police have increased dramatically since the September 11th terrorist attacks, and police simply do not have extra time on their hands to take on what is rightly a federal duty.

### **The Legislation Is Another Unfunded Mandate on States**

The legislation shifts what has always been a federal duty, immigration law enforcement, onto the states. The bills purport to give some additional resources to police who enforce immigration laws, while imposing monetary penalties on those departments that decline. But if the yearly battles for just a portion of reimbursements owed under the State Criminal Alien Assistance Program (SCAAP) are any indication, very little of the new money



will actually make it into the coffers of local police departments. Not only will local governments be stuck footing the bill once again, but they risk loss of critical federal dollars already earmarked for criminal law enforcement if they refuse to take on these new duties.

### **Provisions in Current Law Exist for Agencies That Wish to Help Enforce Immigration Law**

For those few state or local police agencies who do want to assist the federal government in enforcing immigration laws, a mechanism is available for them to do so. Section 287(g) of the immigration code outlines a process whereby state and local governments can enter into agreements with the federal government (MOUs, or memoranda of understanding) that permit them to receive training and enforce federal immigration laws. MOUs are currently in place in Florida and Alabama.

### **The Legislation Skews Federal Law Enforcement Priorities**

When police identify immigration violators, they will have to call the federal government to take over. Law enforcement resources at the federal level are also limited, which is why the Bureau of Immigration and Customs Enforcement (ICE) prioritizes searches for criminals and terrorists over immigrants with civil status violations. Will ICE agents come to collect every undocumented immigrant identified by local police? The House bill (the CLEAR Act) tries to force them by permitting states and localities to seek funds for every undocumented immigrant the federal government fails to pick up. This means ICE has to put the same amount of resources into picking up undocumented workers as suspected terrorists. With eight million undocumented workers in the United States and an infinitely smaller cohort of foreign-born criminals and terrorists, this is hardly the right prioritization of Department of Homeland Security resources.

### **The Legislation Forgets That You Can't Tell By Looking Who Is Legal and Who Is Not**

There are nearly eleven million naturalized U.S. citizens, and more than twenty-five million native-born Americans of Latin American and Asian descent. In this free nation we are not required to carry "papers" to prove our citizenship, and few of us do. Because police are not equipped to determine who has violated an immigration law, some will inevitably stop and question people of certain ethnic backgrounds, who speak foreign languages, or who have accents in English. This legislation essentially encourages race- and ethnicity-based profiling.

### **The Legislation Threatens Civil Rights**

Anticipating the likelihood of civil rights lawsuits spawned by this legislation, the bills purport to grant immunity from civil suits for officers who enforce immigration laws. This sends the wrong message if we are serious about eradicating racial profiling from U.S. law enforcement. Ultimately, police departments and localities gambling on this congressional



gesture would find themselves in court anyway when the anti-civil rights provisions are challenged.

### **The Answer Is Reform, Not Round-Ups**

It is certainly untenable to have millions of undocumented immigrants living and working in the shadows of this country. Failing to address the situation serves no one. However, rounding up and deporting millions of undocumented workers, even if we had the resources to do it, is simply unfathomable. The answer is not further criminalizing immigrants, but designing an immigration system that facilitates legality.

Congress needs to enact comprehensive immigration reform so that those undocumented immigrants who are contributing to this nation can live outside of the shadows, and so that future migrants have legal options for entering the U.S. to work or reunite with their families. As President Bush said, once immigrants have legal papers, “Law enforcement will face fewer problems with undocumented workers, and will be better able to focus on the true threats to our nation from criminals and terrorists. . . . Temporary workers will be able to establish their identities by obtaining the legal documents we all take for granted. And they will be able to talk openly to authorities, to report crimes when they are harmed, without the fear of being deported” (White House policy announcement, 01/07/2003).

*Prepared by the National Immigration Forum January, 2004*



# POLICE ENFORCEMENT OF IMMIGRATION LAWS MESSAGE BOX

## WHO WE ARE AS A NATION, AS A COMMUNITY, AND AS IMMIGRANTS

### **WHY THIS IS IMPORTANT**

- We live in diverse communities with many immigrant and native-born residents
  - All of us want safe streets, good schools, and a shot at the American dream
  - Immigrants are hard-working, tax-paying members of our communities who build strong families and are proud to be American
    - State and local police are here to serve and protect all community residents, regardless of immigration status
- When immigrants are encouraged to come forward and report crimes or assist in investigations, we are all safer
- Of course we need to fix our broken immigration system. But this requires reform of our federal laws, not piling more work on the backs of state and local police
- This country needs a rational, humane, and orderly immigration policy, not an irrational, unsafe, and chaotic system that encourages illegality
- Since 9/11, police have taken on new duties with less money. Adding immigration enforcement to their platters take them away from other priorities. This is simply not their job
  - Scores of police departments and local governments have already said that this is not the solution
  - In fact, they say, community policing has been successful in immigrant communities because police have said they are not immigration enforcers, encouraging people to come forward and report crime
  - We should listen to local police when they tell us that the CLEAR Act and its Senate companion are bad ideas
- It's true that the current situation, where millions of immigrants are working here without legal status, is untenable. But it is unrealistic to think that we can round up and deport all of these people, and it is unfair to put this burden on local police
- Instead, we need to bring people out of the shadows and allow them to apply for legal status and documentation. Accomplishing this, they "will be able to talk openly with authorities, to report crimes when they are harmed, without the fear of being deported" (President Bush, 1/7/04)

### **THE PROBLEM**

- In the name of counter-terrorism, Congress is proposing a new law that would make police into immigration agents
  - However, this legislation actually undermines public safety, by making immigrants afraid to report crimes or assist in investigations
- This would also take police away from their primary missions: fighting crime and protecting public safety
- Local police do assist federal agents in criminal matters. This legislation says that if they do not also enforce civil immigration laws, they will lose funds they already receive for criminal enforcement

**ATM**  
**Answer Transition  
back to Message**

### **THE SOLUTION**

**State and Local  
Police  
Enforcement  
of Federal  
Immigration Laws:**

# III. BUILDING COALITIONS

Coalitions – groups of independent organizations that join together for information-sharing, advocacy, or other cooperative activities ranging from research to service delivery – are an increasingly important vehicle for accomplishing positive community change. The most powerful effort that today’s advocates can undertake to effect change is to build a coalition of people and groups in their communities who are sympathetic to their point of view. By approaching, and then convincing, potential partners to join together to work for a common goal, the advocates gain a coalition whose combined strength will provide them with greater opportunities to reach out and spread their message to the public.



Building a grassroots effort with business, labor, community activists, and other “nontraditional allies,” along with more “traditional” immigrant advocates, will help fight through opponents’ noise to be heard. Your clout will increase due to an active organized effort supported by several segments of the community. Several voices together are always stronger than one. When elected officials discover that a coalition of people they serve has joined together for a common goal, they will have to give the group more attention and, therefore, a greater chance of making an impact and influencing public policy decisions.

## Why form a coalition?

Coalitions are typically formed to meet one or more of the following needs:

- **To accomplish a specific advocacy goal**, where individual advocacy agency efforts are likely to be less effective than a unified community voice in support of or opposition to a particular policy, program, or action.
- **To reduce staff and other costs for accomplishing a common goal by sharing work and responsibilities.**
- **To share information or ideas** so that all coalition members are better informed about important issues or programs – such as new proposals to force state and local police to enforce federal immigration laws.
- **To decrease isolation and increase collaboration**, enabling organizations that cannot easily carry out specific activities individually to participate indirectly through the coalition’s activities.

The effectiveness of a coalition depends to a considerable degree upon the organizational skills, commitment, interest, and contributions of time and effort of its members. Even with staff, coalitions are rarely effective unless they are bound by commitment, shared interests, and priorities sufficient to ensure ongoing participation by a significant proportion of their members. A coalition is likely to survive if it proves effective enough that there is a





high positive return on the time and other resource investments of its members. Thus, a coalition that successfully supports or opposes legislation or regulations, or accomplishes other agreed-upon objectives, is likely to survive and grow.

## Characteristics of effective coalitions

1. **Clearly defined purpose and scope.** Goals, objectives, and strategies are made clear and understandable. The coalition does not try to do everything; instead, it has a clear focus. The coalition may suffer or become ineffective if some members wish to broaden the scope to include other immigration or nonimmigration-related issues.
2. **Coordinate.** Legislators do need to hear from many groups repeatedly, but when time and resources are limited, a “divide and conquer” strategy may work better than everyone focusing on the same lawmaker. Divide up responsibilities rather than have everyone contact the same people, especially when time is limited.
3. **Share resources.** All coalition members should share and receive the same legislative alerts, newsletters, and other materials. Put your coalition partners on your mailing list.
4. **Network.** While you may not know anyone who can get your senators on the phone, perhaps one of your coalition partners does. If you are working together, the “contact” can speak for the entire coalition (if everyone agrees), rather than just one group.
5. **Do not take positions that are bound to be divisive** because they pit the interests of some coalition members against the interests of other members.
6. **Work together.** Visit legislators as a coalition to demonstrate a “united front.” When appropriate, you may also want to draft a coalition letter that each member or organization signs.
7. **Sponsor public events.** Press conferences shortly before an important vote or event help get the coalition’s message across and demonstrate the breadth of support.
8. **Expand.** Continually seek out other groups who share the coalition’s concerns and positions on the issues. Encourage them to join your coalition.
9. **Obtain time and resource commitments from members.** One group cannot do all the work or supply all of the resources. Allow groups with limited financial resources to make in-kind contributions.



**Potential allies and coalition partners include:**

Police departments	City councils
Businesses that employ immigrants	Hotel and lodging associations
Chambers of commerce	Building trades/construction
Ethnic organizations	Churches
Elected officials	Civil rights/social justice groups
Unions	

Source: *Developing Effective Health Coalitions: The Role of Hispanic Community-Based Organizations*, NCLR, Nov. 1991, and *Immigration Works! It's Who We Are Campaign Tool Kit*, AILA, 2003.





# Sample Coalition Letter

December 15, 2005

Dear Representative:

We, the undersigned organizations, oppose any efforts to engage state and local police authorities in the enforcement of federal civil immigration laws. We believe such actions will damage the trust between police and the communities they aim to protect, undercut law enforcement and anti-terrorism priorities, lead to costly mistakes and civil rights violations, and make us all less safe and our nation less secure.

Proposals to deputize state and local police to enforce immigration laws can take various forms -granting state and local police the power to enforce immigration laws, including immigration data in the National Crime Information Center database, funding the training of state and local police in immigration laws, etc. But no matter the form, authorizing police to enforce federal civil immigration laws is bad public policy. Even if participation is considered voluntary, these policies would result in decreased public safety and national security, and the impact on the entire community would be devastating.

Enforcement of federal immigration laws by state and local police:

- **Undermines community policing efforts.** Police depend on relationships with and cooperation from the entire community. People will be less likely to go to the police if they fear that they or their family members could be deported. Victims of domestic violence will be hesitant to report their abusers. If crime victims or witnesses are fearful of approaching the police or reporting suspicious behavior, the entire community is less safe.
- **Undercuts effective law enforcement and anti-terrorism efforts.** Checking immigration documents and holding suspected undocumented immigrants who have committed no crime diverts law enforcement resources from responding to 911 calls and investigating real crimes. It can also fill up detention space and tie up the judicial system for years with people whose only transgression is a civil violation of the federal immigration code. Our police should be focused on the real criminals who prey on communities, not undocumented workers.
- **Results in serious mistakes and civil rights violations.** Immigration law is complex and subject to frequent changes, and someone's immigration status is not verifiable by simply checking a database. Such enforcement requires a great deal of training and experience, as well as access to case files and legal guidance which state and local police do not have. It is probable that police will attempt to determine immigration status based on physical appearance, accent, or surname. Deputizing police to enforce immigration laws is likely to lead to increased racial



profiling and civil rights violations, as well as mistakes, all of which can be very costly for state and local governments. Witness the settlement of expensive lawsuits in Texas, Arizona, Arkansas, and other states over the years.

State and local police already have the ability to arrest and detain foreign nationals who are involved in criminal activities and to contact federal immigration agents. They do so every day. The new proposed policies confer no additional authority for police to arrest criminals or refer them to the Department of Homeland Security. Instead, they target undocumented workers and their family members, pushing them further underground and giving the green light for real criminals to target immigrants with impunity.

Like all Americans, we are very concerned about national security and public safety. We want to protect our families and our communities from crime and terrorism. We also understand that serious and comprehensive immigration reform is needed to resolve our country's immigration problems. However, deputizing state and local police will not solve these problems. We urge you to move forward with comprehensive immigration reform and to oppose any efforts to involve state and local police in the enforcement of federal immigration laws.

Sincerely,

**National Organizations**

9 to 5, National Association of Working Women

American-Arab Anti-Discrimination Committee

American Civil Liberties Union

American Immigration Lawyers Association

American Jewish Committee

Anti-Defamation League

American-Arab Anti-Discrimination Committee

Asian American Legal Defense and Education Fund

Asian Pacific American Legal Resource Center

Catholic Charities USA

Chinese for Affirmative Action/Center for Asian American Advocacy (CAA)

Episcopal Church

Episcopal Migration Ministries

Farmworker Justice Fund, Inc.

Labor Council for Latin American Advancement (LCLAA)

Leadership Conference for Civil Rights

Lawyers' Committee on Civil Rights

League of United Latin American Citizens (LULAC)

Love Sees No Borders

National Asian Pacific American Legal Consortium

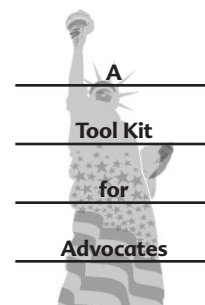
National Association of Latino Elected and Appointed Officials Educational Fund (NALEO)

National Catholic Association of Diocesan Directors for Hispanic Ministry

National Council of La Raza (NCLR)

National Immigration Forum

National Immigration Law Center



National Korean American Service and Education Consortium (NAKASEC)

National Latino Peace Officers Association

National Lawyers Guild

National Network to End Domestic Violence

Organization of Chinese Americans

People For the American Way

Service Employees International Union (SEIU)

U.S. Committee for Refugees and Immigrants

**State and Local Organizations**

African Alliance of Rhode Island (AARI)

American Civil Liberties Union of Massachusetts

American Civil Liberties Union of Southern California

American Civil Liberties Union of Washington DC

American Civil Liberties Union of the National Capital Area (Montgomery County Chapter)

Applegate Citizens For Political Change

Apna Ghar, Inc.

Arab Community Center for Economic and Social Services (ACCESS)

Archdiocese of St. Paul and Minneapolis/Hispanic Ministry Leadership Team

Arizona Fair Housing Center

Asian Law Alliance

Asian Law Caucus

Asian Pacific American Legal Center of Southern California

Asociación de Hispanos Unidos, Inc./Lexington Hispanic Association

Association House of Chicago

Ayuda Inc.

BARCA, Inc.

Bill of Rights Defense Campaign (BORDC) Bandon, Oregon

Bill of Rights Defense Campaign (BORDC) Benton County

Bill of Rights Defense Campaign (BORDC) Durham

Bill of Rights Defense Campaign (BORDC) Jefferson County

Bill of Rights Defense Campaign (BORDC) Northampton, Massachusetts

Bill of Rights Defense Campaign (BORDC) Prince George's County

Bill of Rights Defense Campaign (PBORDC) Pittsburgh

Bill of Rights Supporters of Fort Collins

CADENA

Carlos Rosario Career Center

Carolina Peace Resource Center of Columbia S.C.

Casa Aztlan

Casa Familiar

CASA of Oregon

Catholic Charities of Dallas, Inc.

Catholic Charities of Des Moines-Iowa

Catholic Charities of the Diocese of Santa Rosa

Catholic Charities of the Diocese of Stockton

Center for Battered Women's Legal Services Sanctuary for Families

Center for New North Carolinians

Centro San Martin de Porres



Chicago Workers Collaborative  
 Chicano Federation of San Diego County  
 Chicanos Por La Causa, Inc.  
 Citizens for Peace and Justice  
 Coalition for Humane Immigrant Rights of Los Angeles  
 Coalition for Police Accountability  
 Colonias Unidas  
 Committee for Hispanic Children and Families  
 Community Alliance of Lane County  
 Community Child Care Council of Santa Clara County (4C Council)  
 Concilio de Inmigración  
 Coordinating Council of Community Leaders  
 Corvallis, Albany Human Rights  
 Detroit Hispanic Development Corporation  
 Dominican Women’s Development Center  
 El Centro de Hospitalidad  
 El Centro de Igualdad y Derechos/Enlace Comunitario  
 El Centro Hispanoamericano of Plainfield, NJ  
 El Centro, Inc.  
 El Centro for the Study of Primary and Secondary Education  
 El Pueblo, Inc.  
 Enlace Comunitario  
 Episcopal Migration Ministries  
 Eye Openers  
 FaithAction  
 Family Violence Prevention Fund

Florida Immigrant Advocacy Center, Inc.  
 Florida Immigrant Coalition  
 Fuerza Latina from Fort Collins  
 Georgia Association of Latino Elected Officials  
 Georgia Rural Urban Summit  
 Heartland Alliance  
 Hispanic Interest Coalition of Alabama  
 Idaho Green Party  
 Idaho Patriots  
 Illinois Coalition for Immigrant and Refugee Rights  
 Immigrant Legal Advocacy Project  
 Immigrant Legal Resource Center (ILRC)  
 Immigrant Rights Network of Iowa and Nebraska  
 Independent Green Party of Virginia  
 Instituto del Progreso Latino  
 International Institute of Rhode Island  
 International Institute of the East Bay  
 Jewish Community Action  
 Korean American Resource and Cultural Center (KRCC)  
 Korean Resource Center  
 Kurdish Human Rights Watch, Inc.  
 La Clínica de La Raza  
 Labor Council for Latin American Advancement (LCLAA)  
 Lake County Peace Action  
 Latino Family Services  
 Latino Health and Community Service INC (EHCS INC)  
 Latino Leadership, Inc.  
 Latinos for Education and Justice, Org.



Latino Organization of Southwest Chicago

Latinos United for Change and Advancement

Longmont Citizens for Justice and Democracy

Luz Social Services, Inc.

Massachusetts Immigrant and Refugee Advocacy

Massachusetts Law Reform Institute

Michigan Democratic Hispanic Latino Caucus

Migration and Refugee Services, Diocese of Trenton

Muslim Civil Rights Center

NAF Multicultural Human Development Corporation

Nebraska Appleseed Center for Law in the Public Interest

Network Against Human Trafficking

Northwest Immigrant Rights Project

Office of Hispanic Ministry, Catholic Diocese of Jackson

ONE Lowell

Oregon Bill of Rights Defense Committee

Oxford Citizens for Peace and Justice

Peace Action Wisconsin

Project Hospitality

Promesa Systems

Redlands Christian Migrant Association

Rocky Mountain Peace and Justice Center

Rural Organizing Project

Southwest Creations Collaborative

St. Michael Catholic Church of Forest, MS

Sweatshop Watch

Tahirih Justice Center

Tennessee Immigrant & Refugee Rights Coalition

The Westchester Progressive Forum

Thomas Merton Center

United Hispanic-Americans

United Network for Immigrants and Refugee Rights

Utah Coalition of La Raza

Virginia Bill of Rights Coalition

Virginia Justice Center for Farm and Immigrant Workers

Washington Lawyers' Committee for Civil Rights and Urban Affairs

WeCount!

Young Korean American Service and Education Center (YKASEC)

**State and Local**

**Police Enforcement**

**of Federal**

**Immigration Laws:**



## Sample Letter from Police Department

August 26, 2003

Congressman Dennis Moore  
431 Cannon House Office Building  
Washington, DC 20515

Dear Congressman Moore,

The City of Lenexa and the Lenexa Police Department have made a commitment in recent years to build a good working relationship between police employees and members of the minority community. As the minority population has grown in Lenexa we have worked at learning and understanding cultural differences to better service their needs. Progress has been made and we continue to direct resources to this important issue.

With that in mind, recent legislation, the Clear Law Enforcement for Criminal Alien Removal Act of 2003 (CLEAR), causes us considerable concern. This Act would require local law enforcement officers to assume responsibilities presently handled by INS and would add the enforcement of civil immigration laws to long list of current responsibilities. This Act poses several areas of concern and could negatively impact Lenexa in the following ways.

- We are, like many jurisdictions across the country, short on resources and manpower and struggling to meet our citizens' service demands. This mandate will magnify that problem and force us to make cuts in other areas to comply with the CLEAR Act.
- We are not trained in immigration law, and to reach a satisfactory level of proficiency would require both time and money, both of which are at a premium.
- It would appear on the surface that this Act could be construed to contain components of racial profiling. This agency and law enforcement in general have worked diligently over the last few years to assure citizens that racial profiling is not tolerated in professional law enforcement agencies. This piece of legislation could damage the credibility we have worked so hard to establish.
- The most troubling aspect of this Act is that it could cause members of certain groups to not report crimes or come forward with information about crimes for fear of being deported. The level of public safety we should deliver to these groups as well as the trust we are attempting to establish in our community could be severely damaged by the CLEAR Act.

We would ask you to oppose the CLEAR Act and ask you to urge others to vote in a similar manner. Thank you for your attention to this matter.

Sincerely,  
Ellen T. Hanson  
Chief of Police



## Sample Letter from Police Association

April 10, 2002

Attorney General John Ashcroft  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Ashcroft:

I am writing on behalf of the California Police Chiefs Association to share our concerns and comments regarding possible changes in an opinion by your Justice Office of Legal Counsel. We recently received information that your office is considering issuing an updated legal opinion that would give state and local police agencies the power to enforce federal immigration laws, potentially broadening an activity that has long been handled exclusively by federal agents.

As you know, throughout the United States, except for some small pilot programs in Florida and South Carolina, state and local police departments have developed and implemented policies that have kept them from directly becoming involved in routine immigration enforcement issues. Our police agencies work very cooperatively with the Immigration and Naturalization Service (INS) on security and transportation during INS raids, but our officers do not make arrests on civil immigration violations.

All of California's police chiefs applaud your efforts to address the critical situation that exists surrounding terrorism, and the importance of protecting the safety of our country and our borders. However, it is the strong opinion of the California Police Chiefs Association leadership that in order for local and state law enforcement organizations to continue to be effective partners with their communities, it is imperative that they not be placed in the role of detaining and arresting individuals based solely on a change in their immigration statuses. Most agencies in California already routinely refer illegal immigrants who have committed other criminal violations to INS and will continue to do so. We also stand ready to assist you in any way possible to address terrorism, and would strongly support any changes in the law that would allow us to arrest and detain illegal immigrants or aliens, pursuant to a warrant or other legal hold, who may have entered the United States legally but who have violated their alien status, where information exists that they are supporting or involved in terrorist activities.

I look forward to continuing the dialogue with your office, and working in any way we can to assist the Federal Government in addressing illegal immigration as it relates to terrorism issues.

Sincerely,

Chief Bob McDonell  
President  
California Police Chiefs Association



# IV MEETING WITH LEGISLATORS

Meeting with legislators and other policy-makers is an important part of the advocacy experience. This section provides information and tips for identifying the proper targets, arranging meetings, holding meetings, and following up after meetings.

Many nonprofit and grassroots organizations have questions about the law and their ability to “lobby.” This section also contains information on laws relating to lobbying and advocacy activities by nonprofit organizations.





# Advocacy versus Lobbying

## Overview

In an era in which public sentiment of the legislative process is very high, lobbying has a particularly bad reputation. In addition, with fairly strict regulations on what not-for-profit organizations can and cannot do to influence the legislative process, many groups are frightened of engaging in any type of advocacy. In fact, the activities that constitute lobbying, and are therefore restricted by government regulations or private foundation policies, are quite limited. **It is fairly difficult for a nonprofit or community-based organization to meet or exceed the government limits on the amount of lobbying they can do.**

## Basic Rules for Lobbying

The law has fairly well-defined definitions of the amount of lobbying that not-for-profits can do, and what exactly constitutes lobbying. Some basic guidelines:

- Federal or other government funds cannot be used for lobbying.
- Foundations are governed by the same rules as other not-for-profits; many of them forbid their grantees from using grant funds to support lobbying.
- Nonprofits can elect to make limited expenditures to lobby under Sections 501 (h) and 4911 of the Tax Reform Act of 1976. Under this law (known as the Conable amendment), nonprofits cannot spend more than 20% of their total budget on lobbying activities.
- The Conable amendment has a second limit that applies to grassroots lobbying. Expenditures for this kind of lobbying cannot exceed 25% of total lobbying or 5% of the total budget of the nonprofit.

## The Law

Most policy analyses are not considered lobbying:

- “Reasonable man (person)” test
- Nonpartisan analysis test
- Simple statement of an organizational position is not lobbying

“Direct” lobbying involves the following three-part test:

- A **communication** with a legislator, staff person, or policy-making administration official that is made...
- For the purpose of influencing a **specific** piece of legislation...; or
- Which asks the legislator, staff person, or official to take an **action** that may be considered lobbying.



“Indirect” lobbying (or “grassroots” lobbying) occurs when any form of “call to action” is made in the communication. If the communication includes any one of the following four forms of a “call to action”:

- Asks recipients to contact legislators; or
- States legislators address or phone numbers; or
- Provides a petition, postcards, or other material to be sent to legislators; or
- Refers to one or more legislators as opposing the communication’s view, being undecided on the legislation, being a recipient’s legislator, or being a member of a relevant committee or one with jurisdiction over the legislation. . .

...then the **entire** communication is considered lobbying.

### **Common Advocacy Activities That Are Not Lobbying**

While it is important to err on the side of caution when keeping track of lobbying activities, it is also true that a number of non-lobbying activities can be confused for lobbying. For example, under the law, it is not lobbying to:

- Comment on proposed regulations from a public agency
- Complain to a school system about inequitable implementation of its desegregation plan
- Participate in a lawsuit
- Testify before a legislative body **provided** the body has requested in writing that you testify
- Advocate with the executive branch of government on policies or programs that are not legislative
- Provide information to a member of a legislative body or a staff person **provided** that the individual has requested that information in writing
- Conduct an unbiased, nonpartisan policy analysis of legislation or other policy

### **Basic Rules Governing Nonprofits**

- Nonprofit organizations generally cannot spend more than 20% of their total budget for lobbying activity. There is a second limit that applies to grassroots lobbying (25% of total lobbying or 5% of total budget) that may not be exceeded by nonprofit organizations.
- No public funds may be used, directly or indirectly, for lobbying.



- Most foundations and some corporations require, as a condition of their grants, that their funds not be used for lobbying. (They are governed by the same rules as nonprofit organizations.)
- Most tax-deductible contributions may not be used for lobbying.



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Source: The National Council of La Raza, *Advocacy Training Manual*, 1999.

## Targeting Legislators

When a bill is introduced by a legislator, it is usually sent to the appropriate committee, which sends it to the appropriate subcommittee (where applicable) for consideration.

**Begin your advocacy with the subcommittee members.** Most subcommittees have a Chair and a Vice Chair, or a Chair and a Minority Ranking Member. Subcommittees may have three, ten, or twenty members, depending on the size of the legislature. Identify each member of the subcommittee and give them information on your bill.

**Then move to the committee.** Like the subcommittees, committees have Chairs and Vice Chairs as well as members. Identify each member of the committee and give them information on your bill.

**Then move to the full legislature,** focusing on the House or Senate, when applicable. Each party has leadership in the legislature, and targeting the party leadership is a good starting point. Identify the Speaker of the House, the Speaker Pro Tempore of the Senate, the Majority Leader, the Minority Leader, the Whips, and other key legislators. These legislators are important decision-makers and often exert much influence over their colleagues. Providing them with information is very important.

**Your friends in the legislature may have additional ideas about which legislators to target.**



# How to Meet with Legislators

## PREPARING FOR THE MEETING

- **DO YOUR HOMEWORK!** Know exactly what you want to say and carefully review your message.
- If possible, compile information about the impact of specific issues on the Members of Congress' district/state. However, do not compile a long list of statistics; your elected officials will not remember them and they will lose their impact. Prepare a few dramatic numbers or anecdotes to illustrate your points. Collect recent local news articles that illustrate the issue. Like most people, legislators more easily remember examples conveyed in human and personal terms.
- To encourage legislators to support your positions, present materials that clearly articulate your views, using specific case examples when possible.
- Know the counterarguments and be ready to respectfully answer any questions or disagreements.
- Make sure everyone in your group is prepared. Brief everyone attending the meeting PRIOR to the meeting and make sure they have any written materials (biographical profile of legislators and their views, etc.) to review well ahead of time.
- Be organized. Agree ahead of time on the role each participant will take, who discusses what, and in what order participants will speak.
- If you are going as part of a larger coalition, meet ahead of time. It is unwise to have an internal debate or conversation in front of your elected official. Be certain everyone agrees on your group's central message and what you want to ask the legislator to do for you.
- Prepare a packet to leave with your legislator which could include background information, fact sheets, and/or newspaper clippings. Attach your card to the packet.



## MAKING THE PRESENTATION

- Be on time!
- Begin by introducing yourselves.
- Explain to the legislator/staffer why you asked for the meeting.
- Present your concerns simply and directly. Get to your "bottom line" immediately. Be brief, direct, courteous, and positive. When presenting each issue, do not assume that your legislator has any prior knowledge of the subject. Presentation of each topic roughly should follow this outline:

**BACKGROUND:** Explain the issue in the simplest possible terms.

**IMPACT:** Explain how the issue directly affects your community or the group you represent.

**RECOMMENDATION:** Indicate what you would like your legislator to do.

- Do not fight with your legislator or staff members. Politely answer questions and concerns, but if you disagree, make your point and move on. Remember, you are meeting with the Member or staff person to inform him/her about your positions on issues.
- If you do not know the answer to a question, admit it, and promise to get back with the answer. Be sure to follow up with your answer as quickly as possible after the meeting.
- Listen well. Make sure you do not do all of the talking. Much of lobbying is listening, looking for indications of the legislator's views, and finding opportunities to provide good information. Give your legislator opportunities to ask questions or state his or her opinion. Members and staff will appreciate the chance to be heard. Also ask questions.
- Stay away from jargon and acronyms. Remember that your legislator deals with dozens, if not hundreds, of issues each week, each with its own "language."
- Thank your legislators if they have been supportive. They get thanked far less than they get criticized. They will appreciate your recognition.
- Be sure to ask for your legislator's support. If your legislator already is very supportive, ask him or her to cosponsor the relevant bill and/or take a leadership role in moving the bill through the process, getting additional cosponsors, or other ways.



## **FOLLOWING UP AFTER THE MEETING**

- Send a note thanking the Member or staff person for meeting with you. Briefly summarize the main points of the meeting.
- Remember to follow up with responses to any questions the Member or staff person asked but you could not answer at the time.
- Do not think of the meeting as an isolated event. Although you may not have a face-to-face meeting again for some time, invite your elected officials to speak at an event or meeting. Think of other ways to maintain the relationship you have initiated.
- Report back. These reports are invaluable in developing legislative strategies and tracking Members' positions on issues important to the pro-immigration community.

## Lobbying Tips

Before your lobby visit, **designate one person to moderate** the group discussion. After the moderator states the purpose of the lobby visit, each person should introduce himself or herself.

**Know your facts.** Review the fact sheets before the meeting with your member of Congress.

**Personalize your pitch.** Talk about your personal experience - how the issue affects you and your family. Do not try to be a policy expert. Your member of Congress needs to hear your point of view.

**Be polite and positive – not confrontational.** Present your information in a friendly manner. Do not get into arguments.

After your visit, **write a brief thank-you note** to the congressional office, thanking the member and staff for seeing you. Express your interest in continuing the relationship.

**Keep in touch.** Make appointments for follow-up visits to members' district offices. Invite them to local union meetings. Attend town hall meetings or other gatherings at which you can speak with them.

State and Local

Police Enforcement

of Federal

Immigration Laws:



## Sample Lobby Report Form

Please fill out this form so that we can follow up and keep track of the progress made on the issue of state/local law enforcement of federal immigration laws and flag any important pieces of information about legislators. Please fill it out immediately after your meeting with your legislator.

Date:

Legislator visited:

District:

Legislative staff present at meeting:

Issue(s) discussed and outcome of discussion(s):



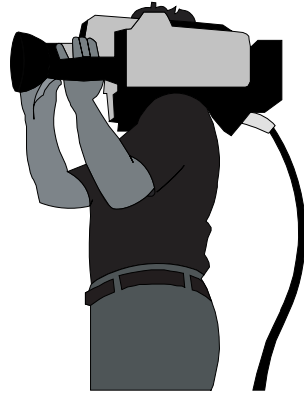
Did the legislator pledge to oppose the use of state/local police to enforce federal immigration laws (or a particular bill)?

What follow-up actions are needed?



# V. WORKING WITH THE MEDIA

Getting your message out through the media is another critical component of advocacy. Community leaders start their days listening to the news on the radio, reading the newspapers, and reviewing current events on the Internet. Decision-makers pay attention to the media and public opinion in planning their priorities and contemplating their votes. In fact, they normally respond best to consistent pressure, especially from the media. One of the most effective ways to apply pressure is to have the public absorb messages through the media, be it coverage of events we choose, or in the form of editorials supporting our positions. It is very important to work proactively through the media and to drive the story, not simply respond to it.



This section provides tips for working with the media and writing press releases, opinion pieces, and letters to the editor.



## Tips on Working with the Media

- **Be a consumer of media - follow reporters' stories.** To understand the news media, become a consumer of the news. Read at least one daily newspaper and watch your local evening news broadcast. This will help you understand what reporters are looking for.
- **Be responsive and prompt.** When a reporter calls you for information, he/she is usually in a hurry. Return the call as quickly as possible. Be helpful and steer reporters to good sources if you don't have the answer. Reporters develop the habit of calling people who have helped them in the past.
- **Never lie to a reporter.** If they find out, they will never call you again. If you don't know the answer to a reporter's question, don't be afraid to say "I don't know." If you think you can get the answer quickly or just need to take a minute to prepare your response, ask if you can call back in a few minutes.
- **Develop personal relationships with reporters.** Creating personal relationships is the best way to get your story told.
- **Observe reporter deadlines.** At most newspapers, reporters must file their stories by 5:00 or 6:00 p.m. After 3:00 p.m. they are probably writing their stories and are "on deadline." If a reporter on deadline calls you, try to respond immediately. If you call a reporter, first ask if it is a good time to talk. If the reporter seems hurried and says no, get off the phone immediately and say you'll call back tomorrow. They will appreciate the respect that you show for their work.
- **Provide good quotations.** Reporters are always looking for good quotes. They should be short, colorful, and pithy. As much as we hate it sometimes, we live in a sound-bite world. As you become a consumer of news, you will gain a sense of the kind of quotes reporters are looking for.
- **Respond immediately to negative press.** Whether the negative press is in the form of a news story or an op-ed, respond immediately with either a letter to the editor or by asking for a meeting with the reporter and his/her editor. The longer a story remains in the public marketplace without being challenged, the more damage it will do as it begins to settle in as fact.
- **Write op-eds and letters to the editor.** Find out your newspaper's policies regarding submission and use this opportunity. This is your chance to get your views into the newspaper, unfiltered and unedited.



# Opinion Essays, Guest Columns, Commentary, and “Op-Eds”

## Quick Tips

Most newspapers and magazines publish opinion essays submitted by community leaders, experts, elected officials, and just plain citizens. Known generically as op-eds because they often appear opposite the editorial page, these items offer advocates an opportunity to make their case in their own words, drawing attention to a problem or a success, or an issue of general importance. They may not be the most-read part of a newspaper, but those who read them tend to be the most influential opinion leaders in the community. An op-ed also carries with it the implicit endorsement of the paper as being an opinion to which it is important to pay attention.

Op-eds are short, 700-800 words maximum, but each paper that runs them determines its own guidelines for length, submission, topics, etc. Observe what type and style of op-ed is running, from whom, and see if they have published their guidelines either in the paper or on the paper’s website.

Messengers: While you may be the best person to write an op-ed because of your knowledge on the issue, you may want to enlist someone prominent or influential in the community to submit it under their name. Ghost writing op-eds for others is very common. Sometimes it helps get the piece published or read because the person is well known. It can also help the power of your message because the person is looked up to, is an expert or academic, or because they have no obvious self-interest in the issue being discussed.

### Basic Elements:

**Grab their attention** – An opening paragraph should get the reader’s attention and invite them to read on. Use strong, colorful language, humor, unusual examples, and establish what or who is at stake. Sympathetic anecdotes about the people who would be affected if action is taken, or not taken, are a good way to draw readers in.

**State your case** – After grabbing the reader’s attention, you need to move quickly to the position you are advocating. Be concise and clear (e.g., “Congress should enact the DREAM Act,” or “Senator Jones should support the bill.”). You want to structure your argument so that readers walk away agreeing with your position.

The first two elements are the most important for getting readers to buy your point of view and for getting editors to publish the piece in the first place. Be creative and spend time getting these two right.

**Your evidence** – The next several paragraphs provide supporting evidence and examples that develop your argument, but always connect back to the case you are making. Don’t overload and make every argument in your



arsenal. Rather, be succinct and give priority to the most important or compelling evidence. If forced to edit down a piece for space, start by trimming the less important evidence.

**Provide a summation** – Restate your case and underscore how each piece of evidence you have provided leads you to your logical conclusion. This part needs to draw the connection between the reader and the position you are taking. Why is it in the best self-interest of the reader to agree with your position? What’s in it for them?

**The closer** – Again, the closing can be an opportunity to engage the reader, put a human face on the problem, state the consequences of not taking your position, or to end with a clever and memorable “zinger.”

**About the author** – A one-line description of who the author is should stress why they are qualified to advise the rest of us on what position we should take.

Be prepared for the paper to suggest edits for clarity or space. You do not have to accept the paper’s suggestions, but the piece may not get published if you refuse. Most papers will give the writer an opportunity to review edits to a piece in advance if they are significant, but not all extend this courtesy.



## Sample Op-Eds

Following are two actual op-eds on the CLEAR Act/Homeland Security Enhancement Act. One represents the side opposing the legislation and other represents the side favoring the legislation.

These are included as examples and are for illustrative purposes only. Please do not copy the text below and submit the op-ed as your own work.

### Anti-CLEAR/HSEA

#### ST. LOUIS POST-DISPATCH

Feds, not the cops, should police immigration  
By CECILIA MUÑOZ AND MICHELE WASLIN  
*Local enforcement could undermine public safety.*

Some in Congress are trying to use the issue of national security to peddle an anti-immigration agenda.

Pending in Congress right now is the Clear Law Enforcement for Criminal Alien Removal Act. Rep. Charlie Norwood, R-GA., introduced the bill, which would require state and local police officers to enforce federal immigration laws.

What this means is that police officers would take on the additional role of becoming immigration agents. But deputizing local police to enforce federal immigration laws will not make our communities safer.

State and local law enforcement agencies already have the tools they need to arrest and detain dangerous criminals, including the full power to arrest noncitizens involved in criminal activity and to make arrests based on criminal immigration violations.

Current law also provides mechanisms for state and local police agencies to enter into agreements with the Bureau of Immigration and Customs Enforcement, if they choose to do so. (Only one state, Florida, has chosen that option.)

Many police chiefs and police associations, as well as other law enforcement experts around the country, have spoken out against expanded immigration enforcement. They believe it will actually undermine public safety.

Police officers know that their ability to protect our neighborhoods depends on building strong relationships with all members of the community.

Community-based policing efforts have been successful. In Latino communities, for example, the Department of Justice found that violent crime against Latinos dropped by 56% during the 1990s once such efforts got under way.

But if police start enforcing immigration laws – or are perceived to be enforcing immigration laws – trust between law enforcement and the community will erode, and Latinos and other ethnic minorities will become fearful of reporting crimes or coming forward as witnesses.



Already, there have been stories of immigrants being put through deportation proceedings after reporting crimes. In Rhode Island, immigration officials arrested Danny Sigui, an undocumented immigrant and father of three, just two days after he served as a key witness in a murder case. The fear of deportation could prevent many other undocumented residents from reporting knowledge of crimes, including terrorist activity, to police officers.

What's more, state and local police officers are not trained in the complexities of immigration law. As a result, the involvement of local police in immigration law enforcement is likely to lead to errors, racial profiling, discrimination, and costly litigation.

Finally, forcing police to do immigration work would divert limited resources that could be better spent on other law enforcement activities that have a greater impact on public safety.

We will all be safer if the police are allowed to focus on what they do best: fighting crime and protecting the public.

*Cecilia Muñoz is Vice President for policy and Michele Waslin is Senior Immigration Policy Analyst at the National Council of La Raza, a Latino advocacy group.*

## Pro-CLEAR/HSEA

### HOUSTON CHRONICLE

Cracking Down on Criminal Illegals  
August 15, 2003

By Representative Charlie Norwood (R-GA)

It should never have happened. This past December, a man and woman sitting on a New York City park bench were surrounded by a gang of young men. The gang kicked and beat the woman before dragging her along the nearby railroad tracks and forcing her into the woods, where they repeatedly raped the 42-year-old mother of two and threatened to kill her.

It was a vicious, tragic and horrific crime, and, again, it should have never happened.

It should have never happened because the five males charged with this heinous act were illegally living in the United States. Even more unbelievably, four of them had a criminal past and had been in the hands of law enforcement authorities; two having actually served jail time. But instead of being immediately deported, as the law insists, they were released back onto the streets.

This case is troubling enough alone, but when pieced together with the growing litany of tragic tales in big cities and small towns alike, it becomes clear that this criminal alien offense is more than just an isolated incident. Instead, this heartbreaking episode is reflective of a badly broken immigration law enforcement system that provides little



or no coordination between federal, state and local officials; is badly outmanned; results in safe havens for common criminals who roam the countryside, instead of safe streets for the law-abiding citizens who call it home; and needlessly and increasingly endangers the very homeland security of the United States at a critical time in our nation's history.

In today's America, there are almost 400,000 individuals who have been ordered deported but are instead hiding out in our communities. Of these, roughly 80,000 are criminal aliens. That means there are 80,000 illegal aliens with criminal convictions on the prowl thanks to our broken immigration system. Think about that. They were in the hands of law enforcement at one point, but are walking the streets today when the law says they should have been deported.

Can you imagine if our government decided one day that we would invite 80,000 aliens to live here illegally, oh, and by the way, they're all going to be convicted criminals? It would be a catastrophic event and would be met with universal outrage. But because today's state of affairs has been allowed to happen over an extended period of time and gone largely unreported by the mainstream media, it seems somehow less shocking. The fact is, however, the result is exactly the same in either instance – a failed system and a major crisis.

So what great force of manpower is our federal government devoting to this problem? A total of 2,000 agents. That's right. Just 2,000 federal agents have the job of enforcing our immigration laws.

It's high time we gave these outmanned folks some much needed help.

Last month, I introduced a bill that will take a giant step in that direction, the Clear Law Enforcement for Criminal Alien Removal Act of 2003 (or CLEAR Act).

This is legislation that will finally give assistance and motivation to the 2,000 agents in the field; access to data, clarification of jurisdiction, and appropriate funding and training to local and state law officers who will now be able to help them; clarification and teeth to the laws already on the books; and order and accountability to a system that has lacked both for too long.

We shouldn't accept a system that allows criminal aliens to be turned loose, fall between the cracks, and commit crimes again and again, but we do. We shouldn't accept a system that discourages a local police officer from enforcing immigration laws, but we do.

The brutal attack and rape that took place last December in a New York City park should have never happened. If this legislation had been in place, it would have never been permitted to happen.





## Sample Editorials

Following are two actual editorials on the CLEAR Act/Homeland Security Enhancement Act. One represents the side opposing the legislation and other represents the side favoring the legislation.

These are included as examples and are for illustrative purposes only. Please do not copy the text below and use it in your own work.

### Anti-CLEAR/HSEA

#### ATHENS (GA) BANNER-HERALD

Feds shouldn't unload immigration burden on state, local police

November 6, 2003

It's not easy to craft an anti-crime bill that's disliked by police officers, but that's just what Rep. Charlie Norwood seems to have done.

The legislation, which is titled the Clear Law Enforcement for Criminal Alien Removal Act of 2003 (or CLEAR Act), would pressure local and state law enforcement agencies into joining the search for illegal immigrants. If an agency declines to take part, it could lose access to federal funds.

For instance, according to an Associated Press report, the bill would call on local and state police officers to demand proof of citizenship on routine traffic stops. Those who cannot demonstrate citizenship would be subject to arrest, even if they've committed no other crime.

Norwood, whose district includes every county touching Clarke County, contends the bill is necessary because 2,000 federal immigration agents alone cannot track down millions of illegal immigrants in this country.

Municipal associations and some police chiefs have criticized the bill for dumping off a federal responsibility on state and local governments. There may be little doubt U.S. immigration enforcement suffers from a shortage of manpower and resources, but asking state and local police organizations to pick up the slack isn't the answer, critics said.

Law enforcement officials also argue the legislation could threaten the ability of police officers to investigate crimes in their community. Concerned they could be arrested or hassled by police because of their status, immigrants may not report criminal activity or cooperate with police in the investigation of more serious crimes.

Norwood insists the bill is aimed at catching potential terrorists rather than illegal, but otherwise law-abiding, immigrants. As noted in news reports, however, any undocumented foreigner is subject to arrest under the bill. If state and local jurisdictions don't follow this policy, they could be at risk of losing federal money.





The National League of Cities, an association of 1,800 cities and towns in every state, is among the local government advocates that has come out against the CLEAR Act. In a September news release, the NLC stated, "Local police have a responsibility to cooperate with the federal government to apprehend specific persons identified as having committed a crime and violated U.S. immigration laws. However, local police cannot be conscripted into federal service because the federal government has decided not to fund and staff its immigration enforcement agencies to meet demand."

The Sept. 11 terror attacks brought to light clear deficiencies in the nation's system of enforcing immigration laws and tracking down violators, not the least of which are its inadequate resources and personnel. The solution, therefore, should rest in more federal investment and attention - not simply shifting the burden to state and local jurisdictions.

While the idea of states and cities being drafted to complete a federal task is unpleasant, we are most concerned about the burden this bill could place on community police departments. Not only would officers have to be trained regularly in the dizzying intricacies of federal immigration law, but the day-to-day search for illegal aliens also would take time away from normal policing duties.

It's important to remember not all crimes are equal. When it comes to solving a murder, responding to a domestic violence report or catching a thief versus snagging someone who has overstayed his or her visa, the priority for communities and their law enforcement officers should be clear.



## Pro-CLEAR/HSEA

### CHRISTIAN SCIENCE MONITOR

Illegal Aliens and Local Police

Tuesday, April 20, 2004

The hunt for terrorists lurking in the U.S. has started to break down an old and needless wall in law enforcement. These days, local and state police increasingly are helping federal agents locate or catch illegal aliens.

Before Sept. 11, most police wanted little or nothing to do with enforcing the nation's immigration laws. Cities such as Chicago even have explicit "don't ask" policies for city employees, including police, in handling illegal immigrants.

But the U.S. Department of Homeland Security needs more eyes and ears to locate more than 8 million illegal immigrants in the U.S., some of whom are suspected of plotting terrorist attacks. So the department has supported moves among the nation's 600,000 state and local law enforcement officers to add immigration crimes to the list of offenses they watch for.

Highway patrol officers in Alabama, for example, have partnered with Homeland Security, and now have authority to arrest and detain illegal immigrants. Just last month, police across the country assisted federal agents in locating some 2,000 illegal immigrants.

Critics are right to suggest, however, that such police action should take place only with safeguards in place to prevent racial profiling and after training in immigration law enforcement. Some immigration issues, such as overstaying a visa, are civil violations, not criminal, and involve complicated laws.

Further, many police officers have developed good relations with the immigrant community over time, and those relationships will need careful tending if more police begin arresting illegal immigrants.

Still, enforcing U.S. immigration laws at all levels of government is just the kind of cooperation that can help make the U.S. safer.



## Writing and Disseminating a Press Release

### Quick Tips

**Style:** Like all other communications to the press, press releases should be catchy and concise. Do not attempt to make all of your arguments in one press release. Instead, stick to your strongest messages and most important points.

**Length:** Try to keep it short-one page is best. If you do use more than one page, be sure to include your organization's name and the contact person's information on each page. At the bottom of the first page type "(more)" so that the reader knows there is additional information. Multi-page faxes to newsrooms sometimes get separated, which is yet another incentive to keep the release to one page if possible.

**Controlling the Message/Messengers:** The purpose of the press release is to communicate your organization's perspective or position on the issue, and in writing the press release you have complete control over how you word your argument. You should also be prepared to field follow-up calls from reporters, and have a plan for referring reporters to other sources. People who personify or can add a "human face" to the issue you are pushing for are ideal referrals. For example, in calling on a legislator to oppose police enforcement of immigration law, a good messenger would be a victim of a crime who was helped by the testimony of an immigrant, or an immigrant who was afraid to report a crime for fear that her immigration status would be questioned. If you work with the reporter, he should be willing to speak to the individual without using identifying information, which can be very important in sensitive situations like this one. If the crime victim herself will not speak to the reporter, a family member or friend could also relate her story. Immigration attorneys can be good messengers because they can attest to the difficulties of immigration law. A police officer who has experienced the success in community policing in an immigrant neighborhood is an example of perhaps the best messenger for this particular issue. These are all people to whom you can and should refer reporters' questions, but it is important to vet these sources to see who would be most comfortable talking to the media and who can make the most compelling arguments in favor of your position.

Sitting down to practice and write out statements with community members is always a good idea. Practice asking hard questions and always remember that we all want the community as a whole to be safer; that is a message that the reporter should walk away from and include in their story.



## Organization:

*Title* – Be as catchy and enticing as possible; think of this as the headline you want to see in tomorrow’s newspaper.

*First paragraph* – This is your “lead” paragraph. It should include the most pertinent information and what you are calling for.

*Body* – Allow yourself one to two short paragraphs to briefly explain the issue.

*Close* – Give your organization’s position in the form of a quotation from your spokesperson. Try to use a couple of quotes from your organization’s director, and make sure they say exactly what you want to read in tomorrow’s newspaper. Remember, this is the only time you will have complete and careful control over exactly what is said by your organization on a particular topic. Many reporters will pull these quotes right from the release and use them in stories, so take your time in crafting them.

**Dissemination:** Fax and/or email the release to your press list (mailing takes too long). Do not send the release too early, as reporters may lose it. Send the release within one week of when the topic will be relevant news. If you are particularly interested in certain reporters or media outlets carrying your story, call to follow up on the release. Reporters get so many press releases, it’s important to make yours stand out. For broad and immediate distribution, you can make arrangements with a newswire service (like U.S. Newswire at 1.800.544.8995 or P.R. Newswire at 202.547.5155) for them to disseminate your release.

Remember, even if reporters do not use your press release, it’s a good way to put your organization on the map so that reporters will call you when they do write about the issue.

**If you hold a press conference:** If possible, take pictures of the event in case there are media outlets that do not have a photographer present. Have materials ready for distribution to reporters that would include the press release, other articles and op-eds that work in your favor, and written statements of the people who will be speaking at the conference.



## Sample Press Release

This is an actual press release prepared by the National Immigration Forum. The formatting is illustrative of a typical press release or organizational statement. The text and content are the property of the National Immigration Forum and may not be copied.

### National Immigration Forum

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#### PRESS RELEASE

FOR IMMEDIATE RELEASE

Contact: Douglas Rivlin  
(rivlin@immigrationforum.org)

April 22, 2004

(202) 383-5989 or  
(202) 441-0680 (mobile)



### Local Police Enforcing Federal Civil Immigration Law: A Clear and Present Danger to Public Safety

**Washington** – Today the Senate Immigration Subcommittee is holding a hearing on controversial legislation that would compel state and local police to enforce federal civil immigration laws (226 Dirksen Senate Office Building, 3:00 pm – **note new time**).

The Clear Law Enforcement for Criminal Alien Removal (CLEAR) Act (H.R. 2671) and its Senate companion, the Homeland Security Enhancement Act (S. 1906), have drawn the ire of police departments, law enforcement and national security experts, state and local governments, conservative policy groups, domestic violence prevention advocates, civil rights watchdogs, and others. These unusual allies oppose local enforcement of federal immigration laws principally because it undermines local law enforcement’s ability to fight crime and ensure public safety in their communities.

National security experts and state and local law enforcement agree that good intelligence and strong community relations are the keys to keeping our nation and our streets safe. If immigrant communities are alienated rather than embraced, local law enforcement loses important allies and relationships that can share information and tips on potential crimes.

“Making state and local police enforce federal immigration laws strikes a direct blow at the efforts of police to win the trust and confidence of the communities they serve,” said Angela Kelley, Deputy Director of the National Immigration Forum. “When immigrant communities hear local police are clamping down on civil immigration enforcement, victims of crime, victims of domestic violence, potential witnesses and informants will clam up. That will make the primary job of our local police much harder.”

Opposition to the legislation has been expressed by 37 sheriff's offices, police chiefs, and police associations nationally and in at least 12 states, including Arizona, California, Iowa, Kansas, Maine, Massachusetts, and Texas. Additionally, 356 national, state, and local organizations in 37 states have asked Congress to defeat this dangerous legislation. Countless other police and local governments have expressed opposition to the general concept of state and local enforcement of civil immigration laws.

The effort of some in Congress to foist immigration law enforcement on the states comes at a time when state and local budgets are already stretched to the breaking point. The Homeland Security Enhancement Act further threatens these budgets, by denying states and localities federal grants they currently receive if they don't take on these additional duties. Kelley pointed to opposition to the legislation coming from the National Association of Counties, National League of Cities, National Conference of State Legislatures, and the U.S./Mexico Border Counties Coalition as evidence that state and local governments are not seeking additional federal mandates.

Additionally, organizations from The Heritage Foundation to Human Rights Watch, and scores of local groups that counsel victims of domestic violence, have been critical of this legislation.

Kelley made it clear that police are already able to call the Department of Homeland Security when they have a criminal in custody who may warrant immigration action. It is the extra burden of initiating civil immigration enforcement actions that would be counterproductive for local police forces.

"If the Congress feels more should be done to track, arrest, and deport immigrants who have committed crimes, they should be willing to pay for the trained, federal officers to do so," Kelley said. "Putting the burden of enforcing civil immigration law on already overburdened, under-funded, and under-trained state and local police is a cop out."

###

The hearing will be at 3:00 (**note new time**) today, April 22, in Room 226, Dirksen Senate Office Building. Live audio or video feeds of hearings are generally available via the Internet. Go to the Senate Judiciary website ([www.judiciary.senate.gov](http://www.judiciary.senate.gov)) or ([www.capitolhearings.org](http://www.capitolhearings.org)) for links to the hearing feed.

Additional information on the CLEAR Act, Homeland Security Enhancement Act, and other issues related to state and local enforcement of federal civil immigration laws is available at the Forum's website: [www.immigrationforum.org/currentissues/clear.htm](http://www.immigrationforum.org/currentissues/clear.htm).

50 F Street, NW, Suite 300 – Washington, DC 20001  
phone: (202) 347-0040 – fax: (202) 347-0058  
press office: (202) 383-5989  
[www.immigrationforum.org](http://www.immigrationforum.org)



## Letters to the Editor

### Quick Tips

Community leaders, politicians, business leaders, educators and the media pay a great deal of attention to letters to the editor and other opinion pieces in the newspaper. A good letter delivers your message to these people with the implicit endorsement of the newspaper that publishes it.

- A) Write it and get it to the paper ASAP on the day an article appears which invites a response, if possible. Utilize e-mail and faxes to expedite delivery.
- B) Make a brief, clear point. Avoid balanced, pro-con essays that give more information than the format requires.
- C) You control the message, so say what you most want to say, succinctly.
- D) Use sarcasm, catchy phrases, wit, fury, enthusiasm, colorful language. You want to give the editors a well-written letter that readers will enjoy and remember.
- E) Keep it short. The maximum is 200 words, but the shorter it is, the more likely it will fit into the paper quickly. Be prepared to trim below 200 words if the editors request it.
- F) Letters to the editor policies and guidelines for length, language and submission are different from paper to paper. Often these are spelled out by the paper or available on their web page. Notice what gets published and craft your letter accordingly.
- G) Always mention the title, author and date of the article that sparked your letter.
- H) Identify yourself with a one-line description (e.g., “The writer is the executive director of the Portland Immigration Coalition.”).
- I) Include all of your contact information including name, mailing address, e-mail address, phone and fax.
- J) The newspaper may ask to edit your letter, but it should not be published without your prior approval if significant edits are made. You don’t have to accept their proposed changes, but the price of refusing their edits may be that you are not published.

**State and Local**

**Police Enforcement**

**of Federal**

**Immigration Laws:**



## Sample Letter to the Editor

Following is an actual letter to the editor on the CLEAR Act/Homeland Security Enhancement Act.

This is included as an example and is for illustrative purposes only. Please do not copy the text below and submit the letter as your own work. See “A Handbook for Legislative Advocacy and Media Communications” for guidance on authoring an original letter to the editor.

As submitted to the *Houston Chronicle*, August 19, 2003

Representative Charles Norwood in “Cracking Down on Criminal Illegals, Aug. 15” is using a heinous crime as a subterfuge for his push to have state and local authorities arrest undocumented immigrants who have not committed crimes, and in the process to gut our civil rights protections as proposed in the CLEAR Act. First, local authorities are already authorized to enforce criminal laws against immigrants. The CLEAR Act proposes that local authorities also enforce federal civil immigration laws. This is unconstitutional and it would be extremely detrimental to public safety. It would create a break down of trust between immigrant communities and the police – immigrants will not report crimes, making us all less safe.

Second, the CLEAR Act would gut civil rights protections. State and local authorities – who have no training in immigration laws – would be exempt from any liability for civil rights violations. The CLEAR Act would excuse racial profiling of Latinos by the police. That is why the Houston police department, along with many other police departments nationwide, opposes having to enforce federal civil immigration laws. This is a job for the federal government, not for local police who should be concerned about community public safety.

Joe Berra  
Mexican American Legal Defense and Education Fund (MALDEF)  
San Antonio, Texas





# VI. ADDITIONAL RESOURCES FOR ADVOCATES WORKING ON STATE/LOCAL IMMIGRATION ENFORCEMENT ISSUES

## Contact Information for Organizations Working on the Issue

### **American-Arab Anti-Discrimination Committee (ADC)**

Areas of expertise: Building relationships with law enforcement, issues of particular concern to Arab Americans

Contact: [legal@adc.org](mailto:legal@adc.org)

### **American Civil Liberties Union (ACLU)**

Areas of expertise: Civil liberties, privacy rights, national security, local resolutions

Contact: Charlie Mitchell, [cmitchell@dcaclu.org](mailto:cmitchell@dcaclu.org); Damon Moglen, [dmoglen@dcaclu.org](mailto:dmoglen@dcaclu.org)

### **American Immigration Lawyers Association (AILA)**

Areas of expertise: Legal issues, federal policy

Contact: Marshall Fitz, [mfitz@aila.org](mailto:mfitz@aila.org)

### **Arab American Institute (AAI)**

Areas of expertise: Issues of particular concern to Arab Americans

Contact: Richard Coduri, [rcoduri@aaiusa.org](mailto:rcoduri@aaiusa.org)

### **Mexican American Legal Defense and Educational Fund (MALDEF)**

Areas of expertise: Civil rights, litigation, Constitutional concerns, issues of particular concern to Latin Americans

Contact: Eric Gutierrez, [egutierrez@maldef.org](mailto:egutierrez@maldef.org)

### **Asian American Justice Center (AAJC)**

Areas of expertise: Civil rights, litigation, Constitutional concerns, issues of particular concern to Asian Americans, racial profiling, coalition-building

Contact: Traci Hong, [thong@advancingequality.org](mailto:thong@advancingequality.org)

### **National Council of La Raza (NCLR)**

Areas of expertise: Federal policy, civil rights, community policing, identification issues, issues of particular concern to Latin Americans

Contact: Michele Waslin, [mwaslin@nclr.org](mailto:mwaslin@nclr.org)



### **National Immigration Forum**

Areas of expertise: Relationship-building with unusual allies (e.g., law enforcement at all levels, state and local governments, other stakeholders), federal policy, national snapshot of local initiatives and players

Contact: Lynn Tramonte, [ltramonte@immigrationforum.org](mailto:ltramonte@immigrationforum.org)

### **National Immigration Law Center (NILC)**

Areas of expertise: State and local ordinances and resolutions, Memoranda of Understanding, federal policy, database and privacy issues

Contact: Joan Friedland, [Friedland@nilc-dc.org](mailto:Friedland@nilc-dc.org)

### **National Immigration Project of the National Lawyers Guild**

Areas of expertise: Immigrant victims of sexual assault, domestic violence, and trafficking

Contact: Gail Pendleton, [gail@nationalimmigrationproject.org](mailto:gail@nationalimmigrationproject.org)

### **Tahirih Justice Center**

Areas of expertise: Immigrant victims of sexual assault, domestic violence, and trafficking

Contact: Jeanne Smoot, [Jeanne@tahirih.org](mailto:Jeanne@tahirih.org)

## **Resources**

### **Congressional Research Service Report for Congress: *Enforcing Immigration Law: The Role of State and Local Law Enforcement***

<http://www.mnllp.com/CRSenforce11mar04.pdf>

### **The Heritage Foundation, Executive Memorandum: *No Need for the CLEAR Act: Building Capacity for Immigration Counterterrorism Investigations***

<http://www.heritage.org/Research/HomelandDefense/loader.cfm?url=/commons/spot/security/getfile.cfm&PageID=62225>

### **Police Executive Research Forum, *Protecting Your Community From Terrorism: Strategies for Local Law Enforcement, Volume 2: Working with Diverse Communities*** (search web site with this title)

<http://policeforum.mn-8.net/login.asp?link>

### **National Council of La Raza, Issue Brief: *Immigration Enforcement by Local Police: The Impact on the Civil Rights of Latinos***

[http://www.nclr.org/policy/briefs/immig\\_enforce\\_policy\\_03.pdf](http://www.nclr.org/policy/briefs/immig_enforce_policy_03.pdf)

### **National Immigration Forum, Refugee Reports Feature Article: *Justice Department Seeks New Role for State and Local Police: Immigration Law Enforcement***

[http://www.refugees.org/world/articles/RR\\_August\\_2002\\_lead.cfm#lead](http://www.refugees.org/world/articles/RR_August_2002_lead.cfm#lead)



## Resources From Immigration Restrictionists

**Center for Immigration Studies, Backgrounder: *State and Local Authority to Enforce Immigration Law: A Unified Approach for Stopping Terrorists***

<http://www.cis.org/articles/2004/back604.html>

**Center for Immigration Studies, Backgrounder: *Officers Need Backup: The Role of State and Local Police In Immigration Law Enforcement***

<http://www.cis.org/articles/2003/back703.html>

**Federation for American Immigration Reform: *Immigration Law Enforcement by Local Agencies***

<http://www.fairus.org/ImmigrationIssueCenters/ImmigrationIssueCenters.cfm?ID=1194&c=13>

**State and Local**

**Police Enforcement**

**of Federal**

**Immigration Laws:**



## DOCUMENTING STATE AND LOCAL ENFORCEMENT OF IMMIGRATION LAW

Congress has not yet enacted a law granting states and localities formal authority to enforce immigration law. Most states and localities have rejected such formal authority. But it is unclear what happens when their officers encounter someone whom they believe to be undocumented. To what extent do state and local authorities already question people about their immigration status even when there is no suspicion of criminal activity? Do they rely on racial or ethnic profiling or use purported criminal violations as a pretext for inquiring about immigration status? How often do they get it wrong when they challenge the immigration status of someone who looks or sounds foreign?

Proponents of state and local enforcement of immigration laws are not pursuing answers to these questions because the answers might demonstrate the degree to which such enforcement violates the civil rights of immigrants and citizens alike. As a result, advocates for immigrants play a critical role in gathering the facts about what is actually happening on the ground. This information may be useful in opposing formal authority for the police both on the federal and state levels, obtaining support for resolutions or executive orders opposing this authority, demanding investigations of civil rights violations, and filing litigation on behalf of aggrieved individuals.

The attached form is a sample form prepared by the National Immigration Law Center, which local groups may use to compile concrete information about how and whether state and local police are already enforcing immigration law. If you use this form, you will need to fill in your group's name and contact information so that these forms can be returned to you. Please also forward forms to Joan Friedland, National Immigration Law Center, [friedland@nilc-dc.org](mailto:friedland@nilc-dc.org).



## IMMIGRANT PROFILING QUESTIONNAIRE

**We cannot promise you that an attorney can help you with this case.** This questionnaire is for investigation purposes only. By filling out this form, you are helping collect information about whether state, county or city police are stopping, questioning, searching, detaining or arresting people because of what police think their immigration status is and whether police are enforcing immigration law. We might contact you to ask you if we can use this information for legislative testimony, litigation or with the media. **If you ask us to keep your personal information confidential, we will.** Thank you for your help.

### PERSONAL INFORMATION OF PERSON INVOLVED IN PROFILING INCIDENT

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Please tell us the best way to contact you (example: "home phone," "please don't call work," etc.)

Home phone: \_\_\_\_\_ Cell phone: \_\_\_\_\_

Work phone: \_\_\_\_\_ Email: \_\_\_\_\_

Fax: \_\_\_\_\_ Date of birth: \_\_\_\_\_

Country of birth: \_\_\_\_\_

Occupation: \_\_\_\_\_

**CONTACT INFORMATION OF PERSON REPORTING INCIDENT** (if different than the person above):

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

### WHAT HAPPENED

Who stopped, questioned, searched, detained or arrested you? (Please give as much information as you know, for example, the name of the officer, badge number, police department, etc.)

Where did this happen?

When did this happen? (Date and time)

Briefly explain what happened.



What did the officer **tell you** was the reason you were stopped, questioned, searched, detained or arrested?

Why do **you think** you were stopped, questioned, searched, detained or arrested?

Did the officer ask you about your nationality (where you're from) or immigration status? If yes, what exactly did the officer ask you?

What did you tell the officer about your nationality or immigration status?

Did the officer ask you to show immigration documents? If yes, what did you show the officer?

Why do **you think** the officer asked about your nationality or immigration status and/or asked for your immigration documents?

Are you (please check one)

- |                                   |   |
|-----------------------------------|---|
| <input type="checkbox"/> Asian    | <input type="checkbox"/> European                     |
| <input type="checkbox"/> Latino/a | <input type="checkbox"/> Middle Eastern               |
| <input type="checkbox"/> African  | <input type="checkbox"/> Other (please specify) _____ |

Did you get a ticket, citation, or were you arrested for any criminal violations? If so, what were the charges? In what county or city were you charged?

What happened to those charges? (Pending, guilty plea, trial, dismissed, other)



Did the officer do anything or contact anyone to check your immigration status?

If yes, how long did that take?

Where were you when the officer was checking your immigration status?

Did immigration authorities arrest you? If so, when and where did that happen?

Were you charged with immigration violations? If so, what happened to the immigration charges?

Is there anything else you would like to add?



**PLEASE RETURN THIS COMPLETED FORM TO:**  
[FILL IN YOUR ORGANIZATION'S NAME AND ADDRESS]  
**If you have any questions about this form,**  
**please contact \_\_\_\_\_.**  
This form was prepared by the National Immigration Law Center.

## SAMPLE POLICIES LIMITING THE AUTHORITY OF STATE AND LOCAL POLICE TO ENFORCE IMMIGRATION LAW

To date, many localities, including three states, have promulgated policies limiting the authority of their employees to enforce immigration law. For the background of these policies, see “Introduction and Background, Sample Language for Policies Limiting the Enforcement of Immigration Law by Local Authorities” at [http://www.nilc.org/immlawpolicy/LocalLaw/sample%20policy\\_intro%20brief\\_nov%202004.pdf](http://www.nilc.org/immlawpolicy/LocalLaw/sample%20policy_intro%20brief_nov%202004.pdf). Several have adopted policies that protect the confidentiality of a wide range of personal information, including immigration status. For a sampling of such policies, see “Annotated Chart of Laws, Resolutions, and Policies Instituted Across the U.S. Limiting the Enforcement of Immigration Laws by Local Authorities” at [www.nilc.org/immlawpolicy/LocalLaw/Local\\_Law\\_Enforcement\\_Chart\\_FINAL.pdf](http://www.nilc.org/immlawpolicy/LocalLaw/Local_Law_Enforcement_Chart_FINAL.pdf).

These policies are critically important. They protect immigrants’ access to services in their communities. They educate communities about immigrants’ rights and make the case that a community’s safety and best interests are protected when immigrants do not have to fear that every contact with the police and other authorities will invite questions about their immigration status. They enhance the ability and willingness of states and localities to fight measures currently pending in Congress to give state and local law enforcement the power to enforce both civil and criminal provisions of federal immigration law. These bills, if enacted, would compel state and local governments to undo policies limiting the enforcement of immigration law by local authorities.

States and localities continue to institute such policies despite efforts to undermine the policy and legal grounds for such initiatives. Opponents, in an effort to discredit them, have mischaracterized them as “sanctuary” policies. However, none of the policies prevent sharing between local and federal authorities of information regarding criminal or terrorist activities.

The National Immigration Law Center has drafted a sample policy limiting the enforcement of immigration law by local authorities. This sample policy is based on the statutes, resolutions, police policies and directives, executive orders, and legal opinions and memoranda that different localities and states around the country have put into effect. Since no single policy serves as the ideal model, NILC’s sample policy presents language that most extensively protects immigrants seeking access to police protection and public services. See “Sample Language for Policies Limiting the Enforcement of Immigration Law by Local Authorities” at [http://www.nilc.org/immlawpolicy/LocalLaw/sample%20policy\\_nov%202004.pdf](http://www.nilc.org/immlawpolicy/LocalLaw/sample%20policy_nov%202004.pdf).

Please let the National Immigration Law Center know if your state or locality has passed a similar policy so that we can update our chart. For more information, contact Joan Friedland at [friedland@nilc-dc.org](mailto:friedland@nilc-dc.org).

