

In Support of the Massachusetts Safe Communities Act

WHEREAS immigration enforcement in the United States was explicitly established as the responsibility of the federal government in *Fong Yue Ting v. U.S.* in 1893;¹

WHEREAS over time, coordination has steadily increased between local law enforcement officers and federal immigration officers, beginning primarily with the 287(g) provision of the Illegal Immigration Reform & Immigrant Responsibility Act (IIRIRA) of 1996 and increasing drastically throughout the 21st century;²

WHEREAS the increasing cooperation between local law enforcement agencies and the Department of Homeland Security (DHS) has led to significant constitutionally concerning operations, including racialized policing practices, extensive violation of immigrants' rights to due process, lengthy periods of detention, and excessive transfer of immigrant detainees that pose serious human rights concerns;^{3, 4, 5}

WHEREAS studies have shown that immigrants are less likely to report crimes when state and local law enforcement agencies cooperate with federal immigration enforcement, diminishing trust between communities and law enforcement and putting survivors of domestic violence at extremely high risk;^{6, 7, 8, 9, 10}

WHEREAS the current bill in the 190th General Court of the Commonwealth of Massachusetts, "HR.3052/SD.1596: An Act to protect the civil rights and safety of all Massachusetts residents," also known as the "Safe Communities Act," aims to protect all residents of Massachusetts and build trust within communities by limiting cooperation between local law enforcement agencies and Immigration and Customs Enforcement (ICE);¹¹

WHEREAS the Safe Communities Act will ensure due process rights for people detained for civil immigration violations, prohibit law enforcement from inquiring about a person's immigration

¹ <https://supreme.justia.com/cases/federal/us/149/698/case.html>

² <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1274&context=aulr>

³ https://www.law.berkeley.edu/files/Secure_Communities_by_the_Numbers.pdf

⁴ <http://www.pbs.org/wnet/need-to-know/security/video-immigration-crackdown-creates-insecure-communities/2964/>

⁵ <https://www.hrw.org/report/2011/06/14/costly-move/far-and-frequent-transfers-impede-hearings-immigrant-detainees-united>

⁶ http://www.policylink.org/sites/default/files/INSECURE_COMMUNITIES_REPORT_FINAL.PDF

⁷ <http://digitalcommons.law.seattleu.edu/sjsj/vol10/iss1/23/>

⁸ <http://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7476&context=jclc>

⁹ <http://www.nytimes.com/2010/11/11/nyregion/11rikers.html>

¹⁰ <http://www2.ca3.uscourts.gov/opinarch/123991p.pdf>

¹¹ <https://malegislature.gov/Bills/190/SD1596>

status unless required by law, prevent law enforcement agencies from arresting or detaining a person solely based on immigration status, and limit information sharing between state and local law enforcement and DHS;¹²

WHEREAS cities in Massachusetts including Amherst, Somerville, Cambridge, Boston, Northampton, Holyoke, Lawrence, Chelsea, Orleans, and Springfield have all passed Trust Acts, resolutions, or other policies designed to limit local law enforcement cooperation with ICE;^{13, 14}

WHEREAS Boston Mayor Marty Walsh, who signed the Boston Trust Act in 2014, has expressed unwavering support for undocumented immigrant communities;¹⁵

WHEREAS Somerville Mayor Joseph Curtatone, who issued Somerville's sanctuary city executive order in 2014, has pledged to resolutely defend Somerville's sanctuary city status;¹⁶

WHEREAS legal experts, including Massachusetts Attorney General Maura Healey, predict that the proposal made by the 45th President of the United States to strip sanctuary states and cities of federal grant money is an unconstitutional attempt to coerce local policy by manipulating federal funds and would likely be found in courts to be illegal;¹⁷

WHEREAS the Safe Communities Act potentially faces opposition from the incumbent Massachusetts Governor Charlie Baker, who has pledged in the past to veto similar legislation;¹⁸

BE IT RESOLVED that we support the Massachusetts Safe Communities Act;

BE IT FURTHER RESOLVED that this support be expressed by means of, including but not limited to, testifying before legislative committee, testifying before the General Court of the Commonwealth of Massachusetts, and making public statements in support of the Safe Communities Act.

¹² <https://malegislature.gov/Bills/190/SD1596>

¹³ <https://aclum.org/our-work/aclum-issues/immigrants-rights/massachusetts-trust-act/>

¹⁴ <http://www.bostonmagazine.com/news/blog/2016/11/15/boston-sanctuary-city-trust-act/>

¹⁵ <http://www.bostonmagazine.com/news/blog/2016/11/15/boston-sanctuary-city-trust-act/>

¹⁶ <https://www.boston.com/news/politics/2017/01/25/mayor-joseph-curtatone-says-somerville-will-not-waiver-despite-president-trumps-sanctuary-city-order>

¹⁷ <https://www.bostonglobe.com/news/nation/2017/01/26/trump-has-threatened-strip-sanctuary-cities-federal-funds-that-even-legally-possible/2PveghR1bFKDBaC1OR9CCN/story.html>

¹⁸ http://www.masslive.com/news/boston/index.ssf/2015/08/gov_charlie_baker_defers_to_lo.html