

Testimony
United States Senate Committee on the Judiciary
FIELD HEARING--Comprehensive Immigration Reform: Examining the Need for a Guest
Worker Program
July 5, 2006

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Thank you, Mr. Chairman. Thank you for your leadership, for taking on the difficult, divisive issue of comprehensive immigration reform.

Thank you, Mr. Kennedy and Members of the Committee for inviting me here today.

It is an honor and privilege to be here with you today to speak to what is arguably one of the most important issues facing our country. How America decides on immigration will determine not only the face of our future but the heart and soul of our nation.

Since 1987, Nueva Esperanza, has strengthened the Hispanic community in Philadelphia by creating Hispanic owned and operated institutions. Our Philadelphia operations include a charter high school, a junior college, homebuilding, mortgage counseling and employment training programs. A \$28 million economic development project is creating a Latino Corridor in North Philadelphia transforming vacant lots and abandoned buildings into a vibrant commercial corridor surrounding by new and renovated homes.

Esperanza USA is our national network of over 10,000 Hispanic congregations, faith and community based agencies working in education, health care, HIV/AIDS, housing, financial literacy, mortgage counseling and workforce development. Esperanza USA also hosts The National Hispanic Prayer Breakfast and Conference each year.

Across our country, across all denominations, across the 27 countries of Hispanic origin, immigration is the #1 issue of concern in our communities. For us, immigration is about family values, about work and living productive lives as contributing members of our communities. Millions of our people are known only to many as “the undocumented.” 40 million Hispanic American citizens have undocumented grandparents, mothers, fathers, uncles, aunts, and children. They are not criminals, felons or gang members but taxpaying, law abiding, hard working members of our families and our communities. Their only infraction was the misdemeanor offense of coming to America looking for work.

Role of State & Local Law Enforcement

Mr. Chairman, you asked that I address concerns about state and local law enforcement having authorities and responsibilities to enforce federal immigration laws.

First, let me state that Esperanza supports efforts to secure and defend America's borders. We are a nation of laws and we respect the rule of law. The terrorist attacks of 9/11 changed us all and unite us in efforts to protect and secure the borders.

In our zealouslyness to be secure, however, we urge that enforcement of federal immigration statutes remain a federal responsibility. It is especially critical that 9-1-1 emergency first responders and local law enforcement and police have no enforcement or reporting responsibilities in illegal immigration enforcement.

Giving state and local law enforcement authority, even partial reporting responsibility, for federal immigration law enforcement would, quite simply, endanger the health and safety of Hispanic and non-Hispanic communities, reverse and disintegrate years of progress in community programs and transform what is today a close, cooperative and productive relationship between Hispanic clergy and state and local law enforcement into an adversarial one.

Today most clergy, not just Hispanic clergy, work along side with state and local law enforcement. Clergy are often the first to be called when kids get into trouble --- when drugs, violence or property crimes are involved. Clergy are called to help in matters of domestic violence, runaways and truancy.

In turn, clergy look for ways to reach out and include state and local law enforcement in their programs, activities, in the lives of their communities. Involving state and local law enforcement in enforcing federal immigration laws would jeopardize this essential relationship.

State and local law enforcement agrees with us.

ON June 23rd, Philadelphia Chief of Police Sylvester Johnson --- joined by 56 Police Chiefs of Major Metropolitan Areas at a Major Chiefs Association press conference ---said that his officers will not track down undocumented immigrants, despite pressure from the federal government for municipal police departments to start getting more involved, "We don't enforce immigration laws," said Chief Johnson, "Our concern is to keep a relationship with the immigrant community. If a person is a victim of a crime, we want them to come forward." (Phillynews.com June 23, 2006).

Chief Johnson referenced a letter sent by the Major Chief's Association to President Bush expressing their concern over involving local law enforcement in the "brewing immigration battle." Houston Police Chief Harold Hurtt, current president of Major Chiefs issued a press release detailing their concerns.

Chief Johnson knows all too well the serious, devastating consequences to the life, health and safety of the community should local law enforcement be required to enforce federal immigration laws.

I thank Chief Johnson for his public statements and will discuss in detail exactly what those consequences could be.

First, the good news. Today, communities are safer, healthier places thanks to years of close collaboration between local law enforcement and Hispanic clergy. Clergy interpret the role of local law enforcement to the community and communicate that we are friends with the police. The church is an essential intermediary, at times providing intelligence to police gathered from community residents.

The faith community is regularly called on by the police to work with them to develop and implement programs addressing issues surrounding, youth, drugs, especially drug and gang violence. Police/community programs such as Weed & Seed and CUNAD (Community Neighbors United Against Drugs) have been tremendously successful. Weed & Seed is the federal Department of Justice program that encourages local law enforcement to work with local communities to enhance public safety and security. In Philadelphia, Sister Carol Keck, a Roman Catholic nun who runs the Norris Square Neighborhood Project is one of the primary liaisons between Philadelphia Police Department and Philadelphia's Hispanic community teaching youth and adults to do community policing.

CUNAD is a citizen-led group of individuals who, with the police and the church, fight the sale of drugs. CUNAD provides education in high schools and middle schools. CUNAD's vigils in front of crack houses, neighborhood marches and block parties have closed crack houses and eliminated drug sale locations.

In matters of domestic violence, clergy are called by the police or police are called by the clergy. Police are in the lead with clergy again acting as intermediaries.

The Salvation Army is a major partner with law enforcement in matters of crisis. When a house collapses, the police respond. Police then notify the Salvation Army who immediately provides shelter, food, clothing --- all things the police cannot do. During the recent floods, congregations throughout the region responded to calls from police for emergency support assistance. Police rely on the partnership and support of faith-based organizations such as Catholic Charities, Episcopal Community Services, Lutheran Social Services and Jewish Family Services, The Salvation Army and countless other religious bodies who support the crisis management of our country.

Nueva Esperanza's charter high school is located in one of Philadelphia's toughest neighborhoods. The school participates in the city's Safe Corridors program where a police squad working with parent volunteers creates safe passage for children to go to and from school.

All these programs depend on relationships of trust between state and local law enforcement and the faith community, relationships of shared missions and commitment to the life, health and safety of the communities.

Now, Mr. Chairman, the dark side --- a look at what life would be like if state and local law enforcement were required to enforce federal immigration laws.

Take the Safe Corridors program I just mentioned. Would police start picking up children that they know are undocumented or have undocumented parents? Does the same officer who is now creating safe passage start picking up the child to capture the undocumented parent when they come to pick up the child? Instantly, this wonderful program of safe corridors becomes a trap for undocumented immigrants.

This program and hundreds like it would shut down. Religious and public after-school programs would become sites where police could find undocumented parents as they pick up their children.

Police would no longer be there to protect us but to trap those members of our community who are undocumented. The vast majority of our community who support and appreciate the efforts of local law enforcement would be forced to keep law enforcement at arm's length, create a distance between police and the community that will ultimately diminish the health and safety of that community. All of this would take place in some of our county's poorest communities where energy should be focused on strengthening, not severing, relations with local law enforcement.

A separate but very real issue is how clergy will be forced to handle police officers who attend our churches? A pastor sees a police officer sitting next to a church member who is undocumented. What will be the police officers responsibility? Police are told that if they do not enforce the law, they will lose their jobs. Will clergy need to create churches solely for our officers?

By far, the darkest of all new realities would be the many ways criminal elements would take advantage of law enforcement's role in immigration enforcement to enhance their criminal enterprises as all undocumented immigrants instantly become targets, easy prey for the criminal.

If an undocumented immigrant lives next door to, say, a drug dealer, the dealer could go next door and say, "I want your TV. I want your kids to run drugs for me. (--- or I'll notify the police of your status)."

Single undocumented mothers and their daughters (as well as the men who wish to protect them) become instant targets for unreported rape and abuse. The rapist will mockingly hand her the phone and dare her to call 911.

Unscrupulous police officers (or those who enjoy going to far) will use this new authority to their advantage --- forcing the undocumented to bend to their will.

Will all Latinos --- American citizens of Hispanic descent as well as new and undocumented immigrants --- become reasonable search and seizure targets as local law enforcement works to track down the undocumented?

Will police go to schools and wait for parents to pick up their children?

What happens to citizens who chose to defend their hardworking neighbor when the local police arrive and accuse a person of being illegal?

If a teacher does not give up a student, will the teacher be arrested? Will clergy be arrested for obstruction?

These issues are not limited to Hispanic communities but would be replicated in Russian Jewish communities, in African Ethiopian, Asian and Irish communities. A second class would be created in our country with no access to protection, one that is constantly at risk and vulnerable to the most heinous individuals. Life long criminals would have targets, easy prey.

12 million people can no longer call the police. Violent criminals will have more rights than hard working members of communities whose only infraction was the misdemeanor offense of entering our country looking for work or to unite their family.

Racial profiling will happen if local law enforcement is involved. I will have to constantly prove my citizenship while others will not. I will have to prove my citizenship even when I am in my own home.

Many will say this will never happen here. But this has happened before --- which is why this fear is very real. During World War II, neighbors turned in their Japanese American neighbors. Even though we were at war with the Japanese, today we acknowledge the injustice of the internment camps and of racially profiling all of a particular ethnic decent. In the 1930's, tens of thousands, possibly more than 400,000 Mexican and Mexican-Americans were forced to leave our country. Many, especially the children, were US citizens.

Mr. Chairman, Mr. Kennedy and Members of this Committee, I know this is not the America you have worked so hard to build and to protect. I urge you to share with your colleagues in the House and in the Senate the very real dangers contained in the policies you now debate.

Today we have been discussing the serious unintended consequences should state and local law enforcement be given responsibility and authority to enforce federal immigration statutes. I would be remiss if I did not to take this opportunity to provide for the record Esperanza's perspective on the broader issues of comprehensive immigration reform:

Avoid Criminalizing Clergy

Efforts to shut down human trafficking and criminalize smuggling operations are critically important and we support them. However, language contained in H.R. 4437 assessing criminal penalties for those who "assist" those who are here illegally would instantly transform all Hispanic clergy and many non-Hispanic clergy from community leaders to federal criminals. All clergy must remain free to provide spiritual counsel and to follow their Old Testament or New Testament commandment to feed, clothe or visit the stranger.

TEMPORARY / GUEST WORKER PROGRAMS

Millions arrived in America legally to unite with family and to seek a better life. To keep families together, they have remained here unknown and undocumented to federal authorities. Millions more risked everything to begin a new life. For people to come out of the shadows, if reforms are to work, they must have real, permanent advantages. Fixing this broken system for

legal entry and residence must correct the flaws of the past and reflect current and future economic and workforce requirements.

“Send- Back” Provisions

If our national security objectives are to be met, if immigration reform is to facilitate the tracking of terrorists and those who would do us harm, it is imperative that immigration reforms result in having the millions of undocumented workers leading peaceful, productive lives come out of the shadows and counted as legal residents.

Provisions that require undocumented workers to return to their country of origin for extended periods of time before being granted legal status simply will not work. Millions of hard-working heads of households risked everything to build a life in our country. They are working hard and living clean, productive lives as contributing members of society. They will not “come out of the shadows” for a weak, distant promise dependant on bureaucratic clearances.

“Send-Back” provisions that sever employment relationships and separate families for long periods of time will not work. The only type of “send-back” provision that could work is a requirement to return to the country of origin to file required paperwork and fulfill administrative requirements. Such provisions would require only short-term stays in country and allow for immediate return without loss of employment. They are in a very real sense unnecessary.

Path to Citizenship

Not all immigrants are interested in becoming American citizens. For those that do, once the requirements of legal residency have been met and fulfilled, they should be allowed to “get in line” --- apply for citizenship knowing their application will be considered only after all others who have previously filed.

The definition of amnesty is unconditional forgiveness. To pay a fine, back taxes, get in back of the line, learn English and any other obstacle that is deemed necessary is not amnesty but to deny what has made our county the beacon of Liberty to the world, namely an opportunity to work and integrate into society would be shameful of us.

Thank you, Mr. Chairman and Members of the Committee for the opportunity to appear before you today.