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April 24, 2012

The Honorable Charles E. Schumer  
Chair  
Senate Judiciary Subcommittee on Immigration, Refugees and Border Security  
United States Senate, SD-305  
Washington, D.C. 20510

Dear Chairman Schumer:

We are writing to provide the Subcommittee with the views of the Anti-Defamation League on the danger of allowing local law enforcement to be involved in enforcing federal immigration law. We ask that this statement be made part of the record of today's hearing on "Examining the Constitutionality and Prudence of State and Local Governments Enforcing Immigration Law."

ADL is one of the leading nongovernmental organizations in the United States that trains law enforcement officers on issues of hate crimes and extremism and works in partnership with law enforcement to fight hate crime. Our experience gives us a particular perspective on the consequences of state measures which empower local law enforcement to take federal immigration law into their own hands. After the enactment of SB 1070, ADL filed an amicus brief in support of a preliminary injunction – in part because of the irreparable damage the law would cause to law enforcement's ability to protect the people of Arizona from hate crimes. ADL has filed similar briefs with federal courts in Georgia, Alabama, South Carolina and Utah, highlighting the damaging impact of state immigration laws on the relationship between immigrant and minority communities with local law enforcement, and on these communities reporting of hate crimes.

Recent hate crime statistics from Arizona may provide an insight to demonstrate that laws like SB 1070 instill fear, especially among the undocumented and their relatives, that any contact with law enforcement will result in their or others' arrest or deportation. The year before the implementation of SB 1070, Arizona law enforcement agencies reported a total of 219 hate crimes to the FBI. Nineteen percent of these crimes were motivated by ethnicity, which includes Hispanic national origin. In 2010, Arizona reported 236 hate crimes to the FBI, an increase of 7.7 percent; but the number of hate crimes motivated by ethnicity decreased by 4.5 percent despite the fact that a federal court quickly stopped the implementation of Arizona's law. In other words, despite the fact that overall reported hate crimes in Arizona increased in 2010, the number of reported anti-Hispanic crimes decreased. While no direct connection between the enactment of SB 1070 and this decrease can be proven, it is certainly a reasonable inference to draw.

The FBI and Arizona law enforcement officials have documented that a disturbingly-large number of hate crimes are directed towards Hispanics. The impact of hate crimes on immigrant communities is serious. Left unchecked, such crimes victimize entire communities, leaving them vulnerable, fearful, isolated, and unprotected by the law.

When fear is invoked by discriminatory state immigration laws, it is likely that these laws will have an impact on the reporting of criminal activity in immigrant communities, thus impeding the ability of law enforcement to serve their communities to the fullest extent. These provisions may drive a wedge between law enforcement and immigrant communities. In particular, they may deter Hispanics or Latinos – whether documented or undocumented – from reporting or serving as witnesses to criminal activities, including hate crimes, in the community. And Hispanics or Latinos, who are citizens or in-status, fear unjustified stops or arrests resulting from bias-based policing. If well-ordered liberty means anything, it must mean that all persons should be afforded access to police protection if they become victims of hate crimes.

As a result of ADL's very broad work with law enforcement officials combatting extremism and terrorism, fighting bias crime and discrimination, and training on core values, we have developed a deep appreciation of the professionalism, commitment, and integrity that the vast majority of the members of this profession bring to their work every day. Effective law enforcement is important to everyone, but policies that divide communities, inflame fear, foster mistrust and violate human rights undermine both our nation's core values and our security.

Law enforcement does not work in a vacuum. Officers cannot do their job without community relationships, trust, cooperation, and a shared sense of responsibility for public safety. We encourage you and other Members of Congress to take positive steps forward to promote trust, reject unfair stereotyping, and introduce comprehensive immigration reform.

Sincerely,



Stacy Burdett  
Washington Director



Mindy Reinstein  
Assistant Director