

**CIVIL RIGHTS IMPLICATIONS OF
MICHIGAN HOUSE BILL NO. 6256,
“IMMIGRATION LAW ENFORCEMENT ACT”**

**Briefing Report of the Michigan State Advisory Committee
to the United States Commission on Civil Rights**

September 2011

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Introduction

On June 10, 2010, House Bill 6256¹ was introduced to the Michigan legislature, and Senate Bill 1388, which had identical contents, was introduced on June 15, 2010. This bill, entitled *Immigration Law Enforcement Act*², copied the recently-enacted immigration law in Arizona that received national attention. The primary components of the Michigan bill include a section that in effect prohibits municipalities in Michigan from becoming sanctuaries for undocumented immigrants (Sec. 2(1)); a section that requires police officers, “when practicable,” to detain people they reasonably suspect are in the country without authorization and to verify their status with federal officials, unless doing so would hinder an investigation (Sec. 2(2)); a section that makes it a state crime — a misdemeanor — not to carry immigration papers (Sec. 3(6)); and a section that grants a private right of action to allows legal residents of Michigan to bring civil actions against local officials and/or governments if they believe federal immigration law is not being enforced (Sec. 2(7)).

Despite the bill also containing limitations apparently intended to be consonant with federal Constitutional guarantees that police officers “may not solely consider race, color, or national origin in implementing the requirements of this subsection,” opponents of the bill have expressed strong concern that if it becomes law, this bill would, in practice, require police to profile suspects in order to enforce the provisions and potentially not be sued by legal residents. Because of this concern over the possibility of racial and national origin profiling, the Michigan State Advisory Committee (“Committee”) decided to hold a briefing meeting to investigate these and other potential civil rights concerns with this bill. On June 18, 2010, the Committee heard testimony from Representative Kim Meltzer, the primary sponsor of HB 6256, as well as two other proponents of the bill: Kenneth Grabowski of the Police Officers Association of Michigan and Oakland County Commissioner Jim Runestad. In addition, the Committee heard testimony from opponents of the bill: Kary Moss of the ACLU, Hassan Jaber of ACCESS, and Ethriam Brammer of Wayne State University. Finally, the Committee heard and received hundreds of statements from the general public.

Since the briefing meeting was held, the Michigan legislature has introduced a new immigration bill, HB 4305³, which has additional provisions not included in HB 6256. The Committee therefore is withholding any findings or recommendations on the subject until further review of the new immigration bill. However, the Committee felt that the information presented at the briefing meeting was still pertinent and relevant to the ongoing immigration debate in Michigan. Thus, the Committee agreed to publish the transcript and summary of the June 2010 meeting.

¹ H.B.6256, 96th Leg. Reg. Sess. (Mich. 2010).

² See text of bill at <http://www.legislature.mi.gov/documents/2009-2010/billintroduced/House/pdf/2010-HIB-6256.pdf> (accessed May 2, 2011).

³ H.B. 4305, 96th Leg. Reg. Sess. (Mich. 2011); see text of bill at <http://www.legislature.mi.gov/documents/2011-2012/billintroduced/House/pdf/2011-HIB-4305.pdf> (accessed on May 2, 2011).

Summary of Proceedings

First Panel

Representative Kimberly Meltzer

Representative Meltzer briefly stated some of the bill's goals and stressed that it was what she called a reinforcement of federal law. In the discussion, Chairman Almeda asked what would trigger reasonable suspicion for law enforcement to be authorized to request proof of status documents. Representative Meltzer stated that reasonable suspicion is left to police discretion but, in civil infractions involving an automobile, she would expect reasonable suspicion to be at least raised in part if an accused person could not produce a driver's license.

Committee member Budnick asked how this bill, if enacted, would affect the Jay Treaty that allows Canadian Indians to cross our border for commerce purposes. Representative Meltzer said she was not prepared to answer that question. Committee member Budnick then asked whether the lack of a driver's license in a non-automobile related incident would still trigger reasonable suspicion for a police officer to request immigration status documents. Representative Meltzer said that it was in the police officer's discretion.

Committee member Hamad asked that given the nation's ongoing struggle with curbing police-related racial profiling, was it a good idea to put so much discretion in the hands of police without more specific guidance regarding when to request immigration documents. Representative Meltzer responded that racial profiling laws already exist, and police currently follow rules and regulations in that regard. Further, she stated that if an officer violates the civil rights of an individual, that individual has the right to file a complaint. Committee member Hamad then asked how Representative Meltzer felt this bill would potentially impact the relationship between police officers and immigrant communities. Representative Meltzer responded that such a question was the reason for the dialogue they were having. She is searching for effective ways to address the undocumented immigrant problem that exists in the United States while protecting people from profiling and discrimination.

Committee member Herron-Taylor asked Representative Meltzer to state why she introduced the bill. Representative Meltzer explained that she originally introduced a bill to prohibit local municipalities from receiving state funding if they declared themselves sanctuary cities, as the City of Detroit and the City of Ann Arbor had done. She explained that these sanctuary cities instituted a "don't ask/ don't tell" policy that requires local law enforcement not to ask individuals stopped in routine traffic stops about their immigration status. She then stated that after the passage of Arizona's more expansive immigration bill, she introduced HB 6256, which basically copied the Arizona bill.

Committee member Kommareddi asked Representative Meltzer for her opinion on the concern of some women's rights organizations who believe that HB 6256 would

make women in abusive relationships afraid to report the abuse to authorities. Representative Meltzer stated that she believed not enforcing federal immigration law would in fact make the matter worse because everything will be “under the radar.”

Committee member White referred to Sec. 2 (3) of HB 6256 and asked why federal authorities would be notified after an individual is released and not prior to release. Representative Meltzer said the point was well taken.

Commissioner Jim Runestad

Oakland County Commissioner Jim Runestad said the media was the reason for what he called “misconceptions” about H.B. 6256 and the similar Arizona bill. He cited a number of individual statements regarding the Arizona bill and then discussed why he believed they created misconceptions.⁴

Generally, Commissioner Runestad wanted to reinforce that, first, the bill authorizes police to question individuals about their immigration status, and only after the police “already stopped, detained, or arrested someone.” So, he maintains the bill does not allow police to stop individuals for no other reason than suspicion that the person may be an undocumented immigrant. Furthermore, Commissioner Runestad stated that he believed the U.S. Supreme Court’s decision in Muehler v. Mena⁵ held that police do not need reasonable suspicion to ask someone about their immigration status, so H.B. 6256 is actually less restrictive than federal law.⁶

Second, Commissioner Runestad stated that because the law explicitly prohibits racial profiling based upon race, color, and national origin, there is no “factual support” that racial profiling will be a concern with the bill. Third, federal law requires immigrants to carry their immigration documents with them.⁷ Fourth, Commissioner Runestad stated the opponents who argue that H.B. 6256 would preempt federal law are wrong because the state bill and federal law do not conflict. Finally, Commissioner Runestad cited statistics from opinion polls showing the majority of Michigan residents favor the provisions in HB 6256.

In the discussion, Chairman Almeda asked Commissioner Runestad what could be done to prevent or lessen the detention of U.S. citizens who are stopped for some infraction and do not have identification. Commissioner Runestad did not understand the

⁴ All the individuals cited in Commissioner Runestad’s statement were contacted and invited to respond to his opinions.

⁵ 544 U.S. 93 (2005).

⁶ In Muehler v. Mena (2005), the Court found that because Mena’s initial detention was lawful and the questioning regarding her immigration status did not prolong the detention, the police did not need a further Fourth Amendment justification for questioning her about her immigration status. 544 U.S. 93, 99. Thus, the case does not support Mr. Runestad’s assertion that the bill is less sweeping than federal law, but it does support the bill’s provision that requires officers to ask about immigration status after an initial lawful detention so long as the questioning does not prolong the detention.

⁷ “Every alien, eighteen years of age and over, shall at all times carry with him and have in his personal possession any certificate of alien registration or alien registration receipt card issued to him . . .” 8 USC § 1304(e). See <http://codes.lp.findlaw.com/uscode/8/12/II/VII/1304>. See also <http://www.uscis.gov/files/nativedocuments/M-618.pdf> at p. 9. “If you are a permanent resident who is 18 years or older, you must carry proof of your immigration status. You must show it to an immigration officer if asked for it.”

question, but Representative Meltzer explained that the police officers could verify the U.S. citizen's information through the technology available in police cars.

Committee member Budnick asked Representative Meltzer if the bill would create a burden on Native Americans, particularly Native American children, who may not carry a Michigan identification card to prove that they belong in the country. Representative Meltzer stated that the legislature cannot make enough laws to protect citizens from people that discriminate, and this bill does not try to do that. However, she said that she would be willing to discuss that point.

Committee member Hamad implied that he would likely have to carry his passport with him were this bill to pass, but Representative Meltzer would not because she does not appear to be an immigrant nor speak with an accent. Representative Meltzer said that if a police officer stopped Mr. Hamad it would be up to the police officer's discretion to ask him for proof of his citizenship, but so long as Mr. Hamad gave the correct information such as his name and address, the officer would have to have some other reason to detain him. Mr. Hamad would also have Constitutional protections if he were wrongly detained.

Kenneth Grabowski

Mr. Grabowski, Legislative Director for the Police Officers Association of Michigan, stated that illegal immigration is a problem and his organization supports the concept of the bill. He stated that he does not believe racial profiling will be a problem because, when a police officer stops someone for some violation, the officer will not release that person until he or she determines the detained person's identity.

During the discussion, Chairman Almeda asked Mr. Grabowski whether passengers in a vehicle would be asked for identification under possible suspicion of their being undocumented immigrants. Mr. Grabowski stated that he did not believe they would be asked for proof of legal status if they were just passengers and had not done anything wrong.

Committee member Herron-Taylor asked the panel about police officers' feelings about this bill in light of the historically strained relationship they have had with communities of color over profiling issues. Commissioner Runestad repeated his argument that the bill is more restrictive than federal law in regard to reasonable suspicion. He also stated that training would be involved for "rogue" officers. Committee member Hamad also asked about how police feel about having their community relations work potentially threatened by this bill. Mr. Grabowski stated that the Police Officers Association of Michigan supports the bill, and they represent the largest portion of rank and file police officers in the state. He added that rank and file officers now do not know where to go with undocumented immigrants and there is no resource available for what to do with them.

Committee member White suggested that the portion of the bill that states all federal laws, including civil rights laws, shall be respected should apply to the entire bill and not just the one section. Representative Meltzer noted the language change.

Committee member Budnick asked how the bill would impact juveniles who are more likely not to carry identification.⁸ Mr. Grabowski and Representative Meltzer agreed the bill applied equally to juveniles as adults. Mr. Grabowski also agreed that an officer would be allowed to detain a juvenile longer for a stop if the juvenile was suspected of being an undocumented immigrant.

Second Panel

Kary Moss

Ms. Moss, Executive Director of the ACLU of Michigan, stated that just because the bill includes a prohibition against racial and ethnic profiling does not mean that such profiling will not occur. She provided some recent examples of cases she has litigated that involved profiling. In addition, Ms. Moss contested Commissioner Runestad's opinion that detention is not of serious concern because Immigration and Customs Enforcement can provide an officer a very quick answer to the status of a detained individual. She called his answer an "over-simplification" and called immediate verification of an individual's status "unrealistic." Finally, Ms. Moss stated the important role, particularly economic role, immigrants play in the state.

Ethriam Brammer

Professor Brammer, an English scholar in the Department of Chicano-Boricua Studies at Wayne State University, reiterated Ms. Moss' point that the inclusion of a provision in the bill that prohibits profiling does not mean that profiling will not occur if this bill became law. He also expressed his opinion about the anti-immigrant "agenda" behind the Arizona immigration bill. Professor Brammer then discussed how he finds it difficult to be objective as a result of his being raised near the southwester border of the United States and facing the violence and hatred of those who deemed him to be an illegal.

More objectively, Professor Brammer discussed the statistical data of the Pew Hispanic Center that found in 2009 that less than 20 percent of foreign born Michigan residents were unauthorized, placing the state in the bottom tier nationally in this category. He said the data also revealed that undocumented immigrants make up less than 1 percent of Michigan's population. He added that, if over half of undocumented immigrants are here as a result of an expired visa, as is the case nationally, then most undocumented immigrants in Michigan are Canadians, university students, and European or Asian auto executives and engineers.

Professor Brammer also provided statistics regarding the assumed targets of this bill: Latinos. He stated that almost 80 percent of Latinos in Michigan are U.S. citizens and 90 percent of Latinos in Representative Meltzer's district are U.S. citizens. He then provided data regarding the economic impacts of the bill. Returning to his experiences growing up near the U.S.–Mexico border, Professor Brammer concluded by discussing

⁸ 8 USC § 1304(e). Individuals under 18 years of age are not required to carry their immigration documents with them.

how his white father always drove and his Latina mother hated to drive. He said that he realizes now that profiling was the reason his father always had to drive. Professor Brammer recalled a situation where he, having dark skin, was pulled over while driving in that border region for no other reason that he could ascertain other than he looked like he may be undocumented. He asked if Michigan really wanted to become like the border region between Mexico and the United States.

Hassan Jaber

Mr. Jaber, the executive director of ACCESS, explained that, with approximately 450,000 residents, the Arab community in Detroit is one of the largest immigrant communities in the area. As a community, Arabs also produce approximately 172,000 jobs in the area and contribute \$7 billion a year in economic activity. Mr. Jaber added that although the Detroit area has seen an influx of Arab immigrants in the past 25 years, the Arab community has been in the area since 1870. However, he said that 40 percent of the population still speaks Arabic at home.

Mr. Jaber's primary concern with the bill was using profiling as a basis for a police officer's reasonable suspicion. He called profiling a disease that the country, and the Arab community in particular, has been dealing with since September 11. He stated that he felt this bill would only make the disease worse.

Mr. Jaber was also concerned with the economic consequences of the bill and with the relationship between police and immigrant communities. He provided quotes from police officers around the country who believed similar legislation would make their jobs more difficult and affect public safety. In conclusion, Mr. Jaber said everyone agrees on the need for immigration reform, but until then he believes federal immigration laws should be enforced by federal immigration officers.

Discussion

Committee member Budnick asked Kary Moss to clarify the process a police officer would take to determine the status of a detained individual. Ms. Moss replied that federal immigration enforcement officers are extensively trained to determine whether an individual falls under the hundreds of immigration categories. She called the idea of an 800 number that immediately determines an individual's status a "fantasy."⁹

Committee member Hamad asked Ms. Moss about the Constitutional challenges to similar bills and whether such bills are a step toward a police state. Ms. Moss said the ACLU filed a legal challenge to the Arizona bill and the focus was that the Arizona law violates the supremacy clause of the Constitution by preempting federal regulation of a federal matter. In regard to Committee member Hamad's second point, Ms. Moss said that one of the ACLU's biggest issues with the bill is that it essentially takes away police

⁹ Ms. Moss is correct that there is not an 800 number local law enforcement can call to acquire information on a detained person. However, there is an 802 number for the Law Enforcement Support Center (Center) that a Michigan officer can call. If the officer provides a name and date of birth of the detained, the Center provides some information regarding immigration status. The Committee did not hear information to substantiate the quality or lack thereof of the information provided.

discretion by allowing citizens to sue the police if they feel police are not enforcing the law stringently enough. She said a logical extension of this could be police raids of factories that employ migrant workers in order for officers to prove they are indeed enforcing the law.

Committee member Kommareddi followed up on the possibility of detention and how long an individual without appropriate documents may be detained. Ms. Moss stated that was one of many questions not addressed under the bill. She also said there is nothing in the bill that trigger's the officer's request at the onset, there is nothing about where an individual will be taken if they cannot produce appropriate documents, there is nothing about whether an individual can call an attorney, and there is nothing about what the officer will do if there happen to be children in the car. She concluded by calling the bill a "recipe for disaster."

Committee member Herron-Taylor asked the panel to respond to the impressions some people have that undocumented immigrants are bad for the economy and are taking advantage of the benefits of the American system, including health care, welfare, and social security, without paying into the system. Professor Brammer said this is a classic misunderstanding. He said that undocumented immigrants often use social security numbers, which may be illegal, to get jobs. He said that these immigrants are paying into the social security system as well as paying municipal, state, and federal taxes on the income they earn, but they usually are not receiving any of the benefits. Prof. Brammer added that Latino immigrants who come to the United States are disproportionately young and of working age. He said that a Federal Reserve study in the 1990s found that 70 percent of immigrants arrive in prime working age and contribute nearly \$10 billion annually to the American economy. Committee member Herron-Taylor followed up by asking why undocumented immigrants do not become legal. Professor Brammer responded that in the past some of them may have been legal by now, but currently the 10-to-20-year process makes citizenship impossible. He said this is why there is a need for immigration reform and that undocumented immigrants do not want to live in the shadows because it is "awful." Mr. Jaber followed up by agreeing that the backlog for naturalization needs to be fixed and that everyone agrees sensible immigration reform needs to be passed.

Transcript of Briefing

Statements: First Panel

[NOTE: All statements are unedited.]

Kimberly Meltzer

State Representative, Michigan District 33

REPRESENTATIVE MELTZER: Thank you, Chairperson Almeda, and thank you panelists, as well, for allowing us to be here today. As Chairperson Almeda has just mentioned, I introduced House Bill 6256 to address the illegal immigration issues in the State of Michigan. The provisions that are in this document would prohibit any policy limiting state enforcement of federal immigration law and set up a policy for turning over illegal aliens to the federal agencies, as well as make it a state crime to fail to carry alien registration documents which is also a federal crime.

So this is just a reinforcement basically of federal immigration law that exists today. I am happy to take any questions.

CHAIRPERSON ALMEDA: Okay. That was your presentation?

REPRESENTATIVE MELTZER: Yes.

Discussion

CHAIRPERSON ALMEDA: Great. Thank you I, of course, read your bill, and my first question would be under Section 2 of the bill. It's entitled Immigration Law Enforcement Act Section 2, line 5. How would the way you envision, the way you wrote it, how would a police officer determine a reasonable suspicion that an individual is unlawful in the United States after the lawful stop?

REPRESENTATIVE MELTZER: Okay. Thank you for clarifying that. Yes, there would have to be a reason why the officer stopped the person which would be a violation of a civil infraction of some sort. Upon that type of interaction, when the person is asked, as all of us have -- well, I shouldn't say all of us. Most of us have been stopped by a police officer for whatever reason. The first thing they ask is for identification and proof of insurance and registration. If you cannot produce that information, then I would say that the officer at that time would ask further questions as to why you wouldn't be able to produce that information or why you don't have that information on your person at that time.

From that question further questions may come about leading to whether that person is here legally or not legally, but it's within the discretion of the police officer at the time.

CHAIRPERSON ALMEDA: Well, okay. My follow up would be, as far as reasonable suspicion, can you give me some sort of fact pattern of –

REPRESENTATIVE MELTZER: Well, that they don't have identification on their person. Why they don't have that identification on their person and proceed from there. It is within the discretion of the law enforcement officer to just write them a ticket at that point for not having that and letting that person go, or proceeding to take them in, arrest them, and verify whether they are here legally or not.

CHAIRPERSON ALMEDA: Okay. Let me start to my right. Donna Budnick.

MEMBER BUDNICK: Nice to see you.

REPRESENTATIVE MELTZER: Nice to see you again.

MEMBER BUDNICK: I have two questions. The first one is how would this impact the Jay Treaty that allows Canadian Indians to cross our border for commerce purposes?

REPRESENTATIVE MELTZER: Well again, it would be up to discretion of the border crossing to make the determination. Specifically, I don't have an answer for you.

MEMBER BUDNICK: If in your scenario they get stopped here, how does that impact the Jay Treaty?

REPRESENTATIVE MELTZER: I don't know. I don't know that.

MEMBER BUDNICK: My second question then is let's take the scenario outside of the vehicle where you need to have a license, but let's say it's at a relative's house. People are there -- at a friend's house. Let's say there's an allegation of MIP, minor in possession, or alcohol to young people. If an officer walked into that situation, how does that allow for reasonable suspicion to this figure out -- because not necessarily everyone at your relative's house may have their ID on them. What then?

REPRESENTATIVE MELTZER: So you're saying the scenario is a police officer is called to a home, and upon entering the home they find out that there are people there drinking under age?

MEMBER BUDNICK: Right. There's adults and other people there at the home.

REPRESENTATIVE MELTZER: Well, I would say that that creates a violation, and at that point the officer has the discretion to ask questions.

MEMBER BUDNICK: But the adults have to have to have ID on them at that point?

REPRESENTATIVE MELTZER: Possibly. It's a little suspicion then. Well, if the police offer deems that they do, then it would be within the discretion of the police officer.

MEMBER BUDNICK: Thank you.

CHAIRPERSON ALMEDA: Imad Hamad.

MEMBER HAMAD: Thank for you for being here.

REPRESENTATIVE MELTZER: I'm sorry. Let me just say that doesn't have anything to do with this bill, per say.

MEMBER BUDNICK: I'm sorry. I didn't -- this is only driving?

REPRESENTATIVE MELTZER: No. No. No. I'm just saying that scenario of under age drinking. You were bringing underage drinking into it. That doesn't have anything to do with --

MEMBER BUDNICK: If I can just ask for clarification. I mean if you said there is some sort of an infraction, and there's adults involved that potentially are providing minors with possession, then at that point there may be a cause for request of ID, and if they don't have ID, that raises it to reasonable suspicion. Then why wouldn't that?

REPRESENTATIVE MELTZER: Well, it would, but what I'm saying is that you just brought that up as a specific question -- a specific scenario. I'm saying that isn't the intent of -- that particular focus, if you will, is not what this legislation is about.

MEMBER BUDNICK: Thank you.

MEMBER HAMAD: Well, you mentioned the discretion privilege of the officer. Don't you think that taking into consideration the racial profiling as being an ongoing challenge facing our nation, that would open the doors widely for a form of judgment on the officer's side where there is no consistent steady, clear policy on how to react to situations of that nature related to traffic stops, taking into consideration that if an officer were to stop a person asking for poof of insurance, etc., I am sure that the race or the religion of the person, or the physical appearance of the person can prompt more attempt to -- more effort on the officer's part to ask about immigration status? Don't you think that you need to have more a selective approach or selective treatment?

REPRESENTATIVE MELTZER: Well, you know, police officers have to -- there are rules and regulations they follow that if they violate the civil rights of an individual, that individual has the right to file a complaint and proceed from there. Whether or not -- I mean if that person feels that they were profiled, by all means, and their rights were

denied, they can file a complaint in response to that, and that's already on the books in law as well.

MEMBER HAMAD: Well, as a pull-off to that, my worry here is what are the safeguards that assure people of equal treatment, unselective treatment according to (indiscernible) focus on the immigrant communities, and that's where it opens door widely for that to be the potential for racial profiling to take course drastically. On the other hand, how do you see this, let's say, impacting the relationship between the law enforcement, particularly police and their neighboring communities if the police is no longer focused on the crime and (indiscernible) and more pursuing immigration status issue?

REPRESENTATIVE MELTZER: Well, remember too that there has to be a break in the law for them approach and stop individuals. So I recognize your concerns about increasing racial profiling; however, the emphasis in regards to this legislation was that this priority of racial profiling or increased discrimination has kept us from taking a look at the illegal immigration problem. And so I think there are even legitimate folks that are here that are doing and are an asset to our community that are in the process of being deported that because the process doesn't work well, may even be deported. And why would we want somebody that has contributed to our community, that has been helping to make our country great, be deported based on the negligence and policy? So this brings it to the table so that we are discussing how the federal government actually handles immigrants that come to our country that want to be legally here. Those are questions that have yet to be answered from my inquiries, and that's why I was willing to come here to have this dialogue to see what is in place that is going to still allow us address the illegal problem that exists in this country, and keep and maintain the existing laws that protect people from profiling and discrimination.

CHAIRPERSON ALMEDA: Next question, please. Joyce Herron-Taylor.

MS. HERRON-TAYLOR: My question is one for clarification, Ms. Meltzer. When we pass any laws there is legislative history, and I would like to know why you submitted this bill? What is the history? What were you trying to do?

REPRESENTATIVE MELTZER: Okay. I first submitted a similar portion of this legislation in 2007 when I first became elected to the State House of Representatives. It was House Bill -- in the first term I don't recall the number, but in the second term where it exists now in judiciary it's House Bill 4044. That was a bill to prohibit, not make it a crime, but to prohibit local municipalities from receiving their statutory revenue in dollars from the State of Michigan if they implemented sanctuary cities' policies. At that time it was the City of Detroit and the City of Ann Arbor that had had implemented sanctuary city policies, and that's a policy that is a don't ask/ don't tell policy that tells their local law enforcement they're not allowed, when they make routine traffic stop, to ask that individual if they are here legally or not. Well, I felt that that was a violation of the intent of the federal immigration law, and I saw it as no different than local municipalities and state and governmental entities working in a collaborative effort to

make things work. Yes, does a local municipality have the right to usurp federal immigration law? Well, it's doing it, and I think there's a problem with that. So that is the reason why I introduce this legislation. That was, again -- so that legislation died in committee after the first term of two years. Then it was the very first bill that I reintroduced in 2009. So this is an issue that I felt needs attention from the time I've been an elected official; however, when this legislation here was introduced, it does do more than what my sanctuary city policy in legislation does, but it was taken from the Arizona bill because it was successful in passing there with changes, as well as the governor signing it into law, and it brought a lot of people to the table to discuss this issue that people keep wanting to continually sweep under the rug, and that is we have an immigration problem, and nobody seems to want to address that issue. I'm a state representative, and it is my job. I have been asked by my constituents to address this issue. That's my history.

CHAIRPERSON ALMEDA: Thank you. The next question, Ms. Kommareddi.

MEMBER KOMMAREDDI: Many women's organizations are very concerned about this bill because of the consequences it could have on victims of domestic violence because they would be afraid to reach out to the police or to report a crime. How would you address that?

REPRESENTATIVE MELTZER: Well, I think that this makes it even worse really, if you don't address the illegal immigration issue, because everything is under the radar, and people come to this country to achieve the American dream. I mean that's what we were founded on, and it's a great aspiration. I love that this country is full of many cultures and many different backgrounds. I think that if we address the issue and laws that are put on the books are abided by, then others will see the credibility of laws and that they're in place. And just as there are laws against domestic violence, if nobody's going to enforcement them, yeah, women aren't going to come forward, whether they're here legally or illegally. So this is another example of laws that are on the books for a reason that are not being taken seriously and not being enforced. So I see this as another opportunity for us to say what laws are on the books are credible and will be enforced and act as a deterrent to crime.

MEMBER KOMMAREDDI: Well wouldn't the immigrant community, even if they have legal status, yet they are natural visa holders or are here legally but often times their intimate partner would take those papers away from them, and when they are asked to prove their relation status when they're reporting a crime, I think it will have a chilling effect on these victims who will not come forward.

REPRESENTATIVE MELTZER: Do you have any -- again, this is not a my way is right and your way is wrong, vice-versa. This is a fact-finding opportunity as well as presenting our position. So what is it then -- what has transpired in that area makes you concerned?

MEMBER KOMMAREDDI: The fact that these perpetrators of these crimes take away their identification, their ID's. So these women do not have any way of proving it. If they report the crime to the police officer, and they come and ask for immigration status, they wouldn't have any.

MR. RUNESTAD: Can I answer that question?

CHAIRPERSON ALMEDA: Yes, you may.

MR RUNESTAD: It's not a situation where this law is enforced by a police officer. The police officer is going to be -- It's not a situation where the officer is going to be enforcing that. If there's a case where they can't identify this individual, ICE is called. There's an 800 line where ICE is called to determine that.¹⁰ An abuser isn't going to be able to retain this information and not allowed this person to be identified.

CHAIRPERSON ALMEDA: Thank you. Next question. Arthur White.

MEMBER WHITE: My question is about section 3 which provides for immediate notification of the appropriate federal authorities when an illegal alien is released from imprisonment following conviction, and I'm asking about the word "when". Wouldn't that notification be more effective if it occurred prior to the release, rather than simultaneously or sometime after when the person is no longer in custody?

REPRESENTATIVE MELTZER: That's a good point, and I did look at the section and have questions with the -- when we had this drafted, this was not the -- this is the first bill that we got back, and we submitted it knowing that we were going to have to put some substitutes in there, and that is a question that did come up at that time. So your point is well taken.

Jim Runestad

Oakland County Commissioner

Thank you. Some of the information I have is from a Members USA Fair, some from the Washington Examiner -- they collected the ten dumbest things said about this bill and some material from Orlando Conservator Examiner, Jerry Lukens, and the University of Missouri and Kansas City Law Professor Chris Kobach, who was actually one of the lead writers of this law. I think this is very pertinent because out in the hallway numerous people came up to me and had misconceptions, particularly about racial profiling, and I said "The reason you have this misconception is the media. Primarily the media." So I wanted to address comments from the media, and then the truth of the situation.

So this first one is the New York Times. They state: "The statute requires police officers to stop and question anyone who looks like an illegal immigrant." So I could see what people would have that impression. Actually, no it doesn't. If you listen to the

¹⁰ Law Enforcement Support Center. <http://www.ice.gov/lesc/>. Local law enforcement can call with person's name and date of birth to obtain status of an individual.

opponents talk about this law, the police will bust down your door and drag you off to prison if you let your children watch Dora the Explorer. The truth is the police will not question someone walking down the street or shopping at Home Depot because they look Mexican. How do we know that? Because the law specifically states that they can't. The law doesn't take effect until after a police officer has already stopped, detained or arrested someone. It's only after this point that the officer has reasonable suspicion that a person, the suspect is an illegal immigrant and that he has to determine their immigration status. This law merely adds a layer of state penalties onto what is already federal law. It has long been a requirement of federal law for aliens to have certain documents on their person while in the United States, just as it is a requirement in most countries on the planet for U.S. citizens who travel there to have their documents in their possession while in that country.

The law is actually more restrictive than federal law, upheld by the Supreme Court in *Muehler v Mena*, which states that officers do not even need reasonable suspicion to justify asking a suspect about their immigration status.¹¹ Under Federal Law you don't even have to have reasonable suspicion, and I would like an opportunity talk to you about reasonable suspicion here today. The Supreme Court has repeatedly held that mere police questioning does not constitute a seizure under the 14th Amendment.

Two, Dana Milbank of the Washington Post stated: "As the Arizona abomination makes clear, there is a desperate need for federal immigration action to stop the country from turning into a nation of vigilantes suspicious of anybody with dark skin." I heard that comment right out here. I see where it comes from, from the media. Dana is correct in one thing. There is a desperate need for federal immigration action, and the federal government has repeatedly under both Republicans and Democrats - repeatedly refused to enforce their own immigration laws. The other claim has absolutely no factual support. In fact the law specifically states that race, color and national origin cannot be taken into consideration.

The next one is from Cardinal Roger Mahony: "I can't imagine Arizonan's now reverting to German Nazi and Russian Communist techniques whereby people are required to turn one another in to authorities on any suspicion of documentation." Actually no one is required to turn in anyone, and this bill mentions nothing of the sort. This bill only affects police officers, and then only concerning people they have already had contact with in the execution of their duties. This bill never even comes close to mention anything like this.

The next one is the Washington Post, Michael Gerson: "This law creates a suspect class, based in part on ethnicity, considered guilty until they prove themselves innocent. It makes it harder for illegal immigrants to live without scrutiny, but it also makes it harder for some American citizens to live without suspicion and humiliation. Americans are not accustomed to the command, 'Your papers, please,' however politely delivered. The distinctly American response to such a request would be Go to hell. I'll see you in court.'"

¹¹ *Muehler v. Mena*, 544 U.S. 93 (2005). The Court held that because Mena's initial detention was lawful and the detention was not prolonged by the questioning, there was no additional seizure within the meaning of the Fourth Amendment, and, therefore, no additional Fourth Amendment justification for inquiring about Mena's immigration status was required.

First of all, as I already said, police cannot even take ethnicity into account. Moreover, it is already a federal crime for aliens to fail to carry their registration documents, and that has been the case since 1940, back when we were actually dealing with Nazis. Nobody has complained about the federal law until now.

Number four is Desmond Tutu of the Huntington Post. "I am saddened today at the prospect of a young Hispanic immigrant in Arizona going to the grocery store and forgetting to bring her passport and immigration documents with her. I cannot be dispassionate about the fact that her very act of being in the grocery store will soon be a crime in the state she lives in." If this immigrant is here illegally, then yes, her mere presence is a crime, but it always has been. This Michigan or Arizona laws don't change that, and if the immigrant is here legally, they are already required to carry their documentation with them. Again, that's been the case since 1940. If you've ever traveled abroad, you know that most other country have similar laws.

Number five, the Atlanta-Journal Constitution on ABC's "This Week": "It harkens back to apartheid where all back people in South Africa were required to carry documentation in order to move from one part of town to the other." Actually, no. It harkens back to 1940, which is how long this law federal law has been in effect. Nothing has changed here.

Number six. This is from President Barack Obama. "You can imagine, if you are a Hispanic American in Arizona suddenly you don't have your papers and you took your kid to get ice cream, you're going to be harassed." For being a legal scholar, the President apparently doesn't know much about the actual, well, law. For being in charge and enforcing federal law, he has no idea what the federal law already is. Lawful contact means the police officer is already engaged in some sort of detention of the individual because he has violated another law. In other words, the police can't question your immigration status because you're at the ice cream parlor unless you decide to rob the cashier or smoke crack cocaine while you eat. During any arrest or traffic stop the police already run a criminal background check on the suspect.

All this law does is allow them to ask about your immigration status. We allow the police to carry guns, decide when it is appropriate to use deadly force, when to decide whether there is reasonable suspicion to search our cars or homes, but the opponents of this bill are terrified at the thought those same officers might be allowed to inquire about immigration status.

There are -- and this is something I wanted to address earlier. I'll address it now. There are over 100 opinions defining what reasonable suspicion is, a great number of them in the context of illegal immigration, Reasonable suspicion concludes numerous factors, and there have to be two or more factors present for reasonable suspicion to exist that a person is unlawfully present in the United States. Reasonable suspicion is a legal term that's been defined by the courts for decades. Quite simply, it is when a person has been, is, or about to be engaged in criminal activity based upon on specific and articulated facts. It's most well known application is in defining, when what's known as a "Terry Stop" can be performed, as decided in *Terry v. Ohio*.¹²

Seth Myers "Saturday Night Live" said: "This week, Arizona signed the toughest illegal immigration law in the country which will allow police to demand identification papers from anyone they suspect to be in the country illegally. I know there's some

¹² *Terry v. Ohio*, 392 U.S. 1 (1968).

people in Arizona who are worried that Obama is acting like Hitler, but could we all agree that there's nothing more Nazi than saying 'Show me your papers?' There's never been a World War II movie that didn't include the line 'Show me your papers.' It's their catchphrase. Every time someone says 'Show me your papers,' Hitler's family gets a check. So heads up, Arizona. That's fascism. I know. It's dry fascism, but it's fascism." Aliens were already required to carry their documentation, and they have been since 1940 back when we were fighting real Nazis and real fascism.

A myth regarding what's called preemption. I am sure that is going to come up today. That is a conflict or over-riding federal law. This is a faulty argument and is one of the reasons that these laws mirror federal law when it comes to the documentation provision. Courts look for conflict between the federal statute and the state law being challenged. If there is tension or conflict between them, then preemption is likely. If the laws are in harmony, as is the case with the Arizona and Michigan law, because the Arizona law actually says you cannot be guilty of violating the documentation provisions unless you are guilty of violating the cited federal law, then what you have is called perfect concurrent enforcement, as the courts have referred to it. Concurrent enforcement being the state and the federal government are enforcing against the same conduct. That makes it very difficult for the arguments of preemption to stick.

The other argument that deponents will make is the claim an equal protection violation based on the hypothetical possibility that there might be racial profiling. Given that the law expressly prohibits racial profiling, it will be very difficult for them to prevail on that one as well.

Finally, in terms of support, I've heard people don't support this law. On Monday, this last Monday the 14th, a Rasmussen survey showed 56 percent of all Michigan voters also favor passage in their state of an immigration law like Arizona's. The finding is comparable to views nationwide. Only 28 percent oppose. Two-thirds, 66 percent of Michigan voters support the key provision of the Arizona law, the requirement that local police check the immigration status of anyone they stop for traffic violation or some other kind of violation if they suspect the person is in the country illegally. Only 21 percent oppose. Thank you. I can take questions.

Discussion

CHAIRPERSON ALMEDA: Thank you. My first question is you talked a little bit about reasonable suspicion and how it's been for decades. First of all, an officer finding reasonable suspicion exists that the person is an alien and is unlawfully present in the United States, as recited in the House Bill. Okay. How do we minimize someone, say, who is a U.S. citizen born or naturalized here in the Midwest? How do we minimize them from detainment, unreasonable detainment?

COMMISSIONER RUNESTAD: I don't see where they would be unreasonably detained unless you have the assumption the police are going to be targeting someone on a profiling basis.

CHAIRPERSON ALMEDA: Well, based on answers -- based on the representative's answer, if someone does not have a driver's license or identification -- let's say a grandma who's naturalized doesn't have a driver's license, doesn't have -- isn't required to carry a U.S. passport, how would something like that type of detainment be minimized?

COMMISSIONER RUNESTAD: Number one, if she's driving --

CHAIRPERSON ALMEDA: No. No, she's a passenger.

COMMISSIONER RUNESTAD: Okay. She's a passenger, or she's just walking down the street?

CHAIRPERSON ALMEDA: No. She's a passenger in a vehicle that's stopped legally under this House Bill.

COMMISSIONER RUNESTAD: That means that there's got to be some reason that they have made that detention, that stop, that arrest.

CHAIRPERSON ALMEDA: Say it was a traffic violation. She is a passenger, not a driver. She has no identification. She is a U.S. citizen.

COMMISSIONER RUNESTAD: Yes, that is my understanding, and I've heard this happening where they've asked everybody for identification. It had nothing to do with their immigration status or how they looked. They have the right to do that.

CHAIRPERSON ALMEDA: Sure, they do. My question is how can you minimize that from happening? Because I understand that is a potential situation.

COMMISSIONER RUNESTAD: Again, when you say "minimizing," your assumption is that they're going to racially profile somebody other than anyone else. How would they minimize it happening to me, or any of us up here?

CHAIRPERSON ALMEDA: I'm not saying it's racial. I'm saying someone who is either a naturally born U.S. citizen or a naturalized citizen, who does not drive and does not have a driver's license --

COMMISSIONER RUNESTAD: But you're saying that --

CHAIRPERSON ALMEDA: -- and who does not carry a U.S. passport.

COMMISSIONER RUNESTAD: But you are saying how do you minimize them from asking for identification?

CHAIRPERSON ALMEDA: No, from being detained unreasonably. It can happen to any U.S. citizen.

COMMISSIONER RUNESTAD: They could on me call ICE if they felt I was here illegally. There's an 800 hotline.¹³ They can do that right from the car. They can check most of your information right from the car. I don't see how your immigration status has anything to do with that, per se. That have lawful identification, in Michigan if you have a driver's license, for instance, which I would have to have. If they asked me for identification at some point, if I'm suspect of being involved with criminal activity, I have to, at some point, produce identification. That's me.

CHAIRPERSON ALMEDA: I understand.

COMMISSIONER RUNESTAD: I don't know where the difference would be if the person is a lawful immigrant, has a green card. I don't see where the difference between them and me comes in.

CHAIRPERSON ALMEDA: But my follow-up would be -- perhaps you don't understand my question. If a person has no identification on them --

COMMISSIONER RUNESTAD: Okay.

CHAIRPERSON ALMEDA: -- is lawfully here in the U.S. or a natural U.S. citizen --

COMMISSIONER RUNESTAD: Right.

CHAIRPERSON ALMEDA: -- has no requirement for carrying his or her passport

COMMISSIONER RUNESTAD: Right.

CHAIRPERSON ALMEDA: -- has no identification on him or her.

COMMISSIONER RUNESTAD: Right.

CHAIRPERSON ALMEDA: How can you minimize that -- from that person from being detained and taken back for more questioning?

COMMISSIONER RUNESTAD: I have to let the representative answer that because in my mind I don't see the distinction between me and them.

CHAIRPERSON ALMEDA: You carry your identification.

COMMISSIONER RUNESTAD: I don't always carry my identification.

CHAIRPERSON ALMEDA: But in your situation let's just say you have your driver's license on you. This situation is

¹³ Although there is no 800 number, ICE does have a Law Enforcement Support Center that officers may call and provide a suspects name and date of birth.

COMMISSIONER RUNESTAD: What if I - I mean if they don't and I don't, what's the distinction between them and I? I don't understand. If I don't have my ID, and they don't, and we're both questioned by the police, where's the distinction between them and I? That needs to be addressed. I don't see -

CHAIRPERSON ALMEDA: Well, if -

REPRESENTATIVE MELTZER: Mr. Almeda, can I just interject?

CHAIRPERSON ALMEDA: Yes.

REPRESENTATIVE MELTZER: I think what may have happened at that point is the police officer may have asked that person's name, and they have a lot of information in their vehicle on a laptop that they carry with them when they make a stop. He or she can verify that information is valid. He can say what is your address? What is your name? How long have you lived there? He is easily able to pull that information up. If it's correct, he may say there's nothing more there for him to inquire about. If it's not true, then he may have grounds then because this person wasn't answering the police officer honestly. So that could be -- but as long as the individual is honest with that person, with the law enforcement officer, I think that would be the one thing that would mitigate their opportunity of detainment.

CHAIRPERSON ALMEDA: Okay. Thank you.

MEMBER BUDNICK: I'm trying to get my mind around this part of the statute where it says: "A person is presumed to not be an alien who was lawfully present in the United States if the person provides the law enforcement officer or agency any of the following: valid Michigan operator or chauffeur license, valid Michigan personal identification and so on." Maybe it's just a matter of the wording, but they're presumed not to be an alien if they have these things. So are they presumed, or is the burden on the person if they are an alien if they don't have these things?

REPRESENTATIVE MELTZER: Yes. Well, it would be through the dialogue of the police officer that knows that when people are stopped for a violation of - a traffic stop or whatever. This is going to be the case. Police officers are not going to be the walking down the sidewalk and seeing a group of Hispanics or Middle Eastern folks and say, you know what? You guys don't look like you belong here; therefore, I want to see your identification. That is not going to happen. If they violate the law, then it could. However, if a police officer is called when there is a group of whoever walking down the street -- like for instance in a residential -- I had black woman that was doing work for the census, and that woman said that she was in a white neighborhood, and she was stopped by a police officer because she was being racially profiled. She said she knew that. I said, "How did you know that?" She said, "Well, the police officer asked me what I was doing there." I said, "Okay. How do you know that it was a police officer? How do you know that it wasn't a police officer responding to a call which they were required to do for somebody in the neighborhood?" We cannot mandate. We cannot make enough laws

to cover people that are racist and discriminatory, but that's not what this is about. This is about illegal immigration.

MEMBER BUDNICK: Part of my concern to do a follow-up with you to make sure you answer the question is I work with the American Indian community in Harbor Springs. We have a large American Indian community, and when we talk about what people look like who don't belong here, I'm talking about - I don't know if I look like I don't belong here being an American Indian. I think we do. (Whereupon, applause)

MEMBER BUDNICK: My concern is the wording in this makes it sound like the burden would be on our children, our American Indian children, to prove that they belong here; that they have a right to exist in this country, and that's a concern.

REPRESENTATIVE MELTZER: Okay.

CHAIRPERSON ALMEDA: One response and then we have to move on.

REPRESENTATIVE MELTZER: Okay. That is a concern, and we can discuss it then. I mean, again, this is language. I mean we're here for that purpose, to discuss and respect, you know, the importance and the civil liberties of everyone here, and I guess if this is being taped, I would like to roll it back and say that I said that -- to verify that I said that you don't look like you belong here. I was using it as a -- not from my point of view, but in telling the story that that person said they didn't look like they belonged here. So that's what --

MEMBER HAMAD: Just a quick comment.

CHAIRPERSON ALMEDA: Okay. Very, very fast.

MEMBER HAMAD: Do you carry your passport with you?

REPRESENTATIVE MELTZER: No.

MEMBER HAMAD: Let's say me and you had the same stop. Why should I carry my passport and you don't?

REPRESENTATIVE MELTZER: You don't have to carry your passport if you're here legally.

MEMBER HAMAD: How the officer - if the officer asks me about my immigration status, and I told him I'm a U.S. citizen. For my heavy accent or my appearance, he didn't believe me. Then he can, according to what you said, the discretion and privilege of the police officer, he will ask me to prove it, and I don't have it, but maybe in another situation he may not. So that's going to what she just said. So how do you deal with this?

REPRESENTATIVE MELTZER: Well, like I answered Chairman Almeda, you know, the police officer has the ability to go back and check whether or not you've been here, how many years you've been here, but that still doesn't verify you're here legally, but again, I mean some people are here 20 years, 30 years, but not legally. And in part that's what this legislation is about. If someone is here illegally that long, why is that? Why don't we make them legal? So they're not having the burden of wondering if at any given time if they're going to be stopped or felt like their rights have been violated. I think there's big flaws in immigration laws and enforcing them, but in your case it would be up to the discretion of the police officer, based on what you had said, but as long as you were able to give the correct information, where you lived, your name, he or she would have to come up with a pretty good reason as to why they would bring you in based on your legal status. And again, at that point we have laws on the books that would say if this person violated your civil liberties in any way by doing that, you have a provision and a right to file that complaint.

CHAIRPERSON ALMEDA: Thank you. I would like to, because of time, I'd like to jump ahead and have Kenneth Grabowski, legislative MR. of the Police Officers Association of Michigan, speak first, and then we can all ask questions afterwards to each of the panelists. We are running behind.

Kenneth Grabowski

Legislative Director, Police Officers Association of Michigan

My statement will be real quick. We do support the concept of this legislation. There is a problem with illegal immigration, and we believe this is one way to resolve it. The one thing I want to say is that I've been listening to the discussions, and whether you're an illegal immigrant or a naturalized citizen, when a police officer is investigating a crime, they will need proper identification to identify the person, and if you don't have it, they're going to hold you, whether you are legal or illegal, until they determine who you are. My understanding of this legislation is the only time they can request somebody's status on immigration is if they have committed a crime, and they're investigating it. I don't really see the problem on that aspect, and I don't see how racial profiling would take effect because you still have to find out who the individual is and determine their status, whether they're legal, illegal, where they live.

Discussion

CHAIRPERSON ALMEDA: Okay. I will lead off with hopefully a very quick question. My question to Mr. Runestad really wasn't about racial profiling. It was about the 14th Amendment, detainment and transfers of individuals and due process and someone who doesn't have -- someone who is a U.S. citizen is not required; however, if they are a passenger and they have no identification on them -- anyone could be susceptible to detainment or taken back to wherever.

MR. GRABOWSKI: Unless they are committing a crime, and you need their identification. If you're just sitting in the car and not doing anything, they're not going to take you in for that. They can't.

CHAIRPERSON ALMEDA: Okay. So you're saying if there is a traffic stop -- let's say not a crime, but --

MR. GRABOWSKI: A traffic stop, and we ask for identification. It's routine to do that. But if the person sitting in the car hasn't done anything wrong, they're not going to take him in for that. If they don't have any identification and they haven't done anything, they'd better be very careful what they do because they'll find themselves on the other end of the court bench.

CHAIRPERSON ALMEDA: And under this law, for that particular fact pattern, the passenger, with or without identification, wouldn't be questioned.

MR. GRABOWSKI: I don't believe so, no.

MEMBER HERRON-TAYLOR: I want to ask a question. I think that we are giving a lot of faith to the discretion of police officers and their judgment and that kind of thing. I'd like to know how law enforcement agencies are reacting to this law in terms of their enforcement. We know a lot of history about young officers or seasoned officers who have their own things going on in their lives and their own kind of vices and things like that. People just want to do a good job, but in terms of law enforcement agencies, let's say or there's like a high concentration of people of color, what's their take on this? How do they feel about this law and their responsibilities to it? Do they feel that they are capable of stopping someone with reasonable suspicion? I mean have they talked to you about their history? You're proposing a law that is really going to be enforced by a group of people that historically some of them have shown that they have some problems, at least that's the opinion of the media; that they have some problems in making these judgment calls. So what's their take on it? And like I said, I'm concerned about areas where there's a high concentration of people of color?

REPRESENTATIVE MELTZER: Who do you want to hear from?

MEMBER HERRON-TAYLOR: It doesn't matter to me. I kind of wanted to give it to Jim initially because he's the person who talked about the reasonable suspicion.

COMMISSIONER RUNESTAD: Reasonable suspicion, as I said, it's not a new concept, and officers have to be very cautious because they do lose some protection. I was just scanning through trying to find out where that was -- if they are basically outside of the law. They have to follow the law very, very carefully, but I think what's getting lost here is that under the federal law you don't even need reasonable suspicion to question. This law, this Michigan law, is actually making it more restrictive on the police officer than the federal law which the officer can act under today. So from a reasonable suspicious standpoint, this is an improvement over the existing situation. So if you have a rogue

officer, obviously there's going to be training involved with this. In Arizona they're doing a lot of training on racial profiling. It's a huge part of the training. Part of their new bill is training, training, training. What is racial profiling? How do you avoid racial profiling? I am sure the same thing will happen here in Michigan.

MEMBER HERRON-TAYLOR: What I am asking at this point you are discussing this kind of -- the enforcement piece right now with different agencies. Do you get a feel for how they are responding to this law specifically? Because, again, areas where there is a high concentration of people of color. I can ask you the terms of the whole State of Michigan how in general the police officers and agencies are feeling about it, but I want to know have you examined this at all? Because they are the ones who are going to have to make the stop. Yes, there may have been an initial infraction, and they make the stop then from there at that point.

COMMISSIONER RUNESTAD: I think - excuse me. I've got a cough here. The existing law says that with no reasonable suspicion you could question on immigration. This improvement not only saying that you must have reasonable suspicion, and training is something that the communities with people of color should be happy about. This is more restrictive. This is not less restrictive in terms of the onus on the police officer to obey the law and respect those communities. This is a good thing in terms of that. It is more restrictive.

CHAIRPERSON ALMEDA: Go ahead, Imad.

MEMBER HAMAD: You know, the police departments and sheriff departments across the nation are divided on this. Some will support it. Some don't for the obvious. The core issue for the police to be effective fighting the crime and chasing the crime is having this notion of a trust between them and their own communities, and the more they are successful in bonding, the more they are effective. Now why then do we see it is important for the state to take away their ability to determine what could be effective for this police department in this city or that county to fight crime by the name of taking away their ability to have a say if this policy is effective and helps them or not?

COMMISSIONER RUNESTAD: We just heard from the Police Officers Association. They are very supportive of this concept. If somebody's --

MEMBER HAMAD: What police association?

MEMBER HERRON-TAYLOR: That's the question I asked.

MEMBER HAMAD: Which one? The National Police Association?

COMMISSIONER RUNESTAD: No.

MR. GRABOWSKI: The Police Officers Association of Michigan. We represent the largest portion of police -- rank and file police officers in the state.

MEMBER HAMAD: But you know that many police chiefs and many police departments don't necessarily agree with that. So you are not making a statement on behalf of all of them.

MR. GRABOWSKI: I am making a statement on behalf of just our organization. What other sheriffs and chiefs say is up to them. A lot of people don't want to address this issue because it's politically sensitive, and you can the emotions running here. So some people say they don't want to touch it, but in reality in dealing with the officers we deal with, which is the rank and file, there is a problem on how they enforce immigration. They don't know what to do with some people sometimes. They don't know where to take them when they do have a situation. They're not out in the business looking for legal immigrants, but when they come across somebody, there's not always a resource of what to do with them.

MEMBER HAMAD: For example, and I will finish/ Let's say a crime in the City of Detroit is in it's peak. Everybody knows that the Detroit Police Department is like officers short of the manpower to deal with the crime.

MR. GRABOWSKI: More like 3000.

MEMBER HAMAD: If we take Detroit as an example, do you think that this is an effective way to fight the crime?

MR. GRABOWSKI: Fight crime?

MEMBER HAMAD: Yes.

MR. GRABOWSKI: No.

MEMBER HAMAD: So adding the burden of a police –

MR. GRABOWSKI: This is an effective way to determine somebody's immigration status. It really has nothing to do with crime.

MEMBER HAMAD: But aren't you making the argument that crime is related to "those who don't look like us" just who have to be always documented or so.

MR. GRABOWSKI: I don't think so.

CHAIRPERSON ALMEDA: Okay. Last question. Arthur White.

MEMBER WHITE: Section 10 begins with I regard as a very important statement: "This section shall be implemented in a manner consistent with federal laws regarding immigration, protecting the civil rights of all persons and respecting the privileges and immunities of the United States citizens." We need to relay the concerns of many of us if

that statement applied to all the sections of the bill, not just section 10. This is on page 5, line 13.

CHAIRPERSON ALMEDA: Page 5, line 13.

MEMBER WHITE: These very sensible words appear to apply only to this one section. It seems that they should apply to all the sections, and then you have much more to lose.

REPRESENTATIVE MELTZER: Well, I interpreted that it means all in the total bill. I mean it says it in other sections about race. A law enforcement officer, the agency –

MEMBER WHITE: Yes, I agree, but this is the most powerful. It seems to be it should be universally sweeping across the whole bill. At least if it would start by saying "This bill," but it says "Section 10." You need to move that to the front of this whole bill.

REPRESENTATIVE MELTZER: So "This bill." Okay.

CHAIRPERSON ALMEDA: Okay. One final question.

MEMBER BUDNICK: If I could. My concern or what I'm looking at is how this addresses to juveniles, and we know that officers can stop a juvenile. It starts out lawful stop, okay, and we recognize lawful stop can be for any juvenile crime from runaway to truancy, a number of different status offenses there. If a juvenile is stopped under a lawful stop and they don't have any ID, would they be detained possibly longer because they don't have ID, and what would be the reasonable suspicion to be able to detain them longer if you think they're an illegal immigrant, as you put it, or someone who is not supposed to be here? How does it affect juveniles? Is this aimed towards adults? What about children?

MR. GRABOWSKI: Well, the law is the law, and if the juvenile is something illegally, they still have to go through the same process and find out who he is, or her, and then normally you notify the parents to get somebody to come and pick up the juvenile. So I don't see any difference on whether what he would do today whether this law was in effect or not. You still have to make a determination what to do with the juvenile.

MEMBER BUDNICK: Yes, but the detainment for the original suspicion or the crime that was committed is one detention or stop. Would it be a longer or ability once you determine that they did not (indiscernible) could you then continue to hold them if you thought they may be here illegally?

MR. GRABOWSKI: The way I read this statute you could.

CHAIRPERSON ALMEDA: Okay. Thank you.

REPRESENTATIVE MELTZER: This doesn't specifically say child or adult, this says any illegal immigrant, anyone illegally here. So it doesn't specify child or adult.

Statements: Second Panel

Kary Moss

Executive Director, ACLU of Michigan

Good morning, Mr. Almeda and members of the Commission. Thank you so much for hearing our testimony. I've brought written testimony that I would like to provide for you for the record. The written testimony that I have provided lays out the legal landscape for this bill and why we believe if it was passed it would be unconstitutional. I won't go into that just now. I thought that it might be a little bit more helpful to respond to some of the comments that were made by the first panelists, as well as some of your questions.

Let me just begin by saying that the ACLU of Michigan's chief mission is to defend and preserve the Bill of Rights. We do that here in Michigan often by filing litigation and lawsuits against the state involving abuses by police officials of the law. What I want to point out, I guess, firsthand is that that a lot of discussion that happened this morning focused on whether or not citizens are required to carry papers, and I want to say that that's not really where we need to be focusing our attention right now as we talk about this bill. Rather, the focus should be on what triggers the request by police officers to citizens or non-citizens for their papers, and then what happens when the police officers do not get the kind of documentation that they want.

I wish we lived in a perfect world. Mr. Runestad talked repeatedly about how the bill does not allow for racial profiling and bars asking for identification based on somebody's race or ethnicity, but if it was as simple as that and we would live in a perfect world, we know that racial profiling happens every day. We know that it is often a crime problem in certain areas of this state.

I will give you just a couple of examples. We represented a number of young children from the City of Detroit who would ride their bicycles into Eastpointe which is across 8 Mile, a predominately white area, and because they were out of place, police officers made the assumption that they had stolen those bicycles and they would pick the children up. They would take their bicycles, and in some cases they would auction them off. This was a classic example being out of place, and we had to eventually file a lawsuit against Eastpointe's Police Department that we won in the United States Court of Appeals for the Sixth Circuit.

Right now we are representing a man named Ken Anderson who was parked in a car not far from our building where the ACLU headquarters is on Woodward, and he was stopped by the police simply because he was sitting in his car using a laptop. He was stopped by the police, asked for identification, told he was loitering in a drug zone -- a no-drug zone -- it's where the ACLU building is, I guess -- and arrested. So these are just a couple of examples, and we know that this happens every day. The question of "how you determine whether or not a civil infraction is being committed?" is inherently a subjective call.

We also heard this morning that although it happened, is if somebody's asked for their identification and they can't produce it, that the police officer will simply make a call to ICE and determine their immigration status. That's a gross over-simplification of, in fact, how immigration enforcement works in this country. There are over 400

categories of immigration status. Federal officials who are trained extensively in immigration law find it challenging to enforce it. To expect a federal immigration official to be able to respond immediately to verify whether somebody here is illegal is unrealistic. It's unpractical, and it's not going to happen. Because of these complications federal authorities cannot provide easy, fast or accurate answers to questions relating to whether a person is lawfully present or removable in this country.

Additionally, what effect this law will be would be to turn law enforcement officers essentially into immigration officials and to divert scare law enforcement resources from really protecting public safety to instead thriving underground those people who have been convicted -- who have been victims of crime. We hate to see that happen in a state that is suffering such severe budget challenges.

I also want to bring to your attention the incredibly important role, and I know my colleagues will speak more to this, but the incredibly important role immigrants play in our community. This is a nation of immigrants. This is a state of immigrants, and it is a state whose economy depends on having a friendly, welcoming environment. There is a recent study called Global Detroit that was commissioned by the Skillman Foundation, New Economy Initiative, and Detroit Regional Chamber, which examined the impact that immigration has on the city. The report's author, Steve Tobocman concluded: "Nothing can make a more powerful contribution to Detroit's rebirth than an affirmative immigrant-welcoming and global-connection building effort." He documents how the region's immigrants are well-educated, responsible for one-third of the region's new high-tech business creation, more likely to be working and paying taxes than the average Michigan resident, and responsible for creating the second largest global immigrant population in the Midwest behind only Chicago. The last thing we need right now is to be sending a message not only to our citizens, but to all those that we hope will come to Michigan, that this is a state that won't tolerate intolerance. Thank you.

Ethriam Brammer

Department of Chicano-Boricua Studies, Wayne State University

I want to start by thanking the U.S. Commission on Civil Rights, and everybody in attendance here. Actually I'm a little bit disappointed because two out of three previous panelists are not here which gives the impression that they're not interested in hearing the other side of the issue, and I'm sorry. I don't want to make a judgment, but that's the impression that it gives me. I'm sorry because I know that you are all here to discuss both sides of the issue, and I thank you for that, and say engage in a real thoughtful discourse about promoting humane alternatives for comprehensive immigration reform, as well as the direction this country should go in order to address our global collective future. I'm also going to read from my speech which is something I tell all of my students not to do, and it's probably not the best practice, but I don't want to make the same mistakes I've made before. When Mr. Runestad was quoting from the Rasmussen poll actually changed his numbers, right? He went from 28 to 21 to sort of minimize the percentage of people that are confused by this issue. So just for the sake of being as accurate as possible, because I will be quoting immigration statistics, I want to read from my speech.

Still relatively new to academia, I'm quickly learning the importance of making academic disclaimers, especially as they apply to one's professional discipline. So it is

important that I begin by saying that, though this event is being hosted at the law school on the campus where I am proud to work, I am not here to speak as a legal expert. My background is not in immigration law or in constitutional history. My field is English, specifically rhetoric, and the translation of 1920s American literature originally written in Spanish by Latino immigrants. This being noted, I'm grateful to my distinguished colleague from the ACLU for explaining the constitutional and legal problems with bills like Arizona's Senate Bill 1070 and Michigan's newly proposed HB 6256. Nevertheless, with a 24-hour, 7 day-a-week media machine spreading a constant oil spill drone of information regarding the clear benefits of immigration to this nation, it may actually be useful to have a literary scholar do a little unpacking of the rhetoric surrounding this issue.

So let me begin with a rhetorical question: Are we really ready to sacrifice, as a casualty in this next battle in an exhausting and counterproductive cultural war the fundamental rights and liberties which have made our constitution a model for democracies around the world? There has got to be a better way to address the challenges that all free nations are facing as they attempt to adjust to a new global reality than this kind of divisive and mean-spirited ideological agenda. These bills do not make sense legally or constitutionally, which is why Janet Napolitano originally vetoed the Arizona bill before becoming Secretary of Homeland Security.

Of course, one of the only significant changes made to the bill which was originally vetoed was the addition of language saying that there would be no racial profiling. But this is simply an issue of rhetoric, semantics, word play. For we all know that just because one says there are weapons of mass destruction, it doesn't mean they actually exist. And just because one says there won't be any racial profiling, doesn't mean that there won't be in daily practice.

So, if this whole guise is not really about the enforcing of federal law, which seems to be fairly clear from a constitutional standpoint, what is this legislative agenda really all about? And I say "legislative agenda" because it's helpful to see the whole context in which the passage of this bill took place. Shortly after passing SB 1070, Arizona also passed HB 2281, banning the majority of Arizona school children from studying their own heritage in their own schools, when it eliminated ethnic studies from K-12 education. A bill Governor Napolitano had also originally vetoed. At the same time, the Texas state school board applied their version of revisionist history to the text books used in their state, denying the historical fact that Spanish-speaking Tejanos fought in the Alamo against the Mexican Army, as well as rewriting the history of the slave trade, calling it Atlantic triangular trade.

A short time after these measures were approved, officials at Miller Valley Elementary School in Prescott, Arizona, were compelled by members of the city council to whiten the skin tone of a child depicted in a mural on the school's wall, because those city council members didn't believe that a "black child" accurately reflected their school district. The child in question was intended to be of Mexican descent, representing the majority of the children in the school district, but city council refused to relent, or even acknowledge the difference between the two ethnic groups.

Finally, Arizona legislators are now actively pursuing the repeal of birthright citizenship in their state, another direct violation of the 14th Amendment, a measure now being explored in Texas as well, and hopefully not in Michigan. So if all of this is really

not about enforcing the law or the constitution, what is about? Clearly it's about race, perpetuating racial discrimination and the next battle in a hate-filled American cultural war. According to even conservative estimates, by 2050, Latinos will constitute the single largest ethnic group in the United States, and there will be no ethnic majority. Despite this newest episode of 1930s-style repatriation, as well as these new efforts to radically alter our constitution, little can be done to change these demographic trends.

So why is this a problem? This is a problem for some because Latinos fundamentally trouble or disrupt three prevailing national myths and social constructs: The artificial social construct of race itself. Latinos, as an ethnic group, are white, are black, are yellow, and are predominately red. This is why in the 2010 Census, one of the first questions is whether or not you are Latino, and what kind of Latino are you or, aren't you? Latinos bring to the fore the limitations of the concept of race as a way of defining humanity, while still underscoring cultural difference. Of course, race has been a fundamental concept, used to determine the rights and privileges some citizens would receive in this country, since the original framing of the Constitution and its classification of certain ethnic groups as but 3/5ths human.

In the same way, another national meta- narrative challenged by the growing Latino population is that we are all immigrants to this country, often followed by the claim, but my forefathers came here legally. The probable inaccuracy of the last portion notwithstanding, like African-Americans, many Latinos are involuntary immigrants, especially those living in the American Southwest, which until 1848 was still a part of Mexico, a fact so disturbing that it had to be censored from Texas history books, lest Mexican-American children learn that their ancestors were actually from the land where they are living.

So what replaced these historical erasures? A new emphasis on the theory of American Exceptionalism, yet another national myth, which asserts that the United States is like no other country in the world. Imagining, perhaps, that immigrants only come to the United States, and other countries do not struggle with exactly the same challenges of globalism. This Texas-sized understanding of American Exceptionalism has led the country to act on its own, rushing unilaterally to war, without even feeling a need to consult the rest of the global community. It ignores that when China's economic indicators are good, our stock market rises, or when there is a European credit crisis, we are put in risk of a double-dip recession. It even ignores that Mexico is one of our most important trading partners and the thirteenth largest economy in the world, expunging from its media coverage any of the negative effects on our shared gulf ecosystem due to the BP disaster because the prevailing narrative is that Mexico only creates problems for the U.S., and the U.S. could never create any problems for Mexico.

Which brings me to my second disclaimer. As researchers, we're supposed to do our best to be as objective as possible, reaching conclusions based on what the evidence tells us, rather than doctoring or trumping up data to fit our own personal or political agendas, and I have to admit that I am struggling to maintain complete objectivity in the analysis of these bills. I was born and spent my first thirty years of life in a little town called El Centro, California. I won't go as far as saying that I could see both Arizona and Mexico from my front porch, but I will tell you that my life was made up of constant travel across the borders because El Centro, Yuma, Arizona, Los Algodones, Sonora; and, Mexicali, Baja California, essentially form one integrated border community. It's a

land which native tribes, like the Quechan, Cocopah and Sycuan, have lived for thousands of years, straddling both sides of the current U.S.-Mexican border, and people continue to move back-and-forth across these borders on a daily basis despite ever-heightening walls and increased militarization which I have witnessed since my childhood.

In fact, my childhood is full of memories of green border patrol vehicles driving up and down the streets of my neighborhood; memories of neighbors and parents of my friends rounded up in raids and sweeps, often just before payday, regardless of anyone's citizenship or legal status. My high school prom isn't remembered for the tuxedo I rented or the date I took, my high school prom is remembered for what happened when coming back across the border after the celebration, as a number of my classmates in the car behind me were all detained, stripped of their tuxes, of their prom dresses and body-cavity searched on less than reasonable suspicion. My recollection of home also leads me back to a graveyard, a potter's field, or *akel-dama* in Hebrew, which continues to be filled with hundreds of unidentified immigrant bodies, the corpses of children shot dead by border patrol officers because they held BB guns on their shoulders while tending to their flocks, or dared to throw small rocks from the other side of the border; the bodies of mothers and fathers desperate to find a way to feed their children, now dehydrate, now pushed further and further into the heart of the desert by an ever-expanding wall, left to dehydrate and succumb to the intense desert heat because members of vigilante hate groups destroy the water basins in the desert sanctuaries even though they are all equipped with sensors which alert border patrol when people stop to use them.

People are killed on a daily basis on that border. You need to understand what you might be bringing to Michigan and if this is what you really want to do. Fresh graves are dug to conceal the shame of failure of leadership to address one of the most important phenomena of the global age. Everyday there are new casualties in a low-intensity war which has raged on for the better part of two hundred years in the most militarized regions in the world.

After living in this region so long, I must assert that this level of racial violence and hatred is fundamentally irreconcilable with any spiritual belief system based on the idea of loving thy neighbor. It runs absolutely contrary to any faith which proclaims to cherish the essential dignity of human life regardless of one's political affiliations. So my question to you is this: Why would anyone voluntarily invite this kind of hostility and violence into our state? Why would anyone be foolish enough to open up this Pandora's Box in Michigan? Don't we have enough problems as it is without jumping into a fight 2000 miles away?

This legislation is not only unconstitutional and immoral, but it's just plain bad for Michigan. When looking objectively at just pure numbers, one quickly realizes that compared to the rest of the country, Michigan has relatively few unauthorized immigrants. In 2009, the Pew Hispanic Center released a comprehensive analysis of unauthorized immigrants in the United States and found that less than 20 percent of the foreign born people in this state are unauthorized, which places us at the lowest tier nationally and well below the national average. Using those same estimates, one quickly discovers that unauthorized immigrants make up scarcely 1 percent of the state's population. Nationally, roughly half of all individuals with unauthorized immigrant status are due to expired visas, student visas, work visas. The majority of so called illegal

immigrants in this state are most likely Canadians; students studying at U of M, here at Wayne State University, European and Asian auto industry executives and engineers with expired visas. Essentially a statically insignificant sample of people in Michigan, ½ of 1 percent are of the type, once again, being dragged out by the media each night to serve as the scapegoat for the country's economic woes.

Why are our politicians wasting the tax-payers' money and time on this emotionally-charged, wedge issue when Michigan has so many real problems to address? Should we read this, then, to be an implicit admission of failure on the part of our state government and its ability to address real issues facing real people in Michigan, like education, job creation, turning around negative population growth, and getting our state's economy back on track?

Just for argument sake, let's take a look at the probable effects this political ploy meant to distract the public from real issues that might happen if passed in Michigan. State, county and city police would now have free-reign to practice the same kind of brutality and exploitation practiced daily by federal agents on the U.S.-Mexican border. The likely targets will be the Arabic, Asian and Latino communities, even though, according to a study conducted by our research center in collaboration with the Center for Urban Studies, found that in Michigan, almost 80 percent of all Latinos are U.S. citizens. In Macomb County where the representative is from, nearly 90 percent are. Of course, this doesn't mean that the other 10 percent are even unauthorized. They could be GM engineers at the Tech Center with valid work visas while still maintaining the nationality of their country of origin. Contrary to popular myth and misinformation, in the same study, we found that for every job held by a Latino in the SEMCOG region, through their tax venue and local investment, another job was created for a non-Latino. In an independent study, the Julián Samora Research Institute at Michigan State found that the same trend was true for the state as a whole. So for each Latino sufficiently bullied and intimidated into moving to a more Latino-friendly state, like Illinois, one job will be lost for non-Latinos. Is that what Michigan needs right now, fewer jobs?

But it goes deeper than that because just like when Arizona refused to recognize the Martin Luther King, Jr. holiday, the state is once again the target of a national boycott supported by major cities, like Los Angeles, New York and San Francisco. Arizona has already lost millions of tourism dollars because of its anti-immigrant label, leading to additional layoffs in the tourism industry. Is this what the sponsors of this bill are hoping for in Michigan, boycotts of Michigan products, boycotts of Michigan tourism, more and more lost jobs?

But doesn't end there. With section 2.7 of HB 6256 subjecting law enforcement to a possible lawsuit for not enforcing federal immigration law aggressively enough, what will you do Warren police officers and Macomb County sheriffs, when threatened with lawsuits for not raiding the GM Tech Center where there's a responsible suspicion that at least a few of their foreign born employees may be late on renewing their visas? If you do raid the Tech Center and employees complain GM, with a national and global presence, will likely relocate those functions to more immigrant-friendly states or countries like Canada in order to protect its employees. More jobs lost for Michigan. If you don't raid the Tech Center, then you're hit with endless lawsuits, requiring you to shift scarce public funds to lawyers rather than police officers, leading eventually to more

layoffs of policemen and fewer public services. More jobs lost for Michigan. Fewer public services.

For those of you who are still naive enough to believe that racial profiling would not take place in Michigan with the enactment of this bill, I would like to conclude. I am going to conclude by demonstrating how racial profiling on the U.S.-Mexican border is a way of daily life back home. How do I know? My father is white. Like so many things a child doesn't understand about his or her parents until older, I never understood why my mother hated to drive. Whether consciously or simply the result of internalized racism, quite simply, my mother doesn't drive, because we were treated differently with my father behind the wheel. Whether it was going across the U.S.-Mexican border or the California-Arizona border, we were treated differently when my blued-eyed, rusty blonde-haired father smiled and spoke to law enforcement agents. It was the same at the border check-points on the north side of the border as well. That's not unlike what's going on here in Michigan, but you have to know that there are border check points within the U.S. boundaries, right? You can't go El Centro to San Diego or Phoenix without going through a border check point. We had to pass through multiple border check points to get to Disney Land each year.

During my last visit to see my parents back in California the last time, I told my wife to pack all of our passports including those of our two children. She asked if I planned to go cross the border into Mexico, and when I told her no, she asked why we had to bring our passports. Luckily for us she did it because, between the airport and my parents' house, we were stopped on the freeway by border patrol. My wife has a doctorate from an Ivy League institution. We are both college instructors and administrators. We were driving a brand new rental car which had no broken lights or mechanical issues. Our two children were buckled into car seats. I wasn't speeding, but driving while brown in that border region constitutes reasonable suspicion. Had we not had our American passports with us, we would have all been detained. My two year-old daughter, my four year-old son ripped crying and screaming from their mother's arms and placed into the custody of Child Protective Services. That's what they do when they hold you. The life-long pain and emotional scars inflicted by such a heart-wrenching experience is something I wouldn't wish on my worst enemy, much less on any neighbor that I profess to love. Is that the kind of border our state legislature envisions for Michigan? And what do I tell my children if this measure passes in Michigan? How do I explain to my son, who looks remarkably like my red-haired, blue-eyed father, that he doesn't have to carry his passport but his sister, who looks more like me, would. Every day they go to school.

Once again, our nation finds itself at a moral crossroads as it attempts to redefine itself for a global reality. As a people, will we embrace the Constitution of life, liberty and the pursuit of happiness, or the Constitution which defined people as 3/5 th's human? Will we stand with Abraham Lincoln or Benjamin Davis? Will we sit with Rosa Parks, or sit on our hands under the gaze of Jim Crow? Will we open up the school doors with Thurgood Marshall, or continue to blast the water canons of ignorance with George Wallace? After careful examination of all of the relevant evidence, I have no choice but to conclude that the Michigan legislature would be better served by staying out of fights over federal jurisdictions and focus every second of everyday on trying fixing the economic issues confronting the state, and the federal government needs to do its job. We

all agree on that, to take on the issue of comprehensive immigration reform as soon as possible in order to put a stop to the human rights abuses which already take place on a daily basis.

Hassan Jaber

Executive Director, ACCESS

Let me just say that my two colleagues have testimonies and have covered some of the issues that I wanted to raise with you, and I appreciate so much being here on the same panel here with two completely credible and compassionate members of the community. I'm speaking on behalf of the Arab American Community. The Arab American Community here in Detroit area is estimated at 450,000. That is one of the largest minorities in the Detroit area.

Let me give you a bit of a profile on the community. Kary mentioned the economic contribution immigrants provide for our state in the Arab American community yearly basis. Because of the efforts of Arab Americans the State of Michigan gains \$7 billion a year in economic activities. Arab Americans contribute to 172,000 jobs in the Detroit region, and this is really the same story with the Latino community and so on.

The immigration experience here in the Detroit area has been a positive experience, has been a needed experience, has been an experience that enriches the State of Michigan, and we need to make sure that we understand this fact and go on from there. Let me also tell you that 40 percent of Arab Americans speak Arabic at home. The Arab American community has been in the Detroit area since 1870. We've seen a large influx of immigrants coming in the last 25 years or so.

Reasonable suspicion cannot be interpreted by profiling. Profiling is illegal. Reasonable suspicion cannot be interpreted. I cannot have it (indiscernible) how limited English or how you look, your color. Ethnicity cannot play a role in making any arrest on reasonable suspicion. We need to make the facts clear on this one. As an Arab American community, we are extremely concerned about this law, about this legislation.

Let me also tell you that we are also concerned of the relationship between police and communities. Since September 11th, the tragedy of September 11th, Arab Americans have been subjected to profiling. Other communities have been subjected to profiling. The Sikh community in Massachusetts tried the secondary search at Logan Airport. 100 percent of the Sikh population of the were subjected to secondary searches at the airport. It's fact. We are not pardoned. We are not making things out of the blue. The fact is profiling is a disease that our society is struggling with, and this law, this legislation will only add-- will only add to this disease.

I am also concerned about the economic consequences of this. We already articulated wonderfully how students may be intimidated, for instance. Investors may be intimidated. Tourists may be intimidated. We think that this is a legislation that may have a devastating impact on a community that's already devastated economically. We really need to think about this. One more issue because we heard this morning you know, I keep on thinking what is this legislation -- what's the purpose? What is it that it's trying to do here? I heard this morning on this morning panel that we want to uphold the federal laws. Fine. Let the federal government authorities uphold the federal law. I mean it's a

simple answer. Let them deal with immigration reform. Let us say that we all agree we need immigration reform. We need a sensible, human, reasonable and civilized solutions to this. So if it's about upholding the federal law, let federal authority uphold it.

We also heard testimony this morning regarding the police association, and I'm not sure if he was speaking on his own behalf or on behalf of the association. Let's read what Arizona Association chief of police said. I'm quoting: "The provisions of the bill remain problematic and will negatively affect the ability of law enforcement agencies across the state to fulfill their many responsibilities in a timely manner. Why the Arizona Association of Chief of Police recognizes immigration as a significant issue in Arizona will remain strong in our belief that it's an issue most appropriately addressed by the federal law." Listen also what Chief Robert Davis, San Jose, California, president of the Major Cities Chief Associations: "Regarding Arizona legislation, the Major Cities Chiefs Association stands by its policy that immigration enforcement by local police would likely negatively affect and undermine the level of trust and cooperation between local police and immigrant communities." Let's also hear what Sergeant Brian Soller from Mesa, Arizona, President Mesa Lodge Fraternal Order of Police -- "If we are getting hammered with calls, is a misdemeanor more important than a stabbing or shooting? No. The problem with this law is that it's unfounded mandate and could eat up a lot of manpower and cost a lot of money."

It's bad legislation all around. It's bad legislation. Let's really drop this, and let's focus on the other problems we are facing in our society. Thank you.

Discussion

MEMBER BUDNICK: Kary, you had mentioned that it's -- I don't know a lot about this area where if somebody gets detained, where there's a suspicion or question that they may not be in this country legally, you had said that that's really an in depth process. What exactly is that?

MS. MOSS: It is so complicated that I can't tell you. It is -- immigration law is incredibly complex. As I said earlier, there are hundreds of categories, immigration categories one could fall into. Federal officials are extensively trained in determining whether or not somebody is going to satisfy the conditions under any one of those categories, and there's a 800 line? I'm not quite sure where that came from, that law enforcement officers can simply call to find out whether somebody is here illegally. That's a fantasy.

MEMBER BUDNICK: Thank you.

CHAIRPERSON ALMEDA: Mr. Hamad.

MEMBER HAMAD: Yes. We all know that as the greatest nation of Arabs we cherish our constitution as a very literal document. My question, as related the constitution aspect of having the state take over federal law, what kind of comfort does that create? Another thought. We all pride ourselves of being in Michigan, like the State of Michigan

being a multi-cultural state and follow this great American mosaic of color, race and fame. There is a perception that this legislation may reject on the state moral of a police state. So what do you think that why people may think this way or see it this way that our state is being transforming to a police state?

MS. MOSS: With respect to your first question about the legal issues, the ACLU filed a challenge to the law assigned by the governor of Arizona just within a couple of days after. After that she signed it. Copies of the brief that were filed can be found on our website. The legal arguments are pretty technical. They focus on how the law essentially violate the federal constitution's supremacy clause and preempts federal regulation of an area that is intended primarily to be the province of the federal government. At this point there has not yet been a hearing on the litigation, but I think we're pretty confident in our arguments.

Your second question, I think, went to why we think that this is kind of leading us toward a police state. Well, I think for all the arguments my colleagues made about the extent to which the idea of reasonable suspicion becomes an excuse for police, who are often poorly trained, under-paid, overtaxed to actually abuse that discretion is a problem that we think is likely to be significant, and let me highlight. One of our biggest problems with this bill is that it essentially takes away police discretion to makes these calls by hanging you over police departments the threat that they could be sued by somebody for not enforcing it enough. I think you might have suggested police might be called upon to raid a GM facility because there are suspected illegal immigrants, and that is going to be the logical step if police are constantly operating under the fear that they are going to be sued for not picking up or stopping and acquiring of people who look foreign.

CHAIRPERSON ALMEDA: Thank you. Next question, Ms. Kommareddi.

MEMBER KOMMAREDDI: Going back to this question of the law enforcement official requesting the immigration status of any individual who doesn't have his papers on him, and you said it's a very challenging task to find out their status, and there is no database out there that is accurate or reliable, and we take -- so this person could be indefinitely detained while that's been searched. So it could be days, it could be months?

MS. MOSS: Yes. In fact, I think when I began my remarks I was pointing out the two things that really weren't addressed by the previous panelists were really what is the trigger for law enforcement inquiries at the outset, and what happens to people if they can't produce a driver's license or a passport? There's nothing said about will the police take them back to jail? Will they take them straight to immigration? How long will they hold them? Will they allow them to call an attorney? If they have children with them in the car, what happens to those children? None of that is spelled out, and it's a recipe for disaster.

MR. JABER: Not to mention that frankly, detention centers are overpopulated.

CHAIRPERSON ALMEDA: Questions.

MS. HERRON-TAYLOR: I think that it isn't clear to me. From the other panel they assured us that the United States government is not doing their job at this time relative to immigration law; therefore, a Michigan something needed to be done. I asked about legislative history, and got a little bit of information. I wish the legislator was still here, but the suspicion is that in terms of a minority of legal immigrants in the United States, that laws are not being enforced relative to them. So we've been told that this bill is going to help enforce that. Now you said why don't we just wait until the United States does that, the federal government does that, and then forget about this? Yet the legislative history would show us that there's been discussions about the heavy impact of illegal immigrants on the economic status of the United States. For example, the employment rose, the health care system, the social security system, whereas a lot of illegal immigrants are not paying into the social security system. That's part of the discussion from the legislature. I'm not making an opinion. I'm giving you some objective information. So what they're saying is that the United States government hasn't done what it's supposed to do. So, therefore, the State of Michigan has to do something. So what is your position on that? I know that you've been talking about reasonable suspicion, racial profiling, but the fact is that illegal immigrants apparently are impacting our system, our economic system in the United States. So, if that's true, then what is your objection?

MR. BRAMMER: Actually I am glad that you bring this up because they're a number of myths, again, and misinformation that are circulating, and if my contribution is anything it's demystifying from a cultural standpoint. Immigrants pay taxes. You can't live in this country and function without buying food, without paying rent. Many are only able to get on the payrolls of where they work because they use social security numbers, sometimes not legally, but they're using those social security numbers. So they're paying into the social security network. They're paying into taxes, right? They're paying into all of the sort of federal tax collection, state and municipal tax collection systems and never receiving the benefit back. So it's actually quite the opposite of what's being said.

The other thing is Latinos as a population, and I'm only speaking about Latinos here, are disproportionately young. So as the aging Anglo American population ages out of the workforce and depends more and more on the social network of social security, they actually depend entirely on Latino young workers. You want them to be as educated as possible so that they can generate as much as economic prosperity for the aging Baby Boomers as possible, and I've one got one statistic here. This is a myth. Immigrants are a drain on the U.S. economy. During the 1990's half of all new workers were foreign work, filling gaps left by native born workers in both high and low-skilled ends of the spectrum. Immigrants fill jobs in key sectors, start their own businesses - we haven't even talked about the entrepreneurship -- and contribute to a thriving economy. The net benefit of immigration to the United States is nearly \$10 Billion annually, and this is coming from Alan Greenspan himself, who points out 70 percent of immigrants arrive in prime working age. So this is a population that we actually depend on for these federal systems of –

MS. HERRON-TAYLOR: Then why not just become legal?

MR. BRAMMER: Well, that's a great question, and this is a problem because those who would claim that their parents and forefathers came here legally, the legal system around immigration is constantly changing. So there's a good question. If the same legal system and laws were in place, maybe as short as six or seven decades ago, would they have actually been legal? Would they have gone through the 10 or 20 years that it takes to get all this paperwork done? There are plenty of people that want to file legal documentation. You don't want to be illegal in this county. It's awful to have to live in the shadows. So they wouldn't they apply for legal status? The problem is that without this comprehensive immigration reform, it's just too difficult to thread the needle.

CHAIRPERSON ALMEDA: We just have a few minutes for one more question.

MR. JABER: Let me just follow up on this one second, commissioner. We all, I believe, agree that we need immigration reform. We need balance, sensible, legal immigration reform. There are questions that need to be answered. The backlog of naturalization needs to be fixed. All of these issues need to be addressed. We agree with you that there needs to be immigration reform. There needs to be federal reform. It's a federal issue, and we all need to push in the same direction about this one. Let me just read you this because it's really alarming. It is estimated that if all authorized immigrants were removed from Arizona, the state would lose \$26.4 million in economic activities, \$11.7 billion in gross state products and approximately 140,000 jobs. We do need reform, and we need make it a sensible, makes sense reform.

CHAIRPERSON ALMEDA: Thank you.

Open Session

MS. TAMARA MURRAY:

Hi. I'm coming from the standpoint of an American citizen, and I know where to start. You say that it's too hard to enforce this law, therefore not to do it. That doesn't sound like an American idea to me. I'm a construction worker. I fought my way to be a construction worker for 15 years where men would scream at me. I overcome that all of a sudden to lose work to illegal aliens that got paid cash on a government job. I started my own business six years ago. I lost a federal job that year to proven legal aliens that were paid cash, and they had stimulus money.

I also want to say that 2/3rds of all illegals that come here are below the poverty level, and they remain there because they're uneducated. They bring a lot of diseases here when their illegal. I'm not talking about legal immigration. A million people come here legally every year. If a million people can do it, why can't the others? It means it's not too hard. People have given their lives to protect this country, and people are able to just walk across the border and not pay anything to go through the process.

You know, this country was built on our constitution, and we need to enforce our constitution. You say that's a demurral issue? I do not agree with that. It's the other way around because by us taking all the illegals coming here, we are allowing Mexico and other third-world countries to keep their people on poor wages and giving them poor

living conditions, and then they pocket all that extra money that they receive for dirty deals and talking the money from their people. If we are really compassionate we would say to those countries take care of your own people. You must pay them a better wage. You must give them better conditions. You talk about women not being able to report abuse. If they were through the process, and they were here legally (like a million people do) they wouldn't be afraid of that. They would have come here the correct way.

Until the 1940's immigration was a state issue. In 1940 the law changed and then it became a federal issue. The federal government has no reason to enforce it because they make a lot of money. They get a lot of donations from corporations who abuse illegal workers. It's really, if you think about it, it's like slaves. People here treat illegals like slaves. They pay them \$4 an hour, and we're allowing that to happen. The corporations make that extra money, and then they give donations to the politicians, and then the politicians don't want to stop that flow of money.

Also with the illegals we have gangs such as MS13. They're composed of more than 50 percent illegals. They're worse than the Mafia ever was. They commit heinous crimes, and our own government is not protecting our own citizens against people that will come here, crop our heads off, beat us, rob us. Our own government should be protecting our citizens first. When President Roosevelt came with this immigration legislation or mandate he said that if illegals wanted to come here, immigrants, they have to assimilate to our country. That means they would have to learn the language, pledge allegiance to our flag, become an American citizen. People say well, that county flogged Mexico. Well, that county was won in a war, that area of land they're referring to. Whenever a war is won, that's the way it is.

MS. MARY TURNER:

Good afternoon. Thank you, sir. My name is Mary Turner from State Representative of Southwest Detroit Rashida Tlaib's office.

[Reading a prepared statement by Representative Tlaib] "First of all, I want to thank all of you and the Commission for holding a hearing to discuss this extremely serious proposal that will negatively impact Michigan. I recently introduced a resolution in the Michigan House of Representatives that urges our state to boycott Arizona by refraining from doing business there. Just because a proposal that allowed the targeting of people because of their race, religion, nationality, clothing and economic class completely went against our core American values of justice and fairness. The fact is that everyone agrees and can see that our immigration system is completely broken and deteriorated to the point that it is tearing our families apart, and the business community is left to violate the law.

The person reading my statement is a Latina that has given to our state and country for over 30+ years as a social worker helping our seniors and families that need it most. By allowing an Arizona-like proposal in Michigan we would be saying it is okay to target her. Look at her. She is an American who deserves better from our state leaders.

I am a proud child of immigrants who can't bear the thought of my mother being pulled aside to be asked of her status. Just the mere profiling will take her back to living in solitude and living in fear that she is wanted here. I am proud of immigrants who can't, again, bear the thought of my mother being pulled aside. I am committed to stop this misguided Arizona-like legislation.

The House of Representatives needs to focus on fixing our roads and schools, not playing politics games with immigration. Our state is facing a 1.8 budget deficit were more nursing homes and school would be closed, not including more police and fire layoffs. That is why I have introduced a resolution opposing an Arizona-like policy. I will urge my colleagues to stop the madness, roll up their sleeves and address the core problems in our state, failing schools, budget deficits and public safety.

The state of Arizona has lost over \$100 Million in investment and more to come. They have opened themselves to lawsuit in the cost of implementing this law has already outweighed any benefit they thought it would have. Michigan cannot afford a proposal like this. We are already broke, and asking our police, cities, counties to find funds to regulate federal immigration law will only take away from resources that help keep our neighborhoods safe from criminals. Our unemployment rate is getting better, and this type of policy would turn away international investors and it will help create jobs, jobs, and more jobs.

Arizona-like law in Michigan is an irresponsible, dangerous and frankly crazy. It essentially gives the green light to racial profiling and stereotyping. It does nothing to fix the serious problem with our broken immigration system. Our country was built by immigrants, and they continue to strengthen our economy, our state and our nation. They do not deserve this treatment and lack of respect. We need to restore and maintain our core American values of respect. Michigan needs to go on the record opposing this law and state that such an extreme law has no business in our state.

I thank the Commission once more for taking on this crucial issue, and I hope today's hearing helps to educate those unaware of the consequences, and I thank you."

MR. MIKE GOULD:

I want to thank you for the opportunity to allow me to share some thoughts, and I would like to preface it with the fact that as a group, we're definitely divided so that whatever one person says, the other side, more than likely, the other side is not in agreement, but I would like to keep it simple.

Where we are today is essentially is a confluence of events over the last 25 years and total inaction on the part of the federal government. What we have today is not as much as the issue of illegal immigration, but illegal immigration against the backdrop of the greatest economic decline our country has seen since the Great Depression, and that fact that we are literally going over the cliff in terms of financial collapse.

One of the things that was raised this afternoon was the fact that why should we be concerned here in Michigan; we don't have any that many people here that are undocumented. I'm from California. I moved here five years ago, and having lived in a border state, what's gone on in California and Arizona and Texas may not be to the same level, but will have the same problems. Right now what we're finding, if I look at California as an example, is that California has about three to four million illegals. It was costing the state, when I left in 2004, \$10 Billion a year. We had 82 hospitals that went bankrupt because they were required to provide free health care. The school system, which is the second largest in the state, 50 percent of Hispanic students do not graduate. 70 percent of them do not speak English. The problem we have in Michigan is that we are (indiscernible) for unemployment. So the fact that we may only have 300,000 people

here currently we can count that are illegal, those are jobs that could be taken by Michigan residents.

When I was a boy in California we found that the bulk of the people that worked in the fields, and very candidly they did jobs that people didn't want to do. It's backbreaking work, and it's hard work. They deserved every penny they made. That said, today in California, as well as in Michigan and all around the country, people who come here may not have a high school education, but they are excellent bricklayers, carpenters, construction people, and those are high paid jobs that don't require a college education, and these are people who were working in these jobs and have been replaced by people who are making anyway from one-third to one-half less money because at the end of the day, a lot of the employers are looking for cheap labor.

Where we are today is unless we take a handle on what's going on, and whether you agree with the Michigan bill and the proposed bill in Michigan and the bill in Arizona, the fact is the federal government is going to do nothing. There is no imperative. We've got the Catholic Church, the American Chamber of Commerce, the Republican and Democratic parties, the unions all have a vested interest in keeping this as the status quo. People coming here legally are dying in the desert. They're coming over here and being taken advantage of by employers, and at the end of the day, and I hate to use it because it's a really old, beat up saying, what part of illegal don't we get?

My grandparents came here from Europe in the early 1900s. They came through Ellis Island. They came through properly. They're people that have waited years just to be able to say I'm an American, and I took the pledge of allegiance. You cannot justify people coming here undocumented. The gentleman who spoke for the longest amount of time casually mentioned the fact that they were working with a stolen ID. The last time I heard, ID theft is a federal felony. In the last 15 years my wife and I have been tagged twice with ID theft. Last time when I moved here all of a sudden I found out someone had used by wife's social security number, and we were being sued by AT&T.

This is all anecdotal but the reality is unless we, as a group, come together and recognize that you cannot have people coming across the border, and as much as there are people from other countries, it's predominately the southern border, and we need to secure the border. We need to get a handle on who's coming into this country, and then if we want to come back afterward, what do we do with the 12 to 20 million a year? That I would agree with.

Right now last point and then I will get time because I know time is short, nobody talks about chain migration. The Heritage Foundation did a study in 2006 and 2007 commissioned by one of the houses when George Bush was trying to push Tom Branson's reform, and they found that if you look at the first tier -- you know, you take the people and you legalize them, their first tier family, either a spouse and their children, and a few years later the second tier, which is every other family member, we would add between 60 and 70 million new immigrants in this country on our healthcare system, which is right now underfunded and all the rest of our social services. I hope you'll consider that when you consider this bill. Thank you for your comments.

REPRESENTATIVE ELLEN LIPTON:

Good afternoon, members of the Committee. My name is Ellen Lipton, and I'm the State Representative for District 27, representing a number of cities in southeastern

Oakland County, a very, very diverse – ethnically racially diverse portion of our state in Oakland County. I sit on the Judiciary Committee in the Michigan House of Representatives where this proposal has been referred. There are extremely serious law-enforcement issues, constitutional issues with this proposal which has led me to oppose it.

First, the bill allows individual citizens to have a cause of action to sue police departments and municipalities if they don't believe that this law is being stringently enforced. This, of course, is going to open up police departments and municipalities to unnecessary lawsuits. Of course, it's going to divert resources to defend those lawsuits, to defend those unnecessary lawsuits diverting taxpayer dollars, taking them out of the departments, and this is at a time when we're looking at probably about a \$1.7 billion state budget deficit, and we're going to have to make some serious decisions on cuts to our essential services. We really shouldn't allow special interest anti-immigration rhetoric and zeal to waste precious law enforcement dollars pursuing their own political agenda. Really, it's a no-win situation for police. If they don't over-zealously enforce the law, they risk being sued by anti-immigration activists, and this is going to, I believe, lead to greater racial profiling and lawsuits from victims of discrimination. Our police are going to spend more time in court and less time on the streets keeping the citizens of our community safe. The serious law enforcement issues that I discussed.

The bill also has constitutional issues. Immigration law, of course, is in the purview of federal responsibility in the states that begin passing their own patchwork quilt immigration laws. They're not going to make sense for our country as a whole, and as a result, the U.S. Constitution supremacy clause clearly does apply to immigration. The bill, in my opinion, also violates our Federal constitution equal protection clause. These are issues that are going to be chewed out and discussed -- worked out in federal courts. On a personal note, the most serious aspect of this really is the economic consequences of such a bill. We've got a situation where a lot of companies are looking to bring in workers, and they're probably not going to want to come to Michigan with such a policy in place. Thank you.

MS. DIANE CHRZANOWSKI:

Once upon a time immigrants came here from around the world seeking a better life. They assimilated into American culture, learned our language and became American citizens. Now the immigrants come here, and they want to hyphenate. They're African-American. They're Asian-American. They're whatever -- demanding their rights and services, refusing to assimilate and becoming militant in their demands. So this is not about race. This is about the law, the law of the United States of America as written, and it just becomes very frustrating when people want to call those of us that believe in the law racists.

There were several things said about people that were injured down on the border, but what about the people in the United States that have been injured by illegal immigrants? There was a farmer in Arizona recently that was murdered by illegal immigrants. There was a police officer in Clarkston that was hit and killed by an illegal immigrant that ran and was apprehended by concerned citizens. There is a California father and his two sons that were killed by an illegal immigrant. So there are sad stories

all the way around the whole spectrum, and to pick out one or two it does disservice to the rest of them that have been injured.

That is a lot of rhetoric as well. We need to consider that the law is the law. Start enforcing the law as written, and then Michigan doesn't have to pass this law. I agree with Michigan Law. We need to do something. We need to have jobs for our own people and our own citizens. We need to stop this. Thank you.

MR. HAROLD CORE:

I'm Harold Core. I'm speaking on behalf of the Michigan Department of Civil Rights. We do have a statement that we will be releasing. I am going to read parts of it because I know we don't have much time. "While our commission has not yet taken a position on this issue, we would like to share some general observations. Michigan job enforcement agencies are facing budget cuts that already require that we creatively stretch limited resources to protect public safety. Now is not the time to ask local agencies to take on the additional federal responsibility of immigration enforcement.

As the Civil Rights Department we are very concerned of laws like the one being discussed here today about to open invitation for racial profiling. The decision to turn a routine law enforcement encounter into an immigration investigation is one that will be based solely on perception. But what exactly does an immigrant look like? Sound like? Each of you, take a quick second to close your eyes and picture an immigrant. What characteristics do you think about when you picture an immigrant? What is their skin color? What language do they speak? Who would you suggest that police ask to "show me your papers"? Then let me ask you this: Are you picturing a Canadian? There are more than 150,000 European-born white Americans who are immigrants in Michigan. Yet it is Latino, Asian Pacific and Middle Eastern persons who will undoubtedly be the ones whose status is challenged.

In addition, Michigan will take another costly hit to our reputation, and to our pocketbook. Arizona has already lost more than \$90 million in tourism dollars since their legislation passed. There is no reason to believe that Michigan will be different. The jobs Michigan lost over the last decade were lost to other places, not because of immigrants. Increasing pressure on those who look like immigrants will not bring those jobs back.

The future of our state depends on finding ways to work together for the common good. Targeting perceived foreigners will deeply strain law enforcement efforts to work with many of Michigan's residents, as well as our visitors. Legislative efforts like the one discussed today will hurt businesses and the state as a whole. At a time when we need to be working in unison, it will divide us. Divided we will fail. Thank you.

PROFESSOR RACHEL SETTLAGE: Good morning. Thank you for coming today. I'm a professor here at Wayne State Law School. I direct the Asylum and Immigration Law Clinic. I also have a have a distinction that my home town is Tucson, Arizona, and I have also lived and worked in Virginia. We've heard a lot about that cost to Arizona of SB-1070 before it's even been implemented, and there are just a couple of things I want to add to what we've heard about Arizona.

It is important to note that a number of lawsuits have been filed in Arizona including by individual police officers in both Tucson and Phoenix who have said that already the legislation has impacted their abilities to do their jobs because communities

are no longer talking to them or reporting crimes or working with them in police investigations. Tucson and Flagstaff City Council has also voted to file suit against the legislation over enforcement costs -- over costs to the city in loss of tourism dollars and over costs of defending lawsuits in the future.

But what I would also like to talk about is a case in which similar legislation was passed and had a devastating impact on the county, and that was Prince William County in Virginia. In 2007 the Board of Supervisors passed a resolution mandating that police officers acquire into the immigration status of persons stopped in lawful actions if there was probable cause they had no status. The impact was that droves of the population in Prince William County left the county, immigrants, non-immigrants, documented immigrants, non-documented immigrants-how do you immigrants known as documented in immigrants and undocumented immigrants. It had a devastating impact on local businesses, on local jobs. There was a huge loss of revenue, taxes, and home foreclosures skyrocketed to the point that is Prince William County had the highest number of home foreclosures in the nation. The most vocal opponent of the legislation at that time was the chief of police. He said one, that it was discouraging reporting crimes. It was diverting scarce resources from investigating other crimes, and it made the department vulnerable to racial profiling and, indeed, he argued that it was impossible to implement that legislation without engaging in racial profiling. The upshot of that was less than nine months after this legislation was implemented, the vast majority of it was repealed by the Board of Supervisors. Prince William County is much more similar demographically to Michigan than Arizona, and that's why I think it's an important example to see what might actually happen if this legislation goes into effect in Michigan. Thank you.

MR. REGINALD PACIS:

My name is Reggie Pacis. I'm a shareholder with the Law Firm of Butzel Long. I've also been the past chairperson for the Michigan Chapter of the Immigration Lawyers Association for which I served on in 2003 to 2005. I am also a member of the Board of Directors for the International Institute of Detroit, and I'm the incoming Chair for the U.S. Customs and Border Protection Liaison Committee for the American Immigration Lawyers Association. Needless to say, I am immigrant lawyer. I'm here today on behalf of not those organizations, but myself, and wanted to get to the mechanics of the bill.

A couple of things. I mean we can go over the reasonable decision of the argument all we want, but a couple of things I want to make mention. Canadians, when they come into the United States lawfully, they are not given immigration documents. So if one of them were pulled over for speeding, they could be detained. The U.S. Customs and Border Protection is also considering a rule to have a paperless I-94 card.

Not a lot of talk, but just to give a little basic lesson about immigration, when you apply for a visa, that is like your visa. When you buy something, and when you ask for proof that you own, say this pen, it would show the receipt. You would show the visa card. Well, a number countries, Japan, Germany, Europe, a lot of countries we do a lot of business with, and a lot of countries whose companies actually reside here in the State of Michigan come from countries where people come back in and out all the time in the United States -- Germans, Japanese, French, just to name a few, and the U.S. Customs and Border Protection is actually considering the requirement of having a document because they already have it in their system of demonstrating their lawful status. So if one

of them were pulled over for speeding, they would not have anything other than their French or German passport to prove what their immigration status was.

A lot of talk with mentioned about driver's licenses. Driver's licenses are not evidence of immigration status. If you don't believe me, go to the border. Try to get in using your driver's license. It's not going to happen. For U.S. Citizens you would have to have a passport card or a U.S. passport on yourself. A birth certificate would not work. In fact, there are those who believe that Barack Obama still is not a United States citizen even though he has produced a birth certificate.

The other thing for those that are foreign nationals inside the United States legally, they are not allowed to have a driver's licenses unless they have proof of lawful status and the ability to travel. It's demonstrated on the secretary of State's website that she required a valid, unexpired visa. A visa is only needed for traveling in the United States. Once you're in, you're all set. So those are some of the concerns that I have with respect to the mechanics of the bill.

I mean we can go on and on about the economic impact of the Tobocman Global Detroit Report that was already cited. A lot of the statements were also sited by all the negative impact of Arizona. I would like to add it would not help the law enforcement, but actually hurt it. Bo Cooper, who is the former INS general counsel and Doris Meizer, who is the former INS commissioner has stated that this would actually deter law enforcement and the immigration service from pursuing what their priorities are, which are protecting against terrorists and national security, all right.

On the third matter, on a personal note, with respect to law stops we have to consider what that actually means. I was actually stopped for police investigation because there was a burglary in my neighborhood. That's a lawful stop. Technically the officer could have asked for my immigration status. They didn't. I was playing with my son outside. He didn't have his immigration status either. He's five years old. So there have been -- I will just close with this statement. There was a discussion about how in other countries we require -- U.S. citizens are required to carry their documents around, and I really have a problem with U.S. citizens being required to carry documents in their own county. We're the United States. We're better than that. Thank you.

MR. ROLAND HUANG:

Thank you. As former Chair of the State Advisory Committee, I just want to congratulate this group for taking on this tough issue. I want to speak on behalf of the American Citizens for Justice, but as a born in Detroit medical center individual who would have to worry about the definition of reasonable suspicion of being lawfully present. I mean I've always been able to drive. I've been stopped before and then to, perhaps, be subject to showing papers and being asked about immigration status, that is something that would affect me as a Detroit born and Detroit bred individual, and I think that those just articulate some of the issues with this bill. Thank you.

MR. RAY LOZANO:

Good morning. Good afternoon. My name is Raymond Lozano. I'm the Executive Director of the Michigan Hispanic Chamber of Commerce. We are a diverse, 300 member statewide Chamber of Commerce based in Southwest Detroit whose mission is to bring business opportunities to Michigan. I thank the Commission for the opportunity

to comment today. I'm here to urge the U.S. Congress and U.S. Senate to undertake immediate comprehensive immigration reform. I am also asking that Governor Granholm and the Michigan State Legislature seriously consider this issue and not follow the misguided and unconstitutional actions recently taken by the State of Arizona. Following the lead of Arizona with only further divide our country, and in the end only hurt our state's tourism and hourly workers.

I'd like to speak to the economic impact, and as an example American Immigration Lawyers Association recently announced that it will relocate its fall conference in Arizona to another state. The National Minority Supplier Development Council has moved their conference to Miami. The Alpha Phi Alpha fraternity, the oldest integrated and historically black Greek lettered organization in the world, announced that it's moving its 104th anniversary convention from Phoenix. Each of these conferences relocated would have brought tens of thousands of persons and hundreds of thousands of dollars to Arizona. In addition the University of Arizona announced that a number of out-of-state honor students advised the university's admissions departments they are changing their plans and will be attending universities in other states.

In 1992 when Arizona refused to recognize Martin Luther King Jr. Day it cost the state over 120 cancellations in conventions, meetings, the loss of the Super Bowl at an estimated loss of one-third of a billion dollars. Arizona is racing for another round of economic dislocation. The official numbers are running far ahead of the Martin Luther King boycott at this time. The Arizona Hotel Lodging Association has even set up its own Facebook page asking that people not boycott Arizona. Their tagline: Don't punish 200,000 tourism employees because of politics.

Everyone knows that the immigration system is broken. We also want safe borders and security for our country. A policy of only trying to enforce immigration without any meaningful immigration reform serves only to intimidate immigrants and does nothing to curb illegal immigration. Being angry about illegal immigration does not constitute effective policy. This only creates an atmosphere where individual states decide to take things into their own hands to try to do the federal government's job. Immigration fought out state by state only serves to poison the atmosphere. With the exception of Native Americans, we are all immigrants, and everyone recognizes that the U.S. is built on the shoulders of immigrant roots whose labor fueled America's growth. This is an issue that can only be rationally and humanely in Washington, and all of us should be ready to support their efforts. Comprehensive immigration reform now is the federal government's unavoidable responsibility. Thank you.

MR. MARKGAFFNEY:

Thank you. My name is Mark Gaffney, G-a-f-f-n-e-y. I'm the president of the Michigan AFLCIO, and we are in partnership with a number of groups that have positions on immigration and immigration laws. We stand opposed to the action taken in Arizona and to the legislation introduced here in Michigan and to the ideas that those pieces of legislation representation.

We are opposed to it on a number of reasons, but I will keep my remarks just focused on economic development and jobs. You've heard a lot of other viewpoints as well. In Arizona where they passed a similar bill a month ago is now, as the previous speaker said, the target of boycotts. The City of Phoenix estimates that they've lost over

\$100 Million Dollars in convention business alone. Imagine how many jobs and how much money Michigan would lose that if there was a boycott of the auto show. One job lost is four cheap political points is one job too many.

In Arizona many documented and legal immigrants are leaving the state due to the climate of fear and harassment. In Michigan if this bill had it's intended affect, our agriculture industry would collapse. There may be no one to pick the applies, cherries, asparagus and blueberries, and agriculture is Michigan's third or second (depending on how you measure it) largest industry.

Further, this bill could kill the prospect of many future jobs. It would send the wrong signal out to the rest of the world. It would say that Michigan does not want your business if you don't look like certain people. We are hostile to people that look like you don't locate here. The governor has worked very hard to attract many new international companies to Michigan, as well as many high tech industries whose employees or investors are, in fact, foreign born. A-123 makes batteries for high bred card and is building their plant here in Michigan. Their owner, founder and CEO are from Indiana, Taiwan and Venezuela. Google is locating in Ann Arbor and building, Many of their programmers and engineers are from other countries. Even many of Chrysler's new employees and executives have moved in from Italy. The University of Michigan, Wayne state and MSU earns hundreds of millions of dollars educating international students, Many stay and develop businesses.

We have, of course, the largest Arab American community outside of the Middle East here in Southeast Michigan. Do we intend to discriminate against those people who have been here for all this time -- Hamtramck, Detroit, Dearborn residents? What about the businesses they run? Are they going to be encouraged to no longer stay in America, and what would be the economic impact of that? Would you -- let me ask a general question. Would you invest in a state that had made it clear that you're not welcomed and that that state does not want your jobs? No, you would go someplace else that did not have a short- sighted immigration policy. So for this reason the AFLCIO opposes bringing an Arizona-style immigration bill to Michigan and the impact that it would bring. Thank you very much.

MS. SUSAN REED:

Good morning. My name is Susan Reed. I'm an immigration law attorney with the Michigan Poverty Law Program, I lead the Michigan Immigration Rights Center. The comment that I wanted to make -- many of my thoughts have already been shared by other folks, but one comment I want to make for the sake of verification is that all the media coverage of this bill, of the Arizona bill and in some of the comments today, I had heard what I think is an incorrect perception, and that's that currently there are places in this state, or in other parts of the country, where there is no collaboration between immigration and customs enforcement and local law enforcement.

Representative Meltzer commented on her concern about sanctuary cities. Michigan has no cities that deserve that label. We have no cities and no municipalities that formally prohibit all collaboration with ICE. Detroit and Ann Arbor do have local policies. They are slightly different in their but that discourage inquiry into immigration status except once a person has been arrested for a crime. Every county in Michigan,

every evening in the county jail does forward a list of all names to ICE, and ICE responds with a list of anyone they'd like to place in an immigration hold on.

Now some folks have talked about the experience that immigrant communities have had with those holds, with the difficulty of verifying immigration status, with the days, weeks, months, years it can take to verify or fight out status in court. That's the experience, I think, of many people in this room, and I can tell you it's my experience, having practiced immigration law, including removal law for several years, but I do want to make it clear that this is not a state where the law never collaborate with ICE. This is not a state where that never happens. This is not a state where police are not currently authorized to ask questions about immigration status, but this is a state where those decisions are currently left in the discretion of the officer and the discretion of the police. I was genuinely surprised to hear Representative Meltzer talk about the importance of that discretion this morning because this bill is intended primarily to remove that discretion from that officer, from that local police department, and impose the discretion free statute, statutory requirement that the immigration law be enforced to the furthest extent possible. Thank you for your time this morning.

MR. BOB O'BRIEN:

Thank you. My name is Bob O'Brien. I am vice-president for Development of Public Affairs for Southwest Solutions, a charitable organization working in the neighborhood of Southwest Detroit which, as you've heard, is ground zero for immigration issues, and current enforcement policy. I am here today because the Southwest Solutions Board of Directors voted unanimously to support comprehensive immigration reform as promoted by reform immigration for America. And because we are very concerned about the impact on the mental health and the well-being and the strength and fiber of Southwest Detroit should copycat legislation be enacted. Our mission is to work with individuals that have mental health issues and families that are having trouble with education with their children and to get people into affordable housing. That's our mission.

What we are finding is that the existing enforcement of a very complicated immigration law in our community, which is a border community, and thereby a real target for enforcement is preventing people from working, from being together with families, and from really living in comfort and security in the country. Just one illustration.

I hear stories every day almost about raids in the community. Yesterday are a young man who came into our clinic. He is 17. He dropped out of school when his father was deported. He is the taking care of his mother and his three siblings. Two jobs, looking for another job. If he can get the family through this next period of time he will probably join the Armed Forces to defend our country. This man is a citizen, and he's just one example of the thousands of people that are affected by fear of an immigration policy that's just focused on enforcement.

So I really hope that our state does not follow this path, and I appreciate the opportunity for this dialogue.

MR. NOEL SALAH:

Thank you members of the Committee. I also was a former member of this Committee. I appreciate the efforts and the work that you do. I also appreciate the time limitations that we're working under. I don't want to go into redundancies, but I do want to reaffirm a couple of items.

First, as a previous commentator said, I'm an American. We are all Americans here, and that's the issue that is before us in this piece of legislature. Despite its alleged intent and ferreting out "undocumented aliens," its true intent is to continue or to reinvest in a legacy of racism that we were ideally on our way of removing. No matter what anybody says who supports this legislation its only result will be actually dictating or directing law enforcement to profiling because the only way to enforce this law is to profile racially, and I want to note that despite all the impassioned speeches that we heard, none of it was hyperbole.

When Dr. Brammer talked about having his children watch while his parents are led away by a gun, there was some snickering, like somebody doesn't believe that. I've been practicing immigration over 30 years. I have individual stories of U.S. citizens, who because of the database of the USCIS being inaccurate, watched as their father was dragged away in handcuffs, as their mother was dragged away, and there were two infant children who were in the backseat of their car. This process took place. The father spent two hours before it was finally realized that this information was incorrect. He was, in fact, a U.S. citizen. The mother was finally, after 45 minutes, united with her children. So this is not hyperbole. This is not shock stories. These are true stories that did happen. I'm glad that it didn't happen to Dr. Brammer and his children, but we don't want this to happen to anyone else's children.

We need to look at what is motivating this type of legislation. Mr. Brammer talked about we're facing a huge economic crisis, and I agree with him. We are. This is an economic downturn, but unfortunately our history is replete with repressive and reactionary legislation arising every time this country goes into a crisis. We are also trying to find someone to blame, and it's always the victim that is getting blamed. We do not need this legislation to continue our path of blaming the victims. We need to address the economic issues that face our country. We need to address the immigration issues that face our country, and we need to do it without jeopardizing the hopes and dreams of our American institution of equality. And I say "our hopes and dreams" because it's always been our goal. We know we don't have it all the way 100 percent, but we can only hope that we are heading in that direction, and this legislation is a revert back. So I thank you.

Mr. IVAN GOMEZ:

Good afternoon. Firstly, I would like to say thank you to the Committee for giving me the opportunity today to say something basically regarding the proposed bill. My name is Ivan Gomez, and I represent the Michigan Organizing Project of Kalamazoo and Grand Rapids, and today I speak here as an immigrant to the United States.

I migrated to the United States of America ten years ago because I am a third class citizen in my home country. I cannot go to college because of my race and my religion. I cannot get the scholarship also because my race and religion. I'm going through the hurdles of getting an education and starting my own business and later found that I could not get licenses to even do business with the government in my country all

because of my religion and my race. I have two different majors. I speak five languages. I'm multi-talented, and I did not steal any American job to date.

Instead, since the day I came to the United States, I have devoted myself to be a volunteer at various organizations, to continue towards building a better America. I love America, and I believe this is the land of the free and home of the brave. I have never committed a crime, and I have never had a traffic ticket in my lifetime, but now I will be stopped by law enforcement because of how I look like. This proposed bill is the worst of its kind, and it promotes racial profiling, discrimination and hatred. Have we not seen what such bill has done to Arizona in such a short time socially and economically? Can Michigan afford to be in a worse condition than where we are at due to (indiscernible) and losses?

The proposed bill is similar to the racist law of my home country, Even ask a legal immigrant to this county. This will have an adverse effect on people like me. So where do I go from here because I race, my religion, and now because of how I look like?

Ladies and gentlemen, let me respectfully ask you this: If you are an American citizen and an African-American and the police stop you and ask do you have proof of citizenship? You like African. How would you feel? Is this where Michigan is heading towards right now? Let me end with a quote from Martin Luther King, Jr.: "They will not be judged by the color of their skin, but by the content of their character." And I, again, represent Michigan Organizing Project, and thousands of immigrant communities in Southwest Michigan. Thank you.

CHAIRPERSON ALMEDA: Thank you. Again, I would like to thank Professor Hammer for allowing us to be here today. One more round of applause for him. This meeting is adjourned. Thank you.