



## WISCONSIN CATHOLIC CONFERENCE

### **TESTIMONY ON SENATE BILL 151: PROHIBITING SANCTUARY CITIES**

Presented to the Senate Committee on Labor and Regulatory Reform

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On behalf of the Wisconsin Catholic Conference (WCC) – the public policy voice for Wisconsin’s bishops – I wish to express our opposition to Senate Bill 151.

The Catholic Church teaches that “Every migrant is a human person who, as such, possesses fundamental, inalienable rights that must be respected by everyone and in every circumstance.” (Pope Emeritus Benedict XVI, *Caritas in veritate*, #62) As Pope Francis explains, “It is important to view migrants not only on the basis of their status as regular or irregular, but above all as people whose dignity is to be protected and who are capable of contributing to progress and the general welfare.” (*Message for the World Day of Migrants and Refugees 2016*)

Alongside this respect for the fundamental human rights of immigrants, the Church also recognizes the legitimate right of governments to maintain public safety and control their borders. As the Church consistently teaches, these rights need not be opposed to one another, but rather they can and must complement one another.

The Church recognizes that illegal immigration can be a problem not just for the host country, but also for the undocumented immigrants who live in constant fear. It is for this reason that the Church has for decades urged our national leaders to fix our broken immigration system by means of comprehensive reform. It is also the lens through which we measure this bill’s impact.

In assessing Senate Bill 151, which would prohibit “sanctuary cities,” the WCC recognizes that the bill does not mandate any immigration inquiries. However, it does limit the discretion of law enforcement and unnecessarily fosters distrust and fear.

Senate Bill 151 would require a political subdivision to comply with a lawful detainer that is issued by U.S. Immigration and Customs Enforcement (ICE). The attorney general, appropriate district attorney, or sheriff could file a writ of mandamus with the circuit court to require compliance with this provision, or any of the bill’s requirements, if he or she believes that the political subdivision is failing to comply.

Compelling local authorities to comply with detainer requests would place an onus on local government far beyond what is required under federal law. Currently, 8 U.S. Code § 1373 speaks to the requirements placed on local government authorities regarding cooperation in an immigration enforcement action. This section forbids local governmental entities from placing restrictions on communications between local government agencies and ICE.

That is, federal law already ensures that local authorities have access to the information necessary to make determinations on whether an individual should be detained or released back into the community. However, forcing local authorities to comply with a federal detainer means forcing those entities to incarcerate individuals without discretion. Local authorities often encounter issues of domestic violence, neglect, or welfare concerns that require some measure of judgement regarding imprisonment. The bill eliminates this discernment process.

Passing this bill will have a chilling effect on immigrant communities because law-abiding immigrants will be less likely to contact law enforcement if they are victims of, or witnesses to, criminal activity. Only criminals benefit when communities lose trust in the police.

We also oppose the proposed Amendment 1, which gives any resident the right to file a writ of mandamus with the circuit court. This has the potential to encourage frivolous writs and therefore waste the time and money of local officials and law enforcement.

For all these reasons, we urge you to oppose SB 151 and instead work with local law enforcement, immigrants, and federal authorities to address violent crime, preserve security, and promote the common good. The WCC is committed to helping achieve these goals in every way possible.

Thank you.