

PREPARED TESTIMONY
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ON BEHALF OF THE AMERICAN CIVIL LIBERTIES UNION OF ALABAMA,
PARTNER OF THE ALABAMA COALITION FOR IMMIGRANT JUSTICE

before
THE JOINT INTERIM PATRIOTIC IMMIGRATION COMMISSION
PUBLIC HEARING
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MONTGOMERY, ALABAMA

My name is Sam Brooke. I am a Law Fellow with the American Civil Liberties Union of Alabama (“ACLU-AL”). Since 1965, the ACLU-AL has been the state’s leading advocate on behalf of Alabamians’ civil rights and civil liberties. We are a non-partisan organization with 2,000 members statewide.

I thank you for your willingness to serve on this Commission, and for the opportunity to address this body. As Congress delays in fixing our broken national system, many states and communities throughout the country are reasonably trying to do the same as you—seeking local solutions to local problems. The issues here in Alabama have been seen elsewhere throughout the country, and I encourage this Commission to learn from others’ examples.

Understanding the nature of the problem here in Alabama is key; demographic shifts necessarily require communities to adapt, and that is true here in Alabama as our immigrant population continues to grow. Yet we must avoid rushing to judgment or inaccurately stereotyping real and perceived problems as being the fault of our community’s newest members. I wish to point to two examples to illustrate this point.¹

Myth 1: Immigrants without status cause a rise in criminal Activity:

First, many seem to presume that immigrants—especially those without lawful status—bring with them an increase in crime. This was one of the motivating fears in Hazleton,

¹ For other examples, please refer to the Alabama Coalition for Immigrant Justice Fact Sheet.

Pennsylvania, where they adopted stringent anti-immigrant ordinances. But through the course of that trial, and through numerous other studies, it is now clear that the exact inverse is true: recent immigrants are less likely than natives to be involved in criminal activity, and an influx of immigrants—with or without status—generally causes a *reduction* in crime.² This was proven in open court in Hazelton where both sides had to present facts rather than mere speculation.³

Contrary to this stereotype of immigrants *causing* crime, we have real evidence right here in Montgomery that immigrants are actually the *victims* of crime. The Montgomery Advertiser recently reported a growing trend of Hispanics being victims of violent crime because of a perception that many undocumented individuals carry cash rather than use banks.⁴ This is not unique to Alabama; ten days after the Advertiser's article, the Washington Post reported the same phenomenon occurring across the country.⁵ This is a problem for all of us—Hispanics are the immediate victims, but all Alabamians are less safe in an environment where violent crime can flourish. This is a serious issue to which we need to respond, which I will address shortly.

Myth 2: Immigrants drain public health and medical services:

There is also a prevalent misperception that immigrants without status cause a drain on our economy generally, and on our health system specifically. Again, these myths are belied by actual evidence. A recent study in Georgia estimated that immigrants without status contribute \$215 to \$252 million to Georgia's coffers,⁶ and Texas estimates that immigrants without status

² See also Myth 8 of the Alabama Coalition for Immigrant Justice Fact Sheet.

³ For expert testimony in the case related to criminal activity, see <http://www.aclupa.org/downloads/Rumbautreportonordinance.pdf> and <http://www.aclupa.org/downloads/Rumbautbio.pdf>.

⁴ Kenneth Mullinax, "Criminals Targeting Area Hispanics, Police Say," MONTGOMERY ADVERTISER Oct. 16, 2007.

⁵ Ernesto Londoño & Theresa Vargas, "Robbers Stalk Hispanic Immigrants, Seeing Easy Prey," WASH. POST, Oct. 26, 2007.

⁶ Sarah Beth Coffey, "Undocumented Immigrants in Georgia: Tax Contribution and Fiscal Concerns" (Georgia Budget & Policy Institute, 2006) available at <http://www.gbpi.org/pubs/garevenue/20060119.pdf>.

contribute \$380 million more to the state coffers than they use in state-provided services.⁷ The key to understanding these numbers is to recognize that immigrants who lack status are ineligible for the vast majority of state and federal benefits and are only eligible for those that are considered important to public health and safety, such as emergency medical care. As a result, health care spending for immigrants is approximately half that of citizens.⁸ Even though undocumented immigrants are limited to emergency assistance (which they must be permitted pursuant to federal law), they do not put any greater burden on hospitals than the U.S.-born do.⁹

Corresponding numbers specifically for Alabama do not presently exist, but the answer appears obvious: we are a state whose revenue is driven largely by sales and use taxes,¹⁰—revenue that all residents of the state must pay. Furthermore, all evidence indicates that immigrants, regardless of status, pay taxes¹¹—this is partly driven by honesty of immigrants without status, but also reflects their self-interest; any chance people have to gain legal status requires proof that taxes have been paid. In summary, all resident immigrants—regardless of status—pay into Alabama coffers, but they use up a small percentage of allotted state resources.

Appropriate responses to increasing numbers of immigrants:

As various states and communities have convened to address immigration issues, there have been two obvious trends. Many locations have attempted to integrate their minority

⁷ Carole Keeton Strayhorn, Texas Comptroller, “Undocumented Immigrants in Texas: A Financial Analysis of the Impact to the State Budget and Economy (2006) available at http://www.aif.org/ipc/spotlight/spotlight_122206.pdf.

⁸ Sarita A Mohanty, Steffie Woolhandler, David U. Himmelstein, Susmita Pati, Olveen Carrasquillo, and David H. Bor. “Health Care Expenditures of Immigrants in the United States: A Nationally Representative Analysis.” *AM. J. OF PUB. HEALTH* vol. 95, no. 8 (2005).

⁹ Peter J. Cunningham, “What Accounts For Differences In The Use Of Hospital Emergency Departments Across U.S. Communities?” *HEALTH AFFAIRS* (2006).

¹⁰ “The Alabama Tax and Budget Handbook” (Arise Citizen Policy Project 2005).

¹¹ See Myth 8 of the Alabama Coalition for Immigrant Justice Fact Sheet.

communities, recognizing that issues such as public health and security from crime are communal issues. We are encouraged by signs that Montgomery, Alabama, and this Commission all recognize the need for such efforts, but there is much more that can be done.

We applaud the Montgomery Police Department's demonstrated concern over increased crime targeting immigrants.¹² We also are pleased that State Health Officer Williamson stressed to this Commission the need to "avoid establishing barriers that will keep people from getting preventive care," because this will cost us all more in the end, and because it increased public health risks.¹³ Commission Chair Reed's comments in the article that emphasized the need for propositions that emphasize safety and access to essential services are on-point.

Yet there is much more that we can and should do at a policy level to achieve these goals. Other communities have instructed city officials to not inquire about immigration status unless absolutely necessary, so that the immigrant community will trust the police and the public health providers and will not hesitate to go to them when necessary. This just makes common sense. Doctors should be treating people, and police should be working to keep neighborhoods safe—these are their jobs, and just as we do not expect FBI agents to pull someone over for speeding, we should not ask local police and health care providers to counterproductively waste time and resources on immigration issues.¹⁴

Some communities have provided residents with a city residence card that can be used as a debit card, thereby making it easier for those without status to access our banking system. This is an ideal solution for the very real problem of immigrants being targeted for crime because they

¹² See Mullinax, *supra* note 4.

¹³ M.J. Ellington, "Immigration Group Hears Concerns About Health Care," THE DECATUR DAILY (Oct. 11, 2007).

¹⁴ See Ruben Navarrette Jr., "Commentary: Local police shouldn't enforce immigration law," CNN.com (Oct. 22, 2007).

are carrying cash. Our banking system should be available to all residents so long as identity can be verified, for this makes everyone more secure and integrated. .

Unfortunately, some cities and states have instead decided to attack immigrants—undocumented and documented alike—in an effort to make them pariahs and scapegoats for both real and perceived community problems. The best example of this was Hazleton, Pennsylvania, which adopted numerous anti-immigrant ordinances. Those laws were challenged and recently struck down in court by a consortium of organizations, including the ACLU.

While immigration law is generally quite complicated—there literally is an A to V alphabet of available immigrant visas—the law regarding who can regulate employment and presence of immigrants could not be simpler: *only the federal government can regulate employment and presence of immigrants*. No court has upheld these local or state efforts. This Commission, and the legislature, should recognize this fact and stay away from attempting to regulate the presence or employment of immigrants.

The ACLU of Alabama and the Alabama Coalition for Immigrant Justice offer our services to the Commission and the Legislature to craft lawful and inclusive solutions to allow our immigrant community to become a fuller part of Alabama, and to make sure everyone is safe and treated with dignity and respect. We will also carefully monitor for any laws that need to be challenged in court.

I thank you again for your willingness to serve on this Commission, and for the opportunity to address this body. I look forward to monitoring your progress.