



Texas Catholic Conference of Bishops

THE PUBLIC POLICY VOICE OF THE CHURCH

Bishop Vásquez, Bishop of Diocese of Austin

SB 4 Opposition Testimony

My name is Bishop Joe Vásquez of the Diocese of Austin. I am testifying today on behalf of the Texas Catholic Conference of Bishops. We are opposed to Senate Bill 4, as currently drafted.

The Catholic Church has a long history of involvement in the immigration issue. Our experience in working with immigrants throughout the years compels us to speak out on the issue of immigration reform, which is a moral issue that impacts human rights. The Church's work in assisting migrants stems from the belief that every person is created in God's image. In the Old Testament, the Lord calls upon his people to care for migrants by reminding them of their own heritage: "Love the sojourner therefore; for you were sojourners in the land of Egypt." (Deut. 10:19). Each of us can all trace our own personal heritages to recent immigrants into this country and state; perhaps, as recently as our parents, our grandparents, or our great grandparents. As an infant, our Lord himself was a refugee fleeing the tyranny of Herod (Mt. 2:15); as an adult, he was an itinerant preacher without a home. In his teaching, Christ emphatically called his disciples to welcome the stranger (Mt. 25:35).

The Church does not condone or encourage illegal immigration because it is not good for society or for the migrant, who lives in fear and in the shadows. We plead with our government leaders to change our laws to ensure that we, as a nation and as a state, enforce our laws only in manners that respect the rights and dignity given by our Creator to each person.

We reject the premise that persons who are merely suspected of being undocumented immigrants should be rounded up by state and local police agents. The primary duty of state and local law enforcement is to enforce state and local law with the aim of protecting communities from those who seek to harm others.

Our legal advisors inform us that S.B. 4 contradicts legal precedent. Transferring persons into federal custody pursuant to immigration detainers may not withstand a challenge in court. Recently, federal courts have voided previously issued detainer requests in several states on grounds that the requests

sought to detain individuals without a warrant.¹ In addition, the U.S. Supreme Court held in *U.S. v. Arizona* (2012) that no state has authority to enforce federal immigration law.

More importantly than the legal arguments, we are very concerned that if SB 4 is enacted, in its present form, several detrimental effects will likely follow.

First, it will have a chilling effect on communications between documented and undocumented immigrants and law enforcement. Immigrant communities, whether these are communities with documented or undocumented immigrants, will fear that all police officers will need to detain them, rightfully or not. As a result, communication between these communities and peace officers will be severed. Statistics show that a cooperative relationship between law enforcement and a local community enhances public safety and reduces crime, but SB 4 would make such a relationship nearly impossible for peace officers to establish.

Second, the bill will impose an additional undue burden upon our local peace officers. State and local police are already overburdened. In its present form, SB 4 will effectively divert police officers to work for the federal government by requiring them to enforce immigration laws. Our local and state police officers should be primarily concerned with preventing and solving crimes which violate state and local law. Senate Bill 4 broadens the scope of work required from our local officers and diverts valuable human resources away from their primary duties.

Third, local citizens will end up suffering the negative fiscal impact that SB 4 may impose upon them. The revocation of State funds in cities whose leaders decide not to comply with S.B. 4 will end up hurting local citizens who benefit from such funding, such as assistance to families who need housing or other assistance. These citizens may be citizens who disagree with their local leaders or may be citizens who do not have an opinion about the immigration issue. Yet they are at real risk, all because the state and local leaders disagree about immigration policies. There is a real threat to a community's well-being by reducing the State funds that are essential to addressing the true needs of constituents and by disrupting the function of services to the citizens who are in need.

Fourth, federal law will be further interwoven into state and local law, which will further take away the benefits of federalism. If enforcement of federal immigration law is interwoven into state and local

¹ <https://www.texastribune.org/2016/10/13/courts-ruling-immigration-detainers-could-have-rip/>.

law enforcement duties, then the separation of duties between Texas officials and federal officials is further blurred. This, in turn, leads to less and less distinction between the federal government and the State of Texas. Communities may end up having less ability to govern themselves, not only in this area but in other areas, all because this continuing erosion between the federal and state responsibilities is allowed to continue. The political power will be increasingly centralized in Washington. This violation of federalism will have far-reaching consequences for issues beyond immigration. Please consider the implications this practice would have upon Texans.

We offer some recommendations. First, the church supports the right of a sovereign nation to control its borders. All law enforcement agencies can and should cooperate with each other, but should not take over each other's responsibilities or jurisdiction. Each should tend to its own primary duties and not be burdened by another agency. The obligation to control the international border lies with federal authorities and we need to direct our efforts on that level.

Second, controlling immigration into this country must be exercised in a way that is targeted, proportional, and humane. The immigrant who travels to Texas because he needs a job or because she is in despair or abused is in need of the basic necessities to live. This type of immigrant, which constitutes the majority of immigrants, is not a threat to our safety like the cartels, or traffickers, or terrorists. Federal agents should focus upon those who truly threaten public safety: cartel members, human traffickers, smugglers, and terrorists.

- By "*targeted*" we mean that U.S. enforcement resources should be focused so that those who are dangerous are more easily identified and apprehended. Enforcement policies should be tailored and not overly broad so the basic rights of all immigrants are not abridged. Ethnic or racial profiling should be avoided. Improvements in intelligence and information sharing, and technological improvements in border security would help ensure those who are most dangerous are intercepted.
- By "*proportional*" we mean that enforcement of immigration laws should not feature unnecessary penalties or force. Immigration control officers and border patrol agents should receive intensive training on appropriate enforcement tactics and use of force. Border enforcement policies which are not proportional, force migrants to risk their lives in remote regions of the Chihuahuan Desert.
- And by "*humane*" we mean that in any enforcement action, the human rights and dignity of the person should be preserved and respected to the greatest extent possible. Families should not be divided and should receive special consideration. Undocumented immigrants should not be

detained for lengthy periods or intermingled with violent offenders. Asylum seekers should receive appropriate screening by a qualified adjudicators. Children should be accommodated within a child welfare context.

In conclusion, we recognize the need to remain vigilant against outside threats but not at the cost of sacrificing our Texas heritage, which was formed by the consistent application of justice, the unwavering protection of self-governance, and the promise of opportunity for those who seek a better life for themselves and their families. I, along with my brother bishops, ask all people of good will to care for those who are poor or who are in despair. The overwhelming majority of immigrants, whether documented or undocumented, are not criminals. They simply need a job or need to flee from desperate situations. God has brought them before us – perhaps not in the way that you or I would have preferred for them to be brought before us – but they are before us now and we need to care for them. God created each one of them and loves each one. They are the face of Christ before us. I know that each of you has responded, in your own way, to God’s call and that He has called you in ways that you may have found difficult or inconvenient. But you responded and made the necessary sacrifice. We must honor God and respond to His call as we deal with immigrants. We must admire our forefathers who came as migrants and admire the courage of today’s migrants when they leave the poverty of their homeland to forge a new and better life in Texas. It is precisely in this way that we manifest both the compassion of Christ and the highest aspirations of our tradition as Texans.

I thank you for inviting me to testify before your committee.

Respectfully Submitted,

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Bishop of the Diocese of Austin