

March 26, 2018

The Hon. Ralph Northam
Governor of Virginia
Office of the Governor
Patrick Henry Building, Third Floor
1111 E. Broad Street
Richmond, Va. 23219

Dear Governor Northam:



701 E. Franklin Street
Suite 1412
(804) 644-8022
Richmond VA 23219
acluva.org

Claire G. Gastañaga
Executive Director
Direct Dial: 804-523-2146
Email: claire@acluva.org

I write to you today on behalf of the ACLU of Virginia and its more than 42,000 members from across the Commonwealth to urge you to veto House Bill 1257, the “Sanctuary Cities” bill. This unnecessary message bill will do nothing to solve our national immigration crisis but will only serve to make our Commonwealth less safe.

First, the language of HB 1257 is overbroad and vague. The title of § 15.2-1409.1. Establishment of sanctuary policies prohibited references “sanctuary” policies but fails to define or describe what a “sanctuary” policy is. The term is not defined in the code. The term is broad and its meaning is not uniform, especially in its application by the public. If a locality adopts a resolution “welcoming” immigrants, has that locality now violated state law? If local police have a policy not to ask the status of witnesses and victims of a crime, have they established a “sanctuary” policy?

When a law is vague, it cannot stand up to a constitutional challenge. As the Supreme Court of the United States said long ago, “a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law.” *Connally v. General Construction Co.*, 269 U.S. 385, 391 (1926).

Further, as you are most likely aware, Virginia is a national leader in enacting laws related to enforcement of immigration law. While none of these laws address the real problem – our broken immigration system – the result is there are and can be no sanctuary cities in Virginia. A combination of the Dillon Rule and existing state mandates make the existence of a sanctuary locality a legal impossibility in the Commonwealth.



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Most importantly, these so called “anti-sanctuary” laws only serve to make our communities less safe. House Bill 1257 has the potential to make us all less safe by adversely impacting the effectiveness of community policing in immigrant communities and neighborhoods. Many police departments in Virginia have internal policies and general orders that discourage police from routinely asking crime victims and witnesses about their immigration status, unless such an inquiry is necessary to the investigation of a crime.

These local policies and orders encourage people to report crimes to the police, regardless of their legal status. This bill goes the opposite direction and could be interpreted by local law enforcement to bar the adoption of such policies. It would also be an open invitation to individual officers to flout these policies and undercut the ability of their departments to work with immigrant communities without compromising or interfering in any way in federal immigration enforcement.

The reality is that local cooperation with federal immigration officers creates mistrust in the community. Several counties and cities around the country have reported drops in reported crimes after entering into cooperation agreements with Immigration and Customs Enforcement (ICE). A recent study of Frederick County, Maryland showed that reported crimes such as domestic assault dropped significantly after their 287g program was implemented. Cooperation with ICE causes people to report less crimes. When people fear reporting crimes because of potential collateral consequences, we are all less safe.

Virginia should welcome newcomers and promote cooperation between immigrants and local police; not create fear of detention and removal for coming forward to report crimes. For these reasons, we ask that you veto House Bill 1257.

Very truly yours,

A handwritten signature in blue ink, which appears to read "Claire Guthrie Gastañaga". The signature is fluid and cursive.

Claire Guthrie Gastañaga
Executive Director



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Virginia

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