U.S. COMMISSION ON CIVIL RIGHTS
EASTERN REGION OFFICE

IMMIGRATION SUBCOMMITTEE OF THE VIRGINIA STATE

ADVISORY COMMITTEE BRIEFING

FRIDAY, DECEMBER 14, 2007

The Subcommittee convened in the
Board Chambers of the James McCoart
Administration Building, One County Complex

Court, Woodbridge, Virginia, at 9:30 a.m.,
Linda Chavez, Committee Chairperson,
presiding.

PRESENT:

LINDA CHAVEZ, Chairperson, Virginia State

Advisory Committee

EDMUND D. COOKE, JR., Co-Chair, Immigration
Subcommittee

LLOYD R. COHEN, Member, Virginia State
Advisory Committee

TODD F. GAZIANO, Member, Virginia State
Advisory Committee

LOUISA C. GREVE, Member, Virginia State
Advisory Committee

RICHARD A. SAMP, Member, Virginia State

Advisory Committee

LACY B. WARD, JR., Member, Virginia State
Advisory Committee

STAFF PRESENT:

IVY DAVIS
BARBARA DE LA VIEZ

FREDA GREENE

PANEL ONE:

JEFFREY S. PASSEL

MUZAFFAR CHISHTI

PANEL TWO:

JOHN T. STIRRUP
COREY A. STEWART
CRAIG S. GERHART

MICHAEL J. SCHWARTZ

CHARLIE T. DEANE

PANEL THREE:

ERIC BYLER

JEFF CARTER

MIKE HETHMON

LISA JOHNSON-FIRTH

DAN STEIN

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1   P-R-O-C-E-E-D-I-N-G-S

2   (9:30 a.m.)

3   CHAIRPERSON CHAVEZ: I'm going to

4   begin.

5   Those of you who drove in from any

6   distance know there was a lot of fog out there

7   this morning, and so the commute was a little

8   bit more difficult than we might have

9   anticipated.

10   First of all, I want to thank all

11   of you for being here and welcome to the

12   Virginia State Advisory Committee of the U.S.

13   Commission on Civil Rights. We are meeting

14   today for the first time. This is officially

15   the subcommittee on Immigration of the

16   Virginia State Advisory Committee.

17   My name is Linda Chavez and I am

18   Chairman of the Committee. And in a moment I

19   will introduce to you the other Members of the

20   Committee, but first I want to thank, first of

21   all, County Executive for Prince William

22   County, Greg Gerhart and his staff that have

1   been enormously helpful to us in setting up

2   these meetings and in providing the facilities

3   and working with us.

4   I also want to thank the Prince

5   William County Sheriff's Department for

6   providing their services as well. They were

7   very helpful to us and I want to thank them

8   for being here.

9   First of all, let me just say a

10   word about the U.S. Commission on Civil Rights

11   for those of you who are not familiar with

12   this independent federal agency. It is not an

13   enforcement agency. It is an agency whose

14   purpose is to gather facts and to assess the

15   degree of civil rights enforcement in the

16   United States.

17   We look -- the U.S. Commission

18   Civil Rights looks at the enforcement of

19   Federal civil rights laws. They gather facts,

20   do studies, occasionally hold hearings on

21   voting matters, and make recommendations on

22   legislation to the Congress and to the

1   President.

2   Now, our purpose today is to

3   gather facts on the extent to which the civil

4   rights of residents of Prince William County,

5   Virginia may be adversely affected by measures

6   taken by the County Board of Supervisors to

7   withhold government services and otherwise

8   penalize and/or detain illegal immigrants in

9   the County, or by other measures enacted by

10   the Board of Supervisors which may, by intent

11   or effect, encourage racial, ethnic and

12   national origin discrimination by private

13   parties.

14   We are not here to debate

15   immigration policy and, indeed, the Members of

16   the Virginia State Advisory Committee, in both

17   their private and in their professional

18   capacities hold a range of views on

19   immigration issues.

20   However, there is no question that

21   the debate over immigration and the concern

22   over illegal immigration across communities in

1   America has exacerbated racial tensions, and

2   that includes here in Prince William County.

3   The FBI reported this week that

4   hate crimes against Hispanics were up

5   nationwide by ten percent in 2006, with 576

6   incidents involving 819 victims.

7   Hate crimes against Hispanics have

8   risen by 35 percent since 2003, the period

9   during which anti-illegal alien rhetoric has

10   become the most virulent. And many Hispanics,

11   including those who were born in the United

12   States and whose families may have lived here

13   literally for generations say they now feel

14   unwelcome in their own home.

15   A poll released this week by New

16   American Media suggests 85 percent of

17   Hispanics believe there is, in the wording of

18   the poll, "a lot of discrimination" against

19   Hispanics. Similarly, a poll that was

20   released yesterday by the Pew Hispanic Center

21   found that about 40 percent of Hispanics say

22   that they have, in fact, experienced

1   discrimination. And we will be hearing from

2   one of our witness who may be able to

3   elucidate more on that.

4   Despite this, Hispanics appear to

5   be more committed to the American dream than

6   ever with 74 percent saying they believe that

7   if you work hard you will succeed in the

8   United States.

9   Now, today we are going to be

10   hearing from a variety of experts, public

11   officials, community leaders and advocacy

12   groups. It is our hope that the expert

13   witnesses and the information that they

14   provide will assist both the County and the

15   State in its duty to protect the civil rights

16   of its residents.

17   Before we begin, however, I do

18   want to introduce the Members of the

19   Subcommittee on Immigration. First of all,

20   I'll begin to my left with the Chairman of the

21   Subcommittee, Ed Cooke. Next to Mr. Cooke is

22   Todd Gaziano, and next to him is Lacy Ward,

1   Jr.

2   Barbara De La Viez is the staff

3   person who has been working with us on setting

4   up these hearings. And before I forget, let

5   me thank you, Barbara, because you have really

6   put in yeoman's service.

7   Next to me on my right is

8   Professor Lloyd Cohen, and next to him is Ms.

9   Louisa Greve. And, finally, Richard Samp.

10   And we may have some other Members of the

11   Committee joining us as well.

12   We are going to be fairly strict

13   in our time limits today. There's going to be

14   a little light up there that will give an

15   indication of the time having elapsed. We are

16   allotting 15 minutes to each of the first two

17   panelists today because they are going to be

18   presenting us with background, a lot of

19   statistics, some demographic profile, and some

20   legal analysis, and so we're going to give

21   them a little bit more time to talk, and then

22   we will allow for a period of questions by the

1   various Members of the Committee, as well, and

2   so we are going to be as strict as we possibly

3   can.

4   Let me introduce the two Members

5   of the first panel, and I think we will go

6   ahead and start with Jeffrey Passel. He

7   joined the Pew Hispanic Center in Washington,

8   D.C. in 2005.

9   His accolades are too long for me

10   to read. I would take up much of his 15

11   minutes if I were to do so, but let me just

12   say that in 2004 American Demographics

13   Magazine selected him as a, "Demographic

14   diamond, one of the five demographers, our

15   social scientist most representative of

16   influential work in the past 25 years."

17   Dr. Passel holds degrees from the

18   Johns Hopkins University, a Ph.D., also from

19   the University of Texas at Austin and from

20   MIT.

21   And following Dr. Passel will be

22   Muzaffar Chishti who is a lawyer. He is also

1   director of the Migration Policy Institute's

2   Office of New York University School of Law.

3   His work focuses on U.S. immigration policy,

4   the intersection of labor and immigration law,

5   civil liberties and immigrant integration.

6   Mr. Chishti was educated at St.

7   Stephen's College, Delhi, University of Delhi,

8   at Cornell Law School and at the Columbia

9   School of International Affairs.

10   So, if we could have Jeff Passel

11   begin, and present his testimony.

12   DR. PASSEL: Thank you very much,

13   and thank you for inviting me. Just by way of

14   taking off from your kind introduction, aside

15   from noting that American Demographics went

16   out of business shortly after they gave me the

17   award. I don't know what that means.

18   We released a report yesterday

19   that's available on pewhispanic.org on a

20   survey focusing on Latino attitude towards

21   immigration. I've made mention of some of

22   that in passing, but that's not the gist of my

1   talk here today.

2   What I thought I would try to do

3   -- and when I agreed to do this I didn't know

4   we were releasing it. But, I have tried to

5   put Prince William County in the national

6   context of very rapid growth of Latinos, and

7   then try to focus in on some of the changes

8   that are going on here, and I will preface it

9   by saying I'm really not an expert on Prince

10   William County, but I've spent a bit of time

11   looking at the numbers.

12   The rapid growth has been fueled

13   by immigration. What's interesting now is

14   that's changing a bit in that actually more of

15   the growth of the Hispanic population is

16   coming from fertility for the first time in

17   about four decades. But that's a byproduct of

18   the immigration.

19   What has been going on is the

20   geographic diversification of the population,

21   and that's really what we're seeing here,

22   mainly driven by employment opportunities, and

1   started -- it has its roots back in the

2   California recession of the early Nineties,

3   when a lot of Latinos moved out of California.

4   I'll talk a little about some of

5   the local impacts, particularly population

6   growth, ethnic diversity and I've take a

7   little bit of a look at schools and crime, and

8   I'll just refer you to a study that came out

9   about a year ago that I did with some former

10   colleagues at the Urban Institute, looking at

11   tax payments in the D.C. Metropolitan area.

12   Well, Latinos, this slide's

13   actually the data, the latest number from the

14   Census Bureau puts it a close to 47 million

15   now, about 15 and a half percent of the U.S.

16   Population. It's trippled -- this population

17   has trippled since 1980, and passed -- the

18   Latino population passed the Black population

19   in about 2001.

20   And, like I said, immigration is

21   driving this. That has an impact in the short

22   run on the characteristics of the population

1   and certainly has an impact on the growth.

2   But we are seeing more growth from the second

3   generation now.

4   I'll skip this. This looks at

5   immigrants, not Latinos, now, about -- a

6   significant share of the adult Latino

7   population are immigrants and a significant

8   share of immigrants are Latinos, but the two

9   are not exactly the same.

10   What we've seen is a dramatic

11   growth in the last generation or so in the

12   number of immigrants in the country, that

13   we're at an all-time high. As recently as

14   1970, the immigrant population was actually

15   decreasing in size.

16   In 1960, 1970, the immigrant

17   population was relatively old. It was almost

18   all European, and decreasing in numbers that

19   changed with the 1965 Immigration Act and

20   reversed this trend. The immigrant population

21   is now largely Latino and Asian. It is

22   relatively young and it is growing rapidly.

1   The percentage of immigrants in

2   the population is not at an all-time high. It

3   is approaching the high levels that we

4   maintained as a country for about 50 years,

5   from 1870 to 1920, about one-seventh of the

6   population was made up of immigrants. We're

7   approaching that but we're not quite there

8   yet.

9   Where are the Latinos found?

10   Well, historically there is a core area in the

11   Southwestern United States; California, Texas,

12   Colorado, New Mexico, Arizona, with other

13   large numbers in the New York Metropolitan

14   Area, the Chicago Area and the Miami Area.

15   And historically they represented about 85

16   percent of all Latinos.

17   In the Nineties that began to

18   change and movement out of the core. And once

19   that movement started, we began to see shifts

20   in the immigration patterns so that California

21   was no longer getting quite as many immigrants

22   as it had gotten before, and those immigrants

1   were going to the new destinations, which are

2   -- I will show you around the country.

3   That migration builds up a

4   momentum that draws more people into those

5   area and we're actually seeing that now as the

6   share of migrants going into these new areas,

7   new immigrants going into these new areas. It

8   used to be about ten percent of all the new

9   immigrants. It's now about 20 percent of all

10   new immigrants.

11   And this is in your hand-out, but

12   the key here is the numbers over on the right

13   that, between 1990 and 2005 the Hispanic

14   population outside of this historic core went

15   from three million to nine million, so the

16   numbers in the new areas tripled, in essence.

17   Here are the new areas. These are

18   states where the Hispanic population more than

19   tripled between 1980 and 2005, and had

20   significant numbers. And you'll see Virginia

21   is one of those states. North Carolina and

22   Georgia really lead the way here. The Latino

1   population of Georgia is about ten times what

2   it was in 1980.

3   This is a group of states in the

4   Midwest and the Southeast, largely, that also

5   experienced rapid growth in percentage terms,

6   but the numbers involved are a bit smaller, so

7   these states don't have quite as many, but the

8   rate of growth has been just as rapid.

9   And it's these states that got

10   very few Hispanics. I expect, actually,

11   Louisiana to change a bit with some of the new

12   settlement patterns around the recovery from

13   Katrina.

14   Now, interestingly, this is a

15   group of states that got large numbers of new

16   immigrants and it's pretty much the same. And

17   the dark states here are states where the

18   immigrant population is largely undocumented.

19   So, if you put all this together,

20   what you see is that the growth of the

21   Hispanic population in a lot of these areas

22   was driven by immigration and largely by

1   undocumented immigration.

2   This is Prince William County, and

3   I'll try to move through this fairly quickly.

4   But you can see, Prince William has grown a

5   lot, basically with the growth taking off

6   after 1980 to the point where there's about

7   over 350,000 people in the County now. And

8   the growth rate has been averaging about four

9   percent a year, which is quite healthy. It

10   gets you a -- it doubles your population in

11   about 15 years.

12   The Hispanic population really

13   grew. For basically the last 15 years or so

14   it's been growing by about ten percent a year.

15   So, it went from about 10,000 to almost

16   70,000, according to the latest estimates.

17   And this is -- to my mind, these

18   numbers are the single numbers that explain a

19   lot of what -- what's been happening, a lot of

20   the reaction. In 1990 there were -- four and

21   a half percent of the County's population was

22   Latino. That doubled between '90 and 2000,

1   and it's doubled again in the last -- this is

2   only six years' worth of data. It's to the

3   point where about 20 percent of the County is

4   now made up of Latinos.

5   And it's immigrants doing it.

6   This is the proportion of the County's

7   population that consists of immigrants going

8   from about four percent in 1980 to about 12

9   percent in 2000, and about 22 percent, again

10   doubling, within about a six-year period.

11   The 11.8 percent was about the

12   national average at the time. It's now up to

13   about 13 or 14, as well as 12 percent, so you

14   can see that the County has sort of shot past

15   the national composition.

16   And this looks at the families of

17   the immigrants, so it's the immigrants and

18   their families and they constitute almost a

19   third of the County's population. The

20   majority of children of immigrants are U.S.

21   citizens. That's true of both legal and

22   unauthorized migrants. And so, when you take

1   into account these households you get an even

2   larger share of the County's population.

3   Well, who are they? They are

4   mainly in families. They are relatively

5   young, and almost all of them are working or

6   trying to work. The labor force participation

7   rate for immigrants is -- for immigrant men is

8   a bit higher than labor force participation

9   rate for native-born men.

10   They have relatively low levels of

11   education. The jobs reflect that. They have

12   relatively low incomes because of the kinds of

13   work that they can get. And, like I said,

14   they are drawn largely to these areas by the

15   availability of jobs.

16   Labor force participation is -- in

17   this County, labor force participation is

18   quite high for pretty much everybody, but the

19   immigrants have slightly higher rates than the

20   natives.

21   Immigrants do pay taxes. They

22   don't pay quite the proportionate share that

1   they represent of the population. That's

2   because their incomes aren't quite a

3   proportionate share, and not all of the

4   undocumented immigrants pay their share of

5   taxes. A lot of them do, but not all of them.

6   Our estimates were that immigrants

7   represented about 16 percent of the adult

8   population in 2000, and they paid about 13

9   percent of the taxes. Most of these taxes

10   went to the Federal Government and then after

11   that, another big chunk went to the state

12   government. Very little of it went to the

13   County.

14   Immigrants do affect the schools.

15   Most of the kids, as I said, are native, but

16   they represent -- and I'll show you an

17   increasing share of the schools' population.

18   Where this is going, it's a little hard to

19   say. I'll speculate a bit on that.

20   One of the topics that I get asked

21   about and you directed me to some interesting

22   data. I put together a data series, a data

1   series on official crime statistics and the

2   violent crime numerically is up slightly over

3   a ten-year period. The property crimes are

4   down a bit over -- trending downward, anyway.

5   If we put this together with a

6   rapidly-growing population, the crime rate has

7   been dropping fairly consistently for the last

8   ten years, and even shows a drop over the last

9   six years.

10   This is one of the -- this isn't

11   immigrants, per se, it's Hispanics, but as

12   we've seen, this is driven by immigration.

13   One of the big impacts on local

14   areas of immigrants and of our growing Latino

15   populations in the schools, and you can see

16   here a really dramatic change in a very short

17   period of time.

18   According to the '93, '94 school

19   year data, five percent of the students in the

20   County were Hispanic. That doubled by 2000

21   and it's more than doubled since then to the

22   point where about a quarter of the students in

1   the schools are Hispanic.

2   And I'm --

3   CHAIRPERSON CHAVEZ: Your time is

4   about up.

5   DR. PASSEL: I've got two more

6   things.

7   Just to point out that the -- this

8   looks at the foreign-born population, and

9   there's been a real shift here, a growing

10   share of the foreign-born population is

11   Latino, meaning that most of the immigrants

12   coming in, and you can really see it shifted

13   a lot between 1990 and 2000.

14   In 1990 only a quarter of what was

15   a much smaller immigrant population was

16   Latino. It's up to three-quarters now.

17   That's also a much bigger share than any of

18   the surrounding areas.

19   So, major demographic changes are

20   underway. The numbers seem to keep going up.

21   Prince William County is part of this emerging

22   -- these emerging trends. Whether this trend

1   will continue in the face some of the virulent

2   opposition to immigration, I think we'll have

3   to see.

4   And, they're certainly having an

5   impact here. They pay taxes. They work, and

6   they're present in the schools. Again, a lot

7   are undocumented. My data don't really permit

8   me to separate that out, but a lot of the

9   undocumented immigrants have children.

10   Nationally, about two-thirds of their children

11   are U.S. natives.

12   CHAIRPERSON CHAVEZ: Thank you

13   very much.

14   Welcome Muzaffar Chishti. Good to

15   have you with us. I introduced you at the

16   beginning, so I won't do that again.

17   I will make mention that the

18   Migration Policy Institute did release a study

19   yesterday, or an analysis yesterday called

20   "Testing the Limits: A framework for

21   assessing the legality of State and local

22   immigration measures," and I presume you will

1   talk a bit about that now.

2   So, if you will begin.

3   MR. CHISHTI: Thank you. Is

4   this --

5   CHAIRPERSON CHAVEZ: I think you

6   just turned it off. Now we go --

7   MR. CHISHTI: Is this working?

8   Madam Chair, thanks so much for

9   inviting me here. I'm really, first of all,

10   just privileged to sit next to not only the

11   gem, but the giant in the world of demography,

12   and I would be willing to give all my 15

13   minutes to him, compared to what I have to say

14   to his knowledge in this field, I think is

15   extraordinary.

16   I'm really -- it's my first,

17   actually, foray into Prince William County, so

18   I'm not sure how much of an expert in the

19   County I am, but I've been looking at the

20   process of devolution, as we call it, from

21   Federal to state to localities and the role of

22   immigration enforcement over the last few

1   years.

2   And we, at the Migration Policy

3   Institute should release this support

4   yesterday, which is basically a legal analysis

5   of the framework with which one must assess

6   the legality of some of the most popular

7   measures adopted by states and localities in

8   the area of immigration. That is submitted to

9   your review.

10   I think we all know historically

11   immigration has been seen as the exclusive

12   domain of Federal Government. It's akin to

13   foreign policy, that we can't have states and

14   localities make foreign policy, that the

15   results must be a consistent, coherent policy

16   which must be dictated at the Federal level.

17   It's also true that our

18   jurisprudence has recognized that states and

19   localities have some role to play in

20   immigration matters. It's also clear that

21   it's highly circumscribed and some of it is

22   written into our jurisprudence in the laws of

1   federalism, some of it is demonstrated by the

2   way Congress has circumscribed the authority,

3   and some have evolved in terms of an

4   interpretation of individual rights, as the

5   Courts have interpreted them over the years.

6   We, in this study, look at five

7   major areas which is the regulation of

8   employment by states and localities, the

9   regulation of housing of undocumented by

10   states and localities, the enforcement of

11   immigration law by states and localities, the

12   restrictions of public benefits adopted by the

13   states and localities, and the restrictions on

14   day laborers to seek employment at street

15   corners or parking lots.

16   These are the five major areas

17   where we have seen recent trends and

18   devolution. I think here today, just because,

19   given what Prince William County's resolution

20   is focused on, I will talk about two measures,

21   about law in this area has evolved and what it

22   may mean in terms of the implementation of it

1   in this County, which will be in the areas of

2   the enforcement of immigration law, and the

3   restrictions on the access to certain public

4   benefits.

5   First of all, I mean, lawyers hate

6   to agree on anything, but there are at least

7   two areas of these five that I identified,

8   which is the law enforcement and in the

9   solicitation of ordinances, that one is safe

10   to say that in this area law is quite settled

11   compared to other areas where it is still

12   contested.

13   On the issue of the enforcement of

14   immigration law by states and localities, the

15   trends are the three basic trends all over the

16   country. There are trends where there are

17   agreements signed by the Federal Government

18   and the local or the state police to allow

19   local and state police to enforce immigration

20   law. That's one trend.

21   The second trend is allowing --

22   which is consistent with what Prince William

1   County has done, is allowing people, local

2   cops to inquire into the immigration status of

3   people they detain and then inform the Federal

4   authorities about people they find in

5   violation of status.

6   And there's a third trend, equally

7   important, where localities and states tell

8   their cops not to interfere in the enforcement

9   of immigration law, which is -- some are

10   called sanctuary cities in our popular

11   parlance.

12   All these three tendencies we see

13   in the national debate today. Now, how does

14   the legal analysis on this operate? First, I

15   think only Attorney General Ashcroft today

16   believes that local and state police have

17   inherent authority to enforce immigration law.

18   There are three Attorney Generals

19   prior to him in Republican and Democratic

20   administrations who came exactly to the

21   opposite view, that given a structure of

22   federalism, local and state cops do not have

1   inherent authority to enforce immigration law.

2   In a legal opinion that his

3   administration issued in 2002, they concluded

4   that they have inherent authority. I think

5   most legal scholars disagree with that,

6   especially given the three prior opinions of

7   Attorney Generals stacked against that.

8   No court has resolved that issue.

9   It hasn't come to fruition before any court.

10   But, keep that sort of constitutional

11   confusion aside, it's clear that Congress has

12   spoken about it in reasonably specific terms.

13   There are two areas of Federal immigration

14   enforcement. There's civil immigration and

15   there's criminal immigration.

16   In civil immigration enforcement,

17   Congress, in 1996, in a major immigration

18   reform law basically said that if the state

19   and local cops want to enforce civil

20   immigration law they must sign memorandas of

21   agreement with the Federal Government under

22   which you are specifically trained and

1   supervised by the Federal Government so that

2   you could then have some role in enforcement

3   of civil immigration violations.

4   That's what we call the Section

5   287(g) agreements. Popularly, this is a

6   section of the Immigration Nationality Act.

7   With respect to the criminal

8   violations of immigration, a lot of people --

9   I think there's a general perception that

10   there is unlimited authority for local cops to

11   enforce criminal aspects of immigration law.

12   Actually, if you look at

13   congressional history on this, it's actually

14   very specific and very narrow. Congress has

15   said that only two areas in which local and

16   state cops can enforce federal aspects of

17   immigration law, which is 274 of the

18   Immigration Act which refers to harboring and

19   transporting of illegal aliens, and Section

20   276 of the Immigration Act which says it's a

21   felony for people to re-enter the country

22   after they have been sent abroad by -- after

1   deportation, if they seek a re-entry, then

2   they have committed a crime.

3   Only in these two areas of law do

4   the state and local cops have authority to

5   enforce immigration law.

6   So, it's sort of these three areas

7   that I talked about, I think, the Congress has

8   been quite specific that this is a limited

9   authority. And that's why, I think, most of

10   the state laws that you have seen in this area

11   are written narrowly to -- in the confines of

12   Section 287(g).

13   Now, there's a second area which

14   is more relevant to Prince William County, is

15   what authority does police have in ancillary

16   to their normal police function. And this is

17   where some of the controversy rests.

18   I think it is quite clear under

19   law that local police can ask anyone that they

20   detain in their normal police function, if

21   they arrest someone for a crime. After they

22   arrest someone for a crime, they can ask the

1   person for their immigration status.

2   I think in many jurisdictions

3   that's considered a normal practice. What's

4   important, that you cannot arrest someone only

5   on the basis of a suspicion that that person

6   is undocumented. The underlying reason to

7   detain the person must be a state or a local

8   crime.

9   And if you detain that person for

10   a state and local crime and you ask them about

11   their immigration, you cannot prolong the

12   detention beyond what you would be normally

13   authorized to do in the context of the

14   underlying crime.

15   So, these are two very specific, I

16   think, restrictions with respect to the

17   ancillary behavior -- ancillary extension of

18   the immigration questioning. First, it must

19   be ancillary to an underlying arrest for a

20   criminal, and then the detention must not

21   prolong what they would normally do for the

22   underlying crime.

1   And I think there are clearly

2   public policy reasons -- despite the fact that

3   you can legally do it, there are important

4   public reasons why even if police can do it

5   that they should not do it.

6   And I think this is where I think

7   this is where the police chiefs of the country

8   have been the most outspoken. I think it's

9   quite extraordinary in the last 18 months the

10 International Association of Chiefs of Police

11 and the major cities' chiefs of police, these

12 are the police chiefs of the big, urban

13 centers of the country, have come quite

14 unanimously on this issue, that even if the

15 law allows us to do it, it's not good public

16 policy for us to do it.

17   And their reasoning is actually

18 quite simple, familiar, but quite compelling,

19 and they are saying basically that, "Look, we

20 are not really trained to do this stuff, so

21 therefore, if you ask us to do it we will

22 automatically engage in racial profiling.

1   "And if we automatically engage in

2   racial profiling, we will frequently arrest

3   people and make unlawful arrests. And if we

4   do unlawful arrests, then we'll be sued. And

5   if we are sued, then we'll be draining these

6   rather limited resources of the counties and

7   the localities if we actually have to defend

8   those lawsuits."

9   So, I think on the public policy,

10   the analysis of the police power here -- I

11   think it's not just immigrant advocates, but

12   I think the police chiefs of the country, I

13   think, are quite unanimous on this.

14   I think there's also an important

15   public policy concerned with respect to how

16   people may behave in a county like Prince

17   William County if they know that police have

18   this now additional power.

19   And it comes from an analysis,

20   actually, from police authority themselves,

21   that if someone knows that police can now ask

22   him or her about their immigration status,

1   they are likely to flee.

2   Like if you have someone for a

3   disorderly conduct on the street, that police

4   officer would have a right to arrest them for

5   that, but if they know that they'll get

6   arrested, but be also asked for their

7   immigration status, and could be turned over,

8   they would flee.

9   So, you would -- you are also

10   actually creating a public danger related to

11   the new powers that police have been given,

12   and I think that has also caused a lot of

13   police chiefs around the country to have a

14   pause in whether this should really become a

15   policy or no.

16   Let me, for a minute, shift to the

17   public benefits issue, and more glad to talk

18   about the police stuff later on.

19   I think we know that the Welfare

20   Law of 1996 is an important frame in analyzing

21   what localities and states can do in this

22   area.   The restrictions with respect to the

1   undocumented, I think are quite legal. I

2   think most -- most public benefits,

3   undocumented aliens are not -- can't have

4   access to -- do not have access to.

5   There are few limits to this. We

6   know that there are limits with respect to the

7   public education and there are limits with

8   respect to the important public benefits which

9   relate to life and safety.

10   All I can point out to you is with

11   respect to the specific services, County

12   services under this resolution that

13   undocumented are barred from. We don't

14   frankly know today on the basis of the present

15   law how many of them will stand test or no.

16   I think if legal analysis on this

17   was going to apply, it would really have to be

18   seen as to how these laws are actually going

19   to be applied.

20   If they are going to be applied in

21   a racially-neutral way they probably are going

22   to stand the test. But if they are going to

1   be applied in racially-suspect ways, and I

2   think, then, we'll have a problem with respect

3   to equal protection guarantees under our

4   constitution.

5   The second thing, I think, to note

6   here is that the provisions of the Welfare

7   Reform Act of 1996, by themselves, mandate

8   that public services should be available to

9   the undocumented for issues of life and

10   safety.

11   So, one really has to go

12   specifically into areas that have been

13   prescribed here to see whether at the very end

14   of this actually will have an impact on life

15   and safety.

16   And one can imagine that some old

17   person sitting at home who has to have

18   dialysis and their life would determine on

19   whether they have access to dialysis or no.

20   And if this resolution says you can't give

21   that person access to dialysis because that

22   person is unauthorized, that may not meet the

1   legal test.

2   So, one would really have to do

3   this analysis by benefit-by-benefit. And the

4   last thing I want to say on this is that even

5   if it's lawful to excluded undocumented from

6   these services, the analysis around the

7   country showing the issues of costs are

8   playing a very important role on lawmakers

9   making decisions on this.

10   Colorado, as you know, in 2006

11   passed a very important omnibus bill banning

12   undocumented from a number of public benefits.

13   In an analysis they asked 14 of the

14   departments to see how much money they had

15   spent just executing these new provisions and

16   how much money had they saved by barring

17   undocumented from this access.

18   And it was actually hands-down.

19   They almost saved nothing and they had spent

20   two million bucks just implementing new

21   procedures for making sure that undocumented

22   were screened.

1   So, the issue here is there's an

2   assumption among a lot of lawmakers those

3   undocumented people access these services. I

4   think most people who known undocumented know

5   they don't access these services. The last

6   thing they want to do is be caught in a

7   situation where their status will come to

8   notice and they will come into the hands of

9   federal authorities.

10   So, I think on the straight issues

11   of cost benefit analysis on this is an

12   important public policy concern, which I think

13   people should be aware of when they even --

14   when they talk about the ban on the

15   undocumented for the access.

16   Let me stop there and see if I can

17   answer any questions.

18   CHAIRPERSON CHAVEZ: Thank you

19   both very much. We will have about half an

20   hour, I think, for questions from the various

21   Members of the Committee. I'm going to defer

22   my questions and see if there's anyone else

1   who might want to begin.

2   MEMBER GAZIANO: I have one

3   question.

4   CHAIRPERSON CHAVEZ: Make sure you

5   turn on your microphone. And by the way, I

6   forgot to ask people turn off cell phones. No

7   one's has rung yet, so please turn them off if

8   you have them.

9   MEMBER GAZIANO: Let me see if I

10   can not mispronounce the name as badly as I

11   sometimes do. Chishti --

12   CHAIRPERSON CHAVEZ: Chishti. It

13   seems like it may have an extra -- well, I'm

14   usually as bad at pronouncing names as they

15   are pronouncing mine, but I try hard.

16   I am familiar with many of the

17   legal authorities that you have cited,

18   although I don't claim to have studied them in

19   anywhere near the detail you have, but I had

20   one question, including, by the way, the OLC

21   memo and the debate over it, which is quite

22   interesting.

1   One question, though, is over your

2   statement that a detention can't exceed the

3   duration that it would otherwise take if

4   there's reason to be -- let's say a situation

5   is a local official has reason to arrest

6   someone for a local offense, he checks the

7   immigration status, notifies the INS, and the

8   INS says "Please detain that person until we

9   can pick them up."

10   Let's assume that it's a re-entry

11   violation and there's no MOU. It seems to me

12   that all the states have signed with the

13   Federal Government the international compact

14   or the -- I should say the interstate compact

15   on detainers.

16   Doesn't that either allow or

17   possibly require, under the terms of the

18   compact that a detention might exceed the --

19   not that I'm advocating, again, right now that

20   they should do that, but isn't that --

21   MR. CHISHTI: I think especially

22   with respect to the crime that you mentioned,

1   which is 276, which is protected by the INA.

2   I think it's very different analysis, I think,

3   when the Federal Government can request you to

4   detain someone.

5   I think there the police may be

6   obliged, actually, to keep the person as long

7   for the Federal Government to then come. But,

8   again, it's limited in the context of the

9   underlying crime for which that person has

10   been detained. It's 276, which Congress has

11   specifically authorized.

12   And two, that the request then

13   comes from the Federal agency to hold that

14   person. I think that probably would be fine

15   under the compact.

16   It's respect to crimes that are

17   not covered and where the local cops,

18   themselves, decide to detain a person. I

19   think those are the areas which are

20   problematic.

21   MEMBER GAZIANO: Like any law

22   professor, I was going to begin with the easy

1   and just get maybe one more to the slightly

2   harder, and that is, any other criminal

3   penalty where -- and let's say even the --

4   it's the County policy to inquire in the INS

5   database and then contact the federal

6   officials and ask if they want to pick them

7   up, wouldn't the compact possibly either

8   authorize or require that they be obtained?

9   MR. CHISHTI: Not in the absence

10   of, in my opinion -- there are obviously legal

11   authorities on this side. Not in my opinion.

12   In my opinion, I think if there was a criminal

13   arrest warrant which, if the person gets into

14   the NCIC, which is what I think you're talking

15   about --

16   MEMBER GAZIANO: Yes.

17   MR. CHISHTI: -- and then the NCIC

18   is the National Crime Information Center

19   database. If the NCIC shows a criminal

20   warrant against the person, then I think most

21   people believe that you would have the right

22   to detain the person.

1   If the NCIC does not show a

2   criminal warrant, then you wouldn't have the

3   right to detain a person. In fact, I think

4   police chiefs have been clear on this, that

5   when you see a warrant flashing across the

6   NCIC database, that itself does not -- the

7   fact that you see a warrant doesn't give you

8   the authority to detain the person. Then be

9   more careful in analyzing the warrant further

10 to see whether it's a civil violation of

11 immigration law or a criminal.

12   If it's a civil violation, don't

13 hold the person. If it's a criminal

14 violation, you may get the right to hold the

15 person. So, that I think is the distinction.

16   MEMBER GAZIANO: Okay. Thank you.

17   CHAIRPERSON CHAVEZ: Do you have

18 another question?

19   Ed?

20   CO-CHAIR COOKE: Yes. I have a

21 brief question for Dr. Passel.

22   Was I correct in hearing you say

1   that illegal immigration, Hispanic immigration

2   is what's driving the growth of the Hispanic

3   population, that it is illegal as opposed to

4   birth that's driving the rapid increase in the

5   growth of the Hispanic population?

6   DR. PASSEL: It's the -- the

7   movement out of the historic settlement areas

8   was largely driven by undocumented

9   immigration. The overall growth is roughly

10   equal in terms of the overall Hispanic growth,

11   but this disbursal outside of the Southwest

12   and the core really can be traced to

13   undocumented Mexicans moving out of California

14   initially about 15, 20 years ago.

15   CO-CHAIR COOKE: And that's true

16   of the overall growth of the population

17   nationwide, not just the migratory group?

18   DR. PASSEL: Of the Hispanic

19   population? No. The majority of legal

20   immigrants -- not the -- the largest group of

21   legal immigrants are Hispanic, and by far the

22   largest numbers of illegal immigrants are

1   Hispanic.

2   So, it's -- it's about even. If

3   you look at the adult Hispanic population,

4   there are more legal immigrants in that

5   population than undocumented, but it's roughly

6   equal.

7   CO-CHAIR COOKE: I was curious

8   because I think the perception is otherwise.

9   DR. PASSEL: Yes.

10   CO-CHAIR COOKE: One final -- one

11   other question. Is there a reason why

12   immigration is focused so largely on Hispanic

13   and Asian immigration? I mean, there are a

14   number of immigrant population groups that

15   exist in the world. I mean, Arab, West

16   Indian, African, Asian Indians. Why are we

17   focusing on the Hispanic?

18   DR. PASSEL: Well, it's -- unless

19   you're related to somebody in the United

20   States, it's hard to get in the United States

21   as a legal immigrant. And the migration in

22   the Sixties -- well, some of it has to do with

1   our refugee flows.

2   I mean, we get -- we got -- we

3   admitted large numbers of refugees from

4   Southeast Asia. It's been a number of years

5   since we admitted. Once those flows got

6   started, they sort of build a momentum, so we

7   get a lot more nonrefugee legal immigrants

8   from Southeast Asia now than we do refugees.

9   And the proximity to Mexico and

10   Latin American is really a major determinate

11   of that. The other, like I said, it's hard to

12   get admitted if you're from somewhere else.

13   CO-CHAIR COOKE: So, it's the ease

14   of illegal immigration --

15   DR. PASSEL: The proximity to

16   Mexico is -- you know, has a lot to do with

17   it.

18   CO-CHAIR COOKE: With the growth

19   of the population?

20   DR. PASSEL: Yes.

21   CHAIRPERSON CHAVEZ: I'd like to

22   follow up with a couple of questions. First,

1   for you, Dr. Passel.

2   The wording of the resolution here

3   in Prince William County says "Whereas, the

4   Prince William Board of County Supervisors has

5   determined that illegal immigration is causing

6   economic hardship and lawlessness in this

7   County, and that illegal immigration may be

8   encouraged by public agencies within the

9   County by failing to verify immigration status

10   as a condition of providing public services."

11   That was one of the preconditions to the

12   resolution itself.

13   I'm just curious, looking at some

14   of the charts that you provided us today,

15   whether or not in your expert demographic

16   opinion, it is fair to say that there is

17   economic hardship in Prince William County and

18   whether or not there is lawlessness.

19   It seemed to me that your chart

20   showed, for example, that crime rates have

21   actually been going down in Prince William

22   County, and I just want to -- if you could

1   just briefly say something about economic

2   hardship.

3   Where does this county fit in?

4   Are we, you know, somewhere Mississippi in

5   terms of the earnings and other factors in

6   this County, or not?

7   DR. PASSEL: Well, if you look

8   broadly at immigration, what you find is that

9   the places that immigrants go to are generally

10   doing better economically than other places,

11   and that has to do with why the immigrants

12   come.

13   The immigrants come almost -- they

14   come because they have family. They come

15   because they can get jobs. And so places

16   where -- that are experiencing job growth tend

17   to attract immigrants.

18   There's very little evidence in my

19   opinion that immigrants are drawn by social

20   services. Some colleagues of mine, former

21   colleagues at the Urban Institute classified

22   the states by the generosity. This is an

1   analysis in the late Nineties, and the states

2   were classified by how generous their social

3   service systems were towards immigrants.

4   And then we looked at both the

5   settlement patterns of new immigrants and the

6   patterns of immigrants moving from state-to-

7   state, and what we found was that immigrants

8   were, in fact, moving from more generous

9   states to less generous states and the rapid

10   growth in new migration patterns was towards

11   the less generous states.

12   Now, those are the states that

13   were experiencing the most job growth at the

14   time. So, you know, my conclusion was that

15   immigrants generally go where the economy is

16   strong and where they can find jobs.

17   CHAIRPERSON CHAVEZ: Just quickly,

18   a question for Mr. Chishti as well.

19   Our concern in this committee, as

20   I said, at the onset, is not immigration

21   policy and how many immigrants we should admit

22   or anything having to do with immigration

1   policy, per se.

2   Our concern is whether or not by

3   virtue of enacting state or local initiatives

4   aimed at controlling illegal immigration, the

5   civil rights of residents of the state may, in

6   fact, be being violated. And so I want to ask

7   you a question about the way in which some of

8   these initiatives can be implemented.

9   If, in fact, the intention is to

10   deny benefits to people illegally in the

11   country, whether if it's benefits for welfare

12   services or, for example, not allowing

13   landlords to rent to people who are not

14   legally in the country, is it fair to say that

15   in order for that to meet, you know, 14th

16   Amendment and other -- and civil rights law

17   considerations that broad inquiries would have

18   to be made of every single individual applying

19   for such benefits or applying to rent a house

20   as to their legal status in the United States,

21   or could you simply just choose people that

22   you thought might not be legally in the

1   country?

2   MR. CHISHTI: No, that's exactly

3   how -- where the as-applied doctrine is

4   relevant. It's quite clear that if you don't

5   ask everyone you are clearly violating legal

6   protection. And if you're asking people

7   selectively on the basis of their race or

8   their look or their accent, then you are

9   clearly violating legal protection.

10   So, I think on grounds of equal

11   protection, I think when it comes to how it's

12   applied, actually, I think that is quite

13   settled law.

14   CHAIRPERSON CHAVEZ: So, just

15   quickly, if you're trying to deny public

16   services, for example, library use to persons

17   who are legally entitled to be in the United

18   States, then anyone applying for a library

19   card would, in fact, have to show proof that

20   they were legally entitled to reside in the

21   United States?

22   MR. CHISHTI: To make it depend on

1   the status, then everyone would have to be

2   asked.

3   CHAIRPERSON CHAVEZ: Okay. Yes,

4   Mr. Cohen.

5   MEMBER COHEN: Am I on? Yes.

6   A follow-up to that: Do I

7   understand you to be saying that using any

8   indicia of immigrant status would violate

9   equal protection in these inquiries?

10   MR. CHISHTI: I think --

11   MEMBER COHEN: And does this apply

12   more generally to other issues, other than

13   immigration? For example, in a violent

14   assault, can you simply inquire of adult

15   males, or must you inquire equally of aged

16   females?

17   Is there no distinction

18   representing indicia of likelihood of the

19   person being in violation that can be taken

20   into account?

21   MR. CHISHTI: I think if you -- if

22   the indicia are race-based or ethnicity-based

1   they are really suspect. I don't think

2   there's any doubt about that, that if you only

3   ask Hispanic-sounding names questions, or if

4   you only ask people who look Hispanic to you

5   questions, or if you only ask people that you

6   think dress like undocumented questions, those

7   are clearly all suspect. None of them can be

8   protected indicia.

9   MEMBER COHEN: What about fluency

10   in English.

11   MR. CHISHTI: Cannot be. A large

12   number of people who don't speak English

13   perfectly are U.S.-born people, people living

14   in Puerto Rico. Puerto Ricans don't have to

15   speak when they're born.

16   MEMBER COHEN: Well, then, in

17   relation to the notion of, let's say, a

18   violent crime, many people who are healthy,

19   vigorous young males don't commit crime, but

20   yet we would not think it suspect -- or am I

21   wrong? Is it in violation of the 14th

22   Amendment to simply inquire of healthy young

1   males, where they were at some point when a

2   violent crime took place, even though many

3   people who are in that status don't commit

4   crimes?

5   MR. CHISHTI: I think that's too

6   much of a hypothetical. I think if you really

7   made gross generalizations like that with

8   respect to any groups of population, I think

9   all of those things are problematic. I think

10   if you only ask Arab-looking people at the

11   airports, believing that most terrorists in

12   the world are of Arab origin, I think those

13   are clearly suspect and would not pass the

14   constitutional test.

15   CHAIRPERSON CHAVEZ: Might I just

16   follow up and maybe this will make it a little

17   bit clearer. There is, I think, under the

18   14th Amendment of the Constitution -- I am not

19   an attorney, but I have been dealing with

20   constitutional law for about 30 years -- a

21   requirement of strict scrutiny when you're

22   dealing with issues related to race or

1   national origin.

2   Whereas, with gender, for example,

3   the level of scrutiny is not as high, as I

4   recall.

5   MR. CHISHTI: Yes. There are

6   different standards, clearly, and the race as

7   a separate classification is highest on that.

8   That's why --

9   (Telephone interruption.)

10   CHAIRPERSON CHAVEZ: Turn them off

11   altogether.

12   MR. CHISHTI: So that's why I

13   think the indicias of race are the highest in

14   that, and when people use race-based criteria,

15   they're the most -- they're the most suspect.

16   CHAIRPERSON CHAVEZ: We probably

17   have time for maybe one or two quick

18   questions.

19   MEMBER SAMP: I have a quick

20   question for Mr. Chishti.

21   I think you mentioned earlier that

22   at least some jurisdictions in the country

1   have sanctuary policies, basically don't ask,

2   don't tell. I'm wondering whether that is

3   really legal.

4   My understanding of the 1996 law

5   that you referred to said that local

6   governments may not use federal funds to

7   provide benefits to undocumented aliens.

8   Presumably it's simply because the

9   local government said, "Well, we didn't bother

10   to ask, so we don't really know where those

11   benefits are going," would not be a defense,

12   if the Federal Government were to say, "You

13   are failing to enforce the law, therefore,

14   we're going to cut off all Medicaid benefits,

15   for example, to Prince William County and to

16   the State of Virginia.

17   And I'm wondering what obligation

18   under federal law local governments may have

19   to enforce the ban on provision of services to

20   undocumented aliens.

21   MR. CHISHTI: As you know, this is

22   being litigated a lot. I'm not sure of the

1   "lot," but it's been litigated. The 1996

2   provision says, if you know the information

3   you can't prevent the Federal Government from

4   knowing it.

5   So, it's quite clear that the way

6   the provisions of the IRAIRA are written, they

7   apply with respect to telling the Federal

8   Government of something that you know.

9   That's why many of these cities

10   that have been sort of broadly characterized

11   as sanctuary cities and the definition is,

12   itself, kind of fluid and fuzzy. They don't

13   have restrictions with respect to not telling

14   the government, the Federal Government. They

15   have restrictions against asking the

16   government -- asking the people.

17   So, it's sort of, if they don't

18   have information, they don't have anything to

19   give to the Federal Government, is how this is

20   applied.

21   Having said that, I should also

22   note that the highest courts in the country

1   that has reviewed this is the Second Circuit

2   in New York. There was actually, oddly, a

3   case brought by Mayor Giuliani against the

4   Federal Government in the context of his

5   present position on immigration is

6   particularly odd.

7   He actually sued the Federal

8   Government for asking the cities to share the

9   information. He thought it was a violation of

10   the 10th Amendment. He lost that case in the

11   District Court in the Southern District. It

12   went on appeal to the Second Circuit Court of

13   Appeals.

14   And the Second Circuit Court of

15   Appeals basically disagreed with Giuliani,

16   said that, no, if you know the information you

17   have to tell. That's why we've gotten to the

18   don't ask, don't tell issue.

19   But, even in that Second Circuit

20   opinion, the Court said that if you have

21   generalized confidentiality policy of the

22   city, that if you don't share information with

1   respect to a number of issues, not just

2   immigration, a broad number of issues, then

3   probably the confidentiality issues will be

4   protected by the 10th Amendment.

5   That's actually -- if you look at

6   the City of New York's law today on this which

7   is signed by Mayor Bloomberg, it lists not

8   just immigration. It looks at victims of

9   crime, victims of sexual discrimination, all

10   that stuff, among the many grounds which for

11   confidentiality.

12   And I suspect that many lawyers

13   today think that if Mayor Bloomberg were to --

14   had to defend it, he probably would be able to

15   defend that on the basis of 10th Amendment

16   because I think the 10th Amendment does

17   protect the confidentiality of requirements

18   between the state and the Federal Government.

19   So we don't know, frankly, the

20   last word on the law on this, but we know that

21   the Second Circuit has clearly hinted that if

22   there are broader confidentiality provisions

1   in the city ordinances that they will be

2   protected by the 10th Amendment.

3   CHAIRPERSON CHAVEZ: One final

4   question from our subcommittee, Ed Cooke.

5   CO-CHAIR COOKE: Mr. Chishti, one

6   thing that we do know for certain is if you

7   ask, say, for example, in an attempt to comply

8   with that provision, then you must ask

9   everybody.

10   MR. CHISHTI: We must ask everyone

11   who applies for the benefit.

12   CHAIRPERSON CHAVEZ: I want to

13   thank you both very much. This was very

14   informative and we look forward to working

15   with you. Again, thanks so much.

16   And we are going to have the staff

17   -- I guess we'll take like a little break here

18   and set up because we have quite a large

19   panel, so we'll take about a five-minute break

20   here.

21   (Whereupon, a short recess was

22   taken, from 10:36 until 10:45 a.m.)

1   CHAIRPERSON CHAVEZ: Thank you

2 very much. This panel is comprised primarily

3 of public officials, either elected officials

4 or appointed officials and our purpose is to

5 try again to find out information about what

6 went into the passage of the principal

7 resolution and how it is, in fact, being

8 implemented.

9   I think there are a number of

10 people who were to be on this panel who will

11 not be here. One is Mr. Gerhart, whom we

12 thanked earlier. Mr. Gerhart is attending the

13 Firefighters' graduation and we are glad that

14 he is doing that.

15   He is going to be late. He may,

16 in fact, be able to join us, but he is not

17 here at this moment.

18   We have also heard from Colonel

19 Land who was to talk to us about the Prince

20 William, Manassas Regional Adult Detention

21 Center, that he has had a family emergency,

22 and therefore he is not going to be able to be

1   with us, either.

2   But we do have some very

3   distinguished panelists, and I will introduce

4   them and I will start on the left, on my left,

5   your right, and introduce to you Gainesville

6   District Supervisor, John Stirrup, whom the

7   voters of the Gainesville District elected for

8   his first term in 2004, and he was re-elected

9   in 2007.

10   Am I right?

11   SUPERVISOR STIRRUP: Correct.

12   CHAIRPERSON CHAVEZ: And sitting

13   next to Mr. Stirrup, or Supervisor Stirrup, is

14   the Chairman of the County Board of

15   Supervisors, Corey Stewart. Corey Stewart, I

16   don't have your bio. Here it is. Sorry. I

17   do have your bio.

18   Elected Chairman of the Prince

19   William County Board of Supervisors in

20   November of 2006 and prior to that election,

21   he was elected to represent the Occoquan

22   District voters as their supervisor in

1   November of 2003, and Mr. Stewart also was re-

2   elected in this past election.

3   Michael Schwartz is with us today

4   and he is president of the Prince William

5   County Hospital. He has both an MHA and a JD,

6   and he has 30 years of consistently successful

7   experience, it says, in all aspects of

8   evolving health care delivery system. We're

9   very happen to have him with us today.

10   Charlie Deane is the chief of

11   police of Prince William County. We want to

12   thank you for the services of your fine

13   officers as well. And we will begin by

14   having, I guess, John Stirrup. If you don't

15   mind. Do you want to begin?

16   SUPERVISOR STIRRUP: Certainly.

17   I'm somewhat disadvantaged without a

18   microphone.

19   CHAIRPERSON CHAVEZ: Do you want

20   to switch places, maybe or --

21   Mr. Gerhart just joined us as

22   well. Thank you so much for being here.

1   CHAIRMAN STEWART: People get us

2   mixed up, anyway.

3   CHAIRPERSON CHAVEZ: I guess it's

4   the beard.

5   SUPERVISOR STIRRUP: Thank you,

6   Madam Chairman, for the opportunity to appear

7   before the US Commission on Human Rights, the

8   Virginia Advisory Committee today, to offer

9   remarks about illegal immigration and illegal

10   aliens, issues that I believe will dominate

11   the domestic agenda in the 2008 campaign

12   election.

13   Having just concluded a successful

14   reelection campaign here in Prince William

15   County, my reelection for Gainesville

16   Supervisor, I can state without equivocation

17   that, in fact, Americans across the spectrum

18   are very concerned about this subject and

19   expect their elected officials at all levels

20   to deal with it and address it.

21   First, I think it's important to

22   declare what this is not about. It's not

1   about shutting doors and stopping the life

2   blood of our nation, legal immigration.

3   It's not about denying the fact

4   that many dedicated and hard-working

5   individuals have entered the United States

6   legally, because they want to share the

7   American dream and because they want their

8   children to have a better opportunity than

9   they have had. That's exactly what America is

10   about.

11   But any sovereign nation,

12   especially in an era when national security is

13   such a high priority, must abide by the rule

14   of law. That means a system and standards to

15   process and to assimilate the millions of

16   people who immigrate to the United States

17   legally every year.

18   These people have done the right

19   thing. They've followed the law. They've

20   made their application. They've fulfilled

21   their legal obligations. They didn't come

22   sneaking in through the back door in the

1   middle of the night and then demand goods and

2   services for themselves.

3   We can go back and forth on this

4   issue all day, and I expect we might, but I

5   believe in this next coming -- in this coming

6   election in 2008, candidates at the

7   presidential level, the congressional level

8   and local level will do just that.

9   Unfortunately, I think that they,

10   candidates generally, lag well behind the

11   American public in recognizing what's at stake

12   here. Simply, we're talking about the very

13   identity and the soul of our country. Who are

14   we, what are we about, and will we survive as

15   a sovereign nation?

16   How is it that men and women can

17   get up every day, go to work, pay their bills,

18   vote, raise their children and they are very

19   proud to be Americans. And then suddenly they

20   find themselves cornered by a chattering class

21   of elites in business, politics and the media

22   who seem to have abandoned the common sense.

1   If you think this is an

2   exaggeration, just please consider -- consider

3   this scenario. Imagine if you will, Americans

4   in great numbers might begin showing up in

5   France or in China or Spain or Argentina or

6   Japan or any other country in the world, and

7   these individuals expect to be given driver's

8   licensed, to apply for welfare benefits, they

9   refuse to learn the local language, and

10   conduct and live their lives and their

11   businesses as they desire.

12   Those individuals, these

13   Americans, would be laughed out of town.

14   Unfortunately, there's no laughter in the

15   United States on this issue. It's become a

16   very thorny and a very depressing issue.

17   Let's be clear on this subject.

18   Despite the efforts of some people from the

19   White House on down, the American people do

20   not want to give away their country. They're

21   not interested in one world government or

22   edicts from the United Nations. They have no

1   interest whatsoever in eliminating borders or

2   forming some kind of ridiculous North American

3   Union with Mexico and Canada. And they are

4   sick and tired of feeling insults from those

5   who oppose them on this viewpoint.

6   Americans have a unique and rich

7   heritage. We are the world's first democracy.

8   We gave the world its first constitution.

9   We've been very particular about checks and

10   balances within our political system, whether

11   it's the Federal level, Congressional level,

12   White House or in our own local town council.

13   My point is that we, as Americans

14   have evolved with law, with the law as our

15   road map. Certainly we debate, we dissent, we

16   challenge. Many times in our history it's

17   been ugly and it's been violent, but we move

18   forward and we build on the rule of law.

19   We build on our values and our

20   spiritual resources. What emerges from this

21   human distillation process is a philosophical

22   and cultural landscape that has served our

1 country and this world well for more than 200

2 years.

3   Now for us to say come one, come

4 all, forget about the rule of law is a

5 devastating detour from the path that led us

6 to the freedom and prosperity that we enjoy in

7 this country in the first place.

8   When the founding fathers finished

9 their work in Independence Hall in

10 Philadelphia in September of 1787, Benjamin

11 Franklin was approached by a woman in the

12 crowd who asked him -- she asked him --

13   CHAIRPERSON CHAVEZ: Your time is

14 up, Mr. Stirrup, so if you could just

15 concluded.

16   SUPERVISOR STIRRUP: "What have we

17 accomplished?"

18   "A republic, Madam," is what

19 Franklin replied, "if we can keep it."

20   Americans, even if they don't know

21 the details of their own history know by

22 instinct that the issue of illegal aliens is

1 counter to the process which created our

2 republic.

3   I believe in the months and the

4 years ahead, American citizens born here and

5 naturalized will inform their elected

6 officials and opinionmakers that this is our

7 republic and, yes, we want to keep it.

8   Thank you very much for the

9 opportunity to testify this morning. I look

10 forward to your questions.

11   CHAIRPERSON CHAVEZ: Mr. Stewart,

12 would you like to change places again?

13   CHAIRMAN STEWART: Sure.

14   CHAIRPERSON CHAVEZ: You confused

15 me totally at the beginning. I thought that

16 you were saying that you were confused with

17 Craig Gerhart, and I couldn't figure out

18 because, you know, the beard seemed to me a

19 dead give-away.

20   CHAIRMAN STEWART: I've got a ways

21 to go.

22   CHAIRPERSON CHAVEZ: Now, now, no

1   ageist remarks here, Corey. And could -- I

2   just asked someone on the staff if maybe you

3   could move the chart that is up there, maybe,

4   and turn it around so that I can see the

5   caution button. I can't tell where we're

6   getting in terms of times.

7   Actually, it would be helpful just

8   to sort of put it over where that -- great.

9   Thank you. Thank you, Chief Deane.

10   Yes. Corey Stewart.

11   CHAIRMAN STEWART: Madam Chairman,

12   Members of the Committee, I'm glad you're

13   here, keeping our seats warm. And I want to

14   thank you for coming to Prince William County

15   to help us explain why this community has

16   tried to deal with the problem of illegal

17   immigration and its effects on our community.

18   It's not a unique problem. It's

19   one that's replicated all across the United

20   States, in communities in Texas, in Arizona,

21   but yes, in Virginia, it states that the

22   border, our southern border.

1   Prince William County is a diverse

2   community. It is historically diverse. It's

3   been diverse for over a century. We welcome

4   diversity in Prince William County. We

5   welcome legal immigration. And I must say

6   that I better say that since my own wife is a

7   legal immigrant to the United States.

8   What we do not welcome in this

9   community is illegal activity. What we do not

10 welcome is illegal immigration and its effects

11 on Prince William County.

12   The problem if illegal immigration

13 was not identified by John Stirrup. It was

14 not identified by Corey Stewart. It was not

15 identified by any politician. It was, in

16 fact, identified by the residents of Prince

17 William County who began to notice some of the

18 problems that are associated with illegal

19 immigration.

20   That is not to say that illegal

21 immigrants caused all of these problems or

22 even that they are responsible for a majority

1   of those problems. But the fact is that

2   somebody who is here illegally shouldn't have

3   been here in the first place and is adding to

4   those problems.

5   From our hospitals -- and Mr.

6   Schwartz will discuss that in a few moments --

7   to overcrowded housing in our neighborhoods,

8   to our problem in our jails, we know that a

9   significant portion of the crime committed in

10   the County is by illegal immigrants, to gang

11   activities.

12   First and foremost, the reason

13   that this community and the reason that Mr.

14   Stirrup, myself and the rest of the Board of

15   County Supervisors decided to address the

16   problem is because of public safety.

17   One of the suspects in the triple

18   murder in New Jersey of some three college

19   students was, in fact, a resident of Prince

20   William County. Hector Molina, a suspect in

21   a case earlier this summer, in Prince William

22   County, who was brought into our jail system

1   on a lesser crime, his immigration was not

2   checked.

3   He was released on bond and a

4   couple of weeks later he murdered a Prince

5   William County resident. Just recently there

6   was a triple murder in Woodbridge, it was last

7   week, actually, by an illegal alien here in

8   Prince William County.

9   The reason that the locality needs

10   to address this issue is because, frankly, the

11   Federal Government has failed to do so.

12   Corporate Republicans and liberal Democrats,

13   alike, for their own reasons, have failed to

14   address this problem, refused to do so and as

15   a result communities like ours are forced to

16   pay the price.

17   So, what limited powers we do

18   have, we intend to use to address the problem.

19   We have cooperated with the Federal

20   authorities.

21   We have to say from the outset,

22   that Immigration and Customs enforcement, from

1   our perspective, has been very cooperative.

2   They've been picking up illegal immigrants who

3   have served their sentences in our jails.

4   They've been picked up within hours from the

5   jails and brought into Federal custody.

6   Our resolution was essentially a

7   twofold process. Last year we adopted the

8   resolution to initiate the 287(g) program in

9   the jails, to cooperate with Federal

10   authorities to deport prisoners after they've

11   served their sentences, and in July Mr.

12   Stirrup's resolution extended the 287(g)

13   authority to our police on the streets and to

14   our sheriff's office.

15   We expect to begin enforcement of

16   that resolution as soon as possible which we

17   think will be January or February of next

18   year.

19   I'd welcome, again, you all being

20   here. I think the US Civil Rights Commission

21   has done great work for the past 50 years. We

22   welcome your presence here today and we look

1   forward to the dialogue. Thank you.

2   CHAIRPERSON CHAVEZ: Thank you

3   very much.

4   Let me welcome Craig Gerhart, who

5   is County Executive for Prince William County,

6   Virginia. Thank you so much for being with

7   us, and you can go next, please.

8   MR. GERHART: Thanks. Thank you

9   to the Committee, for giving me the

10   opportunity to address you. I've been asked

11   to talk about work that the County staff has

12   done pursuant to Board direction, that we

13   examined the variety of services and programs

14   that the County government offers and examined

15   them with respect to their impact on illegal

16   immigration.

17   The Board adopted a resolution

18   back on July 10th that directed this County

19   staff work and the Board gave us a series of

20   instructional comments. One, they asked that

21   we identify local benefits that we must

22   provide pursuant to state or Federal law,

1   irrespective of resident status of the

2   recipient.

3   Those benefits that we are -- we

4   may not provide to folks who are in the

5   community illegally, those benefits for which

6   the locality has discretion, and the relative

7   merits of exercising that discretion in terms

8   of restricting service delivery, and they made

9   certain that the direction included that our

10   staff work and recommendations should come

11   forward in a manner fully consistent with

12   Federal law, in a manner so as not to be

13   construed as prohibiting the rendering of

14   emergency medical care or any other federally

15   or state-mandated benefits, and not to do

16   anything to discourage the reporting of crime

17   or criminal activity to any law enforcement

18   agency.

19   The County staff examined the

20   entire gamut of services that we provide and

21   that included over 236 services which we

22   grouped -- are offered in four different

1   categories. Eighty of them were in our

2   functional area of community development, 84

3   were in general government, 52 were in public

4   safety, and 126 were in -- I'm sorry, 120 were

5   in human services.

6   As we began our work, the County

7   Attorney identified a series of issues that

8   guided our work from a legal perspective.

9   These included the complexity of verifying

10   citizenship and legal or illegal status, a due

11   process clause pursuant to the 14th Amendment

12   of the Constitution, the equal protection

13   clause, again, in the 14th Amendment to the

14   Constitution, Supreme Court rulings, such as

15   Plyer v. Doe, the Dillon Rule here in Virginia

16   which limits local authority and discretion,

17   the Freedom of Information Act, which governs

18   information as it must be provided to the

19   community, and property ownership laws.

20   With that as backdrop, we asked

21   our County staff to look at all of those 200-

22   plus programs, identify the program by name,

1   give us any information they could about

2   current laws that guide and service delivery,

3   gave us -- give us any information they might

4   have in terms of the efforts they have in

5   place to verify legal status as well as

6   letting us know where those -- we had no

7   verification system in place.

8   And then we asked them to discuss

9   the impacts of restricting those services on

10   our regulatory function, on our customer

11   service delivery, and on our customer service

12   delivery as it relates to serving the

13   community at large, versus specific services

14   to individuals.

15   We came back with our report to

16   the Board and we gave the Board all of those

17   services categorized as follows: We

18   identified a range of services which are

19   already restricted, primarily by Federal law.

20   These would include things such as temporary

21   aid to needy families, food stamps, et cetera.

22   We identified services that may

1   not be restricted pursuant to Federal or state

2   law. An example here would be health services

3   provided to infants.

4   We identified services that we

5   thought we had the legal discretion to

6   restrict, but where we thought the impact on

7   the community, the potential legal questions

8   and fiscal impacts would be extraordinarily

9   high and recommended that those not be

10   considered.

11   Those would include services like

12   parks and libraries for which we have open

13   facilities, no sense of eligibility systems or

14   anything, and the cost to put those in place

15   we thought were prohibited.

16   We also had some services that we

17   categorized in an area called services that

18   should not be restricted, and these were

19   services such as mental health where failure

20   to provide service to a client, irrespective

21   of legal or illegal status could have serious

22   impacts on the larger community.

1   Another example would be some

2   services we provide to children who may very

3   well be US citizens but our clinical model

4   suggests we need to work closely with the

5   family and we can't do our job if we try to

6   sort through whether the family is legal or

7   not, so we suggested not going there.

8   Then we had services that benefit

9   the community as a whole, such as road

10   construction. It's very difficult to sort out

11   who is using roads at any point in time. And

12   then services that benefit our County

13   employees such as payroll, fleet services,

14   which really are part of our service mix, but

15   don't directly support any individual within

16   the community.

17   The last category was a list of

18   services that we thought could and perhaps

19   should be restricted, given the Board's policy

20   guidelines, and those services included adult

21   services to the elderly and disabled in

22   allowing them to remain in their homes, in-

1   care services for our elderly, a substance

2   abuse program in our adult detention center,

3   tax relief to elderly and disabled, homeless

4   intervention programs which are really

5   designed to allow people to remain in their

6   homes and therefore in the community,

7   identification services to adults provided by

8   the Sheriff's Department, which is not our

9   primarily law enforcement. We thought that

10   gave an imprimatur of identification provided

11   by government, and then a tax exemption

12   program we have for folks who renovate either

13   commercial or residential properties.

14   In each of those cases, the Board

15   did direct that we develop procedures for how

16   we would go about restricting those services

17   so that they're not delivered to folks who are

18   in our community illegally and I ask that we

19   come back to them after the first of the year

20   with those procedures, at which point we

21   believe the Board will make a decision as to

22   how they want us to proceed.

1   I should note that none of these

2   services have been restricted to date. The

3   only services we are restricting are those

4   that are directed by the Federal and state

5   government for restriction.

6   That ends my comments. Of course,

7   I look forward to your questions.

8   CHAIRPERSON CHAVEZ: Thank you.

9   Thank you very much.

10   Mr. Schwartz.

11   MR. SCHWARTZ: Thank you, Madam

12   Chairlady, and Members of the Committee for

13   inviting me.

14   The County has two hospitals,

15   Prince William Hospital and Potomac Hospital.

16   Both hospitals are voluntary, not-for-profit.

17   So, this name on the card indicates County.

18   Both of our hospitals are 501(c)(3) under the

19   Internal Revenue Code.

20   Community hospitals such as Prince

21   William are the backbone of America's health

22   care system. We provide quality care to all

1   who come through our doors, whether or not

2   they are citizens or from other countries,

3   whether or not they have insurance.

4   Our county is one of the fastest-

5   growing, not only in Virginia, but in the

6   United States. In the last ten years we've

7   grown about 30 percent, the last 12 years.

8   We estimate by 2012 we will have

9   grown another 18 percent coming to a

10   population of about 425,000. Now, this growth

11   in population offers great opportunities and

12   it also presents challenges.

13   We obey the laws of the United

14   States and the Commonwealth of Virginia, as

15   I've said, and we do not seek to find out the

16   immigration status of any of our patients, nor

17   do we keep statistics on the immigration

18   status of our patients. We do, however, keep

19   statistics on our self-pay and Medicaid

20   patients.

21   Overall, 20 percent of the gross

22   charges at Prince William Hospital are self-

1   pay or Medicaid which means out of $400

2   million in gross revenues per year 80 million

3   are self-pay or Medicaid.

4   Last year there were 2665 births

5   at Prince William Hospital. Nearly 40 percent

6   of those were unassigned births, which means

7   that the mother was not under the care of an

8   obstetrician, and thus, there was very little

9   prenatal care.

10   Unfortunately, without prenatal

11   care, a large number of those newborns require

12   treatment in our neonatal intensive care unit.

13   And I think, as you know, without prenatal

14   care lifelong problems may also result, and

15   these can be debilitating and costly to

16   society.

17   In addition to the financial

18   burden that this type of situation places on

19   hospitals such as Prince William and Potomac,

20   it also takes an enormous toll on our

21   professionals who are hard-working labor and

22   delivery room nurses, for example, the lack of

1   prenatal care is heart-breaking and, in fact,

2   frustrating.

3   And I might add that the Health

4   Department of Prince William County does a

5   superb job taking care of many of the

6   undocumented, but the Health Department is

7   just inundated with the numbers.

8   Now, prior to 2005, at Prince

9   William Health System, we had a local

10   obstetrical group handle the unassigned cases.

11   As the number of births of unassigned patients

12   increased, the demands became so great that

13   they asked to be relieved of this

14   responsibility.

15   And in 2005, we actually hired --

16   we had to hire a group, a private group who

17   exclusively takes care of our indigent OB's

18   and related services. And the cost of

19   providing these services in 2001 was about

20   $560,000. Five years later, last year, we

21   paid $1.5 million for these obstetrical

22   deliveries.

1   In addition, we paid last year

2   about 1.1 million -- and I'm rounding off --

3   for the neonatal intensive care. Forty-seven

4   percent of our NICU patients are self-pay or

5   Medicaid. The cost of subsidizing

6   anesthesiologists for these same services is

7   about $500,000.

8   In addition to these operating

9   costs of course we've had to expand our

10   delivery room and our operating rooms and our

11   emergency room. Our emergency room, when I

12   came to the community in 2000 was seeing

13   roughly 50,000 patients a year. By 2010 we

14   estimate we're going to see 71,000 emergency

15   room patients a year. And many of these, 40

16   percent, roughly, are uninsured.

17   And this obviously causes other

18   problems because many of them do not have

19   primary care physicians and if they become ill

20   they use the emergency room for primary care.

21   Sometimes these visits are emergencies, but as

22   I say, many times they are for primary care.

1   In 2006 there were more than

2   56,000 visits to our emergency room. Not in

3   my notes, but growing as a national problem --

4   it's certainly a problem in Prince William

5   County and it will be in Virginia and it will

6   be in the United States, is the increasing

7   reluctance of private physicians to take

8   emergency room call without subsidies from the

9   hospitals or someone -- there really is no one

10   else other than the hospital because of the

11   increasing load in the emergency rooms.

12   Now, as a non-for-profit, Prince

13   William Hospital will continue to fulfill our

14   obligation to provide health services to all

15   regardless of their ability to pay, although

16   it is having a severe financial impact on us.

17   In 2006 the cost of all services

18   provided for free or at reduced value were

19   more than $15 million. And I believe in my

20   hand-out there is a summary that we put

21   together called a community benefit package

22   and you can read that.

1   Thank you, Madam Chairperson.

2   CHAIRPERSON CHAVEZ: Thank you

3   very much.

4   Next joining us will be Charlie

5   Deane and he is chief of police and I believe

6   you are the one who -- did you bring this

7   particular chart with you? Is that --

8   CHIEF DEANE: Yes, ma'am. It

9   doesn't need to be there unless --

10   CHAIRPERSON CHAVEZ: No. I just

11   see it now. I just didn't want it obscuring

12   the --

13   CHIEF DEANE: It had been asked --

14   someone in the previous presentation had

15   mentioned the crime rate and I just wanted to

16   put that on the graphic for you.

17   CHAIRPERSON CHAVEZ: Right.

18   CHIEF DEANE: Would you like for

19   me to proceed?

20   CHAIRPERSON CHAVEZ: Yes, please.

21   CHIEF DEANE: Madam Chairman,

22   Members of the Committee, I'm pleased to be

1   here today to represent the Prince William

2   County Police Department, and my narrow

3   perspective of this very complex issue.

4   I think it's important that we

5   talk a little bit about the history of

6   policing as it relates to immigration

7   enforcement, particularly in my narrow view,

8   that of the local law enforcement's role.

9   Local law enforcement has had

10   almost no role in the enforcement of

11   immigration laws in my time as a police

12   officer and as police chief.

13   It has been a federal

14   responsibility and we have really not

15   understood immigration laws because we've not

16   had much of a role. Having said that, over

17   the years and more in recent years since we've

18   seen the influx of criminal gangs related to

19   a number of Latino gangs coming into this

20   region.

21   We started seeing the issue of

22   criminal gang immigrants, illegal aliens that

1   were here related to that criminal activity.

2   That criminal activity started in about 1992,

3   so we started developing a more close with

4   Immigration authorities, and I might say that

5   they have been very cooperative with us over

6   the years.

7   Prior to getting involved with

8   Immigration related to gangs, we dealt with

9   fugitives. If they fled out of the country

10   sometimes we would talk with Immigration

11   authorities.

12   But as we've seen the gang issue

13   and as we've seen the demographic shifts in

14   the County and significant influx of foreign-

15   born individuals here, we have seen -- we have

16   received an increasing number of complaints

17   concerning quality of life issues and crime

18   issues that are associated or perceived to be

19   associated with the issue of influx of

20   immigrants.

21   Some of those issues have involved

22   overcrowded housing, noise, drinking in

1   public, parking in yards and changing oils in

2   driveways and loud parties and all those kinds

3   of things. A lot of quality of life kind of

4   issues that the police department has

5   responded to.

6   As to crime, we have certainly

7   investigated a number of crimes committed by

8   illegal aliens, and a number of crimes that

9   have -- where illegal aliens have been

10   victimized.

11   Two years ago I focused a lot of

12   attention and brought some media attention to

13   the issue of people who were being robbed

14   because they were here in an illegal status

15   because they were carrying cash, they are

16   walking alone often in an area of the County,

17   and they were victimized specifically because

18   they were known to be high-risk victims, if

19   you will.

20   As time has gone on the Board of

21   Supervisors last December asked the police

22   department for comment concerning the 287(g)

1   program as to whether we should take that in

2   the police department at that time, or how we

3   should deal with that issue, to -- as a first

4   step in trying to deal with the illegal alien

5   issue in the County.

6   The police department recommended

7   that that go forward. The Jail Board put that

8   in place with the Board of Supervisors'

9   direction. The 287(g) has been put in place

10   in the jail and is working effectively.

11   It's been mentioned earlier, but

12   just to give you some numbers as of today, 213

13   individuals are being held in the jail today

14   who have detention orders on them. They may

15   be being held on the criminal charge until

16   that detention order is effective once their

17   sentence has been -- has ended or they have

18   been sentenced.

19   And a total of 482 have been put

20   in -- have had detention orders placed on

21   them, that is Immigration detention orders

22   placed on them this year.

1   Some of those are under the new

2   program. Some of them would have been

3   identified as illegal and subject to

4   deportation under the old system where we were

5   working with ICE related to criminal gang

6   members.

7   Then, in last July the Board of

8   Supervisors passed a resolution that had been

9   discussed earlier. From a police perspective,

10   as the Chairman has mentioned, it required us

11   to do two things. One was to establish 287(g)

12   authority within the police department, a

13   cross-designation.

14   And secondly, we needed to impose

15   or implement a new policy that basically we

16   can talk about more, I'm sure, but it

17   basically requires that if we, the police,

18   detain someone lawfully for a state or local

19   charge and there is probable cause to believe

20   that individual is here illegally, the police

21   department must do more to inquire into that

22   and if it is determined that the person, in

1   fact, is here unlawfully, communicate with

2   Immigration in some way. So, we need to do

3   more than we've ever done in the past.

4   Of course this, as I mentioned, is

5   a new area of responsibility for us so,

6   suffice it to say, I've spent and my staff has

7   spent the last twelve months, or since we

8   started with the jail program, but the last

9   several months intentionally studying this

10   issue, reaching out to all authorities.

11   You've heard mention of the ICP

12   and the Police Executive Research Forum and

13   other entities, major city chiefs who have

14   studied these issues, and we think we have a

15   handle on what the legal issues are and some

16   of the issues.

17   I've commented to the Board about

18   some of those issues. But, the Board

19   resolution came to us. As police chief, my

20   staff and I worked on how we should respond to

21   that, and our response that I proposed back to

22   the Board of Supervisors was that we address

1   this in a three-phased approach.

2   One would be that we methodically

3   -- we change the rules, our policy, and we

4   carefully craft the policy that's fair, lawful

5   and reasonable, that we train all of our

6   officers in that policy.

7   It's one thing to pass a policy

8   and the most important thing is for us to talk

9   about our philosophy in how we carry that

10   policy out, and it's very important that we

11   carefully train our officers in that respect.

12   So, we have designed, since the --

13   since September -- we've been using it the

14   last two months in designing training. We're

15   going to provide our officers one full day,

16   eight hours of training, each individual --

17   each officer of the police department in that

18   new policy.

19   That will start in January. We

20   are not going to put the policy in place

21   piecemeal. We're going to put it in place

22   after everyone has been trained.

1   So, we've put a lot of thought

2   into that. We're going to have small training

3   groups of 30 people. Maybe that's more detail

4   than you need, but it's important to know that

5   we are very careful in how we are dealing with

6   that issue.

7   The second part of that change

8   that we're going to make in kind of the phase

9   one of our approach, if you can follow me, is

10 we are creating a criminal alien unit which is

11 a small unit of six detectives or sergeant and

12 five detectives who will focus on the most

13 serious criminal aliens that are in the

14 community, and they will make sure that we do

15 what we can to get these people out of the

16 country once they've served their sentence or

17 to identify them and deport them if they pose

18 a threat to the community and if they've been

19 convicted of serious crimes they have to

20 remain in our community.

21   So, that will be a small criminal

22 alien unit that will be cross-designated under

1   the 287(g) program. So, the 287(g), in our

2   view, is not going to be provided to all

3   officers, but will -- we will use that

4   effectively to focus on criminal aliens.

5   The second component of our

6   suggested approach, which the Board has

7   endorsed, is public education. It's vitally

8   important that we do everything we can to say

9   what this program is and what it isn't, that

10   it's not going to be -- we're not going to

11   have roadblocks, ICE roadblocks and round-up's

12   and those kinds of things, but we are going to

13   focus on criminal aliens and we are going to

14   hold people more accountable for -- if they

15   violate the law, for their immigration status.

16   We are going to do more in that area.

17   So, I'm concerned about the

18   expectation issue there. You know, we can't

19   do everything to solve this, what I see as a

20   national problem, but we can do some things if

21   we focus carefully.

22   And the third component of that

1   three-phased approach is an evaluation

2   process. Too often we put public policies in

3   place and don't follow through to make sure

4   they really are impacted where we want to

5   impact, and we are as effective as we can be.

6   We are affiliating ourselves with

7   the Police Executive Research Forum and the

8   University of Virginia to design a program

9   that will track what we are doing and we'll

10   look at data -- help us establish what data we

11   need to capture -- like one of the issues you

12   all were mentioning earlier is that of how

13   long we detain people. Are we detaining some

14   people more than others? Is that fair?

15   What's the law? So, we need to track that and

16   pay attention to the details.

17   And I'll quickly try to summarize.

18   So, our policy will focus on criminal aliens,

19   the protection of victims of crime, regardless

20   of their immigration status, the protection of

21   cooperative witnesses, regardless of their

22   immigration status.

1   And, of course, the issue that we

2   all know is one that will be alleged, is that

3   of racial profiling. We have a strong policy

4   that we do not allow racial profiling. That

5   policy's been in place probably ten years in

6   the police department.

7   But, racial profiling is not

8   appropriate. We have trained our officers in

9   that and we will re-emphasize that training in

10   this training that's coming up on this issue,

11   that it's not appropriate because it's against

12   Federal law, it's against our general orders

13   and it's simply wrong.

14   CHAIRPERSON CHAVEZ: Thank you

15   very much.

16   CHIEF DEANE: Yes, ma'am.

17   CHAIRPERSON CHAVEZ: And thank you

18   to all of the panelists. I'm going to take

19   the prerogative of the Chair and ask the first

20   questions and then turn to my colleagues.

21   Thank you all for your statements.

22   Thank you especially to the two members of the

1   Board of Supervisors who were instrumental in

2   the passage of this.

3   I appreciate particularly Chairman

4   Stewart, your focusing on the issues that

5   we're concerned about here. I must say, Mr.

6   Stirrup, you and I might want to have a debate

7   some place under other circumstances about

8   proper immigration policy, but that is not our

9   interest here.

10   Our interest here today is, in

11 fact, the civil rights implications of the

12 actions taken by the Board. And I will say

13 that, in looking at the wording of the

14 resolution, at least the "whereas's" I was a

15 little bit reminded of the childhood tale of

16 Alice in Wonderland and the Red Queen who, as

17 I recall said, "Off with their heads. Off

18 with their heads." A sentence first, verdict

19 later.

20   And I say that because of the

21 "whereas" that I mentioned earlier today,

22 "Whereas, the Prince William Board of County

1   Supervisors has determined that illegal

2   immigration is causing economic hardship and

3   lawlessness in this County," and I want to

4   know how it is the Board went about

5   determining that, because watching this, as I

6   did on television, reading about it in the

7   newspapers, it seemed that there was very

8   little fact-finding prior to the Board's

9   consideration of this measure.

10   There was not, for example, the

11   kind of fact-finding we've had this morning

12   where we've brought in legal experts,

13   demographers, et cetera, to inquire what the

14   impact is. You seem to have made up your mind

15   what this impact was, and I just want to know

16   what the empirical evidence was of that

17   impact, not people's feelings, but what

18   empirical data did you pull together to

19   determine this lawlessness.

20   I'm looking at a chart that

21   suggests, for example, that crime has gone

22   down. If you look at the unemployment figures

1   in the County of Prince William, it's about

2   two and a half percent, last I checked.

3   That's pretty low. It's below what economists

4   normally consider full employment.

5   So, I'm trying to figure out where

6   your fact basis was, and was it the facts that

7   were motivating you or was it something else?

8   CHAIRMAN STEWART: Thank you,

9   Madam Chair. Well, I'm glad you brought up

10   Alice in Wonderland, the statement about

11   "sentence first, verdict later," reminds me a

12   little bit of your article from May 25th, 2007

13   when you claimed that all of us, especially on

14   the right who are trying to address the

15   problems of illegal immigration were

16   xenophobes and just didn't like Mexicans.

17   CHAIRPERSON CHAVEZ: No. I

18   actually did not say that. So, let's not --

19   CHAIRMAN STEWART: Well, I've got

20   it right here.

21   CHAIRPERSON CHAVEZ: -- let's not

22   -- well, we can read it into the record if you

1   like. That's not what it said.

2   CHAIRMAN STEWART: Well, actually,

3   I would like that read in the record.

4   CHAIRPERSON CHAVEZ: We'll be

5   happy to do that.

6   CHAIRMAN STEWART: And you've got

7   a very clear past and agenda here, and --

8   CHAIRPERSON CHAVEZ: Mr. Stewart,

9   I am not the subject of this hearing.

10   CHAIRMAN STEWART: -- I respect

11   your views, but --

12   CHAIRPERSON CHAVEZ: We are here

13   on a very serious matter.

14   CHAIRMAN STEWART: I just wanted

15   to make it clear that whereas you're trying to

16   say that this community and that John Stirrup

17   and myself simply went about this without --

18   CHAIRPERSON CHAVEZ: No, I'm just

19   asking a question, Mr. Stewart. Perhaps you

20   can answer it.

21   CHAIRMAN STEWART: I'm trying to

22   lay the format here for what I'm about to say.

1   We did look at the impacts on the community.

2   And the thing to remind yourself here is that

3   this --

4   CHAIRPERSON CHAVEZ: Could you

5   just elucidate that? Could you tell us what

6   demographic studies you have --

7   CHAIRMAN STEWART: I'm trying to

8   tell you.

9   CHAIRPERSON CHAVEZ: -- you did

10   that. So, if you could please just provide

11   that.

12   CHAIRMAN STEWART: Ms. Chavez, I'm

13   trying to tell you.

14   The community identified this

15   issue. The community identified the issue in

16   the hospitals, in the hospital emergency

17   rooms, as you've just heard from Mr. Schwartz.

18   The community identified the

19   problem on the streets in terms of crime. The

20   community identified the issues in the

21   neighborhoods with housing overcrowding.

22   CHAIRPERSON CHAVEZ: So, in other

1   words, we have anecdotal evidence that was

2   presented by the Board.

3   CHAIRMAN STEWART: And -- and as a

4   result of that, Mr. Stirrup, myself and others

5   on the Board did, in fact, take a look at the

6   issue to see whether we have a problem with

7   illegal immigration.

8   We do. We know from Immigration

9   and Customs Enforcement that up to one-third

10   of all the gang members in Northern Virginia

11   are, in fact, illegal aliens. We know, at

12   least we knew at the time, we estimated that

13   -- and we underestimated, actually, that the

14   percentage of the people in our jail were, in

15   fact, illegal aliens -- at the time we thought

16   it was smaller.

17   Now a recent snapshot at the time

18   that we undertook -- when we voted on the

19   resolution it was approximately 21 percent of

20   the inmates in our jail were, in fact, illegal

21   aliens.

22   That was the primary reason for

1   this resolution, is to address the real life

2   quality of life concerns. And, I would say

3   this: Now, how do you value or quantify the

4   lives of Juan Manual Guevera, Rosario Uropa,

5   Heraldo Lopez Garcia?

6   These are three Prince William

7   County residents, Madam Chairman, in today's

8   newspaper who were murdered by an illegal

9   alien, somebody who should not have been in

10   this country in the first place.

11   CHAIRPERSON CHAVEZ: And what was

12   their legal status, the victims?

13   CHAIRMAN STEWART: Does that make

14   a difference?

15   CHAIRPERSON CHAVEZ: No. I'm just

16   asking.

17   CHAIRMAN STEWART: Are there lives

18   any less valuable because they were legal or

19   illegal?

20   CHAIRPERSON CHAVEZ: No. I'm just

21   curious.

22   CHAIRMAN STEWART: What are you

1   trying to say here?

2   CHAIRPERSON CHAVEZ: I'm just

3   curious whether or not they were also illegal

4   aliens. We have heard some testimony today

5   that illegal aliens are victims of crime as

6   well as perpetrators.

7   CHAIRMAN STEWART: I don't

8   disagree with you on that.

9   CHAIRPERSON CHAVEZ: Let me ask

10   one other question, because you have placed a

11   tremendous amount of emphasis on legal versus

12   illegal immigration, and Mr. Stirrup did the

13   same thing.

14   Legal immigration policy is, of

15   course, a Federal matter, a national matter.

16   There was, in fact, legislation that was under

17   consideration this last Congress which did not

18   pass, but had it passed, had we decided to

19   pass a law that would have increased the

20   number of legal immigrants into the United

21   States -- we admit about 400,000 legal

22   immigrants into the United States each year.

1   We create about a million and a

2   half to two million new jobs each year, so

3   that's somewhat of a gap between our economic

4   needs and the number of people that we admit

5   each year, and our population is stable. It's

6   not -- it is not growing.

7   If, in fact, legislation had

8   passed and the number of persons in Prince

9   William County who are now here illegally were

10   given legal status would you have any problems

11   with their presence here?

12   In other words, is it really the

13   illegality and if they were to become tomorrow

14   legal residents, would that in any way change

15   their impact on the economy? Would it in any

16   way change their impact in terms of the use of

17   the hospitals or their participation, either

18   as victims or perpetrators of crime?

19   How would that change? And how

20   would that change your actions?

21   CHAIRMAN STEWART: The fundamental

22   purpose of this resolution is to remove the

1   bad guys, to remove the people who are here

2   illegally and commit crimes.

3   The fact is, is that if Congress

4   had passed the broad amnesty and the people

5   were no longer -- that commit the crimes were

6   no longer illegal we wouldn't be able to use

7   Federal Immigration Law to remove them from

8   the community.

9   CHAIRPERSON CHAVEZ: Actually, it

10   wouldn't have been eligible to be legal --

11   CHAIRMAN STEWART: Well, the point

12   is that we are using Federal Immigration Law

13   as a tool to remove bad guys from our

14   community. If Congress had removed that took

15   by granting them amnesty, obviously we

16   wouldn't have been able to pass this

17   resolution and it wouldn't have done any good.

18   CHAIRPERSON CHAVEZ: I'm going to

19   ask --

20   CHAIRMAN STEWART: I'm not going

21   to say that I support amnesty. I don't.

22   That's a personal view. From a perspective --

1   I'm giving you my perspective as a County

2   Chairman.

3   CHAIRPERSON CHAVEZ: And I'm going

4   to ask Lloyd Cohen to ask the next question.

5   MEMBER COHEN: Yes, I'm going to

6   change gears a bit here. This is a question,

7   both for Mr. Schwartz and Mr. Gerhart, because

8   I couldn't quite get the sense of some of Mr.

9   Schwartz's testimony as to where that was

10   leading, and I want to get more of a feel of

11   how the entire policy would be implemented.

12   Mr. Schwartz made a number of

13   points about the prenatal care and that the

14   problems of women not having prenatal care

15   leads to high neonatal costs and then probably

16   lifetime costs in what would then be citizens

17   of the United States and residents of Prince

18   William County.

19   Now, so Mr. Gerhart, on your list

20   of those services that could be restricted but

21   impact cost is high, or services that should

22   not be restricted.

1   Have you given thought to that

2   particular service, prenatal care and, you

3   know, where does that fall in all of this?

4   MR. GERHART: I believe that, to

5   the extent the County is involved in prenatal

6   care, that is provided through our Health

7   Department, and those services are pretty

8   well, I think, driven by Federal and state

9   law.

10   And so, the continuing provision

11   of those services, I think are, in fact, not

12   on the list for restriction because they can't

13   be. I can't really speak to Dr. Schwartz's

14   issues. The hospital is not a County-funded

15   institution and he has -- he has his own data.

16   MR. SCHWARTZ: Let me must clarify

17   it a little. If a person is eligible for

18   Medicaid then they would be eligible for

19   prenatal care, and would presumably get it

20   from private obstetricians, at least, or

21   perhaps.

22   If they are not eligible for

1   Medicare because they are undocumented, the

2   mother, then she will not get prenatal care

3   except through the auspices of the County

4   Health Department which is a division of the

5   State Health Department.

6   And the problem is they are

7   overwhelmed with the volume of patients. So,

8   if you are lucky enough as an undocumented to

9   get to the Health Department, you will receive

10   prenatal care.

11   Once you come into the emergency

12   room we will deliver you and you will get the

13   highest quality care that anybody else gets.

14   The baby is immediately an American citizen

15   and eligible for Medicaid, but we are not

16   reimbursed for the cost of the mother's

17   delivery. That's basically the way it works.

18   So, to summarize, if a person is

19   undocumented, they are not, themselves,

20   eligible for Medicaid. And the only way they

21   can get the prenatal care is, unless they pay

22   out of their pocket, is through the auspices

1   of the Health Department.

2   The Health Department is very,

3   very overwhelmed with the number of patients

4   or traditionally has been, and therefore, not

5   all of these women get prenatal care.

6   But whether they are documented or

7   undocumented or whatever, the minute they

8   deliver in the hospital, the baby is an

9   American citizen and covered for Medicaid.

10   MEMBER COHEN: So, to clarify for

11   my own understanding.

12   MR. SCHWARTZ: Sure.

13   MEMBER COHEN: So the thrust of

14   much of your testimony and what you're saying

15   now is that there are great costs that are

16   imposed on the County by the presence of

17   illegal immigrants, you know, in this

18   particular instance, and the thrust of what

19   you're saying is that this County policy that

20   we're here discussing would not -- does not

21   affect this one -- would not affect this one

22   way or the other as to these -- the treatment

1   of these women?

2   MR. SCHWARTZ: That's correct.

3   CHAIRMAN STEWART: I would refine

4   your answer. There are great costs imposed on

5   both voluntary, not-for-profit hospitals and

6   the County.

7   MEMBER COHEN: All right.

8   CHAIRPERSON CHAVEZ: Could I just

9   ask a follow-up to that, because it's right on

10   this point.

11   MR. SCHWARTZ: Sure.

12   CHAIRPERSON CHAVEZ: Some of the

13   costs you are talking about, it seems come

14   from the status of these people, not in terms

15   of immigration status, but their socioeconomic

16   status.

17   Would they not also cause

18   tremendous costs just by virtue socioeconomic

19   status and regardless of their legal status?

20   Would it, in fact, would not some of those

21   costs actually increase if they were legally

22   resident or if they were US citizens if, for

1   example, we were dealing with a low-income

2   native-born population?

3   MR. SCHWARTZ: Yes, they could

4   incur the same kind of costs.

5   CHAIRMAN STEWART: It tends, as

6   you saw from the professor's demographics, and

7   we certainly see it every day, in reality,

8   that many of these people do not have the

9   resources and therefore they have health

10   problems.

11   MEMBER GAZIANO: I, too, want to

12   add my own personal thanks to all the citizens

13   of the County, but particularly the Board

14   Members who are letting us keep their chairs

15   warm and giving us this beautiful hearing

16   room.

17   My particular question goes to

18   Chief Deane. I may disagree with one of the

19   previous witnesses on the previous panel that

20   said that if you ever inquire of anyone, you

21   must inquire of everyone in every situation,

22   but it does seem like a wise policy when it's

1   possible.

2   Do you at least inquire of

3   immigration status currently or in your future

4   plans for all arrestees? I know police

5   officers come in contact with citizens in a

6   lot of different ways, but do you at least

7   inquire of all arrestees?

8   CHIEF DEANE: Yes. When they go

9   to -- if they are detained and go to the jail

10   they would be screened for their immigration

11   status.

12   MEMBER GAZIANO: Okay. I'd like

13   to understand, then, in what other situations

14   do you sometimes inquire and sometimes don't,

15   what kind of facts might give rise to what

16   your training for police officers suggests?

17   CHIEF DEANE: The threshold that

18   the Board of Supervisors has established is

19   probable cause that would require officers to

20   take that further step. Of course, before you

21   get to probable cause, there's reasonable,

22   articulable suspicion, and what you are asking

1   I think --

2   MEMBER GAZIANO: A Terry-type

3   stop. Can you give me any ideas --

4   CHIEF DEANE: What you are asking,

5   I think, is an example, and I'll try to do

6   that.

7   MEMBER GAZIANO: Sure.

8   CHIEF DEANE: An individual is

9   stopped for traffic violation, runs through

10   radar. The officer doesn't know who they are

11   and they flag the person over. The person

12   presents an international driver's license.

13   For example, an El Salvadorian driver's

14   license. The person cannot speak English.

15   The officer is suspicious and asks

16   more questions and determines that the person

17   is, either through running a record check or

18   through the interview process, or they may

19   find something, may see something there that

20   makes it clear that the person is not here

21   lawfully.

22   The vehicle is not registered to

1   the person. The person gives a false address

2   or something, just raising the suspicion. At

3   the point that that becomes probable cause,

4   the officer is going to do his -- is going to

5   be required to do more.

6   That may be merely notifying

7   Immigration authorities that this individual

8   is probably unlawfully here. That may involve

9   -- if that individual is -- if the records

10   indicate that the individual has failed to

11   appear for a deportation hearing, that

12   individual may be arrested rather than being

13   given a summons.

14   Virginia is a "will summons" state

15   which basically requires that if someone is

16   stopped on a traffic violation or certain

17   minor misdemeano criminal charges, they will

18   be released on a summons except for certain

19   circumstances.

20   MEMBER GAZIANO: There's a case

21   pending in the Supreme Court in a few weeks on

22   this.

1   CHIEF DEANE: Okay. And one of

2   those circumstances --

3   MEMBER GAZIANO: From Virginia.

4   CHIEF DEANE: And one of those

5   circumstances is that if the officer has

6   reason to believe he will not show up, the

7   individual will not show up for court. The

8   fact that we will have a -- use as a factor

9   the fact that the person did not show up for

10   a deportation hearing. That's kind of the

11   full cycle on just one example.

12   MEMBER GAZIANO: Okay. And just

13   my final thought on this, is this part of the

14   eight-hour training for every officer?

15   CHIEF DEANE: Yes, sir.

16   CHAIRPERSON CHAVEZ: Let me just

17   follow up on that because I want to pin you

18   down a little bit on this probable cause

19   standard.

20   I was driving in a real rush to

21   get here this morning, and it was fog, and

22   let's say I made a terrible mistake and I went

1   right through a red light. I didn't, but

2   let's say I had, and one of your officers

3   pulled me over.

4   And let's pretend for a moment

5   that my English was not as good as it is --

6   it's not all that great, anyway, but let's

7   pretend that I have a rather thick accent and

8   that perhaps my skin is a little bit darker,

9   and I hand them my license and the license,

10   it's a Virginia license, but it says "Linda

11   Chavez" on it.

12   And I'm a little confused and I'm

13   nervous and, you know, I'm just very unsettled

14   by this. Is the fact that my name is Linda

15   Chavez, my skin is dark, I've got a very thick

16   Spanish accent and I'm seeming very nervous,

17   probable cause for you to ask me to produce

18   proof of citizenship?

19   CHIEF DEANE: No.

20   CHAIRPERSON CHAVEZ: Okay.

21   MEMBER GREVE: I'd like to use

22   this opportunity to clarify something that our

1   previous panel mentioned about language

2   ability being prohibited as a criterion, or a

3   protected class, even for civil rights.

4   How do you treat language ability

5   in your own screening and criteria and in what

6   way is it allowed or not allowed when you're

7   looking -- racial profiling is something that

8   you are prohibiting your --

9   CHIEF DEANE: My understanding is

10   that racial -- that the language skill issue

11   can be used as a factor in just making the

12   overall assessment, the total circumstances in

13   trying to determine the status of an

14   individual.

15   CHAIRPERSON CHAVEZ: Yes.

16   MEMBER WARD: My question is for

17   the County Administrator, Mr. Gerhart.

18   You appear to be doing a great

19   deal of ground level, street level

20   investigation as to where these Federal, state

21   and local laws and policies, in fact,

22   intersect, and I know it's very early in the

1   process, but I'd be curious for any comments

2   you have as to what the response has been at

3   either the state or Federal level to the body

4   of evidence you're beginning to gather.

5   MR. GERHART: It is very early in

6   the process. The Board has not directed that

7   we restrict any specific services to date,

8   other than those from which the direction

9   comes from, either the state or Federal

10   government.

11   So, at this point, I really can't

12   -- I can't share anything with you about what

13   the Federal and state perspective is. You

14   really need to hear that from them.

15   Obviously, the state has some commissions that

16   are at work as we speak, and we are looking

17   forward to seeing what they say about some of

18   these things.

19   But, I don't have anything

20   specific to share with you.

21   MEMBER WARD: Any inquiries at

22   this point or noted, or a heightened sense of

1   interest in where you're going from --

2   MR. GERHART: I think we rely very

3   heavily on the legal advice we have from very,

4   very capable County attorneys in our County

5   Attorney's Office, and I daresay I think, to

6   the extent they may err, they're erring in the

7   side of being very conservative about

8   articulating what our local options are, local

9   legal options are.

10   MEMBER SAMP: I've seen a number

11   of press accounts in the last couple of months

12   since Prince William County adopted its

13   legislation suggesting that among the

14   immigrant population, particularly among the

15   illegal immigrant population, but among the

16   immigrant population generally that there has

17   been a feeling that they are unwelcome to some

18   extent and that some people have left the

19   County.

20   Has this legislation actually had

21   that effect that has been reported in the

22   press? Has anybody seen evidence of that

1   here?

2   SUPERVISOR STIRRUP: Thank you for

3   your question, Mr. Samp. I would say

4   anecdotally I've heard from a number of

5   individuals, as well as staff professionals in

6   the County that there is -- there seems to be

7   evidence that illegal aliens have moved or

8   have left Prince William County for other

9   sanctuary jurisdictions or jurisdictions where

10   they feel more comfortable -- a more

11   comfortable environment.

12   But we don't anticipate having any

13   quantifiable numbers on that until probably

14   August of 2008. I believe that that is the

15   first formal presentation that we'll get in

16   terms of numbers and any impact on the results

17   of the impact of our resolution.

18   MEMBER SAMP: Thank you.

19   CHAIRPERSON CHAVEZ: Could I

20   follow up with that, Mr. Stirrup? You say

21   that you will have some evidence, some

22   quantifiable evidence. I'm just wondering

1   what the basis for that evidence is going to

2   be, since it's going to be rather difficult to

3   know the Immigration status of the people who

4   have left.

5   Will you, for example, look at

6   demographic data and decide that the decline

7   in the Hispanic percentage of the population

8   is proof that there has been an exodus of

9   illegal aliens from the County?

10   SUPERVISOR STIRRUP: I'm not sure

11   that if that specifically is an element. I

12   might defer this question to the County

13   Administrator and the County Chief who were

14   charged with presenting this report to the

15   Board in our August meeting.

16   MR. GERHART: Two quick points.

17   First is the evaluation that Chief Deane

18   referred to is not yet designed, so I can't

19   give you specifics as to what data points

20   we'll be using.

21   The second observation is that

22   sometime ago the Board asked -- directed

1   County staff to try to come back with

2   information about the cost of providing

3   services to illegal immigrants.

4   The only place where we had data

5   that we felt confident in reporting back to

6   the Board and reporting publicly was largely

7   within the criminal justice system. Once

8   folks are in our adult detention center we

9   could count them and we knew who they were,

10   and we attached a cost to that as well as a

11   couple of ancillary criminal justice

12   processes, that it was plus or minus $3

13   million. And I don't have that exact number,

14   but that's the ball park range.

15   We very clearly said to the Board

16   at that point in time that we are not willing,

17   nor -- we are unable and unwilling to

18   extrapolate to the general population anything

19   about the percentages of those folks in our

20   jail who were identified as illegal

21   immigrants.

22   We didn't think that was a

1   statistically or ethically viable approach to

2   take.

3   CHAIRPERSON CHAVEZ: Could I just

4   follow up, since I asked this question of the

5   two supervisors? Did the Board of Supervisors

6   elicit this information and get it from you

7   prior to the passage of the resolution?

8   MR. GERHART: Yes, they did. In

9   fact, I would say it preceded the resolution

10   by at least six months, at least.

11   CHAIRPERSON CHAVEZ: But that was

12   the only database that you were able to get?

13   MR. GERHART: That's right.

14   CHAIRPERSON CHAVEZ: It was only

15   on criminal justice issues?

16   MR. GERHART: That's right.

17   CHAIRPERSON CHAVEZ: Thank you.

18   CO-CHAIR COOKE: Just a quick

19   question for Mr. Stewart.

20   CHAIRPERSON CHAVEZ: Turn that on.

21   CO-CHAIR COOKE: Yes. Is that

22   better? I'm sorry about that.

1   Was there any studies or any data

2   analyses done prior to the implementation

3   regarding the various issues that you -- both

4   of you raised in your opening remarks in

5   support of the resolution? Any kind of

6   studies or analyses done, other than the one

7   that Mr. Gerhart has referred to?

8   CHAIRMAN STEWART: Yes, Mr. Cooke.

9   You're right. There have been. And, in fact,

10   earlier this year, I think it was January, or

11   potentially February of 2007, the County did

12   attempt to quantify the costs of illegal

13   immigration on Prince William -- Prince

14   William County Government.

15   With the hospitals, of course,

16   it's -- they need to speak for themselves, but

17   we found it very difficult to quantify the

18   problem, but at the same time we knew that

19   simply because it was difficult to quantify

20   doesn't mean we don't have a problem.

21   We clearly did, and where we could

22   quantify the problem at that time,

1   specifically in the jails where immigration

2   status was checked at that time for serious

3   crimes in any case, we knew that it was a

4   significant portion of the population, at

5   least in the jails.

6   CO-CHAIR COOKE: Was Mr. Gerhart

7   responsible for conducting all of those

8   studies or were there any outside studies

9   commissioned by the Commission?

10   CHAIRMAN STEWART: I think -- this

11   is Mr. Covington's resolution from what I

12   understand.

13   CO-CHAIR COOKE: Right.

14   CHAIRMAN STEWART: I don't recall

15   -- I'll let me Gerhart respond to that.

16   CO-CHAIR COOKE: Sure.

17   MR. GERHART: The costing that we

18   came up with was based on our own service

19   delivery stream and we did that work. We did

20   not use outside consultants or outside --

21   outside experts.

22   I would note that the reason we

1   were unable to go beyond the adult detention

2   center specifically in the criminal justice

3   system where generally -- we simply weren't

4   asking questions relative to immigration

5   status.

6   So we didn't have hard data to

7   determine whether a customer or client A was

8   illegal, versus customer or client B, and in

9   the absence of hard data we were unwilling to

10   suggest any information.

11   CO-CHAIR COOKE: And so, without

12   inferring any validity of any of this, some of

13   the basis for the resolution was anecdotal, as

14   opposed to hard data? I mean, some of your

15   basis was, in fact, anecdotal as opposed to

16   hard data?

17   CHAIRMAN STEWART: Well, like I

18   said, it's very difficult --

19   CO-CHAIR COOKE: Oh, I understand

20   that. I understand that.

21   CHAIRMAN STEWART: To quantify,

22   for example, in the school system --

1   CO-CHAIR COOKE: Sure.

2   CHAIRMAN STEWART: -- the question

3   simply isn't asked because, as the County

4   Executive noted earlier --

5   CO-CHAIR COOKE: You didn't have

6   the --

7   CHAIRMAN STEWART: -- the Supreme

8   Court prohibits localities from denying

9   educational services.

10   CO-CHAIR COOKE: Sure.

11   CHAIRMAN STEWART: So, it is --

12   yes, admittedly, a very difficult problem to

13   quantify. But in those areas where we could

14   quantify it --

15   CO-CHAIR COOKE: Yes.

16   CHAIRMAN STEWART: -- we knew we

17   had a problem.

18   CO-CHAIR COOKE: I see. Okay.

19   Thank you.

20   CHAIRMAN STEWART: We did the very

21   best that we could.

22   CHAIRPERSON CHAVEZ: Let me follow

1   up on that, and I'm really sorry that the

2   Chief of the detention center is not here,

3   because he probably could answer this question

4   better than any of you, but I'm going to ask

5   it anyway.

6   In that -- in those figures for

7   those held in the adult detention center who

8   were determined to be illegal aliens, what

9   portion of those were being held because of

10   their immigration status?

11   In other words, were these all

12   persons who had committed other crimes, and if

13   so, what -- what were the categories of crime?

14   Was there any difference between property

15   crime and violent crime? Do you have those

16   stats for us?

17   CHIEF DEANE: I do.

18   CHAIRPERSON CHAVEZ: Okay.

19   CHIEF DEANE: I can provide you a

20   list of those. There's a range of charges.

21   Many of them are lower-level charges that

22   would not show up on the normal crime stats.

1   CHAIRPERSON CHAVEZ: Like what?

2   CHIEF DEANE: Drunk in public,

3   drunk driving, hit and run. I've seen a

4   significant increase in hit and run in recent

5   years.

6   Those people -- your first

7   question, I think was, how many of those are

8   being held on other charges. I think all of

9   them.

10   CHAIRPERSON CHAVEZ: Okay.

11   CHIEF DEANE: They have detainers

12   that are being placed on -- most of them, I'd

13   say. Not -- maybe not all. The detainers

14   being placed on them by ICE, and then -- or by

15   the adult detention center staff who are

16   cross-trained and working under ICE, and as

17   soon as the sentence is served, or the charges

18   resolved, they are being taken out promptly so

19   far.

20   CHAIRPERSON CHAVEZ: Okay.

21   CHIEF DEANE: I can provide you

22   this list.

1   CHAIRPERSON CHAVEZ: So there

2   aren't people there who are -- might be

3   serving a sentence for, you know, drunk and

4   disorderly or something, and normally they

5   would have been let back into the general

6   population, but because they are in the

7   country illegally, they're being held? There

8   are not those persons there?

9   CHIEF DEANE: Oh, I would say

10   there are some of those.

11   CHAIRPERSON CHAVEZ: And I guess

12   that's the portion I'm trying to figure out

13   what percentage that constitutes.

14   CHIEF DEANE: I can't answer that.

15   CHAIRPERSON CHAVEZ: Because that

16   would inflate the number. It would make it

17   look like more people were being held on

18   criminal offenses if they were simply being

19   detained after those sentences because of

20   their immigration status.

21   CHIEF DEANE: Well, maybe I'm not

22   -- I'm not saying that's -- I'm not being

1   clear.

2   People that commit violations of

3   the law in Prince William County are going to

4   have to serve their sentence.

5   CHAIRPERSON CHAVEZ: Right.

6   CHIEF DEANE: Be it misdemeanor,

7   be it felony. And if they are illegal aliens

8   that detainer will follow them to the prison

9   system and then once the prison system

10   releases them, they will be deported.

11   If that's a minor charge, they

12   would have to serve that -- the jail time in

13   their local jail. So, did that clarify that?

14   CHAIRPERSON CHAVEZ: Yes, but I'm

15   just trying to figure out what happens to

16   people after they've served their sentence.

17   CHIEF DEANE: They have to --

18   CHAIRPERSON CHAVEZ: They're gone.

19   Either they are released or they are taken by

20   ICE?

21   CHIEF DEANE: Correct.

22   CHAIRPERSON CHAVEZ: Okay. So

1   there aren't any people who are simply being

2   held beyond thei --

3   CHI DEANE: I don't think so. I

4   think that ICE i being very prompt in picking

5   people up so thy're not lagging -- if the

6   question is are they lagging there just on the

7   ICE charge, I di't think we have an

8   experience with that so far.

9   CHAPERSON CHAVEZ: Thank you.

10   Any other questins?

11   Wel I want to thank all of you

12   very much for yur testimony and for being

13   here today.

14   CHAMAN STEWART: Thank you.

15   MR. ERHART: Thank you.

16   CHI DEANE: Thank you.

17   CHAPERSON CHAVEZ: We are not

18   going to take a break. We are going to bring

19   the next panel , so we'll try and do this

20   rather expeditisly.

21   If I could please call forward

22   Eric Byler, Jef Carter, Mike Hethmon, Lisa

1   Johnson-Firth and Dan Stein.

2   Thank you very much, and I want to

3   welcome you and ask those who have not done so

4   to please take their seats.

5   As you can see, there is a method

6   in this madness. We began the day by trying

7   to put together a fact basis, talking about

8   the legal issues involved and the demographics

9   involved, taking a look from empirical data at

10   the evidence of the impact of immigrants and

11   specifically illegal immigrants in Prince

12   William County.

13   And then we heard from persons who

14   were involved in passing the resolution by the

15   Prince William County Board, and for some of

16   the -- from some of those who are now going to

17   be tasked with implementing that resolution.

18   Now, we hope to hear from members

19   of the community and from some advocacy groups

20   as well. And we have, again, a distinguished

21   list of panelists, and of course, I'm

22   disorganized and I've got to try now to find

1   everybody's bios.

2   We have with us today Eric Byler,

3   Jeff Carter, Mike Hethmon, Lisa Johnson-Firth

4   and Dan Stein.

5   Eric Byler is a filmmaker. For

6   those of you who have not checked out his

7   website, it is a fascinating one, 9500

8   Liberty. Is it www.9500liberty.com, as I

9   recall?

10   MR. BYLER: Yes. That's one place

11   you can find us.

12   CHAIRPERSON CHAVEZ: That's one of

13   the places we can find you on. YouTube can

14   find you all over the place.

15   Jeff Carter is a reverend. I

16   should say Jeff Carter is with the Manassas

17   Church of the Brethren. Mike Hethmon is with

18   the Immigration Reform Law Institute. Lisa

19   Johnson-Firth is with the Immigration and

20   Human Rights Law Group. And Dan Stein is the

21   president of the Federation for American

22   Immigration Reform.

1   I'm going to begin at this end

2   with you, Eric. We are each going to have

3   about five minutes and we'll ask you to try

4   and obey the little light there. You'll get

5   a yellow light and then when the red buzzer

6   comes on I will cut you off.

7   MR. BYLER: Okay. Well, first of

8   all, thanks for having me here. I was really

9   surprised to be called. I'm not a civil

10   rights expert by any means. Until recently I

11   was just a filmmaker.

12   I think the primary reason why we

13   started posting videos ahead of the production

14   schedule of, you know, shooting a film and

15   then posting a film and then going to the film

16   festivals and all of that, is that we saw sort

17   of a breakdown in the deliberative process in

18   Prince William County, and people were afraid

19   to participate, a lot of members of this

20   community.

21   Either you had everything at stake

22   and you had to speak out because, you know,

1   your life was going to dramatically change or,

2   you know, you had, you know, a very -- a

3   certain agenda that you wanted to push against

4   the immigrant community, but if you were in

5   the middle, people were completely turned off

6   by the way that the debate was going forth.

7   And I think that for Annabel and

8   I, our allegiance really is to the democratic

9   process, and when we saw that breaking down in

10   the vacuum of information that was existing,

11   we started to post our videos.

12   And I wanted to say that we have

13   developed friendships, you know, on both sides

14   of the issue. I would be invited into

15   people's homes, and I have respect for

16   everyone that is involved, and I actually feel

17   sorry that I have to, you know, give my view

18   on this in some ways, just because I don't

19   want to hurt people's feelings and I don't

20   want people to be angry.

21   Just about everything I'm going to

22   talk about is on film. So, if you really want

1   to see it, you can talk to me afterwards or we

2   can arrange a screening for you.

3   My observation was that the debate

4   was being dominated by a local affiliate for

5   a national organization. The national

6   organization is called FAIR, and the local

7   sort of franchise was called "Help Save

8   Manassas."

9   And when, for instance, a church

10   leader would speak out on the issue they would

11   be really attacked on the internet in really

12   frightening ways that people weren't

13   accustomed to.

14   And so we talked to many people

15   who were afraid to be interviewed and felt

16   helpless to do anything about what was

17   happening to the community.

18   At the same time I have to admire

19   the organization and the efforts that they

20   made. I think that a lot of the Board Members

21   actually felt intimidated by them. The email

22   blasts that they would get, the phone calls,

1   their dominance of the citizen time sessions

2   that were held.

3   And so it really, in some ways,

4   speaks to what a democracy should be, but on

5   the other hand, when people are afraid to

6   participate, I think we all suffer because we

7   suffer from not having the benefit of the full

8   community's experiences.

9   Having this kind of vantage point,

10   I want to try to share with you why people are

11   so angry here and also why people are so

12   afraid. The members of Help Save Manassas

13   have valid concerns, thanks to our

14   Supervisors' testimony, I'm sure I don't have

15   to list them.

16   One concern that I had about the

17   concerns is that they -- when they described

18   the population of people that they wanted to

19   remove, they would use these kinds of, you

20   know, reasons, speaking Spanish, playing Latin

21   music, owning a chicken, growing corn or a

22   fruit tree, not having health insurance or

1   living in crowded conditions.

2   These are not a sign of your

3   immigration status. This is a sign of a

4   particular immigrant community that is

5   struggling to overcome poverty.

6   But, when you ask some of these

7   people why it is that they feel it's fair to

8   characterize the undesirable population in

9   this way, well, some of them will say, "Well,

10   it's the Federal Government's fault, and

11   because they've failed us, we're forced to use

12   our eyes and our ears to discern who's a legal

13   and who isn't."

14   In other words, their eyes tell

15   them by the color of their skin and their ears

16   tell them by the way that they speak.

17   Others will say that it's

18   perfectly obvious. I'm sorry, no, that's the

19   first one. The other ones will say that --

20   well, sorry. I can't believe that was the

21   whole five minutes. Was it really five?

22   CHAIRPERSON CHAVEZ: It really was

1   the whole five minutes, but I'm sure you're

2   going to have ample opportunity to answer some

3   questions.

4   MR. BYLER: Okay.

5   CHAIRPERSON CHAVEZ: So, because

6   this is -- this day is going to be a long one,

7   I'm going to move on to --

8   MR. BYLER: Okay.

9   CHAIRPERSON CHAVEZ: -- Reverend

10 Carter.

11   REV. DR. CARTER: Thank you.

12   A bit of introduction. I moved to

13 Prince William County in the summer of 1995 to

14 join the staff at the Manassas Church of the

15 Brethren and to begin family life.

16   I married a daughter of Prince

17 William County and joined a church that was

18 established first in 1895. For more than 12

19 years I have made Prince William County my

20 home, and although I have had opportunities to

21 move away from the area, it is due to a great

22 church, a wonderful community and deep roots

1   that I and my family have chosen to stay in

2   Northern Virginia.

3   Over the years I have found Prince

4   William County and the cities of Manassas and

5   Manassas Park to be blessed with an abundance

6   of gifted people, beautiful land and resources

7   that add value and significance to our common

8   life.

9   In my ministry and volunteer work,

10   I have encountered some of the most generous,

11   thoughtful and decent people committed to

12   serving our community and adding to our

13   general well-being.

14   Recently I was asked why I want to

15   remain in Prince William County, implying our

16   county's current xenophobic attitude. I

17   simply replied, "This is my home." And I hope

18   that in these proceedings we keep that in

19   mind, that this is, for many of us, our home.

20   It's my honest hope that we, the

21   citizens of this County are not being

22   stereotyped as indecent, intolerant or

1   xenophobic, for I believe today's discussion

2   is complex and for many of us who are part of

3   the faith community, we are seeking to do what

4   is right and stay clear from the

5   mischaracterizations and inaccurate

6   assumptions about what seemed like two very

7   different sides of the immigration debate.

8   For the last year, local

9   municipalities have responded to community

10   concerns over immigration by engaging in a

11   public conversation that unfortunately is

12   dividing our community and creating a climate

13   ripe for hostility and prejudice.

14   The debate is -- continues to

15   focus on broad fears and assumptions

16   concerning the complex issue of immigration

17   and is made even more complex by less tangible

18   aspects such as racial differences, community

19   identity and false perceptions pertaining to

20   the reach of current immigration law.

21   Since the summer, I have heard a

22   number of church members ask about immigration

1   law and question the validity of news reports

2   and the general assumptions of public opinion.

3   Consequently, for the last six weeks we at the

4   Manassas Church of the Brethren have been

5   studying the issue of immigration and have

6   invited credible resources to share with us

7   information on the subject.

8   Representatives from the legal

9   profession, police department and the highest

10   level of County government have spoken to us

11   on the issues pertaining to immigration, both

12   legal and illegal.

13   We learned of the five to 20-year

14   wait for a visa, the civil, not criminal

15   offense of being an illegal alien, the

16   economic need for immigrant labor and the

17   impact of illegal immigration on our schools,

18   hospitals and jails.

19   We've learned of the confusing and

20   debilitating boundaries between Federal, state

21   and local jurisdictions relating to law and

22   the curious rationale for immigration quotas.

1   Most importantly, we learned why

2   people risked their lives and divide their

3   families to enter the United States, both

4   legally and illegally.

5   Overall, our conclusion, we

6   learned that this is not a simple problem with

7   straightforward solutions. The issue of

8   illegal immigration has been further

9   complicated by the failure of our Federal

10   Government to provide a comprehensive

11   immigration reform bill.

12   The longer our Federal Government

13   takes to deal with the issue in a responsible

14   and judicious way, I believe the higher the

15   tension will run, and we will see more and

16   more of our communities divided.

17   Prince William County, as we heard

18   in the news today, is not the only

19   municipality dealing with the economic and

20   sociological pressures associated with

21   immigration.

22   As evidenced by the recent

1   election, political rhetoric is partially

2   responsible for the rising tide of anxiety

3   surrounding illegal immigration.

4   Such rhetoric of simple solutions

5   and an "us versus them" mentality fuels the

6   flame of hostility and gives birth to a

7   climate of division.

8   While every candidate promised to

9   get tough and take action on illegal

10   immigration and provide ready solutions, the

11   reality is very different and far more

12   difficult.

13   Just this week, our local paper,

14   the Manassas Journal-Messinger, reported the

15   challenge of enforcing current housing codes

16   and the Federal government's rejection of the

17   three local jurisdictions engaging immigration

18   custom enforcement on a local and incorporated

19   level.

20   We must take into consideration

21   how we are forming our community with the same

22   zeal and passion as we do in enforcing current

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1   and future law.

2   The rule of law is only effective

3   in building community and affirming our common

4   good when it is matched with an equal regard

5   for human dignity, respect and tolerance. Not

6   tolerance of the criminal activity we often

7   hear, but tolerance of others and other views.

8   I lament the polarization that is

9   affecting our community. It seems that we are

10   losing our ability to work together in order

11   to establish justice, ensure domestic

12   tranquility, provide for the common defense,

13   promote the general welfare and secure the

14   blessings of liberty.

15   I have just one more paragraph.

16   In the words of my tradition I would say to

17   love our neighbors as ourselves. Is it not

18   possible to discuss illegal immigration while

19   respecting the dignity of all people?

20   Linda Johnson once said "Doing

21   what's right isn't the problem. It's knowing

22   what's right." My hope is that through this

1   public discussion, you being here, we might

2   work together to know what is the right thing

3   so that we can do the right thing.

4   My hope is that this hearing moves

5   us beyond the politics of immigration to see

6   that there is a deeper fundamental human and

7   moral issue. My hope is that we, together,

8   can agree on a rule of law as we seek to

9   uphold the dignity and rights of all people

10   and find proactive solutions to local

11   problems.

12   And lastly, my hope is that we can

13   begin to talk to and with one another so that

14   we can strengthen this place that I call my

15   home.

16   CHAIRPERSON CHAVEZ: Thank you

17   very much Reverend Carter.

18   Now, Lisa Johnson-Firth. Ms.

19   Firth is a managing member of the Immigration

20   and Human Rights Law Group.

21   MS. JOHNSON-FIRTH: Good morning.

22   It is an honor for me to be present with you

1   here today.   I'm an immigration and human

2   rights lawyer and advocate.

3   THE COURT REPORTER: Turn your mic

4   on, please.

5   MS. JOHNSON-FIRTH: I am an

6   immigration and human rights lawyer and

7   advocate, practicing in Manassas, Virginia.

8   I've been asked to share with you this morning

9   my knowledge and experience of what has

10   happened in Prince William County regarding

11   the build-up to this resolution and its

12   passage.

13   And even though this resolution

14   was officially passed just less than two

15   months ago, its effects have been felt from

16   its inception and have culminated, especially

17   in the last couple of weeks, in many reports

18   of civil rights abuses in this County.

19   Never would I have imagined the

20   abuses of our country's past civil rights

21   struggles, that they would be revisited today

22   with such venom and vigor.

1   The civil rights violations, by US

2   Government officials, state and county

3   officials that I have faced with my clients

4   and other immigrants are egregious and they

5   smack of governments of a lesser stature.

6   This resolution and government

7   actions, since its passage have destroyed

8   trust, because the community was told that the

9   resolution would be enforced after January

10   1st, 2008, after the police have been trained

11   and in accordance with the Constitution and

12   laws of this land.

13   Allow me to illustrate what is

14   happening. I need look no further than the

15   experiences of my law partner. She is from

16   Eritrea, however, she is a lawful permanent

17   resident.

18   She's been pulled over in the last

19   two months three times by Prince William

20   County police officers and Manassas police

21   officers for apparently no lawfully-stated

22   reasons that either of us as lawyers could

1   ascertain.

2   The first time she was pulled over

3   was on September 26th, 2007 when she was

4   driving about a block away from my law office

5   in Old Town, Manassas. The cop asked her

6   "What are you doing in this side of town?"

7   Shocked and shaken she replied

8   that she was a lawyer and was -- her law

9   offices was a block away. The officer looked

10   at her registration and let her go.

11   The second stop occurred on

12   November 12th, 2007. My law partner was

13   driving with our Cameroonian asylum client.

14   A Prince William County police officer

15   followed her for quite a while and then pulled

16   her over and asked if she had weapons and

17   drugs in the car.

18   After informing the officer that

19   she was an attorney he told her that he had

20   pulled her over for, quote, making a sharp

21   right turn. Later that same night while

22   driving on Sudley Road, back to her home in

1   Alexandria, the Manassas police pulled her

2   over. This time the stated reason was that

3   her license plate was a little bent.

4   Because I do a lot of work with

5   immigration advocates, organizers and the

6   immigrant community, I have learned of several

7   other cases of rights violations. I'm only

8   focusing on the legal -- on the violations

9   against lawful permanent residents and US

10   citizens in this presentation, however, I have

11   submitted a longer testimony that goes into

12   great detail of the numerous pull-over's of

13   police by targeting people of color, many of

14   whom are -- don't have residence in this

15   country but yet are protected by our

16   Constitution.

17   However, this instance deals with

18   a Latino man who was pulled over on November

19   26th. He is a lawful, permanent resident. He

20   was walking out of a convenience store when he

21   was stopped by Prince William County police.

22   He was questioned for

1   approximately 30 minutes and then let go

2   without charge. A week ago, a Latino man was

3   being given a ride to work when the police

4   stopped the driver in Manassas. He was not

5   the driver. He was a passenger.

6   The officer asked the driver for

7   his license, and when he could not produce it,

8   the officer asked the rider for his license.

9   He did not have one and the police made a

10   comment, "Illegal," and proceeded to ask for

11   other identification documents.

12   No context of a crime here that we

13   can ascertain. The officer then asked him to

14   get out of the car, searched him and cuffed

15   him. The incident took approximately two

16   hours. The man was charged with obstruction

17   of justice, but released because he had lawful

18   immigration status.

19   In a seminar that I gave two weeks

20   ago, I do a lot of "know your rights" seminars

21   to the immigrant community. Two Latino women,

22   one a United States citizen, the other a

1   lawful permanent resident interrupted me to

2   talk about how they have each been stopped

3   several times in Prince William County for no

4   apparent reason.

5   And when the officer has come to

6   their car they have been questions at length

7   about their immigration status and asked for

8   identification documentation other than a

9   driver's license. They asked me if white

10   people were also being forced to produce

11   evidence of their status.

12   Just quickly, beyond the racial

13   profiling issues in Prince William County,

14   there are so many other effects of what this

15   resolution has done, both in terms of the

16   police and also in terms of what is happening

17   in the jails.

18   People are being detained by ICE

19   after even their criminal charges have been

20   dismissed. They are not being given access to

21   counsel or family members. That's in

22   violation both of their due process and even

1   ICE standards for detaining immigrants.

2   And then there's the effect on the

3   communities at large. 79 houses are now for

4   sale in Georgetown South, usually, according

5   to a realtor that we work with, he's been here

6   for ten years, only five houses are on the

7   market.

8   The ESL classes are down by a half

9   percent. Children are not being sent to

10   school. A school principal was afraid to

11   speak to me on school property because I'm an

12   immigration rights advocate, so not only

13   couldn't I do training for the parents, but I

14   couldn't even train him on immigration issues.

15   CHAIRPERSON CHAVEZ: I'd like to

16   ask you, please, to wrap up. Thanks.

17   MS. JOHNSON-FIRTH: My final point

18   is the Constitution of this country protects

19   all those within its borders and immigrants,

20   illegal, not legal, have all rights afforded

21   them under the Constitution except those

22   expressly reserved for U.S. citizens, and I

1   hope we can maintain that.

2   Thank you.

3   CHAIRPERSON CHAVEZ: Dan Stein,

4   president of the Federation for American

5   Immigration Reform.

6   MR. STEIN: Thank you, Madam

7   Chair.

8   Well, now, I appreciate the

9   opportunity to be here. My name is Dan Stein.

10   I am president of the Federation for American

11   Immigration Reform, the nation's largest

12   national immigration reform organization

13   working to advance what we believe are the

14   priorities of an enlarged view of the national

15   interest in favor of setting immigration

16   levels consistent with both the national need

17   and our domestic agenda as well as better

18   controlling illegal immigration.

19   We have, as I say, several hundred

20   thousand members across the nation and we have

21   worked closely to work and develop local

22   organizations to work on this issue in varying

1   degrees of relationship with the organization

2   to try to bring about better understanding of

3   what's needed to better regulate and control

4   illegal immigration.

5   I would like to point out

6   initially that this country has a proud

7   tradition of procedural due process and

8   fundamental fairness that respects the dignity

9   of all persons regardless of immigration

10   status.

11   And FAIR supports that tradition

12   and believes that persons residing illegally

13   are still entitled to the constitutionally-

14   protected procedural process that is due in

15   whatever given circumstance.

16   However, a person in this country

17   illegally does not have a civil right to

18   remain in this country simply because they

19   have succeeded in avoiding discovery of that

20   status for several years.

21   We strongly support the action of

22   the Prince William County Board of Supervisors

1   this past July to enact Resolution 09-609, and

2   although they are not affiliated with FAIR

3   directly, the local Manassas group did a

4   wonderful job in trying to bring public

5   understanding to this issue.

6   And we're proud of the leadership

7   that they showed in the face of very, very

8   challenging emotional issues.

9   Ultimately, illegal immigration is

10   never going to be properly controlled in this

11   country unless there is a full state-Federal

12   partnership that enables us to have states

13   operate more as a force multiplier and

14   identify and holding illegal alien residents

15   until ICE can come and take them.

16   How we got -- we shouldn't be in

17   this situation which is really the big

18   problem. I mean, I've been working on this

19   thing, as you know, for some 25, 27 years now.

20   And I watched as organizations litigated both

21   the question of whether or not the census

22   would count people in such a way that would

1   enable states to know how many people were

2   illegally resident in the community.

3   At the same time I watched these

4   same organizations litigate to try to prevent

5   states from asking basic questions about legal

6   status, or checking voting records or anything

7   else. This went on through the Seventies and

8   Eighties and Nineties.

9   States roles were then essentially

10   diminished as states agreed not to get

11   involved, "Don't ask, don't tell," policies.

12   We had the sanctuary resolutions in 1980, with

13   the effect that at a time when global

14   migration pressures were sky-rocketing because

15   of international population growth, states

16   were not players anymore in assisting in the

17   process of regulating immigration.

18   And I understand that there's an

19   issue of how much regulation they can do, but

20   in our view this instant resolution is well

21   within the scope of the state power, and

22   ultimately we believe states across the

1   country can and will be enacting similar

2   resolutions.

3   But nevertheless, this idea that

4   because we lack certain data, bits of data,

5   datum, to know certain facts is therefore an

6   argument not to act is kind of a self-

7   fulfilling prophesy. We don't know because

8   there's been an orchestrated desire not to

9   know in this country.

10   Well, as illegal immigration has

11   sky-rocketed taxpayers are being asked to

12   continue to pay for benefits and services for

13   people with no right to remain in the United

14   States.

15   People are asking to have to

16   compete in an unfair labor market. Now,

17   businesses are part of the big opponents here

18   who want to promote illegal immigration. I

19   know the public advocates seem to be on the

20   left side of the political agenda, but the

21   bottom line is business is the primary lobby

22   force in pushing to hire illegal workers.

1   Exploitation, greed, a desire to

2   maximize gain are powerful motivators, and we

3   must recognize that exploitation is

4   exploitation. The civil rights of American

5   workers to a fair labor market are being

6   violated by systematic discrimination in favor

7   of illegal workers precisely because they are

8   present illegally.

9   The interest of these American

10   workers and middle-class families need to be

11   considered as well in this equation.

12   In concluding, I would like to

13   point out, Madam Chairman, that the legal --

14   annual legal immigration rates are well over

15   a million --

16   CHAIRPERSON CHAVEZ: Four hundred

17   thousand from --

18   MR. STEIN: No. That's --

19   CHAIRPERSON CHAVEZ: Four hundred

20   thousand permanent legal residents. Only two

21   hundred thousand --

22   MR. STEIN: That's six years out

1   of date. I'll give you a chance to reply.

2   CHAIRPERSON CHAVEZ: I've got the

3   figures, Dan.

4   MR. STEIN: You're taking time out

5   of my time.

6   CHAIRPERSON CHAVEZ: Dan, I have

7   the figures.

8   MR. STEIN: You've taken ten

9   seconds of my time. I object.

10   CHAIRPERSON CHAVEZ: You're

11   including all categories. I'm talking about

12   legal permanent residents.

13   MR. STEIN: When I started working

14   on the issue of the U.S. population it was 260

15   million. It's 300 million today. If we

16   continue on the current track we could be at

17   eight billion people by 2100.

18   Do not tell the American people we

19   have a stable population. One of the reasons

20   why people in Prince William are concerned

21   about illegal immigration is housing code

22   violations naturally result when people are

1   breaking the law and living in overcrowded

2   housing. That ripples through the community

3   through the entire infrastructure.

4   Taxpayers will not stand by idly

5   and let this continue without trying to take

6   action. I hope we can have a reasonable

7   debate, but I think those organizations that

8   engage in name-calling -- I didn't use the

9   word xenophiliac or alienist or any other

10   label in discern, but yet heaps of abuse are

11   poured upon poor American citizens that want

12   to try to get something done on this issue,

13   and frankly I think the American people have

14   basically said, "Basta."

15   CHAIRPERSON CHAVEZ: Mike Hethmon.

16   And, Mike, you -- maybe you can switch chairs

17   so that you can be heard.

18   Mike represents the Immigration

19   Reform Law Institute, Inc. And you might just

20   clarify for Members here your relationship to

21   FAIR, as well.

22   MR. HETHMON: Yes. Good morning.

1   Mike Hethmon, Immigration Reform Law

2   Institute. We are a legally-separate, but in

3   tax terms, supporting organization of the

4   Federation of American Immigration Forum. We

5   consider ourselves to be the only public

6   interest law firm in the country exclusively

7   working in the interest of citizens and

8   immigration-related matters.

9   I simply want to recap in five

10   minutes my two-hour testimony before the

11   Prince William County Human Relations

12   Commission on August 11th. I was the only

13   person in this whole dog and pony show this

14   morning that actually took the time, including

15   the government representatives, to come down

16   and engage in a dialogue with them.

17   I think that's relevant, because I

18   made three points. One of them is immediately

19   applicable to this exercise.

20   There's nothing in the

21   Commission's statutes or regulations that ever

22   mentions the word "immigration, immigrant,

1   alienage." The only time the word "alien" is

2   mentioned is when the regulations, your

3   regulations clarify that only citizens and

4   legal permanent residents are covered by the

5   Privacy Act.

6   So, this is testimony or witnesses

7   or evidence is totally ultra-virus. This is

8   a dialogue --

9   CHAIRPERSON CHAVEZ: Excuse me?

10   MR. HETHMON: This is, in my view,

11   a dialogue between interested parties with the

12   added moral hazard that you guys are

13   associated with the government.

14   That said --

15   CHAIRPERSON CHAVEZ: Having said

16   that, perhaps you'd like to defer testifying

17   before us, then.

18   MR. HETHMON: I am not testifying.

19   I am speaking, Madam. So, your interest in

20   this is totally in the context of is

21   immigration law and is the -- are these

22   activities a pretext for racial

1   discrimination, and we discussed this with the

2   panel in quite a bit of detail.

3   Let me simply say that there is a

4   long and complicated historical interaction in

5   this country between the Civil Rights Act and

6   the Immigration Act of 1965.

7   I recommended this book, which is

8   the comprehensive study on this by Professor

9   Hugh Graham, "Collision Course," published by

10   Oxford University. I would suggest that

11   anyone who has not taken a look at Professor

12   Graham's book really cannot consider

13   themselves informed on the aspects of this

14   issue. I will leave that point right there.

15   Second of all, when we met with

16   the Human Rights Commission we did go into

17   quite a bit of discussion about the technical

18   issues and really the bottom line in terms of

19   this is that immigration law really is the law

20   of citizenship discrimination.

21   It's a law based on

22   discrimination. It's based on discrimination

1   between citizens and noncitizens, and that

2   concept really, if you think about it is an

3   essential concept of both, sovereignty and

4   democracy.

5   We went into a great deal of

6   discussion on the technical points on that and

7   I'll be happy to answer any questions with the

8   panel.

9   Among issues we discussed was, you

10   know, is immigration disguised racism. I

11   think in the context of this particular

12   ordinance -- and I am the drafter of this

13   ordinance. It's on our website.

14   We met with the citizens very

15   early in this year. We've been working on

16   this issue in Virginia with -- since 2001.

17   The lawful presence test in Virginia, the

18   public benefits, state statutes and stuff,

19   that's all my shop's doing.

20   Professors, little -- see these

21   little books here, they passed out yesterday

22   about this problem nationally. If you go

1   through that, all the statutes cited in there,

2   they do come out of our shop. So, to the

3   extent that there is some kind of mad

4   scientist behind all this, we'll be happy to

5   take credit for this.

6   As to the racism behind -- charges

7   behind this ordinance, the Eastern District

8   answered that just a few weeks ago when they

9   dismissed the case, like many similar cases

10   that were brought against it, and they

11   basically said that there was no prima facie

12   case at all in the sense of fear of

13   deportation, fear of families being split up

14   or fear of services being denied.

15   CHAIRPERSON CHAVEZ: Just for a

16   point of clarification, he just simply said

17   the Plaintiff did not have standing. Is that

18   right?

19   MR. HETHMON: That they do not

20   have standing, but standing involves making a

21   prima facie case of injury, as I'm sure you

22   understand.

1   MEMBER COHEN: Not always. Not

2   always.

3   MR. HETHMON: So, they are going

4   to be able to refile their case when someone

5   actually comes up with some evidence which, of

6   course, we're not talking about today.

7   But this has been a similar trend.

8   Just yesterday the similar challenge was

9   thrown out to the Oklahoma statute which is

10   considered to be the toughest, meanest one of

11   its kind in the country by some people which,

12   of course, we were involved in.

13   And the judge made some comments

14   that I think that are absolutely appropriate

15   to the context of this whole discussion, and

16   he said that this court is convinced that the

17   proper remedy for the injuries alleged by the

18   remaining plaintiffs, which were businesses,

19   churches, the National Coalition of Latino

20   Clergy and a long list of illegal aliens, all

21   of whom are in willing violation of Federal

22   Immigration Law, is not judicial intervention,

1   rather it is simple compliance with Federal

2   Immigration Law.

3   Thank you very much.

4   CHAIRPERSON CHAVEZ: Thank you

5   very much.

6   MR. HETHMON: I'll be happy to

7   answer any questions.

8   CHAIRPERSON CHAVEZ: Yes,

9   Professor Cohen.

10   MEMBER COHEN: Yes. I have a

11   couple of questions. This one is for Ms.

12   Johnson-Firth. It's two questions.

13   The first is these wrongs that you

14   allege in your testimony. Have you initiated

15   civil suits for any remedy with regard to them

16   and if not, why not, and would that provide a

17   remedy.

18   The second is: My understanding

19   from the earlier panel is that -- and I'm

20   something of a neophyte on all of this. I'm

21   learning what the whole issue was today,

22   largely.

1   This new policy has not actually

2   gone into effect yet, so what's the connection

3   between the alleged wrongs and the policy, if

4   the policy isn't in effect yet?

5   MS. JOHNSON-FIRTH: Very good

6   question, but I'll handle the first question

7   that you asked about the civil rights lawsuit.

8   These cases are being brought

9   together and civil action will be taken and

10   lawyers are working on it, we're gathering.

11   We have about at least 17 cases right now,

12   incidents beyond what, you know, I've reported

13   here.

14   Some weren't appropriate for me to

15   share, even in my longer testimony, but may be

16   subject to the lawsuit, so yes, we are working

17   on that with other lawyers.

18   And then in terms of the nexus

19   between the passage of the resolution and its

20   actual effect in January -- excellent

21   question. The racial profiling, as I

22   understand, has long been an issue in Prince

1   William County, but it seems that the focus

2   has shifted to Latinos even more strongly.

3   They are the most noticeable immigrant group

4   in this County.

5   So, I can't honestly answer that

6   nexus question for you except to say it's

7   happening. And we get calls.

8   And moreover, once the police have

9   detained someone and put them into the Prince

10   William County facility, the rights violations

11   are continuing to occur and that's a whole

12   'nother dialogue of whether there is racial

13   profiling because some of these crimes that

14   they're being detained for, other people would

15   not be detained for, such as loitering.

16   That's not usually a detainable crime. Or,

17   you know, a public disturbance offense.

18   So, I can only report that it's

19   happening.

20   MEMBER COHEN: I'm still a bit

21   confused here. Are you alleging that -- are

22   you arguing that this new policy itself

1   constitutes some sort of legal wrong or is it

2   that it will permit other legal wrongs and if

3   so, you know, what is the connection that

4   you're asserting.

5   MS. JOHNSON-FIRTH: The complaint

6   of my testimony is that if you are going to

7   have a law like this, and it has been passed

8   and it will become law in January, at the very

9   least you must abide by the supreme law of our

10   land, which is the Constitution, and other

11   civil rights Federal laws that are already in

12   place to protect people, as well as abide by

13   your own law that you have passed, and that is

14   -- that is not happening.

15   So, if you are going to have a

16   resolution like this, which I, you know,

17   question the legitimacy of it and, in fact,

18   the police have not entered into a 287(g)

19   arrangement at this point, so they do not have

20   Federal authority to be asking and being sort

21   of de factor ICE officers in Prince William

22   County at this moment.

1   The prison has trained seven

2   people at this point so they are in a

3   different arrangement. They do have a 287(g).

4   The police, to my understanding, and it was a

5   press release, you know, as of a couple days

6   ago, do not.

7   And so, I'm concerned about the

8   racial profiling that's happening and I'm

9   concerned about their authority in the first

10   place to be asking people immigration-based

11   questions.

12   CHAIRPERSON CHAVEZ: I'd like to

13   follow up on that and actually ask Mike

14   Hethmon and/or Dan Stein to comment.

15   You heard a list of allegations by

16   Ms. Firth that alleges that, in fact, some

17   racial profiling may be going on. Let's just

18   accept as a hypothetical that everything that

19   she's told us is absolutely correct.

20   I presume, and maybe this is a

21   wrong presumption, that you would disapprove

22   of these actions. Is that right, Mr. Hethmon,

1   Mr. Stein?

2   MR. STEIN: I think I answered --

3   that was my first comment.

4   CHAIRPERSON CHAVEZ: Right. I

5   thought that's what you said. I'd like to

6   hear what Mr. Hethmon has to say, though, as

7   the author of these various initiatives around

8   the --

9   MR. HETHMON: We had a very good

10   long discussion with the Human Rights

11   Commission on this exact subject on August

12   11th.

13   First of all, I'll preface my

14   comments, but it sounds like you're much more

15   fascinated by good anecdotal evidence than you

16   are about --

17   CHAIRPERSON CHAVEZ: No.

18   Actually, we've had -- this is the first

19   anecdotal evidence we've had and it's

20   interesting and I'd like your reaction to it.

21   MR. HETHMON: Okay. So, what we

22   discussed, we actually set up a hypothetical

1   under the Human Rights Commission. We said,

2   "Well, what happens now?" I said, "You're

3   going to start getting, you know, more and

4   more complaints, really, whether this

5   resolution goes forward or not, about

6   immigration type issues coming to your

7   Commission, despite the fact as, similar to

8   your organization, there's no statutory

9   mandate to deal with it.

10   So, you know, how are you going to

11   deal with these kind of questions, you know,

12   and I asked them you know, have you thought

13   about it, and they hadn't thought about it.

14   You know, questions like, "Can an illegal

15   alien maintain a human rights complaint?"

16   That's the very first statute --

17   CHAIRPERSON CHAVEZ: Let me

18   interrupt you, because we really only have a

19   short time and you're not answering my

20   question.

21   The question that I asked was

22   whether or not when you were drafting these

1   various initiative around the country, you

2   anticipated that there might be this effect

3   and whether or not you approve of that effect

4   and if not, what did you do in the drafting

5   process to try to anticipate that and prevent

6   it from happening?

7   MR. HETHMON: The effect is --

8   will you restate what you're --

9   CHAIRPERSON CHAVEZ: The effect is

10   having people targeted based on their skin

11   color or their national origin for specific

12   denial of benefits or in this case, law

13   enforcement scrutiny based solely on their

14   appearance or their national origin or their

15   race.

16   MR. HETHMON: Okay. That's an

17   easy answer. There have been thousands of

18   state and local initiatives -- Professor

19   Chishti's database is a good one, and just in

20   the last two years alone.

21   And the practice of including a

22   specific ban on consideration of racial,

1   religious or national origin considerations

2   when complaints are being processed in those

3   statutes, that comes from me.

4   I have insisted on that in every

5   one, and to the extent, as Professor Chishti's

6   testified yesterday, that these things are

7   being cloned, I'm very proud of that

8   consideration.

9   To show the bad faith of the other

10   side, we included that in the Hazleton

11   Ordinance, for example, and the ACLU says,

12   "Well, they mentioned" -- you know, "they

13   added this extra layer of protection, but it's

14   really a secret conspiracy to go after illegal

15   aliens."

16   So, you know, I put that in every

17   ordinance that I have the ability to influence

18   or draft, and it's a protection above the

19   level of what Federal Government provides.

20   And to give you a good example of

21   how this is played out in Virginia, the lawful

22   presence test in the driver's license, which

1   is one of the very first ones we worked on

2   right after 2011, do you remember the illegal

3   alien sold the breeder documents to the

4   Saudi's who used it to get the driver's

5   license to fly the plane into the Pentagon.

6   That's what provoked this whole

7   modern cycle. But, what happened after that,

8   I mean, all these kinds of charges and claims

9   and hand-wringing went on and stuff like this,

10   and the Department of Motor Vehicles has

11   since, to my understanding, collected data and

12   statistics on that, and there's not been a

13   single civil rights complaint about that

14   procedure in Virginia since it was set up.

15   And as far as harassment to the

16   ordinary citizen and the idea that this was,

17   you know, some kind of Draconian influence,

18   the waiting time at motor vehicle departments

19   in Virginia has decreased.

20   So, it really is a --

21   CHAIRPERSON CHAVEZ: So you

22   disapprove of any police officers acting in

1   the way that was described this morning, and

2   you anticipated this might happen and

3   therefore, tried to prevent that from

4   happening in your initiatives, is that -- does

5   that summarize what your point is?

6   MR. HETHMON: Yes. I think our

7   bottom line is we've taken extraordinary

8   steps, given the controversiality and

9   developing nature of this issue to make sure

10   that those issues, improper considerations,

11   the risks to them are minimized as humanly

12   possible.

13   CHAIRPERSON CHAVEZ: Are there

14   other questions? Yes.

15   MEMBER SAMP: I have a question, I

16   guess, for Mr. Stein. You mentioned that

17   there has been an effort, I guess, over

18   several decades to intentionally prevent the

19   gathering of data and obviously one of the

20   things that I think we are finding today is

21   that there isn't a lot of accurate data, a lot

22   of what we're hearing is anecdotal sort of

1   evidence.

2   I'm wondering specifically what

3   restrictions on data collection you think

4   would be good right now. And, for example, is

5   there right now something that would prevent

6   the Prince William School Department from

7   saying, "Okay. We recognize under the

8   Constitution that everybody who lives in this

9   community has a right to send their child to

10   the public school regardless of their

11   immigration status, but nonetheless, just

12   because we want to collect the data we're

13   going to request that parents provide

14   information about their immigration status."

15   Is that legal right now? Either

16   one.

17   MR. STEIN: I was in the court

18   when Plyer was read from the Bench, and I

19   remember it quite distinctly and I remember

20   what the Court was essentially getting at,

21   which is that, you know, there didn't seem to

22   be a lot of evidence of strain in public

1   schools.

2   If the INS -- the then INS was not

3   going to deport someone, the children should

4   be enrolled in school. But somehow that got

5   interpreted by states to mean that, therefore,

6   nobody should ask what the status of anyone

7   is, and so it naturally became -- I mean, the

8   primary source of student population growth in

9   this country is immigration and a lot of that

10   -- a lot, probably most of it, is illegal

11   immigration.

12   And California had one of the --

13   well, anyway, the answer to your question is,

14   yes, that should be legal. I think it is

15   legal and I certainly believe -- we certainly

16   believe it fair that states not only can, but

17   should -- must have a role in collecting this

18   information, getting this data, these data

19   collected, as well as an integral part of the

20   census.

21   There's no excuse, after the 1987

22   Amnesty legislation passed that we've failed

1   to have machine-readable verification

2   procedures and, say, driver's licensed so that

3   you and I can verify our citizenship easily in

4   this country without that kind of integrated

5   strategy.

6   I mean, there's no reason why we

7   have this wall between the states and the

8   Federal Government in all these different

9   areas and it's the advocates who, for whatever

10   reason or another, seem to support continued

11   illegal immigration are the same ones who seem

12   to object to any reasonable credential

13   measures that might be established at the

14   state level to assist in setting up this

15   Federal-State partnership.

16   CHAIRPERSON CHAVEZ: Let me follow

17   up because you mentioned population, Dan, and

18   you and I have known each other for many, many

19   years.

20   You express some concern that the

21   term "xenophobic" has been thrown around, and

22   I will state right up front that I am a

1   xenophiliac, so just so my credentials are

2   known.

3   On the question of FAIR and

4   immigration policy and illegal immigration,

5   its focus, of course, is on civil rights and

6   illegal immigration. But, just in fairness to

7   FAIR, would it be fair to say that FAIR's main

8   concern is not illegal immigration, but

9   immigration policy, per se?

10   Secondly, that FAIR's position has

11   traditionally been, over the year, no net new

12   immigration to the United States, and that

13   your real underlying concern is population,

14   and that in the past you have advocated a

15   population for the United States of 150

16   million people, meaning about half of all of

17   us will have to disappear.

18   Is that fair?

19   MR. STEIN: No, Madam Chairman,

20   none of that is fair and the answer to all of

21   those questions is no, with the exception of

22   the fact that we do care about population

1   growth as a factor in setting annual

2   immigration limits.

3   But you have stated this publicly

4   repeatedly --

5   CHAIRPERSON CHAVEZ: Well, it's

6   been on your -- it used to be on your website

7   until I started stating --

8   MR. STEIN: Well, no. The ones

9   I'm separating is the abstract, what might be

10   a nice, optimum population.

11   CHAIRPERSON CHAVEZ: And it was

12   150 million.

13   MR. STEIN: You seem to feel that

14   that must mean that we want to mandate as a

15   matter of, you know, legal policy --

16   CHAIRPERSON CHAVEZ: Just a point

17   of clarification. I don't want you to be --

18   I don't want, since the focus of our issue is

19   race, I wanted to make it clear that your

20   concern is population.

21   MR. STEIN: Well, I though you

22   asked me to come here with respect to the

1   Prince William Ordinance, and you don't have

2   to go after got-you with me, Madam Chairman,

3   and I won't talk about what happened when you

4   were nominated for Secretary of Labor.

5   CHAIRPERSON CHAVEZ: That's called

6   paralipsis. That's --

7   MR. STEIN: Reciprocity.

8   CHAIRPERSON CHAVEZ: What happened

9   when I was nominated to be Secretary of Labor

10   was, as I think probably many people in this

11   room know, but for the benefit of my fellow

12   Commissioners, was that I withdrew my name

13   after it was -- became public that 15 years

14   earlier I had taken into my home a woman who

15   was illegally in the country.

16   She was not an employee. In fact,

17   she worked for someone else, and no laws were

18   broken, but it was an embarrassment for the

19   President, so I withdrew my name, just in case

20   any of you wanted that bit of personal

21   information.

22   MR. BYLER: We have a member of

1   the Board of Supervisors who did the same and

2   adopted two children who were, quote, unquote,

3   anchor babies.

4   CHAIRPERSON CHAVEZ: Mr. Byler, I

5   have just a couple of questions for you. One

6   of the things that you have done in your

7   various documentary is to go out into the

8   community. We've heard some anecdotal

9   evidence. Obviously what you have been able

10   to pull together is also anecdotal

11   information.

12   And what -- what can you -- if you

13   can, describe just anecdotally what you've

14   seen in terms of the racial animus that has

15   expressed itself during the course of this

16   debate on illegal immigration, and some of the

17   incidents that you've been able to document.

18   MR. BYLER: Well, if the concern

19   is the toxification of the social climate

20   here, then definitely the footage that is, a

21   lot of it, available on You-Tube. Many things

22   that aren't -- would be very instructive on

1   how this community has been basically ripped

2   apart.

3   You know, I mentioned anchor

4   babies, because it's a very effective term

5   that de-humanizes children so that you don't

6   have to deal with the complication of the

7   sense of sympathy you might have for a child

8   were they equally human to those of us who are

9   here, you know, legally.

10   But just the word "legal" versus

11   "illegal," an illegal person, you know. Those

12   kinds of terms have sort of, you know, have

13   been disseminated down to local advocates,

14   been repeated again and again, and it's become

15   part of our discourse.

16   We say that there's an illegal

17   person standing there. So, I think there's

18   really three groups of people in our community

19   right now. There are those who have become

20   completely blind to prejudice because it's

21   almost become accepted as part of the climate

22   here that this one community is deserving of

1   prejudice because of their documentation

2   status.

3   And because we -- you know, as far

4   as I know, there's nothing visible, there's

5   nothing obvious about a person's documentation

6   when you see them on the street. It really

7   means that all 20 percent of the Latino

8   population that's here is subject to that

9   feeling.

10   I spent some time in Los Angeles

11   to post-produce another film of mine in the

12   last month, and it took me a week to get used

13   to walking down the street and seeing a Latino

14   person in public who doesn't look afraid. I

15   had to reset my mind because I was so

16   accustomed to living that way.

17   There's another group of people

18   who do see the prejudice but they don't

19   acknowledge it because it creates

20   complications for their agenda. And so they

21   find themselves often, reasonable otherwise

22   good people, in the position of encouraging

1   prejudice and denying it at the same time.

2   And then there's a third class

3   that I fall into. I'm very sensitive to

4   prejudice. I'm a mixed-race person. I'm not

5   Latino, by the way, since that's kind of come

6   up. I'm not the one person who is testifying

7   as a Latino and half-Chinese, but I grew up

8   here and I grew up in Hawaii and I experienced

9   prejudice coming from both directions.

10   And I saw the prejudice

11   immediately in the way that they talked about

12   -- you know, the way they rallied their

13   political power, you know, involved a lot of

14   hate speech, okay, and I have this. It's not

15   anecdotal. Okay. This is on tape.

16   The result in the general

17   community was that that was --

18   CHAIRPERSON CHAVEZ: Is this your

19   submission that you handed out? It's some of

20   the hate mail that you've received, is that --

21   MR. BYLER: Yes. Yes.

22   So, yes, so at this place where a

1   legal family, a Mexican-American family, the

2   parents are both legal, the children are all

3   born here, has put up a sign that gives their

4   view that racial profiling will result from

5   this.

6   Okay. If you stand at that sign

7   for, you know, 20 minutes, somebody will drive

8   by and scream a racial epithet. The children

9   there, you know, who often that -- it's kind

10   of a community center for them.

11   And, by the way, the Manassas

12   police, which is a different jurisdiction,

13   they do not feel -- they actually protect this

14   sign as something that's important to the

15   Latino community. The police chief has gone

16   on record as saying that.

17   But, I mean, the things that I've

18   seen there -- and some of them are on tape and

19   some of them aren't. I'll talk about

20   something that's not on tape. After the sign

21   was destroyed by people who failed to blow it

22   up, so they chain-sawed it. Okay. This is

1   talking about freedom of speech.

2   The Community decided just a few

3   days before the election which was the most

4   toxic, most frightening time, to redo the

5   sign, fortify it and redo it. And so Mr.

6   Fernandez called me and I was video-taping.

7   And there were complications and

8   so it took longer than it was supposed to and

9   the sun went down. And so confrontations like

10   you see in the daylight that are extremely

11   scary with grown men screaming at children

12   were happening at night and it was scary.

13   Cars would drive by. People would

14   yell things. Cars parked across the street

15   and just watched us. The photographs that

16   they took of us ended up on Black Velvet Bruce

17   Lee, a popular website that's designed to help

18   the anti-immigrant, anti-illegal immigrate

19   cause immediately was on there. I'm sure they

20   were taking photographs.

21   The Manassas police actually

22   called my mother to tell her what was

1   happening and sh called the Manassas police.

2   They actually cae out to help us and they

3   parked a car sopeople would know not to mess

4   with us.

5   Butafter the police left there

6   was another confrontation in the parking lot

7   across the stret, so --

8   CHAIPERSON CHAVEZ: I'm going to

9   interrupt you thre, because we are

10   essentially runing out of time and I think

11   Professor Cohenas one more question.

12   MEMBR COHEN: Yes. This is, once

13   more, for Ms. Jhnson first, and perhaps for

14   Reverend Carteras well.

15   I'mjust wondering if it sort of

16   crossed your mid to be affirmative advocates

17   of this County plicy, rather than opponents

18   in the sense tht the wrongs, things you might

19   consider to be songs carried out by public

20   officials, by plice officers in the absence

21   of legal standais, in the absence of an

22   articulated poliy, in the absence of an

1   education program by the Sheriff's Department,

2   of its officers, you know, as to the details

3   of its policy would be mitigated, lessened,

4   diminished in the presence of a well-

5   articulated, well-formed County policy, as to

6   distinguish between the treatment of illegal

7   immigrants and people here with a regular

8   legal status.

9   Did that thought ever cross your

10 mind?

11   MS. JOHNSON-FIRTH: Sure. I'm a

12 lawyer. Things like that cross my mind all

13 the time, and I'm also capable of

14 understanding all the different viewpoints to

15 this debate.

16   However, I honestly believe I

17 don't think it's possible to have a well-

18 crafted resolution without running afoul of

19 the Constitution. I don't think that second

20 level of probable cause that, you know, the

21 County has failed to really define, and I've

22 talked to police officers and they don't

1   really know what that probable cause standard

2   is, other than, you know, I got a very mixed

3   message when I listened to Ms. Chavez talk

4   about -- asked Chief Deane whether -- well,

5   you know, she has dark skin, she's got a heavy

6   accent, she's nervous.

7   He said, "No, we definitely

8   wouldn't profile." But then just two minutes

9   later he said that language capability could

10   be used as a factor."

11   So, I honestly don't believe, in

12   this situation, it is possible to craft a

13   narrowly tailored law where you will not be

14   sweeping in both issues of equal protection on

15   race grounds, but also on nationality, that

16   you won't be harming the rights of United

17   States citizens, and people that have lawful

18   permanent status here.

19   Now, if that can be crafted, then

20   it would be an interesting thing to take a

21   look at, but that's not what we have here.

22   CHAIRPERSON CHAVEZ: Mr. Hethmon.

1   MR. HETHMON: Yes. I have written

2   somewhat on this in a lot of the article

3   that's on our website called "The Chimera and

4   the Cop, Local Enforcement of Federal

5   Immigration Law."

6   And as I understand this standard,

7   the profiling standard in the context of

8   immigration law, it has evolved primarily

9   through case law of over about 20 years is

10   that foreign appearance, foreign language,

11   these kind of indicia are permissible for

12   consideration of -- if the other circumstances

13   of the -- referring to Terry stop, for

14   example, are lawful.

15   Those conditions can be considered

16   in the totality of the circumstance analysis

17   that the officer makes, as long as -- and here

18   was what seems to be as much of a bright line

19   rule as the courts have been able to reach, as

20   long as they are not the primary

21   consideration, and the primary consideration

22   the officer has to be able to articulate that

1   in what the courts say is a relatively

2   specific standard.

3   So, I -- this, you know, a lot of

4   people, you know, said this is not -- this is

5   not a perfect bright line rule, but certainly

6   the, you know, the Fourth Amendment,

7   jurisprudence and the way the courts --

8   Supreme Court deals with this indicates that

9   that's not -- may not ever be a possible sort

10   of thing, and it's a shifting standard that --

11   CHAIRPERSON CHAVEZ: So, if I were

12   a little bit darker skinned and had a little

13   bit more of an accent I better start carrying

14   my passport or my birth certificate with me,

15   is that what you're saying?

16   MR. HETHMON: No. I'm not saying

17   that. I'm just saying that, you know, if you

18   run a red light, you know, everybody has to

19   deal with the police --

20   CHAIRPERSON CHAVEZ: Well,

21   apparently I don't-- from the standard you

22   just suggested, you and I, if I fit those

1   characteristics, would have somewhat different

2   scrutiny.

3   MR. HETHMON: I'm not suggesting

4   this, and this isn't my idea. This is the

5   appellate courts of the United States.

6   REV. DR. CARTER: Madam

7   Chairwoman, when I was referencing that

8   question -- may I respond? Is okay, to

9   Professor Cohen?

10   This is part of the issue. I

11   don't want to be characterized as an opponent

12   of this County, the County government or the

13   County police. In fact, Chief Deane was just

14   in our congregation a few weeks ago at my

15   invitation, the invitation to the congregation

16   to help educate us on the current -- what's

17   happening with the resolution, knowing that

18   it's not yet in force, but we've been through

19   a process.

20   And often, what happens in this

21   discussion, and I think this is where many

22   people of faith stand, is that so quickly we

1   are characterized as being on one side of the

2   argument or the other, we're either proponents

3   or opponents.

4   And quite frankly, the concern is

5   that the way the resolution came about with an

6   added election in the middle of it, it created

7   an atmosphere of division and the community

8   was divided.

9   Either people divided themselves

10   into two camps or others said, "Well, they are

11   making this statement, so therefore they are

12   part of this community or they're making this

13   statement, they're a part of this community."

14   There are folks in my community

15   who, after spending time studying just a

16   little bit of immigration law, and even in

17   this conversation we've added layers of

18   complexity for me. It just -- it's further --

19   it confuses the issue.

20   Folks said that if we look at the

21   rule of law, there's something fundamentally

22   broken there in the sense of it -- the

1   complication and the history and how can we

2   fix it, and there's no quick fix.

3   On the other hand, the discussion

4   that's in the community, particularly in the

5   editorial section of the paper, lacks a

6   certain tenor of decorum, and can be harsh at

7   times. And for my congregants, reading the

8   paper, there's this whole other discussion

9   that is not as sterile as the discussion

10   happens in this board room.

11   And that's the discussion that is

12   built off of perception and assumption, as

13   well as some truth and some well-founded

14   concern that has heightening the anxiety for

15   those of us who are in the middle, as well as

16   those that are on the extremes.

17   And I think for the faith

18   community, that is our deepest concern, and so

19   there are 30 other leaders who are joining me

20   in a letter to our County government asking if

21   we could be part of a solution, to help with

22   education, to help with understanding and to

1   help kind of broker a conversation that raises

2   the general good of this place I call my home.

3   For many of us, it is a concern

4   about our home and the community that we're

5   creating. Thank you.

6   CHAIRPERSON CHAVEZ: First Todd

7   and then the final question will go to Ed

8   Cooke.

9   MEMBER GAZIANO: My comment,

10   because I'm not sure it's a question, follows

11   some of Lloyd's questions. And my own, of the

12   Chief. I wasn't completely satisfied with his

13   answer. It was a beginning, but I knew that

14   it would -- wasn't even possible in hours to

15   really get to the bottom of it.

16   But I especially appreciate, Ms.

17   Firth, your testimony and suggesting where you

18   and your group can do great service, not only

19   to your clients but to the community in trying

20   to get discovery in matters that we, in a

21   hearing might not.

22   And some of the points that may be

1   raised, and I think would be very helpful

2   going forward, certainly, are whether -- some

3   of this probably is impossible to get at, but

4   the incidence of illegal stops or alleged

5   illegal stops have increased.

6   I can certainly understand a link.

7   I appreciate you weren't prescient in your

8   answer, but also asking the Chief how many

9   officers have been -- this I could have maybe

10   followed up with him -- have been trained?

11   What is the training schedule? What will

12   change after this unit is set up?

13   I could have asked him more

14   questions about that unit. And let's say

15   you're -- whether your clients prevail in an

16   initial suit or don't, I think that there is

17   -- one of the values of our system of justice

18   is that you can keep following up, and you

19   can --

20   I'm not sure that I agree that

21   there can be no constitutional resolution of

22   this type enacted, but you pushing one way, I

1   think, can be very valuable, and I would hope

2   that those are advocating that -- and I'm

3   referring to the other gentleman who share

4   your table, would help her, at least try to

5   implement a policy in a way that is consistent

6   with the Constitution and the Civil Rights as

7   possible.

8   So, I commend you in particular

9   for pursuing that.

10   MS. JOHNSON-FIRTH: Thank you.

11   CHAIRPERSON CHAVEZ: Ed.

12   CO-CHAIR COOKE: Yes. Oh, sorry.

13   MR. HETHMON: A very brief

14   response. Yes, I think those are very helpful

15   words. I think one of the reasons you sense

16   perhaps some obstreperousness in our tone is

17   because we feel so -- I mean, I've been -- I

18   remember attending one immigration lawyer's

19   conference in Washington, D.C. as a young

20   lawyer where I got involved in this issue and

21   I sat down at the table and -- what's her

22   name, Jean Goldsmith the president of the

1   association announced, you know, "Be very

2   careful what you say in the room. We have one

3   of "them" sitting over there."

4   And that's the kind of tone --

5   that's the sort of bias and animus that we

6   work with professional year-in and year-out.

7   And I will be happy -- that's why I was the

8   only person to go down to the Human Rights

9   Commission on August 11th, because, you know,

10   when we actually sat down, we were able to

11   have a very helpful dialogue.

12   And we suggested issues that, when

13   their Human Rights Commission encounters these

14   kind of issues, the things they need to think

15   about in advance so that these kind of things

16   can be resolved in the way that you're

17   mentioning, sir.

18   CO-CHAIR COOKE: And our objective

19   is to foster dialogue as well, and we often

20   do, always do that. And our objective is

21   foster a dialogue as well, but in the

22   tradition that I spent eight and a half years

1   observing on the ill, I'd like to begin my

2   questioning by m question, by associating

3   myself with the remarks of Reverend Carter and

4   Todd Gaziano. I think they are both on point

5   and expressed so concerns that I have as

6   well.

7   But I'm going to ask a question of

8   Mr. Stein and Mr Hethmon -- is correct?

9   MR. HTHMON: Yes.

10   CO-CHIR COOKE: I'm sorry. I

11   apologize. -- th I don't know the answer to,

12   and that I really have not yet formed an

13   opinion on, but I would really like to get

14   your views for i

15   And, is it absolutely critical and

16   essential to achieving the reasonable

17   objectives with respect to immigration policy

18   in this country to continue to foster policies

19   that attack or cate the possibility of

20   attack on the exiting population, that is to

21   say, the people o are already here, whether

22   legal or illegal in order to achieve long-

1   term reasonable objectives that you both

2   regard as important?

3   That is to say, do we have to

4   continue this possibly -- possibility of

5   aggressively identifying and deporting people,

6   even given the possibility of the present

7   danger that we all have to admit that out of

8   every one that we actually find we're going to

9   offend ten legal citizens and what not?

10   Is it actually critical to attack

11   the population that exists here now to achieve

12   reasonable long-term and appropriate kinds of

13   immigration policies?

14   MR. HETHMON: My personal view in

15   this --

16   CO-CHAIR COOKE: Yes, that's what

17   I want.

18   MR. HETHMON: -- is that this is a

19   two-part question, and the answer to the one

20   dealing with identification is, yes. The one

21   dealing with removal of that entire population

22   is -- is no.

1   You cannot have a democratic

2   society based on the rule of law where you

3   have an unidentified population that is, as

4   this judge said yesterday, basing their

5   actions on their anonymity combined with their

6   violation of law to assert constitutional

7   claims.

8   We have had the alien registration

9   laws in existence since 1940, and the laws

10 observed in the breech essentially make a

11 fundamental distinction between citizens and

12 non-citizens.

13   It's actually an alienage

14 distinction, and what it says with, some

15 exceptions, is that every person who is not a

16 citizen of the United States, to simplify very

17 greatly, has the obligation as a condition of

18 being present in this country, of carrying

19 papers. Carrying papers.

20   And that is a fundamental

21 difference from our view of what the answer

22 would be if a person is a citizen.

1   As the world becomes more crowded,

2   as the world becomes more interconnected, this

3   sort of imperative for the rule of law really

4   remains there.

5   But the second question, which was

6   sort of -- it runs into the, you know, the

7   removal, kind of amnesty issue. This is --

8   this, I think, is really -- is more a

9   political question, rather than a legal

10   question. And it can't really be answered

11   until you have, you know, an articulate and

12   firm national policy on this issue.

13   CO-CHAIR COOKE: So FAIR is not

14   taking any political position on that issue?

15   MR. HETHMON: I'll let Dan -- Dan

16   is the person who speaks on politics, so --

17   MR. STEIN: Chairman Cooke, I just

18   -- I'm not quite sure I understand exactly

19   your question. The term "attack" --

20   CO-CHAIR COOKE: Well, perhaps

21   that's not the best word, but to aggressively

22   pursue and remove individuals who are

1   presently in this country, as a part of an

2   immigration policy, is that absolutely

3   critical to the achievement of long-term --

4   the long-term goals as you see them.

5   And I'm not -- Understand, I'm

6   not expressing a --

7   MR. STEIN: I mean, I go back long

8   enough in this issue to remember when, back in

9   the early 1980's and before the 1986

10   Immigration Reform and Control Act passed,

11   when there were a lot more efforts at common

12   dialogue between different sides of these

13   communities -- policy communities to find

14   solutions.

15   The assumption was that after that

16   bill passed, Ronald Reagan signed it in

17   October, there was going to be, in return for

18   the Amnesty program, 3.2 million people and

19   then their relatives eventually got in line to

20   come, that there was going to be a

21   corresponding change in the interior

22   enforcement strategy, employer sanctions.

1   Not only did that not happen, but

2   by the Bush Administration, interior

3   enforcement and employer sanctions virtually

4   ceased as --

5   CO-CHAIR COOKE: I've heard that

6   complaint continued. I've heard that

7   complaint.

8   MR. STEIN: So, the proposals that

9   were up before the Senate appeared, to our

10   side, to be bad faith, that we had once -- we

11   played this game one time too many times, and

12   we weren't going to go down that road again.

13   People want to see real

14   enforcement. Now, in the movie "1775" in the

15   play, John Adams exasperatedly says to the

16   Constitution Convention, "You know, we're

17   going to have a resolution, you know, we have

18   to offend somebody, damn it."

19   You can't enforce immigration law

20   without inconveniencing some people, and

21   generally, hopefully, those people are only

22   those people who have broken our immigration

1   laws.

2   And when a person breaks the

3   immigration law, they not only break that law,

4   but generally over time they fail to file

5   taxes, these fraudulent documents, they have

6   a whole range of felonies and other things

7   associated with it.

8   The employers are guilty of a lot

9   of criminal behavior --

10   CO-CHAIR COOKE: I don't mean to

11   interrupt you, but are those the only people

12   that get inconvenienced? I apologize for

13   interrupting.

14   MR. STEIN: Well, what I'm saying,

15   I mean, what we look for in the way of common

16   dialogue, sir, are responsible approaches to

17   the long-term strategy which would be, say,

18   all right, if you're going to let people stay

19   here who jumped the que in front of millions

20   of people who have waited in line, and you

21   want to reassert the idea that what ties us

22   together is such a diverse society is respect

1   for the rule of law, and that the status quo

2   is not tenable, then what about some

3   corresponding set-off from future immigration,

4   from those countries, or some other thing.

5   It's going to account for the fact

6   that, you know, we violated traditional

7   notions of fundamental American fairness by

8   letting people jump the line and essentially

9   benefit from having cheated the system.

10   CO-CHAIR COOKE: But it sounds

11   like there's at least a basis for a dialogue

12   along the lines that I suggest, even from

13   FAIR.

14   MR. STEIN: Well, we are the -- I

15   have always wanted to engage in dialogue with

16   other people on the other side, and what we

17   have found -- I don't know -- I think what

18   changed in the dialogue was that somewhere

19   along the way the two parties split on the

20   issue.

21   You see some bipartisanship now.

22   Democratic -- the Democratic Party decided

1   somewhere along the way that immigration was

2   important for future party-building. Some

3   Republican people, mostly -- frankly Bush

4   people decided that immigration was important

5   to raise political money.

6   And the old Father Hesburgh

7   Commission, Barbara Jordan chaired a wonderful

8   commission in 1995. These commissions which

9   took an enlarged view of the national interest

10   on which proposals, the original Simpson-

11   Mazzoli bill is based and then in 1995 the

12   Smith-Simpson bill was based, all those great

13   recommendations were torpedoed by a coalition

14   of business and, you know, left of center,

15   whatever you want to call them, immigration

16   advocates, to essentially prevent them from

17   passing.

18   We don't -- we shouldn't be in

19   this situation as a country today.

20   CO-CHAIR COOKE: I quite agree

21   that the testimony that we heard from Ms.

22   Firth and Reverend Carter and Mr. Byler

1   suggests social impact that will be derived

2   from our current course of action if we pursue

3   it.

4   And if we continue to, for lack of

5   a better word, focus on existing individuals

6   currently in this country that could very well

7   not only create extraordinary conflict in the

8   community, but also undermine long-term, the

9   Constitution that we -- some aspects of the

10   Constitution I think are absolutely critical.

11   MR. STEIN: But if you're saying,

12   respectfully, if you tell people that there is

13   no alternative, that the law -- rule of law

14   simply cannot prevail in border regulation and

15   immigration regulation, you're saying that as

16   a nation we can't control our destiny.

17   CO-CHAIR COOKE: No. I'm saying

18   that the problem from my perspective is, at

19   least from what I've heard, is that it's not

20   so much the absence of the rule of law, but

21   the failure to enforce existing laws.

22   I was in Congress and responsible

1   for enactment of the '86 Immigration Act, so

2   I quite agree with you that it was very,

3   extraordinarily ambitions. It took three

4   times for the Congress to pass it, as you'll

5   recall.

6   We were very hopeful that these

7   things would have occurred, but the fact of

8   the matter is that they haven't been enforced

9   for various reasons by both parties.

10   If we were to enforce those laws

11   prospectively and perhaps even implement some

12   others along the lines that you suggested, do

13   you think it's still necessary for us to focus

14   on the kinds of things the Prince William

15   County Commission has enacted in its

16   legislation that has such a direct impact on

17   individuals and on people, some of whom are

18   illegal and some of whom are not illegal?

19   MR. STEIN: Well, I'd like to try

20   it and see how it works before we decide it's

21   not a workable thing but, as I say, the

22   Federal-State partnership is absolutely

1   essential to comprehensive -- I don't want to

2   use that term, but meaningful immigration

3   enforcement in this country.

4   CO-CHAIR COOKE: Well, that you

5   and I could become allies on, but I have real

6   concern about some of the results that I know

7   and we all know are going to occur with

8   respect to the imposition on individual civil

9   rights of people who happen not to look like

10   the majority of folks, if we don't take some

11   sort of a little bit more enlightened stance

12   on some of these issues.

13   This is just a question, just a

14   thought.

15   MR. STEIN: I'll be happy to --

16   CHAIRPERSON CHAVEZ: I'm going to

17   thank all of the participants today, not just

18   the panelists in this last panel. Your

19   information was particularly helpful to us.

20   I'd like to encourage you,

21   particularly you, Ms. Johnson-Firth, if you

22   have more actual evidence of the person whose

1   civil rights are being violated and would

2   present that to us, that would be very, very

3   helpful to the Committee.

4   I want to thank my fellow

5   Subcommittee Members. Again, I want to thank

6   our staff, Barbara De La Viez, Ivy Davis and

7   Freda Greene, also, for their help in putting

8   it together, and also the good people of

9   Prince William County and the County

10   Government for making these facilities

11   available to us, thanks so much.

12   (Whereupon, the meeting concluded

13   at 1:13 p.m.)

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