

Opening Statement of Senator Dick Durbin
Immigration Subcommittee Hearing
“Examining the Constitutionality and Prudence of State and Local Governments Enforcing
Immigration Law”
April 24, 2012

Mr. Chairman, thank you for holding this hearing.

I am deeply concerned about SB 1070, the Arizona immigration law, and I hope that the Supreme Court finds it unconstitutional. Under our Constitution, states do not have the right to pass their own laws preempting federal laws on immigration.

It is wrong and counterproductive to criminalize people because of their immigration status. Law enforcement does not have the time or resources to prosecute and incarcerate every undocumented immigrant. The Arizona immigration law will simply deter undocumented immigrants from cooperating with law enforcement.

That is why the Arizona Association of Chiefs of Police opposes this law.

There is another troubling aspect of the Arizona immigration law. According to experts, the law encourages racial profiling. Last week, I held a hearing on racial profiling, the first hearing on this subject since before 9/11. We heard testimony about the provision in Arizona’s immigration law that requires police officers to check the immigration status of any individual if they have “reasonable suspicion” that the person is an undocumented immigrant.

One of the witnesses at my racial profiling hearing was Ron Davis, the Chief of Police of East Palo Alto, California. Chief Davis, along with 16 other chief law enforcement officers, and the Major Cities Chiefs of Police Association, filed a brief in the Arizona case. In their brief, the police chiefs say, “The statutory standard of ‘reasonable suspicion’ of unlawful presence in the United States will as a practical matter produce a focus on minorities, and specifically Latinos.”

Instead of measures that harm law enforcement and promote racial profiling, like SB 1070, we need practical solutions to fix our broken immigration system. The first step we should take is passing the DREAM Act, legislation that would allow a select group of immigrant students who grew up in this country to earn citizenship by attending college or serving in the military.

The best way to understand the need for the DREAM Act is to hear the stories of the young people who would qualify for this legislation. They call themselves Dreamers. Under the Arizona law, these young people would be targets for prosecution and incarceration. Under the DREAM Act, they would be future citizens who make our country stronger.

Dulce Matuz graduated from Arizona State University with a bachelor’s degree in Electrical Engineering. She co-founded the Arizona DREAM Act Coalition, an organization of more than 200 DREAM Act students. Last week, she was named one of the 100 most influential people in the world by Time Magazine.

Mayra Garcia was the President of the Cottonwood Youth Advisory Commission in her hometown of Cottonwood Arizona. She graduated from high school in 2010 with a 3.98 GPA. She is now a sophomore at a prestigious university in California.

In high school, Juan Rios was a leader in the Air Force Junior R.O.T.C. In 2010, he graduated from Arizona State University with a degree in aeronautical engineering. Since graduation, Juan has put his life on hold. He can't enlist in the military and he can't work in the aerospace industry.

Jose Magana graduated as the valedictorian of his high school. At Arizona State University, he joined the speech and debate team, where he ranked 5th in the nation. In 2008, he graduated summa cum laude with a major in business management. Later this year, Jose will graduate from Baylor University Law School in Waco, Texas.

In high school, Angelica Hernandez served in Junior R.O.T.C. and was President of the National Honors Society. Last year, she graduated from Arizona State University as the outstanding senior in the Mechanical Engineering Department.

Unlike the Arizona immigration law, the DREAM Act is a practical solution to a serious problem with our broken immigration system. SB 1070 would harm law enforcement and encourage racial profiling, while the DREAM Act would make our country stronger.