The Safe Communities Act would prohibit the use of public funds and resources for immigration enforcement purposes in the interest of protecting undocumented and other vulnerable residents. It would prohibit the state of Massachusetts and local law enforcement from contributing to or supporting the creation of a Muslim registry, or any other federal registry program designed to solicit information on protected identity. In addition, it limits Massachusetts law enforcement’s ability to collaborate with U.S. Immigration and Customs Enforcement.

- **The Bill**

S.1305/H.3269: An Act to protect the civil rights and safety of all Massachusetts residents

- **Elevator Speech**

We are Shoshanah Weinreich and Emilia Feldman, and we represent dedicated advocates for immigrant rights in the state of Massachusetts. Only through responsible planning will we keep our communities safe from the excessive police force that endangers the lives of thousands of undocumented Massachusetts residents every day. Since President Trump’s election, the aggressive and unconstitutional crackdown on immigration has increased, with many executive orders and mass deportations. The White House’s stance on immigration has led to the perpetuation of racist rhetoric and has transformed the United States into a toxic nation, putting the lives of residents with different immigration statuses at risk. ICE arrests have doubled nationally since the president’s inauguration and they have tripled in New England. According to the American Civil Liberties Union, more than 88% of deportations in Massachusetts are due to immigration violations, rather than crimes.

It is time for Massachusetts legislators to put an end to this unjust treatment of undocumented communities, and we have a solution. The Safe Communities Act is the Commonwealth’s attempt to fight the disturbingly normalized racism and xenophobia initiated by the federal administration. By prohibiting police from acting as immigration officers, we can guarantee the protection of civil rights and safety, something our national leaders are currently not doing. Despite the original bill being sent to
study, a subsequent bill addressing concerns some individuals had about the original bill has gained the support of the Massachusetts Chiefs of Police Association and the Major City Chiefs of Police.

Will the legislators in this chamber follow suit and work with their colleagues to get this redrafted bill passed, ensuring the commitment to safety of all citizens and as a means to protect the common good?

### Excerpt from Storybook

#### Annie’s Personal Story

Annie* is a Haitian immigrant, mother, business owner, and community leader who has faced immense hardships throughout her immigration journey. She arrived to the United States with her family and received no community-based support and was forced to live with the immense pressures immigrant communities must endure with little help from the state.

Since the election of President Trump, Annie has noticed a very clear increase of tension in her community that has put many undocumented and immigrant communities in dangerous situations. She believes that “Trump teaches kids and Americans to fight and hate. Everyone is scared of everyone. No one can trust anyone.”

Annie expressed her discomfort and fear that the police do not have the best interest of her community at heart and stated that there is no productive relationship between the Waltham immigrant community and local police.

The Safe Communities Act is fighting to ensure that the relationships between local police and immigrant communities is meant to protect every unique individual so that those living in communities like Annie’s may live without fear of deportation or negative interactions with law enforcement.

* Name changed for privacy.

### Op-Ed

#### Emilia

This nation is at a crossroads. The American people have been subjected to 443 days of President Trump spewing false information and spreading his xenophobic rhetoric from the Oval Office for the entire world to hear, and we must decide whether this is a trend that we are going to put to an end to. Trump has vilified thousands of American residents whose identities do not perfectly align with his white supremacist and xenophobic idea of the ‘true’ American identity. One of the populations put at the highest risk under the Trump administration is the immigrant community. The president and his supporters have created a single identity that is constructed upon racist stereotypes and dangerous false narratives that have turned this country into a very dangerous space for immigrant communities. The United States of America is at a crossroads and our nation must decide whether we are going to accept Trump’s propagation of hate to define the way in which we value human life as a nation or if we are going to fight to make a change in our nation's history.

President Trump’s campaign relied upon the demonization of Mexico and he has openly blamed the Mexican nation for sending gangs, criminals, and rapists across the border to the United States. His language regarding the construction of a wall to keep out desperate individuals and families fleeing violence in Central and South America plagued every newspaper and news outlet since start of his campaign, and unfortunately his presidency still relies on this same level dangerous closed-mindedness. The offensive language that Trump has spread regarding immigrant communities have grown into dangerous policies and government funded programs that place undocumented communities in grave danger every day. The president’s latest immigration actions have occurred just this week with his move to place National Guard members on the border and support of Arizona’s plan to deploy around 150 troops along theirs. The states along the Mexican American border are not the only ones adopting problematic policies and supporting the inhumane treatment of undocumented communities.

The quality of life that undocumented communities are able to experience has diminished since the election of President Trump and Boston has become a dangerous home to thousands of immigrants. The arrests made by the Immigrations Customs Enforcement, or ICE, have doubled nationally since the president’s inauguration and they have tripled in New England specifically. The detention rates of undocumented individuals have doubled, and according to the American Civil Liberties Union, around 88% of deportations in Massachusetts are status driven, rather than in reaction to true crimes. This is a trend that must be disrupted by forward-thinking legislation and advocacy by the American people. Change is on the horizon for this country as more and more marginalized American residents rally against the oppressive nature of our current president, and the inclusion of immigrant identities within this discourse is essential for the progression of this nation.

The Safe Communities Act is a piece of legislation whose language works to disrupt the relationship between ICE and local law enforcement while restoring much needed peace of mind within undocumented communities. This legislation is the Commonwealth’s major effort to fight the racism and xenophobia that is so deeply ingrained in this nation’s modern law enforcement systems. The bill’s original
language primarily drew a very important line between the responsibilities of immigration officials and local police departments, and this distinction is essential to the safety of every resident of the Commonwealth. This original bill is no longer progressing, but the essence of this piece of legislation has been passed on in different forms, rallying thousands of advocates and activists throughout the Commonwealth and the state.

You may be wondering why this simple distinction could really cause the systemic change needed in order to preserve peace and safety in undocumented communities. When a clear line is drawn to distinguish the rights and responsibilities of ICE agents and local police officers, it allows police departments to focus on protecting the residents of their communities regardless of their status. This would also protect police officers as it would limit their need to engage in work that falls above their training levels. Pieces of legislation such as the Safe Communities Act are a step in the right direction and while it is possible that this bill may not be progressing, it is essential that the Commonwealth stay committed to fighting for our friends, neighbors, coworkers, and classmates with varying relationships with documentation.

Immigrants make America great because immigrants have made America. The dehumanization of those with varying access to documentation has done an immense disservice to this country and the perpetuation of the Trump’s hateful rhetoric must stop. We must protect the lives of this nation’s most marginalized communities because until every American community is able to experience safety, no community will ever truly be safe.

### House Ways and Means Script

Representative, we are honored to speak with you today. We are Shoshanah Weinreich and Emilia Feldman, dedicated advocates for bill H.4603, the Safe Communities Act. This bill is a vital piece of legislation for the state of Massachusetts and while it is possible that you may have concerns regarding the fiscal implications, we would like to reassure you that this bill is in fact a step in the right direction. The adoption of this bill would not only cut down government spending, but it would also relieve law enforcement agencies of unnecessary excess pressure.

The Safe Communities Act articulates the need for clearly defined boundaries between the duties of local law enforcement departments and ICE. This distinction will be beneficial for our communities because it will guarantee that police will be focused on their primary job of keeping the communities safe. Law enforcement agencies will no longer be permitted to act as immigration officers, and therefore their resources may not be used to engage with matters of immigration or documentation status. Matters of immigration and documentation must be handled by ICE or DHS, and this piece of legislation will ensure that there is no confusion regarding the roles of these agencies.

A misinterpretation of the Safe Communities Act is that it is will make Massachusetts a sanctuary state, but this is indeed not stated within the language of the bill. The federal government’s threat to revoke funding of sanctuary states does not apply to this bill, as it does not limit the government’s ability to enforce immigration. Instead, it only limits local law enforcement’s ability to engage with immigration enforcement. If a specific state were to adopt sanctuary policies, and therefore be at risk of losing funding, the state itself would have to directly impede the efforts of immigration enforcement. The Safe Communities Act does not limit federal immigration enforcement, but rather prohibits law enforcement from taking on responsibilities that they are not necessarily prepared to handle responsibly. This, therefore, would not put federal funding at risk.

As advocates, we are confident that the benefits associated with the Safe Communities Act do in fact outweigh any potential costs. The primary benefit of this piece of legislation is that communities will be able to trust that their law enforcement departments are placing the safety of all residents above all else and that their neighborhoods should be a safe space for everyone regardless of the state of their documentation. It is incredibly important to restore the trust between law enforcement and individual communities because this will cause individuals who face abuse and fear for their safety to rely on those who are meant to protect them. As community confidence in law enforcement increases, so does crime reporting, and this leads to a decrease in overall crime rates. This relationship is especially important for undocumented victims of domestic violence and sexual assault who are forced to live in constant fear of deportation when reporting their abuse. This bill will improve the quality of life of thousands of undocumented individuals in the state of Massachusetts and will allow underserved communities to access more community-based resources that they are currently too afraid to seek out.

The creation of bills protecting the safety of undocumented communities is not unique to the State of Massachusetts, and such policies have been adopted around the country. California, Connecticut, Colorado, and various cities across the United States have adopted similar policies that have created much needed standards of peace and trust. California’s passage of SB 54, or the California Values Act, in January of 2017, prohibited state police from automatically transferring detainees to federal immigration agencies, holding detainees beyond their release dates, and now ensures that law enforcement keep public spaces safe for everyone.
Governor Baker signed the 2018 Fiscal Year Budget, a $39.4 billion projection of state police spending. This is an incredible sum of money that could be solely directed towards ensuring the safety of all Massachusetts residents, regardless of access to documentation, with the help of the Safe Communities Act.

Without your support for this bill, this money will not be used to its full potential, and our state police will not be able to experience relief from the responsibility of needing to tackle issues of immigration. This bill will protect our neighbors, friends, and family members in the police force from needing to take on the roles of immigration enforcement that they are not prepared to handle, and this will also restore much needed peace within undocumented communities. We are asking that you support this legislation and any other policies that protect immigrant populations, because until the most marginalized individuals in our communities are able to live in peace, none of our communities will ever truly be safe.

**Letter to the Legislator**

My name is Shoshanah Weinreich and I, along with my colleague, Emilia Feldman, am a student at Brandeis University who resides in Waltham, Massachusetts. I am writing to respectfully request your support of the H.4603: An Act to Protect the Civil Rights and Safety of all Massachusetts Residents, also known as the Safe Communities Act. Governor Baker, and his executive administration, have publicly attempted to fight this legislation, with the introduction of bill H.3870, legislation that would allow law enforcement to honor written requests from ICE to hold specific individuals for twelve hours. In addition, the Baker administration currently oppose the compromise the lawmakers on this bill struck with police chiefs. The compromise bill says that police will be allowed to hold certain individuals at ICE’s request for up to six hours in custody, provided that the individual was convicted of a violent crime. When we met with you recently, you expressed to us that “our messaging needs to be clear,” and we believe this legislation is vital for the future of public safety in the state of Massachusetts.

Since January 2017, when President Trump assumed office, ICE arrests have more than tripled in New England alone. Almost ninety percent of immigrant arrests are not for previously committed crimes, but rather immigration violations. This practice is an accepted form of racism because the process of immigration arrests tends to be on the basis of racial-profiling. Non-criminal people are being targeted, people who make significant economic contributions to the community.

Senator Eldridge and Representative Matias’ legislation will ensure that the economic benefits immigrants bring will continue, hugely benefiting the state of Massachusetts. First, it opposes the creation of a registry that would track people for aspects of their identity, such as religion, race, or ethnic origin. Second, the act ensures that local and state police attend to their main job of fighting crime, not enforcing immigration. It does this by prohibiting law enforcement from collaborating with ICE, questioning non-citizens on their immigration statuses, and using state resources for the purpose of immigration enforcement. Finally, it secures due process rights for non-citizens. Because of this, the Safe Communities Act aims to safeguard all Massachusetts residents regardless of race or ethnic background. These are all measures to allow immigrants to be safer, and therefore able to pursue their full economic potential as Massachusetts residents.

We understand there may still be concerns regarding the lack of communication law enforcement will have with immigration enforcement. However, we know that, because of your position as the representative for Waltham, you are aware that Waltham has a large immigrant community who will be relying on this legislation to allow them to be comfortable in their own communities. Your constituents deserve to live their lives free of fear. We ask that you encourage your colleagues to sign onto this bill to protect the safety and well-being for all who live in this great state.

**Excerpts from Campaign Journals**

**Emilia**

Working on a piece of legislation that works to preserve the rights of immigrant communities in Massachusetts has been a very important experience for me and this course has offered me a window into the chaotic nature of immigration advocacy and reform in today’s political climate. This semester has been full of learning through making mistakes, talking to anyone who would listen, and learning to remain flexible with the ever evolving political climate. This has been a difficult process and the obstacles we have faced as students engaging with immigration advocacy are directly linked to the dwindling resources afforded to immigration advocacy groups and the very racist way in which our president engages with undocumented residents. The Safe Communities Act seemed like a very simple piece of legislation that could be adopted by the state of Massachusetts without the need for excessive funding or effort, but this bill still hit extremely detrimental roadblocks.
Since the bill was sent to study very early on, our roles as student advocates has been rather ambiguous. The largest problem we encountered during this process would be the lack of responses we have received from representatives, community-based organizations, and other advocacy groups. This is due to the very sensitive subject of immigration, the lack of funding given to important immigrant service organizations, and the general chaotic nature of immigration law under the Trump administration.

The individuals and organizations dedicated to fighting for immigrant rights have become so exhausted and their resources so thinly spread that they have not always been able to take time to engage with student advocates. This is a roadblock that we expected to experience but were able to cope with once we began increasing the number of individuals and organizations we reached out to. While not many people responded to our many emails or calls, we were able to connect with the co-sponsors of the bill, attend Massachusetts Communities Action Network (MCAN) events, and various other events on the Brandeis campus that helped us throughout the process.

Shoshanah

Meeting with bill co-sponsor Senator Jamie Eldridge

My role in this meeting was to present Senator Eldridge with the knowledge I had of advocacy coalitions’ beliefs on the new bill. Safe Communities, in order to get more support from law enforcement agencies, added a provision that said police would be allowed to hold certain individuals convicted of violent felonies, and also undocumented, for 6 hours if ICE requested they do so. This would undo the landmark decision the Massachusetts Supreme Judicial Court decided in August (Commonwealth v. Lunn) that said police would not be allowed to hold any individuals at ICE’s request. Many advocacy organizations did not support this new language, including MIRA. I wanted to bring that to Senator Eldridge because I believe that, as an advocate, it is my duty to let my legislators know of their constituents’ concerns. He was very appreciative that I brought that information to his attention however, he emphasized that some progress is better than no progress, especially under this president, who will, as Eldridge argues, stop at nothing to deport all undocumented immigrants. I also filmed footage of him for our video.

After speaking with both co-sponsors of the bill, I had the opportunity to do some reflection. Both of them noted how impressed they were with our passion, but Senator Eldridge, in particular, said of me that I was poised and confident, which, he said, was the most important skill at an advocate’s disposal. That was reassuring because I have not always had faith in advocacy throughout this semester, especially considering how difficult an environment for immigration advocacy it currently is, and hearing that my advocacy was strong, from a top legislator, was validating.

Update

As of February 5, 2018, the bill was sent to study.

For more information

View the bill:
malegislate.gov/Bills/190/SD1596

Massachusetts Immigrant and Refugee Advocacy Coalition
miracoalition.org