



Georgia House of Representatives

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Just Say NO to ICE

In Athens-Clarke County there's currently a very public controversy over whether to comply with requests for detention from ICE (the federal Immigration and Customs Enforcement agency) and if so, to what extent? A couple of weeks ago I released a blog post noting that only notification of ICE appears to be mandated by the Georgia code, while detention is optional, and urging all sides to come to the table with the Sheriff's task force to reach a solution.

This week, I personally witnessed a scene which has convinced me unequivocally that the policy of cooperating with ICE is unjust. It was an experience that reminded me, as a Christian, of the admonition in Deuteronomy 24: "Do not take advantage of a hired worker who is poor and needy, whether that worker is a citizen or a foreigner residing in one of your towns.... Do not deprive the foreigner or the orphan of justice."

Just yesterday, I visited the humble home of four fellow American citizens, children whose father had suddenly been taken away from them, leaving them with no means of paying their bills. Their father had committed no crime against our community. ICE had been searching for someone else when they visited his address, but finding that this man was undocumented, they hauled him off and sent him away, leaving his children, all citizens of our great nation, in fear and without a source of income and support, deprived of a parent's love and protection. When I arrived at their home, a simple trailer, everything was dark. Although the power had not yet been shut off, the family — having been left without a bread earner — was conserving and only turned on the lights to make me, their guest, comfortable.

Prior to this visit, I had wanted to wait for the Task Force to try to negotiate an end to this injustice. I had asked that folks come to the table to talk. But the idea that we can wait faded away when I met these kids and learned of their story. I became convinced that ICE, as it currently operates, is depriving the foreign worker of justice and is turning American citizens

into orphans, impoverishing children by dealing out a disproportionate punishment which punishes the innocent along with the accused.

I have spoken with the law enforcement of Athens-Clark County. I have spoken with the state attorneys. I have spoken with local leadership. And now I have spoken with those most immediately affected by the current policy.

I now urge the Immigration Task Force to recommend no cooperation with ICE beyond state legal requirements. I urge local law enforcement to adhere to that recommendation of doing the bare minimum. Furthermore, I urge the legislature to remove any and all legal mandates of cooperation with ICE from our state code and will personally work to achieve this goal. It seems to me that the Biblical admonition to "judge rightly between one person and another, whether citizen or alien" is in line with both the spirit and letter of our Constitution, and conforms with the impulses of what President Lincoln called "the better angels of our nature." The urge to scapegoat, to punish, and to expel, on the other hand, comes from a darker side of our nature — from fear and suspicion and selfishness. What I saw yesterday should not be happening here, period. American children should not be plunged into poverty, physical duress, and emotional devastation by having a locally law-abiding father arrested before their eyes and summarily shipped out of the country.

I am not saying that we should have "open borders" or that we should ignore crime. What I am asking for is justice, due process, and proportionality, because punishing these innocent young citizens so severely for an act over which they had no control, and in the absence of any immediate need to take such harsh action, is one of the most un-American acts I have ever witnessed.

Coomer Subsitute SB 452



Georgia House of Representatives

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Section 1, subparagraph (e): adds BACK the SHALL so that all police officers MUST notify prosecutors and transfer info; also says police MAY take all the same measures as if they were ICE/DHS agents. Police agencies are not prepared for this sea change.

Section 2, subparagraph (f)(1): new language provides for jails to hold arrestees even after they post a scheduled bond so that the arrestee can go before a judge. This is an illegal detention in violation of the very concept of bond and will not only expose governments to lawsuits but also increase costs of detention unnecessarily.

Section 3, subparagraph (a)(1): again says prosecutors SHALL inquire AND determine whether person to be sentenced is lawfully present, then notify ICE/DHS. The problem is the extreme difficulty in making such a determination correctly. This may require a whole new division of the DA/Solicitor/Public Defender to hire Immigration attorneys to conduct an investigation into their lawful presence. It goes on to require jailers to notify ICE/DHS and repeats unnecessarily that the Prison system follow another law that already exists to cooperate with deportation.

Subparagraph (b): again adds back the applicability to MISDEMEANORS in addition to felonies despite all the discussion by committee members at the hearing. It also says courts SHALL inquire if the person to be sentenced is lawfully present. Therefore, the Council of Municipal Court judges is going to have objections to this.

Subparagraph (c): says the court also must inquire whether the person would be deported while on probation. Again this is subjective and complicated but it's merely a set up to give confused judges the freedom to deny probating a sentence – even for misdemeanors!

Subparagraph (d): here is the free pass to deny probation of custodial sentence.

Section 4: this is the idea of publishing a report on the immigration status of non-citizens in the prison system. This information is already available.

Section 5, subparagraph (d): this says that upon “verification” that a jailed person is an “illegal alien” then the jail SHALL continue to detain the person for ICE/DHS (to effectuate deportation despite posting of bond). This is unconstitutional without question because it provides for detention after posting bond without a warrant or court order.

Section 6, subparagraph (c): says the Parole Board SHALL consider the deportability of a prisoner prior to release. This is the free pass for the Parole Board to deny parole to a person who would be deported.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION



Georgia House of Representatives

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Georgia Latino Alliance for Human
Rights, *et al.*,

Plaintiffs,

v.

Governor Nathan Deal, *et al.*,

Defendants.

Case No. 1:11-cv-1804-TWT

PERMANENT INJUNCTION

In light of the Court of Appeals' August 20, 2012 decision in this case, reported at 691 F.3d 1250, the parties agree that Section 7 of HB 87 has been held to be preempted by federal law. Accordingly, the Court orders that:

1. Section 7 of the Georgia Illegal Immigration Reform and Enforcement Act of 2011 ("HB 87"), codified at O.C.G.A. Title 16, Chapter 11, Article 5 (§§ 16-11-200-203), is permanently enjoined; and
2. Defendants shall take appropriate measures to inform state law enforcement agencies of the permanent injunction, and will disseminate this order to the Georgia Peace Officer Standards and Training Council, the Georgia Public Safety Training Center, the Georgia Prosecuting Attorneys' Council, the Georgia Sheriffs Association, the Georgia Association of Chiefs of Police,

the Association County Commissioners of Georgia, and the Georgia
Municipal Association.

SO ORDERED this 20th day of March, 2013.

/s/Thomas W. Thrash

Thomas W. Thrash, Jr.

UNITED STATES DISTRICT JUDGE