



League of United Latin American Citizens

RESOLUTION SUPPORTING STATES & LOCAL BODIES REFUSING FEDERAL COMPELSION ON IMMIGRATION

WHEREAS, local bodies across the United States have declined to divert local resources and apply local law enforcement assets in service of a federal responsibility; and

WHEREAS, within the areas that the federal government does exercise authority, the federal government cannot force state or local governments to cooperate in enforcement or implementation according to the 10th Amendment of the U.S. Constitution; and

WHEREAS, existing constitutional law holds that the federal government must exercise their authority on their own, unless the state and local governments choose to assist and cannot force state or local governments to act against their will; and

WHEREAS, United States Supreme Court precedent holds that, “Congress cannot compel the States to enact or enforce a federal regulatory program [and] that Congress cannot circumvent that prohibition by conscripting the States’ officers directly. The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. It matters not whether policymaking is involved, and no case-by-case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty.” *Printz v. United States* (1997) (citing *New York v. United States* (1992)); and

WHEREAS, the United States Supreme Court has held that the federal government cannot force states to act against their will by withholding funds in a coercive manner. See *Independent Business v. Sebelius* (2012); and

WHEREAS, undocumented individuals are afforded due process and other civil rights under the Constitution of the United States and existing U.S. immigration policies and practices are widely offensive to such protections; and

WHEREAS, states and local bodies may constitutionally refuse to divert local resources to enforce or administer federal responsibilities, making it incumbent on the federal government to itself enforce matters under its authority or to comprehensively reform U.S. immigration policies and practices such that states and local bodies will desire diversion of state and local resources toward cooperation;

NOW, THEREFORE, BE IT RESOLVED that LULAC strongly supports states and local bodies refusing to be commandeered by the federal government for immigration enforcement and directs its national staff and local chapters to actively support them.

Submitted in memory of Rev. Deacon Sal Alvarez, M.S.W. (1940 – 2015)

Voted & approved by the National Assembly of the 2017 LULAC National Convention on July 8, 2017.

Roger C. Rocha Jr.

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LULAC National President