

FACT SHEET

VERMONT'S RESPONSE TO PRESIDENT TRUMP'S EXECUTIVE ORDERS

Know the Facts; Protect our Rights

Vermont's Response Protects the Constitutional Rights of Vermonters and our State

KEY FACT: The State's response ensures full compliance with federal law, while protecting the Constitutional rights of citizens and the State. The President's Executive Order defines a "sanctuary jurisdiction" as one that willfully refuses to comply with federal immigration laws. Vermont *is* complying with all federal immigration laws, while protecting Constitutional rights of individuals and the State. This bill protects Vermonters' rights and Vermont's rights as a sovereign state, allows law enforcement to do their jobs, and is supported by law enforcement.

KEY FACTS: The State's response DOES NOT do the following:

- It **DOES NOT** limit the Federal Government's ability to enforce immigration laws.
- It **DOES NOT** prevent the federal government from strengthening immigration enforcement.
- It **DOES NOT** change the existing relationship between State law enforcement and federal officials.
- It **DOES NOT** establish Vermont as a so-called "sanctuary jurisdiction."

KEY FACTS: Vermont's response DOES do the following:

- It **DOES** provide the Governor with the sole authority to enter any agreement that would authorize State and local law enforcement authorities to perform the functions of immigration enforcement officers *at the cost of the State* and under the direction of the Federal Government.
- It **DOES** preemptively and proactively prevent the sharing of certain personal information with the Federal Government that would be used for a federal registry based on personal characteristics.
- It **DOES** expressly state that nothing in the law is intended to prohibit or impede State and local authorities from compliance with federal immigration laws.
- It **DOES** expressly state that to the extent any State or local policy or practice conflicts with federal immigration law, that policy or practice is abolished.
- It **DOES** defend the individual rights of Vermonters.
- It **DOES** defend the State against federal overreach.
- It **DOES** fulfill the requirement that every elected official has to protect the rights of all Americans as written in the U.S. Constitution.

We Have a Duty to ‘Protect and Defend’ the State and Federal Constitutions

- ✓ We can't pick and choose what Constitutional rights we defend. We must preserve and protect the liberty of individuals from the arbitrary exercise of federal power.
- ✓ The President's Executive Orders declare it is the policy of the President for federal agents to detain anyone apprehended on SUSPICION of violating State or federal law, without probable cause or a warrant. This raises significant concerns for potential violation of the 4th Amendment of the U.S. Constitution and Chapter 1, Article 11 of the Vermont Constitution.
- ✓ Two of the President's Executive Orders direct the Secretary of Homeland Security to engage with Governors and local law enforcement to request states enter agreements to commandeer state and local law enforcement assets for a federal purpose – an overreach that could threaten the 10th Amendment rights of the State.
- ✓ Building trust between law enforcement and all residents is vital to the public safety mission of our law enforcement agencies.
- ✓ Allowing any president, in any party, to erode individual liberties and Constitutional rights sets a dangerous precedent for similar overreach on other protected rights and freedoms. We must resist this slippery slope.

Vermont's Response Does NOT Limit the Federal Government's Ability to Enforce Immigration Law

- ✓ Vermont's response is carefully crafted to ensure Vermont remains compliant with federal law and does not establish Vermont as a “sanctuary jurisdiction.”
- ✓ The Vermont Sheriff's Association and Vermont Association of Chiefs of Police, Vermont's Department of States' Attorneys and Sheriffs, Vermont State Police and Vermont Department of Public Safety all support this proposal, as currently drafted.
- ✓ This bill represents consensus of the Civil Rights and Criminal Justice Cabinet and has the support of the law enforcement partners on the Cabinet. It doesn't impede or prohibit – and in fact enhances – law enforcement's ability to uphold the law.
- ✓ This bill protects Vermonters' rights and Vermont's rights as a sovereign state, allows law enforcement to do their jobs, and is supported by law enforcement.

Vermont's Response Does NOT Violate Federal Law OR Establish a so-called “Sanctuary Jurisdiction”

- ✓ Vermont's response does not put federal dollars at risk because it does not establish Vermont as a “sanctuary jurisdiction.” We can protect our Constitutional rights while remaining compliant with federal law.