

I am here in opposition to SB 903, and I oppose it on many levels. The concept of sanctuary cities and in this case a sanctuary state law is fundamentally flawed because of their almost mutinous refusal to follow federal law. And because of laws like this bill proposes, you and your family are in real danger.

The premise is that SB 903 protects illegal aliens from crime and that it fosters good relations between them and law enforcement; thus here we see the Trust Act morphed into the Safe Act morphed into this bill. The problem is that the sanctuary is for the illegal and not for the American citizen

Simply put, sanctuary jurisdictions are safe havens for criminal aliens, not their innocent victims.

However, the state of Maryland, has no power to grant immunity to anyone who does not cooperate with the federal government concerning any aspect of someone's immigration status; in essence, frustrating the federal government to enforce the law. The Supremacy Clause of the Constitution grants congress and the United States government exclusive powers of certain matters, one of which is immigration.

A bill like SB 903 creates a conflict preemption where the federal law says X, the state law says don't follow X, instead follow Y. It makes the enforcement of federal law so extremely difficult to render it useless and frustrates the federal government in its exclusive ability to perform its job.

Imagine, if you will, that Maryland passed this bill and then shielded its state and local officials under an umbrella of immunity whereby the state officials could refuse to share any information with federal investigators. The state official could say that they have the information the government wants, as part of a government investigation might well include communication with the state, and that state official could say they will not share any information because they have immunity...in essence they are shielded and not ever held liable under this law.

This would result in state wide obstruction of justice.

Immigration law is under that authority of the federal government and any state law which frustrates or conflicts with the government to enforce its laws is unconstitutional.

SB 903 would never pass constitutional muster because it completely frustrates the exclusive and sole power of the federal government to enforce immigration law. This is not a power reserved to the states, not a shared power between the federal government and the states, but rather, an exclusive and explicit power of the federal government only.

Sanctuary laws are designed for a state to illegally create its own immigration law, something the sponsors of this bill do not have the authority to perform. Former Del. Gutierrez stated when expressing her opposition to the Arizona 1070 Supreme Court case "*I enthusiastically applaud the federal government's important decision to challenge Arizona's flawed anti-immigrant law, SB1070, and DOJ's declaration that "...SB 1070 unconstitutionally interferes with the federal government's authority to set and enforce immigration policy," said Ana Sol Gutierrez, Former Maryland State Delegate.*

Yet this bill attempts to allow Maryland to write and enforce its own immigration laws. Maryland cannot choose which Federal laws it will enforce or which ones it will ignore.

So when states tread in this area, they must tread lightly.

When you start granting immunity to all these state officials, whether you think it is good policy or not is irrelevant, as you are promoting something that is unconstitutional and endorsing obstruction of justice.