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TESTIMONY ON HB#1431 - POSITION: FAVORABLE
State and Local Agencies - Enforcement of Federal Immigration Law - Restrictions on
Access to Information (Maryland Data Privacy Act)

TO: Chair Clippinger, Vice Chair Bartlett, and members of the Judiciary Committee
FROM: Richard Keith Kaplowitz

My name is Richard Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of/ HB#/1431, State and Local Agencies - Enforcement of Federal Immigration Law - Restrictions on Access to Information (Maryland Data Privacy Act)

This bill is predicated on the United States Constitution and its interpretation: ¹

The Constitution protects all people living in the United States, regardless of immigration status. Most constitutional provisions apply based on personhood, not citizenship. In other words, if an individual is physically present in the US, they are entitled to the protections granted by the Constitution. This includes the right to due process and equal protection under the law.

The [Fifth Amendment](#), for example, states that “No person shall be deprived of life, liberty, or property, without due process of law.” And the Fourteenth Amendment uses the [Due Process Clause](#) that describes the legal obligation of all state governments to provide equal protection of the laws to all persons, regardless of immigration status. So, while undocumented immigrants are not specifically mentioned in the Constitution, they are still protected by its principles.

When ICE or other government entities attempt to enforce laws, they must do so within the context of the Constitution of the United States and the Constitution and statutes of the state of Maryland. ²

In recent years, U.S. Immigration and Customs Enforcement (ICE) has detained and deported record numbers of people from the United States. Many of ICE’s removal tactics take away even the right to a fair hearing in court, as the government rushes to

¹ <https://clearwaterlawgrouptrcities.com/5-rights-of-undocumented-immigrants/#:~:text=Although%20undocumented%20immigrants%20are%20not,and%20the%20right%20to%20education.>

² <https://www.aclu.org/issues/immigrants-rights/ice-and-border-patrol-abuses>

judgment and tries to ram people through a rubber-stamp system that ignores individual circumstances. These enforcement programs pose a variety of threats to civil liberties: They implicate the Fourth Amendment's protection against unreasonable searches and seizures, the constitutional guarantee of due process, and the constitutional guarantee of equal protection and freedom from discrimination based on race, ethnicity, and national origin. ICE's enforcement practices also impose heavy social costs, tearing American families apart and undermining community trust in law enforcement.

This bill will protect residents in Maryland privacy by altering certain provisions of law. The Maryland Data Privacy Act would compel law enforcement agencies and units of state or local government to **deny access to personal information and photographs and certain databases, facilities, or buildings by certain individuals seeking access for the purpose of enforcing federal immigration law** unless presented with a valid warrant issued by a federal or state court. It also mandates the Attorney General to enforce these provisions and outline disciplinary actions for state employees who violate the act.

My Jewish faith provides to me the commandment to care for the stranger which is mentioned more times than *any* other commandment in the Torah — more even than the command to love God (*v'ahavta*). According to the Talmud, Rabbi Eliezer the Great noted that "the Torah warns 36 times, and some say 46 times, not to oppress the stranger" (Babylonian Talmud, *Bava M'tzia* 59b). The decree is articulated in a number of ways: "You shall not wrong nor oppress the stranger, for you were strangers in the Land of Egypt" (Exodus 22:20). "The strangers who reside with you shall be to you as your citizens... for you were strangers in the land of Egypt" (Leviticus 19:34).³

This bill respects that commandment in treatment of our immigrant population in Maryland.

I respectfully urge this committee to return a favorable report on HB1431.

³ [https://reformjudaism.org/learning/torah-study/torah-commentary/commandment-love-and-help-stranger#:~:text=The%20decree%20is%20articulated%20in,%22%20\(Leviticus19%3A34\)](https://reformjudaism.org/learning/torah-study/torah-commentary/commandment-love-and-help-stranger#:~:text=The%20decree%20is%20articulated%20in,%22%20(Leviticus19%3A34))