

Testimony Against HB0444

Honorable Delegates

Please enter an unfavorable report on HB0444.

I am against:

- prohibiting the State, a unit of local government, a county sheriff, or any agency, officer, employee, or agent of the State or a unit of local government from entering into a certain immigration enforcement agreement; and,
- requiring the termination of an existing immigration enforcement agreement on or before a certain date.

The United States is the land of opportunity in large part because of the immigrants who have come here seeking a better life since before the creation of our country. Almost every one welcomes legal immigrants many of whom will bring new ideas and hard work to establish a new business, use their education to seek employment or just do labor-intensive jobs while they learn English and save money to obtain their dreams for themselves and their families.

However, in this century and in particular, during the Biden Administration, we have seen a surge of millions of immigrants who have entered our Country illegally. Many of them have come not to find jobs but to commit crimes and/or exploit our welfare systems. Also, we have had those who entered legally via temporary work and education visas, but did not leave when the visas expired. While some have led exemplary and productive lives for many years, they have gotten ahead of those who have followed our immigration laws and are undergoing the time and expense to become naturalized citizens.

The immigration enforcement agreement (IEA) that the sponsors seek to eliminate and prohibit were not designed to affect legal immigrants. These IEAs, often referred to as 287g programs, were designed to help Immigration Customs and Enforcement (ICE) officers find and arrest illegal persons in our state. In particular, these programs are designed to help find those in our country illegally who have compounded their illegal entry by perpetrating other crimes such as drunk driving, gang activity, drug dealing, child trafficking, prostitution, rape, car thefts, armed robbery and murder. When our local sheriffs, county police and state police arrest these criminals, those 8 Maryland jurisdictions with IEAs with ICE are supposed to determine the immigration status of these criminals and if they are not lawful immigrants or citizens, notify ICE and let ICE know when these criminals will be released from prison.

The advantage of the IEA is that once Maryland law enforcement officers have arrested these people who are in the country illegally for committing various crimes, they can notify ICE that they have been captured. ICE officers can then know when their sentences are over or when they will be released on bail, so they can be put in federal custody.

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Using the IEA process, ICE does not need to use finite investigative resources to track them (since they have already been found and captured), and then do a raid where these illegals have been living or working to arrest them. If during the raid process, the illegals attempt to flee or resist arrest, the illegals put themselves, the ICE officers, and more importantly nearby civilians in danger. We have already seen this occur like what has happened in Minneapolis and other cities when there is no cooperation with ICE and the illegals resist arrest.

By eliminating the IEA process, we will be creating a catch and release process whereby resources are wasted by not notifying ICE so that they can take custody of already apprehended criminals in a controlled environment. Instead, we risk releasing dangerous criminals who will most likely continue their illegal activities until ICE relocates them. However, after spending time and effort to relocate them (which could take months or years), taking them into custody is now much more dangerous.

Harford County alone has had two cases where women living there have been raped and murdered garnering national attention. In both cases, the perpetrator was in the country illegally and had been arrested but released without local authorities determining their immigration status and notifying ICE.

It is bad enough that only 8 of our 24 jurisdictions have IEAs with ICE. The people in those jurisdictions have elected leaders who have put them in place. Now, just because of the clout of the Super Majority in the General Assembly, those that represent jurisdictions that do not have IEAs want to impose their beliefs on these 8 jurisdictions. This is a form of “soft” tyranny.

According to a channel 45 news report, The Gonzales poll company found that more than half of Marylanders support the IEA (287g) programs. See URL below

[Poll: More than half of Marylanders back local cooperation with ICE in detention centers \(fox45.com\)](https://www.fox45.com/story/news/politics/election/2018/12/21/poll-more-than-half-of-marylanders-back-local-cooperation-with-ice-in-detention-centers/1142786002/)

ANNAPOLIS, Md. (WBFF) — More than half of Marylanders support local jurisdictions having some coordination with federal immigration enforcement inside detention facilities, according to a new poll obtained by FOX45 News.

The Gonzales Poll, conducted Dec. 21 through Jan. 6, shows approximately 54% of Marylanders support giving local jails the legal authority to run background checks on all detainees in cooperation with ICE. The poll was conducted for the Maryland Freedom Caucus, a caucus in the House of Delegates with seven Republican members from the chamber.

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Currently, eight jurisdictions in Maryland have opted to participate in a program called 287(g), which allows officers in detention facilities to alert federal immigration authorities if someone who's already in custody has an immigration detainer.

According to the poll, 44% of Marylanders oppose this corporation, and 2% provided no answer.

“Well, I'm hoping to bring some common sense to the situation and actually start doing the work of what the Maryland people want instead of their radical base,” said Del. Matt Morgan Tuesday, chair of the Freedom Caucus.

Democrats this legislative session, including Senate President Bill Ferguson and House Speaker Joseline Pena-Melnyk, have been clear about their opposition to the program and working with ICE in general. Banning the 287(g) program in Maryland is a top priority for the legislative leaders, along with several other ICE-related bill proposals.

The partisan divide over this issue is clear, the poll found. Nearly 66% of Democrats indicated they oppose the background check on detainees in cooperation with ICE, while 86% of Republican voters support the plan. The poll found that 72% of unaffiliated voters support the coordination as well.

The crosstabs reveal the split appears along more than just party lines. Almost 60% of younger Marylanders between 18 and 34 years old – 59% - oppose the cooperation between local jurisdictions and ICE, while 61% of Marylanders between 50 and 64 years old support it, and 58% of those 65 years old and older do as well. Marylanders between 35 years old and 49 years old are more split: 51% support the cooperation, while 46% oppose.

Older, rural Marylanders – and often white – indicate the strongest support for the cooperation, while younger voters and people living in Baltimore City are the most opposed.

Harford County is one of the eight jurisdictions in Maryland with the 287(g) program in place. Sheriff Jeff Gahler has been a vocal supporter of the program and has argued lawmakers in Annapolis who are opposed to the plan are playing politics.

“You’re going to see us participating in this program open our jail doors to these criminal offenders, people arrested for other things not related to immigration, open our jail arrested in,” Gahler said.

However, Senate President Ferguson pushed back on that argument and called it a fear tactic.

“I mean, I think if you think what ICE is doing and you're worried about more ICE agents being out in communities, we have a fundamental problem, full stop,” he said Friday.

Tuesday, after the poll was reported, FOX45 News pressed Sen. Ferguson on the numbers and whether he would change his mind at all throughout session.

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“I would say [that] I haven't seen the specific poll, so I can't speak to the exact methodology or how the question was asked,” Ferguson said when asked about the polling numbers. “This is a radically different approach to immigration enforcement, and I think that is the statement of why the 287G program has to be eliminated in Maryland.”

I mean, at this point, I am fully committed to passing this initiative, Ferguson said.

Like Ferguson, Speaker Joseline Pena-Melnyk said she believes it's important to ban the program because “it's about addressing concerns of the state.”

“The people that I represent and my colleagues, we get the calls,” Pena-Melnyk said.

While she noted that under her leadership, the House of Delegates will focus on issues that matter most to Marylanders, including tackling affordability in the state and addressing “bread and butter issues,” the speaker didn't seem to budge when pressed on whether immigration policies fit into those categories.

“I would say that immigration, it falls into whether you die or you live today, okay,” she said. “Which is important because people are losing their lives because of it.”

They're losing their lives in the U.S. And just because it hasn't happened here doesn't mean that it's not going to happen because it's still ICE, right, Pena-Melnyk continued.

There are some concerns though that banning the program, and pushing other immigration related bills, could put a national target on Maryland.

“If Maryland moves in the wrong direction and does away with these sorts of agreements, I think we'll see more sweeping ICE operations, I think we'll see more deportation proceedings, and we will see ICE carrying out their required, lawful mission – things that they're allowed to do – here in a much more aggressive manner if you will,” Gahler said. “I think we will be Minneapolis number two.”

When asked about that concern, Senate President Ferguson did acknowledge it, but said it didn't concern him as much as the current immigration enforcement activities.

“Am I concerned that there could be a consequence? Yes,” he said. “But the consequence that I'm most worried about is failing to live up to our values as Marylanders and as Americans that believe that the United States is a land of opportunity.”

The poll was conducted for the Maryland Freedom Caucus, a caucus in the House of Delegates with seven Republican members from the chamber. A total of 808 registered voters participated in the poll via both landline and cell phone interviews. The poll has a margin of error of +/- 3.5 percentage points.

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As one can see, the Maryland Assembly leadership is planning to trample the wishes of a majority of Marylanders. While those in their districts may not support IEAs, others outside their districts, especially those in the 8 jurisdictions that have IEAs (Garrett, Allegany, Washington, Frederick, Carroll, Harford, Cecil and St. Mary's) wish it to continue.

I also find it interesting that the phrase "287G" is not found in the bill and IEA is used instead. Was this intentional so that those of us who oppose this planned action would have difficulty searching for a bill whose purpose was to end the 287G program in Maryland?

Please oppose this tyrannical power grab and enter an unfavorable report on HB0444.

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