

Written Testimony in Support of BHB0444

An Act Restricting Cooperation Between Maryland Law Enforcement and U.S. Border Patrol

Chair, Vice Chair, and Members of the Committee:

My name is Dr. Charles Harry, a resident of Anne Arundel County Maryland and a former member of the U.S Intelligence Community. Thank you for the opportunity to submit testimony in support of this legislation restricting cooperation between Maryland law enforcement agencies and U.S. Border Patrol. I do so out of a deep concern for the preservation of constitutional governance, the protection of civil liberties, and Maryland's obligation to uphold the foundational principles of the United States.

At its core, this bill is about the Fourth Amendment to the United States Constitution—the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures—and the steady erosion of that right through the routine practices of U.S. Border Patrol within the interior of the country. While immigration enforcement is a federal responsibility, the Constitution does not carve out an exception to basic civil liberties based on geography, agency, or executive convenience.

Over the past two decades, U.S. Border Patrol has asserted expansive authority far beyond the border itself, operating within what it claims is a “100-mile border zone,” a region that encompasses large portions of the U.S. population and includes the entirety of Maryland. Within this zone, Border Patrol agents have engaged in warrantless stops, interrogations, searches of vehicles and personal electronic devices, and prolonged detentions—often without probable cause and frequently involving U.S. citizens.

These are not hypothetical concerns. Federal courts have repeatedly confronted Border Patrol overreach. In *Almeida-Sanchez v. United States*, the Supreme Court rejected warrantless roving patrol searches conducted far from the border. More recently, Border Patrol has conducted suspicionless bus and train sweeps, detained citizens for refusing to answer questions about their immigration status, and searched cell phones without warrants—actions that directly conflict with modern Fourth Amendment jurisprudence recognizing the heightened privacy interests in digital data. Civil rights organizations have documented numerous cases in which U.S. citizens were detained for hours, threatened with arrest, or coerced into compliance despite the absence of any lawful basis for seizure.

Maryland law enforcement should not be placed in the position of enabling or legitimizing such conduct. Cooperation with federal agencies is not constitutionally required, and it is not value-neutral. When state and local police assist in federal operations that disregard constitutional limits, they lend the credibility and coercive power of the state to practices that undermine public trust and the rule of law.

This bill reflects a fundamental principle of American governance: central power must be constrained. The Founders did not design a system in which executive agencies could expand their authority through practice, inertia, or fear. They designed a system in which power flows upward from the people, not downward from the executive. We are a nation of laws, but more importantly, we are a nation in which law is bounded by consent and constitutional structure.

There is a broader context that cannot be ignored. Across the country, we are witnessing a creeping authoritarianism characterized by the normalization of emergency powers, the erosion of due process, and the treatment of constitutional rights as inconveniences rather than constraints. Immigration

enforcement has become one of the primary vectors through which these tendencies are expressed, tested, and expanded—often first against non-citizens, but inevitably against citizens as well.

Annapolis holds a special place in American history. As one of the first capitals of the United States and the site where George Washington resigned his commission, it symbolizes the subordination of power to law and the rejection of unchecked authority. Maryland should honor that legacy not in rhetoric, but in policy. This legislation does exactly that.

We the people are the ultimate arbiters of what is permissible in a constitutional democracy. We do not consent to capricious searches, suspicionless seizures, or the routine suspension of constitutional protections by an increasingly empowered executive branch. This bill is a lawful, measured, and necessary assertion of Maryland's commitment to the Fourth Amendment and to the principle that liberty must not be surrendered for administrative convenience.

For these reasons, I respectfully urge a favorable report.

Thank you.

Charles Harry, PhD