



March 3, 2017

VIA ELECTRONIC MAIL

Council Chairperson, Jon Weinstein, and Councilmembers
George Howard Building
3430 Court House Drive
Ellicott City, MD 21043

Dear Howard County Council:

Thank you for considering Council Bill 9-2017, a county bill that prevents certain Howard County employees from enforcing federal immigration law, prohibits discrimination based on national origin, and works to protect the privacy of County residents. Consideration of a bill that seeks to protect our noncitizen residents is extremely urgent in the current political climate, and we must take substantive steps to protect Maryland's residents from the broad over-enforcement of our immigration laws by the Trump Administration.

Howard County has protected its immigrant communities by rejecting the use of Immigration and Customs Enforcement (ICE) detainers to prolong the jailing of detainees beyond their release date. However, a law that affirms these protections would reinforce the County's policy of rejecting ICE detainers, and recommit Howard County to protecting *all* of its residents, not just its citizen residents. CB-9 is not a purely symbolic bill, it is one of many possible bills that insulates Howard County from some of the unconstitutional immigration enforcement practices that we are certain to witness (and are already witnessing) in the coming years from the federal government.

President Trump's Executive Orders¹ target noncitizens in such an expansive way that the Trump Administration will necessarily rely on local law enforcement to instill fear and participate in unconstitutional practices that courts have already ruled violate the Fourth Amendment.² As Councilman Jon Weinstein explained in

¹ Specifically, President Trump's January 25, 2017 order titled "Enhancing Public Safety in the Interior of the United States" and the Department of Homeland Security's guiding memo issued on February 20, 2017.

² Trump's Executive Order and subsequent Department of Homeland Security memos call to reinstate "Secure Communities" or "S-Comm," a program that focused on the reliance of ICE detainers, arresting individuals based on those detainers, and sought increased *voluntary* cooperation with local law enforcement that exposed local law enforcement to lawsuits. See *Morales v. Chadbourne*, No. CV 12-301-M-LDA (D.R.I. Jan 24, 2017); *Moreno v. Napolitano*, No. 11 C 5452 (N.D. Ill. Sept. 30, 2016); *Miranda-Olivares*, 2014 WL 1414305, at *1 (D. Ore. Apr. 11, 2014); *Gonzalez v. ICE*, Case No. 2:13-cv-0441-BRO-FFM (C.D. Cal. July 28, 2014); *Villars v. Kubiatski*, F. Supp. 2d, (N.D. Ill. May 5, 2014) *Galarza v. Szalczyk*, Civ. Action No. 10-cv-06815, 2012 WL 1080020, at *1 (E.D. Penn. March 30, 2012); *Uroza v. Salt Lake City*, No. 2:11CV713DAK, 2013 WL 653968, at *1 (D. Utah Feb. 21, 2013).

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his letter on February 8, 2017, members of the immigrant community are “experiencing real fear”: a fear of being targeted by police, a fear of being expelled from the U.S., and a fear of being the victim of a hate crime.³ In an effort to allay at least one of these fears, this bill will commit Howard County to protecting *all* of its residents and ensuring that Howard County’s law enforcement agencies remain committed to the county’s community members, not fulfill the responsibilities of federal immigration authorities and submit to Mr. Trump’s bullying.

The real fears experienced by noncitizen residents in Howard County are felt every day. Pratishta Khanna is an outspoken member of the Howard County community, and she has testified in support of CB-9. Although she was born in India, she traveled to the U.S. on a valid tourist visa when she was ten years old, and has lived in the U.S. ever since. Despite being an exceptional student, her undocumented status placed obstacles in her path that similarly situated citizen students would never have to face, such as ineligibility for federal student loans to make higher education possible. The Deferred Action on Childhood Arrivals (DACA) program under former President Barack Obama allowed Pratishta to receive a social security number, work authorization, and legal presence, and has given her a newfound confidence that shines through with every task at hand. Even though she currently has legal status, Pratishta is still vulnerable to the immigration enforcement policies of our federal government. Like all people of color, she can be targeted because she fits the profile of being a foreigner in the United States. Pratishta currently advocates on behalf of South Asian residents, many of who are in the United States with legal immigration status, yet they still fear the Trump Administration’s immigration enforcement machine. President Trump has eliminated the former priority enforcement system and is targeting people with little to no regard of whether they actually pose a threat to national security.⁴ This fear extends to any noncitizen in the Howard County community, and is a reality that communities of color face everyday. CB-9 does not alleviate every fear that noncitizens face, but passing a bill that allows noncitizens to trust their local police will increase the public safety of the community; it should not be rejected merely because it does not address *every* fear that noncitizens face.

County concerns about public safety and loss of federal funding are not factually supported. Rather, increased cooperation with federal immigration authorities has been shown to decrease public safety, resulting in slower response times on emergency calls.⁵ It also increases the instances of racial

³ Many different communities are experiencing an increase in hateful incidents, including Asian communities, Muslim communities, and LGBTQ communities. See <https://www.standagainsthatred.org/stories/> (documenting acts of hate against individuals of Asian descent); <http://www.baltimoresun.com/news/maryland/sun-investigates/bs-md-sun-investigates-hate-crimes-1023-20161014-story.html> (finding anti-Muslim hate crimes jumping from 1 to 14, anti-African American hate crimes from 67 to 90, anti-Semitic hate crimes from 40 to 46, and anti-gay hate crimes from 6 to 16).


⁴ <http://www.vox.com/policy-and-politics/2017/2/14/14596640/immigration-ice-raids>

⁵ http://www.eastvalleytribune.com/special_reports/reasonable_doubt/

profiling, which has led to federal investigations concluding in findings of unconstitutional policing practices in jurisdictions where such collaborations occur.⁶ Further, we believe President Trump's threat to defund "sanctuary" jurisdictions is merely a scare tactic being used to bully progressive communities like Howard County into enforcing his racist and xenophobic immigration policy. Any attempts to unconstitutionally defund cities and counties that welcome noncitizens will incur a full-fledged legal fight from immigrants' rights organizations, including the ACLU.⁷ Thus, passage of this bill could serve to limit the county's liability in legal disputes and lawsuit settlements that involve violations of constitutional rights.

For these reasons, we strongly urge the County Council override the County Executive's veto and enact into law Council Bill 9-2017. The federal government is prioritizing removal of every immigrant in this country regardless of whether the individual has a felony conviction, or a traffic ticket. We urge that those County Council members who voted in support of this bill remain steadfast and vote to override the County Executive's veto, and we urge those who voted against the bill to reconsider given the tangible benefit this law would have on Korean, Chinese, Latinx, and many other immigrant communities in Howard County. Howard County prides itself on its diversity. Let us stand together and protect those community members that make it diverse.

Sincerely,



Pratishtha Khanna
Howard County Resident



Nick Steiner
Legal & Public Policy Counsel

⁶ <https://www.justice.gov/iso/opa/resources/171201291812462488198.pdf>;
https://www.justice.gov/sites/default/files/crt/legacy/2011/12/15/mcso_findletter_12-15-11.pdf

⁷ In fact, San Francisco and Santa Clara County have already filed lawsuits challenging the threat of defunding federally funded programs as unconstitutional under the Tenth Amendment and unlawfully commandeering the states. See <http://www.sfcityattorney.org/wp-content/uploads/2017/01/Complaint.pdf>;
<https://www.sccgov.org/sites/opa/nr/Documents/Complaint%20-%20Filed.pdf>