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TESTIMONY IN SUPPORT OF HB388
Criminal Procedure - Civil Immigration Enforcement - Restrictions

TO: Chair Clippinger, Vice Chair Atterbeary, and members of the Judiciary Committee

FROM: Toby Ditz

My name is Toby Ditz, and I live in Baltimore in District 40. This testimony is in support of HB 388.

I am deeply invested in this legislation partly because I am Jewish. My grandmother, Helen, emigrated in the company of her mother and younger sister in 1919 from Russia, which was then torn by civil war; they fled across the closing Polish border to Amsterdam and then entered the US through Ellis Island. Had they tried to come here only ten years later, after US immigration policy choked off the flow of immigrants from Eastern Europe (and elsewhere around the world), I doubt I would be here today. I am profoundly grateful they made it and want to make new immigrants welcome.

Because we are not starting from scratch, I listened to hearing testimony from last year in order to better understand the objections that have stymied Trust Act legislation in the past. Like its predecessors, HB 388 says that police may not detain, transfer, or even supply information to ICE (or other federal authorities) about an individual who has been charged only with civil violations of federal immigration law, such as overstaying a visa or re-entering the country illegally. (HB 388, 2-109, C1-4). Opponents have cited instances of individuals picked up by local police on minor charges, like a DUI, released, and then later discovered to be MS-13 gang members; last year at least two legislators even raised the hypothetical — and inflammatory — case of a future Mohamed Atta who gets away. But this bill does not prevent local law enforcement agents from cooperating with federal authorities - if a judicial warrant is presented, they may cooperate.

At bottom, it comes down to this. For every “potential” bad actor we might catch and deport by cooperating in the unrestrained enforcement of civil violations of federal law, we profoundly disrupt the lives of a hundred others. Take Nora and her family. Last January, Nora’s car broke

down as she was driving to work from her home in Southwest Baltimore, where she lived with her two children. The Maryland Transportation Authority police officer on the scene detained her solely on the basis of an ICE-issued administrative warrant. Although Nora had no criminal record, she was held in the Worcester Detention Center for over three months, at risk for deportation to El Salvador ([Baltimore Sun March 6, 2019](#)). HB 388 would protect Nora and others like her.

In Baltimore, Nora's case, coupled with the turmoil created last summer by the Trump administration's threat of mass urban ICE raids and the shocking mass roundup of hundreds of workers in the Mississippi poultry plants, galvanized change. Baltimore City Police Commissioner Harrison announced his new, detailed policy of non-cooperation for the Baltimore police on July 2 (for civil violations of federal immigration laws), with the support of Mayor Young, who followed up a month later with an executive order applicable to other City agencies. ([Baltimore Fishbowl, August 7](#)) Why did they do it? By then, they knew that the cost of cooperation was too high, not just for our immigrant neighbors, but for all of us.

When enacted, HB388 will accomplish for law enforcement in all of Maryland what local law and policy already do in Baltimore City and several Maryland counties. It will protect otherwise law-abiding undocumented immigrants and their loved ones from the trauma of family separation; it will reduce the deep in the bone fear of deportation that prevents our neighbors who are witnesses or victims of crime from cooperating with the police; it will free law enforcement resources to focus on effective local crime reduction strategies; and it will reduce disruptions to our economy.

So, let's not be afraid to oppose federal overreach and the destabilizing tactics of fear. To enhance the prosperity and safety of all Marylanders, **I respectfully urge a favorable report on HB 388.**