



MAINE ASSOCIATION OF CRIMINAL DEFENSE LAWYERS

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Senator Anne Carney, Chair
Representative Amy Kuhn, Chair
Joint Committee on Judiciary
5 State House Station, Room 438
Augusta, ME 04333

RE: LD 1971: An Act to Protect Workers in This State by Clarifying the Relationship of State and Local Law Enforcement Agencies with Federal Immigration Authorities

Dear Senator Carney, Representative Kuhn, and Honorable Members of the Judiciary Committee:

The Maine Association of Criminal Defense Lawyers is a non-profit organization that has nearly 300 member attorneys who practice criminal defense across the state. Since 1992, MACDL has advocated for its members and the people we are fortunate to represent in courtrooms throughout Maine and at the State House.

MACDL presents this testimony **in support of** LD 1971.

As criminal defense attorneys, we have represented thousands of people over the past several decades who have been ensnared in issues surrounding their immigration status. Our fears and concerns for our clients' safety and well-being—as well as all people's safety and well-being—has never been more acute.

We are living in scary times—and perhaps no one is more scared than people who are not American citizens but who are living in the United States. If the mandates of due process no longer exist at the federal level, if people can be kidnapped and held without even a hint of process or respect for basic human rights, then every single one of us should be terrified by the very real prospect that unchecked federal authority leaves no one protected. No one.

Municipal, county, and state law enforcement agencies are overburdened and under resourced. They, like so many agencies and organizations across this country, are trying to do too much with far too little.

This bill would prohibit local law enforcement from serving as puppets for ICE. It would prevent local law enforcement from doing the unwarranted bidding of ICE, from being forced to do ICE's legwork for them, from being forced to enforce federal immigration law (such as anyone understands what any of that means at this point) to the detriment of local needs around public safety and public service.

To effectuate the millions of deportations that are envisioned by the current federal administration, they need to deputize all law enforcement in this country. That’s how they get around directly paying for this travesty against human rights. They will make towns, cities, counties, and states fill in the enormous funding gaps created by these unfunded, unprecedented, indescribably ill-thought-out ostensible plans. If the priority of the federal government is tracking and apprehending “illegal immigrants,” then they should be the ones to pay for it. This bill protects Maine taxpayers.

As defense attorneys, we don’t want ICE snatching our clients off the streets, stalking them outside courthouses, going into courthouses and thwarting proceedings to arrest our clients. We don’t want ICE agents going into jails and intimidating our clients. We don’t want local jails to be required to provide incarceration status or other information to ICE—we don’t want our local jails holding people on ICE detainers who have not been accused of any criminal activity. We don’t want our local law enforcement beholden to ICE to provide assistance or cooperation for these sweeping inhumane mandates from above, straining Maine’s already overstretched resources.

Here in Maine over the past few months, immigration attorneys report that Border Patrol and ICE agents have been arresting and deporting asylum seekers—even those with valid work permits, no criminal records, and who are working on pursuing lawful avenues to permanent legal status. These are abductions of people who are lawfully authorized to be in the country.

Additionally, if local law enforcement were authorized to detain any “suspicious” person concerning their immigration status, it opens a floodgate of racial profiling. Anyone with darker skin, a “different” name, who speaks English with an accent or does not speak English at all—anyone who does not answer law enforcement questions to their satisfaction—could be detained. We don’t want this.

Maine can and should be more protective of all people within its borders. We are not puppets of federal immigration enforcement. We should not prohibit local law enforcement agencies from refusing to comply with burdensome demands on their resources to enforce federal immigration laws. We are not turning on our neighbors. We are saying, “No more.”

We urge this Committee to vote **ought to pass** on LD 1971.

Thank you for your consideration, for your attention to this important matter, and for allowing me to present this testimony on this bill to you all today.

Sincerely,



Tina Heather Nadeau, Esq.
MACDL Executive Director