

August 20, 2019

The Honorable Roy Cooper  
Governor of the State of North Carolina  
20301 Mail Service Center  
Raleigh, NC 27699-0301

Re: Veto Request - HB 370, Require Cooperation with ICE  
Detainers

Dear Governor Cooper,

As an organization deeply committed to racial justice, due process, and the protection of the Constitutional rights of all people, we write to you today on behalf of our more than 30,000 members and supporters to urge you to veto HB 370. If enacted, HB 370 would tear apart families, harm crime victims, undermine the rule of law, and thwart the will of the voters in North Carolina's largest counties.

When local law enforcement is known to be cooperating with Immigration and Customs Enforcement (ICE), community members are less likely to report crimes or cooperate as witnesses. In many instances, domestic violence victims who call the police are arrested along with their abusers. A lifesaving call should not result in deportation and family separation. By fomenting fear and mistrust of local law enforcement, HB 370 would dissuade crime victims, including victims of domestic violence, from contacting law enforcement. After a similar bill was implemented in Texas, Houston saw a 16 percent decrease in domestic violence reporting from the Latinx community. HB 370 provides no exceptions or protections for victims or witnesses of crimes, leaving sheriffs with no way to mitigate the harm caused by required ICE cooperation.

HB 370 would require sheriffs to comply with all ICE detainer requests, which are voluntary under federal law, and force sheriffs to detain people in violation of the Fourth Amendment. ICE has displayed a disturbing disregard for the constitution and federal law, issuing detainers for hundreds of U.S. citizens that lacked probable cause, illegally forging signatures on administrative warrants, and even deporting a man born in North Carolina. HB 370 proposes an unworkable judicial review process to ensure the constitutionality of ICE detainers, a process that is merely a rubber stamp of the detainer and contains no



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Jennifer Watson Marsh  
President

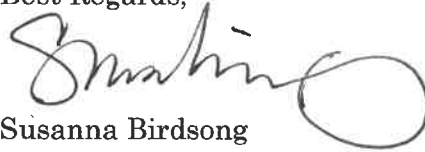
Karen M. Anderson  
Executive Director

opportunity to rebut errors. Even if a state magistrate felt duty-bound to make sure the detention was lawful, wading into immigration law would likely create federal preemption concerns.

In 2018, voters in North Carolina's largest counties elected new sheriffs with a mandate to stop wasting local resources on immigration enforcement, and instead focus on local safety. Other newly elected Black sheriffs in major counties have also cut ties with ICE, in an effort to build trust in their communities. With HB 370, ICE and the General Assembly are seeking to thwart the will of North Carolina voters and force local governments to divert limited resources to do ICE's bidding.

For the reasons above, the ACLU of North Carolina and our more than 30,000 members and supporters ask you to veto HB 370.

Best Regards,

A handwritten signature in blue ink, appearing to read "Smahing", with a large circular flourish at the end.

Susanna Birdsong  
Senior Policy Counsel  
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