

EXHIBIT A

Bridget Kessler

From: Steve Kilar [census-dc@jmail.umd.edu]
Sent: Tuesday, February 22, 2011 10:44 AM
To: apark@ccrjustice.org; bkessle1@yu.edu; bloewe@onpointconsortium.org
Subject: Maryland Secure Communities Docs?

Could I get the Secure Communities docs relating to Maryland from your release last week?

I know that several Maryland counties would like to opt-out of the program. I plan to write a story on the issue shortly.

I'm hoping you could run an OCR search of your document collection and send me anything that mentions the terms "Maryland," "Baltimore," "Frederick," "Md," etc.

Please let me know if this is possible. I look forward to hearing from you and investigating this issue further.

Thank you,

Steve Kilar
Capital News Service
The University of Maryland
Office: 202-628-1677
Cell: 202-257-6877

EXHIBIT B-1

The Informant

Ammiano: Secure Communities should be optional

California Assemblyman Tom Ammiano (formerly of the San Francisco Board of Supervisors) has introduced a bill that would **cancel California's agreement with Immigration and Customs Enforcement** to participate in the agency's controversial Secure Communities program—unless, that is, ICE provides a way for local jurisdictions like San Francisco to opt out of the program. San Francisco, Santa Clara, and a number of cities and counties nationwide have tried to get out of the program, which automatically shares fingerprints taken at local jails with ICE headquarters in an effort to track down undocumented immigrants. Local officials in San Francisco say that the program erodes the relationship between police and immigrant communities.



Assemblyman Tom Ammiano

Up until recently, it was unclear whether or not the program was voluntary.

Recent documents obtained through a Freedom of Information Act lawsuit show that ICE **changed the program from being "voluntary" to "involuntary"** when cities and counties declined to participate.

Ammiano's bill would give local jurisdictions the power to opt out of the program and otherwise modify the state's agreement with ICE. The new agreement would require that those participating in the program guard against racial profiling, offer special protections to victims of domestic violence who might get arrested mistakenly, and that only fingerprints of those who're convicted (not accused) of a crime be shared.


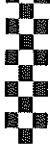
<p>MORE POSTS ABOUT</p> <ul style="list-style-type: none"> Politics Immigration Immigration and Customs Enforcement Secure Communities 	<p><u>John Russo is top choice for Alameda city manager</u></p>  <p>The Island reported earlier today that Oakland City Attorney John Russo is the top pick for the position of city manager in Alameda. Here's the rub: Russo, 52, told The Island on Sunday that he couldn't talk about the council's ... <u>Read More</u></p> <ul style="list-style-type: none"> ◆ <u>Sheriff Joe is in tow n</u> ◆ <u>Has the prison officers union changed?</u> <p><u>view all Politics posts</u></p>
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Assembly California Legislature

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San Francisco, CA 94102
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Fax (415) 557-3015
E-Mail Address
assemblymember.ammiano@assembly.ca.gov

Tom Ammiano
Assemblymember, Thirteenth District

FAX COVER SHEET

TO: Chris Newman

FAX NUMBER: 213-380-2787 DATE: 2/16

FROM: Misa Yuki-Snelton

TOTAL NUMBER OF PAGES, INCLUDING COVER: 7

THE FOLLOWING DOCUMENT IS FORWARDED:

- As we discussed
- As you requested
- For your approval
- For your information

MESSAGE: S-Comm language

00475

02/15/11 04:44 PM
RN 11 06507 PAGE 1**AUTHOR'S COPY**

LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, Ammiano.

General Subject: State government: federal immigration policy enforcement.

Existing law, setting forth the findings and declarations of the Legislature, provides that all protections, rights, and remedies available under state law, except any reinstatement remedy prohibited by federal law, are available to all individuals regardless of immigration status who have applied for employment, or who are or who have been employed, within the state, and further provides that, for purposes of enforcing specified state laws, a person's immigration status is irrelevant to the issue of liability, and prohibits, in proceedings or discovery undertaken to enforce those state laws, an inquiry into a person's immigration status except where the person seeking to make the inquiry has shown by clear and convincing evidence that the inquiry is necessary in order to comply with federal immigration law.

This bill would state the findings and declarations of the Legislature with respect to a memorandum of agreement with the United States Department of Homeland



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IN 11 06507 PAGE 2

Security, regarding the implementation of the Immigration and Customs Enforcement's Secure Communities program, that the Bureau of Criminal Identification and Information within the Department of Justice entered into on May 8, 2009. The bill would require the bureau to modify that agreement, according to specified requirements, or to exercise its authority under the agreement to terminate the agreement.

Vote: majority. Appropriation: no. Fiscal committee: ye. State-mandated local program: no.

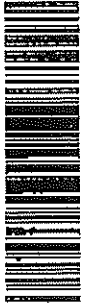


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RN 11 06507 PAGE 1

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An act to add Chapter 17.1 (commencing with Section 7282) to Division
7 of Title 1 of the Government Code, relating to state government.



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RN 11 06507 PAGE 2

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 17.1 (commencing with Section 7282) is added to Division 7 of Title 1 of the Government Code, to read:

CHAPTER 17.1. FEDERAL IMMIGRATION POLICY ENFORCEMENT

7282. (a) The Legislature finds and declares all of the following:

(1) Both the State of Washington and Washington, D.C., have refused to enter into a memorandum of agreement with the United States Department of Homeland Security regarding the Immigration and Custom Enforcement's Secure Communities program because the program undermines community policing and public safety.

(2) Pursuant to the program, federal officials have claimed the authority to enforce federal immigration laws, and in particular, the authority to detain individuals based on minimal contact with law enforcement.

(3) Immigrant residents who are victims or witnesses to crime, including domestic violence related crimes, are less likely to report the crime or cooperate with law enforcement because any contact with law enforcement could result in deportation, without regard to whether the arrest was wrongful or the result of a mistake.

(b) It is the intent of the Legislature that the Bureau of Criminal Identification and Information within the Department of Justice modify the memorandum of agreement with the United States Department of Homeland Security, regarding the implementation of the Immigration and Customs Enforcement's Secure Communities program, it entered into on May 8, 2009, as specified in this act, thereby paying respect to the



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wishes of local jurisdictions, including San Francisco, Santa Clara, and Berkeley, which have actively worked for decades to build community trust in law enforcement and have expressed concern that the Secure Communities program has been deployed without adequate notice or consent.

7282.1. (a) The Bureau of Criminal Identification and Information within the Department of Justice shall modify the memorandum of agreement with the United States Department of Homeland Security, regarding the implementation of the Immigration and Customs Enforcement's Secure Communities program, entered into on May 8, 2009, in accordance with all of the following requirements:

(1) The modified agreement shall authorize a local government to participate in the Secure Communities program only upon the passage of an ordinance or resolution authorizing participation by the legislative body of the local government.

(2) The modified agreement shall require a local government that opts to participate in the program, as provided in paragraph (1), to submit to the Bureau of Criminal Identification and Information within the Department of Justice a plan to guard against, and monitor, racial profiling associated with the local government's participation in the program.

(3) The modified agreement shall authorize local governments to adopt reasonable exceptions to the implementation of the program with respect to all of the following:

(A) Protections for domestic violence victims.

(B) Protections for juveniles.

(C) An explicit limitation on the sharing of fingerprints under the program to those of individuals convicted, rather than merely accused, of a crime.



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(4) The modified agreement shall include, but not be limited to, all of the following safeguards against racial profiling:

(A) A prohibition against the use of driver's license checkpoints to obtain fingerprints for the purposes of the Secure Communities program.

(B) A requirement that the Immigration and Customs Enforcement establish a complaint mechanism that allows for expedited review of claims by those put into immigration removal proceedings prior to conviction as a result of the program.

(b) If the bureau is unable to fulfill the requirements of subdivision (a), it shall exercise its authority under the agreement to terminate the agreement.



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CHICAGO NEWS COOPERATIVE

Documents Reveal Pressure to Comply With Program to Deport Immigrants

By KARI LYDERSEN
Published: March 26, 2011

Federal [immigration](#) officials, frustrated by the refusal of Chicago and Cook County to join a controversial program aimed at deporting immigrants with criminal records, pressed Mayor [Richard M. Daley](#) and Sheriff Tom Dart in an aggressive campaign to obtain participation from reluctant police authorities, according to internal documents.

Last spring, [Immigration and Customs Enforcement](#) officials tried to put the program, Secure Communities, in effect in Cook County without clear consent from the sheriff's office. Their advisers proposed asking [Rahm Emanuel](#), then White House chief of staff, to use his Chicago connections to intervene with unresponsive local

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leaders.

Chicago and Cook County were among several localities nationwide that refused to enroll in the program, which involves sharing fingerprints of anyone arrested with the [Department of Homeland Security](#). Chicago and Cook County cited so-called sanctuary ordinances that prohibit local officials from involvement in immigration enforcement.

The Secure Communities program is in effect in more than 1,000 jurisdictions in 40 states, including Illinois. The federal agency plans to take it nationwide by 2013 and says it does not need local approval to do so.

E-mails and other documents — obtained through a Freedom of Information Act request by the National Day Laborer Organizing Network, an immigrant-rights group — show that immigration officials saw Chicago and Cook County among the cities to be test cases for whether localities are allowed to opt out of the program.

Secure Communities is meant to find and deport illegal immigrants found guilty of serious crimes. But the immigration agency's statistics through February 2011 show that 32 percent of immigrants put into deportation proceedings in Illinois had no criminal convictions. Nationwide, 28 percent had no criminal record.

"The original concept was to get the really bad people out of the country, but are those the only ones you're getting?" Mr. Dart said. "I could never get a straight answer. If it's getting murderers and rapists, we're all for that, but if you're talking about people pulled over

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because their license plate isn't up to date — my staff kept coming back to me saying we never got clarification.”

Brian Hale, a spokesman for Immigration and Customs Enforcement said in an e-mail that the agency did not need permission from state or local authorities to carry out Secure Communities. The idea to involve Mr. Emanuel, he said, came from contractors working for the agency and did not reach top ICE officials. He said that ICE was not aware of any contact with Mr. Emanuel.

The e-mails show disagreement within the agency over whether state and local governments can refuse to participate. Local sanctuary ordinances do not bar participation, some argued, because Secure Communities requires local officials only to share fingerprints but does not require them to question or detain suspected illegal immigrants.

The internal documents are dated between August 2009 and October 2010. A February 2010 draft report, prepared by the Secure Communities office in Washington, suggested appealing to Mr. Emanuel to intervene if local officials “continue to refuse to attend briefings or join in a dialogue about the benefits of S.C.”

A spokesman for Mr. Emanuel would not comment on whether ICE contacted him while he was at the White House. As mayor, the spokesman said, Mr. Emanuel will adhere to Chicago's sanctuary ordinance.

Immigration and Customs Enforcement signs agreements with state police agencies, then seeks to enroll that state's county and city law enforcement agencies in Secure Communities.

The Illinois State Police joined the program in November 2009, and since then the program has been put in effect in 26 of 102 Illinois counties, including all the counties bordering Cook. The internal documents describe this strategy as forming a “ring” around a “resistant site.”

On April 28, 2010, Immigration and Customs Enforcement sent an e-mail to Mr. Dart's office saying the Secure Communities program would be activated May 5.

Mr. Dart's chief of staff at the time, Bill Cunningham, acknowledged the request, by e-mail. He mentioned the sanctuary ordinance but cited federal law that prevented local governments from interfering with immigration enforcement. “The system can be activated without our approval,” he wrote.

Even after John Morton, assistant secretary of Immigration and Customs Enforcement, traveled to Chicago on May 19 to meet with Mr. Dart and Mr. Daley in an apparent effort to secure their cooperation, Chicago and Cook County did not adopt the program.

Then, on May 27, the Illinois State Police told the federal agency to back off. The state police's legal department did not view Mr. Cunningham's comment as consent, according to an e-mail.

“This is not good, not good at all!” the Secure Communities regional coordinator, an agency contractor named Dan Cadman, wrote in an internal e-mail. “Time perhaps for a full court press?” Mr. Hale said Mr. Cadman's contract was terminated on Friday.

Immigration and [F.B.I.](#) officials met Aug. 27 and decided the F.B.I. would “reach out to personal contacts” in Chicago and Cook County about Secure Communities. But in November, the office of Gov. [Pat Quinn](#) ordered the state police not to allow any more counties to enroll, pending a review of how the program was being carried out. Mr. Hale



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said the agency was still planning to put the program in effect here.

Immigration-rights advocates say the agency overstepped its bounds. "They were basically conspiring to make it appear Cook County had no choice," said Joshua Hoyt, executive director of the Illinois Coalition for Immigrant and Refugee Rights, which obtained the documents from the National Day Laborer Organizing Network.

Alderman Roberto Maldonado (26th Ward), who spearheaded the county sanctuary ordinance during his time as county commissioner, said Secure Communities "would violate the spirit" of the sanctuary ordinance.

"They just come in here like Rambos and do what they want," he said.

klydersen@chicagonewscoop.org

A version of this article appeared in print on March 27, 2011, on page A25A of the National edition.

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Senator William Delgado



2nd District

Years served: 1999 - 2006 (House); 2006 - Present (Senate)

Committee assignments: Human Services; Appropriations I; Public Health (Chairperson); Consumer Protection (Vice-Chairperson); Executive Appointments; Committee of the Whole; Joint Comm. on Government Reform; Subcommittee on Amendments.

Biography: Full-time state legislator; born in Newark, N.J.; B.A. in Criminal Justice from Northeastern University; Leadership Chairman of the 2nd Legislative District's Volunteer Political Organization; married (wife, Iris), has two children.

Delgado supports the Smart Enforcement Act

Written by Delgado Staff Tuesday, 29 March 2011 08:03



CLICK HERE TO READ SENATE HEARING TESTIMONY ON NURSING HOME SAFETY

SPRINGFIELD, IL—Illinois State Senator William Delgado (D-Chicago) attended a press conference in Chicago today with the Illinois Coalition for Immigrant and Refugee Rights (ICIRR) to discuss House Bill 1598, the Smart Enforcement Act.

"This legislation is a cost-saving immigration reform measure that is pro-law enforcement and pro-family," stated Senator Delgado, Chairman of the Senate Public Health Committee. "This legislation will allow communities to opt out of the program and bar the use of state funds for the deportation of immigrants who are not criminals."

House Bill 1598 addresses flaws in the federal Secure Communities program. In counties that participate in this program, fingerprints that police departments take when booking suspects get sent to US Immigration and Customs Enforcement (ICE) to identify immigrants who can be deported. The ICE has been advertising Secure Communities as a tool to catch serious criminals, "the worst of the worst." In Illinois, however, 46% of people whom ICE has arrested under Secure Communities have no criminal records.

"Hundreds of families are being separated everyday because of the senseless deportations caused by Secure Communities," said Father Larry Dowling from the Priests for Justice for Immigrants. "We are supporting the Smart Enforcement bill which will protect innocent mothers, fathers and children from deportation and would allow local enforcement agencies to focus on protecting our communities from real criminals."



Tags: delgado immigrant rights smart enforcement

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Contact:

Josiane Martinez
617-725-4025

March 15, 2011 - For immediate release:

PATRICK-MURRAY ADMINISTRATION TO HOLD COMMUNITY MEETINGS RELATIVE TO THE SECURE COMMUNITIES PROGRAM

BOSTON – Monday, March 14, 2011 – The Patrick-Murray Administration today announced a series of community meetings to promote an open dialogue and address the concerns that several community organizations and immigrant advocates have expressed about the Federal Immigration and Customs Enforcement (ICE) Secure Communities program.

"It has always been the Administration's policy that serious criminals who are here illegally ought to be deported. The federal government is committed to proceeding with this program, and the Patrick-Murray administration is fully committed to making sure its implementation in Massachusetts is transparent, responsive to the community concerns and consistent with our values," said Undersecretary of Public Safety John Grossman. "We fully support the Commonwealth's vibrant immigrant community, and state agencies are currently engaged in dialogue with community leaders and public safety officials across the Commonwealth on this important issue. We expect to move forward with Secure Communities once outreach has been completed, and we will continue to work closely with communities and stakeholders to promote understanding about this program and its implementation, and to share any concerns that are raised with federal officials."

Over the next several months, the Executive Office of Public Safety in collaboration with the Governor's Office of Community Affairs and the Office for Refugees and Immigrants will be holding community meetings across the Commonwealth. The goal of these meetings is to inform the community about the Administration's work on behalf of immigrant communities, the details of the Secure Communities program, and to gather feedback on the program and its potential impact in Massachusetts.

To date, several non-governmental organizations have agreed to take part in these meetings including: Chelsea Collaborative, The Massachusetts Immigrant and Refugee Advocacy Coalition, The Brazilian Women's Group, The African Council, the Governor's Advisory Council for Refugees and immigrants, and "Oiste", among others.

The following dates and locations have been determined for the community meetings:

Worcester:

Saturday, February 26, 2-4pm
Worcester Public Library
3 Salem Square
Worcester, MA 01608

Framingham:

Saturday, March 12, 2-4pm
Mass Bay Community College, Framingham Campus, Room 205-206
Framingham, MA 01702

Lawrence:

Saturday April 2nd 3-5pm
Lawrence High School
70-71 North Parish Rd
Lawrence, MA 01841

Waltham:

Saturday, April 16, 2-4pm
Arthur J Clark Government Center

119 School Street
Waltham, MA 02452

Chelsea:

Thursday April 28, 6-8pm
Chelsea High School
299 Everett Avenue
Chelsea, MA 02150

Brockton:

Saturday May 14, 12-2pm
Massasoit Community College
770 Crescent Street
Brockton, MA 02302

Lowell:

Thursday, May 26, 6-8pm
Location (TBD)

New Bedford:

Saturday, June 11, 12-2pm
Location (TBD)

Springfield:

Thursday, June 30, 6-8pm
Location (TBD)

Boston:

Saturday July 9, 12-2pm
Location (TBD)

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EDITORIAL

No Exit From a Bad Program

Published: February 27, 2011

"I'm totally confused now," wrote a government official in one of thousands of internal e-mails released last week on the subject of Secure Communities, the federal program enlisting state and local police in the crackdown on illegal immigrants.

The confusion was over a simple question: Could a state or city choose not to participate in Secure Communities? That is, could it decide to preserve that bright line separating local policing from federal immigration enforcement, so as not to discourage immigrants from reporting crimes?

The e-mails show that the Department of Homeland Security didn't know how to answer the question — even two years into the program, which sends the fingerprints of everyone arrested by participating state and local agencies to federal databases for an immigration check.

The answer was important, because while the Obama administration has made Secure Communities a centerpiece of its immigration-enforcement strategy, many state and local agencies have wanted nothing to do with it. They know it has been used to deport tens of thousands of people with no criminal records, even though it was supposed to focus strictly on dangerous criminals.

They have seen how some politicized and unscrupulous police departments have used it as an excuse for racial profiling. They worry that participation will strain their resources and make community policing harder.

Though the e-mails, obtained through the Freedom of Information Act by immigrant-rights advocates, show the agency at its most confused, top administration officials had no doubt: Secure Communities doesn't allow states and localities to opt out. As [The Times reported](#), the administration even "developed a plan to isolate and pressure communities that did not want to participate."

There is a place for local law enforcement in immigration matters, but it must be strictly limited and cautiously drawn. It must place the highest priority on catching and removing dangerous criminals, while letting alone those without criminal records — the vast proportion of the undocumented population.

President Obama has repeatedly promised that he will work to change the immigration laws so undocumented immigrants who work hard can earn legal status. The Secure Communities program goes against that vow. It is also bad for public safety. States, cities and towns should be able to opt out.

A version of this editorial appeared in print on February 28, 2011, on page A22 of the New York edition.

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Vivir Latino 2011 February 16 On the (Not So) Voluntary Nature of Secure Communities and it's Expansion

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Seems like immigration policy under the current administration is rooted in double-speak. How else to explain how a program named "[Secure Communities](#)" has proven to detain and deport not just the "bad" immigrants, but those without criminal backgrounds, making immigrant communities less safe. Now there are more reports showing just how "voluntary" the program which runs all "criminal" suspects' fingerprints through an immigration database really is.

From the [San Francisco Examiner](#):

A voluntary program to run all criminal suspects' fingerprints through an immigration database was only voluntary until cities refused to participate, thousands of recently released documents show. The Obama administration then tightened the rules so that cities had no choice but to have the fingerprints checked.

The documents made public by the Homeland Security Department provide a behind-the-scenes glimpse of how the administration scrambled to quiet the criticisms and negative publicity surrounding the immigration enforcement program known as Secure Communities.

The administration rewrote the program's participation rules, the documents show, considered withholding federal funding and FBI information from resisters and eventually dug up case law to justify requiring cooperation.

[As immigration advocates tell us to watch our backs because of GOP efforts to seek massive deportation as national policy](#), it seems like the Obama administration is just as willing to create a national deportation policy but is just not as honest about it, as a matter of policy.

"The SC (Secure Communities) initiative will remain voluntary at the state and local level. . Until such time as localities begin to push back on participation, we will continue with this current line of thinking," says an e-mail written by Randi Greenberg, the communications and outreach chief of the program. It was sent to several people whose names DHS blacked out before releasing the documents.

Obama's controversial 2012 FY Budget seeks to increase funding for *Secure Communities*, making it the law of the land.

From [New America Media](#):

Despite numerous budget cuts in the proposed budget for fiscal year 2012,

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Sabina, it was and still is common practice of many law enforcement agencies to set up provocateurs [...]

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Well Karen, perhaps you would like to actually address the issue of the original post, which is Secu [...]

[Karen:](#)

Why don't you address the points I made instead of accusing me of being a government plant. LMAO [...]

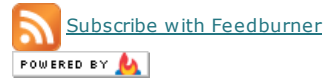
[Sabina Gonzalez-Eraña:](#)

I read an article recently about how the federal government is investing in people who's sole pur

resources to control and reduce illegal immigration experienced some gains. The proposed budget includes an expansion of Secure Communities to 97 percent of jurisdictions nationwide in 2012.

It is currently in effect in 1,030 jurisdictions in 38 states. "The budget includes \$184 million for its expansion," according to Peggy Sherry, chief financial officer for the Department of Homeland Security.

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Tomorrow 15,000 internal ICE documents will be made public and available online at [Uncover the Truth](#) as a result of a FOIA lawsuit filed in the Southern District of New York by the National Day Laborer Organizing Network (NDLON), the Center for Constitutional Rights (CCR) and the Immigration Justice Clinic of Benjamin Cardozo School of Law to demand records relating to the Secure Communities program.

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3 Responses to On the (Not So) Voluntary Nature of Secure Communities and it's Expansion

[Tweets that mention fast work! RT On the \(Not So\) Voluntary Nature of Secure Communities & it's Expansion #stopice -- Topsy.com](#)
February 16th, 2011 at 11:24 am



[...] This post was mentioned on Twitter by Vivir Latino, Matthew Kolken and Chris Newman, NDLON. NDLON said: fast work! RT @VivirLatino: On the (Not So) Voluntary Nature of Secure Communities & it's Expansion <http://bit.ly/qvj1qN> #stopice [...]

[Bryan J.](#)
February 16th, 2011 at 11:25 am



The only way to extricate ourselves from this Dem/Gop monopoly on Immigration and everything else is to unite behind a third party.

It won't be enough for the far-left or the far-right(such as Socialist/Libertarian parties) to stand on their own. A unified front of sorts a la Egypt is what will be required for any real change.

[15,000 Pages of Documents on Secure Communities Reveals Possibilities for Opt-Out | VivirLatino](#)
February 17th, 2011 at 12:19 pm



[...] I wrote on how some of the documents showed that the Department of Homeland Security was being purpo... Today looking through some of the documents (and no I haven't made it through all 15,000 [...])

EXHIBIT G

'Voluntary' immigration program not so voluntary

Secure Communities initiative credited with the deportations of at least 100,000 immigrants convicted of crimes

Recommend 10

By **SUZANNE GAMBOA**

AP Associated Press
updated 2/16/2011 1:50:56 PM ET

WASHINGTON — A voluntary program to run all criminal suspects' fingerprints through an immigration database was only voluntary until cities refused to participate, recently released documents show. The Obama administration then tightened the rules so that cities had no choice but to have the fingerprints checked.

Thousands of documents made public by the Homeland Security Department provide a behind-the-scenes glimpse of how the administration scrambled to quiet the criticism and negative publicity surrounding the immigration enforcement program known as Secure Communities.

The administration rewrote the program's participation rules, the documents show, considered withholding federal funding and FBI information from resisters and eventually dug up case law to justify requiring cooperation.

Throughout the turmoil, according to the documents, top officials knew they would get local resistance and were advised in late 2009 that the fingerprints could be checked against the immigration database without local buy-in.

"The SC (Secure Communities) initiative will remain voluntary at the state and local level. . . Until such time as localities begin to push back on participation, we will continue with this current line of thinking," says an e-mail written by Randi Greenberg, the communications and outreach chief of the program. It was sent to several people whose names DHS blacked out before releasing the documents.

The pushback came.

Washington, D.C.; Cook County, Ill.; Santa Clara, Calif.; Arlington, Va.; San Francisco; Philadelphia; and the states of Oregon, Washington, Minnesota and Colorado either raised questions or tried to avoid participating, according to the documents. The communities are only a small percentage of more than 1,000 that willingly became part of the program or didn't oppose the state signing them up with Immigration and Customs Enforcement.

By fall of last year, ICE decided local officials could not stop immigration officials from culling the fingerprints. The locals could only refuse to receive the information from the federal government on the immigration status of people they were holding in their jails. Local officials, however, still had to hold non-citizens for ICE if asked.

Patricia Montes, executive director of Centro Presente, a Latino immigrant advocacy group in Somerville, Mass., said the documents showed federal officials are giving local officials "mixed messages" and only added to the "confusion and fear" among various immigrant communities.

Montes scheduled a meeting Wednesday with other advocates to discuss the documents. Massachusetts Gov. Deval Patrick has delayed enrolling his state in the program, but has said states are required to join, upsetting some advocates.

"How are you going to make decisions based on information that is not clear?" said Montes. "This has to do with lives of people."

Some local law enforcement agencies generally resist the job of policing immigration. Politically, they feel it's a federal responsibility. Practically, they want residents to feel free to report crimes and act as witnesses without fear of being caught as illegal immigrants.

The documents were released as a result of a Freedom of Information lawsuit filed by the Benjamin Cardozo School of Law in New York, the National Day Labor Organizing Network and the Center for Constitutional Rights, which oppose Secure Communities. The Associated Press obtained the documents from Homeland Security after a New York federal district court judge overseeing the lawsuit ordered them made public.

Fingerprints of all criminal suspects collected by local law officers have always been forwarded to state agencies, which then send them to the FBI to check against its criminal histories and fingerprint database.

Under the Secure Communities program, the fingerprints also are run through the Homeland Security Department's immigration database, and authorities can determine the suspect's immigration status and begin deportation proceedings if necessary.

ICE hopes to be checking fingerprints collected from more than 30,000 booking sites in the country by 2013.

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As of Feb. 1, Secure Communities had 1,006 cities and counties in 38 states, according to ICE. The program is credited with the deportations of at least 58,300 immigrants convicted of crimes.

ICE declined to make available some of the top officials mentioned in the e-mails, in part because the agency remains involved in a lawsuit with the advocacy groups over the documents' release.

In a statement, ICE repeated what it is now telling local officials: The fingerprint sharing is between federal agencies, and local communities can't opt out of sending fingerprints to the federal government. Their only choice, ICE says, is to not receive the results of the fingerprint check, leaving them vulnerable to claims that they don't care about illegal immigrants in their jail.

"This program has already resulted in the arrest of more than 59,000 convicted criminal aliens, including more than 21,000 convicted of major violent offenses like murder, rape and the sexual abuse of children," an ICE official who declined to be identified by name said in an e-mailed statement.

Most of the participating states and communities signed up voluntarily — the city of Houston was the first. But the trouble began in so-called sanctuary cities, jurisdictions that have passed laws prohibiting law enforcement from asking people whether they are allowed to be in the country, unless necessary for an investigation.

When Secure Communities began, the federal government told law enforcement agencies the program was voluntary and if they chose, they could "opt-out" of having fingerprints from their communities forwarded to DHS, several e-mails and documents show.

"Each Department will be invited to presentation that will explain the details for the program, they will then decide whether or not to participate," says an Aug. 10, 2009, e-mail whose author and recipient were blacked out.

Answering a written question from Congress last year, ICE said the agency "does not require any entity to participate in the information sharing technology at the state and local level."

But even as it said this, ICE officials were discussing whether their program was indeed voluntary, as the Aug. 26, 2009, e-mail from Greenberg shows.

Opposition from the few resisters grew strong enough to create significant angst within ICE. E-mails show month after month of wrestling with how the agency would respond when it was asked whether a local jurisdiction could "opt out" of Secure Communities. In some months, the issue appears to be settled, only to be followed by another string of e-mail exchanges on whether communities could opt out.

Last year, ICE posted on its website a statement titled "Setting the Record Straight" to correct what officials saw as misinformation issued by advocates. But documents show that too had to be rewritten.

"The (Secure Communities) 'Setting the Record Straight' document currently posted on the SC website should be modified to remove the information regarding how a jurisdiction can 'opt out' of activation," says an undated document titled "Recommendations for Outreach on Required Activation of Secure Communities." It was attached to a Sept. 15, 2010, e-mail sent to Greenberg.

Opposition in San Francisco and Santa Clara, Calif., drew queries from Democratic Rep. Zoe Lofgren of California, then the chairwoman of the House Judiciary Committee's immigration subcommittee. She also looped in Homeland Security Secretary Janet Napolitano and Attorney General Eric Holder, elevating the issue and the anxiety over the program.

Although Lofgren had told ICE in May that she was satisfied with an explanation on local participation, she said in her July 7 letter that "there appears to be significant confusion about how local law enforcement agencies may 'opt out' of participating in Secure Communities."

That confusion persisted long after Lofgren's letter.

"We really need to clear up what we can say about SC — and making it clear that ICE is not inclined to allow folks to opt out" altogether, Richard Rocha, then a Washington spokesman for ICE, said in a Sept. 29, 2010, e-mail.

By this time, Napolitano already had responded to Lofgren in a Sept. 7 letter, with instructions on whom communities should contact if they wanted to opt out. The rules first allowed meetings to be held to discuss the communities' concerns and possibly resolve them, but later some communities were told it was up to their states, not them.

"It seems like a lot of states and LEAs (law enforcement agencies) don't want to say they support this due to political pressures, and want us to make it mandatory to let them off the hook. Would you support a new strategy for activations?" Susan Penney of Secure Communities said in a Feb. 10, 2010, e-mail.

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As the District of Columbia's city council considered a bill last summer prohibiting police from participating in the program, ICE considered cutting off money the federal government pays local communities for holding immigrants.

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"Grants should be denied them in the future if the bill referred to below by (name redacted) passes. It is absurd to claim that the presence of illegal aliens in your jails is an undue burden at the same time you refuse to cooperate with ICE in removing them," said a May 5, 2010, e-mail sent to Susan Penney and others with the subject "FW: Update on DC."

In a Sept. 29, 2010, e-mail, Gibson suggested refusing to give criminal history information from the FBI to local officials who didn't participate. "If you want their data, you play ball with all federal partners," she said in her e-mail.

Associated Press writer Russell Contreras in Boston contributed to this report

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