Below is the text of a letter prepared by Andras Haladay of Upper 7 Law Group, requesting that the Helena City Commissioners vote no on the Department of Homeland Security Grant.

Good Afternoon Commissioners,

I hope you all intend to vote no on the Department of Homeland Security Grant this evening. The Grant's terms bind the City to act as an arm of federal civil immigration enforcement in a manner that goes beyond even a 287(g) agreement. DHS created these Grant terms to force cities to carry out immigration enforcement. If you accept this Grant you are both endorsing and agreeing to assist the Trump administration's immigration policy.

Article 60 of the Grant's terms requires the City:

- To honor DHS's requests for cooperation, such as participating in joint operations, sharing of information, or requests for short term detention of an alien pursuant to a valid detainer.
- Provide access to detainees, such as when an immigration officer seeks to interview a person who might be a removable alien.
- Not leak or otherwise publicize the existence of an immigration enforcement operation.

The cooperation provision has no stated limit and essentially commandeers City police to engage in civil immigration enforcement. This is a tangible concern in Montana given that the Federal District Court in Great Falls recently certified a class of individuals who have been illegally arrested by DHS. Helena, if requested, would have to assist in these illegal arrests. Moreover, based on DHS's conduct over the past year, HPD could be forced to assist civil immigration enforcement in churches, schools, and courthouses.

Under the access-to-detainee provision, Helena would be required to illegally extend detentions, roadside or otherwise, to provide immigration officers access. That provision also appear to apply irrespective whether a detained individual has legal counsel. Again, this is not an abstract concern. A Montana federal court found that DHS used the Helena Hold room to interrogate and pressure detainees, without access to legal counsel.

Finally, the publicity provision is concerning from both a legal and public safety standpoint. It appears the City is agreeing to not comply with right-to-know requests under the Montana Constitution. It also appears that if DHS engages in an action, similar to the immigration enforcement in Bozeman this past summer, the City could not provide even basic information to the public regarding armed (masked) federal agents operating in City limits.

I understand that some members of the Commission have claimed that Article 60 doesn't apply to Helena. I'm sure your City Attorney has explained that if you approve this Grant, Article 60 will apply. Articles 62 and 63 exempt some cities from complying with Article 60, but only if they are "plaintiffs" involved in two lawsuits where federal district courts have determined that Article 60 is likely illegal. Helena is not a "plaintiff" in those lawsuits. Article 60 applies to Helena.

Finally, Article 33 is also extremely concerning. That provision will require Helena to "comply with the requirements of Presidential Executive Orders related to grants." The current administration has issued approximately 281 Executive Orders since January 2025. There is grant language in Executive Orders attacking gender equality (#14168), Diversity and environmental justice (#14151), and anti-discrimination (#14173). As one federal district court asked: "Could the President 'attach' a sentence at the end of every Executive Order discussing grant funding, thus requiring plaintiffs to adhere to every Order?"

The City has no way of knowing what terms Article 33 is incorporating into this Grant. Unless the City reviews all Executive Orders and determines its obligations, it risks agreeing to comply with the current Administration's positions on wholly unrelated and unknown matters, such as the environment, abortion, transgender rights, anti-discrimination, and others. As your legal counsel has probably told you, it's inadvisable to sign a contract with unknown terms.

Please do not approve this Grant.
Andres Haladay