

**Statement Of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Judiciary Committee,
Hearing on “Oversight of the Administration’s Misdirected Immigration Enforcement
Policies: Examining the Impact on Public Safety and Honoring the Victims”
July 21, 2015**

I thank all of the witnesses for appearing before us today and for sharing your experiences. I want to extend my deepest condolences to those of you who are speaking in memory of a loved one. We have come together to listen and to learn as we work to make our communities safer.

As we remember the victims of these senseless crimes and work to understand what went wrong in each of these tragedies, it is important to acknowledge that there will be no easy answers. There is no simple solution. There are, however, several principles that can guide our efforts to improve the law in the wake of these terrible crimes.

First, we must put aside our partisan politics. Whether as elected officials or political candidates, we have an obligation to put the best interest of our communities, and our nation, first. The witnesses before us today are not here to score points, and all of us should uphold the same standard. We on this Committee have demonstrated our ability to address the complicated issue of immigration with professionalism and respect. Last Congress, after weeks of debate and hundreds of amendments, we reported out an historic and bipartisan bill that addressed many of the issues we have before us again today. I was deeply disappointed when that bill, which passed the Senate 68-32, was blocked from any consideration by the Speaker of the House of Representatives. If we are serious about addressing immigration reform, we must return to that *comprehensive* approach that would have strengthened our borders, kept families together and held employers accountable.

Second, we must look at the facts and not be misled by rhetoric. We must not, for example, blame a whole community for the reprehensible actions of a few. The perpetrators of the terrible crimes we will hear about today must be held accountable. There are no excuses to be made for the damage they have caused. At the same time, those crimes should not be used as an excuse for demonizing an entire community. Recent claims by some that most immigrants are criminals are outrageous and irresponsible. These claims are also simply wrong. Recent publications by both the American Immigration Council and the Cato Institute present overwhelming data demonstrating that immigrants are *less* likely than individuals born in the United States to commit crimes.

Similarly, claims that the Federal government is not enforcing immigration laws are incorrect. In fact, the Obama Administration has committed unprecedented resources to enforcement efforts at the border and in the interior, spending nearly \$18.5 billion a year on enforcement, which exceeds all other Federal criminal law enforcement spending combined. Under President Obama, the Federal government has removed more individuals than under any other president.

Third, in our understandable drive to act in response to these senseless killings, we must resist the urge to hastily adopt legislation that has the unintended consequence of making us less safe. The renewed attention to the role of State and local police in immigration enforcement following

Ms. Kathryn Steinle's tragic death is important. As we examine that role, we must listen to the experience of law enforcement officers on the ground. These dedicated men and women have committed their lives to protecting the communities they serve and their voice should carry significant weight with us.

Law enforcement leaders from across the country, including the Major Cities Chiefs and the Major County Sheriffs, have expressed concern about *mandating* State and local law enforcement's cooperation with Federal immigration enforcement through legislation. Police chiefs and sheriffs from across the country told us in a letter yesterday that "Immigration enforcement at the State and local levels diverts limited resources from public safety. State and local law enforcement agencies face tight budgets and should not be charged with the Federal government's role in enforcing Federal immigration laws." At a House hearing last week, Secretary of Homeland Security Jeh Johnson testified, "I do not believe that mandating through Federal legislation conduct of sheriffs and police chiefs is the way to go. I think it will be hugely controversial; I think it will have problems with the Constitution. I want to see us work cooperatively with State and local law enforcement and I believe they are poised to do that."

Those on the front lines who work with victims of crime are also concerned about a chilling effect if local law enforcement officials are perceived to be enforcing immigration laws. In a recent letter expressing concern around proposals to mandate cooperation, the National Task Force to End Sexual and Domestic Violence wrote: "Policies that minimize the intertwining of local law enforcement with ICE help bring the most vulnerable victims out of the shadows by creating trust between law enforcement and the immigrant community, which in turn helps protect our *entire* communities." When victims and witnesses of violent crime are afraid to go to the police, dangerous criminals are not identified and go unpunished. "These criminals remain on the streets and continue to be a danger to their communities," they wrote.

As we evaluate options for responding to these tragic cases, we should also learn from past mistakes. The controversial Secure Communities program led to the deportation of thousands of non-violent immigrants. It separated parents from their U.S. citizen children and severely undermined the trust between law enforcement and immigrant communities. A core tenant of that program has also raised significant constitutional concerns by several Federal courts. Those courts have held that detention by State or local law enforcement based solely on a civil immigration detainer issued by Immigration and Customs Enforcement (ICE) violates the Fourth Amendment. As a result of these concerns, jurisdictions across the country, including some very conservative communities, adopted policies limiting or ending the practice of honoring immigration detainers issued by ICE.

As the Committee once again turns its attention to immigration, we must remember that reform requires a comprehensive response. We cannot only address the issue of enforcement. We must also focus on how to keep families together, hold employers accountable and modernize our immigration system. I strongly believe that any policy changes needed to address the tragedies discussed here today can be accomplished while still promoting trust and cooperation with immigrant communities. That relationship is critical to keeping us all safe and ensuring that our communities remain vibrant and welcoming places to live.

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