

BRIAN MCCANN
CHICAGO, ILLINOIS
b.cann@sbcglobal.net

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On behalf of the McCann family I want to thank you, Senator Grassley, and the other members of the Judiciary Committee for this opportunity to share with you my efforts to return justice to our family after the violent death of my brother Denny on June 8, 2011 in Chicago, Illinois.

Denny was crossing Kedzie Avenue on a marked crosswalk four years ago and was violently struck by a drunk driver who dragged Denny under his car for a block in an attempt to flee before Denny died. The family was notified by the Chicago Police and the killer was placed into custody and charged with Aggravated DUI causing death. Two days later ICE issued a detainer because the young man was an illegal alien with a prior felony. The family was assured by the Cook County prosecutor that the defendant would not be allowed to post bail and be released. Three months later the Cook County Board passed the ordinance that effectively requires the Sheriff to ignore detainers. During the intervening weeks after Denny's violent death Cook County President Toni Preckwinkle and former mayoral candidate and Commissioner Jesus Garcia pushed for the ordinance and rammed it through on September 7, 2011. Two months later the killer made bail and absconded to Mexico.

Perhaps the most disturbing aspect of this whole ordeal was that we also learned that this illegal alien was prosecuted for another felony two years earlier and ICE was never notified then. He was removed from probation February 2011 and four months later killed Denny. In short Denny would be alive today and enjoying the birth of a new granddaughter born two weeks ago if the Cook County criminal justice system that included the county board did their job.

I received confirmation that he is indeed in Mexico from the FBI and is currently driving a truck. I had to prevail on my Congressman to get the FBI to cooperate with my request for information and action. I have not heard from the Bureau in over six months.

Three months later I worked with a few commissioners to amend the ordinance and that turned out to be more of a charade on their part than a serious effort. I asked the commissioner who represents my district and others many times at the very least to bring it to a vote and they refused. During that same period I was monitoring the efforts of former ICE Director John Morton in his correspondence with Ms. Preckwinkle. His January 4, 2012 letter made it clear that the ordinance was a clear impediment and in the few months since the ordinance was passed 268 detainers were ignored and many of the aliens who were the subjects of these detainers were felons. He reminded Preckwinkle that the ordinance was a violation

of federal law. Five weeks later he wrote another letter and made a reasonable request, in my view. First, that ICE agents be allowed to interview detainees and have access to records. Second, that the agents would take custody of the alien with a detainer on the day of the prisoner's release.

For the next several months I remained steadfast via phone calls and correspondence in my efforts to get an amendment passed by requesting that the Cook County Board invite independent experts to meet with the commissioners and President Preckwinkle and that request was ignored as well.

It became clear to me that the Cook Board had no intention of revising its policies despite the consequences. I found it very frustrating that federal agencies-especially ICE-did not follow through on its warnings to Cook County and took no further action to compel the county to drop the policy. Nor has the federal government attempted to sanction the county, such as withholding federal funding.

The following October a family friend told me about the good works of Judicial Watch and I met with their chief litigator Paul Orfanedes the next month. A few months later a press conference was held at the State of Illinois Building announcing the filing of my lawsuit entitled Brian McCann v. Thomas J. Dart , on April 22, 2013. In the lawsuit we challenged Sheriff Dart's refusal to honor immigration detainers or cooperate with Immigration Customs Enforcement (ICE) in identifying deportable criminal aliens. At the time Cook County jails had released as many as 1,000 criminal aliens sought by ICE in the previous 18 months.

We continue this legal fight to the present day. Just last month we filed a petition for review with the Illinois Supreme Court. Because ICE no longer routinely issues detainers we are no longer challenging Dart's refusal to honor them. However, we continue to challenge the Sheriff's policy of prohibiting and restricting communications and the exchanging of information with ICE officials about a person's citizenship or immigration status. Now under PEP (Priority Enforcement Program) even if ICE requests that Cook County notify them of the impending release of a deportable criminal alien, Cook County would not comply. I find this unacceptable and will fight this policy in the courts until the end.

I remain very concerned that the current immigration enforcement policies seem to encourage jurisdictions like Cook County and San Francisco to continue their non-cooperation policies. If I understand the new Priority Enforcement Program, it does two problematic things: first it does not guarantee that illegal aliens such as Saul Chavez will ever be priorities for enforcement because so many exceptions are allowed. Second, even if the illegal alien criminal is considered a priority for deportation, the PEP program does not require local agencies to turn over illegal aliens to ICE-they can simply ignore ICE's request for custody. Secretary Johnson has stated that he does not think that the federal government should try to discourage sanctuary policies.

For many years, as a veteran I have been an active member of the American Legion and took a supportive interest in their POLICY ON IMMIGRATION. The policy states clearly that we should secure the borders, eliminate the jobs magnet and social services for illegals, no amnesty, reduce the number of illegals and effectively screen and track foreign visitors.

Finally, I have been an active supporter of The Remembrance Project National Director Maria Espinoza who for the past five years has been maintaining contact with the thousands of family members who have lost loved ones due to these unsafe sanctuary policies. Maria is here today with other family victims.