



July 5, 2016

**Oppose the So-Called “Stop Dangerous Sanctuary Cities Act” (S. 3100)  
and the “Stop Illegal Reentry Act” (S. 2193)**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national advocacy organizations, we urge you to oppose S. 3100, the “Stop Dangerous Sanctuary Cities Act,” and S. 2193, the “Stop Illegal Reentry Act.” These two bills may sound “tough,” but they would ultimately make the problems with our national immigration system even worse than they already are.

S. 3100 would unnecessarily and unwisely penalize states and municipalities that are attempting to strike the delicate balance between cooperating with federal immigration authorities, on one hand, and respecting the constraints imposed on them by the U.S. Constitution, on the other. At the same time, it would do nothing to address the constitutional concerns raised by the use of immigration “detainer” requests, concerns that the Department of Homeland Security (DHS) itself is currently attempting to resolve.

Specifically, S. 3100 would revoke federal funding for Economic Development Administration Grants and the Department of Housing & Urban Development’s Community Development Block Grants programs unless jurisdictions comply with all DHS detainer requests. It aims to overturn local policies adopted by over 300 jurisdictions across the country that have determined, as a matter of constitutional law and sound public policy, including community policing efforts, that they cannot hold individuals beyond their release dates solely on the basis of a DHS detainer request.

The senseless and tragic killing of Kathryn Steinle in San Francisco has renewed the debate over so-called “sanctuary cities.” Yet the term suggests, incorrectly, that certain states and municipalities are refusing to work with federal immigration enforcement authorities. The truth is that state and local law enforcement agencies (“LEAs”) throughout the country already aid in the identification of individuals who are subject to immigration enforcement action through the sharing of fingerprints of those who are taken into custody. LEAs with limited detainer policies have determined, however, that they cannot continue to detain individuals for immigration enforcement purposes, under the Fourth Amendment and pursuant to numerous court rulings, unless DHS obtains a judicial warrant, as all other law enforcement agencies are required to do.

S. 3100 would not address the Fourth Amendment concerns raised by the use of DHS detainees. Instead, it would leave many state and municipal governments in an untenable position: either they must disregard their constitutional responsibilities and erode the trust they have built between the police and the immigrant communities they serve, or they will face the loss of vital federal law enforcement funding that helps them fight crime in their jurisdictions. As the DHS continues to review and refine its policies involving the use of detainees, Congress should not inject such an arbitrary and unwise choice into the discussion.

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S. 2193, the other immigration-related bill expected to come to the Senate floor this week, would tie the hands of judges and prosecutors by creating new mandatory minimum sentences, including for previously-removed individuals who had been convicted of an “aggravated felony.” Despite the daunting name, an “aggravated felony” under the Immigration and Nationality Act encompasses a number of offenses that are not “aggravated” or even “felonies” under relevant state laws. As a result, this provision will unnecessarily remove appropriate authority from judges, increase costs to taxpayers, and lock up nonviolent offenders. Mandatory minimum sentencing provisions have been widely recognized as a failure in the criminal justice system. They should not be replicated in the immigration system.

For these reasons, we urge you to oppose cloture on the motion to proceed to S. 3100 and S. 2193. If you have any questions, please contact either of us or Rob Randhava, Senior Counsel, at (202) 466-3311.

Sincerely,



Wade Henderson  
President & CEO



Nancy Zirkin  
Executive Vice President