



June 27, 2017

**Oppose the “No Sanctuary for Criminals Act” (H.R. 3003)
and “Kate’s Law” (H.R. 3004)**

Dear Representative:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national advocacy organizations, I urge you to oppose H.R. 3003, the “No Sanctuary for Criminals Act,” and H.R. 3004, “Kate’s Law.” These two bills may sound “tough,” but they would ultimately make the problems with our national immigration system even worse than they already are.

H.R. 3003 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 has recognized in the past.

Among its provisions, H.R. 3003 would eliminate various federal law enforcement grants to states and municipalities, such as the “Cops on the Beat” program, 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 2015 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.

H.R. 3003 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 communities they serve, or they will face the loss of vital federal law enforcement funding that helps them fight crime in their jurisdictions. Congress should not force such an arbitrary and unwise choice on cities.

H.R. 3004, the other immigration-related bill expected to come to the House floor this week, would significantly increase sentences for previously-removed individuals who reenter the

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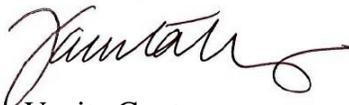
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country. While the bill is an improvement over other bills by the same name, in that it does not include mandatory minimum sentencing provisions, it would still lead to a likely increase in the federal prison population without any tangible benefits. The Department of Justice's "Operation Streamline" program, upon which this bill would build, has already shown that increased criminal prosecutions do little but waste resources while failing to deter unauthorized border crossings. It should be ended, not expanded.

For these reasons, I urge you to vote against H.R. 3003 and H.R. 3004. If you have any questions, please contact me or Kristine Lucius, Executive Vice President for Policy, at (202) 466-3311.

Sincerely,



Vanita Gupta
President & CEO