

## Hearing Transcript

### House Judiciary Subcommittee on Immigration and Border Security Hearing on Immigration Policy

April 19, 2016

GOWDY:

The committee will come to order. This is a subcommittee hearing on immigration and border security. I want to welcome all of our witnesses and our guests. Without objection, the chair is authorized to declare recesses of the committee at any time.

I also want to say this, too, because I always say it. We're delighted to have guests, but the witnesses deserve to be heard and the members need to hear what the witnesses have to say. So this will be the only -- one and only warning that anyone gets with respect to decorum. If there is a disturbance, you'll be removed.

With that, welcome again to our witnesses. The way that we will conduct it is we will give opening statements and then I'll recognize each of you individually for opening statements. And then the members will be recognized for questioning.

With that, I would recognize myself for an opening statement. I want to begin again by thanking the witnesses for being here today. I cannot imagine the pain that you have endured and still endure or the courage it takes to talk about the loss of a child.

Well-meaning people can talk about closure, but when it comes to the loss of a child or loved ones to an act of violence or recklessness, there is no closure. And there is no moving on. There is an omnipresent void and a daily reminder that impacts every facet of life. Losing a child is a life sentence in and of itself.

The loved ones of those killed by acts of violence or recklessness have to reconcile the finality of death with the certainty of separation and, in some instances, the reality that many of these tragedies could have been avoided. That's what I want to talk about today. How eminently avoidable some of these tragedies are.

Illegal immigration is not a victimless crime. By the current state of the law, or the refusal to enforce certain aspects of our law, allow for the release of tens of thousands of criminal aliens into American communities.

This has, and will continue to have, real and tragic consequences. So it's imperative that we understand this. Regardless of your political ideation and, frankly, regardless of your views on immigration reform, surely we can all agree that protecting the public from violence and lawlessness is the preeminent function of government.

Whatever else you may think government can or should be doing, national security and public safety have to make the list somewhere. For me, they make the top of the list. And I think that's true for most people, which is why it is unconscionable that between October of 2011 and December of 2014, ICE released criminal aliens over 100,000 times.

According to ICE, those released have been convicted of more than 10,000 assaults, more than 800 sexual assaults, more than 400 homicide-related offenses, and more than 300 kidnappings. Today, there are over 350,000 known criminal aliens in the United States who are not detained by ICE -- 350,000.

That number may not get your attention. Statistics rarely do. So I want you to think about it this way. The number of criminal aliens living in the United States not in custody, not separated from society, is larger than the city of Pittsburgh, Pennsylvania, larger than the city of Lexington, Kentucky, larger than the city of Anaheim, California.

Can you imagine a city the size of Pittsburgh comprised solely of people who are here unlawfully, who have also committed another crime? You would be outraged. You would not stand for it. And you would demand immediate action. So why do we allow that same city to be disbursed among the broader country?

These are not merely statistics. These are tragic real stories of human suffering. Fathers and mothers, and sisters and brothers, and friends and neighbors across the United States have lost loved ones at the hands of criminal aliens. Some of them are sitting in the very room today.

In May of 2010, Hermilo Moralez was arrested for stalking his girlfriend. He was in the United States illegally. But he wasn't deported. He wasn't detained. Six months later, Hermilo Moralez got a ride from Joshua Wilkerson, an 18-year-old high school senior from Pearland, Texas. Joshua thought he and Moralez were friends.

Joshua wound up beaten, strangled, tortured, and ultimately killed. He was bound and his body burned and dumped in a field. Moralez was in the country illegally then, too. After his arrest, Moralez was leading investigators to Joshua's dead body when he attempted to take possession of a detective's gun.

Oh, I have met the so-called DREAMers and valedictorians. And I have listened to witnesses. Some of them sat in this very room and argued for full, unmitigated citizenship for all 12 million aspiring U.S. citizens.

That was what we were asked to do, a path to citizenship for all 12 million. And when those witnesses were pressed on background checks on whether all 12 million really were aspiring citizens, the silence was deafening.

It is just as inaccurate to categorize all 12 million as DREAMers and valedictorians as it is to characterize all 12 million as criminals. But once this government is on notice that in addition to breaking immigration laws, some insist on breaking other laws, there is no justification for inaction.

Sarah Root was a 21-year-old with a beautiful, full life ahead of her. She graduated college with a 4.0. She aspired to work in forensics. That caught my attention. She wanted to dedicate her life to solving crime so victims could have justice, so perpetrators would be punished and to clear the innocent. That is the purpose of our justice system.

It's a shame she never got a chance to work in it. She was struck from behind and killed by Eswin (sic) Mejia. Eswin (sic) Mejia was a Honduran national who illegally entered the United States as an unaccompanied minor in 2013. He was then placed in the custody of his brother, who is also an illegal alien.

Mr. Mejia is accused of drag racing in Omaha, Nebraska, with a blood alcohol more than three times the legal limit when he killed Sarah. After being charged with felony motor vehicle homicide, he was given a \$50,000 bond by a state judge. This allowed him to be released after posting just 10 percent, \$5,000.

The purpose of bond is to protect the public and to ensure the defendant appears at scheduled court appearances. Risk of flight is really one of only two factors the judge has to be bothered with considering, risk of flight and danger to the community. Check and check. But a paltry bond was set, nonetheless.

State authorities say they contacted ICE numerous times to notify the agency of Mejia's elevated flight risk. In fact, state authorities say they requested ICE take custody of Mr. Mejia. But ICE denied the request and he walked right out of jail.

Now, ICE spokesmen claim Mr. Mejia would not be detained because his arrest did not meet ICE's enforcement priorities. How in the hell somebody here illegally, who operates a vehicle at a high rate of speed at three times the legal rate of impairment, and kills a 21-year-old girl doesn't meet priorities of ICE, is precisely why so little people have confidence in this administration's policies and priorities, and precisely why so many people are angry and fed up with the current state of immigration enforcement.

If killing a young woman while racing in an impaired state and being here illegally in the first place does not meet priorities, then perhaps your priorities are wrong.

This administration loves to talk about families being separated. Politicians love to talk about families being separated. Preachers love to talk about families being separated. That's the common mantra when discussing immigration and why they refuse to enforce current law. But I want to make sure my fellow citizens are clear about this.

This administration and the politicians and the preachers are not talking about the families sitting at the table this morning. They're not talking about the separation that comes from burying your child. They're not talking about the separation of whatever you told your daughter being the last thing you will ever tell your daughter because she was shot walking beside you walking on a pier in San Francisco, or because she was killed by somebody driving three times the legal rate of impairment.

Separation is a mother living with the reality that her son left for school in the morning and was killed with his body set on fire before nightfall. That is separation. That is permanent.

I wish this administration talked a little more about it, but mainly I wish they did a little more about it. Just yesterday, the lawyer for the president was at it again. This time at the United States Supreme Court arguing for the non-enforcement of the law, arguing for the wholesale failure to enforce the law.

And he said this. "The damage that would be reaped by tearing apart families." If you want to see that damage, Mr. Solicitor General, if you want to see what tearing apart looks like, I hope you're watching this morning.

With that, I would recognize the ranking member.

LOFGREN:

Mr. Chairman, I welcome today's witnesses. And I want to extend my condolences to the Root and Wilkerson families. As a mother and a grandmother, I shudder to think of the anguish that a parent experiences when they lose a child. While there may be sharp disagreements among members of Congress on immigration policy, all of our thoughts and prayers are with you.

Now, public safety is critically important. And there are important questions about criminal justice reform that this committee is addressing with bipartisan legislation.

Similar issues, including detention policy and release standards, also come up in the context of immigration law. Hearings should offer members of the committee and the public the opportunity to learn more about an issue so that we can work, hopefully together, to address problems that we were sent to Washington to solve.

However, today's hearing comes amidst a political season in which the Republican front runner for president has essentially called all Mexican immigrants rapists. These vile comments vilify an entire community. They're inaccurate and unfair and lead to bad policy proposals that would make us less safe.

Now, I've been an immigration attorney and an elected official working on immigration issues for a long time. I have the privilege of representing a socially and economically vibrant district in the heart of Silicon Valley. I know firsthand that immigrants enrich our culture and are engines for growth and innovation in science, technology and the arts.

Stereotyping and profiling are wrong when it comes to race, religion and national origin. We should not let the bad acts of some define or malign an entire community. The vast majority of immigrants are hard-working, law-abiding members of society.

We know that natives commit crimes at a higher rate than immigrants. As the "Wall Street Journal" reported in July of 2015, numerous studies going back more than a century have shown that

immigrants, regardless of nationality or legal status, are less likely than the native population to commit violent crimes or to be incarcerated.

Now, while the foreign-born share of the U.S. population grew from 7.9 percent to 13.1 percent between 1990 and 2013, FBI data indicate that the violent crime rate during the same period declined 48 percent, which included falling rates of aggravated assault, robbery, rape, and murder.

Similarly, the property crime rate fell 41 percent, including declining rates of motor vehicle theft, larceny, robbery, and burglary. Immigrants between the ages of 18 and 39 are incarcerated at half the rate of native-born populations.

And as the late, great New York senator, Daniel Patrick Moynihan said, "Everyone is entitled to his own opinion, but not his own facts." Vilifying entire communities undermines public safety and makes law enforcement's jobs harder.

I am particularly concerned that one of our witnesses today, Sheriff Jenkins, was found by the Fourth Circuit Court of Appeals to have engaged in racial profiling. In a 2013 decision, the Court unequivocally held that Sheriff Jenkins' deputies had no legal authority to arrest or even briefly detain a woman of Hispanic origin, who was simply eating her lunch in a public area outside her workplace, on the basis of a suspected civil immigration status violation.

Racial profiling raises fundamental constitutional concerns. It has no place in law enforcement and certainly not in the Judiciary Committee. Smart, effective, community policing that engenders trust in immigrant communities leads to crimes being reported, victims getting the assistance they need, and this in turn makes us all safer.

As Richard Biehl, the Police Chief of Dayton, Ohio, who testified before this committee last year, wrote, "These policies allow us to focus our limited resources on our primary mission, crime solving and community safety. They also send the message that victims of violent crime, human trafficking, and other crimes, should never be afraid to reach out for help due to fear of immigration consequences."

Today's hearing also comes one day after the Supreme Court heard oral arguments in *U.S. v. Texas*. Under DAPA and Expanded DACA, the secretary of Homeland Security proposed to establish a process that would allow federal officials to consider, on a case by case basis, whether to defer deportation of certain unauthorized immigrants who've lived in the United States for five years, and either came here as children or have children who are U.S. citizens.

These policies create a mechanism and an incentive for low priority immigrants to come forward and submit to a background check. This promotes public safety and national security, while strengthening communities.

Yet, the Republicans, just last month, passed a resolution against these policies. What is not in dispute, thankfully, in this case is the authority of the executive to set immigration enforcement priorities.

Every year, Congress appropriates enough money to remove less than 4 percent of the unauthorized immigrants now in the country. Should we use these resources on women and children fleeing violence? Or should we use it to apprehend and deport those who commit violent crimes? This is a matter of common sense that we should all agree on. And should not be the subject of bitter partisan dispute.

I also want to address one specific point made by the chairman in his opening statement regarding the release from detention of foreign nationals. According to ICE, in 2015, two-thirds of all releases were mandatory. Either based on the Supreme Court case that precludes indefinite detention, or a determination made by an immigration judge. This is up from 40 percent in fiscal year 2013.

I would note that the Zadvydas decision, which requires -- the Supreme Court case that requires release of individuals who face indefinite detention, relates to countries unwilling to take the return of their nationals.

And with the reopening -- most of those individuals are from Cuba. And with the opening of relations with Cuba, I fully expect that the number of mandatory releases under Zadvydas will fall substantially, which I think is a good thing. A determination has been made that they should be deported.

Now, when ICE makes a discretionary determination to release an individual from immigration detention, it's based on risk evaluation. Consideration is given to special vulnerabilities, mental health, risk of harm to public safety, flight risk. And it's just not correct that immigrants are routinely and recklessly released from custody.

It's also correct to say that sometimes mistakes are made. And in the case of the bond mentioned by the chairman, it's my understanding that bond was a local bond. But I would point out that DUI is an enforcement priority under the 20 -- November 20th resolution. Domestic violence is an enforcement priority.

So I'm not here to say that ICE has never made a mistake, but to say that the policy is not to deport people who -- in the DUI area, is simply inaccurate.

In closing, let's -- let's not forget that our immigration system is broken and badly in need of reform. There are 11 million undocumented people in this country. Contrary to what Donald Trump may think, the majority of these people are not drug dealers and rapists.

They are hardworking people, parents of U.S. citizens, DREAMers, small business owners, who want an opportunity to come forward, submit to background checks, get into the system, and onto the books.

The bill passed by 2013 -- in 2013 by a bipartisan group of 68 senators would have not only grown our economy and helped shrink our budget deficit, but would have made our communities safer. And the same is true for DAPA and DACA programs that were discussed in the Supreme Court yesterday.

But DAPA and DACA are no replacement for comprehensive reform. That's Congress' job. And I hope we can get to it.

And I would ask unanimous consent, Mr. Chairman, to place into the record a news article entitled, "Court Finds Frederick County, Maryland Sheriff Chuck Jennings Illegally Detained Latina Immigrant."

GOWDY:

Without objection. The gentle lady yields back.

The Chair would now recognize the gentleman from Virginia, the chairman of the full committee, Mr. Goodlatte.

GOODLATTE:

Well, thank you, Mr. Chairman. I very much appreciate your holding this hearing. And I want to especially thank our witnesses for appearing today and for your willingness to testify before this subcommittee on this very important issue.

I also want to express my deepest sympathy to the family members of Sarah Root and Joshua Wilkerson, who were tragically killed by criminal aliens illegally present in the United States. Their mothers, Michelle Root and Laura Wilkerson, are here to share their stories under heartbreaking circumstances that no parent could be prepared for or should have to bear.

Sarah Root was killed by an unlawful alien drunk driver less than three months ago. Only hours before her death, she graduated from college with a 4.0 average and a degree in investigations.

Tragically, the Department of Homeland Security did not consider her killer an enforcement priority and did not issue a detainer for his arrest. As a result, he posted a state bail bond and fled.

Joshua Wilkerson was tortured and murdered in 2010 by an alien who had overstayed his visa for eight years. The killer was arrested on a harassment charge only months before. But ICE did not seek to take custody of him.

The district attorney who prosecuted the murder case couldn't explain why ICE did not have an interest in him despite the fact that ICE regularly reviewed the county jail roster.

Though these two young victims had unique life stories, their tragic deaths are linked by a common thread. They are two of the many innocent victims of the irresponsible policies of the Obama Administration that promote the presence of dangerous criminal aliens in American communities.

The American public has been misled by the enforcement priorities, deferred action, and executive action policies of this administration, which categorize only certain quote/unquote "serious criminal aliens" as worthy of immigration enforcement.

However, this administration's actions demonstrate that it finds it acceptable to permit even serious criminal aliens to prey on our communities. The fact remains that illegal immigration has consequences. It is not a victimless crime.

And for the families and friends of victims killed, maimed or otherwise hurt by aliens, especially those who are illegally present, the consequence can be devastating.

The White House website proclaims the president's highest priority is to keep the American people safe. The president echoed that sentiment in his recent State of the Union address.

Americans wonder how that reassuring statement can be true if this administration's current policies require criminal aliens apprehended at the border and in our neighborhoods to simply be released to victimize others.

Americans deserve to know why this administration would release thousands upon thousands of criminal aliens from DHS custody, despite convictions that included a total of 473 homicide-related offenses, 375 kidnappings, 890 sexual assaults, and 10,731 assaults, before their release.

And after their release from DHS custody, criminal aliens went on to commit 124 homicide-related offenses between 2010 and 2014. Those released in 2014 alone committed 1,423 additional crimes after their release from custody, including vehicular homicide, sexual assault, domestic violence, child abuse, and driving under the influence of alcohol.

At least 95 percent of convicted criminal aliens known to DHS are not detained. How does that policy protect the American people? The harm is real and the risk is great. Yet, the consequences are largely avoidable if this administration were to simply enforce the law.

That is why, last year the Judiciary Committee passed H.R. 1148, the Michael Davis, Jr., and Danny Oliver in Honor of State and Local Law Enforcement Act, legislation introduced by Chairman Gowdy, which provides much needed enforcement tools for federal, state, and local law enforcement agencies to enforce immigration law and protect the public from criminal aliens.

The administration's irresponsible policies have led to an increase in organized crime by aliens. Violent crime by Central American street gangs, such as MS-13, has become endemic in our communities.

Sheriff Charles Jenkins of Frederick County, Maryland, will testify today. He is all too familiar with the increase in alien gang violence. His rural county, just 50 miles from this building, has seen a significant increase in major crimes by MS-13 gang members.

Alien gang crime in Frederick County increased sharply beginning in 2014 and nearly three-quarters of the offenses were for violent felonies. It is no coincidence that the spike in gang crime



occurred during the same time that thousands of Central American minors were illegally entering at the southwest border.

Sixty-four percent of validated gang members arrested in Frederick County in 2015 entered illegally through the southwest border as unaccompanied minors. By releasing known criminal aliens and refusing to secure our border, the administration has sent a clear message to the American people that their safety and security are far less important than ensuring that illegally present and criminal aliens will remain here.

Today, I look forward to hearing from the witnesses whose compelling and insightful testimony will provide this subcommittee with a greater understanding of the public safety threat posed by criminal aliens and the tragic consequences of refusing to enforce our immigration laws.

Thank you, Mr. Chairman.

GOWDY:

The chair thanks the gentleman from Virginia, and now recognize the gentleman from Michigan, the Ranking Member of the full committee, Mr. Conyers.

CONYERS:

Thank you, Chairman Gowdy and members of the committee and our distinguished witnesses that are with us today. I want to begin by also offering sincere condolences to Ms. Root and Ms. Wilkerson.

Ms. Root, I know your daughter's death is recent and the wounds have probably not even begun to heal yet. And to both of you, I'm sorry of your loss and I thank you for your testimony that will be coming up.

Hearings offer this committee the opportunity to consider solutions -- real solutions -- to our nation's problems. And I think we can all agree that our immigration system is sorely in need of reform. Comprehensive immigration reform would allow law-abiding immigrants to come out of the shadows and get right with the law.

It would help address the concerns raised by some on this subcommittee by requiring immigrants to undergo background checks. And it would enable Immigration and Customs Enforcement to focus on its resources on deporting the worst elements.

An immigration reform bill, such as the measure that passed the Senate in 2013, or the bill that had 201 House co-sponsors in the last Congress, would enhance public safety and ensure that our entire community, citizens and immigrants alike, are protected from harm. Comprehensive reform is a concrete solution to a real but not an intractable problem.

It's important to emphasize that the efforts the president has, and is, undertaking to enforce immigration laws in a rational, tailored and effective way. And in November of 2014, the secretary of Homeland Security announced new enforcement priorities.

The president said at the time that immigration and customs enforcement should focus on felons, not families, on criminals, not children, gang members, not a mom who's working hard to provide for her kids. This is a common sense approach that prioritizes limited enforcement resources. And it should be a policy that most of us can agree on.

I'd also note that Congress has funded immigration enforcement at just under \$20 billion for this fiscal year, an unprecedented level. And under this administration, more than 2-1/2 million individuals have been removed from the United States. Many in the immigration advocacy community believe that this is too many and have been critical of the administration.

On the other hand, some of my more conservative colleagues make it seem as if there's no immigration enforcement. But the facts plainly do not bear this out. I believe we should expend far fewer resources incarcerating people and instead focus on efforts that actually make our communities safer.

As I mentioned at the outset, two of today's witnesses have suffered terrible tragedies. But we must not let the tragic acts of a few result in all immigrants being treated as criminals. The Republican presidential frontrunner labels entire communities of people as rapists, criminals and drug dealers and calls for a ban on all Muslims from America.

Some governors have tried, unsuccessfully, to bar resettlement of Syrians fleeing the civil war, which largely consists of women and children caught between the barbarism of ISIS on the one hand, and Assad's brutal attacks of his -- on his own people, on the other. I say to my colleagues, nothing could be more un-American.

Immigration makes us stronger as a country. Pluralism will help us defeat ISIS. Exploding fear and scapegoating an entire community based on race or ethnicity are the stuff of totalitarian regimes, not America. And so I thank you all for being here, and I look forward to hearing from you in our testimony.

Thank you, Mr. Chairman.

GOWDY:

The gentleman from Michigan yields back.

Again, we have a very distinguished panel of witnesses today, and I want to begin by swearing you in as we swear in all witnesses. So if I could please ask you all to rise.

Do you swear the testimony you're about to give is the truth, the whole truth and nothing but the truth, so help you God? May the record reflect all the witnesses answered in the affirmative. I will enter that -- you may sit down.

I will introduce you en banc and then recognize you individually for your opening statement. We are pleased to have Sheriff Chuck Jenkins, who's currently in his third term as sheriff for Frederick County, Maryland, serving in law enforcement for 26 years with the office of the sheriff.

Prior to becoming a sheriff he was a very successful and well-known criminal investigator specializing in crimes against persons, including homicide, death investigations, rape and sex crimes, child sex abuse, and other violent crimes. He currently serves the National Sheriff's Association as an active member on both Homeland Security and Immigration Border Security Committees.

After Sheriff Jenkins, we will hear from Ms. Michelle Root. She is the mother of Sarah Root, her only daughter. On January 31, 2016, Sarah was killed by a vehicle driven by an alien unlawfully present in this country who rear-ended her vehicle while accused of not only racing, but also being three times the legal rate of impairment.

Then, we are pleased to have Ms. Laura Wilkerson, who resides with her family in Texas. She is the mother of Joshua Wilkerson, who was her youngest son. He was tortured and murdered by someone not lawfully present in this country in November of 2010.

And then lastly, we will be pleased to hear from Bishop Minerva Carcano, and if I mispronounced your name, I apologize. In 2004, the bishop was the first Hispanic woman to be elected to the Episcopacy of the United Methodist Church.

She serves as the official spokesperson for the United Methodist Council of Bishops and was assigned to the Western Jurisdictional Conference in 2012 to be the resident bishop to the California Pacific Annual Conference, which includes Southern California, Hawaii and other Pacific Islands.

Welcome to you all.

Sheriff, I will recognize you for your five-minute opening statement. The lights mean what they traditionally mean in light. Green is go, yellow begin to wind up, and red if you could draw that thought to a conclusion. With that, Sheriff?

JENKINS:

Good morning, Chairman Gowdy and distinguished committee members. My name is Charles Jenkins, sheriff of Frederick County, Maryland. Thank you for allowing me to be here today to talk about alien crime and criminal alien gangs in America, including my county.

We all know that open border policies and failure to enforce the laws have impacted public safety in every community in America and cities are becoming war zones. Every single day, more and more Americans are becoming victims of avoidable crimes.

The Frederick County Sheriff's Office has partnered in the ICE 287(g) program since 2008 to ensure public safety. This program has been very effective in the identification detention and removal of criminal aliens. Through our partnership with ICE, we've effectively built an enforcement wall around Frederick County.

The criminal alien gang members are growing across the nation and the serious crimes are increasing. There is also a direct nexus between the action on unaccompanied minors of two years ago and the increases we are seeing now in gang crimes. Local stats offer what will definitely show the impact on public safety.

There are now over 75 active, validated, transnational gang members in Frederick County, many more suspected. We also know that MS-13 and 18th Street alien gangs are recruiting.

Of the 52 validated gang members identified since inception of the program, 48 percent have been identified since 2014. Seventy-two percent of the gang members encountered since 2014 have been charged with felonies.

Sixty-four percent of the gang members encountered in 2015 were unaccompanied juveniles when they entered the U.S. They are now adults committing more serious crimes. Those crimes include attempted murder, armed robbery, aggravated assault, home invasion, armed carjacking, kidnapping, and use of firearms in felonies.

In 2014, eight criminal aliens were charged with rape and sexual assault of children between the ages of 5 and 14. One of my deputies was a victim of an unprovoked attack by an MS-13 member while simply doing a report in his car.

Recently, a known alien gang member was indicted in a 2013 MS-13 murder for hire. The victim fled El Salvador to Frederick. The hit carried over to a local set in Frederick. The victim was lured to a wooded area where he was shot in the head and stabbed to death.

The growing alien gang problem has spread into our area high schools, where fights in one particular school has become almost a daily occurrence between rival gangs. Since 2008, this administration has weakened immigration enforcement by dismissing deportation cases, rescinding 287(g) agreements, encouraging sanctuary policies, and weakening detainer policies.

ICE directives have limited enforcement priorities, suspended many thousands of removals, granted deferred actions, and suspended removals for aliens who falsely claim to be victims.

A 2014 DHS/OIG report actually points out the problems and failures within ICE. The enforcement and removal operations, they have to be allowed to do their jobs to keep the criminals off the streets.

ICE executive leadership does not communicate effectively with the ERO, creating systemic breakdowns. ERO in the field offices and on the street want to do their jobs, but simply aren't allowed to do their jobs.

ICE is broken, but it's not on the street. It's a couple blocks down here in Washington, D.C. It's actually -- at its highest levels, I think it's almost incapable of doing the job and carrying out the mission.

Case --by-case amnesty, back door amnesty, DACA programs, and the DREAM Act by executive order were pushed through. Policy shifts by this president have weakened and ended secure communities and it did not allow action to be taken with police departments and sheriffs who did not honor detainers. This allowed criminals to be released back on the streets.

In effect, criminal aliens that should have been deported have been allowed to remain and commit more heinous crimes to our citizens.

The effectiveness and value of local enforcement by simply cooperating with ICE is invaluable. Failure to cooperate and detain known criminal aliens for ICE has led American citizens, such as are sitting here today, to be victimized in every conceivable way.

It is my belief that this Congress -- if this Congress and the next president do not take an action to secure this border with Mexico and enforce the immigration laws, every county in America will become a border county.

In Frederick, Maryland, our partnership of ICE is effective, having placed 1,400 criminal aliens into removal proceedings since 2008. We honor ICE detainers so that criminals -- criminals are not released back on the streets, assuring the safety of my citizens in Frederick County. Criminal aliens are deported.

It's imperative that local law enforcement cooperate and honor ICE detainers and is allowed, if not mandated, to work with ICE as an enforcement tool. As stated, this committee passed the Michael Davis, Jr. and Danny Oliver in Honor of State and Local Law Enforcement Act.

I certainly hope Congress passes that bill. That act -- that act is going to strengthen local and state law enforcement. Every sheriff and police chief in this country ought to embrace that law, ought to embrace that mission and help with ICE as a -- as a force multiplier.

In 2009, I testified before Congress, the cost of doing nothing is enormous. Now in 2016, I'm back here to say, we've seen doing nothing has jeopardized every American in this country. The Americans that you and I represent deserve our best. And you're absolutely right. This is all avoidable. Thank you.

GOWDY:

Thank you, Sheriff.

Miss Root?

ROOT:

Thank you. I would just like to thank Chairman Gowdy, Chairman Goodlatte, and the respected members of this committee. Thank you for inviting me to speak of Sarah. On my -- behalf of my family and myself, we'd also like to thank the Omaha Police Department for doing the job that they did in catching Sarah's murderer. But, unfortunately, they were unable to detain him.

Sarah was my only daughter. She was 21. She had just graduated from Bellevue University with a 4.0. She inspired to go on to get her Master's in criminal investigations. However, that was cut short for her.

The night of January 31, 2016, as she was coming home, she was rear-ended by Eswin Mejia, who is 19 years old, here illegally, drunk driving, street racing. My daughter died instantly. However, she was an organ donor, so she was kept alive until February -- I believe it was the fourth. Days are run together.

My daughter was a productive child. She did not deserve to end this tragically. I'm sorry. It's just devastating that the laws that we have in place weren't carried out.

The local law enforcement did their job. They detained him. Went to ICE. Tried to get a hold on him. ICE refused. I don't know why that was, with everything that happened, but he is on the loose now. So our family does not have closure. We probably never will have closure, even if he is found. I just hope that he will be some day found to pay for the crime that he did against my daughter.

We are not against immigration. Sarah's grandmother was an immigrant from Vienna, Austria. She did it legally. She did it the right way. That's all we're asking.

It's the illegal immigrants that are already breaking the law once they come over here and they continue to break our laws and not following them. This is not isolated incidents. This is happening all the time.

Since we've been in D.C., we've gotten reports that another Honduran illegal immigrant has hit and killed somebody else in Omaha, Nebraska. Her stories -- there are thousands of our stories out there. Something needs to be done.

The arrest and conviction of Eswin will not bring Sarah back. But it will give our family some closure and knowledge that justice has prevailed. Despite all the tragedy, Sarah still is the hero in this story. She was, again, an organ donor.

We are a nation of legal immigrants. My family, like many other Americans, hold no ill will to people who desire the American dream. Sarah, an American citizen, desired that same dream. But it was taken from her.

We urge the members of Congress to support meaningful immigration reform through the support in passing of legislation such as Kate's Law, the Refugee Program Integrity Restoration Act, and the Davis- Oliver Act that empowers local governments and law enforcement and forces ICE to take an illegal immigrant into custody when requested by local law enforcement.

Eswin spent four days in jail and is believed to have fled (sic) the country. He posted \$5,000 bond, which was less than the cost it was to bury my daughter, Sarah. Because of the lack of controls, the police, immigration, U.S. Marshals and law enforcement have, little or no information on his whereabouts, or on him or his families, has been found.

Edwin (sic) was not a stranger to the law enforcement and failed to honor his legal obligation for minor traffic infarctions (sic) prior to killing my daughter. Now, a failed local judicial system that set his bond too low, coupled with the flawed Obama Administration policies, have rewarded the illegal and punished my family and hampered law enforcement in their investigations.

I just want to thank you again for letting me speak on my daughter's behalf and let Sarah's voice be heard. Thank you.

GOWDY:

Yes, ma'am. Thank you.

Miss Wilkerson?

WILKERSON:

Thank you for allowing me to share my story today. Thank you for everyone that invited me here. My name is Laura Wilkerson, and my family became the victim of illegal alien crime on November 16, 2010.

This was our family's attack by a foreign invader whom is in this country illegally. At best guess, his family are still enjoying the fruits of America at the hands of taxpayers. I don't know this as fact, because this United States government does not know as fact. You -- you don't know.

My youngest son, Joshua, was a senior in high school and had his whole life ahead of him. He went to school and never returned. He -- as Josh walked up to the doors of the school that morning, Hermilo Morales walked up as well. There's a video that I saw in trial. This is the last picture of Josh alive.

This killer asked Josh for a ride home. And in the video you can see Josh shaking his head, yeah. And then Josh went inside the building and turned around and held the door open for Mr. Morales to walk in.

He said something to Josh and Josh went -- which we later found out he wasn't going to school. So Josh just closed the door -- allowed the door to close and walks out of the frame, headed to class. Last time I'll ever see my son walk, talk, anything about him.

At trial, the killer testified on his behalf and gave exact testimony on how he systematically killed Joshua. He first -- and this is from the killer on the witness stand. He first threw a punch in the face so that Joshua's vision was messed up and he could not fight back.

He next kned Joshua in the abdomen so that he would go to the ground. Josh went to ground, as his spleen was sliced in half. The killer was aggravated that it was not over yet. He was a black belt in mixed martial arts and thought he could do this without any blood.

He was aggravated it was not over. He said he grew tired of watching bloody bubbles come from Joshua's nose as he was trying to breathe. Next, he took a closet rod and beat Josh over the head again and again until the rod broke in four pieces. Josh was still breathing.

Next, he strangled him. Let him go to see if it was over. No, it's not over. So he continued until there were no more bloody bubbles. He must have said it six times from the stand. As a mom, I realize that my kid was grasping for air. He waited, and he watched him die.

He tied Josh's body up, stuffed it in the back seat of our truck, bought gas, dumped Josh in a field and set his body on fire. The killer went home, took a shower and went to see a movie, had popcorn and Coke.

I testified last -- before the Senate last July, in 2015, and told this story. Nothing has been done about it. We can have hearing after hearing after hearing. Until there is action, we're just talking.

The 11 million figure that you spoke about a while ago, it just -- it just saddens me because that figure was thrown around from the very beginning of Joshua. Well, I know that her child has died.

So that's one more. Kate Steinle has died. There were two this weekend that died from street racing -- from an illegal -- in Houston this weekend, a pastor and his wife, married 30 years. So you need to keep that number -- you don't know that number. Nobody knows that number. I've been to the border. I've watched them walk across. And you're not counting them.

So that number is from, maybe, people who are seeking welfare or who're getting benefits from the government. Otherwise, you don't know how many people are here. That number just -- it aggravates me.

Because this government has no clue who is here or what their intent is in being here, I see this American government scrambling over themselves to pretend to care about American families. And instead you give away every bit of America to people whom have broken our laws on how to -- to enter this country. Then on to break other laws.

Not to -- now to having sanctuary cities teaching them how to grab a piece of America, unlawfully and at the expense of American families. I'm stunned. I'm shocked. I'm saddened that we're even



having this discussion. When are you going to act on it? When are you going to do something about it?

Rather than let's just talk about it and put a video up on your next election -- on your website, as if you're doing something about it. It's time to move. Her -- her kid wouldn't be gone if we had moved last year when I testified before the Senate. Sarah would still be here.

You have to enforce the laws. I -- I watched the Sunday morning news this weekend and over and over and over -- follow the rules, follow the rules. And we're talking about the election and some of the way it went in -- in Colorado. Follow the rules.

Follow the laws. You know, as this sweet lady who's an immigration attorney -- I would think she'd have to follow the laws, legally. This has nothing to do with people in this country that came here through the front door. This has everything to do with people who snuck in this country and continue to take from America, including our children.

You know, when they mention the bad acts of some -- the bad acts of some, if they took your child you would think of it totally different. I realize you don't hear this every day, but it happens every day whether you want to know it or not. And the media doesn't report it. I know it. You know it. Everybody in this room knows it. They report what they want to report.

And you talked about fear. You know that illegals are afraid to come out of the shadows. You know, you want to know what fear is? You know, when somebody reaches in your house and grabs your littlest kid and tortures them. You're afraid of everything for a long time. I could care less about the fear that they put themselves in here.

I didn't bring my kid across that border. If -- if I would have told my daughter I'm going to Mexico. And had a man -- you know, he'll bring you over here in a year or two. I'd -- I'd be charged with neglect, as well as I should be. I did not put my kid into harm's way when he went to school that day. You did.

Every one of you is elected by an American. It is time for you to stand in the gap for Americans. I'm so tired of being up here and -- and -- and going over the same thing. You're elected by Americans. Do something. It is your job. Every one of you are in a position to do something that we are not.

You need -- if you -- if you've been in bed with somebody who's giving you too much money and you think the wrong way, get out of the way and let someone get in here that can care about Americans and their families. This is not about love. I do not have any hate.

Two days after Christmas, when -- after he killed Josh, I went and forgave this kid at the jail -- totally forgiven. He's off my mind. It is now -- they asked me at the trial, you know, what did I want to give him. And I -- and all I could say was that it's not my call to decide his life. It's not.

They couldn't believe I said it. The jury -- you know, it's the jury's call. I didn't want to be anything like him and -- and hurt another person. It's time to do something. I did not -- we did not put our kids in jeopardy. We did not decide to, you know, traipse them across the desert.

There is no -- there are no minors that came here by themselves. I know it and you know it. There are no minors unless they're 16- year-old guys or girls that come here. The minors can't come here by themselves. I've seen the border people die every day trying to get here.

America's invited them and I -- you've got to do something. It is just time to do something about this. The thing that you can do is enforce laws. How do you pick and choose a law? I don't understand it. How you pick and choose a law. You know, the laws are here to be enforced by who? By you. And they're not being enforced and my kid suffered terribly for it. Thanks.

GOWDY:

Thank you, Miss Wilkerson. Bishop Carcano?

CARCANO:

Mr. Chairman, Ranking Member Lofgren, other distinguished members of this subcommittee, I want to thank you for the privilege of serving on this panel. To Ms. Root and Ms. Wilkerson, I want to say that I am praying for you. And that United Methodists across this country and around the world, many of them immigrant families, are also praying for you.

No parent should ever have to endure the death of a child and certainly not because of the irresponsible actions of an individual or the violent actions of an individual. We know that Sarah and Joshua are now in the eternal care of God. And I pray that that would bring you some -- some comfort.

Today, as we discuss these devastating tragedies, it appears that they will be utilized as an argument for deporting more immigrants and forcing local police to serve as immigration enforcement officers.

I would strongly suggest that most tragedies cannot be solved by offering simplistic solutions that cast blame on entire communities and fail to take into account the intersection of multiple issues and the complexities of both individual and societal challenges.

It is unjust, totally unjust, to take isolated, certainly very tragic incidents, and implicate millions of our undocumented community members. To implicate innocent men, women and children in actions they did not commit is not justice and goes against our best values as Americans.

I implore you to reject blind vengeance, which is never restorative, and it's not practical. We must not allow our grief to divide our communities and engender hate and fear against immigrant brothers and sisters.

Immigrants have built this country and they continue to sustain it. They work for the benefit of us all. Whether by picking our crops, putting food on our tables, building our roads and homes, tending to the needs of our children and elderly parents, and inspiring our many congregations.

However, every day, hundreds of our immigrant brothers and sisters are deported. Children live in the constant fear that at the end of the school day they're going to come home and their parents will be gone, having been deported. Immigrants are daily subject to arbitrary detention. They are denied due process.

And they're spit out on the other side of our southern border as if they were trash. It is critical that we work toward community wholeness. We hold true that God loves all of us, including the immigrant. We should care deeply for each and every child of God, no matter where they are from or what language they speak.

The Obama Administration has deported more than 2.5 million immigrants, more than any other president. Despite memorandums attempting to reform deportation priorities, longstanding community members and leaders, even pastors, parents of children, elderly persons, and victims of crime, continue to be deported.

In 2013 alone, this country spent more than \$18 billion on immigration enforcement, more than all other federal law enforcement agencies combined. Workplace and home invasion rates and the failure to legislate true -- true immigration reform have only served to exacerbate the damage caused by enforcement-only policies.

Policies that strengthen trust and cooperation between local law enforcement and all community members are essential for public safety. On the other hand, policies that would force local police to serve as immigration enforcement officers have very drastic consequences of reducing community safety as immigrants, family members of immigrants, and individuals perceived to be immigrants, fear interacting with police.

In these situations, community members become reluctant to report a crime that they have witnessed or even been a victim of, because they fear police officers will inquire about their immigration status, the immigration status of their family, of their friends, of their neighbors.

Local policies that foster safe and welcoming communities are in no way a free pass for any immigrant who violates the law. Everyone, including immigrants, remain accountable to our legal system.

However, policies that build trust between local law enforcement officials and community members are essential to the public safety. When all individuals can report dangerous situations and seek protection from violence without the fear of being deported and separated from their families, police can best protect everyone in the communities they deserve.

As this committee considers policy proposals, it is critical to not end up hurting intentional community-based policing efforts that are vital to communities across this country. Trust policies

and sanctuary policies promote the safety of all community members and encourage all victims and witnesses to report crimes.

I urge members of this committee to recognize the beneficial reasons behind these policies and the values that inspired them. We know firsthand that immigrants contribute economically to this country and are interwoven into the fabric of our communities.

They are our friends. They are our family, our congregation, our neighbors, our doctors, our librarians, cashiers at the stores where we shop, friendly faces, helping hands. Current deportation policies have destroyed many of their lives.

Why would our political leaders seek to separate more families, deport more of these community members and make more people afraid to interact with the police? I know that such proposals are not worthy of the spirit of welcome of this country and the American people, the resilience of the immigrant community, the wisdom our political leaders.

Thank you, Mr. Chairman. Thank you, Ranking Member Lofgren and all the members of this subcommittee for your time and your attention.

GOWDY:

Thank you, Bishop.

Ms. Root, I want to let you know that Senator Sasse is here in support of you and -- and your family.

With that, I would recognize the chairman of the full committee, the gentleman from Virginia, for his -- all right.

Well, then I will go to the ranking member of the subcommittee, the gentleman from Idaho, Mr. Labrador.

LABRADOR:

Thank you. I am deeply concerned and disheartened that immigration enforcement has been relegated to almost non-enforcement, that the Obama Administration has on numerous occasions taken unilateral action to strip Immigration and Customs Enforcement of the authority and discretion needed for it to serve its critical mission.

I was shocked, frankly, today by the contrast between Ms. Wilkerson's testimony -- thank you for being here today -- and Bishop Carcano's testimony. I -- I can't even put into words the pain that you must be going through. And to hear the testimony, with all due respect of Bishop Carcano, that this really took no consideration of the pain and suffering that you're going through, that Ms. Root you're going through.

And to put the needs and benefits of people that are here illegally ahead of people that are born in the United States, that are U.S. citizens, that have suffered like you have suffered, I -- I can't even put into words how disgusting it was, in my opinion. And -- and I say that with all due respect, but I -- I just -- it -- with -- if you saw the contrast that I saw, I think you would revise your -- your remarks before this committee.

I truly appreciate you both for being here today and applaud your courage for sharing your -- your stories.

Sheriff Jenkins, thank you for being here today. The numbers you presented on criminal gang activity are pretty staggering. I've been reading recently about MS-13 and some of the things that they're going through, and it's horrible what's happening to our nation.

What is the current status of gang activity in Frederick County schools today?

JENKINS:

Well, actually it's growing. Some of the problems that have started in the communities with the gang presence has now spread into our high schools, some of it into our middle schools. And again, one of the local high schools routinely fights between rival gangs. So that is -- the problem is bleeding into our school system.

LABRADOR:

In your opinion, is the 287(g) program in Frederick County making a positive impact in your community?

JENKINS:

Sir, absolutely. I -- I can't tell you, again, looking back not -- it's not about the numbers. Forget the numbers. Although we have placed 1,400 individuals who are in this country illegally and committed crimes in our county have been placed in removal proceedings. It's a solid program. It works.

There's no status of immigration checks on the street. Everything is done within our detention center. It's -- it's been a wonderful program. And I can't say enough about the oversight of the ICE field office and the agents that work with us day-to-day, and we basically serve them as a force multiplier. So it's been a great program.

LABRADOR:

Your testimony alluded to other jurisdictions not being as cooperative with federal immigration authorities. What do you believe is the impact in those counties and communities when no relationship exists between ICE and the local police or sheriff's department?

JENKINS:

I truly believe, and I know for a fact, again, I have regular conversations with the ICE field offices and ICE agents who oversee our program, and by the very virtue I know that the counties that surround us, and I won't name the counties, but that -- that alien criminal presence is increasing.

The gang presence is increasing. And the word -- listen, the word is out. They're neighboring counties, but they will not come to Frederick County for the fact that they know if they commit a crime there's a very good chance that if they're caught they're going to be removed. So in effect it's -- it's built -- built a virtual wall. So but the gang problem is growing in surrounding counties.

LABRADOR:

Thank you.

Bishop Carcano, is immigration enforcement a part of our legal system?

CARCANO:

Yes, it is.

LABRADOR:

Yet you state that everyone including immigrants remain accountable to our legal system, yet you oppose deportation policies, detainer policies and local cooperation with the federal immigration officials. So you don't actually believe that everyone should be accountable to our legal system, do you?

CARCANO:

I believe everyone should be accountable to our legal system. Local police departments are there for the safety of communities, and that should be their focus.

LABRADOR:

I -- I believe that Mr. Jenkins is making his community safer. Do you believe that ICE serves any legitimate public safety purposes at all?

CARCANO:

I believe that they have a specific responsibility to inform immigration policies in ways that are just and fair, not arbitrary.

LABRADOR:

But you -- you decide what just and fair means. Is that what you're saying?

CARCANO:

No, the law does.

LABRADOR:

I think it...

CARCANO:

The law does.

LABRADOR:

... wasn't just when Ms. Root and Ms. Wilkerson lost a -- their children because of our poor immigration policies.

CARCANO:

I agree that it was not just. It was violent and it was terrible. But we cannot scapegoat a whole community because of the actions of individuals.

LABRADOR:

Well, you know what? I keep hearing that and the problem is that law-abiding immigrants do not come out of the shadow -- do not need to come out of the shadows. If you come here legally to the United States you don't need to be in the shadows.

We have the best immigration system in the world. We welcome more immigrants than any country in the world. And frankly, because of you and people like you we are not fixing this problem and we're allowing this to happen.

And I think it's shameful and I think if you really care about your community you're going to help us fix this immigration system, not try to use excuses and call people who are trying to do this racist and -- and scapegoating. And...

CARCANO:

Across -- across this country...

LABRADOR:

... and with that I yield back my time.

CARCANO:

... across this country and around the world it's clear that our immigration policies are broken. I agree with you. We need to cooperate on fixing those broken immigration policies.

GOWDY:

The gentleman from Idaho yields back.

The chair would now recognize the gentle lady from California, Ms. Lofgren?

LOFGREN:

Before my questions I would like to ask unanimous consent to put in the record statements from the National Immigration Forum, the American Immigration Council, Church World Services, the Friends Committee on National Legislation, the Fair Immigration Reform Movement, the National Task Force to End Sexual and Domestic Violence Against Women, and the American Civil Liberties Union.

GOWDY:



Without objection.

LOFGREN:

It was impossible to listen to the mothers talk about their lost children and not just feel the anguish here. I mean, it's -- it's just heartbreaking to listen to your stories. And there is -- what happened was wrong. It was unjust and there's no way to make it unhappen. I am very moved by your comments.

I'm also struck by what I believe is an unfortunate statement by the gentleman from Idaho expressing disgust at a -- at a Methodist bishop.

I think that your prayers for these two mothers and their families and your straightforward statement was very helpful, because in law school they teach us bad cases make bad law. And to have a tragedy but then assume that the policy answers flow is sometimes a mistake.

And, you know, I have -- I was going to put in the record a newspaper article about a high school senior who came -- fled from El Salvador when he was a little boy, who was just admitted to Stanford, Yale and Harvard in -- in science. I mean, he was a little kid.

I remember when the children fled from Honduras, El Salvador and Guatemala I went down along with another -- not -- other members of the committee to visit the border and to see what was going on firsthand.

And I'll never forget going to the border stations one evening and the oldest child there was about 14. Most of the kids were seven, eight, nine years old, little -- little kids. And to listen to them it was -- there was a 3-year-old there how they all -- the only thing a 3-year-old could say was "Miami." No one knew where her mother was. And she was -- I think ended up in a foster family.

So obviously our hearts go out to those little kids. You know, they haven't suffered the way these mothers have, obviously, but those little kids had nothing to do with the murderers who -- who devastated these families.

And so I think it's important that we get the policy prescriptions right informed by these -- by these very important stories. And I do not kid myself that it is easy to come in front of a congressional committee and open your heart about that's happened to you and your family.

Nevertheless, we've got to figure out what to do. We're still appropriating about 4 percent of the amount that would be required to remove every person without their documents in the U.S. and there are plenty of people who are here who are not harmful to anyone. The question is we need to sort out the bad guys from the good and make sure that our country's interests are well-served.

And I'm wondering, Bishop, if you have taken a look at some of the policy prescriptions that have come out of this committee? The -- I think one of -- it might have been the chairman -- the chairman of the committee who mentioned H.R. 1148, the Michael Davis-Danny Oliver Law, or the H.R.

3009, the Sanctuary Cities Act, whether you've taken a look at those bills and whether you think that they would make our communities safer?

CARCANO:

I have taken a look at them. In fact, H.R. 1148 came out of some of the work from the office of Congressman Goodlatte. And I sat with a staff member of yours, Congressman Goodlatte, who described the work, some of the foundational work.

And having at that point been in -- still in Arizona serving as the bishop in Arizona, I was suddenly struck by the similarities with S.B. 1070. And I said to him it sounds just like S.B. 1070. And he said to me it is. We've just closed all the loopholes.

Well, S.B. 1070 and now H.R. 1148 is just -- it's just a nationalization of 1070. It -- it does racial profiling on -- on megawatts. It's -- it -- and gets police officers in local communities doing the work of ICE. It undermines the safety of communities in a national and big way.

H.R. 3009 to keep state and federal funding from communities that are trying to live together in peace, that are trying to provide safety for everyone, just does not help. It's a perpetuation of those kinds of things that have been happening for decades.

LOFGREN:

Bishop, I see my time has expired. So I thank all the witnesses and I yield back, Mr. Chairman.

GOWDY:

The gentle lady yields back.

The chair will now recognize Jeff -- the chairman of the full committee, the gentleman from Virginia, Mr. Goodlatte.

GOODLATTE:

Thank you, Mr. Chairman.

And Bishop, this is a perfect segue for me to pick up where you just left off. So in your testimony you talked about the irresponsible actions that led to the deaths of the son and daughter of Ms. Wilkerson and Ms. Root, right --irresponsible actions?

But isn't the violation of the law by illegally entering the United States or overstaying the amount of time that the United States government has granted permission to the individual to stay in the United States an irresponsible action as well?

CARCANO:

I wish it were that simple, Congressman.

GOODLATTE:

It's a yes or no question.

CARCANO:

No, it's not. I'm sorry that it's not. People who...

GOODLATTE:

Well, then tell me why it's not an irresponsible action...

CARCANO:

People who...

GOODLATTE:

... to violate the law and cross the border into this country illegally or knowing that in your passport you have a -- a document that allows you to stay here for a specified period of time and overstay that, why that's not an irresponsible action? Can't you at least...

CARCANO:

But...

GOODLATTE:

... concede that?

CARCANO:

It's a difference between moral and just laws. When families are...

GOODLATTE:

No.

CARCANO:

... having to -- to flee their places of residence because they can't be...

GOODLATTE:

So do people get to pick and choose which law they get to abide by?

CARCANO:

I believe...

GOODLATTE:

Is that what your philosophy is?

CARCANO:

That's not my philosophy, but it is my...

GOODLATTE:

Well, then -- then please...

CARCANO:

... philosophy that parents...

GOODLATTE:

... tell me why it's not an irresponsible action to violate the law?

CARCANO:

Because a parent has a responsibility to feed his or her children so that they don't die...

GOODLATTE:

But they can do that...

CARCANO:

... as well.

GOODLATTE:

... anywhere in the world that they're lawfully allowed to be, can they not?

CARCANO:

I've looked at Germany and the wonderful things that they've done to allow immigrants to come there who are fleeing...

GOODLATTE:

Then...

CARCANO:

... from persecution...

GOODLATTE:

... then that's...

CARCANO:

... and sure death.

GOODLATTE:

... just fine for the people of Germany, but the people of the United States have a set of laws on the books and it's irresponsible for people to not abide by those laws.

And the consequence of that irresponsibility is the death of people. And it is not possible for anyone in this country to know which unaccompanied minor or which individual who comes across that border illegally or overstays their visa is going to be the person who results in the death of people who are simply going about their lives. They're in the wrong place at the wrong time and it's irresponsible for them to not abide by our laws.

Now, let me ask you a question. Do you...

CARCANO:

It is irresponsible to allow...

GOODLATTE:

... let me...

CARCANO:

... children to die. It is irresponsible to...

GOODLATTE:

Of course it's irresponsible to allow children to die.

CARCANO:

... have them (inaudible) twice.

GOODLATTE:

That's why it's irresponsible to allow them to come accompanied by gang members, accompanied by drug smugglers, accompanied by organized criminals to bring them all the way from Central America through Mexico to our border. That's irresponsible.

Do you believe that those who knowingly enter the U.S. unlawfully and commit crimes, never mind that it's a crime itself to cross the border illegally, but if they knowingly commit crimes should they be removed?

CARCANO:

Criminal elements should be removed. But that's not what's happening here. Families, hard-working families who are contributing...

GOODLATTE:

There are over 250,000...

CARCANO:

... to this society are helping...

GOODLATTE:

... people who have been convicted -- convicted of crimes in the United States who were already unlawfully present in the United States. Should they be removed? 250,000 who have been convicted of crimes, should they be removed by this administration?

CARCANO:

This administration needs to continue to focus on reforming broken immigration laws that do not allow...

GOODLATTE:

Well, what...

CARCANO:

... ICE and do not allow local police officers...

GOODLATTE:

... a great place to start would be to enforce the other laws of...

CARCANO:

... to do their...

GOODLATTE:

... this country because the crimes against murder, the crimes against rape, the crimes against armed robbery, the crimes against child abuse, those are not crimes that are written on our books that depend upon whether somebody's here illegally or legally or whether they're a citizen of the United States or not a citizen of the United States.

And all I'm asking you is if you're not supposed to be here in the first place and you commit one of those crimes, why should you not be removed from the United States?

CARCANO:

I would say address the law with the criminals, but don't undermine the fabric of families who are simply working, helping this country...

GOODLATTE:

What are you doing...

CARCANO:

... to do all that it needs to do.

GOODLATTE:

Let me ask you this. What is your church doing to discourage people from coming to the United States illegally and staying in the United States illegally?

CARCANO:



Well, first of all, we are working to welcome everyone.

GOODLATTE:

Well, that is very concerning to me.

CARCANO:

We are working...

GOODLATTE:

So you're -- so you're essentially aiding and abetting people who are violating the laws of our country?

CARCANO:

We do not ask people their immigration status when we...

GOODLATTE:

Why not?

CARCANO:

... find them hungry. Because that's not our work.

GOODLATTE:

You can help them in Central America. You could help them in whatever country they're from just as easily as you can help them here. But your philosophy is -- goes beyond that, doesn't it? You think that they should be welcomed in the United States regardless of their status?

CARCANO:

Immigrants want to stay home. They're not able to stay home because we've undermined their economies. We have raised their...

GOODLATTE:

The United States -- the population of the United States is about 5 percent of the world population. Ninety-five percent of the people in the world do not live in the United States and do not have a legal right to be in the United States.

Are you suggesting that because the United States is one of the more successful economies in the world that we should welcome all of those people to the United States because they can't take care of themselves at home?

CARCANO:

I would -- I would restate that most immigrants want to stay home. But they can't feed their families. We're talking about Central Americans. Central Americans have come here because we've been involved in their economies in disastrous ways. We've been involved in their politics in ways that have undermined their countries and left their societies in shambles and in poverty.

GOODLATTE:

And so we should...

CARCANO:

You asked me if our church...

GOODLATTE:

... bring them here?

CARCANO:

... is doing anything. We are indeed working very hard in Honduras, particularly, to set up job training, to provide counsel for (inaudible).

GOODLATTE:

And while you're there are you telling people don't make the dangerous, arduous journey to the United States because it's the wrong thing to do and you could harm yourself or your children?

CARCANO:

We tell them how cruel the road is and how cruel immigration policies in the United States are as well.

GOODLATTE:

Good. Thank you.

Mr. Chairman, I yield back.

GOWDY:

The gentleman from Virginia yields back.

The chair will now recognize the gentleman from Michigan, ranking member of the full committee, Mr. Conyers.

CONYERS:

Thank you, Chairman. This has been a deeply painful hearing for others in -- in addition to our two mothers that are -- are here before us. And what I want to get to directly, Bishop Carcano, is what kind of immigration policies would you like to see changed in this country?

CARCANO:

I believe that we need laws that reunify families. We've got families that are divided and separated because of our present immigration policies. Documented and undocumented families are separated.

Secondly, we do need to address giving some status to the 12 million who are here already, working hard in our communities, contributing to this country.

I believe that we also need to bring to bear labor laws so that immigrants, documented and undocumented are also treated with justice, with dignity and with respect. We need to look at laws that consider the economic needs of this country. Many of these immigrants are here because they've been drawn and recruited by companies who need them.

Planters in -- in Yuma are growing cabbage and need the workers to come and help them. The tourist industry in Nevada, the crops in California, the dairies in Wisconsin, they are recruiting these workers because they don't have enough workers.

Policies, laws that take into consideration our economic needs and fairly treats workers that are brought here or encouraged to come here as immigrants. Those are the kinds of things that are needed.

CONYERS:

Now, the committee recognizes the complexity of this issue before us, and we are going to have a hearing continuing this subject where the director of ICE will be present. So if anybody thinks that this is just a -- a little passage that will be ended after this hearing, I want to make it clear that there is agreement on both sides of the aisle on this committee that we have Director Saldana come before the committee.

And we're going to go into many of the questions. I'm sure they're -- they're getting ready for them now.

And so I want to ask everybody else on the committee the same question. Is there anything in particular we want to see because my impression now is that we've got -- the -- the laws are -- there isn't anything wrong with the laws, but they're not being enforced properly. Is that your impression as well?

WILKERSON:

That is my impression.

CONYERS:

Yes. Mine as well. But does everybody -- is there...

JENKINS:

Well, my -- my opinion is it's not really that complex. The -- the very simple laws are on the book. The funding is there for the laws to be enforced. I think to extent -- to the extent that local law enforcement can support and cooperate with ICE, again, I think it -- it would be helpful to every community out there.

Again, when you look at the alien crimes from -- from coast to coast, you look at the increasing criminal gang activity in this country, absolutely it's not a very complex problem. It's enforce the laws that are on the books.

CONYERS:

All right. I appreciate that. Would -- would you care to comment?

WILKERSON:

I would agree. Enforce the laws that are here. We talk about making new ones. It's regardless. If you're not going to enforce them why do we have them? If I can expand just a little bit, you know, or respond to just a little bit.

If this is about God, you know, God's the creator of boundaries. And when you have no boundaries in your own families, in your own city, in your own state, in your own country, you have chaos. It's mass chaos.

You know, close the border, assess what's here and then decide what to do. What I'm hearing from you is that we have messed up other countries' laws and we owe them something so we're allowing them to come here. That's what I hear from you and I -- I just couldn't disagree more.

I don't know why I was born here and someone else, you know -- but if you're going to include God in this, you know, bloom where you're planted. Put the energy into where you are. I -- I just - - is such a disagreement with you about that. This is not about loving or hating anyone.

I don't want to hurt anyone. I don't want anyone to hurt. But also I'm not going to put my kid in harm's way so that they can have more money. I'm sorry. I won't do it. I would beg and borrow to feed my kids. I would not steal, cheat to keep -- feed my kids. That's what I would do.

CONYERS:

My -- my last question in a few seconds is this. Have we fallen into the feeling or viewpoint that the immigrant community is primarily comprised of criminals, rapists and other undesirable elements? Because it's very easy for that attitude to grow.

Bishop, I'd -- I'd like you to start off with that and anybody else that would want to weigh in, I'd love to hear.

JENKINS:

I would like to address that. That is a...

CONYERS:

Well -- well, wait a minute. I want to start off with the Bishop and we'll go down this way.

GOWDY:

The gentleman is out of time, but I will allow you to answer the question.

CONYERS:

Thank you.

CARCANO:

That -- that kind of language just fosters racism, hatred, division in our communities. It's not accurate. Immigrants aren't any more criminal -- of a criminal mind than native born. And we divide our communities and undermine any possibility of being fruitful communities and safe communities.

CONYERS:

Yes, ma'am, would you care to respond?

WILKERSON:

I don't -- I think the majority of people that are here are not rapists and murders. I believe there's a lot of good- meaning, hard-working people in this country who cannot let go of the fact that if they have not come in the front door they are illegal already. Period.

There is no discussion. Period. They need to adhere to the law about that. There's just no discussion. You can't pick and choose that.

I agree there's probably more hard-working people here than there are criminals. I don't believe all immigrants are criminals by any means. I don't believe it's because of where they're from, their race or -- or -- or such.

But so -- and I don't even think that's what Mr. Trump said, and I -- I know that's what everybody's -- wants to go to, but I do believe he was able to stand up and speak the truth about, you know, there are rapists here. There are criminals here, and they're here illegally.

So everyone that's here that didn't come in the front door has committed a crime. There's no way around it. You can't backtrack. If you want to change that law, change that law, but you can't backtrack over it.

I mean, I can't teach my kids, well, you need to follow most of the rules, but these two are up for grabs. It doesn't work like that.

CONYERS:

And we don't want to change that law here I can -- I can assure you.

GOWDY:

The gentleman from Michigan yields back. Before I go to the gentleman from Texas I'd be -- I just can't help but note to the former chairman that the gentleman from Michigan just rebuked the use of generalities in discussing groups not two minutes after the Democrat witness just advocated for citizenship for all 12 million, as if all 12 million are homogeneous and can all pass a background check.

So with all due respect, it works both ways. If you're not going to overly characterize this group, then for God's sake don't overly characterize this group as all 12 million being worthy of citizenship.

And with that, I would go to the gentleman from Texas.

SMITH:

Thank you, Mr. Chairman. I also want to say that your earlier opening statement is one of the best I've heard, and I appreciate your comments.

As I understand it, over a recent three-year period the administration has released back into our communities over 100,000 criminal aliens. These are individuals who have been arrested and incarcerated for crimes.

These individuals subsequently committed thousands of other crimes, many individuals were murdered. Many individuals were injured. Other individuals lost their property. And in fact, when you look at the statistics just looking at murders, for example, illegal immigrants comprise about 3 percent of our population but commit roughly 30 percent of the murders.

So an illegal immigrant in our country is about 10 times more likely to commit that serious crime than other individuals who reside in the United States.

And quite frankly, all this makes me wonder if President Obama might be an accessory to the crimes committed by illegal immigrants since he intentionally implemented policies that he knows are going to result in the murder and loss of life and injury to innocent Americans.

And I simply say...

LOFGREN (?):

Mr. Chairman? Mr. Chairman? I -- a parliamentary inquiry. It is against the committee rules to...

SMITH:

I specifically chose...

LOFGREN (?):

... to charge the president with a crime.

SMITH:

OK. I specifically chose my language the way I did, and it was a rhetorical question. I said "I wonder" and I said "if he might." So I picked those words carefully.

Let me resume my questioning, Mr. Chairman. Thank you.

I'd like to ask Ms. Root and Ms. Wilkerson what they would say to President Obama if he were in this room today at the table with them and said what do you think about my immigration policies? What would you say to the president, Ms. Root first?

ROOT:

I would like to ask him if this was one of his children, he only has two as I do, if he would still agree with this law?

SMITH:

OK. And Ms. Wilkerson?

WILKERSON:

I would just have to tell him that what he's -- what his agenda was he's accomplished by opening borders and letting it wide open. I think that was his agenda and it's been accomplished by not following the laws.



You see, the boundaries that I talked about just a minute ago right here, we have boundaries around this meeting about what you can and cannot say. There are boundaries around everything. Do you lock your door at home? Do you lock your car? There are boundaries.

What -- to open the border like it is right now, and it is wide open, is chaos for this country. It's chaos for it. We need to know who's here for safety. We do.

In this age of terrorism we need to know who's here. It's not 50 years ago when people wandered across the border to work a hard day and then go back home. It's a different time and period.

SMITH:

And -- and if you will, Sheriff Jenkins, what would you say to the president about the results of his policies? And let me thank you, too, for your testimony. It was forthright. It was honest and candid and we appreciate that.

JENKINS:

Thank you, sir. I would tell the president he is absolutely doing a disservice to American citizens. He's also doing a disservice to the immigrant community because I can tell you a large part of the criminal acts that are -- that occur by criminal aliens and -- and gang members occur within those immigrant communities.

So he is creating a -- a, if you will, a pool of victims out there by not enforcing the laws to the extent we can.

SMITH:

OK. Thank you, Sheriff.

Bishop Carcano, a question for you, and that is these criminal immigrants who have been apprehended, arrested and incarcerated, should they be released back into our communities or should they be deported?

CARCANO:

I don't know the individual cases.

SMITH:

No, no, I'm...

CARCANO:

The law...

SMITH:

... just talking as a general matter should, again, criminal aliens be released back in our communities where a certain percentage will commit additional crimes or they should -- should they be sent home?

CARCANO:

I believe criminals should be treated under the fullness of the law, and -- and...

SMITH:

And so they -- and so no, is that...

CARCANO:

... they should be determined according to the law.

SMITH:

And so they should be deported?

CARCANO:

It's under the law.

SMITH:

OK. I agree with you. The administration disagrees with both of us, but I certainly agree with you they should be deported.

Thank you, Mr. Chairman. I yield back.

GOWDY:

The gentleman from Texas yields back.

The chair would now recognize the gentleman from Iowa, Mr. King.

KING:

Thank you, Mr. Chairman. This has been one of the more difficult -- has been one of the more difficult hearings I have set through. And it brings me back to some of the earlier hearings I heard from in this room and my thoughts about the testimony that I would hear about those who perished in their attempt to get into America across the Arizona desert.

And as I contemplated the banks of witnesses we heard testify to that human tragedy, it began to occur to me how many Americans died at the hands of those who did make it across the desert.

And Bishop, sitting in your chair was a witness who was former INS named Mike Cutler. As I asked the witnesses that question it came to him as the last of the four to answer the question and he said, "I don't know the answer to that, but I can tell you it will be in multiples of the victims of September 11th."

And that sparked something in me that brought about the request for what turned into two GAO studies. And to get apples-to-apples out of this federal government is a difficult thing to do, but we learned about the percentage of criminal aliens in our federal prisons, 27 percent to 28 percent, some numbers higher than that.

We learned of the -- we all learned that Mike Cutler was right, that it is in the multiples of victims of September 11th. Here we're looking at the tragedy. The tragedy that we're -- we're hearing from two mothers here today that have the strongest heart to be able to testify to the worst agony that a person could go through in a lifetime.

And when I see these stories, and I regret we have not yet met, Ms. Root, that hit me very hard when it finally came to me. There in my backyard was another tragedy that I've been struggling here on this committee for years to try to prevent and right in the backyard.

And you know that I've been across the river to help out in Omaha when we've had these kind of tragedies, and now I learn in your testimony that another one took place while you were here. And Laura, this is at least your second time to testify before the committee, and I know we did an event in Richmond, Virginia. I think that's where I first met you.

The depth of your faith to go to the -- to go to jail and forgive the murderous perpetrator that killed your son, that's -- that's equivalent to the nine families that stepped up to the pulpit in South Carolina and forgave the murderer there.

It is -- and when you said that God is the creator of boundaries, I don't know if anybody else in this room or panel knows what you're referring to, but I believe it was Saint Paul's sermon on Mars Hill in "Acts" when he said, "And God made all nations on earth and he decided when and where each nation would be." That's some of the boundaries that you're talking about that God lays out for us. And we're obligated to follow them.

I listened to the opening statement of the gentle lady from California. One of the first things she did was to criticize our witness Sheriff Jenkins for profiling. I grew up in a law enforcement family. If you've got gray hair and you've enforced the law, you have profiled, and you by golly better profile.

There are lives saved by profiling legitimately, not discriminating against people, but being wise enough to know there are certain people you pay attention to and other people that you don't. And I'd put into the record, Sheriff Jenkins, you have likely saved many lives over your career because of good judgment, and included in that good judgment is profiling. Would that be correct?

JENKINS:

I would say that's probably accurate, yes, sir.

KING:

And I would thank you.

And then I'd turn to Ms. Root, and I want to, again, express the -- the sympathies of this panel, but each of you here will know that it takes the president of the United States to take care that the laws be faithfully executed.

And when he tells us he doesn't have the authority to grant his administrative amnesty 22 times and he sets forth and does it anyway, and now the Supreme Court is hearing an argument that somehow the president can create vast groups of people that include millions of people and then - - and then grant them a -- at least a temporary amnesty until we get a president who will take his oath of office, that this heartache that we live under.

This Congress hasn't had the will to shut off the funding to the president's golf cart or Air Force One in order to ensure that he enforce immigration laws. And I don't know that we can get this fixed in any time without a new president.

But I just -- I just ask if there's anything left that you'd like to say into this record, Ms. Root? I'm - - I'm so sympathetic to what you're able to do here, and -- and let the record show that when Ms. - - declined and I'd move to Ms. Wilkerson. And I'd ask if you could add anymore to your testimony here today?

WILKERSON:

Thank you. I just want to say that it's -- it's not about loving or unloving people. It's not about it at all. It's about following the laws. We have to have the boundaries. Everyone knows that's sitting here that if you don't have boundaries it's chaos.

You don't allow your children to run your household or you'd have chaos. And -- and I don't understand why people can't understand a country with no borders is not a country. You might as well just call us the world. We're the world because it's -- you know, if we have no borders we're not the United States of America. Who are we? We don't know. We really don't know.

KING:

And I -- and I thank you and I'd just ask a very quick question from Sheriff Jenkins. Fourteen hundred placed in the removal proceedings in cooperation with ICE. How many were actually deported?

JENKINS:

That, sir, I don't have the number. That -- we never really know the number because it's on a case-by-case basis.

KING:

That's what I thought. Thank you.

I thank the chairman and I yield back.

GOWDY:

The gentleman from Iowa yields back.

The chair would now recognize the gentleman from Texas, the former United States attorney Mr. Ratcliffe.

RATCLIFFE:

Thank you, Mr. Chairman. I want to thank all the witnesses for being here today, specifically Ms. Wilkerson and Ms. Root. Thank you for being here. Your testimony really provides living proof

that lawlessness with respect to our immigration laws in this country is having devastating consequences.

You know, we all trust that we're safe because we have brave law enforcement men and women patrolling our streets day and night to make sure that people obey the law. But then when our own government tells law enforcement that certain laws are not to be enforced, American families suffer, a point that is all too clearly and painfully illustrated by the heartbreaking losses that you have both experienced.

Ms. Wilkerson, as I read your testimony last night and then heard it again today, I was frankly embarrassed to be part of the legislative body that has done so little since 2010, since Joshua's tragic death. And, you know, while I can tell you that I -- that your -- your testimony today was compelling and motivating, I don't want to offer you any hollow promises.

But what I do hope that you'll take away, and Ms. Root as well, is that your testimony and being here does make a difference, can make a difference.

And I'm -- to that point, Ms. Root, I want you -- you'd have no reason to know this, but Sarah's death has been on my mind a lot recently because it was a little over two weeks ago that a fire captain in my district in Nevada, Texas named Peter Hacking was driving a car, two children in the car, 4-year-old Ellie and 22-month-old Grayson, and they were killed.

They were killed when an illegal alien, who had previously been deported, swerved from a northbound lane into the southbound lane where they were, struck Mr. Hacking's car and killed all three of them.

Now, that individual, Margarito Quintero, had entered the United States illegally in 2006, had been arrested on criminal charges and had been deported only to return. And so it was in the course of researching whether I could do anything to make sure that the Hacking family received justice I came across Sarah's story.

And her story is what prompted me to personally call the ICE Director Sarah Saldana and ask her to place an immigration detainer on Mr. Quintero. Her story is what prompted me to call the U.S. attorney and ask that the Department of Justice prosecute Mr. Quintero for illegal re-entry.

Now, you know, here's someone who entered the country illegally and been arrested on criminal charges, been deported, again entered the country illegally and yet here I was begging ICE to intervene, begging it to do its job. But because of your family's experience I knew that there was a chance that ICE might refuse to act.

But I also believed that because of the attention that Sarah's story has brought to this issue and the suffering that has been caused by this administration's lawless policies, I'm happy to report that ICE did intervene in Mr. Hacking's case. And he is going to be prosecuted federally.

You know, the fact that -- that I had to ask ICE to do its job and -- and the fact that that action in and of itself became a news story in my district, really says a lot about the lowly state of affairs as

does the fact that yesterday our Supreme Court had to weigh in on this issue. I think it really speaks to the dysfunctional place where we find ourselves.

You know, Ms. Wilkerson, Ms. Root, it -- you're -- you're both right. It shouldn't take personal pleas from a member of Congress to make this administration enforce laws that are already on the books.

As Chairman Gowdy said so well in his opening where he talked about families being torn apart by illegal immigration in this country, it's families like yours that we should be talking about. Families like yours shouldn't have to endure the pain and suffering that you're experiencing. It is unnecessary and I'm sorry for it.

The questions that I have for you have been asked by my colleagues up here already, and so I just thank you again for being here. and I hope that you know that your testimony and Sarah's and Joshua's stories are making a difference. Thank you.

And I yield back.

GOWDY:

The gentleman from Texas yields back.

The chair will now recognize the gentleman from Colorado, the former district attorney, Mr. Buck.

BUCK:

Thank you, Mr. Chairman.

Bishop Jenkins (sic), I -- I spent 25 years as a federal prosecutor and then a district attorney, and wanted to talk to you about a disturbing trend that I've seen in -- in the last seven years in -- in law enforcement.

I have prosecuted aggravated re-entry cases as a federal prosecutor. I have also worked with the feds in local law enforcement, and we had a program in Northern Colorado where an ICE agent would ride along with a -- a police officer assigned to the gang unit and they would go to the scene of crimes and they would interview people.

And the ICE agent would identify tattoos and other indicators of -- of gang affiliation and the federal government would intervene and prosecute individuals who were gang members accused of crimes.

That program ended seven years ago. Have you had any similar experience with cooperation between the Feds and -- and -- and your -- your county's sheriff's office or police departments that has also needed in the recent past?

JENKINS:

Well actually, the cooperation between ICE currently and our agency is excellent. I can't -- I have no complaints, no criticisms. Actually everything works out of our detention center. We also gain a lot of intelligence off the street about gang -- gang activity, gang affiliations.

We don't have the program where ICE actually rides along with us with actual oversight, direct oversight of the program. So again, the detention center is a choke point for everything.

You know, we ask two simple questions on arrest. And everybody that's arrested in Frederick County, regardless of the crime, the ethnicity, the race, the gender, whatever, everybody is asked two very simple questions.

What country are you citizen -- are -- are you a citizen of and where were you born? Any answer other than the United States of America kicks off an investigation into their immigration status. And we would ask the same of anybody in this room.

So that's where the program lies. That's where the effectiveness is. And so you can't say it's unfair. You can't say it's profiling or discriminatory.

BUCK:

You -- you took away my next question. I was going to ask you about profiling. Those -- those are race, ethnicity neutral question that are asked in every detention center, to my knowledge, in the country.

JENKINS:

Right. It -- very honestly the -- the argument for those who want nothing done is that we're profiling. It doesn't happen. I would even refute the Honorable Ms. Lofgren from California when you brought up some -- some supposed facts about the case of -- of the young lady that was supposedly eating.

That arrest had absolutely nothing to do with our program. Those were two police officers doing their job. And as they drove up to this woman she got up for no apparent reason and just ran. Now -- now, that sounds -- throws up a red flag for law enforcement. These guys were police officers doing their job, simply thought there was a concern.

You know, why are you getting up and running? What were you doing? They have the right to ask her name and identity, her date of birth. Once they did that they determined there was a warrant for her arrest. They took her into custody the same as any other law enforcement officer...



BUCK:

Sheriff, I'm going to redirect your attention to me as...

JENKINS:

Oh, OK.

BUCK:

... opposed to Ms. Lofgren.

JENKINS:

I'm sorry, sir.

LOFGREN:

Would -- would the gentleman allow me just to respond at -- briefly...

BUCK:

Sure.

LOFGREN:

... since my name was -- I was just quoting the 2012 decision of the U.S. District Court in Maryland. You know, it wasn't my opinion...

JENKINS:

No, I -- I...

LOFGREN:

... what the court said.

JENKINS:

... I'm sorry. I'm sorry if I inferred that.

BUCK:

What happens after you ask those two neutral questions that you identified? What happens then in your detention facility?

JENKINS:

If we determine that they're in the country illegally and they have committed a crime...

BUCK:

No, no, no. You haven't determined that yet. You've just determined an answer. They've given you an answer.

JENKINS:

Yeah, they've given us the answer.

BUCK:

I -- I was not born in this country, for example?

JENKINS:

That's correct.

BUCK:

If that answer -- if you get that answer or one of your deputies gets that answer what do they do at that point?

JENKINS:

We launch our -- our check into their immigration status right there in the detention center.

BUCK:

So you notify ICE at that time?

JENKINS:

We do. Actually ICE is in our facility for the most part every day of the week during most day shifts. And again, if they're not there to answer the question they have immediate direct contact. And I'll tell you, we have access to all the ICE databases.

So we in effect do those checks. We prepare the detainers and the paperwork and do the holds for ICE.

BUCK:

So you're not saying based on the color of this person's skin we believe we should refer to ICE? You're not saying based on the language that this person speaks we should refer to ICE? You're saying based on an answer to a question that we ask everybody that is arrested and detained in our facility we're -- based on that we are deferring -- we are referring this person to ICE?

JENKINS:

If they're in fact we determine they're in the country illegally, yes, sir.

BUCK:

Now, based on the identity theft that we've all seen in -- in this country because of illegal immigration, does ICE go by the name that's presented to them or do they actually use some indicator like a thumb print or some biometric measure?

JENKINS:

They actually also use biometrics, yes, sir.

BUCK:

OK. And that -- that identifies them for ICE's database and ICE can determine whether they're in this country legally or illegally. You're not the one making that determination.

JENKINS:

No, we're not.

BUCK:

OK.

I yield back. Thank you, Mr. Chairman.

GOWDY:

The gentleman from Colorado yields back.

The chair will now recognize himself for his questioning.

Bishop, you decried the use of generalities in describing the immigrant population right before you then used a generality of 12 million. You repeated the same talking points straight out of the DNC., 12 million aspiring citizens.

I'm assuming that you were not counting the killer of Ms. Wilkerson's son in that 12 million?

CARCANO:

I'm not understanding your question.

GOWDY:

Well, you said there was 12 million aspiring Americans here, and -- and my point is all 12 million aren't aspiring and all 12 million couldn't pass any background check, even one by the ACLU or a criminal defense attorney. Surely you're not including the person that killed her son in the 12 million aspiring Americans?

CARCANO:

I'm not sure that I used the term "aspiring Americans."

GOWDY:

Well, you said 12 million. You -- you spoke...

CARCANO:

I spoke...

GOWDY:

... as if the entire population is deserving of citizenship. That's precisely what you said.

CARCANO:

I do believe that the 12 million who are here need to be considered for a pathway to citizenship.

GOWDY:

How about the one that killed her son?

CARCANO:

... to citizenship.

GOWDY:

How about the one that killed her son?

CARCANO:

He's a criminal. I hope he's been dealt with as a criminal, but that's not...

GOWDY:

So it's 12 million minus one.

CARCANO:

... that's not the whole community.

GOWDY:

How about the one that killed...

CARCANO:

... community. Again...

GOWDY:

It's 12 million minus one.

CARCANO:

... again, that's a criminal.

GOWDY:

How about the one that killed Ms. -- Ms. Root's daughter?

CARCANO:

That's a criminal case.

GOWDY:

All right.

CARCANO:

And we're talking about immigrants...

GOWDY:

So that's 12 million minus the two.

CARCANO:

... policy.

GOWDY:

How about the gang members in -- in Sheriff Jenkins' jurisdiction?

CARCANO:

If we're talking about safety in our communities, then let's talk about...

GOWDY:

How about the gang members...

CARCANO:

... safety in our communities.

GOWDY:

... in Sheriff Jenkins' jurisdiction? Are those part of the 12 million with which you made reference?

CARCANO:

I do not know. What I do know...

GOWDY:

You don't know whether or not a gang member should be included in a path to citizenship?

CARCANO:

What I do know is that our communities deserve greater safety. And it's not going to happen...

GOWDY:

No, ma'am. I'll tell -- I -- I...

CARCANO:

... when we pit victims against...

GOWDY:

I'd just respectfully...

CARCANO:

... victims.

GOWDY:

... disagree with you, Bishop. American citizens should not be victimized by crime. I think we can agree with that. And American citizens should not have to wait until someone who is not here legally commits another crime before we decide to get serious about enforcing our immigration laws.

So my question to you is this. Of the 12 million, if that number is right, minusing the one that killed Ms. Wilkerson's son, minus the one that killed Ms. Root's daughter, minus the gang members, minus the 300,000 that have already been adjudicated to have committed another criminal offense, how would you go about identifying the good ones from the bad ones?

CARCANO:

The way we identify good ones from the bad ones every single day...

GOWDY:



Well...

CARCANO:

... by looking at their character, by seeing how they're (inaudible)...

GOWDY:

Well, how are we supposed to do that if we don't even know who they are, Bishop?

CARCANO:

Well, we won't know who they are if we continue to treat them the way we're treating the (inaudible)...

GOWDY:

No, no, no, no, no. There's a way to know. There's a -- but -- but you just said you don't like the way that we've chosen to do it. You don't want local law enforcement.

CARCANO:

No. I don't. I do not think that that is a helpful way.

GOWDY:

Well, let me ask you this, Bishop.

CARCANO:

Immigrant communities want to help, want to keep their communities safe...

GOWDY:

Why don't you...

CARCANO:

... but they won't come forward if they think that they're going to get -- be picked up by ICE.

GOWDY:

Oh, no, we...

CARCANO:

It's going to threaten their lives.

GOWDY:

No, we -- we saw a perfect example...

CARCANO:

If their children are going to be left behind.

GOWDY:

It's going to be really tough for the court reporter if you continue to talk while I'm asking questions. She's got a tough enough job. So how about we just agree to go one at a time, OK?

How about Kate Steinle's murder in San Francisco? That's a sanctuary city. You -- you wrote an op-ed on it. Do you remember that?

CARCANO:

I did.

GOWDY:

And you advocated for policies that prevent gun violence. Do you remember writing that?

CARCANO:

Yes.

GOWDY:

We have some of those policies. In fact, we call them laws. There's a law against shooting someone on a pier who's walking beside her father. We already have that law.

We already have a law where convicted felons can't purchase or possess firearms. Do you know that Kate Steinle's killer was a convicted felon?

CARCANO:

Yes.

GOWDY:

We all -- we also have a law that if you're not here legally, either overstayed a visa or crossed the border without permission, that you cannot legally possess or purchase a firearm. Did you know that was already...

CARCANO:

Yes.

GOWDY:

... a law? So what -- what policies are you advocating for that would have saved Kate Steinle's life in addition to the ones we already have?

CARCANO:

That's a very tragic situation. But you cannot blame all immigrants, documented...

GOWDY:

And I -- I'm -- I'm not.

CARCANO:

... or undocumented...

GOWDY:

I'm just blaming the one that shot her.

CARCANO:

... for the action of one person.

GOWDY:

No, no, no, no. No.

CARCANO:

And that's what you are doing.

GOWDY:

Your approach is to wait until the murder and then do the deportation.

CARCANO:

No.

GOWDY:

And -- and my approach is try to have as few body bags as we can possibly have, try to identify those that are not aspiring citizens before they kill somebody's son or daughter or daughter in San Francisco. And that's my objective, to identify them before the crime.

So my question to you is how are you going to do that?

CARCANO:

I would argue that we need trust policies where immigrants, documented and undocumented can come forth to report crimes and to report when they, too, have been victims of crimes without the fear of being deported.

We need that kind of trust. Otherwise these...

GOWDY:

You know what? I...

CARCANO:

... families will not come forth. Immigrants do not want gangs in this country or in their communities. Many of them are...

GOWDY:

You know, listen, I -- you don't hear me talking in generalities...

CARCANO:

... (inaudible) those things.

GOWDY:

... Bishop. That was you that did that. I made a point in my opening of saying that we shouldn't be talking to generalities. I do find it bitterly ironic that you are talking about trust among the immigrant community and you don't even trust local law enforcement to enforce our immigration laws. I find that richly ironic.

Why don't you trust local law enforcement to enforce our immigration laws?

CARCANO:

I do not trust the procedures and policies under which we are expecting governance and policing to happen in our community.

GOWDY:

Well -- well, Bishop, you trust them in murder cases. You trust them in child sex abuse cases. You trust them in narcotics cases. You trust them in kidnapping cases. You trust them in traffic violation cases. You trust them in every category of crime except you just don't want the sheriff enforcing immigration laws.

And yet you want to talk about building trust with the law enforcement community? And you don't trust him to enforce immigration laws even though you trust him to enforce every other category? And you want to talk about trust. Did I hear you right?

CARCANO:

I want to talk -- talk about trust policies, yes.

GOWDY:

No. Well, I want to talk about the law. I -- I want to talk about the law. You said that we're a nation of immigrants. That may be true. We're also a nation of laws.

And the ability to pick and choose the ones that you want based on political expediency or your view of theology is going to undermine this republic very quickly. And as a result we'll have more panels with more moms.

CARCANO:

Laws of this country change when we realize that they're immoral or unjust.

GOWDY:

Well, then you can run for Congress and change the law. but as it stands right now, we're going to enforce it. If you don't like the law you can change it, but what you can't do is just selectively decide which ones you want to enforce and which ones you don't, because that's called anarchy.

CARCANO:

Congressman, we have broken immigration policies. That's what needs to be addressed.

GOWDY:

OK. But you just sat there and listed all the laws that we've passed to try to address it and you didn't like a single one of them. You didn't like the law. You didn't like the law in -- empowering local law enforcement. You don't like the fact that we would deny federal funding to sanctuary cities that harbor people like the man who killed Kate Steinle.

So it's not a question of passing laws, Bishop, with all due respect. It's a question of passing laws you like.

CARCANO:

The question of passing laws that are just...

GOWDY:

All right. And -- and if there's anything more relative in the world than the word "just," I don't know what it is. So rather than aspire to justice I'm just going to aspire that we actually enforce the law because that is the community's manifestation of justice.

We take what we think about justice and mercy and then we codify it in something we call the law. And by the way, Bishop, these aspiring citizens that you talk about, the 12 million minus one, two, God knows how many, in their oath of citizenship there are a half dozen references to the law -- a half dozen references to the law in the oath that we expect new citizens to take.

I think it would be a really neat idea if we actually enforced the law so that the citizenship oath actually had a little bit of meaning, because right now it doesn't seem to.

With that, let me see...

LOFGREN:

Mr. Speaker?

GOWDY:

Yes, ma'am?

LOFGREN:

I would ask unanimous -- and in speaking of the law, I would like unanimous consent to place in the record the case of Santos v. Frederick County Board of Supervisor -- Commissioners on the Fourth Circuit outlining the violation of law committed by the Frederick County Sheriff, Charles Jenkins.

GOWDY:

Well, I'm happy to grant unanimous consent. Does the opinion say that Sheriff Jenkins violated the law or does it cite some decision made by an officer in his department?

LOFGREN:

It actually, I believe, it is the sheriff, but it's 38 pages long and you can read it yourself.

GOWDY:

Well, I'm a slow reader. I don't know if that I can do it, but I -- just want to be fair. And I know the gentle lady from California is always fair.

LOFGREN:

I'm always trying to be fair.

GOWDY:

I know you are, and -- and -- and people can read the opinion for what it...

LOFGREN:

Let -- let me...

GOWDY:

... for what it says.

LOFGREN:

Retract my words and ask unanimous consent to place the decision in the record.

GOWDY:

Without objection.

With that, I want to thank the members and our witnesses. Appreciate the perspective that each of you have loaned to the committee.

Again, not singling out any witnesses, but special condolences on beside -- on behalf of everyone, no matter where they sit on this dais, for the two mothers in the loss of their children.



With that, any members who have additional statements or questions or make it -- are welcome to make them part of the record. And we stand adjourned.