

**Statement of Senator Patrick Leahy (D-Vt.),
Ranking Member, Senate Judiciary Committee,
Hearing on Oversight of the Department of Homeland Security
April 28, 2015**

I welcome Secretary Jeh Johnson back to the Judiciary Committee as part of our ongoing oversight of the Department of Homeland Security. Over the past 16 months, Secretary Johnson has demonstrated sound leadership over the Department and the 240,000 men and women who work tirelessly to keep this country safe. I thank them all for their dedication.

As a Vermonter, I know that the Department's work goes beyond terrorism and cybersecurity to providing disaster relief to devastated communities, managing our borders, and ensuring that America remains the welcoming beacon it has always been to those fleeing persecution or seeking new opportunities. These functions directly affect the everyday lives of millions of people across this country.

For example, the role the Department plays in facilitating commerce and trade across our borders impacts Vermonters in countless ways. As a northern border state we have a special relationship with Canada, and in a recent conversation with the Québec Premier Philippe Couillard, I spoke about the new pre-clearance agreement signed with Canada's Minister of Public Safety, Steven Blaney. That agreement sets the stage for expansion of pre-clearance capacity for traffic in the marine, land, air and rail sectors between the United States and Canada. The agreement advances two priority transportation projects in the State of Vermont: the expansion of Amtrak's Vermonter line to restore service from St. Albans to Montreal, and the establishment of a pre-clearance facility at the Billy Bishop Toronto City Airport. Secretary Johnson, I know that you understand preclearance can make a significant improvement to both border crossing and commerce. Canada is our largest trade partner, and collaboration between our countries is essential to an ongoing and successful relationship.

The expansion of surveillance technology is another issue Vermonters and Americans are increasingly concerned about. In addition to the National Security Agency's unnecessary bulk collection of phone records, we are seeing an increase in other surveillance efforts like automatic license plate readers that indiscriminately collect and retain photos of license plates, along with the car's location, time and travel information. I appreciate that this technology can serve as a valuable law enforcement tool, but I am concerned that these devices operate with almost no judicial oversight and may infringe on the privacy rights of innocent Vermonters and other Americans. Immigration and Customs Enforcement recently re-issued a request for proposals to expand its access to license plate readers. We need to know how this new technology is being used, how the data is being shared, and what privacy protections are in place. I look forward to hearing from Secretary Johnson about this important issue and the work he has done to address these concerns.

The administration's recent decision to reinstate the failed policy of family detention is also very concerning. That decision stands in contrast to the principles this same administration embraced just five years ago when it stopped detaining families at the Hutto facility and set aside plans for

three new facilities in part because of the significant psychological consequences for the women and children detained.

I believe the current construction of a new family detention facility in Dilley, Texas, is unwise. At a cost of nearly \$350 million a year for less than 2,800 beds, this new family detention policy is an enormously inefficient effort that undermines our commitment as a nation of refuge for those fleeing prosecution. The administration's hope to deter these women and children – many of whom have been the victims of domestic violence, gang violence, or sexual assault – with the threat that a tiny fraction will be detained when they arrive at the border is irrational. History has shown us time and again that desperate people will take great risk in the search for safety. In addition, the administration's decision to seek high bond amounts in every one of these cases, irrespective of the individual circumstances or any evidence of a flight risk or danger to the community, is equally troubling. This is particularly shocking when we consider that nearly 70 percent of the women and children have passed their credible fear interview, suggesting they may well be granted asylum.

I know many Vermonters and Americans across the country are as troubled by this new family detention policy as I am. It is not consistent with who we are as a great nation. Although it is not always easy, Vermonters never shy away from welcoming some of the world's most vulnerable people into our communities. We have learned from years of experience that these new neighbors make our cities and towns stronger and more vibrant. I hope that the Department will reassess its position on family detention. I do not believe it is a legacy for which this administration wants to be remembered.

Finally, on behalf of all Vermonters, I thank the men and women at DHS who work night and day to protect this country. I was thoroughly disappointed when Republican leadership threatened to shut down the Department this past winter. We must never play political games with national security; and it is absolutely shameful to play political games with the livelihoods of thousands of hardworking and committed public servants. The men and women at DHS deserve better, as do the American people.

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