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United States Senate

COMMITTEE ON THE JUDICIARY  
WASHINGTON, DC 20510-6275

KOLAN L. DAVIS, Chief Counsel and Staff Director  
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June 19, 2018

**VIA ELECTRONIC SUBMISSION**

The Honorable Dianne Feinstein  
Ranking Member  
Committee on the Judiciary  
U.S. Senate  
Senate Dirksen Office Building 152

Dear Ranking Member Feinstein and Democratic Colleagues:

Thank you for your letter on June 18, 2018. I appreciate hearing your thoughts on the need for a Senate Judiciary Committee hearing on family separation. Your good-faith participation in the debates currently surrounding our nation's lawful immigration system is appreciated.

In your letter, you rightly noted the tragedies that family separation inflicts on unauthorized immigrants and their children. I—like all of you—am concerned about the separation of families and do not wish to see it occur. For those of you that attended, I made very clear earlier today at the Senate Judiciary Committee hearing that it is ridiculous to suggest Republicans somehow support separating families.

These claims and the demagoguery that surround them ignore the complex legal realities present in our immigration system. As each of you know, the *Flores v. Reno* settlement agreement has, over time, effectively prohibited the Department of Homeland Security from maintaining custody of family units. Because the Department's ability to detain family units is effectively vitiated by the *Flores* settlement, those tasked with enforcing our immigration laws face a stark choice: separate families by detaining parents and releasing children, or engage in the 'catch and release' policies made popular by the Obama Administration.

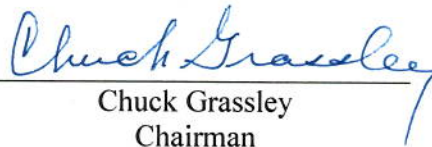
The idea that federal officials should release any group of unauthorized immigrants who claim to be a family unit is appalling to the American people. It is well known that dangerous smugglers and human traffickers would exploit such a policy as they have in prior years. It was not uncommon during the Obama Administration for smugglers to stage fake family units at or near the border so they could then present themselves to border patrol and be released into the interior. We cannot return to those past practices. They are dangerous, and the American people expect better.

The simplest and easiest way to address this crisis is to repeal the *Flores* decision so that family units can remain in family residential centers and receive adequate care pending the outcome of their criminal or civil cases. This is an easy, common-sense solution that doesn't require a hearing.

My Republican colleagues and I can—and will—have this bill drafted and introduced before the end of this week. It will immediately end this crisis. Given the sincerity of your commitment to ending family separations, I hope each of you will join us as co-sponsors and work with us to ensure its passage by the full Senate unanimously later this week.

I remain committed to working in a bipartisan fashion to resolve this issue. However, I cannot support a policy or bill that would result in the mass release of unauthorized immigrants into our country that has no checks or balances to ensure these immigrants are properly processed. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Grassley". The signature is written in a cursive style and is positioned above a horizontal line.

Chuck Grassley  
Chairman  
Senate Judiciary Committee