



May 28, 2014

RE: H.R. 4660 (Oppose Amendment by Representative Steve King)

Dear Representative,

AMERICAN CIVIL
LIBERTIES UNION
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On behalf of the American Civil Liberties Union, please find attached our vote recommendation opposing Rep. Steve King's Amendment to H.R. 4660, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2015 relating to DACA and prosecutorial discretion programs. A recorded vote on this amendment is anticipated on the House floor today.

LAURA W. MURPHY
DIRECTOR

Please call Legislative Counsel Neema Singh Guliani with any questions at (202) 675-2322.

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Regards,

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Laura W. Murphy
Director, Washington Legislative Office

ACLU Recommends a NO vote on King Amendment to H.R. 4660

This amendment would require the Department of Justice (DOJ) to spend \$5 million investigating the Department of Homeland Security's (DHS) policy to exercise discretion not to deport certain undocumented immigrants under the prosecutorial discretion and Deferred Action for Childhood Arrivals (DACA) programs.

The American Civil Liberties Union recommends a NO vote for the following reasons:

- Over the last several years, this Administration has deported over 2 million individuals – more than any other in history. Many of these individuals lived in the country for years, have U.S. citizen family, and contributed to the workforce.
- DHS should be encouraged to expand – not contract – its use of discretion to provide some measure of relief to undocumented people in the U.S. to avoid unjust results. However, this amendment is simply another misguided attempt to derail DHS' prosecutorial discretion and DACA programs, which have provided glimmers of hope amidst a deportation crisis. For example, under the DACA program, over 600,000 undocumented individuals who were brought here as children ("Dreamers") have received temporary relief from deportation and work authorization. Dreamers are thriving in their home communities from coast to coast. They are the last people DOJ should expend resources on investigating.
- There is nothing novel about prosecutorial discretion in immigration enforcement. Law enforcement agencies all prioritize their resources and exercise discretion based on individual equities. In 1999, a bipartisan group of Representatives, led by Lamar Smith (R – TX), wrote the Attorney General to note "widespread agreement that some deportations were unfair and resulted in unjustifiable hardship. . . . The principle of prosecutorial discretion is well established." See http://big.assets.huffingtonpost.com/Smith_to_Reno_1999.pdf
- The Amendment would waste precious taxpayer resources requiring DOJ to investigate the DACA and prosecutorial discretion programs. These resources could be better spent on useful DOJ functions.

For more information, please contact Neema Singh Guliani, Legislative Counsel, at (202) 675-2322 or nguliani@aclu.org.