

# United States Senate

WASHINGTON, DC 20510-1304

October 9, 2020

The Honorable John Cornyn  
Chairman  
Subcommittee on Immigration  
Senate Committee on the Judiciary  
United States Senate  
Washington, DC 20510

Dear Chairman Cornyn:

As Ranking Member of the Immigration Subcommittee, I urge you to immediately hold hearings in the Subcommittee on the Trump Administration's disastrous zero-tolerance policy, which has forcibly separated thousands of infants, toddlers, and children from their parents at our southern border. These hearings must include sworn testimony from the architects of this shameful policy, including former Attorney General Jeff Sessions, former Deputy Attorney General Rod Rosenstein, and former Department of Homeland Security Secretary Kirstjen Nielsen.

On July 26, 2018, I led 31 Senate Democrats in a [letter](#) to U.S. Department of Justice (DOJ) Inspector General Michael Horowitz requesting an investigation into DOJ's role in the creation and implementation of the zero-tolerance policy. As reported in the *New York Times* this week, this investigation has concluded that Mr. Sessions and Mr. Rosenstein played a central role in advocating for the zero-tolerance policy over the objections of several U.S. Attorneys, with Mr. Sessions reportedly demanding, "We need to take away children," and Mr. Rosenstein insisting that it did not matter how young the children were. It is now clear that these children were not simply collateral damage of the Trump Administration's mass-deportation agenda, but the targets of a cruel strategy to warn anyone seeking refuge at our southern border that their children would pay a price. No one has been held to account for these outrages, and, while it is no longer in the headlines, many families continue to be separated by the Trump Administration.

I recognize that you have been a staunch defender of the zero-tolerance policy. For example, on June 20, 2018, during the height of the family separation crisis, you said on the Senate floor that, "The Trump administration has made the very commonsensical decision to have a zero tolerance policy when it comes to illegal immigration. ...In my opinion, that is exactly the right decision."

While we fundamentally disagree on the merits of zero tolerance, I hope you will nonetheless agree that this policy, which has been characterized as “state-sanctioned child abuse” by the American Academy of Pediatrics, deserves rigorous oversight by the Immigration Subcommittee.

During the Obama Administration, the Republican majority brought a relentless focus to oversight of the Executive Branch’s immigration policies. The Immigration Subcommittee held many hearings on President Obama’s immigration executive actions, and you publicly urged then-Subcommittee Chairman Jeff Sessions to hold even more.

Unfortunately, you have failed to hold the Trump Administration to the same standard. On February 9, 2017, I wrote to you to request that the Immigration Subcommittee hold a series of hearings on President Trump’s Muslim travel ban and other controversial immigration executive orders. You never even bothered to respond. During the entire 116<sup>th</sup> Congress, beginning in January 2019, you have held only one hearing. We must do more to fulfill our constitutional responsibilities as an independent branch of the federal government, and there is no better place to start than conducting oversight on the Trump Administration’s zero tolerance policy.

Thank you for your time and consideration. I look forward to your prompt response and hope to work with you to plan a series of hearings on this critical issue.

Sincerely,



Richard J. Durbin  
United States Senator