

United States Senate

WASHINGTON, DC 20510

July 10, 2018

The Honorable Charles Grassley
Chairman
Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Grassley:

We joined a “Senators Only” call last Friday with Health and Human Services Secretary Alex Azar, and we are deeply troubled by the Trump Administration’s utter lack of preparedness to reunite children that it separated from their parents at the southern U.S. border and the callous manner in which it is treating this issue. The purpose of the call appeared to be for the Secretary to congratulate himself and the Administration for what a good job that the Department of Health and Human Services is doing. Moreover, only three Senators were able to ask questions—and this was only after Secretary Azar was no longer on the call. This hardly constitutes a meaningful opportunity to conduct oversight of the reunification process. Therefore, we are reiterating our prior request that the Senate Judiciary Committee hold a hearing on this issue.

We have written to you, some of us twice—on June 18, 2018 and June 20, 2018—to respectfully request an oversight hearing regarding the Administration’s “zero-tolerance” policy resulting in the traumatic separation of children from their parents. We write again to respectfully urge you to hold an oversight hearing on the Administration’s process of reuniting these separated children with their parents.

We are gravely concerned that the Administration is unprepared, and possibly unwilling, to handle this crisis in a timely, thoughtful, and humane manner. Although a federal court has ordered the government to reunite separated children with their parents,¹ there have been reports that the Administration is trying to be released from its obligation to reunite children whose parents the Administration has already deported.² News reports have also described the Administration’s reunification efforts as chaotic, reporting that some of the records linking children to their parents have disappeared or been destroyed.³ This is particularly troubling given that reportedly, children as young as 3 months old, who are unable to speak, have been separated

¹ <https://www.aclu.org/legal-document/ms-l-v-ice-order-granting-plaintiffs-motion-classwide-preliminary-injunction>.

² Elise Foley, *Trump Administration Says It May Need More Time To Reunite Families It Separated*, HUFFINGTON POST (July 6, 2018), https://www.huffingtonpost.com/entry/family-separations_us_5b3f8bc2e4b07b827cbff1e1; Veronica Stracqualursi, *Government says it may need more time to reunite some separated families*, CNN (July 6, 2018), <https://www.cnn.com/2018/07/06/politics/justice-department-family-reunification/index.html>.

³ Caitlin Dickerson, *Trump Administration in Chaotic Scramble to Reunify Migrant Families*, N.Y. TIMES (July 5, 2018), https://mobile.nytimes.com/2018/07/05/us/migrant-children-chaos-family-separation.html?emc=edit_cn_20180706&nl=first-draft&nl_art=&nid=57026598edit_cn_20180706&ref=headline&te=1.

from their parents under the Administration's "zero-tolerance" policy.⁴ Indeed, the Department of Health and Human Services initially reported that it had in its custody 2,047 children who had been separated from their parents, only to report a week later that the number of separated children in its custody may actually be "under 3,000" children, including 100 children under the age of 5.⁵

As some of us wrote you on June 18, 2018, we owe it to the American people to hold a hearing on one of the most pressing and agonizing issues facing our country. The Senate Judiciary Committee has a duty to conduct proper oversight of how the Administration is going to fix this crisis that it created and reunify separated children with their parents.


Thank you for your consideration.

Sincerely,


MAZIE K. HIRONO
United States Senator


RICHARD BLUMENTHAL
United States Senator



EDWARD J. MARKEY
United States Senator


JEFFREY A. MERKLEY
United States Senator


MARIA CANTWELL
United States Senator


SHELDON WHITEHOUSE
United States Senator


MARTIN HEINRICH
United States Senator


TOM UDALL
United States Senator

⁴ MDCR Statement on President Trump's Zero Tolerance Policy and its Impact on Michigan (June 19, 2018), <https://www.michigan.gov/mdcr/0,4613,7-138--471110--,00.html>.

⁵ Clare Foran, *HHS now estimates under 3,000 kids separated from parents in government custody*, CNN (July 5, 2018), <https://www.cnn.com/2018/07/05/politics/separated-families-border-immigrants-number-of-kids/index.html>.



TIM Kaine
United States Senator