

Mr. Chairman, Ranking Member, and distinguished members of this Subcommittee,

You've probably heard the phrase: "the main thing is to keep the main thing the main thing." Here is today's "main thing": every single crime committed by an illegal alien invader is preventable. Crime rates do not matter, only the raw number of crimes and the harm caused by those crimes.

Thank you for holding this hearing on such an important issue. My name is Ken Cuccinelli. I am currently a Senior Fellow at the Center for Renewing America providing research and analysis on homeland security, and U.S. immigration and border policy—to the extent that a coherent U.S. border policy exists at this time. I have had the great honor to serve as a State Senator and the Attorney General of the Commonwealth of Virginia. During the first Trump administration, I also had the privilege to serve as Acting Director of the United States Citizenship and Immigration Services (USCIS) and as Acting Deputy Secretary of the Department of Homeland Security (DHS). The border and its impact on Americans is something I have dealt with—both personally and professionally—for a very long time.

The southern border of the United States is in unprecedented chaos. Everyone in Washington D.C. knows this. Everyone sitting on this committee knows this. Every American citizen knows this. Unfortunately, the rest of the world knows this too. The consequences of this unfettered chaos are pernicious, deadly, and perhaps existential for our country.

Since January 2021, more than 7.5 million illegal immigrant apprehensions have taken place—an increase of more than 212 percent from the previous administration.<sup>1</sup> An estimated 860,000 'got-aways' evaded U.S. Customs and Border Protection (CBP) and disappeared inside the United States in the last fiscal year alone.<sup>2</sup> More people have crossed the U.S. southern border illegally in the last three years than the entire population of Nicaragua. What is happening—on a sheer humanitarian level—is both unsustainable and increasingly unfathomable to growing numbers of Americans.

However, the chaos at the southern border is sadly not confined there. As far too many American families have intimately learned, the chaos at the border is directly contributing to unnecessary suffering and tragedy in communities all over the country: places like Jacksonville, Florida, Grand Rapids, Michigan, Frederick, Maryland, Brooklyn, Iowa, and most recently and prominently, Athens, Georgia. The lives of our citizens are being forever altered by the criminal actions and activities facilitated by open border policies and the cartel-driven invasion occurring because of it. The failed policies of this administration are callously indifferent at best and willfully negligent at worst, serving only to exacerbate the pain and suffering of the very citizens from whom it derives its legitimacy.

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<sup>1</sup>U.S. Customs and Border Protection Data Portal (Accessed April 7, 2024). "Southwest Land Border Encounters," *U.S. Department of Homeland Security*. <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

<sup>2</sup>Arthur, A. (January 22, 2024). "Congressional Budget Office Estimates 860K 'Got-Aways' in FY2023," *Center for Immigration Studies*. <https://cis.org/Arthur/Congressional-Budget-Office-Estimates-860K-GotAways-FY-2023>

The statistics from these failed policies are alarming: over 70,000 Americans were poisoned to death by cartel-trafficked fentanyl in both 2021 and 2022,<sup>3</sup> significant increases in human trafficking are occurring on an annual basis,<sup>4</sup> and the growing number of previously neutralized diseases like tuberculosis and measles within our communities pose ongoing public health threats.<sup>5</sup> But it is the individual human cost that remains the most alarming element, the names and the faces of the ever-growing number of American victims of illegal immigration: Brandon Michael, Kate Steinle, Mollie Tibbetts, Sarah Root, Brandon Mendoza, Ronald de Silva, Kayla Hamilton, and of course, Laken Riley.

Many of these names are familiar to Americans—and you on this committee—as they have garnered national headlines. We categorize these deaths and murders as tragedies, but they are so much more than that. They are the human casualties that stem directly from the failings of the United States government and the pseudo-intellectual consensus of so-called Beltway 'elites' who value cheap labor and the approval of Davos over the safety and interests of their people. The tragic reality is that there are tens of thousands of additional names of deceased Americans who could and should be read aloud in a hearing such as this.<sup>6</sup> In a serious republic governed by serious people, a single American life should be enough to shut down the border, return illegal immigrants back to Mexico, close asylum loopholes, stop destructive sanctuary city policies, and end any discussion of "pathways to citizenship" for illegal aliens forever.

Unfortunately, that is not the case. Instead, we are riven with false narratives and manipulated data that parse the crime rates of illegal aliens with American citizens. And yet, every illegal entry into the United States is a crime. That probably bears repeating for those who do not believe in the rule of law. **Every illegal entry** into the United States is a crime. The crime rate for illegal immigrants is therefore 100 percent. However, we know from the names and statistics listed above that many of those entering illegally go on to commit violent crimes, often repeatedly, against our citizens.

For example, the Texas Department of Public Safety maintains a database of criminal alien activities as best they can. Not every state does this, though I recommend they follow Texas' lead here. We know that since June 2011, Texas has experienced a minimum of 65,999 assault charges, 6,594 rape charges, 61,155 drug charges, 2,998 robbery charges, and 970 homicide charges attributable to criminal illegal aliens in the last thirteen years.<sup>7</sup> For perspective, surveys conducted by the Bureau of Justice Statistics suggest that upward of 50 percent of violent

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<sup>3</sup>National Institute on Drug Abuse Trends and Statistics. "Drug Overdose Death Rates," *National Institute on Drug Abuse*. <https://nida.nih.gov/research-topics/trends-statistics/overdose-death-rates>

<sup>4</sup>Vaughan, J. (January 31, 2024). "Biden's Shameful Border Legacy in Tennessee Is Human Trafficking," *The Tennessee Star*. <https://cis.org/Oped/Commentary-Bidens-Shameful-Border-Legacy-Tennessee-Human-Trafficking>

<sup>5</sup>Dorgan, M. (April 4, 2024). "Tuberculosis Breaks Out at Chicago Migrant Shelters Following Measles Cases," *FOX News*. <https://www.foxnews.com/health/tuberculosis-breaks-chicago-migrant-shelters-measles-cases>

<sup>6</sup>Felbab-Brown, V. (July 19, 2023). "Addressing Mexico's Role in the US Fentanyl Epidemic," *Brookings Institution*. <https://www.brookings.edu/articles/addressing-mexicos-role-in-the-us-fentanyl-epidemic/>

<sup>7</sup>Texas Criminal Illegal Alien Database (Accessed April 7, 2024). "Texas Criminal Illegal Alien Data," *Texas Department of Public Safety*. <https://www.dps.texas.gov/section/crime-records/texas-criminal-illegal-alien-data>

crimes and 70 percent of property crimes are not reported to law enforcement.<sup>8</sup> The total number of crimes by illegal aliens in Texas, therefore, are certainly higher.

None of these individuals should be in the United States in the first place. Every citizen victimized by an illegal immigrant is a victim that **could and should have been prevented** with common sense border and immigration policies carried out by elected officials who possess the **absolute bare minimum of compassion** for those whom they represent. Arguments over citizen versus non-citizen crime rates are 'ivory tower' intellectual exercises that miss this fundamental point.<sup>9</sup>

For those interested in the ivory tower discussion of crime rates, I would point out that if you truly want to find the number of crimes committed by illegal aliens, the deck is stacked decidedly against you. Here are just a few factors that make a full accounting of the proportion of criminals who are illegal aliens impossible: 1) it takes time to identify criminals in law enforcement custody as illegal aliens; 2) combined with sanctuary city/state policies of withholding information normally relied upon across jurisdictional boundaries; 3) challenges receiving relevant information from the federal government for determining legal status; 4) cash bail and similar policies that turn criminals back out on the street nearly immediately; and 5) the obvious interest that illegal aliens have in not being discovered.

I will close by returning to the main thing. The most important point—the critical point—is that every murder, every assault, every robbery, every rape, every drunk-driving death, and every homicide committed by illegal immigrants is **preventable**.

I am fully aware it is often fashionable at congressional hearings to sit before a committee and lecture those sitting before them that they are screwing up. Well, that won't change today. This government is failing the American people when it comes to the border and immigration. President Biden and Secretary Mayorkas are knowingly and willingly sacrificing Americans to appease their anti-American leftist political constituency. Congress is not stepping up. And American citizens are paying the price with their lives.

So the question before you remains the same today as it was yesterday and will be tomorrow: how many Americans have to die before this administration and this body restore sanity at the border and security for its people?

Thank you once again for holding this hearing. I look forward to a deeper discussion on this critically important issue.

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<sup>8</sup>Thompson, A. and Tapp, S. (September 2022, Revised: July 5, 2023). "Criminal Victimization, 2021," *Bureau of Justice Statistics*. <https://bjs.ojp.gov/content/pub/pdf/cv21.pdf>

<sup>9</sup>York, B. (April 5, 2024). "The Reality of Migrant Crime," *The Washington Examiner*. <https://www.washingtonexaminer.com/daily-memo/2954997/the-reality-of-migrant-crime/>