



June 11, 2019

The Honorable Lindsey Graham  
Chairman, Judiciary Committee  
United States Senate  
290 Russell Senate Office Building  
Washington, D.C. 20510-6050

The Honorable Dianne Feinstein  
Ranking Minority Member, Judiciary Committee  
United States Senate  
224 Dirksen Senate Office Building  
Washington, D.C. 20510-6050

Dear Chairman Graham and Ranking Member Feinstein,

We, the undersigned national, state, and local organizations, write to express our deep concern regarding the nomination of Ken Cuccinelli for the position of Director of U.S. Citizenship and Immigration Services (USCIS). For many years, first as a public official and later as a private citizen, Cuccinelli has espoused and promoted anti-immigrant views and policies that are antithetical to the important work that would be entrusted to him as the USCIS Director. There is a direct line of anti-immigrant sentiment running through Cuccinelli's tenure in the Virginia Senate, to his time as the Attorney General for the state of Virginia, and continuing to today, which explains both why he was selected by the Trump administration for this position and why he is uniquely unqualified to be confirmed. We strongly urge you to oppose the nomination of Ken Cuccinelli, whose anti-immigrant agenda would undermine and obstruct the core purpose of USCIS.

Cuccinelli's long history of supporting anti-immigrant policies includes:

- On October 23, 2018, Cuccinelli did an interview with Breitbart News Daily on the migrant caravan approaching the southern border. During the segment, Cuccinelli suggested that states could constitutionally enter into war with the caravan because "we've been being invaded for a long time and so the border states clearly qualify here to utilize this power themselves...because they're acting under war powers, there's no due process." Cuccinelli added, "They can literally just line their National Guard up with, presumably with riot gear like they would if they had a civil disturbance and turn people back at the door. You just point them back across the river and let them swim for it."<sup>1</sup>
- On July 2014, Cuccinelli praised and promoted Brigitte Gabriel's anti-Muslim comments during a panel. Gabriel is the head of the anti-Muslim group ACT for America. During the panel, Gabriel said that "on September 11 in the United States, we had 2.3 million Arab Muslims in the United States. It took 19 hijackers, 19 radicals, to bring America

---

<sup>1</sup> Eric Hananoki, "Potential DHS Senior Official Ken Cuccinelli Suggested That States Invoke 'War Powers' to Turn Back Migrant 'invasion'," Media Matters for America, May 23, 2019, available at <https://www.mediamatters.org/blog/2019/05/23/potential-dhs-senior-official-ken-cuccinelli-suggested-states-invoke-war-powers-turn-back-migrant/223778>.

down to its knees, destroy the World Trade Center, attack the Pentagon, and kill almost 3,000 Americans that day. The peaceful majority were irrelevant.”<sup>2</sup> Cuccinelli posted a video of Gabriel’s comments on Facebook and stated, “this panelist’s point about irrelevance of the peaceful- BUT UNENGAGED- majority is extremely important and powerful. I.e., if the ‘agenda’ is driven by the radical minority then the peaceful majority doesn’t affect the course of history.”<sup>3</sup>

- In May 2012, as Attorney General for the state of Virginia, Cuccinelli hailed Rep. Steve King (R-IA) as “one of my very favorite congressmen,” adding “I probably spend more time with Steve on Capitol Hill than anybody else.”<sup>4</sup> Earlier this year, King was stripped of his committee assignments by the House Republican caucus because of his long record of racist, anti-immigrant, and white supremacist rhetoric.<sup>5</sup>
- On January 12, 2012, while discussing a city ordinance in the District of Columbia, Cuccinelli compared immigrants to pests. Cuccinelli said that “the D.C. City Council passed a new law, or a triumph of animal rights over human health, where those pest control people [they hire] aren’t allowed to kill the rats. They have to relocate the rats and not only that—that’s actually not the worst part—they cannot break up the families of the rats. . . . Anyway, it is worse than our immigration policy—you can’t break up families. Or raccoons or all the rest and you can’t even kill them. Unbelievable.”<sup>6</sup> At a time when thousands of families have been literally ripped apart by Department of Homeland Security personnel, and more continue to be separated at the border, Cuccinelli’s past use of dehumanizing language and his vigorous support for breaking up immigrant families should be red flags.
- As a Virginia State senator in 2008, Cuccinelli led an effort to call a constitutional convention to amend the Fourteenth Amendment to the U.S. Constitution to eliminate birthright citizenship.<sup>7</sup> Given Cuccinelli’s restrictive views on citizenship, placing him in charge of the very agency responsible for adjudicating approximately one million naturalization applications each year risks undermining core constitutional protections.

---

<sup>2</sup> Eric Hananoki, “Potential DHS Immigration Director Ken Cuccinelli Praised Diatribe from Anti-Muslim Leader Brigitte Gabriel,” Media Matters for America, May 31, 2019, available at <https://www.mediamatters.org/blog/2019/05/31/Potential-DHS-immigration-director-Ken-Cuccinelli-praised-diatribe-from-anti-Muslim-leader/223842>.

<sup>3</sup> Ibid.

<sup>4</sup> “Ken Cuccinelli At 2012 Iowa Lincoln Day Dinner: ‘Steve King Is One Of My Very Favorite Congressmen,’” Huffpost, July 25, 2013, available at [https://www.huffpost.com/entry/ken-cuccinelli-steve-king\\_n\\_3655615](https://www.huffpost.com/entry/ken-cuccinelli-steve-king_n_3655615).

<sup>5</sup> Trip Gabriel, Jonathan Martin, and Nicholas Fandos, “Steve King Removed From Committee Assignments Over White Supremacy Remark,” The New York Times, January 15, 2019, available at <https://www.nytimes.com/2019/01/14/us/politics/steve-king-white-supremacy.html>.

<sup>6</sup> Martin Austerhuhle, “Cuccinelli Uncovers Our Massive D.C. Rat Smuggling Ring,” DCist, October 28, 2018, accessed May 28, 2019, <https://dcist.com/story/12/01/12/-cuccinelli-well-i-saw/>.

<sup>7</sup> Legislative Information System accessed May 28, 2019, <http://leg1.state.va.us/cgi-bin/legp504.exe?081+ful+SJ131+pdf>

- On January 17, 2008, Cuccinelli introduced a proposal in the State Senate that would allow an employer to fire an employee who doesn't speak English in the workplace and to make the terminated worker ineligible for unemployment benefits.<sup>8</sup>
- On February 1, 2005, Cuccinelli strongly supported a bill in the Virginia legislature that would ban undocumented immigrants from enrolling in state colleges and said that he supports the "very broad exclusion of illegals."<sup>9</sup>

The Director of USCIS has the important role of overseeing our immigration system, from adjudicating the claims of individuals seeking asylum, petitioning for immigrant and nonimmigrant visas, and applying for U.S. citizenship. Cuccinelli has spent his career in and out of public office promoting anti-immigrant policies and propagating dehumanizing rhetoric and ideas. Cuccinelli's track record shows that if confirmed, he would work to undermine the goals of the very agency that he would be in charge of leading. The undersigned organizations urge you to oppose the nomination of Ken Cuccinelli for the role of Director of USCIS.

Sincerely,

### **National Organizations**

Advocates for Youth

African American Ministers In Action

Alianza Americas

America's Voice

American Atheists

American Federation of State, County and Municipal Employees

American-Arab Anti-Discrimination Committee

Asian American Legal Defense and Education Fund (AALDEF)

Asian Americans Advancing Justice | AAJC

Asian Pacific American Labor Alliance

Bend the Arc Jewish Action

Center for American Progress

Center for Constitutional Rights

---

<sup>8</sup> Legislative Information System, accessed June 10, 2019, <http://leg1.state.va.us/cgi-bin/legp504.exe?081+sum+SB339>.

<sup>9</sup> "Bill Bans All Illegals from State Colleges," The Washington Times, February 01, 2005, accessed May 28, 2019, <https://www.washingtontimes.com/news/2005/feb/1/20050201-110420-6423r/#pagebreak>.

Center for Gender & Refugee Studies  
Center for Law & Social Policy (CLASP)  
CenterLink: The Community of LGBT Centers  
Council on American-Islamic Relations (CAIR)  
Detention Watch Network  
Disciples Refugee & Immigration Ministries  
Engage Action  
Faith in Public Life  
Familia: Trans Queer Liberation Movement  
Families Belong Together  
Farmworker Justice  
Feminist Majority Foundation  
FORGE, Inc.  
Franciscan Action Network  
Freedom for Immigrants  
Freedom Road  
GreenLatinos  
Hispanic Federation  
Human Rights Campaign  
Immigrant Legal Resource Center  
Immigration Hub  
In Our Own Voice: National Black Women's Reproductive Justice Agenda  
International Institute of New England  
Jobs With Justice  
Latin America Working Group  
Mi Familia Vota  
Muslim Advocates  
Muslim Public Affairs Council (MPAC)

NAACP

National Center for Lesbian Rights

National Council of Jewish Women

National Education Association

National Employment Law Project

National Employment Lawyers Association

National Equality Action Team (NEAT)

National Health Law Program

National Immigrant Justice Center

National Immigration Law Center

National LGBTQ Task Force Action Fund

National Organization for Women

National Partnership for New Americans

New American Leaders

People For the American Way

Planned Parenthood Federation of America

Pride at Work

Service Employees International Union (SEIU)

Sexuality Information and Education Council of the United States (SIECUS)

Sojourners

Southern Poverty Law Center

UnidosUS

Veterans for American Ideals

Voices for Progress

Voto Latino

Western States Center

**State and Local Organizations**

Akron Interfaith Immigration Advocates

Asian Americans Advancing Justice-LA  
Black Immigrant Collective  
CAIR San Francisco Bay Area  
CAIR-Cincinnati  
CASA in Action  
Casa San Jose  
Church Women United in New York State  
Coalition for Humane Immigrant Rights (CHIRLA)  
Equality California  
Equality North Carolina  
Families Rights Network  
Florida Immigrant Coalition  
Freedom for Immigrants  
Friends of Broward Detainees  
Georgia Association of Latino Elected Officials (GALEO)  
Greater New York Labor Religion Coalition  
Illinois Coalition for Immigrant and Refugee Rights  
Immigrant Defenders Law Center  
Immigrant Law Center of Minnesota  
International Institute of New England  
InterReligious Task Force on Central America and Colombia  
Justice and Peace Advocacy Center  
La Unión del Pueblo Entero (LUPE)  
Language and Cultural Awareness Services of Northern Michigan, LCC  
Latino Victory Project  
Mazzoni Center  
MI ALMA  
Michigan United

Mississippi Center for Justice  
NAKASEC VA  
New York Justice for Our Neighbors  
NM Dream Team  
OneAmerica  
Pennsylvania Immigration and Citizenship Coalition  
Progress Virginia  
Progressive Leadership Alliance of Nevada  
Sakhi for South Asian Women  
San Diego Immigrant Rights Consortium  
SC Appleseed Legal Justice Center  
Seattle Immigrant Rights Action Group  
Secretariat for Justice and Peace, Diocese of Gaylord  
Services, Immigrant Rights & Education Network (SIREN)  
Silver State Equality  
South Asian Fund For Education, Scholarship and Training (SAFEST)  
Thai Community Development Center  
United We Dream  
UnLocal, Inc.  
Vigilant Love  
Virginia Coalition for Immigrant Rights  
Virginia Coalition of Latino Organizations (VACOLAO)  
Voces de la Frontera  
Voices for Progress  
Wallingford Indivisible  
Whitman-Walker Health  
Wind of the Spirit Immigrant Resource Center