

United States Senate

WASHINGTON, DC 20510-0104

August 3, 2012

The Honorable John T. Morton
Director
U.S. Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street SW
Washington, D.C. 20536

Dear Director Morton:

I write to express my serious concern about a recent report regarding the impending suspension of a U.S. Immigration and Customs Enforcement agent. According to the report, the agent was served with a "Notice of Proposed Suspension" for arresting an individual whom the agent observed entering the vehicle of an alien wanted for criminal activity in Newark, Delaware, and whom the agent later determined to be a 35-year-old illegal alien with ten previous convictions for traffic violations, including driving without a license. According to the report, a memorandum by Assistant Field Office Director David O'Neill states that the agent was told to release the detained alien even though he was in the country illegally. When the agent refused, he was threatened with a three-day suspension. It is my understanding that the acting field director advised the criminal alien that he would be let go because he was not a "presidential priority."

The actions that it appears were taken by your agency send a message to agents in the field that they will be punished for doing their duty and enforcing the law. Nothing could be more damaging to the rule of law or agent morale. According to a spokesperson for the Newark Police Department, an American stopped on the same charges as the criminal alien would have been put in jail. Federal law enforcement should certainly not be giving illegal aliens more preferential treatment than is afforded American citizens. Your agency's apparent treatment of the criminal alien sends the troubling message that the demands of public safety are trumped by the desire for reduced deportations of those deemed "not presidential priorities."

I ask that you provide a detailed account of the events in question, why this alien was released and allowed to continue to pose a threat to public safety, and how and whether ICE intends to discipline agents who enforce federal immigration laws as written consistent with their mission to protect the American people.

Very truly yours,



Jeff Sessions
United States Senator