



**National Immigration and Customs  
Enforcement Council  
of the  
American Federation of Government Employees**  
Affiliated with the AFL-CIO



March 25, 2013

The Honorable John McCain  
United States Senate  
241 Russell Senate Office Building  
Washington, DC 20510

The Honorable Richard Durbin  
United States Senate  
711 Hart Senate Office Building  
Washington, DC 20510

The Honorable Charles Schumer  
United States Senate  
322 Hart Senate Office Building  
Washington, DC 20510

The Honorable Lindsey Graham  
United States Senate  
290 Russell Senate Office Building  
Washington, DC 20510

The Honorable Robert Menendez  
United States Senate  
528 Hart Senate Office Building  
Washington, DC 20510

The Honorable Michael Bennet  
United States Senate  
458 Russell Senate Office Building  
Washington, DC 20510

The Honorable Marco Rubio  
United States Senate  
317 Hart Senate Office Building  
Washington, DC 20510

The Honorable Jeff Flake  
United States Senate  
B85 Russell Senate Office Building  
Washington, DC 20510

Dear Senators:

I am writing to you today in my capacity as both an ICE officer and as the President of the National ICE Council, the union representing 7,600 ICE agents, officers and support staff. The purpose of this letter is to respectfully request an opportunity to meet with your group before you complete work on any immigration proposal and to share the experiences and concerns of the officers I represent. Thank you in advance for your consideration.

Any comprehensive immigration bill would have enormous consequences for our officers and for the citizens we protect. One of our chief concerns is that our current political leadership, particularly Director Morton and Secretary Napolitano, have repeatedly undermined our ability to enforce duly enacted immigration law. Our officers have been placed in the position of having to choose between following the law or risking the loss of their jobs, pensions and means of supporting their families. No law enforcement officer should ever be placed in such a position. The impact to officer morale has been devastating.

In one recent case, at a jail in El Paso, our officers were allegedly assaulted by a criminal alien

with a history of violence, and yet that alien was released without charge and without investigation. In another recent case, an officer faced disciplinary action for his lawful apprehension of an illegal alien with a misdemeanor record who posed a threat to the safety of our citizens on the road. ICE officers working in jails are now under orders not to enforce our nation's most fundamental immigration laws regarding illegal entry and overstay, and in similar practice are now forced to release illegal aliens encountered in jails who claim to be "Dreamers," without a requirement that the alien provide proof and without investigation. Most recently, ICE released approximately 2,000 criminal aliens back into U.S. communities without cause. We are concerned that ICE and DHS have not been forthright with the American public regarding the criminal records of many of the aliens it released. These practices and others like them clearly place the public at risk and should be investigated thoroughly before any major immigration changes are implemented.

A chief question for our officers is what steps you are taking to ensure these political abuses do not continue. For ICE agents and officers, the last four years have been a rollercoaster of ever-changing arrest authorities that officers believe frequently force them to violate the law. No reforms to our immigration system will succeed as long as federal officials can continue to unilaterally select which laws are to be enforced -- and which are not -- based on their own political agendas. Without reform in this area, Congress will certainly be back in the next ten years discussing legislation for yet another proposed amnesty.


Given the record of Director Morton and Secretary Napolitano, we have zero confidence in promises of future enforcement. How to resolve this matter, and to ensure our officers can fulfill their statutory duties, is one of the pressing issues I would be extremely grateful for the opportunity to discuss with you, as well as other urgently needed measures to improve interior enforcement. As a law enforcement officer and representative, I believe Congress' first priority should be to see that the laws it has already enacted are properly enforced. No other federal agency would direct its law enforcement officers not to perform their sworn duties while Washington contemplates rewriting those laws. What meaning does any statute have, and by extension the rule of law, if government officials can simply decide to suspend its application?

When Washington discusses immigration reform it seems like business and advocacy groups are closely involved while professional immigration agents with real world experience, training and knowledge regarding the immigration matters facing our nation are not heard.

Fundamentally, I would implore you to consider this issue from the perspective of our officers who risk their lives every day in a constant uphill climb to uphold the laws of the land.

Again, I offer my gratitude for your time and thank you for your consideration.

Sincerely,

  
Chris Crane  
President