

United States Senate

WASHINGTON, DC 20510

January 30, 2012

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, D.C. 20528

The Honorable Eric H. Holder, Jr.
Attorney General
Department of Justice
Washington, D.C. 20530

Dear Secretary Napolitano and Attorney General Holder:

Over two months ago, several members of the Senate Judiciary Committee sent Secretary Napolitano a letter regarding the Cook County, Illinois, ordinance that permits local law enforcement to release suspected illegal immigrants and to thereby ignore requests from U.S. Immigration and Customs Enforcement to detain these individuals. That letter requested that Secretary Napolitano personally intervene to ensure that the implementation of the ordinance was not creating a public safety risk. To date, we have not received a response. We write again to express our concerns to both of you and ask for your immediate attention to this matter.

We were encouraged by Immigration and Customs Enforcement (ICE) Director Morton's January 4th letter to the President of the Cook County Board of Commissioners expressing serious concern with the ordinance. However, we are extremely concerned that Cook County has refused to honor over 268 detainer requests issued by ICE. We agree with Director Morton that this ordinance undermines public safety and hinders ICE's ability to enforce our nation's immigration laws. We also believe it violates federal law. It is ironic and frustrating that the Administration has filed suit against several states for passing laws that aim to protect their citizens and help enforce immigration law while essentially turning a blind eye to jurisdictions that actively promote safe harbor policies. If the Administration truly believes immigration law is only to be enforced by the Federal government, as it has argued before several courts, it should adhere to that position and take action against jurisdictions that actively thwart effective Federal enforcement of the Immigration and Nationality Act. Accordingly, we strongly urge you to take immediate action to determine if Cook County is in violation of federal law, including consideration of whether to seek an injunction in federal court. We believe such action is more than justified, given that the ordinance not only obstructs justice but also impedes the execution of federal statutes.

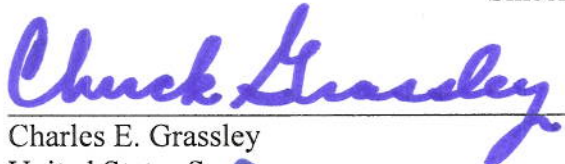
In his letter, Director Morton also mentioned that Cook County had been reimbursed with nearly \$3.4 million through the State Criminal Alien Assistance Program (SCAAP) in fiscal year 2010, and nearly \$4.4 million in fiscal year 2009. We are in complete agreement with Director Morton that "it is fundamentally inconsistent for Cook County to request federal reimbursement for the

cost of detaining aliens who commit or are charged with crimes while at the same time thwarting ICE's efforts to remove those very same aliens from the United States." As such, we urge to you immediately suspend any reimbursement of SCAAP funds – or any other funds that may be available from your Departments for these or similar purposes -- to Cook County. The County should not be rewarded with federal taxpayer dollars for defying federal immigration authorities and putting public safety at risk.

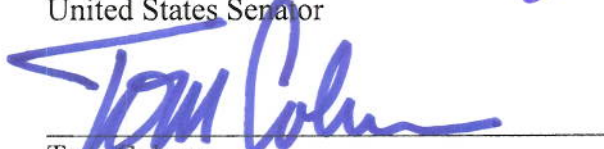
Finally, the Department of Homeland Security has pledged to make Secure Communities a staple in every jurisdiction by the end of 2013. We believe you should accelerate the implementation of this program in Illinois, and specifically Cook County. Please advise whether the Department will take steps to activate Secure Communities in Cook County earlier than previously planned.


Thank you and we look forward to your timely response.

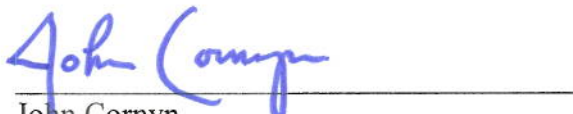
Sincerely,



Charles E. Grassley
United States Senator


David Vitter
United States Senator


Tom Coburn
United States Senator


Mike Johanns
United States Senator


John Cornyn
United States Senator


Jim DeMint
United States Senator


Jeff Sessions
United States Senator


Jon Kyl
United States Senator