

United States Senate

WASHINGTON, DC 20510

February 14, 2012

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

We write to express our serious concerns about the Department of Homeland Security's decision to suspend the implementation of the Secure Communities Program in the 30 remaining counties in Alabama. As you have noted, Secure Communities is "an effective tool to identify and remove dangerous criminals who pose a threat to public safety." We are certain you would agree that the program is also an efficient use of both Federal and State resources to combat illegal immigration and has proven invaluable to law enforcement agencies across the country. For these reasons, it is critical that every county in Alabama participate in the program.

On August 22, 2011, Alabama Attorney General Luther Strange personally delivered to you a written request for a Section 287(g) Memorandum of Agreement between your Department and certain Alabama State and local law enforcement agencies for Federal training and certification to enforce Federal immigration laws. On September 23, 2011, DHS Assistant Secretary Betsy Markey replied that "ICE and the Alabama Department of Public Safety have mutually benefited from our ongoing 287(g) memorandum of agreement, and we will continue to foster this partnership." However, she denied Attorney General Strange's request to extend the training to other law enforcement agencies pending the activation of Secure Communities in the remaining counties in Alabama. It is our understanding that individual Alabama counties have made similar requests directly to Immigration and Customs Enforcement Director John Morton.

On September 23, 2011, Director of the Alabama Department of Homeland Security Spencer Collier informed you that the State desired to fully participate in Secure Communities by implementing the program in every county. Following that meeting, Director Morton called Director Collier to advise him that DHS intended to complete implementation of the program in every county in Alabama by the end of November, and that the deadline was being "expedited" following Director Collier's meeting with you. As that deadline approached, the DHS Office of Intergovernmental Affairs informed Director Collier that the previously promised November deadline was being pushed back to the end of December due to budgetary and logistical issues. Just prior to that new deadline, Assistant Secretary Markey informed Director Collier that DHS would not meet the new deadline, again citing budgetary and logistical issues, but reiterating your Department's commitment to fully implement the program in every county in Alabama.

When Congressman Aderholt learned of and questioned the claimed issues, your Department admitted there were no budgetary and logistical concerns. As you know, Secure Communities has been fully supported by Congress since its launch, including increases above the request in fiscal years 2010 and 2012.

The Department then revealed that the delay was due to the Justice Department's efforts to invalidate Alabama's immigration enforcement law in federal court. Senator Sessions' office received the same explanation, which is set forth, in part, below:

"Although the federal courts have enjoined several parts of H.B. 56, certain provisions were not enjoined and are currently in effect. . . . While these provisions of Alabama's state immigration enforcement law, which conflict with ICE's immigration policies and programs, remain the subject of litigation, ICE does not believe it is appropriate to expand deployment of Secure Communities, one of its central enforcement programs, in Alabama."

Setting aside the dubious notion that an immigration enforcement law is somehow inconsistent with the policies and programs of the nation's top immigration law enforcement agency, we question the basis for your Department's assertion that it is not "appropriate" to expand deployment of Secure Communities in Alabama due to ongoing litigation concerning H.B. 56. While implementation of the program in Alabama has been halted since July, your Department has fully implemented the program in every other state with similar immigration enforcement laws that are currently being challenged in federal court by the Department of Justice on the same or similar grounds.

It is our understanding that up until this abrupt reversal of course, Alabama law enforcement had a positive working relationship with DHS. Your Department's decision to cease assisting Alabama in the removal of dangerous illegal aliens is wholly inconsistent with this administration's stated position of focusing on the removal of those very individuals. There is no legitimate reason why Alabama law enforcement should be denied critical 287(g) training, or the citizens of Alabama should be denied the protection of the Secure Communities program.

For these reasons, we demand that 287(g) training be made available to those State and local agencies that have requested such training, and that Secure Communities be implemented in every county in Alabama by March 15, 2012. We believe this is a reasonable deadline given that your Department initially intended to complete implementation in November 2011.

We look forward to your timely response.

Sincerely,



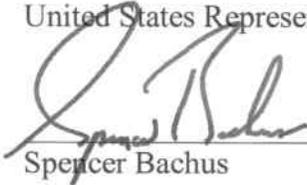
Jeff Sessions
United States Senator



Richard Shelby
United States Senator



Robert Aderholt
United States Representative



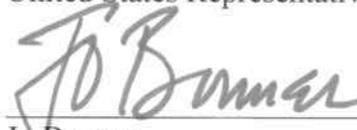
Spencer Bachus
United States Representative



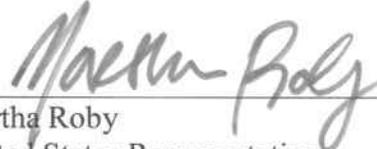
Mo Brooks
United States Representative



Mike Rogers
United States Representative



Jo Bonner
United States Representative



Martha Roby
United States Representative

cc: Governor Robert Bentley
Attorney General Luther Strange
Director Spencer Collier
Alabama Sheriffs' Association