United States Senate
WASHINGTON, DC 20510

November 2, 2011

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

Dear Secretary Napolitano:

We write to express serious concerns about the Administration's lack of attention to local law enforcement jurisdictions that enact policies that undermine federal immigration law. Specifically, we are very concerned with policies enacted by Cook County, Illinois, and how your department is responding to them.

At the Senate Judiciary Committee hearing on October 19, you were asked if you had communicated with Cook County officials about a recently passed ordinance that prohibits federal government officials from having access to undocumented persons detained by the county. This ordinance aims to free suspected undocumented individuals jailed by the county on misdemeanor cases, in spite of requests from federal law enforcement to hold them for possible deportation. During the hearing, you indicated that you had not participated in any discussions with Cook County. You also indicated you had not had any discussions with the Justice Department about how they will handle local jurisdictions, such as Cook County, that harbor undocumented individuals.

When briefed by Gary Mead, Executive Associate Director of Enforcement and Removal Operations at Immigration and Customs Enforcement (ICE), Senate Judiciary Committee minority staff were told that Cook County presents a major problem for immigration enforcement efforts. In fact, Mr. Mead said that Cook County is the most egregious example of sanctuary city policies and that this situation presents "an accident waiting to happen." Mr. Mead also reported that the Department is relying on the ICE District Director to resolve the situation, although ICE Assistant Secretary Morton has taken some direct steps to address the matter.

We would like to know what specific steps have been and will be taken by your Department to compel Cook County to reverse its policy of ignoring immigration detainers. In addition, we would request an overview of meetings held between federal officials and Cook County, including any emails or other documentation that exist, to understand how the federal government has been or is attempting to rectify the situation.

More importantly, we urge you, as Secretary, to take a direct role in this matter. Cook County's ordinance is a serious threat to the public's safety that requires your immediate and personal attention. This is too important of an issue to go unresolved, and as a matter of national security,

we urge you to take control of the situation so that detainers are not ignored and undocumented individuals are properly detained and put in deportation proceedings.

Finally, we encourage you and your colleagues in the Administration to seriously consider taking action against local or state jurisdictions that enact policies that purposely undermine the law or encourage their officers not to cooperate with the federal government when it comes to immigration enforcement. Given the current fiscal crisis facing the federal government, serious consideration should be given to withholding federal grant dollars to local or state jurisdictions that fail to cooperate with the federal government on immigration enforcement. The Administration has a responsibility to ensure that the homeland is protected, and it must not turn a blind eye to such entities that proactively defy the immigration laws we have on the books.

Thank you and we look forward to your timely response.

Sincerely,

Charles E. Grassley
United States Senator

John Cornyn
United States Senator

Tom Coburn
United States Senator

Jeff Sessions
United States Senator