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Congress of the United States House of Representatives

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September 12, 2008

The Honorable Michael Chertoff
Secretary of Homeland Security
Washington, DC 20528

Assistant Secretary Julie Myers
Immigration and Customs Enforcement
425 I Street NW, Room 7100
Washington, DC 20536

Dear Secretary Chertoff and Assistant Secretary Myers:

I am writing to you to express my outrage and dismay over an issue involving Immigration and Customs Enforcement (ICE). Recently in Aurora, Colorado, Mr. Francis Hernandez recklessly drove through a red-light causing an automobile accident that killed three innocent bystanders, including a three-year-old boy. It was later determined Mr. Hernandez was in the United States illegally and previously was arrested on numerous occasions by local law enforcement. As the federal representative of this community, I demand to know what ICE did to identify and remove this individual from our community prior to this deadly crash.

According to the Arapahoe County Sheriff's Department and the Aurora Police Department, both agencies contacted ICE staff at different times to notify ICE of the detention of a suspected illegal immigrant. The local departments claim ICE did not investigate the matter following the notification. Consequently, Mr. Hernandez was released and went on to commit several additional crimes, including this most recent vehicular homicide.

Given the public statements of the Arapahoe County Sheriff's Department and the Aurora Police Department, I would like ICE immediately to investigate and make public whether it was ever notified about the detention of Mr. Hernandez, using his real identity or any alias. Determining the facts on this matter is vital to reassuring the people of Colorado that our federal law enforcement agencies are executing their responsibilities by deporting the thousands of illegal aliens currently incarcerated.

In 2007, the Congress made great strides to empower ICE to meet its mission of enforcing interior immigration laws. Congress appropriated \$4.687 billion to ICE, more than \$500 million above what ICE requested from Congress. Congress provided this

money to increase the identification and removal of illegal immigrants, particularly dangerous criminals like Mr. Hernandez. In fact, Congress provided \$200 million specifically for ICE to modernize how it communicates with state and local penitentiaries to meet this goal. Sadly, in your expenditure plan to Congress, you and your agency stated you only intended to spend \$25 million of those funds on its intended purpose this year. This is simply unacceptable, and in fact demonstrates to me ICE does not share the urgency on this problem. Immediate action must be pursued.

This is not a political issue – it is a national security issue, and it is incumbent upon the federal government to curb and reverse illegal immigration. For years, ICE told Congress the biggest hurdle to meet this goal was a lack of financial resources. As a result, you were given more funding than your agency requested. Yet the statistics show ICE has barely begun to address this problem that has left communities like Aurora at risk – something I will not stand for.

If it is determined ICE was informed about Mr. Hernandez, the public trust in our immigration enforcement will be greatly diminished. The public cannot have faith that criminals will be dealt with if they know ICE uses only a fraction of the financial resources available to them and ends up with terrible results such as this vehicular homicide.

I look forward to your timely response to this request and I hope we can work together to increase the removal of these dangerous criminals and better secure our communities.

Sincerely,



Ed Perlmutter
Member of Congress