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April 28, 2011

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

John T. Morton
Director
Immigration and Customs Enforcement
Washington, DC 20528

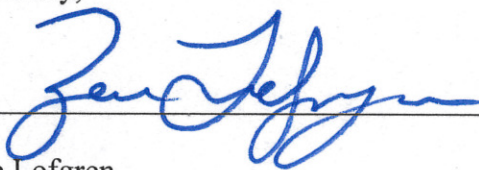
Dear Secretary Napolitano and Director Morton:

I write to bring to your attention a letter that I mailed today to the Department of Homeland Security (DHS) Office of Inspector General (OIG) and the Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR). As you may know, I am concerned that documents released in response to a Freedom of Information Act request indicate that DHS and ICE personnel repeatedly made false and misleading statements to local governments, the public, and Members of Congress. This concern was only reinforced by a DHS official's recent statement that "Secure Communities is not voluntary and never has been." (Lee Romney, *Congresswoman Calls for Investigation of Enforcement Program That Screens for Illegal Immigrants in Jails*, LOS ANGELES TIMES, April 22, 2011). Having conducted with my legal staff an initial review of the documents, it is simply impossible to reconcile this statement with many of the other statements made over the past two years.

I presume the released documents are of concern to you as they are to me, and that you also desire to learn whether DHS or ICE employees provided false or misleading information about the ability of local jurisdictions to completely opt out of Secure Communities. I am concerned, however, by Secretary Napolitano's recent statement that "[t]his whole opt-in, opt-out thing was a misunderstanding from the get-go" and that the released documents are merely "subject to misinterpretation." (Carla Marinucci, *Janet Napolitano Clarifies Immigration Program*, SAN FRANCISCO CHRONICLE, April 26, 2011). Although it is true that some of the documents are "subject to misinterpretation," it appears that some DHS and ICE personnel were aware that their statements were likely to be misinterpreted and may have counted upon such misinterpretation when continuing to publicly discuss the program. Other statements, however, were unambiguous and not subject to misinterpretation, but nevertheless appear to have been false.

I wanted to let you know of my request for an investigation and to ask that you give this important matter the attention that it deserves. It is unacceptable for government officials to essentially lie to local governments, Members of Congress, and the public. I will continue to monitor this situation and look forward to your responses.

Sincerely,

A handwritten signature in blue ink, appearing to read "Zoe Lofgren", written over a horizontal line.

Zoe Lofgren
Ranking Member
Subcommittee on Immigration Policy and Enforcement