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United States Senate

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SUBCOMMITTEE ON REGULATORY
AFFAIRS AND FEDERAL MANAGEMENT

February 27, 2015

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

During a town hall meeting held on February 25, 2015 in Miami, Florida, you argued that your recently announced immigration policies should still be followed – and threatened consequences for failing to comply – despite a federal court's ruling when you said that "if somebody is working for ICE and there is a policy and they don't follow the policy, there are going to be consequences to it...In the U.S. military, when you get an order, you're expected to follow it. It doesn't mean that everybody follows the order. If they don't, they've got a problem. And the same is going to be true with respect to the policies that we're putting forward."

Earlier this month, a federal district court judge found that the executive action – the very policies you mentioned in your statement during the Miami town hall meeting – violated the Administrative Procedure Act and enjoined implementation. In response to the injunction Department of Homeland Security Jeh Johnson issued a statement saying the Department "must comply with it." However, your statements during the Miami town hall meeting conveyed the opposite opinion and even threatened consequences for DHS staff that fail to carry out the policies.

In July of 2014, Secretary Johnson provided written testimony to the Senate Judiciary Committee, stating that "morale has been low within various components of the Department." This was a gross understatement given that the Department finished last among large federal agencies in the *2014 Best Places to Work in the Federal Government* survey.

In response to the comments you made during the town hall meeting, I would respectfully request an answer to the following questions by Friday, March 6th to help ICE, other DHS employees and the American people understand what consequences they may face when they follow the law:

- What are the specific consequences an ICE agent will face if he or she respects the judge's ruling and fails to follow your policies?
- How will the threat and implementation of such consequences impact the already low morale within the Homeland Security Department?
- How should agents balance their oath to defend the Constitution with your order to follow policies that a federal court deemed in violation of federal law?
- Since you specifically mentioned the U.S. military in your town hall statement, will consequences also ensue for our nations' servicemembers or other federal employees who fail to follow one of your announced policies, regardless of whether it's constitutional or not?
- What written or verbal direction have you given to Secretary Johnson to implement and enforce these consequences? If written communications exist, please provide a copy.

Thank you for your attention to this matter and I look forward to your response.

In God We Trust,



JAMES LANKFORD (OK)
United States Senator