

Manuel Rodriguez

c/o Silvia B. Piñera-Vazquez, Esq.
1900 S.W. 3rd Avenue
Miami, Florida 33129
305.443.0629

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June 12, 2009

President Barack Obama
The White House
Washington D.C. 20036

**Re: United States Office of Special Counsel
Comments on OSC File No. DI-08-0549
Former ICE SDDO Manuel Rodriguez**

Dear Mr. President:

This letter is in response to the United State Office of Special Counsel correspondence of May 20, 2009, requesting comments on the report from the Honorable Janet Napolitano, Secretary, Department of Homeland Security (DHS) regarding my allegations of several violations of law within DHS. While the correspondence is dated May 2009, the report appears to be from August 2005. While I am content that the serious criminal allegations outlined in my initial disclosure were confirmed in 2005, I am dissatisfied that these violations were not presented to the United States Attorneys office for appropriate prosecution. Further, as detailed below, I am concerned and disappointed that the report did not pursue an investigation into obstruction of justice by upper management at the Office of Detention and Removal in the Southern District of Florida.

First, I am dissatisfied that this investigation was delegated as a "management inquiry," the lowest level required. Not only did the report find that there were several violations of law, but it is clear that a decision in upper management demeaned the nature of this investigation in order to avoid criminal prosecution. While the report found that "there was a gross violation of established policies and procedures under the fugitive operations program," it is clear that the officers involved entered a home without consent, thus violating the Fourth Amendment of the Constitution. This, in and of itself, is enough to refer the matter to the United States Attorneys office, particularly when the officers had been repeatedly trained in this area. This total neglect for our Constitutional safeguards should have been criminally investigated.

Not only was the matter not investigated for criminal prosecution, but as we stand here today, the officers that violated the law are still employed by DHS and I, who reported these criminal violations back in 2005, was terminated. Indeed, shortly after I reported these criminal violations, Detention and Removal Field Officer Director [REDACTED] and Deputy Director [REDACTED] removed me from my position as retaliation for this disclosure. See letter attached hereto as Exhibit A. Director [REDACTED] used this removal as an opportunity to humiliate, discredit and manage me through fear. He did everything in his power to terminate me. Eventually, Director [REDACTED] and

Deputy Director [REDACTED] efforts failed and they had no option than to reinstate me. This, however, was not enough.

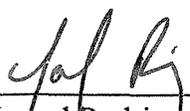
In October 2007, I again reported a severe lapse in policy and procedure at the Krome Detention Center. Specifically, 22 detainees were left in a holding cell for over 12 hours without being processed. Indeed, they did not have food, blankets or showers. The cell was not designed to hold these high number of aliens. In addition, I reported that there were several instances of theft from the detainees. Specifically, money that was not returned to them upon being deported. Lastly, I reported a huge drug problem among the detainees at Krome. As soon as I discovered all these violations, I, as a supervisor, requested memos from all the officers involved and reported the incidents to ICE intake office for their dissemination.

Again, a few days following my report, Director [REDACTED] and Deputy Director [REDACTED] removed me from my position but left those involved in the incident in their respective positions. See letter attached hereto as Exhibit B. Shortly thereafter, Director [REDACTED] began a concerted effort to discredit my reputation in an attempt to terminate me. Despite this atmosphere of fear, I continued to work and report these severe violations of law to EEO, OSC, and several members of Congress. Four months later, in February 2008, Director [REDACTED] and Deputy Director [REDACTED] accomplished what they could not in 2005 - after a twenty-two year successful career with INS and ICE, they terminated me and stripped me of my retirement and all other benefits.

Interestingly, I did not know at the time that all my 2005 allegations had been substantiated. Accordingly, while I am content that the "management inquiry" revealed significant violations of law as I revealed, I do not understand why they were not referred for prosecution or a higher level of investigation. In addition, there appears to have been some intervention as to the nature of the investigation in upper management levels. Why was this obstruction of justice not investigated? I specifically request that the investigation continue into the high level of corruption within the agency.

It is clear, based on the 2005 report, that severe violations of law occurred at the Department of Detention and Removal in the Southern District of Florida. These officers suffered minimal consequences and I, who reported the Constitutional violations was terminated. I find it extremely unfair that for the past four years, I have been persecuted for conduct that was obviously confirmed in the report, but withheld from me, in August 2005. I look forward to testifying before any Congressional committee or any other investigative body.

Sincerely,



Manuel Rodriguez

cc: Senator Mel Martinez
Senator Bill Nelson
Congressman Lincoln Diaz-Balart

*Office of Detention and Removal*U.S. Department of Homeland Security
7880 Biscayne Blvd.
Miami, Florida 33138U.S. Immigration
and Customs
Enforcement

Interoffice Memorandum

To: SDO Manual Rodriguez**From:** [REDACTED], Field Office Director [REDACTED]**Date:** August 8, 2005**Re:** Assignment

I am reassigning you to the IRP Squad effective Monday, August 15, 2005. You will report directly to SDDO [REDACTED], second line is [REDACTED], DOIC/KRO.

Your duties will be non-supervisory in nature; you will act in the capacity of a deportation officer. Those duties will include case management, travel document acquisition, DACS accuracy and all other normal duties assigned to a deportation officer. You will not delegate any assignment.

The unit supervisor will assign your hours of work. You are to sign in/out in a manner consistent with standard procedures; you must call for emergency leave in advance to either your first line or second line supervisor, in accordance with current procedures.

Your salary will remain at the GS-13 level with no adverse actions on your AUO. Currently there is sufficient workload in IRP to justify AUO at your current level. As IRP officers are not issued home to work vehicles neither will you.

You have until Friday, August 12, 2005 to complete any work in your current squad, including closeout of the performance work plans of the squad employees, drafting of standard. Please transfer those to Acting SDO [REDACTED]

Office of Detention and Removal

U.S. Department of Homeland Security
3900 Powerline Road
Pompano Beach, Florida 33074



U.S. Immigration
and Customs
Enforcement

Interoffice Memorandum

To: SDDO Manual Rodriguez

From: [REDACTED] Field Office Director [REDACTED]

Date: October 17, 2007

Re: Duties and Responsibilities

While on your indefinite detail to the Office of the Field Office Director the following will be your duties and responsibilities:

You will work directly for the FOD or Acting FOD. You will not supervise anyone at this time.

Your standard shift will be 0800-1600. You will work AUO at your current level.

Dress code is shirt/tie, business appearance.

As this assignment will not require after hours call outs or field response you will not require nor meet the standards of a home to work vehicle. Arrangements will be made to get you to your personal vehicle.

You are not to contact any employee in this field office except to complete official tasks. You are to conduct yourself at all times in a manner that is not offensive to others, display courtesies that are expected of employees of the Department of Homeland Security and conduct your business in a professional manner.

You may request leave, annual or sick, using prescribed procedures. In an emergency you may contact me via 1-800-X-Sector.

Duties will include but not be limited to:

Taskings I assign you, drafting of white papers using the formats I provide to you, compilation of data and statistics using DACS or other dbases, as necessary.

Contact with Assistant Field Office Directors will be for the purpose of gathering information that will be used in reports to HQ, response to media inquiries and Congressional offices.

You may leave your work with my Secretary, [REDACTED].

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EXHIBIT B