



NATIONAL FRATERNAL ORDER OF POLICE®

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PATRICK YOES
NATIONAL PRESIDENT

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20 May 2020

The Honorable John Cornyn III
United States Senate
Washington, D.C. 20510

The Honorable Christopher A. Coons
United State Senate
Washington, D.C. 20510

Dear Senators Cornyn and Coons,

I am writing on behalf of the members of the Fraternal Order of Police to advise you of our strong support for S. 3732, the "Jamie Zapata and Victor Avila Federal Law Enforcement Officers Protection Act"

Shortly after 2:00pm on 15 February 2011, Immigration and Customs Enforcement (ICE) Special Agents Jaime Zapata and Victor Avila were attacked by the Zetas drug cartel's hit men at a roadblock near San Luis Potosi, Mexico. After Agent Zapata struggled with the cartel's hit men as they tried to drag him out of the vehicle, Zapata was shot six times. Despite Agent Avila having been shot in the thigh and ankle and grazed by two other bullets, Avila was able to raise the window of the armored SUV and call the U.S. Embassy in Mexico City for help. As Zapata laid dying in the driver's seat, Avila pushed Zepata's leg down on the accelerator to escape the attack but crashed through a truck blocking them, swerved across lanes and stalled in a median. The cartel's hit men made one more pass at the agents but was unable to pierce the armored exterior. In total, more than 100 rounds were fired at Agents Zapata and Avila. Agent Zapata was the first U.S. Federal law enforcement officer killed in the line of duty in Mexico since 1985.

Federal Courts across the country have recognized for years that, pursuant to 18 U.S.C. 1114, the United States government could prosecute anyone who killed or attempted to kill a Federal officer or employee while they were performing or on account of their official duties. In January of this year, the D.C. Circuit Court of Appeals vacated the murder convictions of two Los Zetas cartel assassins responsible for heinous murder of ICE Agent Zapata and attempted murder of ICE Agent Avila. The Court concluded that Congress was not expressly clear that section 1114 applies to crimes committed outside the United States.

Your legislation would undo this dangerous precedent set by the D.C. Circuit Court of Appeals and clarify that Federal law clearly and unambiguously protects Federal law enforcement officers operating outside our borders. It is imperative that this unjust decision be overturned legislatively so that justice will be served for the families and friends of any Federal law enforcement officer killed in the line of duty.

On behalf of the more than 351,000 members of the Fraternal Order of Police, I am proud to offer our support for this legislation. If I can be of any further assistance, please do not hesitate to contact me or my Executive Director, Jim Pasco, in my Washington office.

Sincerely,

Patrick Yoes
National President

--BUILDING ON A PROUD TRADITION--

