Resolution Honoring Special Agent Clark is Inappropriate

From: The Honorable Donna M. Christensen
Sent By: Monique.Watson@mail.house.gov

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July 14, 2010

ATF AGENT'S CASE SHOULD BE TRIED IN COURT

NOT IN THE CONGRESS

Resolution Honoring Special Agent Clark Is Inappropriate

Dear Colleague,

Recently, you received a letter from Rep. Christopher Lee (NY-26) asking you to co-sponsor a resolution honoring Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) agent William G. Clark who has been charged with Second Degree Murder and related charges in my district of the U.S. Virgin Islands.

I believe this request is an inappropriate attempt to have the U.S. Congress take a position in a matter that is rightfully before the courts. The letter from Rep. Lee paints the picture of a heroic figure who came to the aid of a victim of domestic violence and who is now being unjustly prosecuted for defending the victim and himself.

While I understand Rep. Lee's passion in defending his constituent and supporting law enforcement, the facts do not support his portrayal of the events surrounding the incident and the actions taken by the Virgin Islands criminal justice system as regards this case.

After reviewing the facts of the case, along with interviewing several witnesses which included an attorney, a former prosecutor and a security guard, the U.S. Virgin Islands Attorney General concluded that the Agent Clark acted with excessive force. Moreover, the domestic abuse victim to whose defense he came has also stated that his response to the incident was excessive.

The U.S. Virgin Islands Attorney General has provided Agent Clark with all courtesies including asking for minimal bail and allowing him to leave the jurisdiction

pending trial. In addition, his request to have his case heard in federal court was heard by the U.S. District Court for the Virgin Islands.

As the congressional representative of the U.S. Virgin Islands which is an unincorporated territory of the United States of America I can affirm that the application of federal law in the territories is a matter that is constantly up for interpretation by the courts. U.S. Virgin Islanders are proud Americans, but often find ourselves inside or outside federal jurisdiction based on a complicated set of treaties and legal opinions.

The Virgin Islands Attorney General and local and federal courts have determined that Agent Clark was not acting within his authority as a federal agent when the incident occurred. The matter is now before the U.S. Third Circuit Court of Appeals.

With regards to the ATF report which reportedly supports Agent Clark's actions, a copy has not been provided to the Virgin Islands Attorney General for review.

I respectfully request that Members of Congress not jump to conclusions on this matter and do not support this resolution which would be no more than a public relations tool to provide support for a defendant before the court. The people of the U.S. Virgin Islands believe in the American system of justice and believe that Agent Clark will receive a fair hearing before the courts.

If you require further information on this issue, please contact Monique Clendinen Watson in my office at 67973 or at Monique.Watson@mail.house.gov.

Sincerely,

Donna M. Christensen

Member of Congress