

October 29, 2021

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
3801 Nebraska Ave. NW
Washington, D.C. 20016

The Honorable Merrick B. Garland
Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Secretary Mayorkas and Attorney General Garland,

We write to raise concern and request an immediate investigation and clarity surrounding Texas Governor Greg Abbott's effort to establish a separate state immigration policy, sometimes called "Operation Lone Star" or "catch and jail," which is wreaking havoc on Texas' judicial system. "Operation Lone Star" includes a roughly billion-dollar Texas law enforcement program designed by Governor Abbott to target suspected migrants for arrest, jailing, and criminal prosecution by state and local law enforcement for the Texas state misdemeanor offense of criminal trespass. These operations have continued to militarize Texas' border communities and interfered with the federal immigration system, likely violating the Supremacy Clause of the Constitution. Even more egregiously, these programs have directly led to a violation of state laws and constitutional due process rights.

Governor Abbott's use of military and police presence on the border and his arrests of migrants have overwhelmed local justice systems, leaving legal and logistical problems and prolonged delays. Texas counties do not have enough employees nor the technology to manage hundreds of cases. One county in particular, Kinney County, has had to manage over 80 percent of the cases, and many of the migrants there had been without attorneys for weeks.¹ Over the past month, the state has passed multiple state statute deadlines to file charges, and jails must release defendants without those charges filed, which has also not occurred in all cases.² As a result almost 1,000 migrants to sit in prison for weeks and sometimes over a month.

Additionally, the Governor's efforts have led to the wrongful separation of families and the violation of state and federal laws. In fact, there have been delays of filing charges, delays in appointing attorneys for migrants, and migrants unknowingly filing out documents they could not read to waive their right to counsel.³

We ask that the Department of Justice (DOJ) review and investigate Governor Abbott's Operation Lone Star program regarding both its likely violation of the Supremacy Clause and its treatment of migrants, especially in regards to an individual's constitutional right to due process. In addition, we ask that the Department of Homeland Security (DHS) provide clarity on the immigration process for individuals subjected to the Operation Lone Star program. We also request that DHS provide migrants who enter into its custody after their release from state

¹ <https://news4sanantonio.com/news/local/migrants-arrested-in-border-crackdown-being-imprisoned-weeks-without-legal-help-or-charges>


² <https://www.texastribune.org/2021/09/27/texas-border-migrants-jail/>

³ <https://www.texastribune.org/2021/09/27/texas-border-migrants-jail/>

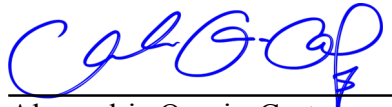
custody with timely and regular telephone access so that they can inform their loved ones and attorneys of their location.

We look forward to continuing to work with you on ensure that no state is overstepping its authority with respect to the federal immigration system and that migrants are treated with the respect and humane dignity they deserve.

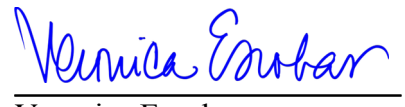
Sincerely,




Joaquin Castro
Member of Congress




Alexandria Ocasio-Cortez
Member of Congress



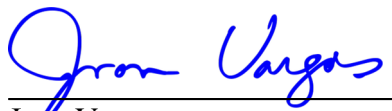
Veronica Escobar
Member of Congress



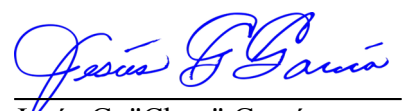
James P. McGovern
Member of Congress



Adriano Espaillat
Member of Congress



Juan Vargas
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Jan Schakowsky
Member of Congress



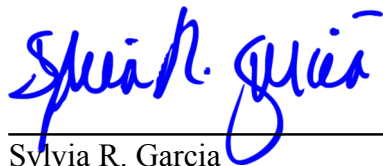
Filemon Vela
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Eleanor Holmes Norton
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J. Luis Correa
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Sylvia R. Garcia
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Rashida Tlaib
Member of Congress



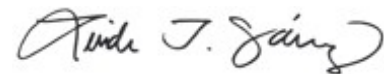
Lucille Roybal-Allard
Member of Congress



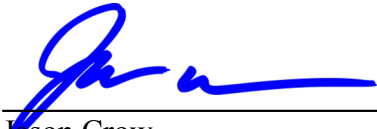
Pramila Jayapal
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Bill Foster
Member of Congress



Colin Z. Allred
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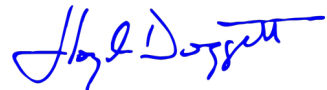
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