December 15, 2021

Merrick Garland, U.S. Attorney General
Lisa Monaco, Deputy Attorney General
Vanita Gupta, Associate Attorney General
Kristen Clarke, Assistant Attorney General
United States Department of Justice
950 Pennsylvania Ave. NW
Washington, D.C. 20530

Dear Attorney General Garland, Deputy Attorney General Monaco, Associate Attorney General Gupta, Assistant Attorney General Clarke:

As organizations committed to advancing immigrant rights, civil rights, and racial justice, we urge you to take action in response to today’s filing of a Title VI complaint against Texas state agencies for continued implementation of “Operation Lone Star”—an unlawful, racist, and xenophobic system of state immigration enforcement in Texas. Specifically, we request that the U.S. Department of Justice initiate a formal Title VI investigation and terminate federal funding received by Texas agencies and counties engaged in this discriminatory operation.

“Operation Lone Star” is a state-created immigration enforcement system disguised as a state criminal system. Supported by roughly a billion dollars in funding, the Operation targets migrants for arrest, jailing, and criminal prosecution for the state misdemeanor offense of criminal trespass based on their perceived race, national origin, and immigration status. Arrested individuals are channeled into an unconstitutional shadow criminal legal system that violates basic due process rights and in many cases the Refugee Convention’s prohibition against imposing penalties on asylum seekers. In short, as the Title VI complaint documents, “Operation Lone Star” is rife with egregious civil rights violations.

Statements by various Texas state and local officials make clear the true discriminatory intent of the Operation: to use it as a vehicle to punish migrants and deter future immigration rather than

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1 Agencies include: Texas Office of the Governor, Texas Department of Public Safety, Texas National Guard, Texas Division of Emergency Management, and Texas Office of Court Administration, as well as Val Verde and Kinney Counties.
2 “Operation Lone Star” refers to a large Texas law enforcement effort that includes several components, including the trespass arrest program that is the focus of the Title VI complaint filed on December 15, 2021.
to neutrally enforce state criminal law. Texas Governor Greg Abbott intends the Operation to send a message to those that “come across the border in the state of Texas, they’re not going to be caught and released like under the Biden administration, they are going to be spending time behind bars.” It’s “catch and jail,” he says.

Similarly, the Kinney County Sheriff’s Office has boasted on social media, “This is happening! 17 illegals this morning.” Val Verde County Sheriff Joe Frank Martinez testified that people in his jurisdiction have asked him, regarding migrants on their property, “When can I shoot?” and that he believes that migrants “should be arrested versus them getting shot.”

Nearly all of those arrested to date are Latinx or Black. As detailed in the Title VI complaint, analysis of arrest affidavits under the Operation show acute racial disparities and racially biased policing. Officers repeatedly describe potential arrestees as “undocumented migrants,” a label that appears to be based solely on race and on the presumption that Latino men in particular are necessarily undocumented and should be targeted for arrest under the Operation. In other cases, affidavits describe state officials initiating police encounters based on the perception that individuals are “Hispanic.” The affidavits reinforce not only that the arrests target migrants, but also that officers are using race as a proxy to identify “undocumented migrants.”

The discriminatory intent of Texas officials is underscored by the implementation of the program, which has included unlawful arrests and changes to standard charging practices. For example, Texas law enforcement officials have directed individuals near the border to a particular place–giving them the impression they have permission to be on the property–only then to arrest them for trespassing. Texas authorities also constructed new fences near the border in an attempt to make crossing property criminal where it was not before–to enable the arrest of migrants. Additionally, the state prosecutes those arrested for criminal trespass under the Operation as a “Class A” misdemeanor, even though trespass is ordinarily a “Class B”

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6 Id.
10 Id.
11 Id.
12 Id.
misdemeanor—allowing the state to impose enhanced and harsher penalties specifically for the migrants arrested.\textsuperscript{13}

Once Latinx and Black migrants are arrested under the Operation, they are held in “criminal migrant processing facilities” and then transported to one of two state prisons that have been converted to pretrial jails specifically for the Operation.\textsuperscript{14} These facilities are notorious for poor conditions including inadequate food, medical care, and treatment.\textsuperscript{15} Migrants channeled into this criminal system are routinely denied or delayed access to legal counsel.\textsuperscript{16} Many report being held in jail for three months without ever speaking to an attorney. In some instances, individuals have been forced to submit involuntary waivers of counsel at their first court appearance.\textsuperscript{17}

“Operation Lone Star’s” targeting of Latinx and Black migrants in this constitutionally deficient system fits within a context of broader white supremacist rhetoric and racial animus that threatens all Black and Brown Texas communities. Kinney County officials have repeatedly linked the humanitarian challenge of migration to Texas’s war of independence from Mexico—invoking violent imagery analogizing migrants to “invaders.”\textsuperscript{18} The county is taking additional steps to target migrants by seeking to hire private security to help locate migrants for apprehension, partnering with vigilante groups, and possibly deputizing militia members.\textsuperscript{19} In other words, the Operation fans the flames of racist, anti-immigrant animus in Texas and threatens to embolden states around the country to initiate similar discriminatory programs.

\textsuperscript{13} See Tex. Penal Code § 30.05(d)(1); In May 2021 Governor Abbott declared a disaster due to migration across the Texas-Mexico border. Under Texas law, where there is a showing that an offense was committed in an area subject to a federal, state, or local disaster declaration, penalties are enhanced for “the next higher category of offense.”


\textsuperscript{17} Id.


\textsuperscript{19} See e.g., SammySam777, Kinney County Commissioner’s Court Speech., YouTube (Oct. 23, 2021), https://www.youtube.com/watch?v=q3n42ULJkXo&t=5s; SammySam777, November 1, 2021, YouTube (Nov. 1, 2021), https://www.youtube.com/watch?v=ZBrkRwO65SY&t=2s; Gateway Pundit, Kinney Co. TX Sheriff TX Takes Historic Action To Fight Back Against Illegal Invasion, YouTube (Oct. 18, 2021), https://www.youtube.com/watch?v=jiTvH3jOXzE&list=UUMaLetBcZ8fqsoIryB015og&index=4&ab_channel=GatewayPundit.
Title VI of the Civil Rights Act of 1964 bars discrimination on the basis of race, color, or national origin in any program or activity receiving federal financial assistance. Texas agencies that depend on federal dollars are perpetrating “Operation Lone Star.” The U.S. Department of Justice must exercise its authority under Title VI to investigate this unabashedly racist and anti-immigrant operation to ensure that federal dollars are not used to discriminate. We urge you to investigate and act immediately.

Sincerely,

ACLU of Texas
ACLU National
Adelante Alabama Worker Center
Advancement Project, National Office
Alianza Americas
Alianza for Youth Justice
Alianza Sacramento
All Souls Unitarian Migrant Solidarity Team
American Friends Service Committee
Amnesty International USA
Angry Tias and Abuelas of the RGV
Arizona Justice For Our Neighbors
Autistic Self Advocacy Network
Bend the Arc: Jewish Action
Benedictine Sisters
Black Alliance for Just Immigration
Border Patrol Victims Network
Catholic Charities of Southern New Mexico
Catholic Legal Immigration Network, Inc.
Center for Constitutional Rights
Chicago Religious Leadership Network on Latin America
Chicago Religious Leadership Network on Latin America-CRLN
Church World Service
Coalition for Humane Immigrant Rights (CHIRLA)
Columbia Law School Immigrants' Rights Clinic
Community Asylum Seekers Project
Community Justice Exchange
Connecticut Shoreline Indivisible
Defending Rights & Dissent
Detention Watch Network
Doctors for Camp Closure
Envision Freedom Fund
Every Texan (formerly CPPP)
Faith in Public Life
Faithful Friends/Amigos Fieles
Families for Freedom
Freedom Network USA
Grassroots Leadership
Haitian Bridge Alliance
Houston Immigration Legal Services Collaborative
Human Rights First
Human Rights Initiative of North Texas
Human Rights Watch
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Justice Network
Immigrant Legal Resource Center
Immigrant Welcoming Working Group, Plymouth Congregational Church of Minneapolis
Inter-Faith Committee on Latin America (IFCLA)
Interfaith Welcome Coalition - San Antonio
Jewish Activists for Immigration Justice of Western Mass
Just Futures Law
Justice Action Center
LatinoJustice PRLDEF
Legal Aid Justice Center
Long Beach Immigrant Rights Coalition
Mano Amiga
Mariposa Legal
Maryland Against ICE Detention
Migrant Solidarity Team, All Souls Church, Unitarian
Mijente
Minnesota Interfaith Coalition on Immigration
Mississippi Center for Justice
Muslim Advocates
National Council of Churches
National Immigrant Justice Center (NIJC)
National Immigration Law Center
National Immigration Project (NIPNLG)
National Latina Institute for Reproductive Justice
National Network for Immigrant and Refugee Rights
NorCal Resist
Northwest Immigrant Rights Project
Presente.org
Progressive Leadership Alliance of Nevada
Public Counsel
Public Defenders Coalition for Immigrant Justice
Quixote Center
RAICES
Rainbow Beginnings
Robert F. Kennedy Human Rights
Sanctuary and Resistance to Injustice
Secure Justice
Showing Up for Racial Justice
SIREN
South Bay People Power
Southeast Asia Resource Action Center (SEARAC)
Southern Border Communities Coalition
Southern Poverty Law Center
SPAN Parent Advocacy Network
T'ruah
Tahirih Justice Center
Takoma Park Mobilization -- Equal Justice
Texas AFL-CIO
Texas Civil Rights Project
Texas Fair Defense Project
The Sidewalk School
Unitarian Universalist Service Committee
United Sikhs
UnLocal
Voces Unidas RGV
Witness at the Border
Woori Juntos
Young Center for Immigrant Children's Rights