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UNITED STATES DEPARTMENT OF JUSTICE
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

**Re: Serious Ongoing Abuses Require DOJ Investigation of Texas’s Operation Lone Star**

On December 15, 2021, the Texas Civil Rights Project, the American Civil Liberties Union, and the Texas Fair Defense Project submitted a complaint to your office detailing violations of Title VI of the Civil Rights Act of 1964 by the Office of the Texas Governor, the Texas Department of Public Safety (“DPS”), and numerous other Texas agencies responsible for enacting Operation Lone Star’s (“OLS”) migrant arrest program. In that complaint and three additional supplements, we described the illegal and dehumanizing treatment of people committed under the guise of OLS and demanded an investigation into OLS. Your office never initiated an investigation. Since that time, the abuses of immigrants and Latinx people continues. Accordingly, in this letter, we again call for your office to open an immediate investigation into OLS. Without

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intervention, abuses will continue to multiply at the Texas-Mexico border and across the State of Texas under OLS.

Unfortunately, as we anticipated in our prior communications, conditions on the ground have worsened. Texas continues to actively militarize Texas border communities, sending thousands of National Guard soldiers to erect dangerous barriers of concertina wire. These obstacles push people seeking protection in the United States to increasingly treacherous and dangerous parts of the border. If people are fortunate enough to reach the border, Texas officials harass and abuse them. State and local officials detain and prosecute growing numbers of migrants for misdemeanor trespass, and now subject individuals from across Texas to a ten-year mandatory minimum sentence for human smuggling. Both practices disproportionately harm people of color. Hundreds of thousands of people have now been impacted by this discriminatory system, which has little to no oversight. Officials with connections to white supremacist groups and private vigilantes help run this separate criminal system.

Over two years have passed since our initial request for the DOJ to hold Texas accountable for its illegal actions under OLS. Despite the fact that Texas continues to find new and shocking ways to enact cruelty through OLS, we are not aware of any formal DOJ investigations into OLS. While the DOJ has challenged in court some aspects of Texas’s border operations that impede on federal operations and sovereignty, it has not challenged the heart of OLS: state attempts to deter migrants through dangerous and discriminatory arrest, jailing, and criminal prosecution of state criminal trespass based on perceived race, national origin, and immigration status. Irrespective of the outcome of the supremacy challenges to some of Texas’s border practices, Texas will continue to violate civil rights under OLS.

For all these reasons, your office must open an immediate investigation into OLS.

I. Texas’s intent to continue, and expand, OLS is clear.

In 2023, the Texas Legislature held one of the longest legislative sessions in the history of the state, with a five-month regular session and four additional sessions running from June to December. Throughout these sessions, the Legislature passed bills that gave further institutional support and funding to OLS, including an additional $5.1 billion allocation of funds for the purpose

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of securing the border in the regular session, and an additional $1.5 billion in the fourth special session. The total funding for OLS now exceeds $11 billion.

During testimony taken on border security proposals, state officials, including the Director of the Department of Public Safety, Steven McCraw, made it clear that they envision OLS as a permanent policy. For example, during a hearing on a bill that proposed a criminal offense for entering the state other than at a port of entry, Director McCraw used OLS arrest numbers as a benchmark for how many arrests to expect under this new scheme.

Governor Abbott has also repeatedly affirmed that Texas intends to continue and expand OLS. For instance, in February 2024 he wrote in the *New York Post* that the state “will continue to build barriers that deny illegal entry into our state, arrest immigrants that cross illegally, and fulfill our duty to secure our border.” That same month, he announced the construction of a Forward Operating Base in Eagle Pass. According to the governor, the base is designed to “expand[] border security capabilities” and “dramatically improve conditions” for soldiers on deployment. Texas has also continued to expand a network of detention facilities dedicated to housing people detained under OLS. That the state is continuing to invest in permanent infrastructure to house soldiers at the border and OLS detainees shows that it is committed to OLS in the long-term. Texas will not cease the practices described below on its own, and indeed, will likely continue to expand its dangerous and discriminatory policy.

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11 Id.

II. Texas has continued to expand OLS’s discriminatory, lawless, and separate system of justice.

Texas has built a massive, parallel, and discriminatory justice system to process the hundreds of thousands of people state law enforcement has detained under OLS. As of April 2024, Texas has detained at least 508,900 migrants under OLS, with 41,900 criminal arrests. Most of the criminal charges are for trespass and result in time-served sentences if the person is convicted.

Despite the low level nature of these offenses, many individuals charged under OLS are funneled into a separate legal system where they are detained, arrested, subjected to remote processing, and sent to prisons far from the site of the alleged offense, regardless of whether they are eventually prosecuted. A nonprofit that serves people detained under OLS reports that it has appointed counsel for people in 10,192 misdemeanor cases and 3,514 felony cases under OLS. Of these, only one misdemeanor and three felony cases have gone to trial. The majority of people subjected to this cruel system are Latinx.

Our original complaint contains further details on Texas’s disturbing misdemeanor prosecution and detention system. These concerns remain; however, several things have worsened. First, the number of OLS prosecutions continues to rise. Our December 2021 letter described 2,200 people prosecuted under OLS. According to Governor Abbott, that number is now at least 41,900.

Second, additional disturbing details have emerged about the treatment of people caught up in the OLS criminal system. OLS prisoners have reported that guards forced them to stand in the sun for eight hours at a time and served them food with cockroaches and worms. They also report guards shouting racist insults at them. Furthermore, multiple people detained under OLS have complained that they were held in prison beyond the point where they had completed their sentences or had charges dropped—some as long as six weeks beyond their required release date.

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13 Press Release, Office of the Texas Governor, supra note 3.
16 Interview with Amrutha Jindal, Exec. Dir., Lone Star Def. Office (Mar. 8, 2024).
17 Communication with Amrutha Jindal, supra note 14.
18 See OLS Trespass Arrest Program Title VI Compl., supra note 1.
19 Id.
20 Id.
22 Id.
Recent developments also show that Texas’s separate legal system does not afford defendants the most basic legal protections. For example, some OLS counties also appear to be using bond requirements to keep the money posted by migrants. Kinney County, for example, requires bail to be paid in cash, sometimes only releasable to the defendant themselves. However, in OLS criminal trespass cases, defendants can be, and often are deported before their case can be resolved. When they do not show up in court—because they cannot reenter the country—the county pursues bond forfeiture. In May 2022, Kinney County held more than two million dollars in bond funds. At that point, the county had only returned one bond to an OLS defendant. Kinney County has filed civil bond forfeiture cases to forfeit bond money from over 600 individuals. The average bond amount for a misdemeanor OLS case is approximately $3,000. For fiscal year 2022–23, the county reported a revenue of $254,960 from bond forfeitures. It did not report any revenue from bond forfeitures the three prior years.

The conduct of the judges presiding over OLS cases also raises serious concerns about the fairness of the legal system. For example, a judge adjudicating OLS cases in Kinney County reportedly used racial slurs against defendants, saying that the defendants in front of him were not “your regular wetbacks.” The Texas Judicial Commission declined to discipline the judge.

Inhumane sentencing under OLS is also a serious concern. In the past few years, Texas has escalated arrests under OLS for human smuggling. In October, a Texas teenager was sentenced to ten years in prison for smuggling and evading arrest after being stopped as part of OLS. We expect these draconian sentences to increase following Governor Abbott’s signing of a state law that creates a mandatory minimum sentence of ten years for human smuggling. Law enforcement reports that cartels use social media to recruit young people from across Texas to drive people

24 Jolie McCullough, *Cash is Piling up in Kinney County from Bonds Posted to Free Migrants Arrested under Texas Border Crackdown*, The Tex. Tribune (May 13, 2022), [https://www.texastribune.org/2022/05/13/texas-border-migrants-cash-bonds/](https://www.texastribune.org/2022/05/13/texas-border-migrants-cash-bonds/).
25 *Id.*
26 *Id.*
27 *Id.*
28 *Id.*
29 *Id.*
30 Interview with Amrutha Jindal, *supra* note 16.
32 *Id.*
34 *Id.*
36 Tex. Penal Code § 20.05(b).
from the border to the interior of the state. This new human smuggling law will disproportionately impact communities of color, and risks sending teenagers and young adults to Texas state prisons for a decade.

Finally, family separation has continued under OLS. In 2018, the Trump Administration’s Zero Tolerance policy shocked our nation. Under this policy, the federal government separated migrant families to deter people from crossing the border. President Biden has called the practice “abhorrent.” Yet, last summer, Texas used OLS to reinstate family separation when it began arresting and detaining fathers who were traveling with their children. Many families had no idea where the state took the fathers. Texas separated at least forty families under OLS. The state stopped separations after a public outcry, but there is no law preventing it from starting again. The goal of OLS remains clear: deter people from seeking asylum and safety by traumatizing families and children. The DOJ should not allow Texas to rip migrant parents away from their children.

The fact that these abuses have occurred within a system expressly designed to target people on the basis of national origin, as well as race and color, demonstrates a glaring need for the DOJ to investigate and end OLS in all its forms.

III. Since our last supplementation, Texas has exacerbated the humanitarian crisis on the border.

Under OLS, Texas has sent thousands of DPS troopers and Texas National Guard soldiers to the border. Even prior to Governor Abbott’s announcement of the construction of a Forward Operating Base, parts of Texas border communities started to resemble a military encampment, complete with concertina wire and Humvees. As a part of these border security missions, Texas security forces have committed serious abuses of migrants and refused to assist the federal government in rescuing migrants in distress. They have also engaged in dangerous and unnecessary high-speed chases, shot at migrants, and created intelligence units that conducted

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40 Interview with Amrutha Jindal, supra note 16.

41 Wermund & Romero, supra note 38.
illegal intelligence gathering. Ultimately, their behavior has led to serious injuries and the deaths of migrants, Texas security personnel, and innocent Texans.

A. Texas systematically abuses migrants along the border and impedes efforts to save lives.

Reports from the past year show that Texas has a practice of abusing migrants and impeding life-saving efforts by the federal government.

In July, the media published an email from a Texas State trooper that detailed the cruel treatment of migrants under OLS. The trooper, a medic, described several disturbing situations that he had seen between June 24 and July 1, 2023. For example, on June 25, 2023, the trooper came across a group of people camped along the U.S.-Mexico fence line. This group included children and nursing babies. The trooper reported that his shift officer ordered them to “push the people back into the water to go to Mexico.”

On July 30, 2023, the trooper encountered a group of people, including a four-year-old girl, who other soldiers had “pressed back” when the group tried to cross the concertina wire in 100-degree heat. Shortly afterwards, the four-year-old passed out from heat exhaustion. The trooper’s email account includes other disturbing stories, such as descriptions of migrants injured by concertina wire and a woman suffering a miscarriage while tangled in the wire. In their email, the trooper also urged their superiors to end a ban on providing water to migrants in the South Texas summer heat.

In response to these reports, Texas Border Czar Mike Banks, Texas DPS Director Steve McCraw, and Texas Adjutant General Major General Thomas Suelzer issued a statement saying that “[n]o orders or directions have been given under Operation Lone Star that would compromise the lives of those attempting to cross the border illegally.” DPS spokesman Travis Considine stated on social media that “[t]roopers give migrants water...” Less than a month later, observers

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43 Id.
44 Id.
45 Id.
46 Id.
from NGOs reported witnessing Texas National Guard and DPS personnel refusing to give water to migrants in the August heat.\textsuperscript{49}

There are numerous other incidents of Texas officials’ alarming abuse of migrants in connection with OLS initiatives. For example, in a video published on October 3, 2023, a Texas National Guard member is seen standing over a man who is lying prone and struggling to pass under concertina wire.\textsuperscript{50} The guard member repeatedly asks the man why he sent children across the border and says in Spanish, “I have no mercy” and called them “animals.”\textsuperscript{51} At one point, the soldier appears to bring his foot down on either the man’s hand or the concertina wire above the man.\textsuperscript{52} In the background, a voice cries out at this exact moment and asks what is happening.\textsuperscript{53} Rather than help the man—who was obviously in distress—the soldier appeared to punish him with taunts and continued to physically abuse him.

This abusive treatment of migrants by Texas officials is now well documented. In February 2024, journalists reported that Texas National Guard soldiers pushed migrants, including a woman holding a baby, back across the Mexican border near El Paso while shouting “asshole” and other profanities.\textsuperscript{54} One guard member shouted “go back, man” at a migrant, but when he noticed that journalists were recording him, he changed his tone, approaching the migrant and saying that he wanted to help.\textsuperscript{55} When other guard members noticed the journalists, who were standing in Mexico, they pointed lasers at the journalists and their equipment.\textsuperscript{56}

A video taken by Mexican journalists on March 20, 2024, shows two Texas National Guard members using force to restrain a migrant near El Paso.\textsuperscript{57} In the video, one of the soldiers straddles the migrant’s legs while the other kneels over him and forces his head and arm to the ground.\textsuperscript{58} The soldier holds the migrant in this position until the end of the video, at least twenty seconds.\textsuperscript{59} These incidents underscore that Texas National Guard soldiers do not have adequate training, knowledge, or capacity to interact with asylum seekers and protect their constitutional rights.

\textsuperscript{49} Bob Libal (@blibal), Twitter (Aug. 16, 2023, 10:22 AM), https://twitter.com/blibal/status/169183273076597466.
\textsuperscript{50} Al Jazeera English (@AJEnglish), Twitter (Oct. 3, 2023, 11:51 AM), https://twitter.com/AJEnglish/status/1709249822954340862.
\textsuperscript{51} Id. at 0:40.
\textsuperscript{52} Id. at 0:13–15.
\textsuperscript{53} Id. at 0:15–17.
\textsuperscript{55} Id.
\textsuperscript{56} Id.
\textsuperscript{57} Correspondentes de Noticieros Televisa (Mar. 20, 2024), https://drive.google.com/file/d/1qZ_4WofUDRnvDqWP-OrtkvBUJWEXSf/view.
\textsuperscript{58} Id.
\textsuperscript{59} Id.
Texas authorities have also shown wanton disregard for migrants in distress. In December 2023, Texas Public Radio ("TPR") published a video of Texas National Guard troopers ignoring a woman and child who were in distress in the river.  

Eyewitnesses reported that the pair “went under for a while” before they resurfaced. The Texas Military Department stated that the troops approached the migrants by boat and determined that they were not in medical distress and were able to return to the Mexican side of the river. A witness interviewed by TPR said that the woman was “crying, screaming, begging for help.”

While Texas officials claim they have a policy of rescuing migrants in distress, in September 2023, Breitbart reported that a Texas National Guard colonel relieved two National Guard soldiers of duty for cutting razor wire to access and assist migrants with small children who had been standing in the hot sun for hours.

Finally, as you are undoubtedly aware, after seizing Shelby Park from the City of Eagle Pass as part of OLS, Texas refused to allow U.S. Border Patrol to render aid to two migrants in distress in the Rio Grande, even after a woman and her two young children had drowned in the same area an hour before. Denying U.S. Border Patrol access to the area limited the government’s ability to use federal surveillance equipment to monitor the river for migrants in distress and to assist Mexican authorities with rescue efforts. These incidents show a consistent pattern, indicative of the fact that Texas is more interested in harming migrants than rescuing vulnerable people in distress.

**B. Texas’s use of razor wire endangers lives.**

Texas has deployed at least one hundred miles of razor wire along the Rio Grande to deter migrants from attempting to cross the border. The state even erected razor wire along the Texas-New Mexico border. The razor wire is installed by both the Texas Department of Public Safety

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61 Id.

62 Id.

63 Id.


65 Second Supplemental Memorandum Regarding Emergency Application to Vacate the Injunction Pending Appeal at 1–2, Dep’t of Homeland Sec. v. Texas, 144 S.Ct. 715 (2024).

66 Id. at 4–5.


and the Texas National Guard.\textsuperscript{69} Much of the wire is made by inmates in Texas state prisons.\textsuperscript{70} This razor wire has forced migrants to choose between going through the wire, thereby risking bloody lacerations, and crossing into more dangerous parts of the river, thereby risking drowning. Over two months in the summer of 2023, DPS medics treated 133 people for injuries caused by the razor wire, including a five-year-old boy.\textsuperscript{71}

Drownings in the Rio Grande are another horrifying result of Texas’s deployment of razor wire. The presence of wire pushes migrants to increasingly treacherous places to attempt crossing the river. For example, in the week prior to November 22, 2023, alone, around ten migrants drowned in Eagle Pass.\textsuperscript{72} An internal U.S. Customs and Border Protection (“CBP”) memo reportedly warned that the wire prevents CBP from assisting people in distress and increases the risk of drowning.\textsuperscript{73} DOJ should continue its efforts to stop Texas’s dangerous use of razor wire along the U.S.-Mexico border and should investigate this matter.

\textbf{C. The conduct of Texas officials under OLS endangers Texans.}

Texas’s implementation of OLS has endangered and even killed Texans. To start, the increase in dangerous vehicular pursuits in OLS counties that we identified in our July 2022 supplement has continued.\textsuperscript{74} Between March 2021 and July 2023, pursuits by DPS and local law enforcement in OLS counties killed at least seventy-four people and injured 189.\textsuperscript{75} Sixty-eight percent of all vehicle pursuits in Texas now occur in OLS counties—which represent only thirteen


\textsuperscript{74} See OLS Arrest Program Title VI 3rd Suppl. Compl., supra note 2.

percent of the state’s population. Seventy-six percent of these pursuits occurred because of a traffic violation, ninety-seven percent of which were traffic misdemeanors. In one instance, DPS chased a suspect through Kinney County at speeds over 115 miles per hour. In another instance, a high-speed chase killed a seven-year-old girl—an innocent bystander.

These pursuits cause lasting damage to Texas communities. In the aftermath of the shooting at Robb Elementary School in Uvalde, investigators identified the frequency of school lockdowns resulting from high-speed chases as one reason for the insufficient security response. Their report noted that chases became a “daily event” in the Uvalde area after February 2021, just a month before OLS began. Uvalde schools were locked down forty-seven times after February 2022. Ninety percent of those lockdowns occurred because of high-speed chases. Under OLS, the Texas Department of Public Safety has caused an uptick in dangerous traffic chases in majority Latinx counties. This demonstrates a discriminatory impact that warrants DOJ investigation.

Under OLS, DPS troopers have also harassed U.S. citizens. On October 12, 2023, the Ayala family was returning from visiting relatives in Ciudad Juarez when DPS vehicles boxed them in and forced them off the road in El Paso. The family was terrified when they saw men in uniform pointing semi-automatic weapons at them. The officers damaged the Ayalas’ car, and the sixty-seven-year-old grandmother still has lingering back pain. This incident is a particularly egregious example of the pattern of increased traffic stops in majority Latinx counties that we documented in our previous supplement.

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76 Id.
78 Id.
80 “So Much Blood on the Ground”: Dangerous and Deadly Vehicle Pursuits under Texas’ Operation Lone Star, supra note 74.
82 Id. at 22–23.
83 Id.
85 Id.
86 Id.
87 OLS Arrest Program Title VI 3rd Suppl. Compl., supra note 2.
OLS has created miserable and dangerous conditions even for Texas National Guard members and DPS personnel. At least eight National Guard members have died since the start of OLS, including four by suicide.\(^8\) One DPS trooper died after sliding off the roof of a moving truck during an operation.\(^8\) While federal CBP agents are required to use seatbelts, it is common practice for DPS to ride on top of trucks to oversee the transport of migrants.\(^9\)

Texas officials have consistently used dangerous and violent rhetoric about immigrants when discussing OLS. Their statements make clear that they are targeting immigrants based on race and national origin. For example, Lieutenant Chris Olivarez of the Texas Department of Safety cited concern that “we see so many single men from Africa, the Middle East, and China” as justification for deployment of troops and barriers at the Texas-Mexico border.\(^9\) Governor Greg Abbott recently invoked the invasion clause of Article I of the Constitution as justification for OLS and related policies.\(^9\) Governor Abbott also recently said that the only reason Texas is not shooting migrants is because the federal government would charge them with murder.\(^9\) This is an escalation of the racist and nativist rhetoric that we flagged in our original complaint and that continue unabated.\(^9\)

Such rhetoric has created an environment where dangerous extremists are enabled to act. On January 20, 2024, a Federal Bureau of Investigation surveillance plane observed men holding migrants at gunpoint and reported the incident to state law enforcement.\(^9\) State law enforcement investigated the incident and stopped a member of the United Patriot Party of North Carolina, who had multiple firearms and admitted that he “did brandish a rifle in the presence” of migrants.\(^9\) Texas’s invasion rhetoric also inspired a convoy of extremists from across the country calling itself “God’s Army” to head to the southern border for a “Take Our Border Back” rally in Quemado, Texas, twenty miles from Eagle Pass.\(^9\)

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\(^9\) Id.


\(^9\) See OLS Trespass Arrest Program Title VI Compl., *supra* note 1 at 39–42.


\(^9\) Id.

Since May 2023, the federal government has charged three men with a series of crimes related to a plot to go to the border and shoot migrants and federal officers.\textsuperscript{98} One of the men stated that they needed to go to the border because “we are being invaded.”\textsuperscript{99} Another said that he was going to the border to “hold up a rifle. You come across, you’re gonna lose your life.”\textsuperscript{100}

\textbf{D. Governor Abbott has surged military units to the border without clear directives or limits on authority.}

Over the past six months, Governor Abbott has increased militarization of the border, transforming Texas communities into military staging areas. In February 2024, the governor announced the construction of a “Forward Operating Base” on eighty acres of land in Eagle Pass to house 1,800 Texas National Guard soldiers.\textsuperscript{101} The facility will include an armory and will have a “surge” capacity of 2,300 soldiers.\textsuperscript{102} The base could cost Texans as much as $400 million by 2026.\textsuperscript{103} This comes on the heels of Texas’s take-over and militarization of Shelby Park, where Eagle Pass residents’ local park and golf course are now surrounded by concertina wire and Humvees.\textsuperscript{104}

Texas’s rhetoric and actions to militarize its border comes with consequences. On January 15, 2023, a Texas National Guard soldier shot and wounded a migrant while trying to detain the person.\textsuperscript{105} In August 2023, a Texas National Guard soldier shot across the border, wounding a man in Mexico.\textsuperscript{106} The soldier stated that he fired in defense of a migrant, while the Chihuahua state prosecutor’s office said the man was jogging.\textsuperscript{107}

\begin{itemize}
\item \textsuperscript{99} García & Melhado, supra note 97.
\item \textsuperscript{100} Id.
\item \textsuperscript{101} Press Release, Office of the Texas Governor, supra note 10.
\item \textsuperscript{102} Bob Libal, \textit{Texas Constructing Massive Anti-Migrant Military Base}, Human Rights Watch (Apr. 9, 2024), \url{https://www.hrw.org/news/2024/04/10/texas-constructing-massive-anti-migrant-military-base}.
\item \textsuperscript{103} John C. Moritz, \textit{Construction is under way on Texas' border military base camp in Eagle Pass. What we know}, Austin American-Statesman (Apr. 4, 2024), \url{https://www.statesman.com/story/news/politics/state/2024/04/04/construction-eagle-pass-texas-military-base-camp-operation-lone-star-immigration/73136050007/}.
\item \textsuperscript{104} J. David Goodman, \textit{At Ground Zero on the Texas Border, a Round of ’Combat Golf’}, N.Y. Times (Feb. 16, 2024), \url{https://www.nytimes.com/2024/02/16/us/border-golf-eagle-pass-texas.html}.
\item \textsuperscript{105} Paul J. Weber, \textit{Texas Silent after Guard Member Shoots Migrant on Border}, Associated Press (Jan. 24, 2023), \url{https://apnews.com/article/politics-texas-mexico-6f97a21533a0e4c85474a12c31f31f397c}.
\item \textsuperscript{106} \textit{Texas Guardsman Suspended after Wounding Man in Cross-Border Shooting, Mexico Says}, Associated Press (Aug. 31, 2023), \url{https://apnews.com/article/texas-national-guard-border-shooting-mexico-b159508dd3dee3f323b3d88aa5b799a716}.
\item \textsuperscript{107} Id.
\end{itemize}
Alarmingly, border militarization has also led state entities to act like an occupying military force. Last fall, Texas cleared and leveled a 170-acre island in the Rio Grande, creating a no-man’s-land that one advocate called “an ecological and human rights disaster.” The Texas National Guard has also collected intelligence in direct contravention of federal secrecy laws. The National Guard created an OLS intelligence unit to help keep deployment informed about potential migrant surges. The activities included infiltrating WhatsApp groups and interacting with foreign nationals. Under National Guard regulations, National Guard members on state deployment are not allowed to conduct foreign intelligence work or utilize Department of Defense tools or methods to collect intelligence.

One guard member stated, “[e]veryone [in charge] wanted to pretend it was like Iraq in 2003 . . . They wanted to do Army stuff, even though this is [legally] not Army stuff.” The unit was eventually shut down, but real concerns remain about the lack of procedures and oversight. One soldier said, “[i]f they’re willing to compromise their integrity over something like that, who knows where they’ll stop?” Another pointed to the danger of unleashing trained intelligence soldiers on U.S. soil: “You give intel soldiers enough tools—we’re violating many constitutional rights very quickly.”

This ongoing discriminatory rhetoric and conduct warrant investigation by the DOJ.

IV. Conclusion.

Since our initial complaint in December 2021, OLS has continued to expand and harm Texas communities. Governor Abbott has deployed as many as 10,000 National Guard simultaneously, while the state has budgeted at least $11 billion for continued growth and implementation of the program. The state has ensnared hundreds of thousands of migrants in a regime that is designed to displace federal control over immigration law. Every day, asylum seekers must navigate Texas’s life-threatening barriers as they search for a federal agent to surrender to. Some die. Others are seriously injured. And Texas has singled out Black and Brown non-citizens for discriminatory prosecution at best, and at worst, for death and injury.

110 Id.
111 Id.
112 Id.
113 Id.
114 Id.
Texas officials have explicitly stated that their immigration policies are intended to “test” the federal government’s predominance in immigration enforcement at the Supreme Court.\textsuperscript{115} The federal government has met this supremacy challenge by taking Texas to court in several high-profile cases. The outcomes of these cases, however, will not impact Texas’s numerous and ongoing civil rights violations under OLS. We, therefore, urge the DOJ to immediately investigate the Texas agencies responsible for OLS. By allowing OLS to continue, the federal government fails to protect asylum seekers, U.S. citizens, and the integrity of the legal system.

Sincerely,

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