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October 18, 2023

VIA ELECTRONIC SUBMISSION

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

The Honorable Alejandro N. Mayorkas
Secretary
U.S. Department of Homeland Security
Washington, DC 20528

Re: Investigation into Governor Gregory W. “Greg” Abbott, the State of Texas, and Operation Lone Star for Human Smuggling of Migrants

Dear Attorney General Garland and Secretary Mayorkas:

Thank you for your service. I write to request that you launch an investigation into the ongoing busing campaign taking place by Governor Gregory W. “Greg” Abbott (hereinafter “Governor Abbott”) of Texas and the State of Texas as part of Operation Lone Star (“OLS”),¹ a multi-agency effort between the Texas Department of Public Safety and the Texas Military Department.

In April 2022, Governor Abbott, a Republican, began chartering buses to transport migrants illegally entering the United States at the southern border between Texas and Mexico to Democratic-led large cities as part of OLS.² According to Governor Abbott, OLS is “intended to counter illegal immigration, the illegal drug trade, and human smuggling.”³ Governor Abbott has indicated that OLS is a direct response to what he deems to be insufficient and inadequate immigration and border enforcement policies by the Biden-Harris Administration.⁴ Strikingly,

¹ Emily Hernandez, *What Is Operation Lone Star? Gov. Greg Abbott’s Controversial Border Mission, Explained*, TEXAS TRIBUNE (Mar. 30, 2022), <https://www.texastribune.org/2022/03/30/operation-lone-star-texas-explained/>.

² Stephen Dinan, *Texas Governor Pushes Migrant Busing to Higher Level*, WASHINGTON TIMES (Oct. 15, 2023), <https://www.washingtontimes.com/news/2023/oct/15/texas-gov-greg-abbotts-migrant-busing-campaign-rea/>.

³ *Press Release: Operation Lone Star Constructs More Border Wall to Deter Illegal Entry*, Governor Greg Abbott (Oct. 13, 2023), <https://gov.texas.gov/news/post/operation-lone-star-constructs-more-border-wall-to-deter-illegal-entry>.

⁴ *Press Release: Governor Abbott Deploys More Buses To Border Amid Migrant Surge*, Governor Greg Abbott (Sep. 22, 2023), <https://gov.texas.gov/news/post/governor-abbott-deploys-more-buses-to-border-amid-migrant-surge>.

OLS costs Texas taxpayers more than \$2.5 million a week, making it the most expensive of the state's border operations.⁵

To date, Governor Abbott, acting on behalf of the State of Texas, has transported more than 55,500 migrants to six sanctuary cities—namely, New York, Chicago, Washington, D.C., Denver, Philadelphia, and Los Angeles.⁶ Moreover, OLS has led to “over 476,200 illegal immigrant apprehensions and more than 35,100 criminal arrests, with more than 32,000 felony charges reported.”⁷

In Chicago—which encompasses my congressional district—the numbers are staggering, and the migrant crisis has become untenable. Since August 2022, the city has received more than 18,500 migrants, the majority of whom are migrating from the Bolivarian Republic of Venezuela (“Venezuela”).⁸ Currently, approximately 11,042 new arrivals are in shelters, 3,115 of whom are minors.⁹ These numbers consist of roughly 2,211 family units.¹⁰ In the past week, more than 39 buses transporting migrants have arrived in the city.¹¹ Notably, 1,739 of the individuals who arrived were transported on Texas-contracted buses.¹² Earlier this month, Illinois Governor J.B. Pritzker was cautioned by the State of Texas to prepare for up to 25 buses carrying an estimated 1,250 migrants per day.¹³

Last month, Chicago Mayor Brandon Johnson informed city council members that by December 31, 2023, the migrant crisis is projected to cost the city more than a quarter of a billion dollars—putting a strain on the city's bottom line.¹⁴ What is more, by the end of last month, Governor Pritzker indicated that the State of Illinois had spent \$328 million to help manage Chicago's

⁵ Lomi Kriel & Perla Trevizo, *Gov. Greg Abbott Brags About His Border Initiative. The Evidence Doesn't Back Him Up*, TEXAS TRIBUNE (Mar. 21, 2022), <https://www.texastribune.org/2022/03/21/operation-lone-star-lacks-clear-metrics-measure-accomplishments/#:~:text=And%20at%20a%20cost%20to,the%20broadest%20mandate%20and%20scope.>

⁶ *supra* note 2.

⁷ *supra* note 3.

⁸ City of Chicago Briefing (Confidential).

⁹ *Id.* at 3.

¹⁰ *Id.* at 4.

¹¹ *Id.* at 3.

¹² *Id.*

¹³ NBC Chicago staff and Associated Press, *Why Are Migrants Coming to Illinois and Chicago? Here's What's Happening*, NBC CHICAGO (Oct. 5, 2023), <https://www.nbcchicago.com/news/local/why-are-migrants-coming-to-illinois-and-chicago-heres-whats-happening/3243652/>.

¹⁴ Sun-Times/NBC Chicago, *Chicago Will Spend \$255.7 Million on Migrant Crisis by Year's End, Mayor Says*, NBC CHICAGO (Sep. 11, 2023), <https://www.nbcchicago.com/news/local/chicago-will-spend-255-7-million-on-migrant-crisis-by-years-end-mayor-says/3225255/#:~:text=As%20the%20pace%20of%20new%20arrivals%20increased%20exponentially%2C,another%20%24123%20million.%20The%20grand%20total%3A%20%24255.7%20million.>

migrant crisis.¹⁵ Simply put, the migrant crisis in Chicago—and other Democratic-led sanctuary cities—is a man-made crisis manufactured by the illegal actions of Governor Abbott.

Although Governor Abbott’s actions may not meet the U.S. Department of Justice’s¹⁶ or the U.S. Department of Homeland Security’s¹⁷ definitions of human trafficking, I would argue that Governor Abbott, acting on behalf of the state of Texas, is committing the federal offenses of alien smuggling, domestic transporting, harboring, and conspiracy/aiding or abetting, as well as the Texas offense of smuggling of persons, among other offenses. Ironically, Governor Abbott alleges that one of the intentions of OLS is to combat human smuggling, yet he has directly engaged in an unprecedented, large-scale human smuggling operation for the past eighteen months.

In pertinent part, a person commits the federal offenses of alien smuggling, domestic transporting, harboring, and conspiracy/aiding or abetting under 8 U.S. Code §1324 if they:

- . . . (i) knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;
- (ii) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;
- (iii) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation; . . .
- (v)
 - (I) engages in any conspiracy to commit any of the preceding acts, or
 - (II) aids or abets the commission of any of the preceding acts . . .

Moreover, according to Texas Penal Code §20.05:

- (a) A person commits the offense of smuggling of persons if the person knowingly:
 - (1) uses a motor vehicle, aircraft, watercraft, or other means of conveyance to transport an individual with the intent to:
 - (A) conceal the individual from a peace officer or special investigator; or

¹⁵ Jenna Barnes & Peter Curi, *Pritzker: Illinois Has Spent \$328M on Helping Chicago’s Migrant Crisis*, WGN-9 (Sep. 28, 2023), <https://wgntv.com/news/illinois/pritzker-illinois-has-spent-328m-on-chicago-migrants/>.

¹⁶ Human Trafficking is a crime involving the exploitation of a person for labor, services, or commercial sex.

¹⁷ Human trafficking involves the use of force, fraud, or coercion to obtain some type of labor or commercial sex act.

- (B) flee from a person the actor knows is a peace officer or special investigator attempting to lawfully arrest or detain the actor; [or]
- (2) encourages or induces a person to enter or remain in this country in violation of federal law by concealing, harboring, or shielding that person from detention .

..
Additionally, pursuant to §20.05:

- (b) An offense under this section is a felony of the third degree, except that the offense is:
 - (1) a felony of the second degree if:
 - (A) the actor commits the offense in a manner that creates a substantial likelihood that the smuggled individual will suffer serious bodily injury or death;
 - (B) the smuggled individual is a child younger than 18 years of age at the time of the offense;
 - (C) the offense was committed with the intent to obtain a pecuniary benefit;
 - (D) during the commission of the offense the actor, another party to the offense, or an individual assisted, guided, or directed by the actor knowingly possessed a firearm; or
 - (E) the actor commits the offense under Subsection (a)(1)(B) . . .

Arguably, Governor Abbott's actions are prima facie cases of alien smuggling, domestic transporting, harboring, conspiracy/aiding or abetting, and smuggling of persons, respectively. Federal law prohibits alien smuggling, domestic transportation of unauthorized aliens, concealing or harboring unauthorized aliens, and engaging in a conspiracy or aiding and abetting any of the preceding acts. Additionally, Texas law prohibits using a vehicle to transport people that the driver intends to conceal from law enforcement or with the intent to flee from law enforcement. It is well established that Governor Abbott is aware that the migrants are illegally in the United States. It is also well established that Governor Abbott continues to deploy buses to the border to pick up and transport migrants to sanctuary cities, further concealing the migrants from law enforcement. On its face, Governor Abbott's actions are textbook cases of alien smuggling, domestic transporting, harboring, conspiracy/aiding or abetting, and smuggling of persons.

Governor Abbott's actions are illegal, xenophobic, inhumane, and un-American. I respectfully request that your office investigate and determine, if applicable, all federal and state laws that Governor Abbott, acting on behalf of the State of Texas, has violated with his unprecedented busing campaign and hold him accountable for committing the federal offenses of alien smuggling, domestic transporting, harboring, conspiracy/aiding or abetting, the Texas offense of smuggling of persons, and any additional offenses you deem appropriate. I would also ask that your office hold Governor Abbott's co-conspirators (i.e., the bus drivers) accountable for conspiring with him to conceal the migrants from law enforcement.

I understand that you must protect the integrity of your investigation. However, I respectfully request that you continue to regularly update my office on any developments in this matter, either in writing or in an unclassified or classified briefing.

Thank you in advance for your attention to this critical matter. I appreciate your work and am willing and able to provide any support or assistance you may need. Please confirm receipt of this letter.

Sincerely,

A handwritten signature in blue ink that reads "Jonathan L. Jackson". The signature is written in a cursive style with a large, stylized initial "J".

Jonathan L. Jackson
Member of Congress

cc: The Honorable Joseph R. Biden, President of the United States