

February 28, 2024

Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Alejandro Mayorkas  
Secretary of Homeland Security  
Washington, DC 20528

Dear President Biden and Secretary Mayorkas:

The undersigned 128 organizations write jointly to demand Customs and Border Protection (CBP) refuse to sign cooperation agreements with the State of Texas pursuant to SB 602, one of the Texas legislative session bills passed last year.<sup>1</sup> The new law permits Texas to deputize CBP agents at Ports of Entry and internal immigration checkpoints to search, seize, and arrest any person for a suspected violation of state criminal law, whether or not related to immigration law.<sup>2</sup>

Under this bill, CBP agents at a Port of Entry or Border Patrol agents at any one of Texas' dozens of internal immigration checkpoints could arrest and directly refer state felony criminal cases to Texas district attorneys against any person, even for conduct wholly unconnected to immigration enforcement. The law will only take effect if CBP signs cooperation agreements with Texas. We urge that you do not sign any such agreements, which would not serve the mission of CBP or the federal government. Instead, the new law co-opts CBP agents into a costly state program—Operation Lone Star—that unconstitutionally targets people based on their race and national origin.

Operation Lone Star, under which asylum-seekers are lured onto private property so they can be arrested for misdemeanor trespassing, has been the target of a federal civil rights investigation for over a year.<sup>3</sup> The United States has already sued Texas over multiple aspects of Operation Lone Star, including deadly razor-lined buoys that the state placed in the Rio Grande.<sup>4</sup> And

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<sup>1</sup> Tex. S.B. 602, 88th Leg., R.S. (2023).

<sup>2</sup> Tex. C. Crim. P. Art. 2.122(c-1).

<sup>3</sup> See Perla Trevizo, "Justice Department is investigating Operation Lone Star for alleged civil rights violations," *The Texas Tribune and ProPublica*, Jul. 6, 2022.

<sup>4</sup> See *United States v. Abbott*, 1:24-cv-00008 (W.D. Tex, 2024); *United States v. Abbott*, 1:23-cv-853 (W.D. Tex, 2023).

dozens of media reports, civil and human rights organizations, and Members of Congress have continually highlighted the program’s abuse of migrants and Texas residents since the program’s enactment in 2021.

Those who testified in support of the bill—including, alarmingly, former CBP agents—made clear that the bill is designed to expand CBP’s powers beyond immigration to criminal enforcement. The bill’s author, Sen. Brian Birdwell, stated the bill’s purpose was to “grant a United States Border Patrol Agent the powers of a Texas peace officer to arrest and conduct search and seizure for any offense under Texas or federal law.”<sup>5</sup> And former Border Patrol Laredo Sector Chief Carl Landrum testified that he personally requested Texas enact this bill when he was still employed by CBP. Landrum urged a Texas Senate committee to pass the bill without limits so agents could charge motorists with state crimes themselves.<sup>6</sup> On an October 25 call with advocates, current Border Patrol Deputy Chief Jeff Dinise shared that CBP worked with Texas to develop the bill, stating that it was the result of “conversations with CBP and the State of Texas.”<sup>7</sup>

Once the bill was passed, Texas officials made clear that its true purpose is to weaponize federal officers to do Texas’s bidding. On November 9, Texas Attorney General Ken Paxton admitted the bill was part of Operation Lone Star efforts and [sent a letter to DHS](#) stating that the purpose of the law is “defending our citizens” from “foreign aliens entering our state.”<sup>8</sup>

Participating in a program that deputizes federal immigration agents to stop, search, and arrest people for committing state crimes opens the door for both individual and systemic abuse. As civil and human rights advocates including organizations that have brought racial profiling litigation against local and federal law enforcement agencies, we will watch CBP carefully should you sign these agreements. We will stand ready to take action if CBP agents use the power to stop and arrest people in a discriminatory manner, including specifically targeting people for increased criminal investigation based on perceived immigration status or as a pretext for initiating immigration actions.

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<sup>5</sup> Texas Senate Research Center, SB 602 Bill Analysis, “Author’s/Sponsor’s Statement of Intent”, Mar. 13, 2023, <https://www.legis.state.tx.us/tlodocs/88R/analysis/pdf/SB006021.pdf#navpanes=0>

<sup>6</sup> Texas Senate, Committee on Border Security, Mar. 16, 2023, [https://tlcsenate.granicus.com/MediaPlayer.php?clip\\_id=17399](https://tlcsenate.granicus.com/MediaPlayer.php?clip_id=17399). Of course, CBP already can “get to the fentanyl” during searches at Ports of Entry, where most fentanyl is smuggled into the country, [mostly by United States citizens](#).

<sup>7</sup> U.S. Dept. of Homeland Security, Southwest Border Coordination Center National NGO Briefing with Welcoming Committees, Oct. 25, 2023.

<sup>8</sup> Texas Attorney General Ken Paxton, *Letter RE: Texas Legislature Passage of Senate Bill 602*, Nov. 9, 2023, <https://www.texasattorneygeneral.gov/sites/default/files/images/press/SB%20602%20Notice%20Letter%20-%20FINAL.pdf>

The new law is one of a series of measures passed in a rash of anti-immigrant, anti-Black and anti-Latino sentiment that no federal agency should endorse. We urge DHS and CBP to reject Texas's efforts to enlist CBP agents in that state's illegal practices.

While Texas continues its relentless expansion of Operation Lone Star in violation of civil and human rights, the federal government is under no obligation to help it and should affirmatively reject requests to enter agreements under SB 602 instead.

Signed,

#WelcomeWithDignity

Acacia Center for Justice

ACT 4 SA

Alianza Americas

Alliance San Diego

American Friends Service Committee

American Gateways

American Humanist Association

Americans for Immigrant Justice

ARISE Adelante

Asian American Legal Defense and Education Fund (AALDEF)

Asian Americans Advancing Justice | AAJC

Austin Region Justice for Our Neighbors

Bend the Arc: Jewish Action

Bibbers Home Place

Border Network for Human Rights (BNHR)

Border Organizing Project

Borderlands Resource Initiative

Buen Vecino of Ventura County

California Coalition for Women Prisoners

California Immigrant Policy Center

Carolina Migrant Network

Center for Constitutional Rights

Church of the Brethren, Office of Peacebuilding and Policy

Church World Service (Houston)

Coalición de Derechos Humanos

Coalition for Humane Immigrant Rights (CHIRLA)

Communities United for Restorative Youth Justice (CURYJ)

Community United Against Violence

Comunidad de Apoyo San Diego  
Congregation of Our Lady of Charity of the Good Shepherd, U.S Provinces  
Contra Costa Immigrant Rights Alliance  
CRECEN  
Detention Watch Network  
Dorothy Day Catholic Worker, Washington DC  
Eagle Pass Border Coalition  
Espacio Migrante  
Estrella del Paso (Formerly DMRS)  
Every Texan  
Faith In Texas  
Families For Freedom  
Fellowship Southwest  
FIRE  
First Friends of New Jersey & New York  
Florence Immigrant & Refugee Rights Project  
Fordham Law School Feerick Center for Social Justice  
Freedom for Immigrants  
Freedom Network USA  
Grassroots Leadership  
Haitian Bridge Alliance  
Homies Unidos Inc.  
Hope Border Institute  
Houston Immigration Legal Services Collaborative  
Human Rights First  
Immigrant Defenders Law Center  
Immigrant Defense Project  
Immigrant Justice Network  
Immigration Hub  
Inland Coalition for Immigrant Justice  
Instituto para las Mujeres en la Migración (IMUMI)  
Inter-Faith Committee on Latin America (IFCLA)  
Interfaith Welcome Coalition of San Antonio, TX  
Just Futures Law  
Kern Welcoming and Extending Solidarity to Immigrants  
La Raza Community Resource Center  
La Resistencia  
Laredo Immigrant Alliance

Las Americas Immigrant Advocacy Center  
Latin America Working Group  
LaUnidad11  
Lawyers for Good Government  
Louisiana Advocates for Immigrants in Detention  
Make the Road Nevada  
Make the Road New York  
Maryknoll Office for Global Concerns  
Mijente  
Mobile Pathways  
Mujerxs Organizando Oportunidades Notables  
Muslim Advocates  
National Advocacy Center of the Sisters of the Good Shepherd  
National Immigrant Justice Center  
National Immigration Law Center  
National Immigration Project  
National Network for Immigrant and Refugee Rights (NNIRR)  
New Mexico Dream Team  
Northwest Immigrant Rights Project  
ORALE  
Orange County Rapid Response Network  
Presente.org  
Project On Government Oversight  
Resilient Advocates Collective  
San Diego Immigrant Rights Consortium (SDIRC)  
Services, Immigrant Rights and Education Network (SIREN)  
Showing Up for Racial Justice  
Sisters of Mercy of the Americas - Justice Team  
Society of the Flora, Fauna & Friend  
Sojourners  
Somos Tejas  
South Bay People Power  
Southern Border Communities Coalition  
T'ruah: The Rabbinic Call for Human Rights  
Tahirih Justice Center  
Texas Civil Rights Project  
Texas Freedom Network  
Texas Impact

Texas Jail Project  
Texas Rising  
Texas Unitarian Universalist Justice Ministry  
Transformations CDC  
Tsuru for Solidarity  
UnidosUS  
Unified US Deported Veterans Resource Center  
Unitarian Universalist Refugee & Immigrant Services & Education  
Unitarian Universalists for Social Justice  
United We Dream  
Universidad Popular  
Virginia Coalition for Immigrant Rights  
Voces Unidas RGV  
Voto Latino  
Washington Defender Association  
Washington Office on Latin America  
We Are All America  
Wind of the Spirit Immigrant Resource Center  
Witness at the Border  
Women's Refugee Commission  
Woori Juntos  
Workers Defense Action Fund  
Young Center for Immigrant Children's Rights