

Congress of the United States
Washington, DC 20515

January 24, 2024

The Honorable Merrick Garland
Attorney General
United States of America
950 Pennsylvania Ave. NW
Washington, DC 20530

Dear Attorney General Garland,

We write to you with grave concern regarding the ongoing legal challenges being faced by the State of Texas in relation to Senate Bill 4 (SB4) passed on November 21, 2023, which grants the State of Texas the authority to arrest individuals who illegally crossed the border from Mexico.

In the Justice Department's initial press release announcing its suit, the Department wrote "*the Constitution assigns the federal government the authority to regulate immigration and manage our international borders*," yet this Administration and the Secretary of Homeland Security have repeatedly refused to enforce our immigration laws and stop the flow of illegal migrants into our country. Since President Biden took office, U.S. Customs and Border Protection (CBP) has documented more than 6.7 million illegal border crossings; with an additional 1.7 million logged as "got-aways."¹ This Administration's open-border policies have failed the American people and turned every state into a border state.

The record high levels of illegal migration have taken a toll on Texans throughout the state, prompting Governor Abbott to take action where the Biden Administration has not. The Justice Department's argument that SB4 is unconstitutional neglects the fact that the Texas law simply follows current federal immigration law which already makes it a crime to cross into the U.S. illegally. Since March 2021, Governor Abbott has taken a series of actions in an attempt to alleviate the burden of the crisis at our southern border, but this Administration's failed border policies have enticed migrants to continue to cross. Texas has a responsibility to ensure the safety of its residents and must be allowed to act in a manner that is consistent with that goal.

President Biden and Secretary Mayorkas have failed Texans and the American people with their open-border policies. Texas should not be punished for this Administration's refusal to enforce our current immigration laws. We urge that you reconsider your lawsuit and allow the state of Texas to act as necessary to secure the safety of its residents.

In God We Trust,



Roger Williams
Member of Congress



Pat Fallon
Member of Congress

¹ Southwest Land Border Encounter, U.S. CUSTOMS & BORDER PROTECTION (last visited Jan. 23, 2024), <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>.



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