

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

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February 4, 2025

The Honorable James R. McHenry III
Acting U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Acting Attorney General McHenry:

We write to request information regarding two disturbing memoranda detailing the Trump Administration's directive to divert critical crime prevention, counterterrorism, drug interdiction, and other law enforcement officials to its chaotic and inefficient obsession with arresting and detaining undocumented immigrants who pose no threat to public safety. Previous Republican and Democratic administrations have rightly prioritized true public safety threats for apprehension and removal. Unfortunately, this Administration has made it clear that it sees all immigrants as criminals and priorities for removal, making no distinction between an undocumented mother with no criminal record and a convicted murderer. The mission of the Department of Justice (DOJ) is to keep the American people safe from a wide range of criminal threats. Its dedicated law enforcement personnel conduct this dangerous work through specific, strategic crime-fighting initiatives aimed at the most pernicious illegal activities and threats—lethal criminality like narcotics trafficking, violent crime, and terrorism. Diverting critical resources away from these efforts will endanger American lives by allowing criminals to roam free on our streets, increasing the risk of drug trafficking, and leaving us vulnerable to terrorist attacks.

On January 21, 2025, Acting Deputy Attorney General Emil Bove issued a memorandum diverting the Organized Crime Drug Enforcement Task Force (OCDETF), Project Safe Neighborhoods (PSN), and the Federal Bureau of Investigation's (FBI) Joint Terrorism Task Forces away from their critical national security and public safety missions to instead prioritize arresting all undocumented immigrants (with no attempt to strategically prioritize public safety threats) without regard to whether this reallocation will protect the American people from crimes like drug trafficking, gang violence, and terrorism.¹ OCDETF is the largest anti-crime task force in the country, prosecuting transnational drug cartels and curtailing the supply of dangerous illegal drugs. Removing prosecutors and federal agents from this work would allow cartels to bring more fentanyl and other dangerous drugs into our country, causing more lives to be lost to drug overdose. PSN coordinates federal, state, local, and tribal law enforcement officials;

¹ Memorandum from Acting Deputy Attorney General Emil Bove to All Department of Justice Employees on Interim Policy Changes Regarding Charging, Sentencing, And Immigration Enforcement (Jan. 21, 2025).

prosecutors; and local leaders to identify and address the most pressing violent crime. Redirecting these efforts would allow violent criminals, whose arrest and prosecution were previously considered top priority, to commit additional violent crimes in our communities. The FBI's Joint Terrorism Task Forces operate as our first line of defense against international and domestic terrorism. Redirecting these task forces away from this work would leave us more vulnerable to terrorist attacks.

Adding to these potential risks to Americans' safety, on January 22, 2025, the Department of Homeland Security (DHS) then-Acting Secretary Benjamine Huffman issued a memorandum granting immigration officer authorities to employees of the Drug Enforcement Administration (DEA); the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF); the U.S. Marshals Service; the Federal Bureau of Prisons (BOP); and any other employee of the DOJ approved by the Attorney General.² By giving these employees the authority to carry out immigration enforcement, the Trump Administration has made clear it will task these individuals with rounding up undocumented immigrants who pose no threat to public safety, rather than the important work American taxpayers are paying them to do to reduce the availability of deadly illegal drugs, combat illegal gun trafficking, arrest violent criminals, and ensure the safety of our courts and prisons.

In fact, we have seen disturbing reports from around the country suggesting that rounding up immigrants is leading to the unlawful detention of U.S. citizens, in addition to the arrest and detention of nonviolent, law-abiding undocumented immigrants. Just over a week ago in Chicago, where FBI, ATF, and DEA officials were engaging in immigration enforcement,³ Immigration and Customs Enforcement (ICE) arrested nearly 1,200 people in one day, but nearly half had no criminal history.⁴ In Milwaukee, a toddler, mother, and grandmother—all U.S. citizens—were detained and taken to an immigration detention center by ICE after they were heard speaking Spanish.⁵ In the Atlanta metro area, sweeps by ICE using FBI, ATF, and DEA agents have left law-abiding community members afraid to leave their homes.⁶ This all-consuming focus on rounding up immigrants is not an efficient use of the Department's resources, and the apparent racial profiling of numerous American citizens raises new concerns about whether immigration agents are violating people's constitutional rights. We hired and trained these law enforcement officials to handle extremely important and sensitive tasks essential to the safety and security of our nation. Forcing these officials to abandon the responsibilities for which they were hired will allow dangerous criminals to remain free and expose countless Americans to more violent crime.

² Memorandum from Acting Department of Homeland Security Secretary Benjamine C. Huffman to the Acting Attorney General on DOJ Immigration Officer Authorization (Jan. 22, 2025).

³ *Statement by US Immigration and Customs Enforcement*, IMMIGRATION AND CUSTOMS ENFORCEMENT (Jan. 26, 2025), <https://www.ice.gov/news/releases/statement-us-immigration-and-customs-enforcement>.

⁴ Gabe Gutierrez and Nicole Acevedo, *ICE Makes Close to 1,200 Arrests in One Day*, NBC NEWS (Jan. 27, 2025), <https://www.nbcnews.com/news/latino/ice-trump-deportations-numbers-rcna188937>.

⁵ Sean Craig, *U.S. Citizens Reportedly Detained After Being Overheard Speaking Spanish*, DAILY BEAST (Jan. 29, 2025), <https://www.thedailybeast.com/us-citizens-reportedly-detained-after-being-overheard-speaking-spanish/>.

⁶ *ICE Targeting Locations in and Around Atlanta to Make Arrests*, 95.5 WSB Atlanta's News Talk (Jan. 27, 2025), <https://www.wsbradio.com/news/local/ice-targeting-locations-around-atlanta-make-arrests/3WTAHKZLGBFLBGNBDD2ZZYSCRM/>.

On a January 30, 2025, call, Acting Deputy Attorney General Bove made clear that the recent reassignments and raids are just the beginning. The Administration reportedly plans to remove prosecutors from the 93 U.S. Attorneys offices—which each prosecute federal crime in their jurisdictions—across the country and relocate them to the border to work on immigration enforcement-related cases.⁷ These relocations could leave communities in every state with fewer prosecutors to pursue cases against violent criminals in their jurisdictions and deprive them of an essential tool in combatting crime. Furthermore, the last time the DOJ ordered prosecutors to focus on immigration enforcement and criminally prosecute those who violated Section 275(a) of the Immigration and Nationality Act (8 U.S.C. § 1325(a)), it led to the first Trump Administration separating thousands of families.⁸ We should all reject any attempt to repeat that horrifying and traumatizing practice again.

In order to more fully understand the extent to which these actions could undermine law enforcement, increase violent crime, threaten our national security, and enable the proliferation of illegal drugs and illegal guns in our communities, we request that you provide answers to the following questions and produce the following information as soon as possible, but not later than 5:00 p.m. on February 17, 2025:

1. How will redirecting the FBI's Joint Terrorism Task Forces to immigration enforcement affect the Task Forces' ability to keep Americans safe from international and domestic terrorist attacks?
2. How many FBI personnel have or will have different responsibilities because of the January 21, 2025, DOJ memo?
3. Besides personnel, will any other FBI resources be diverted away from protecting the American people and combatting crime, in order to focus on immigration investigations and enforcement?
4. How will redirecting the FBI's Joint Terrorism Task Forces to immigration enforcement impede its work with state, local, and tribal law enforcement?
5. How many OCDETF personnel, including OCDETF-funded Assistant U.S. Attorneys (AUSAs), have or will have different responsibilities because of the January 21, 2025, DOJ memo?

⁷ Ben Penn, *Trump DOJ Leader Said to Order Prosecutors Transferred to Border*, BLOOMBERG LAW (Jan. 30, 2025), <https://news.bloomberglaw.com/us-law-week/trump-doj-leader-said-to-order-prosecutors-transferred-to-border>.

⁸ *Attorney General Announces Zero-Tolerance Policy for Criminal Illegal Entry*, DEPARTMENT OF JUSTICE (Apr. 6, 2018), <https://www.justice.gov/opa/pr/attorney-general-announces-zero-tolerance-policy-criminal-illegal-entry>; Caitlin Dickerson, *The Secret History of the U.S. Government's Family-Separation Policy*, THE ATLANTIC (Aug. 7, 2022), <https://www.theatlantic.com/magazine/archive/2022/09/trump-administration-family-separation-policy-immigration/670604/>.

6. Besides personnel, will any other OCDETF resources be redirected to immigration investigations and enforcement?
7. How will your decision to no longer prioritize combatting drug crimes affect OCDETF's ability to fulfill its mission?
8. How will your decision to no longer focus on combatting drug crimes affect OCDETF's ability to support state, local, and tribal law enforcement?
9. How many PSN personnel have or will have different responsibilities because of the January 21, 2025, DOJ memo?
10. Besides personnel, will any other PSN resources be diverted away from their mission, in order to focus on immigration investigations and enforcement?
11. How will your decision to no longer prioritize combating violent crime affect PSN's effectiveness in carrying out its mission as it stood prior to January 20, 2025?
12. How will your decision to no longer prioritize combating violent crime affect PSN's mission after January 20, 2025?
13. How will your decision to no longer prioritize combatting violent crime affect PSN's work with state, local, and tribal law enforcement?
14. Are employees from the DEA, ATF, the U.S. Marshals Service, BOP, and any other employee of the DOJ who obtains the approval of the Attorney General being reassigned or detailed to immigration enforcement since January 20, 2025?
If so,
 - a. How many employees have been reassigned or detailed from DEA?
 - b. How many employees have been reassigned or detailed from ATF?
 - c. How many employees have been reassigned or detailed from the U.S. Marshals Service?
 - d. How many employees have been reassigned or detailed from BOP?
 - e. How many other employees have obtained the approval of the Attorney General to exercise immigration authority under the January 22, 2025, DHS memo, and what component employs these individuals?
15. Please provide a list of all employees of the DEA, ATF, the U.S. Marshals Service, BOP, and any other employee of the DOJ who have been reassigned or detailed to immigration enforcement since January 20, 2025, including:
 - a. The name of each employee;
 - b. The date each employee was reassigned or detailed;
 - c. The number of years each employee has worked for the Department;

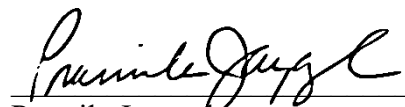
- d. Each employee's respective title, division or unit, and office location;
 - e. The employee's responsibilities before reassignment or detail;
 - f. The employee's responsibilities after reassignment or detail, including whether the employee will continue to carry out their original responsibilities in addition to conducting immigration enforcement;
 - g. Whether the employee is being assigned to a particular location, and if so, what location; and
 - h. How the function of the employing component has been or will be affected by the employee's reassignment or detail.
16. What is the process for deciding which employees to reassign or detail to immigration enforcement?
17. Please list which U.S. Attorneys' Offices will have fewer prosecutors pursuing cases within the office's jurisdiction due to relocation or reassignment to border districts and provide how many prosecutors will be relocated or reassigned from each office.
18. How will prosecutors be selected to be relocated or reassigned to border districts?
19. What options will be provided to prosecutors who cannot relocate to the border, including those who may face personal or financial hardships due to relocation?
20. Will relocations or reassignments to border districts take into consideration the needs of local communities and individual U.S. Attorneys Offices as reported by each U.S. Attorney? If so, please describe how the needs of local communities and the views of U.S. Attorneys are taken into consideration. If not, why not?
21. Will local crime rates be taken into consideration when deciding how many prosecutors are removed from their employing U.S. Attorney's Office?

Thank you for your prompt attention to this matter, which is critical to the safety of all Americans.

Sincerely,



Jamie Raskin
Ranking Member



Pramila Jayapal
Ranking Member
Subcommittee on Immigration
Integrity, Security, and Enforcement



Lucy McBath
Ranking Member
Subcommittee on Crime and Federal
Government Surveillance

cc: The Honorable Michael E. Horowitz, Inspector General
U.S. Department of Justice

The Honorable Hampton Dellinger, Special Counsel
U.S. Office of Special Counsel

The Honorable Jim Jordan, Chairman
House Committee on the Judiciary

The Honorable Andy Biggs
Subcommittee on Immigration Integrity, Security, and Enforcement

The Honorable Tom Tiffany
Subcommittee on Crime and Federal Government Surveillance