



February 18, 2022

Department of Homeland Security  
Joint Intake Center  
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Via email: [JointIntake@cbp.dhs.gov](mailto:JointIntake@cbp.dhs.gov)

Subject: Allegations of Border Patrol misconduct as part of Texas “Operation Lone Star”

To whom it may concern:

The Project On Government Oversight is a nonpartisan, independent watchdog that investigates and exposes waste, corruption, and abuse of power. We champion reforms to achieve a more effective, ethical, and accountable federal government that safeguards constitutional principles. We write to request an investigation into allegations that the U.S. Border Patrol may have been involved in an operation in Texas that violated constitutional safeguards, as well as an assessment of whether agents involved in the operation described below were using body-worn cameras.

We request this investigation after media reports that, as part of the state’s “Operation Lone Star,” U.S. Border Patrol agents in Texas may have compelled migrants to enter private property to enable their arrest for trespassing by the Texas Department of Public Safety (DPS). Such violations of law and policy have allegedly happened on multiple occasions and involved various law enforcement entities. As a comprehensive complaint filed by civil rights organizations with the Department of Justice details, there have been “numerous cases in which law enforcement agents have directed individuals to private property or given them the impression that they have permission to be on the property.”<sup>1</sup>

One such case, from August 2021, offers a clear example of why an investigation is needed. According to the *Texas Tribune*, a group of migrants told lawyers that Border Patrol agents made

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<sup>1</sup> Letter from civil rights organizations to Attorney General Merrick Garland, Deputy Attorney General Lisa Monaco, and others at the Department of Justice about Texas migrant arrest program under “Operation Lone Star”—urgent need for investigation into race and national origin discrimination by Texas agencies,” December 15, 2021, 17, <https://www.latinojustice.org/sites/default/files/2021-12/Operation%20Lonestar%20Complaint.pdf>.

them “walk for about 20 minutes and climb, hands zip-tied, over a nearly 10-foot fence onto a ranch before they were arrested.”<sup>2</sup> While a Border Patrol spokesperson denied this claim, the arrests’ circumstances were of such concern to the Val Verde County Attorney that all charges in the matter were dropped.

The *Texas Tribune* reports that County Attorney David Martinez says “he was told that Border Patrol led the men onto [private] property, and DPS requested that the men be brought back over the fence again where they were arrested.”<sup>3</sup> The migrants — who were jailed for nearly two months before charges were dropped — told attorneys that after they fled a traffic stop on foot, they were found near a highway where Border Patrol agents made them walk for about 20 minutes. Their hands were zip-tied, and they were then ordered to climb over a fence about 10 feet high at a ranch before they were arrested by state troopers. They also said officers cut the landowner’s fence to permit a police dog to get on the property.<sup>4</sup>

The migrants’ and County Attorney Martinez’s account of the arrests stands in contradiction to the version recounted by CBP, which called the migrants’ account “absolutely false” and stated that the 11 migrants were apprehended and then walked back to the site of the vehicle stop.<sup>5</sup>

Martinez also found the case unusual: “Immediately, I noticed that there was no supplemental reports from Border Patrol. In Texas there’s a directive to all troopers that they are to wear body cams. When I first received the case, there were no body cams.”<sup>6</sup>

Given the involvement of state officials in federal immigration matters at the Texas border, as well as concerns about the conduct of the operation and its impact on individuals involved,<sup>7</sup> it is all the more important for Border Patrol to ensure that it follows policies that require written incident reports and the use of body cameras. As it is questionable whether either policy was followed here, investigation of the circumstances surrounding the arrest of the 11 migrants and any pattern of improper activity is also warranted.

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<sup>2</sup> Jolie McCullough, “Texas prosecutor drops charges after migrants claim they were marched to private property, then arrested for trespassing,” *Texas Tribune*, October 5, 2021, <https://www.texastribune.org/2021/10/05/texas-migrants-arrest-charges-dropped/>.

<sup>3</sup> Jolie McCullough, “Texas prosecutor drops charges,” [see note 2].

<sup>4</sup> Jolie McCullough, “Texas prosecutor drops charges,” [see note 2].

<sup>5</sup> Jolie McCullough, “Texas prosecutor drops charges,” [see note 2]; James Goodman, “Republicans Are Using Trespassing Laws to Arrest Migrants,” *The Progressive Magazine*, November 4, 2021, <https://progressive.org/latest/republicans-arrest-migrants-goodman-211104/>.

<sup>6</sup> Rosa Flores, “Texas Gov. Greg Abbott’s anti-migrant plan: Many arrested, many detained, few prosecuted,” *CNN*, October 25, 2021, <https://www.cnn.com/2021/10/24/us/texas-migrant-trespass-detentions/index.html>.

<sup>7</sup> A letter from Texas House members alleges that four U.S. servicemen have committed suicide as a result of their National Guard deployment to the border by Texas Governor Greg Abbott. See Alyssa Aquino, “Texas House Seeks Federal Probe Into Operation Lone Star,” *Law360* January 27, 2022, <https://www.law360.com/articles/1459282/texas-house-seeks-federal-probe-into-operation-lone-star>.

POGO can connect investigators to advocates and attorneys who have on-the-ground experience with the migrants who experienced these arrests, as well as similar cases. We urge a prompt and thorough investigation of the serious integrity and constitutional concerns raised by this alleged Border Patrol conduct.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Sarah Turberville". The signature is fluid and cursive, with a large initial "S" and a long, sweeping tail.

Sarah Turberville  
Director, The Constitution Project at the Project On Government Oversight