

United States Senate

September 3, 2021

The Honorable Dick Durbin
Chairman, United States Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington D.C. 20510

Dear Chairman Durbin,

The United States faces a crisis¹ on its southern border the likes of which has never before been seen in our Nation's history. After a year in which we had the lowest rate of illegal migration in over four decades, along with the Biden-Harris administration taking office this January, the United States is now on track to surpass 2 million illegal migrant border crossings in 2021.² The Associated Press estimated that the number of illegal migrants encountered at our southern border for the month of July 2021 was over 210,000, an all-time high.³ By way of contrast, this number was only 78,000 in the month of January 2021 when Joe Biden took office, and only 40,000 in July 2020.⁴ By April of this year, more fentanyl had already crossed our southern border than all of 2020.⁵ Just last month, the number of migrant children being held in border facilities (or what you and your colleagues used to refer to as "kids in cages") was nearly *seven* times higher than the peak number during the Trump administration.⁶

Members of the Senate Judiciary Committee have repeatedly requested that you hold a hearing for this Committee to address the out-of-control influx of illegal crossings happening at our southern border. On April 1, Ranking Member Grassley and Senator Cornyn wrote a letter asking you to "consider granting our request to hold hearings on the border crisis" after they visited the border and witnessed first-hand how critical this issue has become.⁷ On July 15, Senators Hawley and Graham penned another letter, again pleading with you to hold a hearing on the border crisis.⁸ In a Committee hearing on July 21, I also voiced to you my frustrations over your refusal to hold *any* hearings on this matter of national urgency.⁹ Yesterday, Chairman Grassley and all Republican

¹ <https://www.nytimes.com/2021/02/06/us/migrants-border-coronavirus-san-diego.html>

² <https://www.cnn.com/2021/03/31/politics/migrants-us-southern-border/index.html>

³ <https://apnews.com/article/health-immigration-coronavirus-pandemic-a361bb903e71011432012d11ac33f9fc>

⁴ <https://www.cbp.gov/newsroom/stats/southwest-land-border-encounters>

⁵ <https://abcnews.go.com/Politics/fentanyl-seized-cbp-2021-2020/story?id=77744071>

⁶ Compare <https://www.politifact.com/factchecks/2021/apr/06/greg-abbott/yes-number-kids-border-patrol-custody-double-2019s/> (citing a peak of 2,600 unaccompanied minors in custody during the Trump administration) with <https://www.nytimes.com/2021/08/09/us/politics/biden-migrant-children.html> (stating more than 17,000 unaccompanied minors were in custody as of August 2021).

⁷ https://www.grassley.senate.gov/imo/media/doc/ceg_cornyn_-_border_hearing_request.pdf

⁸ <https://www.lgraham.senate.gov/public/index.cfm/press-releases?ID=CD480110-0313-49FC-A211-46F1F29F7F56>

⁹ https://www.cruz.senate.gov/?p=press_release&id=5950

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Committee members wrote another letter requesting a hearing to address the dire crisis at the border.¹⁰ Our letter laid out the numerous oversight hearings that this Committee conducted under Chairman Grassley and Chairman Graham’s leadership even when the Senate majority and White House were held by Republicans. And what has been the response to these numerous requests now that the roles are reversed? Not one; not two; but *three* separate committee hearings on granting amnesty to illegal migrants who have *no* right to be here in the first place.¹¹

I am proud to join my colleagues in once again requesting a hearing on the crisis at the border, and agree that Department of Homeland Security Secretary Alejandro Mayorkas, Acting Immigration and Customs Enforcement Director Tae Johnson, Acting Customs and Border Protection Commissioner Troy Miller, and U.S. Border Patrol Chief Raul Ortiz should all be called to testify. But no hearing on the border is complete without the perspective of the border communities that are hit hardest by this Democrat-caused crisis.

The epicenter of this crisis is McAllen, Texas, a small city of about 145,000. The administration is releasing 1,800 illegal migrants per day at the McAllen bus station.¹² This massive influx of people is a tremendous burden on the people and the government of McAllen. This is perhaps most apparent with McAllen’s health services. The administration has released over 7,000 COVID-positive illegal migrants into McAllen since mid-February, including over 1,500 in the first week of August alone.¹³ White House Press Secretary Jen Psaki acknowledged that the administration is releasing COVID-positive illegal migrants into McAllen¹⁴ and that they are leaving the problem for the city’s “local health systems” to handle on their own.¹⁵ McAllen Mayor Javier Villalobos was forced to declare a state of disaster in his city, hoping to receive some sort of help from federal officials. And the city was forced to set up emergency temporary shelters in early August to contain the overflow of COVID-positive migrants and protect its own community members against lethal outbreaks. Within 24 hours, the city was forced to relocate shelters due to furious backlash from residents.¹⁶

This story—the story of McAllen, Texas—should be included in any hearing on the crisis at the border, and there is no better person to tell that story than the Mayor of McAllen, Javier Villalobos. I therefore urge you not only to hold a hearing on the crisis at the border, but to invite Mayor

¹⁰ https://www.judiciary.senate.gov/imo/media/doc/committee_republicans_to_chm.durbinborderhearingrequest.pdf

¹¹ <https://www.judiciary.senate.gov/meetings/immigrant-farmworkers-are-essential-to-feeding-america;>

<https://www.judiciary.senate.gov/meetings/the-essential-role-of-immigrant-workers-in-america;>

<https://www.judiciary.senate.gov/meetings/hr6-american-dream-and-promise-act-of-2021>

¹² <https://nypost.com/2021/08/05/texas-mayor-blames-biden-for-surge-in-migrant-covid-cases/>

¹³ <https://www.foxnews.com/politics/texas-border-city-covid-positive-migrants-released-february-last-week>

¹⁴ <https://twitter.com/RNCResearch/status/1423349106202775554?s=20>

¹⁵ <https://www.whitehouse.gov/briefing-room/press-briefings/2021/08/05/press-briefing-by-press-secretary-jen-psaki-and-secretary-of-education-miguel-cardona-august-5-2021/>

¹⁶ <https://www.foxnews.com/media/mayor-mcallen-texas-border-biden-congress-migrant-crisis-disaster;>

<https://nypost.com/2021/08/05/texas-mayor-blames-biden-for-surge-in-migrant-covid-cases/>

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Villalobos to testify about how this crisis is affecting his and other border communities. It is long past time for Washington, D.C. to stop ignoring the plight of communities like McAllen, Texas, and to instead listen to them and their experiences.

Sincerely,



Ted Cruz
Member, Senate Judiciary Committee