



STATE OF FLORIDA

**ASHLEY MOODY
ATTORNEY GENERAL**

July 13, 2023

The Honorable Merrick B. Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0001

RE: THE STATE OF FLORIDA'S RESPONSE TO THE STATE OF CALIFORNIA'S REQUEST FOR INVESTIGATION

Dear Attorney General Garland:

You have repeatedly stated that “political or other improper considerations must play no role in any investigative or prosecutorial decisions.”¹ Yet, the Democrat Governor and Attorney General of the State of California invite you to do exactly that in their letter to you dated July 6, 2023. As you know, many doubt the sincerity of your above statement given the Department of Justice’s treatment of the former President and the plea deal offered to the current President’s son. Trust in the independence and impartiality of the United States Department of Justice (“DOJ”) is of paramount importance to the stability of our government. It is in this firm belief and with great love for our country and its ideals that I urge you to expeditiously and publicly find that there is no basis to investigate the State of Florida.

As Florida’s Department of Emergency Management recently stated, Florida’s voluntary relocation program is precisely that—voluntary. The immigrants Florida transported gave verbal and written consent to travel to California. A contractor was present and ensured that those immigrants made it safely to a third party non-governmental organization (“NGO”). The specific NGO, Catholic Charities, is used and funded by the federal government to provide similar services. As previously demonstrated by Democrat-led jurisdictions such as New York City, New York, El Paso, Texas, and Denver, Colorado, the relocation of those illegally crossing the United States border is not new or novel. Indeed, the federal government itself facilitates such transport daily.

¹ <https://www.justice.gov/opa/pr/statement-attorney-general-merrick-b-garland>.

But suddenly, when the State of Florida provides transportation for illegal immigrants to a sanctuary city, it's illegal and needs to be investigated.

Strikingly, the short letter signed by the Attorney General of California, its Chief Legal Officer, contains no citation to any federal statute, judicial decision, or law that has been allegedly violated. One would expect an attorney general with 1,100 lawyers at his disposal to be able to announce clearly some legal basis for his requested investigation. Yet, he cannot because the letter is a political stunt, not a legal request.

Almost as jarring, California's letter makes no reference to either the State of Texas's or the City of New York's relocation of immigrants. Instead, these two career Democrat politicians take aim at the State of Florida because Florida's Governor is running for President and is among the front runners to be nominated to run against the current President. The two most senior elected Democrats in California evidently do not believe that the current President can win re-election against Governor DeSantis. Instead, they hope that DOJ can be improperly utilized, yet again, against a Republican presidential candidate during an election. This seems to seek from DOJ exactly what you pledged DOJ would not do.

In addition to the factual and legal problems with any purported claim of illegality, there is no reason for DOJ to do anything. Supposedly, the Democrat Sheriff of Bexar County has investigated the Martha's Vineyard flight. Bexar's District Attorney will decide at some point whether there is a prosecutable case. According to General Bonta, California is investigating the flights to Sacramento. Indeed, despite California's ban on government travel to Florida, its law enforcement officers have come to Florida to investigate the flights. Presumably, General Bonta can decide on whether there is a chargeable crime when that investigation concludes. The principles behind the DOJ's Petite Policy would seemingly suggest that federal resources should not be spent duplicating efforts.

I suspect that these Democrat politicians are now reaching out to you and DOJ because, after making multiple statements to the press and promises to their constituents about how these events are "crimes," experienced prosecutors have pointed out the problems with the political cases that each is pushing. I am sure having signed documents, text messages, and videos of the immigrants saying inconsistent statements to what they are now saying is problematic. I suspect that Texas prosecutors are also leery about the Democrat Bexar Sheriff making the immigrants eligible for "U Visas" in exchange for their cooperation. Especially, when that Sheriff has never provided a law enforcement certification for a "U Visa" before in more than six years as Sheriff in a community that has a large number of immigrants and a not insignificant amount of violent crime.² Each hopes at this point that DOJ will bail it out and get stuck holding the proverbial bag of unmet politically-driven expectations.

The irony of California's letter is that, during the last presidential administration, Governor Newsom, General Bonta, and other California politicians, loved touting their commitment to illegal immigrants.³ Even when the Biden Administration first took over, Governor Newsom touted

² <https://www.washingtonpost.com/nation/2023/01/17/marthas-vineyard-migrants-desantis/>

³ <https://www.gov.ca.gov/2019/10/12/governor-gavin-newsom-signs-four-bills-to-prevent-discrimination-and-foster-a-more-inclusive-state/>

that California led “the nation with pro-immigrant policies that have sparked change nationwide, including expanding access to higher education, expanding access to health care and public benefits, advancing protections for immigrant workers, supporting immigrant students through partnerships with school districts, improving opportunities for economic mobility and inclusion....”⁴ Now, Governor Newsom does not want more immigrants in California, claiming that more immigrants could break his state, and lamenting the burden being disproportionality on California by the federal government sending more and more immigrants to California.⁵ Governor Newsom and General Bonta cannot criticize President Biden or the federal government during President Biden’s re-election campaign and so the roughly one hundred immigrants transported by Florida are the problem and not the historic flood of illegal immigrants that the Biden Administration has unlawfully released over the last two years.

While I would urge you not to bail out California or engage in another political investigation or litigation, if you make the unconscionable and unfounded determination to do so, Florida stands ready to fight against DOJ’s overreach. Florida has had tremendous success litigating against DOJ under the Biden Administration and I and Florida’s lawyers stand ready to depose, subpoena, and question Biden Administration officials in connection with such a proceeding. Litigation with DOJ has already led a federal district judge to conclude that “[c]ollectively, these actions [by the Biden Administration] were akin to posting a flashing ‘Come In, We’re Open’ sign on the southern border. The unprecedented ‘surge’ of aliens that started arriving at the Southwest Border almost immediately after President Biden took office and that has continued unabated over the past two years was a predictable consequence of these actions....”⁶ Lawyers from this office got the Chief of the Border Patrol and the head of Enforcement and Removal Operations at Immigration and Customs and Enforcement to concede under oath that the Biden Administration has caused the border surge and purposely reduced enforcement of federal immigration laws. Another opportunity for litigation will only shine a brighter light on the Biden Administration’s complete abdication of its responsibility as to immigration and the jeopardy in which it has placed our country and its citizens.

Sincerely,



Ashley Moody
Florida Attorney General

⁴ <https://www.gov.ca.gov/2021/09/24/governor-newsom-signs-suite-of-legislation-to-support-californias-immigrant-communities-and-remove-outdated-term-alien-from-state-codes/>

⁵ <https://www.foxnews.com/politics/newsom-says-california-break-flood-illegal-migrants-title-42-expires>

⁶ <https://www.myfloridalegal.com/files/pdf/page/18D26D480614C6128525896C0069E8C3/final+order.pdf>