

STATE OF NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL



HECTOR H. BALDERAS  
ATTORNEY GENERAL

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June 19, 2018

The Honorable Jeff Sessions  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

The Honorable Kirstjen Nielsen  
Secretary  
U.S. Department of Homeland Security  
3801 Nebraska Avenue, N.W.  
Washington, D.C. 20528

Dear Attorney General Sessions and Secretary Nielsen:

The undersigned Attorneys General write to express our strong opposition to the Department of Justice's new "zero tolerance" policy of forcibly separating all families that cross the border illegally, including those seeking asylum. The policy is not only inhumane, but it also raises serious concerns regarding the violation of children's rights, constitutional principles of due process and equal protection, and the efforts of state law enforcement officials to stop crime. Because of these concerns, we demand that the Department of Justice immediately cease these draconian practices.

On April 6, 2018, the Attorney General announced a new "zero tolerance" policy, calling for the immediate criminal prosecution of all individuals who illegally enter the United States, including those seeking asylum. Under this policy, adults who enter the United States are brought to federal prisons, instead of immigrant detention centers, and their children are treated as "unaccompanied minors" and forcibly placed into the care of the Department of Health and Human Services' Office of Refugee Resettlement.

As you are aware, the fundamental rights of children are expressed in international, federal, and state bodies of law. Each of these laws is, at its core, designed to protect the best interests of children. These laws are representative of the views of millions of Americans that the government, in any process, should first and foremost seek to protect those interests. Almost universally, the statutory mandates and the litany of cases interpreting them overwhelmingly express that a child's best interests are served by remaining with his or her family, absent a rigorous judicial inquiry resulting in a finding that a parent is unfit or proof beyond a reasonable doubt that a crime has been committed. Policies that separate a child from his or her parent absent that level of inquiry, would not only be illegal under most state laws, but also may be contrary to the policy views of state legislatures and their constituents across this country.

These views are complemented by numerous laws and judicial precedent that mandate and hold that parents have a fundamental right to raise their children. This principle is affirmed in both state and federal law, by both statute and judicial precedent. The notion that the government should intrude into the rights of a parent to be with their child has historically been met with extremely high levels of scrutiny. Thus, the deliberate separation of families for the express purpose of furthering an immigration policy is contrary to our laws.

Not only is it highly concerning that current Department of Justice policies may be in contravention of the express purpose of these legal mandates, but these practices directly interfere with the efforts of our offices and other enforcement officials—locally, nationally, and internationally—to prevent and prosecute crime. In most states, Attorneys General are responsible for enforcing laws that include human trafficking, drug trafficking, and gang violence offenses. As you are keenly aware, these issues are rarely local in context; rather, they require the efforts and collaboration of law enforcement officials across both state and international borders to prevent the widespread and syndicated perpetration of these crimes. These efforts rely on reporting and cooperation from survivors of these crimes and victims of criminal organizations. The practice of mandatory family separation is both inhumane and contrary to the efforts of the law enforcement and others who dedicate their tireless efforts to stopping violent criminals.

Put simply, the deliberate separation of children and their parents who seek lawful asylum in America is wrong. This practice is contrary to American values and must be stopped. We demand that you immediately reverse these harmful policies, as it is in the best interests of the children and families affected.

Sincerely,



Hector Balderas  
Attorney General of New Mexico



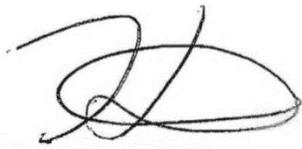
Xavier Becerra  
Attorney General of California



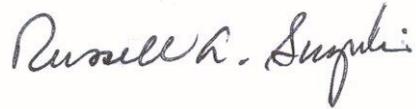
George Jepsen  
Attorney General of Connecticut



Matthew P. Denn  
Attorney General of Delaware



Karl Racine  
Attorney General for the District of Columbia



Russell Suzuki  
Attorney General of Hawaii



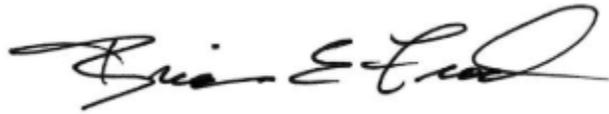
Lisa Madigan  
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Attorney General of Maryland



Maura Healy  
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Attorney General of Oregon



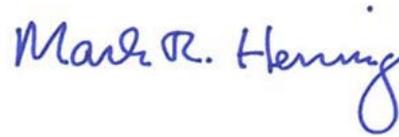
Josh Shapiro  
Attorney General of Pennsylvania



Peter F. Kilmartin  
Attorney General of Rhode Island



Thomas J. Donovan, Jr.  
Attorney General of Vermont



Mark R. Herring  
Attorney General of Virginia



Bob Ferguson  
Attorney General of Washington

cc: Honorable Mitch McConnell  
Majority Leader, United States Senate

Honorable Paul Ryan  
Speaker of the United States House of Representatives