

BONNIE WATSON COLEMAN
12TH DISTRICT, NEW JERSEY

HOUSE COMMITTEE ON
APPROPRIATIONS
SENIOR WHIP

Congress of the United States
House of Representatives
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June 6, 2024

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, D.C. 20500

Dear Attorney General Garland,

As Members of Congress, we write to renew our concerns following our unanswered letter dated August 25, 2023, regarding the United States Department of Justice's (DOJ) statement of interest in CoreCivic v. Philip D. Murphy Governor of New Jersey. As you know, CoreCivic filed this lawsuit seeking preliminary and permanent enjoinder of New Jersey's enforcement of state law AB 5207—a duly passed and enacted law that prohibits state and local entities and private detention facilities from entering into agreement to detain noncitizens. Since we last wrote to you, the United States District Court for the District of New Jersey held that AB 5207 was unconstitutional—a decision that is now on appeal in the Third Circuit. In our opinion, the district court decision is misguided and has the very real and very unfortunate effect of undermining the will of New Jerseyans and their elected officials who all worked tirelessly to ensure the closure of the Elizabeth Detention Center and end the use of private immigration detention centers in our State.

The Elizabeth Detention Center (EDC) has a long documented history of poor conditions including a lack of proper air quality, sanitation violations, overcrowding, inadequate medical and mental health care, and incidents of retaliation and abuse by guards and staff. These realities have led to sustained protests and strikes both within and outside the jail, legal battles, and of course, the passage of AB 5207. We renew our concern and objections to the DOJ's interest in the renewal of CoreCivic's contract with ICE, and are troubled that the DOJ's intervention could therefore result in the development of additional private detention centers in New Jersey.

Relatedly, since we sent our August 25, 2023 letter, GEO Group, Inc. has brought another lawsuit against the State New of Jersey¹ seeking to stop enforcement of AB5207. GEO Group, Inc. is a Florida-based global corporation that owns, leases, and operates private prisons, jails, and immigration detention centers in the U.S. and abroad that seeks to begin operating an additional facility, Delaney Hall, in Newark, New Jersey. It is our understanding that the Attorney General of New Jersey has entered into an agreement to allow the injunctive relief awarded to CoreCivic to apply to GEO Group, Inc. as well while the former case is on appeal. With this in mind, we inquire as to the Department of Justice's posture in these cases

¹ United States District Court for the District of New Jersey. *GEO Group Inc. against Governor Philip D. Murphy and Attorney General Matthew J. Platkin*. 15 Apr. 2024, <https://newjerseymonitor.com/wp-content/uploads/2024/04/1825000-1825885-complaint-4892-8615-3399-v.1.pdf>. Accessed 16 May 2024.

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and ask that it not utilize its entirely discretionary authority under 28 U.S.C. §517 to register a statement of interest. We believe that refraining from registering a statement of interest more fully aligns with the previous comments made by then candidate, Mr. Biden to end the federal government’s use of privately operated immigration detention centers.²

On March 12, 2024, the GEO Group announced that GEO Transport, Inc. (GTI) was awarded a five-year contract to provide air operations support services on behalf of ICE, as a subcontractor to CSI Aviation, Inc.³ Additionally, with the proposed facility contract estimated to value over \$100 million⁴ and located in close proximity to two international airports, we have concerns the collaboration between the two entities could even surpass operations impacting only New Jersey due to the potential location and size of Delaney Hall. Further, while the CoreCivic case is pending in the Third Circuit, we worry that GEO Group will work to effectuate a multi-year contract or a contract in perpetuity with the federal government, allowing them to operate long term in the region. This concern arises because AB5207 only applies to immigration detention contracts upon their expiration and renewal. AB5207 was enacted in order to curb the expansion of immigration detention in our state. CoreCivic and GEO Group’s determination to operate immigrant detention centers in our communities undermine our state’s democratic process and is counter to the wishes of the community in Elizabeth, local congressional districts, and the state at-large.

CoreCivic and GEO Group are the largest private prison operators in the United States and have grown to enjoy over \$1 billion in revenue each year.⁵ When the President issued an executive order eliminating the use of privately operated criminal detention facilities, the administration stated that, “privately operated criminal detention facilities consistently underperform Federal facilities with respect to correctional services, programs, and resources” and “privately operated criminal detention facilities do not maintain the same levels of safety and security for people in the Federal criminal justice system or for correctional staff.”⁶ These same disparate and dangerous conditions still persist in privately operated immigration detention centers and the efforts to expand such a system⁷ must not be met with support from the federal government.

² Rose, Joel. “Biden Wants to End For-Profit Immigrant Detention. His Administration Isn’t so Sure.” *NPR*, NPR, 15 June 2021, www.npr.org/2021/06/15/1006728924/biden-wants-to-end-for-profit-immigrant-detention-his-administration-isnt-so-sur.

³ Paez, Pablo. “The GEO Group Announces Five-Year Contract to Provide Air Operations Support Services for U.S. Immigration and Customs Enforcement.” *The GEO Group, Inc.*, 12 Mar. 2024, investors.geogroup.com/news-releases/news-release-details/geogroup-announces-five-year-contract-provide-air-operations.

⁴ United States District Court for the District of New Jersey. *GEO Group Inc. against Governor Philip D. Murphy and Attorney General Matthew J. Platkin*. 15 Apr. 2024, <https://newjerseymonitor.com/wp-content/uploads/2024/04/1825000-1825885-complaint-4892-8615-3399-v.1.pdf>. Accessed 16 May 2024.

⁵ Cho, Eunice Hyunhye. “Unchecked Growth: Private Prison Corporations and Immigration Detention, Three Years into the Biden Administration: ACLU.” *American Civil Liberties Union*, 8 Aug. 2023, [www.aclu.org/news/immigrants-rights/unchecked-growth-private-prison-corporations-and-immigration-detention-three-years-into-the-biden-administration#:~:text=Contracts%20with%20ICE%20continue%20to,total%20revenue%20\(%242.4%20billion\)](https://www.aclu.org/news/immigrants-rights/unchecked-growth-private-prison-corporations-and-immigration-detention-three-years-into-the-biden-administration#:~:text=Contracts%20with%20ICE%20continue%20to,total%20revenue%20(%242.4%20billion)).

⁶ “Executive Order on Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities.” *Whitehouse.Gov*, 26 Jan. 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/executive-order-reforming-our-incarceration-system-to-eliminate-the-use-of-privately-operated-criminal-detention-facilities/>. Accessed 17 May 2024.

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With this factual record in mind, we respectfully ask whether the DOJ intends to continue its posture as an interested party as permitted, though not required, under 28 U.S.C. §517 while the CoreCivic case is under appeal. Additionally, we inquire to know whether a similar position will be taken in GEO Group Inc. v. Philip D. Murphy Governor of New Jersey. We encourage you to refrain from doing so for the aforementioned reasons, a well-documented history of poor conditions at for-profit detention centers across the country, the need to respect duly enacted state laws, and the fact that such a posture runs contrary to the President's stated priority in ending the federal government's use of privately operated detention facilities.

We thank you for your leadership and look forward to working with you to protect the interests of the public.

Sincerely,



Bonnie Watson Coleman
Member of Congress



Andy Kim
Member of Congress



Robert J. Menendez
Member of Congress



Bill Pascrell, Jr.
Member of Congress



Donald Norcross
Member of Congress



Josh Gottheimer
Member of Congress

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Frank Pallone, Jr.
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