



Federal Contract Guards of America

445 Park Avenue, New York, NY 10022

Tel: 212-541-3753 Fax: 646-786-4790

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www.fcgoa.com

April 21, 2021

Ambassador Susan Rice
American University
4400 Massachusetts Avenue, NW
Washington, DC 20016

Dear Ambassador Rice:

As the President of the Federal Contract Guards of America (I am proud that we are one of the fastest growing 9(b)(3) Unions in America), I write to express my deep concern with the Department of Justice's recent move to begin eliminating the use of contractors within the United States Marshals Service (USMS) based on an interpretation of President Biden's "Executive Order on Reforming Our Incarceration System to Eliminate the Use of Privately Operated Criminal Detention Facilities" (EO).

We represent detention officers at the Willacy County Regional Detention Facility in Raymondville, Texas, a USMS contractor-operated facility that provides vital services to more than 500 pre-trial detainees. The more than 200 men and women who work at this facility are outstanding professionals with an unwavering commitment to serve the people in their care. Specifically, a total of 200 employees work at the facility, 131 of whom are Detention Officers, and provide services for approximately 600 detainees in this facility.

The thought of eliminating their jobs based on a misguided interpretation of the EO is unconscionable. These union employees have risked their lives during the pandemic to provide vital services to the detainees at the Willacy facility. Their service should be commended, not punished. Any closure or reduction of the Willacy facility would devastate the local economy and its residents.

We appreciate President Biden's support of labor unions and our efforts to build better lives for our members and all working families in the United States. Unions are vital to our economy and way of life. However, the focus should be on the quality of services provided, not on merely on the status of the service provider, i.e. whether the facility is managed by a private sector or the government. In fact, in many cases, the private sector outperforms the government.

Stronger Together!

As you may know, a February 2021 report by the Office of Inspector General found that USMS contractor-operated facilities were safer, more accountable, and more responsive in mitigating risk from COVID-19 than government-run facilities. Just to provide you with an example.

The EO's application to the Bureau of Prisons (BOP) is understandable as the BOP has the bed space and services to accommodate the individuals housed in the eight contractor-operated facilities. However, the USMS does not own any facilities and relies entirely on contracting with other government agencies and the private sector. In particular to the Willacy facility, it is strategically located in between two Federal Courts, McAllen (about 56 miles away) and Brownsville (about 47 miles away). Both Courts are served by Willacy staff by transporting USMS detainees to and from the facility to Courts and security services while detainees are at court awaiting their immigration proceedings.

As you may also know, in February, the USMS sent a memo to the White House clearly outlining the reasons why it must continue to use contractors to fulfill its mission:

“Losing the use of these private detention facilities would be detrimental to USMS districts that currently rely on private facilities...[T]here is simply not enough bedspace in the regions to accommodate the more than 23,000 USMS prisoners housed in private facilities operating under direct contract with USMS or under contract with the state and local governments through which the USMS has an agreement to house its prisoners...The use of privately run detention facilities is a necessary resource that allows the USMS to house the prisoners remanded to its custody by the United States Courts. Because the USMS does not have the statutory authority to own or operate detention facilities, the use of nonfederal detention space has become integral to the USMS's mission to house prisoners pending adjudication.”

Eliminating contractor-operated facilities will create unsafe conditions for detainees as more than 23,000 would have to be relocated to county jails throughout the country, some of which are already at full capacity and not designed to meet the specific needs of this population. As mentioned, the Willacy facility is in close proximity to federal courts in McAllen and Brownsville, which is ideal for the USMS. Moving detainees to county jails would create a logistical nightmare for the USMS and cost the federal government millions of dollars more annually.

If the Department of Justice continues to apply the EO to the USMS, the Willacy facility will eventually close causing a devastating impact on hundreds of families and the local economy, at a time when we are experiencing unprecedented financial hardship because of the global pandemic. Willacy County receives millions of dollars annually from the facility. Local businesses rely on purchases made by the facility and by employees. The town would face serious financial issues should this facility be forced to close its doors.

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We respectfully ask that you pause to consider the negative impacts of preventing the USMS from using contractor-operated facilities and. The partnership between the USMS and contractors has effectively existed for decades, and there are no valid reasons to end this partnership now. We would like to work with the Administration to protect union jobs and the valued services that are provided to the USMS.

Thank you for your time and for taking our concerns seriously.

Sincerely,

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Michael Jones
President

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Senator Ted Cruz
127A Russell Senate Office Building
Washington, DC 20510

Dear Senator Cruz:

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April 21, 2021

U.S. Attorney General Merrick Garland
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Garland:

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Representative Filemon Vela
307 Cannon Office House Building
Washington, DC 20515

Dear Representative Vela:

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Senator John Cornyn
517 Hart Senate Office Building
Washington, DC 20510

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