

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

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August 24, 2026

The Honorable Melinda Katz
District Attorney
Queens District Attorney's Office
125-01 Queens Boulevard
Kew Gardens, New York 11415

Dear Ms. Katz:

On May 27, 2026, the Committee requested relevant materials regarding your office's preferential treatment of criminal aliens to ensure that they do not face immigration consequences for their criminality.¹ Your June 10 response alleged, incorrectly, that the Committee's requests "cross over into the exercise of police powers of local jurisdictions, reserved by the Tenth Amendment to the States."² Although you claimed you "wish to assist the Committee to the extent possible" and "remain ready to assist in [the Committee's] oversight responsibilities,"³ you have not provided any of the requested material to date and instead have raised arguments that lack a legal foundation. We reject those arguments and reiterate our request for your cooperation.

You have asserted that "[l]ocal decisions to prosecute, or to choose not to prosecute, particular crimes of specific individuals under state law are not province of the federal government."⁴ That assertion misunderstands the Committee's request and misinterprets Congress's oversight authority. The Supreme Court has repeatedly affirmed Congress's oversight powers as "broad and indispensable,"⁵ "encompass[ing] inquiries into the administration of existing laws, studies of proposed laws, and surveys of defects in our social, economic or political system for the purpose of enabling the Congress to remedy them."⁶ Congress has conducted oversight of issues involving state criminal justice systems—among

¹ See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Melinda Katz, Queens District Att'y (May 27, 2026) [hereinafter May 27 Letter] (on file with Comm.).

² See Letter from Melinda Katz, Queens District Att'y, to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (June 10, 2026) [hereinafter June 10 Letter] (on file with Comm.).

³ See *id.*

⁴ See *id.*

⁵ *Trump v. Mazars USA, LLP*, 591 U.S. 848, 862 (2020) (quoting *Watkins v. United States*, 354 U.S. 178, 187 (1957)).

⁶ *Id.*

many other state and local matters⁷—when they intersect with federal interests.⁸ The problem of sanctuary jurisdictions like New York City flouting immigration law clearly involves federal interests. Failing to prosecute or under-prosecuting foreign nationals so that immigration consequences can be avoided implicates Congress’s plenary power over immigration, which the Supreme Court repeatedly has described as the authority “to make rules for the admission of aliens and to exclude those who possess those characteristics which Congress has forbidden.”⁹ Your pro-criminal alien policies appear intentionally designed to thwart this authority. Moreover, preferential treatment of foreign nationals by your office may also violate federal civil rights laws.¹⁰

The Committee’s request for records is lawful, appropriate, and is not dependent on your office’s policy preferences. The House of Representatives has authorized the Committee to conduct oversight of “[i]mmigration policy and non-border enforcement,” “[c]riminal law enforcement,” and “the judiciary and judicial proceedings, civil and criminal.”¹¹ The Committee’s oversight on sanctuary jurisdictions advances a legitimate—and important—legislative purpose and is clearly “a subject on which legislation could be had.”¹² Although you may disagree about the need to reform federal law to end sanctuary policies, protect American communities, and ensure that foreign nationals do not receive preferential treatment over U.S. citizens, you cannot seriously contend that the Committee lacks the authority to do so.¹³ In fact, earlier this year, the Committee reported favorably H.R. 7640, the Shut Down Sanctuary Policies Act of 2026.¹⁴ This legislation addresses state and local officials who thwart the enforcement of federal immigration law and whose policies result in death and injury to countless Americans.¹⁵ To ensure that prosecutors cannot circumvent immigration law and allow aliens to escape

⁷ See *Affirming Congress’ Constitutional Oversight Responsibilities: Subpoena Authority and Recourse for Failure to Comply with Lawfully Issued Subpoenas*, Hearing Before the H. Comm. on Sci., Space & Tech., 114th Cong., at 13 (2016) (written testimony of Jonathan Turley, Professor, Geo. Wash. Univ. L. Sch.) (“There are a myriad of ways that states can negate federal policies, deny individual rights, or frustrate federal laws. Congress has the inherent right to seek out information on the actions and impact of state programs.”).

⁸ See, e.g., Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Fani T. Willis, Dist. Att’y, Fulton Cnty. Dist. Att’y’s Off. (Sept. 27, 2023), <https://www.congress.gov/118/meeting/house/117301/documents/HHRG-118-FD00-20240515-SD018-U18.pdf>; Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, et al. to Alvin L. Bragg, Jr., Dist. Att’y, N.Y. Cnty. Dist. Att’y’s Off. (Mar. 25, 2023), <https://www.congress.gov/118/meeting/house/116381/documents/HHRG-118-JU00-20230920-SD020.pdf>; Letter from Rep. Lamar Smith, Chairman, H. Comm. on Sci., Space & Tech., to Maura Healey, Att’y Gen. of Mass. (Aug. 24, 2016), https://science.house.gov/_cache/files/8/2/82bc49dc-7eaa-4c16-8d5b-59b5a44d555e/34C011DE8974BD1124CEEAE4F2D7E3366BE122B0A1EBCF7C6B14F6A0EE7AF74F.08.24.16-sst-letter-to-ag-healey.pdf.

⁹ See *Kleindienst v. Mandel*, 408 U.S. 753, 766 (1972); see also *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 139 (2020).

¹⁰ See, e.g., Press Release, Justice Department Notifies Fairfax County, Virginia Commonwealth’s Attorney of Investigation into His Plea Bargaining, Charging Decisions, and Sentencing Policy, U.S. Dep’t of Justice (May 6, 2026), <https://www.justice.gov/opa/pr/justice-department-notifies-fairfax-county-virginia-commonwealths-attorney-investigation-his> (Department of Justice launching an investigation into whether similar policies violate federal law).

¹¹ Rules of the House of Representatives, 119th Cong., R. X (2025).

¹² *Mazars USA, LLP*, 591 U.S. at 863 (internal quotation marks omitted).

¹³ See U.S. CONST. art. I, § 1; Rules of the U.S. House of Representatives, R. X(l)(9) (2025).

¹⁴ See H.R. 7640, Shut Down Sanctuary Policies Act of 2026.

¹⁵ See *id.*

accountability for their crimes, Congress may also consider amending the Immigration and Nationality Act to allow federal immigration officials to consider additional circumstances, such as admissions of guilt and not simply convictions, in making determinations about foreign nationals' inadmissibility, deportability, and eligibility for immigration relief and benefits.

Further, your reliance on the Supreme Court's decision in *Padilla v. Kentucky*, which you cite as support for your office's consideration of immigration consequences, is misplaced.¹⁶ In *Padilla*, a divided Court held that a *defense* attorney, not the prosecutor, "must advise her client regarding the risk of deportation" as a result of certain criminal charges.¹⁷ The Court's decision in *Padilla* does not endorse the preferential treatment of foreign national defendants in criminal proceedings, much less address the question of prosecution policies designed to thwart the nation's immigration laws so that criminal aliens can escape deportation and remain in the United States indefinitely. As a result, *Padilla* has no bearing on the Committee's constitutional oversight obligations in this matter.

In your June 10 letter, you also objected to the scope of the Committee's requests, claiming that it would be impossible to "[s]earch[] for communications dealing with non-citizens."¹⁸ Nonetheless, you do not provide any rationale for why it is not possible to provide documents and communications related even to a single employee, the office's Immigration Specialist, or materials related to certain foreign nationals' cases—the same cases you have boasted about in public reports.¹⁹ In addition, you have given no indication that your office has attempted to obtain any of the requested information in the three months since you received the Committee's request. Finally, you cite numerous concerns about "disclosure barriers,"²⁰ none of which is relevant to or overcomes the Committee's constitutional oversight duties.

¹⁶ See June 10 Letter, *supra* note 2.

¹⁷ See *Padilla v. Kentucky*, 559 U.S. 356, 367 (2010); see also *id.* at 369 (emphasizing that "[w]hen the law is not succinct and straightforward" about the potential immigration consequences of a conviction, "a criminal defense attorney need do no more than advise a[n] [alien] client that pending criminal charges may carry a risk of adverse immigration consequences").

¹⁸ See June 10 Letter, *supra* note 2.

¹⁹ See May 27 Letter, *supra* note 1; see, e.g., Brave Justice Annual Rep. 2025, Queens District Att'y's Off., at 51 (2025), https://queensda.org/wp-content/uploads/2026/02/BraveJustice_2025_final_digital_sm.pdf; Brave Justice Annual Rep. 2023, Queens District Att'y's Off., at 67 (2023), https://queensda.org/wp-content/uploads/2024/02/BraveJustice_2023_digital_final.pdf; Brave Justice Annual Rep. 2021, at 91 (2021), https://queensda.org/wp-content/uploads/2022/03/BraveJusticeVol3_2021_final_digital.pdf.

²⁰ See June 10 Letter, *supra* note 2.

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Accordingly, we reiterate the requests made in our May 27 letter, attached for your convenience, and demand that you produce the requested material as soon as possible, but no later than 5:00 p.m. on September 7, 2026. The Committee may be forced to resort to compulsory process if these requests remain outstanding.

Sincerely,



Jim Jordan
Chairman



Tom McClintock
Chairman
Subcommittee on Immigration
Integrity, Security, and Enforcement

cc: The Honorable Jamie Raskin, Ranking Member

The Honorable Pramila Jayapal, Ranking Member, Subcommittee on Immigration
Integrity, Security, and Enforcement