

United States Senate

WASHINGTON, DC 20510

March 4, 2025

The Honorable Judge Kim Brown
Administrative Judge
Courtroom 5E
345 S. High Street
Columbus, OH 43215

Dear Judge Brown,

As an immigrant who came to this country legally, I write to express my sincere shock and disgust when I learned that 17 judges in Franklin County, including yourself, unilaterally decided that federal and state law, regulations, and President Trump's Executive Order simply do not apply to their courtrooms. I break down this absolute abuse of power into two categories: form and substance.

I'll begin with the substance. According to multiple media outlets,¹ rogue elected judges issued two "emergency" rules that attempt to nullify federal and state law, the Department of Homeland Security's Immigration Directive, and President Trump's Executive Order by prohibiting civil arrests or deportations of illegal aliens on courthouse grounds without jumping through ridiculous contrary to law regulatory hoops, including obtaining the written approval of a Franklin County judge.²

United States Immigration and Customs Enforcement ("ICE") officers are sworn federal law enforcement officers who operate within the confines of the law, as opposed to illegal "local rules." **Obstructing or otherwise interfering with an ICE arrest is a crime, and anyone involved can and should be subject to prosecution under federal law.** ICE makes targeted arrests to protect American citizens. Targets are often those who were arrested on local criminal charges or have blatantly disregarded U.S. immigration laws. During the first Trump Administration, nationally, approximately 90 percent of all illegal aliens arrested by ICE during fiscal year 2019 either had a

¹ Katie Millard, *Franklin County court restricts immigration enforcement to protect due process*, YAHOO NEWS, Mar. 2, 2025, <https://www.yahoo.com/news/franklin-county-court-restricts-immigration-200000786.html>; Bethany Bruner, *Judges in Ohio ban ICE arrests at Franklin County courthouse after 'increased activity'*, THE COLUMBUS DISPATCH, Mar. 3, 2025, <https://www.dispatch.com/story/news/courts/2025/03/03/judges-no-more-ice-arrests-franklin-county-courthouse-columbus-ohio-immigration/81143441007/>.

² Section 287 of the Immigration and Nationality Act provides ICE officers the authority to arrest aliens without a judicial warrant. *See also* Caleb Vitello, Acting Director, U.S. Immigration and Customs Enforcement, *Interim Guidance: Civil Immigration Enforcement Actions in or near Courthouses*, Jan. 21, 2025, https://www.ice.gov/doclib/foia/policy/11072.3_CivilImmEnfActionsCourthouses_01.21.2025.pdf. *See also*, R.C. 9.63 ("Notwithstanding any law, ordinance, or collective bargaining contract to the contrary, no state or local employee shall unreasonably fail to comply with any lawful request for assistance made by any federal authorities carrying out... any federal immigration or terrorism investigation, or any executive order of the president of the United States pertaining to homeland security, to the extent that the request is consistent with the doctrine of federalism."). *See also* Executive Order, *Protecting the American People Against Invasion*, Jan. 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-the-american-people-against-invasion/>.

criminal conviction, pending a criminal charge, had illegally re-entered the United States after being previously removed or were immigration fugitives subject to a judge's final order of removal.³

Your "local rules," which fly in the face of federal and state law, the Department of Homeland Security's Immigration Directive, and President Trump's Executive Order, protect illegal aliens that have entered the country illegally and who also may be in court to face other civil or criminal charges, *all at the expense of Ohio taxpayers' dollars and safety*. You should be ashamed.

I now turn to the form of your egregious rulemaking. Hilariously, you cite "due process" and "access to justice on behalf of the entire public" as justification for your lawlessness. You also issued these rules on an "emergency" basis, bypassing any input from the public. Do the American people receive due process and access to justice when 17 judges create and declare a fake emergency to prohibit a federal agency from enforcing the law to protect the homeland from the entry of illegal aliens? You can surely send the media a quote and talking points, but you can't seem to post these asinine rules on your own public website for all Ohioans to see.⁴ Why are you wasting Ohioan's time and resources to protect illegal aliens over your own constituents?

Let's be clear. These "rules" are a disgrace to the distinct honor it is to serve on the bench. You of all people, the very judges that swore an oath to support the Constitution of the United States and the Constitution of Ohio and the laws thereof, should know that no one is above the law. And yet, you're giving illegal aliens a pass.

Therefore, I demand the answers to the following questions in five days:

- (1) Please provide the legal analysis for how "local rules" issued by 17 judges sitting on a county court invalidates federal law passed by the United States Congress, Ohio law passed by the Ohio General Assembly, the Department of Homeland Security's Immigration Directive, and President Trump's Executive Order?
- (2) What is the "emergency" that gave you the authority to unilaterally issue these "local rules" without notice or comment?
- (3) Why are the new "local rules" not transparently published on your website?
- (4) How do you plan on enforcing your illegal "local rules"?

Sincerely,

A handwritten signature in blue ink that reads "Bernie Moreno". The signature is stylized with a large, sweeping "B" and a long horizontal line extending to the right.

BERNIE MORENO
United States Senator

³ U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations FY 2020, <https://www.ice.gov/features/ERO-2020>.

⁴ Rule 111 and Rule 112 are conveniently missing from your website: <https://www.fccourts.org/173/Local-Rules>.