

ONE HUNDRED NINETEENTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-6906
judiciary.house.gov

September 16, 2026

The Honorable Michael Dougherty
District Attorney
Boulder County District Attorney's Office
1777 6th St.
Boulder, CO 80302

Dear Mr. Dougherty:

On May 20 and June 24, 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 Despite repeated requests for responsive documents and communications, you have not produced a single document. Accordingly, because you have failed to comply with the Committee's requests, the Committee is serving compulsory process.

For months, you have objected to the Committee's requests and failed to produce relevant materials. On June 3, 2026, you questioned the Committee's oversight authority and argued that much of the material requested by the Committee is unattainable.² The Committee rejected those assertions in a June 24 letter.³ As the Committee explained, the Supreme Court has repeatedly recognized Congress's oversight power as "broad and indispensable,"⁴ "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."⁵ Your office's lenient treatment of foreign national criminals endangers communities and ensures criminal aliens escape both criminal and immigration accountability for their actions. The policies clearly intersect with federal interests and implicate Congress's plenary power over immigration.⁶

¹ See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Michael Dougherty, District Att'y, Boulder Cnty., Colo. (May 20, 2026) [hereinafter May 20 Letter] (on file with Comm.).

² See Letter from Michael Dougherty, District Att'y, Boulder Cnty., Colo., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (June 3, 2026) [hereinafter June 3 Letter] (on file with Comm.).

³ See Letter from Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary, to Michael Dougherty, Boulder Cnty. District Att'y (June 24, 2026) [hereinafter June 24 Letter] (on file with Comm.).

⁴ *Trump v. Mazars USA, LLP*, 591 U.S. 848, 862 (2020) (quoting *Watkins v. United States*, 354 U.S. 178, 187 (1957)).

⁵ *Id.*

⁶ See June 24 Letter, *supra* note 3.

Despite having explained the Committee's clear oversight authority in this matter, on July 8 you again challenged the validity of the requests.⁷ In your letter, you accused the Committee of "run[ning] afoul of the anti-commandeering doctrine, under which the federal government may not force state officials to enforce federal immigration objectives."⁸ This assertion mischaracterizes the Committee's requests and misunderstands its constitutional oversight obligations. A response to congressional oversight does not require your office to enforce federal immigration law. As the Committee has explained, "[c]ongressional oversight routinely encompasses issues involving state criminal justice systems—among many other state and local matters—when they intersect with federal interests,"⁹ such as they do here. Compliance with a congressional subpoena regarding these matters does not in any way violate the anti-commandeering doctrine, as it does not commandeer you into federal immigration enforcement but simply compels cooperation with the Committee's legitimate oversight.

Your office's continued failure to produce the requested documents and information prevents the Committee from fulfilling its constitutional oversight obligations. More than three months ago, you claimed your office "has nothing to hide and will endeavor to address the requests contained in [the Committee's] letter."¹⁰ On July 8, roughly 10 weeks ago, you committed to "proceed[ing] with a search for responsive documents," stating you would "need additional time to respond in full," and claimed your office would "comply with [the Committee's] requests to the extent we can do so reasonably and without impairing our ability to execute our core functions."¹¹ You have also indicated that your search for and review of documents remains ongoing.¹² Nonetheless, nearly four months after the Committee's initial letter, you have not complied with the Committee's requests.

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."¹³ The Committee's oversight on sanctuary jurisdictions and efforts by local officials to thwart the enforcement of federal immigration law advances a legitimate—and important—legislative purpose and is clearly "a subject on which legislation could be had."¹⁴ The Committee has identified potential legislative reforms, including the Shut Down Sanctuary Policies Act of 2026 and other changes to the Immigration and Nationality Act, that it may consider in relation to the issues here and for which it needs the requested information.¹⁵

⁷ See Letter from Michael Dougherty, District Att'y, Boulder Cnty., Colo., to Rep. Jim Jordan, Chairman, H. Comm. on the Judiciary (July 8, 2026) [hereinafter July 8 Letter] (on file with Comm.). In a phone call with Committee staff on September 2, you characterized a production of certain emails relevant to one of the Committee's requests as "a waste of everyone's time."

⁸ See July 8 Letter, *supra* note 7.

⁹ See June 24 letter, *supra* note 3.

¹⁰ See June 3 Letter, *supra* note 2; see also July 8 Letter, *supra* note 7 (stating that the Boulder District Attorney's Office "has no concern about [the Committee's] review of these documents").

¹¹ See July 8 Letter, *supra* note 7.

¹² Phone call with Comm. Staff (Sept. 2, 2026).

¹³ Rules of the House of Representatives, 119th Cong., R. X(l) (2025).

¹⁴ Mazars USA, LLP, 591 U.S. at 863 (internal quotation marks omitted).

¹⁵ See June 24 Letter, *supra* note 3.

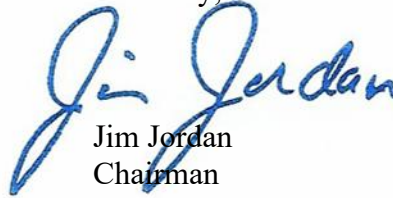
The Honorable Michael Dougherty

September 16, 2026

Page 3

Accordingly, the Committee is initiating compulsory process to obtain the documents and material needed to fulfill its oversight and legislative obligations. Please find enclosed a subpoena compelling production of the requested documents by September 25, 2026.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jordan". The signature is stylized with a large, looping "J" and a cursive "Jordan".

Jim Jordan
Chairman

cc: The Honorable Jamie Raskin, Ranking Member

Enclosure