

FROM: [Your Name]

TO: Richard Davey, Chief Executive Officer; Patricia Jacobs, Chair of the Board of Directors; Sean M. O'Brien, Vice Chair of the Board of Directors

RE: Massport must halt ICE operations that violate due-process protections at Hanscom Field

Dear Chief Executive Officer Davey, Board Chair Jacobs, and Vice Chair O'Brien,

Over 1,000 Rhode Island residents have been forcibly removed from our state using ICE charter flights from Hanscom Field Airport. Transfers are a tactic used by ICE to instill terror, destroy due process, and separate Rhode Islanders from their families, lawyers, and local resources, oftentimes including life-saving medications. Rhode Island resident's constitutional rights of due process have been recklessly disregarded by Massport. The regional ICE office initiates transfers for residents throughout the New England area, so Massport must ensure its operations at Hanscom do not violate Rhode Island and all New England residents' due-process rights under Massachusetts' state constitution.

When Rhode Islanders are transferred out of state in order to deny them life-saving medical care, their human rights are violated. When resident asylum seekers, holders of valid work permits, or spouses of U.S. citizens entitled to hearings before Rhode Island immigration judges are flown out of state without access to counsel or family support, their due-process rights are violated. *Committee for Public Counsel Services v. ICE* (D. Mass. 2020) supports this conclusion. In addition, *Lunn v. Commonwealth* confirms that state officials have no authority to hold people on civil immigration detainers.

Our State Constitutional protections mean Massport needs to:

- Adopt a Lunn-Compliance and Custody-Transfer Transparency Directive for Hanscom Field and all Massport facilities. This policy must prohibit state actor facilitation based solely on ICE detainers, require warrant verification for any custody transfers, and mandate public monthly reporting of ICE charter operations.
- Require charter operators and fixed-base operators to certify their compliance with Massachusetts law, constitutional protections, and Massport's directives as a condition of using Massport property.
- Create an MOU with State Police Troop F to ensure that all State Police activities at Hanscom

Field are fully compliant with Lunn and the Attorney General's guidelines prohibiting local law enforcement from assisting in ICE operations.

- Require charter operators to certify the safety of refueling operations with chained and shackled passengers. Air safety guidance for refueling does not envision chained and shackled passengers with limited movement. You must require all charter operators boarding shackled and chained passengers to certify their safety procedures and that flight attendants are trained in evacuating these passengers. If certification is not forthcoming, you must prohibit refueling if passengers are on board.
- Publish agreements and records in advance of all ICE-related air operations, using flight records obtained from Hanscom FBOs, as required under the Massachusetts Public Records Law and as requested by the Hanscom Field Advisory Commission in their letter of Sept. 17, 2025.

Other actions are available to Massport under the anti-commandeering doctrine of the Tenth Amendment of the U.S. Constitution. For example, Massport has no obligation to allow State Police from Troop F to provide any service to ICE contract flights that they do not already provide to other commercial contract operations.

Further, Massport is protected from loss of funding or other fiscal retaliation from the federal government if it changes contractor policies or withdraws special permissions granted to ICE alone. Recent injunctions and court cases—most notably Attorney General Andrea Campbell's successful lawsuit with 19 other states—resulted in a permanent injunction preventing the Department of Transportation from conditioning federal funds on cooperation or non-cooperation with ICE.

Massport cannot hide behind federal preemption to ignore New England residents' constitutional protections where it has the power to intervene. Massport has full regulatory authority to impose conditions on all operators using their facilities that ensures Massport and its contractors are not helping ICE to commit human rights violations, and are not flagrantly violating Massachusetts State Constitution's guarantee of due process.

STOP ICE ACTIVITY AT HANSCOM!!!

Sincerely,

[Your Name]

[Your Address]

[Your City/Town], RI [ZIP]