

Tuesday, April 11, 2023

Rep. Dade Phelan - District 21
812 North 16th Street
Orange, Texas 77630

Capitol Address:
Room 2W.11
P.O. Box 2910
Austin, TX 78768

Rep. Todd Hunter- District 32
15217 S. Padre Island Dr., Ste 201
Corpus Christi, Texas 78418

Capitol Address:
Room 1W.5
P.O. Box 2910
Austin, TX 78768

Dear Speaker Phelan and Representative Hunter,

As advocates committed to protecting the rights and dignity of all individuals, including people living in and traveling through the State of Texas, we stand in solidarity with Texans who are sounding the alarm on [HB 20](#)¹ and [HB 7](#).² These bills would codify Governor Abbott's illegal and unconstitutional Operation Lone Star (OLS). Since 2021, OLS has violated the due process rights of asylum seekers and U.S. Citizens and Nationals alike,³ promoted racial profiling,⁴ and fueled anti-immigrant rhetoric⁵ that harms all of our communities. Governor Abbott has already misused over \$4 billion in Texas resources to fund OLS, while ignoring the real needs of Texans.⁶ **We support Texans who are demanding protection from these harmful bills and from Operation Lone Star. We stand alongside those Texans and ask you to vote "no" on HB 7 and HB 20.**

¹ Tex. H.B.7, 88 Leg., R.S. (2023) (hereinafter "HB 7").

² Tex. H.B. 20, 88 Leg., R.S. (2023) (hereinafter "HB 20").

³ Austin American Statesman, *Gov. Abbott's border crackdown Operation Lone Star violates U.S. Constitution, Travis County judge says* (Jan. 14, 2022),

<https://www.statesman.com/story/news/2022/01/13/greg-abbott-texas-mexico-border-unconstitutional-judge-district/6510864001/>.

⁴ NBC News, *In Texas, resentment builds as border crackdown ensnares local drivers* (Aug. 21, 2022),

<https://www.nbcnews.com/news/latino/texas-lone-star-latinos-citations-border-abbott-rcna42022>

⁵ Texas Tribune, *Critics denounce Greg Abbott and Dan Patrick's 'invasion' rhetoric on immigration, saying it will incite violence* (June 17, 2021),

<https://www.texastribune.org/2021/06/17/greg-abbott-dan-patrick-el-paso-invasion-immigration/>.

⁶ Texas Tribune, *Texas diverts \$359.6 million from prisons to keep Greg Abbott's border mission operating* (Oct. 27, 2022),

<https://www.texastribune.org/2022/10/27/operation-lone-star-greg-abbott-budget/#:~:text=So%20far%2C%20more%20than%20%244.other%20areas%20of%20the%20state.>

HB 20 and HB 7 will harm not only migrants, but all Texans. Under OLS, not only are migrants being unlawfully targeted for arrest and apprehension by state law enforcement, but border communities are even further militarized. Local residents are witnessing an increase in racial profiling and high speed chases that have resulted in deaths.⁷ HB 20 would further increase this harm by creating a “Border Protection Unit” (BPU) within the Department of Public Safety that would be composed of not only law enforcement officials but civilians, including potential vigilante groups, who would have unchecked power to racially profile, “arrest,” and “detain” individuals they suspect of being in the United States without legal status.⁸ Under HB 20, members of the BPU could apprehend Texans without incurring any legal liability.⁹ HB 20 would be an open call for vigilante groups to go to Texas to harm and harass asylum seekers and Texas residents – something we have already seen happen without the lure of state approval and protection from liability.¹⁰

HB 20 criminalizes the right to seek safety in the United States and inhumanely creates barriers preventing vulnerable communities from accessing the asylum system. The bill would create a brand new felony trespassing offense for migrants, inhumanely criminalizing individuals attempting to access asylum who travel through private property and forcing them to pay a minimum \$10,000 fine.¹¹ On its face, the bill’s broad language also appears to apply not only to asylum seekers, but anyone who enters from a “neighboring jurisdiction.”¹² HB 20 also creates a Texas-equivalent of Title 42, allowing state officials to remove anyone, excluding U.S. Citizens or lawful permanent residents, who entered into Texas (from anywhere) without an “appropriate medical review.”¹³

HB 20 would divert billions of state resources to fund the unconstitutional OLS scheme. Governor Abbott’s prioritization of OLS has already misused \$4 billion of state funds and the scheme is costing Texans \$100 million each month.¹⁴ These funds, and funds allocated by the Texas Legislature should be used to address what Texans say matters most, like supporting

⁷ Texas Tribune, *Texas troopers are causing car chase fatalities and racially profiling drivers under Abbott’s border crackdown, complaint claims*(July 28, 2022), <https://www.texastribune.org/2022/07/28/texas-dps-pursuits-profiling/> (stating “[a]t least 30 people have been killed in state police car chases connected to Texas’ expansive border security operation.”).

⁸ See HB 20 Art II, Sec 2.08 amendments to TX Gov Code 411 by adding Subchapter S, Sec 411.535 (a-b) “Authority of Officers”

⁹ *Id.* (c) “Authority of Officers”(employees of the unit, as well as law-abiding citizens [...] shall have immunity from criminal and civil liability.”).

¹⁰ Los Angeles Times, *Texas border militia stops migrants and shoots video of kids. Rights groups say they’re racist* (May 13, 2022), <https://www.latimes.com/world-nation/story/2022-05-13/texas-border-militia>.

¹¹ *Id.* Article III “Trespass.”

¹² *Id.* (“A person commits an offense if the person knowingly enters the property of another without effective consent when knowingly entering the state of Texas from a neighboring jurisdiction.”).

¹³ *Id.* Amendments to Art. 4 of the Public Health Emergency Sec. 4.01 by adding Chapter 81B “Suspension of Entry of Person From Designated Places to Prevent Spread of Communicable Diseases.”

¹⁴ Texas Tribune, *Texas Military Department says it needs \$460 million more to keep border mission afloat this year* (Feb. 9, 2023), <https://www.texastribune.org/2023/02/09/texas-military-department-operation-lone-star-money/>.

state employees,¹⁵ teachers and students,¹⁶ expanding access to medical care,¹⁷ and supporting the state's electric grid system.¹⁸

HB 7 would create “border protection” courts that would further violate the due process rights of migrants and U.S. Citizens and Nationals.¹⁹ OLS has already led to numerous due process violations, and these “border protection” courts would promote further violations against asylum seekers and others charged under this unlawful system. A state prosecutor, tasked with prosecuting OLS cases, has already called OLS a “waste of time and money.”²⁰ Despite this, HB 7 would codify this sham court system, requiring a further drain of Texas resources.

Texas communities should be admired for their diversity, communal spirit, and welcoming nature. Bills such as HB 20 and HB 7 look to install border militarization and OLS as a permanent fixture in Texas law. This would destroy all that people love about Texas. We support Texas advocates and community members who openly oppose HB 7 and HB 20. **We urge you to protect asylum seekers and protect Texans. Vote “no” on HB 7 and HB 20.**

Sincerely,

Alianza Americas
Al Otro Lado
American Gateways
Americans for Immigrant Justice
Black LGBTQIA+ Migrant Project (BLMP)
Black and Brown United in Action
Bridges Faith Initiative
Carolina Migrant Network
Central American Minors (CAM) Working Group
Children's Defense Fund-Texas

¹⁵ Texas Tribune, *State retirees struggle through inflation while budget plans leave them out* (April 5, 2023), <https://www.texastribune.org/2023/04/05/texas-budget-retirees/> (stating [t]he state's former public servants haven't had a pension raise in 20 years.”).

¹⁶ Texas Tribune, *Most Texans support more school funding and teacher raises, new survey finds* (Jan. 24, 2023), <https://www.texastribune.org/2023/01/24/texas-public-education-poll/>.

¹⁷ Episcopal Health Foundation, *NEW Statewide Poll: Texans Say Reducing Health Care Costs, Addressing Maternal Health, And Increasing Funding For Mental Health Programs Should Be State's Top Health Care Priorities* (Feb. 6, 2023), <https://www.episcopalhealth.org/research-report/new-statewide-poll-texans-say-reducing-health-care-costs-addressing-maternal-health-and-increasing-funding-for-mental-health-programs-should-be-states-top-health-care-priorities/>

¹⁸ Nexstar, *Electric grid concerns cross party lines, Texas poll shows* (Feb. 24, 2022), <https://www.kxan.com/news/texas-politics/electric-grid-concerns-cross-party-lines-texas-poll-shows/>

¹⁹ HB 7 amendment to Sec. 101. Title 2, Subtitle K, Government Code, adding Chapter 131 “Border Protection Court Program”.

²⁰ Houston Chronicle, *Local prosecutor in Kinney County hot spot calls Abbott's border arrests a 'waste of time and money'* (Oct. 6, 2022), <https://www.houstonchronicle.com/politics/texas/article/Prosecuting-attorney-calls-Operation-Lone-Star-17489347.php>.

Church World Service
Civil Rights Education and Enforcement Center
Connecticut Shoreline Indivisible
Detention Watch Network
Equal Justice Center
Esperanza Peace and Justice Center
Every Texan
Families for freedom
First Friends of New Jersey & New York
Frontera Fund
Grassroots Leadership
Houston Immigration Legal Services Collaborative
Houston Leads
Human Rights Initiative
Immigrant Defenders Law Center
Immigrant Justice Network
Immigrant Legal Resource Center
Immigration Law & Justice Network
Interfaith Welcome Coalition - San Antonio
Jewish Activists for Immigration Justice of Western Mass
Just Detention International
Justice Action Center
Justicia y Esperanza
Labor Council for Latin American Advancement
Laredo Immigrant Alliance
Las Americas Immigrant Advocacy Center
Latina Institute Texas
LatinoJustice PRLDEF
Latino Texas Policy Center
Living Hope Wheelchair Association
Louisiana Advocates for Immigrants in Detention
Lumalali Limu International Org
Mijente
Minnesota Freedom Fund
MOVE Texas
National Center for Lesbian Rights (NCLR)
National Immigration Law Center
National Immigration Project
National Network for Immigrant and Refugee Rights
Never Again Action Austin
NETWORK Lobby for Catholic Social Justice
OCA-Greater Houston
Presente Action
Quixote Center

RAICES
Respond Crisis Translation
Robert F. Kennedy Human Rights
San Diego Immigrant Rights Consortium
SA Stands
Southern Border Communities Coalition
South Texans for Reproductive Justice
Tahirih Justice Center
Texas AFL-CIO
Texas Appleseed
Texas Civil Rights Project
Texas Rising, Texas Freedom Network
The Mami Chelo Foundation
Undoing White Supremacy Austin
United We Dream
Witness at the Border
Woori Juntos
Workers Defense Action Fund
Young Center for Immigrant Children's Rights
Youth Rise Texas