



House Bill 20

Testimony Before the Texas House State Affairs Committee

By Joshua Treviño, Chief of Intelligence and Research

Thank you for the opportunity to testify in support of House Bill 20, which would create a Texas Border Protection Unit under the control of the Texas Department of Public Safety. My name is Joshua Treviño, and I am the Chief of Intelligence and Research at the Texas Public Policy Foundation, a nonprofit and nonpartisan research institution in Austin, Texas. In my role, much of my work focuses on the violence in Mexico, and the reclamation of Texas's sovereignty under the Constitution.

The Foundation supports the passage of House Bill 20, and the creation of a dedicated Border Protection Unit that focuses upon securing our long frontier with Mexico. Although the Constitution reposes the primary responsibility for the protection of our borders with the federal government, it does not thereby strip the states of the power to defend themselves. Despite the Supreme Court of the United States's erroneous decision in *Arizona v. United States*, 567 U.S. 387 (2012), there is in fact nothing preventing the states from asserting what the late Justice Antonin Scalia described, in his partial concurrence, as “what most would consider the defining characteristic of sovereignty: the power to exclude from the sovereign's territory people who have no right to be there.” It is this power, reserved to the states under the Tenth Amendment, and also explicitly granted to them under the Article I, Section 10 invasion power, that HB 20 references and operationalizes.

That operationalization is profoundly necessary now, as the federal government fails to fully execute its own duty to secure the border — and as the Mexican state continues to disintegrate into a patchwork of cartel control interspersed with colluding governance at every level. The effects on Texas are at this point well known and well documented: from corruption of Texas public officials, to criminality in Texas communities, to insecurity in Texas homes, and beyond. The most tragic victims are of course the Texans who succumb to addiction, and even death, by way of trafficked fentanyl — and the migrants who are themselves victimized by the traffickers, cartels, and corrupt Mexican elites empowered by a loosely enforced border.

It is past time to enforce that border. As we cannot trust the federal government to do it, Texas must step up, with its full Constitutional powers brought to bear. House Bill 20 is a positive effort in that direction. It is a necessary first step, in the creation of a Border Protection Unit that possesses a mission focus and appropriate powers that will, in time, be fully realized. We therefore urge its passage.

Joshua S. Treviño is the Chief of Intelligence and Research, and the Director for Texas Identity, at the Texas Public Policy Foundation. His work focuses upon the defense of Texas heritage, and the Texas-Mexico relationship. He is a former speechwriter in the Administration of George W. Bush, and a former United States Army officer. He received his Bachelor of Arts in History and Political Science from Furman University in Greenville, South Carolina, and his Master of Business Administration from the University of Texas at Austin. He is a Claremont Lincoln Fellow.

Treviño lives in the Austin, Texas, region with his wife and two children. His ancestors have lived in present-day south Texas for most of the past three hundred years.

About Texas Public Policy Foundation

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