



Testimony

SB 11: Testimony Before the Texas Senate Committee on Border Security

By Joshua Treviño

Thank you for the opportunity to testify in support of Senate Bill 11, which would create a state misdemeanor or, depending on the context, a felony for those who illegally enter Texas via an international border. 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 bottom line on SB 11 is this: it is a good bill, a Constitutional bill, and a necessary bill for the defense of Texas against the state-cartel nexus that increasingly controls Mexico. That Mexican state-cartel collusion, on which we have written in depth, conducts a deadly export trade, trafficking in fentanyl, corruption, and worst of all, literally millions of fellow human beings who are held in de facto servitude by them—not just in Mexico, but in the United States itself. The federal government, which ought to be the first line of defense for our communities against these predations, has effectively abdicated its obligation to do so. It is therefore time for Texas to step up.

Fortunately, Texas possesses the Constitutional power to do so. 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.” Scalia continued: “Neither the Constitution itself nor even any law passed by Congress supports this result.”

We concur. We therefore endorse the intent and purpose of SB 11 in full. A polity that fails to defend itself and its citizenry—especially from foreign invasion that would have been immediately recognized by both the Texan and American Founders as piratical and deliberate in its nature—is one that lacks both legitimacy and meaning. Texans have learned the bitter lesson that we can expect little from our federal government—but we rightly expect more from our state. On this front, SB 11 delivers.

SB 11 is an emphatic corrective to over a decade in which a wrongheaded federal judiciary has excluded the states from their legitimate plenary powers under the Tenth Amendment. The bill achieves three major ends: it defends Texas communities, it asserts Texas's legitimate Constitutional powers, and it signals that the old era—in which the federal government acts more vigorously against states defending their citizenry than it does against the state-cartel threat from the southern border—is over.

We 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.

