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# TESTIMONY BEFORE THE TEXAS HOUSE OF REPRESENTATIVES

## Subcommittee on County & Regional Government

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Good morning, Chairman Spiller and members of the committee,

My name is Ammon Blair, and I am a Senior Fellow at the Texas Public Policy Foundation. I bring 22 years of military service and extensive border security experience through my time in the U.S. Army and U.S. Border Patrol. I am testifying in support of House Bill 5580. While I strongly support the intent of this legislation to enhance immigration enforcement through the federal 287(g) program, I must highlight critical limitations within its current form that urgently need your attention.

I have witnessed firsthand the consequences of failed federal policy and how the Biden Administration deliberately dismantled the legal, structural, and operational defenses necessary to secure our sovereignty and protect our citizens

Texas has long been on the frontlines of the border crisis, enduring the devastating effects of unchecked illegal immigration, cartel-driven human trafficking, and smuggling networks that overwhelm local law enforcement agencies.

Over the last four years, the United States has endured a deliberately orchestrated invasion through weaponized mass migration. Millions of illegal aliens from over 170 countries have been funneled—often with cartel facilitation—into Texas and other border states, overwhelming state and local resources ([Humire, 2025](#); [Sanchez, 2024](#)).

These mass population movements were not merely tolerated by the prior federal administration—they were facilitated. Federal agencies and NGOs were repurposed to serve an ideological agenda of “safe, orderly, and humane migration,” creating an extralegal immigration regime in violation of longstanding federal law ([Department of Homeland Security Office of Inspector General, 2024](#); [Bensman, 2024](#)).

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This has not only compromised public safety but created systemic national security vulnerabilities by serving as a force multiplier for hostile state and non-state actors. The sheer scale of these movements overwhelmed federal, state, and local law enforcement resources, degrading operational effectiveness and diverting attention away from known threats.

Simultaneously, these mass migrations provided concealment and cover for infiltration by foreign intelligence operatives (CCP), cartel enforcers, and members of transnational criminal and terrorist organizations, including MS-13, Tren de Aragua, and other violent networks with direct ties to adversarial regimes. The precise whereabouts and identities of many of these illegal aliens remain unknown, creating blind spots in national security coverage and opening the door to catastrophic risk across Texas communities ([The White House, 2025b](#)).

This weaponized migration strategy has imposed billions of dollars in financial burdens at the federal, state, and local levels, while simultaneously enabling hostile state and non-state actors to establish operational footholds deep within Texas territory, like Colony Ridge ([Federation for American Immigration Reform, 2023](#)). These movements are not organic or accidental; they are deliberate in design and execution, forming the backbone of a modern form of hybrid warfare—one that weaponizes foreign nationals to overwhelm infrastructure, erode public trust, and create opportunities for adversarial penetration ([Łubiński, 2022](#); [North Atlantic Treaty Organization, 2024](#)).

Under the previous federal administration, our nation witnessed an unprecedented surge in illegal border crossings, with over 10.1 million encounters nationwide, including 8.2 million along the Southwest border alone ([Homeland Security Republicans, 2024a](#)). Even more concerning, nearly 5.6 million illegal aliens were released into our communities ([House Judiciary Committee, 2024](#)).

These numbers, while staggering, tell only part of the story. Approximately 2 million individuals successfully evaded detection and arrest, becoming what law enforcement terms “gotaways”—a particularly alarming statistic when considered alongside the fact that 382 individuals on the terrorist watchlist were intercepted at the southern border between FY 2021 and FY 2024, compared to just 11 from FY 2017 to FY 2020 ([Homeland Security Republicans, 2024a](#)).

In July 2024, Immigration and Customs Enforcement (ICE) released data that revealed “nearly 650,000 criminal illegal aliens were currently on ICE’s Non-Detained Docket (NDD) and roaming free in communities throughout the United States” ([Homeland Security Republicans, 2024c](#)).

The specific breakdown of what types of criminals have been released is sobering. The presence of 14,944 individuals convicted of or charged with homicide represents not merely a statistic, but a direct threat to public safety. The 20,061 cases involving sexual assault charges or convictions—combined with 105,146 assault cases, 16,820 weapons offenses, and 3,372 kidnapping charges—paint a picture of a genuine public safety emergency that demands immediate action. When we consider the additional 60,268 cases involving burglary, larceny, or robbery, along with 3,971 commercialized sexual offenses, the pattern of criminality becomes impossible to ignore ([Homeland Security Republicans, 2024c](#)).

Officials in nearly 100 Texas counties have issued disaster declarations or formally declared an invasion ([Blankley, 2024](#)). The sheer scale, coordination, and sustained impact of this crisis have transformed every county in Texas and the U.S. into a de facto border county, subject to the cascading effects of federal failure and adversarial exploitation, requiring a comprehensive statewide response.

In recognition of this existential threat, on January 20, 2025, President Donald J. Trump signed Executive Order 14159, "Protecting the American People Against Invasion," which fundamentally changed the landscape of immigration enforcement. This executive order, combined with his proclamation "Guaranteeing the States Protection Against Invasion," formally invokes the Guarantee Clause of Article IV, Section 4, of the U.S. Constitution to ensure that states, including Texas, have the full authority and resources needed to combat mass illegal immigration ([Executive Order 14159, 2025; U.S. Const. art. IV § 4](#)).

The current federal response under the Trump Administration represents the most robust border security effort since 1916, when nearly 110,000 National Guard soldiers were mobilized for border service to counter cross-border insurgencies ([Barnes, 2016](#)). Today's response demonstrates unprecedented commitment to addressing these complex challenges ([The White House, 2025a](#)). However, the scale and sophistication of current threats demand more than federal action alone can provide.

In recognition of this fact, on January 23, 2025, the Acting Secretary of Homeland Security formally declared a "Mass Influx of Aliens," invoking 28 C.F.R. § 65.83 to formally request state and local assistance in immigration enforcement ([Department of Homeland Security, 2025; 28 C.F.R. § 65.83. n.d.](#)). This historic federal declaration authorizes Texas law enforcement officers to perform "any of the powers . . . or duties conferred or impose" on ICE officers under INA § 103(a)(10) ([8 U.S.C. § 1103\(a\)\(10\); U.S. Immigration and Customs Enforcement, 2025](#)).

By leveraging our constitutional authority and with the Trump Administration's explicit support, Texas now possesses a historic opportunity to establish a self-sustaining, state-controlled immigration enforcement system that operates independently of federal policy fluctuations ([U.S. Const. art. I § 9, cl. 1; U.S. Const. amend. X](#)). This legislative session, we have an opportunity to set the standard for interior enforcement in the nation.

By requiring Texas law enforcement to participate in this program, it expands intelligence-sharing mechanisms between state, local, and federal law enforcement agencies to enhance Immigration and Customs Enforcement (ICE) operations and disrupt transnational criminal organizations operating within the state. Now that the Task Force Model has been reinstated, Texas has a unique opportunity to fully integrate all three 287(g) enforcement models into a statewide immigration enforcement framework, ensuring that every law enforcement agency—whether it has a jail or not—can actively contribute to securing Texas communities.

Governor Greg Abbott emphasized his commitment to support the Trump Administration's efforts in his 2025 State of the State address, stating, "Today, we have a President who will partner with Texas to deny illegal entry. To support that mission, I have ordered Texas state agencies to assist the Trump Administration with arresting, jailing, and deporting illegal immigrants. We must also require cities and counties across the state to fully cooperate with these efforts" ([Office of the Texas Governor, 2025](#)).

Lt. Governor Dan Patrick reiterated this sentiment on Fox News, stating, "The first thing we will do is pass Senate Bill 8, one of my priority bills, to ensure everyone in Texas participates fully in the 287(g) program" ([Patrick, 2025](#)).

Additionally, Attorney General Ken Paxton signed an immigration enforcement agreement with the Trump Administration, becoming the first Texas law enforcement entity to formally assist with and facilitate the mass deportation of illegal aliens. Paxton recently declared a call to action for all law enforcement agencies in Texas, stating, "As the top law enforcement official in Texas, I call on all agencies and departments to join me in the fight. We will enforce the law and protect America" ([Attorney General of Texas, 2025](#)).

However, House Bill 5580 mandates participation only from sheriff's departments in counties with populations exceeding 100,000. Without mandatory participation by all state, county, municipal police departments, and constables, Texas will remain exposed to significant enforcement gaps. The cartels, smuggling organizations, and criminal illegal aliens will gravitate toward jurisdictions that do not participate, thus undermining the overall effectiveness of immigration enforcement efforts.

As of April 11, 2025, only 49 local, county, and state law enforcement agencies in Texas have signed any form of a 287(g) agreement, with only 12 agencies utilizing the proactive Task Force Model. Only one state agency in Texas is enrolled in any form of a 287(g) agreement: the Texas Office of Attorney General. Only one municipality in Texas is enrolled in any form of a 287(g) agreement: the Nixon Police Department. Additionally, only seven Texas agencies are pending enrollment in any form of a 287(g) agreement, four of which are the Task Force Model. The Texas National Guard is one of the agencies pending enrollment in the Task Force Model. This low level of participation is a travesty given the severity of the immigration and public safety crisis that Texas currently faces ([U.S. Immigration and Customs Enforcement, n.d.](#)).

Therefore, I strongly recommend the committee amend House Bill 5580 to mandate full participation in the 287(g) program for all Texas law enforcement agencies, including sheriff's departments, constables, municipal police departments, and county law enforcement entities, regardless of population size. Both sheriff's deputies and police officers play a vital role in the safety of our communities, and no one knows their community better than the police officers that spend every day with them. Truly achieving President Trump's goal to secure our nation will require a whole of government strategy that everyone plays a part in.

To ensure compliance and effectiveness, Texas must implement robust oversight mechanisms, including:

- Financial incentives and penalties linked to compliance.
- Regular, independent compliance audits.
- Public transparency and accountability mechanisms.

In closing, this is Texas' moment to act decisively. By expanding House Bill 5580, Texas will ensure that no jurisdiction remains a sanctuary or a weak link in the chain of enforcement. By leveraging President Trump's executive orders, DHS's recent invocation of emergency immigration enforcement provisions, and existing federal legal authority, Texas will set a national standard in immigration enforcement.

Immigration statutes are not merely administrative regulations but serve as a protective measure against potential threats posed by individuals entering and remaining in Texas without authorization. Illegal entry is not a trivial matter; it challenges national sovereignty, burdens public resources, and, in some cases, facilitates transnational crime and security risks. Immigration enforcement is a core responsibility of the state. A government that fails to regulate entry and removal risks undermining its national security, economic stability, and social cohesion. The ability to refuse or remove illegal aliens and individuals whose presence is deemed harmful is thus not an arbitrary power but an essential function of self-governance.

Nothing is more fundamental to the continued existence of the states than their ability to defend their borders and protect their sovereignty. Without this authority, the structural balance between state and federal power collapses, undermining the constitutional system of dual sovereignty. The right of self-defense is inherent to statehood, ensuring that states retain the means to secure their citizens and territory when faced with external threats. The Constitution's text, its federalist structure, and judicial precedent all support the states' robust right to self-defense, including the authority to repel invasions and prevent imminent threats.

This framework reflects the fundamental principle that states, as sovereign entities, retain essential self-preservation powers while participating in the broader national defense structure.

To further examine the legal and constitutional foundation for Texas' authority to enforce immigration law as a sovereign state, I respectfully request the committee to consult our recently published research. This work offers an in-depth analysis of Texas' inherent powers, grounded in historical jurisprudence, the plain text of the Constitution, the intent of the Founding Fathers, and debates from the Constitutional Convention. It also evaluates current caselaw that reaffirms the states' retained sovereignty within a federal framework. The research provides a comprehensive argument that immigration enforcement—particularly when the federal government fails to act—is not only permissible but necessary to preserve the structural integrity of our republic and the safety of our communities.

Thank you for your consideration of this legislation, and I welcome any questions you may have.

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