



**Texas Homeland Defense:  
Statewide Threat Assessment and Multi-Jurisdictional Plan to Protect and  
Defend Texas**

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## Executive Summary: Texas Threat Assessment

Texas has historically confronted persistent security threats emanating from the border ranging from illegal immigration, smugglers, insurgencies and foreign terrorist organizations, often with minimal federal support ([McCaffrey & Scales, 2011](#)). Today, these threats have intensified, culminating in a security crisis that necessitates immediate and decisive action. With a 1,254-mile border with Mexico, Texas is at the forefront of confronting a complex convergence of state and non-state threats that directly challenge our sovereignty and security.

Mexican cartels have systematically established operational control along the U.S. side of the border, across multiple domains, through sophisticated gray zone activities that remain below the threshold of direct armed conflict ([House Committee on Homeland Security, 2023](#)). Their command-and-control operations extend from the physical realm - land, air, maritime, and subterranean - into cyber, and electromagnetic domains ([Hackers Arise, 2025](#); [Paz, 2024](#)). This multi-domain approach has enabled cartels to seize, command, and control territory in Texas, while building a comprehensive infrastructure for unrestricted movement from Mexico deep into Texas communities ([McCaffrey & Scales, 2011, pp. 8-9, 17](#); [Allen, 2023](#)).

This established framework of access has become the cartels' most valuable commodity, creating a sophisticated 'silk road' that hostile state and non-state actors exploit to directly reach U.S. populations. Through deliberate infiltration of every major city and many suburban and rural areas, cartels have effectively constructed a parallel operational infrastructure that provides our adversaries—from adversarial nations like the Peoples Republic of China (PRC) to foreign terrorist organizations—with direct pathways into the heart of Texas society ([House Committee on Oversight and Accountability, 2024, pp. 59-61](#)). Their ability to simultaneously employ political, paramilitary, economic, social, and information warfare methods has transformed Texas into critical terrain and operational ground zero for hostile state and non-state actors seeking to exploit these established networks of access ([McCaffrey & Scales, 2011, pp. 9, 18](#); [Maya, 2021](#)).

Also, over the last four years, the United States has endured a strategically orchestrated invasion through weaponized mass migration, with millions of illegal aliens from nations worldwide being deliberately channeled into Texas and other border states ([Sanchez, 2024](#)). The prior federal administration's policies effectively invited and administered this unprecedented flood of illegal immigration, allowing millions of unvetted illegal aliens to cross the southern border or fly directly into the United States on commercial flights, systematically violating longstanding federal laws ([Bensman, 2024](#)).

This mass movement has served as a force multiplier for hostile state and non-state actors, overwhelming law enforcement resources while providing cover for infiltration by terrorists, foreign intelligence operatives, cartel members, and transnational criminal organizations such as MS-13 and Tren de Aragua. The precise whereabouts of many of these illegal aliens remain unknown, creating substantial security vulnerabilities across Texas communities ([Exec. Order No. 14165, 2025](#)).

This weaponized migration strategy has imposed billions in costs at federal, state, and local levels while enabling hostile actors to establish operational footholds throughout Texas territory ([Federation for American Immigration Reform, 2023](#)). The deliberate nature of these population movements, combined with their devastating impact on Texas security and sovereignty, constitutes a modern form of hybrid warfare. Officials of nearly 100 counties in Texas have issued disaster declarations or declared an invasion ([Blankley, 2024](#)). The scale of this crisis has effectively transformed every county in Texas into a border county, requiring a comprehensive statewide response.

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 ([Proclamation No. 10888, 2025](#)). However, the scale and sophistication of current threats demand more than federal action alone can provide.

The Department of Homeland Security, U.S. Northern Command (USNORTHCOM), and other federal agencies, despite their dedicated efforts, require a whole-of-society approach and commitment that leverages state legislation alongside state, local, and county law enforcement capabilities. This operational reality necessitates Texas assuming a complementary role in its own defense, working in concert with federal authorities while maintaining independent defensive capabilities.

Texas now stands at a critical inflection point that demands the establishment of a comprehensive homeland security framework. This framework must integrate specialized units, enhanced surveillance capabilities, all-source intelligence operations, and coordinated response protocols designed to function both autonomously and in conjunction with federal authorities. Without such measures, the state risks continued erosion of its sovereignty and the expansion of cartel influence within its borders.

### **Historical Evolution of State War Powers: From Independence to the Constitution**

The necessity of a permanent, state-controlled homeland security framework is not only a response to contemporary security challenges but also a reaffirmation of foundational constitutional principles. As this assessment demonstrates, Texas's ability to safeguard its citizens against transnational threats requires a security apparatus that is both proactive and independent, capable of functioning within or beyond the scope of federal assistance. Ensuring this capability demands a structured approach informed by historical precedent, legal authority, and strategic necessity.

To fully appreciate the legitimacy of state-led security initiatives, it is essential to examine the historical evolution of state sovereignty and war powers within the American constitutional framework. The authority of states to defend their citizens and territories predates the formation of the Union, rooted in the very principles that defined the birth of the United States. The Declaration of Independence not only proclaimed individual liberties but also affirmed the sovereignty of the states, recognizing their inherent right to act in self-defense and maintain security within their borders. This enduring principle has shaped the legal and constitutional landscape of American governance, as reaffirmed by judicial interpretations and historical practice.

The evolution of state war powers provides critical insight into the foundational principles of American federalism. When the colonies declared independence, they did not merely sever ties with Britain but asserted their status as sovereign states, assuming powers they had previously exercised only under colonial charters and British authority. The signatories of the Declaration of Independence explicitly affirmed that the thirteen colonies were "Free and Independent States," endowed with full authority to levy war, establish commerce, and exercise all powers inherent to sovereign entities ([Declaration of Independence, 1776](#)). This declaration underscored that the states were not merely administrative subdivisions but autonomous political bodies with inherent rights and responsibilities.

This assertion of sovereignty laid the groundwork for the Articles of Confederation and later influenced the drafting of the U.S. Constitution. A foundational principle emerging from this period was that state authority—including war powers—preceded the formation of the Union and was, in many respects, retained by the states. This concept was later codified in the Tenth Amendment, which affirms: "The

powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people” ([U.S. Const. amend. X](#)).

The Supreme Court reaffirmed the principle of state sovereignty in *Murphy v. National Collegiate Athletic Association* (2018), recognizing that:

When the original States declared their independence, they claimed the powers inherent in sovereignty—in the words of the Declaration of Independence, the authority to do all . . . Acts and Things which Independent States may of right do. ([Murphy v. National Collegiate Athletic Ass’n, 2018](#); [Declaration of Independence, 1776](#))

This principle underscores a fundamental distinction in constitutional interpretation: while federal authority is derived from specific constitutional enumerations, as affirmed in cases such as *National Federation of Independent Business v. Sebelius* (2012), *Kansas v. Colorado* (1907), and *McCulloch v. Maryland* (1819), state authority originates from inherent sovereignty and is constrained only by explicit constitutional restrictions ([Natelson, 2023](#)). This framework reinforces the notion that states retained primary governance over military and defense matters unless such powers were expressly delegated to the federal government.

The Articles of Confederation provided the first formal structure for distributing war powers between the states and the national government. Article II explicitly affirmed that each state retained its

...sovereignty, freedom, and independence, and every Power, Jurisdiction, and Right, which is not by this Confederation expressly delegated to the United States, in Congress assembled. ([Articles of Confederation, 1777](#))

This provision reinforced the broad scope of state authority, particularly in areas where the national government had not assumed exclusive control.

Under Article VI of the Articles of Confederation, Congress held primary authority to declare and conduct war on behalf of the Confederation, ensuring a unified foreign policy. However, states retained significant defensive military powers, particularly in cases of imminent attack. The Articles explicitly provided that:

No State shall engage in any war without the consent of the United States in Congress assembled, unless such State be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such State, and the danger is so imminent as not to admit of a delay till the United States in Congress assembled can be consulted. ([Articles of Confederation, 1777](#))

This provision ensured that states could act in self-defense under urgent circumstances while preventing them from initiating offensive military campaigns without congressional approval.

Despite these provisions, the Articles of Confederation proved inadequate in ensuring a unified national defense. The federal government lacked the authority to maintain a standing army, enforce military cooperation among the states, or respond effectively to internal or external threats. These deficiencies became particularly evident during Shays' Rebellion (1786–1787) and escalating hostilities on the frontier, underscoring the need for a stronger, more centralized national security framework ([Tilva, n.d.](#)).

Shays' Rebellion not only exposed the financial instability of the fledgling nation but also called into question the viability of the weak federal government under the Articles of Confederation. The crisis

intensified demands for reform, ultimately leading to the Philadelphia Convention of 1787. In this regard, the rebellion played a significant role in prompting George Washington's return to public life and advancing the movement toward a stronger federal government capable of addressing the nation's economic and political challenges ([Tilva, n.d.](#)).

In the aftermath of Shays' Rebellion, the United States emerged with a new Constitution and a more robust federal structure, culminating in George Washington's election as the nation's first President. The rebellion thus served as a pivotal moment in American history, highlighting the limitations of the Articles of Confederation and setting the stage for the establishment of a government better equipped to ensure national stability and security.

### **State Sovereignty, Constitutional Mandates, and the Role of Government**

The ratification of the U.S. Constitution marked a decisive shift in the balance of power between the federal government and the states, establishing a framework designed to address the deficiencies of the Articles of Confederation. Central to this new system was the recognition that a unified national government was essential for maintaining order, ensuring security, and safeguarding individual liberties. This transformation was not merely a structural change but a redefinition of governance, wherein state sovereignty was preserved within a stronger federal framework. The Constitution's guiding principles, as articulated in its Preamble, reflect this new vision, outlining the fundamental responsibilities of the federal government in promoting stability, security, and the common good.

The Preamble to the U.S. Constitution articulates the primary responsibilities of the federal government, including the mandates to “insure domestic tranquility” and “provide for the common defense” ([U.S. Const. pmb.](#)). These principles are not abstract ideals but fundamental constitutional obligations, reflecting the government's duty to secure the rights and freedoms of individual citizens while protecting the sovereignty of the states.

Similarly, state constitutions reflect this foundational principle of governance. For example, the Alabama Constitution succinctly defines the legitimate purpose of government: “That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions it is usurpation and oppression” ([Ala. Const. art. I, § 35.](#)).

This philosophy underscores the doctrine of popular sovereignty, in which governments derive their authority from the people. When government fails to safeguard life, liberty, and property, it ceases to fulfill its rightful function. In such instances, states retain their inherent right to exercise security and self-defense measures to uphold these fundamental rights.

### **The Constitutional Foundation of State Sovereignty and Federal Powers**

The principles articulated in both the U.S. Constitution and state constitutions affirm that government exists to protect fundamental rights, but they also raise critical questions about the proper distribution of power between federal and state authorities. While the federal government is tasked with ensuring national security and maintaining order, states retain an inherent responsibility to safeguard their citizens' well-being within their jurisdictions.

This balance between national and state power is not incidental but a deliberate constitutional design. The framework of American federalism establishes a dual sovereignty model that continues to define the legal and political landscape. To fully understand the constitutional foundation of state sovereignty and federal powers, it is essential to examine how this division of authority was structured and how it has been interpreted over time.

The Constitution established a dynamic relationship between national and state powers, creating what the Supreme Court has described as an "indivisible Union of sovereign States" (*Hinderlider v. La Plata River & Cherry Creek Ditch Co.*, 1938). This balance derives from a carefully structured framework that enumerates specific powers to the federal government while reserving substantial sovereign authority to the states. Nowhere is this more evident than in the allocation of war powers, which reflects the Founders' intent to preserve state prerogatives while ensuring national security.

The text of Article I, Section 10, Clause 3 explicitly addresses state war powers, providing that a state does not require congressional consent to "engage in War" if it is "actually invaded, or in such imminent Danger as will not admit of delay" ([U.S. Const. art. I, § 10, cl. 3](#)). A crucial textual distinction emerges from this clause: the phrase "as will not admit of delay" modifies "imminent Danger" but does not modify "actually invaded." This distinction is significant—nothing in the Constitution prohibits a state from acting in self-defense if it is already under invasion, regardless of whether the federal government is willing or able to intervene.

Some interpretations suggest that Article IV, Section 4, which states that "The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion" ([U.S. Const. art. IV, § 4](#)), vests sole authority in the federal government to determine whether an invasion exists ([Natelson, 2023](#)). However, this reading misconstrues the structure of the Constitution.

Article IV, Section 4, establishes a federal obligation to defend the states, but it does not restrict state action in cases where immediate self-defense is necessary. Article I, Section 10 explicitly affirms that states have the inherent right to act "without the Consent of Congress" when facing an actual invasion or imminent danger requiring immediate response. This distinction is crucial in understanding the constitutional framework governing war powers ([U.S. Const. art. I, § 10, cl. 3](#)).

### ***The Federal Government's National Defense Obligations***

While states retain self-defense rights, the federal government is entrusted with primary responsibility for national defense through several interrelated constitutional provisions. The Commander in Chief Clause ([U.S. Const. art. II, § 2, cl. 1](#)) establishes that "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States." This authority is complemented by Congress's enumerated war powers, which include:

- The Define and Punish Clause ([U.S. Const. art. I, § 8, cl. 10](#)), authorizing Congress "To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations," ensuring military action against external threats.
- The War Declaration Clause ([U.S. Const. art. I, § 8, cl. 11](#)), granting Congress the power "To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water."
- Beyond declarations of war, Congress maintains direct authority over military structure and readiness, possessing the power "To raise and support Armies" and "To provide and maintain a Navy" ([U.S. Const. art. I, § 8, cl. 12-13](#)). This ensures that the federal government retains ultimate responsibility for national defense, while still operating within a system of checks and balances that prevent excessive centralization of military power.
- The Habeas Corpus Clause ([U.S. Const. art. I, § 9, cl. 2](#)), allowing Congress to suspend "The Privilege of the Writ of Habeas Corpus" during rebellions or invasions.

These provisions collectively create a structured national defense framework, ensuring that military power remains distributed and accountable. However, historical precedent suggests that formal war declarations were traditionally reserved for offensive military actions, whereas homeland defense measures were often undertaken without congressional authorization.

The Take Care Clause reinforces these obligations by requiring the President to "take Care that the Laws be faithfully executed," including laws pertaining to national security ([U.S. Const. art. II, § 3](#)). However, it does not eliminate state sovereignty in matters of immediate self-defense. The Founders explicitly designed the constitutional framework to prevent federal military authority from completely subsuming state power.

### ***The Role of State Militias in Federalism***

A key component of this balance is the constitutional status of state militias, which the Founders saw as a necessary counterbalance to centralized military authority. The Militia Clauses of Article I, Section 8 grant Congress power:

- "To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions" ([U.S. Const. art. I, § 8, cl. 15](#)).
- "To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress" ([U.S. Const. art. I, § 8, cl. 16](#)).

The Constitution's structure reflects a deliberate effort to balance state sovereignty with effective national defense. By precisely delineating federal and state roles in military governance, it establishes a defense system capable of responding decisively to security threats while safeguarding against power concentration.

This framework affirms the federal government's primary role in national defense but does not negate a state's inherent right to self-defense when federal protection proves absent, delayed, or insufficient. The Virginia ratification debates, a pivotal moment in constitutional history, confirm this interpretation:

As Virginia was the critical state in the process of ratification, this evidence directly reflects the original understanding of war powers held by those who ratified the Constitution. ([Yoo, 2005, p. 1660](#))

Thus, while the federal government possesses broad defensive responsibilities, states retain the unequivocal right to defend themselves against invasion and imminent threats. This delicate balance continues to define American federalism, ensuring both national security and the preservation of state sovereignty within the constitutional order.

### **Ratification Commentary**

#### ***Virginia Ratifying Convention***

The Constitution explicitly recognizes the authority of states to defend themselves against invasion, a principle deeply rooted in the ratification debates and the writings of the Founding Fathers. The Virginia Ratifying Convention represents the most direct and authoritative exchange of views over war powers between Federalists and Anti-Federalists.

As legal scholar John C. Yoo observes,

Nowhere in this critical debate, which represents the most direct exchange of views over war powers between Federalists and Anti-Federalists, does the power to declare war make an appearance. As Virginia was the critical state in the process of ratification, this evidence directly reflects the original understanding of war powers held by those who ratified the Constitution. These exchanges serve as the most authoritative historical source for interpreting the war power, because they record the public explanation of the Constitution's meaning that won its ratification. ([Yoo, 2002, pp. 19-20](#))

During these debates, key figures—including John Marshall, James Madison, Samuel Adams, Thomas Jefferson and Alexander Hamilton—affirmed that while the federal government holds primary responsibility for national defense, states retain a concurrent right to act in their own defense when facing immediate threats. This principle was not merely theoretical but reflected the practical necessity of state sovereignty within the federal structure.

Joseph Story, in his *Commentaries on the Constitution*, affirmed that while states were generally prohibited from waging war, exceptions were deliberately included for self-defense:

A state may be so situated, that it may become indispensable to possess military forces, to resist an expected invasion, or insurrection. The danger may be too imminent for delay; and under such circumstances, a state will have a right to raise troops for its own safety, even without the consent of Congress. ([Story, 1833](#))

### ***John Marshall on State Authority to Repel Invasion***

During the Virginia Ratifying Convention, John Marshall—who would later serve as Chief Justice of the United States—explicitly affirmed that the states retained the power to engage in war when facing invasion or imminent danger. He emphasized that state governments derive their powers directly from the people, not from the federal government, and therefore retain all powers not explicitly transferred to the national authority ([University of Chicago Press, n.d.](#)):

The state governments did not derive their powers from the general government; but each government derived its powers from the people, and each was to act according to the powers given to it. Would any gentleman deny this? ... The state legislatures had power to command and govern their militia before, and have it still, undeniably, unless there be something in this Constitution that takes it away.

Marshall further explained that Congress's power to call forth the militia did not nullify the states' independent right to self-defense:

For Continental purposes, Congress may call forth the militia—as to suppress insurrections and repel invasions. But the power given to the states by the people is not taken away; for the Constitution does not say so. In the Confederation, Congress had this power; but the state legislatures had it also. ([University of Chicago Press, n.d.](#))

Marshall addressed a potential counterargument that the federal government alone determines when an invasion exists. He rejected this interpretation, pointing out that Article I, Section 10 explicitly preserves a state's right to act "without the Consent of Congress" when actually invaded or in imminent danger:

All the restraints intended to be laid on the State Governments (besides where an exclusive power is expressly given to Congress) are contained in the tenth section of the first article. This power is not included in the restrictions in that section. But what excludes every possibility of doubt is the last part of it—'No State shall engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.' When invaded, they can engage in war; as also when in imminent

danger. This clearly proves that the States can use the militia when they find it necessary. ([University of Chicago Press, n.d.](#))

Marshall's argument reaffirmed that states retain the right to self-defense, a principle that remains constitutionally valid today. He further clarified the dual exercise of power between federal and state governments, stating:

The truth is, that when power is given to the general legislature, if it was in the state legislatures before, both shall exercise it, unless there be an incompatibility in the exercise by one to that of the other, or negative words precluding the state governments from it. ([University of Chicago Press, n.d.](#))

Marshall's statements during the ratification debates strongly support the constitutional authority of states to act in self-defense when faced with an invasion or an imminent threat. This historical foundation provides a clear constitutional basis for state-level defensive actions, particularly in cases where federal enforcement is absent, delayed, or insufficient.

### ***James Madison on the Right of Self-Defense***

James Madison, the "Father of the Constitution," similarly affirmed state self-defense authority during the Virginia Ratifying Convention. He directly addressed Article IV, Section 4, which requires the federal government to protect states from invasion, arguing that this federal responsibility is entirely consistent with states retaining their own right to self-defense:

The safety of the Union and particular states requires that the general government should have power to repel foreign invasions. The 4th section of the 4th article is perfectly consistent with the exercise of the power by the states. ([University of Chicago Press, n.d.](#))

After addressing Article IV, Section 4, Madison clarified that Article I, Section 10, does not prohibit states from defending themselves when federal action is unavailable or insufficient:

They are restrained from making war, unless invaded, or in imminent danger. When in such danger, they are not restrained. I can perceive no competition in these clauses. They cannot be said to be repugnant to a concurrence of the power. If we object to the Constitution in this manner, and consume our time in verbal criticism, we shall never put an end to the business. ([University of Chicago Press, n.d.](#))

This statement directly refutes modern legal interpretations that suggest state action in self-defense must be preempted by federal authority. Madison's argument reinforces the Constitution's dual sovereignty framework, ensuring that both federal and state governments retain distinct but complementary roles in national security.

Madison unequivocally affirmed that the constitutional protection against "invasion" extends beyond traditional state-to-state conflict. He explicitly identified smugglers as a justified target for state militia intervention, referencing an actual case where Virginia called forth its militia to suppress a group of smugglers who were too formidable for civilian authorities to control:

The way to do this is to organize and discipline our militia, so as to render them capable of defending the country against external invasions and internal insurrections. It must strike every logical reasoner that these [abuses of authority] cannot be entirely provided against. The

Constitution does not say that a standing army shall be called out to execute the laws. Is not this a more proper way? The militia ought to be called forth to suppress smugglers. Will this be denied? The case actually happened at Alexandria. There were a number of smugglers, who were too formidable for the civil power to overcome. The military quelled the sailors, who otherwise would have perpetrated their intentions. Should a number of smugglers have a number of ships, the militia ought to be called forth to quell them. ([Madison, 1788](#))

This precedent is directly applicable to modern security challenges. At the Virginia Ratifying Convention, Madison clarified that the Constitution's protection against "invasion" extends beyond foreign military forces to include organized criminal networks and other unlawful actors. As noted by Ken Cuccinelli and the Center for Renewing America, Madison established a clear precedent for considering the Mexican cartels and their network of smugglers as invaders because they:

1. Operate as non-state actors;
2. Engage in unauthorized trespass against a sovereign state and its laws;
3. Act for private gain, rather than as agents of a government; and
4. Pose a threat to the stability and security of the state ([Center for Renewing America, 2024, pp. 10-11](#)).

Madison's argument reinforces the broader constitutional authority of states to act against non-state actors engaging in sustained, unlawful entry into sovereign territory. This interpretation provides a compelling constitutional basis for modern state-led enforcement actions aimed at defending territorial integrity and public safety, against organized crime and cartel-related border incursions, in the absence of effective federal intervention.

### ***Samuel Adams and State Emergency Powers***

Beyond self-defense, the Constitution preserves significant state authority in related areas of military governance. Samuel Adams, during the Massachusetts ratification debates, confirmed that states maintained the power to suspend habeas corpus independently of federal authority. He noted that the federal power to suspend the writ "did not take away the power of the several States to suspend it, if they see fit" ([Kaminski, 1976, Vol. 6, p. 1359](#)). This acknowledgment underscores the dual sovereignty framework that allows states to exercise emergency powers in matters of security and public order.

The preservation and expansion of state military authority demonstrates the Constitution's sophisticated approach to federalism. Rather than centralizing all military power within the federal government, the Founders deliberately structured a system that maintained strong state defensive capabilities while reserving federal supremacy for offensive and international military operations. This arrangement was not merely theoretical—it reflected practical necessity and the fundamental principle that states retained all sovereign powers not explicitly transferred to the federal government.

The Constitution envisions that most legitimate governmental activities should occur at the state or local level, ensuring that the principle of self-government remains practically meaningful. James Madison, writing in *The Federalist No. 39*, affirmed that the American system of government must remain fundamentally republican, rooted in the capacity of mankind for self-government:

The general form and aspect of government that no other form would be reconcilable with the genius of the people of America; with the fundamental principles of the Revolution; or with that honorable determination which animates every votary of freedom, to rest all our political experiments on the capacity of mankind for self-government. If the plan of the convention,

therefore, be found to depart from the republican character, its advocates must abandon it as no longer defensible...

... It is ESSENTIAL to such a government that it be derived from the great body of the society, not from an inconsiderable proportion, or a favored class of it; otherwise a handful of tyrannical nobles, exercising their oppressions by a delegation of their powers, might aspire to the rank of republicans, and claim for their government the honorable title of republic. ([Madison, 1788](#))

This principle emphasizes the Founders' belief that the republican form of government functions best when it remains close to the people, allowing for greater accountability, responsiveness, and adaptability.

### ***Alexander Hamilton's Vision of Federalism***

Alexander Hamilton, in *Federalist No. 32*, further reinforced this understanding by emphasizing that "the plan of the convention aims only at a partial union or consolidation, the State governments would clearly retain all the rights of sovereignty which they before had, and which were not, by that act, EXCLUSIVELY delegated to the United States" ([Hamilton, 1788a](#)).

Hamilton later clarified in *Federalist No. 82* that "the States will retain all PRE-EXISTING authorities which may not be exclusively delegated to the federal head; and that this exclusive delegation can only exist in one of three cases":

- 1) "Where an exclusive authority is, in express terms, granted to the Union."
- 2) "Where a particular authority is granted to the Union, and the exercise of a like authority is prohibited to the States."
- 3) "Where an authority is granted to the Union, with which a similar authority in the States would be utterly incompatible" ([Hamilton, 1788b](#)).

By preserving strong state and local institutions, the Constitution reinforces the core tenets of federalism, ensuring that governance remains accountable, flexible, and reflective of the diverse needs of the American people.

### ***Thomas Jefferson on the Nature of Government and State Sovereignty***

Thomas Jefferson, writing in his First Inaugural Address (1801), framed the core question of self-government and sovereignty:

Sometimes it is said that man cannot be trusted with the government of himself. Can he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him? Let history answer this question. ([Jefferson, 1801](#))

Jefferson's insight underscores the Founders' skepticism of centralized power and their belief that states should retain meaningful authority over their own security. This emphasis on decentralized governance serves several critical purposes. State and local governments are inherently more responsive to the needs and preferences of their citizens, fostering policy innovation and adaptation to local conditions.

Moreover, this distributed power structure provides a crucial safeguard against governmental overreach, ensuring that multiple centers of authority can serve as checks against concentration of power at any single level of government.

By preserving strong state and local institutions, the Constitution reinforces the core tenets of federalism, ensuring that governance remains accountable, flexible, and reflective of the diverse needs of the American people.

## **Jurisprudence of State Self-Defense**

The constitutional framework of state sovereignty and self-defense is not an abstract concept but a legally enshrined reality that has been repeatedly affirmed by the courts. The Founders deliberately preserved state authority over self-defense, and the judiciary has consistently recognized that states retain fundamental sovereign powers, including the right to defend their borders, protect their citizens, and respond to immediate threats.

Judicial rulings have reinforced state self-defense as a constitutional prerogative, framing it as an essential component of dual sovereignty. To fully understand the legal foundation and contemporary applicability of this principle, it is necessary to examine key judicial decisions that have shaped the jurisprudence of state self-defense and clarified its boundaries within federalist governance.

### ***The Constitutional Basis of State Self-Defense***

The U.S. Constitution expressly recognizes that states retain sovereign authority over self-defense, militia deployment, and war powers under Article I, Section 10, Clause 3:

No State shall, without the Consent of Congress, ... engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay. ([U.S. Const. art. I, § 10, cl. 3](#)).

This provision establishes a critical textual distinction:

- The phrase “as will not admit of delay” modifies “imminent Danger,” not “actually invaded.”
- Therefore, nothing in the constitutional text prohibits a state from acting when it has already been invaded.

The Invasion Clause of Article IV, Section 4, further commits the federal government to protect states from invasion, but it does not prohibit states from acting when federal intervention is absent, delayed, or insufficient:

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion. ([U.S. Const. art. IV, § 4](#))

This means that while the federal government is obligated to protect states, it does not hold exclusive authority over self-defense measures, nor does it override Article I, Section 10, Clause 3, which explicitly affirms a state’s independent war power under invasion conditions.

### ***Recognition of State Self-Defense as an Inherent Sovereign Authority***

The recognition of state self-defense authority ensures that states remain autonomous entities, possessing the power to secure their borders, protect their citizens, and respond to threats, even as they function within the broader framework of national governance.

The Supreme Court has long recognized that states, as coequal parts of the Union, retain fundamental sovereignty over their own defense. The authority of states to defend their borders is an integral part of the constitutional design. State preservation is as central to the Constitution’s framework as the maintenance of the Union itself. In *Texas v. White*, the Court held:

The preservation of the States, and the maintenance of their governments, are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the

National government. The Constitution, in all its provisions, looks to an indestructible Union composed of indestructible States. ([Texas v. White, 1869](#); [New York v. United States, 1992](#))

This principle reinforces the constitutional structure's commitment to federalism, ensuring that states are not merely administrative subdivisions of the federal government but independent and sovereign entities with inherent rights and responsibilities.

Also, the Supreme Court has reaffirmed that states maintain "a residuary and inviolable sovereignty" ([Murphy v. NCAA, 2018](#)). This principle is further strengthened in *Gregory v. Ashcroft* (1991):

[B]oth the Federal Government and the States wield sovereign powers, and that is why our system of government is said to be one of "dual sovereignty" ([Gregory v. Ashcroft, 1991](#))

This confirms that state sovereignty extends beyond mere administrative functions—it includes the right to defend against external threats. The Founders designed the federal structure to create a "double security" for individual rights and state sovereignty ([Printz v. United States, 1996](#)). As James Madison explained in *Federalist No. 43*, "A protection against invasion is due from every society to the parts composing it" ([Madison, 1788](#)).

This includes the power to defend against invasion—whether by foreign militaries, organized paramilitary groups, or non-state actors such as cartels and ensure republican governance under Article IV, Section 4, serving as "a powerful counterweight against 'the caprice of particular States, ... the ambition of enterprising leaders, [and] ... the intrigues and influence of foreign power'" ([Madison, 1788](#)). This means that states retain not only their general sovereignty but also the specific power to defend themselves from external threats.

In *Houston v. Moore* (1820), the Supreme Court recognized that states retain power over militias and their deployment, affirming that state self-defense authority coexists with federal military powers ([Houston v. Moore, 1820](#)).

Thus, the constitutional framework unequivocally affirms that states retain both the right and duty to protect their citizens when confronted with an invasion or imminent attack.

### ***Judicial Precedent Affirming State Self-Defense***

Recent judicial interpretations have affirmed this principle. In *United States v. Abbott*, Judge Ho reinforced that states maintain their sovereign right to self-defense:

A sovereign isn't a sovereign if it can't defend itself against invasion. Presidents throughout history have vigorously defended their right to protect the Nation. And the States did not forfeit this sovereign prerogative when they joined the Union. Indeed, the Constitution is even more explicit when it comes to the States. Presidents routinely insist that their power to repel invasion is implied by certain clauses. But Article I, Section 10 is explicit that States have the right to "engage in War" if "actually invaded," "without the Consent of Congress." ([United States v. Abbott, 2024](#))

This constitutional safeguard ensures that states can take immediate defensive action when faced with hostile incursions or imminent threats, reinforcing their role as sovereign entities within the federalist system. Moreover, the Supreme Court has repeatedly affirmed that states, as separate sovereigns, maintain fundamental interests in securing their borders and preserving their territorial integrity ([Alfred L. Snapp &](#)

*Son, Inc. v. Puerto Rico ex rel. Barez, 1982*). The limitations on state defensive powers are contextual rather than absolute.

In *Sterling v. Constantin* (1932), the Supreme Court upheld the right of a governor to deploy state military forces in an emergency, affirming that the judiciary lacks authority to override executive decisions made in defense of state security:

Any attempt of the courts to control the manner in which the Governor uses the military forces in the face of an emergency... would be a clear invasion by one department of fields properly belonging to another coordinate department. (*Sterling v. Constantin, 1932*)

This precedent reinforces that state military action in emergencies falls within the constitutional domain of state executives, not the federal courts.

In *Melendez v. City of New York* (2021), the Second Circuit reaffirmed that states retain the authority to act when “actually invaded” or facing “imminent Danger” that prevents delay (*Melendez v. City of New York, 2021*). This authority reaches its apex when the federal government fails to fulfill its protective duties under the Invasion Clause (*U.S. Const. art. IV, § 4*).

### ***The Political Question Doctrine and Nonjusticiability***

The determination of whether an invasion has occurred under the State Self-Defense Clause, as well as the measures a state may take in response, is committed to the political branches of the individual states. This principle is grounded in the Supreme Court’s political question doctrine, which holds that certain constitutional issues are nonjusticiable, meaning they are reserved for the political branches rather than the judiciary.

In *Baker v. Carr*, the Supreme Court established the political question standard, emphasizing that issues involving a "textually demonstrable constitutional commitment" to another branch of government, or a lack of judicially manageable standards, are beyond the scope of judicial review (*Baker v. Carr, 1962*). Applying this framework, several federal appellate courts have consistently held that the question of whether an "invasion" has occurred under the Invasion Clause is nonjusticiable and committed to the political branches of the federal government.

The Second Circuit, in *Padavan v. United States*, ruled that courts cannot adjudicate invasion disputes because such matters involve foreign policy and national security (*Padavan v. United States, 1996*).

The Ninth Circuit, in *California v. United States*, reinforced this principle, stating that: "To determine that the United States has been ‘invaded’ when the political branches have made no such determination would disregard the constitutional duties that are the specific responsibility of other branches of government, and would result in the Court making an ineffective non-judicial policy decision” (*California v. United States, 1997*).

The Third Circuit, citing *Baker v. Carr*, reached a similar conclusion in *New Jersey v. United States*, holding that the lack of judicially discoverable and manageable standards for resolving the invasion question renders it nonjusticiable (*New Jersey v. United States, 1996*).

The Eleventh Circuit, in *Chiles v. United States*, affirmed this reasoning, finding that determining whether an invasion has occurred lacks clear judicial standards and is therefore a matter for the political branches (*Chiles v. United States, 1994*).

Recently, the invocation of the Self-Defense Clause by Texas is a nonjusticiable political question, meaning courts lack authority to second-guess Texas' determination that an invasion has occurred, or the measures taken in response. As Judge James Ho recently argued in the Fifth Circuit's *en banc* decision, the standard for judicial review is limited solely to whether the invocation was made in "good faith":

Supreme Court precedent and longstanding Executive Branch practice confirm that, when a President decides to use military force, that's a nonjusticiable political question not susceptible to judicial reversal. I see no principled basis for treating such authority differently when it's invoked by a Governor rather than by a President. If anything, a State's authority to "engage in War" in response to invasion "without the Consent of Congress" is even more textually explicit than the President's. ([United States v. Abbott, 2024](#))

Just as the determination of an invasion is a political question, the actions that constitute a permissible exercise of the war power under the State Self-Defense Clause, are also nonjusticiable within broad constitutional limits ([U.S. Const. art. I, § 10, cl. 3](#)). The Constitution commits this authority to any state that has been invaded, reinforcing the principle that states retain the right to engage in war when necessary to protect their sovereignty and citizens. The effectiveness of military action cannot be dictated by courts, as the judiciary lacks the institutional expertise or constitutional authority to second-guess strategic wartime decisions made by state executives.

The Supreme Court has long recognized that executive military decisions regarding emergency defense measures are beyond judicial review.

A key early example is *Martin v. Mott* (1827), in which the Court upheld the President's authority to call forth the militia under the Militia Act of 1795. Justice Joseph Story, writing for the Court, stated that the authority to decide whether the exigency existed "belongs exclusively to the President, and that his decision is conclusive upon all other persons" ([Martin v. Mott, 1827, p. 30](#)). The Court emphasized that the President's judgment in determining the necessity of military force in emergencies is not subject to judicial second-guessing.

Furthermore, as the Supreme Court has recognized, the scope of war powers is directly linked to the necessity of achieving military objectives: "The framers of our constitution made a 'fighting constitution' and the 'power to wage war is the power to wage it successfully'" ([Lichter v. United States, 1948; Hughes, 1917, pp. 2, 9](#)).

This precedent affirms that states exercising military power in self-defense are not merely permitted to act but must act decisively to ensure effectiveness.

Thus, Texas has met the threshold requirement for invoking its constitutional right to self-defense, as explicitly outlined in Article I, Section 10, of the U.S. Constitution ([Office of the Texas Governor, 2024](#)).

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, 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.

## **The Law of Nations and Congressional Authority Over Immigration**

While the constitutional authority of states to engage in self-defense is well established, the broader question of national security and sovereignty extends beyond military engagement. The ability to define and regulate interactions with foreign individuals, including the control of immigration, is an essential function of national governance. The Define and Punish Clause of the U.S. Constitution grants Congress the power “To define and punish Piracies and Felonies committed on the High Seas, and Offenses against the Law of Nations” ([U.S. Const. art. I, § 8, cl. 10](#)).

This provision grants Congress the power to punish offenses against the Law of Nations, a legal doctrine that has historically encompassed the regulation of foreign entry, migration policies, and national security measures. By understanding how the Founders interpreted the Law of Nations, it becomes clear that Congress’s authority over immigration is not an implied power but a direct constitutional mandate, ensuring that the federal government plays a decisive role in controlling national borders and maintaining the integrity of the Union.

Because immigration involves movement across national boundaries, this clause shows that the power to regulate immigration is included within Congress's authority to define and punish offenses against the Law of Nations.

As Chief Executive, the President is constitutionally bound to “take Care that the Laws be faithfully executed” ([U.S. Const. art. II, § 3](#)). This obligation extends to the enforcement of immigration laws enacted by Congress under its authority to regulate offenses against the Law of Nations.

## **The Law of Nations and the Founders’ Understanding of Immigration Authority**

The Founders understood the Law of Nations to govern both interstate relations and a state’s regulation of foreigners within its borders, a principle reflected in the legal treatises shaping 18th-century international law. Georg Friedrich von Martens articulated this sovereign authority: “A foreigner, who enjoys the protection of the state, cannot, while he remains in it, expect to be entirely exempted from imposts. Besides, it may be made a condition of his admission, that he shall submit to the laws and customs of the country” ([von Martens, 1795, Book III, Chapter III, §8, p. 109](#)). This reflects the broader consensus—seen in Vattel and Pufendorf—that states could impose conditions on foreigners, reinforcing sovereign control over admission.

### ***The Define and Punish Clause***

Under Article I, Section 8, Clause 10 of the U.S. Constitution, Congress has the power “To define and punish... Offences against the Law of Nations” ([U.S. Const. art. I, § 8, cl. 10](#)). The Law of Nations, as understood by the Founders, included the sovereign right to restrict entry, with violations constituting offenses. If Congress can define such offenses, it has constitutional authority to regulate immigration under this clause.

In *Federalist No. 42*, James Madison discusses Article I, Section 8, Clause 10 (“To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations”):

The power to define and punish piracies and felonies committed on the high seas, and offences against the law of nations, involves a still greater exercise of caution. These offences are not only such as affect the peace of the United States with foreign nations, but such as might draw us into wars, if not seasonably prevented. This provision is therefore necessary to enable the federal

government to discharge its duty towards foreign nations, and to maintain the dignity and safety of the Union. ([Madison, 1788](#))

Madison emphasizes that the clause ensures the U.S. can address violations of international norms that might disrupt relations with other countries or threaten national security. He doesn't explicitly mention immigration, focusing instead on examples like piracy and treaty breaches. However, the Law of Nations includes sovereign control over foreigners, and unauthorized entry is construed as an "offence" if it violates treaties or state prohibitions ([Vattel, 1758/2008](#)). Madison's broad framing—"to maintain the dignity and safety of the Union"—suggests a federal role in regulating interactions with foreigners, indirectly supporting immigration authority under this clause or related powers.

The Alien and Sedition Acts of 1798, enacted by the 5th U.S. Congress between June and July of that year, represent an early assertion of federal authority over both immigration and domestic dissent, driven by national security concerns during the Quasi-War with France ([Alien and Sedition Acts, 1798](#)). Passed amid widespread fears of foreign espionage and internal subversion, the legislative package—signed into law by President John Adams—comprised four distinct statutes, each targeting specific aspects of immigration, citizenship, and speech:

- **The “Naturalization Act,”** officially titled "An Act to Establish an Uniform Rule of Naturalization," was enacted on June 18, 1798 ([Naturalization Act, 1798](#)). It extended the residency requirement for U.S. citizenship from 5 to 14 years, stipulating that “no alien shall be admitted to become a citizen of the United States... unless he shall have... resided within the United States fourteen years at least.” Additionally, it required aliens to declare their intent to naturalize five years before eligibility and mandated registration with federal courts. It was repealed in 1802 under President Jefferson.
- **The “Alien Act,”** officially titled "An Act Concerning Aliens," was signed into law on June 25, 1798 ([Alien and Sedition Acts, 1798](#)). It granted the President expansive peacetime authority over resident aliens, stating: “It shall be lawful for the President of the United States at any time during the continuance of this act, to order all such aliens as he shall judge dangerous to the peace and safety of the United States, or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the United States, within such time as shall be expressed in such order” ([Alien and Sedition Acts, 1798](#)). Aliens failing to comply could be arrested and deported without a hearing, and the President could set conditions for their departure or residence. Aimed at French émigrés and other perceived threats, this act expired by its own terms on June 25, 1800, after two years.
- **The “Alien Enemies Act,”** titled "An Act Respecting Alien Enemies," was enacted on July 6, 1798 ([Alien and Sedition Acts, 1798](#)). It empowered the President, providing: “Whenever there shall be a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President of the United States shall make public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upwards, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured and removed, as alien enemies” ([Alien and Sedition Acts, 1798](#)). The President could issue regulations for their apprehension, detention, or removal without judicial oversight, triggered by declared war, imminent invasion or predatory incursion. Unlike its counterparts, this act remains in force today, used in conflicts like the War of 1812 and World War II ([50 U.S.C. § 21, 1798](#)).

- **The “Sedition Act,”** officially "An Act for the Punishment of Certain Crimes Against the United States," was signed into law on July 14, 1798 ([Alien and Sedition Acts, 1798](#)). It criminalized dissent against the government, declaring: “If any person shall write, print, utter or publish... any false, scandalous and malicious writing or writings against the government of the United States, or either house of the Congress of the United States, or the President of the United States, with intent to defame the said government, or either house of the said Congress, or the said President, or to bring them... into contempt or disrepute... then such person... shall be punished by a fine not exceeding two thousand dollars, and by imprisonment not exceeding two years” ([Alien and Sedition Acts, 1798](#)). Targeting Democratic-Republican critics, for feared that "aliens" living in the United States would sympathize with the French during a war, it led to at least 26 prosecutions before expiring on March 3, 1801, the last day of Adams’s presidency.

The Sedition Act trials of 1798-1800, which prosecuted critics of the Federalist government, sparked widespread public outrage and, alongside broader discontent with Federalist policies, significantly contributed to the party’s defeat in the election of 1800. The Senate’s occasional use of contempt powers, such as against editor William Duane in 1800, further fueled perceptions of Federalist overreach, though to a lesser extent. Following Jefferson’s victory, the Sedition Act expired on March 3, 1801, the Alien Friends Act had already lapsed in June 1800, and the Naturalization Act was repealed in 1802, while the Alien Enemies Act remained in force as a wartime measure” ([Alien and Sedition Acts, 1798](#)).

The Alien Enemies Act of 1798 (1 Stat. 577) has endured as statutory law, codified today at 50 U.S.C. §§ 21-24, and reflects a constitutional understanding, rooted in the Founders’ reliance on the Law of Nations, that the federal government has the authority—and in wartime, the responsibility—to protect the nation from internal threats posed by foreign enemies. Invoked during conflicts like the War of 1812, World War I, and World War II, its enforcement over more than two centuries demonstrates that the power to detain or remove hostile foreign nationals is a permissible and significant aspect of national sovereignty, upheld by courts as a valid exercise of federal war powers ([Fishman, 2023](#)).

*The first reported case arising under the [AEA] is by the Pennsylvania Supreme Court in [Lockington's Case](#)* . In a related state court ruling, *Lockington’s case* (1814), the Pennsylvania Supreme Court upheld the detention of Edward Lockington, a British subject, during the War of 1812. Lockington refused to comply with President James Madison’s February 23, 1813, proclamation, issued under the AEA, requiring alien enemies within 40 miles of tidewater to relocate inland as designated by the marshals.

Chief Justice William Tilghman, denying Lockington’s habeas corpus petition, stated: “It is never to be forgotten that the main object of the law is to provide for the safety of the country from enemies who are suffered to remain within it... The President, being best acquainted with the danger to be apprehended, is best able to judge of the emergency which might render such measures necessary” (In re Lockington, 5 Hall’s L.J. 92, 94-95). This September 1814 decision underscored the AEA’s purpose of national security and the executive’s discretion in wartime. The decision upheld a federal law (the AEA) and a presidential proclamation, emphasizing the executive’s wartime discretion under federal authority. The state court’s role was to adjudicate a habeas corpus petition and enforce federal law.

Subsequently, in *Lockington v. Smith* (1817), the U.S. Circuit Court for the District of Pennsylvania addressed Lockington’s continued detention post-war, after the Treaty of Ghent (1815) ended hostilities. Judge Richard Peters upheld the President’s authority under the AEA, ruling on October 1817:

The power of the president under the first section of the law, to establish by his proclamation or other public acts, rules and regulations for apprehending, restraining, securing, and removing

alien enemies, under the circumstances stated in that section, appears to me to be as unlimited as the legislature could make it, consistent with the constitution. He alone is authorised to direct the conduct to be observed on the part of the United States towards such alien enemies, and to prescribe the manner and degree of restraint to which they should be subject; to declare in what cases, and on what terms, their residence should be permitted, and to provide for the removal of those whom he should not permit to remain in the United States, and who should refuse or neglect to depart; and, to avoid all doubt as to the extent of his power, he is authorised in general and unqualified terms, to establish any regulations which he should think necessary in the premises, and for the public safety. (*Lockington v. Smith*, 15 Fed. Cas. 758, 761)

This federal ruling reinforced the AEA's constitutionality, affirming the President's nearly unfettered discretion to regulate alien enemies, even into the war's or invasion's aftermath, as a legitimate exercise of executive powers (U.S. Const. art. I, § 8, cl. 11).

### ***Legal Treatises the Founders***

During the Founding era, American legal and political interpretations of the Law of Nations were shaped by treaties and legal treatises. While treaties primarily addressed emigration rather than immigration, the most authoritative legal treatises of the time explicitly discussed immigration restrictions ([Natelson, 2022, pp. 217-225](#)).

A crucial indicator of which legal treatises the Founders considered authoritative is a list of recommended books compiled by a three-man committee of the Confederation Congress on January 24, 1783 ([Natelson, 2022, p. 218](#)). This committee included James Madison, Hugh Williamson, and Thomas Mifflin, all of whom later participated in drafting the U.S. Constitution, making their recommendations a reliable indicator of the intellectual foundations that influenced constitutional interpretation.

Among the most significant works on the Law of Nations, the committee recommended:

- **Christian Wolff's** *Law of Nations Treated According to the Scientific Method* (1749)
- **Hugo Grotius'** *The Rights of War and Peace* (1625/2005)
- **Emer de Vattel's** *Law of Nature and Nations* (1758)
- **Samuel von Pufendorf's** *Law of Nature and Nations with notes by Jean Barbeyrac* (1672)
- **Jean-Jacques Burlamaqui's** *Principles of Natural and Political Law* (1747)

Additionally, the committee recommended William Blackstone's *Commentaries on the Laws of England*, which, while primarily focused on common law, also provided an overview of international law ([Blackstone, n.d.](#)).

These foundational legal texts explicitly framed the Law of Nations as encompassing immigration restrictions, reinforcing the constitutional authority of Congress to regulate immigration under Article I, Section 8, Clause 10 ([U.S. Const. art. I, § 8, cl. 10](#)).

### ***The Law of Nations as a Basis for Immigration Control***

The legal scholars most frequently cited by the Founders consistently recognized immigration regulation as an inherent function of national sovereignty. In *Fong Yue Ting v. United States*, the Supreme Court reaffirmed this principle quoting *Nishimura Ekiu v. United States*:

It is an accepted maxim of international law, that every sovereign nation has the power, as inherent in sovereignty, and essential to self-preservation, to forbid the entrance of foreigners within its dominions. ([Fong Yue Ting v. United States, 1893](#); [Nishimura Ekiu v. United States, 1892](#))

This principle, which is deeply embedded in the Law of Nations, reflects the foundational understanding of sovereignty shared by the Founders and the scholars upon whom they relied. All of whom significantly influenced early American legal thought—each articulated the inviolable right of sovereign nations to regulate immigration and control foreign entry.

Emer de Vattel, in his work *The Law of Nations*, recognized that private individuals could inflict harm upon foreign sovereigns, an observation that directly relates to the foundational principles behind immigration statutes. His assertion that “private persons, who are members of one nation . . . may injure a foreign sovereign” ([Vattel, 1758/2008](#)) underscores the idea that individuals, acting independently of their government, can nonetheless pose risks to the sovereignty, security, and stability of another nation.

This principle aligns with the legal foundation of immigration laws that enforce the “no unauthorized entry” norm against foreign nationals. Immigration statutes are not merely administrative regulations but serve as a protective measure against potential threats posed by individuals entering without authorization. Unauthorized entry is not a trivial matter; it challenges national sovereignty, burdens public resources, and, in some cases, facilitates transnational crime and security risks.

The enforcement of border laws reflects a nation's right to self-preservation, as recognized in international law. Vattel's principle reinforces that national security and territorial integrity are paramount concerns, necessitating firm immigration policies to prevent foreign individuals from undermining the stability of a sovereign state. Thus, the historical and philosophical foundation of immigration control is deeply rooted in the broader doctrine of national sovereignty and self-defense, as articulated by thinkers like Vattel.

### ***Sovereign Authority Over Immigration in Founding-Era Legal Thought***

Emer de Vattel, in his second book, *Of a Nation Considered in its Relation to Others*, emphasized that nations possess an inherent right to regulate migration. He stated,

The sovereign may forbid the entrance of his territory either to foreigners in general, or in particular cases, or to certain persons, or for certain particular purposes, according as he may think it advantageous to the state. There is nothing in all this, that does not flow from the rights of domain and sovereignty: every one is obliged to pay respect to the prohibition; and whoever dares violate it, incurs the penalty decreed to render it effectual. . . . Since the lord of the territory may, whenever he thinks proper, forbid its being entered, he has no doubt a power to annex what conditions he pleases to the permission to enter. This, as we have already said, is a consequence of the right of domain. ([Vattel, 1758/2008](#))

Vattel's argument establishes that the power to regulate migration is not an arbitrary exercise of authority but a fundamental component of national sovereignty. A nation's right to control its borders flows from the broader principle of territorial domain, a core tenet of international law. This understanding was not unique to Vattel but was a well-established principle among the legal scholars whose works the Founders relied upon.

Christian Wolff, another influential legal scholar, explicitly affirmed that sovereign nations possess the right to regulate migration and exclude foreigners to preserve public order and national security. Wolff argued that, “That the supreme power may refuse to admit foreigners into the state, is manifest, since they

must not claim admission as a right, but may be excluded, if it is judged not to be for the good of the state to admit them” ([Wolff, 2017/1934, § 343](#)).

This perspective, echoed throughout founding-era legal thought, underscores that immigration control is not merely a modern policy debate but a deeply rooted doctrine in legal philosophy. The principle that a nation must regulate who may enter and under what conditions is foundational to maintaining sovereignty, security, and national stability. The Founders, in shaping the legal framework of the United States, drew upon these principles to justify the necessity of immigration laws that reflect the nation’s right to self-preservation.

### ***Immigration as an Offense Against the Law of Nations***

The Law of Nations not only affirmed the sovereign right of states to exclude foreigners but also framed violations of immigration restrictions as punishable offenses under natural and international law. Emer de Vattel, in his 1758 treatise *The Law of Nations*, explicitly addressed this principle. He wrote,

Since the lord of the territory may, whenever he thinks proper, forbid its being entered, he has, no doubt, a power to annex what conditions he pleases to the permission to enter. Every one is obliged to pay respect to the prohibition; and whoever dares violate it, incurs the penalty decreed to render it effectual. ([de Vattel, 1758/1797, Book II, Chapter VII, §94, p. 169](#))

Here, Vattel emphasizes that a sovereign’s authority to prohibit entry includes the right to enforce penalties against those who breach such restrictions, establishing unauthorized entry as an offense against the state’s sovereignty.

This concept finds corroboration in William Blackstone’s *Commentaries on the Laws of England*, where he ties the regulation of foreign entry to the Law of Nations and the sovereign prerogative. Blackstone stated, "Upon exactly the same reason stands the prerogative of granting safe-conducts, without which, by the law of nations, no member of one society has a right to intrude into another" ([Blackstone, 1765-1769, Book I, Chapter VII, p. 254](#)).

Samuel von Pufendorf, in *De Jure Naturae et Gentium Libri Octo (The Law of Nature and Nations)*, similarly emphasized sovereign discretion over admitting foreigners. In Book VII, Chapter II, Section 8 ([p. 972](#)), Pufendorf notes that states exist for "the Security of the Citizens," implying that all sovereign acts, including regulating foreigners, aim to safeguard the polity.

In Book VIII, Chapter VI, Section 5, Pufendorf writes, "It is left to the Discretion of every Sovereign, whether he will allow Strangers to dwell in his Dominions, or no; and upon what Conditions he will admit them" ([Pufendorf, 1729/1672, Book VIII, Chapter VI, §5, p. 1075](#)). Combined with Book VIII, Chapter IX, Section 5, p.1123, Pufendorf states, "For by such Conventions, Sovereigns may oblige themselves to admit Strangers upon certain Terms." This confirms that states may refuse entry unless bound by treaty.

By stating that it’s up to the sovereign’s discretion whether to admit foreigners and under what conditions, Pufendorf vests the ruler with absolute authority over entry and residence. This discretion inherently serves the state’s interests, including its security and stability, as the sovereign’s primary duty is to preserve the commonwealth.

The phrase "upon what Conditions he will admit them" suggests regulation—foreigners are not free to enter or reside unchecked but must conform to rules set by the sovereign. This regulatory power logically

extends to protecting the state from potential threats, such as disorder or disloyalty, which unregulated foreigners might pose.

### **Enforcement of Immigration Restrictions Under the Law of Nations**

The right of a sovereign nation to enforce its immigration laws is a fundamental principle in the *Law of Nations*, firmly established in the legal and philosophical traditions that shaped early international law. Hugo Grotius, in *The Law of War and Peace*, explicitly addressed the necessity of enforcing national borders, stating, “If foreigners attempt to enter without permission and by force, they may lawfully be repelled” ([Grotius, 1625/2005, bk. II, ch. II, §XVI](#)).

This assertion affirms that sovereign states possess not only the right but the legal authority to implement enforcement measures to prevent unauthorized entry. The principle extends beyond mere policy discretion; it is a fundamental aspect of sovereignty, requiring nations to establish and maintain border control mechanisms, including deportation and the physical enforcement of territorial boundaries.

Jean-Jacques Burlamaqui further reinforced this doctrine in *Principles of Natural and Politic Law*, articulating that, “The first duty of a nation is its own preservation; and for this reason, it has the right to refuse admission to foreigners whose presence may be deemed prejudicial” ([Burlamaqui, 1747/2006, pt. II, ch. III, §XV](#)).

Burlamaqui’s reasoning underscores that immigration enforcement is not a mere administrative function but a core responsibility of the state. A government that fails to regulate entry risks undermining its national security, economic stability, and social cohesion. The ability to refuse or remove individuals whose presence is deemed harmful is thus not an arbitrary power but an essential function of self-governance.

The Founders’ reliance on the *Law of Nations* as a guiding principle for sovereign governance establishes that immigration regulation is a core function of national sovereignty. Supreme Court precedent and the authoritative legal treatises of the 17th and 18th centuries confirm that controlling foreign entry is not merely a discretionary policy choice but a fundamental prerogative of a sovereign state. The enforcement of immigration laws ensures that national interests are preserved, and that territorial integrity is maintained in accordance with centuries of legal tradition.

Congress, through the Define and Punish Clause of Article I, Section 8, Clause 10 of the U.S. Constitution, has the authority to regulate immigration as an offense against the *Law of Nations* ([U.S. Const., Art. I, §8, cl. 10](#)). This clause empowers Congress to enact laws that uphold international legal principles, ensuring the protection of national security, territorial integrity, and the enforcement of sovereign laws. By invoking its constitutional authority, Congress affirms that immigration enforcement is not only a matter of national interest, but a legal imperative deeply embedded in the foundational doctrines of sovereignty and self-preservation.

### **Individual States’ Authority as Sovereign Entities in Immigration Control**

The Constitution’s approach to immigration authority reflects a nuanced balance of federalism, preserving individual states as sovereign entities with significant control over the entry and regulation of foreigners, subject only to explicit federal limitations. While Congress has since assumed primary responsibility for immigration policy, the original constitutional framework did not grant exclusive authority over immigration to the federal government. Instead, the Founders recognized that individual states retained inherent sovereign authority to regulate immigration, particularly through port entry controls and public safety measures, as an essential feature of their sovereignty within a federalist system. This arrangement

underscores a foundational principle: power over immigration was not wholly consolidated at the national level but shared, with states exercising concurrent jurisdiction unless preempted by valid federal action.

The Define and Punish Clause ([U.S. Const., Art. I, §8, cl. 10](#)) empowered Congress "To define and punish... Offences against the Law of Nations," providing a mechanism to enforce international norms, such as those articulated by Vattel and Pufendorf regarding sovereign control over foreigners. However, this grant did not automatically divest states of their concurrent enforcement powers. James Madison, in *Federalist No. 42*, emphasized the clause's necessity "to maintain the dignity and safety of the Union" by addressing violations like piracy or treaty breaches ([Madison, 1788](#)), yet he did not suggest it stripped states of their traditional police powers over aliens. Historical practice under the Articles of Confederation reinforces this view. Article IV provided that "the free inhabitants of each of these States, paupers, vagabonds and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several States" ([Articles of Confederation, 1777, Art. IV](#)), implying states could exclude undesirable entrants—a power they exercised independently before 1789.

This state authority persisted post-Constitution, evident in early laws regulating specific classes of aliens. States like New York and Massachusetts imposed bonding requirements or outright bans on convicts, indigents, and those with contagious diseases, while Southern states restricted freed blacks ([Neuman, 1993, pp. 1835, 1841–1880](#)). These measures, often enforced at ports under the Import-Export Clause ([U.S. Const., Art. I, §10, cl. 2](#)), highlight states' sovereign role in immigration control, upheld in cases like *New York v. Miln*, where the Supreme Court affirmed state police powers over alien entry absent federal conflict ([New York v. Miln, 1837](#)).

The Constitution itself provides textual support for this concurrency in Article I, Section 9, Clause 1: "The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to [1808]" ([U.S. Const., Art. I, §9, cl. 1](#)). James Iredell, at the North Carolina Ratifying Convention, clarified the clause's scope:

The committee will observe the distinction between the two words migration and importation. The first part of the clause will extend to persons who come into this country as free people, or are brought as slaves. But the last part extends to slaves only. The word migration refers to free persons; but the word importation refers to slaves, because free people cannot be said to be imported. ([Elliot, 1888/n.d.](#))

While "Importation" targeted the slave trade, "Migration" encompassed voluntary free movement, affirming states' pre-1808 authority to admit or exclude free aliens. After 1808, Congress could regulate, but the clause's silence on post-1808 state power suggests concurrency, not elimination—a reading consistent with early state practices and the 10th Amendment's reservation of undelegated powers.

The Privileges and Immunities Clause ([U.S. Const., Art. IV, §2, cl. 1](#)) and the Naturalization Clause ([U.S. Const. art. I, § 8, cl. 4](#)) further illuminate this balance. Under the Articles, lax state citizenship could grant aliens privileges across states, undermining exclusion efforts. Madison noted in *Federalist No. 42* that a "uniform rule of naturalization" prevented such circumvention by standardizing citizenship ([Madison, 1788](#)). This power checked state autonomy over naturalization, not entry regulation, leaving states free to exclude "obnoxious aliens" via police powers, as evidenced by their continued laws post-1789 ([Neuman, 1993, pp. 1841–1880](#)).

This concurrent framework faced challenges as federal power expanded in the late 19th century, a shift exemplified by judicial reinterpretations of constitutional authority over immigration. In *Chy Lung v. Freeman* (1875), the Supreme Court tied federal power to regulate immigration to the Foreign Commerce

Clause ([U.S. Const., Art. I, §8, cl. 3](#)), asserting that "the admission of citizens and subjects of foreign nations to our shores belongs to Congress" ([Chy Lung v. Freeman, 1875](#)). This conclusion, however, is open to critique as non-commercial travel exceeds the original meaning of "commerce," which encompassed economic exchange, not mere movement ([Natelson, 2006, pp. 805–810](#); [Barnett, 2001, pp. 112–120](#)).

By 1889, in *Chae Chan Ping v. United States*, the Court shifted its grounding to inherent sovereign authority, declaring exclusion "an incident of sovereignty" ([Chae Chan Ping v. United States, 1889](#)). This doctrine, untethered to any explicit constitutional text, clashes with the Tenth Amendment's reservation of undelegated powers to states or the people ([U.S. Const., Amend. X](#)). Such rulings lack a clear constitutional footing ([Markowitz, 2008, p. 306](#)). Arising nearly a century after ratification, these decisions reflect post-Civil War judicial innovation rather than the ratifiers' understanding of a balanced federalism.

Yet, despite this centralization, the original constitutional structure—rooted in historical practice, textual provisions like Article I, Section 9, Clause 1, and federalism's division of sovereignty—demonstrates that state authority over immigration was not a secondary consideration but a deliberate component of the Founders' design ([U.S. Const. art. I, § 9, cl. 1](#)). Under the Articles of Confederation and early state laws, states regulated entry ([Neuman, 1993, pp. 1835, 1841–1880](#)), a power preserved pre-1808 by Article I, Section 9, Clause 1, and sustained post-1808 as concurrent unless preempted.

The Constitution granted Congress authority to punish immigration-related offenses under the Law of Nations, as Madison affirmed in *Federalist No. 42*, and to regulate naturalization and commerce, but it did not make all immigration powers exclusive, leaving states with concurrent jurisdiction ([Article I, §8, cl. 10](#); [Madison, 1788](#)). Cases like *Mayor of New York v. Miln* upheld state police powers over aliens absent federal conflict, reinforcing this concurrency ([New York v. Miln, 1837](#)). Though *Chy Lung* and *Chae Chan Ping* marked a shift toward federal dominance, their reliance on expansive commerce and sovereignty doctrines diverged from the ratifiers' intent, leaving states with a legacy of sovereignty over immigration unless clearly overridden by congressional action.

### ***Historical Role of States in Immigration Enforcement***

Historical practice demonstrates that states have consistently engaged in immigration enforcement, often supplementing federal efforts, particularly during periods of economic hardship or national security concerns. Throughout American history, state and local law enforcement agencies have played a significant role in regulating the movement of both foreign nationals and internal migrants, reflecting a practical tradition of involvement rather than an uncontested legal authority (Ngai, 2004, pp. 11-12). This state-level engagement underscores a complex and concurrent framework partnership for immigration control.

In the 19th century, states exercised considerable influence over immigration through port regulations. For example, New York's Commissioners of Emigration, established in 1847, managed immigrant arrivals at Castle Garden, collecting head taxes and screening entrants for public health risks (Hirota, 2017, pp. 42–45). These early efforts, upheld in cases like *New York v. Miln* (1837), reflected states' initial role in immigration management ([New York v. Miln, 1837](#)).

During the Great Depression, economic distress prompted states to intensify migration controls. The Mexican Repatriation Program (1929–1939) exemplifies this trend. While the federal government conducted formal deportations, state and local authorities in California, Texas, and Michigan spearheaded mass repatriation efforts targeting Mexican immigrants and Mexican-American citizens. These campaigns

involved county sheriffs, municipal police, and welfare agencies coercing approximately 1.2 million individuals of Mexican descent to leave, often through volunteer repatriation rather than legal deportation proceedings (Balderrama & Rodríguez, 2006).

Similarly, in 1936, California established the "Bum Blockade" to deter destitute Dust Bowl migrants fleeing Oklahoma, Texas, and Arkansas. Local police, under state direction, set up roadblocks along highways, turning away hundreds daily to protect strained welfare resources (Gregory, 1989). Although targeting U.S. citizens rather than foreign nationals, this episode illustrates states' willingness to regulate migration broadly. The Supreme Court's ruling in *Edwards v. California* invalidated these restrictions, affirming that states cannot impede interstate travel under the Commerce Clause, yet the blockade underscores states' historical inclination to act when federal oversight lagged ([Edwards v. California, 1941](#)).

During World War II, state and local law enforcement significantly bolstered federal efforts under the Alien Registration Act of 1940 (54 Stat. 670), which required all aliens over fourteen to register and be fingerprinted, creating a federal database of approximately 5 million registrants by 1944 ([Alien Registration Act, 1940](#); Ngai, 2004, p. 175; Daniels, 1971, p. 22). States like California and New York played key roles in supporting this federal registry by collecting data through local post offices and police stations, particularly after Pearl Harbor, when Presidential Proclamations 2525–2527 designated Japanese, German, and Italian nationals as "enemy aliens", under the Alien Enemies Act. ([Proclamation No. 2525, 1941](#); [Proclamation No. 2526, 1941](#); [Proclamation No. 2527, 1941](#); 50 U.S.C. § 21, 1798).

In California, Attorney General Earl Warren urged local officials to enforce curfews and travel restrictions, while sheriffs and police monitored and detained suspects, notably aiding the internment of over 92,000 Japanese Americans under Executive Order 9066 ([Executive Order No. 9066, 1942](#); Robinson, 2001, pp. 108–110).

In New York, urban police assisted FBI roundups of German and Italian nationals, contributing to the investigation of over 31,000 enemy aliens and the detention or internment of approximately 10,000 by 1945 (Hayashi, 2004, pp. 38–39; [Daniels, 1971, p. 25](#)). This collaboration, peaking with the registration of roughly 600,000 Italians, 300,000 Germans, and 92,000 Japanese, highlights a shared responsibility in immigration enforcement during times of war or in the event of an invasion or predatory incursion, driven by federal directives and local initiative (Ngai, 2004, pp. 175–180).

In the 1950s, Operation Wetback (1954) further highlighted state-federal cooperation in immigration enforcement. Initiated by the Eisenhower administration to curb illegal Mexican immigration, the campaign relied on local law enforcement in Texas, California, and Arizona to conduct raids and detentions alongside the understaffed Immigration and Naturalization Service (INS) (Hernández, 2010, pp. 167–171). In Los Angeles, for example, city police joined INS agents in factory sweeps, while Texas sheriffs patrolled rural border zones, extending federal reach into communities (Hernández, 2010, pp. 171–173).

The INS reported 1,075,168 apprehensions in 1954, though scholars note repeat detentions inflated this figure (Hernández, 2010, p. 174; Ngai, 2004, p. 156). While not formally deputized, local officers acted as critical partners, facilitating mass deportations of hundreds of thousands illegal aliens, underscoring states' practical role in supplementing federal efforts during a peak immigration enforcement campaign (Hernández, 2010, pp. 171–174).

This historical pattern, spanning the early republic to the mid-20th century, demonstrates that states have consistently engaged in immigration enforcement, often stepping in where federal efforts were limited or

absent. The involvement of states in immigration enforcement reflects a longstanding assertion of their sovereign powers, often intersecting with federal authority.

This engagement aligns with a foundational principle of sovereignty: the ability to control entry and regulate the movement of individuals within a given jurisdiction. As the Supreme Court affirmed in *Nishimura Ekiu v. United States*, one of the most fundamental aspects of sovereignty—"and essential to self-preservation"—is the power "to forbid the entrance of foreigners within its dominions, or to admit them only in such cases and upon such conditions as it may see fit to prescribe" ([Nishimura Ekiu v. United States, 1892](#)).

### **Border, Frontier Protection, and Immigration Policies in the Republic of Texas (1836–1845)**

From 1836 to 1845, the Republic of Texas implemented diverse policies to regulate immigration, secure its borders, and manage frontier defense, lacking a formal immigration department but relying on legislation, the General Land Office, and executive actions. These policies included land incentives to attract settlers, citizenship rules to integrate them, exclusionary laws to restrict unwanted groups, and customs enforcement to monitor borders, aiming to populate Texas while maintaining territorial control. The Texas Rangers, military, and local militias enforced security, complementing immigration measures driven by economic, demographic, and defensive goals.

#### ***Immigration Policies of the Republic of Texas***

To populate its vast territory, the Republic of Texas promoted immigration through generous land policies. The General Land Office, established in 1837, distributed headrights under an 1837 law granting 640 acres to every head of a family and 320 acres to single men who cultivated the land ([Gammel, 1898, vol. 1, p. 895](#)). Targeting U.S. and European settlers, this system fueled economic and demographic growth (Hogan, 1946, pp. 52–53).

Building on Mexico's empresario model, Texas contracted agents like Henri Castro, whose 1842 agreement required introducing not less than two hundred families or single men from France and Germany ([Gammel, 1898, vol. 2, p. 720](#)). Ventures like Peters' Colony and the Fisher-Miller Colony similarly recruited Germans, using promotional campaigns to entice settlers ([Biesele, 1930, pp. 11–15](#); Hogan, 1946, p. 55; [Connor, 1959, pp. 15–20](#)), reflecting a proactive nation-building strategy.

#### ***Citizenship and Residency Requirements***

Beyond encouraging settlement, Texas established citizenship pathways to integrate settlers while maintaining oversight, reflecting a foundational emphasis on allegiance and legal recognition that prefigures modern constitutional principles. The Constitution of 1836 stipulated:

All free white persons who shall emigrate to this Republic, and who shall, after a residence of six months, make oath before some competent authority that he intends to reside permanently in the same, and shall swear to support this Constitution, and that he will bear true allegiance to the Republic of Texas, shall be entitled to all the privileges of citizenship. ([Constitution of the Republic of Texas, General Provisions, § 6, 1836](#))

This requirement of an oath—affirming permanent residency and allegiance—mirrored a contractual bond between the state and the individual, ensuring settlers were not merely present but politically committed. An 1836 law reinforced this oversight, mandating: "All persons who shall arrive in this republic... shall report themselves to the nearest justice of the peace or alcalde within ten days after their arrival" ([Gammel, 1898, vol. 1, p. 1269](#)). Together, these measures established a proto-naturalization

process, conditioning citizenship on lawful entry, residency, and sworn loyalty—principles that resonate with the Fourteenth Amendment’s framework and its judicial elaboration.

This early Texas model aligns with the Fourteenth Amendment’s citizenship clause, ratified in 1868, which declares: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside" ([U.S. Const. amend. XIV, § 1](#)). Congressional debates on May 30, 1866, illuminate this continuity. Senator Lyman Trumbull (IL) defined "subject to the jurisdiction thereof" as “The provision is, that ‘all persons born in the United States, and subject to the jurisdiction thereof, are citizens.’ That means, ‘subject to the complete jurisdiction thereof.’ ...What do we mean by ‘subject to the jurisdiction of the United States?’ Not owing allegiance to anybody else. That is what it means,” ([Grives, 1866, P. 2893](#)), echoing Texas’s insistence on exclusive allegiance.

Senator Jacob Howard (MI), who proposed the phrase “subject to the jurisdiction thereof” to the Amendment, clarified its intent:

This amendment which I have offered is simply declaratory of what I regard as the law of the land already, that every person born within the limits of the United States, and subject to their jurisdiction, is by virtue of natural law and national law a citizen of the United States. This will not, of course, include persons born in the United States who are foreigners, aliens, who belong to the families of ambassadors or foreign ministers accredited to the Government of the United States, but will include every other class of persons. It settles the great question of citizenship and removes all doubt as to what persons are or are not citizens of the United States. ([Grives, 1866, p. 2890](#))

Howard’s amendment, drawn from the Civil Rights Act of 1866’s language—“all persons born in the United States and not subject to any foreign power, excluding Indians not taxed” ([Civil Rights Act, 1866](#))—simplified but retained the exclusion of those with foreign allegiance, a concept Texas had operationalized through its oath and reporting requirements.

The Supreme Court later affirmed this linkage between jurisdiction, allegiance, and citizenship, building on principles evident in Texas’s 1836 laws. In the *Slaughter-House Cases* (1872), the Court held that the Fourteenth Amendment’s "subject to its jurisdiction" phrase "was intended to exclude from its operation children of ministers, consuls, and citizens or subjects of foreign States born within the United States," emphasizing that mere physical presence did not confer citizenship absent full political membership ([Slaughterhouse Cases, 1872, p. 73](#)).

This interpretation was cemented in *Elk v. Wilkins* (1884), where the Court ruled that jurisdiction meant being "completely subject to their political jurisdiction, and owing them direct and immediate allegiance" ([Elk v. Wilkins, 1884, pp. 101–102](#)). The case denied citizenship to a Native American born on U.S. soil but under tribal jurisdiction, paralleling Texas’s exclusion of those not swearing allegiance to its Constitution. Both Texas and the Fourteenth Amendment thus conditioned citizenship on a reciprocal relationship: the individual’s loyalty and the state’s consent.

This jurisprudential thread extends to modern rulings, reinforcing the distinction between citizens and those unlawfully present. In *United States v. Verdugo-Urquidez* (1990), the Court defined "the people" in constitutional amendments as "persons who are part of a national community or who have otherwise developed sufficient connection with this country" ([United States v. Verdugo-Urquidez, 1990, p. 265](#)), a standard Texas’s residency and oath requirements prefigured.

The Fifth Circuit's *United States v. Portillo-Munoz* (2011) and *United States v. Medina-Cantu* (2024) further clarified that illegal aliens, lacking lawful presence or allegiance, are not "law-abiding, responsible citizens" nor "members of the political community" (*Portillo-Munoz*, 2011, p. 440; *Medina-Cantu*, 2024, p. 6), denying them Second Amendment protections. Judge James Ho's concurrence in *Medina-Cantu* underscored this logic: "An illegal alien does not become 'part of a national community' by unlawfully entering it" (*Turner v. Williams*, 1904; *United States v. Medina-Cantu*, 2024, pp. 9-10), echoing Texas's 1836 insistence on legal integration.

Moreover, Judge James C. Ho provided a further reason why it reaches this conclusion. For an illegal alien "[t]o appeal to the Constitution is to concede that this is a land governed by that supreme law," and "the power to exclude [aliens from the United States] has been determined to exist" under our Constitution. So, the Court concluded, "those who are excluded cannot assert the rights in general obtaining in a land to which they do not belong as citizens or otherwise" (*United States v. Medina-Cantu*, 2024, pp. 9-10).

From the Republic of Texas to contemporary jurisprudence, citizenship has hinged on allegiance and jurisdiction, not mere territorial presence. Texas's 1836 policies—requiring an oath and reporting—established a precedent for the Fourteenth Amendment's "subject to the jurisdiction thereof" clause, which courts have consistently interpreted as demanding full political loyalty. This continuity underscores a legal tradition where citizenship is a privilege granted through lawful process, a principle that bridges early state sovereignty to federal constitutional standards.

This tradition of jurisdictional control extended beyond defining citizenship to actively shaping Texas's population through exclusionary measures. While the 1836 Constitution and laws set conditions for integrating settlers, Texas also implemented policies to bar groups perceived as threats to its sovereignty or stability, reflecting a dual approach to nation-building. These measures, targeting Mexican nationals and Native American tribes, reveal how the Republic paired inclusion with exclusion to assert authority over its borders and populace, a practice that complements the allegiance-based citizenship model.

Texas's immigration policies also included exclusionary measures targeting specific groups beyond just slavery-related concerns. Mexican nationals faced restrictions due to post-revolution security concerns. An 1836 ordinance required that "no Mexican citizen shall be permitted to pass the frontier of this republic, coming from Mexico, without a passport from the authorities of Mexico" (*Gammel*, 1898, vol. 1, p. 1269; *Barker*, 1925, p. 472). Similarly, Native American tribes deemed hostile were targeted for exclusion. President Mirabeau B. Lamar's 1838 address to Congress asserted that "the Indians must be driven from our territory" (*Gulick*, 1922, p. 102), a policy that sparked conflicts like the Cherokee War of 1839 (Everett, 1995, p. 105). These measures highlight Texas's use of exclusion to maintain control over its population.

Texas established customs houses to regulate both trade and immigration. An 1836 law authorized that "collectors of customs shall be appointed... to regulate the entry of goods, wares, and merchandise," with duties that indirectly monitored arrivals by requiring passenger reports (*Gammel*, 1898, vol. 1, p. 1190). These posts supported immigration oversight, ensuring Mexican nationals complied with passport requirements (*Gammel*, 1898, vol. 1, p. 1269). Customs officers had authority to inspect individuals crossing into Texas, distinguishing their function from that of the Texas Rangers, who primarily handled security threats like Indian raids and border incursions (Hogan, 1946, p. 70).

### ***Border and Frontier Protection in the Republic of Texas***

The Texas Rangers were the cornerstone of border and frontier protection, tasked with defending against Mexican incursions and insurgencies. Originating as a militia formed by Stephen F. Austin in 1823 to guard settlers against Native tribes, the Rangers were formalized in 1836 under President Sam Houston's order: "A corps of Rangers shall be raised... to protect the frontier against hostile Indians and Mexicans" ([Gammel, 1898, vol. 1, p. 1250](#)). They repelled Mexican raids, such as the 1842 invasions of San Antonio, with Captain John Coffee Hays reporting, "We met the enemy on Salado Creek... drove them back across the Rio Grande" ([Greer, 1935, p. 78](#)).

The Rangers also quelled internal threats like the Córdova Rebellion of 1838, with General Thomas Rusk noting: "We pursued the insurgents... to preserve the peace of our borders" (Utley, 2002, p. 55). The Rangers' patrols also deterred unauthorized crossings, as Ranger John Ford wrote: "We ranged the border... to stop lawless bands crossing from Mexico" (Webb, 1935, p. 102).

The Republic's army and local militias supplemented Ranger efforts. The army garrisoned strategic points like San Antonio and Goliad, though it struggled with funding and organization (Hogan, 1946, p. 68). Military forts, such as Fort Houston and Fort Parker, manned by militias, provided additional defense against Native raids and Mexican incursions. During the 1838 Córdova Rebellion, a militia report stated: "We marched to suppress the rebellion... to secure our frontier" (Webb, 1935, p. 45), illustrating their role in maintaining territorial integrity.

The Republic of Texas employed a dual approach to border and immigration control, encouraging settlement through land grants and empresario contracts while restricting unwanted groups. It established legal pathways for white immigrants to gain citizenship while excluding free Blacks, certain Mexican nationals, and Native Americans. Border security was managed by the Texas Rangers, the Republic's army, and local militias, focusing on military defense rather than strict immigration enforcement. Customs houses regulated the entry of people and goods, but Texas lacked a modern immigration bureaucracy. These policies reflect the Republic's efforts to shape its demographic makeup while securing its sovereignty against external threats.

This early assertion of sovereign control over borders and population laid the groundwork for Texas's enduring role as a defender of its territory within the American federal system. Even after joining the United States in 1845, Texas faced persistent threats from Mexican forces and lawless bands, necessitating state-led responses that echoed its Republic-era strategies. These historical actions illuminate the constitutional scope of state authority to repel invasions, a power rooted in necessity and affirmed by Texas's frontier experience.

### ***Historical Evidence from Texas Frontier Defense***

The constitutional scope of state authority to repel invasions remains a critical issue in American federalism. Texas's historical experience provides definitive proof that states not only possess legal authority but also the practical necessity to defend their borders when federal resources prove inadequate. Throughout its history, Texas has exercised sovereign defense powers against both state and non-state actors, establishing a clear precedent for state-led border security operations.

Texas's reliance on the State Self-Defense Clause is neither a novel interpretation nor an extraconstitutional measure—it is an essential function of state sovereignty. From the moment Texas achieved independence from Mexico in 1836, border hostilities persisted. In March and September of 1842, Mexican forces launched a series of incursions, culminating in the occupation of San Antonio by 1,600 troops. This invasion was repelled by a significantly smaller force of Texas militiamen and Rangers at the Battle of Salado Creek (Fehrenbach, 1968, pp. 261-262, 478-479). This incident exemplifies the necessity of immediate state action when external threats materialize.

Following Texas's annexation into the United States on December 29, 1845, border security challenges only intensified. The Treaty of Guadalupe Hidalgo (1848) established an international boundary spanning 1,952 miles, with Texas alone responsible for 1,254 miles of rugged, largely unpatrolled terrain (Matthews, 2007, p. 28). The U.S. Army, reduced to fewer than 10,000 soldiers, lacked the manpower to effectively secure the border (Clendenen, 1969, p. 7).

Despite explicit treaty obligations requiring the U.S. to prevent cross-border Indian raids into Mexico, the federal government failed to contain hostile Comanche incursions from the Red River region (Simpson, 1979, p. 54). At the same time, Mexico's political instability allowed lawlessness to flourish in its northern territories, further destabilizing the border (Foster, 1997, pp. 130–131).

This federal failure forced Texas to act independently. The state was compelled to combat organized banditry and Indian raids, which reached as far east as Corpus Christi in later years. In response, Texas mobilized its own military forces, with the Texas Rangers serving as the primary force for border defense (Fehrenbach, 1968, pp. 275–276, 375, 473).

### ***Federal Inadequacy and State Response***

In 1849, the U.S. Army established nine new forts from Fort Worth to Fort Duncan on the Rio Grande. However, these posts were severely undermanned, with many garrisons consisting of fewer than 50 infantrymen. While these forts were "well located and strategically placed," Colonel Harold B. Simpson noted that they failed to provide adequate protection due to a lack of mounted troops (Simpson, 1979, p. 55).

Faced with severe manpower shortages, the federal government turned to an existing state resource—the Texas Rangers. Between 1849 and 1851, U.S. Army Brevet Major General George M. Brooke federalized four companies of Rangers for border service (Utley, 2002, pp. 87-93). This early precedent demonstrated federal recognition of state capabilities in border defense and established a pattern of state-federal cooperation that would define the era.

By 1852, the mounting evidence of federal inadequacy reached a critical point. The U.S. government formally abandoned its treaty obligation to prevent Indian raids into Mexico, citing the "complete impossibility of carrying it out" (Clendenen, 1969, pp. 8, 11). In attempting to secure the vast frontier, the Army frequently found itself spread too thin, unable to be in multiple places at once. This official admission of failure marked a turning point in U.S. border security policy.

In 1853, Secretary of War Jefferson Davis dispatched Colonel Joseph K. Mansfield to inspect the frontier forts. His report exposed critical gaps in border security, noting that El Paso was entirely defenseless and that no forts existed between El Paso and Fort Clark. His inspections of Fort McIntosh and Fort Brown revealed severely inadequate defenses, with soldiers living in tents due to a lack of proper facilities (Kaufmann & Kaufmann, 2004, p. 200).

While the Army attempted to address these deficiencies by increasing mounted forces in the early 1850s, raiders simply adapted by creating new trails away from military bases. As James R. Arnold observed, the Army's "ability to provide security for civilians did not extend beyond gunshot range of its outpost" (Arnold, 2000, pp. 15–16).

A desperate letter from a Rio Grande resident to the Texas Governor in 1854 captured the grave reality:

I do not know how you can help us. The nine companies of infantry here have not twenty horses in their stables. The rifles [mounted rifles] are sixty miles off, and before we can send news to them of depredations, the Indians are gone beyond pursuit. (Arnold, 2000, p. 16)

This civilian testimony highlighted the practical impossibility of relying solely on federal resources for border security, reinforcing the necessity of state-led defense initiatives.

By 1855, Congress increased the Army's presence in Texas to 3,449 soldiers, yet only 1,364 were stationed along the border. Even with the newly formed 2nd Cavalry Regiment, these numbers remained insufficient. More critically, Clendenen observed that the Department of Texas high command did not view Mexico as a serious threat, instead focusing on dangers from the north and west (Clendenen, 1969, p. 11). This misallocation of resources further necessitated state-led action in border security.

Despite the Army's expansion, the network of federal forts along the Rio Grande—including Forts Conrad, Craig, Thorn, Fillmore, Bliss, Quitman, Davis, Clark, Duncan, McIntosh, Ringgold, and Brown—remained chronically undermanned. Soldiers at these isolated posts faced not only Indian raids but also increasing tensions between Mexicans and Texans, which complicated their already strained mission (Prucha, 1964, pp. 45–46).

The 1855 Callahan Expedition became a pivotal test of state authority in cross-border operations. Captain James H. Callahan, leading a Texas Ranger detachment, pursued raiders across the Rio Grande near Eagle Pass, highlighting the complex relationship between state and federal authority. U.S. Army Captain Sidney Burbank initially supported the expedition by positioning artillery to cover the Rangers' crossing, demonstrating tacit federal approval of state-led border enforcement. However, when Callahan's force attempted to withdraw, Burbank refused further assistance, exposing the fragile balance between federal reluctance and state necessity (Utley, 2002, pp. 95–97).

The 1859 Cortina Raid on Brownsville further exposed federal inadequacy in border defense. After Juan Cortina's forces murdered four men and stormed the local jail, it was not U.S. troops but prominent citizens of Matamoros who intervened to persuade him to leave. Most strikingly, Mexican militia from Matamoros crossed the Rio Grande to protect American citizens—an extraordinary reversal of traditional security roles.

A contemporary account in *The Charleston Mercury* underscored the reality of federal neglect: "If there had been a garrison at Fort Brown, the thing would not have happened... There is no doubt but that the Government has displayed a most wanton disregard for the interests of this frontier" ([Matthews, 2007, p. 34](#)).

This episode reinforced the necessity of Texas maintaining independent defense capabilities, as the federal government failed to provide even minimal protection.

Frustration among Brownsville citizens reached a breaking point when they learned of a reduced federal response. A local correspondent lamented: "We in Brownsville have learned with much regret that the American government has countermanded the order given to troops that were ordered to Fort Brown. God knows what they mean. Are we to be considered as belonging to the United States, or are we not?" ([Matthews, 2007, p. 35](#)).

This poignant question cut to the heart of Texas's uneasy relationship with federal authority in border security matters. The federal government's failure to act in the face of direct attacks on U.S. soil compelled Texas to assert its own defense measures, setting a precedent for state-led border security operations.

General Robert E. Lee's 1860 command of the Department of Texas marked a significant evolution in federal-state cooperation on border security. The Secretary of War's authorization for Lee to pursue threats beyond U.S. borders and hold Mexican authorities accountable signaled an unprecedented level of federal support for aggressive border defense. However, Lee's own assessment that adequate security required 20,000 troops—far beyond available federal resources—provided a powerful justification for continued state authority in border defense (Arnold, 2000, p. 279).

Lee's March 1860 decision to send 200 soldiers and Texas Rangers into Mexico underscored the alignment of federal and state interests in combating persistent threats. His message to Mexican authorities, warning that he would "hold them responsible for its faithful performance" in suppressing border incursions, exemplified a cooperative but assertive approach to transnational security challenges (Clendenen, 1969, pp. 38-42).

### **Post-Civil War Period (1865-1880s): Continued Border Challenges and State Responses**

Border security challenges persisted unabated in Texas throughout the late 19th century. From the 1870s until 1911, the state faced Mexican banditry, Indian raids, and cross-border cattle theft. Texas Rangers frequently pursued raiders into Mexico, often with U.S. Army support from the U.S. side of the border (Fehrenbach, 1968, p. 585). This period reinforced the necessity of state-led defense measures when federal resources proved insufficient.

In September 1884, the Texas Adjutant General's Office published a special report detailing the immense costs Texas incurred from 1865 to 1882 in defending its frontier against raids by hostile Mexicans and Indians. This report was submitted for review by the U.S. Treasury and the Secretary of War, seeking federal reimbursement for state defense expenditures ([Texas Adjutant General's Office, 1884, p. 3](#)).

The conflict between federal and state authority on border defense came to a head in 1874, when the U.S. Attorney General informed Texas Governor Richard Coke that his military orders violated a federal statute prohibiting unauthorized military actions in foreign countries. In response, Governor Coke invoked his constitutional authority under Article I, Section 10, asserting that states possess the same inherent right to self-defense as the federal government. While the Attorney General initially objected, he ultimately acquiesced to Texas's claim of authority ([U.S. House of Representatives, 1876, pp. 164-167](#)).

During this period, Texas formalized its state defense forces, creating the Frontier Battalion in 1874 as a permanent military force to combat raiders and bandits ([Cool, 2017, p. 3](#)). This institutionalization of state-led security operations reflected Texas's ongoing struggle to secure its borders in the face of federal inaction.

In September 1884, the Adjutant General for the State of Texas published a special report detailing the "great difficulty, labor and expense, the evidences of actual expenditures by Texas, in protecting her frontier from invasion and raids by hostile Mexicans and Indians," from 1865 to 1882. At the time this report was required to be examined by the United States Treasury and the Secretary of War to show the necessities for the expenditures by the State ([Texas Adjutant General's Office, 1884, p. 3](#)).

The Texas Adjutant General's 1884 Special Report powerfully summarized the burden Texas bore in securing its frontier, a statement that remains as relevant today as it was in the 19th century:

...the frontiers of Texas, and the lines of many of the interior settlements, became a sort of hell for many years after the Mexican war, and continued so up to and during the late civil war, and for a long period thereafter. For some reason Texas, like many other border States and Territories,

was left by the general government without adequate protection against these constantly recurring invasions and raids, and, as a matter of absolute and overpowering necessity, the State had to make some regular and systematic provision for affording protection and giving security, if possible, to her people; and to do this, unusual and extraordinary pecuniary burdens were necessarily laid upon the whole body of citizens, and those burdens, in varying amounts, have been kept up ever since.

For years past, the State, through her Senators and Representatives in Congress, has been asking the general government to reimburse her, in part at least, for the enormous sums of money expended in giving aid and protection to her people, which protection should have been given by the general government and paid for out of the common treasury.

The people of Texas believe this claim to be a just and proper one, and knowing, from long and frightful experience, the horrors and losses of this border warfare, and the painful and ever present necessity for organized and armed resistance to these murderous raids, they feel that the State, in the absence of protection by the general government, would have utterly failed in one of its highest and gravest duties if any hesitation had been manifested in meeting the demand for frontier protection to the utmost of its abilities.

This state of things has been so prominent and painful a feature in the history of Texas for so many years, that all citizens and every political party, every form of State government, military or civil, provisional or permanent, and at least one constitutional convention, have all recognized it, and made efforts to meet the demands of the people, and of justice, humanity and of good government, on this question.

When it is recollected that Texas almost alone has had to face these difficulties for nearly forty years; has had the pecuniary burden to carry unaided; that her own people have had to stand in constant battle array against Mexicans and Indians alike, and to often lose liberty or life, and to sustain losses unnumbered, and suffer outrages unnamed, it ought to be easily understood why the whole people of the State feel deeply the right and justice of this claim, and why they honestly believe it should be received, examined and passed upon by the general government in a spirit of fairness, not to say of generosity. ([Texas Adjutant General's Office, 1884, pp. 4-5](#))

This statement encapsulates Texas's long-standing frustration with federal failures in border security and its historical precedent for independent action in the absence of federal support.

### ***Congressional Ratification of State Defense Actions***

Perhaps the most compelling evidence for state authority in responding to non-state invasions comes from Congress's approval of Texas's claims for reimbursement of frontier defense expenditures ([Culberson, 1911](#)). These claims provide crucial documentation of both state authority to act and federal recognition of such authority through subsequent ratification and funding.

The legislative record clearly substantiated Texas's perspective on what constituted an invasion requiring state response. The state legislature declared that "a state of hostilities exists between the people of the State of Texas and various Indian tribes who inhabits the unsettled portions of the State and adjacent territory"([Culberson, 1911, p. 13](#)). They specifically noted that these groups had "invaded our settlements, murdered our people, and carried off or destroyed their property, so that the frontier settlements are receding before the invaders, and our frontier counties in danger of depopulation The Federal Government, whose duty it is primarily to protect the State from such hostilities, has not efficiently afforded such protection... and we are continually in such imminent danger of being invaded by said hostile Indian tribes, as will not admit of delay" ([Culberson, 1911, p. 13](#)).

Therefore, the state's response involved the legislature authorizing the governor to “to raise and muster into the service of the State a regiment of mounted men... as he shall deem sufficient to afford efficient protection to the entire frontier, in such manner to act as spies and minute men, for the protection and defense of the settlements, as the governor may seem proper” ([Culberson, 1911, p. 13](#)). These forces were specifically authorized to "capture, kill, repel" invading forces. Congress's subsequent approval of reimbursement through federal appropriations provides clear evidence of federal ratification of these state actions.

By approving reimbursement for Texas's militia and Ranger operations against non-state actors, Congress effectively endorsed the state's authority to determine and respond to invasions when federal resources proved inadequate. Texas's actions demonstrate that the State Self-Defense Clause authorizes the State to repel invasions from state and non-state actors alike ([U.S. Const. art. I, § 10, cl. 3](#)).

### ***Early 20th Century (1910-1916): Revolution and Intensified Border Threats***

The Mexican Revolution in the early 1900s dramatically escalated border security challenges, sending large numbers of refugees fleeing into Texas, along with Mexican dissidents, rebels, and raiding parties who killed and looted on both sides of the border (Coerver & Hall, 1984). This period illustrates how Texas continued to exercise its authority to defend against non-state actors when federal protection was insufficient.

In the summer of 1915, cross-border raiding intensified under the Plan de San Diego, a revolutionary manifesto calling for an uprising against Anglo-American rule in the Southwest. Bands of 25 to 100 men targeted ranches, railroads, and towns across South Texas, resulting in approximately 30 raids and 21 American deaths (Johnson, 2005).

Governor O.B. Colquitt responded decisively, instructing Ranger Captain John R. Hughes, "I instruct you and your men to keep them (Mexican raiders) off of Texas territory if possible, and if they invade the State, let them understand they do so at the risk of their lives" ([Cox, n.d.](#)).

A defining moment came in August 1915 during the Norias Ranch Raid, when a group of Mexican raiders was spotted north of Brownsville. Upon learning of their approach, King Ranch officials telephoned the Texas Rangers and Fort Brown's Army command, requesting immediate support. The ensuing battle saw Texas Rangers, local law enforcement, and U.S. Army troops repel the raiders ([Garza, 1995](#)). This violent period necessitated a coordinated state and federal response.

Even before the federal government mobilized nearly 110,000 National Guardsmen for border security, Texas had already bolstered its Ranger forces along the border ([Barnes, 2016](#)). Meanwhile, revolutionary violence from Mexico continued spilling over. Forces loyal to President Venustiano Carranza supported insurgents Luis De la Rosa and Aniceto Pizana in the Plan de San Diego uprising, while Pancho Villa's forces launched devastating cross-border raids ([Matthews, 2007, pp. 59-72](#)).

The U.S. initially deployed 20,000 soldiers to patrol the nearly 2,000-mile border, but with an average of just 10 men per mile, Army outposts were stretched thin and barely able to protect citizens, let alone enforce sovereignty. When Texas Governor James E. Ferguson requested additional federal troops, Washington refused, stating that "combating banditry was a state responsibility" ([Johnson, 2015, p. 5](#)). Texas was forced to rely on local law enforcement, sheriffs, and Texas Rangers to contain the escalating violence.

Ultimately, the mass mobilization of National Guard forces played a decisive role in disrupting the cycle of cross-border violence and preventing a full-scale conflict. This period highlights the effectiveness of a

well-coordinated state and federal military response in securing the Texas border against organized threats.

As this historical episode demonstrates, it was once commonplace for transborder criminal activity to be met with force through coordinated action by civilian and military authorities, federal and state alike. During the Norias Ranch Raid, Texas Rangers and local law enforcement joined forces with the U.S. Army and Cavalry to repel Mexican raiders. This precedent highlights a fundamental principle: with the proper exercise of presidential authority and state executive power, the legal and practical tools once used to combat transnational threats could be reactivated today. The same constitutional and statutory mechanisms that empowered Texas and federal forces to suppress cross-border incursions in the early 20th century remain available to counter modern threats, including the illicit operations of Mexican drug cartels and their trafficking networks.

History further demonstrates that Texas has consistently exercised its authority to protect its sovereignty and citizens when federal resources proved inadequate. The federal government's reliance on Texas Rangers, its support for cross-border operations, and its failure to uphold treaty obligations set clear precedents for state-initiated responses to border threats. Most significantly, Congress's approval of reimbursement claims for Texas's frontier defense operations provides definitive evidence of federal ratification of state authority to repel invasions by non-state actors. This congressional recognition aligns with established constitutional doctrines, reinforcing the principle that states possess an inherent right to self-defense when faced with direct threats.

This pattern of state-led defense actions, rooted in practical necessity and backed by both federal acquiescence and congressional approval, offers compelling evidence that the constitutional framework not only permits but anticipates state action to repel invasions—whether by state or non-state actors—when faced with "imminent Danger as will not admit of delay" ([U.S. Const. Art. I, Sec. 10, Cl. 3](#)). This precedent is highly relevant in today's security environment, where the erosion of federal enforcement mechanisms has left Texas vulnerable to cartel-driven cross-border incursions and the weaponization of mass migration.

Texas's history illustrates that the State Self-Defense Clause is not limited to conflicts with foreign governments but also extends to non-state actors threatening public safety and sovereignty. The unprecedented surge of millions of illegal border crossings, largely facilitated by Mexican cartels, presents a far greater challenge to state sovereignty than the 19th and 20th-century insurgencies and smuggling operations. Given these realities, the State Self-Defense Clause empowers Texas to act decisively, just as it has in past eras when faced with persistent transborder threats.

This defensive legacy builds on a broader tradition of Texas exercising authority over its borders and population, a practice that began when it was an independent republic crafting citizenship and immigration rules under its 1836 Constitution. While the Republic focused on integrating settlers through oaths of allegiance and excluding unwanted groups to secure its sovereignty, Texas later adapted these powers to new challenges. Following the Civil War, during Reconstruction, the state shifted from repelling threats to actively encouraging settlement to rebuild and strengthen its position within the Union. The establishment of the Texas Bureau of Immigration reflects this evolution, extending the state's early constitutional authority into a tool for growth, complementing its enduring commitment to border defense.

## **Texas Immigration Enforcement Laws: From Reconstruction to the Modern Era (1876–Present)**

### ***The Texas Bureau of Immigration: A Historical Overview***

During Reconstruction, Texas established the Bureau of Immigration to encourage settlement and economic growth in the aftermath of the Civil War. Authorized by Article XII, Section 2, of the Texas Constitution of 1869, the bureau was formally created on May 23, 1871, with a mandate to "promote and protect immigration" into the state ([Gammel, 1898, Vol. 6, p. 836](#)). Unlike modern immigration agencies focused on border security and immigration enforcement, this bureau aimed to attract settlers to strengthen the state's population and economy.

The 12th Texas Legislature passed the enabling legislation, which outlined the bureau's objectives: "It shall be the duty of the superintendent to promote and protect immigration, by giving all needed information relative to the soil, climate and productions of Texas" (*General Laws of Texas*, 1871, p. 19; [Gammel, 1898, Vol. 6, p. 1423](#)).

The bureau was led by a superintendent, appointed by the governor for a four-year term, with an annual salary of \$2,000, funded through state tax revenues (*General Laws of Texas*, 1871, p. 19). Gustav Loeffler was the first superintendent, serving from 1871 to January 1874, when Governor Richard Coke appointed Jerome Bonaparte Robertson ([Gammel, 1898, Vol. 6, p. 1425](#)). The superintendent's responsibilities included publishing promotional materials and hiring agents to recruit immigrants.

One such effort was the 1874 pamphlet, *Texas, the Home for the Emigrant, From Everywhere*, which declared, "Texas offers a home to the industrious and enterprising of all nations, and to the hardy sons of toil from every State in the Union" (Texas Bureau of Immigration, 1874, p. 3). This campaign targeted European immigrants, particularly from Germany and England, as well as citizens migrating from both the Southern and Northern states (Rozek, 1995).

To facilitate immigration, the bureau contracted with railroad and steamship companies for transport and appointed agents and lecturers in the United States and foreign countries to advertise Texas's opportunities (*General Laws of Texas*, 1871, p. 20; [Gammel, 1898, Vol. 6, p. 1424](#)).

Agents operated in major cities such as New Orleans and New York, while others worked in European nations, reflecting a dual recruitment strategy (De León, 1983, pp. 65–67). A superintendent's report emphasized this approach: "We have sought to draw the surplus population of the older States, as well as the hardy yeomanry of Europe, to our vast and fertile lands" (Texas Bureau of Immigration, 1873, p. 5). Despite some success, the bureau faced significant financial limitations, which restricted its ability to attract settlers on a large scale (Moneyhon, 2004, p. 124).

The bureau's existence was short-lived, as it encountered growing political opposition from post-Reconstruction Democrats, who viewed it as an unnecessary government expenditure. The Texas Constitution of 1876, adopted on February 15, 1876, formally ended its funding, with Article XVI, Section 56 stating, "No appropriation shall ever be made for any purpose of bringing immigrants to the State" ([Gammel, 1898, Vol. 8, p. 801](#)). Driven by fiscal conservatism and a rejection of Reconstruction-era policies, this measure effectively abolished the bureau by 1876 (Moneyhon, 2004, pp. 189–190).

Following the dissolution of the Texas Bureau of Immigration in 1876, Texas's approach to immigration shifted from active recruitment to a complex interplay of exclusionary measures, cooperative enforcement, and, eventually, direct state-led immigration control. Texas leveraged its police powers and legislative authority to regulate illegal alien presence, often supplementing federal efforts amid gaps in national policy. From the late 19th century through the 21st century, Texas enacted immigration-related laws, supported federal deportations, and, with Senate Bill 4 in 2017, asserted a broader enforcement role, culminating in a significant legal victory in 2018 that affirmed state authority.

## ***Modern Constitutional Jurisprudence***

Modern constitutional jurisprudence continues to affirm that states maintain concurrent sovereignty alongside the federal government, constrained only by the Supremacy Clause ([Tafflin v. Levitt, 1990](#)). This structure serves two essential purposes:

1. It ensures a decentralized system of governance that remains responsive to local needs.
2. It acts as a critical safeguard against overreach by either level of government ([Gregory v. Ashcroft, 1991](#)).

These federalism principles hold particular significance in immigration law. The Supreme Court's *Arizona v. United States* (2012) ruling established key boundaries by recognizing Congress's exclusive authority over "alien registration" while also clarifying that federal law does not displace all aspects of state-level immigration enforcement. Importantly, the Court reaffirmed that preemption analysis should begin with a presumption favoring state authority—a standard that holds unless Congress explicitly demonstrates an intent to supersede state powers ([Rice v. Santa Fe Elevator Corp., 1947](#)).

Recent Supreme Court decisions have further refined this framework, strengthening the role of states within immigration enforcement. In *Kansas v. Garcia* (2020), the Court emphasized that preemption arguments must be firmly grounded in statutory text and structure, rather than broad interpretations of federal objectives. This ruling reaffirms the principle that states can enact legislation addressing unauthorized immigration, provided such laws align with federal statutes and serve legitimate state interests ([Plyler v. Doe, 1982](#)).

Moreover, while the Constitution grants Congress the authority over naturalization ([U.S. Const., Art. I, § 8, cl. 4](#)), it does not explicitly prohibit states from exercising concurrent authority in immigration-related matters. As the Supreme Court affirmed in *Kansas v. Garcia* (2020), the mere existence of federal legislation does not automatically preempt state authority—many federal statutes operate in areas where states retain concurrent legislative power.

This nuanced interpretation reveals a fundamental truth: while federal law may preempt certain aspects of immigration policy, states retain substantial authority to enact complementary laws that enhance federal enforcement efforts without undermining federal primacy. This structure exemplifies cooperative federalism, ensuring that state and federal governments work in tandem to address immigration challenges while respecting constitutional boundaries.

### **The Texas Model: A Comprehensive Framework for State Defense Powers**

The constitutional and statutory framework of Texas provides a clear legal basis for the state's ability to defend itself in the face of federal inaction. Given the federal government's previous failure to fulfill its constitutional guarantee to protect Texas from invasion, Governor Abbott invoked Article I, Section 10, Clause 3 of the U.S. Constitution to organize the Texas National Guard and state law enforcement to counter the invasion and address the imminent threat to public safety ([Office of the Governor of Texas, 2024](#)). This provision recognizes the necessity for states to act decisively when faced with security challenges that federal authorities fail to address in a timely manner. For Texas, which shares a long and porous border with Mexico, this provision is especially relevant, as the state frequently faces national security threats and public safety crises without adequate federal intervention.

### ***The Texas Constitution***

The Texas Constitution explicitly provides the governor with broad authority to command the state's military forces and respond to emergencies, including invasions. Article IV, Section 7 of the Texas

Constitution designates the governor as the Commander-in-Chief of the state's military forces, except when they are called into federal service ([Texas Constitution, 1876](#)). This provision ensures that Texas retains direct control over its forces in times of emergency, allowing the governor to act independently when necessary.

Article IV, Sec. 7 of the Texas Constitution contains two clauses, each clause consisting of one of the two sentences of the section respectively.

### **Clause 1: Executive Military Authority**

Clause 1 of the current Texas Constitution has remained unchanged since it was adopted on February 15, 1876: "He shall be Commander-in-Chief of the military forces of the State, except when they are called into actual service of the United States" ([Tex. Const. art. IV, § 7](#)).

This clause mirrors Article II, Section 2, Clause 1 of the U.S. Constitution, which similarly grants the President authority over the nation's military, reinforcing the principle that executive power extends to the command of state military forces unless overridden by federal activation ([U.S. Const. art. II, § 2, cl. 1](#)).

### **Clause 2: Authority to Mobilize the Militia**

Originally, Clause 2 of Article IV, Section 7, adopted in 1876, granted the governor this power: "He shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, repel invasions, and protect the frontier from hostile incursions by Indians or other predatory bands" ([Tex. Const. art. IV, § 7, cl. 2, 1876](#)).

In 1999, this clause was amended, removing references to frontier incursions while preserving the core powers to suppress insurrections and repel invasions ([C.S.H.J.R. 62, 76th R.S., 1999, p. 58](#)).

Since being amended in 1999, Clause 2 of Article IV, Section 7 has read: "He shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and to repel invasions" ([Tex. Const. art. IV, § 7](#)).

This language aligns closely with Article I, Section 8, Clause 15 of the U.S. Constitution, which grants Congress the power to call forth the militia to "execute the Laws of the Union, suppress Insurrections and repel Invasions" ([U.S. Const. art. I, § 8, cl. 15](#)). However, the Texas Constitution places this authority directly in the hands of the state's chief executive, rather than the legislative branch, allowing for rapid response to security threats without legislative delay.

### ***Statutory Framework Supporting the Governor's Authority***

Texas law complements these constitutional provisions by codifying the governor's authority over the state's military forces. Statutes within the Texas Government Code further reinforce this power, ensuring the governor has the necessary legal tools to mobilize forces when required.

- **Texas Government Code § 431.071(a)**: Authorizes the governor to call the reserve militia into service "in case of war, insurrection, invasion or prevention of invasion" ([Texas Government Code, n.d.](#)).
- **Texas Government Code § 431.111**: Grants the governor authority to deploy the state military to "repel or suppress an invasion of or... threatened invasion" or enforce state law ([Texas Government Code, n.d.](#)).

These statutes align with both the Texas and U.S. constitutional frameworks, ensuring the state retains the ability to defend itself when federal action is absent or insufficient.

The Texas model of state defense reflects a broader constitutional principle of dual sovereignty. As recognized in *Gregory v. Ashcroft* (1991), states retain core powers necessary for self-governance, including the ability to protect their citizens. Texas's constitutional and statutory provisions demonstrate a proactive approach to state defense, ensuring that the state can respond effectively to emergencies, including invasions. This structure allows Texas to maintain its sovereignty within the framework of the U.S. Constitution while fulfilling its obligation to protect the safety and security of its residents.

### ***Statutory Authority for State Military and Emergency Response***

Building upon the constitutional foundation that empowers Texas to defend itself in the absence of adequate federal action, Texas statutes reinforce the governor's authority by granting broad discretion over the deployment of state military forces and law enforcement agencies in response to crises. These statutes provide a legal framework for emergency response, border security measures, and military mobilization, ensuring that Texas has the necessary tools to protect its citizens and territorial integrity.

Texas law explicitly authorizes the governor to mobilize military forces to counter external threats, including invasions, insurgencies, and emergencies.

- **Texas Government Code § 431.071:** Grants the governor the authority to call into service the reserve militia “needed for...prevention of an invasion,” allowing the assignment of militia members to existing state military organizations or their organization as required ([Texas Government Code § 431, n.d.](#)).
- **Texas Government Code § 431.111:** Expands on this authority, stating that “the governor may call all or part of the state military forces to repel or suppress an invasion.” Further, “if the number of state military forces is insufficient, the governor shall call the part of the reserve militia that the governor considers necessary” ([Texas Government Code § 431, n.d.](#)).

These provisions ensure that Texas can swiftly respond to security threats when federal assistance is delayed or absent.

In addition to military mobilization, the Texas Disaster Act of 1975 provides the governor with sweeping emergency powers:

- **Texas Government Code § 418.011:** Charges the governor with the responsibility "for meeting ... the dangers to the state and people presented by disasters" ([Texas Government Code § 418, n.d.](#)).
- **Texas Government Code § 418.012:** Grants the governor the authority to issue executive orders with the “force and effect of law” in response to emergencies ([Texas Government Code § 418, n.d.](#)).
- **Texas Government Code § 418.004:** Defines a “disaster” as including “hostile military or paramilitary action” or other public calamities requiring emergency response ([Texas Government Code § 418, n.d.](#)).
- **Texas Government Code § 418.016:** Allows the governor to suspend any regulatory statute or state agency rule if strict compliance “would in any way prevent, hinder, or delay necessary action in coping with a disaster” ([Texas Government Code § 418, n.d.](#)).

These statutory provisions provide the legal basis for decisive state action in response to threats ranging from organized cartel violence and mass illegal immigration to civil unrest.

### ***Local Authority to Mobilize State Military Forces***

Texas law extends emergency mobilization powers to local officials, ensuring that counties and municipalities can respond effectively to localized security threats.

- **Texas Government Code § 431.112:** Allows district judges, county sheriffs, or municipal mayors to call upon the commanding officer of the state military forces when “military aid is immediately and urgently necessary to prevent or suppress violence,” if it is impracticable to secure aid in time from the governor ([Texas Government Code § 431, n.d.](#)). The officer must respond in writing and immediately notify the governor.
- **Texas Government Code § 418.108:** Grants county judges and mayors the authority to declare local states of disaster, triggering emergency powers similar to those granted to the governor under the Texas Disaster Act ([Texas Government Code § 418, n.d.](#)).

These laws establish a decentralized approach to emergency response, ensuring that local officials can take immediate action while maintaining coordination with state authorities.

### ***Border Security and Disaster Declarations***

Texas has utilized its statutory emergency powers to address the ongoing border crisis and federal inaction in securing the state's southern boundary.

- **May 31, 2021—Statewide Disaster Declaration:** Governor Abbott acted under Texas Government Code § 418.014 and issued a Proclamation of Disaster, citing the surge of individuals unlawfully crossing the Texas-Mexico border as an “ongoing and imminent threat of widespread and severe damage, injury, and loss of life and property, including property damage, property crime, human trafficking, violent crime, threats to public health, and a violation of sovereignty and territorial integrity.” This declaration, which has been amended and renewed in each subsequent month, authorized the use of “all available resources of state government and of political subdivisions” to address the emergency ([Office of the Governor of Texas, 2021](#)).
- **July 7, 2022—Executive Order No. GA-41:** Governor Abbott invoked Article I, § 10 of the U.S. Constitution, Article IV, § 7 of the Texas Constitution and Sections 431.111 and 437.002 of the Texas Government Code to address the weaponization of mass migration. Texas Government Code § 418.018 authorizes the governor control “ingress and egress to and from a disaster area,” including the movement of persons and occupancy of premises ([Texas Government Code § 418, n.d.](#)). The executive order authorized the Texas National Guard and the Texas Department of Public Safety (DPS) “to respond to this illegal immigration by apprehending immigrants who cross the border between ports of entry or commit other violations of federal law, and to return those illegal immigrants to the border at a port of entry” ([Office of the Governor of Texas, 2022](#)).

This strategy aligns with Texas’s long-standing assertion of its police powers to maintain public safety and enforce state laws where federal enforcement is absent.

Texas law provides a comprehensive statutory framework that enables the state to defend itself, protect its borders, and maintain order in times of crisis. The governor, as Commander-in-Chief of the state’s military forces, possesses broad emergency powers under the Texas Constitution and the Texas Government Code, ensuring that Texas can respond decisively when faced with security threats.

Additionally, local officials retain statutory authority to call upon state military forces when necessary, reinforcing a multi-tiered approach to security and emergency response.

Through its constitutional, statutory, and executive mechanisms, Texas continues to assert its role in addressing security challenges, particularly in cases where federal inaction threatens the safety and sovereignty of the state. The Texas model demonstrates the continuing relevance of state sovereignty in addressing contemporary security concerns, affirming the principle that states retain the power to protect their citizens when federal action is inadequate

### **The Evolution of Mexican Drug Trafficking Organizations: From Drug Trafficking Organizations to Insurgencies & Transnational Networks**

The challenges Texas faces today at the border are not isolated incidents but the latest iteration of a long-standing pattern of transnational threats. Just as Texas confronted cross-border insurgencies, smuggling operations, and organized raids in the early 20th century, it now faces a new and more sophisticated adversary: Mexican drug cartels. These cartels are no longer mere criminal enterprises; they have evolved into highly organized, transnational entities that employ asymmetric warfare, exert territorial control, and challenge state sovereignty.

To understand the present crisis, it is essential to examine how these cartels emerged, consolidated power, and integrated themselves into both Mexican and U.S. border economies. The historical evolution of Mexican drug cartels provides crucial insights into their operational strategies, alliances, and adaptations to law enforcement and military responses. By tracing their origins, Texas can develop more effective policies and responses, ensuring that state and local authorities are not merely reacting to cartel activities but proactively disrupting and dismantling their influence.

Mexican drug cartels use targeted lethal violence against municipal officials and political candidates to subdue local governments, exert control over populations, and establish de facto territorial dominance. These subnational regimes provide cartels with invaluable resources to regulate both licit and illicit economic activities, manage taxation, and oversee the criminal underworld (Trejo & Ley, 2021). By targeting political leaders, cartels strategically influence local governance structures and eliminate opposition.

During the 1980s and 1990s, Mexican cartels became key players in the global drug trade, connecting Latin American drug producers with U.S. consumers, and significantly impacting both surrounding economies and violence levels. The Guadalajara Cartel, formed by Miguel Ángel Félix Gallardo in the early 1980s, served as a major distributor for Colombian cocaine, especially during this era. After Gallardo's arrest in 1989, the cartel fragmented into various factions, notably the Sinaloa and Tijuana cartels, which led to intensified turf wars (Shannon, 2015).

By the mid-1990s, Mexican cartels were responsible for approximately 90% of cocaine entering the United States (Andreas, 2000). The Gulf Cartel, under the leadership of Juan García Ábrego, was known to manage about one-third of all cocaine shipments to the U.S. during this period ([Andreas, 2000, p. 67](#); [United States v. Garcia Abrego, 1998](#)). Key figures such as Joaquín "El Chapo" Guzmán emerged during this time, noted for their innovative smuggling techniques and associated violence (Grillo, 2011, pp. 78-82). The diversification into methamphetamine and heroin marked a significant evolution in cartel operations, reflecting their growing complexity and reach (Carpenter, 2012, pp. 45-47).

However, during this same time period, the Mexican cartels transformed from traditional organized crime groups focused on protection rackets for drug trafficking into entities establishing comprehensive governance regimes at the subnational level. During Mexico's democratic transition, the breakdown of the

PRI party's clientelistic networks, particularly through the PROCEDE land certification program (1993-2007), created political vulnerabilities that cartels exploited to establish territorial control (Castaneda Dower & Pfitze, 2015).

Unlike traditional mafias that solely govern illegal markets, Mexican cartels developed sophisticated governance mechanisms encompassing both licit and illicit economies, security apparatus, and local administration. Through strategic violence against government officials and systematic control of municipal institutions, cartels have evolved into quasi-political actors with distinct territorial governance ambitions.

The transformation of Mexican cartels represents a significant evolution in organized crime that challenges traditional theoretical frameworks. While scholarly literature typically characterizes cartels as economic enterprises seeking to monopolize illegal markets or as violent interest groups using coercion to influence policy, evidence from Mexico suggests a more complex reality. Mexican cartels have developed sophisticated governance ambitions that extend beyond controlling drug trafficking routes or securing protection from law enforcement, fundamentally altering the perception of cartels and their relationship with political institutions.

### Cartel Violence and Political Transitions

The Mexican cartels systematically exploit political vulnerabilities to establish comprehensive governance regimes at the municipal level. Their governance encompasses control over local security forces, regulation of both legal and illegal economies, and influence over administrative appointments. The timing and targeting of cartel violence, particularly against local officials and political candidates, reveals a strategic approach to establishing territorial control rather than merely seeking protection or rents through extortion (Trejo & Ley, 2021).

Cartels specifically target municipal and regional governments where they are most likely to succeed in consolidating control. Cartel attacks tend to intensify during local election cycles, as newly elected mayors assemble their administrations, creating a window of vulnerability (Trejo & Ley, 2021 pp. 25-26). Additionally, violence often extends across neighboring municipalities rather than being confined to isolated incidents, reinforcing broader territorial governance strategies.

Political change at the municipal level, particularly after the implementation of the PROCEDE land certification program, significantly influenced cartel-related violence. This effect was magnified when political turnover at the municipal level coincided with gubernatorial changes ([Sanchez & Sarantides, 2022, p. 12](#)). The decline of the Institutional Revolutionary Party (PRI) at the subnational level disrupted long-standing informal networks between corrupt officials and cartels, increasing cartel vulnerability to rival organizations. Consequently, violent conflicts escalated as rival cartels sought to capitalize on these disruptions ([Sanchez & Sarantides, 2022, p. 13](#)).

### The Role of PROCEDE in Subnational Democratization and Violence

Historically, the PRI dominated Mexico's political landscape for seven decades, maintaining centralized control at both national and local levels. During this period, violence remained relatively low due to the implicit agreements between drug traffickers and corrupt officials ([Sanchez & Sarantides, 2022, p. 1](#)). However, with the rise of subnational democratic pluralism in the 1990s and the National Action Party (PAN)'s electoral victory in 2000, these informal protection networks deteriorated, resulting in heightened cartel conflicts ([Trejo & Ley, 2020](#)).

A pivotal factor in this transition was PROCEDA, a land certification program initiated in the 1990s to grant property rights to ejidatarios (members of communal landholdings known as ejidos). Initially established after the Mexican Revolution of 1917, ejidos had long been instrumental in PRI's clientelist networks, as the party controlled land allocations and agricultural credit ([de Janvry et al., 2014](#)). However, PROCEDA weakened PRI's rural influence, enabling democratic competition at the municipal and state levels ([Castaneda Dower & Pfitze, 2015](#)). This shift inadvertently destabilized cartel-government relationships, leading to intensified cartel violence in contested territories ([Trejo & Ley, 2020](#)).

### Clientelism and the Breakdown of PRI's Control Over Local Governments

PRI's historical dominance was rooted in a clientelist system, wherein local power brokers (caciques) controlled access to public resources in exchange for political loyalty ([Sabloff, 1981](#); [Mackinlay, 2011](#)). Ejidatarios, who relied on these networks for land security and agricultural subsidies, were effectively bound to PRI through institutionalized dependency ([Larreguy, 2013, p. 1](#)). The PRI's control over ejidos allowed the party to oversee voting behavior, ensuring continued dominance at municipal and state levels ([Holzner, 2016](#)).

With PROCEDA's rollout, land certification granted greater economic autonomy to rural landowners, thereby weakening the PRI's ability to enforce political loyalty ([de Janvry et al., 2014](#)). Consequently, the PRI's declining control at the local level created political openings for rival parties. This, in turn, disrupted long-standing cartel-government arrangements, increasing competition among cartels for control over newly unprotected territories ([Castaneda Dower & Pfitze, 2015](#)).

### Cartel Expansion and the Militarization of Organized Crime

As PRI's subnational influence waned, cartels adapted by militarizing their operations. Beginning in the mid-1990s, major organizations such as the Sinaloa Cartel recruited defectors from the military, state judicial police, and other security forces to form private paramilitary units ([O'Neil, 2009](#); [Trejo & Ley, 2020](#)). Initially, these forces were used for defense against rival organizations; however, they were soon deployed to expand territorial control and launch offensive operations against competitors.

The result was a dramatic escalation in inter-cartel violence and political assassinations, as these militarized groups sought to dominate strategic locations and eliminate opposition. Political instability further exacerbated the problem, as newly elected officials faced extreme pressure from cartels seeking to reestablish control over disrupted local networks ([Trejo & Ley, 2020](#)). As cartels expanded their reach, municipal and gubernatorial turnovers became flashpoints for violent conflicts, marking a significant shift in the nature of cartel governance ([Sanchez & Sarantides, 2022](#)).

Initially, the cartels operated as localized monopolies of violence, protecting their illicit markets and asserting a form of criminal governance. Over time, they expanded their influence, creating regimes that controlled the social, economic, and political lives of entire cities, districts and regions. By meeting the definitions of both insurgency and governance, these cartels blurred the lines between criminal and political organizations.

According to the Oxford Dictionary, politics involves "the activities associated with the governance of a country or other area, especially the debate or conflict among individuals or parties having or hoping to achieve power." Meanwhile, the Department of Defense defined insurgency as "the organized use of subversion and violence to seize, nullify, or challenge political control of a region" ([Joint Chiefs of Staff, 2018, p. GL-5](#)). By these definitions, cartels evolved into insurgent entities, using coercion and corruption

to influence electoral processes, manipulate public resource allocation, and suppress civil society participation.

When cartels seize control of both sides of the rule of law—manipulating public officials and local law enforcement—they effectively become the law itself, acting as judge, jury, and executioner. This power shift reflects the cartels' transformation into parallel or de facto governing entities within their spheres of influence.

The implications extend beyond Mexico, as cartel influence and violence have spilled across the U.S.-Mexico border. This dynamic hybrid strategy combines conventional military capabilities with irregular tactics—blending terrorism, insurgency, and organized crime. These methods are tailored to specific border regions, exploiting vulnerabilities in governance and law enforcement on both sides of the boundary.

## **Mexican Cartels in the 1980s and 1990s**

### ***Law Enforcement Corruption***

Mexican law enforcement during the 1990s reveals a deeply entrenched nexus between organized crime and state institutions, underscored by systemic corruption, operational complicity, and a shift in cartel strategies.

The so-called "limousine service," wherein Mexican law enforcement—across the military, federal, state, and local levels—actively facilitated the transport of drugs, exemplifies institutionalized corruption. This phenomenon signaled the co-opting of state structures by cartels, ensuring uninterrupted drug transit and solidifying cartel dominance ([Pimentel, 1999, pp. 9-28](#); [O'Day, 2001, pp. 278-295](#)). The staggering number of arrests of Mexican military and police officials by U.S. Customs Agents during this period further demonstrates the pervasive penetration of law enforcement by criminal elements. Over 120 incidents of unauthorized incursions into U.S. territory, predominantly drug-related, highlight how deeply the cartels had embedded themselves within Mexico's security apparatus ([Brennan, 2003](#)).

The indictment and conviction of General Jesús Gutiérrez Rebollo, the head of Mexico's National Institute to Combat Drugs (ICND), laid bare the extent of cartel infiltration into top-tier law enforcement. By aiding the Juarez Cartel while targeting rival cartels, Rebollo exemplified the subversion of security institutions, transforming agencies like the ICND into tools for cartel warfare. The sale of sensitive intelligence and official credentials to the Gulf Cartel further eroded public trust, leading to the ICND's eventual dismantling. Rebollo's actions symbolize how corruption permeated not just operational levels but strategic policy-making entities, crippling Mexico's counter-narcotics capabilities ([Reames, 2003](#)).

By the mid-1990s, as the PRI's centralized control over security institutions waned, cartels diversified their engagement with law enforcement. The initial concentration of corruption at the federal level expanded to state and municipal police forces, resulting in what scholars term "multi-directional" corruption. This shift fragmented the loyalty of police forces, aligning officers with competing cartels and fostering inter-agency violence. The reported machine-gun battle in Tijuana in 1993 between federal agents and state police protecting a cartel leader underscores the operational chaos and heightened risks of overlapping allegiances. This decentralization marked a significant evolution in cartel strategies, enabling them to exploit the fissures within Mexico's law enforcement hierarchy ([Rotella, 1998, pp. 226-228](#)).

Cartels were estimated to pay over \$800 million annually in bribes to police across federal, state, and municipal levels. Such extensive financial penetration further illustrates the scale of cartel influence, with an estimated 80% of police forces directly or indirectly linked to drug trafficking. This financial power

rendered cartels capable of compromising institutions on an unprecedented scale, effectively neutralizing efforts to curtail their operations ([De La Torre, 2008, p. 26](#)).

The decentralization of corruption and fragmentation of law enforcement created an environment ripe for cartel growth and territorial consolidation. By co-opting law enforcement at all levels, cartels not only secured their operational freedom but also enhanced their capacity for violence and influence. The phenomenon of police-on-police violence, spurred by conflicting cartel loyalties, reflects the broader erosion of state authority and the transformation of Mexico's security forces into extensions of cartel rivalries ([Reames, 2003](#)).

The events of the 1990s marked a pivotal period in the evolution of cartel influence over Mexican state structures. The collapse of centralized control, widespread corruption, and the financial enticements offered by cartels transformed law enforcement into a fragmented and compromised entity. This systemic dysfunction enabled cartels to embed themselves within the state apparatus, perpetuating a cycle of violence, impunity, and institutional failure. These dynamics have had lasting implications for both Mexican governance and the broader regional security landscape, particularly concerning U.S.-Mexico relations and border security.

## **Modern Cartel Era**

### ***Case Study: The Operation Jalisco: Unveiling the Hybrid Threat of CJNG***

In May 2015, the Mexican government launched Operation Jalisco, an ambitious military and law enforcement campaign designed to dismantle one of the most powerful and dangerous cartels in the country: the Jalisco New Generation Cartel (CJNG). At the time, CJNG had become synonymous with brutality, militarized tactics, and a growing influence that rivaled even the notorious Sinaloa Cartel. The operation's central goal was to capture Nemesio Oseguera Cervantes ("El Mencho"), CJNG's elusive and cunning leader, whose control over a vast criminal empire posed an existential threat to Mexico's security. However, what unfolded over the course of Operation Jalisco was not only a military confrontation but a clear demonstration of how CJNG had evolved into a hybrid threat, blending elements of criminal enterprise, insurgent strategies, and psychological warfare ([Lohmuller, 2015](#)).

The operation was initiated after a series of audacious and violent acts perpetrated by CJNG in early 2015. One such act, the Ocotlán ambush, saw CJNG kill 15 federal police officers in a well-coordinated assault, marking the deadliest attack on law enforcement in decades. This incident, alongside the cartel's rapid territorial expansion, forced the Mexican government to prioritize CJNG as a top national security concern. Yet, even with significant resources allocated to the mission, the state soon found itself outmaneuvered and outgunned by a criminal organization that had mastered the art of adaptation ([Ortiz, 2015](#)).

On May 1, 2015, as federal forces descended on CJNG's strongholds in the state of Jalisco, they were met with an immediate and overwhelming counter-offensive. The cartel executed a series of narco-blockades, effectively paralyzing major transportation routes and disrupting urban centers like Guadalajara and Puerto Vallarta. These blockades were not random acts of chaos but carefully calculated moves to slow the movement of state forces while demonstrating CJNG's capacity to control critical infrastructure. In a show of strategic ruthlessness, the cartel also targeted gas stations, financial institutions, and other essential services, inflicting widespread economic damage that would reverberate for weeks.

The most shocking moment of CJNG's counterassault came when cartel operatives used a rocket-propelled grenade (RPG) to destroy a Mexican Army Cougar EC725 helicopter, resulting in the deaths of eight soldiers, a police officer, and a civilian. This unprecedented act marked the first time in modern Mexican history that a criminal group had successfully downed a military aircraft. For the government,

the incident was a devastating loss, symbolizing not only the sophistication of CJNG's weaponry but also its audacity to challenge the state on equal footing. For the cartel, the event sent a chilling message: it was no mere criminal organization—it was a militarized force capable of catastrophic attacks ([Lucio, 2015](#)).

What made CJNG's response to Operation Jalisco particularly alarming was its multi-domain strategy, which extended far beyond battlefield tactics. Politically, the cartel had embedded itself within local governance structures, often through corruption and coercion, ensuring a steady flow of intelligence and protection. Militarily, it demonstrated capabilities typically associated with insurgent groups, from the use of advanced weaponry to coordinated ambushes and roadblocks. Economically, CJNG's sabotage of infrastructure underscored its ability to disrupt everyday life, weakening public trust in the government's ability to maintain order. Socially, the cartel wielded influence through a combination of fear and patronage, presenting itself as a provider in regions neglected by the state. Meanwhile, its acts of violence were also informational tools, aimed at showcasing the government's inability to contain its power.

The failure to capture El Mencho during the operation highlighted the cartel's mastery of irregular warfare and intelligence. CJNG relied heavily on a network of informants, including civilians and corrupted officials, who provided real-time updates on the movement of military forces. This network, combined with the cartel's decentralized structure, allowed it to outmaneuver state forces at every turn. Even as lower-level operatives were arrested, the leadership core remained intact, ensuring the continuity of its operations.

In the aftermath of Operation Jalisco, the Mexican government faced intense scrutiny as it also exposed significant weaknesses in its approach. The failure to anticipate CJNG's hybrid strategies and the lack of a cohesive, multi-domain response left state forces vulnerable and reactive. The psychological impact of losing a military helicopter to a cartel attack further compounded the perception of state vulnerability, both domestically and internationally ([Fly-Wheel, 2015](#)).

Operation Jalisco was more than a military campaign; it was a stark reminder of how organizations like CJNG have evolved into entities that defy traditional categorization. Blending the characteristics of insurgencies, terror groups, and transnational corporations, CJNG exemplifies the modern hybrid threat. As Mexico continues its fight against the Mexican cartels in non-international armed conflict, the lessons from this operation serve as a critical guidepost for understanding and addressing the complexities of this evolving adversary ([Lohmuller, 2015](#)).

#### ***Case Study: The Battle of Culiacán (Culiacanazo, Black Thursday)***

On October 17, 2019, the city of Culiacán, Sinaloa, became the epicenter of one of Mexico's most dramatic and revealing confrontations in its war against organized crime. What began as a high-stakes operation to arrest Ovidio Guzmán López, a leader in the Sinaloa Cartel and son of Joaquín "El Chapo" Guzmán, devolved into a violent urban battle that demonstrated the cartel's immense power. Known as "Black Thursday" or Culiacanazo, the event highlighted the cartel's hybrid threat capabilities, the Mexican state's vulnerabilities, and the deep entanglement of organized crime within the region's social and political fabric ([Padilla Reyes, n.d.](#)).

The operation was initiated by Mexico's National Guard and military forces, acting on intelligence that pinpointed Ovidio Guzmán's location in a residential neighborhood of Culiacán. It was intended to be a swift and decisive arrest to strike at the leadership of the Sinaloa Cartel. However, from the outset, the operation revealed significant flaws. The task force, though tactically trained, was inadequately equipped to handle a large-scale counteroffensive. Worse still, the operation was launched without sufficient coordination or contingency plans for a likely cartel response. This oversight would have devastating consequences ([Grillo, 2019](#)).

At approximately 3:00 PM, Ovidio Guzmán was detained at his home. Almost immediately, the cartel mobilized. Within minutes, Culiacán descended into chaos as cartel operatives staged a citywide counterattack, deploying hundreds of heavily armed gunmen. The government, caught off guard by the speed and scale of the response, found itself in a battle not just for control of Ovidio but for control of the city itself.

The Sinaloa Cartel's counteroffensive was unprecedented in scale and sophistication, underscoring its evolution into a hybrid threat capable of employing advanced military, social, and psychological strategies. Their response exhibited a blend of conventional and irregular warfare, interspersed with tactics designed to spread fear and paralyze the government's ability to act effectively ([Suárez-Mier, 2019](#)).

The cartel quickly established 19 roadblocks across key intersections in the city, using hijacked vehicles, buses, and trucks to immobilize military reinforcements. These blockades were strategically placed to disrupt the movement of government forces and isolate combat zones. At the same time, coordinated attacks targeted military installations, police stations, and other government facilities. One of the most chilling moves involved surrounding a housing complex for soldiers' families, effectively taking them hostage to deter further military action.

The cartel's operatives, many of whom were trained in small-unit tactics, were armed with military-grade weapons, including .50 caliber rifles, machine guns, and rocket-propelled grenades (RPGs). Videos of the battle revealed their use of armored vehicles and their ability to operate with a level of discipline and coordination comparable to a professional military force. Their decentralized command structure, bolstered by encrypted communications and a vast network of local informants, allowed them to adapt rapidly to government movements and maintain cohesion across multiple combat zones.

As part of their counterattack on October 17, 2019, the Sinaloa Cartel targeted a military housing complex in Culiacán. The cartel's operatives infiltrated the area and took family members of soldiers' hostage. This tactic was a direct assault on the Mexican military's morale and operational capacity. By capturing the families of soldiers, the cartel created an intense ethical dilemma for the Mexican government and military leadership. The Sinaloa Cartel used the hostages as leverage to prevent the military from responding aggressively to their armed insurrection.

This was not just a hostage situation, but a calculated, psychological move designed to undermine the trust and cohesion between the military and the state. The government was forced into a position where they had to balance military effectiveness with the safety of civilian lives, including the family members of their own forces.

The act of taking military families hostage serves as a clear example of how the cartel has evolved into a force that operates much like an insurgent group. Hostage-taking and coercion of civilians are classic tactics in irregular warfare, intended to undermine the legitimacy of the state and increase public pressure on governmental decision-makers. In this case, the Sinaloa Cartel's actions disrupted the operations of the state by forcing military leaders to prioritize family safety over offensive military action ([Grillo, 2019](#)).

The cartel's ability to directly affect the behavior of state institutions shows how deep the cartels have infiltrated the social and political fabric of Mexico. Cartels, in this case, were not only attempting to neutralize law enforcement or military efforts but were challenging the very authority of the state by threatening the most vulnerable: the families of soldiers. This act of terrorism is a potent example of the hybrid tactics employed by cartels, wherein they combine military-style violence, terrorism, and psychological warfare to enforce their will.

This event also speaks to the cartel's mastery of information warfare. By holding military families hostage, the cartel sent a clear message: it could reach and destabilize the very foundations of the state. The psychological impact on both the Mexican military and the public was immense. The government's decision to eventually release Ovidio Guzmán was widely interpreted as an act of submission to cartel demands. Publicly, this reinforced the perception that the Sinaloa Cartel could exercise greater authority than the state, further undermining trust in the government's ability to protect its citizens and maintain law and order.

The cartel's use of civilian hostage-taking was designed to fracture the will of the government and test the military's loyalty to the state. By seizing control over key infrastructure and using hostages as bargaining chips, the cartel ensured that even military forces, who are theoretically the backbone of state power, could be neutralized through fear. This hybrid approach of using terrorism in combination with military tactics created a formidable challenge for state forces.

Beyond its military response, the Sinaloa Cartel waged an effective campaign of psychological warfare. Recognizing that civilian casualties could sway public opinion and weaken the government's resolve, the cartel escalated violence in densely populated areas. Civilians, caught in the crossfire, became human shields, further constraining the government's ability to retaliate. Social media was flooded with images and videos of burning vehicles, gunfire, and frightened residents, amplifying the perception of chaos and eroding public trust in the government's ability to maintain order.

At the heart of the cartel's power lies its deep entrenchment in the socio-economic fabric of Culiacán. For decades, the Sinaloa Cartel has acted as an alternative power structure, providing jobs, financial aid, and infrastructure in communities neglected by the state. This narco-populism fostered loyalty and dependence, allowing the cartel to operate with impunity. During Culiacanazo, this influence was evident as local residents refrained from interfering with the cartel's operations and, in some cases, actively supported its efforts.

As the violence escalated and casualties mounted, the Mexican government faced an impossible decision. By evening, it was clear that the state's forces could not regain control of the situation without significant civilian casualties. In a controversial move, President Andrés Manuel López Obrador (AMLO) ordered the release of Ovidio Guzmán, citing the need to protect innocent lives. While this decision temporarily de-escalated the violence, it was widely seen as a capitulation to criminal power. For the Sinaloa Cartel, the release was a clear victory, cementing its reputation as an entity capable of outmatching the state ([Suárez-Mier, 2019](#)).

The Battle of Culiacán revealed the Sinaloa Cartel's ability to operate as more than a criminal organization. The cartels are foreign terrorist organizations with tactics blending conventional military, irregular, and terroristic methods to achieve strategic goals. The cartel's rapid mobilization and ability to dictate the terms of engagement demonstrated a level of operational sophistication that rivaled—if not exceeded—that of the state.

The Battle of Culiacán was not just a failed operation; it was a stark illustration of the evolving nature of the cartels in the 21st century. The Sinaloa Cartel's ability to blend military might, social influence, and psychological warfare has redefined the dynamics of state-cartel conflict.

### **Mexico's Gray Zone Campaign: An Unseen War on the U.S.**

The United States is under siege—not by a conventional military force, but by a sophisticated and multi-faceted campaign of irregular warfare emanating from Mexico. Irregular warfare, as defined by the Department of Defense, is “a form of warfare where states and non-state actors campaign to assure or coerce states or other groups through indirect, non-attributable, or asymmetric activities, either as the

primary approach or in concert with conventional warfare” ([Theohary, 2024](#)). This framework perfectly encapsulates the ongoing actions of Mexican cartels, often with tacit or overt state complicity, which operate below the threshold of armed conflict yet yield devastating consequences.

Similarly, "gray zone" activities—defined in the U.S. intelligence community as actions that “fall between routine statecraft and open warfare”—are integral to Mexico’s strategy ([National Intelligence Council, 2024](#)). These activities exploit the blurred lines of legality and attribution, leveraging economic, informational, and social instruments of power to destabilize adversaries while maintaining plausible deniability. Mexico’s cartels, through their extensive transnational networks, serve as both perpetrators and proxies in this gray zone campaign against the U.S., employing tactics that profit them billions while undermining American security.

### ***Mexico as a State Sponsor of Terrorism?***

The scale and scope of cartel activities, coupled with the Mexican government’s inaction—or at times complicity—raise an uncomfortable question: Is Mexico, by proxy, one of the world’s largest state sponsors of terrorism?

According to U.S. law, state sponsors of terrorism are governments that “repeatedly provide support for acts of international terrorism” ([U.S. Department of State, n.d.](#)). This includes offering safe havens, logistical support, or funding to groups engaged in violence against civilians for political ends. Mexican cartels such as the Sinaloa Cartel and CJNG operate in over 40 countries, engaging in activities that meet the criteria for terrorism ([Judicial Watch, 2019](#)). These activities include narcoterrorism, human trafficking, and destabilizing communities through violence and economic coercion.

The Mexican government’s role in this cannot be ignored. Corruption, selective enforcement of laws, and a lack of accountability enable these cartels to flourish. Whether through willful neglect or direct complicity, Mexico’s actions—or lack thereof—constitute state-enabled terrorism, if not outright state sponsorship.

### ***Mexico: America’s Overlooked National Security Priority***

The United States must elevate its relationship with Mexico to the same level of strategic importance as China and Russia. Despite its proximity and profound impact on the U.S., Mexico is often sidelined in national security discussions. When viewed through the lens of violence and its repercussions across the border, Mexico emerges as a critical national security concern. Its status as a "rich Afghanistan next door," where central authorities have ceded control of significant territories to armed groups, underscores the gravity of the issue ([Kaminski, 2024](#)).

The powerful cartels that dominate these regions share structural and behavioral similarities with Middle Eastern terrorist organizations like ISIS, Al Qaeda, and the Haqqani Network. These groups function as hybrid threats, blending parallel or de facto governance, organized crime, terrorism and insurgent operations. Their activities reverberate across the U.S.-Mexico border, making Mexico’s cartel problem inseparable from America’s challenges. As such, every development in Mexico holds direct implications for the United States. This mutual dependency demands that the U.S. approach Mexico with the urgency and seriousness it accords to other major global players, such as China and Russia.

### ***Mexico’s Political Landscape: A Democracy in Decline***

In recent years, Mexico has experienced significant democratic backsliding, placing it in the “grey zone” between democracy and autocracy. This classification aligns Mexico with nations like Albania, Guatemala, and Zambia, highlighting its precarious political position. This decline stems from actions under former President Andrés Manuel López Obrador (AMLO), including efforts to centralize power,

undermine independent institutions, and marginalize civil society ([V-Dem Institute, 2024](#); [Economist Intelligence Unit, 2023](#)).

Key democratic indicators such as freedom of expression, academic freedom, institutional autonomy, and judicial independence have seen sharp declines since 2019. The erosion of these pillars can be traced to specific incidents, including the dismantling of checks and balances. Autonomous institutions like the National Institute for Social Development (INDESOL) and the National Institute for Educational Evaluation (INEE) have been abolished, weakening technical support for civil society and accountability in education ([Abed, 2024, p. 52](#)).

Furthermore, Mexico's National Electoral Institute (INE), a cornerstone of its democracy, has been systematically undermined. Budget cuts and repeated attacks from AMLO's administration have diminished its capacity to organize federal elections. Similarly, local electoral authorities have faced financial constraints, threatening their ability to conduct local elections effectively ([Abed, 2024, p. 52](#)).

One of the most alarming developments is the judicial reform approved during AMLO's tenure. This reform mandates that all judges, including the Supreme Court justices, be elected through popular vote. Experts warn that this approach risks politicizing the judiciary by allowing the governing party to place preselected candidates on ballots. Such changes could severely undermine judicial independence, further destabilizing Mexico's democratic framework ([Abed, 2024, pp. 53-55](#)).

### ***Freedom and Democracy: The Erosion of Civic Space in Mexico***

Mexico's democratic institutions and civil liberties face mounting challenges as the country grapples with persistent attacks on media, civil society organizations, and opposition leaders. Freedom House's latest *Freedom in the World* report categorizes Mexico as "partly free," underscoring a significant decline in fundamental freedoms since 2017. The report highlights pressing concerns, including cartel crime and violence, systemic corruption, lack of government transparency, weak rule of law, and diminishing civil liberties ([Freedom House, 2024](#)).

### ***Freedom of Speech: A Perilous Landscape for Journalists***

Mexico remains one of the most dangerous countries in the world for journalists, ranking alongside conflict zones like Palestine and Pakistan ([Reporters Without Borders, 2024](#)). The country accounted for 30% of global journalist disappearance cases over the past decade, according to the International Human Rights Organization. Media freedom watchdog Article 19 reports that five journalists were murdered in 2024, while others were forcibly disappeared, kidnapped, or held hostage. Alarming, approximately 90% of cases involving murdered journalists remain unresolved, reflecting the pervasive culture of impunity ([Freedom House, 2024](#)).

Journalists investigating sensitive topics such as police corruption, drug trafficking, and government malfeasance face threats of violence from both the cartels and the Mexican government. Self-censorship has risen in response, particularly in regions plagued by cartel activity, where newspapers often avoid publishing stories on organized crime. Cartels also target bloggers and online journalists, exacerbating the hostile environment for independent reporting ([Freedom House, 2024](#), [Priest, 2015](#)).

The precarious situation is further worsened by the rhetoric of former President Andrés Manuel López Obrador, who frequently attacked the press during his tenure. López Obrador's public denunciations of specific reporters and outlets have fostered a climate of hostility toward the media. Despite some recent convictions in high-profile cases of murdered journalists, the security environment remains dire, deterring investigative reporting and undermining press freedom.

### ***Rule of Law: Mexico's Persistent Governance Deficits***

Mexico's standing on the global Rule of Law Index underscores the profound challenges it faces in upholding justice and governance. Ranked 123rd out of 150 countries, Mexico scores a mere 25.8 out of 100, placing it below nations such as Pakistan, Sierra Leone, and Uzbekistan ([World Economics, n.d.](#)). This low ranking reflects systemic weaknesses in its legal and judicial systems.

According to the National Institute of Statistics and Geography (INEGI), 61.4% of Mexicans feel unsafe in their own cities. Alarming, only 10.9% of crimes were reported in 2022, and only 1.2% of those resulted in convictions. This translates to an impunity rate of 98.8%, highlighting the near-total failure of the country's justice system to address criminal activity effectively ([Ruiz-Healy, 2024](#)). Fear of retaliation, coupled with the widespread belief that authorities lack the capability or willingness to deliver justice, has deterred victims from seeking legal recourse.

Mexico's impunity crisis is neither accidental nor a product of limited capacity. It is a deliberate and systemic issue stemming from actions designed to obstruct investigations and shield perpetrators from accountability. Reports reveal that impunity mechanisms include altering crime scenes, planting false evidence, intimidating victims and their families, and refusing to initiate investigations, particularly in cases involving the armed forces or political figures connected to organized crime ([Anaya-Muñoz et al., 2021](#)). The discovery of clandestine burial sites starkly illustrates the scale of unaddressed atrocities. These findings highlight a deeply ingrained culture of impunity that extends across both state and nonstate actors ([Associated Press, 2024](#)).

### ***Corruption: A Crisis Undermining Governance***

Corruption is deeply embedded in Mexican society, permeating all levels of public service. INEGI reports that 60% of businesses admitted to engaging in corrupt practices to expedite procedures, while 40% offered bribes to avoid penalties ([Ruiz-Healy, 2024](#)). Mexico ranks 140th globally on Transparency International's Corruption Perceptions Index, with a score of 26 out of 100—far below the global average. This places Mexico behind Pakistan, a nation grappling with its own governance challenges ([Transparency International, 2024](#)).

The pervasive nature of corruption reflects a broader societal crisis, manifesting in rampant violence, widespread crime, and weakened institutions. Corruption serves as both a symptom and a driver of Mexico's rule-of-law deficits, further eroding public trust in government and judicial systems.

### ***Organized Crime Index: A Global Standout for the Wrong Reasons***

According to the Global Organized Crime Index, Mexico ranks as the third-worst country globally for criminality out of 193 nations, second-worst in the Americas, and the worst in Central America ([Global Organized Crime Index, 2023](#)). Its criminality score of 7.57 reflects pervasive criminal markets and deeply entrenched organized crime networks. The index evaluates nations using a dual scale—criminality and resilience—where criminality encompasses ten criminal markets and four types of criminal actors. These metrics gauge the scale, control, and influence of illicit activities, exposing the country's severe systemic vulnerabilities.

### ***Political Violence: A Crisis of Governance and Safety***

From 2018 to March 2024, Mexico witnessed 1,709 acts of political violence, including assassinations, attacks, and threats against political figures, government workers, and party facilities. This epidemic of violence stems from high impunity levels, cartel rivalries, and weak rule of law. The federal government's tepid response, coupled with a fragile National Electoral Institute (INE) and Electoral Tribunal (TEPJF), exacerbates the crisis ([Calderón, 2024](#)).

Running for municipal office has become one of the most perilous professions in Mexico. During the 2024 election cycle, the country endured its bloodiest modern election, with at least 37 candidates

assassinated, 828 non-lethal attacks, and numerous threats. Even family members of political figures were not spared, with at least 14 relatives killed in pre-election violence ([Snyman, 2024](#)).

Mexican cartels deploy targeted lethal violence against municipal officials and political candidates as part of a broader strategy to subdue local governments and populations. This calculated violence enables them to gain de facto territorial control over local jurisdictions. By establishing subnational regimes of governance, cartels secure invaluable resources to control the criminal underworld, regulate violence, impose taxation, and dominate multiple licit and illicit economic activities ([Trejo & Ley, 2019, pp. 14-16](#)).

Cartels focus their efforts on jurisdictions where local governments are politically and militarily unprotected by central authorities, exploiting these vulnerabilities to establish control. Local election cycles present a particularly opportune moment for cartel infiltration. During these periods of political transition, cartels use violence to eliminate opposition, co-opt likely winners, and manipulate incoming administrations. By targeting newly elected mayors and influencing their administrative appointments, cartels ensure that key government positions, including those overseeing law enforcement and revenue collection, are filled with individuals aligned with their interests ([Trejo & Ley, 2019, p. 2](#)).

The cartels do not limit their efforts to isolated attacks. Instead, they aim to colonize clusters of neighboring municipalities, creating contiguous zones of influence that facilitate greater territorial control. This approach ensures a more comprehensive grip over economic and political life in these areas, enabling cartels to establish regimes of governance that extend beyond mere trafficking operations ([Pellegrini & Breda, 2024](#)).

Once territorial dominance is achieved, the cartels expand their focus beyond traditional drug trafficking corridors, such as highways, ports, and rail roads. They aim to control all facets of local governance and economic activity. By infiltrating municipal governments, cartels gain access to public funds, government contracts, and other administrative resources. Simultaneously, they impose dual taxation systems on local populations and businesses, capturing official government revenues while enforcing informal criminal taxes through coercion. Control of local police forces further strengthens their hold, as these law enforcement agencies, co-opted into cartel operations, serve as an extension of the cartels' private militias ([Trejo & Ley, 2019, p. 9](#)).

Election cycles are pivotal in consolidating cartel power. These periods allow cartels to exploit the vulnerabilities associated with administrative transitions. Through targeted violence, they secure appointments favorable to their interests and influence future policy decisions. Additionally, by targeting adjacent municipalities, cartels establish unified zones of control, reducing resistance and maximizing resource extraction.

The implications of cartel domination over local governments are far-reaching. Geographic control allows cartels to confront rival groups and state forces more effectively, while economic consolidation fortifies their financial power, enabling them to sustain and expand their operations. This process further undermines state authority, erodes public trust in institutions, and perpetuates cycles of corruption and violence. By dictating local security priorities and suppressing dissent, cartels create an environment where they can monopolize illicit markets, including drug trafficking routes.

Ultimately, controlling local governments and populations provides cartels with the economic resources, intelligence networks, and geographic footholds necessary to challenge the state and entrench their regimes of subnational governance. These efforts are not merely about exerting influence but represent a calculated strategy to dominate every aspect of life within their zones of control, effectively replacing state authority with their own parallel or de facto governance structures.

### ***Non-International Armed Conflict and Terrorism Dynamics***

Mexico's conflict landscape fits Article 3 of the Geneva Convention's definition of a non-international armed conflict, with cartels waging wars against the state and each other to dominate territory, governance, and population control ([United Nations Office for Disaster Risk Reduction, n.d.](#)). The Armed Conflict Location & Event Data Project (ACLED) Conflict Index ranks Mexico as the fourth highest globally for conflict, trailing only Palestine, Myanmar, and Syria. It is also the second most dangerous country for civilians and seventh deadliest in the world ([Armed Conflict Location & Event Data Project, 2024](#)).

Cartels, much like organizations such as ISIS, Al Qaeda and the Haqqani Network, are foreign terrorist organizations which seek “to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) or to effect the conduct of a government by mass destruction, assassination, or kidnapping” ([U.S. Department of State, 2025](#); [18 U.S.C. § 2331](#)). These groups operate as hybrid threats, engaging in terrorism, illicit economies, and targeted violence, all while pursuing hierarchical political and military objectives.

Mexico's grim ranking on the global stage is further evidenced by the fact that seven of the world's ten most dangerous cities are in the country. According to recent data, seven of the world's ten most dangerous cities are in Mexico. These cities include Colima, Ciudad Obregón, Zamora, Manzanillo, Tijuana, Zacatecas, and Ciudad Juárez, each experiencing alarmingly high homicide rates. For instance, Colima tops the list with a homicide rate of 140.32 per 100,000 inhabitants, primarily due to violent turf wars among cartels such as the Sinaloa Cartel, Jalisco New Generation Cartel, and Los Zetas ([Ryan, 2025](#)). Similarly, cities like Zamora and Manzanillo face extreme violence linked to organized crime and drug trafficking. This pervasive violence underscores the profound impact of cartel activities on public safety and governance in Mexico.

### ***Enforced Disappearances: A Humanitarian Catastrophe***

Mexico's enforced disappearances are a glaring testament to its governance crisis. By 2024, over 115,000 individuals remain missing, with 29,872 cases reported in 2023 alone—an average of 81 disappearances per day. This phenomenon surged after the government declared a "war on drugs" in 2006, intensifying societal instability ([Statista, 2024](#)).

The United Nations Human Rights Office has identified systemic impunity, insufficient institutional capacity, lack of inter-agency coordination, and a forensic crisis as critical barriers to resolving these disappearances. Without a human rights-centered security framework, Mexico struggles to prevent crime, investigate cases effectively, and secure convictions. “The absence of a human rights-based security policy is one of the greatest challenges to the prevention of criminal behaviour and effective investigation and prosecution,” emphasized Jesús Peña Palacios, UN Human Rights Deputy Representative in Mexico ([OHCHR, 2024](#)). Addressing these gaps is crucial for restoring public trust and curbing the humanitarian catastrophe of enforced disappearances.

### ***Parallel Strategies on U.S. Soil***

While asserting control over Mexican territories, cartels simultaneously implemented a similar strategy to dominate U.S. border regions. Their "plaza" system, originally designed for territorial control in Mexico, was adapted for operations across the border. Leveraging counterintelligence, coercion, and corruption, the cartels created an environment conducive to the seamless movement of illicit goods in both directions—humans, narcotics, weapons, ammunition, and bulk cash ([Stewart, 2009](#)).

A key enabler of this strategy was the unique nature of the Texas-Mexico border, where private ownership accounts for 83% of all parcels along the border and 95% of the land in Texas is privately

owned ([Regrid, n.d.](#)). Cartels exploit this geography by flooding border communities with socioeconomic opportunities tied to their illicit operations. Residents were recruited into roles as smugglers, guides, halcones (lookouts), stash house caretakers, and operators of front companies for money laundering ([Serrano, 2024](#)). These roles provided an economic lifeline for struggling communities while embedding cartel influence deep into the local fabric ([Burnett & Peñaloza, 2015](#)).

Simultaneously, cartels targeted U.S. federal, state, and local law enforcement, as well as public officials and judges, with a combination of espionage, bribery, and coercion ([Stratfor, 2015](#)). Counterintelligence efforts included establishing HUMINT (human intelligence) networks through halcones, who reported on the movements of law enforcement and other potential threats. For those who resisted cooperation, cartels employed threats of violence, kidnapping, and other forms of intimidation to ensure compliance.

By the time the Calderón administration declared war on the cartels in Mexico, the cartels had already achieved operational control of the Texas-Mexico border. They used this control not only to dominate smuggling routes but to create a self-sustaining system of parallel governance that rivaled the authority of each city and county along the border in Texas.

### ***The Implications for Texas and the U.S.***

The cartels' dual strategies of governance and insurgency have profound implications for U.S. security and sovereignty. Their ability to infiltrate and corrupt law enforcement and public institutions undermines the rule of law, while their control of illicit markets exacerbates major challenges such as the fentanyl crisis, smuggling special interest aliens (SIA), terrorists and human trafficking. Moreover, their hybrid tactics—combining terrorism, transnational criminal enterprises, insurgency and military-style operations—have created a battlespace along the border that challenges traditional approaches to law enforcement and national security.

This operational control also gives cartels the ability to weaponize socio-economic vulnerabilities, turning Texas border communities into hubs of illicit activity. By offering economic opportunities tied to smuggling and other criminal enterprises, cartels have created dependencies that complicate efforts to disrupt their operations. This dynamic not only destabilizes border communities but also deepens the cartels' foothold in U.S. territory.

The cartels' ability to act as de facto rulers in both Mexican and U.S. border regions reflects a broader failure of governance and security frameworks. Their methods—drawn from the Cali Cartel's playbook and refined for a cross-border context—have effectively weaponized geography, socioeconomics, and institutional weaknesses ([Goldstein, 2024](#)). Acknowledging this reality and responding with a coordinated strategy is essential to restoring sovereignty and the rule of law on both sides of the border.

The intersection of organized crime and intelligence operations presents a unique challenge to modern security frameworks. While state intelligence agencies operate within defined legal and operational parameters, Mexican Cartels have demonstrated the ability to develop parallel capabilities without such constraints. Certain cartels have transformed from regional drug trafficking operations into organizations whose intelligence capabilities rivaled those of state agencies ([Mobley & Ray, 2019](#)).

This multi-layered intelligence system allows cartels to maintain operational security while continuing to conduct both legitimate and illegitimate business operations. The sophistication of these operations often exceeds current local law enforcement capabilities to detect or counter them, creating significant asymmetric advantages for cartel operations.

Texas and other border states have long faced persistent security threats emanating from the southern border—including illegal immigration, human and drug smuggling, insurgent activity, and foreign terrorist infiltration—often with minimal federal support ([McCaffrey & Scales, 2011](#)). However, under the Biden administration, these threats intensified dramatically, culminating in a full-scale security crisis that demanded immediate and decisive action.

President Biden’s policies—including facilitating the invasion, releasing millions of illegal aliens into the interior, the halting of critical border security infrastructure projects, the dismantling of both border and interior enforcement mechanisms, and the refusal to confront the threat posed by cartel-controlled Mexico—directly fueled the collapse of law and order along our border ([House Judiciary Committee, 2024](#)). In doing so, the Biden administration ceded operational control of U.S. territory to foreign terrorist organizations ([Allen, 2023](#); [Office of the Texas Governor, 2023](#)).

### **The Mexican State–Cartel Alliance: A Hostile Bilateral Reality**

Mexico is not a distant concern—it is the most strategically consequential nation to U.S. homeland security, and yet it remains one of the most underestimated and politically ignored threats in the American national security apparatus. While our defense establishment focused on the borders and sovereignty of foreign nations across the globe, Mexico devolved into a narco-insurgent state on our doorstep—exporting violence, criminal governance, and destabilization directly into U.S. territory.

Yet despite the clear and expanding threat, the Biden Administration ignored Mexico as a national security priority, treating the crisis as a humanitarian management challenge rather than the gray zone conflict it has become. This deliberate misframing paralyzed the federal response and allowed Mexico to become a sanctuary state for enemies of the United States ([Fernández, 2024](#)).

Mexico today is more accurately described as a state where federal, state and local governance has collapsed in key regions and foreign terrorist organizations dominate political and economic life, much like Afghanistan ([Kaminski, 2024](#)). These cartels function as hybrid threats, closely resembling their Middle Eastern counterparts, they employ terror as a political weapon, control territory, corrupt or co-opt institutions, and use violence strategically to shape governance outcomes ([Maya, 2021](#)). Their war is not against a rival state—it is against the very concept of law, sovereignty, and national borders.

Therefore, the security environment along the U.S.–Mexico border cannot be understood through the outdated framework of narco-criminality alone. What exists is an intolerable strategic alliance between the Mexican state, at the national and sub-national level, and the cartels—a relationship that has evolved into a coordinated, ideologically aligned partnership with direct consequences for U.S. national security ([Treviño, 2025a](#)).

As President Trump declared on February 1, 2025, “The Mexican DTOs have an intolerable alliance with the government of Mexico. This alliance endangers the national security of the United States, and we must eradicate the influence of these dangerous cartels from the bilateral environment” ([White House, 2025](#)).

This was not political rhetoric—it was a necessary recognition of a hostile, coordinated, and ideologically aligned threat. Mexican cartel organizations, including the Sinaloa Cartel and CJNG, now operate in at least 65 countries, rivaling foreign terrorist organizations in reach, capability, and lethality ([Fitzgerald, 2025](#)). These networks are not merely trafficking narcotics—they are engaged in narcoterrorism, human trafficking, arms smuggling, money laundering, and political subversion. In many areas, they out-govern the Mexican state, exercising de facto control and offering services the government no longer can—or will ([Georgetown Americas Institute, 2024](#)).

As Texas Public Policy Foundation’s Josh Treviño warns,

The Mexican state is now essentially a single-party, left-populist regime, aligned ideologically and operationally with comparable regimes in Cuba and Venezuela. Like those regimes, it regards its nation’s trafficking cartels as vehicles for profit and control and also agents of national policy abroad — especially but not only in the United States. ([Treviño, 2025](#))

The alliance between the Mexican government and the Mexican cartels is no longer speculative—it is openly acknowledged by leading policy experts and institutions ([Golden, 2024](#)). As the Conservative U.S.-Mexico Policy Coalition declares unequivocally that, “The Mexican government is not an ally to the United States, and can no longer properly be described as a partner” ([Conservative U.S.-Mexico Policy Coalition, 2023, p. 1](#)).

The Coalition further warns that, “The Mexican government and Mexican criminal cartels exist in conscious and willing symbiosis, at multiple levels, up to and including the Mexican presidency,” and that Mexico is now “a willing partner in a regional authoritarian leftist alliance that is fundamentally anti-American, actively interventionist, and increasingly an arena and base for hostile powers from outside the Western Hemisphere” ([Conservative U.S.-Mexico Policy Coalition, 2023, p. 1](#)).

The Biden Administration’s failure to acknowledge or confront Mexico’s authoritarian backsliding has effectively greenlit a regime that tolerates narco-terrorism as a cost of doing business. By continuing to treat Mexico as a diplomatic peer rather than a strategic liability, the Biden administration insulated a failing state from accountability while exposing American communities to escalating violence.

In national security terms, democratic collapse in a neighboring state is not a foreign policy concern—it is a homeland security emergency. The United States cannot afford to ignore the consequences of political decay when it fuels the operational capabilities of cartels that already control swaths of American U.S. territory along the southern border.

### ***U.S.-Mexico Border***

In May 2019, the Mexican investigative journal *Contralínea* published a leaked map from President Andrés Manuel López Obrador’s (AMLO) administration showing that over 80% of Mexico’s population centers prioritized for enforcement were either controlled (57.5%) or contested (23.3%) by Mexican cartels. Only 19.9% of those areas were under undisputed government control. The report, citing internal Mexican government data, exposed the ground truth: the Mexican state had effectively lost governance over nearly all key urban corridors, particularly those along the U.S. border ([Horowitz, 2019](#)).

This loss of territorial control does not stop at Mexico’s border. The same cartel networks that dominate key Mexican population centers have projected their power into Texas and other U.S. states, exploiting the permissive environment created by both federal inaction and fragmented state-level coordination. What began as cross-border trafficking has evolved into a full-spectrum, multi-domain campaign, establishing operational control over critical areas within the United States itself.

Mexican cartels have systematically established operational control along the U.S. side of the border, employing sophisticated gray zone activities that remain below the threshold of conventional armed conflict ([Luna, 2024](#); [House Committee on Homeland Security, 2023](#)). Their operations now extend across multiple domains—land, air, maritime, subterranean, cyber, and the electromagnetic spectrum—enabling them to conduct surveillance, communication disruption, and logistical coordination with precision and impunity ([Sanchez, 2025](#); [Hackers Arise, 2025](#); [Paz, 2024](#)).

This multi-domain dominance has allowed cartels to seize and maintain operational control over territory in Texas and other border states, creating corridors of strategic access that allow the unimpeded movement of people, narcotics, weapons, and information deep into the interior of the United States. ([McCaffrey & Scales, 2011, pp. 8-9, 17](#); [Allen, 2023](#)). What began as a smuggling operation has evolved into a functioning logistical architecture—a transnational ‘silk road’ that is now the cartels’ most valuable asset. It is this infrastructure of access and movement that adversarial nations and foreign terrorist organizations increasingly exploit ([Warren, 2019](#)).

Through deliberate infiltration of every major city and many suburban and rural areas, cartels have constructed a logistical supply chain or ‘pipeline’ that provides our adversaries - from adversarial Nations like the Peoples Republic of China (PRC) to foreign terrorist organizations - with direct pathways into the heart of our society ([House Committee on Oversight and Accountability, 2024, pp. 59-61](#)). Their ability to simultaneously employ political corruption, economic coercion, social, and information warfare methods has transformed the border states into critical terrain and operational ground zero for hostile state and non-state actors seeking to exploit these established networks of access ([McCaffrey & Scales, 2011, pp. 9, 18](#); [Maya, 2021](#)).

### ***Weaponized Mass Migration***

This vast and deeply embedded logistics infrastructure has not only enabled the movement of illicit goods and narcotics—it has also set the stage for a more insidious tactic of hybrid warfare: mass migration as a weapon. With the supply chain and access networks already in place, hostile state and non-state actors have shifted strategies to exploit humanitarian channels, using population flows to overwhelm American institutions, dilute law enforcement effectiveness, and penetrate communities under the guise of asylum or refugee resettlement. This evolution represents a strategic escalation—from trafficking and infiltration to full-spectrum demographic destabilization—coordinated, funded, and executed with the tacit consent of a complicit federal apparatus.

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](#)).

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 entrants remain unknown, creating blind spots in national security coverage and opening the door to catastrophic risk across American communities ([Exec. Order No. 14165, 2025](#)).

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 ([Lindquist, 2025](#); [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 civilians to overwhelm infrastructure, erode public trust, and create opportunities for adversarial penetration ([Łubiński, 2022](#); [North Atlantic Treaty Organization, 2024](#)).

In recognition of this existential threat, 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.

The scale and severity of the current immigration crisis demands careful examination, as it forms the practical foundation for this constitutional amendment. Under the current federal administration, our nation has 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 Committee Republicans, 2024c](#)). Even more concerning, nearly 5.7 million illegal aliens have been released into our communities ([House Judiciary Committee, 2024](#)).

These numbers, while staggering, tell only part of the story. Approximately 2 million individuals have 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 Committee Republicans, 2024c](#)).

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 Committee Republicans, 2024a](#)).

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 Committee Republicans, 2024a](#)).

The current system's failures extend far beyond mere numbers. In September 2024, the House Committee on Homeland Security released a comprehensive report titled "Crisis by Design" which revealed a troubling deterioration in our vetting processes for illegal aliens. Former Border Patrol Chief Rodney Scott's told the committee that vetting has devolved into a mere "check-the-box exercise" should raise serious concerns about our ability to protect public safety under current protocols ([House Committee on Homeland Security, 2024b](#)).

Current enforcement efforts face overwhelming challenges. While DHS managed to remove 179,400 aliens in FY 2023, this number represents a mere fraction of the 3.2 million encounters during the same period. The stark increase in criminal arrests is particularly noteworthy: from FY 2021 through FY 2024 year-to-date, Border Patrol recorded “more than 53,000 arrests of illegal aliens with criminal

backgrounds, approximately 30,000 more such arrests” than in FY 2017 through FY 2020 ([Homeland Security Committee Republicans, 2024a](#)). Despite this alarming reality, many of these criminal illegal aliens were released back into American communities—free to disappear, reoffend, and further erode the rule of law.

The sheer volume of violent crimes committed by criminal illegal aliens is staggering. According to Immigration and Customs Enforcement (ICE), there are currently more than 650,000 known criminal illegal aliens roaming freely across the United States. Their offenses include nearly 15,000 homicides, over 20,000 cases of sexual assault, more than 105,000 assaults, and thousands of weapons violations and kidnappings. These are not isolated incidents but rather a pattern of criminality that poses a direct and imminent threat to public safety ([Homeland Security Committee Republicans, 2024a](#)).

The national security implications of these policies cannot be ignored. FBI Director Christopher Wray has confirmed before Congress, “We are seeing a wide array of very dangerous threats that emanate from the border” ([Barr, 2024](#)). Espionage and sabotage risks are at an all-time high as foreign adversaries exploit weak immigration enforcement to infiltrate the country ([Hankinson, 2024](#)). Meanwhile, Mexican cartels and transnational criminal organizations such as the Jalisco New Generation Cartel (CJNG), Tren de Aragua and MS-13 continue to use the border as a conduit for trafficking drugs, weapons, and human slaves. These organizations do not hesitate to leverage corrupt legal loopholes—like the granting of bail—to continue their criminal enterprises unimpeded ([Sanchez, 2024](#)).

The confluence of unprecedented illegal immigration, rising criminal activity among illegal aliens, and systemic failures in our current enforcement mechanisms creates an urgent need for this constitutional amendment. The legal framework established by *United States v. Medina-Cantu* and related precedents provides clear constitutional authority for state action in this arena ([United States v. Medina-Cantu, 2024](#)). The careful balance struck between public safety and due process considerations ensures that the amendment will withstand legal scrutiny while providing effective tools for protecting our communities.

### **The Consequences of Federal Abdication and the Imperative of State Action**

The evidence is overwhelming. The United States is under an invasion—not by a conventional army, but by a networked system of foreign terrorist organizations, corrupt political actors, and hostile state actors. These adversaries exploit gaps in our legal framework and operate with impunity in the gray zones created by deliberate federal inaction.

This is not a just border crisis—it is a full-spectrum national security failure, manufactured by the Biden Administration through the active subversion of U.S. immigration law, the construction of an illegal parallel immigration regime, and the forcible repurposing of our homeland security apparatus to serve foreign nationals rather than the American people.

Federal agencies once tasked with homeland security were repurposed into logistical arms for mass migration, tasked with processing and releasing millions of unvetted foreign nationals into U.S. communities. At the same time, non-governmental organizations (NGOs), funded by federal grants, have become the ground logistics network—transporting, housing, and resettling illegal aliens with no accountability ([Vaughan, 2024](#)).

The United States now faces the most sophisticated gray zone infiltration campaign in the Western Hemisphere. This is not bureaucratic incompetence—it is calculated policy. The result has been catastrophic: strategic infiltration by hostile state and non-state actors, collapse of strategic deterrence, cartel territorial expansion inside U.S. borders, and a national posture of surrender disguised as humanitarianism. The Biden administration did not merely abdicate its constitutional responsibilities—it

actively realigned its mission away from defending American sovereignty. As a result, Texas and other border states were forced to shoulder the consequences of this betrayal. The burden of homeland defense shifted—not by choice, but by necessity—to the states and the citizens themselves.

### ***Why Texas Must Take Independent Action***

The increasing operational sophistication of the CCP's United Front Work Department, CCP-backed TCOs, Mexican cartels, and other transnational criminal organizations (TCOs) such as Tren de Aragua, and Foreign Terrorist Organizations (FTOs) like ISIS, and Al Qaeda within Texas demands a structured, intelligence-driven response. These threats are deeply embedded in Texas communities, requiring a coordinated approach that fuses local, state, and federal efforts. However, cooperation between agencies typically does not occur unless there is clear task authority, accountability, and transparency.

As General McChrystal noted in *Team of Teams*, overcoming bureaucratic silos and fostering real-time collaboration is essential in combating complex, networked adversaries. While federal agencies are constrained by their bureaucracies, Texas law enforcement must take the lead in filling intelligence gaps, integrating multi-agency and multi-jurisdictional efforts, and leveraging the state's legal framework to neutralize both state and non-state threats.

To achieve proactive interdiction, Texas must move beyond a reactive approach and adopt an OODA Loop (Observe, Orient, Decide, Act) framework that enhances agility, speed, and adaptability. Without breaking inter-agency silos and leveraging each entity's core mission, Texas will remain fragmented and unable to counter cartels' dynamic operations effectively.

## **Proposed Solutions and Legislative Recommendations**

### ***1. Defining and Operationalizing the Threat Environment***

Texas must establish a clear and enforceable legal and intelligence framework to define and operationalize state actor-related crimes, non-state actor-related crimes, and gray zone activities. A critical weakness in our current security strategy is the failure to differentiate and categorize these threats properly, leading to fragmented enforcement efforts, jurisdictional confusion, and intelligence gaps. Additionally, Texas must close the data gap on cartel violence by implementing a standardized and comprehensive data collection and reporting system that accurately captures the full scale of cartel activity in the United States.

State Actor-Related Crimes involve activities that directly or indirectly serve the strategic objectives of a hostile foreign state such as the CCP, Iranian Quds Force, or Russian intelligence operations. These crimes include espionage, sabotage, economic warfare, infiltration of governance and industry, and collaboration with the cartels and transnational criminal organizations (TCOs) to destabilize Texas communities.

Non-State Actor-Related Crimes include cartel operations, terrorist activities, and Tier 1 gang crimes that threaten public safety and Texas' sovereignty. This includes drug and human trafficking, money laundering, extortion, weapons smuggling, and racketeering committed by organizations in Texas like Sinaloa, CJNG, Northeast Cartel (CDN), Gulf Cartel, Chinese Triad, Tren de Aragua, MS-13, and Islamic terrorist sleeper cells (Hezbollah, Hamas & Haqqani Network).

Gray Zone Activities exist between traditional law enforcement and military engagement, where adversaries use asymmetric means to avoid direct attribution and circumvent law enforcement jurisdiction. These include foreign-backed disinformation campaigns, cyber and economic warfare, and criminalized hybrid networks where foreign intelligence services exploit TCOs as proxy forces.

### ***2. Closing the Data Gap on Cartel Violence***

Texas must develop and implement a standardized, comprehensive data collection and reporting system to accurately track cartel-related crime and violence. Currently, cartel-related crimes are underreported and inconsistently classified, preventing law enforcement and policymakers from understanding the full scope of the problem. Texas will close this data gap by:

- Defining and operationalizing cartel-related crime with clear, consistent legal criteria and intelligence indicators to ensure uniform classification across all agencies.
- Collecting and reporting data on all aspects of cartel-related crime, including motives, methods, weapons, victims, perpetrators, and geographic distribution.
- Addressing underreporting and undercounting by improving cooperation between victims, witnesses, law enforcement, and intelligence agencies, ensuring that all cartel-related crimes are fully documented.
- Integrating intelligence and operational data across multiple jurisdictions at federal, state, and local levels, and coordinating with military and international partners for a complete intelligence picture.
- Analyzing and disseminating cartel-related crime data in real-time, ensuring that intelligence is used proactively to inform decision-making, enhance operational effectiveness, and increase public awareness.

By implementing this standardized intelligence framework, Texas will enhance understanding of cartel influence in the border region, improve law enforcement coordination, and provide policymakers with actionable intelligence to disrupt and dismantle transnational criminal networks.

### ***3. Establishing a Unified Intelligence-Law Enforcement Framework***

Texas must eliminate fragmented enforcement efforts and intelligence silos by requiring DPS, law enforcement agencies, and intelligence centers to operate under a single, unified intelligence and reporting framework. This will ensure that state and non-state actor crimes, cartel violence, and gray zone activities are tracked, analyzed, and prosecuted holistically rather than as isolated incidents.

By defining these threats clearly, closing the data gap, and integrating intelligence-sharing mechanisms, Texas will shift from a reactive law enforcement model to a proactive, intelligence-driven enforcement strategy that denies cartel networks, terrorist organizations, and hostile state actors any operational freedom within the state.

## **Texas Division of Homeland Security and the Multi-Jurisdictional Operational Plan for Comprehensive Security**

### ***Mission and Scope of TXDHS***

1. Agency Designation and Strategic Focus:
  - Texas Border Force (TXDHS): A specialized gendarmerie reporting directly to the Governor, mandated to secure Texas's borders and dismantle threats from transnational criminal organizations (TCOs), cartels, foreign state proxies (e.g., CCP), violent gangs, and hybrid threats statewide.
  - Comprehensive Mission: Protect Texas communities from organized crime networks, counter-trafficking, and smuggling operations while neutralizing narcotics warfare, economic infiltration, and psychological operations by foreign proxies.

### ***Organizational Structure and Divisions***

2. Border Division:
  - Operational Border Security:
    - Terrain and Domain Control: Exercise complete control over Texas's air, land, maritime, and subterranean borders. This division will deploy a network of

unmanned aerial systems (UAS), ground sensors, and real-time monitoring systems for 24/7 situational awareness and rapid response.

- Direct Action Mandates:
  - Cartel and TCO Interdiction: Identify and dismantle cartel infrastructure used in smuggling operations, using asset seizure and physical deterrence.
  - Southbound Interdiction: Target the illegal flow of weapons, bulk cash, and precursor chemicals used in narcotics trafficking moving into Mexico and other border-crossing smuggling corridors.
  - Operation Lone Star Intensification: Strengthen border interdiction efforts, with a focus on narcotics and human smuggling rings, especially in unmonitored zones between ports of entry.
- 3. Interior Division:
  - Hybrid Threat Response and Criminal Investigations:
    - Threat Spectrum Coverage: Address hybrid threats including Chinese Communist Party (CCP) proxies, Mexican cartels, Tren de Aragua, and Texas-based TCOs, including their roles in economic infiltration, narcotics distribution, and cyber espionage.
    - Specialized Tactical Units:
      - Texas State Guard Special Missions Unit (SMU): A high-capacity force composed of former special operations personnel, focusing on countering high-value targets, including cartel leaders, gang heads, and state proxy operatives.
      - Special Response Team (SRT): A rapid-response team for urgent situations like hostage rescues, rural interdiction, and high-stakes operations against cartel and gang strongholds.
  - Private Property Authority in High-Risk Zones: TBF officers can conduct enforcement operations on private property within designated high-risk areas to prevent cartel operations, hybrid threats, and gang activities.

#### Statewide Intelligence and Command Infrastructure

- 4. Centralized Intelligence and Command Hubs:
  - Joint Operations Intelligence Centers (JOICs):
    - Intelligence Fusion and Real-Time Coordination: JOICs will serve as intelligence-sharing hubs across federal, state, and local agencies, focusing on threats from cartels, TCOs, and foreign state-sponsored actors.
    - Strategic Interagency Command: Integrated command within JOICs will align with federal agencies (DHS, FBI), ensuring seamless cross-jurisdictional responses.
  - Border Security Operations Center (BSOC):
    - Central Command: The BSOC in Austin will manage and coordinate TBF's intelligence from JOICs, direct statewide missions, and ensure cohesive responses to threats.
    - Cross-Division Synchronization: BSOC will unify TBF operations across Border and Interior Divisions, coordinating with Texas State Guard and other partners for statewide security.

#### Comprehensive Enforcement Strategy for Transnational Crime

- 5. Narcotics and Smuggling Warfare:
  - Anti-Narcotics Warfare Unit: Establish a specialized unit within TBF to counter narcotics warfare. This unit will focus on intercepting fentanyl, methamphetamines, and opioids

trafficked by cartels and international proxies (e.g., CCP's involvement in fentanyl precursor distribution).

- Smuggling Interdiction Program: Deploy dedicated resources to disrupt the trafficking of people, drugs, weapons, and bulk cash across smuggling routes, both into and out of Texas.
6. Human Trafficking Task Force (HTTF):
- Human Trafficking Division within TBF: Lead efforts to identify, disrupt, and dismantle trafficking networks across Texas. This division will partner with NGOs for survivor support and deploy specialized operations in high-traffic regions.
  - Statewide Anti-Trafficking Operations: Coordinate with federal agencies and local law enforcement to conduct joint anti-trafficking raids in urban, rural, and border areas.
7. Economic Warfare and Foreign Proxy Interdiction:
- Economic Infiltration and Anti-Laundering Task Force: Monitor and counteract money laundering, illicit land purchases, and financial influence from foreign adversaries like the CCP.
  - Prohibition on Adversarial Ownership Near Border: Enforce policies to block adversarial states or proxies from acquiring high-value or sensitive land along the border or near critical infrastructure.
8. Counter-Gang Operations:
- Texas Anti-Gang Division (TAG): Task TBF's Interior Division with dismantling domestic gangs (e.g., Tier 1 gangs) working with cartels or TCOs. Coordinate with Anti-Gang Centers in Texas to target gang recruitment and cartel affiliations.
  - Community-Based Gang Suppression: Deploy localized anti-gang programs in collaboration with community organizations, providing outreach and alternatives to at-risk youth in gang-dense areas.

#### Legal and Statutory Framework

9. Expanded Law Enforcement Powers:
- Authority Comparable to Federal Border Patrol: TBF officers are empowered with jurisdiction on private property for operations, detention, and searches within high-risk zones and statewide under state law, mirroring U.S. Border Patrol authority.
  - Legal Immunity and Statutory Protections: Grant TBF officers and partners legal immunity for lawful actions taken in the line of duty, especially during high-risk operations against hybrid threats and cartel forces.
10. Asset Forfeiture and Economic Disruption:
- Expanded Asset Seizure: Empower TBF to seize and dismantle properties, vehicles, and financial assets linked to narcotics, smuggling, and human trafficking operations.
  - Revenue Reinvestment: Direct funds from seized assets to support anti-crime initiatives, trauma care for trafficking victims, and intelligence improvements.

#### Integrated Public-Private Partnerships for Technology and Community Resilience

11. Advanced Surveillance and Public Safety Technology:
- Technology Innovation Hub: Partner with the private sector to expedite technology acquisition for surveillance, communications, and interdiction. This SOFWERX-modeled hub will allow rapid deployment of advanced tools for TBF operations
  - SOFWERX serves as an innovation platform for the United States Special Operations Command as a 501(c)(3) nonprofit by bringing the best of Government, Industry, Academia, and National Labs together to help solve challenging problems encountered by Special Operations Forces.
12. Community Engagement and Resilience Programs:

- Texas Trafficking Survivors Network: Create a network of safe houses and recovery resources for trafficking survivors, funded through seized cartel assets.
- Gang Rehabilitation and Youth Outreach: Partner with local organizations to offer alternatives for youth in gang-dense areas and provide career and mentorship programs for at-risk individuals.

*Domestic Internal Defense (DID) Operations and F3EAD (Find, Fix, Finish, Exploit, Analyze, Disseminate) Targeting*

13. F3EAD-Capable Operations:

F3ead is a targeting methodology, where we may recognize, locate, and target internal threats (Cartel, TDA, MS-13, Triad, etc.) and conduct intelligence exploitation and analysis on captured high-value targets and equipment. The process often emphasizes speed to not only remove high-value targets from our communities but to gain and maintain additional intelligence on the threats within communities, cities and throughout the State. Creating a symbiotic interaction between the operations and intelligence gathering activities is the most crucial feature of F3EAD. Operations continuously guide the overall intelligence effort, and intelligence, in turn, provides operations with the data they need to complete the mission.

- Find and Fix: JOICs and BSOC intelligence teams will continuously locate and track high-value targets, including cartel leaders, hybrid threat actors, and key gang leaders.
- Finish: Utilize SMU and SRT units for tactical operations to neutralize identified threats with precision strikes.
- Exploit and Analyze: Gather intelligence post-operation to understand and disrupt the deeper network structures of cartels, gangs, and foreign proxies.
- Disseminate: Share findings with TBF, Texas State Guard, DPS, and federal partners to sustain pressure on all criminal networks across Texas.

*Comprehensive Statewide Criminal Justice and Public Safety Strategy*

14. Continuous Monitoring, Adaptation, and Evaluation:

- Adaptive Command Structure: Regularly assess operational effectiveness across TBF's Border and Interior Divisions to adapt strategies for emerging cartel, TCO, and hybrid threats.
- Outcome-Based Metrics: Implement performance metrics for each division to measure success in narcotics interdiction, trafficking disruption, gang suppression, and public engagement.

15. Sustained Funding and Support:

- Strategic Grant Programs: Secure sustained funding through state-led grant programs for local law enforcement and community organizations supporting anti-crime efforts statewide.
- State-Driven Research and Policy Development: Fund research initiatives to continuously improve Texas's understanding of emerging hybrid threats, cartel operations, and domestic crime trends.

The Texas Division of Homeland Security presents an all-encompassing, state-centered model to address transnational crime, hybrid threats, and organized criminality. By integrating intelligence, advanced technology, legal authority, and robust community engagement, this plan provides Texas with a leading-edge approach to statewide security.

***Critical Border Infrastructure Expansion for Achieving 100% Multi-Domain Awareness***

The United States and Texas face unprecedented challenges in securing its border. Mexican cartels have far surpassed U.S. capabilities in terms of surveillance, technology, and operational reach across all domains: air, land, sea, subterranean, the electromagnetic spectrum and cyber.

This failure to adapt and innovate in border security has allowed the cartels and their threat networks to exploit gaps in U.S. defenses, creating a threat environment that puts the safety and security of Texas and the nation at risk.

Texas must establish 100% domain awareness across all operational domains—land, air, sea, subterranean, the electromagnetic spectrum, and cyber—by integrating a state-controlled, multi-layered intelligence and security infrastructure along the Texas-Mexico border and the Texas coastline. The federal government has failed to provide comprehensive security, leaving critical capability gaps that cartels, transnational criminal organizations (TCOs), and adversarial state actors exploit.

To neutralize these threats, Texas must develop, fund, and deploy an advanced, full-spectrum security infrastructure capable of persistent detection, tracking, deterrence, and rapid response across all operational environments.

### Current Failures of Border Surveillance Technology

1. Inadequate Domain Awareness: Existing surveillance technologies fail to provide comprehensive domain awareness across the full spectrum of border threats. This includes detecting, identifying, classifying, and tracking incursions in all environments—whether subterranean, the cyberspace, in the electromagnetic spectrum, on land, in the air, or across the maritime (The Rio Grande and Gulf of Mexico) domain. The lack of integrated, multi-domain sensors leads to significant blind spots, especially in rugged, remote, and densely vegetated areas.
2. Cartels' Superiority in Technology and Strategy: Cartels have outpaced U.S. capabilities, leveraging sophisticated technologies such as drones, cellular infrastructure, and encrypted communications. They dominate the electromagnetic spectrum, using it to coordinate operations and disrupt U.S. surveillance efforts. Additionally, cartels exploit cybersecurity vulnerabilities, using state-of-the-art surveillance technologies (spyware) to track and manipulate both government assets and private citizens.
3. Fragmented and Slow Response from Government: U.S. border surveillance solutions are hindered by bureaucratic inefficiency, outdated procurement processes, and slow technology deployment. Technology solutions often take years to reach the field, rendering them ineffective by the time they are operational. At the same time, inconsistent policies on private property rights complicate the installation of necessary infrastructure.
4. Lack of Integration of Cutting-Edge Technology: Despite the availability of proven, advanced solutions, these technologies are underutilized. Government procurement silos and lack of strategic coordination prevent effective integration of innovative technologies into the border security architecture.

### Proposed Legislative Solutions

1. Establish a Texas Innovation Hub for Homeland Security: Texas must establish a dedicated innovation hub similar to SOFWERX, focused on rapidly identifying, testing, and deploying emerging technologies to address border security challenges. By fostering public-private partnerships Texas can accelerate the deployment of cutting-edge solutions tailored to the state's specific needs.

This innovation hub could be empowered to fund pilot programs targeting specific border security threats like drone interdiction and cyber-attack prevention. Leverage Public-Private Partnerships to Expand Domain Awareness: To enhance domain awareness, Texas should collaborate with industry leaders to integrate advanced surveillance technologies into the border security apparatus. This includes deploying multi-domain sensors capable of operating in all terrain and weather conditions.

Texas should also engage private landowners to host surveillance infrastructure, offering incentives such as tax breaks or compensation for the use of their land. Legislation should streamline approval processes for installing this critical infrastructure.

2. Modernize Drone and Electromagnetic Spectrum Laws: The state should urgently reform drone laws to ensure effective countermeasures against the widespread use of unmanned aerial vehicles (UAVs) by cartels. To counter the rapidly evolving threat posed by cartels, particularly their use of unmanned aerial systems (UAS), Texas must integrate cutting-edge technologies. This technology must offer an advanced, non-kinetic approach to rapidly neutralize enemy drones, which are increasingly used by cartels for surveillance, smuggling, and the possibility of direct attacks on U.S. border personnel and infrastructure. By deploying directed-energy systems, Texas can disrupt and disable cartel drones in real-time, providing a critical edge in safeguarding the border from aerial incursions. These systems are particularly effective in harsh environments, allowing Texas law enforcement and security forces to maintain control over airspace while minimizing collateral damage.

Furthermore, dominating the electromagnetic spectrum is becoming a strategic necessity in modern war and border defense. Cartels have successfully exploited this domain, using encrypted military grade communication networks, counter surveillance and electronic warfare capabilities, C-UAS technologies, and drones to coordinate operations. To counter this, Texas must enhance its capacity to monitor, detect, and disrupt these communications. and manage and control the electromagnetic spectrum along the border. By leveraging RF-defined platforms, Texas can not only prevent cartel communications and operational coordination but also disrupt their use of drones and other electronic systems.

This capability is particularly vital in regions where electronic warfare (EW) operations have become integral to cartel activities. With the integration of c-UAS technology and electromagnetic spectrum capabilities, Texas can strengthen its defense infrastructure, ensuring a comprehensive, multi-layered approach to border security that can effectively neutralize both physical and digital threats from criminal organizations.

3. Maritime Solutions: Enhancing Border Security with Autonomous Surface Vessels: In the face of increasing maritime threats along the Texas-Mexico border, including cartel human and narcotic smuggling operations in the Rio Grande and the Gulf of America, it is crucial to adopt advanced solutions for maritime security. Autonomous surface vessels (ASVs) offer a transformative approach to border surveillance and interdiction in the maritime domain. By leveraging ASVs, Texas can enhance its maritime domain awareness, effectively monitor vast stretches of water, and rapidly respond to illicit activity. These vessels can provide real-time intelligence, track suspicious vessels, and even carry out targeted interdiction operations, all while reducing the strain on human resources and improving operational efficiency.

Integrating ASVs into the border security strategy will not only bolster maritime superiority but also deliver a cost-effective and scalable solution to address growing challenges along the border. By embracing autonomous maritime technology, Texas can ensure that its waters remain secure,

protecting both the state and its communities from the escalating threat posed by criminal organizations.

4. Create a Texas Homeland Security Acquisition Authority: Texas should establish a streamlined acquisition authority to expedite the procurement and deployment of advanced border security technologies. This entity would bypass bureaucratic inefficiencies and ensure that cutting-edge solutions are rapidly adopted. Legislators should also consider the creation of a Texas Innovation Fund, modeled after the federal SBIR/STTR programs, to provide grants and contracts to small businesses, startups, and academic institutions focused on developing border security technologies.
5. Adopt Dual-Use Technologies for Broader Impact: Texas should prioritize the development and deployment of dual-use technologies that have both military and civilian applications. This approach ensures that innovations in border security can also be used in other critical infrastructure sectors, such as public safety and emergency response, thereby maximizing the return on investment and broadening the impact of state-level research and development efforts.

### Conclusion

Texas faces an urgent crisis in border security, one that is exacerbated by outdated technology, inefficient procurement processes, and the evolving capabilities of the cartels. The solutions outlined above are not only necessary but feasible. By embracing innovation, fostering public-private collaboration, and enacting targeted legislation, Texas can modernize its border security infrastructure and regain the upper hand in this ongoing battle. This is not just a matter of securing the border; it is about ensuring the safety of Texas communities and protecting the state's sovereignty.

### Call to Action

Legislators must act swiftly to address the critical gaps in Texas' border security infrastructure. The time to invest in cutting-edge technologies and innovative solutions is now. By championing these legislative initiatives, Texas can lead the nation in border security and ensure that our state remains safe and secure in the face of evolving threats.

### **A Historic Opportunity for Texas to Take Full Control of Immigration Enforcement**

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. Despite repeated calls for federal action, previous administrations have allowed mass migration to spiral out of control, leaving Texas communities vulnerable. Texas has experienced an “actual mass influx” of illegal aliens at the border for the past four years, that has “an apparent connection” to “increases in criminal activity” and “endangers the lives, property, safety, or welfare of the residents of” states and localities.

However, President Donald J. Trump's January 20, 2025, executive order, “Protecting the American People Against Invasion”, has fundamentally changed the landscape of immigration enforcement ([Exec. Order No. 14159, 2025](#)). 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.

On January 23, 2025, the Acting Secretary of DHS issued a “Finding of 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](#)). The reintroduction of the 287(g) Task Force Model, authorized under INA §

103(a)(10) of the INA and 28 C.F.R. § 65.83, provides Texas "State or local law enforcement officer, with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving, to perform or exercise any of the powers, privileges, or duties conferred or imposed by this chapter or regulations issued thereunder upon officers or employees of the Service" ([8 U.S.C. § 1103\(a\)\(10\)](#); [28 C.F.R. § 65.83](#)).

The duties of immigration officers in the INA include the authority to interrogate without a warrant individuals believed to be aliens about their right to be in the United States ([section 287\(a\)\(1\)](#)), to apprehend illegal aliens without a warrant ([section 287\(a\)\(2\)](#)), to arrest and detain aliens on a warrant ([section 236\(a\)](#)), and to remove aliens ordered removed ([section 241\(a\)\(1\)\(A\)](#)).

The regulations note that any agreement must include training requirements for state and local officers and require those officers to adhere to such training as well as to "applicable immigration law enforcement standards and procedures, civil rights law, and sensitivity and cultural awareness issues".

That said, 28 CFR § 65.84(a)(4) permits the Attorney General and/or the Secretary of Homeland Security to waive or abbreviate that training: "in the event that the number of State or local law enforcement officers available to respond in an expeditious manner to urgent and quickly developing events during a declared mass influx of aliens is insufficient to protect public safety, public health, or national security."

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.

Governor 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 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](#)).

By leveraging these newly granted authorities, Texas has a unique opportunity to build a self-sustaining, state-controlled immigration enforcement system that operates independently of federal policy shifts.

The Texas Plan: A State-Led Immigration Enforcement Framework

To solve these problems, Texas must establish a state-led immigration enforcement system that provides direct funding to law enforcement agencies, and holds participating agencies accountable for actual enforcement. This system must be designed to function independently of federal immigration policy

changes and ensure that immigration enforcement remains a top priority regardless of who is in office in Washington.

At the core of this strategy Texas must re-establish Article XI of the 1869 Texas Constitution regarding immigration, specifically the creation of a "Bureau of Immigration." The Texas Bureau of Immigration (TBI) will serve as the central authority overseeing immigration enforcement across all state, county, and municipal law enforcement entities. The bureau will be responsible for tracking illegal alien-related crimes, ensuring compliance with 287(g) agreements, and facilitating intelligence-sharing between Texas DPS, ICE, county sheriffs, and local police departments. To lead this effort, Texas must appoint a State Immigration Enforcement Officer (SIEO), who will coordinate enforcement efforts, oversee detention and transport operations, and ensure that all agencies receiving state funding are actively participating in immigration enforcement.

To remove financial barriers to enforcement, Texas must establish a State Immigration Enforcement Fund (SIEF) that will provide direct financial support to local law enforcement agencies. This fund will cover training and certification costs for 287(g) officers, reimburse departments for overtime and operational expenses, and provide legal defense resources to protect officers from lawsuits related to detainee enforcement. Agencies that sign 287(g) agreements but fail to enforce them must face financial consequences, including the loss of state funding.

Texas must also address the issue of detention space by establishing state-operated removal centers where illegal aliens can be held, processed, and deported under Texas jurisdiction in coordination with DHS. These facilities will be strategically located in high-traffic areas, relieving the burden on county jails and ensuring that law enforcement agencies have a designated location for detainees awaiting removal.

A key component of this strategy is the Texas Illegal Alien Transport Program (IATP), which will authorize the Texas State Guard (TXSG) and Texas National Guard to assist in the detention and transport of illegal immigrants. TXSG personnel will be deputized to handle secure transport operations, including the transfer of detainees from local law enforcement agencies to state-run removal centers or to partner states like Florida and Arizona for final deportation processing. This removes the burden from local Law Enforcement agencies and ensures that illegal aliens do not remain in Texas communities or county jails due to logistical delays.

### **Mandatory Cooperation with Federal Immigration Authorities (287(g) Program) & Expanding Information Sharing**

Texas should require each state, county, and any other law enforcement agency to participate in the 287(g) program and every program model offered by the federal government. The Governor and the State Attorney General shall have the authority to suspend any elected or appointed official who refuses to comply with this directive, ensuring uniform enforcement of immigration laws across Texas.

Texas must expand 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. This legislation will authorize the use of federal information centers and specialized intelligence units to collect, analyze, and disseminate critical intelligence from local law enforcement to federal agencies responsible for enforcing immigration laws and dismantling organized crime networks.

Under this initiative, Texas law enforcement agencies will be required to proactively share arrest records, gang affiliations, biometric data, and criminal intelligence with ICE and other relevant federal partners to

facilitate swift immigration enforcement actions against non-citizen criminals. The law will ensure that law enforcement databases are interoperable with federal systems, streamlining real-time tracking of illegal aliens engaged in criminal activity.

Additionally, Texas will enhance task force collaboration between state agencies, ICE, and federal intelligence centers such as the El Paso Intelligence Center (EPIC) and Homeland Security Investigations (HSI) to target transnational gangs, human smuggling networks, and cartel-affiliated criminal enterprises. Local agencies that fail to comply with these information-sharing protocols will face penalties, including loss of state funding for law enforcement grants.

By expanding intelligence-sharing and cross-agency coordination, Texas will strengthen federal immigration enforcement, disrupt cartel and gang operations, and enhance border security efforts to protect its communities from transnational threats.

### **Texas Must Fully Implement the Three 287(g) Models to Maximize Enforcement**

With the full authorization of 287(g) Task Force operations under INA § 103(a)(10) & 28 C.F.R. § 65.83, Texas must ensure that all three models of 287(g) enforcement are fully integrated into its state immigration strategy. Each model plays a unique and critical role in detaining, processing, and removing illegal aliens at different stages of law enforcement engagement.

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.

#### 1. The Jail Enforcement Model (JEM): Processing Criminal Aliens in Custody

The Jail Enforcement Model (JEM) remains a vital tool for identifying, processing, and transferring illegal aliens already in custody. The JEM model delegates certain authority to state and local law enforcement agencies to identify criminal aliens and immigration violators in state or local custody and place them into immigration proceedings.

However, past logistical challenges have prevented full JEM participation, primarily due to lack of detention space and funding. To eliminate these barriers, Texas can:

- Establish state-operated removal centers to reduce reliance on county jails.
- Fully fund JEM training, certification, and overtime pay through a State Immigration Enforcement Fund (SIEF) or a grant program.
- Implement quarterly audits and enforcement benchmarks to ensure compliance.

JEM remains a critical component of immigration enforcement, but it is not sufficient on its own. Many illegal aliens never enter the jail system, making field-based enforcement essential.

#### 2. The Warrant Service Officer Program (WSO): Closing the Legal Loopholes in Detainer Enforcement

The Warrant Service Officer (WSO) program addresses one of the biggest weaknesses in JEM participation—legal vulnerabilities in detainer enforcement.

The WSO model provides legal authority to state and local law enforcement officers to execute civil immigration warrants on behalf of ERO within the confines of their detention facilities. It was designed to

help with the enforcement of immigration detainers by addressing some of the legal challenges faced by local law enforcement agencies when they detain individuals solely based on ICE detainers.

To ensure statewide WSO coverage, Texas must:

- Mandate WSO certification for all JEM-participating agencies.
- Fund training, legal defense resources, and compliance assistance.

WSO ensures that criminal aliens cannot exploit legal loopholes to avoid deportation, but the most critical expansion of Texas' enforcement authority lies in the Task Force Model.

### 3. The Task Force Model (TFM): Expanding Immigration Enforcement into the Field

The Task Force Model (TFM) represents a paradigm shift in Texas' immigration enforcement capabilities. Unlike the Jail Enforcement Model, which is limited to criminal aliens already in custody, the Task Force Model allows Texas law enforcement officers to conduct proactive immigration enforcement in the field.

Under INA § 103(a)(10) & 28 C.F.R. § 65.83, the Attorney General and Secretary of Homeland Security has authorized Texas law enforcement officers to perform "any of the powers . . . or duties conferred or imposed" on ICE and Border Patrol officers. This means that Texas officers can now:

- The power and authority to interrogate any alien or person believed to be an alien as to his right to be or remain in the United States (INA § 287(a)(1) and 8 C.F.R. § 287.5(a)(1)) and to process for immigration violations those individuals who have been arrested for State or Federal criminal offenses.
- The power and authority to arrest without a warrant any alien entering or attempting to unlawfully enter the United States in the officer's presence or view, or any alien in the United States, if the officer has reason to believe the alien to be arrested is in the United States in violation of law and is likely to escape before a warrant can be obtained. INA § 287(a)(2) and 8 C.F.R. § 287.5(c)(1). Subsequent to such arrest, the arresting officer must take the alien without unnecessary delay for examination before an immigration officer having authority to examine aliens as to their right to enter or remain in the United States.
- The power to arrest without warrant for felonies which have been committed and which are cognizable under any law of the United States regulating the admission, exclusion, expulsion, or removal of aliens, if the officer has reason to believe the alien to be arrested is in the United States in violation of law and is likely to escape before a warrant can be obtained. INA § 287(a)(4) and 8 C.F.R. § 287.5(c)(2).
- The power to serve and execute warrants of arrest for immigration violations under INA § 287(a) and 8 C.F.R. § 287.5(e)(3).
- The power and authority to administer oaths and to take and consider evidence (INA § 287(b) and 8 C.F.R. § 287.5(a)(2)) to complete required alien processing to include fingerprinting, photographing, and interviewing, as well as the preparation of affidavits and the taking of sworn statements for ICE supervisory review.
- The power and authority to prepare charging documents (INA § 239, 8 C.F.R. § 239.1; INA § 238, 8 C.F.R. § 238.1; INA § 241(a)(5), 8 C.F.R. § 241.8; INA § 235(b)(1), 8 C.F.R. § 235.3) including the preparation of the Notice to Appear (NTA) or other charging document, as

appropriate, for the signature of an ICE officer for aliens in categories established by ICE supervisors.

- The power and authority to issue immigration detainers (8 C.F.R. § 287.7) and I-213, Record of Deportable/Inadmissible Alien, for aliens in categories established by ICE supervisors. • The power and authority to take and maintain custody of aliens arrested by ICE, or another State or local law enforcement agency on behalf of ICE. (8 C.F.R. § 287.5(c)(6))
- The power and authority to take and maintain custody of aliens arrested pursuant to the immigration laws and transport (8 C.F.R. § 287.5(c)(6)) such aliens to ICE-approved detention facilities.

The reintroduction of TFM under 287(g) is a game-changer because it removes the traditional limitations of immigration enforcement within detention settings and allows Texas law enforcement agencies to take direct action against illegal immigration at the state and local level.

To ensure full implementation, Texas must:

- Require TFM participation for all state, county, constables and local law enforcement agencies.
- Deploy TFM-certified officers in high-trafficking corridors to conduct field operations.
- Provide full funding for training, equipment, and logistical support through the State Immigration Enforcement Fund (SIEF).

For decades, one of the biggest challenges in Texas' immigration enforcement efforts has been the inability of constables and police departments without jails to participate in 287(g). Now, with the reintroduction of the Task Force Model under INA § 103(a)(10), Texas law enforcement agencies can engage in direct immigration enforcement operations in the field, just as federal ICE Officers do.

### **Ensuring Accountability in 287(g) Agreements: Closing Legal Loopholes and Strengthening Oversight**

When a law enforcement agency (LEA) signs a 287(g) agreement, it enters into a Memorandum of Agreement (MOA) with Immigration and Customs Enforcement (ICE), delegating certain immigration enforcement authorities to designated officers. However, ensuring that the agency fully complies with the terms of the MOA—without deviation, misapplication, or passive resistance—requires a multi-layered accountability framework. Many LEAs have been known to sidestep oversight, either through outright defiance, bureaucratic loopholes, or under-the-radar non-compliance. To close these gaps, it is crucial to implement legal safeguards, independent oversight, financial incentives, and public transparency mechanisms that prevent agencies from deviating from the intent of the agreement.

### **Legal and Structural Enforcement: Closing the Contractual Loopholes**

At the core of accountability is the legal enforceability of the MOA itself. While MOAs often lack binding contractual penalties, they can be strengthened by incorporating clear performance metrics and legal consequences for non-compliance. It is essential that state or local governments require legislative approval and oversight for 287(g) agreements, ensuring they are not simply administrative decisions left to a sheriff or police chief acting unilaterally.

One of the most effective ways to prevent passive defiance is by implementing mandatory sunset clauses that require periodic re-evaluation before an agency can renew its participation. If an LEA is

found non-compliant, it should not be allowed to continue participating. Additionally, state laws or municipal ordinances should require an annual audit of 287(g) agreements, ensuring that agencies do not manipulate the system by cherry-picking cases or engaging in selective enforcement that violates civil rights.

A key loophole that agencies exploit is insufficient federal enforcement of compliance. Because DHS and ICE often lack the personnel or political will to aggressively oversee 287(g) programs, state-level legislative action is necessary to create independent compliance review boards that can monitor, investigate, and penalize violations.

### **Independent and External Oversight: Preventing Passive Defiance**

Even when oversight mechanisms exist on paper, agencies can still passively defy compliance by either failing to report certain statistics, downplaying infractions, or selectively enforcing immigration laws in ways that deviate from the agreement's intent. To counter this, an independent third-party compliance monitor should be established—whether it be an Inspector General, a state commission, or a civilian oversight board with investigative powers.

Public transparency plays a vital role in preventing non-compliance. Agencies should be mandated to provide detailed, publicly accessible reports at regular intervals, including:

- The number of individuals detained under the 287(g) program.
- The specific charges leading to detentions (to prevent overreach for minor infractions).
- A breakdown of demographics to ensure enforcement is not racially or politically biased.
- The disposition of cases—whether individuals were transferred to ICE, released, or detained beyond the legal period.

Additionally, whistleblower protections should be enhanced to encourage officers within these agencies to report internal non-compliance without fear of retaliation. Many LEAs have historically gotten away with misconduct because rank-and-file officers fear retribution for speaking out against command staff who manipulate enforcement policies.

### **Financial Leverage: Incentivizing Compliance & Penalizing Non-Adherence**

One of the most effective enforcement mechanisms is tying compliance to financial incentives. Many LEAs participate in 287(g) programs for funding opportunities, including access to federal grants and resources. By structuring these financial incentives in a performance-based manner, agencies can be rewarded for meeting transparency benchmarks and penalized for non-compliance.

To further close loopholes, state and county budgets should have clauses that limit funding to agencies that fail annual compliance audits. If an agency is found non-compliant, funding should be redirected toward independent oversight measures, ensuring there are real consequences for agencies that do not adhere to their commitments.

Civil litigation also serves as a strong deterrent against non-compliance. If an agency violates the terms of the MOA, state attorneys general, local governments, or impacted individuals should have standing to sue. These lawsuits should include both financial penalties and injunctive relief, preventing agencies from continuing operations until corrective action is taken.

### **Political & Community Pressure: The Final Layer of Accountability**

Even with legal frameworks in place, compliance ultimately depends on political pressure and community engagement. A public awareness campaign exposing misuse, underreporting, or failures in enforcement can generate political consequences for non-compliant agencies. Elected officials—whether sheriffs, mayors, or county commissioners—should be required to present annual compliance reports in public hearings, where community members and legislators can scrutinize their actions.

One way to ensure accountability at the ballot box is by requiring transparency in local elections—including making a candidate’s stance on 287(g) enforcement a key campaign issue. If agencies are found misusing their authority, voter-driven ballot initiatives can be leveraged to limit or revoke their participation.

By integrating these legal, financial, and political accountability measures, LEAs that enter into 287(g) agreements will have far fewer avenues for passive or active defiance. Agencies will be compelled to follow the letter and spirit of the MOU, ensuring they operate within both the law and public trust.

### **Texas Must Take Full Advantage of 287(g) Task Force Model Authorization**

The federal government has now formally authorized Texas law enforcement officers to act as federal immigration officers under INA § 103(a)(10) & 28 C.F.R. § 65.83, allowing them to perform all duties traditionally assigned to ICE and Border Patrol.

By fully integrating the Jail Enforcement Model, Warrant Service Officer Program, and Task Force Model, Texas can maximize its ability to detain and remove illegal aliens at every stage of law enforcement engagement.

However, participation must be mandatory for all Texas law enforcement agencies, with strict oversight, quarterly audits, and financial penalties for noncompliance.

Texas must move immediately to implement this framework, ensuring that every law enforcement agency is fully trained, certified, and operational under the 287(g) Task Force Model.

With the Texas Bureau of Immigration leading the charge, the State Immigration Enforcement Fund providing full financial support, and state-run removal centers ensuring detention capacity, Texas will establish the most powerful state-led immigration enforcement system in the nation.

This is Texas’ moment to act. By fully embracing President Trump’s executive orders, Attorney General Paxton’s 287(g) agreement, and ICE’s reintroduced Task Force Model, Texas will take control of its own security—permanently.

The following are additional items needed for consideration:

### **State Legislators: The Force Multipliers of the State Response**

The Texas Legislature must act decisively to address the failures of federal immigration enforcement by implementing comprehensive measures similar to Florida’s new law. These measures are designed to mitigate the impact of illegal immigration, enhance public safety, and reinforce the rule of law.

#### **1. State University Fee Waiver Repeal**

Repeal provisions that grant in-state tuition benefits to illegal alien students at public colleges and universities. This repeal ensures that taxpayer-funded tuition assistance is reserved for Texas legal residents and U.S. citizens. Eliminating this benefit removes an incentive for illegal immigration and ensures public funds are allocated responsibly.

## **2. Mandatory Cooperation with Federal Immigration Authorities (287(g) Program) & Expanding Information Sharing**

Require each state, county, and any other law enforcement agency to participate in the 287(g) program and every program model offered by the federal government. The Governor shall have the authority to suspend any elected or appointed official who refuses to comply with this directive, ensuring uniform enforcement of immigration laws across Texas.

Texas must expand 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. This legislation will authorize the use of federal information centers and specialized intelligence units to collect, analyze, and disseminate critical intelligence from local law enforcement to federal agencies responsible for enforcing immigration laws and dismantling organized crime networks.

Under this initiative, Texas law enforcement agencies will be required to proactively share arrest records, gang affiliations, biometric data, and criminal intelligence with ICE and other relevant federal partners to facilitate swift immigration enforcement actions against non-citizen criminals. The law will ensure that law enforcement databases are interoperable with federal systems, streamlining real-time tracking of illegal aliens engaged in criminal activity.

Additionally, Texas will enhance task force collaboration between state agencies, ICE, and federal intelligence centers such as the El Paso Intelligence Center (EPIC) and Homeland Security Investigations (HSI) to target transnational gangs, human smuggling networks, and cartel-affiliated criminal enterprises. Local agencies that fail to comply with these information-sharing protocols will face penalties, including loss of state funding for law enforcement grants.

By expanding intelligence-sharing and cross-agency coordination, Texas will strengthen federal immigration enforcement, disrupt cartel and gang operations, and enhance border security efforts to protect its communities from transnational threats.

## **3. Re-establishment of the Texas Bureau of Immigration**

Texas must re-establish Article XI of the 1869 Texas Constitution regarding immigration, specifically the creation of a "Bureau of Immigration" to supervise and control all matters related to immigration. In line with this historic provision, Texas should establish a State Immigration Enforcement Officer to coordinate statewide immigration enforcement efforts, ensuring that Texas can address threats posed by illegal immigration, human trafficking, and cartel smuggling networks. The Bureau will track criminal activity linked to illegal aliens, facilitate interagency collaboration, and provide data-driven enforcement recommendations to state agencies. This Bureau should also provide funding to local law enforcement agencies through a grant program, enabling them to assist in enforcing federal immigration laws. This support should include reimbursement for expenses incurred while participating in immigration operations, as well as bonuses for officers who work alongside ICE and other federal agencies to strengthen border security and protect the citizens of Texas. By re-establishing Article XI, Texas can reclaim control over immigration matters to counter current and emerging threats effectively.

Establishment of the Illegal Alien Transport Program

## **4. Establishment of the Illegal Alien Transport Program**

Establish the Illegal Alien Transport Program to allow for the detention and transportation of illegal aliens. Authorize the Texas State Guard to assist the State Immigration Enforcement Officer in carrying

out these duties. This program will ensure that illegal aliens encountered by law enforcement are swiftly removed from Texas communities.

### **5. State and Local Law Enforcement Resources for Immigration Enforcement**

Require state and local law enforcement agencies to allocate at least 10% of their sworn law enforcement officers to perform or exercise the powers, privileges, or duties of an immigration officer. Specialized training shall be provided to ensure effective implementation and adherence to legal standards.

### **6. Strengthening Voter Registration Requirements and Election Security**

Require all individuals registering to vote to affirm that they are U.S. citizens and legal residents of Texas. Increase the offense level to a second-degree felony for illegal aliens who falsely swear or affirm voter registration or elections-related documents. Penalize individuals who knowingly assist illegal aliens in registering to vote or voting in an election.

### **7. Taxing and Regulating Foreign Remittances**

To further deter illegal immigration and ensure that those sending money abroad contribute to state infrastructure, Texas shall impose a remittance tax on all foreign money transfers. A percentage of each remittance transaction shall be taxed, with the revenue allocated toward border security, law enforcement training, and emergency resources for legal residents affected by illegal immigration. Financial institutions will be required to verify the sender's immigration status before processing the transaction, ensuring compliance with state law. Non-compliant institutions shall face fines and possible suspension of remittance services.

### **8. Prohibition on Unverified Foreign Remittances**

Prohibit financial institutions from initiating a foreign remittance transfer unless the sender's legal status has been verified. Implement strict penalties for non-compliant financial institutions to deter illegal aliens from sending funds abroad and to disrupt illicit financial networks.

### **8. Reclassification of Criminal Penalties for Illegal Reentry**

Increase penalties for individuals who illegally enter Texas after previously being removed. First-time illegal reentry will be classified as a misdemeanor with a mandatory jail sentence, while repeat offenders will face escalating felony charges with mandatory prison terms.

### **9. Duty to Investigate Immigration Status Upon Failure to Provide Identification**

To ensure compliance with immigration laws and enhance public safety, all state, county, and local peace officers shall be mandated to verify the immigration status of individuals who fail to provide valid identification during lawful detention. If a detained individual cannot produce a valid document verifying their identity and immigration status, the officer shall determine the individual's legal presence in the United States through federal immigration databases. If the individual is found to be unlawfully present, the officer must notify federal immigration authorities and take appropriate enforcement actions in accordance with state and federal laws. Require all LE Agencies to publish the immigration status of individuals accused of crimes and maintain a publicly available database outlining the criminal activity of illegal aliens. Additionally, require state public health departments to publish strict numerical data on an annual basis on the number of injuries or deaths caused by illegal aliens who are not legal permanent residents (LPRs).

## **10. No Bail for Illegal Alien Criminals**

Texas must enact legislation establishing a rebuttable presumption that no conditions of release will guarantee the appearance of an illegal alien at trial, effectively eliminating the option for bail for non-citizens charged with crimes. Illegal aliens arrested and charged with any criminal offense in Texas shall be detained without the possibility of bail, ensuring that they do not abscond before trial and that they face full legal consequences for their actions.

This legislation mandates that no illegal alien charged with a crime or felony offense be eligible for bail, preventing dangerous individuals from being released back into Texas communities, where they may commit additional crimes or evade prosecution by fleeing to sanctuary jurisdictions. In cases where an illegal alien is arrested for a violent crime, drug trafficking, human smuggling, or any felony offense, state law enforcement agencies will be required to coordinate with ICE for immediate federal custody transfer upon sentencing or dismissal to facilitate deportation proceedings.

By eliminating bail for illegal alien criminals, Texas will close loopholes that have allowed repeat offenders to escape justice, reinforce the state's commitment to law and order, and prioritize the safety of its citizens over leniency for those who have already violated U.S. immigration laws.

## **10. Legislation Enabling Lawsuits Against Companies That Employ Illegal Aliens**

Texas must pass legislation allowing businesses to sue competitors that knowingly employ illegal aliens, ensuring that companies that comply with the law are not undercut by those who engage in illegal hiring practices. To effectively deter the employment of unauthorized workers, this legislation will enact treble damages for businesses that are found guilty of hiring illegal labor, particularly in industries where such practices have been prevalent.

In addition to treble damages, the law will include a liquidated damages provision of \$10,000 per illegal alien employed, creating a strong financial penalty for companies that violate hiring laws. To prevent frivolous lawsuits while ensuring that legitimate claims are pursued, a 'loser pays' provision for attorneys' fees will be included, ensuring that the losing party covers the legal expenses of the prevailing side.

By implementing these measures, Texas will level the playing field for law-abiding businesses, discourage the exploitation of illegal alien labor, and strengthen the enforcement of existing employment laws. This legislation will send a clear message that companies seeking to gain a competitive edge through unlawful hiring practices will face significant financial and legal consequences.

## **11. Mandatory Registration of Illegal and Unlawfully Present Aliens with Local Law Enforcement**

Texas must enact legislation requiring all illegal and unlawfully present aliens residing within the state to register with their local law enforcement authority in their county of residence. This measure ensures that law enforcement agencies have accurate records of individuals who are unlawfully present in Texas, improving public safety, criminal investigations, and immigration enforcement efforts.

Failure to register will be classified as a Class A misdemeanor, carrying significant penalties, including fines, detention, and immediate referral to federal immigration authorities. For a second or subsequent offense, the charge will be escalated to a Level 6 felony, ensuring that repeat offenders face harsh legal consequences and potential removal from the state.

Upon registration, local law enforcement agencies will be required to collect biometric data, address information, and employment details, which will be shared with the Texas Department of Public Safety and federal immigration authorities. Any unlawful alien who is arrested for a crime, fails to register, or

violates the terms of registration will be prioritized for state-level enforcement actions and federal deportation proceedings.

By implementing mandatory registration, Texas will increase accountability for illegal aliens, provide law enforcement with critical tracking data, and ensure that those who violate immigration laws are swiftly identified and dealt with in accordance with the law.

### **12. Strengthening Criminal Penalties Against Gangs**

Expand the definition of “transnational criminal organizations” to include groups that facilitate illegal border crossings, human trafficking, and other violent crimes. Increase penalties for felonies committed in furtherance of such organizations.

### **13. Mandatory E-Verify and Employer Accountability**

Mandate the use of E-Verify for all employers. Establish severe financial penalties and criminal charges for businesses that knowingly hire illegal aliens. Enable competitors to sue companies engaging in illegal hiring practices, with treble damages and liquidated damages provisions of \$10,000 per illegal alien employed.

### **14. Prohibition on Sanctuary Policies**

Strip state funding from any county, city, or municipality that refuses to comply with state or federal immigration enforcement mandates. Grant the Governor the authority to redeploy law enforcement resources from non-compliant jurisdictions to assist with border enforcement operations.

### **15. Citizen Deputization for Border Enforcement**

Create a program allowing trained and vetted citizens to assist in border security enforcement under the supervision of Texas DPS and local law enforcement. The vetting process shall include comprehensive background checks, completion of a state-approved law enforcement training program, and successful passage of a certification exam. Certified citizens will be provided with limited law enforcement authority specific to border security operations, including trespassing arrests, surveillance assistance, and logistical support. Strict oversight mechanisms will ensure compliance with Texas laws and minimize the risk of abuse. under the supervision of Texas DPS and local law enforcement. The vetting process shall include background checks, law enforcement training, and a certification program to ensure accountability and adherence to legal procedures.

### **16. Annual Public Reports on the Costs of Illegal Immigration**

Mandate annual public reports on the financial impact of illegal immigration, specifying detailed categories such as uncompensated medical care costs, law enforcement expenditures related to criminal activity by illegal aliens, public education expenses for non-citizen students, welfare and public assistance usage, and the economic impact on the job market. These reports will ensure transparency, inform policy decisions, and provide a factual basis for resource allocation to mitigate the costs of illegal immigration on Texas taxpayers. on healthcare, education, and law enforcement. The reports shall include specific categories detailing uncompensated medical care, criminal justice costs, and welfare fraud linked to illegal aliens.

### **17. Criminalizing Assistance to Illegal Aliens**

Pass a law making it a felony offense for any individual or organization to knowingly aid, abet, or transport illegal aliens, with narrowly defined exceptions for State recognized organizations providing emergency medical care, disaster relief, or legally mandated assistance. These exceptions must be clearly outlined to prevent abuse while maintaining strict enforcement against those facilitating illegal immigration outside of emergency situations within Texas. Exceptions for humanitarian organizations shall be narrowly defined to prevent abuse while allowing genuine emergency aid.

### **18. Legislation for Strict Screening Requirements for the Placement of Illegal Alien Minors**

Texas must enact legislation requiring strict screening requirements for placing illegal alien minors, including Unaccompanied Alien Children (UACs), with sponsors residing in the United States. This policy is necessary to protect vulnerable minors from human trafficking, exploitation, and criminal networks while also ensuring the safety and security of Texas communities. Thousands of UACs have gone missing due to the federal government's failure to implement adequate vetting procedures, making Texas a key battleground for combating this crisis.

To address this issue, Texas will require comprehensive background checks on all potential sponsors, ensuring that individuals with criminal histories, ties to human trafficking, or connections to cartel-affiliated entities are prohibited from taking custody of minors. These checks must be consistent with existing foster care guidelines and will include a thorough examination of criminal records, immigration status, financial stability, and any prior involvement in child exploitation. Once a minor is placed, state agencies will conduct regular check-ins to monitor their well-being and confirm that sponsors remain

### **19. Strengthening Initiative Petition Integrity**

Texas must enact legislation to safeguard the integrity of the initiative petition process, ensuring that mechanisms are protected from fraud, manipulation, and outside influence. This legislation will eliminate third-party collection of petition forms, preventing activist organizations, out-of-state interests, and political operatives from abusing the system to push fraudulent or misleading ballot initiatives.

To enhance oversight, all petition submissions must be directly verified by the Texas Secretary of State's office, ensuring that only valid signatures from eligible Texas voters are counted. This verification process will include mandatory identity confirmation and signature matching to prevent fraudulent or duplicate submissions.

Additionally, Texas will criminalize fraudulent petition activities and implement strict penalties for individuals or organizations that engage in misconduct. Offenses such as forging signatures, paying individuals to sign petitions, collecting signatures under false pretenses, or submitting fraudulent petitions will be classified as felony offenses, punishable by significant fines and imprisonment.

By implementing these measures, Texas will restore trust in the initiative process, ensure that ballot measures reflect the true will of the people, and prevent outside influence from corrupting state elections and legislative processes.

### **20. Stricter Screening for Refugee Resettlement**

Require all refugee resettlement contractors to obtain separate state licenses to operate in the state, regardless of their federal participation and federal status and approval annually. Contractors must submit quarterly reports detailing fiscal and social impacts, as well as compliance with state immigration laws. Non-compliant contractors shall face license revocation, financial penalties, and potential criminal liability for fraudulent practices or failure to disclose relevant data. and approval annually. Mandate

quarterly reporting on the fiscal and social impact of refugee programs, including notification of any criminal activity. Non-compliant contractors shall face license revocation and penalties.

## **21. Clamp Down on ID Theft and Fraud**

Texas must take decisive action to combat identity theft and fraud, particularly as it relates to illegal immigration and criminal enterprises that exploit stolen identities to access public benefits, employment, and financial services. To address this growing threat, the state will increase penalties for identity fraud by elevating it to aggravated identity theft, ensuring that those who engage in such crimes face severe legal consequences.

Additionally, Texas will mandate strict ID verification protocols across all critical services, requiring identity authentication through the Department of Motor Vehicles (DMV) and the Systematic Alien Verification for Entitlements (SAVE) system for all welfare applications, medical care, banking transactions, and employment. These safeguards will prevent ineligible individuals from unlawfully accessing taxpayer-funded benefits, obtaining employment through fraudulent means, or conducting financial transactions under false identities.

To further deter fraud, Texas will criminalize the act of knowingly providing fraudulent identification to employers, ensuring that individuals and businesses who facilitate identity theft for the purpose of hiring illegal workers face harsh penalties. By strengthening enforcement and verification measures, Texas will protect the integrity of its institutions, prevent the exploitation of stolen identities, and close loopholes that allow illegal aliens and criminal networks to manipulate the system for financial gain.

## **22. Alien Registration & Self-Repatriation Program**

Texas must implement an Alien Registration & Self-Repatriation Program requiring all non-citizens residing in the state to register with Texas authorities and carry proof of their immigration status at all times. This initiative will enhance public safety, improve law enforcement's ability to track illegal immigration, and deter unlawful presence within the state. Non-citizens who fail to register will be subject to legal consequences, ensuring that Texas has a comprehensive system to identify and document foreign nationals residing within its jurisdiction.

In addition to registration, Texas will establish a voluntary self-repatriation program, allowing illegal aliens to return to their home countries in exchange for waived prison terms for non-violent immigration-related offenses. This initiative provides an alternative to prolonged detention and legal proceedings, offering a structured and humane means for illegal aliens to depart without the burden of prosecution. Individuals participating in this program must submit biometric data before departure to prevent future illegal re-entry.

By implementing this policy, Texas will reinforce immigration law compliance while reducing the financial burden of incarceration and enforcement efforts. This program serves as both a deterrent and a practical solution to the challenges posed by illegal immigration, ensuring that non-citizens adhere to legal processes while offering a lawful pathway for voluntary departure.

## **23. Prohibition on the Use of Temporary Work Visas by State Agencies and Contractors**

Texas must pass legislation prohibiting state agencies and any contractors or firms receiving state funding from utilizing temporary work visas for employment. This measure is essential to prioritize job opportunities for Texas citizens and legal residents while reducing reliance on foreign labor programs that can be exploited by corporations seeking to undercut wages and avoid hiring qualified American workers.

Under this legislation, all state agencies and their contractors must certify that they do not employ individuals under temporary work visas, such as H-1B, H-2A, H-2B, or similar programs. Any firm seeking a state contract must provide proof of compliance before being awarded funding or approval. If a contractor is found to be in violation, they will be subject to penalties, including termination of contracts, fines, and disqualification from future state projects.

This policy will ensure that taxpayer dollars are not used to subsidize foreign labor while safeguarding the economic interests of Texas workers. By enforcing this prohibition, Texas will protect the integrity of its workforce, encourage fair wages, and eliminate incentives for businesses to exploit visa programs at the expense of local employment.

#### **24. Mandatory Immigration Status Verification for State Benefits and Services**

Texas must pass legislation requiring all state and local agencies to verify the immigration status of any individual applying for or receiving state-funded benefits or services. This measure ensures that taxpayer resources are reserved for legal residents and prevents the unlawful distribution of public assistance to individuals who are not authorized to reside in the United States.

Under this law, state agencies must conduct mandatory immigration status checks using federal verification systems such as SAVE (Systematic Alien Verification for Entitlements) and other available databases to confirm eligibility before approving any benefits, including welfare, housing assistance, Medicaid, and other public services. Any non-citizen who is found not to be a Lawful Permanent Resident (LPR) or otherwise legally present must be reported to Immigration and Customs Enforcement (ICE) for further action.

Additionally, state and local agencies will be required to keep records of all individuals flagged for non-compliance and provide periodic reports to the Texas Attorney General's Office to ensure oversight and enforcement. Agencies that fail to comply with these verification and reporting requirements will face penalties, including budgetary sanctions and potential legal action.

By implementing this policy, Texas will prevent fraud, protect state resources, and enhance cooperation between state and federal immigration enforcement. This legislation reinforces the rule of law, discourages illegal immigration by limiting access to taxpayer-funded benefits, and ensures that public services are directed toward legal residents who contribute to Texas communities.

#### **25. Mandatory Death Penalty for Illegal Aliens Convicted of Murder or Child Rape**

Texas must enact legislation mandating the death penalty for any illegal alien convicted of a capital offense, including murder or child rape. Given the severity of these crimes and the repeated instances of illegal aliens committing violent offenses after unlawfully entering the United States, Texas will establish a zero-tolerance policy for the most heinous acts committed by those who have already broken U.S. immigration laws.

Under this law, any illegal alien found guilty of premeditated murder, capital murder, or aggravated sexual assault of a child will face an automatic death sentence. Prosecutors will be required to seek the death penalty in all applicable cases, ensuring that those who commit such atrocities receive the maximum possible punishment. Appeals for such convictions will be expedited to prevent unnecessary delays in sentencing, and once a conviction is upheld, the execution shall be carried out without prolonged stays.

By implementing this strict and non-negotiable penalty, Texas will send an unequivocal message that the state will not tolerate violent criminals who enter the country illegally and prey upon its citizens. This measure ensures that justice is swiftly and decisively delivered, providing the strongest possible deterrent against future crimes of this nature while safeguarding the most vulnerable members of Texas communities.

## **26. Creating Incentives for Texans to Enter the Law Enforcement Field**

Texas must invest in strengthening its law enforcement workforce by establishing a state-funded apprenticeship program to encourage more Texans to pursue careers in policing. To address shortages in law enforcement personnel and ensure that Texas communities remain safe, the state will provide funding to local law enforcement agencies to cover the salaries of recruits while they undergo training at Texas Commission on Law Enforcement (TCOLE) academies.

This initiative will remove financial barriers for individuals who wish to enter the law enforcement profession by allowing them to earn a salary during academy training, eliminating the need to work secondary jobs or take on financial burdens while pursuing certification. Additionally, law enforcement agencies participating in the program will be eligible for state grants to support mentorship and apprenticeship opportunities, fostering direct engagement between experienced officers and new recruits.

By implementing this program, Texas will increase the number of well-trained, highly motivated officers entering the workforce, improve recruitment and retention efforts, and ensure that law enforcement agencies across the state are fully staffed to combat crime, enforce immigration laws, and protect Texas communities.

## **27. Promoting Texas as a Destination for Law Enforcement Training**

Texas must establish itself as the premier destination for law enforcement training, providing comprehensive instruction in border security, immigration enforcement, and combatting transnational criminal organizations. To achieve this, the state will expand and enhance its law enforcement training facilities, ensuring that federal, state, and local agencies have access to the specialized skills and resources needed to protect communities from criminal illegal aliens.

Through partnership agreements with the federal government and other states, Texas will develop interoperable training programs designed to equip law enforcement personnel with the knowledge and tactics necessary to enforce federal immigration laws effectively. These programs will include advanced instruction in immigration enforcement, human trafficking interdiction, cartel and gang suppression, and intelligence sharing, ensuring that officers are fully prepared to combat the evolving threats posed by illegal immigration and transnational crime.

Texas' training centers, including those affiliated with TCOLE, the Texas Department of Public Safety (DPS), and specialized border security units, will serve as hubs for multi-agency collaboration, allowing officers from across the nation to receive elite-level instruction in immigration law enforcement and border security operations. By leading the way in law enforcement training, Texas will strengthen national security, enhance cooperation between jurisdictions, and ensure that law enforcement officers across the country are fully prepared to address illegal immigration and its associated criminal threats.

## **28. Felony Charges for Illegal Voting by Noncitizens and Those Who Assist Them**

Texas must implement strict felony penalties for any noncitizen who votes in any election, reinforcing the integrity of the electoral system and preventing foreign interference in the democratic process. Under this

legislation, any noncitizen of the United States who casts a ballot in any local, state, or federal election within Texas will be guilty of a felony offense, punishable by significant prison time and immediate removal from the country upon conviction.

Additionally, this law will criminalize any individual who assists, encourages, or facilitates noncitizen voting, holding them equally accountable for attempting to undermine Texas elections. This includes individuals who register noncitizens to vote, provide fraudulent identification for voting purposes, or knowingly submit ballots on behalf of illegal voters. Those convicted will face felony charges, fines, and imprisonment, ensuring that attempts to manipulate the electoral system are met with severe consequences.

To further prevent voter fraud, Texas will implement enhanced verification procedures at polling stations and within voter registration systems, including mandatory proof of U.S. citizenship before casting a ballot. Election officials will be required to report any suspected instances of noncitizen voting to the Texas Attorney General's Office for immediate investigation and prosecution.

By enacting this law, Texas will safeguard the legitimacy of its elections, deter fraudulent voting, and ensure that only U.S. citizens participate in the electoral process, preserving the fundamental right of lawful voters to have their voices heard.

## **29. Higher Penalties for Illegal Aliens Who Commit Crimes**

Texas must enact legislation that enhances criminal penalties for all illegal aliens who commit crimes within the state, ensuring that those who unlawfully enter Texas and engage in criminal activity face the harshest possible consequences. This law will reclassify all criminal offenses committed by illegal aliens, automatically increasing the severity of penalties to reflect the additional violation of immigration laws.

Additionally, Texas will mandate that any illegal alien who is a confirmed gang member and commits a crime will receive the maximum sentence allowed by law. This provision ensures that transnational gang members, including those affiliated with MS-13, Tren de Aragua, CJNG, and other cartel-backed criminal organizations, are fully prosecuted and incarcerated without the possibility of lenient sentencing or early release.

Law enforcement agencies will be required to work with ICE and federal intelligence units to identify, track, and prosecute illegal alien gang members operating within Texas. Once a gang-affiliated illegal alien completes their sentence, they will be immediately transferred into federal custody for expedited deportation.

By strengthening penalties and imposing automatic maximum sentencing for gang-affiliated criminals, Texas will deter criminal illegal aliens from entering the state, incapacitate violent offenders, and reinforce the rule of law to protect its communities from transnational crime.

## **30. The Colony Ridge Bill: Preventing Exploitative Illegal Immigration Settlements**

Texas must pass legislation, known as the Colony Ridge Bill, to prevent developers from inviting, facilitating, and exploiting illegal aliens by creating settlements that become hubs for unlawful activity. The Colony Ridge development has exposed critical loopholes in land-use regulation, property transactions, and enforcement mechanisms that enable bad actors to profit from illegal immigration while burdening local communities with rising crime, overburdened public services, and deteriorating infrastructure.

To prevent future cases like Colony Ridge, Texas must implement the following measures:

1. **Strict Property Sales Regulations** – Developers and real estate entities will be prohibited from selling, leasing, or financing property for individuals who cannot verify their legal immigration status. Any entity found knowingly selling or financing properties to illegal aliens will face severe financial penalties, forfeiture of land, and potential criminal charges.
2. **Mandatory Beneficial Ownership Disclosure** – Developers engaged in large-scale land sales, particularly those targeting low-income buyers, will be required to disclose all financial backers and beneficial ownership structures. This will prevent cartel-affiliated entities, foreign actors, or money-laundering operations from funding illegal settlements.
3. **Zoning & Housing Restrictions to Discourage Illegal Settlements** – Local governments will be empowered to regulate housing and land use to prevent the formation of high-density, unregulated developments that become labor encampments for illegal aliens. Multi-unit dwellings, overcrowded single-family housing arrangements, and informal “labor barracks” will be banned in areas that lack proper permitting and infrastructure.
4. **Transportation & Infrastructure Restrictions** – Developers will be prohibited from building large-scale settlements without proper road, water, and law enforcement infrastructure. Any developer failing to meet infrastructure requirements will be barred from future projects and face financial penalties.
5. **Increased Law Enforcement Oversight & Anti-Vagrancy Ordinances** – Localities will be authorized to enforce vagrancy, loitering, and trespassing laws more aggressively to prevent illegal aliens from forming unlawful encampments. Police will be given enhanced authority to investigate and report illegal aliens who are found residing in unpermitted developments.
6. **Statewide Task Force on Illegal Immigration Settlements** – Texas will create a task force to investigate and shut down developments that enable illegal immigration. This entity, in coordination with Texas DPS, the Attorney General’s Office, and ICE, will have the authority to audit real estate developers, seize illegally obtained properties, and criminally prosecute individuals or corporations engaging in immigration fraud or human smuggling under the guise of property sales.

By passing the Colony Ridge Bill, Texas will shut down predatory developers who exploit illegal labor, prevent unregulated settlements from destabilizing communities, and empower local governments to take direct action against unlawful immigration-driven housing projects. This legislation will deter future schemes like Colony Ridge, protect property values, and reinforce Texas' commitment to strong border security and legal immigration enforcement.

### **31. Prohibition on Taxpayer Funding for Pro Bono Legal Services and Bail for Illegal Aliens**

Texas must enact legislation prohibiting the use of state, federal, or local tax dollars for pro bono legal services, bail, or bond assistance for illegal aliens. No public funds shall be allocated, directly or indirectly, to any organization, law firm, or advocacy group that provides free legal representation, bond payments, or assistance in evading immigration enforcement.

This measure ensures that taxpayer dollars are not used to subsidize illegal immigration, obstruct federal law enforcement, or facilitate the release of individuals who have violated U.S. immigration laws. Any entity found using public funds for these purposes shall face severe financial penalties, revocation of state contracts, and immediate defunding. Texas must not allow taxpayer resources to be diverted toward

shielding illegal aliens from lawful detention and deportation, ensuring that all immigration-related legal costs are borne by the individuals involved, not by Texas citizens.

## Conclusion

Texas must take every possible measure to counteract illegal immigration and defend its sovereignty. By implementing these policies, the state will reinforce the rule of law, protect taxpayers, and uphold public safety. This legislative package ensures that Texas is leading the way in addressing the failures of federal immigration enforcement.

## References

- 8 U.S.C. § 1103. <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1103&num=0&edition=prelim>
- 8 U.S.C. § 1103(a)(10). <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title8-section1103&num=0&edition=prelim>
- 8 U.S.C. § 1231. [https://uscode.house.gov/view.xhtml?req=\(title:8%20section:1231%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:8%20section:1231%20edition:prelim))
- 28 C.F.R. § 65.83. (n.d.). *Assistance required by the Attorney General*. <https://www.law.cornell.edu/cfr/text/28/65.83>
- 50 U.S.C. § 21. (1798). *Alien Enemy Act of 1798*. [https://uscode.house.gov/view.xhtml?req=\(title:50%20section:21%20edition:prelim\)%20OR%20\(granuleid:USC-prelim-title50-section21\)&f=treesort&edition=prelim&num=0&jumpTo=true](https://uscode.house.gov/view.xhtml?req=(title:50%20section:21%20edition:prelim)%20OR%20(granuleid:USC-prelim-title50-section21)&f=treesort&edition=prelim&num=0&jumpTo=true)
- Abed, L. (Ed.). (2024). *The next president of the United States: Challenges and recommendations for the US-Mexico relationship*. Mexico Institute, Wilson Center. [https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/next\\_president\\_US\\_US-Mexico\\_relationship.pdf](https://www.wilsoncenter.org/sites/default/files/media/uploads/documents/next_president_US_US-Mexico_relationship.pdf)
- Acevedo, E. (2024, July 14). Dictators weaponizing refugees should be held accountable. *The National Interest*. <https://nationalinterest.org/feature/dictators-weaponizing-refugees-should-be-held-accountable-211998>
- Alien Registration Act (1940). Pub. L. No. 76-670, 54 Stat. 670-676. <https://loveman.sdsu.edu/docs/1940AlienRegistrationAct.pdf>
- Alien and Sedition Acts. (1798). <https://www.archives.gov/milestone-documents/alien-and-sedition-acts>
- Allen, V. (2023, February 10). *Former Border Patrol chief opens up about the horrifying power cartels wield around the Rio Grande*. The Daily Signal. <https://www.dailysignal.com/2023/02/10/no-one-crosses-unlawfully-from-mexico-without-working-with-cartels-former-border-patrol-chief-says/>
- Anaya-Muñoz, A., Cavallaro, J., & Cruz-Marín, P. (2021). *La impunidad activa en México: Cómo entender y enfrentar las violaciones masivas a los derechos humanos*. ITESO. [https://ri.iberu.mx/bitstream/handle/iberu/6139/AMA\\_Lib\\_17.pdf?sequence=1&isAllowed=y](https://ri.iberu.mx/bitstream/handle/iberu/6139/AMA_Lib_17.pdf?sequence=1&isAllowed=y)
- Andreas, P. (2000). *Border games: Policing the U.S.-Mexico divide*. Cornell University Press.
- Armed Conflict Location & Event Data Project. (2024, December 6). *Mexico: 2024 conflict index infographic*. <https://acleddata.com/2024/12/06/mexico-2024-conflict-index-infographic/>

Arnold, J. R. (2000). *Jeff Davis's Own: Cavalry, Comanches, and the battle for the Texas frontier*. John Wiley & Sons.

Articles of Confederation, art. IV. (1777). National Archives. <https://www.archives.gov/milestone-documents/articles-of-confederation>

Associated Press. (2024, December 26). Mexican investigators find 12 bodies in clandestine graves in the northern border state of Chihuahua. <https://apnews.com/article/mexico-clandestine-graves-missing-violence-cartels-44af708d304ddbc4e8f6519ceb2162b2>

Astorga, L. (1999). *Drug trafficking in Mexico: A first general assessment* [MOST Programme Report]. MOST Publications, UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000117644>

Astorga, L. (2005). *El siglo de las drogas: El narcotráfico, del Porfiriato al nuevo milenio*. Plaza & Janés.

Australian Strategic Policy Institute. (2019). *The China defence universities tracker*. <https://www.aspi.org.au/report/china-defence-universities-tracker>

Bachmann, S. D. (2021, November 16). Is the Belarus migrant crisis a 'new type of war'? A conflict expert explains. *The Conversation*. <https://theconversation.com/is-the-belarus-migrantcrisis-a-new-type-of-war-a-conflict-expert-explains-171739>

Balderrama, F. E., & Rodríguez, R. (2006). *Decade of betrayal: Mexican repatriation in the 1930s*. University of New Mexico Press.

Barnett, R. E. (2003). New evidence of the original meaning of the Commerce Clause. *Arkansas Law Review*, 55(4), 847–900. <https://scholarship.law.georgetown.edu/facpub/837/>

Barker, E. C. (1925). *The life of Stephen F. Austin, founder of Texas, 1793–1836*. Cokesbury Press. <https://archive.org/details/lifeofstephenfau00bark>

Barr, L. (2024, March 11). *FBI director warns of 'dangerous individuals' coming across southern border*. ABC News. <https://abcnews.go.com/Politics/fbi-director-warns-dangerous-individuals-coming-southern-border/story?id=108024830>

Baucum, J. (2018, February 7). UWF cuts ties with controversial Chinese-affiliated Confucius Institute. *Pensacola News Journal*. <https://www.pnj.com/story/money/business/2018/02/07/uwf-cuts-ties-chinese-run-confucius-institute-criticized-controversial-chinese-government-affiliated/312966002/>

BBC. (2021, August 18). Lithuania says Belarus officers illegally pushed immigrants over border. <https://www.bbc.com/news/world-europe-58255448>

Beittel, J. S. (2022, June 7). *Mexico: Organized crime and drug trafficking organizations*. Congressional Research Service. <https://sgp.fas.org/crs/row/R41576.pdf>

Barnett, R. E. (2001). The original meaning of the Commerce Clause. *University of Chicago Law Review*, 68(1), 101–147. <https://chicagounbound.uchicago.edu/uclrev/vol68/iss1/2/>

Biesele, R. L. (1930). The history of German settlements in Texas, 1831–1861. *Southwestern Historical Quarterly*, 34(1), 11–25. <https://repositories.lib.utexas.edu/items/b7d804f7-02c2-4061-80c8-5cca6d02d625>.

Blackstone, W. (n.d.). *Commentaries on the laws of England*. Project Gutenberg. <https://www.gutenberg.org/files/30802/30802-h/30802-h.htm> (Original work published 1765-1769)

- Blanchette, J. (2019, April 18). Against atrophy: Party organizations in private firms. *Made in China Journal*. <https://madeinchinajournal.com/2019/04/18/against-atrophy-party-organisations-in-private-firms/>
- Bonner, R. C. (2010). The new cocaine cowboys. *Foreign Affairs*, 89(4), 35-47. <https://www.foreignaffairs.com/articles/mexico/2010-07-01/new-cocaine-cowboys>
- Brady, A. M. (2017, September 18). *Magic weapons: China's political influence activities under Xi Jinping*. Wilson Center. <https://www.wilsoncenter.org/article/magic-weapons-chinas-political-influence-activities-under-xi-jinping>
- Breedlove, P. (2016). *Full spectrum security challenges in Europe and their effects on deterrence and defense* [Testimony before the House Committee on Armed Services, 114th Congress]. <https://www.congress.gov/congressional-record/2016/02/25/house-section/article/H890-1>
- Bridgeman, V. H. (2009). Defense counterintelligence reconceptualized. In J. Sims & B. Gerber (Eds.), *Vaults, mirrors, and masks: Rediscovering U.S. counterintelligence* (pp. 127-148). Georgetown University Press. <https://doi.org/10.2307/j.ctt2tt6cd.11>
- Brooke, J. (1994, August 14). Drug graft in Colombia is rife, giving leader a daunting task. *The New York Times*, pp. A1, A6. <https://www.nytimes.com/1994/08/14/world/drug-graft-in-colombia-is-rife-giving-leader-a-daunting-task.html>
- Burnett, J., & Peñaloza, M. (2015, July 6). Corruption on the border: Dismantling misconduct in the Rio Grande Valley [Radio story]. NPR. <https://www.npr.org/2015/07/06/413463836/corruption-on-the-border-dismantling-misconduct-in-the-rio-grande-valley>
- Bustillo, X., & Jin, C. H. (2023, June 26). *China owns 380,000 acres of land in the U.S. Here's where*. NPR. <https://www.npr.org/2023/06/26/1184053690/chinese-owned-farmland-united-states>
- Caballero Morales, J. J. (2017). *Mexico: Irregular warfare and hybrid warfare as the cornerstone for countering the drug cartels*. Canadian Forces College. <https://www.cfc.forces.gc.ca/259/290/402/305/caballero.pdf>
- Cadena, R. J. S. (2003). Capturing the Cali Cartel: Selections from Jaque Mata. *Crime, Law and Social Change*, 40(1), 43-58. <https://doi.org/10.1023/A:1025786919378>
- Calderón, M. (2024, March 11). Political violence in Mexico's 2024 elections: Past and future. Wilson Center. <https://www.wilsoncenter.org/article/political-violence-mexicos-2024-elections-past-and-future>
- Campbell, H. (2005). *Drug war zone: Frontline dispatches from the streets of El Paso and Juárez*. University of Texas Press. <https://utpress.utexas.edu/9780292721791/drug-war-zone/>
- Carlson, P. H. (1989). *"Pecos Bill": A military biography of William R. Shafter*. Texas A&M University Press.
- Carpenter, T. G. (2016). *The fire next door: Mexico's drug violence and the danger to America*. Cato Institute.
- Castañeda Dower, P., and Pfitze, T. (2015). Vote suppression and insecure property rights. *Journal of Development Economics*, 114, 1–19. <https://doi.org/10.1016/j.jdeveco.2014.11.003>

Castells, M. (2000). *End of millennium: The information age: Economy, society and culture* (Vol. III). Blackwell.

CBS News. (2024). *Trafficked in Texas: I-Team goes behind the scenes with the Department of Homeland Security*. <https://www.cbsnews.com/texas/news/department-of-homeland-security-child-exploitation-cases-i-team/>

Cedillo, A. (2021). *Operation Condor; the War on Drugs, and counterinsurgency in the Golden Triangle (1977-1983)* [Working Paper No. 443]. Kellogg Institute.

Center for Renewing America. (2024, January). *Brief of amicus curiae Center for Renewing America Inc. in support of plaintiffs* [Legal brief]. <https://americarenewing.com/wp-content/uploads/2024/01/Brief-of-Amicus-Curiae-Center-for-Renewing-American-Inc.pdf>

Center for Strategic and International Studies (CSIS). (2024). NATO and instrumentalized migration. Retrieved from <https://www.csis.org/analysis/nato-and-instrumentalized-migration>

*Chae Chan Ping v. United States*, 130 U.S. 581 (1889). <https://supreme.justia.com/cases/federal/us/130/581/>

*Chy Lung v. Freeman*, 92 U.S. 275 (1875). <https://supreme.justia.com/cases/federal/us/92/275/>

Charon, P., & Jeangène Vilmer, J.-B. (2021). *Chinese influence operations: A Machiavellian moment* (2nd ed.). Institute for Strategic Research (IRSEM), Ministry of the Armed Forces. <https://drive.google.com/file/d/1AhHevTIIOddtKcRaOl6pkUbZ1oXCOima/view>

Chepesiuk, R. (2003). *The bullet or the bribe: Taking down Colombia's Cali drug cartel*. Praeger.

Chepesiuk, R. (2005). *Drug lords: The rise and fall of the Cali Cartel*. Milo Books.

Civil Rights Act. (1866). 14 Stat. 27-30. <https://constitutioncenter.org/the-constitution/historic-document-library/detail/civil-rights-act-of-1866-april-9-1866-an-act-to-protect-all-persons-in-the-united-states-in-their-civil-rights-and-furnish-the-means-of-their-vindication>

Clendenen, C.C. (1969). *Blood on the border: The United States Army and the Mexican irregulars*. Macmillan Company.

Coerver, D. M., & Hall, L. B. (1984). *Texas and the Mexican Revolution: A study in state and national border policy 1910-1920*. Trinity University Press.

Congressional Research Service. (2015). *U.S.-China military contacts: Issues for Congress*. [https://www.everycrsreport.com/files/20150105\\_RL32496\\_c568174a7b783237c7d89d015f864210b0046888.pdf](https://www.everycrsreport.com/files/20150105_RL32496_c568174a7b783237c7d89d015f864210b0046888.pdf)

Connor, S. V. (1959). *Peters Colony of Texas: A history and biographical sketches of early settlers*. Texas State Historical Association. <https://archive.org/details/peterscolonyofte00conn>

Conservative U.S.-Mexico Policy Coalition. (2023, July 14). *Statement on U.S.-Mexico relations*. Texas Public Policy Foundation. <https://www.texaspolicy.com/wp-content/uploads/2023/07/Conservative-U.S.-Mexico-Policy-Coalition-Statement-%E2%80%94FINAL-14-July-2023.pdf>

Constitution of the Republic of Texas, General Provisions, § 6 (1836). <https://tarlton.law.utexas.edu/constitutions/republic-texas-1836/general-provisions>

- Cool, P. (2017). *My men are all frontiersmen: El Paso's Tejano Texas Rangers in the 1870s*. Texas Ranger Association Foundation. <https://www.texasranger.org/wp-content/uploads/2017/07/History-Salt-Warriors.pdf>
- Correa-Cabrera, G. (2017). *Los Zetas Inc.: Criminal corporations, energy, and civil war in Mexico*. University of Texas Press. <https://utpress.utexas.edu/9781477312773/>
- Council of the European Union. (2020). *Restrictive measures following the 2020 Belarus presidential elections*. <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-following-the-2020-belarus-presidential-elections/>
- Cox, M. (n.d.). *The Texas Rangers: From horses to helicopters*. Texas Almanac. Retrieved December 10, 2024, from <https://www.texasalmanac.com/articles/the-texas-rangers-from-horses-to-helicopters>
- Cox, M. (2010). *Time of the Rangers: Texas Rangers: From 1900 to the present*. MacMillan Publishers.
- Craig, R. B. (1980). Operation Condor: Mexico's antidrug campaign enters a new era. *Journal of Interamerican Studies and World Affairs*, 22(3), 345-363. <https://www.cambridge.org/core/journals/journal-of-interamerican-studies-and-world-affairs/article/abs/operation-condor-mexicos-antidrug-campaign-enters-a-new-era/D40D6BD01B1521B93F088AE6C0D7FCAA>
- Culberson, C. A. (1911). *Claim of the state of Texas for defense of the frontier: Papers and letters relative to additional claim of the state of Texas for reimbursement of monies expended in frontier defense in 1856 and 1860-61*. U.S. Government Printing Office. <https://babel.hathitrust.org/cgi/pt?id=loc.ark:/13960/t4pk0p47d>
- Daniels, R. (1971). *Concentration camps USA: Japanese Americans and World War II*. Holt, Rinehart and Winston. [https://archive.org/details/concentrationcam00dani\\_0](https://archive.org/details/concentrationcam00dani_0)
- Deal, J. N. (2020). Disintegrating the enemy: The PLA's info-messaging. *The US Army War College Quarterly: Parameters*, 50, 6-9. <https://press.armywarcollege.edu/parameters/vol50/iss3/3/>
- De Janvry, A., Gonzalez-Navarro, M., and Sadoulet, E. (2014). Are land reforms granting complete property rights politically risky? Electoral outcomes of Mexico's certification program. *Journal of Development Economics*, 110, 216–225. <https://doi.org/10.1016/j.jdeveco.2013.04.003>
- De la Torre, L. V. (2008, June). *Drug trafficking and police corruption: A comparison of Colombia and Mexico* [Master's thesis, Naval Postgraduate School]. Defense Technical Information Center. <https://apps.dtic.mil/sti/tr/pdf/ADA483659.pdf>
- Del Bosque, M., & Michels, P. (2015). Homeland security's unchecked corruption at the border. *Texas Observer*. <https://www.texasobserver.org/homeland-security-corruption-border-patrol/>
- Denison, J. (2023). Migrants as a weapons system: Examining migration as a coercive instrument of hybrid warfare. *Journal of National Security Law & Policy*. [https://jnsllp.com/wp-content/uploads/2023/01/Migrants\\_as\\_a\\_Weapons\\_System\\_2.pdf](https://jnsllp.com/wp-content/uploads/2023/01/Migrants_as_a_Weapons_System_2.pdf)
- Department of Defense. (2022). *Securing defense-critical supply chains: An action plan developed in response to President Biden's Executive Order 14017*. <https://media.defense.gov/2022/Feb/24/2002944158/-1/-1/1/DOD-EO-14017-REPORT-SECURING-DEFENSE-CRITICAL-SUPPLY-CHAINS.PDF>

Department of Homeland Security. (2025, January 23). *Finding of mass influx of aliens* [Memorandum]. [https://www.dhs.gov/sites/default/files/2025-01/25\\_0123\\_finding-of-mass-influx-of-aliens.pdf](https://www.dhs.gov/sites/default/files/2025-01/25_0123_finding-of-mass-influx-of-aliens.pdf)

Department of Homeland Security Office of Inspector General (2024, September 30). *CBP, ICE, and TSA did not fully assess risks associated with releasing noncitizens without identification into the United States and allowing them to travel on domestic flights* (OIG-24-65).

<https://www.oig.dhs.gov/sites/default/files/assets/2024-10/OIG-24-65-Sep24-Redacted.pdf>

Department of Justice. (2024a). *U.S. government disrupts botnet of People's Republic of China used to conceal hacking critical infrastructure*. <https://www.justice.gov/opa/pr/us-government-disrupts-botnet-peoples-republic-china-used-conceal-hacking-critical>

Department of Justice, Office of Public Affairs. (2024b). *Two arrested for operating illegal overseas police station of the Chinese government* [Press release]. <https://www.justice.gov/opa/pr/two-arrested-operating-illegal-overseas-police-station-chinese-government>

Dermota, K. (1999). Snow business: Drugs and the spirit of capitalism. *World Policy Journal*, 16(4), 15-24. <https://www.jstor.org/stable/40209658>

Dezenski, E. K., & Rader, D. (2023, November 22). *The U.S. must combat CCP-sanctioned overseas spying by private entities*. Foundation for Defense of Democracies. <https://www.fdd.org/analysis/2023/11/22/the-u-s-must-combat-ccp-sanctioned-overseas-spying-by-private-entities-2/>

Diamond, L., & Schell, O. (2018). *Chinese influence & American interests: Promoting constructive vigilance*. Hoover Institution Press.

Diaz, G. T. (2015). *Border contraband: A history of smuggling across the Rio Grande*. University of Texas Press.

Disaster Center. (n.d.). *Texas crime rates 1960-2019*. Retrieved October 10, 2024, from <https://www.disastercenter.com/crime/txcrime.htm>

Douglass, J. D., Jr. (1999). *Red cocaine: The drugging of America and the West*. Edward Harle, Ltd.

Dowty, A., & Loescher, G. (1996). Refugee flows as grounds for international action. *International Security*, 21(1), 43-71. <https://doi.org/10.2307/2539108>

Doyon, J. (2023, August 11). Party penetration deepens in China's private sector. *Asia Times*. <https://asiatimes.com/2023/08/party-penetration-deepens-in-chinas-private-sector/>

Drug Enforcement Administration. (2023). *DEA celebrates 50 years*. <https://www.dea.gov/dea-celebrates-50-years>

Drug Enforcement Administration. (2024). *State and territory report on enduring and emerging threats*. United States Department of Justice. <https://www.dea.gov/sites/default/files/2024-01/Street%20Report%20-%20Jan%202024%20-%20FINAL.pdf>

Dunn, T. J. (1996). *The militarization of the U.S.-Mexico border, 1978-1992: Low-intensity conflict doctrine comes home*. Center for Mexican-American Studies.

Economist Intelligence Unit. (2023). *Democracy index 2023*. <https://www.eiu.com/n/campaigns/democracy-index-2023>

*Edwards v. California*, 314 U.S. 160 (1941). <https://supreme.justia.com/cases/federal/us/314/160/>

*Edye v. Robertson*, 112 U.S. 580 (1884). <https://caselaw.findlaw.com/court/us-supreme-court/112/580.html>

Eftimiades, N. (2016). *Chinese intelligence operations*. Routledge.

Eisenhower, J. S. D. (1993). *Intervention! The United States and the Mexican Revolution, 1913-1917*. W. W. Norton & Company.

Ellingwood, K., & Wilkinson, T. (2009, March 15). Drug cartels' new weaponry means war. *Los Angeles Times*, pp. A1, A14. <https://www.latimes.com/world/la-fg-mexico-arms-race15-2009mar15-story.html>

Elliot, J. (Ed.). (n.d.). *The debates in the several state conventions on the adoption of the federal constitution as recommended by the general convention at Philadelphia in 1787* (2nd ed., Vol. 1-5). Burt Franklin. (Original work published 1888). [https://press-pubs.uchicago.edu/founders/documents/a1\\_9\\_1s15.html](https://press-pubs.uchicago.edu/founders/documents/a1_9_1s15.html)

Enciso, F. (2015). *Nuestra historia narcótica: Pasajes para (re)legalizar las drogas en México*. Debate.

Encyclopedia Britannica. (n.d.). *Mexico: Independence, Revolution, 1810*. Retrieved October 12, 2024, from <https://www.britannica.com/place/Mexico/Independence>

European Court of Human Rights. (2021, August 25). *Interim measures in the cases Amiri and Others v. Poland and Ahmed and Others v. Latvia* (ECHR 244). <https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7100942-9612632>

Everett, D. B. (1995). *The Texas Cherokees: A people between two fires, 1819-1840*. University of Oklahoma Press.

Exec. Order No. 14159. (Jan. 20, 2025). <https://www.govinfo.gov/app/details/DCPD-202500126>

Exec. Order No. 9066, 3 C.F.R. 1092. (1942). <https://www.archives.gov/milestone-documents/executive-order-9066>

Febre, M. (n.d.). *Tequileros and moonshiners: Prohibition in Texas*. Texas Woman's University. Retrieved October 12, 2024, from <https://twu.edu/media/documents/history-government/Tequileros-and-Moonshiners--Prohibition-in-Texas.pdf>

Federal Bureau of Investigation (FBI). (2019). *China: The risk to corporate America*. <https://www.fbi.gov/file-repository/china-risk-to-corporate-america-2019.pdf/view>

Federal Bureau of Investigation (FBI). (2021). *The Texas transition to NIBRS*. FBI Law Enforcement Bulletin. <https://le.fbi.gov/cjis-division/cjis-link/the-texas-transition-to-nibrs>

Federal Bureau of Investigation (FBI). (2023). *National Incident-Based Reporting System (NIBRS) implementation status report*. <https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr/nibrs>

Federal Newswire. (2023, October 26). *The cartel connection: Derek Maltz sheds light on the border & fentanyl pandemic*. <https://thefederalnewswire.com/stories/650700502-the-cartel-connection-derek-maltz-sheds-light-on-the-border-fentanyl-pandemic>

- Fehrenbach, T. R. (1968). *Lone star: A history of Texas and the Texans*. Macmillan.
- Fehrenbach, T. R. (1995). *Fire and blood: A history of Mexico*. Da Capo Press.
- Fernández, R. (2024, June 4). *A playground for international spies: A look at Mexico*. *ReVista: Harvard Review of Latin America*. <https://revista.drclas.harvard.edu/a-playground-for-international-spies-a-look-at-mexico/>
- Finckenauer, J. O., Fuentes, J. R., & Ward, G. L. (n.d.). *Mexico and the United States: Neighbors confront drug trafficking*. National Institute of Justice, International Center. Retrieved October 12, 2024, from <https://www.ojp.gov/pdffiles1/nij/218561.pdf>
- Fishman, G. (2023, October 10). *The 225-year-old 'Alien Enemies Act' needs to come out of retirement*. *Center for Immigration Studies*. Center for Immigration Studies. <https://cis.org/Report/225yearold-Alien-Enemies-Act-Needs-Come-Out-Retirement>
- Fitzgerald, S. (2025, February 9). DEA Agent Tarentino to Newsmax: Cartels operating in 65 countries. Newsmax. <https://www.newsmax.com/newsmax-tv/drug-cartels-tarentino/2025/02/09/id/1198425/>
- Felbab-Brown, V. (2019). *Mexico's out-of-control criminal market*. Brookings Institution. [https://www.brookings.edu/wp-content/uploads/2019/03/FP\\_20190322\\_mexico\\_crime-2.pdf](https://www.brookings.edu/wp-content/uploads/2019/03/FP_20190322_mexico_crime-2.pdf)
- Fly-Wheel, O. B. (2015, May 8). Narco-terrorism doesn't exist: Jalisco government. *Borderland Beat*. <https://www.borderlandbeat.com/2015/05/narco-terrorism-doesnt-exit-jalisco.html>
- Fong Yue Ting v. United States*, 149 U.S. 698 (1893). <https://supreme.justia.com/cases/federal/us/149/698/>
- Foster, L. V. (1997). *A brief history of Mexico*. Facts on File.
- Freedom House. (2024). *Freedom in the world 2024: Mexico*. <https://freedomhouse.org/country/mexico/freedom-world/2024>
- Furchtgott-Roth, H. (2018, February 5). 5G, economic warfare and how to win. *Forbes*. <https://www.forbes.com/sites/haroldfurchtgottroth/2018/02/05/5g-economic-warfare-and-how-to-win/>
- Gammel, H. P. N. (Ed.). (1898). *The laws of Texas, 1822–1897* (Vol. 1). Gammel Book Co. <https://texashistory.unt.edu/ark:/67531/metaph5872/>
- Garza, A. A. (1995, December 1). *Norias Ranch Raid*. Texas State Historical Association. <https://www.tshaonline.org/handbook/entries/norias-ranch-raid>
- Gaunt, T. (2017). *El narco: The role of the Mexican drug cartels in American law enforcement*. School of Law Enforcement Supervision. [https://www.cji.edu/wp-content/uploads/2019/04/el\\_narco.pdf](https://www.cji.edu/wp-content/uploads/2019/04/el_narco.pdf)
- Gerdžiūnas, B. (2021, June 15). Baghdad to Lithuania: How Belarus opened new migration route to EU. *Euroactiv*. <https://www.euroactiv.com/section/global-europe/news/baghdad-to-lithuania-how-belarus-opened-new-migration-route-to-eu/>
- Gershaneck, K. K. (2024). China's "Second Battlefield." In *Political warfare: Strategies for combating China's plan to "Win without fighting."* <https://doi.org/10.21140/mcu.20241502009>
- Georgetown Americas Institute. (2024, April 16). *Mexican cartels, fentanyl, and the global synthetic drugs revolution*. <https://americas.georgetown.edu/features/mexican-cartels-fentanyl-and-the-global-synthetic-drugs-revolution>

Global Initiative Against Transnational Organized Crime. (2023). *Global organized crime index 2023: Mexico*. <https://ocindex.net/country/mexico>

Grillo, I. (2011). *El narco: Inside Mexico's criminal insurgency*. Bloomsbury Press.

Grillo, I. (2013). Mexican cartels: A century of defying U.S. drug policy. *Brown Journal of World Affairs*, 20(1), 253-265. <https://repository.library.brown.edu/studio/item/bdr:1078620/PDF/?embed=true>

Golden, T. (2024, July 19). Drug traffickers said they backed an early campaign of Mexico's president. But U.S. agents were done investigating. ProPublica. <https://www.propublica.org/article/mexico-drug-traffickers-dea-investigation-amlo-campaign>

Goldstein, M. (2024, December 27). *Cali KGB: Cartel counterintelligence*. Grey Dynamics. <https://greydynamics.com/cali-kgb-cartel-counterintelligence/>

Gordon, D. F., Fidas, G. C., & Papademetriou, D. (2001). *Growing global migration and its implications for the United States* (National Intelligence Estimate 2001-02D). Central Intelligence Agency. [https://www.dni.gov/files/documents/migration\\_2001.pdf](https://www.dni.gov/files/documents/migration_2001.pdf)

Government Accountability Office (GAO). (2024). *Foreign investments in U.S. agricultural land: Review of USDA's process for collecting and reporting data* (GAO-24-106337). <https://www.gao.gov/products/gao-24-106337>

Government Accountability Office (GAO). (2023). *Border security metrics: Challenges in measuring effectiveness* (GAO-24-106277). <https://www.gao.gov/assets/gao-24-106277-highlights.pdf>

Government Accountability Office (GAO). (2013). *Border security: Data are limited and concerns vary about spillover crime along the southwest border* (GAO-13-175). <https://www.gao.gov/products/gao-13-175>

Government Accountability Office (GAO). (2010). *Rare earth metals in the defense supply chain* (GAO-10-617). <https://www.gao.gov/products/gao-10-617r>

Grayson, G. W. (2014). *The evolution of Los Zetas in Mexico and Central America: Sadism as an instrument of cartel warfare*. Strategic Studies Institute, US Army War College.

Greenhill, K. M. (2010). *Weapons of mass migration: Forced displacement, coercion, and foreign policy*. Cornell University Press.

Greenhill, K. M. (2016). Open arms behind barred doors: Fear, hypocrisy and policy schizophrenia in the European migration crisis. *European Law Journal*, 22(3), 317-332. <https://doi.org/10.1111/eulj.12179>

Gregory, J. N. (1989). *American exodus: The Dust Bowl migration and Okie culture in California*. Oxford University Press.

Greer, J. K. (1935). *Colonel Jack Hays: Texas frontier leader and California builder*. Dutton.

Grillo, I. (2013a). Mexican cartels: A century of defying U.S. drug policy. *Brown Journal of World Affairs*, 20(1), 253-265. <https://repository.library.brown.edu/studio/item/bdr:1078620/PDF/?embed=true>

Grillo, I. (2013b). *El Narco: Inside Mexico's criminal insurgency*. Bloomsbury Publishing. [https://play.google.com/books/reader?id=1G4FIXMOgfkC&pg=GBS.PA1&hl=en\\_US](https://play.google.com/books/reader?id=1G4FIXMOgfkC&pg=GBS.PA1&hl=en_US)

- Grillo, I. (2019, October 18). How the Sinaloa cartel bested the Mexican Army. *Time*. <https://time.com/5705358/sinaloa-cartel-mexico-culiacan/>
- Grillo, I. (2024, January 3). *Mexico's cartel map 2024: Who controls what turf at the dusk of AMLO's presidency?* Crashout Media. <https://www.crashoutmedia.com/p/mexicos-cartel-map-2024>
- Goldstein, M. (2024, December 27). *Cali KGB: Cartel counterintelligence*. Grey Dynamics. <https://greydynamics.com/cali-kgb-cartel-counterintelligence/>
- Grives, F. J. (1866). *Debates and proceedings of the first session of the 39th Congress*. Congressional Globe. <https://www.congress.gov/congressional-globe/congress-39-session-1-part-4.pdf>
- Gulick, C. A., Jr. (Ed.). (1922). *The papers of Mirabeau Buonaparte Lamar* (Vol. 2). A. C. Baldwin & Sons. <https://archive.texashistorytrust.org/view/182541733/72/>
- Hackers-Arise. (2025, January 25). *Mobile hacking: How the Mexican drug cartels built their own cellular infrastructure to avoid surveillance*. <https://www.hackers-arise.com/post/mobile-hacking-how-the-mexican-drug-cartels-built-their-own-cellular-infrastructure-to-avoid-survei>
- Hamilton, A. (1788a). *The Federalist No. 32*. Yale Law School. [https://avalon.law.yale.edu/18th\\_century/fed32.asp](https://avalon.law.yale.edu/18th_century/fed32.asp)
- Hamilton, A. (1788b). *The Federalist No. 82*. Yale Law School. [https://avalon.law.yale.edu/18th\\_century/fed82.asp](https://avalon.law.yale.edu/18th_century/fed82.asp)
- Hamilton, C., & Ohlberg, M. (2020). *Hidden hand: Exposing how the Chinese Communist Party is reshaping the world*. Hardie Grant Books.
- Hankinson, S. (2024, May 31). *Biden's border crisis promotes foreign espionage in plain sight*. The Heritage Foundation. <https://www.heritage.org/border-security/commentary/bidens-border-crisis-promotes-foreign-espionage-plain-sight>
- Hanen, K. (2016). Doubling down: Why Mexican drug trafficking organizations should be designated as foreign terrorist organizations and as significant narcotics traffickers. *American Journal of Criminal Law*, 43(2), 173-203. <https://www.proquest.com/docview/1833946637?sourcetype=Scholarly%20Journals>
- Hayashi, B. M. (2004). *Democratizing the enemy: The Japanese American internment*. Princeton University Press.
- He, L. (2024, February 21). *Preparing for war, social unrest, or a new pandemic? Chinese companies are raising militias like it's the 1970's*. CNN. <https://www.cnn.com/2024/02/21/business/china-corporate-militias-resurgence-int-hnk/index.html>
- Hirota, H. (2017). *Expelling the poor: Atlantic seaboard states and the nineteenth-century origins of American immigration policy*. Oxford University Press.
- History.com Editors. (2019, December 17). War on drugs. *History.com*. <https://www.history.com/topics/crime/the-war-on-drugs>
- History.com Editors. (2021, September 15). Struggle for Mexican independence: War, causes & effects. *History.com*. <https://www.history.com/topics/latin-america/struggle-for-mexican-independence>
- HJR 62 Bill Analysis. Senate Research Center. 76th Texas Legislature. Regular. (1999, May). <https://capitol.texas.gov/tlodocs/76R/analysis/html/HJ00062E.htm>

Hoffman, F. G. (2007). *Conflict in the 21st century: The rise of hybrid wars*. Potomac Institute for Policy Studies. [https://www.potomacinstitute.org/images/stories/publications/potomac\\_hybridwar\\_0108.pdf](https://www.potomacinstitute.org/images/stories/publications/potomac_hybridwar_0108.pdf)

Hogan, W. R. (1946). *The Texas Republic: A social and economic history*. University of Oklahoma Press.

Holzner, C. A. (2016, October 30). End of clientelism: Changing political practices among the poor in Mexico. LAS Políticas. <https://u.osu.edu/laspolicas/2016/10/30/end-of-clientelism-2/>

Homeland Security Committee Republicans. (2024a, September 27). *Chairman Green on new "shocking" numbers of criminal illegal aliens roaming free in U.S. – "defies all common sense."* <https://homeland.house.gov/2024/09/27/chairman-green-on-new-shocking-numbers-of-criminal-illegal-aliens-roaming-free-in-u-s-defies-all-common-sense/>

Homeland Security Committee Republicans. (2024b, September 18). *"Crisis by design": Homeland majority releases report documenting the Biden-Harris administration's responsibility for historic border crisis.* <https://homeland.house.gov/2024/09/18/crisis-by-design-homeland-majority-releases-report-documenting-the-biden-harris-administrations-responsibility-for-historic-border-crisis/>

Homeland Security Committee Republicans. (2024c, August 21). *Startling stats factsheet: Nationwide border encounters surpass 10 million under Biden-Harris administration as Americans suffer.* <https://homeland.house.gov/2024/08/21/startling-stats-factsheet-nationwide-border-encounters-surpass-10-million-under-biden-harris-administration-as-americans-suffer/>

Homeland Security Republicans. (2023, December 14). *"Now, nobody crosses without paying": Senior Border Patrol agents describe unprecedented cartel control at Southwest border.* <https://homeland.house.gov/2023/12/14/now-nobody-crosses-without-paying-senior-border-patrol-agents-describe-unprecedented-cartel-control-at-southwest-border/>

Horowitz, D. (2019, June 3). *Mexican government admits 80% of its populated territory is run by cartels, including key border areas.* The Blaze. <https://www.theblaze.com/conservative-review/mexican-government-admits-80-populated-territory-run-cartels-including-key-border-areas>

House Committee on Homeland Security. (2023, September 7). *DHS Secretary Alejandro Mayorkas has emboldened cartels, criminals, and America's enemies* [Phase 2 interim report]. <https://homeland.house.gov/wp-content/uploads/2023/09/09.07-Phase-2-Final.pdf>

House Committee on Oversight & Accountability. (2024a). *Defending America from the Chinese Communist Party's political warfare, Part II.* <https://www.congress.gov/118/chr/CHRG-118hhrg56065/CHRG-118hhrg56065.pdf>

House Committee on Oversight & Accountability. (2024b). *Defending America from the Chinese Communist Party's political warfare, Part III.* <https://oversight.house.gov/hearing/defending-america-from-the-chinese-communist-partys-political-warfare-part-iii/>

House Committee on Oversight & Accountability. (2024c). *CCP Report.* <https://oversight.house.gov/ccp-report/>

House Judiciary Committee. (2024, September 12). *The consequences of the Biden-Harris administration's open-borders policies: The case of the illegal alien who brutally assaulted a developmentally disabled woman* [Interim staff report]. <https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/09-12->

[2024%20The%20Case%20of%20the%20Illegal%20Alien%20Who%20Brutally%20Assaulted%20a%20Developmentally%20Disabled%20Woman.pdf](#)

House Select Committee on the CCP. (2024, April 16). *The CCP's role in the fentanyl crisis*.

<https://selectcommitteeontheccp.house.gov/sites/evo-subsites/selectcommitteeontheccp.house.gov/files/evo-media-document/4.16%20The%20CCP%27s%20Role%20in%20the%20Fentanyl%20Crisis.pdf>

Houston Public Media. (2024). Potential victims of human trafficking rescued from Houston-area nightclubs. <https://www.houstonpublicmedia.org/articles/news/criminal-justice/2024/10/24/503661/potential-victims-of-human-trafficking-rescued-from-houston-area-nightclubs/>

H.R. 3490. Boggs Act of 1951. 82nd Congress. (1951). <https://komornlaw.com/the-boggs-act-of-1951/>

Hsu, S., & Cole, J. M. (n.d.). *Insidious power: How China undermines global democracy*.

Humire, J. M. (2025, March 11). *Enhancing federal, state, and local coordination in the fight against criminal illegal aliens* [Written testimony]. Committee on Oversight and Government Reform, Subcommittee on Federal Law Enforcement, U.S. House of Representatives.

<https://oversight.house.gov/wp-content/uploads/2025/03/Humire-Written-Testimony.pdf>

Hvistendahl, M. (2017, February 28). China's theft of U.S. trade secrets under scrutiny. *Science*.

<https://www.newamerica.org/fellows/articles/chinas-theft-us-trade-secrets-under-scrutiny/>

Jennequin, A. (2020). *Turkey and the weaponization of Syrian refugees* [Policy Brief]. Brussels International Center. <https://www.bic-rhr.com/sites/default/files/inline-files/ME%20Policy%20Report%20-%20Turkey%20and%20the%20Weaponization%20of%20Syrian%20Refugees%20-%20Jan%202020.pdf>

Johnson, B. H. (2005). *Revolution in Texas: How a forgotten rebellion and its bloody suppression turned Mexicans into Americans*. Yale University Press.

Joint Chiefs of Staff. (2018, April 25). *Counterinsurgency* (Joint Publication 3-24). U.S. Department of Defense. [https://irp.fas.org/doddir/dod/jp3\\_24.pdf](https://irp.fas.org/doddir/dod/jp3_24.pdf)

Joint Economic Committee. (2022). *The economic toll of the opioid crisis reached nearly \$1.5 trillion in 2020*. [https://www.jec.senate.gov/public/\\_cache/files/67bced7f-4232-40ea-9263-f033d280c567/jec-cost-of-opioids-issue-brief.pdf](https://www.jec.senate.gov/public/_cache/files/67bced7f-4232-40ea-9263-f033d280c567/jec-cost-of-opioids-issue-brief.pdf)

Jolkina, A. (2022, August 22). Legalising refolement: Pushbacks and forcible 'voluntary' returns from the Latvian-Belarus border. *RLI Blog on Refugee Law & Forced Migration*. <https://perma.cc/2R43-YZRD>

Jones, N. P. (2018). The strategic implications of the Cártel de Jalisco Nueva Generación. *Journal of Strategic Security*, 11(1), 19-42. <https://doi.org/10.5038/1944-0472.11.1.1661>

Johnson, B. (2015, December 6). *The "Bandit War" and the Porvenir Massacre*. Texas Ranger Hall of Fame and Museum. <https://www.ppolinks.com/texasranger/HISTORY-Mexican-Revolution-and-Porvenir-Massacre.pdf>

Jonsson, O. (2019). The evolution of hybrid warfare: Implications for strategy and the military profession. *Parameters*, 51(3), 1-15. <https://press.armywarcollege.edu/parameters/vol51/iss3/11/>

- Joske, A. (2020, June 9). *The party speaks for you: Foreign interference and the Chinese Communist Party's united front system*. Australian Strategic Policy Institute. <https://www.aspi.org.au/report/party-speaks-you>
- Judicial Watch. (2019, March 12). *Designation of drug cartels as "foreign terrorist organizations" and a reassessment of the classification of the Mexican government under the Trafficking Victims Protection Act*. <https://www.judicialwatch.org/wp-content/uploads/2019/03/JWWhitePaperCartelFTOdesignatMarch2019-003.pdf>
- Kania, E. (2016). China brief: The PLA's latest strategic thinking on the Three Warfares. *Jamestown Foundation*, 49-50. <https://jamestown.org/program/the-plas-latest-strategic-thinking-on-the-three-warfares/>
- Kenney, M. (2007). *From Pablo to Osama: Trafficking and terrorist networks, government bureaucracies, and competitive adaptation*. Pennsylvania State University Press. <https://doi.org/10.5325/j.ctv14gnzxw>
- Kaminski, J. P. (1976). *The documentary history of the ratification of the Constitution* (Vol. 6). Wisconsin Historical Society Press. <https://search.library.wisc.edu/digital/ATR2WPX6L3UFLH8I>
- Kaminski, M. (2024, June 1). The most important national security issue facing America, with the least amount of attention. *Politico*. <https://www.politico.com/news/magazine/2024/06/01/us-mexico-border-drugs-immigration-00160725>
- Kaufmann, J. E., & Kaufmann, H. W. (2004). *Fortress America: The forts that defended America, 1600 to the present*. Da Capo Press.
- Kine, P. (2024, April 3). *US states are cutting off Chinese citizens and companies from land ownership*. *Politico*. <https://www.politico.com/news/2024/04/03/state-laws-china-land-buying-00150030>
- Lane, M., & Lundquis, J. (2024, April 10). *Biden's border crisis: Examining the impacts of international cartels targeting Indian Country* [Written testimony]. Committee on Homeland Security, Subcommittee on Border Security and Enforcement, U.S. House of Representatives. <https://www.congress.gov/118/meeting/house/117025/documents/HHRG-118-II15-20240410-SD002.pdf>
- Larreguy, H. A. (2013, December). *Monitoring political brokers: Evidence from clientelistic networks in Mexico*. University of California, Berkeley. [https://cpd.berkeley.edu/wp-content/uploads/2015/02/Monitoring\\_Brokers\\_Dec2013.pdf](https://cpd.berkeley.edu/wp-content/uploads/2015/02/Monitoring_Brokers_Dec2013.pdf)
- Larsen, R. (2024, January 24). The opioid epidemic has devastated Northwest Washington. *Cascadia Daily News*. <https://www.cascadiadaily.com/2024/jan/24/larsen-the-opioid-epidemic-has-devastated-northwest-washington/>
- Laukagalis, M. (2021, July 27). Brussels will not fund Lithuania's border fence with Belarus. *LRT.lt*. <https://www.lrt.lt/en/news-in-english/19/1458242/brussels-will-not-fund-lithuania-s-border-fence-with-belarus>
- Leckie, W. H., & Leckie, S. A. (2003). *The Buffalo Soldiers: A narrative of the Black Cavalry in the West* (Rev. ed.). University of Oklahoma Press.
- Ledwith, W. E. (2000, February 15). *Statement before the U.S. House Government Reform Committee, Subcommittee on Criminal Justice, Drug Policy, and Human Resources* [Congressional Testimony]. Drug Enforcement Administration. [https://irp.fas.org/congress/2000\\_hr/ct021500.htm](https://irp.fas.org/congress/2000_hr/ct021500.htm)

- Leiker, J. N. (2002). *Racial borders: Black soldiers along the Rio Grande*. Texas A&M University Press.
- Liang, Q., & Xiangsu, W. (1999). *Unrestricted warfare: China's master plan to destroy America*. PLA Literature and Arts Publishing House.
- Lindquist, S. (2025, February 25). *Over 100 illegals captured in Colony Ridge deportation raids*. The Daily Wire. <https://www.dailywire.com/news/nearly-100-illegals-captured-in-colony-ridge-deportation-raids>
- Lira Saade, C. (2003, March 15). La historia del cártel del Golfo. *La Jornada*. <https://www.jornada.com.mx/2003/03/15/046n1soc.php>
- Lockington v. Smith*. (1817). <https://law.resource.org/pub/us/case/reporter/F.Cas/0015.f.cas/0015.f.cas.0758.2.pdf>
- Lohmuller, M. (2015, May 6). 'Operation Jalisco' in Mexico: New general, same police. InSight Crime. <https://insightcrime.org/news/brief/mexico-selects-army-general-to-lead-operation-jalisco/>
- Longmire, S. (2011). *Cartel: The coming invasion of Mexico's drug wars*. Palgrave Macmillan.
- Łubiński, P. (2022). Hybrid warfare or hybrid threat – The weaponization of migration as an example of the use of lawfare – Case study of Poland. *Polish Political Science Yearbook*, 51, 43-55. <https://doi.org/10.15804/ppsy202209>
- Lucio. (2015, May 1). *7 reported killed: Blockades and violence in Jalisco amid rumors of possible El Mencho capture*. Borderland Beat. <https://www.borderlandbeat.com/2015/05/7-reported-killed-blockades-and.html>
- Luna, D. M. (2024, August 25). *Irregular warfare in strategic competition and gray zones: Prosecuting authoritarian subversion and exploitative use of corruption and criminality to weaken democracy*. Small Wars Journal. <https://smallwarsjournal.com/2024/08/25/perspective-irregular-warfare-strategic-competition-and-gray-zones-prosecuting/>
- Luo, F., Li, M., & Florence, C. (2021). State-level economic costs of opioid use disorder and fatal opioid overdose — United States, 2017. *Morbidity and Mortality Weekly Report*, 70(15), 541–546. <http://dx.doi.org/10.15585/mmwr.mm7015a1>
- Mackinlay, H. (2011). La agroindustria del tabaco en México y la formación de la empresa paraestatal Tabamex: 1920-1972. *Polis*, 7 (2), 213-262. [https://www.scielo.org.mx/scielo.php?script=sci\\_arttext&pid=S1870-23332011000200008](https://www.scielo.org.mx/scielo.php?script=sci_arttext&pid=S1870-23332011000200008)
- Mann, B. (2023, December 28). In 2023 fentanyl overdoses ravaged the U.S. and fueled a new culture war fight. *NPR*. <https://www.npr.org/2023/12/28/1220881380/overdose-fentanyl-drugs-addiction>
- Markowitz, P. L. (2008). Straddling the civil-criminal divide: A bifurcated approach to understanding the nature of immigration removal proceedings. *Harvard Civil Rights-Civil Liberties Law Review*, 43(2), 289–352. <https://larc.cardozo.yu.edu/faculty-articles/370/>
- Marshall, J. (1992). CIA assets and the rise of the Guadalajara connection. In A. W. McCoy & A. A. Block (Eds.), *War on drugs: Studies in the failures of US narcotics policy* (pp. 11-15). Westview Press.
- Martin v. Mott*, 25 U.S. 19 (1827). <https://tile.loc.gov/storage-services/service/ll/usrep/usrep025/usrep025019/usrep025019.pdf>

Matthews, M. M. (2007). *The US Army on the Mexican border: A historical perspective* [Long War Series Occasional Paper 22]. Combat Studies Institute Press.

[https://www.armyupress.army.mil/Portals/7/combats-studies-institute/csi-books/Matthews\\_op22.pdf](https://www.armyupress.army.mil/Portals/7/combats-studies-institute/csi-books/Matthews_op22.pdf)

Maya, P. R. (2021, March 18). *The narco hybrid-threat*. Small Wars Journal.

<https://smallwarsjournal.com/2021/03/18/narco-hybrid-threat/>

McCaffrey, B. R., & Scales, R. H. (2011, September 20). *Texas border security: A strategic military assessment*. Texas Department of Agriculture.

[https://texasagriculture.gov/Portals/0/DigArticle/1623/46982\\_Final%20Report-Texas%20Border%20Security.pdf](https://texasagriculture.gov/Portals/0/DigArticle/1623/46982_Final%20Report-Texas%20Border%20Security.pdf)

McCarty, J. B. (1980). *The struggle for sobriety: Protestants and Prohibition in Texas, 1919-1935*. Texas Western Press.

Millett, A. R. (1975). *The general: Robert L. Bullard and officership in the United States Army, 1881-1925*. Greenwood Press.

Mobley, B. W., & Ray, T. (2019). The Cali Cartel and counterintelligence. *International Journal of Intelligence and CounterIntelligence*, 32(1), 30-53. <https://doi.org/10.1080/08850607.2018.1522218>

Montejano, D. (1987). *Anglos and Mexicans in the making of Texas, 1836-1986*. University of Texas Press.

Natelson, R. G. (2006). The legal meaning of "commerce" in the Commerce Clause. *St. John's Law Review*, 80(3), 789–845. <https://i2i.org/wp-content/uploads/Commerce.pdf>

Natelson, R. G. (2022). *The power to restrict immigration and the original meaning of the Constitution's Define and Punish Clause*. Sciendo. <https://i2i.org/wp-content/uploads/Immigration-BJALS-final-amended.pdf>

National Drug Intelligence Center. (2007). *West Texas High Intensity Drug Trafficking Area drug market analysis*. U.S. Department of Justice. <https://www.justice.gov/archive/ndic/pubs22/22651/drugover.htm>

National Intelligence Council. (2024, July). *Updated IC gray zone lexicon: Key terms and definitions*. Office of the Director of National Intelligence.

<https://www.dni.gov/files/ODNI/documents/assessments/NIC-Unclassified-Updated-IC-Gray-Zone-Lexicon-July2024.pdf>

NATO Strategic Communications Centre of Excellence. (2015). *Hybrid threats: A strategic communications perspective*.

[https://stratcomcoe.org/cuploads/pfiles/hybrid\\_threats\\_strategic\\_comm\\_academic\\_rigor\\_public\\_appeal\\_18\\_10\\_2021.pdf](https://stratcomcoe.org/cuploads/pfiles/hybrid_threats_strategic_comm_academic_rigor_public_appeal_18_10_2021.pdf)

Naturalization Act. (1798). An Act to Establish an Uniform Rule of Naturalization, ch. 54, § 1, 1 Stat. 566, 566–67. [https://home.csulb.edu/~jlawler/Course%20DW/NaturalizationAct\\_1798.htm](https://home.csulb.edu/~jlawler/Course%20DW/NaturalizationAct_1798.htm)

Neuman, G. L. (1993). The lost century of American immigration law (1776–1875). *Columbia Law Review*, 93(8), 1833–1901. [https://s3.amazonaws.com/fedsoc-cms-public/library/doclib/20151118\\_Neumanlostcenturyofimmigrationlaw17761875.pdf](https://s3.amazonaws.com/fedsoc-cms-public/library/doclib/20151118_Neumanlostcenturyofimmigrationlaw17761875.pdf)

*New York v. Miln*, 36 U.S. 102 (1837). <https://supreme.justia.com/cases/federal/us/36/102/>

Ngai, M. M. (2004). *Impossible subjects: Illegal aliens and the making of modern America*. Princeton University Press.

*Nishimura Ekiu v. United States*, 142 U.S. 651 (1892).  
<https://supreme.justia.com/cases/federal/us/142/651/>

Nixon Foundation. (2016, June 29). *Public enemy number one: A pragmatic approach to America's drug problem*. <https://www.nixonfoundation.org/2016/06/26404/>

North Atlantic Treaty Organization. (2024, July 10). *Hybrid threats and hybrid warfare* [PDF document]. [https://www.nato.int/nato\\_static\\_fl2014/assets/pdf/2024/7/pdf/241007-hybrid-threats-and-hybrid-warfare.pdf](https://www.nato.int/nato_static_fl2014/assets/pdf/2024/7/pdf/241007-hybrid-threats-and-hybrid-warfare.pdf)

Office of the Director of National Intelligence. (2021). *Annual threat assessment of the US Intelligence Community*. <https://www.dni.gov/index.php/newsroom/reports-publications/reports-publications-2021/3532-2021-annual-threat-assessment-of-the-u-s-intelligence-community>

Office of the Texas Attorney General. (2025, February 2). *Attorney General Ken Paxton becomes first Texas law enforcement official to sign agreement to help President Trump's deportation efforts* [Press release]. <https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-becomes-first-texas-law-enforcement-official-sign-agreement-help-0>

Office of the Texas Governor. (2023, August 18). *Operation Lone Star combats increased cartel activity along border* [Press release]. <https://gov.texas.gov/news/post/operation-lone-star-combats-increased-cartel-activity-along-border>

Office of the Texas Governor. (2025, February 2). *Governor Abbott delivers 2025 state of the state address* [Press release]. <https://gov.texas.gov/news/post/governor-abbott-delivers-2025-state-of-the-state-address>

Office of the United Nations High Commissioner for Human Rights. (2024, August 30). *Mexico's disappeared: Pain serves as an engine for collective struggle*. OHCHR.  
<https://www.ohchr.org/en/stories/2024/08/mexicos-disappeared-pain-serves-engine-collective-struggle>

O'Leary, J. P. (1985). Economic warfare and strategic economics. *Comparative Strategy*, 5(2), 179-206.  
<https://doi.org/10.1080/01495938508402688>

O'Neil, S. (2009). The real war in Mexico: How democracy can defeat the drug cartels. *Foreign Affairs*, 88(4), 63–77. <https://www.jstor.org/stable/20699622>

Ordoñez, F. (2021, December 13). Authoritarians are using migrants as weapons. The White House frets it's on the rise. *National Public Radio*. <https://perma.cc/3S6D-VDLM>

Ortiz, I. (2015, April 8). *Mexican cartel takes the fight to authorities — kills 15 cops in ambush*. Breitbart.  
<https://www.breitbart.com/border/2015/04/08/mexican-cartel-taking-the-fight-to-authorities-kills-15-cops-in-ambush/>

Ota, F. (2014). Sun Tzu in contemporary Chinese strategy. *Joint Force Quarterly*, 76-78.  
[https://ndupress.ndu.edu/Portals/68/Documents/jfq/jfq-73/jfq-73\\_76-83\\_Ota.pdf?ver=2014-03-26-120732-250](https://ndupress.ndu.edu/Portals/68/Documents/jfq/jfq-73/jfq-73_76-83_Ota.pdf?ver=2014-03-26-120732-250)

- Ovalle, D., & Miroff, N. (2023, December 24). Fentanyl super labs in Canada pose new threat for U.S. opioid epidemic. *The Washington Post*. <https://www.washingtonpost.com/health/2023/12/24/fentanyl-labs-canada-threat-to-us/>
- Owens, B. (2009, November 17). America must start treating China as a friend. *Financial Times*. <https://www.ft.com/content/69241506-d3b2-11de-8caf-00144feabdc0>
- Padilla Reyes, I. R. (n.d.). The two Black Thursdays in Culiacán and the challenge to the codes of urban space. *Mexico Violence Resource Project*. <https://www.mexicoviolence.org/battles-after-battle/the-two-black-thursdays-in-culiacan>
- Pardo, J. L., & Inzunza, A. (2014, December 30). US police corrupted by Mexico's cartels along border. *InSight Crime*. <https://insightcrime.org/news/analysis/us-police-corrupted-by-mexico-cartels-along-border/>
- Patrick, D. (2025, February 19). *Interview with Laura Ingraham* [Video]. <https://www.danpatrick.org/ingraham-feb-19-2025/>
- Paz, D. B. (2024, July 31). *Cyber warfare capabilities of Mexican cartels*. Grey Dynamics. <https://greydynamics.com/cyber-warfare-capabilities-of-mexican-cartels/>
- Peralta González, C. (2001, July 12). Falleció el fundador del cártel del Golfo. *El Universal*. <https://archivo.eluniversal.com.mx/nacion/59269.html>
- Pellegrini, S., & Breda, T. (2024, July 2). Five key takeaways from the 2024 elections in Mexico. Armed Conflict Location & Event Data Project (ACLED). <https://acleddata.com/2024/07/02/five-key-takeaways-from-the-2024-elections-in-mexico/>
- Petty, A. R. (2022). Migrants as weapons systems. *Journal of National Security Law & Policy*, 13(113), 113-139. <https://jnsllp.com/2022/12/16/migrants-as-a-weapons-system/>
- Phillips, B. J. (2020). How does leadership decapitation affect violence? The case of drug trafficking organizations in Mexico. *The Journal of Politics*, 82(1), 342-356. <https://doi.org/10.1086/680209>
- Pierce, M. D. (1993). *The most promising young officer: A life of Ranald Slidell Mackenzie*. University of Oklahoma Press.
- President's Council of Economic Advisors. (2017). *The underestimated cost of the opioid crisis*. The Executive Office of the President. <https://trumpwhitehouse.archives.gov/briefings-statements/cea-report-underestimated-cost-opioid-crisis/>
- Priest, D. (2013, April 27). U.S. role at a crossroads in Mexico's intelligence war on the cartels. *The Washington Post*. [https://www.washingtonpost.com/investigations/us-role-at-a-crossroads-in-mexicos-intelligence-war-on-the-cartels/2013/04/27/b578b3ba-a3b3-11e2-be47-b44febada3a8\\_story.html](https://www.washingtonpost.com/investigations/us-role-at-a-crossroads-in-mexicos-intelligence-war-on-the-cartels/2013/04/27/b578b3ba-a3b3-11e2-be47-b44febada3a8_story.html)
- Priest, D. (2015, December 11). Censor or die: The death of Mexican news in the age of drug cartels. *The Washington Post*. [https://www.washingtonpost.com/investigations/censor-or-die-the-death-of-mexican-news-in-the-age-of-drug-cartels/2015/12/09/23acf3ac-8a26-11e5-9a07-453018f9a0ec\\_story.html](https://www.washingtonpost.com/investigations/censor-or-die-the-death-of-mexican-news-in-the-age-of-drug-cartels/2015/12/09/23acf3ac-8a26-11e5-9a07-453018f9a0ec_story.html)
- Proclamation No. 2525, 6 Fed. Reg. 6321 (1941). <https://www.presidency.ucsb.edu/documents/proclamation-2525-alien-enemies-japanese>

Proclamation No. 2526, 6 Fed. Reg. 6323 (1941).

<https://www.presidency.ucsb.edu/documents/proclamation-2526-alien-enemies-german>

Proclamation No. 2527, 6 Fed. Reg. 6324 (1941).

<https://www.presidency.ucsb.edu/documents/proclamation-2527-alien-enemies-italian>

Prucha, F. P. (1964). *A guide to the military posts of the United States, 1789-1895*. State Historical Society of Wisconsin.

Puyana, J. C., Puyana, J. C. J., Rubiano, A. M., Montenegro, J. H., Estebanez, G. O., Sanchez, A. I., & Vega-Rivera, F. (2017). Drugs, violence, and trauma in Mexico and the USA. *Medical Principles and Practice*, 26(4), 309-315. <https://pmc.ncbi.nlm.nih.gov/articles/PMC5768117/pdf/mpp-0026-0309.pdf>

Qiao, L., & Wang, X. (1999). *Unrestricted warfare*. PLA Literature and Arts Publishing House.

Reames, B. (2003). *Police forces in Mexico: A profile*. Center for U.S.-Mexican Studies, University of California, San Diego. <https://ideas.repec.org/p/cdl/usmexi/qt1sq4g254.html>

Redden, E. (2014, October 1). Another Confucius Institute to close. *Inside Higher Ed*.

<https://www.insidehighered.com/quicktakes/2014/10/01/another-confucius-institute-close>

Regrid. (n.d.). *Border*. <https://app.regrid.com/pages/border>

Rempel, W. C. (2011). *At the devil's table: The untold story of the insider who brought down the Cali Cartel*. Random House.

Riesenfeld, W. B. (2015, May 1). *Mexico cartels recruiting US border agents: Inspector general*. InSight Crime. <https://insightcrime.org/news/brief/mexico-cartels-recruiting-us-border-agents-inspector-general/>

Rizer, A. (2015). Hannibal at the gate: Border kids, drugs, and guns - and the Mexican cartel war goes on. *St. Thomas Law Review*, 27(1), 48-79.

<https://scholarship.stu.edu/cgi/viewcontent.cgi?article=1114&context=stlr>

Robinson, G. (2001). *By order of the president: FDR and the internment of Japanese Americans*. Harvard University Press.

Robinson, S. (2023a, November 8). *Triad weed: How Chinese marijuana grows took over rural Maine*.

Maine Wire. <https://www.themainewire.com/2023/11/triad-weed-illegal-chinese-marijuana-grows-are-all-over-maine/>

Robinson, S. (2023b, November 14). *Triad weed: One NYC bank financed more than 50 illicit Chinese*

*marijuana grow houses in rural Maine*. Maine Wire. <https://www.themainewire.com/2023/11/triad-weed-one-nyc-bank-financed-more-than-50-illicit-chinese-marijuana-grow-houses-in-rural-maine/>

Roth, A. (2021, November 8). *Belarus escorts 1000 migrants towards Polish border*. The Guardian.

<https://www.theguardian.com/world/2021/nov/08/belarus-escorts-hundreds-of-migrants-towards-polish-border>

Rotella, S. (1998). *Twilight on the line: Underworlds and politics at the U.S.-Mexico border*. W. W. Norton & Company.

Roy, R. (2020, August 5). *More than 23,000 marijuana plants found on large growing site in Deep East*

*Texas*. CBS19. <https://www.cbs19.tv/article/news/local/more-than-23000-marijuana-plants-found-on-large-growing-site-in-deep-east-texas/>

- Ruiz-Healy, E. (2024, February 9). The country and challenges that Mexico's next president will inherit. Wilson Center. <https://www.wilsoncenter.org/microsite/2/node/118080>
- Ryan, K. (2025, March 6). 10 most dangerous cities in the world. *HowStuffWorks*. <https://people.howstuffworks.com/most-dangerous-cities-in-the-world.htm>
- Sabloff, P. L. (1981). *Caciquismo in post-revolutionary Mexican ejido-grant communities*. Albuquerque, New Mexico: Latin American Institute, University of New Mexico. [https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=1026&context=laii\\_research](https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=1026&context=laii_research)
- Sahlins, M. (2013, October 30). *China U*. The Nation. <https://www.thenation.com/article/archive/china-u/>
- Saladino, G. J., & Kaminski, J. P. (Eds.). (1993). Journal notes of the Virginia Ratification Convention proceedings. In *The documentary history of the ratification of the Constitution* (Vol. 10, pp. 1299–1337). Madison: Wisconsin Historical Society Press. <https://www.consource.org/document/journal-notes-of-the-virginia-ratification-convention-proceedings-1788-6-16/20130122075849/>
- Sanchez Andalco, L. A., & Sarantides, V. (2022). *Subnational democratization and the onset of the Mexican drug war*. University of Sheffield. <https://www.sheffield.ac.uk/media/37667/download?attachment>
- Sanchez, D. M. (2025, March 22). *Cartels' advanced technology a growing threat to US*. The Epoch Times. <https://www.theepochtimes.com/article/cartels-advanced-technology-a-growing-threat-to-us-5825930>
- Sanchez, D. M. (2024a, May 7). *Illegal immigrant posts \$25,000 cash bail, disappears*. The Epoch Times. <https://www.theepochtimes.com/us/illegal-immigrant-posts-25000-cash-bail-disappears-5644622>
- Sanchez, D. M. (2024b, March 4). *'Weaponized migration,' a coordinated effort playing out deep in the Panama jungle*. The Epoch Times. <https://www.theepochtimes.com/article/weaponized-migration-a-coordinated-plot-playing-out-deep-in-the-panama-jungle-5597754>
- Schmitz, R. (2021, October 12). The EU accuses Belarus of luring global migrants into other European countries. *NPR*. <https://www.npr.org/2021/10/12/1045345417/poland-belarus-lukashenko-eu-migrants-asylum>
- Serrano, A. (2024, December 20). *Cartels turn to social media to lure Americans into human smuggling as Texas enforces stricter laws*. The Texas Tribune. <https://www.texastribune.org/2024/12/20/texas-mexico-border-human-smuggling-law-mandatory-minimum-sentence/>
- Shiffman, J., & Waterman, S. (2012, October 2). *Senate report says national intelligence fusion centers have been useless*. The Center for Public Integrity. <https://publicintegrity.org/national-security/senate-report-says-national-intelligence-fusion-centers-have-been-useless/>
- Shirk, D., & Wallman, J. (2015). Understanding Mexico's drug violence. *Journal of Conflict Resolution*, 59(8), 1348-1376. <https://doi.org/10.1177/0022002715587049>
- Simpson, H. B. (1979). *Cry Comanche: The 2nd U.S. Cavalry in Texas, 1855-1861*. Hill Junior College Press.
- Slaughterhouse Cases*, 83 U.S. 36 (1872). <https://supreme.justia.com/cases/federal/us/83/36/>

- Snyman, N. (2024, June 13). A look at Mexico's most violent election cycle in modern history. *AnotherDay*. <https://www.another-day.com/resources/a-look-at-mexicos-most-violent-election-cycle-in-modern-history>
- Solmaz, T. (2022, February 25). "Hybrid warfare": One term, many meanings. *Small Wars Journal*. <https://perma.cc/BH4S-ATS6>
- Statista. (2024). *Number of persons reported as missing in Mexico from 2000 to 2024*. <https://www.statista.com/statistics/1281640/mexico-number-persons-reported-missing/>
- Steen, R. W. (1942). *The twentieth century Texas*. Steck Co.
- Sterling v. Constantin*, 287 U.S. 378 (1932). <https://casetext.com/case/sterling-v-constantin>
- Stimson, B. (2025, March 21). *ICE announces first Tren de Aragua gang member detained under recently invoked Alien Enemies Act*. Fox News. <https://www.foxnews.com/us/ice-announces-first-tren-de-aragua-gang-member-detained-recently-invoked-alien-enemies-act>
- Stokes, M., & Hsiao, R. (2013, October 14). *The People's Liberation Army General Political Department: Political warfare with Chinese characteristics*. Project 2049 Institute. <https://project2049.net/2013/10/14/the-peoples-liberation-army-general-political-department-political-warfare-with-chinese-characteristics/>
- Stratfor. (2015, July 22). *Viewing Mexican cartel corruption with a counterintelligence lens*. <https://worldview.stratfor.com/article/viewing-mexican-cartel-corruption-counterintelligence-lens>
- Soltero, R. (2019, July 19). *El día en que mataron a un Gobernador: El caso Rodolfo T. Loaiza*. *Reflectores*. <https://reflectores.mx/el-asesinato-del-gobernador-rodolfo-t-loaiza/>
- Suárez-Mier, M. (2019, October 23). *How Mexico became a failed state*. *Asia Times*. <https://asiatimes.com/2019/10/how-mexico-became-a-failed-state/>
- Sullivan, J. P., & Bunker, R. J. (2012). Mexico's criminal insurgency. *Small Wars Journal*. <https://smallwarsjournal.com/jrnl/art/mexico%E2%80%99s-criminal-insurgency>
- Szakacs, J., & Bognar, E. (2021). *The impact of disinformation campaigns about migrants and minority groups in the EU* [Report]. European Parliament Policy Department for External Relations. [https://www.europarl.europa.eu/thinktank/en/document/EXPO\\_IDA\(2021\)653641](https://www.europarl.europa.eu/thinktank/en/document/EXPO_IDA(2021)653641)
- Teague, A. (2019). Mexico's dirty war on drugs: Source control and dissidence in drug enforcement. *The Social History of Alcohol and Drugs*, 33(1), 63-86. <https://www.journals.uchicago.edu/doi/full/10.1086/702693>
- Texas Constitution. (1845). <https://tarlton.law.utexas.edu/c.php?g=787754>
- Texas Constitution. (1861). <https://tarlton.law.utexas.edu/c.php?g=801151>
- Texas Constitution. (1866). <https://tarlton.law.utexas.edu/c.php?g=810765>
- Texas Constitution. (1869). <https://tarlton.law.utexas.edu/c.php?g=812156>
- Texas Constitution, art. IV, § 7. (1876). <https://tarlton.law.utexas.edu/constitutions/texas-1876-en/article-4-executive-department>

Texas Constitution, art. IV, § 7, cl. 2. (1876). <https://tarlton.law.utexas.edu/constitutions/texas-1876-en/article-4-executive-department>

Texas Constitution, Amendment to Article IV, Section 7. (1999). <https://statutes.capitol.texas.gov/Docs/CN/htm/CN.4/CN.4.7.htm>

Texas Department of Community Affairs. (1980). *Drug abuse in Texas: The problem and the state's response*. <https://www.ncjrs.gov/pdffiles1/Digitization/69425NCJRS.pdf>

Texas Department of Family and Protective Services. (2024). *Human trafficking in Texas*. <https://www.dfps.state.tx.us/>

Texas Department of Public Safety (DPS). (2024). *DPS announces results from human trafficking operations*. <https://www.dps.texas.gov/news/dps-announces-results-human-trafficking-operations>

Texas Department of Public Safety (DPS). (2010, September 1). *Texas gang threat assessment 2010: A state intelligence estimate* [Intelligence report]. Texas Fusion Center. <https://web.archive.org/web/20110531231035/https://montgomerytx.countymonitor.com/files/2010/10/TxGngThrtAssessment2010.pdf>

Texas Economic Development Corporation. (2023). *Texas-China trade and investment*. <https://gov.texas.gov/business/page/texas-china-trade>

Texas Government Code § 431. (n.d.). Retrieved March 1, 2025, from <https://statutes.capitol.texas.gov/docs/gv/htm/gv.431.htm>

Texas State Historical Association. (1952). *Frontier Battalion*. <https://www.tshaonline.org/handbook/entries/frontier-battalion>

The White House. (2025, February 1). *Imposing duties to address the situation at our southern border*. <https://www.whitehouse.gov/presidential-actions/2025/02/imposing-duties-to-address-the-situation-at-our-southern-border/>

The White House. (2021). *Report on the impact of climate change on migration*. U.S. Government Publishing Office. <https://www.whitehouse.gov/wp-content/uploads/2021/10/report-on-the-impact-of-climate-change-on-migration.pdf>

Theohary, C. A. (2024, November 29). *Defense primer: What is irregular warfare?* (CRS Report No. IF12565). Congressional Research Service. <https://www.congress.gov/crs-product/IF12565>

Thomas, P. (1996, January 28). Informant's revelations on the Cali Cartel implicate Colombian officials. *The Washington Post*, pp. A24, A25. <https://www.washingtonpost.com/archive/politics/1996/01/28/informants-revelations-on-cali-cartel-implicate-colombian-officials/caccd9ca-3559-4fed-b26c-d2ff3d7b46fc/>

Transparency International. (2024). *Corruption perceptions index 2024*. <https://www.transparency.org/en/cpi/2024>

Trejo, G., & Ley, S. (2020). *Votes, drugs, and violence: The political logic of criminal wars in Mexico*. Cambridge University Press. <https://doi.org/10.1017/9781108894807>

Trejo, G., & Ley, S. (2021). High-profile criminal violence: Why drug cartels murder government officials and party candidates in Mexico. *British Journal of Political Science*, 51(1), 203-229. <https://doi.org/10.1017/S0007123418000637>

Treviño, J. (2025). *Abrazos no balazos? The Mexican state-cartel nexus*. Texas Public Policy Foundation. <https://www.texaspolicy.com/wp-content/uploads/2025/01/2025-01-RR-SST-Abrazos-no-Balazos-The-Mexican-State-Cartel-Nexus-update-1.pdf>

Uglow, L. M. (2002). *Standing in the gap: Army outposts, picket stations, and the pacification of the Texas frontier, 1866-1886*. Texas Christian University Press.

University of Chicago Press. (n.d.). *Debate in Virginia Ratifying Convention*. Retrieved December 11, 2024, from [http://press-pubs.uchicago.edu/founders/documents/a4\\_4s9.html](http://press-pubs.uchicago.edu/founders/documents/a4_4s9.html)

United Nations Office for Disaster Risk Reduction. (n.d.). *Non-international armed conflict (NIAC)*. <https://www.undrr.org/understanding-disaster-risk/terminology/hips/so0002>

United States Navy. (2022, July 26). *Chief of Naval Operations: Navigation Plan 2022*. Department of the Navy. [https://media.defense.gov/2022/Jul/26/2003042389/-1/-1/1/NAVIGATION%20PLAN%202022\\_SIGNED.PDF](https://media.defense.gov/2022/Jul/26/2003042389/-1/-1/1/NAVIGATION%20PLAN%202022_SIGNED.PDF)

*United States v. Lopez*, 514 U.S. 549 (1995). <https://supreme.justia.com/cases/federal/us/514/549/>

*United States v. Medina-Cantu*, No. 23-40336 (2024). <https://cases.justia.com/federal/appellate-courts/ca5/23-40336/23-40336-2024-08-27.pdf?ts=1724801416>

U.S. Army Professional Journal. (2019). *Précis: Unrestricted warfare*. The Professional Journal of the U.S. Army. <https://www.armyupress.army.mil/journals/military-review/english-edition-archives/september-october-2019/precis-unrestricted-warfare/>

U.S. Const. amend. X. <https://constitution.congress.gov/constitution/amendment-10/>

U.S. Const. art. I, § 8, cl. 3. <https://constitution.congress.gov/browse/article-1/section-8/clause-3/>

U.S. Const. art. I, § 8, cl. 4. [https://constitution.congress.gov/browse/essay/artI-S8-C4-1-1/ALDE\\_00013160/](https://constitution.congress.gov/browse/essay/artI-S8-C4-1-1/ALDE_00013160/)

U.S. Const. art. I, § 8, cl. 10. <https://constitution.congress.gov/browse/article-1/section-8/clause-10/>

U.S. Const. art. I, § 9, cl. 1. <https://constitution.congress.gov/browse/article-1/section-9/clause-1/>

U.S. Const. art. I, § 10. <https://www.law.cornell.edu/constitution/articlei#section10>

U.S. Const. art. I, § 10, cl. 2. <https://constitution.congress.gov/browse/article-1/section-10/clause-2/>

U.S. Const. art. I, § 10, cl. 3. <https://constitution.congress.gov/browse/article-1/section-10/clause-3/>

U.S. Const. art. IV, § 2. <https://constitution.congress.gov/browse/article-4/section-2/>

U.S. Const. art. IV, § 4. <https://constitution.congress.gov/browse/article-4/section-4/>

U.S. Department of Justice. (2024, December 13). *OFAC-sanctioned Afghan man sentenced to 30 years in prison for narco-terrorism and witness tampering* [Press release]. <https://www.justice.gov/usao-sdny/pr/ofac-sanctioned-afghan-man-sentenced-30-years-prison-narco-terrorism-and-witness>

U.S. Department of State. (2021). *Fact sheet: Activity at the Wuhan Institute of Virology*. <https://2017-2021.state.gov/fact-sheet-activity-at-the-wuhan-institute-of-virology/index.html>

U.S. Department of State. (2025, February 20). *Designation of international cartels*. <https://www.state.gov/designation-of-international-cartels/>

U.S. Department of State, (n.d.). *State sponsors of terrorism*. <https://www.state.gov/state-sponsors-of-terrorism/>

U.S. Drug Enforcement Administration. (2017). *National drug threat assessment 2017*. [https://www.dea.gov/sites/default/files/2018-07/DIR-040-17\\_2017-NDTA.pdf](https://www.dea.gov/sites/default/files/2018-07/DIR-040-17_2017-NDTA.pdf)

U.S. House of Representatives. (1876). Texas frontier troubles (Report No. 44-343). <https://digitalcommons.law.ou.edu/cgi/viewcontent.cgi?article=3413&context=indianserialset>

U.S. Immigration and Customs Enforcement. (n.d.). *ICE's 287(g) program*. Department of Homeland Security. Retrieved January 14, 2025, from <https://www.ice.gov/identify-and-arrest/287g>

U.S. Immigration and Customs Enforcement. (2025). *Memorandum of agreement 287(g) Task Force Model*. Department of Homeland Security. [https://www.ice.gov/doclib/about/offices/ero/287g/TFM\\_MOA\\_fillable.pdf](https://www.ice.gov/doclib/about/offices/ero/287g/TFM_MOA_fillable.pdf)

U.S. Marine Corps. (1997, July 30). *Tactics*. <https://www.marines.mil/Portals/1/Publications/MCDP%201-3%20Tactics.pdf>

U.S. Army Special Operations Command. (2014, September 26). *Counter-unconventional warfare white paper*. <https://www.soc.mil/Files/Counter-UnconventionalWarfareWP.pdf>

Utley, R. M. (2002). *Lone Star justice: The first century of the Texas Rangers*. Oxford University Press.

Vaughan, J. M. (2024, April 25). *Florida grand jury presents options for state action on illegal immigration*. Center for Immigration Studies. <https://cis.org/Vaughan/Florida-Grand-Jury-Presents-Options-State-Action-Illegal-Immigration>

V-Dem Institute. (2024). *Democracy report 2024: Democracy winning and losing at the ballot*. University of Gothenburg. [https://v-dem.net/documents/43/v-dem\\_dr2024\\_lowres.pdf](https://v-dem.net/documents/43/v-dem_dr2024_lowres.pdf)

Walt, S. M. (2021, November 30). The world has no answer for migration. *Foreign Policy*. <https://foreignpolicy.com/2021/11/30/migration-refugee-crisis-belarus-libya-hybrid-warfare/>

Walters, J. (2024, April 28). *The strategic importance of stopping the fentanyl slaughter*. Hudson Institute. <https://www.hudson.org/strategic-importance-stopping-fentanyl-slaughter-john-p-walters>

Wang, J. (2018, April 5). Texas A&M System cuts ties with China's Confucius Institute after congressmen's concern over spying. *Dallas Morning News*. <https://www.dallasnews.com/news/education/2018/04/05/texas-am-system-cuts-ties-with-china-s-confucius-institute-after-congressmen-s-concern-over-spying/>

Warren, B. (2019, November 28). *How the CJNG Mexican drug cartel is infiltrating U.S. towns*. Louisville Courier Journal. <https://www.police1.com/drug-interdiction-narcotics/articles/how-the-cjng-mexican-drug-cartel-is-infiltrating-us-towns-m53HgI01qXFIWHX5/>

Webb, W. P. (1935). *The Texas Rangers: A century of frontier defense*. Houghton Mifflin.

Weiner, M. (1992). Security, stabilization, and international migration. *International Security*, 17(3), 91-126. <https://doi.org/10.2307/2539131>

Whatmore, R., & Kapossy, B. (Eds.). (2008). *The law of nations, or principles of the law of nature, applied to the conduct and affairs of nations and sovereigns* (E. de Vattel, Author). <https://research-portal.st-andrews.ac.uk/en/publications/the-law-of-nations-or-principles-of-the-law-of-nature-applied-to->

Wolff, C. (2017, originally published 1934). *The law of nations treated according to the scientific method* (J. H. Drake, Trans.; T. Ahnert, Ed. & Rev.). Liberty Fund. <https://about.libertyfund.org/books/the-law-of-nations-treated-according-to-the-scientific-method/>

Wooster, R. (1987). *Soldiers, sutlers, and settlers: Garrison life on the Texas frontier*. Texas A&M University Press.

World Economics. (n.d.). *Mexico's rule of law: Governance factors*. Retrieved October 13, 2024, from <https://www.worldeconomics.com/ESG/Governance/Rule-of-Law/Mexico.aspx>

Xi, J. (2020). *Certain major issues for our national medium- to long-term economic and social development strategy*. Center for Security and Emerging Technology. <https://cset.georgetown.edu/publication/xi-jinping-certain-major-issues-for-our-national-medium-to-long-term-economic-and-social-development-strategy/>