

Immigrant advocates prepare legal battle against fascistic Texas immigration laws

Trévon Austin
21 December 2023

Texas Governor Greg Abbott's trip on Monday to Brownsville in the Rio Grande Valley marked the fascistic governor's latest escalation under "Operation Lone Star," a reactionary campaign aimed at Texas' large immigrant population.

Flanked by state police and military officials, Abbott signed into law three bills pouring more money into militarizing the US-Mexico border. Abbott's latest actions grant Texas police the authority to question whomever they think could be an "illegal" immigrant and to arrest undocumented migrants anywhere in the state. Abbott has put measures in place to support these efforts in Houston and Austin, both home to massive immigrant communities.

Abbott blamed the Biden administration for what Democrats and Republicans have increasingly referred to as the "broken" border, claiming the federal government has facilitated an "invasion."

"Biden's deliberate inaction has left Texas to fend for itself," Abbott said.

Senate Bill 3 allocates \$1.54 billion for further construction of obstacles and barriers along the 1,200-mile border Texas shares with Mexico. Billions have already been spent on such efforts, including the deployment of a floating barrier in the Rio Grande River that has resulted in the deaths of at least three people.

The latest injection of funds is in addition to the more than \$1.54 billion that Abbott has already allocated since September 2021 to build approximately 40 miles of barriers along the border. According to the *Texas Tribune*, as of August, Texas had erected 16 miles of steel bollard barriers in Starr, Cameron, Val Verde and Webb counties.

These laws have spread fear throughout the state's Latino population, which comprises some 40 percent of

the total. Civil rights groups and immigrant advocacy organizations say the law will lead to racial profiling of Hispanics and other minorities.

The law also makes it a state crime to cross the Texas-Mexico border between ports of entry. Violators face a Class B misdemeanor charge, carrying a penalty of up to six months in jail, while repeat offenders could be charged with a second-degree felony, carrying a prison term between two and 20 years.

Another provision of Senate Bill 3 allows the Texas government to spend up to \$40 million for state troopers to harass residents in Colony Ridge, a Houston-area housing development that has become home to many migrants in recent years.

A second bill, Senate Bill 4, makes it a state crime to cross the Mexican border into Texas without documentation. The bill increases the minimum sentence from two years to 10 years for smuggling immigrants or operating a safe house for immigrants.

The series of laws is slated to take effect in February and March of next year. Immigrant rights organizations and even former immigration judges have declared the laws unconstitutional, since immigration enforcement is a federal responsibility.

The American Civil Liberties Union, the ACLU of Texas, and the Texas Civil Rights Project filed a suit challenging the bills on the grounds that they illegally preempt federal law. "Immigration is a quintessentially federal authority," the lawsuit states.

"These measures not only threaten the safety and dignity of asylum seekers, but also risk undermining the foundational principles of our legal system," Krish O'Mara Vignarajah, president and CEO of the Lutheran Immigration and Refugee Service, told the *Tribune*. She said, "Immigration is clearly a federal authority, and this legislation knowingly dances on the

edge of constitutional cliffs at the expense of vulnerable children and families.”

Top county officials in El Paso, Harris (home to Houston) and Travis (home to Austin) counties penned a letter to President Joe Biden late last month urging him to stop the laws from going into effect. “We urge you to intervene to stop this legislation from going into effect and to prevent Texas Governor Greg Abbott from violating the US Constitution,” they wrote in the letter, which was posted on Twitter/ X.

Abbott’s laws demand that migrants charged with crossing the border “illegally” must agree to return to Mexico or face a felony charge for refusing to do so. When asked what Texas would do if Mexico did not accept migrants deported by the state, Abbott said at the Brownsville news conference, “We’re going to send them right back to Mexico.”

The new laws prohibit state police from arresting migrants in schools, churches and other places of worship, healthcare facilities and places that provide forensic medical examinations to sexual assault survivors. However, they do not ban arrests on college campuses.

In a statement, 30 former immigration judges appointed by both Republican and Democratic officials decried the bills as unconstitutional.

“The proposed Texas legislation, which would allow a state court magistrate judge to issue a removal order, is not lawful. Immigration is plainly a federal function,” the statement says. It adds: “State legislators cannot enact immigration laws for the same reasons that the United States Congress cannot enact Texas state legislation. State magistrate judges cannot conduct immigration proceedings for the same reason that federal Immigration Judges cannot adjudicate Texas state criminal cases.”

When asked if President Biden supported the federal government taking legal action against Texas, White House press secretary Karine Jean-Pierre said the Department of Justice would decide whether a lawsuit would be filed, and she was “not going to get ahead of that.”

Such inaction is part of the broader strategy of the Democrats, who are currently negotiating with the Republicans a draconian attack on what remains of the right to asylum and new police powers to arrest and deport migrants in exchange for funding for the proxy

war against Russia in Ukraine.

Of particular note is the silence of the “progressives” within the Democratic Party. Congressional members of the Democratic Socialists of America such as Alexandria Ocasio-Cortez have not issued any statements on Abbott’s laws. The DSA-aligned *Jacobin Magazine* has also remained silent on the matter.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact