



Senator Eliot Shapleigh

District 29

El Paso Press Release

Contact:

Claudia Ordaz
(915) 544-1990

claudia.ordaz@senate.state.tx.us



For Immediate Release

April 27, 2010

SENATOR SHAPLEIGH RESPONDS TO PEREZ RESOLUTION

"What Jaime O. Perez wants to do is stop every citizen based on the color of one's skin to ask basic questions about citizenship. Without question, Perez' move will racially profile eight in ten of all El Paso. We condemn the Arizona law and Perez' resolution as rank violations of basic notions of American equality, fairness and justice. We have asked the County to investigate just how he put out his request framed as a County Resolution."

EL PASO - Today our office received a memorandum from the County relating to a proposed Texas Immigration Bill submitted by Jaime O. Perez. The text of the Memorandum is below.

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TEXAS IMMIGRATION BILL

To: County Legislative Agenda
From: Jaime O. Perez, Chief of Staff
Office of El Paso County Judge
Date: April 27, 2010
Re: Reform Legislation

Whereas: The Supremacy Clause under Article VI Paragraph 2 holds, "the Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the contrary notwithstanding";

Whereas: Everyone must follow federal law in the face of conflicting state law and the practice has long been established that "a state statute is void to the extent that it actually conflicts with a valid federal statute" and that a conflict will be found either where compliance with both federal and state law is impossible or where the state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress and that "otherwise valid state laws or court orders cannot stand in the way of a federal court's remedial scheme if the action is essential to enforce the scheme.";

Whereas: 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;

Whereas: Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States;

Whereas: Texas recognizes that all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient;

Whereas: Texas holds all free men, when they form a social compact, have equal rights, and no man, or set of men, is entitled to exclusive separate public emoluments, or privileges, but in consideration of public services;

Whereas: Texas holds equality under the law shall not be denied or abridged because of sex, race, color, creed, or national origin. This amendment is self-operative;

Whereas: El Paso County holds to a priority of carrying out its statutory duties and maximizing resources to accomplish non-mandated programs in the best interests of its constituents; and

Whereas: El Paso County remains concerned and alert to legislative initiatives and proposals for change;

Therefore : Be it resolved, that El Paso County proposes the Texas Immigration Bill to control the border with Mexico, identify those living within its boundaries and properly allocate resources to carry out its statutory duties, individually as a County and collectively as one of the constitutionally created Counties that collectively constitute the State of Texas:

Texas Immigration Bill

Identification

1. Requires all citizens of other countries to hold a home country identification card;
2. Requires all citizens of other countries obtain a Texas identification card such document obtainable with a presentation of a home country identification card;
3. Set fees at no more than \$100 for a Texas I.D. card;

4. Establishes a deadline of 12 months from the date the legislation is adopted for aliens to obtain I.D. card;
5. Makes failure to carry a valid Texas or other U.S. state I.D. card a class C misdemeanor that carries a fine of no more than \$500;
6. Makes failure to produce a valid Texas I.D. card subsequent to arrest a felony that carries a minimum sentence of 5 years.

Denial

1. Makes it an unlawful class C misdemeanor to knowingly hire, recruit, or refer for a fee an unauthorized alien and sets a \$10,000 fee for each violation, \$15,000 for second offenses and \$40,000 for all subsequent offenses;
2. Sets minimum sentence for fraudulent documents at 1 years;
3. Sets minimum sentence for aiding in drug trafficking and terrorism to 25 years;
4. Establishes an increases in penalties for aggravated felonies and fraud;
5. Requires violent criminal record, terrorist watch list clearance and fraudulent document checks for any alien obtaining a Texas I.D.;
6. Prohibits I.D. aliens from receiving *any* direct or indirect federal benefits extended by the State of Texas.

Border Security

Establishes expedited removal or imprisonment with minimum sentences of (1) alien terrorists; (2) alien street gang members; (3) criminal aliens; and (4) alien smuggling.

Annual Immigration Limits

Establishes no limit to new and sponsored immigrants and dependents;

General Provisions

Provides for an annual assessment of border control legislative impact.

Enclosed is the [Texas Borderlands 2009, Lifting the Lamp Beside Texas' Door Chapter](#).