What is it?

How does it impact us?

Why should I care?
We find ourselves in a moment where we as people, families, & communities have not only seen, but felt, the cultural & political shifts toward extremist views & policies. This has happened not only at the national level, but even more so here in Texas at county & city levels, & within our home communities. In a state like Texas that is often center-stage in national politics & has been at the forefront of defining mass incarceration & the national immigration agenda, it is important that we understand the policies that are being engineered & tested here so as to recognize them as blueprints that could be executed in other states & at a national level. One such policy is Operation Lone Star.
Operation Lone Star (OLS) is a law enforcement program designed by Texas Governor Greg Abbott to ensure the criminalization of migrants coming to the United States via the Southern border seeking safety. Abbott has served as the governor of TX since 2015 & his current term goes until 2027. He designed OLS & has spent his political capital pushing for it, including ensuring that the legislature continues to fund it. Simultaneously & intentionally, OLS further expands the carceral state by increasing the prosecution of all communities of color for low-level offenses at the county level.
The TX government launched OLS in March 2021 & arrests began three months later in July.¹ According to the Governor’s office, the program has led to the apprehension of over 381,000 undocumented migrants & the arrest of more than 29,000 people on state charges, including 26,000 for felonies.² However, the number of people charged through the process created specifically for OLS, according to offices doing direct representation is closer to 10,000.

OLS is dangerous & harmful because:
1. OLS perpetuates the myth that deterrence through militarization or prosecution will prevent migrants seeking safety, economic opportunity, or family reunification from attempting to cross the border.
2. It erodes due process for all Texans by creating a separate & unequal detention & court process.
3. It has spent billions spreading fear through racist & xenophobic invasion myths, rather than investing in the present needs of Texans.
4. It expands the carceral system through racial profiling & increased police presence in communities of color, leading to more arrests for low-level offenses that do not endanger public safety. OLS also funds jails, police, & prosecutors.
ARREST TO DEPORTATION PIPELINE

Prior to OLS, the Texas-Mexico border was already surveilled, militarized, & patrolled by federal agencies. In response to Governor Abbott's disaster declaration & call for more troops to be sent to the Southern border. The TX-Mexico border is currently being patrolled by CBP, U.S. National Guard, TX DPS, & different times throughout OLS, by National Guardsmen sent from FL, AR, SD, TN, VA, NO, ID, NE, WV, OH, OK, SC, & MS.³

**CBP:** (Customs & Border Protection, AKA Border patrol)
Patrol the border, detain migrants under civil immigration law, & can contact the sheriffs & DPS to start arrest to deportation process. Also, are called to detain migrant women & children apprehended by state agencies.
TXNG: (Texas Army National Guard) Patrol the border, can contact the sheriffs & DPS to start the arrest to deportation process. States other than Texas have sent their National Guard troops to the border to support the efforts.

Some TXNG members have even slammed OLS for rushed involuntary deployment, delayed pay, & a lack of state benefits.

As evident in the fact that over 10 Texas Guard members have died while working under OLS.
1. **ARREST:** People who "look like" immigrants are targeted & arrested by DPS (troopers), OLS participating county sheriffs, & CBP agents.

**DPS:** (Texas Department of public safety) Apprehend & arrest migrants. Their increased presence at the border leads to racial profiling & more tickets for & arrests of border residents for low-level offenses.

**OLS Participating County Sheriffs:** Apprehend & arrest migrants within their county. Some sheriffs have been at the front lines of pushing for the expansion & further extremism of OLS through their actions such as the Kinney County sheriff's public praise for militia groups & the Maverick County Sheriff training a civilian militia on 'brush patrol' & arresting migrants for trespassing in a public park.
2. MAGISTRATION: migrants are sent to go before a judge at Val Verde or Jim Hogg County temporary processing centers. There, they are charged & given a bond ranging from $250 to $100,000. It is here that criminal representation attorneys are assigned.

• Magistration occurs over video call in trailers set up outside of the county jails/sheriff’s offices.

Fact! Nearly half of current smuggling charges are being given to youth under 25. Many of them are U.S. citizens or permanent residents.

• Though the majority of the people arrested & prosecuted through this process are migrants, OLS also takes in U.S. citizens & others with authorized status, charging them with smuggling & at times for crimes with no connection to the border.
Arrest affidavits are, in theory, required for migrants to be arrested and charged for trespass on private property.

Affidavits are sworn statements in writing made especially under oath or on affirmation; they can be used as evidence in court.

Trespass arrest affidavits show clear indications of profiling based on race and national origin: State troopers' affidavits describe observing groups of "undocumented migrants" and note Latin ethnicity as apparently relevant to arrest.

AFFIDAVIT and COMPLAINT FOR WARRANT OF ARREST AND DETENTION

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

The Undersigned Affiant, who after being duly sworn by me, on oath makes the following statement:

I, [Name], Trooper [Rank], have good reason to believe and do believe that [Suspect], [Date] or about the 21st day of August, 2021 in KINNEY County, Texas, did then and there commit the offense of:

CRIMINAL TRESPASS (TXPC 30.05(a))
Misdemeanor - Class A

My belief of the foregoing statement is based upon personal knowledge, who personally observed such offense:

On Saturday, August 21st, 2021, I, [Name], Trooper [Rank] of the Texas Highway Patrol was conducting patrol at the Union Pacific Railroad yard in Spottor, Texas. While conducting patrol, due to low light conditions, I met with United States Border Patrol Agents that were also conducting patrol. One of the USBP Agents was utilizing a night vision scope that has capabilities of night vision and thermal imaging for long distances. While observing the Union Pacific Railroad, I did observe a large group of individuals trespassing on the railroad on foot. When the group of individuals reached the following geographical location (29.102458, -100.399874) on the railroad, they exited the railroad and continued trespassing onto the Kickapoo Ranch Property and continued traveling onto a private ranch road of the Kickapoo Ranch. Union Pacific Railroad Police Representative Scott Post did sign and did have an active Criminal Trespass Affidavit on file. There were multiple, "No Trespassing" signs posted along the rail road. The individuals in the group did not have the effect consent of Scott Post to be on the Union Pacific Railroad Property. I subsequently placed the individuals under arrest for Criminal Trespass (TXPC 30.05(a)), a Class B Misdemeanor in the State of Texas. Because Kinney County has been declared to be in a State of Emergency by the Texas Governor, the charge has been enhanced to a Class A Misdemeanor.

This offense was committed against the peace and dignity of the state of Texas.

Affiant [Signature]
3. PRE-TRIAL DETENTION/PRISON:

Migrants arrested under OLS are held before their trial in the Dolph "Briscoe" Unit in Dilley, TX & the "Segovia" Unit in Edinburg, TX. Here, migrants endure inhumane living conditions such as being given rotten food, lack of medical care, & mistreatment from guards, including racist & abusive language.

These prisons are operated by the TX Department of Criminal Justice, & prior to OLS were used exclusively to incarcerate people post-conviction. They are located hours away from the magistration center & in counties other than the counties of arrest & prosecution, which goes against the typical TX criminal system operating policy & erodes pre-trial due process standards.
Bonds: Men charged under OLS are given bonds & those that are able to & choose to pay it (in order avoid a possible months-long detention pre-trial at the pison under deplorable conditions) are often still detained at the prison, although for a much shorter period (until their support system figures out how to pay their bond). They are then most often deported with a pending criminal case and the state will often ask for bond forfeiture (meaning the court gets to keep the money because the accused does not show up in court).

In the first year of OLS, Kinney County accumulated almost $2 million in bond forfeiture that can be used by the county for anything including to fuel future infrastructure.

For men that cannot pay bond, they are often held for months pre-trial until their hearing.
4. Hearing: Occurs in virtual format with retired judges that are often hand-picked & invited to conduct these hearings.

In the early stages of OLS, it was common for detained men to meet their attorneys for the first time during their first hearing.

So the attorney often asked for a postponement on the hearing;

Meaning the migrant men would continue to be detained until another court date was available.

Which would mean more months in the prison.

It is common for the detained men to take plea deals that are not in their benefit in order to speed up their release from prison.
5. DEPORTATION: CBP & ICE: After paying bond or finishing their OLS criminal case, migrants are usually transferred to CBP or ICE. There is no current written protocol or standard process (that representing attorneys or advocates are aware of) that determines which agency picks up the men and why.

- CBP deports migrants hours after picking them up from the prison or having the prison drop them off at the CBP station.
- ICE often sends them to detention centers where they wait more months to begin the process of a possible immigration case.
- There, migrants can ask for asylum and be granted a credible fear interview. If they pass the interview, request immigration bond, & pay it, they can then be released within the U.S.
- If they don't pass the interview, they are deported.
2.5 YEARS OF OLS

By the state & counties

OLS is active in 58 Texas counties, most along the border, but a couple are hundreds of miles from the border, as well.¹²

Is your county participating in OLS?

Why would a county so far from the border be involved in OLS?
By the numbers

Number of individuals processed at magistration facilities specifically created for OLS defendants:
Val Verde Temporary Processing Center: 8,853
Jim Hogg Temporary Processing Center: 1,094

= 9,947

MONEY

OLS has secured a historic sum of funding for Texas border security efforts.\(^{13}\)

→ In the first two years of OLS, TX spent over half a million dollars per person prosecuted under OLS.

Compared to just over $6,000 per student per year in TX public schools.\(^{14}\)
State funds granted:
(Money allocated for first two years of OLS & transferred by the Governor between legislative sessions from funds allocated for other purposes)

2021: $4.5 billion\(^{15}\)

(Money funded for next two years of OLS, via the 88th legislative session)

2023: $5.1 billion\(^{16}\)

TOTAL = $9.6 billion

OLS is the most expensive border security law enforcement program in TX history. It is the largest mis-spending of taxpayer dollars in an effort for Governor Abbott to gain political points. This money could instead be used to provide critically needed support for TX communities, especially rural ones with limited access to resources.
A resident of one of the counties participating in OLS has uplifted that:

“Water conservation is a huge issue right now... There is no account for how much water is being used & counties are already running out of water.”

“We don't have a dentist's office & we don't have specialists here so [people] have to drive TWO+ hours to get [medical care] services.”

“Our school has a lot of trouble retaining teachers & staff. [Their] wages are not living wages; they're also working overtime without being paid overtime.”

What do you think $9.6 billion could be used for, instead of OLS, to support your community?
What does this all mean for US, TEXAS, & the U.S.?

1. Expansion of mass incarceration & the criminal legal system.
   • OLS' intention is not only about criminalizing migrants, it is a law enforcement program that, in addition to targeting immigrants, ensures the survival of the carceral system, which is harmful for all humans.
   • While TX state incarceration has been trending downwards in recent decades, OLS uses xenophobic rhetoric about an immigrant "invasion" as a trojan horse to expand funding for low-level offenses at the county level.
This creates extreme criminal enhancements that will cause the incarcerated population to skyrocket. Migrants have recently been arrested on public land. Public spaces are being privatized under the guise of "public safety" to provide more opportunity for covertly arresting people.

2. If left unchallenged, as it has been up to this point, OLS remains a vehicle for the continued violation of constitutional rights, building on some of the most shameful chapters in our nation's history of violating people's due process rights. TX is both criminalizing migrants under state law & seeking to bring about a paradigm shift in national immigration policy, in a clear attempt to rewrite the U.S. Constitution & challenge Supreme Court precedent where immigration enforcement is solely a federal role & responsibility. As bills that nearly passed the 88th TX legislature laid out, state enforcement looks like OLS vigilantes employed by individual states racially profiling, incarcerating, & deporting immigrants, targeting all communities of color & feeding mass incarceration in the process.
3. OLS is the weaponization of law enforcement against a particular community, in this case, migrants. But once this precedent is set, this can be replicated for any other community in any other part of the country at any given time.

Texas is often a policy laboratory, meaning what starts in TX does not just stay in TX. As it continues, OLS will serve as the blueprint for other border states to challenge federal jurisdiction over immigrant enforcement & provide another narrative to set the stage for tough-on-crime policies to be more easily pushed through.

The time to act is NOW! Let’s envision a world where immigrants & all communities targeted by police are not criminalized but rather welcomed & supported!
1. According to public defender offices charged with representing people charged under OLS.
#:~:text=Another%20National%20Guard%20soldier%20working,expansion%20began%20in%20September%202021
8. According to public defender offices charged with representing people charged under OLS.
11. According to public defender offices charged with representing people charged under OLS.
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