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June 10, 2011

The Honorable Rick Perry  
Governor  
State of Texas  
Office of the Governor  
P.O. Box 12428  
Austin, Texas 78711-2428

The Honorable Tommy Williams  
State Senator  
P.O. Box 12068,  
Capitol Station  
Austin, TX 78711

Dear Governor Perry and State Senator Williams:

We are writing on behalf of the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund to express our strong opposition to SB 9, which we understand will be considered in the Texas state legislature's special session. This bill contains several flawed provisions which would prevent Texas localities from making sound decisions on how to best meet community needs. SB 9 is also a costly measure which will jeopardize the public safety of all Texans, and subject the state and its localities to expensive litigation.

The NALEO Educational Fund is a non-profit, non-partisan organization that facilitates full Latino participation in the American political process, from citizenship to public service. Our constituency includes the more than 6,000 Latino elected and appointed officials nationwide, including 2,460 in Texas. Our Board and constituency are comprised of Republicans, Democrats, and persons not affiliated with either of those parties.

Courts are likely to find that provisions of SB 9 violate the United States Constitution or other legal doctrines. Under the Constitution, the federal government has exclusive authority to enforce immigration law, with limited exceptions. If SB 9 is enacted, Texas would exceed this authority, and be subjected to the same kind of expensive litigation that is facing Arizona and local governments which have adopted unconstitutional immigration enforcement measures.

The constitutional vulnerability of SB 9 poses a serious problem for Texas, because the state is virtually certain to be sued if it is enacted. The costs of such litigation are likely to be exorbitant. Arizona's legal costs for its defense

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of lawsuits against SB 1070, which would involve the state in federal immigration enforcement, are exceeding \$1.5 million. Taxpayers in several cities are also being burdened by such expenses: \$4 million in Farmers Branch, Texas and \$2.4 million in Hazleton, Pennsylvania. At a time when Texas is struggling to address a budget shortfall that could reach \$27 billion, its taxpayers cannot afford to bear the expenses of the litigation that would result from the enactment of SB 9.

In addition, SB 9 would prevent local governments and their elected officials from making sound policy decisions that protect the public safety of their residents and further the efficient and effective use of local funds. The legislation would strip local governments and their police of their ability to determine law enforcement priorities. It could divert the time and attention of local police away from pressing issues, such as criminal activity, emergencies and response to natural disasters. At a time when many local jurisdictions face severe fiscal challenges, SB 9 could also result in the diversion of the scarce resources needed for critical community services into federal immigration law enforcement activities.

Finally, SB 9 would impair the ability of local law enforcement executives to determine the safety priorities of individuals in their command. As a result, "rogue" officers could deviate from these priorities, particularly if they have not received the specialized training that the enforcement of federal immigration laws requires. This could lead to infringements of the civil rights of all Texans, and subject local jurisdictions to costly lawsuits.

In conclusion, the adoption of SB 9 will have severe consequences for Texas. It will jeopardize the safety of all of the state's residents by diverting valuable resources away from pressing local concerns and preventing local jurisdictions from making sound policy decisions on their law enforcement priorities. It is virtually certain to result in expensive litigation against the state, which would require the expenditure of significant resources to defend an unconstitutional measure. It could also result in the violation of the civil rights of Texans by local law enforcement officers, leading to costly lawsuits against the state's localities.

On his website, Governor Perry describes his vision of Texas as a state of unlimited opportunity and prosperity. We urge you to uphold this vision by rejecting SB 9, a costly and unconstitutional measure that will severely hurt of the residents of your state.

Sincerely,



Juan C. Zapata  
Chairman, NALEO Educational Fund



Sylvia R. Garcia  
Board President, NALEO

cc: The Honorable Joe Straus, Speaker of the Texas House of Representatives  
The Honorable Burt Solomons, Texas State Representative  
Latino Members of the Texas State Legislature