

Why Iowa Needs to Help Texas

We have totally lost control of our border and are suffering a soft invasion. This is unsustainable for our nation and will increasingly negatively impact our state.

Since President Biden came into office, about 11 million people have entered the United States illegally, a number of people about the size of the state of Georgia.

In December 2023 alone, according to Border Patrol officials, about 300,000 illegals have come into the country.

It is estimated about 18,000 unaccompanied Asian men have entered the U.S., most about military age.

A known and unknown number on the terror watch list have come in. Also criminals, human traffickers, both sex traffickers, drug traffickers, labor traffickers, and those from other countries' mental institutions have come in. Border Patrol estimates that for every person apprehended, 2-3 avoid detection.

The numbers are misleading because whether caught or not, such people are treated very much the same – ultimately released on their own recognizance for years. They are not held to account, not vetted, and their locations and true intent are unknown.

Border communities are overrun and the cartels and traffickers are perpetrating unconscionable and inhumane actions on U.S. citizens and illegal immigrants, both adults and children alike. Many of these illegals are “owned” by the cartels and must submit to servitude in order to pay back money they borrowed to come here and to keep the cartels from harming their families.

The cartels control, as well as tax, every person and item which crosses into the United States from Mexico. Thousands of dollars are charged those who travel through Mexico and cross the border either legally or illegally each day. The amount is often based on ethnicity (Chinese are charged more than Guatemalans). The Mexican government does not control its own

border with the U.S, but criminals inside the country are making billions of dollars per year.

Illicit drugs are pouring into our nation with, or separate from, the invasion of migrants. Thus far in 2023, 418,000,000 doses of fentanyl have been confiscated, again those numbers do not include what was not seized. Narcotics smugglers often push many migrants across the border in one location as a distraction, as drugs are brought across elsewhere.

Based on numbers presented in sworn testimony before Congress, over 345,000 minors have entered the United States since 2021. At a minimum, 85,000 children who have passed through our border checkpoints during that same period cannot be found. This alone is a crisis of epic proportions.

The United States Government, at the federal level, is not incompetent - it is complicit in this crime. Regardless of the motive, the numbers of people coming across our border could not happen without the cooperation of those responsible for the sovereignty of our nation. They are failing by design. To be clear, these are the officials who make policy and choose to ignore existing laws, not those intrepid guardians working on the front lines each day.

Texas has sent thousands of illegals to sanctuary cities like New York City and Chicago across the country. They are complaining now about their inability financially and logistically to handle the influx. How long before Chicago begins sending them to Dubuque or Davenport if they haven't started already?

Iowa is partnered with Texas in helping to defend the border, having sent 109 national guardsmen last year.

Sen. Grassley is asking for Iowa county sheriffs to assist in providing information to expose cartel influence in Iowa.

Our state cannot handle this influx of illegals. Some communities are already strained by the illegals they have now. We must do more to protect our state.

That's why I introduced the following bill. It is moving through committee now:

SF 2211 – Criminalizes the act of being an illegal alien in Iowa. Makes illegal immigration a state crime, ranging from a misdemeanor to a felony. Gives Iowa law enforcement authorities the power to stop, arrest and jail people who are suspected of entering the state illegally on new, state-level illegal entry charges. Arresting officers must have probable cause. The law would also allow Iowa judges to order migrants suspected of committing the new illegal entry misdemeanor crime the choice of returning to Mexico (de facto deportation orders) or continuing their prosecution. Migrants who don't leave could face arrest again under more serious felony charges.

Bars state officials from arresting migrants in certain locations, including schools, places of worship and health care facilities, including those where sexual assault forensic examinations are conducted. The law cannot be enforced against people lawfully present in the U.S., including those who were granted asylum or who are enrolled in the [Deferred Action for Childhood Arrivals program](#). This bill is the same as the bill recently passed in Texas to help Texas law enforcement defend the southern border.

There has been disagreement between the state of Texas and the federal government regarding the constitutionality of Texas' action. The dispute is now being litigated.

Here are some excerpts from a law review article written in 2012 entitled *The State War Power: a Forgotten Constitutional Clause* that I find compelling:

“The Constitution recognizes a State War Power wherein a state may engage in war, independent of any federal action, if invaded by a hostile force. This power is both antecedent to, and affirmatively acknowledged in, the Constitution in Article I, section 10, clause 3 which states, ‘No State shall, without the Consent of the Congress . . . engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.’ Although the purpose of section 10 is to catalog a list of restrictions on the states, the single affirmative power it gives to states is the right to engage in war when invaded or in imminent danger. This Note designates this power, the State War Power.

“The State War Power is essential to the preservation of federalism. It both preserves state sovereignty and allows states to compensate for the failure of the federal government to protect against invasion as required by the Guarantee Clause. The Guarantee Clause provides, ‘The United States shall

. . . protect each [state] against Invasion’ The State War Power and the Guarantee Clause are intertwined because, when a state is invaded, both clauses are triggered; the United States has a duty to protect against the invasion and the state has a concurrent right to defend itself by engaging in war against the invading force. However, the strong likelihood is that the State War Power will only be exercised when the federal government has failed under the Guarantee Clause. Failure of the federal government under the Guarantee Clause is not a prerequisite for invocation of the State War Power, but there would be little necessity for the state to defend itself if the United States fulfills its obligation under the Guarantee Clause.

Bills Moving in Committee

The following other bills moved in subcommittee or committee this past week:

School SSA Funding – Not set yet as the AEA Reform bill is still being worked on and it contains the increase in teacher pay proposal. Those will affect the SSA number decided on. The governor’s proposal is a 2.5% increase. Still taking input from AEA’s, schools, teachers, and parents regarding the AEA proposal to hammer out a workable solution that addresses the governor’s concerns.

Alternative Teacher Licensure – Sets requirements for alternative pathways to becoming a teacher. Designed for the individual who wants to enter education as a “second” career in later life.

Student Teaching – The number of weeks of student teaching can be reduced from the currently required 14 weeks to 4 weeks for substitute teachers and para-educators who are working to get their teaching license, certain conditions apply.

County Compensation Boards – Eliminates county compensation boards. The county board of supervisors takes the responsibility of finalizing the annual salary of an elected official by approve an annual increase in salary that matches the Consumer Price Index, but not to exceed 3%, and any other increase in salary shall be subject to public hearing procedures and cannot take effect until the next fiscal year following the

next election for that office.

Fetal Development – Schools must provide instruction on the development of the unborn child in the womb in sex education class.

Medicaid Postpartum Coverage: Expand Medicaid to cover pregnant women through 12 months of postpartum care.

MOMS Bill – Updates the More Options for Maternal Support (MOMS) program to provide greater accessibility for pregnancy support services and operational flexibility for Iowa HHS to distribute the funding.

Obscene Performance – Establishes criminal offenses for exposing a minor child to an obscene performance, prohibits obscene performances using public facilities and funds, and removes the exemptions for libraries and educational institutions.

Sexual Exploitation of a Minor – Current law limits it to one count for multiple images of a minor. This bill creates a separate count for each visual image of the minor.

Inmate Privacy – Restrict access to private areas of a prison to members of the same biological sex.

Police Dogs – Allows EMS to provide emergency medical care to police service dogs. However, humans take priority.

Drones – Prohibits flying a drone within 400 ft. from someone's home or farm that lies outside of city limits without prior consent. A violation is a misdemeanor criminal offense. Exceptions to having to get prior consent are when the drone is operated by a government, public utility, or railroad company but still must stay above 400 ft. and must be operating for commercial or agricultural use within FAA regulations or to collect weather information.

Window Tinting – Expands the use of window tinting but allows no darker window tint than 35% light transmittance on the windshield and front and side windows.

Veteran Code Modernization – Allows veterans who have been injured in training and have a federal VA disability rating and who have been

honorably discharged so they are considered veterans for federal purposes, but have not met the state requirement of 90 days' active-duty service to be considered a veteran for state purposes. Standardizes the training and operational requirements for county veteran service officers.

Feel free to contact me with ideas, thoughts, and concerns. My phone is 319-987-3021 or you can email me at sandy.salmon@legis.iowa.gov . I want to hear what you are thinking and will listen to your input. Together we will work to make a difference for the future of Iowa. Thank you very much for the honor of representing you!

Sincerely,

Sandy