

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

CITY OF EL CENIZO, TEXAS, <i>et al.</i> ;	§	
Plaintiffs,	§	
	§	
CITY OF AUSTIN, <i>et al.</i> ,	§	
Plaintiff-Intervenors,	§	CIVIL ACTION NO. 5:17-cv-404-OLG
v.	§	
	§	
STATE OF TEXAS, <i>et al.</i> ,	§	
Defendants.	§	

**DECLARATION OF DELIA GARZA**

Pursuant to 28 U.S.C. § 1746, I, Delia Garza, declare the following:

1. My name is Delia Garza and I am over eighteen years of age. I have personal knowledge of and could testify in Court concerning the following statements of fact.

2. I am a City Council Member for the City of Austin, representing District 2. I began my service as a Council Member in January 2015.

3. District 2 has the highest concentration of Hispanic residents of any district in the City, approaching 70% of the district population. Because Senate Bill No. 4 (SB 4) is targeted at alleged undocumented immigrants from Mexico, Central America, and South America, my constituents are among the most threatened by the pending application of the law.

4. On its face, SB 4 seems likely to promote unconstitutional police practices. The bill encourages local police officers to conduct immigration status checks, but does not provide any guidelines for how an officer can constitutionally determine when to check for lawful presence. My constituents have reached out to me to express their concern that police officers will engage in racial profiling, and other unlawful inquiries based upon their perceived race, ethnicity, national origin, or immigration status. Although SB 4 purports to target

undocumented immigrants, it does not instruct how an officer might distinguish U.S. citizens from foreign nationals – or lawful immigrants from those whose status is not established.

5. I have participated in numerous discussions and town halls in which my constituents, both U.S.-born and otherwise, have expressed their concerns about police harassment. I have learned that parents are withholding their children from school, for fear that they might encounter an immigration status check on the way. It is clear that even the threat of SB 4 is harming my district by forcing large numbers of residents into the shadows, and out of public life.

6. Prior to joining the City Council, I mentored youth through the Seedling Foundation. One of my mentees was a child whose father had been deported. When I first met this young person, they spoke often of their father, expressing a profound desire to be reunited. Over the course of three years, I saw the heartbreaking impact of deportation, as the child did not have resources to travel abroad, and was forced to accept less and less contact with their parent. The child's mother was forced to face single parenting and had to suffer the financial and other burdens of such life. In short, I learned how enforcement of immigration laws can have a profound, pernicious impact on children, families, and the community, and I gained an increased appreciation for how important it is for our community that immigration laws be enforced in a careful, considered manner.

7. In my capacity as a City Council member, I have also learned about the impact of enhanced immigration enforcement on our local schools. Following the February 2017 raids by Immigration and Customs Enforcement (ICE) in the Austin community, I participated in a panel hosted at an IDEA Public Charter School on the subject of SB 4 and heard from students how fearful they were of being separated from their parents. These children should have been

concentrating on their studies and enjoying childhood and instead were speaking at a public forum about how SB 4 has had a severe negative impact on their lives.

8. Furthermore, my office has communicated with Larkin Tackett, the Vice President of Community at IDEA Public Charter Schools, which has a regional headquarters here in Austin, Texas. IDEA operates three schools in Austin and serves roughly 30,000 students across Texas, nearly all of whom are Hispanic. Mr. Tackett has informed me that as a result of the passage of SB4 and the February ICE raids, he has seen a drop in enrollment and a drop in attendance at IDEA schools. Mr. Tackett fears that these negative impacts will continue under SB4, and that students will thus be denied the opportunity to attend school. I have attached a sworn declaration from Mr. Tackett as Exhibit A.

9. A principal of one of the IDEA schools in Austin, Cristopher Rubio, has also shared information with our office about the impact of the ICE raids. Mr. Rubio described how one student called him to report that she would miss school because her step father had been captured by ICE in her home. As Mr. Rubio explains in a sworn statement, Allan College Prep high school suffered a terrible impact, with students missing class and some parents even withdrawing their children from school, for fear of encountering immigration enforcement operations. Mr. Rubio is concerned that these impacts will continue under SB 4. I have attached his sworn declaration as Exhibit B.

10. Based on the negative impact of the February ICE raids, as shared by Mr. Tackett, Mr. Rubio, and others, I am concerned that SB 4 will cause widespread negative impacts on student achievement in Austin and across Texas.

11. I am a fifth generation Texan, and I identify as Hispanic. I cannot countenance the idea that I—or anyone in my family or community—will be subject to increased police

enforcement based upon our appearance. Such a police regime reminds me of the Gestapo in Nazi Germany, the internment of Japanese-Americans during World War II, and other historical examples of martial law applied against second-class citizens.

12. Because of my personal and familial experiences, and in particular because of the concerns raised by my constituents, I have closely monitored the development of SB 4 since the Governor first announced his priorities for the legislative session. I attended proceedings at the Capitol, and saw how the overwhelming majority of public speakers voiced their opposition to the bill.

13. I have made multiple public statements questioning the constitutionality of SB 4. It is important that my constituents see me representing them in the public domain, and elevating their concerns to the broader community. We do not want to live in a state that normalizes racial profiling.

14. As a City Council Member, I took an oath to follow and uphold the laws of the land, including the Texas and United States Constitutions. I take this oath seriously. I have not violated any law, despite the State's accusations. Further, I am concerned that SB 4 would require local police to engage in unconstitutional policing. For that reason, and for the other reasons discussed above, I have encouraged the City and others to challenge SB 4 in court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in Travis County, State of Texas, on the 19th day of June, 2017.



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DELIA GARZA

# **EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

CITY OF EL CENIZO, TEXAS, <i>et al.</i> ;	§	
Plaintiffs,	§	
	§	
CITY OF AUSTIN, <i>et al.</i> ,	§	
Plaintiff-Intervenors,	§	CIVIL ACTION NO. 5:17-cv-404-OLG
v.	§	
	§	
STATE OF TEXAS, <i>et al.</i> ,	§	
Defendants.	§	

**DECLARATION OF LARKIN TACKETT**

Pursuant to 28 U.S.C. § 1746, I, Larkin Tackett, declare the following:

1. My name is Larkin Tackett and I am thirty-eight years of age. I have personal knowledge of and could testify in Court concerning the following statements of fact.

2. I am the Vice President of Community for IDEA Charter Public Schools here in Austin, Texas.

3. IDEA is a free, public charter school network that serves approximately 2,500 students in Austin and 30,000 statewide, nearly all of whom are Hispanic. Our organization is committed to provide a path to and through college for all students, especially students in communities who have been historically underserved. 100% of IDEA’s graduates are accepted to college and for seven out of the last eight years, 100% have matriculated to college. Last year IDEA received the award for Best Charter School Network in the US and has five high schools in the Top 10 nationally.

4. At IDEA in Austin, I lead the organization’s growth in Austin, including raising public and private funds to support our schools. Two of my own children attend IDEA Allan, located in southeast Austin.

5. Following the enforcement actions and during the Texas Legislature's discussion of SB 4, our IDEA Austin community felt a deep anxiety and fear. ICE arrested and deported several IDEA parents and many students missed school due to fear for their family's safety. One IDEA parent living in Kyle, TX, located nearly 20 miles from our school, withdrew her children from IDEA Allan due to fear of persecution. This resulted in the now-former IDEA students attending a school that has a much lower rate of sending students to college than IDEA. My own daughter returned home from class one afternoon and told my wife and I that her best friend would have to return to Mexico because of the "new laws."

6. Texas needs policies that both keep our communities safe and that uphold the personal dignity of every Texan. SB 4 does neither and will only perpetuate the fear and oppression of many immigrants and their children in Austin.

7. As a community member in Austin, TX and in my experience leading IDEA Public Schools in Austin (IDEA), I attest that SB 4, the so-called "Sanctuary Cities" legislation and the preceding "enforcement actions" of the Immigration and Customs Enforcement (ICE) Agency has adversely impacted the education of scores of students in East Austin.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed in Travis County, Texas, on the 18th day of June, 2017.



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LARKIN TACKETT

# **EXHIBIT B**



**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

CITY OF EL CENIZO, TEXAS, <i>et al.</i> ;	§	
Plaintiffs,	§	
	§	
CITY OF AUSTIN, <i>et al.</i> ,	§	
Plaintiff-Intervenors,	§	CIVIL ACTION NO. 5:17-cv-404-OLG
v.	§	
	§	
STATE OF TEXAS, <i>et al.</i> ,	§	
Defendants.	§	

**DECLARATION OF CRISTOPHER M. RUBIO**

Pursuant to 28 U.S.C. § 1746, I, Cristopher M. Rubio, declare the following:

1. My name is Cristopher M. Rubio and I am over eighteen years of age. I have personal knowledge of and could testify in Court concerning the following statements of fact.

2. I will never forget the phone call I received from one of my students, Yasmine (pseudonym), this past February. “Mr. Rubio, we aren’t going to be able to come to school today. ICE is right outside my apartment, and they took my stepdad,” she said. In the previous weeks, I had heard rumblings that the Immigrations and Custom Enforcement Agency (ICE) would be ramping up operations in Austin. My worst fears for my students were coming true.

3. The next week would define one of the tougher weeks in my professional career. I had to try to find the words to comfort Yasmine, who has four younger siblings at our school. Other parents, for fear of being swept up themselves, kept their children at home, and not at school

learning. We had other parents withdraw their children from Allan College Prep, fearing that the risk of driving their children to school every day was too high. Our students begin to act out in a way that was far from normal, but perhaps their only way to cope with the very real fear they were facing.

4. As Principal-in-Residence for Allan College Prep, I can attest that Senate Bill 4, the bill set to take effect in September that will punish jurisdictions that do not fully cooperate with federal immigration officials, will only negatively affect our students.

5. At IDEA Allan College Prep, our mission is to prepare students from underserved communities for success in college and citizenship. We believe that every child is deserving of a college education, especially those that historically have not had the same opportunities as their more affluent peers to complete a post-secondary education. But we also know that we work with a student population that faces many challenges. Over 90% of our students identify as Latina/o, and about the same percentage of our students come from low-income households.

6. If SB 4 is allowed to take effect, our work will only get tougher, and our students' performance will undoubtedly suffer. SB 4 will widen the chasm between our families and local law enforcement. This creates a situation where our children risk protection. Should a domestic dispute occur, will a mother call the police to report the crime, knowing that it may risk deportation for the father of her children?

7. I remember very little about my first days as a student in Texas public schools, but I do remember being taught to take pride in my state. Today, I am upset, worried, and ashamed to be a Texan. I am upset that many hardworking immigrants, many of whom are parents of my

students, will be unfairly targeted. I am worried about the day that I will have to comfort one of my students after their parent has been deported, knowing that I can do very little to bring their parent back home. I am ashamed that our lawmakers are adamant about sowing the seeds of distrust in our communities. Our students, our communities, Texans, deserve better.

I declare under penalty of perjury pursuant to 28 U.S.C. §1746 that the foregoing is true and correct.

Executed in Travis County, Texas, on the 19<sup>th</sup> day of June, 2017.

  
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CRISTOPHER M. RUBIO