

February 11, 2025

**RE: Vote NO on H.R. 35**

Dear Representative:

The ACLU urges you to vote No on H.R. 35, the Agent Raul Gonzales Officer Safety Act, which creates a new federal offense that will ensnare U.S. citizens and other border residents going about their daily lives.



AMERICAN CIVIL LIBERTIES UNION

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**A. This Bill Puts U.S. Citizens and Others in Danger of Vigilante Attacks**

H.R. 35 manufactures a new federal crime of fleeing in a motor vehicle from Border Patrol or any other federal, state, or local law enforcement officer assisting or acting under their direction. Although the bill purports to apply only to individuals “intentionally fleeing” from these officers, the reality is that this bill could and likely would be used against border residents—particularly people of color—who may be chased by officers they cannot identify as Border Patrol or any other law enforcement due to a lack of prominent law enforcement identification and uniforms or the use of unmarked vehicles.

Border patrol and other law enforcement at the border are not always in identifiable vehicles. In 2023, for example, a Latino [El Paso family](#) was run off the road and detained at gunpoint by Texas officers with Operation Lone Star in [unmarked vehicles](#). The family was terrified during this detention, which resulted in injuries, and where they could not identify who the armed officers were. Meanwhile, since January 2025, several individuals have been arrested for [impersonating](#) federal immigration officers, including by stopping people of color while driving, leading to real fear and confusion in the community. There have also been numerous [reports](#) of anti-immigrant vigilante groups in border communities—and even in major cities like [New York](#)—harassing and attacking people they assume to be non-citizens.

Arresting individuals and subjecting them to mandatory prison sentences for failing to stop when chased by a vehicle they do not recognize will put people of color, including U.S. citizens and children, in danger.

**B. This Bill is Unnecessary and Duplicative and Will Further Contribute to Mass Incarceration**



H.R. 35 would create a new, unnecessary federal offense that would encourage dangerous and aggressive policing tactics for everyone living in border communities. The proposed statute would have a three-tiered sentencing scheme that includes mandatory minimums of five and ten years for violations that result in serious bodily injury or death with prison terms up to twenty years or life in prison, respectively. Any individual convicted under this statute would be ineligible for lawful status and even asylum.

State laws already prohibit individuals from fleeing from law enforcement so this federal offense is duplicative; but creating a new federal crime with mandatory minimums and high sentencing ranges would disregard mounting evidence on the harms and costs of mass incarceration to our communities.

Moreover, given the history of racially discriminatory traffic stops in the United States and particularly in the border zone, this legislation is likely to have a discriminatory impact on communities of color and individuals perceived to be undocumented, regardless of their status. Operation Lone Star, Governor Abbott's multimillion dollar anti-immigrant initiative, has been rife with [racial profiling](#) in Texas, which may only increase under Texas' new [Memorandum of Understanding](#) with the Department of Homeland Security to participate in immigration enforcement. This legislation may only exacerbate aggressive and discriminatory policing in border communities.

### **C. H.R. 35 Punishes the Victims of Dangerous Police Chases**

There is already a dangerous lack of accountability for and protection against an epidemic of deadly vehicular pursuits instigated by Border Patrol and other law enforcement agencies. This bill may encourage more aggressive policing tactics, putting more community members in danger.

A November 2023 report by [Human Right Watch](#) documented over 70 fatal car crashes in a two-year period due to dangerous car chases associated with Texas' Operation Lone Star program, a state-led anti-immigrant program to arrest individuals suspected of being in the United States without authorization. Human Rights Watch found that some of those killed were bystanders, including a 7-year-old girl; at least five children, all of them Texas residents, have also been injured during these dangerous chases. Ninety-seven percent of these deadly crashes stemmed from traffic misdemeanors such as failure to obey an attempted stop by law enforcement, speeding, or not obeying traffic signals.

The ACLU of Texas and the ACLU of New Mexico also [documented](#) dangerous and sometimes deadly CBP-led vehicular pursuits in their states. In one pursuit near Deming, New Mexico, a Border Patrol agent conducted a dangerous and unauthorized maneuver to block the path of the vehicle on the



highway. The vehicle being pursued rolled over and burst into flames; most of the vehicle occupants were ejected from the vehicle, killing two and severely injuring eight others. As one of the Border Patrol agents on the scene of the crash callously [put it](#), “They were all thrown everywhere, bro.”

The Office of Civil Rights and Civil Liberties (CRCL) at the Department of Homeland Security previously [investigated](#) these chases and raised concerns that CBP agents were “following” but not actively pursuing cars—meaning that they did not have emergency equipment activated, and which could add to the confusion as to whether a driver was in fact being pursued. CRCL noted that “could incentivize dangerous, highspeed following without the use of emergency equipment.” Moreover, CRCL noted that CBP’s rules, prior to the 2023 directive on vehicular pursuits, put community members “in potentially perilous situations. CBP provides no prohibitions on actions that have been deemed by other law enforcement agencies to be unnecessary . . . and therefore create an increased risk of harm and/or actions that would immediately create an unreasonable pursuit.”

The ACLU and many border community partners worked to address these dangerous pursuits and supported the development of a CBP [vehicular pursuit policy](#) to limit these deadly encounters; the Trump administration has now [rescinded](#) this policy.

Border communities are already living under multiple layers of law enforcement and militarization, subject to discriminatory policing by an ever-growing number of law enforcement agencies. To now add criminal penalties, including mandatory minimum sentences, for people who flee law enforcement – even if they may not be aware that it is law enforcement they are fleeing – will incentivize even more aggressive tactics by CBP and its partners and create more danger for anyone on the roads in these communities.

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We strongly urge Members to ‘Vote NO’ on this legislation and demand evidence-based solutions that keep border communities safe without resorting to racial profiling, aggressive policing, and harassment. Should you have additional questions about this legislation, please contact Sarah Mehta, ACLU Senior Policy Counsel, [smehta1@aclu.org](mailto:smehta1@aclu.org).

Sincerely,

A handwritten signature in blue ink, which appears to read "Mike Zamore".

Mike Zamore

National Director, Policy and Government Affairs



