

# Tornillo

Chuck Lanehart



*Frank Chelly, right, leads the July 3 Declaration Reading at Tornillo*

*If I had ever been here before  
I would probably know just what to do  
Don't you?*

—David Crosby

**H**istory, having a way of repeating itself, blessed TCDLA's 2018 Declaration Readings.

Channeling his heritage and the spirit of the Marquis de Lafayette—the Frenchman who famously championed the colonies in the American Revolution—Frank Chelly took TCDLA's favorite patriotic project to a higher level on July 3.

Frank Chelly is a 51-year-old immigrant, a Frenchman who came to the United States on an exchange visitor visa in 1989. After seven years working in medical research, he decided to change directions, and enrolled in the South Texas College of Law. He was licensed to practice law in 2010.

The same year, while working in George Parnham's Houston law office, he was among the onlookers when Robb Fickman first led a reading of the Declaration of Independence by members of the local criminal defense bar on the steps of the Harris County

Courthouse.

"I had not seen anything like that. It was something odd," Frank explained in his charming French accent. "In one sense, it was like a call to arms. I'm not a religious man, but in another sense, it was like witnessing Martin Luther nailing his demands to the door."

Frank saw the reading as a reminder to those running the justice system inside the courthouse that they were accountable to the people, and the people were watching.

He attended a couple of subsequent Declaration readings in Houston, then wound up working for the El Paso County Public Defenders Office.

Following the elections of 2016, Frank became concerned with the direction of United States government and social policy. He had never been outspoken in political matters, even before it was considered dangerous for immigrants to speak out. He had not participated in protests or otherwise questioned government authority outside the courtroom. But activism was in Frank's genes: His father had served as an intelligence officer in the French resistance during World War II.



El Paso Public Defenders Stephanie Carneros, Nicole Maesse, Evy Sotelo, and Evelyn Espinoza (*top left, from left*) do care.

Frank explained: “My dad saw first-hand the ravages of war, the despicable collaboration, and the horrific behavior of too many Frenchmen. He also witnessed the incredible courage of American soldiers. I grew up hearing about America, freedom, and the incredible debt I and all French citizens owe America. Our love for America was born out of respect because my dad was an eyewitness. He saw, personally, American soldiers fight and die in France. I cannot tell you how incredibly important that was for him, my family, and for me. I have a debt to repay to America. I always will. That may be why the reading of the Declaration of Independence is so personal and important, for it reminds me that I still have a debt to repay.”

So, just a few months ago, Frank proudly took an oath and became a citizen of the United States of America.

Meanwhile, President Donald Trump implemented his “zero tolerance” policy, which separated illegal immigrants from their children at the Mexican border, even those legally seeking asylum. The family separations began after Attorney General Jeff Sessions announced in April the government would prosecute all immigrants apprehended while crossing the southern border illegally. Children and parents were sent to separate camps across the country.

One of the child concentration camps was set up at the border town of Tornillo, just 40 miles southeast of Frank’s home in El Paso. Tornillo is a small, sunbaked agricultural community of some 1,500 souls in the middle of nowhere, with one cotton gin and no stoplights. In mid-June, large tents sprang up behind fences and tall mounds of dirt. About 20 large tents on a parched field owned by the Department of Homeland Security are home to teenaged children separated from their parents by the U.S. government.

There is a medical clinic, a reception center, and reportedly a cinema, all under canvas. Children have been seen playing soccer in 100-degree heat. Armed guards with body armor stand vigil

around the perimeter.

Tornillo quickly became the focus of criticism of the government separation program. Beto O’Rourke, a U.S. Democratic representative for El Paso, was one of several officials who visited the facility in June to protest the policy. He said government officials blocked him from seeing the children housed at the camp.

(Under intense pressure, on June 21 President Trump backed away from his family separation policy. An estimated 2,000–3,000 children had been detained in camps scattered across the country, awaiting reunification with their parents. Despite court-imposed deadlines, by early July it appeared the reunification process would be long and difficult, perhaps impossible, even with DNA technology utilized to match parents with children.)

Frank watched news coverage of Tornillo and the family separation situation with a sense of horror. “What can I do?” he thought. Meanwhile, TCDLA listserv messages reminded him to get involved in the 2018 Declaration readings.

It was Frank’s “eureka” moment. “Let’s read the Declaration at Tornillo!”

He pitched the idea to a few co-workers at the El Paso County Public Defenders Office. He spoke to his superiors, Chief Public Defender Jaime Gandara and First Assistant Public Defender William Cox. Everyone was enthusiastic and supportive of the idea.

“Let’s do it!” they all said.

The weekend before the reading, Frank made the 45-minute drive down I-10 on a reconnaissance mission to inspect the site. He bumped into some reporters there to document camp conditions and invited them to attend the event, scheduled for the following Tuesday, July 3.

On July 2, Frank contacted TCDLA Declaration coordinator Robb Fickman, who pulled strings to make sure the Tornillo reading would be endorsed by the Association. Newly sworn TCDLA President Mark Snodgrass of Lubbock and the Executive Committee immediately gave the project their seal of approval.

“I’ll run it by the Executive Committee, but I can tell you there will be no opposition,” Snodgrass said.

Everyone at the public defenders office pitched in one way or another. Investigators handled logistics and took photographs. Others made t-shirts reading, “I Really Do Care, Don’t U?”<sup>1</sup> Others reluctantly remained in El Paso to take care of legal business.

The reading was scheduled for the morning of July 3. As participants and spectators began showing up near the Tornillo port of entry, the children’s concentration camp was just beyond their vision, hidden by an earthen wall. But it was obvious to Frank the kids were in a bad place.

“The high-altitude desert climate of Tornillo is extremely hot and extremely dry. The sun hits you hard. If you are out there 30 minutes without a hat, you will get sunburned,” said the shaven-headed Frank. “I can’t imagine how the kids are coping with this climate. I hope they have air conditioning and things like that.”

Introductory comments were made by veteran El Paso lawyer Jim Darnell, a longtime Declaration organizer throughout far West Texas, who addressed 38 readers and another 20–30 in the audience. Those assembled included members of the El Paso private criminal defense bar, immigration attorneys, federal public defenders, and employees of Texas RioGrande Legal Aid. Most were from the El Paso Public Defenders Office: Frank’s people.<sup>2</sup>

There were no issues with the authorities, but a policeman in a patrol car hung around to observe.

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1. The shirts mocked the jacket first lady Melania Trump wore during a visit to a different children’s camp in McAllen. Melania’s jacket read: “I really don’t care. Do U?”

Participants brought their kids. The event was covered by local television affiliate KFOX of El Paso, and El Paso Chief Public Defender Jaime Gandara was interviewed.

Following the reading, Frank addressed the crowd: “This isn’t about me, this isn’t about anybody in particular. This is about the people who are encaged over there,” as he pointed toward the kid’s concentration camp. “We are doing this for them. So, the credit is to the people who are unfortunately in there. That is the only reason we are doing this. We certainly also want to thank TCDLA, which is one of the endorsers of this reading. They have been supporting our civil rights and our freedom for a long time.”

The reading at Tornillo ended. Then, Frank and his colleagues simply headed back to the El Paso County Public Defenders Office, ready to do God’s work.

Later, an *ABA Journal* reporter interviewed Frank about the reading. “That was really the goal, it was to make sure that people know what’s going on,” Frank explained. “Ours was not a protest, it was just a reminder of why we do what we do as attorneys,

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2. Among the participants of the Tornillo Declaration of Independence reading were Claudia Aranda, Chad Bernaeyge, Gabriel Bombara, Porsha Brown, Stephanie Carneros, Corina Cervantes, Frank Chelly, William Cox, Jeep Darnell, Jim Darnell, Evelylyn Espinoza, Chris Estrada, Jaime Gandara, Alejandrina Gutierrez, Heather Hall (and her two sons), Illiana Holguin, Debbie Ibaiven, Jo Ann Jacinto, Yolanda Juarez, Ryan Kerr, Nicole Maesse, Tyrone Mansfield, Todd Morten, William Navidomskis (and his son), Edy Payan, Linda Perez, Alida Ramirez, Marcello Rivera, Adriana Robles, Marie Romero-Martinez, Everett Saucedo, Bernadette Segura, Brigitte Silva, Evy Sotelo, Rebecca Spencer-Tavitas, Rene Vargas and Sarah Rios Vargas.



Tornillo readers

and particularly as criminal defense attorneys. And the founding document, I think, is particularly relevant to that.”

Robb Fickman was also quoted in the *ABA Journal* article. “The symbolism seemed to be appropriate,” Robb said. “If the whole purpose of the Declaration was a statement in opposition to tyranny and tyrannical behavior, what better place than a children’s prison camp where the children are not accused of committing a crime themselves?”

Frank wants others to be inspired by the Tornillo story. “Do you remember when you were sworn in as a new attorney?” he asked. “Do you remember saying ‘I do solemnly swear that I will support the Constitutions of the United States, and of this State?’ I remembered that oath. That oath has taken us all somewhere. Wherever it is, it is rarely a place where awards are given, recognitions bestowed, interviews broadcast, or feel-good stories written. One day, in July 2018, that oath took me to Tornillo. If the story is written, let it be the story of why we were there, not who was there.”

The legacy of the Tornillo Declaration reading is a continuum, it seems, perhaps starting with Lafayette, then progressing to Frank’s father’s heroism in Vichy France, then to Robb Fickman’s vision of Declaration readings everywhere each early July, and then on to Tornillo. With examples like Frank Chelly and Robb Fickman to serve as inspiration, TCDLA members across the



Frank Chelly



Marcelo Rivera being interviewed by KFOX14 News, El Paso

state should imagine new ways to inspire patriotism, freedom and justice, like the seemingly innocuous simple act of reading the Declaration of Independence at a place and time that might make a difference.



*Chuck Lanehart is a shareholder in the Lubbock firm of Chappell, Lanehart & Stangl, PC, where he has practiced law since 1977. A 1977 graduate of Texas Tech University School of Law, Chuck is a former director of the Texas Criminal Defense Lawyers Association and a*

*TCDLA member since 1979. He is a member of the TCDLA Strike Force, the TCDLA Ethics Committee, and co-chairs the TCDLA Declaration Readings effort. He is a charter member and former president of the Lubbock Criminal Defense Lawyers Association. Chuck served as director of the State Bar of Texas, District 16, and as president of the Lubbock Area Bar Association (LABA). He was the founding editor of LABA’s official publication, The Lubbock Law Notes, in 1987. Texas Monthly magazine has named him a “Super Lawyer” in the field of criminal law. In 2008, Chuck was named among the “200 Most Influential People in the History of Lubbock” by the Lubbock Avalanche-Journal.*