



Written by [Jack Kenny](#) on July 21, 2014

Texas Governor to Send National Guard Troops to Border

Texas Governor Rick Perry announced plans Monday to send 1,000 Texas National Guard troops to the Mexican border to deal with the massive wave of illegal immigration by children. Perry had previously asked the Obama administration to provide the same number of federal troops in an ongoing debate over how to deal with the flood of new immigrants.



“The price of inaction is too high for Texas to pay,” Perry said at a news conference. During the nine months ending June 30, more than 57,000 children, most of them from Guatemala, Honduras, and El Salvador, have been detained at the U.S.-Mexico border, twice the number arriving last year, according to U.S. government data.

President Obama is scheduled to meet in the next few days with the leaders of those three countries to seek cooperation the flood of children coming to the United States, Reuters reported.

Perry said the National Guard would help with the state’s surveillance and deploy some of its assets, including aircraft, to monitor the border. The news drew a lukewarm response from the White House, where Press Secretary Josh Earnest neither endorsed nor spoke against the move. “If this deployment does move forward, it is the kind of step that we would like to see be coordinated and integrated with the ongoing response there,” Earnest told reporters. The Obama administration has requested \$3.7 billion to feed and shelter the children, many of whom are expected to be in the country for months or even years before getting a deportation hearing. Republicans in Congress have so far held up action on the request, demanding greater security on the border before the granting of aid.

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Perry’s action could place pressure on the Obama administration, which has increased the number of border patrol agents, to take further action to deal with the border crisis. It could also boost Perry’s standing among conservatives in the party who have opposed bipartisan efforts at immigration reform that remove penalties and grant “a path to citizenship” for those who are here illegally. Perry, who ran for president in 2012, is considered a potential contender for the 2016 nomination. A new Gallup shows one in six people now call immigration the most pressing problem facing the United States, a sharp rise from just one month ago, when only five percent said immigration topped their list of concerns.

Tom Payan, director of the Mexico Center at Rice University’s Baker Institute, said the guard troops would likely play supporting roles to the federal presence on the border and be deployed for a short period of time. “The operational impact is limited,” Payan said. “This forces one to think that this is a



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political move by Rick Perry.”

Nothing in the Constitution prohibits the states from defending their borders. In fact, the Constitution does not even mention “Immigration,” though it does authorize Congress “To establish an uniform Rule of Naturalization” and provides that “The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic Violence.”

The Constitution also provides that the “Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight” — the intent being to authorize Congress to prohibit the importation of slaves beginning in 1808, which in fact did happen.

Under the 10th Amendment, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.”

In the 2012 case *Arizona v. United States*, the Supreme Court, in a 5-3 decision, upheld Arizona’s power to investigate immigration status, but rejected provisions of the state law that empowered state law enforcement officials to arrest and detain undocumented aliens.

“It is fundamental that foreign countries concerned about the status, safety, and security of their nationals in the United States must be able to confer and communicate on this subject with one national sovereign, not the 50 separate States,” Justice Anthony Kennedy wrote for the court majority.

Photo of Gov. Rick Perry: AP Images



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