



Written by [Steve Byas](#) on March 9, 2021

## Deployment of Texas National Guard Necessary Because Congress Neglected Its Duty

Texas Governor Greg Abbott announced this past weekend that he was sending both Texas National Guard troops and Texas State Troopers to the border to mitigate the surge of illegal entry into the state. Dubbing the action Operation Lone State, Abbott said it would “combat the smuggling of people and drugs into Texas.”

“The crisis at our southern border continues to escalate because of Biden Administration policies that refuse to secure the border and invite illegal immigration,” Abbott charged. “Texas supports legal immigration but will not be an accomplice to the open border policies that cause, rather than prevent, a humanitarian crisis in our state and endanger the lives of Texans. We will surge the resources and law enforcement personnel needed to confront the crisis.”

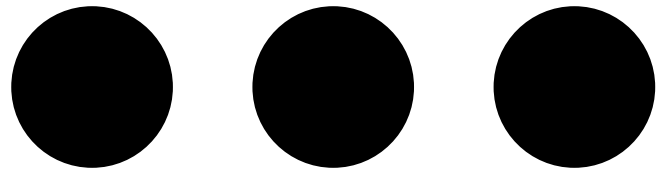
Abbott added, “There is an escalating crisis at the border — a crisis that Congress is refusing to fix.”

Because of this, Texas’ national guardsmen and state troopers will assist at a temporary holding facility for single adults in the Rio Grande Valley and in El Paso. Additionally, the Texans will provide assistance to Border Patrol units along ports of entry. Abbott also vowed that the federal government will pay “100 percent of the costs of this short-term mission.”

“Congress is a group of reprobates for not addressing a crisis on our border,” Abbott said. Dennis Bonnen, the speaker of the Texas House of Representatives, supported the governor’s actions, saying, “Shame on Congress if they won’t do their job. Just because they won’t get their job done doesn’t mean we won’t do our job.”

Not surprisingly, Gilberto Hinojosa, who chairs the Texas Democratic Party, disagreed, calling the governor’s deployment of troops “reckless, unnecessary, and [it] further serves to harm our relationships with our strategic allies in Central America and Mexico.” Hinojosa added, “Deploying new troops to the border solves nothing,” but he offered no solutions of his own for the border crisis that has been largely precipitated by the indications from the Biden Administration that they are going to do little to stem the surge of illegal entries into the country.

While the Constitution gives Congress the authority to “establish a uniform rule of naturalization” (Article I, Section 8), it does not give Congress exclusive authority to control the borders of the United States — and all powers not delegated to the federal government are reserved, or kept, by the states,



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thus giving *states* clear Constitutional authority to defend their own borders. The Constitution forbids individual states from going to war on their own (Article I, Section 9), but it explicitly states that they can legally defend themselves if invaded.

And this is an invasion. The Constitution does not differentiate between armed or unarmed invasion. In fact, Article IV, Section 4 of the Constitution obligates the federal government to protect the states from invasion.

Clearly, both the legislative branch, as Speaker Bonnen said, and the executive branch under President Biden are not doing their jobs.

We have arrived at a point in our nation's history in which states have little choice but to act for themselves when Congress and the President will not, or cannot. When the federal government acts beyond its Constitutional limitations, the states not only can, but should, do everything they can to hold the federal government to its Constitutional role. Writing in the *Federalist Papers* (No. 46), James Madison argued for the states to "interpose" themselves between the federal government and its own citizens to protect them from "unwarrantable" actions by the federal government. Later, when the federal government passed the Sedition Act, infringing on the First Amendment's guarantee of free speech, Thomas Jefferson joined Madison in penning the Kentucky and Virginia Resolutions, which espoused the doctrine of nullification to deal with that unconstitutional action by the federal government.

In this case, the federal government has brought on the border crisis, as Governor Abbott explained recently, noting that "a recent surge of immigrants at Texas' southern border" was caused by the Biden administration's reinstatement of the "catch and release" policy that had been nixed by President Donald Trump.

Because of this, Texas must act. Texas' actions in this case provide a model for other states to follow. The day when states can count on the federal government to do its duty are long past, at least while Biden is in the White House. Until Biden is gone — or he changes his policies — Texas and other states must act on their own.



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