

# Texas Pushes Back on Biden Border Crisis

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The year 2021 saw the new administration in Washington unleash a historic crisis along America's southern border with grave repercussions for the entire nation. Through a series of deliberate decisions that simultaneously enabled massive abuse of the US asylum system and sharply curtailed federal immigration law enforcement, in practically no time the Biden-Harris administration created the proverbial "perfect storm."

Make no mistake, the record and rapidly climbing number of over 1.3 million southwest border apprehensions, in addition to the hundreds of thousands more of estimated got-aways (those migrants who evade apprehension) so far this year is the result of a series of grossly irresponsible actions by the Biden administration. Topping the list was the new administration's decision to put an end to the hard-won 2019 Migrant Protection Protocols (MPP) with Mexico and its immediate restarting of the routine "Catch and Release" of the vast majority of family units and virtually all minors who show up at our border.

As the state which contains nearly two-thirds of the US southwestern border, allowing this public safety and national security crisis to unfold unhindered was certainly not an option for Texas. The people of the Lone Star State, including most Republicans, Independents and many Democrats, strongly disapprove of the Biden administration's lawless abdication of national sovereignty and control over the country's border.

Nor is standing by and letting this man-made disaster worsen an option for the rest of the states. That is why the Texas Public Policy Foundation (TPPF), as the nation's largest state-based think tank, having previously foreseen this catastrophe, has throughout 2021 advocated an aggressive and unprecedented effort by the state to both "stand in the gap" and stand up to a federal government that has neglected its first duty to protect its citizens.



Exclusive photo of Texas National Guard fencing construction crew courtesy of Ken Oliver.

America is indeed fortunate that it has in Texas a state with strong majorities of voters who still have their heads on straight and have put into office key statewide leaders who, from day one, have not shirked their own responsibility to protect Texas citizens. Within days of the Biden administration's rescission of the Migrant Protection Protocols and announced 100-day moratorium on deportations, for example, Texas Attorney General Ken Paxton took the Biden administration to federal court over both matters.

Though both lawsuits by the Texas Attorney General were successful, true to form the Biden administration still failed to diligently fulfill its obligation to conduct lawful deportations and reinstate the Migration Protection Protocols. In fact, even in the face of both rulings and

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widespread rejection of its policies by the public, the Biden administration continued to dramatically reduce deportations during a time when they should be increasing substantially, in addition to expressing its continued opposition to the Migrant Protection Protocols.

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The reality is that so long as the border is unsecure, every state is a border state. That is why it is imperative for responsible elected officials and leaders across the country to join together in taking unprecedented action to restore sanity to US border security and immigration policy.

As part of this effort, the Texas Public Policy Foundation has enlisted the support of top border security experts and like-minded civic leaders nationwide, including AMAC President Rebecca Weber, to serve on the national Border Security Coalition. Members of the Border Security Coalition, such as former Acting Deputy Secretary of Homeland Security Ken Cuccinelli, are working hard to provide state and local officials with the ideas and support they need to act.

As Cuccinelli said in a recent policy brief he authored titled “How States Can Secure the Border,” the mounting influx of illegal immigrants entering the United States this year, in tandem with the entry of deadly narcotics across the same border by the cartels, “constitutes an invasion of the south-ern border of the United States.” In his analysis, the former Virginia Attorney General goes on to recommend how border states like Texas can exercise their inherent constitutional powers to repel invasions in the absence of federal protection.

As leaders at the state and local level are increasingly forced to come to grips with the magnitude of the crisis before them, we expect the Lone Star State to continue to lead the way. This summer, the Texas state legislature approved \$3 billion to go toward securing the Texas border. The largest single chunk of that allocation will go towards continuing the construction of the Texas border wall that was irresponsibly ended at the beginning of this year by the Biden administration.

Already, over 120 borderland property owners have agreed for the state to build border wall on their properties. The Texas National Guard is currently busy putting into place temporary fencing along hundreds of miles of these borderlands in advance of permanent wall construction. Patriotic Americans throughout the country have also contributed directly to make this possible, through the official Texas Border Wall Fund.

As part of Texas Governor Greg Abbott’s Operation Lone Star, over 40 Texas counties have been declared disaster areas due to the current border crisis. Governor Abbott has also empowered Texas Department of Public Safety and National Guard troopers to arrest illegal border crossers on criminal trespassing charges. In addition, as former Indiana congressman and current TPPF Vice President for Federal Affairs John Hostettler points out, the federal anti-human smuggling statute also empowers state and local law enforcement with the ability to arrest and send to federal jails both human smugglers and the migrants who conspire with them to enter the country unlawfully.

As of this writing, Texas and other states still have much to do in our efforts to stem the flow and compensate for a federal administration and current legislative majorities in Congress that seem hell-bent on undermining immigration law enforcement, including the territorial integrity and national sovereignty of the United States. But the lawlessness and recklessness by the current administration in Washington has certainly sparked a strong patriotic backlash, not only in Texas but throughout America, that we are confident will ultimately prevail in restoring sound policies and saving our country.

*Ken Oliver is senior director of the Texas Public Policy Foundation’s (TPPF) Right on Immigration campaign. TPPF Policy Scholar Selene Rodriguez and Legislative Fellow Ciara Hall contributed to this report. ☆*

