

Trump troop request gives governors opening to say 'no'

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Associated Press

SALEM — President Donald Trump's plan to deploy National Guard troops to the Mexico border has drawn resistance from some governors, most of them Democrats, and the law he invoked creates an opening for them to turn him down, officials said Friday.

But so far, three of the border states with Republican governors have endorsed the plan, and two, Arizona and Texas, quickly announced troop deployments. The Democratic governor of the fourth border state, California, has been silent on the issue.

Trump's order invoked a federal law called Title 32, under which governors retain command and control of Guard members from their state, with the federal government paying for the deployment.

Another statute, known as Title 10, establishes that National Guard personnel operate under the president's control and receive federal pay and benefits. The law also forbids them from performing tasks of civilian law enforcement unless explicitly authorized, according to the Congressional Research Service. Trump's order issued Wednesday did not mention Title 10.

Arizona's Republican Gov. Doug Ducey said about 150 Guard members will deploy next week. The GOP governors of New Mexico and Texas also back the plan. The Texas Army National Guard planned to deploy 250 people to the border within three days.

Trump said Thursday that he wants to send 2,000 to 4,000 Guard members to the border to help federal officials fight illegal immigration and drug trafficking. Homeland Security Secretary Kirstjen Nielsen said on Twitter that she had a "productive conversation" about the deployment with governors of the South-



Oregon Rep. Andy Olson shakes hands with Sgt. Cruz Bryan while formally welcoming back Oregon Army National Guard members during a demobilization ceremony of the Oregon National Guard's 162nd Infantry Regiment in Albany in June 2015.

Mark Ylen/Albany Democrat-Herald via AP, File

west border states.

It's unclear if Trump will ask for troops from states other than those along the border.

White House press secretary Sarah Huckabee Sanders described the deployment as "a good first step." If the administration determines that more troops are needed, "we'll make that decision at that time."

Nevada Gov. Brian Sandoval, also a Republican, on Friday became one of the latest leaders to oppose Trump's plan. His spokeswoman, Mary-Sarah Kinner, said in an email that Sandoval does not believe the mission would be "an appropriate use" of the Nevada Guard.

But North Dakota Gov. Doug Burgum said his state would "answer the call," just as it has done in other times of need, like historic floods.

"We North Dakotans know from experience how critical it is for states to support each other in times of need," Burgum said.

Oregon Gov. Kate Brown has said she would deny Trump's request.

"As commander of Oregon's Guard, I'm deeply troubled by Trump's plan to militarize our border," Brown tweeted.

Her spokesman, Bryan Hockaday, said that if Trump invoked Title 10, the president "can federalize the National Guard forces, and there's not much the governor can do to prevent that."

However, under Title 32, a governor could try to reject a request for troops or order Guard members to remain in rear staging areas and not participate.

"If the president were to deploy under Title 32, he'd obviously have to have the approval of the governor," Hockaday said, citing an assessment from the governor's attorney. Lawyers reviewed all the pertinent legal provisions as soon as Brown's office heard the announcement about the deployment plan, he added.

Sessions orders 'zero tolerance' policy for border crossers

SAN DIEGO (AP) — Attorney General Jeff Sessions on Friday ordered a "zero tolerance" policy aimed at people entering the United States illegally for the first time on the Mexican border.

Sessions told federal prosecutors in border districts to put more emphasis on charging people with illegal entry, which has historically been treated as a misdemeanor offense for those with few or no previous encounters with border authorities. Smugglers and frequent offenders are usually charged with more serious crimes.

His one-page order lacks specifics on how the policy will be carried out but signals that major change is in the works. He tells prosecutors to ask for additional resources if needed to prosecute cases.

Sessions said "a crisis has erupted"

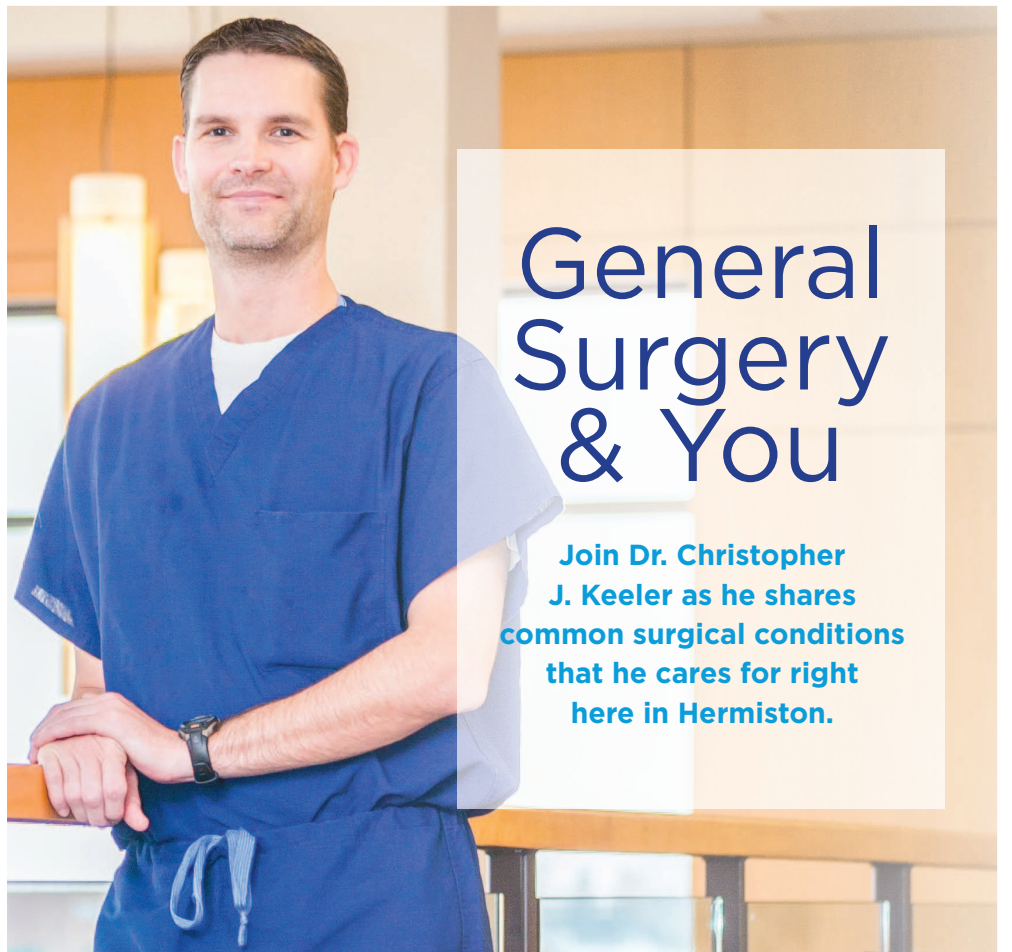
on the border, requiring more criminal prosecutions. He issued a similar directive a year ago that addressed a larger number of border crimes and used softer language on new offenders, saying that prosecutors "should aim to accomplish the goal of deterring first-time improper entrants."

His new order introduces the zero-tolerance terminology and deals exclusively with the statute applied to first-time crossers, saying a recent increase in illegal crossings "requires an updated approach."

A conviction for illegal entry carries a maximum penalty of six months in prison for first-time crossers and two years for repeat offenses. In practice, many are deported after pleading guilty and spending a few days in jail.

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