



MARKUS G. PUDER

LAW AND POLITICS AT THE SOUTHWEST BORDER OF THE UNITED STATES

As the United States hurtles towards Election Day on November 5, 2024, migration has continued to be a controversial election theme. This Article endeavors to introduce the reader to a host of legal and political questions that have arisen in the context of the border between the United States and Mexico. After offering statistical information with regard to the number of encounters registered at the border, the Article analyzes the federal and state powers in this space. Through the prism of four case studies involving measures taken by the Trump Administration, the Article first discusses the legal authorities conferred upon the executive branch. The Article then highlights scuttled congressional attempts to change the legal landscape at the border. Finally, the Article enquires about lawmaking powers and federal courtroom standing that States have asserted in this regard. The Article closes with a reference to recent executive action by the Biden Administration and an invitation to view migration in a larger, less politically charged, planning context.