

Abbott defies DOJ, will keep floating Rio Grande barrier

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Gov. Greg Abbott (R-Texas) defied a Justice Department order to remove a floating barrier he placed in the Rio Grande. When the DOJ threatened to sue, Gov. Abbott said he would “see you in court.”

Abbott defies President, Democrats

Gov. Abbott placed what could be the first of several strings of buoys along the Texas-Mexican border, starting last week. Yesterday, according to ABC News, the Department of Justice, in a letter to the governor, threatened to sue him. They cited the Federal Rivers and Harbors Act and “humanitarian concerns” in their letter.

The Texas governor sent this thread:

Texas has the sovereign authority to defend our border, under the U.S. Constitution and the Texas Constitution.

We have sent the Biden Administration numerous letters detailing our authority, including the one I hand-delivered to President Biden earlier this year.

— Greg Abbott (@GregAbbott_TX) July 21, 2023

Texas is stepping up to address this crisis.

We will continue to deploy every strategy to protect Texans and Americans — and the migrants risking their lives.

We will see you in court, Mr. President.

— Greg Abbott (@GregAbbott_TX) July 21, 2023

Six months ago Gov. Abbott did hand-deliver a letter to President Joe Biden when the latter visited El Paso, Texas. In it he outlined five specific proposals that, he said, would stop the “humanitarian crisis” at the border. Those proposals were (and are) to:

1. Detain all illegal foreign nationals (and not to release them pending a court appearance),
2. Reinstate and enforce the Trump-era Remain in Mexico policy,
3. Prosecute illegal entry at all American ports of entry,
4. Finish the border wall (after Biden ordered wall contractors to down tools and go home), and
5. Designate drug cartels as Foreign Terrorist Organizations.

Biden has consistently refused to do any of these things, and indeed refused even to answer Abbott’s letter. Hence Operation Lone Star, a program under which Texas would take its own action to secure its border with Mexico. Abbott claims authority under Article I Section 10 Clause 3, which lets a State “engage in war [if] actually invaded.” The Texas governor officially regards the continued incursion of illegal migrants as an invasion.

No more words; time for deeds

Nor has the federal government room to complain. In an incredible incident at the beginning of this month, Border Patrol officers cut the wires to let migrants in. They claimed then that the migrants had “dry feet.” So Abbott put into operation a plan to stop them from even entering U.S. territorial river waters.

The true international boundary is the *thalweg*, or midline, of the navigable waters of the Rio Grande. This first project, near Eagle Pass, Texas, is a string of buoys, with a net dangling beneath it. Because the buoys spin on their cable, one cannot climb them. The dangling net prevents their swimming beneath them. (Or at least it makes it a very hazardous undertaking, given the river current.)

Abbott talked about this last month, and now is doing it. But almost immediately Rep. Veronica Escobar (D-Texas) and seven other Texas Democrats sent a letter of protest to Attorney General Merrick Garland and Secretary of State Anthony Blinken. They suggested the barriers might violate international law.

Then on Friday (July 21) those eight Representatives – and seventy-nine other Congressional Democrats – sent a letter to the President himself. In addition to protesting the buoys, they cited an unconfirmed report that Texas Department of Public Safety troopers and National Guard troops were pushing migrants back into the Rio Grande. (UPI repeated that claim.) Texas officials have refuted those claims.

Is Mexico so friendly?

In related news, a new coalition, with members from more than one nation, said the basic premise of U.S.-Mexican relations no longer holds. They charge that the Mexican government works *with*, not against, drug cartels, so Mexico is no U.S. ally anymore. This questions directly the wisdom of the U.S.-Mexican-Canadian Agreement on North American trade.