



Biden Sues Texas Over State Law to Stop Illegal-alien Invasion

The Biden administration sued Texas yesterday because Governor Greg Abbott and state legislators decided the Lone Star State must do the job Biden won't do.

The lawsuit seeks to stop Texas from enforcing [SB4](#), a law that criminalizes entering Texas illegally across the southwest border and also allows state officials to deport illegal aliens. The administration claims that enforcing immigration law is the sole purview of the federal government.

As well this week, the administration [sought permission](#) from the U.S. Supreme Court to remove razor wire that Texas authorities installed to stop the illegal-alien invasion that Biden is aiding and abetting.



Thomas Cooper/iStock/Getty Images Plus

The Lawsuit

Filed in the U.S. District Court for the Western District of Texas, the 22-page [lawsuit seeks](#) “to preserve its exclusive authority under federal law to regulate the entry and removal of noncitizens.”

Texas, the lawsuit says, simply has no right to create immigration laws and arrogate unto itself the power to control the southwest border, at least where Texas is concerned:

Texas’s Senate Bill 4 (SB 4) creates purported state immigration crimes for unlawful entry and unlawful reentry, permits state judges and magistrates to order the removal of noncitizens from the country, and mandates that state officials carry out those removal orders. But Texas cannot run its own immigration system. Its efforts, through SB 4, intrude on the federal government’s exclusive authority to regulate the entry and removal of noncitizens, frustrate the United States’ immigration operations and proceedings, and interfere with U.S. foreign relations. SB 4 is invalid and must be enjoined.

Of course, Traitor Joe Biden is the culprit behind the effort to “frustrate the United States’ immigration operations and proceedings.” He refuses to enforce black-letter immigration law on myriad counts.

That not insignificant fact aside, the lawsuit cites the federal Constitution’s [Supremacy Clause](#) as one reason Texas has zero authority to regulate the southwest border:

Under the Constitution’s Supremacy Clause, the Constitution and federal immigration laws, including the Immigration and Nationality Act (INA), are — like all federal Laws — “the supreme Law of the Land ... any Thing in the Constitution or Laws of any State to the



Written by [R. Cort Kirkwood](#) on January 4, 2024

Contrary notwithstanding.” ... Through the Supremacy Clause, state laws may be preempted in various ways.

Under the doctrine of field preemption, “the States are precluded from regulating conduct in a field that Congress, acting within its proper authority, has determined must be regulated by its exclusive governance.”

Federal laws always preempt or supersede state laws when they conflict, the lawsuit argues, and the Constitution empowers the federal government to control immigration.

“Thus, as the Supreme Court recognized, the ‘Government of the United States has broad, undoubted power over the subject of immigration and the status of’ noncitizens,” the [lawsuit argues](#).

And only the federal government, the lawsuit says, can punish illegal aliens, most notably with deportation:

In terms of removal, the Supreme Court has confirmed “that the removal process” must be “entrusted to the discretion of the Federal Government,” in part because a “decision on removability ... touch[es] on foreign relations and must be made with one voice.” ... Federal law sets forth a comprehensive removal framework. It identifies the grounds for removal, the requirements for commencing and administering removal proceedings, and the protections afforded to noncitizens throughout the process.

A Biden legman at the Justice Department, Brian M. Boynton, principal deputy assistant attorney general, [threatened Texas](#) with legal action on December 28.

Why SB4?

The lawsuit doesn’t say, of course, why Texas passed SB4: Because Traitor Joe Biden has refused to enforce U.S. immigration law and breaking the law against bringing in and harboring illegals. [Section 235 of the Immigration and Nationality Act requires](#) illegals to be detained while their cases are adjudicated. As well, deportable illegals must be deported, and no one, including the president, can simply ignore the law and bring in and harbor illegal aliens.

Biden’s Homeland Security secretary, Alejandro Mayorkas, is openly violating the Secure Fence Act, [which requires](#) him to “maintain operational control” of the border.

Examples of Biden’s border treason abound. As the *The New American* print edition recently reported, the administration:

- created a smartphone app to legalize illegals before they leave home to invade;
- “paroled” more than 300,000 Cubans, Haitians, Nicaraguans, and Venezuelans annually;
- sent illegals with tuberculosis to 44 states;
- flew more than 200,000 illegals into the country; and,
- released 100,000 illegals to roam free in September alone.

As for removals, well, the administration isn’t enforcing the law on that count, either, as a report from the House Judiciary Committee showed. From January 20, 2021 through March last year, border agents encountered more than 5 million illegals, almost 2.5 million of whom “had no confirmed departure from the United States.”

Biden released more than 2 million of those illegals, and failed to deport 99.7 percent of them. The



Written by [R. Cort Kirkwood](#) on January 4, 2024

report said Biden had illegally “paroled” more than 200,000.

As for the razor wire, the administration’s argument for removing it is the same as for the lawsuit to stop Texas’ new law. Only the federal government can pass and enforce immigration laws.

Problem is, again, Biden is refusing to enforce those laws. Thus did Texas pass SB4.

To learn more about America’s illegal immigration invasion, and what can be done to stop it, [click here](#).



Subscribe to the New American

Get exclusive digital access to the most informative, non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



[Subscribe](#)

What's Included?

- 24 Issues Per Year
- Optional Print Edition
- Digital Edition Access
- Exclusive Subscriber Content
- Audio provided for all articles
- Unlimited access to past issues
- Coming Soon! Ad FREE
- 60-Day money back guarantee!
- Cancel anytime.