



Written by [David Kelly](#) on January 23, 2024

Texas Vows to Defend Its Sovereignty, Oppose SCOTUS Ruling

Texas Attorney General Ken Paxton vowed to defend the sovereignty of the State of Texas after the U.S. Supreme Court issued an [order](#) on Monday permitting Border Patrol agents to resume destroying concertina wire barriers placed along the Rio Grande riverbank.

The justices, by a 5-4 vote, granted the emergency appeal from the Biden administration which, according to the [Patriot Post](#), argued “that Texas was — *get this* — preventing the Border Patrol from doing its duty. That duty, last we checked, was to keep illegals from entering the country.”



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“The Supreme Court’s temporary order allows Biden to continue his illegal effort to aid the foreign invasion of America,” Attorney General Paxton said in a [press release](#) on Monday. “The destruction of Texas’s border barriers will not help enforce the law or keep American citizens safe. This fight is not over, and I look forward to defending our state’s sovereignty.”

Texas had placed the razor-wire fencing along the riverbank as part Governor Greg Abbott’s [Operation Lone Star](#) to offset President Biden’s “reckless open border policies” that created the ongoing border crisis, allowing record numbers of illegal immigrants and deadly drugs to pour into the nation.

According to [Epoch Times](#), the Biden administration [argued](#) before the high court:

“Like other law-enforcement officers, Border Patrol agents operating under difficult circumstances at the border must make context-dependent, sometimes split-second decisions about how to enforce federal immigration laws while maintaining public safety,” Solicitor General Elizabeth Prelogar wrote to the Supreme Court. “But the injunction prohibits agents from passing through or moving physical obstacles erected by the State that prevent access to the very border they are charged with patrolling and the individuals they are charged with apprehending and inspecting.”

On Monday, Paxton’s office shared the background leading to the court’s ruling, [stating](#):

In October 2023, Attorney General Paxton [sued](#) the Biden Administration for destroying concertina wire fencing that Texas had deployed to reduce the record-breaking influx of illegal immigration. Texas quickly [secured](#) an emergency restraining order from a federal judge that ordered federal agents to cease doing so. Although the federal judge found the Administration’s actions likely unlawful, she later declined to grant the State’s request for a temporary injunction pending trial. Attorney General Paxton successfully [appealed](#) to the



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U.S. Court of Appeals for the Fifth Circuit and quickly [obtained](#) an administrative stay and, subsequently, an injunction pending appeal to prevent the federal government from continuing its destruction of Texas property while the court considered the matter further. The Fifth Circuit's order did not prohibit the removal of barriers if and when required to render emergency medical aid. Nonetheless, the Biden Administration asked SCOTUS to vacate the injunction in an emergency appeal. Today, over the dissent of four Justices, the Supreme Court vacated the injunction pending appeal.”

Steve Vladeck, CNN Supreme Court analyst and professor at the University of Texas School of Law, [reportedly](#) said,

While the order is a victory for the Biden administration, the delay in issuing it raises future questions.... Whatever one thinks of current immigration policy, it ought not to be that controversial that states cannot prevent the federal government from enforcing federal law — lest we set the stage for Democratic-led states to similarly attempt to frustrate the enforcement of federal policies by Republican presidents.... That four justices would still have left the lower-court injunction in place will be taken, rightly or wrongly, as a sign that some of those longstanding principles of constitutional federalism might be in a degree of flux.

The Supreme Court ruling and the ongoing battle with Texas attempting to defend its sovereignty highlights the need for Congress to pass the Secure the Border Act of 2023 ([H.R.2](#)). The legislation is key to passage of any funding bill before the next government shutdown deadline of March 1.

As *The [New American](#)* reported last week, “House Republicans in Congress have blocked emergency funding, threatening to force a partial shutdown of the government if H.R. 2 is not part of any funding deal. They blame Biden’s policies for the massive influx of illegal immigrants into the United States.”

Texas will protect its border with Mexico by keeping Operation Lone Star in force while appeals continue. Paxton is set to argue the case before the Fifth Circuit Court of Appeals on February 7.



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