



Written by [Bob Adelman](#) on July 25, 2023

Texas Governor Abbott to DOJ: “We’ll See You in Court!” Over Floating Barrier

[In his letter to Joe Biden on Monday](#), Texas Governor Greg Abbott said “Texas will see you in court, Mr. President.”

He told Biden:

In a late-night letter sent to me last Thursday, your lawyers at the Department of Justice threatened to sue the State of Texas over the floating marine barriers we have deployed in the Rio Grande River in Eagle Pass.

Texas will see you in court, Mr. President.



AP Images
Greg Abbott

The Department of Justice (DOJ) was only too happy to comply. The same day [it filed suit](#) in the U.S. District Court for the Western District of Texas, claiming that Abbott has “built structures” and “a floating barrier” that constitute “an unauthorized obstruction ... in violation of RFA [the Rivers and Harbors Act].”

The DOJ claimed that Texas didn’t get prior authorization from the Army Corps of Engineers to build such a structure.

Abbott’s response was visceral: “Texas’s action is a side issue. The fact is, if you would just enforce the immigration laws Congress already has on the books, America would not be suffering from your record-breaking level of illegal immigration.”

He added,

To end the risk that migrants will be harmed crossing the border illegally, you must fully enforce the laws of the United States that prohibit illegal immigration between ports of entry.

In the meantime, Texas will fully utilize its constitutional authority to deal with the crisis you have caused.

Abbott attached to his letter copies of previous letters that he sent to Biden, including a copy of one he hand-delivered to him during Biden’s belated visit to the border in January.

In those letters, Abbott spells out how specious the claims of the DOJ were when compared to the founding document of the American Republic, the Constitution. In his letter to Biden dated November 16, 2022, he stated:

The U.S. Constitution won ratification by promising the States, in Article IV, § 4, that the federal government “shall protect each of them against Invasion.”



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By refusing to enforce the immigration laws enacted by Congress ... your Administration has made clear that it will not honor that guarantee.

The federal government's failure has forced me to invoke Article I, § 10, Clause 3 of the U.S. Constitution, thereby enabling the State of Texas to protect its own territory against invasion by the Mexican drug cartels.

Article IV, Section 4, Clause 3 states: "and [the United States] shall protect each of them [the States] against invasion," while Article I, Section 10, Clause 3 provides that "[N]o state ... may ... declare or engage in war unless invaded or in imminent danger."

Abbott gave Biden a lesson in Constitutional law:

Know this: Article I, § 10, Clause 3 is not just excess verbiage.

It reflects an understanding by our Founders, the authors of the Constitution, that some future President might abandon his obligation to safeguard the States from an extraordinary inflow of people who have no legal right of entry.

They foresaw your failures.

In the more than 240 years of our great nation, no Administration has done more than yours to place the States in "imminent Danger" — a direct result of your policy decisions and refusal to deliver on the Article IV, § 4 guarantee.

In the absence of action by your Administration to secure the border, every act by Texas officials is taken pursuant to the authority that the Founders recognized in Article I, § 10, Clause 3.

Because of Biden's deliberate and intentional failure,

Texans are paying the price.... Ranches are being ripped apart, and homes are vulnerable to intrusion.

Our border communities are regularly disrupted by human traffickers and bailouts.

Deadly fentanyl is crossing the porous border to such a degree that it is now the leading cause of death for citizens between the ages of 18 and 45.

He ended his November letter:

Your silence in the face of our repeated pleas is deafening. Your refusal to even visit the border for a firsthand look at the chaos you have caused is damning.

Two years of inaction on your part now leave Texas with no choice but to escalate our efforts to secure our State.

Your open-border policies, which have catalyzed an unprecedented crisis of illegal immigration, are the sole cause of Texas having to invoke our constitutional authority to defend ourselves.



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When he received nothing but silence, Abbott hand-delivered another equally visceral letter to Biden when Biden, for the first time, visited the border in January. Abbott noted that the visit was a “white-washed photo opp” rather than a serious effort to stem the flow of illegals:

Your visit to our southern border with Mexico today is \$20 billion too little and two years too late.

Moreover, your visit avoids the sites where mass illegal immigration occurs and sidesteps the thousands of angry Texas property owners whose lives have been destroyed by your border policies.

Even the city you visit has been sanitized of the migrant camps which had overrun downtown El Paso because your Administration wants to shield you from the chaos that Texans experience on a daily basis.

This chaos is the direct result of your failure to enforce the immigration laws that Congress enacted.

This chaos is intentional, according to Abbott:

All of this is happening because you have violated your constitutional obligation to defend the States against invasion through faithful execution of federal laws.

Halfway through your presidency, though, I can finally welcome you to the border.

When you finish the photo-ops in a carefully stage-managed version of El Paso, you have a job to do.

In the meantime, it is Abbott’s job to protect Texas from the invasion, and he welcomes the opportunity to let the courts (perhaps even the Supreme Court) affirm his position. The floating barrier will stay in place, and Abbott’s “Operation Lone Star” plan to protect his state from the immigration invasion will move ahead as planned.

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