



## Conflicts Deepen Over States' Rights at Texas Border

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Republican Governor Greg Abbott of Texas is bringing immigration to the frontlines with a standoff between federal and state governments.

In a moment of contention between two levels of government, the Biden administration's federal troops were blocked from disassembling 30 miles of concertina wire securing the border city of Eagle Park, which has become a hotspot for illegal immigrant crossings. The U.S. Supreme Court ruled that the Biden administration could continue sending federal troops to dismantle the immigration barriers.

Attorney General Ken Paxton of Texas sued the Biden Administration in Oct. 2023 for cutting wire sections placed intentionally to inhibit immigration access to the Texas Eagle Park landing. The Biden administration justified their troops' infringement on state proceedings by citing federal supremacy.

According to AP News, "In court papers, the [Biden] administration said the wire impedes Border Patrol agents from reaching migrants as they cross the river and that, in any case, federal immigration law trumps Texas' efforts to stem the flow of migrants into the country."

The Supreme Court ruling does not stop Abbott from implementing barriers to migration, but it does permit the federal government to remove the barricades.

"With regard to the court, all that the justices did on Monday was to vacate a lower-court injunction, which had itself prohibited federal officials from cutting or otherwise removing razor wire that Texas officials have placed along or near the US-Mexico border," according to CNN.

Abbott is not technically resisting the Supreme Court order because he is not mandated to reform his immigration strategies. However, another issue arises with Abbott disregarding the authoritative power granted to the federal government through the supremacy clause. Abbott is intentionally disregarding federal actions and hindering federal workers. The Texas government defended its actions by citing Article I, § 10, Clause 3 of the constitution which justifies Abbott's extreme response.

The clause suggests states are limited in their response to conflict unless specifically subjected to attack. Specifically, Clause 3 says “no state shall, without the consent of Congress, keep troops ... unless invaded”.

Abbott is invoking Clause 3 by claiming that immigrants are invading the state of Texas, and in this way, his informal methods of barricading are exonerated. Abbott asserts that immigrants are non-state actors working to dismantle or invade the state’s system. While this is not a conventional form of invasion, it is unclear how this argument will hold up as it ascends through the courts.

“Indeed, three different courts of appeals have already rejected arguments that an uptick in unauthorized border crossings by migrants could qualify as an ‘invasion’ for constitutional purposes,” according to a press release from **lawfaremedia.org**.

Abbott is treating the immigrants as agents of destruction through his use of concertina wire. Abbott has barricaded the Texas border crossing with 30 miles of concertina wire, which is typically used to reinforce prisons and obstruct enemy troops during war.

Some Democrats have been calling for the Biden Administration to federalize the Texas National Guard. The president has this unique power, under an act known as Title 10, to take over any state’s national guard to suppress disorder and rebellion.

This action has seldom been invoked but has proved necessary at various points in history. When *Brown v. Board of Education* mandated the desegregation of public schools, former President Eisenhower federalized the Arkansas National Guard to ensure the upholding of the integration.

This seemingly binary conflict between the federal and state governments has been exacerbated because of the election year.

Congress is attempting to pass a massive spending bill, with Democrats pushing for Ukrainian support while Republicans remain unassailable on immigration.

President Biden prepared to concede and offer an even more stringent response to illegal immigration to negotiate Ukrainian aid and pass the bill.

However, once news of Biden’s compromise reached Donald Trump, he was quick to berate the bill and urge his Republican congressional allies to sink it.

As Trump emerges as a strong frontrunner for the Republican nominee for President, he is once again becoming a formidable force within congressional and national political spheres.

“Republican senators and the conservative Wall Street Journal editorial board seem to think that Mr. Trump believes an immigration deal would help President Biden win the election,” said David J. Bier, the associate director for immigration studies at the Cato Institute.

Illegal immigration is one of the most potent election year issues and is far from resolved.

Regardless of where the situation ends, when discussing hot-button issues such as immigration, it is easy to sometimes become detached from the groups of people who are being directly affected by the issue at hand.

This is especially apparent for issues that have become polarized on a national level.

“One thing I like about America is that it is diverse. Multiculturality can really only benefit a nation. Different people need to come together because only then can you realize those individual differences are trivial,” said Ankita Rathour, a Brittain fellow and expert on postcolonialism in the Ivan Allen College of Liberal Arts. “We need to take a more humanistic approach to immigration. For me, I ask myself what I know about the subject and how I can learn more.”