

Texas sued by Biden administration for refusing to remove barrier in Rio Grande

Trévon Austin
28 July 2023

On Monday, the US Justice Department unveiled a lawsuit against the state of Texas and governor Greg Abbott after the state refused to move a 1,000-foot-long floating barrier deployed in the Rio Grande earlier this month. In a letter to Abbott and Interim Texas Attorney General Angela Colmenero, the federal government accused Texas of violating the Rivers and Harbors Act and endangering public safety in a manner that would obstruct the federal government's duties regarding immigration law.

"We write to inform you ... that the United States intends to file legal action in relation to the State of Texas's unlawful construction of a floating barrier in the Rio Grande," the letter read.

The legal action follows a previous letter sent by the Biden administration last Thursday that threatened to sue Texas if it failed to agree to a commitment to remove the buoy barrier by 1 pm Central Time on Monday. Instead, Abbott revived the old argument of "states' rights" and challenged the long-established authority the federal government has concerning immigration.

The legal action also comes nearly a week after the *Houston Chronicle* reported a series of allegations from a state trooper who complained to a superior in an email that a Department of Public Safety (DPS) official in Eagle Pass ordered troopers to push migrants — including small children and mothers with nursing babies — back into the Rio Grande. DPS says it is investigating these claims.

Abbott responded with a letter of his own to Biden's office, committing to keep the barrier in place and claiming it was his right as the "commander-in-chief of our State's militia."

The buoy barrier, accompanied by traps of razor wire, was deployed earlier this month by Texas troopers as

part of Operation Lone Star, Abbott's border security initiative launched in March 2021, shortly after Biden took office. This fascistic initiative, funded to the tune of \$4 billion, has included busing thousands of migrants to Democratic-led cities and arresting asylum seekers on trespassing charges.

Although the barrier only covers a small section of the 1,254-mile long border between Mexico and Texas, Abbott has utilized its deployment to embolden the racist and fascist forces in the far right and incite a political rebellion against federal authority.

Hours after the lawsuit was filed, Abbott took to Twitter, saying, "Texas will see the Biden Administration in court to aggressively defend our sovereign authority to secure the border. Biden's open border policies created this humanitarian disaster. Texas will continue to exercise our constitutional right to respond."

In an interview with Fox News' Bret Baier, Abbott claimed that Texas' efforts had repelled "tens of thousands, maybe hundreds of thousands" of refugees trying to cross the border.

The emerging legal battle between Texas and the federal government marks the first time the Biden administration has challenged Abbott over his refusal to acknowledge the legal authority the federal government holds over matters of immigration. However, the response of the Democratic Party has been rife with hypocrisy and reflects indifference towards the lives of migrants.

Last Friday, more than 80 Democrats in the US House of Representatives, including all of those from Texas, sent a letter to the President urging him to intervene against Operation Lone Star and stop Abbott's "dangerous and cruel actions" by asserting his administration's authority at the border. The

Democrats do not call for an end to the mistreatment of migrants, but merely ask that Biden give what occurs at the border a more “humane” veneer.

In their response to Abbott, the Democrats could not help boasting of the efficacy of Biden’s border policies.

“President Biden’s border enforcement plan has led to the lowest levels of unlawful border crossings in over two years,” White House spokesperson Abdullah Hasan said in a written statement. “Governor Abbott’s dangerous and unlawful actions are undermining that effective plan, making it hard for the men and women of Border Patrol to do their jobs of securing the border, and putting migrants and border agents in danger.”

According to the Department of Homeland Security, about 85,000 migrants have been “repatriated” since the pandemic emergency order Title 42 was lifted. That’s a 65 percent rise since the same period last year, which saw 51,246. During the same period the previous year, there were 33,087 repatriations, according to the department.

“The Department is sending a clear message about the consequences of coming to the United States and seeking asylum improperly,” said Miguel Vergara, Immigration and Customs Enforcement (ICE) Harlingen field office director.

The Democrats have also joined forces with Republicans who are opposed to Abbott’s actions because they interfere with a source of cheap labor for employers. A bipartisan group, led by Vicente Gonzalez (D-Texas), introduced the H-2 Improvements to Relieve Employers (HIRE) Act. The HIRE Act suggests changes to current immigration law so more low-income immigrants can be welcomed into the United States to address the “labor shortage.”

“With our current labor shortage crisis, we often ask why employers don’t turn to the H-2 Visa program to fill their labor needs. The fact is that this program is often an employer’s last resort,” Gonzalez stated.

“The current system adds financial and administrative burdens on businesses that are already struggling to find workers,” he added. “We must make it easier for small businesses, like those in South Texas, to fill their labor needs. This common sense bill streamlines our nation’s H-2 Visa program, supports our struggling agriculture and construction industries and mitigates illegal migration.”

Ultimately, the attack on immigrants is an attack against the working class as a whole. The attitude of both capitalist parties towards immigrants is embodied in the decades-long history of bipartisan efforts to seal the US border and exploit what few poor workers the government allows in “legally.”

The brutality with which American capitalism treats asylum seekers is a conscious class policy. American workers must unite their struggles with those of their immigrant brothers and sisters to secure democratic rights, a decent standard of living and the right for workers to move about as they please.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact