

Federal judge orders Texas to remove floating barrier in Rio Grande, appellate court stays order

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Nearly three months after Republican Texas Governor Greg Abbott, a fascistic acolyte of former president Donald Trump, deployed a 1,000-foot-long barrier of buoys accompanied by traps of razor wire in the Rio Grande, a federal judge in Austin ordered the state to remove the obstruction and stop building other barriers in the river.

“Governor Abbott announced that he was not ‘asking for permission’ for Operation Lonestar, the anti-immigration program under which Texas constructed the floating barrier. Unfortunately for Texas, permission is exactly what federal law requires before installing obstructions in the nation’s navigable waters,” Federal District Judge David A. Ezra wrote in his order on Wednesday.

Ezra ordered Texas to remove the floating barrier by September 15, however, on Thursday the 5th Circuit Court of Appeals put a stay on his order in place until a final decision was made on the matter.

Governor Abbott’s office had immediately appealed Ezra’s order to the US Court of Appeals for the Fifth Circuit and released a statement saying the state “is prepared to take this fight all the way to the Supreme Court.”

The statement continued: “Today’s court decision merely prolongs President Biden’s willful refusal to acknowledge that Texas is rightfully stepping up to do the job that he should have been doing all along.”

The statement went on to openly defy the authority the federal government holds over matters of immigration and state Abbott’s intention to ignore Ezra’s order.

“We will continue to utilize every strategy to secure the border, including deploying Texas National Guard soldiers and Department of Public Safety troopers and installing strategic barriers.”

The floating barrier, deployed in the waters next to Eagle Pass, Texas, consists of a long chain of orange buoys separated by serrated saw blades and was first deployed in the Rio Grande in July. Each buoy is designed to spin to make the barrier unscalable and a submerged mesh net runs the length of the barrier so migrants cannot travel under it. Texas authorities have also placed barrels wrapped in razor wire as traps in sections of the river.

These inhumane obstructions—which have already been attributed to at least three deaths—are a product of Abbott’s Operation Lone Star, a collection of anti-immigrant policies first launched in March 2021 shortly after Trump incited a coup in a failed attempt to takeover the government and Joe Biden was sworn in as President.

The umbrella that is Operation Lone Star consists of actions and policies such as empowering state police to arrest migrants and deport them across the Mexican border, lining the Rio Grande with empty shipping containers, and busing more than 30,000 migrants to Democrat-controlled cities across the US.

Every action taken under Operation Lone Star has resulted in the further immiseration of some of society’s most vulnerable. Just last month, a three-year-old child died on one of Texas’ migrant shuttles on the way to Chicago.

Up until this year, the Biden administration has avoided any major political or legal confrontation with Abbott and the state government over Operation Lone Star. The Justice Department filed a lawsuit last month saying Texas did not receive necessary authorization for the buoy barrier from the US Army Corps of Engineers and that the barrier obstructs navigation on the river.

Judge Ezra said he believed that the Justice Department’s lawsuit would likely succeed on the

grounds that the buoys were erected on navigable waters.

Cynically, Texas' attorneys argue the US Constitution gives the state the authority to "repel invasions," which they say includes the "illegal" entry of asylum seekers crossing the Texas portion of the US-Mexico border. In a July letter to Biden, Abbott accused the President of impeding his state's "sovereign interest" in securing its border.

The state also claims it did not need federal permission to construct barriers in the Rio Grande since it notified the International Boundary Water Commission, a body jointly operated by the US and Mexico, before it began construction.

The 5th US Circuit Court of Appeals is an all-Republican body. Only three weeks ago, the appellate court supported further restrictions on access to the abortion pill. Given the rapid stay on Ezra's order, it is likely the court will send this case to the Republican-dominated Supreme Court as well.

Moreover, Texas' escalating attacks on migrants has played a crucial role in the transformation of the Republican Party into a party that is fascist in all but name. In both his 2016 and 2020 presidential campaigns, Trump denigrated immigrants, called for vigilante action against them and promised to "build a wall" to block immigration. This year's Republican presidential debate featured Florida Governor Ron DeSantis proclaiming he would dispatch US Special Forces into Mexico on his first day as president and called for migrants to be shot "stone cold dead."

Regardless of which faction of the American ruling class prevails in this latest legal struggle, the plight of asylum seekers will continue. The Biden administration has also demonstrated it is no friend to immigrants, the overwhelming majority of whom are workers seeking escape from violence and poverty stoked by American imperialism.



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