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Texas National Guard blocks federal agents from key stretch of U.S.-Mexico border

The extraordinary standoff between the state and federal government was detailed in a Biden administration filing to the U.S. Supreme Court.



Texas National Guard soldiers install additional razor wire along the Rio Grande on January 10, 2024 in Eagle Pass, Texas. Following a major surge of migrant border crossings late last year, miles of razor wire as well as huge quantities of refuse remain along the U.S.-Mexico border at Eagle Pass. (John Moore / Getty Images)

By [Aarón Torres](#) and [Joseph Morton](#)

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AUSTIN — In a significant escalation in state and federal tensions over immigration policies, the Biden administration accused Texas officials of blocking Border Patrol access to an important stretch of the U.S-Mexico border.

The U.S. Justice Department complained that Texas National Guard troops fenced off [Shelby Park in Eagle Pass](#), blocking federal agents from the only safe and accessible boat ramp for that section of the Rio Grande. The state also erected razor wire along 2.5 miles of the river, restricting federal ability to position mobile surveillance trucks or access a staging site to evaluate migrants apprehended in the

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the border is now limited to a narrow sliver from a single surveillance camera located outside of the newly fenced area,” the [Justice Department told the U.S. Supreme Court](#) in an overnight filing.

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The filing detailed the state-federal standoff in the hours after Texas took control of

a city park in Eagle Pass that sits along the banks of the Rio Grande.

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The Justice Department said in the 27-page filing that [Texas National Guard members](#) turned back Border Patrol agents who sought access to the Shelby Park boat ramp.

“Texas’s new actions ... demonstrate an escalation of the State’s measures to block Border Patrol’s ability to patrol or even to surveil the border and be in a position to respond to emergencies,” U.S. Solicitor General Elizabeth B. Prelogar wrote.

The Border Patrol has the responsibility under federal law to “detect and prevent the illegal entry of individuals into the United States,” according to Customs and Border Protection. Agents are responsible for patrolling the U.S.-Mexico border.

Texas Attorney General [Ken Paxton sued the Biden administration in October](#), arguing that federal authorities were improperly cutting or destroying razor wire Texas had installed along the border to deter illegal entry into the United States.

After a federal appeals court sided with Texas, [the Biden administration asked the Supreme Court](#) to overturn an order prohibiting Border Patrol agents from destroying the wire barriers. That request remains pending.

At a news conference Friday, Gov. Greg Abbott said the state is acting legally to protect the border.

“Texas has the legal authority to control the ingress and egress into any geographic location into the state of Texas,” he said.

Legal experts disputed Abbott’s assertion about Texas’ authority.

“That’s just not true,” said Steve Vladeck, a law professor at the University of Texas at Austin. “Because a lot of that ingress and egress happens at an international border, and control of ingress and egress at international borders is not up to individual states. If it were, we would have 19 different immigration policies, more

if you count airports.”

Kevin Johnson, dean of the University of California at Davis law school, called Abbott’s border-related actions “unprecedented” and “lawless.”

“This is the same governor who complains they haven’t been enforcing border (security) laws, and now he’s making it impossible for them to get to the border,” Johnson said.

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The White House released a statement Friday criticizing Abbott for “extreme political stunts” that “demonize and dehumanize people” while making the Border Patrol’s job harder.

“Whether it is leaving migrants on the side of the road in the dead of winter, installing razor wire to make Border Patrol’s job more dangerous, promoting extreme and unconstitutional laws like S.B. 4, or his latest actions in Eagle Pass, Governor Abbott has repeatedly proven that he is not interested in solutions and only seeks to politicize the border,” the White House said.

Texas Republicans, however, defended the governor’s actions, saying the state has stepped up because the federal government has refused to take action.

“Abbott’s doing something,” said U.S. Rep. Roger Williams, R-Willow Park. “The federal government can’t do it, won’t do it, whatever. So I think he’s doing the right thing. They’re defending the borders. They’re defending the communities. They’re putting razor wire up and they’ve told the feds ‘go away, we’ll handle this.’ I think it’s leadership.”

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Abbott has repeatedly pushed the boundaries of how far a state can go in enforcing immigration laws — which is a responsibility of the federal government. The governor recently signed a sweeping bill that authorizes state and local police to arrest migrants believed to be in the state illegally.

That law, known as Senate Bill 4, goes into effect March 5. [But the Justice Department sued Texas](#), arguing that the law was unconstitutional and that the state lacks the power to enforce federal immigration laws.

Vladeck said the federal government’s legal challenge to SB 4, just like its previous challenge to similar laws in Arizona, is an effort to avoid the kind of confrontations that could happen now in Eagle Pass.

“This is a dramatic escalation by Texas of what had to this point really been a heated but mostly on-paper policy dispute,” Vladeck said.

Supreme Court precedent is clear, he said, that the federal government has the power to control the border. That authority pre-empts state laws and actions.


“States can’t prevent the federal government from patrolling the border,” he said.

Vladeck described the situation in Eagle Pass as “ominous,” given the prospect of a confrontation between Texas National Guard soldiers blocking access to the park and armed Border Patrol agents.

“All it takes is one person having a bad day, or one accident, and all of a sudden we have an incredibly tragic situation,” he said.

Thursday night, Abbott posted on social media that “caravans of migrants are moving through Mexico toward the U.S. border” after a Fox News reporter posted that the Texas Military Department was prohibiting Border Patrol agents from accessing Shelby Park.

“We are making clear that Texas will be a tough place to cross,” [Abbott said on X](#), formerly Twitter.

Greg Abbott 

@GregAbbott_TX · [Follow](#)



As caravans of migrants are moving through Mexico toward the U.S. border, we are making clear that Texas will be a tough place to cross.

Bill Melugin  @BillMelugin_

NEW: The Texas Military Department confirms the TX National Guard has seized control of Shelby Park in Eagle Pass (city property where mass illegal crossings are), and is restricting Border Patrol from accessing the area, saying the Feds "perpetuate illegal crossings". This is...

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Texas Democrats criticized the policy of blocking federal agents at the border as unprecedented and counterproductive.

“Governor Abbott is interfering with Border Patrol’s ability to do its job, and his actions are making the situation at the border worse,” U.S. Rep. Joaquin Castro, D-San Antonio, said in a statement. “These political stunts at the border are disrupting the lives of American citizens and small business owners in Eagle Pass, and there’s no evidence that Operation Lone Star has made any meaningful impact on migration at all.”

A union representing Border Patrol agents, however, praised the Texas policy, saying on social media that Abbott was freeing agents “to patrol areas with high numbers of illegal aliens” by taking control of an area where “so many ... are simply surrendering.”

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