



Texas “Marine Barrier” Sued for Disrupting Canoe and Kayak Tours

According to CNN, Epi’s Canoe & Kayak Team owner Jesse Fuentes [sued Texas Governor Greg Abbott](#) the same day the state started installing his promised “Marine Barrier.” That barrier, announced by Abbott in June, consists of huge red balls, or buoys, attached to each other and stretching for 1,000 feet in the middle of the Rio Grande River. They are also attached to the riverbed, to further hinder illegals from entering the state.



This is, according to Abbott, just the first step in securing the Texas border from the alien invasion.

The installation is in the Del Rio sector of Texas, which includes Eagle Pass, where Border Patrol agents made 26,000 arrests of illegals in the month of May.

It’s part of Abbott’s Operation Lone Star, which is, according to Abbott spokesman Chris Olivarez, designed “to deter unlawful crossings and human smuggling, and prevent loss of life due to drownings.”

Twitter
Buoys for marine barrier

But according to Fuentes, it is likely to cause his business “imminent and irreparable harm,” as it will hinder his rental and tour business located on the river.

The real purpose behind the lawsuit, however, has nothing to do with Epi’s tour and rental business, but is to bring to the courts the constitutional question of who protects the border: Texas, or the United States?

According to the lawsuit, Abbott cannot “create his own border patrol agency to regulate the border and prevent immigrants from entering Texas.” It claims that the U.S. Constitution doesn’t give Texas the power to enforce immigration laws. That power is given to the federal government.

Abbott was prepared for the lawsuit. [He tweeted:](#)

We will see you in court.

And don’t think the Travis Co. Court [where the lawsuit was filed] will be the end of it.

This is going to the Supreme Court.

Texas has a constitutional right to secure our border.



Written by [Bob Adelman](#) on July 12, 2023

On the surface, the U.S. Constitution, under Article IV, Section 4, does give the central government the power to protect the states from invasion:

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion....

The Border Patrol declares unto itself the power to do so:

The priority mission of the Border Patrol is preventing terrorists and terrorists' weapons, including weapons of mass destruction, from entering the United States.

And the agency can't refrain from celebrating itself:

Undaunted by scorching desert heat or freezing northern winters, they work tirelessly as vigilant protectors of our Nation's borders.

Ken Cuccinelli, on the other hand, makes the case for states' rights. A senior fellow at the Center for Renewing America, [Cuccinelli writes](#):

The ongoing illegal immigration crisis has exploded into a full-blown national security and humanitarian disaster, with current activity representing unprecedented levels of illegal migration, human trafficking, and drug smuggling....

It is clear that the Biden administration has no interest in pursuing the federal policies necessary to secure the southern border. Therefore, given the federal government's dereliction of duty, it is now incumbent on governors and states to fill the void and do what federal officials and lawmakers refuse to do: end the invasion at the U.S. southern border and restore both order and sovereignty.

Cuccinelli quotes from the "self-help" remedy built in to the Constitution in Article I, Section 10, Clause 3:

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, *unless actually invaded, or in such imminent Danger as will not admit delay.*

After reviewing the Biden administration's lack of enforcement of the nation's border, Cuccinelli concludes:

The reality is that if the federal government refuses to faithfully execute its own laws, then the states have no recourse but to interpose themselves between the federal government and the people they have sworn to protect in order to achieve deterrence and the removal of illegal aliens.

If, as Governor Abbott surmises, the Travis County Court rules against him, he will appeal, and appeal,



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and appeal, until the issue is brought to the Supreme Court to resolve.

In the meantime, the “Marine Barrier” is being installed, which should take about 10 days.

To learn more about the alien migrant invasion and what can be done about it, [click here](#).



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