

Texas governor ignores Supreme Court ruling, adds more razor wire to border

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(CNN) - Texas Gov. Greg Abbott is doubling down on his border initiatives after being dealt a blow from the U.S. Supreme Court earlier this week.

On Thursday, he asserted his argument that the Biden administration has failed its constitutional duties.

Texas and Abbott are making it no secret they're putting in more razor wire at the southern border just days after the high court gave the go-ahead to the federal government to remove the wire.

In a lengthy statement, Abbott is reiterating arguments he's cited before, asserting that the federal government has fallen short of its constitutional duties to protect the southern border.

He's specifically citing the U.S. Constitution, Article 1, Section 10, Clause 3, which says, in part, "no state shall, without the consent of Congress, keep troops in time of peace unless actually invaded."

Abbott has said the state is being invaded. The question is, would the courts agree?

"It's not the kind of invasion that they were thinking of in 1787 or that any sensible person would think about today," said Sanford Levinson, a constitutional law professor at the University Of Texas.

A bill might not be possible until 2025 because Trump is urging blockage of a bipartisan deal. (CNN, POOL, KEYE, TEXAS DPS, TRUTH SOCIAL|@REALDONALDTRUMP)

While the federal government is beginning to remove those razor wires at the southern border, there's still one key spot that remains in limbo: Shelby Park in Eagle Pass.

The Texas National Guard has effectively stopped Border Patrol from accessing the area, prompting new legal concerns.

Critics have called on the president to federalize the National Guard, or effectively take control, something that is within his power.

Earlier this week, White House officials said there are no plans to do that at the moment.

"We can disagree on the use of the National Guard and other, even state assets for the way that Governor Abbott is treating that border," said John Kirby, spokesperson with the National Security Council. "We certainly disagree from a policy perspective. But legally, he is, by authority, the state commander-in-chief of the National Guard."

Importantly, both sides have stopped short of open hostility, though the dynamic is certainly fraught.

“I think both sides have been very careful to not let it escalate beyond essentially a war of words between people far, far higher above the pay grade than the soldiers on the ground,” said Joshua Blank, research director for Texas Politics Project.

Last week, Texas authorities arrested migrants at Shelby Park on charges of criminal trespassing.

They were the first migrants arrested since the state took control of that area.

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