



GOVERNOR GREG ABBOTT

September 9, 2024

Joseph R. Biden, Jr. and Kamala Harris  
President and Vice President of the United States  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

**Re:** USIBWC Letter Concerning Texas Efforts to Secure Fronton Island in Starr County, Texas

Dear President Biden and Vice President Harris:

As Commander-in-Chief of the Texas Military Department (“TMD”), I am in receipt of a letter from the United States Section of the International Boundary and Water Commission (“USIBWC”) to the Texas General Land Office (“GLO”), dated April 30, 2024. GLO forwarded the letter to TMD, given that it concerns actions taken under Operation Lone Star to secure Texas’s southern border around Fronton Island against the ongoing invasion of Texas by transnational criminal cartels—a crisis created and incentivized by your Administration.

In the letter, penned by an agent of your appointee Commissioner Maria-Elena Giner, USIBWC claims GLO has jeopardized “the U.S. Government’s compliance with” the *Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River as the International Boundary*, U.S.-Mex., TIAS 7313 (Nov. 23, 1970). Specifically, the letter alleges that GLO has altered the flow of the Rio Grande by engaging in activities on Fronton Island without USIBWC’s approval. USIBWC Letter 1–3. It also alleges that GLO trespassed on federal land in the process of facilitating cleanup and security efforts on the Island. *Id.* at 3–4. That agency responded in a letter dated May 30, 2024, detailing that GLO has not engaged in construction activities at all, and, in any event, Fronton Island is *state-owned* land. As USIBWC’s own letter acknowledges, the 1970 Treaty mediates ownership disputes between two signatories “in the context of the Treaty”; it says nothing about which component of Mexico or the United States—whether Tamaulipas or Texas—owns a

tract of land under domestic law. Under domestic law, as GLO carefully explained, Fronton Island is part of Texas. GLO Letter 2–5.

Your Administration nevertheless asks GLO to “return [Fronton Island] to pre-construction conditions.” USIBWC Letter 3. You are either unaware of, or indifferent to, what those “pre-construction conditions” were. Prior to Texas securing it, reports clearly document that transnational criminal cartels had assumed practical control of the densely vegetated Island and used it to terrorize Texas communities. For years, the cartels were “running rampant” in Fronton Island’s “thick vegetation” and “bullet-pocked structures” along the river to stage illegal entries, surveil state and federal law enforcement, stash weapons, plant explosives, evade apprehension, and engage in open warfare against rival cartels and against state and federal officers.<sup>1</sup> On one occasion recounted in the citations below, authorities found “six assault rifles, a grenade launcher, a rocket launcher, 20 ammunition magazines for various-sized weapons and three packages of what appeared to be C-4 plastic explosives” hidden on the Island.<sup>2</sup> On another, Texas soldiers found an improvised explosive device “buried amid a stash of weapons and semi-automatic rifle ammunition.”<sup>3</sup>

Are you aware that your appointee is asking Texas to return grenades and rocket launchers along with IEDs to the Island?

The hostile non-state actors operating on Fronton Island made no secret of their willingness to use these weapons against each other, against state and federal authorities, and even against innocent bystanders caught in the crossfire. For example, reports in 2016 show that cartel footsoldiers engaged authorities in a firefight on Fronton Island, shooting both state and federal officers.<sup>4</sup> A few years later, armed forces there “shot over 50 rounds” at U.S. Border Patrol agents.<sup>5</sup> One innocent man was killed—and his two friends were injured—by cartel gunfire while

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<sup>1</sup> Ali Bradley, *Texas Officials Fighting to Keep Control of Fronton Island*, NEWSNATION (May 13, 2024), <https://www.newsnationnow.com/us-news/immigration/border-coverage/cartels/texas-officials-fighting-keep-control-fronton-island/>; Todd Bensman, *America’s Border War Has Begun: TODD BENSMAN’s Dramatic Eyewitness Report on Texas’ Invasion of a Mexican Cartel Island Crawling with Gang Members and Ringed with Sniper Nests ... and It’s All Happening INSIDE the U.S.*, DAILY MAIL (Oct. 5, 2023), <https://www.dailymail.co.uk/news/article-12589871/mexico-cartel-texas-invasion-border-war-todd-bensman.html>.

<sup>2</sup> Jared Taylor, *Agents Find Weapons, Rocket Launcher Near Rio Grande*, REUTERS (Sept. 14, 2011), <https://www.reuters.com/article/idUSTRE78D70X/>.

<sup>3</sup> Bensman, *supra* n.1.

<sup>4</sup> *Texas Department of Public Safety Trooper, Border Patrol Agent Shot in Starr County*, CBS 4 NEWS (Nov. 25, 2016), <https://www.valleycentral.com/news/local-news/texas-department-of-public-safety-trooper-shot-in-starr-county/>.

<sup>5</sup> Press Release, U.S. Customs & Border Prot., Border Patrol Marine Unit Under Fire in the Rio Grande Valley (Aug. 8, 2019), <https://www.cbp.gov/newsroom/local-media-release/border-patrol-marine-unit-under-fire-rio-grande-valley>.

simply out “fishing on a boat.”<sup>6</sup> And just this past fall, Texas Department of Public Safety drones observed cartel operatives “throwing explosives” at each other.<sup>7</sup> Those who know this terrain best have aptly described it in the press as “an island of death” and “the most dangerous area along the border” with Mexico.<sup>8</sup>

Meanwhile, your Administration made no secret of its willingness to ignore this unchecked scourge of violence and crime within Texas’s sovereign territory. Your open-border policies have allowed an invasion at the southern border and incentivized criminal activity that threatens the lives of Texas law enforcement, soldiers, and citizens. Yet, in the wake of a crisis that it helped create, the federal government has refused to enforce federal laws—even in dangerous areas like Fronton Island. Indeed, federal authorities long disclaimed any responsibility for Fronton Island. One former federal agent put it this way: “As far as the Border Patrol is concerned, with my experience there, it was always—you know—‘Let’s not get on there and find out.’”<sup>9</sup>

As Commander-in-Chief of the military forces of this State, I determined that Texas could not ignore an ongoing invasion of its sovereign territory. Instead, on October 5, 2023, Texas responded to this threat by moving “a heavily armed invasion force” onto Fronton Island to secure it against the transnational criminal cartels.<sup>10</sup> But even after TMD personnel initially moved onto the Island, cartel forces continued to operate in the dense overgrowth. Widely reported drone footage from November showed “a group of black-clothed rifle-carrying men” who were “stalking through the woodland of Fronton Island.”<sup>11</sup> Accordingly, TMD proceeded to clear obstructions—including dense vegetation and structures seemingly built by the cartels—and to deploy razor-wire fencing as a deterrent against entry “to gain operational control” of

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<sup>6</sup> *Authorities Release New Images of Shooting Near Fronton*, KRGV NEWS (Mar. 15, 2017), <https://www.krgv.com/news/authorities-release-new-images-of-shooting-near-fronton>.

<sup>7</sup> Greg Wehner, *Drone Video Shows Mexican Drug Cartels Throwing Explosives Along Texas Southern Border*, FOX NEWS (Oct. 25, 2023), <https://www.foxnews.com/politics/drone-video-mexican-drug-cartels-throwing-explosives-texas-southern-border>; see also Yami Virgin, *U.S. Bombs Left in Afghanistan Are Ending Up in the Hands of Mexican Cartels*, NBC 15 NEWS (Nov. 22, 2023), <https://myNBC15.com/news/nation-world/us-bombs-left-in-afghanistan-are-ending-up-in-the-wrong-hands-retired-hsi-agent-warns-explosives-maximum-damage-special-inspector-united-states-mexico-cartels>.

<sup>8</sup> Kamal Sultan, *Terrifying Footage Shows Black-clad CARTEL Gunmen Patrolling Most Dangerous Stretch of US-Mexico Border, Just Yards from Texas Towns*, DAILY MAIL (Nov. 8, 2023), <https://www.dailymail.co.uk/news/article-12726123/Mexican-cartel-gunmen-border-fronton-island.html>.

<sup>9</sup> Center for Immigration Studies, *Texas Seizes Cartel Island in the Rio Grande in Risky First-of-a-Kind Operation*, YOUTUBE (Oct. 11, 2023), <https://www.youtube.com/watch?v=AVoSZYdq5sQ>.

<sup>10</sup> Bensman, *supra* n.1.

<sup>11</sup> Melissa Koenig, *Video Shows Black-clad, Rifle-wielding Men Stalk Texas Island Caught Up in Cartel Turf War*, N.Y. POST (Nov. 9, 2023), <https://nypost.com/2023/11/09/news/video-shows-black-clad-rifle-weilding-men-stalk-texas-island/>.

the area.<sup>12</sup> TMD has explained how these efforts “made it virtually impossible for cartel members to use the space to evade law enforcement” as they had for decades.<sup>13</sup>

USIBWC nevertheless complains that Texas “built two sediment bridges,” “placed concertina wire,” and “cleared vegetation,” on the ground that these activities could theoretically divert river or flood flows in violation of the 1970 Treaty. USIBWC Letter 4. Your Administration’s letter betrays a basic misunderstanding of facts on the ground, and its claims are unsupported by either science or common sense. For one thing, any so-called “bridges” were just dirt crossings—two of which TMD has already cleared away, and a third of which had a culvert placed beneath it to allow water to flow freely. Despite speculating (without explanation) that the razor wire could deflect water, USIBWC’s letter nowhere acknowledges how that barrier has already deterred repeated illegal foot traffic, drug and human smuggling, and other transnational criminal activity, such as the detonation of explosives, that could more likely impact water flows. And the suggestion that Texas has created a risk that “debris may be trapped” is impossible to square with a TMD operation that cleared away the once-dense vegetation. All that can be seen in this image recently captured by a TMD drone:



<sup>12</sup> Press Release, Office of Tex. Governor, Operation Lone Star Secures Fronton Island from Mexican Cartels (Nov. 10, 2023), <https://gov.texas.gov/news/post/operation-lone-star-secures-fronton-island-from-mexican-cartels>.

<sup>13</sup> Bradley, *supra* n.1; Press Release, Tex. Military Dep’t, Texas National Guard Secured Dangerous Island (Nov. 9, 2023), <https://tmd.texas.gov/texas-national-guard-secures-dangerous-island>.

Far from engaging in “construction activities” on Fronton Island, TMD cleared existing obstructions—including many placed by the criminal cartels operating there with impunity. At the very least, Texas’s efforts on Fronton Island pose less of a threat to river flows than the cartels’ previous activities. Accordingly, please inform me whether your Administration sent a similar letter concerning the 1970 Treaty to the Mexico Section of IBWC—or a letter to the cartels that had seized de facto control of Fronton Island before Texas expelled them. If your Administration did not send such letters, please explain the reasons why, whether because you previously believed USIBWC lacked jurisdiction over the Island or because you believe the extensive criminal activity there could not similarly impact water flows. Alternatively, please tell me why your Administration believes it is appropriate to establish “pre-construction conditions, reestablishing the previous ability for” cartels to stage crimes, evade pursuit, surveil law enforcement, stash weapons and contraband, smuggle thousands of illegal aliens, and wage violent warfare against state and federal officers.

Your appointee also makes no effort to explain how Texas’s actions are not fully authorized by its constitutional authority to defend itself and its people against the documented invasion described above. *See* U.S. Const. art. I, § 10, cl. 3. Thankfully, the U.S. Constitution does not subordinate the life-or-death well-being of American citizens to the whims of some riparian referee and quibbles about water flows.

Finally, it is difficult to take seriously professed concern about compliance with the 1970 Treaty, given that USIBWC is failing to comply with that document’s demands. In ongoing litigation, USIBWC represented to a federal court that a buoy system Texas deployed in the Rio Grande had been placed in Mexican waters, based on “the current IBL delineation [which] was recorded in 2009 as Minute 315.” *United States v. Abbott*, No. 1:23-cv-853, ECF 32-1 at 2 (W.D. Tex. Aug. 20, 2023); *see also id.* at 14 (indicating this claim was mapped against a 2008 IBWC map). As it turns out, that claim was false—not only because the buoys were in Texas waters all along, but also because IBWC’s map was expired. Article II(C) of the 1970 Treaty provides that IBWC “shall with appropriate precision delineate the international boundary on maps or aerial photographic mosaics” and must do so “at intervals not greater than ten years.” IBWC’s “current” map thus expired in 2019. In other words, even as your Administration was claiming that Texas was somehow violating the Treaty, it also admitted that IBWC has failed to comply with the Treaty for *at least five years*. Because of your Administration’s dereliction, there is still no treaty-compliant determination of the international boundary in the Rio Grande.<sup>14</sup>

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<sup>14</sup> That is not the only treaty IBWC has ignored. Under the 1944 Treaty on *Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande*, U.S.-Mex., TS 994 (Feb. 3, 1944), Mexico is obligated to deliver not less than 350,000 acre-feet of water as an annual average over a five-year

Blatantly abdicating the federal government's treaty obligations like this, while simultaneously complaining about the actions of non-signatories like Texas, is consistent with a now-predictable pattern: Abandon the field, endanger American lives, and complain when States step in to protect their territory. Texas has the constitutional sovereign authority to secure and defend its property and its people in the federal government's deliberate absence. I will not cede state land to transnational criminal cartels smuggling people, weapons, and drugs. Nor will I sit idly by as these threats endanger Texas law enforcement and Texas communities. I will, instead, continue to utilize every lawful tool to secure Texas's border and defend its citizens.

Rather than undercutting efforts to make our communities safe, you should direct the "United States Section" of IBWC to start putting Americans first.

Sincerely,



Greg Abbott  
Governor

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cycle, Art. 4(B)(c), and IBWC is tasked with enforcing that obligation, Art. 2. Nearly four years into the current cycle, Mexico has delivered just 22% of the required allocation—one of the largest deficits in over three decades—yet IBWC has done nothing. Paul Schattenberg, *Importance of Irrigation Water to Lower Rio Grande Valley Agriculture Highlighted in New Report*, TEX. A&M AGRILIFE (Jan. 27, 2024), <https://agrifetoday.tamu.edu/2024/01/27/importance-of-irrigation-water-to-lower-rio-grande-valley-agriculture-highlighted-in-new-report/>. While Mexico has miraculously delivered 100% of the needed water to its own irrigators, Texan farmers are forced to scale back or even cease operations. This shortfall is expected to cost Texas \$993 million in lost economic output in 2024. *Id.* And while IBWC fails to provide water to some communities, the water it *does* give others is contaminated. Despite being responsible for treating and disposing of sewage in boundary waters, 1944 Treaty, Art. 3, IBWC has for years permitted millions of gallons of waste to flow from Mexico into the United States. By IBWC's own estimate, "35 million to 45 million gallons" of raw sewage are *daily* spilling into open water near the border. Daniel Trotta, *With Sewage Gushing into Sea, US and Mexican Border Towns Plead for Help*, REUTERS (July 18, 2024), <https://www.reuters.com/business/environment/with-sewage-gushing-into-sea-us-mexican-border-towns-plead-help-2024-07-17/>. IBWC's failures have forced local communities to close beaches for years because of associated health risks and the pervasive "odor of fecal bacteria." *Id.* Recently, the San Diego Air Pollution District issued a violation notice after finding that IBWC's pump station discharged hundreds of thousands of gallons of untreated wastewater. Laura Acevedo, *Violation Notice Issued to IBWC Over South Bay Sewage Smell*, ABC 10 NEWS (Aug. 2, 2012), <https://www.10news.com/news/local-news/violation-notice-issued-to-ibwc-over-south-bay-swage-smell>. Once again, state and local communities are left to clean up IBWC's mess.

Biden-Harris Administration

September 9, 2024

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