

Resolution Calling on the Texas Governor's Border Authority

WHEREAS, The Governor of Texas is the Commander-In-Chief of the State's military forces having the power to call upon thereon as necessary to execute the laws of the State and repel invasions.¹ *emphasis added*; and

WHEREAS, The Invasion Clause in art. IV, § 4, U.S. Const. provides that "[t]he United States ... shall protect each [state in this union] against invasion."; and

WHEREAS, The State Self-Defense Clause in art. I, § 10, cl.3, U.S. Const. provides that a state may defend itself or "make war" when it has been "actually invaded, or in such imminent Danger as will not admit of delay." The State does not need the consent of Congress to do so.² *emphasis added*; and

WHEREAS, The Invasion Clause and State Self-Defense Clause provide dual protection for the States to defend themselves and "make war" if necessary to do so.³ Companion is the border control Import-Export Clause.⁴; and

WHEREAS, The Texas Disaster Act of 1975 confers upon the governor broad powers to "reduce vulnerability" of Texans to "damage, injury, and loss of life and property resulting from man-made catastrophes, riots, or hostile military or paramilitary action". Such authority permits the governor to issue executive orders and proclamations which have the "force and effect of law" if the governor finds a disaster has occurred or that the occurrence or threat of disaster is imminent and further confers commander-in-chief status of all state agencies on the governor during a state of disaster, including the use of all funding as necessary to carry out the Act.⁵ *emphasis added*; and

WHEREAS, On March 19, 2020, in response to COVID-19, Governor Abbott issued the first of recent executive orders, GA-08 invoking his authority fulfilling statutory responsibility as governor under the Texas Disaster Act of 1975 and has since such time renewed his declaration of statewide disaster each month; and

WHEREAS, On July 7, 2022 Governor Abbott issued GA-41, "*Relating to returning illegal immigrants to the border*." Such order cited the President's "abandonment" of the Invasion Clause covenant forcing the State of Texas to deploy state military forces under the State Self-Defense Clause to repel illegal immigrants and cartel operatives causing imminent threat of disaster, and

WHEREAS, On September 21, 2022 Governor Abbott issued GA-42, "*Relating to designation of Mexican drug cartels as foreign terrorist organizations*" which cited the surge of individuals

¹ See Texas Constitution art. IV, § 7

² See The Federalist No. 43 (James Madison); *Houston v. Moore*, 18 U.S., 16-17 (1820); James Madison, Debate From Virginia Ratifying Convention (June 16, 1788)

³ "The Constitution limited but did not abolish the sovereign powers of the States, which retained 'a residuary and inviolable sovereignty.'" See The Federalist No 39, at 245 (James Madison)

⁴ art. I, § 10, U.S. Const. clause two. Gov. Abbott briefly invoke such authority during April, 2022.

⁵ See Chapter 418, Texas Government Code, §§ 418.002; 418.012; 418.014; 418.015(c); 418.022(c)

unlawfully crossing the border posing imminent threat of disaster and designated certain Mexican drug cartels as foreign terrorist organizations for the purposes of disruption, seizure of operatives, assets, cash and the dismantling of infrastructure and interdiction of transnational criminal activity; and

WHEREAS, On November 15, 2022 Governor Abbott invoked the Invasion Clauses of the Texas and U.S. Constitutions and on the 16th, he wrote President Biden a letter citing the Biden “policy of an open-border” as the “sole cause of Texas having to invoke [its] constitutional authority to defend [itself]” under the State Self-Defense Clause to repel illegal border crossers and arrest criminals violative of Texas Law; and

WHEREAS, Texas SB 1900, 88th is awaiting the Governor’s signature and further defines foreign terrorist organizations and enhances criminal penalty under the Texas Penal Code; and

WHEREAS, Article IV, § 7 Tex. Const. and the Texas Gov. Code §§ 431.111; 437.002 **all confer full authority on the governor as Commander-In-Chief to call on all military forces, including reserve militia, to repel or suppress, invasion, threatened invasion as necessary to bring peace, restore law and order and enforce all Texas laws;** and

WHEREAS, The Republican Party of Texas has passed at its last convention of 2022 the following resolutions being planks 13, 14, 15, 22, 256, 257, 258 and 260 which call attention to the preservation of the constitutions of the United States and of Texas, its constitutional republic, sovereignty and border security, and

WHEREAS, notwithstanding the eminent authorities, responsibilities, duties and powers conferred upon Texas Governor Abbott, enumerated herein, the Texas Border remains virtually uncontested and open which imperils the sovereignty of the State of Texas, its individual citizenry and its peace and has and will continue to cause loss of life, property and liberties, now

THEREFORE, BE IT RESOLVED that the Republican Party of Comal County, Texas calls upon Texas Governor Abbott to discharge all **responsibilities, duties** and powers conferred upon him by both the constitutions of the United States of America and the State of Texas and by statute *instantly* to repel and suppress the invasion as declared and now notorious by taking all measures necessary including without limitation, making war “...as will not admit of delay” and to continue to do so until such time as peace has been restored to this sovereign state; and

BE IT FURTHER RESOLVED that the Republican Party of Comal County, Texas requests the State Republican Executive Committee to pass a resolution consistent and concurring herewith and to further encourage all republican executive counties’ committees in Texas and the Texas Legislature to pass like measures.

Date submitted: June 9, 2023

Submitted by: Sue Piner, Comal County Republican Party Chair, Sue Piner

Date introduced to Comal County GOP Executive Committee: June 7, 2023

Date approved: June 9, 2023

