

Texas Declaration: We the People Terminate Illegal Disaster Mandates

PREAMBLE

In our beloved State of Texas, we have a history, rich and full, of people who stood for freedom, opposed tyranny, and willingly gave their lives in their fight. In turn, it has been left to each successive generation to preserve & uphold those same values. As such, it is now our turn and our duty to redress the grievances against us, to hold all accountable and ensure that liberty is secured.

To quote the Founding Fathers, "We are endowed with certain unalienable Rights...that to secure these Rights, Governments are instituted among Men, deriving their just Powers from the consent of the Governed." God granted us these Rights which are absolute, existing outside of any form of government, whether in times of calamity or in times of blessing, and we seek to legitimize only those forms that govern by the consent of the people.

Our Texas Constitution affirms these absolute rights and further secures them by way of a Bill of Rights which are "excepted out of the general powers of government, and shall forever remain inviolate." Furthermore, "All political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit. The faith of the people of Texas stands pledged to the preservation of a republican form of government, and, subject to this limitation only, they have at all times the inalienable right to alter, reform or abolish their government in such manner as they may think expedient." Accordingly, our Constitution serves as a defense for liberty and a reminder to all Texans that our liberties shall not be usurped. They shall be forever retained by the People.

It is for the preservation of our liberty and republic that we pen this resolution, so that We the People terminate the illegal, extended "state of disaster" that our Governor and other public officials have used to violate the rights of the people of Texas.

THE RESOLUTION

The state of disaster powers of the Governor of the State of Texas per the Texas Government Code Chapter 418 do not extend beyond the powers given him per the Texas Constitution, Article IV and the separation of powers found in Article II, Section 1.

SECTION 1

WHEREAS, on March 13, 2020, Governor Greg Abbott stated, "declaring a state of disaster will facilitate and expedite the use and deployment of resources to enhance preparedness and response," and he began to take executive action pertaining to the state's response to the COVID-19 virus per the state of disaster powers delegated to him by the Legislature of the State of Texas in the Texas Government Code Chapter 418, citing 418.014 which prescribes Governor Greg Abbott's authority, 418.017 used to allocate all available resources of state government and political subdivisions, and 418.016 which grants Governor Greg Abbott the ability to suspend regulatory statutes that would "prevent, hinder, or delay any necessary action for the duration of the declared disaster;" and

WHEREAS, on March 19, 2020, Governor Greg Abbott issued Executive Order GA-08 which ordered and restricted the social gathering of individuals across the state to no more than 10 persons, restricted eating and drinking at bars, restaurants, and food courts by drive-thru, pickup, or delivery only, forced the closure of gyms, and schools and restricted visitation to nursing home facilities, retirement home or other long term care facilities, citing the *guidelines* from the President's Coronavirus Guidelines for America and the *guidance and recommendations* from the CDC as the basis of his orders; and

WHEREAS, on March 26, March 29, & March 30, Governor Greg Abbott issued Executive Orders GA-11 & its update & GA-12, altogether imposed a 14-day self-quarantine for travelers coming to Texas from New York, New Jersey, Connecticut, Louisiana, California, Washington, and particular cities, citing 418.173 penalties for failure to comply which include possible jail confinement, a fine, or both, and Governor Greg Abbott cited 418.012 which states, “the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations have the force and effect of law;” and

WHEREAS, on March 31, 2020, Governor Greg Abbott issued Executive Order GA-14 which included temporary school closures, and began the process of declaring businesses “essential” or “non-essential” in accordance with the U.S. Department of Homeland Security, effectively deciding per state order, which businesses could remain open and those which would need to close and cited 418.173 for the penalties to be incurred should the order be violated; further, the order restricted in-person access to, “all services [including religious services],” and stated they “should be provided through remote telework from home,” with exceptions for essential services that could not function through remote telework, thus limiting the in-person gathering of religious services, and Governor Abbott also suspended Sections 418.1015(b), 418.108 of the Texas Government Code and Chapter 81, Subchapter E of the Texas Health and Safety Code; and

WHEREAS, on April 12, 2020, Governor Greg Abbott extended the disaster declaration for COVID-19 in all Texas counties for an unspecified length of time by way of a proclamation, and in a press release explained the purpose of extending the Disaster Declaration was to ensure “the state of Texas continues to have adequate resources and capabilities to support our communities and protect public health;” and

WHEREAS, on April 17, 2020, Governor Greg Abbott issued Executive Order GA-16 recognizing the havoc wrought on citizens who were affected from the restrictions imposed upon them, Governor Abbott established a task force to begin allowing Texas to strategically reopen and revitalize all aspects of Texas and expressly adopted the U.S. Department of Homeland Security’s Guidance on the Essential Critical Infrastructure Workforce, Version 2.0 to rule which businesses, services & activities would be deemed “essential”; and

WHEREAS, on April 27, 2020, Governor Greg Abbott issued Executive Order GA-18 introducing Phase I of the Governor’s Strike Force To Open Texas which limited gatherings and in-person contact to only “essential” and “reopened services”, and effectively decided which businesses, services and activities would be deemed “Reopened services” and those which were to remain closed, and additionally included limiting the capacity at which the establishments and services could function, “permitting” retail pick-up and delivery, and mandated businesses, individuals, and ordered services follow the safety guidelines and checklists for business establishments and patrons set forth by DSHS; and

WHEREAS, on May 5, 2020, Governor Greg Abbott issued Executive Order GA-21 restricting any in-person contact, with the exception of members of the same household, and restricting social gatherings not designated as providing or obtaining essential services, and “allowed” the expansion of the reopening of businesses, services, and activities, and superseded any local official orders that were inconsistent or in conflict with the executive order by the suspension of Sections 418.1015(b) & 418.108 of the Texas Government Code and Chapter 81, Subchapter E of the Texas Health and Safety Code; and

WHEREAS, on May 18, 2020, Governor Greg Abbott issued Executive Order GA-23 announcing Phase II of reopening Texas, and expanded the list of Covered Services that were allowed, subject to the conditions and limitations contained within the order; and

WHEREAS, on June 3, 2020, Governor Greg Abbott announced Phase III of the Strike Force to Open Texas, and further expanded the list of approved Covered Services that will be allowed open, subject to the conditions and limitations contained within the order, and required all businesses and customers to follow the minimum standard health protocols laid forth by DSHS, and furthermore, businesses and customers were “encouraged to wear appropriate face coverings”; and

WHEREAS, on June 23, 2020, Governor Greg Abbott issued a proclamation which further restricted outdoor gatherings that went from allowing 500 people down to 100 people, and expanded the abilities of local authorities regarding outdoor gatherings to impose additional restrictions that exceeded that of his executive orders; and

WHEREAS, on June 25, 2020 Governor Greg Abbott announced a pause in reopening Texas, and “permitted” those already open to remain open functioning under the minimum standard health protocols of the Texas Department of State Health Services; and

WHEREAS, on June 26, 2020 issued Executive Order Ga-28 requiring the closure of bars, and rafting and tubing businesses, and required the permission of local governments for outdoor gatherings of 100 or more people, with certain exceptions, and did not allow groups of people not in the same household to exceed 10 people, and still encouraged the use of face coverings with the provision that no one could be penalized for failure to do so; and

WHEREAS, on July 2, 2020, Governor Greg Abbott changed his stance from “encouraged” use of appropriate face coverings with no penalties for failure to do so, to “requiring the use of face coverings” statewide in Executive Order GA-29, with certain exceptions, enforceable by law pursuant to Texas Government Code 418.173 punishable by fine and provided conflicting consequences in the event of failure to comply, and moreover, he urged local authorities to enforce this order and other effective executive orders; and

WHEREAS, on July 2, 2020, Governor Greg Abbott amended Executive Order GA-28 prohibiting outdoor gatherings, reducing the number of people from 100 down to 10 people or less; and

WHEREAS, on July 27, 2020, Governor Greg Abbott issued a proclamation that suspended and altered Texas Election Code 86.006 (a-1) which prior to his suspension and alteration, allowed mail in ballots submitted by the voter to be submitted only on Election Day at early voting clerk’s offices and according to specifications within Texas Election Code Ch.33, did not permit poll watchers to watch at those offices where those ballots were to be submitted, but his alteration of 86.006 (a-1) extended the length of submittal time of mail in ballots with no poll watchers on the premises of early voting clerk’s offices; and

WHEREAS, on September 17, 2020, Governor Greg Abbott issued Executive Order GA-30 continuing to mandate which service and activities may be allowed open and at what occupancy level they should function; and

WHEREAS, on October 1, 2020, Governor Greg Abbott amended his July 27th proclamation with another proclamation that permitted poll watchers at early voting clerk’s offices after a public outcry about the potential fraud that could take place from the prior proclamation, still using a state of disaster to suspend and alter the Texas Election Code; and

SECTION 2

WHEREAS, the U.S. Constitution in the 10th Amendment delegates powers to the States not given to them by the federal government; and

WHEREAS, the Texas Constitution is the supreme document of Texas, ascribing & distributing powers to the separate departments of Legislative, Executive, and Judicial, providing that “no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others,” per Article II, Section 1; and

WHEREAS, per Article IV, Section 10 of the Texas Constitution, the governor “shall cause the laws to be faithfully executed,” as opposed to creating, altering, or suspending the laws; and

WHEREAS, we find Texas Government Code 418.012, “[The governor’s] executive orders, proclamations, and regulations have the force and effect of law,” to be in direct violation of the Texas Constitution, as Article II grants only the Legislative Department the power to make laws in the state of Texas;” and

WHEREAS, we find Texas Government Code 418.016, “The governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of a state agency

if strict compliance with the provisions, orders, or rules would in any way prevent, hinder, or delay necessary action in coping with a disaster,” to be in direct violation of the Texas Constitution, specifically Article I Section 28, which declares, “No power of suspending laws in this State shall be exercised except by the Legislature;” and

WHEREAS, while the Texas Constitution provides additional allowances to the governor and the Legislature during extraordinary occasions or a state of emergency as a result of an enemy attack, located in Article IV, Section 8, and Article III, Section 62, those Constitutional statutes still maintain a checks and balances of power and includes from Article III, Section 62, “...that Article I of the Constitution of Texas, known as the ‘Bill of Rights’ shall not be in any manner affected, amended, impaired, suspended, repealed or suspended hereby,” and the Texas Constitution affords no other such allowances to the governor or the Legislature in times of disaster; and

WHEREAS, we find Executive Orders GA-08 and GA-14, which restricted people’s access to in-person religious services, to be a hindrance to worshipping Almighty God according to the dictates of their own consciences, and instances against their consciences violate Article I, Section 6 of the Texas Constitution which provides that, “No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion;” and

WHEREAS, Article I, Section 16 of the Texas Constitution states, “No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made,” and thus secures the rights of all citizens and businesses to enter into contractual agreements, such as mortgages, leases, supplier contracts or agreements, employment contracts and so forth, with the express provision that government shall not impair their ability to fulfill those contractual obligations; and

WHEREAS, Article I, Section 19 of the Texas Constitution states, “No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land,” and hence, per this constitution, the “law of the land” can only be instituted by the Legislature of the State of Texas, we the people of Texas find all mask mandates, imposed quarantines, stay-at-home orders, business occupancy level restrictions, business closures, and mandated minimum standard health protocols, to be in direct violation of the Bill of Rights in the Texas Constitution Article I; and

WHEREAS, Article I, Section 29 of the Texas Constitution states, “To guard against transgressions of the high powers herein delegated, we declare that everything in this ‘Bill of Rights’ is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto, or to the following provisions, shall be void,” thereby securing these absolute rights to be free from any violation whatsoever, during a declared disaster and an execution of state of disaster powers as these rights have been “excepted out of the general powers of government,” and are contrary to this constitution, which renders them void.

NOW, THEREFORE, WE THE PEOPLE AS CITIZENS OF TEXAS, do hereby declare these ordinances void, and as such, demand in accordance with the authority of our inherent political power as the people, that Governor Greg Abbott cease and desist continuing to execute orders with a supposed force of law, and furthermore, rescind any and all orders and suspensions of law birthed from that supposed force of law as these actions are expressly prohibited by our Texas Constitution and are a direct violation of Governor Greg Abbott’s Oath of Office, in which he solemnly swore, “I will faithfully execute the duties of the office of Governor of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.”

Additionally, we demand that local public servant officials, including but not limited to county judges, commissioner’s courts, and mayors, deriving their supposed power from Texas Government Code 418.108 cease and desist from continuing to issue or enforce unconstitutional ordinances, and demand they abide by their Oaths of Office, in which they solemnly swore to “preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God,” as prescribed by the Texas Constitution in Article XVI, Section 1.

We shall enforce these demands by any and all necessary legal actions, protest, civil defiance and all lawful actions afforded to the citizens of Texas in accordance with our Texas Constitution and the U.S. Constitution for the preservation of the rights, the liberties, and the republic of the citizens of this great State of Texas.