

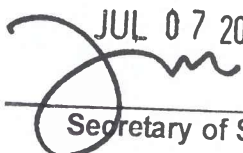


GOVERNOR GREG ABBOTT

July 7, 2022

The Honorable John B. Scott
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1PM O'CLOCK

JUL 07 2022

Secretary of State

Dear Mr. Secretary:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-41 relating to returning illegal immigrants to the border.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD:gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
July 7, 2022

EXECUTIVE ORDER GA 41

Relating to returning illegal immigrants to the border.

WHEREAS, securing the international border is the federal government's responsibility, but President Biden has refused to enforce the immigration laws enacted by Congress, including statutes mandating detention of certain immigrants who have claimed asylum or committed a crime; and

WHEREAS, the cartels refer to these open-border policies as *la invitación* ("the invitation"), reflecting the perception that President Biden welcomes immigrants to make the dangerous trek across our southern border; and

WHEREAS, an immigrant's journey to the United States can even prove fatal, as evidenced by the recent discovery of 53 dead bodies inside a smuggler's truck, and by a recent report from a United Nations agency describing our southern border as the deadliest land crossing in the world during President Biden's first year in office; and

WHEREAS, at least 42 subjects on the terrorist watchlist have been arrested while attempting to cross the border illegally since January 2021, and an unknown number have crossed while evading detection, demonstrating that an insecure border is a pathway for terrorists to enter the United States; and

WHEREAS, President Biden's failure to protect our border has necessitated action by the State of Texas to ensure public safety and to defend against violations of its sovereignty and territorial integrity; and

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on May 31, 2021, which has been amended and renewed in each subsequent month effective through today, certifying under Section 418.014 of the Texas Government Code that the surge of individuals unlawfully crossing the Texas-Mexico border posed an ongoing and imminent threat of disaster for a number of Texas counties and for all state agencies affected by this disaster; and

WHEREAS, through Operation Lone Star, I have deployed thousands of brave men and women from the Texas National Guard and the Texas Department of Public Safety to secure the border, to enforce the laws of Texas, and to prevent, detect, and interdict transnational criminal behavior; and

WHEREAS, by employing a variety of strategies, Operation Lone Star has resulted in thousands of apprehensions and criminal arrests, along with the seizure of thousands of weapons, hundreds of millions of lethal doses of fentanyl, and other contraband; and

WHEREAS, the Biden Administration's decision to end Title 42 expulsions, which has been halted by a federal court, and to terminate the Remain-in-Mexico policy, will

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invite the cartels to smuggle millions more illegal immigrants into Texas, as evidenced by the Biden Administration's projection that terminating Title 42 expulsions will result in as many as 18,000 immigrant apprehensions per day; and

WHEREAS, President Biden's border crisis hit a new record in May 2022, which saw the largest number of immigrants arrested or encountered along our southern border since U.S. Customs and Border Protection began keeping track in 2000, and these unprecedented numbers are overwhelming local communities across Texas; and

WHEREAS, President Biden's reckless refusal to secure the border will provide material support to the cartels, allow them to smuggle more dangerous people, drugs, and weapons into Texas, and embolden cartel gunmen to continue shooting at state and federal officials; and

WHEREAS, President Biden's failure to faithfully execute the immigration laws enacted by Congress confirms that he has abandoned the covenant, in Article IV, § 4 of the U.S. Constitution, that "[t]he United States . . . shall protect each [State in this Union] against Invasion," and thus has forced the State of Texas to build a border wall, deploy state military forces, and enter into agreements as described in Article I, § 10 of the U.S. Constitution to secure the State of Texas and repel the illegal immigration that funds the cartels; and

WHEREAS, in the Texas Disaster Act of 1975, the Legislature charged the Governor with the responsibility "for meeting . . . the dangers to the state and people presented by disasters" under Section 418.011 of the Texas Government Code, and expressly authorized the Governor to "issue executive orders . . . hav[ing] the force and effect of law" under Section 418.012; and

WHEREAS, the Governor can call on state military forces to enforce the law under Article IV, § 7 of the Texas Constitution and Sections 431.111 and 437.002 of the Texas Government Code; and

WHEREAS, an immigrant commits a federal crime under 8 U.S.C. § 1325(a)(1) by entering the United States between the ports of entry that have been designated as field offices by federal immigration officers; and

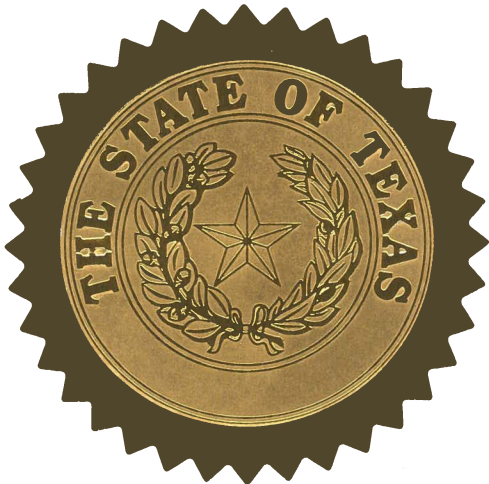
WHEREAS, the Supreme Court's opinion in *Arizona v. United States* specifically does not "address whether reasonable suspicion of illegal entry or another immigration crime would be a legitimate basis for prolonging a detention, or whether this too would be preempted by federal law," 567 U.S. 387, 414 (2012);

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby authorize and empower the Texas National Guard and the Texas Department of Public Safety to respond to this illegal immigration by apprehending immigrants who cross the border between ports of entry or commit other violations of federal law, and to return those illegal immigrants to the border at a port of entry.

This executive order shall remain in effect and in full force unless it is modified, amended, rescinded, or superseded by the governor. This executive order may also be amended by proclamation of the governor.

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Given under my hand this the 7th
day of July, 2022.

A handwritten signature in black ink that reads "Greg Abbott". The signature is written in a cursive, flowing style.

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "John B. Scott". The signature is written in a cursive, flowing style.

JOHN B. SCOTT
Secretary of State

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