

THE TEXAS LIBERTY AND ACCOUNTABILITY KEY

The legal basis for reclaiming freedom from all “lockdown” edicts and holding the perps accountable.

1. [The Texas Constitution](#) is the supreme law of the state, per the People's declaration of sovereignty in Article I of that Constitution and the fundamental principles of law:

§ 2. INHERENT POLITICAL POWER; REPUBLICAN FORM OF GOVERNMENT. 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.

2. Disharmony with the Constitution invalidates any purported act, pronouncement, edict, decree, order or law of any state officer(s) or agent(s):

The General rule is that an unconstitutional statute, though having the form and name of law is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of it's enactment and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted.

No repeal of an enactment is necessary, since an unconstitutional law is void. The general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it.

16 Am Jur 2d, Sec 256

3. Texas' Constitution vests law-making (legislative) power-- that is, the power to impose enforceable requirements or prohibitions-- exclusively in the legislature, in Article III, section 1:

§ 1. SENATE AND HOUSE OF REPRESENTATIVES. The Legislative power of this State shall be vested in a Senate and House of Representatives, which together shall be styled “The Legislature of the State of Texas.”

...and prohibits the exercise of that power by any other person or persons in Article II, section 1, except as expressly permitted in the Constitution (emphasis added):

§ 1. SEPARATION OF POWERS OF GOVERNMENT AMONG THREE DEPARTMENTS. The powers of the Government of the State of Texas shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are Legislative to one; those which are Executive to another, and those which are Judicial to another; and **no person, or collection of persons, being of one of these departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.**

4. Diligent search reveals only a single express permission for the exercise by the Governor of a power properly attached to the Legislature, which is found in Article III, section 62, and which regards only “periods of emergency resulting from disasters caused by enemy attack”, as specified in § 62(a).^{*} Further, the section provides for only the following exercise of power by the Governor:

§ 62(c) When such a period of emergency or the immediate threat of enemy attack exists, the Governor, after consulting with the Lieutenant Governor and the Speaker of the House of Representatives, may suspend the constitutional requirement that the Legislature hold its sessions in Austin, the seat of government. When this requirement has been suspended, the Governor shall determine a place other than Austin at which the Legislature will hold its sessions during such period of emergency or immediate threat of enemy attack. The Governor shall notify the Lieutenant Governor and the Speaker of the House of Representatives of the place and time at which the Legislature will meet. The Governor may take security precautions, consistent with the state of emergency, in determining the extent to which that information may be released.

5. In law, "substance" always rules over "form". The devising and issuing of commands to the general public, disobedience of which can be punished by the state apparatus in any way whatsoever, is the making of laws, even if the products are called "executive orders". Executive branch officials are prohibited from such legislating, except as expressly authorized in the Constitutions to which they have sworn fidelity.

Any basis-- even an enactment of the legislature itself-- on which the governor (or any executive branch agency or official) claims the power to devise, issue and enforce commands directed at any or all of the general public or other than as specified in Article III, section 62, above-- whether such commands are labeled as "Executive Orders" or otherwise-- is manifestly unconstitutional and void, per the foregoing simple and straightforward legal facts. The governor and all other executive branch officials are prohibited from being given, having, or exercising any such power.

No commands so devised and issued can be lawfully enforced by anyone. No commands so devised and issued can be lawfully upheld by any court to which the foregoing points of law are presented.^{*}

^{*}NOTE: The author has carefully examined [the Texas Constitution](#) and made a serious effort to ensure accuracy in producing this document. Confidence is high, and is bolstered by the fact that [the Executive Order issued by Governor Greg Abbot on March 19, 2020](#) cites no Constitutional authority for his assumption of law-making power, and neither does the legislation under which he purports to act-- the 'Texas Disaster Act of 1975' ([Section 418.001 of the Texas Government Code](#)).

However, with [the Texas Constitution](#) running 252 pages, the author leaves sole responsibility for determining that no express permission for the Governor to exercise legislative powers as he purports to do in regard to the “C19 crisis” can be found therein to each person who chooses to act on that conclusion. In other words, the conclusions on which you act must be your own.