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SUPREME COURT OF TEXAS
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NO. 21-0667

In the Supreme Court of Texas

In re Greg Abbott, *et al.*,

Relators.

ORIGINAL PROCEEDING FROM THE
261ST DISTRICT COURT OF TRAVIS COUNTY, TEXAS
CAUSE NO. D-1-GN-003670

RESPONSE TO PETITION FOR WRIT OF MANDAMUS AND AMENDED PETITION FOR WRIT OF MANDAMUS

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IDENTITY OF PARTIES AND COUNSEL

Real Parties in Interest provide the following supplement to Relators' identification of the parties and counsel pursuant to Tex. R. App. P. 52.4(a):

Relators:

Respondents no longer seek relief in the trial court or this Court from The State of Texas and voluntarily withdraw a claim against the State with prejudice. *See* Tex. R. Civ. P. 162; *Morath v. Lewis*, 601 S.W.3d 785, 788 (Tex. 2020). The other Relators are correctly identified and will not be prejudiced by the dismissal of the State, which was initially listed as a party to facilitate timely service of process and other administrative matters during a global pandemic.

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TABLE OF CONTENTS

INDEX OF AUTHORITIES

Cases

Constitutional and Statutory Provisions

Rules

Other Authorities

Burton, Thomas M., *Indiana GOP Drops Union Bill, but Democrats Stay Out of State*, WALL STREET JOURNAL (Feb. 24, 2011), https://www.wsj.com/articles/SB10001424052748703842004576162911431447084 6

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Huseman, Jessica, *The Texas Election Bill Contains a New Obstacle to Voting That Almost No One Is Talking About*, TEXAS MONTHLY (July 26, 2021), https://www.texasmonthly.com/news-politics/texas-election-bill-contains-new-voting-obstacle/ 7

Klapper, Rebecca, *Arrest Warrants Issued for 52 Texas Democrats in Effort to Have Them Return to Capitol*, NEWSWEEK (Aug. 11, 2021), https://www.newsweek.com/arrest-warrants-issued-52-texas-democrats-effort-have-them-return-capitol-1618459 11

Mulder, Brandon, *Is there 'clear legal authority to handcuff' truant Texas Democrats?* POLITIFACT (July 16, 2021), https://www.politifact.com/factchecks/2021/jul/16/ted-cruz/laws-surrounding-arrests-texas-democrats-are-far-c/ 8

Office of Speaker of the House, Press Release (July 12, 2021) 8

Office of the Tex. Governor, Press Release accompanying Exec. Order GA 35 (April 6, 2021), https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-prohibiting-government-mandated-vaccine-passports 1

O'Hanlon, Morgan, et al., *Texas House speaker signs warrants to arrest 52 wayward Democrats*, DALLAS MORNING NEWS (Aug. 10, 2021), https://www.dallasnews.com/news/2021/08/10/texas-supreme-court-issues-stay-on-restraining-order-blocking-arrest-of-house-democrats-who-fled/ 11

Pollock, Cassandra, *Texas House, just shy of a quorum, issues order to lock members inside the chamber*, TEXAS TRIBUNE (Aug. 9, 2021), https://www.texastribune.org/2021/08/09/texas-house-quorum-democrats/ 9

Pollock, Cassandra, *Texas law enforcement deputized to round up absent House Democrats, intensifying battle in the lower chamber*, TEXAS TRIBUNE (Aug. 12, 2021), https://www.texastribune.org/2021/08/12/texas-democrats-arrest-judges/ 12

Pollock, Cassandra, et al., *Signed warrants produce no arrests of Texas Democrats for now, but perhaps a hardened resolve to stay away*, TEXAS TRIBUNE (Aug. 11, 2021), https://www.texastribune.org/2021/08/11/texas-democrats-arrest-special-session/ 12

Staff, *'They will be arrested.' Gov. Abbott responds to Texas Democrats' flight to Washington, D.C.*, KVUE NEWS (July 12, 2021) *full transcript available online* at https://www.kvue.com/article/news/politics/texas-legislature/abbott-kvue-special-session/269-c45b5a5c-5da8-4662-a555-3d8e27635fca 8, 32

Timm, Jane C., *Police pursuits and 'Killer Bees': What happened when Texas Democrats broke quorum in the past*, NBC NEWS (July 14, 2021), https://www.nbcnews.com/politics/politics-news/police-pursuits-killer-bees-what-happened-when-texas-democrats-broke-n1273872 ..... 6, 7

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RECORD REFERENCES

"MR" refers to the mandamus record filed with the Petition for Writ of Mandamus (the "Petition" or "Pet"). "Amended Petition" or "Am. Pet." refers to the Amended Petition for Writ of Mandamus filed on August 10, 2021, solely on behalf of Relator Phelan. "P. App." refers to the appendix to the Petition. "R. App." refers to the appendix to this response.

STATEMENT OF THE CASE

Nature of the Case: Nineteen Democratic members of the Texas House of Representatives sought injunctive and declaratory relief that the Texas Constitution did not permit Relators to forcibly arrest political enemies in order to compel them to attend a special session and bear witness to the enactment of contested legislation.

STATEMENT OF JURISDICTION

The Court should not consider the Petition because it fails to include the certification required in Texas Rule of Appellate Procedure 52.3(j). In addition, neither of the Petitions' statements of jurisdiction state a compelling reason why the petition cannot be presented to the court of appeals pursuant to Texas Rule of Appellate Procedure 52.3(e). The alleged exigencies justifying the Petition, which are disputed below, could have been presented just as well to the court of appeals. *See, e.g.*,

In re Perry, 60 S.W.3d 857, 859 (Tex. 2001). Indeed, the Amended Petition's reliance on Texas Rule of Appellate Procedure 56.1 to urge consideration of "matters of importance" *presupposes* that a petition for review follows from review by a court of appeals. The real, unspoken reason the Republican Relators skipped the court of appeals is that five of the six sitting justices in the Third Court of Appeals are Democrats, while every one of the eight sitting justices in this Court are Republicans. Relators' political party preferences are not a valid basis to disrupt the Texas Government Code and Rules. This Court is supposed to make decisions "irrespective of the political forces at play." *Terrazas v. Ramirez*, 829 S.W.2d 712, 717 n. 10 (Tex. 1991). If partisan politics alone is a "compelling reason" to ignore civil procedure, then all public confidence and semblance of integrity in our judicial system is lost.

ISSUES PRESENTED

I. Whether the trial court was within its discretion to find that Relators acted *ultra vires* by levying the power of arrest to secure a quorum over legislators who have committed no crime.

TO THE HONORABLE SUPREME COURT OF TEXAS:

Relator Governor Abbott has taken the public position that, in Texas, the Government should not "tread[]" on "personal freedoms" and that a Texan's liberty, even with respect to vaccinations that can save the life of the Texan and those in contact with him or her, should "always [be] voluntary and never forced."[1] This rugged talk is nowhere to be found in the Petitions. Armed with the Governor's mansion, the majority of both Legislative Chambers, and every seat on the state Supreme Court, Relators still claim to fear that nineteen Democratic lawmakers who "have policy differences" are capable of inflicting "irreparable harm" on the Legislature by daring to challenge "words spoken in debate." Am. Pet. at 2. Relators' jurisdictional arguments also boil down to the claim that, because they wear the crown of the "sovereign," they should be beyond reproach. These soft-hearted arguments do not befit the United States, much less the State of Texas.

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[1] Office of the Tex. Governor, Press Release accompanying Exec. Order GA 35 (April 6, 2021), *located online* at https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-prohibiting-government-mandated-vaccine-passports.

Mandamus is an "extraordinary" remedy "available only in limited circumstances." *Walker v. Packer*, 827 S.W.2d 833, 840 (Tex. 1992). Relators' jurisdictional arguments are far from "exceptional." The Court's jurisdiction to determine the meaning or validity of an "statute [or] ordinance" like House Rule 5, Section 8 and to declare "rights, status, or other legal relations thereunder" is so basic it has been codified. *See* TEX. CIV. PRAC. & REM. CODE §37.004(a). This Court routinely hears challenges that an official has acted outside his or her legal authority. Likewise, the U.S. Supreme Court explained nearly fifty years ago that the Speech and Debate Clause does not apply to claims that officials "executed an invalid resolution . . . carrying out an illegal arrest." *Gravel v. U.S.*, 408 U.S. 606, 621 (1972). And Relators' reliance on the "political question doctrine," which is a "narrow exception" to the Court's responsibility to interpret and apply the Constitution, *Zivotofsky v. Clinton*, 566 U.S. 189, 195 (2012), is similarly flawed, particularly where, as here, Relators have now "deputized" officers in the Executive branch to go door-to-door to round up political enemies. Relators state that they seek to preserve separation of powers, but the relief they request is more akin to a surrender of power.

The Petitions' attacks on the merits of the Temporary Restraining Order issued by the Travis County District Court on August 8, 2021 (the "TRO") fare no better. Faced with a proposed voter suppression law that is the product of right-wing politics and pandering to a small but fervent minority of voters, Real Parties in Interest have chosen to honor their oaths of office and serve their constituents by staying away from the House of Representatives until the Republicans in power are willing to engage in a meaningful debate. The core issue put before the Travis County trial court is whether Relators have the statutory authority to arrest political enemies to form an involuntary quorum in the House. Relators rely on Article III, Section 10 of the Texas Constitution as a source of such authority, but the word "arrest" is notably absent from that provision.[2] The Constitution permits Relators to insist on member attendance, but arresting Texas legislators violates at least three Texas laws as well as federal law, and Relator Phelan's attempt to skirt these laws by describing his conduct as a "civil[] arrest[]" is baseless.

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[2] As discussed below, the word "arrest" *is* found in Article III, § 14, but that provision expressly immunizes Real Parties in Interest and similarly situated members from arrest.

The views in the Petitions are also contrary to Texas' unique and independent political heritage. The Texas Constitution uses language different from the constitutional history discussed in the Petitions to encourage participation and engagement. By requiring a super-majority for a quorum, Texas and only three other states decided that it was better for Congress to stall on occasion than to hand absolute and uncompromising power to a slim majority or the Crown. And by leaving the word "arrest" out of the quorum provisions while using "arrest" and "imprisonment" in other provisions, the framers of the Texas Constitution made it clear that members should not be physically forced to participate in a charade of democracy. Real Parties in Interest sought relief in Travis County because Relators have veered far from these principles. The Republican majority of the House led by Relators would rather rule by physical force than by debate and compromise.

Finally, Relators' discussion of the comparative harms faced by the parties from this Court's decision gets the situation entirely backward. On the one hand, there is no reason other than partisan politics for Relators' challenge to skip directly—and instantaneously—past perfectly valid appellate courts to the Supreme Court, and, as Relator Abbott has

repeatedly explained, there is little urgency to deciding what House Rule 5, Section 8 means because the Governor will call "special session after special session after special session" until Real Parties in Interest return to the House floor by choice or force. On the other hand, imposing one's will on another's personal liberty is the ultimate irreparable injury. Even if the litigation of this dispute and important aspects of our system of constitutional democracy may take a few weeks, the harm from prolonging a peaceful protest is immeasurably outweighed by the harm done by actions reminiscent of authoritarian regimes that jail and detain individuals who stand up to those in power. The petitions should be denied and no writ should issue.

STATEMENT OF FACTS

I. "Quorum Busting" Has A Long History, And It Is A Particularly Valued Parliamentary Tool In Texas.

The coordinated effort by lawmakers to prevent a legislative body from attaining a quorum to block the adoption of undesirable measures, also known as "quorum busting," has a long and colorful history that includes a young state legislator named Abraham Lincoln jumping out a window. *See* D. Herbert, LINCOLN 77 (Random House 1995). Both political parties have utilized this congressional tool. In this century

alone, Democratic members of the Wisconsin Senate and Indiana House of Representatives went to Illinois to block legislation in those states regarding unions,[3] and Republican members of the Oregon Senate walked out of the capitol in opposition to the passage of climate change legislation.[4] As a Republican Oregon lawmaker explained, "I'm not going to be a political prisoner . . . . It's just that simple." *Id.*

Texas may have the richest modern history of quorum busting of any state. In 1979, Democratic Senators dubbed the "Killer Bees" left the capitol to prevent legislation related to how presidential primaries would be run in Texas.[5] And in 2003, Democrats from both the House and Senate went to Oklahoma and New Mexico, respectively, to frustrate the passage of a controversial mid-decade congressional redistricting bill

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[3] *See* Burton, Thomas M., "Indiana GOP Drops Union Bill, but Democrats Stay Out of State," Wall Street Journal (Feb. 24, 2011), *available online at* https://www.wsj.com/articles/SB10001424052748703842004576162911431447084.

[4] *See* Axelrod, Tal, "Oregon governor authorizes state police to bring GOP lawmakers back to capital for climate vote," The Hill (June 20, 2019), *available online at* https://thehill.com/homenews/state-watch/449583-oregon-gov-allows-state-police-to-bring-republican-lawmakers-back-to.

[5] *See* Timm, Jane C., "Police pursuits and 'Killer Bees': What happened when Texas Democrats broke quorum in the past," NBC News (July 14, 2021), *available online at* https://www.nbcnews.com/politics/politics-news/police-pursuits-killer-bees-what-happened-when-texas-democrats-broke-n1273872.

favored by Republicans. *Id.* As discussed below, quorum busting is more prevalent in Texas because Texas has long honored minority views. The Texas Constitution codified this perspective by requiring a super-majority for a legislative quorum.

II. Relators Threaten Unconstitutional Criminal Arrests.

On July 7, 2021, Governor Abbott issued a proclamation calling for a special session to begin on July 8, 2021. MR.031. One of the Governor's legislative priorities was an election procedure bill some have labeled as voter suppression or "Jim Crow 2.0."[6] On July 12, over 50 Texas House Democrats, including Real Parties in Interest, traveled to Washington, D.C. to petition their Congressional representatives to pass federal voting rights legislation. The House Democrats' absence prevented a quorum at the Special Session.

Relator Phelan responded to the absence of Real Parties in Interest by declaring that the House majority will "use every available resource"

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[6] *See* Huseman, Jessica, "The Texas Election Bill Contains a New Obstacle to Voting That Almost No One Is Talking About," Texas Monthly (July 26, 2021), *available online at* https://www.texasmonthly.com/news-politics/texas-election-bill-contains-new-voting-obstacle/.

to obtain a quorum.[7] Governor Abbott publicly encouraged Speaker Phelan to "issue a call to have these members arrested."[8] On July 13, 2021, House Republicans passed a Motion for Call of the House, MR.039–40, which is a procedural maneuver set forth in Texas House Rule 5, Section 8 providing that absentees may "be sent for and arrested." P. App. at C. And on July 14, Senator Ted Cruz commented that Relators could "handcuff and put in leg irons" Real Parties in Interest and other legislators who were absent from the Special Session.[9]

III. Respondents Temporarily Restrain Relators To Preserve The *Status Quo*.

On August 5, 2021, Governor Abbott issued another proclamation calling for a special session to begin on August 7, 2021. MR.034–37. On August 8, Real Parties in Interest filed a lawsuit seeking declaratory and injunctive relief to stay Relators' illegal use of "arrests" to compel themselves and similarly situated lawmakers to the Texas Capitol.

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7 Office of Speaker of the House, Press Release (July 12, 2021).

8 "'They will be arrested.' Gov. Abbott responds to Texas Democrats' flight to Washington, D.C.," KVUE News (July 12, 2021) *full transcript available online* at https://www.kvue.com/article/news/politics/texas-legislature/abbott-kvue-special-session/269-c45b5a5c-5da8-4662-a555-3d8e27635fca.

9 B. Mulder, "Is there 'clear legal authority to handcuff' truant Texas Democrats?" PolitiFact (July 16, 2021), *available online at* https://www.politifact.com/factchecks/2021/jul/16/ted-cruz/laws-surrounding-arrests-texas-democrats-are-far-c/.

MR.004–30. That evening, a Travis County District Court Judge authorized to decide emergency matters while the courthouse was closed held a hearing on a temporary restraining order and agreed with Real Parties in Interest. MR.001–03. With their protection secured, some Real Parties in Interest and other members relied on the TRO by returning home.[10]

The next day, House Republicans passed another Motion for Call of the House.[11] Relators sought mandamus relief from this Court that night. On August 10, the Court overruled objections that Real Parties in Interest could be promptly exposed to arrest without a premeditating crime or due process and granted Relators' motion to stay the TRO.

IV. The Petitions Misstate The Record And Texas Law.

Unfortunately, the Court acted based on Petitions that advanced several misstatements of the record. First, the Petitions characterized

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[10] J. Timm, "Texas Democrats who tried to halt voting bill start to return home," NBC News (Aug. 9, 2021), *available online* at https://www.yahoo.com/now/texas-democrats-start-head-home-153200676.html ("Of the 57 Democrats who traveled to Washington . . . , about 26 remain").

[11] Pollock, Cassandra, "Texas House, just shy of a quorum, issues order to lock members inside the chamber," Texas Tribune (Aug. 9, 2021), *available online at* https://www.texastribune.org/2021/08/09/texas-house-quorum-democrats/.

the TRO as preventing Relators from "compel[ling] the attendance of absent legislators." Am. Pet. at 1, 11. This is an exaggeration for effect. Real Parties in Interest acknowledge that the Texas Constitution permits Relators to "compel" attendance to form a quorum by making insistent requests and engaging in meaningful debate, but arresting Texas legislators is unconstitutional and illegal. The TRO enjoined forcible arrests, not compulsive discourse.

Second, in an even grander untruth, the Petitions characterized the TRO as "enjoining the Speaker . . . from obtaining a quorum." Am. Pet. at 7. Relators have—and have always had during the 87th Legislature—the power to obtain a quorum by, among other things, engaging in meaningful debate about the voting suppression law or by tabling its passage altogether. Nothing in the TRO or the trial court petition is designed to prevent the Republican leadership in the House from being reasonable about the legislative agenda or individual bills.

Third, the Amended Petition describes the TRO as "unprecedented," Am. Pet. at 1, but this is false. In *Burnham v. Davis*, Representative Lon Burnham sought a declaration related to the 2003 "quorum bust" that the Department lacked statutory authority to search

for or attempt to arrest members of the House when requested by the House sergeant-at-arms. *See* 137 S.W.3d 325, 330 (Tex. App.—Austin 2004, no pet.). The trial court declared that the Department lacked statutory authority to arrest House members in response to a call for quorum. *Id.* at 330.

V. House Democrats' Fears Are Realized As Relators' Rhetoric And Conduct Run Wild After This Court Stays The TRO.

One hour after the Court granted the temporary relief Relators sought, counsel for Relators gloated about "another Democrat defeat" on Twitter. R. App. at Tab 1. That night, Relator Phelan signed civil arrest warrants for 52 Democratic legislators.[12] A sample "warrant" is attached at Appendix Tab 2. Representative Cecil Bell explained the goal of the warrants: "They just need to put them all in handcuffs, drag them in, throw them in the middle of chambers, lock the doors and unhandcuff 'em . . . a couple of them would go bug-eyed crazy."[13]

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[12] Klapper, Rebecca, "Arrest Warrants Issued for 52 Texas Democrats in Effort to Have Them Return to Capitol," Newsweek (Aug. 11, 2021), *available online* at https://www.newsweek.com/arrest-warrants-issued-52-texas-democrats-effort-have-them-return-capitol-1618459.

[13] O'Hanlon, Morgan, et al., "Texas House speaker signs warrants to arrest 52 wayward Democrats," Dallas Morning News (Aug. 10, 2021), *available online at* https://www.dallasnews.com/news/2021/08/10/texas-supreme-court-issues-stay-on-restraining-order-blocking-arrest-of-house-democrats-who-fled/.

Even Republican representatives viewed Relators' conduct to be out of bounds. After the TRO was stayed and Relator Phelan proceeded to sign arrest warrants, Representative Lyle Larson called the measures "[m]edievalist." R. App. at Tab 3; *see also* R. App at Tab 5 ("Have we got to the point where we believe our own bull shizz so much that we arrest our own colleagues"). As Rep. Larson commented, "Civil discourse took a nasty turn today." R. App at Tab 5.

On August 11, Relator Phelan's warrants were turned over to the House sergeant-at-arms.[14] The next day, Relators reportedly "deputized" law enforcement officers affiliated with the Department of Public Safety ("DPS") to "round up" absent House Democrats, including Real Parties in Interest.[15] By August 13, the House sergeant-at-arms and law enforcement officers were reportedly "going to absent House members' homes." R. App. at Tab 6. Emboldened without a TRO in place, private

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[14] Pollock, Cassandra, et al., "Signed warrants produce no arrests of Texas Democrats for now, but perhaps a hardened resolve to stay away," Texas Tribune (Aug. 11, 2021), *available online* at https://www.texastribune.org/2021/08/11/texas-democrats-arrest-special-session/.

[15] Pollock, Cassandra, "Texas law enforcement deputized to round up absent House Democrats, intensifying battle in the lower chamber," Texas Tribune (Aug. 12, 2021), *available online* at https://www.texastribune.org/2021/08/12/texas-democrats-arrest-judges/.

citizens are discussing mob or "bounty" actions to effectuate the warrants as vigilantes. *See* R. App. at Tab 7. This Court has an opportunity to prevent further chaos by upholding the trial court injunction.

ARGUMENT

Mandamus of an order like the TRO is only appropriate if the trial court "clearly abuses its discretion" by reaching a decision "so arbitrary and unreasonable as to amount to a clear and prejudicial error of law." *Johnson v. Fourth Court of Appeals*, 700 S.W.2d 916, 917 (Tex. 1985). Relators bear a "heavy burden" to prove such an abuse of discretion. *Id.* "The relator must establish, under the circumstances of the case, that the facts and law permit the trial court to make but one decision." *Id.* Relators do not, and indeed cannot, carry that burden here.

I. The Trial Court Had Jurisdiction To Grant The TRO.

A. Relators Have No Immunity For *Ultra Vires* Acts.

Private parties may seek declaratory and injunctive relief against state officials who act without legal or statutory authority. *Texas Natural Res. Conserv. Comm'n v. IT-Davy*, 74 S.W.3d 849, 855 (Tex. 2002). Such suits are not "suits against the State," which may be barred by the doctrine of sovereign immunity, but rather suits to compel state

officers to act within their official capacity. *Id.* This Court is routinely asked, as is the case here, to decide whether state officials have acted without legal or statutory authority.[16]

Real Parties in Interest' petition clearly alleged that Relators acted *ultra vires*. *E.g.*, MR.010 ¶33 ("Defendants' interpretation of the law . . . is incorrect and contrary to law."); MR.011 ¶37 ("Defendants' . . . application of the House Rules . . . is directly contrary to Article III, Section 14 of the Texas Constitution."). The TRO was also predicated on a finding that the defendant officials had acted "erroneously." *See* MR.001 at ¶1. Therefore, the argument in the Petition that "sovereign immunity" precludes this suit, *see* Pet. at 5, should fail.

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[16] *See, e.g., Houston Belt & Terminal Railway Co. v. City of Houston*, 487 S.W.3d 154, 169 (Tex. 2016) (suit against city officials regarding drainage fee ordinance); *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009) (suit challenging reduction of police officer pension benefits); *Dir. of the Dep't of Agric. & Env't v. Printing Indus. Ass'n of Tex.*, 600 S.W.2d 264, 265–66 (Tex. 1980) (suit challenging state agency printing equipment and printing activities); *Tex. Highway Comm'n v. Tex. Ass'n of Steel Imps., Inc.*, 372 S.W.2d 525, 530 (Tex. 1963) (suit against Highway Commission to determine the parties' rights); *Griffin v. Hawn*, 341 S.W.2d 151, 153–54 (Tex. 1960) (suit to restrain highway development on tract of land); *Cobb v. Harrington,* 190 S.W.2d 709, 712 (Tex. 1945) (suit against State Comptroller to determine parties' rights under tax statute).

B. The Speech And Debate Clause Does Not Immunize The Speaker For Unconstitutional Acts.

Relator Phelan separately argues that Article III, Section 21 immunizes the Speaker from "*any* judicial interference" with actions taken in the course of his legislative duties. Am. Pet. at 2 (emphasis added); *see also id.* at 8 (claiming "absolute legislative immunity"). But the U.S. Supreme Court rejected this notion with an example directly on point:

> [N]o prior case has held that Members of Congress would be immune **if they executed an invalid resolution by themselves carrying out an illegal arrest** . . . . Neither they nor their aides should be immune from liability or questioning in such circumstances. Such acts are [not] essential to legislating . . . .

Gravel, 408 U.S. at 621 (emphasis added). The Court went on further to explain that "Speech or Debate Clause protection did not attach" to a challenge to "the Sergeant-at-Arms . . . executing a legislative order" because "[n]o threat to legislative independence was posed." *Id.* at 620–21. Indeed, the *Gravel* case vividly described attempts like Relators' to "extend[] the [Speech and Debate] Clause . . . to privilege illegal or unconstitutional conduct beyond that essential to foreclose executive

control of legislative speech or debate" as "decidedly jaundiced." *Id.* at 620.

Relators' main cases for the assertion of "legislative immunity" here do not unsettle *Gravel*; in fact, they implicitly expose the Petitions' overreach. In *In re Perry*, this Court conditionally issued a writ of mandamus to block depositions of three members of the Legislative Redistricting Board about the apportionment of legislative districts after the 2000 census. 60 S.W.3d at 862. The Court *did not*, however, hold that the trial court lacked jurisdiction over the suit *in toto*. In fact, the Court implicitly recognized the validity of judicial review in a previous iteration of the same case decided one month earlier. *See Perry v. Del Rio*, 66 S.W.3d 239, 249 (Tex. 2001) ("No one questions that federal constitutional challenges to the existing congressional districts in Texas are now ripe for decision."). And, as Relator Phelan admits, the 19th-century case of *Canfield v. Gresham*, 82 Tex. 10, 17 (1891), involved Article III, Section 15 of the Texas Constitution, which authorizes "imprisonment" of non-members for obstructing Congressional proceedings. Article III, Section 10, however, is materially different from Article III, Section 15. The latter authorizes physical detention while the

former does not, and the latter clearly explains that the provision applies to "any person *not a member*." If the Framers had intended for the same language and jeopardy to apply to legislators, the Texas Constitution would have provided as much.

C. Real Parties In Interest Have Standing To Challenge Relators' Illegal Arrests.

In a footnote, the Petition also argues that Real Parties in Interest "lack standing" to sue the Governor because Relator Abbott cannot be ordered to redress the alleged harm. Pet. at 5. Relators do not dispute that Real Parties in Interest have standing to sue Relator Phelan because the warrants issued under his purported authority expose each individual plaintiff to "some actual restriction under the challenged statute." *See Patel v. Tex. Dep't of Licensing & Reg'n*, 469 S.W.3d 69, 78 (Tex. 2015). But the TRO also enjoins the "Department of Public Safety, Texas Rangers, Texas Highway Patrol Officers, Capitol Police Officers, or other law enforcement officials," who operate under the authority of Relator Abbott. MR.002. Some or all of these officers have been dispatched to carry out Relators' illegal acts. *See* R. App. at Tab 6. Governor Abbott is a necessary party to enjoin these law enforcement officers and efforts.

D. This Case Is Justiciable.

This Court is both "empowered" and "obliged" to decide cases properly before it, even if the interplay with legislative action is significant. *Terrazas*, 829 S.W.2d at 717; *see also Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264, 404 (1821) (explaining that declining justiciable issues "would be treason to the constitution"). Relators' reliance on the "political question doctrine," which is a "narrow exception" to this judicial responsibility, *Zivotofsky*, 566 U.S. at 195, is flawed in three respects.

First, the argument misstates the issue presented to the trial court. The TRO did not decide whether the Texas Constitution committed the method of compelling lawmaker presence in chambers to the Legislative branch, but whether Relators "exceed[ed] whatever authority has been committed." *Baker v. Carr*, 369 U.S. 186, 211 (1962). As this Court has explained, even where the Texas Constitution delegates authority over a matter to the Legislature, "the Constitution nowhere suggests that the Legislature is to be the final authority on whether it has discharged its constitutional obligation." *Neeley v. W. Orange-Cove Consol. Indep. Sch. Dist.*, 176 S.W.3d 746, 778 (Tex. 2005). "To the courts alone belongs the power to authoritatively interpret the constitution." *Marbury v.*

Madison, 5 U.S. (1 Cranch) 137, 177 (1803); *see also W. Orange–Cove Consol. Indep. Sch. Dist. v. Alanis*, 107 S.W.3d 558, 563 (Tex. 2003) ("The final authority to determine adherence to the Constitution resides with the Judiciary.").

Second, applying the *Baker* factors to this case shows that this case is indeed justiciable. The Petition argues that this case is nonjusticiable because the first of six *Baker* factors are met—that the Constitution textually committed the manner of compelling lawmaker attendance to the House. Pet. at 6. As an initial matter, this argument overstates the meaning of Article III, Section 10. In order to find a "textually demonstrable constitutional commitment" of authority to a non-judicial branch, courts must, "in the first instance, interpret the text in question and determine whether and to what extent the issue is textually committed." *Nixon v. United States*, 506 U.S. 224, 228 (1993). Unlike the impeachment provision construed in *Nixon*, *see id.* at 230–32, Article III, Section 10 does not state that the House is the "sole" authority on the manner to compel attendance of absent members. The language of Article III, Section 10 is more analogous to the description of a legislator's qualifications to served at issue in *Powell v. McCormack*, 395 U.S. 486

(1969). In *Powell*, the U.S. Supreme Court held that the legislature's loose delegation of authority to assess a member's qualifications had to be read in conjunction with a separate constitutional provision discussing the same topic. *Id.* at 539. In this case, Article III, Section 10 only provides that the manner of compelling member attendance "may" be provided by the House, and an arrest would directly offend legislature immunity provided in Article III, Section 14.

But even if Article III, Section 10 *was* a textual commitment of the relevant subject to the House, that is not the end of the political question doctrine inquiry. *None* of the other *five Baker* tests for identifying nonjusticiable cases apply here. A "judicially discoverable and manageable standard" exists to determine whether a lawmaker faces physical arrest or not; assessing whether a lawmaker is compelled by arrest or request does not involve any "initial policy determination;" the Court can limit Relators' authority while maintaining "the respect due" to the House's more limited constitutional prerogative; no "need for unquestioning adherence" exists here, as no arrests have been carried out to date; and a declaration from the court would not increase the

potential for "embarrassment from multifarious pronouncements," it would prevent such embarrassment. *See Baker*, 369 U.S. at 217.

A ruling on the petitions following the balance of the *Baker* tests here also comports with common sense. Surely the Court would feel comfortable reviewing the language in Article III, Section 10 permitting, but not solely requiring, the House to set out a manner of compelling attendance and "such penalties" if the House Rules provided that only absent members of a racial minority were subject to discipline or that any absent members should be shot on sight without notice. Relators' use of arrests is different only in degree from these hypothetical examples, so it deserves the same attention.

Third, now that Relators have "deputized" officers in the Executive branch, the depiction of this case as an "intra-branch dispute between legislators" rings even more hollow. The only court in Texas to have been presented with a political question doctrine argument in the face of DPS arrest efforts has sided with Respondents. In *Burnham v. Davis*, Representative Lon Burnham amended a petition complaining about alleged destruction of records by the Texas Department of Public Safety to seek a declaration that the Department lacked statutory authority to

search for or attempt to arrest members of the House when requested by the House sergeant-at-arms. *See* 137 S.W.3d 325, 330 (Tex. App.—Austin 2004, no pet.). The Department argued that its actions were conducted pursuant to House Rule 5, which required "a legislative remedy . . . outside the jurisdictional purview of the courts." *Id.* at 335. The trial court declared that the Department lacked statutory authority to arrest House members in response to a call for quorum. *Id.* at 330. In so doing, it specifically decided "that the authority of the Department to arrest missing House members is one of the statutory authority of the Department, not a political question." *Id.* at 330 n. 8. This Court should reach the same conclusion.

II. The Trial Court Correctly Found That Relators' Conduct Was Illegal.

With Relators' jurisdictional challenges out of the way, the Court should deny the Petitions because the facts and law before the trial court justified the TRO. *Johnson*, 700 S.W.2d at 917.

A. The House Rules And Relators' Application Of Them Violate Texas Law.

As Relators' leading case regarding the "sovereign will" of the Legislature itself provides, the House of Representatives' "power to act"

is "restrained . . . by the Constitution of the United States [and] by that of the State." *McKenzie v. Baker*, 88 Tex. 669, 677 (Tex. 1895). Relators' use of House Rule 5, Section 8 to forcibly arrest Real Parties in Interest violates "the Constitution . . . of the State" and other Texas law in at least three respects.

First, Article III, Section 10, the constitutional provision upon with Relators purport to rely, does not itself authorize the arrest of House members. When the Legislature wants to authorize more compulsory power, it knows how to do so. *See, e.g.*, TEX. GOV'T CODE §665.005 (granting power to punish noncompliant witnesses during impeachment proceedings). As the U.S. Supreme Court explained based on a historical analysis of English law and related constitutional provisions, when state constitutions do not expressly grant authority to use "physical interference," then the only implicit authority to compel is "the least possible power adequate to the end proposed." *Marshall v. Gordon*, 243 U.S. 521, 541, 544 (1917). Relators' plan to put Real Parties in Interest "in handcuffs" and "throw them in the middle of chambers" offends law that "has long since been authoritatively settled and is not open to be disputed." *Id.* at 537.

Second, Relators' arrests clash with Article III, Section 14, which provides House members immunity from arrest "*during the session of the Legislature*, and in going to and returning from the same." TEX. CONST. art. III § 14 (emphasis added). The Petitions do not dispute that this language applies to the Second Special Session of the 87th Legislature. Rather, the Petition cites nonbinding commentary and dicta related to a different constitution to entice the Court to read in a condition that members must be "attending" or "going to and returning from" chambers to earn immunity. Pet. at 13. But Section 14 does not use the word "attending," and the punctuation before "going to and returning from" a session of Legislature indicates that the language refers to an *additional* protection for Representatives, not a *condition*.

Third, Relators' deployment of DPS officers to arrest and confine lawmakers who have committed no crime violates the Government Code. Section 411.002 enumerates the Department's purpose to "protect[] the public safety and provide for the prevention and detection of crime." TEX. GOV'T CODE § 411.002. Serving and enforcing Relators' warrants does not fall within this purpose. *Burnam v. Davis*, No. GN-301665, 2003 WL 25301368 (Tex. Dist. (250th Jud. Dist.) Aug. 4, 2003), *reversed in part on*

inapplicable procedural grounds, 137 S.W.3d 325 (Tex. App.—Austin 2004). Relators' argument that a county sheriff (*not* DPS, as the Petitions state) is authorized to "execute subpoenas and other process" issued by Relator Phelan under the Local Government Code, Pet. at 11–12 (citing LOCAL GOV'T CODE § 85.022), is a non-sequitur. Unlike the custodial arrests at issue here, the term "subpoenas and other process" does not include the deprivation of a person's liberty under Texas law. *See Bossin v. Towber*, 894 S.W.2d 25, 32 (Tex. App.—Houston [14th Dist.] 1994, writ denied) (affirming summary judgment of false imprisonment claim because the matter involved a subpoena "merely to compel . . . attendance . . . without handcuffing or jailing" rather than a warrant).

Relator Phelan's attempt to sidestep the violations above by contending that this case is about "civilly arresting" Real Parties in Interest, Am. Pet. at viii, is a convenient fiction. Texas law does not provide for a "civil arrest warrant." The most similar procedure, a capias or writ of attachment in civil proceedings, does not apply here because (a) that tool is legally reserved for the judicial branch, *see, e.g.*, TEX. GOV'T CODE § 54.735, (b) the law authorizing the issuance of a capias requires

"proper proof" that personal service of notice to appear was provided, TEX. FAMILY CODE § 157.066, (c) the issuance of a capias requires the posting of an appearance bond, TEX. FAMILY CODE § 157.101, and (d), in order to be enforceable, a capias must "spell out exactly what duties and obligations are imposed and what the contemnor can do to purge the contempt." *In re Chaumette*, 439 S.W.3d 412, 416 (Tex. App.—Houston [1st Dist. 2014], no pet.) (citations omitted). A civil contempt order that fails to "specify in clear and unambiguous language what the contemnor is required to do" is "invalid." *Id.; see also Ex parte Gordon*, 584 S.W.2d 686, 690 (Tex. 1979) (where, as here, the accused party flouts authority "outside the presence of the court," then governmental action "must be based on a valid show cause order or equivalent legal process that contains full and unambiguous notification of the accusation of contempt"). The "warrants" issued for Real Parties in Interest are not based on "proper proof" of preceding notice, are not secured with a bond, nor do they "spell out exactly" what Real Parties in Interest are supposed to do. *See, e.g.*, R. App. at Tab 2. Therefore, even if the Court were to construe the "civil arrest warrants" issued by Relator Phelan in the House as civil contempt orders, the "warrants" would still be invalid.

B. The House Rules And Relators' Application Of Them Violate Federal Law.

The trial court also had a basis in the record to find that Relators' use of House Rule 5, Section 8 to forcibly arrest Real Parties in Interest violates federal law, including the First, Fourth, and Fourteenth Amendments to the U.S. Constitution. The contrary arguments in the Petition fail. First, with respect to the Due Process Clause, Relators misstate the liberty interest protected in the TRO. Pet. at 12. The petition sought to protect Real Parties In Interests' liberty of movement home to loved ones, not a strawman "liberty interest in legislative truancy." Second, with respect to the Procedural Due Process Clause, Relators miscite law permitting a "flexible standard" of assessing procedural safeguards as allowing for *zero procedural due process* provided to Real Parties in Interest here. Pet. at 12–13. Third, with respect to the First and Fourth Amendments, Relators invent a probable cause determination wholly absent from the record. Pet. at 14. Fourth, with respect to the First Amendment, Relators ignore the fact already subject to judicial notice that Real Parties in Interest did not travel to Washington, D.C. on a "jaunt," Pet. at 15, but to actively perform their legislative duty by assembling, speaking out against pending legislation,

and petitioning the federal government for assistance outside of the House chamber. *See In re Turner*, No. 21-0538, slip op. at 6 (Aug. 9, 2021).

In addition, Relators' conduct constitutes an illegal trial by legislature. Article I, Section 10 of the U.S. Constitution prohibits states from enacting any "bill of attainder," *i.e.*, a law that legislatively determines guilt and inflicts punishment upon an identifiable individual without providing the protections of a judicial trial. U.S. CONST. art. I § 10. Just as this Court has expressed a sensitivity about "concerns of separation of powers" on the part of the Judiciary, *see, e.g.*, *In re Turner*, 21-0538, slip op. at 8, the Bill of Attainder Clause was designed to distance politically-minded legislators from the "task of ruling upon the blameworthiness of, and levying appropriate punishment upon, specific persons." *United States v. Brown*, 381 U.S. 437, 445 (1965). The Clause was the Founders' way of rejecting English acts that imposed "pains and penalties," including imprisonment, on specified people considered "disloyal to the Crown or State." *See Nixon v. Administrator of General Services*, 433 U.S. 425, 474 (1977). The Clause thus serves as a "bulwark against tyranny." *Id.* at 443. By singling out Real Parties in Interest and

subjecting them to arrest and involuntary attendance at the Capitol to witness the enaction of legislation they morally revile based solely on conduct Relators find to be improper, Relators have improperly invaded the province of the judiciary.

C. Relators' Authority From Other Jurisdictions Supports, Rather Than Undermines, The TRO.

The Petitions argue that "well-established constitutional authority" supports the use of arrests to compel absent legislator attendance, Am. Pet. at 5; *see also* Pet. at 9, 11, but Relators fail to say upon *which constitution* the authority is based. This omission is material, as the Texas Constitution is fundamentally different than the U.S. Constitution and that of the "forty-one other States" referenced in the Petitions.

The power to "arrest and subsequent[ly] transport" legislators who choose to represent their personal convictions and constituent's interests by preventing a quorum may be "permissible" under the U.S. Constitution, but that document only requires a bare "Majority" of members to obtain a quorum. U.S. CONST. art. 1, § 5, cl. 1. In Federalist No. 58, Madison expressly considered, and then rejected, a super-majority quorum requirement for fear that requiring a two-thirds majority to do business would empower "an interested minority" of

members to engage in "secessions." The Federalist No. 58, at 286–87 (James Madison) (Terence Ball ed., 2003). "Quorum busting" has therefore been understandably discouraged under the U.S. Constitution and states that chose to be governed by a simple majority of legislators.

In 1845, over 50 years after the U.S. Constitution, Texans deliberately took a different path. In what became Article III, Section 10, the framers of the Texas Constitution required the presence of *two-thirds* of legislators to constitute a quorum. TEX. CONST. art. III § 10. This super-majority requirement exists because the framers of the Texas Constitution prioritized high levels of participation and consensus-building in legislative decision making, even if it increased the possibility that the process could deadlock. In other words, the architects of the Texas government fully expected, and even encouraged, the power of a cohesive minority of members to "bust the quorum" as a means of participation in the decision-making process. Relators' reliance on 19th century U.S. Supreme Court quotes to whine about the "mischief" of feisty Texas legislators is therefore irrelevant at best.

III. Relators Have An Adequate Remedy At Law, But Real Parties In Interest Do Not.

A "fundamental tenet" of mandamus jurisprudence is that a writ should not issue where Relators have an adequate remedy at law, "such as a normal appeal." *Holloway v. Fifth Court of Appeals*, 767 S.W.2d 680, 684 (Tex. 1989); *State v. Walker*, 679 S.W.2d 484, 485 (Tex. 1984). An appellate remedy is not inadequate merely because it might involve more delay than mandamus. *In re Ford Motor Co.*, 988 S.W.2d 714, 721 (Tex. 1998). And even the Petition recognizes that a mandamus should only short-circuit a normal appeal when a party is at risk of "*permanently* losing substantial rights." Pet. at 15 (citing *In re Goodyear Tire & Rubber Co.*, 437 S.W.3d 923, 927 (Tex. App.—Dallas 2014, orig. proceeding).

Relators' argument on this point is that a routine appeal process may not be available "for at least *two weeks*," which *might* impact the Legislature's ability to complete a glut of Republican priorities during the current special session. Pet. at 15–16 (emphasis added). This inconvenience is neither permanent nor substantial. Relator Abbott has gutted any claim of urgency by assuring the public that he will call "special session after special session after special session . . . all the way

up until election day of next year if I have to."[17] Indeed, as this Court has noted, Relators have announced that funding for continued legislative operations has already been made available through the end of September—well after the temporary injunction hearing scheduled by the trial court. *In re Turner*, slip op. at 10–11 & n.16.

To the contrary, Real Parties in Interest face irreparable injury if the petition is granted. Arrest warrants have been issued for Real Parties in Interest and other legislators absent from the chambers, and law enforcement and private vigilantes are on the hunt for them. At this point and based on Republican comments relishing the image of Democratic members "throw[n] . . . in the middle of chambers" until they are "bug-eyed crazy," it is not even clear whether a Democratic member has the option of peacefully returning to the Capitol. The TRO should remain in place until the trial court has an opportunity to evaluate the claims below with evidence and dueling arguments because, once the liberty of a Real Party in Interest is impacted by an arrest without a

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[17] "'They will be arrested.' Gov. Abbott responds to Texas Democrats' flight to Washington, D.C.," KVUE News (July 12, 2021) *full transcript available online* at https://www.kvue.com/article/news/politics/texas-legislature/abbott-kvue-special-session/269-c45b5a5c-5da8-4662-a555-3d8e27635fca.

premeditating crime or due process, neither the trial court nor this Honorable Court can un-ring that bell.

CONCLUSION

For the foregoing reasons, the trial court signed and issued an order temporarily protecting Real Parties in Interest within its jurisdiction and sound discretion. The Court should deny mandamus relief.

Respectfully submitted,

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Attorneys for Real Parties in Interest

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Response to Petition for Writ of Mandamus and Amended Petition for Writ of Mandamus has been served pursuant to Texas Rule of Appellate Procedure 9.5 on August 16, 2021.

/s/ *Jeremy T. Monthy*
Jeremy T. Monthy

CERTIFICATE OF COMPLIANCE

Microsoft Word reports that the foregoing document contains 6,619 words, excluding the portions of the document exempted by Rule 9.4(i)(1). By Order of the Court issued on August 11, 2021, the maximum length of the response was extended to 7,000 words.

/s/ *Jeremy T. Monthy*
Jeremy T. Monthy

CERTIFICATION

I certify that I have reviewed the Response to Petition for Writ of Mandamus and Amended Petition for Writ of Mandamus and have concluded that every factual statement made in the Response is supported by competent evidence included in the Appendix or record.

/s/ *Jeremy T. Monthy*
Jeremy T. Monthy

NO. 21-0667

In the Supreme Court of Texas

In re Greg Abbott, *et al.*,

Relators.

ORIGINAL PROCEEDING FROM THE
261ST DISTRICT COURT OF TRAVIS COUNTY, TEXAS
CAUSE NO. D-1-GN-003670

APPENDIX TO RESPONSE TO PETITION FOR WRIT OF MANDAMUS AND AMENDED PETITION FOR WRIT OF MANDAMUS

TAB 1

Tweet

Attorney General Ken Paxton @KenPaxtonTX · Aug 10

Another day, another Democrat defeat accomplished. Congratulations, @GregAbbott_TX @DadePhelan now let's immediately bring the #Democrats back so the business of Texas may continue! #TexasDeservesBetter #Texas #Democrats

> **Isaiah Mitchell** @IsaiahMitch_tx · Aug 10
>
> BREAKING: the @SupremeCourt_TX has issued a stay in @GovAbbott's and @DadePhelan's petition to stop an Austin judge from blocking arrest warrants for fled Democrat members. #txlege
>
> Background: thetexan.news/austin-judge-b...
>
> Show this thread

Print Friendly

THE SUPREME COURT OF TEXAS

Orders Pronounced August 10, 2021

MISCELLANEOUS

A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

567 IN RE GREG ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF TEXAS; MATTHEW DADE PHELAN, IN HIS OFFICIAL CAPACITY AS THE SPEAKER OF THE HOUSE OF REPRESENTATIVES; AND THE STATE OF TEXAS; from Travis County

relators' emergency motion for temporary relief granted
stay order issued
response requested due by 4:00 p.m., August 12, 2021

[**Note**: The petition for review remains pending before this Court.]

51 147 474

Tweet

Attorney General Ken Paxton @KenPaxtonTX · Aug 10

Another day, another Democrat defeat accomplished. C[illegible] 12:10 PM · Aug 10, 2021
@GregAbbott_TX @DadePhelan now let's immediately bring the #Democrats back so the business of Texas may continue!
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>
> BREAKING: the @SupremeCourt_TX has issued a stay in @GovAbbott's and @DadePhelan's petition to stop an Austin judge from blocking arrest warrants for fled Democrat members. #txlege
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>
> Show this thread

Print Friendly

THE SUPREME COURT OF TEXAS
Orders Pronounced August 10, 2021

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A STAY IS ISSUED IN THE FOLLOWING PETITION FOR WRIT OF MANDAMUS:

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relators' emergency motion for temporary relief granted
stay order issued
response requested due by 4:00 p.m., August 12, 2021

[**Note**: The petition for review remains pending before this Court.]

51 147 474

TAB 2

STATE OF TEXAS
HOUSE OF REPRESENTATIVES

WARRANT

To the Sergeant-at-Arms of the House of Representatives of the State of Texas, or any officer appointed by him:

YOU ARE HEREBY COMMANDED to take The Honorable

Vikki Goodwin

a Member of the House of Representatives of the State of Texas, who is now absent from the House, wherever said Member may be found in the State into your custody and safekeeping and bring said Member before the bar of the House instanter, this writ being issued under a duly-adopted order of the House pursuant to Article III, Section 10, Texas Constitution, made in exercise of its lawful powers to compel the attendance of absent members in the manner provided under the House Rules of Procedure.

HEREIN FAIL NOT, but make due return hereof to this House.

WITNESS MY OFFICIAL SIGNATURE this 10th day of August, 2021.

Speaker of the House of Representatives

Attest:

Chief Clerk of the House of Representatives

RETURN

Came to hand the _____ day of August, 2021, and executed the _____ day of August, 2021, by me, _____, Sergeant-at-Arms of the House of Representatives, or an officer appointed by him.

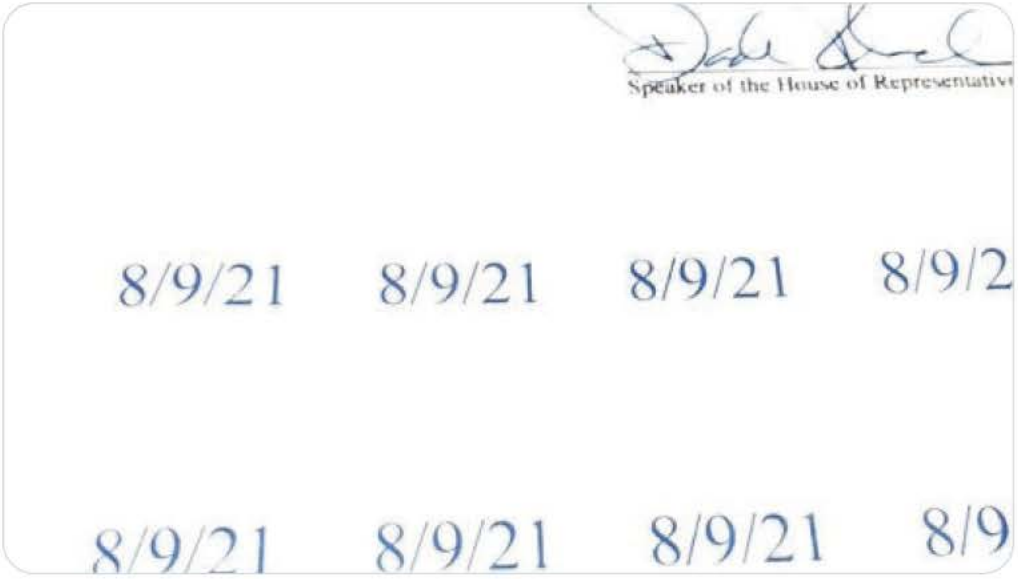
Sergeant-at-Arms of the House of Representatives, or an officer appointed by him.

TAB 3

Tweet

Lyle Larson @RepLyleLarson · Aug 10

Only school Detention in the 1970's and the Texas House of Reps today would you have to ask for permission slip to leave a room.This is some backwoods shizz when adults have to go to the Parliamentarian and ask for a permission slip to show the guards at the door. Medievalist..



11 24 66

TAB 4

Tweet

Lyle Larson @RepLyleLarson · Aug 10

In retrospect, the freedom caucus members were on the back mic yesterday clamoring for the speaker to lock the house down so members couldn't leave.
So should they rename themselves the "not so much Freedom" caucus?

The fringe hypocrisy never disappoints.

Ironic

13 25 159

TAB 5

Tweet

Lyle Larson @RepLyleLarson · 22h

Arresting members to come to the house floor.
Have we got to the point where we believe our own bull shizz so much that we arrest our own colleagues.
Civil discourse took a nasty turn today.

114 93 404

TAB 6

Tweet

Tony Plohetski @tplohetski · Aug 13

NEW: The Texas House sergeant-at-arms and staff, along with law enforcement, is going to absent House members' homes looking for them, a spokesman for the House Speaker confirms.

67 128 190

TAB 7

TEXAS · **Published** 1 day ago

Texas House sergeant-at-arms visiting homes looking for Democrats who fled: report

Around 25 Democratic Texas lawmakers remain in DC

By **Houston Keene | Fox News**

2 Texas Dems vacation in Portugal amid standoff

Former Texas GOP Chair Lt. Col. Allen West on the Democrats who fled to DC now vacationing in Portugal.

The Texas House sergeant-at-arms and law enforcement are searching for the state Democrats who fled the state to avoid voting on the state's election reform bill, according to local reports.

Texas House Sergeant-at-Arms Michael Black is reportedly traveling to the homes of the lower chamber's members who skirted voting by flying to Washington, D.C.

TEXAS DEM GENE WU TEMPORARILY AVOIDS ARREST AFTER FLEEING TO DC, SAYS 'HELL NO' TO RETURNING

Black finished his rounds at the Texas Capitol in Austin, where he was tasked with delivering 52 civil arrest warrants for the missing Democrats.

The office of Texas House Speaker Dade Phelan, a Republican, did not respond to Fox News' request for comment.

A spokesperson for Texas House Speaker Dade Phelan, a Republican, told local outlet KXAN that the speaker's office was "not commenting on specifics of this effort."

The lawmakers flew to D.C. last month to break quorum in the Texas Legislature and prevent the passage of a voting overhaul, prompting Republican Gov. Greg Abbott to say that the Democrats would be arrested upon their return.

State Rep. Gene Wu, one of the Democrats who scurried to D.C., said, "Hell no" when asked by a Houston Chronicle reporter if he planned on flying back to Austin.

Wu was mocked last month on social media after posting a picture of his "[first] meal as a fugitive."

The Texas Supreme Court on Tuesday overrode a Harris County judge's order shielding the members from arrest.

This comes a day after the highest court in Texas nixed the temporary restraining order on Abbott's threat to arrest the lawmakers for skipping votes.

CLICK HERE TO GET THE FOX NEWS APP

Around 25 Texas lawmakers remain in D.C., preventing the Texas Legislature from voting on the election overhaul bill.

The rogue lawmakers cannot be arrested until they reenter Texas.

Houston Keene is a reporter for Fox News Digital. You can find him on Twitter at @HoustonKeene.

Houston Keene is a reporter for Fox News Digital

Conversation 1.1K Comments

What do you think?

* * * * *

justicewillbeserved · 1 day ago

Put a bounty on them and put flyers with a mug shot of them in post offices, grocery stores and parks where shady, desperate people are looking for a fast buck.

Reply 16

who?? · 1 day ago

Replying to justicewillbeserved

Dead or if you can't get around it, alive

Reply

1 reply

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Status as of 8/16/2021 8:36 AM CST

Associated Case Party: Representative Gina Hinojosa, et al.

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Jeremy Monthy		jmonthy@dhmlaw.com	8/16/2021 7:56:18 AM	SENT

Associated Case Party: Matthew McDade Phelan

Name	BarNumber	Email	TimestampSubmitted	Status
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Dale Wainwright		wainwrightd@gtlaw.com	8/16/2021 7:56:18 AM	SENT

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