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6/29/23

Governor Greg Abbott  
Office of the Texas Governor  
P.O. Box 12428  
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(512) 463-2000

RE: Request to call a Special Session on Immigration in Texas

Honorable Governor Abbott,

Thank you for your desire to regulate the Texas border with Mexico. You have not hidden your view of the necessity for Texas to return illegal aliens to Mexico or country of origin. But it has become obvious that no governor of any US state on the border with Mexico knows the number of aliens that their state can admit without harming or being overly burdensome on their state's economy. The present border policy is to admit everyone unless they are a known criminal or drug dealer, etc.

If we don't know when to close the border we will never figure out how to close the border. To know when to close the border, we must know how many aliens the state can absorb annually without undue hardship on the citizens of Texas. The legislature should determine as best it can the annual cost of lawful and unlawful immigration into Texas. Once that is known it can be compared to the cost of educating and caring for the citizens of Texas annually. That percentage should be adjusted to a degree that is comfortable to the citizens of Texas. That percentage should also set the number of aliens that can be admitted annually. An estimated cost per legal and illegal alien can be generated. Once those figures are known, the state will know when to close the border down.

The state has authority to determine the number of aliens it can assimilate in a year and when to close its border under the US Constitution Article 1 Section 9:

"The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person."

It is obvious that the states delegated their right to determine the maximum number of immigrants that could enter their state but not the minimum number. Therefore, if a state was being flooded by immigration the federal government could step in and stop it. But under a condition where the federal government wants to alter the demographics of the

society in order to defend itself from its own citizenry, it has no authority to mandate that borders remain open or deny the request of any state to assist in closing their border.

First, the state must determine the number of aliens it can assimilate annually without undue stress on the state functions and economy. Then, when that maximum number is reached, the state must attempt with all its resources, including the state militia, to close the border. If the state cannot close the border, the state may then apply to the federal legislature to close down the border with a multi-state militia called up by the federal government as so stated in the US Constitution at Article 4 Section 4:

"The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence."

Notice there is no option for a President of the United States to have a policy of not enforcing the closure of a state border with a foreign nation. The Union must respond with power to close the border or it is obvious that the Union is dissolved and inoperable. At that point the states are free to form a new Union to protect their borders with foreign nations.

This means that the Union must guarantee that a state be able to limit the number of aliens that can enter that state. A state cannot be a republic without making its own laws and regulating its border with its authority it did not delegate to the Union of states. The Union must protect the right of the state to limit alien entry. No one should be confused by the term "invasion." The Union is already bound to shut a border in its guarantee to each state of a republican form of government. The State of Texas cannot be in the Republican form of government if it cannot determine and limit the number of aliens that may be admitted across its borders annually.

Many people have been misinformed about the Constitutional authority of the federal government related to immigration issues. Their only authority in immigration matters has to do with maintaining uniformity between the states as to how one becomes a citizen once they have lawfully entered any state of the Union. The total sum of it is stated in Article 1 Section 8 Clause 3:

"To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;"

That is it! The Union has authority *to establish a uniform rule of naturalization*. But what do we see on the border? That authority entails desk jobs not border patrols that are designed and employed to fail. Each state has a duty and authority to handle all their respective border issues unless they cannot close it when needed, at which time, the federal government must call up and send a militia to assure closure of the border.

Any law that says otherwise is unlawful itself as there are no amendments to the Constitution altering the provisions quoted above. In fact, such laws would in effect dissolve the Union as they would alter the Constitution by law without the required amendment, which is one of the ways government is dissolved from within. When this occurs even the courts are dissolved leaving no one in authority to determine anything.

All lawful governments are required to maintain strict conformity to their constituting documents as the only way of maintaining the authority of those in the offices of it.

I know that you are committed to border regulation and safety. But it has gotten out of control as the result of many forces, most of which were beyond your control. Another factor has compounded the forces and that is constitutional confusion of all state governors. But I think you could show all governors their real retained state powers to regulate their borders. States are not subdivisions of the Union like counties are of states. Rather, states are sovereign republics united only for very limited protections and purposes. You have authority to close the Texas border and you do not need to ask permission of the federal government. You need your legislature to tell you when to close it and how much. Then if you cannot muster the resources in the state population to close it, you can then call upon the Union with confidence and expectation of results. And if the state legislature will not help you determine when to close the border, we have no state either and we are free to create a new state for the protection of our lives, liberties and possessions against the hordes of foreign aliens.

I respectfully request that you hold a special session on immigration and call upon our state office holders and representatives to exercise the authority they have all been blessed with and demonstrate to other states and the Union how border regulation should be conducted from now on.

Sincerely Yours,

Ronald F. Avery