

By: Anchia

H.R. No. 220

R E S O L U T I O N

1           WHEREAS, We respect the rule of law and love of our neighbors;  
2 and

3           WHEREAS, As elected members of the House of Representatives  
4 of the 85th Legislature of the State of Texas, we have sworn an oath  
5 to "preserve, protect, and defend the Constitution and laws of the  
6 United States and of this state"; and

7           WHEREAS, The Fifth Amendment of the United States  
8 Constitution states that no person shall be "deprived of life,  
9 liberty, or property, without due process of law"; and

10           WHEREAS, Article I of the Texas Constitution states that  
11 "equality under the law shall not be denied or abridged because of  
12 sex, race, color, creed, or national origin"; and

13           WHEREAS, On December 7, 2015, Donald J. Trump, as a candidate  
14 for the Republican nomination of president of the United States,  
15 announced his intention "for a total and complete shutdown of  
16 Muslims entering the United States"; and

17           WHEREAS, On January 27, 2017, President Donald J. Trump  
18 signed an executive order entitled, "Protecting the Nation From  
19 Foreign Terrorist Entry Into the United States" ("Executive  
20 Order"), which bars all people, including legal permanent residents  
21 and authorized visa holders from the countries of Iraq, Syria,  
22 Iran, Libya, Somalia, Sudan, and Yemen; and

23           WHEREAS, The executive order halts the admission of all  
24 refugees to the United States, including those who have helped

1 America and its allies fight against Al-Qaeda and the Islamic  
2 State; and

3 WHEREAS, The United States Supreme Court determined in *Church*  
4 *of Lukumi Babalu Aye, Inc. v. City of Hialeah*, in a majority opinion  
5 written by Justice Anthony Kennedy and concurred by Justice Antonin  
6 Scalia, that "official action that targets religious conduct for  
7 distinctive treatment cannot be shielded by mere compliance with  
8 the requirement of facial neutrality" and that "the Free Exercise  
9 Clause protects against governmental hostility which is masked, as  
10 well as overt"; and

11 WHEREAS, President Trump's aforementioned executive order to  
12 ban travel is, without question or debate, a fulfillment of  
13 President Trump's intention to shut down the entry of Muslims into  
14 the United States; now, therefore, be it

15 RESOLVED, That the House of Representatives of the 85th Texas  
16 Legislature hereby condemn President Trump's executive order as an  
17 open act of discrimination against Muslims, as a constitutional  
18 violation against legal residents of the United States, and as a  
19 violation of the due process and equal protection clauses of the  
20 United States Constitution; and, be it further

21 RESOLVED, That an official copy of this resolution be  
22 prepared and delivered to President Donald J. Trump as a clear and  
23 unequivocal declaration from the Texas House of Representatives  
24 that we uphold our sworn oath to protect the Constitution, as well  
25 as our moral oaths to respect the rule of law and love our  
26 neighbors.