

DECLARATION OF LOCAL STATE OF DISASTER

WHEREAS, the health, safety, and welfare of Kinney County residents is under an imminent threat of disaster from the unprecedented levels of illegal immigration, human trafficking, and drug smuggling coming across the U.S. border from Mexico.

WHEREAS, since January 2021, more than 3.2 million illegal aliens have been apprehended after unlawfully entering the United States.¹ More than 800,000 illegal aliens have avoided apprehension while unlawfully entering the United States and remain unaccounted for within our nation.² So far this year, CBP has identified more than 50 known terrorists who have unlawfully entered the United States through our unsecured border with Mexico.³ The unprecedented amount of human trafficking, combined with the smuggling of fentanyl and other opioids infiltrating our border with Mexico has killed over 71,238 American citizens.⁴ The sophisticated human smuggling and drug trafficking organizations that facilitate these criminal acts are spearheaded by violent international drug cartels who have operational control over our unsecured U.S./Mexico border. During the month of May 2022, Kinney County law enforcement documented over 4,000 illegal aliens who avoided apprehension by Border Patrol and whose whereabouts are currently unknown.⁵

WHEREAS, the ongoing immigration crisis on the Texas border is not acceptable, and has resulted in a security threat and humanitarian disaster with overwhelming consequences to the residents of Kinney County and Texans, alike.

WHEREAS, the County Judge of Kinney County, Texas, has determined that extraordinary measures must be taken to ensure the protection of the health, safety, and welfare of county residents.

NOW, THEREFORE, BE IT PROCLAIMED BY THE COUNTY JUDGE OF KINNEY COUNTY, TEXAS:

1. That the aforementioned recitation of facts is hereby adopted as findings of fact related to this declaration; and
2. That as a matter of law, the aforementioned facts constitute – among other things – an ***invasion*** of Kinney County, Texas, as the term “invasion” is used in Article IV, Section 4 of the U.S. Constitution and in Article 4, Section 7 of the Texas Constitution; and

¹ <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>

² <https://saraacarter.com/carter-border-exclusive-over-80000-gotaways-have-just-disappeared-into-the-fabric-of-america/>

³ <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>

⁴ https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/202205.htm

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<https://www.facebook.com/100068873603576/posts/pfbid0Ymg2bFfKFov3z25zSMiqsqE3KbhTq5vZCoZ71oBuZr vjySX6CJ8XoKFv751rMThrl/?d=n>

3. That pursuant to Section 433.005(a) of the Texas Government Code (*Calling of State Military Forces*) and Article 4, Section 7 of the Texas Constitution (*Governor as commander-in-chief of military forces*), this declaration does hereby request that the Governor of Texas, as Commander-in-Chief of the military forces of the State, declare the existence of an ***invasion*** on its border with Mexico and take necessary actions to preserve and protect the sovereignty and territorial integrity of Texas; and
4. That this declaration hereby requests the Governor of Texas to act under the constitutional authority granted unto him under Article 4, Section 7 of the Texas Constitution and Article 1, Section 10, Clause 3 of the U.S. Constitution and immediately prevent and/or remove all persons ***invading*** the sovereignty of Texas and that of the United States; and
5. That a local state of disaster is hereby declared for Kinney County, Texas, pursuant to Section 418.108(a) of the Texas Government Code; and
6. That pursuant to Section 418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued by the Commissioners Court of Kinney County, Texas; and
7. That pursuant to Section 418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the County Clerk of Kinney County, Texas; and
8. That this declaration hereby authorizes the use of all lawfully available resources and authority granted under both the Constitution of Texas and the Constitution of the United States; and
9. That this declaration shall take effect immediately from and after its issuance and, upon approval by the Kinney County Commissioners' Court, shall continue in effect until terminated by the County Judge. Pursuant to this declaration, additional directives may be issued by the County Judge at any time deemed necessary and/or relevant.

DECLARED this ____ day of July 2022.

Tully Shahan, County Judge
Kinney County, Texas