

TEXAS HOUSE *of* REPRESENTATIVES

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COMMITTEE ON GENERAL INVESTIGATING

Chair Matt Krause • Vice Chair Victoria Neave

March 28, 2022

Office of the Attorney General
Attention: Opinion Committee
P.O. Box 12548
Austin, Texas 78711-2548
opinion.committee@oag.texas.gov

Re: Whether the federal government has failed to uphold its obligations to protect Texas from invasion under Article IV, Section 4 of the U.S. Constitution, and whether Texas has the sovereign power to defend itself from invasion?

Dear General Paxton:

President Biden has failed to enforce federal immigration laws and stop the surge of illegal aliens coming into Texas along the Mexico border. I am writing to ask for your legal opinion of whether or not the federal government has failed—intentionally or unintentionally—to uphold its obligations to protect our state from invasion under Article IV, Section 4 of the U.S. Constitution and whether Texas has the sovereign power to defend itself from such invasion. Undoubtedly, you are aware of the circumstances at the Texas-Mexico border, but the House Committee on General Investigating held a hearing on April 20, 2021, which disclosed important and relevant information on this topic from numerous Texas agencies.¹

Recently, the Arizona Attorney General issued an opinion determining that the lawlessness and violence at the Arizona border constitutes “actually invaded” and “invasion” under the U.S. Constitution and that Arizona retained the sovereign power under the U.S. Constitution to defend itself from such an invasion.² I found the Arizona opinion’s analysis and conclusions compelling.

Please expedite your response on this urgent matter for the safety and protection of Texas residents. Thank you for your attention to this request.

Sincerely,

Handwritten signature of Matt Krause in black ink.

Matt Krause
Chairman
Texas House Committee on General Investigating

¹ Issues Regarding the Status of Immigrants at the Texas-Mexico Border: Hearing Before the Comm. on Gen. Investigating, 87th Leg., R.S. (2021), <https://capitol.texas.gov/tlodocs/87R/handouts/C2802021042008001/C2802021042008001.pdf>.

² The Federal Government’s Duty To Protect the States And The States’ Sovereign Power Of Self Defense When Invaded, Ariz. Att’y Gen. Op. No. I22-001 (February 7, 2022), https://www.azag.gov/sites/default/files/2022-02/I22_001b.pdf.