

## **RESOLUTION DECLARING AND SUPPORTING THE LAVACA COUNTY REPUBLICAN PARTY TO BE A SECOND AMENDMENT PRESERVATION ORGANIZATION**

**WHEREAS**, the forefathers of the members and citizens of the Lavaca County Republican Party, living in Lavaca County, gave their lives and fortunes to establish a free and independent nation of Texas, and declared a Bill of Rights to be a part of the 1836 Constitution, and that it shall never be violated on any pretense whatever.

**WHEREAS**, in order to guard against the transgression of high powers which were delegated, that everything in the Bill of Rights contained, and every other right not hereby delegated, is reserved to the people.

**WHEREAS**, And according to the fifth right, that all people shall be secure in their houses, papers, and possessions, from all unreasonable search and seizure, and no warrant shall be issued to search any place or seize any person or thing, without describing the place to be searched or the person or thing to be seized, without probable cause, supported by oath or affirmation.

**WHEREAS**, according to the sixth right, all persons shall have the right of being heard, by himself or counsel or both; he shall have the right to demand the nature and cause of the accusation, shall be confronted with the witness against him, and have the compulsory process for obtaining witnesses against him. and in all by presentment or indictment, he shall have the right to a speedy and public trial, by an impartial jury, he shall not be compelled to give evidence against himself, or be deprived of life, liberty, or property, but by due course of law.

**WHEREAS**, the seventh right declares No citizen shall be deprived of privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

And because an executive order did not go through the legislative process set out in the Constitution, an executive order by Gov. Abbott is not considered a dutiful law of the land.

**WHEREAS**, according to the fourteenth right, every citizen shall have the right to bear arms in defense of himself and the republic. The military shall at all times be subordinate to the civil power.

**WHEREAS**, upon the Annexation offer, accepted in 1845, and a new Texas Constitution of 1845 was accepted by the people of the State of Texas and by the United States.

**WHEREAS:** And Article I Sec.21.of the 1845 Texas Bill of Rights declares; To declare against transgressions of the high powers herein delegated, we declare that everything in this "bill of rights" is excepted out of the general powers of government, and shall ever remain inviolate; and all laws contrary thereto, or to the following provisions, shall be void.

**WHEREAS**, the 03-26-2019 United States Senate Judiciary Full Committee Hearing, "Red Flag Laws : Examining Guidelines for State Action" written testimony of David Kopel, Adjunct Scholar and Professor of Constitutional Law, Cato Institute and Denver University,

**EXECUTIVE SUMMARY** states:

"Red Flag" laws or "extreme risks protection orders" have been enacted in several states. While the idea for these laws are reasonable, some statues are not. They destroy due process, endanger law enforcement and the public, and can be handy tools for stalkers and abusers to disarm innocent victims.

Nearly a third of such orders are improperly issued against innocent people.

Bills that claim to be about "Extreme Risk Protection Orders" are not correct; the bills cover much lower risks, or just "a danger". Likewise, the term "red flag" is dubious because some bills label as dangerous the peaceful exercise of constitutional rights. A more accurate name would be "gun confiscation orders".

Any procedure that allows a judge to hear only one side of a case necessarily will produce a high error rate. Data from the oldest confiscation laws so demonstrate.

There may be substantial harm. It is well known in family and domestic law that ex parte procedures with low standards of evidence are often abused by angry spouses to disarm their victims.

Procedural Due Process Constitutional Issues: Constitutional requirements of procedural due process are at their height when an individual is deprived of a "fundamental " enumerated right. The right to keep and bear arms is such a right. Any Confiscation laws must safeguard public safety and respect civil rights.

**WHEREAS**, Each duly elected County Sheriff, Judge, and Commissioners who knows and have the trust and authority of the people, have enacted a plan for resolving mental health issues with a local panel of advisors and participants.

**WHEREAS**, County officials and each Sheriff takes an oath and swears to the best of their ability to preserve, protect, and defend the Constitution and laws of the state of Texas and the United States.

**WHEREAS**, The Texas Governor cannot force a Texas Law Enforcement Officer to violate an individual's rights that have been provided to them by the United States and Texas Constitution.

**WHEREAS**, The EXECUTIVE ORDERS pave the way for violating a Texan Citizen's natural, God-given rights; intrude into our homes and lives by focusing on threat assessment, increasing social monitoring, and encouraging Texans to report on each other in a manner that is even more insidious than the original "red flag " proposals; and fail to encourage law-abiding citizens to peacefully carry as the most effective way to increase safety without sacrificing Constitutional freedoms.

**THEREFORE**, we call upon local county officials to declare our county a Preservation of the Second Amendment County, and recognize the full authority of the Sheriff to defend and protect the citizen's Constitutional rights, and refuse to enforce any laws that infringe on our right to keep and bear arms;

And, we respectfully ask the Governor to rescind all 8 Executive Orders, or at a minimum executive orders #4, #5, #6, and #7, and to instead promote the truth that armed civilians save lives and keep Texas stronger and more secure.

Resolution voted and approved by the Lavaca County Republican Party County Executive Committee on September 24, 2019 at our regularly scheduled monthly meeting. Signed by the Chairman of Lavaca County Republican Party for the Lavaca County Republican Party County Executive Committee (LCRP CEC). A copy to be sent to the Lavaca County Judge Tramer Woytek and Commissioners Pustka, Berchkenhoff, Bates and Kocian, Governor Abbott, Lt. Gov Patrick, Speaker of the House Bonnen, State Senator Lois Kolkhorst and House Representative Ben Leman.

*Cheryl Thompson-Draper - Chairman*

Cheryl Thompson-Draper- Chairman Lavaca County Republican Party  
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9/24/2019

Lavaca County Republican Party County Executive Committee Members:

Precinct 1 – Mary Lee Spaulding-Berger

Precinct 2- Kevin Bright

(there are no Precincts 3-6)

Precinct 7 -Dr. Steve Lee DVM

Precinct 8- David Berger

Precinct 9- Cheryl Bates

(there is no Precinct 10)

Precinct 11- Anthony Harper

Precinct 12- Mark Nevlud

(there are no Precincts 13 or 14)

Precinct 15- Kathleen Leininger

(there are no Precinct Chairmen for Precincts 16 or 17)

(there is no Precinct 18)

Precinct 19- Mark Myers

Precinct 20- Theresa D'Amico

(there are no Precincts 21 or 22)

Precinct 23- John Cinadr

(there are no Precincts 24 or 25)

(there is not a Precinct Chairman for Precinct 26)

Precinct 27- Tom Foyt

(there is no Precinct 28)

Precinct 29- Dennis Vargo

Precinct 30- Vicki Vickers

Precinct 31- Michelle Hall

Precinct 32- Judy Balzer