



Written by [James Murphy](#) on August 18, 2021

Texas Supreme Court Rules Fugitive Democrats Can Be Arrested, Brought to House Chamber

Texas House Democrats who left the state in a denial-of-quorum attack designed to stop a new election-integrity law from being passed can be arrested and forced to do their jobs, the Texas Supreme Court ruled on Tuesday.

Nearly 60 Democrats from the Texas House of Representatives [fled](#) to Washington, D.C., in July to avoid a special session called by Governor Greg Abbott to, among other things, address election integrity in the state. Republicans, including Abbott, have called for a tightening of loose voting laws in the state, while Democrats have been loudly calling such legislation racist and claiming that it disenfranchises marginalized voters.



Texas Supreme Court Building

The Texas Democrats in Washington have been lobbying for the federal government to pass its own election bill that they hope would make any new Texas law null and void.

The Texas high court [sided](#) with Abbott and GOP House Speaker Dade Phelan and ordered a district judge in Travis County to reverse a temporary restraining order that barred the arrest of the fugitive Democrats.

The ruling referred to the Democrats' response on the subject as "long on rhetoric, short on the law, and more befitting of a press statement than a legal brief."

"The legal question before this Court concerns only whether the Texas Constitution gives the House of Representatives the authority to physically compel the attendance of absent members," Justice Jimmy Blacklock wrote in the court's opinion. "We conclude that it does, and we therefore direct the district court to withdraw the TRO [temporary restraining order]."

The Texas Supreme Court had previously blocked court rulings in Travis County and Harris County that would have kept the wayward House Democrats safe from arrest in the state, but Tuesday's ruling was a signal that such arrests are legal under the state's constitution.

"The district court very clearly abused its discretion by issuing the TRO. The defendants have no adequate appellate remedy," Blacklock wrote.

The Texas Attorney General's office [lauded](#) the court's decision: "As predicted, the law is on our side. House Democrats were elected to do a job — and it is time for them to come home and do just that, regardless if the outcome doesn't lean in their favor," the office tweeted. "Childish antics will not be tolerated."

Predictably, Texas Democrats voiced their displeasure with the court's ruling. "I'm very disappointed in the Supreme Court's opinion. We will continue to consult with our legal team to pursue a federal remedy that isn't closely tied to Governor Abbott," said State Representative Ron Reynolds, a Democrat.



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Abbott, who yesterday tested positive for COVID-19, responded to the decision on [Twitter](#).

“Texas Supreme Court rejects Dems’ attempt to undermine our constitution & avoid their elected responsibilities,” Abbott wrote. “Texas Dems refusing to show up can be arrested & brought to the House chamber. It’s time to pass the agenda items Texans demand & deserve.”

While a few of the House Democrats have returned to Texas, the legislative body is still five to seven members shy of a quorum. Speaker Phelan has to date issued at least 50 civil arrest warrants for the absent members but, as of yet, none have been arrested and brought to the House Chamber.

Although arrest warrants have been issued, some in the Texas GOP say it’s unlikely that it will ultimately come to arrests — even though the state Supreme Court has ruled such action legal.

“I don’t know that they’re gonna get to that level. At this point, it’s more like a jury summons, a paper that’s delivered, and that’ll be another conversation down the line,” said Representative Jim Murphy, chairman of the Texas House Republican Caucus.

For now, the Lone Star State Democrats hiding out in Washington, D.C., appear ready for the long haul and continue to blame Abbott for the walk-out.

“We’re ready to come back to work to address the coronavirus spread. We’re ready to come back to work to ensure a safe back to school and we’re ready to come back to work to fix the broken grid,” said Rafael Anchia, a Dallas-based Democrat. “What gets me about the governor is he lights the house on fire and then complains that we’re not showing up with buckets to put it out.”

Abbott vows to keep calling special sessions as long as the Democrats continue to stall on the election-integrity bill and other key pieces of legislation in the state.



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