

INTRODUCTION

This resolution rests on a simple constitutional truth: *the Constitution is not a suicide pact.*

Religious liberty is strongest when government neither compels belief nor elevates any religious, ideological, or foreign legal system as civil law. The Constitution protects belief—but it does not permit competing systems of governance to operate through public power or taxpayer funds.

Texas has now distributed well over **\$41 million to entities identified by Islamic affiliation or mission**. Islam is not merely a private faith; by its own jurisprudence, it is a comprehensive religious-legal system—commonly known as *sharia*—that does not separate religious obligation from civil authority.

Why Constitutional Neutrality Matters

If Texas attempts to target a specific religion or belief system, courts will almost certainly strike the policy down and years of effort will be wasted. The Constitution requires government neutrality in matters of religion and belief.

By establishing a clear rule that **no religious, ideological, or foreign legal system may be enforced through public authority**, Texas protects both the Constitution and religious liberty.

This approach accomplishes three essential goals:

- **Protects religious freedom for all Texans** by ensuring government cannot favor or punish any faith.
- **Prevents parallel legal systems** from operating through public power or taxpayer funding.
- **Provides a neutral legal tool** that can also be used to stop the government from enforcing ideological systems such as communism, Marxism, or other political doctrines through public institutions.

The Constitution must remain the *only* civil authority governing Texas government. Neutrality is not weakness — it is the constitutional safeguard that protects both liberty and self-government.

Popular Sovereignty = Public power belongs to the People.

Only the Resolution text is subject to vote; all other materials are explanatory and non-operative.

Resolution: Constitutional Supremacy — No Parallel Legal Systems

The Republican Party of Texas affirms that the Constitutions of the United States and Texas are the sole sources of civil authority in Texas. Government must remain strictly neutral in matters of religion and belief and may not enforce, elevate, subsidize, or accommodate any religious, ideological, or foreign system of law—including sharia—as civil authority through public office, governmental power, public institutions, or taxpayer funds. No parallel legal system may operate through public authority in Texas. This principle protects both religious liberty and constitutional self-government by ensuring that government authority derives only from the Constitution.

All political power is inherent in the People. The People established the Constitution of the United States to grant limited powers to the federal government and to prohibit certain powers to the states. The People of Texas established the Texas Constitution to grant limited authority to the government of this state. All authority not granted to the federal government or to the State of Texas remains reserved to the People. Neutrality means the absence of governmental elevation, enforcement, or subsidization of belief systems through public power.

Resolution to Prevent the Use of Public Office and Taxpayer Funds to Advance Sharia or Other Religious, Ideological, or Foreign Systems of Law

The Republican Party of Texas affirms that all political power is inherent in the People, and that the Constitutions of the United States and Texas—adopted by the People—are the sole and exclusive sources of civil authority in this state.

The Legislature should enact laws prohibiting the use of public office, governmental authority, public institutions, or taxpayer funds to enforce, elevate, subsidize, or accommodate any religious, ideological, or foreign system of law—including Sharia—above the Constitution.

Such legislation must also provide taxpayers with standing to challenge violations of the oath of office and the unconstitutional use of public authority or taxpayer funds.

The Republican Party of Texas urges the Legislature to adopt this framework to ensure that public authority in Texas remains grounded solely in the Constitution and the sovereignty of the People.

2026 Legislative Priority: Constitutional Supremacy and Government Neutrality

Government must remain strictly neutral in matters of religion and belief, neither favoring nor funding any religious, ideological, or foreign legal system as civil authority.

The Texas Legislature should enact laws to preserve constitutional self-government and prevent the rise of parallel legal systems in Texas by:

- **Prohibiting the substitution of non-constitutional authority** through governmental action, taxpayer funding, or official policy, including the enforcement or accommodation of religious, ideological, or foreign legal systems such as sharia as civil authority.
- **Restoring standing for citizens** to challenge unconstitutional expenditures, ultra vires acts, and misuse of public authority under color of law.
- **Prohibiting** the enforcement, elevation, subsidization, or accommodation of any religious, ideological, or foreign legal system through public office, governmental power, public institutions, or taxpayer funds.
- **Requiring** that all publicly funded programs, institutions, and services operate exclusively under neutral civil law and constitutional authority.
- **Affirming** that the Constitutions of the United States and Texas are the sole and exclusive sources of civil authority in Texas and that sovereignty resides in the People.
- **Protecting** the full freedom of private belief, worship, and conscience for all Texans while ensuring that civil governance in Texas remains exclusively constitutional.

RESOLUTION: SWORD & SHIELD — QUICK Q&A

Q: Why is Islam the example?

A: Because Islam operates, by its own jurisprudence, as a **religious-legal governance system** (*sharia*), not merely private belief. It is the clearest current example where public funds intersect with non-constitutional law.

Q: Does this regulate religion?

A: No. **Private belief, worship, and voluntary association remain fully protected.** This regulates the use of **public power and taxpayer funds**, not belief.

Q: What would The Sword & Shield Acts actually do?

A: It makes explicit what is already true:

Ultra vires acts are void, immunity does not attach, and **the People have standing to enforce constitutional limits.**

SPONSOR'S STATEMENT

(FOR CLARIFICATION ONLY — NOT OPERATIVE TEXT)

This resolution affirms a foundational principle of American constitutionalism: the Constitution of the United States and the Constitution of Texas are supreme, and all civil authority derives solely from them through the People.

The resolution does not propose new constitutional doctrine. It reaffirms that no religious, ideological, or foreign legal system may be enforced, elevated, subsidized, or accommodated as civil authority through public office, public power, or taxpayer funds.

WHY ISLAM IS THE PRESENT EXAMPLE

Islam is referenced explicitly because, by its own authoritative sources and jurisprudence, it functions as a comprehensive religious-legal governance system, commonly referred to as *sharia*, that does not recognize a separation between religious obligation and civil authority. This characteristic makes Islam the clearest current example in Texas where taxpayer funding and public authority intersect with a non-constitutional legal framework.

The resolution does not condemn belief or worship. It distinguishes private faith, which is fully protected, from governance through law, which must remain exclusively constitutional.

PROTECTION OF PRIVATE BELIEF

Nothing in this resolution restricts or burdens private religious belief, worship, or voluntary association. Religious liberty is strongest when government neither compels belief nor entangles itself with belief as governance. The resolution affirms that freedom of conscience belongs to all Texans.

THE SWORD & SHIELD FRAMEWORK

The Sword & Shield framework referenced in this resolution does not create new powers or rights. It makes **explicit and enforceable what is already constitutionally true**:

- Acts taken without constitutional authority are ultra vires and void;
- Immunity does not attach to void acts; and
- The People, as sovereign, must be able to enforce constitutional limits when institutions fail to do so.

This resolution supports safeguards that restore accountability to its proper source—the People—without expanding government power or diminishing individual liberty.



ACCOUNTABILITY MATTERS STATEMENT OF SUPPORT

(Non-Operative | Informational | Not Subject to Vote)

The Sword & Shield Acts are *the* solution.

Texas faces a constitutional problem that no existing statute, doctrine, or enforcement mechanism has resolved: the steady substitution of non-constitutional systems of authority for civil law through public funding, public power, and institutional accommodation—without meaningful accountability to the People.

This problem persists not because the Constitution is unclear, but because it is being treated as if it were a suicide pact—as though one group’s asserted “liberty” includes the power to displace, nullify, or override the liberty of others through parallel legal systems operating under color of law.

The Constitution does not permit that. It never has.

The Sword & Shield Acts do not create new authority. They make explicit and enforceable what is already true:

that civil authority belongs to the People alone, that the Constitution governs exclusively when public power is exercised, and that no religious, ideological, or foreign system of law may operate as civil authority in Texas—directly or indirectly—through taxpayer funding or governmental action.

THE CORE ERROR, CORRECTED

For decades, courts and institutions have operated on a set of false premises:

- that **neutrality means equal elevation of all belief systems**, rather than non-elevation of any;
- that **tolerance requires constitutional surrender**; and
- that **liberty includes the power to abolish liberty**.

That view is wrong.

Liberty does not include the right to impose a competing legal authority.

Neutrality does not require the State to fund or accommodate its own displacement.

The Constitution is supreme—or it is nothing.

This core error has been entrenched through three institutional failures:

1. Standing Has Been Artificially Denied.

Courts have recast structural constitutional injuries as “generalized grievances,” denying the People standing to challenge ultra vires acts—even where public funds are expended and public authority is misused. Sovereignty is reduced to a fiction, and accountability becomes a privilege dispensed at judicial discretion.

2. Immunity Has Been Weaponized.

Ultra vires acts are treated as discretionary policy choices rather than what they are: void acts taken without authority. Sovereign and official immunity are then invoked to block review, insulating unconstitutional conduct from correction. This is inversion, not law.

3. Neutrality Has Been Redefined as Surrender.

Government neutrality has been distorted to mean “equal accommodation of all belief systems,” instead of the constitutional rule: non-endorsement, non-elevation, and non-

substitution. Under this logic, the State is compelled to fund and normalize systems that explicitly reject constitutional supremacy—so long as they claim the label of “religion.”

The result is predictable: parallel governance without accountability.

WHY ISLAM IS THE LIVE EXAMPLE (AND WHY THAT MATTERS)

This brief does not obscure the triggering facts.

Islam is not presented merely as a private belief system, but—as its own authoritative sources and jurisprudence make clear—as a comprehensive religious-legal governance framework, commonly referred to as *sharia*, that does not recognize a separation between religious obligation and civil authority.

When entities operating under such frameworks receive taxpayer funds or governmental benefits, the constitutional concern is not worship or belief. It is the subsidization and normalization of a non-constitutional legal system through public power, insulated from neutral civil oversight.

That is the problem the Sword & Shield Acts solve.

The rule articulated here applies to *any* system that seeks to function as law.

Islam is the example because it is the system currently doing so with the greatest clarity and consequence.

A neutral rule does not require a neutral example.

WHAT THE SWORD & SHIELD ACTS ACTUALLY DO (PLAIN ENGLISH)

The Sword & Shield Acts:

- Reaffirm that civil authority derives solely from the Constitution;
- Prohibit substitution of authority through public funding or official action;
- Require that all publicly funded activity be governed exclusively by neutral civil law;
- Treat ultra vires acts as void, not merely “improper”;
- Remove procedural barricades that have denied the People standing to enforce constitutional limits;

- Restore enforcement to where it belongs: with the sovereign People, not discretionary institutions.

They do not expand government power.

They constrain it.

They do not suppress belief.

They separate belief from power.

THE PRINCIPLE THIS BRIEF DEFENDS

The Constitution is not a suicide pact.

Liberty may not be used to abolish liberty.

Neutrality does not mean surrender.

The Sword & Shield Acts give Texas the first real, *enforceable* answer to a problem everyone else has refused to solve.