

**MITCH LITTLE***State Representative • District 65*

August 8, 2025

**Via Electronic Filing**

Blake A. Hawthorne

Clerk of the Supreme Court of Texas

**Re: In re Greg Abbott, No. 25-0674**

Dear Mr. Hawthorne:

Please allow us to submit this amicus letter as members of the Texas House of Representatives in support of Governor Abbott's Emergency Petition for a Writ of Quo Warranto. We offer this submission in light of the significant impact this matter has upon the dignity and integrity of the Texas House of Representatives and the as-yet-unrebutted allegations of public corruption that are plaguing this current breach of quorum in our chamber. Governor Abbott's brief raises several important questions of law that remain unresolved and that we believe require urgent review by this Court.

**Issues**

- 1. Does the Court have jurisdiction over this matter pursuant to Chapter 22 of the Texas Government Code?*
- 2. Does the Texas Constitution protect quorum-breaking by members of the Texas House of Representatives, and what, if any, are the limits of that protection?*
- 3. Are members of the Texas House of Representatives permitted to knowingly violate their duties of office without subjecting themselves to vacatur under a quo warranto writ?*

**Argument**

- 1. Does the Court have jurisdiction over this matter pursuant to Chapter 22 of the Texas Government Code?*

The Court must address the question of whether it possesses jurisdiction over this original proceeding, whether the Governor has standing, and whether Chapter 66 of the Texas Civil

Practice and Remedies Code is the exclusive vehicle for a quo warranto proceeding against an officer of state government. It is clear from a plain reading of Chapter 22 that the Texas Government Code vests the authority to issue writs of quo warranto as original proceedings, just as is the case with writs of mandamus. TEX. GOV. CODE § 22.002(a) (West 2025). Historically, the Texas Supreme Court has been loath to issue writs when there are disputed issues of fact. *Dikeman v. Snell*, 490 S.W.2d 183 (Tex. 1973). Fortunately, here, there are no disputed issues of fact. There is a special session of the legislature and a knowing and intentional breach of quorum and violation of the duty of his office by the Respondent.

We agree with the Governor that the common law permits him to bring this original proceeding in the Texas Supreme Court. Given the extraordinary nature of this proceeding, it is perhaps helpful to use history as a guide. As far back as 1929, Texas law vested both the Texas Supreme Court and the district courts of this state with original jurisdiction to try suits in the nature of quo warranto proceedings. *State ex. Rel. McCall v. Manry*, 118 Tex. 449, 16 S.W.2d 809, 813 (1929). The State of Texas and even private citizens have standing to bring these actions.

We further submit that the Texas Supreme Court has put to rest any apparent conflict between Chapter 22 of the Texas Government Code and Chapter 66 of the Texas Civil Practice and Remedies Code. As recently as 1996, this Court (of which Governor Abbott was then a Justice) heard and subsequently denied an original proceeding for writ of quo warranto related to Judge Phil Hardberger and his office on the 4<sup>th</sup> District Court of Appeals. *State ex. Rel. Angelini v. Hardberger*, 932 S.W.2d 489 (Tex. 1996). Accordingly, it is exceedingly difficult to imagine that Chapter 66 of the Texas Civil Practice and Remedies Code—created by the legislature in 1985—vested in the attorney general, county attorneys, or district attorneys the exclusive authority to initiate such quo warranto proceedings.

2. *Does the Texas Constitution protect quorum-breaking by members of the Texas House of Representatives, and what, if any, are the limits of that protection?*

In 2021, this Court fully treated the question of whether the Texas House of Representatives is authorized to undertake efforts (including but not limited to detention) to force a quorum and compel attendance through penalties and arrest. *In re Abbott*, 628 S.W.3d 288 (Tex. 2021). In what we believe to be dicta, the Court stated, “Just as article III, section 10 enables ‘quorum-breaking’ by a minority faction of the legislature, it likewise authorizes ‘quorum-forcing’ by the remaining members.” *Id.* at 292. Justice Blacklock’s opinion further references a constitutional balance “between the quorum-breaking ability of the minority and the quorum-forcing power of the remaining members.” *Id.* at 298. This appears to be an overreading of Article III, Section 10 of the Texas Constitution, which merely provides the arithmetic for quorum and does not convey the authority through violation of legal duty to obstruct the business of the House and therefore of the Legislature.

The knowing violation of a legislative quorum when compelled by special call of the Governor of the State of Texas is not a constitutional haven for the offender. Were it to be so, every single violation of a state officer’s legal duty could be improperly couched as performed under color of constitutional protection. The Court must rightly deal with the question of whether an ongoing refusal to participate in the legislative process while under a call of the House is



protected by the Texas Constitution. Put shorter, there is no textual indication in our state's Constitution that the founders of our State intended to protect the intentional abrogation of official duties to balance the power of the majority. *N.b.* An examination of the proceedings of the constitutional conventions of 1845, 1861, 1866, 1869, and 1875 contain no debate on the two-thirds quorum requirement. The only relevant reference to the matter is that on August 12, 1845, the convention, without a recorded vote, adopted, an amendment by Richard Bache, a delegate from Galveston, increasing the quorum requirement from a majority to two-thirds. JOURNAL OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF TEXAS: BEGUN AND HELD AT THE CITY OF AUSTIN, 224 (Aug. 12, 1845).

3. *Are members of the Texas House of Representatives permitted to knowingly violate their duties of office without subjecting themselves to vacatur under a quo warranto writ?*

If this judicial process is constrained by the Texas Constitution, so should also be the conduct of our state's legislators. Article III, Section 5 of the Texas Constitution requires the legislature to meet at the Governor's call; this is not an optional requirement. TEX. CONST. art. III, § 5(a) ("*The Legislature shall meet every two years at such time as may be provided by law and at other times when convened by the Governor.*") (emph. added). There is no dispute concerning Respondent's refusal to comply, nor is there any genuine issue of material fact requiring determination by a trial court. This inquiry, unfortunately, does not stop there. There are also very serious bribery questions implicated by the publicly available information concerning this quorum break, including who intentionally financed the quorum break by conferring financial benefits and who knowingly accepted those benefits.

This is not merely the refusal of a member to enter the doors of the house. Respondent has not only fled the chamber, he has abandoned the state to which his district belongs. The state's minority cannot be enabled to grind legislation to a halt through their refusal to participate. The legal duty to appear cannot be enforced by House rules via penalties, fines, and arrest, and simultaneously voided by viewing the Texas Constitution as approving willful and obstructive nonappearance. The Texas Supreme Court should take up this matter to resolve any such confusion now.

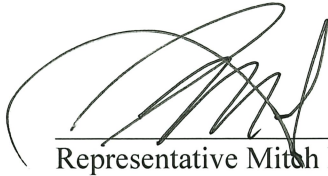
### **Conclusion**

Governor Abbott's petition for a writ of quo warranto appears to be consistent with existing Texas Supreme Court jurisprudence, and We humbly request that you grant this writ to preserve the dignity and integrity of the legislative process. This disorder should not continue to plague future servants of our great state and the sovereign people whom they represent, nor should our body's disagreeable minority be permitted to disrupt otherwise lawful proceedings.

Thank you for your attention to this matter.

*In re Greg Abbott*  
August 8, 2025

Sincerely,



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Representative Mitch Little



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Representative Briscoe Cain