

Texas Constitutional Enforcement



The Problem: The *federal government deliberately violates the Constitution* every day in myriads of ways, causing Texans to lose more and more of the liberty that is their birthright and the bedrock of a peaceful and prosperous society.

Root Cause of the Problem: *Our leaders and especially our attorneys have been persuaded that the Supreme Court is our supreme ruler* and that the feds are our masters, inverting the design of the founders that the people are sovereign. They have forgotten that the people created the states as sovereigns, and the states created the federal government using the Constitution. Our Texas elected officials are not acting on the foundational principle that the federal government is the servant of the states and the people. Our continuing loss of liberty is caused by allowing the Supreme Court to usurp the power -- reserved to each state by the Tenth Amendment -- to be the final arbiter of constitutional meaning.

The Solution: Texas elected officials should *honor their oaths* to protect the Constitution, exercise *independent judgment* about constitutional meaning, and seize back the power reserved to the states respectively of being the *final arbiters of constitutional meaning*. The Texas legislature can start this process by passing the Texas Sovereignty Act (introduced and passed out of committee in 2017 as HB 2338).

What is the Texas Sovereignty Act?: Provides streamlined approach for the Texas legislature to formally declare that specific acts of the federal government are unconstitutional by creating a standing legislative committee that can meet outside the crunch of the legislative session to review acts of the federal government. Once an act is declared unconstitutional, Texas law enforcement can arrest and prosecute federal agents who attempt enforcement action under the color of declared unconstitutional acts under the Texas penal code, including explicitly, the Texas Official Oppression Act (Texas Penal Code 39.03), which makes it a crime for public servants to knowingly violate the rights of Texans. The attorney general is given independent initiative prosecutorial power in cases declared unconstitutional. The bill also allows citizens harmed by unconstitutional federal action to use the Declaratory Judgment Act to seek an opinion from the Texas judiciary on the constitutionality of federal action.

Constitutional Enforcement Should Replace GOP Legislative Priorities Art. V Convention Call in 2018:

The call for Article V convention was the only one of the five 2016 GOP legislative priorities accomplished by the Texas legislature, leaving an opening in the top 5. Constitutional enforcement should replace it because:

- The problem of an out-of-control federal government is still worthy of top five priority status
- Enforcing whatever Constitution exists is a prerequisite to changing it
- It more effectively and quickly addresses the problem Article V was intended to solve
- It does not rely on non-Texans to win liberty for Texans
- It can start working as soon as Texas officials implement, instead of waiting years on other states

(See 2016 GOP Texas Sovereignty Plank)

Proposed Legislative Priority Language: . . . call upon the 86th Texas Legislature to: Enforce the Constitution by streamlining the process of officially declaring acts of the federal government to be unconstitutional and encouraging Texas law enforcement to apply the Texas Official Oppression Act to federal agents who persist in violating the Constitution in Texas after officially being told that their acts are unconstitutional.