

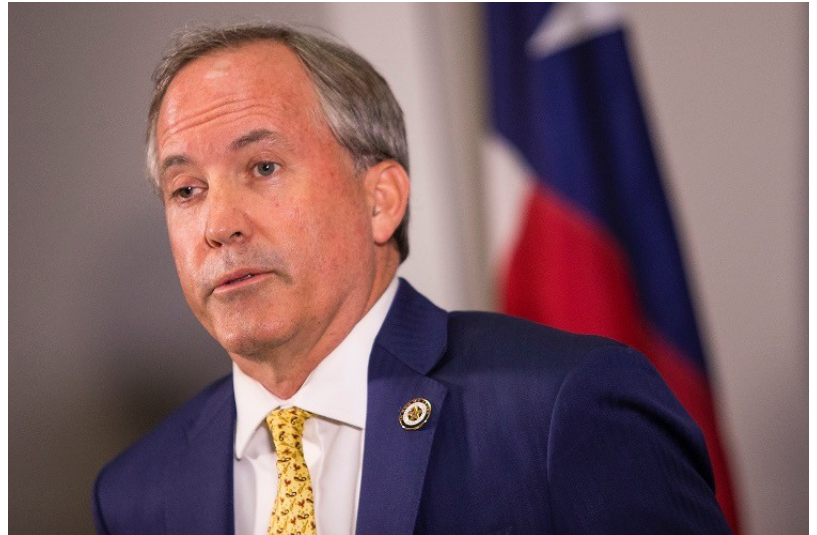


Written by [Bob Adelman](#) on March 15, 2021

## Texas AG: States Must Provide “Counterweight” to Biden’s Unconstitutional Edicts

Texas Attorney General Ken Paxton, one of the most active of the states’ attorneys general in resisting the unconstitutional overreach of the Biden administration, [wrote on Saturday](#) that he needed help. Although he has filed numerous lawsuits, with more promised, he can’t do it alone:

It is ... up to the states to save this country from President Biden’s liberal and illegal wish list.... The Office of the Attorney General of Texas stands ready to lead in that mission.



AP Images

Paxton is relying, in part, on one of the Republic’s Founders to build his case. James Madison, the “Father of the Constitution,” wrote in *The Federalist*, No. 45:

The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people....

And when the federal (or “national” or “central”) government threatens the rights of the sovereign citizens of a state, wrote Paxton, “I am proud to lead the way for Texas in providing the necessary counterweight to the far-left Democrats forcing dangerously radical policies upon us.”

Paxton already has had some significant success. He filed a lawsuit in the Federal District Court of Texas demanding that the Biden administration immediately halt its freeze on the deportation of illegal aliens. He wrote:

[The court] agreed with us, issuing a temporary restraining order preventing the Biden administration from implementing its moratorium ... [and] the court has now indefinitely extended that by issuing a nationwide injunction blocking the moratorium.

He joined with 13 other state attorneys general in signing a letter to President Biden threatening legal action against his executive order revoking the permit for the Keystone XL Pipeline.

He’s aware of the threat to the Second Amendment by the Biden administration: “If those threats become a reality, Texas will once again step to the forefront to defend the individual liberties of its citizens against the massive power grab by the Biden-led federal government.”

He promised, “Texas will use every legal means necessary to force the Biden administration to adhere to the rule of law and will seek to block any executive action or legislation that does not do so.”

It was Madison who proposed the Ninth Amendment to the Constitution: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the



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people.” Madison’s concerns are the same as Paxton’s: a federal government seeking to reach beyond the powers enumerated in Article I threatened the liberty of every citizen of every state. Some of the Founders were concerned that enterprising politicians could say that just because a certain right was not listed in the Bill of Rights, it therefore didn’t exist.

The 10th Amendment further clarified the issue: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

The basic assumption the Founders made was that there would be sufficient numbers of people such as Paxton who understood the threats to liberty posed by government and would take action to prevent the central government’s attempted abrogation of individual rights and overreach of its enumerated powers.



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