



Written by [Joe Wolverton, II, J.D.](#) on January 31, 2023

## Texas Bill Would Block Enforcement of Federal Tyranny

The state legislature of Texas is considering bills that would establish a statutory process for reviewing federal acts and would prohibit state enforcement and participation with any of those acts found to be beyond the powers granted to the federal government by the states in the U.S. Constitution.

Should such a process be enacted by the state government, then unconstitutional acts of the federal government would be treated as null, void, and of no legal effect within the sovereign borders of the Lone Star State.



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As for the particulars of the bills, the Tenth Amendment Center reports:

Rep. Valoree Swanson (R) filed House Bill 262 (HB262) on Nov. 14, 2022, and Sen. Mayes Middleton (R) filed Senate Bill 242 (SB242) on Nov. 17. The legislation would direct the state attorney general to provide monthly written reports to the governor, lieutenant governor, speaker of the house, and each member of the legislature that identify acts by the federal government that violate the rights guaranteed to the citizens of the United States by the United States Constitution or exceed the powers specifically granted to the federal government by the United States Constitution.” The bill would prohibit a state agency or political subdivision from cooperating with a federal government agency in implementing any act determined by the AG to be in violation of the Constitution.

Rep. Ivan Bell (R) filed House Bill 384 (HB384) on Nov. 14, 2022. It is the companion bill to SB313 filed by Sen Bob Hall (R) on Dec. 19. The legislation would create the Joint Legislative Committee on Constitutional Enforcement, which would review federal laws, agency rules and regulations, executive orders, federal court decisions, and treaties “that challenge the sovereignty of the state and of the people for the purpose of determining if the federal action is unconstitutional.”

Before finally being rejected and refused enforcement, any suspect decree out of D.C. would be placed before the judges of the Texas Supreme Court for their opinion. If the judges deem the federal act violative of the U.S. Constitution, then the act would be taken up by both houses of the Texas state legislature. If the lawmakers vote to reject the federal act — that is to say, if they find it unconstitutional — then that finding would be submitted to the governor, and should he sign it, the federal act would be officially branded unconstitutional and no state resources or personnel could be used to enforce the proposed federal decree.

The procedure proposed by several Texas legislators is commendable and inarguably a step in the right direction: away from federal overreach and toward state sovereignty. Texas’s sister states should likewise enact statutes stiff arming all unconstitutional acts, preventing them from crossing the state



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borders.

There was a time when American statesmen passed resolutions that not only refused to enact or even recognize as valid any unconstitutional act of the federal government, but described such despotism as “evil” and restated the states’ residual power to ignore such acts and to reject any legal vitality thereof. Basically, these patriotic public servants called unconstitutional acts what they were: tyranny.

Consider this from the Virginia Resolution, penned by James Madison and passed by the Old Dominion’s state legislature in 1798:

That this Assembly doth explicitly and peremptorily declare, that it views the powers of the federal government, as resulting from the compact to which the states are parties; as limited by the plain sense and intention of the instrument constituting that compact; as no farther valid than they are authorised [*sic*] by the grants enumerated in that compact, and that in case of a deliberate, palpable and dangerous exercise of other powers not granted by the said compact, the states who are parties thereto have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights and liberties appertaining to them.

Note the description of the proper constitutional relationship between the states and the federal government: States not only have the right, but have a duty, to stop federal acts from progressing beyond the borders of the states and beyond the borders of its constitutional authority.

It is irrefutable that the federal government could not enforce its many unconstitutional programs and edicts were it not for the cooperation of the states and the use of state resources such as money and personnel.

Therefore, the best way to nip federal tyranny in the bud is for states to withhold all financial and human support for any act of the general government that exceeds the limits of its powers as enumerated in the U.S. Constitution.





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