



Written by [Kelly Holt](#) on March 5, 2015

Texas Lawmaker Files Bill to Block Unconstitutional Federal Acts

A Texas favorite, State Representative [David Simpson \(shown\)](#), is at it again. In the Lone Star State's biennial legislative session beginning in January, Simpson filed [HB 1751](#), which would give legislators a mechanism to block unconstitutional federal acts. According to the [Tenth Amendment Center's](#) Michael Boldin, the bill would "create a mechanism for the state to review and reject any federal order, law, police, rule, mandate or agency regulation that is found to violate the Bill of Rights of the Texas Constitution."



Because Texas is, well, Texas, it's big, and its legislators meet only every other year, keeping bill-watchers busy. This measure quickly caught the attention of liberty lovers — It's bold, and people aren't used to these measures; and it's necessary in the movement to assert Texas' right to state sovereignty. No less a personage than Thomas Jefferson described such efforts as the "rightful remedy" when government gets out of line.

Simpson told *The New American*, "The first thing we should do seems so simple. Stop aiding the federal government." His short but succinctly written bill states: "It is the policy of this state to refuse to provide material support for, or to participate in the execution or enforcement of, any federal law that the legislature finds to violate the Bill of Rights of the Texas Constitution," and prohibits any state agency, employee, or officer from executing a provision, sanction, or penalty provided by a federal law found in violation of the Texas Constitution.

HB 1751 calls for a two-thirds majority vote in both chambers to determine whether any subsequent federal act is in violation of the Texas Constitution or the state's Bill of Rights. After that determination, no action would be required from the governor, eliminating the veto override process and streamlining necessary action.

But the bill does more. It provides for interposition, the device prescribed by James Madison in response to the Alien and Sedition Act. Madison wrote, "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." Simpson's bill authorizes the legislature to go beyond just resisting federal overreach and do that most important function of state government — "[interpose](#) itself between the federal government in the execution and enforcement of the federal law."

"Any county sheriff has the duty to step between Texans and the federal government, by not allowing any unconstitutional acts in his county. The role of Sheriff is extremely important," Simpson added. "One thing this bill does is support the sheriffs."



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Simpson has remained dedicated to individual liberty, and the contentious Texas Legislature is in for more. This lawmaker cut his chops standing up to the federal government. He's no stranger to that. Even though he's a mild-mannered gentleman, one of his first acts as a freshman representative in 2011 was to take on the hated TSA. His enormously popular [Texas Travel Freedom Act](#) would have made it a criminal act for agents to intentionally grope travelers, in the name of security, without probable cause. The measure garnered national attention when it passed unanimously, only to be derailed later through bureaucratic obstacles and threats from a U.S. attorney and the Department of Justice to prevent flights from coming to Texas.

"Our Founding Fathers knew that the nature of government is to usurp the rights of citizens. They understood the necessity of including the Bill of Rights and provided a check on the power of the U.S. Constitution. Likewise, the writers of the Texas Constitution understood state sovereignty by declaring that Texas is subject only to the Constitution of the United States, not unconstitutional federal acts."

If adopted, Texas will do more than protect Texans. Added to the growing number of states that have filed, or passed nullification or interposition measures, passage will make it harder for the central government to enforce any unconstitutional act.

The [Tenth Amendment Center](#) put it this way, "Such a withdrawal of support follows the advice of James Madison, who wrote in *Federalist*, No. 46 that a "refusal to cooperate with officers of the Union" in multiple states would create "obstructions which the federal government would hardly be willing to encounter."

"A partnership doesn't work too well with half the team saying no. The feds are going to have an extremely difficult time violating the rights of Texans without the help of the state of Texas."

Texans are encouraged to contact their own state representatives regarding important legislation, especially reminding them of their oaths to the state constitution.



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