

# Summary of Texas Sovereignty Act

## Basic Approach

Provide streamlined approach and encouragement for local and state level officials in all branches to formally declare that specific acts of the federal government are unconstitutional. Federal actions subject to Texas review are legislation, regulations, executive orders, federal judicial orders or decisions, and treaty enforcement.

Once an act is declared unconstitutional by a state or local official, law enforcement is required to 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). While maintaining the ability of local district and county attorneys to prosecute, the attorney general is also given prosecutorial power to prosecute federal agents if a federal act has been declared unconstitutional by state or local officials.

## Details

- Explicitly lists the following officials that should review federal action for constitutionality: the Texas judiciary via declaratory judgment, a legislative committee with representation from both chambers, the governor, the attorney general, county commissioner courts, city councils, district or county attorneys, and sheriffs. Explicitly states that other officials who have sworn the oath to defend the Constitution can also exercise independent judgment to interpose against the federal government when appropriate.
- Includes construction instructions guiding the analysis of the constitutionality of federal acts, explicitly prohibiting the use of federal judicial precedent in the reasoning. Rather, relying on the text and structure of the Constitution and in cases of ambiguity, on sources that evidence original intent.

## Rationale

Our state and nation are dying because the federal government is violating the Constitution every day in many ways – ***and no one is stopping them.*** The feds will never limit their own power. Texans must honor their oaths to defend the Constitution, and stop federal action in Texas that violates the Constitution. This requires the exercise of independent judgment about constitutional meaning, rejecting the notion that the federal judiciary is the sole or final arbiter of constitutional meaning.

This approach relies completely on Texans and Texas officials to secure the liberty of Texans, and can be implemented immediately. No relying upon, or waiting on other states to secure our liberty.

