

# The John Birch Society

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## Support the Texas Sovereignty Act, HB 796, HB 898, & SB 80

**URGENT:** HB 796, the Texas Sovereignty Act, has [passed the House](#) by a 94-53 vote. It now heads to the Senate for consideration. This important bill would create a formal processes for nullifying unconstitutional federal acts is advancing in Texas. **Contact your state senator, and urge him or her to support and enact the Texas Sovereignty Act (HB 796, HB 898, and SB 80).**

Members of the Texas Legislature are seeking to enact one of the strongest and most comprehensive nullification bills in the country.

House Bill No. 796 ([HB 796](#)) is sponsored by Representative Cecil Bell (R-Magnolia), House Bill No. 898 ([HB 898](#)) is sponsored by Representative David Spiller (R-Jacksboro), and Senate Bill No. 80 ([SB 80](#)) is sponsored by Senator Bob Hall (R-Edgewood). If enacted, these bills would create a robust and comprehensive process for nullifying all unconstitutional federal laws and policies. On April 2, the House State Affairs Committee [passed](#) HB 796.

Additionally, Senate Bill No. 707 ([SB 707](#)) has been introduced. It would [also create](#) a formal process for rejecting unconstitutional federal mandates, albeit less comprehensive or robust as the other bills. On April 1, the Texas

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Senate [passed](#) SB 707 by a 20-11 vote.

The bills' preface clearly and correctly explains the proper constitutional balance of power between the federal government and the states, and it notes [Article VI](#) which requires officials "at all levels and in all branches of government" to adhere to the Constitution.

Declaring that the federal government has "willfully violated" the Constitution, the bills declare:

This Act calls on all officials in federal, state, and local government, in all branches and at all levels, to honor their oaths to preserve, protect, and defend the United States Constitution and its ratified amendments against any [unconstitutional] federal action.

If passed, the Texas Sovereignty Act would [create](#) a Joint Legislative Committee on Constitutional Enforcement, which would "review federal actions that challenge the sovereignty of the state and of the people for the purpose of determining if the federal action is unconstitutional."

The Texas Sovereignty Act would also create [specific criteria](#) for determining whether a federal action is unconstitutional, including "consider[ing] the plain reading and reasoning of the text of the United States Constitution and the understood definitions at the time of [its] framing and construction." Additionally, the committee would be required to examine the statements of the first U.S. Congress and statements by members of the 1787 constitutional convention, among other sources.

If the committee determines that a federal action is unconstitutional, the legislature must vote on whether to accept the committee's conclusion. If majorities of both the House and Senate accept its findings, and if the governor approves the motion, that federal action would be formally declared unconstitutional. If done, it would be legally null in Texas, and it would be illegal to enforce that federal action in any way on the state or local level.

The Texas Sovereignty Act does not end there. The bill would require state courts — rather than relying on case law — to "rely on the plain meaning of" the U.S. Constitution "and any applicable constitutional doctrine as understood by" the founding fathers when hearing cases challenging the constitutionality of federal laws.

The Texas Sovereignty Act is firmly grounded in the text of the U.S. Constitution. In particular, [Article VI](#) states, "[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof ... shall be the supreme Law of the Land." Additionally, the [10th Amendment](#) makes clear that all powers not granted by the Constitution to the federal government are reserved to the states and to the people.

Accordingly, any federal action that violates or contradicts the Constitution cannot be "made in Pursuance thereof" and, thus, is not "the supreme Law of the Land." Unfortunately, in the last several decades, thousands of unconstitutional laws on the federal, state, and even local levels have been created and enforced.

The Texas Sovereignty Act follows and enforces both of these important constitutional provisions (Article VI and the 10th Amendment) by nullifying unconstitutional federal actions and by restoring state sovereignty. Additionally, exercising these powers is more important now than ever, considering the extent to which the federal government has overreached. If our leaders adhered consistently to the Constitution, 80 percent of the federal government would be declared unconstitutional, and the situation will likely get worse under the Biden administration.

**Urge your state representative and senator to support the Texas Sovereignty Act (HB 796, HB 898, and SB 80) and any other attempt to properly [enforce the Constitution](#) and nullify federal overreach.**