

What to do When the Feds “Mess with Texas?”

Op-Ed Article by Texas State Representative Andrew Murr

For as long as we have been a nation, the federal government has had a difficult time resisting the urge to overstep and meddle in the affairs of the states and local communities. But in recent years, the problem of federal overreach has stretched to historic levels and now threatens to irreparably harm our system of representative democracy.

The Founding Fathers established our form of government so that citizens, through their elected officials, could establish laws that reflect their desires; particularly at the state and local levels. So regardless of one's views on specific issues, it should frighten every freedom-loving American to see a federal agency, the Supreme Court, or even the President of the United States himself usurp the power of the Congress, our state legislatures, county courthouses, city halls and school districts across the country.

Let's look briefly at three specific examples of federal overreach in the last year:

Public Restroom Policy

Perhaps I am just a naïve Hill Country boy, but the notion that anyone would attempt to gain access to my child's public school restroom (or locker room) by asserting that he or she is of another gender never crossed my mind until President Obama unilaterally declared that it was every American's right to do so. Putting aside for a moment the absurdity of needing a public policy about something that should otherwise be governed by common sense and logic, any pronouncements regarding restroom etiquette must be left to our local schools districts, and our states, to decide what is the safest and most practical for the children in their care.

Same-Sex Marriage

Last July, the United States Supreme Court's 5-4 decision making same-sex marriage legal in all 50 states invalidated part of the Texas Constitution, in addition to the marriage laws of more than half of the other states in the Union that defined a marriage as being between one man and one woman. In his dissent, Chief Justice John Roberts said it much more eloquently than I ever could, "The majority's decision is an act of will, not legal judgment. The right it announces has no basis in the Constitution or this Court's precedent... and orders the transformation of a social institution that has formed the basis of human society for millennia..."

Obamacare

No government, but particularly not the federal government, has any legitimate authority to insert itself into health care and the doctor-patient relationship. However, last year

the Supreme Court also upheld the constitutionality of the Affordable Care Act, otherwise known as Obamacare, for the second time. Obamacare is a disaster that was sold to the American people like snake oil. It has forced many people out of their insurance plans, increased premiums and empowered government bureaucrats over patients and their doctors in direct contrast with the very notion of self-determination.

There is little to suggest that Washington will ever curtail its intrusion into state and local affairs, regardless of the outcome of elections or change of administrations. So let's look at what we have done and what we can continue to do, both here in Texas and across the country, to take matters into our own hands.

Shortly after the Supreme Court's ruling on same-sex marriage, I co-sponsored and helped to pass the Pastor Protection Act. This bill, which was signed into law by Governor Abbott last summer, protects Texas pastors and religious institutions from being forced to perform marriage ceremonies that contradict with their beliefs. It also protects them from penalties or discrimination for refusing to officiate over or sanction same-sex weddings.

While the Pastor Protection Act doesn't reverse the Supreme Court decision, it does work to ensure that the ruling will not become a slippery slope that further erodes our religious freedom. There is also much scuttlebutt within the House Republican Caucus about plans for further legislation in 2017 which will put up as many legal roadblocks as possible against a federal government that seems dead set on enforcing its will and its values on the American people.

Going one step further towards a more permanent, nation-wide solution to the problem, Governor Abbott has taken the lead and called for an Article V Convention of the States to write new amendments to the U.S. Constitution. In January, the Governor laid out a 100-page "Texas Plan" that would add nine amendments to the Constitution with the stated purpose of reinforcing those that already exist.

There are only two ways to amend the Constitution as outlined in Article V; the first being that Congress can propose amendments which must be approved by 2/3 of both chambers. The second, little known and never used method allows 2/3 of state legislatures to call for a convention to propose amendments. In either case, the amendments



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only become effective if further ratified by 3/4 of the states, but this is a means to bypass the Washington establishment and allow state governments to lead the process.

The nine amendments proposed by Governor Abbott include:

1. Prohibiting Congress from regulating an activity that occurs entirely within a single state.
2. Requiring Congress to pass a balanced budget.
3. Prohibiting federal agencies from creating new laws.
4. Prohibiting federal agencies from superseding state laws.
5. Allowing a 2/3 majority of the states to override a decision from the U.S. Supreme Court.
6. Forcing a seven-vote super majority on the U.S. Supreme Court to overturn a democratically enacted law.
7. Limiting the federal government's powers to expressly what is granted to it in the Constitution.
8. Giving state officials the power to sue the federal government in federal court when it overreaches.
9. Allowing a 2/3 majority of the states to override a federal law or regulation.

Only time will tell if the idea garners enough support in other states to actually call a convention, but one thing is for sure; the all-too-frequent departures from the Constitution -- by the President, Congress, and the U.S. Supreme Court -- are destroying the rule of law.

We must use every means available to jerk the reins of the federal government's constitutional bridle and restore the authority of states and local communities across the nation to make decisions that are in the best interest of their citizens. We owe it both to our forefathers, who envisioned a constrained and limited federal governance, and our children, who may very well suffer permanent and complete erosion of their individual constitutional rights to an all-consuming national system of control and dominance.

Rep. Andrew Murr is a rancher, attorney, small businessman and former Kimble County Judge who represents District 53 in the Texas House. District 53 includes Bandera, Crockett, Edwards, Kerr, Kimble, Llano, Mason, Medina, Menard, Real, Schleicher and Sutton Counties. You can learn more about Rep. Murr at www.AndrewMurr.org or by contacting his District Office at 715 Water Street in Kerrville or calling (830) 257-0432.



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