

# Placing the Preamble of the U.S. Declaration of Independence into the Texas Constitution's Bill of Rights

## *Purpose of proposed legislation*

- To acknowledge that Texans are endowed by God with certain unalienable rights by putting the preamble of the U.S. Declaration of Independence into the Texas Constitution's Bill of Rights.

## *Explain the problem being addressed*

- Too often today rights in American and Texas are treated as grants from the government—and what government grants it may also take away.

## *Explain how the proposed legislation addresses the problem*

- The amendment places into Texas constitutional law the fundamental concept that founded our nation: the rights of Texans are granted to them by God, the Creator of all people, heaven, and earth, and thus are not subject to the caprice of Texas government officials or the tyranny of the majority.

## *What statute(s) would be changed by proposed legislation?*

- Article 1; Section 2 of the Texas Constitution.

## **Explanation of Proposed Legislation**

Throughout the United States today, the rights of Americans are being treated as temporary grants of the beneficence of the state that are granted today but can be taken away tomorrow. Texas is in better shape than most states, yet there are still problems here.

For instance, the Texas Supreme Court has ruled that “Property owners do not acquire a constitutionally protected vested right in property uses.” (City of University Park v. Benners, 485 SW 2d 773 (1972)). In other words, Texans have title to the dirt or water or other minerals that make up the land they own, but [do not have the right to use them](#) without permission from the state. The parental rights of Texans are also under attack. Such as in the case of Jackie and Juan Boatright, who had their daughter Evelyn [wrongfully and illegally](#) taken from them.

Law professor Jeffrey Tuomala has written, “Declarations of rights alone don’t secure life, liberty, or property. The institutions, procedures, and allocation of powers that comprise a framework of government are themselves designed to secure fundamental rights. They do so in two ways. The first is to provide an effective government that can ensure peace and protect citizens from the depredations of others. The second is to establish certain limitations on that government to protect citizens from overbearing officials and institutions.” Yet as we have seen in Texas and across the United States, even the best designed framework of government will not protect the rights of Americans from overbearing officials and institutions when it fails to acknowledge that our rights are God-given and thus unalienable.

The preamble of the Texas Constitution already [acknowledges](#) “the blessings of Almighty God.” This amendment would simply acknowledge that the blessings of God extend to the unalienable rights with which Texans have been endowed by Him.