



**Brian Birdwell**  
**Texas State Senator**

***Statement in Response to SCOTUS Decision on Texas HB 2***

“On Monday, the tragic Supreme Court decision on *Whole Woman's Health v. Hellerstedt* not only affirmed our continued battle for life, but indeed for the proper role and function of the court.

“Article 7 of the U.S. Constitution brings forward the Declaration of Independence as original law. The Declaration duly notes that not only do our rights come from our Creator, but that governments are instituted among men to protect those rights. The Declaration and Constitution are pro-life, yet we have a Supreme Court that refuses to affirm them as such.

“The parallel problem with this decision is the usual discussion on ‘settled law’ once the Court weighs in—what is more commonly known as judicial supremacy. The founders flatly rejected such a doctrine in a representative republic, clearly establishing via Article 3, Section 2 the authority of Congress to set the limits and scope of the courts and what they can hear.

“Madison summarized it best in the Federalist papers: Given that it is the branch of government most closely accountable and directly elected by we the people, the legislative branch ‘must necessarily predominate.’ Yet presently, our federal government exercises much of its authority through a small group of unelected jurists.

“The Supreme Court is not supreme, the people are. As long as the Congress refuses to check the courts and exercise its authority to limit their scope, it is not just unborn babies that will die. Our representative republic, where we the governed give our consent to those we elect, will continue to die as we are increasingly ruled by the least-accountable branch of government; the branch furthest from the people and the states.

“Indeed, the very states and representatives of those states that created the federal government will have failed to keep the the representative government that Ben Franklin warned would be so difficult to maintain. The time we have left to save our republic is running preciously short.”

Brian Birdwell  
Senate District 22  
June 28, 2016