

Judicial Activism in America

Information Resources & Proposed Solutions



A BILL

Entitled “Attorney’s Fees Awards Act of 2005”

Preamble: The following bill is intended to remedy the provision in the “Civil Rights Attorney’s Fees Awards Act” of 1976, so as to prevent the reimbursement of attorney’s fees in cases where there is no violation of any federal statute, state law, or municipal ordinance, such as in cases involving the display of the 10 Commandments in public buildings, cases against the pledge of allegiance in schools, etc.

Be it enacted in the Senate and House of Representatives of the United States of America in Congress assembled:

Section 1: That no federal court may issue writs requiring a defendant to pay the fees for a plaintiff’s attorney(s), unless the plaintiff makes as a basis for his complaint and proves at trial that the defendant violated an act of Congress, an act of a state legislature, or a municipal ordinance.

Section 2: Any infraction of Section 1 of this Act by a federal judge or panel of federal judges shall constitute a civil rights violation against the defendant, for which the judge(s) shall be personally liable in civil courts.

Section 3: Maximum and minimum penalties for infractions of Section 1 (to be determined by Congress).

Section 4: The Supreme Court is hereby denied appellate jurisdiction to hear or determine any claim that the enforcement of this law violates any article or amendment to the Constitution of the United States (per Article 3, Section 2 of the Constitution); Likewise, no court established by Act of Congress shall have jurisdiction to

hear or determine any claim that the enforcement of this law violates any article or amendment to the Constitution of the United States.

Section 5: The Supreme Court is hereby denied authority to issue any ruling, in its original jurisdiction, declaring that this law violates any article or amendment to the Constitution of the United States unless the ruling is made by unanimous decision.

Section 6: All provisions of this Act shall become effective on the date of enactment.

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