

# Judicial Activism in America

## Information Resources & Proposed Solutions



### A BILL

#### Entitled “Constitutional Commission Act of 2005”

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

Preamble: The following Act is intended to enable Congress to assign a constitutional commentary for use by federal courts. The objective of such a commentary is that it will enable federal judges to apply the Constitution without having to make interpretations that may infringe on Article 1, Section 1, which vests exclusive legislative authority in Congress.

Section 1: That a federal commission be established titled the “United States Constitutional Commission,” consisting of two sections, referred to as the “majority section” and the “minority section.”

Section 2: That each section of the commission shall consist of a full-time co-commissioner and 20 full-time deputy commissioners, plus what ever support staff is deemed necessary and proper for the operation of the commission.

Section 3: That the full-time co-commissioner and 20 full-time deputy commissioners of the majority section, shall be selected by a committee appointed by a quorum of no fewer than 50% of the full joint caucus of the largest party in Congress; the “largest” party will be determined by the sum total number of members of that party from both houses of Congress, plus those independent members of Congress who routinely caucus with that party.

Section 4: That the full-time co-commissioner and 20 full-time deputy commissioners of the minority section, shall be selected by a committee appointed by a quorum of no fewer than 50% of the full joint caucus of the second largest party in Congress; the “second largest” party will be determined by the sum total number of members of that party from both houses of Congress, plus those independent members of Congress who routinely caucus with that party.

Section 5: Rules for the size and the selection of the committees described in Sections 3 and 4 (to be determined by Congress.)

Section 6: That the date of the selection of each co-commissioner and each deputy commissioner occur no later than May 1 of each odd year.

Section 7: That the term of office of each co-commissioner and each deputy commissioner shall be two years running from June 1 of the odd year in which the selection occurs to May 31 or the following odd year.

Section 8: That in the event that there is a failure to select co-commissioners and deputy commissioners (pursuant to sections 3, 4, and 6 above), the terms of those commissioners already in office shall be automatically renewed for an additional two-year term, and they shall serve as either the “majority section” or “minority section” depending as to the status of the political party which initially selected them.

Section 9: That the Senate Judiciary Committee shall be authorized to make and apply rules for appointing co-commissioners and deputy commissioners to fill vacancies in the commission that result from death, resignation, or some other cause.

Section 10: Budget and salary considerations (to be determined by Congress).

Section 11: That the mission of both the “majority section” and “minority section” of the United States Constitutional Commission will be to independently create and/or update separate commentaries on the U.S. Constitution to be known as the “majority commentary” (to be created and/or updated by the “majority section” of the Commission) and the “minority commentary” (to be created and/or updated by the “minority section” of the Commission).

Section 12: That all provisions of this Act shall become effective on the date of enactment.

Drafted by Andrew W. Pollock III for:  
<http://www.popularsovereignty.org>