

Judicial Activism in America

Information Resources & Proposed Solutions



A BILL

Entitled “Judicial Review Abolition Act”

Preamble: The judicial review of laws enacted by Congress is not a constitutional power, but rather an extra-constitutional tradition that has grown out of Congress’ decision not to narrowly limit jurisdictions of federal courts or narrowly define the purposes for which courts may issue writs. Moreover, the practice of judicial review appears to be contrary to the intent of the majority of the framers of the Constitution.

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

Section 1: The Supreme Court is hereby denied appellate jurisdiction to hear or determine any claim that the enforcement of any statute enacted by Congress 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 any statute enacted by Congress violates any article or amendment to the Constitution of the United States.

Section 2: No federal court shall issue any writ for purposes of obstructing or hindering the enforcement of an Act of Congress. Writs issued for this purpose shall lack statutory authority and shall not be legally binding.

Section 3: No member of the U.S. Marshal Service or other federal law enforcement authority shall participate in the enforcement of any writ that is or shall be issued with the intention of obstructing or hindering the enforcement of an act of Congress.

Section 4: Measures to insure compliance (the text of this section to be determined by Congress; violations may result in the impeachment or censure of offending judges.)

Section 5: 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 6: 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 7: All provisions of this Act shall become effective on the date of enactment.

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