

Judicial Activism in America

Information Resources & Proposed Solutions



A BILL

Entitled "State Judiciary Regulation Act of 2005"

Preamble: In order to safeguard that judges appointed to or elected to various jurisdictions within the states comprising the federal union do not make rulings that appropriate to themselves legislative and executive functions in a manner that co-opts the powers exercised by the legislative and executive branches of government within those states, the present act vests authority in state legislatures (pursuant to Article 4, Section 4 of the U.S. Constitution) to restrict writ issuing authority of state courts by statutory means.

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

Section 1: Every state legislature shall hereby have authority, with the cooperation of the state governor, to enact legislation that abolishes the authority of state courts to issue writs for purposes of mandating any action by the state legislature whatsoever.

Section 2: Every state legislature shall hereby have authority, with the cooperation of the state governor, to enact legislation that abolishes the authority of state courts to issue writs for purposes of mandating that the governor take any action whatsoever with respect to signing or vetoing state legislation.

Section 3: No provision of any state constitution shall be construed so as to prevent the free exercise of the legislative authority vested by sections 1 and 2 of this Act.

Section 4: It shall be felony for any state judge to issue writs or otherwise act to prevent or impede the implementation of any

statute enacted by a state pursuant to authority described in sections 1 and 2 of this Act.

Section 5: Penalties for violations of Section 4 (to be determined by Congress).

Section 6: The U.S. 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 7: 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 8: All provisions of this Act shall become effective on the date of enactment.

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