

109TH CONGRESS
2^D SESSION

H. R. 5739

To limit the jurisdiction of the Federal courts, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 29, 2006

Mr. PAUL (for himself, Mr. TANCREDO, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. SULLIVAN, and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To limit the jurisdiction of the Federal courts, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “We the People Act”.

5 **SEC. 2. FINDINGS.**

6 The Congress finds the following:

7 (1) Article III, section 1 of the Constitution of
8 the United States vests the judicial power of the
9 United States in “one Supreme Court, and in such

1 inferior Courts as Congress may from time to time
2 ordain and establish”.

3 (2) Article I, section 8 and article 3, section 1
4 of the Constitution of the United States give Con-
5 gress the power to establish and limit the jurisdic-
6 tion of the lower Federal courts.

7 (3) Article III, section 2 of the Constitution of
8 the United States gives Congress the power to make
9 “such exceptions, and under such regulations” as
10 Congress finds necessary to Supreme Court jurisdic-
11 tion.

12 (4) Congress has the authority to make excep-
13 tions to Supreme Court jurisdiction in the form of
14 general rules and based upon policy and constitu-
15 tional reasons other than the outcomes of a par-
16 ticular line of cases. (See Federalist No. 81; United
17 States v. Klein, 80 U.S. (13 Wall.) 128 (1872)).

18 (5) Congress has constitutional authority to set
19 broad limits on the jurisdiction of both the Supreme
20 Court and the lower Federal courts in order to cor-
21 rect abuses of judicial power and continuing viola-
22 tions of the Constitution of the United States by
23 Federal courts.

1 (6) Article IV, section 4 of the Constitution of
2 the United States guarantees each State a republic-
3 lican form of government.

4 (7) Supreme Court and lower Federal court de-
5 cisions striking down local laws on subjects such as
6 religious liberty, sexual orientation, family relations,
7 education, and abortion have wrested from State
8 and local governments issues reserved to the States
9 and the People by the Tenth Amendment to the
10 Constitution of the United States.

11 (8) The Supreme Court and lower Federal
12 courts threaten the republican government of the in-
13 dividual States by replacing elected government with
14 rule by unelected judges.

15 (9) Even supporters of liberalized abortion laws
16 have admitted that the Supreme Court's decisions
17 overturning the abortion laws of all 50 States are
18 constitutionally flawed (e.g. Ely, "The Wages of
19 Crying Wolf: A Comment on Roe v. Wade" 82 Yale
20 L.J. 920 (1973)).

21 (10) Several members of the Supreme Court
22 have admitted that the Court's Establishment
23 Clause jurisdiction is indefensible (e.g. Zelamn v.
24 Simmons-Harris, 536 U.S. 639, 688 (2002) (Souter,
25 J., dissenting); Rosenberger v. Rector and Visitors

1 of the Univ. of Va., 515 U.S. 819, 861 (1995)
2 (Thomas, J. concurring); *Lamb’s Chapel v. Center*
3 *Moriches Union Free Sch. Dist.*, 508 U.S. 384, 399,
4 (1993) (Scalia, J. concurring); and *Committee for*
5 *Public Ed. And Religious Liberty v. Regan*, 444
6 U.S. 646, 671 (1980) (Stevens, J., dissenting).

7 (11) Congress has the responsibility to protect
8 the republican governments of the States and has
9 the power to limit the jurisdiction of the Supreme
10 Court and the lower Federal courts over matters
11 that are reserved to the States and to the People by
12 the Tenth Amendment to the Constitution of the
13 United States.

14 **SEC. 3. LIMITATION ON JURISDICTION.**

15 The Supreme Court of the United States and each
16 Federal court—

17 (1) shall not adjudicate—

18 (A) any claim involving the laws, regula-
19 tions, or policies of any State or unit of local
20 government relating to the free exercise or es-
21 tablishment of religion;

22 (B) any claim based upon the right of pri-
23 vacy, including any such claim related to any
24 issue of sexual practices, orientation, or repro-
25 duction; or

1 (C) any claim based upon equal protection
2 of the laws to the extent such claim is based
3 upon the right to marry without regard to sex
4 or sexual orientation; and

5 (2) shall not rely on any judicial decision involv-
6 ing any issue referred to in paragraph (1).

7 **SEC. 4. REGULATION OF APPELLATE JURISDICTION.**

8 The Supreme Court of the United States and all
9 other Federal courts—

10 (1) are not prevented from determining the con-
11 stitutionality of any Federal statute or administra-
12 tive rule or procedure in considering any case arising
13 under the Constitution of the United States; and

14 (2) shall not issue any order, final judgment, or
15 other ruling that appropriates or expends money,
16 imposes taxes, or otherwise interferes with the legis-
17 lative functions or administrative discretion of the
18 several States and their subdivisions.

19 **SEC. 5. JURISDICTIONAL CHALLENGES.**

20 Any party or intervener in any matter before any
21 Federal court, including the Supreme Court, may chal-
22 lenge the jurisdiction of the court under section 3 or 4
23 during any proceeding or appeal relating to that matter.

1 **SEC. 6. MATERIAL BREACHES OF GOOD BEHAVIOR AND**
2 **REMEDY.**

3 A violation by a justice or a judge of any of the provi-
4 sions of section 3 or 4 shall be an impeachable offense,
5 and a material breach of good behavior subject to removal
6 by the President of the United States according to rules
7 and procedures established by the Congress.

8 **SEC. 7. CASES DECIDED UNDER ISSUES REMOVED FROM**
9 **FEDERAL JURISDICTION NO LONGER BIND-**
10 **ING PRECEDENT.**

11 Any decision of a Federal court, to the extent that
12 the decision relates to an issue removed from Federal ju-
13 risdiction under section 3, is not binding precedent on any
14 State court.

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