

108TH CONGRESS
2D SESSION

H. R. 4118

To ensure that the courts interpret the Constitution in the manner that
the Framers intended.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2004

Mr. PAUL (for himself and Mrs. MUSGRAVE) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To ensure that the courts interpret the Constitution in the
manner that the Framers intended.

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 the “American Justice for
5 Americans Citizens Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

8 (1) The Constitution of the United States, Arti-
9 cle VI, states that the Constitution shall be the su-
10 preme law of the land and that every Senator, Rep-

1 representative, and every executive and judicial officer
2 of the United States and of the several States, shall
3 be bound by oath to faithfully discharge and perform
4 their duties in conformity to the Constitution.

5 (2) Although the Framers of the Constitution
6 drew from a wide range of political and legal sources
7 in the drafting of its various provisions, they deliber-
8 ately designed the Constitution as a unique na-
9 tional instrument to govern the elected and ap-
10 pointed officials of the United States and of the sev-
11 eral States and their political subdivisions.

12 (3) The Constitution was originally ordained
13 and ratified by the people of the United States so
14 the legislative, executive, and judicial powers of the
15 Federal and State governments would be exercised
16 in accordance with the fixed and enduring principles
17 of the Constitution, as it was ratified by the peoples'
18 representatives in accordance with Article VII of the
19 Constitution, and as stated more than 200 years ago
20 by Chief Justice of the United States John Marshall
21 in *Marbury v. Madison*.

22 (4) Departing from fidelity to the original con-
23 stitutional text, the Federal judiciary has increas-
24 ingly disregarded the will of the American people,
25 transforming constitutional principles that were

1 originally designed by the people to be permanent
2 into a set of evolving standards subject to change by
3 judicial opinion, and thereby undermining the Amer-
4 ican people’s right to establish a government accord-
5 ing to written constitutional provisions ratified by
6 their elected representatives in constitutional conven-
7 tion.

8 (5) The Supreme Court of the United States in
9 *Atkins v. Virginia* and *Lawrence v. Texas* found in-
10 dividual “constitutional” rights that are directly con-
11 trary to the American common-law tradition when it
12 employed a new technique of interpretation called
13 “transjudicialism”: the reliance by American judges
14 upon foreign judicial and other legal sources outside
15 of American constitutional law.

16 (6) Under this new system of
17 “transjudicialism” or “global law”, individual jus-
18 tices of the Supreme Court of the United States
19 have publicly stated they expect American courts to
20 increasingly base their opinions interpreting the
21 Constitution in light of “international law” or
22 “transnational law”, thereby amending the Constitu-
23 tion from an expression of “We the People of the
24 United States” to an expression of the will of
25 judges.

1 (7) The American people are rightfully entitled
2 to be governed by the Constitution, not as amended
3 by judges through the process of “transjudicialism”,
4 but as amended by the process set forth in Article
5 V of the Constitution.

6 (8) To the end that the amendment process
7 provided for in Article V of the Constitution is pre-
8 served, and that the Federal courts exercise only ju-
9 dicial power as vested in them by the people, Con-
10 gress has the power under Article I, section 8, clause
11 18 and Article III, sections 1 and 2, to regulate the
12 Federal courts.

13 **SEC. 3. INTERPRETATION OF THE CONSTITUTION.**

14 Neither the Supreme Court of the United States nor
15 any lower Federal court shall, in the purported exercise
16 of judicial power to interpret and apply the Constitution
17 of the United States, employ the constitution, laws, ad-
18 ministrative rules, executive orders, directives, policies, or
19 judicial decisions of any international organization or for-
20 eign state, except for the English constitutional and com-
21 mon law or other sources of law relied upon by the Fram-
22 ers of the Constitution of the United States.

○