

111TH CONGRESS
1ST SESSION

H. R. 539

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 14, 2009

Mr. PAUL (for himself, Mr. JONES, and Mr. POE of Texas) 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
10 inferior Courts as Congress may from time to time
11 ordain and establish”.

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

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

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

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

22 (6) Article IV, section 4 of the Constitution of
23 the United States guarantees each State a repub-
24 lican form of government.

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

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

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

18 (10) Several members of the Supreme Court
19 have admitted that the Court's Establishment
20 Clause jurisdiction is indefensible (e.g. Zelamn v.
21 Simmons-Harris, 536 U.S. 639, 688 (2002) (Souter,
22 J., dissenting); Rosenberger v. Rector and Visitors
23 of the Univ. of Va., 515 U.S. 819, 861 (1995)
24 (Thomas, J., concurring); Lamb's Chapel v. Center
25 Moriches Union Free Sch. Dist., 508 U.S. 384, 399,

1 (1993) (Scalia, J., concurring); and Committee for
2 Public Ed. And Religious Liberty v. Regan, 444
3 U.S. 646, 671 (1980) (Stevens, J., dissenting)).

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

11 **SEC. 3. LIMITATION ON JURISDICTION.**

12 The Supreme Court of the United States and each
13 Federal court—

14 (1) shall not adjudicate—

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

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

23 (C) any claim based upon equal protection
24 of the laws to the extent such claim is based

1 upon the right to marry without regard to sex
2 or sexual orientation; and

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

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

6 The Supreme Court of the United States and all
7 other Federal courts—

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

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

17 **SEC. 5. JURISDICTIONAL CHALLENGES.**

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

22 **SEC. 6. MATERIAL BREACHES OF GOOD BEHAVIOR AND**
23 **REMEDY.**

24 A violation by a justice or a judge of any of the provi-
25 sions of section 3 or 4 shall be an impeachable offense,

1 and a material breach of good behavior subject to removal
2 by the President of the United States according to rules
3 and procedures established by the Congress.

4 **SEC. 7. CASES DECIDED UNDER ISSUES REMOVED FROM**
5 **FEDERAL JURISDICTION NO LONGER BIND-**
6 **ING PRECEDENT.**

7 Any decision of a Federal court, to the extent that
8 the decision relates to an issue removed from Federal ju-
9 risdiction under section 3, is not binding precedent on any
10 State court.

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