

1 House Memorial

2 A memorial to the Congress of the United States,
3 urging Congress to propose to the states an amendment
4 to the United States Constitution that allows Congress
5 to deem a law that has been declared void by certain
6 federal courts active and operational.

7
8 WHEREAS, the judiciary branch of the Federal Government has
9 taken on an increasingly activist role aimed at molding
10 legislation according to the political beliefs of its members,
11 and

12 WHEREAS, such an activist posture tends to excessively
13 consolidate power in one branch of government, and as George
14 Washington observed, such encroachments eventually create "a
15 real despotism," and

16 WHEREAS, George Washington also wrote that the appropriate
17 method of effecting constitutional change is through amendment
18 and not by usurpation, as such encroachments would eventually
19 destroy free governments, and

20 WHEREAS, none of the members of the federal judiciary,
21 including the justices of the United States Supreme Court, are
22 elected officials subject to what Thomas Jefferson described as
23 "the elective control," and

24 WHEREAS, the United States Supreme Court currently
25 possesses ultimate and unchecked authority on matters of the

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26 | constitutionality of the United States' laws such that its
27 | opinion on such matters has the same effect as amending the
28 | United States Constitution, and

29 | WHEREAS, Thomas Jefferson foresaw the dangers of "allowing
30 | judges to be the ultimate arbiters of all constitutional
31 | questions," calling this "a very dangerous doctrine indeed, and
32 | one which would place us under the despotism of an oligarchy,"
33 | and

34 | WHEREAS, the presence of such unchecked and plenary
35 | authority on determining the constitutional validity of a law of
36 | the United States must be dismantled for the sake of our
37 | republic and for the continued empowerment of its people, and

38 | WHEREAS, the United States Congress may submit proposed
39 | constitutional amendments for consideration and ratification by
40 | the states, NOW, THEREFORE,

41 |
42 | Be It Resolved by the Legislature of the State of Florida:

43 |
44 | That the Florida Legislature respectfully petitions the
45 | United States Congress to propose to the states an amendment to
46 | the United States Constitution providing that any law,
47 | resolution, or other legislative act declared void by the United
48 | States Supreme Court or a United States court of appeals may be
49 | deemed active and operational, notwithstanding the court's
50 | ruling, if agreed to by Congress pursuant to a joint resolution

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51 | adopted by a 60 percent vote of each chamber of Congress within
52 | 5 years after the date the ruling becomes final. Such a joint
53 | resolution shall take effect immediately upon passage.

54 | BE IT FURTHER RESOLVED that copies of this memorial be
55 | dispatched to the President of the United States, to the
56 | President of the United States Senate, to the Speaker of the
57 | United States House of Representatives, and to each member of
58 | the Florida delegation to the United States Congress.