

2003 SENATE RESOLUTION 24

December 10, 2003 – Introduced by Senator REYNOLDS. Referred to Committee on Senate Organization.

1 **Relating to:** memorializing Congress to make such changes to the federal laws as
2 are necessary to restrain the purview of the federal courts to the clear language
3 of the First Amendment to the United States Constitution and to amend that
4 constitution to restore the term due process to its original meaning.

5 Whereas, Article III, Section 1, of the United States Constitution reads as
6 follows: “The judicial power of the United States, shall be vested in one supreme
7 court, and in such inferior courts as the Congress may from time to time ordain and
8 establish. The judges, both of the supreme and inferior courts, shall hold their offices
9 during good behaviour, and shall, at stated times, receive for their services, a
10 compensation, which shall not be diminished during their continuance in office”; and

11 Whereas, Article III, Section 2, of the United States Constitution reads as
12 follows: “The judicial power shall extend to all cases, in law and equity, arising under
13 this constitution, the laws of the United States, and treaties made, or which shall be
14 made, under their authority; to all cases affecting ambassadors, other public
15 ministers and consuls; to all cases of admiralty and maritime jurisdiction; to

1 controversies to which the United States shall be a party; to controversies between
2 two or more States, between a state and citizens of another state, between citizens
3 of different States, between citizens of the same state claiming lands under grants
4 of different States, and between a state, or the citizens thereof, and foreign States,
5 citizens or subjects. In all cases affecting ambassadors, other public ministers and
6 consuls, and those in which a state shall be party, the supreme court shall have
7 original jurisdiction. In all the other cases before mentioned, the supreme court shall
8 have appellate jurisdiction, both as to law and fact, with such exceptions, and under
9 such regulations as the Congress shall make. The trial of all crimes, except in cases
10 of impeachment, shall be by jury; and such trial shall be held in the state where the
11 said crimes shall have been committed; but when not committed within any state,
12 the trial shall be at such place or places as the Congress may by law have directed”;
13 and

14 Whereas, the United States Congress is empowered by the preceding article of
15 the United States Constitution to define the existence and structure of all federal
16 courts, excepting the U.S. Supreme Court; and

17 Whereas, the federal judiciary has, in recent decisions such as *Lawrence et. al.*
18 *v. Texas*, *Glassroth v. Moore*, and *Newdow v. U.S. Congress*, demonstrated that it is
19 operating in a way that far exceeds the intent of those who have bequeathed upon
20 us our Constitution; and

21 Whereas, decisions such as the ones referenced here are surely depriving the
22 citizens of the United States of their freedom and their God-given right of
23 self-governance; and

1 Whereas, it is incumbent upon the United States Congress to defend the
2 inalienable constitutional rights of the citizens of the United States of America; now,
3 therefore, be it

4 ***Resolved by the senate, That*** the Wisconsin senate hereby memorializes
5 Congress to make such changes to the federal laws as are necessary to restrain the
6 purview of the federal courts to the clear language of the First Amendment to the
7 United States Constitution, as well as to their enumerated constitutional duties;
8 and, be it further

9 ***Resolved, That*** the Wisconsin senate encourages Congress to amend the
10 federal constitution to restore the term “due process” to its original meaning as
11 intended by the framers, to wit: “due process of law” shall refer only to the process
12 and proceedings of courts; the rights and protections in the first 8 amendments are
13 security against the federal government, not against the states; and, be it further

14 ***Resolved, That*** the senate chief clerk shall transmit a copy of this resolution
15 to the President of the United States, the speaker of the United States house of
16 representatives, the president of the United States senate, and the members of
17 Wisconsin’s congressional delegation.

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(END)