

108TH CONGRESS  
2D SESSION

# H. R. 4118

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

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## 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

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## 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.

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