

109TH CONGRESS
2^D SESSION

H. CON. RES. 472

Recognizing the independence of the courts of the United States.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2006

Mr. STARK (for himself and Mr. CONYERS) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary

CONCURRENT RESOLUTION

Recognizing the independence of the courts of the United States.

Whereas the Constitution of the United States established three branches of Government, exhibiting a separation of powers, as well as a series of checks and balances among branches;

Whereas the power of the Supreme Court to review Acts of Congress was established in 1803 by *Marbury v. Madison* and cemented by consensus among Americans;

Whereas laws enacted by Congress and actions taken by the Executive Branch can conflict with the core principles of the Constitution;

Whereas vibrant democracy requires open discourse and constant self-reflection, as well as the malleability of those

truths not considered essential to the preservation of the Federal system itself;

Whereas various bills to limit the jurisdiction of Federal courts to review the constitutionality of Acts of Congress or controversial social issues, commonly referred to as “court-stripping”, have recently passed the House of Representatives;

Whereas many other such bills have been proposed or introduced for consideration by Congress;

Whereas the power of Congress to limit the jurisdiction of the Federal courts to adjudicate basic constitutional issues or to prevent the courts from hearing constitutional challenges is highly questionable;

Whereas this power would weaken the Constitution by rendering potentially unconstitutional laws immune from any challenge in the Federal courts; and

Whereas this power, in the hands of our predecessors, could have precluded favorable court decisions such as *Brown v. Board of Education*: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
2 *concurring)*, That it is the sense of Congress that—

3 (1) the Congress hereby commits itself to exer-
4 cise additional restraint regarding the passage of
5 bills that limit the jurisdiction of the courts of the
6 United States; and

1 (2) these courts should continue to adjudicate
2 cases alleging conflicts between Acts of Congress
3 and the Constitution of the United States.

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