

Judiciary and Law Enforcement: Patchett, Chair, Ritsema and Jesse.

By Tyrrell

JAN 31 1980

Judiciary & Law Enforcement

Passed House, Date _____ Passed Senate, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

HOUSE JOINT RESOLUTION

1 A joint resolution concerning the federal judiciary;
 2 applying for a constitutional convention to amend
 3 the Constitution of the United States to provide for
 4 state removal of federal judges; encouraging other
 5 states to take similar actions; making application
 6 permanent; and directing distribution.

- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HJR 2018

1 WHEREAS, the governments of the United States and the several
2 states were intended to be governments of law, not of men, deriving
3 their powers from the just consent of the governed; and

4 WHEREAS, as originally conceived and established the power of
5 the government of the United States was one of enumerated powers, and
6 the powers not delegated to it by the Constitution, nor prohibited by
7 the Constitution from being exercised by the states, was reserved to
8 the states, or to the people, and the power of the judiciary was
9 carefully balanced with the powers of the executive and legislative
10 branches; and

11 WHEREAS, the careful balance established by our founding fathers
12 has been utterly upset by United States Supreme Court and inferior
13 federal court decisions which usurped the authority of the states and
14 thus created an imbalance of power; and

15 WHEREAS, to redress this imbalance the General Assembly of the
16 state of Iowa proposes a new procedure, whereby federal judges and
17 justices shall be subject to removal by the general assemblies of the
18 several states over which they have dominion; and

19 WHEREAS, to effectuate such a plan, the Constitution of the
20 United States would be required to be amended; and

21 WHEREAS, under Article V of the Constitution of the United States,
22 amendments may be proposed by Congress whenever two-thirds of
23 both houses deem it necessary, or on the application of two-thirds of
24 the several states requiring the Congress to call a Constitutional
25 convention for the purpose of proposing amendments;

26 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE
27 STATE OF IOWA:

28 Section 1. The Iowa general assembly hereby makes formal
29 application to the Congress of the United States for a consitutional
30 convention for the sole and exclusive purpose of amending the
31 Constitution of the United States and submitting to the several
32 states an amendment providing:

33 1. All United States district court judges shall
34 be subject to removal by a majority vote of both
35 houses of the general assembly of the state in which

1 the judge's judicial district is located.

2 2. All United States court of appeals judges shall
3 be subject to removal by the majority vote of both
4 houses of a majority of the general assemblies of the
5 several states over which the circuit exercises
6 jurisdiction.

7 3. All United States judges having jurisdiction
8 over the territories and dominions of the United
9 States, and over the District of Columbia, shall
10 be subject to removal by the majority vote of both
11 houses of the Congress of the United States.

12 4. All justices of the Supreme Court of the
13 United States shall be subject to removal by the
14 majority vote of both houses of the general assembly
15 in a majority of states in the union.

16 5. All judges and justices shall be subject to
17 removal six (6) years after taking office, and
18 every six (6) years thereafter. The removal
19 action provided by this article shall be
20 consummated within a reasonable time following the
21 end of a six-year term.

22 6. Although the general assemblies of the several
23 states shall have absolute discretion as to
24 judicial removal under this article, this article
25 shall be considered as supplemental to any other
26 constitutional procedure for the removal of
27 federal judges or justices.

28 7. The several states shall have power to
29 implement and enforce this article by legislation.
30 The Congress may implement and enforce this
31 article by legislation only to the extent of
32 providing laws and procedures for the removal of
33 judges having jurisdiction over the territories
34 and dominions of the United States, and over the
35 District of Columbia.

1 SECTION 2. This General Assembly proposes that the general
2 assemblies of each of the several states apply to the Congress
3 to require the calling of a constitutional convention for an
4 amendment as outlined by this joint resolution.

5 SECTION 3. This application shall constitute a continuing
6 application for a constitutional convention, pursuant to Article V
7 of the Constitution of the United States. This application shall
8 remain effective until the general assemblies of two-thirds
9 of the states shall have made like applications, which are unrescinded,
10 and a constitutional convention shall have been called by the Congress
11 of the United States.

12 SECTION 4. The secretary of state of the state of Iowa shall
13 dispatch copies of this joint resolution to the Iowa congressional
14 delegation, the Secretary of State of the United States, and the
15 presiding officers of the general assemblies in each of the other
16 states in the union.

17
18
19

EXPLANATION

20 This resolution calls for a constitutional convention of the
21 United States pursuant to Article V of the United States
22 Constitution for the sole and exclusive purpose of proposing
23 an amendment to the Constitution allowing periodic removal of
24 federal judges by state legislatures.

25
26
27
28
29
30
31
32
33
34
35