



## Republican National Committee

Counsel's Office

### RESOLUTION AGAINST JUDICIAL OVERREACH

WHEREAS, The United States of America is the first country in recorded history founded solely in the rule of Law, not the rule of men;

WHEREAS, The United States Constitution is an inspired document that protects God-given rights by restraining all three branches of the Federal government (legislative, executive, judicial), which is necessary as stated in Federalist #15, “Why has government been instituted at all? Because the passions of men will not conform to the dictates of reason and justice, without constraint”;

WHEREAS, The Federal government legitimately can act only in accordance with the 10th Amendment to the Constitution which states, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people”;

WHEREAS, No court is empowered to rewrite human history, rewrite law, fabricate “rights” out of thin air, or call entitlements “rights”;

WHEREAS, King v. Burwell, concerning the Affordable Care Act (“ObamaCare”), June 2015, and Obergefell v. Hodges, concerning same sex marriage, June 2015, are two recent examples of the Supreme Court substituting overreach for the Constitution’s original intent;

WHEREAS, In Federalist #78 Hamilton *incorrectly* predicted that “the judiciary, from the nature of its functions, will always be the least dangerous to the political rights of the Constitution; because it will be least in a capacity to annoy or injure them”;

WHEREAS, Federalist #78 warns us: “It can be of no weight to say that the courts, on the pretense of a repugnancy, may substitute their own pleasure to the constitutional intentions of the legislature . . . the courts must declare the sense of the law; and if they should be disposed to exercise will instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body;” and

WHEREAS, The Declaration of Independence states that governments derive “their just powers from the consent of the governed”; therefore be it

*RESOLVED*, That the Republican National Committee never consented to be governed by judicial overreach, and calls on all supporters of the Constitution to join in vocal protest;

*RESOLVED*, That the Republican National Committee urges Congress to pass appropriate laws to protect rights of conscience; and

*RESOLVED*, That the Republican National Committee insists that the next Republican President appoints judges at all Federal levels who are proven to faithfully apply the Constitution strictly according to original intent and who pledge to be servants of the law, not makers of law.