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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. RES. _____

Reaffirming the principles of the United States Constitution, including separation of powers and the rule of law, and condemning efforts to undermine the same.

IN THE HOUSE OF REPRESENTATIVES

Mr. GARAMENDI submitted the following resolution; which was referred to the Committee on _____

RESOLUTION

Reaffirming the principles of the United States Constitution, including separation of powers and the rule of law, and condemning efforts to undermine the same.

Whereas the United States of America is a constitutional republic, and the Constitution has served as the supreme law of the land since its adoption in 1789;

Whereas the Constitution of the United States created three branches of government, the legislative, the executive, and judicial branch, granting distinct powers to each to avoid consolidation of power in any one;

Whereas Congress, as the first branch of government, has the constitutional duty to declare war, regulate commerce,

raise revenue, appropriate funds, and conduct investigations and inquiries into the administration of law;

Whereas article I, section 9, clause 7 of the Constitution explicitly states that “No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law”;

Whereas James Madison, in Federalist No. 58, declared that “this power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people”;

Whereas the President is not above the law;

Whereas the President has a duty to refrain from using the vast powers of the executive branch, including the Department of Justice, to arbitrarily prosecute or intimidate personal or political opponents;

Whereas a professional, nonpartisan civil service protected from political purges and undue influence helps ensure that the Federal Government functions for the people, not the personal or political interests of the President;

Whereas governments that undermine the rule of law experience democratic backsliding, capital flight, and other forms of economic and civil instability;

Whereas article III of the Constitution of the United States vests the “judicial Power of the United States . . . in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish”;

Whereas the judiciary plays an essential role in ensuring that the executive faithfully executes the laws and does not exceed its constitutional authority;

Whereas orders issued by Federal judges are binding, and the Constitution of the United States and established precedent require the executive branch to comply with Federal court rulings;

Whereas, as recently affirmed by the Chief Justice of the Supreme Court, “for more than two centuries, it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision”;

Whereas, as is inscribed on the Department of Justice headquarters, “No free government can survive that is not based on the supremacy of the law. Where law ends, tyranny begins.”;

Whereas John Adams, in his Thoughts on Government, declared that “the very definition of a republic is ‘an empire of laws, and not of men’”;

Whereas George Washington, in his Farewell Address, cautioned that “cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people and to usurp for themselves the reins of government”;

Whereas James Madison, in Federalist No. 47, warned that “the accumulation of all powers, legislative, executive, and judiciary, in the same hands . . . may justly be pronounced the very definition of tyranny”;

Whereas Thomas Jefferson said “An elective despotism was not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced among several bodies of magistracy, as that no one could transcend their legal limits, without being effectually checked and restrained by the others.”;

Whereas in the words of James Madison “ambition must be made to counteract ambition” between the three branches of government; and

Whereas the Presidency is a position of service, and Presidents swear an oath to preserve, protect, and defend the Constitution of the United States: Now, therefore, be it

1 *Resolved*, That the House of Representatives—

2 (1) reaffirms the principles of the United States
3 Constitution, including the separation of powers,
4 checks and balances, the independence of the judiciary,
5 and the power of Congress to control spending,
6 declare war, and conduct oversight;

7 (2) reaffirms the protections for individual
8 rights enshrined in the Constitution including due
9 process of law;

10 (3) condemns any efforts by public officials to
11 undermine congressional authority, violate or ignore
12 court orders or otherwise undermine the judiciary,
13 the independence of executive agencies or the impartial
14 application of the rule of law, or consolidate
15 power in any single branch of government;

16 (4) declares that appropriations made by Congress
17 are law, not mere recommendations, and condemns
18 any attempt to withhold or misdirect funds
19 without congressional approval; and

1 (5) urges all public officials, regardless of party,
2 to reject actions that seek to subvert congressional
3 or judicial authority or otherwise threaten the con-
4 stitutional order.