

**Sample Resolution for State & Local Governments
On Protecting the Independence of our Judiciary
May 2005**

WHEREAS: To prevent tyranny and protect liberty, our founders created three independent branches of government -- the executive, the legislative and the judiciary -- and imposed checks and balances on the authority of each branch to protect citizens from possible abuse by the others; and

WHEREAS: Our judges have dispensed justice for more than 200 years, fairly and impartially applying the law to disputes brought before them; and

WHEREAS: A fair and impartial judiciary is essential to the proper functioning of our constitutional system of separation of powers; and

WHEREAS: When the judiciary makes decisions with which citizens disagree, citizens have a responsibility to pursue legitimate opportunities of redress available to them, including exercising their right to free speech by criticizing the decision and appealing the decision to a higher court; and

WHEREAS: Today, members of Congress who disagree with recent decisions are threatening to punish members of the judiciary through impeachment and other means for decisions rendered by the courts as part of the proper performance of their duties on behalf of the public; and

WHEREAS: Such punitive measures, if employed, would dangerously undermine the fair and impartial performance of duty by the judiciary and the separation of powers put into place by our founders; now therefore be it

RESOLVED: That the Council of the City of _____ calls on Congress to defeat all proposals designed to intimidate or otherwise undermine the ability of judges to render independent, fair and impartial decisions; and further be it

RESOLVED: That the Council calls on Congress to cease all retaliatory actions against the judiciary over decisions rendered by the courts and to seek redress for all disagreements through the many constitutional means available that respect separation of powers and a fair and impartial judiciary.