



# YES – REMOVE THE FOUR ROGUE SJC JUDGES !!

The Massachusetts Constitution, written by John Adams in 1780, anticipated that judicial tyranny could happen and become a threat to society. In fact, our Founding Fathers (particularly Jefferson) repeatedly warned about this in their writings.

Thus, our constitution already has the means for dealing with today's terrible situation – Supreme Judicial Court justices who have ignored the law and imposed their own views on the citizens. The intended remedy is not to amend the constitution whenever this happens. The remedy is to remove judges from office who violate their oath and oppress the people.

John Adams purposely included in the Massachusetts Constitution a procedure known as a **bill of address**. The Legislature can remove renegade judges from office by a simple majority in both legislative chambers with the concurrence of the governor and governor's council. This is different from an impeachment. An impeachment implies a trial for specific crimes. A bill of address is used for what is termed "bad behavior". Under the bill of address, the legislative and executive branches need not specify any grounds of removal.

This is actually traced back to English law – the 1700 Act of Settlement, with the English monarchs, William and Mary. Its purpose was the same: to ensure the accountability of public officers by the Parliament, rather than simply subjecting them to removal at the pleasure of the Crown.

**From the Massachusetts Constitution:** Here's how it works. . .

Article 8 of the Declaration of Rights uses the term "oppressors" and states the right of the people to remove their public officials:

*"In order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places*

*by certain and regular elections and appointments."*

Article 29 of the Declaration of Rights defines "bad behavior" of judges:

*"It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, **that there be an impartial interpretation of the laws, and administration of justice...** It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well."*

Article 30 of the Declaration of Rights further states that the judiciary may not invent their own laws – only the Legislature can make laws:

*"In the government of this commonwealth . . . the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men."*

Article 1 of Chapter 3 of Section the Second outlines the bill of address removal process for all judicial officers:

*"**All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, . . . the governor, with the consent of the council, may remove them upon the address of both houses of the legislature.**"*

-----

To complete the process of officially nullifying the ruling, the Governor and Legislature must enact legislation (or a direct executive order) reiterating the centuries-old laws of marriage in this Commonwealth in direct defiance of this ruling – unambiguously declaring it null and void and prohibiting its execution. *The people of Massachusetts must have their government back.*

This is what must be done. And it must be done before May 17. If our Legislature and Executive Branch don't

have the political courage to do this, it is up to us – *the people* – to use all the powers of persuasion available to us. That is why the *Article 8 Alliance* organization was formed. **This can be done, and it must be done!**

### **Was this actually judicial tyranny? What exactly happened?**

On November 18, 2003, the Supreme Judicial Court of the Commonwealth of Massachusetts ruled that homosexual marriages must be legally allowed and recognized in the state. The court delayed the imposition of this judgment for 180 days – until May 17, 2004 – "to permit the Legislature to take such action as it may deem appropriate in light of this opinion," but after that time it would go into full effect. Through the U.S. Constitution's "full faith and credit" clause, such "marriages" will be required to be legally recognized across the country.

The court, in a 4-3 decision, found that the Massachusetts Constitution, written by John Adams in 1780, contains a "fundamental" right to same-sex marriage. It stated that the current restrictions against same-sex marriage are neither rational nor justified and are a distinct Constitutional violation. Furthermore, it arrogantly dismissed centuries of religious belief on homosexuality as "persistent prejudices."

Thus, four justices of the Supreme Judicial Court ignored the text and misrepresented the history of America's oldest written constitution and fabricated new law to contrive the result which they desired.

Instead of interpreting the constitution, they amended our constitution. Instead of upholding the law, they disregarded the law and imposed their own ideological preferences on the people of this Commonwealth. Instead of administering justice, they advanced the militant homosexual agenda, whose goal is to legitimize a range of addictive and destructive behaviors that are innately dangerous both to individuals and society. This invention of a constitutional right to same-sex marriage represents social revolution by judicial fiat. It is an extra-constitutional act – an exercise in arbitrary power by radical ideologues in our unelected judiciary.

By legislating from the bench, they abused their office, violated their oath, made a mockery of the separation of powers guaranteed to us in Article 30 of the Declaration of Rights, and usurped the right of the people and their elected representatives to govern.

We cannot credibly claim to live in a democracy when our most basic laws can be dismantled by four unelected political appointees. A failure of the citizens of this Commonwealth to respond strongly to this calamity would concede that we've lost control of our own government.

### **What about the Constitutional Amendment declaring marriage as one man and one woman?**

There are several reasons why this is a dangerous approach.

- The current Constitutional Convention is clearly out of control. Over the months, legislators have largely caved in to demands of the homosexual movement. The civil union bill that our Senate *has already drafted* boldly states that civil unions would be 100% equivalent to marriage (except for the name "marriage"). Plus, it updates the anti-discrimination laws to make it illegal in Massachusetts discriminate between a real marriage versus a civil union! *And that's just the beginning.*
- Even if a reasonable amendment passes the Constitutional Convention, it would still need to pass two more votes, in 2005 and 2006, and it could not go into effect until the end of 2006 at the earliest. *But gay "marriages" are slated to start on May 17.*
- Who is to say that the same court would not turn around and ignore or circumvent a new amendment? Nothing is stopping them so far.
- The people should not have to amend the constitution every time a rogue, activist court gets in power. It would lead to anarchy. The real answer is that we need control of our own government.

### **The whole country is watching Massachusetts.**

But nothing will happen without a LOT of people being active. People are taking charge across the state. Join them! Or call us!! Get involved!!! Everyone's help is needed.

ARTICLE 8 ALLIANCE

PO Box 1612

Waltham, Massachusetts 02454

781-899-4905

www.Article8.org

**HELP US ORGANIZE STATEWIDE!!!**

**Together we can take back our government!!!**