

## **The Liberty Amendments, By Mark, R. Levin**

Mark R. Levin, *The Liberty Amendments; Restoring The American Republic*

(New York, NY, USA: Threshold Editions, Simon & Schuster, Inc., 2013)

APPENDIX, THE AMENDMENTS, pages 209-219

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### **1. An Amendment to Establish Term Limits for Members of Congress**

SECTION 1: No person may serve more than twelve years as a member of Congress, whether such service is exclusively in the House or the Senate or combined in both Houses.

SECTION 2: Upon ratification of the Article, any incumbent member of Congress whose term exceeds the twelve-year limit shall complete the current term, but thereafter shall be ineligible for further service as a member of Congress.

### **2. An Amendment to Restore the Senate**

SECTION 1: The Seventeenth Amendment is hereby repealed. All Senators shall be chosen by their state legislatures as prescribed by Article I.

SECTION 2: This amendment shall not be so construed as to affect the term of any Senator chosen before it becomes valid as part of the Constitution.

SECTION 3: When vacancies occur in the representation of any State in the Senate for more than ninety days the governor of the State shall appoint an individual to fill the vacancy for the remainder of the term.

SECTION 4: A Senator may be removed from office by a two thirds vote of the state legislature.

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### **3. An Amendment to Establish Term Limits for Supreme Court Justices and Super-Majority Legislative Override**

SECTION 1: No person may serve as Chief Justice or Associate Justice of the Supreme Court for more than a combined total of twelve years.

SECTION 2: Immediately upon ratification of this Amendment, Congress will organize the justices of the Supreme Court as equally as possible into three classes with the justices assigned to each class in reverse seniority order, with the most senior justices in the earliest classes. The terms of office for the justices in the First Class will expire at the end of the fourth Year following the ratification of this Amendment, the terms for the justices of the Second Class will expire at the end of the eighth Year, and of the Third Class at the end of the twelfth Year, so that one-third of the justices may be chosen every fourth Year.

SECTION 3: When a vacancy occurs in the Supreme Court, the President shall nominate a new justice who, with the approval of a majority of the Senate, shall serve the remainder of the unexpired term. Justices who fill a vacancy longer than half of an unexpired term may not be renominated to a full term.

SECTION 4: Upon three-fifths vote of the House of Representatives and the Senate, Congress may override a majority opinion rendered by the Supreme Court.

SECTION 5: The Congressional Override under Section 4 is not subject to a Presidential veto and shall not be the subject of litigation or review in any Federal or State Court.

SECTION 6: Upon three-fifths vote of the several state legislatures, the States may override a majority opinion rendered by the Supreme Court.

SECTION 7: The States' override under Section 6 shall not be the subject of litigation or review in any Federal or State Court, or oversight or interference by Congress or the President.

SECTION 8: Congressional or State override authority under Sections 4 or 6 must be exercised no later than twenty-four months from the date of the Supreme Court rendering its majority opinion, after which date Congress and the States are prohibited from exercising the override.

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### **Two Amendments to Limit Federal Spending and Taxing (4&5)**

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#### **4. Spending**

SECTION 1: Congress shall establish a preliminary fiscal year budget no later than the first Monday in May for the following fiscal year, and submit said budget to the President for consideration.

SECTION 2: Shall Congress fail to adopt a final fiscal year budget prior to the start of each fiscal year, which shall commence on October 1 of each year, and shall the President fail to sign said budget into law, an automatic, across-the-board, 5 percent reduction in expenditures from the prior year's fiscal budget shall be imposed for the fiscal year in which the budget has not been adopted.

SECTION 3: Total outlays for the federal government for any fiscal year shall not exceed its receipts for that fiscal year.

SECTION 4: Total outlays for the federal government for each fiscal year shall not exceed 17.5 percent of the Nation's gross domestic product for the previous calendar year.

SECTION 5: Total receipts shall include all receipts of the United States Government but shall not include those derived from borrowing. Total outlays shall include all outlays of the United States Government except those for the repayment of debt principal.

SECTION 6: Congress may provide for a one-year suspension of one or more of the preceding sections in this Article by a three-fifths vote of both Houses of Congress, provided the vote is conducted by a roll call vote and sets forth the specific excess of outlays over receipts or outlays over 17.5 percent of the Nation's gross domestic product.

SECTION 7: The limit of the debt of the United States held by the public shall not be increased unless three-fifths of both Houses of Congress shall provide for such an increase by a roll call vote.

SECTION 8: This Amendment shall take effect in the fourth fiscal year after its ratification.

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## **5. Taxing**

SECTION 1: Congress shall not collect more than 15 percent of a person's annual income, from whatever source derived. "Person" shall include natural and legal persons.

SECTION 2: The deadline for filing federal income tax returns shall be the day before the date set for elections to federal office.

SECTION 3: Congress shall not collect tax on a decedent's estate.

SECTION 4: Congress shall not institute a value-added tax or national sales tax or any other tax in kind or form.

SECTION 5: This Amendment shall take effect in the fourth fiscal year after its ratification.

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## **6. An Amendment to Limit the Federal Bureaucracy**

SECTION 1: All federal departments and agencies shall expire if said departments and agencies are not individually reauthorized in stand-alone authorization bills every three years by a majority vote of the House of Representatives and the Senate.

SECTION 2: All Executive Branch regulations exceeding an economic burden of \$100 million, as determined jointly by the Government Accountability Office and the Congressional Budget Office, shall be submitted to a permanent joint committee of Congress, hereafter The Congressional Delegation Oversight Committee of Congress, for review and approval prior to their implementation.

SECTION 3: The Committee shall consist of seven members of the House of Representatives, four chosen by the Majority Leader, and three chosen by the Minority Leader. No member shall serve on the Committee beyond a single three-year term.

SECTION 4: The Committee shall vote no later than six months from the date of the submission of the regulation to the Committee. The Committee shall make no change to the regulation, either approving or disapproving the regulation by a majority vote as submitted.

SECTION 5: If the Committee does not act within six months of the date of submission of the regulation to the Committee, the regulation shall be considered disapproved and must not be implemented by the Executive Branch.

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#### **7. An Amendment to Promote Free Enterprise**

SECTION 1: Congress's power to regulate Commerce is not a plenary grant of power to the federal government to regulate and control economic activity, but a specific grant of power limited to preventing states from impeding commerce and trade between and among the several States.

SECTION 2: Congress's power to regulate Commerce does not extend to activity within a state, whether or not it affects interstate commerce; nor does it extend to compelling and individual or entity to participate in commerce or trade.

#### **8. An Amendment to Protect Private Property**

SECTION 1: When any government entity acts not to secure a private property right against actions that injure property owners, but to take property for a public use from a property owner by actual seizure or through regulation, which taking results in a market value reduction of the property, interference with the use of the property, or a financial loss to the property owner exceeding \$10,000, the government shall compensate fully said property owner for such losses.

#### **9. An Amendment to Grant the States Authority to Directly Amend the Constitution**

SECTION 1: The State Legislatures, whenever two-thirds deem it necessary, may adopt Amendments to the Constitution.

SECTION 2: Each State Legislature adopting said Amendments must adopt Amendments identical in subject and wording to the other State Legislatures.

SECTION 3: A six year time limit is placed on the adoption of an Amendment; starting from the date said Amendment is adopted by the first State Legislature. Each State Legislature adopting said Amendment shall provide an exact copy of the adopted Amendment, along with an affidavit signed and dated by the Speaker of the State Legislature to the Archivist of the United States within fifteen calendar days of its adoption.

SECTION 4: Upon adoption of an Amendment, a State Legislature may not rescind the Amendment or modify it during the six-year period in which the Amendment is under consideration by the several States' Legislatures.

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### **10. An Amendment to Grant the States Authority to Check Congress**

SECTION 1: There shall be a minimum of thirty days between the engrossing of a bill or resolution, including amendments, and its final passage by both Houses of Congress.

During the engrossment period, the bill or resolution shall be placed on the public record, and there shall be no changes to the final bill or resolution.

SECTION 2: Section 1 may be overridden by two-thirds vote of the members of each House of Congress.

SECTION 3: Upon three-fifths vote of the state legislatures, the States may override a federal statute.

SECTION 4: Upon three-fifths vote of the state legislatures, the States may override Executive Branch regulations exceeding an economic burden of \$100 million after said regulations have been finally approved by The Congressional Delegation Oversight Committee [see, 6. An Amendment to Limit the Federal Bureaucracy]

SECTION 5: The States' override under Section 6 shall not be the subject of litigation or review in any Federal or State Court, or oversight or interference by Congress or the President.

SECTION 6: The States override authority must be exercised no later than twenty-four months from the date of the President has signed the statute into law, or The Congressional Delegation Oversight Committee has approved a final regulation, after which States are prohibited from exercising override.

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## **11. An Amendment to Protect the Vote**

SECTION 1: Citizens in every state, territory, and the District of Columbia shall produce valid photographic identification documents demonstrating evidence of their citizenship, issued by the state government for the state in which the voter resides, as a prerequisite for registering to vote and voting in any primary or general election for President, Vice President, and members of Congress.

SECTION 2: Provisions shall be made by the state legislatures to provide such citizenship-designated photographic identification documents at no cost to the individuals unable to afford fees associated with acquiring such documents.

SECTION 3: Early voting in any general election for President, Vice President, and members of Congress shall not be held more than thirty calendar days prior to the national day of election except for active-duty military personnel, for whom early voting shall not commence more than forty-five calendar days prior to the national day of election.

SECTION 4: Where registration and/or voting is not in person but by mail, citizens must submit an approved citizen-designated photo identification and other reliable information to state election officials to register to vote and request ballots for voting, no later than forty-five calendar days before the primary or general elections for President, Vice President, or members of Congress. Registration forms and ballots must be returned and signed by the voter and must either be mailed or hand-delivered by the voter to state election officials. If delivered by a third party, the voter must provide written authorization for the person making the delivery and the third party must sign a statement certifying that he did not unduly influence the voter's decision.

SECTION 5: Electronic or other technology-based voting systems, for purposes of registering and voting in national elections, are proscribed unless a reliable identification and secure voting regimen is established by the state legislature.