

## House Resolution Number

**Whereas**, under Article I of the Constitution of the United States, "*The [United States] House of Representatives ...shall have the sole power of impeachment*" and "*The [United States] Senate shall have the sole power to try all impeachments*"; and

**Whereas**, under Article II, Section 4 of the Constitution of the United States, "*...all civil officers of the United States shall be removed from office on impeachment for, and on conviction of, treason, bribery, or other high crimes and misdemeanors.*"; and

**Whereas**, under Article I, Section 3 of the Constitution of the United States, "*Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States...*"; and

**Whereas**, United States District Court Judge Scott O. Wright has ruled in favor of pro-abortion rights groups in every abortion case before him, including cases involving bans on the use of public funds, employees or buildings for abortion and a prohibition on insurance policies from covering abortion services without extra copayments, and a ban on partial birth abortions;

**Whereas**, several of Judge Wright's rulings are contrary to the rulings of the United States Supreme Court, as evidenced by observing that all but one such ruling by Judge Wright has eventually been reversed on appeal, with the lone exception being a 1999 ruling blocking the enforcement of a ban on partial birth abortion in Missouri which currently remains tied up in litigation and thereby unenforceable; and

**Whereas**, Judge Wright most recently issued a temporary injunction in October of 2003 to block Missouri's newly-enacted informed consent abortion law from taking effect, a law which is very similar to one passed in Pennsylvania and eventually upheld by the United States Supreme Court in 1992; and

**Whereas**, while a January 27, 2004, hearing had been scheduled to decide whether the temporary injunction would become permanent, Judge Wright granted a continuance in the case until May, 25, 2004, at the request of Planned Parenthood which is seeking a permanent

injunction in the case, a date which is just days after the General Assembly of Missouri is scheduled to adjourn its 2004 legislative session resulting in a further delay in the enforcement of a law so similar to Pennsylvania's law that any ruling blocking its enforcement will likely be reversed on appeal; and

**Whereas**, in light of United States Supreme Court rulings permitting reasonable restrictions to be placed on abortions, such as *Webster v. Reproductive Health Services*, 429 U.S. 490 (Missouri statute forbidding the use of public funds for counseling a woman to have an abortion was upheld) and *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (Pennsylvania statute requiring a 24-hour waiting period for abortion was upheld), Judge Wright's rulings on abortion cases can only be interpreted as legislating from the bench and improper judicial activism, actions which are in direct violation of his oath as a federal judicial officer and require his immediate removal from office to ensure that the rulings of the highest court in the land, the United States Supreme Court, are followed in the rulings of all lower federal and state courts;

**Whereas**, if Judge Wright is unable to fulfill his oath and obligations of his office because of his personal beliefs regarding abortion which are contrary to the rulings of the United States Supreme Court and federal Courts of Appeal, he should relinquish his federal judgeship, and failing his resignation, he should be removed from office because of his refusal to uphold the law:

**Now, therefore, be it resolved** that we, the members of the Missouri House of Representatives, Ninety-second General Assembly, urge the United States Congress to initiate impeachment against U.S. District Court Judge Scott O. Wright for violation of his oath of office as a federal judicial officer as evidenced by his rulings contrary to United States Supreme Court rulings in abortion cases and which constitute improper judicial activism; and

**Be it further resolved** that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the Chair of the United States Senate Judiciary Committee, the Chair of the United States House of Representatives Judiciary Committee, and each member of the Missouri Congressional Delegation.

Offered by \_\_\_\_\_  
Representative Ed Emery  
District No. 126

I, Catherine L. Hanaway, Speaker of the House of Representatives, Ninety-second General Assembly, Second Regular Session, do certify that the above is a true and correct copy of House Resolution No. \_\_\_\_\_, adopted \_\_\_\_\_, 2004.

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Catherine L. Hanaway, Speaker