

## **SB 0000 Equalization of Powers Act of 2012 (Proposed Senate Bill)**

SECTION 1. SHORT TITLE. This Act may be cited as the ‘Equalization of Powers Act of 2012’.

### Sec. 2. FINDINGS.

Congress finds the following:

(1) The previous presidential administration of George W. Bush made serious compromises in the planned checks and balances of the Constitution of the United States of America.

(2) This Act serves to reverse most of these “imperial-like” impositions on the rights of the citizens of this country and make these changes in writing. It does not serve to remove the rights of Executive privilege in all circumstances. However, it will serve to provide overall transparency to the Executive Branch of government and allow the proper balance of power to occur with this Branch, the Legislative and Judicial branches of Federal government.

(3) The people of the United States of America mandate this Act overwhelmingly and need this Act to regain confidence in the Federal Government. It is needed to restore integrity and dignity to those elected officials meant to represent, not rule as in a dictatorship.

(4) Previous actions such as warrant less wiretaps, refusal of Executive Branch employees to appear before Congress when subpoenaed, refusal to turn over memos, e-mail communications and similar documents must end with enactment of this Act.

(5) The vote on October 10th, 2002 to go to war by the previous Senate and Administration set a chilling precedent that led to abuse of power and the involvement of the United States in a civil war in Iraq. The Amendment on the previous day by Senator Levin on October 9th, 2002, which has been long forgotten, would have made it more difficult if not impossible for the previous Administration and Majority to go to war unilaterally without Congressional approval.

### SEC. 3. DEFINITIONS

#### (a) Warrant less wiretaps

(a)(1) Though there is a constitutional basis for not having warrant less wiretaps, this Act reinforces that no individual or agency of the US government, nor any State entity have the right to issue a warrant less wiretap. Legal procurement procedures of a warrant in the appropriate venue will be followed.

### SEC. 4 Executive privilege

#### (a) Limits of Executive privilege

(a)(1) The indications for claiming Executive privilege have been distorted grossly by the George W. Bush administration; constitutional law will be the law of the land; if a law is found to be unconstitutional and allows a sitting President to exert inappropriate

Executive privilege, it will be reviewed by the House and Senate and amended if need be. The Judiciary Branch will also be responsible for reviewing cases of Executive privilege for legality. In no way should Executive privilege be allowed in cases where there is a reasonable request by Congress or the Senate to investigate wrongdoing of staff, contracted employee, adviser or anyone connected in any way with the Executive Branch Federal government.

#### SEC. 5 Congressional subpoena

(a) No rights to refuse a subpoena by Congress or the Senate

(a)(1) If any employee, staff, advisor, contractor or member of any rank or position in the Executive Branch of the US Government is subpoenaed to Congress or the Senate, they must follow the request. There are no exceptions other than illness that postpones or injury or disease causing imminent danger to life or limb. Any classified information will be restricted for view by members of appropriate committees. Email in any branch of Federal government will not be purged to limit access in any investigation. Those found guilty of doing so will be prosecuted for impeding or blocking an official Congressional or Senatorial investigation.

#### SEC. 6 Unilateral military action

(a) The Levin Amendment of October 9th, 2002

(a)(1) This amendment was proposed to require the President to be required to exhaust all reasonable attempts to have a global coalition through the United Nations prior to going to war unilaterally against a sovereign nation. It also and more importantly required the President to go before Congress prior to unilateral military action. This latter part will now become law with enactment of this Act. No President will declare war against another nation, republic, territory or mass of people without Congressional approval in a super majority.

#### SEC. 7 Transparency of the executive branch

(a) The White House Email system

(a)(1) As above, no employee, elected official, visitor, staff member, advisor or contractor will purge any email or documents on any computer or data storage system in or controlled by the White House in attempts to avoid disclosure as a result of an inquiry or investigation by the Congress or Senate.

#### SEC. 8 Repealing the November 13, 2001 Presidential Military Order

(a) Allowing the President the power to do away with Habeus Corpus

(a) (1) No prisoner in county, state or Federal facilities can be held indefinitely without legal representation and a fair hearing within a timely manner, not to exceed a maximum of 6 months prior to charging the prisoner with a crime. This provision will require specific action within one month if the 6 month period is exceeded.