Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader.

SUPREME COURT OF THE UNITED STATES

Syllabus

IN RE FORFEITURE OF CONGRESSIONAL SEATS

MOTION TO EXERCSE INHERENT JURISDICTION TO REVIEW AN ACT OF THE EXECUTIVE OR OF THE LEGISLATURE

No. 25–6. Decided November 4, 2025

On November 3rd, 2025, the Speaker of the House declared that the seat held by Representative-elect aiileon had been forfeited by way of two specific facts. First, aiileon failed to take their oath within forty-eight hours, such forfeiture was required by the Oath of Office Protection Act (2024), as amended (by the amendment act of the same name (2025)). Second, aiileon had left all associated Discord servers. Together, these two elements led Speaker ChristopherGlory to transmit to the Federal Election Commission that the seat had become vacant pursuant to the Seventeenth Amendment.

It is now that the Court comes, on the motion of JUSTICE FEELINGS, to ascertain whether such forfeiture by declaration is constitutionally permitted.

Held: Officers do hold their office, even if no oath is administered. The forfeiture of Representative-elect aiileon's seat is unconstitutional and reversed.

(a) "[I]t is emphatically the province and duty of the judicial department to say what the law is." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803). The authority of this Court is supreme intra-branch—that is, supreme within the judicial branch itself—but it does not end here. It is no secret that the Court, like all federal courts, possesses the authority to review the actions of the executive and legislative branches for compliance with the constitution. See for e.g. *Marbury, supra.* Many cases involving the public sector are a fundamental demonstration of this authority. In any case where there is alleged misconduct by the government—in any branch—it is left to the judicial branch to sort out whether there has in fact been misconduct and to order what restitution will be necessary, in the court's opinion, to rectify that misconduct. Nothing regarding this power is in debate.

(b) This power is not one which should be wielded lightly. Instead, the power of inherent review is a tool to aid the Court in acting as the

Syllabus

protector of the Constitution and in protecting the Citizens of the United States from those governments and actors who may seek to harm them under the banner of official actions. The restraints imposed by various doctrines created by this Court and others over time remain ever important to consider when exercising the inherent power of the Court.

(c) The Oath of Office Protection Act of 2024 (the Act) sets forth a number of requirements for those who are appointed directly or following their nomination and subsequent confirmation by the Senate. Namely, it sets forth that these officials shall take an oath of office within a set timeframe. Failure to do so results in that person's forfeiture of their office.

(d) In effect, the Act causes the removal of executive and judicial branch officers alike without any grounds to do so. This Court has long held that the Congress is not permitted to interfere with the powers of removal of executive officers as "the power of appointment [carries] with it the power of removal" *Myers v. United States*, 272 U.S. 52 (1926) (internal citations omitted). The power of the Congress to remove these officers is reserved to be only through impeachment and each chamber of the Congress has a role to play in this matter. The same is true for judicial officers with respect to impeachment, though they have no direct removal mechanism in order to foster judicial independence.

(e) These officers do hold their office, even if no oath is administered. It is nonsense to believe that the President-elect, for example, does not become the President at noon on the day of his term's beginning. He is simply unable to exercise the powers of the President until he becomes constitutionally qualified to do so by taking the oath. Other officers may have their oaths as a requirement for exercising their powers in other sections of the law or in the common law. Between them all is the common process: first, the person assumes the office; second, the officer takes their oath. Only after taking both steps may they exercise their powers.

FEELINGS, J., delivered the opinion of the Court, in which SAICHARI, J., joined. SAICHARI, J., filed a concurring opinion. INSLEE, C. J., filed a dissenting opinion.

SUPREME COURT OF THE UNITED STATES

No. 25–6

IN RE FORFEITURE OF CONGRESSIONAL SEATS

ON MOTION TO EXERCISE INHERENT JURISDICTION TO REVIEW AN ACT OF THE EXECUTIVE OR OF THE LEGISLATURE

[November 4, 2025]

JUSTICE FEELINGS delivered the opinion of the court.

On November 3rd, 2025, the Speaker of the House declared that the seat held by Representative-elect aiileon had been forfeited by way of two specific facts. First, aiileon failed to take their oath within forty-eight hours, such forfeiture was required by the Oath of Office Protection Act (2024), as amended (by the amendment act of the same name (2025)). Second, aiileon had left all associated Discord servers. Together, these two elements led Speaker ChristopherGlory to transmit to the Federal Election Commission that the seat had become vacant pursuant to the Seventeenth Amendment.

It is now that the Court comes, on the motion of JUSTICE FEELINGS, to ascertain whether such forfeiture by declaration is constitutionally permitted.

I

The Supreme Court of the State of Mayflower, an independent state, operates under the same jurisprudence as the United States now does. That court has suggested on multiple occasions that in the interpretation of our Constitutions and laws on this virtual platform, we must assess not only their validity and reasonableness under the tests set forth in earlier jurisprudence, but that these assessments must also be "tailored to the platform." *VinnieMc2165* v. *State of Mayflower*, 2 Mayfl. ____ (2025). This power is well founded, especially because "it is

emphatically the province and duty of the judicial department to say what the law is." *Marbury* v. *Madison*, 5 U.S. (1 Cranch) 137 (1803).

"The Supreme Court is exactly that: supreme." *In re Arkhipovi*, 1 U.S. ____ (2025) (FEELINGS, J., concurring). The authority of this Court is supreme intra-branch—that is, supreme within the judicial branch itself—but it does not end here. It is no secret that the Court, like all federal courts, possesses the authority to review the actions of the executive and legislative branches for compliance with the constitution. See for e.g. *Marbury*, *supra*. Many cases involving the public sector are a fundamental demonstration of this authority. In any case where there is alleged misconduct by the government—in any branch—it is left to the judicial branch to sort out whether there has in fact been misconduct and to order what restitution will be necessary, in the court's opinion, to rectify that misconduct. Nothing regarding this power is in debate.

Much work has been done to ensure that the Constitution was modified in such a way which ensures the carrying out of a realistic government while ensuring that it holds weight as being tailored to the platform. For example, a number of numbered Amendments to the Constitution have been altered, removed entirely, or added—all done at the Constitutional Convention of August 2024. A number of other changes were also made, including one which becomes relevant now.

The real United States Constitution dictates that the judicial power of the United States extends to "Cases" and "Controversies." The changes made at the Convention of August 2024, however, have changed small portions of this clause. The clause now reads:

> "The judicial power shall extend to all **cases**, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;-- to all **cases** affecting

> Ambassadors, other public Ministers and consuls;-- to all cases of admiralty and maritime jurisdiction;-- to **controversies** to which the United States shall be a party;-- to **controversies** between two or more inferior jurisdictions;-- between an inferior jurisdiction and Citizens of another jurisdiction;-- between Citizens of different inferior jurisdictions;-- between Citizens of the same inferior jurisdiction claiming lands under grants of different jurisdictions, and between an inferior jurisdiction, or the Citizens thereof, and foreign States, Citizens or subjects."
> (emphasis added) Art. III, § 2, Constitution of the United States.

The change in capitalization is minor, but not meaningless.

The members of the convention—some of which sit on this Court now—had the foresight to imagine a situation in which there would not be a sufficient number of persons learned in the law to carry out the business of bringing complaints in the District Courts for relief from the misconduct of the government. This hypothetical situation would create a set of circumstances where somebody would be severely wronged by those in power, but not able to seek relief from those wrongs. However, more and more, the situation is not hypothetical. There exists a severe lack of persons who are learned in the law and willing to provide representation to those people seeking to correct wrongs which have been done to them, especially by the government.

The change of "Cases" to "cases" is not inconsequential. Indeed, a proper noun is commonly held to have an established meaning under the law. Rather, the regular noun "cases" refers to any business which may be placed before the Courts.

As such, it is clear that this Court must, and may, act to rectify the identified problem. The powers which are properly attributed to the Supreme Court over the

centuries of the administration of the law throughout these lands, have changed as the role of the Court has changed as well. It is now time for another change in the role of this Court—a change which takes an active step in safeguarding the Constitution and the Citizens who ought to be protected by its contents from the misconduct and overreach which may be perpetrated by the government.

This power of inherent review is properly exercised when the executive or legislative branch has committed some act, or instated some policy, which creates a situation which is untenable under the Constitution of the United States. This power is reserved to the Supreme Court as a matter of judicial temperance. It is not appropriate in the opinion of this Court that individual judges, especially those who may be new to the legal profession by virtue of the rotating-door-like nature of the District Court, be permitted to exercise such a broad and expansive power. Rather, this power must be exercised by a panel, but the panel must be a judicial one. Lacking an intermediate appellate court, the Supreme Court is the most appropriate body to wield this power. As such, this power contributes to, and expands, the original jurisdiction of the Court.

It ought to be said that the jurisdiction to hear Cases and Controversies, under the original sense of that term, remains as previously established. Only in the proper administration of the power of inherent review does the Supreme Court possess the jurisdiction to exercise this power.

This power is not one which should be wielded lightly. Instead, the power of inherent review is a tool to aid the Court in acting as the protector of the Constitution and in protecting the Citizens of the United States from those governments and actors who may seek to harm them under the banner of official actions. The restraints imposed by various doctrines created by this Court and others over time remain ever important to consider when exercising the inherent power of the Court.

Having established the power, we move on to assessing the situation now put before the Court.

II

The Oath of Office Protection Act of 2024 (the Act) sets forth a number of requirements for those who are appointed directly or following their nomination and subsequent confirmation by the Senate. Namely, it sets forth that these officials shall take an oath of office within a set timeframe. Failure to do so results in that person's forfeiture of their office. The Act was thereafter amended by another Act of the same name, in 2025 (the Amendment), which strikes a provision of the first Act. The Amendment, however, directs that the Act shall be amended to:

> "(a) Strike the provision in Section (E) of the Other of Office Protection of 2024 that states:
>
> > (1) "If an elected official or assuming into a public office in an acting capacity, the public official shall be required to take the oath of office within forty-eight (48) hours."

Notably, this provision does not exist. While we would like to infer the intent of the legislature here, we simply cannot. Sections in the Act are numbered, not lettered, and subsection (E) pertains to an entirely unrelated provision. Thus, the Amendment holds no force or effect. While this alone is enough to invalidate the forfeiture of office proclaimed by the Speaker, we will proceed to assess the Act itself for its constitutionality.

The Act itself imposes time restrictions for newly appointed officials to take their oath. While the Congress attempts to discourage and remove pathways from which inactivity may come to be a problem with government officials, they ultimately fall short. The Congress fails to consider the procedural implications of the legislation.

In effect, the Act causes the removal of executive and judicial branch officers alike without any grounds to do so.

This Court has long held that the Congress is not permitted to interfere with the powers of removal of executive officers as "the power of appointment [carries] with it the power of removal" *Myers v. United States*, 272 U.S. 52 (1926) (internal citations omitted). The power of the Congress to remove these officers is reserved to be only through impeachment and each chamber of the Congress has a role to play in this matter. The same is true for judicial officers with respect to impeachment, though they have no direct removal mechanism in order to foster judicial independence.

These officers do hold their office, even if no oath is administered. It is nonsense to believe that the President-elect, for example, does not become the President at noon on the day of his term's beginning. He is simply unable to exercise the powers of the President until he becomes constitutionally qualified to do so by taking the oath. Other officers may have their oaths as a requirement for exercising their powers in other sections of the law or in the common law. Between them all is the common process: first, the person assumes the office; second, the officer takes their oath. Only after taking both steps may they exercise their powers.

The first step exists not only as a logical consequence of our system of government, but also in the jurisprudence we rely on to guide us. Indeed, a commission from the President appointing a person to an office is official at the time of its proper execution. See *Marbury, supra.* Despite the commissions not yet being delivered, the holding of *Marbury* holds that those commissions remain effective. Obviously, if they are undelivered, no oath had yet been taken. Regardless, those officers were entitled to those offices because they did hold them as a consequence of the commission.

It is not debatable that when an officer assumes their office, they gain the protections afforded to all similarly situated officers. No oath can change that. Removal by the

Congress is only through impeachment, like the founders intended.

* * *

Having found that the Oath of Office Protection Act is unconstitutional on its face, the provisions of the Act are unenforceable. Furthermore, the Court has found that the Amendment to that Act is of no effect. Subsequently and additionally, the forfeiture of Representative-elect aiileon's seat is deemed unconstitutional and reversed. The Federal Election Commission should not effectuate any action pursuant to the declaration made by the Speaker which certifies that the seat has become vacant.

It is so ordered.

SUPREME COURT OF THE UNITED STATES

No. 25–6

IN RE FORFEITURE OF CONGRESSIONAL SEATS

ON MOTION TO EXERCISE INHERENT JURISDICTION TO REVIEW AN ACT OF THE EXECUTIVE OR OF THE LEGISLATURE

[November 4, 2025]

JUSTICE SAICHARI, concurring.

"In judging the qualifications of its members under Art. I, § 5, Congress is limited to the standing qualifications expressly prescribed by the Constitution." *Powell v. McCormack*, 395 U.S. 486 (1969). The House of Representatives has unlawfully vacated the seat of Representative-elect aiileon citing an amendment to the Oath of Office Protection Act of 2024, which requires that an individual is to be sworn in within forty-eight hours of election. This qualification is not present in Art. I § 5. Rather, it was added by the Congress as a qualification for all elected offices, and legislative intent suggests that it is additionally intended for each chamber of Congress as one overarching piece of legislation. In this, I find that Congress has acted ultra vires.

Art. I § 5 specifically provides that, "Each House shall be the judge of the elections, returns and qualifications of its members, . . ." The Amendment in question, H.R. 0802, is framed as a bill, hence, "H.R." Because it is a bill, its application lies in Federal law rather than as a standing rule of the House. The House has, in this, imposed a restriction on the rules of the Senate by requiring that Senate oaths are to occur within 48 hours. If the Senate were to do this, the converse would be the case. It is in this that Congress has acted in a manner that is ultra vires.

Powell v. McCormack, 395 U.S. 486 (1969) holds that "the House is without power to exclude any member-elect who

meets the Constitution's requirements for membership." Failing to swear in as a Representative in a specific timeframe is not within the confines of the Constitution as a requirement for membership in the House. Congress attempted to expel Representative-elect aiileon without being sworn in as a Representative, and, after notifying the Speaker of the House of family emergency. Rather than offering grace, the House sought to exclude him on procedural grounds. I reiterate: the House may not exclude a member-elect who meets the Constitution's requirements for membership. Representative-elect aiileon fulfilled those requirements, and the House attempted to expel him solely for not taking the oath within the statutory period

It follows that Congress has acted unlawfully, and has legislated an unconstitutional measure: H.R. 0802, amending the Oath of Office Protection Act of 2024, which stands in direct opposition to Art. I § 5. Congress would be within its rights to expel a noncitizen from its Houses under the provisions of Art. I, however, this was not the authority that was cited, rather, the authority cited is flagrantly unconstitutional. In this, I join the court.

Although I agree that this Court properly exercises jurisdiction under the inherent review authority described by JUSTICE FEELINGS I write to express a word of caution. The judicial power is not without limit, even with jurisprudential development. Where no case or controversy exists in the traditional sense, our restraint must be as deliberate as our reasoning. To act without temperance would be to assume the role of a continuing constitutional convention.

The Framers of our Constitution vested in the judiciary not a license to correct every wrong, but a duty to preserve the rule of law when no other organ will. That duty demands prudence. Each invocation of inherent review as described by JUSTICE FEELINGS must therefore be rare, confined to circumstances in which the constitutional structure itself is imperiled.

This Court's authority to act absent a traditional case or controversy is, by its nature, extraordinary. It follows that the standard for invoking it must be equally exacting. It is in this, that inherent review should only be employed when (1) the constitutional structure faces a clear and compelling threat, and (2) the Court's intervention is narrowly tailored to remove that threat and no more. This mirrors, in spirit if not in substance, the strict-scrutiny standard long applied to governmental incursions upon fundamental rights.

It bears emphasizing that this jurisprudential development, this exercise of inherent review is not cause for celebration. Courts are not meant to act in the absence of adversarial process, and I take no satisfaction in doing so now. Yet the present structure of our system leaves no qualified advocate to bring such a matter before us in the ordinary course. To remain silent would be to permit a plain violation of the Constitution to stand unaddressed. To remain silent would be to permit the elected will of the people to be overruled by an act of Congress imposing requirements upon the elected Representatives of the United States that do not otherwise exist within the Constitution. The duty of the judiciary, even when acting alone, is to preserve the rule of law until the institutions of advocacy can be restored. This is the narrow space in which the Court now acts.

In this instance, the statute at issue reaches beyond Congress' enumerated authority and directly impairs the representative rights of the people. Only because it so plainly offends the Constitution does this Court act. Outside of the tailoring aforementioned, judicial abstention remains the better course.

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[November 4, 2025]

CHIEF JUSTICE INSLEE, dissenting.

The Court today takes a giant leap and invents a new type of jurisdiction. What is more extraordinary is this being done solely on the Court's own volition. The majority insists that inherent review jurisdiction is plainly found in Article III, the part of the Constitution which governs the judicial power. And for all our government institutions, their powers and mandates are indeed derived through the Constitution. Maybe the majority is right: Inherent review jurisdiction is plainly found in Article III because the judicial power extends to *all cases* arising under the Constitution or laws, and to *controversies* to which *the United States is a party*, et cetera. Maybe the majority is right in the literal reading of these words. Or maybe the majority is wrong. For present purposes, I do not know. I would not go to the extraordinary step of inventing a novel type of jurisdiction. But what is more, I would not waive a judicial wand whenever I wanted to. And because that should be the end of it, I do not express a view on the merits of this supposed case.

I respectfully dissent.