

Law of the Land

The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for both the Constitution and a law violating it to be valid. One must prevail. This is succinctly stated as follows:

"The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment, and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted.

"Such an unconstitutional law is void, the general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it. . .

"A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing valid law. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby.

"No one is bound to obey an unconstitutional law and no courts are bound to enforce it."

Sixteenth AMERICAN JURISPRUDENCE
Second Section; § 177

THE CONSTITUTION OF THE UNITED STATES.....

ARTICLE SIX; Section two:

"This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the SUPREME LAW OF THE LAND; and the JUDGES IN EVERY STATE SHALL BE BOUND THEREBY, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Seditious conspiracy; "If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States; or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined not more than \$20,000.00 or be imprisoned not more than twenty years, or both."

The authority of the United States is the Constitution. The force need not be limited to "military force" but can be legal force, psychological force, economic force, etc.

All persons involved in the "regional governance" conspiracy are unlawfully attempting to alter the form of government in the respective States and in the United States in violation of section 3, paragraph 1, and section 4, Article IV, United States Constitution.

It is quite clear that individuals, both public and private, who promote or otherwise participate in the conspiracy known as "regional governance" are in violation of Section 2384, Title 18, United States Code, and must be held to answer for such crimes by the people and by the elected officials who represent the people.

REFERENCES:

Federalist Papers #46, James Madison wrote; "The Federal and State Governments are in fact but different agents and trustees of the people . . . the adversaries of the Constitution seem to have lost sight of the people altogether. They must be told that the ultimate authority resides in the people."

Federalist Papers #78, Alexander Hamilton, wrote; "No legislative act contrary to the Constitution can be valid. To deny this would be to affirm that the deputy is greater than his principle; that the servant is above the master; that the representatives of the people are superior to the people, that men, acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid. It is not to be supposed that the Constitution could intend to enable the representatives of the people to substitute their will to that of their constituents. A Constitution is, in fact, and must be regarded by Judges as a fundamental Law. If there should happen to be an irreconcilable variance between the two, the Constitution is to be preferred to the statute."

Am Jur, 2nd Sec. 210; Scott vs Sanford, 19 How 393, 15 L Ed 691; "Neither the legislative, executive nor judicial departments of the federal government can lawfully exercise any authority beyond the limits marked out by the Constitution."

16 Am Jur, 2nd Sec. 210; Wilson vs Philadelphia Scho. Dist. 328 Pa 225, 195 A 90, 113 ALR 1401; "Any fundamental or basic power necessary to government cannot be delegated."

16 Am Jur, 2nd Sec. 178; Constitutional Law. "The general rule is that an unconstitutional statute, though having the form and name of law, is in reality no law, but is wholly void and ineffective for any purpose; since unconstitutionality dates from the time of its enactment and not merely from the date of the decision so branding it; an unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed . . . an unconstitutional law is VOID . . . it imposes no duties, confers no rights, creates no office . . . bestows no power or authority, affords no protection and justifies no acts performed under it . . . an unconstitutional law cannot repeal or supersede any existing valid law . . . an unconstitutional statute cannot repeal or in any way effect an existing valid one . . . the general principals stated above apply to the Constitution as well as to the laws of the several States insofar as they are repugnant to the Constitution of the United States. Moreover, the construction of a statute which

brings it in conflict with the Constitution, will nullify it as effectually as if it had been enacted in conflict therewith.

16 Am Jur, 2nd Sec. 547; "Daniel Webster, James Otis and Sir Edward Coke all pointed out that the mere fact of enactment does not and cannot raise statutes to the standing of LAW. Not everything which may pass under the form of statutory enactment can be considered the LAW of the land."

U.S. Sup. Ct., Maybury vs Madison, 1803, 2 L Ed. 60; 1 Cra. 137; ref. 6 Whea: 246 & Wal 601; "Law repugnant to the Constitution is VOID . . . for I cannot call it law contrary to the first great principles of the social compact . . . (It) cannot be considered a rightful exercise of legislative authority."

16 Am Jur, 2nd Sec. 177; "An unconstitutional statute though having the form and name of law, is in reality no law, but wholly null and void and ineffective for any purpose. It imposes no duty, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it. No one is bound to obey an unconstitutional statute and no courts are bound to enforce it."

16 Am Jur, 2nd Sec. 210; Constitutional Law; "A characteristic feature and one of the cardinal and fundamental principles of the American Constitutional system is that the government powers are divided among the three departments of government; the legislative, the executive and the judicial; and that each of these is separate from the others. The rule is generally recognized that Constitutional restraints are overstepped where one department of government attempts to exercise powers exclusively delegated to another; officers of any branch of government cannot permit its powers to be exercised by any other branch."

16 Am Jur, 2nd Sec. 178; Constitutional Law; "The general rule is that an unconstitutional act of the legislature protects no one. It is said that all persons are presumed to know the law, meaning that ignorance of the law excuses no one; if any person acts under an unconstitutional statute, he does so at his peril and must take the consequences."

Key No. 73, Miranda vs State of Arizona, 86 S. Ct., 1602 (1966); "Where rights secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them."

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