

In Pursuance There Of...

The federal government's power grab over states' rights continues unabated as evidenced by numerous "laws" and "edicts" as well as bureaucratic decrees that continually are flaunted in the face of We The People. Recently, while listening to a presentation by KrisAnne Hall, who is an expert on the subject of the Constitution, she mentioned a lawsuit brought by "The United States" against one of the states claiming that the "Supremacy Clause" allowed any law that the federal government passed to over rule any that the state has passed. Interesting enough the lawsuit used ... and didn't quote the complete clause!

According to the Feds, given the Supremacy Clause, the states have always lacked the authority to dishonor any "opinion" issued by a federal court, and compliance is not merely a matter of cooperation that the a State may withhold; but must obey as if it is "law". Same goes for any federal "law" that is passed by the legislature and signed by the President.

However, the truth can be found in our Constitution, specifically the Tenth Amendment and the Supremacy Clause themselves, which the feds are citing with ... and not even mentioning the words IN PURSUANCE THEREOF. First, the Supremacy Clause, which states: "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." Citizens who are well versed in the contents of our founding documents know that a key phrase in the Supremacy Clause is the phrase, "which shall be made in Pursuance thereof."

A constitutional law is one that is made in pursuance of the Constitution. A law which is not made in pursuance of the Constitution is not, in fact, a law; but is 'null, void, and of no effect'. Such a law also violates the Tenth Amendment which states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people." In 1798, referring to the federal government, Thomas Jefferson wrote that "whenever the general government assumes undelegated powers....a nullification of the act is the rightful remedy." [emphasis added]

Thus, unless a "law" or "opinion by any court, state, federal circuit or even of the supreme Court itself must "made in pursuance thereof" (the Constitution), specifically the Tenth Amendment. Further, understanding this the 1934 National Firearms Act, the 1968 Gun Control Act, the Hughes amendment, and hundreds of other obvious violations of the Constitution should be nullified because the states always did have the authority to refuse to follow or obey unconstitutional "law" under the Tenth and ("in pursuance thereof"), regardless of what ANY Circuit Court of Appeals may find. Every Circuit court is still bound to follow the Constitution and any violation made by it would be null, void, and of no effect.

What is vitally important to understand here is that under the Tenth Amendment the powers delegated to the federal government by the states does not mean the states give up their rights; because they "are reserved." Understand that when a court, any court, upholds an action which is unconstitutional it not only makes that ruling null and void, but that court should be held to answer for its violation of its sworn oath to uphold the Constitution. Any Circuit Court of Appeals that is not acting "in pursuance thereof" should therefore have the ruling vacated.

You have to admit, America is not broken, America is being taken over. In fact one of the Appeals Court justices, Judge Michael Boudin, in his dissenting opinion in one case wrote "State interposition to defeat federal authority vanished with the Civil War." It did????! You could claim that Judge Boudin may be referring to Reconstruction and you could certainly point to Reconstruction as the pivotal point in our nation's history for the beginning of this Federal takeover. However, the Reconstruction Act of 1867 was, and remains to this day, unlawful because it was not in pursuance of the Constitution and is therefore, null, void, and of no effect."

Garrett Epps, in his The American Prospect article "A State-Federal Standoff Over The Death Penalty", wrote "But the argument has actually been framed in terms of the decidedly strange idea of "dual sovereignty" in which the state and federal governments, like God the Father and God the Holy Ghost, somehow inhabit the same space under the same Constitution remaining one and yet mystically separate at the same time".

They can do both. The Tenth Amendment states "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The states, through the compact between them (known as the Constitution), grant these powers to the federal government but ALSO retain them. If the "supreme law of the land" is the Constitution, of which both the Supremacy Clause and Tenth Amendment are a part, then why ignore one in favor of the other? YOU CAN'T without violating the very premise of the Constitution in the first place! For instance, using this as an example...the Federal government passed the National Firearms act in 1934. The supreme Court upheld it as "constitutional". Well how can a "law" that states that an individual who wishes to possess a rifle with a barrel length shorter than 16 inches is somehow a law violator if that law is looked at under the 2nd amendment's SHALL NOT BE INFRINGED prohibition as well as the 10th amendment AND the "in pursuance thereof" understanding of the meaning of the Constitution in the first place? And you can't "tax" a right without directly violating the right itself and the "shall not be infringed" clause of the 2nd! Why have a Constitution at all if a law, regulation or opinion can nullify plain simple understanding that the Founding Fathers were explicit about?

As commonly happens in states' rights cases where the federal government claims the Supremacy Clause trumps states' rights, time and time again it ignores the Tenth Amendment in its arguments. Many citizens, even those who swear an oath to uphold the Constitution, are of the mistaken belief that the Tenth Amendment is only about states' rights. Of course, we know that there is more to the Tenth Amendment than that. Since the Tenth Amendment has not been revoked, the states' rights retained therein have not been superseded, in contrast with any ruling issued by any Circuit Court of Appeals or the supreme Court. In cases involving states' rights the Constitution, specifically the Tenth Amendment, must always be right; every time, in every issue, without exception.

So ask yourself this...using reason, logic and common sense...do ANY of the 20,000 state and federal laws that are considered "gun control" laws violate IN PURSUANCE THEREOF? or NOT? And if they DO, then they are ALL null and void from the date of their inception.

~Mark Reynolds AKA Courageous Lion