

STATUTES, CODES, RULES & REGULATIONS: STATUTES ARE NOT LAWS.

With such overwhelming case law there is no question about the fact of the claim made here statutes are not law. Plaintiff/the court now challenges prosecution and Magistrate to prove the statutes apply to plaintiff/court. Plaintiff denies being a government employee if the prosecution or state or Magistrates wish to say different then prove I have been a paid employee of federal or state Government. As well article 1 section 8 clause 14 says clearly the government makes the rules for the government not the people. *Cruden v. Neale*, 2 N.C. 338 (1796) 2 S.E.].

Constitutionally, "a statutory presumption cannot be sustained if there be no rational connection between the fact proved and the ultimate fact presumed." *Tot v United States*, 319 US 463, 467; 63 S.Ct. 1241, 1245, 87 L.Ed. 2d 1519 (1943).

"Statutes apply only to state created creatures known as corporations no matter whether [creatures of statute and offices of] state, local, or federal [government]." (*Colonial Pipeline Co. v. Traigle*, 421 US 100. (1975)).

"A statute will not be presumed to have extra territorial effect... outside the [territorial] jurisdiction of the legislature.. over persons residing outside the (territorial) jurisdiction of the legislature." (*Bond v Jay*, 7 Cranch 350, 3 L Ed 367). "

A "Statute' is not a Law," (*Flournoy v. First Nat. Bank of Shreveport*, 197 La. 1067, 3 So.2d 244, 248),

"A "Code' or Statute' is not a Law," (*Flournoy v. First Nat. Bank of Shreveport*, 197 La. 1067, 3 So.2d 244, 248),

A “Code’ is not a Law,” (In Re Self v Rhay Wn 2d 261), in point of fact in Law,)

A concurrent or ‘joint resolution’of legislature is not “Law,” (Koenig v. Flynn, 258 N.Y. 292, 179 N. E. 705, 707; Ward v State, 176 Okl. 368, 56 P.2d 136, 137; State ex rel. Todd v. Yelle, 7 Wash.2d 443, 110 P.2d 162, 165).

...lacking due process[of law], in that they are ‘void for ambiguity’ in their failure to specify the statutes’ applicability to ‘natural persons,’ otherwise depriving the same of fair notice, as their construction by definition of terms aptly identifies the applicability of such statutes to “artificial or fictional corporate entities or ‘persons’, creatures of statute, or those by contract employed as agents or representatives, departmental subdivisions, offices, officers, and property of the government, but not the ‘Natural Person’ or American citizen Immune from such jurisdiction of legalism. (Rodriques v. Ray Donovan, U.S. Department of Labor, 769 F.2d 1344, 1348 (1985)); All codes, rules, and regulations are for government authorities only, not human/Creators in accord with God’s Laws. “All codes, rules, and regulations are unconstitutional and lacking due process of Law..”(Rodriques v. Ray Donovan, U.S. Department of Labor, 769 F.2d 1344, 1348 (1985)); ...lacking due process of law, in that they are ‘void for ambiguity’ in their failure to specify the statutes’ applicability to ‘natural persons,’ otherwise depriving the same of fair notice, as their construction by definition of terms aptly identifies the applicability of such statutes to “artificial or fictional corporate entities or ‘persons’, creatures of statute, or those by contract employed as agents or

representatives, departmental subdivisions, offices, officers, and property of the government, but not the 'Natural Person' or American citizen Immune from such jurisdiction of legalism.

"The Common Law is the real law, the Supreme Law of the land. The codes, rules, regulations, policy and statutes are "not the law." (Self v. Rhay, 61 Wn 2d 261), They are the law of government for internal regulation, not the law of man, in his separate but equal station and natural state, a sovereign foreign with respect to government generally.)

"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."

"It (the legislature or statutory laws) may not violate constitutional prohibits or guarantees OR AUTHORIZE OTHERS TO DO SO." Lockard v. Los Angeles 33 Cal2d 553; Cert den 337 US 939.

Constitutionally, "a statutory presumption cannot be sustained if there be no rational connection between the fact proved and the ultimate fact presumed." Tot v United States, 319 US 463, 467; 63 S.Ct. 1241, 1245, 87 L.Ed. 2d 1519 (1943).

U.S. Const., Art. VI, cl. 2; Maryland v Louisiana, 451 US 725, 746; 101 S Ct 2114; 68 L Ed 2d 576 (1981) reveals that, "Where a state statute conflicts with, or frustrates, federal law, the former must give way."

“If there should happen to be an irreconcilable variance between the two Constitution is to be preferred to the statute.” (A. Hamilton, Federalist Papers #78 See also Warning V. The Mayor of Savannah, 60 Georgia, P.93; First Trust Co. v. Smith, 277 SW 762. Marbury v. Madison, 2 L Ed 60; and Am.Juris. 2d Constitutional Law section 177-178)

“It (the legislature or statutory laws) may not violate Constitutional prohibits or guarantees OR AUTHORIZE OTHERS TO DO SO.” Lockard v. Los Angeles 33 Cal2d 553; Cert den 337 US 939.

Weimer v Bunbury, 30 Mich 291; 1874 Mich. LEXIS 168 (1874) reveals that "The Bill of Rights in the American Constitution has not been drafted for the introduction of new law, but to secure old [already existing] principles against abrogation or violation."

Every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellow man without his consent. Mugler v. Kansas 123 U.S. 623, 659-60.

"Insofar as a statute runs counter to the fundamental law of the land, (constitution) it is superseded thereby." (16 Am Jur 2d 177, Late Am Jur 2d. 256)

"...all laws which are repugnant to the Constitution are null and void' (Marbury v Madison, 5 US 1803 (2 Cranch) 137, 174, 170).

"Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them." - Miranda v. Arizona, 384 U.S. 436, 491.

"The claim and exercise of a constitutional right cannot be converted into a crime." Miller v. U.S., 230 F 2d 486, 489.

"There can be no sanction or penalty imposed upon one because of this exercise of Constitutional rights."- Sherar v. Cullen, 481 F. 945.

To disregard Constitutional law, and to violate the same, creates a sure liability upon the one involved:

"State officers may be held personally liable for damages based upon actions taken in their official capacities."

Hafer v. Melo, 502 U.S. 21 (1991).

If the U.S. Supreme Court acknowledged the authority of the common law Grand Jury (U.S. v. Williams), why would the state have authority to counter that opinion?

The common law is superior to all statutory law, and we must only invoke it in the right way to have superior standing. We need to stop

putting the common law and the Grand Juries underneath their inferior statutory laws. The people (singular AND plural) have the ultimate authority!

American Jurisprudence 2nd 1964 vol. 16

CONSTITUTIONAL LAW § 177 Generally statute leaves the question that it purports to settle just as it would be had the statute not been enacted. Since 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 contract which rests on an unconstitutional statute creates no obligation to be impaired by subsequent legislation.

No one is bound to obey an unconstitutional law and no courts are bound to enforce it. Indeed, insofar as a statute runs counter to the fundamental law of the land, it is superseded thereby. 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. Pg. 403 – 405 16Am Jur 2d., Const. Law Sec. 70:

“If there should happen to be an irreconcilable variance between the two Constitution is to be preferred to the statute.” (A. Hamilton, Federalist Papers #78 See also *Warning V. The Mayor of Savannah*, 60 Georgia, P.93; *First Trust Co. v. Smith*, 277 SW 762. *Marbury v. Madison*, 2 L Ed 60; and *Am.Juris. 2d Constitutional Law section 177-178*).

A “Statute’ is not a Law,” (*Flournoy v. First Nat. Bank of Shreveport*, 197 La. 1067, 3 So.2d 244, 248),

A “Code’ is not a Law,” (*In Re Self v Rhay Wn 2d 261*), in point of fact in Law,)

A concurrent or ‘joint resolution’ of legislature is not “Law,” (*Koenig v. Flynn*, 258 N.Y. 292, 179 N. E. 705, 707; *Ward v State*, 176 Okl. 368, 56 P.2d 136, 137; *State ex rel. Todd v. Yelle*, 7 Wash.2d 443, 110 P.2d 162, 165).

All codes, rules, and regulations are for government authorities only, not human/Creators in accord with God’s Laws.

“All codes, rules, and regulations are unconstitutional and lacking due process of Law..”

(*Rodriques v. Ray Donovan, U.S. Department of Labor*, 769 F.2d 1344, 1348 (1985)); ...lacking due process of

law, in that they are 'void for ambiguity' in their failure to specify the statutes' applicability to 'natural persons,' otherwise depriving the same of fair notice, as their construction by definition of terms aptly identifies the applicability of such statutes to "artificial or fictional corporate entities or 'persons', creatures of statute, or those by contract employed as agents or representatives, departmental subdivisions, offices, officers, and property of the government, but not the 'Natural Person' or American citizen Immune from such jurisdiction of legalism.

"All codes, rules and regulations are applicable to the government authorities only, not human/Creators in accordance with God's laws. All codes, rules and regulations are unconstitutional and lacking in due process ..." *Rodriques v Ray Donovan* (U.S. Department of Labor), 769 F. 2d 1344, 1348 (1985).

U.S. Const., Art. VI, cl. 2; *Maryland v Louisiana*, 451 US 725; 746; 101 S Ct 2114; 68 L Ed 2d 576 (1981) reveals that. "Where a state statute conflicts with, or frustrates, federal law, the former must give way."

"It (the legislature or statutory laws) may not violate constitutional prohibits or guarantees OR AUTHORIZE OTHERS TO DO SO." *Lockard v. Los Angeles* 33 Cal2d 553; Cert den 337 US 939.

Constitutionally, "a statutory presumption cannot be sustained if there be no rational connection between the fact proved and the ultimate fact presumed." *Tot v United States*, 319 US 463, 467; 63 S.Ct. 1241, 1245, 87 L.Ed. 2d 1519 (1943).

Words and phrases in statutes must be construed according to the rules of grammar and their common and approved usage...Velquez. V. East strousburg,949.A2d 354,358-359(PA Cmwth.2007)....

The separate source of substantive law must constitute a “money-mandating constitutional provision, statute or regulation that has been violated, or an express or implied contract with the United States.” Loveladies Harbor, Inc. v. United States, 27 F.3d 1545, 1554 (Fed. Cir. 1994).

In order for a claim against the United States founded on statute or regulation to be successful, the provisions relied upon must contain language which could fairly be interpreted as mandating recovery of compensation from the government.” Cummings v. United States, 17 Cl. Ct. 475, 479 (1989), aff’d, 904 F.2d 45 (Fed. Cir. 1990); see also United States v. Testan, 424 U.S. 392, 398 (1976).

“The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law.” Marbury v. Madison, 5 US 137:

“All laws, rules and practices which are repugnant to the Constitution are and void.” Marbury v. Madison, 5th US (2 Cranch) 137, 180 .

16 Am Jur 2d, Sec 177 late 2d, Sec 256:

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.

Since 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.