

The True Meaning Of The “Supremacy Clause”

Most attorneys, judges and politicians often say that if the United States Congress passes a “law” or the U.S. Supreme Court makes a “decision”, the States and the people must obey it without question because of the “Supremacy Clause”. But this statement is simply not true.

The “Supremacy Clause”, found in Article VI, Clause 2, of the Constitution for the United States of America, 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.”

First, remember that every statement and/or action by those in government must always be constitutional to be lawful.

“All laws which are repugnant to the Constitution are null and void.”

[Marbury vs. Madison, 5 US (2 Cranch) 137, 174,176 (1803)]

“Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.”

[Miranda vs. Arizona, 384 US 436, 491(1966)]

“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 decision so branding it. **“No one is bound to obey an unconstitutional law and no courts are bound to enforce it.”**”

[16 Am. Jur. 2d, Section 177; later 2d, Section 256]

Of course, we are told that only courts, and ultimately the U.S. Supreme Court, can determine what is unconstitutional. Again, this is not true. **The people are sovereign in America.** Sovereignty means the supreme authority or final word. Actually, the true Sovereign is always God, Jesus the Christ, and the Holy Spirit. However, in Pennsylvania, the other States of the Union, and the United States of America, the people are the earthly sovereigns. So we, individually and collectively, can determine what is immoral and/or unconstitutional, while always being responsible for our decisions and actions. All those in government, according to their constitutional “oath of office”, are required to determine the constitutionality of their statements and actions **before they act**. Further, if they discover or do something that is unconstitutional, they are required to do everything lawfully possible to correct the error(s).

“In the United States, sovereignty resides in the people, who act through the organs established by the Constitution. Chisholm v. Georgia, 2 Dall. 419, 471; Penhallow v. Doane’s Administrators, 3 Dall, 54, 93; McCulloch v. Maryland, 4 Weat 316, 404, 405; Yick Wo v. Hopkins, 118 U.S. 356, 370.

The Congress as the instrumentality of sovereignty is endowed with certain powers to be exerted on behalf of the people in the manner and with the effect the Constitution ordains. The Congress cannot invoke the sovereign power of the people to override their will as thus declared.”

[PERRY v. UNITED STATES, 294 US 331, 353, (1934)]

So, the words, "*made in Pursuance thereof*" and "*Treaties made, or which shall be made, under the Authority of the United States*" in the "Supremacy Clause" mean that all laws and all treaties must be made strictly according to the original intent of the explicit provisions in the lawful Constitution for the United States of America. Any deviation makes the alleged "law" or "treaty" null and void from the time that it was allegedly enacted. Also, each change to the Constitution must be done exactly according to Article V of the Constitution in order for the constitutional amendment to be valid. For example, remember, the so-called 14th Amendment was neither lawfully approved nor ratified. Thus, the so-called 14th Amendment has never been constitutional. It is not part of the Constitution for the United States of America. Anything that is based on the so-called 14th Amendment is also null and void from the time it was done. No court decision is necessary to confirm this. "The Constitution strikes with nullity that which does violence to its provisions."

The "Supremacy Clause" is used to determine if the Constitution for the United States of America or one of its laws or treaties is the "supreme law of the land" when one of the limited enumerated powers delegated to the U.S. government is in direct conflict with a provision of a State Constitution or a law made strictly according to the State Constitution. It is possible for a State government and the United States government to have concurrent authority (jurisdiction) when there is no conflict in the two Constitutions or laws, codes, regulations, rules, etc., that are made pursuant to the respective Constitutions.

The Tenth Amendment to the Constitution for the United States of America was added to confirm the true meaning of the "Supremacy Clause" and to help resolve conflicts. 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."

Unique on earth, we are supposed to have a compound republic in America. An individual is first a Citizen of a State, and then because that State is part of the Union, the individual is also a Citizen of the United States of America. People living in Washington, D.C., in a territory or in a possession of the United States are only Citizens of the United States of America. As James Madison stated in Federalist [paper] #51:

"In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself."

The State, and each officer, employee, agent, etc., thereof, has a constitutional duty to "interpose" itself or himself/herself between a Citizen, or Citizens, and the United States government when the latter commits or attempts to commit an unconstitutional action. Thomas Jefferson called this "Nullification" which he considered the "*Rightful Remedy*" for usurpations of power. Those in the State, County, and/or local governments who fail to do this constitutional duty, violate their "oath of office" to "support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and [to] discharge the duties of [their] office with fidelity". (Article VI, Section 3, of the Constitution of the Commonwealth of Pennsylvania)

The United States is a unique government created by a written Constitution of limited, delegated powers. Its powers and laws are only "the supreme Law of the Land" when they are constitutional and explicitly in conflict with a Constitution and/or a law of one or more of the States in the Union.