

House File 752 - Introduced

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BY JACOBSEN

A BILL FOR

1 An Act relating to the jurisdiction of the state of Iowa and
2 including effective date provisions.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. LEGISLATIVE FINDINGS AND DECLARATION. The
2 general assembly finds and declares all of the following:
3 1. The creator placed in the heart of man the right of
4 self-rule or individual sovereignty.
5 2. In Genesis 1:26-28, the creator gave man the
6 responsibility and authority to rule.
7 3. The creator limited man's rule to the fish of the
8 sea, the fowl of the air, the cattle, over all the earth,
9 everything that creeps; however, he did not give man authority
10 to rule over fellow man because it would violate fellow man's
11 individual sovereignty.
12 4. Man existed before governments.
13 5. Individuals themselves, each in the individual's own
14 individual sovereignty, entered into a compact with each other
15 to produce a government.
16 6. This great nation was formed on the basis of the laws
17 of nature and nature's God, as stated in our Declaration of
18 Independence.
19 7. Our founders declared our independence from a "rulers
20 rule" form of government.
21 8. Our founders established a "sovereign peoples' rule"
22 form of government.
23 9. Governments are established among men, receiving their
24 actual powers from the permission of we the people.
25 10. Sovereign man entered into a compact with fellow
26 sovereign man out of agreement of mutual respect for each
27 other's individual sovereignty. Man therefore, created "State"
28 government and by loaning it limited sovereignty made it a
29 sovereign State.
30 11. Sovereign States entered into a constitutional compact
31 with fellow sovereign States and thereby created a Constitution
32 of these United States which was ratified by we the people
33 through special ratifying conventions in each state. The
34 states loaned limited sovereignty to the federal government
35 making it a limited and defined sovereign national government.

1 12. The federal government is merely the creature of the
2 constitution and is completely subject to it.

3 13. Federalist number 39 states: "The proposed government
4 cannot be deemed a 'National' one; since its jurisdiction
5 extends to certain enumerated objects only, and leaves to the
6 several States a residuary and 'Inviolable Sovereignty' over
7 all other objects."

8 14. Federalist number 39 also states: "Each State, in
9 ratifying the Constitution, is considered as a 'Sovereign'
10 body, independent of all others, and only to be bound by its
11 own 'voluntary' act. In this regard, the 'New' Constitution
12 shall, if established, be a FEDERAL, and NOT a NATIONAL
13 Constitution."

14 15. Federalist number 45 states: "The powers delegated by
15 the proposed Constitution to the federal government are few and
16 defined. Those which are to remain in the State governments
17 are numerous and indefinite. The former will be exercised
18 principally on external objects, as war, peace, negotiation,
19 and foreign commerce; with which last the power of taxation
20 will, for the most part, be connected. The powers reserved to
21 the several States will extend to all the objects which, in the
22 ordinary course of affairs, concern the lives, liberties, and
23 properties of the people..."

24 16. Federalist number 14 states that the federal government
25 "is not to be charged with the whole power of making and
26 administering laws. Its jurisdiction is limited to certain
27 enumerated objects..."

28 17. Federalist number 40 states: "We have seen that in the
29 new government, as in the old, the general powers are limited;
30 and that the States, in all unenumerated cases, are left in the
31 enjoyment of their sovereign and independent jurisdiction."

32 18. These statements are codified in the Constitution of
33 these United States in the ninth and tenth amendments.

34 19. Because the federal government was created by the
35 compact between the sovereign states, the "authority" lies with

1 the states as to whether the federal government has violated
2 the constitution.

3 20. With regard to constitutional controls of the federal
4 government, under our rules of law, the constitution is the
5 controlling and limiting document of the federal government.

6 21. The limitations imposed on the federal government by
7 the Constitution of these United States are unique controls
8 and cannot be summarily and legally superimposed back on the
9 sovereign states by the federal government, as in the case of
10 McDonald v. Chicago, 561 U.S. 742 (2010).

11 22. Article VI, clause 2 of the Constitution of these United
12 States, the "supremacy clause," establishes the Constitution
13 of these United States as the supreme law of the land, and any
14 statute, to be valid, must be in agreement with it.

15 23. The framers of the Constitution of these United States
16 made it clear that the supremacy clause was not an open-ended
17 grant of power to the federal government, of which the Supreme
18 Court is a branch, and until we the people by some solemn
19 and authoritative act annul or change the established form,
20 they are binding collectively as well as individually. No
21 presumption or opinions can warrant any representative to
22 depart from them without violating the representative's oath
23 of office.

24 24. The Constitution of these United States does not grant
25 any authority to any unconstitutional law, statute, mandate,
26 regulation, edict, rule, resolution, court opinion, executive
27 order, or other usurpation. In every and all cases of
28 unconstitutional law, the federal courts do not have supremacy
29 over State sovereignty. The "supremacy" is established in the
30 authority of Article VI, clause 2 of the Constitution of these
31 United States, which states that only laws made in pursuance of
32 the Constitution are granted supremacy.

33 25. It is impossible for a law which violates the
34 Constitution of these United States to be valid. "[A] law
35 repugnant to the Constitution is void," Marbury v. Madison,

1 5 U.S. 137, 180 (1803); "[w]here rights secured by the
2 Constitution are involved, there can be no rulemaking or
3 legislation which would abrogate them." *Miranda v. Arizona*,
4 384 U.S. 436, 491 (1966); "[a]n unconstitutional act is not a
5 law; it confers no rights; it imposes no duties; it affords no
6 protection; it creates no office; it is in legal contemplation
7 as inoperative as though it has never been passed." *Norton v.*
8 *Shelby County*, 118 U.S. 425, 442 (1886); "[t]he general rule is
9 that an unconstitutional statute, though having the form and
10 the name of law, is in reality no law, but is wholly void and
11 ineffective for any purpose since unconstitutionality dates
12 from the time of its enactment and not merely from the date of
13 the decision so branding it" and "no one is bound to obey an
14 unconstitutional law and no courts are bound to enforce it." 16
15 *Am. Jur.* 2D §178 (1962).

16 26. Federalist number 33 states: "If the federal government
17 should overpass the just bounds of its authority and make a
18 tyrannical use of its powers, the people, whose creature it is,
19 must appeal to the standard they have formed, and take such
20 measures to redress the injury done to the Constitution as the
21 exigency may suggest and prudence justify."

22 27. Federal actions that are made and are subsequently
23 found by the states to be outside the constitutionally
24 mandated limitations imposed on the federal government by the
25 constitution are null and void on their face, and the sovereign
26 States are under no obligation to respond to or perform
27 according to these acts, but they are obligated to challenge
28 and rescind unlawful acts of the federal government.

29 28. Nature's universal laws govern everyone and everything
30 in our universe.

31 29. The law of creation dictates that the creature never has
32 authority over the creator.

33 30. We the people are the creators of the federal government
34 and its limits as stated in the "employees' handbook", the
35 Constitution of these United States.

1 31. The basis for a government to arise and to exist is
2 individual sovereignty. Therefore, the sovereign citizens
3 of every particular state become the final arbiters of the
4 constitutionality of federal law.

5 32. Those duly elected state representatives have taken an
6 oath to support the Constitution of these United States and
7 their own particular State Constitutions and serve as the voice
8 for the sovereign citizens collectively for a particular State.

9 33. Those duly elected state representatives have the
10 authority and responsibility to correct any abuses of federal
11 encroachment through the process of state nullification.

12 34. At the Constitutional Convention of 1787, the founding
13 framers established America as a republic, not a democracy,
14 that would function from the "rule of law", and that "rule of
15 law" would be established on the laws of nature and nature's
16 God.

17 35. The people of the several states comprising these United
18 States of America created the federal government to be their
19 agent for certain enumerated purposes, and nothing more as
20 stated in the "federal employees handbook", the Constitution
21 of these United States.

22 36. The relationship between the federal government and
23 state governments is that the federal government is a creature
24 of the states and does not have sovereignty over the states.

25 37. The nature of a federal government is that the
26 individual states retain their own independent sovereignty.

27 38. The ninth and tenth amendments to the Constitution
28 of these United States reiterate the authority of state
29 sovereignty.

30 *a.* The ninth amendment states that the enumeration of
31 certain rights in the Constitution of these United States shall
32 not be construed to deny or disparage others retained by the
33 people.

34 *b.* The tenth amendment states that the powers not delegated
35 to the United States by the Constitution of these United States

1 nor prohibited by it to the states are reserved to the states
2 respectively, or to the people.

3 39. The Constitution of these United States has been the
4 fundamental law of the land since its ratification by the
5 requisite nine states in 1788. Until we the people by some
6 solemn and authoritative act annul or amend this established
7 form, it is binding collectively as well as individually, and
8 no presumptions can warrant any representative to depart from
9 them without violating the representative's oath of office.

10 40. States that have joined the union after the original
11 thirteen states have joined under the same requirements and
12 expectations as the original thirteen states. They join with
13 the guarantee of a republican form of government and the
14 restrictions that are placed on the federal government by the
15 Constitution of these United States. Therefore, the sovereign
16 states are not obligated to honor or obey unconstitutional
17 laws, statutes, mandates, regulations, edicts, rules,
18 resolutions, directives, executive orders, court opinions, or
19 other usurpations imposed by the federal government. In fact,
20 the states have an obligation and duty to resist such tyranny
21 for the sake of the sovereign citizens of the particular state.

22 41. The universal law of creator and created depicts the
23 relationship between the creator and created and dictates that
24 the creature never has authority over the creator.

25 42. The states, as the creators of the federal government,
26 are the final authority on whether their creature has
27 violated the compact the states made with each other. The
28 constitutional compact is between the sovereign states. The
29 federal government is merely the "creature" of that compact.

30 43. Article VI, clause 3 of the Constitution of these United
31 States binds senators, federal and state representatives,
32 all executives and officers of the court to support the
33 Constitution of these United States. Therefore, the local
34 elected state representatives have the responsibility and
35 authority to correct any abuses of federal encroachment.

1 44. Article VI, clause 2 of the Constitution of these United
2 States establishes the Constitution of these United States
3 as the supreme law of the land. If a law, statute, edict,
4 mandate, ruling, regulation, executive order, court opinion,
5 directives, or other usurpations violates the Constitution of
6 these United States, it is void of any and all authority.

7 45. As Federalist number 33 states, if the federal
8 government should overpass the just bounds of its authority the
9 people must appeal to the standard they have formed, and take
10 such measures to redress the injury done to the constitution as
11 the exigency may suggest and prudence justify.

12 46. The federal judiciary is but a branch of the
13 state-created federal government. Therefore, in matters
14 between the creator, the states, and the created, the federal
15 government, the federal judiciary has no authority. Any and
16 all laws, statutes, mandates, regulations, edicts, rules,
17 resolutions, directives, executive orders, court opinions
18 and other usurpations that are not constitutional become
19 infringements against a State's sovereignty and, thereby
20 criminal activities of the federal government. Rule of Law
21 dictates that because of the relationship of the federal
22 government to the states there would be a conflict of interest
23 and the Supreme Court of the United States can never be judge
24 and jury over such matters.

25 47. The assumption of power that the federal government
26 has made by issuing unconstitutional laws, statutes, edicts,
27 mandates, rulings, regulations, executive orders, court
28 opinions, directives, or other usurpations is a violation
29 of the state of Iowa's state sovereignty, the Constitution
30 of these United States and the universal law of creator and
31 created.

32 48. The Congress of the United States has the power to
33 lay and collect taxes pursuant only to clause 1 of Section
34 8 of Article I and clauses 4 and 5 of Section 9 of Article
35 I of the Constitution of these United States. The general

1 assembly finds that the federal government, its agencies or
2 agents, including the Congress of the United States, does not
3 have power under the Constitution of these United States to
4 withhold from the states the benefits of those taxes by the
5 use of federal mandates or other means that fall outside the
6 Constitution of these United States.

7 Sec. 2. NEW SECTION. 1.19 Jurisdiction of the state.

8 1. The general assembly declares the sovereignty of the
9 state as declared in the federalist papers and established by
10 the constitutional convention of 1787.

11 2. This section declares that no law, statute, edict,
12 mandate, ruling, regulation, executive order, court opinion,
13 directive, or other usurpation that is unconstitutional shall
14 have any legal or binding force in this state.

15 3. This section shall take precedent over any and all
16 opinions of the United States supreme court that may differ
17 from this section.

18 4. This section shall take precedent over any and all
19 laws relating to the sovereignty and rights of the sovereign
20 citizens of the sovereign state of Iowa.

21 5. As used in this section "law" includes any foreign law,
22 religious law, legal code, or system of jurisdiction, including
23 but not limited to international organizations, formal or
24 informal tribunals, and administrative bodies.

25 Sec. 3. EFFECTIVE DATE. This Act, being deemed of immediate
26 importance, takes effect upon enactment.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with
29 the explanation's substance by the members of the general assembly.

30 This bill declares the sovereignty of the state of Iowa and
31 provides that no unconstitutional action shall have effect
32 in this state. The bill includes legislative findings and
33 declarations.

34 The bill takes effect upon enactment.