

To All County Sheriffs and U.S. Marshals

SHERIFF MEMO - 2



CONSTITUTIONAL LAW 101 – Common Law

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TO: all County Sheriffs and all U.S. Marshals

FROM: *We The People*

cc: all Federal and State elected and appointed servants

RE: Your Duty to know and enforce the Law.

COMMON LAW: American Jurisprudence is a collection of Common Law Principles and consistent U.S. Supreme Court decisions that “**ALL**” Judges “**MUST**” obey; and, Judges have no power of decision outside of these Common Law Principles and consistent Supreme Court Decisions.

*“As to the construction, with reference to Common Law, an important canon of construction is that constitutions must be construed to reference to the Common Law... The Common Law so permitted destruction of the abatement of nuisances by summary proceedings; and, [it] was never supposed that a constitutional provision was intended to interfere with this established principle [even] though there is no common law of the United States in a sense of a national customary law as distinguished from the common law of England adopted in the several states. In interpreting the Federal Constitution, recourse may still be had to the aid of the Common Law of England. It has been said that **without reference to the common law, the language of the Federal Constitution could not be understood... 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 [with the Constitution]. It is impossible for both the Constitution and a law violating it [the Constitution] 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.”*** 16 American Jurisprudence 2nd, Sec. 114.

“All laws, rules and practices which are repugnant to the Constitution are null and void... ...if any statement within any law which is passed is unconstitutional, the whole law is unconstitutional.” Marbury v. Madison, 5th U.S. 2 Cranch 137, 180. *“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. *“...statutes which would deprive a citizen of the rights of person or property without a regular trial, according to the course and usage of common law, would not be the law of the land.”* Hoke v. Henderson, 15 N.C.15, 25 AM Dec. 677.

COLOR OF LAW: *“The appearance or semblance, without the substance, of legal right.”* State v. Brechler, 185 Wis. 599, 202 N.W. 144, 148. *“Misuse of power, possessed by virtue of state law and made possible only because [the] wrongdoer is clothed with authority of state, is action taken under ‘color of state law’.”* Atkins v. Lanning, 415 F. Supp. 186, 188.

CONCLUSION: Common Law is the law of the land; any statute in conflict with the Constitution is unenforceable; and, to enforce such statute is a crime. It is the duty of the Sheriff and U.S. Marshal, being Constitutional Officers, to make sure judges, officers of the court and all elected, appointed and hired servants obey the law; and, when they violate the law under the color of law, it is the ‘DUTY’ of the Sheriff & U.S. Marshal to arrest such public servant immediately.