

## **Unlawful treaties vs. Liberty-- What our law says.**

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Greetings Christian Remnant,

This topic has been in the news recently so let's obtain a proper perspective on the subject matter. Please feel free to download and store this article in your family library studies and to educate public officials when and if the need arises.

Does the Constitution give the President, Congress, or any government agency the power to discard any God given right of the people by signing an international treaty? The answer is "No".

You may have recently read some web articles which state that an international treaty can nullify our liberties in America (such as the right to keep and bear Arms), and that such a concept is a flaw written into the Constitution. However this is simply not true, and no foundation of American law supports such a position, regardless of an unsubstantiated viewpoint that a treaty always trumps the Constitution and the rights of the people, since a treaty becomes (supposedly) a "supreme law" over and above our Constitution and our Christian heritage upon which the original Constitution was based.

The background of the original "supremacy clause" plainly reveals that no foreign treaty could ever become valid law over the people of the USA if that treaty violated any Constitutional safeguard established to protect our God given rights that we naturally inherit as children of God. Treaties *do not* trump the Constitution and no law ever existed in America that says they do. To dispel any lingering doubt concerning this matter, the various courts have addressed the issue at length -- all with the same conclusions and statements. By law, true Americanism prevails over any attempted spurious treaty.

Article VI, the Supremacy Clause of the Constitution, declares:

*"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; . . . ."*

A concise understanding of law on this matter has always been shown to declare that no treaty can be lawfully made that would work against the fundamental liberty of the American people.

Reid v. Covert, 354 US 1 (1957), is a landmark case in which the United States Supreme Court ruled that the Constitution supersedes international treaties ratified by the United States government. The ruling of the court stated clearly:

*“There is nothing in this language which intimates that treaties and laws enacted pursuant to them do not have to comply with the provisions of the Constitution. -*

*----- It would be manifestly contrary to the objectives of those who created the Constitution, as well as those who were responsible for the Bill of Rights - let alone alien to our entire constitutional history and tradition - to construe Article VI as permitting the United States to exercise power under an international agreement without observing constitutional prohibitions. In effect, such construction would permit amendment of that document in a manner not sanctioned by Article V. The prohibitions of the Constitution were designed to apply to all branches of the National Government and they cannot be nullified by the Executive or by the Executive and the Senate combined. There is nothing new or unique about what we say here. This Court has regularly and uniformly recognized the supremacy of the Constitution over a treaty.”*

Furthermore the term “supreme law of the land”, by definition of American Constitutional law merely means the agreed “common law of the nation” which the early American courts defined as well. Taylor v. Porter, 4 Hill. 140, 146 (1843) - Justice Bronson; and State v. Simon, 2 Spears 761, 767 (1884) Justice O’Neal.

The term “supreme law of the land” has absolutely no lawful or legal reference to any supposed attempt on the part of the Founders to supersede God Almighty as the supreme law maker of all that exists. The Common Law in America at the time of the ratification of the Constitution was rooted in Saxon Christian history, and it was not the exact same Common Law of Britain as that particular common law had been somewhat tainted by money merchant influence. Americans had thus taken the better part of the English Common Law, dropped some parts of it, and adopted a slightly different American Common Law more akin to the liberty of the Gospel. Several centuries of Colonial American law history attest to this fact. It was this foundation of Christian centered Common Law that is referred to as our “supreme law of the land”. Under the true 1787 USA Constitution all statutes and treaties had to be in pursuance of this intent of law or else that statute or treaty was void from its inception.

In 1886 the United States Supreme Court ruled thusly, yet again settling this issue:

*"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, as inoperative as though it had never been passed."*

---Norton vs. Shelby County 118 US 425 p. 442

And from the law encyclopedia American Jurisprudence, on so called “laws” repugnant to the original Constitution:

*"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."----"No one is bound to obey an unconstitutional law and no courts are bound to enforce it."*

---16 Am Jur 2nd, Sec 177 late 2d, Sec 256

The bottom line is that it's impossible for a law which violates the Constitution to be valid. This includes treaties made with any foreign nation or international assembly. Nobody in America has to lay down their firearms on the supposition that a treaty to that effect could be made with the U.N. or any such world entity. The notion that such a treaty could somehow become the supreme law of our land is totally without merit at law.

Finally, the second amendment never gave us the right to keep and bear arms, as that right comes from God. Our Founding Fathers well knew this truth. The second amendment was wisely written to the federal government and *not to the people* as most are told. It is an express reminder to that government "servant of the people" that they (those hired to sit as federal representatives) were to forever take the position of "hands off" altogether when it comes to firearms --- *"The right of the people ---- shall not be infringed"*. Not only is it an error to say that a treaty can void Americans' God given right to possess guns, the Constitution decrees that the federal government can't even begin to infringe into that area. The original USA Constitution clearly follows the Law of God with respect to this Christian recognized standard of both the family's and the federal friendly union of States' right of self defense against evil intruders. No regulation can lawfully supersede that natural law. It is a gift of God, and was so recognized by the Founding Fathers. Let us not be fooled by any present or future claims of politicians who may attempt to railroad us into an international treaty to disarm Americans and then claim that we are now under a Constitutionally authorized agreement. The Constitution gives them no such power --- never did.

God bless,

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