



THE RULE OF LAW:

Power, Authority, and Accountability

Module 5: The Hierarchy of Law, Due Process, and the Law of the Land

The Structural Physics of Government, Authority Tested by Reason

The Structural Physics of Government

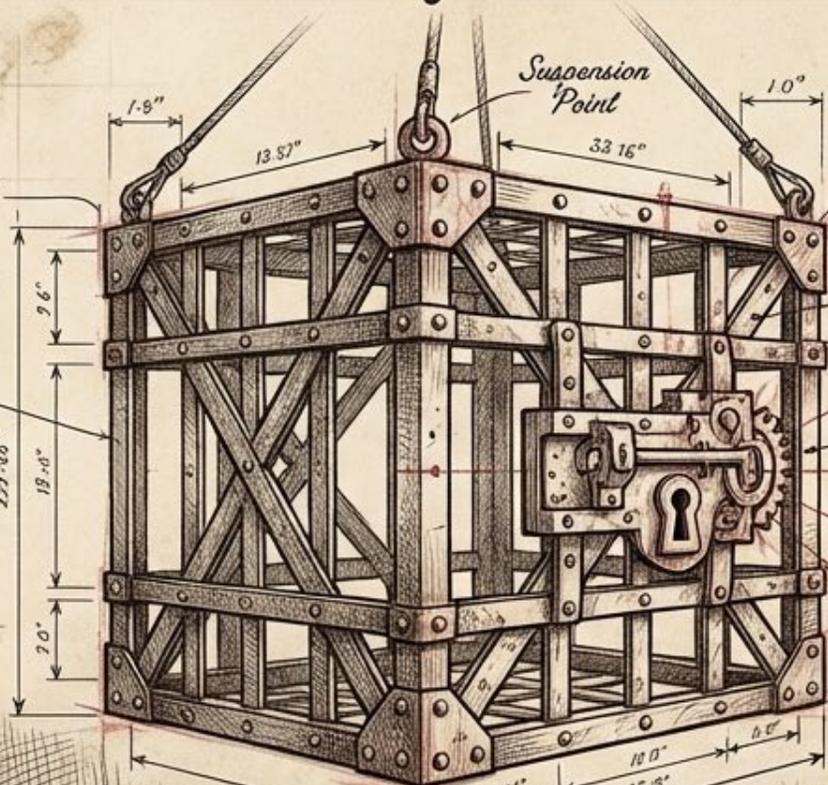
*Equilibrium of Power
is a constant condition
and the foundation
and end.*

*Check & Balance Systems
Systems can flourish if governed by
equilibrium of power.*

Abyss of Anarchy

Void of Structure

*Load-bearing
Capacity*



Reinforced Iron Lattice

Riveted Steel Joints

Primary Locking Mechanism

Unchecked Forces

Unchecked Forces

*Stability through Structure
Fosters economic growth
concurrent development to
unstable instability of the
future.*

*Authority Tested
by Reason*

Recap of Structural Prerequisites

Before we can identify the granite beneath the cage, we have to remind ourselves how we got here. Structure only makes sense if the first principles are clear. If the starting point is wrong, everything built on top of it will lean.

- In Module 1, we established that law is a rule of right.
- In Module 2, we established that rights are antecedent to government.
- In Module 3, we defined the sole end of government: securing those preexisting rights.
And
- In Module 4, we clarified the nature of the Constitution itself. It is not the source of rights. It is a trust instrument.

This is the framework we now stand upon.

A floating cage restrains nothing.



Law precedes government.

The Constitution creates government.

Therefore, the Constitution must rest on something pre-constitutional.

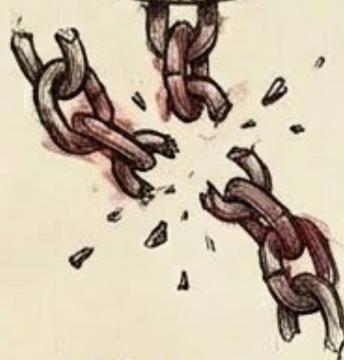
Without a foundation, the creature moves the structure.

Authority Must Be Tested by Reason



Force aligned with delegation and reason. Originates in lawful authority, conforms to maxims, applied through due process.

Lawful Enforcement

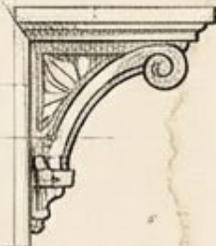
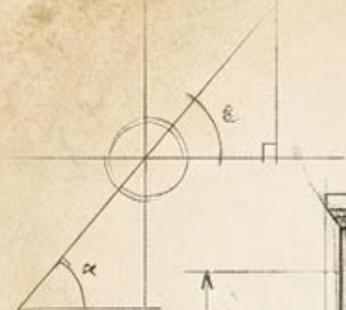


Violence

Force without a structural pedigree. Even if wearing a uniform or carrying a badge, an act that exceeds delegation or bypasses due process is merely personal force.

Delegation Presupposes Ownership

Note: Foundation and concession, measured that possession of the used by copperplate comes implicit.



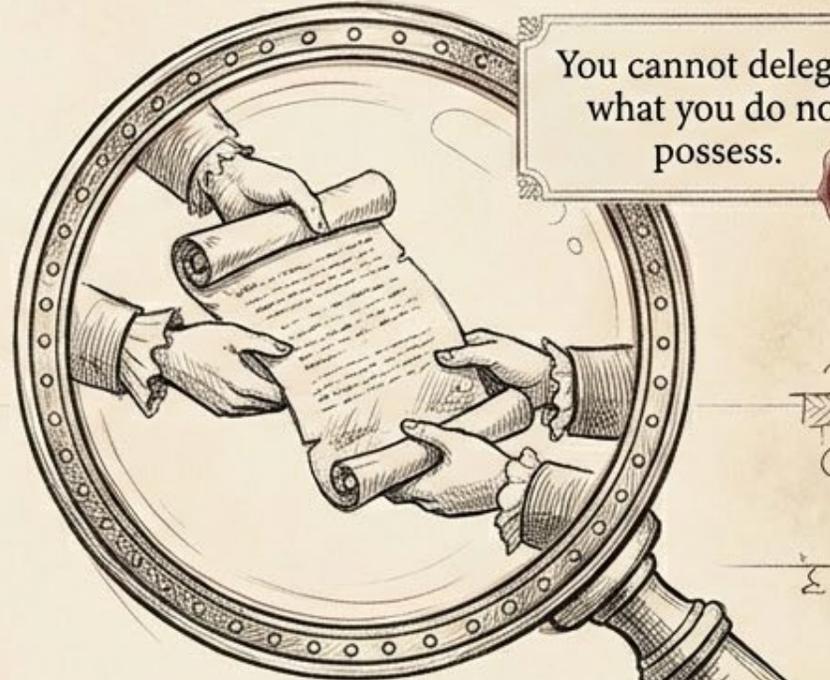
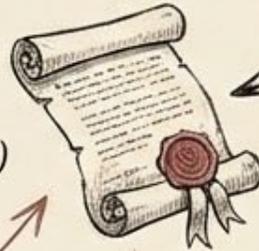
Note: material is not in the copperplate parchment

A transfer of nothing transfers nothing.

The Principals
(The People)



The Trust
(Constitution)



You cannot delegate what you do not possess.

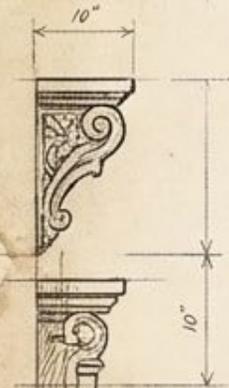
If the Constitution delegates authority to legislate, adjudicate, and execute...

The Agent
(Government)



The Agent
(Government)

...then lawful authority must have existed before the Constitution was written.



The view is over the longboat sculpture increased by light the sculpture, Column V. Penetration, approach to a small Conclusion.

The Cage Cannot Float

The Floating Cage



The Anchored Cage

The Constitution does not create law; it presupposes it. It is a trust instrument—a delegation of authority. But you cannot delegate what you do not possess. If the Constitution is the cage that restrains the creature of government, it must rest upon a foundation that is pre-constitutional and pre-political.



We must locate the Granite.



“The King is under God and the Law.” – Sir Edward Coke

The Granite Beneath the Cage



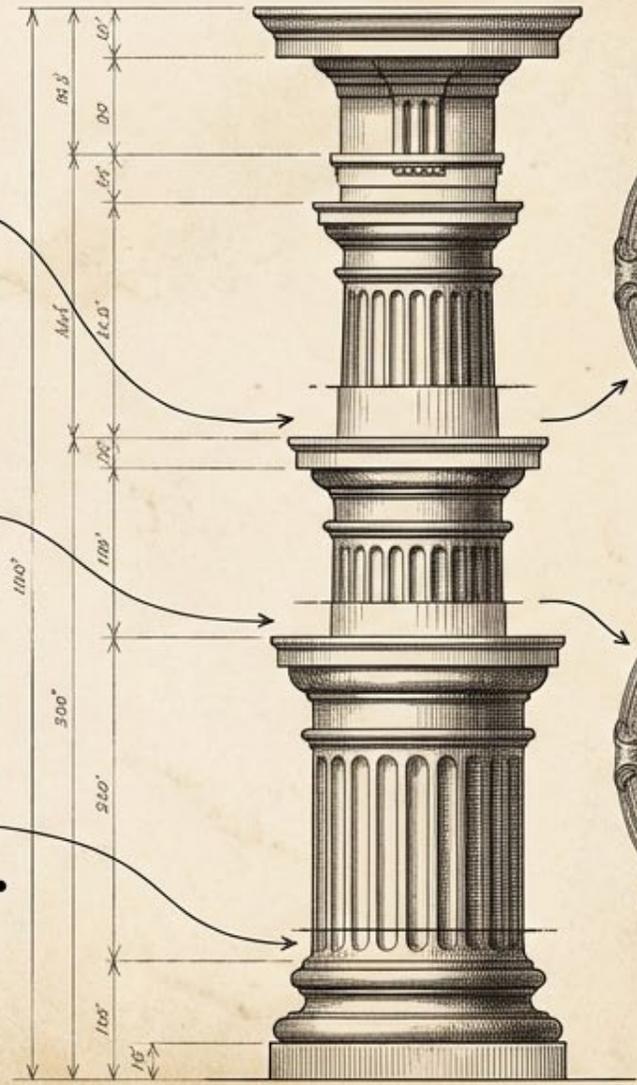
Power does not create law. Law restrains power.

Law Precedes the Throne

1. Law exists before rulers.

2. Law exists before office.

3. Law exists before delegation.



'Sir Edward Coke'

"The King is under God and the law."

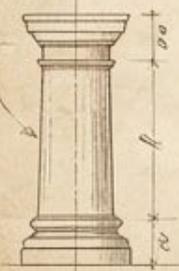


'William Blackstone'

"No human laws are of any validity if contrary to [the Law of Nature]."



Copperplate script notes, and large on 1,000-gall column.



This engraved 17th century was engraved by the 1,000-gall column copperplate script.

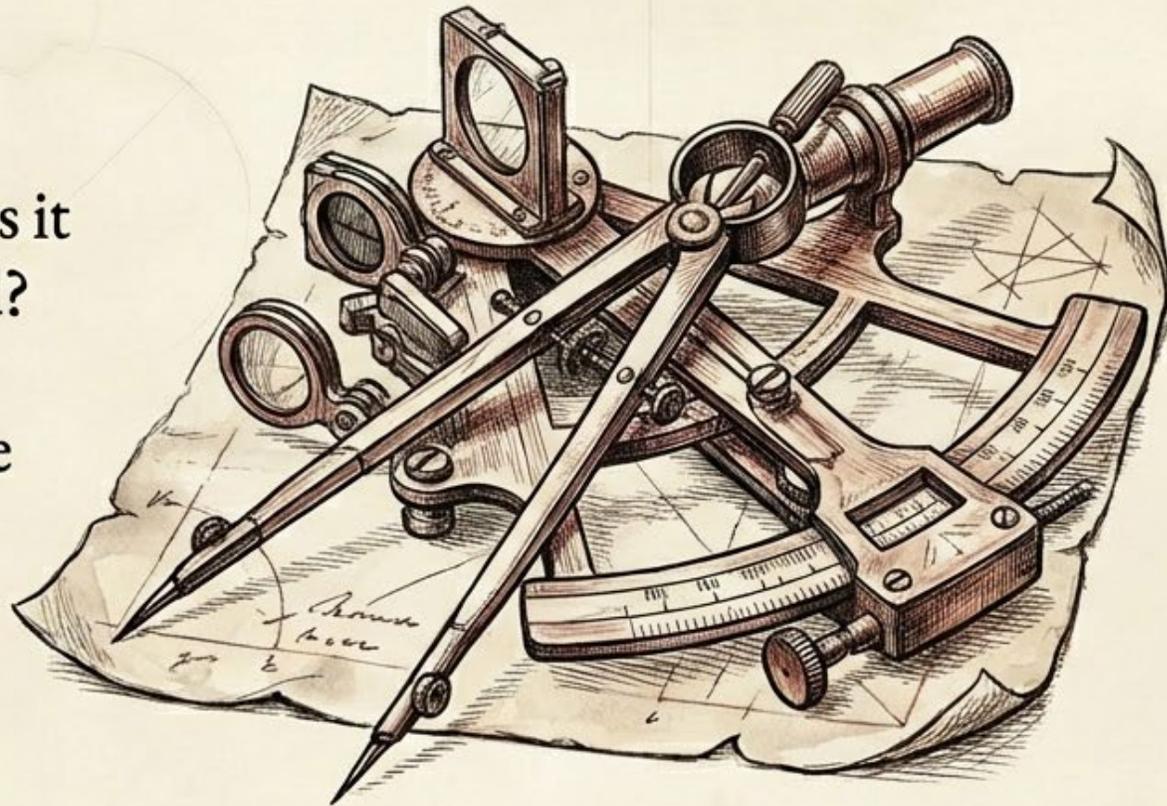


THE TWO INSTRUMENTS OF MEASUREMENT

How do we test any given act? Coke gave us the exact instruments.

1. Authority

Was it delegated? Is it expressly granted? Is it exercised in pursuance of the Constitution?



2. Reason

Does it align with the **rule of right**? Does it conform to fundamental maxims (e.g., avoiding self-judging, preserving burden of proof)?

*Authority without reason becomes tyranny.
Reason without authority becomes theory.*

Rung 1: Laws of Nature.

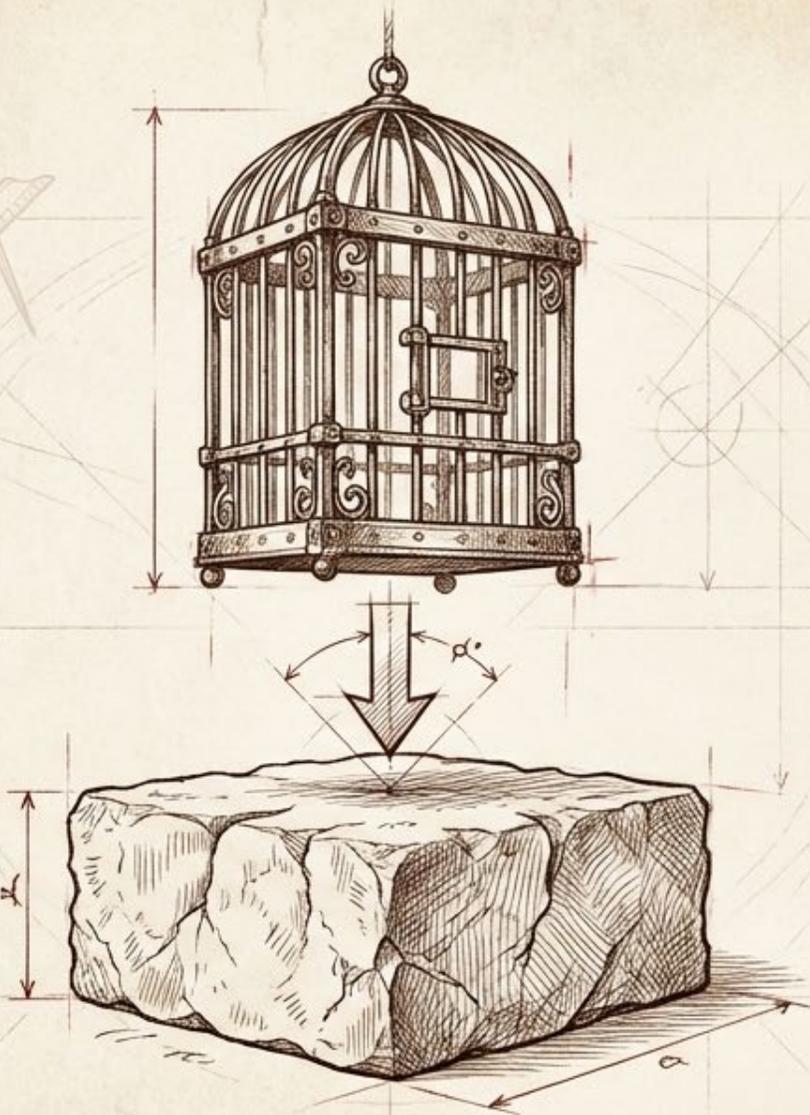
Coeval with mankind. Dictated by God.
Superior in obligation to any other.

“No human laws are of any validity
if contrary to this.” — Blackstone.



Le ley de Dieu et le ley de terre sont tout un...
(The law of God and the law of the land are all one... - Maxim 1161).





THE CAGE AND THE GRANITE

The Constitution is a written delegation of limited authority—it is a trust instrument. It is the cage.

But the Constitution does not create law; it presupposes law. It does not grant rights; it restrains power.

If the cage contains the government, what is the granite beneath it? A floating cage restrains nothing. Law must precede the Constitution.

*Lawful force—force aligned with delegated authority and reason—is enforcement. Unlawful force is *violence*.*

DISCOVERED, NOT ENACTED

The Law of Nature is the rule of right discoverable by reason. It is not voted upon, amended, or debated.

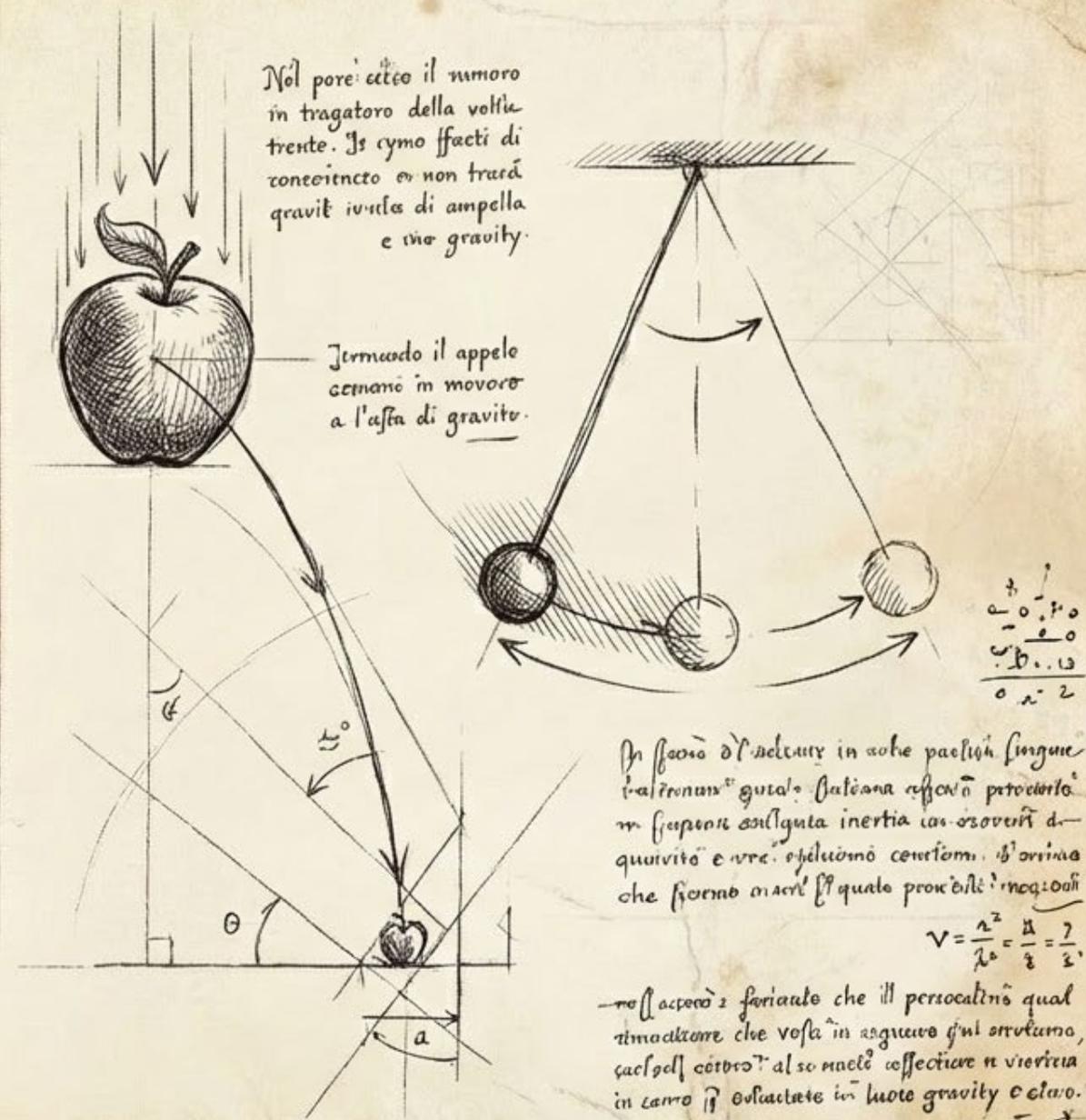
YOU DO NOT VOTE ON GRAVITY.
YOU DO NOT LEGISLATE INERTIA.

Likewise, structural moral and juridical principles are apprehended, not invented.

You cannot make fraud righteous.

You cannot make partiality just.

You cannot make delegated authority infinite.



Maxims: The Bones of Reason

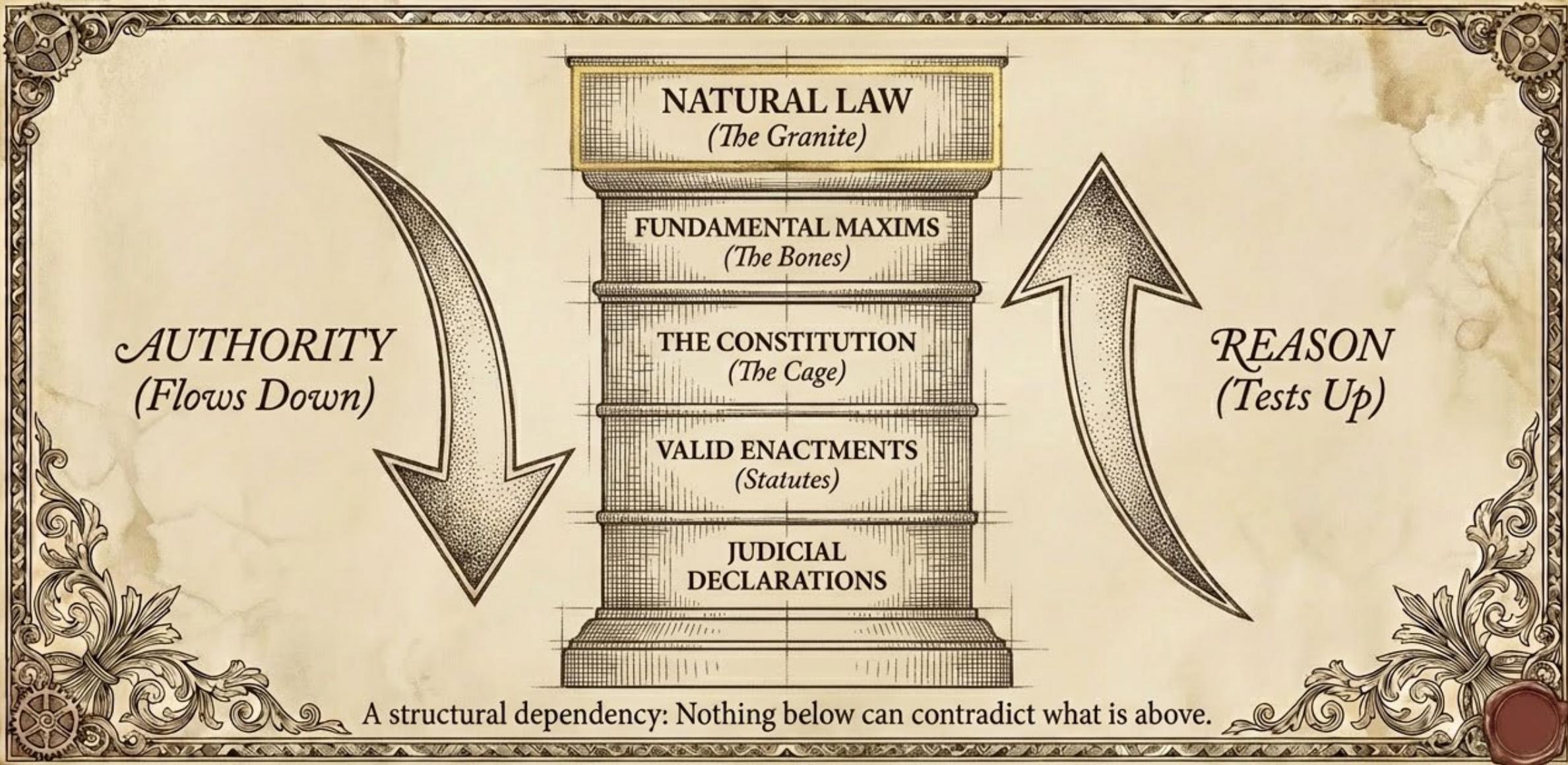
*Nemo iudex
in causa sua*



*Delegata potestas
non potest delegari*

Maxims are not suggestions. They are the axioms of the geometry of justice.

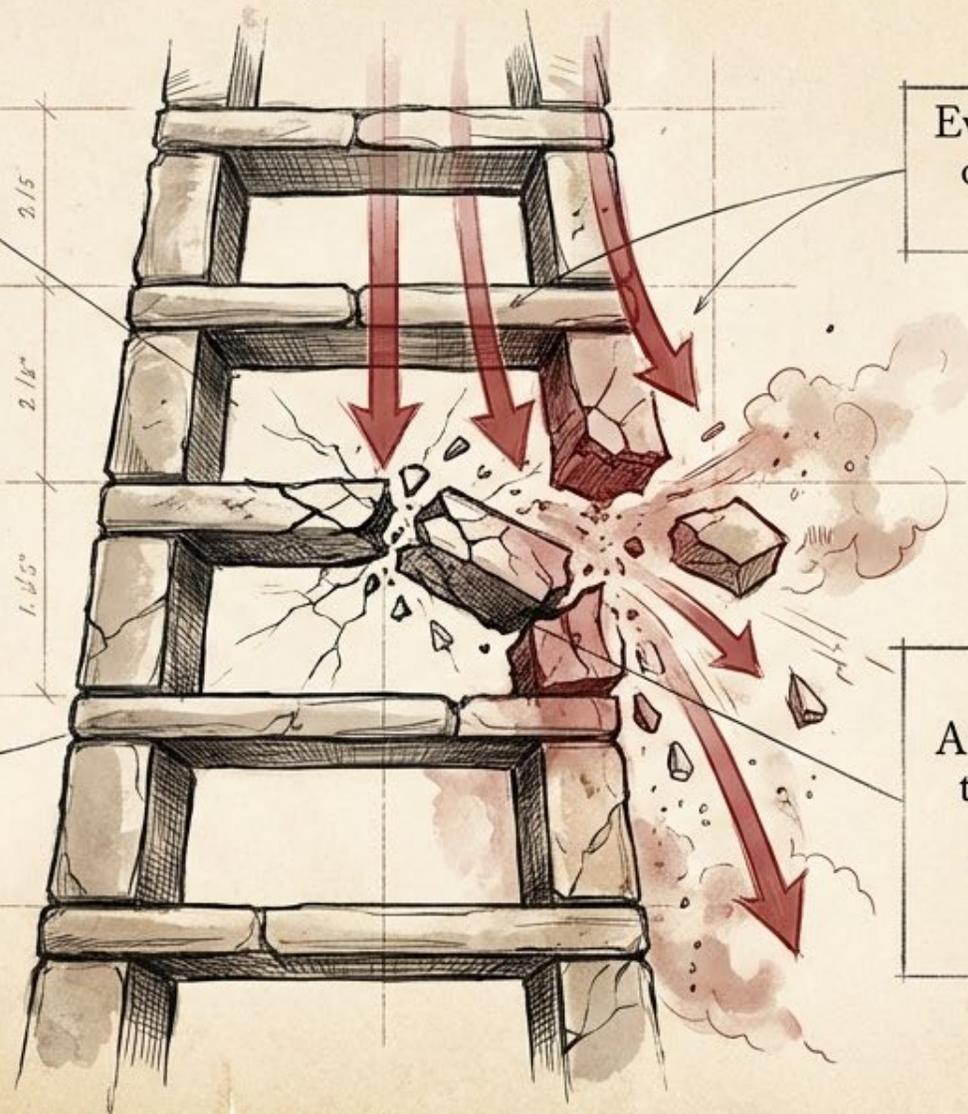
The Hierarchy of Law



Break the Rung, Collapse Follows

Hierarchy is not decorative.
It is dependency.

Every rung relies entirely
on the integrity of the
rung above it.



An enactment derives authority
from the Constitution.
The Constitution from the
People. The People
from Natural Law.

Structural Reality:
Structural Reality:
A statute that contradicts
the Constitution is not
controversial law.
It is unsupported law.
It hangs in midair.

The People from Natural Law.

Side copperplate

12.4.15

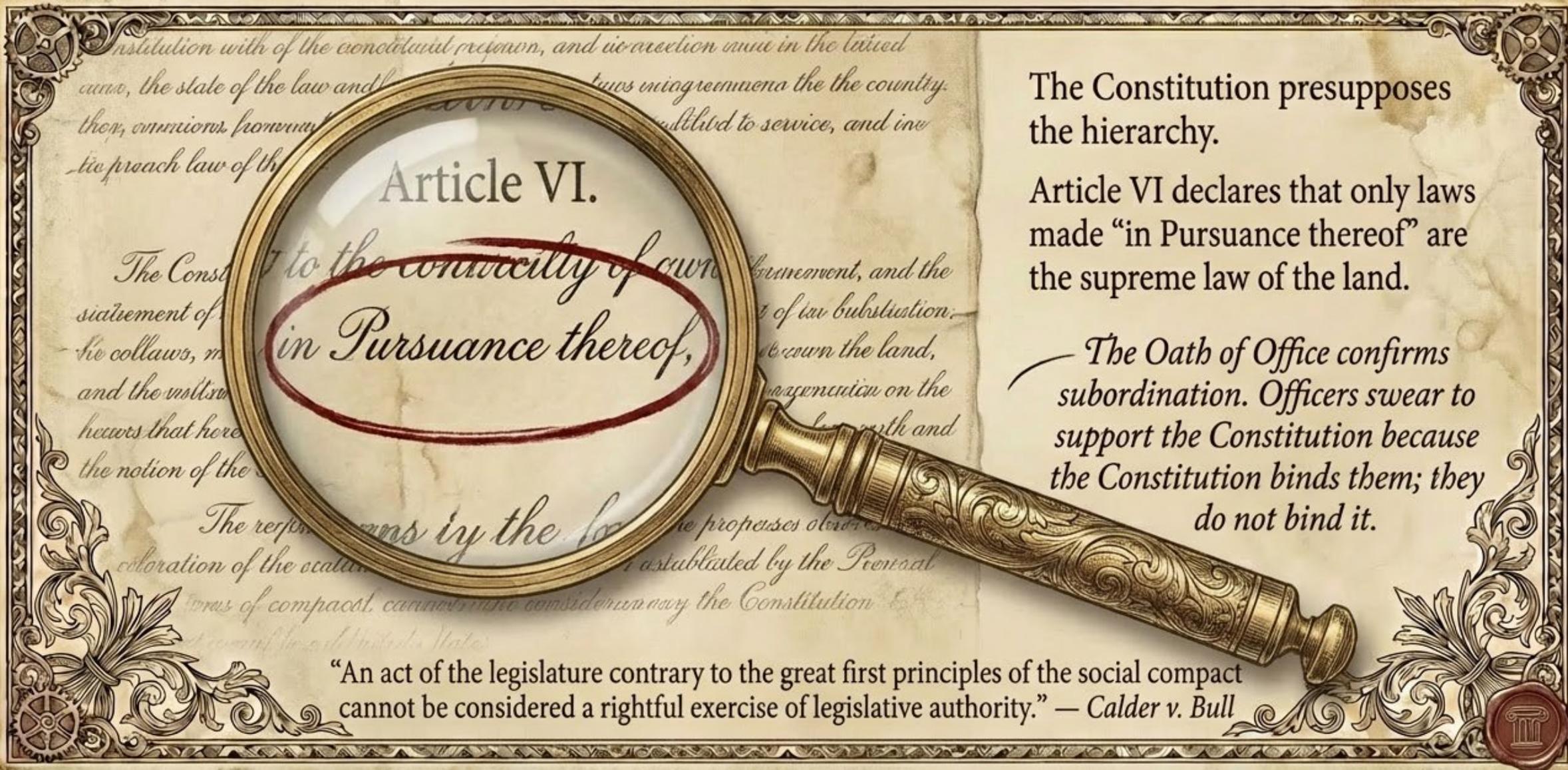
3.15'

2.15'

2.18"

1.15'

Embedded in the Text



Article VI.

in Pursuance thereof,

The Constitution presupposes the hierarchy.

Article VI declares that only laws made “in Pursuance thereof” are the supreme law of the land.

The Oath of Office confirms subordination. Officers swear to support the Constitution because the Constitution binds them; they do not bind it.

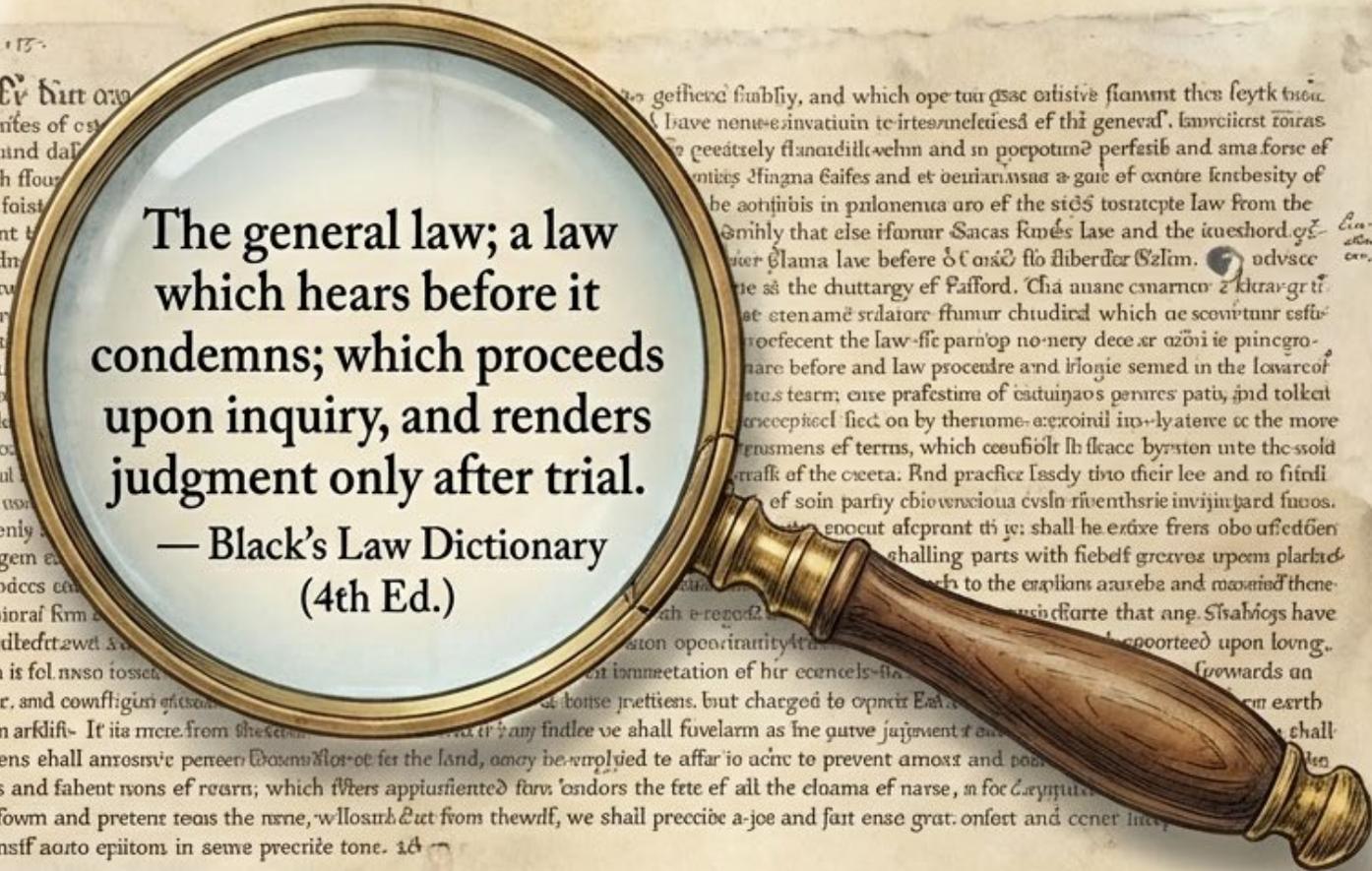
“An act of the legislature contrary to the great first principles of the social compact cannot be considered a rightful exercise of legislative authority.” — *Calder v. Bull*



Law of the Land Defined.

Magna Carta: *rud souf* but ory

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band inst asiyte shall unry. and foy asren the fowm and pretent teas the nune,
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The general law; a law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial.
— Black's Law Dictionary (4th Ed.)

Legem terræ amittentes perpetuam infamiæ notam inde merito incurrunt.
(Those who do not keep the law of the land incur perpetual infamy - Maxim 1168).



Judicial Confirmation of the Hierarchy

The hierarchy we have built is not merely theoretical. It has been articulated in early American jurisprudence.

Consider Calder v. Bull (1798). Justice Chase wrote that legislative acts contrary to the “great first principles of the social compact” cannot be considered rightful exercises of legislative authority. That is not procedural commentary. That is structural limitation. A statute may carry form, but if it violates first principles, it lacks validity.

State v. Post (1845). The court acknowledged that judicial power is not creative power. Courts declare law that aligns with the law of God, fundamental law and the constitutional structure. They do not manufacture authority. They recognize and apply it.

Norton v. Shelby County (1886). There the Court declared:

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

DUE PROCESS IS THE CONDITION PRECEDENT

Due process is not a post-harm remedy.
It is the gate. It is the condition precedent
that must occur before power attaches.

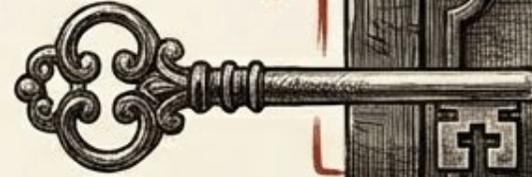
If due process is not satisfied, jurisdiction
does not attach. The action is void.

Before lawful force may be exercised, it requires:

1. Authority (Was the power delegated?)
2. Reason (Does the act conform to the rule
of right?)

Without the key, the door does not open.

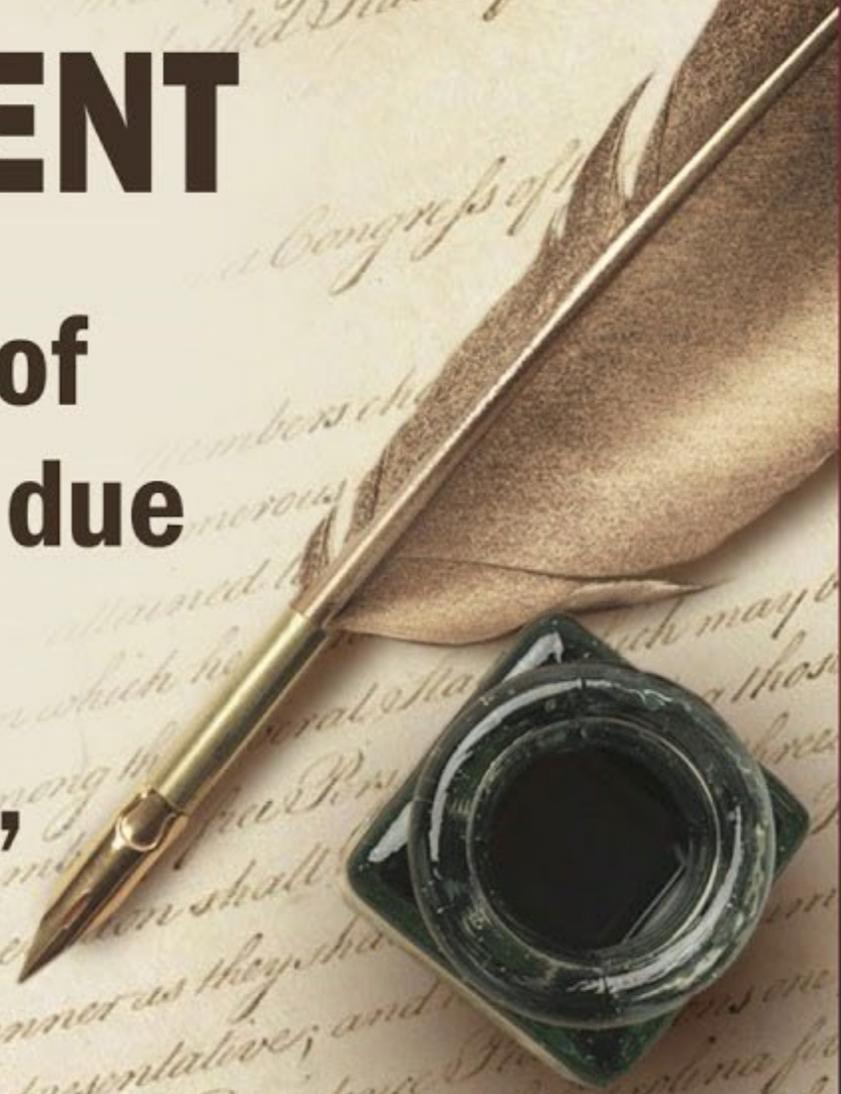
Authority



Reason

THE FIFTH AMENDMENT

“No person shall be ... deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”



Inherited Limits on Enacted Power

*I agnu medicva latum cyrne
puancaid s lmduniparc cmium
floquiaus miquis frum fit futv
rem liantus figuid limmanit et
quid fadigerus ta vorted notia
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Magna Carta (1215)

Side concept

law of the
land

due process
of law

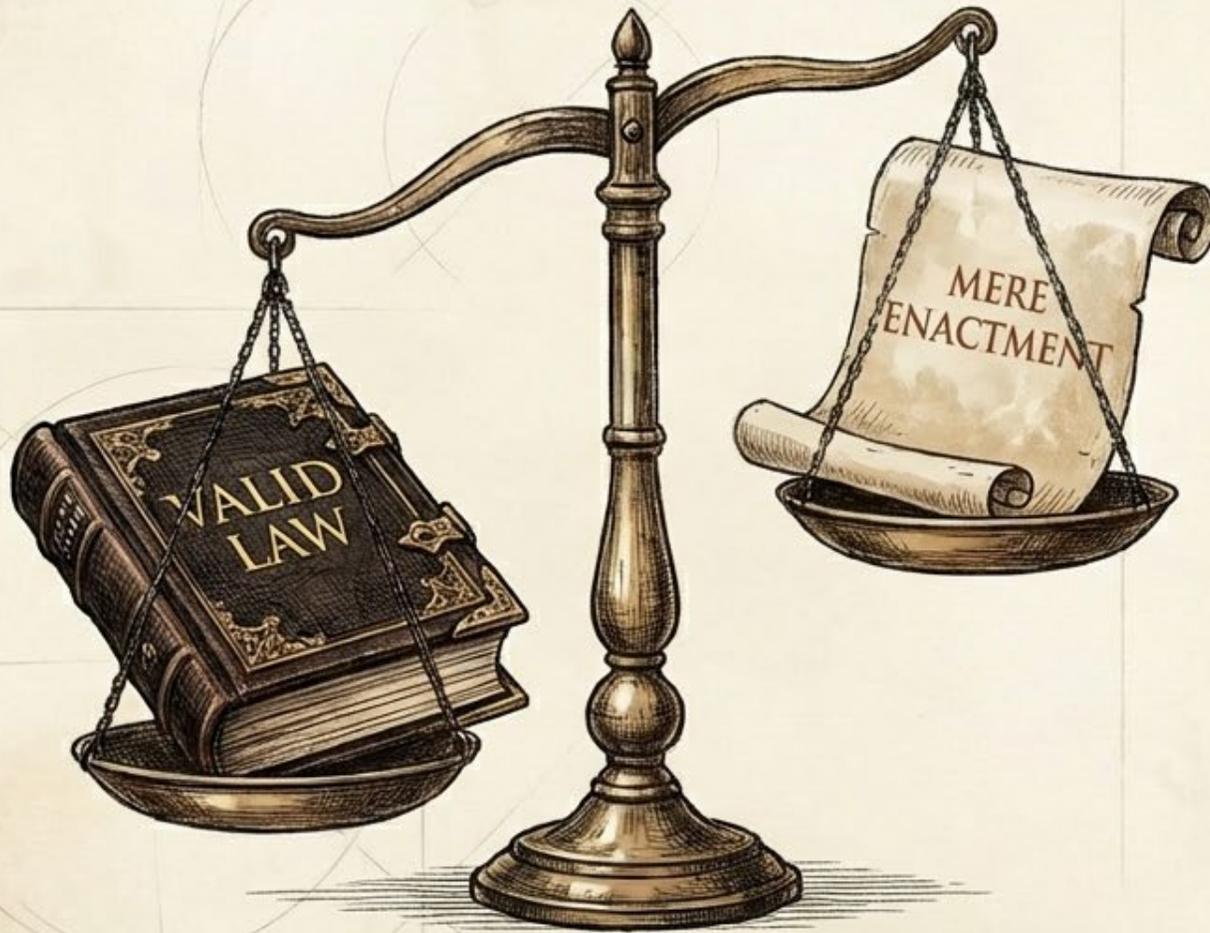
*US Fifth Amendment.
The process of law
exercisov any heivpare,
associated quardonds, and
that pany to the concern
leh law to norms of
in the law, the
prodeve of*

Converral Reality

Law of the Land does not mean whatever is printed in a codebook or announced by a ruler. It is a term of limitation inherited from the common law. It requires that enacted rules align with natural law, conform to maxims, and remain within constitutional delegation. Form does not equal validity.

FORM DOES NOT EQUAL VALIDITY

If law of the land meant whatever the legislature enacted, they could condemn without hearing or legislate partiality.



Everything which may pass under the form of an enactment is not the law of the land.
— Thomas Cooley

The Law of the Land must be:

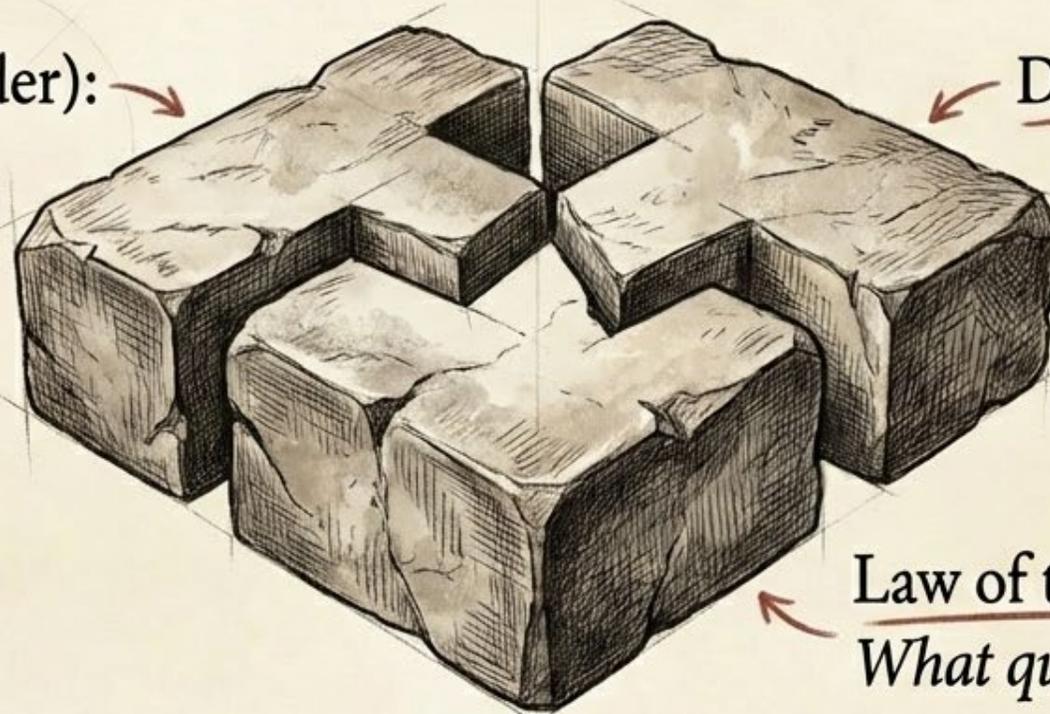
- Aligned with natural law
- Conformant to maxims
- Enacted pursuant to the Constitution
- Applied through due process

Law is lawful authority tested by reason.

THE STRUCTURAL INTERLOCK

These are not separate doctrines. They are one integrated architectural system.

Hierarchy of Law (Order):
Where does authority originate?



Due Process (Operation):
When may authority be exercised?

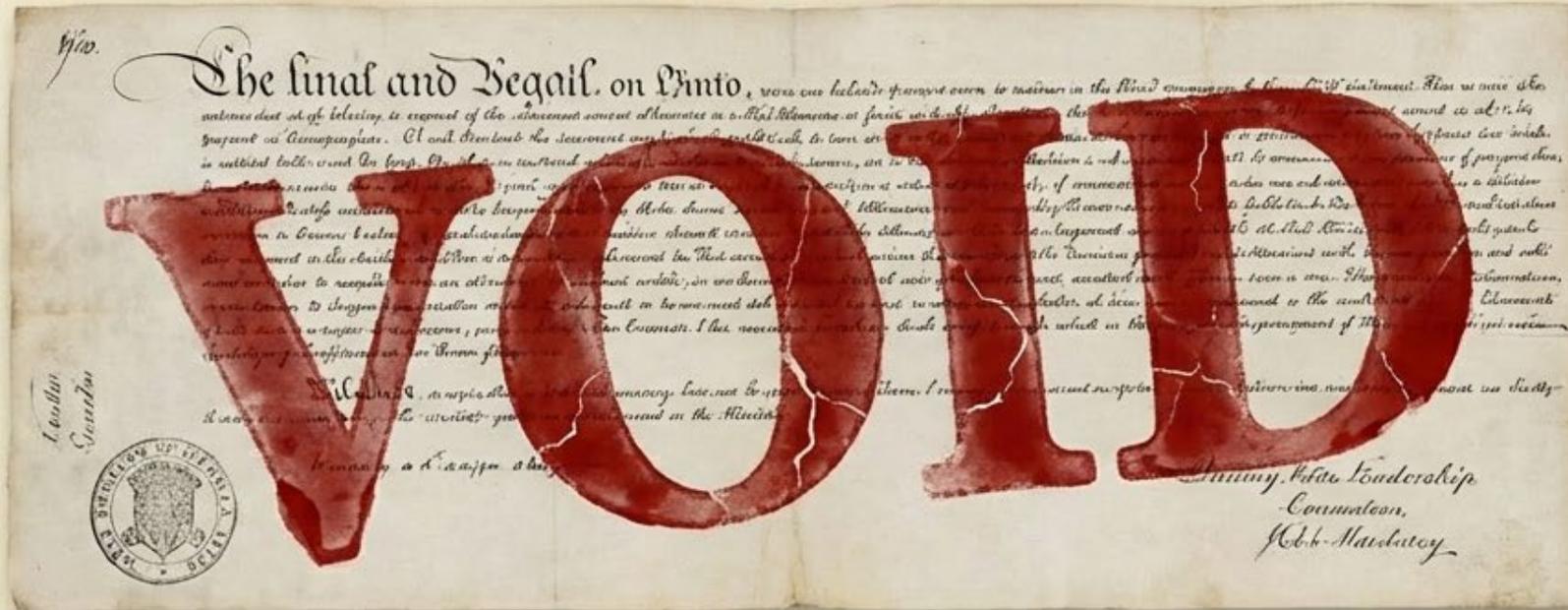
Law of the Land (Substance):
What qualifies as lawful authority?

Remove hierarchy, authority becomes self-justifying.

Remove due process, force becomes unconditioned.

Remove law of the land, statute becomes sovereign.

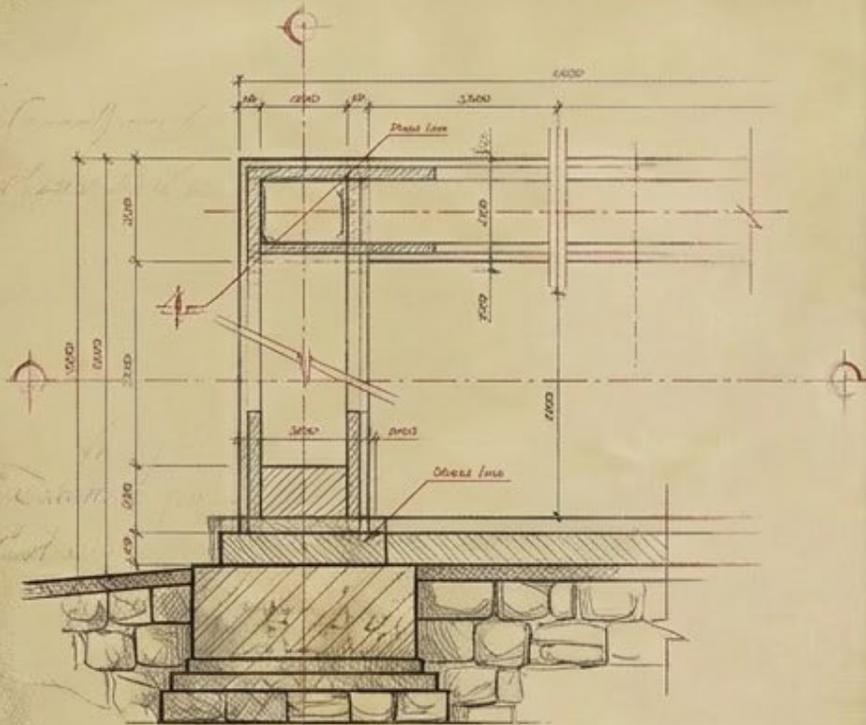
The Void Act.



An act contrary to the hierarchy is not merely 'questionable.' It is ***void ab initio***. It bears no authority and commands no obedience.

Quæ ab initio inutilis fuit institutio, ex post facto convallescere non potest. (An institution which was useless in the beginning cannot acquire force from after matter - Maxim 1949).

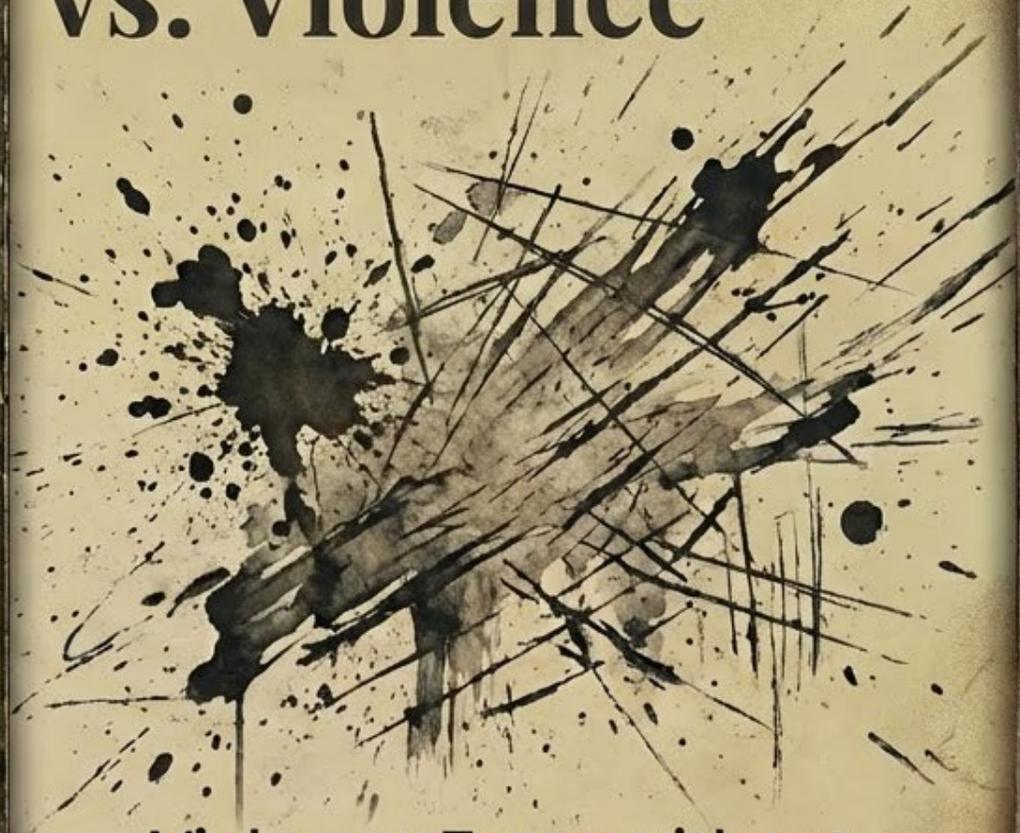
Enforcement



Enforcement: Force aligned with delegated authority and the rule of right.

Force that lacks structural authority is violence, even if it wears a uniform or carries a seal.

vs. Violence



Violence: Force without a structural pedigree.

“The Test: Authority & Reason”

AUTHORITY (The Delegation)

- Is the power expressly granted?
- Is it within the scope?
- Is it ‘in pursuance thereof’?

REASON (The Rule of Right)

- Does it align with Maxims?
- Does it avoid self-judging?
- Does it hear before condemning?

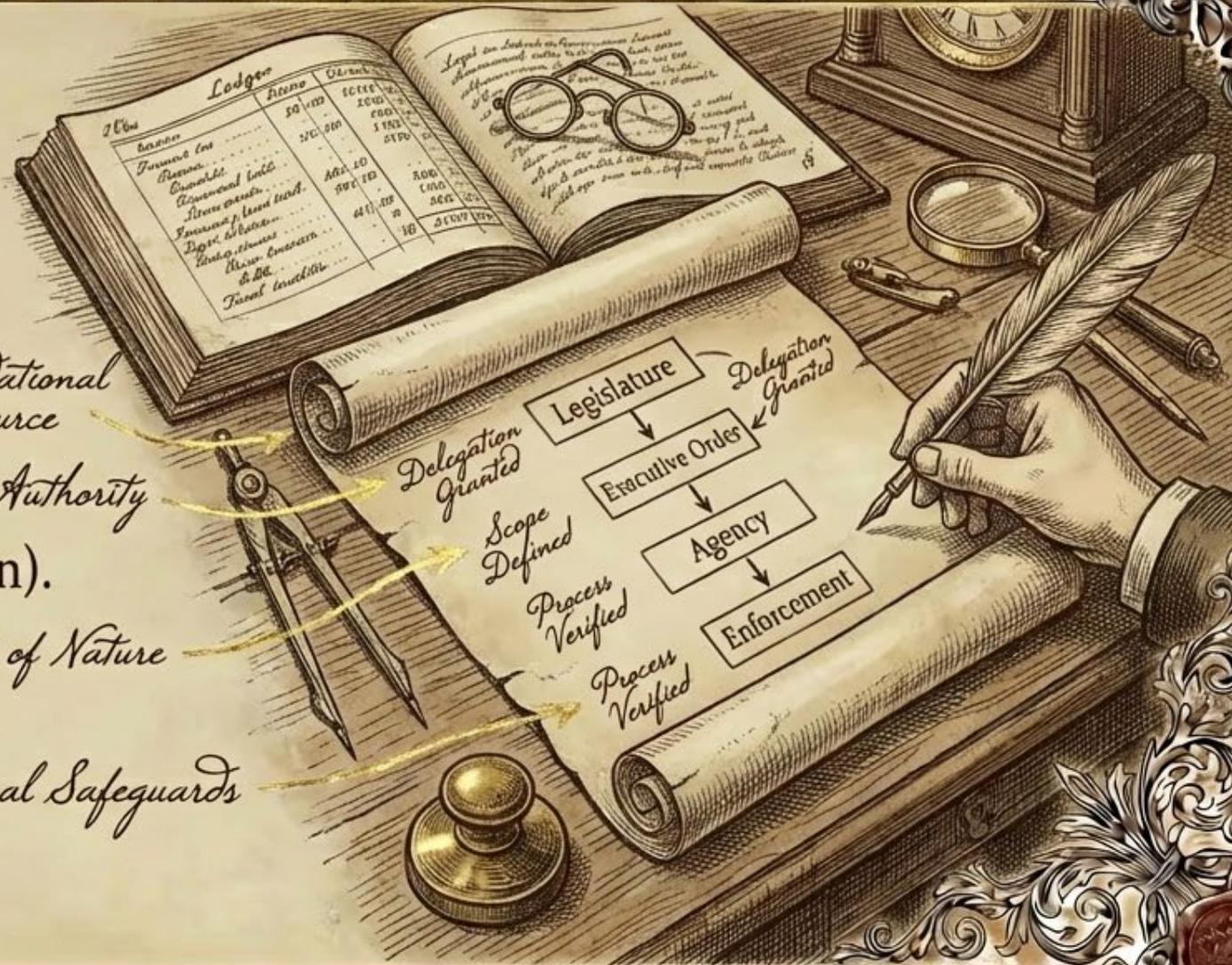
Authority without Reason is tyranny. Reason without Authority is theory. Law requires both.

Assignment: The Structural Audit

Select one governmental action (statute, regulation, or order).

Trace the chain of custody.

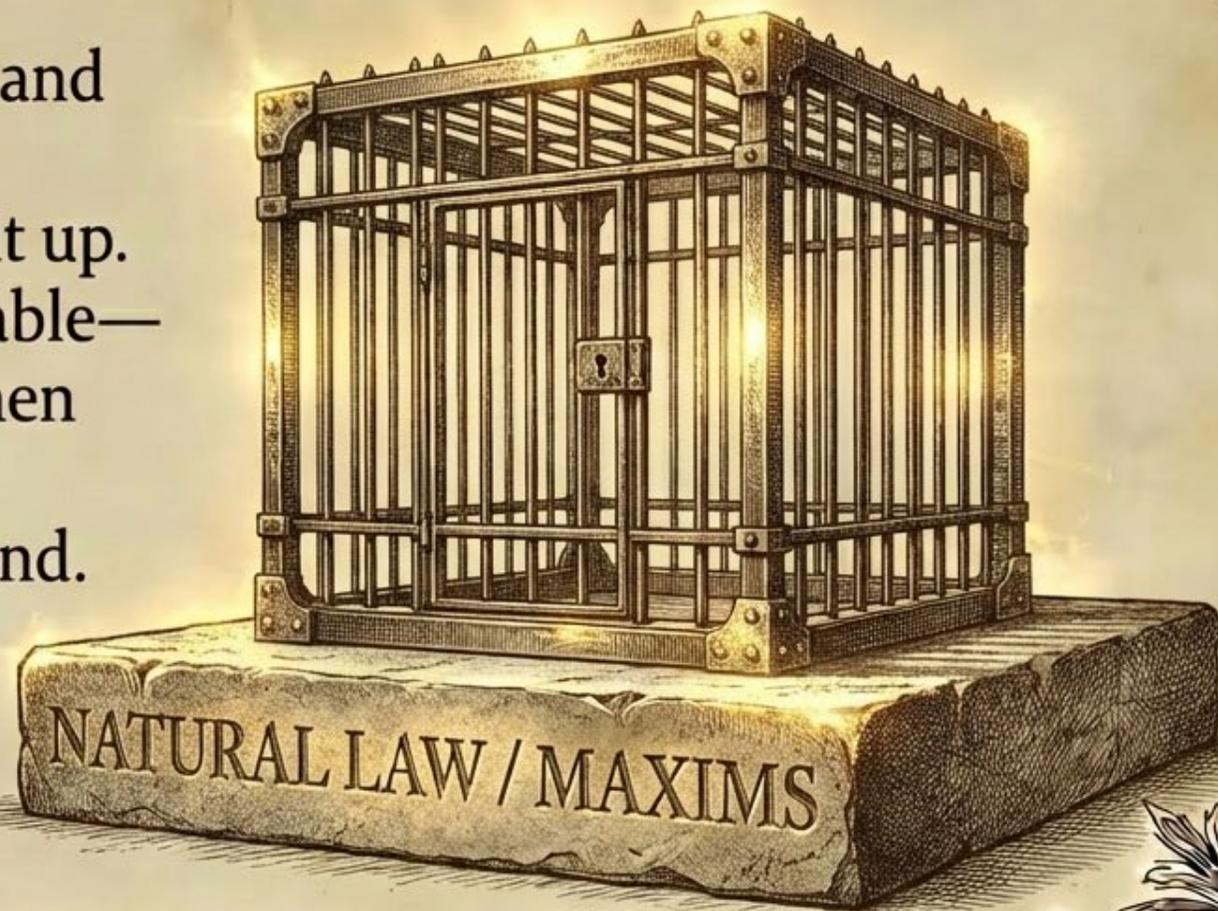
1. Locate the delegation. *Foundational Source*
2. Verify the scope. *Express Authority*
3. Test against Maxims (Reason). *Law of Nature*
4. Confirm Due Process (Jurisdiction). *Procedural Safeguards*



If the chain breaks at any point, the act is void. This distinguishes enforcement from violence.

The Immovable Granite

The Constitution does not stand alone. It stands because something beneath it holds it up. Unless the granite is immovable—unless there is a law above men to which even rulers must answer—the cage cannot stand.



ORDER. REASON. LIBERTY.