

Module 14: Immunity and Institutional Insulation

The Rise of Presumed Authority

Section 1: Module Summary & History

Module 14 examines the critical intersection of governmental authority and accountability. The central premise is that authority is not inherent to any office but originates with the people, who delegate it through constitutional structures. Accountability is the essential mechanism that ensures this delegated power remains lawful. The module introduces the "Firewall Question", *Can an injury be corrected through a lawful remedy, or has the actor been insulated from accountability?*

The text traces the historical evolution of immunity, beginning with the rejection of absolute sovereignty in *Chisholm v. Georgia* and the subsequent "great retreat" signaled by the Eleventh Amendment. It explores how various forms of immunity, legislative, judicial, qualified, and sovereign, have created an architecture of institutional insulation that separates authority from its source. Through the application of the Firewall Operational Standard, the module teaches how to construct a constitutional record by identifying acts, assembling evidence, and running the Chain of Authority backwards from the point of impact to the claimed source of power.

The Architecture of Institutional Insulation

One of the central lessons of Module 14 is that the modern immunity system did not emerge all at once. Rather, it developed gradually through a series of constitutional amendments, judicial decisions, legislative enactments, and institutional practices that increasingly insulated government actors from direct accountability.

Under the original American constitutional order, rights and remedies were understood to be inseparable. Where an injury existed, a lawful remedy was expected to exist as well. Public officers exercised delegated authority on behalf of the people and were therefore expected to remain answerable for how that authority was used. Accountability was not viewed as an optional feature of government. It was one of the conditions that distinguished delegated authority from sovereignty itself.

Over time, however, the legal system departed from this baseline of universal accountability through a series of legal developments that gradually constructed what may be described as an Architecture of Institutional Insulation.

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Phase One

Legislative Immunity (1787–1808)

The oldest institutional immunity in the American system appears in the Constitution itself through the Speech or Debate Clause.

In *Coffin v. Coffin* (1808), legislative immunity was explained not as a private benefit for legislators, but as a protection for representative government itself. The court stated:

"The privilege of speech and debate was thus secured, not with the intention of protecting the members against prosecutions for their own benefit, but to support the rights of the people."

At its origin, legislative immunity was justified as a mechanism for protecting public representation rather than insulating legislators from accountability.

Phase Two

Sovereign Immunity (1793–1795)

In *Chisholm v. Georgia* (1793), the Supreme Court rejected the traditional European doctrine that a sovereign could not be sued without consent.

Chief Justice John Jay observed:

"At the Revolution, the sovereignty devolved on the people."

The decision treated government as accountable to the people rather than sovereign over them.

The reaction was immediate. States feared exposure to financial liability and successfully secured adoption of the Eleventh Amendment in 1795.

This became the first major constitutional shield limiting direct accountability through the federal courts and is referred to throughout this module as:

The First Great Retreat from Accountability.

Phase Three

Judicial Immunity (1868–1871)

Judicial immunity originally appeared as a qualified doctrine intended to protect judicial independence while preserving accountability for corruption, malice, or abuse.

That balance changed dramatically in *Bradley v. Fisher* (1871), where the Supreme Court expanded the doctrine into absolute immunity.

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As a result, judges became largely insulated from civil liability for judicial acts even when misconduct was alleged, provided the conduct was characterized as judicial in nature.

This marked a significant expansion of institutional insulation within the judicial branch.

Phase Four

Qualified Immunity (1967–1982)

In *Pierson v. Ray* (1967), the Supreme Court created qualified immunity for executive officials and law enforcement officers acting in good faith under laws they reasonably believed to be valid.

The doctrine was substantially expanded in *Harlow v. Fitzgerald* (1982).

The Court abandoned the subjective good-faith inquiry and replaced it with the modern "*clearly established law*" standard. Under this framework, officials are generally immune unless a plaintiff can identify prior case law establishing nearly identical circumstances.

This development significantly increased the procedural barriers facing citizens seeking accountability.

Chisholm v. Georgia and the Founding Doctrine of Popular Sovereignty

The importance of *Chisholm v. Georgia* extends far beyond the immediate question of whether Georgia could be sued in federal court. The decision contains one of the clearest judicial explanations of the American theory of government ever written. Throughout the opinions, the Justices repeatedly emphasized that sovereignty resides in the people, that government exists for the benefit of the people, and that public officers exercise only delegated authority.

Justice James Wilson explained:

"To the Constitution of the United States the term sovereign is totally unknown."

He further observed:

"A State is a complete body of free persons united together for their common benefit, to enjoy peaceably what is their own, and to do justice to others."

Wilson emphasized the purpose of government itself:

"States and governments were made for man."

Rejecting the European model of political authority, he wrote:

"In free governments, the rulers are the servants, and the people their superiors and sovereigns."

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And perhaps most importantly:

"The supreme power resides in the body of the people."

Wilson summarized the entire American theory of sovereignty in a single sentence:

"The sovereign, when traced to his source, must be found in the man."

Chief Justice John Jay reached the same conclusion.

He declared:

"The people are the sovereign of this country."

Explaining the consequences of the American Revolution, Jay wrote:

"At the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country."

He further explained:

"In Europe, the sovereignty is generally ascribed to the prince; here it rests with the people."

The relationship between government and citizen was therefore fundamentally different from the European model.

Jay observed:

"Our governors are the agents of the people."

He described the Constitution itself as an act of popular sovereignty:

"The people, in their collective and national capacity, established the present Constitution."

Likewise, state constitutions were not grants of power from government to the people, but compacts formed by the people themselves:

"Every State Constitution is a compact made by and between the citizens of a State to govern themselves in a certain manner."

Because sovereignty remained with the people, Jay explained:

"The citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty."

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He concluded:

"The government of the United States is emphatically and truly, a government of the people."

Why These Quotations Matter

The quotations from *Chisholm v. Georgia* are important because they establish the constitutional foundation upon which the remainder of Module 14 is built. Throughout their opinions, Justices Wilson and Jay repeatedly emphasized that sovereignty resides in the people, that government exists for the benefit of the people, and that public officers exercise authority only as agents acting under delegated power. The American constitutional system was not designed around the idea that government possesses inherent authority. Rather, authority originates with the people and is entrusted to public institutions for the limited purpose of securing rights and administering justice.

Once this principle is understood, a constitutional question naturally emerges whenever immunity is asserted. The issue is not simply whether a particular immunity doctrine exists. The deeper question is whether immunity can be reconciled with a constitutional system in which the people remain sovereign and public authority remains accountable. This question serves as the foundation for every immunity doctrine examined throughout this module and provides the lens through which the historical development of institutional insulation must be viewed.

The Drift from Accountability to Presumed Authority

As government expanded and immunity doctrines multiplied, a subtle but significant constitutional shift occurred. Under the original understanding, government was expected to demonstrate lawful authority before exercising power. Public officers were accountable because their authority was delegated, and the legitimacy of governmental action depended upon the ability to trace that authority back to its constitutional source.

Over time, however, institutions increasingly began operating from a presumption of authority while requiring citizens to overcome multiple layers of immunity before the merits of a claim could even be examined. The practical burden shifted. Rather than government demonstrating the lawfulness of its actions before imposing consequences, citizens increasingly found themselves attempting to penetrate procedural barriers merely to obtain review. Accountability became more difficult to access, while institutional protection became more extensive.

This development does not automatically establish that immunity doctrines are unlawful. It does, however, raise a constitutional concern that cannot be ignored. The existence of an immunity doctrine does not, by itself, establish the legitimacy of the authority being exercised. An institution claiming immunity must still be able to demonstrate the lawful source of that immunity, the delegation authorizing it, the accountability mechanism that remains available, and the remedy that survives despite the asserted protection. The mere existence of a doctrine cannot substitute for constitutional justification.

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The Accountability Paradox

Module 14 introduces what may be called the Accountability Paradox. If rights are pre-political and government exists for the purpose of securing those rights, a difficult constitutional question arises when the institution charged with protecting rights becomes the source of the alleged injury while simultaneously claiming immunity from review. The problem is not necessarily that immunity exists. The problem arises when immunity removes or obscures the mechanisms through which accountability is maintained.

At its core, the Accountability Paradox asks how rights can remain secure if the institution entrusted with protecting them is permitted to avoid meaningful review of its own conduct. If accountability disappears entirely, the traditional relationship between rights, remedies, and delegated authority begins to break down. The further authority becomes separated from accountability, the more difficult it becomes to distinguish delegated power from sovereignty itself.

The Firewall Question

Every immunity claim examined in this module ultimately returns to a single inquiry:

Can the injury be corrected through lawful remedy, or has the actor been insulated from accountability?

This question serves as the starting point of the Firewall Accountability Review. Before examining delegation, jurisdiction, procedure, statutory authority, or constitutional source, the reviewer must first determine whether accountability remains visible within the constitutional chain. Accountability functions as the operational test that reveals whether the remaining links in the chain continue to operate as intended.

If accountability remains available, the constitutional chain may remain intact even where immunity doctrines exist. If accountability has disappeared, however, the reviewer must determine whether authority has become separated from the constitutional limitations that originally justified its exercise. The purpose of the Firewall Review is not to presume the answer, but to require that the answer be demonstrated through an intact Chain of Authority.

Glossary of Key Terms

- **Accountability:** The structural condition and mechanism through which public agents remain answerable to the people for the exercise of delegated authority.
- **Chain of Authority:** The unbroken link of lawful delegation that must be traceable from an act back to its constitutional source in the people.
- **Firewall Question:** The initial inquiry of a constitutional review: "Can the act be corrected through lawful remedy, or has the actor been insulated from accountability?"
- **Immunity:** A legal shield—whether legislative, judicial, or sovereign—that protects a governmental actor or institution from being held liable or compelled to answer in court.

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- **Institutional Insulation:** The cumulative architecture of exceptions, procedural barriers, and doctrines that separate governmental authority from public accountability.
 - **Sui Juris:** A legal term meaning "of one's own right," used by the people to identify themselves as possessing full social and civil rights.
 - **Usurpation:** The exercise of power or authority that has not been delegated; acting beyond the limits of the constitutional trust.
 - **Void Ab Initio:** A legal concept meaning "void from the beginning"; an act that has no legal effect because it lacked lawful authority from its inception.
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Section 2: Assessment and Review

Multiple-Choice Quiz

1. **According to the Firewall Operational Standard, what is the first inquiry in a constitutional review?**
 - A. Identifying the specific statute involved.
 - B. Determining if the actor had a good motive.
 - C. Asking if accountability remains available.
 - D. Examining the federal budget for the agency.
2. **Which statement best reflects the accountability principle examined in Module 14?**
 - A. Authority becomes lawful through long usage.
 - B. Government creates rights.
 - C. Delegated authority remains accountable to the people from whom it originates.
 - D. Accountability exists only through elections.
3. **In the American system, where does sovereignty reside?**
 - A. In the Executive Branch.
 - B. In the People.
 - C. In the Supreme Court.
 - D. In the European model of monarchy.
4. **Which court case affirmed that "all laws which are repugnant to the Constitution are null and void"?**
 - A. *Miranda v. Arizona*
 - B. *Norton v. Shelby County*
 - C. *Marbury v. Madison*
 - D. *Chisholm v. Georgia*
5. **What was the primary result of the ratification of the Eleventh Amendment?**
 - A. It granted absolute sovereignty to all public officers.
 - B. It created a constitutional shield against certain federal lawsuits against states.
 - C. It abolished the right to trial by jury.
 - D. It explicitly repealed the concept of popular sovereignty.
6. **The "Firewall Question" is asked at which point in the review process?**
 - A. At the very end, after a verdict is reached.
 - B. At the beginning, before examining authority or delegation.
 - C. Only if the actor specifically requests it.
 - D. After a Notice of Default has been ignored.

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- 7. According to the Massachusetts Constitution, Part the First, Article V, public officers are considered:**
 - A. Sovereigns with inherent power.
 - B. Infallible guardians of the state.
 - C. Substitutes and agents of the people.
 - D. Independent contractors of the legislature.
- 8. What is the "Accountability Paradox" described in the module?**
 - A. The fact that the more power a government has, the less it needs.
 - B. The problem of how a government can secure rights if it becomes the source of injury and then exempts itself from review.
 - C. The idea that truth is determined by institutional prestige.
 - D. The belief that rights are created by the government they regulate.
- 9. Which document states that "An unconstitutional act is not law... it is in legal contemplation, as inoperative as though it had never been passed"?**
 - A. *Norton v. Shelby County*
 - B. The PREP Act
 - C. The Declaration of Independence
 - D. *Yick Wo v. Hopkins*
- 10. In the context of the Firewall Operational Standard, what is the "entry point" into the constitutional chain?**
 - A. A legislative hearing.
 - B. A specific, identifiable act.
 - C. A media report on corruption.
 - D. A political assumption about motive.
- 11. The National Childhood Vaccine Injury Act of 1986 is used as an exemplar of:**
 - A. Judicial immunity created by court doctrine.
 - B. Congressional grants of immunity that alter the relationship between injury and remedy.
 - C. The inherent sovereignty of state bar associations.
 - D. The proper application of the 10th Amendment.
- 12. Which Maxim of Law states that "The law wills that, in every case where a man is wronged and endamaged, he shall always have a remedy"?**
 - A. Maxim 94u
 - B. Lex facit regem
 - C. Veritas Potissimum
 - D. Lex iniusta non est lex
- 13. According to Justice James Wilson in *Chisholm v. Georgia*, the sovereignty of the nation resides in:**
 - A. The states as independent entities.
 - B. The people of the United States.
 - C. The Justice Department.
 - D. The English common law tradition.

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14. What is the primary objective of "Building the Record"?

- A. To prove a specific theory of corruption.
- B. To persuade the actor to change their political affiliation.
- C. To preserve facts, chronology, and evidence so the Chain of Authority can be examined without speculation.
- D. To bypass the need for a Notice.

15. If a public officer is "insulated from accountability," what happens to the constitutional chain?

- A. It remains intact but becomes more efficient.
- B. It begins to fail because rights cannot be vindicated without a remedy.
- C. It is strengthened by the officer's expertise.
- D. It is automatically transferred to the federal government.

16. What did the Eleventh Amendment NOT change?

- A. Federal court jurisdiction.
- B. State boundaries.
- C. The principle that all power originates in the people.
- D. Congressional powers.

17. How did the modern architecture of institutional insulation develop?

- A. Through a single constitutional amendment.
- B. Through a series of legal doctrines, constitutional developments, and institutional practices over time.
- C. Through executive orders alone.
- D. Through local government ordinances.

18. According to the Firewall Operational Standard, what must an institution claiming immunity demonstrate?

- A. Public popularity.
- B. Good intentions.
- C. The lawful source of the immunity, the delegation authorizing it, and the accountability mechanism that remains available.
- D. Historical tradition alone.

19. Why does Module 14 place such emphasis on the relationship between rights and remedies?

- A. Remedies replace constitutional rights.
- B. Rights exist only when approved by government.
- C. Historically, rights and remedies were understood to be inseparable, and accountability depends upon the availability of lawful redress.
- D. Remedies eliminate the need for constitutional review.

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Answer Key and Explanations

Question Answer Explanation

1	C	The Firewall Operational Standard dictates that before tracing delegation or source, the reviewer must determine if the act can be corrected or if the actor is insulated (Slide 4).
2	C	One of the central teachings of Module 14 is that authority originates with the people and is delegated through constitutional structures. Because authority is delegated rather than inherent, public officers and institutions remain accountable to the people from whom that authority is derived. The existence of an office, institution, or long-standing practice does not eliminate the requirement of accountability.
3	B	As stated by Chief Justice John Jay in <i>Chisholm</i> , the American Revolution shifted sovereignty from the monarch to the people (Slide 7).
4	C	<i>Marbury v. Madison</i> (1803) established the principle that laws repugnant to the Constitution are null and void (Source Context: Congressional Exemplar).
5	B	The Eleventh Amendment was the "first great retreat," limiting federal judicial power in suits brought by citizens against states (Slide 9).
6	B	Slide 4 emphasizes that the Firewall Question is asked at the beginning of the review to determine if accountability remains visible.
7	C	The Massachusetts Constitution explicitly defines officers as "substitutes and agents" who are "at all times accountable" to the people (Slide 8, 10).
8	B	The paradox concerns how an institution responsible for securing rights can fulfill that duty if it can also violate those rights with immunity (Slide 6).
9	A	<i>Norton v. Shelby County</i> (1886) holds that unconstitutional acts confer no rights and are legally inoperative (Source Context: Congressional Exemplar).
10	B	Every constitutional review must begin by identifying a specific act, which serves as the anchor for the entire process (Slide 19).
11	B	This act, along with the PREP Act, demonstrates how Congress can use legislation to restructure or limit traditional paths to remedy (Slide 13).
12	A	Maxim 94u (Co. Litt. 197b) establishes the foundational legal principle that every wrong must have a corresponding remedy (Source Context: Congressional Exemplar).
13	B	Wilson argued in <i>Chisholm</i> that the people of the United States form a Nation and are the source of sovereignty (Slide 8).
14	C	The record's purpose is to replace speculation with demonstrable facts, including correspondence, statutes, and official records (Slide 20).
15	B	A right without a remedy is not a right; therefore, insulation from accountability causes the constitutional chain to fail (Slide 5, 21).
16	C	The Eleventh Amendment altered federal jurisdiction by restricting certain suits against states in federal court. However, it did not repeal the foundational American principle of popular sovereignty. The people remained the source of political authority, public officers remained agents of the people, and government continued to derive its legitimacy from the constitutional compact established by the people themselves.

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- 17 B Module 14 demonstrates that institutional insulation did not appear all at once. It developed gradually through legislative immunity, sovereign immunity, judicial immunity, qualified immunity, and various procedural doctrines. Each development was presented as a limited exception, but together they created an increasingly complex structure separating authority from accountability.
- 18 C The Firewall Operational Standard does not assume the validity of an immunity claim. Instead, it requires the institution asserting immunity to demonstrate the lawful source of the claimed protection, the delegation authorizing it, and the accountability mechanism that remains available if the immunity applies. Authority is not presumed; it must be demonstrated through an intact Chain of Authority.
- 19 C A recurring theme throughout Module 14 is that rights and remedies have traditionally been viewed as inseparable. A right that cannot be vindicated and an injury that cannot be remedied raise immediate accountability concerns. The module therefore examines whether immunity doctrines alter the traditional connection between rights, injuries, remedies, and accountability.
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Essay Format Questions

1. **The Relationship Between Rights and Remedies:** Explain the Founding era's view on why a right cannot exist without a remedy. How does the current trend of institutional insulation challenge this principle?
 2. **The Shift in Sovereignty:** Contrast the European feudal model of sovereignty with the American model established after the Revolution. Use Chief Justice John Jay's observations from *Chisholm v. Georgia* to support your answer.
 3. **The Role of the Eleventh Amendment:** Analyze the Eleventh Amendment as the "first great retreat from accountability." Did this amendment change the fundamental status of public officers as agents of the people? Why or why not?
 4. **Constructing the Constitutional Record:** Describe the discipline required in "Identifying the Act." Why is it critical for a reviewer to avoid starting with conclusions or assumptions about motive?
 5. **The Firewall Operational Standard:** Discuss the significance of asking the accountability question *before* examining the source of authority. How does this methodology change the nature of a constitutional challenge?
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Section 3: Exemplars Summary and Relevance

Exemplar	Summary	Relevance to Material
Congressional Grants of Immunity (Vaccine Acts)	Congress enacted the National Childhood Vaccine Injury Act (1986) and the PREP Act to provide liability protections to corporations and specify alternative compensation systems.	Illustrates how legislative authority can be used to alter the traditional pathway between injury and remedy, challenging the principle that rights and remedies are inseparable.
DOJ and Bar Association Immunity	The Department of Justice asserted that the State Bar of Texas functions as an "arm of the judiciary" and is thus entitled to sovereign immunity .	Demonstrates how immunity expands via legal doctrine and institutional extensions, shielding entities from review before the merits of an injury are ever reached.
The Massachusetts Audit Refusal	Despite a voter-approved initiative (72% approval), the Massachusetts Legislature & Senate refused to comply with an audit, citing "legislative immunity" and "separation of powers."	Highlights institutional silence and refusal as a form of insulation. It tests whether delegated agents can refuse to account to the people from whom their power originates.

Section 4: Expanded Homework Assignment and Practical Application Exercise

Case File: The Assertion of Judicial Immunity

Background

Module 14 examined the historical development of immunity doctrines and the gradual drift from accountability toward institutional insulation. This practical exercise provides an opportunity to apply those lessons to a contemporary claim of judicial immunity.

In a federal criminal proceeding, Milwaukee County Circuit Judge Hannah Dugan sought dismissal of criminal charges by asserting judicial immunity. Judge Dugan argued that the conduct described in the indictment occurred within the scope of her official judicial duties and therefore could not serve as the basis for criminal liability. Her motion raised questions concerning judicial independence, official acts, the scope of judicial authority, and the extent to which a judge may be insulated from legal accountability for actions taken while performing judicial functions.

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For purposes of this exercise, the issue is not whether Judge Dugan is guilty or innocent of the allegations made against her. The purpose of the exercise is to examine the immunity claim itself. The question is not whether the prosecution should prevail. The question is whether the asserted immunity can be traced through an intact Chain of Authority while preserving accountability and remedy.

This presents the same constitutional inquiry examined throughout Module 14. If immunity is claimed, where does that immunity originate? What lawful authority creates it? What delegation authorizes it? Most importantly, if the immunity applies, what accountability mechanism remains available to the people?

Constitutional Review Assignment

Using the Firewall Operational Standard introduced in Module 13B and applied throughout Module 14, construct a constitutional review of the immunity claim.

Your objective is not to argue the merits of the criminal allegations. Your objective is to trace the claimed immunity through the Chain of Authority and determine whether accountability remains demonstrably intact.

Step One: Identify the Act

Begin by identifying the specific act being reviewed.

Do not begin with conclusions, accusations, or assumptions. Identify the precise conduct that forms the basis of the immunity claim and place that act upon the record.

Remember that the act serves as the entry point into the constitutional chain. If the act is not clearly identified, the remainder of the review cannot proceed.

Step Two: Assemble the Record

Identify the documents and evidence necessary to conduct the review.

At a minimum, consider:

- The federal indictment.
- The motion asserting judicial immunity.
- Relevant judicial immunity cases.
- Constitutional provisions concerning delegated authority.
- Authorities relied upon by the parties.
- Judicial canons or ethical standards, if relevant.

The objective is not to gather opinions. The objective is to assemble the record from which authority can be traced and accountability examined.

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Step Three: Perform the Accountability Review

Apply the Firewall Question, *Can the injury be corrected through lawful remedy, or has the actor been insulated from accountability?*

As part of your review, examine the following questions:

- Where does judicial immunity originate?
- Is judicial immunity found within the Constitution?
- Is it created by statute?
- Is it a court-created doctrine?
- What delegation authorizes its existence?
- If immunity applies, what mechanism remains available to hold the actor accountable?
- What remedy survives despite the immunity?

Record your findings objectively and support them with authority where possible.

Step Four: Trace the Chain of Authority

Working backward through the Chain of Authority, determine whether the asserted immunity can be traced to a lawful source.

As you conduct the review, consider whether the immunity claim can be reconciled with the principles examined throughout this module:

- Sovereignty resides in the people.
- Public officers are agents of the people.
- Government exists to secure rights.
- Rights and remedies are historically connected.
- Delegated authority remains accountable.

If tensions or unanswered questions appear within the chain, identify them and preserve them within the record.

Required Document Preparation

Upon completion of your review, prepare a Notice using the template provided in class.

The Notice should not argue guilt, innocence, liability, or punishment.

The purpose of the Notice is to formally place constitutional questions into the record and request demonstration of authority.

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Your Notice should:

- Identify the act.
- Identify the immunity being asserted.
- Identify the source claimed for that immunity.
- Identify any gaps, unanswered questions, or accountability concerns revealed by the review.
- Request demonstration of the lawful source, delegation, accountability mechanism, and remedy associated with the immunity claim.

If your review concludes that the immunity cannot be traced through an intact Chain of Authority, document those findings and preserve them within the Notice.

Final Review Question

At the conclusion of your analysis, answer the following question: ***Can the claimed judicial immunity be traced through an intact Chain of Authority while preserving accountability, remedy, and the principle that delegated authority remains answerable to the people?***

Be prepared to discuss your findings during the next class session.

TO: Justice Kavanaugh

TO: Congress: Jim Jordan

TO: Attorney General

TO: Joe Biden

EXEMPLAR 1

Notice To Congress to Cease and Desist from Exceeding Enumerated Powers

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

I, [REDACTED], one of the People (as seen in the 50 State Constitutions), Sui Juris, do present you with this notice that you and your agents may provide due care;

Please take notice that the People have taken the time to do the proper study to be able to come together in mass across the nation and deal with matters of the common good and wish to address your attempts to use legislative fiat to exceed your enumerated powers;

A frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government. **Arizona Const art. II, § 1**

Please take notice that all political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right at all times to alter or reform the same, whenever the public good may require it. **Massachusetts Const. art I, § 2a.**

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.” **Preamble, Declaration of Independence**

Please take notice that the people did not delegate authority to Congress allowing them to exceed its enumerated powers, as seen in Article 1 Section 8 of the Constitution of the United States of America, nor did it grant it authority to alter its creation. Please clarify in writing, where Congress was given the lawful authority from the people, since the time of its creation, to grant special emoluments or privileges to any set of men especially when those privileges or emoluments deprive the people of their inherent, creator-endowed, unalienable rights. (see authorities below):

The Federal Government only has those powers delegated in the Constitution. If it isn't listed, it belongs to the states or to the people. **U.S. Bill of Rights amend. X**

That no man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary. **Virginia Cont. art I., § 4**

Miranda v. Arizona, 384 U.S. 436 (1966) page 491

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

Maxim 94u. The law wills that, in every case where a man is wronged and endamaged, he shall always have a remedy. Co. Litt. 197b; Branch. Princ.: Broom. Max 192: Bouv. Inst. 2411.

To preserve and protect victims' rights to justice and due process, a victim of crime has a right: To receive prompt restitution from the person or persons convicted of the criminal conduct that caused the victim's loss or injury. **Arizona Const. art. II, § 2.1a.(8)**

Marbury v Madison 5 U.S. (Cranch) 137, 174, 176 (1803)

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

Norton v Shelby County 118 U.S. 425 p. 442

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

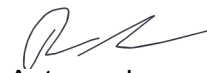
No law granting irrevocably any privilege, franchise, or immunity shall be enacted. **Arizona Const. art II., § 9**

No law shall be enacted granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which, upon the same terms, shall not equally belong to all citizens or corporations. **Arizona Const. art II., § 13**

That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial or delay. **Alabama Const. art I., § 13**

Please take notice that H.R.5546 - National Childhood Vaccine Injury Act of 1986

99th Congress (1985-1986) and The Public Readiness and Preparedness Act (PREP) offer special privileges and emoluments in the form of liability protection to corporations, and other sets of men, allowing the unlawful trespass of our rights. It's the will of the People that all officers and Trustees take action to prevent the maladministration and harms that would take place by using ambiguous statutes and declarations of their meaning, not in line with the original intent of the Congress in its original legislation. Any attempt to thwart your duty to correct these issues and give clarity or any failure to cease and desist any further actions against the People's rights will be considered a willful trespass, with full knowledge, intent, and malice. Furthermore, if you believe that any of these claims are untrue, please respond by Affidavit, with Constitutional Provisions granting you the authority to infringe upon the People's rights, within 5 days, or you agree that all herein be true and that you and any officer acting to interfere with the people's rights shall be personally responsible for \$10,000,000 per incident and I reserve my right to bring this issue before an arbitrator of my choice.



Autograph

10-17-2022

Date

[Redacted]

From Parnham, Thomas (USATXW) <Thomas.Parnham@usdoj.gov>
To [Redacted]
CC Hogeland, Bobby (USATXW) [Contractor] <Bobby.Hogeland@usdoj.gov>, Mirelez, Joanie (USATXW) <Joanie.Mirelez@usdoj.gov>
Date Friday, March 6th, 2026 at 10:09 AM

EXEMPLAR 2

Mr [Redacted]

We intend to intervene in this case for the purpose of dismissing it under 31 U.S.C. § 3730(c)(2)(A). The allegations relating to mandatory bar dues and attorney licensing do not appear to implicate federal funds. Moreover, the State Bar of Texas is an arm of the Texas judiciary and is entitled to sovereign immunity in a suit brought by a private individual such as yourself. Finally, a qui tam action under the False Claims Act cannot be prosecuted on behalf of the United States by an individual who is proceeding pro se.

We intend to file our notice of intervention this afternoon. Once is the case is unsealed, we will file a motion to dismiss. Please let me know whether you will agree to voluntarily dismiss this case. If you do not agree, you will have the opportunity to file a response to the motion to dismiss with the Court.

Thank you,

TJ

[Redacted]

EXEMPLAR 3

CERTIFICATE OF SERVICE AND NOTICE

BE IT KNOWN BY ALL PARTIES that this instrument constitutes a lawful notice transmitted to the parties identified below, each acting as trustee, agent, officer, or representative, in both their official and personal capacities where necessary to ensure full and complete response.

Notice to agent is notice to principal and notice to principal is notice to agent. Each party so noticed bears the responsibility to ensure that all relevant principals, agents, departments, insurers, and bonding entities are made aware of this notice, and that no failure of internal communication may be used to defeat or diminish the effect of notice duly given.

This Notice was transmitted via certified mailing service, with tracking information affixed to this document, establishing proof of mailing, delivery, and notice. Such transmission creates a verifiable record of the date upon which notice was effected and received.

Any interference with the transmission, delivery, or communication of this Notice, or any attempt to obstruct or delay the same, may constitute a failure of duty and will be recorded as part of the evidentiary record.

PARTIES SERVED (RESPONDENTS / AGENTS)

To the following trustees, agents, officers, and servants:

NAME	POSITION	ADDRESS
Ronald Mariano	Speaker of the House	State House, 24 Beacon Street, Boston, MA 02133
Karen Spilka	President of the Senate	State House, 24 Beacon Street, Boston, MA 02133
Andrea Joy Campbell	Attorney General	1 Ashburton Place, Boston, MA 02108
General Court of Massachusetts	Legislative Body	State House, 24 Beacon Street, Boston, MA 02133

CC (NOTICE ONLY)

NAME	POSITION	ADDRESS
Diana DiZoglio	Auditor of the Commonwealth	State House, Boston, MA

LAWFUL NOTICE OF FAILURE TO DEMONSTRATE LAWFUL AUTHORITY

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

IDENTITY

I, [REDACTED], one of the People, as recognized in the constitutions of the several States, republican in form, and sui juris, do present you with this lawful notification so that you and your agents may provide due care and exact and constant observance of the limitations imposed upon you, including the duty to act only within lawful authority and the corresponding prohibition against acting beyond, outside, or in the absence of such authority.

IDENTIFICATION OF THE ACT

Please take notice that the following act is hereby formally identified and placed on the record: that on or about March 27, 2026, at or within the Commonwealth of Massachusetts, the General Court of Massachusetts, including its officers, agents, and representatives, acting under color of law, did engage in the following conduct: refusal and/or failure to respond to and comply with a lawful demand for audit and production of financial records, including refusal and/or failure to comply with a duly enacted law of the Commonwealth, approved by approximately seventy-two percent (72%) of voters on November 5, 2024, expressly authorizing the State Auditor to audit the Legislature, and refusal to account for such noncompliance when lawfully noticed, and further including the failure to produce such records or to identify lawful authority for withholding them, which act or omission was directed toward the rights of the People to transparency, accountability, and lawful governance, and was carried out by means of non-response and continued withholding of requested records, and is presently being maintained under claim of lawful authority.

FINDINGS OF VIOLATION

Please take notice that the identified act has been examined against the required elements of lawful authority and the controlling provisions of the Massachusetts Constitution, and it is thereby established that the act does not originate from lawful authority derived from the people, in violation of Part the First, Article V, which provides that all power resides originally in the people and is derived from them . It is further established that no express delegation of authority has been demonstrated, contrary to Part the First, Article IV, which reserves all undelegated powers to the people.

It is further established that the act operates outside any identified structure of lawful accountability, in violation of Part the First, Article V, which requires that all officers remain at all times accountable to the people , and that the refusal to respond to a lawful request for audit and accountability infringes the rights secured by Part the First, Article XIX, which guarantees the right of the people to request redress of grievances.

It is further established that Respondents have refused to comply with a duly enacted law of the Commonwealth approved by the people through the constitutional initiative process and have further refused to account for such noncompliance when lawfully noticed, and no lawful authority has been identified by which such law may be disregarded.

FOUNDATIONAL LAW

Please take notice that all political power is inherent in the people, and sovereignty itself remains with the people, by whom and for whom all government exists and acts (*Yick Wo v. Hopkins*, 118 U.S. 356 (1886); see also multiple State Constitutions).

Lawful authority exists only within a fixed and immutable structure: law precedes government, binds it, and defines the conditions under which it may act. Law is not enactment or will, but a rule of right, *jus est norma recti* (“law is the rule of right”), grounded in reason, justice, and the unbreakable hierarchy of law, from the law of nature through the settled maxims, constitutions, and subordinate acts. As affirmed in the settled maxims, *lex facit regem*, “the law makes the ruler, not the ruler the law,” confirming that government is not the source of law, but its creature, possessing no authority except that which conforms to this superior order. No institution may create, expand, or validate its own authority; any claim of power must arise from a source external to the actor itself, or it is void.

From this foundation it follows that rights are pre-political, inherent, and incapable of creation, alteration, or revocation by government. The sole and legitimate end of government is the protection of life, liberty, and property, and no other object may be lawfully pursued. Any act departing from that end is not an exercise of authority but a usurpation. All power is delegated, never inherent; the Constitution is a trust instrument defining and limiting that delegation, and no act is lawful unless it is traceable to that source. Where the creature asserts authority from its own enactments, interpretations, or practices, the chain is broken and the claim fails for circularity.

Accordingly, government may act only according to law and never according to will or discretion. Due process is not mere procedure but a structural condition precedent grounded in the settled maxims of law and the law of the land, requiring that all exercises of power conform to right reason, established legal principles, and lawful procedure before action is taken. These requirements are governed by controlling maxims, including that an unjust law is no law (*lex iniusta non est lex*), that higher law overrides lower law (*lex superior derogat legi inferiori*), and that no departure from the law is permitted (*a verbis legis non est recedendum*).

These maxims operate as governing rules, not interpretive suggestions, and confirm that no act contrary to right or higher law may be enforced as lawful authority. Where these conditions are absent, due process fails, and authority does not arise.

The people retain judgment through the jury; force may be used only upon prior lawful authority; courts are bound to declare law, not create it; and all persons exercising power are trustees of the public, remaining at all times subject to law and accountable for its violation, without exception or immunity. These principles operate as a continuous and indivisible chain: authority must

originate in the people, conform to the rule of right, proceed through constitutional delegation, remain within its limits, be executed in accordance with due process as sanctioned by the maxims, and remain subject to accountability. The absence of any element is not a defect of degree but a total failure of authority.

AUTHORITIES RELIED UPON

The following authorities are cited as affirmations of the controlling structure of lawful authority, which exists independently of and prior to government: all political power is inherent in the people and all government authority is derived from them (*Yick Wo v. Hopkins*); the Constitution is the supreme law and any act repugnant thereto is void (*Marbury v. Madison*; U.S. Const. art. VI); an unconstitutional act confers no rights, imposes no duties, and is without legal effect (*Norton v. Shelby County*); government possesses only delegated powers (*McCulloch v. Maryland*), and where delegation cannot be shown, authority does not arise; and under the Massachusetts Constitution, all officers are substitutes and agents of the people and are at all times accountable to them (Mass. Const. pt. I, art. V), all power remains derived from and limited by the people (art. IV), the people retain the right to request redress of grievances (art. XIX), and government is required to operate as a government of laws and not of men (art. XXX). The burden of establishing lawful authority rests upon the party asserting it (*Speiser v. Randall*); public officers are not above the law and may not act outside lawful authority (*Butz v. Economou*; *Ex parte Young*); government must act according to law and not will, and ministerial duties are mandatory (*Marbury v. Madison*); the people retain the right to petition (*NAACP v. Button*); and the public retains a qualified right to inspect governmental records (*Nixon v. Warner Communications, Inc.*). These authorities do not create law, but recognize and affirm pre-existing principles of law, including that higher law prevails over lower, delegated power cannot be expanded, he who asserts must prove, and that which is void produces no legal effect, consistent with the foundational principle that law precedes government and that acts undertaken without lawful authority are void ab initio.

DEMAND FOR SPECIFIC AUTHORITY

Please take notice that you are hereby required to state, with particularity, the lawful authority under which the identified act is performed, and to demonstrate, by sworn affidavit under penalty of perjury, that such authority originates from the people as required by Part the First, Article V of the Massachusetts Constitution, has been expressly delegated and not reserved to the people under Part the First, Article IV, and remains subject at all times to accountability to the people as mandated by Part the First, Article V.

You are further required to identify the lawful basis upon which the refusal to respond to the audit demand is justified, in light of Part the First, Article XIX, which guarantees the right of the people to request redress of grievances, and to demonstrate how such refusal is consistent with that constitutional obligation.

Failure to establish each of these required elements is dispositive. Where lawful authority cannot be demonstrated, it does not arise. Any act undertaken absent such demonstration is not law, but usurpation, void ab initio, conferring no rights, imposing no duties, and without legal effect.

FACT-SPECIFIC ANALYSIS

The identified act is unsupported by lawful authority for the following reasons:

- No lawful basis has been demonstrated for refusing to comply with a duly enacted law of the Commonwealth, approved by approximately seventy-two percent (72%) of voters, expressly authorizing the State Auditor to audit the Legislature, nor for refusing to account for such noncompliance when lawfully noticed.
- No lawful response has been made to the audit demand
- No sworn affidavit has been provided identifying lawful authority to refuse or ignore the audit
- No lawful basis has been demonstrated for withholding public financial records subject to accountability
- No express delegation has been identified permitting refusal to comply with the audit demand
- No lawful process has been identified by which the audit demand was reviewed, denied, or adjudicated prior to noncompliance
- Continued withholding and non-response persist absent any identified mechanism of accountability

The absence of any demonstrated authority to disregard a duly enacted law of the Commonwealth further confirms a complete failure of lawful authority.

CONCLUSION and DEMAND

Please take notice that where any required condition of lawful authority fails, authority does not arise. The identified act is therefore unlawful and void ab initio, conferring no rights, imposing no duties, and without legal effect. You are accordingly required to respond within ten (10) business days by sworn affidavit under penalty of perjury, fully identifying and tracing the lawful authority relied upon for the act. You are further required to identify the lawful authority, if any, by which a duly enacted law of the Commonwealth, approved by the people through the initiative process, may be refused, disregarded, or rendered inoperative, and by which such refusal may be maintained without accounting when lawfully noticed. Failure to respond will be taken as evidence that no lawful authority has been identified and will be relied upon as such in any further proceedings.

This Notice is sent to you in peace and with the love of our Creator, so that you may provide immediate due care to those in whom all political power is inherent, the People.

Executed this 24th day of April in the year of Our Lord Two Thousand Twenty-Six.

[REDACTED]

[REDACTED]

SENATE No. 3104

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

RESOLUTIONS RESPONDING TO THE SUPREME JUDICIAL COURT’S ORDER OF
MAY 7, 2026, AND ENHANCING GOVERNMENT TRANSPARENCY.

1 WHEREAS, AS ELECTED MEMBERS OF THE MASSACHUSETTS GENERAL
2 COURT, SENATORS BEAR A RESPONSIBILITY TO UPHOLD THE CONSTITUTION
3 AND PRESERVE THE INDEPENDENCE OF THE GENERAL COURT AS A COEQUAL
4 BRANCH OF GOVERNMENT; AND

5 WHEREAS, THE SENATE RECOGNIZES THE IMPORTANCE OF MAINTAINING
6 PUBLIC CONFIDENCE IN THE INTEGRITY AND ACCOUNTABILITY OF STATE
7 GOVERNMENT; AND

8 WHEREAS, THE SENATE IS COMMITTED TO INFORMING THE PUBLIC AND
9 CONSTITUENTS OF THE WORK IT DOES ON THE PEOPLE’S BEHALF; AND

10 WHEREAS, SINCE MARCH 2023 AND CONTINUING THROUGH JANUARY 3,
11 2025, WHEN CHAPTER 250 OF THE ACTS OF 2024 CAME INTO EFFECT AFTER THE
12 VOTERS’ APPROVAL OF QUESTION 1, THE OFFICE OF THE STATE AUDITOR
13 ISSUED LETTERS, STATEMENTS AND COMMUNICATIONS EXPRESSING ITS

14 INTENTION TO CONDUCT A “PERFORMANCE AUDIT” OF THE GENERAL COURT;
15 AND

16 WHEREAS, ON JANUARY 6, 2025, THE OFFICE OF THE STATE AUDITOR SENT
17 THE SENATE REQUESTS FOR DOCUMENTS RELATED TO ITS PROPOSED
18 PERFORMANCE AUDIT; AND

19 WHEREAS, MEMBERS OF THE SENATE HAVE SOUGHT CLARIFYING
20 INFORMATION FROM THE OFFICE OF THE STATE AUDITOR CONCERNING THE
21 PROPOSED PERFORMANCE AUDIT AND DOCUMENT REQUESTS AND HAVE
22 CONVEYED THE SENATE’S CONCERNS REGARDING THE AUDIT’S
23 CONSTITUTIONALITY, SCOPE, ADHERENCE TO GENERALLY ACCEPTED
24 GOVERNMENT AUDITING STANDARDS AND THE AUDITOR’S APPARENT
25 CONFLICT OF INTEREST; AND

26 WHEREAS, ON FEBRUARY 10, 2026, THE STATE AUDITOR BROUGHT SUIT
27 WITHOUT THE ATTORNEY GENERAL’S AUTHORIZATION AGAINST THE
28 PRESIDENT OF THE SENATE, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
29 AND THE CLERKS OF BOTH LEGISLATIVE BODIES; AND

30 WHEREAS, AT ORAL ARGUMENT BEFORE THE SUPREME JUDICIAL COURT
31 ON MAY 6, 2026, COUNSEL FOR THE STATE AUDITOR AGREED THAT THE
32 AUDITOR’S LITIGATION RELATED ONLY TO THE LEGISLATURE’S ALLEGED
33 FAILURE TO PRODUCE DOCUMENTS RESPONSIVE TO THE 4 SPECIFIC REQUESTS
34 IN THE OFFICE OF THE STATE AUDITOR’S LETTER OF JANUARY 6, 2025; AND

35 WHEREAS, ON MAY 7, 2026, THE SUPREME JUDICIAL COURT ISSUED AN
36 ORDER CONCLUDING THE AUDITOR’S LITIGATION IS “NOW LIMITED” TO THE 4
37 REQUESTS MADE ON JANUARY 6, 2025; AND

38 WHEREAS, THE SENATE, INFORMED BY THE RECENT CLARIFICATION OF
39 SCOPE, SEEKS TO RESPOND RESPONSIBLY AND TRANSPARENTLY; NOW
40 THEREFORE BE IT

41 RESOLVED, THAT THE SENATE IS GRATEFUL THAT THE MAY 7, 2026,
42 ORDER BY THE SUPREME JUDICIAL COURT BROUGHT CLARITY TO THE STATE
43 AUDITOR’S REQUESTS RELATED TO THE PROPOSED PERFORMANCE AUDIT; AND
44 BE IT FURTHER

45 RESOLVED, THAT THE SENATE, SEEKING IN GOOD FAITH TO PROVIDE
46 ADDITIONAL TRANSPARENCY, WILL PROVIDE PROMPTLY TO THE OFFICE OF THE
47 STATE AUDITOR ALL RECORDS RESPONSIVE TO ITS LETTER OF JANUARY 6, 2025,
48 AS CLARIFIED BY THE SUPREME JUDICIAL COURT’S ORDER OF MAY 7, 2026,
49 WHICH SPECIFIES (A) “[T]HE OFFICIAL BUDGETS FOR THE SENATE FOR FISCAL
50 YEARS 2021, 2022, 2023 AND 2024”, (B) “[C]OPIES OF OFFICIAL AUDITS OF THE
51 SENATE FOR FISCAL YEARS 2021, 2022, 2023 AND 2024”, (C) “[A] LISTING OF ALL
52 TRANSACTIONS RELATED TO THE SENATE’S BALANCE FORWARD LINE ITEM FOR
53 FISCAL YEARS 2021, 2022, 2023 AND 2024” AND (D) “[A] LISTING OF ALL
54 MONETARY SETTLEMENT AGREEMENTS ENTERED INTO BY THE SENATE WITH
55 ANY CURRENT OR FORMER EMPLOYEES OR MEMBERS OF THE SENATE DURING
56 FISCAL YEARS 2021, 2022, 2023 AND 2024”; AND BE IT FURTHER

57 RESOLVED, THAT THE SENATE, IN PROVIDING SAID RECORDS, DOES SO
58 VOLUNTARILY BUT DOES NOT CONCEDE THAT IT MAY BE AUDITED PURSUANT
59 TO SECTION 12 OF CHAPTER 11 OF THE GENERAL LAWS WITHOUT VIOLATING
60 THE CONSTITUTION OF THE COMMONWEALTH; AND BE IT FURTHER

61 RESOLVED, THAT THE SENATE RESERVES ALL ITS RIGHTS TO OBJECT TO
62 ANY SUCH AUDIT, PRESENT OR FUTURE, AND ON ANY GROUNDS, INCLUDING,
63 BUT NOT LIMITED TO, THAT CHAPTER 250 OF THE ACTS OF 2024 VIOLATES THE
64 SENATE'S CONSTITUTIONAL RULEMAKING AUTHORITY, SEPARATION OF
65 POWERS, LEGISLATIVE IMMUNITY AND PRIVILEGE AND THE LEGAL
66 PRESUMPTION THAT STATUTES OPERATE PROSPECTIVELY AND CANNOT BE
67 APPLIED RETROACTIVELY IN THE ABSENCE OF CLEAR LEGISLATIVE INTENT;
68 AND BE IT FURTHER

69 RESOLVED, THAT A COPY OF THESE RESOLUTIONS BE TRANSMITTED
70 FORTHWITH BY THE CLERK OF THE SENATE TO THE JUSTICES OF THE SUPREME
71 JUDICIAL COURT, THE ATTORNEY GENERAL AND THE STATE AUDITOR.

SUBMITTED BY:

SENATOR FEENEY

COSPONSORS:

SENATOR FRIEDMAN

SENATOR ELDRIDGE