

Constitutional Restoration Act

An ACT

to abolish regional governance and restore constitutional governance within the United States and within every State of the Union.

Whereas, this Act shall be cited as the Constitutional Restoration Act, hereinafter referred to as the Act; and

Whereas this Act shall be implemented over a three-year transition period, beginning thirty days after the date of enactment of this Act; and

Whereas, responsible authorities on constitutional law declare the establishment and implementation of Regional Government a violation of United States Constitution, Article IV, Sections 3 and 4 (in part), and the 10th Amendment:

Article IV

Section 3. New States may be admitted by the Congress into this union; but no new states shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government....

Amendment X (1791)

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people; and

Whereas, the intent of the framers of the United States Constitution was to guarantee to each state sovereignty/jurisdiction over all matters within its boundaries except for those powers granted to the United States as agent of the state; and

Whereas, two *ultra vires* acts by President Richard M. Nixon, establishing regional governance over the United States, does violate United States Constitution, Article IV, Sections 3 and 4 (in part), and the 10th Amendment. The first illegal presidential act is titled Statement on Establishing Common Regional Boundaries for Agencies Providing Social and Economic Services dated March 27, 1969. The second illegal presidential act is Executive Order No. 11647, The Federal Regional Councils, dated February 12, 1972; and

Whereas, it is obvious that the Federal Government is currently occupying millions of acres within sovereign states without the required consent of those states. With the power of private property firmly in mind, the Founders clearly set forth constitutional limitations to prevent the Federal Government from owning much property itself. There are therefore few reasons noted to have the Federal Government own property: for a seat of government, for military uses, and for needful buildings. This is the very limited power given to Congress in the United States Constitution, Article I, Section 8, Clause 17:

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

Whereas, federal and state land-use regulations, which seek to transfer control of private property to federal agencies and agents, are in violation of the United States Constitution, the 5th (in part) and the 14th Amendment (Section 1):

Amendment V (1791)

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.

Amendment XIV (1868)

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws; and

Whereas, law repugnant to the Constitution is void. *Maybury v. Madison* 5 U.S. 137 (1803); where rights secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them. *Miranda v. Arizona* 86 U.S. 1602 (1966); an unconstitutional statute though having the form and name of law is in reality no law, but wholly null and void and ineffective for any purpose. It imposes no duty, confers no rights, creates no office, bestows no power or authority on acts performed under it. No one is bound to obey an

unconstitutional statute, and no courts are bound to enforce it. 16 Am. Jur. § 2 at 177; and

Whereas, correcting federal usurpation of constitutional powers is a lawful responsibility of every state legislature and the United States Congress acting in their highest sovereign capacities. Each state is required by constitutional compact to enforce the “Supreme Law of the Land” within its borders, and to declare null and void any *ultra vires* acts of its agents in Washington; and

Whereas, by erecting regional governance, federal agents have acted beyond their delegated powers and thereby erected a new kind of government, a corporate state, upon the ruins of the Republic without the knowledge or consent of the states or their citizens; and

Whereas, federal regionalism has dissolved city, county, state and United States jurisdictions in violation of state and federal constitutions. Regional governance has disfranchised the electorate by usurping the authority of elected officials of every city, county, state, and the United States and replacing it with the governance of appointed regional planners and bureaucrats. Thereby, the Regional Government has seized control of all private property, overthrown state and federal constitutions, and reduced American citizens to the status of economic serfs on the land that once was theirs.

Therefore, to start:

1. There may be others to come, but at this time, the following agencies are hereby abolished, (1) Agriculture, (2) Commerce, (3) Education, (4) Energy, (5) Environmental Protection Agency, (6) Health and Human Services, (7) Housing and Urban Development, (8) Interior, (9) United States Agency for International Development, (10) Transportation, (11) Bureau of Land Management, (12) Advisory Commission on Intergovernmental Relations. The grant-making power of all remaining Federal agencies/departments is hereby abolished. Upon passage of this Act, all former grant-making Federal agencies/departments remaining are for information purposes only; they shall investigate, research and report their findings to Congress and applicable state legislatures and governors, but shall not make or recommend actions to be taken. The number of employees within these agencies/departments shall be reduced to the number of employees needed to adequately investigate, research, and report; Congress shall determine the minimum and maximum number of employees needed.

2. The ten Federal regions are hereby abolished as well as all regional confederations within every state and within the United States are hereby null and void. All sub-regions within states and their governing regional councils of government, along with all joint-powers agreements are hereby null and void. Any and all agreements transferring powers and authority to regional authorities by cities, counties, and states are hereby null and void. Cities, counties, and states

can and shall continue to coordinate and cooperate to address issues that overlap their boundaries. But no agreements are to be made that diminish or transfer authority held directly by the citizenry or their respective elected representatives within their respective jurisdictions; and

3. The functions of the defunct Federal agencies/departments and subregion councils of government are hereby, once again, the jurisdictional duty and responsibility of the elected officials of the city, county, state and United States.

4. There is no constitutional provision or statute that explicitly permits executive orders; therefore, Presidents shall no longer issue executive orders. Any and all future orders deemed needed by Presidents shall be submitted to Congress for review, approval, and passage.

Be it understood, if any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance shall be held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

This Act is hereby enacted by the Senate and House of Representatives of the United States of America assembled.