

THE LOUISIANA LIBERTY AND ACCOUNTABILITY KEY

The legal basis for reclaiming freedom from all “lockdown” edicts and holding the perps accountable.

1. [The Louisiana Constitution](#) is the supreme law of the state, per its Preamble:

We, the people of Louisiana, ... do ordain and establish this constitution.

...and the terms of Article I, § 1 Origin and Purpose of Government:

All government, of right, originates with the people, is founded on their will alone, and is instituted to protect the rights of the individual and for the good of the whole. ...

2. Disharmony with the Constitution invalidates any purported act, pronouncement, edict, decree, order or law of any state officer(s) or agent(s):

The General rule is that an unconstitutional statute, though having the form and name of law is in reality no law, but is wholly void, and ineffective for any purpose; since unconstitutionality dates from the time of its enactment and not merely from the date of the decision so branding it. An unconstitutional law, in legal contemplation, is as inoperative as if it had never been passed. Such a statute leaves the question that it purports to settle just as it would be had the statute not been enacted.

No repeal of an enactment is necessary, since an unconstitutional law is void. The general principles follow that it imposes no duties, confers no rights, creates no office, bestows no power or authority on anyone, affords no protection, and justifies no acts performed under it.

16 Am Jur 2d, Sec 256

3. Louisiana's Constitution vests law-making (legislative) power-- that is, the power to impose enforceable requirements or prohibitions-- exclusively in the legislature, in Article II, Distribution of Powers, §§ 1 and 2:

§1. Three Branches

Section 1. The powers of government of the state are divided into three separate branches: legislative, executive, and judicial.

§2. Limitations on Each Branch

Section 2. Except as otherwise provided by this constitution, no one of these branches, nor any person holding office in one of them, shall exercise power belonging to either of the others.

...and Article III, Legislative Branch, § 1 Legislative Power; Composition; Continuous Body:

Section 1.(A) Legislative Power of State. The legislative power of the state is vested in a legislature, consisting of a Senate and a House of Representatives. ...

4. The only exceptions provided by the Constitution allowing for the exercise of any powers belonging to one branch by persons holding office in another are in highly-limited provisions for various boards and commissions established by the Constitution. The Public Service Commission, under the executive branch, is an example. Its powers extend (and are limited) as follows:

(B) Powers and Duties. The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

(C) Limitation. The commission shall have no power to regulate any common carrier or public utility owned, operated, or regulated on the effective date of this constitution by the governing authority of one or more political subdivisions, except by the approval of a majority of the electors voting in an election held for that purpose; however, a political subdivision may reinvest itself with such regulatory power in the manner in which it was surrendered. This Paragraph shall not apply to safety regulations pertaining to the operation of such utilities.

Similarly, a Board of Tax Appeals is provided for which, while operating under the executive branch, functions as a “quasi-judicial” entity (by its own description). As stated in Article V, Judicial Branch, § 35, Remedies for Taxpayers,:

It shall have jurisdiction over all matters related to state and local taxes or fees or other claims against the state as provided by Chapter 17 of Title 47 of the Louisiana Revised Statutes of 1950, as amended, subject to change by law. The legislature may extend the jurisdiction of the Board of Tax Appeals, by a law enacted by a two-thirds vote of the elected members of each house of the legislature, to matters concerning the constitutionality of taxes, fees, or other matters related to its jurisdiction which jurisdiction may be concurrent with the district courts concerning such matters.

Diligent search can discover no places in the Louisiana Constitution in which any exceptions to the distribution of powers are made such as to authorize the executive branch or its officials to make laws (whether under the name “executive orders” or otherwise) or authorizing the legislature to authorize the executive branch or any of its officials to make laws.

At the same time, Article III § 4(C) of the Constitution provides for the Governor to:

[C]onvene the legislature in extraordinary session without prior notice or proclamation in the event of public emergency caused by epidemic, enemy attack, or public catastrophe.

Plainly, this provision recognizes the legislature's continued exclusivity in the making of laws even in the case of an emergency, just as does the lack of any provision equipping the Governor to act unilaterally under such circumstances.

5. In law, "substance" always rules over "form". The devising and issuing of commands to the general public, disobedience of which can be punished by the state in any way whatsoever, is the making of laws, even if the products are called "executive orders". Executive branch officials are prohibited from

such legislating, except as expressly authorized in the Constitutions to which they have sworn fidelity. Any basis-- even an enactment of the legislature itself-- on which the governor (or any executive branch agency or official) claims the power to devise, issue and enforce commands directed at any or all of the general public-- whether such commands are labeled as "Executive Orders" or otherwise-- is manifestly unconstitutional and void, per the foregoing simple and straightforward legal facts. The governor and all other executive branch officials are prohibited from being given, having, or exercising any such power.

No commands so devised and issued can be lawfully enforced by anyone. No commands so devised and issued can be lawfully upheld by any court to which the foregoing points of law are presented.*

*NOTE: The author has carefully examined [the Louisiana Constitution](#) and made a serious effort to ensure accuracy in producing this document. Section language quoted above is taken verbatim from the Constitutional text at the preceding link.

However, the author leaves sole responsibility for acting in harmony with the reasoning and conclusions presented above to each person who chooses to so act. In other words, the conclusions on which you act must be your own.