

THE MINNESOTA LIBERTY KEY

1. The Minnesota Constitution is the supreme law of the state per it's Preamble

We, the people of the state of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings and secure the same to ourselves and our posterity, do ordain and establish this Constitution

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 it's 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. Minnesota's Constitution vests law-making (legislative) power-- that is, the power to impose enforceable requirements or prohibitions-- exclusively in the legislature, in **Article IV, Section 22:**

Majority vote of all members to pass a law. The style of all laws of this state shall be: "Be it enacted by the legislature of the state of Minnesota." No law shall be passed unless voted for by a majority of all the members elected to each house of the legislature, and the vote entered in the journal of each house.

...and prohibits the exercise of that power by any other person or persons in **Article III, Section 1**, except as expressly permitted in the Constitution (emphasis added):

Division of powers. *The powers of government shall be divided into three distinct departments: legislative, executive and judicial. **No person or persons belonging to or constituting one of these departments shall exercise any of the powers properly belonging to either of the others except in the instances expressly provided in this constitution.***

4. "Diligent search of Article V, "EXECUTIVE DEPARTMENT", reveals no grant of authority to any Executive Department official for the devising, making or issuing of laws; and deeper inspection reveals that the only appearance of the term "**emergency**" in Minnesota's Constitution is as follows in **Section 5 of Article V**:

*...The legislature may provide by law for the case of the removal, death, resignation, or inability both of the governor and lieutenant governor to discharge the duties of governor and may provide by law for continuity of government in periods of **emergency** resulting from disasters caused by enemy attack in this state, including but not limited to, succession to the powers and duties of public office and change of the seat of government.*

No further special authorities or exceptions to the foregoing provisions, limitations and prohibitions can be found.

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 apparatus 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.