

Mailbox

Editor, Press-Herald,

Recently an article by Mr. F. Fredericks was featured, giving a realtor's position on Proposition 13, in which he quoted the CREA president as finding it difficult to understand "how the courts can reverse a decision which the people of California made by a 2 to 1 vote." I feel compelled to rise to the defense of our constitutional form of republican government which is evidently being questioned or is not understood.

Art. VI, sect 2 of the US Constitution states that "This constitution and the laws of the US which shall be made in pursuance thereof . . . shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding." In the Federalist, Hamilton wrote that it is the duty of the court "to declare all acts contrary to the manifest tenor of the Constitution void." In 1803, first US Chief Justice Marshall firmly established that principle of judicial review and supremacy which has been a hallmark of the American political system. He wrote, "Those, then, who controvert the principle, that the constitution is to be considered, in court, as a paramount law, are reduced to the necessity of maintaining that courts must close their eyes on the constitution, and see only the law. This doctrine would subvert the very foundation of all written constitutions. It would declare that an act which, ac-

ording to the principles and theory of our government, is entirely void, is yet, in practice, completely obligatory."

The Constitution has been set as a superior paramount law, unchangeable by ordinary means; this was deliberately done so that the fundamental law would be changed only in a deliberate and prescribed fashion. We are a constitutional democratic republic, and as such, are bound by those constitutional limitations. Neither the people nor their representatives have the right to make law which is at variance with the supreme law as it is interpreted by the courts, regardless of the numbers of people or representatives in favor of the law. The people have no right to make what amounts to illegal or unlawful law. Only by a change in our basic constitution could such a law be effected. In the case of Prop. 13, as was repeatedly pointed out during the long 1964 election battle, the 14th amendment to the US Constitution forbids the people from making such patently unconstitutional and void law. Is the CREA proposing the repeal of the 14th amendment?

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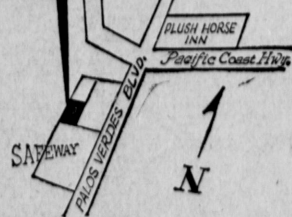
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