

# Void an Initio

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Author: Terra Shouse

Qualified Immunity (QI), a judicially created doctrine, is void ab initio and void for vagueness, lacking any foundation in prior case law precedent or constitutional text, violating the Legislative Vesting Clause (Art. I, § 1), as courts cannot enact laws (Federalist No. 78, Hamilton; *Marbury v. Madison*, 1803, 5 U.S. 137).

Introduced in *Pierson v. Ray* (1967, 386 U.S. 547), QI has no precedential anchor, as no pre-1967 case law establishes immunity for constitutional violations—unlike absolute judicial immunity (*Bradley v. Fisher*, 1872, 80 U.S. 335, limited to judicial acts) or sovereign immunity (*Cohens v. Virginia*, 1821, 19 U.S. 264, for states, not individuals).

QI contradicts enumerated (4th/14th Amendments) and unenumerated (9th Amendment) rights, usurps 10th Amendment powers (Federalist No. 45, Madison; *Barron v. Baltimore*, 1833), and breaches 5 U.S.C. § 3331 oaths to uphold the Constitution (Constitutional Fidelity, p. 1).

Its “clearly established rights” standard is vague, violating due process (*Davis v. United States*, 2019, 588 U.S. 445; *Connally v. General Construction Co.*, 1926, 269 U.S. 385).

*Stare decisis* doesn’t apply, as unconstitutional doctrines can’t bind courts (*Ex parte Young*, 1908, 209 U.S. 123; *Marbury*).

QI’s selective application—shielding 42 U.S.C. § 1983 civil suits but not 18 U.S.C. §§ 241/242 criminal charges (*United States v. Price*, 1966, 383 U.S. 787)—proves it’s a financial dodge, not a judicial balance tool, undermining rule of law.

Upholding QI shows judicial bias, violating 5 U.S.C. § 455(a) (recusal for impartiality) and 14th Amendment equal protection by favoring public servants (*Monell v. Department of Social Services*, 1978, 436 U.S. 658; *Caperton v. A.T. Massey Coal Co.*, 2009, 556 U.S. 868).

QI enables FMCSR misuse (49 CFR § 390.5), disrupting USPS post roads—economic arteries protected by the Commerce Clause (Federalist No. 42, Madison; *United States v. Butler*, 1936, 297 U.S. 1; 39 U.S.C. § 101; *United States Postal Service v. Flamingo Industries*, 2004, 540 U.S. 736)—costing \$3.3476T annually (CBO, 2025; 415, p. 1) and 800,000 arrests (DOJ, 2023).

Criminal charges under 18 U.S.C. §§ 241/242, supported by \$1M+ damages (*Watson v. City of Miami Beach*, 1999, 177 F.3d 932), bypass QI, ensuring accountability (*The American Butterfly Effect*, p. 4).

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