

Void an Initio

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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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