

WATER BUFFERS

It really burns me that committee members/staff appointees/board members violate the Constitution so freely in the City Council's new storm water ordinance. Politicians won't touch these subjects but they waste no time in appointing the drooling-for-power groupies that hang around them to do so. These people can sometimes be seen hanging around a politician or someone they perceive to have some semblance of power acting like a small feisty dog, bouncing around for a kind word, a treat, or just a pat on the head from the subject of their adoration. They have no concept or regard for right or wrong, but just acceptance from those they worship and the crumbs being thrown to them for supporting the "money monger's" agenda.

It might be pointed out that Jesus was no respecter of persons. Titles didn't mean a thing to him. It was the individual that was to be known by their works/demeanor that counted.

Making rules without Constitutional authority was exactly what the DENR buffer people were doing in all the state's basins before it was pointed out that they have no authority over private property and were placing themselves into a position of massive class action suits. They were also selling pollution permits to businesses and wanted to control the individual property owners so that they would have more pollution overhead to sell!

The Fifth Amendment to the Constitution covers the taking of private property for public use. No person can be deprived of property without due process of law (which judges ignore now) nor can their property be taken for public use without just compensation (actual worth). If the property is worth more than twenty dollars, a trial by jury must be convened. The "mediation" used by the courts now is unconstitutional as Trial by Jury is mandated!

The Supreme Court has ruled multiple times that the Constitution is the Ultimate Law of the Land and that no rule or law made in controverson to the Constitution can be enforced by any judge. "Where rights secured by the constitution are involved, there can be no rulemaking or legislation which would abrogate them." (Miranda v. Arizona) "All laws which are repugnant to the Constitution are null and void." (Marbury v. Madison). "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. No one is bound to obey an unconstitutional law and no courts are bound to enforce it." (16 Am Jur 2d, Sec 177 Late 2d, Sec 256) The North Carolina Constitution also notes that the US Constitution is the ultimate law of the land.

It's strange that politicians and their associated people have never read the US and NC Constitutions in their entirety, but eagerly and without further thought, swear an oath to uphold the Constitutional law they have never read. Just for those interested, the Constitution delegates what subjects that the US Congress and Governmental agents can do and cannot do. The Bill of Rights delegates *articles of protection of individuals from any authority of Government, corporate entities and their representatives*. Get with it City of Asheville. This is not a subject to be taken lightly, not a subject to hide from the public, and not a subject you have any authority over unless it is a corporation, a registered/incorporated business (including landlords), or city/government property. Private property is not within your power or rulemaking on this subject.

No one I have ever met wants polluted water, but every single one wants the sovereignty they are due over their own property.

Let's hear your thoughts Buncombe County, Pro or Con; the letters to the editor are the last bastions of public forum.

Leonard D. Hensley