

valid judgment, either right or wrong, without this type of jurisdiction.

[N]o authority need to be cited for the proposition that, when a court lacks jurisdiction, any judgment rendered by it is void and unenforceable, * * * and without any force or effect whatever.²⁷

Where judicial tribunals have no jurisdiction of subject matter, the proceedings are void.²⁸

Where subject matter jurisdiction does not exist, any bad, wrong or corrupt decision is *void*, but if the jurisdiction exists, a wrong or erroneous decision is only *voidable* by appeal.

The test of jurisdiction is the right to decide, not right decision. Judgments of courts, which at the time the judgments were rendered had no jurisdiction, * * * are absolutely void, and may be attacked and defeated collaterally. On the other hand, judgments of courts empowered to hear and determine issues related to the subject matters and persons, although such judgments may be illegal and wrong, are simply voidable and are not open to collateral attack.²⁹

The only remedy to correct an error or illegal decision is by appeal. But the judges of the appeals court also have the right to make error or be wrong, and can thus support the illegal decision of the trial court. But if the trial court decision was void for lack of jurisdiction, it cannot be made valid by an appeal decision.

Even though a void judgment is affirmed on appeal, it is not thereby rendered valid.³⁰

When jurisdiction is lacking, the court can do nothing except dismiss the cause of action. Any other court proceeding is usurpation.

Lack of jurisdiction and the improper exercise of jurisdiction are vitally different concepts.

* * * Where the court is without jurisdiction it has no authority to render any judgment other than one of dismissal.³¹

A judge or court may be in a legal sense immune from any claims that it is guilty of corruption because of its improper exercise of jurisdiction. However, it has no such protection where it lacks jurisdiction and the issue has been raised and asserted before judgment. Thus when the lack of jurisdiction has been shown, a judgment rendered is not only void, but is also *usurpation!*

Jurisdiction is a fundamental prerequisite to a valid prosecution and conviction, and a usurpation thereof is a nullity.³²

If [excessive exercise of authority] has reference to want of power over the subject matter, the result is void when challenged directly or collaterally. If it has reference merely to the judicial method of the exercise of power, the result is binding upon the parties to the litigation till reversed * * * The former is usurpation; the latter error in judgment.³³

The line which separates error in judgment from the usurpation of power is very definite.³⁴

Since the laws in use today are invalid on their face, it deprives the court of subject matter jurisdiction. For the court to proceed with trial and make a judgment or sentence after such a jurisdictional challenge has been made, it is simply an act of usurpation and treason. The importance of this material is that it forces the courts to either completely retract from enforcing corrupt and ungodly laws, or it forces them to establish the grounds for

27 *Hooker v. Boles*, 346 Fed.2d 285, 286 (1965); *Honomichl v. State*, 333 N.W.2d 797, 799 (S.D. 1983).

28 21 *Corpus Juris Secundum*, "Courts," § 18, p. 25; *People v. Mckinnon*, 362 N.W.2d 809, 812 (Mich.App. 1985).

29 *United States v. U.S. Fidelity & Guaranty Co.*, 24 F.Supp. 961, 966 (1938); 47 Am Jur 2d, "Judgments," § 916.

30 *Ralph v. Police Court of City of El Cerrito*, 190 P.2d 632, 634, 84 Ca.App.2d 257 (1948).

31 *Garcia v. Dial*, 596 S.W.2d 524, 528 (Tex.Cr.App. 1980).

32 22 *Corpus Juris Secundum*, "Criminal Law," § 150, p. 183.

33 *Harrigan v. Gilchrist*, 99 N.W. 909, 934, 121 Wis. 127 (1904).

34 *Voorhees v. The Bank of the United States*, 35 U.S. 449, 474-75 (1836).