

TREATISE – Sovereignty

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Sovereignty

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Books

America – National or Federal?

Each state, in ratifying the Constitution, is considered a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, the new Constitution will, if established, be a federal and not a national Constitution. The Federalist, No. 39, James Madison

In Search of Liberty

Liberty, sir, is the primary object, ...the battles of the Revolution were fought, not to make 'a great and mighty empire', but 'for liberty'. Patrick Henry

What Does Accepted for Value Mean?

Agree with thine adversary quickly, while thou art in the way with him; lest at any time the adversary deliver thee to the judge, and the judge deliver thee to the officer, and thou be cast into prison. Verily I say unto thee, Thou shalt by no means come out thence, till thou hast paid the uttermost farthing.

Matthew 5:25-26

Booklets

1 *When There is No Money* FREE

For thus saith the Lord, Ye have sold yourselves for nothing, and ye shall be redeemed without money. Isaiah 52:3

2 *Liberty* FREE

Now the Lord is that Spirit: and where the Spirit of the Lord is, there is Liberty. II Corinthians 3:17

Sovereignty

3 *The Natural Order of Thing* FREE

Owe no one anything, except to love one another; for he who loves his neighbor has fulfilled the law. Romans 13:8

4 *Sovereignty* FREE

Even in almost every nation, which has been denominated free, the state has assumed a supercilious pre-eminence above the people who have formed it. Hence, the haughty notions of state independence, state sovereignty, and state supremacy. Justice Wilson, *Chisholm v. Georgia*, 2 Dal. (U.S.) 419, 458 (1792)

5 *The Legal System for Sovereign Rulers* FREE

The Lord shall judge the people with equity. Psalms 98:9

6 *The Negative Side of Positive Law* FREE

Therefore, one must be wise and attentive, since there are those among us who make kings and set up princes outside His law. Hosea 8:4

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You may also buy some of the temporary residents living among you and members of their clans born in your country, and they will become your property.

Leviticus 25:45

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Stand fast, therefore, in the liberty with which Christ hath made us free, and be not entangled again with the yoke of bondage. Galatians 5:1

9 *Society of Slaves and Freedmen* FREE

If men, through fear, fraud, or mistake should in terms renounce or give up any natural right, the eternal law of reason and the grand end of society would absolutely vacate such renunciation. The right to freedom being a gift of ALMIGHTY GOD, it is not in the power of man to alienate this gift and voluntarily become a slave. Samuel Adams 1772

10 *Introduction to Corporate Political Societies* FREE

Finally, be strong in the Lord and in the strength of his might. Put on the whole armor of God, that you may be able to stand against the wiles of the devil. For we are not contending against flesh and blood, but against principalities, against the powers, against the world rulers of this present darkness, against the spiritual hosts of wickedness in heavenly places. Ephesians 6:10-12

11 *Superior Law, Higher Law, My Law* FREE

You have rights antecedent to all earthly governments' rights that cannot be repealed or restrained by human laws; rights derived from the Great Legislator of the Universe. John Adams

Table of Contents

Introduction	1
The Natural Order of Things	2
Origins of Sovereignty	6
Sovereignty Defined	9
Sovereignty by Conquest	13
National Government as Sovereign Authority	18
Political Subdivisions of Nation Exercise Sovereign Power	22
Territorial and Political Sovereignty	24
Sovereignty over that which Sovereign Creates – Jurisdiction and Taxation	26
Additional Quotes on Sovereignty.	32
Using Constitutional Authority	33
Administrative	33
Title to land or Real Estate	35
License	36
Children , Families	36
Compelled to be a Witness or Produce Books and Records	36
Court	37
Contempt	38
Crimes/Penal Statutes	39
What is Law?	40

Sovereignty

Even in almost every nation, which has been denominated free, the state has assumed a supercilious pre-eminence above the people who have formed it. Hence, the haughty notions of state independence, state sovereignty, and state supremacy.

Justice Wilson, *Chisholm v. Georgia*,
2 Dal. (U.S.) 419, 458 (1792)

**Emphasis is added throughout this writing by underlining.
Quoted passages are bolded.**

TREATISE - Sovereignty

Is it a friend or a foe to liberty?

The words *sovereign* and *sovereignty* do not appear in the Declaration of Independence. Those words were intentionally omitted, and the following will give a clue as to why.

On this day [July 2] in 1776, the Thirteen Colonies voted to separate from Great Britain. A hush fell over the room. ... A wry chuckle followed, then San Adams rose: ‘We have this day restored the Sovereign, to Whom alone men ought to be obedient. He reigns in Heaven and ... from the rising to the setting sun, may His Kingdom come!’

The Glory of America, by Marshall & Manuel, TLTG, 309

1 - INTRODUCTION

If you have read the *TREATISE – Liberty*, you already understand the importance of liberty regarding man’s journey on earth. Liberty lies at the heart of the states, constitutions, and governments

Sovereignty

established by the people in America.

...and proclaim liberty throughout the land unto all the inhabitants thereof: Leviticus 25:10

But who looks into the perfect law, the law of liberty, and perseveres, being no hearer that forgets but a doer that acts, he shall be blessed in his doing. James 1:25

In the Convention of Virginia, Patrick Henry said: ‘Liberty, sir, is the primary object. Liberty, the greatest of all earthly blessings -- give us that precious jewel, and you may take away everything else.’ And, with an eloquence more powerful than that which shook the throne of Macedon, he demonstrated that the battles of the Revolution were fought, not to make ‘a great and mighty empire,’ but ‘for liberty’.

Historical Look at Government: Being a Review of Judge Story’s Commentaries on the Constitution of the United States, by Abel P. Upshur, 1868

The question to be addressed here is whether the invention of sovereignty was for promoting the liberty of the people, or for enslavement.

2 - THE NATURAL ORDER OF THINGS

It may be helpful to read or review the *TREATISE – The Natural Order of Things* since that topic lies at the foundation to

understanding the sovereignty issue. A brief summary of the natural order of things is presented here.

In the case *Chisholm v. Georgia*, 2 Dall. (U.S.) 419 (1792), James Wilson discusses the concept of a state.

How true it is, that states and governments were made for man; and at the same time how true it is, that his creatures and servants have first deceived, next vilified, and at last, oppressed their master and maker.

The creatures and servants of man Wilson is speaking of are the state and those serving in a governmental capacity established under a constitution. Would you agree the people have been deceived, vilified, or regarded in a negative way, and oppressed? Wilson explains the proper order of things in the following remarks.

Let a state be considered as subordinate to the people: But let everything else be subordinate to the state. The latter part of this position is equally necessary with the former. For in practice, and even at length, in the science of politics there has very frequently been a strong current against the natural order of things, and an inconsiderate or an interested disposition to sacrifice the end to the means. As the state has claimed precedence of the people; so, in the same inverted course of things, the government has often claimed precedence of the

state; and to this perversion in the second degree, many of the volumes of confusion concerning sovereignty owe their existence.

What causes a perversion of the natural order of things? It is “confusion concerning sovereignty” resulting in state or government supremacy over the people. Maybe this was the intent behind the invention of the concept known as sovereignty.

I have already remarked, that in the practice, and even in the science of politics, there has been a strong current against the natural order of things; and an inconsiderate or an interested disposition to sacrifice the end to the means. ... Even in almost every nation, which has been denominated free, the state has assumed a supercilious pre-eminence above the people who have formed it. Hence, the haughty notions of state independence, state sovereignty, and state supremacy. In despotic governments, the Government has usurped, in a similar manner, both upon the state and the people. Hence all arbitrary doctrines and pretensions concerning the supreme, absolute, and incontrollable, power of government. In each, man is degraded from the prime rank, which he ought to hold in human affairs.

Justice Wilson, *Chisholm v. Georgia*, 2 Dal. (U.S.) 419, 458 (1792)

Those who promote an unnatural order or new order contrary to the natural order of things need governments to be viewed as “supreme, absolute, and uncontrollable”, or nearly so. One could also say there

Sovereignty

is a force pushing for centralization of government and thereby control of the people and land. This is generally accomplished by the assertion of the legislature, executive, or court or tribunal that they are using sovereign powers. That may be true of some nations, but is not the law of the land in America.

In Europe the sovereignty is generally ascribed to the prince; here it rests with the people; there, the sovereign actually administers the government; here, never in a single instance; our governors are the agents of the people, and at most stand in the same relation to their sovereign, in which regents in Europe stand to their sovereigns. Their princes have personal powers, dignities, and pre-eminences, our rulers have none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as private citizens.

Chief Justice Jay, *Chisholm v. Georgia*,
2 Dall. (U.S.) 419, at 471, 472 (1793)

In Europe, the executive is almost synonymous with the sovereign power of a State; and generally includes legislative and judicial authority... Such is the condition of power in that quarter of the world, where it is too commonly acquired by force or fraud, or both, and seldom by compact. In America, however, the case is widely different. Our government is founded upon compact. Sovereignty was, and is, in the people.

Glass v. Sloop Betsy, 3 Dall. (U.S.) 6, at 13. (1794)

Sovereignty

Government does not function with sovereign powers! You might think it is good for the people to wield the power of sovereignty but maybe that was the plan – for the people to start as the sovereign power, but then surrender it to a central national government that could then claim this fictitious command and supremacy. Do you see a potential problem stemming from this concept called sovereignty? It is a word used to inflict oppression and tyranny by claiming supremacy over the people. I have not found sovereignty used in the Bible in reference to God, Jesus, nor man. Where did this idea originate? For whose benefit was the word invented?

3 – ORIGINS OF SOVEREIGNTY

Law is the abiding by the words of one's creator. "Throughout the Germanic law books of the Middle Ages, says Heusler, runs the idea that law is 'a quest of the creature for the justice and truth of his creator.' All notion of arbitrary will was foreign to it. The conception that the will of the sovereign had the force of law came from Rome, if not, indeed, from Byzantium.

The Spirit of the Common Law, by Roscoe Pound,
Dean of Harvard Law School, 1921, p. 65

In another sense...sovereignty is derived from a feudal source, and like so many other parts of that system so degrading to man, still retains its influence. ...The governors of cities and provinces usurped equally the property of land, and the

6

administration of justice; and established themselves as proprietary seignors over those places, in which they had been only civil magistrates or military officers. By this means, there was introduced into the state, a new kind of authority, to which was assigned the appellation of sovereignty. In process of time the feudal system was extended over France, and almost all the other nations of Europe: And every kingdom became, in fact, a large fief. Into England this system was introduced by the Conqueror: And to this era we may, probably, refer the English maxim, that the king or sovereign is the foundation of justice. But, in the case of the king, the sovereignty had a double operation. While it vested him with jurisdiction over others, it excluded all others from jurisdiction over him. With regard to him, there was no superior power; and, consequently, on feudal principles, no right of jurisdiction. "The law," says Sir William Blackstone, "ascribes to the king the attribute of sovereignty; he is sovereign and independent within his own dominions; and owes no kind of subjection to any other potentate upon earth... all jurisdiction implies superiority of power." This last position is only a branch of a much more extended principle, on which a plan of systematic despotism has been lately formed in England, and prosecuted with unwearied assiduity and care. Of this plan the writer of the commentaries [Blackstone] was, if not the introducer, at least the great supporter, ...The principle is, that all human law must be prescribed by a superior. ...Suffice it at present to say, that another principle, very different in its nature

and operations, forms, in my judgment, the basis of sound and genuine jurisprudence; laws derived from the pure source of equality and justice must be founded on the consent of those whose obedience they require. The sovereign, when traced to his source, must be found in the man.

Justice Wilson, *Chisholm v. Georgia*,
2 Dal. (U.S.) 419, 457, 458 (1792)

We see James Wilson speaks of the arbitrary will of a sovereign being the source of all human law, but the sovereign is not necessarily subject to this law. Does that sound a little like the sovereign is setting himself up as a god? It would probably be more accurate to say the sovereign is the source of law pertaining to persons and property; those two terms referring to things created by the sovereign in an unnatural order of things commonly referred to as a state of society or civil state. These terms refer to concepts in an artificial or fictional dimension, but have a profound way of affecting things of substance in the physical world.

Roscoe Pound believed the concept of the will of the sovereign having the force of law originated during the Roman Empire. Both writers are referencing times of conquest. You are free to make up your own mind, but my study and contemplation of history leads me to believe sovereignty was developed for empire builders, those who want to rule vast territories and people, or even dominate and rule the entire planet without the need to obey the laws of nature and nature's God.

On this day in 1776 [July 2], the Thirteen Colonies voted to separate from Great Britain. A hush fell over the room. ... A wry chuckle followed, then Sam Adams rose: “We have this day restored the Sovereign, to Whom alone men ought to be obedient. He reigns in Heaven and ... from the rising to the setting sun, may His Kingdom come!

The Glory of America, by Marchall & Manuel, TLTG, 309

Maybe you agree with Sam Adams in his belief that if we want to use the word sovereign, there is only One. I do not think the word is necessary, not that some good points can not be raised, but it is continuously used as the means to rule by tyranny and oppression contrary to the freedom and liberty of the people.

4 – SOVEREIGNTY DEFINED

The following three quotes come from *American Dictionary of the English Language*, Noah Webster, 1828.

SOVEREIGN, a [adjective]. 1. Supreme in power; possessing supreme dominion; as a sovereign prince. God is the sovereign ruler of the universe. 2. Supreme; superior to all others, chief. God is the sovereign good of all who love and obey him. 3. Supremely efficacious; superior to all others; predominant; effectual; as a sovereign remedy. 4. Supreme; pertaining to the first magistrate of a nation; as sovereign authority.

Sovereignty

SOVEREIGN, n [noun]. A supreme lord or ruler; one who possesses the highest authority without control. Some earthly princes, kings and emperors are sovereigns in their dominions.

SOVEREIGNTY, n [noun]. Supreme power; supremacy; the possession of the highest power, or of uncontrollable power. Absolute sovereignty belongs to God only.

Do you see the idea of master and servant running through these definitions of sovereign and sovereignty? Does it seem a sovereign ruler has god-like powers and authority without control? If it were not for the word sovereign, is there another term that would convey such unnatural authority?

SOVEREIGNTY. The union and exercise of all human power possessed in a state; it is a combination of all power; it is the power to do everything in a state without accountability; to make laws, to execute and to apply them: to impose and collect taxes, and levy contributions; to make war or peace; to form treaties of alliance or of commerce with foreign nations, and the like. Story on the Const. 207. 2. Abstractedly, sovereignty resides in the body of the nation and belongs to the people. But these powers are generally exercised by delegation. 3. When analysed, sovereignty is naturally divided into three great powers; namely, the legislative, the executive, and the judiciary; the first is the power to make new laws, and to correct and repeal the old; the second is

the power to execute the laws both at home and abroad; and the last is the power to apply the laws to particular facts; to judge the disputes which arise among the citizens, and to punish crimes. 4. Strictly speaking, in our republican forms of government, the absolute sovereignty of the nation is in the people of the nation; (q. v.) and the residuary sovereignty of each state, not granted to any of its public functionaries, is in the people of the state.

A Dictionary of Law, Bouvier, 1859

What do you think about someone having power to do anything in a state without accountability? Does that defy logic and the law of nature. This is why a sovereign ruler wants to use civil law, a system developed for those exercising the power of sovereignty, as distinguished from moral law and the law of nature.

civil law. The body of law, sometimes called municipal law, adopted in a country or a state, as distinguished from the so-called natural law and international law; ... a rule of civil conduct prescribed by the supreme power of a state. *Merchants' Exchange v. Knott*, 111 S.W. 565; the civil or municipal law of the Roman empire. *Ballentine's Law Dictionary*, 3rd ed. (1969)

It being the civil law, it of course prescribes rules of civil conduct only. This distinguishes it from the moral law, which is regulated by the law of nature or the revealed law... The law is a rule of conduct. It is to regulate the actions of men. The law regards man as a citizen, who is bound to perform certain duties

to his neighbor.

Institutes of American Law, John
Bouvier, 1851, Part I, Title II, No. 11

Do you see how the civil law fits well with those who wish to rule with supreme or sovereign power? The earlier statement about “the sovereignty of a nation is in the people of the nation” will deceive many people. I would refer you to the book I wrote *America, National or Federal?* to see that a “nation” means the people have surrendered or granted their sovereignty to a national government. The idea of saying the people are sovereign is to set in motion, sooner or later, events or circumstances that will enable government to assume the role, as delegates, representatives or trustees of uncontrollable or supreme sovereign power. When that happens, people will wonder why their freedom and liberty are being eroded.

The following comes from a newer law dictionary, but not much has changed.

Sovereign, n. 1. A person, body, or state vested with independent and supreme authority. 2. The ruler of an independent state.

Black's Law Dictionary, 7th ed., 1999

Sovereignty. 1. Supreme dominion, authority, or rule. 2. The supreme political authority of an independent state. 3. The state itself. *Black's Law Dictionary*, 7th ed., 1999

Sovereignty

In my *TREATISE – The Natural Order of Things*, we see that a state need not have a supreme political sovereign authority as where people freely united together who generally have common interest and live by common laws. On the other hand, the type of state referenced with respect to sovereignty sees people, out of fear, coming together under the dependence of a superior power for protection. See *Hepburn and Dundas v. Ellzey*, 2 Cranch (U.S.) 445 (1804). In order to protect you (more accurately stated as protecting the things created by the sovereign in the public venue), the State needs these extraordinary powers.

5 - SOVEREIGNTY BY CONQUEST

There is a propensity among writers on history and law to make assertions that a state is usually the result of conquest; and therefore, the conqueror and his government assume the role of acting in a sovereign capacity and ruling over the nation or kingdom with sovereign power. The foundation of the America system does not fit this scenario.

In this section we will look at the connection between conquest and sovereignty, and the questionable assertions that the government of the United States, in its national character, was the entity or force at war with the Confederacy of States in the civil war. As victor and “conqueror”, the national character of the government of the United

Sovereignty

States began expanding its role as a sovereign power over its territory (geographical) and U.S. citizens (political).

The following will aid in understanding the history and principles associated with conquest.

There is general agreement that the idea of the state is to be attributed to the effects of social stratification. Whether this social stratification arose as the result of external or internal causes has, however, been the subject of endless dispute. At least the states of antiquity that created the great bodies of archaic law were born as the result of external conquest.

The conquest theory assumes that bands of marauding herdsmen, bent on discovering ever greener pastures for their growing flocks, descended upon communities of peaceful peasants and overcame them. In order to exploit the peasants they learned in time to curb their own ruthlessness. The conquerors at first relied merely upon force to hold the conquered in subjection but self-interest, as well as the habits of daily living in close proximity with the conquered, eventually made them change their methods. If endless struggle and violence were to be abated, it was necessary that the conquered should recognize the rightfulness of the conquerors' authority. When the conquerors not only protected the conquered against external enemies but finally put to death one of their own

number for committing an outrage against one of the conquered, justice was born, as well as the court.

The American Peoples Encyclopedia,
Grolier Incorp., 1968, vol. 11, p. 280, "Law"

Have you noticed that the modern State acting in a sovereign capacity wants everyone to recognize and submit to its authority? The term *justice* is another word appropriately used in a state or society ruled by sovereign powers, as distinguished from limited constitutional powers, just as we see indicated in the quote above.

The conquerors employed force to give effect to their judgments and thus the legal sanction -- the use of force to maintain the social and political structure -- was founded. Customs could then be maintained only if they were recognized and backed by the conquerors. The mingling of peoples brought about by conquest resulted in a conflict of competing customs which could be settled only in the court of the conqueror. When the court rendered judgment, law was declared, established, and sanctified.

The American Peoples Encyclopedia,
Grolier Incorp., 1968, vol. 11, p. 280, "Law"

Since the concept of government ruling by sovereign power is contrary to the natural order of things, force, as in a national military or civil officers, or law enforcement officers is necessary to maintain control. A conqueror is deemed to be the sovereign over the

Sovereignty

conquered, but this is to be a voluntary submission by each individual. *Fleming v. Page*, 50 U.S. 603 (1850) briefly speaks of the rights of a conqueror.

He may change the form of government and the laws at his pleasure, and may exercise every attribute of sovereignty. The conquered territory becomes a part of the domain of the conqueror, subject to the right of the nation to which it belonged to recapture it if they can.

Have you noticed that after the civil war the form of government moved from a true republic to democracy, the common law of the people became overshadowed by a civil law system for sovereign rulers, legislative statutes went from clarifications of the common law to decrees or commands of a penal nature reflecting acts of sovereign power and not acts of legislation, the executive took on a more authoritative character, and the courts and their procedures underwent numerous changes. The American states looked more like political subdivisions of an empire.

...the people of the insurgent States, under the Confederate government were, in legal contemplation, substantially in the same condition as inhabitants of districts of a country occupied and controlled by an invading belligerent. The rules which would apply in the former case would apply in the latter; and, as in the former case, the people must be regarded as subjects of a

foreign power, ...and contracts among them be interpreted and enforced with reference to the conditions imposed by the conqueror, so in the latter case, the inhabitants must be regarded as under the authority of the insurgent belligerent power actually established as the government of the country, and contracts made with them must be interpreted and enforced with reference to the condition of things created by the acts of the governing power. *Thorington v. Smith*, 75 U.S. 1, 12 (1868)

In *McElrath v. U S*, 102 U.S. 426, 438 (1880), we find comments about the “**insurrection against the national authority**” and “**rebellion against the national government**” in describing the so-called Civil War. In *Romero v. Intern’l Term. Co.*, 358 U.S. 354, 368-9 (1959), we find: “**The far-reaching extension of national power resulting from the victory of the North.**”

Following the civil war, it was reported in the *Slaughterhouse* case of 1873 that the jurisdiction of the United States composed an “Empire”. This would be a new classification for the American states – being elements of an empire. Those states or nations that come under or compose an empire are in the nature of political subdivisions of the supreme political sovereign head.

CONQUEST, international law. The acquisition of the sovereignty of a country by force of arms, exercised by an

independent power which reduces the vanquished to the submission of its empire. Bouvier, *A Dictionary of Law*, 1859

EMPIRE. This word signifies, first, authority or command; it is the power to command or govern those actions of men which would otherwise be free; secondly, the country under the government of an emperor but sometimes it is used to designate a country subject to kingly power, as the British empire.

Bouvier, *A Dictionary of Law*, 1859

6 - NATIONAL GOVERNMENT AS SOVEREIGN AUTHORITY

It should be understood that the people acting through their states did not ratify a constitution establishing a national government. The statements below will explain why they did not want a nation or a corresponding national government. Earlier we saw Chief justice Jay in the *Chisholm* case say government officers do not partake in the sovereignty like they do in England. In the *Glass v. Sloop Betsy* case a similar recognition was made, distinguishing America from countries in Europe.

The idea of a national government involves in it not only an authority over the individual citizens, but an indefinite supremacy over all persons and things, so far as they are objects of lawful government. Among a people consolidated into one

nation, this supremacy is completely vested in the national legislature... [T]he proposed government can not be deemed a national one, since its jurisdiction extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects.

Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a federal and not a national Constitution. *The Federalist*, No. 39, James Madison.

It is not pretended by any, that this confederacy possessed the elements of a national government, but it is admitted to have been a simple compact between independent States for mutual defense, and some other general purposes. It is claimed by some, however, that, by the Constitution of the United States, the sovereignty of the people of each State was surrendered and transferred to the people of all the States of the Union, in the aggregate, and that, thus the people of all the States of the Union became consolidated into one single community or nation. The history of the formation of the Constitution exposes the utter fallacy of such an idea... *Piqua Bank v. Coup*, 6 Ohio St. at 394

The government of the United States, at least as its role as an agent of the several states and the people, did not operate with sovereign powers, but with only limited delegated authority. In this respect, you

Sovereignty

could then say in this capacity the government of the United States did not function as a national government.

If you accept that you are a citizen of a nation or under a national government, the presumption is you granted or surrendered all the rights of sovereignty to a government. It is interesting to see how many people complain of their lack of freedom and liberty, or government acting outside it delegated authority from the Constitution, while at the same time referring to themselves as nationals or citizens of a nation. Some even refer to themselves as “state nationals”. No matter in what context the word “nation” or “national” is used, it brings in the principle of master/servant. In a nation, whether at a state level or a federal level, the people always surrender their rights to a general government. This topic is fully explored in *America: National or Federal?*.

When the people create a single, entire government [national government], they grant at once all the rights of sovereignty. The powers granted are indefinite, and incapable of enumeration. Everything is granted that is not expressly reserved in the constitutional charter, or necessarily retained as inherent in the people. But when a federal government is erected with only a portion of the sovereign power, the rule of construction is directly the reverse, and every power is reserved to the member that is not, either in express terms, or by necessary implication, taken away from them, and vested

Sovereignty

exclusively in the federal head. This rule has not only been acknowledged by the most intelligent friends to the Constitution, but is plainly declared by the instrument itself..

...[B]ut it becomes unnecessary to enlarge upon so plain a proposition, as it is removed beyond all doubt by the tenth article of the amendments to the Constitution. That article declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Livingston v. Van Ingen, 9 Johnson
(New York) 507, at 574, 575, New
York Common Law Reports, (1812)

Some earlier scholars of law said that the government of the United States could operate with sovereign power regarding foreign issues, like trade and treaties, referred to as external sovereignty, but did not possess internal sovereign powers. Today, I believe you will find the Internal Revenue Service operating under internal sovereign power regarding political subjects of a national sovereignty originating from the national citizenship of the civil war era and the 14th Amendment. Once you allow a government to assume any sovereign power, it will be difficult to keep legal trickery from finding a way to expand such authority.

NATION 1. A body of people inhabiting the same country, or united under the same sovereign or government; as the English

nation; the French nation. It often happens that many nations are subject to one government; in which case, the word nation usually denotes a body of people speaking the same language, or a body that has formerly been under a distinct government, but has been conquered, or incorporated with a larger nation.

The American Dictionary of the English Language, Noah Webster, 1828

7 - POLITICAL SUBDIVISIONS OF NATION EXERCISE SOVEREIGN POWER

The term *political* typically refers to the relationship between an inferior and a superior. It is a word often associated with sovereignty and that which functions under sovereign rule. Political subdivisions are those organizations, usually corporations, that aid the national sovereign in carrying out its work. Today, political subdivisions can include States, Counties, Cities, Districts, and other corporations originating from a sovereign power.

all the laws which were in force in Florida while a province of Spain, those excepted which were political in their character, which concerned the relations between the people and their sovereign, remained in force, until altered by the government of the United States.

American Ins. Co. v. 356 Bales of Cotton, 26 U.S. 511, 544 (1828)
22

Sovereignty

True law is distinguished from political statutes; statutes being commands or rules from a sovereign head for its subjects, who serve under the sovereign and cannot question the decision of the sovereign.

There are several other questions, also, which may arise under our form of government that are not properly of judicial cognizance. They originate in political matters, extend to political objects, and do not involve any pecuniary claims or consequences between individuals, so as to become grounds for judicial inquiry. These questions are decided sometimes by legislatures, or heads of departments, or by public political bodies, and sometimes by officers, executive or military, so as not to be revisable here. (See *Decatur v. Paulding*, 14 Peters, 497.)

Luther v. Borden, 48 U.S. 1, 53 - 55 (1849)

A municipal corporation is much more than a person; it is a political power, a constituent element of one sovereignty, and each, in its prescribed sphere, is “imperium in imperio.” All are constituent elements of one total sovereignty.

Corpus Juris, 43, p. 71, sect. 7

imperium in imperio. **Latin. A sovereign state within a sovereign state; enclave.**

The Random House Dictionary of the English Language, 1967

... municipal corporations possess some powers of sovereignty.

Dibrell v. Morris Heirs, 15 So. At 87 (1891)

Sovereignty

Notice these quotes did not say a municipal corporation exercises some of the powers delegated by a constitution. How do you limit sovereign authority?

the authority [of the municipal corporation] may rightfully extend to the issuing of corporate bonds for the payment of the subscription, the interest and principal of which, if necessary, to be paid by taxes assessed upon the persons and property of the taxable citizens of the corporation, whose faith is pledged for the redemption of the bonds thus issued.

Sharpless v. Mayor of Philadelphia, 20 Pa. 147, 188 (1853)

8 - TERRITORIAL AND POLITICAL SOVEREIGNTY

We have seen statements about the territorial or geographical jurisdiction of the national government where it acts as sovereign, and the extra-territorial or political jurisdiction that attaches to subjects owing allegiance to a sovereign.

General statutes (of Congress) are presumed not to operate extraterritorily... This presumption that statutes are to be construed as limited to the national territory has especial weight in connection with laws dealing with industry and labor, since on those subjects Congress would ordinarily be concerned only with conditions within this country and its possessions, and not with conditions abroad...

Sovereignty

Congress has the power to legislate extraterritorily, particularly with respect to its own citizens, and especially with regard to the matters at hand.

Foley Bros. v. Filardo, 336 U.S. 281 (1949)

The laws of Congress in respect to those matters do not extend into the territorial limits of the states, but have force only in the District of Columbia, and other places that are within the exclusive jurisdiction of the national government.

Justice Brewer, *Caha v. United States*, 152 U.S. 211, at 215 (1894)

The evident meaning of these...words (subject to the jurisdiction thereof in 14th Amendment) is, not merely subject in some respects or degree to the jurisdiction of the United States, but completely subject to their political jurisdiction, and owing them direct and immediate allegiance.

Elk v. Wilkens, 112 U.S. 94, 102 (1884)

Fourteenth Amendment. The Fourteenth amendment of the Constitution of the United States, ratified in 1868, creates or at least recognizes for the first time a citizenship of the United States, as distinct from that of the states... and secures all 'persons' against any state action...

Black's Law Dictionary, 6th ed.

Sovereignty

This position is that the privileges and immunities clause protects all citizens against abridgment by states of rights of national citizenship as distinct from the fundamental or natural rights inherent in state citizenship.

Madden v. Kentucky, 309 U.S. 83 (1940)

Do you see that the national citizenship was something quite different than the concept of state citizenship in the republics? National citizenship, and maybe all citizenship for that matter, is based upon a fiction.

9 - SOVEREIGNTY OVER THAT WHICH SOVEREIGN CREATES - JURISDICTION AND TAXATION

How far does sovereignty extend?

The sovereignty of a state extends to everything which exists by its own authority, or is introduced by its permission. ... That the power to tax involves the power to destroy.

M'Cullough vs. The State of Maryland, 4 Wheaton, 316 (1819)

...all subjects over which the sovereign power of a State extends are objects of taxation, the rule being that the sovereignty of a State extends to every thing which exists by its own authority or is introduced by its permission.

Wheeling v. City of, 99 U.S. 273 (1878)

Sovereignty

We should pay particular notice to the fact that sovereign authority extends to things that exist because of sovereign authority. Said another way, things that would not exist without the particular sovereign authority, are objects of taxation and subject to the jurisdiction of the sovereign power. Therefore, that which exists without a grant, charter or franchise from a sovereign power is not subject to such sovereign authority. Beware of names, titles, and labels others might want to attach to you, because you exist in nature and not because some man or corporation created you through its sovereign power.

If you have studied law for awhile, you may have come across many cases saying that the power to tax involves the power to destroy. This should make more sense now that you know that taxation is a sovereign power, and sovereign power extends to things existing by the authority of sovereign power, or is introduced by permission of sovereign power. It is easy to get a little confused, because all this sovereign stuff is based upon fictions and artificial things.

A grant of corporate existence is a grant of special privileges to the incorporators, enabling them to act for certain designated purposes as a single individual, and exempting them (unless otherwise especially provided) from individual liability. The corporation, being the mere creation of local law, can have no legal existence beyond the limits of the sovereignty where

created. . . . It must dwell in the place of its creation, and cannot migrate to another sovereignty.

Paul v. Virginia, (1868) 8 Wall. U.S. 181

Do you see the corporation would have no legal existence except for the privilege of being created by a sovereign power.

...the State well may take it into account when it permits a corporation to be formed.

Bain Peanut Co. of Texas v. Pinson, 282 U.S. 499, 501 (1931)

The purpose of the quote above is to show the State can permit a corporation to be formed. Other cases speak of permitting a corporation formed in another sovereignty to do business in “this State”.

In *United States v Fox*, 94 U.S. 315 (1876), we find the word “**person applies to natural persons and artificial, bodies politic, deriving their existence and power from legislation.**” In *Bonaparte v. Appeal Tax Court of Baltimore*, 104 U.S. 592 (1881), we find the registered public debt of a State is properly subject to its sovereignty, and therefore to its taxing power. This is because the registered public debt is a creation of sovereignty and would not exist if the sovereign power had not issued bonds, etc., and therefore the instruments representing this debt are subject to the taxing power.

Sovereignty

The State may impose taxes upon the corporation as an entity existing under its laws, as well as upon the capital stock of the corporation or its separate corporate property. And the manner in which its value shall be assessed and the rate of taxation, however arbitrary or capricious, are mere matters of legislative discretion. ...our only concern is with the validity of the tax; all else lies beyond the domain of our jurisdiction.

In Re Delaware R.R. Tax, 85 U.S. 206, 222 (1873)

The corporation must show that the law of its creation gave it authority to make such contracts; yet, as in the case of a natural person, it is not necessary that it should actually exist in the sovereignty in which the contract is made. It is sufficient that its existence as an artificial person in the state of its creation is acknowledged and recognized *[introduced] by the state or nation where the dealing takes place, and that it is permitted by the law of that place to exercise there the powers with which it is endowed. Every power, however, which a corporation exercises in another state, depends for its validity upon the laws of the sovereignty in which it is exercised, and a corporation can make no valid contract without the sanction, express or implied, of such sovereignty.

Runyan v. Coster, 39 U.S. 122-129, 14 Pet. 122-129, 10 L.Ed. 382. See, also, *North British & Mercantile Co. v. Craig*, 62 S.W. 155, 157, 106 Tenn. 621

Sovereignty

[Footnote 7] **It being the purpose of this section to require the payment to the state of Mississippi, this tax for the right granted by the laws of this state to exist as such organization, and enjoy, under the protection of the laws of this state, the powers, rights, privileges and immunities derived from the state by the form of such existence.**

Colonial Pipeline Co. v. Traigle, 421 U.S. 100 (1975)

Do you see what all this sovereignty stuff is about? It is about things existing within the sovereignty that created it, or is introduced or recognized as a creation of some sovereign power and permitted to do business or exist even though not in the sovereignty that created it.

All subjects over which the sovereign power of a State extends are objects of taxation.

Kirtland v. Hotchkiss, 100 U.S. 491, 497 (1879)

...every State possesses exclusive jurisdiction and sovereignty over persons and property within its territory. As a consequence, every State has the power to determine for itself the civil status and capacities of its inhabitants.

Pennoyer v. Neff, 95 U.S. 714, 722 (1877)

Inhabitants are generally defined as foreigners who temporarily or permanently are residing in the State (sovereign power) but are not the countrymen or people who created the system. Of course,

Sovereignty

inhabitants could also mean merely corporations and not living breathing men and women in their natural character.

A sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be no legal right as against the authority that makes the law on which the right depends.

Kawananakoa v. Polyblank, 205 U.S. 349 (1907)

Looking at the phrase – “makes the law on which the right depends” – these words could refer to the right to exist. Often in legal language, what was a long phrase becomes shortened over time. We have seen statements about the right to exist; therefore, the correct phrase would be – there can be no legal right as against the authority that makes the law on which the right to exist depends. I thought the quote below was interesting for several reasons, but for our purpose we see that the right of the governments to exist comes from the people.

Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts... But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law...

(that we) may be a government of laws and not of men. For the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself. *Yick Wo v Hopkins*, 118 U.S. 356

There are a number of court cases addressing the fact that we have a government of laws and not of men. This is appropriate to the issues presented in this writing. The people established constitutions to limit government authority. That is to say, the people established a government of laws confined by a constitution. As we have seen, if government acts as a sovereign authority, it has to get that authority for an exterior source – not from the people.

10 - ADDITIONAL QUOTES ON SOVEREIGNTY

There are a number of quotes below you may find interesting in regard to sovereignty. Many people complain that government is acting outside its delegated authority, but maybe are lacking a good understanding how it is doing that. You can see by the quotes in this writing that government relies on the presumption of sovereign power, just like Wilson warned us about at the beginning of the American system. Near the beginning of this treatise, we saw statements that the United States did not function with sovereign

Sovereignty

powers and that such powers remained with the people. It is my contention, the concept of sovereignty was not invented to aid anyone except those who wish to control others by force if necessary and to operate outside normal modes of true government. Coming under such a system must be voluntary, or the system would be unconstitutional.

The first two quotes are inserted to also show it is possible to express where in the constitution a government claims authority, if it is operating under a constitution. Only certain words or phrases will be bolded or underlined in the quotes below to draw attention to those principles.

USING CONSTITUTIONAL AUTHORITY

The jurisdiction of federal courts in criminal cases is expressly confined to the punishment of treason, piracies, offenses on the high seas, offenses against the law of nations and against the postal system. U.S. Const. Art. 1, section 8, art. 3, section 2;

Allen v. Newbury, 62 U.S. 21 How. 256

Congress may provide for the punishment of counterfeiting the securities and current coin of the United States; and may define and punish piracies and felonies committed on the high seas, and offences against the law of nations. Art. 1. s. 8.

The United States v. Worrall, 2 U.S. 384 (1798)

ADMINISTRATIVE

Administrative Agency. **An agency of the sovereign power charged with administering particular legislation.**

Black's Law Dictionary, 4th Ed.

Administrative Law. **That branch of public law which deals with the various organs of the sovereign power considered as in motion, and prescribes in detail the manner of their activity, being concerned with such topics as the collection of the revenue, the regulation of the military and naval forces, citizenship and naturalization, sanitary measures, poor laws, coinage, police, the public safety and morals, etc.** *Black's Law Dictionary*, 4th ed.

This is a good description of what is meant by administrative agency and sovereignty as found in the Florida Statutes 120.5(1)(a) which states the term “**agency**” means “the Governor in the exercise of all executive powers **other than those derived from the constitution**”. The sovereign power, often referred to as administration, is presumed to exist, and presumed to exist outside delegated authority from a constitution.

The Seventh Amendment does not prevent Congress from assigning to an administrative agency the task of adjudicating violations of OSHA. When Congress creates new statutory "public rights," it may assign their adjudication to an administrative agency with which a jury trial would be incompatible, without violating the Seventh Amendment's

injunction that jury trial is to be "preserved" in "suits at common law." That Amendment was never intended to establish the jury as the exclusive mechanism for factfinding in civil cases... so [Congress could] create such new public rights and remedies by statute and commit their enforcement, if it chose, to a tribunal other than a court of law (such as an administrative agency) in which facts are not found by juries.

Atlas Roofing Co. v. Occupational Safety Comm 'n, 430 U.S. 442 (1977)

TITLE TO LAND OR REAL ESTATE

It is impossible, we think, to make any distinction between franchises thus granted, and **titles to land** derived from letters-patent. The same sovereign power exists.

West River Bridge Co. v. Dix, 47 U.S. 507, 522 (1848)

FEUDAL LAW. 2. The right to all lands was vested in the sovereign. *Bouvier's Law Dictionary*, 1859

The question then is, which is the better title of the two, both originating from the same sovereignty?

Bagnell v. Broderick, 38 U.S. 436, 454 (1839)

If you have read my *TREATISE – Natural Order of Things*, you will recognize what type of system they are speaking of in the quotes above.

LICENSE

License. **A permit, granted by the sovereign, generally for a consideration... to a person, firm, or corporation to pursue some occupation or to carry on some business subject to regulation under the police power. State ex rel. Gullot, v. Central Bank & Trust Co., 143 La. 1053, 79 So. 857, 858.**

Black's Law Dictionary, 4th ed., License

CHILDREN, FAMILIES

A child in primarily a ward of the state. The sovereign has the inherent power to legislate for its welfare, and to place it with either parent at will, or take it from both parents and to place it elsewhere... The rights of the parent in his child are just such rights as the law gives him; no more, no less. ...the relative rights of parents and child are all under the control and regulation of the municipal laws. ...The moment a child is born it **owes allegiance to the government** of the country of its birth, and is entitled to the **protection** of that government.

Flauding v. Sanford, 75 P.2d 685, 51 Ariz 217 (1938), Civil Case No. 3857

COMPELLED TO BE A WITNESS OR PRODUCE BOOKS AND RECORDS

...act of congress authorizing the interstate commerce commission to summon witnesses, and to require the production of books, papers,

tariffs, contracts, agreements, and documents relating to the matter under investigation. The constitutionality of this provision- assuming it to be applicable to a matter that may be legally intrusted to an **administrative body** for investigation-is, we repeat, not disputed, and is beyond dispute. **Upon every one, therefore, who owes allegiance to the United States, or who is within its jurisdiction, enjoying the protection that its government affords, rests an obligation to respect the national will as thus expressed, in conformity with the constitution. As every citizen is bound to obey the law and to **yield obedience to the constituted authorities** acting within the law.**

Interstate Commerce Commission v. Brimson, 154 U.S. 447 (1894)

COURT

They are legislative Courts, created in virtue of the general right of sovereignty which exists in the government, or in virtue of that clause which enables Congress to make all needful rules and regulations, respecting the territory belonging to the United States. *American Ins. Co. v. 356 Bales of Cotton*, 26 U.S. 511 (1828)

When the **United States creates rights in individuals** against itself, **it is under no obligation to provide a remedy through the courts.** *United States v. Babcock*, 250 U.S. 328, 331, 39 S.Ct. 464. It may limit the Individual to administrative remedies. *Tutun v. United States*, 270 U.S. 568, 576, 46 S.Ct. 425. **And withdrawal of all remedy, administrative as well as legal,** would not necessarily imply

repudiation. So long as the contractual obligation is recognized, Congress may direct its fulfillment without the interposition of either a court or an administrative tribunal.

Lynch v U.S., 292 U.S. 571, 584, 585 (1934)

CONTEMPT

The petitioner, Harry M. Blackmer, a citizen of the United States resident in Paris, France, was adjudged guilty of contempt of the Supreme Court of the District of Columbia for failure to respond to subpoenas served upon him in France and requiring him to appear as a witness on behalf of the United States at a criminal trial in that court.

While it appears that the petitioner removed his residence to France in the year 1924, it is undisputed that he was, and continued to be, a citizen of the United States. He continued to owe allegiance to the United States. By virtue of the obligations of citizenship, the United States retained its authority over him, and he was bound by its laws made applicable to him in a foreign country. Thus, although resident abroad, the petitioner remained subject to the taxing power of the United States. *Cook v. Tait*, 265 U.S. 47, 54 , 56 S., 44 S. Ct. 444. ... Congress may provide for the performance of this duty and prescribe penalties for disobedience.

In the present instance, the question concerns only the method of enforcing the obligation. The jurisdiction of the United States over its absent citizen, so far as the binding effect of its legislation

Sovereignty

is concerned, is a **jurisdiction in personam**, as he is personally bound to take notice of the laws that are applicable to him and to obey them. *Blackmer v. United States*, 284 U.S. 421 (1932)

CRIMES/PENAL STATUTES

Crime. An offense against sovereignty; an act committed, or omitted, in violation of the public law which forbids or commands it. *Ballentine's* 3rd ed. (1969)

Criminal action. An action by the sovereign, that is the state or the United States, or instituted on behalf of the sovereign, against one charged with the commission of a criminal act, for the enforcement of the penalty or punishment prescribed by law.

Ballentine's 3rd ed.

It has been answered that none are affected in criminal cases but the sovereign prosecuting and the defendants.

United States v. Rhodes, 27 Fed. Cas. 785, 787, #16,151 (1866)

It is the natural consequence of a citizenship which owes allegiance to two sovereignties, and claims protection from both. The citizen cannot complain, because he has **voluntarily submitted** himself to such a form of government. He owes allegiance to the two departments, so to speak, and within their respective spheres must pay the penalties which each exacts for

disobedience to its laws. In return, he can demand protection from each within its own jurisdiction.

U.S. v. Cruikshank, 92 U.S. 542, 551 (1875)

WHAT IS LAW?

Law is the abiding by the words of one's creator. "Throughout the Germanic law books of the Middle Ages, says Heusler, runs the idea that **law is 'a quest of the creature for the justice and truth of his creator.'** All notion of arbitrary will was foreign to it. **The conception that the will of the sovereign had the force of law came from Rome, if not, indeed, from Byzantium.**

The Spirit of the Common Law,
by Roscoe Pound, Dean of
Harvard Law School, 1921, p. 65

We have seen that the sovereign power provides the rules of conduct or "law" for its creatures. The thing that might bother you is, those who control much on this planet by way of sovereignty seem to want to control God's Creation, not just their own creatures.

What do you think? Is the concept of sovereignty a friend or a foe to the freedom and liberty of the people?

By Byron Beers

For goingtopeace.com