
SOVEREIGN AUTHORITY

Memorandum of Law

“In United States, sovereignty resides in people. Congress cannot invoke the sovereign power of the People to override their will as thus declared.” – Perry v. US, 294 U.S.330

The purpose of this Memorandum is to delineate sovereignty and make clear to our elected servants that the People are the sovereign and not the government. Government is a creature of the law with a clipped sovereignty sufficient only enough to exercise their vested powers. We the People, the children of nature’s God, receiving our sovereign authority, and unalienable rights, to create a government by consent, whose duty is to secure our rights,¹ not deprive them!²

By the powers and authority vested in We the People via an unbreakable covenant made with God in 1776.³ We the People via Article I section 1 vested congress with well-defined legislative powers and prohibitions; We the People via Article II section 1 vested the executive with well-defined powers and prohibitions; We the People via Article III section 1 vested the judiciary with well-defined powers and prohibitions; We the People ordained and established the Bill of Rights that congress can ‘never alter;’ We the People have sovereign immunity from ‘ALL’ positive law. aka human law, regulations, codes, or statutes; We the People are the authority of all law!

The unalienable right of the sovereign People to self-governance was ordained by God, established in the Declaration of Independence, and ordained by We the People who are the authority of all law via the Constitution. Any servant who resists these truths wars against the Constitution, the Governor of the Universe, and the People.

It is not the government’s duty to govern the Peoples’ behavior. “At the Revolution, the sovereignty transferred to the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects, with none to govern but ‘themselves.’”⁴

¹ **Declaration of Independence:** When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation. We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed.

² **Preamble:** We the people of the United States, in order to ... secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

³ Declaration of Independence.

⁴ CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.

“The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative.”⁵ “Sovereignty’ means that the decree of sovereign makes law, and foreign [statutory] courts cannot condemn influences persuading sovereign to make the decree.”⁶ “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 and the law is the definition and limitation of power.” “A consequence of this prerogative is the legal ubiquity of the King. His majesty [*Jesus Christ*] in the eye of the law is always present in all his courts, though he cannot personally distribute justice.⁷ His judges [*jury*] are the mirror by which the King’s [*God*] image is reflected.”

“All codes, rules, and regulations are for government authorities only, not human/Creators in accordance with God’s laws. All codes, rules, and regulations are unconstitutional and lacking due process.”⁸ “The common law is the real law, the Supreme Law of the land, the code, rules, regulations, policy and statutes are not the law.”⁹ “All laws, rules and practices which are repugnant to the Constitution are null and void.”¹⁰ “For, the very idea that 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.”¹¹

“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 its unconstitutionality dates from the time of its enactment. In legal contemplation, it is as inoperative as if it had never been passed. Since an unconstitutional law is void, the general principles follow that it imposes no duties, confers no right, creates no office, bestows no power or authority on anyone, affords no protection and justifies no acts performed under it. A void act cannot be legally consistent with a valid one. An unconstitutional law cannot operate to supersede any existing law. Indeed, insofar as a statute runs counter to the fundamental law of the land, (the Constitution) it is superseded thereby. No one is bound to obey an unconstitutional law and no courts are bound to enforce it.”¹²

⁵ *Lansing v. Smith*, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.

⁶ *Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co.*, 294 N.Y.S. 648, 662, 161 Misc. 903.; *American Banana Co. v. United Fruit Co.*, 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047].

⁷ *Fortesc.c.8. 2Inst.186*

⁸ *Rodriques v. Ray Donovan* (U.S. Department of Labor) 769 F. 2d 1344, 1348 (1985).

⁹ *Self v. Rhay*, 61 Wn (2d) 261

¹⁰ *Marbury v. Madison*, 5th US (2 Cranch) 137, 180

¹¹ *Yick Wo v. Hopkins*, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.

¹² *Bonnett v. Vallier*, 116 N.W. 885, 136 Wis. 193 (1908); *NORTON v. SHELBY COUNTY*, 118 U.S. 425 (1886).

“Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him/her, except as his/her conduct to others, leaving him/her the sole judge as to all that affects himself/herself.”¹³ “The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice.”¹⁴ “The State cannot diminish rights of the people.”¹⁵ “The Claim and exercise of a Constitutional Right cannot be converted into a crime.”¹⁶ “If the state converts a liberty into a privilege the citizen can engage in the right with impunity”¹⁷

“This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; anything in the Constitution or Laws of any State to the Contrary notwithstanding.”¹⁸

Thomas Jefferson said, *“I know no safe depositary of the ultimate powers of the society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education. This is the true corrective of abuses of constitutional power.”* He also said: *“An enlightened citizenry is indispensable for the proper functioning of a republic. Self-government is not possible unless the citizens are educated sufficiently to enable them to exercise oversight. It is therefore imperative that the nation see to it that a suitable education be provided for all its citizens.”*

Whereas, our servants in government have deceitfully removed the education of “self-government,” who’s motive can only be more power. Therefore, we the People across the nation are self-educating in order to perform our duty and save our nation. We reject any servant who arrogantly claims the People incompetent and that only they know what’s best for us. We need to remind you we have government by the consent of the People and not by the consent of the minions of the “New World Order” aka Esquires.

The United States Supreme Court case *Boyd v. United States* in 1922 proclaims the remedy of today’s problems, when they said;

“It is the duty of the courts to be watchful for encroachments against Constitutional rights”; in *Olmstead v. United States*¹⁹ the court stated further: *“Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to*

¹³ *Mugler v. Kansas* 123 U.S. 623, 659-60.

¹⁴ *Davis v. Wechsler*, 263 US 22, at 24.

¹⁵ *Hertado v. California*, 110 U.S. 516

¹⁶ *Miller v. U.S.* , 230 F 2d 486. 489

¹⁷ *Shuttlesworth v Birmingham* , 373 USs 262

¹⁸ Constitution for the United States of America, Article VI, Clause 2.

¹⁹ *Olmstead v. United States*, 277 U.S. 438, 1928

observe the law scrupulously. Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that, in the administration of the criminal law, the end justifies the means, to declare that the Government may commit crimes would bring terrible retribution. Against that pernicious doctrine this Court should resolutely set its face.”

The unalienable right of the sovereign People to self-governance was ordained by God, established in the Declaration of Independence and ordained by We the People who are the authority of all law where we said;

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to affect their Safety and Happiness.”

Any servant who resists these truths “Wars against the Governor of the Universe and Wars against We the People.”

IN CONCLUSION, we the sovereign People of the United States of America on March 4th 1789 birthed a Nation “...in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity ordained and established this Constitution for the United States of America.”²⁰ We the People ordained via Article III Section 1, the creation of one Supreme Court with vested judicial powers and also ordained Congress with the authority to ordain and establish inferior courts with vested judicial powers. In Article III Section 1, We the People established that judges may hold their office only during “good behavior” which we defined in Article VI clause 2 whereby, “obedience to the supreme law of the land” is good behavior. Failure of a judge to be in good behavior²¹ requires removal from office; And if Congress does not have the backbone to remove these tyrants, then We the People will remove them.

“The words ‘sovereign state’ are cabalistic words (*having a secrete meaning*), not understood by the disciple of liberty, who has been instructed in the Constitution. It is our

²⁰ US Constitution Preamble

²¹ **FAILURE OF GOOD BEHAVIOR:** “Enumerated in statute as ground for removal of a civil service employee means behavior contrary to recognized standards of propriety and morality, misconduct or wrong conduct.” State ex rel. Ashbaugh v. Bahr, 68 Ohio App. 308, 40 N.E.2d 677, 680, 682.

appropriate phrase when applied to an absolute despotism. The idea of sovereign power in the government of a “[Common Law] Republic” is incompatible with the existence and foundation of liberty ... and the rights of property.”²²

“The sovereignty of a state does not reside in the persons who fill the different departments of its government, but in the People, from whom the government emanated; and they may change it at their discretion. Sovereignty then in this country, abides with the constituency, and not with the agent; and this remark is true, both in reference to the federal and state government.”²³ “The doctrine of Sovereign Immunity is one of the Common Law immunities and defenses that are available to the Sovereign.”²⁴ “In United States, sovereignty resides in people. Congress cannot invoke the sovereign power of the People to override their [the Peoples’] will.”²⁵ “It will be admitted on all hands that with the exception of the powers granted to the states and the federal government through the Constitutions, the people of the several states are unconditionally sovereign within their respective states.”²⁶

State run courts, aka ‘equity courts,’ are nisi prius²⁷ courts presided over by judges (political servants) who rule according to regulations, statutes and codes or contracts, under American Jurisprudence. Law courts are presided over by juries (the People) who rule according to Natural Law, no judges, regulations, statutes, and codes permitted. Liberty is freedom from equity courts unless we agree. “The state cannot diminish rights of the people.”²⁸ “No authority can, on any pretense whatsoever, be exercised over the citizens of this state, but such as is or shall be derived from and granted by the people of this state.”²⁹ “The very meaning of ‘sovereignty’ is that the decree of the sovereign makes law.”³⁰ “Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.”³¹

"It is in these words: 'I do solemnly swear that I will administer justice without respect to persons, and do equal right to the poor and to the rich; and that I will faithfully and impartially discharge all the duties incumbent on me as according to the best of my abilities and understanding, agreeably to the constitution and laws of the United States.'

²² Gaines v. Buford, 31 Ky. (1 Dana) 481, 501.

²³ Spooner v. McConnell, 22 F 939 @ 943.

²⁴ Yick Wo v. Hopkins, 318 US 356, 371 and Terry v. Ohio, 392 US 1, 40.

²⁵ Perry v. US, 294 U.S.330.

²⁶ Lansing v. Smith, 4 Wendell 9, (NY) 6 How416, 14 L. Ed. 997.

²⁷ NISI PRIUS: is a Latin term (Bouvier’s Law) Where courts bearing this name exist in the United States, they are instituted by statutory provision.; Black’s 5th “Prius” means “first.” “Nisi” means “unless.” A “nisi prius” procedure is a procedure to which a party FIRST agrees UNLESS he objects.; Blacks 4th - A rule of procedure in courts is that if a party fails to object to something, then it means he agrees to it. A nisi procedure is a procedure to which a person has failed to object A “nisi prius court” is a court which will proceed unless a party objects. The agreement to proceed is obtained from the parties first.

²⁸ Hurtado v. People of the State of California, 110 U.S. 516.

²⁹ NEW YORK CODE - N.Y. CVR. LAW § 2 : NY Code - Section 2: Supreme sovereignty in the people.

³⁰ American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

³¹ Miranda v. Arizona, 384 US 436, 491.

Why does a judge swear to discharge his duties agreeably to the constitution of the United States, if that constitution forms no rule for his government? If it is closed upon him and cannot be inspected by him. If such be the real state of things, this is worse than solemn mockery. To prescribe, or to take this oath, becomes equally a crime."³² "Under federal Law, which is applicable to all states, the U.S. Supreme Court stated that "if a court is without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void, and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification and all persons concerned in executing such judgments or sentences are considered, in law, as trespassers."³³

³² Marbury v. Madison, 5 U.S. 137 (1803) 5 U.S. 137 (Cranch) 1803

³³ Basso v. UPL, 495 F. 2d 906; Brook v. Yawkey, 200 F. 2d 633; Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)