

Sovereignty of the People above governments:

MEMORANDUM OF LAW

The premise held by the federal government is that the federal government is sovereign above the People, has “sovereign immunity” from civil or criminal charges, and has control over the People, and therefore the People are not able to exercise any, or very limited, authority OVER said government or obtain certain redress of grievances. This is a perversion of original intent and is mooted by historical evidence, government-created, self-protecting statutes notwithstanding. The servant governments are not above their masters and creators, the People.

“Congress can exercise no power which they have not, by their (the People’s) Constitution entrusted to it: All else is withheld.” *Julliard v. Greenman*, 110 U.S. 421, 1884.

“Sovereign immunity” is but a smokescreen for criminal or other behavior being done under *color of law* and the government attempting to protect itself from abuse of the People, albeit understandable where criminal or other ill intent is premeditated or contemplated, yet obtusely because of the obvious intent. All government of right stems from the People... to wit...

Declaration of Independence:

“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 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 effect their Safety and Happiness....But when a long Train of Abuses and Usurpations, pursuing invariably the same Object, evinces a Design to reduce them under absolute Despotism, **it is their Right, it is their Duty, to throw off** such Government, and to provide new Guards for their future Security.” (Emphasis added).

The government exists because of, and FOR, the People of America. The government now presumes that the People live and exist to serve and provide for the government’s every whim. It serves the People, NOT the other way around. There is no other power which can abrogate these inherent rights. (*Julliard v. Greenman*, , supra). State Constitutions mirror this truth...

Colorado Const. Article II;

SECTION I. That all political power is vested in and derived from the people; that all government, of right, originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

SECTION II. That the people of this State have the sole and exclusive right of governing themselves, as a free, sovereign and independent State; and to alter and abolish their constitution and form of government whenever they may deem it necessary to their safety and happiness, provided such change be not repugnant to the Constitution of the United States.

It was originally well known that government was not the ultimate authority and was subject in every way to the People, and no laws can be made to abridge or ...

"The people, the highest authority known to our system, from whom all our institutions spring and whom they depend, formed it." President Monroe.

"There is no such thing as a power of inherent Sovereignty in the government of the United States. In this country sovereignty resides in the People, and Congress can exercise no power which they (the People) have not, by their Constitution entrusted to it: All else is withheld." *Julliard v. Greenman*, 110 U.S. 421. Emphasis added.

"...under the democratic form of government now prevailing the People are King so the Attorney general's duties are to that Sovereign rather than to the machinery of government." *Hancock v. Terry Elkhorn Mining Co., Inc., Ky.*, 503 S.W. 2d 710. *Hancock v. Paxton. Ky.*, 516 S.W.2d pg 867 [2] Cl 3.

"People of a state are entitled to all rights which formerly belonged to the king by his prerogative." *Lansing v Smith*, (1829) 4 Wend. 9, 20.

"Sovereignty itself is, of course, not subject to law for it is the author and source of law; *Yick Wo v. Hopkins and Woo Lee vs Hopkins* 118 U.S. 356.

All political power and governments comes from the approval of the sovereign People, with their "consent", and no power of Congress, no statute or law or other can negate that fact of law and our constitution.

"Under our form of government, the legislature is not supreme. It is only one of the organs of that 7 absolute sovereignty which resides in the whole body of the people; like other bodies of the government it can only exercise such powers as have been delegated to it, and when it steps beyond that boundary, its acts...are utterly void." - *Billings v. Hall*, 7 CA. 1.

"In Europe, the executive is synonymous with the sovereign power of a state...where it is

too commonly acquired by force or fraud, or both...In America, however the case is widely different. Our government is founded upon compact. Sovereignty was and is in the people." - *Glass v. The Sloop Betsy*, 3 Dali 6.

“Strictly speaking, in our republican forms of government the absolute sovereignty of the nation is in the people of the nation; and the residuary sovereignty of each state, not granted to any of its public functionaries, is in the people of the state; *Chisholm V. Georgia*, 2 Dall. (U. S.) 471, 1 L. Ed. 440. Bovier’s Law Dictionary.

"No such ideas obtain here (speaking of America): at the revolution, the Sovereignty devolved on the people; and they are truly the Sovereigns of the country, but they are Sovereigns without subjects... and have none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the Sovereignty." *Chisholm v. Georgia (February Term, 1793)* 2 U. S. 419, 2 Dall. 419, 1 L. Ed 440.

"It has been justly thought a matter of importance to determine from what source the United States derives its authority... The question here proposed is whether our bond of union is a compact entered into by the state, or whether the Constitution is an organic law established by the People. To this we answer: "We the People... ordain and establish this Constitution"...

"... The government of the state had only delegated power (from the People) and even if they had an inclination, they had no authority to transfer the authority of the sovereign People. The people in their capacity as Sovereigns made and adopted the Constitution; and it binds the state governments without the state's consent. The United States, as a whole, therefore, emanates from the People and not from the states, and the Constitution and the laws of the states, whether made before or since the adoption of that Constitution of the United States, are subordinate to the United States Constitution and the laws made in pursuance of it.

The People are the fountain of Sovereignty. The whole was originally with them as their own. The state governments are but trustees acting under a derived authority, and had no power to delegate what is delegated to them. But the people, as the original fountain, might take away what they have let and intrust to whom they please. They have the whole title and as absolute proprietors have the right of using or abusing. -jus utendi et abutendi. It is a maxim consecrated in public law as well as common sense and the necessity of the case that a sovereign is answerable for his acts only to his god and his own conscience... there is no authority above a sovereign to which an appeal can be made." 4 *Wheat*. 402 (Bouvier's 14th Ed. Law Dictionary: 'Sovereignty').

SUPREMACY: "Sovereign dominion, authority, and pre-eminence; the highest state. In the United States the supremacy resides in the People..." - Bouvier's Law Dictionary.

"The individual my stand upon his Constitutional rights as a Citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes

no duty to the State or to his neighbors to divulge his business or to open his doors to investigation. ..He owes no duty to the State. since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the Law of the Land, long antecedent to the organization of the State, and can only be taken from him by due process of the law and in accordance with the Constitution. He owes nothing to the public so long as he does not trespass upon their rights." - *Hale vs. Henkle* 201 U.S. 43 at 74.

"It may be said that the Constitution executes itself. This expression may be allowed; but with as much propriety, these may be said to be laws which the People have enacted themselves, and no laws of Congress can either take from, add to, or confirm them. They are Rights, privileges, or immunities which are granted by the People, and are beyond the power of Congress or State Legislatures..." It may be laid down as a universal rule, admitting to no exception, that when the Constitution has established a disability or immunity, a privilege or a Right, these are precisely as that instrument has fixed them, and can neither be augmented nor curtailed by any act or law either of Congress or a State Legislature. We are more particular in stating this because it has sometimes been forgotten both by Legislatures and theoretical expositors of the Constitution." Bouvier's Law Dictionary, 1870 pp 622-625.

"When the Constitution was adopted, the people of the United States were the citizens of the several states for whom and for whose posterity the government was established." *Perkins v. Elg*, 99 F. 2d 408, 410 (1938).

There is prima facie evidence in 31 U.S.C. § 9302 that the government has lost sight of its role as public servant, and has assumed the role of master and oppressor, and is trying to shield itself from liability... "An agency (except a mixed-ownership Government corporation) may not require or obtain a surety bond for a member of the uniformed services or an officer or employee of the United States Government in carrying out official duties..." 31 U.S.C. § 9302.

Surely the public servant is not above his creator and master, the People, but considerable evidence proves the unrelenting move by government to wrest control of power and authority from the people, as herein provided.

"Government is not reason, it is not eloquence, it is force; like fire, a troublesome servant and a fearful master. Never for a moment should it be left to irresponsible action." George Washington, speech of January 7, 1790 in the Boston Independent Chronicle, January 14, 1790.

"In questions of power then," wrote Jefferson, "let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution." Inattention by the American People, and trust in their elected officials and government servants has led us to the present condition of an unrestrained power at work damaging not only our constitutional form of government but the People themselves.

"Do not separate text from historical background. If you do, you will have perverted and subverted the Constitution, which can only end in a distorted, bastardized form of illegitimate government." -- James Madison, Primary Author of the Constitution, President of the United States, Mainstream Militant and Revolutionary "legislators have their authority measured by the Constitution, they are chosen to do what it permits, and NOTHING MORE, and they take solemn oath to obey and support it. . .

To pass an act when they are in doubt whether it does or does not violate the Constitution is to treat as of no force the most imperative obligations any person can assume." — Michigan Supreme Court Judge Thomas M. Cooley.

Conclusion:

Alleged sovereignty by the U.S. government, or any elements or extensions of it, above the People who created this government, is hearsay, presumption, and is an act of treason and insurrection against the people of these united State of America. Ignorance of standing law or the Constitution is no excuse. As the above courts confirmed long ago, the constitution "can neither be augmented nor curtailed by any act or law either of Congress or a State Legislature" and of course, this extends to any created agency and its alleged administrative or statutory authority to usurp the People's rights or powers, or to hide behind a "sovereignty" facade which, by law, cannot exist.

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