Chapter 11:
Sovereignty

The issue of sovereignty as it relates to jurisdiction is a major key to understanding our system of government under the Constitution. In the most common sense of the word, "sovereignty" is autonomy, freedom from external control. The sovereignty of any government usually extends up to, but not beyond, the borders of its jurisdiction. This jurisdiction defines a specific territorial boundary which separates the "external" from the "internal", the "within" from the "without". It may also define a specific function, or set of functions, which a government may lawfully perform within a particular territorial boundary. Black's Law Dictionary, Sixth Edition, defines sovereignty to mean:

> ... [T]he international independence of a state, combined with the right and power of regulating its internal affairs without foreign dictation.

On a similar theme, Black's defines "sovereign states" to be those which are not under the control of any *foreign* power:

> No foreign power or law can have control except by convention. This power of independent action in external and internal relations constitutes complete sovereignty.

It is a well established principle of law that the 50 States are "foreign" *with respect to* each other, just as the federal zone is "foreign" *with respect to* each of them. See In re Merriam's Estate, 36 NE 505 (1894). The status of being foreign is the same as "belonging to" or being "attached to" another state or another jurisdiction. The proper legal distinction between the terms "foreign" and "domestic" is best seen in Black's definitions of foreign and domestic corporations, as follows:

> **Foreign corporation**. A corporation doing business in one state though chartered or incorporated in another state is a foreign corporation as to the first state, and, as such, is required to consent to certain conditions and restrictions in order to do business in such first state.
>
> **Domestic corporation**. When a corporation is organized and chartered in a particular state, it is considered a domestic corporation of that state.

The federal zone is an area over which Congress exercises exclusive legislative jurisdiction. It is the area over which the federal government exercises its sovereignty. Despite its obvious importance, the subject of federal jurisdiction had been almost entirely ignored outside the courts until the year 1954. In that year, a detailed study of federal jurisdiction was undertaken. The occasion for the study arose from a school playground, of all places. The children of federal employees residing on the grounds of a Veterans' Administration hospital were not allowed to attend public schools in the town where the hospital was located. An administrative decision against the children was affirmed by local courts, and finally affirmed by

the State supreme court. The residents of the area on which the hospital was located were not "residents" of the State, since "exclusive legislative jurisdiction" over this area had been ceded by the State to the federal government.

A committee was assembled by Attorney General Herbert Brownell, Jr. Their detailed study was reported in a publication entitled Jurisdiction over Federal Areas within the States, April 1956 (Volume I) and June 1957 (Volume II). The committee's report demonstrates, beyond any doubt, that the sovereign States and their laws are outside the legislative *and* territorial jurisdiction of the United States** federal government. They are totally outside the federal zone. A plethora of evidence is found in the myriad of cited court cases (700+) which prove that the United States** cannot exercise *exclusive* legislative jurisdiction outside territories or places purchased from, or ceded by, the 50 States of the Union. Attorney General Brownell described the committee's report as an "exhaustive and analytical exposition of the law in this hitherto little explored field". In his letter of transmittal to President Dwight D. Eisenhower, Brownell summarized the two volumes as follows:

> Together, the two parts of this Committee's report and the **full implementation of its recommendations will provide a basis for reversing in many areas the swing of "the pendulum of power * * * from our states to the central government**" to which you referred in your address to the Conference of State Governors on June 25, 1957.
>
> [Jurisdiction over Federal Areas within the States]
> [Letter of Transmittal, page V, emphasis added]

Once a State is admitted into the Union, its sovereign jurisdiction is firmly established over a predefined territory. The federal government is thereby prevented from acquiring legislative jurisdiction, by means of unilateral action, over *any* area within the exterior boundaries of this predefined territory. State assent is necessary to transfer jurisdiction to Congress:

> **The Federal Government cannot, by unilateral action on its part, acquire legislative jurisdiction** over any area within the exterior boundaries of a State. Article 1, Section 8, Clause 17, of the Constitution, provides that legislative jurisdiction may be transferred pursuant to its terms only with the consent of the legislature of the State in which is located the area subject to the jurisdictional transfer.
>
> [Jurisdiction over Federal Areas within the States]
> [Volume II, page 46, emphasis added]

Under Article 1, Section 8, Clause 17, of the Constitution, States of the Union have enacted statutes consenting to the federal acquisition of any land, or of specific tracts of land, within those States. Secondly, the federal government has also made "reservations" of jurisdiction over certain areas in connection with the admission of a State into the Union. A third means for transfer of legislative jurisdiction has also come into considerable use over time, namely, a general or special statute whereby a State makes a cession of specific *functional* jurisdiction to the federal

government. Nevertheless, the Committee report explained that "... the characteristics of a legislative jurisdiction status are the same no matter by which of the three means the Federal Government acquired such status" [Volume II, page 3]. There is simply no federal legislative jurisdiction without consent by a State, cession by a State, or reservation by the federal government:

> It scarcely needs to be said that **unless there has been a transfer of jurisdiction** (1) pursuant to clause 17 by a Federal acquisition of land with State consent, or (2) by cession from the State to the Federal Government, or unless the Federal Government has reserved jurisdiction upon the admission of the State, **the Federal Government possesses no legislative jurisdiction over any area within a State**, such jurisdiction being for exercise entirely by the State ....
>
> [Jurisdiction over Federal Areas within the States]
> [Volume II, page 45, emphasis added]

The areas which the 50 States have properly ceded to the federal government are called federal "enclaves":

> By this means some thousands of areas have become Federal islands, sometimes called "enclaves," **in many respects foreign to the States in which they are situated**. In general, not State but Federal law is applicable in an area under the exclusive legislative jurisdiction of the United States**, for enforcement not by State but Federal authorities, and in many instances not in State but in Federal courts.
>
> [Jurisdiction over Federal Areas within the States]
> [Volume II, page 4, emphasis added]

These federal enclaves are considered foreign *with respect to* the States which surround them, just as the 50 States are considered foreign *with respect to* each other and to the federal zone: "...[T]he several states of the Union are to be considered as in this respect foreign to each other ...." Hanley v. Donoghue, 116 U.S. 1 (1885). Once a State surrenders its sovereignty over a specific area of land, it is powerless over that land; it is without authority; it cannot recapture *any* of its transferred jurisdiction by unilateral action, just as the federal government cannot acquire jurisdiction over State area by *its* unilateral action. The State has transferred its sovereign authority to a *foreign* power:

> Once a State has, by one means or another, transferred jurisdiction to the United States**, **it is**, **of course**, **powerless** to control many of the consequences; without jurisdiction, **it is without the authority** to deal with many of the problems, and having transferred jurisdiction to the United States**, **it cannot unilaterally capture any of the transferred jurisdiction**.
>
> [Jurisdiction over Federal Areas within the States]
> [Volume II, page 7, emphasis added]

Once sovereignty has been relinquished, a State no longer has the authority to enforce criminal laws in areas under the exclusive jurisdiction

of the United States**. Privately owned property in such areas is beyond the taxing authority of the State. Residents of such areas are not "residents" of the State, and hence are **not subject to the obligations** of residents of the State, and are **not entitled to any of the benefits** and privileges conferred by the State upon its residents. Residents of federal enclaves usually cannot vote, serve on juries, or run for office. They do not, as matter of right, have access to State schools, hospitals, mental institutions, or similar establishments.

The acquisition of exclusive jurisdiction by the Federal Government renders unavailable to the residents of the affected areas the benefits of the laws and the judicial and administrative processes of the State relating to adoption, the probate of wills and administration of estates, divorce, and many other matters. Police, fire-fighting, notaries, coroners, and similar services performed by, or under, the authority of a State may result in legal sanction within a federal enclave. The "old" State laws which apply are only those which are consistent with the laws of the "new" sovereign authority, using the following principle from international law:

> The vacuum which would exist because of the absence of State law or Federal legislation with respect to civil matters in areas under Federal exclusive legislative jurisdiction has been partially filled by the courts, through extension to these areas of a rule of international law that[,] **when one sovereign takes over territory of another**[,] **the laws of the original sovereign in effect at the time of the taking**[,] **which are not inconsistent with the laws or policies of the second**[,] **continue in effect, as laws of the succeeding sovereign, until changed by that sovereign.**
>
> [Jurisdiction over Federal Areas within the States]
> [Volume II, page 6, commas added for clarity]
> [emphasis added]

It is clear, then, that only one "state" can be sovereign at any given moment in time, whether that "state" be one of the 50 Union States, or the federal government of the United States**. Before ceding a tract of land to Congress, a State of the Union exercises its sovereign authority over any land within its borders:

> Save only as they are subject to the prohibitions of the Constitution, or as their action in some measure conflicts with the powers delegated to the national government or with congressional legislation enacted in the exercise of those powers, **the governments of the states are sovereign within their territorial limits and have exclusive jurisdiction over persons and property located therein.**
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> [72 American Jurisprudence 2d, Section 4]
> [emphasis added]

After a State has ceded a tract of land to Congress, the situation is completely different. The United States**, as the "succeeding sovereign", then exercises *its* sovereign authority over that land. In this sense, sovereignty is indivisible, even though the Committee's report documented numerous situations in which jurisdiction was actually *shared* between the federal government and one of the 50 States. Even in this situation,

however, sovereignty rests either in the State, or in the federal government, but never both. **Sovereignty is the authority to which there is politically no superior.** Outside the federal zone, the States of the Union remain sovereign, and their laws are completely outside the exclusive legislative jurisdiction of the federal government of the United States**.

This understanding of the separate sovereignties possessed by each of the State and federal governments was not only valid during the Eisenhower administration; it has been endorsed by the U.S. Supreme Court as recently as 1985. In that year, the high Court examined the "dual sovereignty doctrine" when it ruled that successive prosecutions by two States for the same conduct were not barred by the Double Jeopardy Clause of the Fifth Amendment. The "crucial determination" turned on whether State and federal powers derive from separate and independent sources. The Supreme Court explained that the doctrine of dual sovereignty has been uniformly upheld by the courts:

> **It has been uniformly held that the States are separate sovereigns with respect to the Federal Government** because each State's power to prosecute derives from its inherent sovereignty, preserved to it by the Tenth Amendment, and not from the Federal Government. Given the distinct sources of their powers to try a defendant, **the States are no less sovereign with respect to each other than they are with respect to the Federal Government.**
>
> [Heath v. Alabama, 474 U.S. 82, 89-90 (1985)]

Now, if a State of the Union is sovereign, is it correct to say that the State exercises an authority to which there is absolutely no superior? No, this is not a correct statement. There is no other *organized* body which is superior to the *organized* body which retains sovereignty. The sovereignty of governments is an authority to which there is no *organized* superior, but there is *absolutely* a superior body, and that superior body is the People of the United States*** of America:

> The words "people of the United States" and "citizens" are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the government through their representatives. **They are what we familiarly call the "sovereign people," and every citizen is one of this people, and a constituent member of this sovereignty.**
>
> [Dred Scott v. Sandford, 19 How. 393 (1856)]
> [emphasis added]

The *source* of all sovereignty in a constitutional Republic like the 50 States, united by and under the Constitution for the United States of America, is the People themselves. Remember, the States, and the federal government acting inside those States, are both bound by the terms of a *contract* known as the U.S. Constitution. That Constitution is a contract of delegated powers which ultimately originate in the sovereignty of the Creator, who endowed creation, individual People like you and me, with sovereignty in that Creator's image and likeness. Nothing stands between us and the Creator. We think it is fair to say that the Supreme Court of the United States was never more eloquent when it described the source of sovereignty as follows:

> 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.** It is indeed, quite true, that there must always be lodged somewhere, and in some person or body, the authority of final decision; and in many cases of mere administration the responsibility is purely political, no appeal except to the ultimate tribunal of the public judgement, exercised either in the pressure of opinion or by means of the suffrage. But **the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessings of civilization under the reign of just and equal laws**, so that, in the famous language of the Massachusetts Bill of Rights, the government of the commonwealth "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.
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> [Yick Wo v. Hopkins, 118 U.S. 356, 370 (1886)]
> [emphasis added]

More recently, the Supreme Court reiterated the fundamental importance of US the People as the source of sovereignty, and the subordinate status which Congress occupies in relation to the sovereignty of the People. The following language is terse and right on point:

> In the United States***, **sovereignty resides in the people who act through the organs established by the Constitution.** [cites omitted] The Congress as the instrumentality of sovereignty is endowed with certain powers to be exerted on behalf of the people in the manner and with the effect the Constitution ordains. **The Congress cannot invoke the sovereign power of the people to override their will as thus declared.**
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> [Perry v. United States, 294 U.S. 330, 353 (1935)]
> [emphasis added]

No discussion of sovereignty would be complete, therefore, without considering the sovereignty that resides in "US", the People. The Supreme Court has often identified the People as the source of sovereignty in our republican form of government. Indeed, the federal Constitution **guarantees** to every State in the Union a "Republican Form" of government, in so many words:

> *Section 4.* **The United States shall guarantee** to every State in this Union **a Republican Form of Government** ....
>
> [Constitution for the United States of America]
> [Article 4, Section 4, emphasis added]

What exactly is a "Republican Form" of government? It is one in which the powers of sovereignty are vested in the People *and* exercised by the People. Black's Law Dictionary, Sixth Edition, makes this very clear in its various definitions of "government":

> *Republican government.* One in which the **powers of sovereignty are vested in the people and are exercised by the people**, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627.

The Supreme Court has clearly distinguished between the operation of governments in Europe, and government in these United States*** of America, as follows:

> 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. The Sloop Betsey, 3 Dall 6 (1794)]
> [emphasis added]

The federal Constitution makes a careful distinction between natural born Citizens and citizens of the United States** (compare 2:1:5 with Section 1 of the so-called 14th Amendment). One is an unconditional Sovereign by natural birth, who is **endowed by the Creator** with certain unalienable rights; the other has been granted the revocable privileges of U.S.** citizenship, **endowed by the Congress** of the United States**. One is a Citizen, the other is a subject. One is a Sovereign, the other is a subordinate. One is a Citizen of our constitutional Republic; the other is a citizen of a legislative democracy (the federal zone). Notice the superior/subordinate relationship between these two statuses. I am forever indebted to M. J. "Red" Beckman, co-author of The Law That Never Was with Bill Benson, for clearly illustrating the important difference between the two. Red Beckman has delivered many eloquent lectures based on the profound simplicity of the following table:

Chain of command and authority in a:

Majority Rule Democracy	**Constitutional Republic**
X	Creator
Majority	Individual
Government	Constitution
Public Servants	Government
Case & Statute Law	Public Servants
Corporations	Statute Law
individual	Corporations

In this illustration, a democracy ruled by the majority places the individual at the bottom, and an unknown elite, Mr. "X" at the top. The majority (or mob) elects a government to hire public "servants" who write laws primarily for the benefit of corporations. These corporations are either owned or controlled by Mr. X, a clique of the ultra-wealthy who seek to restore a two-class "feudal" society. They exercise their vast economic power so as to turn all of America into a "feudal zone". The rights of individuals occupy the lowest priority in this chain of command. Those rights often vanish over time, because democracies eventually self-destruct. The enforcement of laws within this scheme is the job of administrative tribunals, who specialize in holding individuals *to the letter* of all rules and regulations of the corporate state, no matter how arbitrary and with little if any regard for fundamental human rights:

> **A democracy that recognizes only manmade laws perforce obliterates the concept of Liberty as a divine right.**
>
> [A Ticket to Liberty, November 1990 edition, page 146]
> [emphasis added]

In the constitutional Republic, however, the rights of individuals are supreme. Individuals delegate their sovereignty to a written contract, called a constitution, which empowers government to hire public servants to write laws primarily for the benefit of individuals. The corporations occupy the lowest priority in this chain of command, since their primary objectives are to maximize the enjoyment of individual rights, and to facilitate the fulfillment of individual responsibilities. The enforcement of laws within this scheme is the responsibility of sovereign individuals, who exercise their power in three arenas: the voting booth, the trial jury, and the grand jury. Without a jury verdict of "guilty", for example, no law can be enforced and no penalty exacted. The behavior of public servants is tightly restrained by *contractual* terms, as found in the written U.S. Constitution. Statutes and case law are created primarily to limit and define the scope and extent of public servant power.

Sovereign individuals are *subject only* to a Common Law, whose primary purposes are to protect and defend individual rights, and to prevent anyone, whether public official or private person, from violating the rights of other individuals. Within this scheme, **Sovereigns are never subject to their own creations**, and the constitutional contract is such a creation. To quote the Supreme Court, "No fiction can make a natural born subject." Milvaine v. Coxe's Lessee, 8 U.S. 598 (1808). That is to say, no fiction, be it a corporation, a statute law, or an administrative regulation, can mutate a natural born Sovereign into someone who is subject to his own creations. Author and scholar Lori Jacques has put it succinctly as follows:

> As each state is sovereign and not a territory of the United States**, the meaning is clear that state citizens are not subject to the legislative jurisdiction of the United States**. Furthermore, **there is not the slightest intimation in the Constitution which created the "United States" as a political entity that the "United States" is sovereign over its creators.**
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> [A Ticket to Liberty, Nov. 1990, p. 32]
> [emphasis added]

Accordingly, if you choose to investigate the matter, you will find a very large body of legal literature which cites another fiction, the so-called 14th Amendment, from which the federal government presumes to derive general authority to treat *everyone* in America as subjects and *not* as Sovereigns:

> *Section 1.* All persons **born or naturalized in the United States**, and subject to the jurisdiction thereof,** are citizens of the United States** and of the State wherein they reside.
>
> [United States Constitution, Fourteenth Amendment [sic]]
> [emphasis added]

A careful reading of this amendment reveals an important subtlety which is lost on many people who read it for the first time. The citizens it defines are *second class* citizens because the "c" is lower-case, *even in the case* of the State citizens it defines. Note how the amendment defines "citizens of the United States**" and "citizens of the State wherein they reside"! It is just uncanny how the wording of this amendment closely parallels the Code of Federal Regulations ("CFR") which promulgates Section 1 of the Internal Revenue Code ("IRC"). Can it be that this amendment had something to do with subjugation, by way of taxes and other means? Yes, it most certainly did. IRC section 1 is the section which imposes income taxes. The corresponding section of the CFR defines who is a "citizen" as follows:

> Every person **born or naturalized in the United States** and subject to its jurisdiction** is a citizen.
>
> [26 CFR 1.1-1(c), emphasis added]

Notice the use of the term "its jurisdiction". This leaves no doubt that the "United States**" **is** a singular entity in this context. In other words, **it** is the federal zone. Do we dare to speculate why the so-called 14th Amendment was written instead with the phrase "subject to the jurisdiction **thereof**"? Is this another case of deliberate ambiguity? You be the judge.

Not only did this so-called "amendment" fail to specify which meaning of the term "United States" was being used; like the 16th Amendment, it also failed to be ratified, this time by 15 of the 37 States which existed in 1868. The House Congressional Record for June 13, 1967, contains all the documentation you need to prove that the so-called 14th Amendment was never ratified into law (see page 15,641 *et seq.*). For example, it itemizes all States which voted against the proposed amendment, and the precise dates when their Legislatures did so. "I cannot believe that any court, in full possession of its faculties, could honestly hold that the amendment was properly approved and adopted." State v. Phillips, 540 P.2d 936, 941 (1975). The Utah Supreme Court has detailed the shocking and sordid history of the 14th Amendment's "adoption" in the case of Dyett v. Turner, 20 Utah 2d 403, 439 P.2d 266, 270 (1968).

A great deal of written material on the 14th Amendment has been assembled into computer files by Richard McDonald, whose mailing address is 585-D Box Canyon Road, Canoga Park, California Republic (not "CA"). He requests that ZIP codes **not** be used on his incoming mail (use the foreign address format found in USPS Publication 221 instead).

Richard McDonald has done a mountain of legal research and writing on the origins and effects of the so-called 14th Amendment. He documents how key court decisions like the Slaughter House Cases, among many others, all found that there is a clear distinction between a Citizen of a State and a citizen of the United States** . A State Citizen is a Sovereign, whereas a citizen of the United States** is a subject of Congress.

The exercise of federal citizenship is a statutory privilege which can be taxed with excises. The exercise of State Citizenship is a Common Law Right which simply cannot be taxed, because governments cannot tax the exercise of a right, ever.

The case of U.S. v. Cruikshank is famous, not only for confirming this distinction between State Citizens and federal citizens, but also for establishing a key precedent in the area of due process. This precedent underlies the "void for vagueness" doctrine which can and should be applied to nullify the IRC. On the issue of citizenship, the Cruikshank court ruled as follows:

> **We have in our political system a government of the United States** and a government of each of the several States.** Each one of these governments is distinct from the others, and **each has citizens of its own** who owe it allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States** and a citizen of a State, but his rights of citizenship under one of these governments will be different from those he has under the other. *Slaughter-House Cases*
>
> [United States v. Cruikshank, 92 U.S. 542 (1875)]
> [emphasis added]

The leading authorities for this pivotal distinction are, indeed, a series of U.S. Supreme Court decisions known as the Slaughter House Cases, which examined the so-called 14th Amendment in depth. An exemplary paragraph from these cases is the following:

> It is quite clear, then, that **there is a citizenship of the United States** and a citizenship of a State,** which are distinct from each other and which depend upon different characteristics or circumstances in the individual.
>
> [Slaughter House Cases, 83 U.S. 36, 16 Wall. 36]
> [21 L.Ed. 394 (1873)]
> [emphasis added]

A similar authority is found in the case of K. Tashiro v. Jordan, decided by the Supreme Court of the State of California almost fifty years later. Notice, in particular, how the California Supreme Court again cites the Slaughter House Cases:

> **That there is a citizenship of the United States** and a citizenship of a state**, and the privileges and immunities of one are not the same as the other **is well established by the decisions of the courts of this country**. The leading cases upon the subjects are those decided by the Supreme Court of the United States and reported in 16 Wall. 36, 21 L. Ed. 394, and known as the Slaughter House Cases.
>
> [K. Tashiro v. Jordan, 256 P. 545, 549 (1927)]
> [affirmed 278 U.S. 123 (1928)]
> [emphasis added]

The Slaughter House Cases are quite important to the issue of citizenship, but *the* pivotal case on the subject is the famous Dred Scott decision, decided in 1856, prior to the Civil War. In this case, the U.S. Supreme Court wrote one of the longest decisions in the entire history of American jurisprudence. In arriving at their understanding of the precise meaning of Citizenship, as understood by the Framers of the Constitution, the high Court left no stone unturned in their search for relevant law:

> We have the language of the Declaration of Independence and of the Articles of Confederation, in addition to the plain words of the Constitution itself: we have the legislation of the different States, before, about the time, and since the Constitution was adopted; we have the legislation of Congress, from the time of its adoption to a recent period; and we have the constant and uniform action of the Executive Department, all concurring together, and leading to the same result. And **if anything in relation to the construction of the Constitution can be regarded as settled, it is that which we now give to the word "citizen" and the word "people."**
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> [Dred Scott v. Sandford, 19 How. 393 (1856)]
> [emphasis added]

In the fundamental law, the notion of a "citizen of the United States" simply did not exist before the 14th Amendment; at best, this notion is a fiction within a fiction. In discussing the power of the States to naturalize, the California Supreme Court put it rather bluntly when it ruled that there was no such thing as a "citizen of the United States":

> A citizen of any one of the States of the union, is held to be, and called a **citizen of the United States**, although **technically and abstractly there is no such thing**. To conceive a citizen of the United States who is not a citizen of some one of the States, is totally foreign to the idea, and inconsistent with the proper construction and common understanding of the expression as used in the Constitution, which must be deduced from its various other provisions. **The object then to be attained, by the exercise of the power of naturalization, was to make citizens of the respective States.**
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> [Ex Parte Knowles, 5 Cal. 300 (1855)]
> [emphasis added]

This decision has never been overturned!

What is the *proper construction* and *common understanding* of the term "Citizen of the United States" as used in the original U.S. Constitution, before the so-called 14th Amendment? This is an important question, because this status is *still* a qualification for the federal offices of Senator, Representative and President.

No Person can be a Representative unless he has been a Citizen of the United States for seven years (1:2:2); no Person can be a Senator unless he has been a Citizen of the United States for nine years (1:3:3); no Person can be President unless he is a natural born Citizen, or a Citizen of the United States (2:1:5).

If these requirements had been literally obeyed, there could have been no elections for Representatives to Congress for at least seven years after the adoption of the Constitution, and no one would have been eligible to be a Senator for nine years after its adoption.

Author John S. Wise, in a rare book now available on Richard McDonald's electronic bulletin board system ("BBS"), explains away the problem very simply as follows:

> The language employed by the convention was less careful than that which had been used by Congress in July of the same year, in framing the ordinance for the government of the Northwest Territory. **Congress had made the qualification rest upon citizenship of "one of the United States***," and this is doubtless the intent of the convention which framed the Constitution, for it cannot have meant anything else.**
>
> [Studies in Constitutional Law:]
> [A Treatise on American Citizenship]
> [by John S. Wise, Edward Thompson Co. (1906)]
> [emphasis added]

This quote from the Northwest Ordinance is faithful to the letter and to the spirit of that law. In describing the eligibility for "representatives" to serve in the general assembly for the Northwest Territory, the critical passage from that Ordinance reads as follows:

> ... Provided, That no person be eligible or qualified to act as a representative, unless he shall have been **a citizen of one of the United States***** three years, and be a resident in the district, or unless he shall have resided in the district three years; ....
>
> [Northwest Ordinance, Section 9, July 13, 1787]
> [The Confederate Congress]
> [emphasis added]

Without citing the case as such, the words of author John S. Wise sound a close, if not identical parallel to the argument for the Respondent filed in the case of People v. De La Guerra, decided by the California Supreme Court in 1870. The following long passage elaborates the true meaning of the Constitutional qualifications for the federal offices of President and Representative:

> As it was the adoption of the Constitution by the Conventions of nine States that established and created the United States***, it is obvious **there could not then have existed any person who had been seven years a citizen of the United States***, or who possessed the Presidential qualifications of being thirty-five years of age, a natural born citizen, and fourteen years a resident of the United States***. **The United States*** in these provisions, means the States united.** To be twenty-five years of age, and for seven years to have been a **citizen of one of the States** which ratifies the Constitution, is the qualification of a representative. To be a natural born **citizen of one of the States** which shall ratify the Constitution, or to be a **citizen of one of said States** at the time of such ratification, and to have attained the age of thirty-five years, and to have been fourteen years **a resident within one of the said States**, are the Presidential qualifications, **according to the true meaning of the Constitution**.
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> [People v. De La Guerra, 40 Cal. 311, 337 (1870)]
> [emphasis added]

Indeed, this was the same exact understanding that was reached by the U.S. Supreme Court in Dred Scott. There, the high Court clearly reinforced the sovereign status of Citizens of the several States. The sovereigns are the *Union* State Citizens, *i.e.* the Citizens of the States United:

> It is true, every person, and every class and description of persons, who were at the time of the adoption of the Constitution recognized as **citizens in the several States**, became also citizens of this new political body; but none other; it was formed by them, and for them and their posterity, but for no one else. And **the personal rights and privileges guarantied [*sic*] to citizens of this new sovereignty were intended to embrace those only who were then members of the several state communities, or who should afterwards, by birthright or otherwise, become members**, according to the provisions of the Constitution and the principles on which it was founded.
>
> [Dred Scott v. Sandford, 19 How. 393, 404 (1856)]
> [emphasis added]

Thus, the phrase "Citizen of the United States" as found in the original Constitution is synonymous with the phrase "Citizen of one of the United States***", *i.e.*, a Union State Citizen. This simple explanation will help to cut through the mountain of propaganda and deception which have been foisted on all Americans by government bureaucrats and their high-paid lawyers. Federal citizens were not even contemplated as such when the organic U.S. Constitution was first drafted. For authority, see the case of Pannill v. Roanoke, 252 F. 910, 914-915 (1918), as quoted in the Preface.

With this understanding firmly in place, it is very revealing to discover that many reprints of the Constitution now utilize a lower-case "c" in the clauses which describe the qualifications for the offices of Senator, Representative and President. This is definitely wrong, and it is probably deliberate, so as to confuse everyone into equating Citizens of the United States with citizens of the United States, courtesy of the so-called 14th Amendment. This is another crucial facet of the federal tax fraud.

There is a very big difference between the two statuses, not the least of which is the big difference in their respective liabilities for the income tax.

Moreover, it is quite clear that one may be a State Citizen without also being a "citizen of the United States", *whether or not* the 14th Amendment was properly ratified! According to the Louisiana Supreme Court, the highest exercise of a State's sovereignty is the right to declare who are its own Citizens:

> A person who is a citizen of the United States** is necessarily a citizen of the particular state in which he resides. **But a person may be a citizen of a particular state and not a citizen of the United States**. **To hold otherwise would be to deny to the state the highest exercise of its sovereignty, -- the right to declare who are its citizens.**
>
> [State v. Fowler, 41 La. Ann. 380, 6 S. 602 (1889)]
> [emphasis added]

This right is reserved to each of the 50 States by the Tenth Amendment.

In a book to which this writer has returned time and time again, author Alan Stang faithfully recites some of the other relevant court authorities, all of which ultimately trace back to the Slaughter House Cases and the Dred Scott decision:

> Indeed, just as one may be a "citizen of the United States" and not a citizen of a State; so one apparently may be a citizen of a State but not of the United States. On July 21, 1966, the Court of Appeal of Maryland ruled in *Crosse v. Board of Supervisors of Elections*, 221 A.2d 431; a headnote in which tells us: **"Both before and after the Fourteenth Amendment to the federal Constitution, it has not been necessary for a person to be a citizen of the United States in order to be a citizen of his state** ...." At page 434, Judge Oppenheimer cites a Wisconsin ruling in which the court said this: "Under our complex system of government, **there may be a citizen of a state, who is not a citizen of the United States in the full sense of the term** ...."
>
> [Tax Scam, 1988 edition, pages 138-139]
> [emphasis added]

Conversely, there may be a citizen of the United States** who is not a Citizen of any one of the 50 States. In People v. De La Guerra quoted above, the published decision of the California Supreme Court clearly maintained this crucial distinction between the two classes of citizenship, and did so **only two years after the alleged ratification of the so-called 14th Amendment:**

[Please see next page.]

> I have no doubt that those born in the Territories, or in the District of Columbia, are so far citizens as to entitle them to the protection guaranteed to citizens of the United States** in the Constitution, and to the shield of nationality abroad; but it is evident that **they have not the political rights which are vested in citizens of the States. They are not constituents of any community in which is vested any sovereign power of government. Their position partakes more of the character of subjects than of citizens.** They are subject to the laws of the United States**, but have no voice in its management. If they are allowed to make laws, the validity of these laws is derived from the sanction of a Government in which they are not represented. Mere citizenship they may have, but **the political rights of citizens they cannot enjoy until they are organized into a State, and admitted into the Union.**
>
> [People v. De La Guerra, 40 Cal. 311, 342 (1870)]
> [emphasis added]

Using language that was much more succinct, author Luella Gettys, Ph.D. and "Sometime Carnegie Fellow in International Law" at the University of Chicago, explained it quite nicely this way:

> ... [A]s long as the territories are not admitted to statehood no state citizenship therein could exist.
>
> [The Law of Citizenship in the United States]
> [Chicago, Univ. of Chicago Press, 1934, p. 7]

This clear distinction between the Union States and the territories is endorsed officially by the U.S. Supreme Court. Using language very similar to that of the California Supreme Court in the De La Guerra case, the high Court explained the distinction this way in the year 1885, seventeen years after the adoption of the so-called 14th amendment:

> **The people of the United States***, as sovereign owners of the national territories, have supreme power over them and their inhabitants. ...** The personal and civil rights of the inhabitants of the territories are secured to them, as to other citizens, by the principles of constitutional liberty, which restrain all the agencies of government, state and national; **their political rights are franchises which they hold as privileges in the legislative discretion of the congress of the United States**.** This doctrine was fully and forcibly declared by the chief justice, delivering the opinion of the court in *National Bank v. County of Yankton*, 101 U.S. 129.
>
> [Murphy v. Ramsey, 114 U.S. 15 (1885)]
> [italics in original, emphasis added]

The political rights of the federal zone's citizens are "franchises" which they hold as "privileges" at the discretion of the Congress of the United States**. Indeed, the doctrine declared earlier in the National Bank case leaves no doubt that Congress is the municipal authority for the territories:

> All territory within the jurisdiction of the United States* not included in any State must, necessarily, be governed by or under the authority of Congress. **The Territories are but political subdivisions of the outlying dominion of the United States**. They bear much the same relation to the General Government that counties do to the States, and Congress may legislate for them as States do for their respective municipal organizations.** The organic law of a Territory takes the place of a constitution, as the fundamental law of the local government. It is obligatory on and binds the territorial authorities; but Congress is supreme and, for the purposes of this department of its governmental authority, has all the powers of the People of the United States***, except such as have been expressly or by implication reserved in the prohibitions of the Constitution.
>
> [First National Bank v. Yankton, 101 U.S. 129 (1880)]
> [emphasis added]

This knowledge can be extremely valuable. In one of the brilliant text files on his electronic bulletin board system (BBS), Richard McDonald utilized his voluminous research into the so-called 14th Amendment and related constitutional law when he made the following pleading in opposition to a traffic citation, of all things, in Los Angeles county municipal court:

> 17. The Accused Common-Law Citizen [Defendant] hereby places all parties and the court on NOTICE, that he is not a "citizen of the United States**" under the so-called 14th Amendment, **a juristic person or a franchised person who can be compelled to perform to the regulatory Vehicle Codes which are civil in nature**, and challenges the *In Personam* jurisdiction of the Court with this contrary conclusion of law. This Court is now mandated to seat on the law side of its capacity to hear evidence of the status of the Accused Citizen.
>
> [see MEMOLAW.ZIP on Richard McDonald's electronic BBS]
> [see also FMEMOLAW.ZIP and Appendix Y, emphasis added]

You might be wondering why someone would go to so much trouble to oppose a traffic citation. Why not just pay the fine and get on with your life? The answer lies, once again, in the fundamental and supreme Law of our Land, the Constitution for the United States of America. Sovereign State Citizens have learned to assert their fundamental rights, because rights belong to the belligerent claimant in person. The Constitution is the last bastion of the Common Law in our country. Were it not for the Constitution, the Common Law would have been history a long time ago. The interpretation of the Constitution is directly influenced by the fact that its provisions are framed in the language of the English common law:

> There is, however, one clear exception to the statement that there is no national common law. The **interpretation of the constitution of the United States is necessarily influenced by the fact that its provisions are framed in the language of the English common law**, and are to be read in the light of its history.
>
> [United States v. Wong Kim Ark, 169 U.S. 891, 893 (1898)]
> [emphasis added]

Under the Common Law, we are endowed by our Creator with the right to travel. "Driving", on the other hand, is defined in State Vehicle Codes to mean the act of chauffeuring passengers for hire. "Passengers" are those who pay a "driver" to be chauffeured. Guests, on the other hand, are those who accompany travelers without paying for the transportation. Driving, under this definition, is a privilege for which a State can require a license. Similarly, if you are a citizen of the United States**, you are **subject to its jurisdiction**, and a State government can prove that you are obligated thereby to obey all administrative statutes and regulations *to the letter* of the law. These regulations include, of course, the requirement that all **subjects** apply and pay for *licenses* to use the State and federal highways, even though the highways belong to the People. The land on which they were built, and the materials and labor expended in their construction, were all paid for with taxes obtained from the People. Provided that you are not engaged in any "privileged" or regulated activity, you are free to travel anywhere you wish within the 50 States. Those States are real parties to the U.S. Constitution and are therefore bound by all its terms.

Another one of your Common Law rights is the right to own property free and clear of any liens. ("Unalienable" rights are rights against which no lien can be established precisely because they are un-lien-able.) You enjoy the right to own your automobile outright, without any lawful requirement that you "register" it with the State Department of Motor Vehicles. The State governments violated your fundamental rights when they concealed the legal "interest" which they obtained in your car, by making it appear as if you were *required* to register the car when you purchased it, as a *condition* of purchase. This is fraud. If you don't believe me, then try to obtain the **manufacturer's statement of origin** ("MSO") the next time you buy a new car or truck. The implications and ramifications of driving around without a license, and/or without registration, are far beyond the scope of this book. Suffice it to say that effective methods have already been developed to deal with law enforcement officers and courts, if and when you are pulled over and cited for traveling without a license or tags. Richard McDonald is second to none when it comes to preparing a successful defense to the civil charges that might result. A Sovereign is someone who enjoys fundamental, Common Law rights, and owning property free and clear is one of those fundamental rights.

If you have a DOS-compatible personal computer and a modem, Richard McDonald can provide you with instructions for accessing his electronic bulletin board system ("BBS") and Internet website. There is a mountain of information, and some of his computer files were rather large when he began his BBS. Users were complaining of long transmission times to "download" text files over phone lines from his BBS to their own personal computers. So, McDonald used a fancy text "compression" program on all the text files available on his BBS. As a consequence, BBS users must first download a DOS program which "decompresses" the compressed files. Once this program is running on your personal computer, you are then free to download all other text files and to decompress them at your end. For example, the compressed file "14AMREC.ZIP" contains the documentation which proves that the so-called 14th Amendment was never ratified. If you have any problems or questions, Richard McDonald is a very patient and generous man. And please tell him where you read about him and his work (voice: 818-703-5037, BBS: 818-888-9882). His website is at Internet domain **http://www.state-citizen.org**.

As you peruse through McDonald's numerous court briefs and other documents, you will encounter many gems to be remembered and shared with your family, friends and associates. His work has confirmed an attribute of sovereignty that is of paramount importance. **Sovereignty is never diminished in delegation.** Thus, as sovereign individuals, we do not diminish our sovereignty in any way by delegating our powers to State governments, to perform services which are difficult, if not impossible for us to perform as individuals. Similarly, States do not diminish their sovereignty by delegating powers to the federal government, via the Constitution. As McDonald puts it, powers delegated do not equate to powers surrendered:

> 17. Under the Constitutions, "... we the People" did not surrender our individual sovereignty to either the State or Federal Government. **Powers "delegated" do not equate to powers surrendered.** This is a **Republic**, not a democracy, and the majority cannot impose its will upon the minority because the "LAW" is already set forth. Any individual can do anything he or she wishes to do so long as it does not damage, injure, or impair the same Right of another individual. This is where the concept of a *corpus delicti* comes from to prove a "crime" or a civil damage.
>
> [see MEMOLAW.ZIP on Richard McDonald's electronic BBS]
> [see also FMEMOLAW.ZIP and Appendix Y, emphasis added]

Indeed, to be a Citizen of the United States*** of America is to be one of the Sovereign People, "**a constituent member of the sovereignty, synonymous with the people**" [see 19 How. 404]. According to the 1870 edition of Bouvier's Law Dictionary, the People are the *fountain* of sovereignty. It is extremely revealing that there is no definition of "United States" *as such* in this dictionary. However, there *is* an important discussion of the "United States of America", where the delegation of sovereignty clearly originates in the People and nowhere else:

> The great men who formed it did not undertake to solve a question that in its own nature is insoluble. Between equals it made neither superior, but trusted to the mutual forbearance of both parties. A larger confidence was placed in an enlightened public opinion as the final umpire. **The people parcelled out the rights of sovereignty between the states and the United States**, and they have a natural right to determine what was given to one party and what to the other.** ... 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 to his own conscience.**
>
> [Bouvier's Law Dictionary, 14th Edition, 1870]
> [defining "United States of America"]
> [emphasis added]

We don't need to reach far back into another century to find proof that the People are sovereign. In a Department of Justice manual revised in the year 1990 (Document No. M-230), the meaning of American Citizenship was described with these eloquent and moving words by the Commissioner of Immigration and Naturalization: "**You are no longer a subject of a government!**" Remember the 14th amendment?

The Meaning of American Citizenship
Commissioner of Immigration and Naturalization

Today you have become a citizen of the United States of America. You are no longer an Englishman, a Frenchman, an Italian, a Pole. Neither are you a hyphenated-American -- a Polish-American, an Italian-American. **You are no longer a subject of a government. Henceforth, you are an integral part of this Government -- a free man -- a Citizen of the United States of America.**

This citizenship, which has been solemnly conferred on you, is a thing of the spirit -- not of the flesh. When you took the oath of allegiance to the Constitution of the United States, **you claimed for yourself the God-given unalienable rights which that sacred document sets forth as the natural right of all men.**

You have made sacrifices to reach this desired goal. We, your fellow citizens, realize this, and the warmth of our welcome to you is increased proportionately. However, we would tincture it with friendly caution.

As you have learned during these years of preparation, **this great honor carries with it the duty to work for and make secure this longed-for and eagerly-sought status.** Government under our Constitution makes American citizenship the highest privilege and at the same time the greatest responsibility of any citizenship in the world.

The important rights that are now yours and the duties and responsibilities attendant thereon are set forth elsewhere in this manual. It is hoped that they will serve as a constant reminder that **only by continuing to study and learn about your new country, its ideals, achievements, and goals, and by everlastingly working at your citizenship can you enjoy its fruits and assure their preservation for generations to follow.**

May you find in this Nation the fulfillment of your dreams of peace and security, and may America, in turn, never find you wanting in your new and proud role of Citizen of the United States.

[Basic Guide to Naturalization and Citizenship]
[Immigration and Naturalization Service]
[U.S. Department of Justice]
[page 265, emphasis added]

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Reader's Notes: