

## Definitions for Review:

**Person** – ‘The word “person” in legal terminology is perceived as a general word which normally includes in its scope a variety of entities other than human beings.’ *Church of Scientology v. U.S. Department of Justice* (1979) 612 F. 2d 417, 425.

**People** – In a more restricted sense, and as generally used in constitutional law, the entire body of those citizens of a state or nation who are invested with political power for political purposes, that is, the qualified voters or electors.

In neutrality laws, a government recognized by the United States. *The three Friends*, D.C. Fla., 78 F. 175.

The word “person” may have various significations according to the connection in which it is used. When we speak of the rights of the People, or of the government of the People by law, or of the

People as a non-political aggregate, we mean all the inhabitants of the state or nation, without distinction as to sex, age, or otherwise. But when reference is made to the People as the repository of sovereignty, or as the source of governmental power, or to popular government, we are in fact speaking of that selected and limited class of citizens to whom the constitution accords the elective franchise and the right of participation in the offices of government. *Black, Const. Law 3d Ed. P 30. Black’s Law Dictionary 4th Edition*

**Sovereign People** – The political body, consisting of the entire number of citizens and qualified electors, who, in their collective capacity, possess the powers of sovereignty and exercise them through their chosen representatives. See *Scott v. Sandford*, 19 How. 404, 15 L.Ed. 691 *Black’s Law Dictionary 4th Edition*

## Class #7

Comprehensive Study of “The Law of the Land”  
Spirit of Supreme Law — **Part I**

**Sunday, December 15, 2013 / 1 p.m. — 3 p.m.**

**Blog Talk: Mhhs—Eyes Wide Open**

**Chat Room OR Call In: 347 945-5899**

**State** - A People permanently occupying a fixed territory, bound together by common-law, habits, and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe. *Black’s Law Dictionary 4th Edition*

**American** – n. an Aboriginal or one of the various copper-colored natives found on the American Continent by the Europeans; the original application of the name. —*Websters 1828 American Dictionary of the English language and 1936, Websters unabridged 20th century dictionary.*

## Preamble

### American Constitution 1791

“**We the People of the United States**, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, **do ordain and establish this Constitution for the United States of America.**”

## Concluding Perspective:

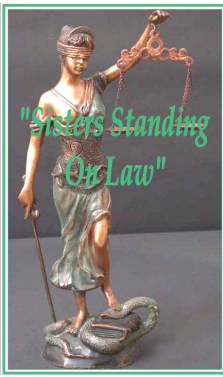
““The makers of our Constitution undertook....to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They conferred, as against the Government, the right to be let alone - **the most comprehensive of rights and the right most valued by civilized men.** To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the Fourth Amendment.” [Olmstead v. U.S.](#), [277 US 438 \(1928\)](#)”

**Next Class:** An Analysis of “The Spirit of the Supreme Law of the Land” **Part II** – The first section of the American Constitution — “**Article I**”.

**Hint: A Case Law Support:** “It is not the function of our government to keep the citizen from falling into error; it is the function of the People [citizen] to keep the government from falling into error.” *Perry v. United States*, 204 U.S. 330, 358. **What Constitutes a States?** The Congressional Globe 13 June 1866 – Mr Henderson: “In order that we may have a correct idea of the existing condition of those States, let us inquire what constitutes a State; let us analyze the composition of a State. There are four entities that enter into the organism of every State. Take away any one of them, and the State ceases to exist as such. First, there must be **territory**; Second, there must be **inhabitants**; Third, there must be a **constitution and laws**; Fourth, there must be the necessary **officers** to carry these laws into execution. These are all essential to the existence of a State, and if you remove one the State ceases. Is not this true?”

## '5' Questions:

1. What are the two entities referenced in the Preamble of the American Constitution 1791?
2. Identify who the two entities represent?
3. Who authorized the American Constitution 1791?
4. What is the American Constitution 1791 based on?
5. If the American Constitution was authorized by the Moors based on Universal Principals, how was it transferred to the Europeans of the Union States of America?
6. What is the Spirit of the American Constitution 1791?



## Supreme Court Case Laws For Review:

**Addendum to Class #7**  
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**Sunday, December 15, 2013 / 1 p.m. — 3 p.m.**  
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"The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the constitution is null and void of law." **Marbury v Madison, 5 US 137.**

"There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights." **Sherar v. Cullen, 481 F. 2d 946 (1973)**

"I do not understand the government to contend that it is any less bound by the obligation than a private individual would be..."

The U.S. Supreme Court has stated that "no state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it". **SEE ALSO: In Re Sawyer, 124 U.S. 200 (188); U.S. v. Will, 449 U.S. 200, 216, 101 S. Ct. 471, 66 L. Ed. 2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L. Ed 257 (1821).**

"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution." **Downs v. Bidwell, 182 U.S. 244 (1901)**

**Gomillion v. Lightfoot, 364 U.S. 155 (1966)**, cited also in **Smith v. Allwright, 321 U.S. 649.644** "Constitutional 'rights' would be of little value if they could be indirectly denied."

Supreme Court Justice Field, "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 power which they have not, by their Constitution, entrusted to it. All else is withheld." **Juliard v. Greeman, 110 U.S. 421 (1884).**

"...in our country the people are sovereign and the government cannot sever its relationship to them by taking away their citizenship." **Perez v. Brownell, 356 U.S. 44, 7; 8 S. Ct. 568, 2 L. Ed. 2d 603 (1958)**

"When we consider the nature and the theory of our institutions of government, the principles on which they are supposed to rest, and review the history of their de-

velopment, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power. 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." **Yik Wo v. Hopkins, 118 US 356 (1885)**

Here is the often expressed understanding from the United States Supreme Court, that "in common usage, the term "person" does not include the Sovereign, statutes employing the person are ordinarily construed to exclude the Sovereign." **Wilson v. Omaha Tribe, 442 U.S. 653, 667 (1979)** (quoting **United States v. Cooper Corp., 312 U.S. 600, 604 (1941)**). **SEE ALSO: United States v. Mine Workers, 330 U.S. 258, 275 (1947).**

"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, 353, 27 S. Ct. 526, 527, 51 L. Ed. 834 (1907).**

"It is deeply distressing that the Department of Justice, whose mission is to protect the constitutional liberties of the people of the United States, should even appear to be seeking to subvert them by extreme and dubious legal argument." **United States v. Chadwick, 433 U.S. 1 at 16 (1976).**

### Syllabus Topics for next Thirteen Months

Part I -- Preamble  
Part II – Article I  
Part III – Article II  
Part IV – Article III  
Part V – Article IV & V  
Part VI – Article VI & VII  
Part VII – Bill of Right I  
Part VIII – Bill of Right II & III  
Part IX – Bill of Right IV  
Part X – Bill of Right V  
Part XI – Bill of Right VI  
Part XII – Bill of Right VII & VIII  
Part XIII – Bill of Right IX & X

There will be specific syllabus information posted on each of these topics respectively.