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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

• 445 Broadway, Albany, NY 12207-2936 •

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United States Grand Jury<sup>1</sup> (*Status sovereign*<sup>2</sup>)  
We the People

- against -

Federal Judiciary<sup>4</sup> (*Status: clipped sovereignty*)  
Respondents

**JURISDICTION:** Court of Record<sup>3</sup>  
Federal Case No. \_\_\_\_\_

**MEMORANDUM OF LAW  
SOVEREIGNTY**

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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,<sup>5</sup> not deprive them!<sup>6</sup>

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<sup>1</sup> **The UUSCLGJ** is comprised of fifty Grand Jurys each unified amongst the counties within their respective States. All fifty States have unified nationally as an assembly of Thousands of People in the name of We the People to suppress, through our Courts of Justice, subverts both foreign and domestic acting under color of law within our governments. States were unified by re-constituting all 3,133 United States counties.

<sup>2</sup> **“Sovereignty”** means that the decree of sovereign makes law, and foreign courts cannot condemn influences persuading sovereign to make the decree.” *Moscow Fire Ins. Co. of Moscow, Russia v. Bank of New York & Trust Co.*, 294 N.Y.S. 648, 662, 161 Misc. 903.; *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.* *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.

<sup>3</sup> **‘A Court of Record** is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial.” *Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See, also, *Ledwith v. Rosalsky*, 244 N.Y. 406, 155 N.E. 688, 689.

<sup>4</sup> **Federal Judiciary** of the United States is one of the three branches of the federal government of the United States organized under the United States Constitution and laws of the federal government. Article III of the Constitution requires the establishment of a Supreme Court and permits the Congress to create other federal courts, and place limitations on their jurisdiction. Article III federal judges are appointed by the President with the consent of the Senate to serve until they resign, are impeached and convicted, retire, or die.

<sup>5</sup> **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

By the powers and authority vested in We the People via an unbreakable covenant made with God in 1776,<sup>7</sup>

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- 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,
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- 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. a/k/a human law, regulations, codes, or statutes,
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- 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. Any servant who resists these truths wars against the Constitution, Governor of the Universe and the People.

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- It is not 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’.”<sup>8</sup> “The very meaning of ‘Sovereignty’ means that the decree of sovereign makes law, and foreign [statutory] courts cannot condemn influences persuading sovereign to make the
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- decree.”<sup>9</sup> “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.”<sup>10</sup> “His (God’s) judges (juries) are the mirror by which the king's image (righteousness) is reflected.”<sup>11</sup>

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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.

<sup>6</sup> **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.

<sup>7</sup> Declaration of Independence.

<sup>8</sup> CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.

<sup>9</sup> 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.

<sup>10</sup> 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.

<sup>11</sup> 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.

40 “A consequence of this prerogative is the legal ubiquity of the king. His majesty (God) in the eye of the law is always present in all his courts, though he cannot personally distribute justice.”<sup>12</sup> “His judges are the mirror by which the king's image is reflected.”<sup>13</sup>

“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...”<sup>14</sup>

45 “The words ‘sovereign state’ are cabalistic words (*having a secret meaning*), not understood by the disciple of liberty, who has been instructed in our constitutional schools. It is our appropriate phrase when applied to an absolute despotism. The idea of sovereign power in the government of a republic is incompatible with the existence and foundation of civil liberty and the rights of property.”<sup>15</sup>

50 “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.”<sup>16</sup> “The doctrine of Sovereign Immunity is one of the Common Law immunities and defenses that are available to the Sovereign.”<sup>17</sup> “In United States, sovereignty resides in people. Congress cannot invoke the sovereign power of the People to override their [the Peoples’] will.”<sup>18</sup> “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.”<sup>19</sup>

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State run courts, a/k/a ‘equity courts,’ are nisi prius<sup>20</sup> courts presided over by judges (political servants) who rule according to regulations, statutes and codes or contracts,

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<sup>12</sup> Fortesc.c.8. 2Inst.186.

<sup>13</sup> 1 Blackstone's Commentaries, 270, Chapter 7, Section 379.

<sup>14</sup> Yick Wo v. Hopkins, 118 US 356, 370 Quotiens dubia interpretatio libertatis est, secundum libertatem respondendum erit.

<sup>15</sup> Gaines v. Buford, 31 Ky. (1 Dana) 481, 501.

<sup>16</sup> Spooner v. McConnell, 22 F 939 @ 943.

<sup>17</sup> Yick Wo v. Hopkins, 318 US 356, 371 and Terry v. Ohio, 392 US 1, 40.

<sup>18</sup> Perry v. US, 294 U.S330.

<sup>19</sup> Lansing v. Smith, 4 Wendell 9, (NY) 6 How416, 14 L. Ed. 997.

<sup>20</sup> 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

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.  
65 Liberty is freedom from equity courts unless we agree. “The state cannot diminish rights of the people.”<sup>21</sup> “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.”<sup>22</sup> “The very meaning of ‘sovereignty’ is that the decree of the sovereign makes law.”<sup>23</sup> “Where rights secured by the Constitution are involved, there can be no  
70 rule making or legislation which would abrogate them.”<sup>24</sup>

**SOVEREIGNTY CANNOT BE CONTRACTED AWAY:** “It is the public policy of this state that public agencies exist to aid in the conduct of the people's business...The people of this state do not yield their sovereignty to the agencies which serve them. In enacting this chapter, the legislature finds and declares that the public commissions, boards and  
75 councils and the other public agencies in this state exist to aid in the conduct of the people's business.”<sup>25</sup> “To presume that a sovereign forever waives the right to exercise one of its powers, unless it expressly reserves the right to exercise that power in a commercial agreement, turns the concept of sovereignty on its head.”<sup>26</sup>

80 We the People are free and independent sovereign People with the unalienable right of due process and have no contract with any administrative (foreign) court without our consent. Thereby, the People owe the State nothing and are under no obligation that would require the People to seek leave from any servant who has no jurisdiction or authority over them. We are not “subjects of the state” but the “masters thereof.”

85 “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

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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.

<sup>21</sup> *Hurtado v. People of the State of California*, 110 U.S. 516.

<sup>22</sup> NEW YORK CODE - N.Y. CVR. LAW § 2 : NY Code - Section 2: Supreme sovereignty in the people.

<sup>23</sup> *American Banana Co. v. United Fruit Co.*, 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.

<sup>24</sup> *Miranda v. Arizona*, 384 US 436, 491.

<sup>25</sup> California Government Code, Section 11120 & 54950.

<sup>26</sup> *MERRION ET AL., DBA MERRION & BAYLESS, ET AL. v. JICARILLA APACHE TRIBE ET AL.* 1982.SCT.394 , 455 U.S. 130, 102 S. Ct. 894, 71 L. Ed. 2d 21, 50 U.S.L.W. 4169 pp. 144-148.

90 trespassers.”<sup>27</sup> “It is clear that Congress cannot by authorization or ratification give the  
slightest effect to a state law or constitution which is in conflict with the Constitution of  
the United States.”<sup>28</sup>

**CONCLUSION:** 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. Sovereignty itself, ‘the People,’ is ‘not subject to law,’ for we are the  
95 author and source of law. The People received this sovereign authority from God and  
the People ordained and established government to secure these rights. We vested  
congress, the executive and the judiciary with well-defined legislative powers and  
prohibitions. We ordained and established the Bill of Rights and being the sovereign  
have sovereign immunity from ‘ALL’ human law, regulations, codes, or statutes.

100 The doctrine of Sovereign Immunity is one of the Common-Law immunities and  
defenses that are available to the Sovereign ‘alone,’ this is the great American  
experiment. A sovereign state is absolute despotism and is incompatible with the  
existence and foundation of civil liberty and the rights of property. Congress cannot  
invoke the sovereign power of the People to override their will.

105 State run equity courts are for bureaucrats and corporations. People run courts of law are  
for the people. All criminal cases must be tried in a court of law, a/k/a court of record.  
Public agencies exist to aid in the conduct of the people's business. It is not  
government’s duty to govern the Peoples’ behavior. To presume that a sovereign forever  
waives the right to exercise one of its powers unless it expressly reserves the right to  
110 exercise that power in a commercial agreement turns the concept of sovereignty on its  
head. Sovereignty is the power to do everything in a state without accountability.

SEAL

Dated [*not filed yet*]

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Grand Jury Foreman

<sup>27</sup> 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).  
<sup>28</sup> 16Am Jur 2d., Sec. 258