

# SOVEREIGNTY AS A MATTER OF LAW

**Dred Scott v. Sandford**, 60 U.S. 393 (1856) states: "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."

**Yick Wo v Hopkins** 118 U.S. 356, decided May 10, 1886 states: "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".

**Chisholm v. State of Georgia**, 2 U.S. 419 (1793) states: "Sovereignty is the right to govern; a nation or State-sovereign is the person or persons in whom that resides. In Europe the sovereignty is generally ascribed to the Prince; here it rests with the people; there, the sovereign actually administers the Government; here, never in a single instance; our Governors are the agents of the people, and at most stand in the same relation to their sovereign, in which regents in Europe stand to their sovereigns. Their Princes have personal powers, dignities, and pre-eminences, our rulers have none but official; nor do they partake in the sovereignty otherwise, or in any other capacity, than as private citizens."

**Colten v. Kentucky** (1972) 407 U.S. 104, 122, 92 S. Ct. 1953 states; "The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents."

**Julliard v Greenman**, 110 U.S. 421, (1884), states, "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 have not, by their Constitution entrusted to it: all else is withheld."

**Perry v United States**, 294 U.S. 330, 353 (1935), states "The Congress cannot revoke the Sovereign power of the people to override itself as thus declared."

**McCullock v. Maryland**, 4 Wheat 316, 404, 405, states "In the United States, Sovereignty resides in the people, who act through the organs established by the Constitution."

**Waring v. the Mayor of Savannah**, 60 Georgia at 93, which states in pertinent part, "People are supreme, not the state."

**First Trust Co. v. Smith**, 134 Neb.; 277 SW 762, which states in pertinent part, "The theory of the American political system is that the ultimate sovereignty is in the people, from whom all legitimate authority springs, and the people collectively, acting through the medium of constitutions, create such governmental agencies, endow them with such powers, and subject them to such limitations as in their wisdom will best promote the common good."

**Vanhorne's Lessee v Dorrance**, 2 U.S. 304 (1795), which states in pertinent part, "What is a constitution? It is the form of government, delineated by the mighty hand of the people, in which certain first principles of fundamental laws are established."

**Ellingham v. Dye**, 178 Ind. 336; 99 NE 1; 231 U.S. 250; 58 L. Ed. 206; 34 S. Ct. 92 and **Sage v. New York**, 154 NY 61; 47 NE 1096, state in pertinent part, "A constitution is designated as a supreme enactment, a fundamental act of legislation by the people of the state. A constitution is legislation direct from the people acting in their sovereign capacity, while a statute is legislation from their representatives, subject to limitations prescribed by the superior authority."