John (Jack) R. Venrick

From: "John (Jack) R. Venrick" <jacksranch@skynetbb.com>
To: "AJack R. Venrick" <jacksranch@skynetbb.com>
Sent: Saturday, May 01, 2010 12:37 PM
Attach: meter.asp_site=sm7atgpress
Subject: When was State Sovereignty Lost - The Informer

http://www.atgpress.com/inform/gov076.htm

"Those who say it cannot be done should not interfere with those of us who are doing it"© - S. Hickman

The Informer

Home

Against the Grain Press Loss of Liberty Revealed

Working Tommy C.

Livid Leigh

Boilin' Ed

D. Tom

The Informer

Knowledge is Freedom

Privacy

Links

Court Case

Prelude

I must start out with this prelude after writing the article below on sovereignty loss. I realized that people have not understanding of sovereignty and others that still control this land and people. This is similar to the Wizard of Oz after the curtain was lifted to just who the Wizard was. The curtain has not been lifted enough for the people of America to see.

To be absolutely correct on sovereignty, the people of 1776 to the present, have never been sovereign, period. Because the United States is a controlled corporation of the Crown, the people could never have been sovereign. All the people did, after the so-called revolutionary war, was trade the Corporation of England to be controlled by the Corporation of the States. These were plantation colonies of the Crown in corporate structure before the planned war. Those agents of the Crown, the founding father lawyers, controlled by the middle and inner temples of the Crown, took control of the states (colonies) in the 1787 contract/covenant/constitution. So technically and legally, and even lawfully, the common people like you and I have never been sovereign.

Think about it and reflect on what I say. When Governor Caswell of North Carolina immediately eliminated the quitrent tax of the Crown and laid a property tax on the people and land, after becoming the first Governor, how on earth were the people sovereign? If they were sovereign there would be no way to lay a property tax and take that property if the people did not pay this tax. This happened in every state at that time, proving people were still controlled and were not sovereign. The article below was written with the mind set that all people have an understanding that the myth of sovereignty existed in this country for the common people.

When was State Sovereignty Lost?

The real beginnings of the demise of State sovereignty was 1787 with the erection of the US Constitution. The 1791 debacle of Washington was the second attack and the third started in earnest circa 1819 with the Bank case of McCulloch v Maryland. You have to know that Justice Marshall was a major stock holder in that bank with 3700 shares and was declared a foreign stockholder." Yes, he was a Federal US judge and "citizen" of the U.S., but the bank was the foreign controlled Exchequer of England. That's why he was deemed a foreign stockholder." To rule contrary to his decision would have put his stock in peril. Money rules, correct? It does today and it did then.

Eastern and Northern States almost unanimously praised the decision of McCulloch.

On the other hand, the papers of the States upholding the theories of Jefferson and the strict States' Rights doctrines bitterly assailed it. Niles' Register of March 13 said:

"A deadly blow has been struck at the Sovereignty of the States, and from a quarter so far removed from the people as to be hardly accessible to public opinion ....We are awfully impressed with a conviction that the welfare of the Union has received a more dangerous wound than fifty Hartford Conventions, hateful as that assemblage was, could inflict . . . and which may be wielded to destroy the whole revenues and so do away with the Sovereignties of the States."

The Richmond Enquirer said: "If such a spirit as breathes on this opinion is forever to preside over the judiciary, then indeed it is high time for the State to tremble; that all their great rights may be swept away one by one, that those sovereign States may dwindle into paltry and contemptible **corporations**."

Chief Justice Marshall wrote to Judge Story, May 27, 1819

"This opinion in the Bank case continues to be denounced by the democracy in Virginia. An effort is certainly making to induce the Legislature which will meet in December, to take up the subject and to pass resolutions very like those which were called forth by the alien and sedition laws in I799 ....If the principles which have been advanced on this occasion were to prevail, the constitution would be converted into the old Confederation."

Please note above that the states were corporations, not that they were going to be. They were corporations of the Crown in the newly formed King's government named the States and United States. They were absorbed under the U.S. Constitution and became members of the Motherland corporation. This goes with exactly what was stated in James Montgomery's works on the Crown controlling. Wizard, if you so wish to see after the curtain raising.

In 1821, the great question of State Sovereignty was again the important subject before the Court; and on March 3-5 Marshall rendered his opinion in Cohens v. Virginia (6 Wheaton, 264), reaffirming the supreme power of the Court to review decisions of the State courts in criminal as well as civil proceedings. Philip P. Barbour I and Alexander Smythe appeared for the State of Virginia, and William Pinkney and David B. Ogden for the plaintiff.

The decision caused much excitement in the newspapers of the country, and was bitterly attacked by the upholders of States' Rights in letters and speeches.

Niles' Register said, March 17, 1821:

"The decision was exactly such as expected for we presumed that that high tribunal would act consistently and on the termination of the case about the bank of the United States, McCulloch v. Maryland, we had no manner of doubt as to the result . . . and that the **State Sovereignty would be taught to bow to the judiciary-of the United**

States. So we go. It seems as if almost everything that occurs had for its tendency that which every reflecting man deprecates."

On July 7, 1821, Niles' Register said:

"The decision . . . still claims the attention of some of our ablest writers, and the correctness of it is contested with a fine display of talents and profound reasoning by `Algeron Sidney' in the 'Richmond Enquirer and Hampden' in the Washington City Gazette - - to which we refer those who are not already satisfied on the subject. For ourselves, though not exactly prepared to submit, it seems as if it were required that all who do not subscribe to their belief in the infallibility of that court are in danger of political excommunication."

Of the criticism on the case, Marshall wrote to Story, June 15, 1821:

"The opinion of the Supreme Court in the lottery case has been assailed with a degree of virulence transcending what has appeared on former occasions . . . I think for coarseness and malignity of invention Algernon Sidney [Spencer Roane, Judge of the Virginia Court of Errors and Appeals] surpasses all party writers who have ever made pretensions to any decency of character."

Corruption of the courts ran rampant then as it does now, only not quite as bad as now; see the next case. You can also see that Washington was a corporation then, as it always has been via the Crown's control. This just bears out what James has and I have, on the corporate structure, via our researched documents.

Jefferson's views of the opinion were vigorously expressed by him two years later in a letter to Judge William Johnson, June 12, 1823:

"On the decision of Cohens v. State of Virginia in the Supreme Court of the United States in March, 1821, Judge Roane (presiding judge of the Court of Appeals of Virginia) under the signature of Algernon Sidney wrote for the Enquirer a series of papers on the law of that case. I considered these papers maturely as they came out, and confess that they appeared to me to pulverize every word that had been delivered by Judge Marshall **of the extra-judicial part of his opinion, and all was extra-judicial, except** the decision that the act of Congress had not

purported to give to **the corporation of Washington** the authority claimed by their lottery of controlling the laws of the States within the States themselves.

"The practice of Judge Marshall of traveling out of his case to prescribe what the law would be in a moot case not before the court is very irregular and very censurable."

The most alarming effect of the opposition to the strong centralizing tendency of the Supreme Court opinions was the steady increase of propositions to limit the powers of that Court by legislation or constitutional amendment. Those who favored such measures pointed to the fact that between 1809 and 1822 the Court had exercised its power to declare unconstitutional, in whole or in part, nine statutes in eight States (Georgia, New Jersey, Virginia, New Hampshire, New York, Maryland, Louisiana and Pennsylvania).

Jefferson wrote, January 19, 1821:
"I am sensible of the inroads daily making by the Federal into the jurisdiction of its co-ordinate associates, the State governments. Its legislative and executive branches may sometimes err, but elections and dependence will bring them to rights. **The judiciary branch is the instrument which, working like gravity, without intermission, is to press us at last into one consolidated mass."**

On September 2, 1821, he wrote:

"To consider the judges as the ultimate arbiters of all constitutional questions, is very dangerous doctrine indeed and one which would place us under the despotism of an oligarchy. Our judges are as honest as other men, and not more so. They have, with others, the same passions for party, for power, and the privilege of their corps. Their maxim is 'boni judices est amplifcare jurisdictionem,' **and their power the more dangerous, as they are in office for life and not responsible as the other functionaries are to the elective control. The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots."**

Well, this is a revelation for those of you that just love the Supreme Court in all it's corruption. We researchers have known this for a long time and they

have become despots as have all other bar member judges.

On December 25, 1820, Jefferson had written to Thomas Ritchie:

"The judiciary of the United States is **the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric**. They are construing our Constitution from a coordination of a general and special government to a general and supreme one alone .... Having found from experience that impeachment is an impracticable thing, a mere scare-crow, they consider themselves secure for life; they skulk from responsibility to public opinion, the only remaining hold on them, under a practice first introduced into England by Lord Mansfield. An opinion is huddled up in conclave, perhaps by a majority of one, delivered as if unanimous, and with the silent acquiescence of lazy or timid associates, by a crafty chief judge who sophisticates the law to his mind by the turn of his own reasoning.

A judiciary independent of a king or executive alone is a good thing; but independence of the will of the nation is a solecism, at least in a republican government."
See Writings of Thomas Jefferson, Vol X, pp. 169, 184, 197, 246.

And again, on March 4, 1823, he wrote:

"There is no danger I apprehend so much **as the consolidation of our government**, **by the** noiseless and therefore unalarming **instrumentality of the Supreme Court."**

Already in 1807-1809, soon after the Burr trial, attempts had been made in each branch of Congress to amend the Constitution so that all judges should hold office for a term of years and be removable by the President on address by two-thirds of both Houses. This proposition was supported by resolves of the Legislatures of Pennsylvania and Vermont, as well as by the actions of the House of Delegates in Virginia and one branch of the legislature of Tennessee..

Well there you have it, the board of directors of the corporations of Washington and States are just doing what corporate officers want. **Now comes the proof as**

to why you all are part of these corporations that James and I have stated over and over - - that citizenship is the bane of man, whether state or United States. Go ahead and vote . But, as Lysander Spooner said, it is a vote thrown to the winds and also snares you into their corporation as you vote for the CEO of that corporation as a "stockholder." If you don't believe me read on and you make the decision because corporate citizenship did not start with the 14th amendment, much to your surprise.

One other decision of the United States Supreme Court during this period had immense effect on the growth of modern corporate commerce.

From 1809 to 1844, it had been held by that Court, ever since the decision of Chief Justice Marshall in Bank of the United States v. Deveaux (5 Cranch, 61), that the Federal Courts had no jurisdiction on the ground of diverse citizenship, in a case where a corporation was a party, unless all the individual stockholders of the corporation were citizens of a State other than that of the other party to the suit. Such a doctrine of course greatly restricted the rights of a corporation to sue in a Federal Court, and made such suit almost impossible.

In 1844, however, in Louisville R. R v. Letson (2 Howard, 497) Chief Justice Taney delivered an opinion, taking the broad ground that **a corporation**, although **an artificial person**, was to be deemed **an inhabitant of the State of its incorporation**, and to be treated as **a citizen of that State** for purposes of suit. Of this case, Judge Story, wrote to Ex-Chancellor Kent, August 3I, I844:

"I equally rejoice, that the Supreme Court has at last come to the conclusion, that a corporation is a citizen, an artificial citizen, I agree, but still a citizen. It gets rid of a great anomaly in our jurisprudence. This was always Judge Washington's opinion. I have held the same opinion for very many years, and Mr. Chief Justice Marshall had, before his death, arrived at the conclusion, **that our early decisions were wrong."**

Now remember people, the states and United States are corporations as stated above. An inhabitant is a resident -- is a citizen of that corporation and deemed an artificial character. Just look at the case of the United States v Penelope , Fed. Case 27 no. 16024 in my book The *New History of America*, page 69.

"Inhabitant" and "resident" mean the same thing so said the court. Now you ask how did I become an artificial? By joint venture. This is also found in my *New History* at pages 10, 11, 21, 31,46, 47, 56, 69, 70, 75 and 90 because it is the lynchpin to your problems. Pull the N.C. Supreme court case 207 N.C. 831; 178 S.E. 587. In here is the explanation as to why they can tax you.

In 1853, in Marshall v. Baltimore and Ohio R. R. (16 Howard, 314) it was held that there was a conclusive presumption of law that all **the shareholders were citizens** of the State of incorporation; and this was further strengthened by a decision in 1857, in Covington Drawbridge Co. v. Shepherd (20 Howard, 227) that parties were **to be held estopped from denying such citizenship.**

Although talking about railroad the same principle applies to states. As stated above, irrefutably, Washington is a corporation and has citizens. States are corporations and have citizens. Are you a citizen of either? Are you then in a "joint venture"? Do you claim to be a "resident" or "inhabitant?" Are you then a "person" by association with either corporation? Is this word in the definition of 26 U.S.C. 7701 (a) (1)? Therefore, under this principle a "U.S. citizen" is a citizen of the incorporating United States and that is why in 26 U.S.C 7701 (a) 39 it states what it does. Are you starting to get the picture? Not quite? Well read this as printed in my book.

Under "joint-venture" principle all people who are "citizens of the State" are United States citizens, and are in contract with the State in its corporate capacity. Therefore, if and when they buy property privately from the United States it does revert back to the State. They are only holding the property of the State in a fiduciary capacity paying rent in the form of an ad valorem tax. This is where the government has conned us again. It is a vicious cycle. Therefore, the U.S. can tax the fiduciary holding State property because they are citizens, or joint-venturers, with the State in its corporate capacity. This is because the states are nothing more than "Districts" of the U.S. **[as stated in my book when quoting the 1868 Inaugural address of Governor Holden of north carolina at page 10]** and due to the War Powers Act they are also "agents of the federal government." This was discovered by Dr. Eugene Schroder

in the "Health and Human Service Acts" of the states. This allows the U.S. to seek out and tax its subjects, people claiming "citizenship" of the state, for they are also U.S. citizens by congress' definition of "individual," See 5 USC 552a A 2.

Definition of Joint venture found in N.C. Supreme court case 207 N.C. 831; 178 S.E. 587

> "In order to constitute a joint venture, a joint enterprise, or common purpose there must be an agreement **[your claim of citizenship and/or registering to vote for the CEO]** to enter into an undertaking in respect of which the parties have a community of interest and a common purpose for its performance. **[don't all citizens have a common interest?]** * * *
> There is no legal distinction between the phrases `joint enterprise' and `prosecution of a common purpose.' The effect of the formation of a joint enterprise is to make all members responsible for the negligence of any member available who injures a third person and to make the negligence of any member available as a defense by a third person to a recovery by another member." **[does this sound like social security?]**

End of quoting my book at page 10 and 11.

These decisions not only opened the door wide to interstate commerce by corporations, but they were of vast importance in breaking down the barriers sought to be erected by the political supporters of the narrow States' Rights doctrines, and in increasing the strength of the Federal power.

In one direction, the great growth of corporations made necessary the development of a branch of corporate law to which little attention had hitherto been paid --- the limits of the scope of corporate action and the doctrine of ultra vires. As stated in the preface to the first book on this subject, *Brice on Ultra Vires* published in 1874, it is said:

"The doctrine of ultra virus is of modern growth. Its appearance as a distinct fact and as a guiding and rather misleading principle in the legal system of this country dates from about 1845, being first prominently mentioned in the cases, in equity of Colman v. Eastern Counties Ry.

Co. (10 Beavan, 1) in 1846, and at law of East Anglian Ry. Co. v. Eastern Counties Ry. Co. (11 C. B. 775) in 1851."

In the United States Supreme Court, however, in 1858, it was referred to as "not a new principle in the jurisprudence of this Court."

For interesting articles on this subject see *A Legal Fiction with its Wings Clipped*, by S. E. Baldwin, in Amer. Law Review, Vol. XLI (1907). *Abrogation of Federal Jurisdiction*, by Alfred Russell, Harv. Law Review, Vol. VII (1892). *Corporate Citizenship a Legal Fiction*, by R. M. Benjamin, Albany Law Journal, Vol. LXIX (1907).

Well that's about enough for you to absorb and please check this out as I am not perfect.

Sincerely,
The Informer
April 10, 2002

\