XI. FOUNDATIONS OF LAW, Lesson 10: AUTHORITY & REASON: ARGUMENTS ABOUT CORPORATE MONOPOLIES, LOBBYISTS, AND FOREIGN ORGANIZATIONS LIKE THE WHO, WEF, AND UN.

A. THE FIRST TREATISE OF GOVERNMENT

Sir Robert Filmer was an English political theorist who lived in the 17th century, known for his work "Patriarcha". Filmer argued for the divine right of kings, asserting that Adam was an absolute monarch and all succeeding patriarchs had *"by right of fatherhood, royal authority over their children. This lordship which Adam by command had over the whole world, and by right descending from him the patriarchs did enjoy, was as large and ample as the absolute dominion of any monarch, which had been since the creation."* He believed that political authority was derived from God and passed down through the patriarchal lineage of Adam. According to Filmer, rulers held absolute authority over their subjects, and disobedience to the king was tantamount to disobeying God. Filmer did not believe in the concept of natural rights or the idea that government should be based on the consent of the governed. Instead, he advocated for the preservation of traditional hierarchical structures, with the king as the ultimate authority. Filmer's views provided a theological justification for absolute monarchy.

John Locke is regarded as one of the most influential Enlightenment thinkers. Locke's ideas have had a profound impact on modern political theory, epistemology, and education. His most famous works include "Two Treatises of Government, where he addressed Filmer's views head-on and championed principles of individual liberty and popular sovereignty championed by Locke.

At first Locke discounted Filmer's Treatise as he thought it "*not a serious discourse meant in earnest"* until the applause that followed it caused him to read it. Locke states, *"I therefore took it firmly in my hands with all the expectations, and read it through with all the attention due a treatise that made such noise at its coming abroad, and cannot but confess myself mightily surprised that in a book, which was to provide chains for all mankind I should find nothing but a rope of sand useful perhaps to such, whose skill and business it is to raise a dust, and would blind the people, the better to mislead them; but in truth not of any force to draw those into bondage who have their eyes open, and so much sense about them as to consider, that chains are but an ill wearing, how much care soever had been take to file and polish them."*

Locke criticizes Filmer's position Locke's argument in his "First Treatise on Government," revolves around the idea of the social contract and natural rights. He contends that political authority is derived from the consent of the governed, not from divine right or inheritance. Locke asserts that individuals have natural rights to life, liberty, and property, and that the purpose of government is to protect these rights. He criticizes the absolute power of monarchs and argues for a system of government based on the consent of the people, with the ability to replace rulers who violate their rights. Locke's work is among the most important body of fundamental law.

TWO TREATISES OF GOVERNMENT § 222.

The reason why men enter into society, is the preservation of their property; and the end why they choose and authorize a legislative, is, that there may be laws made, and rules set, as guards and fences to the properties of all the members of the society: to limit the power, and moderate the dominion, of every part and member of the society: for since it can never be supposed to be the will of the society, that the legislative should have a power to destroy that which every one designs to secure by entering into society, and for which the people submitted themselves to legislators of their own making; whenever the legislators endeavour to take away and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any farther obedience, and are left to the common refuge, which God hath provided for all men, against force and violence. Whensoever therefore the legislative shall transgress this fundamental rule of society; and either by ambition, fear, folly or corruption, endeavour to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties, and estates of the people; by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty, and, by the establishment of a new legislative, (such as they shall think fit) provide for their own safety and security, which is the end for which they are in society. What I have said here, concerning the legislative in general, holds true also concerning the supreme executor, who having a double trust put in him, both to have a part in the legislative, and the supreme execution of the law, acts against both, when he goes about to set up his own arbitrary will as the law of the society. He acts also contrary to his trust, when he either employs the force, treasure, and offices of the society to corrupt the representatives, and gain them to his purposes; or openly pre-engages the electors, and prescribes to their choice, such, whom he has, by solicitations, threats, promises, or otherwise, won to his designs: and employs them to bring in such, who have promised beforehand what to vote, and what to enact. Thus to regulate candidates and electors, and newmodel the ways of election, what is it but to cut up the government by the roots, and poison the very fountain of public security? for the people having reserved to themselves the choice of their representatives, as the fence to their properties, could do it for no other end, but that they might always be freely chosen, and so chosen, freely act, and advise, as the necessity of the commonwealth, and the public good should, upon examination and mature debate, be judged to require. This, those who give their votes before they hear the debate, and have weighed the reasons on all sides, are not capable of doing. To prepare such an assembly as this, and endeavour to set up the declared abettors of his own will, for the true representatives of the people, and the law-makers of the society, is certainly as great a breach of trust, and as perfect a declaration of a design to subvert the government, as is possible to be met with. To which if one shall add rewards and punishments visibly employed to the same end, and all the arts of perverted law made use of, to take off and destroy all that stand in the way of such a design, and will not comply and consent to betray the liberties of their country, it will be past doubt what is doing. What power they ought to have in the society, who thus employ it contrary to the trust that went along with it in its first institution, is easy to determine; and one cannot but see, that he, who has once attempted any such thing as this, cannot any longer be trusted.

B. THE STATE, SOVEREIGNTY AND GOVERNMENT

"Government" and the "state" are TWO separate entities. The "government" works for the "State", and the "State" in turn is the PEOPLE as individuals, and not ANYONE serving in Government.

1. STATE, n. 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. **(United States v. Kusche, D.C.Cal., 56 F. Supp. 201, 207, 208.)**

The organization of social life which exercises sovereign power in behalf of the people. **(Delany v. Moraitis, C.C.A.Md., 136 F. 2d 129, 130.)** One of the component commonwealths or States of the United States of America. The term is sometimes applied also to governmental agencies authorized by state, such as municipal corporations. **(George v. City of Portland, 114 Or. 418, 235 P. 681, 683, 39 A.L.R. 341.)**

The people of a state, in their collective capacity, considered as the party wronged by a criminal deed; the public; as in the title of a cause, "The State vs. A. B." ***[Black's Law 4th Edition]***

2. BODY POLITIC OR CORPORATE. A social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good, **Uricich v. Kolesar, 54 Ohio App. 309, 7 N.E.2d 413, 414. A term applied to a corporation. County. Bazzoli v. Larson, 40 Ohio App. 321, 178 N.E. 331, 332; Lindburg v. Bennett, 117 Neb. 66, 219 N.W. 851, 855. Municipality. Middle-States Utilities Co. v. City of Osceola, 1 N.W.2d 643, 645, 231 Iowa 462; Lindburg v. Bennett, 117 Neb. 66, 219 N.W. 851, 855. School district. Patrick v. Maybank, 198 S.C. 262, 17 S.E.2d 530, 534. State or nation or public associations, Utah State Building Commission, for Use and Benefit of Mountain States Supply Co., v. Great American Indemnity Co., 105 Utah 11, 140 P.2d 763, 767. [Black's Law 4th Edition]**

3. CITIZEN: A member of a free city or jural society (civitas), possessing all the rights and privileges which can be enjoyed by any person under its constitution and government, and subject to the corresponding duties.

"Citizens" are members of a community inspired by a common goal, who, in associated relations, submit themselves to rules of conduct for the promotion of general welfare and conservation of individual as well as collective rights **(In re McIntosh, D.C.Wash., 12 F. Supp. 177).**

The term appears to have been used in the Roman government to designate a person who had the freedom of the city and the right to exercise all political and civil privileges of the government. There was also, at Rome, a partial citizenship, including civil, but not political rights. Complete citizenship embraced both **(Thomasson v. State, 15 Ind. 451; 17 L.Q.Rev. 270; 1 Sel.Essays in Anglo-Amer. L.H. 578).**

A member of a nation or body politic of the sovereign state or political society who owes allegiance **(Luria v. U.S., 34 S.Ct. 10, 19, 231 U.S. 9, 58 L.Ed. 101; U.S. v. Polzin, D.C.Md., 48 F.Supp. 476, 479).**

A member of the civil state entitled to all its privileges **(Cooley, Const.Lim. 77).** One of the sovereign people. A constituent member of the sovereignty synonymous with the people **(Scott v. Sandford, 19 How. 404, 15 L.Ed. 691). [Black's Law 4th Edition]**

a. There are 2 classes of citizenship under American Law

    i. State Citizenship
        1. found in the U.S. Constitution prior to the Civil War e.g. see qualifications for Representative, Senator, and President
        2. this is a sovereign class created and endowed by the Creator

    ii. federal citizenship
        1. 14th Amendment attempted to formalize a second class of citizen first defined in 1866 Civil Rights Act
        2. this is a statutory creation, a subject class, created and endowed by the Congress, not by the Creator

4. 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. **Black, Const. Law (3d Ed.) 309; In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 21 Wall. 175, 22 L.Ed. 627.** ***[Black's Law Dictionary 4th Edition]***

5. SUPREME COURT RULINGS

a. *"[A]t the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects with none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty."* ***[Chisholm v. Georgia, 2 Dall. (U.S.) 419, 454, 1 L.Ed. 440,455 @ Dall 1793 pp.471-472 (1793)]***

b. *"The words 'sovereign people' are those who form the sovereign, and who hold the power and conduct the government through their representatives. Every citizen is one of these people and a constituent member of this sovereignty."* ***[Scott v. Sanford, 60 U.S. 393 404 (1856)]***

c. *"When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, 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. 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 lying except to the ultimate tribunal of the public judgment, 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."* ***[Yick Wo v. Hopkins, 118 U.S. 356, 369-70 (1886)]***

C. POWERS OF THE PEOPLE

1. MASSACHUSETTS CONSTITUTION, PART THE FIRST, ARTICLE IV: "The people of this commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America in Congress assembled."

2. MASSACHUSETTS CONSTITUTION, PART THE FIRST, ARTICLE V: "All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them."

D. CORPORATIONS

1. Maxim of Law 76j. *Towns and boroughs [municipal corporations] act as if persons.* ***Warner v. Beers, 23 Wend. (N.Y.) 103, 144.***

2. Massachusetts Constitution, Part the Second, Article LIX. *Every charter, franchise or act of incorporation shall forever remain subject to revocation and amendment.*

3. Massachusetts Constitution, Part the Second, Section 8. *Powers of the General Court. - The general court shall have the power to act in relation to cities and towns, but only by general laws which apply alike to all cities or to all towns, or to all cities and towns, or to a class of not fewer than two, and by special laws enacted (1) on petition filed or approved by the voters of a city or town, or the mayor and city council, or other legislative body, of a city, or the town meeting of a town, with respect to a law relating to that city or town; (2) by a two-thirds vote of each branch of the general court following a recommendation by the governor; (3) to erect and constitute metropolitan or regional entities, embracing any two or more cities or towns or cities and towns, or established with other than existing city or town boundaries, for any general or special public purpose or purposes, and to grant to these entities such powers, privileges and immunities as the general court shall deem necessary or expedient for the regulation and government thereof; or (4) solely for the incorporation or dissolution of cities or towns as corporate entities, alteration of city or town boundaries, and merger or consolidation of cities and towns, or any of these matters.*

Subject to the foregoing requirements, the general court may provide optional plans of city or town organization and government under which an optional plan may be adopted or abandoned by majority vote of the voters of the city or town voting thereon at a city or town election; provided, that no town of fewer than twelve thousand inhabitants may be authorized to adopt a city form of government, and no town of fewer than six thousand inhabitants may be authorized to adopt a form of town government providing for town meeting limited to such inhabitants of the town as may be elected to meet, deliberate, act and vote in the exercise of the corporate powers of the town.

This section shall apply to every city and town whether or not it has adopted a charter pursuant to section three.

E. THE POWER OF THE PRESIDENT OF THE UNITED STATES TO MAKE TREATIES

1. UNITED STATES CONSTITUTION, ARTICLE II, SECTION 2

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law:

but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

2. TREATY. A treaty is an agreement, league, or contract between two or more nations or sovereigns, formally signed by commissioners properly authorized, and solemnly ratified by the several sovereigns or the supreme power of each state **(Edye v. Robertson, 5 S.Ct. 247, 112 U.S. 580, 28 L.Ed. 798; Ex parte Ortiz, C.C.Minn., 100 F. 962; Charlton v. Kelly, 33 S.Ct. 945, 954, 29 S.Ct. 447, 57 L.Ed. 1274, 46 L.R.A., N.S., 397).**

A treaty is not only a law but also a contract between two nations and must, if possible, be construed so as to give full force and effect to all its parts **(United States v. Reid, C.C.A.Or., 73 F.2d 153, 155).**

Personal treaties relate exclusively to the persons of the contracting sovereigns, such as family alliances, and treaties guaranteeing the throne to a particular sovereign and his family. As they relate to the persons, they expire upon the death of the sovereign or the extinction of his family. With the advent of constitutional government in Europe, these treaties have lost their importance. Real treaties relate solely to the subject-matters of the convention, independently of the persons of the contracting parties, and continue to bind the state, although there may be changes in its constitution or in the persons of its rulers **(Boyd's Wheat. Int. Law § 29). [Black's Law 4th Edition]**

3. LAW OF NATIONS, CHAPTER XII, § 154. BY WHOM TREATIES ARE MADE

Public treaties can only be made by the superior powers, by sovereigns who contract in the name of the state. Thus, conventions made between sovereigns respecting their own private affairs, and those between a sovereign and a private person, are not public treaties. The sovereign who possesses the full and absolute authority has, doubtless, a right to treat in the name of the state he represents, and his engagements are binding on the whole nation. But all rulers of states do not have the power to make public treaties by their own authority alone; some are obliged to take the advice of a senate or of the representatives of the nation. It is from the fundamental laws of each state that we must learn where resides the authority capable of contracting with validity in the name of the state.

Notwithstanding our assertion above that public treaties are made only by the superior powers, treaties of that nature may nevertheless be entered into by princes or communities who have a right to contract them, either by the concession of the sovereign, or by the fundamental laws of the state, by particular reservations, or by custom. Thus, the princes and free cities of Germany, though dependent on the emperor and the empire, have the right of forming alliances with foreign powers. The constitutions of the empire give them, in this as in many other respects, the rights of sovereignty. Some cities of Switzerland, though subject to a prince, have

made alliances with the cantons: the permission or toleration of the sovereign has given birth to such treaties, and long custom has established the right to contract them.

4. LAW OF NATIONS, CHAPTER XII, § 160. NULLITY OF TREATIES WHICH ARE PERNICIOUS TO THE STATE.

Though a simple injury, or some disadvantage in a treaty, be not sufficient to invalidate it, the case is not the same with those inconveniences that would lead to the ruin of the nation. Since, in the formation of every treaty, the contracting parties must be vested with sufficient powers for the purpose, a treaty pernicious to the state is null, and not at all obligatory, as no conductor of a nation has the power to enter into engagements to do such things as are capable of destroying the state, for whose safety the government is intrusted to him. The nation itself, being necessarily obliged to perform every thing required for its preservation and safety, cannot enter into engagements contrary to its indispensable obligations. In the year 1506, the states-general of the kingdom of France, assembled at Tours, engaged Louis XII. to break the treaty he had concluded with the emperor Maximilian and the archduke Philip, his son, because that treaty was pernicious to the kingdom. They also decided that neither the treaty, nor the oath that had accompanied it, could be binding on the king, who had no right to alienate the property of the crown.1 We have treated of this latter source of invalidity in the twenty-first chapter of Book I.

5. LAW OF NATIONS, CHAPTER XII,§ 161. NULLITY OF TREATIES MADE FOR AN UNJUST

For the same reason — the want of sufficient powers — a treaty concluded for an unjust or dishonest purpose is absolutely null and void, — nobody having a right to engage to do things contrary to the law of nature. Thus, an offensive alliance, made for the purpose of plundering a nation from whom no injury has been received, may or rather ought to be broken.

6. "There is nothing in this language which intimates that treaties and laws enacted pursuant to them do not have to comply with the provisions of the Constitution. Nor is there anything in the debates which accompanied the drafting and ratification of the Constitution which even suggests such a result. These debates as well as the history that surrounds the adoption of the treaty provision in Article VI make it clear that the reason treaties were not limited to those made in 'pursuance' of the Constitution was so that agreements made by the United States under the Articles of Confederation, including the important peace treaties which concluded the Revolutionary War, would remain in effect.31 It would be manifestly contrary to the objectives of those who created the Constitution, as well as those who were responsible for the Bill of Rights—let alone alien to our entire constitutional history and tradition—to construe Article VI as permitting the United States to exercise power under an international agreement without observing constitutional prohibitions.32 In effect, such

construction would permit amendment of that document in a manner not sanctioned by Article V. The prohibitions of the Constitution were designed to apply to all branches of the National Government and they cannot be nullified by the Executive or by the Executive and the Senate combined." **[Curtis REID, Superintendent of the District of Columbia Jail, Appellant, v. Clarice B. COVERT. Nina KINSELLA, Warden of the Federal Reformatory for Women, Alderson, West Virginia, Petitioner, v. Walter KRUEGER, 354 U.S. 1, 77 S.Ct. 1222 1 L.Ed.2d 1148][Black's Law 4th Edition]**

F. QUESTION #1:

Please take notice that as trustees and servants, you are at all times amenable to the people. Please provide clarity about where you were granted the lawful authority from creation to enter treaties with foreign powers, such as the World Economic Forum, The United Nations, The World Health Organization, that violate provisions of the constitution and the sovereignty of the people.

List Argument Points & Authorities Below:

1._____

2._____

3._____

4._____

5._____

Additional Notes:

G. QUESTION #2:

Please take notice that all corporations are subject to applicable law, which includes: all applicable provisions of constitutions, laws, statutes, ordinances, rules, treaties, regulations, permits, licenses, approvals, interpretations, and orders of courts or government authorities, as well as all orders and decrees of all courts and arbitrators. Every corporation is subject to revocation and amendment when they violate applicable laws.

List Argument Points & Authorities Below:

1._____

2._____

3._____

4._____

5._____

Additional Notes: