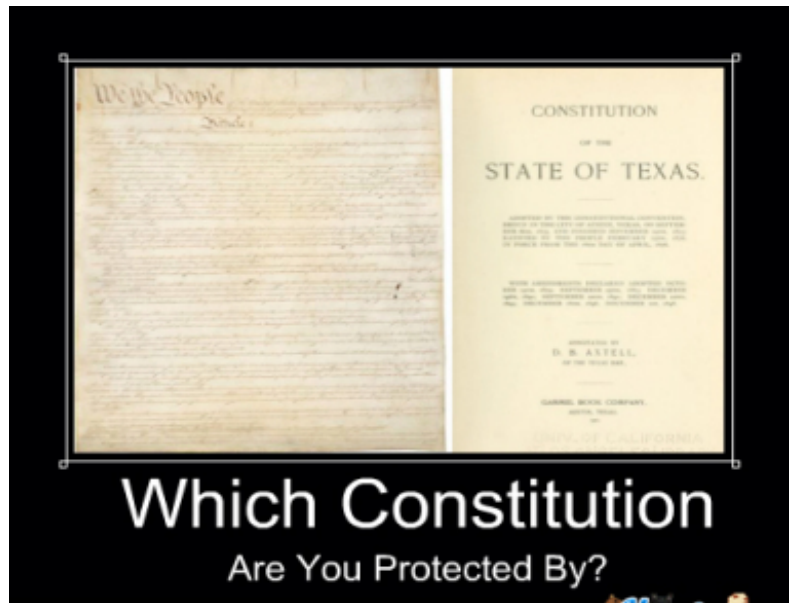


# A Primer on State Citizenship

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One of the nasty side effects of a [sensationalistic news cycle](#) is subtly encouraging the [victim mentality](#), whereby absent the rationality necessary to analyze tyranny and brainstorm how to defeat it, [the misinformation spouted by some individuals who claim to know the spirit of the law](#) tends to lend a superficial credence to the myth of the “Great Loophole.” As such, applying the scientific method to politics is easier said than done. Taking responsibility for your future means coming to terms with your present, and in order to do that, you must first accept the mistakes of your past.

[As I've written about before](#), the consent of the governed is an idea of weighty significance in the field of political philosophy. Scholars have debated the matter, politicians have scoffed at it, and comrades have waged revolutions over their own interpretations of it; so, it is of no small importance. Although it has been argued that such consent of the governed is [strictly collective in nature](#), what if such consent were also *individual* as well? [John Locke wrote](#):



*“[T]hat every man, that hath any possessions, or enjoyment, of any part of the dominions of any government, doth thereby give his tacit consent, and is as far forth obliged to obedience to the laws of that government, during such enjoyment, as any one under it; whether it be his possession be of land, to him and his heirs for ever, or a lodging only for a week; or whether it be barely travelling freely on the highway; and in effect, it reaches as far as the very being of any one within the territories of that government...so that whenever the owner, who has given nothing but such a tacit consent to the government, will, by donation, sale, or otherwise, quit the said possession, he is at liberty to go and incorporate himself into any other common-wealth; or to agree with others to begin a new one, in vacuis locis, in any part of the world, they can find free and unpossessed.”*

Notice the phrasing Locke uses here – *every man*; *his* tacit consent; *he* is at liberty – I’m having a hard time seeing anything other than third-person singular words being used here, don’t you? Of course, it is equally arguable that [the consent of the governed is strictly individualistic](#); yet, if it were, then that would suggest that each and every one of us who has acquiesced to despotism is *individually* responsible for sanctioning tyranny. Regardless, if there exists an aspect of the consent of the governed that is in any way individualistic, whether that be strictly by itself, or in conjunction with the citizenry in common, then it falls

upon each man to determine to what extent he has tolerated the habitually oppressive actions of tyrants.

Assuming that Locke was still correct about explicit consent versus acquiescence, then what evidence is there to judge the current condition of an individual's consent to be governed? Might I suggest that, perhaps, it is the status of *citizenship* that tells us whether or not an individual has consented to be governed? If you think about it, if a native-born American expatriates to Brazil, then he is no longer obligated to obey any American laws (although, to be sure, he is expected to now abide by Brazilian law). What I am proposing here, is, what if the [social contract](#) is foundationally rooted in citizenship?

Consider, for a moment, your legal identification documents. Everything, from your birth certificate to your Social Security card, and your driver's license to your passport, was issued by a government agency of some kind. *Whom*, specifically, was it issued by? And more importantly, what are the laws or *rules* governing the nature of your legal relationship with these governmental entities?

Believe it or not, there are currently fifty-one American constitutions; namely, the [United States Constitution](#), and the fifty state constitutions. Each constitution has its own proper sphere of applicability, whether it be in criminal or civil law. If you are charged with violating federal law, you would not use [the Bill of Rights from the Iowa Constitution](#) as part of your legal defense; similarly, you *should not* use the Bill of Rights from the U.S. Constitution if you were charged with violating Kansas law. Relying solely on the federal constitution for every legal contrivance is a recipe for disaster.

Before the ratification of the 14<sup>th</sup> Amendment, there was no such thing as a so-called "United States citizen." [Benjamin Franklin](#) was not a United States citizen, he was a citizen of Pennsylvania. [George Washington](#) and [Thomas Jefferson](#) were not citizens of the United States, they were citizens of Virginia; the whole body politic of the early American republics were entirely composed of state citizens, *not* 14<sup>th</sup> Amendment citizens. The takeaway here is that, now, there are [two classes of American citizenship](#); namely, citizens of the United States (that is, United States citizens), and Citizens of a State (that is, state citizens).

Evidence of these two classes are found in a series of United States Supreme Court decisions, as well as the U.S. Constitution itself. The [Comity Clause](#) (Art. IV § 2 cl. 1) says:

*"The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States."*

Right there, the federal constitution recognized the legal status of state citizenship. Ironically, the 14<sup>th</sup> Amendment, which created the class of United States citizens, also continues to recognize the original class of state citizens, by way of its [Citizenship Clause](#) (Amend. XIV § 1 cl. 1):

*"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."*

Naturally, the phrase “and subject to the jurisdiction thereof” is open to interpretation, especially as to *whom* is “subject to the jurisdiction thereof”, but I digress. Constitutionally speaking, I think the evidence is pretty clear here about the legal standing of state citizenship from the federal government’s perspective. With regards to judicial opinions made by the U.S. Supreme Court, I would like to direct your attention to what Chief Justice Waite said in the 1874 [Minor v. Happersett](#) case:

*“The very idea of a political community, such as a nation is, implies an association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its protection. **Allegiance and protection are, in this connection, reciprocal obligations.** The one is a compensation for the other; allegiance for protection and protection for allegiance.” [emphasis added]*

The Court pointed out here that not only was there a duty of protection to be given by the government, but, in exchange, a duty of allegiance to be given by the citizenry in kind. Interestingly, this is also the same Court that has ruled that [state, county, and municipal police have no constitutional duty to protect you or your property](#), so putting these two facts together, it does beg the very uncomfortable question of whether citizens still owe a duty of allegiance to their governments at all. If you would like to examine in more detail the case law that proves the recognition of state citizens both before *and* after the ratification of the 14<sup>th</sup> Amendment, then please be sure to read my [State Citizenship Casebook](#).

Unfortunately, it would seem to be the case that state citizens, and their respective constitutions, have been incrementally usurped by the federal government. Consider, for instance, the Tenth Amendment:

*“The powers not delegated in the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”*

Now, compare the Tenth Amendment with the [Privileges or Immunities](#), [Due Process](#), and [Equal Protection Clauses](#) of the 14<sup>th</sup> Amendment:

*“No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”*

Did you notice how the wording of those three clauses only apply to those who are “subject to the jurisdiction” of the United States? In fact, over the course of a century, both before *and* after the ratification of the 14<sup>th</sup> Amendment, the Court has consistently ruled against the so-called “incorporation” of the *federal* Bill of Rights against the various state governments. This forceful application of the U.S. Constitution against the state governments, which began to gain steam during the 1960s, formed what the Court eventually called the [doctrine of incorporation](#), which is based upon any combination of the Citizenship, Privileges or Immunities, Due Process, or Equal Protection clauses. This incorporation doctrine intrinsically violates the Comity Clause and the Tenth Amendment (not to say anything about *stare decisis*), and to make matters worse, the constitutionality of this usurpation is virtually impossible to litigate against, thanks to the formation of the [doctrine of constitutional avoidance](#) that Justice Brandeis wrote about in his concurring opinion of the 1936 *Ashwander v. Tennessee Valley Authority* case.

Ah, but the usurpations of the republican form of government that Americans were guaranteed in Article IV § 4 of the federal constitution do not stop there. After the conclusion of the [War Between the States](#), the [American Bar Association](#) (ABA) was formed, ostensibly for the reason of [increasing the quality of legal education in America](#), as well as advocating on behalf of allegedly “social justice” type political issues on the national stage. The ABA was also involved in the discussion and drafting of the legislation that soon became the Administrative Procedures Act of 1946, thereby creating the unconstitutional [fourth branch of government](#), as [United States Senator Pat McCarran](#) described it, according to the [Congressional Record](#). Not too long after, the ABA was able to secure their [monopoly on the practice of law by way of licensure](#), through co-opting the state governments into changing their statutory codes and judicial rules to [narrowly define “acceptable” law schools](#) as only those who were suck-ups to the ABA itself.

Resulting from all this was a gradual diminution of the old common law practice of [reading law](#), whereby an individual became a lawyer by apprenticing under a judge for a period of time, thereby gaining not only knowledge, but also valuable work experience (the latter of which are typically unavailable to your average law school student). Not only that, but the increasing virulence of [legalese](#) was used by the ABA licensed bar attorneys to deceive, inveigle, and obfuscate their tyrannical designs. As if that wasn’t horrid enough, these bar attorneys also advocated to further criminalize and outlaw previously lawful behavior, describing them collectively as so-called “[victimless crimes](#),” despite the fact that this oxymoron concept had [already been thoroughly debunked](#).

If any despotic special interest is more responsible for the tyrannical situation we find ourselves suffering under than even the central bankers, it would be, without a doubt, the bar attorneys. They are the ones who launch the unconstitutional [military adventures abroad](#); they are the ones who have tempted the worst appetites of the human condition by systematically [bribing the citizenry with stolen wealth](#); and they are the ones who give cover to the [central bankers](#) who inflate, debase, and ruin the currency with impunity.

Worse yet, the bar attorneys are the ones responsible for turning America into a police state. [They gave rise to a bureaucracy](#) that is impoverishing the citizenry by a million cuts; they issue orders to [the Standing Army](#) to beat us into submission to their arbitrary dictates; they have [taxed, banned, or regulated](#) nearly every vice imaginable at the point of the sword; they have infringed upon our [right to travel](#) upon the public highways; and should any of us run afoul of their nearly limitless “rules and regulations,” we are all too easily convicted and sent to rot in [a government dungeon](#) (which are profitable for them, yet overcrowded for us). Contemporary bar attorneys, for all intents and purposes, appear to imagine themselves to be our [rulers](#), under the guise of “[it’s the law!](#)”

You might be wondering, at this point, as to what are the implications of state citizenship? First, and most importantly, it presents a potential opportunity for greater freedom in your own life, and quite possibly, a

unique way to escape government tyranny, absolutely and completely peacefully, *without* resorting to embarrassingly prostrating yourself before the lawyers or their bureaucrats. It means you don't have any excuses anymore with regards to "waiting around" for "everyone else" to want to win their freedoms back, because you now have an endeavor that you can do all by yourself. *Your* consent to be governed is brought under your personal control, and is not subjected to the vested interests of other people who do not care about you.

I would also like to stress, here, what state citizenship is not. It is *not* the same as the oxymoronic "sovereign citizenship" I have previous debunked at length, or any of its variants. State citizenship is also *not* about what the Founders referred to as the "peculiar institution" of race slavery, which they inherited from the British Empire. Although it is true that [the original state citizens were of a broad European ancestry](#), it is also consistent within the American tradition to welcome the *assimilation* of those who were willing to share in the common heritage, culture, and language of the nation; this can be observed from the assimilation of the [tejanos](#) and the [Irish](#), especially those of the latter who were foreign born and naturalized.

What state citizenship *is* about, mainly centers around a more [polycentric view of the law](#) through a separation of powers within any government. By providing for checks and balances, not just between the different branches within a government, but also between the federal and various state governments, the Framers were able to codify, for perhaps the first time in written history, a form of [polycentric law](#) that struck at [the root of statism](#); namely, **monopoly courts and police**. Sadly, too many people overlook this simple truth whenever they tend to demonize the ancestry of the original state citizens, instead of recognizing the sheer genius of their efforts in deliberately handicapping the capability of government to become despotic in the future.

Just how *useful*, though, is state citizenship to you? Unfortunately, in terms of it being a legal status on par with United States citizenship, it has been seldom litigated, to my knowledge. Another part of the problem lays in the fact that the court case precedent I'm familiar with has been mostly limited to the *federal* government, which does recognize state citizenship; this is nothing to say of the legal precedent within a particular *state* government's case law. To determine **that** would certainly require further research into the legal precedent archived in any state judiciary's law library. Furthermore, I'd say that you could file a Revocation of Power of Attorney with a county clerk, [like Gary Hunt did back in 1992](#), but even he did not think it was useful as evidence of his standing in court, which is also why he believes that [state citizenship is most useful as a tool to help move people along the other \(not so\) thin line](#) towards a Lockean state of nature.

Sure, I guess you could file a revocation and litigate it in court, if you were willing to take the risk, should the government come after you about something. Or, you could join the [Federalist Society](#), and read their suggested books and attend their lectures, for whatever good that'll do you. Hell, you could simply mouth off to the judge in court about state citizenship just to watch him squirm, although the only value I can see from this would be strictly entertainment, and perhaps not even worthy of a contempt of court charge. All I can see that your best bet is, is to learn some basic skills, at least initially.

Pray tell, what skills am I suggesting you learn to cultivate? Well, the very first piece of advice I'll offer is that you need to get at least one law dictionary, preferably three, and 19<sup>th</sup> century or older, if at all possible. The idea here is that you need to be able to [cross-reference the definitions from these dictionaries](#), analyze the assumptions those definitions rest upon, and deduce the implications behind those definitions. Next, I would suggest that you learn how to conduct basic legal research by locating sources of law, and once you've got that down pat, then you will need to learn how to deconstruct legislative statutes as well as administrative regulations. Rounding out your basic training, as it were, you will also need to learn [how to write case briefs on judicial decisions](#). Obviously, what I am advising you to do, at first, is to learn the law in

an autodidactic manner (a mentor, who knows what he's doing, would be even better, *if you can find one*).

For the next phase, you will actually have to come into contact with government employees; limited at first, and then finally in person, while under pressure. You will need to learn how to make inquires and write polite requests by [mailing letters to bureaucrats](#); the idea here is *not* to pontificate about *your* interpretation of...whatever, but rather to acquire necessary information, or persuade the bureaucrat to act on your behalf, even if only indirectly. Also, you will need to learn how to draft and file formal legal instruments, such as petitions, notices, affidavits, revocations, and so forth. Finally, the biggest and most stressful type of skill you will need to eventually master is how to [competently litigate in court](#). Learning the rules of court intimately, and practicing cross-examination in a [mock trial](#) are invaluable to increasing the probability that you will prevail, or at least mitigate the harm the government is causing you.

Speaking of court, an almost untouched upon topic within the [alternative media](#) is that of court transparency. Almost everybody and their uncle who consider themselves citizen-journalists are more than happy to go "[copblocking](#)," but seldom are they willing to turn those same cameras against the bar attorneys (probably because it is less sensationalistic, I would guess). Granted, although there has been [a very slow move to try and get cameras into the court room for public trials](#), what concerns me most is the sheer lack of documentation being made publicly available. Although [Ian Bernard](#), to his credit, does release his court documents through [Free Keene](#), almost nobody else I've noticed goes to that extent, not even [Marc Stevens](#) (at least, not *consistently*, anyway). The only reason any of us know about [Larry Myers](#) is because Gary Hunt kept studious documentation of each step along the way, and made it available for free download off the Internet; yet, the same cannot be said for [Charles Dyer](#), despite the outpouring of non-existent "support" he allegedly enjoyed from people who were, in fact, running an [activist legal defense fund scam](#), using what remained of his good name to sucker in the ignorant donators.

Again, you may be pondering, just how *useful* is the aforementioned skill set (as developed by modern state citizens) to you? Knowing what the law actually says could be useful to you if government employees attempt to intimidate you into "compliance" with their arbitrary demands. Mitigation of false arrests, property seizures, and maybe even wrongful injury could make the difference as to whether the government is able to cripple your ability to function, or not. A potential recruit to your local [Committee of Safety](#) could be adequately [vetted](#) if he were asked about his knowledge of state citizenship on a participation form, just like [the Central Florida Committee of Safety did back in the 1990s](#).

State citizenship, first and foremost, was one of the most poignant attempts at decentralizing government power for the benefit of the people; however, it was usurped by those whose [lust for power knew no bounds](#). While it might be possible to win your freedom back using their own laws against them, the nitty-gritty details for how to specifically do that lie in your responsibility to perform your own due diligence. Remember, the bar attorneys are the sworn enemies of the state citizens, so don't try to play the game until you know how to bend the rules in your favor, and ultimately, for the cause of Liberty.