

[Kerchner: On the Sovereign and Sovereign Immunity](#)

by [Mountain Publius Goat](#) on Tue Oct 20, 2009 9:54 pm

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Just in from the pen of CDR Kerchner.

FOR IMMEDIATE RELEASE
20 October 2009

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<http://www.scribd.com/doc/17049463/>

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In the case of constitutional issues **We the People** and/or **the Constitution** created by We the People **are sovereign**. The fundamental law of our nation, the Constitution, can only be changed by amending it by the process provided in that Constitution, not by a branch of the federal government usurping or ignoring it. Congress cannot amend the Constitution by itself and certainly not with a simple majority vote. It takes a vote of 2/3 the members of Congress to put forward such an amendment to the several states and ratification by 3/4 of the several states of our nation. We are a Constitutional Republic, not a pure democracy. All rights and power not given to the federal government by the Constitution is reserved to the several states and to the People. See the 9th and 10th Amendments in the Bill of Rights for the details on that fact. We the People created the federal government enabled by the founding document, the federal U.S. Constitution. The Congress or the President cannot arbitrarily ignore the U.S. Constitution and those branches of the federal government cannot hide behind sovereign immunity. For if they can the Constitution is then no longer the supreme law of the land and the Congress and the President have placed themselves above that supreme law. We would no longer be a nation of laws if the supreme law of the land can be ignored and not enforced by the whims of the simple political majority in control of Congress.

I believe that Article I, Section 6, clause 1 protects the individual Senators and Reps from arrest and/or charges due to their speech and debate. It does not grant sovereign immunity to the Congress as a whole or the Senate as a body or the House as a body to totally ignore the Constitution, the "fundamental law" as Vattel describes such laws, and the foundational law of our federal government and nation. The sovereign power in our Republic is "We the People" and the Constitution we established to limit the power of the Federal Government, and thus the Congress which is part of that. Thus the Congress as a body in our government is not sovereign and thus cannot have sovereign immunity regarding charges that it as a body did not do its constitutional duty and/or ignored parts of the constitution. Who or what is the USA. It is the several states and We the People

and the Constitution. It is not the Congress and it is not the President. The Constitution is the supreme and sovereign law. Congress is not sovereign and neither is the President and thus they cannot use sovereign immunity to betray and undermine the constitution. If the Congress is sovereign, then Congress would be the ultimate power and even be above the constitution. That is not our system of government. And that is not what Vattel taught either and wrote about a republic with a written constitution. The elected officials are our representatives and we acquiesce to them to run the government as long as they obey the Constitution and not ignore any part of the Constitution, the supreme law of the land, and that these elected representatives act in a way to protect our life, liberty, and pursuit of happiness which our patriot ancestors and many who have served since fought and died to obtain and keep for us. The written Constitution is supreme and sovereign as that contract was established by We the People acting through the several states. And it states it takes 3/4th of the several states via agreement of the People of those states speaking through their respective legislative body to change that sovereign law, the U.S. Constitution.

We the People are the sovereigns and the Constitution is the supreme, fundamental, sovereign law in our federal system. The President and Congress are not above the law. No executive order or statutory law passed by them is supreme to the Constitution and the inalienable rights of We the People. I did not swear an oath to defend a man or any particular person serving as the President or a piece of land. I swore an oath to support and defend the Constitution. We the People retain the ancient right of the sovereign, which is us in our system, to bring a Quo Warranto charge against a usurper Putative President. And I did so in my lawsuit. Any order or law made by Congress or anyone else in our federal government which stands in the way of We the People's inalienable right to protect our Constitution, which we created, from a usurper must fall. Those laws must fall by the wayside as subservient and that they are not applicable to blocking our inalienable rights and cannot be allowed to block the People getting answers in the federal courts to Constitutional questions. I swore an oath to support and defend the Constitution against all enemies foreign and **domestic**. I intend to do so.

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I suggest all who can pass this along to other blogs and tweet the link to it out via twitter. Maybe a Judge will read it and get out from under their desk and make some damn decisions instead of twiddling their thumbs in fear and indecision.

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<http://countryfirst.bravehost.com/phpBB3/viewforum.php?f=105>

"The American people will never knowingly adopt Socialism. But under the name of liberalism they will adopt every fragment of the Socialist program, until one day America will be a Socialist nation without knowing how it happened." Norman Thomas



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