

State Sovereignty?

By [Brian McCandliss](#)

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The United States of America, bases its legal argument of national union, and national sovereignty over the individual states; on the premise that the individual states were never individually sovereign nations unto themselves, and that they united to form a sovereign nation or federal state. However, investigation reveals that the individual states were indeed founded as (thirteen) fully separate sovereign nations, and that they never united to form a national union.

Rather, they simply formed an international union of separate sovereign nations, in the manner of such unions as the United Nations or the European Union, which are international associations among separate sovereign nations; meanwhile, each American state likewise remained a separate sovereign nation. Accordingly, this status was wrongfully denied and usurped from them by the United States, in breach of their national sovereignty.

Legal Documentation and Discussion

The legal details and documentation of this petition, are henceforth discussed below.

Declaration of Independence, July 4, 1776

We, therefore, the representatives of the United States of America, solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British crown and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent states may of right do.

This was discerned from what the Law of Nations defined in Book I, Chapter I, §11: "Of a state that has passed under the dominion of another:"

But a people that has passed under the dominion of another is no longer a state, and can no longer avail itself directly of the law of nations. Such were the nations and kingdoms which the Romans rendered subject to their empire; the generality even of those whom they

honoured with the name of friends and allies no longer formed real states. Within themselves, they were governed by their own laws and magistrates; but without, they were in every thing obliged to follow the orders of Rome; they dared not of themselves either to make war or contract alliances; and could not treat with nations.

Therefore since the states *could* “make war, contract alliances, and treat with other nations, “do all other acts and things which independent states may of right do;” the states were *not* under the dominion of another, and thus were 13 separate sovereign nations.

This was binding as a legal document, among sovereign nations, describing international agreements; since:

1. it was signed by the duly-elected representatives of each colony; and
2. it fully expressed the *intentions* of the colonies, in *defining the terms* of their revolution, not some “bait & switch” where they started the revolution as 13 separate sovereign nations, to trick the colonists into it; and then simply *changed* the terms in order to replace one empire with another.

In short, the colonists *fought* for thirteen separate sovereign nations; and therefore, that's what they *won*.

Specifically:

1. They did *not* fight to establish a *single* sovereign nation; but on the contrary:
2. they *fought* to establish their respective states as separate sovereign nations.

So since this was a revolution; then the intentions of the victors, became the *law*.

And this declared intent, was *retained* under the Articles of Confederation and Perpetual Union:

1. Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States, in Congress assembled.

And this was in the following *context* from the Law of Nations, §10. “Of states forming a federal republic:”

Finally, several sovereign and independent states may unite themselves together by a perpetual confederacy, without ceasing to be, each individually, a perfect state. They will

together constitute a federal republic: their joint deliberations will not impair the sovereignty of each member, though they may, in certain respects, put some restraint on the exercise of it, in virtue of voluntary engagements. A person does not cease to be free and independent, when he is obliged to fulfill engagements which he has voluntarily contracted.

As such, the states simply formed an international union of (thirteen) separate sovereign nations— just like the United Nations or the European Union, after them; and each nation simply delegated powers to the United States as such a federal republic, being a “voluntary engagement among a perpetual confederacy” among separate sovereign nations, whose joint deliberations did not impair the sovereignty of each nation.

And this *declared* national sovereignty of each state, was *officially established* by the Paris Peace Treaty of September 30, 1783:

His Britannic Majesty acknowledges the said United States, viz., New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free sovereign and independent states, that he treats with them as such, and for himself, his heirs, and successors, relinquishes all claims to the government, propriety, and territorial rights of the same and every part thereof.

In addition to the express recognition of each state by name, as “free, sovereign and independent states,” as originally declared—i.e. thirteen separate sovereign nations; here the phrase “he treats with them as such,” refers to the fact that the treaty is with the states themselves, as thirteen separate sovereign nations; and not with “the United States,” as a single nation of thirteen subordinate states.

This was due to the fact that, as noted above in Article II; the sovereign national power of embassy, which belonged to each free, sovereign and independent state; was simply *among* those powers which had been *expressly delegated* to the United States, in the Articles themselves, “in congress assembled.”

Therefore, the Treaty legally and officially established each state as a *separate sovereign nation*: thirteen in all.

Each state's national sovereignty was then subsequently *exercised*, beginning in 1787; when twelve of the states desired to enact changes to the Articles of Confederation.

However these changes were *refused* by some states, including Rhode Island.

This precluded such changes; as Article XIII of the Articles of Confederation, expressly required unanimity among all states, for any changes:

Every State shall abide by the determination of the United States in Congress assembled, on all questions which by this confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them; unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State.

For this reason, the dissenting states simply exercised their sovereignty as separate sovereign nations; in order to circumvent this requirement, by

1. unilaterally seceding from the Confederation entirely, and
2. form their own *new* separate international union *lieu* of it.

They did this, by forming the United States Constitution; which realized the founding intentions and justification of the American Revolution, as set forth in the opening statements of the Declaration of Independence, by Thomas Jefferson (et al) on July 4, 1776:

We hold these truths to be self-evident:

That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

In fulfillment of this premise; the legislatures of each state, then signed over supreme national authority, to the respective *electorate* of that particular state; so that the people—i.e. the registered *citizen-voters* of the particular state—would become the ruling sovereigns thereof; and thus could determine their respective state's own *national policy*, by majority-vote.

Accordingly, each state's electorate (with the exception of Rhode Island) then chose to exercise this national authority over their respective state; to:

1. unilaterally withdraw from the Confederation of 1781; and
2. to ratify the Constitution, to form a new and separate international union of sovereign nations under *that*

As James Madison noted in *Federalist* No. 40 regarding this:

"Instead of reporting a plan requiring the confirmation OF THE LEGISLATURES OF ALL THE STATES, they have reported a plan which is to be confirmed by the PEOPLE, and may be carried into effect by NINE STATES ONLY. ... The forbearance can only have proceeded from an irresistible conviction of the absurdity of subjecting the fate of twelve States to the perverseness or corruption of a thirteenth".

Meanwhile after North Carolina became the 12th state to ratify the Constitution; Rhode Island was thus left as the sole remaining state in a now-defunct Confederation, and thus chose to ratify the Constitution in 1790... as the only state that did *not* secede.

In conclusion; the above implies that:

1. the American Revolution established the states as *thirteen separate sovereign nations*; and that
2. these nations ratified the United States Constitution as thirteen separate sovereign nations, each of which was supremely ruled by its respective electorate, in realization and fulfillment of the American Revolution's stated Founding principles.

The above historical facts, establish that:

1. the American Revolution established the states as *thirteen separate sovereign nations*; and that
2. these thirteen sovereign nations, *each* ratified the United States Constitution in its *capacity* as separate sovereign nations;
3. with by the supreme intent of its respective people, or electorate; in realization and fulfillment of the American Revolution's stated Founding principles.

However, beginning c. 1832, the federal government officially began to *deny* this fact; claiming “national union,” under the false premise that the states were *never* separate sovereign nations.

From President Andrew Jackson’s Proclamation Regarding Nullification, in December 10, 1832:

We declared ourselves a nation by a joint, not by several acts; and when the terms of our confederation were reduced to form, it was in that of a solemn league of several States, by which they agreed that they would, collectively, form one nation... disunion, by armed force, is TREASON.

So here, Jackson falsely alleges that:

1. the states declared themselves a *single* sovereign nation in 1776; and that
2. they *established* that single sovereign nation via the Constitution.

And on this *false* basis, Congress enacted Jackson’s “Force Bill” which set federal precedent to use *military force* against individual states.

Then when individual states *did* secede in 1861; Lincoln *followed* on this *false* legal basis, in his July 4, 1861: Lincoln’s July 4th Message to Congress:

Having never been States, either in substance or in name, outside of the Union, whence this magical omnipotence of “State rights,” asserting a claim of power to lawfully destroy the Union itself? Much is said about the “sovereignty” of the States, but the word even is not in the National Constitution, nor, as is believed, in any of the State constitutions. What is a “sovereignty” in the political sense of the term? Would it be far wrong to define it “a political community without a political superior”? Tested by this, no one of our States, except Texas, ever was a sovereignty; and even Texas gave up the character on coming into the Union, by which act she acknowledged the Constitution of the United States and the laws and treaties of the United States made in pursuance of the Constitution to be for her the supreme law of the land. The States have their status in the Union, and they have no other legal status. If they break from this, they can only do so against law and by revolution.

And on this false legal premise of “national union,” the federal government:

1. claimed national authority to wage Total War against the individual states—
2. and *did* so, falsely proclaiming it a “civil war,” in fraudulently alleging that

3. such secessions were “rebellions” against this fictitious “national union.”

This was also accomplished by outright *censorship*, to suppress the reality that each state was indeed a separate sovereign nation: by suspending habeas corpus, under the simple false claim of “rebellion” *against* this fictitious “national union,” and related false claim that such state sovereignty had never existed.

This was followed by the Supreme Court, in the case of in *Texas v. White* (1869):

The Union of the States never was a purely artificial and arbitrary relation [i.e. an international association among separate sovereign nations].

It began among the Colonies, and grew out of common origin, mutual sympathies, kindred principles, similar interests, and geographical relations. It was confirmed and strengthened by the necessities of war, and received definite form and character and sanction from the Articles of Confederation. By these, the Union was solemnly declared to “be perpetual”. And when these Articles were found to be inadequate to the exigencies of the country, the Constitution was ordained “to form a more perfect Union”. It is difficult to convey the idea of indissoluble unity more clearly than by these words. What can be indissoluble if a perpetual Union, made more perfect, is not?

But as shown above, the American Union was *always* “a purely artificial and arbitrary relation,” among *separate sovereign nations*; from the Declaration of Independence onward.

And thus, this judicial opinion, was simply *further* testimony by the federal government, of its own false claims of national authority over the peoples of the individual states, essentially following suit on the Lincoln Administration..

So as shown, the federal government’s legal theory on national union, depends entirely on the false premise, that the states were *never* separate sovereign nations.

Thus, because the American Revolution *did indeed* establish the states as separate sovereign nations, as a fact of history; then the federal government *legally implies* that:

1. the states are still separate sovereign nations; while
2. the Constitution simply established the state *electorates*, as the supreme authority therein; rather than the state *governments* as before it.

And so, in conclusion:

1. the states *remain* separate sovereign nations; while
2. likewise the state electorates hold supreme power; and simply
1. *delegate* power to state and federal governments; and
2. can *overrule* both, *at will*, by popular vote, to dictate their respective state's national policy.

(Such were the actions and policies of the various state electorates in 1860-1861; when they each revoked power *away* from the federal government, in order to delegate it to their respective *state* governments, for the purpose of altering their state's national policy of

1. formally seceding their state from the United States as an international union; and
2. acceding to a *new* international union in lieu of it, via the Confederate States of America.)

In conclusion, legal analysis proves that the American states originated as thirteen sovereign nations; and that each state remains a separate sovereign nation to this day.

Meanwhile the US government's claims to the contrary, are proved wholly false; and its allegations of "national union" over the states, can thus be *challenged* by any state at will, to *reclaim* the respective state's long-standing national sovereignty against such.

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Brian McCandliss

Brian McCandliss is an award-winning honors law-student, and long-time independent researcher into American law and history-- particularly regarding state sovereignty and democracy, and the means for citizens of each state to lawfully reclaim it. Follow his work at <http://TakeBackSovereignty.com>