IN THE SUPREME COURT
FOR
THE STATE OF UTAH

(Dyett v. Turner, 439 P2d 266 @ 269, 20 U2d 403 [1968])

THE NON-RATIFICATION OF THE FOURTEENTH AMENDMENT
Chief Justice A.H. Ellett

The method of amending the U.S. Constitution is provided for in Article V of the original document. No other method will accomplish this purpose. That Article provides as follows:

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress;"

The Civil war had to be fought to determine whether the Union was indissoluble and whether any State could secede or withdraw there from. The issue was settled first on the field of battle by force of arms, and second by the pronouncement of the highest court of the land. In the case of State of Texas v. White,1 it was claimed that Texas having seceded from the Union and severed her relationship with a majority of the States of the Union, and having by her Ordinance of Secession attempted to throw off her allegiance to the Constitution of the United States, had thus disabled herself from prosecuting a suit in the Federal Courts. In speaking on this point the Court at page 726, 19 L. Ed. 227 held:

When, therefore, Texas became one of the United States, she entered into an indissoluble relation. All the obligations of perpetual union, and all the guarantees of republican government in the Union, attached at once to the State. The act which consummated her admission into the Union was something more than a compact; it was the incorporation of a new member into the political body. And it was final. The union between Texas and the other States was as complete, as perpetual, and as indissoluble as the union between the original States. There was no place for reconsideration, or revocation, except through revolution, or through consent of the States.

Considered therefore as transactions under the Constitution, the ordinance of secession, adopted by the convention and ratified by a majority of the citizens of Texas, and all the acts of her legislature intended to give effect to that ordinance, were absolutely null. They were utterly without operation in law. The obligations of the State, as a member of the Union, and of every citizen of the State, as a citizen of the United States, remained perfect and unimpaired. It certainly follows that the State did not cease to be a State, nor her citizens to be citizens of the Union. If this were otherwise, the State must have become foreign, and her citizens foreigners. The war must have ceased to be a war for the suppression of rebellion, and must have become a war for conquest of subjugation.

Our conclusion therefore is, that Texas continued to be a State, and a State of the Union, notwithstanding the transactions to which we have referred. And this conclusion, in our judgment, is not in conflict with any act or declaration of any department of the National government, but entirely in accordance with the whole series of such acts and declarations since the first out break of the rebellion.

It is necessary to review the historical background to understand how the Fourteenth Amendment came to be a part of our U.S. Constitution.

General Lee had surrendered his Army on April 9, 1865, and General Johnston surrendered his 17 days later. Within a period of less than six weeks thereafter, not one Confederate soldier was bearing arms. By June 30, 1865, the Confederate States were all restored by Presidential Proclamation to their proper positions as States in an indissoluble Union2, and practically all Citizens thereof3.

A few Citizens were excepted from the Amnesty Proclamation, such, for example, as Civil or Diplomatic Officers of the late Confederate government and all of the seceding States; United States Judges, members of Congress and commissioned Officers of the United States Army and Navy who left their posts to aid the rebellion: Officers in the Confederate military forces above the rank of Colonel in the Army and Lieutenant in the Navy; all who resigned commissions in the Army or Navy of the United States to assist the rebellion; and all Officers of the military forces of the Confederacy who had been educated at the military or naval academy of the United States, etc., etc., had been granted amnesty. Immediately thereafter, each of the seceding States functioned as regular States in the Union with both State and Federal Courts in full operation.

President Lincoln had declared the freedom of the slaves as a war measure, but when the war ended, the effect of the Proclamation was ended, and so it was necessary to propose and to ratify the Thirteenth Amendment in order to insure the freedom of the slaves.

The 11 southern States, having taken their rightful and necessary place in the indestructible Union, proceeded to determine whether to ratify or reject the proposed Thirteenth Amendment.

In order for the Thirteenth Amendment to become a part of the Constitution, it was necessary that the proposed Amendment be ratified by 27 of the 36 States. Among those 27 States ratifying the Thirteenth Amendment were 10 from the South, to wit, Louisiana, Tennessee, Arkansas, South Carolina, Alabama, North Carolina, Georgia, Mississippi, Florida, and Texas.

When the 39th Congress assembled on December 5, 1865, the Senators and Representatives from the 25 northern States voted to deny seats in both Houses of Congress to anyone elected from the 11 southern States. The full complement of Senators from the 36 States of the Union was 72, and the full membership in the House was 240. Since it requires only a majority vote4 to refuse a seat in Congress, only the 50 Senators and 182 Congressmen from the North were seated. All of the 22 Senators and 58 Representatives from the southern States were denied seats.

Joint Resolution No. 48, proposing the Fourteenth Amendment, was a matter of great concern to the Congress and to the people of the Nation. In order to have this proposed Amendment submitted to the 36 States for ratification, it was necessary that two thirds of each House concur. A count of noses showed that only 33 Senators were favorable to the measure, and 33 was a far cry from two thirds of 72 and lacked one of being two thirds of the 50 seated Senators.

While it requires only a majority of votes to refuse a seat to a Senator, it requires a two thirds majority to unseat a member once he is seated5.

One John P. Stockton was seated on December 5, 1865, as one of the Senators from New Jersey. He was outspoken in his opposition to Joint Resolution No. 48 proposing the Fourteenth Amendment. The leadership in the Senate, not having control of two thirds of the seated Senators, voted to refuse to seat Mr. Stockton upon the ground that he had received only a plurality and not a majority of the votes of the New Jersey legislature. It was the law of New Jersey, and several other States, that a plurality vote was sufficient for election. Besides, the Senator had already been seated. Nevertheless, his seat was -refused- and the 33 favorable votes thus became the required two thirds of the 49 members of the Senate.

In the House of Representatives, it would require 122 votes to be two thirds of the 182 members seated. Only 120 voted for the proposed Amendment, but because there were 30 abstentions, it was declared to have been passed by a two thirds vote of the House.

Whether it requires two thirds of the full membership of both Houses to propose an Amendment to the Constitution or only two thirds of those seated or two thirds of those voting is a question which it would seem could only be determined by the United States Supreme Court. However, it is perhaps not so important for the reason that the Amendment is only -proposed- by Congress. It must be -ratified- by three fourths of the States in the Union before it becomes a part of the Constitution. The method of securing the passage through Congress is set out above, as it throws some light on the means used to obtain ratification by the States thereafter.

Nebraska had been admitted to the Union and so the Secretary of State, in transmitting the proposed Amendment, announced that ratification by 28 States would be needed before the Amendment would become part of the Constitution since there were at the time 37 States in the Union. A rejection by 10 States would thus defeat the proposal.

By March 17, 1867; the proposed Amendment had been ratified by 17 States and rejected by 10 with California voting to take no action thereon which was equivalent to rejection, thus the proposal was defeated.

One of the ratifying States, Oregon; had ratified by a membership wherein two legislators were subsequently held not to be duly elected, and after the contest, the duly elected members of the legislature of Oregon rejected the proposed Amendment. However, this rejection came after the Amendment was declared passed.

Despite the fact that the southern States had been functioning peacefully for two years and had been counted to secure ratification of the Thirteenth Amendment, Congress passed the Reconstruction Act [March 2, 1867], which provided for the military occupation of 10 of the 11 southern States. It excluded Tennessee from military occupation and one must suspect it was because Tennessee had ratified the Fourteenth Amendment on July 7, 1866.

The "Act" further disenfranchised practically all white voters and provided that no Senator or Congressman from the occupied States could be seated in Congress until a new Constitution was adopted by each State which would be approved by Congress. The "Act" further provided that each of the 10 States was required to ratify the proposed Fourteenth Amendment and the Fourteenth Amendment must become a part of the Constitution of the United States before the military occupancy would cease and the States be allowed to have seats in Congress.

By the time the Reconstruction Act had been declared to be the law; three more States had ratified the proposed Fourteenth Amendment and two States, Louisiana and Delaware, had rejected it. Maryland then withdrew its prior ratification and rejected the proposed Fourteenth Amendment. Ohio followed suit and withdrew its prior ratification, as also did New Jersey and California, (which earlier had voted not to pass upon the proposal), now voted to reject the Amendment. Thus 16 of the 37 States had rejected the proposed Amendment.

By spurious, non-representative governments; seven of the southern States, (which had heretofore rejected the proposed Amendment under the duress of military occupation and of being denied representation in Congress), did attempt to ratify the proposed Fourteenth Amendment. The Secretary of State, (of July 20, 1868), issued his Proclamation wherein he stated that it was his duty under the law to cause Amendments to be published and certified as a part of the Constitution when he received official notice that they had been adopted pursuant to the Constitution. Thereafter his certificate contained the following language:

And whereas neither the Act just quoted from, nor any other law, expressly or by conclusive implication., authorizes the Secretary of State to determine and decide doubtful questions as to the authenticity of the organization of State legislatures, or as to the power of any State legislature to recall a previous act or resolution of ratification of any amendment proposed to the Constitution;

And whereas it appears from official documents on file in this Department that the amendment to the Constitution of the United States, proposed as aforesaid, has been ratified by the legislatures of the States of [naming 23, including New Jersey, Ohio, and Oregon];

And whereas it further appears from documents on file in this Department that the amendment to the Constitution of the United States, proposed as aforesaid, has also been ratified by newly constituted and newly established bodies avowing themselves to be and acting as the legislatures, respectively, of the States of Arkansas, Florida, North Carolina, Louisiana, South Carolina, and Alabama;

And whereas it further appears from official documents on file in this Department that the legislatures of two of the States first above enumerated, to wit, Ohio and New Jersey, have since passed resolutions respectively withdrawing the consent of each of said States to the aforesaid amendment; and whereas it is deemed a matter of doubt and uncertainty whether such resolutions are not irregular, invalid, and therefore ineffectual for withdrawing the consent of the said two States, or of either of them, to the aforesaid amendment;

And whereas the whole number of States in the United States is thirty-seven, to wit: [naming them];

And whereas the twenty-three States first hereinbefore named, whose legislatures have ratified the said proposed amendment, and the six States next there after named, as having ratified the said proposed amendment by newly constituted and established legislative bodies, together constitute three fourths of the whole number of States in the United States;

Now, therefore, be it known that I, WILLIAM H. SEWARD, Secretary of State of the United States, by virtue and in pursuant of the second section of the act of Congress, approved the twentieth of April, eighteen hundred and eighteen, hereinbefore cited, do hereby certify that if the resolutions of the legislatures of Ohio and New Jersey ratifying the aforesaid amendment are to be deemed as remaining of full force and effect, notwithstanding the subsequent resolutions of the legislatures of those States, which purport to withdraw the consent of said States from such ratification, then the aforesaid amendment had been ratified in the manner hereinbefore mentioned, and so has become valid, to all intents and purposes, as a part of the Constitution of the United States." * * *6

Congress was not satisfied with the Proclamation as issued and on the next day passed a Concurrent Resolution wherein it was resolved:

That said Fourteenth Article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State. - Resolution set forth in Proclamation of Secretary of State, (15 Stat. 709 [1868]). - See also U.S.C.A., Amends. 1 to 5, Constitution, p. 11.

Thereupon; William H. Seward, the Secretary of State (after setting forth the Concurrent Resolution of both Houses of Congress) then certified that the Amendment:

Has become valid to all intents and purposes as a part of the Constitution of the United States. 7

The Constitution of the United States is silent as to who should decide whether a proposed Amendment has or has not been passed according to formal provisions of Article V of the Constitution. The Supreme Court of the United States is the ultimate authority on the meaning of the Constitution and has never hesitated in a proper case to declare an "Act" of Congress "unconstitutional" - except when the "Act"' purported to amend the Constitution.

In the case of Leser v. Garnett,8 the question was before the Supreme Court as to whether or not the Nineteenth Amendment had been ratified pursuant to the Constitution. In the last paragraph of the decision the Supreme Court said:

As the legislatures of Tennessee and of West Virginia had power to adopt the resolutions of ratification, official notice to the Secretary, duly authenticated, that they had done so, was conclusive upon him, and, being certified to by his proclamation, is conclusive upon the courts.

The duty of the Secretary of State was ministerial, to wit, to count and determine when three fourths of the States had ratified the proposed Amendment. He could not determine that a State, once having rejected a proposed Amendment, could thereafter approve it; nor could he determine that a State, once having ratified that proposal, could thereafter reject it. The Supreme Court, and not Congress, should determine whether the Amendment process be final or would not be final, whether the first vote was for ratification or rejection.

In order to have 27 States ratify the Fourteenth Amendment, it was necessary to count those States which had first rejected and then under the duress of military occupation had ratified, and then also to count those States which initially ratified but subsequently rejected the proposal.

To leave such dishonest counting to a fractional part of Congress is dangerous in the extreme. What is to prevent any political party having control of both Houses of Congress from refusing to seat the opposition and then passing a Joint Resolution to the effect that the Constitution is amended and that it is the duty of the Administrator of the General Services Administration [now the Archivist of the United States] to proclaim the adoption? Would the Supreme Court of the United States still say the problem was political and refuse to determine whether constitutional standards had been met? [Yes - Epperly et. al. v. United States /9].

How can it be conceived in the minds of anyone that a combination of powerful States can by force of arms deny another State a right to have representation in Congress until it has ratified an Amendment which its people oppose? [And by what authority does any State (or combination thereof) claim to declare a sister State to have an invalid government?] The Fourteenth Amendment was adopted by means almost as bad as that suggested above.

For a more detailed account of how the Fourteenth Amendment was forced upon the Nation, see Articles in 11 S.C.L.Q. 484 and 28 Tul.L.Rev. 22.

The Reconstruction Acts
Introduction

The Fourteenth Amendment to the Constitution for the United States was questioned before the Courts of the United States in the case of Gordon Epperly et. al. v. United States /10 wherein each of those Courts ruled within un-published Opinions/Judgments that the questions raised were "political questions" to the Courts (citing Coleman v. Miller11 and United States v. Stahl 12).

Prior to 1939, the Supreme Court for the United States had taken cognizance of a number of diverse objections to the validity of specific amendments. Apart from holding that official notice of ratification by the several States was conclusive upon the courts,13 it had treated these questions as justiciable, although it had uniformly rejected them on the merits. In that year, however, the whole subject was thrown into confusion by the inconclusive decision of Coleman v. Miller.14 This case came up on a writ of certiorari to the Supreme Court of Kansas to review the denial of a writ of mandamus to compel the Secretary of the Kansas Senate to erase an endorsement on a Resolution ratifying the proposed child labor Amendment to the Constitution of the effect that it had been adopted by the Kansas Senate.

Four opinions were written in the U.S. Supreme Court, no one of which commanded the support of more than four members of the Court. The majority ruled that the Plaintiffs, members of the Kansas State Senate, had a sufficient interest in the controversy to give the federal courts jurisdiction to review the case. Without agreement with regard to the grounds for their decision, a different majority affirmed the judgment of the Kansas court denying the relief sought. Four members who concurred in the result had voted to dismiss the writ

on the ground that the amending process "is ‘political' in its entirety, from submission until an amendment becomes part of the Constitution, and is not subject to judicial guidance, control or interference at any point."15 In an opinion reported as "the opinion of the Court," but in which it appears that only two Justices joined Chief Justice Hughs who wrote it, it was declared that the writ of mandamus was properly denied, because the question whether a reasonable time had elapsed since submission of the proposal was a nonjusticiable political question, the kinds of considerations entering into deciding being fit for Congress to evaluate, and the question of the effect of a previous rejection upon a ratification was similarly nonjusticiable, because the 1868 Fourteenth Amendment precedent of congressional determination "has been accepted."16 But with respect to the contention that the lieutenant governor should not have been permitted to cast the deciding vote in favor of ratification, the Court found itself evenly divided, thus accepting the judgment of the Kansas Supreme Court that the state officer had acted validly.17 However, the unexplained decision by Chief Justice Hughes and his two concurring Justices that the issue of the lieutenant' governor's vote was justiciable indicates at the least that their position was in disagreement with the view of the other four Justices in the majority that all questions surrounding Constitutional Amendments are nonjusticiable.18

However, Coleman does stand as authority for the proposition that at least some decisions with respect to the proposal and ratification of Constitutional Amendments are exclusively within the purview of Congress or the States, either because they are textually committed or because the Courts lack adequate criteria of determination to pass on them.19 But to what extent the political question doctrine encompasses the amendment process and what the standards may be to resolve that particular issue remain elusive of answers.

We can conclude from the cases of Epperly et. al. v. United States (supra.) that the United States Supreme Court has made a determination that any constitutional questions regarding the amending of the U.S. Constitution are "political questions" for the Congress or the States to address.

Historical Background

The historical facts relating to the ratification of the Fourteenth Amendment have been addressed by the Supreme Court for the State of Utah in the case of Dyett v. Turner; (supra.)20 State v. Phillips;21 and the legal brief of Judge Lander H. Perez of Louisiana as published in the Congressional Record.22

It should be noted that the U.S. Supreme Court declared within the case of State of Texas v. White,23 that a State cannot secede from the Union after being admitted into the Union. The Supreme Court further ruled that the southern States were States of the Union before the Civil War, the southern States were States of the Union during the Civil War and the southern States were States of the Union after the Civil War.

Your attention is also called that at the time the Civil War was declared to be at an end, the southern States were operating under proper civil governments when the present day Thirteenth Amendment was submitted to those States for ratification.24

The Problem

For the purpose of discussion, we will concentrate on the House Joint Resolution that proposed the Fourteenth Amendment, the Reconstruction Acts of 1867 and the Proclamations of Ratification by Secretary of State, William H. Seward.

Note:

In regard to the Fourteenth Amendment; the Record of the "Congressional Globe" refers to the "Joint Resolution" proposing the Amendment as being H.J.R. 127. The copy of the "Joint Resolution" that was submitted to the States for Ratification was referred to as H.J.R. 48. Hereinafter, we will refer to the "Joint Resolution" as H.J.R. 48.

First:

Pretermitting the ineffectiveness of "H.J.R. 48;" seventeen (17) States (four (4) votes are questionable) out of the then thirty-seven (37) States of the Union seventeen (17) States rejected the proposed Fourteenth Amendment between the date of its submission to the States by the Secretary of State on June 16, 1866 and March 24, 1868 thereby further nullifying said Resolution and making it impossible for its ratification by the constitutionally required three-fourths of such States as shown by the rejections thereof by the legislatures of the following States:

Texas rejected the Fourteenth Amendment on October 27, 1866 (House Journal 1866, pgs. 577-584 - Senate Journal 1866, p. 471.).

Georgia rejected the Fourteenth Amendment on November 9, 1866 (House Journal 1866, pgs. 61-69 - Senate Journal 1866, pgs. 65-72.).

Florida rejected the Fourteenth Amendment on December 6, 1866 (House Journal 1866, pgs. 75-80, 138, 144, 149-150 - Senate Journal 1866, pgs. 101-103, 111, 114, 133.).

Alabama rejected the Fourteenth Amendment on December 7, 1866 (House Journal 1866. pgs. 208-213 - Senate Journal 1866, pgs. 182-183.).

North Carolina rejected the Fourteenth Amendment on December 14, 1866 (House Journal 1866 - 1867. pgs. 182-185 - Senate Journal 1866-67, pgs. 91-139).

Arkansas rejected the Fourteenth Amendment on December 17, 1866 (House Journal 1866, pp. 288-291 - Senate Journal 1866, p. 262.).

South Carolina rejected the Fourteenth Amendment on December 20, 1866 (House Journal 1866, p. 284 - Senate Journal 1866, p. 230.).

Kentucky rejected the Fourteenth Amendment on January 8, 1867 (House Journal 1867, pgs. 60-65 - Senate Journal 1867, pgs. 62-65.).

Virginia rejected the Fourteenth Amendment on January 9, 1867 (House Journal 1866-67, p. 108 - Senate Journal 1866-67, pgs. 101-103.).

Louisiana rejected the Fourteenth Amendment on February 9, 1867 (Joint Resolution as recorded on page 9 of the Acts of the General Assembly, Second Session, January 28, 1867) (McPherson, "Reconstruction," p. 194; "Annual Encyclopedia," p. 452.).

Delaware rejected the Fourteenth Amendment on February 7, 1867 (House Journal 1867, pgs. 223-226 - Senate Journal 1867, pgs. 169, 175 176, 208.).

Maryland rejected the Fourteenth Amendment on March 23, 1867 (House Journal 1867, pgs. 1139-1141 - Senate Journal 1867, p. 808.).

Mississippi rejected the Fourteenth Amendment on January 31, 1867 (Laws of Mississippi, 1866-1877, p. 734; House Journal 1867, pgs. 201-202 - Senate Journal 1866, p 195-196) (McPherson, "Reconstruction," p. 194.).

Ohio rescinded its Fourteenth Amendment ratification vote on January 15, 1868 (House Journal 1868, pgs. 44-51 - Senate Journal 1868, pgs. 33-39.).

New Jersey rescinded its Fourteenth Amendment ratification vote on March 24, 1868 (Minutes of the Assembly 1868, p. 743 - Senate Journal 1868, p. 356.).

California on March 3rd, 1868, the Assembly, with the Senate concurring, rejected the Fourteenth Amendment (Journal of the Assembly 1867-68, p. 601).

Oregon rejected the Fourteenth Amendment by the Senate on October 6, 1868 and by the House on October 15, 1868 proclaiming the legislature that ratified the Amendment to have been a "defacto" legislature (U.S. House of Representatives, 40th Congress, 3rd session, Mis. Doc. No 12).

There is no question that all of the southern States [which rejected the Fourteenth Amendment] had legal constituted governments; were fully recognized by the federal government and were functioning as member States of the Union at the time of their rejection.

Where a proposed Amendment to the Federal Constitution has been rejected by more than one-forth of the States, and rejections have been duly certified, a State which has rejected the proposed Amendment may not change its position, even if it might change its position while the Amendment is still before the people.25

Second:

Several "Reconstruction Acts" were passed by Congress after the Civil War was proclaimed by the President of the United States to be at an end.26 The "Reconstruction Acts" that will be addressed are those that were enacted on March 2, 1867,27 June 25, 1868,28 July 19, 1867,29 March 30, 1870.30 It is obvious that these "Reconstruction Acts" were enacted into law over the veto of the President for the purpose of coercing the southern States into rescinding their vote of rejection of the ratification of the Fourteenth Amendment:

Reconstruction Act of March 2, 1867:31

... and when said State, by a vote of its legislature elected under said constitution (state) , shall have adopted the amendment to the Constitution of the United States, proposed by the Thirty-ninth Congress, and known as article fourteen, and when said article shall have become a part of the Constitution of the United States, said State shall be declared entitled to representation in Congress, . . .

The Act of June 25, 186832 to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida, to representation in Congress at Section 1:

"That each of the States of (naming them) shall entitled and admitted to representation in Congress as a State of the Union when the legislature of such State shall have duly ratified the amendment to the Constitution of the United States proposed by the Thirty-ninth Congress, and known as the article fourteen, . . ."

The Act of March 30, 187033 admitting the State of Texas to Representation in the Congress of the United States [Preamble]:

Whereas the people of Texas has framed and adopted a constitution of State government which is republican; and whereas the legislature of Texas elected under said constitution has ratified the fourteenth and fifteenth amendments to the Constitution of the United States; and whereas the performance of these several acts in good faith is a condition precedent to the representation of the State in Congress: . . .

From these three Acts of Congress, the questions must be asked: "By what authority did the Congress rely upon to compel a State to reverse its negative ratification vote?" And: "By what authority did the Congress rely upon to compel a State to ratify an Amendment to the Constitution for the United States?"

Third:

The Thirty-ninth Congress declared at Section 1 of the Reconstruction Act of March 2, 186734 that:

. . . That said rebel States shall be divided into military districts and made subject to the military authority of the United States . . .

and at Section 6 of the same Act:

. . . any civil governments which may exist therein shall be deemed provisional only, and in all respects subject to the paramount authority of the United States . . .

and at Section 10 of the Reconstruction Act of July 19, 1867:35

That the commander of any district named in said act (March 2, 1867) shall have power . . . to suspend or remove from office, or from the performance of official duties and the exercise of official powers, any officer or person holding or exercising, or professing to hold or exercise, any civil or military office or duty in such district under any power, election, appointment or authority derived from, or granted by, or claimed under, any so-called State or the government thereof, or any municipal or other division thereof . . .

and at Section 10 of that Act:

That no district commander . . . or any of the officers or appointees acting under them, shall be bound in his action by any opinion of any civil officer of the United States.

The above Sections of the Reconstruction Acts of March 2, 1867 and July 19, 1867 makes it very clear that the southern States were under military law and were without republican form of governments. The question must be asked: "By what authority did the Thirty-ninth Congress rely upon to impose military law upon those southern States after those States were declared by "Presidential Proclamation" of June 30, 1865 and "Presidential Proclamation" of August 20, 1866 that the insurrection was at an end, and that peace, order, tranquillity and civil authority existed in and throughout the whole of the United States of America?" Keep in mind that the military was originally sent into those States by "Presidential Proclamation" to suppress rebellion within those States, not by any Act of Congress.

Fourth:

As Section 1 of the Reconstruction Act of March 2, 1867,36 declares that the southern States had no legal governments:

Whereas no legal State governments or adequate protection for life or property now exists in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; . . .

the question must be asked: "When did the southern States have legal governments?" The Congress answered the question within: - "An Act to provide for the more efficient Government of the Rebel States"37 and within the: - "Act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida, to Representation in Congress"38 and within the: - "Act to admit the State of Texas to Representation in the Congress of the United States"39 wherein the Congress declared that the southern States were not to be recognized as "States" with lawful civil governments until said States ratified the Fourteenth Amendment. By the mouth of Congress; the purported votes cast for the ratification of the Fourteenth Amendment under the Reconstruction Acts were cast by unlawful governments of those southern States [military districts].

Fifth:

If the southern States had no legal governments, as declared by Congress; additional questions must be asked:

Why did the Congress submit the Resolution proposing the Thirteenth Amendment to the United States Constitution to the southern States for ratification?

Why did the Congress accept the southern States "ratification votes" on the Thirteenth Amendment?

Why did the Congress submit the Resolution proposing the Fourteenth Amendment to the southern States for ratification?

As both Houses of Congress passed Resolutions40 declaring that the Civil War was not waged in the spirit of oppression nor for purpose of overthrowing or INTERFERING WITH THE RIGHTS OF ESTABLISHED INSTITUTIONS OF THOSE STATES, why did Congress wait until those southern States cast a "negative" ratification vote on the Fourteenth Amendment before declaring the civil governments of those States as being unlawful?

Did the southern States have lawful governments before the enactment of the "Reconstruction Acts?"

When a freely associated compact State of the united States of America is declared to have an unlawful civil government by Congress and is placed under "Military Law" - is that State a "State" as that term is used in U.S. Const., V:1:1?

When a freely associated compact State of the united States of America is placed under "Military Law" by the Congress - do those States have a Republican form of government as they are to be guaranteed under U.S. Const., IV:4:1?

Does Congress have the authority to substitute the Republican form of government of a freely associated compact State of the united States of America with another form of government for the purpose of compelling ratification of an Amendment to the Constitution for the United States?

If Congress has the "textually demonstrable commitment" and thus has the exclusive and plenary powers to declare the southern States to have unlawful civil governments - why did Congress find the need to submit the "Reconstruction Acts" to the President of the United States for his signature, a procedure that is governed by U.S. Const., I:7:2?

Sixth:

With the United States Supreme Court's Dred Scott v. Sanford,41 ruling that a Negro had no rights under the Constitution for the United States to either obtain rights of citizenship or rights of suffrage; the "Reconstruction Acts" of 1867 fails on the following grounds:

The "Reconstruction Acts" granted the Negroes of the southern States the rights of holding public office of Legislator and thus the U.S. Congress granted the Negro population the status of "citizen" BEFORE the Fourteenth Amendment was proclaimed to be an Amendment to the United States Constitution.42

The "Reconstruction Acts" granted the Negroes of the southern States the rights of "suffrage" BEFORE the Fifteenth Amendment was proclaimed to be an Amendment to the United States Constitution.43

[The Fifteenth Amendment is a formal declaration by the Congress of the United States that the suffrage provisions within the Reconstruction Acts of 1867 are unconstitutional].

Seventh:

The "Reconstruction Acts" also fails on the following grounds:

The Congress of the United States granted authority to "Military Districts" of the United States to ratify Amendments to the United States Constitution in violation of U.S. Const., Article V.44

Denied the southern States representation in Congress in violation of Paragraph Two of Article V of the Articles of Confederation.45

Denied the people of the southern States the privilege of holding an "Office of Trust" if they were excluded under the provisions of the Fourteenth Amendment BEFORE the Fourteenth Amendment was proclaimed to be an Amendment to the United States Constitution.46

Denied the people of the southern States the rights of "suffrage" unless they were qualified under the Third Article of the Fourteenth Amendment BEFORE the Fourteenth Amendment was proclaimed to be an Amendment to the United States Constitution.47

The "Reconstruction Acts" fails as Congress had no Constitutional authority to create governments within a freely associated compact State of the united States of America that consisted of "Aliens."48

Eighth:

William H. Seward, as Secretary of State, expressed doubt as to whether three-fourths of the required States had ratified the Fourteenth Amendment (as shown by his Proclamation of July 20, 1868. /49) Promptly; on July 21, 1868, a Concurrent Resolution /50 was adopted by the Senate and House of Representatives declaring that three-fourths of the several States of the Union had ratified the Fourteenth Amendment. That Concurrent Resolution; however, was not submitted to the President of the United States for his approval as required by U.S. Const., I:7:3 and it included purported ratifications by the unlawful puppet legislatures of five (5) States (Arkansas, North Carolina, Louisiana, South Carolina, and Alabama) which had previously rejected the Fourteenth Amendment.51

This Concurrent Resolution assumed to perform the function of the Secretary of State in whom Congress (by Act of April 20, 1818) had vested the function of issuing such Proclamation declaring the ratification of Constitutional Amendments.

The Secretary of State bowed to the action of Congress and issued his Proclamation on July 28, 186852 in which he stated that he was acting under the mandate of the Congressional Act of July 21, 1868:

Now, therefore, be it known that I, William H. Seward, Secretary of State of the United States, in execution of the aforesaid act, (April 20, 1818) and of the afore-said concurrent resolution of the 21st of July, 1868, and in conformance thereto, do hereby direct the said proposed amendment (Fourteenth Amendment) to the Constitution of the United States to be published in the newspapers authorized to promulgate the laws of the United States, and I do hereby certify that the said proposed amendment has been adopted in the manner hereinbefore mentioned by the States specified in the said concurrent resolution, namely [naming them]; the States thus specified being more than three fourths of the States of the United States. . . .

In regard to the Concurrent Resolution of July 21, 1868 - By what authority did the Congress rely upon to make a determination as to what States ratified the Fourteenth Amendment?

As the power to ratify Amendments to the Constitution for the United States is with the several States of the Union, by what authority did the Secretary of State, William H. Seward, rely upon to declare that the Concurrent Resolution of July 21, 1868 was an "Official Notice" of ratification?

In regard to the Concurrent Resolution of July 21, 1868 - By what authority did the Congress rely upon to perform the function of the Secretary of State in whom Congress (by Act of April 20, 1818) had vested the function of issuing Proclamations declaring the ratification of Constitutional Amendments?

In regard to the Concurrent Resolution of July 21, 1868 - By what authority did the Congress rely upon to declare that the Secretary of State shall issue forth the Proclamation of Ratification of July 28, 186853 when the Concurrent Resolution of July 21, 1868 was never submitted to the President of the United States for his approbation as required by the U.S. Constitution?

Within the Proclamation of Ratification of July 20, 186854 - U.S. Secretary of State, William H. Seward, expressed reservations as to the legitimacy of the governments of those southern States that were under the military government of the United States and what were his responsibilities in making legal determinations regarding the ratification votes of those States. The question must be asked: "Who has the authority to make legal determinations regarding the ratification of Amendments to the Constitution for the United States?"

The questions presented needs to be answered and without answers, the declared ratification of the Fourteenth Amendment must be found "ultra vires" and void "ab initio."

The federal Courts of Coleman v. United States,55 United States v. Stahl56 and Epperly et.al. v. United States57 have declared that all issues pertaining to amending of the U.S. Constitution are "political questions" for Congress or the States to address. As the Congress of the United States of America on several occasions over the past 100 years -refused- to address the questions presented, the Congress has taken the position that under Article V58 of the Constitution for the United States of America and Article X59 of the Bill of Rights, the legislatures of the States have the "textually demonstrable constitutional commitment of the issues." It is THE PEOPLE IN A CONSTITUTIONAL CONVENTION OR THE LEGISLATURES OF THE SEVERAL STATES THAT HAVE THE AUTHORITY TO DETERMINE IF AN AMENDMENT HAS BEEN ADOPTED IN ACCORDANCE TO THE PROVISIONS OF THE CONSTITUTION.

United States Constitution
The
Fourteenth Amendment
[FICTION OR FACT]

The validity, or should we say invalidity, of the Civil War Amendments is very important to reinstating the inalienable rights of free white Citizens in the United States of America. At every juncture where the government of the United States of America and/or the governments of the several States attempt to usurp inalienable rights, the Civil War Amendments are ultimately claimed to be the authority for such deprivations of rights.

To determine whether the Fourteenth Amendment is fiction or fact, we will proceed to dissect each Section of the Fourteenth Amendment, sentence by sentence. Please remember that the following Authorities reflects the understanding of the Founding Fathers at the time the Constitution for the United States was adopted, and although they may not be "politically" correct today, the Authorities represents the law at the time the Fourteenth Amendment was (purportedly) adopted.

FOURTEENTH AMENDMENT - SECTION ONE

We begin with Section 1 of the Fourteenth Amendment which reads:

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. 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.

Fourteenth Amendment, Section 1, United States Constitution

The first sentence of Section One provides:

All persons born or naturalized in the United States, ... - Fourteenth Amendment, Section One

Notice there is no relation to race and there is no definition of person, other than the "p" in person is not capitalized, indicating the word would not mean a "Natural Person," but a "juristic person" or "artificial person." As the courts have said, the "due process" and "equal protection" Clauses of the Fourteenth Amendment apply to Corporations which are juristic (artificial) persons.

Compare this with Article II, Section 1, Clause 4 of the Constitution for the United States of America:

No Person except a natural born Citizen, ...

Notice the "N" in "no", the "P" in "Person" and the "C" in "Citizen." All of the capitalization is on the object to be distinguished as to who is a Natural Person. This is further clarified in Amy v. Smith:60

Free negroes and mulattoes are, almost everywhere, considered and treated as a degraded race of people; insomuch so, that, under the constitution and laws of the United States, they can not become citizens of the United States. - Amy v. Smith, 1 Litt. Ky. R. 334.

In light of this, no person would be considered as a United States Citizen or a citizen of the United States; as the Constitution was framed to incorporate the common law, in opposition to international law.

common law - one race governs;

international law - all races govern.

The capitalization of the words "Person" and "Citizen" could mean only one thing, the denoting of only those of one race in compliance with the common law.

The American colonies brought with them the common, and not the civil law; and each state at the revolution, adopted either more or less of it, and not one of them exploded the principle, that place of birth conferred citizenship. - Amy v. Smith, 1 Litt. Ky. R. 337-38.

Under the common-law (and under American Constitutions), "Citizenship" was dependent upon right of inheritance which can only be passed by lineage (race). This is in accord with the Preamble (Constitution for the United States of America), which states that the Constitution was adopted for the protection of "We The People" and "their posterity," - posterity - being a racial term.

The "p" in "persons" of the Fourteenth Amendment is not referring to those referred to in Article IV, Section 2, Constitution for the United States of America.

... and subject to the jurisdiction thereof, ...

Notice the word: "subject." Those that were not of the white race (when the Fourteenth Amendment was proposed) were natural born "subjects."

Blacks, whether born or in bondage, if born under the jurisdiction and allegiance of the United States, are natives, and not aliens. They are what the common law terms natural-born subjects ... The better opinion, I should think, was, that Negroes or other slaves, born within and under the allegiance of the United States, are natural-born subjects, but not citizens. Citizens, under our constitution and laws, mean free inhabitants, born within the United States, or naturalized under the law of Congress ...Commentaries of American Law, James Kent, 7th Ed., Vol. II, at 275-78.

Thus, we find the meaning and application of the terms: "subject to the jurisdiction."

A United States "Citizen" (that is a common-law Citizen in one of the several States at the adoption of the Constitution for the United States of America) was considered "within" the jurisdiction of the United States. "Citizens" were never subject to the jurisdiction of the United States. Instead, the United States was subject to the jurisdiction of the Citizen, that is, under the common law. [See the tenth Article in Amendment, Constitution for the United States of America].

According to the common law principle (upon which our Constitution was founded), only the race (family) of people forming the sovereignty to adopt the Constitution (We the People) are considered "Citizens." All others born inside the Country and owing allegiance to "We the People" are natural born "Subjects." Under principles of International Law, that is, inter-racial law (See definition in Webster's Dictionary, [1828]), these "Subjects" (who, by special privilege, are licensed to become something or do something normally illegal under the common-law), are said to be "citizens" and "persons."

But in considering the question before us, it must be borne in mind that there is no law of nations standing between the people of the United States and their Government, and interfering with their relation to each other. The powers of the government, and the rights of the citizens under it, are positive and practical regulations plainly written down. The people of the United States have delegated to it certain enumerated powers, and forbidden it to exercise others. - Dred Scott v. Sandford, (1856-1857) 19 How. (60 U.S.) 393, 452, 15 L.Ed. 691.

It is clear that the Fourteenth Amendment could not be referring to the "Citizens" that are known of the white race, but must be referring to those artificial "citizens" of the non-white races

... are citizens of the United States and of the State wherein they reside ... - Fourteenth Amendment, Section 1.

This sentence is interesting, as it not only declares that these "persons" (small "p") are "citizens" (small "c") of the United States, but also of the State they choose to reside in:

No white person born within the limits of the United States, ... or born without those limits, and subsequently naturalized under their laws, owes the status of citizenship to the recent Amendments to the Federal Constitution. - Van Valkenburg v. Brown, (1872) 43 Cal 43, 47.

Prior to the adoption of this amendment, strictly speaking, there were no citizens of the United States, but only some one of them. Congress had the power 'to establish an uniform rule of naturalization,' but not the power to make a naturalized alien a citizen of any state. But the states generally provided that such persons might, on

sufficient residence therein, become citizens thereof, and then the courts held, ab convenienti, rather than otherwise, that they became ipso facto citizens of the United States. - Sharon v. Hill, (1885) 26 F 337, 343.

Notice the words: "some one of them." This refers to citizenship of "some one" of the States. The national government had no power to make citizens of its own and force them upon the States. The States could make anyone they chose to be a citizen of their State, but only those of the white race could be recognized as national citizens under the Preamble to the Constitution for the United States of America and be treated as "Citizens" in any State they entered.

Thus, only white State citizens held the privileges and immunities known to Article IV, Section 2, among the several States, and no State could confer that Constitutional protection on any other race. In consequence thereof, the "also" could not authorize a "non-white" to be an "Officer" of the United States government. These elements were what was referred to as "national citizenship" (prior to the Fourteenth Amendment) to avoid one State (or the States collectively at the national level) from interfering in another State's sovereignty, or the sovereignty "We the People".

The Fourteenth Amendment attempts to reverse this natural common-law order of things by making State citizenship dependent upon national citizenship.

... By the original constitution, citizenship in the United States was a consequence of citizenship in a state. By this clause [Am 14, Sec 1] this order of things is reversed. Citizenship in the United States is defined; it is made independent of citizenship in a state, and citizenship in a state is a result of citizenship in the United States. So that a person born or naturalized in the United States, and subject to its jurisdiction, is, without reference to state constitutions or laws, entitled to all privileges and immunities secured by the Constitution of the United States to citizens thereof. - U.S. v. Hall, (1871) 26 Fed. Case 79, 81.

Prior to the adoption of this amendment, strictly speaking, there were no citizens of the United States, but only some one of them. Congress had the power "to establish an uniform rule of naturalization," but not the power to make a naturalized alien a citizen of any state. But the states generally provided that such persons might, on sufficient residence therein, become citizens thereof, and then the courts held, ab convenienti, rather than otherwise, that they became ipso facto citizens of the United States. - Sharon v. Hill, (1885) 26 F 337, 343.

Notice the words "ab convenienti," which means after the event. This means after the Constitutional Convention. And the words "ipso facto," which interprets as after the sovereignty was established, (composed only of members of the white race [family]).

The choice of words here is interesting, as they did not use the words: "nunc pro tunc," which means to do what should have been done in the beginning. In other words, they are not saying they made a mistake by not including other races when the Constitution was framed. They are only claiming to changed the order of things, regardless of the correctness of the original circumstance.

This Section of the Fourteenth Amendment totally dissolves the State's (people of the State) right to declare its own sovereign body. It is in violation of "State Sovereignty" and completely violates Article IV, Sections 2 and 4, and the Ninth and Tenth Articles in Amendment.

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

A person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall, on demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due. - Constitution for the United States of America, Article IV, Section 2.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people. - Ninth Article in Amendment to the Constitution for the United States of America.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. - Tenth Article in Amendment to the Constitution for the United States of America.

To understand that not only Article IV, but all other Articles (I through VII) were written only for the government of and for the white race (thereby barring those not of the white race from coming under their protection), you are referred to the case of Crandall v. Connecticut:61

The first Congress after the constitution was adopted, was composed of many of those distinguished patriots, who framed the constitution, and from that circumstance would be supposed to know what its spirit was. Some of the earliest work they performed for the country, was to establish by law a uniform rule of naturalization. The first law was by Congress in 1790, and in its precise and technical language is used: 'Any alien, being a free white person, may become a citizen, by complying with the requirements hereinafter named.' In the year 1795, a further regulation was made by law, when the same language was used: 'Any free white person may become a citizen,' &c. In 1798-1802-1813, and 1824, similar laws were passed, on the same subject, and in each of those laws, the same technical language is used. These laws were carrying into effect the constitution itself; and if the constitution in any part of it embraced coloured persons as citizens, then Congress mistook its duty, and early departed from its provisions. Congress have also marked this distinction of colour in the post-office laws 'No person of colour can be engaged in the post-office, or in the transportation of mail.' This is a right open to all but persons of colour. - Crandall v. Connecticut, (1834) 10 Conn 358.

To my mind, it would be a perversion of terms, and the well known rule of construction, to say, that slaves, free blacks, or Indians, were citizens, within the meaning of that term, as used in the constitution. God forbid that I should add to the degradation of this race of men; but I am bound, by my duty, to say, they are not citizens. I have thus shown you that this law is not contrary to the 2d section of the 4th art. of the constitution of the United States; for that embraces only citizens. - Ibid, at 347.

Note the word "citizen" as it used in Crandall. For the definition of the word "citizen", we refer you to Bouvier's Law Dictionary, 8th Ed., (1859):

CITIZEN, persons. 3. All natives are not citizens of the United States; the descendants of the aborigines, and those of African origin, are not entitled to the rights of citizens. Anterior to the adoption of the constitution of the United States, each State had the right to make citizens of such persons as it pleased. That constitution does not authorize any but white persons to become citizens of the United States; and it must therefore be presumed that no one is a citizen who is not white. - Bouvier's Law Dictionary, 8th Ed. (1859), Title "Citizen," p. 231.

CITIZEN, persons. 2. Citizens are either native born or naturalized. Native citizens may fill any office; naturalized citizens may be elected or appointed to any office under the constitution of the United States, except the office of president and vice-president. The constitution provides, that 'the citizens of each State shall be entitled to all the privileges and immunities of citizens in the several states.' - Ibid, at p. 231.

This leaves no doubt who (under the organic law of this Nation) are solely defined as "Citizens" (Persons), or what race is the sovereign body. No one else is included. The Fourteenth Amendment is an attempt to unseat the

organic law and we should question any and all government Officials who would condone this type of deception.

Notice in government reprints of the Constitution for the United States of America, Article I, Section 2, Clause 3:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. - Constitution for the United States of America, Article I, Section 2, Clause 3.

Upon checking the Constitution for the Confederate States of America, the people of the Confederacy (who knew and understood the organic law of this Nation) re-worded the Preamble and Article I, Section 2, Clause 3, as follows:

We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity -- invoking the favor and guidance of Almighty God – do ordain and establish this Constitution for the Confederate States of America. - Preamble to the Constitution for the Confederate States of America.

Representatives and direct taxes shall be apportioned among the several States, which may be included within this Confederacy, according to their respective numbers, which shall be determined, by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all slaves. - Constitution for the Confederate States of America, Article I, Section 2, Clause 3.

Notice "We, the people" and "to ourselves and our posterity" were preserved. Also, notice the substitution of the word: "Persons" for that of the word: "slaves."

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; ... - Fourteenth Amendment, Section 1.

This sentence of the Fourteenth Amendment, Section 1, makes all State Constitutions which set their sovereign body as the white race only (such as Oregon's Constitution) null and void.

In all elections not otherwise provided for by this constitution, every white male citizen of the United States, ... - Oregon Constitution, (1859) Article II, Section 2.

and others, such as:

The electors or members of the general assembly shall be free white male citizens of the State, ... - Georgia Constitution, (1865) Article V, Section 1.

Every free white man at the age of twenty-one years being a native or naturalized citizen of the United States,... - North Carolina Constitution, (1856) Article I, Section 3, Clause 2.

Every white male citizen of the commonwealth, resident therein, aged twenty-one years and upwards, being qualified to exercise the right of suffrage ... - Virginia Constitution, (1830) Article III, Section 14.

That every white male citizen of this State, above twenty-one years of age, and neither, having resided twelve months within the State, and six months in the county, ... - Maryland Constitution, (1810) Article 14.

All elections of governor, senators, and representatives shall be by ballot. And in such elections every white free man of the age of twenty-one years, ... - Delaware Constitution, (1792) Article IV, Section 1.

See Neal v. Delaware,62 as to nullification of State Constitutions under the Fourteenth Amendment.

All of these provisions of the Constitutions for the States are now "null and void" if the Fourteenth Amendment is considered as a valid Amendment to the Constitution for the United States of America (which it certainly is not). No State legislature could change the governing class which put the legislature into being and which class was set in their own State Constitution.

Here we must also note the difference between the Fourteenth Amendment's "privileges and immunities" Clause and the "privileges and immunities" Clause of Article IV, Section 2. (See Maxwell v. Dow,63).

... 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. - Fourteenth Amendment, Section 1.

Notice how close the wording of this sentence of the Fourteenth Amendment is to the wording of the fifth Article in Amendment:

... nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation. - Fifth Article in Amendment, Constitution for the United States of America.

Notice the Fourteenth Amendment deviates from the fifth Article in Amendment on the issue of compensation. The Fourteenth Amendment says, "equal protection," where the fifth Article in Amendment says, "nor shall private property be taken for public use, without just compensation."

The problem (it appears) in this change of wording is to give martial law properties to the fifth Article in Amendment, thereby converting the common-law remedial effect of the fifth Article in Amendment, to a martial law remedy. This could be why the courts use the word "purview" when referencing the Articles in Amendment (Articles One through Eight) in relation to the Fourteenth Amendment.

Purview. Enacting part of a statute, in contradistinction to the preamble. The part of a statute commencing with the words 'Be it enacted,' and continuing as far as the repealing clause; and hence, the design, contemplation, purpose, or scope of the act. - Black's Law Dictionary, 5th Ed. (1979).

It appears that when the Judges speak of any common-law remedy, principle, or maxim, as being within "purview" of the Fourteenth Amendment, they are converting a common-law remedy, principle, or maxim, to a martial law remedy, principle, or maxim of law. In such cases, the common law remedy, principle, or maxim is eliminated and, of course, the unalienable rights of the Citizen are also eliminated (in favor of martial law rule).

This conversion of the common law to properties of martial law nature is obvious. The Fourteenth Amendment (with military force to enforce it) allows all races to govern. A maxim which violates the common-law with the power (force) of martial law.
According to these principles, we must take another look at this portion of the Fourteenth Amendment. What is "due process" under the Fourteenth Amendment? Amazingly enough, "due process" is completely defined within the Amendment by the integral words that follow those very terms, "equal protection of the laws."

Nothing more than "equal protection of the law" is required to satisfy the Due Process Clause of the Fourteenth Amendment. Thus, equal tyranny and deprivation of common-law rights to all meets the equal protection principle. So, what protection is given? Answer: As much as the national government wishes to give, and no more. Congressional protection can be enlarged and contracted as much as Congress and Administrative

Agencies wish, provided only that these changes affect all equally. If everyone is chained to a post for their own protection, then they have "equal protection of the law" under the law martial.

To see the clear and inherent weakness of the "Due Process Clause" of the Fourteenth Amendment, we look below to find that the common-law principles clearly known to the Bill of Rights do not apply to the Fourteenth Amendment and "Due Process."

The right of trial by jury in civil cases, guaranteed by the Seventh Amendment (Walker v. Sauvinet, 92 US 90), and the right to bear arms guaranteed by the Second Amendment (Presser v. Illinois, 116 US 252), have been distinctly held not to be privileges and immunities of citizens of the United States guaranteed by the Fourteenth Amendment against abridgement by the States, and in effect the same decision was made in respect of the guarantee against prosecution, except by indictment by grand jury, contained in the Fifth Amendment (Hurtado v. California, 110 US 516), and in respect of the right to be confronted with witnesses, contained in the Sixth Amendment. (West v. Louisiana, 194 US 258). In Maxwell v. Dow, supra, where the plaintiff in error had been convicted in a state court of a felony upon information and by a jury of eight persons, it was held that the indictment, made indispensable by the Fifth Amendment, and the trial by jury guaranteed by the Sixth Amendment, were not privileges and immunities of citizens of the United States, as those words were used in the Fourteenth Amendment ... the decision rested upon the ground that this clause of the Fourteenth Amendment did not forbid the States to abridge the personal rights enumerated in the first eight Amendments, because these rights were not within the meaning of the clause 'privileges and immunities of citizens of the United States.' ... We conclude, therefore, that the exemption from compulsory self-incrimination is not a privilege or immunity of National citizenship guaranteed by this clause of the Fourteenth Amendment against abridgement by the States...

... it is possible that some of the personal rights safeguarded by the first eight Amendments against National action may also be safeguarded against State action, because a denial of them would be a denial of due process of law ... If this is so, it is not because those rights are enumerated in the first eight Amendments, but because they are of such a nature that they are included in the conception of due process of law. - Twining v. New Jersey, 211 U.S. 78, 98-99, 29 S.Ct. 14, 53 L.Ed. 97.

Therefore, any reference to Amendments One through Eight, (when applied to the State, or through purview of the Fourteenth Amendment in any way) replaces the common law thereof with martial law. This is pure theft of our God given common law birthright. The first Section of the Fourteenth Amendment's purpose is to:

1. Convert common-law Citizens to statutory citizens and statutory persons under martial law rule; and,

2. Convert common-law remedies, principles, and maxims in Articles One through Ten in Amendment to martial law remedies, principles, and maxims through the Fourteenth Amendment; and,

3. Convert common-law rights to ownership of property to martial law confiscation of property, in which a private citizen is not capable of protecting his property under the common-law; and,

4. Completely remove the common-law jurisdiction from the original people and their Posterity and convert them to Statutory Persons who can be brought within purview of the Fourteenth Amendment under national, international, martial law rule; and,

5. Completely destroy the restrictions on those not of the white race to enter our Nation and dislodge the people mentioned in the Preamble as the governing body of this white Nation; and,

6. Completely destroy the ability of the said people to govern by allowing those not of our race to hold elected Office, both State and National.

All this is done with the intention of breaking down State sovereignty by an increased power of the national side of the United States government with a corresponding loss of power for State sovereignty on the federal side of the United States. This leaves the existence of the United States government less dependent (or not dependent at all) upon the existence of the several States.

The Fourteenth Amendment set the stage for the destruction of "white rule" under Christian doctrine in the United States of America.

Ultimately, they will not succeed, as God has designated this land for the regathering of the twelve tribes of Israel to become a mighty Nation again, and so it will be as God has proclaimed.

FOURTEENTH AMENDMENT - SECTION TWO

The next Section of the Fourteenth Amendment reads:

Sec. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-president of the United States, Representatives in Congress, the Executive and Judicial Officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis for representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State. - Fourteenth Amendment, Section 2.

The purpose of the initial sentence of section Two is clear by its own terms: "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, . . ." The intention is to give those persons (previously known as "chattels") a "whole" character and to give that character representation as a "citizen;" accordingly, allowing the States to claim those persons for purposes of representation in the United States government. [Elk v. Wilkins64].

What does the original Constitution say on the subject?

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. - Article I, Section 2, Clause 3, Constitution for the United States of America.

Under Article I, Section 2, Clause 3, we can see that the Framers understood that they would not allow the direct taxation of property in the several States (by the United States) by excluding those persons held in servitude as "property" from apportionment for direct taxes. The only exception made was that of counting those persons at three-fifths of their actual enumeration and adding that to the whole number of free persons.

At the time of adoption of the Constitution for the United States of America, the southern States feared that they would be powerless in the new government due to low population of free persons in those States. A compromise was struck which allowed additional representation for the populace held as slaves with a corresponding increase in taxation for the additional representation. This carried two benefits with the new government:

1. More revenue would be generated by the United States from these States; and,

2. These States would be more likely to ratify the Constitution, having more equal authority in the central government. But even here, representation and direct taxes were not considered on the same level. [See: 8 Fed. Stat. Anno. 195 (1906)].

The first sentence of Section Two of the Fourteenth Amendment is wholly in conflict with, and in contradiction to, Article I, Section 2, Clause 3, as well as the Preamble. The only reason these persons (Slaves) were even given a three-fifths character in the United States Census was for the purpose of taxation (which incidentally, prevented the slave States from suffering a lack of sufficient representation in the United States House of Representatives). By no means was this three-fifths character to imply any direct representation of the persons to whom it related. [See: 8 Fed. Stat. Anno. 107 (1906)].

Under the Fourteenth Amendment, if any State refuses to give this class "suffrage" in State elections (by the terms of Section Two [14th Am.]), a disability is imposed. When this disability is imposed, the State subjected to the disability loses the three-fifths representation it had based upon the number of such "persons" and for that reason is repugnant to the organic law.

Rather than returning a State to its original standing or representation under Article I (by counting non-whites as three-fifths for purposes of taxation and incidental representation), the uncooperative State is forced into the very condition the Framers of the Constitution intended to prevent by the compromise struck at the Constitutional Convention. And since Section Two of the Fourteenth Amendment makes no mention of taxation, it is presumable that the State would still be taxed according to at least three-fifths apportionment for the number of those persons inhabiting the State, an unequal taxation never intended. [See The Federalist, No. 34].

Moreover, without the three-fifths disability place upon non-whites, the people mentioned in the Preamble to the Constitution for the United States of America, (or rather, their "Posterity") no longer can maintain their superior character over their own governmental affairs as the founders and sovereignty of the government. This amounts to no less than allowance of a foreign invasion into the several States of the Union, sanctioned by Congressional (State and Federal) legislation against the people of the States in violation of their respective sovereignties.

One thing that must be noted: Although this disability would be imposed upon the States that were uncooperative, they could still deny "suffrage" to the "Subjects" of the United States.

In Section Two of the Fourteenth Amendment, "Indians not taxed" were still excluded as they are in Article I, Section 2, Clause 3. The reason "Indians not taxed" (taken) were still excluded is because of their allegiance to, and membership in, a separate racial sovereignty, that is, the Indian Nations. [See, 9 Fed. Stat. Anno. 626].

The court of Elk v. Wilkins,65 later determined that holding Indians outside the consideration for representation was wholly inconsistent with destruction of racial distinction proposed by the Fourteenth Amendment. It is speculated that this decision was made because to decide otherwise, would reveal the racial sovereignty principles of the U.S. Constitution in Article I, Section 2, Clause 3 and the Preamble. The purpose of the Fourteenth Amendment was to destroy the common-law ideal that each race (enlarged family) constituted a separate sovereignty in their own governments. It should be noted that this principle (destruction of racial recognition) has now been extended to all races, including artificial juristic persons (corporations etc.) even though the Fourteenth Amendment initially was put into existence on the proposition that it was only intended to benefit the African race.

"The Fourteenth Amendment is to be liberally construed to carry out the purpose of its framers, but it is not to be restricted in its application because designed originally to rectify an existing wrong. The amendment was adopted soon after the close of the civil war, and undoubtedly had its origin in a purpose to secure the newly made citizens in the full enjoyment of their freedom. But it is in no respect limited in its operation to them. It is

universal in its application, extending its protective force over all men, of every race and color, within the jurisdiction of the States throughout the broad domain of the Republic. - 8 Fed. Stat. Anno. 256; See also, authorities cited therein.

It is no wonder that this Amendment has been held to apply to artificial (juristic) persons since its purpose was to artificially (by operation or fiction of law) confer citizenship on classes never recognized as "Citizens" under common-law principles that are based upon the natural law.

FOURTEENTH AMENDMENT - SECTION THREE

Section 3 of the Fourteenth Amendment reads:

Sec. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by vote of two-thirds of each House, remove such disability. - Fourteenth Amendment, Section 3.

This provision, at first glance, was obviously intended to punish the active southern participants in the Civil War. But this Section (like the rest of the Fourteenth Amendment) later proved to deprive the rights of Citizens in the (so-called) northern States as well. For instance, under this Section, Congress enacted legislation requiring Citizens to take an "Oath of Allegiance" before being allowed to vote (thus interfering with their right of suffrage and exercise of sovereignty and before obtaining judgments in the courts of the United States [thus interfering with the Citizens right to obtain remedy]).

The "Oath" spoken of was created during the Civil War and continued thereafter under the martial law of this Section of the Fourteenth Amendment. It was created with the intent to circumvent any exercise of State sovereignty, either by Conventions of the People of the State or by "Acts" of their legislature which could interfere with the unauthorized superiority exercised by the United States government through the force of martial law.

... it shall be the duty of the heads of the several departments to cause to be administered to each and every officer, clerk, or employee, now in their respective departments, or in any way connected therewith, or who shall hereafter in any way become connected therewith, to following oath, viz.: "I do solemnly swear (or affirm, as the case may be) that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution, or law of any State Convention or Legislature to the contrary notwithstanding; and, further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever; and, further, that I will well and faithfully perform all the duties which may be required of me by law. So help me God.

And that each and every such civil officer and employee, in the departments aforesaid, or in any way connected therewith, in the service or employment of the United States, who shall refuse to take the oath or affirmation herein provided, shall be immediately dismissed and discharged from such service or employment.

An Act requiring an Oath of Allegiance, and to support the Constitution of the United States, to be administered to certain Persons in the Civil Service of the United States. - Approved August 6, 1861, Ch. 64, Section 1, 12 Stat. 326.

Also see the "Oath" prescribed for West Point Cadets in "An Act providing for the better Organization of the Military Establishment." Approved August 3, 186166

The "Oath of Allegiance" was also used in many other relations. To obtain a "Judgment" in the courts of the United States (and to raise claims in its departments and bureaus, for instance), Congress enacted:

. . . the commanders of all American vessels sailing from ports in the United States to foreign ports, during the continuance of the present rebellion, and all persons prosecuting claims either as attorney or on his own account, before any of the departments or bureaus of the United States, shall be require to take the oath of allegiance, and to support the Constitution of the United States (or affirm, as the case may be,) as required of persons in the civil service of the United States, by the provisions of the act of Congress approved August Sixth, eighteen hundred and sixty one. . . .

An Act requiring the Commanders of American Vessels sailing to foreign ports and Persons prosecuting Claims, to take the Oath of Allegiance. - Approved July 17, 1862, Ch. 205, Sect. 1, 12 Stat. 610.

. . . . Provided, however, That in order to authorize the said court to render a judgment in favor of any claimant, if a citizen of the United States, it shall be set forth in the petition that the claimant, and the original and every prior owner thereof where the claim has been assigned, has at all times borne true allegiance to the Government of the United States, and whether a citizen or not, that he has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government, which allegations may be traversed by the Government, and if on the trial such issue shall be decided against the claimant, his petition shall be dismissed. An Act to amend.

An Act to establish for Investigation of Claims against the United States," approved February twenty-fourth, eighteen hundred and fifty-five. - Approved March 3, 1863, Ch. 152, Sect. 12, 12 Stat. 765, 767.

... Whenever it shall be material in any suit or claim before any court to ascertain whether any person or party asserting the loyalty of any such person to the United States during such rebellion, shall be required to prove affirmatively that such person did, during said rebellion, consistently adhere to the United States and did give no aid or comfort to persons engaged in said rebellion; and the voluntary residence of any such person in any place where, at any time during such residence, the rebel force or organization held sway, shall be prima facie evidence that such person did give aid and comfort to said rebellion and to the persons engaged therein.

An Act to provide for Appeals from the Court of Claims, and for other Purposes. - Approved June 25, 1868, Ch. 71, Sec. 3, 15 Stat. 75.

Also see: "An Act making Appropriations for the legislative, executive, and judicial Expenses of the Government for the Year ending the thirteenth of June, eighteen hundred and seventy-one." Approved July 12, 187067

All of these "Acts" of martial law that require an "Oath of Allegiance" from the people who are already "Citizens" within the original meaning of the Constitution, are given a continuing affect through Section Three of the Fourteenth Amendment. Under these "Acts" created under Section Three of the Fourteenth Amendment, Citizens are (or could be) treated as being "guilty" of insurrection or rebellion until they prove themselves innocent. This is again a reversal of the common-law maxim that one is innocent until proven guilty and contrary to the intent of the fifth Article in Amendment to the Constitution for the United States of America.

For those who may take offense to the use of the terms "Civil War" (as opposed to "the war between the States"), we will continue to use those terms for a reason. The cause of this War was the attempt of the national government to interfere in the sovereignty of the several States through National Civil Law; thus, the actual controversy ("political" as well as "military") is known as the "Civil War."

This was a War over the intrusion of Civil Law upon the Common Law. The court of Diamond v. Harris,68 calls the Civil Law (statutory law) "superior equity":

It is difficult to see how the courts of this State are to ignore the common law as a rule of decision, when it is made so by statute, and adopt the civil law, even though it have the merit of superior equity. - Diamond v. Harris, (1830) 33 Tex 634, 638.

In the meantime, "Civil Law" was the form of law imposed in the Roman Empire which was largely (if not wholly) governed by martial law rule.

"Equity" has always been understood to follow the law; to have "superior equity," is to turn things on their head. This is exactly what happens when martial law is imposed. If "equity" is the law, then it follows its own course rather than following the common law, thereby destroying the common law and leaving what is called "equity" in its place. We can't even begin to count the number of times Judges, Lawyers, and Statesmen have said:

"There isn't any common law anymore. It has been replaced by Statutes."

They would be more truthful if they said:

"There isn't any common-law any more, it has been replaced by martial law."

The 1789 Judiciary Act, Section 1669 prevented the courts of the United States from entertaining a suit in equity where there was an adequate remedy at law.

Sec. 16. And be it further enacted, That suits in equity shall not be sustained in either of the courts of the United States, in any case where plain, adequate and complete remedy may be had at law. - An Act to establish the Judicial Courts of the United States, Approved September 24, 1789, Ch. 20, Section 16, 1 Stat. 73, 82.

This statute was taken from a principle well known to the common law and was made by men who participated in the creation of our Constitution. The Civil Law that followed the Civil War is found to be this so-called "Superior Equity" instituted under the police power created in the Fourteenth and related Amendments. This so-called "superior equity" can only be imposed under conditions of "martial law rule" where the law is in suspension.

If the judiciary has no right to proceed in equity when the law provides adequate remedy, how does the Congress propose to statute the principles of equity, and then claim to have made law? It would seem that such a practice is wholly unlawful (in light of legal principles known to the Constitution and to the several States at the time of its adoption).

As well, it must be noted that "martial law" is known (for the most part) to follow the course set by men rather that the course set by law (its jurisdiction being based on "force" and coerced consent). Even where concerned, it must be justified by those imposing it or they eventually will be held liable for damages caused by its imposition.

What is called 'proclaiming martial law' is no law at all; but merely for the sake of public safety, in circumstances of great emergency, setting aside all law, and acting under military power; a proceeding which requires to be followed by an act of indemnity when the disturbances are at an end. - 8 Atty. Gen. Op. 365, 367, February 3, 1857.

The Framers understood Common-Law to be superior law in all areas where it could be given effect. In fact, the Constitution for the United States of America incorporates the Common-Law in many of its provisions by using Common-Law terms which only the Common-Law can define.

It should not be forgotten, that the first laws of the United States carry great weight in construction of the powers given in the Constitution for the United States of America, (as well as the lawful manner of instituting those powers.70).

To all this mass of proof we have still to add, that Congress has repeatedly legislated upon the same construction of the Constitution that we have given. Three laws, two of which were passed almost immediately after the Government went into operation, will be abundantly sufficient to show this. The two first are particularly

worthy of notice, because many of the men who assisted in framing the Constitution,

and took an active part in procuring its adoption, were then in the halls of legislation, and certainly understood what they meant when they used the words 'people of the United States' and 'citizen' in that well considered instrument. - Dred Scott v. Sandford, (1856 - 1857), 19 How. (60 U.S.) 393, 419, 15 L.Ed. 691.

While the distinction between "law" and "equity" are now claimed to be abolished by Rule 1 of the Federal Rules of Civil Procedure, the combining of both jurisdictions under a singular procedure could only be done outside the judicial power under martial law rule. Some courts still seem to recognize some distinctions in law and equity (possibly to avoid explaining the damage done to the judicial power by this combination).

Getting back to the point, from Section Three of the Fourteenth Amendment we can see that the southern States would be disabled from recovering their sovereignty by propositions of this Section (because all that were sympathetic to their cause would be [and were] refused "Office" in the United States government). This was necessary for the northern Revolutionaries to maintain the results of their usurpation of the Preamble to the Constitution and their imposition of "martial law."

According to McKee v. Young,71 all that is necessary to constitute: "Aid and comfort" (as known in Section Three of the Fourteenth Amendment) is giving the enemy words of encouragement or expression of favorable opinion while occupying an influential position.72 From this it is obvious that southern Public Officials were targeted for punishment for their attempts to maintain the power of the Preamble to the Constitution for the United States of America (as well as the principles of the Federal government known to and required by that instrument).

NOTE: Secession of the southern States is not condoned, but a recognition that the south seceded due to the usurpatious Acts pursued by the national government is intended. The several States did have the right to withdraw their Senators from the national government to suspend its operation until such time as it conformed itself to the requirements of the Constitution. It appears that secession was used by the northern Revolutionaries as justification for the acts of a usurpatious national government. This mistake should never be repeated.

It has been said that the Thirteenth Amendment (and subsequent Amendments to the U.S. Constitution) bear the same authority as other provisions of the Constitution (being Amendments thereto) rather than bearing the inferior quality of "statutes" which may be considered "void" when made without authority of the Constitution as adopted.

Not only are these Amendments contrary to the original intent of the Framers, (which recognized only a white sovereignty [We the people]), but even Congress has treated the Fourteenth Amendment as a mere statute. It is well known that the Constitution for the United States of America may not be amended by statute. [Article V, Constitution for the United States of America]. It is presumable that Congress fully understands this fact. "An Act of Congress" Approved June 6, 1898,73 provides:

. . . that the disability imposed by Section 3 of the Fourteenth Amendment to the United States Constitution heretofore incurred is hereby removed.

According to Marbury v. Madison,74 either the Constitution is the supreme and paramount law, unchangeable by mere legislative enactment, or it is a futile attempt by the people to control their government. Either the Fourteenth Amendment has no more standing than a statute or it violates the principles of government proposed by the original Constitution by allowing Congress to change its provisions by its own legislative authority. [See Rogers v. Bellei75 (Dissenting Opinion), as to Congress changing the intent of the Fourteenth Amendment by mere legislation]. This being the case, the Fourteenth Amendment must be something less than organic law.

Ironically enough, Madison (the Defendant in Marbury v. Madison [supra.]) in the Constitutional Convention (while moving for the ratification of the Constitution by the people rather than the State legislatures) agreed that a legislature could not amend the organic law that put it into existence.

William M. Meigs of the Philadelphia Bar, in "The Growth of the Constitution," [See: Vol. 8, Fed. Stat. Anno. reports Madison's views]:

Madison thought the legislatures clearly incompetent (to ratify the United States Constitution) for the very changes proposed would make essential inroads on the State Constitution, and a legislature cannot change the Constitution under which it exists. - 8 Fed. Stat. Anno. 243.

On this (and other basis), the Constitution for the United States of America was ratified by "Conventions of the People" of the States rather than the State legislatures. This raises another important question: "Were (or are) the State legislatures competent to ratify Amendments to the Constitution (such as the Fourteenth Amendment) which effectually changed the State Constitution by the inroads made into it?"

Obviously the Constitutional Convention thought that the State legislatures are incompetent to ratify any organic law that adversely affected (changed) their State Constitutions. Therefore, this would appear to give further validity to the proposition that the State legislatures may only amend the Constitution for the United States of America according to Article V, thereof, when the purpose of the Amendment is to hold the United States government to the limits of its original powers. Ratification of any Amendment (which expands power of the United States government beyond its original limits) must therefore (by any theory) be ratified by "Conventions of the People" of the class mentioned in the Preamble in their respective States.

NOTE: The Thirteenth, Fourteenth, and Fifteenth Amendments were not ratified by Conventions of the people and thus those Amendments undermined the States' Constitutions by depriving both the governments of the several States and the sovereign people of a great deal of their powers (by purporting to transfer power to the national government).

It must also be noted:

There is no sounder rule of interpretation (of the Constitution) than that which requires us (the court) to look at the whole of an instrument, before we (the court) determine a question of construction of any particular part... - U.S. v. Morris, (1851) 26 Fed. Cas. No. 15,815; See also Madison in The Federalist, No. 41 and 8 Fed. Stat. Anno. 253.

Could this be why there are great efforts being put forth to call a "Constitutional Convention" for the purpose of giving final validity to these usurpatious "Acts" of American legislators?

Regardless of this fact, it is obvious that the northern usurpation of the Constitution for the United States of America favoring international [interracial] law was to be protected from southern resistance by martial law. By Section Three of the Fourteenth Amendment, the Congress would be allowed to decide when the principles of the Preamble were dead and when those who maintained those principles were also dead (or when they were no longer a threat to these usurpatious "Acts" against our Constitution).

Considering the weight of the evidence that the Fourteenth Amendment is of martial law jurisdiction, we can begin to understand why it was thought that Congress might repeal the disabilities of Section Three without a Constitutional Amendment (outside of the scope of Article I, Section 8, Clause 18, Constitution for the United States of America).

Over the years, the people have had a great deal of trouble accessing the judicial power of the courts. Since martial law suspends the judicial power (along with other regular powers of government), this is quite understandable. Congress' power is (practically speaking) "unlimited" where the regulation of courts subjected to martial law rule are concerned. Therefore, why would Congress think that their power over the martial law measures (in general), is limited to the Constitution (especially since Congress claimed power under martial law with the power Clauses of the Thirteenth, Fourteenth, and Fifteenth Amendments)?76

A known maxim to the Common Law is that it supersedes the military power. The framers of our national Constitution understood this principle when they limited Congressional power to make military appropriations to a maximum term of two years.77 Many Constitutions of the several States also make this clear by requiring the military power to "bear arms" to remain subordinate to the civil power.

For example:

The people shall have the right to bear arms for the defense (sic) of themselves, and the State, but the Military power shall be kept in strict subordination of the civil power. - Oregon Constitution, (1859) Article I, Section 27.

The second Article in Amendment also makes the subordination of the military power to the will of the people clear.

Some say we did not adopt the whole of the common law of England. This is true to a certain extent. We did not adopt the monarchy and the feudal law of England. We did adopt so much of the common law as was intended by the Framers of the Constitution and those who ratified it. By the ninth Article in Amendment, it is clear that all rights known to Englishmen were adopted and were to be retained by the people. In addition, "the people" also assumed unto themselves the powers of sovereignty (and the rights related thereto) as clearly indicated by the tenth Article in Amendment to the Federal Constitution. This is the American common-law.

In the Declaration of Rights and Resolves [1774] (as well as the Declaration of Independence [1776]), some of the men who framed the Constitution complained of the force uses by the King of England that resulted in the loss of trial by jury and violation of other many rights now known to be protected by the Bill of Rights. At that time of American history, the King of England was already using military force (martial law) to govern the Colonies to deprive Americans of their rights.

Therefore, it cannot be presumed that Congress never had the power to use martial law of any form to govern within the several States.

FOURTEENTH AMENDMENT - SECTION FOUR

Next is Section 4 of the Fourteenth Amendment.

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void. - Fourteenth Amendment, Section 4, United States Constitution.

As previously in this exposé, we will continue to dissect the Fourteenth Amendment with a view to its legal effects, sentence by sentence, continuing with the remaining portion of Section Four and going on through Section Five.

The first sentence of Section Four provides:

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. - Fourteenth Amendment, Section Four.

For years, several individuals have been questioning the issue and the use of paper money by the national government. Of course, we know that the main medium which plagues us is the Federal Reserve Note, but in our zeal to uphold the original intent and purpose of our Constitution, these individuals have made a fatal error - they have ignored this provision of the Fourteenth Amendment.

The arguments that have been used against these "Bills of Credit" have always focused on Article I, Section 8, Constitution for the United States of America. For instance, we know that Congress is empowered to Coin money, not print it.

The Congress shall have Power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures; - Article I, Section 8, Clause 5, Const. for the U.S. of A.

Under this Clause, the Congress fixed the unit of measure for money coined by the United States at 416 grains of standard Silver (Legal Tender Cases78), calling the unit of measure a "dollar." This made the dollar's Silver a standard by which all other money ("foreign" as well as "domestic") would be measured. As a result, there is no such thing as a gold standard in the United States. Congress has the power to change the weight of a gold dollar without affecting the standard in Silver. In fact, the Congress is duty bound to change the gold coin when it no longer reflects a true comparative value to the standard (a dollar's Silver).

Consequently, legislation can be found (prior to the adoption of the Fourteenth Amendment) changing the amount of gold contained in a gold dollar. Don't forget that the term: "dollar" reflects a unit of Silver. When the term: "dollar" is used with respect to gold, it becomes a comparative term between the value of Gold and Silver (with Silver being the constant and Gold [in a sense] being given a respective value according to true economic conditions).

The only way that one could avoid being compelled to accept a gold dollar of lessor weight for the completion of contracts was to make specific reference to the weight of Gold to be transferred for payment, thus treating the Gold as a "commodity" rather than a monetary unit for purposes of the specific Contract. [Legal Tender Cases,79].

Although Congress had this power (concerning gold currency), Congress cannot be deemed to have power to pass legislation which intended to reflect other than the parity between the standard of measure (dollars silver) and the gold dollar. To do so, would be to deprive those contracting in gold dollars of property without due process of law in that they could not recover the true intrinsic value of their Contracts. This would violate the fourth Article in Amendment by seizing property without warrant or probable cause upon Oath or Affirmation, and would violate the fifth Article in Amendment by either taking private property for public use without just compensation or by depriving property without due process of law.

The question is: "Can the Congress issue paper and declare it to have an unrelated value in gold or silver, or can it issue the same without redemption and force these "Bills of Credit" to circulate among private Citizens by operation of law?" There is sufficient authority in the original Constitution to show that Congress was never intended to exercise such a power, or at least, not to exercise its power in such a way.

In the Constitutional Convention, Sherman (in relation to Article I, Section 10, [Const. for the U.S. of A.]) said that: "He thought this was a favorable moment for crushing paper money."80 This was an extension of the Convention's "determination to prevent the evils of paper money, already manifested by striking out from the powers of Congress the power to 'emit bills on the credit of the United States'."81

It should be noted that only the States were directly prohibited from interfering in the Obligation of Contracts. During the House and Senate debates on H.J.R. 192 of June 5, 1933, this prohibition was brought into view and it was answered that the prohibition did not apply to the federal government. While this may be true, the fourth and fifth Articles in Amendment of the Bill of Rights accomplish the same thing by prohibiting the seizure of property without warrant or the deprivation of property without due process of law. A man has property in his Contracts and if the "Obligations of Contract" are interfered with, then that property is deprived of the parties to the Contract. If this deprivation takes place without proper judicial proceedings conducted within the limitations of the Bill of Rights, the taking of property is without authority of law.

When the question of "Bills of Credit" (in relation to the powers of Congress) was raised in the Convention, the power was offered with the Clause: "to borrow money on the credit of the United States." Governor Morris moved to strike out the words "and emit bills on the credit of the United States." Madison thought it would be enough to prohibit them from being made a tender. Ellsworth thought this a favorable moment to bar the door against paper money. Read that the words (if not struck out) would be "as alarming as the mark of the beast in Revelation." On this basis, the words were struck out by nine States to two.82

It is obvious from the Convention (as well as the powers granted to Congress concerning coinage of money and borrowing of money on the credit of the United States) that no direct or implied power was given to Congress to force circulation of its evidences of debt as a currency. While Congress has the power to borrow money on the credit of the United States, the Congress has no power to force any one to lend to the government (much less the power to spend "debt" into circulation) without the intention of repayment whatsoever (as in the case of Federal Reserve Notes ["Promises to pay" are not "payment"]).

As a result of the money (credit) question (raised by the Fourth Section of the Fourteenth Amendment), we find it necessary to review the Legal Tender Cases. For the most part, those cases were decided during and after the Civil War Reconstruction period when martial law was in full bloom in the United States. By looking at these cases in this new light, much can be gained in the way of understanding the money issue (as well as the Constitution in general).

From the Legal Tender Cases, we first see that the supreme court of the United States initially declared the legal tender statutes of February 25th, 1862, July 11th, 1862, and March 3rd, 1863, to be upheld as: "War measures, exceptional in their character, not authorized by any express grant of the power to Congress contained in the Constitution, but as not prohibited by its terms, and as justified in view of the great public exigencies which required their adoption."83 In other words, paper money was declared legitimate as "martial law money" (an emergency war measure).

The supreme court in Thorington v. Smith,84 (in an Opinion dealing with Judgments of the Confederate courts [relating to property in dispute in that case]) made a statement that is applicable to this early decision favoring legal tender laws made during the hostilities of the Civil War. The court said in Thorington:

But such a judgment, in such a time, has little authority.

Although this was said in relation to Confederate Judgments, the principle still applies. In times of war (during imposition of martial law), the will to win and martial law may override all true logic (even down to the principles of the organic law).

It appears that the supreme court held to this principle in the case of Hepburn v. Griswald,85 In Hepburn (supra.), the supreme court reasoned that the exigency which allowed the legal tender character to be accorded to the Civil War "Greenbacks" was over, thus the conditions which implied the power (to make them legal tender) had ended. Thus the law could no longer be held "constitutional" as in the past.

The dissenting Opinion of the Chief Justice in a later legal tender case reports the holding of the Hepburn court:

The majority of the court as then constituted, five judges to eight, felt obliged to conclude that an act making mere promises to pay dollars a legal tender in payments of debts previously contracted is not a means appropriate, plainly adapted, really calculated to carry into effect any express power vested in Congress, is inconsistent with the spirit of the Constitution, and is prohibited by the Constitution. - Legal Tender Case, (1870) 12 Wall. 571, (supra.)

The Opinion of Hepburn was ordered to be published on January 29th, 1870, and was decided in Conference on November 27th, 1870.

The action of Congress in passage of the first Legal Tender Act was . . . placed distinctly upon the ground of the existing imperative need of government, and the legal tender clause was urged and adopted as a war measure. [martial law]. - Julliard v. Greenman, (1884) 110 U.S. 421; 425, 4 S.Ct. 122; 28 L.Ed. 204.

As many of us know, this is not the first time that the government has claimed certain implied powers as an expedient of war or some other emergency. Martial law measures have consistently been imposed under the guise of "emergencies" of all kinds (Roosevelt being the greatest offender since Lincoln). The Hepburn court (without directly overruling its previous judgment upholding the Legal Tender Acts) merely declared that the exigency no longer existed and that continued enforcement of the statute must be declared unconstitutional.

After the Hepburn ruling, the United States Attorney General in the cases of Knox v. Lee, and Parker v. Davis,86 moved to be heard on the Hepburn question (Julliard v. Greenman, [supra.]87). These cases were heard almost a year after the Hepburn case, with the court reconstituted. Congress had passed an "Act" allowing for an additional Justice and one of the Justices concurring in the Hepburn case had retired. These are the conditions under which the question was reheard.

Although the Concurring Justices in the Hepburn case had not changed their Opinion, the legal tender Clauses were upheld (five Justices to four) thus overturning Hepburn v. Griswald directly. Many have said this was a packed court, and this may be true. But the court wasn't packed merely to overturn Hepburn, rather, it was packed to assure that the recent (and most controversial) Fourteenth Amendment would be upheld in its entirety. The legal tender question (as we will see) was merely an incident of the Fourteenth Amendment because of the words of Section Four.

In 1870 (December), the reconstituted court (for the most part) claimed to base its ruling overturning Hepburn on the grounds laid out in the Dissenting Opinion of the Hepburn case. The only real difference in the Opinions of the Hepburn court and this later legal tender case (Knox and Parker88) was that the Dissenting Opinion of Hepburn became the Concurring Opinion of Knox and Parker, and the Concurring Opinion of Hepburn became the Dissenting Opinion of Knox and Parker.

It was noted by the Dissenting Opinion of Justice Field (12 Wall. 634), that the court failed to give any reason for overturning Hepburn. The question arises, with the turmoil and flat disloyalty and usurpations involved in adoption of the Fourteenth Amendment still remaining vivid in 1870: "Did the court dare go to the 4th Section of the Fourteenth Amendment for the additional law it needed to justify such an upset in the supreme court?" (Note: the Fourteenth Amendment was never touted as an Amendment that would allow Congress a legal tender power to force paper money on American Citizens). Justice Field begins his dissent:

Nothing has been heard from counsel in these cases, and nothing from the present majority of the court, which has created a doubt in the mind of the correctness of the judgment rendered in the case of Hepburn v. Griswold, or of the conclusions expressed in the opinion of the majority of the court as then constituted. That judgment was reached only after repeated arguments were heard from able and eminent counsel, and after every point raised on either side had been the subject of extended deliberation. - Legal Tender Cases, 12 Wall. 634.

Obviously, no one had the courage to directly raise the Fourteenth Amendment in defense of the legal tender statutes. And in fact, you will not find any direct reference to it in the Arguments of Counsel or the Majority Opinion of Knox and Parker, (supra.). Had the case turned on this point, there may have been another Civil War spilling more blood than the last.

While we do not wish to go into great detail about the "Concurring" and "Dissenting Opinions" in these cases, the court did say some things that we will find important to this discussion.

A study of the history of the Fourteenth Amendment clearly reveals the injustice done by the Amendment (as well as the injustice done to obtain assent of the States to adopt it).

The court in Knox and Parker admits that Congress, (by its legal tender laws, if declared unconstitutional) has done a disastrous thing:

Indeed, legal tender treasury notes have become the universal measure of values. If now, by our decision, it be established that these debts and obligations can be discharged only by gold coin; it, contrary to the expectations of the parties to these contracts, legal tender notes are rendered unavailable, the government has become an instrument of the grossest injustice. - Legal Tender Cases, 12 Wall. 530.

By the legal tender law, itself, the government had become the instrument of gross injustice to the rights of parties who had contracted for specie payments, now the court is worried that the injustice really done will be revealed. Congress also was worried about this, and that is why we have a provision in the Fourteenth Amendment disallowing any question of the "validity of the public debt," that is, the validity of Congress' action. If no one can question this action, then how can the injustice be revealed?

It is further said by the court:

It is incumbent upon those who affirm the unconstitutionality of an act of Congress to show clearly that it is in violation of the provisions of the Constitution. - Legal Tender Cases 12 Wall. 531.

It must be noted that the litigants against paper money never addressed the validity of the Fourth Section of the Fourteenth Amendment. No one contested the constitutionality of the Fourth Section, and while the court alluded to its principles, direct reference to it is avoided like the plague.

Throughout all the legal tender cases, the Justices in opposition to legal tender present a most compelling legal argument (as well as historical facts and motives of the framers and the people of the States as references to show that Congress had no power to enact a legal tender law making paper acceptable as money [as ruled in Hepburn v. Griswald]).

If looking only at the original organic law (as the Hepburn court did), these arguments are absolutely valid. But we must remember that we are not dealing only with the original organic law (and neither was the supreme court after the unconstitutional adoption of the Fourteenth Amendment). The Fourteenth Amendment is claimed to be a part of the organic law, no matter how false or erroneous that assumption may be. Also, in reviewing these legal tender decisions, don't forget that the supreme court is always "on notice" of the Constitution in its entirety, whether they mention any of its specific provisions or not in their Opinions.

If four supreme court Justices won't be heeded when relating the true history and meaning of our original Constitution, where can we expect to prove our point merely on the same grounds they raised, without dissuading the effect of subsequent (so-called) Amendments. This is exactly what we have done, but not as well as Justice Field and his fellow dissenting Justices. It seems like a very futile attempt. All that could be said in the supreme court (about the original Constitution) in relation to paper money has been said by its own Justices, with one exception; the relationship that the Fourteenth Amendment bears to the subject and the fact that the Fourteenth Amendment is a mere fiction, not a part of the Constitution. This question has not been raised. We must answer the question posed by Justice Field: What allowed Hepburn to be overturned?

Let us look at some of the things said by the litigants and the court in upholding the legal tender law. If we are right about the implications of the Fourth Section of the Fourteenth Amendment, then some reference must have been made to it, even if only indirectly.

You might say that the validity of the public debt has nothing to do with paper currency, or currency in general. The Attorney General of the United States (in arguing for paper money) disagrees:

There is a kinship between the borrowing of money and the issuing of a currency made valuable by being invested with all the facilities of money, in evidence of that borrowing. - Legal Tender Cases, 12 Wall. 526.

Interestingly enough, no reference is made to the Fourteenth Amendment by the Attorney General when this statement was made (while the language relates directly to provisions of the Fourth Section).

A decent respect for a co-ordinate branch of government demands that the judiciary should presume, until the contrary is clearly show, that there has been no transgression of power of Congress . . . - Legal Tender Cases, 12 Wall 531.

Remember, new power was conferred upon Congress, more plenary in its character than ever before, with exception of the Thirteenth Amendment (as you will see in our discussion of the Fifth Section of the Fourteenth Amendment, [infra.]).

In speaking of the powers of Congress:

It is allowable to group together any number of them and infer from them all that the power claimed has been conferred. - Legal Tender Cases, 12 Wall. 534.

What about the new power of the Fourteenth Amendment? The court admits that the Bill of Rights was intended to curtail those questionable powers of Congress that may be implied, "these Amendments are denials of power" (Legal Tender Cases89); and refers to the Preamble of the Bill of Rights as setting that standard. This will be further discussed with reference to who is competent to amend the Constitution and under what conditions. But right after the court says this (for the most part) the Bill of Rights is disregarded. Why does the Fourteenth Amendment supersede the Bill of Rights where the power exercised is a direct power conferred after their adoption? Answer: "The limitations of the Bill of Rights are common-law principles, while the Fourteenth Amendment is martial law." When "martial law" is put into effect, it is used to suspend the common law, rightfully or otherwise, and therefore supersedes it.

From the standpoint of constitutional construction:

If there be any conflict between an Amendment and a provision of the original Constitution, the provision found in the Amendment must control, under the rule that the last expression of the will of the lawmaker prevails over an earlier one - 9 Fed. Stat. Anno. 255.

This also raises the question: "Who is the lawmaker if there is to be a change in the members of the sovereign body?" Is it not the sovereign body itself, rather than their creations (State legislatures or Congress)?

It is said that the Congress has power to borrow on the credit of the United States, and the power to emit "bills of credit" is incident to that power. But the court relates that when the legal tender laws were passed, it was the fact that the credit of the United States had run out which caused the exigency (emergency) requiring a legal tender law.

Meanwhile the public treasury was nearly empty, and the credit of the government, if not stretched to its utmost tension, had become nearly exhausted . . . - Legal Tender Cases, 12 Wall. 541 (Concurring Opinion)

If the credit is exhausted, where is their power to borrow on the credit or any implied power under it? But, this is not true if the validity of the debt cannot be questioned (Fourteenth Amendment, Section Four).

The basic reasoning of the concurring court in Knox and Parker90 was that Congress has the power to declare war and repel insurrection (powers of martial law); from this power is the implied power to make war or the power to execute such war (implied powers of martial law); coupled with the war powers (martial law powers) is the power to borrow money on the credit of the United States; when the credit of the United States runs out or is short, an emergency exists (an excuse for imposition of martial law measures) and, under the war powers, loans may be forced. Under this implied power to enforce loans, the government may issue "bills of credit" evidencing the debt and force their acceptance by declaring them "legal tender." Here we see an implication of power not directly given (in its fourth generation of implication) all justified under the power of "martial law." This is stretching things to say the least, and we have already discussed the borrowing power being extinguished when the credit of the United States becomes none existent. The consequence of a marriage between the war powers and emergency borrowing when there is no credit to borrow against is legal tender paper money, which would be better called "martial law money."

Basically, the power exercised in legal tender was a military power (martial law power) and when we go back to the Hepburn case, we see that to be true according to the supreme court. Now with the war over, wherein could the implied martial law powers rest? They had no basis, this was the decision of Hepburn.

It becomes obvious that Congress needed a new direct grant of power to enforce the legal tender laws. Thus the Fourth Section of the Fourteenth Amendment was purposed to maintain the validity of the public debt, leaving the Bills of Credit issued as evidence of that debt valid (under an implied power derived from a new source). Therefore, the Fourth Section of the Fourteenth Amendment was intended to imply the power to make them (Greenbacks) a legal tender to maintain the validity of the debt from another source. Nonetheless, the martial law nature and origin of the debt and its currency (legal tender) cannot be doubted. It is clearly stated in the Fourth Section of the Fourteenth Amendment.

By the Fourth Section of the Fourteenth Amendment, Congress claims a new direct power as a basis for implied powers that could not lawfully be used except by necessity of military exigency. The Fourteenth Amendment is an extension of the Congress' military (martial law) power over the entire United States, not confined by any of the Clauses of the original Constitution for the United States of America (if the Fourteenth Amendment is fact instead of fiction).

Look at what is alleged to have started the Civil War. Allegedly, a shot was fired on Fort Sumter. Congress has full power under Article I, Section 8, Clause 17 to govern Forts, and it could truly be said that an insurrection had been done against not one of the United States, but against the property under control of the Congress of the United States. Congress (claiming its martial law "power to declare war," "suppress insurrections" and "repel invasions") imposed martial law on the United States and never discontinued it. The result was an extension of military and municipal jurisdiction of Congress. But where is the evidence of this? Look at the Thirteenth Amendment, the Civil Rights Acts, the Legal Tender Laws, the Fourteenth Amendment, etc., etc., etc..

The fact that Congress did not merely extend its coinage power over currency is clearly admitted by the court:

. . . nor do we assert that Congress may make anything which has no value money. - Legal Tender Cases, 12 Wall. 553. (Concurring Opinion)

Paper "money" isn't issued under the money powers of Congress, but under the military power (in conjunction with the borrowing power) and this power is not the original power under the original Constitution, but a new and different power of martial law rule under the Fourth Section of the Fourteenth Amendment.

The original borrowing power is only solvent when the credit of the United States is intact. Section 4 of the Fourteenth Amendment confers authority beyond that known to the borrowing power of Article I, Section 8, Clause 3 which is obvious since it also relates to the validity of the public debt and consequently borrowing to create that debt.

In reference to the federal and national characters of the U.S. Government, Justice Bradley says

it is a national power that prevents the States from seceding from the Union." (Ibid. at 555). When this power is exercised in prevention of insurrection (as in the Civil War), it is a national power, and any powers implied by its exigencies are also national powers. In this case, we are clearly talking about the national power of martial law.

The Fourteenth Amendment is an extension of national military powers presently used in a municipal character and enforced by municipal laws, stretched far beyond their original limitations and enforced in Article I Tribunals. See the discussion of Section Five of the Fourteenth, (infra.) concerning Article I Tribunals.

The court even had the nerve to go to the taxing power of Congress to draw certain implications about Congress' power. We know the lawful bounds of the taxing power originally conferred are "uniformity" and "apportionment." Ben Franklin referred to paper money as imposing "a kind of imperceptible tax". (See "Concurring Opinion" of Justice Bradley, Legal Tender Cases /91). Without the Fourteenth Amendment, how would such taxation be lawful? Don't forget the Fourteenth Amendment is considered the last word on the subjects with which it deals.

In 1884, the case of Julliard v. Greenman92 again raised the legal tender issue. Up to this point, no one mentioned the Fourteenth Amendment in legal tender litigation (at least as far as we have found). Twenty-six years after the Fourteenth Amendment, the Plaintiff in Error in Julliard v. Greenman finally makes reference to it:

The forced loans of 1862 and 1863, in the form of legal tender notes, were vital forces in the struggle for national supremacy. They formed a part of the public debt of the United States, the validity of which is solemnly established by the Fourteenth Amendment to the Constitution. - Julliard v. Greenman, 110 US 432.

The Fourteenth Amendment was further alluded to by the Plaintiff in Error:

The question of the constitutionality of an act of Congress, as well as the question of its construction, must be considered in the light of the history of the time when it was enacted. - Julliard v. Greenman, 110 US 430.

Is this also not true of an Amendment to the Constitution?

And whenever the power sought to be exercised depends, or must be predicated, upon a given state of facts, the existence of the power is a judicial question to be determined upon the facts. - Ibid.

And, after alluding to cases which support this principle in development of the martial law jurisdiction (wherein the law of the Fourteenth Amendment lies); he goes on to say:

The same doctrine is maintained in the Slaughter-House Cases.93 - Ibid.

The Slaughter-House cases are adjudications of civil rights protected by the Fourteenth Amendment, and are consistent with the other cases cited by the Plaintiff in Error.

Then at the end of the page 430, the truth really comes out:

The exercise of jurisdiction by a court or a legislature assumes the existence of the jurisdiction in the tribunal or body exercising it. - Ibid.

What is really being said here? The Fourteenth Amendment has been here, and the Congress has been allowed to exercise jurisdiction under it for some 26 years, therefore, it must be assumed to exist. Even the court upheld this jurisdiction in the Slaughter-House cases, there is no inconsistency here.

It appears that the Plaintiff in Error in Julliard understood exactly what he was talking about, especially when he says the Fourteenth Amendment makes the public debt unquestionable in the same argument.

Of course, the Julliard court again gives the same arguments in favor of legal tender notes, (as had been given in the past). Again, this argument seems to be lacking in something to give it validity. A close look at the Opinion again reveals the court alluding to the principles of the Fourteenth Amendment to uphold its position and Justice Field "Dissents" with the same argument as he, and his like minded Associates had used in the past, still failing to convince the majority of the court.

These, the arguments of Justice Field (and many more arguments) have been offered against paper money. Consistently, these arguments have met with little success even when they are valid arguments under the original Constitution of the United States.

The problem is that Congress has claimed a new power through the Fourteenth Amendment. We have been missing the point all along. Our attention has been focused upon the original Constitution and away from those Amendments that are designed to destroy our original concept of government. By Amendment, it is said: "The validity of the public debt . . . shall not be questioned". If no one is allowed to question the public debt, then how can anyone question the "Notes" representing that debt or the enactments of the legislature forcing us to accept it. We can not even question Congress' adoption of the immoral principle of "I'd rather owe you than cheat you out of it".

From this we see that the only reason for this Clause of the Fourteenth Amendment was to (ex post facto) give validity to "Martial Law Acts" (not authorized by the Constitution) and to prevent the people from contesting those unauthorized "Acts" of martial law.

Why have we not been able to prevent the increase of the national debt? Because, we have no right to question the validity of the debt in court as long as the Fourteenth Amendment is considered to be a valid Amendment to the Constitution, (which it isn't). First, we must attack the Fourteenth Amendment as "unconstitutional" before any of the otherwise valid arguments against paper money will have any effect. We have not been making the wrong arguments, we just haven't directed them against the perversions of our organic law.

Why do we have the Federal Reserve Corporation? If the Congress is claiming a power to create an unquestionable public debt, then they will also claim the right to exercise that power through any agent they wish, especially when that agent simplifies the process of imposing the debt and increasing it. Congress may claim this power under guise of the "necessary and proper" Clause of Article I, Section 8, Clause 18, but all of

us will know that the power actually lies under the Fourteenth Amendment, Section Five, "the power to enforce this Amendment by appropriate legislation."

The Civil War Congress not only wanted to protect the "Greenbacks" in circulation after the Civil War, but it wanted to make provision for a new and increasing debt. Notice the words: "including debts incurred . . . in suppressing insurrection and rebellion . . .". Had Congress only intended to protect the "Greenbacks" of the Civil War, these would have been the only debts protected. Instead, the Congress also included the public debt (in general) allowing the inclusion of any debt enacted by Congress. If you wish to study the Legal Tender Cases further, here are some authorities:

- Houston v. Moore, (1820) 18 U.S. (5 Wheat.) 1, 49; 5 L.Ed. 19.
- Briscoe v. Bank of Commonwealth of Kentucky, (1837)36 U.S (11 Pet.) 257, 9 L.Ed. 709.
- Lick v. Faulkner, (1864) 25 Cal. 405.
- Thorington v. Smith, (1868) 8 Wall.1 (supra.).
- Veazie Bank v. Fenno, (1869) 75 U.S. (8 Wall.) 533; 19 L.Ed. 482.
- Legal Tender Cases, (1870)12 Wall. 457, (supra.).
- Legal Tender Case, (1884) 110 U.S. 421, (supra.).

It is clear from these cases that the Fourteenth Amendment is a continuation of military power (martial law) exercised by Congress during the Civil War and that paper money (legal tender) is martial law money.

As previously stated in this exposé, we will continue to dissect the Fourteenth Amendment, with a view to its legal effects, sentence by sentence, continuing with the remaining portion of Section Four and going on through Section Five.

Let us go to the next portion of the Fourth Section of the Fourteenth Amendment and see what relation it has to the first portion and the money issues we have faced.

But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States . . .

One of the obvious intentions of these words, was to prevent the southern States from paying (and their creditors from collecting) debts incurred through participation in the Civil War. Thus, all those persons who had become the creditors to the southern States were deprived of property without due process of law. Such a deprivation of property by "Legislative Act" constitutes a "Bill of Attainder" and in its lesser form, a "Bill of Pains and Penalties." Congress, as well as the States, are prohibited from passing such "Acts" in Article I, Sections 9 and 10 of the United States Constitution. Further more, the "Act" is an "ex post facto law" punishing the act committed with a law enacted after commission of the act.

This being true, how could power be claimed by Congress to amend the Constitution in this manner? And how could the State legislatures claim the power to ratify such an Amendment?

This portion of the Fourth Section of the Fourteenth Amendment also acts as an "Indemnification Act" for the United States by making it impossible for any one to lay claims for the destruction committed by the armies of the United States while enforcing martial law upon the southern States.

The final portion of the Fourth Section casts light on the money issue previously discussed as well as the issues of the aforementioned paragraph.

But neither the United States nor any state shall assume or pay . . . any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

The enactment of Congress forcing the emancipation of the slaves, was a great loss of property to those who held them in subjection. The first emancipation of slaves was ordered by Proclamation of Abraham Lincoln, President, acting as Commander-in-Chief of the military forces of the United States (and was later claimed to be made perpetual by the Thirteenth Amendment). By operation of these enactments, property was taken and no compensation was offered and military force was used to enforce this deprivation of property. "Emancipation" was born out of martial law and survives under the power of martial law today.

The fourth Article in Amendment makes such an unreasonable seizure of property (seizure of property without warrant issued upon "Oath" or "Affirmation") unconstitutional and prohibits Congress from legislating to this end. Similarly, the Constitutions of the States disable the State legislatures in the same respect. Neither the Congress nor the State legislatures had power to pass such legislation, whether in the form of an Amendment or a Statute.

In addition, the fifth Article in Amendment prohibits the taking of property for public use without compensation and further prohibits the taking of property without due process of law. "Due process of law" requires a trial by jury in civil cases at common-law (seventh Article in Amendment) and an indictment and speedy public trial by an impartial jury of the State and District wherein the crime shall have been committed, and etc., with the right to subpoena witnesses and face your accusers in criminal cases (sixth Article in Amendment). Clearly, the members of Congress knew that they could not prevent claims "for the loss or emancipation of any slaves" from being successful in southern Courts. Also, the members of Congress clearly knew that southern Juries would uphold claims against the United States as well as the Confederate States for debts incurred and damages done by the Civil War. Instead of facing this fact, the members of Congress chose to usurp the law that would be enforced by Juries, that is, the Common-Law.

Moreover, the States are prohibited from passing any law violating the "Obligation of Contracts" (Article I, Section 10, Constitution for the United States of America). Every man who holds property lawfully acquired usually has a "Bill of Sale" evidencing the transfer of ownership rights. The "Bill of Sale" is an executed Contract, and as such, is one of the few Contracts that has real standing at law.

The courts of equity may "void" a Contract for "fraud" and other similar conditions; but no one has any power or right to interfere with valid Contracts and the property rights acquired under them. If the State can pass no such law, and the Constitution and its Amendments are law; from whence did the power come for the State legislatures to ratify such an Amendment? Martial Law is the only answer.

As a result of this Section of the Fourteenth Amendment, litigation arose concerning confederate currency. The adjudication of these cases is of importance to our understanding of the issues concerning paper money. The confederate currency bears similarities to the Federal Reserve Note of today that cannot be ignored.

Many have said that the use of Federal Reserve Notes gives rise to jurisdiction over the transaction for which they were used. The confederate currency (being designed by the southern States for all transactions therein [although never made a legal tender]) was considered to be: " . . . a currency imposed upon the community by irresistible force." [Branch v. Haas /94]. In Thorington v. Smith95 the supreme court said:

They have no necessary relations to the hostile government, whether invading or insurgent. They are transactions in the ordinary course of civil society, and though they may indirectly and remotely promote the ends of the unlawful government, are without blame, except when proved to have been entered into with actual intent to further invasion or insurrection.

This is also true of Federal Reserve Notes which are imposed by irresistible force on the normal course of life and business. Even more so, since the Federal Reserve Notes were declared "legal tender" from June 5, 1933 (as were their predecessors, the "Greenbacks").

In the same case, the court said:

We cannot doubt that such contracts should be enforced in the courts of the United States after restoration of peace, to the extent of their just obligation. - Ibid. See also, 9 Fed. Stat. Anno. 237.

Many have contested the obligations of private contracts on the basis of unlawful issuance of credit or the medium of exchange designated in the Contract. We have (through such Contracts) obtained "substance" with the credit issued (which indicates that a just obligation arose out of them). We will find ourselves hard pressed to abrogate such Contracts merely on the basis of currency designated:

Transaction between individuals, which would be legal and binding under ordinary circumstances, cannot be pronounced illegal and of no obligation because done in conformity with laws enacted or directions given by the usurping power. Between these extremes of lawful and unlawful there is a large variety of transactions to which it is difficult to apply strictly any general rule; but it may be safely said that transactions of the usurping authority, prejudicial to the interests of citizens of other states excluded by the insurrection and by the policy of the national government from the care and oversight of their own interests within the states in rebellion cannot be upheld in the courts of that government.

So, only those transactions which are specifically intended to support the usurping power would be considered to have any connection with the usurpation. In the meantime, those transactions (private in nature) only made according to irresistible forces imposed upon the parties are without blame of the parties and binding to their just value.

The bottom line is - the money issue is a very weak, if not a non-existent argument in relation to private Contracts. The Constitution applies to governments interaction with the citizen, but not to citizens interaction with one another. The use of the Federal Reserve Notes (imposed upon us by irresistible force) does not give rise to blame or attachment to the usurping authority.

Although there may be one exception in the case of "Contracts" adjudicated in State courts. Under Article I, Section 10, Constitution for the United States of America, "no state shall make any Thing but gold and silver a tender in payment of debt" and therefore, it is doubtful that the State courts would have jurisdiction to enforce the Contracts (in the case were "Contracts" make something other than "gold" or "silver" a tender in payment in debt). Consequently, the State court could adjudicate the Obligation of the Contract for Federal Reserve Notes, but could not make a Judgment in that medium. This situation creates an interesting paradox when you demand that a State court define the medium of exchange in a Judgment on a (so-called) private Contract written in terms of legal tender.

FOURTEENTH AMENDMENT - SECTION FIVE

The final section of the Fourteenth Amendment (as reported in the reprints of the United States Constitution) claims to authorize:

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. - Fourteenth Amendment, Section 5, United States Constitution.

From the words: "of this article" it would appear to have little meaning. But an understanding of this Section will lead us to a greater understanding of this Amendment's repugnance to the original United States Constitution. We will also see its repugnance to the Constitutions of the several States and the incompetence of the legislative bodies which claimed authority to ratify it.

We know that this provision is identical to Section Two of the Thirteenth Amendment (which is also of martial law origin). The import of Section Five of the Fourteenth Amendment, while being similar to Section Two of

the Thirteenth Amendment in some respects, is much different in other respects. The reason is that the power Clause of each Amendment (while conducive to the same end) put different powers into force, and when put into force, they apply to different objects.

The Thirteenth Amendment was specially designed to operate directly against the Citizen holding Negroes in subjection. It directly removed property, or property rights, from the hands of the Citizen mentioned in the Preamble to the United States Constitution. As a result, the Thirteenth Amendment is construed to operate against individuals (in general) as is legislation made in pursuance thereof. This is not the case with the Fourteenth Amendment.

We must not forget that the province and scope of the Thirteenth and Fourteenth Amendments are different; the former simply abolished slavery; the latter prohibited the status from abridging the privileges or immunities of citizens of the United States; from depriving them of life, liberty, or property without due process of law, and from denying to any the equal protection of the laws. The amendments are different, and the powers of Congress under them are different. What Congress has power to do under one, it may not have power to do under the other. Under the Thirteenth Amendment, it has only to do with slavery and its incidents. Under the Fourteenth Amendment, it has power to counteract and render nugatory all state laws and proceedings which have the effect to abridge any of the privileges or immunities of citizens of the United States, or to deprive them of life, liberty, or property without due process of law, or deny any of them the equal protection of the laws. Under the Thirteenth Amendment, the legislature, so far as necessary or proper to eradicate all forms and incidents of slavery and involuntary servitude, may be direct and primary, operating upon the acts of individuals, whether sanctioned by state legislation or not; under the Fourteenth, as we have already shown, it must necessarily be, and can only be, corrective in its character, addressed to counteract and afford relief against state regulations or proceedings. - Civil Rights Cases, (1883) 109 U.S. 3, 23; 3 S.Ct. 18; 27 L.Ed. 835.
The Fourteenth Amendment operates against the States as a whole, that is, either against the different branches of state government, or the people (sovereign body) of each State, as a whole, when acting in their sovereign or legislative political capacity to create or enforce State law.

Considering that Congress' powers are enumerated in Article I, Section 8, Constitution for the United States of America, it is reasonable to assume that Section Five of the Fourteenth Amendment is intended to give Congress new powers or to extend some existing power beyond the limits established by the original Constitution. In reference to the Fourteenth Amendment, the supreme court said:

. . . It is the power of Congress which has been enlarged. . . . - Ex Parte, Virginia, (1879) 100 US 339, 344; 25 L.Ed. 676; 9 Fed. Stat. Anno. 634.

Not only did the supreme court say that Congress' power was enlarged, the supreme court also made it clear that it was only Congress' power that was enlarged and not that of the general government.

All of the amendments derive much of their force from this latter provision. It is not said that the judicial power of the general government shall extend to enforce the prohibitions and to protecting the rights and immunities guaranteed. - Ex Parte, Virginia, (1879) 100 US 339, 344; 25 L.Ed. 676; Stat. Anno. 634.

This raises a peculiar question in relation to this claimed expansion of power on the part of Congress. If the judicial power is not expanded by this provision, then, is a court (upon whom Congress confers jurisdiction) exercising "judicial power" or the power of the Congress when adjudicating Civil Rights cases? Any "so-called" court that enforces legislation under an Amendment with this (or a similar power Clause) is proceeding as an Article I legislative Tribunal of Congress, not as an Article III Judicial Court of the Constitution.

We know from the Internal Revenue Code, Sec. 7441 that the U.S. Tax Court is what is known as an Article I (legislative) Court (tribunal).

There is hereby established, under Article I of the Constitution of the United States, a court of record to be known as the United States Tax Court. The members of the Tax Court shall be the chief judge and the judges of the Tax Court. - 26 U.S.C. 7441

We also know that an Article III court, that is, a court that actually exercises the judicial powers vested by Article III, can be created by Congress and vested with purely judicial power.

Here we see that Congress exercises the power to create two different kinds of courts, however, only one is vested with the judicial powers known to Article III of the U.S. Constitution. How do these courts differ? And what power does an Article I Court depend upon or exercise?

Once Congress has created an Article III court (and vested it with specific jurisdiction), it becomes independent of Congress. Its judges have perpetual term of office as long as they are in good behavior (Article III, Section 1) and its Judges may only be removed from office by impeachment (Article II, Section 4). The Judges of an Article III court may not have their compensation diminished during their term of office (Article III, Section 1). It is only the courts with these attributes which actually can exercise the judicial power of Article III of the U.S. Constitution and it is only these courts which can truly operate within the doctrine of separation of powers, a doctrine indispensable to our republican form of government. [Northern Pipe v. Marathon Pipe96].

Since the Officers of an Article III court may act without retribution for their actions, the court has both the power and the duty to lay statutory law next to the Constitution and see if the latter squares with the former, and if the statutory law does not conform to the Constitution it must be declared "null" and "void." [Marbury v. Madison97]. This being the attributes of an Article III court, the same must have been created by the power granted in Article III.

The judicial power of the United States shall be vested in ... such inferior courts as the Congress may from time to time ordain and establish. - Article III, Section 1, Const. for U.S. of A.

The words of this Clause give the courts thereunder the attribute of permanence by the words "ordained and established", that is, these courts have a fixed character and they are as perpetual as the Union itself.

How does an Article I court differ in character when compared to an Article III court? And does an Article I court exercise the lawful judicial power of the United States?

Article I contains another reference to Congress' power concerning what appear to be courts:

The Congress shall have power . . . to constitute Tribunals inferior to the Supreme Court; - Article I, Section 8, Clause 9, Const. for U.S. of A.

Notice the difference in wording between the Clause of Article I and the Clause of Article III. The latter makes reference to "courts" (inferior) to the "supreme court" while the former refers to "Tribunals" inferior to the "Supreme Court." Article III lays certain requirements on tenure of office, etc., while Article I lays no such requirements. So, in Article I we see the raw power of Congress (without respect to the limitations the Constitution) places upon the Article III judicial powers. When that power (judicial power) is exercised within the confines of Article III, it is said that the court created is a judicial body exercising a power separate from the legislature (which is the judicial power conferred and limited by Article III). It should be noted that as Article I makes reference to "Tribunals" inferior to the Supreme Court, the "Supreme Court" of Article I must also be a "Tribunal" and thus is not the same "supreme court" of that in Article III.

It is interesting to note that the Federal Statutes Annotated, Volume 8, p. 633 (in discussing Article I, Section 8, Clause 9) only makes mention of Congress' power under Article I being used within the confines of Article III, that is, up to 1864. Yet, today, we have Tribunals known as Article I courts. It would seem logical then to

deduce that in 1864 (or some time thereafter) Congress' power was extended in such a manner as to allow Tribunals to be created by the raw power of Congress without Article III limitations (and without the necessity of Article III altogether). The Fourteenth Amendment was allegedly ratified on July 9, 1868. In 1879, the supreme court ruled that only Congress' power was extended by the Amendment (14th).

In relation to the Tax Court, Congress was allegedly vested with extended power in the area of taxation (Sixteenth Amendment), and consequently we have an Article I court with relation to the tax imposed under that Amendment.

Another point must be looked at in reference to these questions. Congress has exclusive legislative power over the District of Columbia:

The Congress shall have Power . . . To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may . . . become the Seat of the Government of the United States . . . - Article I, Section 8, Clause 17, Const. for U.S. of A.

But this is not the power that is exercised by Congress under Martial Law Rule of the Civil War Amendments

Congress also claims the power to legislate, in certain cases, by implication of powers specifically granted:

The Congress shall have Power . . . To make all Laws which shall be necessary and proper in Execution of the foregoing power, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. - Article I, Section 8, Clause 18, Const. for U.S. of A.

This also is not the power exercised by Congress under the martial law rule of the Civil War Amendments. This Clause requires legislation to be both "necessary" and "proper." The wording of Article I, Section 8, Clause 18 (requiring Congress legislation to be "proper") leaves it in the hands of the judicial power to determine whether Congress action is "constitutional." On the other hand, the wording of the power Clauses of the Civil War Amendments (requiring "appropriate" legislation to enforce the Amendments) leaves it in the hands of Congress to determine what legislation is "appropriate" as a political consideration. Consequently, the courts of judicial power are prevented from determining the constitutionality of Congress' action under these power Clauses because judicial Courts have always claimed they cannot decide political questions without violating the separation of powers. Therefore, without challenging validity of the entire Amendment, we cannot challenge the Constitutional validity of any "Act" of Congress under the Amendment having this type of power Clause.

Taking all this into consideration (along with the alleged extension of solely Congressional power authorized by Section Five of the Fourteenth Amendment) it could only be deduced that an Article I court, (created under this power) exercises legislative rather than judicial power. Remember, the power of the judiciary was not extended by Section Five.

If an Article I court exercises only legislative power, then these courts apparently do not have the power (as does the Article III court) to lay a legislative enactment next to the Constitution and declare its validity or invalidity. This is the design of the Civil War Amendments and any other Amendment with a similar power Clause. Being in exercise of merely legislative power, the Article I court (tribunal) must follow the dictates of the legislature (Congress) and no other, because it is merely an extension of the legislature.

How many times have you heard of Tax Court cases when the Tax Court has said either, the Constitution is inapplicable, or that a claim of Constitutional limitations is frivolous? This alone supports the aforementioned proposition.

This indicates, in the area of the Thirteenth (and subsequent Amendments), that all power exercised under them is "legislative" and any body that exercises powers similar to those of Section Five of the Fourteenth Amendment, are merely extensions of the legislature.

Now we see why the supreme court refers to the power Clause as an enlargement of power rather than a creation of new power. It is an enlargement because the extension of martial power is used in conjunction with previous powers initially conferred upon Congress.

Going back to Congress' power under Article I, Section 8, Clause 18; look at what the government's own Publication says in relation to the judiciary in the District of Columbia.

In the District of Columbia there is no division of powers between the general and local government. Congress has the entire control over the District for every purpose of government, and in organizing a judicial department, all judicial power necessary for the purpose of the government may be vested in the courts of justice of the District. - 8 Fed. Stat. Anno. 659.

All judicial power? This conveys the fact the Congress may create courts in the District of Columbia under authority of Article I without reference to Article III (or any other provision of the original Constitution). So called Article I courts are "Tribunals."

Congress has followed a similar scheme in the case of national Article I Tribunals and in the case of vesting Article III courts with the power of Article I Tribunals. This is why there has been some confusion. Some people believe the Congress has expanded its jurisdiction over the District of Columbia and its territories beyond the limitations of the Constitution into the several States. But this is in error. Congress has expanded its jurisdiction through the power of Martial Law and created a whole new venue, a regional venue. This is what "regionalism" is all about:

The general restrictions of the Constitution which govern the exercise of jurisdiction by the courts of the United States within the several states of the Union have no operation in the District of Columbia, and the conditions of jurisdiction existing in the District make the provisions of section 1 of the Act of 1887, defining the jurisdiction of the circuit courts in districts within the several states, plainly inapplicable. General provisions of an Act of Congress not locally applicable are controlling under the provisions of Sec. 93, Rev. Stat. D.C. - Gilford Granite Co. v. Harrison Granite Co., 23 App. Cas. (DC) 22 (1903).

Under the authority of Congress to make "municipal law" for the District of Columbia, Congress need not hold to the Constitution (as it must with respect to the several States) nor (it appears) even to the doctrine of "separation of powers" (which is inapplicable in the District of Columbia). A similar scheme is followed in the case of Martial Law "regionalism" (again creating the aforesaid confusion), the difference being that judicial courts are prevented from questioning the "Acts" of Congress under Martial Rule while in the District of Columbia (the judicial courts had the power to determine whether Congress had exceeded the limits of authority related to the District of Columbia).

We know that the Fourteenth Amendment interferes with the sovereignty the several States retained prior to its alleged ratification. If this was a mere expansion of municipal power of the District of Columbia, the judicial courts would be able to adjudicate the constitutionality of the expansion of venue and jurisdiction. But this is not the case. The Fourteenth Amendment places prohibitions upon the States that never existed before (without reference to the District of Columbia or other territory of the United States) which said prohibitions encroach upon State sovereignty:

The prohibitions of the Fourteenth Amendment are directed to the states and they are to a degree restrictions of state power. - 9 Fed. Stat. Anno. 631.

Congress' power allegedly was extended into State sovereignty. Was Congress' municipal authority over the District of Columbia extended into the several States to create Article I courts in the States to enforce the Fourteenth Amendment? The power exercised is purely "legislative," not judicial, but it is not the power over the District of Columbia, it is national martial law power, (not limited by Constitutional provisions related to the District of Columbia or other territory appertaining to the United States).

It's unquestionable that Congress conferred jurisdiction on the courts of the United States to hear Civil Rights cases. The power exercised (being purely Congressional) by any court which exercises jurisdiction pursuant to the Fourteenth Amendment, acts as an Article I Tribunal. You might say: "But Article III courts were vested with this (civil rights) jurisdiction." That may be true, but when an Article III court exercises "legislative power," it must act as a legislative Tribunal and is reduced to an Article I Tribunal for the adjudication of such cases.

Either the Tribunal exercises the power of the legislature or it exercises the power of the judiciary as a court. The body (tribunal or court) cannot exercise both "legislative" and "judicial powers" simultaneously under the original Constitution and since only the power of Congress is allegedly enlarged by Section Five of the Fourteenth Amendment, a "Tribunal" cannot exercise both powers under this Clause either.

Who can claim these Fourteenth Amendment protections and through whom is this national martial law power of Congress extended into the several States?

Until some state law has been passed, or some state action through its officers or agents has been taken, adverse to the rights of citizens sought to be protected by the Fourteenth Amendment, no legislation of the United States under said amendment, nor any proceeding under such legislation, can be called into activity; ... the amendment was intended to provide against ... state laws or state action of some kind, adverse to the rights of the citizen secured by the amendment. - Civil Rights Cases, (1883) 109 U.S. 3, 13, 3 S.Ct. 18, 27 L.Ed. 835; 9 Fed. Stat. Anno. 631.

"Non-whites" are protected by the Fourteenth Amendment. Therefore, Congress found these "persons" a fit instrument for spreading their Martial Law jurisdiction throughout the several States. The unfortunate part of this "for persons of color" is that they have been led to believe they are allowed to access the judicial power of the United States when the truth is that they have only been allowed to access the arbitrary power of Congress under the Civil War Amendments. This is why "persons of color" in the United States continue to feel that they have no rights, because they have no independent judicial power to protect them.

Thus, Congress legislates between two or more races. A nation is a race or vice versa (Title: "Nation", Webster's Dictionary [1828]). Congress' legislation then is based on principles of "international law," and therefore is a form of international law for all intents and purposes. "Martial law" and "international law" work well together for Congressional purposes because they do not respect the authority of the Common-Law.

The exercise of Martial Law jurisdiction within the several States, is the usurpation of the Common Law and subjects the sovereign body (white Citizenry) to a jurisdiction that has no right to exist within the States.

Furthermore, since the Amendment (14th) only can invoke Congress' power (when involving those intended to be protected thereby, such as the Thirteenth and Fourteenth Amendments), white Citizens have no rights to sue under this Amendment.

There is, of course, one exception to this rule. If a white Citizen acquires the same legal status (artificial character) as those protected by the Amendment (through the operation of some statutory law of Congress), then said white Citizen may be brought within the venue of the Amendment as a statutory (juristic) person. By this means, white Citizens birthrights become of no affect and their rights are reduced to the inferior character of statutory Civil Rights (mere legislative privileges).

It must be remembered that the white Citizen obtaining this status will also be "subject to the jurisdiction thereof" (of the United States Congress) and can legally be regulated by the laws Congress passed under its Martial Law authority. Here the extension of municipal laws of Congress outside the boundaries set by the U.S. Constitution is complete. By this contrivance (and others emanating from the Fourteenth Amendment), the States have been reduced to mere administrative arms and provisional appendages of Congress and Congress' power has been extended to include the entirety of the United States.

The difference between the white man holding citizenship intact according to the Preamble of the United States Constitution (and all others who claim protection under the Fourteenth Amendment), is the difference between a natural birthright known to the Common-Law (or privilege, or immunity, guaranteed by the original Constitution) and a "so called" right, privilege, or immunity, created by the Constitution and Statute (a privilege or immunity that never before existed for the party upon whom it was conferred by statute). The supreme court has recognized that Congress may protect both:

A right or an immunity, whether created by the Constitution or only guaranteed by it, even without an express delegation of power, may be protected by Congress. - Strauder v. West Virginia, (1879) 100 US 303, 310, 25 L.Ed. 664 reversing State v. Strauder, (1877) 11 W.Va. 745.

But we would venture to say that a Citizen will find more protection in a "natural right" than a "privilege" conferred by Congress. The institution of government was inherently for the protection of natural rights (Preamble - U.S. Const.), while the granting of a privilege is merely at the tolerance of the sovereign body that created government and at the tolerance of the government the sovereign body created. The main point is, the courts have recognized that there are both "natural rights" and those "so called" rights artificially created by law (privileges).

In fact, State common law (natural rights) seem to receive no protection. It should also be noted that where a State government has agreed to usurp its sovereign body (free white State Citizens) and show itself disloyal to them by passing legislation in conformance with the Fourteenth Amendment, Congress' power is extinguished. In this relation, the U.S. supreme court said:

When the state has been guilty of no violation of its provisions; when it has not made or enforced any law abridging the privileges or immunities of citizens of the United States; when no one of its departments has deprived any person of life, liberty, or property without due process of law, or denied to any person within its jurisdiction the equal protection of the laws; when on the contrary, the laws of the state, are enacted by its legislative, and construed by its judicial, and administered by its executive departments recognize and protect the rights of all persons, the amendment imposes no duty and confers no power upon Congress. - U.S. v. Harris, (1882) 106 U.S. 629, 632, 1 S.Ct. 601, 27 L.Ed. 290.

In other words, when State martial law is imposed within the State to enforce National martial law, Congress has no reason to exercise its martial law powers.

If a State has conformed to the new Order, there is no need for Congress to intervene. And if a white Citizen has not obtained the standing of a former slave by petitioning Congress for admittance to venue and jurisdiction of the Fourteenth Amendment (i.e. statutory character of "person"), then Congress has no power over that individual under this Clause (Amend. 14, Sec. 5).98

With all that has been said about the Fourteenth Amendment in this exposé, the ultimate question remains: "Is the Fourteenth Amendment a part of the United States?" Or, rather, "Is it constitutionally a part of our organic law?"

The original Resolution which proposed the Fourteenth Amendment to the several States legislatures for ratification contained a Clause which does not appear in the reprints of the United States Constitution:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two thirds of both Houses concurring). That the following Article be proposed to the legislatures of the several States as an Amendment to the Constitution of the United States, which, when ratified by three fourths of said legislatures, shall be valid as a part of the Constitution, namely: - Article XIV . . . - 14 Stat. 358 (1866).

In looking into the Constitutionality of this Amendment (14th), we must look to see who proposed it; who ratified it; and if the power was actually vested in those bodies by the people of the United States of America in national Constitution to lawfully do so.

From the foregoing Preamble to the Resolution proposing the Fourteenth Amendment, we can see that Congress proposed it, and it was intended that the several States legislatures would ratify it.

There is a great deal of recorded history that shows the unscrupulous way in which the ratification of the Fourteenth Amendment was achieved. The basic disloyalties, the martial law, and political usurpations that took place after the Civil War are revealed by history to be:

• Military occupation of the several southern States under declaration by Congress, that the southern State governments were not valid, even though they had just been allowed to ratify the Thirteenth Amendment;
• Franchisement of non-citizens (basically Negroes) into the body politic;
• Disfranchisement of white Citizens (members of the sovereignty) from the body politic;Institution, through a military government, of predominantly Negro legislatures (while Negroes were not citizens); and
• The ratification of the Fourteenth Amendment by these non-citizen legislatures in the southern States, after the lawful legislatures (which existed prior to military occupation) had rejected this same Amendment.

There are no doubts that these are the historical facts. Let us now take a look at the legal side of the question.

We know several things about the Fourteenth Amendment in relation to Congress and the prohibitions laid against Congress by the original Constitution for the United States of America, (including the Bill of Rights). We know what the Amendment was designed to do and that it does the following things:

• It violates the Preamble, which defines the whole intent of all powers granted to Congress, by introducing a foreign member into the sovereign body.
• It is an "ex post facto law" punishing Southerners in many ways for acts not necessarily illegal at the time of their commission.
• It is a "bill of attainder" (in its lesser form of a "bill of pains and penalties") depriving all southern slave holders of property without trial.
• It deprived Southerners of property by unreasonable seizure and without just compensation, bringing Congress beyond limitations set out by the Fourth and Fifth Articles in Amendment (Bill of Rights).
• It lays prohibitions upon the States beyond those known to the original Constitution of the United States and makes inroads upon the Constitutions of the several States, encroaching upon sovereignty belonging to the people of the several States which is prohibited by the Tenth Article in Amendment (Bill of Rights).
• It created purely legislative "Tribunals" without respect to the separation of powers.
• It extended Congress' "martial law power" allowing the emission of "bills of credit" and etc..
• The list is too long to completely enumerate. (Refer back within this exposé to list more Constitutional violations)

We know that the United States government is one of enumerated powers only, and that specific prohibitions were placed on those powers by Article I, Section 9 and the Articles of the Bill of Rights (as well as other provisions of the United States Constitution).

Of course, the main points we are interested in are the prohibitions laid on Congress. Congress has no power to pass any "bill of attainder" or "ex post facto law" to make law which unreasonably deprives a Citizen of "property" or deprives the Citizen of "security in his person or effects;" to encroach upon a State's sovereignty retained at the adoption of the United States Constitution, or to make any law taking property for public use without just compensation.

The fact is, Congress exceeded the powers granted to it and violated prohibitions laid against it (in several areas) and had absolutely no right, power, or authority to propose such legislation and could only claim an exception through a similarly unlawful Act, the Second Section of the Thirteenth Amendment. Thus we find that we will have to show the Thirteenth Amendment to be invalid and unconstitutional, and in fact, not a part of the Constitution in order to judicially destroy the Fourteenth Amendment (at least with respect to the power of Congress as regards the proposing the Fourteenth Amendment).

But now let us take into consideration who actually claimed the power to ratify the Fourteenth Amendment, the State legislatures. We know everyone in government claims the Fourteenth Amendment is a part of the Constitution because it was ratified according to the provisions of Article V of the original U.S. Constitution which says that three fourths of the legislatures may ratify an Amendment to the Constitution and thus make the Amendment part of the organic law, but can the legislatures of the several States constitutionally make ratifications in all instances?

According to the principles upon which our form of government is founded and considering who originally ratified the Constitution, the answer to this question must be in the "negative" as a matter of law. We start to see the evidence in the law immediately with Article V of the Constitution for the United States of America.

. . . Provided that no Amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner effect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate. - Article V, Const. for U.S. of A..

Here we see two specific exceptions to the law of Amendment contained in Article V. Many times, the courts have ruled that when specific exemption is provided in the Constitution, that none other exists. In this case, that construction will not properly apply, especially since those exceptions applied both to the State legislature and Conventions of People of the several States.

When the construction of the Constitution is doubtful or the language ambiguous, resort may be made to other portions of the Constitution and finally to the "Convention Notes" and the "Federalist Papers." Article V contains two methods of amending the Constitution;

. . . by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress: . . . - Article V, Const. for U.S. of A.

Why were the two modes of ratification provided for? Is it possible that cases might arise where it was absolutely necessary for Conventions of the several States to ratify an Amendment instead of the several State legislatures? And if an Amendment required ratification by Conventions of the people of the several States, could Congress expect a lawful and constitutional ratification from the legislatures of the several States? Furthermore, even if Congress could recommend either mode of ratification, could the State legislatures lawfully and constitutionally make this ratification when it affected the Constitution of the State which created them? These are valid and important questions which must be answered as a matter of, and according to law, (in relation to Article V and the two modes of ratification). These questions consequently leave the language of Article V in somewhat of an ambiguous state.

To find the answer to these important questions, we will start at the beginning, the creation of our government. Justice Taney in Dred Scott v. Sandford99 relates the history of the beginning of our government and the

meaning of the Preamble to the United States Constitution. Therein we find (as we do in the words of the Preamble) that the sovereign people ("We the People") adopted [ratified] the Constitution and it was on their authority (as the sovereign bodies, in their respective States) that the General Government was formed (and that it was formed for their protection, as well as the protection of their posterity).

Some might say that the Constitution for the United States of America could as easily have been ratified by the legislatures of the several States; but if this is true, why does history (as well as the Constitution) reflect that it was ratified by the people in Conventions of the several States instead?100 The fact is, the legislatures of the several States had no lawful authority to ratify the United States Constitution. The Convention related the legal reason why the Constitution had to be ratified by the people instead of the legislatures. The following remarks were made with reference to Article VII, Constitution for the United States of America.

. . . Madison thought them essential and remarked that otherwise in cases of conflicts between laws of the States and of Congress, the courts of the former might decide in favor of their own laws; and he remarked further that it might be asserted that the Union was a mere treaty among independent States, and therefore a breach of any one article absolved the other parties from the whole obligation, - 8 Fed. Stat. Anno. 243.

Here, Madison thought the peoples ratification necessary to the supremacy Clause of Article VI. Knowing this, (contrary to the ruling of the supreme court of the United States in Neal v. Delaware101), the supremacy Clause of the national Constitution could not be applied the Amendments which made inroads into the Constitutions of the several States (and which were only ratified by State legislatures).

Question: "Is this why the several States have been coerced to amend their own Constitutions consistent with national martial law Amendments?"

Question: "Is this why the provisional States, such as the provisional State of Washington, were induced into placing a provision in the (so-called) State Constitution making the United States Constitution the Supreme Law of the Land?" [Washington Constitution (1889), Article I, Section 2.]

If the State Constitutions declare the national Constitution "supreme," then the supremacy Clause of the national Constitution will not come into play in adjudication's concerning the Civil War Amendments (and like Amendments).

If the State Constitutions adopt the provisions that are consistent with the Civil War Amendments (and like Amendments) then, again, the application of supremacy Clause of the national Constitution will not be questioned concerning conflicts of law between the States and the United States, because there will be no conflict of law.

Later in the Convention:

Governour Morris argued that, as no alteration could be made under the Confederation without unanimous consent, and change in the proposed Constitution not made in accordance with this provision, must be held void by the judges as unconstitutional, if the reference would be made to the legislatures; while, if the reference should be made to the people of the United States, the federal compact may be altered by a majority of them. - 8 Fed. Stat. Anno. 243.

Morris understood that the people were sovereign above the several State legislatures. Finally, Madison made the most important legal argument showing that the States legislatures were incompetent to ratify the Constitution for the United States of America and this argument still applies today.

Madison thought the legislatures clearly incompetent, for the very changes proposed would make essential inroads on the State Constitutions, and a legislature cannot change the Constitution under which it exists. The

difference between a system founded on the legislature only and one founded on the people is, he said, that between a league or treaty and a Constitution. - 8 Fed. Stat. Anno. 243, 244.

While all the other Conventioneers arguments related to the Articles of Confederation, Madison was capable of showing the absolute legal incompetence of the State legislatures to ratify the national Constitution. If a State legislature allows inroads to be made upon the Constitution under which it exists (by ratification of a national Constitution, much less an Amendment thereto), it is Constitutionally incompetent to pass upon the legislation. This is consistent with the principles of a Constitutional Republic where the institutions of government cannot change the organic law of the people under which the government legally exists. Only the sovereign body (the people) can act upon such legislation because it is "organic law" (extraordinary legislation), not mere ordinary legislation.

We have seen the inroads that the Fourteenth Amendment made on the Constitutions of the several States, whether they were southern or northern. With the possible exception of one or two States, this Amendment (14th) made inroads into all State Constitutions under which the State legislatures existed when they ratified the Fourteenth Amendment. Here, the reason for two methods of ratification comes to light in the first instance:

It may be said that the "Notes" on the Convention are not a reliable source of construction of the Constitution. And in certain cases, this may be true. But not here! The supreme court (as in Dred Scott v. Sandford,102 [supra.]) has said that legislation most recent to the adoption of the Constitution lays closest to the foundation of the organic law and must be accorded the necessary respect due according to the era of their enactment. Obviously, this is true (considering that such legislation is contemporary to the organic law), that is, it is contemporary to a time when the original intent was foremost in the minds of the Officials of government, both State and Federal.

Article V had at least one primary purpose in the Constitution. In the Convention it was agreed that a provision should be made in the Constitution so that the several States might add a Bill of Rights to the U.S. Constitution as a condition of its adoption.

Pursuant to this proposition of the Convention (and with the understanding that a Bill of Rights could be added), Conventions of the People of the several States ratified the Constitution and proceeded to propose Articles of the Bill of Rights to be added accordingly.

In the Preamble to the Bill of Rights (seldom found reprinted in any Constitution, whether printed by the federal government or private parties), we find the first impression of the several States, as to the purpose of Article V, Constitution for the United States of America.

The Bill of Rights was ratified by the legislatures of the several States; and of this there is no doubt. Obviously, both Congress and the several States legislatures believed they had the power to make the ratification. When we look at the Preamble to the Bill of Rights, we see under what circumstance the power was believed to exist:

THE Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declarative and restrictive clauses should be added: And as extending the ground of public confidence in the Government will best insure the beneficent ends of its institution.

RESOLVED by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of the Houses, that the following Articles be proposed to the Legislatures of the several States as Amendments to the Constitution of the United States, all or any of which Articles when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes as part of the said Constitution. vis!

ARTICLES in addition to, and Amendment of the Constitution of the United States of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth Article of the original Constitution. - Preamble to the Bill of Rights, U.S. Constitution.

So the Bill of Rights (as ratified by the State legislatures) was ratified with the intention of limiting the federal government to the power granted to it, for the preservation of the powers of the several States and the individual Citizen's natural rights. Here, the legislatures of the several States did not attempt to expand the powers of Congress (by inroads into their own respective Constitutions), but, instead, ratified the added assurance that Congress would not usurp its powers in deprivation of the powers of the several States or the people of the several States respectively. [Articles Nine and Ten in Amendment].

If we read Hans v. Louisiana,103 we find that the State legislatures again ratified an Amendment of the United States Constitution with the same purpose, that is the Eleventh Amendment. Not until the Thirteenth Amendment were the powers of Congress so widely expanded, or for that matter, expanded at all by an alleged Amendment to the Constitution. Going back to the assertions of Madison in the Convention; "Where did the legislatures of the several States derive power to ratify any Amendment which made inroads into the Constitution under which they existed?" The power, in itself, would be "nugatory."

Obviously, Article V provides for ratification of an Amendment by Conventions of the People of the several States for occasions such as this. In fact, the principles upon which the federal Constitution was founded absolutely demand that such Amendments be ratified by the people rather than the State legislatures. No legislative body has the power to change the organic law and its relation to the sovereign body (Nation) that created it. Only the sovereign people, themselves, have the power to add to its members a new class of persons.

As a result, we see that no competent body purposed nor ratified the Fourteenth Amendment (or any like Amendment affecting the sovereign body), that said Amendment is not a part of the Constitution for the United States of America, and that the Amendment (and like Amendments) are absolutely unconstitutional in this respect. They are not Amendments of our Constitution.

Not only do the Amendments discussed herein (such as the Fourteenth Amendment) make inroads into State Constitutions (especially where the States have a Bill of Rights similar to that of the Constitution for the United States of America), but the several State legislatures are also prohibited by "the people" in the Constitution for the United States of America, itself, from enacting (ratifying) such legislation into law.

Article I, Section 10, Constitution for the United States of America, lays prohibitions on the several States (similar to those laid against the United States government in Article I, Section 9, Constitution for the United States of America) with one further prohibition; the several States have no power to violate the "Obligations of Contract" by laws enacted in the State. As we previously discussed, many "bills of sale" (executed Contracts) that were violated by the Thirteenth Amendment were sanctioned to be violated by adoption of the Fourteenth Amendment.

Not only are the State legislatures prohibited by their own respective State Constitutions from passing such legislation, but they are also prohibited by the Constitution for the United States of America from passing such legislation into law, Organic or otherwise. We find no repeal of those original prohibitions at any time before or after the alleged adoption of the Thirteenth or Fourteenth Amendments.

The bottom line is that the State legislatures were, and are, incompetent to ratify the Fourteenth Amendment for no power of ratification having existed in the bodies to whom it was presented.

Another point to address is the 14th Amendment to the Constitution for the United States of America is not an "Amendment," it is a "Revision."

Case law is evidently unanimous in support of the view that there is a distinction of substance between the concept of "Amendment" and "Revision" and that some proposed constitutional changes can only be accomplished by revision.104 The line between changes which are permissible as "Amendments" and those which must necessarily be "Revisions" cannot be drawn with precision. In general, changes which are "few and simple and independent" can be considered Amendments, whereas "sweeping change" requires the Revision process.105 The case of McFadden is instructive on the distinction between "Amendment" and "Revision." Quoting from an earlier case, the McFadden court discussed revisions made by a Convention in which "the entire sovereignty of the people is represented . . ." Id. at 789.

The character and extent of a constitution that may be framed by that body is freed from an limitations other than those contained in the constitution of the United States. . . the very term 'constitution' implies an instrument of a permanent and abiding nature, and the provisions contained therein for its revision indicated the will of the people that the underlying principles upon which it rests, as well as the substantial entirety of the instrument, shall be of a like permanent and abiding nature. On the other hand, the significance of the term 'amendment' implies such an addition or change within the lines of the original instrument as will effect an improvement, or better carry out the purpose for which it was framed.106 - McFadden v. Jordan, 196 P.2d 787, 789

The court held that the measure in question was so "far reaching and multifarious" that it was revisory rather than amendatory in nature.107 The court listed numerous sections of the Constitution which the measure in question would affect.108 This review demonstrated:

. . . the wide and diverse range of subject matters proposed to be voted upon, and the revisional effect which it would necessarily have on our basic plan of government. The proposal is offered as a single amendment but it obviously is multifarious. It does not give the people an opportunity to express approval or disapproval severally as to each major change suggested. . . . - McFadden v. Jordan, 196 P.2d 787, 796-97

In Adams v. Gunter,109 the court opined that amendment as distinct from revision authority includes only the power to amend any section in such a manner that such Amendment, if approved, would be complete within itself, relate to one subject and not substantially affect any other section of Articles of the Constitution or require further Amendments to the Constitution to accomplish its purpose.110

The above authorities quoted merely suggest factors that should be considered in determining whether a proposed constitutional change is "amendatory" or "revisory." The 14th Amendment addresses multifarious issues ranging from status of citizenship, disqualification of representatives, taxes, apportionment of representatives, and the debt of the United States. And taking into consideration what we have studied, the 14th Amendment has altered more than one Article of the Constitution for the United States of America.

The bottom line is that Congress was and is incompetent to make "Revisions" to the Constitution for the United States of America, that the 14th Amendment is absolutely unconstitutional and therefore "null and void" ab initio for no power of "Revision" exist in the Congress.

We cannot emphasize enough that, as a matter of law, there is no Fourteenth Amendment to the Constitution for the United States and that even if there were, it would have absolutely no lawful application to the individual free white Citizens of the several States.

The Law Martial

Introduction

In this exposé, we have briefed the Fourteenth Amendment to the Constitution for the United States of America and the powers acquired by Congress thereunder to impose Law Martial upon the States. What most people don't realize is that they have been under Martial Law Rule for over 60 years.111

The case of Ex parte Milligan,112 is where our study of the Law-Martial begins wherein the United States supreme court lists and explains three forms of Martial-Law. Like it or not, we have to deal with these three forms:

1. Full Martial Law.
2. Martial Law Proper.
3. Martial Law Rule.

Full Martial Law is when a Declaration of Martial Law is issued, and military troops are put in the streets to control a region or district with military force. The federal armed forces with the National Guard are on every street corner enforcing military jurisdiction on every Citizen of the Nation. This form is only supposed to be used when the Nation is at War, a declared War by Congress, and should only be used on foreign soil unless the country is actually invaded by some foreign power or to put down an armed rebellion too large to be dealt with by the civil authorities or powers of our constitutional government.

The first indication of imposition of Full Martial Law (with the exception of the troops actually in the streets wielding their military power), is the suspension of the constitutional civil judicial power to enforce the rights of liberty with the privilege of the Writ of Habeas Corpus. This is clear from the American Constitutions (both State and federal) which generally provide that this great bulwark of liberty may not be suspended except upon declaration of the legislature that the public safety require it due to rebellion or invasion. [For example, Const. for U.S. of A., Article 1, Section 9, Clause 2.] The cause that allows suspension of the privilege of the Writ of Habeas Corpus is the only cause for imposition of Full Martial Law.

Martial Law Proper is the law governing the internal operation of the armed forces. It is this law that is followed to control military command of armed forces. For example, it is the law used to enforce an "Order" of a Sergeant upon a Private. It is the law that is enforced by Courts Martial.

Martial-Law Rule is the law of necessity and emergency. This form allows a domestic use of martial law powers, but only for as long as the necessity or emergency exist. The most dangerous thing about this form of Martial Law is that this form of Martial Law is used during times of peace.

Called by some writers on the subject (and termed such by a few Constitutions) - the "Law Martial," this jurisdiction has existed since the United States Constitution was first established. The Congress and the President of the United States have argued since the beginning on how far the Law-Martial power can be exercised by both branches of the government. The United States Constitution and the State Constitutions authorize the power to exist, but they do not necessarily define its proper or legitimate use. Should the Law Martial power be abused by the Executive and/or the Legislative Branches (when the Judicial Branch will not check the abuse of the Law Martial powers), the people (being confused) become alarmed and begin to disobey the Statutes authorized under the powers of the Law Martial.

Any one of the three forms (used strictly for the purpose they were structured for) would be (according to the United States supreme Court) constitutional. It appears that it is the third form of the Law Martial [Martial Law Rule] that could be and is used to destroy the letter and spirit of the original United States Constitution. It is also the third form [Martial Law Rule] that can be administered as to lead the people to believe that the Government is administering constitutional law when in fact, the Government is administering Martial-Law Rule under the appearance of constitutional law.

Try as the government may, the people smell a rat. The "Federal Tax Laws" is the first line of disobedience by the people. The people for the last fifty years have in large numbers disobeyed the tax laws (particularity the "Personal Federal Income Tax") which is claimed by these people to be "un-Constitutional." Many have come forth with their claims to the un-Constitutionality of the tax laws and have failed. Have they failed because they have not understood that the "Federal Personal Income Tax" is within a military venue and is enforced under a

Martial Law Jurisdiction? The Government seizes their property without "Court Orders." The Government seizes their bank accounts without "Court Orders" and the Government seizes their wages without "Court Orders." The people just can't seem to grasp the source of power that the Government is exercising. If they read General Order No. 100 by Abraham Lincoln, they will discover the source of their problem.

INSTRUCTIONS FOR THE GOVERNMENT OF ARMIES OF THE UNITED STATES IN THE FIELD

The following material is part of Instructions For The Government of Armies of the United States in the Field, prepared by Francis Lieber, promulgated as General Orders No. 100 by President Lincoln, (24 April 1863). General Orders No. 100 can be found published in the book The Law of Armed Conflicts, Third Ed., Edited by Dietrich Schindler and Jiri Toman, wherein its inclusion was explained as follows:

The Lieber Instructions represent the first attempt to codify the laws of war. They were prepared during the American Civil War by Francis Lieber, then a professor of Columbia College in New York, revised by a board of officers and promulgated by President Lincoln. Although they were binding only on the forces of the United States, they correspond to a great extend to the laws and customs of war existing at that time. The Lieber Instructions strongly influenced the further codification of the laws of war and the adoption of similar regulations by other states. They formed the origin of the project of an international convention on the laws of war presented to the Brussels Conference in 1874 (No. 2) and stimulated the adoption of the Hague Conventions on land warfare of 1899 and 1907 (No's. 7 and 8). - [The Law of Armed Conflicts, p. 3].

The Law of Armed Conflicts also lists as sources of the published text in English as follows:

Instructions for the Government of Armies of the United States in the Field, prepared by Francis Lieber, LL.D., Originally Issued as General Orders No. 100, Adjutant General's Office 1863, Washington 1898, Government Printing Office; Francis Lieber, Contributions to Political Science, Including Lectures on the Constitution of the United States and Other Papers, Miscellaneous Writings, Vol. II, 1881, p. 245; Wilson - Tucker pp. VI-XXXVI; Friedman. pp. 158-186.

or the purpose of this exposé, we will quote only those Articles of the Lieber Instructions (with comments) that affect us on a day to day basis.

SECTION I

Martial Law - Military jurisdiction - Military necessity - Retaliation

Art. 1. A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the Martial Law of the invading or occupying army, whether any proclamation declaring Martial Law, or any public warning to the inhabitants, has been issued or not. Martial Law is the immediate and direct effect and consequence of occupation or conquest. The presence of a hostile army proclaims its Martial Law.

NOTE: Is there a hostile army presence in every State in the Union, enforcing Martial-Law jurisdiction on the Citizens of the several States? Has America been taken by conquest? According to the United States Supreme Court in Texas v. White, (1868) 7 Wall. (U.S.) 721, the court ruled the Civil War was not a war of conquest. If the civil war was not a war of conquest, then we are under one of the forms of the Law Martial. We must be under occupation. The above Article does not say the Nation has to be under occupation by a foreign nation's army. In and after the Civil War, Citizens of this Nation were under the Law-Martial and occupation of the Union Army. The fact is, we must prove today that the several States are under occupation by a domestic army to prove that the Citizens are under the Law Martial Jurisdiction.

Citizens see this domestic Army of Occupation every day, but don't recognize them as the Military Police. This domestic Army is on every street of every State in this Union. Citizens don't recognize this Army because the

Army hides behind a Vail of secrecy, what appears to be a civilian uniform. To unveil this Army, the people need to look up the State Statutes on the term: "Peace Officer." Every State in the Union has a Statute establishing "Peace Officers." The term: "Peace Officer" in these Statutes means: the Military Police of the State. The "Military Police of the State" is not the State Militia.

Examine your State, County, and City Police. All of the civil police officers are statutorily defined as a single form of "Officer," a "Peace Officer." Do local police units have military ranks such as "Sergeants," "Captains," "Lieutenants," and "Quartermasters?" Have you ever heard the police refer to people as "civilians?" What National flag and/or State Flag is displayed at your local police department? The County Sheriff Deputies in Oregon wear the yellow fringe National Flag patch on their uniforms. Are you beginning to recognize the troops of occupation on every street of this Union? Are you under occupation? When a local policeman enforces a curfew (as they are across this Nation today), is the policeman enforcing the curfew as a Sheriff's Deputy, State Policeman, or City Policeman, or are all three enforcing the curfew as "Peace Officers" i.e. "State Military Police?" The answer falls in the Statute or Ordinance they are enforcing. "Curfew" is strictly under a Martial Law jurisdiction. How many other State Statutes, or County/City Ordinances have been enacted by the State Legislators, County Commissioners, and City Councils, under Martial Law Jurisdiction?

One more point. The "Military Police" must have a "Military Venue" to perform as the "State Military Police." The State Regional Areas under Metro-Government provide the Military Venue for the Peace Officers to enforce Martial Law Jurisdiction. Now, can you understand that the Nation is under occupation?

Art. 2. Martial Law does not cease during the hostile occupation, except by special proclamation, ordered by the commander in chief; or by special mention in the treaty of peace concluding the war, when the occupation of a place or territory continues beyond the conclusion of peace as one of the conditions of the same.

NOTE: There is no treaty of peace between the Union and the several States that is know of and the end of full martial law was finally declared by withdrawal of troops in the streets, but repeal of all forms of the law martial has never been declared.

Art. 3. Martial Law in a hostile country consists in the suspension, by the occupying military authority, of the criminal and civil law, and of the domestic administration and government in the occupied place or territory, and in the substitution of military rule and force for the same, as well as in the dictation of general laws, as far as military necessity requires this suspension, substitution, or dictation.

The commander of the forces may proclaim that the administration of all civil and penal law shall continue either wholly or in part, as in times of peace, unless otherwise ordered by the military authority.

NOTE: Under the Law-Martial, only the criminal jurisdiction of a Military Court is the recognized law. But as Article Three says, "the civil courts can continue wholly or in part as long as the civil jurisdiction does not violate the Military orders laid down by the Commander in Chief or one of his Commanders." By this means; a military venue, jurisdiction, and authority are imposed upon the occupied populace under disguise of the ordinary civil courts and officers of the occupied district or region, because the so-called civil authorities in an occupied district, or region, only act at the pleasure of a military authority.

It should also be noted here that the several State Legislatures, County Boards of Commissioners, and City Councils, are constantly legislating to please the edicts of the federal government (the occupying force) and that their legislation, in this sense, is not an exercise of State sovereignty, but instead, a compliance with edicts of the military force which occupies the several States and consequently are edicts of Martial Law Rule.

Art. 4. Martial Law is simply military authority exercised in accordance with the laws and usage's of war. Military oppression is not Martial Law: It is the abuse of the power which that law confers. As Martial Law is executed by military force, it is incumbent upon those who administer it to be strictly guided by the principles

of justice, honor, and humanity - virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.

NOTE: What is being said is abuse of the Martial Law power is not considered Martial Law. We agree. It's called TREASON. (See Article III, Sec. 3, U.S. Const.). Meanwhile (under this principle), the Officers operating under Martial Law Rule are required to act in strict accordance with Statutes and Regulations under which Martial Law Rule is imposed. That is why "Statutory Tribunals" (courts) will declare the acts of "Peace Officers" statutorily defective in some cases, but at the same time, refuse to impose constitutional limitations. Basically, when a Tribunal declares that a "Peace Officer" failed to follow the requirements of a Statute, what that Tribunal has done is declared that the "Peace Officer" failed to follow the Rules of War while exercising a Martial Law power and therefore, was not justified in his acts.

Art. 5. Martial Law should be less stringent in places and countries fully occupied and fairly conquered. Much greater severity may be exercised in places or regions where actual hostilities exist, or are expected and must be prepared for. Its most complete sway is allowed - even in the commander's own country - when face to face with the enemy, because of the absolute necessities of the case, and of the paramount duty to defend the country against invasion. To save the country is paramount to all other considerations.

NOTE: The above Article Five can also be understood to save a Martial-Law system as paramount to all other considerations. As long as the system survives without armed hostility against it, Martial Law is imposed in the milder form of Martial Law Rule, but the minute any armed hostility is raised or threatened against the occupying force, full Martial Law is again imposed with troops in the streets to enforce Martial Law authority. Do the Los Angeles and Chicago riots ring a bell? How about Waco and Ruby Ridge?

Art. 6. All civil and penal law shall continue to take its usual course in the enemy's places and territories under Martial Law, unless interrupted or stopped by order of the occupying military power; but all the functions of the hostile government - legislative executive, or administrative - whether of a general, provincial, or local character, cease under Martial Law, or continue only with the sanction, or, if deemed necessary, the participation of the occupier or invader.

NOTE: Thus, it appears that the State Legislatures and local governmental units in the several States are still operating under a Constitutional authority, when in fact, they are operating at the pleasure of, or with the sanction of, the Commander in Chief of the occupying force. Take a look at the legislation and court decisions in your State and you will find that more than not, the legislation and court decisions are designed to please the edict of the federal government in matters such as the Civil War Amendments.

Art. 7. Martial Law extends to property, and to persons, whether they are subjects of the enemy or aliens to that government.

NOTE: All the "non-resident alien" pleaders can trash their argument. Under any of the three forms of the Law-Martial, it just doesn't matter.

Art. 8. Consuls, among American and European nations, are not diplomatic agents. Nevertheless, their offices and persons will be subjected to Martial Law in cases of urgent necessity only: their property and business are not exempted. Any delinquency they commit against the established military rule may be punished as in the case of any other inhabitant, and such punishment furnishes no reasonable ground for international complaint.

NOTE: All the "Ambassadors of God" pleaders just got trashed by Article Eight.

Art. 9. The functions of Ambassadors, Ministers, or other diplomatic agents accredited by neutral powers to the hostile government, cease, so far as regards the displaced government; but the conquering or occupying power usually recognizes them as temporarily accredited to itself.

Art. 10. Martial Law affects chiefly the police and collection of public revenue and taxes, whether imposed by the expelled government or by the invader, and refers mainly to the support and efficiency of the army, its safety, and the safety of its operations.

NOTE: As we have said, the Federal Personal Income Tax is collected under a Military Venue within a Martial-Law jurisdiction. Federal Reserve Notes are Military Scrip circulated within a Military Venue. The problem is the people don't understand how the entire United States is covered by a Military Venue. The first Military Venue covering the entire United States was brought into existence through the Social Security Act. Under the Social Security Act, there was brought into existence Ten Federal Regional Areas. These ten federal regional areas are the same as a military base. It is not unconstitutional to circulate "military scrip" on a military base as the base is considered to be a military venue. "Military scrip" cannot circulate in the civil jurisdiction of the several States. To get around this Constitutional bar, the Congress (via the Social Security Act), created Ten Military Venues, called "Federal Regional Areas." The problem the Congress realized was, while Congress could restructure the Government Agencies into these Federal Regional Areas, the people could not be identified to be within this Military Venue by their own consent. The solution was to create another Military Venue which would trick the people to voluntarily accept recognition that they are within a Military Venue. Congress solved this problem by creating the ZIP CODE.

The "zip code" divides the United States into Ten Military Venues called "National Areas." When a Citizen receives mail from an agency of the federal government (such as the I.R.S.), in the return address of the federal agency is the district within the regional area the letter is sent from, and on the address of the "Citizen" it was sent to is the national area [ZIP] in which he received the correspondence from the I.R.S.. In other words, the correspondence was sent from one of the federal regional areas [military venue] to one of the National Areas [another military venue]. "Taxing Districts" are established within one of the Federal Regional Areas, which places the collection of taxes under a martial law jurisdiction.

Military commanders can set up "taxing districts" in an occupied region. In the United States, the President (who is the Commander in Chief of the Military) has been authorized to set up Internal Revenue Taxing Districts, ever since the Civil War. [see 26 U.S.C. § 7621].

Art. 11. The law of war does not only disclaim all cruelty and bad faith concerning engagements concluded with the enemy during the war, but also the breaking of stipulations solemnly contracted by the belligerents in time of peace, and avowedly intended to remain in force in case of war between the contracting powers.

It disclaims all extortion's and other transactions for individual gain; all acts of private revenge, or connivance at such acts.

Offenses to the contrary shall be severely punished, and especially so if committed by officers.

NOTE: Here is the basis for Title 42 suits (Title 42, United States Code), and the reason why 99% of Title 42 suits fail. The Title 42 guru's never get the point. They are trying to sue what they call "Executive Officers" (assuming these Officers are in the civil jurisdiction of a State or the civil jurisdiction of the United States [who, in reality, are "Military Officers" (Peace Officers) protected from liability for Constitutional violations as they are not bound to the Articles of the Constitutions (State or Federal) but rather, are bound to the Rules of War]). As an example, President Clinton says he can't be forced to court by a woman who is suing him as he is protected in his capacity as Commander in Chief. Of course, the Articles of the Federal Constitution or the Articles of the State Constitutions, (and their Bill of Rights) do not apply to Officers within a Military Venue. These Officers (appearing as "Executive Officers" of the States or Federal Government) are "Peace Officers" and can only be charged if they violate Article 6 of these Orders, (or any other Articles under this Order regulating their duties). Under Military Rules, Title 42 suitors have no Constitutional charges to bring against a Military Officer under the Rules of Occupation.

Art. 13. Military jurisdiction is of two kinds: First, that which is conferred and defined by statute; second, that which is derived from the common law of war. Military offenses under the statute law must be tried in the manner therein directed; but military offenses which do not come within the statute must be tried and punished under the common law of war. The character of the courts which exercise these jurisdictions depends upon the local laws of each particular country.

In the armies of the United States, the first is exercised by courts-martial, while cases which do not come within the "Rules and Articles of War," or the jurisdiction conferred by statute on courts martial, are tried by military commissions.

NOTE: As you can see, some regulations are by Acts of Congress and some regulations are the acts of the Commander in Chief (or one of his Commanders). The most interesting part of this Article is the reference to the "common law of war." Is this the "federal common law" the federal courts are referring to?

Art. 15. Military necessity admits of all direct destruction of life or limb of armed enemies, and of other persons whose destruction is incidentally unavoidable in the armed contests of the war; it allows of the capturing of every armed enemy, and every enemy of importance to the hostile government, or of peculiar danger to the captor; it allows of all destruction of property, and obstruction of the ways and channels of traffic, travel, or communication, and of all withholding of sustenance or means of life from the enemy; of the appropriation of whatever an enemy's country affords necessary for the subsistence and safety of the army, and of such deception as does not involve the breaking of good faith either positively pledged, regarding agreements entered into during the war, or supposed by the modern law of war to exist. Men who take up arms against one another in public, war do not cease on this account to be moral beings, responsible to one another and to God.

NOTE: Article 15 sounds like the creed of the I.R.S.. Under this Article, would the I.R.S. be exercising "Federal Common Law?"

Art. 16. Military necessity does not admit of cruelty - that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confessions. It does not admit of the use of poison in any way, nor of the wanton devastation of a district. It admits of deception, but disclaims acts of perfidy; and, in general, military necessity does not include any act of hostility which makes the return to peace unnecessarily difficult.

NOTE: GRANT, Sherman, and bloody Buttler must have missed reading Article 16.

This Article admits that it is perfectly fine to deceive the occupied populace into believing they are governed by their own civil government, while in reality, they are being governed behind the scenes by a military force. Such deception provides the greatest opportunity for military occupation without hostility (under the pretense that no occupation or hostility exists). Simply put, if you can control peoples minds, you don't have to control their bodies. One who doesn't believe he lost his liberty will never break out in open hostility to restore it. Such deception provides the maximum amount of control of the occupied region with the minimum expenditure of resources, and is geared to avoid "any act of hostility which makes the return to peace (or the appearance of peace) unnecessarily difficult."

Art. 17. War is not carried on by arms alone. It is lawful to starve the hostile belligerent, armed or unarmed, so that it leads to the speedier subjection of the enemy.

NOTE: Is Article 17 justification for the depression of 1929? Justification for leading people to believe they cannot work or survive without being a member of Social Security? Justification for leading the people to believe that they cannot function without permission of government officials at every turn? Justification for depriving any aspect of Life, Liberty, or Property (pursuit of happiness), without the due process of law required by constitutional limitations, both State and federal?

Art. 18. When a commander of a besieged place expels the noncombatants, in order to lessen the number of those who consume his stock of provisions, it is lawful, though an extreme measure, to drive them back, so as to hasten on the surrender.

NOTE: Is this authority to regulate the farmers to bring about their surrender?

Art. 22. Nevertheless, as civilization has advanced during the last centuries, so has likewise steadily advanced, especially in war on land, the distinction between the private individual belonging to a hostile country and the hostile country itself, with its men in arms. The principle has been more and more acknowledged that the unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will admit.

NOTE: Article 22 must have been written for the cowards who live in fear of the occupiers and the people.

Art. 26. Commanding generals may cause the magistrates and civil officers of the hostile country to take the oath of temporary allegiance or an oath of fidelity to their own victorious government or rulers, and they may expel everyone who declines to do so. But whether they do so or not, the people and their civil officers owe strict obedience to them as long as they hold sway over the district or country, at the peril of their lives.

NOTE: Article 26 is a mouth full. The "Order" that the State Officials is take an Oath to uphold the Fourteenth Amendment, or be expelled from office, comes to mind. Isn't strict obedience of the State Officials what the United States Supreme Court demands today? Today, we don't have State Officials with the guts to stand up to the federal power, but there was a man in the 1800's who did stand up: Toombs, Robert Augustus (1810-1885), served in the United States Congress before the Civil War and then became Confederate Secretary of State. Toombs refused to swear allegiance to the government of the United States after the war and lost his citizenship. There are still a few men today who place "Honor" above personal safety as Mr. Toombs did.

To whom, or to what have the Officials in your State sworn allegiance to in order to enter office? Your first clue should come from the fact that they executed a voter registration card, (regulated under authority of the United States) to enter into a (so-called) State Office.

SECTION II

Public and private property of the enemy - Protection of persons, and especially of women, of religion, the arts and sciences - Punishment of crimes against the inhabitants of hostile countries.

Art. 31. A victorious army appropriates all public money, seizes all public movable property until further direction by its government, and sequesters for its own benefit or of that of its government all the revenues of real property belonging to the hostile government or nation. The title to such real property remains in abeyance during military occupation, and until the conquest is made complete.

NOTE: All movable property, real property, public money. Sounds like the I.R.S. confiscating all the Citizens' property for their master, the Congress of the United States.

Art. 34. As a general rule, the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character, to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning or observatories, museums of the fine arts, or of a scientific character such property is not to be considered public property in the sense of paragraph 31; but it may be taxed or used when the public service may require it.

NOTE: Look at the Churches, Schools, etc, of today. If they don't preach or teach government doctrine, are they not harassed and face confiscation of their property? And are they not put up to the public as less than true Americans?

Art. 37. The United States acknowledge and protect, in hostile countries occupied by them, religion and morality; strictly private property; the persons of the inhabitants, especially those of women: and the sacredness of domestic relations. Offenses to the contrary shall be rigorously punished.

This rule does not interfere with the right of the victorious invader to tax the people or their property, to levy forced loans, to billet soldiers, or to appropriate property, especially houses, lands, boats or ships, and churches, for temporary and military uses.

NOTE: The FBI sure didn't read this article when they killed men, women, and children at Waco and Ruby Ridge.

Notice that a part of the martial law is to levy taxes (for which taxing districts may be set up), and to levy forced loans (for which instruments of debt may be issued and circulated).

The President has been setting up taxing districts called "internal revenue districts" starting with the Civil War and continuing to date (26 U.S.C. § 7621). The establishment of revenue districts by the president (presumably as commander-in-chief) was initially enacted to administer the first "income taxes" in the United States, to provide revenue to execute the Civil War. The "Act" to provide the increased revenue from imports to pay interest on the public debt, and for other purposes, was approved August 5, 1861, Ch. 45, §§ 49, 50, 51, 12 Stat. 292, 309-310.

Paper money was also issued as a war measure in the Civil War to force loans upon the American populace through legal tender laws. Those forced loans continue to be imposed under the Federal Reserve Act and the legal tender statutes requiring their acceptance. The Fourteenth Amendment in the Fourth Section further protects the inviolability of these forced loans and the Federal Reserves Notes by declaring that the public debt incurred by the Civil War (or by law) may not be questioned.

Art. 39. The salaries of civil officers of the hostile government who remain in the invaded territory, and continue the work of their office, and can continue it according to the circumstances arising out of the war such as judges, administrative or police officers, officers of city or communal governments - are paid from the public revenue of the invaded territory, until the military government has reason wholly or partially to discontinue it. Salaries or incomes connected with purely honorary titles are always stopped.

NOTE: Under occupation, the judges, police, etc., can get paid for committing treason by adhering to the occupying force and imposing martial law measures.

Art. 42. Slavery, complicating and confounding the ideas of property (that is of a thing), and of personality (that is of humanity), exists according to municipal or local law only. The law of nature and nations has never acknowledged it. The digest of the Roman law enacts the early dictum of the pagan jurist, that "so far as the law of nature is concerned, all men are equal." Fugitives escaping from a country in which they were slaves, villains, or serfs, into another country, have, for centuries past, been held free and acknowledged free by judicial decisions of European countries, even though the municipal law of the country in which the slave had taken refuge acknowledged slavery within its own dominions.

Art. 43. Therefore, in a war between the United States and a belligerent which admits of slavery, if a person held in bondage by that belligerent be captured by or come as a fugitive under the protection of the military forces of the United States, such person is immediately entitled to the rights and privileges of a freeman. To return such person into slavery would amount to enslaving a free person, and neither the United States nor any officer under their authority can enslave any human being. Moreover, a person so made free by the law of war is under the shield of the law of nations, and the former owner or State can have, by the law of postliminy, no belligerent lien or claim of service.

NOTE: Now you know why Lincoln had to start the Civil-War. WITHOUT THE MARTIAL LAW JURISDICTION, HE COULD NOT FREE THE SLAVES!

Articles 42 and 43, clearly serve as military grounds for Lincoln's Emancipation Proclamation, and Congress's subsequent enactments (with the help of so-called State legislatures) of the Civil War Amendments as additional military measures. The Civil Rights Acts enacted by Congress under the "Power Clauses" of these martial law Amendments, are also military measures. This explains why "the people" were never asked to ratify the Civil War Amendments. They would be imposed by irresistible military force and their consultation was neither sought nor allowed. All of these measures (governed by the rules of war [martial law]) remain in effect in the United States.

Art. 44. All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force, all rape, wounding, maiming, or killing of such inhabitants, are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense.

A soldier, officer or private, in the act of committing such violence, and disobeying a superior ordering him to abstain from it, may be lawfully killed on the spot by such superior.

NOTE: Sounds good, but what if the commander forgets to tell the troops to abstain from rape, killing, or maiming?

This is the kind of military rule that administrative regulation is made of. If the Officer acts under Orders, he may act against the populace under such Orders so long as he acts in the manner specified. The only complaint that will be heard of a person affected, is a Complaint that the Officer did not act according to his Orders (administrative regulations), but constitutional considerations are treated as "irrelevant" under military rule of the occupying force.

Art. 46. Neither officers nor soldiers are allowed to make use of their position or power in the hostile country for private gain, not even for commercial transactions otherwise legitimate. Offenses to the contrary committed by commissioned officers will be punished with cashiering or such other punishment as the nature of the offense may require; if by soldiers, they shall be punished according to the nature of the offense.

NOTE: Congress needs to read this. Are they not considered "Officers" under martial-law jurisdiction?

Art. 47. Crimes punishable by all penal codes, such as arson, murder, maiming, assaults, highway robbery, theft, burglary, fraud, forgery, and rape, if committed by an American soldier in a hostile country against its inhabitants, are not only punishable as at home, but in all cases in which death is not inflicted, the severer punishment shall be preferred.

NOTE: This rule confuses the occupied populace into believing they still have control of their government under their own local law by leaving it in effect so far as the occupying force allows it. Consequently, a populace that has been governed by martial law for decades can loose sight of the fact that they are being governed by martial law.

SECTION III

Deserters - Prisoners of war - Hostages - Booty on the battlefield

Art. 49. A prisoner of war is a public enemy armed or attached to the hostile army for active aid, who has fallen into the hands of the captor, either fighting or wounded, on the field or in the hospital, by individual surrender or by capitulation.

All soldiers, of whatever species of arms; all men who belong to the rising en masse of the hostile country; all those who are attached to the army for its efficiency and promote directly the object of the war, except such as are hereinafter provided for; all disabled men or officers on the field or elsewhere, if captured; all enemies who have thrown away their arms and ask for quarter, are prisoners of war, and as such exposed to the inconveniences as well as entitled to the privileges of a prisoner of war.

Art. 50. Moreover, citizens who accompany an army for whatever purpose, such as settlers, editors, or reporters of journals, or contractors, if captured, may be made prisoners of war, and be detained as such.

The monarch and members of the hostile reigning family, male or female, the chief, and chief officers of the hostile government, its diplomatic agents, and all persons who are of particular and singular use and benefit to the hostile army or its government, are, if captured on belligerent ground, and if unprovided with a safe conduct granted by the captor's government, prisoners of war.

NOTE: Are not the Americans in the several States being treated as prisoners of war since the Civil War under an occupying force of the federal government? And are not "licenses" and other privileges created by statute a letter of safe conduct to such prisoners granted by the captor's government?

Art. 75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. The confinement and mode of treating a prisoner may be varied during his captivity according to the demands of safety.

NOTE: Sounds like statutory civil rights of prisoners defined under the Civil War Amendments and numerous Civil Rights Acts.

SECTION V

Safe-conduct - Spies - War-traitors - Captured messengers - Abuse of the flag of truce

Art. 86. All intercourse between the territories occupied by belligerent armies, whether by traffic, by letter, by travel, or in any other way, ceases. This is the general rule, to be observed without special proclamation.

Exceptions to this rule, whether by safe-conduct, or permission to trade on a small or large scale, or by exchanging mails, or by travel from one territory into the other, can take place only according to agreement approved by the government, or by the highest military authority.

Contraventions of this rule are highly punishable.

NOTE: Is this what regulation of interstate commerce has become? A regulation of commerce under a rule of war? Is this why "licenses" to travel upon highways are urported to be required? Why "licenses" are purported to be required to do business at all?

SECTION VIII

Armistice - Capitulation

Art. 135. An armistice is the cessation of active hostilities for a period agreed between belligerents. It must be agreed upon in writing, and duly ratified by the highest authorities of the contending parties.

Art. 136. If an armistice be declared, without conditions, it extends no further than to require a total cessation of hostilities along the front of both belligerents.

If conditions be agreed upon, they should be clearly expressed, and must be rigidly adhered to by both parties. If either party violates any express condition, the armistice may be declared null and void by the other.

Art. 137. An armistice may be general, and valid for all points and lines of the belligerents, or special, that is, referring to certain troops or certain localities only.

An armistice may be concluded for a definite time; or for an indefinite time, during which either belligerent may resume hostilities on giving the notice agreed upon to the other.

Art. 138. The motives which induce the one or the other belligerent to conclude an armistice, whether it be expected to be preliminary to a treaty of peace, or to prepare during the armistice for a more vigorous prosecution of the war, does in no way affect the character of the armistice itself.

Art. 139. An armistice is binding upon the belligerents from the day of the agreed commencement; but the officers of the armies are responsible from the day only when they receive official information of its existence.

Art. 140. Commanding officers have the right to conclude armistices binding on the district over which their command extends, but such armistice is subject to the ratification of the superior authority, and ceases so soon as it is made known to the enemy that the armistice is not ratified, even if a certain time for the elapsing between giving notice of cessation and the resumption of hostilities should have been stipulated for.

Art. 141. It is incumbent upon the contracting parties of an armistice to stipulate what intercourse of persons or traffic between the inhabitants of the territories occupied by the hostile armies shall be allowed, if any.

If nothing is stipulated the intercourse remains suspended, as during actual hostilities.

Art. 142. An armistice is not a partial or a temporary peace; it is only the suspension of military operations to the extent agreed upon by the parties.

Art. 143. When an armistice is concluded between a fortified place and the army besieging it, it is agreed by all the authorities on this subject that the besieger must cease all extension, perfection, or advance of his attacking works as much so as from attacks by main force.

But as there is a difference of opinion among martial jurists, whether the besieged have the right to repair breaches or to erect new works of defense within the place during an armistice, this point should be determined by express agreement between the parties.

Art. 144. So soon as a capitulation is signed, the capitulator has no right to demolish, destroy, or injure the works, arms, stores, or ammunition, in his possession, during the time which elapses between the signing and the execution of the capitulation, unless otherwise stipulated in the same.

Art. 145. When an armistice is clearly broken by one of the parties, the other party is released from all obligation to observe it.

Art. 146. Prisoners taken in the act of breaking an armistice must be treated as prisoners of war, the officer alone being responsible who gives the order for such a violation of an armistice. The highest authority of the belligerent aggrieved may demand redress for the infraction of an armistice.

Art. 147. Belligerents sometimes conclude an armistice while their plenipotentiaries are met to discuss the conditions of a treaty of peace; but plenipotentiaries may meet without a preliminary armistice; in the latter case, the war is carried on without any abatement.

NOTE: Read Articles 135 through 147 again. Is the BUCK ACT, /113 providing for concurrent jurisdiction of (so-called) State officials and federal officers within the boundaries of State - an "Armistice" providing for federal control within a State? Are regional metropolitan service districts the result of a local Armistice between cities and/or counties and the federal government under Article 140 to govern a specific district? Are not all the Statutes and Agreements between State legislators and the federal government (to obtain federal funds and to administer federal regulations) written in the form of an Armistice that allow activities within the State subject to federal restrictions not otherwise authorized by the Constitution?

State legislators have no power to waive the sovereignty of the State (never having been vested with that power by the people of the State). But have they capitulated to a captor in an Armistice of Peace without telling the populace they remain under siege of a captor (the Federal Government) save for the Armistice? And when a State says "no" to the 13th and later Amendments, and says "no" to the income tax, and says "no" to the Federal Reserve, and says "no" to federal Officials entering the State to impose martial law measures, will the Congress or the President (as commander in chief) "Order" invasion of the State by federal military forces for a breach of Armistice? Is this why Sheriffs, State Judges, City and County Boards and Commissions and the State legislature consistently refuse to tell the "feds" to take a hike, and tell the people that they are required do what they are told to do by the feds? Do they fear military retaliation from the occupying central government? Do they fear personal retribution in the way of civil and criminal charges (and imprisonment if they fail to impose the will of their captor upon the populace within the State)? Even if they refuse to take action, they could at least tell the truth and let the people of the State know that they remain "occupied" by an invading force imposing martial law. Or, would this justify a "death penalty" upon them as a "war traitor" for giving information to their government (the enemy) while inhabiting occupied belligerent territory under Articles 90 /114 & 91, /115 (being separated from their own government)?

You need to study the full text of the Lieber codified rules of war. Therein you will find the implementation of these rules for the government of the United States in every aspect of law and of your life.

Conclusion

Under our form of government, every American (individually or by representation) is the high and supreme sovereign authority. The authority of each of the three departments of government is defined and established.

It is entirely fitting and proper to observe that in all instances between the States and the United States, and the People, there is no such thing as the idea of a compact between the People on one side and the Government on the other. The compact is that of the people with each other to produce and constitute a government.

To suggest that any government can be a party to a compact with the whole people is supposing it to have an existence before it can have a right to exist.

The only instance in which a compact can take place between the people and those who exercise the government, is that the people shall pay while they choose to employ them.

A Constitution is the property of the Nation and more specifically of the Individual, and not those who exercise the government. All the Constitutions of America are declared to be established in the authority of the People.

The authority of the Constitution is grounded upon the absolute, God-given free agency of each Individual, and this is the basis of all powers granted, reserved or withheld in the authorization of every word, phrase, clause or paragraph of the Constitution. Any attempt by Congress, the President or the Courts to limit, change or enlarge even the most claimed insignificant provision is therefore ultra vires and void ab initio.

No one applying the Constitution to any situation has any business, right or duty to look in any direction for sovereignty but toward the people. Any attempt or inclination to do so is a violation of one's Oath and continuing duty to uphold, maintain and support the Constitution of the United States of America.

As the Thirteenth, Fourteenth, and Fifteenth Amendments to the United States Constitution are found to have been brought into effect outside the mandates of Article V of the United States Constitution, these three Amendments (as a franchise to the United States) must be forfeited as a case of perversion./116 An Amendment to the United States Constitution is not brought into effect through usage, by Acts of Congress, or by Opinions of Courts.

The federal Courts of the United States have found that questions of ratification of an Amendment to the United States Constitution are "political questions" to which the Courts will not address. According to the federal Courts, either the Congress of the United States or the States

have the "textually demonstrable constitutional commitment of the issues" to determine the validity of the ratification votes cast on an Amendment.

The authority to determine the validity of the votes cast in ratification of an Amendment are with the States and more specific, with the Convention of the States, as the U.S. Constitution at Article V declares that it shall be the power of the legislatures of the States to ratify proposed Amendments and to call for Constitutional Conventions. The people have declared within Article IX of the Bill of Rights to the Constitution for the United States that those powers not delegated to the United States are reserved to the States.

As the federal Courts and the Congress of the United States have refused to determine the legitimacy of the ratification votes cast on the Civil War Amendments, it is proper and necessary for the legislatures of the States to question the Amendments. It appears from case law, the proper procedure would be for the legislatures of the several States to call for a "Constitutional Convention" for the purpose of making an investigation into the Amendments to determine if they were proposed and ratified in accordance to the provisions of the Constitution for the United States of America. It appears that only the "Convention" has the authority and power to act on questions with respect to matters of fraud, irregularity, or illegal practices in the conduct of Congress or the Legislatures. /117

End of Exposé

1 - 7 Wall. 700, 19 L.Ed. 227
2 - 13 Stat. 760, 763, 764, 765, 767, 768, 769, 771 [1865]
3 - 13 Stat. 758 [1865]
4 - see Article I, Section 5, Constitution of the United States
5 - see Article I, Section 5, Constitution of the United States
6 - 15 Stat. 707 (1868)
7 - 15 Stat. 708 [1868]
8 - 258 U.S. 130, 42 S.Ct. 217, 66 L.Ed. 505
9 - Sup.Ct. No. 93-0170 - "Writ of Certiorari Denied" - The U.S. Supreme Court denial of Writ of Certiorari sustains the lower court(s) rulings that reviewing an Amendment to determine if it was adopted in accordance to the provisions of the U.S. Constitution was a "political question" to the courts.
10 - [Ak. Dist. Ct. J90-010], [U.S. Ct. App. 9th Cir. 91-35862], [U.S. Supreme Ct. 93-0170]
11 - 307 U.S. 433 (1939)
12 - 792 F.2d 1438 (9th Cir. 1986)
13 - Leser v. Garnett, 258 U.S. 130(1922).
14 - 307 U.S. 433 (1939). Cf. Fairchild v. Hughes, 258 U.S. 126 (1922), wherein the Court held that a private citizen could not sue in the federal courts to secure an indirect determination of the validity of a constitutional amendment about to be adopted.

15 - Coleman v. Miller, 307 U.S. 433, 456, 459 (1939) (Justices Black, Roberts, Frankfurter, and Douglas concurring). Because the four believed that the parties lacked standing to bring the action, id., 456, 460 (Justice Frankfurter dissenting on this point, joined by the other three Justices), the further discussion of the applicability of the political question doctrine is, strictly speaking, dicta. Justice Stevens, then a circuit judge, also felt free to disregard the opinion because a majority of the Court in Coleman "refuse to accept that position." Dyer v. Blair, 390 F.Supp. 1291, 1299-1300 (D.C.N.D.Ill. 1975) (three-judge court). See also Idaho v. Freeman, 529 F.Supp. 1107, 1125-1126 (D.C.D. Idaho, 1981), vacated and remanded to dismiss, 459 U.S. 809 (1982).
16 - Coleman v. Miller, 307 U.S. 433, 447-456 (1939) (Chief Justice Hughes joined by Justices Stone and Reed).
17 - Justices Black, Roberts, Frankfurter, and Douglas thought this issue was non-justiciable too. Id., 456. Although all nine Justices joined the rest of the decision, see id., 470, 474 (Justice Butler, joined by Justice McReynolds, dissenting), one Justice did not participate in deciding the issue of the lieutenant governor's participation; apparently, Justice McReynolds was the absent Member. Note, 28 Geo. L. J. 199, 200 n. 7 (19). Thus, Chief Justice Hughes and Justices Stone, Reed, and Butler would have been the four finding the issue justiciable.
18 - The strongest argument to the effect that constitutional amendment questions are justiciable is Rees, "Throwing Away the Key: The Unconstitutionality of the Equal Rights Amendment Extension," 58 Tex. L. Rev. 875, 886-901 (1980), and his student note, Comment, "Rescinding ratification of Proposed constitutional Amendments - A Question for the Court," 37 La. L. Rev. 896 (1977). Much of the scholarly argument is collected in the ERA time extension hearings. See supra, p. 903 n. 23. The only recent judicial precedent directly on point found justiciability on at least some questions. Dyer v. Blair, 390 F.Supp. 1291 (D.C.N.D.Ill., 1975) (three-judge court); Idaho v. Freeman, 529 F. Supp. 1107 (D.C.D.Idaho, 1981), vacated and remanded to dismiss, 459 U.S. 809 (1982).
19 - In Baker v. Carr, 369 U.S. 186, 214 (1962), the Court, in explaining the political question doctrine and categorizing cases, observed that Coleman v. Miller "held that the questions of how long a proposed amendment to the Federal Constitution remained open to ratification, and what effect a prior rejection had on a subsequent ratification, were committed to congressional resolution and involved criteria of decision that necessarily escaped the judicial grasp." both characteristics were features that the Court in Baker, (supra, 217), identified as elements of political questions, e.g., "a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it." Later formulations have adhered to this way of expressing the matter. Powell v. McCormack, 395 U.S. 486 (1969); O'Brien v. Brown, 409 U.S. 1 (1972); Gilligan v. Morgan, 413 U.S. 1 (1973). However, it could be argued that, whatever the Court may say, what it did, particularly in Powell but also in Baker, largely drains the political question doctrine of its force. but see Goldwater v. Carter, 444 U.S. 996, 1002 (1979) (opinion of Justices Rehnquist, Stewart, Stevens, and Chief Justice Burger) (relying heavily upon Coleman v. Miller to find an issue of treaty termination nonjusticiable). Compare id., 1001 (Justice Powell concurring) (viewing Coleman v. Miller as limited to its context).
20 - 439 P2d. 266, 267 [1968]
21 - 540 P2d. 936
22 - CONGRESSIONAL RECORD, House - June 13, 1967 at pages 15641-15646
23 - 7 Wall. 700, 19 L.Ed. 227
24 - Presidential Proclamation of August 20, 1866
25 - Wise v. Chandler, 108 S.W.2d 1024 (1937), cert. granted 58 S.Ct. 831, 303 U.S. 634, 82 L.Ed. 1095, cert. dismissed 59 S.Ct. 992, 307 U.S. 474, 83 L.Ed. 1407.
26 - President Proclamation No. 153 of April 2, 1866 and 14 Stat. 814
27 - 14 Stat. 428 Chap. 153
28 - 15 Stat. 73, Chap, 70
29 - FORTY-FIRST CONGRESS, Sess. I. Chap. 30
30 - FORTY-FIRST CONGRESS, Sess. II. Chap. 39
31 - 14 Stat. 428 at section 5
32 - 15 Stat. 73, Chap, 70
33 - FORTY-FIRST CONGRESS, Sess. II. Chap. 39

34 - THIRTY-NINTH CONGRESS. Sess. II. Ch. 153
35 - FORTIETH CONGRESS. Sess. I. Ch.30
36 - THIRTY-NINTH CONGRESS. Sess. II. Ch. 153
37 - THIRTY-NINTH CONGRESS, Sess. II, Ch. 153
38 - FORTIETH CONGRESS, Sess II, Ch. 70, ss 3 [14 Stat. 73, 74]
39 - FORTY-FIRST CONGRESS, Sess. II, Ch. 39
40 - House Journal, 37th Congress, 1st Sess. Pg. 123; and Senate Journal, 37th Congress, 1st Sess. pg. 91: "Resolved, That the present deplorable civil war has been forced upon the country by the disunionists of the southern States now in revolt against the constitutional government and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the Constitution and all laws made in pursuance thereof, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease."
41 - 60 U.S. 405
42 - THIRTY-NINTH CONGRESS, SESS. II, Ch. 153 at Section 5
43 - THIRTY-NINTH CONGRESS, SESS. II, Ch. 153 at Section 5
44 - THIRTY-NINTH CONGRESS, SESS. II, Ch. 153 at Section 5
45 - THIRTY-NINTH CONGRESS, SESS. II, Ch. 153 at Section 5
46 - THIRTY-NINTH CONGRESS, SESS. II, Ch. 153 at Section 5
47 - THIRTY-NINTH CONGRESS, SESS. II, Ch. 153 at Section 6
48 - Negroes are Aliens [Dred Scott v. Sanford, 60 U.S. 405]
49 - 15 Stat. 76
50 - House Journal, 40th Congress, 2nd. Sess. pg. 1126
51 - "Whereas the legislatures of the States [naming them] being three fourths and more of the several States of the Union, have ratified the fourteenth article of amendment to the Constitution of the United States, duly proposed by two thirds of each House of the Thirty-ninth Congress; therefore, "Resolved by the Senate (the House of Representatives concurring,) That said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State"
52 - 15 Stat. 708
53 - 15 Stat. 708
54 - 15 Stat. 76
55 - 307 U.S. 433 (1939)
56 - 792 F.2d 1438 (9th Cir. 1986)
57 - [Ak. Dist. Ct. J90-010], [U.S. Ct. App. 9th Cir. 91-35862], [U.S. Supreme Ct. 93-0170]
58 - ". . . shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions thereof, . . ."
59 - "The powers not delegated to the United States by this Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."
60 - 1 Litt. Ky. R. 326
61 - 10 Conn 340 (1834)
62 - 103 US 370, 26 L.Ed. 567 (1880)
63 - 176 US 581, 592-93, 20 S.Ct. 448, 44 L.Ed. 445 (1900)
64 - 112 US 94, 102, 5 S.Ct. 41, 28 L.Ed. 643 (1884)
65 - 112 US 94, 102 (1884)
66 - Ch. 42, Sect 8, 12 Stat. 287, 288
67 - Ch. 251, 16 Stat. 230, 235
68 - 33 Tex 634, 638 (1830)
69 - 1 Stat. 82
70 - 8 Fed. Stat. Anno. 264-265 (1906)
71 - 2 Bart 422

72 - 9 Fed. Stat. Anno. 627
73 - Ch. 389, 30 Stat. 432
74 - 5 US (2 Cranch) 137, 174, 2 L.Ed. 60 (1803)
75 - 401 U.S. 815, 91 S.Ct. 1060, 28 L.Ed. 499 (1971)
76 - See - Thirteenth Amendment, Section 2, Fourteenth Amendment, Section 5, and Fifteenth Amendment, Section 2
77 - Article I, Section 8, Clause 12, Constitution for the United States of America
78 - 79 U.S. (12 Wall.) 457, 593, 20 L.Ed 287 (1870)
79 - 110 US 421, 449, 4 S.Ct. 122, 28 L.Ed. 204 (1884)
80 - 8 Fed. Stat. Anno. 177
81 - 8 Fed. Stat. Anno. 178
82 - See 8 Fed. Stat. Anno. 148, 149
83 - Legal Tender Cases, 79 U.S. (12 Wall.) 457, 20 L.Ed. 287
84 - 75 U.S. (8 Wall). 1, 9; 19 L.Ed. 361 (1868)
85 - 75 U.S. (8 Wall) 603, 19 L.Ed 513 (1870)
86 - 12 Wall 457
87 - 110 U.S. at 425
88 - 12 Wall. (U.S.) 457
89 - 12 Wall. 535
90 - Legal Tender Cases, 12 Wall. 457
91 - 12 Wall. 557
92 - 110 US 421
93 - 16 Wall. 36.
94 - 16 F. 54; 9 Fed. Stat. Anno. 630 (1883)
95 - 8 Wall. 6 (1868)
96 - 102 S.Ct. 2858 (1982)
97 - 1 Cranch 137
98 - 9 Fed. Stat. Anno. 633
99 - 19 How. (60 U.S.) 393, 404-412 (1857)
100 - See Article VII, Const. for U.S. of A.
101 - 103 U.S. 370, 26 L.Ed. 567 [1880]
102 - 19 How. at 419
103 - 134 U.S. 1, 10 S.Ct. 504, 33 L.Ed. 842 (1889)
104 - McFadden v. Jordan, 196 P.2d 787 (Cal. 1948); Rivera-Cruz v. Gray, 104 So.2d 501 (Fla. 1958).
105 - see Alabama v. Manley, 441 So.2d 864, 879 (Ala. 1983); Jackman v. Bodine, 205 A.2d 713, 725 - (N.J. 1964), both quoting sections from Judge John A. Jameson, A Treatise on Constitutional Conventions (4th ed, 1887).
106 - see also 5 Cal.Jur. 559-560, § 11; 16 C.J.S., Constitutional Law, § 7, Page 30-31; 11 Am.Jur. 629, § 25 [1948].
107 - Id. at 788.
108 - Id. at 794-96.
109 - 238 So.2d 824 (Fla. 1970).
110 - Id. at 891.
111 - In Reg: U.S. Senate Report No. 93-549 dated 11/19/73 (73 CIS Serial Set S963-2 - [607 Pages]): "Since March 9, 1933; the United States has been in a state of declared National Emergency . . . Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and in a plethora of particular ways, control the lives of all American citizens. . . . A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have in varying degrees been abridged by laws brought into force by states of national emergency . . ."

112 - 4 Wall. (71 U.S.) 2, 18 L. Ed. 281, p. 302.
113 - 4 U.S.C.S. 105-113
114 - Art. 90. A traitor under the law of war, or a war-traitor, is a person in a place or district under Martial Law who, unauthorized by the military commander, gives information of any kind to the enemy, or holds intercourse with him.
115 - Art. 91. The war-traitor is always severely punished. If his offense consists in betraying to the enemy anything concerning the condition, safety, operations, or plans of the troops holding or occupying the place or district, his punishment is death.
116 - 34 Penn. St. 283
117 - In re Opinions of the Justices, 167 A. 176, 132 Me. 491.