A Belligerent Claimant

^ by Michael H. Keehn

November 22, 2006

I have a friend who was recently charged with numerous misdemeanors. He was charged because he had the audacity to confront County Government and government officials with doing their jobs and answering some basic questions[1]. In the world of legal issues, there is this rule called *tacit admission*. Which government uses against '*we the people*' on a regular basis. The rule works as follows:

> Government, or more likely one of its agents, accuses us of a wrong doing, perhaps speeding or driving without a valid drivers license. If we do not contest or dispute this accusation, in writing, signed under penalty of perjury, and file it with the court clerk under our case number, then the accusation against us stands by virtue of our silence... *TACIT ADMISSION*.

In my friends many written communications (sent certified mail, return receipt requested), with government officials, they were given 30 days with which to respond to the questions and legal determinations that were asserted. A *legal determination asserted* would be no different than a policeman writing you a ticket for speeding. The officer has *asserted a legal determination* that you were speeding. It is no different. You can make legal determinations and assert them, same as they do.

And if government officials do not contest nor dispute the legal determinations you've asserted, then under the rule of *Tacit Admission*, the asserted legal determination is accepted as fact. This is how it would work if government and its courts did not operate criminally. In my friends case, they excluded all such cases of *Tacit Admission*, the court excluded his *affidavit of facts* on the matter which had been signed under penalty of perjury and filed with the court clerk on his case. Then the court, item by item, excluded the foundations of his defense.

the question here proposed is 'what to do if faced with a similar experience?' Fortunately we occasionally have a judge that is on our side. We don't always see them as such, but, at times, they are truly trying to help us. Such is the case of Federal Judge James Alger Fee. In U.S. vs. JOHNSON (76 Fed, Supp. 538), Federal District Court Judge James Alger Fee ruled that...

> "The privilege against self-incrimination is neither accorded to the passive resistant, not to the person who is ignorant of his rights, nor to one who is indifferent thereto. It is a FIGHTING clause. It's benefits can be retained only by sustained COMBAT. It cannot be claimed by attorney or solicitor. It is valid only when insisted upon by a BELLIGERENT claimant in person." McAlister vs. Henkle, 201 U.S. 90, 26 S.Ct. 385, 50 L. Ed. 671;

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[1] read about it at... ~~http://mhkeehn.tripod.com/AffidavitOfFacts.pdf~~

Commonwealth vs. Shaw, 4 Cush. 594, 50 Am. Dec. 813; Orum vs. State, 38 Ohio App. 171, 175 N.E. 876.

In this ruling the judge has just instructed you how to proceed. He has said that rights are not accorded the ***passive resistant***. Rights are not available to the individual who is ignorant of his rights. Nor are rights available to a person who is indifferent, or in other words, a person who simply doesn't care. And further, judge Fee has clearly informed you that your attorney can not claim your rights for you. Which is another way of saying that your attorney can not truly represent you. Judge Fee tells you that ***rights*** are only available to a ***belligerent claimant in person***. He further stated that to claim your rights in a court of this country, you must be willing to engage in ***sustained combat***.

There you have it. You are charged with *negligent homicide* for shooting a crazed drug addict who entered your home and nearly hacked the arm off your wife with a machete and was going after your child with the same machete when you shot and killed him. And in a pre-trial motion hearing the judge rules that you can not mention the machete nor the injury to your wife. That you can not mention the fact that this crazed individual drove his car into the front room of your home. Nor can you mention that he set fire to your house. While this might seem a reach to you, if the *crazed drug addict* is actually a government agent acting to take your money, then this is the type of logic you can expect. It is the type of logic that was applied to my friend in the structuring of his defense. Anything that makes your case, anything that enhances your defense, anything that works against the government case against you, WILL NOT BE ALLOWED if at all possible.

While the judge may rule that these matters are not allowed, the fact is that you and your family have paid for time in court. You would proceed as though the motions that limit your defense were never heard or approved. And when you are ruled *in contempt* you still don't give up. Even if the judge puts you in jail for contempt, you don't give up... remember, ***sustained combat***. You've paid the price to be here, its your defense, not the courts. You become that ***Belligerent Claimant in person*** that Judge James Alger Fee told you to become in order to secure ***your rights***. Not the courts rights, not the prosecutions rights... ***your rights***.

It's your life. You can lay down and play dead, be passive, ignorant or indifferent and go to jail or pay the fine, or you can stand up like an adult and make your case.

Dale Roy Bogart
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GLENN COUNTY SUPERIOR COURT, WILLOWS BRANCH

STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA	)	
Plaintiff	)	
vs.	)	
	)	Case No. - 05NCR03037
Dale Roy Bogart	)	
Defendant	)	

Affidavit

and response to 12 identical counts of the same misdemeanor filed 10-07-2005

In order to understand the current action it will be necessary to progress through several previous incidents and intercourse with the government and its various agencies to gain an understanding. We begin at approximately October of 2002, at which time Fish & Game officers appeared at Orland Sand & Gravel facilities and shut down our operations because we had cut down some trees for the purpose of property cleanup and better organization of our facilites. At that time Fish & Game, without any due process, withdrew our Fish & Game Streambed Alteration Permit, stating that it was not transferable. We found this to be somewhat strange and probably without merit for although I had purchased the controlling stock interest in Orland Sand & Gravel, it was this corporate person who held the permit, not the pervious primary stock holder. So, in effect the permit had not been transferred, it was still being held by the same person, the Orland Sand & Gravel corporation. Fish & Game issued a letter on February 19, 2003, with a subject of "NOTICE OF UNLAWFUL WORK WITHIN STREAM ZONE." This letter was essentially a stop work order. Our initial response was that if this permit were not transferrable, then the purchase of the controlling stock was a fraudulent action of the previous owner, or that

the Fish & Game were acting without authority, which seemed more likely since the permit had not been transferred and since Fish & Game had not cited any legal authority on which they based their actions. If what the Fish & Game were saying were true, then corporations all across America would be required to daily renew their permits by virtue of the stock transfers on the New York, American and various other stock exchanges. To resolve this matter, we began a civil law suit against both the previous owner and against Fish & Game. And so this is where this matter begins.

As it turned out, Fish & Game had no jurisdiction over the cutting of trees on my property and so they had acted inappropriately, shutting down my operations without authority. Evidently there was some sort of collaboration between county official Mardy Thomas, Associate Planner for Glenn County, and Fish & Game since they were seen together several times on the bridge over Stony Creek, observing our operations. Without some sort of collaboration there was really no reason for Mr. Thomas to be observed on several occasions with Fish 7 Game personnel.

April 30, 2004, Orland Sand & Gravel (OSG) and D. R. Bogart responded to a letter from Mr. Mardy Thomas, Associate Planner, Glenn County, in which he noticed us of an additional $7,612.52 in reclamation assurances. Our position was that this action was arbitrary and without merit since there had been no change in our operations. Our letter of response set forth the fact that creek reclaims itself in 90 days if left untouched.

July 2, 2004 OSG noticed Mardy Thomas in letter form that those entering our corporate facilities must posses a current Federal Mine Safety Certificate and have on file a current certificate of insurance naming OSG and D. R. Bogart additionally insured. The same requirements with which OSG must comply when performing work for government agencies. This letter also acknowledge a tentative date of July 7, 2004 as a time for meeting at OSG facilities.

On July 7, 2004, Glenn County Associate Planner Mardy Thomas and Department of Conservation representative Michael Sandeski were denied access to Orland Sand & Gravel facilities because of a failure to comply with the requirements of the previous paragraph.

August 6, 2004, OSG received a letter from Daniel A. Obermeyer, Director, Glenn County Development Service Agency, stating that OSG was in violation of the Surface Mining and Reclamation Act. To wit, OSG is alleged to be in violation section 2773.1 of the Public Resource Code. This letter further required that OSG acquire a *Stream Bed Alteration Agreement* under a threat of $5,000 a day fines as well as taking OSG off the AB3098 list which would prevent OSG from selling any product or material to any government agency. It should be noted that this threat of removal from the AB3098 list was actually effected without any legal determination that OSG was in violation of anything. Government was attempting to force me to contract with them as if they are the mafia. And further, this letter failed to address any of the issues set forth by OSG in the letter of April 30, 2004, i.e., that the creek reclamates itself if left alone and that the property in question is actually part of the creek bed.

OSG responded to Mr. Obermeyer on August 13, 2004 with a certified letter. In this letter the following points were made:

1. § 2735. "Surface Mining Operations" means all, or any part of, the process involved in the ***mining of minerals*** on mined lands by removing overburden and mining and mining directly from the ***mineral*** deposits naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include but not be limited to:
(a) Inplace (sic) distillation, retorting or leaching.
(b) The production or disposal of mining waste
(c) Prospecting or exploratory activities.

2. § 2732. "Overburden" means soil, rock, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by *surface mining operations*.

3. **mineral.** n. Any natural inorganic matter that has a definite chemical composition and specific physical properties that give it value <most minerals are crystalline solids>. - Blacks Law Dictionary, Seventh Edition.

4. By virtue of the above definitions, Orland Sand and Gravel (Bogart Operation), is not engaged in *Surface Mining Operations* as that term is defined in SMARA. We are not interested in any mineral, nor do we do any processing to find and extract a particular mineral. To be absolutely clear on this matter, we take no action to find any substance or mineral that "has a definite chemical composition".

5. The STATE OF CALIFORNIA is a corporation, municipal in nature, but still a corporation. This corporate STATE is not the California Republic. Generally not known by most Americans and especially those who may sit on a jury judging these matters, is that corporate STATES gain their existence in laws of the District of Columbia, making them a creation of that jurisdiction. It has been by this fraud that the federal government has unlawfully extended it jurisdictional reach into the private lives of all Americans.

   The constitution requires the following:

   > "the United States shall guarantee to every State in this Union a Republican Form of Government..." - United States Constitution, Article 4, Section 4

6. This letter, from the DEPARTMENT OF CONSERVATION, STATE OF CALIFORNIA, to the COUNTY OF GLENN, contains the requirements that the COUNTY OF GLENN compel me to a *specific performance*.

It is sufficiently well established that the STATE OF CALIFORNIA is a corporation, and further, that the Department of the Conservation is a *department* of that corporation.

> "Governments are corporations." Clearly put forth in **Penhallow v. Doane** 3 Dall 55; and **Clearfield Trust Co. v. U.S.** (1943) 318 US 363. Briefly revisiting ***Clearfield Trust Co. v. United States***, the U.S. Supreme Court stated; "Governments descend to the level of a mere private corporation and takes on the character of a mere private citizen (where private corporate commercial paper (& securities) are concerned]". . . "For purposes of suit, such corporations and individuals are regarded as an entity ENTIRELY separate from government" -

Therefore, if the corporation known as the STATE OF CALIFORNIA, through its corporate agent, known as the COUNTY OF GLENN, intends to compel me to a specific performance as delineated in the letter in question, then this corporation, like any private corporation or mere private citizen, must be the holder in due course of a contract or other commercial agreement signed by myself requiring this specific performance, and furthermore, be willing to enter this signed agreement into evidence in court before attempting to enforce its demands in court.

7. A lawful contract* consisting of these six elements:
    1. Offer by a person qualified to make the contract.
    2. Acceptance by party qualified to make and accept the contract.
    3. Bargain or agreement and full disclosure and complete understanding by both parties.
    4. Consideration given. (Conscionable)
    5. Must have the element of time to make the contract lawful.
    6. Both parties must be sui juris; that is, of lawful age, usually 21 years old.

    **Contracts*, by John Calamari and Joseph Perillo,
    West Publishing Company, St. Paul, Minnesota 55102

8. This same sentiment is put forth is the California Commercial Code at section 3501, where it states at section , "**(b)(2) Upon demand of the person to whom presentment is made, the person making presentment shall (A) exhibit the instrument**..."

9. And further, in United States v. Burr. 309 U.S. 242, the Court stated, in part:

    > *"When governments enter the world of commerce, they are subject to the same burdens as any private firm or corporation."*

10. The use of private commercial paper [debt currency or Federal Reserve Notes] removes the sovereignty status of the governments of We, the People, and reduces them to an

"entity," rather than a government in the area of finance and commerce. **As with any corporation or person, this "entity" cannot compel performance upon its corporate statutes or corporation rules unless it, like any other corporation or person, is the holder-in-due-course of some contract or commercial agreement between it, and the one upon whom demands for performance are made, and is willing to produce said document, and place the same into evidence before trying to enforce its demands**.

11. If the *Municipal Corporate STATE OF CALIFORNIA* is the holder in due course of a contract between itself and Orland Sand & Gravel (Bogart Operations) that requires the specific performance being set forth in the letter in question, please supply a copy of the document signed by an officer of Orland Sand & Gravel for my examination and for the record. If, on the other hand, the *Municipal Corporate STATE OF CALIFORNIA* does not have an contract or commercial agreement between itself and Orland Sand & Gravel, then the demands made in the letter are fraudulent and the action should be abated.

12. So important was the section on contractual or commercial agreement that a wording change was implemented in the *Uniform Commercial Code* to make it clear that:

    Sec. 3-401:1 Official Code Comment. No one is liable on an instrument unless and until he has signed it.

    The long-winded commentary following this straight forward statement makes it very clear that no one can be compelled to specific performance by any *implied contract*. In the Uniform Commercial Code there are no *implied contracts* permitted, and if properly and timely challenged by a defendant, every court or tribunal is obliged to rule in the defendant's favor or it is reversible error.

13. Orland Sand & Gravel, consistent with section 3501 of the Commercial Code, demanded of Mr. Daniel A. Obermeyer a copy of the instrument upon which this action is predicated by the DEPARTMENT OF CONSERVATION, STATE OF CALIFORNIA.

14. Any response to this demand was to be made by someone with the legal authority to make such response. Since the DEPARTMENT OF CONSERVATION was able to file a letter of demand with the COUNTY OF GLENN within five days of their inspection, a 30 day notice is hereby given in which to respond to the demands of this letter.

15. Failure to supply the documentation demanded by this letter and/or failure to contest the legal positions asserted and set forth in this letter will be construed as meaning that the STATE OF CALIFORNIA is either unable to provide copies of the requested documentation and is acting without authority, or that the STATE OF CALIFORNIA

does not contest the legal positions set forth in this letter.

The next letter received by OSG came from the Department of Conservation and was composed on September 7, 2004 and attacked OSG for a failure to file the 2003 Mining Operation Annual Report. This after we had clearly shown that we are not engaged in mining, which was not contested. Again, OSG was threatened to be taken off the AB3098 list and threatening OSG with fines of $5,000 per day. Yet, all that would be required would be evidence that we were engaged in mining and subject to the SURFACE MINING law.

The next letter received by OSG came from Mardy Thomas, Associate Planner, Planning & Development Service Agency, and was dated September 14, 2004. This letter consisted of a NOTICE TO COMPLY with the Surface Mining Act under threat of $5,000 per day penalties. Yet there was no response to our letter of August 13, 2004 in which we clearly were able to demonstrate that we were not engaged in mining as that term is defined in the ***Surface Mining Act***, the very law that is being reference in the threat of $5,000 per day penalties. In actuality, not one issue of our letter of August 13, 2004 was addressed. The entire letter was completely ignored, yet we had sent it certified and had received a return receipt of delivery.

On September 18, 2004, OSG composed a response to the county's letter of September 14th as follows:

September 18, 2004

To: COUNTY OF GLENN
C/O Associate Planner Mardy Thomas
125 South Murdock, Willows, Calif. - 95988

RE: Response to letter dated September 14, 2004

Dear Mr. Thomas

Your letter begins by stating the following...

> "In a letter dated August 6, 2004, Glenn County officially notified you that this operation is in violation of the Surface Mining and Reclamation Act. To this date, we have seen no evidence of any effort on your part to comply with the Notice of Violation."

Orland Sand and Gravel has composed a written response to the *Notice of Violation* and sent it to your office, addressed to Daniel A. Obermeyer, Planning Director. This written

response was sent via certified mail, through the United States Postal Service, and we have received *proof of delivery* of this document.

With this letter from you, your office is acting as though *Orland Sand and Gravel* has not responded to your *Notice of Violation*, and nothing could be further from the truth. By virtue of the *Surface Mining & Reclamation Act*, to which you refer in your letter, *Orland Sand & Gravel* is not engaged in any activity that would require compliance with the sections to which you refer, and this is clearly set forth in the written response sent to your office. And now you are proceeding as though your office never received response to this '*Notice of Violation*', when in fact we have signed *proof of delivery*.

It would appear that within your office, the left hand does not know what the right hand is doing. By virtue of the lack of internal communications within your office, or by virtue of an intention to act in a criminal capacity to exhort money from *Orland Sand & Gravel*, in either case it makes dealing with your office a confusing and disconnected undertaking.

Orland Sand & Gravel can not, forever, continue to compose and write responses to your demands and office, simply because your organization lacks the capacity to properly and timely respond to our communications. At this juncture I suggest that you return to our written response sent to your office via certified mail and properly respond to this document or conclude that *Orland Sand and Gravel* is not engaged in any activity that would warrant any action be taken against us.

Be it known that the business currently known as *Orland Sand & Gravel* has been doing business since the 1930's and has never, not once, done anything that has harmed the environment or caused injury to another person. As such, we see no reason that injury, financial or otherwise, should be caused to us.

Orland Sand and Gravel takes note that governments, especially city, county and state governments, have become *strapped for funds*. However, for government to use inappropriate and inapplicable laws to turn business into a means of extracting further monies from the American population in a manner that can not generally be seen by the unsuspecting public, is not only unethical, it is unlawful.

Respectfully

Bogart
P.O. Box 815, Orland, California Republic, 95963

On or about September 24, 2004, Orland Sand & Gravel received a letter dated September 23, 2004, from the Department of Conservation of the corporate State of California in which OSG

was informed that it had been removed from the AB3098 mining list. In this letter there was no response to the issues raised in our letter of August 13, 2004 other than to state our letter is neither accurate or pertinent. Reiterating the issues of that letter we set forth...

1. That we were not mining as that term is defined in the Surface Mining And Reclamation Act (SMARA).

2. That government is a corporation.

3. That, according to the Supreme Court, when government enters into commerce, it becomes no different than a private corporation taking on the character of a mere private person. Meaning that to compel a specific performance they (government) must be the holder in due course of a contract or commercial agreement which requires the specific performance being demanded.

4. That there are six elements to a valid contract.

5. And that the currency is issued upon the deposit of debt with the Treasurer of the United States creating an economic trap from which American can not escape.

If the letter was either inaccurate or not pertinent, it would have been within the ability of the Department of Conservation to illustrate those inaccuracies or sections that lack pertinence. Instead the Department of Conservation simply chose to state that is was not accurate or pertinent, but without any substance to support the statement.

On or about September 30, 2004, Orland Sand & Gravel received a letter from the Associate Planner, Mardy Thomas, Glenn County Planning and Community Development Service Agency, and dated September 29, 2004. This letter from Mr. Thomas also states that our letter of August 13, 2004 did not address any issues raised in the earlier letter sent to you (OSG) by the county, nor did it satisfy the Department of Conservation. And once again threatening us with a $5,000 per day penalty, evidently as a means of avoiding the obligations and burdens upon government as set forth in our letter of August 13, 2004.

Our letter was not intended to satisfy anyone. It was intended to establish our status as defined in the Surface Mining And Reclamation Act (SMARA) and to outline the requirements of corporate government that they appear to have conveniently forgotten.

On October 3, 2004, I, D. R. Bogart, signed a letter of response to Mr. Mardy Thomas' letter of September 30, 2004. The letter is in its entirety is included here so that anyone judging these matters will have a clear understanding of the position and efforts of Orland Sand & Gravel.

October 3, 2004

To: COUNTY OF GLENN
C/O Associate Planner Mardy Thomas
125 South Murdock, Willows, Calif. - 95988

RE: Response to letter dated September 29, 2004

Dear Mr. Thomas

Your letter asserts that our response "did not address any of the issues raised in the earlier letter sent you [us] by the county nor did it satisfy the Department of Conservation." On the contrary, the letter goes to the heart of the issue. The STATE OF CALIFORNIA, of which the Department of Conservation is a subdivision, is a corporation, municipal in nature, but still a corporation. The COUNTY OF GLENN is also a corporation of the same nature. And under the Clearfield doctrine as well as other court cases it is clear that municipal corporations, when dealing in private commercial paper (Federal Reserve Notes), and securities (checks) are required to be the holder in due course of a contract or other commercial agreement when attempting to compel a specific performance. We, at Orland Sand and Gravel, are not aware of any such commercial agreement or contract with the municipal corporate structure that meet the six requirements of a valid contract.

We are also aware that...

> "the United States shall guarantee to every State in this Union a Republican Form of Government..." - United States Constitution, Article 4, Section 4

In this matter it gives Congress no latitude. But what is not clear by virtue of the governments control over public education, is what qualities define a *Republican Form of Government*. By all indication within your communications, it appears that the corporate County may be intending to take this matter to court. Thus we feel it prudent to put forth certain matters in writing so that a lay jury, educated in public schools controlled by government, may better understand the position of Orland Sand & Gravel.

We begin by looking in *Blacks Law Dictionary*, and look up the term *Republican government*.

> "**Republican government.** A government in the republican form; a government of the people; a government by representatives chosen by the people. - Blacks Law Dictionary (Sixth Edition)

That's about as helpful as saying that an *automobile* is a conveyance. Not exactly concise is it? Whenever there is so little to be found on such an important concept I become suspicious that there is a concert effort to keep that knowledge hidden from the public at large. It is very unlikely that such an important concept would be virtually impossible to find an accurate description to define it unless someone (or group) does not want those characteristics known.

From *Black's* definition I gather that *Republics* are very *Republican* in nature. It does seem unlikely that the only distinguishing characteristic of a ***Republican form of Government*** is that it is a *government of the people* by virtue of their capacity to elect representatives. Other forms of government also have elected representatives... Democracy for example. There must be more to the **Republican** concept than this alone.

Although *Black's* seventh edition does not list the phrase ***Republican government***, it does list the term ***Republic***. Let's look at it.

> ***"Republic.*** n. A system of government in which the people hold sovereign power and elect representatives who exercise that power. It contrasts on the one hand with a pure democracy, in which the people or community as an organized whole wield the sovereign power of government, and on the other with the rule of one person (such as a king, emperor, czar, or sultan)." - Blacks Law Dictionary (seventh edition)

Although it may not be immediately clear, this definition provides a good beginning in understanding the foundations of a Republic. The definition hinges on who holds the ***sovereign power***. And of course, the ***sovereign power*** is the ultimate power within the country. It is the power that a King or Monarch holds over his country. It is the power of ultimate authority. And the definition above hinges on who holds this power.

So that we are better able to understand, the above definition provides a ***contrast***. It points out that in a democracy, the people as an ***ORGANIZED WHOLE*** wield the sovereign power. It is majority rule, or more precisely, ***mob rule***. Mobs are easily swayed and controlled in their thinking. All it takes is money and television. It is two wolves and one sheep sitting down to discuss what they are going to have for dinner. In a *majority rule* government, the majority could easily confiscate the property of one or more individuals if it were deemed that such a confiscation were beneficial to ***the majority***... mob rule.

In the other example provided, all the sovereign power is concentrated in one individual, such as a king, emperor, czar, or sultan. And in the first sentence the definition points out that in a Republic the sovereign power is held by the people, not as an ***organized whole*** as in a Democracy, but as ***INDIVIDUALS***. There in lies the key to understanding the ***Republican form of Government***. The individual is the source of sovereign power.

Now, we must ask the question, “where does the individual derive his power or authority?” Those familiar with Western civilization already know the answer, but we may also refer to our founding documents for the answer.

> “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.” - Declaration of Independence

Rights are powers and authorities. Here we see that ***RIGHTS*** (power and authority) is granted by the ***Creator*** (God). That these ***rights*** include, but are not limited to, *life, liberty and the pursuit of happiness*. Important to note is that we all possess the same rights since we were ***created equal***. That you have no more ***RIGHT*** than I, and I do not have any more ***RIGHT*** than you.

Next in understanding the characteristics of a Republic form of Government, is to understand the conferring of ***OUR POWERS & AUTHORITIES*** upon government as we create it.

> "It has been justly thought a matter of importance to determine from what source the United States derives its authority... The question here proposed is whether our bond of union is a compact entered into by the states, or whether the Constitution is an organic law established by the People. To this we answer: 'We the People... ordain and establish this Constitution'...The government of the state had only delegated power (from the People) and even if they had an inclination, they had no authority to transfer the authority of the Sovereign People. The people in their capacity as Sovereigns made and adopted the Constitution; and it binds the state governments without the state's consent. The United States, as a whole, therefore, emanates from the People and not from the states, and the Constitution and the laws of the states, whether made before or since the adoption of that Constitution of the United States, are subordinate to the United States Constitution and the laws made in pursuance of it." - [Bouvier's 14th Edition Law Dictionary (citing 4 Wheat, 402)]

As can be seen, we ***the Sovereign People*** conferred upon government some very limited powers and authorities within the very document that establishes that central government, the constitution. Important to notice is the fact that we did not confer any power or authority that we do not possess. If we were to attempt to confer a power or authority that we do not have, it would corrupt (pervert) the system of justice that we are trying to establish. For example, if I as an individual ***Sovereign***, do not have the power or authority and go into the wallet of another individual ***Sovereign*** and take out a hundred dollars, giving it to whom ever I feel is needy, then I can not confer that power or authority upon government. If I could, I would corrupt its system of justice.

This is the foundation of the Clearfield doctrine and why the supreme court has decided that corporations, calling themselves government, must have a valid contract when attempting to compel a specific performance. But, by taking control of the educational system, Americans no longer clearly understand these matters and the corporations, calling themselves government, have managed, through this fraud and deceit, to obtain contracts from most Americans which the various DEPARTMENTS, of these government corporations, view as a means to obligate the American people to a specific performance.

MIGHT does not make right, as is practiced in a democracy. Just because the majority thinks that it is OK to take your property for the benefit of others, does not mean that it is OK to take your property. It only means that majorities may be easily corrupted with money and television. If the individual is not protected, then no one is protected from the mob mentality.

The fact that God is the source of our individual power and authority is also the premise for the ***divine right of kings***. The premise here was that *the King* had been endowed by God (the Creator) with certain ***divine rights*** and that the individual people under his rule had no rights or privileges other than what the king might confer and take away at will. The people were ***subjects*** to the will of the king. And if you are a history buff, you know that kings have been very liberal in their interpretation of what rights have been conferred by God. All too often they were despot bullies, feeling no restraint on any power they wished to exercise.

But, when everyone is ***created equal***, no one person has more power or authority than any other person. Therefore, the challenge for those who want to wield all the power, is to convince the masses that they have no power.

All sources of assumed power and authority, except that which is conferred by God, is temporary and based on raw physical power. The type of *raw physical power* that your agency is preparing to exercise through ***force*** *of law*. The corporation, of which you are a part, creates the laws to empower and enrich itself, and then uses whatever raw physical force is necessary to enforce these laws. These powers are the concept of *survival of the fittest*. The concept of democracy... ***MIGHT MAKES RIGHT***. Think how you would feel if two-thirds of a class room full of students voted to make a law that they could take the lunch money of the other one-third. That is a democracy, however it is not possible to pass such a law in a Republic so long as the people (class of students in this case) know the foundational principles of a Republic. For in a Republic, the majority lacks the authority to take the property from the individual for they have no more lawful power or authority than the individual.

Sovereign powers conferred by God may not be challenged by man. Such powers conferred by God will always remain superior to any power (political or otherwise) & authority conceived by man, regardless of the noble intent of man.

Divine rights were conferred upon kings by God. Accordingly, given that ***all men are created equal***, it becomes clear that the ***divine rights*** of Kings would equate to ***unalienable rights***. ***Unalienable rights*** are rights that can not be lost, sold or transferred. They are ***unalienable***. Keeping in mind that there is a world of difference between ***civil rights*** and ***unalienable rights***. *Civil rights* are created by law (man's), regulated by law (man's) and taken away by law (man's). *Unalienable rights* are given by God and man may not ***alien*** them.

> ***Alien.*** n. To transfer or make over to another; ... - Blacks Law Dictionary (sixth edition)

Therefore, you may have *civil rights* as part of a political plan, or you may have *unalienable rights* as part of a heavenly plan.

Now that we have ***unalienable rights*** and ***sovereign power***, how are we to keep it? Enter ***government***.

> "That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed." - Declaration of Independence

There you have it ladies and gentlemen, the primary purpose of our ***Republican form of Government***... to secure these rights. What rights? The ***unalienable rights***, the same ***sovereign power*** granted to the kings by God.

Reviewing what we have covered:

Unalienable rights are conferred upon the individual, not groups, not the majority, not the collective as a whole... the individual. No other individual or group of people has any more lawful power or authority than one individual. How do we know this to be true? Because ***all men are created equal***.

Understanding this is important because it relates back to the definition of ***Republic*** provided by Black's seventh edition law dictionary. In that definition, the distinction between ***Republic*** and other forms of government lies in who holds the ***sovereign power***.

Thus we have the definition of a ***Republican form of Government.*** It is a system of government which recognizes that each individual is endowed by the Creator with certain ***unalienable rights*** (***sovereign power***) and that the primary purpose of government is to protect the ***unalienable rights*** of the ***sovereign people***.

The concept of *individual empowerment* is important because it then does not matter how the majority might vote, they are not empowered as a group to deprive an individual of his ***unalienable rights***. Such as the right to keep his property. Anything he might own.

When has a crime been committed?

The answer is simple in a Republic. When a sovereign individual has been injured. And when has a sovereign individual been injured? When another individual or group of individuals has injured the property or person of a ***sovereign individual***. For example, you hit my car parked in front of my home. I have suffered a financial injury to my property. I now have a claim against you. In a Republic there are no crimes against ***the State***. Why. Simple, ***the State*** has no ***unalienable rights***.

Have you ever noticed that criminal legal actions do not name the State? Typically the indictment reads:

The people of the State of YouNameIt
v.
John Quincy Citizen.

The action is taken in the name of the ***sovereign people***. Just because there are no crimes against the State is possible in a Republic does not mean that you can vandalize public property. I as a ***sovereign individual*** can file a complaint and you can be arrested and convicted on that complaint. All property owned by ***the State*** is really owned by the ***sovereign people***. And the ***sovereign people*** have a right to protect their commonly owned property. But the State itself does not have the authority to file a criminal action, naming itself as the injured party. Remembering that the Federal Government is *a State*. Not a *State of the Union*, but a *State* as that term is defined in law.

Government is a ***fiction***. That is, it is a creation of the mind of mankind. Without the mind of man, government would not exist. This defines a fiction. Under the laws of God, no natural individual is to be harmed under the pretext of an injury to a ***fiction***.

If government was to do this, it has acted criminally under ***color of law***. Because government proceeds in court, it has the appearance of being legitimate, but it lacks the necessary elements to define a crime. Thus the injury they cause to an individual through their court proceedings lacks the necessary authority, it, itself is a crime. But, when the masses lack knowledge, it goes un-noticed. When the press fails to do its job, it goes un-noticed. When the churches fail to do their job, it goes un-noticed. When the schools fail to do their job, it goes un-noticed. Un-Educated juries will then *rubber stamp* the unlawful behavior of government.

> ***Color of law.*** The appearance or semblance, without the substance, of legal right. Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under *color of law*. - Blacks Law Dictionary (Sixth Edition)

There are no ***victimless crimes*** in a Republic. There are many of victimless crimes in a corporate structurre. In our corporate structure, ***the majority*** (or their presumed agent... the

government), may vote to make any act a crime. For example, *hate speech*, which abridges the first amendment. Who is going to sit in judgement of *hate speech*? Someone ***the majority*** (or its agent) designates, undoubtedly. And so we have a crime even though no one is injured. Having one's feelings hurt is not considered an injury in the Republic, but becomes an injury in our corporate structure.

Without ***individual unalienable rights*** you can not be an injured victim for there is nothing there to damage. To illustrate the point, suppose an individual who has no ***unalienable rights*** were to be shot and killed. In a legal sense it would be no different that killing a cow. Without ***unalienable rights*** conferred by god, there is nothing intrinsic to violate. If you think this is a reach, ask the survivors of WACO, TEXAS in which our government murdered 80 plus people, 22 of which were children. This is how a corporate structure operates. Two wolves and one sheep sitting down to discuss what (or whom) is for dinner.

It is certainly possible that a corporate system of government may vote that murder is wrong, at least when it is committed against the majority, but when murder is committed against an individual or a small group like the *Branch Dividians* at Waco, who cares? In our corporate structure of government the murderous government agents walk away with bonuses and promotions. With the ability of the American people to ignore the criminal breech of ***unalienable rights*** committed by government, at Waco and in many other incidents, we set the stage to someday be in the same boat. Someday it will be us or our loved ones whose ***unalienable rights*** are being abridged by government and prison is in our future. Or like Waco, death. In a corporate government, a citizen has no more individual rights than a cow.

Suppose, while appearing in court on a matter of municipal corporate law, Orland Sand & Gravel were to advise the court that the *hands* of the government were *unclean* since it was operating as a democracy or corporate structure rather than the required ***Republican form of Government*** mandated by the Federal constitution? The question here is, "could failure to provide that form of government which is mandated by the constitution be grounds for dismissal of action based in the failure to provide that form of government which provides for proper judicial procedure?" Arguably, failure to provide the mandated *Republican form of government*, may be a treason.

Because the government controls our educational processes, an argument could be put forth that the government is involved in fraud and deceit by virtue of its failure to educate American students on their true status, rights, & citizenship. It is this failure that allows government to unlawfully take our property, our children, our income... whatever they want. Ultimately it allows government to enslave us and force us to serve ***it*** instead of ***it*** serving us through protection of our *unalienable rights*. It is government that enters into a contract (Social Security) when we are still children and too young to contract.

Government leadership was forced to secretly impose the democracy for they knew that the American people would never accept it, especially if they understood that abandoning their Republic meant abandoning their ***unalienable rights***.

If we were to pick up any of the numerous volumes of USC (United States Code), printed by the government printing office, we will find listed, all fifty U. S. Titles on a couple of pages. As we look at the names of these titles, we will see that some of them are marked with an asterisk and some are not. And when we look at the bottom of the page to see what the asterisk might mean, it says, "This Title has been passed as positive law." From this we quickly conclude that those titles without the asterisk are non-positive law. But what does this mean?

While I'm certain that you are probably knowledgeable about this matter, a lay jury may not be so informed. *Positive Law* Titles are constitutional in nature and *Non-Positive Law* Titles are not constitutional in nature.

As was pointed out earlier, Congress has a dual character, passing laws for the Republic of the united States, and passing laws for the jurisdiction of ***the Distrct*** *of Columbia*. *Positive Law* and *Non-Positive Law* is a means of identifying those Titles which are constitutional, that is lawful, from those Titles which do not meet constitutional muster or are unlawful (corporate).

Although I'm certain that you know that federal laws have an identifier. For example a bill before the house might be designated HR1234 and the same bill before the senate might be SR5678. What is generally not known is the meaning of the 'R' in the designator. The 'R' stands for *Resolution*. *Resolutions* are corporate law. If the law is constitutional there is no 'R' in the designator. For the House it would be H1234, and for the Senate, S5678. If you examine all the acts that comprise Title 18, a *Positive Law* title, you will notice that the individual acts have no 'R' in the identifier.

Now, what does this have to do with our issue? Known to Orland Sand Gravel but generally not known to the public at large is that the Buck Act paved the way for the several states of the Union to become corporations, municipal in nature. Even more unknowns is that this is made possible by Federal law, making the corporate STATE OF CALIFORNIA an *entity* of ***the District*** *of Columbia*. The corporate COUNTY OF GLENN gains its existence in the laws of the corporate STATE OF CALIFORNIA, thus its existence is also traceable to ***the District*** *of Columbia* laws. This clearly violates the constitutional mandate that a *Republican Form of Government* be maintained in the several states.

Orland Sand & Gravel recognizes that due to the mismanagement of government and its control by foreign interests through *fractionalized banking and loans*, the Federal government has been bankrupted [5 USCA 903, etc.] and is being taken over by those foreign interests. Part of this scheme has been to make the several states *entities* of that jurisdiction so as to meet the financial obligations, that is the debt created by the Federal

Government. By virtue of this, government continually imposes law after law, rule after rule and fee after fee upon business. This in turn, causes the business to raise its prices to cover this financial extraction. This has the effect of making local business a collection agency for government, transferring the wealth of the American people to corporate government, but it is done in a manner that hides this activity from the same American people from which the funds are being extracted. Thus the local patrons, that is the American people, end up paying more for products and services than they should pay, all to support corrupt government. In effect, government has become the new mafia.

We at Orland Sand & Gravel take exception to this practice and are willing to put our case before a jury of our peers. And let it be said that 'our peers' are American males who do not work for government nor are supported by government, who are self supporting through their own labor and live in the Republic of Glenn county.

But government corruption does not end here.

On March 9, 1933 an Act was passed. The Act is generally known as the *Banking Relief Act of March 9, 1933*. This Act contained powers and measures that caused our whole system of laws to change and placed the united States of America under a form of 'military rule'. In the beginning the changes were made slowly so as not to alarm the American people, but more recently have been gathering momentum as more and more of the 'right people' have been placed in key positions within government. The ***emergency powers*** provided by this act, when examined, are extraordinary and dangerous, and we believe to be unlawful, for they place almost unlimited powers in the hands of one man and destroy the separation of powers set forth in the constitution. For a lay jury to understand this we need to look at a little of the history. As events begin to unfold, Herbert Hoover is President of the United States.

THE HOOVER PAPERS

Upon examining the Hoover papers we find that President Hoover has sent a letter to the Federal Reserve Board of New York asking what might be done about the current crises in banking. The Federal Reserve Board responds by saying:

> It is assumed that the reader knows that the "Federal Reserve Bank" is the Central Bank of the United States. Chartered by congress in 1913. However, it is not a government institution, it is a privately owned bank.

> "Whereas in the opinion of the Board of Directors of the Federal Reserve Bank of New York, the continued and increasing withdrawal of currency and gold from the banks of the country has now created a national emergency."

Here we see the Federal Reserve Board setting the stage for the declaration of an Emergency. In addition to stating that a national emergency has been created, the

FEDERAL RESERVE BOARD has proposed an Executive Order, to be issued by the President, which says:

> "Whereas it is provided in Section (5)(b) of the Act of October 6, 1917 as amended, the President may investigate, regulate, prohibit, under such rule and regulations as he may prescribe, by means of license or otherwise, any transactions in foreign exchange, export or earmarking of gold or silver coin or bullion, or currency, * * * "

The asterisk, asterisk, asterisk, is not laziness on my part. That is as it was sent to Hoover by the Federal Reserve Board. This proposed executive order was adopted as a RESOLUTION by the Federal Reserve Board of New York. Remember the term "*RESOLUTION"?* President Hoover refuses to issue the Executive Order saying that it is neither necessary nor appropriate. This is how matters stood on March 3, 1933.

ROOSEVELT'S INAUGURAL SPEECH

On March 4, 1933, Franklin D. Roosevelt is being inaugurated as President of the United States. Those standing in attendance of that inauguration hear the president say:

> "I am prepared under my Constitutional duty to recommend the measures that a stricken nation in the midst of a stricken world may require. These measures, or such other measures as congress may build out of its experience and wisdom, I shall seek, within my Constitutional Authority, to bring to speedy adoption. But in the event that Congress shall fail to take one of these two courses, and in the event that the *NATIONAL EMERGENCY* is still critical, I shall not evade the clear course of duty that will then confront me. I shall ask Congress for the one remaining instrument to meet the crises - broad executive power to ***wage a war*** against the Emergency. As great as the power that would be given to me if we were in fact invaded by a foreign foe."

"Stricken nation in the midst of a stricken world"? The nation was suffering an economic depression that we now know was caused by the contraction of the M1 money supply by the Federal Reserve bank. It was an engineered depression and was used to manipulate Congress and the rest of the nation.

Also note the use of the phrase 'wage a war'. Sound familiar? Such as the 'waging a war on drugs' or the 'war on poverty'. It worked before and those who manipulate us remember what works and reuse it.

In President Roosevelt's inaugural address we see that, based on this banking crisis, the President is sitting the stage to ask congress for *WAR POWERS* (Emergency Powers). But where is the war, where is the revolt, where is the invasion, who is the enemy? We shall find out.

On March 5, 1933, in Presidential proclamation 2038, Roosevelt asked for a 'Special Session of Congress.' That special session of congress was called for March 9, 1933.

GOVERNORS CONFERENCE

The date is now March 6, 1933, two days into the Roosevelt Presidency. President Roosevelt attends a 'Governors Conference' and persuades them to pass a *RESOLUTION* pledging support for giving him emergency war powers. The Governors of the various states really have no choice. If they oppose the resolution they will be demonized as wanting the United States to remain in misery and suffering. In the end they capitulate of course and agree to support Roosevelt's bid for acquisition of Emergency powers. On the same day we see a Presidential Proclamation titled 2039 (A Bank Holiday) which says in part:

> "Whereas there has been a heavy and *UNWARRANTED* withdrawal of gold and currency from our banking institutions for the purpose of hoarding ..."

Note that because the American People (the owners and depositors of the money) wanted to withdraw portions (or all) of the gold they had deposited so that they could survive and make ends meet, the President of the United States now declares them to be hoarders as if retrieving your clothing from the cleaners and putting it in the closet were a criminal activity. Does the action of 'demonizing' a group sound familiar? The fact is that because some Americans wished to have their money they were now being portrayed as some sort of Demon. I would suppose that the implication is that these Americans, who have been doing this, are somehow responsible for the depression that is causing so much suffering.

You will, of course, have ample opportunity to form your own opinions. Continuing with presidential proclamation 2039, we read:

> "Whereas it is provided in Section (5)(b) of the Act of October 6, 1917, (40 Stat. L. 411) as amended, that the President may investigate, regulate, or prohibit, under such rule and regulations as he may prescribe, by means of license or otherwise, any transactions in foreign exchange, export or earmarking of gold or silver coin or bullion, or currency, * * * "

The Executive Order, exactly as it was proposed to President Hoover by the Federal Reserve Board prior to March 3, 1933, all the way down to the ' * * * ' (asterisk, asterisk, asterisk) at the end. Further, we take notice that the authority comes from the World War I *Trading With the Enemy Act*. A war powers act still in place and active because, as Justice Hugh's put it:

> "The conflict known as the world war ended as far as military hostilities were concerned, but was not yet officially terminated. Most of the war statutes are still in effect and many of the 'emergency' organizations are still in operation."

So there are benefits to never declaring a war to be terminated.

ASTERISK, ASTERISK, ASTERISK

At this point we need to investigate the act of October 6, 1917 and find out what it says at the place where the ' * * * ' (asterisk, asterisk, asterisk) is located.

The Act of October 6, 1917 is specified as an Act to define, regulate, and punish trading with the enemy and for other purposes. It is known as the 'Trading with the Enemy Act'. Going into World War I it was recognized that there were probably enemies of the United States operating within our borders and so the *Trading With the Enemy* act gave the President the power to take total authoritarian control of the commercial activities and transactions of the enemy within our borders. And at the ' * * * ' (asterisk, asterisk, asterisk) we read:

> "Transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States);"

This is a key piece to our puzzle of understanding. Understanding its importance can not be overstated because when this language is incorporated into the Banking Relief Act of March 9, 1933, the congressional law makers are going to delete this piece of exclusionary language and replace it with other wording.

The fact that 'transactions to be executed wholly within the United States' were exempted from the operation of the law is recognition that when the American people go to the hardware store and buy a lawn mower, a transaction executed wholly within the united States, this is not an enemy transaction and as such is not subject to the operation of the law. Transactions by American Citizens to be executed wholly within our country are not enemy transactions. And so the Act of October 6, 1917 excluded our domestic transactions from the operation of the law because they were not enemy transactions. As additional support of that concept we read at Section 2, Subdivision (c):

"other than citizens of the United States."

Again, the Congress of 1917 was recognizing that the citizen of the United States is not an enemy of the United States. That the American citizen should not be subjected to an Act of War. This piece of exclusionary language was also omitted from the *Banking Relief Act of March 9, 1933*.

Once it became clear to the Federal Reserve Board that they were going to get the support of the elected officials within our government, they immediately took action to get back much of the gold they had been returning to the American people. On March 8, 1933, the Federal Reserve Board asked the banks to prepare a list of people who had recently withdrawn gold or gold certificates and who had not re-deposited them by March 13 (the date was later

extended). It was then announced that this list of names would be made public and the people were threatened with publishment. Could you image what you might feel like if your bank were to publish that you had withdrawn $25,000 this week? Talk about conspiracy and extortion.

So here we have the Federal Reserve Bank obtaining private withdrawal information from various other banks. By now we should begin to understand, that those in power have no regard nor concern for the law or lawful activity.

THE BANKING RELIEF ACT OF MARCH 9, 1933

The date is now March 9, 1933 and congress passes its first act under the Roosevelt Administration. And we read:

"An ACT
To provide relief in the existing national emergency in banking, and for other purposes.

> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that a serious emergency exists and that it is imperatively necessary speedily to put into effect remedies of uniform national application."

This enabling clause contains some assertions that need to be discussed. First is the declaration that a serious emergency exists. We all need to understand what takes place when Congress declares an EMERGENCY exists. It may best be put into perspective by a comment by Congressman Beck in debate over this measure:

> "I think that of all the damnable heresies that have ever been suggested in connection with the constitution, the doctrine of 'emergency' is the worst. It means that when Congress declares an emergency, there is no Constitution. This means its death. It is the doctrine that the German Chancellor is invoking today in the dying hours of the Parliamentary Body of the German Republic. Namely that because of an emergency, it should grant to the German Chancellor the power to pass any law, even though that law contradicts the Constitution of the German Republic. Chancellor Hitler is at least frank about it. We pay the constitution lip service but the result is the same."

Here we see that when Congress declares an emergency, then the Constitution (our protection from Government) may be suspended. I think that the most inept among us can see that if a Congressional declaration of an ***emergency*** can suspend the Constitution, there is a major shift taking place in government. A shift away from a *government of the people, by the people and for the people*. The shift is toward a centralized power base. A centralized government that controls all aspects of life in the United States and ultimately the world.

The second assertion within the enabling clause that we need to examine is the 'rule of necessity'. *"Congress hereby declares that ... it is imperatively **necessary** speedily to put into effect remedies of uniform national application."*

Rule of necessity

Once again, while I am certain that you fully understand these matters, a lay jury probably does not, so please bear with me as I explain. The rule of necessity is a paramount rule of law and simply put, necessity knows no law. For example, *necessity* is the rule of self defense. We know that it is against the law to intentionally kill a person but if a killing was done in defense of our lives and we can prove that, then it was done as a necessity and we are found not guilty of any crime. As you can see, a *necessity* changes the way the law is applied. Whenever Congress uses the *rule of necessity* to pass a measure or some form of legislation, it is an indication that the legislation is unlawful (that is to say un-constitutional).

Once an un-constitutional measure has been passed and is in place, such as the Banking Relief Act of March 9, 1933, the congressional law makers are then able to pass layer upon layer of additional un-constitutional law all pursuant to and deriving its authority from the original un-constitutional Act. As a result, all this un-Constitutional law can only stand so long as the EMERGENCY continues. Thinking back to Justice Hugh's, it now becomes clear why *World War I* was not officially terminated, leaving ***emergency powers*** in operation. Once the EMERGENCY is declared at an end, then all the law attached to the *emergency legislation* passed is not longer operational.

> "The conflict known as the world war ended as far as military hostilities were concerned, but was not yet officially terminated. Most of the war statutes are still in effect and many of the 'emergency' organizations are still in operation." - Supreme Court Justice Charles E. Hughs

With those two items made clear we may continue with the Act itself.

TITLE I

> "Section 1. The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933 pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed." - Banking Relief Act of March 9, 1933

Of whom are we talking?

A subtle reference is made here of which I would like you to take notice. Congress goes out of their way to identify the President as the President of the United States, but then use the phrase 'Secretary of the Treasury' rather than the 'Secretary of the Treasury of the United States'. It is one of those fraud and deceptions used by government to deliberately deceive the American people. In this reference to the 'Secretary of the Treasury', congress is referring to the 'Secretary of the Treasury of the International Monetary Fund'?

Separation of powers destroyed!

In Title I we see congress giving retroactive approval to all the executive orders and/or proclamations issued by the President since March 4, 1933, the day of his inauguration, but more important, Congress is giving approval to any additional proclamations that the President of the United States or the Secretary of the Treasury may issue hereafter without knowing what they will be. By virtue of this language, Congress has just destroyed the *separation of powers* provided within the constitution and made it possible for the President to rule by Presidential Proclamation. In 1973, the Senate held hearings on the *Termination of the National Emergency*. The hearing was titled as follows:

HEARINGS
BEFORE THE
SPECIAL COMMITTEE ON THE
TERMINATION OF THE NATIONAL EMERGENCY

These hearings were followed by a report titled:

REPORT
OF THE
SPECIAL COMMITTEE ON THE
TERMINATION OF THE
NATIONAL EMERGENCY
UNITED STATES SENATE

When I first became aware of this report and began reading excerpts from it, the author referred to this report as Senate Report 93-549 and although my copy designates it as report 93-000, that may be because it was not yet assigned a number when my version was printed. Therefore, I have retained the reference of 93-549 throughout this document.

Delegated Powers

The *statutes* to which this refers are those passed pursuant to the *Banking Relief Act of March 9, 1933* remembering that this act and all *statutes* which derive their authority from this act, can only be maintained so long as the ***EMERGENCY*** continues. Reading from the first page of the forward...

"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. " - Senate Report 93-549:

From this it is clear that Congress empowered the President as a Dictator by virtue of their approval of every *Proclamation* or *Executive Order* that the President, whomever he or she might be, may make in the future? The power conferred is virtually limitless and virtually negates our entire system of checks on balances. Continuing on with the language of the Banking Relief Act:

"Section 2. Subdivision (b) of section 5 of the Act of October 6, 1917 "(b) During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, by any person within the United States or any place subject to the jurisdiction thereof;"

Remember the asterisk, asterisk, asterisk (***) in the recommended Executive Order from the Federal Reserve Board of New York and taken from the Act of October 6, 1917 where it said:

"Transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States);"

This language which exempted our domestic transactions now says:

'by any person within the United States or any place subject to the jurisdiction thereof'.

Enemy

With this amended language, the *United States citizen* is included and has became no different than any other ***enemy*** of the United States within the framework of this law. And we are certain that most American citizens have no idea that they have had an Act of War applied against them. Along with that, they do not

SUBJECT, *persons, government*, is an individual member of a nation, who is submitted to the laws; **this term is used in contradistinction to citizen**, which is applied to the same individual when considering his **political rights**. - Bouvier's Law Dictionary

realize they have become 'Subjects.' Americans have had their political status as *citizen* slyly and covertly altered, making us ***subjects*** (slaves) through fraud and deceit.

The process does not end here however. Returning to the Banking Act of March 9, 1933 we read:

> "Whenever in the Judgement of the Secretary of the Treasury such action is necessary to protect the currency system of the United States, the Secretary of the Treasury in his discretion, may require any or all individuals, partnerships, associations or corporations to pay and deliver to the Treasurer of the United States any or all Gold Coin, Gold Bullion, and Gold Certificates owned by such individuals, partnerships, associations or corporations. And whoever shall not comply with the provisions of this act shall be fined not more than $10,000 or if a ***natural person*** may in addition to such fine be imprisoned for a year not exceeding ten years."

This portion of the Banking Relief Act says that the Government can steal the gold of the American people and if they fail to comply can be fined $10,000.00.

With the confiscation of money, it then became incumbent upon the corporate structure to come up with a new form of exchange that the people will think is money.

The new currency authorization

From the Emergency Banking Relief Act of March 9, 1933, Title 4, we read:

> "Upon the deposit with the Treasurer of the United States; (a) any direct obligation of the United States; (b) any notes, drafts, bills of exchange or bankers acceptances acquired under the provisions of this act, that any Federal Reserve Bank making such deposits in the manner prescribed by the Secretary of the Treasury, shall be entitled to receive from the Comptroller of the Currency, circulating notes in blank, duly registered and countersigned."

(a) public debt OR
(b) private debt

Here we see the authorization to issue the new currency and how it is to be issued. We see that the currency is to be issued upon the acquisition of debt, both public and private, making it understandable why credit is so easy to obtain. This legislation was ***Emergency Legislation*** and read from the clerk's desk since the Congressmen did not have a copy. Also noted is that this language authorizes ***currency***, not ***money***. There is a difference.

Reading the Congressional Record we find Congress discussing this measure. Let's examine a few comments from the Congressional record to see what we may learn about this legislation. First is a comment by Congressman McFadden:

> " I regret that the membership of the House has had no opportunity to consider or even read this bill. The first opportunity I had to know what this legislation is was when it was read from the Clerks' desk. It is an important banking bill, it is a dictatorship over finance in the United States, it is complete control over the banking system in the United States... It is difficult under the circumstances to discuss this bill. The first section of this bill, as I grasp it, is practically the WAR POWERS that were given back in 1917... I would like to ask the chairman of the committee if this is a plan to change the holding of the security back of the Federal Reserve Note to the Treasury of the United States rather than the Federal Reserve Agent? "

Being a bit confused, Congressman McFadden is asking if this is a measure to take the securities backing the currency away from the Federal Reserve agent and place those securities back in the treasury of the United States. Chairman Steagall responds to Congressman McFadden's question:

> "This provision is for the issuance of *Federal Reserve Bank Notes* and not *Federal Reserve Notes*. And the security back of it is obligations, notes, drafts, bills of exchange outlined in the section to which the gentleman has referred."

Before we can discuss this we need to clarify the difference between *Federal Reserve Bank Notes* and *Federal Reserve Notes* as these term are used above. In 1933, there was a clear distinction between *Federal Reserve Notes* and *Federal Reserve Bank Notes*. At that time *Federal Reserve Notes* were essentially a warehouse receipt for the gold you had deposited. Present the Federal Reserve Note at any Federal Reserve Bank and reclaim your gold. The *Federal Reserve Bank Note* is not a receipt for gold or anything of substance, it is currency. In the language above we see that the issuance of these *Federal Reserve Bank Notes* will be backed by *any sound assets owned by the bank*. Now what assets does the bank own? Simple, the *contractual loan obligations* of course. They own indebtedness. They own debt. In the time since 1933, these *Federal Reserve Bank Notes* have evolved to again be called *Federal Reserve Notes*, but they are no longer representative of a 'gold deposit'. With that clarified we may proceed.

Obligations, notes, drafts, bills of exchange = DEBT.

Another Congressman makes comment. This time it's Congressman Britten:

> "From my observations of the bill as it was read to the House, it would appear that the amount of bank notes that might be issued by the Federal Reserve System is

> not limited. That will depend entirely upon the amount of collateral that is presented from time to time for exchange for bank notes. Is that not correct?"

Congressman Britten is absolutely correct. The Federal Reserve Note in existence in March of 1933 was backed by gold, and this limited their issuance to the amount of gold deposited. But now Congress is authorizing Federal Reserve Bank notes and so we can give an 'A' to Congressman Britten for being correct. Since the new currency is backed by DEBT and because there is no limit to the amount of debt that can be created, then the amount of currency that can be issued is virtually limitless. It is because of this monetary trap that the American people can not escape until the **Emergency** has ended and we return to a proper monetary system.

How the monetary TRAP works

Again Mr. Thomas, I'm certain that you understand these matters, but I'm just as certain that a lay jury will probably not understand them. And so explanation is in order.

In simple form an American buys a home for $100,000 and puts $20,000 down. He then signs a contract for the remaining $80,000. When this contract (private debt) is placed on deposit with the Treasurer of the United States, the Federal Reserve agent is then authorized to issue an amount of currency (Federal Reserve Bank Notes) formulated from the $80,000 contractual debt. In four years this property has been landscaped, including a new concrete driveway and patio, and a couple larger windows have been installed as well as a sliding glass door to the patio.

The home is then sold for $130,000. The buyer puts $30,000 down and signs a contract for $100,000. When this contract is placed on deposit with the Treasurer of the United States, the Federal Reserve is again authorized to issue an additional amount of currency on this debt without retiring the currency from the first debt on the same piece of property. Over and over again this occurs. It does not take a rocket scientist to see that in a relatively short period of time, it is possible to accumulate a debt that enslaves all Americans to pay off. This currency that we call 'Federal Reserve Notes' is private commercial paper. It is owned by the *Federal Reserve Banking System.* As private commercial paper, there is a usury charge that we peons call interest. The only investment that the privately owned Federal Reserve Bank has in this currency is ink and paper.

For this investment of ink and paper, the privately owned Federal Reserve Bank was able to confiscate virtually all the gold and silver (real money). For a time this worked well enough, especially for Congress. Congress has a spending addiction that seemingly can not be satisfied. To feed their addiction they sell *Treasury Notes* and *Treasury Bonds*, a Federal obligation to pay (debt), making them available for the public to buy. We buy a few of them but we can not begin to buy enough to satisfy their addiction. Enter the Federal Reserve Bank who buys as many as Congress wishes to sell. Buys them with *Federal Reserve Bank Notes* of which there is an endless supply.

As time goes on the Federal Reserve owns more and more *Treasury Bonds* upon which the Federal government must pay interest. But they pay interest by selling more *Treasury Bonds*. Ultimately the Federal Reserve Bank calls in its dept by demanding payment on these bonds. When the Federal government is unable to pay what do you suppose happens?

This makes the United States bankrupt and in default. Therefore, the bankers will wish to collect their collateral, all the property and other holdings within the United States. Not too fast, that will alarm the American people.

For a more in depth understanding of the bankruptcy of the United States, see [5 USCA 903, etc.]

Returning to the Congressional record we get the big picture from Congressman Patman:

> "Under the new law the money is issued to the banks in return for Government obligations, bills of exchange, drafts, notes, trade acceptances, and banker's acceptances. The money will be worth 100 cents on the dollar, because it is backed by the credit of the Nation. **<u>It will represent a mortgage on all the homes and other property of all the people in the Nation.</u>**"

Money. In the usual and ordinary acceptation it means coins and paper currency used as circulating medium of exchange, **<u>and does not embrace notes, bonds, evidences of debt</u>**, or other personal or real estate. - Blacks Law Dictionary, Sixth Edition.

There you have it. Mostly unknown to the American people, all their property, holdings and other belongings have been mortgaged, by Congress, to the privately owned Federal Reserve Bank, for the Emergency War Currency. All accomplished by simply putting ink on paper.

As noted in the box above which contains a definition of money from Black's Law Dictionary, Sixth Edition, Federal Reserve Notes are not money!

What has been the result of this legislation? In today's world the result has been that the average tax payer pays roughly one third of his earnings to government to cover the interest on their debt. Translated into everyday living it means that the average income earner must earn $1.53 to buy a dollar hamburger, giving $0.53 to the government in taxes thus leaving him with a dollar for his burger.

To buy a $20,000 car the average income earner must earn $30,600 and give the government $10,600 to have $20,000 left to buy the car.

To buy a $100,000 home, the average income earner must earn $153,000 and give $53,000 to the government to have a hundred thousand left to buy the home.

Since the Government has in fact seized our property and mortgaged it to the Federal Reserve for the ***emergency currency***, we should be able to find evidence of that seizure in further Government documentation. In Senate Document No. 43, Under Contracts Payable in Gold, 1933, we read:

> "The ULTIMATE OWNERSHIP OF ALL PROPERTY IS IN THE STATE, individual *so called* ownership is only by virtue of Government. i.e. Law, amounting to mere user. And use must be in accordance with law and subordinate to the necessities of the State.

Agricultural Adjustment Act

From the Agricultural Adjustment Act of May 12, 1933:

> "The present acute economic emergency, being in part the consequence of a severe and increasing disparity between the prices of Agriculture and other commodities, which disparity has largely destroyed the purchasing power of the farmers for industrial products, has broken down the orderly exchange of commodities and has seriously impaired the agricultural assets supporting the NATIONAL CREDIT STRUCTURE. It is hereby declared that these conditions in the basic industry of agriculture has affected transactions in agricultural commodities with a NATIONAL PUBLIC INTEREST, have burdened and obstructed normal currents of commerce in such commodities and has rendered imperative the immediate enactment of Title 1 of this act."

Notice that the ***emergency*** has broadened and expanded to now include agriculture. The language above is paving the way to place this nations agricultural property into assets that can be included in the declared bankruptcy. All those agricultural assets necessary to support the ***national credit structure*** of ***the District*** *of Columbia*. All those millions of acres of farm lands which provide the necessary backing (security) for the *Federal Reserve Bank Notes*, the Emergency War Currency (the same *currency* you use today). Also note that Agriculture now has a *national public interest* and as such it was *placed into public service*. With this act Congress is mortgaging virtually every square inch of our country to the Federal Reserve bankers. In debate over this bill, Congressman Beck had this to say:

> "But the Constitution of the United States, as a restraining influence in keeping the United States Government within the carefully prescribed channels of power, is moribund, if not dead. We are witnessing its death agonies, for when this bill

> becomes a law, if unhappily it becomes a law, there is no longer any workable Constitution to keep the Federal Government within the limits of its constitutional powers."

"No longer any workable Constitution to keep the Federal Government within the limits of its constitutional powers." The result is now an out of control Government that utilizes business as a medium of extracting wealth from the American people.

THE SUPREME COURT

ON THE AGRICULTURAL ADJUSTMENT ACT:

Here we take a look at what the Supreme Court had to say about the *Agricultural Adjustment Act*? In United States v. Butler, the court said:

> "A tax in the general understanding and in the strict constitutional sense is an exaction for the support of government. This term does not connote the expropriation of money from one group to be expended for another as a necessary means in a plan of regulation, such as the plan for regulating agricultural production set up in the Agricultural Adjustment Act ... The regulation of the Farmers Activities under the statute, though in form subject to his own will is in fact coercion through economic pressure. His right of choice is illusory. Even if the farmers consent were purely voluntary, the Act would stand no better. At best it is a scheme for purchasing, with Federal Funds, submission to Federal Regulation of the subject reserved to the States....
>
> If the novel view of the *general welfare clause*, now advanced in support of the tax, were accepted, that clause would not only allow congress to supplant the states in the regulation of agriculture and all other industries as well, but would furnish the means whereby all the other provisions of the constitution, sedulously framed to limit the powers of the United States and preserve the powers of the States, could be broken down. The independence of the individual States obliterated and the United States converted into a central government exercising uncontrolled police power throughout the Union, superseding all local controls over local concerns."

Using extraordinarily good judgment, the Supreme Court struck down the Emergency Powers. But if we examine our history we see that President Roosevelt went to work to STACK THE COURT. Through DEATH and RESIGNATION, by 1937, the court was stacked! And shortly thereafter these cases were reversed and ***emergency powers*** was again re-established.

The Court now says:

> "The existence of war and the restoration of peace are to be determined by the political department of the Government, and such determination is binding and conclusive upon the courts, and deprives the courts of the power of hearing proof and determining, as a question of fact, either that war exists or has ceased to exist."

So here we have the Supreme Courts saying, '*It's not our problem*.'

> "When the sovereign authority shall choose to bring it into operation [referring to the Emergency Powers] the Judicial Department must give effect to its will, but until that will shall be expressed, no power of condemnation can exist in the courts."

From Senate Report 93-549

> "Just how effective, on crises action, this makes the Court is hard to say. In light of the recent war [Vietnam], the court today would seem to be a fairly harmless observer of the emergency activities of the president and congress. It is highly unlikely that the separation of powers and the Tenth Amendment will be called upon again to hamstring the efforts of the [Federal] government to deal resolutely with a serious national emergency. Organizationally in dealing with the depression it was Roosevelt's general policy to assign new emergency functions to newly created emergency agencies rather than the already existing departments."

Thus we have seen the ballooning of the Federal Government to rule by statute in all cases whatsoever. The constitution suspended and no limitations on its power. It has in fact became a central government of uncontrolled police power. Thus it becomes clear that the American jury will be the one remaining instrument to terminate the Emergency Powers in effect by virtue of the ability to find a 'not guilty verdict' in these matters of clear corporate corruption.

SOURCE OF THE EMERGENCY

What has not been discussed thus far, is the source of the Emergency, but the communication the Federal Reserve Board issued to President Hoover contains a clue:

> "Whereas in the opinion of the Board of Directors of the Federal Reserve Bank of New York, the continued and increasing withdrawal of currency and gold from the banks of the country has now created a national emergency."

We have another clue when President Roosevelt issued proclamation 2039 which said in part;

> "Whereas there has been a heavy and unwarranted withdrawal of gold and currency from our banking institutions for the purpose of hoarding ..."

The crises in banking is clear. The contraction of the M1 money supply by the Federal Reserve Bank which caused the depression, has caused the American people to go to the bank and withdraw some of the gold deposits to make ends meet. But the Federal Reserve, for reasons unknown, no longer had the gold to return.

Where the gold of the American people went can only be guessed at because the Act passed by congress creating the Federal Reserve Bank provided that they can not be audited. It is suspected that the owners of the bank probably stole the gold, but in any event, the gold was kept by the Federal Reserve and not returned.

Congress has the Constitutional responsibility to *coin the money and regulate the value thereof* - (notice that the Constitution does authorize congress to issue money). The *money* already exists in the form of gold and silver. It only needs to be coined into standard weights and known purity for convenience in trades and purchases. To those who wish to engage in criminal activity, this authority has severe limitations in that it protects the American people from having their monetary system *debased*. It protects Americans from government and men of power who wish to take control virtually all aspects of America. This authority does not provide the means to rob the American people of their wealth.

Between 1913 when it was created and 1933, this private banking corporation, known as the *Federal Reserve Bank*, did something with the gold of the American people, creating a ***national emergency***. I think that most of us could agree that when you have no intention of returning the wealth of a nation and you are on the verge of being discovered, you have ***an emergency***. Since congress passed the legislation that created this bank, they too have a problem.

For lack of better terminology, this disappearance of the gold of the American people will be called a THEFT. As such it appears that Congress and the Federal Reserve Bank have at least a couple of concerns. First is the uncertainty of how the American people might react to this theft. It is possible that the American people may pick up arms and deal with the crooks. If the wrath of the American people can be survived or if the American people can be duped with the help of the press and there is no reaction, the second concern would be the method by which the *Federal Reserve Banking Corporation* may continue their plunder of America. To be on the safe side, ***military protection*** will be needed. And since it was Congress who created, abetted, aided and assisted this private corporation in the fleecing of the American people, may we ask, "*what does Congress need?*" Answer: A way out of accountability for their irresponsible and unconstitutional (unlawful) conduct.

Enter the *Banking Relief Act* of March 9, 1933. With the passage of the *Banking Relief Act*, United States citizens were given a status no different than any other enemy of the United States in law. This, by virtue of the fact that they had the language of the *War Powers Act of 1917* applied against them. Now that American citizens have a status no different than any other enemy, military protection may be provided to the Federal Reserve, if necessary,

to protect them from an enemy of the United States. And certainly, Congress has no accountability to an enemy of the United States.

Because of the *Bankruptcy Acts* passed by Congress, Judges of today are instructed to take *silent judicial notice* that America is a bankrupt nation. As such, it is not operating under Constitutional Law but is instead operating under certain *public bankruptcy policies*, the very existence of which is not to be made general public knowledge. [5 USCA 903, etc.]

Terminating the EMERGENCY

How is all this unlawful action stopped? What is the key? There are a number of ways to restore lawful civil authority. We find one of the ways contained in language similar to that in the Agricultural Act:

> "This Title shall cease to be in effect whenever the President finds and proclaims that the NATIONAL ECONOMIC EMERGENCY in relation to Agriculture has been ended."

And as we go through these acts we find that they terminate by Presidential Proclamation.

Congress is fully aware of this in Senate Report 93-549, remembering that this report was upon the Senate Special Committee on the Termination of the National Emergency :

> "Furthermore it [terminating the Emergency] would be a largely futile task unless we have the Presidents active corroboration and support. Having delegated this authority to the President in ways that permit him to determine how long it should continue, simply through the device of keeping emergency declarations alive, we now find ourselves in a position where we cannot reclaim the power without the Presidents' acquiescence. We are unable to terminate these declarations without the Presidents' signature, and we need a large measure of Presidential cooperation."

Here Congress is saying that without the cooperation of the President, they do not believe they have the power to terminate the declared Emergency. And we have had how many Republican and Democratic Presidents since 1933, none of which have terminate the Emergency? Clearly, our elected representation is unwilling to stop the un-necessary and un-lawful behavior of government. As such, it then falls to '***We the People***' to end it. With a full understanding of the criminal action of government, and with the knowledge that there is '***no injured party***', American juries may find defendants 'not guilty' rather than rubber stamp the unlawful behavior of government.

Senator Church

Senator Church speaking with reference to the War & Emergency Powers:

"These powers, if exercised, would confer upon the President, total authority to do anything he pleases ... Like a loaded gun lying around the house, the plethora of delegated authority, in institutions, to meet almost every kind of conceivable crises stand ready for use for purposes other than their original intention... Nor is it sufficient that this power be conferred upon good men, for men are frail and easily corrupted, and in a short time, he that is absolute may easily corrupt the people."

"... may easily corrupt the people."

Senate report 93-549 (written in 1973):

"The majority of American Citizens have lived all their lives under Emergency Rule. For forty 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. And in the United States action taken by the government in times of great crises have, from at least the civil war, in important ways shaped the present phenomenon of a permanent state of national emergency."

Now its been seventy one years... it's time for it to end.

As can be clearly determined, the corporate COUNTY OF GLENN is simply a collection agency for corporate government structures created under federal law. It is a scheme used by the Mob in Chicago in the earlier years of this country. Criminal activity is criminal activity, whether we call it government or not.

With the help of honorable men like yourself in government, this criminal behavior can be ended. If that is not possible, then the American jury is the last resort before revolution overtakes our country. It is our sincere hope that you are able to clearly see our case and position now.

Sincerely,

D. R. Bogart
CEO - Orland Sand & Gravel

On October 15, 2004, Orland Sand & Gravel composed and sent a letter to Mr. Armstrong of the Department of Conservation, State of California. The letter is simply a response to the most recent written communication from Mr. Armstrong. It's full content follows:

October 15, 2004

TO: Wm. Armstrong
Assistant Director - Department of Conservation - STATE OF CALIFORNIA
801 K Street
Sacramento, California - 95963

RE: Certified letter dated September 23, 2004

Dear Mr. Armstrong

We acknowledge and take note that the Department of Conservation recognizes that Orland Sand & Gravel is not engaged in mining operations by virtue of our removal from the "AB 3098 List" of mining operations that the Department of Conservation must publish quarterly under Public Resources Code Section 10295.5.

In reference to paragraph 2, yes, we are aware that mine operators may not sell sand, gravel, or other mined materials from mining operations to state and local agencies unless identified on the AB 3098 List published by the Department of Conservation. Since Orland Sand & Gravel is not engaged in '*mining operations*' as that term is defined in the *Surface Mining And Reclamation Act* (SMARA) we do not view this as a matter that applies to us. However, if it is the intent of the Department of Conservation to block our ability to sell materials to local county agencies by virtue of the STATE OF CALIFORNIA'S control over these local agencies, we would also assume that local county government, by virtue of its subservient control by the corporation known as the STATE OF CALIFORNIA, will not be assessing any property tax either. To do so would certainly be racketeering in nature.

In paragraph 3 there is reference to a letter that you assert we sent to the Glenn County Planning and Community Development Services Agency on July 21, 2004. We have no record of any letter sent to Glenn County Planning and Community Development Services Agency on or about July 21, 2004. As such, we have no idea what you mean when stating that "*The Department has reviewed your letter sent to the Glenn County Planning and Community Development Services Agency... on July 21, 2004*". If you are in possession of such a letter, could you please forward a photocopy of this letter? If you are not in possession of a letter by this date, there is certainly a serious flaw in attempting an administrative resolution.

This entire action is predicated on a mining violation contained in the *Surface Mining and Reclamation Act*. Our letter, dated August 13, 2004 to the "*lead agency*", the corporation known as the COUNTY OF GLENN, made clear a number of matters. First, Orland Sand & Gravel is not engaged mining as that term is defined in the Surface Mining And Reclamation Act. And secondly, this "*Act*" is a corporate resolution that can only be enforced through lawful contract or commercial agreement.

If Orland Sand & Gravel is not engaged in "*mining*" as that term is defined in the Act upon which this action is predicated, or if there exists no lawful contract between Orland Sand & Gravel and the corporation known as the STATE OF CALIFORNIA, then all the other matters set forth and listed in this most recent letter from your department, are invalid.

Consistent with your suggestion of page 3, Orland Sand & Gravel gives "*prompt attention*" to all actions by corporate government that involve extortion, intimidation, deceit and fraud. We at Orland Sand & Gravel certainly do not wish to see our government become the new Chicago mob, extorting money from the American public through unlawful fees levied upon business, nor do we wish to be a business where this type of action is predicated as a means of extracting money from our fellow citizens. Our concern is that as the mismanagement of government has escalated, causing significant shortfalls of funding, agencies will attempt to generate funds through other means, including those described above. OSHA is a recent current example, where their funding now comes solely from fines it imposes. Since they have lost funding from the public coffers, their fines have skyrocketed. While they may have served a legitimate purpose when properly funded, their current funding method simply makes them a self serving predator. We see it, and if this matter goes before an American jury, we feel certain they will see it also.

Sincerely,

D. R. Bogart
CEO - Orland Sand & Gravel

On or about October 16, 2004, we (Orland Sand & Gravel) received a letter from Mr. Thomas of the Glenn County Planning & Community Development Services Agency, notifying us that a hearing set for October 20th had been rescheduled for November 17, 2004. We had not received any notification of the hearing that had been set for October 20th and so we responded with the following letter.

October 25, 2004

To: COUNTY OF GLENN
C/O Associate Planner Mardy Thomas
125 South Murdock, Willows, Calif. - 95988

RE: Response to letter dated October 15, 2004 and titled: "Postponement of Hearing Scheduled for October 20, 2004 for Orland Sand & Gravel, Reclamation Plan #86-02, CA Mine ID #91-11-004"

Dear Mr. Thomas

We take note that a hearing has been set for Wednesday, November 17, 2004. Be it known that we have not received any previous notification of a scheduled hearing. This is the first notice we have received. We must conclude that either there was an administrative glitch or that the postal service lost the letter. Since this matter is of great importance and their is a considerable amount at stake, we respectfully suggest that your communications on all matters to Orland Sand & Gravel be made in writing and sent via registered mail through the United States Postal Service.

We also make note that we have not received a copy of any commercial instrument upon which the 'compelled specific performance' demanded by the COUNTY OF GLENN is being made. If there is an 'injury' or an 'injured party' in this (civil) matter, we would like to identify the injury so that we may act honorably and ethically. As you are probably aware, but most lay juries would not know, the *Surface Mining And Reclamation Act* of 1975, upon which the demands of Glenn County are based, is a ***Resolution***, a corporate law, which can only be enforced through a valid contract or commercial agreement. By virtue of several supreme court decisions, corporate government may only enforce corporate laws through a contract or commercial agreement. Law of the Republic, such as *Fraud, Extortion or Murder*, may be enforced without any such contractual obligation. But such laws of the Republic are not ***corporate Resolutions***.

As we put forth in a previous letter, we are not aware of any contract or commercial agreement upon which the demands of the COUNTY OF GLENN may be made and have asked that if the COUNTY OF GLENN holds such a contract or commercial agreement, that you, as the County's liaison official in this matter, please provide a photocopy.

Sincerely,

D. R. Bogart
CEO - Orland Sand & Gravel

On or about December 2, 2004, we (Orland Sand & Gravel) received a letter from Mr. Mardy Thomas of the Glenn County Planning & Community Development Services Agency dated December 1, 2004. In this letter Mr. Thomas asserts that the Agency had received a ***complaint*** from the public related to the operations of Orland Sand & Gravel. To this day (June 30, 2006) no complaint has been produced even though Orland Sand & Gravel and myself have made formal demand for a copy of the complaint several times. Evidently this is a false statement (a lie) that is being used as springboard (a cause or reason) for the actions of county government. And as usual, the letter contains more threats, this time with misdemeanor charges. Noted was

the fact that there had not, up to and including this letter, been any substantive response to our sincere and earnest communications with government.

On December 5, 2004, I signed a letter which responded to the December 1st letter from Mr. Mardy Thomas. The response and letter content follows:

December 5, 2004

To: COUNTY OF GLENN
C/O Associate Planner Mardy Thomas
125 South Murdock, Willows, Calif. - 95988

RE: Response to letter dated December 1, 2004 and regarding:
Surface Mining and Reclamation Act Notice of Violation:
Stony Creek Pit, Reclamation Plan #86-02, CA Mine ID #91-11-0004

Dear Mr. Thomas

The letter referenced states that "On November 5, 2004, the Glenn county Planning and Community Development Services Agency received a complaint from ***the public*** of mining activity within Stony Creek on Assessor's Parcel Number's 044-300-004 and 044-300-008.

This is interesting for ***the public*** has no standing or inherent right to file a complaint. A complaint may only be filed by a human being that has the status of citizen of the Republic of the united States of America. Otherwise he is a foreigner and without standing to file such a complaint.

Secondly, the letter goes on to state that "the inspector observed a..." What inspector? It is a basic tenant of American law that we are able to face our accuser. Here we have ***a public*** filing a complaint and ***an inspector*** doing a follow up. No ***inspector*** talked with us. What is the name of this ***public*** who filed a complaint, and what is the name of this ***inspector*** and what are his credentials and qualifications?

Thirdly the letter states that "***the inspector*** found debris, gravel, and miscellaneous equipment pilled underneath the rail road bridge on the south bank of Stony Creek." So what? How long had this debris and miscellaneous equipment been there? An hour? A day? A week? A month? And let us not forget that the area where this equipment is located is private property. It is assumed that the individual paying taxes on the property may utilize the property in a manner that is not harmful to others.

Fourth, ***the inspector states*** he "observed a self-propelled scrapper cross the creek channel from the Orland Sand & Gravel Corporation processing area without the benefit of a *crossing*." If this is some sort of crime, let him file a complaint as an individual and not hide behind his office making allegations. In the context of his words this creek is being referenced as though it were distilled water of the purest form. That cows and birds do not drop excrement into it. That cows, birds and other animals do not die in this creek. And let us not forget that the flows in this creek are artificial by virtue of a man made dam and reservoir up stream of our location. Also, let us not forget that this creek repairs itself annually. This operation has been removing gravel from the Stoney Creek at this location since 1933 and there is no damage to the creek. Every year the high flows bring down new deposits of gravel and distribute them throughout the creek.

Government agencies, like yours, are beginning to behave as though every pebble and grain of sand is government's property. It is not all your property. And although you and your agency would bill yourself as representing ***the public***, the truth is that the COUNTY OF GLENN is a corporation, representing selfish corporate interests. And while Orland Sand & Gravel is also a corporation, our selfish interest is to make a profit in a competitive market, not as a municipal monopoly who finds that raising additional revenue is as simple as increasing fees and penalties on legitimate business, thus obtaining a back door to extract more wealth and money from the American people. And so, the COUNTY OF GLENN comes into this arena with un-clean hands. And this is the fact being recognized in the *Clearfield Doctrine*.

Fifth, the letter states that "upon further investigation, it was discovered that the scrapper was extracting in area not owned by Orland Sand & Gravel Corporation and outside of the extraction areas delineated by Reclamation Plant #86-02 (Assessor's Parcel Number 044-300-008)." As is well known, owners of property may remove a 1000 yards of gravel annually from a parcel, and some have done so. If Orland Sand & Gravel has infringed on the property of a neighbor, it would be a very minor infringement and a civil matter for the neighbor to pursue. It is not the job of the Planning and Community Development Agency of the COUNTY OF GLENN to act as an advocate on behalf of one citizen against another without the injured citizen filing a written complaint.

And believe me, we here at Orland Sand & Gravel fully recognize that we are 'David' taking on "Goliath", but we also believe that "Wrong is Wrong, even if it helps you." And what government is doing to business and to the American people with their ever increasing fees, fines, levies, and penalties, **IS WRONG**. It is doing very little except enriching corporate government. When government makes it impossible for business to operate economically, then those business' in manufacturing move overseas, leaving only services based business or public utilities on homeland soil. And unfortunately, a '*services based economy*' can not survive.

Sincerely,

D. R. Bogart

On January 19, 2005, Orland Sand & Gravel was on the agenda of the GLENN COUNTY PLANNING COMMISSION meeting scheduled for that day. In this ***administrative hearing*** we (Orland Sand & Gravel) did not expect to prevail or receive a favorable judgement. Typically these type of commission's always find in favor of government regardless of the evidence or merits of the defendants case. We were concerned that if government agents feet were not held to the fire, they may fabricate any story that suited their desired outcome. In an effort to head off that possibility, we asked that those giving testimony be sworn to tell the truth under penalty of perjury. We were denied this basic tenant of law and government agents making presentation at the meeting did so without any requirement they tell the truth.

In this action, Glenn County administrative staff had prepared three recommendations for the Planning Commission to make as motions and vote upon.

1. That Orland Sand and Gravel was "conducting surface mining operations outside the boundaries of the approved lead agency Reclamation plan and not having posted adequate Financial Assurances for such activity."
   This motion was defeated in a vote of 2-3.

2. That Orland Sand and Gravel posted "inadequate financial assurances for the mining operation."
   As a result of the failure of the first motion to pass, this recommendation failed to become a motion.

3. That Orland Sand & Gravel was in "non-compliance with Department of Fish and Game requirements.
   This final motion failed for lack of a second.

We at Orland Sand & Gravel were pleasantly surprised that a government commission would see the merits of our case and position, and further, find in our favor. With this decision, we were ready to get back to work, which is all we wanted to do from the beginning.

However, as we were to find out, government is a poor looser. Not only that, we would later learn from comments made within e-mail communications, that government officials had not researched many of the issues within our documentation.

In an e-mail dated January 24, 2005, from Dan Obermeyer, Planning Directory of the Glenn County Planning and Community Services Development Agency, to Belinda Blacketer, Glenn County Counsel, Mr. Obermeyer asks in item 1, "Are all gravel mining activities not subject to SMARA because gravel is not a mineral?" This is clear evidence that Mr. Obermeyer was aware

that gravel is not a mineral and by virtue of that, Orland Sand & Gravel could not be engaged in mining. Since the harvesting of a mineral is central to mining, there could be no mining activity. But this statement by Mr. Obermeyer highlights a much larger problem for government. That since gravel is not a mineral, and gravel operations which do not harvest a mineral would not be engaged in mining, then government would be guilty of wrongfully applying mining law (SMARA - Surface Mining And Reclamation Act) against such unwary gravel operators. Collecting untold sums unlawfully.

In item 2, Mr. Obermeyer asks "is a gravel mine operating since around 1933 exempt from SMARA?" Here we see that one of the issues that we raised was not even examined or researched. That this government agent just bulldozed forth without taking seriously any of our issues set forth in written communications.

In item 3, Mr. Obermeyer asks "does the county have jurisdiction to enforce SMARA on a corporation without a contractual agreement between the county and the corporation? See so call Clearfield Doctrine." Again, it is clear that Mr. Obermeyer did not investigate this issue set forth in our documentation to his agency. It is also clear that the county can not enforce SMARA without a contract, otherwise there would be no need to file 12 misdemeanor counts against to cause us injury and harm.

In item 4, Mr. Obermeyer asks "does the county have the right to enforce SMARA when no "harm" is claimed?" In this, Mr. Obermeyer is beginning to wonder if the county has the right to cause injury when no one has been harmed by any action of Orland Sand & Gravel. We had repeatedly asked the government to identify the injured party. The best they did was to assert a complaint had been filed, but never produced any evidence of a complaint. Clearly it was an invention. A falsehood they have used to justify some of their actions.

On January 27, 2005, eight days after the Planning Commission found in favor of Orland Sand & Gravel, Belinda Blacketer e-mails Dan Obermeyer the following message. [comment in braces is for clarification]:

> "Dan,
>
> Just a thought - If we let the State Appeal it [the Planning Commission decision of January 19th] to the BOS [Board of Supervisors], then there is no need to hire the PC [Planning Commission] an attorney to explain SMARA [Surface Mining And Reclamation Act] to them or answer their questions.
>
> Then perhaps I can convince the state to take over the court action for the enforcement and save the County money. What do you think?
>
> I am listening to tape #3 now. Who is the Planning Commissioner who keeps restateing (and therefore mistating the issues)?

Belinda"

In this e-mail a clear conspiracy begins to evolve in which County Officials Belinda Blacketer and Dan Obermeyer begin setting the stage for the STATE OF CALIFORNIA to take legal action against Orland Sand and Gravel, simply as an expediency of "saving the county some money." Both by averting the need to hire an attorney to explain SMARA to the Planning Commission and by avoiding the legal expense of attacking Orland Sand & Gravel in court.

The same day, January 27, 2005, Dan Obermeyer responds to this e-mail and states:

> "Belinda,
>
> I've just about come to the same conclusion, since the state is hyper over not losing the right to appeal. Did you get a copy of their draft appeal letter? I agree that we let them appeal (we can always refund their money if no appeal is necessary). That way the appeal needs to be addressed before the PC [Planning Commission] can continue — right? Sort of like the lower court waits for action on appeals on its decisions before it can continue.
>
> Sounds like the PC member is Wade Elliot. He did a lot of the talking — more than any other. This was his third meeting — that is why we need a training workshop.
>
> Dan"

Here we see the conspiracy to involve the STATE OF CALIFORNIA continues. But then there is also the reference to a *workshop* needed for the Planning Commission. The point being that when individual *Planning Commissioners* begin to ask questions and try to determine whether an action against a business is legitimate, then there is needed a workshop. I believe that county staff does not want *commissioners* doing anything other than rubber stamping their demands.

In an e-mail from Mardy Thomas, Associate Planner, Glenn County Planning and Public Works Agency, and dated January 27, 2005, Mr. Thomas informs Mike Sandecki of the Department of Conservation, State of California that:

> "You may have already sent the appeal so this e-mail may be moot at this point. County Counsel informed our Director that the Planning Commission did in fact decide the matter and that you should appeal."

Therefore, with this e-mail, the County has abdicated its responsibility and burdened the corporate STATE OF CALIFORNIA with pursuing a legal attack on Orland Sand & Gravel.

At this juncture, the corporate STATE OF CALIFORNIA wish to appeal the decision of the *Planning Commissioners*, but there was no language in *County Administrative Code* that allowed this action. As such, the County Supervisors conducted an ***emergency meeting***, which certainly has all the ear marks of being illegal, and passed an ***urgency ordinance*** which provide the

language in the County Administrative Code that allowed the, Department of Conservation, STATE OF CALIFORNIA to file an appeal.

In this matter, Orland Sand & Gravel was able to quash this appeal action based on the fact that the STATE OF CALIFORNIA was not a party to the action taken by the Planning Commission. Once again we thought that we were now at the end of this road and could get to work. But there was more to come. With this knowledge it becomes more clear how Orland Sand & Gravel came into the cross hairs of the State of California.

Shortly after this success, we begin to notice Fish & Game personnel, as well as other agents of government, on the bridge overlooking our operations and video taping us as we worked. As we worked doing the same thing that had been going on at this location since the late 1920's and never once having cause any harm to the environment or anyone else.

It was after some months that the 12 counts of wrongdoing were filed. Since we were being charged under Fish & Game Code, we composed a letter, dated October 12, 2005, to Fish & Game in which we requested an *Administrative Hearing*. Fish & Game wrote back, informing us that they were not a party to this action, that it was being instituted by the California Department of Justice.

It seemed strange to us that if there was truly a crime being committed, that the sheriff was not contacted and an arrest made or charges filed on the spot. Instead, government has chosen to allow these alleged crimes to continue for 11 months and 1 day. But maybe it is not so strange when it is recognized that this is truly a civil matter, and that to cause harm and injury to myself and Orland Sand & Gravel, government would need a jury to rubber stamp their vindictive action.

At this juncture I, and Orland Sand & Gravel staff, begin to recognize that the corporate STATE OF CALIFORNIA was engaged in a Witch Hunt, and was fully determined to do whatever was necessary to cause harm to myself and Orland Sand & Gravel. Throughout out written communications with government we had been suggesting that government had become criminal in nature and was doing business as through they were the new Chicago Mob. Threats, coercion, intimidation... anything but a substantive response to our issues and presentations. Seeing that government was acting to cause harm without any regard to rational and substantive interaction, we pulled out all the stops and composed a letter that delineated out the inappropriate and criminal behavior of government and sent the letter to Assistant Attorney General, G. Lynn Thorpe. If government is going to act criminally, then this would certainly have bearing on the merit's of their claim. Mr. Thorpe's response was simply to state "Clearly, we have a disagreement about the facts, the law and its application." Actually, we couldn't see where we had a disagreement at all since there had not been one substantive response to any issue we had set forth in writing. We sent this letter twice, once on behalf of both myself (D. R. Bogart) and a second time on behalf of Orland Sand & Gravel. Only one copy of the letter, beginning on the next page, follows since both were essentially the same:

From the desk of

D. R. Bogart

P. O. Box 1036 ● Orland ● California Republic ● Postal Code 95963

October 20, 2005

SENT VIA CERTIFIED MAIL: 7004 1350 0004 9813 5592

G. Lynn Thorpe
1300 I Street
P. O. Box 944255
Sacramento, California Republic - Postal Code 94224-2550

Dear Mr. Thorpe

I have received a fax from the Department of Justice delineating 12 counts of the same misdemeanor, signed by you under penalty of perjury. Makes one wonder why an official of the Department of Justice would not take appropriate action on the first violation so that the other 11 counts could be avoided. Probably has something to do with increasing the size of the potential fine thus increasing the government coffers, not to mention putting a feather in your cap. It's very profitable to be a criminal, is it not Mr. Thorpe.

These twelve counts of the same violation is probably where I need to begin. If a man were to rob a bank and had to make three trips in and out of the bank to load up all the money he was stealing, with your logic he would be charged with three separate bank robberies by virtue of you seeing him at three different times, even though there was really only one event. And our harvest of gravel on our own property is no different Mr. Thorpe. You look at us at different times, doing the same job, and come up with twelve violations. This does not make you a very honorable or believable person Mr. Thorpe.

It is my contention and my defense that corporate government, at all levels, has become an out of control criminal organization. Those who will sit in judgement of these matters are most likely not to know the depth of criminal behavior engaged in by corporate government and perhaps you do not either, but I suspect that you are fully aware and participate to enrich yourself. I believe that most people, after reading this letter, will not believe that you participate out of a sense of justice. Allow me to make my case for those who may have only partial knowledge or perhaps no knowledge at all.

In Section 1602 of the corporate STATE OF CALIFORNIA, Fish & Game code, the language is clearly attempting to compel an *agreement* between Orland Sand & Gravel and the corporate State of California, Department of Fish and Game, and more importantly compel Orland Sand and Gravel to pay fees determined by the corporate State of California. Section 1602 of the Fish & Game code is *commercial law* and because of governments control over public education, very few citizens even have a clue as to the difference between *commercial law* and *law of the Republic of the united States of America*.

Although I suspect that it is well enough known by yourself that there are restrictions placed upon *corporate government* when entering into the world of commerce for its own financial benefit, it is quite likely that lay jurors will not know. I begin with a reminder that *law of the Republic* can not compel a specific performance, such as a requirement to pay specific fees arbitrarily levied by corporate government. In the *Clearfield* decision, the supreme court of the United States had this to say when government enters into commerce.

> *"Governments descend to the Level of a mere private corporation, and take on the characteristics of a mere private citizen...where private corporate commercial paper and securities is concerned. ... For purposes of suit, such corporations and individuals are regarded as entities entirely separate from government."*
>
> -Clearfield Trust Co. v. United States
> 318 U.S. 363-371

This would be the first thing that a jury would need to remember... ***that the municipal corporations that we Americans call government are actually an entity entirely separate from government***. Or so the Supreme Court has ruled. As you are probably aware *Federal Reserve Notes*, that which we Americans use for money, are *private corporate commercial paper* and *checks* are *securities*. And the fine you are attempting to levy under this commercial law would certainly involve either *federal reserve notes* or *securities*. Therefore the corporate State of California **IS** engaged in commerce here.

And further, in United States v. Burr. 309 U.S. 242, the Court stated, in part:

> *"When governments enter the world of commerce, they are subject to the same burdens as any private firm or corporation."*

The use of private corporate commercial paper removes the sovereignty status of the governments of We, the People, and reduces them to an "entity," rather than a government in the area of finance and commerce. **As with any private corporation or person, this "entity" cannot compel performance upon its corporate statutes or corporation rules unless it, like any other private corporation or person, is the holder-in-due-course of some contract or commercial agreement between it, and the one upon whom demands for performance are made, and is willing to produce said document, and place the same into evidence before trying to enforce its demands**.

Code Section 1602 of the corporate State of California, Department of Fish and Game is exactly a corporation rule or corporate statute.

If the *municipal corporate State of California* is the holder in due course of a contract between itself and me (D. R. Bogart) that prevents me from harvesting the gravel on my own property, the same as has been done since 1933 at this location, or has a contract or agreement requiring me to pay fees and/or acquire permission to harvest the gravel, please supply a copy of the document signed by myself that requires this specific performance so that I may ascertain my obligations. If, on the other hand, the *Municipal Corporate State of California* does not have an agreement between itself and me, then there is no authority to compel the specific performance being demanded. And if there is no obligation to a specific performance as set forth in the civil action, then there are no valid misdemeanors. Furthermore, I decline any and all offers of contract or agreement. Additionally, I decline any such efforts to use force and/or intimidation to force me into a contract or agreement.

Corporate government has become no different than *organized crime* in the manner in which it operates. It passes corporate laws and then attacks those who question these commercial laws or refuses the services offered. In effect *corporate government* is saying, "If you want to do business on ***OUR STREET***, this is what it's going to cost you." No different that the Chicago Mob of the 1920's and 1930's. And just like Chicago, these additional fees are simply passed on to the patrons of business, the American people who ultimately pay for this criminal behavior. Our citizens work 40 hours weeks, some of them 60 or more hours and are sill barely able to make ends meet, and they wonder why everything is so expensive. A very large portion of it is by virtue of the *organized crime* behavior of corporate government.

So important was the section on contractual or commercial agreement that a wording change was implemented in the *Uniform Commercial Code* to make it clear that:

> **Sec. 3-401:1 Official Code Comment. No one is liable on an instrument unless and until he has signed it.**

The long-winded commentary following this straight forward statement makes it very clear that no one can be compelled to specific performance by any *implied contract*. In the Uniform Commercial Code there are no *implied contracts* permitted, and if properly and timely challenged by a defendant, every court or tribunal is obliged to rule in the defendant's favor or it is reversible error.

Additionally...

> "the United States shall guarantee to every State in this Union a Republican Form of Government..." - United States Constitution, Article 4, Section 4

In this matter it gives Congress no latitude. But what is not clear by virtue of the governments control over public education, is what qualities define a *Republican Form of Government*. This is the form of government for which so many Americans sacrificed everything to provide. They sacrificed their homes and property, their families, and in many cases their own lives. We are not a ***democracy*** as government institutions, including public schools, try to assert. Thus I feel it prudent to put forth certain matters in writing so that a lay jury, educated in public schools, whose curriculum is controlled by government, may better understand my position. Remembering that this mandate comes from the supreme law of the land, our constitution. Would corporate government ignore the supreme law of the land and then expect citizens to obey its commercial statutes?

We begin by looking in *Blacks Law Dictionary*, and look up the term *Republican government*.

> "**Republican government.** A government in the republican form; a government of the people; a government by representatives chosen by the people. - Blacks Law Dictionary (Sixth Edition)

That's about as helpful as saying that an *automobile* is a conveyance. Not exactly concise is it? Whenever there is so little to be found on such an important concept everyone should become suspicious that there is a concert effort to keep that knowledge hidden from the public at large. It is very unlikely that such an important concept would be virtually impossible to find an accurate description to define it unless someone (or group) does not want those characteristics known.

From *Black's* definition I gather that *Republics* are very *Republican* in nature. It does seem unlikely that the only distinguishing characteristic of a ***Republican form of Government*** is that it is a *government of the people* by virtue of their capacity to elect representatives. Other forms of government also have elected representatives... Democracy for example. There must be more to the **Republican** concept than this alone.

Although *Black's* seventh edition does not list the phrase ***Republican government***, it does list the term ***Republic***. Let's look at it.

> ***"Republic.*** n. A system of government in which the people hold sovereign power and elect representatives who exercise that power. It contrasts on the one hand with a pure democracy, in which the people or community as an organized whole wield the sovereign power of government, and on the other with the rule of one person (such as a king, emperor, czar, or sultan)." - Blacks Law Dictionary (seventh edition)

Although it may not be immediately clear, this definition provides a good beginning in understanding the foundations of a Republic. The definition hinges on who holds the ***sovereign power***. And of course, the ***sovereign power*** is the ultimate power within the

country. It is the power that a King or Monarch holds over his country. It is the power of ultimate authority. And the definition above hinges on who holds this power.

So that we are better able to understand, the above definition provides a ***contrast***. It points out that in a democracy, the people as an ***ORGANIZED WHOLE*** wield the sovereign power. It is majority rule, or more precisely, ***mob rule***. Mobs are easily swayed and controlled in their thinking. All it takes is money and television. It is two wolves and one sheep sitting down to discuss what they are going to have for dinner. In a *majority rule* government, the majority could easily confiscate the property of one or more individuals if it were deemed that such a confiscation were beneficial to ***the majority***... mob rule.

In the other example provided, all the sovereign power is concentrated in one individual, such as a king, emperor, czar, or sultan. And in the first sentence, the definition points out that in a Republic the sovereign power is held by the people, not as an ***organized whole*** as in a Democracy, but as ***INDIVIDUALS***. There in lies the key to understanding the ***Republican form of Government***. The individual is the source of sovereign power.

Now, we must ask the question, “where does the individual derive his power or authority?” Those familiar with Western civilization already know the answer, but we may also refer to our founding documents for the answer.

> “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.” - Declaration of Independence

Rights are powers and authorities. Here we see that ***RIGHTS*** (power and authority) is granted by the ***Creator*** (God). That these ***rights*** include, but are not limited to, *life, liberty and the pursuit of happiness*. Important to note is that we all possess the same rights since we were ***created equal***. That you have no more ***RIGHT*** than I, and I do not have any more ***RIGHT*** than you.

Next in understanding the characteristics of a Republic form of Government, is to understand the conferring of ***OUR POWERS & AUTHORITIES*** upon government as we created it.

> "It has been justly thought a matter of importance to determine from what source the United States derives its authority... The question here proposed is whether our bond of union is a compact entered into by the states, or whether the Constitution is an organic law established by the People. To this we answer: ‘We the People... ordain and establish this Constitution’...The government of the state had only delegated power (from the People) and even if they had an inclination, they had no authority to transfer the authority of the Sovereign People. The people in their capacity as Sovereigns made and adopted the Constitution; and it binds the state governments without the state's consent. The United States, as a whole, therefore,

> emanates from the People and not from the states, and the Constitution and the laws of the states, whether made before or since the adoption of that Constitution of the United States, are subordinate to the United States Constitution and the laws made in pursuance of it." - [Bouvier's 14th Edition Law Dictionary (citing 4 Wheat, 402)]

As can be seen, we ***the Sovereign People*** conferred upon government some very limited powers and authorities within the very document that establishes that central government, the constitution. Important to notice is the fact that we did not and can not confer any power or authority that we do not possess. If we were to attempt to confer a power or authority that we do not have, it would corrupt the system of justice that we are trying to establish. For example, if I as an individual ***Sovereign***, do not have the power or authority to go into the wallet of another individual and take out a hundred dollars, giving it to whom ever I feel is needy, then I can not confer that power or authority upon government. To do so would corrupt its system of justice.

This is the foundation of the Clearfield doctrine and why the supreme court has decided that corporations, calling themselves government, must have a valid contract when attempting to compel a specific performance. But, by taking control of the educational system, Americans no longer clearly understand these matters and the corporations, calling themselves government, have managed, through this fraud and deceit, to obtain fraudulent contracts from most Americans which the various DEPARTMENTS of these government corporations view as a means to obligate the American people to a specific performance.

MIGHT does not make right, as is practiced in a democracy and as practiced by corporate government. Just because the majority thinks that it is OK to take your property for the benefit of others, it does not mean that it is just, or OK to take your property. It only means that majorities may be easily corrupted with money and television. If the individual is not protected, then no one is protected.

The fact that God is the source of our individual power and authority is also the premise for the ***divine right of kings***. The premise here was that *the King* had been endowed by God (the Creator) with certain ***divine rights*** and that the individual people under his rule had no rights or privileges other than what the king might confer and take away at will. The people were ***subjects*** to the will of the king. And if you are a history buff, you know that kings have been very liberal in their interpretation of what rights have been conferred by God. All too often they were despot bullies, feeling no restraint on any power they wished to exercise. This same attitude has become quite predominant in the agents and code enforcers of today's corporate government.

But, when everyone is ***created equal***, no one person has more power or authority than any other person. Therefore, the challenge for those who want to wield all the power, is to convince the masses that they have no power.

All sources of assumed power and authority, except that which is conferred by God, is temporary and based on **raw physical power**. The type of *raw physical power* that government agencies exercise through ***force***, and based in commercial law. The '***force***' being exercised through the current court system. The corporation, of which you are a part, creates the laws to empower and enrich itself, and then uses whatever raw physical force is necessary to enforce these laws. These powers are the concept of *survival of the fittest*. The concept of democracy... ***MIGHT MAKES RIGHT***. Think how you would feel if two-thirds of a class room full of students voted to make a law that they could take the lunch money of the other one-third. That is how matters work in a democracy. However, it is not possible to pass such a law in a Republic. In the Republic "***LAW***" can not compel a specific performance. Compelling a specific performance, even for government, may only be done through contract or commercial agreement. And that is why government makes certain this is not clearly taught in schools. It is why government is always attempting to obtain yet another contract or agreement. And they are almost always accomplished through a deception, making the contract or agreement acquired under a fraud, a deception or an intimidation.

Sovereign powers conferred by God may not be challenged by man. Such powers conferred by God will always remain superior to any power (political or otherwise) & authority conceived by man, regardless of the noble intent of man.

Divine rights were accepted as conferred upon kings by God. Accordingly, given that ***all men are created equal*** here in the United States, it becomes clear that the ***divine rights*** of Kings would equate to ***unalienable rights***. ***Unalienable rights*** are rights that can not be lost, sold or transferred. They are ***unalienable***. Keeping in mind that there is a world of difference between ***civil rights*** and ***unalienable rights***. *Civil rights* are created by law (man's), regulated by law (man's) and taken away by law (man's). *Unalienable rights* are given by God and man may not ***alien*** them.

> ***Alien.*** n. To transfer or make over to another; ... - Blacks Law Dictionary (sixth edition)

Therefore, you may have *civil rights* as part of a political plan, or you may have *unalienable rights* as part of a heavenly plan.

Now that we have ***unalienable rights*** and ***sovereign power***, how are we to keep it? Enter ***government***.

> "That to secure these rights, Governments are instituted among Men, deriving their ***just*** powers from the consent of the governed." - Declaration of Independence

There you have it ladies and gentlemen, the primary purpose of our ***Republican form of Government***... to secure these rights. What rights? The ***unalienable rights***, the same ***sovereign power*** granted to the kings by God.

Reviewing what we have covered:

Unalienable rights are conferred upon the individual, not groups, not the majority, not the collective as a whole... the individual. No other individual or group of people has any more lawful power or authority than one individual. How do we know this to be true? Because ***all men are created equal***.

Understanding this is important because it relates back to the definition of ***Republic*** provided by Black's seventh edition law dictionary. In that definition, the distinction between ***Republic*** and other forms of government lies in who holds the ***sovereign power***.

Thus we have the definition of a ***Republican form of Government.*** It is a system of government which recognizes that each individual is endowed by the Creator with certain ***unalienable rights*** (***sovereign power***) and that the primary purpose of government is to protect the ***unalienable rights*** of the ***sovereign people***. And in America, there is no unalienable rights more sacred than the protection of life, liberty and property.

The concept of *individual empowerment* is important because it then does not matter how the majority might vote, they are not empowered as a group to deprive an individual of his ***unalienable rights***. Such as the right to keep his property. Anything he might own.

When has a crime been committed?

The answer is simple in a Republic. When a natural individual has been injured. Probably most Americans do not realize that a corporation is an ***artificial person*** or ***artificial individual***. And when has a natural individual been injured? When another individual or group of individuals has infringed upon the unalienable rights of a natural individual. That would be *life, liberty or property*. For example, you hit my car parked in front of my home. I have suffered a financial injury to my property. I now have a claim against you. In a Republic there are no crimes against ***the State***. Why? Simple, ***the State*** is an ***artificial person*** with no ***unalienable rights***.

Have you ever noticed that criminal legal actions do not name the State? Typically the indictment reads:

The people of the State of YouNameIt
v.
John Quincy Citizen.

The action is taken in the name of the ***sovereign people***. Just because there are no crimes against the State possible in a Republic does not mean that you can vandalize public property. I as a ***sovereign individual*** can file a complaint and you can be arrested and convicted on that complaint. All property owned by ***the State*** is really owned by the ***sovereign people***. And the ***sovereign people*** have a right to protect their commonly owned property. But the State itself does not have the authority to file a criminal action, naming

itself as the injured party. Only when the State becomes a corporation, municipal in nature, may they file a civil action under commercial law. However, all such actions still require an documented injury. Facts that prove an injury. Remembering also that the Federal Government is *a State*. Not a *State of the Union*, but a *State* as that term is defined in law.

So concerned were the people who debated the constitution, that government, through its awesome power, could essentially imprison anyone it wanted and confiscate the property of that individual, they put specific language into the constitution to protect us from that arbitrary power. It reads as follows:

> "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury." Article Five, Constitution for the united States of America

This was ***we the people*** retaining to ourselves the power and authority to hold each other accountable. That we were not giving that power to government. But we both know that in a civil action (that is a commercial action), no such indictment is necessary. But corporate government does not allow that into the curriculum of public schools, do they Mr. Thorpe?

Government is a ***fiction***. That is, it is a creation of the mind of mankind. Without the mind of man, government would not exist. This defines a fiction. A tree exists with or without the mind of man, and so it is not a fiction. But government or corporations do not exist without the mind of man, therefore they are a fiction. Under the laws of God and the law of the Republic, no natural individual is to be harmed under the pretext of an injury to a ***fiction***. But corporate government does not allow that into the curriculum of public schools, do they Mr. Thorpe?

And if you feel I'm being a little pointed here Mr. Thorpe, it is because I believe your actions have been taken with full knowledge of these matters.

If government was to harm a natural individual, it has acted criminally under ***color of law***. Because government proceeds in court on civil and commercial issues, to most people it has the appearance of being legitimate, but it lacks the necessary elements to define a crime for there has been no injury. Thus the injury corporate government causes to an individual through their court proceedings lacks the necessary authority. The action itself is a crime. But, when the masses lack proper education it goes un-noticed. When the press fails to do its job, it goes un-noticed. When the churches fail to do their job, it goes un-noticed. When the schools fail to do their job, it goes un-noticed. Juries who are not properly educated will then *rubber stamp* the unlawful behavior of government.

> ***Color of law.*** The appearance or semblance, without the substance, of legal right. Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under *color of law*. - Blacks Law Dictionary (Sixth Edition)

There are no ***victimless crimes*** in a Republic. There are many victimless crimes in a corporate structure. This action against me being a perfect example. In our corporate structure, ***the majority*** (or their presumed agent... the government), may vote to make any act a crime. For example, *hate speech*, which abridges the first amendment. Who is going to sit in judgement of *hate speech*? Someone ***the majority*** (or its agent) designates, undoubtedly. And so we have a crime even though no one is injured. Having one's feelings hurt is not considered an injury in the Republic, but becomes an injury in our corporate structure.

We have generally all heard it said, "Ignorance of the law is no excuse!" Well, with now over sixty-million commercial laws, ***ignorance of the law is the perfect excuse***. With the existence of over sixty-million commercial laws, corporate government can find violations of any person who falls into disfavor. And corporate government will use these laws to cause financial injury to an individual they consider to be a weaker adversary, as you are proving with your action here. Well Mr. Thorpe, I'm not weak and I'm not ignorant. Why do you not come out of the closet and be honorable, and tell the American people that commercial law may only be applied through a valid contract?

Without ***individual unalienable rights*** you can not be an injured victim for there is nothing there to damage. To illustrate the point, suppose an individual who has no ***unalienable rights*** were to be shot and killed by corporate government. In a legal sense it would be no different that killing a cow. Without ***unalienable rights*** conferred by god, there is nothing intrinsic to violate. If you think this is a reach, ask the survivors of WACO, TEXAS, in which our government murdered 80 plus people, 22 of which were children. This is how a corporate structure operates. Two wolves and one sheep sitting down to discuss what (or whom) is for dinner.

It is certainly possible that a corporate system of government may vote that murder is wrong, at least when it is committed by non-government individuals, but when murder is committed against a targeted individual or group like the *Branch Dividians* at Waco by government agents, who cares? In our corporate structure the murderous government agents walk away with bonuses and promotions for following the unlawful orders they were given and operating under ***color of law***. With the ability of the American people to ignore the criminal breech of ***unalienable rights*** committed by government at Waco, and in many other incidents, we set the stage to someday be in the same boat. Someday it will be us or our loved ones whose ***unalienable rights*** are being abridged by government and prison is in our future. Or like Waco, death. In a corporate government setting, a citizen has no more individual rights than a cow. This will become even more clear as we proceed.

Suppose, while appearing in court on a matter of municipal corporate law, I were to advise the court that the *hands* of the government were *unclean* since it was operating as a democracy or corporate structure rather than the constitutionally mandated ***Republican form of Government***? The question here is, "could failure to provide that form of government which is mandated by the constitution be grounds for dismissal of action based

in the failure to provide that form of government which provides for proper judicial procedure?" Arguably, failure to provide the mandated *Republican form of government*, may be a treason. But since judges are representatives of the same corporate government it is highly unlikely that this valid fact would make any difference. I suspect it would just be ignored.

Because the government controls our educational processes, an argument could be put forth that the government is involved in fraud and deceit by virtue of its failure to properly educate American students on their true status, rights, & citizenship, not to mention commercial law applied through contract. It is this intentional omission in education that allows government to unlawfully take our property, our children, our income... whatever they want. Ultimately it allows government to enslave us and force us to serve ***it*** instead of ***it*** serving us through protection of our *unalienable rights*. It is government that creates a contractual nexus through Social Security when we were/are still children and too young to contract. More on that a little later on.

Government leadership was forced to secretly attempt the imposition of democracy for they knew that the American people would never accept it, especially if they understood that abandoning their Republic meant abandoning their ***unalienable rights***.

If we were to pick up any of the numerous volumes of USC (United States Code), printed by the government printing office, we will find the names of all fifty U. S. Titles listed on a couple of pages. As we look at the names of these titles, we will see that some of them are marked with an asterisk and some are not. And when we look at the bottom of the page to see what the asterisk might mean, it says, "This title has been passed as positive law." From this we quickly conclude that those titles without the asterisk are non-positive law. But because of the education we receive in public school, we have no clue what this means?

While it is possible that some government employees are probably knowledgeable about this matter, it is very unlikely a lay jury will be so informed. *Positive Law* Titles are constitutional in nature and *Non-Positive Law* Titles are not constitutional in nature.

By virtue of the federal government choosing to become a corporation, Congress acquired a dual character. In one character we find them passing laws for the Republic of the united States of America, and in their other character, passing laws for the corporate jurisdiction of ***the District** of Columbia*, what we know today as *the corporate United States*. *Positive Law* and *Non-Positive Law* is a means of identifying those Titles which are constitutional, that is lawful, from those Titles which contain commercial law and do not meet constitutional muster.

Bills, which are presented to the House of Representatives and/or the Senate to be debated and voted upon, have an identifier. For example a bill before the house might be designated HR1234 and the same bill before the senate might be SR5678. What is generally not known is the meaning of the 'R' in the designator. The 'R' stands for *Resolution*. *Resolutions* are

corporate law, or if you prefer, commercial law. If the law is constitutional there is no 'R' in the designator. For the House it would be H1234, and for the Senate, S5678. If you examine the acts that comprise Title 18, a *Positive Law* title, you will notice that the individual acts have no 'R' in the identifier.

Now, what does this have to do with our issue? Simply this... the Buck Act paved the way for the states of the Union to become corporations, municipal in nature, under Federal law, making the corporate STATE OF CALIFORNIA an *entity* or political subdivision of ***the District** of Columbia* and subject to its jurisdiction. This also makes the corporate State of California liable, along with other corporate states, for the bankruptcy of the corporate United States. More about the bankruptcy in a while. But the municipal corporate structure does not end with the state. Counties have also become municipal corporations, gaining their existence in the laws of the corporate state. The same is true of cities, who have also opted to become municipal corporations. For example the CITY OF YUBA CITY, where, before it was incorporated was simply Yuba City. As such, the existence of the corporate city and county is also traceable to *District of Columbia* law, making all the municipal corporate structure a political subdivision of ***the District** of Columbia*. This clearly violates the constitutional mandate that a *Republican Form of Government* be maintained in the several states. And so there you stand, accusing me of violating a commercial law, applicable through contract only, and you represent a government who has violated the supreme law and the land and continues to do so on a daily basis. All so that it can enrich itself through the labor of the American people.

I fully understand and recognize that, due to the criminal mismanagement of government and its control by foreign interests through *fractionalized banking and loans*, the Federal government has been bankrupted and is being taken over by those foreign interests. Interestingly enough, bankruptcy was officially declared the same year that Orland Sand & Gravel began operations, 1933 and may be verified in Executive Orders 6073, 6102,6111 and 6260. The "Secretary of Treasury" was appointed as the "Receiver" in Bankruptcy [See: Reorganization Plan No. 26, 5 U.S.C.A. 903].

Part of this bankruptcy scheme has been to make the several states *entities* of ***the District** of Columbia* so as to meet the financial obligations created by its bankruptcy, that is the bankruptcy of the Federal Government. Because of the financial burdens created by this bankruptcy, government continually imposes law after law, rule after rule and fee after fee, not only upon business but upon all Americans in general. This in turn, causes business to raise its prices to cover this increased financial extraction. This has the effect of making business a collection agency for government, transferring the wealth of the American people to corporate government and ultimately the international bankers who hold America in receivership, but it is done in a manner that hides this activity from the same American people from which the funds are being extracted. Thus the local patrons, that is the American people, end up paying more for products and services than they should pay, all to support corrupt government. This is the same tactic used by the Chicago Mob. They too extorted payments from local business owners, who, in turn, raised the price of their product

or service as necessary to cover the financial burden created by the mob. In effect, government has become the new mafia.

I personally take exception to this dishonorable and unethical practice and am willing to put my case before a jury of Americans. And let it be said that a jury of my peers are Americans who do not work for government nor are supported by government in any manner. My peers are self supporting through their own labor and live in the Republic of Glenn county.

But government corruption does not end here, not by a long shot.

On March 9, 1933 an Act was passed. The Act is generally known as the *Banking Relief Act of March 9, 1933*. This Act contained powers and authorities that caused our whole system of laws to change and placed the united States of America under a form of *military rule*. In the beginning the changes were made slowly so as not to alarm the American people, but more recently have been gathering momentum as more and more of the *right people* have been placed in key positions within government. The ***emergency powers*** provided by this act, when examined, are extraordinary and dangerous, and I believe to be unlawful, for they place almost unlimited powers in the hands of one man and destroy the separation of powers set forth in the constitution. For a lay jury to understand this we need to look at a little of the history. As events begin to unfold, Herbert Hoover is President of the United States.

THE HOOVER PAPERS

Upon examining the Hoover papers we find that President Hoover has sent a letter to the Federal Reserve Board of New York asking what might be done about the current crises in banking. The Federal Reserve Board responds by saying:

> It is assumed that the reader knows that the "Federal Reserve Bank" is the Central Bank of the United States. Chartered by congress in 1913. However, it is not a government institution, it is a privately owned bank.

> "Whereas in the opinion of the Board of Directors of the Federal Reserve Bank of New York, the continued and increasing withdrawal of currency and gold from the banks of the country has now created a national emergency."

Here we see the Federal Reserve Board setting the stage for the declaration of an Emergency. In addition to stating that a national emergency has been created, the FEDERAL RESERVE BOARD has proposed an Executive Order, to be issued by the President, which says:

> "Whereas it is provided in Section (5)(b) of the Act of October 6, 1917 as amended, the President may investigate, regulate, prohibit, under such rule and regulations as he may prescribe, by means of license or otherwise, any transactions in foreign exchange, export or earmarking of gold or silver coin or bullion, or currency, * * * "

The asterisk, asterisk, asterisk, is not laziness on my part. That is as it was sent to Hoover by the Federal Reserve Board. This proposed executive order was adopted as a RESOLUTION by the Federal Reserve Board of New York. Remember the term "*RESOLUTION"?* President Hoover refuses to issue the Executive Order saying that it is neither necessary nor appropriate. This is how matters stood on March 3, 1933.

ROOSEVELT'S INAUGURAL SPEECH

On March 4, 1933, Franklin D. Roosevelt is being inaugurated as President of the United States. Those standing in attendance of that inauguration hear the president say:

> "I am prepared under my Constitutional duty to recommend the measures that a stricken nation in the midst of a stricken world may require. These measures, or such other measures as congress may build out of its experience and wisdom, I shall seek, within my Constitutional Authority, to bring to speedy adoption. But in the event that Congress shall fail to take one of these two courses, and in the event that the *NATIONAL EMERGENCY* is still critical, I shall not evade the clear course of duty that will then confront me. I shall ask Congress for the one remaining instrument to meet the crises - broad executive power to ***wage a war*** against the Emergency. As great as the power that would be given to me if we were in fact invaded by a foreign foe."

"Stricken nation in the midst of a stricken world"? The nation was suffering an economic depression that we now know was caused by the contraction of the money supply by the Federal Reserve bank. It was an engineered depression and was used to manipulate Congress and the rest of the nation. Does that sound criminal to you Mr. Thorpe?

Also note the use of the phrase "*wage a war*". Sound familiar? Such as *waging a war on drugs* or the *war on poverty*. It worked before and those who manipulate us remember what works and reuse it.

In President Roosevelt's inaugural address we see that, based on this banking crisis, the President is sitting the stage to ask congress for *WAR POWERS* (Emergency Powers). But where is the war, where is the revolt, where is the invasion, who is the enemy? We shall find out.

On March 5, 1933, in Presidential proclamation 2038, Roosevelt asked for a special session of Congress.' That special session of congress was called for March 9, 1933.

GOVERNORS CONFERENCE

The date is now March 6, 1933, two days into the Roosevelt Presidency. President Roosevelt attends a *Governors Conference* and persuades them to pass a *RESOLUTION* pledging support for giving him emergency war powers. The Governors of the various states really have no choice. If they oppose the resolution they will be demonized as wanting the United States to remain in misery and suffering. In the end they capitulate of course and agree to support Roosevelt's bid for acquisition of Emergency powers. On the same day we see a Presidential Proclamation titled 2039 (A Bank Holiday) which says in part:

> "Whereas there has been a heavy and *UNWARRANTED* withdrawal of gold and currency from our banking institutions for the purpose of hoarding ..."

Note that because the American People (the owners and depositors of the money) wanted to withdraw portions (or all) of the gold they had deposited so that they could survive and make ends meet, the President of the United States now declares them to be hoarders as if retrieving your clothing from the cleaners and putting it in the closet were a criminal activity. Does the action of demonizing a group sound familiar? The fact is that because some Americans wished to have their money they were now being portrayed as some sort of demon. I would suppose that the implication is that these Americans, who have been doing this, are somehow responsible for the depression that is causing so much suffering.

You will, of course, have ample opportunity to form your own opinions. Continuing with presidential proclamation 2039, we read:

> "Whereas it is provided in Section (5)(b) of the Act of October 6, 1917, (40 Stat. L. 411) as amended, that the President may investigate, regulate, or prohibit, under such rule and regulations as he may prescribe, by means of license or otherwise, any transactions in foreign exchange, export or earmarking of gold or silver coin or bullion, or currency, * * * "

The Executive Order, exactly as it was proposed to President Hoover by the Federal Reserve Board prior to March 3, 1933, all the way down to the ' * * * ' (asterisk, asterisk, asterisk) at the end. Further, we take notice that this language and authority comes from the World War I *Trading With the Enemy Act*. A war powers act still in place and active because, as Supreme Court Justice Hugh's put it:

> "The conflict known as the world war ended as far as military hostilities were concerned, but was not yet officially terminated. Most of the war statutes are still in effect and many of the 'emergency' organizations are still in operation."

So there are benefits to never declaring a war to be terminated.

ASTERISK, ASTERISK, ASTERISK

At this point we need to investigate the act of October 6, 1917 and find out what it says at the place where the ' * * * ' (asterisk, asterisk, asterisk) is located.

The Act of October 6, 1917 is specified as an Act to define, regulate, and punish trading with the enemy and for other purposes. It is known as the 'Trading with the Enemy Act'. Going into World War I it was recognized that there were probably enemies of the United States operating within our borders and so the *Trading With the Enemy* act gave the President the power to take total authoritarian control of the commercial activities and transactions of the enemy within our borders. And at the ' * * * ' (asterisk, asterisk, asterisk) we read:

> "Transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States);"

This is a key piece to our puzzle of understanding. Understanding its importance can not be overstated because when the language of this act is incorporated into the Banking Relief Act of March 9, 1933, the congressional law makers are going to delete this piece of exclusionary language and replace it with other wording.

The fact that “transactions to be executed wholly within the United States” were exempted from the operation of the law is recognition that when the American people go to the hardware store and buy a lawn mower, a transaction executed wholly within the united States, this is not an enemy transaction and as such is not subject to the operation of the law. Transactions by American Citizens to be executed wholly within our country are not enemy transactions. And so the Act of October 6, 1917 excluded our domestic transactions from the operation of the law because they were not enemy transactions. As additional support of that concept we read at Section 2, Subdivision (c):

"other than citizens of the United States."

Again, the Congress of 1917 was recognizing that the citizen of the United States is not an enemy of the United States. That the American citizen should not be subjected to an Act of War. This exclusionary language will be amended in the *Banking Relief Act of March 9, 1933*.

Once it became clear to the Federal Reserve Board that they were going to get the support of the elected officials within our government, they immediately took action to get back much of the gold they had been returning to the American people. On March 8, 1933, the Federal Reserve Board asked the banks to prepare a list of people who had recently withdrawn gold or gold certificates and who had not re-deposited them by March 13 (the date was later extended). It was then announced that this list of names would be made public and the people were threatened with publishment. Could you image what you might feel like if your

bank were to publish that you had withdrawn $25,000 this week? Talk about conspiracy and extortion, all engineered and sanctioned by government.

So here we have the Federal Reserve Bank obtaining private withdrawal information from various other banks. By now we should begin to understand, that those in power have no regard nor concern for the law or lawful activity.

THE BANKING RELIEF ACT OF MARCH 9, 1933

The date is now March 9, 1933 and congress passes its first act under the Roosevelt Administration. And we read:

"An ACT
To provide relief in the existing national emergency in banking, and for other purposes.

> Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that a serious emergency exists and that it is imperatively necessary speedily to put into effect remedies of uniform national application."

This enabling clause contains some assertions that need to be discussed. First is the declaration that a serious emergency exists. We all need to understand what takes place when Congress declares an EMERGENCY exists. It may best be put into perspective by a comment by Congressman Beck in debate over this measure. Examining the 1933 congressional record we read:

> "I think that of all the damnable heresies that have ever been suggested in connection with the constitution, the doctrine of 'emergency' is the worst. It means that when Congress declares an emergency, there is no Constitution. This means its death. It is the doctrine that the German Chancellor is invoking today in the dying hours of the Parliamentary Body of the German Republic. Namely that because of an emergency, it should grant to the German Chancellor the power to pass any law, even though that law contradicts the Constitution of the German Republic. Chancellor Hitler is at least frank about it. We pay the constitution lip service but the result is the same."

Here we see that when Congress declares an emergency, then the Constitution (our protection from Government) may be suspended. I think that the most inept among us can see that if a Congressional declaration of an ***emergency*** can suspend the Constitution, there is a major shift taking place in government. A shift away from a *government of the people, by the people and for the people*. The shift is toward a centralized power base. A centralized government that controls all aspects of life in the United States.

The second assertion within the enabling clause that we need to examine is the 'rule of necessity'.

*"Congress hereby declares that ... it is imperatively **necessary** speedily to put into effect remedies of uniform national application.*"

Rule of necessity

Once again, while I am certain that certain government officials fully understand these matters, a lay jury probably does not, so please bear with me as I explain. The *rule of necessity* is a paramount rule of law and simply put, necessity knows no law. For example, *necessity* is the rule of self defense. We know that it is against the law to intentionally kill a person but if a killing was done in defense of our lives and we can prove that, then it was done as a necessity and we are found not guilty of any crime. As you can see, a *necessity* changes the way the law is applied. Whenever Congress uses the *rule of necessity* to pass a measure or some form of legislation, it is an indication that the legislation is otherwise unlawful (that is to say un-constitutional).

Once an un-constitutional measure has been passed and is in place, such as the Banking Relief Act of March 9, 1933, the congressional law makers are then able to pass layer upon layer of additional un-constitutional law all pursuant to and deriving its authority from the original un-constitutional Act. As a result, all this un-Constitutional law can only stand so long as the EMERGENCY continues. Thinking back to Justice Hugh's, it now becomes clear why *World War I* was not officially terminated, leaving ***emergency powers*** in operation. Once the EMERGENCY is declared at an end, then all the law attached to the *emergency legislation* passed is not longer operational.

"The conflict known as the world war ended as far as military hostilities were concerned, but was not yet officially terminated. Most of the war statutes are still in effect and many of the 'emergency' organizations are still in operation." - Supreme Court Justice Charles E. Hughs

With those two items made clear we may continue with the Act itself.

TITLE I

"Section 1. The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933 pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed." - Banking Relief Act of March 9, 1933

Of whom are we talking?

A subtle reference is made here of which I would like you to take notice. Congress goes out of their way to identify the President as the President of the United States, but then use the

phrase 'Secretary of the Treasury' rather than the 'Secretary of the Treasury of the United States'. It is one of those fraud and deceptions used by government to deliberately deceive the American people. In this reference to the 'Secretary of the Treasury', congress is referring to the 'Secretary of the Treasury of the International Monetary Fund'?

Separation of powers destroyed!

In Title I we see congress giving retroactive approval to all the executive orders and/or proclamations issued by the President since March 4, 1933, the day of his inauguration, but more important, Congress is giving approval to any additional proclamations that the President of the United States or the Secretary of the Treasury may issue hereafter without knowing what they will be. By virtue of this language, Congress has just destroyed the *separation of powers* provided within the constitution and made it possible for the President to rule by Presidential Proclamation. In 1973, the Senate held hearings on the *Termination of the National Emergency*. The hearing was titled as follows:

HEARINGS
BEFORE THE
SPECIAL COMMITTEE ON THE
TERMINATION OF THE NATIONAL EMERGENCY

These hearings were followed by a report titled:

REPORT
OF THE
SPECIAL COMMITTEE ON THE
TERMINATION OF THE
NATIONAL EMERGENCY
UNITED STATES SENATE

This senate report will be referred to as Senate Report 93-549 from here forward.

Delegated Powers

The *statutes* to which this following quotation refers are those passed pursuant to the *Banking Relief Act of March 9, 1933* remembering that this act and all *statutes* which derive their authority from this act, can only be maintained so long as the ***EMERGENCY*** continues. Reading from the first page of the forward...

> "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. " - Senate Report 93-549:

From this it is clear that Congress empowered the President as a Dictator by virtue of their approval of every *Proclamation* or *Executive Order* that the President, whomever he or she might be, may make in the future? The power conferred is virtually limitless and virtually negates our entire system of checks on balances. Continuing on with the language of the Banking Relief Act:

> "Section 2. Subdivision (b) of section 5 of the Act of October 6, 1917 "(b) During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, by any person within the United States or any place subject to the jurisdiction thereof;"

Remember the asterisk, asterisk, asterisk (***) in the recommended Executive Order from the Federal Reserve Board of New York and taken from the Act of October 6, 1917 where it said:

> "Transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States);"

This language which exempted our domestic transactions now says:

> 'by any person within the United States or any place subject to the jurisdiction thereof'.

Enemy

With this amended language, the *United States citizen* is included and has become indistinguishable from any other ***enemy*** of the United States within the framework of this law. And I am certain that most American citizens have no idea that they have had an Act of War applied against them. Along with that, they do not realize they have become indistinguishable from any other ***enemy*** of the United States.

> SUBJECT, *persons, government*, is an individual member of a nation, who is submitted to the laws; **this term is used in contradistinction to citizen**, which is applied to the same individual when considering his **political rights**. - Bouvier's Law Dictionary

The process does not end here however. Returning to the Banking Act of March 9, 1933 we read:

> "Whenever in the Judgement of the Secretary of the Treasury such action is necessary to protect the currency system of the United States, the Secretary of the Treasury in his discretion, may require any or all individuals, partnerships, associations or corporations to pay and deliver to the Treasurer of the United States any or all Gold Coin, Gold Bullion, and Gold Certificates owned by such individuals, partnerships, associations or corporations. And whoever shall not comply with the provisions of this act shall be fined not more than $10,000 or if a ***natural person*** may in addition to such fine be imprisoned for a year not exceeding ten years."

This portion of the Banking Relief Act says that the Government can steal the gold of the American people and if they fail to comply the same American people can be fined $10,000.00 and/or put in jail. This behavior by government certainly seems criminal to me.

With the confiscation of lawful money, it then became incumbent upon the corporate structure to come up with a new form of exchange that the people will think is money.

The new currency authorization

From the Emergency Banking Relief Act of March 9, 1933, Title 4, we read the language that authorizes the issuance of the *new currency*:

> "Upon the deposit with the Treasurer of the United States; (a) any direct obligation of the United States; (b) any notes, drafts, bills of exchange or bankers acceptances acquired under the provisions of this act, that any Federal Reserve Bank making such deposits in the manner prescribed by the Secretary of the Treasury, shall be entitled to receive from the Comptroller of the Currency, circulating notes in blank, duly registered and countersigned."

(a) public debt OR
(b) private debt

Here we see the authorization to issue the new currency and how it is to be issued. We see that the currency is to be issued upon the acquisition of debt, both public and private, making it understandable why credit is so easy to obtain. This legislation was ***Emergency Legislation*** and read from the clerk's desk since the Congressmen did not have a copy. Also noted is that this language authorizes ***currency***, not ***money***. There is a difference.

> "Money. In the usual and ordinary acceptation it means coins and paper currency used as circulating medium of exchange, **and does not embrace notes, bonds, evidences of debt**, or other personal or real estate." - Blacks Law Dictionary, Sixth Edition.

As you can see from reading the definition of *money*, taken from Black's Law Dictionary, sixth edition, and appearing in the text box to the right, the *Federal Reserve Notes* that we use today do not qualify as money for they ***embrace debt*** since they are issued on the acquisition of debt (both public and private), and they are a ***note*** as in *Federal Reserve Note*. But the deception has generally worked, for most people accept these *Federal Reserve Notes* as money and do not recognize them as *private commercial paper (debt currency)* on which we all must pay interest.

Reading the Congressional Record we find Congress discussing this measure. Let's examine a few comments from the Congressional record to see what we may learn about this legislation. First is a comment by Congressman McFadden:

> " I regret that the membership of the House has had no opportunity to consider or even read this bill. The first opportunity I had to know what this legislation is was when it was read from the Clerks' desk. It is an important banking bill, it is a dictatorship over finance in the United States, it is complete control over the banking system in the United States... It is difficult under the circumstances to discuss this bill. The first section of this bill, as I grasp it, is practically the ***WAR POWERS*** that were given back in 1917... I would like to ask the chairman of the committee if this is a plan to change the holding of the security back of the Federal Reserve Note to the Treasury of the United States rather than the Federal Reserve Agent? "

Being a bit confused, Congressman McFadden is asking if this is a measure to take the securities backing the currency away from the Federal Reserve agent and place those securities back in the treasury of the United States. Chairman Steagall responds to Congressman McFadden's question:

> "This provision is for the issuance of *Federal Reserve Bank Notes* and not *Federal Reserve Notes*. And the security back of it is obligations, notes, drafts, bills of exchange outlined in the section to which the gentleman has referred."

Before we can fully understand this statement this we need to clarify the difference between *Federal Reserve Bank Notes* and *Federal Reserve Notes* as these term are used above. In 1933, there was a clear distinction between *Federal Reserve Notes* and *Federal Reserve Bank Notes*. At that time *Federal Reserve Notes* were essentially a warehouse receipt for the gold we Americans had deposited in a bank. Present the Federal Reserve Note at any Federal Reserve or member bank and reclaim your gold. The *Federal Reserve Bank Note* is not a receipt for gold or anything of substance, it is the currency being issued upon the acquisition of debt as described authorizing its issuance and is *debt currency*. In the language above we see that the issuance of these *Federal Reserve Bank Notes* will be backed by *any sound assets owned by the bank*. Now what assets does the bank own? Simple, the *contractual loan obligations* or *debt obligation* of course. They own indebtedness. They own debt. It is important to understand that in the time since 1933,

these *Federal Reserve Bank Notes* have evolved to again be called *Federal Reserve Notes*, but it is clearly understood that they are no longer representative of a 'gold deposit'. With that clarified we may proceed.

Obligations, notes, drafts, bills of exchange = DEBT.

Another Congressman makes comment. This time it's Congressman Britten:

> "From my observations of the bill as it was read to the House, it would appear that the amount of bank notes that might be issued by the Federal Reserve System ***is not limited***. That will depend entirely upon the amount of collateral that is presented from time to time for exchange for bank notes. Is that not correct?"

Congressman Britten is absolutely correct. The Federal Reserve Note in existence prior to March 9th of 1933 was backed by gold, and this limited their issuance to the amount of gold deposited. But now Congress is authorizing Federal Reserve Bank notes and so we can give an 'A' to Congressman Britten for being correct. Since the new currency is backed by DEBT and because there is virtually no limit to the amount of debt that can be created, then the amount of currency that can be issued is virtually limitless.

It is because of this method of issuing currency that has created a monetary trap from which there is no escape so long as the current monetary system continues, which is to say so long as the **Emergency** continues. It would be simple to save America from take over by foreign interests, simply declare the **Emergency** ended. This would have the effect of terminating the un-constitutional ***war and emergency powers authority*** and return to ***lawful civil authority***. Lawful civil authority puts the American people back in control of their country.

How the monetary TRAP works

I once again set forth that it is possible that a government agent or employee may understand these matters although it highly unlikely that most do, for if they did it would probably make it quite difficult for those with a conscious to continue doing their job. It is even more unlikely that a lay jury will understand due to the fact that these matters are wholly avoided in public education. Yet, if a jury is to execute its function in a responsible manner, it become absolutely necessary for them to understand the full nature and scope of governments actions.

In public schools most of us were taught that when we borrow money from a bank, say $20,000.00, we are borrowing money against the other depositors. This is a ruse or deception. By virtue of the language just presented, which authorizes the issuance of the currency, we see that when we borrow $20,000, this contractual obligation (*bankers acceptance*) will authorize the Federal Reserve to issue $20,000 in new currency. And now, by virtue of electronic funds transfers, the bank from which we borrowed the money will be paid back within 24 hours, probably before the end of the day. Thus our signature on a loan

contract for $20,000 created that amount in new currency on which we all must pay interest. Then, the bank recovers an additional $20,000 plus interest in our payments on this loan. Where $20,000 once existed, there now exists $40,000.

That is one example but let us examine a second example. In this example an American buys a home for $180,000 and puts $30,000 down. He then signs a contract for the remaining $150,000. When this contract (private debt) is placed on deposit with the Treasurer of the United States, the Federal Reserve agent is then authorized to issue currency in the amount of $150,000 formulated from the $150,000 contractual debt. Now this American keeps the home for 9 years, putting in a shop with a studio apartment attached, plants trees, and puts in a swimming pool with a screen in enclosure. He now decides to sell it and does so for $250,000. The buyer puts $50,000 down and finances $200,000. When this contractual obligation is put on deposit with the treasurer of the United States, the Federal Reserve Bank is now authorized to issue $200,000 in new currency upon which we all must pay interest, without retiring the $150,000 in currency that was issued on the first purchase of this piece of property. Selling this property twice has put $400,000 into circulation upon which we all must pay interest.

The principle amount owed to the privately owned Federal Reserve Bank by the Federal Government is never paid and because the principle is never reduced, the interest on the national debt continues to grow and grow, until someday we Americans will not be able to pay the interest due or 90% of our earnings go to service the interest. This will put ownership of America into the hands of the international bankers. And after stealing all the gold, the true wealth of America, the investment of the Federal Reserve Bank to take over our country has been *ink on paper*. It costs them about 2 to 3 cents to print a Federal Reserve Note, and each time they do, that becomes part of the principle on which all Americans must pay interest until they no longer can do so.

Does this sound criminal to you? It sounds treasonous to me. Let's take it before an American jury and find out!

The 1933 ***EMERGENCY*** was based in the fact that the United States could no longer pay the interest on the debt in gold and silver. This bankruptcy of the United States was noted earlier but I bring the reference forward to once more review it.

> Bankruptcy was officially declared in 1933 and may be verified in Executive Orders 6073, 6102,6111 and 6260. The "Secretary of Treasury" was appointed as the "Receiver" in Bankruptcy [See: Reorganization Plan No. 26, 5 U.S.C.A. 903].

A ***Reorganization*** plan was needed because our country went into ***receivership***. Returning to the Congressional record we get the big picture from Congressman Patman:

> "Under the new law the money is issued to the banks in return for Government obligations, bills of exchange, drafts, notes, trade acceptances, and banker's

> acceptances. The money will be worth 100 cents on the dollar, because it is backed by the credit of the Nation. **It will represent a mortgage on all the homes and other property of all the people in the Nation.**"

There you have it. Mostly unknown by the American people, all their property, holdings and other belongings have been mortgaged, by Congress, to the privately owned Federal Reserve Bank, for the ***Emergency Currency***.

The Constitution for the united States of America charges congress with a responsibility at Article I, section 8.

> "The Congress shall have power to... coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;"

Notice that it says "*coin money*", not *print money*. And what was money to consist of ? For that answer we read the Constitution for the united States of American, Article I, section 10.

> "No State shall ... make anything but gold and silver coin a tender in payment of debts;"

Yet government, at all levels, has clearly chosen to ignore the supreme law of the land, the Constitution, and do as they please, placing our country and all Americans at risk. This monetary system has enslaved us and is slowly eating us up. The creation of the economic situation just described is clearly a treason, if for no other reason than it will ultimately destroy the country and constitution that congressmen are sworn to protect. But since it is government who is doing this there is no one to make the charge. Congressman McFadden made the following charge:

> "We have in this country one of the most corrupt institutions the world has ever known. I refer to the Federal Reserve Board and the Federal Reserve Banks, hereinafter called the Fed. They are not government institutions. They are private monopolies which prey upon the People of the United States for the benefit of themselves and their foreign and domestic swindlers; rich and predatory moneylenders."

Congressman McFadden died under suspicious circumstances after three attempts on his life. President John F. Kennedy issued an executive order to begin the issuance of non-interest bearing *Treasury Notes* as a replacement for the interest bearing Federal Reserve Note. Ten days after the issuance of this executive order John F. Kennedy was assassinated. Almost the first action taken by his successor was to rescind this executive order. When Lincoln refused the offers of loans by the international bankers he was assassinated by John Wilkes Booth, who was proved to be an agent of the Rothschild banking dynasty.

<u>How much is it costing the American people? Let's find out!</u>

What has been the result of this legislation? In today's world the result has been that the average tax payer pays roughly 35% of his earnings to government to cover the interest on the national debt that this legislation has produced. Translated into everyday living it means that the average income earner must earn $1.53 to buy a dollar hamburger, giving $0.53 to the government in taxes thus leaving him with a dollar for his burger. Fifty-three cents is 35% of $1.53.

Every year the government borrows the amount needed to operate for that year. Therefore, every penney the tax payer supplies goes to service the interest on the debt, never paying one cent on the principle to reduce the burden. And rightfully so, for one can not pay back more than one borrows in a real money system. To make this understandable visualize this. There is only one hundred dollars in existence and you borrow the full hundred. How can you pay back more than one hundred dollars when no more exists? Answer, you can not. But in a fractionalized banking system, set up to destroy a nation, it becomes possible because the currency is created through the creation of debt. With that concept in mind let us look at a larger purchase than a hamburger.

To buy a $20,000 car the average income earner must earn $30,600 and give the government $10,600 to have $20,000 left to buy the car. Ten-thousand six-hundred dollars is 35% of $30,600.

To buy a $150,000 home, the average income earner must earn $230,769.23 and give $80,769.23 to the government to have a hundred fifty thousand left to buy the home.

If you will remember earlier, it was set forth that congressman Patman made this statement, taken from the congressional record on March 9, 1933:

> "Under the new law the money is issued to the banks in return for Government obligations, bills of exchange, drafts, notes, trade acceptances, and banker's acceptances. The money will be worth 100 cents on the dollar, because it is backed by the credit of the Nation. ***It will represent a mortgage on all the homes and other property of all the people in the Nation.***"

With this statement, Congressman Patman is asserting that Government has in fact seized our property and mortgaged it to the Federal Reserve for the ***emergency currency***. If this be true we should be able to find evidence of that seizure in further Government documentation. In Senate Document No. 43, Under Contracts Payable in Gold, 1933, we read:

> "The ULTIMATE OWNERSHIP OF ALL PROPERTY IS IN THE STATE, individual *so called* ownership is only by virtue of Government. i.e. Law, amounting to mere user. And use must be in accordance with law and subordinate to the necessities of the State.

"*The State*", in this case, refers to ***the District*** *of Columbia*. The District of Columbia is not a *State of the Union*, but it is a STATE as Israel is a STATE. The District of Columbia is a sovereign jurisdiction unto itself. And so, by the above language we see that Government decrees that everything you own is by virtue of government, amounting to *mere user*. Sounds criminal to me, does it sound criminal to you?

What this means to we Americans is simply this. There are two forms of Title. There is ***legal title*** and their is ***equitable title***. The government holds legal title to all property and we hold equitable title, allowing us the use of the item and making us liable for all fees and taxes associated with the use of said item.

To make the point. New vehicles come with a manufacturers *Statement of Origin*. You never see it. Dealers register this document with the government, providing the government with ***legal title*** to the vehicle. With government holding the ***legal title*** to the vehicle, then when you purchase the vehicle you are given only ***Equitable title*** which allows you use of the vehicle and makes you responsible to pay all taxes and other fees due, but you are not the legal owner. Ever wonder why your title or registration says "for official use only?" Now you know. Remember, you do not own anything in which someone else can make a claim and then confiscate it through court proceedings.

The question here is, "Are American juries going to continue to allow this criminal behavior?" If they do, then they condemn their children and grand children. I suspect that once they know and understand the criminality of this action, the property seizures and loss of property rights will evaporate like morning dew.

Agricultural Adjustment Act

From the Agricultural Adjustment Act of May 12, 1933:

> "The present acute economic emergency, being in part the consequence of a severe and increasing disparity between the prices of Agriculture and other commodities, which disparity has largely destroyed the purchasing power of the farmers for industrial products, has broken down the orderly exchange of commodities and has seriously impaired the agricultural assets supporting the NATIONAL CREDIT STRUCTURE. It is hereby declared that these conditions in the basic industry of agriculture has affected transactions in agricultural commodities with a NATIONAL PUBLIC INTEREST, have burdened and obstructed normal currents of commerce in such commodities and has rendered imperative the immediate enactment of Title 1 of this act."

Notice that the ***emergency*** has broadened and expanded to now include agriculture. The language above is paving the way to place this nations agricultural property into assets that can be included in the declared bankruptcy. All those agricultural assets necessary to support the ***national credit structure*** of ***the District*** *of Columbia*. All those millions of acres of farm lands which provide some necessary backing (security) for the *Federal Reserve Bank Notes*, the Emergency War Currency (the same *currency* you use today). And so the property of America becomes transferred into the hands of the international bankers. And we wonder where ***New World Order*** is coming from!

Also note that Agriculture now has a *national public interest* and as such it was *placed into public service*. Make no mistake about it, "*public*" means government, it does not mean the American population as we are led to believe. With this act Congress is mortgaging virtually every square inch of our country to the Federal Reserve bankers. In debate over this bill, Congressman Beck had this to say:

> "But the Constitution of the United States, as a restraining influence in keeping the United States Government within the carefully prescribed channels of power, is moribund, if not dead. We are witnessing its death agonies, for when this bill becomes a law, if unhappily it becomes a law, there is no longer any workable Constitution to keep the Federal Government within the limits of its constitutional powers."

"No longer any workable Constitution to keep the Federal Government within the limits of its constitutional powers." The result is now an out of control Government that utilizes commercial law, as in the one you are attempting to apply to myself, as a medium of extracting wealth from the American people and obligating them in some manner. Congressmen take an oath to protect and defend the constitution and yet, with this act, they are taking steps clearly aimed at the destruction and death of our Constitution and the enslavement of the American people.

THE SUPREME COURT

ON THE ABOVE AGRICULTURAL ADJUSTMENT ACT:

Here we take a look at what the Supreme Court had to say about the *Agricultural Adjustment Act*? In United States v. Butler, the court said:

> "A tax in the general understanding and in the strict constitutional sense is an exaction for the support of government. This term does not connote the expropriation of money from one group to be expended for another as a necessary means in a plan of regulation, such as the plan for regulating agricultural production set up in the Agricultural Adjustment Act ... The regulation of the Farmers Activities under the statute, though in form subject to his own will is in fact coercion through economic pressure. His right of choice is illusory. Even if the farmers consent were purely voluntary, the Act would stand no better. At best

> it is a scheme for purchasing, with Federal Funds, submission to Federal Regulation of the subject reserved to the States....
>
> If the novel view of the *general welfare clause*, now advanced in support of the tax, were accepted, that clause would not only allow congress to supplant the states in the regulation of agriculture and all other industries as well, but would furnish the means whereby all the other provisions of the constitution, sedulously framed to limit the powers of the United States and preserve the powers of the States, could be broken down. The independence of the individual States obliterated and the United States converted into a central government exercising uncontrolled police power throughout the Union, superseding all local controls over local concerns."

Using extraordinarily good judgment, the Supreme Court struck down the Emergency Powers as set forth in the Agricultural Adjustment Act. But if we examine our history we see that President Roosevelt went to work to STACK THE COURT. Through DEATH and RESIGNATION, by 1937, the court was stacked! And shortly thereafter these cases were reversed and ***emergency powers*** was again re-established.

The Court now says:

> "The existence of war and the restoration of peace are to be determined by the political department of the Government, and such determination is binding and conclusive upon the courts, and deprives the courts of the power of hearing proof and determining, as a question of fact, either that war exists or has ceased to exist."

So here we have the Supreme Courts saying, '*It's not our problem*.'

> "When the sovereign authority shall choose to bring it into operation [referring to the Emergency Powers] the Judicial Department must give effect to its will, but until that will shall be expressed, no power of condemnation can exist in the courts."

From Senate Report 93-549

> "Just how effective, on crises action, this makes the Court is hard to say. In light of the recent war [Vietnam], the court today would seem to be a fairly harmless observer of the emergency activities of the president and congress. It is highly unlikely that the separation of powers and the Tenth Amendment will be called upon again to hamstring the efforts of the [Federal] government to deal resolutely with a serious national emergency. Organizationally in dealing with the depression it was Roosevelt's general policy to assign new emergency functions to newly created emergency agencies rather than the already existing departments."

Thus we have seen the ballooning of the Federal Government to rule by statute in all cases whatsoever. And the states, operating under the umbrella of the Federal Government are

operating under the same *war and emergency powers authority*. The constitution suspended, the separation of powers destroyed and no limitations on the power of government. It is a fact that we now have a central government of uncontrolled police power. Thus it becomes clear that the American People, primarily through the American jury may well be the one remaining instrument to terminate the Emergency Powers in effect by virtue of their ability to find a 'not guilty verdict' in these matters of clear corporate government corruption and manipulation.

SOURCE OF THE EMERGENCY

What has not been discussed thus far, is the source of the Emergency, but the communication the Federal Reserve Board issued to President Hoover contains the seeds of the answer:

> "Whereas in the opinion of the Board of Directors of the Federal Reserve Bank of New York, the continued and increasing withdrawal of currency and gold from the banks of the country has now created a national emergency."

We have another clue when President Roosevelt issued proclamation 2039 which said in part;

> "Whereas there has been a heavy and unwarranted withdrawal of gold and currency from our banking institutions for the purpose of hoarding ..."

The crises in banking is clear. The contraction of the money supply by the Federal Reserve Bank caused the depression. This in turn caused the American people to go to the bank and withdraw some of their savings (gold deposits) to make ends meet. But the Federal Reserve, for reasons known only to them, no longer had the gold to return.

Where the gold of the American people went can only be guessed because the *Federal Reserve Act of 1913*, passed by congress and which created the Federal Reserve Bank, provided that they can not be audited. It is suspected that the owners of the bank probably stole the gold, but in any event, the gold was kept by the Federal Reserve and not returned. This also suggests that we have the best Congress that money can buy, although most Congressmen would probably bristle if they were to read this, but it would only be for show since none of them are acting to end the ***Emergency*** nor to educate and inform the American people as to what awaits them in the future... i.e., the loss of their county and the total destruction of the Constitution that Congressmen are sworn to protect.

For lack of better terminology, this disappearance of the gold of the American people will be called a THEFT, accomplished through fraud and deception. As such it appears that, in 1933, Congress and the Federal Reserve Bank have at least a couple of concerns. First is the uncertainty of how the American people might react to this theft when and if it is discovered. It would certainly seem possible that the American people may pick up arms and deal quite harshly with the crooks. If the wrath of the American people can be survived

or if the American people can be duped with the help of the press and public education, and there is no reaction, the second concern would be the method by which the *Federal Reserve Banking Corporation* may continue their plunder of America. To be on the safe side the need for ***military protection*** should be planned. Since it was Congress who created, abetted, aided and assisted this private banking corporation in the fleecing of the American people, may we ask, "*what does Congress need?*" Answer: A way out of accountability for their irresponsible, unconstitutional and criminal conduct.

Enter the *Banking Relief Act* of March 9, 1933. This Act contained the language of the War Powers Act of October 6, 1917, known as the *Trading with the Enemy Act*. At this time it was recognized that there were probably enemies of America operating within her borders, and so the *Trading with the Enemy Act* gave the President total authoritarian power to regulate the enemy and his commercial activity in America. But the act of 1917 had some exclusionary language. One piece of exclusionary language reads as follows:

> "Transfers of credit in any form (other than credits relating solely to transactions to be executed wholly within the United States);"

This language recognizes that when we Americans go to the hardware store and buy a lawnmower, a *transaction executed wholly within the United States*, this is not an enemy transaction and is not subject to the operation of the law. The act also states at section (c)...

> "other than citizens of the United States".

Recognizing that a citizen of the United States is not an enemy of the United States and is not subject to the operation of the law.

However, this exclusionary language was amended when included in the Banking Relief Act of March 9, 1933 and it became:

> "by any person living within the United States or subject to the jurisdiction thereof "

With this language, United States citizens were given a status that is indistinguishable from any other enemy of the United States. This, by virtue of the fact that they had the language of the *War Powers Act of 1917* applied against them. Now that American citizens have a status no different than any other enemy, military protection may be provided to the Federal Reserve, if necessary, to protect them from an enemy of the United States. And certainly, Congress has no accountability to an enemy of the United States.

Because of the *Bankruptcy Acts* passed by Congress, Judges of today are instructed to take *silent judicial notice* that America is a bankrupt nation. As such, it is not operating under Constitutional Law but is instead operating under certain *public bankruptcy policies*, the very existence of which is not to be made general public knowledge. [5 USCA 903, etc.]

Terminating the EMERGENCY

How is all this unlawful action stopped? What is the key? There are a number of ways to restore lawful civil authority. We find one of the ways contained in language similar to that in the Agricultural Act:

> "This Title shall cease to be in effect whenever the President finds and proclaims that the NATIONAL ECONOMIC EMERGENCY in relation to Agriculture has been ended."

And as we go through these acts we find that they terminate by Presidential Proclamation.

Congress is fully aware of this in Senate Report 93-549, remembering that this report was upon the Senate Special Committee on the Termination of the National Emergency :

> "Furthermore it [terminating the Emergency] would be a largely futile task unless we have the Presidents active corroboration and support. Having delegated this authority to the President in ways that permit him to determine how long it should continue, simply through the device of keeping emergency declarations alive, we now find ourselves in a position where we cannot reclaim the power without the Presidents' acquiescence. We are unable to terminate these declarations without the Presidents' signature, and we need a large measure of Presidential cooperation."

Here Congress is saying that without the cooperation of the President, they do not believe they have the power to terminate the declared Emergency. And we have had how many Republican and Democratic Presidents since 1933, none of which have terminated the Emergency? Clearly, our elected representation is unwilling to stop the un-necessary and un-lawful behavior of government. As such, it then falls to '***We the People***' to end it. With a full understanding of the criminal action of government, and with the knowledge that there is '***no injured party***', American juries may find defendants 'not guilty' rather than rubber stamp the unlawful behavior of government.

Senator Church

Senator Church speaking with reference to the War & Emergency Powers:

> "These powers, if exercised, would confer upon the President, total authority to do anything he pleases ... Like a loaded gun lying around the house, the plethora of delegated authority, in institutions, to meet almost every kind of conceivable crises stand ready for use for purposes other than their original intention... Nor is it sufficient that this power be conferred upon good men, for men are frail and easily corrupted, and in a short time, he that is absolute may easily corrupt the people."

“... may easily corrupt the people.”

Senate report 93-549 (written in 1973):

> "The majority of American Citizens have lived all their lives under Emergency Rule. For forty 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. And in the United States action taken by the government in times of great crises have, from at least the civil war, in important ways shaped the present phenomenon of a permanent state of national emergency."

Although the American people generally do not know it, the change in operational authority has been place in front of them. Prior to 1933 the State flag, and American flag flew on separate poles at the same height in the town square. After the passage of the *Banking Relief Act* the American flag began flying above State flags as evidence of occupation under war and emergency powers. When you see the president on T. V., you will notice that the red, white and blue flag will have a gold fringe. This is not a flag of the Republic of the united States of America simply because it is not defined in the laws of the Republic of the united States of America. This gold fringe flag is defined in Army regulations and is the flag of the command and chief of all armed forces under war and emergency powers conditions. If the President were operating under lawful civil authority he would fly the flag of lawful civil authority. The red, white and blue without any gold fringe, gold spire point, gold eagle or gold ball on the pole.

In 2005 this EMERGENCY has now been in progress for seventy one years... it’s time for it to end.

Unfortunately the criminality of government does not end there. The question now proposed is this: *With the United States in bankruptcy, how does it manage to continue to operate?* In many ways, some of which have already been discussed, but it is my intent to take this exposure one step further so that anyone reading this documentation may more clearly see the criminal intent of government.

It is my opinion that the American people have virtually no clue how insidious government has become. In order to fully understand what I am about to explain, a clear understanding of *Legal Title* and *Equitable Title* must be held by the reader. Therefore, I take a moment to again set forth the difference between these two forms of ‘ownership’. I begin by pointing out the purpose of ***registration*** with government. ***Registration*** is the process of tracking and recording property transfers. In this ***registration*** process, government is provided with ***legal title*** to the item or object in question, whatever it might be. This is true ownership of the object and carries with it the right of first claim regarding the object. This leaves the *owner*

of registration of the object with ***equitable title***. Again, this needs to be clearly understood before continuing so as to fully comprehend this distinction.

As stated earlier in this document, the United States was declared bankrupt in 1933 and is clearly put forth in executive Orders 6073, 6102,6111, 6260, and Reorganization Plan No. 26, 5 U.S.C.A. 903]. For the alert mind, this poses the question as to how a bankrupt government can continue to operate. That which follows is, in part, how that is accomplished.

When a child is born, the hospital generally sends the original birth certificate, not a copy, of this record of live birth to the State Bureau of Vital Statistics, sometimes called the Department of Health and Rehabilitative Services (HRS). Each STATE is required to supply the corporate UNITED STATES with birth, death, and health statistics. The STATE agency that receives the original record of live birth keeps it and then issues another *Birth Certificate* in a different form where the name of the baby is generally spelled in ALL CAPITAL LETTERS. This second issuance of a government birth certification creates a '***legal person***' as opposed to a *natural individual*.

This birth certificate, issued by the State, is then ***registered*** with the U.S. Department of Commerce, the Executive Office, specifically through their own sub-agency, the U.S. Census Bureau, which has the responsibility to register vital statistics from all the states. Thus, the *birth certificate* is *registered* in international commerce. As noted above, the word ***registered***, as it is used in commercial law, does not mean that the name of the new born child was "merely" noted or recorded in a book for future reference. When a *birth certificate* is ***registered*** with the U.S. Department of Commerce, the Treasury will issue a bond on the value of the *birth certification*. That bond is then made available for purchase on a *securities exchange* and is bought by the Federal Reserve Bank. This purchase then becomes the authority or collateral to issue *Federal Reserve Notes*, what we call money and which we use as a medium of exchange.

The value of the bond is taken from a actuarial table and in today's world is approximately $630,000. The bond is then held in trust for the Federal Reserve at the Depository Trust Corporation at 55 Water Street in New York City, about two blocks down the street from the Federal Reserve. It is a high-rise office building and the sign in front reads: "The Tower of Power."

This process creates a financial and obligatory burden for the ***legal person*** named on the *birth certificate*, who has become a *surety*, or *guarantor*, a condition and obligation that is automatically and unwittingly assumed unless you rebut the presumption by effectively noticing government.

> "Guarantor. Person who becomes secondarily liable for another's debt or performance... One who promises to answer for the debt, default or miscarriage of another." - Black's Law Dictionary, Sixth Edition

From this we see that the baby assumes the liability for any burden created or associated with the ***legal person*** named on the ***birth certificate***. Ultimately, the baby, if an average income earner, will pay about 35% of their earnings to government to satisfy this obligation. They will pay horrendous property taxes, municipal bonds payments, they will not own their vehicles and will pay yearly taxes and fees associated with the use of the vehicle, they will be prevented from true ownership of their property, and on and on. All of these payments are due because of the bond our government issued on the *birth certificate*. This, at least in part, is how our bankrupt government is financing itself.

Clearly, it is the creation of a slave population without the knowledge of the people involved. Since the government controls the curriculum in public schools and by virtue of its licensing requirements, also controls the television and printed media, there is no opportunity to make an intelligent choice since government makes certain we are kept in ignorance. It is through these mechanisms, the engineering of an Emergency in 1933 and the creation of a commercial obligation through the birth certificate, that corporate government has entered into our lives from all angles.

And now we all understand the rationale for the vast majority of laws aimed at protecting us from ourselves. Although such laws as the seat belt law and helmet law are billed as protecting the tax payer from injury and death, these laws are actually an effort by government to protect its financial asset and investment. That is those individuals on which a bond has been issued upon their *birth certifications*. If we are to accidently die or severely cripple ourselves and loose the ability to pay back the bond, then the purchaser of the bond will suffer the loss. There are many ways to provide the protections needed without entering into peoples lives, but none of those ways provide the means to protect the investment in the *birth certificate bond* (SCAM).

Let us examine yet another fraud and deception of corporate government. That of citizenship. Most Americans do not know that there are two legal status' of American citizenship, although it is right in front of us in the fourteenth amendment to the constitution. The fourteenth amendment provided citizenship for the freed slave population.

> "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."
> Fourteenth Amendment, Section I

This, in 1868, was the first time that reference was made to a "citizen of the United States" in law. But corporate government has made certain that the burdens and benefits of State citizenship and United States citizenship are not taught in public schools. For those who may be reading this and sitting in judgement of my contention that corporate government is criminal, allow me to further my case.

The constitution gives Congress exclusive legislative authority over an area of ten miles square that the constitution calls ***the District***, later to become Washington, District of

Columbia. Because of governments control over public education, Americans do not know that this jurisdiction is not inside the Republic, it is outside the Republic. They further do not know that the constitution gives congress exclusive legislative authority over this jurisdiction, which means that congress can pass any law it wants for this jurisdiction, without regards to constitutionality. And they have done so.

That authority to pass any law they want for this jurisdiction also applies to anything owned by ***the District***, such as Guam, Wake, Virgin Islands, Puerto Rico, military bases, etc. But more importantly it also applies to anyone who has a citizenship attachment to this jurisdiction.

While the State citizen mentioned in the fourteenth amendment is the original citizen of the Republic, the United States citizen is citizenship in ***the District*** of Columbia. This makes the United States citizens subject to all the un-constitutional law of ***the District***. And as can be seen in the fourteenth amendment, Americans may hold both classes of citizenship and if so, they have acquired the burdens of each class.

We acquire United States citizenship when we join social security and "***contract***" with corporate government. Typically we have been required to declare our status, and once again because of our educational processes and not knowing any different, we check the box that says *United States citizen* or *U. S. citizen*. Declaring ourselves to be citizens of ***the District***. It is through this fraudulently acquired contract that corporate government obligates the American people to un-constitutional law. Make no mistake about it, this a fraud perpetrated through governments control of the public school curriculum, the churches, the printed media, and television. It is only with the advent of the Internet that a few of us are beginning to learn.

I have previously revealed the difference between *positive law* and *non-positive law*. Pointing out that *positive law* is constitutional and that *non-positive law* is commercial. Remembering this we begin to understand that if you did not have a citizenship attachment to ***the District*** *of Columbia* through a social security contractual nexus, then you would not be subject to *non-positive law*. Title 26, all of your IRS laws, are non-positive law and do not apply to people who are purely and only State Citizens (citizens of the Republic only).

How many Americans, Mr. Thorp, know that if they did not hold a *social security card* and *United States citizenship* would not have to pay income taxes? That it is their contractual nexus with social security that obligates them to give up about 35% of the earnings in the form of income tax! Then they also pay excise tax, property tax, vehicle licensing, sales tax and about a dollar a gallon gasoline tax. I would say that it is much close to 50% that corporate government takes from the average income earner. And that's today. Their children will pay more and their grandchildren even more.

Well, the truth is that virtually no one is subject to the commercial laws of corporate government because its all accomplished through fraud and deceit, not informed decision.

But because Americans don't understand the trickery and treachery of the municipal corporations, they are easily fleeced.

Mr. Thorpe, your agency, the corporate State of California, and probably yourself is knowledgeable of and a part of this criminal conspiracy and behavior.

The action you are attempting is based in commercial law, applicable through contract only. A contract that meets the six elements of a lawful contract.

Lawful Contract:

1. Offer by person qualified to make the contract.
2. Acceptance by party qualified to make and accept the contract.
3. Bargain or agreement and full disclosure and complete understanding by both parties.
4. Consideration given.
5. Must have the element of time to make the contract lawful.
6. Both parties must be sui juris; that is, of lawful age, usually 21 years old.

Contracts, by John Calamari and Joseph Perillo, West Publishing Company, St. Paul, Minnesota 55102

As can be clearly determined, the corporate State of California is simply one of the many municipal corporate collection agencies for all corporate government structures created under commercial laws of both the state and federal governments of this country. And remembering the tenants of the Clearfield decision, commercial law may only be applied through contract.

It is typical of government agencies to simply bulldoze forward over the public, threatening the individual and sometimes taking them to court as you have me. And it is also typical that most individuals, educated only in public schools will be lacking in the skills needed to make their case and defend themselves. Therefore most Americans will be fearful of the raw force that can be used against them by corporate government whereby they will simply capitulate and cave in to the demands of corporate government. It is the same racketeering scheme used by the Mob in Chicago on local business owners in the earlier years of the last century, although the methods of force and intimidation might be slightly different they have the same effect. Yet most Americans would agree that criminal activity is criminal activity, whether we call it government or not.

One more item I'd like to address is the action against Orland Sand and Gravel, began last year and continuing into this year. Last year the corporate State of California initiated an action against Orland Sand & Gravel through is political subdivision, the corporate COUNTY OF GLENN, since the planning department of this county structure is the lead agency in the action initiated. We read the law, we reviewed our documentation, we challenged the law, and ultimately, we were able to put our case before the *planning commissioners* in an administrative hearing. A hearing that is a complete aberration against

due process and justice. There was no sworn testimony, and as such no opportunity to question those giving hearsay evidence. Eventually we were given our turn to speak and we did so, presenting our case and issues as best we could under the unfamiliar circumstances. Here was a setting in which we fully expected the planning commissioners to find in favor of county staff and against us regardless of the merits of our case, but to our surprise, the planning commission found in our favor.

Was the corporate State of California a good loser? Not only no, but HELL NO! State government immediately wished to appeal the decision of the planning commission. But there was no language in county administrative code that provided for this action. Did this stop the corporate State? No! They acted to cause the Board of Supervisors to hold an Emergency meeting and pass an *urgency ordinance*. Clearly, when the already slanted and biased rules of the game, which tilt so favorably toward government, provide one small decision not in accordance with the outcome desired by the corporate state, then, just like the organized criminal syndicate they are, they act to change the rules of the game. The same thing Al Capone would do!

While we initially thought that we had set this matter aside and could get back to work, within two weeks the appeal had been filed and so we were preparing for round two. Then, for reasons unknown to us, the State of California suddenly withdrew its appeal.

And so once again, we thought that we could put this matter aside and go back to work. You remember "work" don't you Mr. Thorpe. It comes under the heading of "pursuit of happiness", which has been established to mean laboring and enjoying the fruit of our labor. However, within 30 days an official from the State Attorney General's office came to town and we were informed that the primary topic of discussion was Orland Sand & Gravel and myself. This led to a little apprehension to say the least. At the beginning of the Orland Sand & Gravel action, one of my associates said that the one thing that can not be predicted is "how far corporate government will go to act in a criminal capacity." And although I didn't understand his position so well we when he said it, I am now beginning to appreciate his words.

While at this time the corporate State of California has filed 12 counts of violations of Fish & Game Code 1602 against me, the same State has again directed the corporate County of Glenn to initiate another action against Orland Sand & Gravel. Last year the levy increases asked for by corporate government amounted to $5,000 for a total of $12,000. That would have been a 71% increase for one year when nothing in our operation had changed.

In this resurrection of the same issues as last year, corporate government is now asking for $242,321.16, this is a whopping 3361% increase over the $7,000 we now carry. In addition to this, other property I own has suddenly became of interest to corporate government, who is levying considerable sums of money on these other properties. Which are simply gravel piles. So yes, I can now have a clear view of exactly how criminal government has become.

All of these financial extractions levied against business by corporate government must ultimately be paid for by the American people. Business don't pay for these levy's, they just raise the price of the products and service to their customers... the American people. Which also includes our children when they grow up.

With this action you are asserting a legal right to my property, beginning with the gravel I remove from Stony Creek as has been done since 1933 when Orland Sand began its operations. Through this action you are attempting to assert another legal right to other property of mine, namely my money, presumably through fines that will be imposed if I'm found guilty. Yet I have no harmed anyone Mr. Thorpe. There was some concerned expressed about my equipment crossing the stream while working. And so I directed my crew to dig a channel next to the other bank of my property, leaving the ends of this channel dammed up while we were working so as to not choke up the stream with mud and debris. When the crew finished the channel, we removed the dams at both ends allowing the Stony Creek flow to use this channel and allowing us to access the gravel with our equipment without driving across the creek.

So Mr. Thorpe, how did the corporate State of California gain legal right to my property. Clearly we both can not have a legal right to the property. Yes Mr. Thorpe, the corporate State of California is undoubtedly criminal, and to be truthful I don't hold much hope that you will be willing to recognize or acknowledge this being an attorney for the state. Your job is to use ***FORCE OF LAW*** to beat the American people back into line. *Force*, that's what corporate government comes down to in the end, is that not correct Mr. Thorpe?

In any county, if peaceful remedy is not possible, then violent revolution becomes inevitable. Here is an opportunity for honorable men and women in government to put an end to this criminal behavior. At least in one case and that's a start. If that is not possible, then the American jury is the last peaceful resort before revolution someday overtakes our country, for there are those American's who will act to ***protect and defend the Constitution against ALL ENEMIES, both foreign AND DOMESTIC***. It is my sincere hope that honorable people in government are able to clearly see my case and position now.

William Penn, the man after whom the state of Pennsylvania is name, was arrested in London for violations of pertinent provisions of the elaborate Conventicle Act which established one legal church, the Church of England. He was quickly arraigned and a jury was rapidly assembled. By late afternoon it had become "clear and manifest" that he and associate William Meed, had violated the law. All that was left was for the jury to go through the motions of returning the guilty verdict, as the Court directed.

The jurors were told that as soon as they had convicted the prisoners they would be permitted sanitary relief and treated to a sumptuous Court-hosted banquet. The jurors were given one-quarter of an hour to return the verdict, which was customary in those days and courts. Yet they had not returned in a full hour. After an hour and a half eight jurors returned and the court directed that a bailiff be sent to retrieve the remaining four.

They had no verdict. The judges openly raged. Such defiance of the authoritarian power of the King, Parliament and Court was outrageous. Still, there could be no conviction without the jury acceding.

The jury was sent back to the "Sessions House" for another half hour. And still they did not have a verdict of guilty. The court was outraged and demanded to know why the jury failed to return the *guilty verdict* as directed.

One juror, a man name Edward Bushell, rose and responded. "The Court has no power in Magna Carta to dictate the jury's verdict."

"This Court has any power it chooses!" the Mayor shouted back. "To disobey it is to bring disgrace upon the Court as well as upon yourselves."

"We do follow our consciences, which is to bring honor to this Court, and we can do no other. If this be not honor, then we charge this Court has no honor."

"Your insolence is beyond endurance. It is the direct order of this Court that you bring in 'guilty' against both prisoners."

"No, my Lord," said Bushell, unyieldingly. "This the jury will never do, for we will not betray the liberties of this country. We know our rights in Magna Carta."

The Court: "These rights will starve you."

Bushell: "So it be, my Lord, but on this point we will not equivocate. We will never yield our rights as Englishmen."

Frustrated, the Justices refused to accept the verdict. They commanded the bailiffs to ***lock up*** the hungry jurors over night, still without food, without water, and without a chamber pot for sanitary relief. As a concession, the Mayor agreed to convene the Court on Sunday, "in the interests of the health of the jurors."

With no beds or comfortable seating the 12 jurors spent a fitful night on the floor of the poorly equipped jury room. They did receive some limited rations from a sympathetic public, who sent up packages through the windows until they were driven away by the soldiers.

The jurors, bedraggled, aching, filth-ridden, returned to the Sessions House Sunday morning. Back and forth between jury deliberations room and courtroom the 12 were shuttled, but they refused to return a "guilty" verdict as directed.

The jury would not give in, but then neither would the Court. By mid-afternoon that Sunday, the disgusted Justices ***locked up*** the jurors once again for the night. And once

again without food. This time there was no food passed up from a sympathetic public. Soldiers made certain of this.

When the Court assembled on Monday morning, the jurors were soaked with urine and feces. The Mayor asked for the verdict, and the weakened old foreman, now barely able to stand, delivered the verdict. "**Not guilty**," to the question for each prisoner.

On September 5, 1670 the Court capitulated. The Magna Carta and 12 stout jurors had struck a decisive blow for freedom. The Conventicle Act fell. Penn and Mead were freed, never to be brought to trial again.

Now Mr. Thorpe, if you can not see the validity of my position then I'm willing to put my case before an American jury. Just like the English who had the Magna Carta to protect them from the criminal behavior of their government, we Americans have the Declaration of Independence and the Constitution. And I'm willing to bet that there are still some American's out there who actually believe in these two documents that so many died to give us. I believe that there are still Americans who will refuse to harm someone like me who has not harmed anyone. I believe that there are Americans who are tired of criminal government, just like me. Shall we find out?

If you dispute or contest that which has been presented in this document, you have 30 days with which to respond. Failure to respond within the 30 day time period will be construed that you do not contest nor dispute that which has been presented.

> "(a) A person who violates this chapter is subject to a civil penalty of not more than twenty-five thousand dollars ($25,000) for each violation." - Fish & Game Code, Section 1615

As can be seen from the fish & game code, this is a civil matter of a commercial nature as has been asserted throughout. As such, and with this letter I am making the demand, as put forth in section 3501 of the Commercial Code, for a copy of the instrument that creates the "civil" obligation upon which the complaint filed. Also demanded is the document being held in due course that requires the specific performance being set forth in this "civil" action. Any response to this letter and demand is to be made by someone with the legal authority to make such response. If I have not received a response from you within 30 days that establishes a commercial obligation, then this failure to provide factual evidence of obligation will be construed to mean that you and the corporate State of California do not have a valid claim.

I believe that an American jury will not uphold your invasion of my property and my property rights, for to do so will not only deprive me of my rights and freedoms, it will also deprive the jurors children and grand children of the same liberty, freedom and rights.

I swear under penalty of perjury that all information within this present to be true and correct to the best of my knowledge and understanding.

D. R. Bogart

In conclusion here are the most salient points:

1. That this action began with two Fish & Game officials shutting down operations at Orland Sand & Gravel without proper authority.

2. That this action was followed by an effort of county officials to apply provisions of the Surface Mining And Reclamation Act upon Orland Sand & Gravel.

3. That Orland Sand & Gravel was not, and is not mining by virtue of the definitions of *mining, overburden* (both defined within the Act itself), and *mineral* (definition taken from Black's Law Dictionary since this term was not defined within the Act).

4. That government is a corporation, municipal in nature, but still a corporation and was recognized as such by the courts in Penhallow v. Doane 3 Dall 55 and Clearfield Trust Co. v. U.S. (318, U. S. 363)

5. That in the Supreme Court decision generally known as Clearfield Trust Co. v. U.S., the court assigned certain burdens and responsibilities to corporate government in the following language:
   a. "Once the United States waives its immunity and does business with its citizens, it does so much as a party never cloaked with immunity." - Franconia Associates v. United States, 536 U. S. 129
   b. "When the United States enters into contract relations, its rights and duties therein are governed generally by the law applicable to contracts between private individuals." - Franconia Associates v. United States, 536 U. S. 129
   c. "When the United States, with constitutional authority, makes contracts, it has rights and incurs responsibilities similar to those of individuals who are parties to such instruments. There is no difference . . ." - United States v. Winstar Corp., 518 U. S. 839
   d. "The United States does business on business terms." - United States v. National Exchange Bank, 270 U. S. 527
   e. "It was conceded in the argument that when the United States become parties to commercial paper, they incur all the responsibilities of private persons under the same circumstances." - Cooke v. United States, 91 U. S. 389
   f. "Still a government may suffer loss through the negligence of its officers. If it comes down from its position of sovereignty, and enters the domain of commerce, it submits

itself to the same laws that govern individuals there." - Cooke v. United States, 91 U. S. 389

g. "The United States, as drawee of commercial paper, stands in no different light than any other drawee. As stated in GO>United States v. National Exchange Bank, 270 U.S. 527, GO>534, "The United States does business on business terms." It is not excepted from the general rules governing the rights and duties of drawees "by the largeness of its dealings and its having to employ agents to do what if done by a principal in person would leave no room for doubt." - Clearfield Trust Company v. United States, 318 U. S. 363

6. That Federal Reserve Notes are ***commercial paper***.

7. That resolutions, passed by congress and the legislative bodies of corporate government, including Federal, State & County, are corporate commercial statutes (corporate law) or rules, and not law of the Republic.

8. That the Surface Mining And Reclamation Act is corporate commercial law, enforceable through contract and is not a law of the Republic of these United States.

9. That we (Orland Sand & Gravel, and D. R. Bogart) have made formal demand for the contract or commercial instrument being held in due course that requires the specific performance being demanded by government officials and that we have not received a copy of any such document.

10. That the United States is operating in bankruptcy, which occurred by virtue of the mismanagement of our currency by the leadership of this country.

11. That our currency, Federal Reserve Notes, is issued upon the deposit of debt instruments with the Treasurer of the United States.

12. That these Federal Reserve Notes, although used as a medium of exchange, are not money as that term is defined in the sixth edition of Black's Law Dictionary.

13. That government management and officials have failed to provide the mandate of the Supreme Law of the Land (the Constitution) in that they have not provided and maintained the Republican Form of Government which would have prevented this type of inappropriate action and limited their behavior from the start.

14. That the alleged complaint, which was supposedly lodged with the county, has never been produced for examination but has been used by county government as a springboard for actions against Orland Sand & Gravel and myself.

15. That Orland Sand & Gravel has asked that the injured party be identified and that the nature of the injury be presented. Thus far there is no injured party and no injury has been cited.

16. That, according to the supreme law of our land (the Constitution) "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury." Article Five, Constitution for the united States of America. That government has acted in opposition to this law.

17. That *Color of Law* is defined as follows: ***Color of law.*** The appearance or semblance, without the substance, of legal right. Misuse of power, possessed by virtue of state law and made possible only because wrongdoer is clothed with authority of state, is action taken under *color of law*. - Blacks Law Dictionary (Sixth Edition)

18. That Fish & Game officers acted under *Color of Law* when they, without authority, shut down the operations of Orland Sand & Gravel.

19. That Orland Sand & Gravel pays the taxes on the property in question.

20. That by virtue of tax obligations on the property, this is not a case of ***public resources*** but is a case of *private resources...* property rights.

21. That the same Stony Creek activity has been going on at the same location since the late 1920's and that there has never been an environmental issue nor injured party by virtue of the gravel collection that takes place at Orland Sand & Gravel.

22. That every year, Stony Creek reclamates itself. That is, when the heavy rains come and the high flows begin, a whole new strata of gravel, several feet thick, is distributed along Stony Creek, completely replacing any gravel we might have removed.

23. That documentation from government, which is in our files, exempts the *processing* area in question from reclamation and that this documentation has been presented to government officials who have simply ignored or chose to discount its existence and merit.

24. That the ***Emergency Powers*** provided by the Banking Relief Act altered our form of government, allowing government officials to sidestep the Constitution at will simply by virtue of keeping the ***Emergency*** alive. Reading from senate report 93-549 and written in 1973:

    "The majority of American Citizens have lived all their lives under Emergency Rule. **For forty 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...**"

25. That the language of the Banking Relief Act of March 9, 1933, made the United States citizens enemies of the United States, which supposedly gave the government the authority to regulate them in every commercial activity, which is almost everything an American citizen does. But that this continues only so long as we American's allow it.

26. That the ***Emergency*** referenced above is still in progress, now 73 years... see Title 12, 48 Statue 1, Section 95

27. That the ***Emergency*** which makes not only us, but also our children enemies of our own government, continues only by our hand and our refusal to act appropriately.

28. That the rule of tacit admission applies here. That is, if a fact is asserted and not contested by the opposing party, then it is assumed by all parties to be valid and correct. That, in fact, the government has not identified a single issue set forth and disputed nor contested in substance, anything which has been asserted by myself or Orland Sand & Gravel. As such all assertions by Orland Sand & Gravel and myself now stand uncontested and are to be accepted as factual. This rule of ***tacit admission*** is the same rule used against us by government. That if we fail to dispute or contest their assertions, the assertion is presumed to be factual.

29. That the actions taken by government have all the earmarks of an effort to avoid culpability and responsibility in this entire matter.

30. That government officials, in a vindictive action, have filed actions on other gravel property I own in an effort to tie up the use of that property and make my purchase worthless.

And this is where the events rest today.

Signed under penalty of perjury that the facts contained herein are true and correct to the best of my recollection and knowledge

Signed: ______________________________________

Date: _______________________________________