

III

STATUS OF PARTIES

3. The Petitioner, Gordon Warren Epperly, is a white Caucasian male who is a natural born citizen of California state and who has been an inhabitant of Alaska state since 1964. As a 14th Amendment nexus has been declared to exist with the Petitioner by Officers of the United States, the Petitioner has the authority to challenge the validity of the 14th Amendment to the Constitution for the United States.

4. The Respondent, John W. Carlin, is employed by the United States as Archivist of the United States. By Congressional legislation, the Archivist has been delegated the duty of investigating the official returns of the action of the various states on proposed Amendments and of promulgating such as are thus found to have been duly adopted as a part of the Constitution for the United States. Furthermore, by Congressional legislation, the Archivist of the United States has the duty to see that all Amendments to the Constitution for the United States are adopted in accordance to the Constitution.

IV

STATEMENT OF THE FACTS

5. The 14th Amendment was questioned before the U.S. District Court for the District of Columbia on May 10th, 1990. Upon a sua sponta Order of Judge Charles R. Richey, the case was transferred to the U. S. District Court for the District of Alaska and was assigned case number J90-010.

6. On April 30th, 1991, Judge James Von Der Heydt issued a “*Memorandum and Order*” dismissing the case declaring that all issues of ratification of an Amendment to the Constitution of the United States were “*Political Questions*” to the Courts. The Court’s “*Memorandum and Order*” is attached as Exhibit “A” pg. 5.

7. The Plaintiff’s/Appellant’s submitted an Appellant’s Brief on June 10th, 1991 to the U.S. Court of Appeals, 9th Circuit and was assigned case number 91-35862. On November 24th, 1992, the Court sustained the “*Memorandum and Order*” of the U.S. District Court citing United States v. Stahl, 792 F.2d 1438, 1440-41; United States v. Foster, 789 F.2d 457, 462-63 and Kanter v. Wellesley Galleries, Ltd., 704 F.2d 1088, 1090.

The Court's "*Memorandum*" is attached as Exhibit "B" pg. 5.

8. For the purpose of exhausting all remedies with the Courts, the Plaintiff's/Appellant's petitioned the U. S. Supreme Court on August 2nd, 1993 for a "*Writ of Certiorari*". The Court denied the Petition on October 4th, 1993 and thus the Supreme Court did sustain the Memorandums and Orders of the lower Courts. The "*Order*" of the Court is attached as Exhibit "C".

9. To further exhaust all remedies in an attempt to discover as to who has authority to investigate irregularities in adopting Amendments to the Constitution for the United States, the Petitioner, Gordon Warren: Epperly, did on April 17th, 1995 petitioned the United States Court of Federal Claims for a hearing into the ratification of the 14th Amendment.

10. As the Court of Federal Claims did not have a case that fell into the general jurisdiction of the Tucker Act, Judge Reginal W. Gibson dismissed the case for want of jurisdiction. The "*Memorandum and Order*" of the Court is attached as Exhibit "D".

11. After numerous letters to members of Congress, it was made clear to the Petitioner, Gordon Warren: Epperly, that any authority to investigate the official returns of the action of the various States on proposed Amendments was constitutionally legislated to the Archivist of the United States:

 "Whenever official notice is received at the National Archives and Records Administration that any amendment proposed to the Constitution of the United States has been adopted, **according to the provisions of the Constitution**, the Archivist of the United States shall forthwith cause the amendment to be published, **with his certificate**, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States." [Emphasis added]

 1 USC 106b

12. On June 9th, 1997; the Respondent, John W. Carlin, was in receipt of Petitioner's "*Information in the nature of Quo Warrento*" (attached as Exhibit "E") wherein the Respondent was requested to make an investigation into the official returns of the action of the various States on the 14th and 15th Amendments to the Constitution for the United States. The Respondent was also supplied with several exhibits that brought the ratification of the Amendments into question.

13. On July 28th, 1997; Attorney Sandra M. Jablonski for the Archivist of the United States, submitted a letter (attached as **Exhibit “F”**) to the Petitioner, Gordon Warren: Epperly, wherein Ms. Jablonski has taken the position that the duties of the Archivist are purely ministerial. Sandra M. Jablonski has taken the position that any decision as to whether an Amendment has been validly ratified is with the Courts or Congress.
14. The Petitioner, Gordon Warren: Epperly, has taken exception and within a registered letter dated August 4th, 1997 (attached as **Exhibit “G”**), the Respondent, John W. Carlin, was notified of his errors. The Respondent was given 10 days to respond with additional time to be granted upon request.
15. On August 15th, 1997, Michael L. White, as Director of Legal Affairs and Policy for the Office of the Federal Register, submitted a letter (attached as **Exhibit “H”**) wherein Mr. White expressed that the duties of the Archivist is purely ministerial in nature and does not include the authority to rule on the validity of Constitutional Amendments. Michael L. White further alleges that the questions of ratification of the 14th Amendment has been litigated by the Petitioner, Gordon Warren: Epperly, with the Courts finding the claims to be without merit.

It should be noted that if the Courts ruled that the claims of Gordon Warren: Epperly were without merit as alleged by Michael L. White, then the Courts took jurisdiction. The Courts decline jurisdiction by declaring that the question of ratification of Amendments to the United States Constitution were "*political questions*" to the Courts. [infra. paragraph 58]

IV

STATEMENT OF THE LAW

16. The Constitution for the United States is the source of all powers that Congress may exercise.
17. The powers granted to Congress by the Constitution for the United States **are not** self executing, but come into effect only by enactment of laws:

“[*Congress shall have power*] **to make all laws which shall be necessary** and proper **for carrying into execution** the foregoing powers, **and all other powers** vested by this Constitution in the government of the United States, or in any department **or officer thereof.**” [Emphasis added]

U.S. Const., I:8:18

18. Among the many powers granted to the Congress by the Constitution for the United States, the Congress has been empowered to propose Amendments to the Constitution for the United States (**U.S. Const., V:1:1**).

19. Furthermore, the Constitution for the United States does grant to the States the power to ratify proposed Amendments to the Constitution for the United States (**U.S. Const., V:1:1**).

20. To bring into effect the Powers of Article V of the Constitution for the United States, the Congress did enact: "***An act to provide for the publication of the laws of the United States, and for other purposes***" wherein the Congress did declared the procedures for certifying ratification votes of the States and for declaring an Amendment to become valid, for all intents and purposes, as a part of the Constitution [**3 Stat. at Lg. 439, c. 80 §2**]. The U.S. Secretary of State for the United States was designated as the responsible Officer for effecting the law.

21. On October 19th, 1984; Congress amended **3 Stat. at Lg. 439, c. 80 §2** with **P.L. 98-497**. The Congress declared that the Archivist for the United States is to be the designated Officer that is responsible for effecting the procedures that is required for certifying ratification votes of the States. According to the law, the Archivist of the United States is required to certify any Amendment that is proposed to the Constitution of the United States as being adopted in accordance to the provisions of the Constitution (**1 USC 106b**).

V

THE ERRORS OF THE ARCHIVIST OF THE UNITED STATES

22. The Archivist for the United States has refused to make an investigation into the historical facts that relate to the ratification of the 14th and/or 15th Amendments to the Constitution for the United States on the grounds that the Archivist has no authority to rule on the validity of Constitutional Amendments.

23. The Archivist does err as **1 USC 106b** is a law that falls within the jurisdiction of the President of the United States. The President is required by the Constitution for the United States to take care that all laws are faithfully executed which includes the execution of **1 USC 106b**. The President's authority to execute the laws includes the authority to make investigations and demand opinions, in writing, upon any subject relating to the duties of the principle Officer of any executive department (**U.S. Const., II:2:1, II:3:1**).
24. The Archivist further errs as the law (**1 USC 106b**) mandates that the Archivist is to certify that a proposed Amendment has been adopted and made a part of the Constitution for the United States **in accordance to the provisions of the Constitution**. It would be impossible to issue such a Certificate without the authority to investigate the official returns of the action of the various States on proposed Amendments.
25. The Archivist further errs as an issue of **malfeasance** has been raised. The Archivist for the United States has been duly notified within letters and exhibits that the 14th and 15th Amendments to the Constitution for the United States were not ratified in accordance to the provisions of the Constitution. Notice is hereby given that when wrongs and errors are not corrected, an issue of **fraud and false statements** are raised (**18 USC 1001**).
26. The Archivist further errs as an issue of **misfeasance** has been raised when the Archivist for the United States refuses to perform his investigative duties. The Congressional legislation has placed with the Archivist of the United States the duty of investigating the official returns of the action of the various states on proposed Amendments and of promulgating such as are thus found to have been duly adopted as a part of the Constitution.
27. The Archivist does err by asserting that the decision as to whether an Amendment has been validly ratified is with the Courts. The Court, in the case of **Coleman v. Miller, 307 US 433**, ruled that all issues regarding the 14th Amendment were "*Political Questions*" which the Courts could not address. The Courts sustained **Coleman v. Miller** (supra.) within the case of **Gordon Warren: Epperly, et.al. v. United States, [Ak. Dist. Ct. J90-0101; U.S. Ct. App. 9th Cir. 91-358621; U.S. Sup. Ct. 93-01701]**, which is a case that originated within this U.S. District Court for the Judicial District of Alaska. The "*Memorandums*" and "*Orders*" of the Courts are attached as exhibits.
28. The Archivist does err by asserting that the validity of the ratification of the 14th and/or 15th Amendments to the Constitution for the United States have been litigated before the Courts with the Courts ruling that the claims to

be entirely without merit. Judge James A. Von Der Heydt for the U.S. District Court for the Judicial District of Alaska ruled that the Courts were without jurisdiction to adjudicate the claims as the claims were “*Political Questions*” to the Court. The United States Court of Appeals for the 9th Circuit and the U. S. Supreme Court did sustain the ruling of this U.S. District Court.

VI

THE PRAYER FOR RELIEF

29. The Archivist for the United States has taken the position that Congress did not delegate investigatory authority to the Archivist as part of his duties to issue forth Certificates of Ratification. The Petitioner, Gordon Warren: Epperly, has taken exception.
30. If the Court finds that the Archivist of the United States has been delegated by Congressional legislation the authority to make investigations into the official returns of the action of the various states on proposed Amendments and promulgating such as are thus found to have been duly adopted in accordance to the provisions of the U.S. Constitution, the Petitioner, Gordon Warren: Epperly, hereby moves the Court to issue forth an Order in the nature of Mandamus upon the Respondent, John W. Carlin, to come forth and show cause as to why he should not be Ordered to give answer to the questions of ratification of the 14th and 15th Amendments to the Constitution for the United States as raised within the letter of “*information in the nature of quo warrento*” dated June 9th, 1997 (**Exhibit “E”**).
31. In the alternative, if the Court rules that the Archivist for the United States has not been delegated the authority by Congressional legislation to investigate the official returns of the action of the various states on proposed Amendments and make findings that the Amendments have or have not been adopted in accordance to the provisions of the Constitution for the United States, the Petitioner, Gordon Warren: Epperly, respectfully moves the Court to declare “*specifically,*” in layman’s language, as to who is the responsible Officer or Department that is authorized to make investigations into the ratification of Amendments to the Constitution for the United States.

Dated this 3rd day of September, 1997.

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By Gordon Warren: Epperly - Petitioner