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January 9, 2010

The Honorable Vaughn R. Walker  
Chief Judge of the United States District Court  
for the Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 94102

Re: Perry v. Schwarzenegger, Case No. C-09-2292 VRW

Dear Chief Judge Walker:

The case of Perry v. Schwarzenegger came to the public attention less than five (5) days before the scheduled trial which does not give adequate time for anyone to prepare proper Pleadings or for anyone to seek legal Counsel. Looking at the Pleadings that have been filed in the Court, we see that the people of California and the other States of the Union are without representation even though the ruling of U.S. District Court will have a direct impact upon every citizen of every State in the Union.

The purpose of this letter is to give notice that I, Gordon Warren Epperly, objects to the denial of Due Process of Law (*the right to be heard*) that has been imposed upon me and the people by this U.S. District Court and to challenge the jurisdiction of the Court. The named Defendants are either government employees of the State of California or are members of the California Attorney General Office. Not one of the named Defendants represents the people who authored or voted upon Proposition 8 to which the ruling of this Court will impact. It is common knowledge that a State Attorney General does not represent the people of the State. Are not the people of California entitled to be heard in and through their representatives, the Sponsors of Proposition 8?

The Plaintiffs of this case claim that they have been denied U.S. Constitution, 14<sup>th</sup> Amendment Civil Rights to same sex marriages. There are two major flaws to their claim:

(1) the Congress has resolved the question of same sex marriages with the enactment of the Defense of Marriage Act (DOMA - Public Law 104-199) <sup>1/</sup> on September 21<sup>st</sup>, 1996, and

(2) the 14<sup>th</sup> Amendment to the U.S. Constitution does not exist.

With the enactment of the Defense of Marriage Act (DOMA), the Congress was fulfilling its responsibly under Section 5 <sup>2/</sup> of the purported 14<sup>th</sup> Amendment to the U.S. Constitution. As the Plaintiffs of the above entitled case have not questioned the validity of DOMA, the DOMA law of Congress controls the case of Perry v. Schwarzenegger as the Supreme Law of the Nation.

It is now common knowledge throughout the land that the 14<sup>th</sup> Amendment to the U.S. Constitution was expressly “*rejected*” by more than one-fourth (1/4) of the States in the year of 1867 and as such, the Amendment does not exist. This fact appears on over one hundred internet web sites and the facts have not been repudiated by any Member of

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<sup>1/</sup> **Definition of 'marriage' and 'spouse':**

In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife.

**Powers reserved to the states:**

No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.

<sup>2/</sup> “Congress is empowered to enact legislation enforcing the foregoing sections.”

the U.S. Congress nor by any Judge of a United States Court. The question of ratification of the 14<sup>th</sup> Amendment to the U.S. Constitution is not subject to the Political Question doctrine of the Federal Courts as the U.S. Congress has gone on record and declared that the votes cast under the Reconstruction Acts<sup>3</sup> of 1867 were cast by unlawful governments and that unlawful governments of a State are not entitled to representation in Congress nor participate in the amendment of the U.S. Constitution. The U.S. Congress has declared those votes cast on the 14<sup>th</sup> Amendment after March 2, 1867 are void and without effect. Without the count of the ratification votes cast by unlawful governments, the 14<sup>th</sup> Amendment stands “*rejected.*” See enclosed “*Proclamation.*”

This is an issue of jurisdiction and once jurisdiction has been challenged, the Court has no lawful authority to proceed until the question of jurisdiction has been addressed. As the Plaintiffs raised the question of Civil Rights under the 14<sup>th</sup> Amendment to the U.S. Constitution, the Judicial Officer of this Court needs to put the question of ratification of the 14<sup>th</sup> Amendment to rest if this U.S. District Court is not in agreement with the findings of the U.S. Congress. This case should be dismissed for want of jurisdiction or for failure to state a claim for which relief can be granted.

Sincerely Yours

Gordon Warren Epperly

Enclosed:

Letter from Office of Alaska Attorney General  
Computer Memory Card  
A Proclamation

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<sup>3</sup>/ THIRTY-NINTH CONGRESS, Sess. II, Ch. 153; FORTIETH CONGRESS, Sess. I Ch. 30;  
FORTIETH CONGRESS, Sess. II, Ch. 70.

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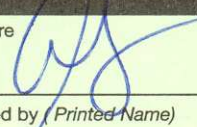
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Dated: January 9, 2010

By \_\_\_\_\_

Gordon Warren Epperly

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