



IN THE CONGRESS
OF THE
UNITED STATES OF AMERICA

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Gordon W. Epperly et.al., Petitioners

v.

United States of America, Respondent

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The Brief of the Petitioner

The Non-Existent Fourteenth Amendment

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Authored by Judge Lander H. Perez, Louisiana
Modified by Gordon Epperly, Alaska

Submitted to U.S. Congress
December 10th, 1995.



THE NULL, VOID AND UNCONSTITUTIONAL 14TH AMENDMENT

The purported 14th Amendment to the United States Constitution is and should be held to be ineffective, invalid, null, void, and unconstitutional for the following reasons:

- The "*House Joint Resolution No. 127*" [*H.J.R. 48*] proposing said "*Amendment*" was not submitted to or adopted by a Constitutional Congress. (*Article I, Section 3, and Article V of the U.S. Constitution.*)
- The "*House Joint Resolution No. 127*" [*H.J.R. 48*] proposing said "*Amendment*" failed to pass both Houses of Congress of the United States.
- The proposed "*14th Amendment*" was rejected by more than one-fourth of all the States in the Union. (*Article V of the U.S. Constitution.*)
- The "*Concurrent Resolution*" of July 21, 1868 was not executed in accordance to *U.S. Const., I:7:3* or in accordance to *U.S. Const., V:1:1*.
- The "*Reconstruction Acts*" of 1867 are repugnant to the Constitution for the United States.
- The *Constitution* strikes the *14th Amendment* with *Nullity*.
- Comments

Note:

In regard to the 14th Amendment; the Record of the "*Congressional Globe*" refers to the "*Joint Resolution*" proposing the Amendment as being **H.J.R. 127**. The Copy of the "*Joint Resolution*" that was submitted to the States for Ratification was referred to as **H.J.R. 48**. Hereinafter, we will refer to the "*Joint Resolution*" as **H.J.R. 127**.

THE UNCONSTITUTIONAL CONGRESS

The U.S. Constitution provides:

ARTICLE I, SECTION 3. *"The Senate of the United States shall be COMPOSED of two Senators from each State..."*

ARTICLE V provides: *"No State, without its consent, shall be deprived of its equal suffrage in the Senate."*

The fact that 23 Senators had been unlawfully excluded from the U.S. Senate [*in order to secure a two-thirds vote for adoption of the "Joint Resolution" (H.J.R 127) proposing the 14th Amendment*] is shown by *Resolutions* of protest adopted by the following State Legislatures:

The New Jersey Legislature [by "*Resolution*" of March 27, 1868] protested as follows:

"The said proposed Amendment, not having yet received the assent of the three-fourths of the states, which is necessary to make it valid, the natural and constitutional right of this state to withdraw its assent is undeniable"

"That it being necessary by the constitution that every Amendment to the same should be proposed by two-thirds of both houses of Congress, the authors of said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two houses eighty representatives from eleven states of the union, upon the pretense that there were no such states in the Union; but, finding that two-thirds of the remainder of the said houses could not be brought to assent to the said proposition, they deliberately formed and carried out the design of mutilating the integrity of the United States Senate, and without any pretext or justification, other than the possession of the power, without the right, and IN PALPABLE VIOLATION OF THE CONSTITUTION, EJECTED A MEMBER OF THEIR OWN BODY, REPRESENTING THIS STATE, and thus practically denied the New Jersey its equal suffrage in the Senate, and thereby nominally secured the vote of two-thirds of the said houses."

New Jersey Acts, March 27, 1868.

The Alabama Legislature protested against being deprived of representation in the Senate of the U.S. Congress (Alabama House Journal 1866, pp. 210-213).

The Texas Legislature protested [by *Resolution*] as follows:

"The Amendment to the Constitution proposed by this joint resolution as Article XIV is presented to the Legislature of Texas for its action thereon, under Article V of that Constitution. This Article V, providing the mode of making amendments to that instrument, contemplates the participation by all the States through their representatives in Congress, in proposing amendments. As representatives from nearly one-third of the States were excluded from the Congress proposing the Amendments, the constitutional requirement was not complied with; it was violated in letter and in spirit; and the proposing of these Amendments to the States which were excluded from all participation in their initiation in Congress, is a nullity."

Texas House Journal, 1866, p. 577

The Arkansas Legislature [by "*Resolution*" on December 17, 1866] protested as follows:

"The Constitution authorized two-thirds of both houses of Congress to propose Amendments; and, as eleven States were excluded from deliberation and decision upon the one now submitted, the conclusion is inevitable that it is not proposed by legal authority, but in palpable violation of the Constitution."

Arkansas House Journal, 1866, p. 287

The Georgia Legislature [by "*Resolution*" on November 9, 1866] protested as follows:

"Since the reorganization of the State government, Georgia has elected Senators and Representatives. So has every other State. They have been arbitrarily refused admission to their seats, not on the ground that the qualifications of the members elected did not conform to the fourth paragraph, second section, first Article of the Constitution, but because their right of representation was denied by a portion of the States having equal but not greater rights than themselves. THEY HAVE IN FACT BEEN FORCIBLY EXCLUDED; and, inasmuch as all legislative power granted by the States to the Congress is defined, and this power of exclusion is not among the powers expressly or by implication, THE ASSEMBLAGE, AT THE CAPITOL, OF REPRESENTATIVES FROM A PORTION OF THE STATES, TO THE EXCLUSION OF THE

REPRESENTATIVES OF ANOTHER PORTION, CANNOT BE A CONSTITUTIONAL CONGRESS, when THE REPRESENTATION OF EACH STATE FORMS AN INTEGRAL PART OF THE WHOLE.

"This Amendment is tendered to Georgia for ratification, under that power in the Constitution which authorizes two-thirds of the Congress to propose Amendments. We have endeavored to establish that Georgia had a right in the first place, as a part of the Congress, to act upon the question, "Shall these Amendments be proposed?" Every other excluded State had the same right.

"The first constitutional privilege has been arbitrarily denied. HAD THESE AMENDMENTS BEEN SUBMITTED TO A CONSTITUTIONAL CONGRESS, THEY NEVER WOULD HAVE BEEN PROPOSED TO THE STATES. Two-thirds of the whole Congress never would have proposed to eleven States voluntarily to reduce their political power in the Union, and at the same time, disfranchised the larger portion of the intellect, integrity and patriotism of eleven co-equal States."

Georgia House Journal, Nov. 9, 1866, pp. 66-67

The Florida Legislature [by "*Resolution*" of December 5, 1866] protested as follows:

"Let this alteration be made in the organic system and some new and more startling demands may or may not be required by the predominant party previous to allowing the ten States now unlawfully and unconstitutionally deprived of their right of representation to enter the Halls of the National Legislature. Their right to representation is guaranteed by the Constitution of this country and there is no act, not even that of rebellion, can deprive them of its exercise."

Florida House Journal, 1866, p. 76

The South Carolina Legislature [by "*Resolution*" of November 27, 1866] protested as follows:

"Eleven of the Southern States, including South Carolina, are deprived of their representation in Congress. Although their Senators and Representatives have been duly elected and have presented themselves for the purpose of taking their seats, their credentials have, in most instances, been laid upon the table without being read, or have been referred to a committee, who have failed to make any report on the subject. In short, Congress has refused to exercise its Constitutional functions, and decide either upon the election, the return, or the qualification of these selected by the States and people to represent us. Some of the Senators and

Representatives from the Southern States were prepared to take the test oath, but even these have been persistently ignored, and kept out of the seats to which they were entitled under the Constitution and laws.

"Hence THIS AMENDMENT HAS NOT BEEN PROPOSED BY `TWO-THIRDS OF BOTH HOUSES' OF A LEGALLY CONSTITUTED CONGRESS, and is not Constitutionally or legitimately, before a single Legislature for ratification."

South Carolina House Journal, 1866, pp. 33 and 34

The North Carolina Legislature protested [by "*Resolution*" of December 6, 1866] as follows:

"The Federal Constitution declare, in substance, that Congress shall consist of a House of Representatives, composed of members apportioned among the respective States in the ratio of their population, and of a Senate, composed of two members from each State. And IN THE ARTICLE WHICH CONCERNS AMENDMENTS, IT IS EXPRESSLY PROVIDED THAT `NO STATE, WITHOUT ITS CONSENT, SHALL BE DEPRIVED OF ITS EQUAL SUFFRAGE IN THE SENATE.' THE CONTEMPLATED AMENDMENT WAS NOT PROPOSED TO THE STATES BY A CONGRESS THUS CONSTITUTED. At the time of its adoption, the eleven seceding States were deprived of representation both in the Senate and House, although they all, except the State of Texas, had Senators and Representatives duly elected and claiming their privileges under the Constitution. In consequence of this, these States had no voice on the important question of proposing the Amendment. HAD THEY BEEN ALLOWED TO GIVE THEIR VOTES, THE PROPOSITION WOULD DOUBTLESS HAVE FAILED TO COMMAND THE REQUIRED TWO-THIRDS MAJORITY

"If the votes of these States are necessary to a valid ratification of the Amendment, they were equally necessary on the question of proposing it to the States; for it would be difficult, in the opinion of the Committee, to show by what process in logic, men of intelligence would arrive at a different conclusion."

North Carolina Senate Journal, 1866-67, pp. 92 and 93

II

THE JOINT RESOLUTION (*H.J.R. 127*) PROPOSING THE 14TH AMENDMENT FAILED TO PASS BOTH HOUSES OF THE UNITED STATES CONGRESS

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

House Joint Resolution No. 127, proposing the Fourteenth Amendment, was a matter of great concern to the Congress and to the people of the Nation. In order to have this proposed Amendment submitted to the 36 States for ratification, it was necessary that two thirds of each house concur. A count of noses showed that only 33 Senators were favorable to the measure with 5 Senators not voting, and 33 was a far cry from two thirds of 72 and lacked one of being two thirds of the 50 seated Senators. (**Congressional Globe, 39th Cong., 1st. sess., S.p. 3042**).

While it requires only a majority of votes to refuse a seat to a Senator, it requires a two thirds majority to unseat a member once he is seated. (see **Article I, Section 5, Constitution for the United States**)

One John P. Stockton was seated on December 5, 1865, as one of the Senators from New Jersey. He was outspoken in his opposition to **Joint Resolution No. 127** proposing the 14th Amendment. The leadership in the Senate, not having control of two thirds of the seated Senators, voted to refuse to seat Mr. Stockton upon the ground that he had received only a plurality and not a majority of the votes of the New Jersey Legislature. It was the law of New Jersey, and several other States, that a plurality vote was sufficient for election. Besides, the Senator had already been seated. Nevertheless, his seat was -refused- and the 33 favorable votes thus became the required two thirds of the 49 members of the Senate. (**State of New Jersey, House Journal, March 27, 1868, pg. 1226; Dyett v. Turner, 439 P2d 266, 20 U.2d. 403 [1968]**)

The position taken by the leadership of the Senate raises several questions:

1. If Senator Stockton was not qualified to be seated as Senator; why did the Speaker of the Senate administer the "*Oath of Office*" upon him and gave him a seat in the Senate?
2. If the Constitution for the United States mandates that a two-third majority vote is required to unseat a Senator; by what authority did the leadership rely upon to remove Senator Stockton from the Senate with only a simply majority vote of that House.
3. If the leadership found a Senator that was elected to the United States Senate by a *plurality vote* of his State Legislature to be unacceptable; why then did the leadership allow his fellow Senator from New Jersey to remain in the Senate? Why did the leadership allow the other Senators that were also seated upon a *plurality vote* of their State Legislature to remain in the Senate?
4. As the Constitution for the United States of 1865 declared at Art. I, Sec. 4, Cl. 1 that the times, places and manner of holding elections for Senators was to be prescribed in each State by the Legislature thereof; but Congress may at any time by law make or alter such regulations, and as Senator Stockton was elected in accordance to the laws of his State as authorized by the Constitution for the United States; by what authority did the leadership of the Senate of the United States rely upon to declare that a Senator appointed to the United States Senate on a "*plurality vote*" was unacceptable?

We can conclude that Senator Stockton had been lawfully appointed to the United States Senate by the Legislature of his State. We can also conclude that Senator Stockton had submitted to a "*Sworn Oath of Office*" and we can conclude that he had a lawful right to cast a "*Negative Vote*" on the House Joint Resolution proposing the 14th Amendment to the Constitution for the United States.

In the House of Representatives, it would require 122 votes to be two thirds of the 184 members seated. Only 120 voted for the proposed Amendment, but because there were 32 abstentions with the 32 nays, it was declared to have been passed by a two thirds vote of the House. (Congressional Globe, 39th Cong., 1st. sess., H.p. 3149).

Whether it requires two thirds of the full membership of both Houses to propose an Amendment to the Constitution or only two thirds of those seated or two thirds of those voting is a question which it would seem could only be determined by the United States supreme court. However, the Article III Courts of the United States have declared in **Unpublished Opinions** that all questions involving the 14th Amendment are "*Political Questions*" to the Courts [Epperly et.al. v. United States, (Dist. Ct. No. J90-010 [Alaska]; Ct. App. 9th Cir. No. 91-35862; Spm. Ct. No. 93-170)].

We can conclude that the term: "*Congress*", as used in U.S. Const. Art. V, has been defined to mean:

"a Senate **COMPOSED** of two Senators, from each State, chosen by the legislature thereof [and] a House of Representatives **COMPOSED** of members chosen every second year by the people of the several states not to exceed one for every thirty thousand. Each state shall have at least one representative."

"Congress" Bouvier's Law Dict., 12th Ed.

As Article V of the Constitution for the United States begins with the word: "*Congress*" and as Article V does not have a provision of a "*pocket veto*" as may be found in U.S. Const., I:7:2; we can conclude that Article V requires that a vote is to be cast by every Member of each House of Congress for a Joint Resolution proposing an Amendment to the Constitution to be valid. As 32 Members of the House of Congress refused to vote and as 5 Members of the Senate were absent and failed to give a proxy vote; House Joint Resolution No. 127 failed for not being submitted to each House of Congress for its approbation in the custom required by Article V of the Constitution for the United States.

The 14th Amendment to the Constitution for the United States is Null and Void:

1. as Senator John P. Stockton's "*Negative Vote*" on H.J.R. 127 caused the United States Senate to fail in obtaining a 2/3rd vote majority needed to pass the *Resolution* out of the Senate.
2. as five absent Senators failed/refused to cast "*proxy votes*" on H.J.R. 127, the *Resolution* failed for not being acted upon in accordance to Article V of the Constitution for the United States.
3. as 32 members of the House of Congress refused to cast a vote on H.J.R. 127, the *Resolution* failed for not being acted upon in accordance to Article V for the Constitution for the United States.

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III

PROPOSED AMENDMENT WAS NEVER RATIFIED BY THREE-FOURTHS OF THE STATES

Pretermitted the ineffectiveness of "**Resolution No. 127**" [as above]; sixteen (16) States out of the then thirty-seven (37) States of the Union rejected the proposed 14th Amendment between the date of its submission to the States by the Secretary of State on June 16, 1866 and March 24, 1868 thereby further nullifying said *Resolution* and making it impossible for its ratification by the constitutionally required three-fourths of such States as shown by the rejections thereof by the Legislatures of the following States:

1. Texas rejected the 14th Amendment on October 27, 1866 (**House Journal 1866**, pp. 578-584 - **Senate Journal 1866**, p. 471.).
2. Georgia rejected the 14th Amendment on November 9, 1866 (**House Journal 1866**, p 68 - **Senate Journal 1866**, p. 8.).
3. Florida rejected the 14th Amendment on December 6, 1866 (**House Journal 1866**, p 76 - **Senate Journal 1866**, p. 8.).
4. Alabama rejected the 14th Amendment on December 7, 1866 (**House Journal 1866**, p. 210-213 - **Senate Journal 1866**, p. 183.).
5. North Carolina rejected the 14th Amendment on December 14, 1866 (**House Journal 1866 - 1867**, p. 183 - **Senate Journal 1866-67**, p. 138.).
6. Arkansas rejected the 14th Amendment on December 17, 1866 (**House Journal 1866**, pp. 288-291 - **Senate Journal 1866**, p. 262.).
7. South Carolina rejected the 14th Amendment on December 20, 1866 (**House Journal 1866**, p. 284 - **Senate Journal 1866**, p. 230.).
8. Kentucky rejected the 14th Amendment on January 8, 1867 (**House Journal 1867**, p. 60 - **Senate Journal 1867**, p. 62.).
9. Virginia rejected the 14th Amendment on January 9, 1867 (**House Journal 1866-67**, p. 108 - **Senate Journal 1866-67**, p. 101.).

10. Louisiana rejected the 14th Amendment on February 9, 1867 ("**Joint Resolution**" as recorded on page 9 of the "**Acts of the General Assembly**," Second Session, January 28, 1867) (McPherson, "**Reconstruction**," p. 194; "**Annual Encyclopedia**," p. 452.).
11. Delaware rejected the 14th Amendment on February 7, 1867 (**House Journal** 1867, p. 223 - **Senate Journal** 1867, p. 808.).
12. Maryland rejected the 14th Amendment on March 23, 1867 (**House Journal** 1867, p. 1141 - **Senate Journal** 1867, p. 808.).
13. Mississippi rejected the 14th Amendment on January 31, 1867 (McPherson, "**Reconstruction**," p. 194.).
14. Ohio rejected the 14th Amendment on January 15, 1868 (**House Journal** 1868, pp. 44-50 - **Senate Journal** 1868, pp. 33-38.).
15. New Jersey rejected the 14th Amendment on March 24, 1868 ("**Minutes of the Assembly**" 1868, p. 743 - **Senate Journal** 1868, p. 356.).
16. California rejected the 14th Amendment on March 3rd, 1868 ("**Journal of the Assembly**" 1867-8, p. 601).
17. Oregon rejected the 14th Amendment by the Senate on October 6, 1868 and by the House on October 15, 1868 proclaiming the Legislature that ratified the Amendment to have been a "defacto" Legislature (**U.S. House of Representatives, 40th Congress, 3rd session, Mis. Doc. No 12**).

There was no question that all of the Southern States [which rejected the 14th Amendment] had legal constituted governments; were fully recognized by the federal government and were functioning as member States of the Union at the time of their rejection.

President Andrew Johnson, in his "*Veto*" message of March 2, 1867 (**House Journal, 39th Congress, 2nd Sess. p. 563** etc.), pointed out that:

"It is not denied that the States in question have each of them an actual government with all the powers, executive, judicial and legislative, which properly belong to a free State. They are organized like the other States of the Union, and, like them they make, administer, and execute the laws which concern their domestic affairs."

If further proof were needed that these States were operating under legally constituted governments as member States in the Union; the **13th Amendment to the United States Constitution** was proposed by "*Joint Resolution*" of Congress (**13 Stat. 567**) and was ratified on December 8, 1865. If the Southern States were not member States of the Union; the **13th Amendment** would not have been submitted to their Legislatures for ratification.

The **13th Amendment** was ratified by 27 States of the then 36 States of the Union, including the Southern States of Virginia, Louisiana, Arkansas, South Carolina, Alabama, North Carolina, and Georgia. This is shown by the "*Proclamation*" of the Secretary of State dated December 18, 1865 (**13 Stat. 774**).

Furthermore; on April 2, 1866, President Andrew Johnson issued a "*Proclamation*" that:

"The insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi and Florida is at an end, and is henceforth to be so regarded."

Presidential Proclamation No. 153,
General Records of the United States,
G.S.A. National Archives and Records Service.

On August 20, 1866; President Andrew Johnson issued another "*Proclamation*" (**14 Stat. 814**) pointing out the fact that the House of Representatives and the Senate had adopted identical "*Resolutions*" on July 22nd (**House Journal, 37th Congress, 1st Sess. p. 123** etc.) and July 25th, 1861, (**Senate Journal, 37th Congress, 1st Sess. p. 91** etc.) declaring that the Civil War [forced by disunionists of the Southern States] was not waged for the purpose of conquest or to overthrow the rights and established institutions of those States; but to defend and maintain the supremacy of the Constitution and to preserve the Union with all equality and rights of the several States unimpaired and that as soon as these objects are accomplished; the war ought to cease. The President's "*Proclamation*" on June 13, 1865 declared the insurrection in the State of Tennessee had been suppressed (**13 Stat. 763**). The President's "*Proclamation*" on April 2, 1866 (**14 Stat. 811**), declared the insurrection in the other Southern States [except Texas] no longer existed. On August 20, 1866 (**14 Stat. 814**); the President proclaimed that the insurrection in the State of Texas had been completely ended and his "*Proclamation*" continued:

"The insurrection which heretofore existed in the State of Texas is at an end, and is to be henceforth so regarded in that State, as in the other States before named in which the said insurrection was proclaimed to be at an end by the aforesaid proclamation of the second day of April, one thousand, eight hundred and sixty-six.

"AND I DO FURTHER PROCLAIM THAT THE SAID INSURRECTION IS AT AN END, AND THAT PEACE, ORDER, TRANQUILITY, AND CIVIL AUTHORITY NOW EXIST, IN AND THROUGHOUT THE WHOLE OF THE UNITED STATES OF AMERICA."

When the State of Louisiana rejected the 14th Amendment on February 6, 1867 [making the 10th State to have rejected the same or more than one-fourth of the total number of 36 States of the Union (as of that date) leaving less than three-fourths of the States to possibly ratify the same]; the Amendment failed of ratification in fact and in law. It could not have been revived except by a new Joint Resolution of the Senate and House of Representatives in accordance with Constitutional requirement.

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IV

THE CONCURRENT RESOLUTION OF JULY 21, 1868

In a Message to the Senate (**Senate Ex. Doc. No. 57 of the 39th Congress, 1st Session**); President Andrew Johnson commented on the "**Concurrent Resolution**" of July 21, 1868 as follows:

"On the 20th of July 1868; Mr. Seward issued his proclamation of ratification of the fourteenth amendment, in which, after reciting the law of 1818 requiring him to publish the ratification of an amendment to the Constitution in the newspapers, he proceeds to say:

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

"And whereas it appears from official documents on file in this department that the amendment to the Constitution of the United States, proposed as aforesaid, has been ratified by the legislatures of the States of Connecticut, New Hampshire, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, Illinois, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, Rhode Island, Wisconsin, Pennsylvania, Michigan, Massachusetts, Nebraska, and Iowa:

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

"Whereas it further appears from official documents on file in this department that the legislatures of two of the States first above enumerated to wit, Ohio and New Jersey, have since passed resolutions, respectively, with drawing the consent of each of said States to the afore-said

amendment, and whereas it is deemed a matter of doubt and uncertainty whether such resolutions are not irregular, invalid, and therefore ineffectual for withdrawing the consent of the said two States or of either of them to the aforesaid amendment, etc."

This language shows very clearly that Mr. Seward had his doubts about the ratification of the Amendment according to the constitutional requirement, and he takes pains to relieve himself of any responsibility by declaring that -

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

"And so forth.

"On the next day, the 21st of July, a member of the Senate (Mr. Sherman) offered a *Joint Resolution* declaring that three fourths and more of the States had ratified the proposed Amendment, and therefore that it was a part of the Constitution. The *Resolution* reads as follows:

"Whereas the legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont, West Virginia, Kansas, Missouri, Indiana, Ohio, Illinois, Minnesota, New York, Wisconsin, Pennsylvania, Rhode Island, Michigan, Nevada, New Hampshire, Massachusetts, Nebraska, Maine, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, being three-fourths and more of the several States of the Union, having ratified the fourteenth article of amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the Thirty-ninth Congress: Therefore

"RESOLVED BY THE SENATE (THE HOUSE OF REPRESENTATIVES CONCURRING),

"That said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated by the Secretary of State.

"July 21, Passed the Senate without a count. (**Journal of the Senate, July 21, 1868, pg. 709**).

"Same day, Passed the House: The resolution - yeas 126, nays 32; the preamble - yeas 127, nays 35. (**Journal of the House, July 21, 1868, pgs. 1126-27**).

"Georgia has ratified it since, by a majority of 10 in the Senate and 24 in the House."

"In this matter; Congress proceeded ultravires, the Senate and House each being *functus officio* as far as this amendment was concerned. They had done all that the Constitution authorized them to do to submit the proposed amendment. It was not left for the Congress to decide whether or not the States had done their duty under the Constitution. This, as has been shown in the many cases cited above, particularly **Gordon v. United States** and **Luther v. Borden**, was strictly a judicial question with which Congress had nothing to do. However; it had an effect upon the Secretary of State and on the 28th of July, he issued a second proclamation as follows:

"Final certificate of Mr. Secretary Seward respecting the ratification of the fourteenth amendment to the Constitution July 28, 1868

"By William H. Seward, Secretary of State of the United States

"To all to whom they presents may come, greeting:

"Whereas by an act of Congress passed on the 29th of April, 1818, entitled "***An act to provide for the publication of the laws of the United States, and for other purposes,***" it is declared, that whenever official notice shall have been received at the Department of State that any amendment heretofore has been and hereafter may be proposed to the Constitution of the United States has been adopted according to the provisions of the Constitution, it shall be the duty of the said Secretary to State forthwith to cause the said amendment to be published in the newspapers authorized to promulgate the laws, 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 purpose as a part of the Constitution of the United States; and

"Whereas the Congress of the United States, on or about the 16th day of June, 1860, submitted to the legislatures of the several States a proposed amendment to the Constitution in the following words, to wit:"

"Then follows copy of the fourteenth amendment on the Constitution.

"And whereas the Senate and House of Representatives of the Congress of the United States on the 21st day of July, 1868, adopted and transmitted to

the Department of State, a concurrent resolution, which concurrent resolution is in the words and agues following, to wit:

"IN THE SENATE OF THE UNITED STATES, July 21, 1868

"Whereas the legislatures of the States of Connecticut, Tennessee, New Jersey, Oregon, Vermont, West Virginia, Kansas, Missouri, Indiana, Ohio, Illinois, Minnesota, New York, Wisconsin, Pennsylvania, Rhode Island, Michigan, Nevada, New Hampshire, Massachusetts, Nebraska, Maine, Iowa, Arkansas, Florida, North Carolina, Alabama, South Carolina, and Louisiana, having three-fourths and more of the several States of the Union, have ratified the fourteenth article of amendment to the Constitution of the United States, duly proposed by two-thirds of each House of the Thirty-ninth Congress, Therefore;

"RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, that said fourteenth article is hereby declared to be a part of the Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State.

"Att: George C. Gornam, Secretary.

"And whereas official notice has been received at the Department of State that the legislatures of the several States next hereinafter named have, at the time respective herein provided, taken the proceedings hereinafter voted upon or in relation to the ratification of the said proposed amendment called Article XIV, namely:

"The legislature of Connecticut ratified the amendment June 30, 1866; the legislature of New Hampshire ratified it July 7, 1866; the legislature of Tennessee ratified it July 19, 1866; the legislature of New Jersey ratified it September 11, 1866, and the legislature of the same State passed a resolution in April, 1868, to withdraw the consent to it (on March 5, 1868, readopted its resolution of recession over the Governor's veto); the legislature of Oregon ratified it September 19, 1868 (and rescinded its ratification on October 15, 1868); the legislature of Texas rejected it November 3, 1866; the legislature of Vermont ratified it *** previous to November 9, 1866 (October 30, 1866); the legislature of Georgia rejected it November 13, 1866, and the legislature of the same State ratified it July 21, 1868; the legislature of North Carolina rejected it December 4, 1866; and the legislature of the same State ratified it July 4, 1868; the legislature of South Carolina rejected it December 20, 1866, and the legislature of the same State ratified it July 9, 1868; the legislature of Virginia rejected it January 9, 1867; the legislature of Kentucky rejected it January 10, 1867; the legislature of New York ratified it January 10, 1867; the legislature of Ohio ratified it

January 11, 1867, and the legislature of the same State passed a resolution in January (15), 1868, to withdraw its consent to it; the legislature of Indiana ratified it January 15, 1867; the legislature of West Virginia ratified it January 16, 1867; the legislature of Kansas ratified it January 18, 1867; and the legislature of Maine ratified it January 19, 1867; the legislature of Nevada ratified it January 22, 1867; the legislature of Indiana ratified it January 29, 1867; the legislature of Missouri ratified it on or previous to January 28, 1867; the legislature of Minnesota ratified it February 1, 1867; the legislature of Rhode Island ratified it February 7, 1867; the legislature of Wisconsin ratified it February 8, 1867; the legislature of Pennsylvania ratified it February 13, 1867; the legislature of Michigan ratified it February 15, 1867; the legislature of Massachusetts ratified it March 20, 1867; the legislature of Maryland rejected it March 24, 1867; the legislature of Nebraska ratified it June 15, 1867; the legislature of Iowa ratified it April 3, 1868; the legislature of Florida ratified it June 9, 1868; the legislature of Louisiana ratified it July 9, 1868; and the legislature of Alabama ratified it July 13, 1868.

"Now, therefore, be it known that I, William H. Seward, Secretary of State of the United States, in execution of the aforesaid act, and of the aforesaid concurrent resolution of the 21st of July, 1868, and in *** thereto, do hereby direct the said proposed amendment to the Constitution of the United States to be published in the newspapers authorized to promulgate the laws to the United States, and I do hereby certify that the said proposed amendment has been adopted in the manner heretofore mentioned by the States specified in the said concurrent resolution, namely the States of Connecticut, New Hampshire, Tennessee, New Jersey, Oregon, Vermont, New York, Ohio, ***, West Virginia, Kansas, Maine, Nevada, Missouri, Indiana, Minnesota, Rhode Island, Wisconsin, Pennsylvania, Michigan, Massachusetts, Nebraska, Iowa, Arkansas, Florida, North Carolina, Louisiana, South Carolina, Alabama, and also by the legislature of the State of Georgia, the States thus specified being more than three-fourths of the States of the United States.

"And I do further certify that the said amendment has hereto be valid in all intents and purposes as a part of the Constitution of the United States.

"In testimony whereof I have hereunto set my hand and caused the seal of the Secretary of State to be affixed.

"Done at the city of Washington the 28th day of July, in the year of our lord Jesus, and of the Independence of the United States of America the ninety third.

"[SEAL] "William H. Seward" "Secretary of State"

"In this matter nothing has happened to change the mind or solve the doubts of the Secretary, but as an executive officer, he was compelled to obey a joint resolution of Congress whatever his own opinion might be of the power of Congress to pass it, that being, as I have said above, a judicial question.

/s/ Andrew Johnson, President

We can conclude that the **Concurrent Resolution** of July 21, 1868 is not a valid *Resolution* as:

1. the ***Concurrent Resolution*** was not a Resolution proposing an Amendment nor was the Resolution calling forth a Constitutional Convention to propose Amendments; the ***Concurrent Resolution*** was not a Resolution executed under **Article V of the Constitution for the United States**.
2. the ***Concurrent Resolution*** fell outside **Article V of the Constitution for the United States**; the Resolution is governed by the procedures of **U.S. Const., I:7:3** -

"Every order, RESOLUTION, or vote to which the concurrence of the Senate and House of Representatives may be necessary, (except on a question of adjournment) SHALL BE PRESENTED TO THE PRESIDENT OF THE UNITED STATES; AND BEFORE THE SAME SHALL TAKE EFFECT, SHALL BE APPROVED BY HIM, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill." [Emphasis added]

And as there are no Records showing that the Resolution was ever submitted to the President of the United States for his approbation [and even if it could be said that the Resolution was submitted to the President], we can conclude from the above Message that the President would have "*Vetoed*" the Resolution. If the Resolution was "*Vetoed*" [and as there are no Records showing that either House of Congress voted to repass the Resolution over the Veto], we can conclude that the ***Concurrent Resolution*** of July 21, 1868 failed.

As the ***Concurrent Resolution*** of July 21, 1868 was not legislated under **U.S. Const., I:7:1** nor legislated under **U.S. Const., Art. 5**; we must conclude that the Resolution is "*Nullified*" and "*Void*" for being repugnant to the Constitution for the United States. And as the "***Proclamation***" of July 28, 1868 was issued under the mandate of ***Concurrent Resolution*** of July 21, 1868; we must also conclude that the "***Proclamation***" is also "*Nullified*" and "*Void*".

THE "RECONSTRUCTION ACTS" OF 1867

Faced with the positive failure of ratification of the 14th Amendment; both Houses of Congress [between the dates of March 2 and July 19, 1867], passed over the "Veto" of the President on three "Acts" [known as "**Reconstruction Acts**," especially the "third" of said "Acts" (**15 Stat. 14** etc.)]; designed to illegally remove [with "*Military force*"] the lawfully constituted State Legislatures of the 10 Southern States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana and Texas. In President Andrew Johnson's "Veto" message on the "**Reconstruction Act**" of March 2, 1867; he pointed out these unconstitutionalitys:

"If ever the American citizen should be left to the free exercise of his own judgment, it is when he is engaged in the work of forming the fundamental law under which he is to live. That work is his work, and it cannot properly be taken out of his hands. All this legislation proceeds upon the contrary assumption that the people of each of these States shall have no constitution, except such as may be arbitrarily dictated by Congress, and formed under the restraint of military rule. A plain statement of facts makes this evident.

"In all these States there are existing Constitutions, framed in the accustomed way by the people. Congress, however, declares that these Constitutions are not '*loyal and republican*,' and requires the people to form them anew. What, then, in the opinion of Congress, is necessary to make the Constitution of a State '*loyal and republican*?' The original Act answers the question: 'It is universal negro suffrage', a question which the federal Constitution leaves exclusively to the States themselves. All this legislative machinery of martial law, military coercion, and political disfranchisement is avowedly for that purpose and none other. The existing Constitutions of the ten States conform to the acknowledged standards of loyalty and republicanism. Indeed, if there are degrees in republican forms of government, their Constitutions are more republican now, than when these States - four of which were members of the original thirteen - first became members of the Union."

In President Andrew Johnson's "*Veto*" message on the "*Reconstruction Act*" on July 19, 1867 (House Journal, 40th Congress, 1st Sess. p. 232 etc.); he pointed out various unconstitutionality as follows:

"The veto of the original bill of the 2d of March was based on two distinct grounds, the interference of Congress in matters strictly appertaining to the reserved powers of the States, and the establishment of military tribunals for the trial of citizens in time of peace.

* * * *

"A singular contradiction is apparent here, Congress declare these local State governments to be illegal governments, and then provides that these illegal governments shall be carried on by federal officers who are to perform the very duties on its own Officers by this illegal State authority. It certainly would be a novel spectacle if Congress should attempt to carry on a legal State government by the agency of its own Officers. It is yet more strange that Congress attempts to sustain and carry on an illegal State government by the same federal agency.

* * * *

"It is now too late to say that these ten political communities are not States of this Union. Declarations to the contrary made in these three Acts are contradicted again and again by repeated Acts of legislation enacted by Congress from the year 1861 to the year 1867.

"During that period, while these States were in actual rebellion, and after that rebellion was brought to a close, they have been again and again recognized as States of the Union. Representation has been apportioned to them as States. They have been divided into judicial districts for the holding of district and circuit courts of the United States, as States of the Union only can be districted. The last Act on this subject was passed July 23, 1866, by which every one of these ten States was arranged into districts and circuits.

"They have been called upon by Congress to act through their legislatures upon at least two amendments to the Constitution of the United States. As States, they have ratified one Amendment, which required the vote of twenty-seven States of the thirty-six then composing the Union. When the requisite twenty-seven votes were given in favor of that Amendment - seven of which votes were given by seven of these ten States - it was proclaimed to be a part of the Constitution of the United States or any place subject to their jurisdiction. If these seven States were not legal States of the Union, it follows as an inevitable consequence that in some of the States slavery yet exists. It does not exist in these seven States, for they have abolished it also in their State Constitutions; but Kentucky not having

done so, it would still remain in that State. But, in truth, if this assumption that these States have no legal State governments be true, then the abolition of slavery by these illegal governments binds no one, for Congress now denies to these States the power to abolish slavery by DENYING TO THEM THE POWER TO ELECT A LEGAL STATE LEGISLATURE, or to frame a Constitution for any purpose, even for such a purpose as the abolition of slavery.

"As to the other constitutional Amendment having reference to suffrage, it happens that these States have not accepted it. The consequence is, that it has never been proclaimed or understood, even by Congress, to be a part of the Constitution of the United States. The Senate of the United States has repeatedly given its sanction to the appointment of judges, district attorneys, and marshals for every one of these States; yet, if they are not legal States, not one of these judges is authorized to hold a court. So, too, both houses of Congress have passed appropriation bills to pay all these judges, attorneys, and officers of the United States for exercising their functions in these States.

"Again, in the machinery of the internal revenue laws, all these States are districted, not as `Territories,' but as `States.'

"So much for continuous legislative recognition. The instances cited, however, fall far short of all that might be enumerated. Executive recognition, as is well known, has been frequent and unwavering. The same may be said as to judicial recognition through the Supreme Court of the United States.

* * * *

"To me these considerations are conclusive of the unconstitutionality of this part of the bill now before me, and I earnestly commend their consideration to the deliberate judgment of Congress.

"Within a period less than a year, the legislation of Congress has attempted to strip the executive department of the government of some of its essential powers. The Constitution, and the oath provided in it, devolve upon the President the power and duty to see that the laws are faithfully executed. The Constitution, in order to carry out this power, gives him the choice of the agents, and makes them subject to his control and supervision. But in the execution of these laws, the constitutional obligation upon the President remains, but the powers to exercise that constitutional duty is effectually taken away. The military commander is, as to the power of appointment, made to take the place of its President, and the General of the Army the place of the Senate; and any attempt on the part of the President to assert his own constitutional power may, under pretense of law, be met by official insubordination. It is to be feared that these military Officers, looking to the authority given by these laws rather than to the letter of the Constitution, will recognize no authority but the commander of the district and the General of the army.

"If there were no other objection than this to this proposed legislation, it would be sufficient."

No one can contend that the "**Reconstruction Acts**" were ever upheld as being valid and constitutional.

They were brought into question; but the Courts either avoided decision or were prevented by Congress from finally adjudicating upon their constitutionality.

In Mississippi v. President Andrew Johnson, 4 Wall. 475-502 [where the suit sought to enjoin the President of the United States from enforcing provisions of the "**Reconstruction Acts**"; the U.S. Supreme Court held that the President cannot be enjoined because for the Judicial Department of the government to attempt to enforce the performance of the duties by the President might be justly characterized [in the language of Chief Justice Marshall] as "*an absurd and excessive extravagance*." The Court further said that if the Court granted the injunction against enforcement of the "**Reconstruction Acts**" and if the President refused obedience; it is needless to observe that the Court is without power to enforce its process.

In a joint action; the States of Georgia and Mississippi brought suit against the President and the Secretary of War. The Court said that:

"The bill then sets forth that the intent and design of the Acts of Congress, as apparent on their face and by their terms, are to overthrow and annul this existing state government, and to erect another and different government in its place, unauthorized by the Constitution and in defiance of its guarantees; and that, in furtherance of this intent and design, the defendants, the Secretary of War, the General of the Army, and Major-General Pope, acting under Orders of the President, are about setting in motion a portion of the army to take military possession of the State, and threaten to subvert her government and subject her people to military rule; that the State is holding inadequate means to resist the power and force of the Executive Department of the United States; and she therefore insists that such protection can, and ought to be afforded by a decree or order of his court in the premises."

Georgia and Mississippi v President
and the Secretary of War,
6 Wall. 50-78, 154 U.S. 554

The applications for injunction by these two States to prohibit the Executive Department from carrying out the provisions of the "**Reconstruction Acts**" directed to the overthrow of their government [including the dissolution of their State Legislatures] were denied on

the grounds that the organization of the government into three great departments; the executive, legislative, and judicial; carried limitations of the powers of each by the Constitution. This case went the same way as the previous case of **Mississippi against President Johnson** and was dismissed without adjudicating upon the constitutionality of the "***Reconstruction Acts***".

In another case; *ex parte* **William H. McCardle**, 7 Wall. 506-515, a petition for the '***writ of habeas corpus***' for unlawful restraint by military force of a citizen not in the military service of the United States was before the United States Supreme Court. After the case was argued and taken under advisement [and before conference in regard to the decision to be made]; Congress passed an "***Emergency Act***" [("**Act**" of March 27, 1868, **15 Stat. at L . 44**), vetoed by the President and re-passed over his "Veto"] repealing the jurisdiction of the U.S. Supreme Court in such case. Accordingly; the Supreme Court dismissed the Appeal without passing upon the constitutionality of the "***Reconstruction Acts***" [under which the non-military citizen was held by the military without benefit of '***writ of habeas corpus***,' in violation of **Section 9, Article I of the U.S. Constitution** which prohibits the suspension of the '***writ of habeas corpus***'].

That "***Act***" of Congress placed the "***Reconstruction Acts***" beyond judicial recourse and avoided test of constitutionality.

It is recorded that one of the Supreme Court Justices (Grier) protested against the action of the Court as follows:

"This case was fully argued in the beginning of this month. It is a case which involves the liberty and rights, not only of the appellant but of millions of our fellow citizens. The country and the parties had a right to expect that it would receive the immediate and solemn attention of the court. By the postponement of this case we shall subject ourselves, whether justly or unjustly, to the imputation that we have evaded the performance of a duty imposed on us by the Constitution, and waited for Legislative interposition to supersede our action, and relieve us from responsibility. I am not willing to be a partaker of the eulogy or opprobrium that may follow. I can only say ... I am ashamed that such opprobrium should be cast upon the court and that it cannot be refuted."

In the most recent case; the Courts of **Epperly et.al. v. United States**, (*Dist. Ct. No. J90-010 [Ak]; Ct. App. 9th Cir. No. 91-35862; Spm. Ct. No. 93-170; Fed. Cl. No. 95-281C*) declared within **Unpublished Opinions** that the constitutional questions involved in the passage of the "***Reconstruction Acts***" were "***Political Questions***" and then dismissed the case without further comment.

[**Note:** The U.S. Court of Appeals 9th Circuit fined the Epperlys \$2,500 for bringing the 14th Amendment before the Courts. This is the first time that a Court

of the United States sanctioned a sovereign for questioning an Amendment to the United States Constitution.]

The ten States were organized into Military Districts under the unconstitutional "**Reconstruction Acts**," with their lawfully constituted Legislatures illegally removed by "military force," and they were replaced by rump, so-called Legislatures; seven of which carried out military Orders and pretended to ratify the 14th Amendment, as follows:

1. Arkansas on April 6, 1868 (**McPherson, Reconstruction**, p. 53.)
2. North Carolina on July 2, 1868 (**House Journal** [1868], p. 15; **Senate Journal** [1868], p. 15.)
3. Florida on June 9, 1868 (**House Journal** [1868], p. 9; **Senate Journal** [1868], p. 8.)
4. Louisiana on July 9, 1868 (**Senate Journal** [1868], p. 21.)
5. South Carolina on July 9, 1868 (**House Journal** [1868], p 50; **Senate Journal** [1868], p 12.)
6. Alabama on July 13, 1868 (**Senate Journal, 40th Congress, 2nd Sess. p. 725.**)
7. Georgia on July 21, 1868 (**House Journal**, [1868], p 50.)

Of the above seven (7) States whose Legislatures were removed and replaced by rump, so-called Legislatures; six (6) Legislatures of the States of Louisiana, Arkansas, South Carolina, Alabama, North Carolina and Georgia had ratified the 13th Amendment [as shown by the Secretary of State's "**Proclamation**" of December 18, 1865]. Without the six (6) States' Ratifications; the 13th Amendment could not and would not have been ratified because said six (6) States made a total of twenty-seven (27) out of thirty-six (36) States or exactly three-fourths of the number required by **Article V of the U.S. Constitution** needed for ratification.

Furthermore; governments of the States of Louisiana and Arkansas had been re-established under a "**Proclamation**" issued by President Abraham Lincoln on December 8, 1863 (See **Vol. I, pp. 288-306; Vol. II, pp. 1429-1448 - "The Federal and State Constitutions,**" etc., compiled under "Act" of Congress on June 30, 1906, Francis Newton Thorpe, Washington Government Printing Office [1906]).

The government of North Carolina had been re-established under a "**Proclamation**" issued by President Andrew Johnson dated May 29, 1865 (Same, **Thorpe, Vol. V, pp. 2799-2800.**)

The government of Georgia had been re-established under a "*Proclamation*" issued by President Andrew Johnson dated June 17, 1865 (Same, **Thorpe, Vol. II, pp. 809-822**).

The government of Alabama had been re-established under a "*Proclamation*" issued by President Andrew Johnson dated June 21, 1865 (Same, **Thorpe, Vol. I, pp. 116-132**).

The government of South Carolina had been re-established under a "*Proclamation*" issued by President Andrew Johnson dated June 30, 1865 (Same, **Thorpe, Vol. VI, pp. 3269-3281**).

These three "*Reconstruction Acts*" [(**14 Stat. 428**, etc. **15 Stat. 14**, etc.) under which the above State Legislatures were illegally removed and unlawful rump or puppet so-called Legislatures were substituted in a mock effort to ratify the 14th Amendment] were unconstitutional, null and void, abinitio, and all acts done there under were also null and void including the purported ratification of the 14th Amendment by said 6 Southern puppet State Legislatures of Arkansas, North Carolina, Louisiana, South Carolina, Alabama and Georgia.

Those "*Reconstruction Acts*" of Congress [and all *Acts* and *Things* unlawfully done there under] were in violation of **Article IV, Section 3, Clause 2 of the U.S. Constitution** [which required the United States to guarantee every State in the Union a republican form of government]. They violated **Article I, Section 3, Clause 1** and **Article V** of the **U.S. Constitution** as they denied several States in the Union to two Senators [under provisions of these unlawful "*Acts*" of Congress; ten (10) States were deprived of having the two Senators, or equal suffrage in the Senate].

The Secretary of State expressed doubt as to whether three-fourths of the required States had ratified the 14th Amendment [as shown by his "*Proclamation*" of July 20, 1868 (**15 Stat. 706**)]. Promptly; on July 21, 1868, a "*Joint Resolution*" [**House Journal, 40th Congress, 2nd. Sess. p. 1126** etc.] was adopted by the Senate and House of Representatives declaring that three-fourths of the several States of the Union had ratified the 14th Amendment. That resolution; however, included purported ratifications by the unlawful puppet Legislatures of five (5) States [Arkansas, North Carolina, Louisiana, South Carolina and Alabama] which had previously rejected the 14th Amendment by action of their lawfully constituted Legislatures [as above shown]. This "*Joint Resolution*" assumed to perform the function of the Secretary of State in whom Congress (by "*Act*" of April 20, 1818) had vested the function of issuing such *Proclamation* declaring the ratification of Constitutional Amendments.

The Secretary of State bowed to the action of Congress and issued his "*Proclamation*" on July 28, 1868 (**15 Stat. 708**) in which he stated that he was acting under authority of the "*Act*" of April 20, 1818; but pursuant to said "*Resolution*" of July 21, 1868. He listed three-fourths or so of the then thirty-seven (37) States as having ratified the 14th Amendment [including the purported ratification of the unlawful puppet Legislatures of the States of Arkansas, North Carolina, Louisiana, South Carolina and Alabama].

Without the said five (5) unlawful purported ratifications; there would have been only twenty-five (25) States [out of 37] left to ratify the Amendment when a minimum of twenty-eight (28) States was required for ratification by three-fourths of the States of the Union.

The "**Joint Resolution**" of Congress [and the resulting "**Proclamation**" of the Secretary of State] also included purported ratifications by the States of Ohio and New Jersey although the "**Proclamation**" recognized the fact that the Legislatures of said States [several months previously] had withdrawn their "**Ratifications**" and effectively rejected the 14th Amendment in January, 1868 and April of 1868.

Therefore; deducting these two States from the purported ratifications of the 14th Amendment, only 23 State ratifications [at most] could be claimed whereas the ratification of twenty-eight (28) States [or three-fourths of thirty-seven (37) States in the Union] were required to ratify the 14th Amendment.

With the United States Supreme Court's **Dred Scott v. Sanford**, (60 U.S. 405) ruling that a Negro had no rights under the Constitution for the United States to either obtain rights of citizenship or rights of suffrage; the "**Reconstruction Acts**" of 1867 fails on the following grounds of repugnancy:

1. The "**Reconstruction Acts**" granted the Negroes of the Rebel States the rights of holding public office of Legislator and thus the U.S. Congress granted the Negro population the status of "citizen" **BEFORE** the 14th Amendment was proclaimed to be an Amendment to the United States Constitution. [**THIRTY-NINTH CONGRESS, SESS. II, Ch. 153 at Section 5**].
2. The "**Reconstruction Acts**" granted the Negroes of the Rebel States the rights of "**suffrage**" **BEFORE** the 15th Amendment was proclaimed to be an Amendment to the United States Constitution. [**THIRTY-NINTH CONGRESS, SESS. II, Ch. 153 at Section 5**].

The "**Reconstruction Acts**" also fails on the following grounds of repugnancy:

1. The Congress of the United States declared that the original signatory States to the "**Articles of Confederation**" (Virginia, North Carolina, South Carolina, and Georgia) were "**Military Districts**" of the United States and thus the Congress of the United States dissolved the "**Perpetual Union**" Agreement of those States in violation of **Article XIII** of the **Articles of Confederation**. [**THIRTY-NINTH CONGRESS, SESS. II, Ch. 153 at Section 1**] (see also **State of Texas v. White**, 7 Wall. 700, 19 L.Ed. 227).
2. The Congress of the United States granted authority to "**Military Districts**" of the United States to ratify Amendments to the United States Constitution in violation

of U.S. Const., Article V. [THIRTY-NINTH CONGRESS, SESS. II, Ch. 153 at Section 5].

3. Denied the Rebel States representation in Congress in violation of Paragraph Two of Article V of the Articles of Confederation. [THIRTY-NINTH CONGRESS, SESS. II, Ch. 153 at Section 5].
4. Denied the people of the Rebel States the privilege of holding Public Office if they were excluded under the provisions of the 14th Amendment **BEFORE** the 14th Amendment was proclaimed to be an Amendment to the United States Constitution. [THIRTY-NINTH CONGRESS, SESS. II, Ch. 153 at Section 5].
5. Denied the people of the Rebel States the rights of suffrage unless they were qualified under the *Third Article* of the *14th Amendment* **BEFORE** the 14th Amendment was proclaimed to be an Amendment to the United States Constitution. [THIRTY-NINTH CONGRESS, SESS. II, Ch. 153 at Section 6].
6. If the "*Reconstruction Acts*" were enacted under U.S. Const., IV:4:1; the "*Reconstruction Acts*" fails as Congress had no Constitutional authority to create Civil governments within a free compact State of the united States of America that consisted of "*Aliens*" (**Negroes are Aliens** [Dred Scott v. Sanford, 60 U.S. 405])

The "*Reconstruction Acts*" of 1867 also presents a controversy between the Executive and Legislative branches of the National Government. The Executive branch ruled via *Presidential Proclamation* of April 2, 1866 [14 Stat. 811] that:

"... the laws can be sustain and enforced in the said State(s) of [*named*] by the proper civil authority, State or Federal, and the people"

/s/ **Andrew Johnson, President**

And the *Presidential Proclamation* of August 20, 1866 [14 Stat. 814]:

"And I do further proclaim that the said insurrection is at an end, and that peace, order, tranquility and civil authority now exist in and throughout the whole of the United States of America."

/s/ **Andrew Johnson, President**

and thus the Executive branch has declared that the Rebel States were operating under lawful civil governments at the end of the Civil War whereas the Legislative branch ruled (via *Presidential Veto* override) that:

"Whereas no legal State governments ... now exists in the rebel States of [named] ..., any civil governments which may exist therein shall be deemed provisional only, ..."

THIRTY-NINTH CONGRESS, Sess. II, Ch. 153 [14 Stat. 428]

As **U.S. Const., IV:4:1** declares that it shall be the "*United States*" that will guarantee every State of the Union a Republican form of government; these "*Acts*" of Congress and "*Proclamations*" by the President of the United States presents a true controversy under **Article III** of the **United States Constitution** that is appropriate for resolution by the United States Supreme Court.

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

1. Why did Congress submit the Resolution proposing the **13th Amendment** to the **United States Constitution** to the Rebel States for ratification?
2. Why did Congress accept the Rebel States "*ratification votes*" on the **13th Amendment**?
3. Why did Congress submit the *Resolution* proposing the **14th Amendment** to the **United States Constitution** to the Rebel States for ratification?
4. As both Houses of Congress passed "*Resolutions*" declaring that the Civil War was not waged in the spirit of oppression nor for purpose of overthrowing or INTERFERING WITH THE RIGHTS OR ESTABLISHED INSTITUTIONS OF THOSE (Rebel) STATES; Why did Congress wait until those Rebel States cast a "*negative*" ratification vote on the 14th Amendment before declaring the civil governments of those States as being unlawful?
5. Did the Rebel States have lawful governments before the enactment of the "*Reconstruction Acts*?"
6. At the time a freely associated compact State of the United States of America is declared to have an unlawful civil government under **U.S. Const., IV:4:1** and is under "*Martial Law*;" is that State a "*State*" as that term is used in **U.S. Const., V:1:1**?

7. At the time a freely associated compact State of the united States of America is under "*Martial Law*" of the corporate United States; do those States have a Republican form of government as guaranteed by **U.S. Const., IV:4:1**?
8. Can Congress use **U.S. Const., IV:4:1** to substitute one Republican form of government for another for the purpose of compelling People of a freely associated compact State of the united States of America to ratify a proposed Amendment to the Constitution for the United States?
9. If Congress has the "*textually demonstrable commitment*" and thus had the exclusive and plenary powers to declare the Rebel States to have unlawful civil governments under **U.S. Const., IV:4:1**; why did Congress find the need to submit the "*Reconstruction Acts*" to the President of the United States for his signature, a procedure that is governed by **U.S. Const., I:7:2**? And why did Congress find the need to "*repass*" the "*Reconstruction Acts*" over the "*Veto*" of the President of the United States?
10. And if Congress has the "*textually demonstrable commitment*" to declared that a freely associated compact State of the united States of America has an unlawful civil government; we must ask:

"When did the Rebel States have lawful civil governments?"

The Congress answered the question within: - "*An Act to provide for the more efficient Government of the Rebel States*" (**THIRTY-NINTH CONGRESS, Sess. II, Ch. 153**) and within the: - "*Act to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida, to Representation in Congress*" (**FORTIETH CONGRESS, Sess II, Ch. 70, ss 3. [14 Stat. 73, 74]**), and within the: - "*Act to admit the State of Texas to Representation in the Congress of the United States*" (**FORTY-FIRST CONGRESS, Sess. II, Ch. 39**) wherein Congress declared that the Rebel States were not to be recognized as "*States*" with lawful civil governments until said States ratified the 14th Amendment. By the mouth of Congress; the purported votes cast for the ratification of the 14th Amendment were cast by unlawful civil governments of those States.

If the Rebel States had lawful civil governments, as declared by the "*Proclamations*" of the President of the United States; the "*negative votes*" cast by those Rebel States on the 14th Amendment must be found to be the valid votes of those States. If this is true; the 14th Amendment failed ratification as not being ratified by 3/4ths of the States as required by **Article V** of the **United States Constitution**.

From all of the above documented historic facts; it is inescapable that the 14th Amendment never was validly adopted as an "*Article*" (Amendment) of the "U.S. Constitution" and therefore it has no legal effect and it should be declared unconstitutional [*and therefore null, void and of no effect*].

VI

THE CONSTITUTION STRIKES THE 14TH AMENDMENT WITH NULLITY

The defenders of the 14th Amendment contend that the U.S. Supreme Court has finally decided upon its validity. Such is not the case.

In what is considered the leading case (**Coleman v. Miller**, 307 U.S. 448, 59 S.Ct. 972); the U.S. Supreme Court did not uphold the validity of the 14th Amendment.

In that case; the Court brushed aside constitutional questions as though they did not exist. For instance; the Court made the statement that:

"The legislatures of Georgia, North Carolina and South Carolina had rejected the amendment in November and December, 1866. NEW GOVERNMENTS WERE ERECTED IN THOSE STATES (AND IN OTHERS) UNDER THE DIRECTION OF CONGRESS. The NEW LEGISLATURES ratified the amendment, that of North Carolina on July 4, 1868, that of South Carolina on July 9, 1868, and that of Georgia on July 21, 1868."

And the Court gave no consideration to the fact that Georgia, North Carolina and South Carolina were three of the original States of the Union with valid and existing Constitutions on an equal footing with the other original States and those later admitted into the Union.

What constitutional right did Congress have to remove those State governments and their Legislatures under unlawful military power set up by the unconstitutional "**Reconstruction Acts**" [which had for their purpose; the destruction and removal of these legal State governments and the nullification of their Constitutions]?

The fact that these three States and seven other Southern States had existing Constitutions and were recognized as States of the Union [*again and again*]; had been divided into judicial districts for holding their district and circuit Courts of the United States. Had been called upon by Congress to act through their Legislatures upon three Amendments [*the 13th, 14th, and 15th*] and by their ratifications; had actually made possible the adoption of the 13th Amendment. Had their State governments been re-established under Presidential Proclamations [as shown by President Andrew Johnson's "*Veto*" message

and "*Proclamations*"; all these facts were brushed aside by the Court in COLEMAN by the statement that:

"New governments were erected in those States (and in others) under the direction of Congress."

and that NEW LEGISLATURES ratified the Amendment.

The U.S. Supreme Court overlooked the fact that it previously had held that at no time were these Southern States out of the Union (State of Texas v. White, 7 Wall. 700, 19 L.Ed. 227, 726; White v. Hart, 13 Wall. 646, 654 [1871]).

In COLEMAN; the Court did not adjudicate upon the validity of the "*Acts*" of Congress [which set aside those State Constitutions and abolished their State Legislatures]; the Court simply referred to the fact that their legally constituted Legislatures had rejected the 14th Amendment and that the "*new legislatures*" had ratified the Amendment.

The Court also overlooked the fact that the *State of Virginia* was also one of the original States with its Constitutions and Legislature in full operation under its civil government at the time.

The Court also ignored the fact that the other six Southern States [which were given the same treatment by Congress under the unconstitutional "*Reconstruction Acts*"] had legal Constitutions and a republican form of government [as was recognized by the Congress by its admission of those States into the Union]. The Court certainly must take judicial cognizance of the fact that before a new State is admitted by Congress into the Union; Congress enacts an "*Enabling Act*" to enable the inhabitants of the territory to adopt a Constitution to set up a republican form of government as a condition precedent to the admission of the State into the Union. And upon approval of such Constitution; the Congress then passes the "*Act of Admission*" of such State.

All this was ignored and brushed aside by the Court in the COLEMAN case. However; in COLEMAN, the Court inadvertently said this:

"Whatever official notice is received at the Department of State that any Amendment proposed to the Constitution of the United States has been adopted, **ACCORDING TO THE PROVISIONS OF THE CONSTITUTION**, the Secretary of State 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."

In Hawke v. Smith (253 U.S. 221, 40 S.Ct. 227 [1920]), the U.S. Supreme Court unmistakably held:

"The fifth article is a grant of authority by the people to Congress. The determination of the method of ratification is the exercise of a national power specifically granted by the Constitution; THAT POWER is CONFERRED UPON CONGRESS, and IS LIMITED to two methods, by action of the Legislatures of three-fourths of the states, or conventions in a like number of states. Dodge v. Woolsey, 18 How. 331, 348, 15 L.Ed. 401. The framers of the Constitution might have adopted a different method. Ratification might have been left to a vote of the people, or to some authority of government other than that selected. The language of the article is plain, and admits of no doubt in its interpretation. It is not the function of courts or legislative bodies, national or state, to alter the method which the Constitution has fixed."

We submit that in none of the cases [in which the Court avoided the constitutional issues involved in the composition of the Congress which adopted the "**Joint Resolution**" for the 14th Amendment] did the Court pass upon the constitutionality of the "**Act**" of Congress which purported to adopt the "**Joint Resolution**" for the 14th Amendment [with eighty (80) Representatives and twenty-three (23) Senators, (*in effect*) forcibly ejected or denied their seats and their votes on the **Joint Resolution** proposing the Amendment (in order to pass the same by a two-thirds vote) as pointed out in the New Jersey Legislature "**Resolution**" on March 27, 1868].

The constitutional requirements [set forth in Article V of the U.S. Constitution] permit the Congress to propose amendments only whenever two-thirds of both houses shall deem it necessary; that is, two-thirds of both houses as then constituted without forcible ejections.

Such a fragmentary Congress also violated the constitutional requirements of Article V in that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

There is no such Thing as giving life to an Amendment illegally proposed or never legally ratified by three-fourths of the States.

There is no such Thing as an Amendment by laches; no such Thing as an Amendment by waiver; no such Thing as an Amendment by acquiescence; and no such Thing as an Amendment by any other means whatsoever except the means specified in Article V of the U.S. Constitution itself.

It does not suffice to say that there have been hundreds of cases decided under the 14th Amendment to supply the constitutional deficiencies in its proposal or ratification as required by Article V. If hundreds of litigants did not question the validity of the 14th Amendment [or questioned the same perfunctorily without submitting documentary

proof of the facts of record which made its purported adoption unconstitutional]; their failure cannot change the Constitution for the millions in America. The same Thing is true of latches; the same Thing is true of acquiescence; the same Thing is true of all ill considered court decisions.

To ascribe constitutional life to an alleged Amendment [which never came into being according to specific methods laid down in Article V] cannot be done without doing violence to Article V itself. This is true because the only question open to the courts is whether the alleged 14th Amendment became a part of the Constitution through a method required by Article V. Anything beyond that which a court is called upon to hold [in order to validate an Amendment] would be equivalent to writing into Article V another mode of amending the U.S. Constitution which has never been authorized by the people of the United States.

On this point therefore; the question is, was the 14th Amendment proposed and ratified in accordance with Article V?

In answering this question; it is of no real moment that decisions have been rendered in which the parties did not contest or submit proper evidence or the Court assumed that there was a 14th Amendment. If a Statute never [*infact*] passed by Congress [*through some error of administration and printing got into the published reports of the Statutes*] and if under such supposed Statute; Courts had levied punishment upon a number of persons charged under it and if the error [*in the published volume*] was discovered and the fact became known that no such Statute had ever passed in Congress; it is unthinkable that the Courts would continue to administer punishment in similar cases on a non-existent Statute because prior decisions had done so. If that be true [*as to a Statute*]; we need only realize the greater truth when the principle is applied to the solemn question of the contents of the Constitution.

While the defects in the method of proposing and the subsequent method of computing "Ratification" is briefed elsewhere; it should be noted that the failure to comply with Article V began with the first action by Congress. The very Congress which proposed the alleged 14th Amendment [*under the first part of Article V*] was itself; at that very time, violating the last part [*as well as the first part*] of Article V of the U.S. Constitution. We shall see how this was done.

There is one [*and only one*] provision of the Constitution for the United States which is forever immutable - which can never be changed or expunged. The Courts cannot alter it; the Executives cannot change it; the Congress cannot change it; the States themselves - even all the States in perfect concert - cannot amend it in any manner whatsoever; whether they act through Conventions called for the purpose or through their Legislatures. Not even the unanimous vote of every voter in the United States could amend this provision. It is a perpetual fixture in the Constitution; so perpetual and so fixed that if the people of the United States desired to change or exclude it; they would be compelled to abolish the Constitution and start afresh.

The unalterable provision is this: "***THAT NO STATE, WITHOUT ITS CONSENT, SHALL BE DEPRIVED OF ITS EQUAL SUFFRAGE IN THE SENATE.***" This provision does not have to be in print as each and every State was brought into the Union on equal footing with its sister States. **NO STATE, IN COMPACT OR INDIVIDUALLY, HAS ANY POWERS TO DENY A SISTER STATE OF ITS SOVEREIGNTY TO BE REPRESENTED IN CONGRESS** (see Article V, Articles of Confederation of 1778).

A State [*by its own consent*] may waive this right of equal suffrage; but that is the only legal method by which a failure to accord this immutable right of equal suffrage in the U.S. Senate can be justified. Certainly not by forcible ejection and denial by a majority in Congress [*as was done for the adoption of the "Joint Resolution" for the 14th Amendment*].

Statements by the Court [*in the COLEMAN case*] that Congress was left in complete control of the mandatory process [and therefore it was a political affair for Congress to decide if an amendment had been ratified] does not square with Article V of the U.S. Constitution [*which shows no intention to leave Congress in charge of deciding whether there has been a ratification*]. Even a constitutionally recognized Congress is given but one volition in Article V; that is, to vote whether to propose an Amendment on its own initiative. The remaining steps by Congress are mandatory. If two-thirds of both Houses shall deem it necessary; Congress SHALL propose Amendments. If the Legislatures of two-thirds of the States make application; Congress SHALL call a Convention. For the Court to give Congress any power beyond that to be found in Article V is to write new material into Article V.

There is one other fact that strikes the 14th Amendment with nullity. The 14th Amendment is repugnant to Article V of the U.S. Constitution.

The purpose and intent of Article V of the U.S. Constitution may be found within the *Preamble* to the *Bill of Rights* FOR THE *PREAMBLE TO THE BILL OF RIGHTS* DECLARES THE PURPOSE AND OBJECTIVES OF THE U.S. CONSTITUTION:

"The Conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further **DECLARATORY** and **RESTRICTIVE CLAUSES** should be added; that as extending the ground of public confidence in the Government, will best insure the beneficent ends of its institution. Viz!"

Preamble to the Bill of Rights of 1791

The *Preamble* to the *Bill of Rights* makes it very clear that the [*purported*] Amendments that declare that the powers of Congress [*such as the 14th Amendment*] are to be enlarged are not founded upon the U.S. Constitution. Those "Amendments" are "repugnant" to the

U.S. Constitution (**Brushaber v. Union Pacific RR. Co.**, 240 U.S. 1) and they must be declared "*unconstitutional*."

A half century ago, the United States Supreme Court declared:

"The Constitution is a written instrument. As such its meaning does not alter. That which is meant when adopted it means now. Being a grant of powers to a government its language is general, and as changes come in social and political life it embraces in its grasp all new conditions which are within the scope of the powers in terms conferred. In other words, while the powers granted do not change, they apply from generation to generation to all things to which they are in their nature applicable. This in no manner abridges the fact of its changeless nature and meaning. Those things which are within its grants of power, as those grants were understood when made, are still within them, and those things not within them remain still excluded ... It is not only the same in words, but the same in meaning, and delegates the same powers to the government, and reserves and secures the same rights and privileges to the citizens; and as long as it continues to exist in its present form, it speaks not only in the same words, but with the same meaning and intent with which it spoke when it came from the hands of its framers, and was voted on and adopted by the people of the United States. Any other rule of construction would abrogate the judicial character of this court, and make it the mere reflex of the popular opinion or passion of the day."

South Carolina v. United States, 199 U.S. 437, 448-9 (1905)

More recently, the U.S. Supreme Court has stated that:

"Extraordinary conditions do not create or enlarge constitutional power."

Schechter Poultry Corp. v. United States, 295 U.S. 495, 528 (1935)

Some exceptionally thoughtful comment also supports the position. Over a century ago, Mr. Justice Story declared:

"The first and fundamental rule in the interpretation of all instruments is, to construe them according to the sense of the terms, and the intention of the parties."

1 Story on the Constitution, ss 400 [2 *ded.* 1851]

It would be inconceivable that the Congress of the United States could propose, compel submission to, and then give life to an invalid Amendment by resolving that its effort had succeeded [*regardless of compliance with the positive provisions of Article V*].

It should need no further citations to sustain the proposition that neither the "*Joint Resolution*" proposing the 14th Amendment nor its ratification by the required three-fourths of the States in the Union were in compliance with the requirements of Article V of the U.S. Constitution. WHEN THE MANDATORY PROVISIONS OF THE CONSTITUTION ARE VIOLATED, THE CONSTITUTION ITSELF STRIKES WITH NULLITY THE "ACT" THAT DID VIOLENCE TO ITS PROVISIONS. THUS, THE CONSTITUTION STRIKES WITH NULLITY THE PURPORTED 14TH AMENDMENT.

The Courts; bound by Oath to support the Constitution, should review all of the evidence herein submitted and measure the facts proving violations of the mandatory provisions of the Constitution with Article V and render judgment declaring said purported Amendment to have never been adopted as required by the Constitution.

The Constitution makes it the sworn duty of the Judges to uphold the Constitution which strikes with nullity the 14th Amendment.

And as Chief Justice Marshall pointed out for a unanimous Court in Marbury v. Madison, *1 Cranch 136, 179*:

"The framers of the Constitution contemplated the instrument as a rule for the government of courts, as well as of the legislature."

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"Why does a judge swear to discharge his duties agreeably the constitution of the United States if that Constitution forms no rule for his government?"

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"If such be the real state of things, that is worse than solemn mockery. To prescribe, or to take this Oath, becomes equally a crime."

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"Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions -- the courts, as well as other departments, are bound by that instrument."

The federal courts have refused to hear any argument on the validity of the 14th Amendment even when the issue is presented squarely by the pleadings and the evidence as above.

For further reading on the 14th Amendment, see **Dyett v. Turner**, 439 P2d. 266, 267 [1968] and **State v. Phillips**, 540 P2d. 936. See also "**Louisiana Rejects 14th Amendment**" via its **House Concurrent Resolution No. 208** [1967] (as published in the **Congressional Record, House – June 13, 1967** pgs. 15641-15646).

Submitted by: /s/ Gordon W. Epperly

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COMMENTS

The 14th Amendment is used as a tool by Congress to centralize all power into Washington, D.C.. The wording of the 14th Amendment converts the citizens of the individual freely associated compact states of the united States of America into **corporate citizens** of the United States.

Congress interprets the wording of the 14th Amendment to be a **Constructive Trust** with the Congress being the **Trustee** [Section 5 of the Amendment] and the corporate United States being the **Benefactor** [Section 1 of the Amendment].

As a Trust, anyone who partakes of the **privileges** offered by Congress becomes the **res** of the Trust. What this means is that when you partake of the privileges, you become the **property** of the United States under the Trust which Congress can regulate under the authority of Section 5 of the 14th Amendment and under the authority of Article IV, Section 3, Clause 2 of the Constitution for the United States.

What privileges did you partake in? Do you not have a Social Security Number? Have you ever drawn unemployment insurance or food stamps? The members of Congress have created thousands of Benefits and have contracted with the freely associated compact states of the united States of America to administer their programs.

The problem doesn't stop with you as an individual, but it also involves the freely associated compact states of the united States of America. The Supreme Court [of Congress] has ruled that the **Bill of Rights** is no longer limited to the Congress or to the corporate United States. The Court has ruled that the wording of the 14th Amendment makes the **Bill of Rights** also applicable to the states.

In applying the **Bill of Rights** against the states, the Courts [*Tribunals*] of Congress have *Ordered* Cities and States to impose **property taxes** for the building of Schools, authorized **Abortions** within the states, regulated **firearms** within the states, implemented **affirmative action programs** within the states, regulated **private property** within the states, regulated **INTRA-State Commerce** of the states, abolished **school prayer** in the public schools of the state, abolished **nativity scenes** on public property of the states, (and the list is never ending).

Through the **14th Amendment**, the Congress has created a **Central Bank** [*Federal Reserve*] for the benefit of foreign stockholders. The Congress has displaced our **Article III Judicial Courts** with its **Legislative Tribunals**. The Congress has abolished our **Common Law** and replaced it with the **Cannon Law** of the Roman Catholic Church.

And on March 9th, 1933; the Congress placed the Nation under **Martial Rule**, (and again, the list is never ending).

The Congress of the United States was served with a **Petition for Redress of Grievance** and the above **Brief** on the **14th Amendment**. The Offices of Representative Newt Gingrich and Senator Ted Stevens received the **Petition** and its **Exhibits** on December 10th, 1995. A demand for a Congressional investigation was made with a demand that if the findings show that the 14th Amendment was never proposed nor ratified in accordance to the provisions of the United States Constitution, the members of Congress were to declare the Amendment **null** and **void**.

The members of Congress have taken the position that the 14th Amendment is a "**Judicial Question**" and they have refused to make an investigation of the Amendment. With the Federal Courts ruling that the 14th Amendment is a "**Political Question**" and the Congress ruling that the 14th Amendment is a "**Judicial Question**", the power structure of Washington, D.C. is telling the American people to go to ----.

/s/ Gordon Epperly



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