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Federal Election Commission  
999 E Street, NW  
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To whom it may concern:

This is a letter of complaint.

It appears that we have entered into a period of history where a Candidate for the Office of the President of the United States does not have the qualifications of Office as required by U.S. Constitution, Article II, Section 1, Clause 5.<sup>1/</sup> Candidates John McCain and Barack Hussein Obama, Jr., are not “*natural born*” citizens nor are they citizens of the United States at the time the Constitution was adopted. Let us hope that the qualifications of these two Candidates are resolved before the day of General Election.

### **JOHN SIDNEY McCAIN III**

John Sidney McCain III was born at Coco Solo Naval Air Station in Panama to naval officer John S. McCain, Jr. (1911–1981) and Roberta (Wright) McCain (b. 1912). At that time, the Panama Canal was under American control, and the McCain family was stationed in the Panama Canal Zone.

“*Natural Born Citizen*” - is where ONLY the natural act of one being born in a place determines the status of ones citizenship with no additional stipulations necessary to influence that status. No law or court ruling has ever established the precise definition

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1/ “No person except a natural born citizen, or a citizen of the United States, at the time of adoption of this Constitution, shall be eligible to the Office of the President, neither shall any person be eligible to that office who shall not attain the age of twenty-five years, and been fourteen years a resident within the United States.” U.S. Const., II:1:5

of a natural born citizen. It is generally agreed that a “*natural born citizen*” of the United States is any person born in one of the 50 states or the District of Columbia.

The following is excerpted from <http://www.state.gov/documents/organization/86755.pdf>

7 FAM 1116

KEY PHRASES USED IN THE 14<sup>th</sup> AMENDMENT  
AND IN LAWS DERIVED FROM IT

7 FAM 1116.1 "In The United States"

7 FAM 1116.1-1 States and Incorporated Territories

(TL:CON-64; 11-30-95)

- a. The phrase "*in the United States*" as used in the 14th Amendment clearly includes States that have been admitted to the Union. Sections 304 and 305 of the INA provide a basis for citizenship of persons born in Alaska and Hawaii while they were territories of the United States. These sections reflect, to a large extent, prior statutes and judicial decisions which addressed the 14th Amendment citizenship implications of birth in these and other U.S. territories. Guidance on evidence on such births should be sought from CA/OCS.<sup>2</sup>
- b. Sec. 101(a)(38) INA provides that, for the purposes of the INA, The term "*United States*," ... when used in the geographical sense, means the continental United States, Alaska, Hawaii, Puerto Rico, Guam, and the Virgin Islands of the United States. In addition, under Pub. L. 94-241, the "*approving Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America*", (Sec. 506(c)), which took effect on November 3, 1986, the Northern Mariana Islands are treated as part of the United States for the purposes of sections 301 and 308 of the INA.
- c. All of the aforementioned areas, except Guam and the Northern Mariana Islands, came within the definition of "*United States*" given in the Nationality Act of 1940, which was effective from January 13, 1941 through December 23, 1952.<sup>3</sup>
- d. Prior to January 13, 1941, there was no statutory definition of "*the United States*" for citizenship purposes. Thus there were varying interpretations. Guidance should be sought from the Department (CA/OCS) when such issues arise.

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2/ This section defines “*natural born*” citizenship.

3/ The Panama Canal Zone is not included in the term “*United States*.”

Here are the exemptions... 7 FAM 1116.1-4 Not Included in the Meaning of "*In the United States*" (TL:CON-64; 11-30-95)

- a. A U.S.-registered or documented ship on the high seas or in the exclusive economic zone is not considered to be part of the United States. A child born on such a vessel does not acquire U.S. citizenship by reason of the place of birth (Lam Mow v. Nagle, 24 F.2d 316 (9<sup>th</sup> Cir., 1928)).
- b. A U.S. registered aircraft outside U.S. airspace is not considered to be part of U.S. territory. A child born on such an aircraft outside U.S. airspace does not acquire U.S. citizenship by reason of the place of birth.
- c. Despite widespread popular belief, U.S. military installations abroad and U.S. diplomatic or consular facilities are not part of the United States within the meaning of the 14<sup>th</sup> Amendment. **A child born on the premises of such a facility is not subject to the jurisdiction of the United States and does not acquire U.S. citizenship by reason of birth.**

Currently, Title 8 of the U.S. Code Section 1401 defines the following as people who are "*citizens of the United States at birth*:" <sup>4</sup>

- a. Anyone born inside the United States.
- b. Any Indian or Eskimo born in the United States, provided being a citizen of the U.S. does not impair the person's status as a citizen of the tribe.
- c. Any one born outside the United States, both of whose parents are citizens of the U.S., as long as one parent has lived in the U.S..
- d. Any one born outside the United States, if one parent is a citizen and lived in the U.S. for at least one year and the other parent is a U.S. national.
- e. Any one born in a U.S. possession, if one parent is a citizen and lived in the U.S. for at least one year.
- f. Any one found in the U.S. under the age of five, whose parentage cannot be determined, as long as proof of non-citizenship is not provided by age 21.

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4/ Items "b-h" do not address those who are "*natural born*" citizens. Title 8 of the United States Code was enacted under U.S. Constitution, 14<sup>th</sup> Amendment, an Amendment that was rejected by more than 1/4<sup>th</sup> of the States of the Union. (*see infra*).

- g. Any one born outside the United States, if one parent is an alien and as long as the other parent is a citizen of the U.S. who lived in the U.S. for at least five years (with military and diplomatic service included in this time).
- h. A final, historical condition: a person born before 5/24/1934 of an alien father and a U.S. citizen mother who has lived in the U.S..

The only part of this section that is *mandated* by the 14th Amendment is the part giving citizenship to anyone born in the United States and subject to its jurisdiction. The Supreme Court, in Rogers v. Bellei, 401 U.S. 815 (1971) held that the citizenship status of a person born outside the United States to an American parent is not constitutionally protected.

#### **§ 1401a. Birth abroad before 1952 to service parent**

Section 1401 (g) of this title shall be considered to have been and to be applicable to a child born outside of the United States and its outlying possessions after January 12, 1941, and before December 24, 1952, of parents one of whom is a citizen of the United States who has served in the Armed Forces of the United States after December 31, 1946, and before December 24, 1952, and whose case does not come within the provisions of section 201(g) or (i) of the Nationality Act of 1940.

As John McCain's parents were citizens of the United States, John McCain may be a citizen of the United States *ius sanguinis* ("*right of the blood*"). But as the Panama Canal Zone and the Coco Solo Naval Air Station are not the United States in a geographical sense and as 8 USC 1401(g) does not apply to John McCain as John McCain was born before January 12, 1941, John McCain is not a "*natural born*" citizen of the United States.

#### **BARACK HUSSEIN OBAMA Jr.**

Barack Hussein Obama Jr. is an African/American descendant of Nyangoma-Kogelo, Siaya District, Kenya, and Ann Dunham, of Wichita, Kansas, who was largely descended from pre-revolutionary British settlers to the United States. Obama was born on August 4, 1961 at the Kapiolani Medical Center in Honolulu, Hawaii. The status of Obama's citizenship is dependant upon the validity of

the 14<sup>th</sup> Amendment to the U.S. Constitution.<sup>5</sup> As more than 1/4<sup>th</sup> of the States of the Union expressly “*rejected*” the 14<sup>th</sup> Amendment, Barack Hussein Obama Jr. is not a citizen of the United States alone being a “*natural born*” citizen.<sup>6</sup>

## U.S. CONSTITUTION, 14<sup>th</sup> AMENDMENT

Notice is hereby given to all members of Congress, the Federal Judiciary, and the President of the United States that the 14<sup>th</sup> Amendment to the U.S. Constitution is a product of deception and fraud. The Archivist of the United States (Allen Wienstien) has given notice that he will not count all the “*official*” votes of ratification/rejection that were cast upon the U.S. Constitution, 14<sup>th</sup> Amendment as required by law.<sup>7</sup> The record of the House and Senate Journals of the States of the Union show that the 14<sup>th</sup> Amendment does not have a lawful existence as the proposed Amendment was rejected by more than one-fourth (1/4<sup>th</sup>) of the States that were in the Union on March 2, 1867, the date of enactment of the Reconstruction Acts of 1867.<sup>8</sup>

## RECONSTRUCTION ACTS OF 1867-68

Prior to the commencement of the Civil War, the United States Supreme Court ruled that Congress may dissolve the government of a State<sup>9</sup> if Congress finds that the government of that State was unlawfully organized and/or is absent of being republican

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5/ Prior to the purported ratification of the U.S. Constitution, 14<sup>th</sup> Amendment, Chief Justice Taney of the U.S. Supreme Court in the case of Dred Scott v. John Sandford, 60 U.S. 393 ruled for the Court that a Negro or Mulatto may be a citizen of a State, but cannot be a citizen of the United States under the Constitution of the United States. This case has never been distinguished.

6/ see Dred Scott v. John Sandford, 60 U.S. 393.

7/ 1 USC 106b

8/ THIRTY-NINTH CONGRESS, Sess. II, Ch. 153; FORTIETH CONGRESS, Sess. I Ch. 30; FORTIETH CONGRESS, Sess. II, Ch. 70.

9/ Luther v. Borden, 7 How. 1, 12 L.Ed. 581.

in form. /<sup>10</sup> The Congress of the United States in the year of 1867 declared that a number of Southern States (*Rebel States*) had no legitimate governments and enacted what is now known as the Reconstruction Acts of 1867-68. /<sup>11</sup>

In the Preamble to the Reconstruction Act of March 2, 1867 (THIRTY-NINTH CONGRESS, Sess. II, Ch. 153), the Congress declared:

“Whereas **no legal State governments** or adequate protection for life or property now exist in the rebel States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas; and whereas it is necessary that peace and good order should be enforced in said States **until loyal and republican State governments can be legally established**: Therefore . . . “  
[*Emphasis Added*]

The above Preamble raises the question: “*On what date did the States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas lose their status of having lawful State governments?*” Nowhere in any of the Reconstruction Acts of 1867 can we locate a date as to when those States lost their lawful State governments:

- We know that those States had lawful State governments when they were admitted into the Union.
- We know that the U.S. Supreme Court has ruled that those States had lawful State governments before, during, and after the Civil War. /<sup>12</sup>
- We know that the U.S. Congress recognized that those States had lawful State governments at the time they were engaged in the Civil War when on July 22<sup>nd</sup> 1861 the U.S. House of Representatives adopted a Resolution and when on July 25<sup>th</sup> 1861 the Senate adopted a Resolution which both read:

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10/ Mandate for Congress to guarantee every State a republican form of government (U.S. Const., Art. IV, Sec. 4, Cl. 1).

11/ THIRTY-NINTH CONGRESS, Sess. II, Ch. 153; FORTIETH CONGRESS, Sess. I Ch. 30; FORTIETH CONGRESS, Sess. II, Ch. 70.

12/ Texas v. White, 74 U.S. 700.

“*Resolved*, That the present deplorable civil war has been forced upon the country by the disunionists of the southern States now in revolt against the constitutional government and in arms around the capital; that in this national emergency Congress, banishing all feeling of mere passion or resentment, will recollect only its duty to the whole country; that this war is not prosecuted upon our part in any spirit of oppression, nor for any purpose of conquest or subjugation, **nor purpose of overthrowing or interfering with the rights or established institution of those States**, but to defend and maintain the supremacy of the Constitution and all the laws made in pursuance thereof, and to the preserve the Union, with all the dignity, equality, and rights of the several States unimpaired; that as soon as these objects are accomplished the war ought to cease.”

- We know that the U.S. Congress recognized those States as having lawful State governments after the Civil War when the U.S. Congress submitted the present day Thirteenth Amendment to the U.S. Constitution to those States for and accepted their ratification votes.

Even though the Reconstruction Acts of 1867-68 failed to state the date when those Southern States ceased to have lawful State governments, we do know that the Congress of the United States has declared that the named Southern States did not have lawful and a republican form State governments from the date of the enactment of the Reconstruction Act of March 2<sup>nd</sup> 1867 until the people of those States were to be admitted to representation in Congress by an act of law:

“Sec. 6. *And be it further enacted*, That, until the people of the Rebel States **shall be by law admitted to representation in the Congress of the United States, any civil government which may exist shall be deemed provisional only, and in all respects subject to the paramount authority of the United States ....**”<sup>13</sup> [*Emphasis Added*]

This Section 6 of the Reconstruction Act of March 2<sup>nd</sup>, 1867 raises the question: “*What law(s) is the Congress referring to?*”

In the years of 1868 and 1870 we find that the U.S. Congress passed several laws declaring that the Southern States had adopted a State Constitution and upon the President of the United States issuing forth a Proclamation declaring that those States had

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13/ Section 6 of the Reconstruction Act of March 2<sup>nd</sup>, 1867.

ratified the proposed 14<sup>th</sup> Amendment to the United States Constitution, the people of those States would be admitted to representation to Congress:

- see Act of June 22<sup>nd</sup>, 1868 /<sup>14</sup> - Law to admit the State of Arkansas to Representation in Congress.
- see Act of June 25<sup>th</sup>, 1868 /<sup>15</sup> - Law with a Presidential Proclamation /<sup>16</sup> to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to Representation in Congress.
- see Act of January 21<sup>st</sup>, 1870 /<sup>17</sup> - Law to admit the State of Virginia to Representation in the Congress of the United States.
- see Act of February 23<sup>rd</sup>, 1870 /<sup>18</sup> - Law to admit the State of Mississippi to Representation in the Congress of the United States.

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14/ FORTIETH CONGRESS. Sess. II, Ch. 69 declaring Arkansas had adopted a State Constitution and had ratified the U.S. Constitution, 14<sup>th</sup> Amendment.

15/ FORTIETH CONGRESS. Sess. II, Ch. 70 declaring the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida had adopted a State Constitution and are instructed to ratify the U.S. Constitution, 14<sup>th</sup> Amendment.

16/ Proclamation No. 7 of July 11, 1868 declaring Florida and North Carolina as having ratified the U.S. Constitution, 14<sup>th</sup> Amendment; and

Proclamation No. 8 of July 18, 1868 declaring South Carolina as having ratified the U.S. Constitution, 14<sup>th</sup> Amendment; and

Proclamation No. 9 of July 18, 1868 declaring Louisiana as having ratified the U.S. Constitution, 14<sup>th</sup> Amendment; and

Proclamation No. 10 of July 20, 1868 declaring Alabama as having ratified the U.S. Constitution, 14<sup>th</sup> Amendment; and

Proclamation No. 12 of July 27, 1868 declaring Georgia as having ratified the U.S. Constitution, 14<sup>th</sup> Amendment.

17/ FORTY-FIRST CONGRESS. Sess. II, Ch. 10 declaring Virginia had adopted a State Constitution and had ratified the U.S. Constitution, 14<sup>th</sup> Amendment.

18/ FORTY-FIRST CONGRESS. Sess. II, Ch. 19 declaring Mississippi had adopted a State Constitution and had ratified the U.S. Constitution, 14<sup>th</sup> Amendment.

- see Act of March 10<sup>th</sup>, 1870 /<sup>19</sup> - Law to admit the State of Texas to Representation in the Congress of the United States.

In reviewing the Reconstruction Acts of 1867, we find the following:

- The State of Arkansas had no lawful State government from the date of March 2<sup>nd</sup>, 1867 to June 22<sup>nd</sup>, 1868, and
- The State of North Carolina had no lawful State government from the date of March 2<sup>nd</sup>, 1867 to July 11<sup>th</sup>, 1868, and
- The State of South Carolina had no lawful State government from the date of March 2<sup>nd</sup>, 1867 to July 18<sup>th</sup>, 1868, and
- The State of Louisiana had no lawful State government from the date of March 2<sup>nd</sup>, 1867 to July 18<sup>th</sup>, 1868, and
- The State of Georgia had no lawful State government from the date of March 2<sup>nd</sup>, 1867 to July 27<sup>th</sup>, 1868, and
- The State of Alabama had no lawful State government from the date of March 2<sup>nd</sup>, 1867 to July 20<sup>th</sup>, 1868, and
- The State of Florida had no lawful State government from the date of March 2<sup>nd</sup>, 1867 to July 11<sup>th</sup>, 1868, and
- The State of Virginia had no lawful State government from the date of March 2<sup>nd</sup>, 1867 to January 21<sup>st</sup>, 1870, and
- The State of Mississippi had no lawful State government from the date of March 2<sup>nd</sup>, 1867 to February 23<sup>rd</sup>, 1870, and
- The State of Texas had no lawful State government from the date of March 2<sup>nd</sup>, 1867 to March 10<sup>th</sup>, 1870.

Notwithstanding conditions set forth in the Reconstruction Acts of 1867-68 (*including the mandate that the people of those Southern States were required to ratify the U.S. Constitution, 14<sup>th</sup> Amendment*), there were no lawful State governments of any Southern State existing under the Reconstruction Acts which had the authority to issue

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19/ FORTY-FIRST CONGRESS. Sess. II, Ch. 39 declaring Texas had adopted a State Constitution and had ratified the U.S. Constitution, 14<sup>th</sup> Amendment.

forth any official notices of ratification of any Amendment to the Constitution for the United States. The U.S. Secretary of State was “*barred*” from accepting any notices of ratification of Constitutional Amendments from any provisional governments of those Southern States that existed from the date of March 2<sup>nd</sup>, 1867 until the date that Congress admitted the people of those States to representation in Congress as a matter of law. /<sup>20</sup>

It appears that the Congress of the United States has taken the position that unlawful State governments may cast votes of ratification on proposed Amendments to the U.S. Constitution. This impression is found upon the mandates of the Reconstruction Acts of 1867-68 that the people of the Southern States shall be required to ratify the U.S. Constitution, 14<sup>th</sup> Amendment while their States were operating under provisional military governments of the United States and before the people may be represented in Congress. This view of Congress is not supported in the U.S. Constitution and it is in direct conflict with the understanding of the Congress of earlier years:

Senate Resolution of December 5, 1866 by Senator Sumner:

“RESOLUTIONS declaring the true principles of reconstruction; the jurisdiction of Congress of the whole subject; the illegality of existing governments, from representation in Congress, **and from voting on constitutional amendments**, . . .

“6. That it is the duty of Congress to proceed with the work of reconstruction, . . . and it must recognize only the States or those States having **legal and valid legislatures** as entitled to representation in Congress, **or to a voice in the adoption of constitutional amendments.**” /<sup>21</sup> [*Emphasis Added*]

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20/ The phrase “*official notice*” that appears in the laws of FIFTEENTH CONGRESS Sess. I, Ch. 80 and 65 Stat. 710, Sec. 106b and 1 USC 106b mandates that the governments of the States are to be recognized as being “*lawful*” and “*republican in form*” by the Congress of the United States of America. (see U.S. Constitution, Article IV, Section 4, Clause 1).

21/ 39th Congress, 2d Sess. - Senate Mis. Doc. No. 2

## PROCLAMATIONS OF RATIFICATION

There are no lawful Proclamations of Ratification for the U.S. Constitution, 14<sup>th</sup> Amendment. The former U.S. Secretary of State, William H. Seward issued two documents to the newspapers that have the appearance of being recorded as Proclamations of Ratification. The first was issued on July 20<sup>th</sup>, 1868 /<sup>22</sup> and the second was issued on July 28<sup>th</sup>, 1868. /<sup>23</sup>

In the first purported Proclamation of Ratification, U.S. Secretary of State, William H. Seward, qualified the Proclamation by stating that he had serious questions regarding the “*documents*” of ratification he received from several States. In separate paragraphs, William H. Seward separated the documents that had been received from the Southern States from the documents received from the other States of the Union. He also made a point not to identify the documents from the Southern States of the Union as being “*official*” by leaving off that word as he used in describing the documents received from the other States of the Union.

U.S. Secretary of State, William H. Seward also identified the Southern States as being: “*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.*” With the use of the word “*avowing*,” the U.S. Secretary of State expressed doubt as to the legitimacy of the Legislatures of the named States. Another issue of doubt that was raised by the U.S. Secretary of State, William H. Seward, was the conduct of two States, (Ohio and New Jersey) to withdraw their consent of ratification on the U.S. Constitution, 14<sup>th</sup> Amendment.

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22/ see 15 Stat. Lg. 706.

23/ see 15 Stat. Lg. 708.

Within the purported Ratification Proclamation of 15 Stat. Lg. 706, the U.S. Secretary of State declared that “*if*” the Legislatures of the Southern States are legitimate and the States of Ohio and New Jersey had no authority to withdraw their consent of ratification, the 14<sup>th</sup> Amendment stands ratified. **But this is also a statement that the U.S. Constitution, 14<sup>th</sup> Amendment failed ratification if the Legislatures of the Southern States had no lawful standing to cast votes of ratification and/or the States of Ohio and New Jersey had the authority to withdraw their consent of ratification.**

Apparently the U.S. Congress of 1868 was not comfortable with the Proclamation and adopted a Resolution wherein the U.S. Secretary of State was “*Ordered*” to acknowledge the Legislatures of the Southern States as having standing to cast votes of ratification on the 14<sup>th</sup> Amendment to the Constitution of the United States of America:<sup>24</sup>

“..... *Resolved by the Senate (the House of Representatives concurring,)* That said fourteenth article is hereby declared to be a part of Constitution of the United States, and it shall be duly promulgated as such by the Secretary of State.”<sup>25</sup>

“*Resolved, That the House of Representatives concur in the foregoing concurrent resolution of the Senate ‘declaring the ratification of the fourteenth article of amendment of the Constitution of the United States.’*”<sup>26</sup>

In response to the above stated Concurrent Resolution of Congress, the U.S. Secretary of State issued forth a purported Proclamation of Ratification<sup>27</sup> wherein he made it clear that he had reservations and the Proclamation was not an issuance of his free will:

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24/ U.S. Congress, House and Senate Concurrent Resolution dated July 21<sup>st</sup>, 1868 as recorded within the purported Proclamation of Ratification dated July 28<sup>th</sup>, 1868 (15 Stat. 710-711).

25/ Resolution of the Senate July 21, 1868 as printed in 15 Stat. Lg. 708.

26/ Resolution of the House of Representatives July 21, 1868 as printed in 15 Stat. Lg. 708.

27/ Proclamation dated July 28<sup>th</sup>, 1868 (15 Stat. 708-711).

“..... Now, therefore, be it known that I, William H. Seward, Secretary of State of the United States in execution ..... of the aforesaid concurrent resolution of the 21<sup>st</sup> of July, 1868, and in conformance 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 of the United States .... and do hereby certify that the said proposed amendment has been adopted in the hereinbefore mentioned by the States specified in the said concurrent resolution, ....” [Emphasis Added]

The U.S. Secretary of State’s Proclamation of Ratification of July 28<sup>th</sup>, 1868 raises questions as to whether the July 21<sup>st</sup>, 1868 Concurrent Resolution of Congress was lawful and imposed a ministerial duty upon the U.S. Secretary of State of the United States.

### CONGRESSIONAL CONCURRENT RESOLUTION OF JULY 21<sup>st</sup>, 1868

Looking to the Concurrent Resolution, we find that it is an “*Order*” that was never submitted to the President of the United States for his approbation as required by Article 7, Section 3 of the U.S. Constitution. This is not a Concurrent Resolution proposing Amendments which is not required to be submitted to the President of the United States for his approbation<sup>/28</sup> nor is it a Concurrent Resolution that is required to be passed upon by a two-thirds vote of both Houses of Congress. As this Concurrent Resolution is a Resolution/Order that is required by the U.S. Constitution to be submitted to the President of the United States for his approbation, it is not a lawful Concurrent Resolution imposing ministerial duties upon the U.S. Secretary of State of the United States. It should be noted that this Concurrent Resolution may not be lawful as it was submitted and addressed directly to the Secretary of State<sup>/29</sup> and was not recorded in the Statutes at Large of the United States as required by law.<sup>/30</sup>

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28/ see Hollingsworth v. Virginia, 3 Dallus 378.

29/ This statement of fact appears in the purported Proclamation of Ratification dated July 28<sup>th</sup>, 1868.

30/ see Section 1 of the law of FIFTEENTH CONGRESS. Sess, I. Ch. 80 (1818).

The Concurrent Resolution of Congress was passed by a simple majority vote of both Houses with a

Furthermore, the U.S. Congress exceeded its authority in adopting said Concurrent Resolution as it ignored the law of FIFTEENTH CONGRESS, Sess. I, Ch. 80 that mandated that the States of the Union were to submit their “*Official Notices*” of ratification to the U.S. Secretary of State of the United States. Under the law, the States had no authority to submit their “*Official Notices*” of ratification to the Congress of the United States and the U.S. Congress had no authority to review any “*Official Notice*” of ratifications that may have been received by the U.S. Secretary of State. The U.S. Congress has never repealed nor made any amendments to the above said law.

We also have an issue of “*Repugnancy*” as the July 21<sup>st</sup>, 1868 Concurrent Resolution is in direct conflict with Section 6 of the Reconstruction Act of March 2<sup>nd</sup>, 1867 and the Reconstruction Act of July 25<sup>th</sup>, 1868. As noted earlier in this letter, the Reconstruction Act of March 2<sup>nd</sup>, 1867 has declared that several Southern States had unlawful State governments and that the U.S. Congress had, by Resolution, declared that those States with unlawful governments had no authority to cast votes of ratification on proposed Amendments. We also noted that the U.S. Congress declared by Section 6 of the Reconstruction Act of March 2<sup>nd</sup>, 1867 that the Southern States that had been identified as having unlawful State governments were not to be reinstated into the Union with lawful governments until the people of those States were admitted into representation of Congress as a *State of the Union* by an act of law.

The Congress of the United States reiterated its position in Supplemental Acts of Reconstruction dated June 25<sup>th</sup>, 1868:

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large number of the members of both Houses abstaining from voting. It is obvious that the Congress did not have a 2/3<sup>rd</sup> vote majority to override a *Veto* of the President of the United States and that is most likely the reason why the Concurrent Resolution was never submitted to the President for his approbation and not being published in the record of the United States Statutes at Large.

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that each of the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida **shall be entitled and admitted to representation in Congress as a *State of the Union*** when . . . .”<sup>31</sup>  
[Emphasis Added]

with additional stipulations being imposed upon the States of Georgia and Texas.

The Congress of the United States made no repeals or amendments to Section 6 of the Reconstruction Act of March 2<sup>nd</sup>, 1867 nor has Congress ever made any repeals or amendments to the Reconstruction Act of June 25<sup>th</sup>, 1868. As the Concurrent Resolution of July 21<sup>st</sup>, 1868 was enacted after the dates of the enactment of the Reconstruction Acts of 1867-68 and is repugnant to the Acts of Reconstruction, the Concurrent Resolution must be declared “*Void*” and without any effect.

#### **EFFECTIVE DATE OF RATIFICATION / REJECTION OF AMENDMENTS**

The Federal Courts of the United States of America have made rulings regarding the effective date as to when a proposed Amendment takes effect. The Courts have ruled that Constitutional Amendments take effect (*whether they have been adopted or rejected*) on the date when the last State Legislature acquired the one-fourth of the States to have rejected the Amendment or when the last State Legislature acquired the three-fourths of the States to have ratified the Amendment. The effective date of passage or rejection of a proposed Amendment to the United States Constitution is not dependant upon the issuance of a Proclamation of Ratification by the U.S. Secretary of State (*or the Archivist of the United States*).<sup>32</sup> The records of the House and Senate Journals of the States that were in the Union prior to the enactment of the March 2<sup>nd</sup>, 1867 Reconstruction Act shows that the Legislatures of the States have cast more than one-fourth of the votes that results in the rejection the 14<sup>th</sup> Amendment to the Constitution of the United States.

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31/ Reconstruction Act of June 25<sup>th</sup>, 1868 (*FOURTIETH CONGRESS. Sess. II, Ch. 70*).

32/ Dillon v. Gloss, 41 S.Ct. 510, 256 U.S. 368, 65 L.Ed. 994; U.S. ex rel Widenmann v. Colby, 265 F. 998, aff. 42 S.Ct. 169, 66 L.Ed. 400.

## OFFICIAL NOTICES OF REJECTION

The record of the purported Ratification Proclamation of July 28<sup>th</sup>, 1868 shows that the Legislatures of the Southern States cast votes of rejection on the proposed 14<sup>th</sup> Amendment to the U.S. Constitution prior to the enactment of the March 2<sup>nd</sup>, 1867 Reconstruction Acts. We also have the official records of the House and Senate Journals of the States of the years of 1866-67 showing the State Legislatures that cast negative ratification votes. It appears that several of these “*Official Notices*” are not in the possession of the Archivist of the United States.

The 1867-68 Congress of the United States has admitted within resolutions and enactments of laws that the votes of rejection cast by the Legislatures of the Southern States on the proposed 14<sup>th</sup> Amendment to the U.S. Constitution prior to March 2<sup>nd</sup>, 1867 were votes cast by lawful governments of those States. No attempt has ever been made by the U.S. Congress to declare that those votes of rejection were unlawful and/or void. If the votes of ratification cast by the Southern States under the Reconstruction Acts of 1867 were votes cast by unlawful State governments, then the votes of rejection must stand and the U.S. Constitution, 14<sup>th</sup> Amendment fails adoption for being rejected by more than one-fourth of the States in the Union.

The following votes of rejection are recorded in the U.S. Secretary of State’s Ratification Proclamation of July 28<sup>th</sup>, 1868:

- Texas on November 1<sup>st</sup>, 1866  
(House Journal 1866, pp. 578-584 - Senate Journal 1866, p. 471);
- Georgia on November 13<sup>th</sup>, 1866  
(House Journal 1866, p. 68 - Senate Journal 1866, p. 8);
- North Carolina on December 4<sup>th</sup>, 1866  
(House Journal 1866-1867, p. 183 - Senate Journal 1866-1867, p. 138 );
- South Carolina on December 20<sup>th</sup>, 1866  
(House Journal 1866, p. 284 - Senate Journal 1866, p. 230);

- Virginia on January 9<sup>th</sup>, 1866  
(House Journal 1866-1867, p. 108 - Senate Journal 1866-1867, p. 101);
- Kentucky on January 10<sup>th</sup>, 1867  
(House Journal 1867, p. 60 - Senate Journal 1867, p. 62);
- Delaware on February 7<sup>th</sup>, 1867  
(House Journal 1867, p. 223 - Senate Journal 1867, p. 808);
- Maryland on March 23<sup>rd</sup>, 1867  
(House Journal 1867, p. 1141 - Senate Journal 1867, p. 808).

The votes of rejection that are not recorded in the Ratification Proclamation of July 28<sup>th</sup>, 1868 but are recorded in the House and Senate Journals of the following States:

- Arkansas on December 17<sup>th</sup>, 1866  
(House Journal 1866, pp. 265-268 – Senate Journal 1866, pp. 212-216);
- Alabama on December 7<sup>th</sup>, 1866  
(House Journal 1866, pp. 208-215 - Senate Journal 1866, pp. 182-183);
- Florida on December 6<sup>th</sup>, 1866  
(House Journal November 14, 1866, pp. 8-17, 74-81, 138-139;  
(House Journal November 30, 1866, pp. 144-145;  
(House Journal December 1, 1866, pp. 148-151;  
(Senate Journal December 3, 1866, pp. 100-105;  
(Senate Journal December 4, 1866, pp. 114-115;  
(Senate Journal December 5, 1866, p. 132);
- Mississippi on January 31<sup>st</sup>, 1866  
(House Journal October 16, 1866, pp. 7-8, 27, 201-202;  
(House Journal October 16, 1866, Appendix p. 77;  
(House Journal January 26, 1867, pp. 205, 214, 251;  
(Senate Journal October 1866, pp. 168, 195-196);
- Louisiana on February 9<sup>th</sup>, 1867  
(“*Joint Resolution*” as recorded on Page 9 of the “*Acts of the General Assembly,*”) Second Session January 28, 1867);
- California on ???  
(House Journal of 1867-1868, p. 601).

As to why there is no record of the above States in the record of the U.S. State Department or the Archivist of the United States we may never know. But the fact that several of those State Legislatures went to great lengths to record their objections to the U.S. Constitution, 14<sup>th</sup> Amendment in their House and Senate Journals leaves no doubt that their votes of rejection were sent to the U.S. Secretary of State.

If the votes of ratification that were cast by the provisional Legislatures of the Southern States (*that existed under the Reconstruction Act of March 2<sup>nd</sup>, 1867*) were not cast by lawful State governments as proclaimed by the Congress of the United States,<sup>33</sup> then the votes of rejection cast by those Southern States on the proposed 14<sup>th</sup> Amendment to the United States Constitution must be the only votes that can be classified as “*Official*” of which may be accepted by the U.S. Secretary of State (*and the Archivist of the United States*).

Another problem which has been overlooked by the U.S. Congress and the U.S. Secretary of State is that once a proposed Amendment to the Constitution of the United States has been rejected by more than one-fourth ( $\frac{1}{4}$ <sup>th</sup>) of the States in the Union, the ratification process comes to an end. The U.S. Secretary of State (*and the Archivist of the United States*) has no authority to accept any changes of a vote of rejection or ratification once the ratification process comes to an end.<sup>34</sup> The votes of ratification by the Southern States, as recorded in the Ratification Proclamation of July 28<sup>th</sup>, 1868, must be declared “*Void*” and without effect as a matter of law.

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33/ see Section 6 of Reconstruction Act that was enacted into law on March 2<sup>nd</sup>, 1867.

34/ Wise v. Chandler, 108 S.W.2d 1024, 270 Ky. 1, certiorari granted 58 S.Ct. 831, 303 U.S. 634, 82 L.Ed. 1095, certiorari dismissed 59 S.Ct. 992, 307 U.S. 474, 83 L.Ed. 1407.

## STATES CHANGING VOTES OF RATIFICATION

The U.S. Secretary of State, William H. Seward, announced within the Ratification Proclamation of July 20<sup>th</sup>, 1868 that the Legislatures of two States (*Ohio and New Jersey*) passed resolutions to change their votes of ratification to votes of rejection. U.S. Secretary of State, William H. Seward also announced that he believed he had no authority to determine or decide doubtful questions:

“And whereas neither the act just quoted from,<sup>35</sup> 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; .....

The Federal Courts of the United States answered the question as to whether a State may change a vote of ratification within a case of *State of Idaho v. Freeman*,<sup>36</sup> (*involving the ratification of the Equal Rights Amendment*). The Court addressed the question in Section D of the Opinion:<sup>37</sup>

“..... The states are the entity embodied with the power to speak for the people during the period in which the amendment is pending. To make a state’s ratification binding with no right to rescind would give ratification a technical significance which would be clearly inappropriate considering that the Constitution through article V gives technical significance to a state’s ratification at only one time – when three-fourths of the states have acted to ratify. Until the technical three-fourths has been reached, a rescission of a prior ratification is clearly a proper exercise of a state’s power granted by the article V phrase “when ratified” especially when that act would give a truer picture of local sentiment regarding the proposed amendment.”<sup>38</sup>

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35/ The act of FIFTEENTH CONGRESS, Sess. I, Ch. 80.

36/ State of Idaho v. Freeman, 529 F. Supp. 1107.

37/ State of Idaho v. Freeman, 529 F. Supp. 1107 @ 1146.

38/ State of Idaho v. Freeman, 529 F. Supp. 1107 @ 1150.

Notwithstanding U.S. Senator Sumner's expressed opinion of January 31, 1868 that the attempted withdrawal of Ohio's ratification was ineffective because the amendment was already a part of the Constitution.<sup>39</sup> The Congress rejected this argument:

“Inasmuch as the Congress did not act to declare the fourteenth amendment part of the Constitution until additional ratification over and above the ratifications of the loyal states had been certified, it is plausible to infer that the view expressed by Senator Sumner and Congressman Bingham that the amendment had become effective before further ratifications or attempted withdrawals were made had been rejected.”<sup>40</sup>

From the Opinion of the Federal Courts and the above position taken by the U.S. Congress, the Legislatures of the States of Ohio and New Jersey had standing to rescind their votes of ratification and as such, their votes of “*rejection*” must be received by the U.S. Secretary of State (*and the Archivist of the United States*) as the “*Official Notice*” of those States.

## UNLAWFUL STATE LEGISLATURES

The Legislature of the State of Oregon gave notice to the Congress of the United States that the Oregon Legislature that ratified the 14<sup>th</sup> Amendment to the U.S. Constitution was not a lawful Legislature of the State. The State of Oregon Legislature further gave notice that it has, by resolution, withdrawn the vote of ratification as cast by the unlawful Legislature and on December 14th, 1868 voted to reject the Amendment.<sup>41</sup>

As the Congress of the United States has already declared by law that no State having unlawful State governments may cast votes of ratification on proposed

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39/ Cong. Globe 40<sup>th</sup> Cong., 2d Sess. 877 (1868).

40/ State of Idaho v. Freeman, 529 F. Supp. 1107 @ 1143.

41/ see Miscellaneous Document No. 12, House of Congress, 40<sup>th</sup> Congress, 3d Sess. (December 14, 1868).

Amendments to the Constitution of the United States and as the Federal Courts have also ruled that a State may rescind its vote of ratification before an Amendment had been rejected or ratified, the vote of rejection of the U.S. Constitution, 14<sup>th</sup> Amendment by the Legislature of the State of Oregon sets up a peculiar situation for the U.S. Secretary of State (*and the Archivist of the United States*).

As the Congress of the United States has already declared by law that States with unlawful State governments may not cast votes of ratification, the U.S. Secretary of State had a ministerial duty to withdrawal Oregon's vote of ratification from the record. Whether or not the U.S. Secretary of State may accept Oregon's vote of rejection after the States of the Union have cast more than one-fourth ( $\frac{1}{4}$ <sup>th</sup>) votes of rejection is most likely a political question that may not be addressed by the Archivist of the United States or by the Federal Courts.

#### **STATES CHANGING VOTES AFTER AMENDMENT HAS BEEN REJECTED OR RATIFIED**

In recent years, the Archivist of the United States has been in receipt of State Resolutions declaring that the Legislature of those States have changed their votes of "*rejection*" on the U.S. Constitution, 14<sup>th</sup> Amendment to that of being ratified. The acceptance and recording of those State Resolutions exceeds the authority of the U.S. Archivist and needs to be purged from the record:

"Where a proposed amendment has been rejected by more than one-fourth of the states, and rejections have been duly certified to the Secretary of State, a state which has rejected proposed amendment may not change its position, even if it might change its position while amendment is still before the people."

Wise v. Chandler, 108 S.W.2d 1024, 270 Ky. 1, certiorari granted 58 S.Ct. 831.

## CONCLUSION

On March, 2<sup>nd</sup>, 1867, the Congress of the United States found the need to enact several laws to reconstruct the governments of the Southern States after the end of the Civil War. Those “Acts” of Congress are known as the Reconstruction Acts of 1867-68. The U.S. Congress declared that the Southern States named within those Reconstruction Acts as having no lawful State governments and any governments existing within those States after March 2<sup>nd</sup>, 1867 were provisional military governments that were subject to the jurisdiction of the United States.

The U.S. Congress went on to declare that those Southern States would be recognized as having lawful State governments only until they have met several stipulations. Among the stipulations imposed by Congress was that no State would be recognized as having lawful State governments until the people of those States were admitted into representation of Congress as a State of the Union by an Act of law. To qualify for Congressional representation, the Southern States had to adopt new State Constitutions that were republican in form which met the mandates of the proposed U.S. Constitution, 14<sup>th</sup> Amendment. Further stipulations required the Legislatures to ratify the present day 14<sup>th</sup> Amendment to the United States Constitution.

The U.S. Congress later enacted laws proclaiming that the Southern States had adopted State Constitutions that were republican in form and that many of those States would be qualified to be admitted into representation in Congress after the President of the United States had issued forth a Proclamation, a Proclamation that stated each of the Southern States that ratified the U.S. Constitution, 14<sup>th</sup> Amendment.

An argument might be made that the Southern States were authorized to ratify Constitutional Amendments when the U.S. Congress declared by Act(s) of Law <sup>42</sup> that the Southern States had adopted State Constitutions which were republican in form. This is an erroneous conclusion as the President of the United States was required by the

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42/ FORTIETH CONGRESS, Sess. II, Ch. 69; FORTY-FIRST CONGRESS, Sess. II, Ch. 10; FORTY-FIRST CONGRESS, Sess. II, Ch. 19; FORTY-FIRST CONGRESS, Sess. II, Ch. 39.

law of those Acts to publish Proclamations of Ratification for each of those States when they ratified the U.S. Constitution, 14<sup>th</sup> Amendment (or when Congress declared by law that a State had adopted a State Constitution and had ratified the U.S. Constitution, 14<sup>th</sup> Amendment).

The status of “*lawful State governments*” came *after* the President of the United States or the U.S. Congress proclaimed that the Southern States had ratified the U.S. Constitution, 14<sup>th</sup> Amendment. We must not forget that the March 2<sup>nd</sup>, 1867 Reconstruction Act is the controlling law and Section 6 of that Act declared that the Southern States shall have provisional military governments until the people of those States had been admitted to representation in the Congress of the United States, a privilege that would not be allowed to take place until those States had ratified the U.S. Constitution, 14<sup>th</sup> Amendment.

We must ask: “*Is a State that has been declared by the U.S. Congress as having a unlawful government and that the people of that State shall no longer have representation in the U.S. Congress a “State” under the provisions of Article V of the United States Constitution?*” The answer to the question must be “NO!” We have to look no further than the last sentence of U.S. Constitution, Article V for the answer to the question: “. . . and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.” Several of the Southern States were original signatories to the U.S. Constitution and others were admitted into the Union on equal footing with the original thirteen States. Each one of those States had representation in the Congress of the United States and they had rights of suffrage in the Senate. The moment they ceased to have the authority of suffrage in the Senate, the States ceased to have the status of Statehood and being a State of the Union. Further evidence that the Southern States did not have the status of Statehood under the Reconstruction Acts is found in the Concurrent Resolution of July 28, 1868<sup>/43</sup> wherein the U.S. Congress declared that the Southern States had no standing to cast votes in the Electoral College.

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43/ FOURTIETH CONGRESS, Sess. II, Res. 58 (July 28, 1868).

What makes a government of a State different from that of a government of a Territory? They both have Legislatures and Governors. The differences that distinguishes one from the other is that a State has representation in the U.S. Congress and a Territory has none and a State exercises sovereign authority to govern itself under a Constitution where a Territory is governed by the whim of Congress. When the 1867 Congress of the United States declared that the Southern States had unlawful State governments and then declared that from March 2<sup>nd</sup> 1867 the governments of those States are to be governed by provisional military governments that is subject to the jurisdiction of the United States, the U.S. Congress declared that those States no longer had the status of Statehood. The Congress of the United States reduced those States from being States of the Union with sovereign powers to being nothing more than Property or Territories of the United States that were governed in a manner set forth and under the authority of Article IV, Section 3, Clause 2 of the United States Constitution.

Can the U.S. Congress “*Order*” a Legislature of a Territory to ratify proposed Amendments to the U.S. Constitution? There appears to be no restriction in the U.S. Constitution that would bar such an Order, but does the U.S. Congress have the authority to issue forth an Order upon the U.S. Secretary of State (*or the Archivist of the United States*) to accept those notices of ratification of a Territory as “*Official Notices*” of a State? The answer is “*NO*” as a Territory is not a State and Article V of the U.S. Constitution declares that only States of the Union may cast votes on proposed Amendments. The same logic mandates that the ratification votes that are cast by unlawful State governments may not be accepted as “*Official Notices*” of a State. The U.S. Congress of 1867 removed the Southern States of their status of “*Statehood*” and declared that they were “*military districts*” subject to the exclusive jurisdiction of the United States. They were not “*States*” nor “*Territories*” of the United States. Notwithstanding the Concurrent Resolution of Congress “*Ordering*” the U.S. Secretary of State to issue forth a Proclamation of Ratification, no authority may be found that authorizes the U.S. Secretary of State to accept any Notices of Ratification from any Southern State during Reconstruction period in history.

The final question to be presented: “By what authority did the Congress of the United States rely upon to issue forth the Reconstruction Acts of 1867?” We know that the war began with the issuance of a Presidential Proclamation <sup>44</sup> and we also know that the war was brought to an end by an issuance of a Presidential Proclamation. <sup>45</sup> Absence of an Application of a State Legislature or the Executive of a State to put down domestic violence, <sup>46</sup> or the U.S. Congress issuing a Declaration of War, <sup>47</sup> there is no authority for the U.S. Congress to invade and occupy a State of the Union, especially when the President of the United States had declared that the insurrection was at an end and the States were at peace and being governed by lawful civil authorities. <sup>48</sup>

As the President of the United States (*Abraham Lincoln*) declared by Proclamation that every Southern State had lawful civil governments,

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44/ PRESIDENT'S PROCLAMATION.

WASHINGTON, D. C., April 15, 1861.

WHEREAS, The laws of the United States have been and are opposed in several States by combinations too powerful to be suppressed in the ordinary way, I therefore call for the militia of the several States of the Union, to the aggregate number of 75,000, to suppress said combination and execute the laws. I appeal to all loyal citizens to facilitate and aid this effort, and maintain the laws and integrity of the National Union and the perpetuity of popular government, and redress wrongs long endured. The first service assigned will probably be to repossess the forts, places and property which have been seized from the Union. The utmost care will be taken, consistent with the object, to avoid devastation, destruction or interference of peaceful citizens in any part of the country; and I hereby command the persons composing the aforesaid combinations to disperse within twenty days from this date. I hereby convene both Houses of Congress for the 4th of July next, to determine upon such measures as the public safety and interest may demand.

(Signed) ABRAHAM LINCOLN, President of United States.  
By W. H. SEWARD, Secretary of State.

45/ “. . . And I do further declare that the said insurrection is at an end, and that peace, order, tranquility and civil authority now exist in and throughout the whole United States of America (*Proclamation of the President dated August 20, 1866 [14 Stat. Lg. 814-817]*).

46/ see U.S. Constitution, Article IV, Section 4, Clause 1.

47/ see U.S. Constitution, Article I, Section 8, Clause 11.

48/ “. . . And I do further declare that the said insurrection is at an end, and that peace, order, tranquility and civil authority now exist in and throughout the whole United States of America (*Proclamation of the President dated August 20, 1866 [14 Stat. Lg. 814-817]*).

these Southern States had republican form of governments as required by U.S. Constitution, Article IV, Clause 4, Section 1, there was no authority for Congress under the “*Guarantee Clause*” of U.S. Constitution, Article IV to invade and occupy any of the Southern States of the Union.

### MINISTERIAL DUTIES

Each of the points brought out in this letter have been determined either by the Congress of the United States (*through enactment of laws or resolutions*) or has been ruled upon by the Federal Courts. As there are no issues of discretion involved, the Archivist of the United States had a ministerial duty under the law<sup>49</sup> to correct the record<sup>50</sup> and count every “*Official*” vote that was cast upon the proposed 14<sup>th</sup> Amendment to the U.S. Constitution.

First - the Archivist of the United States has a duty to make inquiries of the States as to the votes that have been cast on the U.S. Constitution, 14<sup>th</sup> Amendment before the enactment of the Reconstruction Act of March 2<sup>nd</sup>, 1867.<sup>51</sup>

Second – the Archivist of the United States has a duty to purge the record of those States that have changed their votes from rejection to ratification after the date the U.S. Constitution, 14<sup>th</sup> Amendment had been accepted or rejected by the Legislatures of the States.

Third – the Archivist of the United States has a duty to purge the record of the votes that were cast by States that have been declared by the Congress of the United States to have unlawful State governments from the enactment date of the Reconstruction Act of March 2<sup>nd</sup>, 1867 to the date the people of those States were admitted to representation in Congress by an act of law.

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49/ see 1 USC § 106b

50/ U.S. Archivist, Allen Wienstien was taken to the U.S. District Court for the District of Alaska for an “*Order*” in the nature of mandamus. The Petition to the Court was to compel Allen Wienstien to count all the “*official*” votes that were cast upon the 14<sup>th</sup> Amendment to the U.S. Constitution. Judge Sedwick dismissed the case with prejudice without addressing the relief and issues raised in the Petition. The Petitioner, Gordon W. Epperly, was notified that he would be sanctioned \$10,000 or more if he filed a Notice of Appeal. No Appeal was filed.

51/ With the enclosed computer diskette containing photocopies of the House and Senate Journals of the States that cast votes of rejection, probable cause exist that Official Notices of several States were misplaced or lost as they are not in the record of the U.S. Secretary of State or the Archivist of the United States.

Fourth – the Archivist of the United States has a duty to publish in the newspapers (*that are authorized to publish the laws*) of the corrected vote record of ratification or rejection of the U.S. Constitution, 14<sup>th</sup> Amendment.

### **COMPUTER DISKETTES**

Enclosed is a computer diskette (*MS Windows*) that has photocopies of the law citations cited herein and photocopies of the House and Senate Journals of the States that cast “*rejection*” ratification votes on the U.S. Constitution, 14<sup>th</sup> Amendment. These files are in both HTML and Acrobat PDF formats.

If you would like to examine a document in an expanded view, you may open the document in HTML format and then place your mouse cursor on the image. Upon clicking the “*left*” mouse button, the image will open in a separate screen with an icon to magnify the image. (*Microsoft Explorer Web Browser*).

If you would like to print hard copies of the documents, you may open the document in the Acrobat PDF format. Place the cursor of your mouse on the image and “*right*” click the mouse button. This will bring up the print menu.

Sincerely Yours

Seal

Gordon Warren Epperly

## **Certification**

I, Gordon Warren Epperly, hereby certify under penalties of perjury that I am the author and signatory to the to the Complaint against the Presidential Candidates of John Sidney McCain III and Barack Hussein Obama Jr. and to the best of my knowledge, the statement therein are true.

I, Gordon Warren Epperly, does further certify under penalties of perjury that the U.S. Constitution, 14<sup>th</sup> Amendment is a product of fraud and deception and as such, it does not exist. No Public Official of the Legislative Branch, the Executive Branch, or the Judiciary of the United States has ever come forward and denied the allegation of fraud and deception under Oath or otherwise.

- What Public Official can come forward and defend the existence of the U.S. Constitution, 14<sup>th</sup> Amendment when the U.S. Archivist has refused to make a recount of the votes of ratification/rejection that was cast upon the Amendment?
- What Public Official can come forward and defend the existence of the U.S. Constitution, 14<sup>th</sup> Amendment when the U.S. Congress has refused on the doctrine of “*Political Question*” to hold hearings on the existence of the Amendment?”
- What Public Official can come forward and defend the existence of the U.S. Constitution, 14<sup>th</sup> Amendment when the Federal Courts have refused to hear any legal arguments under the doctrine of “*Political Question*?”

Dated this Eighteenth Day of June in the year of our Lord Jesus Christ,  
Two-Thousand and Eight.

Seal

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Gordon Warren Epperly



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

August 14, 2008

Gordon Warren Epperly  
PO Box 34358  
Juneau, Alaska 99803

Dear Mr. Epperly:

This acknowledges receipt of your letter on June 23, 2008, inquiring about a possible violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

The Federal Election Commission has jurisdiction over the Act and Chapters 95 and 96 of Title 26, United States Code. After careful review of your correspondence, we have determined that your letter does not state any acts that appear to constitute a violation under our jurisdiction.

Sincerely,

A handwritten signature in blue ink that reads "Retha Dixon".

Retha Dixon  
Docket Manager