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U.S. Senator John McCain
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Honorable Senator John McCain

A few months ago, several U.S. Senators made a comment that they believed the U.S. Constitution, 14th Amendment should be amended to exclude “*Anchor Babies*” citizenship. I am confused as to where in the 14th Amendment did the people of our Nation declare that anyone who is not a citizen of the United States can produce a baby within the boundary of the United States and have that baby declared to be a citizen of the United States.

Over the years, the members of the U.S. Supreme Court have taken upon themselves the authority to alter and change our U.S. Constitution via judicial activism. The “*Anchor Baby*” citizenship is one of many judicial activism amendments made to the U.S. Constitution.

The 14th Amendment declares that only those who are “*subject to the jurisdiction*” of the United States are citizens of the United States. Nowhere may you find within the Constitution for the United States of America a statement that Congress has authority to compel citizenship upon anyone without first obtaining that individual’s consent and with that individual being subject to the jurisdiction of the United States. The “*Anchor Baby*” citizenship raises several questions:

1. How did the United States acquire citizenship jurisdiction over a foreign national and their children while that foreign national is visiting the United States? Is not one who is declared to be an “*illegal alien*” a visitor to the United States?
2. By what authority does the government of the United States rely upon to declare that every newborn child of a foreign national which is born upon the soil of the United States or within the boundaries of any state of the Union to be “*citizens of the United States*” and subject to its jurisdiction without first obtaining the free will and consent of the foreign national child’s parents?
3. By what authority does the Congress of the United States rely upon to take a child of a foreign national parent and make that child a citizen of the United States without first obtaining the consent and authority of the country of citizenship of the parents?

4. By what authority does the Congress rely upon to levy “taxes” (*income taxes*) upon an “Anchor Baby” child of a foreign national whether or not that child returns and resides within the parents foreign country? Does not the Congress of the United States claim authority to tax “citizens” of the United States whether or not they reside within the United States or within a foreign Country?

As we can see, if there is a proper reading of the 14th Amendment, no child may be a citizen of the United States unless the child’s parent(s) are born citizens of the United States or “*naturalized*” citizens of the United States.

We are told by the U.S. Congress of 1867 that the object and purpose of the 14th Amendment was to grant citizenship status to the Negro, but of course this stated purpose is not true and such a claim raises questions under the Law of Nations.

The Negroes of the early years of our Nation were forced to leave their homeland of Africa (*and other Countries*) and brought to the United States for the purpose of enslavement. They were not considered free men and women, but “*property*” of the Citizens of the United States. If these individuals were considered to be “*free men*” and women citizens of a Nation (*Africa*) then the question must be raised: “*By what authority did the U.S. Congress of the year of 1867 rely upon to make them “citizens of the United States” without first obtaining their free will and consent?*” Is it not an absurdity in law that a Nation may compel a citizen of another Nation to become citizens of its own? A Negro is not a citizen of the United States for want of consent or his/her free will to be so and the United States has no authority to compel citizenship by adopting Constitutional Amendments. The United States had a duty to return the Negro to his or her homeland at the moment they were released from slavery by the 13th Amendment to the United States Constitution. The 14th Amendment to the U.S. Constitution enslaves the Negro (*and the Citizens of the fifty (50) States of the Union*) with the new Slave Master being the Congress of the United States.

In regard to amending the 14th Amendment to the U.S. Constitution, I must ask: “*How do you amend or repeal something that does not exist?*” The 14th Amendment does not exist as it was rejected by more than 1/4th of the States that were in the Union in the year of 1867. The Congress of the United States lied to the People in the year of 1868 when it perpetrated a fraud when that Congress issued forth an “*Order*” upon the U.S. Secretary of State to issue forth a fraudulent “*Proclamation of Ratification*” ^{1/} and the Congress continues to lie to the people today.

^{1/} U.S. Congress, House and Senate Concurrent Resolution dated July 21st 1868 as recorded within the purported Proclamation of Ratification dated July 28th 1868 (15 Stat. 710-711).

I am confused and maybe you can help answer a few questions. In regard to the Reconstruction Acts of 1868,² the Congress declared that a number of States did not have lawful governments (*naming them*) and that they would not be recognized as being “States” of the Union until they were admitted into the U.S. Congress by an Act of Law.³ During this time in history, the Congress declared that unlawful governments had no authority to participate in the amendment process of the U.S. Constitution and that unlawful governments had no authority to cast votes of ratification on proposed Constitutional Amendments.⁴ I ask the following questions:

1. As the U.S. Congress and the Federal Courts have declared that the southern States had lawful governments before, during, and after the Civil War,⁵ please tell me on what date(s) did the southern States lose their lawful governments?
2. Please tell me the date(s) that the southern States regained their lawful governments?
3. On what date(s) were the southern States re-admitted into representation in the U.S. Congress?
4. By what authority did the Congress of 1868 rely upon to mandate and accept votes of ratification of the 14th Amendment that were cast by legislatures of the States after the U.S. Congress declared those State to have unlawful governments?

^{2/} “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”

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

^{3/} See Section 6 to the Reconstruction Act of March 2, 1867 (THIRTY-NINTH CONGRESS, Sess. II, Ch. 153),

^{4/} “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.”

39th Congress, 2d Sess. - Senate Mis. Doc. No. 2 (Section 6)

^{5/} Texas v. White, 74 U.S. 700; U.S. House of Representative Resolution of July 22, 1861; U.S. Senate Resolution of July 25, 1861.

5. The Federal Courts have ruled that the U.S. Secretary of State (*U.S. Archivist*) has a ministerial duty to record all votes of ratification or rejection that are cast upon proposed Constitutional Amendments and that the U.S. Secretary of State (*U.S. Archivist*) has no authority to judge the qualification of the States that cast the votes.⁶ As the Congress has declared by Acts of Congress that the U.S. Secretary of State (*U.S. Archivist*) may only accept “*Official Notices*” of the votes of a State⁷ and with the Federal Courts ruling that the U.S. Secretary of State (*U.S. Archivist*) may not make judgment rulings in determination as to whether the “*Notices*” are the “*Official Notices*” of a State,⁸ who makes the determination as to what constitutes the “*Official Notices*” of a State?

It is time (*and long overdue*) to have a Congressional investigation into the purported ratification of the 14th Amendment to the U.S. Constitution and give an explanation as to why the U.S. Congress of 1868 exercised subversive conduct that resulted in the destruction of the Constitution for the United States. Now is the time to stop lying and deceiving the people. It is common knowledge that the 14th Amendment was “*rejected*” by more than ¼th of the States that were in the Union in the year of 1867 and this fact is well documented on the Internet with photocopies of the House and Senate Journals of the States. As the votes of “*rejection*” were cast by “*lawful*” governments of the southern States that existed before the enactment of the Reconstruction Acts of 1868, those votes of “*rejection*” are the only votes that can be counted as being the “*Official*” votes of the southern States. The historical background of the non-ratification of the 14th Amendment is recorded in numerous College Law Journals, Court Rulings of the States, the Congressional Record, and is found on numerous Web Sites of the Internet.

I, along with the Legislatures of several States of past years, have Petitioned the U.S. Congress to come forward and give answer to the purported ratification of the 14th Amendment to the U.S. Constitution with our Petitions for Redress of Grievance falling upon deaf ears. The States and I now restate our Petition for the U.S. Congress to come forth to convene an investigative Committee to review and give answers into the purported ratification of the 14th Amendment to the U.S. Constitution. As with any unlawful Act of Congress, an invalid Amendment to the U.S. Constitution does not obtain legitimacy with years of use and acceptance by the U.S. Congress or the Federal Courts.

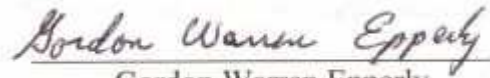
⁶/ U.S. ex re: Widenmann v. Colby, 265 F. 998, 49 App. D.C. 358, aff'd, 257 U.S. 619 (1920).

⁷/ 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*). It should be noted that the provisional governments that were established under the Reconstruction Acts of 1867 are not lawful governments of a State under the Constitution of the United States.

⁸/ Neither the Archivist nor his predecessors have had the expanded authority to determine the validity of the States' ratification. Leser v. Garnett, 258 U.S. 130, 137 (1922); U.S. ex re: Widenmann v. Colby at 999.

It has been a long and a very old story. Every branch of the Federal Government is acting in concert to declare that the ratification of Constitutional Amendments is a “*Political Question*” to those branches of Government which they cannot address. Someone had better step up to the plate and take responsibility while there is time. At present, the Government of the United States (*incorporated*) is operating “*De Facto*” and the People are under a mandate of the Declaration of Independence to remove such governments. What is at issue is your duty of “*Oath of Office*” and the duty of the “*Oath of Office*” of every member of Congress and the Federal Courts to protect and defend the Constitution of the United States.

<http://www.14th-amendment.com>


Gordon Warren Epperly

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**STATEMENT BY SENATOR JOHN McCAIN REGARDING
THE 14th AMENDMENT**

August 3, 2010

Washington, D.C. – U.S. Senator John McCain (R-AZ) today made the following statement regarding the 14th Amendment:

“Congressional hearings are always warranted when members of Congress raise the issue of amending our Constitution. Our Founding Fathers intentionally made the process of amending our Constitution extremely difficult. I believe that the Constitution is a strong, complete and carefully crafted document that has successfully governed our Nation for centuries and any proposal to amend the Constitution should receive extensive and thoughtful consideration. Immediate and full implementation of the McCain-Kyl 10-Point Border Security plan will assist in addressing concerns associated with this issue.”

MCCAIN SAYS HE WON'T SEEK HEARINGS ON 14th AMENDMENT

By Bob Christie

Associated Press / August 14, 2010

Phoenix – Breaking with Republican leaders in the Senate, John McCain says he is not requesting hearings into the constitutional amendment that grants automatic citizenship to babies born in the United States and does not support changing the Constitution.

McCain said that, despite a statement he made last week that was widely interpreted as meaning he supported hearings on the 14th Amendment, he remains unconvinced that a change in the Constitution is needed. Instead, he argued that fully securing the border would help to solve the problem.

“When I was asked . . . I said, ‘Look, if senators want to have hearings then senators have hearings, that’s how the Senate works, but I’m not requesting hearings,’” McCain said in an interview Thursday. “I’m devoting all my efforts to getting the borders secure, and if you get the border secure then the difficulties and challenges with this issue of people coming across our border illegally to have children is dramatically reduced.”

McCain said the Founding Fathers intentionally made the Constitution extremely hard to change and that he is fundamentally in favor of leaving it as it is.

When asked directly if he would support such an amendment, McCain said, “No. I mean, first of all we’d have to have hearings, we’d have to find out what the argument would be, but I certainly don’t at this time.”

Senior Republicans last week joined the push to take up the issue, including Senate Republican leader Mitch McConnell of Kentucky.

A Pew Hispanic Center study released this week said that 1 in 12 children born in the United States has at least one parent who is in the country illegally. The report added to calls from prominent Republicans to end automatic citizenship for children born to illegal immigrants.

Supporters argue that making such a change will discourage immigrants who have children on US soil to use them to stay in the country. Opponents say it could leave millions of US-born children stateless.