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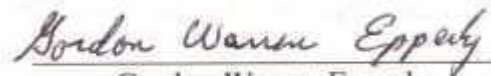
June 21, 2010

United States Senate
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Honorable Senator Patrick J. Leahy

As Chairman of the Senate Committee on the Judiciary, please make a copy of the enclosed Letter and Proclamation and make them available to every member of the Committee.

Thank you very much for your time.


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Honorable Members of the Committee on the Judiciary

As Members of the U.S. Senate Judicial Committee, you will be called upon to give your consent and confirm another Candidate for the office of U.S. Supreme Court Justice. This will be the second Candidate that has been submitted to your Committee by Barack Obama as President of the United States for the United States Supreme Court. The first Candidate was Sonia Sotomayor which was confirmed to Office on August 6, 2009 and now Elena Kagan is before you for vetting.

I have no knowledge of the qualifications of either Candidate nor do I pass judgment on their qualifications. What I do question is the authority of Barack Obama to submit a Candidate to the U.S. Senate for consent and confirmation.

Barack Obama was sworn into Office of the President of the United States on January 20, 2009 that was founded upon a Certified Notice of vetting qualification of Office by the Chairman of the Democratic National Convention, Nancy Pelosi, and Democratic National Convention Secretary, Alice Travis Germond. This Vetting Notice of Qualification presents us with a problem as Barack Obama does not have the qualifications of being a "*natural born*" citizen of the United States and therefore he is not the President of the United States.

Looking to the U.S. Constitution, we see that Barack Obama is not even a “*native born*” Citizen of the United States for want of an Amendment to the United States Constitution. Barack Obama is of Negro descent as he was born from his father Barack Hussein Obama, Sr. who is a Luo from Nyang’oma Kogelo, Nyanza Province, Kenya Colony. The United States Supreme Court has declared within a case of December 1856 that one who is of Negro descent may be a citizen of a State of the Union, but not a Citizen of the United States (see Dred Scott v. Sanford, 60 U.S. 393). The case of Dred Scott v. Sanford has never been distinguished (overturned).

The U.S. Congress tried to “*moot*” the Dred Scott decision by proposing an Amendment to the U.S. Constitution. The Amendment today is known as the 14th Amendment. But there is a problem – the 14th Amendment does not exist as the Amendment was rejected by more than one fourth (1/4) of the States that were in the Union during the year of 1867. It is now common knowledge throughout the land that the 14th Amendment to the U.S. Constitution was expressly “*rejected*” by more than one-fourth (1/4) of the States and as such, the Amendment does not exist. This fact appears on several Internet web sites and the facts have not been repudiated by any Member of the U.S. Congress nor by any Judge of a United States Court. The question of ratification of the 14th Amendment to the U.S. Constitution is not subject to the “*Political Question*” doctrine of the Federal Courts as the U.S. Congress has gone on record and declared that the votes cast under the Reconstruction Acts /¹ of 1867 were cast by unlawful governments and that unlawful governments of a State are not entitled to representation in Congress nor may they participate in the Amendment process of the U.S. Constitution.

Within the Reconstruction Acts of 1867, the U.S. Congress declared those votes cast on the 14th Amendment after March 2, 1867 are “*void*” and without effect as being cast by unlawful governments. Without the count of ratification votes cast by unlawful governments, the 14th Amendment stands “*rejected.*” (see enclosed “*Proclamation*”).

^{1/} THIRTY-NINTH CONGRESS, Sess. II, Ch. 153; FORTIETH CONGRESS, Sess. I Ch. 30; FORTIETH CONGRESS, Sess. II, Ch. 70.

I must call your attention that there is a Member of this Judiciary Committee that has gone on record and taken the position that the people of the United States of America have no standing to question the ratification of an Amendment to the U.S. Constitution. If this is true, then the U.S. Constitution is no longer the Constitution of the people, but the personal property of a shadow government and the BAR Associations. No Congressional action needs to be taken except to proclaim the truth – the 14th Amendment was rejected in the year of 1867 and as such, it is not an Amendment to the U.S. Constitution. I must remind some Senators that Congress cannot repeal non-existent Amendments and non-existent Amendments cannot be brought to life through usage.

Even if the 14th Amendment was an Amendment to the U.S. Constitution, Barack Obama still would not have the qualification of being a “*natural born*” citizen of the United States. The lineage of citizenship always follows the father, not the mother, and as Barack Obama’s father was never a citizen of the United States, Barack Obama can only be classified as being a “*native born*” citizen, not a “*natural born*” citizen of the United States.

For those of you that are having trouble with Obama’s alleged birth place, it is only the term “*NATIVE*” which refers to the place of birth.

Native—“*Conferred by birth; as native rights and privilege - Pertaining to the place of birth; as native soil; native country; native graves - One born in any place is said to be a native of that place, whether country, city or town.*”

Is Barack Hussein Obama a “*natural born citizen*” of the United States? Although *NO* authenticated evidence has been offered to support the claim, those who claim that Obama was born in Hawaii would be claiming only that Obama is a “*native born citizen*” of the United States. As a “*native born citizen*” is *NOT* the requirement for President in the U.S. Constitution, this is an argument of no real consequence.

Being born in Hawaii would make Obama a “*native born citizen*,” but not necessarily a “*natural born citizen*” of the United States. Even if we accept the notion that Obama was “*native born*” to Hawaii, which was a U.S. state at the time of Obama’s alleged birth in August 1961, we would only be accepting the notion that Obama is a “*native born*” citizen, not a “*natural born*” citizen.

Barack Obama supporters shouldn’t feel unfairly singled out however, as without the grandfather presidential qualification clause,² no Founding Father could have held the office of President either, and they were all white men. In fact, all white men would have to meet the exact same requirements as Barack Obama today. U.S. Constitution, Article II, Section 1 mentions nothing about color or race.

Before this Senate Judiciary Committee may move forward to vetting Elena Kagan for the Office of Justice of the United States Supreme Court, this Committee (*as an integral body of U.S. Congress*) is required to verify the qualification of Barack Obama to hold the Office of the President of the United States. The Committee must also confirm the ratification of 14th Amendment to the U.S. Constitution, especially after several Legislatures of the States and Members of the Public have brought the Amendment into question before the U.S. Congress and the Federal Courts. The Members of this Committee may begin answering the questions by providing the People with the date on which the “*Rebel*” states lost their lawful governments as proclaimed by the Reconstruction Acts of 1867.

What is at issue is the “*Oath of Office*” that each Member of this Committee took to defend and “*protect*” the U.S. Constitution. Most of you believe that your “*Oath of Office*” is nothing more than a mouthful of words that may be ignored. Of course this is not true as your “*Oath of Office*” is a mandate that you have a duty. When it comes to protecting and defending the U.S. Constitution, there is no such thing as a “*Political Question*” as every Federal Judge, Member of Congress, and Members of

²/ U.S. Constitution, Article II—Section I—Clause V; - “*or a Citizen of the United States, at the time of the Adoption of this Constitution;*”

the Executive Branch have taken the “*Oath of Office*” to protect and defend the U.S. Constitution and that duty may not be delegated to another branch of government or to another individual.

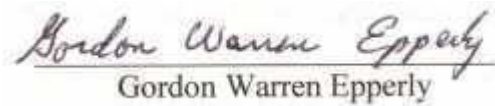
To view the House and Senate Journals of the States that rejected the U.S. Constitution, 14th Amendment, you may view them at:

http://www.14th-amendment.com/Historical_Documents/State_Journals/page_frame.htm

For complete documentation and articles:

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

If I can be of further assistance, you may contact me at the above address and telephone number. This letter will be posted on the Internet.


Gordon Warren Epperly

cc: Barack Obama
Sonia Sotomayor (Justice U.S. Supreme Court)
Elena Kagan
John G. Roberts (Chief Justice U.S. Supreme Court)

A Proclamation

U.S. Constitution, 14th Amendment

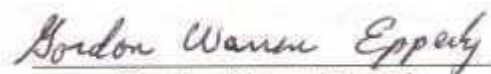
Amendment declared “*Void*” and without effect

Gordon Warren Epperly
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Oyez

The Proclamation

Under the sovereign powers reserved to the people under Article X of the Bill of Rights to the U.S. Constitution; we the people, in our sovereign capacity, hereby declares that with the vote of rejection being cast by the Legislature for the State of Maryland on March 23rd 1867, the 14th Amendment to the U.S. Constitution was rejected by more than one-fourth (1/4) of the lawful Legislatures of the States that were in the Union during the year of 1867. The 14th Amendment to the U.S. Constitution does not exist and all laws and Judicial Opinions to the contrary are declared null and void. Anyone who has knowledge to the contrary, come forward and present your evidence.


Gordon Warren Epperly

The Reconstruction Acts of 1867

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. ¹

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

“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. ²
- 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 22nd 1861 the U.S. House of Representatives adopted a Resolution and when on July 25th 1861 the Senate adopted a Resolution which both read:

“*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

¹/ THIRTY-NINTH CONGRESS, Sess. II, Ch. 153; FORTIETH CONGRESS, Sess. I Ch. 30; FORTIETH CONGRESS, Sess. II, Ch. 70.

²/ Texas v. White, 74 U.S. 700.

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 2nd 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”³
[*Emphasis Added*]

This Section 6 of the Reconstruction Act of March 2nd 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 ratified the proposed 14th Amendment to the United States Constitution, the people of those States would be admitted to representation to Congress:

- see Act of June 22nd 1868⁴ - Law to admit the State of Arkansas to Representation in Congress.

³/ Section 6 of the Reconstruction Act of March 2nd 1867.

⁴/ FORTIETH CONGRESS. Sess. II, Ch. 69 declaring Arkansas had adopted a State Constitution and had ratified the U.S. Constitution, 14th Amendment.

- see Act of June 25th 1868 /⁵ - Law with a Presidential Proclamations /⁶ to admit the States of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida to Representation in Congress.
- see Act of January 21st 1870 /⁷ - Law to admit the State of Virginia to Representation in the Congress of the United States.
- see Act of February 23rd 1870 /⁸ - Law to admit the State of Mississippi to Representation in the Congress of the United States.
- see Act of March 10th 1870 /⁹ - 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 2nd 1867 to June 22nd 1868, and
- The State of North Carolina had no lawful State government from the date of March 2nd 1867 to July 11th 1868, and
- The State of South Carolina had no lawful State government from the date of March 2nd 1867 to July 18th 1868, and

^{5/} 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, 14th Amendment.

^{6/} Proclamation No. 7 of July 11, 1868 declaring Florida and North Carolina as having ratified the U.S. Constitution, 14th Amendment; and

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

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

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

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

^{7/} FORTY-FIRST CONGRESS. Sess. II, Ch. 10 declaring Virginia had adopted a State Constitution and had ratified the U.S. Constitution, 14th Amendment.

^{8/} FORTY-FIRST CONGRESS. Sess. II, Ch. 19 declaring Mississippi had adopted a State Constitution and had ratified the U.S. Constitution, 14th Amendment.

^{9/} FORTY-FIRST CONGRESS. Sess. II, Ch. 39 declaring Texas had adopted a State Constitution and had ratified the U.S. Constitution, 14th Amendment.

- The State of Louisiana had no lawful State government from the date of March 2nd 1867 to July 18th 1868, and
- The State of Georgia had no lawful State government from the date of March 2nd 1867 to July 27th 1868, and
- The State of Alabama had no lawful State government from the date of March 2nd 1867 to July 20th 1868, and
- The State of Florida had no lawful State government from the date of March 2nd 1867 to July 11th 1868, and
- The State of Virginia had no lawful State government from the date of March 2nd 1867 to January 21st 1870, and
- The State of Mississippi had no lawful State government from the date of March 2nd 1867 to February 23rd 1870, and
- The State of Texas had no lawful State government from the date of March 2nd 1867 to March 10th 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, 14th Amendment*), there were no lawful State governments of any southern State existing under the Reconstruction Acts which had the authority to issue 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 2nd 1867 until the date that Congress admitted the people of those States to representation in Congress as a matter of law.¹⁰ 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, 14th Amendment while their States were operating under

^{10/} 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.

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.”¹¹ [*Emphasis Added*]

Repugnancy

The Reconstruction Acts of 1867 are not valid for being repugnant. The U.S. Congress declared the purpose and intent of the Reconstruction Acts was to identify the States that had unlawful governments and then mandated that the unlawful governments of those States are to ratify the 14th Amendment to the U.S. Constitution. This same Congress declared by Senate Resolution of December 5, 1866 (*supra.*) that unlawful governments of a State are not entitled to representation in Congress and they have no voice in the adoption of Constitutional Amendments. As the Reconstruction Acts of 1867 were enacted to implement the provisions of the December 5th, 1866 Senate Resolution (*supra.*), the Reconstruction Acts and the Senate Resolution are repugnant to each other.

The bodies of the Reconstruction Acts are repugnant to the headings of those Acts in that the headings identified the States with unlawful governments and then the bodies mandated that the unlawful governments of those identified States shall adopt Amendments (14th & 15th) to the U.S. Constitution.

¹¹/ 39th Congress, 2d Sess. - Senate Mis. Doc. No. 2

Proclamations of Ratification

There are no Proclamations of Ratification for the U.S. Constitution, 14th 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 20th 1868 /¹² and the second was issued on July 28th 1868. /¹³

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, 14th Amendment.

In concluding, 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 14th Amendment stands ratified. [But this is also a statement that the U.S. Constitution, 14th Amendment failed ratification if the Legislatures of the](#)

¹²/ see [15 Stat. Lg. 706](#).

¹³/ see [15 Stat. Lg. 708](#).

southern States have no lawful standing to cast votes of ratification and/or the States of Ohio and New Jersey were authorized 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 lawful standing to cast votes of ratification on the 14th Amendment to the Constitution of the United States of America: /¹⁴

“..... *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.” /¹⁵

“*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.’” /¹⁶

In response to the above stated Concurrent Resolution of Congress, the U.S. Secretary of State issued forth a purported Proclamation of Ratification /¹⁷ wherein he made it clear that he had reservations and the Proclamation was not an issuance of his free will:

“..... 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 21st 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 28th 1868 raises questions as to whether the July 21st 1868 Concurrent Resolution of Congress was lawful and imposed a ministerial duty upon the U.S. Secretary of State of the United States.

^{14/} 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).

^{15/} Resolution of the Senate July 21st 1868 as printed in the Journal of the Senate, Pg. 709.

^{16/} Resolution of the House of Representatives July 21st 1868 as printed in House Journal, 40th Congress, Sess. 2, Pg. 1126.

^{17/} Proclamation dated July 28th 1868 (15 Stat. 708-711).

Congressional Concurrent Resolution of July 21st 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 I, Clause 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 ^{/18} 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 ^{/19} and was not recorded in the Statutes at Large of the United States as required by law. ^{/20}

Furthermore, the U.S. Congress exceeded its authority in adopting said Concurrent Resolution as it ignored the law of the 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 never repealed or made any amendments to the above said law.

^{18/} see Hollingsworth v. Virginia, 3 Dallus 378.

^{19 /} This statement of fact appears in the purported Proclamation of Ratification dated July 28th 1868.

^{20/} see Section 1 of the law of FIFTEENTH CONGRESS, Sess. I, Ch. 80 (1818).

Note: The Concurrent Resolution of Congress was passed by a simple majority vote of both Houses with a large number of the members of both Houses abstaining from voting. It is obvious that the Congress did not have a 2/3rd 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.

Upon the enactment of FIFTEENTH CONGRESS, Sess. I, Ch. 80, the U.S. Congress openly declared that the receiving of “*Official Notices*” of ratification of Constitutional Amendments is a constitutional function of the Executive Department of the United States. Under the doctrine of separation of powers, the U.S. Congress has no authority to delegate its legislative functions to any other branch of government, including the Executive Branch. Upon the enactment of the above named law, the U.S. Congress makes the admission that the receiving of “*Official Notices*” of ratification of proposed Amendments to the United States Constitution is not a legislative function.

We also have an issue of “*Repugnancy*” as the July 21st 1868 Concurrent Resolution is in direct conflict with Section 6 of the Reconstruction Act of March 2nd 1867 and the Reconstruction Act of July 25th 1868. As noted earlier in this Proclamation, the Reconstruction Act of March 2nd 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 2nd 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 by an act of law.

The Congress of the United States reiterated its position in the Supplemental Acts of Reconstruction dated June 25th 1868:

“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 . . .”²¹
[Emphasis Added]

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

^{21/} Reconstruction Act of June 25th 1868 (*FOURTIETH CONGRESS, Sess. II, Ch. 70*).

The Congress of the United States made no repeals or amendments to Section 6 of the Reconstruction Act of March 2nd 1867 nor has Congress ever made any repeals or amendments to the Reconstruction Act of June 25th 1868. As the Concurrent Resolution of July 21st 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*).²² The records of the House and Senate Journals of the States that were in the Union prior to the enactment of the March 2nd 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 14th Amendment to the Constitution of the United States.

Official Notices of Rejection

The record of the purported Ratification Proclamation of July 28th 1868 shows that the Legislatures of the southern States cast votes of rejection on the proposed 14th Amendment to the U.S. Constitution prior to the enactment of the March 2nd 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. From my past inquiries of the United States Department of Archives,

²²/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.

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 14th Amendment to the U.S. Constitution prior to March 2nd 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, 14th Amendment fails adoption for being rejected by more than one-fourth (1/4) 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 28th 1868:

- Texas on November 1st 1866
(House Journal 1866, pp. 578-584 - Senate Journal 1866, p. 471);
- Georgia on November 13th 1866
(House Journal 1866, p. 68 - Senate Journal 1866, p. 8);
- North Carolina on December 4th 1866
(House Journal 1866-1867, p. 183 - Senate Journal 1866-1867, p. 138);
- South Carolina on December 20th 1866
(House Journal 1866, p. 284 - Senate Journal 1866, p. 230);
- Virginia on January 9th 1866
(House Journal 1866-1867, p. 108 - Senate Journal 1866-1867, 101);
- Kentucky on January 10th 1867
(House Journal 1867, p. 60 - Senate Journal 1867, p. 62);
- Delaware on February 7th 1867
(House Journal 1867, p. 223 - Senate Journal 1867, p. 808);
- Maryland on March 23rd 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 28th 1868; but are recorded in the House and Senate Journals of the following States:

- Arkansas on December 17th 1866
(House Journal 1866, pp. 265-268 – Senate Journal 1866, pp. 212-216);
- Alabama on December 7th 1866
(House Journal 1866, pp. 208-215 - Senate Journal 1866, pp. 182-183);
- Florida on December 6th 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 31st 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 9th 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, 14th Amendment in their House and Senate Journals leaves no doubt that their votes of rejection were sent to the U.S. Secretary of State. You may view the House and Senate Journals of the States that cast votes of rejection at:

http://www.14th-amendment.com/Historical_Documents/State_Journals/page_frame.htm

If the votes of ratification that were cast by the provisional Legislatures of the southern States (*that existed under the Reconstruction Act of March 2nd 1867*) were not cast by lawful

State governments as proclaimed by the Congress of the United States,^{/23} then the votes of rejection cast by those southern States on the proposed 14th 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 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 came to an end.^{/24} The votes of ratification by the southern States, as recorded in the Ratification Proclamation of July 28th 1868, must be declared “*Void*” and without effect as a matter of law.

States Changing Votes of Ratification

The U.S. Secretary of State, William H. Seward, announced within the Ratification Proclamation of July 20th 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,^{/25} 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

^{23/} see Section 6 of Reconstruction Act that was enacted into law on March 2nd 1867.

^{24/} The act of FIFTEENTH CONGRESS, Sess. I, Ch. 80.

^{25/} 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:

“We think the conclusion is inescapable that a state can act but once, either by convention or through its Legislature, upon a proposed amendment; and, whether its vote be in the affirmative or be negative, having acted, it has exhausted its power further to consider the question without a resubmission by congress.”

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*,²⁶ (*involving the ratification of the Equal Rights Amendment*). The Court addressed the question in Section D of the Opinion:²⁷

“..... 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.”²⁸

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.²⁹ 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.”³⁰

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

^{26/} State of Idaho v. Freeman, 529 F. Supp. 1107.

^{27/} State of Idaho v. Freeman, 529 F.Supp. 1107 @ 1146.

^{28/} State of Idaho v. Freeman, 529 F.Supp. 1107 @ 1150.

^{29/} Cong. Globe 40th Cong., 2d Sess. 877 (1868).

^{30/} State of Idaho v. Freeman, 529 F.Supp. 1107 @ 1143.

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 14th 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. ³¹

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 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, 14th 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 that one-fourth votes of rejection is most likely a political question that may not be addressed by the U.S. Secretary of State (*Archivist of the United States*) or by the Federal Courts.

Expressing my opinion, I believe the State of Oregon may cast a vote of rejection as being a State that had not cast a vote on the U.S. Constitution, 14th Amendment. I am not aware of any Opinion of the Congress of the United States or the Federal Courts that would bar any State Legislature who has not voted on a proposed Amendment from casting a vote of

³¹/ see Miscellaneous Document No. 12, House of Congress, 40th Congress, 3d Sess. (December 14, 1868).

ratification or rejection after the period of time when an Amendment has been proclaimed to have been ratified or rejected.

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, 14th Amendment to that of being ratified. The acceptance and recording of those State Resolutions exceeds the authority of the U.S. Archivist:

“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.

Political Question

In United States law, a ruling that a matter in controversy is a **political question** is a statement by a federal court declining to rule in a case because:

1. The U.S. Constitution has committed decision-making on this subject to a coordinate branch of the federal government; or
2. There are inadequate standards for the court to apply; or
3. The court feels it is prudent not to interfere.

The doctrine has its roots in the federal judiciary's desire to avoid inserting itself into conflicts between branches of the federal government. It is justified by the notion that there exist some questions best resolved through the political process, voters approving or correcting the challenged action by voting for or against those involved in the decision. Justice Felix Frankfurter was an active and eloquent exponent of maintaining and expanding the political question doctrine.

Over the years, the Federal Courts have ruled that the question of ratification of the U.S. Constitution, 14th Amendment was a political question and dismissed all cases without comment. There is a major problem with the Federal Courts imposing the political question doctrine to the U.S. Constitution, 14th Amendment in that the U.S. Congress has declared within the Congressional Record and U.S. Statutes at Large that a number of States from March 2nd, 1867 to March 10th, 1870 had unlawful governments and any State with an unlawful government had no authority to participate in amending the U.S. Constitution.

As the U.S. Congress has declared and identified those States that had unlawful governments, the Federal Courts have no authority to count the votes of ratification that were cast by State governments that were found to be unlawful by the Congress of the United States as “*Official Votes*” of a State. Without the votes that were cast by unlawful governments, the 14th Amendment to the U.S. Constitution must stand as being “*rejected*” by more than one-fourth (1/4) of the States. When it comes to amending the U.S. Constitution, every Federal Judge is bound to the findings and opinions of the Congress of the United States.

The Members of the 1868 Congress exceeded its Constitutional authority when it “*Ordered*” ³² the U.S. Secretary of State to count the ratification votes that were cast by unlawful governments as “*Official Votes*” of a State and to publish a Proclamation of Ratification founded upon those votes when the U.S. Congress had on record the votes of rejection that were cast from more than one-fourth (1/4) of the States with lawful governments. By the “*Oath of Office*” ³³ taken by every Federal Judge, there

^{32/} 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).

Resolution of the Senate July 21st 1868 as printed in the Journal of the Senate, Pg. 709.

^{33/} Title 28, Chapter I, Part 453 - "I, [NAME], do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as [TITLE] under the Constitution and laws of the United States. So help me God."

are no Federal Judges that have the authority to give validity to an unlawful act of Congress.

Conclusion

On March 2nd 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 2nd 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 after 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 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, 14th Amendment. Further stipulations required the Legislatures to ratify the present day 14th 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, 14th Amendment.

U.S. Constitution, Art. VI, Sec. 3, Cl. 1 – “The Senators and Representatives before mentioned, and the Members of the several State Legislatures, **and all** executive and **judicial Officers**, both of the United States and of the several States **shall be bound by Oath or Affirmation, to support this Constitution;** . . . “

An argument might be made that the provisional governments of the southern States were authorized to ratify Constitutional Amendments when the U.S. Congress declared by Act(s) of Law /³⁴ 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 law of those Acts to publish Proclamations of Ratification for each of those States when they ratified the U.S. Constitution, 14th Amendment (*or when Congress declared by law that a State had adopted a State Constitution and had ratified the U.S. Constitution, 14th Amendment*).

The status of “*lawful State governments*” came *after* the President of the United States or the U.S. Congress proclaimed that the provisional governments of the southern States had ratified the U.S. Constitution, 14th Amendment. We must not forget that the March 2nd 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 the provisional governments of those States had ratified the U.S. Constitution, 14th Amendment.

We must ask: “*Is a State that has been declared by the U.S. Congress as having an unlawful State 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

^{34/} 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.

of July 28, 1868 /³⁵ wherein the U.S. Congress declared that the southern States had no standing to cast votes in the Electoral College.

What makes a government of a State different from that of a government of a Territory when 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 2nd 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 1867 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 or Possession of the United States to ratify proposed Amendments to the U.S. Constitution? There appears to be no restrictions 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 or Possession of the United States is not a State of the Union and Article V of the U.S. Constitution declares that only the 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 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 that period in history.

³⁵/ FOURTIETH CONGRESS, Sess. II, Res. 58 (July 28, 1868).

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 ³⁶ and we also know that the war was brought to an end by an issuance of a Presidential Proclamation. ³⁷ Absence of an Application of

³⁶/ PRESIDENT'S PROCLAMATION.
WASHINGTON, D. C., April 15, 1861.

“Whereas the laws of the United States have been for some time past, and now are opposed, and the execution thereof obstructed, in the States of South Carolina, Georgia, Alabama, Florida, Mississippi, Louisiana and Texas, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the Marshals by law,

“Now therefore, I, Abraham Lincoln, President of the United States, in virtue of the power in me vested by the Constitution, and the laws, have thought fit to call forth, and hereby do call forth, the militia of the several States of the Union, to the aggregate number of seventy-five thousand, in order to suppress said combinations, and to cause the laws to be duly executed. The details, for this object, will be immediately communicated to the State authorities through the War Department.

“I appeal to all loyal citizens to favor, facilitate and aid this effort to maintain the honor, the integrity, and the existence of our National Union, and the perpetuity of popular government; and to redress wrongs already long enough endured.

“I deem it proper to say that the first service assigned to the forces hereby called forth will probably be to re-possess the forts, places, and property which have been seized from the Union; and in every event, the utmost care will be observed, consistently with the objects aforesaid, to avoid any devastation, any destruction of, or interference with, property, or any disturbance of peaceful citizens in any part of the country.

“And I hereby command the persons composing the combinations aforesaid to disperse, and retire peaceably to their respective abodes within twenty days from this date.

“Deeming that the present condition of public affairs presents an extraordinary occasion, I do hereby, in virtue of the power in me vested by the Constitution, convene both Houses of Congress. Senators and Representatives are therefore summoned to assemble at their respective chambers, at 12 o'clock, noon, on Thursday, the fourth day of July, next, then and there to consider and determine, such measures, as, in their wisdom, the public safety, and interest may seem to demand.

“In Witness Whereof I have hereunto set my hand, and caused the Seal of the United States to be affixed.

“Done at the city of Washington this fifteenth day of April in the year of our Lord One thousand, Eight hundred and Sixty one, and of the Independence the United States the Eighty fifth.”

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

³⁷/ “. . . 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]*).

a State Legislature or the Executive of a State to put down domestic violence, /³⁸ or the U.S. Congress issuing a Declaration of War, /³⁹ 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 southern States were at peace and being governed by lawful civil authorities. /⁴⁰

The Congress of 1867 was also barred to invade and occupy the southern States by a compact agreement that was entered into by the States known as the “*Articles of Confederation*” of November 15, 1778. At Article II we find that the States declared: “*Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this Confederation expressly delegated to the United States in Congress assembled.*” The States also declared at Article XIII, Paragraph 2, that the Union of States under the Articles of Confederation shall be perpetual.

On September 17, 1787; the States declared that they have created a Constitution for the United States which defines the powers of the United States and the States of the Union. This Constitution was approved by the United States in Congress and by the States as mandated by Article XIII of the Articles of Confederation. Shortly after the States ratified the U.S. Constitution, the States found the need to adopt a Bill of Rights wherein the States re-affirmed their sovereign powers and rights at Article X. /⁴¹ The provisions of the Articles of Confederation which have not been altered by the U.S. Constitution are still in effect today. /⁴² Under the Articles of Confederation, the northern States (*sitting in Congress*) had no authority to invade and dissolve any rights or sovereignty of any southern State or prevent any southern State of representation in Congress.

³⁸/ see U.S. Constitution, Article IV, Section 4, Clause 1.

³⁹/ see U.S. Constitution, Article I, Section 8, Clause 11.

⁴⁰/ “. . . 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]*).

⁴¹/ “U.S. Constitution, Article X of the Bill of Rights: ‘*The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively, or its people.*’”

⁴²/ see Texas v. White, 74 U.S. 700.

We have seen Federal Judges and Members of Congress telling the people that the U.S. Constitution, 14th Amendment is valid because it has been in use for several years. This is a statement that their *Oath of Office* to protect and defend the U.S. Constitution doesn't apply to them. There are no provisions in the U.S. Constitution that provides a procedure to amend the Constitution by fraud or deception. The U.S. Constitution 14th Amendment was rejected by more than one fourth ($\frac{1}{4}$) of the States in 1867 and therefore the Amendment does not exist today.

As there are no Constitutional Amendments that defines a citizen, the term "*citizen*" must be given the definition as it was understood at the time the U.S. Constitution was adopted by the States.

Presently, there is no legitimate government of the United States as we have Representatives of Congress that are not white Caucasian males of the age 25 years or older and have been a citizen of the United States for seven years and U.S. Senators that are not white Caucasian males of the age 35 years or older and been a citizen of the United States for nine years. /⁴³

As the Fourteenth Amendment to the U.S. Constitution was expressly rejected by more than one-fourth ($\frac{1}{4}$) of the States, we find ourselves with a defacto President of the United States as Barack Obama is not a white Caucasian male of the age 35 years or older and being a natural born citizen of the United States as required by Article II, Section 5 of the U.S. Constitution. /⁴⁴

As there are no dejure Judicial Officers of the Judicial Branch of Government for the United States as none were confirmed to Office by a dejure Congressional Senate of

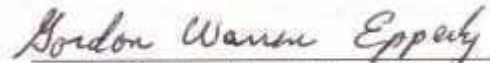
⁴³/ see U.S. Constitution, Article I, Section 2, Clause 2 and U.S. Constitution, Article I, Section 3, Clause 3.

⁴⁴/ Barack Obama is of Negro descent and as such, he cannot be a U.S. citizen (see Dred Scott v. Sanford, 60 U.S. 393). Even if the Fourteenth Amendment was found to be a legitimate Amendment to the U.S. Constitution, Barack Obama is only a "*native born*" citizen of the United States. As Barack Obama's father was not a citizen of the United States, Obama's birth in the United States does not make him a "*natural born*" citizen, but made him a "*native born*" citizen. "*Native born*" citizens and "*natural born*" citizens are not the same nor do they have the same status under the U.S. Constitution. The requirement for the Office of the President of the United States does not recognize "*native born*" citizens as a qualification for Office.

the United States /⁴⁵ the question must be asked: “*Whom is qualified in Washington, D.C. to rebut the allegations of fraud in the adoption of the 14th Amendment to the U.S. Constitution?*”

For want of a dejure government, there are no lawful Corporations which includes the incorporated United States, the incorporated BAR Associations, the incorporated State(s) of . . . , Personal Corporations, etc., and none are recognized to exist. /⁴⁶

IN WITNESS WHEREOF I have hereunto set my hand. Done at Juneau in Alaska State the fifth day of December in the year of our Lord two thousand and nine and in the two hundred and thirty three year of the independence of America.


Gordon Warren Epperly

^{45/} U.S. Constitution, Article V: “... *no State, without its consent, shall be deprived of its equal suffrage in the Senate.*” The 17th Amendment to the U.S. Constitution was never proposed nor ratified in accordance to Article V of the U.S. Constitution. The 17th Amendment surrenders the equal suffrage of the States in Congress to a popular vote of the people, a surrender of suffrage that several States expressly made objection. For the 17th Amendment to be an Amendment to the U.S. Constitution, the 17th Amendment would have to be passed out of Congress with the approval of every member of the Senate and to have been ratified by Legislatures of every State in the Union which did occur.

^{46/} see Corporations defined (Dartmouth College v. Woodward, 4 Wheat. Rep. 626).

Note: The dejure 1861 Congress walked out without day which ended the united States of America and the United States government located in Washington D.C.. With the northern States sitting as a [*defacto*] Congress of 1862-1868 and declaring that the southern States would not be allowed Congressional representation as mandated by Article V of the U.S. Constitution, is further evidence that the dejure government of the United States ceased to exist. The northern States sitting in a [*defacto*] Congress declaring that the southern States would not be allowed to participate in the debates or votes for altering the U.S. Constitution with the proposed 13th, 14th, and 15th Amendments is also a statement that the dejure government of the United States ceased to exist. Without a dejure government of the United States, there is no lawful authority for the creation of Corporations, including the incorporating of the District of Columbia in the year of 1867 (*dba United States*).



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