

# THE UNCONSTITUTIONAL 14TH AMENDMENT

AND

## THE COMMITTEE OF STATES

The Internet “*Links*” herein are valid as of May 6th 2014.

<http://www.14th-amendment.com/committee-of-states.pdf>



### Introduction

This Treatise on the unconstitutionality of the 14th Amendment to the Constitution for The United States of America is based upon the most comprehensive research and documentation of every angle concerning the unlawful procedures involved in its purported adoption.

This work was done and is offered with a realization that the Federal Courts are not ready to give consideration to the subject, because the Supreme Court for The United States of America and its Inferior Courts have used the 14th Amendment to enlarge upon their non-granted “Powers” without limit or reserve.

What we now call the 14th Amendment to the Constitution for The United States of America is the most controversial Amendment that has ever been proposed.

We will see that it's proposal and ratification process was fraught with irregularities and unconstitutional actions.

In order to provide historical background for the period in question, let's review some events that occurred after the "Civil War" ended. In May, 1865; President Andrew Johnson issued a "Proclamation of Amnesty" for former southern "Rebels." This action was in keeping with President Lincoln's wishes to heal the Nation. President Johnson established provisional governments in each of the southern States. The States were instructed to call "Constitutional Conventions" in order to form new governments. Each southern State formed new governments and elected new Representatives and government Officers. At that time, only "white men" had the right to "vote" since the 15th Amendment (*which established equal voting rights*) had not yet been passed. Senators and Representatives for Congress were also chosen. These Representatives were refused admission when they appeared at the opening of Congress.

Before an Amendment can be ratified, it must first be proposed. The Constitution for The United States of America provides two methods of proposing an Amendment:

“... by two thirds of the States or by two thirds of both Houses of Congress.” /<sup>1</sup>

The Congressional method was used in the case of the 14th Amendment.

---

<sup>1</sup>/ [U.S. Constitution, Article 5](#)

The section of the Constitution that discusses Amendments states:

“... no state without its consent, shall be deprived of its equal suffrage in the Senate.” <sup>2</sup>

When Congress proposed the Amendment, twenty-three (23) Senators were unlawfully excluded from the Senate in order to secure a two-thirds ( <sup>rd.</sup>) vote for the adoption of a proposed Amendment. Those excluded included both Senators from eleven (11) southern States and one (1) Senator from New Jersey. This alone is sufficient to invalidate the so-called Fourteenth because it was never properly proposed.

When an Amendment is proposed by the Congress, it must be:

“... ratified by the Legislatures of three fourths of the several States, or by Conventions in three-fourths ...” <sup>3</sup>

When the proposed Amendment was sent to the States for ratification, there were thirty-seven (37) States in the Union. This means that ratification required the approval of twenty-eight (28) States. Said another way, it would only take ten (10) States rejecting the Amendment to defeat it.

The proposed 14th Amendment was sent to the States for ratification in June of 1866. By March 1867, twenty (20) States had ratified and thirteen (13) had rejected the proposed Amendment. This means that the Amendment failed.

---

<sup>2</sup>/ *ibid.*

<sup>3</sup>/ *ibid.*

These totals do not include the actions of the State of Tennessee, *(which is generally regarded as ratifying the proposed Amendment)*. The Tennessee Legislature was not in session when the proposed Amendment was submitted, so a special session of the Legislature had to be called. The Tennessee Senate ratified the proposed Amendment, however, the Tennessee House could not assemble a quorum as required in order to legally act upon the Amendment. Finally, after several days and considerable effort, two (2) of the recalcitrant Members were arrested and brought into a Committee Room opening into the Chamber of the House. They refused to “vote” when their names were called, where upon the Speaker ruled that there was no “quorum.” His decision, however, was overruled and the Amendment was declared ratified on July 19, 1866 by a vote of forty-three (43) to eleven (11), *(with the two (2) Members under arrest in the adjoining Committee Room not voting.)* <sup>/4)</sup>

After learning that the proposed Amendment was failing ratification, the Congress of the northern States passed the “Reconstruction Act” of March 2, 1867. This “Act” overthrew and annulled the existing governments of the ten (10) southern States that rejected the Amendment. *(Recall that these governments had just been established in the year of 1865 under the approval of the Congress)*. The “Act” placed these States under “Military Rule” (Martial Law) and required the ratification of the proposed Amendment before they could be readmitted to representation in Congress as States of the Union.

---

<sup>4/</sup> “Adoption of the Fourteenth Amendment,” H.E. Flack, p. 165; Tenn. House Journal (Extra Session), 1866, p. 25

President Andrew Johnson “Vetoed” the “Reconstruction Act” because he believed it was unconstitutional. His “Veto Message” stated:

“I submit to Congress whether this measure is not in its whole character, scope and object without precedent and without authority, in palpable conflict with the plainest provisions of the Constitution, and utterly destructive of those great principles of liberty and humanity for which our ancestors on both sides of the Atlantic have shed so much blood and expended so much treasure.”

President Johnson went on to point out that each of the southern States had legitimate governments.

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

The Congress of the northern States was undaunted as it overrode the President’s “Veto” of the “Reconstruction Act.” After the “Reconstruction Act” was passed, two (2) States (“Nebraska” and “Iowa”) ratified the proposed Amendment and three (3) States <sup>5</sup> (“New Jersey,” “Ohio,” and “Oregon”) reversed their ratifications. So, without considering the actions taken under reconstruction, the final tally was nineteen (19) for, sixteen (16) against, and two (2) {“California” and “Tennessee”} not acting.

As a result of the “Reconstruction Acts” (*three (3) were passed in total between the dates of March 2 and July 19, 1867*), the ten (10) southern States were organized into “Military Districts.” Their lawfully constituted “Legislatures”

---

<sup>5</sup>/ Oregon Senate Journal, 1868, pp. 66 and 131; Oregon House Journal, 1868, p. 273; “Joint Resolution” of Oregon, {HOUSE OF REPRESENTATIVES, 40<sup>TH</sup> Congress, 3d session. Mis. Doc. No. 12}

were illegally removed by “military force” and they were replaced by illegitimate “Military District Legislatures.” Seven (7) of these “Military Legislatures” eventually ratified the 14th Amendment.

The “*official vote*” tally is another source of controversy. On July 20, 1868, William H. Seward, Secretary of State, issued a “Proclamation” <sup>6</sup> that listed the “*Official*” results. His tally showed twenty-three (23) States that voluntarily ratified, six (6) States that ratified under “Martial Rule” and two (2) States that voluntarily reversed their ratifications. Seward said in his official “Proclamation” that he was not authorized as 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.”

He also said that the Amendment was valid:

“... if the resolutions of the legislatures of Ohio and New Jersey, ratifying the aforesaid amendment, are to be deemed as remaining of full force and effect, notwithstanding the subsequent resolutions of the legislatures of these States.”

Seward’s “Report” also called into question the “ratification votes” of States who were under “Martial Rule.”

Will you not agree that Seward’s “reservations” were rather startling? It is patently obvious to any thinking Person that if a State has the right to ratify an Amendment that it equally has the right to withdraw the “ratification.” It is

---

<sup>6</sup>/ [Statutes at Large, v 15, p. 706](#).

equally obvious that any action which is taken under compulsion (*the southern States “forced vote” to “ratify”*) is an invalid action.

Congress was not satisfied with Seward’s “Proclamation” due to the reservations it contained. On July 21, 1868, Congress passed a Joint Resolution <sup>7/</sup> declaring that three fourths ( $\frac{3}{4}$ <sup>ths</sup>) of the several States of the Union had ratified the 14th Amendment. On July 28, 1868, Seward bowed to the action of Congress and issued his “Proclamation” <sup>8/</sup> declaring that three-fourths ( $\frac{3}{4}$ <sup>ths</sup>) of the States had ratified the Amendment.

In such an environment, one would hope that the highest Court of our Nation would bring some clarity, but alas, such is not the case. In one of the leading “Cases” on the validity of the 14th Amendment, the Court stated:

“The legislatures of Georgia, North Carolina and South Carolina had rejected the Amendment in November and December, 1866. New governments were erected in those States (and in others) under the direction of Congress. The new legislatures ratified the Amendment, that of North Carolina on July 4, 1868, that of South Carolina on July 9, 1868, and that of Georgia on July 21, 1868.” <sup>9/</sup>

In this “Case,” the Supreme Court did not bother to rule on the constitutionality of the Congress sweeping away valid “State Legislatures” in the “Reconstruction Acts.” The Supreme Court overlooked that it previously had held that at no time were those southern States out of the Union. <sup>10/</sup>

---

<sup>7/</sup> House Journal, 40th Congress, 2nd Session, p. 1126 {and as published in [15 Stat. Lg. 708](#)}.

<sup>8/</sup> [15 Stat. Lg. 708](#).

<sup>9/</sup> [Coleman v. Miller, 307 U.S. 448, 59 S.Ct. 972](#) (1938).

<sup>10/</sup> [White v. Hart, 13 Wall. 646, 654](#) (1871).

In the Coleman “Case,” the Court did make a slip to reveal that they understood what had happened in the case of the 14th Amendment:

"Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, **according to the provisions of the Constitution**, the Secretary of State shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States."

[Emphasis added]

The Supreme Court, in the Coleman “Case,” did lightly review questions pertaining to the ratification of the 14th Amendment, and of attempts by two (2) States to rescind their previous ratification of an Amendment.

“... the question of the efficacy of ratifications by State legislatures, in the light of previous rejection or attempted withdrawal, should be regarded as a political question pertaining to the political departments, with the ultimate authority in the Congress in the exercise of its control over the promulgation of the adoption of the amendment.”

[Emphasis added]

One would hope that the highest Court in the land would properly exercise their constitutional responsibilities to provide “check and balances” to the other branches of the federal government. Their statement that the question of ratification of Amendments to the Constitution for The United States of America was an issue for the political arena was an act of cowardice” and wholly inconsistent with the High Court’s pattern of “judicial statutory annulment.”



The precedent for “*judicial statutory annulment*” was established in 1803 where the Court said:

“... it is apparent that the framers of the Constitution contemplated that instrument as a rule for the government of courts, as well as that of the legislature. Why otherwise does it direct the judges to take an oath to support it?” /<sup>11</sup>

The practice of “*Judicial Review*” [*as it is also called*] continues on to this day. It is often used as a legal tool to justify taking a position that differs from the Legislature when the Court wants to nullify a law. It appears that the Court uses this technique only when it suites their motive and not necessarily to protect the “*Rights*” of Citizens.

The validity of the ratification of the 14th Amendment has often been disputed. The Utah Supreme Court has declared that the ratification of the 14th Amendment was invalid. /<sup>12</sup>

For more than a hundred (100) years, the Courts have applied the 14th Amendment to pertinent “*Cases*” that have come before them. And although questions have been raised about both its language meaning and the legal correctness of its adoption process, the federal challenges to the ratification of the 14th Amendment have always fallen on deaf ears. Its long time usage and the “*lateness of the hour doctrines*” have caused the Supreme Court to accept the 14th Amendment as “*Law*.” /<sup>13</sup>

---

<sup>11/</sup> [Marbury vs. Madison, 5 U.S. 137](#) (1803).

<sup>12/</sup> See [Dyett vs. Turner, 439 Pacific 266](#) (1968), and the numerous other cites therein.

<sup>13/</sup> See [Coleman vs. Miller, 307 U.S. 433](#) (1939).

All three (3) Branches of the Federal Government have used the 14th Amendment as its source of authority to transfer “Reserved Powers” of the States into Washington, D.C. and making “WAR” upon the Christians by mocking the “Holy Laws” of “Yahweh,” our Heavenly Father.

The Jewish/Jesuit members of the Supreme Court mocks “Yahweh,” our Heavenly Father, when they declare that a non-existent “Doctrine” of “Separation of Church and State” is now the law of the land when they have full knowledge that several States of the Union have enacted laws to incorporate our “Churches” with the Federal Government laying claim of authority to “regulate” and “tax” those “Churches.” Furthermore, the “Colonist” that settled “Cape Cod” in the year of 1620 declared that the Government which they established was for the glorification of “God” and thus declaring that “Government” and “Christian Faith” exist hand in hand. /<sup>14</sup>

The Jewish/Jesuit controlled Supreme Court mocks “Yahweh,” our Heavenly Father, when they use the 14th Amendment to sanctify “Homosexuality” (*same sex marriages*) as the law of the land when they have full knowledge that “Yahweh” has declared within his “Holy Bible” that “Homosexuality” is an “abomination” /<sup>15</sup> and having full knowledge that “Yahweh” has destroyed “Cities” and “Nations” of the past that practiced “Homosexuality.”

---

<sup>14</sup>/ The [Mayflower Compact](#) of November 11, 1620.

<sup>15</sup>/ [Hebrew term, t](#)

The Jewish/Jesuit controlled Supreme Court mocks “Yahweh,” our Heavenly Father, when they use the 14th Amendment to sanctify government sponsored “Abortions” of the innocence when “Yahweh” has declared that such practice is a religious sacrificial worshipping to “Adrammelech” and “Anammelech,” the gods of “Sepharvaim” which is an “abomination.” /<sup>16</sup>

The 14th Amendment is a tool that is being used by “domestic enemies” to destroy The United States of America from within. We have seen several “Presidents” standing before the cameras of “National Television” announcing that The United States of America must succumb to a “New World Order” government, /<sup>17</sup> a government as envisioned by the “Black Pope Jesuits” of the “Vatican” /<sup>18</sup> and those who call themselves “Jews” who are not of “Hebrew” descent nor are they related to the ancient “House of Judah.” /<sup>19</sup>

/////

/////

/////

---

<sup>16/</sup> see [Deuteronomy 18:10](#) and [2 Kings 17:31](#) (*King James Holy Bible*)

<sup>17/</sup> [“New World Order” Government](#).

<sup>18/</sup> [“Black Pope” of the Jesuits](#).

<sup>19/</sup> [“Ashkenazi Jews](#)” (see also [“Sephardi Jews](#)” who’s lineage may be traced to the ancient [“House of Judah](#)”).

## The 14th Amendment Is Unconstitutional

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

1. The Joint Resolution proposing said Amendment was not submitted to or adopted by a Constitutional Congress per Article I, Section 3, and Article V of the Constitution.
2. The Joint Resolution was not submitted to the President for his approval as required by Article I, Section 7 of the Constitution.
3. The proposed 14th Amendment was rejected by more than one-fourth of all the States then in the Union, and it was never ratified by three-fourths of all the States in the Union as required by Article V of the Constitution.

### The Unconstitutional Congress

The Constitution provides in Article I, Section 3:

"The Senate of the United States shall be composed of two Senators from each State." <sup>/20</sup>

---

<sup>20/</sup> [U.S. Constitution, Article I, Section 3](#)

Article V provides:

"No State, without its consent, shall be deprived of its equal suffrage in the Senate." /<sup>21</sup>

The fact that twenty-eight (28) Senators had been unlawfully excluded from the Senate, in order to secure a two-thirds ( <sup>rd.</sup>) vote for adoption of the Joint Resolution proposing the 14th Amendment is shown by "Resolutions of Protest" adopted by the following State Legislatures:

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

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

"That it being necessary by the constitution that every amendment to the same should be proposed by two-thirds of both houses of congress, the authors of said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two houses eighty representatives from eleven states of the union, upon the pretense that there were no such states in the Union: but, finding that two-thirds of the remainder of the said houses could not be brought to assent to the said proposition, they deliberately formed and carried out the design of mutilating the integrity of the United States senate, and without any pretext or justification, other than the possession of the power, without the right, and in palpable violation of the constitution, ejected a member of their own body, representing this state, and thus practically denied to New Jersey its equal suffrage in the senate, and thereby nominally secured the vote of two-thirds of the said houses." /<sup>22</sup>

---

<sup>21/</sup> [Article V](#) of the [Constitution](#) for [The United States of America](#).

<sup>22/</sup> [New Jersey Acts, March 27, 1868](#).

The Alabama Legislature protested against being deprived of representation in the Senate of the Congress as follows:

*“Be it resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, The in view of the undefined and anomalous relation now existing between the State and the Government of the United States, the State having no representation in Congress, that we, the Representatives of the people of the State of Alabama, respectfully decline to take action on said amendment, as it does not appear that any action of this General Assembly in the premises can necessarily affect said relation.*

*“Be it further resolved, That Congress be, and is hereby earnestly petitioned to consider and determine by some formal action in the premises, at as early a day as practicable, with what qualification and what conditions Senators and Representatives of this State shall be admitted to their seats in Congress, and what participation in the national councils, and submit the same to the people of Alabama, in whatever way the wisdom of Congress may deem best.”* <sup>/23</sup>

The Texas Legislature by “Resolution” on October 15, 1866, protested as follows:

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

---

<sup>23/</sup> [Alabama House Journal 1868, pp. 210-213.](#)

and the proposing of these amendments to States which were excluded from all participation in their initiation in Congress, is a nullity." /<sup>24</sup>

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

"The Constitution authorized two-thirds of both houses of Congress to propose amendments; and, as eleven States were excluded from deliberation and decision upon the one now submitted, the conclusion is inevitable that it is not proposed by legal authority, but in palpable violation of the Constitution." /<sup>25</sup>

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

"Since the reorganization of the State government, Georgia has elected Senators and Representatives. So has every other State. They have been arbitrarily refused admission to their seats, not on the ground that the qualifications of the members elected did not conform to the fourth paragraph, second section, first article of the Constitution, but because their right of representation was denied by a portion of the States having equal but not greater rights than themselves. They have in fact been forcibly excluded; and, inasmuch as all legislative power granted by the States to the Congress is defined, and this power of exclusion is not among the powers expressly or by implication, the assemblage, at the capitol, of representatives from a portion of the States, to the exclusion of the representatives of another portion, cannot be a constitutional Congress, when the representation of each State forms an integral part of the whole.

"This amendment is tendered to Georgia for ratification, under that power in the Constitution which authorizes two-thirds of the Congress to

---

<sup>24</sup>/ [Texas House Journal, 1866, p. 577.](#)

<sup>25</sup>/ [Arkansas House Journal, 1866, p. 266.](#)

propose amendments. We have endeavored to establish that Georgia had a right, in the first place, as a part of the Congress, to act upon the question, 'Shall these amendments be proposed?' Every other excluded State had the same right.

"The first constitutional privilege has been arbitrarily denied.

"Had these amendments been submitted to a constitutional Congress, they never would have been proposed to the States. Two-thirds of the whole Congress never would have proposed to eleven States voluntarily to reduce their political power in the Union, and at the same time, disfranchise the larger portion of the intellect, integrity and patriotism of eleven co-equal States." /<sup>26</sup>

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

"Let this alteration be made in the organic system and some new and more startling demands may or may not be required by the predominant party previous to allotting the ten States now unlawfully and unconstitutionally deprived of their right of representation to enter the Halls of the National Legislature. Their right to representation is guaranteed by the Constitution of this country and there is no act, not even that of rebellion, can deprive them of its exercise." /<sup>27</sup>

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

"Eleven of the Southern States, including South Carolina, are deprived of their representation in Congress. Although their Senators and Representatives have been duly elected and have presented themselves for the purpose of taking their seats, their credentials have, in most instances,

---

<sup>26</sup>/ [Georgia House Journal, November 9, 1866, pp. 66-67](#)

<sup>27</sup>/ [Florida House Journal, 1866, p. 76.](#)



been laid upon the table without being read, or have been referred to a committee, who have failed to make any report on the subject. In short, Congress has refused to exercise its Constitutional functions, and decide either upon the election, the return, or the qualification of these selected by the States and people to represent us. Some of the Senators and Representatives from the Southern States were prepared to take the test oath, but even these have been persistently ignored, and kept out of the seats to which they were entitled under the Constitution and laws.

"Hence this amendment has not been proposed by 'two-thirds of both Houses' of a legally constituted Congress, and is not, constitutionally or legitimately, before a single Legislature for ratification." <sup>28</sup>

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

"The Federal Constitution declares, in substance, that Congress shall consist of a House of Representatives, composed of members apportioned among the respective States in the ratio of their population, and of a Senate, composed of two members from each State. And in the Article which concerns Amendments, it is expressly provided that '*no State, without its consent, shall be deprived of its equal suffrage in the Senate.*' The contemplated Amendment was not proposed to the States by a Congress thus constituted. At the time of its adoption, the eleven seceding States were deprived of representation both in the Senate and House, although they all, except the State of Texas, had Senators and Representatives duly elected and claiming their privileges under the Constitution. In consequence of this these States had no voice on the important question of proposing the Amendment. Had they been allowed to give their votes, the proposition would doubtless have failed to command the required two-thirds majority.

"If the on the question votes of these States are necessary to a valid ratification of the Amendment, they were equally necessary of proposing it to the States; for it would be difficult, in the opinion of the Committee,

---

<sup>28</sup>/ [South Carolina House Journal, 1868, pp. 33-34.](#)

to show by what process in logic, men of intelligence could arrive at a different conclusion." /<sup>29</sup>

### **Joint Resolution Ineffective**

The Constitution for The United States of America at Article I, Section 7 provides that not only every “Bill” which shall have been passed by the House of Representatives and the Senate of the Congress, but that:

**"Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill."**

[Emphasis added]

The Joint Resolution proposing the 14th Amendment /<sup>30</sup> was never presented to the President of the United States for his approval, as President Andrew Johnson stated in his “Message” on June 22, 1866. /<sup>31</sup>

The Supreme Court “Case” of “Hollingsworth v. Virginia” /<sup>32</sup> took jurisdiction to rule upon the question of ratification of the 11th Amendment /<sup>33</sup>

---

<sup>29</sup>/ [North Carolina Senate Journal, 1866-67, p. 92-93.](#)

<sup>30</sup>/ [14 Stat. 358](#) etc.

<sup>31</sup>/ [Senate Journal, 39th Congress, 1st Session, p. 563](#) – [House Journal, p. 889.](#)

<sup>32</sup>/ [Hollingsworth v. Virginia, 3 Dallas 378.](#)

<sup>33</sup>/ [U.S. Constitution, 11<sup>th</sup> Amendment.](#)

to the Constitution. This was a Supreme Court “Case” wherein the Court ruled that the Congress does not have to obtain “Presidential Approval” of any “Congressional Resolution” to amend the Constitution for The United States of America:

“Now, the Constitution, likewise declares, that the concurrence of both Houses shall be necessary to a proposition for amendments. Art. 5. And it is no answer to the objection, to observe, that as two-thirds of both Houses are required to originate the proposition, it would be nugatory to return it with the President’s negative, to be repassed by the same number; since the reasons assigned for his disapprobation might be so satisfactory as to reduce the majority below the constitutional proportion. The concurrence of the President is required in matters of infinitely less importance; and whether on subjects of ordinary legislation, or of constitutional amendments, the expression is the same, and equally applies to the act of both Houses of Congress.” /<sup>34</sup>

This Article I, Section 7, Clause 3 of the Constitution for The United States of America was not created as a matter of inconvenience for the passage of Joint Resolutions proposing Amendments to the Constitution, it was created to protect the existence of the Constitution. Nowhere may it be found in the “Record” of the “Constitutional Convention” of September 17, 1787 that the “Founding Fathers” excluded Joint Resolutions proposing Amendments to the Constitution for The United States of America from this requirement of submission to the President for his “approbation.” If this was so, the exclusion would have been expressly stated within the “Article” of the Constitution as was the question of “adjournment of Congress.”

---

<sup>34</sup>/ [Hollingsworth v. Virginia](#), (supra.).

As the “Opinion” of the Judge in the “Case” of “[\*Hollingsworth v. Virginia\*](#)” is without foundation of law and as it is merely an expression of a personal view, the Opinion must be regarded as a “dicta” view of the Judge. “Dicta Opinions” are regarded as of little authority, on account of the manner in which they are delivered; it frequently happening that they are given without much reflection, at the bar, without previous examination and as the Joint Resolution proposing the 14th Amendment to the Constitution for The United States of America was not submitted to the President for his “approbation,” the 14th Amendment does not exist and is without effect “ab initio.”

From the 14th Amendment forward, the Supreme Court has ruled that the question of ratification of Constitutional Amendments were “Political Questions” to the Federal Courts and the same is said of the Congress as its “Members” have put the States and the “People” on notice that the question of ratification of Amendments to the Constitution for The United States of America will not be entertained for want of jurisdiction.

What happened after the “Case” of “[\*Hollingsworth v. Virginia\*](#)” and the [purported] ratification of the 14th Amendment that caused the Federal Courts to take a stand that the question of ratification of Amendments to the Constitution for The United States of America were now “Political Questions” which the Federal Courts and Congress will not address? The answer may be found in the “Act of Congress” incorporating the District of Columbia in the year of 1871. /<sup>35</sup>

---

<sup>35</sup>/ see the February 21, 1871 “Act” of the [Forty-First Congress, Section 34, Session III, Chapter 62](#).

## **Incorporating the District of Columbia**

The Vatican rules over approximately two (2) “Billion” of the World’s (6.1) “Billion People.” The colossal wealth of the Vatican includes enormous investments with the “Rothschild’s” in Britain, France, and The United States of America. The Vatican sold “Gold Bullion” worth “Billions” which is stored with the Rothschild controlled “Bank of England” and The United States of America, “Federal Reserve Bank.”

The “Catholic Church” is the biggest financial power, wealth accumulator, and property owner in existence. Possessing more material wealth than any “Bank,” “Corporation,” “Trust,” or “Government” anywhere on the Globe. The Vatican Pope (*who is the visible ruler of this colossal global wealth*) is one of the richest men on Earth. While two-thirds ( <sup>rd</sup>s) of the World earns less than two (2) Dollars a day, and one-fifth of the World is without food and starving to death, the Vatican hordes the “World’s Wealth” and profits from it on the Stock Market, and at the same time, “Preaching” about giving.

Like Vatican City State, the “London’s Inner City” is also a privately owned “Corporation,” or City State, located right smack in the heart of greater London. It became a sovereign State in 1694 when King William III of “Orange” privatized and turned the Bank of England over to private Bankers. By 1812, Nathan Rothschild crashed the English Stock Market and scammed control of the Bank of England. Today, the City State of London is the World’s financial power center and the wealthiest square mile on the face of the Earth. It houses the Rothschild controlled the “Bank of England,”

the “Lloyd’s of London,” the “London Stock Exchange,” all “British Banks,” the Branch Offices of three-hundred and eighty-five (385) “Foreign Banks,” and seventy (70) “Banks” of The United States of America. It has its own “Courts,” its own “Laws,” its own “Flag,” and its own “Police Force.” It is not part of greater London, England, nor the British Commonwealth, and pays no taxes. The City State of London houses “Fleet Street’s Newspaper” and publishing monopolies. It is also the headquarters for worldwide English Freemasonry and headquarters for the worldwide money cartel known as the “Crown.”

Contrary to popular belief, the Crown is not the Royal Family or the British Monarch. The Crown is the private corporate City State of London. It has a Council of twelve (12) Members who rule the Corporation under a Mayor called “The Lord Mayor.” The Lord Mayor and his twelve (12) member Council serve as “Prophecies” or represent who sit in for thirteen (13) of the World’s Wealthiest, most powerful Banking Families. This ring of thirteen (13) “Ruling Families” includes the “Rothschild Family,” the “Warburg Family,” the “Oppenheimer Family,” and the “Schiff Family.” These “Families” and their “Descendants” run the Crown Corporation of London. The Crown Corporation holds the “Title” to worldwide Crown Land in Crown Colonies like “Canada,” “Australia,” and “New Zealand.” The British Parliament and the British Prime Minister serve as a public front for these ruling Crown families.

Like the City State of London and the Vatican, a third City State was officially created in 1790 as the first “Act” of the Constitution America. That City State is

called the “District of Columbia” and is located on ten (10) square miles of land in the heart of Washington. The District of Columbia flies its own “Flag,” and has its own independent “Constitution.” Although geographically separate, the City States of London, the Vatican, and the District of Columbia are one interlocking “Empire” called “Empire of the City.”

The “Flag” of Washington’s District of Columbia has three red stars. One for each City State in the three (3) City Empire. This “Corporate Empire” of three (3) City States controls the World “Economically” through London’s inner City, “Militarily” through the District of Columbia, and “Spiritually” through the Vatican.

The Constitution for the District of Columbia operates under a tyrannical “Roman Law” known as “Lex Fori” which has no resemblance to the Constitution for The United States of America.

When Congress passed the “Act” of February 21, 1871, <sup>/36</sup> the Congress created a separate corporate government for the District of Columbia. This treasonous “Act” (*and the reorganized “Act” of June 11, 1878* <sup>/37</sup>) allowed the District of Columbia to operate as a “Corporation” outside the original Constitution for The United States of America and outside of the best

---

<sup>36/</sup> see [16 Stat. 419, Chapter 62](#)

<sup>37/</sup> 20 Stat. 102 “... is to be regarded as an organic act, intended to dispose of the whole question of a government for this District. It is, as it were, a Constitution for the District.” {*Eckloff v. District of Columbia*, 135 U.S. 240 (1890)}.

interest of “American Citizens.” Under the “Act” of 1871, the District of Columbia does business as the “UNITED STATES.” /<sup>38</sup>

A sobering study of the signed “Treaties” and “Charters” between Britain and The United States of America exposes a shocking truth that The United States of America has always been, and still is, a “British Colony.” King James I was famous, not for just changing the “Bible” into the “King James” version, but for signing the “First Charter of Virginia” in 1606. That “Charter” granted America’s British forefathers a “License” to settle and colonize America. The “Charter” also guarantees that future “Kings” and “Queens” of England would have sovereign authority over all the “citizens” and “colonized land” in America stolen from the “Indians.”

Although King George III of England gave up most of his claims over the American Colonies, he kept his right to continue receiving payment for his business venture of colonizing “America.” If America had really won the “War of Independence,” they would never have agreed to pay the “debts” and “reparations” to the “King” of England.

Americas blood soaked “War of Independence” against the British resulted in bankrupting America and turned its “Citizens” into permanent “debt slaves” of

---

<sup>38/</sup> see Sections 10 thru 12 and Section 18 of [16 Stat. 419, Chapter 62:](#)

“Sec 18. And be it further enacted, That the legislative power of the District shall extend to all rightful subjects of legislation within said District, consistent with the Constitution of the United States and the provisions of this act, ...” which “subjects of legislation” is defined within Sections 1 & 5 of the 14<sup>th</sup> Amendment to the Constitution for The United States of America to be those who are the “citizens” of the United States.



the “King.” In the “War of 1812,” the British torched and burned to the ground the White House and all Government Buildings which destroyed the “Ratification Records” of the Constitution for The United States of America (thus destroying the “Ratification Record” of the “Title of Nobility Amendment” <sup>39</sup> to the Constitution for The United States of America).

In 1604, a “Corporation” called “The Virginia Company” <sup>40</sup> was formed in anticipation of the imminent influx of white “Europeans,” mostly British at first, into the North American Continent. Its main “Stockholder” was King James I and the original “Charter” for the Company was completed by April 10, 1606.

“The Virginia Company” owned most of the land of what we now call “The United States of America.” “The Virginia Company” (The “British Crown” and the bloodline families) had rights to 50%. Yes! 50% of all “Gold” and “Silver” mined on its lands, plus percentages of other minerals and raw materials, and 5% of all profits from other ventures. The lands of “The Virginia Company” were granted to the Colonies under a “Deed of Trust” (on lease) and therefore they could not claim “ownership” of the land. They could pass on the “perpetual use” of the land to their “heirs” or sell the “perpetual use,” but they could never own it. “Ownership” was retained by the “British Crown.” [Do you now see why all “Land Patents” issued by the Congress of the United States contains “reservation clauses” on all “Minerals” to be found on the land described within the “Land Patent?”].

---

<sup>39</sup>/ [http://www.usa-the-republic.com/amendment\\_13/index.html](http://www.usa-the-republic.com/amendment_13/index.html)

<sup>40</sup>/ see “Wikipedia,” the free encyclopedia - [https://en.wikipedia.org/wiki/Virginia\\_Company](https://en.wikipedia.org/wiki/Virginia_Company)

The original “Organic American Constitution” reads: “The Constitution *for* the United States of America.”

The “altered version” for the incorporated “District of Columbia” reads: “THE CONSTITUTION *OF* THE UNITED STATES OF AMERICA.”

The “United States Government” is a “Foreign Corporation” with respect to the fifty (50) “States of the Union”: /<sup>41</sup>

Volume 20: Corpus Juris Sec. § 1785:

*"The United States Government is a foreign corporation with respect to a state"*

NY re: Merriam, 36 N.E. 505,  
141 S.Ct.1973, 41 L.Ed.287

When Americans agreed to have a “Social Security Number,” the Citizens of The United States of America surrendered their sovereignty and agree to become “franchises” of the incorporated “UNITED STATES” [“The Virginia Company” of the British Crown] and the incorporated “Banks” of the incorporated UNITED STATES (whom the Federal Courts have identified as “persons” /<sup>42</sup> within the terms of the 14<sup>th</sup> Amendment

---

<sup>41/</sup> For a detailed study on the incorporating of the “United States,” see website “[The united states Of America is a corporation owned by foreign interests](#)”

<sup>42/</sup> [https://en.wikipedia.org/wiki/Corporate\\_personhood\\_debate](https://en.wikipedia.org/wiki/Corporate_personhood_debate)

to the Constitution for The United States of America. /<sup>43</sup>). Everything in the incorporated UNITED STATES is for sale: “Roads,” “Bridges,” “Schools,” “Hospitals,” “Water,” “Prisons,” “Airports,” etc.. (see “[Executive Order 12803](#)” /<sup>44</sup>).

The 14th Amendment at Section One declares who are the “citizens of the United States” and declares that it is the “United States” that has jurisdiction over those “citizens.” At Section Five of the 14th Amendment, we see that it is the Congress that has the exclusive authority to enforce the provisions of the 14th Amendment over those who are “citizens of the United States,” in other words, the “citizens” of the 14th Amendment are “citizens of the District of Columbia” to which “District” the Congress has exclusive jurisdiction to regulate and govern. /<sup>45</sup>

The Crown that owns “Virginia” (USA) is the “Administrative Corporation” of the City of London, a “State” independent of Great Britain and wholly owned by the “Pontiff” of “Rome.” Since 1213, the “Monarchs” of England have been puppet “Monarchs” under the “Pontifex Maximus” of the Holy Roman Empire (a corporate body over which the “Pontiff” of Rome is “CEO.”). Since 1300, (when the “Crown” of Great Britain {England} was made a “sub-corporation” of the “Crown” of the “City of London,”) the “Monarchs” of England, as “CEO” of the “Crown” of Great Britain, have been agents for the “Crown” of the “City.” Thus, the real “Crown” was obfuscated from the eyes of the “Colonials” and

---

<sup>43</sup>/ [https://en.wikipedia.org/wiki/Santa\\_Clara\\_County\\_v.\\_Southern\\_Pacific\\_Railroad](https://en.wikipedia.org/wiki/Santa_Clara_County_v._Southern_Pacific_Railroad)

<sup>44</sup>/ <http://www.presidency.ucsb.edu/ws/?pid=23625>

<sup>45</sup>/ see [U.S. Constitution, Article I, Clause 8, Section 17](#).

anyone who cared to look and reason could have seen this scheme even in the late AD 1700s.

The “Common Law” of England, (since the incorporation of the “British Crown” around AD 1300) has been the “Roman Municipal Law,” a type of “Roman” civil law designed to rule over “debtor States.” The Anglo-Saxon “Common Law” (which used only “God’s Law”) ceased to exist with the implementation of the “feudal system” where all “People” were “subjects” of the corporate “Crown,” and after the Pope’s Papal Bull, “Unam Sanctam 1302”<sup>/46</sup> where he declared:

*“Furthermore, we declare, we proclaim, we define that it is absolutely necessary for salvation that every human creature be subject to the Roman Pontiff.”*

The word “Subject” means “slave,” as does “Citizen” and “freeman.” The “Roman Law” uses the “Law of the Sea” because all human institutions in the “Roman” system are make-believe ships at sea (incorporated bodies).

The “ALL CAPS” spelling does not make the “legal identity name” (Strawman).<sup>/47</sup> It is where the family name has been converted into a “surname- primary name.” The all caps only signifies that the name carries with its use the status of “slave” pledged as “chattel” in bankruptcy of the State. The “UNTIED STATES” is an organization that went

---

<sup>46/</sup> see Wikipedia, the free encyclopedia - [https://en.wikipedia.org/wiki/Unam\\_sanctam](https://en.wikipedia.org/wiki/Unam_sanctam)

<sup>47/</sup> see Wikipedia, the free encyclopedia - <https://en.wikipedia.org/wiki/Strawman>

into bankruptcy on June 5, 1933 (see [House Joint Resolution 192](#); <sup>/48</sup>  
[U.S. Senate Report 93-549](#); <sup>/49</sup> [Presidential Executive Order 6102](#), <sup>/50</sup>  
and [Executive Order 6246](#); <sup>/51</sup> {see also assorted “[Executive Orders](#)”  
of [President Franklin D. Roosevelt](#). <sup>/52</sup>}). The “[UNITED STATES](#)” is  
a bankrupt “[defacto](#)” [Corporation](#) to which no one owes allegiance or duty  
to support.

Without the [14th Amendment](#), there would be no apparent authority for  
the [Congress](#) to print or borrow “[Commercial Paper](#)” (“[Bank Notes](#)”)  
as a “[Legal Tender](#)” in “[discharge](#)” <sup>/53</sup> for the “[debts](#)” of the governments of  
the incorporated “[several States](#)” or the incorporated “[District of Columbia](#)”  
(dba “[UNITED STATES](#)”) per the “[Legal Tender Cases](#)” of 1870. <sup>/54</sup>

With the [purported] ratification of the [14th Amendment](#) to the [Constitution](#)  
for [The United States of America](#) (and the [purported] incorporation of  
the “[District of Columbia](#)” {dba as the bankrupt “[UNITED STATES](#)”});  
the [People](#) no longer have the means to “[own](#)” [Property](#) for there is

---

<sup>48/</sup> <http://livingfreeandclear.com/downloads/files/HJR192.pdf>

<sup>49/</sup> [http://www.usa-the-republic.com/emergency-powers/War\\_And\\_Emergency\\_Powers.pdf](http://www.usa-the-republic.com/emergency-powers/War_And_Emergency_Powers.pdf)

<sup>50/</sup> [https://en.wikipedia.org/wiki/Executive\\_Order\\_6102](https://en.wikipedia.org/wiki/Executive_Order_6102)

<sup>51/</sup> [https://en.wikipedia.org/wiki/Executive\\_Order\\_6102](https://en.wikipedia.org/wiki/Executive_Order_6102)

<sup>52/</sup> <http://www.conservativeusa.net/eo/fdroosevelt.htm>

<sup>53/</sup> [http://www.educationcenter2000.com/legal/HJR\\_192.html](http://www.educationcenter2000.com/legal/HJR_192.html)

<sup>54/</sup> [Hepburn v. Griswold, \(1869\) 75 U.S. 603; Knox et.al. v. Lee et.al., \(1871\) 79 U.S. 457; Julliard v. Greenman, \(1884\) 110 U.S. 421, 28 Sup.Ct. 204](#)

no “Lawful Money” <sup>/55</sup> in circulation that has the ability to “pay” the “debts” of the Nation or its “Citizens.”

With the 14th Amendment and the incorporating of the “District of Columbia,” we see the usurpation of the constitutional government of “The United States of America.” The incorporated “UNITED STATES” attempts to pass itself off as the constitutional government of The United States of America by adopting only those parts of the Constitution for The United States of America that suits its needs as its “Corporate Charter.” In other words, the incorporated “UNITED STATES” does not recognize the requirements of “citizenship” for the Offices of its Corporation. [Do you now see how those who are not “Citizens” of The United States of America hold the “Offices” of “Congress,” “Judges,” and “President,” when those “Offices” **are not** the “Public Offices” of the constitutional government of “The United States of America?”].

The incorporated “District of Columbia” has many “child Corporations” and the Congress of the incorporated “UNITED STATES” has identified many “Territories” and “Possessions” as “States” of the incorporated “UNITED STATES.” <sup>/56</sup> Many of the “Statehood States” that were brought into the “Union” after the “District of Columbia” were incorporated and they were brought into the “Union” on equal footing with the “several States,” a term that is used to denote that the “State” was created as a “child Corporation” to the “UNITED STATES” and having **no** sovereign “Powers” of its own


---

<sup>55/</sup> “Lawful Money” of the United States (defined by the Congress in past years to be a Gold or Silver Coin of a specific size and weight {See “Act” of March 3, 1849, Minot's Statutes at Large of U. S. 397, Sections 1 & 2}). The “Bank Notes” of the Federal Reserve Banks are not “Lawful Money” of the United States. (See 12 USC 411, 143).

<sup>56/</sup> The “States” and “United States” defined - <http://taxcourthelp.net/definition-of-united-states-and-state-in-the-internal-revenue-code/>

to exercise. Said “incorporated States” **were not** brought into the Union on “equal footing” with the original thirteen (13) “Colonial States” of the Union.

Other examples of “child Corporations” to the incorporated “UNITED STATES” are found in the use of the word “Service” in denoting the name of its corporate “Agencies” from the “Agencies” of the constitutional government of The United States of America. Examples may be found in the “Bureau of Revenue” that was incorporated into the “Internal Revenue Service” in the 1950’s and the “Postal Bureau” incorporated into the “United States Postal Service” in 1971 and they operate independently from the government of The United States of America.<sup>57</sup> The most notorious “child Corporations” were the creations of the “Federal Reserve Bank”<sup>58</sup> and the “Internal Revenue Service” (acting as the collection “Agency” for the infamous incorporated “Federal Reserve Bank.”) [As a note of interest - the four (4) Presidents that have been assassinated (“Abraham Lincoln,” “James Garfield,” “William McKinley,” and “John F. Kennedy”) were the Presidents that were for the issuance of “Commercial Paper Notes” of The United States of America (“United States Notes”)].

For further details on the incorporated “UNITED STATES,” see the “YouTube” Video: “What Is The United States?” 

---

<sup>57</sup>/ see Wikipedia, the free encyclopedia ([https://en.wikipedia.org/wiki/United\\_States\\_Postal\\_Service](https://en.wikipedia.org/wiki/United_States_Postal_Service)).

<sup>58</sup>/ The Federal Reserve Act (*ch. 6, 38 Stat. 251, enacted December 23, 1913, 12 U.S.C. ch. 3*)

## **Titles of Nobility**

When the Congress of 1871 incorporated the “District of Columbia” for the purpose of circumventing the constitutional government of The United States of America and its “Constitution,” that Congress violated its prohibition to grant “Titles of Nobility.” The Constitution for The United States of America declares at “Article I, Section 9, Clause 8” that “Congress” shall not grant a “Title of Nobility” and at “Article I, Section 10, Clause 1” that no “State” shall grant “Titles of Nobility.”

*“**NOBILITY** - An order of men in several countries to whom privileges are granted at the expense of the rest of the people.”*

[The Free Dictionary by Farlex](#)

[Wikipedia, the free encyclopedia](#)

The very nature of a Corporation is the exercise of “Nobility.” A Corporation is a separate legal entity that has been incorporated either directly through legislation or through a registration process established by law. Incorporated entities have legal rights and liabilities that are distinct from their “Employees” and “Shareholders,” and may conduct business as either a profit-seeking business or not-for-profit business. Early incorporated entities were established by “Charter” (i.e. by an ad hoc act granted by a “Monarch,” a “Parliament,” or a “Legislature”). Most jurisdictions now allow the creation of new Corporations through registration. “Registered Corporations” have legal personality and are owned by “Shareholders” whose liability is limited to their investment. “Shareholders” do not typically actively manage



a Corporation; “Shareholders” instead elect or appoint a “Board of Directors” to control the Corporation in a fiduciary capacity. /<sup>59</sup>

"A corporation is an artificial being, invisible, intangible, and existing only in contemplation of law. Being the mere creature of law, it possesses only those properties which the charter of its creation confers upon it, either expressly or as incidental to its very existence. These are such as are supposed best calculated to effect the object for which it was created. Among the most important are immortality, and, if the expression may be allowed, individuality; properties by which a perpetual succession of many persons are considered as the same, and may act as a single individual. They enable a corporation to manage its own affairs, and to hold property without the perplexing intricacies, the hazardous and endless necessity of perpetual conveyances for the purpose of transmitting it from hand to hand. It is chiefly for the purpose of clothing bodies of men, in succession, with qualities and capacities, that corporations were invented, and are in use. By these means, a perpetual succession of individuals are capable of acting for the promotion of the particular object, like one immortal being."

Chief Justice Marshall

Trustees of Dartmouth College  
v. Woodward, 17 U.S. 518 (1819)

And when the government creates a Corporation that is designed to benefit a select few, that government grants a “Title of Nobility.”

Like the corresponding prohibition on “Federal Titles of Nobility” in “Article I, Section 9, Clause 8,” the prohibition on “State Titles of Nobility” was designed to affirm and protect the Republican character of

---

<sup>59</sup>/ As defined by “[Wikipedia](https://en.wikipedia.org/),” the free encyclopedia

the American government. Both provisions were carried forward from "Article VI" of the "Articles of Confederation," which had forbidden "the United States in Congress assembled," as well as "any of them," to "grant any title of nobility."

Even before the "Articles" of the Articles of Confederation were adopted, the Colonial States had renounced the "Power" to grant "Titles." David Ramsey, the eighteenth-century historian of the "American Revolution," reported that at the time of Independence, the States:

*"agreed in prohibiting all hereditary honours and distinctions of ranks' in order to provide 'farther security for the continuance of republican principles in the American Constitution.'"*

*"The History of the American Revolution (1789)."*

American State Legislatures, he further observed, were "miniature pictures of the community," representing "Persons" of all stations and classes rather than confining their membership to "Persons" of noble rank. James Madison also found in "The Federalist No. 39" that "the general form and aspect" of American governments could only be "strictly republican":

"[i]t is evident that no other form would be reconcilable with the genius of the people of America; with the fundamental principles of the Revolution; or with that honorable determination ... to rest all our political experiments on the capacity of mankind for self-government."

Given the social and political circumstances of The United States of America at the time of the founding, therefore, it is not surprising that the Constitution's “*prohibition*” on “*State Titles of Nobility*” was uncontroversial: as Madison wrote tersely in “*The Federalist No. 44*,” the prohibition “*needs no comment*.” What is perhaps surprising, then, is that it was thought necessary at all.

It is common knowledge that the Congress of 1871 incorporated the District of Columbia under direction of moneyed interest of the “*Vatican*” and foreign “*European Banking Houses*.” When the “*parent Corporation*” of the District of Columbia (UNITED STATES) creates a “*child Corporation*” for the benefit of a few, that “*Corporation*” represents the “*Powers*” of the constitutional government of The United States of America and such “*child Corporations*” exist in violation of Congress's “*prohibition*” of granting “*Titles of Nobility*.”

Most notable and notorious “*Title of Nobility*” granted by the Congress of The United States of America was the creation of a “*child Corporation*” of the incorporated “*District of Columbia*” known as the “*Federal Reserve Act*” of 1913. <sup>/60</sup> The Congress declared within that “*Act*” (and its subsequence “*Acts*”) that the benefits of the “*Corporation*” were to be restricted to the “*Stockholder Banks*” (which have been identified as the “*Vatican Bank*” <sup>/61</sup> and selected “*Banking Houses*” of “*Europe*” and

---

<sup>60/</sup> The **Federal Reserve Act** (ch. 6, 38 Stat. 251), enacted December 23, 1913, [12 U.S.C. ch. 3](#).

<sup>61/</sup> The **Institute for the Works of Religion** (Italian: *Istituto per le Opere di Religione* – **IOR**), commonly known as the **Vatican Bank**, is a privately held institute situated exclusively on the sovereign territory of the Vatican State and run by a Board of Superintendence which reports to a Supervisory Commission

the “United States.”) The “Internal Revenue Service” (incorporated) was created in the 1950’s as a “Collection Agency” for the “Federal Reserve Bank.” All moneys collected are deposited with the “Federal Reserve Bank,” **not into** the “Treasury” of The United States of America. The District of Columbia (as the “parent Corporation” for the incorporated “Federal Reserve Bank,”) holds a token number of “Stocks” in that “Federal Reserve Bank” and it has no voice in the “Policies” of the Bank /<sup>62</sup> (as was the Congress informed several times by the “Chairman” of the “Board of Governors” for the “Federal Reserve Bank”). The “Federal Reserve Bank” operates independently of the government for The United States of America. /<sup>63</sup>

## **The Constitutional Convention of 1787**

Without the 14th Amendment to the Constitution for The United States of America, the Congress would be in want of authority to create Corporations, for such authority to create Corporations was proposed in the “Constitutional Convention” of September 17, 1787 by Mr. Madison on Saturday, August 18, 1787:

---

of Cardinals and the Pope. The Bank Identifier Code of the Institute for the Works of Religion is IOPRVAVX. Its President is Ernst Freiherr von Freyberg-Eisenberg who initiated a profound and comprehensive process of reform since his nomination in February 2014 in order "to foster the most rigorous professional and compliance standards." The IOR is regulated by the Vatican's financial supervisory body AIF ("Autorità di Informazione Finanziaria").

<sup>62/</sup> see “[How is the Federal Reserve structured](http://www.frbsf.org/us-monetary-policy-introduction/federal-reserve-structured/)”  
(<http://www.frbsf.org/us-monetary-policy-introduction/federal-reserve-structured/>).

<sup>63/</sup> see “[How is the Federal Reserve structured](http://www.frbsf.org/us-monetary-policy-introduction/federal-reserve-structured/)”  
(<http://www.frbsf.org/us-monetary-policy-introduction/federal-reserve-structured/>).

“To grant charters of incorporation in cases where the public good may require them, and the authority of a single State may be incompetent”

The proposal to create Corporations as a “Power” for the Congress to exercise was “debated” and “rejected” on Friday, September 14, 1787 /<sup>64</sup> and said “rejection” was accepted in the Conventions of the States at the time the Constitution for The United States of America was ratified. The “Power” to create Corporations **is not** a “Power” listed in Article I, Section 8 or any other provision of the Constitution for The United States of America as it is a “Power” that was expressly reserved to the thirteen (13) “Colonial States” of the Union.

Notwithstanding the finding of Chief Justice C.J. Marshall of the United States Supreme Court in the “Case” of “McCulloch v. Maryland,” /<sup>65</sup> there are no “incidental” or “implied powers” that may be exercised by the Congress that may overthrow the “Votes of Rejection” of the “Constitutional Convention” to grant Congress the “Power” to create Corporations. Such “Power” of “Incorporation” must be obtained expressly through a “Constitutional Amendment.”

In regard to those who claim that the 14th Amendment to the Constitution for The United States of America is a grant of “Implied Powers” for the Congress to create Corporations, those “implied powers” do not exist. There is no authority for the Congress to assume non-existent “Powers,” especially when those “Powers” have been addressed and “rejected” by the year ‘1787’ “Constitutional Convention.” If the 14th Amendment was to be a grant of authority for the Congress of The United States of America to

---

<sup>64/</sup> [“Constitutional Convention” denies granting of “Powers” for the Federal Government to create Corporations.](#)

<sup>65/</sup> [17 U.S. 316](#)

create Corporations, then that “Power” would have been “expressly” stated within the Amendment.

Do you not see why the present day Federal Courts and Congress of the incorporated “UNITED STATES” will not address the ratification questions of the 14th Amendment or any other [*purported*] Amendments to the Constitution for The United States of America? What authority may the Courts and Congress of the “UNITED STATES” rely upon to question the very “Document” that authorizes its existence, the 14th Amendment to the Constitution for The United States of America?

### **Now Back To The 14<sup>th</sup> Amendment To The Constitution For The United States Of America**

**There was neither a quorum in the first place,  
nor was it ratified by three-fourths of the States.**

1. Pretermittting the ineffectiveness of the Joint Resolution proposing the 14th Amendment to the Constitution for The United States of America, fifteen (15) States out of the then thirty-seven (37) States of the Union rejected the proposed 14th Amendment between the date of its submission to the States by the Secretary of State on June 16, 1866 and March 24, 1868, thereby further nullifying said Joint Resolution and making it impossible for its ratification by the constitutionally required three-fourths ( $\frac{3}{4}$ <sup>ths</sup>) of

such States, as shown in the “Rejections” thereof, by the Legislatures of the following States:

1. Texas rejected the 14th Amendment on Oct. 27, 1866. /<sup>66</sup>
2. Georgia rejected the 14th Amendment on Nov. 9, 1866. /<sup>67</sup>
3. Florida rejected the 14th Amendment on Dec. 6, 1866. /<sup>68</sup>
4. Alabama rejected the 14th Amendment on Dec. 7, 1866. /<sup>69</sup>
5. North Carolina rejected the 14th Amendment on Dec. 14, 1866. /<sup>70</sup>
6. Arkansas rejected the 14th Amendment on Dec. 17, 1866. /<sup>71</sup>
7. South Carolina rejected the 14th Amendment on Dec. 20, 1866. /<sup>72</sup>
8. Kentucky rejected the 14th Amendment on Jan. 8, 1867. /<sup>73</sup>
9. Virginia rejected the 14th Amendment on Jan. 9, 1867. /<sup>74</sup>
10. Louisiana rejected the 14th Amendment on Feb. 6, 1867. /<sup>75</sup>
11. Delaware rejected the 14th Amendment on Feb. 7, 1867. /<sup>76</sup>
12. Maryland rejected the 14th Amendment on Mar. 23, 1867. /<sup>77</sup>
13. Mississippi rejected the 14th Amendment on Jan. 31, 1867. /<sup>78</sup>

---

<sup>66</sup>/ [House Journal 1868, pp. 583-584](#) – [Senate Journal 1866, pp. 471-472](#).

<sup>67</sup>/ [House Journal 1866, p. 68](#) – [Senate Journal 1886, p. 72](#).

<sup>68</sup>/ [House Journal 1866, pp. 80, 138, 144, 149-150](#) – [Senate Journal 1866, pp. 101-103, 111, 114](#)

<sup>69</sup>/ [House Journal 1866, pp. 209-213](#) – [Senate Journal 1866, p. 182-183](#).

<sup>70</sup>/ [House Journal 1866-1867, p. 182-185](#) – [Senate Journal 1866-1867, pp. 91, 104, 137-138](#).

<sup>71</sup>/ [House Journal 1866, pp. 268-269](#) – [Senate Journal 1866, pp. 213, 215-216](#).

<sup>72</sup>/ [House Journal 1866, pp. 32-36, 284-285](#) – [Senate Journal 1866, p. 230](#).

<sup>73</sup>/ [House Journal 1867, pp. 60-65](#) – [Senate Journal 1867, pp. 62-64](#).

<sup>74</sup>/ [House Journal 1866-1867, p. 108](#) – [Senate Journal 1866-1867, pp. 101-103](#).

<sup>75</sup>/ [Louisiana February 9, 1867 Joint Resolution No. 9, p. 1](#) – [McPherson, Reconstruction, p. 194](#) – [Annual Encyclopedia, p. 452](#).

<sup>76</sup>/ [House Journal 1867, pp. 223-226](#) – [Senate Journal 1867, pp. 169, 175-176](#).

<sup>77</sup>/ [House Journal 1867, p. 1139-1141](#) – [Senate Journal 1867, p. 808](#) – [Joint Resolution No. 18, pp. 909, 911](#).

<sup>78</sup>/ [House Journal 1866, p. 251](#) – [Senate Journal 1866, p. 168, 196](#) – [Report of the Standing Committee 1866, p. 87](#) – [Joint Resolution of January 31, 1867](#) – [McPherson, Reconstruction, p. 194](#).

14. Ohio rejected the 14th Amendment on Jan. 16, 1868. /<sup>79</sup>
15. New Jersey rejected the 14th Amendment on Mar. 24, 1868. /<sup>80</sup>

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

President Andrew Johnson, in his “*Veto*” message of March 2, 1867, /<sup>81</sup> pointed out that:

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

If further proof were needed that these States were operating under legally constituted governments as member States in the Union, the ratification of the 13th Amendment by December 8, 1865 undoubtedly supplies this official proof. If the southern States were not member States of the Union, the 13th Amendment would not have been submitted to their Legislatures for ratification.

---

<sup>79</sup>/ [House Journal 1868, pp. 44-50](#) – [Senate Journal 1868, pp. 33-38](#).

<sup>80</sup>/ [Minutes of the Assembly 1868, p. 743](#) – [House Journal 1868 \(\*Senate Joint Resolution No. 1\*\), pp. 1223, 1230](#) – [Senate Journal 1868, p. 356](#) – [Senate Joint Resolution No. 1](#).

<sup>81</sup>/ [House Journal, 80th Congress, 2nd Session, p. 563; March 2, 1867 - H.R. 1143](#).



2. The 13th Amendment to the Constitution for The United States of America was proposed by Joint Resolution of Congress /<sup>82</sup> and was approved February 1, 1865 by President Abraham Lincoln, as required by Article I, Section 7 of the Constitution. The President's signature is affixed to the Resolution.

The 13th Amendment was ratified by twenty-seven (27) States of the then thirty-six (36) States of the Union, including the southern States of "Virginia," "Louisiana," "Arkansas," "South Carolina," "Alabama," "North Carolina," and "Georgia." This is shown by the Proclamation /<sup>83</sup> of the Secretary of State December 18, 1865. Without the "votes" of these seven (7) southern State Legislatures, the 13th Amendment would have failed. There can be no doubt but that the ratification by these southern States of the 13th Amendment again established the fact that their Legislatures and State governments were duly and lawfully constituted and functioning, as such, under their State Constitutions. /<sup>84</sup>

3. Furthermore, on April 2, 1866, President Andrew Johnson issued a "Proclamation" that:

"the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama,

---

<sup>82/</sup> [Hand Written Proclamation](#); 13 Stat. p. 567.

<sup>83/</sup> [Hand Written Proclamation](#); 18 Stat. p. 774.

<sup>84/</sup> see Supreme Court "Case" of [Texas v. White](#), 74 U.S. 700.

Louisiana, Arkansas, Mississippi, and Florida is at an end, and is henceforth to be so regarded." /<sup>85</sup>

On August 20, 1866, President Andrew Johnson issued another "Proclamation" /<sup>86</sup> pointing out the fact that the House of Representatives and Senate had adopted identical "Resolutions" on July 22, 1861 /<sup>87</sup> and July 26<sup>th</sup>, 1861, /<sup>88</sup> that the "Civil War" forced by dis-unionists of the southern States, was not waged for the purpose of conquest or to overthrow the rights and established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all equality and rights of the States unimpaired, and that as soon as these objects were accomplished, the "War" ought to cease. The President's "Proclamation" on June 13, 1866, declared the insurrection in the "State of Tennessee" had been suppressed. /<sup>89</sup> The President's "Proclamation" on April 2, 1866, /<sup>90</sup> declared the insurrection in the other southern States, except "Texas," no longer existed. On August 20, 1866, /<sup>91</sup> the President proclaimed that the insurrection in the "State of Texas" had been completely ended; and his "Proclamation" continued:

---

<sup>85</sup>/ [Presidential Proclamation No. 153](#), General Record of the United States, G.S.A., National Archives and Records Service.

<sup>86</sup>/ [14 Stat. p. 814](#).

<sup>87</sup>/ [House Journal, 37th Congress, 1st Session, p. 123](#), etc.

<sup>88</sup>/ [Senate Journal, 37th Congress, 1st Session, p. 91](#), etc.

<sup>89</sup>/ [13 Stat. p. 763](#).

<sup>90</sup>/ [14 Stat. p. 811](#).

<sup>91</sup>/ [14 Stat. p. 814](#).

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

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

4. When the State of Louisiana rejected the 14th Amendment on February 6, 1867, making the tenth (10<sup>th</sup>) State to have rejected the same, *(or more than one-fourth (1/4<sup>th</sup>) of the total number of thirty-six (36) States of the Union as of that date)* thus leaving less than three-fourths (3/4<sup>th</sup>) of the States possibly to ratify the same, the Amendment failed of ratification in fact and in law and it could not have been revived except by a new Joint Resolution of the Senate and House of Representatives in accordance with constitutional requirement.

Faced with the positive failure of ratification of the 14th Amendment, both Houses of Congress of the northern States passed over the "Presidential Veto" of the three (3) "Acts" known as "Reconstruction Acts," between the dates of March 2<sup>nd</sup> and July 19<sup>th</sup> 1867, especially the third (3<sup>rd</sup>) of said "Acts" <sup>92</sup> that was designed to illegally remove with "Military force" the lawfully constituted State Legislatures of the ten (10) southern States of "Virginia," "North Carolina," "South Carolina," "Georgia," "Florida," "Alabama," "Mississippi," "Arkansas," "Louisiana," and "Texas." In President Andrew Johnson's

---

<sup>92</sup>/ [15 Stat. p. 14](#), etc.

“Veto Message” on the “Reconstruction Act” of March 2, 1867, <sup>93</sup> he pointed out these unconstitutionalityies:

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

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

In President Andrew Johnson’s “Veto Message” on the “Reconstruction Act” on July 19, 1867, he pointed out various unconstitutionalityies as follows:

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

---

<sup>93</sup>/ House Journal, 39th Congress, 2nd Session. p. 563, etc.

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

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

"During that period, while these States were in actual rebellion, and after that rebellion was brought to a close, they have been again and again recognized as States of the Union. Representation has been apportioned to them as States. They have been divided into judicial districts for the holding of district and circuit courts of the United States, as States of the Union only can be districted. The last act on this subject was passed July 28, 1866, by which every one of these ten States was arranged into districts and circuits.

"They have been called upon by Congress to act through their legislatures upon at least two Amendments to the Constitution of the United States. As States they have ratified one Amendment, which required the vote of twenty-seven States of the thirty-six then composing the Union. When the requisite twenty-seven votes were given in favor of that Amendment – seven of which votes were given by seven of these ten States – it was proclaimed to be a part of the Constitution of the United States, and slavery was declared no longer to exist within the United States or any place subject to their jurisdiction. If these seven States were not legal States of the Union, it follows as an inevitable consequence that in some of the States slavery yet exists. It does not exist in these seven States, for they have abolished it also in their State Constitutions; but Kentucky not having done so, it would still remain in that State. But, in truth, if this assumption that these States have no legal State governments be true, then the abolition of slavery by these illegal governments binds no one, for Congress now denies to these States the

power to abolish slavery by denying to them the power to elect a legal State legislature, or to frame a constitution for any purpose, even for such a purpose as the abolition of slavery.

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

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

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

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

"Within a period less than a year, the legislation of Congress has attempted to strip the executive department of the government of some of its essential powers. The Constitution, and the Oath provided in it, devolve upon the President the power and duty to see that the laws are faithfully executed. The Constitution, in order to carry out this power, gives him the choice of the agents, and makes them subject to his control and supervision. But in the execution of these laws the constitutional obligation upon the President remains, but the powers to exercise that constitutional duty is effectually taken away. The military commander is, as to the power of appointment, made to take the place of its President, and the General of the Army the place of the Senate; and any attempt on the part of the President to assert his own constitutional power may,

under pretense of law, be met by official insubordination. It is to be feared that these military officers, looking to the authority given by these laws rather than to the letter of the Constitution, will recognize no authority but the commander of the district and the General of the army.

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

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

The “Reconstruction Acts” <sup>/94</sup> were brought into question, but the Courts either avoided decision or were prevented by Congress from finally adjudicating upon their constitutionality. <sup>/95</sup>

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

---

<sup>94/</sup> [THIRTY-NINTH CONGRESS, Sess. II, Ch. 153](#); [FORTIETH CONGRESS, Sess. I Ch. 30](#); [FORTIETH CONGRESS, Sess. II, Ch. 70](#).

<sup>95/</sup> [Mississippi v. Johnson, 4 Wallace, 475](#); [Georgia v. Stanton, 6 Wallace, 50](#); [Ex Parte McCordle, 6 Wallace, 318](#); [Ex Parte Yerger, 8 Wallace, 85](#).

## And now to the Court

In a joint action, the “*States of Georgia*” and “*Mississippi*” brought suit against the President and the Secretary of War, ([6 Wall. 50-78](#), [154 U.S. 554](#)).

The Court said that:

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

The applications for injunction by these two (2) States to prohibit the “*Executive Department*” from carrying out the provisions of the Reconstruction Acts directed to the overthrow of their government (*including the dissolution of their State Legislatures*) were denied on the grounds that the organization of the government into three (3) great “*Departments*,” the “*Executive*,” “*Legislative*,” and “*Judicial*,” carried limitations of the “*Powers*” of each by the Constitution. This “*Case*” went the same way as the previous “*Case*” of “*Mississippi against President Johnson*” <sup>96</sup> and was

---

<sup>96</sup>/ [6 Wall. 50-78](#), [154 U.S. 554](#)



dismissed without adjudication upon the constitutionality of the “Reconstruction Acts.”

In another “Case,” [[“ex parte William H. McCardle \(7 Wall. 506-515\)”](#)], a “Petition” for the “writ of habeas corpus” for unlawful “Military” restraint of a “citizen” of a State (*who was not in the “Military Service” of the United States*) was before the Supreme Court. After the “Case” was argued (*and taken under advisement, and before “Conference” in regard to the decision to be made*), the Congress of the northern States passed an “Emergency Act” of March 27, 1868 <sup>97</sup> (*which was “Vetoed” by the President and re-passed over his “Veto”*) repealing the jurisdiction of the Supreme Court in such “Cases.” Accordingly, the Supreme Court dismissed the “Appeal” without passing upon the constitutionality of the Reconstruction Acts under which the non-Military “citizen” was held by the “Military” without benefit of “writ of habeas corpus” in violation of Section 9, Article I of the Constitution for The United States of America which prohibits the suspension of the “writ of habeas corpus.”

That “Act” of Congress of the northern States placed the “Reconstruction Acts” beyond judicial recourse and avoided tests of constitutionality.

It is recorded that one of the Supreme Court Justices, “Grier,” protested against the action of the Court as follows:

"This case was fully argued in the beginning of this month. It is a case which involves the liberty and rights not only of the appellant, but of millions of our fellow citizens. The country and the parties had a right to expect that it would receive the immediate and solemn attention of

---

<sup>97</sup>/ 15 Stat. at L. 44

the court. By the postponement of this case we shall subject ourselves, whether justly or unjustly, to the imputation that we have evaded the performance of duty imposed on us by the Constitution, and waited for legislative interposition to supersede our action, and relieve us from responsibility. I am not willing to be a partaker of the eulogy or opprobrium that may follow. I can only say ... I am ashamed that such opprobrium should be cast upon the court and that it cannot be refuted."

What was the status of the southern States during the "War of the States" that formed the "Confederacy" during the reconstruction period and since?

The Congress of the northern 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. <sup>/98</sup>

The ten (10) States were organized into "Military Districts" under the unconstitutional "Reconstruction Acts," their lawfully constituted "Legislatures" were unlawfully removed by "military force," and they were replaced by rump, so-called "Legislatures," seven (7) of which carried out "Military Orders" and pretended to ratify the 14th Amendment, as follows:

1. "Arkansas" on April 6, 1868; <sup>/99</sup>
2. "North Carolina" on July 2, 1868; <sup>/100</sup>
3. "Florida" on June 9, 1868; <sup>/101</sup>

---

<sup>98/</sup> [THIRTY-NINTH CONGRESS, Sess. II, Ch. 153](#); [FORTIETH CONGRESS, Sess. I Ch. 30](#); [FORTIETH CONGRESS, Sess. II, Ch. 70](#).

<sup>99/</sup> [McPherson, Reconstruction, p. 53](#).

<sup>100/</sup> [House Journal 1868, p. 15](#), [Senate Journal 1868, p. 15](#).

<sup>101/</sup> [House Journal 1868, p. 9](#), [Senate Journal 1868, p. 8](#).

4. “Louisiana” on July 9, 1868; /<sup>102</sup>
5. “South Carolina” on July 9, 1868; /<sup>103</sup>
6. “Alabama” on July 13, 1868; /<sup>104</sup>
7. “Georgia” on July 21, 1868. /<sup>105</sup>

Of the above seven (7) States whose “Legislatures” were removed and replaced by rump, so-called “Legislatures,” six (6) “Legislatures” of the States of “Louisiana,” “Arkansas,” “South Carolina,” “Alabama,” “North Carolina,” and “Georgia” had ratified the 13th Amendment (as shown by the Secretary of State’s “Proclamation” of December 18, 1865). Without the “ratification votes” of six (6) States, the 13th Amendment could not, and would not, have been ratified because the six (6) States made a total of twenty-seven (27) out of thirty-six (36) States (or exactly three-fourths ( $\frac{3}{4}^{th}$ ) of the number) required by Article V of the Constitution for ratification.

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

---

<sup>102</sup>/ Senate Journal 1868, p. 21.

<sup>103</sup>/ House Journal 1868, p. 50, Senate Journal 1868, p. 12.

<sup>104</sup>/ Senate Journal, 40th Congress. 2nd Session. p. 725.

<sup>105</sup>/ House Journal, 1868, p. 50.

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,” “Georgia,” “Mississippi,” “North Carolina,” “South Carolina,” “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 southern 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 Supreme Court has ruled that those States had lawful “State governments” before, during, and after the “Civil War.”<sup>106</sup>
- ❖ We know that the 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 House of Representatives adopted a “Resolution” and when on July 25<sup>th</sup> 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 spirit of oppression, nor for any purpose of conquest or subjugation, nor purpose of overthrowing or interfering with

---

<sup>106</sup>/ [Texas v. White, 74 U.S. 700.](#)

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 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 Congress recognized those States as having lawful “State governments” after the “Civil War” when the Congress submitted the present day 13th Amendment to those States for, and accepted, their ratification votes.

The three coordinate branches of the government concurred in holding that these States remained in the Union throughout the entire period. The “executive branch” treated them as in the Union in the “Proclamations” of the Thirteenth, Fourteenth, and Fifteenth Amendments; the “legislative branch” treated them as in the Union in passing the “Acts” of [March 2, 1867](#), [March 23, 1867](#), [July 19, 1867](#), [March 11, 1868](#), and [June 25, 1868](#), and the “judicial branch” regarded them as in the “Union” in passing the decisions reported in 6 Wallace, 1; 6 Wallace, 443; 7 Wallace, 700; 8 Wallace, 1; 9 Wallace, 197; 12 Wallace, 349; 13 Wallace, 646; 15 Wallace, 459; 16 Wallace, 402; 16 Wallace, 492; 17 Wallace, 570; 20 Wallace, 459; 22 Wallace, 99; 22 Wallace, 479; 96 U.S., 193; 97 U.S., 454; 156 U.S., 618.

Even though the “Reconstruction Acts” of 1867 failed to state the date when those southern States ceased to have lawful “State governments,” we do know that the Congress of the northern States had 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 “Military Districts” were to be admitted into representation in Congress as a State of the Union 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>/107</sup>

[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 Congress of the northern States passed several “laws” declaring that the southern States had adopted a “State Constitution,” and upon the President issuing forth a “Proclamation” declaring that those States had ratified the proposed 14th Amendment to the United States Constitution, the “People” were admitted to representation to Congress as “States” of the Union:

❖ see “Act” of June 22<sup>nd</sup> 1868 <sup>/108</sup> - Law to admit the “State of Arkansas” to representation in “Congress” of the “The United States of America.”

---

<sup>107/</sup> [Section 6](#) of the “[Reconstruction Act](#)” of March 2<sup>nd</sup> 1867.

<sup>108/</sup> [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.

- ❖ see “Act” of June 25<sup>th</sup> 1868 /<sup>109</sup> - Law with “Presidential Proclamations” /<sup>110</sup> to admit the States of “North Carolina,” “South Carolina,” “Louisiana,” “Georgia,” “Alabama,” and “Florida” to representation in “Congress” of the “The United States of America.”
- ❖ see “Act” of January 21<sup>st</sup> 1870 /<sup>111</sup> - Law to admit the “State of Virginia” to representation in the “Congress” of the “The United States of America.”
- ❖ see “Act” of February 23<sup>rd</sup> 1870 /<sup>112</sup> - Law to admit the “State of Mississippi” to representation in the “Congress” of the “The United States of America.”
- ❖ see “Act” of March 10<sup>th</sup> 1870 /<sup>113</sup> - Law to admit the “State of Texas” to representation in the “Congress” of “The United States of America.”

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

<sup>109</sup>/ [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.

<sup>110</sup>/ “[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.

<sup>111</sup>/ [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.

<sup>112</sup>/ [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.

<sup>113</sup>/ [FORTY-FIRST CONGRESS. Sess. II, Ch. 39](#) declaring Texas had adopted a State Constitution and had ratified the 14th Amendment to the Constitution for The United States of America.

- ❖ 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 (including the mandate that the people of those southern States were required to ratify the 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 of America.

The Secretary of State was “barred” (as a matter of law) from accepting any “notices of ratification” of Amendments from any provisional governments of



those southern States that existed as “Military Districts” from the date of March 2, 1867 until the date that the Congress of the northern States admitted the “People” to representation in Congress as a State of the Union.<sup>/114</sup> It appears that the Congress of the northern States has taken the position that unlawful governments may cast “votes of ratification” on proposed Amendments to the Constitution for The United States of America. This impression is found upon the mandates of the “Reconstruction Acts” of 1867 that the “People” of the “Military Districts” shall ratify the 14th Amendment **before** those “People” may be represented in Congress as a State of the Union. This view of Congress is not supported in the Constitution for The United States of America 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>/115</sup>

[Emphasis Added]

---

<sup>114/</sup> 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 for The United States of America.

<sup>115/</sup> [39th Congress, 2d Sess. - Senate Mis. Doc. No. 2](#)

## Repugnance

The “Reconstruction Acts” of 1867 are not valid for being repugnant. The Congress of the northern States declared the purpose and intent of the “Reconstruction Acts” were 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 Constitution for The United States of America. This same Congress declared by “Senate Resolution” of December 5, 1866 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,” and the “Reconstruction Acts” of 1867, are repugnant to each other.

The “Text Sections” 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 “Text” of those “Laws” mandates that the unlawful governments of those identified States shall adopt Amendments (“14th” & “15th”) to the Constitution for The United States of America.

## Proclamations of Ratification

There are no “Proclamations of Ratification” for the 14th Amendment. The former Secretary of State, William H. Seward issued two (2) “Documents” to the “Newspapers” that have the appearance of being recorded

as “Proclamations of Ratification.” The “first” was issued on July 20, 1868 <sup>/116</sup> and the “second” was issued on July 28, 1868. <sup>/117</sup>

Secretary of State, William H. Seward, qualified the first “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 notices” by leaving off those words as he used in describing the “Documents” received from the other States of the Union.

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.”*

[Emphasis added]

With the use of the word “avowing,” the 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 two (2) States, (Ohio and New Jersey) that withdraw their consent of ratification on the 14th Amendment.

---

<sup>116/</sup> see [15 Stat. Lg. 706](#).

<sup>117/</sup> see [15 Stat. Lg. 708](#).

In concluding, within the [purported] “Ratification Proclamation” of July 28· 1868 /<sup>118</sup> the 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 14th Amendment failed ratification if the “Military District Legislatures” of the 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 Congress of northern States was not comfortable with the “Proclamation” and adopted a “Resolution” wherein the Secretary of State was “Ordered” to acknowledge the “Legislatures” of the “Military Districts” of the southern States as having lawful standing to cast “Votes of Ratification” on the 14th Amendment to the Constitution for The United States of America: /<sup>119</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>120</sup>

“*Resolved, That the House of Representatives concur in the foregoing concurrent resolution of the Senate ‘declaring the ratification*

---

<sup>118</sup>/ [15 Stat. Lg. 706](#)

<sup>119</sup>/ “[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](#)).

<sup>120</sup>/ “[Resolution of the Senate](#)” July 21<sup>st</sup> 1868 as printed in the [Journal of the Senate, Pg. 709](#).

of the fourteenth article of amendment of the Constitution of the United States.” /<sup>121</sup>

In response to the above stated “Concurrent Resolution” of Congress, the Secretary of State issued forth a purported “Proclamation of Ratification” /<sup>122</sup> 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 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 Secretary of State's “Proclamation of Ratification” of July 28, 1868 raises questions as to whether the July 21, 1868 “Concurrent Resolution” of Congress was lawful and imposed a “ministerial duty” upon the Secretary of State of The United States of America.

---

<sup>121</sup>/ “Resolution of the House of Representatives” July 21<sup>st</sup> 1868 as printed in [House Journal, 40th Congress, Sess. 2, Pg. 1126](#).

<sup>122</sup>/ “Proclamation” dated July 28<sup>th</sup> 1868 ([15 Stat. 708-711](#)).

## **“Congressional Concurrent Resolution”** **of July 21, 1868**

Looking to the “Concurrent Resolution,” we find that it is an “Order” that was never submitted to the President of The United States of America for his “Approbation” as required by Article I, Section 7, Clause 3 of the Constitution for The United States of America. As this “Concurrent Resolution” is an “Order” that was acted upon by both “Houses of Congress,” it is a “Resolution” that is required by the Constitution for The United States of America to be submitted to the President for his “Approbation.” /<sup>123</sup> As the “Concurrent Resolution” was not was not submitted to the President for his “Approbation,” it is not a lawful “Concurrent Resolution” imposing “ministerial duties” upon the Secretary of State. It should also be noted that this “Concurrent Resolution” may not be lawful as it was submitted and addressed directly to the Secretary of State /<sup>124</sup> and not “recorded” in the “Statutes at Large” as required by law. /<sup>125</sup>

Furthermore, the Congress of the northern States exceeded its authority in adopting said “Concurrent Resolution” as it ignored the law of the FIFTEENTH CONGRESS, Sess. I, Ch. 80 mandating that the States of

---

<sup>123</sup>/ see Hollingsworth v. Virginia, 3 Dallas 378.

<sup>124</sup>/ This statement of fact appears in the purported “Proclamation of Ratification” dated July 28<sup>th</sup> 1868.

<sup>125</sup>/ 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 2/3<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 for not being published in the Record of the “Statutes at Large.”

the Union were to submit their “official notices” of ratification to the Secretary of State of “The United States of America.” Under the law, the States had no authority to submit their “official notices” to the Congress and the Congress had no authority to review any “official notices” of “ratifications” that may have been received by the Secretary of State. The Congress never repealed nor made any amendments to the said law.

Upon the enactment of [FIFTEENTH CONGRESS, Sess. I, Ch. 80](#), the Congress openly declared that the receiving of “official notices” of “votes” cast upon “Constitutional Amendments” is a constitutional function of the “Executive Department” of The United States of America. Under the doctrine of separation of “Powers,” the Congress had 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 Congress made admissions that the receiving of “official notices” of the “votes” cast upon proposed Amendments to the Constitution for The United States of America **is not** a legislative function.

We also have an issue of “Repugnancy” as the July 21, 1868 “Concurrent Resolution” is in direct conflict with [Section 6](#) of the “Reconstruction Acts” of March 2, 1867 and July 25, 1868. As noted earlier in this “Treatise,” the “Reconstruction Act” of March 2, 1867 has declared that several southern States had unlawful “State governments” and that the Congress of the northern States had, by “Resolution,” declared that those States had no lawful authority to cast “votes of ratification” on proposed “Constitutional Amendments.” We also noted that the Congress of the northern States declared by [Section 6](#) of the “Reconstruction Act” of March 2, 1867 that the southern States that had been identified as having

unlawful “State governments” were not to be reinstated into the Union until the “People” of those “Military Districts” were admitted into representation of Congress as States of the Union by an “Act of Law.”

The Congress of the northern States reiterated its position in the “[Supplemental Acts of Reconstruction](#)” dated June 25, 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 ....”<sup>126</sup> [Emphasis added]

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

The Congress made no repeals or amendments to Section 6 of the “[Reconstruction Act](#)” of March 2, 1867 nor has Congress ever made any repeals or amendments to the “[Reconstruction Act](#)” of June 25, 1868. As the “[Concurrent Resolution](#)” of July 21, 1868 was enacted after the dates of the enactment of the “Reconstruction Acts” of 1867 and is repugnant to the “Acts of Reconstruction,” the “[Concurrent Resolution](#)” of July 21, 1868 must be declared “Void” and without any effect.

---

<sup>126</sup>/ “[Reconstruction Act](#)” of June 25th 1868 ([FOURTIETH CONGRESS. Sess. II, Ch. 70](#)).



## Effective Date of Ratification / Rejection of Amendments

The Federal Courts have made rulings regarding the effective date as to when a proposed Amendment takes effect. The Courts have ruled that “Constitutional Amendments” takes effect (*whether they have been adopted or rejected*) on the date when the last “State Legislature” cast the one-fourth (1/4<sup>th</sup>) “rejection vote” on the Amendment or when the last State Legislature cast the three-fourths (3/4<sup>th</sup>) “ratification vote” on the Amendment. The effective date of “passage” or “rejection” of a proposed Amendment to the Constitution for The United States of America is not dependent upon the issuance of a “Proclamation of Ratification” by the Secretary of State (*or the Archivist for The United States of America*).<sup>127</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, 1867 “Reconstruction Act” shows that the Legislatures of the States have cast more than one-fourth (1/4<sup>th</sup>) of the “votes” that results in the “rejection” the 14<sup>th</sup> Amendment to the Constitution for The United States of America.

## Official Notices of Rejection

The record of the purported “Ratification Proclamation” of July 28, 1868 shows that the Legislatures of the southern States cast “votes of rejection” on the proposed 14<sup>th</sup> Amendment to the Constitution for The United States of America prior to the enactment of the March 2, 1867 “Reconstruction Acts.” We also have the “Official Records” of the “House” and “Senate Journals” of the States for the years of 1866-67 showing the “negative” ratification votes cast by the Legislatures of the States. From past inquiries of the “United States

---

<sup>127</sup>/ [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.](#)

Department of Archives,” it appears that several of these “official notices” are not in the possession of the Archivist of The United States of America.

The 1867 Congress of the northern 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 Constitution for The United States of America prior to March 2, 1867 were votes cast by lawful governments of those States. No attempt has ever been made by the Congress to declare that those “votes of rejection” were unlawful and/or void. If the “votes of ratification” cast by the “Military Districts” of the southern States under the “Reconstruction Acts” of 1867 were votes cast by unlawful governments of a State as declared by the “Reconstruction Acts” themselves, then the “votes of rejection” that were cast by the southern States before March 2, 1867 must stand and the 14th Amendment to the Constitution for The United States of America fails adoption for being rejected by more than one-fourth (1/4<sup>th</sup>) of the States in the Union.

The following “votes of rejection” are recorded in the Secretary of State’s “Ratification Proclamation” of July 28, 1868:

- ❖ “Texas” on November 1, 1866  
([House Journal 1866](#), pp. 578-584 - [Senate Journal 1866](#), p. 471);
- ❖ “Georgia” on November 13, 1866  
([House Journal 1866](#), p. 68 - [Senate Journal 1866](#), p. 8);
- ❖ “North Carolina” on December 4, 1866  
([House Journal 1866-1867](#), p. 183 - [Senate Journal 1866-1867](#), p. 138 );
- ❖ “South Carolina” on December 20, 1866  
([House Journal 1866](#), p. 284 - [Senate Journal 1866](#), p. 230);

- ❖ “Virginia” on January 9, 1866  
([\*House Journal 1866-1867\*](#), p. 108 - [\*Senate Journal 1866-1867\*](#), p. 101);
- ❖ “Kentucky” on January 10, 1867  
([\*House Journal 1867\*](#), p. 60 - [\*Senate Journal 1867\*](#), p. 62);
- ❖ “Delaware” on February 7, 1867  
([\*House Journal 1867\*](#), p. 223 - [\*Senate Journal 1867\*](#), p. 808);
- ❖ “Maryland” on March 23, 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, 1868; but are recorded in the “House” and “Senate Journals” of the following States:

- ❖ “Arkansas” on December 17, 1866  
([\*House Journal 1866\*](#), pp. 265-268);  
([\*Senate Journal 1866\*](#), pp. 212-216);
- ❖ “Alabama” on December 7, 1866  
([\*House Journal 1866\*](#), pp. 208-215);  
([\*Senate Journal 1866\*](#), pp. 182-183);
- ❖ “Florida” on December 6, 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, 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, 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 the “votes of rejection” of the above States are not found in the “Record” of the State Department or the Archivist we may never know. But the fact that several of those “State Legislatures” went to great lengths to record their “objections” to the proposed 14th Amendment within their “House” and “Senate Journals” leaves no doubt that their “votes of rejection” were sent to the Secretary of State. You may view the “Record” of the “House” and “Senate Journals” of the States that cast “votes of rejection” at website: “U.S. Constitution, 14th Amendment – The Amendment That Never Existed.”<sup>128</sup>

If the “votes of ratification” that were cast by the “provisional Legislatures” of the “Military Districts” of the southern States (*that existed under the “Reconstruction Act” of March 2, 1867*) were not cast by lawful State governments as proclaimed by the Congress of the northern States,<sup>129</sup> then the “votes of rejection” cast by the governments of those “Military Districts” on the proposed 14th Amendment to the Constitution for The United States of America must be the only votes that can be classified as “Official” of which may be accepted by the Secretary of State (*and the Archivist*) for The United States of America.

<sup>128</sup>/ [http://www.14th-Amendment.com/Historical\\_Documents/State\\_Journals/page\\_frame.htm](http://www.14th-Amendment.com/Historical_Documents/State_Journals/page_frame.htm).

<sup>129</sup>/ see Section 6 of “Reconstruction Act” that was enacted into law on March 2<sup>nd</sup> 1867.

Another problem which has been overlooked by the Congress and the Secretary of State (Archivist) is that once a proposed Amendment to the Constitution for The United States of America 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 Secretary of State (and Archivist) has no authority to accept any changes of a “vote of rejection” or “vote of ratification” once the ratification process came to an end. /<sup>130</sup> The “votes of ratification” by the “Military Districts” of the southern States (*as recorded in the “Ratification Proclamation” of July 28, 1868*), must be declared “Void” and without effect as a matter of law.

### **States changing “Votes of Ratification”**

The Secretary of State, William H. Seward, announced within the “Ratification Proclamation” of July 20, 1868 that the Legislatures of two States (Ohio and New Jersey) passed “Resolutions” to change their “votes of ratification” to “votes of rejection.” The 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>131</sup> nor any other law, expressly or by conclusive implication, authorizes the Secretary of State

---

<sup>130/</sup> The “Act” of FIFTEENTH CONGRESS, Sess. I, Ch. 80.

<sup>131/</sup> FIFTEENTH CONGRESS, Sess. I, Ch. 80 @ Section 2 “*And It Shall Be Further Enacted That, whenever official notice has been received, at the Department of State, that any Amendment which heretofore has been, or hereafter may be, proposed to the constitution of the United States, has been adopted, according to the provisions of the constitution, it shall be the duty of the said Secretary of State forthwith to cause said amendment to be published in said newspapers authorized to promulgate the laws, with his certificate, specifying the states by which the same may have been adopted, and the same has become valid, to all intents and purposes, as a part of the constitution of the United States.*”

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 answered the question as to whether a State may change a “vote of ratification” within a “Case” of “[State of Idaho v. Freeman](#),” <sup>/132</sup> (involving the ratification of the “Equal Rights Amendment”). The Court addressed the question in “Section D” of the “Opinion.” <sup>/133</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>/134</sup>

Notwithstanding the expressed “Opinion” of U.S. Senator Sumner that the attempted withdrawal of “Ohio’s ratification” was ineffective because the Amendment was already a part of the Constitution, <sup>/135</sup> the Congress rejected this argument on January 31, 1868:

---

<sup>132/</sup> [State of Idaho v. Freeman, 529 F. Supp. 1107.](#)

<sup>133/</sup> [State of Idaho v. Freeman, 529 F. Supp. 1107 @ 1146.](#)

<sup>134/</sup> [State of Idaho v. Freeman, 529 F. Supp. 1107 @ 1150.](#)

<sup>135/</sup> [Cong. Globe 40th Cong., 2d Sess. 877 \(1868\).](#)

“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>136</sup>

From the “Opinion” of the “Federal Courts” and the above position taken by the “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 Secretary of State (and the Archivist) as the “official notice” of those States.

## Unlawful State Legislatures

The Legislature of the State of Oregon gave notice to the Congress that the “Oregon Legislature” that ratified the 14th Amendment to the Constitution for The United States of America was not a lawful Legislature for the State of Oregon. The Legislature for the State of Oregon gave further notice that it has, by “Resolution,” withdrawn the “vote of ratification” (as cast by the unlawful Legislature) and on December 14, 1868 voted to “reject” the Amendment. /<sup>137</sup>

As the Congress had already declared by law that no State having unlawful “governments” may cast “votes” on proposed Amendments to

---

<sup>136</sup>/ [State of Idaho v. Freeman, 529 F. Supp. 1107 @ 1143.](#)

<sup>137</sup>/ see [Miscellaneous Document No. 12, House of Congress, 40th Congress, 3d Sess. \(December 14, 1868\).](#)

the Constitution for The United States of America 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 14th Amendment by the “lawful” Legislature for the State of Oregon sets up a peculiar situation for the Secretary of State (and the Archivist).

As the Congress had already declared by law that the States with unlawful State governments may not cast “ratification votes” on proposed Amendments to the Constitution for The United States of America, the Secretary of State had a “ministerial duty” to withdrawal Oregon’s “vote of ratification” from the “Record.” Whether or not the Secretary of State may accept Oregon’s “vote of rejection” after the States of the Union have cast more than one-fourth ( $\frac{1}{4}^{\text{th}}$ ) of the “votes of rejection” is most likely a “Political Question” that may not be addressed by the Secretary of State (or Archivist) or by the Federal Courts.

### **States Changing “Votes” After Amendment Has Been “Rejected” or “Ratified”**

In recent years, the Archivist of the United States Department of Archives has been in receipt of “State Resolutions” declaring that the Legislatures of those States have changed their “votes of rejection” on the 14th Amendment to that of being “ratified.” The acceptance and recording of “votes” of those “State Resolutions” exceeds the authority of the 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 the jurisprudence of The United States of America, a ruling of a matter in controversy as a “*Political Question*” is a statement by the Federal Courts to decline a ruling on a “*Case*” because:

1. The 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 of “*Political Question*” 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.

During the history of this Government, only once has the validity of an Amendment to the Federal Constitution been questioned and decided by the Supreme Court for The United States of America. The Supreme Court

sustained its jurisdiction to examine into objections to such Amendments in order to ascertain whether it is a part of the Constitution that they must enforce. This was the “Case” of Hollingsworth v. Virginia. (3 Dallas, 381). But the same Court held that this “Rule” does not hold good as to a “State Constitution,” it being then a “Political Question” (Luther v. Borden, 7 How., 39). The same Court also held that in our popular form of government, the “People” make and unmake the Constitution (Cohen v. Virginia, 6 Wheat., 389). This last “Case” is especially appropriate to the “Reconstruction Acts” by which sovereign States were coerced into voting for “ratification” against their will, and to the withdrawal of “ratification” by the States of “Ohio” and “New Jersey,” (which were ignored by the Congress of the northern States). The “Judicial Power” is further considered in: Gordon v. U.S., (117 U.S. 705); Wood v. Fitzgerald, (3 Oreg., 568); (6<sup>th</sup> Am. & Eng. En. Of L., 908); Collier v. Frierson, (24 A1A., 100); Koehler v. Hill, (60 Iowa, 543); Westinghausen v. People, (44 Mich., 265); Miss. V. Powell, (77 Miss., 543); Prince v. Skillin, (71 Mo., 367); N.J. v. Wurts, (45 L.R.A. 251); State v. Pritchard, (36 N.J.L., 101); State v. Rogers, (56 N.J.L., 480); N.C. v. McIver, (72 N.C., 76); In re Gunn, (50 Kans., 155); Hudd v. Fimme, (54 Wis., 318).

We find the doctrine which clearly laid down in the text of the “American and English Encyclopedia of Law, volume 6, page 608” (1910 ed.) {and see note 4}, in these words:

“The courts have full power to declare that an amendment to the Constitution has not been properly adopted, even though it has been so declared by the political department of the State.”

But the whole contention is well stated in Collier v. Frierson, (24 Ala., 100-108).

The Court said:

“We entertain no doubt that to change the Constitution in any other mode than by a convention, every requisition which is demanded by the instrument itself, must be observed and the omission of any one is fatal to the amendments. We scarcely deem any argument necessary to enforce this proposition. The Constitution is the supreme and paramount law. The mode by which amendments are to be made under it is clearly defined. It has been said that certain acts are to be done – certain requisitions are to be observed before a change can be effected. But to what purpose are those acts required or those requisitions enjoined if the legislature or any other department of the Government can dispense with them. To do so would be to violate the instrument which they swore to support; and every principle of public law and sound constitutional policy requires the courts to pronounce against every amendment which is shown not to have been made in accordance with the rules prescribed by the fundamental law.”

The question is a “*judicial one*,” and that the Court is not concluded by the action of the Legislature is clearly defined to the correct rule laid down in the following well considered “*Cases*”:

102 Cal., 133; 60 Iowa, 543; 69 Ind., 505; 15 L.R.A. 524 (Ky.); 45 L.R.A., 251 (N.J.); 44 Mich., 265; 29 Minn., 555; 72 N.C., 76; 144 U.S., 1; 146 Ind., 1; 77 Miss., 568.

If the rule laid down in 43 L.R.A., 590; in 54 Wis., 318; and in 10 S.D., 109, is the proper rule, then the 14th Amendment is “*void*” because a plurality of Amendments were submitted at one time in one “*Resolution*” and to be voted on together and not separately. There are three distinct propositions clearly set forth in three different “*Clauses*” of this 14th Amendment and they are as separate from each other and as distinct as is the Thirteenth from the Fifteenth.

This question was discussed in Congress, but a radical majority would not listen to reason and could not be induced to separate them as they should have been in three separate “Sections.”

The doctrine is also clearly stated in “6 Iowa, 543,” that it matters not if every State in the Union should ratify the Amendments to the Constitution that it cannot be recognized as “valid” unless such “vote” was had in pursuance the provisions of Article V – that is, unless proposed by “two-thirds ( <sup>rd</sup> ) of both Houses” (*which the 14th Amendment was not.*).

The “Court Case” of “6 Iowa,” on “page 545,” states the “Rule” so clearly and concisely as to when the Courts are authorized to take jurisdiction and when the question is a “Political” one and when it is a “Judicial” one that it ought to be convincing. The Court says:

“While it is not competent for courts to inquire into the validity of the constitution and form of government under which they themselves exist and from which they drive their power, yet, where the existing constitution prescribes a method for its own amendment, an amendment thereto to be valid, must be adopted in strict conformity to that method, and it is the duty of the courts in the proper case when an amendment does not relate to their own powers or functions to inquire whether in the adoption of the amendment the provisions of the existing constitution have been observed, and if not to declare the amendment invalid and of no effect.”

There can be no doubt that the weight of “Judicial Opinion,” expressed on this subject is in favor of regarding the “validity” of an Amendment to the Federal Constitution as a “Judicial Question.”

[**Note:** *The House Judiciary Committee of 1910 took the position that the validity of Amendments to the Constitution was not a “Political Question,” but a “Judicial Question” for the Supreme Court when it reported HJR 165 <sup>138</sup> out of Committee. <sup>139</sup> ].*

Then comes along the Supreme Court of 1939 wherein several “Members” of the Court offered their “Personal Opinions” within the “Case” of “[Coleman v. Miller, \(307 U.S. 433 @ 460\)](#)”:

“Since Congress has sole and complete control over the amending process, subject to no judicial review, the views of any court upon this process cannot be binding upon Congress, and insofar as Dillon v. Gloss, [[256 U.S. 368](#)] attempts judicially to impose a limitation upon the right of Congress to determine final adoption of an amendment, it should be disapproved. If Congressional determination that an amendment has been completed and become a part of the Constitution is final and removed from examination by the Courts, as the Court’s present opinion recognizes, surely the steps leading to that condition must be subject to the scrutiny, control and appraisal of none save the Congress, the body having exclusive power to make that final determination.

“Congress, possessing exclusive power over the amending process, cannot be bound by and is under no duty to accept the pronouncements upon that exclusive power by this Court or by the Kansas courts. Neither State nor Federal courts can review that power. Therefore, any judicial expression amounting to more than mere acknowledgment of exclusive Congressional power over the political process of amendment is a mere

---

<sup>138/</sup> The “Resolution” by Hon. T.U. Susson of Mississippi was to make it the imperative duty of the Attorney General of the United States, when an appropriate proceeding occurs, to obtain a judicial review of the Fourteenth and Fifteenth Amendments to the Federal Constitution, and thereby obtain a decision of the Supreme Court as to their validity.

<sup>139/</sup> Sixty-First Congress, second session, on March 21, 22, 1910. - CIS US Congressional Committee Hearings Index - Part I. - CIS Microfiche [ [HJ 61 K](#) ].

admonition to the Congress in the nature of an advisory opinion, given wholly without constitutional authority.” [Emphasis added]

[*Opinion of Mr. Justice Frankfurter*] /<sup>140</sup>

Notwithstanding the above opinion of Justice Frankfurter; the “Senate Judiciary Committee” on August 5, 1985 (*speaking through U.S. Senator Orrin G. Hatch in a letter to former U.S. Senator Ted Stevens*), <sup>141</sup> took the position that the question of the validity of ratification of the Fourteenth Amendment would not be reviewed by the “Senate Judiciary Committee” as the question of the validity of the 14th Amendment is a “Judicial Question” for the Supreme Court. In addressing the two “Constitutional Amendments” that were brought into question, (*the Fourteenth and Sixteenth Amendments*), Senator Orrin H. Hatch had this to say:

“Regarding his [*Mr. Epperly’s*] request for a Senate investigation of these historical issues, however, I doubt it would serve any meaningful purpose. Assuming a Senate investigation were to substantiate Mr. Epperly’s contentions, where would we be then? In order to actually revoke the Amendments, either the Supreme Court or the Congress would have to take some action to nullify them.

“Although the Supreme Court has never directly ruled on the validity of these Amendments, it has tacitly accepted them by using them as the basis for many of its decisions. Furthermore, bringing such an issue

---

<sup>140/</sup> Justices Frankfurter, Roberts, Black, and Douglas believe that the entire amendment process was exclusively political and involved no judicial questions.

<sup>141/</sup> Letter of U.S. Senator Orrin G. Hatch ([http://www.14th-amendment.com/Miscellaneous/Letters/U.S. Congress/Sen. Orrin G. Hatch/page\\_frame.htm](http://www.14th-amendment.com/Miscellaneous/Letters/U.S. Congress/Sen. Orrin G. Hatch/page_frame.htm)).

before the Supreme Court would require a litigant with standing to contest the validity of the Amendments. ....” [Emphasis added]

“Letter” dated August 6, 1985

Although U.S. Senator Orrin G. Hatch used the term “*revoke the Amendments*” in his letter, the Senator misconstrued the purpose of the requested hearing. The hearing was to determine the validity of the “*ratification*” of the Fourteenth and Sixteenth Amendments to the Constitution for The United States of America and if the 14th Amendment was not ratified in accordance to the provisions of Article V of the Constitution for The United States of America, it must be declared as “*void*” and without effect from the year it was “*rejected*” by the lawful Legislatures of the States, that year being 1867. You cannot “*revoke*” or “*repeal*” something that does not exist.

Exception must be taken to Mr. Justice Frankfurter’s position that the:

*“U.S. Constitution grants Congress the sole and complete control over the amending process, subject to no judicial review, the views of any court upon this process cannot be binding upon Congress.”*

Justice Frankfurter failed to take into account that there are two (2) “*Parties*” to the Amendment process, the Congress’ authority to “*propose*” Amendments and the Legislators of the States having exclusive authority to “*ratify*” or “*reject*” those proposed Amendments. Nowhere in Article V of the Constitution for The United States of America or within the “*Debates*” of the “*Constitutional Convention*” of 1787 do we find that exclusive authority was ever granted to the Congress to use whatever means it may concoct or conceive to “*alter*” or change the “*text*” of the Constitution (*including its claim of authority*

to “ratify” proposed “Constitutional Amendments”) by “acts of usurpation” of authority of the States of the Union. Justice Frankfurter also does not take into account that the Constitution for The United States of America proclaims itself to be the “Supreme Law” of the land. /<sup>142</sup>

Justice Frankfurter also forgot that the Constitution for The United States of America is the property of the “People” of a “Nation,” not the Federal Courts, not the Congress, nor the “Office” of the President of The United States of America. Upon the demands of the “People” (*as expressed in their Constitution*), every “Officer” and “Official” of the government of The United States of America has taken an “Oath of Office” to protect and support the Constitution and that “Oath” gives standing to every individual “Citizen” of The United States of America to demand accountability of the “Members” of Congress and the Federal Judges in the usage of [*pretended*] [*invalid*] Amendments to the Constitution for The United States of America.

Within the “Statutes at Large” of The United States of America, the Congress has declared that the Secretary of State (*Archivist*) has “ministerial duties” in the procedure of amending the Constitution for The United States of America:

“Whenever official notice is received at the Department of State (U.S. *Archivist*) that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State [U.S. *Archivist*] shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same

---

<sup>142/</sup> U.S. Constitution, Article VI, Section 1, Clause 2: “*This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; ...*”



has become valid, to all intents and purposes, as a part of the Constitution of the United States” [Emphasis added]

5 U.S.C. 160, 5 U.S.C.A. 160.  
From Act of April 20, 1818, Sec. 2,  
3 Stat. 439; R.S. 205.

As Secretary of State, William H. Seward declared within the first “Ratification Proclamation” of July 20, 1868 [[15 Stat. Lg. 706](#)] that he apparently had no authority to determine constitutional questions as they related to his ministerial duty to issue forth “Proclamations of Ratification” and as the Judges of the Federal Courts have now gone on record to declare that they also have no jurisdiction to issue forth “Orders” in the “Nature of Mandamus” upon the Archivist (Secretary of State) to determine the constitutional questions as they relate to the Archivist duties to issue forth “Proclamations of Ratification,” <sup>/143</sup> then questions must be ask:

1. *Who has the authority to determine what constitutes the “official notice” of a State that a proposed Amendment has been “adopted” or “rejected” by a Legislature of the State, and;*
2. *Who has the authority to determine if a proposed “Amendment” has been adopted “according to the provisions of the Constitution?”*
3. *If these two above conditions that are imposed upon the Secretary of State (Archivist) cannot be exercised by any means or discretion of the Secretary of State (Archivist) as declared by the Federal Courts, <sup>/144</sup> then: “by what authority did the Secretary of State rely upon to issue forth a “Proclamation of Ratification” on the Fourteenth or any other Amendment to the Constitution for The United States of America?”*

<sup>143/</sup> [Epperly v. Allen Weinstein, Alaska U.S. District Court Case No. 1:07-CV-000011-JWS](#)

<sup>144/</sup> [U.S. ex re: Widenmann v. Colby, 265 F. 998 @ 999; Leser v. Garnett, 258 U.S. 130, 137 \(1922\); Epperly v. U.S. Archivist, John Carlin, U.S. District Court of Alaska Case No. 597-025 Cv. \(HRH\).](#)

There is a major problem with the Federal Courts imposing the “Political Question” doctrine upon the 14th Amendment to the Constitution especially when Congress has declared within the “Congressional Record” and within the “Statutes at Large” that a number of States from March 2, 1867 to March 10, 1870 had unlawful governments and any State with an unlawful government has no authority to participate in amending the Constitution for The United States of America.

As the Congress has declared and identified those States that had unlawful governments, the Secretary of State (*Archivist*) and the Federal Courts have no authority to count and sanctify the “votes of ratification” that were cast by the “Subjects” of “Military Districts” (*acting under “Martial Law”*) in the place of lawful “Citizen Legislators” of a State of the Union as being the “votes” of a State. Without the “votes of ratification” that were cast by unlawful “Military District” governments of the southern States, the 14th Amendment to the Constitution for The United States of America must stand as being “rejected” by more than one-fourth ( $\frac{1}{4}$ <sup>th</sup>) of the States in the Union.

The “Members” of the 1868 Congress of the northern States exceeded their constitutional authority when they “Ordered” <sup>/145</sup> the “Secretary of State” to count the “ratification votes” that were cast by unlawful “Military District” (*Martial Law*) governments of the United States as “official votes” of a State. They also exceeded their constitutional authority when they “Ordered”

---

<sup>145/</sup> 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) and “Resolution” of the Senate, July 21<sup>st</sup> 1868 as printed in the Journal of the Senate, Pg. 709.

the Secretary of State to publish a “Proclamation of Ratification” that was founded upon the unlawful “ratification votes” of “Military Districts” when the Congress had on record the “votes of rejection” that were cast from more than one-fourth (1/4<sup>th</sup>) of the “States” of the Union that had lawful governments.

By the “Oath of Office” <sup>/146</sup> taken by every Federal Judge, there is no Federal Judge that has authority to give “validity” to the unlawful “Acts” of the Congress that brought forth the Fourteenth (and Fifteenth) Amendments to the Constitution for The United States of America.

*To ascribe constitutional life to an alleged Amendment which never came into being according to specific methods laid down in Article V cannot be done without doing violence to Article V itself.*

This is true because the only question open to the Courts is whether the alleged 14th Amendment became a part of the Constitution for The United States of America through a method required by Article V of the Constitution for The United States of America. Anything beyond that which a Court is called upon to hold in order to validate an Amendment, would be equivalent to writing

---

<sup>146/</sup> [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 "

[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; ... "**

into Article V another mode of amending the Constitution which has never been authorized by the “People” or the States of the Union.

On this point, therefore, the question is:

Was the 14th Amendment proposed and ratified in accordance with Article V of the Constitution for The United States of America?

In answering this question, it is of no real moment that decisions have been rendered in which the “Parties” did not contest or submit proper evidence, or the Court assumed that there was a 14th Amendment. If a “Statute” never, in fact, passed by Congress (*through some error of administration and printing*) got into the published “Reports” of the “Statutes,” and if under such supposed “Statute,” the Courts had levied punishment upon a number of “Persons” charged under it, and if the error in the published “Volume” was discovered and, the fact, became known that no such “Statute” had ever passed in Congress, it is unthinkable that the Courts would continue to administer punishment in similar “Cases” on a non-existent “Statute” because prior “Decisions” had done so. If that be true as to a “Statute,” we need only realize the greater truth when the principle is applied to the solemn question of the contents of the Constitution for The United States of America.

While the defects in the method of proposing and the subsequent method of computing “ratification” is briefed elsewhere, it should be noted that the failure to comply with Article V of the Constitution for The United States of America began with the first action by Congress, the very Congress which proposed the alleged 14th Amendment under the “first part” of Article V was itself, at that

very time, violating the “last part” as well as the “first part” of Article V of the Constitution. We shall see how this was done.

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

The unalterable provision is this:

*“ . . . that no State, without its consent, shall be deprived of its equal suffrage in the Senate.”*

A State, by its own consent, may waive this “Right” of “Equal Suffrage,” but that is the only legal method by which a failure to accord this immutable “Right” of “Equal Suffrage” in the Senate can be justified. Certainly not by forcible “ejection” and “denial” by a majority in the Congress as was done for the adoption of the Joint Resolution proposing the 14th Amendment to the Constitution for The United States of America.

Statements by the Court in the Coleman “Case” that Congress was left in complete control of the mandatory process, and therefore, it was a political affair for Congress to decide if an Amendment had been ratified, does not square with Article V of the Constitution for The United States of America which shows no intention to leave Congress in charge of deciding whether there has, or has not, been a ratification. Even a constitutionally recognized Congress is given but one volition in Article V, that is, to “vote” whether to propose a Constitutional Amendment on its own initiative. The remaining steps by Congress are mandatory. If two-thirds ( <sup>rd</sup>) of both Houses shall deem it necessary, the Congress shall propose Amendments; or if the Legislatures of two-thirds ( <sup>rd</sup>) of the States make an “Application” to Congress, the Congress shall call a “Convention.” For the Court to give Congress any “Power” or authority beyond that to be found in Article V is to write new material into Article V of the Constitution for The United States of America.

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

It should need no further “Citations” to sustain the proposition that neither the Joint Resolution proposing the 14th Amendment, nor its ratification by the required three-fourths (<sup>3/4</sup><sup>ths</sup>) of the States in the Union, were in compliance with the requirements of Article V of the Constitution for The United States of America.

When the mandatory provisions of the Constitution are violated, the Constitution, itself, strikes with “nullity” the “Act” that did violence to its provisions. Thus, the Constitution for The United States of America strikes with “nullity” the [*purported*] 14th Amendment.

The “Committee of States” (*to be convened by the original thirteen (13) States of the Union under the authority of Article X of the Article of Confederation of 1778 and bound by “Oath” to support the Constitution for The United States of America*), should review all of the evidences submitted herein and measure the facts proving violations of the mandatory provisions of the Constitution with Article V and finally render “Judgment” declaring the 14th Amendment to have never been adopted as required by the Constitution for “The United States of America.”

The Constitution for The United States of America makes it the “sworn duty” of all “Public Officials” to uphold the Constitution which strikes with “nullity” the 14th Amendment.

And, as Chief Justice Marshall pointed out for a unanimous Court in “Marbury v. Madison (1 Cranch 136 at 179)”:

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

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

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

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

The Federal Courts have actually "refused" to hear argument on the invalidity of the 14th Amendment, even when "questions of ratification" were presented squarely by the "Pleadings" and the "Evidence" herein.

Only an aroused "People" in favor of preserving their Constitution, their "Institutions," their "Freedoms," and the future security of their "Country" under a constitutional government of The United States of America will they break the "Political Barrier" which prevents consideration of the "ratification questions" of the 14th Amendment (*and other Amendments*) to the Constitution for The United States of America.

**NO "REDRESS OF GRIEVANCE" AVAILABLE  
TO THE PEOPLE BY THE GOVERNMENT  
OF "UNITED STATES."**

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; **or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.**" [Emphasis added]

U.S. Constitution - Article I of the Bill of Rights



When all three (3) Branches of the Federal Government work hand in hand to deny the “People” of their “Right” and “Authority” to question the validity of Amendments to the Constitution for The United States of America, the “People” have been denied their “Rights” to “Petition the Government” for a “Redress of Grievance” under the authority of Article I of the Bill of Rights to the Constitution for The United States of America. And as the People’s “Rights” to “Petition” their “Government” for “Redress of Grievances” have been denied, the “People” are being held in a state of “involuntary servitude” to the “Federal Courts,” to the “Congress” of the (incorporated) UNITED STATES, and to the “International Banking Cartels” to which the Congress of the UNITED STATES has “pledged” the “Bodies” and “Property” of the “People” as a “Surety” for the “debts” that the “Members” of “Congress” have incurred, the “debts” which cannot be questioned under the “bar” of Section Four of the fraudulent 14th Amendment to the Constitution for The United States of America.

Several “People” and Legislatures of the States have “Petitioned” the “Judicial Officers” of the “Federal Courts,” the “Archivist” of the “United States Department of Federal Archives,” and the “Congress” over the years to come forward and give answers to their use of [invalid] Amendments to the Constitution for The United States of America with their “Petitions” being “Dismissed” or “Ordered” to lay on the “Table” without comment or further action taken.

As the “Officers” and “Officials” of the government of The United States of America (or the incorporated UNITED STATES) have refused to acknowledge such “Petitions” and the duty of their “Oath of Office” to protect and support the Constitution for The United States of America, the Constitution ceases to be

a viable “Document” and the government of The United States of America ceases to be a lawful (*dejure*) government of the “People.” All legislative “Acts” of Congress, the Presidential “Executive Orders,” the Federal Court’s “Rulings” and “Judgments” that were made under the [purported] authority of the 14th Amendment to the Constitution for The United States of America (or any other unlawful Amendments to the Constitution for The United States of America) are “void” ab initio.

All “Administrative” and “Judicial Remedies” that may have been available through the government of The United States of America have been exhausted:

1. Epperly v. United States A “Complaint” challenging the constitutionality of the ratification of the U.S. Constitution, 14th Amendment (U.S. District Court for the District of Columbia, Federal Case No. 90-1103-CRR) [No statutory jurisdiction – Court transferred “Case” to U.S. District Court for District of Alaska]
2. Epperly v. United States A “Complaint” challenging the constitutionality of the ratification of the U.S. Constitution, 14th Amendment (U.S. District Court for the District of Alaska Federal Case No. J90-010-CV) [No Jurisdiction – Case dismissed as being a “Political Question” to which the Court would not address.]
3. Appeal to U.S. Court of Appeals, (Epperly v. United States, Case No. 91-35862) [Court dismissed “Case” as a “Frivolous Appeal” – Imposed a \$2,500.00 Sanction upon the Appellant, “Epperly.”]
4. “Petition for Writ of Certiorari” - U.S. Supreme Court (Epperly v. United States, Case No. 93-170) [Court dismissed “Petition” without comment.].
5. Epperly v. United States A Complaint before the United States “Court of Federal Claims” to investigate the ratification of

the U.S. Constitution, 14th Amendment (U.S. Court of Federal Claims - Federal Case No. 95-CV-281) [No statutory jurisdiction – Case dismissed.].

6. Epperly v. United States Archivist Petitioning the “Archivist” to investigate and correct the record to show all the States that cast “*negative ratification votes*” on the U.S. Const., 14th Amendment (U.S. District Court for the District of Alaska Federal Case No. J97025CV) [Archivist declares no jurisdiction to correct the ratification record on the 14th Amendment – Court dismisses “Case” as “Political Question.”].
7. Epperly v. Congress. Challenging the constitutionality of the “Reconstruction Acts” of 1867 (U.S. District Court for the District of Alaska Federal Case 1:06-CV-00008-JWS) [No Jurisdiction – “Case” dismissed as “Political Question.”].
8. Epperly v. Allen Weinstein “Petition for an Order in Nature of Mandamus” to be issued upon Allen Weinstein as “Archivist” of the United States (U.S. District Court for the District of Alaska Federal Case 1:07-CV-00011-JWS) [No jurisdiction – “Case” dismissed as “Political Question.”]

**Note:** Petitioner, Mr. Epperly, was informed by telephone that he would be sanctioned by the Appellate Court in excess of \$10,000.00 if he filed a “Notice of Appeal.” As he was sanctioned \$2,500.00 in an earlier Appeal, he had no doubt that he would be sanctioned by the U.S. Ninth Circuit Court of Appeals in this “Case.” The “Notice of Appeal” was not filed.

9. Numerous letters were mailed to the “Congressional Members” of the “House Judiciary Committee” requesting a “Committee Investigation” into the ratification of the 14th Amendment to the Constitution. [No letters of response ever received. – “House Judiciary Committee” of March 20, 1910 declares that the questions of validity regarding “Constitutional Amendments” is a “Judicial Question” for the “Supreme Court.”].

10. of the “Senate Judiciary Committee” requesting a “Committee Investigation” into the ratification of the 14th Amendment to the Constitution. [Received a letter from U.S. Senator Orrin G. Hatch addressed to U.S. Senator Ted Stevens – Request “*denied*” as being a “Judicial Question” for the “Supreme Court” to address.].

The “Oath of Office” of a “Public Official” is a statement of a duty to protect and support the Constitution for The United States of America. The “Oath of Office” has nothing to do with an individual’s standing in a “Court of Law” nor does it have anything to do with “Jurisdiction,” “Rules,” or “Procedures,” of a Court or of the Congress of The United States of America. Every “Federal Judge” and “Members” of “Congress” have a duty to protect and support the Constitution for The United States of America and it is time for the “Federal Judges,” “Congressmen,” and “Political Officers” to come forward and do their duty by informing the “People” of the truth behind the [purported] ratification of the 14th Amendment (*and other Amendments*) to the Constitution for The United States of America and stop the “*fraud*,” “*lies*,” and “*deception*” behind that Amendment.

### **The “Committee of States”**

When all three (3) Branches of the National Government in Washington, D.C., refuses to address questions involving the ratification of Constitutional Amendments, the “Legislatures” of the States acquires full authority to address those questions. This authority is granted to the “Legislatures” of the States under Article V of the Constitution for The United States of America:

“The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislature of two-thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all intents and Purposes, as Part of this Constitution, **when ratified by the Legislatures of three-fourths of the several States, or by Convention in three-fourths thereof**, as one or the other Mode of Ratification may be proposed by the Congress; provided that no Amendment ....”

and under the authority of Article X of the November 15, 1778 Articles of Confederation:

“The Committee of States, or any nine of them shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said Committee, for the exercise of which, by the Articles of Confederation, the voice of nine States in the Congress of the United States assembled is requisite.”

The Federal Courts have sustain the authority of the States to question the “ratification votes” of Constitutional Amendments with the following statements:

“Congress was only given power to propose amendments, and **was not specifically given power to certify that a proposed amendment had been properly ratified.**”

“Ratification of a proposed amendment is “**an expression of consent to the amendment.**” Dyer v. Blair, 390 F.Supp. 1291, 1307 (N.D.Ill.1975) (Stevens, Circuit Judge, presiding over three-judge panel).

“Certification that a proposed amendment has been ratified by the Secretary of State, or anyone else, **is not the act that makes the amendment effective**. United States ex rel. Widenmann v. Colby, 265 F. 998 (D.C.Cir.1920), aff’d, 257 U.S. 619, 42 S.Ct. 169, 66 L.Ed. 400 (1921)

“**Since the ultimate authority to ratify lies with the states**, their official declaration of ratification is conclusive on the Secretary. Leser v. Garnett, 258 U.S. 130, 137, 42 S.Ct. 217, 217, 66 L.Ed. 505 (1922); Widenmann, 265 F. at 999.”

United States of America v. George S. Sitka,  
666 F.Supp. 19 (1987)  
Aff. at 845 F2d 43.

The constitutional government of The United States of America has been in a “state of recess” from the year of 1868 when the Congress abandoned the Constitution for The United States of America. This “state of recess” occurred when the Congress of the northern States enacted the “Reconstruction Acts” of 1867 wherein the Congress refused the southern States representation and “suffrage” in the Senate of the Congress.

So it is today, for the revised Constitutions for those southern States **were not** proposed nor ratified by any voluntary acts of the “Citizens” of those southern States as they were brought into existence under the dictatorial mandates of “Military Officers” of “Military Districts” of the “Reconstruction Acts.”

The “Statehood” status of those southern States were restored by “Presidential Proclamations,” <sup>147</sup> **after** the “State Constitutions” and

<sup>147/</sup> “Presidential Proclamation No. 7” (15 Stat. Lg. 703); “Presidential Proclamation No. 8” (15 Stat. Lg. 704); “Presidential Proclamation No. 9” (15 Stat. Lg. 704-705);

the [*purported*] ratification of the 14th Amendment were brought into existence by the majority vote of a **non-citizen** “*Negro*” population sitting in “*Conventions*” and “*Legislatures*” /<sup>148</sup> of those “*Military Districts*” of the southern States. The original Constitutions of the lawful (*dejure*) governments of those southern States are now under “*lock and key*” of the (*defacto*) government of the “*UNITED STATES*” resulting in no existence of any lawful (*dejure*) governments for any southern State in existence today and there are no lawful “*Members*” of a southern State sitting in Congress.

Furthermore, when the (*defacto*) year 1871 Congress exercised non-existent “*Powers*” to incorporate the District Columbia to do business as the “*UNITED STATES*,” the constitutional (*dejure*) Congress of The United States of America continued to be in a “*state of recess*.”

Further evidence that the constitutional Congress of The United States of America is in a “*state of recess*” is the fraudulent 17th Amendment to the Constitution for The United States of America that was passed into effect over the expressed “*rejection votes*” of several States resulting in denying the governments of the States to sit in Congress. The Senators of the Senate of Congress represents “*Political Parties*,” **not the governments of the States** as was intended by the original thirteen (13) Colonial States sitting in the “*Constitutional Convention*” of September 17, 1787.

---

“[Presidential Proclamation No. 12](#)” (*15 Stat. Lg. 708*). **NOTE:** These “*Proclamations*” are in fact “*Executive Orders*” of the President as “*Commander-in-Chief*” of the Military.

<sup>148/</sup> [Report of the General Army \(“Ex Doc No. 53” of the Senate, 40<sup>th</sup> Cong, 2d. Session\); THIRTY-NINTH CONGRESS, Sess. II. Ch. 153 @ Section 5.](#)

For the 17th Amendment to be a viable Amendment to the Constitution for The United States of America, every State would have to voluntarily surrender their “Rights of Suffrage” in the Senate as mandated by the last sentence of Article V to the Constitution for The United States of America. Those unanimous “votes of ratification” **did not** occur for several Members of the Senate cast “votes of rejection” on the Joint Resolution proposing the Amendment and several Legislatures of the States cast “votes of rejection” on the ratification of the proposed 17th Amendment. The 17th Amendment failed ratification and as the Legislatures of the States are no longer allowed to “appoint” their Representatives in Congress, the States are no longer represented leaving the {dejure} lawful government of The United States of America in a “state of recess.”

There are many that believe the Constitution for The United States of America did away with the “Articles of Confederation and Perpetual Union,” of November 11, 1778. Such a position is not sustained by “facts” and “history.”

Shortly after the original thirteen (13) Colonial States entered into “Confederation,” the Articles of the Articles of Confederation began to show the need for alteration. On Wednesday, February 21, 1787, the Colonial Congress of The United States of America assembled for the purpose of addressing the “faults” of the Articles. This Congress passed out a Resolution which stated:

“Whereas there is provision in the Articles of Confederation & perpetual Union for making alterations therein by the assent of a Congress of the United States and at the legislatures of the several States; And whereas experience hath evinced that there are defects in the present Confederation, as a mean to remedy which several of the States and particularly the State of New York by express instructions to their



delegates in Congress have suggested a convention for the purpose expressed in the following resolution and such convention appearing to be the most probable mean of establishing in these states a firm national government.

“Resolved that in the opinion of Congress it is expedient that on the second Monday in May next a Convention of delegates who shall have been appointed by the several states be held at Philadelphia for the sole and express purpose of revising the Articles of Confederation and reporting to Congress and the several legislatures such alterations and provisions therein as shall when agreed to in Congress and confirmed by the states render the federal constitution adequate to the exigencies of Government & the preservation of the Union.” [Emphasis added]

You will notice that the “Resolution” speaks of “revisions” as being “alterations and provisions” of a “federal constitution” and therefore, the present day Constitution for The United States of America **did not** do away with the Articles of that Confederation with exception of those Articles that the Constitution amended. The proof of this fact is found in the authority of President Abraham Lincoln calling forth the “Military” for the purpose of stopping the southern States from succeeding from the Union:

*(see Supreme Court “Case” of Texas v. White, 74 U.S. 700 wherein the Court cited the “Perpetual Union Clause” of the “Articles of Confederation” as the authority for Abraham Lincoln to suppress the southern States from succeeding from the Union).*

Further proof is found in the “Preamble” to the Constitution for The United States of America wherein:

“We the people of the United States, in order to form a more perfect Union  
... establish this Constitution for the United States of America.”

[Emphasis added]

which is a restatement of the “Resolution” of the Congress of 1787 authorizing the “Convention.” The new Constitution for The United States of America was approved by the Colonial Congress on September 17, 1787 and ratified in “Convention” of the individual Colonial States thereafter.

Another point of fact and law overlooked by those who claim that the Articles of Confederation no longer exist is that it was the authority of the Articles of Confederation that established and created The United States of America, /<sup>149</sup> **not** the Constitution for The United States of America. If the “Articles” of the “Articles of Confederation and Perpetual Union” were abolished as claimed, then the existence of the government of the The United States of America would also have been abolished. The government of The United States of America cannot exist without the “Document” that brought it into existence.

As the “Articles of Confederation and Perpetual Union” remains intact with the exception of those “Articles” that were altered by the Constitution for The United States of America, the “Article X” of the “Articles of Confederation” authorizing the convening of the “Committee of States” is as valid today as the day it was written:

“**ARTICLE X** The Committee of the States, or any nine of them shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent

---

<sup>149</sup>/ see “Article I” of the “Articles of Confederation and Perpetual Union”.

of nine States, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the Articles of Confederation [U.S. Constitution], the voice of nine States in the Congress of the United States assembled is requisite.”

Out of the fifty (50) States of the Union, there are only thirteen (13) States that are authorized to convene the “Committee of States,” Those “States” are the original thirteen (13) Colonial States that brought The United States of America into existence. /<sup>150</sup> The Colonial States are the only States in the Union that have sovereign “Powers” of an independent “Nation” (*other than the State of Texas*) for they were individual “Countries” exercising unlimited sovereign “Powers” at the time they entered into a “Confederation of Colonial States” in the year of 1778. It was the original thirteen (13) Colonial States that gave the newly created The United States of America the breath of life by “delegating” away some of their sovereign “Powers” unto the The United States of America. /<sup>151</sup> The newly created The United States of America had no “Powers” of its own to exercise at the time of its creation and the only “Powers” which it exercises today are those “Powers” that were delegated to it by the original thirteen (13) Colonial States of the 1778 Confederation of Colonial States.

Over the years, several States of the Union submitted “Resolutions of Complaint” to the Congress and President of The United States of America (*or of the incorporated “UNITED STATES”*) complaining of what they perceive

---

<sup>150</sup>/ see “Article I” of the “Articles of Confederation.”

<sup>151</sup>/ see “Article II” of the “Articles of Confederation.”

to be “trespasses” upon the “Powers” reserved to the States. /<sup>152</sup> But there is a problem with this line of thought which everyone has overlooked.

Those States that were brought into the Union under “Statehood Acts” of Congress had no “Powers” of their own to reserve for they had no “Powers” to delegate. The Statehood States were never recognized as being “Countries” with sovereign “Powers” (*with the exception of the “Texas” which succeeded from “Mexico.” “Texas” was a “Country” that surrendered all of its sovereign “Powers” as a condition of being a “State” of “The United States of America.” /<sup>153</sup>).*

Before “Statehood,” the Statehood States were “*property*” to be “*regulated*” and “*disposed of*” in accordance with Article IV, Section 3, Clause 2 of the Constitution for The United States of America. The Statehood States of today exercises only limited “Powers” as delegated to the government of The United States of America or by its Constitution from the original thirteen (13) Colonial States.

As the original thirteen (13) Colonial States of the Union are the only States that are in possession of sovereign “Powers” of a “Country” and as it was those thirteen (13) Colonial States that brought into existence The United States of America and its Constitution, it is only those Colonial States that have the sovereign “Powers” which would allow them to review the Amendments to the Constitution for The United States of America to see if the adoption of the Amendments are in conformity with the Articles of the Constitution.

---

<sup>152/</sup> see “Article X” of the “Bill of Rights” to the “Constitution” for the “United States of America.”

<sup>153/</sup> see [Texas v. White, 74 U.S. 700.](#)

In regard to the question: “*What is a ‘State’?*” see Black’s Law 5<sup>th</sup> Edition Dictionary definition of a “State” on page 1262 as (*among other definitions*):

“**State**, *n.* A people permanently occupying a fixed territory bound together by common-law habits and custom into one body politic exercising, through the medium of an organized government, independent sovereignty and control over all persons and things within its boundaries, capable of making war and peace and of entering into international relations with other communities of the globe.”

[Emphasis added]

Keep in mind that it was the original thirteen (13) Colonial States that had the authority and sovereign “Power” to bring The United States of America into existence and therefore, it is those same thirteen (13) Colonial States that must also have the “Power” and authority to retire that government of The United States of America if it is operating outside the limits and restraints of its Constitution. The original thirteen (13) Colonial States are the only “signatory” States of the Union that ratified the Constitution for The United States of America.

## Conclusion

On March 2<sup>nd</sup> 1867, the Congress of the northern 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 and the Congress declared within those “Reconstruction Acts” that the southern States named therein as having no lawful governments that may cast “votes” on proposed Amendments to the Constitution for The United States of America.

Any governments existing within those States after March 2<sup>nd</sup> 1867 were declared to be “*provisional military governments*” of “*Military Districts*” that were subject to the exclusive jurisdiction of the United States.

The 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 the Congress was that no southern State would be recognized as having the status of “*Statehood*” with lawful governments until the “*People*” of those States were admitted into representation of the Congress by an “*Act of Law*.”

To qualify for Congressional representation, the “*Negro*” dominated “*Legislatures*” and “*Conventions*” of “*Military Districts*” of the southern States had to adopt new “*State Constitutions*” that were [purportedly] “*Republican*” in form which met the mandates of the proposed 14th Amendment to the Constitution for The United States of America.

Further stipulations required the “*Legislatures*” of the “*Military Districts*” of the southern States to “*ratify*” the present day 14th Amendment to the Constitution for The United States of America. The 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 qualify to be admitted into representation of the Congress after the President of the United States had issued forth “*Proclamations*” naming each of the southern States that [purportedly] ratified the 14th Amendment.

An argument might be made that the military provisional governments of the southern States were authorized to ratify “*Constitutional Amendments*” when

the Congress declared by “Act(s) of Law” /<sup>154</sup> that the southern States had adopted “State Constitutions” which were “Republican” in form. This is an erroneous conclusion for the President was required by “law” of those Congressional Acts to publish “Proclamations of Admission” for each of those States *after* the non-citizen “Negro” dominated Legislatures of the Military Districts (*representing those States*) had ratified the 14th Amendment to the Constitution for The United States of America.

The status of “lawful State governments” (*Statehood*) came *after* the President or the Congress of the northern States proclaimed that the “military provisional governments” of the southern States had ratified the 14th Amendment. We must not forget that the March 2nd 1867 “Reconstruction Act” is the controlling “law” and Section Six of that “Act” declared that the southern States shall have “provisional military governments” that were subject to the exclusive jurisdiction of the United States until the “People” of those southern States had been admitted into representation of the Congress, a privilege that would not be allowed to take place until the “military provisional governments” of the United States had ratified the 14th Amendment.

We must ask:

“Is a ‘State’ that has been declared by the Congress as having an unlawful government and shall no longer be allowed to have representation in the Congress - a ‘State’ that may cast ‘votes of ratification’ on proposed Constitutional Amendments under the authority of Article V of the Constitution for The United States of America?”

---

<sup>154/</sup> [FORTIETH CONGRESS, Sess. II. Ch. 69](#); [FORTY-FIRST CONGRESS, Sess. II. Ch. 10](#); [FORTYFIRST CONGRESS, Sess. II. Ch. 19](#); [FORTY-FIRST CONGRESS, Sess. II. Ch. 39](#).

The answer to that 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 signatory States (*and others*) to the Constitution for The United States of America and they were admitted into the Union on equal footing with the “*other States*.” Each one of those States had representation in the Congress of The United States of America and they had “*Rights of Suffrage*” in the Senate. The moment they ceased to have the authority of “*Suffrage*” in the Senate, those States ceased to have the status of “*Statehood*” and they ceased to be a member State of the Union.

Further evidence that the southern States did not have the status of “*Statehood*” under the “*Reconstruction Acts*” is found within the [Concurrent Resolution](#) of July 28, 1868 <sup>155</sup> wherein the Congress of the northern States declared that the southern States had no standing to cast “*votes*” in the “*Electoral College*.” If the “*People*” are not allowed to participate in the election of a “*President*” for The United States of America, then those “*People*” are not represented by a State of The United States of America.

What makes a government of a State different from that of a “*Territory*” when both have “*Legislatures*” and “*Governors*?” The differences may be found in that a State has representation in the Congress and a “*Territory*” has none and a State exercises sovereign authority of a “*Country*” to govern itself under

---

<sup>155</sup>/ [FOURTIETH CONGRESS, Sess. II. Res. 58](#) (July 28, 1868).



a Constitution whereas a “*Territory*” is governed (*without approval of the People*) by the “*dictatorial Powers*” of the Congress.

When the 1867 Congress of the northern States declared that the southern States had unlawful State governments and then declared that from March 2<sup>nd</sup> 1867 forward, the governments of those States are to be governed by “*provisional military governments*” that is subject to the jurisdiction of the United States, the Congress declared that those States no longer had the status of “*Statehood*.” The 1867 Congress reduced those States from being “*States of the Union*” to being nothing more than “*Property*” or “*Territories*” of The United States of America 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 Congress “*Order*” a Legislature of a “*Territory*” or “*Possession*” of the United States to cast “*votes of ratification*” upon proposed Amendments to the Constitution for The United States of America?

There appears to be no restrictions in the Constitution that would bar such an “*Order*,” but does the Congress have authority to declare and issue forth an “*Order*” upon the Secretary of State (*or the Archivist*) to accept those “*Votes of Ratification*” of a Territory, or a Military District, or any other Property of the United States as being “*official notices*” of a State? The answer is “**NO**” as “*Territories*,” “*Military Districts*,” or “*Possessions*,” of the United States **are not** States of the Union. At [Article V](#) of the Constitution for The United States of America we find that only the States of the Union may cast “*votes*” on proposed Amendments to the Constitution for The United States of America.

The same jurisprudence mandates that the “ratification votes” that are cast by unlawful governments may not be accepted as “official notices” of a State. The Congress of 1867 removed the southern States of their status of “Statehood” and notwithstanding the Concurrent Resolution of Congress “Ordering” the Secretary of State to issue forth a “Proclamation of Ratification,” no authority may be found that authorizes the Secretary of State to accept any “Votes of Ratification” from any “Military District” of the United States during the “Reconstruction” years.

The final question to be presented:

*“By what authority did the Congress of the northern States rely upon to issue forth the ‘Reconstruction Acts’ of 1867?”*

We know that the “Civil War” began with the issuance of a “Presidential Proclamation” /<sup>156</sup> and we also know that the “Civil War” was

---

<sup>156</sup>/ 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 repossess 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,

brought to an end by an issuance of a “Presidential Proclamation.” /<sup>157</sup>  
Absence of an “Application” of a Legislature or the Executive of a State to put  
down domestic violence, /<sup>158</sup> there was no authority for the Congress of  
the northern States to invade and occupy a southern State of the Union,  
especially when the President had declared that the insurrection was at an end  
and the southern States were at peace and being governed by lawful  
civil authorities. /<sup>159</sup>

The Congress the 1867 northern States was also “*barred*” to invade and occupy  
the southern States by a “Compact Agreement” that was entered into by  
the original thirteen (13) Colonial States known as the November 15, 1778

---

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.

<sup>157/</sup> “. . . 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](#)]).

<sup>158/</sup> see [U.S. Constitution, Article IV, Section 4, Clause 1](#).

<sup>159/</sup> “. . . 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](#)]).

[“Articles of Confederation and Perpetual Union.”](#) At [Article II](#) of the [Articles of Confederation](#), we find that the [Colonial 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 [Colonial States](#) also declared at [Article XIII, Paragraph 2](#) of the [Articles of Confederation](#) that the “[Union of States](#)” shall be “[perpetual](#).”

On September 17, 1787; the [Colonial States](#) declared that they created a [Constitution](#) for [The United States of America](#) wherein the “[Powers](#)” of the [States](#) and the “[Powers](#)” of [The United States of America](#) have been defined. This [Constitution](#) was approved by the [Colonial Congress](#) of [The United States of America](#) and by the [Colonial States](#) in “[Convention](#)” as mandated by [Article XIII](#) of the [Articles of Confederation](#).

Shortly after the thirteen (13) [Colonial States](#) ratified the [Constitution](#) in a “[Convention of the States](#),” the thirteen (13) [Colonial States](#) found the need to adopt a [Bill of Rights](#) wherein those [Colonial States](#) reaffirmed the reservation of their sovereign “[Powers](#)” and “[Rights](#)” at [Article X](#).<sup>/160</sup> The provisions of the [Articles of Confederation](#) which have not been altered by the [Constitution](#) for [The United States of America](#) are still in effect today<sup>/161</sup> and under the “[Perpetual Union Clause](#)” of the [Articles of Confederation](#), the northern [States](#) (*sitting in Congress*) had no authority to dissolve the

---

<sup>160/</sup> [“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.’”](#)

<sup>161/</sup> see [Texas v. White, 74 U.S. 700.](#)

reserved “Rights,” “Powers,” or “Sovereignty” of any southern State or prevent any southern State from being represented in the Senate of the Congress.

**Note:** Especially if that State was one of the original signatory Colonial States to the 1778 Article of Confederation and the Constitution for The United States of America and when the “President” declared by “Proclamation” that the insurrection was at an end, and that peace, order, tranquility, and civil authority existed in and throughout the whole United States of America.

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 or the Constitution for The United States of America is a “Living Document” that changes its meaning and intent over time and use. These are statements of “Treason” for they are claiming that the “Oath of Office” (*which they all took to protect and support the Constitution for The United States of America*) are just “words” of no effect and the “Oath of Office” does not apply to them. There are no provisions in the Constitution for The United States of America that provides a procedure to alter or amend its “*meaning*” or “*intent*” by the “passing of time,” “use,” “fraud,” or “deception.” The 14th Amendment was “rejected” by more than one-fourth (1/4<sup>th</sup>) of the States in year of 1867 and therefore the Amendment does not exist today.

As all three (3) Branches of the Government of The United States of America will not address any “Petitions” for “Redress of Grievance” submitted by any Legislature of a State or by the “People” regarding questions of “ratification” of Amendments to the Constitution

for The United States of America, the questions of “ratification” are left to the thirteen (13) Colonial States of the Union to address.

Furthermore, the original thirteen (13) Colonial States of the Union did not make any provisions by which the Statehood States of the Union may question Constitutional Amendments and “activities” of the government of The United States of America, but left the questions of “ratification” of Constitution Amendments and “activities” with the “Committee of States.”

Over the years, a majority of the States of the Union have lodged “Complaints” with the Congress and Courts of The United States of America with those “Complaints” been “Dismissed” or “Ordered” to lay on the “Table” without further action taken. As the government of The United States of America refuses to address the “Complaints” of the States and “People,” there is a need for any of the nine (9) original thirteen (13) Colonial States of the Union to call forth the “Committee of States.”

There is a need for the “Committee of States” to be convened for the purpose of reviewing the Constitutional Amendments to the Constitution for The United States of America for proper ratification. There is also a need for the “Committee of States” to review the “activities” of the Congress, the President, and the Supreme Court for The United States of America to be assured that such “activities” are conducted within the constraints and intent of the Constitution. The “Committee of States” needs to resolve any problems or conflicts that may arise.

If any of the “Administrators” or “Officers” of the government of The United States of America obstructs the “Committee of States” in

any manner, the “Committee of States” has the authority to consider its inherent “Power” and authority to “retire” the government of The United States of America and provide for the dismantling and disposal of all property of said government.

/////

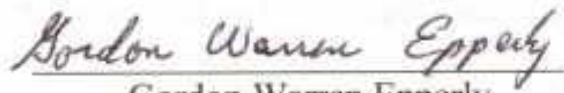
/////

/////

## Credits

Much documentation found within this Treatise is credited to “Judge Leander Henry Perez, Sr.” of the “State of Louisiana” (July 16, 1891 – March 19, 1969) and without the “Contributions” of many “Citizens” whom would like to preserve the constitutional government of The United States of America and the “Blessings” of our “Heavenly Father” - “Yahweh,” the presentation of this Treatise would not have been possible.

Respectfully Submitted

  
Gordon Warren Epperly

P.O. Box 34358

Juneau, Alaska 99803

e-mail: [enter69@usa-the-republic.com](mailto:enter69@usa-the-republic.com)

