Heritage

The battle for the mind and spirit of We the People rages on. The weapons that we face are Propaganda, Misinformation, Rhetoric and Censorship. Protect yourself. Ask questions. Question answers. Do your own homework and come to your own conclusions. Then, act on those conclusions!

"You shall know the Truth,
and the Truth will make you a Fugitive!"

If the Constitution of the United States is a legal document, as it is purported to be, and if any part of it is compromised; that is, unlawful, then the entire document must be considered null and void.

This booklet illustrates in simple language why the Constitution of the United States is totally invalid.

St. James Free Press

The Missing Original

13th Amendment

It seems there was another 13th amendment, an original version, that has quietly, without due process, disappeared from US Constitution and been replaced with the one we know today.

Is It Important?

It's no secret that, over the last several years, Americans have felt more and more disenfranchised with their own political process. As citizens realize that the ever-expanding federal government is becoming less effectual and responsive, they wonder how the political lawlessness and treachery has occurred. Is this political intrigue and perversion of the law a trend of the last two or three decades? Well, more and more historical documentation is beginning to prove otherwise. One such political perversion is the question of the missing 13th amendment.

The present 13th amendment reads as follows: "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. Congress shall have power to enforce this article by appropriate legislation."

But it seems there was another version of the 13th amendment, an original version, that has quietly, without due process, disappeared from US Constitution and been replaced with the one we know today. This original amendment read as follows: "If any citizen of the United States shall accept, claim, receive or retain any Title of Nobility or Honour, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them."

Something Extraordinary

Let us begin a fantastic journey that will take us back to the early days of our Republic (we were not founded as a "democracy") and search for the truth surrounding one of the most bizarre Constitutional puzzles in American history. In the winter of 1983, David Dodge and several friends were having a discussion about the politics in the state of Maine at the public library in Belfast. To illustrate a point, the librarian was asked to locate the oldest copy of any publication she could find that contained the Maine Constitution. Inside a gray, cardboard sleeve, was a pamphlet dated 1825, where the US Constitution was printed. This pamphlet, to be used by the scholars of the time, was published by an Act of the State Legislature. After thumbing through this very old document, Mr. Dodge was surprised to see this version of the United States Constitution included an amendment, enumerated XIII, that had been established 40 years prior to the 1865 Civil War 13th amendment, but of a very different nature than the slavery amendment.

After studying the older amendment's language and historical context, it was concluded that the principal intent of this "missing" 13th Amendment was to enforce the denial of public office or citizenship to those who accepted favors from foreign sources.

Following this profound discovery, a nationwide search was begun by David Dodge, Tom Dunn, Brian March and other interested and concerned Americans that has uncovered additional copies of the Constitution with the missing" 13th Amendment printed in at least 76 separate publications by 26 different states and territories from 1819 to 1876, including an 1867 edition of the Colorado Laws in Spanish. Clearly something extraordinary happened between 1819 and 1876.

Either a legitimate amendment was subverted from the Constitution, or a mistake of incredible proportions was made by at least 26 states and territories over six decades.

While the subversion of an amendment from the Constitution seems absurd, it is equally as absurd that an unratified amendment could have been falsely published in the Constitution by 26 states and territories for sixty years without anyone noticing.

In 1991, after several trips to the Virginia State Archives, gaining access to areas not generally

open to the public, Mr. Dodge uncovered evidence that this missing 13th Amendment had indeed been lawfully ratified and was therefore an authentic amendment to the US Constitution.

The final proof was Act No. 280 of the Virginia Legislature, found in the engrossed bills, which had been originally inscribed on parchment and placed in tin tubes. Around 1907, these parchments were taken out, bound and indexed.

Since the Amendment was never lawfully repealed, it is still the law today. It certainly would be an understatement to say that the implications are tremendous.

The story of this missing Article 13 is complex and at times confusing because the political issues and vocabulary of the American Revolution era were different from that of present day. Revolution era were different from that of present day.

''The present 13th Amendment was ratified on December 6, replacing and effectively erasing the ''original'' 13th Amendment (also called the ''titles of nobility'' amendment). The references to nobility, honour, prince, king, and emperor leads one rightfully to dismiss this amendment as a petty, post-Revolution act of spite directed against the British monarchy.

In our modern day world of Queen Elizabeth, Prince Charles, and Diana, anti-royalist sentiments seem archaic and quaint allowing that the Amendment be ignored.

Not always. Just ask former president, Sir George Bush, who was knighted by his three times removed cousin, Queen Elizabeth, or Sir Henry Kissinger, who in 1982, enlightened Chatham House of his covert British Foreign Service position while serving under Presidents Nixon and Ford.

Consider other significant historical documentation. First, ''titles of nobility'' were prohibited in both Article VI of the Articles of Confederation (1777) and in Article I Sections 9 and 10 of the Constitution of the United States (1788); second, although already prohibited by the Constitution, an additional title of nobility amendment was proposed in 1789, then again in 1809, and was finally ratified in 1819.

Clearly our Founding Fathers saw such a serious threat in ''titles of nobility'' and ''honours'' that anyone receiving them would forfeit their citizenship.

It becomes obvious that this 13th Amendment carries much more significance than is readily apparent to us today. So important, in fact, that Alexander Hamilton commented, in the Federalist Papers no.84, that the prohibition of titles of nobility and honors, ''may truly be denominated the cornerstone of republican government; for so long as they are excluded there can never be serious danger that the government will be any other than that of the people.''

James Madison, in the Federalist Papers no. 57, sets the distinction between people, from any legal privilege, as being abhorrent to the concept of liberty. These men had the benefit of experience, and of history, from which they found guidance. They foresaw the need to provide adequate protection so that their efforts would not be in vain.

What are Titles of Nobility and Honor?

It seems apparent that few men did not comprehend the meaning of titles of nobility and honor two hundred plus years ago. While the missing 13th Amendment is referred to as the ''titles of nobility'' Amendment, the second prohibition against ''honor'' may be more significant. In 1872, the Alabama Supreme Court in Horst v. Moses, 48 Ala. 129,142 stated, ''...the state constitution declares that no title of nobility or, hereditary distinction, privilege, honor or emolument shall ever be granted or conferred in this state. To confer a title of nobility is to nominate to an order of persons to whom privileges are granted at the expense of the rest of the people. It is not necessarily hereditary and the objection to it arises more from the privilege supposed to be attached, than to the otherwise empty title of orders. These components are forbidden separately in the term ' privilege', 'honor', and 'emoluments' as they are collectively in the term 'title of nobility'. The prohibition is not affected by any consideration paid or rendered of the grant.''

It is clear, then, that there was and is a need to prohibit any granting of a privilege to any order,

class, or category of persons. The prohibition applies whether there was compensation paid or not. By prohibiting "honors", the original 13th Amendment prohibits any advantage or privilege that would grant some citizens an unequal opportunity to achieve or exercise political power over others.

To ensure political equality among all Americans is the key concept and remains very relevant still today. Just imagine the possibilities if this "missing" 13th Amendment were restored. Who needs an equal rights amendment when one already exists?

Ratification

According to the Constitution of the United States, a proposed amendment must first be approved by two-thirds of both Houses, then ratified by three-fourths of the individual State Legislatures. On November 27, 1809, the original 13th Amendment was proposed in Congress. By May of 1810, it had passed both houses of Congress, then was sent to the 17 states of the Union, 13 of which had to ratify for the amendment to be adopted per Article V of the Constitution. The following is a list of 12 of the 13 states that ratified and their dates of ratification: Maryland, Dec.25, 1810; Kentucky, Jan. 31, 1811; Ohio, Jan. 31, 1811; Delaware, Feb. 2, 1811; Pennsylvania, Feb. 6, 1811; New Jersey, Feb. 13, 1811; Vermont, Oct. 24, 1811; Tennessee, Nov. 21, 1811; Georgia, Dec. 13, 1811; North Carolina, Dec. 23, 1811; Massachusetts, Feb. 27, 1812; New Hampshire, Dec. 10, 1812.

Before the 13th state could ratify, the War of 1812 broke out with the British. By the time the war ended in 1814, the British had burned the Capitol, the Library of Congress and many of the records of the first 38 years of our government. The proposed titles of nobility amendment, which would shut the British monarchy out of the US Government forever, and the onslaught of the War of 1812 appear more than coincidental. In Madison's war message to Congress, seeking a declaration of war against Great Britain, one of the reasons he gave was the fact that the Government had been infiltrated by secret foreign agents, with an aim to overthrow the Constitutional government. Four years later, on December 31, 1817, the House of Representatives resolved that President Monroe inquire into the number of states that had ratified the13th Amendment.

On January 7, 1818, acting on the above mentioned resolution, Secretary of State John Quincy Adams wrote to the governors of Virginia, South Carolina, and Connecticut requesting information on whether or not their respective Legislatures had acted upon the 13th Amendment and to transmit documents of their proceedings and determination concerning it. The inclusion of Connecticut in this query is an anomaly, as the official record indicates that the Secretary of State was notified, in 1813, that this amendment was rejected by that state. The response from South Carolina included a report that indicates an ambivalence of opinion as to the question, and that no final decision had been made as of the report, which was filed in March, 1818 - the original of which is missing from the records of the House of Representatives held by the National Archives. As for the Virginia query, there is no record in the Executive Correspondence, the Council Journals, or the Journals of the House and Senate, that J. Q. Adams' letter was ever received. On a side note, there is some evidence (a documented communication to President Monroe) to support that an agent named Richmond was illegally employed in the Richmond Post Office, who diverted mail. Further evidence shows the submission of a report from the Secretary of State to President Monroe dated February 3, 1818. In this report, John Q. Adams stated that "While the subversion of an amendment from the Constitution seems absurd, it is equally as absurd that an unratified amendment could have been falsely published in the Constitution for sixty years without anyone noticing."

The following day, February 4, 1818, President Monroe sent a letter, along with the Secretary of State's report, to the House of Representatives. Monroe indicates 26 states had ratified the 13th Amendment, 12 states had rejected it, and that he had no information from South Carolina or Virginia.

He pledged there would be no time lost in communicating to the House the answers from the governors of Virginia and South Carolina.

In keeping his word, President Monroe sent another letter to the House of Representatives dated

February 27, 1818, indicating that South Carolina failed to ratify [but not reject], thus leaving it up to Virginia.

Not long after the President's query, the Virginia Legislature passed Act no. 280 on March 10, 1819, which stated: "Be it enacted by the General Assembly that there shall be published an edition to the laws of this Commonwealth in which shall be contained the following matters, that is to say; the Constitution of the United States and the amendments thereto...." This act was the specific, legislated instructions pertaining to what was, by law, to be included in the re-publication (a special edition) of The Revised Code of the Laws of Virginia.

The Virginia Legislature had already agreed that all Acts were to go into effect on the same day - the day the Civil Code was to be re-published (not a re-codification).

There, lo and behold, in the 1819 Virginia Civil Code is the original 13th "titles of nobility" Amendment!!

The official date of ratification would be March 12, 1819, the date of the re-publication of the Code.

The Delegates knew Virginia was the last of the 13 states necessary for the ratification. They also knew there were powerful forces at work to kill this amendment, so they took extraordinary measures to make sure that it was published in sufficient quantities (4,000 copies were ordered, almost triple their usual order) and instructed the printer to send a copy to President Monroe, as well as James Madison and Thomas Jefferson.

The printer, Thomas Ritchie, was bonded. He was required to be extremely accurate in his research and his printing or he would forfeit his bond of $5,000, which at that time was a huge amount of money!

Also worthy of note is Act no. 154, passed by the Virginia Legislature in 1820, requiring the Governor to send 4 copies of the newly published Code to the Secretary of State, who was to give them to the President, the Speaker of the House, the President of the Senate, and to the Library of Congress.

In The Richmond Enquirer, it was published on the front page, referencing the Constitution and its publication pursuant to an Act of the Legislature (no. 280) passed March 12, 1819.

The ad was also run in 4 other newspapers for 4 weeks. The National Archives, the Library of Congress and some of our Congressmen argue that there is question as to whether Virginia ever formally notified the Secretary of State that they had ratified the 13th Amendment; and, if no notification was received, the amendment was not legally ratified.

Their argument makes about as much sense as claiming a baby is not born until the birth certificate is filed. There is no Constitutional, or other requirement for that matter, that says the Secretary of State, or anyone else, be officially notified to complete the ratification process.

Printing by a Legislature is prima facie evidence of ratification. The ratification is further validated by a letter from a member of the Virginia Senate, in 1819, acknowledging the fact of its ratification.

Another argument opposing the amendment's ratification by the National Archives, the Library of Congress and some of our Congressmen poses that, in 1819, there were 21 states and, therefore, 16 states would be required to ratify the amendment in order for it to become law.

There is no basis in fact or law to support that contention. In 1818, both the President, James Monroe, and Secretary of State, John Q. Adams, were of the opinion that 13 states were required for ratification. Our organic laws and historical documentation are void of any other interpretation.

The Amendment Disappears

In 1849, shortly after the death of Benjamin Watkins Leigh, the man in charge of the 1819 revision, Virginia decided to revise the 1819 Civil Code (which had contained the 13th Amendment for 30

years).

In a letter dated August 1, 1849, but postmarked October 2, 1849, J.M. Patton, Esquire, one of two code revisers, wrote to the Secretary of the Navy, William B. Preston, requesting authentic information on whether the 13th Amendment had been adopted. (It must be noted that there is usually a committee of at least three revisers to protect the integrity of the process.)

It was Patton's, and the second code reviser, C. Robinson's, contention that the amendment had failed ratification, although they verified that the 13th Amendment had been published in the 1819 Virginia Civil Code.

On August 15, 1849, an Act was passed to publish the new code. The 13th "titles of nobility" Amendment was quietly omitted.

In a letter to the Secretary of State, J.M. Clayton, from the Secretary of the Navy, William Preston, dated October 3, 1849, there is a request for an authentic statement in relation to the 13th Amendment.

On October 10, 1849, Secretary of State Clayton responded to Preston. In that document, Clayton chronicles the states that had passed or rejected the 13th Amendment.

But Clayton fails to mention at all the states of Massachusetts and Virginia! Treason or stupidity?

Either way, the impression was given that the 13th Amendment had failed to be ratified. Obvious questions should have been raised, such as 'Why did Clayton's response to Preston ignore Massachusetts and Virginia?

Regardless, despite Clayton's malfeasance, the 13th Amendment continued to be published for at least *another 27 years* with the last known publication from Wyoming in 1876. In 1845, thirty years after The Laws of the United States was published containing this amendment, Congress ordered a new publication of its laws (less than two years after the departure of Congressman John Taliafero, who was a member of the Virginia Senate from 1817-1821 and was aware of the Amendment's existence).

Once again, the 13th Amendment was caught up in the turmoil of American politics. South Carolina seceded from the Union in December of 1860, signaling the onset of the Civil War.

In 1861, just before Abraham Lincoln was inaugurated, James Buchanan signed an amendment proposal, also numbered 13. This was only the first of four proposed amendment that were numbered 13 prior to ratification.

That particular resolve to amend read: "Article Thirteen, no amendment shall be made to the Constitution which will authorize to Congress the power to abolish or interfere, within any state, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said state."

In the tumult of 1865, the original 13th Amendment, by its gradual and unlawful removal from our Constitution, was about to disappear forever.

The Library of Congress, The National Archives, and some of our Congressmen argue that there is some question as to whether Virginia ever formally notified the Secretary of State that they ratified the Amendment; and, if no notification was received, the amendment was not legally ratified.

That makes about as much sense as claiming a baby is not born until the birth certificate is filed.

On January 31, another version (today's) of the 13th amendment was proposed. On April 14, five days after the Civil War ended with General Lee's surrender, Lincoln was assassinated.

The present 13th Amendment was ratified on December 6, replacing and effectively erasing the "original" 13th Amendment that had prohibited titles of nobility and honors.

The "new" 13th amendment rightfully prohibited slavery, but quietly surrendered some of our States' rights.

Where does that leave things?

The resurfacing of this original 13th Amendment has struck a nerve in the legal and political

arenas.

Mr. Dodge has stated that, at first there was stone-cold silence, but more recently, he has experienced more negative attention with regard to this "hot potato."

Granted, we cannot hold our present representatives responsible for the misconduct of their predecessors. However, we can and should hold them accountable for how they rectify the situation. Attitudes that reflect "It's ancient history" should not be tolerated, especially when irrefutable historical documentation as evidence has been presented.

In a letter to [former] Senator George Mitchell of Maine, Mr. Dodge tells him, "You might be able to convince some of the people, or maybe even all of them ....for a little while, that this amendment was never ratified; that the legislatures, who ordered it published, were largely ignorant, along with their publishers; or that our forefathers never meant to "outlaw" public servants, who pushed people around and accepted bribes or special favors to " look the other way."

Ultimately, one has to wonder how different the political process might be today, especially campaign finance issues, if the original 13th Amendment had prevailed.

Interestingly enough, the copy of the Constitution that started this whole investigation in to the missing 13th Amendment has also "disappeared" from the Belfast, Maine, public library.

Jerry Schnoebelen is a free-lance writer living in Davenport, Iowa. Additional reporting by David Dodge and Brian March.

Missing 13th Amendment To The United States Constitution

In 1983 David Dodge and Tom Dunn were searching for evidence of government corruption in public records in a Belfast Library on the coast of Maine. They uncovered probably the most explosive evidence ever uncovered in our history.

They uncovered the United States Constitution printed in 1825, which was to prohibit lawyers from serving in Government.

Extensive research since then has uncovered the following:

1.) The unlawful removal of a ratified 13th Amendment from the US Constitution.

2.) The Amendment had been printed in at least 18 separate publications by 11 different states and territories from 1819 to 1868.

3.) The Amendment was secretly removed from documents by a group of lawyers and bankers. In its place was entered the slave Amendment, which was the 14th amendment, (which was changed to the 13th Amendment). All of this occurred during the turmoil of the civil war.

4.) Since the Amendment was not lawfully repealed, it is still the law of the land.

5.) Colorado printed the correct 13th Amendment in 1668. [This probably should read 1868.]

The following is why the Amendment was written and what the meaning is: (Keep in mind we had just fought the Revolutionary War.) The "title of nobility" and words such as "nobility," "honour," "emperor," "king," "esquire" and "prince" normally would lead you, today, to dismiss this Amendment.

Just Read More

The "title of nobility" was prohibited in both Article VI of the Articles of Confederation (1777) and in Article I, Sec. 9 of the Constitution of the United States (1788). Although already prohibited by the Constitution, an additional "title of nobility" amendment was proposed in 1789, again in 1810 and was finally ratified in 1819 (The 13th Amendment to the constitution).

Here is the reason why. According to the Tennessee laws 1715-1820, Vol. 11, p. 774, in the 1794 Jay Treaty, the United States agreed to pay 600,000 pounds sterling to King George III, as reparations for the American Revolution. The Senate ratified the treaty in secret session and ordered that it not be published.

When Benjamin Franklin's grandson published it, Congress was outraged and passed the Alien

and Sedition Acts (1798) so Federal judges could prosecute editors and publishers for reporting the truth about the government.

We had whipped the British and now our Senators had been bribed to serve the British Monarchy and betray the American people. That is subversion.

The United States Bank had been opposed by the Jeffersonians from the start, but the Federalists (the pro-monarch party) won out in its establishment. The initial capitalization was $10,000,000 with 80% owned by foreign bankers.

Since the bank was authorized to lend up to $20,000,000 (double its paid capital) it was a profitable deal for both the government and the bankers, since they could lend and collect interest on $10,000,000 that did not exist.

The European bankers outfoxed the government and by 1796 the government owed the bank $6,200,000 and was forced to sell its shares. (By 1802, the U S government owned no stock in the United States Bank).

The power and ability of the banks to influence representative government by economic manipulation and outright bribery was exposed in 1811, when it was discovered European banking owned 80% of the bank. Congress refused to renew the bank charter, which led to the withdrawal of $7,000,000 by European investors. This caused a recession and the War of 1812.

There is a book in the Library of Congress Law Library called 2 VA LAW. This reveals the overthrow of the constitutional government by secret agreements engineered by the lawyers. That is one of the reasons for the 13th Amendment.

Seeking to rule the world and destroy the United States, bankers committed many crimes. To escape prosecution bankers hired and formed alliances with the best lawyers and judges money could buy. This alliance originally forged in Europe and Great Britain, spread to the colonies and into the newly formed United States of America.

Despite their criminal foundation, these alliances, forged in Europe, generated wealth and, ultimately, respectability. Like a modern unit of organized crime, English bankers and lawyers wanted to be admired as "legitimate businessmen." As their criminal fortunes grew, so did their usefulness. So the British monarch legitimized these thieves by granting them "titles of nobility."

Historically, the British peerage system referred to knights as "Esquires" and those who bore the knight's shields as "Esquires." As physical violence gave way to civilized means of theft, the pen grew mightier and more profitable. So those bankers and lawyers came to hold "titles of nobility." The most common title was "Esquire" as is used today by lawyers.

In Colonial America, attorneys trained attorneys but most held no "title of nobility" or "honor." There was no requirement that one be a lawyer to hold the position of district attorney, attorney general, or judge. A citizen's "counsel of choice" was not restricted to a lawyer and there was no state or federal bar association. The only organization that certified lawyers was the International Bar Association, chartered by the King of England, head-quartered in London, and closely associated with the international banking system. Lawyers admitted to the IBA received the rank of "Esquire," a "title of nobility."

"Esquire" was the principle title of nobility which the 13th Amendment sought to prohibit, thus prohibiting the holding of office in America by bankers' lawyers with an "Esquire" behind their names *who were agents of the monarchy* and European bankers.

Article 1, Sect. 9 of the Constitution sought to prohibit the International Bar Association or any other agency from granting titles of nobility. The Constitution was ignored and agents of the monarchy continued to infiltrate and influence the government as in the Jay Treaty and the US Bank charter incidents. Therefore, a "title of nobility" amendment that specified a penalty (loss of citizenship) was proposed in 1789 and again in 1810. The meaning of the amendment is seen in its intent to prohibit persons having titles of nobility and loyalties to foreign governments and bankers from voting, hold-

ing public office or using their skills to subvert the government.

The missing amendment is referred to as the "title of nobility" Amendment, but the second prohibition against "honour" (honor), may be more significant.

The archaic definition of "honor," as used in the 13 Amendment, meant anyone obtaining or having an advantage or privilege over another." A contemporary example of "honor" granted to only a few Americans is the privilege of being a judge. Lawyers can be judges and exercise the attendant privileges and powers non-lawyers can not.

By prohibiting "honors" the Amendment prohibits any advantage or privilege that would grant some citizens an unequal opportunity to achieve or exercise political power. The second meaning (intent) of the 13 Amendment is to ensure political equality among all American citizens, by prohibiting anyone, even government officials, from claiming or exercising special privilege or power (an "honor") over other citizens.

For example, anyone who had a specific "immunity" from lawsuits which were not afforded to all citizens, would be enjoying a separate privilege, and "honor" and would therefore forfeit his right to vote or hold public office. Just think of the "immunities" from lawsuits that your judges, lawyers, politicians, and bureaucrats currently enjoy. Or "special interest" legislation your government passes. "Special interests" are simply euphemisms for "special privileges" or Honors.

Without their current personal immunities (honors), your judges and IRS agents would be unable to abuse common citizens without fear of legal liability. Your entire government would have to conduct itself according to the same standards of decency, respect, law, and liability as the rest of the nation. Your government's ability to systematically coerce and abuse the public would be all but eliminated under the 13th Amendment.

Now you know why the bankers and lawyers secretly replaced the 13th amendment. Had they not, you would have the government our founding fathers intended when they passed the 13th Amendment, a government of the people, by the people, and for the people, a government whose members were truly accountable to the people; a government that could not systematically exploit its own people.

The 13th Amendment was ratified as follows:

Maryland, Dec. 25, 1810

Tennessee, Nov. 21, 1811

Kentucky, Jan 31, 1811

Georgia, Dec. 13, 1811

Ohio, Jan 31, 1811

North Carolina, Dec.23, 1811

Delaware, Feb 2, 1811

Massachusetts, Feb. 27, 1812

Pennsylvania, Feb. 6, 1811

New Hampshire, Dec. 10, 1812

New Jersey, Feb. 13, 1811

Virginia, March 10, 1819

Vermont, Oct 24, 1811

The War of 1812 broke out with England. By the time the war ended in 1614 the British had burned the capitol, the library of congress, and most of the records of the first 38 years of government.

Then Virginia ratified the 13th Amendment on March 10, 1819. This completed the 13 states required to ratify an amendment. (Virginia Legislature Act No. 260, Virginia Archives of Richmond, file, page 299, micro-film).

It was published by printing 4,000 copies, triple the usual order, with instructions to send a

copy to President James Monroe, James Madison and Thomas Jefferson.

Then it was shown as an amendment to the Constitution.

The 14th amendment was the slavery amendment. Now the 13th Amendment is missing.

Word spread of the ratification and the following occurred:

* Rhode Island and Kentucky published the new Amendment in 1822.

* Ohio first published it in 1824.

* Maine ordered 10,000 copies of the Constitution with the 13th Amendment for school use in 1824 and again in 1831 for the Census Edition.

* Indiana Revised Laws of 1831 published the 13th article on page 20, Northwestern Territories in 1833.

* Ohio Published it in 1831 and again 1833.

* Wisconsin Territory in 1839.

* Iowa Territory in 1843.

* Ohio again in 1848.

* Kansas Statutes in 1855.

* Nebraska Territory 1855, 1856, 1857, 1858, 1859 and 1860.

* Colorado Territory printed the U. S Constitution in its Statutes publication showing the 13th Amendment in 1868.

It's there. Just get into your dusty historical records and you will find that your state had it and now you are being robbed of your God given right to the 13th Amendment. You are now a peasant, and everything you are or will be or will ever have is owned by lawyers.

13th Amendment

"1.) If any citizen of the United States shall accept, claim, receive, or retain, any title of nobility or honor, or shall, without the consent of congress, accept and retain any present, pension, office or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them. "

If any citizen of the United States shall accept, claim, receive, or retain, any title of nobility or honor ——

Do you call your judge, "your honor?"

Ask your Lawyer what that Esq. or Esquire means at the end of his name .

Your judges are immune to prosecution. Your judge is your honor and God. If you do not believe it go to court and watch and listen.

Your politicians abuse you, steal from you and make themselves immune to prosecution.

Your government abuses you, poisons you with radioactive waste and if you protest, it takes away your freedom or even your life.

The IRS abuses you. The IRS is not a Federal Agency but a collection agency for the Fed Bank, yet people of special privilege. The Fed Bank is owned byprivate individuals, and most being foreign investors.

The 16th Amendment was never ratified

The 16th Amendment to the Constitution was never ratified by the required states. But even if it had, it says there are only three ways you can be taxed:

a.) Import tax

b.) Export tax

c.) Excise tax (Sales tax)

Take a look at an IRS levy form and you will find it starts with B, C, D, etc. You might wonder where (A) is. Well,

(A) says the only people that can be taxed by income tax are Federal Employees.

An agreement made back at the beginning of Government was if you are a Federal Employee you agree to a kick back tax when you go to work for them. Thank God for people like David M. Dodge.

David M. Dodge may be contacted at: P. O. Box 985, Toas, New Mexico, 87571.

His research has enabled me to state the foregoing facts on the 13th Amendment to the Constitution of The United States.

[Forest Glen Durland asks that you alert your Congress Persons to this information. Copies of the article can be obtained from the Oregon Observer for a very nominal fee. Forest obtained twenty copies of the entire issue and is distributing them to his Congressional representatives as well as to local schools and colleges.]

This article was reproduced with the kind permission of the Oregon Observer, ''Demanding Accountability.'' The issue is April 1997. This monthly newspaper is highly recommended. Subscription rates are $29.50 for 12 monthly issues.

For most citizens, Income Tax is Unconstitutional

The Constitution Says

Article I - The Legislative Article

Powers of Congress

Section 8: ''The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence [sic.] and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform 1 throughout the United States.''

Powers Denied to Congress

Section 9: … ''No Capitation [sic.], or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.''

No Tax or Duty shall be laid on Articles exported from any State.''

''No Title of Nobility shall be granted by the United States; And no Person holding any Office of Profit or Trust under them, shall, without the consent of Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State. 2

Powers denied the States

Section 10: [States are denied the power to coin money and the power to levy most taxes.]

Amendments

The original 13th Amendment is missing from most modern printings, but it is, most probably, still in effect. It prohibits lawyers from holding federal office. President Clinton, a lawyer, is holding office in violation of our Constitution.

The 16th Amendment is moot.

IRS

The so-called 16th Amendment legalizing income tax was most probably never fully ratified and therefore does not exist. But even if it does, two Supreme Court cases ruled it moot. The 16th Amendment is nothing more than double talk. The IRS operates on 90 percent bluff. But that is only the first part. 3

In addition, there is no law that requires you to pay income tax if you are a United States citizen living and working in the United States. (Employment by the federal government may be an exception.)5

Recently I learned that it is most probable that the IRS has no legal authority to enforce. That

really put those crooks in the dictator's throne.6

Now consider this: With no law to enforce, without warrant or even notice, heavily armed IRS swat teams break, enter, seize, terrify, abduct and jail. They leave familes economically destitute. To add insult to injury, judges enforce a law that does not exist and put citizens in prison.

Folks, this is the very reason people left the old country and came to America. For that same reason they created the United States of America. The IRS is brazenly violating our Constitution and its inherent Bill of Rights as though it did not exist.

Think about that for awhile. 6

Time to Act!

We need to act before an uninformed Congress tries to re-create the non-existent 16th Amendment. All of us want to get rid of income taxes. Now is the time. It is something we can all do, but it is also something that we all must do.

We must use our heads and be practical. Let's sum up the facts and conditions:

1. To maintain a democratic government, we must all help with the chores. That means that we must always pay some taxes, but we need pay only a small fraction of what we have been paying.2. Taxes have been levied completely backwards and upside down.

a. Our Constitution instructs our Congress to create needed money.

b. If they did, we would not owe anyone as much as one dime for it.

c. But Congress, in their divine ignorance, pays private banklords to create our money. The bill is the national debt, currently about $30 trillion and rising exponentially.

3. We all must rise and inform OUR Congress of two things:

a. They are working for us, and they had best become aware of that fact.

b. We must force Congress to create needed money and never borrow again, or else.

4. For necessary taxes:

a. There must be only one reason for taxes - to drain excess money from the economy.

b. There must be only two cause for taxes - government payroll and non-productive spending.

c. Tax money thus collected must be extinguished, meaning sent back to the nothing from whence it came.

d. Politicians who spend that tax money must likewise be extinguished.

e. Spending that tax money will cause severe inflation.

Please be advised: So long as we allow the existence of private banks, we will pay heavily for their extraction of our money. Check with Ben Franklin. Ben found that avoiding the private banklords and creating debt free money created prosperity. Go see Abe Lincoln. Abe saved billions of tax dollars by creating debt free money.

Documentation

1 Bold emphasis inserted by Forest Glen Durland.

2 This section was later substantiated by the missing 13th Amendment.

3 The 16th Amendment was rendered moot by two Supreme Court rulings.

4 Missing 13th.

5 No law requiring income tax.

6 Larry Becraft spent weeks assembling a brief showing that the IRS, and possibly the BATF, have no legal authority for enforcement, especially with guns. His legal brief is one of best available.

Congressional Record — House

June 13, 1967 H7161

(Mr. Rarick (at the request of Mr. Pryor) was granted permission to extend his remarks at this

point in the Record and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, arrogantly ignoring clear-cut expressions in the Constitution of the United States, the declared intent of its drafters notwithstanding, our unelected Federal judges read out prohibitions of the Constitution of the United States by adopting the fuzzy haze of the 14th Amendment to legislate their personal ideas, prejudices, theories, guilt complexes, aims, and whims. Through the cooperation of intellectual educators, we have subjected ourselves to accept destructive use and meaning of words and phrases. We blindly accept new meanings and changed values to alter our traditional thoughts. We have tolerantly permitted the habitual misuse of words to serve as a vehicle to abandon our foundations and goals. Thus, the present use and expansion of the 14th Amendment is a sham—{H7162} serving as a crutch and hoodwink to precipitate a quasi-legal approach for overthrow of the tender balances and protections of limitation found in the Constitution.

But, interestingly enough, the 14th Amendment—***whether ratified or not***—was but the expression of emotional outpouring of public sentiment following the War Between Our States. Its obvious purpose and intent was but to free human beings from ownership as a chattel by other humans. Its aim was no more than to free the slaves.

As our politically appointed Federal judiciary proceeds down their chosen path of chaotic departure from the peoples' government by substituting their personal law rationalized under the 14th Amendment, their actions and verbiage brand them and their team as secessionists—rebels with pens instead of guns—seeking to destroy our Union.

They must be stopped. Public opinion must be aroused. The Union must and shall be preserved. Mr. Speaker, I ask to include in the Record, following my remarks, House Concurrent Resolution 208 of the Louisiana Legislature urging this Congress to declare the 14th Amendment illegal. Also, I include in the Record an informative and well-annotated treatise on the illegality of the 14th Amendment—the play toy of our secessionist judges—which has been prepared by Judge Lander H. Perez, of Louisiana.

The material referred to follows:

H. Con. Res. 208

A concurrent resolution to expose the unconstitutionality of the 14th Amendment to the Constitution of the United States; to interpose the sovereignty of the State of Louisiana against the execution of said amendment in this State; to memorialize the Congress of the United States to repeal its joint resolution of July 28, 1868, declaring that said amendment had been ratified; and to provide for the distribution of certified copies of this resolution.

Whereas the purported 14th Amendment to the United States Constitution was never lawfully adopted in accordance with the requirements of the United States Constitution because eleven states of the Union were deprived of their equal suffrage in the Senate in violation of Article V, when eleven southern states, including Louisiana, were excluded from deliberation and decision in the adoption of the Joint Resolution proposing said 14th Amendment; said Resolution was not presented to the President of the United States in order that the same should take effect, as required by Article I, Section 7; the proposed Amendment was not ratified by three fourths of the states, but to the contrary fifteen states of the then thirty seven states of the Union rejected the proposed 14th Amendment between the dates of its submission to the states by the Secretary of State on June 16, 1866, and March 24, 1868, thereby nullifying said Resolution and making it impossible for ratification by the constitutionally required three fourths of such states; said souther which were denied their equal suffrage in the Senate had been recognized by proclamations of the President of the United States to have duly constituted governments with all the powers which belong to free states of the Union, and the Legislatures of seven of said southern states had ratified the 13th Amendment which would have failed of ratification but for the ratification of said seven southern states; and,

Whereas the Reconstruction Acts of Congress unlawfully overthrew their existing governments,

removed their lawfully constituted legislatures by military force and replaced them with rump legislatures which carried out military orders and pretended to ratify the 14th Amendment; and,

Whereas in spite of the fact that the Secretary of State in his first proclamation, of July 20, 1868, expressed doubt as to whether three fourths of the required states had ratified the 14th Amendment, Congress nevertheless adopted a resolution on July 28, 1868, unlawfully declaring that three fourths of the states had ratified the 14th Amendment and directed the Secretary of State to so proclaim, said Joint Resolution of Congress and the resulting proclamation of the Secretary of State included the purported ratifications of the military enforced rump legislatures of ten southern states whose lawful legislatures had previously rejected the said 14th Amendment, and also included purported ratifications by the legislatures of the States of Ohio, and New Jersey although they had withdrawn their legislative ratifications several months previously, all of which proves absolutely that said 14th Amendment was not adopted in accordance with the mandatory constitutional requirements set forth in Article V of the Constitution and therefore the Constitution strikes with nullity the purported 14th Amendment.

Now therefore be it resolved by the Legislature of Louisiana, the House of Representatives and the Senate concurring:

(1) That the Legislature go on record as exposing the unconstitutionality of the 14th Amendment, and interposes the sovereignty of the State of Louisiana against the execution of said 14th Amendment against the State of Louisiana and its people;

(2) That the Legislature of Louisiana opposes the use of the invalid 14th Amendment by the Federal courts to impose further unlawful edicts and hardships on its people;

(3) That the Congress of the United States be memorialized by this Legislature to repeal its unlawful Joint Resolution of July 28, 1868, declaring that three fourths of the states had ratified the 14th Amendment to the United States Constitution.

(4) That the Legislatures of the other states of the Union be memorialized to give serious study and consideration to take similar action against the validity of the 14th Amendment and to uphold and support the Constitution of the United States which strikes said 14th Amendment with nullity;

(5) That copies of this Resolution, duly certified, together with a copy of the treatise on "The Unconstitutionality of the 14th Amendment" by Judge L. H. Perez, be forwarded to the Governors and Secretaries of State of each state in the Union, and to the Secretaries of the United States Senate and House of Congress, and to the Louisiana Congressional Delegation, a copy hereof to be published in the Congressional Record.

Vail M. Delony,

Speaker of the House of Representatives.

C. C. Aycock,

Lieutenant Governor and President of the Senate.

THE 14TH AMENDMENT IS UNCONSTITUTIONAL

The purported 14th Amendment to the United States 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. Article I, Section 3, and Article V of the U.S. Constitution.

2. The Joint Resolution was *not* submitted to the President for his approval. Article I, Section 7.

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.* Article V. I. The Unconstitutional Congress The U.S. Constitution provides:

Article I, Section 3, "The Senate of the United States shall be composed of two Senators from each State ..."

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

The fact that 23 Senators had been unlawfully excluded from the U. S. Senate, in order to secure a two thirds vote for the 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 of the three fourths of the states, which is necessary to make it valid, the natural and constitutional right of this state to withdraw its assent is undeniable ..."

"That it being necessary by the Constitution that every amendment to the same should be proposed by two thirds of both houses of Congress, the authors of said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two houses eighty representatives from eleven states of the union, upon the pretense that there were no such states in the Union; but, finding that two thirds of the remainder of the said houses could not be brought to assent to the said proposition, they deliberately formed and carried out the design of mutilating the integrity of the United States Senate, and without any pretext or justification, other than the possession of the power, without the right, and in the 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."

1. The Alabama Legislature protested against being deprived of representation in the Senate of the U.S. Congress.

2 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; and the proposing of these amendments to States which were excluded from all participation in their initiation in Congress, is a nullity."

3 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."

4 {H7163} The Georgia Legislature, by Resolution on November 9, 1866, protested as follows:

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

"This amendment is tendered to Georgia for ratification, under that power in the Constitution which authorizes two thirds of the Congress to propose amendments. We have endeavored to estab-

lish 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 would never 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''.

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

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

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

''Eleven of the Southern States, including South Carolina, are deprived of their representation in Congress. Although their Senators and Representatives have been duly elected and have presented themselves for the purpose of taking their seats, their credentials have, in most instances, been laid upon the table without being read, or have been referred to a committee, who have failed to make any report on the subject. In short, Congress has refused to exercise its Constitutional functions, and decide either upon the election, the return, or the qualification of these selected by the States and people to represent us. Some of the Senators and Representatives from the Southern States were prepared to take the test oath, but even these have been persistently ignored, and kept out of the seats to which they were entitled under the Constitution and laws.

''Hence this amendment has not been proposed by 'two thirds of both Houses' of a legally constituted Congress, and is not, Constitutionally or legitimately, before a single Legislature for ratification.''

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

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

8 II. Joint Resolution Ineffective

Article I, Section 7 provides that not only every bill which have been passed by the House of Representatives and the Senate of the United States 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.'' The Joint Resolution proposing the 14th Amendment 9 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. 10 Therefore the Joint Resolution did not take effect.

III. Proposed Amendment never Ratified by Three Fourths of the States

1. Pretermitting the ineffectiveness of said resolution, as above, 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 resolution and making it impossible for its ratification by the constitutionally required three fourths of such States, as shown by the rejections thereof by the Legislatures of the following States:

Texas rejected the 14th Amendment on October 27, 1866. 11

Georgia rejected the 14th Amendment on November 9, 1866. 12

Florida rejected the 14th Amendment on December 6, 1866. 13

Alabama rejected the 14th Amendment on December 7, 1866. 14

Arkansas rejected the 14th Amendment on December 17, 1866. 15

North Carolina rejected 14th Amendment on December 17, 1866. 16

South Carolina rejected 14th Amendment on December 20, 1866. 17

Kentucky rejected the 14th Amendment on January 8, 1867. 18

Virginia rejected the 14th Amendment on January 9, 1867. 19

Louisiana rejected the 14th Amendment on February 6, 1867. 20

Delaware rejected the 14th Amendment on February 7, 1867. 21

Maryland rejected the 14th Amendment on March 23, 1867. 22

Mississippi rejected the 14th Amendment on January 31, 1867. 23

Ohio rejected the 14th Amendment on January 15, 1868. 24

New Jersey rejected the 14th Amendment on March 24, 1868. 25

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, 26 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.

2. The 13th Amendment to the United States Constitution was proposed by Joint Resolution of Congress 27 and was approved February 1, 1865 by President Abraham Lincoln, as required by Article I, Section 7 of the United States Constitution. The President's signature is affixed to the Resolution. The 13th Amendment was ratified by 27 states of the then 36 states of the Union, including the Southern States of Virginia, Louisiana, Arkansas, South Carolina, Alabama, North Carolina, and Georgia. This is shown by the Proclamation of the Secretary {H7164} of State December 18, 1865. 28 Without the votes of these 7 Southern State Legislatures the 13th Amendment would have failed. There can be no doubt

but that the ratification by these 7 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.

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, Louisiana, Arkansas, Mississippi, and Florida is at an end, and is henceforth to be so regarded." 29 On August 20, 1866, President Andrew Johnson issued another proclamation 30 pointing out the fact that the House of Representatives and Senate had adopted identical Resolutions on July 22nd 31 and July 25th, 1861, 33 that the Civil War forced by disunionists of the Southern States, was not waged for the purpose of conquest or to overthrow the rights and established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all the equality and rights of the several states unimpaired, and that as soon as these objects are accomplished, the war ought to cease. The President's proclamation on April 2, 1866,34 declared the insurrection in the other southern States, except Texas, no longer existed. On August 20, 1866,35 the President proclaimed that the insurrection in the State of Texas had been completely ended; and his proclamation continued: "the insurrection which heretofore existed in the State of Texas is at an end, and is to be henceforth so regarded in that State, as in the other States before named in which the said insurrection was proclaimed to be at an end by the aforesaid proclamation of the second day of April, one thousand, eight hundred and sixty six.

"And I do further proclaim that the said insurrection is at an end, and that peace, order, tranquillity, 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 10th state to have rejected the same, or more than one fourth of the total number of 36 states of the Union as of that date, thus leaving less than three fourths 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.

5. Faced with the positive failure of ratification of the 14th Amendment, both Houses of Congress passed over the veto of the President three Acts known as the Reconstruction Acts, between the dates of March 2 and July 19, 1867, especially the third of said Acts, 15 Stat. p. 14 etc., designed illegally to remove with "Military force" the lawfully constituted State Legislatures of the 10 Southern States of Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Arkansas, Louisiana and Texas. In President Andrew Johnson's Veto message on the Reconstruction Act of March 2, 1867,36 he pointed out these unconstitutionalities:

"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 be properly taken out of his hands. All this legislation proceeds upon the contrary Assumption that the people 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 this 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 unconstitutionality's as follows:

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

''A singular contradiction is apparent here. Congress 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 23, 1866, by which every one of these ten States was arranged into districts and circuits.

''They have been called upon by Congress to act through their legislatures upon at least tow 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 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 be-

fore me, and I earnestly commend their consideration to the deliberate judgment of Congress.

[And now to the Court.]

"Within a period less than a year the legislation of Congress has attempted to strip the executive department of the government 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 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 {H7165} the commander of the district and the General of the Army.

"If there were no other objection than this to this proposed legislation, it would be sufficient." No one can contend that the Reconstruction Acts were ever upheld as being valid and constitutional. They were brought into question, but the Courts either avoided decision or were prevented by Congress from finally adjudicating upon their unconstitutionality.

In Mississippi v. President Andrew Johnson (4 Wall. 475-502), where the suit sought to enjoin the President of the United States from enforcing provisions of the Reconstruction Acts, the U.S. Supreme Court held that the President cannot be enjoined because for the

Judicial Department of the government to attempt to enforce the performance of the duties by the President might be justly characterized, in the language of Chief Justice Marshall, as "an absurd and excessive extravagance." The Court further said that if the Court granted the injunction against the enforcement of the Reconstruction Acts, and if the President refused obedience, it is needless to observe that the Court is without power to enforce its process.

In a joint action, the States of Georgia and Mississippi brought suit against the President and the Secretary of War, (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 states to prohibit the Executive Department from carrying out the provisions of the Reconstruction Acts directed to the overthrow of their government, including this dissolution of their state legislatures, were denied on the grounds that the organization of the government into three great departments, the executive, legislative, and judicial, carried limitations of the powers of each by the Constitution. This case when the same way as the previous case of Mississippi against President Johnson and was dismissed without adjudicating upon the constitutionality of the Reconstruction Acts.

In another case, ex parte William H. McCardle (7 Wall. 506-515), a petition for the writ of habeas corpus for unlawful restraint by military force of a citizen not in the military service of the United States was before the United States Supreme Court. After the case was argued and taken under advisement, and before conference in regard to the decision to be made, Congress passed an emergency Act,

(Act March 27, 1868, 15 Stat. at L. 44), vetoed by the President and repassed over his veto, repealing the jurisdiction of the U.S. Supreme Court in such case. Accordingly, the Supreme Court dismissed the appeal without passing upon the constitutionality of the Reconstruction Acts, under which the nonmilitary without benefit of writ of habeas corpus, in violation of Section 9, Article I of the U.S. Constitution which prohibits the suspension of the writ of habeas corpus. That Act of Congress placed the Reconstruction Acts beyond judicial recourse and avoided 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 the court. By the postponement of this case we shall subject ourselves, whether justly or unjustly, to the imputation that we have evaded the performance of a duty imposed on us by the Constitution, and waited for Legislative interposition to supersede our action, and relieve us from responsibility. I am not willing to be a partaker of the eulogy or opprobrium that may follow. I can only say . . . I am ashamed that such opprobrium should be cast upon the court and that it cannot be refuted."

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

Arkansas on April 6, 1868.38

North Carolina on July 2, 1868.39

Florida on June 9, 1868.40

Louisiana on July 9, 1868.41

South Carolina on July 9, 1868.42

Alabama on July 13, 1868;43 and

Georgia on July 21, 1868.44

6. Of the above 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 which 6 States' ratifications, the 13th Amendment could not and would not have been ratified because said 6 States mad a total of 27 out of 36 States or exactly three fourths of the number required by Article V of the Constitution for ratification. Furthermore, governments of the States of Louisiana and Arkansas had been reestablished under a Proclamation issued by President Abraham Lincoln on December 8, 1863.45

The government of North Carolina had been reestablished under a Proclamation issued by President Andrew Johnson dated May 29, 1865.46

The government of Georgia had been reestablished under a Proclamation issued by President Andrew Johnson dated June 17, 1865.47

The government of Alabama had been reestablished under a Proclamation issued by President Andrew Johnson dated June 21, 1865.48

The government of South Carolina had been reestablished under a Proclamation issued by President Andrew Johnson dated June 30, 1865.49

These three "Reconstruction Acts"50 under which the above State Legislatures were illegally removed and unlawful rump or puppet so- called Legislatures were substituted in a mock effort to ratify the 14th Amendment, were unconstitutional, null and void, ab initio, and all acts done thereunder were also null and void, including the purported ratification of the 14th Amendment by said 6

Southern puppet Legislatures of Arkansas, North Carolina, Louisiana, South Carolina, Alabama, and Georgia.

Those Reconstruction Acts of Congress and all acts and thing unlawfully done thereunder were in violation of Article IV, Section 4 of the United States Constitution, which required the United States to guarantee a republican form of government. They violated Article I, Section 3, and Article V of the Constitution, which entitled every State in the Union to two Senators, because under provisions of these unlawful Acts of Congress, 10 States were deprived of having two Senators, or equal suffrage in the Senate.

7. The Secretary of State expressed doubt as to whether three fourths of the required states had ratified the 14th Amendment, as shown by his Proclamation of July 20, 1868.51 Promptly on July 21, 1868, a Joint Resolution 52 was adopted by the Senate and House of Representatives declaring that three fourths of the several States of the Union had ratified the 14th Amendment. That resolution, however, included the purported ratifications by the unlawful puppet Legislatures of 5 States, Arkansas, North Carolina, Louisiana, South Carolina, and Alabama, which had previously rejected the 14th Amendment by action of their lawfully constituted Legislatures, as above shown. This Joint Resolution assumed to perform the function of the Secretary of State in whom Congress, by Act of April 20, 1818, had vested the function of issuing such proclamation declaring the ratification of Constitutional Amendments.

The Secretary of State bowed to the action of Congress and issued his Proclamation of July 28, 1868,53 in which he stated that he was acting under authority of the Act of April 20, 1818, but pursuant to said Resolution of July 21, 1868. He listed three fourths or so of the then 37 states as having ratified the 14th Amendment, including the purported ratification of the unlawful puppet Legislatures of the States of Arkansas, North Carolina, Louisiana, South Carolina, and Alabama. Without said 5 unlawful purported ratifications there would have been only 25 states left to ratify out of 37 when a minimum of 28 states was required by three fourths of the States of the Union.

The Joint Resolution of Congress and the resulting Proclamation of the Secretary of State also included purported ratifications by the States of Ohio and New Jersey, although the Proclamation recognized the fact the Legislatures of said states, several months previously, had withdrawn their ratifications and effectively rejected the 14th Amendment in January, 1868, and April, 1868. Therefore, deducting these two states from the purported ratifications of the 14th Amendment, only 23 State ratifications at most could be claimed; whereas the ratifications of 28 States, or three fourths of 37 {H7166} States in the Union, were required to ratify the 14th Amendment.

From all of the above documented historic facts, it is inescapable that the 14th Amendment never was validly adopted as an article of the Constitution, that it has no legal effect, and it should be declared by the Courts to be unconstitutional, and therefore, null, void and of no effect. The Constitution Strikes the 14th Amendment with Nullity The defenders of the 14th Amendment contend that the U.S. Supreme Court has finally upon its validity. Such is not the case. In what is considered the leading case, Coleman v. Miller, 307 U.S. 448, 59 S.Ct. 972, the U.S. Supreme Court did not uphold the validity of the 14th Amendment.

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

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

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

Congress have to remove those state governments and their legislatures under unlawful military power set up by the unconstitutional "Reconstruction Acts," which had for their purpose, the destruction and removal of these legal state governments and the nullification of the Constitutions?

The fact that these three states and seven other Southern States had existing Constitutions, were recognized as states of the Union, again and again; had been divided into judicial districts for holding their district and circuit courts of the United States; had been called by Congress to act through their legislatures upon two Amendments, the 13th and 14th, and by their ratifications had actually made possible the adoption of the 13th Amendment; as well as their state governments having been reestablished under Presidential Proclamations, as shown by President Andrew Johnson's Veto message and proclamations, were all brushed aside by the Court in Coleman by the statement: "New governments were erected in those States (and in others) under the direction of Congress," and that these new legislatures ratified the Amendment.

The U.S. Supreme Court overlooked that it previously had held that at no time were these Southern States out of the Union. White v. Hart (1871), 13 Wall. 646, 654. In Coleman, the Court did not adjudicate upon the invalidity of the Acts of Congress which set aside those state Constitutions and abolished their state legislatures,—the Court simply referred to the fact that their legally constituted legislatures had rejected the 14th Amendment and that the "new legislatures" had ratified the Amendment. The Court overlooked the fact, too, that the State of Virginia was also one of the original states with its Constitution and Legislature in full operation under its civil government at the time.

The Court also ignored the fact that the other six Southern States, which were given the same treatment by Congress under the unconstitutional "Reconstruction Acts", all had legal constitutions and a republican form of government in each state, as was recognized by Congress by its admission of those states into the Union. The Court certainly must take judicial cognizance of the fact that before a new state is admitted by Congress into the Union, Congress enacts an Enabling Act to enable the inhabitants of the territory to adopt a Constitution to set up a republican form of government as a condition precedent to the admission of the state into the Union, and upon approval of such Constitution, Congress then passes the Act of Admission of such state. All this was ignored and brushed aside by the Court in the Coleman case. However, in Coleman the Court inadvertently said this:

"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."

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

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

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

1868.

The constitutional requirements set forth in Article V of the Constitution permit the Congress to propose amendments only whenever two thirds of both houses as then constituted without forcible ejections.

Such a fragmentary Congress also violated the constitutional requirements of Article V that no state, without its consent, shall be deprived of its equal suffrage in the Senate. There is no such thing as giving life to an amendment illegally proposed or never legally ratified by three fourths of the states. There is no such thing as amendment by laches; no such thing as amendment by waiver; no such thing as amendment by acquiescence; and no such thing as amendment by any other means whatsoever except the means specified in Article V of the Constitution itself. It does not suffice to say that there have been hundreds of cases decided under the 14th Amendment to supply the constitutional deficiencies in its proposal or ratification as required by Article V. If hundreds of litigants did not question the validity of the 14th Amendment, or questioned the same perfunctorily without submitting documentary proof of the facts of record which made its purported adoption unconstitutional, their failure cannot change the Constitution for the millions in America.

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

On this point, therefore, the question is, was the 14th Amendment proposed and ratified in accordance with Article V? In answering this question, it is of no real moment that decisions have been rendered in which the parties did not contest or submit proper evidence, or the Court assumed that there was a 14th Amendment. If a statute never in fact passed by Congress, through some error of administration and printing got in the published reports of the statutes, and if under such supposed statute courts had levied punishment upon a number of persons charged under it, and if the error in the published volume was discovered and the fact became known that no such statute had ever passed in Congress, it is unthinkable that the Courts would continue administer punishment in similar cases, on a nonexistent statute because prior decisions had done so. If that be true as to a statute we need only realize the greater truth when the principle is applied to the solemn question of the contents of the Constitution. While the defects in the method of proposing and the subsequent method of computing "ratification" is briefed elsewhere, it should be noted that the failure to comply with Article V began with the first action by Congress. The very Congress which proposed the alleged 14th Amendment under the first part of the 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 of the United States which is forever immutable—which can never be changed or expunged. The Courts cannot alter it; the executives cannot change it; the Congress cannot change it; the States themselves—even all the States in perfect concert—cannot amend it in any manner whatsoever, whether they act through conventions called for the purpose or through their legislatures. Not even the unanimous vote of every voter in the United States could amend this provision. It is a perpetual fixture in the Constitution, so perpetual and so fixed that if the people of the United States desired to change or exclude it, they would be compelled to abolish the Constitution and start afresh.

The unalterable provision is this: "that no State, without its consent, shall be deprived of its equal

suffrage in the Senate.'' 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 Congress, as was done for the adoption of the Joint Resolution for the 14th Amendment. {H7167} 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 which shows no intention to leave Congress in charge of deciding whether there has been a ratification. Even a constitutionally recognized Congress is given but one volition in Article V, that is, to vote whether to propose and Amendment on its own initiative. The remaining steps by Congress are mandatory. Congress shall propose amendments; if the Legislatures of two- thirds of the States make application, Congress shall call a convention. For the Court to give Congress any power beyond that to be found in Article V is to write the new material into Article V. It would be inconceivable that the Congress of the United States could propose, compel submission to, and then give life to an invalid amendment by resolving that its effort had succeeded— regardless of compliance with the positive provisions of Article V. It should need no further citations to sustain the proposition that neither the Joint Resolution proposing the 14th Amendment nor its ratification by the required three-fourths of the States in the Union were in compliance with the requirements of Article V of the Constitution.

When the mandatory provisions of the Constitution are violated, the Constitution itself strikes with nullity the Act that did violence to its provisions. Thus, the Constitution strikes with nullity the purported 14th Amendment.

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

The Constitution makes it the sworn duty of the judges to uphold the Constitution which strikes with nullity the 14th Amendment. And, as Chief Justice Marshall pointed out for a unanimous Court in Marbury v. Madison (1 Cranch 136 @ 179):

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

''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 actually refuse to hear argument on the invalidity of the 14th Amendment, even when the issue is presented squarely by the pleadings and the evidence as above. Only an aroused public sentiment in favor of preserving the Constitution and our institutions and freedoms under constitutional government, and the future security of our country, will break the political barrier which now prevents judicial consideration of the unconstitutionality of the 14th Amendment.