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An Analysis of People, For Michigan Republic, Ex Rel v. State of Michigan, 30 J. Marshall L. Rev. 937 (1997)

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ARTICLES

AN ANALYSIS OF *PEOPLE, FOR MICHIGAN REPUBLIC, EX REL V. STATE OF MICHIGAN*

PHILLIP A. HENDGES*

INTRODUCTION

About a year ago, a friend of mine was with her husband at a law book auction looking for books to add to his law office's library. They found themselves bidding against a non-lawyer—a farmer, in fact. In talking to this farmer, my friend discovered that the books the farmer was bidding on were merely additions to a larger collection of law books the farmer maintained in his barn which he browsed through from time to time. When asked why he collected law books, the farmer told my friends that every county should have at least one lay person knowledgeable in the law.

Nationally, there are other lay individuals similarly interested in judicial prose. These individuals are, for various reasons, deeply dissatisfied with the American legal and political status quo. They reject this status quo as illegitimate and are turning to the law for relief. This law they are turning to, however, is not the law as most Americans understand it. These individuals are part of a movement having its own conception of the law, and its members are applying this law in their own manner through their own courts.

Judging by his purchases and reported statements, the well-read farmer may very well have been one of these individuals who is a part of what is generally known as the "common law courts movement." This article examines the practices and beliefs of this movement through the *People, for Michigan Republic, ex rel v.*

* J.D., Thomas M. Cooley Law School, 1997; B.A., Albion College, 1987. Mr. Hendges would like to extend his appreciation to Professor Stephen Sheppard, Jürgen Skoppek and Joy Witte for their guidance and comments during the preparation of this article.

State of Michigan.¹ This petition is the product of a group of common law movement believers who identify themselves as the "Michigan People's Assembly and Grand Jury."² According to the caption on its first page, this petition is a "Petition de Droit and Command to Show Cause"³ and was delivered to the listed "Respondents, Defendants" in late December, 1995. This particular copy was delivered to Michigan's governor, John Engler. Other Michigan defendants listed in the petition are the attorney general, all members of the legislature, all judges, all county commissioners, all state agencies and all elected or appointed officials.⁴ Presumably, these individuals were also served.

On first impression, this document⁵ appears to be an ordinary legal pleading. It begins with a caption listing the court, parties, and subject matter followed by a summons, or "*praecipe*,"⁶ with

1. Petition de Droit and Command to Show Cause, *People, for Mich. Republic, ex rel v. State of Michigan*, (Our One S. Ct., Country of Mich. 1995) (No. Mich. 95-1) [hereinafter Petition]. The petition is attached as Appendix A. See *infra* Appendix A.

2. *Id.* at 1. In the *praecipe*, the authors are identified as the "Michigan People's Assembly and Common Law Jury." *Id.* They are identified in the body of the petition as the "Michigan People's Assembly and Grand Jury." *Id.* at 3-32.

3. *Id.* Common law practitioners use many antique terms. A "petition de droit," for instance, is:

In old English practice, a petition of right; a form of proceeding to obtain restitution from the crown of either real or personal property, being of use where the crown is in possession of any hereditaments or chattels, and the petitioner suggests such a right as controverts the title of the crown, grounded on facts disclosed in the petition itself.

BLACK'S LAW DICTIONARY 1146 (6th ed. 1990).

"Command to show cause" is self-explanatory and may be considered the republican form of the petition discussed above as it is not limited by tradition to acts by the crown, and it can accommodate requests for return of metaphysical property such as political rights.

4. Petition, *supra* note 1, at 3.

5. *Id.* at 1-32. All quotations from the petition and other sources will reflect not only emphasis (underlining, for example) placed on the text in the original but also the original capitalization, punctuation, grammar, etc. Also, authorities cited in the petition will be identified in the same manner in this article as they are in the original, except where more formal identification may be required.

6. A "*praecipe*" is defined as, "[i]n practice, an original writ drawn up in the alternative, commanding the defendant to do the thing required, or show the reason why he had not done it. It includes an order to the clerk of court to issue an execution on a judgment already rendered." BLACK'S LAW DICTIONARY 1172-73 (6th ed. 1990).

This *praecipe* was issued by the "Special Appointed Clerk" and directs the named "respondents, defendants" to mail within 60 days the required "affidavits of response" to an address in a small town near Michigan's capitol, Lansing. Petition, *supra* note 1, at 1. The *praecipe* also states, "If no Lawful evidence to the contrary is received, these facts stated as Truth and this Assembly of the Sovereign People shall continue "in Law" to remove this bond-

service of process. A seal even appears on some of the pages.⁷ However, you need not go beyond the second line of the caption to know that this is, at the very least, not an ordinary pleading. The court identified in the caption is "Our One Supreme Court" located in the "Country of Michigan."⁸ It is further identified as the "Common Law Venue" having "Original and Exclusive Jurisdiction" and that it is "Outside the District of Columbia In Ingham county,⁹ Michigan Republic."¹⁰ The approximately thirty pages of argument, authority, analysis, and conclusions that follow the cover page have a similar, "not of this world" quality.

PURPOSE AND OVERVIEW OF THIS ARTICLE

Despite its ostensibly otherworldly character, there is meaning and relevance in *People, for Michigan Republic, ex rel v. State of Michigan*. Neither, however, are detectable if the document is viewed as being legal in character. This petition is, as will be discussed later, a political document and has both meaning and relevance as such.

The petition, as an expression of the beliefs prevalent in the common law courts movement, is the focus of this article. The first section of this article provides a basic overview of the common law courts movement. The second section summarizes the *People, for Michigan Republic, ex rel v. State of Michigan*, relying largely on excerpts from the petition. This approach gives the reader an overview of the issues discussed with the flavor of the discussion. The third section discusses the ultimate question presented by the petition, the nature of individual and governmental sovereignty in the American system of government. This section addresses the question of why, under the political question doctrine, the individual versus governmental sovereignty question is not a proper question for the courts. The final section discusses the petition as a political statement that is relevant under the petition clause of the First Amendment of the Constitution.

NOTE ON METHODOLOGY

The overview in section one relies largely on information reported regarding the common law courts movement in Ohio.

age from us." *Id.* In other words, a default judgment shall issue.

7. Petition, *supra* note 1, at 33-38.

8. *Id.* at 1.

9. The use of a lower case "c" in "county" is not a typographical error but a statement in and of itself. According to Michael Janofsky, writing in the *New York Times*, "Members of common law courts routinely use lower case letters in their documents to emphasize that they do not acknowledge an established jurisdiction." Michael Janofsky, *Home-Grown Courts Spring Up as Judicial Arm of the Far Right*, N.Y. TIMES, April 17, 1996, at A1.

10. Petition, *supra* note 1, at 1.

There is relatively little information available on the movement nationally. To date, there has been no in-depth academic study of this movement. Most of the available information consists of newspaper articles reporting on the activities of common law courts operating in various communities across the nation. There is, however, sufficient reporting on the movement's activities in Ohio to give a good overview of its membership, motivation, extent, and practices. While there is little information available on the movement in Michigan, both Ohio and Michigan are Midwestern states in close proximity to each other. Therefore, Ohio will serve as a reasonable surrogate for Michigan in the context of this overview. Information on the beliefs prevalent in the movement, however, is readily available on-line in websites created by movement believers. The overview of the common law on which the petition rests is based on these common law sources.

I. THE COMMON LAW COURTS MOVEMENT: AN OVERVIEW

As indicated in the Introduction, the petition itself is the focus of this article. The common law courts movement is only discussed to the extent required to understand the petition. This section is not designed to present a detailed history and analysis of the movement itself.¹¹ Instead, this section is intended to provide the reader with the information required to see through the petition to its underlying philosophical question.

A. *The Membership of the Movement and Some Common Motivations*

People, for Michigan Republic, ex rel v. State of Michigan includes the signatures of 115 individuals¹² who, presumably, constitute the "Michigan People's Assembly and Grand Jury." Nothing else is revealed about these people other than that they subscribe to the beliefs reflected in the petition, as evidenced by their signatures affixed to it. However, in the caption of the petition, the court is identified as "Our One Supreme Court."¹³

11. Although the common law and militia movements are often connected, any attempt to discuss both in a paper of this length would fail. Both movements are part of what is generally referred to as the "patriot movement." *Common Law Movement Called Threat*, DAYTON DAILY NEWS, April 15, 1996, at 2B. The patriot movement is a general term for the diverse but generally anti-governmental collection of organizations that have appeared over the last several years. *Id.* The Patriot movement includes everyone from citizen militia groups to shadowy racist organizations implicated in acts of domestic terrorism. Janofsky, *supra* note 9, at A1.

Similarly, a general survey of the common law courts movement would also be impractical and of limited utility in understanding the petition and will only be addressed as necessary to understand the petition.

12. Petition, *supra* note 1, at 33-38.

13. *Id.* at 1.

In Columbus, Ohio, there is another group that identifies itself as "Our One Supreme Court." Not only do the two groups share the same name but also the same basic beliefs. This is clear when the reported beliefs of the Ohio group are considered in light of the contents of the Michigan petition. Knowing this, certain generalizations may be drawn regarding the individuals involved in the common law courts movement. The membership of Columbus, Ohio's "Our One Supreme Court" appears to be typical, and the characterizations of its members in press reports are consistent with those characteristics of similar courts around the country. Therefore, while nothing is known of the 115 individuals who signed the petition, the motivations and beliefs of others involved in the movement can be insightful in attempting to understand the petition's meaning and relevance.

1. "[W]e all got burned . . ."

"We sat around one night and talked about how we all got burned [by the courts]. Then we decided maybe we should start our own."¹⁴ Members of common law courts often report that they have been "burned" by an encounter with the courts; "burned" means a verdict was rendered against them.¹⁵ The individual quoted above was identified as one of the founders of Our One Supreme Court.¹⁶ He lost a dispute with the Internal Revenue Service and was reportedly fighting a traffic citation, claiming that it constituted an infringement of "his 'natural' right to travel freely."¹⁷

Another individual who has attempted to use the common law courts movement theories as a defense to a traffic citation is James Nichols.¹⁸ James Nichols is the brother of Terry Nichols who,

14. Stephen Braun, *Their Own Kind of Justice*, L.A. TIMES, Sept. 5, 1995, at A1.

15. *20/20: Rebel Justice - Refusing to Abide by American Law* (ABC television broadcast, Jan. 5, 1996). *20/20*, after attending a session of Our One Supreme Court, reported that "[m]ost [of the attendees] have had run-ins with the law." *Id.* The report went on to identify one attendee who turned to Our One Supreme Court after having been found guilty of "sexual abuse," incurring \$31,000 in legal fees in the process, and another individual who lost in traffic court. *Id.* At a session of the "Common Law Court of Necessity" in York, Nebraska, one individual was there after losing his farm in a dispute with the Internal Revenue Service while another had lost his home in a bank foreclosure action. Henry J. Cordes, *Common-Law Backers Eye New Justice*, OMAHA WORLD HERALD, Nov. 5, 1995, at B1. Although the facts of these encounters are unknown, it is contextually clear that the individuals feel not only that justice was denied them but also that they were victims of the legal system rather than losers on the merits.

16. Braun, *supra* note 14, at A1.

17. *Id.*

18. Paul Glastris, *Patriot Games, Legal Philosophy of Militia Movements*, WASH. MONTHLY, June 1995, at 23.

along with Timothy McVeigh, was accused of bombing the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma on April 19, 1995.¹⁹ James Nichols was cited in 1992 for speeding and driving without a license by a sheriff near his hometown of Decker, Michigan.²⁰ He similarly claimed that the citations were a violation of his "right to free travel."²¹

Terry Nichols also attempted to use the common law courts theories as a defense for his use of a worthless check to pay \$31,000 in defaulted credit card debt.²² His defense was summarized as follows: "He didn't really owe that \$31,000 in bank credit card debt, he announced to the court, because the banks had lent him 'credit,' not 'legal tender.' He offered to pay with what he called a 'certified fractional reserve check' -- a worthless piece of paper."²³

2. "I want them out of [my life]"

Other movement believers are more generally disaffected. These "embittered castaways from American justice" see the common law courts as a means of expressing this disaffection because the courts allow them the "chance to play judge and jury for a night."²⁴ There is a broad spectrum of general disaffection evident in the national movement. On one end of the spectrum are statements such as, "I think the government's gotten too involved in our daily lives, and I want them out of mine."²⁵ Those on the other end of the spectrum claim that the federal government is not just intrusive, but illegitimate.²⁶

Some members of the movement are not just disaffected but seemingly totally divorced from reality. One individual quoted in the press claims that "he's seen secret documents that indicate the government is planning to put microchips in everyone's forehead with an 18-digit code. And he suspects the code will be the Biblical mark of the beast mentioned in the Book of Revelation."²⁷ Other members claim that this microchip implantation project has already moved from the planning stages to implementation and that

19. Bartholomew Sullivan, *Vigilante Justice, Man's Defense is Common Law*, COM. APPEAL, Nov. 23, 1995, at A1. Timothy McVeigh has subsequently been convicted of the bombing and has been sentenced to death. Ed Godfrey, *Bombing Grand Jury Inspects Area Jails*, DAILY OKLAHOMAN, July 2, 1997, at 12.

20. Glastris, *supra* note 18, at 23.

21. *Id.*

22. *Id.* See also Sullivan, *supra* note 19, at A1.

23. Glastris, *supra* note 18, at 44.

24. Braun, *supra* note 14, at A1.

25. *Nightline* (ABC television broadcast, May 22, 1995).

26. See, e.g., Sullivan, *supra* note 19, at A1.

27. *Id.*

they have already encountered the "mark of the beast."²⁸ Amy Honaker, a member of a citizen's militia and Patriot group, believes she saw the mark of the beast while working as a cashier in the local Wal-Mart store.²⁹ As Ms. Honaker was checking out a customer's purchases, the customer requested that Ms. Honaker scan her hand containing a microchip with her credit information.³⁰ Ms. Honaker believes that this is a sign of the New World Order.³¹ Individuals with beliefs similar to Ms. Honaker's are undoubtedly present wherever common law courts movement believers gather. As is the case with any spectrum, however, most individuals fall between the extremes. These individuals are motivated by beliefs that reflect concern with or even fear of the government without departing completely from reality.

3. "[R]etirees and machinists, janitors and electricians, farmers and carpenters"

This natural tendency toward the middle is confirmed in descriptions of individuals attending a session of Our One Supreme Court. Members of a "jury," convened at a session of Our One Su-

28. Susan Ladd & Stan Swofford, *The Law of the Land, Group Seeks County Rule*, NEWS & REC., June 25, 1995, at A9 [hereinafter *The Law of the Land*]. One account of an encounter with the "mark of the beast" so aptly expresses the paranoid beliefs of those on the far end of the spectrum that it is included in its entirety.

Amy Honaker, 18, of Waynesville [North Carolina] is a member of a citizens' militia and Patriot group. She believes the New World Order will begin soon. Amy Honaker believes she saw the "mark of the beast"—and the beginning of the New World Order—and it nearly made her sick.

Honaker, 18, is a cashier at Wal-Mart in Waynesville. She's also a member of a local citizens' militia and Patriot group that fears the federal government is helping establish a one-world government that would strip Americans of their liberties.

That's why she gasped and turned pale a few months ago when a woman in Honaker's Wal-Mart line plopped her purchases down and held out her right hand. Instead of a credit card, the woman wanted Honaker to scan her hand. The woman said that a microchip implanted in the back of her right hand would provide Honaker with the necessary credit information.

Honaker, who says she was brought up in a "very Christian" environment, was so shaken she had to take a break.

"I was disgusted. I thought I was going to throw up," Honaker said. "This is another indication to me that a New World Order is coming unless we all wake up."

.....

Honaker says she also sees signs of a New World Order in the black helicopters that fly over her house at all hours of the day and night.

Id.

29. *Id.*

30. *Id.*

31. *Id.*

preme Court, included "retirees and machinists, janitors and electricians, farmers and carpenters bound together by their disgust with the nation's courts and a willful insistence that they can dispatch their own justice."³² Others attending that session were described as "people with no apparent extremist affiliation -- senior citizens angry about taxes, couples embittered by their lack of job security, [and] a Cincinnati chemist disillusioned after he vainly fought a speeding charge in local court."³³ Whether motivated by spite and revenge or general disenchantment, this estrangement from or unease with the courts and the American status quo brings these people together in "clubs for the disaffected"³⁴ such as Our One Supreme Court.

An important distinction, however, may be drawn between those who lead and those who follow in the common law courts movement. Morris Dees, director of the Southern Poverty Law Center, described the leaders as "wackos and kooks" who are seen as a threat by those outside the movement.³⁵ He described the followers as "desperate, frustrated and often well-meaning" individuals who see the common law courts as a legitimate means to redress the grievances they have with the American status quo.³⁶

The class of "wackos and kooks" Dees refers to undoubtedly includes the individuals who recently barricaded themselves in on a ranch in "Justus Township, Montana state."³⁷ The self-

32. Braun, *supra* note 14, at A1.

33. *Id.*

34. *Id.*

35. *20/20, supra* note 15.

36. *Id.* People active in the movement also distinguish the "good" believers from the "bad." *Id.* According to a leader of the "Constitutional Study Group of Canton" in Ohio, a common law group that claims to be seeking change through recognized channels, the authorities should not worry about them because "[w]e're not a radical group. We're not a militia group. We're not a court. The 'one supreme court' and the militia is who these people should be afraid of." T.C. Brown, *Justice for the Common Man?*, CLEV. PLAIN DEALER, Dec. 11, 1995, at A1.

37. From mid-March to late June 1996, approximately 20 individuals barricaded themselves in a 960-acre ranch near Jordan, Montana. *Watching Montana*, ECONOMIST, April 6, 1996, at 24. Thirteen of the 20 were facing outstanding arrest warrants for a variety of criminal offenses including passing \$1.8 million in worthless checks. *Id.* Their activities prior to the stand-off were described as follows:

The Freemen have been a local nuisance for more than two years. They have threatened judges, refused to recognize state law, refused to pay taxes, and declined to get driving licenses. They have their own courts, where they hold mock trials of local officials. And they have taught their methods (including using computers to commit fraud) to groups elsewhere.

Id.

The name the Freemen chose for their township, "Justus," is apparently a pun and can be read as "Just us." *Id.* See Janofsky, *supra* note 9, at A1 (discussing the significance of the use of the lower case "s" as used in

proclaimed "Freemen of Montana" claimed justification under the common law courts system for passing worthless checks.³⁸

Similarly cynical individuals can be found on the Internet at the Sovereign Citizen Resource Center (SCRC) website.³⁹ If you believe that social security is a national socialist scheme, reducing the sovereignty of the states, then for "\$75 cash or postal money order," the SCRC will provide you with a kit on disk to revoke your social security number and throw off the yoke of the federal government.⁴⁰ In a similar manner, you can free yourself of burdensome state motor vehicle regulations by getting rid of your license plates and asserting your "right to travel" with a set of "right to travel conveyance identification plates" available for "\$30 each, cash or postal money order."⁴¹

Others provide in-person consulting services. Our One Supreme Court itself was reportedly assisted by a traveling "expert"

"Montana state").

38. *Watching Montana*, *supra* note 37, at 24.

39. *Sovereign Citizen Resource Center* (visited July 14, 1996) <<http://www.caprica.com/~scrc>>. According to the statement of purpose on its homepage, the SCRC is described as a:

1st Amendment association of people who research law and report our findings by sharing them with others for the cost of the research and production of the materials. We are patriotic private common-law researchers & reporters with a deep desire to spread the Truth to those it has been hidden from and to help others help themselves. WE ARE NOT A COMMERCIAL BUSINESS AND ARE NOT ENGAGED IN COMMERCE "IN THIS STATE" OR "IN THE STATE" OF CALIFORNIA, NOR INVOLVED IN INTERSTATE COMMERCE OR INTRASTATE COMMERCE IN ANY OF THE 50 SEVERAL STATES OF THE UNION. Our work is educational in nature, is for the good of "We the People" undertaken with the full protection of the Bill of Rights, and is not to be confused with the "practice of law" as purveyed by the various Bar organizations. All our available information is listed here. *But what do we really think?*

Id.

40. SCRC, *Social Security Revocation Procedure* (visited July 14, 1996) <<http://www.caprica.com/~scrc/page2.htm>>. The specified methods of payment are included in the text of this paragraph and placed in quotation marks because the requirement that payment be made in United States currency is curious in light of other statements made by the SCRC. According to the SCRC, the only constitutional currency is "hard money in the form of gold or silver coin." Howard Fisher & Dale Pond, *Our American Common Law* (visited July 14, 1996) <<http://www.caprica.com/~scrc/page21.htm>>. The SCRC goes on to describe the Federal Reserve, which issues our present apparently unconstitutional paper currency (Federal Reserve notes), as "private credit monopolies" which "were deceitfully and disloyally foisted upon this country by bankers who came here from Europe and who repaid us for our hospitality by undermining our American institutions." Scott Eric Rosensteil, *The Federal Reserve, a Private Corporation*, (visited July 14, 1996) <<http://www.caprica.com/~scrc/page20.htm>>. The alleged unconstitutionality of our present monetary system is one of the central grievances expressed in the petition. See generally *infra* Appendix A.

41. SCRC, *Right to Travel Conveyance Identification Plates* (visited July 14, 1996) <<http://www.caprica.com/~scrc/page93.htm>>.

who, for a fee of \$1,500, taught the founders the common law.⁴² These "miracle cures," whether offered on the Internet or through what amount to "traveling medicine shows," are aimed directly at the "desperate, frustrated and often well meaning" individuals referred to above. They seem to be saying that "people who say there are no easy answers just aren't looking hard enough."⁴³

The membership of Our One Supreme Court undoubtedly includes some "wackos and kooks." But it is more likely composed primarily of ordinary people seeking, for good reasons and bad, redress of grievances both real and imagined. The membership of the Michigan People's Assembly and Grand Jury is probably very similar to that of Our One Supreme Court.

B. Probable Origins and Extent of the Movement

Our One Supreme Court was formed sometime in March, 1995.⁴⁴ Nationally, most sources trace the origins of the common law courts movement to the *Posse Comitatus*.⁴⁵ The *Posse Comitatus* has been described as "a radical anti-federal-government movement founded in Oregon in 1969 and popular in the rural Midwest during the eighties' farm crisis."⁴⁶ Prevalent among the *Posse Comitatus* beliefs was the view "that the township was the highest form of American government and that Common Law reigns supreme over the nation's 200-year codification of state and federal case law."⁴⁷ The *Posse Comitatus* also believed that "the Federal Reserve is in the pockets of a cabal of Jewish international bankers and that all constitutional amendments other than the first 10 - the ones written by and for white Christians - are suspect."⁴⁸

By the mid-eighties, however, the *Posse Comitatus* was hobbled by the arrests of many of its leaders and the deaths of other members resulting from armed confrontations with law enforce-

42. Braun, *supra* note 14, at A1.

43. Susan Ladd & Stan Swofford, *Discontent Feeds Movement, Observers Say*, NEWS & REC., June 27, 1995, at A1 [hereinafter *Discontent Feeds Movement*]. Chip Berlet, of Political Research Associates, echoes this analysis. See *id.* In respect to the common law courts movement, Berlet concludes, "These people are not lunatics and they are not stupid. What they are is so stressed out for so long that the only explanation that makes sense to them any more is to look for the simple solution that a scapegoat provides." *Id.* The scapegoat in this case is the government.

44. Braun, *supra* note 14, at A1.

45. Glastris, *supra* note 18, at 23.

46. *Id.*

47. Braun, *supra* note 14, at A1.

48. Glastris, *supra* note 18, at 23. Similar beliefs regarding the Federal Reserve are expressed by the SCRC. See Rosensteel, *supra* note 40 (giving a discussion on the Federal Reserve system.)

ment agencies.⁴⁹ Although the *Posse Comitatus* itself is no longer a significant force, the basic tenets of the "Christian Common Law," in which they believed, live on in the common law courts movement.⁵⁰ These beliefs are "[i]n large part . . . what these courts are still about today."⁵¹

In Ohio, common law court activity is present in anywhere from forty-one⁵² to sixty⁵³ of the state's eighty-eight counties. There is no estimate of the total number of individuals active in these courts, but between 350 and 1,000 persons were active in Our One Supreme Court in 1995.⁵⁴ Nationally, common law court activity is reportedly present in anywhere from twelve⁵⁵ to forty⁵⁶ states. An unidentified movement "leader" claimed a presence in thirty states with up to 100 courts.⁵⁷

C. *The Process and the Law of the Movement*

1. *Process*

The following description of the opening of a session of Our One Supreme Court is typical of other common law courts.

The jury of 15 men and women raised their right hands, swearing an oath on the Constitution as a video camera recorded the proceedings in a former car dealership turned bingo hall.

49. Glastris, *supra* note 18, at 23.

50. Braun, *supra* note 14, at A1.

51. *Id.* Levitas is identified as the former director of the Center for Democratic Renewal and was reportedly working on a book about the *Posse Comitatus*.

52. *Common Law Movement Called Threat*, *supra* note 11, at B2.

53. Brown, *supra* note 36 at A1. The police were cited as the source of this number. *Id.*

54. *Common Law Movement Called Threat*, *supra* note 11, at B2. The *Dayton Daily News* reported that the Columbus Police Department believes the court to have a membership of "about 350" individuals. *Id.* The second figure is an assumption based on the reported number of individuals (1,000) seeking its services between the common law courts establishment in March 1995 and the date of the article in the *Cleveland Plain Dealer*. Brown, *supra* note 36 at A1.

55. *20/20*, *supra* note 15. See also *All Things Considered: Common Law Court Movement Worries Law Enforcement* (National Public Radio broadcast, Jan. 12, 1996) (reporting common law courts activity in at least 12 states).

56. Janofsky, *supra* note 9, at A1. The source of this estimate is the Southern Poverty Law Center. *Id.*

57. Braun, *supra* note 14, at A1. Possibly included in this number is "The Common Law Court of the United States of America." *Id.* Although this court does not seem to be a common law court in the same sense as Our One Supreme Court, its stated goal is "[t]o re-establish the common law jurisdictions." *The Common Law Court of the United States of America*, (visited July 16, 1996) <<http://www.nidlink.com/~bobhard/commnlaw.html>>. They also claim to have become signatories to the "[i]nternational treaty on the service of civil documents to member states." *Id.*

Attorneys were not welcome in the makeshift courtroom on the east side of Columbus, as about a half-dozen people from around Ohio presented their "legal" requests.

The volunteer jury did more than just take testimony. It also questioned witnesses, passed judgment and could have set sentences, if necessary. No judge ever issues rulings in this courtroom, and the jury's verdict is final; there is no appeal to another authority or court.⁵⁸

All common law courts have at their center a jury made up of movement believers. There does not seem to be, however, a requirement that the jury consist of a minimum or maximum number of jurors. Our One Supreme Court had fifteen jurors at the session described above and twelve⁵⁹ at another, while the Iowa Common Law Court had twelve jurors serving at one of its sessions.⁶⁰ The Michigan People's Assembly and Grand Jury, while not a "court" in the sense the others are, has 115 listed jurors or "jurats."⁶¹ Our One Supreme Court's jurors swear an oath to the Constitution, with some concluding not with the traditional "so help me God" but with "so help me Yahweh."⁶² The determination made by the common law jury is final; there is no appeal to a higher court because the common law court, Our One Supreme Court, is *the* supreme court.⁶³ The petition's caption states that Our One Supreme Court for the "Country of Michigan" is the "Common Law Venue" having "Original and Exclusive Jurisdic-

58. Brown, *supra* note 36, at A1. While Our One Supreme Court meets in a bingo hall, other common law courts meet in such places as hotel banquet rooms. *All Things Considered*, *supra* note 55.

59. Braun, *supra* note 14, at A1.

60. Brown, *supra* note 36, at A1; *All Things Considered*, *supra* note 55.

61. Presumably, this is a variation of "jurata." "Jurata" means "[i]n old English law, a jury of twelve men sworn. Especially a jury of the common law . . ." BLACK'S LAW DICTIONARY 852 (6th ed. 1990). The Michigan People's Assembly and Grand Jury is larger possibly because it was not convened to "resolve" disputes but to indict, in the form of this petition, the legal and political systems.

62. Brown, *supra* note 36, at A1. "Yahweh" is an Old Testament Hebraic reference to God favored by, among others, members of the *Posse Comitatus*.

63. *Id.* The judgments rendered, however, are fantasy judgments and without force outside of the hall rented for the occasion by the "court." To enforce its judgments, Our One Supreme Court plans to first seek the assistance of the county sheriff, then the U.S. Marshal Service, followed by the National Guard, and finally the local citizen militia. *Id.* Other movement believers have resorted to threats of violence against government officials and the filing of bogus liens. See, e.g., Martha A. Bethel, *Terror in Montana*, N.Y. TIMES, July 20, 1995, at A23; Bruce Schultz, "Patriots" Use Lien Tactic as Weapon, SUNDAY ADVOC., June 18, 1995, at B5. With respect to criminal offenses, the common law courts promise swift and severe judgments. "In common law, murder, robbery, rape, we would like to see that person get the severest penalty possible, and that's death, and it should be done the next day." 20/20, *supra* note 15.

tion;" in other words, it is *the* supreme court in Michigan.

Absent from these sessions are three fixtures of normal courts of law: attorneys, judges, and defendants. According to one member of Our One Supreme Court, "A lawyer or judge is not allowed in our court in his official capacity."⁶⁴ Lawyers are, in fact, reviled in the Patriot Movement, the umbrella movement of which Our One Supreme Court is a part.⁶⁵ Another "patriot" is quoted as saying, "Lawyers are what is destroying the country. They are not taught the truth or the Bible. They are taught to lie and play games in court."⁶⁶ An investigator from the Southern Poverty Law Center further explains this hatred as follows: "[t]hey perceive lawyers as one of the tools used by the tyrannical government to oppress them And lawyers are the ones who get criminals off, who represent the banks in foreclosures, and who go to work in legislatures to draft the statutes that take away their guns."⁶⁷ Lawyers, along with judges, are part of what makes our current judicial system "just no good."⁶⁸ At the Iowa Common Law Court, defendants are always invited but never show up.⁶⁹ Without the benefit of counsel or the protection of a neutral judge, it is not surprising that the common law plaintiff always stands unopposed before the common law jury. Predictably, the plaintiff always prevails; they are never "burned" by this court.

Much of Our One Supreme Court's docket is taken up with "motions to quiet title."⁷⁰ A motion to quiet title is a common law "right of passage."⁷¹ In the common law courts movement, this process ends the believer's "14th Amendment slavery" and transforms the believer into a "sovereign citizen" answerable to no one outside of the common law courts.⁷² This desire to change the relationship between the believer and the governmental authority is, along with cynical self-interest, the driving force behind both the common law advocated in the movement and the petition authored by the Michigan People's Assembly and Grand Jury.

2. Law

It is difficult to discuss the law of the common law courts

64. 20/20, *supra* note 15.

65. Some "patriots" even believe that the Constitution originally included a 13th amendment outlawing lawyers as a class. Braun, *supra* note 14, at A1.

66. Mike France, *Patriot Movement Has Lawyers in Its Sights*, NAT'L L.J., May 8, 1995, at 1.

67. *Id.*

68. Cordes, *supra* note 15, at B1.

69. *All Things Considered*, *supra* note 55; Braun, *supra* note 14, at A1.

70. Braun, *supra* note 14, at A1. An "action to quiet title" is normally used in connection with real property where ownership is disputed. See BLACK'S LAW DICTIONARY 31 (6th ed. 1990) (defining action to quiet title).

71. 20/20, *supra* note 15.

72. Braun, *supra* note 14, at A1.

movement because it is superficially similar to what most Americans recognize as law. The common law courts reference recognizable documents and doctrines, quote cases decided by conventional courts, and sound very legitimate. This usage of standard elements and the court's outward appearances give the movement a deceptive patina of normalcy. Discussing the common law courts law is even more difficult because the beliefs prevalent in the movement do not coincide to form a coherent doctrine.

The common law courts law is a combination of fear, justified and unjustified, and self-interest, proper and improper, incorporating snippets of American political thought, history, and conventional law. Together, these elements make for a confusing body of beliefs that defies comprehensive explication. This mass of beliefs is best likened to a knotted fish net, consisting of tangles and holes, apparently of little use but still a hazard to the unwary. The only practical approach to understanding the common law courts law is to grab a promising looking "string" and pull.

The most promising looking string consists of the statements regarding the movement's collective idea of individual autonomy, and the discussion below follows this string. In addition to discussing the issue of individual autonomy, the next section also illustrates the penchant for selective literal interpretation of documents in the common law courts movement.⁷³ It almost goes without saying that common law sources are critical to this discussion.⁷⁴

a. Basic Beliefs

It is easiest to understand the common law espoused by movement believers if you first know the politico-legal "pecking order" in their world. Although it is not a movement document per se,⁷⁵ a pamphlet, entitled *Citizens Rule Book*, provides a clear

73. See, e.g., *Glastris, supra* note 18, at 23.

74. Because of the great volume of quoted material from common law sources in this subsection, it is useful to restate the policy expressed in an earlier note. All quotations from the petition and other sources will reflect the emphasis (underlining, for example) placed on the text in the original and the original capitalization, punctuation, grammar, etc. Also, authorities cited in the petition will be identified in the same manner in this article as they are in the original, except where more formal identification may be required. A copy of the petition is included as Appendix A. See *infra* Appendix A.

75. CITIZENS RULE BOOK at 3. This pamphlet promotes the concept of "jury nullification." The pamphlet lays out a common law-style analysis of the Constitution and history in support of the nullification of unconstitutional laws and official acts by jurors. See *id.* It is, however, not a movement document per se because a common law courts movement believer does not recognize the legitimacy of the legal status quo. Therefore, a movement believer would not serve on a conventional jury in a conventional court. It may be best to characterize this presentation of common law theories as an "out reach" project of sorts. *Id.* at 1.

statement of the basic common law hierarchy.

To be a good master you must always remember the true "pecking order" or chain of command in this nation:

1. GOD created man . . .
2. Man (that's you) created the Constitution . . .
3. Constitution created government . . .
4. Government created corporations . . .

etc.

The base of power was to remain in WE THE PEOPLE but unfortunately, it was lost to those leaders acting in the name of government, such as politicians, bureaucrats, judges, lawyers, etc.⁷⁶

Therefore, while man is subordinate to God, all else is subordinate to man.

Keeping this hierarchy in mind, the petition cites as its "FIRST AUTHORITY AND BASIS" the Declaration of Independence.⁷⁷ It quotes the statement that all men "are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness."⁷⁸ This statement, analyzed with the selective literalism prevalent among believers, together with the hierarchy quoted above provide a springboard for the basic understanding of the beliefs underlying the common law courts movement.

The Declaration of Independence identifies individuals as possessing God-given original rights.⁷⁹ It explicitly identifies three rights - life, liberty, and the pursuit of happiness - and, more importantly, the identified rights are preceded by the qualifying phrase "among these are."⁸⁰ Clearly, this list is not exhaustive, nor was it likely intended to be. Consequently, common law courts movement believers see individuals as possessing an unlimited and undefined catalog of precedential "natural rights" and cite the Declaration of Independence as authority for this claim.

Following this approach, the *Citizens Rule Book* supplements the three listed natural rights with "FREEDOM of RELIGION,

76. CITIZENS RULE BOOK at 3. The *Citizens Rule Book* is described on the cover as a "jury handbook," but it is not identified as being the product of any person or organization. It does, however, direct those desiring more copies to Whitten Printers, 1001 S. 5th St., Phoenix, AZ 85004.

77. Petition, *supra* note 1, at 4.

78. THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776).

79. *Id.*

80. *Id.*

SPEECH, LEARNING, TRAVEL, SELF-DEFENSE, ETC.”⁸¹ Again, the list of “natural rights” is qualified by “etc.,” making it clear that this list is, likewise, not exhaustive. The *Citizens Rule Book* continues, “Hence laws and statutes which violate NATURAL RIGHTS, though they have the color of law, are not law but impostors! The U.S. Constitution was written to protect these NATURAL RIGHTS from being tampered with by legislators.”⁸² Therefore, in the common law courts movement, the individual is endowed with complete autonomy of action, subject only to the commands of God.⁸³

The *Citizens Rule Book* states that the framers wrote the Constitution of the United States to protect “natural” or common law rights.⁸⁴ The petition claims the Constitution⁸⁵ and the Bill of Rights⁸⁶ as its “SECOND AUTHORITY AND BASIS.”⁸⁷ Both are specifically identified as being in their “organic” forms.⁸⁸ In the common law courts movement, the organic Constitution and Bill of Rights guarantee the absolute autonomy of the individual *vis-à-vis* the government.

The organic Constitution itself is viewed as “[t]he Constitution for the States.”⁸⁹ To common law courts movement believers, the rationale for and operation of the document is as follows:

The individual states made a pact between themselves where the states remained sovereign but a certain minimal government was created as a sort of referee to handle nasty inter-country problems as well as those pesky “stomping on your neighbors feet” squabbles.

....

Note: The states RETAINED their sovereignty except in specific LIMITED jurisdictions.⁹⁰

81. CITIZENS RULE BOOK at 10.

82. *Id.*

83. *Id.* at 8. The *Citizens Rule Book* includes the Ten Commandments. The petition references the violation of “God’s Laws.” *Petition, supra* note 1, at 21. Presumably, the authors are referring to the Ten Commandments.

84. CITIZENS RULE BOOK at 10.

85. U.S. CONST. art. I-VII.

86. U.S. CONST. amend. I-X.

87. *Petition, supra* note 1, at 4.

88. Only the first 10 amendments to the Constitution form the common law Bill of Rights. CITIZENS RULE BOOK at 25. The subsequent 16 amendments are considered, at a minimum, suspect if not totally illegitimate. The *Citizens Rule Book* explains this exclusion as follows: “there is a great deal of suspicion as to the nature of these amendments (common law v. equity), also whether these last 16 amendments are legal, how many were ratified correctly, do they create a federal constitution in opposition to the original, etc.” *Id.*

89. Paul Campbell, *The Steps to Sovereignty*, (visited July 16, 1996) <<http://newciv.org/worldtrans/sov/stepssovereign.txt>>.

90. *Id.*

Consequently, the federal government is merely a creature of the "states united." It is remote from and powerless over the citizens of the individual states.

The organic Bill of Rights in the common law courts movement takes this hierarchy one step further by enshrining the concept of individual autonomy from the federal government and the state governments. To believers, the organic Bill of Rights has only:

to do with matters that the Governments, both of the United States and of the State, . . . and its agents and agencies, have no authority over at all to enact statutes, or to issue rules and regulations, binding on the individual, dealing with such Rights as are included in the Bill of Rights. It should be emphasized that the Ninth Amendment includes all of the Common Law Rights which are not listed, or enumerated, anywhere else. In other words, the Bill of Rights are *prohibitions against government* at any level over the individual.⁹¹

Therefore, the individual remains autonomous under both the organic Constitution and the organic Bill of Rights. Like the states, the individual is sovereign. The individual's sovereignty, however, is absolute where the state's sovereignty *vis-à-vis* the federal government is not absolute.⁹²

Individual sovereignty, therefore, is the central belief underlying the common law courts movement. It is usually expressed as "sovereign citizenship" and, as with most movement beliefs, it is best to allow movement sources to provide the definition.

A "Sovereign" is [a] state Citizen of the California Republic, or a state Citizen of another one of the several 50 common-law states of the Union. A Sovereign is not a Federal citizen or U.S. citizen, however, because of state Citizenship, a Sovereign is a Citizen of the united⁹³ States of America. There is a legal difference between the two.

A Sovereign has revoked power of attorney from any government agency they may have unknowingly contracted with in their life-

91. Fisher & Pond, *supra* note 40. This document can also be found at the website <<http://www.flash.net/~robertk/comlaw.htm>>.

92. This, of course, begs the question of the individual state's sovereignty. Although the common law courts movement believes the individual or "compact" states to be sovereign entities, the movement sees them as sovereign but leaves them without power. The individual, after all, is absolutely autonomous. A key aspect of the believers' system of government is the "[prohibition] of government at any level over the individual." The movement believers' focus on minimizing the role of the federal government seems to have distracted them from focusing on the question of federal versus state sovereignty.

93. See Janofsky, *supra* note 9, at A1 (discussing the significance of the usage of the lower case "u" in "united States of America").

time.

A Sovereign is a Citizen that has revoked and surrendered their Social Security Number. They have also sworn an oath to protect and defend the people and Constitution of the California Republic (1849) or their own common-law state, against all enemies, foreign and domestic.

A sovereign is "Sui Juris" which is defined in Black's Law Dictionary as: "Of his own right; possessing full social and civil rights; not under any legal disability, or the power of another, or guardianship. Having the capacity to manage one's own affairs; not under legal disability to act for one's self."

A Sovereign adheres to the Common Law. What it really means is, as long as one is responsible for their actions and maintains the Sui Juris status, one can do whatever one pleases as long as two conditions are met:

- 1) Do not infringe on the Rights of others, or damage their property or person, and
- 2) Keep all agreements entered into knowingly, willingly, and voluntarily.⁹⁴

Sovereign citizens are only governed by the common law unless they consent to other rules "knowingly, willingly, and voluntarily." The "other rules" in this context are the federal, state, and local laws that we live under in the American legal and political systems.

Sovereign citizens see consent, or more appropriately, "submission" to unnatural authority around every corner. An individual's possession of a social security number, for example, constitutes submission by that individual to the power of the federal government, an entity that otherwise has no power over "a state Citizen of . . . one of the several 50 common-law states of the Union."⁹⁵ Likewise, having a state-issued driver's license and license plates constitute submission to the power of the government of the issuing state.⁹⁶ The individual under the common law is endowed by God with the natural right to travel and, therefore, does not need a license or license plates to do so.⁹⁷ Furthermore, the states do not have the "police powers" that they claim as authority for such licensing.⁹⁸

94. SCRC, *What is a Sovereign Citizen?* (visited July 16, 1996) <<http://www.caprica.com/~scrc/page94.htm>>.

95. *Id.*

96. See SCRC, *Right to Travel Conveyance Identification Plates*, *supra* note 41 and accompanying text for a discussion of the right to travel.

97. SCRC, *Right to Travel Conveyance Identification Plates*, *supra* note 41.

98. The petition, in Finding of Fact 12, states, "The Michigan Legislature

Submission to federal authority is even found in the use of a ZIP code when mailing a letter. Use of a ZIP code is seen as:

PRIMA FACIA EVIDENCE that you are a subject of Congress and a "citizen of the District of Columbia,"⁹⁹ who is "resident" in one of the 50 several states. U.S. "residency" was, along with U.S. "citizenship," established by the 14th Amendment. The definition of the words "resident" and "inhabitant" mean the same thing (27 Fed. Cas.#16,024 *U.S. v. Penelope* (1508)). Since nearly all exercise of jurisdiction by federal government is "Commerce Clause" based, action by the feds may only be taken upon U.S. residents. A resident is one who opens a store or takes any step preparatory to business. A resident engages in buying and selling, a commercial activity. The "step preparatory" was the "birth certificate" (another subject, for another time).¹⁰⁰

In the movement, if an individual renounces their social security number, driver's license and license plates, and stops using ZIP codes, then the individual has withdrawn consent and "revoked power of attorney from any government agency they may have unknowingly contracted with in their lifetime."¹⁰¹ Some believers accomplish this revocation through a motion to quiet title before a common law jury.¹⁰² Other more piecemeal common law methods of revoking consent are the procedures available through the SCRC.¹⁰³ Upon withdrawal of consent and revocation of power of attorney, however accomplished, the believer is returned to *status quo ante* and is again a sovereign citizen subject only to God and the common law.¹⁰⁴

passed numerous acts providing for Motor Vehicle licensing, driver licensing, marriage licensing, alcohol administration and control, etc." and did so in error because "[p]olice power is not now and has never been delegated to the Michigan legislature in any of the Michigan Constitutions now in existence" Petition, *supra* note 1 at 21. Again, these statements beg the question of just what the state government can do.

99. To believers, individuals living in the District of Columbia are the only "citizens" of the United States and the only Americans automatically subject to the federal government and federal law. See, e.g., Campbell, *supra* note 89.

100. SCRC, *Understanding and Eliminating the "Adhesion Contract" of the "ZIP Code"*, (visited July 16, 1996) <<http://www.caprica.com/~scrc/page13.htm>>.

101. *What is a Sovereign Citizen?*, *supra* note 94.

102. See *supra* notes 70-72 and accompanying text for a discussion of the motion to quiet title.

103. See *supra* notes 39-41 and accompanying text for a discussion of the SCRC methods of revoking consent.

104. Campbell, *supra* note 89. Americans enjoyed sovereign citizenship to the greatest degree in the period between the American Revolution and the Civil War. *Id.* Campbell asserts that sovereign citizenship was the state that individuals were in as a result of the Revolution and cites the following from *Chisholm v. Georgia* in support of this assertion: "at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects . . . with none to govern but themselves; the citizens of America are equal as fellow citizens, and as joint

b. The "Common Law"

While sovereign citizenship is difficult to adequately explain, explaining the common law relied on by the common law courts movement is nearly impossible. In attempting to explain the common law, movement sources are critical. By quoting directly from these sources, the explanations are not filtered or interpreted unduly by a non-believer.¹⁰⁵ What follows are lightly annotated excerpts from *Our American Common Law*.¹⁰⁶ The reported motivations of common law courts movement believers, the descriptions of how the common law courts work, and the basic belief in absolute individual autonomy are reflected in *Our American Common Law*.

Common Law is a real thing. It is a real system of laws derived from centuries of work, study and sacrifice of millions of people. It is not trivial and inconsequential as some would have you think.

....

Common Law was designed through the centuries to secure the rights of individuals (you and me) to property and to make it difficult for property to be taken away from us by a government or governmental structure (bureaucracy) without due process of law. The Common Law was expounded over the years in hundreds of thousands of case decisions as a result of trials in which the Common Law jury acted as the Judges, and in which they exercised the authority to hear and decide questions of both Law and fact.

....

The Judge in a Court of Common Law is an impartial referee of the dispute It is the Jury who decides whether or not the Facts of the case are valid and they also decide the Law *Only judges acting under equity law can decide law.*¹⁰⁷

tenants in the sovereignty." *Id.* (citing *Chisholm v. Georgia*, 7 Dall 419, 454 (1793)).

After the Civil War, sovereign citizenship was progressively eroded by an unlawful "*de facto* government" through such devices as the 14th Amendment. Therefore, becoming a sovereign citizen, however it is accomplished, marks the return of the individual to their natural post-Revolution pre-Civil War state, hence *status quo ante*. Campbell, *supra* note 89.

105. See *supra* note 74 for a discussion regarding emphasis.

106. Fisher & Pond, *supra* note 40. The entire document is available online. See note 91 for the website URL.

107. The common law court believers look at equity as follows:

In Equity there are no jury trials. The powers of the Common Law jury to hear and decide questions of *both* Law and Fact are exercised exclusively by the Chancellor Today this all powerful person is not called a Chancellor. She/He is called a judge and she/he operates at all levels of 'courts' throughout Our Land.

Fisher & Pond, *supra* note 40. *Our American Common Law* provides the fol-

....

The Common Law recognizes the Power of Government lies in the common people and not in an elite group of power brokers. It is the terrible Equity,¹⁰⁸ Maritime or Admiralty Laws (laws of contract) that steals this power from the people and centralizes it into the hands of a few power oriented men. The Common Law deals in real property whereas the Equity Laws deal in written abstractions of performance (agreements or contracts). In other words, Masters own their own property, work and destiny. We are all Masters when we truly own our own property. Slaves do not own property, they usually rent property of another and are compelled to perform upon or with that rented (tenured) property according to some *agreement or contract*.

....

THE COMMON LAW OF THE STATES OF THE UNITED STATES IS THE COMMON LAW OF ENGLAND ADOPTED BY THE ORIGINAL¹⁰⁹ CONSTITUTION OF THE UNITED STATES . . .

[T]he Common Law of the States may not be modified, limited nor abrogated either by an act of the legislature (Congress or State Legislature) or by a ruling of some judge or by any county board of commissioners or any other servant to the people. Federal and state bureaucracies are constantly writing and presenting code,

lowing example of Equity in action: "This is the so-called 'law' we see applied by 'Judge' Wapner in the well known fake TV court program." *Id.*

108. "Equity is a jurisdiction in which the individual does not have any *Rights*, and one to which the individual can be subjected only if he volunteers or gives his informed consent." Fisher & Pond, *supra* note 40. The requirement that consent be "informed" is a qualifier consistent with the notion of sovereign citizenship discussed earlier. It allows an individual to opt out of any situation where they are not getting what they expected or believe they deserve (i.e., when they know they will lose on the merits). Equity is further described in *Our American Common Law* as:

That evil and alien jurisdiction . . . [that] allows judges to enforce the unlawful summonses of IRS agents, Highway Patrol Officers, city policemen, building inspectors, OSHA agents, FDA agents, and the agents of all other equally unlawful regulatory bodies of so-called government, who attempt to impose a jurisdiction in which the *Rights* of freeborn, Sovereign American individuals are unrecognized and violated.

Id.

Our American Common Law provides a simple method to determine if the court you are in is an "evil and alien" Equity court: "YOU KNOW YOU ARE IN AN EQUITY/ADMIRALTY COURT WHEN AN AMERICAN FLAG IS DISPLAYED THAT HAS A GOLD TRIM. THE GOLD TRIM DENOTES MILITARY JURISDICTION AND NOT COMMON LAW OR CONSTITUTIONAL JURISDICTION. WHEREVER THIS FLAG IS FLOWN THE CONSTITUTION IS NOT." *Id.*

109. Believers distinguish between the amended Constitution we live under today and the document in its original or "organic" form. See *supra* notes 89-90 and accompanying text for a discussion of the organic versus the amended constitution.

rules or statutes in an attempt to circumvent the original Common Law foundation of Our Constitution. A major part of the problem that we are in is a result of these unlawful attempts by legislatures, judges and bureaucracies to modify or abrogate Common Law and thus Our Constitution.

[After the American Revolution] All *Rights* of property in land in the United States became ALLODIAL TITLES in Allodial Freehold, existing under no lord or overlord whatsoever, including the authority of the Colony or State.¹¹⁰

....

As a result of all this, the Common Law of the States is founded and grounded upon substantive titles in real property. No mere legislative enactment by Congress or State Legislature nor judicial ruling by Federal or State courts can operate to deprive People of their *Rights* at Law. This includes their Rights inherent in their Allodial Land Titles and to be Merchants and/or Traders at Law on the cash basis,¹¹¹ and their *Rights* to access to Courts of Law and to a jurisdiction where their *Rights* are protected.

....

Under the Common Law (our Constitution), no bureaucrat can dictate what happens to Our Liberty or Our Property. The *only* entity that can determine punishment (pass sentence) upon a freeborn, Sovereign American individual is a lawfully constituted Common Law Jury.

....

Compelling a free born, Sovereign American individual to do anything, except upon the verdict of a Common Law Jury, constitutes an enforcement of the alien and evil Roman Civil Law and is in fact *fascist totalitarianism*.

....

In Common Law Courts our Rights are protected. The Rules and Procedures of the Common Law Courts were established to protect our Property Rights—to make it difficult for Property to be taken from someone *without Due Process of Law*. The Rights to require

110. "Allodial" means "free from the tenurial rights of a feudal overlord." The definition of "allodium" may better express the meaning as it is used in this context as it states that the land ("allodium") is "owned absolutely." AMERICAN COLLEGE DICTIONARY 35 (1959).

111. "Cash" means gold or silver coin only. "Gold and silver Coin are the only Things recognized at Law (within our Constitution) to be real and lawful money." Fisher & Pond, *supra* note 40. See *supra* note 91 for the website URL.

That an injured party swear under oath as to damage or injury that he claims that you caused him; the Right to a *CORPUS DELICTI*: The body of the offense: "the essence of the crime." Under the Common Law, the Courts do not have an *AUTOMATIC JURISDICTION*. The Common Law Rules and Procedures specify certain steps, or procedures, *which must be done*, and certain things *which must not be done*—all as protection to the Rights of the Accused. And, as we have pointed out previously, Rights are inherent in Property, and Property is inherent in Rights. We have the Right to have our controversy, once the Common Law Court has acquired jurisdiction, tried before a Common Law Jury of our Peers, wherein the Jury has the authority to *HEAR AND DECIDE* questions of *both* Law and Fact.¹¹²

c. A Suggested "Common Law" Library

Paul Campbell, in *The Steps to Sovereignty*, recommends the following references for anyone interested in the individual sovereignty advocated in the common law courts movement:

• *A Geneva (or Breeches) Bible* because "[i]t doesn't have all the government biased crap in it like the King James version." As an alternative, he suggests "*The Life of Jesus of Nazareth*, a.k.a. the Jeffersonian Bible" which is, likewise, "minus the endless Church and government biased taints."

• *Blackstone's Commentaries on English Law*.

• *The Federalist Papers* and *The Anti-Federalist Papers*.

• *Black's Law Dictionary* ("a recent copy").

• *Bouvier's Law Dictionary* ("1914 edition or earlier").

• *Anderson's UCC* and "other copies of legal texts when you can. West publishing is the master of obfuscation and ambivalence."

• *Legal Research* by Elias

• The Magna Carta.

• The Constitution.

• Your state's constitution.¹¹³

Campbell's list ends with a brief discussion of how to conduct legal research and the recommendation that the reader also locate a law library in their area.¹¹⁴ According to Campbell, "You'll be

112. Fisher & Pond, *supra* note 40.

113. Campbell, *supra* note 89.

114. As a segue between the list of references and legal research tips, Campbell makes the following digression:

Oh . . . while you're at it, buy firearms and gold and silver. Don't sign any paperwork EVER (when things get nasty, the government will just take out their list and come after you), but buy both. Gold has the magic property of not suffering devaluation or collapse of specie currency. Firearms are a "must have" and a "hopefully unnecessary" item. If you've gotten this far along, and have the wherewithall [*sic*] to comprehend the non-canned (network "news") version, then these items are self-explanatory.

able to recognize the place by the number of hatchet-faced men in sharp cut grey suits cruising around like its feeding time at the aquarium.¹¹⁵

II. THE PEOPLE, FOR MICHIGAN REPUBLIC, EX REL V. STATE OF MICHIGAN: A SUMMARY

The People, for Michigan Republic, ex rel v. State of Michigan is a lengthy, dense, and complex document.¹¹⁶ It expresses all of the beliefs discussed in the first section of this article and more. This discussion will not reiterate the previous section, nor will it detail the specific grievances of the Michigan People's Assembly and Grand Jury. In lieu of a detailed analysis of the petition is the following summary. Using excerpts from the petition, this summary covers the elements of the petition and finishes laying the foundation for the conclusions of this article.¹¹⁷

A. Title and Statement of Intent

The title and statement of intent make it clear that this petition is grounded in the proprietary common law of the common law courts movement. The authors state that they have "absolute and inherent authority" to make the findings of fact and conclusions of law contained in the petition.¹¹⁸ Although their stated intent is just to re-establish Michigan's sovereignty *vis-à-vis* the federal government, these findings and conclusions in turn reflect movement beliefs about the nature of governmental and individual sovereignty. The petition's list of grievances and demands, however, are much broader than the first page of the petition indicates.

Petition de Droit

and

Command To Show Cause

Why the Emergency Statutes of the State should not be terminated, along with the War and Emergency Powers of the United States.

FINDINGS OF FACT, CONCLUSIONS

AND RECOMMENDATIONS OF THE MICHIGAN PEOPLES
ASSEMBLY AND GRAND JURY

Id.

115. *Id.*

116. The petition is attached to the Article as Appendix A. See *infra* Appendix A.

117. See *supra* note 74 for an explanation regarding emphasis.

118. Petition, *supra* note 1 at 3.

ACTING UNDER THE LAW OF NECESSITY

The Michigan People's Assembly and Grand Jury hereby gives "judicial Notice" of their absolute and inherent authority, and basis for making a Finding of Facts and Conclusion of Law.

It is the intent of the Michigan People's Assembly and Grand Jury to:

re-establish Michigan as a Sovereign, de jure State of the Freely Associated Compact States for the United States of America (entering the Union on the same footing as the original 13 States), as set forth within the Constitution of 1787 and the Preamble of the Enabling Act for the State of Michigan in 1837.¹¹⁹

B. Authorities and Bases

In the eyes of the common law believers who authored the petition, the documents which comprise the authorities and bases of the petition compel the creation of this petition and the conclusions at which the petitioners arrived. The selection of authorities illustrates the selective literalism prevalent among believers, the "God-Man-Constitution-government" hierarchy, and the magical almost talismanic nature of the words "common law" to the believers.

FIRST AUTHORITY AND BASIS

The Declaration of Independence of July 4, 1776¹²⁰

SECOND AUTHORITY AND BASIS

The organic Constitution and the Bill of Rights.¹²¹

AMENDMENT I

Congress shall make no law respecting . . . the right of the people

peaceably to assemble, and to petition the Government for redress of grievances.

....

AMENDMENT X

119. *Id.*

120. *Id.* at 4 (quoting THE DECLARATION OF INDEPENDENCE para. 2 (U.S. 1776)).

121. Also cited is the Michigan Constitution (1909), particularly article II, section 1. According to the petition, this section states, "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection." The 1909 version is used presumably because it predates the amendment of § 5(b) of the Trading with the Enemy Act on March 9, 1933. The petition claims that the amended section conferred upon our state and federal governments unconstitutional powers. Petition, *supra* note 1, at 4.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.¹²²

THIRD AUTHORITY AND BASIS

The Kentucky Resolution which states:

"Resolved that the several States composing the United States of America are not united on the principles of unlimited submission to their general government; but that by Compact under the style and title of a Constitution for the United States . . . they constituted a general government for special purposes, delegated to that government certain definite powers, reserving to each State to itself the residuary mass of right to their own self-government"¹²³

FOURTH AUTHORITY AND BASIS

Complaint filed and served upon President Bill Clinton, and Janet Reno, and published in the Washington Times.¹²⁴

COMPLAINT

People in and for the United States of America ex rel., hereby declare that there has been a gross usurpation of Our National Constitution and Bill of Rights, under pretense of a continuing crisis of War and Emergency conditions that have existed since the Civil War and continues to exist in times of peace to the present time.

Senate report 93-549 says, "Since March 9, 1933, the United States has been in a declared state of National Emergency." Title 12 U.S.C. 95(b) says that every order issued by the President since March 4, 1933, or any order issued in the future is automatically approved and confirmed. These powers being conferred under the Authority of the Act of October 6, 1917, as amended March 9, 1933 are strictly a War Power. (See *Stoehr v. Wallace*)

The vast range of powers, taken together, confers enough authority to rule the country without reference to normal constitutional process.

Wherefore, the People in and for the United States of America, hereby demand that the President (Bill Clinton) and the Attorney General (Janet Reno), show cause within 60 days, why these unlawful powers being perpetrated against the American People should not be terminated, and if they fail to show cause, then Our court with Original Jurisdiction is to issue a Declaratory Judgment in favor of the American People, and any and all further remedy it finds proper, against the above named defendant(s).

122. Petition, *supra* note 1, at 4 (quoting U.S. CONSTITUTION amend. I, X).

123. Petition, *supra* note 1, at 4.

124. *Id.* The text of the complaint provides what amounts to a *précis* of the petition itself.

Dated this 28 day of March 1995.¹²⁶

FIFTH AUTHORITY AND BASIS

The Ordinance of July 13, 1787, ordained by the United States in Congress Assembled¹²⁶

C. Testimony and Exhibits

The Michigan People's Assembly and Grand Jury having convened on December 16th and 17th, 1995, at Lansing, Michigan, and having heard testimony from Dr. Eugene Schroder,¹²⁷ Senator Charles Duke¹²⁸ and Kevin Tebedo,¹²⁹ and having made an examination of United State's Government's and Michigan's own certified documents, as evidenced by Exhibits "1" through "3" and "A" through "E-2" finds as follows.¹³⁰

The exhibits were listed in the affidavit attached to the petition and are purportedly in the hands of the "special appointed Clerk of the Court . . . for safe-keeping, but open to the public for review."¹³¹ They are as follows:

1. War and Emergency Powers Special Report.¹³²

125. *Id.* at 4-5.

126. *Id.* at 5. The "Ordinance of July 13, 1787," also known as the Northwest Ordinance, set down the criteria for the expansion of the United States into the Northwest Territory. The territory eventually became the states of Ohio, Indiana, Illinois, Michigan, Wisconsin, and part of Minnesota. Highlighted in the portion excerpted in the petition are several requirements for new states. The most significant of these requirements, for the petition and this article, are the requirements that the common law shall apply in the courts and that the governments will be republican in form.

127. Dr. Eugene Schroder is a "Colorado farmer, veterinarian, political philosopher and activist" and the author of *Constitution: Fact or Fiction*. His book is described on a website promoting it as "[t]he Story of our Nation's Descent from a Constitutional Republic through a Constitutional Dictatorship to an Unconstitutional Dictatorship" and is listed as an exhibit in the affidavit attached to the petition. He is a proponent of the War Powers theory of government illegitimacy on which the petition is based. Eugene Schroder, *Constitution: Fact or Fiction*, (visited July 16, 1996) <<http://www.afcomm.com/fact-fiction/factfict.html>>.

128. Senator Charles Duke is a Colorado state senator and states' rights activist. See Dirk Johnson, *Mild-Mannered Engineer Fans Fires of a Movement*, N.Y. TIMES, July 6, 1995, at B9.

129. Kevin Tebedo is the head of "Colorado for Family Values" and was involved in the effort to pass an anti-gay rights ballot initiative in Colorado (Amendment 2). David Tuller, *Gays Win Some, Lose Some / More Homosexuals Elected, but Colorado Restricts Rights Laws*, S.F. CHRON., Nov. 5, 1992, at A12.

130. Petition, *supra* note 1, at 5.

131. *Id.* at 2.

132. The authors of the petition borrowed heavily from this document. The entire report is available at <<http://www.nidlink.com/~bobhard/reportwp.html>>. Eugene Schroder, is listed as one of the authors of this report, and,

2. Constitution: Fact or Fiction.¹³³
3. Working Paper 9405.¹³⁴
- A. Federal Legislative Acts.
- B. Kevin Tebedo Testimony.¹³⁵
- C. Michigan Legislative Acts.
- D. Jury List.
- E-1. Michigan Constitution.
- E-2. Williamsburg Resolve.¹³⁶

D. "Findings of Fact"

The petition includes nineteen "Findings of Fact" detailing the allegedly unconstitutional acts of both the Federal and Michigan governments since March 9, 1933.¹³⁷ Finding of Fact 19 is discussed in detail in the next section of this article. The other eighteen are best described by classifying them by the general theme evident in each individual finding.

Findings of Fact 1 through 3 discuss the Congressional passage of the Trading with the Enemy Act in 1917 (the Act).¹³⁸ This Act, particularly § 5(b), is seen to be the "root of all the evils" detailed in the subsequent Findings of Fact. The unamended § 5(b) states:

That the President may investigate, regulate, or prohibit, under

like Schroder's book, the report argues the War Powers theory of governmental illegitimacy. See Schroder, *supra* note 127 for a discussion of Schroder's book.

133. See Schroder, *supra* note 127 for a discussion of Dr. Schroder's book, *Constitution: Fact or Fiction*.

134. This document is identified as being the product of "Walker F. Todd, writing for the Federal Reserve Bank of Cleveland." *Petition, supra* note 1, at 26. It is also available on the web at the following URL: (visited July 16, 1996) <http://www.alaska.net/~winter/federa_res_paper9405.html>.

135. See *supra* note 129 for a discussion of Kevin Tebedo.

136. *Petition, supra* note 1, at 2.

137. *Id.* at 5-30.

138. The Trading with the Enemy Act was part of a series of laws passed in response to the First World War before, during, and after the entry of the United States into the conflict. Among the other laws passed were the Army Appropriations Act (October 19, 1916), the Selective Service Act (May 18, 1917), the Lever Food Control Act (August 10, 1917), the Overman Act (May 20, 1918), the joint resolution of Congress giving the president power to seize and operate telephone and telegraph lines (June 16, 1918), and the War Prohibition Act (November 21, 1918). All of these laws greatly expanded the power of the federal government over the states and the American people. See A.H. KELLY ET AL., *THE AMERICAN CONSTITUTION* 448-53 (6th ed. 1983).

such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, export or earmarkings of gold or silver coin or bullion or currency, transfers of credit in any form (*other than credits relating solely to transactions to be executed wholly within the United States*)¹³⁹

The Act gave the President these powers only over enemy aliens during time of war, hence, the petitioners characterization of these powers as constitutional war powers.¹⁴⁰ The petition then correctly states that "citizens of the United States and their transactions' were exempted from this Act."¹⁴¹

This exemption was eliminated on March 9, 1933, by Congress in an act retroactively approving President Franklin D. Roosevelt's declaration of a "bank holiday" by a proclamation dated March 6, 1933.¹⁴² The amended § 5(b) read:

During time of war or during any other period of national emergency declared by the President, the President may, through any agency he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency, by any person within the United States or any place subject to the jurisdiction thereof¹⁴³

According to the petition, this amendment was "obtained [by President Roosevelt] without Congress and the Senate knowing the full intent of the President and the Federal Reserve Board."¹⁴⁴ The intent was to place the American people and their transactions in the same category as the 'enemies'.¹⁴⁵ Now, not only were the American people subject to § 5(b), these powers were now also available to the President in times of peace merely by declaring a "national emergency;" hence, the subsequent description of these powers in the petition as unconstitutional War and Emergency Powers.¹⁴⁶ On March 9, 1934, the petition notes that "the United States was not being invaded by a foreign foe nor was the country in a state of rebellion."¹⁴⁷ However, there was the Great Depression, the genuine national emergency that the authors view as a mere pretext for the invocation of unconstitutional war and emer-

139. Petition, *supra* note 1, at 6.

140. *Id.* at 5.

141. *Id.* at 6.

142. *Id.* at 8-9.

143. *Id.* at 9.

144. *Id.*

145. Petition, *supra* note 1, at 9.

146. *Id.* at 30.

147. *Id.* at 6.

gency powers by President Roosevelt.

Findings of Fact 4, 5, 6 and 9 cover changes made by President Roosevelt to the monetary system under the amended § 5(b). The petition focuses particularly on the withdrawal of gold dollars and the introduction of Federal Reserve notes in their place.¹⁴⁸ In the eyes of the movement believers, *money* was replaced with *debt*. Under the movement's common law, the only constitutional money is gold or silver coins.¹⁴⁹ The statements regarding the Federal Reserve in the petition also reflect the hatred and fear of the Federal Reserve prevalent in the common law courts movement.¹⁵⁰

Findings of Fact 7 and 8, respectively, describe the Agricultural Adjustment and Industrial Recovery Acts enacted in 1933, based on the power granted under the amended § 5(b). Both Findings of Fact primarily reflect the movement's beliefs regarding individual sovereignty. The petition characterizes the Agricultural Adjustment Act as the nationalization of agriculture by "seizure by licensing authority" to support the new paper currency.¹⁵¹ In Finding of Fact 6, the necessity for this seizure is explained in that "[t]he new money or credit became available only after the people became the chattel. This was needed to back our monetary system. Our debts, our obligations, our homes, our jobs - we then became chattel property for the system."¹⁵²

Findings of Fact 10, 11, 13, and 18 describe changes made in the Federal law under President Roosevelt effecting both common law and sovereignty. Finding of Fact 10 deals with the Federal Rules of Civil Procedure which, the petition claims, abolished the common law at both the federal and state levels by merging law and equity.¹⁵³ Finding of Fact 11 discusses the federalization of the criminal law under the "Compact for the Prevention of Crime With and Among the Several States" enacted by Congress in 1934. The result of this compact, according to the petition, was that the states became "nothing more than Federal regions of the United States, or a corporation of the United States with special exemptions (tax free status)."¹⁵⁴ Finding of Fact 13 asserts that, under "*Erie Railroad vs. Thompkins*,"¹⁵⁵ [sic] the Federal District Courts "may only uphold administrative decisions of the state."¹⁵⁶ The

148. *Id.* at 10-11.

149. See Fisher & Pond, *supra* note 40 and accompanying text for a discussion of gold and silver as the only forms of constitutional money.

150. See Rosensteel, *supra* note 40 and accompanying text for a discussion of the fear of the Federal Reserve bank.

151. Petition, *supra* note 1, at 12.

152. *Id.* at 11.

153. *Id.* at 17.

154. *Id.* at 18.

155. The petitioners undoubtedly mean *Erie Railroad Co. v. Tompkins*, 304 U.S. 64 (1938).

156. Petition, *supra* note 1, at 21.

authors came to this conclusion because they read the opinion in *Erie* as holding “the law to be applied is the law of the state (meaning the Executive/Administrative Law of the State).”¹⁵⁷ Finally, Finding of Fact 18 invokes the Kentucky Resolution as authority for the claim that the federal government may only concern itself with crimes involving treason, counterfeiting, piracy, and international law, as these are the only areas explicitly delegated to the federal government by the Constitution.¹⁵⁸

Finding of Fact 12 alleges that the expansion of governmental authority during the 1930s was not limited to the federal government but took place in Michigan as well. According to the petition, just as President Roosevelt misused power that was constitutionally limited to times of war, Governors Wilber Brucker and William Comstock exercised what the petitioners characterize as similar war and emergency powers.¹⁵⁹ The petition claims that Governor Brucker, like President Roosevelt, used the Great Depression as a “pretext” for the invocation of these powers.¹⁶⁰ After listing fourteen pieces of regulatory legislation enacted in Michigan from 1933 to 1935, the petition declares all such regulations illegitimate because they were all based on war and police powers the state did not have.¹⁶¹ The petition further states that these acts have destroyed the sovereignty of the citizens of Michigan. In particular, it states:

1) Police power¹⁶² is not now and never has been delegated to the Michigan legislature in any of the Michigan Constitutions now in existence, and,

2) It directly violates Article V, Sec. 30 of the Constitution for the State of Michigan, 1909,

. . . .

The War and Emergency Powers Act has given the executive the power to promote and excuse the immoral behavior, contrary to God’s Laws and the Common Law.

The laws of necessity have rendered the family unit a subdivision of the state. Children become wards of the state, with parental rights

157. *Id.*

158. *Id.* at 29.

159. *Id.* at 19-21.

160. *Id.* at 21.

161. *Id.*

162. While it makes perfect sense that the meaning of “police power” as the petitioners use it is the standard one used in this context (the power to legislate for the common good), there is no guarantee that this is the case. The literalist tendencies evidenced in the movement raise the possibility that the authors see “police powers,” when claimed by a legislature, as an assertion of law enforcement powers.

replaced as privileges at the discretion of the state.¹⁶³

These statements are consistent with the "God-Man-Constitution-government" hierarchy that lies at the base of the common law courts movement and the believer's view of sovereignty of the individual *vis-à-vis* the state government.

Finding of Fact 14 links the amended § 5(b) of the Act to the United States' membership in the United Nations and extends the authors' beliefs regarding sovereignty to international bodies.¹⁶⁴ According to the petition, just as the federal government wrongly infringes upon the sovereignty of the individual states, the United Nations wrongly infringes on the sovereignty of the *nation* states.¹⁶⁵ The petition states, "The Michigan People's Assembly and Grand Jury further finds that in order to abolish the United Nations' authority over the constitutional government of the United States of America, one must first abolish the War and Emergency Powers."¹⁶⁶

Findings of Fact 15 through 17 are largely boilerplate. Finding of Fact 15 quotes at length from Senate Report 93-549 regarding the continuing validity of § 5(b) and other declared "emergencies" as of 1973 when the report was completed.¹⁶⁷ Finding of Fact 16 asserts that § 5(b) of the Trading with the Enemy Act, as amended, is still in effect today.¹⁶⁸ Finally, Finding of Fact 17 states that *Working Paper 9405*¹⁶⁹ supports the War Powers theory of governmental illegitimacy advocated by Dr. Eugene Schroder, D.V.M., in his book *Constitution: Fact or Fiction*, the underlying premise of this petition.¹⁷⁰

Finding of Fact 19 focuses completely on the issue of sovereignty as it is possessed by the federal and state governments and how that governmental sovereignty relates to individual sovereignty. This Finding of Fact is discussed in the third section of this article.

E. "Conclusions"

The eleven conclusions that end the petition essentially restate the grievances detailed in the preceding nineteen Findings of Fact.

- 1) The Michigan people's Assembly and Grand Jury concludes that

163. Petition, *supra* note 1, at 21.

164. *Id.* at 22.

165. See *infra* note 174 for a discussion of the common law courts believers fear of the United Nations.

166. Petition, *supra* note 1, at 22.

167. *Id.* at 22-24.

168. *Id.* at 26. See *supra* notes 138-39 and accompanying text for a discussion of the Trading with the Enemy Act.

169. See *supra* note 134 for a discussion of the Working Paper 9405.

170. Petition, *supra* note 1, at 26.

the original Trading with the Enemy Act of October 6, 1917, passed by Congress during World War I, was valid and constitutional. Congress was within its constitutional authority.

2) The Michigan people's Assembly and Grand Jury further concludes that Executive Order 2039, of March 6, 1933 and Executive Order 2040 of May 9, 1933 are invalid and unconstitutional; and further all Executive Orders, Proclamations, statutes, judgments, etc. made thereunder, and made thereafter, are likewise invalid and unconstitutional, for the following reasons:

a. Pursuant to *Stoehr v. Wallace* decided Feb. 28, 1921, which stated:

"The Trading With the Enemy Act, original and as amended, is strictly a war measure and finds its sanctions in the provision empowering Congress 'to declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water . . .'"

3) The Michigan people's Assembly and Grand Jury concludes that in his inaugural address of March 4, 1933, President Roosevelt acknowledged that no invasion or rebellion had taken place.

4) The Executive Order 2039 of March 6, 1933 was amended and in its final form included the American people and their transactions the same as "enemy" and made them subject to all the War-time Executive Orders, Rules, Regulations, Licenses etc.

5) The Michigan people's Assembly and Grand Jury not only concludes that there was an Act of "Fraud" perpetrated against the American people, but also an Act of Treason, under Article II, Section 3 of the United States Constitution.

6) The Michigan people's Assembly and Grand Jury conclusion is further supported by Senate Report 93-549, which states in part:

A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency.

7) The Michigan people's Assembly and Grand Jury's conclusions are further supported by Working Paper 9405 by Walker F. Todd, writing for the Federal Reserve Bank of Cleveland. Coming "straight from the horse's mouth"—Todd describes it as a "large-scale peacetime intervention,"

8) The Michigan people's Assembly and Grand Jury makes the conclusion that the overwhelming evidence is: that the War and Emergency Power Act was enacted at a time when the country was at

peace and was not under threat of invasion and not in a state of rebellion, which is the controlling factor in this case.

9) The Michigan people's Assembly and Grand Jury further concludes that pursuant to the Kentucky Resolution, which spelled out the criminal jurisdiction of the United States to four specifics, i.e.: "1.) to punish treason; 2.) counterfeiting the securities and current coin of the United states; 3.) felonies committed on the high sea, and; 4.) offenses against the law of nations."

and further; that Congress had no other criminal jurisdiction, other than what was delegated to them by the Constitution,

and further, The Michigan people's Assembly and Grand Jury concludes that the War and Emergency Power is synonymous with the Alien and Sedition Acts described in the Kentucky Resolutions of 1798; and further it is a matter of *Res judicata*. Wherefore, Executive Order 2039 of March 6, 1933, and Executive Order 2040, and all statutes, orders, judgments, etc., passed thereunder are all void and having no authority, whatsoever.

10) In Michigan the "emergency clause" found on most legislation is a fraudulent usurpation of the people's right.

11) The Michigan people's Assembly and Grand Jury concludes that since March 9, 1933 the United States of America has been impoverished; during the past 45 years we have slipped from the wealthiest, most powerful nation on earth, to the world's greatest debtor nation, in imminent danger of catastrophic economic collapse, and further concludes that the exercise of War and Emergency Powers has impoverished the American and deprived Americans of unalienable rights, and have worked contrary to the safety, health, liberty and general welfare of the American people.

The Michigan people's Assembly and Grand Jury on behalf of the people, in and for Michigan Republic, hereby Command the defendants to Show Cause why the Emergency Statutes passed within this state should not be terminated, along with the War and Emergency Powers of the United States. If the defendants should fail in any way to Show Cause, then this Finding of Fact and Conclusions by Our Court of First and Last Resort shall become a Superseding Judgment, and upon failure of the public to properly protest said judgment, it shall become, *Case Res judicata*.

The Court is instructed to issue all necessary documents.

I / we the Jurats of the Michigan People's Assembly and Grand Jury hereby attest and acknowledge that the above Finding of Facts and Conclusions are true, correct, certain, reliant and necessary to the well-being of the people of our Michigan Republic.

Our Finding of Facts and Conclusions of Law by our Michigan Peo-

ple's Assembly and Grand Jury is not reviewable by any other Court of the United States than in accordance to the rules of Common Law, per the seventh amendment to our National Constitution, nor subject to trespass by the judicial power of the United States as per the eleventh amendment to our National Constitution.¹⁷¹

So agreed to and done this 16th day of December, 1995.¹⁷²

Attached as Appendix B is another petition expressing similar grievances to those in the Michigan petition and likewise demanding their redress.¹⁷³ This petition, a product of the "Constitution Society," is more restrained, policy-oriented, and orderly. It is a very different document in tone, focus, and presentation. The Michigan petition, while reflecting similar beliefs, is a very emotional, fear-driven document and is obvious in its estrangement from the American status quo. While most of the beliefs expressed in the Constitution Society petition can be categorized as extreme, the petition on the whole falls within the rather wide bounds of contemporary political discourse.

III. FINDING OF FACT 19 AND JUSTICIABILITY: WHY THE ONLY GOOD ARGUMENT IS MOOT

A. Finding of Fact 19

The Michigan People's Assembly and Grand Jury finds that out of the Republican Governors Conference of 1994, there came THE WILLIAMSBURG RESOLVE, which document contains serious errors, as follows:

Page 1, paragraph 5 reads:

Chief among these checks were to be the State governments whose *co-equal* role was expressly acknowledged in the Tenth Amendment to the Constitution, and whose *sweeping jurisdiction* and popular

171. It is interesting that the authors invoke the protection of the Eleventh Amendment. While they claim in the *praecipe* to be "the 'state' in fact" and at least theoretically protected by the Eleventh Amendment against interference by the federal government, their invocation of this amendment is inconsistent. The petition references the "organic" Constitution and Bill of Rights. As is explained in note 88, only the first 10 amendments to the Constitution are generally recognized in the common law courts movement as being legitimate. These 10 constitute the "organic" or original Bill of Rights. The movement believes that the other 16, including the Eleventh Amendment, are illegitimate and without force or consequence. It is, therefore, odd that they should invoke it. See *supra* note 88 for a discussion of the illegitimacy of the last 16 amendments.

172. Petition, *supra* note 1, at 30-32.

173. The Constitution Society petition at Appendix B can also be found on the web. *Grievances and Demands for Redress* (visited July 16, 1996) <<http://www.constitution.org/grievred.htm>>.

support were presumed sufficient to resist Federal encroachment. *The Federal government, by contrast, was given certain expressly enumerated powers and denied all others.* From this balanced federal-state relationship, predicated on *dual-sovereignty*, there was to come a healthy tension that would serve as a bulwark against any concentration of power that threatened the freedoms of the people.

The Governors are guilty of the same error which the federal government stands accused. State government does *not* have sweeping jurisdiction. State government is also bound by a constitution which *delegates* certain expressly enumerated and *limited authorities* and denies all others. There is no *dual-sovereignty*. State government is sovereign only to other State governments and the federal government. Federal government is sovereign only to other national governments, which sovereignty it has ceded, *without the authority to do so*, to the United Nations.¹⁷⁴ The only true Sovereigns are the people.

Page 2, paragraph 1 says:

The people of the States seek to regain control of their own destiny, and they have entrusted *State leaders* with the responsibility for achieving this fundamental reform in our governmental system. We are pledged to fulfill this promise by restoring to the States and the people the prerogatives and freedoms guaranteed to them under the Constitution.

174. The United Nations is one of the chief targets of the common law courts movement's collective fear and loathing. It is an aspect of the "new world order" that they see being imposed upon them. See *The Law of the Land, supra* note 28, at A9; *Discontent Feeds Movement, supra* note 43, at A1. Two other aspects are the incidents at Ruby Ridge, Idaho, in 1992 and Waco, Texas, in 1993 described in the petition as follows:

We, the Michigan People's Assembly and Grand Jury find that under 6(a) Statute requiring regulations of all machine-guns and sawed-off shotguns and rifles, was the agenda for Ruby Ridge—which claimed Weaver had sold a shotgun which was 1/4 inch too short. Which action gave cause for Federal agents to come into Idaho and kill Weaver's wife and their fourteen year old son.

....

The Michigan People's Assembly and Grand Jury finds that the same federal statutes 6(a) were the grounds used by the Federal Government in the Waco case, which resulted in the death of some 80 men, women and children. All of these actions were taken under the War and Emergency Power Act of March 9, 1933.

Petition, *supra* note 1, at 18.

The bombing of the Murrah Federal Building, in Oklahoma City, Oklahoma, occurred on the second anniversary of the incident at Waco. Tom Kenworthy & Lois Romano, *What Moved Him? Mystery Unsolved*, ARIZ. REPUBLIC, June 14, 1997, at A1. As discussed earlier, Terry Nichols, a common law courts movement believer, was accused of the bombing. See *supra* notes 18-21 and accompanying text for a discussion of Terry Nichols activities with the common law courts movement.

This is error number two. The people have not *entrusted* State leaders with the responsibility for achieving reform in our governmental system. The people are *demanding* that state *agents* immediately terminate their usurpation of undelegated authority; that they cease and desist in their efforts to *prevent* our governmental system from operating in proper and lawful fashion. The system needs no reform or amending.

The Michigan People's Assembly and Grand Jury find that THE WILLIAMSBURG RESOLVE contains allegations of certain excesses and abuses that have been attributed the federal government. State government is also guilty of these same excesses and abuses. If state government had operated within its own constitutional limitations, the federal government *could not* have gone so far in exceeding its authority. The appetite for power and control is not confined to Washington. It has been blatantly apparent in Lansing also.¹⁷⁵

Finding of Fact 19 is the clearest statement in the petition of what this article has already identified as the basic issue underlying the common law courts movement. It also illustrates the dilemma raised by the common law understanding of this issue in the American legal and political status quo. As discussed in section one of this article, the common law courts movement is premised on a concept movement believers call "sovereign citizenship."¹⁷⁶ A sovereign citizen is not subject to the power of *any* government unless they "knowingly, willingly, and voluntarily" consent to the particular authority of that entity. If the sovereign citizen feels deceived or does not want to do what the conventional law or court compels them to do, this consent may be withdrawn. Once this consent is withdrawn, a sovereign citizen is only governed by the movement's proprietary common law, subject to the commands of God.

Where, then, does the federal government, established by the Constitution that the movement believers profess to worship and defend, fit in? What is the federal government's role? Where do the state governments, established by equally sacred state constitutions, fit in? What are the state governments' roles? These questions are left unanswered by both the movement believers' common law and the petition. Ultimately, the only actors in the American political system that actually have a right to do anything under their common law are the sovereign citizens, and they may largely do as they please.

Setting aside this conundrum, clearly the Michigan People's Assembly and Grand Jury have been dissatisfied with the conduct of both the federal government and the government of the State of

175. Petition, *supra* note 1, at 30.

176. See discussion *supra* Part I.C.2.a.

Michigan since at least March 9, 1933.¹⁷⁷ As both governments have become more involved in the day-to-day lives of the American people, they have had more opportunities to offend the sensibilities of some citizens. The Michigan People's Assembly and Grand Jury, for example, presented in its petition thirty-two pages of governmental acts believed to be improperly enacted since March of 1933. The 115 jurors of this body are not alone. Similar issues have motivated individuals throughout the country to affiliate with the various courts that make up the common law courts movement. These individuals feel that the "government"¹⁷⁸ no longer represents them as the respective constitutions require.

To give this feeling meaning in the American legal and political systems, these affiliations with the common law courts should be considered demands for the "Republican Form of Government" required under Article IV of the Constitution.¹⁷⁹ Constitutional republicanism, however, does not refer to a specific *form* of government but, instead, refers to a general *philosophy* of government. In a nutshell, a "republic" is "a self-governing community where representatives of the people [make] laws for the good of the nation as a whole."¹⁸⁰ What particular form this government takes is necessarily the choice of the people who select these representatives. The degree of power that government wields is likewise limited. In this respect, the people are sovereign but in a more limited, yet still significant, sense than the sovereign citizens of the common law courts movement. If, as common law believers feel, the federal and state governments are no longer sufficiently republican, how can they challenge what the majority of Americans have created over the last sixty-four years either directly, through elections, or indirectly, through their elected representatives?¹⁸¹

B. "Finding of Fact 19" and the Political Question Doctrine

The Michigan People's Assembly and Grand Jury's petition has all the outward appearances of being an ordinary legal pleading. These appearances, combined with the highly legalistic style of advocacy it contains, give the impression that the authors are

177. Petition, *supra* note 1, at 30. According to petitioners, the federal and state governments became illegitimate in 1933 when § 5(b) of the Trading with the Enemy Act was amended.

178. "Government," when placed in quotation marks in this section, means the American legal and political status quo.

179. U.S. CONST. art. IV, § 4.

180. RALPH KETCHAM, FRAMED FOR POSTERITY: THE ENDURING PHILOSOPHY OF THE CONSTITUTION 27 (1993).

181. Petition, *supra* note 1, at 30. See *supra* note 177 and accompanying text for a discussion of the petitioners beliefs regarding the illegitimacy of the government.

taking conventional legal action – suing – for the rights they claim under their conception of the common law. It would, however, be a mistake to view the petition in this manner.

The petition's central "legal" argument is that because the "government" has infringed the sovereignty of the American people, it is no longer republican as is required under the U.S. Constitution.¹⁸² As "the only true sovereigns,"¹⁸³ the petitioners demand that the "government" reform itself or they will formally reject it as illegitimate and proceed as of right to establish their own political and legal order.¹⁸⁴ They find this right in the same document that established and defined the present "government," the Constitution.

In 1841, a similarly disaffected group of citizens demanded reform of the government of the State of Rhode Island. This group argued that the state government, still functioning under a charter granted by the English King Charles II in 1663, was not republican as required under Article IV of the Constitution. After demanding change and being rebuffed by the charter government, they proceeded to establish a new republican state government. By May of 1842 they had called a constitutional convention, drafted a constitution for the state, and elected a new government.¹⁸⁵ This new government, under "Governor" Thomas W. Dorr, went to the charter government and demanded that it step aside. It did not. The Dorr government, acting under the belief that it was the duly elected republican government of the state, moved to remove the existing government of Rhode Island by force.

In response to this insurrection, the charter government declared martial law and began to suppress the rebellion. In the process of suppressing the rebellion, authorities of the charter government arrested a Dorr supporter, Martin Luther, after forcibly entering his home. Because Luther did not recognize the legitimacy of the charter government, he brought an action in the United States Circuit Court for the District of Rhode Island against the individuals, *as* individuals, who arrested him for trespass. In deferring to the earlier determination of the Rhode Island courts accepting the legitimacy of the charter government, the Court found for the defendants. Luther then appealed to the United States Supreme Court.

In *Luther v. Borden*,¹⁸⁶ the United States Supreme Court af-

182. U.S. CONST. art. IV, § 4.

183. Petition, *supra* note 1, at 30.

184. *Id.* at 32.

185. By May of the following year, the charter government had similarly reformed itself by adopting a constitution to replace the 1663 royal charter under which it had been operating. For convenience, however, it will be still be identified in the text as the "charter government."

186. 7 Howard 1 (1849).

firmed the decision of the Circuit Court. Although Luther's action was still one for trespass, the real issue he placed before the court was which government was the legitimate government of Rhode Island. The Court declined to choose one or the other. Chief Justice Taney declared that, at both the federal and state level, the legitimacy of the existing government was a *political question* and beyond the authority of the judiciary to determine.¹⁸⁷

At the state level, Chief Justice Taney explained, it is logically impossible for the state court to come to any conclusion other than the conclusion that the government that created the court is legitimate.¹⁸⁸ At the Federal level, under Article IV, § 4 of the Constitution, only Congress can determine whether or not a state government is republican and, therefore, legitimate.¹⁸⁹ Consequently, at both levels, the legitimacy of an existing government can only be a political question. Therefore, the question of governmental legitimacy raised by the Michigan People's Assembly and Grand Jury in its petition, like the similar question raised by Martin Luther approximately 150 years ago, is not justiciable. The Michigan People's Assembly and Grand Jury's only recourse in the status quo is to the existing political institutions and political process.

IV. RECASTING THE PEOPLE, FOR MICHIGAN REPUBLIC, EX REL V. STATE OF MICHIGAN AS A PETITION FOR REDRESS OF GRIEVANCE UNDER THE PETITION CLAUSE OF THE FIRST AMENDMENT

As its "SECOND AUTHORITY AND BASIS," the petition claims the First Amendment to the Constitution and quotes from it as follows: "Congress shall make no law. . . abridging . . . the right of the people peaceably to assemble, and to petition the Government for redress of grievances."¹⁹⁰ It is under this Petition Clause that *The People, for Michigan Republic, ex rel v. State of Michigan* has meaning. It is a petition for redress of grievance; no more and no less. It is not meaningful for what it contains. On the contrary, it is meaningful as an exercise of an essential right. In any republic, the governed must be free to communicate with their government, and the Constitution guarantees this.

CONCLUSION

The People, for Michigan Republic, ex rel v. State of Michigan, as a petition for redress of grievance, is a very American document. Despite the bizarre nature of the theories presented and the

187. *Id.* at 4.

188. *Id.* at 40. It is really a "chicken-or-the-egg" situation in that by merely acting either way the court recognizes and affirms the legitimacy of the existing government.

189. *Id.* at 42.

190. Petition, *supra* note 1, at 4 (quoting U.S. CONST. amend. I).

rhetorical excesses of its authors, it should not be lightly dismissed. The central issue raised in the petition, the nature of individual and governmental sovereignty in the American system of government, is the central issue of American history and politics. The common law courts movement, of which the Michigan People's Assembly and Grand Jury is a part, may possibly represent a significant new force in the debate on the sovereignty issue. The questions the movement raises regarding the relationships that exist between the American people, the state governments, and the federal government have been and continue to be very relevant. The movement's contribution to this debate, however, is problematic. The bizarre and absolutist nature of the common law courts beliefs and the highly emotional rhetoric employed in the presentation of these beliefs may work to de-legitimatize the historically legitimate questions that prompted the movement. If this de-legitimization occurs, the issue of sovereignty may be left to the extremists in the common law courts movement. These extremists accept as an article of faith the illegitimacy of and danger inherent in the political and legal status quo. More importantly, they believe they are empowered by God to take whatever action is required to correct the situation.

APPENDIX A

AFFIDAVIT

I, Tom Wayne, special appointed Clerk of the Court, for the term, hereby Attest and Acknowledge that the following is True, Correct, and Certain, in relation to the record of proceedings that are in my possession for safe-keeping, but open to the public for review.

- 1. War and Emergency Powers Special Report
- 2. Constitution: Fact or Fiction
- 3. Working Paper 9405
- A. Federal Legislative Acts
- B. Kevin Toledo Testimony
- C. Michigan Legislative Acts
- D. Jury List
- E-1. Michigan Constitution
- E-2. Williamsburg Resolve

I, Tom Wayne, attest: 1) that the above is as recorded within the Case Jacket in my possession and open for review upon request, and 2) the attached _____ pages are True, Correct, and Certain copies of the Original Petition for Redress of Grievance by the Michigan People's Assembly and Grand Jury.

Attest:

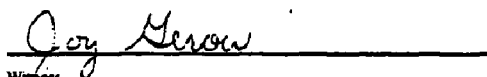


Tom Wayne

Witness



Witness



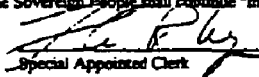
Witness

Country of Michigan
Our One Supreme Court
Common Law Venue; Original and Exclusive Jurisdiction
Outside the District of Columbia
In Ingham County, Michigan Republic

People, for Michigan Republic,)	
ex rel,)	"IN LAW"
Demandant, Plaintiff,)	
)	
vs.)	"IN LAW"
)	
STATE OF MICHIGAN,)	Redress Of
"its" political subdivisions and)	Grievance
officers thereof, et al)	
Respondents, Defendants)	Case - Michigan 95-1
Specifically To:)	
)	Petition de Droit
Governor John Engler)	and
)	Command To Show Cause

PRAECIPE
(Summons)

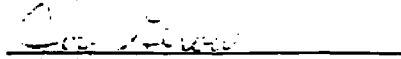
I, Tom Wayne, special appointed clerk, in and for Michigan Republic, hereby under the order and authority of the People for the several counties, command the above named defendants to show lawful cause and place into evidence by signed affidavit, Lawful documentation of the "Emergency Government" described in the attached pages 1 through 3. This Michigan People's Assembly and Common Law Jury has concluded, "In Law", that no authority or necessity exists for an "Emergency Government" and that such a government is operating against the best interest and will of the Sovereign People, the "State" in fact. Affidavits of response must be sent to the above Clerk of Court, c/o 11530 E. Michigan, Galesburg, Michigan, PZ 49053 within 60 days of day served, exclusive of day received. If no Lawful evidence to the contrary is received, these facts stated as Truth and this Assembly of the Sovereign People shall continue "in Law" to remove this bondage from us.


Special Appointed Clerk

Seal:

Country of Michigan Republic)
) as: Affidavit of Return
In and for the several counties)

I, Tom Wayne, special appointed private courier, attest and acknowledge that I did serve upon above specifically named defendant by Contract via personal service this Praecipe and Attached Exhibits.


Courier Signature

Country of Michigan
 Our One Supreme Court
 Common Law Venue; Original and Exclusive Jurisdiction
 Outside the District of Columbia
 In Ingham county, Michigan Republic

People, in and for the)	
United States of America, ex rel.)	
Demander, Plaintiff,)	
Governor John Engler,)	
Attorney General Frank J. Kelley)	
Michigan State Senators)	
Michigan State Representatives)	Michigan 95-1
Michigan Supreme Court Judges)	
Michigan Court of Appeals Judges)	
Michigan District Court Judges)	
All County Court Judges)	
All County Commissioners)	
All State Agencies)	
All Elected or Appointed Officials)	
et al.)	
Defendant[s].)	

Petition de Droit
 and
 Command To Show Cause

Why the Emergency Statutes of the State should not be terminated, along with the War and Emergency Powers of the United States

FINDINGS OF FACT, CONCLUSIONS
 AND RECOMMENDATIONS OF THE MICHIGAN PEOPLE'S ASSEMBLY AND GRAND JURY
 ACTING UNDER THE LAW OF NECESSITY

The Michigan People's Assembly and Grand Jury hereby gives "Judicial Notice" of their absolute and inherent authority, and basis for making a Finding of Facts and Conclusion of Law.

It is the intent of the Michigan People's Assembly and Grand Jury to:
 re-establish Michigan as a Sovereign, de jure State of the Freely Associated Compact States for the United States of America (entering the Union on the same footing as the original 13 States), as set forth within the Constitution of 1787 and the Preamble of the Enabling Act for the State of Michigan in 1837.

Petition de Droit and Command To Show Cause

PageS of 32

FIRST AUTHORITY AND BASIS

The Declaration of Independence of July 4, 1776, which states in part:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness . . ."

SECOND AUTHORITY AND BASIS

The organic Constitution and the Bill of Rights.

AMENDMENT I

Congress shall make no law respecting . . . the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

and further, The Constitution of the State of Michigan, Article II, Section 1, which states:

Section 1. All political power is inherent in the people. Government is instituted for their equal benefit, security and protection
Michigan Constitution (1909) - Article II, Declaration of Rights

AMENDMENT X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.
United States Constitution

THIRD AUTHORITY AND BASIS

The Kentucky Resolution which states:

"Resolved that the several States composing the United States of America, are not united on the principles of unlimited submission to their general government; but that by Compact under the style and title of a Constitution for the United States and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving to each State to itself the residuary mass of right to their own self-government; and that whenever the general government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this Compact each State acceded as a State and is an integral party, its co-states forming as to itself the other party; that the government created by this Compact was not made the exclusive or final judge of the extent of the power delegated to itself since that would have made ITS discretion, and not the Constitution, the measure of its power; but that as in all other cases of Compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

FOURTH AUTHORITY AND BASIS

Complain filed and served upon President Bill Clinton, and Janet Reno, and published in the Washington Times.

COMPLAINT

People in and for the United States of America ex rel., hereby declare that there has been gross usurpation of Our National Constitution and Bill of Rights, under pretense of a continuing crisis of War and Emergency conditions, that have existed since the Civil War and continues to exist in times of peace to the present time.

Senate report 93-549 says, "Since March 9, 1933, the United States has been in a declared state of National Emergency." Title 12 U.S.C. 95(b) says that every order issued by the President since March 4, 1933, or any order issued in the future is automatically approved and confirmed. These powers being conferred under the Authority of the Act of October 6, 1917, as amended March 9, 1933 are strictly a War Power. (See *Stoehr vs. Wallace*)

This vast range of powers, taken together, confers enough authority to rule the country without reference to normal constitutional process.

Wherefore, the People in and for the United States of America, hereby demand that the President (Bill Clinton) and the Attorney General (Janet Reno), show cause within 60 days, why these unlawful powers being perpetrated against the American People should not be terminated, and if they should fail to show cause, then Our court with Original Jurisdiction is to issue a Declaratory Judgment in favor of the American People, and any and all further remedy it finds proper, against the above named defendants(s).

Dated this 28 day of March 1995

The Michigan People's Assembly and Grand Jury having convened on December 16th and 17th, 1995, at Lansing, Michigan, and having heard testimony from Dr. Eugene Schroder, Senator Charles Duke and Kevin Tebedo; and having made an examination of United States Government's and Michigan's own certified documents, as evidenced by Exhibits "1" through "J" and "A" through "E-2" finds as follows:

FIFTH AUTHORITY AND BASIS

The Ordinance of July 13 1787, ordained by the United States in Congress Assembled, which states, in part:

Article II "The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury, of a proportionate representation of the people in the legislature; and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident or the presumption great. All fines shall be moderate; and no cruel or unusual punishments shall be inflicted. No man shall be deprived of his liberty or property but by the judgment of his peers or the law of the land; and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with or affect private contracts or engagements, bona fide, and without fraud, previously formed."

Article IV. "The said territory, and the States which may be formed therein, shall forever remain a part of this Confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. . . ."

Article V "There shall be formed in the said territory, not less than three nor more than five States, And, whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States in all respects whatever, and shall be at liberty to form a permanent constitution and State government: Provided, the constitution and government so to be formed, shall be republican, and in conformity to the principles contained in these articles."

1. FINDINGS OF FACT

1) That on October 6, 1917, during World War I, Congress passed what is commonly known as the "Trading With The Enemy Act", to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Trading with the enemy Act".

"Sec. 2 That the word 'enemy', as used herein, shall be deemed to mean, for the purposes of such trading and of this Act—

"(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of any nation with which the United States is at war or incorporated within any country other than the United States and doing business within such territory.

"(b) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

"(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the

President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term 'enemy'."

Section 5 (b) "That the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, export or importations of gold or silver coin or bullion or currency, transfers of credit in any form (other than credits arising solely to transactions to be conducted wholly within the United States):"

The Michigan People's Assembly and Grand Jury finds that "citizens of the United States and their transactions" were exempted from this Act.

FINDING OF FACT

2) That on March 4, 1933 President Roosevelt, in his inaugural address to the nation stated:

I am prepared under my constitutional duty to recommend the measures that a stricken Nation in the midst of a stricken world may require. These measures, or such other measures as the Congress may build out of its experience and wisdom, I shall seek, within my constitutional authority, to bring to speedy adoption.

But in the event that the Congress shall fail to take one of these two courses, and in the event that the national emergency is still critical, I shall not evade the clear course of duty that will then confront me. I shall ask the Congress for the one remaining instrument to meet the crisis — broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe.

The Michigan People's Assembly and Grand Jury finds that President Roosevelt was asking for "broad Executive power to wage a war against the emergency, as great as the power that would be given to me if we were in fact invaded by a foreign foe."

and further find.

that the United States was not being invaded by a foreign foe nor was the country in a state of rebellion.

FINDING OF FACT

3) That on March 5, 1933 President Roosevelt asked for a special and extraordinary session of Congress in Proclamation 2038. He called for the special session of Congress to meet on March the 9th at noon.

A PROCLAMATION

Whereas public interests require that the Congress of the United States should be convened in extra session at twelve o'clock, noon, on the Ninth day of March, 1933, to receive such communications as may be made by the Executive;

Now, Therefore, I, Franklin D. Roosevelt, President of the United States of America, do hereby proclaim and declare that an extraordinary occasion requires the Congress of the United States to convene in extra session at the Capitol in the City of Washington on the Ninth day of March, 1933 at twelve o'clock, noon, of which all persons who shall at that time be entitled to act as members thereof are hereby required to take notice.

In witness whereof, I have hereunto set my hand and caused to be affixed the great seal of the United States.

Done at the City of Washington this Fifth day of March, in the year of our Lord One Thousand Nine Hundred and Thirty-three, and of the Independence of the United States the One Hundred and Fifty-seventh.

FRANKLIN D ROOSEVELT

By the President:
Cordell Hull
Secretary of State

[No. 2038]

FINDING OF FACT

4) On March 6 the president called for a governors conference. In this conference the governors passed a resolution pledging support for the president in his call for emergency war powers.

RESOLUTION PROPOSED BY GOVERNOR WHITE

Resolved, That we look approvingly upon the President's plan for better land utilization, as presented to us this morning, not only as a measure for the conservation of the Nation's natural resources but also as an effective step toward the relief of unemployment; and that we severally pledge ourselves to use our best efforts to ascertain, through proper surveys, the acreage that might be made available for such a program in our respective States.

RESOLUTION PROPOSED BY GOVERNOR EHRINGHAUS

That this Conference desires to express its confidence in the leadership of the President and its desire that he be granted immediately by the Congress such broad powers as may be necessary to enable the Executive to meet the present challenging emergency and we, as Governors of the several States here assembled, hereby pledge to him our wholehearted and sincere co-operation and support in his efforts to rehabilitate the Nation and end the present terrible depression.

RESOLUTION PROPOSED BY GOVERNOR COMSTOCK

That this Conference endorses the substitution of work-relief for direct relief as expeditiously as possible.

That the Federal Government finance State work-relief programs under State administration.
Roosevelt Papers Vol. 2, p. 23-24

FINDING OF FACT

5) Immediately following the governors pledge of support on that same day March 6, 1933 the president issued proclamation #2039

[Bank Holiday, March 6-9, 1933, Inclusive]

By The President Of

The United States Of America

A PROCLAMATION

Whereas there have been heavy and unwarranted withdrawals of gold and currency from our banking institutions for the purpose of hoarding; and

Whereas continuous and increasingly extensive speculative activity abroad in foreign exchange has resulted in severe drains on the Nation's stocks of gold; and

Whereas these conditions have created a national emergency; and

Whereas it is in the best interests of all bank depositors that a period of respite be provided with a view to preventing further hoarding of coin, bullion or currency or speculation in foreign exchange and permitting the application of appropriate measures to protect the interests of our people; and

Whereas it is provided in Section 5(b) of the Act of October 6, 1917, (40 Stat. L. 411) as amended, "That the President may investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange and the export, hoarding, melting, or earmarking of gold or silver coin or bullion or currency; . . ."; and

Whereas it is provided in Section 16 of the said Act "that whoever shall willfully violate any of the provisions of this Act or of any license, rule, or regulation issued thereunder, and whoever shall willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of this Act, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than ten years or both; . . .";

Now, therefore, I, Franklin D. Roosevelt, President of the United States of America, in view of such national emergency and by virtue of the authority vested in me by said Act and in order to prevent the export, hoarding, or earmarking of gold or silver coin or bullion or currency, do hereby proclaim, order, direct and declare that from Monday, the sixth day of March, to Thursday, the ninth day of March, Nineteen Hundred and Thirty Three, both dates inclusive, there shall be maintained and observed by all banking institutions and all branches thereof located in the United States of America, including the territories and insular possessions, a bank holiday, and that during said period all banking transactions shall be suspended. During such holiday, excepting as hereinafter provided, no such banking institution or branch shall pay out, export, earmark, or permit the withdrawal or transfer in any manner or by any device whatsoever, of any gold or silver coin or bullion or currency or take any other action which might facilitate the hoarding thereof, nor shall any such banking institution or branch pay out deposits, make loans or discounts, deal in foreign exchange, transfer credits from the United States to any place abroad, or transact any other banking business whatsoever.

During such holiday, the Secretary of the Treasury, with the approval of the President and under such regulations as he may prescribe, is authorized and empowered (a) to permit any or all of such banking institutions to perform any or all of the usual banking functions, (b) to direct, require or permit the issuance of clearing house certificates or other evidences of claims against assets of banking institutions, and (c) to authorize and direct the creation in such banking institutions of special trust

accounts for the receipt of new deposits which shall be subject to withdrawal on demand without any restriction or limitation and shall be kept separately in cash or on deposit in Federal Reserve Banks or invested in obligations of the United States.

As used in this order the term "banking institutions" shall include all Federal Reserve banks, national banking associations, banks, trust companies, savings banks, building and loan associations, credit unions, or other corporations, partnerships, associations or persons, engaged in the business of receiving deposits, making loans, discounting business paper, or transacting any other form of banking business.

In Witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in the City of Washington this 6th day of March - 1 a.m. in the year of our Lord One Thousand Nine Hundred and Thirty-three, and of the Independence of the United States the One Hundred and Fifty-seventh.

FRANKLIN D. ROOSEVELT

By the President:

Cordell Hull

Secretary of State.

[No. 2039]

The Michigan People's Assembly and Grand Jury finds that the Proclamation/ Executive Order 2039 made on March 6, 1933 is strikingly similar to the one made on March 3 and 4 by the Federal Reserve Board (See Exhibit 30 and 31) which implied that the citizens of the United States and their transactions would not be effected . . . i.e. would not be considered enemies of the United States.

The Michigan People's Assembly and Grand Jury further finds that the Proclamation/ Executive Order 2039 was worded in such a manner as to deliberately mislead Congress and the Senate in order to secure their support for the measure, knowing full well that Congress and the Senate would not approve the measure if they knew that the people's transactions were to be effected and the people were to be declared the same as the enemy.

FINDING OF FACT

6) That on March 9, 1933 President Roosevelt issued Executive order 2040, which states:

A PROCLAMATION

Whereas, on March 6, 1933, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by Proclamation declared the existence of a national emergency and proclaimed a bank holiday extending from Monday the 6th day of March to Thursday the 9th day of March, 1933, both dates inclusive, in order to prevent the export, hoarding or smelting of gold or silver coin, or bullion or currency, or speculation in foreign exchange; and

Whereas, under the Act of March 9, 1933, all Proclamations heretofore or hereafter issued by the President pursuant to the authority conferred by section 5(b) of the Act of October 6, 1917, as amended, are approved and confirmed; and

Whereas, said national emergency still continues, and it is necessary to take further measures extending beyond March 9, 1933, in order to accomplish such purposes:

Now, therefore, I, Franklin D. Roosevelt, President of the United States of America, in view of such continuing national emergency and by virtue of the authority vested in me by Section 5(b) of the Act of October 6, 1917 (40 Stat. L., 411) as amended by the Act of March 9, 1933, do hereby proclaim, order, direct and declare that all the terms and provisions of said Proclamation of March 6, 1933, and the regulations and orders issued thereunder are hereby continued in full force and effect until further proclamation by the President.

In witness whereof I have hereunto set my hand and have caused the seal of the United States to be affixed.

Done in the District of Columbia, this 9th day of March, in the Year of our Lord One Thousand Nine Hundred and Thirty-three, and of the Independence of the United States the One Hundredth and Fifty-seventh.

FRANKLIN D. ROOSEVELT

By the President:

Cordell Hull

Secretary of State.

[No. 2040]

The Michigan People's Assembly and Grand Jury finds that the real purpose of Executive Order 2040 on March 9, 1933 was to set in concrete the Executive Order 2039 of March 6, 1933, which was obtained without Congress and the Senate

knowing the full intent of the President and the Federal Reserve Board. The intent was to place the American people and their transactions in the same category as the "enemies."

We now look at Title I of the Act of March 9, 1933, Section 2 to find the amended version of the Act.

AN ACT

To provide relief in the existing national emergency in banking, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby declares that a serious emergency exists and that it is imperatively necessary speedily to put into effect remedies of uniform national application.

TITLE I

Section 1. The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subdivision (b) of section 5 of the Act of October 6, 1917, as amended, are hereby approved and confirmed.

Sec. 2. Subdivision (b) of section 5 of the Act of October 6, 1917 (40 Stat. 1, 411), as amended, is hereby amended to read as follows:

"(b) During time of war or during any other period of national emergency declared by the President, the President may, through any agency that he may designate, or otherwise, investigate, regulate, or prohibit, under such rules and regulations as he may prescribe, by means of licenses or otherwise, any transactions in foreign exchange, transfers of credit between or payments by banking institutions as defined by the President, and export, hoarding, making, or countermarking of gold or silver coins or bullion or currency, by any person within the United States or any place subject to the jurisdiction thereof. . . ."

From the amended version of Title I, as shown above we find it critical to understand the following:

. . . "by any person within the United States or any place subject to the jurisdiction thereof. . . ."

To further prove our point that Congress was deceived "not knowing the full intent of the President and the Federal Reserve Board," we quote from Congressional Record of March 9, 1933, and Congressman Mr. McFadden states:

Mr. McFadden. "Mr. Speaker, I regret that the membership of the House has had no opportunity to consider or even read this bill. The first opportunity I had to know what this legislation is was when it was read from the Clerk's desk. It is an important banking bill. It is a dictatorship over finance in the United States."

The Michigan People's Assembly and Grand Jury finds that the Act of March 9, 1933, under Title IV, provided for the issuance of the new emergency currency (See Exhibit 37) taken from Title IV, which stated in part:

"Upon the deposit with the Treasurer of the United States, (a) of any direct obligations of the United States or (b) of any notes, drafts, bills of exchange, or bankers' acceptances acquired under the provisions of this Act, any Federal reserve bank making such deposit in the manner prescribed by the Secretary of the Treasury shall be entitled to receive from the Comptroller of the currency circulating notes in blank, duly registered and countersigned."

This says (emphasis ours): "Upon the deposit with the Treasurer of the United States, (a) of any direct obligation of the United States . . ." (a) is a direct obligation of the United States; it is a treasury note, which is an obligation upon We, the People, to perform. It is a taxpayer obligation.

Title IV goes on: "or (b) of any notes, drafts, bills of exchange or bankers' acceptances . . ." When you go to the bank and sign a note on your home, that's a note. A note is a private obligation upon We, the People. If the Federal Reserve Bank deposits either (a) public and/or (b) private obligations of We, the People, with the Treasury, the Comptroller of the currency will issue this circulating note endorsed in blank, duly registered and countersigned, an emergency currency based on the (a) public and/or (b) private obligations of the people of the United States.

In the Congressional Record of March 9, 1933 (Exhibit 38), we find evidence that our congressmen didn't have individual copies of the bill to read, on which they were about vote. A copy of the bill was passed around for approximately 40 minutes.

Congressman McFadden made the comment:

"Mr. Speaker, I regret that the membership of the House has had no opportunity to consider or even read this bill. The first opportunity I had to know what this legislation is, was when it was read from the clerk's desk. It is an important banking bill. It is a dictatorship over finance in the United States. It is complete control over the banking system in the United States. . . . It is difficult under the circumstances to discuss this bill. The first section of the bill, as I grasped it, is practically the war powers that were given back in 1917."

Congressman McFadden later states:

"I would like to ask the chairman of the committee if this is a plan to change the holding of the security back of the Federal Reserve notes to the Treasury of the United States rather than the Federal Reserve agent."

Prior to 1933, the Federal Reserve bank held our gold as security, in return for Federal Reserve gold notes which we could redeem at any time we wanted. Now, however, Congressman McFadden is asking if this proposed bill is a plan to change who's going to hold the security, from the Federal Reserve to the Treasury.

Chairman Staggall's response to Congressman McFadden's question, again from the Congressional Record:

"This provision is for the issuance of Federal Reserve bank notes; and not for Federal Reserve notes; and the security back of it is the obligations, notes, drafts, bills of exchange, bank acceptances, outlined in the sections to which the gentleman has referred."

Taken from "Roosevelt's Papers", Volume 3, page 42

Although under existing law there is authority, by executive act, to take title to the gold in the possession or control of the Reserve Banks, this is a step of such importance that I prefer to ask the Congress by specific enactment to vest in the United States Government title to all supplies of American-owned monetary gold, with provision for the payment therefor in gold certificates. These gold certificates will be, as now, secured at all times dollar for dollar by gold in the Treasury — gold for each dollar of such weight and fineness as may be established from time to time.

Such legislation places the rights, title and ownership to our gold reserves in the Government itself; it makes clear the Government's ownership of any added dollar value of the country's stock of gold which would result from any decrease of the gold content of the dollar which may be made in the public interest. It would also, of course, with equal justice, cast upon the Government the loss of such dollar value if the public interest in the future should require an increase in the amount of gold designated as a dollar.

The title to all gold being in the Government, the total stock will serve as a permanent and fixed metallic reserve which will change in amount only so far as necessary for the settlement of international balances or as may be required by a future agreement among the Nations of the world for a redistribution of the world stock of monetary gold.

Our gold was seized, the people were penniless, and now our money would be secured, not by gold, but by notes and obligations on which the People were the collateral security.

AN ACT

To protect the currency system of the United States, to provide for the better use of the monetary gold stock of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the short title of this Act shall be the "Gold Reserve Act of 1934."

Sec. 2. (a) Upon the approval of this Act all rights, title, and interest, and every claim of the Federal Reserve Board, of every Federal Reserve bank, and of every Federal Reserve agent, in and to any and all gold coin and gold bullion shall pass to and are hereby vested in the United States; and in payment therefor credits in equivalent amounts in dollars are hereby established in the Treasury in the accounts authorized under the sixteenth paragraph of section 16 of the Federal Reserve Act, as heretofore and by this Act amended (U.S.C., title 12, sec. 467). Balances in such accounts shall be payable in gold certificates, which shall be in such form and in such denominations as the Secretary of the Treasury may determine. All gold so transferred, not in the possession of the United States, shall be held in custody for the United States and delivered upon the order of the Secretary of the Treasury, and the Federal Reserve Board, the Federal Reserve banks, and the Federal Reserve agents shall give such instructions and shall take such action as may be necessary to assure that such gold shall be so held and delivered.

Sec. 3 The Secretary of the Treasury shall, by regulations issued hereunder, with the approval of the President, prescribe the conditions under which gold may be acquired and held, transported, melted or treated, imported, exported, or earmarked: (a) for industrial, professional, and artistic use; (b) by the Federal Reserve banks for the purpose of settling international balances; and, (c) for such other purposes as in his judgment are not inconsistent with the purposes of this Act. Gold in any form may be acquired, transported, melted or treated, imported, exported, or earmarked or held in custody for foreign or domestic account (except on behalf of the United States) only to the extent permitted by, and subject to the conditions prescribed in, or

pursuant to, such regulations. Such regulations may exempt from the provisions of this section, in whole or in part, gold situated in the Philippine Islands or other places beyond the limits of the continental United States.

Sec. 4. Any gold withheld, acquired, transported, melted or treated, imported, exported, or earmarked or held in custody, in violation of this Act or of any regulations issued hereunder, or licenses issued pursuant thereto, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law; and in addition any person failing to comply with the provisions of this Act or of any such regulations or licenses, shall be subject to a penalty equal to twice the value of the gold in respect of which such failure occurred.

(2) So much of the third sentence of the second paragraph as precedes the proviso is amended to read as follows: "The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of section 13 of this Act, or bills of exchange endorsed by a member bank of any Federal Reserve district and purchased under the provisions of section 14 of this Act, or bankers' acceptances purchased under the provisions of said section 14, or gold certificates."

Sec. 6. Except to the extent permitted in regulations which may be issued hereunder by the Secretary of the Treasury with the approval of the President, no currency of the United States shall be redeemed in gold.

Sec. 13. All actions, regulations, rules, orders, and proclamations heretofore taken, promulgated, made or issued by the President of the United States or the Secretary of the Treasury, under the Act of March 9, 1933, or under section 43 or section 45 of title III of the Act of May 12, 1933, are hereby approved, ratified and confirmed.

Congress: McFadden then questioned:

"Then the new circulation is to be Federal Reserve bank notes and not Federal Reserve notes. Is that true?"

Mr. Steagall replied:

"Insofar as the provisions of this section are concerned, yes."

We, The Michigan People's Assembly and Grand Jury further find that the people are treated as chattel. The protection of our unalienable rights were suspended along with adherence to certain provisions of the Constitution. We became chattel property, in the view of the corporate government; our transactions and obligations became the collateral for the issuance of Federal Reserve bank notes.

Congressman Patman, speaking from the Congressional Record (Exhibit 40):

"The money will be worth 100 cents on the dollar because it is backed by the credit of the Nation. It will represent a mortgage on all the homes and other property of all the people in the Nation."

The new money or credit became available only after the people became the chattel. This was needed to back our monetary system. Our debts, our obligations, our homes, our jobs — we then became chattel property for the system.

The Federal Reserve was taken over by the Treasury. The Treasury holds the assets. We are the collateral — ourselves and our property.

To summarize briefly: On March 9, 1933 the American people in all their domestic, daily, and commercial transactions became the same as the enemy. The President of the United States, through licenses or any other form, was given the power to regulate and control the actions of enemies. He made We, the People, chattel property; he seized our gold, our property and our rights; and he suspended strict adherence to the limitations imposed by the Constitution. And we know that current law, to this day, says:

Sec. 95b Ratification of acts of President and Secretary of the Treasury under 95a
The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subsection (b) of section 5 of the Act of October 6, 1917, as amended [12 USCS as 95a], are hereby approved and confirmed
(Mar. 9, 1933, c. 1, Title I, ss 1, 48 Stat. 1.)

FINDING OF FACT

7) That on May 12, 1933, Congress passed what is known as the "Agricultural Adjustment Act," as shown in part below.

AN ACT

To relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I - AGRICULTURAL ADJUSTMENT

Declaration of Emergency

That the present acute economic emergency being in part the consequence of a severe and increasing disparity between the prices of agricultural and other commodities, which disparity has largely destroyed the purchasing power of farmers for industrial products, has broken down the orderly exchange of commodities, and has seriously impaired the agricultural assets supporting the national credit structure, it is hereby declared that these conditions in the basic industry of agriculture have affected transactions in agricultural commodities with a national public interest, have burdened and obstructed the normal currents of commerce in such commodities, and render imperative the immediate enactment of title I of this Act. ...

Prior to the enactment of this legislation we learned from Roosevelt's papers (see Exhibit 45)

"This conference of fifty farm leaders met on March 10, 1933. They agreed on recommendations for a bill, which were presented to me at the White House on March 11th by a committee of the conference, who requested me to call upon the Congress for the same broad powers to meet the emergency in agriculture as I had requested for solving the bank crisis."

"We, The Michigan People's Assembly and Grand Jury find that President Roosevelt referring to "same broad powers to meet the emergency in agriculture" were in fact the War Powers — the same authority he had used in attempting to solve the bank crisis.

We further find that from reading the first paragraph of the above Act, that the purpose was to bring into effect millions of acres of farm land and all of the agricultural assets to support the national credit structure; remember the Gold had already been seized, therefore mortgaged land and agriculture assets were needed to support the emergency credit. The new money had to have something to support it, therefore we find that agriculture and agricultural assets were seized and nationalized. The government now claims a vested public interest. The farming industry was nationalized.

We also find that anyone handling any agricultural products were required to be licensed, as shown by Agricultural Adjustment Act of May 12, 1933. See Exhibit 43.

"To issue licenses permitting processors, associations of producers and others to engage in the handling, in the current of interstate or foreign commerce, of any agricultural commodity or product thereof"

This is the seizure of the agricultural industry by means of licensing authority.

We, The Michigan People's Assembly and Grand Jury further find, that pursuant to *U.S. v. Butler* (Supreme Court), 1935 (Exhibit 59) the Supreme Court was correct in striking down the Agricultural Adjustment Act.

"A tax, in the general understanding and in the strict Constitutional sense, is an exaction for the support of government; the term does not connote the expropriation of money from one group to be expended for another, as a necessary means in a plan of regulation, such as the plan for regulating agricultural production set up in the Agricultural Adjustment Act."

The Court is saying that a tax can only be an exaction for the support of government, not for an expropriation from one group for the use of another.

Quoting further from *United States v. Butler* (Exhibit 60):

"The regulation of farmer's activities under the statute, though in form subject to his own will, is in fact coercion through economic pressure, his right of choice is illusory. Even if a farmer's consent were purely voluntary, the Act would stand no better: At best it is a scheme for purchasing with federal funds submission to federal regulation of a subject reserved to the states."

Speaking of contracts, these contracts are coercion contracts. They are adhesion contracts made by a superior over an inferior. They are under the belligerent capacity of government over enemies. They are not valid contracts.

Again from *United States v. Butler* (Exhibit 61):

"If the novel view of the General Welfare Clause now advanced in support of the tax were accepted, this clause would not only enable Congress to supplant the states in the regulation of agriculture and all other industries as well, but would furnish the means whereby all of the other provisions of the Constitution, sedulously framed to define and limit the powers of the United States and preserve the powers of the states, could be broken down, the independence of the individual states obliterated, and the United States converted into a central government exercising uncontrolled police power throughout the union superseding all local control over local concerns."

Please, read the above paragraph again. The understanding of its meaning is vital.

The United States Supreme Court ruled the New Deal, the nationalization, unconstitutional in the Agricultural Adjustment Act and they turned it down flat. The Supreme Court declared it to be unconstitutional. They said, in effect, "You're turning the federal government into an uncontrolled police state, exercising uncontrolled police power."

We, The Michigan People's Assembly and Grand Jury further find in the first hundred days of the reign of Franklin Delano Roosevelt, similar seizures by licensing authority were successfully completed and made by the government over other industry, i. e. transportation, communications, public utilities, securities, labor, and all natural resources.

FINDING OF FACT

§) The Michigan People's Assembly and Grand Jury finds that Congress passed what was known as the Industrial Recovery Act, which states in part:

TITLE I - INDUSTRIAL RECOVERY Declaration of Policy

Section 1. A national emergency productive of widespread unemployment and disorganization of industry, which burdens interstate and foreign commerce, affects the public welfare, and undermines the standards of living of the American people, is hereby declared to exist. It is hereby declared to be the policy of Congress to remove obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and to provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, to induce and maintain united action of labor and management under adequate governmental sanctions and supervision, to eliminate unfair competitive practices, to promote the fullest possible utilization of the present productive capacity of industries, to avoid undue restriction of production (except as may be temporarily required), to increase the consumption of industrial and agricultural products by increasing purchasing power, to reduce and relieve unemployment, to improve standards of labor, and otherwise to rehabilitate industry and to conserve natural resources.

ADMINISTRATIVE AGENCIES

Sec. 2 (a) To effectuate the policy of this title, the President is hereby authorized to establish such agencies, to accept and utilize such voluntary and uncompensated services, to appoint, without regard to the provisions of the civil service laws, such officers and employees, and to utilize such Federal officers and employees, and with the consent of the State, such State and local officers and employees, as he may find necessary, to prescribe their authorities, duties, responsibilities, and tenure, and without regard to the Classification Act of 1923, as amended, to fix the compensation of any officers and employees so appointed.

(b) The President may delegate any of his functions and powers under this title to such officers, agents, and employees as he may designate or appoint, and may establish an industrial planning and research agency to aid in carrying out his functions under this title.

73d CONGRESS, SESS. I, CH. 90, JUNE 16, 1933

(c) This title shall cease to be in effect and any agencies established hereunder shall cease to exist at the expiration of two years after the date of enactment of this Act, or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 has ended.

CODES OF FAIR COMPETITION

Sec. 3.(a) Upon the application to the President by one or more trade or industrial associations or groups, the President may approve a code or codes of fair competition for the trade or industry or subdivision thereof, represented by the applicant or applicants, if the President finds (1) that such associations or groups impose no inequitable restrictions on admission to membership therein and are truly representative of such trades or industries or subdivisions thereof, and (2) that such code or codes are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discriminate against them, and will tend to effectuate the policy of this title: *Provided*, That such code or codes shall not permit monopolies or monopolistic practices: *Provided further*, That where such code or codes affect the services and welfare of persons engaged in other steps of the economic process, nothing in this section shall deprive such persons of the right to be heard prior to approval by the President of such code or codes. The President may, as a condition of his approval of any such code, impose such conditions (including requirements for the making of reports and the keeping of accounts) for the protection of consumers, competitors, employees, and others, and in furtherance of the public interest, and may provide such exceptions to and exemptions from the provisions of such code, as the President in his discretion deems necessary to effectuate the policy herein declared.

(b) After the President shall have approved any such code, the provisions of such code shall be the standards of fair competition for such trade or industry or subdivision thereof. Any violation of such standards in any transaction in or affecting interstate or foreign commerce shall be deemed an unfair method of competition in commerce within the meaning of the Federal Trade Commission Act, as amended; but nothing in this title shall be construed to impair the powers of the Federal Trade Commission under such Act, as amended.

(c) The several district courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of any code of fair competition approved under this title: and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney General, to institute proceedings in equity to prevent and restrain such violations.

(d) Upon his own motion, or if complaint is made to the President that abuses inimical to the public interest and contrary to the policy herein declared are prevalent in any trade or industry or subdivision thereof, and if no code of fair competition therefor has theretofore been approved by the President, the President, after such public notice and hearing as he shall specify, may prescribe and approve a code of fair competition for such trade or industry or subdivision thereof, which shall have the same effect as a code of fair competition approved by the President under subsection (a) of this section.

(e) On his own motion, or if any labor organization, or any trade or industrial organization, association, or group, which has complied with the provisions of this title, shall make complaint to the President that any article or articles are being imported into the United States in substantial quantities or increasing ratio to domestic production of any competitive article or articles and on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of any code or agreement under this title, the President may cause an immediate investigation to be made by the United States Tariff Commission, which shall give precedence to investigations under this subsection, and if, after such investigation and such public notice and hearing as he shall specify, the President shall find the existence of such facts, he shall, in order to effectuate the policy of this title, direct that the article or articles concerned shall be permitted entry into the United States only upon such terms and conditions and subject to the payment of such fees and to such limitations in the total quantity which may be imported (in the course of any specified period or periods) as he shall find it necessary to prescribe in order that the entry thereof shall not render or tend to render ineffective any code or agreement made under this title. In order to enforce any limitations imposed on the total quantity of imports, in any specified period or periods, of any article or articles under this subsection, the President may forbid the importation of such article or articles unless the importer shall have first obtained from the Secretary of the Treasury a license pursuant to such regulations as the President may prescribe. Upon information of any action by the President under this subsection the Secretary of the Treasury shall, through the proper officers, permit entry of the article or articles specified only upon such terms and conditions and subject to such fees, to such limitations in the quantity which may be imported, and to such requirements of license, as the President shall have directed. The decision of the President as to facts shall be conclusive. Any condition or limitation of entry under this subsection shall continue in effect until the President shall find and inform the Secretary of the Treasury that the conditions which led to the imposition of such condition or limitation upon entry no longer exists.

(f) When a code of fair competition has been approved or prescribed by the President under this title, any violation of any provision thereof in any transaction in or affecting interstate or foreign commerce shall be a misdemeanor and upon conviction thereof an offender shall be fined not more than \$500 for each offense, and each day such violation continues shall be deemed a separate offense.

AGREEMENTS AND LICENSES

Sec. 4. (a) The President is authorized to enter into agreements with, and to approve voluntary agreements between and among, persons engaged in a trade or industry, labor organizations, and trade or industrial organizations, associations, or groups, relating to any trade or industry, if in his judgment such agreements will aid in effectuating the policy of this title with respect to transactions in or affecting interstate or foreign commerce, and will be consistent with the requirements of clause (2) of subsection (a) of section 3 for a code of fair competition.

(b) Whenever the President shall find that destructive wage or price cutting or other activities contrary to the policy of this title are being practiced in any trade or industry or any subdivision thereof, and, after such public notice and hearing as he shall specify, shall find it essential to license business enterprises in order to make effective a code of fair competition or an agreement under this title or otherwise to effectuate the policy of this title, and shall publicly so announce, no person shall, after a date fixed in such announcement, engage in or carry on any business, in or affecting interstate or foreign commerce, specified in such announcement, unless he shall have first obtained a license issued pursuant to such regulations as the President shall prescribe. The President may suspend or revoke any such license, after due notice and opportunity for hearing, for violations of the terms or conditions thereof. Any order of the President suspending or revoking any such license shall be final if in accordance with law. Any person who, without such a license or in violation of any condition thereof, carries on any such business for which a license is so required, shall, upon conviction thereof, be fined not more than \$500, or imprisoned not more than six months, or both, and each day such violation continues shall be deemed a separate offense. Notwithstanding the provisions of section 2(c), this subsection shall cease to be in effect at the expiration of one year after the date of enactment of this Act or sooner if the President shall by proclamation or the Congress shall by joint resolution declare that the emergency recognized by section 1 has ended.

Sec. 5. While this title is in effect (or in the case of a license, while section 4 (a) is in effect) and for sixty days thereafter, any code, agreement, or license approved, prescribed, or issued and in effect under this title, and any action complying with the provisions thereof taken during such period, shall be exempt from the provisions of the antitrust laws of the United States.

Nothing in this Act, and no regulation thereunder, shall prevent an individual from pursuing the vocation of manual labor and selling or trading the products thereof, nor shall anything in this Act, or regulation thereunder, prevent anyone from marketing or trading the produce of his farm.

The Michigan People's Assembly and Grand Jury further finds that the above act covers such a wide range of powers that it is almost impossible to describe, other than it is proper to quote Senate Report 93-549, as of November 19, 1973, which states:

A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency.

and further from Franklin D. Roosevelt. *On Our Way*. New York: The John Day Company, 1934, pp. 35-36

... the full meaning of that word "emergency" related to far more than banks; it covered the whole economic and therefore the whole social structure of the country. It was an emergency that went to the roots of our agriculture, our commerce, and our industry; it was an emergency that had existed for a whole generation in its underlying causes and for three and one-half years in its visible effects. It could be cured only by a complete reorganization and a measured control of the economic structure. It could not be cured in a week, in a month, or a year. It called for a long series of new laws, new administrative agencies. It required separate measures affecting different subjects; but all of them component parts of a fairly definite broad plan. Most of all it called for readiness and understanding on the part of the people. We could never go back to the old order.

FINDING OF FACT

9) The Michigan People's Assembly and Grand Jury finds that on June 5, 1933 the Senate and the House of Representatives passed House Joint Resolution 192, also known as Abrogation of the Gold Clause, as shown by Exhibit 44. It states in part:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) every provision contained in or made with respect to any obligation which purports to give the obligee a right to require payment in gold or a particular kind of coin or currency, or in an amount in money of the United States measured thereby, is

declared to be against public policy; and no such provision shall be contained in or made with respect to any obligation hereafter incurred. Every obligation, heretofore or hereafter incurred, whether or not any such provision is contained therein or made with respect thereto, shall be discharged upon payment, dollar for dollar, in any coin or currency which at the time of payment is legal tender for public and private debts. Any such provision contained in any law authorizing obligations to be issued by or under authority of the United States, is hereby repealed, but the repeal of any such provision shall not invalidate any other provision or authority contained in such law.

(b) As used in this resolution, the term "obligation" means an obligation (including every obligation of and to the United States, excepting currency) payable in money of the United States, and the term "coin or currency" means coin or currency of the United States, including Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations.

Sec. 2. The last sentence of paragraph (1) of subsection (b) of section 43 of the Act entitled 'An Act to relieve the existing national economic emergency by increasing agricultural purchasing power, to raise revenue for extraordinary expenses incurred by reason of such emergency, to provide emergency relief with respect to agricultural indebtedness, to provide for the orderly liquidation of joint-stock land banks, and for other purposes', approved May 12, 1933, is amended to read as follows:

"All coins and currencies of the United States (including Federal Reserve notes and circulating notes of Federal Reserve banks and national banking associations) heretofore or hereafter coined or issued, shall be legal tender for all debts, public and private, public charges, taxes, duties, and dues, except that gold coins, when below the standard weight and fineness of tolerance provided by law for the single piece, shall be legal tender only in valuation in proportion to their actual weight."

Approved, June 5, 1933, 4: 40 p.m.

We see from the wording that any "obligee" which purport to Black's Law Dictionary 4th ed., pg. 1226 means "The person in favor of whom some obligation is contracted, whether such obligation be to pay money or to do or not to do something." "The party to whom a bond is given."

We see that the people who were holder of the note, bond, warehouse receipt, obligation, or Federal Reserve note (a warehouse receipt for gold), were the obligee, and no longer had a right to require (demand) payment in gold.

It goes on to say:

That (a) every provision contained in or made with respect to any obligation which purports to give the obligee a right to require payment in gold or a particular kind of coin or currency, or in an amount in money of the United States measured thereby, is declared to be against public policy;

It goes on to say that every obligation heretofore or hereafter incurred, shall be discharged upon dollar for dollar - meaning that debts or obligations can no longer be paid, they can only be discharged.

We, The Michigan People's Assembly and Grand Jury further find that this is confirmed by *Stank v. White*, 172 *Mich.* 390, 215 *N.W.* 784, which states:

There is a distinction between a "debt discharged" and a "debt paid." When discharged the debt still exists though divested of its character as a legal obligation during the operation of the discharge. Something of the original vitality of the debt continues to exist which may be transferred, even though the transferee takes it subject to its disability incident to the discharge. The fact that it carries something which may be a consideration for a new promise to pay, so as to make an otherwise worthless promise a legal obligation, makes it the subject of transfer by assignment. *Stank v. White*, 172 *Mich.* 390, 215 *N.W.* 784.

and further, the Michigan People's Assembly and Grand Jury finds:

The new money or currency implemented by Congress on March 9, 1933, under Title IV "Upon the deposit with the Treasury of the United States (a) of any direct obligation of the United States or . . ." which is a direct obligation upon the American people, can now be used to "discharge" the obligation which the Federal Reserve Banks had with the American people, who were holders of the notes, bonds, obligations.

We further find that the people were never paid for their gold, rather they were merely tendered their own obligation.

FINDING OF FACT

10) The Michigan People's Assembly and Grand Jury finds that on June 19, 1934 Congress passed an Act merging Law and Equity, known as the Federal Rules of Civil Procedures Act, reads as follows:

Petition de Droit and Command To Show Cause

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AN ACT

To give the Supreme Court of the United States authority to make and publish rules in actions at law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Supreme Court of the United States shall have the power to prescribe, by general rules, for the district courts of the United States and for the courts of the District of Columbia, the forms of process, writs, pleadings, and motions, and the practice and procedure in civil actions at law. Said rules shall neither abridge, enlarge, nor modify the substantive rights of any litigant. They shall take effect six months after their promulgation, and thereafter all laws in conflict therewith shall be of no further force or effect.

Sec. 2. The court may at any time unite the general rules prescribed by it for cases in equity with those in actions at law so as to secure one form of civil action and procedure for both: Provided, however, That in such union of rules the right of trial by jury as at common law and declared by the seventh amendment to the Constitution shall be preserved to the parties involvate. Such united rules shall not take effect until they shall have been reported to Congress by the Attorney General at the beginning of a regular session thereof and until after the close of such session.

Approved, June 19, 1934.

The Michigan People's Assembly and Grand Jury further finds that the Act did not come into effect until December 20, 1937, as shown by the following "Letter of Submittal."

LETTER OF SUBMITTAL

Supreme Court of the United States,
Washington, D.C., December 20, 1937.

My Dear Mr. Attorney General:

By direction of the Supreme Court, I transmit to you herewith the Rules of Civil Procedure for the District Courts of the United States which have been adopted by the Supreme Court pursuant to the Act of June 19, 1934, chapter 651 (48 Stat. 1064).

In accordance with Section 2 of that Act, the Court has united the general rules prescribed by it for cases in equity with those in actions at law so as to secure one form of civil action and procedure for both. The Court requests you, as provided in that section, to report these rules to the Congress at the beginning of the regular session in January next.

I am requested to state that Mr. Justice Brandeis does not approve of the adoption of the rules.

I have the honor to remain,

Respectfully yours,

(signed) Charles E. Hughes,

Chief Justice of the United States.

Honorable Homer Cummings,

Attorney General of the United States,

Washington, D.C.

The Michigan People's Assembly and Grand Jury further finds that pursuant to Supreme Court case, *Eric R.R. v. Thompson*, 1938, which stated that there was no general Federal Common Law at the Federal level.

The Michigan People's Assembly and Grand Jury finds that recognition of the Common Law was abolished at both the Federal and State levels.

FINDING OF FACT

11) The Michigan People's Assembly and Grand Jury finds that on June 6, 1934, Congress of the United States enacted Public Law No. 293, H.R. 7353.

Compact For Prevention of Crime
With and Among the Several States
Part I

COMPACT FOR PREVENTION OF CRIME-AUTHORIZATION

24-60-101 Compacts recognized and declared to exist. The congress of the United States, under and pursuant to the provisions of section 10 of article 1 of the constitution of the United States, having granted its consent by that certain act (Public Law No. 293, H.R. 7353), approved June 6, 1934, to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and in the enforcement of their respective criminal laws and policies, and for the establishment of such agencies, joint or otherwise, as they may deem desirable for making effective any

such agreements or compacts, the practical need and utility of such agreements or compacts, between or among the state of Michigan and any other states of the United States, and particularly between or among the state of Michigan and those states adjoining the state of Michigan, are recognized and declared to exist.

and further, the Michigan People's Assembly and Grand Jury find:

That this compact allowed the Federal government to come into the states and enforce Federal statutes, a few of which are:

1. An Act punishing the Federal kidnapping statute to provide for the death penalty in the event of injury to the victim, and creating a presumption that, if the victim was not returned within seven days, the victim had been taken from one State to another.
2. An Act punishing the transmission of extortion demands in any form of interstate communication. Prior to this, only the mailing of extortion notes was punishable.
3. A statute making it a Federal offense for a person to flee from one State to another to avoid prosecution for certain major felonies or to avoid testifying in felony cases. Since the enactment of this statute hundreds of persons not available to interstate rendition proceedings have been returned to States under Federal warrants for prosecution.
4. A statute punishing the transportation and receipt of stolen goods in interstate commerce where the value is \$5,000 or more. This statute has been instrumental in breaking up some of the larger gangs which had been engaged in shipping stolen merchandise from one State to another.
5. An Act punishing robbery of national banks with death penalty where any person is killed during the robbery. The statute is applicable not only to national banks, but to members of the Federal Reserve System and to all banks whose funds are insured by the Federal Deposit Insurance Corporation. It has done much to reduce the epidemic of bank robbery.
6. A statute requiring registration of all machine-guns and sawed-off shotguns and rifles.
7. An Act making it a Federal offense to assault or kill Federal officers.
8. An Act authorizing agents of the Department of Justice to carry firearms.
9. An Act to protect certain types of trade and commerce against intimidation and racketeering.
10. Various statutes for improving the outworn and archaic Federal criminal procedure to make the prosecution of crime in court more effective.

We, the Michigan People's Assembly and Grand Jury further find that under 6a) Statute requiring regulations of all machine-guns and sawed-off shotguns and rifles, was the agenda for Ruby Ridge - which claimed Weaver had sold a shotgun which was 1/4 inch too short. Which action gave cause for Federal agents to come into Idaho and kill Weaver's wife and their fourteen year old son.

and further:

The Michigan People's Assembly and Grand Jury finds that the same federal statutes 6(a) were the grounds used by the Federal government in the Waco case, which resulted in the death of some 80 men, women and children. All of these actions were taken under the War and Emergency Power Act of March 9, 1933.

and further:

The Michigan People's Assembly and Grand Jury finds that this United States Compact with the several states of the Union, in effect made the states nothing more than Federal regions of the United States, or a corporation of the United States with special exemptions (tax free status).

FINDING OF FACT

12) The Michigan People's Assembly and Grand Jury finds that on the 17th day of December 1932, Wilbur M. Brucker, Governor of Michigan (outgoing) issued a Proclamation calling for an extraordinary session of the General Assembly.

PROCLAMATION OF THE GOVERNOR

TO ALL WHOM IT MAY CONCERN:

GREETING:

By virtue of the authority vested in me as Governor of the State of Michigan, I hereby call the legislature of the State to meet in extraordinary session on December 27th, 1932, at one o'clock in the afternoon, for the consideration of such matters as may be submitted by special message.

Given under my hand and the Great Seal of the State at the Capitol in Lansing, this seventeenth day of December, in the year of our Lord, one thousand nine hundred and thirty-two, and of the Commonwealth the sixty-seventh.

(SEAL)

(signed) Wilbur M. Brucker
Governor

The State of Michigan
Department of State

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, Frank D. Fitzgerald, Secretary of State of the State of Michigan and Custodian of the Great Seal thereof, DO HEREBY CERTIFY that the attached copy is a true and compared transcript of the PROCLAMATION OF THE GOVERNOR issued the seventeenth day of December, 1932, convening the legislature in extraordinary session December 27th, 1932, at one o'clock in the afternoon, the original of which is on file in this office.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State at the Capitol in the city of Lansing, this seventeenth day of December, 1932.

(signed) Frank A. Fitzgerald
Secretary of State

and further. The Michigan People's Assembly and Grand Jury finds that only one act was passed during this extraordinary session of the legislature.

PUBLIC ACT [No. 1] Second Extra Session of 1932

AN ACT to authorize certain municipalities to borrow money in anticipation of the collection of taxes, and to issue bonds therefore, which authorization shall be in addition to that now given by law; to provide for the payment of such bonds, and the levy of a tax therefor; to provide for the disposition of the proceeds received from such bonds; to authorize the acceptance of such bonds, and the coupons thereon, in payment of taxes and/or special assessments of the issuing municipality; to prescribe the powers and duties of certain officers and official bodies in connection therewith; and to prescribe penalties for the violation thereof.

and further finds that many other acts of usurpation were put in place in previous sessions, as far back as 1895.

and further

The Michigan People's Assembly and Grand Jury finds that on the 14th day of February, 1933, William A. Comstock, Governor of Michigan issued the following.

PROCLAMATION

Whereas, in view of the acute financial emergency now existing in the city of Detroit and throughout the state of Michigan, I deem it necessary to the public interest and for the preservation of the public peace, health and welfare and for the equal safeguarding without preference of the rights of depositors in the banks and trust companies of this state and at the request of the Michigan Bankers Association and the Detroit Clearing House and after consultation with the banking authorities, both national and state, with representatives of the United States Treasury Department, the Banking Department of the State of

Petition de Droit and Command To Show Cause

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Michigan, the Federal Reserve Bank, the Reconstruction Finance Corporation, and with the United States Secretary of Commerce, I hereby proclaim the days from Tuesday, February 14th, 1933 to Tuesday, February 21st, 1933, both dates inclusive, to be public holidays during which time all banks, trust companies and other financial institutions conducting a banking or trust business within the state of Michigan shall not be opened for the transaction of banking or trust business, the same to be recognized, classed and treated and have the same effect in respect to such banks, trust companies and other financial institutions as other legal holidays under the laws of this state, provided that it shall not affect the making or execution of agreements or instruments in writing or interfere with judicial proceedings.

Dated this 14th day of February, 1933, 1:32 AM.

(signed) William A. Comstock
Governor of the State of Michigan.

By the Governor:

Frank A. Fitzgerald
Secretary of State
and further that

Governor Comstock issued proclamations on the 21st of February, 1933, declaring a banking and credit emergency and on the 8th of March, 1933 calling for cooperation with the federal government in its implementation of the War and Emergency Powers.

The Michigan People's Assembly and Grand Jury finds that the Michigan Legislature did cooperate by implementing numerous Public Acts including, but not limited to, the following:

- PUBLIC ACT [No. 31] of 1933, AN ACT repealing the act to provide for grand juries in certain counties.
- PUBLIC ACT [No. 32] of 1933, to provide for the taking over of the management and/or reorganization or liquidation of banks and trust companies, involving the police power of the state and declaring that all actions taken would be construed to be solely under the prerogative of the governor.
- PUBLIC ACT [No. 47] of 1933, authorizing the governor to declare banking holidays.
- PUBLIC ACT [No. 53] of 1933, to authorize the municipalities and other political subdivisions of the state of Michigan to proceed under the provisions of the acts of the congress of the United States of America to secure a readjustment of their respective debts.
- PUBLIC ACT [No. 70] of 1933, to authorize the board of supervisors of any county, or the board of county auditors in those counties having a board of county auditors, to invest public moneys received by county treasurers in interest bearing securities of the United States Government.
- PUBLIC ACT [No. 133] of 1933, to authorize the acceptance of bonds and coupons and other obligations of municipalities and special assessment districts in payment of certain taxes and special assessments under certain conditions, and to prescribe the effect thereof, and to prescribe the powers and duties of certain officials and bodies with respect thereto.
- PUBLIC ACT [No. 167] of 1933, to provide for the raising of additional public revenue by prescribing certain specific taxes, fees, and charges to be paid to the state for the privilege of engaging in certain business activities; to provide, incident to the enforcement thereof, for the issuance of licenses to engage in such occupations; to provide for the ascertainment, assessment and collection thereof; to appropriate the proceeds thereof; to establish a state board of tax administration; to make an appropriation for carrying out the provisions of this act; and to prescribe penalties for violations of the provisions of this act.
- PUBLIC ACT [No. 208] of 1933, declaring that a public emergency exists in regard to the owners and holders of trust mortgages and bonds; to create the state bond-holders committee and to provide for the powers and duties thereof; to require state banks and trust companies to turn over real estate trust mortgage bonds to this committee; to determine the amount of such bonds to be charged off by the state banks and trust companies each year; to provide for the payment of salaries and expenses of members, officers and assistants; to provide for the operation and management of properties covered by trust mortgage bonds; to provide for appeals from the rulings of the committee; to provide penalties for violation of this act and to repeal all acts and parts of acts inconsistent herewith.

PUBLIC ACT (No. 265) of 1933, to provide licenses for the establishing, opening, maintaining or operating of branch or chain stores, prescribing the license fees to be paid therefor and the disposition of the moneys derived therefrom; defining the powers and duties of the secretary of state in connection therewith, and to provide penalties for the violation of the provisions of this act.

PUBLIC ACT (No. 22) of the extra session, 1934, to authorize the conveyance to the federal government of lands belonging to the state of Michigan, its departments, institutions, boards and commissions, for the use as subsistence homestead projects and for allied projects under the National Industrial Recovery Act.

PUBLIC ACT (No. 25) of the extra session, 1934, to declare an emergency affecting the fish and fisheries of the state, to conserve for the inhabitants thereof an important source of food supplies and to increase the opportunities of employment for the residents of this state.

PUBLIC ACT (No. 2) of 1935, to authorize loans, advances of credit and purchases in accordance with the provisions of an act of Congress, entitled "National Housing Act," approved by the President on June twenty-seven, nineteen hundred thirty-four, and any acts amendatory thereof or supplemental thereto; and prescribing the effect of this act.

PUBLIC ACT (No. 58) of 1935, to create the state bar of Michigan; and to authorize the supreme court to provide for the organization, regulation and rules of government thereof.

PUBLIC ACT (No. 59) of 1935, to provide for the public safety; to create the Michigan state police, and provide for the organization thereof; to transfer thereto the offices, duties and powers of the state oil inspector, the department of the Michigan state police as heretofore organized, and the department of public safety; to create the office of commissioner of the Michigan state police; to provide for an acting commissioner and for the appointment of the officers and members of said department; to prescribe their powers, duties, and immunities; to provide the manner of fixing their compensation; to provide for their removal from office; and to repeal act number twenty-six of the public acts of nineteen hundred nineteen,.....

and

The Michigan Legislature passed numerous acts providing for Motor Vehicle Licensing, driver licensing, marriage licensing, alcohol administration and control, etc.

The use of the following, and other similar, emergency clauses.

That by reason of the acute financial and economic condition which has arisen and now exists in the state of Michigan an emergency exists, which requires special legislation under the police power of the state, and that this act is enacted to meet such emergency and is hereby declared to be immediately necessary for the preservation of the public peace, health and safety and shall be liberally construed.

used on more legislation is in error in that,

1) Police power is not now and has never been delegated to the Michigan legislature in any of the Michigan Constitutions now in existence, and,

2) It directly violates Article V, Sec. 30 of the Constitution for the State of Michigan, 1909, to wit:

Sec. 30. The legislature shall pass no local or special act in any case where a general act can be made applicable, and whether a general act can be made applicable shall be a judicial question. No local or special act shall take effect until approved by a majority of the electors voting thereon in the district to be affected.

The War and Emergency Powers Act has given the executive the power to promote and excuse the immoral behavior, contrary to God's Laws and the Common Law.

The laws of necessity have rendered the family unit a subdivision of the state. Children become wards of the state, with parental rights replaced as privileges at the discretion of the state.

13) The Michigan People's Assembly and Grand Jury finds that the following act abolishes any remedy through the United States District Court, as this court may only uphold administrative decisions of the state, pursuant to Erie Railroad vs. Thompson, which states that the law to be applied is the law of the state (meaning the Executive/Administrative Law of the State).

AN ACT

To amend section 24 of the Judicial Code, as amended, with respect to the jurisdiction of the district courts of the United States over suits relating to orders of State administrative boards.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 24 of the Judicial Code, as amended, is amended by adding at the end thereof the following: "Notwithstanding the foregoing provisions of this paragraph, no district court shall have jurisdiction of any suit to enjoin, suspend, or restrain the enforcement, operation, or execution of any order of an administrative board or commission of a State, or any rate-making body of any political subdivision thereof, or to enjoin, suspend, or restrain any action in compliance with any such order, where jurisdiction is based solely upon the ground of diversity of citizenship, or the repugnance of such order to the Constitution of the United States, where such order (1) affects rates chargeable by a public utility, (2) does not interfere with interstate commerce, and (3) has been made after reasonable notice and hearing, and where a plain, speedy, and efficient remedy may be had at law or in equity in the courts of such State."

Sec. 2. The provisions of this Act shall not effect suits commenced in the district courts, either originally or by removal, prior to its passage; and all such suits shall be continued, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this Act had not been passed.

Approved, May 14, 1954.

FINDING OF FACT

14) The Michigan People's Assembly and Grand Jury further finds that pursuant to Public Law 315 of April 14, 1952, H.J.R. 423, allowed for the continuation of the United Nations, shown as follows:

JOINT RESOLUTION

To continue the effectiveness of certain statutory provisions until June 1, 1952.

Whereas the existing state of war with Japan is the last declared state of war to which the United States is a party and the termination thereof and of the national emergencies proclaimed in 1939 and

Whereas some of these statutory provisions are needed to insure the national security and the capacity of the United States to support the United Nations in its efforts to establish and maintain world peace; and

Whereas, in view of the impending termination of this state of war, it is desirable to extend these needed statutory provisions immediately until June 1, 1952, to permit further consideration of a more extended continuation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the termination hereafter of the war with Japan declared December 8, 1941 (55 Stat. 795), and of the national emergencies proclaimed by the President on September 8, 1939 (Proc. 2352, 54 Stat. 2643), and on May 27, 1941 (Proc. 2487, 55 Stat. 1637), and notwithstanding any proclamation of peace with respect to such war -

The Michigan People's Assembly and Grand Jury further finds that in order to abolish the United Nations' authority over the constitutional government of the United States of America, one must first abolish the War and Emergency Powers.

FINDING OF FACT

15) The Michigan People's Assembly and Grand Jury finds that pursuant to Senate Report 93-549, compiled by Charles Mc C. Mathias Jr., Frank Church, confirms that the War and Emergency Power to be in full force and effect, as of November 19, 1973; and further in full force and effect today.

REPORT

(Pursuant to S. Res. 9, 93d Cong.)

A - A BRIEF HISTORICAL SKETCH OF THE ORIGINS OF EMERGENCY POWERS NOW IN FORCE

A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency. The problem of how a constitutional democracy reacts to great crises, however, far antedates the Great Depression. As a philosophical issue, its origins reach back to the Greek city-states and the Roman Republic. And, in the United States, actions taken by the Government in times of great crises have - from, at least, the Civil War - in important ways shaped the present phenomenon of a permanent state of national emergency.

The Michigan People's Assembly and Grand Jury first thinks it proper to show the following:

FORWARD

Since March 9, 1953, the United States has been in a state of declared national emergency. In fact, there are now in effect four presidentially proclaimed states of national emergency: In addition to the national emergency declared by President Roosevelt in 1953, there are also the national emergency proclaimed by President Truman on December 16, 1950, during the Korean conflict, and the states of national emergency declared by President Nixon on March 23, 1970, and August 15, 1971.

These proclamations give force to 470 provisions of Federal law. These hundreds of statutes delegate to the President extraordinary powers, ordinarily exercised by the Congress, which affect the lives of American citizens in a host of all-encompassing manners. This vast range of powers, taken together, confer enough authority to rule the country without reference to normal constitutional processes.

Under the powers delegated by these statutes, the President may: seize property; organize and control the means of production; seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and communication; regulate the operation of private enterprise; restrict travel; and, in a plethora of particular ways, control the lives of all American citizens.

With the making of the cold war — the developing detente with the Soviet Union and China, the stable truce of over 20 years duration between North and South Korea, and the end of U.S. involvement in the war in Indochina — there is no present need for the United States Government to continue to function under emergency conditions.

The Special Committee on the Termination of the National Emergency was created to examine the consequences of terminating the declared states of national emergency that now prevail; to recommend what steps the Congress should take to ensure that the termination can be accomplished without adverse effect upon the necessary tasks of governing; and, also, to recommend ways in which the United States can meet future emergency situations with speed and effectiveness but without relinquishment of congressional oversight and control.

In accordance with this mandate, the Special Committee — in conjunction with the Executive branch, expert constitutional authorities, as well as former high officials of this Government — is now engaged in a detailed study to determine the most reasonable ways to restore normalcy to the operations of our Government.

A first and necessary step was to bring together the body of statutes, which have been passed by Congress, conferring extraordinary powers upon the Executive branch in times of national emergency. This has been a most difficult task. Nowhere in the Government, in either the Executive or Legislative branches, did there exist a complete catalog of all emergency statutes. Many were aware that there had been a delegation of an enormous amount of power but, of how much power, no one knew. In order to correct this situation, the Special Committee staff was instructed to work with the Executive branch, the Library of Congress, and knowledgeable legal authorities to compile an authoritative list of delegated emergency powers.

This Special Committee study, which contains a list of all provisions of Federal law, except the most trivial, conferring extraordinary powers in time of national emergency, was compiled by the staff under the direction of Staff Director William G. Miller, and Mr. Thomas A. Dine, utilizing the help of the General Accounting Office, the American Law Division of the Library of Congress, the Department of Justice, the Department of Defense, and the Office of Emergency Planning.

The Special Committee is grateful for the assistance provided by Jack Goldklang of the Office of Legal Counsel, Department of Justice, Lester S. Jayson, the director of the Congressional Research Service of the Library of Congress; Joseph E. Ross, head of the American Law Division of CRS, and especially Raymond Calada of the American Law Division and his able assistants, Charles V. Dale and Grover S. Williams, Paul Armstrong of the General Accounting Office, Linda Lee, Patrick Norton, Roland Moore, William K. Sawyer, Audrey Harry, Martha Mechem, and David J. Kyle.

The Special Committee will also publish a list of Executive Orders, issued pursuant to statutes brought into force by declared states of emergency, at a later date.

Charles McC. Mathias, Jr.

Frank Church,

Co-Chairmen.

The Michigan People's Assembly and Grand Jury finds and agrees with the Special Committee on the Termination of the National Emergency, as stated in paragraph four:

"There is no present need for the United States Government to continue to function under emergency conditions."

"In the view of the Special Committee, an emergency does not now exist. Congress, therefore, should act in the near future to terminate officially the states of national emergency now in effect."

At the same time, the Special Committee is of the view that it is essential to provide the means for the Executive to act effectively in an emergency. It is reasonable to have a body of laws in readiness to delegate to the President extraordinary powers to use in times of real national emergency. The portion of the concurring opinion given by Justice Jackson in the Youngstown Steel case with regard to emergency powers provides sound and pertinent guidelines for the maintenance of such a body of emergency laws kept in readiness to be used in times of extreme crisis. Justice Jackson, supporting the majority opinion that the "President's power must stem either from an act of Congress or from the Constitution itself," wrote:

"The appeal, however, that we declare the existence of inherent powers as necessitate to meet an emergency asks us to do what many think would be wise, although it is something the forefathers omitted. They knew what emergencies were, knew the pressures they engender for authoritative action, knew, too, how they afford a ready pretext for usurpation. We may also suspect that they suspected that emergency powers would tend to kindle emergencies. Aside from suspension of the privilege of the writ of habeas corpus in time of rebellion or invasion, when the public safety may require it, they made no express provision for exercise of extraordinary authority because of a crisis. I do not think we rightfully may so amend their work, and, if we could, I am not convinced it would be wise to do so, although many modern nations have forthrightly recognized that war and economic crises may upset the normal balance between liberty and authority. Their experience with emergency powers may not be irrelevant to the argument here that we should say that the Executive, of his own volition, can invest himself with undefined emergency powers."

The Michigan People's Assembly and Grand Jury finds and agrees with the Special Committee on its findings as stated in the first paragraph.

"In the view of the Special Committee, no emergency does not now exist. Congress therefore should act in the near future to terminate officially the states of national emergency now in effect."

"On August 15, 1971, President Nixon, in Proclamation 4074, declared an emergency concerning America's declining world-wide economic position. He imposed an import surcharge and devalued the dollar, among other things. One year later, when the Export Control Act lapsed for a month, he invoked Sec. 5(b) to regulate exports, basing his authority to do so both on his Proclamation 4074 and on President Truman's proclamation of 1950.

"The current law, which has thus accrued over a period of 90 years, gives the President a wide range of powers, but only in time of war or declared national emergency. Although the Korean war has ended, these powers are being exercised solely on the basis of the 1950 emergency, or, on the basis of the President's unilaterally designating as "emergencies" situations which have only the most tenuous relationship to the serious national crises for which the Trading with the Enemy Act was originally intended. The President, with the approval of Congress, has thus used as authority for extraordinary actions laws which have no real relationship whatsoever to existing circumstances. As a consequence, a "national emergency" is now a practical necessity in order to carry out what has become the regular and normal method of governmental action. What were intended by Congress as delegations of power to be used only in the most extreme situations and for the most limited durations have become everyday powers, and a state of "emergency" has become a permanent condition."

The Michigan People's Assembly and Grand Jury finds the Justice Department to be absolutely correct when it stated:

What were intended by Congress as delegations of power to be used only in the most extreme situations and for the most limited durations have become everyday powers, and a state of "emergency" has become a permanent condition."

FINDING OF FACT

16) The Michigan People's Assembly and Grand Jury finds that Congress passed, on Sept. 14, 1976, what appeared to be an Act Terminating Existing Declared Emergencies.

PUBLIC LAW 94-412 SEP. 14, 1976 90 STAT. 1255
Public Law 94-412 94th Congress

AN ACT

To terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Emergencies Act".

TITLE I - TERMINATING EXISTING DECLARED EMERGENCIES

Sec. 101. (1) All powers and authorities possessed by the President, any other officer or employee of the Federal Government, or any executive agency, as defined in section 105 of title 5, United States Code, as a result of the existence of any declaration of national emergency in effect on the date of enactment of this Act are terminated two years from the date of such enactment. Such termination shall not affect—

(1) any action taken or proceeding pending not finally concluded or determined on such date.

- (2) any action or proceeding based on any act committed prior to such date; or
 - (3) any rights or duties that matured or penalties that were incurred prior to such date.
- (b) For the purpose of this section, the words "any national emergency in effect" means a general declaration of emergency made by the President.

TITLE II - DECLARATIONS OF FUTURE NATIONAL EMERGENCIES

Sec. 201. (1) With respect to Acts of Congress authorizing the exercise, during the period of a national emergency, of any special or extraordinary power, the President is authorized to declare such national emergency. Such proclamation shall immediately be transmitted to the Congress and published in the Federal Register.

(b) Any provisions of law conferring powers and authorities to be exercised during a national emergency shall be effective and remain in effect: (1) only when the President (in accordance with subsection (a) of this section), specifically declares a national emergency, and (2) only in accordance with this Act. No law enacted after the date of enactment of this Act shall supersede this title unless it does so in specific terms, referring to this title, and declaring that the new law supersedes the provisions of this title.

Sec. 202. (a) Any national emergency declared by the President in accordance with this title shall terminate if—

- (1) Congress terminates the emergency by concurrent resolution; or
- (2) the President issues a proclamation terminating the emergency.

TITLE V - REPEAL AND CONTINUATION OF CERTAIN EMERGENCY POWER AND OTHER STATUTES

Sec. 501. (1) Section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)) is amended—

- (1) at the end of paragraph (9), by striking out "; or" and inserting in lieu thereof a period; and
- (2) by striking out paragraph (10).

(b) Section 2667(b) of title 10 of the United States Code is amended—

- (1) by inserting "and" at the end of paragraph (3);
- (2) by striking out paragraph (4); and
- (3) by redesignating paragraph (5) as (4).

(c) The joint resolution entitled "Joint resolution to authorize the temporary continuation of regulation of consumer credit", approved August 8, 1947 (12 U.S.C. 249), is repealed.

(d) Section 5(m) of the Tennessee Valley Authority Act of 1933 as amended (16 U.S.C. 831d(m)) is repealed.

(e) Section 1383 of title 18, United States Code, is repealed.

(f) Section 6 of the Act entitled "An Act to amend the Public Health Service Act in regard to certain matters of personnel and administration, and for other purposes" approved February 28, 1945, is amended by striking out subsections (b), (c), (d), (e), and (f) (42 U.S.C. 211b).

(g) Section 9 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1742) is repealed.

(h) This section shall not affect—

- (1) any action taken or proceeding pending not finally concluded or determined at the time of repeal;
- (2) any action or proceeding based on any act committed prior to repeal; or
- (3) any rights or duties that matured or penalties that were incurred prior to repeal.

Sec. 502. (a) The provisions of this Act shall not apply to the following provisions of law, the powers and authorities conferred thereby, and actions taken thereunder:

- (1) Section 5(b) of the Act of October 6, 1917, as amended (12 U.S.C. 93a; 50 U.S.C. App. 5(b));
- (2) Act of April 28, 1942 (40 U.S.C. 278b);

- (3) Act of June 30, 1949 (41 U.S.C. 252);
- (4) Section 3477 of the Revised Statutes, as amended (31 U.S.C. 203)
- (5) Section 3737 of the Revised Statutes, as amended (41 U.S.C. 15);
- (6) Public Law 85-804 (Act of Aug. 28, 1958, 72 Stat 872, 50 U.S.C. 1431-1435);
- (7) Section 2304(a) (1) of title 10, United States Code;
- (8) Sections 3313, 6386(c), and 8313 of title 10, United States Code.

The Michigan People's Assembly and Grand Jury finds that Public Law 94-412, of September 14, 1976, in what appeared to be an Act Terminating existing Declared Emergencies, did not terminate many of the existing emergencies, and left in effect Section 5(b) of the Act of October 6, 1917, as amended, to wit:

Sec. 95b. Ratification of acts of President and Secretary of the Treasury under 95a
 The actions, regulations, rules, licenses, orders and proclamations heretofore or hereafter taken, promulgated, made, or issued by the President of the United States or the Secretary of the Treasury since March 4, 1933, pursuant to the authority conferred by subsection (b) of section 5 of the Act of October 6, 1917, as amended [12 USCS ex. 95a], are hereby approved and confirmed.
 (Mar. 9, 1933, c. 1, Title I, ss 1, 48 Stat. 1.)

FINDING OF FACT

17) The Michigan People's Assembly and Grand Jury finds that Working Paper 9405 by Walker F. Todd, writing for the Federal Reserve Bank of Cleveland, confirms and verifies the work and findings of Dr. Eugene Schroder, regarding his work on the War and Emergency Powers Act under the Trading With the Enemy Act of Oct. 6, 1917, as amended; and further the said Working Paper 9405 is an extra valuable source of information concerning a period of time before Hoover left office, who had to face the aftermath of the stock market crash of 1929, and his dilemma as to what actions should be taken for recovery.

Page two of Working Paper 9405 states in part:

... where he is talking about the United States taking similar steps to Britain and Europe and their bail-out of privately owned joint stock corporations, etc...
 ... There were comparatively few large-scale peacetime interventions by the federal government in the operations of private markets prior to Herbert Hoover's administration.
 However, the British and continental European experiences with governmentally sponsored or controlled joint stock corporations and with explicit and covert bailout mechanisms for existing private corporations are quite old. The Bank of England (chartered in 1694), the South Seas Company (1711), and the East India Company (especially after 1763) were all involved in one or another kind of governmental bailout scheme. ... There were limited attempts, made by Alexander Hamilton, Henry Clay, and other proponents of large government and of governmental protection and subsidy of enterprise, to imitate the European example on these shores. ... But these explicit bailout, protection, and subsidy schemes usually were of limited duration and eventually either failed or were abandoned, with the exceptions of the protective tariff and the land grants to railroad companies in the West during the second half of the nineteenth century.

In continental Europe, there was a rising fascination throughout the nineteenth century with central planning, with cooperation between government and industrialists, and with social movements that we now call corporate statism or even, in its post-Mussolini manifestations, fascism. The political economy model of the corporate state is rhetorically inconsistent with the classical liberal model that dominated the United States until the 1930s. However, the principal distinctive feature of corporatism, an explicit partnership between large, incorporated businesses and the central government, rationally could have been expected to emerge as a distorted version of the American system whose theoretical origins and institutional structures were created by Hamilton and whose strongest proponent was Clay. The most complete realization of this system was the governmental assistance to and tariff protection of perpetually chartered corporations under Republican administrations after the Civil War. (see Hicks [1961], pp. 54-95).

It goes on to relate on page 7

Hoover's relations with bankers and the Federal Reserve reached a turning point in May 1931. Until then, apart from occasional letter-writing and other jaw boning exercises, Hoover did not take "direct action" of his own against banks or the Fed after the October 1929 crash.

On May 7, 1931, Hoover learned of the dire economic and political circumstances in Germany (analogous to those of Russia in 1993) and apparently promised some form of U.S. assistance to support "the efforts of liberal-minded men in Germany, Austria, and Eastern Europe to sustain their representative governments against the political forces besetting them" . . .

By June 18, Treasury Secretary Mellon, who also was an *ex-officio* chairman of the Board, reversed his earlier position against U.S. official assistance to the European central banks as runs on gold and foreign exchange reserves spread into Germany (ibid., p. 68). The central banks' loans were coordinated through the Bank for International Settlements. The Reserve Banks lent \$1.08 million for Austria on May 30, \$2 million for Hungary on June 19 (increased to \$5 million on July 8), \$25 million for Germany on June 26, and \$125 million for the Bank of England on August 1 (Board of Governors, *Annual Report* [1931], pp. 12-13).

Meyer organized banking and industrial committees in the Federal Reserve districts "to help the economy get into motion again" in May-June 1932, with General Electric chairman Owen Young serving as the chairman of the New York district's committee (see *ibid.*, p. 222; *Federal Reserve Bulletin* [1932], vol. 18, pp. 416-418). The Board's *Annual Report* ([1932], p. 22), describes the impetus for the formation of these committees (which on their face would seem to be superfluous because their members were drawn from the same pools of men who served as Reserve Banks' directors). According to that account, the Board's concern (ostensibly shared by the Reserve Banks) was that "steps should be taken to enlist the cooperation of bankers and business men in an effort to develop ways and means of making effective use of the funds which were being made available by the open-market operations of the System." The Board apparently intended that the committees would conduct surveys in their districts with the purpose of detecting what now would be called "credit crunches," that is, determining "to what extent legitimate credit requirements of commerce, industry, and agriculture were not being supplied on account of a lack of banking facilities or for other reasons, and . . . acquainting prospective borrowers with possible sources of credit" (ibid.).

As Meyer's biographer describes it, at some time before the banking crisis became acute, probably between December 1932 and February 1933, the Board "had its counsel (Wynen) prepare an executive order declaring a national bank holiday, to be used in case of necessity" (Pusey [1974], p. 234). Wynen derived the statutory authority for proclaiming the president's emergency power from the Trading with the Enemy Act of World War I (Olson [1988], pp. 30-31). Meyer and the Board felt strongly that the proclamation was necessary as the state bank suspensions gathered momentum in the weeks prior to the inauguration of Franklin D. Roosevelt as president (March 4, 1933), and they were frustrated that Hoover seemed inclined only toward the milder remedy of limiting withdrawals of currency and gold (Pusey [1974], p. 234).

Hoover was willing to entertain the notion of an emergency proclamation limiting withdrawals, but only if Roosevelt authorized him to say that the president-elect also approved of it.

Hoover later wrote:

I had consulted our legal advisors as to the use of a certain unreppealed war power over bank withdrawals and foreign exchange. Most of them were in doubt on the ground that the lack of repeal was probably an oversight by the Congress, and under another law, all the war powers were apparently terminated by the peace. Secretary [or the Treasury Ogden] Mills and Senator Glass held that no certain power existed. There was danger that action under such doubtful authority would create a mass of legal conflicts in the country and would incur the refusal of the banks to comply. I then developed the idea of my issuing an executive order under this power, provided Roosevelt would approve. My legal advisors agreed that, if he approved, it could be done because he could secure ratification in a few days from his overwhelming majority in the incoming Congress. (Hoover [1952], p. 205)

Another telling indictment of the legal, as distinct from the political, basis for the emergency proclamation that the Board's general counsel prepared was the following exchange between Roosevelt and Senator Glass in Roosevelt's hotel room at 11:30 on the night before the inauguration:

[Roosevelt]: [Hoover says that the Board has asked him twice within the last three days to issue an emergency proclamation, but I told him that the governors of the states can take care of bank closings.]

[Glass]: "Yes, I know."

[Roosevelt]: "The previous time [that the Board asked Hoover for the proclamation] I sent [incoming Treasury Secretary William] Woodin to [outgoing Treasury Secretary Ogden] Mills to tell him I would not give my approval to such a proclamation."

"I see. What are you planning to do?" asked Glass.

"Planning to close them, of course," answered Roosevelt.

"You will have no authority to do that, no authority to issue any such proclamation, protested Glass. It is highly questionable in my mind if you will even have the authority to close national banks — and there is no question, at all, that you, even as President, will lack the authority to close banks chartered by the states."

"I will have that authority," argued Roosevelt. "Under the Enemy Trading Act, passed during the World War and never rescinded by Congress, I, as President, will have the authority to issue such an emergency proclamation for the purpose, as the Act says, 'of limiting the use of coin and currency to necessary purposes.'"

"It is my understanding that President Hoover explored that avenue a year or two ago — and again during recent days," said Glass. "Likewise, it is my understanding that the Attorney General informed him that it was highly questionable if, even under this act, though it has never been rescinded by Congress, the President has any such authority. Highly questionable because the likelihood is the act was dead with the signing of the Peace Treaty, if not before."

"My advice is precisely the opposite."

"Then you've got some expedient advice," returned Glass. . . . [Glass then argued that the courts would find the proclamation unconstitutional because it would require the unwarranted closing of solvent banks and because, even if all the banks were known to be insolvent,] "I am sure such a proclamation could not legally include banks chartered by the states." [Wysin's written opinion of December 5, 1932, argued just the contrary, that the federal government could close state-chartered banks.]

"Nevertheless," declared Roosevelt, "I am going to issue such a proclamation."

Convinced though he (Glass) was there had been no need for closing the banks (Glass believed that only insolvent banks could not withstand the runs of February-March 1933) and certain, too, the President was without constitutional authority for his act, those convictions were lost causes. (Smith and Bentsley [1972], pp. 341-343)

As is generally known, one of President Roosevelt's first official acts after taking office on Inauguration Day (Saturday, March 4, 1933) was to proclaim an emergency, three-day, nationwide banking holiday, signed and effective Monday, March 6. Late in the preinaugural banking crisis, on March 3, the Federal Reserve Board and the New York Reserve Bank's Governor Harrison had agreed that the Board would issue an order closing all the Federal Reserve Banks. New York Governor Herbert Lehman, at the urging of Governor Harrison, also agreed to proclaim an emergency bank holiday in New York, and a similar action was taken in Illinois. Thus, the Board had placed first Hoover and then Roosevelt in a position in which, as a practical matter, the president could not allow Monday to arrive without some kind of emergency proclamation (Pussy [1974], p. 237).

. . . Representative Hamilton Fish of New York, after Roosevelt's first "fruside chat" on March 12, 'proudly pronounced the new regime "an American dictatorship based on the consent of the governed without any violation of individual liberty or human rights"' (ibid., p. 15). The text of that fruside chat, 'relative to the banking situation,' is printed in full in the *Federal Reserve Bulletin* ([1933], vol. 19, pp. 120-122), a circumstance, that in light of everything else that transpired then, causes one to wonder who actually drafted that text for Roosevelt.

Matthew Josephson describes the principal features of the early National Recovery Administration — whose emblem became Johnson's famous NRA 'Blue Eagle' — as follows:

The NRA introduced national planning under trade agreements called "codes," which were drafted by the different trade associations and administered mainly by representatives of business. The whole scheme for control of production, for stabilizing wages, and for eliminating "unfair" competition, while granting immunity from antitrust prosecution, was conceived originally by President Gerard Swope of the General Electric and by the U.S. Chamber of Commerce; it was modified somewhat by granting labor a vague "bill of rights," the NRA 7(a) clause providing for workers' representation by unions of their own choosing. . . . [The NRA . . . encouraged cartel organization in the various industries. . . . Several of the largest employers, such as Henry Ford, consulted their lawyers and flatly refused to comply with such programs; Sewell Avery, head of the great Montgomery Ward mail order concern, . . . resisted the NRA. . . . In Washington there was a free-for-all as representatives of large and small businesses congregated in the capital to have their quotas of output, prices, and wages established to their liking. (Josephson [1972], pp. 248-250)

The history of the NRA after June 1933 is described in Schlesinger ([1959], pp. 87-176). Johnson, Tugwell, and other stalwart defenders of the NRA believed that the business production codes, combined with the organization of labor into

collective bargaining units, would create a public sense of solidarity, or everyone joining forces in a common enterprise, a somewhat romantic notion that derived directly from the aspirations of the Catholic Socialism and Christian (that is, Protestant) Socialism movements of late-nineteenth-century Europe (see Gide and Riat [1913], pp. 483-514). A "Blue Eagle" parade in support of the NRA drew large crowds in New York City in early September 1933, and industries submitted draft production codes to the NRA in the late summer and early fall. Some industries tried to hold out for company unions instead of the independent unions required by Section 7(a) of the National Industrial Recovery Act (Schlesinger [1959], pp. 115-117, 136-151).

The Michigan People's Assembly and Grand Jury finds that Todd is describing President Roosevelt's New Deal as a form of corporatism, and fashioned after Mussolini's fascism, a collusion between Government and major corporations, working together, granting themselves exemption from Anti-Trust Law.

The Michigan People's Assembly and Grand Jury finds that Working Paper 9405, by Walker E. Todd is proof that it was the Federal Reserve Bank who first wanted Hoover to come to their aid by calling for a Bank Holiday (closing of the Banks), and, we find that Hoover refused on the advice of the Attorney General, claiming he had no authority.

We, the Michigan People's Assembly and Grand Jury find that President Roosevelt was forwarded by Senator Glass against closing the Banks, but totally ignored his advice, as shown on page 30 and 31, and, that he was determined to close the banks as first recommended by the Federal Reserve Bank.

FINDING OF FACT

18) The Michigan People's Assembly and Grand Jury finds that on November 10, 1798, the Kentucky legislature adopted what is known as The Kentucky Resolution, which spelled out the criminal jurisdiction of the United States, which was delegated to them by the Constitution, and they were as follows:

1.) to punish treason; 2.) counterfeiting the securities and current coin of the United States; 3.) piracy and felonies committed on the high sea, and, 4.) offenses against the law of nations. It goes on to say:

"1. Resolved, That the several States composing the United States of America, are not united on the principle of unlimited submission to their general government; but that, by a compact under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes — delegated to that government certain definite powers, reserving, each State to itself, the residuary mass of right to their own self-government, and that whenever the general government assumes undelegated powers, its acts are unauthorized, void, and of no force: . . ."

We, the Michigan People's Assembly and Grand Jury, further find that the Kentucky Resolution was a protest against the Alien and Sedition Acts passed by Congress, which sought to include and define other crimes, which were not delegated to them by the Constitution, such as:

" . . . An Act to punish frauds committed on the bank of the United States," (and all their other acts which assume to create, define, or punish crimes, other than those so enumerated in the Constitution,) are altogether void, and of no force; and that the power to create, define, and punish such other crimes is reserved, and, of right, appertains solely and exclusively to the respective States, each within its own territory."

The Michigan People's Assembly and Grand Jury further finds that the Alien and Sedition Acts passed by Congress then, were very much similar to the modern day "Trading With the Enemy Act, as amended," as issued on March 6, 1933 by Executive Order 2039, and Executive Order 2040 of March 9, 1933, creating an entire series of new federal crimes.

The Michigan People's Assembly and Grand Jury further finds that the Alien and Sedition Act was about to drive their States into a revolution, as stated in "8. Resolved", which reads in part:

" . . . that the friendless alien has indeed been selected as the safest subject of a first experiment; but the citizen will soon follow, or rather, has already followed, for already has a sedition act started him as its prey: that these and successive acts of the same character, unless arrested as the threshold, necessarily drive these States into revolution and blood. . . ."

The Michigan People's Assembly and Grand Jury further finds that the Alien and Sedition Act was later repealed, after Jefferson was elected President, as having no authority under the Constitution.

FINDING OF FACT

19) The Michigan People's Assembly and Grand Jury finds that out of the Republican Governors Conference of 1994, there came *THE WILLIAMSBURG RESOLVE*, which document contains serious errors, as follows:

Page 1, paragraph 5 reads:

Chief among these checks were to be the State governments whose so-called role was expressly acknowledged in the Tenth Amendment to the Constitution, and whose governing jurisdiction and popular support were presumed sufficient to resist Federal encroachment. The Federal government, by contrast, was given certain expressly enumerated powers and denied all others. From this balanced federal-state relationship, predicated on dual-sovereignty, there was to come a healthy tension that would serve as a bulwark against any concentration of power that threatened the freedoms of the people.

The Governors are guilty of the same error of which the federal government stands accused. State government does not have sweeping jurisdiction. State government is also bound by a constitution which delegates certain expressly enumerated and limited authorities and denies all others. There is no dual-sovereignty. State government is sovereign only to other State governments and to the federal government. Federal government is sovereign only to other national governments, which sovereignty it has ceded, without the authority to do so, to the United Nations. The only true Sovereigns are the people.

Page 2, paragraph 1 says:

The people of the States seek to regain control of their own destiny, and they have entrusted State leaders with the responsibility for achieving this fundamental reform in our governmental system. We are pledged to fulfill this promise by restoring to the States and the people the prerogatives and freedoms guaranteed to them under the Constitution.

This is error number two. The people have not entrusted State leaders with the responsibility for achieving reform in our governmental system. The people are demanding that State agents immediately terminate their usurpation of undelegated authority; that they cease and desist in their efforts to pervert our governmental system from operating in proper and lawful fashion. The system needs no reform nor amending.

The Michigan People's Assembly and Grand Jury find that *THE WILLIAMSBURG RESOLVE* contains allegations of certain excesses and abuses that have been attributed to the federal government. State government is also guilty of these same excesses and abuses. If State government had operated within its own constitutional limitations, the federal government could not have gone so far in exceeding its authority. The appetite for power and control is not confined to Washington. It has been blatantly apparent in Lansing also.

II. CONCLUSIONS

1) The Michigan People's Assembly and Grand Jury concludes that the original Trading with the Enemy Act of October 6, 1917, passed by Congress during World War I, was valid and constitutional. Congress was within its constitutional authority. Article I, Section 8, Clause 11 states:

"The Congress shall have Power to declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water."

2) The Michigan People's Assembly and Grand Jury further concludes that Executive Order 2039, of March 6, 1933 and Executive Order 2040 of May 9, 1933 are invalid and unconstitutional, and further all Executive Orders, Proclamations, statutes, judgments, etc. made thereunder, and made thereafter, are likewise invalid and unconstitutional, for the following reasons:

- a. Pursuant to *Stoehr v. Wallace* decided Feb. 28, 1921, which stated:

"The Trading With the Enemy Act, original and as amended, is strictly a war measure and finds its sanctions in the provision empowering Congress to declare War, grant Letters of Marque and Rapsial, and make Rules concerning Captains on Land and Water . . ."

3) The Michigan People's Assembly and Grand Jury concludes that in his inaugural address of March 4, 1933, President Roosevelt acknowledged that no invasion or rebellion had taken place. Roosevelt proceeded by asking for: "... broad Executive power to wage a war against the emergency, as great as the power that would be given me if we were in fact invaded by a foreign foe."

4) The Executive Order 2039 of March 6, 1933 was amended and in its final form included the American people and their transactions the same as "enemy" and made them subject to all the War-time Executive Orders, Rules, Regulations, Licenses etc

5) The Michigan People's Assembly and Grand Jury not only concludes that there was an Act of "Fraud" perpetrated against the American people, but also an Act of Treason, under Article III, Section 3 of the United States Constitution.

Section 3 Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.

6) The Michigan People's Assembly and Grand Jury conclusion is further supported by Senate Report 93-549, which states in part:

A majority of the people of the United States have lived all of their lives under emergency rule. For 40 years, freedoms and governmental procedures guaranteed by the Constitution have, in varying degrees, been abridged by laws brought into force by states of national emergency.

and further states:

"there is no present need for the United States Government to continue to function under emergency conditions."

and further states:

"In the view of the Special Committee, an emergency does not now exist. Congress, therefore, should act in the near future to terminate officially the states of national emergency now in effect."

7) The Michigan People's Assembly and Grand Jury's conclusions are further supported by Working Paper 9405 by Walker F. Todd, writing for the Federal Reserve Bank of Cleveland. Coming "straight from the horse's mouth" - Todd describes it as a "large-scale peacetime intervention." See page 2, Working Paper 9405.

and further:

Hoover later wrote: "I had consulted our legal advisors as to the use of a certain unrevoked war power over bank withdrawals and foreign exchange. Most of them were in doubt on the ground that the lack of repeal was probably an oversight by the Congress, and under another law, all the war powers were apparently terminated by the peace. Secretary [of the Treasury Ogden] Mills and Senator Glass held that no certain power existed.

8) The Michigan People's Assembly and Grand Jury makes the conclusion that the overwhelming evidence is: that the War and Emergency Power Act was enacted at a time when the country was at peace and was not under threat of invasion and not in a state of rebellion, which is the controlling factor in this case.

9) The Michigan People's Assembly and Grand Jury further concludes that pursuant to the Kentucky Resolution, which spelled out: the criminal jurisdiction of the United States to four specifics, i.e.: "1.) to punish treason, 2.) counterfeiting the securities and current coin of the United States; 3.) felonies committed on the high sea, and; 4.) offenses against the law of nations"

and further, that Congress had no other criminal jurisdiction, other than what was delegated to them by the Constitution,

and further, the Michigan People's Assembly and Grand Jury concludes that the War and Emergency Power is synonymous with the Alien and Sedition Acts described in the Kentucky Resolutions of 1798; and further it is a matter of *Res judicata*. Wherefore, Executive Order 2039 of March 6, 1933, and Executive Order 2040, and all statutes, orders, judgments, etc., passed thereunder are all void and having no authority, whatsoever.

10) In Michigan the "emergency clause" found on most legislation is a fraudulent usurpation of the people's right.

11) The Michigan People's Assembly and Grand Jury concludes that since March 9, 1933 the United States of America has been impoverished; during the past 45 years we have slipped from the wealthiest, most powerful nation on earth, to the world's greatest debtor nation, in intrinsic danger of catastrophic economic collapse, and further concludes that the exercise of War and Emergency Powers has impoverished the American and deprived Americans of unalienable rights, and have worked contrary to the safety, health, liberty and general welfare of the American people.

The Michigan People's Assembly and Grand Jury on behalf of the people, in and for Michigan Republic, hereby Command the defendants to Show Cause why the Emergency Statutes passed within this state should not be terminated, along with the War and Emergency Powers of the United States. If the defendants should fail in any way to Show Cause, then this Finding of Fact and Conclusions by Our Court of First and Last Resort shall become a Superseding Judgment, and upon failure of the public to properly protest said judgment, it shall become, *Case Res judicata*.

The Court is instructed to issue all necessary documents

We the Jurats of the Michigan People's Assembly and Grand Jury hereby attest and acknowledge that the above Finding of Facts and Conclusions are true, correct, certain, reliable and necessary to the well-being of the people of our Michigan Republic.

Our Finding of Facts and Conclusions of Law by our Michigan People's Assembly and Grand Jury is not reviewable by any other Court of the United States than in accordance to the rules of Common Law, per the seventh amendment to our National Constitution, nor subject to trespass by the judicial power of the United States as per the eleventh amendment to our National Constitution.

So agreed to and done this 12th day of December, 1995.

Vandia Lynn, et al.
Per curiam

Robert Henry Barnes.
Per curiam

Samuel Conde, Master
Per curiam

Henry Wayne Williamson
Per curiam

[Signature]
Per curiam

[Signature]
Per curiam

Thomas Roger Green
Per curiam

Debra Allen, et al.
Per curiam

[Signature]
Per curiam

Robert J. Stewart
Per curiam

[Signature]
Per curiam

[Signature]
Per curiam

W. K. Givimon
Per curiam

[Signature]
Per curiam

Scott D. Ploehn
Per curiam

[Signature]
Per curiam

[Signature]
Per curiam

Scott Allen Woshing
Per curiam

Maris A. Bosworth
Per curiam

[Signature]
Per curiam

[Signature]
Per curiam

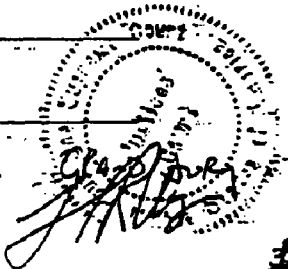
Henry M. Mason
Per curiam

[Signature]
Per curiam

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Per curiam

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Per curiam

[Signature]
Per curiam

Per curiam
Per curiam
Per curiam


Charles Johnson
Sui Juris

David L. Taylor
Sui Juris

William O. Crutcher
Sui Juris

Adrienne Boudette
Sui Juris

Delores V. Wayne
Sui Juris

Chris P. Totten
Sui Juris

Walter Kille
Sui Juris

Dorlene Woodring
Sui Juris

Peter John Jursic, Jr.
Sui Juris

Barbara Wilfong
Sui Juris

Paul D. Lange
Sui Juris

Bill J. Felling
Sui Juris

James L. Wood
Sui Juris

Sarah M. Mason
Sui Juris

Patrick Loev
Sui Juris

Samuel Emilio Mata, Jr.
Sui Juris

Maria Teresa, Martin Sui Juris
Sui Juris

John L. Crookston
Sui Juris

Vernon D. Holt, Jr.
Sui Juris

Ernest R. Basser
Sui Juris

Bernice Eckert
Sui Juris

Tom Robinson
Sui Juris

Sam J. Jones
Sui Juris

Carlton R. Bunker
Sui Juris

Robert Cross
Sui Juris

David Hutton
Sui Juris

Scott Long
Sui Juris

John Francisco
Sui Juris



We the People, in support, do affirm.

Maui Quinn
Sui Juris

W H Karp
Sui Juris

James G. Smith
Sui Juris

William M. Johnson
Sui Juris

Michael T. Tappin
Sui Juris

Joy Heron
Sui Juris

James L. Lewis
Sui Juris

Jack B. ...
Sui Juris

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Sui Juris

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Sui Juris

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Sui Juris

[Signature]
Sui Juris

Henry M. Mann
Sui Juris

Thomas Ross, Jr.
Sui Juris

T. David Tripp
Sui Juris

James F. Cecil
Sui Juris

Jack T. Freeman
Sui Juris

Lee Howell
Sui Juris

Morris A. Bosworth
Sui Juris

[Signature]
Sui Juris

William Ward, Brighton
Sui Juris

Charles Kleckner
Sui Juris

Bill Kleckner
Sui Juris

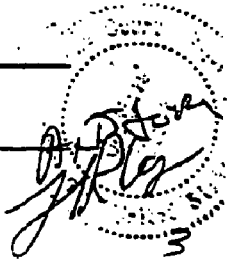
Alvin Dennis, Liaise Sui Juris

Tony Belle
Sui Juris

[Signature]
Sui Juris

James M. Roman
Sui Juris

Frank J. Starn
Sui Juris



Wayne Vauter
Sui Juris

Sui Juris

David Higgins
Sui Juris

Sui Juris

Colleen Simpson
Sui Juris

Sui Juris

Mary Jane Anderson
Sui Juris

Sui Juris

David Dennis, D.J. Givins
Sui Juris

Sui Juris

Neil Green
Sui Juris

Sui Juris

Arthur P. Rillerson
Sui Juris

Sui Juris

John J. Indiana
Sui Juris

Sui Juris

T. R. Morse
Sui Juris

Sui Juris

Dean Reginald Webster
Sui Juris

Sui Juris

William J. L...
Sui Juris

Sui Juris

Andy Kell
Sui Juris

Sui Juris

Stan R. Davidson
Sui Juris

Sui Juris

William M. Trapp
Sui Juris

Sui Juris

Seal of the State of Michigan
A.L.T.
[Signature]
4

Thomas Lyle Slater

Sui Jurs, Juris et de jure

Sui Jurs

Charles D. Smith

Sui Jurs

Sui Jurs

Michael A. Feldman

Sui Jurs

Sui Jurs

Marie K. Kelly

Sui Jurs

Sui Jurs

William M. ...

Sui Jurs

Sui Jurs

William M. ...

Sui Jurs

Sui Jurs

William M. ...

Sui Jurs

Sui Jurs

Seth Allen Woodring

Sui Jurs

Sui Jurs

Christopher ...

Sui Jurs

Sui Jurs

James Petrangola

Sui Jurs

Sui Jurs

Virginia ...

Sui Jurs

Sui Jurs

Sui Jurs

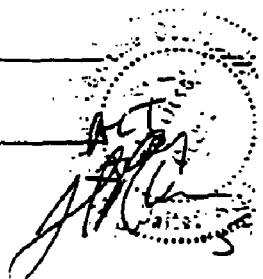
Sui Jurs

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Sui Jurs

Sui Jurs



Robert W. Marquis
Sui Juris

Sui Juris

William H. Honey
Sui Juris

Sui Juris

Ann B. Blum
Sui Juris

Sui Juris

George M. Brown
Sui Juris

Sui Juris

Leonard L. Moore
Sui Juris

Sui Juris

Sarah B. Moore
Sui Juris

Sui Juris

Lynn D. Van Duzen
Sui Juris

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APPENDIX B

Statement of Grievances and Demands for Redress

We the People of the United States, exercising our natural and constitutional rights to assemble peaceably and to keep and bear arms, and met as the Militia assembled, and exercising our constitutional right to petition for grievances, do hereby present this statement of grievances and demands for redress thereof:

A. Federal officials have made war on the People, violated their natural and constitutional rights, exceeded the limited powers delegated to them under the Constitution, and betrayed their oaths to faithfully fulfill the provisions of the Constitution and to execute just treaties, laws and contracts pursuant thereto:

- 1 - They have adopted and enforced statutes and regulations to deprive the People of their arms and impair the bearing thereof in defense of themselves and the State, they have failed to fulfill the Constitutional requirements that the entire Militia be kept organized and trained and in a high state of readiness, and they have persecuted constitutional militias and other groups exercising their rights to peaceably assemble and to keep and bear arms, and sought to prevent them from exercising their constitutional duty to organize and train themselves.
- 2 - They have established a criminal Secret Government, involving a conspiracy of key officials in all branches and levels of government, and involving government contractors, financial institutions, business organizations, the media, educational, religious, and charitable organizations, labor unions, trade associations, and political action groups, to operate above the law and in violation of the Constitution, to defraud and victimize the People and deprive them of their lives, liberties, and property. This Secret Government has committed high crimes and misdemeanors and conspired to conceal them. It has injured or caused the death of persons who seek to expose its crimes and bring their perpetrators to justice, and it has assassinated, prosecuted, financially ruined, or discredited public officials, candidates for public office, whistleblowers, investigators and reformers who threaten its rule.
- 3 - They have adopted legislation such as an amendment to the Trading with the Enemy Act and various Presidential directives such as the 1933 War and Emergency Power Order which treat the People as the enemy of the Government, and orders which illegally seek to suspend the Constitution under ill-defined "emergencies"; and made preparations to overthrow the Constitution under circumstances which are either not true emergencies or which are contrived by a conspiracy of such officials.
- 4 - They have adopted secret legislation and appropriations of funds, and kept official activities and documents secret, ostensibly for the purpose of "national security," but in fact often for the purpose of concealing their crimes and preventing the prosecution thereof.
- 5 - They have established systems for rigging elections and have used these systems to deprive the People of their right to choose their elected officials.
- 6 - They have exceeded their limited authority to regulate interstate commerce to improperly encompass prohibition thereof, criminal prosecution for violations, or to regulate or prohibit activities that are not commercial, or which have not yet crossed a state boundary, or which once did but have now come to rest, or which "affect" interstate commerce, or to entities some of whose activities may involve interstate commerce but which are not themselves interstate commercial transactions.
- 7 - They have exceeded their limited authority to impose excise and import taxes to raise revenues, and have improperly attempted to prohibit activities by imposing confiscatory taxes on them, treated items or activities as illegal in themselves when in fact they have only not had taxes paid on them, and prosecuted persons criminally for failure to pay.
- 8 - They have passed statutes not intended to be equally and impartially enforced, but to be applied at the discretion of officials, which laws are all too often applied not to their intended objects but to innocent persons who provide easy targets, against the poor, the weak, women, and minorities.
- 9 - They have adopted legislation and regulations ostensibly intended to achieve worthwhile purposes, such as public health, occupational safety, environmental protection, or wilderness conservation, although without constitutional authority, but which are used by corrupt officials and their cronies to deprive persons of their property not for a public purpose and without just compensation.

10 - They have invented and applied the legal ruse of making inanimate objects parties to legal proceedings to seize and forfeit them, in violation of the constitutional principle that only natural persons or aggregates thereof may be parties to due process, and to deny those persons who are the owners of the objects the right to defend their property rights thereto, thereby depriving them of their property without just compensation and without having convicted them of a crime or having properly imposed a tax or fine.

11 - They have illegally prosecuted persons under criminal statutes and regulations, in Federal courts, for acts not committed on Federal territory, including acts committed on State territory over which they have no constitutional jurisdiction except in cases of treason, counterfeiting, piracy or felonies on the high seas, or offenses against the laws of nations.

12 - They have, in violation of due process and the Constitution, allowed judges to deny accused persons of the right to a trial by jury, and deprive such persons of their liberty and property and the exercise of their civil rights, through such devices as "contempt of court", the pernicious doctrine that persons may be incarcerated for up to six months without a jury trial, and "administrative" courts and proceedings which are declared to be "civil" even though the penalties include the deprivation of life or liberty.

13 - They have illegally declared ratified an income tax amendment which in fact was never ratified by the required number of states, and erected an illegal agency on such assumed authority which illegally levies direct taxes on the people without apportionment, illegally imposes criminal penalties for non-payment, and which violates the rights of the People to due process, to protection against warrantless searches, to protection against self-incrimination, and to trial by jury.

14 - They have made instruments not backed by gold or silver legal tender for the payment of debts, and illegally allowed the Federal Reserve, a privately owned corporation, to control the money and credit system of the country without being properly owned or controlled by the People.

15 - The President has, on several occasions, ordered the military to engage in warlike activities in foreign nations without the consent of Congress or a congressional declaration of war, and Congress has failed to impeach him therefor, in violation of their oaths to faithfully enforce the Constitution.

16 - They have conducted dangerous experiments on persons without their knowledge or informed consent, involving radiological, chemical, and biological agents, and mind control devices, resulting in damage to their health and to a shortening of their lives, they have released dangerous agents into the environment, and they have used such methods to silence whistleblowers, investigators, and reformers.

17 - They have, in violation of the constitutional guarantee of equal application of the laws and the rights of States, used the threat of withholding Federal funds from States to coerce the states to violate the rights of their citizens by passing and enforcing legislation without the consent of their citizens, without providing the funding to pay the costs thereof, while still collecting the taxes from their citizens which provide the funds they threaten to withhold.

18 - They have failed to guarantee to the States a republican form of government, by failing to insist that each State Constitution explicitly delegate all powers which that State government shall be authorized to exercise, and allowing them to exercise powers not thus delegated.

19 - They have conducted illegal and warrantless searches of persons and their premises, effects and vehicles, and seizures of their property, and placed illegal obstacles to the recovery of such property improperly seized or compensation for damage or loss.

20 - They have, under color of law and without proper presentation of warrants of search or arrest, assaulted persons in their homes and places of business, using excessive force, resulting in unnecessary deaths and injuries, often to innocent persons, and failed to pay just compensation therefor or to prosecute those responsible.

21 - They have violated the rights of Native Americans under solemn treaties established with them, deprived them of their property and liberties, caused their death and injury, persecuted them when they have tried to assert their rights, and established institutions of religion which operate to suppress their language, religion and heritage.

22 - They have corrupted the judiciary to interpret the laws in ways not consistent with the intentions of the Framers, to deny the rights of persons under the Constitution, including the rights of defendants in both criminal and civil trials, to manipulate juries, and to allow officials to exercise powers not delegated to them under the Constitution.

23 - Judges have failed to inform jurors that they have the power and duty to judge not only the facts in the case, but the law as well.

24 - They have used the Military, in violation of the *Posse Comitatus* Act, to perform police functions and keep order.

instead of calling up the Militia therefor.

25 - They have illegally and improperly entered the commercial marketplace. They have used the assets of government agencies to acquire controlling interests in enterprises on credit not secured by sufficient collateral, then looted them of their assets, and declared them bankrupt, with the collusion of corrupt judges and trustees, to conceal their manipulations. They have gained control of enterprises, subsidizing them to put their competitors into financial distress, then acquired those competitors and looted their assets. They have contrived to cause the collapse of savings and loans, acquiring or allowing their cronies to acquire the institutions and their assets at firesale prices, and thereby deprived the original owners of a trillion dollars of their assets and imposed a debt on future generations of taxpayers of hundreds of billions of dollars. They have improperly brought major sectors of the economy under their control using government assets, fraudulently acquired enormous funds held in foreign banks, secretly and illegally, and used that control and those funds for political purposes and to conceal their activities.

26 - They have falsely charged innocent persons with crimes, concealed, altered, or manufactured evidence, committed or suborned perjury, and corrupted judges and manipulated juries, to get convictions, often for no better reason than to get promotions or to be seen as solving the case, but also to silence whistleblowers, investigators or reformers, to cover up their crimes.

27 - They have engaged in the manufacture, import and distribution of illegal, dangerous, addictive substances, even while pretending to conduct a "war on drugs", both to enrich themselves personally and to raise money to conduct unauthorized, covert, and often illegal activities by their agencies, including the very agencies charged with enforcing the laws against such substances, which has contributed to the injury and death of persons and to rising rates of crime and violence.

28 - They have conspired with the legal profession to defraud the public, imposing excessive legal costs and causing excessive costs for insurance coverage, which has raised the prices of all goods and services and made domestic products and services less competitive in world markets.

29 - They have established public "authorities" which control vast assets, but which do so in ways that largely avoid accountability to the public, and which are the sources of much corruption and abuse.

30 - They have corrupted the bankruptcy courts to deprive persons filing under Chapter 11 of their assets at firesale prices, to the benefit of the officials, their agencies or their cronies.

31 - They have conspired to subvert the enforcement of safety standards, resulting in preventable accidents and the loss of health and life, and have covered up such subversion.

32 - They have exercised unwarranted influence over public policy debate and the news media.

33 - They have attempted to interpret treaties, which are necessarily inferior to the Constitution, as though they were amendments to the Constitution, in violation of Article V thereof.

B. State and local officials have failed to protect the People from abuses by federal officials, violated their natural and constitutional rights, exceeded the limited powers delegated to them under the Federal and State Constitutions, and betrayed their oaths to faithfully fulfill the provisions of the Federal and State Constitutions and to execute just compacts, laws and contracts pursuant thereto:

1 - They have placed unconstitutional restrictions on the rights of the People to keep and bear arms and to assemble as independent militias.

2 - They have failed to do their duty to support the organizing and training of local militia units and keep them in a high state of readiness.

3 - They have violated rights of the People under the Federal and State Constitutions, and exercised powers not specifically delegated to them under either constitution.

4 - They have failed to protect the People against abuses of their rights by federal officials, have failed to prosecute federal officials for crimes committed under color of law, and have allowed the People to be prosecuted in federal

courts for crimes over which only the State has jurisdiction.

5 - They have passed statutes and ordinances not intended to be equally and impartially enforced, but to be applied at the discretion of officials, which laws are all too often applied not to their intended objects but to innocent persons who provide easy targets, against the poor, the weak, women, and minorities.

6 - They have conspired with the legal profession to defraud the public, imposing excessive legal costs and causing excessive costs for insurance coverage, which has raised the prices of all goods and services and made domestic products and services less competitive in world markets.

7 - They have made instruments not backed by gold or silver legal tender for the payment of debts.

C. The news media have failed to provide the People with complete, accurate, and timely information that they need to make important public decisions:

1 - They have failed to adequately investigate and expose illegal or improper activities of officials and those doing business with the government.

2 - They have failed to provide adequate coverage of candidates for public office and the issues, and treated election campaigns and the process of government as entertainment or a sporting event, requiring candidates to spend vast sums for political advertising and to become unduly dependent on contributors representing special interests.

3 - They have failed to adequately alert the public to problems they may face in the future, or to bring important matters to their attention.

4 - They have allowed officials and special interests to exercise undue influence over the information provided to the public.

D. Too many of the People have failed to do their duty to preserve, protect and defend the Federal and State Constitutions and to participate in the process of republican government:

1 - They have too often delegated to judges, superiors, or legal advisors their duty to independently interpret and apply the Federal and State Constitutions and the laws pursuant thereto to all official acts which they may be involved.

2 - They have accepted bribes from government to buy their votes, instead of insisting that elected officials uphold the Constitutions and exercise their responsibilities for the good of the nation as a whole, and thereby laid the foundation for corruption throughout government and society.

3 - They have failed to demand complete, accurate, and timely information on candidates for office and the issues, thereby compelling candidates to become excessively dependent on contributions from special interests.

4 - They have failed to become involved in the electoral process to bring forward persons of competence and integrity to become candidates for public office.

Now, therefore, we demand:

1 - That all statutes, regulations, and orders which are in violation of their applicable constitutions be immediately repealed or amended to remove the offending provisions, and specifically:

a - All statutes which regulate, restrict or otherwise infringe on the right of the People to purchase, own, possess, advertise, sell, lease, loan, manufacture, transport, or use arms and ammunition for the purposes of defense of person, family, home, property, and liberty, for the defense and safety of the State, for sport and recreation, or for other peaceful purposes, especially those arms suited for militia use.

b - All statutes which restrict the right to assemble peaceably as independent militias.

c - The Trading with the Enemy Act, War and Emergency Power Order, and all presidential directives prescribing the suspension of the Constitution or any part thereof in an emergency.

d - All federal statutes defining crimes committed on State territory and outside of federal territory other than those of treason, counterfeiting, piracy or felonies on the high seas, or offenses against the laws of nations, and that all

convictions under such statutes be immediately reversed.

e - All statutes based on the unratified income tax amendment to the Federal Constitution.

f - All statutes based on the interstate commerce clause of the Federal Constitution which apply to other than commercial transactions that cross a state border, or that impose confiscatory fines or criminal penalties for violation thereof.

g - All statutes based on taxing clauses of the Federal Constitution which have a prohibitory or confiscatory effect, or which impose criminal penalties for failure to pay.

h - All statutes that allow for the forfeiture of property except for payment of a tax or fine judged valid by a court of competent jurisdiction.

i - All unconstitutional or unfunded mandates on state or local governments.

2 - That where a consensus exists that a power not delegated to the government should be exercised thereby, appropriate constitutional amendments be proposed, debated, and perhaps adopted, and new legislation adopted based on such amendments.

3 - That officials who have violated their oaths to uphold their respective constitutions be impeached and removed from office, and specifically:

a - The President, for signing legislation containing unconstitutional provisions, specifically the recent "Violent Crime Control and Law Enforcement Act of 1994", and for sending U.S. troops to conduct war in foreign lands without the consent of Congress.

b - The Attorney-General, for failing to prosecute officials responsible for the abuse of civil rights, and specifically for the assaults and killings of people at Ruby Ridge, Idaho, and Mount Carmel, Texas.

c - The Secretary of the Treasury, for the enforcement of unconstitutional gun control legislation and for illegally expanding the definitions of prohibited devices, and for allowing instruments not backed by gold or silver to be used as legal tender.

4 - That an immediate audit be conducted of the Federal Reserve, that it be prohibited from issuing notes to be used as legal tender, and that the Treasury replace all Federal Reserve notes now outstanding with instruments backed by gold or silver; or, if there is insufficient gold or silver to make this possible, that the Constitution be amended to allow additional materials having a stable value to be used to back the currency.

5 - That all secret legislation or budgets and all military or law enforcement training exercises be fully disclosed and explained to the public, and all government documents classified at any level of secrecy be immediately declassified and disclosed to the public, except only those few whose disclosure would jeopardize human intelligence assets in the field, reveal military technology not yet in the possession of any foreign power, jeopardize criminal investigations, or disclose private personnel information.

6 - That until such time as a foolproof method can be found for electronic voting, all elections be conducted using paper ballots, counted by human beings.

7 - That a system of independent magistrates or prosecutors be established to investigate and prosecute crimes committed by officials under color of law, and that grand juries be instructed and encouraged to investigate and bring indictments for official malfeasance.

8 - That State constitutions be amended as required to enumerate the powers delegated to the State government by the People, and that the State be forbidden from exercising any power not thus specifically delegated.

9 - That appropriate federal, state and local legislation be adopted to implement the provisions of the Federal Constitution to organize and train the entire Militia and to keep them in a high state of readiness.

10 - That federal and state laws be passed to require judges to inform jurors that they have the power and duty to judge not only the facts in the case, but the law, and that in criminal cases, no matter how despicable the accused or heinous his act, they are to find the accused not guilty if the court lacks jurisdiction or the law is unconstitutional or improperly applied, and that a law is unconstitutional if it violates a constitutional right, exceeds powers delegated to the government, or is excessively vague or not equally applied.

11 - That all government agencies and public authorities be required to divest themselves of any ownership or control over any private enterprise not specifically authorized by law, and to return to the general fund all financial assets not specifically authorized by law.

- 12 - That all public authorities and entities receiving government funds be independently audited and the results reported to the public.
 - 13 - That any U.S. troops assigned to serve under a foreign commander do so only under authority delegated to that foreign commander in accordance with law by a U.S. commander having supervisory authority over such troops, and that such authority be subject to revocation at any time.
 - 14 - That the traditional system of Common Law be established in all jurisdictions.
 - 15 - That all victims of corporate raiding, bank or savings and loan manipulation, or bankruptcy fraud perpetrated by government officials or agencies, be fully compensated for their losses.
 - 16 - That all victims of government-sponsored experimentation be identified and treated or they or their heirs be compensated.
 - 17 - That all treaties made with Native Americans be honored, and the ancestral lands guaranteed under such treaties and subsequently taken from them be restored.
 - 18 - That all legislation proposed be reviewed by an independent panel of constitutional scholars who shall advise on the constitutionality of the provisions thereof, before it is submitted to a final vote.
 - 19 - That the rules of court procedure be amended to provide that on any appeal of a case in which the government is a party to a multi-judge tribunal on constitutional grounds, the vote of only one judge is required to establish a right of a person or to deny a power to an agency of government.
 - 20 - That attorneys be licensed, and their practices reviewed, by state boards composed of non-lawyers, and that no person shall be allowed to run for elected office who has practiced law during the preceding five years, nor shall such person, having held elected office, be permitted to practice law during his term of office or during the five years after leaving office.
 - 21 - That large news media conglomerates be broken up into competing outlets having editorial independence, and charged with informing the public of what it needs to know to make the right public decisions, including providing complete and accurate information on candidates and issues, and alerting them to potential problems well in advance of needing to make decisions about them.
 - 22 - That the media open their forums to participation by more citizens and experts, and not just professional journalists, and provide more exposure for neglected issues and ideas.
 - 23 - That citizens be educated from childhood to independently interpret and apply their constitutions to all official acts with which they may be involved, and not to delegate that responsibility to judges, superiors, or legal advisors.
 - 24 - That citizens be educated to demand complete and accurate information from public officials and the media on all issues, to participate in the political process, and not to allow their votes to be bought by bribes from government.
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