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LESSON 6: ACTS OF TREASON

1861 → 2012

	When	The Who, What, Where, and How
	1861-1864	**The Confiscation Acts.** is a series of laws passed by the federal government during the American Civil War that were designed to liberate slaves in the seceded states. The first Confiscation Act passed on Aug. 6, 1861, authorized the Union seizure of rebel property, and it stated that all slaves who fought with or worked for the Confederate military services were freed of further obligations to their masters.
	1863	**The Liber Code of 1863.** The Lieber Code (General Orders No. 100, April 24, 1863) was the military law that governed the wartime conduct of the Union Army by defining and describing command responsibility for war crimes and crimes against humanity; and the military responsibilities of the Union soldier fighting the American Civil War (1861–1865) against the Confederate States of America
	1867-1868	**Reconstruction Acts**, U.S. legislation enacted in 1867–68 that outlined the conditions under which the Southern states would be readmitted to the Union following the American Civil War (1861–65).
	July 9, 1868	**The 14th Amendment is ratified.**
	February 21, 1871	**The Organic Act of 1871** is Passed creating a Municipal Corporation in Washington D.C. The District of Columbia Organic Act of 1871 is passed. The District of Columbia Organic Act of 1871 is an Act of Congress that repealed the individual charters of the cities of Washington and Georgetown and established a new territorial government for the whole District of Columbia.
	February 3, 1913	**The Sixteenth Amendment (Amendment XVI)** to the United States Constitution was ratified. It tried to allow Congress to levy an income tax without apportioning it among the states on the basis of population. It was passed by Congress in 1909 in response to the 1895 Supreme Court case of Pollock v. Farmers' Loan & Trust Co. The Sixteenth Amendment was ratified by the requisite number of states on February 3, 1913, and effectively overruled the Supreme Court's ruling in Pollock.
	December 23, 1913	**Federal Reserve Act Passed. Implant, President Woodrow Wilson quietly signs the bill authorizing the creation of the 3rd U.S. Bank Two days before Christmas**, while many members of Congress were away on vacation, creating the Central banking system we have today. It was based on the Aldrich plan drafted on Jekyll Island and gave private bankers supreme authority over the economy. They are now able to create money out of nothing (and loan it out at interest), make decisions without government approval, and control the amount of money in circulation. Most Americans still believe the FED is owned by the government, but it is not. The FED is a privately owned banking system whose majority class A shareholders include the Rothschilds, Warburg's, J.P. Morgan, the Rockefellers, and the Lehman brothers. Congressman Charles Lindbergh stated following the passing of the Federal Reserve Act, "The Act establishes the most gigantic trust on earth. When the President signs this Bill, the invisible government of the monetary power will be legalized…….The greatest crime of the ages is perpetrated by this banking and currency bill."

		It is important to note that the Federal Reserve is a private company, it is neither Federal nor does it have any Reserve. It is conservatively estimated that profits exceed $150 billion per year and the Federal Reserve has never once in its history published accounts.
	1914-1918	**World War I.** The 1914 assassination of Archduke Franz Ferdinand, heir to the throne of Austria-Hungary, triggered a series of declarations of war. The Germans borrowed money from the German Rothschilds Bank, the British from the British Rothschild Bank, and the French borrowed from the French Rothschild Bank.
	October 6, 1917	**Trading with the Enemy Act was enacted.** The Trading with the Enemy Act (TWEA) of 1917 (40 Stat. 411, codified at 12 U.S.C. § 95 and 50 U.S.C. § 4301 et seq.) is a United States federal law, enacted on October 6, 1917, that gives the President of the United States the power to oversee or restrict any and all trade between the United States and its enemies in times of war. TWEA was amended in 1933 by the Emergency Banking Act to extend the president's authority also in peacetime. It was amended again in 1977 by the International Emergency Economic Powers Act (IEEPA) to restrict the application of TWEA only in times of war, while the IEEPA was intended to be used in peacetime.
	October 24, 1929	**Stock market crash on "Black Thursday".** Nathan Rothschild made the decision in 1811 to spread untrue reports that led the London Stock Exchange to believe Napoleon had won. In a mad rush to get rid of their "worthless English money," Nathan even started selling his English stocks, inspiring others to follow suit. The subsequent stock market meltdown gave Nathan Rothschild's agents the opportunity to purchase the London Stock Exchange at a steep discount and take over the Bank of England just before London learned the truth about the conflict. In 1929, the Rothschild brothers committed the exact same hoax, but this time it coincided with the collapse of the New York Stock Exchange, which triggered the Great Depression.
	1930	**Great Depression Begins.** The Great Depression Was Created By The Rothschilds To Make The People Hungry And Willing To Do Whatever it Took for A Paycheck.
	1929-1933	Federal Reserve Reduces Money Supply by 33%.
	March 9, 1933	**Emergency Banking Act aka House Joint Resolution No. 192-10 by the 73rd Congress, was voted into law**. This Act declared the Treasury of the United States, 'Bankrupt', which is an impossible feat since the U. S. Treasury was secretly closed by Congress twelve years earlier in 1921. The Emergency Banking Act succeeded in abrogating America's gold standard and hypothecated all property found within the United States to the Board of Governors of the Federal Reserve Bank. Since the passage of this act, the United States has been in s state of declared national emergency. "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."
	April 5, 1933	**President Franklin D. Roosevelt signs Executive Order 6102**, "forbidding the hoarding of gold coin, gold bullion, and gold certificates within the continental United States." The executive order was made under the authority of the Trading with the Enemy Act of 1917, as amended by the Emergency Banking Act in March 1933. All Americans were to hand over their gold at the base rate. The Federal Reserve bought the gold at a discounted price with money produced from nothing and they melted the gold down and stacked it in the newly built bullion depository called Fort Knox.
	May 1933	**The Farm Bill passed.** The House passed the Farm Bill by a vote of more than three to one. As part of the New Deal, President Roosevelt sought to help farmers by boosting crop prices. The first farm bill passed in 1933, launched a program to raise agricultural prices by paying farmers to limit production.
	1935	**The Social Security Act** is a law enacted by the 74th United States Congress and signed into law by US President Franklin D. Roosevelt. The law created the Social Security program as well as insurance against unemployment. The law was part of Roosevelt's New Deal domestic program.
	1939-1945	**World War II was fought.** US debt increased by 598%, while Japan's debt increased by 1,348%, France's debt increased by 583%, and Canadian debt by 417%. Now the bankers could really concentrate on Global Domination. Now they would be able to create The European Union, and NAFTA, as well as centralize the global economy by way of the World Bank. By the end of WWII, Fort Knox held 70% of the Worlds Gold. Today, nobody knows how much gold is in Fort Knox.

	1944	**Breton Woods System was created.** In 1944, representatives from 44 nations met in Bretton Woods, New Hampshire, to develop a new international monetary system that came to be known as the Bretton Woods system. Conference attendees had hoped that this new system would "ensure exchange rate stability, prevent competitive devaluations, and promote economic growth". It was not until 1958 that the Bretton Woods system became fully operational. Countries now settled their international accounts in dollars that could be converted to gold at a fixed exchange rate of $35 per ounce, which was redeemable by the U.S. government. Thus, the United States was committed to backing every dollar overseas with gold, and other currencies were pegged to the dollar. Under the Breton Woods agreement, the U.S. Corporation was quitclaimed to the International Monetary Fund and becomes the controlling private corporation.
	June 4, 1963	**Kennedy Issued an Executive Order (11110)** that Authorized the US Treasury to Issue Silver Certificates, Threatening the Federal Reserve's Monopoly on Money. This government-issued currency would bypass the government's need to borrow from bankers at interest and it would basically strip the Federal Reserve Bank of its power to create money from nothing and loan it to the United States.
	Nov. 22, 1963	**John F. Kennedy Assassinated**.
	December 1963	Johnson Reverses Kennedy's Banking Rule and Restores Power to the Federal Reserve.
	December 28, 1977	**International Emergency Economic Powers Act (IEEPA)** Title II of Pub. L. 95–223, 91 Stat. 1626, enacted October 28, 1977, is a United States federal law authorizing the president to regulate international commerce after declaring a national emergency in response to any unusual and extraordinary threat to the United States which has its source in whole or substantial part outside the United States. The act was signed by President Jimmy Carter on December 28, 1977.
	October 14, 1986	**H.R.5546 - National Childhood Vaccine Injury Act of 1986.** Provides that no vaccine manufacturer shall be liable in a civil action for damages arising from a vaccine-related injury or death: (1) resulting from unavoidable side effects; or (2) solely due to the manufacturer's failure to provide direct warnings. Provides that a manufacturer may be held liable where: (1) such manufacturer engaged in the fraudulent or intentional withholding of information; or (2) such manufacturer failed to exercise due care. Permits punitive damages in such civil actions under certain circumstances. Provides that compensation awarded under the Program shall be paid out of the National Vaccine Injury Compensation Trust Fund. Limits awards for actual and projected pain and suffering and emotional distress to $250,000. Prohibits awards for punitive damages.
	1999	**The Financial Services Modernization Act Allows Banks to Grow Even Larger.** Many economists and politicians have recognized that this legislation played a key part in the subprime mortgage crisis of 2007. It repealed part of the Glass-Steagall Act of 1933 and allowed investment banks, commercial banks, securities firms, and insurance companies to merge. Citigroup was a major proponent of this particular bill (it had already merged with Travelers Insurance and needed to find a way to legally keep the corporation together). The government gave Citi officials the opportunity to review and approve drafts before the legislation was introduced and to modify it as they desired. Robert Rubin, Treasury Secretary at the time, helped move the bill forward in early 1999. He then stepped down from the Treasury position in July, joined CitiGroup in October, and the bill was passed in November. The Center for Responsive Politics also found that members of Congress who supported the bill received twice as much money from the banking sector than those who opposed it.
		H.R.1479 - Community Reinvestment Modernization Act of 2009
	2001	**The USA Patriot Act** (commonly known as the Patriot Act) was a landmark Act of the United States Congress, signed into law by President George W. Bush. The formal name of the statute is the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT) Act of 2001, and the commonly used short name is a contrived acronym that is embedded in the name set forth in the statute. Congress and the Administration acted without any careful or systematic effort to determine whether weaknesses in our surveillance laws had contributed to the attacks, or whether the changes they were making would help prevent further attacks. Indeed, many of the act's provisions have nothing at all to do with terrorism. The Patriot Act increases the government's surveillance powers in four areas: • Records searches. It expands the government's ability to look at records of an individual's activity being held by third parties. (Section 215)

		• Secret searches. It expands the government's ability to search private property without notice to the owner. (Section 213) • Intelligence searches. It expands a narrow exception to the Fourth Amendment that had been created for the collection of foreign intelligence information (Section 218). • "Trap and trace" searches. It expands another Fourth Amendment exception for spying that collects "addressing" information about the origin and destination of communications, as opposed to the content (Section 214).
	2000-2003	The Federal Reserve Extends "Easy Credit", Lowers the Federal Fund Rate from 6.5% to 1%, and Sets up Another Financial "Boom".
	April 28, 2004	**Investment Banks and the SEC Cut a Deal.** On April 28, 2004, five of the biggest investment banks, including Bear Stearns and Goldman Sachs (then run by Henry Paulson, who later became Secretary of the Treasury), met with members of the Securities and Exchange Commission (SEC), urging them to allow voluntary regulation of themselves, so they could determine themselves how much money they could make up out of nothing to loan into circulation. This is known as the banks leverage ratio, or the amount of assets to borrowing ratio. Up until 2004, the amount of debt the banks could take on was limited. However, in 2004, the SEC agreed to let banks regulate themselves and take on as much debt as they wanted, therefore unleashing billions of dollars for high-risk investment packages. Under this new voluntary regulation the Bear Stearns ratio, for example, jumped to 33 to 1. Not long after, the economy collapsed and financial wealth and power were again further consolidated into the hands of the private bankers who run the Federal Reserve.
	2004-2006	**Federal Reserve** Sets Off New "Bust" by Making Loans and Adjustable-Rate Mortgages More Expensive, Raising Fed Fund Rates to 5.25%, This contracts the market.
	December 2005	**The Public Readiness and Emergency Preparedness Act (PREPA),** was passed by the United States Congress and signed into law by President of the United States George W. Bush in December 2005 (as part of Pub. L. 109–148 (text) (PDF)), is a controversial tort liability shield intended to protect vaccine manufacturers from financial risk in the event of a declared public health emergency.
	2007-2010	**Worst Financial Crisis Since the Great Depression**. The financial crisis impacted people around the world – millions lost their homes, jobs, and retirement funds. Many of the smaller banks were absorbed by others, which allowed the biggest banks to further consolidate wealth and eliminate competition. In 2008, J.P. Morgan Chase & Co. bought up both Washington Mutual (the biggest bank to "fail" in the history of the United States) and Bear Stearns (the fifth largest investment bank).
	2010	**JP Morgan Chase Reports Record Profits**. The bank made a record profit of $17.4 Billion in 2010.
	March 23, 2010	**The Affordable Care Act (ACA),** formally known as the Patient Protection and Affordable Care Act and colloquially known as Obamacare, is a landmark U.S. federal statute enacted by the 111th United States Congress and signed into law by President Barack Obama on March 23, 2010. Together with the Health Care and Education Reconciliation Act of 2010 amendment, it represents the U.S. healthcare system's most significant regulatory overhaul and expansion of coverage since the enactment of Medicare and Medicaid in 1965.
	December 28, 2012	**H.R.5736 - Smith-Mundt Modernization Act of 2012** Congress passed the Smith-Mundt Modernization Act as part of the National Defense Authorization Act of 2013. Even Buzzfeed reported just how incredible this was and how this LEGALIZED domestic propaganda. Specifically, they stated that: *"The tweak to the bill would essentially neutralize two previous acts—the Smith-Mundt Act of 1948 and Foreign Relations Authorization Act in 1987—that had been passed to protect U.S. audiences from our own government's misinformation campaigns."* ***Buzzfeed May 18, 2012***

TREASON DEFINED

United States Constitution, Article III, 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. No Person shall be convicted of Treason unless on the testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

ArtIII.S3.C1.1 Historical Background on Treason

The Treason Clause is a product of the Framer's awareness of the numerous and dangerous excrescences which had distorted the English law of treason. The Clause was therefore intended to put extend[ing] the crime and punishment of treason beyond Congress's power. Debate in the Constitutional Convention, remarks in the ratifying conventions, and contemporaneous public comments make clear that the Framers contemplated a restrictive concept of the crime of treason that would prevent the politically powerful from escalating ordinary partisan disputes into capital charges of treason, as so often had happened in England.

Thus, the Framers adopted two of the three formulations and the phraseology of the English Statute of Treason enacted in 1350, but they conspicuously omitted the phrase defining as treason the compass[ing] or imagin[ing] the death of our lord the King, under which most of the English law of constructive treason had been developed. Beyond limiting Congress's power to define treason, the Clause also limits Congress's ability to make proof of the offense of treason easy to establish and to define the punishment for treason.

ArtIII.S3.C1.2 Levying War as Treason

Early judicial interpretation of the Treason Clause and the term levying war arose in the context of the partisan struggles of the early nineteenth century and the treason trials of Aaron Burr and his associates. In Ex parte Bollman, which involved two of Burr's confederates, Chief Justice John Marshall, speaking for himself and three other Justices, confined the meaning of levying war to the actual waging of war. Chief Justice Marshall distinguished the offence of conspiring to levy war and the offence of actually levying war. In his view, [t]he first must be brought into operation by the assemblage of men for a purpose treasonable in itself, or the fact of levying war cannot have been committed. This enlistment of men to serve against the government, according to him, does not amount to levying war. Chief Justice Marshall was careful, however, to state that the Court did not mean that no person could be guilty of this crime who had not appeared in arms against the country. He stated: On the contrary, if war be actually levied, that is, if a body of men be actually assembled for the purpose of effecting by force a treasonable purpose, all those who perform any part, however minute, or however remote from the scene of action, and who are actually leagued in the general conspiracy, are to be considered as traitors. But, Chief Justice Marshall emphasized, there must be an actual assembling of men, for the treasonable purpose, to constitute a levying of war.

Based on these considerations and because no part of the crime charged had been committed in the District of Columbia, the Court held that Bollman and Swartwout could not be tried in the District, and ordered their discharge. Chief Justice Marshall continued by saying that the crime of treason should not be extended by construction to doubtful cases and concluded that no conspiracy for overturning the Government and no enlisting of men to effect it, would be an actual levying of war.

ArtIII.S3.C1.3 Trial of Aaron Burr

After authoring the Supreme Court's decision in ***Ex Parte Bollman***, in which the Court ordered the discharge of two of Aaron Burr's associates, Chief Justice John Marshall presided over the treason trial of Burr. His ruling denying a motion to introduce certain collateral evidence bearing on Burr's activities is significant both for rendering the latter's acquittal inevitable and for the qualifications and exceptions made to the ***Bollman*** decision. In brief, Chief Justice Marshall's ruling held that Burr, who had not been present at the assemblage on Blennerhassett's Island, could be convicted of advising or procuring a levying of war only upon the testimony of two witnesses to his having procured the assemblage. Because the operation had been covert, such testimony was naturally unobtainable. The net effect of Marshall's pronouncements was to make it extremely difficult to convict one of levying war against the United States short of the conduct of or personal participation in actual hostilities.

ArtIII.S3.C1.4 Aid and Comfort to the Enemy as Treason

Since *Ex Parte Bollman*, the few treason cases that have reached the Supreme Court arose in the context of World War II and involved defendants charged with adhering to enemies of the United States and giving them aid and comfort. In the first of these cases, *Cramer v. United States*, the Court considered whether the overt act at issue must itself manifest a treacherous intention or if it was enough that other proper evidence support such an intention. The Court, in a 5-4 opinion by Justice Robert Jackson, in effect took the former view, holding that the Treason Clause's two-witness principle prohibited imputation of *incriminating acts* to the accused by circumstantial evidence or by the testimony of a single witness, even though the single witness in question was the accused himself. Every act, movement, deed, and word of the defendant charged to constitute treason must be supported by the testimony of two witnesses, Justice Jackson asserted. Justice William Douglas in a dissent, joined by Chief Justice Harlan Stone and Justices Hugo Black and Stanley Reed, contended that Cramer's treasonable intention was sufficiently shown by overt acts as attested to by two witnesses each, plus statements Cramer made on the witness stand.

ArtIII.S3.C2.1 Punishment of Treason Clause

Among other measures, the Confiscation Act of 1862 to suppress Insurrection, to punish Treason and Rebellion, to seize and confiscate the Property of Rebels authorized the President to confiscate certain Confederate property through court action. Because of President Abraham Lincoln's concern that such authority raised concerns under the Punishment of Treason Clause, the

act was accompanied by an explanatory joint resolution which stipulated that only a life estate terminating with the death of the offender could be sold and that at his death his children could take the fee simple by descent as his heirs without deriving any title from the United States. In applying this act, passed pursuant to the war power and not the power to punish treason, the Supreme Court in one case quoted with approval the English distinction between a disability absolute and perpetual and a disability personal or temporary. Corruption of blood as a result of attainder of treason was cited as an example of the former and was defined as the disability of any of the posterity of the attained person to claim any inheritance in fee simple, either as heir to him, or to any ancestor above him.

Confiscation Acts

United States History [1861–1864]

Written By: The Editors of Encyclopedia Britannica

Confiscation Acts, (1861–64), in U.S. history, were a series of laws passed by the federal government during the American Civil War that were designed to liberate slaves in the seceded states. The first Confiscation Act passed on Aug. 6, 1861, authorized the Union seizure of rebel property, and it stated that all slaves who fought with or worked for the Confederate military services were freed of further obligations to their masters.

President Abraham Lincoln objected to the act on the basis that it might push border states, especially Kentucky and Missouri, into secession in order to protect slavery within their boundaries. He later convinced Congress to pass a resolution providing compensation to states that initiated a system of gradual emancipation, but the border states failed to support this plan. And Lincoln repudiated the position of Generals John C. Frémont and David Hunter, who proclaimed that the first Confiscation Act was tantamount to a decree of emancipation.

The second Confiscation Act, passed July 17, 1862, was virtually an emancipation proclamation. It said that slaves of civilian and military Confederate officials “shall be forever free,” but it was enforceable only in areas of the South occupied by the Union Army. Lincoln was again concerned about the effect of an antislavery measure on the border states and again urged these states to begin gradual compensated emancipation.

On March 12, 1863, and July 2, 1864, the federal government passed additional measures (“Captured and Abandoned Property Acts”) that defined property subject to seizure as that owned by absent individuals who supported the South. The Confederate Congress also passed property confiscation acts to apply to Union adherents. But the amount of land confiscated during or after the war by either side was not great. Cotton constituted nearly all the Southern non-slave property confiscated.

With the issuance of the Emancipation Proclamation (1863) and passage of the Thirteenth Amendment to the Constitution, however, Southern slaveholders lost an estimated $2,000,000,000 worth of human property.

The Lieber Code of 1863

CORRESPONDENCE, ORDERS, REPORTS, AND RETURNS OF THE UNION AUTHORITIES FROM JANUARY 1 TO DECEMBER 31, 1863.--#7 O.R.--SERIES III--VOLUME III [S# 124]

GENERAL ORDERS No. 100.

WAR DEPT., *ADJT. GENERAL'S OFFICE,*
Washington, April 24, 1863.

The following "Instructions for the Government of Armies of the United States in the Field," prepared by Francis Lieber, LL.D., and revised by a board of officers, of which Maj. Gen. E. A. Hitchcock is president, having been approved by the President of the United States, he commands that they be published for the information of all concerned.

By order of the Secretary of War:
E. D. TOWNSEND,
Assistant Adjutant-General.

INSTRUCTIONS FOR THE GOVERNMENT OF ARMIES OF THE UNITED STATES IN THE FIELD.

SECTION I.--*Martial law--Military jurisdiction--Military necessity--Retaliation.*

1. A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the martial law of the invading or occupying army, whether any proclamation declaring martial law, or any public warning to the inhabitants, has been issued or not. Martial law is the immediate and direct effect and consequence of occupation or conquest.

The presence of a hostile army proclaims its martial law.

2. Martial law does not cease during the hostile occupation, except by special proclamation, ordered by the commander-in-chief, or by special mention in the treaty of peace concluding the war, when the occupation of a place or territory continues beyond the conclusion of peace as one of the conditions of the same.

3. Martial law in a hostile country consists in the suspension by the occupying military authority of the criminal and civil law, and of the domestic administration and government in the occupied place or territory, and in the substitution of military rule and force for the same, as well as in the dictation of general laws, as far as military necessity requires this suspension, substitution, or dictation.

The commander of the forces may proclaim that the administration of all civil and penal law shall continue either wholly or in part, as in times of peace, unless otherwise ordered by the military authority.

4. Martial law is simply military authority exercised in accordance with the laws and usages of war. Military oppression is not martial law; it is the abuse of the power which that law confers. As martial law is executed by military force, it is incumbent upon those who administer it to be strictly guided by the principles of justice, honor, and humanity--virtues adorning a soldier even more than other men, for the very reason that he possesses the power of his arms against the unarmed.

5. Martial law should be less stringent in places and countries fully occupied and fairly conquered. Much greater severity may be exercised in places or regions where actual hostilities exist or are expected and must be prepared for. Its most complete sway is allowed--even in the commander's own country--when face to face with the enemy, because of the absolute necessities of the case, and of the paramount duty to defend the country against invasion.

To save the country is paramount to all other considerations.

6. All civil and penal law shall continue to take its usual course in the enemy's places and territories under martial law, unless interrupted or stopped by order of the occupying military power; but all the functions of the hostile government--legislative, executive, or administrative--whether of a general, provincial, or local character, cease under martial law, or continue only with the sanction, or, if deemed necessary, the participation of the occupier or invader.

7. Martial law extends to property, and to persons, whether they are subjects of the enemy or aliens to that government.

8. Consuls, among American and European nations, are not diplomatic agents. Nevertheless, their offices and persons will be subjected to martial law in cases of urgent necessity only; their property and business are not exempted. Any delinquency they commit against the established military rule may be punished as in the case of any other inhabitant, and such punishment furnishes no reasonable ground for international complaint.

9. The functions of ambassadors, ministers, or other diplomatic agents, accredited by neutral powers to the hostile government, cease, so far as regards the displaced government; but the conquering or occupying power usually recognizes them as temporarily accredited to itself.

10. Martial law affects chiefly the police and collection of public revenue and taxes, whether imposed by the expelled government or by the invader, and refers mainly to the support and efficiency of the Army, its safety, and the safety of its operations.

11. The law of war does not only disclaim all cruelty and bad faith concerning engagements concluded with the enemy during the war, but also the breaking of stipulations solemnly contracted by the belligerents in time of peace, and avowedly intended to remain in force in case of war between the contracting powers.

It disclaims all extortions and other transactions for individual gain; all acts of private revenge, or connivance at such acts.

Offenses to the contrary shall be severely punished, and especially so if committed by officers.

12. Whenever feasible, martial law is carried out in cases of individual offenders by military courts; but sentences of death shall be executed only with the approval of the chief executive, provided the urgency of the case does not require a speedier execution, and then only with the approval of the chief commander.

13. Military jurisdiction is of two kinds: First, that which is conferred and defined by statute; second, that which is derived from the common law of war. Military offenses under the statute law must be tried in the manner therein directed; but military offenses which do not come within the statute must be tried and punished under the common law of war. The character of the courts which exercise these jurisdictions depends upon the local laws of each particular country.

In the armies of the United States the first is exercised by courts-martial; while cases which do not come within the Rules and Articles of War, or the jurisdiction conferred by statute on courts-martial, are tried by military commissions.

14. Military necessity, as understood by modern civilized nations, consists in the necessity of those measures which are indispensable for securing the ends of the war, and which are lawful according to the modern law and usages of war.

15. Military necessity admits of all direct destruction of life or limb of armed enemies, and of other persons whose destruction is incidentally unavoidable in the armed contests of the war; it allows of the capturing of every armed enemy, and every enemy of importance to the hostile government, or of peculiar danger to the captor; it allows of all destruction of property, and obstruction of the ways and channels of traffic, travel, or communication, and of all withholding of sustenance or means of life from the enemy; of the appropriation of whatever an enemy's country affords necessary for the subsistence and safety of the Army, and of such deception as does not involve the breaking of good faith either positively pledged, regarding agreements entered into during the war, or supposed by the modern law of war to exist. Men who take up arms against one another in public war do not cease on this account to be moral beings, responsible to one another and to God.

16. Military necessity does not admit of cruelty--that is, the infliction of suffering for the sake of suffering or for revenge, nor of maiming or wounding except in fight, nor of torture to extort confessions. It does not admit of the use of poison in any way, nor of the wanton devastation of a district. It admits of deception, but disclaims acts of perfidy; and, in general, military necessity does not include any act of hostility which makes the return to peace unnecessarily difficult.

17. War is not carried on by arms alone. It is lawful to starve the hostile belligerent, armed or unarmed, so that it leads to the speedier subjection of the enemy.

18. When a commander of a besieged place expels the non-combatants, in order to lessen the number of those who consume his stock of provisions, it is lawful, though an extreme measure, to drive them back, so as to hasten on the surrender.

19. Commanders, whenever admissible, inform the enemy of their intention to bombard a place, so that the non-combatants, and especially the women and children, may be removed before the bombardment commences. But it is no infraction of the common law of war to omit thus to inform the enemy. Surprise may be a necessity.

20. Public war is a state of armed hostility between sovereign nations or governments. It is a law and requisite of civilized existence that men live in political, continuous societies, forming organized units, called states or nations, whose constituents bear, enjoy, and suffer, advance and retrograde together, in peace and in war.

21. The citizen or native of a hostile country is thus an enemy, as one of the constituents of the hostile state or nation, and as such is subjected to the hardships of the war.

22. Nevertheless, as civilization has advanced during the last centuries, so has likewise steadily advanced, especially in war on land, the distinction between the private individual belonging to a hostile country and the hostile country itself, with its men in arms. The principle has been more and more acknowledged that the unarmed citizen is to be spared in person, property, and honor as much as the exigencies of war will admit.

23. Private citizens are no longer murdered, enslaved, or carried off to distant parts, and the inoffensive individual is as little disturbed in his private relations as the commander of the hostile troops can afford to grant in the overruling demands of a vigorous war.

24. The almost universal rule in remote times was, and continues to be with barbarous armies, that the private individual of the hostile country is destined to suffer every privation of liberty and protection and every disruption of family ties. Protection was, and still is with uncivilized people, the exception.

25. In modern regular wars of the Europeans and their descendants in other portions of the globe, protection of the inoffensive citizen of the hostile country is the rule; privation and disturbance of private relations are the exceptions.

26. Commanding generals may cause the magistrates and civil officers of the hostile country to take the oath of temporary allegiance or an oath of fidelity to their own victorious government or rulers, and they may expel every one who declines to do so. But whether they do so or not, the people and their civil officers owe strict obedience to them as long as they hold sway over the district or country, at the peril of their lives.

27. The law of war can no more wholly dispense with retaliation than can the law of nations, of which it is a branch. Yet civilized nations acknowledge retaliation as the sternest feature of war. A reckless enemy often leaves to his opponent no other means of securing himself against the repetition of barbarous outrage.

28. Retaliation will therefore never be resorted to as a measure of mere revenge, but only as a means of protective retribution, and moreover cautiously and unavoidably--that is to say, retaliation shall only be resorted to after careful inquiry into the real occurrence and the character of the misdeeds that may demand retribution.

Unjust or inconsiderate retaliation removes the belligerents farther and farther from the mitigating rules of regular war, and by rapid steps leads them nearer to the internecine wars of savages.

29. Modern times are distinguished from earlier ages by the existence at one and the same time of many nations and great governments related to one another in close intercourse.

Peace is their normal condition; war is the exception. The ultimate object of all modern war is a renewed state of peace.

The more vigorously wars are pursued the better it is for humanity. Sharp wars are brief.

30. Ever since the formation and coexistence of modern nations, and ever since wars have become great national wars, war has come to be acknowledged not to be its own end, but the means to obtain great ends of state, or to consist in defense against wrong; and no conventional restriction of the modes adopted to injure the enemy is any longer admitted; but the law of war imposes many limitations and restrictions on principles of justice, faith, and honor.

SECTION II.--*Public and private property of the enemy--Protection of persons, and especially of women; of religion, the arts and sciences--Punishment of crimes against the inhabitants of hostile countries.*

31. A victorious army appropriates all public money, seizes all public movable property until further direction by its government, and sequesters for its own benefit or of that of its government all the revenues of real property belonging to the hostile government or nation. The title to such real property remains in abeyance during military occupation, and until the conquest is made complete.

32. A victorious army, by the martial power inherent in the same, may suspend, change, or abolish, as far as the martial power extends, the relations which arise from the services due, according to the existing laws of the invaded country, from one citizen, subject, or

native of the same to another.

The commander of the army must leave it to the ultimate treaty of peace to settle the permanency of this change.

33. It is no longer considered lawful-- on the contrary, it is held to be a serious breach of the law of war--to force the subjects of the enemy into the service of the victorious government, except the latter should proclaim, after a fair and complete conquest of the hostile country or district, that it is resolved to keep the country, district, or place permanently as its own and make it a portion of its own country.

34. As a general rule, the property belonging to churches, to hospitals, or other establishments of an exclusively charitable character, to establishments of education, or foundations for the promotion of knowledge, whether public schools, universities, academies of learning or observatories, museums of the fine arts, or of a scientific character-such property is not to be considered public property in the sense of paragraph 31; but it may be taxed or used when the public service may require it.

35. Classical works of art, libraries, scientific collections, or precious instruments, such as astronomical telescopes, as well as hospitals, must be secured against all avoidable injury, even when they are contained in fortified places whilst besieged or bombarded.

36. If such works of art, libraries, collections, or instruments belonging to a hostile nation or government, can be removed without injury, the ruler of the conquering state or nation may order them to be seized and removed for the benefit of the said nation. The ultimate ownership is to be settled by the ensuing treaty of peace.

In no case shall they be sold or given away, if captured by the armies of the United States, nor shall they ever be privately appropriated, or wantonly destroyed or injured.

37. The United States acknowledge and protect, in hostile countries occupied by them, religion and morality; strictly private property; the persons of the inhabitants, especially those of women; and the sacredness of domestic relations. Offenses to the contrary shall be rigorously punished.

This rule does not interfere with the right of the victorious invader to tax the people or their property, to levy forced loans, to billet soldiers, or to appropriate property, especially houses, lands, boats or ships, and the churches, for temporary and military uses.

38. Private property, unless forfeited by crimes or by offenses of the owner, can be seized only by way of military necessity, for the support or other benefit of the Army or of the United States.

If the owner has not fled, the commanding officer will cause receipts to be given, which may serve the spoliated owner to obtain indemnity.

39. The salaries of civil officers of the hostile government who remain in the invaded territory, and continue the work of their office, and can continue it according to the circumstances arising out of the war--such as judges, administrative or political officers, officers of city or communal governments--are paid from the public revenue of the invaded territory until the military government has reason wholly or partially to discontinue it. Salaries or incomes connected with purely honorary titles are always stopped.

40. There exists no law or body of authoritative rules of action between hostile armies, except that branch of the law of nature and nations which is called the law and usages of war on land.

41. All municipal law of the ground on which the armies stand, or of the countries to which they belong, is silent and of no effect between armies in the field.

42. Slavery, complicating and confounding the ideas of property (that is, of a thing), and of personality (that is, of humanity), exists according to municipal or local law only. The law of nature and nations has never acknowledged it. The digest of the Roman law enacts the early dictum of the pagan jurist, that "so far as the law of nature is concerned, all men are equal." Fugitives escaping from a country in which they were slaves, villains, or serfs, into another country, have, for centuries past, been held free and acknowledged free by judicial decisions of European countries, even though the municipal law of the country in which the slave had taken refuge acknowledged slavery within its own dominions.

43. Therefore, in a war between the United States and a belligerent which admits of slavery, if a person held in bondage by that belligerent be captured by or come as a fugitive under the protection of the military forces of the United States, such person is immediately entitled to the rights and privileges of a freeman. To return such person into slavery would amount to enslaving a free person, and neither the United States nor any officer under their authority can enslave any human being. Moreover, a person so made free by the law of war is under the shield of the law of nations, and the former owner or State can have, by the law of postliminy, no belligerent lien or claim of service.

44. All wanton violence committed against persons in the invaded country, all destruction of property not commanded by the authorized officer, all robbery, all pillage or sacking, even after taking a place by main force, all rape, wounding, maiming, or killing of such inhabitants, are prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense.

A soldier, officer, or private, in the act of committing such violence, and disobeying a superior ordering him to abstain from it, may be lawfully killed on the spot by such superior.

45. All captures and booty belong, according to the modern law of war, primarily to the government of the captor.

Prize money, whether on sea or land, can now only be claimed under local law.

46. Neither officers nor soldiers are allowed to make use of their position or power in the hostile country for private gain, not even for commercial transactions otherwise legitimate. Offenses to the contrary committed by commissioned officers will be punished with cashiering or such other punishment as the nature of the offense may require; if by soldiers, they shall be punished according to the nature of the offense.

47. Crimes punishable by all penal codes, such as arson, murder, maiming, assaults, highway robbery, theft, burglary, fraud, forgery, and rape, if committed by an American soldier in a hostile country against its inhabitants, are not only punishable as at home, but in all cases in which death is not inflicted the severer punishment shall be preferred.

SECTION III.--*Deserters--Prisoners of war--Hostages--Booty on the battle-field.*

48. Deserters from the American Army, having entered the service of the enemy, suffer death if they fall again into the hands of the United States, whether by capture or being delivered up to the American Army; and if a deserter from the enemy, having taken service in the Army of the United States, is captured by the enemy, and punished by them with death or otherwise, it is not a breach against the law and usages of war, requiring redress or retaliation.

49. A prisoner of war is a public enemy armed or attached to the hostile army for active aid, who has fallen into the hands of the captor, either fighting or wounded, on the field or in the hospital, by individual surrender or by capitulation.

All soldiers, of whatever species of arms; all men who belong to the rising *en masse* of the hostile country; all those who are attached to the Army for its efficiency and promote directly the object of the war, except such as are hereinafter provided for; all disabled men or officers on the field or elsewhere, if captured; all enemies who have thrown away their arms and ask for quarter, are prisoners of war, and as such exposed to the inconveniences as well as entitled to the privileges of a prisoner of war.

50. Moreover, citizens who accompany an army for whatever purpose, such as sutlers, editors, or reporters of journals, or contractors, if captured, may be made prisoners of war and be detained as such.

The monarch and members of the hostile reigning family, male or female, the chief, and chief officers of the hostile government, its diplomatic agents, and all persons who are of particular and singular use and benefit to the hostile army or its government, are, if captured on belligerent ground, and if unprovided with a safe-conduct granted by the captor's government, prisoners of war.

51. If the people of that portion of an invaded country which is not yet occupied by the enemy, or of the whole country, at the approach of a hostile army, rise, under a duly authorized levy, *en masse* to resist the invader, they are now treated as public enemies, and, if captured, are prisoners of war.

52. No belligerent has the right to declare that he will treat every captured man in arms of a levy *en masse* as a brigand or bandit.

If, however, the people of a country, or any portion of the same, already occupied by an army, rise against it, they are violators of the laws of war and are not entitled to their protection.

53. The enemy's chaplains, officers of the medical staff, apothecaries, hospital nurses, and servants, if they fall into the hands of the American Army, are not prisoners of war, unless the commander has reasons to retain them. In this latter case, or if, at their own desire, they are allowed to remain with their captured companions, they are treated as prisoners of war, and may be exchanged if the commander sees fit.

54. A hostage is a person accepted as a pledge for the fulfillment of an agreement concluded between belligerents during the war, or in consequence of a war. Hostages are rare in the present age.

55. If a hostage is accepted, he is treated like a prisoner of war, according to rank and condition, as circumstances may admit.

56. A prisoner of war is subject to no punishment for being a public enemy, nor is any revenge wreaked upon him by the intentional infliction of any suffering, or disgrace, by cruel imprisonment, want of food, by mutilation, death, or any other barbarity.

57. So soon as a man is armed by a sovereign government and takes the soldier's oath of fidelity he is a belligerent; his killing, wounding, or other warlike acts are no individual crimes or offenses. No belligerent has a right to declare that enemies of a certain class, color, or condition, when properly organized as soldiers, will not be treated by him as public enemies.

58. The law of nations knows of no distinction of color, and if an enemy of the United States should enslave and sell any captured persons of their Army, it would be a case for the severest retaliation, if not redressed upon complaint.

The United States cannot retaliate by enslavement; therefore death must be the retaliation for this crime against the law of nations.

59. A prisoner of war remains answerable for his crimes committed against the captor's army or people, committed before he was captured, and for which he has not been punished by his own authorities.

All prisoners of war are liable to the infliction of retaliatory measures.

60. It is against the usage of modern war to resolve, in hatred and revenge, to give no quarter. No body of troops has the right to declare that it will not give, and therefore will not expect, quarter; but a commander is permitted to direct his troops to give no quarter, in great straits, when his own salvation makes it impossible to cumber himself with prisoners.

61. Troops that give no quarter have no right to kill enemies already disabled on the ground, or prisoners captured by other troops.

62. All troops of the enemy known or discovered to give no quarter in general, or to any portion of the Army, receive none.

63. Troops who fight in the uniform of their enemies, without any plain, striking, and uniform mark of distinction of their own, can expect no quarter.

64. If American troops capture a train containing uniforms of the enemy, and the commander considers it advisable to distribute them for use among his men, some striking mark or sign must be adopted to distinguish the American soldier from the enemy.

65. The use of the enemy's national standard, flag, or other emblem of nationality, for the purpose of deceiving the enemy in battle, is an act of perfidy by which they lose all claim to the protection of the laws of war.

66. Quarter having been given to an enemy by American troops, under a misapprehension of his true character, he may, nevertheless, be ordered to suffer death if, within three days after the battle, it be discovered that he belongs to a corps which gives no quarter.

67. The law of nations allows every sovereign government to make war upon another sovereign State, and, therefore, admits of no rules or laws different from those of regular warfare, regarding the treatment of prisoners of war, although they may belong to the army of a government which the captor may consider as a wanton and unjust assailant.

68. Modern wars are not internecine wars, in which the killing of the enemy is the object. The destruction of the enemy in modern war, and, indeed, modern war itself, are means to obtain that object of the belligerent which lies beyond the war.

Unnecessary or revengeful destruction of life is not lawful.

69. Outposts, sentinels, or pickets are not to be fired upon, except to drive them in, or when a positive order, special or general, has been issued to that effect.

70. The use of poison in any manner, be it to poison wells, or food, or arms, is wholly excluded from modern warfare. He that uses it puts himself out of the pale of the law and usages of war.

71. Whoever intentionally inflicts additional wounds on an enemy already wholly disabled, or kills such an enemy, or who orders or encourages soldiers to do so, shall suffer death, if duly convicted, whether he belongs to the Army of the United States, or is an enemy captured after having committed his misdeed.

72. Money and other valuables on the person of a prisoner, such as watches or jewelry, as well as extra clothing, are regarded by the American Army as the private property of the prisoner, and the appropriation of such valuables or money is considered dishonorable, and is prohibited.

Nevertheless, if large sums are found upon the persons of prisoners, or in their possession, they shall be taken from them, and the surplus, after providing for their own support, appropriated for the use of the Army, under the direction of the commander, unless otherwise ordered by the Government. Nor can prisoners claim, as private property, large sums found and captured in their train, although they have been placed in the private luggage of the prisoners.

73. All officers, when captured, must surrender their side-arms to the captor. They may be restored to the prisoner in marked cases, by the commander, to signalize admiration of his distinguished bravery, or approbation of his humane treatment of prisoners before his

capture. The captured officer to whom they may be restored cannot wear them during captivity.

74. A prisoner of war, being a public enemy, is the prisoner of the Government and not of the captor. No ransom can be paid by a prisoner of war to his individual captor, or to any officer in command. The Government alone releases captives, according to rules prescribed by itself.

75. Prisoners of war are subject to confinement or imprisonment such as may be deemed necessary on account of safety, but they are to be subjected to no other intentional suffering or indignity. The confinement and mode of treating a prisoner may be varied during his captivity according to the demands of safety.

76. Prisoners of war shall be fed upon plain and wholesome food, whenever practicable, and treated with humanity.

They may be required to work for the benefit of the captor's government, according to their rank and condition.

77. A prisoner of war who escapes may be shot, or otherwise killed, in his flight; but neither death nor any other punishment shall be inflicted upon him simply for his attempt to escape, which the law of war does not consider a crime. Stricter means of security shall be used after an unsuccessful attempt at escape.

If, however, a conspiracy is discovered, the purpose of which is a united or general escape, the conspirators may be rigorously punished, even with death; and capital punishment may also be inflicted upon prisoners of war discovered to have plotted rebellion against the authorities of the captors, whether in union with fellow-prisoners or other persons.

78. If prisoners of war, having given no pledge nor made any promise on their honor, forcibly or otherwise escape, and are captured again in battle, after having rejoined their own army, they shall not be punished for their escape, but shall be treated as simple prisoners of war, although they will be subjected to stricter confinement.

79. Every captured wounded enemy shall be medically treated, according to the ability of the medical staff.

80. Honorable men, when captured, will abstain from giving to the enemy information concerning their own army, and the modern law of war permits no longer the use of any violence against prisoners in order to extort the desired information, or to punish them for having given false information.

SECTION IV.--*Partisans--Armed enemies not belonging to the hostile army--Scouts--Armed prowlers-- War-rebels.*

81. Partisans are soldiers armed and wearing the uniform of their army, but belonging to a corps which acts detached from the main body for the purpose of making inroads into the territory occupied by the enemy. If captured they are entitled to all the privileges of the prisoner of war.

82. Men, or squads of men, who commit hostilities, whether by fighting, or inroads for destruction or plunder, or by raids of any kind, without commission, without being part and portion of the organized hostile army, and without sharing continuously in the war, but who do so with intermitting returns to their homes and avocations, or with the occasional assumption of the semblance of peaceful pursuits, divesting themselves of the character or appearance of soldiers--such men, or squads of men, are not public enemies, and therefore, if captured, are not entitled to the privileges of prisoners of war, but shall be treated summarily as highway robbers or pirates.

83. Scouts or single soldiers, if disguised in the dress of the country, or in the uniform of the army hostile to their own, employed in obtaining information, if found within or lurking about the lines of the captor, are treated as spies, and suffer death.

84. Armed prowlers, by whatever names they may be called, or persons of the enemy's territory, who steal within the lines of the hostile army for the purpose of robbing, killing, or of destroying bridges, roads, or canals, or of robbing or destroying the mail, or of cutting the telegraph wires, are not entitled to the privileges of the prisoner of war.

85. War-rebels are persons within an occupied territory who rise in arms against the occupying or conquering army, or against the authorities established by the same. If captured, they may suffer death, whether they rise singly, in small or large bands, and whether called upon to do so by their own, but expelled, government or not. They are not prisoners of war; nor are they if discovered and secured before their conspiracy has matured to an actual rising or to armed violence.

SECTION V.--*Safe-conduct--Spies-- War-traitors-- Captured messengers-Abuse of the flag of truce.*

86. All intercourse between the territories occupied by belligerent armies, whether by traffic, by letter, by travel, or in any other way, ceases. This is the general rule, to be observed without special proclamation.

Exceptions to this rule, whether by safe-conduct or permission to trade on a small or large scale, or by exchanging mails, or by travel from one territory into the other, can take place only according to agreement approved by the Government or by the highest military authority.

Contraventions of this rule are highly punishable.

87. Ambassadors, and all other diplomatic agents of neutral powers accredited to the enemy may receive safe-conducts through the territories occupied by the belligerents, unless there are military reasons to the contrary, and unless they may reach the place of their destination conveniently by another route. It implies no international affront if the safe-conduct is declined. Such passes are usually given by the supreme authority of the state and not by subordinate officers.

88. A spy is a person who secretly, in disguise or under false pretense, seeks information with the intention of communicating it to the enemy.

The spy is punishable with death by hanging by the neck, whether or not he succeed in obtaining the information or in conveying it to the enemy.

89. If a citizen of the United States obtains information in a legitimate manner and betrays it to the enemy, be he a military or civil officer, or a private citizen, he shall suffer death.

90. A traitor under the law of war, or a war-traitor, is a person in a place or district under martial law who, unauthorized by the military commander, gives information of any kind to the enemy, or holds intercourse with him.

91. The war-traitor is always severely punished. If his offense consists in betraying to the enemy anything concerning the condition, safety, operations, or plans of the troops holding or occupying the place or district, his punishment is death.

92. If the citizen or subject of a country or place invaded or conquered gives information to his own government, from which he is separated by the hostile army, or to the army of his government, he is a war-traitor, and death is the penalty of his offense.

93. All armies in the field stand in need of guides, and impress them if they cannot obtain them otherwise.

94. No person having been forced by the enemy to serve as guide is punishable for having done so.

95. If a citizen of a hostile and invaded district voluntarily serves as a guide to the enemy, or offers to do so, he is deemed a war-traitor and shall suffer death.

96. A citizen serving voluntarily as a guide against his own country commits treason, and will be dealt with according to the law of his country.

97. Guides, when it is clearly proved that they have misled intentionally, may be put to death.

98. All unauthorized or secret communication with the enemy is considered treasonable by the law of war.

Foreign residents in an invaded or occupied territory or foreign visitors in the same can claim no immunity from this law. They may communicate with foreign parts or with the inhabitants of the hostile country, so far as the military authority permits, but no further. Instant expulsion from the occupied territory would be the very least punishment for the infraction of this rule.

99. A messenger carrying written dispatches or verbal messages from one portion of the army or from a besieged place to another portion of the same army or its government, if armed, and in the uniform of his army, and if captured while doing so in the territory occupied by the enemy, is treated by the captor as a prisoner of war. If not in uniform nor a soldier, the circumstances connected with his capture must determine the disposition that shall be made of him.

100. A messenger or agent who attempts to steal through the territory occupied by the enemy to further in any manner the interests of the enemy, if captured, is not entitled to the privileges of the prisoner of war, and may be dealt with according to the circumstances of the case.

101. While deception in war is admitted as a just and necessary means of hostility, and is consistent with honorable warfare, the common law of war allows even capital punishment for clandestine or treacherous attempts to injure an enemy, because they are so dangerous, and it is so difficult to guard against them.

102. The law of war, like the criminal law regarding other offenses, makes no difference on account of the difference of sexes, concerning the spy, the war-traitor, or the war-rebel.

103. Spies, war-traitors, and war-rebels are not exchanged according to the common law of war. The exchange of such persons would require a special cartel, authorized by the Government, or, at a great distance from it, by the chief commander of the army in the field.

104. A successful spy or war-traitor, safely returned to his own army, and afterward captured as an enemy, is not subject to punishment for his acts as a spy or war-traitor, but he may be held in closer custody as a person individually dangerous.

SECTION VI.--*Exchange of prisoners--Flags of truce--Flags of protection.*

105. Exchanges of prisoners take place--number for number--rank for rank--wounded for wounded--with added condition for added condition--such, for instance, as not to serve for a certain period.

106. In exchanging prisoners of war, such numbers of persons of inferior rank may be substituted as an equivalent for one of superior rank as may be agreed upon by cartel, which requires the sanction of the Government, or of the commander of the army in the field.

107. A prisoner of war is in honor bound truly to state to the captor his rank; and he is not to assume a lower rank than belongs to him, in order to cause a more advantageous exchange, nor a higher rank, for the purpose of obtaining better treatment.

Offenses to the contrary have been justly punished by the commanders of released prisoners, and may be good cause for refusing to release such prisoners.

108. The surplus number of prisoners of war remaining after an exchange has taken place is sometimes released either for the payment of a stipulated sum of money, or, in urgent cases, of provision, clothing, or other necessaries.

Such arrangement, however, requires the sanction of the highest authority.

109. The exchange of prisoners of war is an act of convenience to both belligerents. If no general cartel has been concluded, it cannot be demanded by either of them. No belligerent is obliged to exchange prisoners of war.

A cartel is voidable as soon as either party has violated it.

110. No exchange of prisoners shall be made except after complete capture, and after an accurate account of them, and a list of the captured officers, has been taken.

111. The bearer of a flag of truce cannot insist upon being admitted. He must always be admitted with great caution. Unnecessary frequency is carefully to be avoided.

112. If the bearer of a flag of truce offer himself during an engagement, he can be admitted as a very rare exception only. It is no breach of good faith to retain such flag of truce, if admitted during the engagement. Firing is not required to cease on the appearance of a flag of truce in battle.

113. If the bearer of a flag of truce, presenting himself during an engagement, is killed or wounded, it furnishes no ground of complaint whatever.

114. If it be discovered, and fairly proved, that a flag of truce has been abused for surreptitiously obtaining military knowledge, the bearer of the flag thus abusing his sacred character is deemed a spy.

So sacred is the character of a flag of truce, and so necessary is its sacredness, that while its abuse is an especially heinous offense, great caution is requisite, on the other hand, in convicting the bearer of a flag of truce as a spy.

115. It is customary to designate by certain flags (usually yellow) the hospitals in places which are shelled, so that the besieging enemy may avoid firing on them. The same has been done in battles when hospitals are situated within the field of the engagement.

116. Honorable belligerents often request that the hospitals within the territory of the enemy may be designated, so that they may be spared.

An honorable belligerent allows himself to be guided by flags or signals of protection as much as the contingencies and the necessities of the fight will permit.

117. It is justly considered an act of bad faith, of infamy or fiendishness, to deceive the enemy by flags of protection. Such act of bad faith may be good cause for refusing to respect such flags.

118. The besieging belligerent has sometimes requested the besieged to designate the buildings containing collections of works of art, scientific museums, astronomical observatories, or precious libraries, so that their destruction may be avoided as much as possible.

SECTION VII.--*The parole.*

119. Prisoners of war may be released from captivity by exchange, and, under certain circumstances, also by parole.

120. The term parole designates the pledge of individual good faith and honor to do, or to omit doing, certain acts after he who gives his parole shall have been dismissed, wholly or partially, from the power of the captor.

121. The pledge of the parole is always an individual, but not a private act.

122. The parole applies chiefly to prisoners of war whom the captor allows to return to their country, or to live in greater freedom within the captor's country or territory, on conditions stated in the parole.

123. Release of prisoners of war by exchange is the general rule; release by parole is the exception.

124. Breaking the parole is punished with death when the person breaking the parole is captured again.

Accurate lists, therefore, of the paroled persons must be kept by the belligerents.

125. When paroles are given and received there must be an exchange of two written documents, in which the name and rank of the paroled individuals are accurately and truthfully stated.

126. Commissioned officers only are allowed to give their parole, and they can give it only with the permission of their superior, as long as a superior in rank is within reach.

127. No non-commissioned officer or private can give his parole except through an officer. Individual paroles not given through an officer are not only void, but subject the individuals giving them to the punishment of death as deserters. The only admissible exception is where individuals, properly separated from their commands, have suffered long confinement without the possibility of being paroled through an officer.

128. No paroling on the battle-field; no paroling of entire bodies of troops after a battle; and no dismissal of large numbers of prisoners, with a general declaration that they are paroled, is permitted, or of any value.

129. In capitulations for the surrender of strong places or fortified camps the commanding officer, in cases of urgent necessity, may agree that the troops under his command shall not fight again during the war unless exchanged.

130. The usual pledge given in the parole is not to serve during the existing war unless exchanged.

This pledge refers only to the active service in the field against the paroling belligerent or his allies actively engaged in the same war. These cases of breaking the parole are patent acts, and can be visited with the punishment of death; but the pledge does not refer to internal service, such as recruiting or drilling the recruits, fortifying places not besieged, quelling civil commotions, fighting against belligerents unconnected with the paroling belligerents, or to civil or diplomatic service for which the paroled officer may be employed.

131. If the government does not approve of the parole, the paroled officer must return into captivity, and should the enemy refuse to receive him he is free of his parole.

132. A belligerent government may declare, by a general order, whether it will allow paroling and on what conditions it will allow it. Such order is communicated to the enemy.

133. No prisoner of war can be forced by the hostile government to parole himself, and no government is obliged to parole prisoners of war or to parole all captured officers, if it paroles any. As the pledging of the parole is an individual act, so is paroling, on the other hand, an act of choice on the part of the belligerent.

134. The commander of an occupying army may require of the civil officers of the enemy, and of its citizens, any pledge he may consider necessary for the safety or security of his army, and upon their failure to give it he may arrest, confine, or detain them.

SECTION VIII.--*Armistice--Capitulation.*

135. An armistice is the cessation of active hostilities for a period agreed between belligerents. It must be agreed upon in writing and duly ratified by the highest authorities of the contending parties.

136. If an armistice be declared without conditions it extends no further than to require a total cessation of hostilities along the front of both belligerents.

If conditions be agreed upon, they should be clearly expressed, and must be rigidly adhered to by both parties. If either party violates any express condition, the armistice may be declared null and void by the other.

137. An armistice may be general, and valid for all points and lines of the belligerents; or special--that is, referring to certain troops or certain localities only. An armistice may be concluded for a definite time; or for an indefinite time, during which either belligerent may resume hostilities on giving the notice agreed upon to the other.

138. The motives which induce the one or the other belligerent to conclude an armistice, whether it be expected to be preliminary to a treaty of peace, or to prepare during the armistice for a more vigorous prosecution of the war, does in no way affect the character of the armistice itself.

139. An armistice is binding upon the belligerents from the day of the agreed commencement; but the officers of the armies are responsible from the day only when they receive official information of its existence.

140. Commanding officers have the right to conclude armistices binding on the district over which their command extends, but such armistice is subject to the ratification of the superior authority, and ceases so soon as it is made known to the enemy that the armistice is not ratified, even if a certain time for the elapsing between giving notice of cessation and the resumption of hostilities should have been stipulated for.

141. It is incumbent upon the contracting parties of an armistice to stipulate what intercourse of persons or traffic between the inhabitants of the territories occupied by the hostile armies shall be allowed, if any.

If nothing is stipulated the intercourse remains suspended, as during actual hostilities.

142. An armistice is not a partial or a temporary peace; it is only the suspension of military operations to the extent agreed upon by the parties.

143. When an armistice is concluded between a fortified place and the army besieging it, it is agreed by all the authorities on this subject that the besieger must cease all extension, perfection, or advance of his attacking works as much so as from attacks by main force.

But as there is a difference of opinion among martial jurists whether the besieged have a right to repair breaches or to erect new works of defense within the place during an armistice, this point should be determined by express agreement between the parties.

144. So soon as a capitulation is signed the capitulator has no right to demolish, destroy, or injure the works, arms, stores, or ammunition in his possession, during the time which elapses between the signing and the execution of the capitulation, unless otherwise stipulated in the same.

145. When an armistice is clearly broken by one of the parties the other party is released from all obligation to observe it.

146. Prisoners taken in the act of breaking an armistice must be treated as prisoners of war, the officer alone being responsible who gives the order for such a violation of an armistice. The highest authority of the belligerent aggrieved may demand redress for the infraction of an armistice.

147. Belligerents sometimes conclude an armistice while their plenipotentiaries are met to discuss the conditions of a treaty of peace; but plenipotentiaries may meet without a preliminary armistice; in the latter case the war is carried on without any abatement.

SECTION IX.--*Assassination.*

148. The law of war does not allow proclaiming either an individual belonging to the hostile army, or a citizen, or a subject of the hostile government an outlaw, who may be slain without trial by any captor, any more than the modern law of peace allows such international outlawry; on the contrary, it abhors such outrage. The sternest retaliation should follow the murder committed in consequence of such proclamation, made by whatever authority. Civilized nations look with horror upon offers of rewards for the assassination of enemies as relapses into barbarism.

SECTION X.--*Insurrection-- Civil war--Rebellion.*

149. Insurrection is the rising of people in arms against their government, or portion of it, or against one or more of its laws, or against an officer or officers of the government. It may be confined to mere armed resistance, or it may have greater ends in view.

150. Civil war is war between two or more portions of a country or state, each contending for the mastery of the whole, and each claiming to be the legitimate government. The term is also sometimes applied to war of rebellion, when the rebellious provinces or portions of the state are contiguous to those containing the seat of government.

151. The term rebellion is applied to an insurrection of large extent, and is usually a war between the legitimate government of a country and portions of provinces of the same who seek to throw off their allegiance to it and set up a government of their own.

152. When humanity induces the adoption of the rules of regular war toward rebels, whether the adoption is partial or entire, it does in no way whatever imply a partial or complete acknowledgment of their government, if they have set up one, or of them, as an independent or sovereign power. Neutrals have no right to make the adoption of the rules of war by the assailed government toward rebels the ground of their own acknowledgment of the revolted people as an independent power.

153. Treating captured rebels as prisoners of war, exchanging them, concluding of cartels, capitulations, or other warlike agreements with them; addressing officers of a rebel army by the rank they may have in the same; accepting flags of truce; or, on the other hand, proclaiming martial law in their territory, or levying war taxes or forced loans, or doing any other act sanctioned or demanded by the law and usages of public war between sovereign belligerents, neither proves nor establishes an acknowledgment of the rebellious people, or of the government which they may have erected, as a public or sovereign power. Nor does the adoption of the rules of war toward rebels imply an engagement with them extending beyond the limits of these rules. It is victory in the field that ends the strife and settles the future relations between the contending parties.

154. Treating in the field the rebellious enemy according to the law and usages of war has never prevented the legitimate government from trying the leaders of the rebellion or chief rebels for high treason, and from treating them accordingly, unless they are included in a general amnesty.

155. All enemies in regular war are divided into two general classes--that is to say, into combatants and non-combatants, or unarmed citizens of the hostile government.

The military commander of the legitimate government, in a war of rebellion, distinguishes between the loyal citizen in the revolted portion of the country and the disloyal citizen. The disloyal citizens may further be classified into those citizens known to sympathize with the rebellion without positively aiding it, and those who, without taking up arms, give positive aid and comfort to the rebellious enemy without being bodily forced thereto.

156. Common justice and plain expediency require that the military commander protect the manifestly loyal citizens in revolted territories against the hardships of the war as much as the common misfortune of all war admits.

The commander will throw the burden of the war, as much as lies within his power, on the disloyal citizens, of the revolted portion or province, subjecting them to a stricter police than the non-combatant enemies have to suffer in regular war; and if he deems it appropriate, or if his government demands of him that every citizen shall, by an oath of allegiance, or by some other manifest act, declare his fidelity to the legitimate government, he may expel, transfer, imprison, or fine the revolted citizens who refuse to pledge themselves anew as citizens obedient to the law and loyal to the government.

Whether it is expedient to do so, and whether reliance can be placed upon such oaths, the commander or his government have the right to decide.

157. Armed or unarmed resistance by citizens of the United States against the lawful movements of their troops is levying war against the United States, and is therefore treason.

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RETURN TO CIVIL WAR ARMIES PAGE

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United States Attorney General

THE RECONSTRUCTION ACTS.

June 12, 1867.

***182** 1. The powers and duties of the military commanders in the districts constituted by the act of March 2, 1867, 'to provide for the more efficient government of the rebel States,' considered and determined.

2. The jurisdiction of military commissions under that act defined.

3. Summary of the points considered and determined in the former opinion of the Attorney General on this subject.

The PRESIDENT.

SIR

On the 24th ultimo, I had the honor to transmit for your consideration my opinion upon some of the questions arising under the reconstruction acts therein referred to. I now proceed to give my opinion on the remaining ***183** questions upon which the military commanders require instructions.

1. As to the powers and duties of these commanders.

The original act recites in its preamble, that 'no legal State governments or adequate protection for life or property exist' in those ten States, and that 'it is necessary that peace and good order should be enforced' in those States 'until loyal and republican State governments can be legally established.'

The 1st and 2d sections divide these States into five military districts, subject to the military authority of the United States, as thereinafter prescribed, and make it the duty of the President to assign from the officers of the army a general officer to the command of each district, and to furnish him with a military force to perform his duties and enforce his authority within his district.

The 3d section declares, 'that it shall be the duty of each officer, assigned as aforesaid, to protect all persons in their rights of person and property, to suppress insurrection, disorder, and violence, and **to punish, or cause to be punished, all disturbers of the public peace and criminals**, and **to this end he may allow local civil tribunals to take jurisdiction of and try offenders**, or, **when in his judgment it may be necessary for the trial of offenders, he shall have power to organize military commissions or tribunals for that purpose**; and **all interference, under color of State authority, with the exercise of military authority under this act, shall be null and void**.'

The 4th section provides, 'That all persons put under military arrest by virtue of this act shall be tried without unnecessary delay, and no cruel or unusual punishment shall be inflicted; and **no sentence** of any military commission or

tribunal hereby authorized, **affecting the life or liberty of any person, shall be executed, until it is approved by the officer in command of the district**, and the laws and regulations for the government of the army shall not be affected by this act, except in so far as they conflict with its provisions: Provided, That no sentence of death ***184** under the provisions of this act shall be carried into effect without the approval of the President.'

The 5th section declares the qualification of voters in all elections, as well to frame the new constitution for each State, as in the elections to be held under the provisional government, until the new State constitution is ratified by Congress, and also fixes the qualifications of the delegates to frame the new constitution.

The 6th section provides, '**That until the people of said rebel States shall be by law admitted to representation in the Congress of the United States, any civil governments which may exist therein shall be deemed provisional only**, and **in all respects subject to the paramount authority of the United States at any time to abolish, modify, control, or supersede the same**; and in all elections to any office under such provisional governments all persons shall be entitled to vote, and none others, who are entitled to vote under the provisions of the 5th section of this act; and no person shall be eligible to any office under any such provisional governments who would be disqualified from holding office under the provisions of the third article of said constitutional amendment.'

The duties devolved upon the commanding general by the supplementary act relate altogether to the **registration of voters**, and the elections to be held under the provisions of that act. And as to these duties, they are plainly enough expressed in the act, and it is not understood that any question, not heretofore considered in the opinion referred to, has arisen, or is likely to arise, in respect to them.

My attention, therefore, is directed to the powers and duties of the military commanders under the original act.

We see clearly enough that this act contemplates **two distinct governments in each of these ten States: the one military, the other civil**. The civil government is recognized as existing at the date of the act. The military government is created by the act.

Both are provisional, and **both are to continue until the new State constitution is framed** and the State is admitted ***185** to representation in Congress. **When that event takes place, both these provisional governments are to cease**. In contemplation of this act, this military authority and this civil authority are to be carried on together. The people in these States are made subject to both, and must obey both, in their respective jurisdictions.

There is, then, an imperative necessity to define as clearly as possible the line which separates the two jurisdictions, and the exact scope of the authority of each.

Now, as to the civil authority recognized by the act as the provisional civil government, it covered every department of civil jurisdiction in each of these States.

It had all the characteristics and powers of a State government--legislative, judicial, and executive--and was in the full and lawful exercise of all these powers, **except only that it was not entitled to representation as a State of the Union.**

This existing government is not set aside; it is recognized more than once by the

act. It is not in any one of its departments, or as to any one of its functions, repealed or modified by this act, **save only in the qualifications of voters**, **the qualifications of persons eligible to office**, **the manner of holding elections**, and **the mode of framing the constitution of the State**. The act does not in any other respect change the provisional government, nor does the act authorize the military authority to change it.

The power of further changing it is reserved, not granted, and **it is reserved to Congress**, not delegated to the military commander.

Congress was not satisfied with the organic law or constitution under which this civil government was established. That constitution was to be changed in only one particular to make it acceptable to Congress, and **that was in the matter of the elective franchise**. The purpose, the sole object of this act, is to effect that change, and **to effect it by the agency of the people of the State**, or such of them as are made voters by means of elections provided for in the act, and in the meantime to preserve order and to ***186** punish offenders, if found necessary, by military commissions.

We are, therefore, not at a loss to know what powers were possessed by the existing civil authority.

The only question is upon the powers conferred on the military authority.

Whatever power is not given to the military remains with the civil government.

We see, first of all, that each of these States is '**made subject to the military authority of the United States'--not to the military authority altogether, but with this express limitation**--'as hereinafter prescribed.'

We must, then, examine what is thereinafter provided, to find the extent and nature of the power granted.

This, then, is what is granted to the military commander: **The power or duty 'to protect all persons in their rights of person and property**; to suppress insurrection, **disorder**, and violence, and **punish, or cause to be punished, all disturbers of the public peace and criminals**;' and **he may do this by the agency of the criminal courts of the State**, or, if necessary, **he may have resort to military tribunals.**

This comprises all the powers given to the military commander.

Here is a general clause, making it the duty of the **military commander to give protection to all persons in their rights of person and property**. Considered by itself, and without reference to the context and to other provisions of the act, it is liable, from its generality, to be misunderstood.

What sort of protection is here meant? What violations of the rights of person or of property are here intended? In what manner is this protection to be given? These questions arise at once.

It appears that some of the military commanders have understood this grant of power as all comprehensive, conferring on them the power to remove the executive and judicial officers of the State, and to appoint other officers in their places; to suspend the legislative power of the ***187** State; to take under their control, by officers appointed by themselves, the collection and disbursement of the revenues of the State; to prohibit the execution of the laws of the State by the agency of its appointed officers and agents; to change the existing laws in matters affecting

purely civil and private rights; to suspend or enjoin the execution of the judgments and decrees of the established State courts; to interfere in the ordinary administration of justice in the State courts, by prescribing new qualifications for jurors, and to change, upon the ground of expediency, the existing relations of the parties to contracts, giving protection to one party by violating the rights of the other party.

I feel confident that these military officers, in all they have done, have supposed that they had full warrant for their action. Their education and training have not been of the kind to fit them for the delicate and difficult task of giving construction to such a statute as that now under consideration. They require instruction, and nearly all of them have asked for instruction, to solve their own doubts, and to furnish to them a safe ground for the performance of their duties.

There can be no doubt as to the rule of construction according to which we must interpret this grant of power. **It is a grant of power to military authority, over civil rights and citizens, in time of peace**. **It is a new jurisdiction, never granted before, by which, in certain particulars and for certain purposes, the established principle that the military shall be subordinate to the civil authority is reversed.**

The rule of construction to be applied to such a grant of power is thus stated in Dwarris on Statutes, p. 652: **'A statute creating a new jurisdiction ought to be construed strictly**.'

Guided by this rule, and in the light of other rules of construction familiar to every lawyer, especially of those which teach us that, in giving construction to single clauses, we must look to the context and to the whole ***188** law, that general clauses are to be controlled by particular clauses, and such construction is to be put on a special clause as to make it harmonize with the other parts of the statute so as to avoid repugnancy, I proceed to the construction of this part of the act.

To consider, then, in the first place, the terms of the grant. **It is of a power to protect all persons in their rights of person and property**. **It is not a power to create new rights, but only to protect those which exist and are established by the laws under which these people live**. It is a **power to preserve, not to abrogate**; to sustain the existing frame of **social order and civil rule**, and **not a power to introduce military rule in its place**; in effect, **it is police power**; and the protection here intended is **protection of persons** and **property against violence, unlawful force, and criminal infraction**. It is given to meet the contingency recited in the preamble, of a want of 'adequate protection for life and property' and the necessity also recited, 'that peace and good order should be enforced.'

This construction is made more apparent when we look at the immediate context, and see in what mode and by what **agency** this protection is to be secured. This duty or power of protection is to be performed by the suppression of insurrection, disorder, and violence, and by the punishment, either **by the agency of the State courts**, or by military commissions, when necessary, **of all disturbers of the public peace and criminals**; and it is declared, **that all interference**, under color of State authority, **with the exercise of this military authority**, **shall be null and void.**

The next succeeding clause provides for a **speedy trial of the offender**, forbids the infliction of cruel and unusual punishment, and **requires that sentences of these military courts**, which **involve the liberty or life of the accused**, shall have the **approval of the commanding general**, and, as to a sentence of death, the approval of the President, before execution.

All these special provisions have reference to the preservation***189** of order and protection against violence and crime. They touch no other department or function of the civil administration, **save only its criminal jurisdiction**, and even as to that the clear meaning of this act is, that it is not to be interfered with by the military authority, unless when a necessity for such interference may happen to arise.

I see no authority, nor any shadow of authority, for interference with any other courts, or any other jurisdiction, **than criminal courts, in the exercise of criminal jurisdiction.**

The existing civil authority, in all its other departments--legislative, executive, and judicial--is left untouched.

There is no provision, even under the **plea of necessity**, to establish, by military authority, courts or tribunals for the trial of civil cases, or for the protection of such **civil rights of person or property as come within the cognizance of civil courts, as contradistinguished from criminal courts**.

In point of fact, there was no foundation for such a grant of power; for the civil rights act, and the freedmen's bureau act, neither of which is superseded by this act, made ample provision for the protection of all merely civil rights, where the laws or courts of these States might fail to give full, impartial protection.

I find no authority anywhere in this act for the removal by the military commander of the proper officers of a State, either executive or judicial, or the appointment of persons in their places.

Nothing short of an express grant of power would justify the removal or the appointment of such an officer. There is no such grant expressed or even implied. On the contrary, the act clearly enough forbids it. The regular State officials, duly elected and qualified, are entitled to hold their offices. They, too, have rights which the military commander is bound to protect, not authorized to destroy.

We find in the concluding clause of the 6th section of the act that these officials are recognized, and express provision is made to perpetuate them. It is enacted that, 'in all elections to any office under such provisional governments, ***190** all persons shall be entitled to vote, and none others, who are entitled to vote under the provisions of the 5th section of this act; and no person shall be eligible to any office under such provisional governments who would be disqualified from holding office under the provisions of this act.'

This provision not only recognizes all the officers of the provisional governments, but, in case of vacancies, very clearly points out how they are to be filled; and that happens to be in the usual way, by the people, and not by any other agency or any other power, either State or federal, civil or military.

I find it impossible, under the provisions of this act, to comprehend such an official as a governor of one of these States appointed to office by one of these military commanders.

Certainly he is not the governor recognized by the laws of the State, elected by the people in the State, and clothed as such with the chief executive power. Nor is he appointed as a military governor for a State, which has no lawful governor, under the pressure of an existing necessity, to exercise powers at large.

The intention, no doubt, was to appoint him to fill a vacancy occasioned by a

military order, and to put him in the place of the removed governor, to execute the functions of the office, as provided by law.

The law takes no cognizance of such an official, and he is clothed with no authority or color of authority.

What is true as to the governor is equally true as to all the other legislative, executive, and judicial officers of the State. If the military commander can oust one from his office, he can oust them all. If he can fill one vacancy, he can fill all vacancies, and thus usurp all civil jurisdiction into his own hands, or the hands of those who hold their appointments from him and subject to his power of removal, and thus frustrate the very right secured to the people by this act. Certainly this act is rigorous enough in the power which it gives. With all its severity, the ***191** right of electing their own officers is still left with the people, and it must be preserved.

I must not be understood as fixing limits to the power of the military commander in case of an actual insurrection or riot. It may happen that an insurrection in one of these States may be so general and formidable as to require the temporary suspension of all civil government, and the establishment of martial law in its place. And the same thing may be true as to local disorder or riot, in reference to the civil government of the city or place where it breaks out. Whatever power is necessary to meet such emergencies the military commander may properly exercise.

I confine myself to the proper authority of the military commander where peace and order prevail. When peace and order do prevail, it is not allowable to displace the civil officers, and appoint others in their places, under any idea that the military commander can better perform his duties, and carry out the general purposes of the act by the **agency** of civil officers of his own choice rather than by the lawful incumbents. The act gives him no right to resort to such agency, but does give him the right to have 'a sufficient military force' to enable him 'to perform his duties and enforce his authority within the district to which he is assigned.'

In the suppression of insurrection and riot the military commander is wholly independent of civil authority.

So, too, in the trial and punishment of criminals and offenders, he may supersede the civil jurisdiction.

His power is to be exercised in the special emergencies, and the means are put into his hands by which it is to be exercised, that is to say, 'a sufficient military force to enable such officer to perform his duties and enforce his authority,' and military tribunals of his own appointment to try and punish offenders. These are strictly military powers, to be executed by military authority, not by the civil authority, or by civil officers appointed by him to perform ordinary civil duties.

***192** If these emergencies do not happen, if civil order is preserved, and criminals are duly prosecuted by the regular criminal courts, the military power, though present, must remain passive.

Its proper function is to preserve the peace, to act promptly when the peace is broken, and restore order.

When that is done, and the civil authority may again safely resume its functions, the military power again becomes passive, but on guard and watchful.

This, in my judgment, is the whole scope of the military power conferred by this act; and, in arriving at this construction of the act, I have not found it necessary to resort to the strict construction which is allowable.

What has been said indicates my opinion as to any supposed power of the military commander to change or modify the laws in force.

The military commander is made a conservator of the peace, not legislator. **His duties are military duties, executive duties**: not legislative duties. He has no authority to enact or declare a **new code of laws** for the people within his district, under any idea that he can make a better code than the people have made for themselves.

The **public policy** is not committed to his discretion. The Congress which passed this act undertook, in certain grave particulars, to change these laws; and, these changes being made, the Congress saw no further necessity of change, but were content to leave all the other laws in full force, **but subject to this emphatic declaration: that, as to these laws, and such future changes as might be expedient, the question of expediency, and the power to alter, amend, or abolish, was reserved for 'the paramount authority of the United States, at any time, to abolish, modify, control, or supersede the same.**' Where, then, does a military commander find his authority 'to abolish, modify, control, or supersede' any one of these laws?

The enumeration of the extraordinary powers exercised by the military commanders in some of the districts would extend this opinion to an unreasonable length.

***193** A few instances must suffice.

In one of these districts, the governor of a State has been deposed under a threat of military force, and another person, called a governor, has been appointed by the military commander to fill his place. Thus presenting the strange spectacle of an official intrusted with the chief power to execute the laws of the State, whose authority is not recognized by the laws he is called upon to execute.

In the same district, the judge of one of the criminal courts of the State has been summarily dealt with.

The act of Congress does give authority to the military commander, in cases of necessity, to transfer the jurisdiction of a criminal court to a military tribunal. That being the specific authority over the criminal courts given by the act, no other authority over them can be lawfully exercised by the military commander.

But, in this instance, the judge has, by military order, been ejected from his office, and **a private citizen has been appointed judge in his place by military authority, and is now in the exercise of criminal jurisdiction 'over all crimes, misdemeanors, and offences' committed within the territorial jurisdiction of the court.**

This military appointee is certainly not authorized to try any one for any offence as a member of a military tribunal, and **he has just as little authority to try and punish any offender as a judge of a criminal court of the State.**

It happens that this private citizen, thus placed on the bench, is to sit as the sole judge in a criminal court whose jurisdiction extends to cases involving the life of the accused.

If he has any judicial power in any case, he has the same power to take

cognizance of capital cases, and to sentence the accused to death, and order his execution. A strange spectacle, where the judge and the criminal may very well 'change places;' **for if the criminal has unlawfully taken life, so too does the judge.** This is the inevitable result, for the only tribunal, the only judges, if they can be called judges, which a military commander ***194** can constitute and appoint under this act, to inflict the death penalty, is a military court composed of a board, and called in the act a 'military commission.'

I see no relief for the condemned against the sentence of this agent of the military commander. It is not the sort of court whose sentence of death must be first approved by the commander and finally by the President, for that is allowed only where the sentence is pronounced by a 'military commission.' Nor is it a sentence pronounced by the rightful court of a State, **but by a court and by a judge not clothed with authority under the laws of the State**, **but constituted by the military authority**. As the representative of this military authority, this act forbids interference, 'under color of State authority,' with the exercise of his functions.

In another one of these districts a military order commands the governor of the State to forbid the reassembling of the legislature, and thus suspends the proper legislative power of the State. In the same district an order has been issued 'to relieve the treasurer of the State from the duties, bonds, books, papers, &c., appertaining to his office,' and to put an 'assistant quartermaster of United States volunteers' in place of the removed treasurer; the duties of which quartermaster-treasurer are thus summed up: He is to make to the headquarters of the district 'the same reports and returns required from the treasurer, and a monthly statement of receipts and expenditures; he will pay all warrants for salaries which may be or become due, and legitimate expenditures for the support of the penitentiary, State asylum, and the support of the provisional State government; but no scrip or warrants for outstanding debts of other kind than those specified will be paid without special authority from these headquarters. He will deposit funds in the same manner as though they were those of the United States.'

In another of these districts a **body of military edicts**, **issued in general and specials orders regularly numbered**, and in occasional circulars, have been promulgated, which ***195** already begin to assume the dimensions of a code. **These military orders modify the existing law in the remedies for the collection of debts, the enforcement of judgments and decrees for the payment of money, staying proceedings instituted, prohibiting in certain cases the right to bring suit, enjoining proceedings on execution for the term of twelve months, giving new liens in certain cases, establishing homestead exemptions, declaring what shall be a legal tender, abolishing in certain cases the remedy by foreign attachment, abolishing bail**, 'as heretofore authorized,' in cases ex contractu, but not in 'other cases known as actions ex delicto,' and changing in serveral particulars the existing laws as to the punishment of crimes, and directing that the crimes referred to 'shall be punished by imprisonment at hard labor for a term not exceeding ten years nor less than two years, in the discretion of the court having jurisdiction thereof.' One of these general orders, being No. 10 of the series, contains no less than seventeen sections, embodying the various changes and modifications which have been recited.

The question at once arises in the mind of every lawyer, what power or discretion belongs to the court, having jurisdiction of any of these offences, to sentence a criminal to any other or different punishment than that provided by the law which vests him with jurisdiction.

The concluding parapraph of this order, No. 10, is in these words: '**Any law or ordinance heretofore in force in North Carolina or South Carolina, inconsistent**

with the provisions of this general order, are hereby suspended and declared inoperative.' Thus announcing, not only a power to suspend the laws, but to declare them generally inoperative, **and assuming full powers of legislation by the military authority**.

The ground upon which these extraordinary powers are based is thus set forth in military order, No. 1, issued in this district: 'The civil government now existing in North Carolina and South Carolina is provisional only, and in all respects subject to the paramount authority of the United ***196** States, at any time to abolish, modify, control, or supersede the same.' Thus far the provisions of the act of Congress are well recited. What follows is in these words: 'Local laws and municipal regulations, not inconsistent with the Constitution and laws of the United States, or the proclamations of the President, or with such regulations as are or may be prescribed in the orders of the commanding general, are hereby declared to be in force; and, in conformity therewith, civil officers are hereby authorized to continue the exercise of their proper functions, and will be respected and obeyed by the inhabitants.'

This **construction of his powers, under the act of Congress, places the military commander on the same footing as the Congress of the United States**. It assumes that 'the paramount authority of the United States at any time to abolish, modify, control, or supersede,' is vested in him as fully as it is reserved to Congress. He deems himself a representative of that paramount authority. He puts himself upon an equality with the law-making power of the Union; the only paramount authority in our government, so far, at least, as the enactment of laws is concerned.

He places himself on higher ground than the President, who is simply an executive officer. He assumes, directly or indirectly, all the authority of the State, legislative, executive, and judicial, and in effect declares, 'I am the State.'

I regret that I find it necessary to speak so plainly of this assumption of authority.

I repeat what I have heretofore said, that I do not doubt that all these orders have been issued under an honest belief that they were necessary or expedient, and fully warranted by the act of Congress.

There may be evils and mischiefs in the laws which these people have made for themselves, through their own legislative bodies, which require change; but none of these can be so intolerable as the evils and mischiefs which must ensue from the sort of remedy applied.

***197** One can plainly see what will be the inevitable confusion and disorder which such disturbances of the whole civil policy of the State must produce. If these military edicts are allowed to remain, even during the brief time in which this provisional military government may be in power, the seeds will be sown for such a future harvest of litigation as has never been inflicted upon any other people.

There is, in my opinion, an executive duty to be performed here which cannot safely be avoided or delayed.

For, notwithstanding the paramount authority assumed by these commanders, **they are not**, even as to their proper executive duties, **in any sense, clothed with a paramount authority. They are, at least, subordinate executive officers.** They are responsible to the President for the proper execution of their duties, and upon him rests the final responsibility. **They are his selected agents.** His duty is not all performed by selecting such agents as he deems competent, but the duty remains with

him to see to it that they execute their duties faithfully and according to law.

It is true, that this act of Congress only refers to the President in the matter of selecting and appointing these commanders; and in the matter of their powers and duties under the law, the act speaks in terms directly to them; but this does not relieve them from their responsibility to the President, nor does it relieve him from the constitutional obligation imposed upon him to see that all 'the laws are faithfully executed.'

It can scarcely be necessary to cite authority for so plain a proposition as this. Nevertheless, as we have a recent decision completely in point, I may as well refer to it.

Upon motion made by the State of Mississippi before the Supreme Court of the United States at its late term, for leave to file a bill against the President of the United States to enjoin him against executing the very acts of Congress now under consideration; the opinion of the court upon dismissing that motion, and it seems to have been unanimous, was delivered by the chief justice. I ***198** make the following quotation from the opinion: 'Very different is the duty of the President, in the exercise of the power to see that the laws are faithfully executed, and among those laws the acts named in the bill. By the first of these acts he is required to assign generals to command in the several military districts, and to detail sufficient military force to enable such officers to discharge their duties under the law. By the supplementary act, other duties are imposed on the several commanding generals, and their duties must necessarily be performed under the supervision of the President as commander-in-chief. The duty thus imposed on the President is in no just sense ministerial. **It is purely executive and political.'**

Certain questions have been propounded from one of these military districts touching the construction of the power of the military commander to constitute military tribunals for the trial of offenders, which I will next consider.

Whilst the act does not in terms displace the regular criminal courts of the State, it does give the power to the military commander, when in his judgment a necessity arises, to take the administration of the criminal law into his own hands, and to try and punish offenders by means of military commissions.

In giving construction to this power, we must not forget the recent and **authoritative exposition given by the Supreme Court of the United States as to the power of Congress to provide for military tribunals for the trial of citizens in time of peace**, and to the emphatic declaration, as to which there was no dissent or difference of opinion among the judges, that such a power is not warranted by the constitution.

A single extract from the opinion of the minority, as delivered by the chief justice, will suffice: 'We by no means assert that Congress can establish and apply the laws of war where no war has been declared or exists; where peace exists, the laws of peace must prevail. What we do maintain is, that where the nation is involved in ***199** war, and some portions of the country are invaded, and all are exposed to invasion, it is within the power of Congress to determine in what States or districts such great and imminent public danger exists as justifies the **authorization of military tribunals for the trial of crimes and offences against the discipline or security of the army**, or against the **public safety**.'

Limiting myself here simply to the construction of this act of Congress, and to the question in what way it should be executed, I have no hesitation in saying, that nothing short of an absolute or controlling necessity would give any color of

authority for arraigning a citizen before a military commission.

A person charged with crime in any of these military districts has rights to be protected, **rights the most sacred and inviolable, and among these the right of trial by jury, according to the laws of the land**. **When a citizen is arraigned before a military commission on a criminal charge he is no longer under the protection of law, nor surrounded with those safeguards which are provided in the Constitution.** This act, passed in a time of peace, when all the courts, State and federal, are in the undisturbed exercise of their jurisdiction, authorizes at the discretion of a military officer, the seizure, trial, and condemnation of the citizen. The accused may be sentenced to death, and the sentence may be executed without a judge. A sentence which forfeits all the property of the accused requires no approval. If it affects the liberty of the accused, it requires the approval of the commanding general; and if it affects his life, it requires the approval of the general and of the President. Military and executive authority rule throughout in the trial, the sentence, and the execution. **No habeas corpus from any State court can be invoked;** for this law declares, that 'all interference, under color of State authority, with the exercise of military authority under this act, shall be null and void.'

I repeat it, that nothing short of an absolute necessity can give any color of authority to a military commander *200 to call into exercise such a power. It is a power the exercise of which may involve him, and every one concerned, in the greatest responsibilities. The occasion for its exercise should be reported at once to the Executive, for such instructions as may be deemed necessary and proper.

Questions have arisen whether, under this power, these military commissions can take cognizance of offences committed before the passage of the act, **and whether they can try and punish for acts not made crimes or offences by federal or State law.**

I am clearly of opinion that they have no jurisdiction as to either. They can take cognizance of no offence that has not happened after the law took effect. Inasmuch as the tribunal to punish, and the measure or degree of punishment, are established by this act, we must construe it to be prospective, and not retroactive. Otherwise, it would take the character of an ex post facto law. Therefore, in the absence of any language which gives the act a retrospect, I do not hesitate to say it cannot apply to past offences.

There is no legislative power given under this military bill to establish a new criminal code. The authority given is to try and punish criminals and offenders, and this proceeds upon the idea that crimes and offences have been committed; but no person can be called a criminal or an offender for doing an act which, when done, was not prohibited by law.

But, as to the measure of punishment, **I regret to be obliged to say that it is left altogether to the military authorities, with only this limitation: that the punishment to be inflicted shall not be cruel or unusual**.

The military commission may try the accused, fix the measure of punishment, even to the penalty of death, and direct the execution of the sentence.

It is only when the sentence affects the 'life or liberty' of the person that it need be approved by the commanding general, and only in cases where it affects the life of the accused that it needs also the approval of the President.

***201** **As to crimes or offences against the laws of the United States**, **the military authority can take no cognizance of them**, nor in any way interfere with the regular

administration of justice by the appropriate federal courts.

In the opinion heretofore given upon other questions arising under these laws, I gave at large, for your consideration, the grounds upon which my conclusions were arrived at, intending thereafter to state these conclusions in a concise and clear summary. I now proceed to execute that purpose, which is made especially necessary from the confusion and doubts which have arisen upon that opinion in the public mind, caused, in part, by the errors of the telegraph and the press in its publication, and in part by the inaptitude of the general reader to follow carefully the successive and dependent steps of a protracted legal opinion.

SUMMARY.

Who are entitled to registration?

1. The oath prescribed in the supplemental act defines all the qualifications required, and every person who can take that oath is entitled to have his name entered upon the list of voters.

2. The board of registration have no authority to administer any other oath to the person applying for registration than this prescribed oath, nor to administer any oath to any other person, touching the qualifications of the applicant, or the falsity of the oath so taken by him. The act to guard against falsity in the oath provides that, if false, the person taking it shall be tried and punished for perjury.

No provision is made for challenging the qualifications of the applicant, or entering upon any trial or investigation of his qualifications, either by witnesses or any other form of proof.

3. As to citizenship and residence. **The applicant for registration must be a citizen of the State and of the United *202 States**, and **must be a resident of a county included in the election district**. He may be registered, if he has been such citizen for a period less than twelve months at the time he applies for registration, but he cannot vote at any election unless his citizenship has then extended to the full term of one year. As to such a person, the exact length of his citizenship should be noted opposite his name on the list, so that it may appear on the day of election, upon reference to the list, whether the full term has then been accomplished.

4. An unnaturalized person cannot take this oath, but an alien who has been naturalized can take it, and no other proof of naturalization can be required from him.

5. No one who is not twenty-one years of age at the time of registration can take the oath, for he must swear that he has then attained that age.

6. No one who has been disfranchised for participation in any rebellion against the United States, or for felony committed against the laws of any State, or of the United States, can safely take this oath.

The actual participation in a rebellion, or the actual commission of felony, does not amount to disfranchisement. The sort of disfranchisement here meant, is that which is declared by law, passed by competent authority, or which has been fixed upon the criminal by the sentence of the court which tried him for the crime.

No law of the United States has declared the penalty of disfranchisement for

participation in rebellion alone. Nor is it known that any such law exists in either of these ten States, except perhaps Virginia, as to which State special instructions will be given.

7. As to disfranchisement arising from having held office, followed by participation in rebellion. This is the most important part of the oath, and requires strict attention to arrive at its meaning. I deem it proper to give the exact words. The applicant must swear or affirm as follows:

'That I have never been a member of any State legislature, nor held any executive or judicial office in any ***203** State, and afterwards engaged in any insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof; that I have never taken an oath as a member of Congress of the United States, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, and afterwards engaged in insurrection or rebellion against the United States, or given aid or comfort to the enemies thereof.'

Two elements must concur in order to disqualify a person under these clauses: first, the office and official oath to support the Constitution of the United States; second, engaging afterwards in rebellion. Both must exist to work disqualification, and must happen in the order of time mentioned.

A person who has held an office, and taken the oath to support the federal Constitution, and has not afterwards engaged in rebellion, is not disqualified.

So, too, a person who has engaged in rebellion, but has not theretofore held an office and taken that oath, is not disqualified.

8**. Officers of the United States. As to these, the language is without limitation. The person who has at any time prior to the rebellion held any office, civil or military, under the United States, and has taken an official oath to support the Constitution of the United States, is subject to disqualification.**

9. Military officers of any State, prior to the rebellion, are not subject to disqualification.

10. Municipal officers, that is to say, officers of incorporated cities, towns, and villages, such as mayors, aldermen, town-council, police, and other city or town officers, are not subject to disqualification.

11. Persons who have, prior to the rebellion, been members of Congress of the United States, or members of a State legislature, are subject to disqualification. But those who have been members of conventions framing or amending ***204** the constitution of a State, prior to the rebellion, are not subject to disqualification.

12. All the executive or judicial officers of any State, who took an oath to support the Constitution of the United States, are subject to disqualification, and in these I include county officers, as to whom I made a reservation in the opinion heretofore given. After full consideration, I have arrived at the conclusion that they are subject to disqualification, if they were required to take, as a part of their official oath, the oath to support the Constitution of the United States.

13. **Persons who exercised mere agencies or employments** under State authority are not disqualified, such as commissioners to lay out roads, commissioners of public works, visitors of State institutions, directors of State banks or other State

institutions, examiners of banks, notaries public, commissioners to take acknowledgments of deeds, **and lawyers**.

Engaging in rebellion.

Having specified what offices held by any one prior to the rebellion come within the meaning of the law, it is necessary next to set forth what subsequent conduct fixes upon such person the offence of engaging in rebellion. I repeat, that two things must exist, as to any person, to disqualify him from voting: first, the office held prior to the rebellion; and, afterwards, participation in the rebellion.

14. **An act to fix upon a person the offence of engaging in rebellion under this law must be an overt and voluntary act, done with the intent of aiding or furthering the common unlawful purpose.**

A person forced into the rebel service by conscription, or under a paramount authority which he could not safely disobey, and who would not have entered such service if left to the free exercise of his own will, cannot be held to be disqualified from voting.

15. Mere acts of charity, where the intent is to relieve ***205** the wants of the object of such charity, and not done in aid of the cause in which he may have been engaged, do not disqualify. But organized contributions of food and clothing, for the general relief of persons engaged in the rebellion, and not of a merely sanitary character, but contributed to enable them to perform their unlawful object, may be classed with acts which do disqualify.

Forced contributions to the rebel cause, in the form of taxes or military assessments, which a person may be compelled to pay or contribute, do not disqualify. But voluntary contributions to the rebel cause, even such indirect contributions as arise from the voluntary loan of money to rebel authorities, or purchase of bonds or securities created to afford the means of carrying on the rebellion, will work disqualification.

16. **All those who, in legislative or other official capacity, were engaged in the furtherance of the common unlawful purpose, where the duties of the office necessarily had relation to the support of the rebellion, such as members of the rebel conventions, congress, and legislatures, diplomatic agents of the rebel confederacy, and other officials whose offices were created for the purpose of more effectually carrying on hostilities, or whose duties appertained to the support of the rebel cause, must be held to be disqualified**.

But officers who, during the rebellion, discharged official duties not incident to war, but only such duties as belong to a state of peace, and were necessary to the preservation of order and the administration of law, are not to be considered as thereby engaging in rebellion or disqualified. Disloyal sentiments, opinions, or sympathies would not disqualify; but when a person has, by speech or by writing, incited others to engage in rebellion, be must come under the disqualification.

17. The duties of the board appointed to superintend the elections. This board, having the custody of the list of registered voters in the district for which it is constituted, must see that the name of the person offering to vote is found ***206** upon the registration list, and if such proves to be the fact, it is the duty of the board to receive his vote. They cannot receive the vote of any person whose name is not upon the list, though he may be ready to take the registration oath,

and although he may satisfy them that he was unable to have his name registered at the proper time, in consequence of absence, sickness, or other cause. The board cannot enter into any inquiry as to the qualifications of any person whose name is not on the list, or as to the qualifications of any person whose name is on the list.

18. The mode of voting is provided in the act to be by ballot. The board will keep a record and poll-book of the election, showing the votes, list of voters, and the persons elected by a plurality of the votes cast at the election, and make returns of these to the commanding general of the district.

19. The board appointed for registration and for superintending the elections must take the oath prescribed by the act of Congress entitled 'An act to prescribe an oath of office,' approved July 2, 1862.

I am sir, very respectfully, Your obedient servant,

HENRY STANBERY.

12 U.S. Op. Atty. Gen. 182

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groups from other nations. This bipartisan organization is doing something more than just talking about international understanding—it is doing something about it.

If mankind is ever to abolish war from the face of the earth, we first must break down the barriers of mistrust and suspicion among the peoples of the world. There is no better way to accomplish this than through just such programs as this one conducted by the American Council of Young Political Leaders.

These young people will be the leaders of the world in years to come. They will be better leaders, more understanding and tolerant leaders, if they are able to expand their knowledge of other nations, other peoples, and other political systems.

This is why, Mr. Speaker, I am so pleased with the work being done by the American Council of Young Political Leaders. They have my wholehearted support in their program to further world understanding.

THE 14TH AMENDMENT—EQUAL PROTECTION LAW OR TOOL OF USURPATION

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. RARICK] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. RARICK. Mr. Speaker, arrogantly ignoring clearcut expressions in the Constitution of the United States, the declared intent of its drafters notwithstanding, our unelected Federal judges read out prohibitions of the Constitution of the United States by adopting the fuzzy haze of the 14th amendment to legislate their personal ideas, prejudices, theories, guilt complexes, aims, and whims.

Through the cooperation of intellectual educators, we have subjected ourselves to accept destructive use and meaning of words and phrases. We blindly accept new meanings and changed values to alter our traditional thoughts.

We have tolerantly permitted the habitual misuse of words to serve as a vehicle to abandon our foundations and goals. Thus, the present use and expansion of the 14th amendment is a sham—serving as a crutch and hoodwink to precipitate a quasi-legal approach for overthrow of the tender balances and protections of limitation found in the Constitution.

But, interestingly enough, the 14th amendment—whether ratified or not—was but the expression of emotional outpouring of public sentiment following the War Between the States.

Its obvious purpose and intent was but to free human beings from ownership as a chattel by other humans. Its aim was no more than to free the slaves.

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

They must be stopped. Public opinion must be aroused. The Union must and shall be preserved.

Mr. Speaker, I ask to include in the RECORD, following my remarks, House Concurrent Resolution 208 of the Louisiana Legislature urging this Congress to declare the 14th amendment illegal. Also, I include in the RECORD an informative and well-annotated treatise on the illegality of the 14th amendment—the play toy of our secessionist judges—which has been prepared by Judge Leander H. Perez, of Louisiana.

The material referred to follows:

H. CON. RES. 208

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

Whereas the purported 14th Amendment to the United States Constitution was never lawfully adopted in accordance with the requirements of the United States Constitution because eleven states of the Union were deprived of their equal suffrage in the Senate in violation of Article V, when eleven southern states, including Louisiana, were excluded from deliberation and decision in the adoption of the Joint Resolution proposing said 14th Amendment; said Resolution was not presented to the President of the United States in order that the same should take effect, as required by Article 1, Section 7; the proposed amendment was not ratified by three-fourths of the states, but to the contrary fifteen states of the then thirty-seven states of the Union rejected the proposed 14th Amendment between the dates of its submission to the states by the Secretary of State on June 16, 1866 and March 24, 1868, thereby nullifying said Resolution and making it impossible for ratification by the constitutionally required three-fourths of such states; said southern states which were denied their equal suffrage in the Senate had been recognized by proclamations of the President of the United States to have duly constituted governments with all the powers which belong to free states of the Union, and the Legislatures of seven of said southern states had ratified the 13th Amendment which would have failed of ratification but for the ratification of said seven southern states; and

Whereas the Reconstruction Acts of Congress unlawfully overthrew their existing governments, removed their lawfully constituted legislatures by military force and replaced them with rump legislatures which carried out military orders and pretended to ratify the 14th Amendment; and

Whereas in spite of the fact that the Secretary of State in his first proclamation, on July 20, 1866, expressed doubt as to whether three-fourths of the required states had ratified the 14th Amendment, Congress nevertheless adopted a resolution on July 28, 1868, unlawfully declaring that three-fourths of the states had ratified the 14th Amendment and directed the Secretary of State to so proclaim, said Joint Resolution of Congress and the resulting proclamation of the Secretary of State included the purported ratifications of the military enforced rump legislatures of ten southern states whose lawful legislatures had previously rejected said 14th Amendment, and also included purported ratifications by the legislatures of the States of Ohio and New Jersey although they had withdrawn their legislative ratifications several months previously, all of which proves absolutely that said 14th Amendment was not adopted in accordance with the mandatory constitutional requirements set forth in Article V of the Constitution and therefore the Constitution itself strikes with nullity the purported 14th Amendment.

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

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

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

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

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

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

VAIL M. DELONY,
Speaker of the House of Representatives.
C. C. AYCOCK,
Lieutenant Governor and President of the Senate.

THE 14TH AMENDMENT IS UNCONSTITUTIONAL

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

1. The Joint Resolution proposing said Amendment was not submitted to or adopted by a Constitutional Congress. Article I, Section 3, and Article V of the U.S. Constitution.

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

3. The proposed 14th Amendment was rejected by more than one-fourth of all the States then in the Union, and it was never ratified by three-fourths of all the States in the Union. Article V.

I. THE UNCONSTITUTIONAL CONGRESS

The U.S. Constitution provides:

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

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

The fact that 23 Senators had been unlawfully excluded from the U.S. Senate, in order to secure a two-thirds vote for adoption of the Joint Resolution proposing the 14th Amendment is shown by Resolutions of pro-

test adopted by the following State Legislatures:

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

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

"That it being necessary by the constitution that every amendment to the same should be proposed by two-thirds of both houses of congress, the authors of said proposition, for the purpose of securing the assent of the requisite majority, determined to, and did, exclude from the said two houses eighty representatives from eleven states of the union, upon the pretence that there were no such states in the Union; but, finding that two-thirds of the remainder of the said houses could not be brought to assent to the said proposition, they deliberately formed and carried out the design of mutilating the integrity of the United States senate, and without any pretext or justification, other than the possession of the power, without the right, and in palpable violation of the constitution, ejected a member of their own body, representing this state, and thus practically denied to New Jersey its equal suffrage in the senate, and thereby nominally secured the vote of two-thirds of the said houses." [1]

The Alabama Legislature protested against being deprived of representation in the Senate of the U.S. Congress.[2]

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

"The amendment to the Constitution proposed by this joint resolution as Article XIV is presented to the Legislature of Texas for its action thereon, under Article V of that Constitution. This Article V, providing the mode of making amendments to that instrument, contemplates the participation by all the States through their representatives in Congress, in proposing amendments. As representatives from nearly one-third of the States were excluded from the Congress proposing the amendments, the constitutional requirement was not complied with; it was violated in letter and in spirit; and the proposing of these amendments to States which were excluded from all participation in their initiation in Congress, is a nullity." [3]

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

"The Constitution authorized two-thirds of both houses of Congress to propose amendments; and, as eleven States were excluded from deliberation and decision upon the one now submitted, the conclusion is inevitable that it is not proposed by legal authority, but in palpable violation of the Constitution." [4]

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

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

"This amendment is tendered to Georgia for ratification, under that power in the Constitution which authorizes two-thirds of the Congress to propose amendments. We have endeavored to establish that Georgia had a right, in the first place, as a part of the Congress, to act upon the question, 'Shall these amendments be proposed?' Every other excluded State had the same right.

"The first constitutional privilege has been arbitrarily denied. Had these amendments been submitted to a constitutional Congress, they never would have been proposed to the States. Two-thirds of the whole Congress never would have proposed to eleven States voluntarily to reduce their political power in the Union, and at the same time, disfranchise the larger portion of the intellect, integrity and patriotism of eleven co-equal States." [5]

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

"Let this alteration be made in the organic system and some new and more startling demands may or may not be required by the predominant party previous to allowing the ten States now unlawfully and unconstitutionally deprived of their right of representation to enter the Halls of the National Legislature. Their right to representation is guaranteed by the Constitution of this country and there is no act, not even that of rebellion, can deprive them of its exercise." [6]

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

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

"Hence this amendment has not been proposed by 'two-thirds of both Houses' of a legally constituted Congress, and is not, Constitutionally or legitimately, before a single Legislature for ratification." [7]

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

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

If the votes of these States are necessary to a valid ratification of the Amendment, they were equally necessary on the question of proposing it to the States; for it would be difficult, in the opinion of the Committee, to show by what process in logic, men of intelligence could arrive at a different conclusion." [8]

II. JOINT RESOLUTION INEFFECTIVE

Article I, Section 7 provides that not only every bill which shall have been passed by the House of Representatives and the Senate of the United States Congress, but that:

"Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill."

The Joint Resolution proposing the 14th Amendment [9] was never presented to the President of the United States for his approval, as President Andrew Johnson stated in his message on June 22, 1866.[10] Therefore, the Joint Resolution did not take effect.

III. PROPOSED AMENDMENT NEVER RATIFIED BY THREE-FOURTHS OF THE STATES

1. Pretermitting the ineffectiveness of said resolution, as above, fifteen (15) States out of the then thirty-seven (37) States of the Union rejected the proposed 14th Amendment between the date of its submission to the States by the Secretary of State on June 16, 1866 and March 24, 1868, thereby further nullifying said resolution and making it impossible for its ratification by the constitutionally required three-fourths of such States, as shown by the rejections thereof by the Legislatures of the following states:

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

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

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

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

North Carolina rejected the 14th Amendment on December 14, 1866.[15]

Arkansas rejected the 14th Amendment on December 17, 1866.[16]

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

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

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[1] New Jersey Acts, March 27, 1868.

[2] Alabama House Journal 1866, pp. 210–213.

[3] Texas House Journal, 1866, p. 577.

[4] Arkansas House Journal, 1866, p. 287.

[5] Georgia House Journal, November 9, 1866, pp. 66–67.

[6] Florida House Journal, 1866, p. 76.

[7] South Carolina House Journal, 1866, pp. 33 and 34.

[8] North Carolina Senate Journal, 1866–67, pp. 92 and 93.

[9] 14 Stat. 358 etc.

[10] Senate Journal, 39th Congress, 1st sessn. p. 563, and House Journal p. 889.

[11] House Journal 1866, pp. 578–584—Senate Journal 1866, p. 471.

[12] House Journal 1866, p. 68—Senate Journal 1866, p. 72.

[13] House Journal 1866, p. 76—Senate Journal 1866, p. 8.

[14] House Journal 1866, pp. 210–213—Senate Journal 1866, p. 183.

[15] House Journal 1866–1867, p. 183—Senate Journal 1866–1867, p. 138.

[16] House Journal 1866, pp. 288–291—Senate Journal 1866, p. 262.

[17] House Journal 1866, p. 284—Senate Journal 1866, p. 230.

[18] House Journal 1867, p. 60—Senate Journal 1867, p. 62.

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

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

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

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

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

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

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

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

President Andrew Johnson, in his Veto message of March 2, 1867,[26] pointed out that:

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

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

2. The 13th Amendment to the United States Constitution was proposed by Joint Resolution of Congress[27] and was approved February 1, 1865 by President Abraham Lincoln, as required by Article I, Section 7 of the United States Constitution. The President's signature is affixed to the Resolution.

The 13th Amendment was ratified by 27 states of the then 36 states of the Union, including the Southern States of Virginia, Louisiana, Arkansas, South Carolina, Alabama, North Carolina and Georgia. This is shown by the Proclamation of the Secretary of State December 18, 1965.[28] Without the votes of these 7 Southern State Legislatures the 13th Amendment would have failed. There can be no doubt but that the ratification by these 7 Southern States of the 13th Amendment again established the fact that their Legislatures and State governments were duly and lawfully constituted and functioning as such under their State Constitutions.

3. Furthermore, on April 2, 1866, President Andrew Johnson issued a proclamation that, "the insurrection which heretofore existed in the States of Georgia, South Carolina, Virginia, North Carolina, Tennessee, Alabama, Louisiana, Arkansas, Mississippi and Florida is at an end, and is henceforth to be so regarded." [29]

On August 20, 1866, President Andrew Johnson issued another proclamation[30] pointing out the fact that the House of Representatives and Senate had adopted identical Resolutions on July 22nd[31] and July 25th, 1861,[32] that the Civil War forced by disunionists of the Southern States, was not waged for the purpose of conquest or to overthrow the rights and established institutions of those States, but to defend and maintain the supremacy of the Constitution and to preserve the Union with all equality and rights of the several states unimpaired, and that as soon as these objects are accomplished, the war ought to cease. The President's proclamation on June 13, 1865, declared the insurrection in the State of Tennessee had been suppressed.[33] The President's proclamation on April 2, 1866,[34] declared the insurrection in the other Southern States, except Texas, no longer existed. On August 20, 1866,[35] the President proclaimed that the insurrection in the State of Texas had been completely ended; and his proclamation continued: "the insurrection which heretofore existed in the State of Texas is at an end, and is to be henceforth so regarded in that State, as in the other States before named in which the said insurrection was proclaimed to be at an end by the aforesaid proclamation of the second day of April, one thousand, eight hundred and sixty-six.

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

4. When the State of Louisiana rejected the 14th Amendment on February 6, 1867, making the 10th state to have rejected the same, or more than one-fourth of the total number of 36 states of the Union as of that date, thus leaving less than three-fourths of the states possibly to ratify the same, the Amendment failed of ratification in fact and in law, and it could not have been revived except by a new Joint Resolution of the Senate and House of Representatives in accordance with Constitutional requirement.

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

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

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

In President Andrew Johnson's Veto message on the Reconstruction Act on July 19, 1867,[37] he pointed out various unconstitutionalities as follows:

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

"* * * * *

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

"* * * * *

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

"During that period, while these States were in actual rebellion, and after that rebellion was brought to a close, they have been again and again recognized as States of the Union. Representation has been apportioned to them as States. They have been divided into judicial districts for the holding of district and circuit courts of the United States, as States of the Union only can be districted. The last act on this subject was passed July 23, 1866, by which every one of these ten States was arranged into districts and circuits.

"They have been called upon by Congress to act through their legislatures upon at least two amendments to the Constitution of the United States. As States they have ratified one amendment, which required the vote of twenty-seven States of the thirty-six then composing the Union. When the requisite twenty-seven votes were given in favor of that amendment—seven of which votes were given by seven of these ten States—it was proclaimed to be a part of the Constitution of the United States, and slavery was declared no longer to exist within the United States or any place subject to their jurisdiction. If these seven States were not legal States of the Union, it follows as an inevitable consequence that in some of the States slavery yet exists. It does not exist

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[19] House Journal 1866–1867, p. 108—Senate Journal 1866–1867, p. 101.

[20] McPherson, Reconstruction, p. 194; Annual Encyclopedia, p. 452.

[21] House Journal 1867, p. 223—Senate Journal 1867, p. 176.

[22] House Journal 1867, p. 1141—Senate Journal 1867, p. 808.

[23] McPherson, Reconstruction, p. 194.

[24] House Journal 1868, pp. 44–50—Senate Journal 1868, pp. 33–38.

[25] Minutes of the Assembly 1868, p. 743—Senate Journal 1868, p. 356.

[26] House Journal, 39th Congress, 2nd Session. p. 563 etc.

[27] 13 Stat. p. 567.

[28] 13 Stat. p. 774.

[29] Presidential Proclamation No. 153, General Records of the United States, G.S.A. National Archives and Records Service.

[30] 14 Stat. p. 814.

[31] House Journal, 37th Congress, 1st Sessn. p. 123 etc.

[32] Senate Journal, 37th Congress, 1st Sessn. p. 91 etc.

[33] 13 Stat. 763.

[34] 14 Stat. p. 811.

[35] 14 Stat. 814.

[36] House Journal, 39th Congress, 2nd Sessn. p. 563 etc.

[37] 40th Congress, 1st Sessn. House Journal p. 232 etc.

in these seven States, for they have abolished it also in their State constitutions; but Kentucky not having done so, it would still remain in that State. But, in truth, if this assumption that these States have no legal State governments be true, then the abolition of slavery by these illegal governments binds no one, for Congress now denies to these States the power to abolish slavery by denying to them the power to elect a legal State legislature, or to frame a constitution for any purpose, even for such a purpose as the abolition of slavery.

"As to the other constitutional amendment having reference to suffrage, it happens that these States have not accepted it. The consequence is, that it has never been proclaimed or understood, even by Congress, to be a part of the Constitution of the United States. The Senate of the United States has repeatedly given its sanction to the appointment of judges, district attorneys, and marshals for every one of these States; yet, if they are not legal States, not one of these judges is authorized to hold a court. So, too, both houses of Congress have passed appropriation bills to pay all these judges, attorneys, and officers of the United States for exercising their functions in these States. Again, in the machinery of the internal revenue laws, all these States are districted, not as 'Territories,' but as 'States.'

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

"* * * * * *

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

"Within a period less than a year the legislation of Congress has attempted to strip the executive department of the government of some of its essential powers. The Constitution, and the oath provided in it, devolve upon the President the power and duty to see that the laws are faithfully executed. The Constitution, in order to carry out this power, gives him the choice of the agents, and makes them subject to his control and supervision. But in the execution of these laws the constitutional obligation upon the President remains, but the powers to exercise that constitutional duty is effectually taken away. The military commander is, as to the power of appointment, made to take the place of its President, and the General of the Army the place of the Senate; and any attempt on the part of the President to assert his own constitutional power may, under pretence of law, be met by official insubordination. It is to be feared that these military officers, looking to the authority given by these laws rather than to the letter of the Constitution, will recognize no authority but the commander of the district and the General of the army.

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

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

They were brought into question, but the Courts either avoided decision or were prevented by Congress from finally adjudicating upon their constitutionality.

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

In a joint action, the states of Georgia and Mississippi brought suit against the President and the Secretary of War, (6 Wall. 50–78, 154 U.S. 554).

The Court said that:

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

The applications for injunction by these two states to prohibit the Executive Department from carrying out the provisions of the Reconstruction Acts directed to the overthrow of their government, including this dissolution of their state legislatures, were denied on the grounds that the organization of the government into three great departments, the executive, legislative and judicial, carried limitations of the powers of each by the Constitution. This case when the same way as the previous case of Mississippi against President Johnson and was dismissed without adjudicating upon the constitutionality of the Reconstruction Acts.

In another case, ex parte William H. McCardle (7 Wall. 506–515), a petition for the writ of habeas corpus for unlawful restraint by military force of a citizen not in the military service of the United States was before the United States Supreme Court. After the case was argued and taken under advisement, and before conference in regard to the decision to be made, Congress passed an emergency Act, (Act March 27, 1868, 15 Stat. at L. 44), vetoed by the President and repassed over his veto, repealing the jurisdiction of the U.S. Supreme Court in such case. Accordingly, the Supreme Court dismissed the appeal without passing upon the constitutionality of the Reconstruction Acts, under which the non-military citizen was held by the military without benefit of writ of habeas corpus, in violation of Section 9, Article I of the U.S. Constitution which prohibits the suspension of the writ of habeas corpus.

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

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

"This case was fully argued in the beginning of this month. It is a case which involves the liberty and rights, not only of the appellant but of millions of our fellow citizens. The country and the parties had a right to expect that it would receive the immediate and solemn attention of the court. By the postponement of this case we shall subject ourselves, whether justly or unjustly, to the imputation that we have evaded the performance of a duty imposed on us by the Constitution, and waited for Legislative interposition to supersede our action, and relieve us from responsibility. I am not willing to be a partaker of the eulogy or opprobrium that may follow. I can only say . . . I am ashamed that such opprobrium should be cast upon the court and that it cannot be refuted."

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

Arkansas on April 6, 1868;[38]
North Carolina on July 2, 1868;[39]
Florida on June 9, 1868; [40]
Louisiana on July 9, 1868;[41]
South Carolina on July 9, 1868;[42]
Alabama on July 13, 1868;[43] and Georgia on July 21, 1868.[44]

6. Of the above 7 States whose Legislatures were removed and replaced by rump, so-called Legislatures, six (6) Legislatures of the States of Louisiana, Arkansas, South Carolina, Alabama, North Carolina and Georgia had ratified the 13th Amendment, as shown by the Secretary of State's Proclamation of December 18, 1865, without which 6 States' ratifications, the 13th Amendment could not and would not have been ratified because said 6 States made a total of 27 out of 36 States or exactly three-fourths of the number required by Article V of the Constitution for ratification.

Furthermore, governments of the States of Louisiana and Arkansas had been re-established under a Proclamation issued by President Abraham Lincoln December 8, 1863.[45]

The government of North Carolina had been re-established under a Proclamation issued by President Andrew Johnson dated May 29, 1865.[46]

The government of Georgia had been re-established under a proclamation issued by President Andrew Johnson dated June 17, 1865.[47]

The government of Alabama had been re-established under a Proclamation issued by President Andrew Johnson dated June 21, 1865.[48]

The government of South Carolina had been re-established under a Proclamation issued by President Andrew Johnson dated June 30, 1865.[49]

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

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[38] McPherson, Reconstruction, p. 53.
[39] House Journal 1868, p. 15, Senate Journal 1868, p. 15.
[40] House Journal 1868, p. 9, Senate Journal 1868, p. 8.
[41] Senate Journal 1868, p. 21.
[42] House Journal 1868, p. 50, Senate Journal 1868, p. 12.
[43] Senate Journal, 40th Congress, 2nd Sessn, p. 725.
[44] House Journal, 1868, p. 50.
[45] Vol. I, pp. 288–306; Vol. II, pp. 1429–1448—"The Federal and State Constitutions," etc., compiled under Act of Congress on June 30, 1906, Francis Newton Thorpe, Washington Government Printing Office (1906).
[46] Same, Thorpe, Vol. V, pp. 2799–2800.
[47] Same, Thorpe, Vol. II, pp. 809–822.
[48] Same, Thorpe, Vol. I, pp. 116–132.
[49] Same, Thorpe, Vol. VI, pp. 3269–3281.
[50] 14 Stat. p. 428, etc. 15 Stat. p. 14, etc.

Arkansas, North Carolina, Louisiana, South Carolina, Alabama and Georgia.

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

7. The Secretary of State expressed doubt as to whether three-fourths of the required states had ratified the 14th Amendment, as shown by his Proclamation of July 20, 1868.[51] Promptly on July 21, 1868, a Joint Resolution[52] was adopted by the Senate and House of Representatives declaring that three-fourths of the several States of the Union had ratified the 14th Amendment. That resolution, however, included purported ratifications by the unlawful puppet Legislatures of 5 States, Arkansas, North Carolina, Louisiana, South Carolina and Alabama, which had previously rejected the 14th Amendment by action of their lawfully constituted Legislatures, as above shown. This Joint Resolution assumed to perform the function of the Secretary of State in whom Congress, by Act of April 20, 1818, had vested the function of issuing such proclamation declaring the ratification of Constitutional Amendments.

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

The Joint Resolution of Congress and the resulting Proclamation of the Secretary of State also included purported ratifications by the States of Ohio and New Jersey, although the Proclamation recognized the fact that the Legislatures of said states, several months previously, had withdrawn their ratifications and effectively rejected the 14th Amendment in January, 1868, and April, 1868.

Therefore, deducting these two states from the purported ratifications of the 14th Amendment, only 23 State ratifications at most could be claimed; whereas the ratification of 28 States, or three-fourths of 37 States in the Union, were required to ratify the 14th Amendment.

From all of the above documented historic facts, it is inescapable that the 14th Amendment never was validly adopted as an article of the Constitution, that it has no legal effect, and it should be declared by the Courts to be unconstitutional, and therefore null, void and of no effect.

THE CONSTITUTION STRIKES THE 14TH AMENDMENT WITH NULLITY

The defenders of the 14th Amendment contend that the U.S. Supreme Court has finally decided upon its validity. Such is not the case.

In what is considered the leading case, Coleman v. Miller, 307 U.S. 448, 59 S. Ct. 972, the U.S. Supreme Court did not uphold the validity of the 14th Amendment.

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

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

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

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

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

The U.S. Supreme Court overlooked that it previously had held that at no time were these Southern States out of the Union. White v. Hart, 1871, 13 Wall. 646, 654.

In Coleman, the Court did not adjudicate upon the invalidity of the Acts of Congress which set aside those state Constitutions and abolished their state legislatures,—the Court simply referred to the fact that their legally constituted legislatures had rejected the 14th Amendment and that the "new legislatures" had ratified the Amendment.

The Court overlooked the fact, too, that the State of Virginia was also one of the original states with its Constitution and Legislature in full operation under its civil government at the time.

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

All this was ignored and brushed aside by the Court in the Coleman case. However, in Coleman the Court inadvertently said this:

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

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

"The fifth article is a grant of authority by the people to Congress. The determination of the method of ratification is the exercise of a national power specifically granted by the Constitution; that power is conferred upon Congress, and is limited to two methods, by action of the Legislatures of three-fourths of the states, or conventions in a like number of states. Dodge v. Woolsey, 18 How. 331, 348, 15 L. Ed. 401. The framers of the Constitution might have adopted a different method. Ratification might have been left to a vote of the people, or to some authority of government other than that selected. The language of the article is plain, and admits of no doubt in its intrepretation. It is not the function of courts or legislative bodies, national or state, to alter the method which the Constitution has fixed."

We submit that in none of the cases, in which the Court avoided the constitutional issues involved in the composition of the Congress which adopted the Joint Resolution for the 14th Amendment, did the Court pass upon the constitutionality of the Congress which purported to adopt the Joint Resolution for the 14th Amendment, with 80 Representatives and 23 Senators, in effect, forcibly ejected or denied their seats and their votes on the Joint Resolution proposing the Amendment, in order to pass the same by a two-thirds vote, as pointed out in the New Jersey Legislature Resolution on March 27, 1868.

The constitutional requirements set forth in Article V of the Constitution permit the Congress to propose amendments only whenever two-thirds of both houses shall deem it necessary,—that is, two-thirds of both houses as then constituted without forcible ejections.

Such a fragmentary Congress also violated the constitutional requirements of Article V that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

There is no such thing as giving life to an amendment illegally proposed or never legally ratified by three-fourths of the states. There is no such thing as amendment by laches; no such thing as amendment by waiver; no such thing as amendment by acquiescence; and no such thing as amendment by any other means whatsoever except the means specified in Article V of the Constitution itself.

It does not suffice to say that there have been hundreds of cases decided under the 14th Amendment to supply the constitutional deficiencies in its proposal or ratification as required by Article V. If hundreds of litigants did not question the validity of the 14th Amendment, or questioned the same perfunctorily without submitting documentary proof of the facts of record which made its purported adoption unconstitutional, their failure cannot change the Constitution for the millions in America. The same thing is true of laches; the same thing is true of acquiescence; the same thing is true of ill considered court decisions.

To ascribe constitutional life to an alleged amendment which never came into being according to specific methods laid down in Article V cannot be done without doing violence to Article V itself. This is true, because the only question open to the courts is whether the alleged 14th Amendment became a part of the Constitution through a

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[51] 15 Stat. p. 706.

[52] House Journal, 40th Congress, 2nd Sessn. p. 1126 etc.

[53] 15 Stat. p. 708.

method required by Article V. Anything beyond that which a court is called upon to hold in order to validate an amendment, would be equivalent to writing into Article V another mode of the amendment which has never been authorized by the people of the United States.

On this point, therefore, the question is, was the 14th Amendment proposed and ratified in accordance with Article V?

In answering this question, it is of no real moment that decisions have been rendered in which the parties did not contest or submit proper evidence, or the Court assumed that there was a 14th Amendment. If a statute never in fact passed by Congress, through some error of administration and printing got into the published reports of the statutes, and if under such supposed statute courts had levied punishment upon a number of persons charged under it, and if the error in the published volume was discovered and the fact became known that no such statute had ever passed in Congress, it is unthinkable that the Courts would continue to administer punishment in similar cases, on a non-existent statute because prior decisions had done so. If that be true as to a statute we need only realize the greater truth when the principle is applied to the solemn question of the contents of the Constitution.

While the defects in the method of proposing and the subsequent method of computing "ratification" is briefed elsewhere, it should be noted that the failure to comply with Article V began with the first action by Congress. The very Congress which proposed the alleged 14th Amendment under the first part of Article V was itself, at that very time, violating the last part as well as the first part of Article V of the Constitution. We shall see how this was done.

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

The unalterable provision is this: "that no State, without its consent, shall be deprived of its equal suffrage in the Senate."

A state, by its own consent, may waive this right of equal suffrage, but that is the only legal method by which a failure to accord this immutable right of equal suffrage in the Senate can be justified. Certainly not by forcible ejection and denial by a majority in Congress, as was done for the adoption of the Joint Resolution for the 14th Amendment.

Statements by the Court in the Coleman case that Congress was left in complete control of the mandatory process, and therefore it was a political affair for Congress to decide if an amendment had been ratified, does not square with Article V of the Constitution which shows no intention to leave Congress in charge of deciding whether there has been a ratification. Even a constitutionally recognized Congress is given but one volition in Article V, that is, to vote whether to propose an Amendment on its own initiative. The remaining steps by Congress are mandatory. If two-thirds of both houses shall deem it necessary. Congress shall propose amendments; if the Legislatures of two-thirds of the States make application, Congress shall call a convention. For the Court to give Congress any power beyond that to be found in Article V is to write the new material into Article V.

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

It should need no further citations to sustain the proposition that neither the Joint Resolution proposing the 14th Amendment nor its ratification by the required three-fourths of the States in the Union were in compliance with the requirements of Article V of the Constitution.

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

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

The Constitution makes it the sworn duty of the judges to uphold the Constitution which strikes with nullity the 14th Amendment.

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

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

* * * * *

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

* * * * *

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

* * * * *

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

The federal courts actually refuse to hear argument on the invalidity of the 14th Amendment, even when the issue is presented squarely by the pleadings and the evidence as above.

Only an aroused public sentiment in favor of preserving the Constitution and our institutions and freedoms under constitutional government, and the future security of our country, will break the political barrier which now prevents judicial consideration of the unconstitutionality of the 14th amendment.

THE MIDEAST CRISIS—NOT BACKWARD TO BELLIGERENCY BUT FORWARD TO PEACE

Mr. PRYOR. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. TENZER] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. TENZER. Mr. Speaker, the distinguished Foreign Minister of the State of Israel, Abba Eban, in his address to the United Nations Security Council on June 6, 1967, set the theme for a lasting peace in the Middle East so much desired by all the peace-loving nations of the world. His address was entitled, "Not Backward to Belligerency but Forward to Peace."

On June 7, 1967, following the first United Nations resolution calling for a cease-fire in the Middle East, I stated to a distinguished group of Americans who visited me in Washington as follows:

I deem it most imperative that the terms of the agreement to follow the cease fire provide effective guarantees, to the end that permanent peace may be established in the Middle East.

The interests of world peace would best be served if the terms provide:

1. For *recognition* of the validity of the sovereignty of the State of Israel by the U.A.R. and other Arab states.
2. A *reaffirmation* that the Gulf of Aqaba is an international waterway and will remain open for free passage to shipping of all nations through the Straits of Tiran.
3. An opening of the Suez Canal to shipping of *all* nations.
4. An ending of terrorism and border raids so that Israel may carry out its desire to live in peace with its neighbors.
5. For direct negotiations between Israel and her Arab neighbors for the resolution of other pending issues.

Indeed, it is within the province of the sovereign State of Israel to speak its mind on the terms of the agreement to follow the cease-fire—the terms which in its view will best insure permanent peace in the Middle East. We on the other hand take the opportunity to make suggestions which in our opinion will best secure the peace of the world—thereby also serving the best interests of the United States.

An elaboration of the five points suggested on June 7, 1966, is accordingly in order.

I. THE STATE OF ISRAEL A SOVEREIGN NATION

The State of Israel is a member of the United Nations—a full-fledged member of the family of nations. Though the integrity of her borders were guaranteed by the major powers—three times in 20 years—the State of Israel was obliged to go to war to put a stop to the violation of her boundary lines.

It is therefore basic to any plan for permanent peace in the Middle East that the sovereignty of the State of Israel be recognized by her neighbors. This fact cannot be questioned—this truth is and should not be negotiable because its import was underlined by the events of the past 10 days.

The foundation for a permanent peace in the Middle East must be the absolute and unqualified recognition by the Arab States of the right of the State of Israel to exist as a sovereign state among other sovereign states. When this foundation is laid, then Israel and her Arab neighbors can, through direct negotiations, begin to build the structure leading to permanent peace.

II. STRAIT OF TIRAN AN INTERNATIONAL WATERWAY

Since 1950, Egypt has repeatedly given assurances that the Strait of Tiran would remain open for "innocent passage

WAR AND EMERGENCY POWERS

A SPECIAL REPORT ON THE NATIONAL EMERGENCY IN THE UNITED STATES OF AMERICA

Judging by the information provided and the suggested letter to President Clinton included in the original work, this report was produced somewhere between 1993 and 2000. The authors seemed to be unaware of Bill Clinton's Executive Order 13132 (1999) which more clearly defined the superiority of the Executive Branch and its 'agency network' in their relationship to state and local laws.

Researched and Written By

Gene Schroder
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Jerry Russell
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Russell Grieder
Darrell Schroder
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Introduction to Dr. Schroder's Work

Dr. Eugene Schroder has found the key to why our Constitutionally guaranteed rights are violated daily. It's the insidious use of "emergency powers" meant to be used only in time of invasion of rebellion.

Dr. Schroder proves with the government's own documents that the Constitution has been effectively set aside since 1933. Eleven presidents, both Democrat and Republican, have used emergency powers for the last 67 years to regulate our daily lives without the inconvenience of Congressional approval. The definition of "emergencies" has been stretched to include economic problems, social imbalances, and perceived threats to the US by any foreign country's actions, even those on other continents.

Senate Report 93-549, written in 1973, says "Since March 9, 1933, the United States has been in a state of declared national emergency...Under the powers delegated by these statutes, the president may: seize property;...seize commodities; assign military forces abroad; institute martial law; seize and control all transportation and

communication;...restrict travel; and, in a plethora of particular ways, control the lives of all American citizens."

The president can act through Executive Order, Presidential Proclamation, or through his many agencies, which include most of the alphabet agencies.

The framers of the Constitution asserted that Americans have certain inalienable, God-given rights. But under emergency rule, all these rights are declared null and void. The government charges us for these rights by requiring licenses and excessive paperwork, with strings attached, as long as restrictive and ill-defined requirements are met.

Dr. Schroder's landmark research is documented in three books: Constitution: Fact or Fiction; War and Emergency Powers Special Report; and War, Central Planning and Corporations - The Corporate State. These may be obtained from Buffalo Creek Press.

I would also suggest a complete and thorough study of "Our Enemy, the State" by Albert J. Nock, "The Law" by Frederick Bastiat, "Trial by Jury" by Lysander Spooner, "The Declaration of Independence" and of course, "The Constitution For The United States"

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"Study the Constitution. Let it be preached from the pulpit, proclaimed in legislatures, and enforced in courts of justice." **Abraham Lincoln**

"You have rights antecedent to all earthly governments; rights that cannot be repealed or restrained by human laws; right derived from the Great Legislator of the Universe" **John Adams**

"I believe there are more instances of abridgement of freedom of the people by gradual and silent encroachments of those in power that by violent and sudden usurpations.." **James Madison**

A word from the Editor:

We must give a special thanks to the men who have spent years of their lives bringing this information to the public; and we must not forget the women who are not always in the foreground but without whose undying support and endurance this effort would be impossible. These men and women are true Patriots; they not only need your support but deserve it. Let us remember that the word Patriot as defined by Webster's Dictionary as "fellow countryman; a person who loses and loyally or zealously supports his own country". Not everyone can afford to give the long hours of those on the front lines; many others fear their government. Isn't it an outrage that the actions of our own government leaders causes many to not trust them? Where have we gone? How much is your freedom worth? If you can not give your time, please give your support. The American Agriculture Movement and many other organizations need your help to continue their efforts to bring about the Restoration of this Nation. A few dollars a month, in the form of purchasing information to pass on to others, is not too much to ask. Wouldn't it be a tragedy to lose their efforts, from which we will all gain so much, because they were twenty dollars short, and we failed to do our part? Please, become involved; this movement is too important not to do so. **We need this Report in the hands of all Americans, so we are not going to copyright it; therefore, permission is hereby granted to reproduce this Report in its entirety.** We do ask, however, that you lend your support, if possible, by purchasing an original Report to make copies from so that the quality will be maintained. Thank you.

- Paul Bailey

INTRODUCTION

To be able to call oneself "American" has long been a source of pride for those fortunate enough to live in this great land. The word "America" has always been synonymous with strength in the defense of our highest ideals of liberty, justice and opportunity, not only for ourselves, but for those throughout the world less fortunate than we.

America's greatest strength has always been her people, individuals laying their differences aside to work in partnership to achieve common goals. In our greatest moments, it has been our willingness to join together and work as long and as hard as it takes to get the job done, regardless of the cost, that has been the lifeblood of our great land.

From America's inception, we have been a nation of innovators unfettered by hidebound convention, a safe harbor for captains unafraid to boldly chart a new :course through untried waters. This courage to dare greatly to achieve great things has made our nation strong and proud, a leader of men and of nations from the very first days of her birth. And since the days of her birth, millions of men and women whose hearts yearn for freedom and the opportunity to make a better life for themselves and their families have journeyed, often enduring terrible hardship, to our shores to add their skills and their dreams to the great storehouse of hope known as America.

The Pilgrims, the Founding Fathers, the Pioneers - the brave men and women who have fought and endured to the end in wars both civil and international - this history of heroism and dedication in defense of ideals both personal and national has long been a treasured legacy of bravery and determination against all odds which we have handed down like family heirlooms from generation to generation.

For we are like family, we Americans, often quarreling among ourselves but banding together in times of adversity to support one another and fight side by side against a common foe threatening our way of life. This bold and brash, brave young land has long given its best and brightest to lead our country to its lofty position in the world as a bastion of freedom and a beacon of hope for all the peoples of the Earth.

For many, the dreams they had for America were dreams they never lived to see fulfilled, but it mattered not to them, for their vision for this

nation was meant to last longer and to loom larger than a mere mortal lifespan. Our national vision of integrity and responsibility, of concern for one's fellow man, the flame inside that demands of us that we shall not rest until there is peace and justice for all - these are the fundamental stones which form the strong foundation of our national purpose and identity.

And on this foundation rests, not only the hopes of those blessed to live in this great land, but the hopes of millions throughout the word who believe in, and strive for, a better life for themselves and their children. For hundreds of years, the knowledge that America was there - proud, generous, steadfast, courageous - willing and able to enter the fray wherever human rights were threatened or denied, has given many who may never see her shores the will to endure despite the pain, to continue trying against sometimes insurmountable odds.

Yet without vigilance and constant tender care, even the strongest foundation shows the effects of stress and erosion. Even the most imposing edifice can eventually crumble and fall. So it is with nations, and with a nation's spirit.

We have seen in this second half of the twentieth century great advances in technology which have impacted every aspect of modern life. Ironically, though we are living in the "age of communication", it often seems as if we have less time now to talk or listen. For most, modern conveniences haven't gotten them off the treadmill; they have only made the treadmill go faster.

Quietly, yet rapidly, the small town values of community and common purpose are vanishing. Instead of strength in numbers, we as a nation are increasingly being split into smaller and smaller competing factions, with the cry of "every man for himself' ringing through the land. It seems that the phrase, "divide and conquer" has taken the place of, "One nation under God indivisible, with truth and justice for all". Americans are retreating behind the locked doors of their individual homes, afraid to enjoy the sunset for fear of the darkness it brings.

When and where did it all begin to crumble? How and why has America, which once was a nation whose strength united was so much more than the sum of its total parts, begin to break apart into bitterly opposing special interest groups? What will this frightening pattern of

disintegration mean to the future of America and of those who live within her shores? Let it be remembered, and remembered well, the words of the Holy Bible: "a house divided against itself cannot stand". And let us not flinch from facing the truth that we have become a nation desperately divided.

With the long legacy of pride, determination, and strength in unity, how has it now come to this, that we are fighting ourselves? Finally, and most vitally important of all, what can we do to turn the tide before the values and opportunities which others before us fought and died to preserve are washed away in the flood to come?

What you are about to see is the result of years of painstaking and meticulous research on the part of dedicated Americans gravely concerned for this nation's future. Please listen closely and give your undivided attention to this presentation, for our future as individuals and free citizens of this mighty land depends upon it.

We are not here to showcase personalities the speakers could be any one of you here today. We are, first and last, concerned Americans much like yourselves, taking our stand in defense of the nation we love. Much effort has been expended, and great hardships endured, by the American Agricultural Movement and many other organizations and individuals to bring this information to the public forum.

There is a wealth of information about many of the problems we face as a nation today, written from a variety of viewpoints. But as with a deadly illness, there is usually a point of origin, from which the threat first was given life. So it is with the threat we as Americans face today - an illness which could prove fatal if we do not act quickly and in concert to cure the body politic before it dies from the disease within.

Almost all the problems we are facing today can be traced back to a single point of origin, in a time of national trouble and despair. It was at this point, when our nation struggled for its survival, that the Constitution of the United States of America was effectively canceled. **We are in a State of Emergency!**

REPORT

We are going to begin with a series of documents which are representative of the documents contained in this Report. We will be quoting from, in many cases, Senate and Congressional reports, hearings before National Emergency Committees, Presidential Papers, Statutes at Large, and the United States Code.

The first exhibit is taken from a book written by Carl Brent Swisher -- American Constitutional Development, A complete constitutional history, from the British colonies to the Truman era. Let's read the first paragraph. It says,

"We may well wonder in view of the precedents now established," said Charles E. Hughes, (Supreme Court Justice) in 1920, "whether constitutional government as heretofore maintained in this Republic could survive another great war even victoriously waged."

How could that happen? Surely, if we go out and fight a war and win it, we'd have to end up stronger than the day we started, wouldn't we? Justice Hughes goes on to say,

"The conflict known as the World War had ended as far as military hostilities were concerned, but was not yet officially terminated. Most of the war statutes were still in effect, many of the emergency organizations were still in operation."

What is this man talking about when he speaks of "war statutes in effect and emergency organizations still in operation"?

In 1933, Congressman Beck, speaking from the Congressional Record, states,

"I think of all the damnable heresies that have ever been suggested in connection with the Constitution, the doctrine of emergency is the worst. It means that when Congress declares an emergency, there is no Constitution. This means its death. It is the very doctrine that the German chancellor is invoking today in the dying hours of the parliamentary body of the German republic, namely, that because of an emergency, it should grant to the German chancellor absolute power to pass any law,

even though the law contradicts the Constitution of the German republic. Chancellor Hitler is at least frank about it. We pay the Constitution lip-service, but the result is the same."

Congressman Beck is saying that, of all the damnable heresies that ever existed, this doctrine of emergency has got to be the worst, because once Congress declares an emergency, there is no Constitution. He goes on to say,

"But the Constitution of the united States, as a restraining influence in keeping the federal government within the carefully prescribed channels of power, is moribund, if not dead. We are witnessing its death-agonies, for when this bill becomes a law, if unhappily it becomes a law, there is no longer any workable Constitution to keep the Congress within the limits of its Constitutional powers."

What bill is Congressman Beck talking about? In 1933, "the House passed the Farm Bill by a vote of more than three to one." Again, we see the doctrine of emergency. Once an emergency is declared, there is no Constitution.

The CAUSE and EFFECT of the doctrine of emergency is the subject of this Report.

In 1973, in Senate Report 93-549 (93rd Congress, 1st Session, 1973), (Exhibit 2), the first sentence reads,

"Since March the 9th, 1933, the united States has been in a state of declared national emergency."

Let's go back to Exhibit 1 just before this. What did that say? It says that if a national emergency is declared, there is no Constitution. Now, let us return to Exhibit 2. Since March the 9th of 1933, the United States has been, in fact, in a state of declared national emergency.

Referring to the middle of this exhibit:

"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"

This situation has continued uninterrupted since the Emergency Banking Act, March 9, 1933, 48 Stat. 1, Public Law 89-719

In the introduction to Senate Report 93-549 (Exhibit 2):

"A majority of the people of the united States have lived all their lives under emergency rule."

Remember, this report was produced in 1973. The introduction goes on to say:

"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 introduction continues:

"And, in the united States, actions taken by the government in times of great crisis have -- from, at least, the Civil War -- in important ways shaped the present phenomenon of a permanent state of national emergency."

How many people were taught that in school? How could it possibly be that something which could suspend our Constitution would not be taught in school? Amazing, isn't it?

Where does this (Exhibit 2) come from? Is it possible that, in our Constitution, there could be some section which could contemplate what these previous documents are referring to? In Article 1, Section 9 of the Constitution of the united States of America, we find the following words:

"The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it."

Habeas Corpus - the Great Writ of Liberty (Latin: ..."you have the body."). This is the writ which guarantees that the government cannot charge us and hold us with any crime, unless they follow the procedure of due process of law. This writ also says, in effect, that the privilege of due process of law cannot be suspended, and that the government cannot not operate its arbitrary prerogative power against We the People. But we see that the great Writ of Liberty can, in fact, under the Constitution, be suspended when an invasion or a rebellion necessitates it.

In the 5th Amendment to the Constitution (Exhibit 3), it says:

"No Person shall be held to answer for a capital, or otherwise Infamous Crime, unless on a Presentment or Indictment of a Grand Jury, except in Cases arising in the Land or Naval forces or in the Militia, when in actual Service in Time of War or public Danger;...".

We reserved the charging power for ourselves, didn't we? We didn't give that power to the government. And we also said that the government would be powerless to charge one of the citizens or one of the peoples of the united States with a crime unless We, the People, through our grand jury, orders it to do so through an indictment or a presentment. And if We, the People, don't order it, the government cannot do it. If it tried to do it, we would simply follow the Writ of Habeas Corpus, and they would have to release us, wouldn't they? They could not hold us.

But let us recall that, in Exhibit 3, it says:

"except in Cases arising in the Land or Naval forces or in the Militia, when in actual Service in Time of War or public Danger;..."

We can see here that the framers of the Constitution were already contemplating times when there would be conditions under which it might be necessary to suspend the guarantees of the Constitution.

Also from Senate Report 93-549 (Exhibit 2), and remember that our congressmen wrote these reports and these documents and they're talking about these emergency powers and they say:

"They are quite careful and restrictive on the power, but the power to suspend is specifically contemplated by the Constitution in the Writ of Habeas Corpus."

Now, this is well known. This is not a concept that was not known to rulers for many, many years. The concepts of constitutional dictatorship went clear back to the Roman Republic. And there, it was determined that, in times of dire emergencies, yes, the constitution and the rights of the people could be suspended, temporarily, until the crisis, whatever its nature, could be resolved.

But once it was done, the Constitution, was to be returned to its peacetime position of authority. In France, the situation under which the constitution could be suspended is called the State of Siege. In Great Britain, it's called the Defense of the Realm Acts. In Germany, in which Hitler became a dictator, it was simply called Article 48. In the United States, it is called the War Powers.

If that was, in fact, the case, and we are under a war emergency in this country, then there should be evidence of that war emergency in the current law that exists today. That means we should be able to go to the federal code known as the USC or "United States Code", and find that statute, that law, in existence. If we went to the library today and picked up a copy of 12 USC Section 95b (Exhibit 4), we will find a law which states:

"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 the 4th, 1933, pursuant to the authority conferred by Subsection (b) of Section 5 of the Act of October 6th, 1917, as amended [12 USCS Sec. 95a], are hereby approved and confirmed. (Mar. 9, 1933, c. 1, Title 1, Sec. 1, 48 Stat. 1.)".

Now, what does this mean? It means that everything the President or the Secretary of the Treasury has done since the Emergency Banking Act of March 9, 1933, (48 Stat. 1, Public Law 89-719), or anything that the President or the Secretary of the Treasury is hereafter going to do, is automatically approved and confirmed. Referring back to Exhibit 2, let us remember that, according to the Congressional Record of 1973, the United States has been in a state of national emergency since 1933. Then we realize that 12 USC, Section 95b is current law. This is the law that exists over these united States right this moment.

If that be the case, let us see if we can understand what is being said here. As every action, rule or law put into effect by the President or the Secretary of the Treasury since March the 4th of 1933 has or will be confirmed and approved, let us determine the significance of that date in history. What happened on March the 4th of 1933?

On March the 4th of 1933, Franklin Delano Roosevelt was inaugurated as President of the United States. Referring to his inaugural address (Exhibit 5), which was given at a time when the country was in the throes of the Great Depression, we read:

"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."

On March the 4th, 1933, at his inaugural, President Roosevelt was saying that he was going to ask Congress for the extraordinary authority available to him under the War Powers Act. Let's see if he got it.

On March the 5th, President Roosevelt asked for a special and extraordinary session of Congress in Proclamation 2038 (Exhibit 6). He called for the special session of Congress to meet on March the 9th at noon. And at that Congress, he presented a bill, an Act, to provide for relief in the existing national emergency in banking and for other purposes.

In the enabling portion of that Act (Exhibit 6), it states:

"Be it enacted by the Senate and the 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."

What is the concept of the rule of necessity, referred to in the enabling portion of the Act as "imperatively necessary speedily"? The rule of necessity is a rule of law which states that necessity knows no law. A good example of the rule of necessity would be the concept of self-defense. The law says, "Thou shalt not kill". But also know that, if you are in dire danger, in danger of losing your life, then you have the absolute right of self-defense. You have the right to kill to protect your own life. That is the ultimate rule of necessity.

Thus we see that the rule of necessity overrides all other law, and, in fact, allows one to do that which would normally be against the law. So it is reasonable to assume that the wording of the enabling portion of the Act of March 9, 1933, is an indication that what follows is something which will probably be against the law. It will probably be against the Constitution of the United States, or it would not require that the rule of necessity be invoked to enact it.

In the Act of March 9, 1933 (Exhibit 6), it further states in Title 1, 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 the 4th, 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."

Where have we read those words before?

This is the exact same wording as is found (Exhibit 5) today in Title 12, USC 95b. The language in Title 12, USC 95b is exactly the same as that found in the Act of March 9, 1933, Chapter 1, Title 1, Section 48, Statute 1. The Act of March 9, 1933, is still in full force and effect today. We are still under the Rule of Necessity. We are still in a declared state of national emergency, a state of emergency that has existed, uninterrupted, since 1933, or for over sixty years.

As you may remember, the authority to do this is conferred by Subsection (b) of Section 5 of the Act of October 6, 1917, as amended. What was the authority which was used to declare and enact the emergency in this Act? If we look at the Act of October 6, 1917 (Exhibit 8), we see that at the top right-hand part of the page, it states that this was:

"An Act To define, regulate, and punish trading with the enemy, and for other purposes.

By the year 1917, the United States was involved in World War I; at that point, it was recognized that there were probably enemies of the United States, or allies of enemies of the United States, living within the continental borders of our nation in a time of war.

Therefore, Congress passed this Act which identified who could be declared enemies of the United States, and, in this Act, we gave the government total authority over those enemies to do with as it saw fit. We also see, however, in Section 2, Subdivision (c) in the middle, and again at the bottom of the page:

other than citizens of the united States."

The Act specifically excluded citizens of the united States, because we realized in 1917 that the citizens of the united States were not enemies. Thus, we were excluded from the war powers over enemies in this Act.

Section 5b of the same Act (Exhibit 8), states:

"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 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)".

Again, we see here that citizens, and the transactions of citizens made wholly within the United States, were specifically excluded from the war powers of this Act. We, the People, were not enemies of our country; therefore, the government did not have total authority over us as they were given over our enemies.

It is important to draw attention again to the fact that citizens of the United States in October, 1917, were not called enemies. Consequently the government, under the war powers of this Act, did not have authority over us; we were still protected by the Constitution. Granted, over enemies of this nation, the government was empowered to do anything it deemed necessary, but not over us. The distinction made between enemies of the United States and citizens of the united States will become crucial later on. Please note the distinction between "United States, and that of "united States"...

In Section 2 of the Act of March 9, 1933 (Exhibit 8), "Subdivision (b) of Section 5 of the Act of October 6, 1917 (40 Stat. L. 411), as amended, is hereby amended to read as follows;

So we see that they are now going to amend Section 5 (b). Now let's see how it reads after it's amended. The amended version of Section 5 (b) reads (emphasis is ours):

"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, melting, or earmarkings of gold or silver coin or bullion or currency, by any person **within** the (united States) or anyplace subject to the jurisdiction thereof.." (NOTE: later we will discuss that jurisdiction ... for now please take note of this important point.).

What just happened? At as far as commercial, monetary or business transactions were concerned, the people of the united States were no longer differentiated from any other enemy of the United States. We had lost that crucial distinction. Comparing Exhibit 17 with Exhibit 19, we can see that the phrase which excluded transactions executed wholly within the united States has been removed from the amended version of Section 5 (b) of the Act of March 9, 1933, Section 2, and replaced with "by any person **within** the united States or anyplace subject to the jurisdiction thereof'. All monetary transactions, whether domestic or international in scope, were now placed at the whim of the (President of the United States) through the authority given to him by the Trading with the enemy Act.

NOTE: change of title now! Exactly whom does the President represent in this situation now??)

To summarize this critical point: On October the 6th of 1917, at the beginning of America's involvement in World War 1, Congress passed a Trading with the enemy Act empowering the government to take control over any and all commercial, monetary or business transactions conducted by enemies or allies of enemies within our continental borders. That Act also defined the term "enemy" and excluded from that definition citizens of the united States.

In Section 5 (b) of this Act, we see that the President was given unlimited authority to control the commercial transactions of defined enemies, but we see that credits relating solely to transactions executed wholly within the united States were excluded from that controlling authority. As transactions wholly domestic in nature were excluded from authority, the government had no extraordinary control over the daily business conducted by the citizens of the united States, because we were certainly not enemies.

Citizens of the united States were not enemies of their country in 1917, and the transactions conducted by citizens within this country were not considered to be enemy transactions. But in looking again at Section 2 of the Act of March 9, 1933, (Exhibit 17), we can see that the phrase excluding wholly domestic transactions has been removed from the amended version and replaced with "by any person within the united States or anyplace subject to the jurisdiction thereof'.

The people of the united States were now subject to the power of the Trading with the Enemy Act of October 6,1917, as amended. For the purposes of all commercial, monetary and, in effect, all business transactions, We, the People became the same as the enemy, and were treated no differently. There was no longer any distinction.

It is important here to note that, in the Acts of October 6, 1917 and March 9, 1933, it states: "during times of war or during any other national emergency declared by the President..". So we now see that the war powers not only included a period of war, but also a period of "national emergency" as defined by the President of the United States. When either of these two situations occur, the President may, (Exhibit 8)

"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, melting or earmarking of gold or silver coin or bullion or currency by any person within the united States or anyplace subject to the jurisdiction thereof."

What can the President do now to the We, the People, under this Section? **He can do anything he wants to do.** It's purely at his discretion, and he can use any agency or any license that he desires to control it. **This is called a constitutional dictatorship.**

In Senate Document 93-549 (Exhibit 2), Congress declared that a serious emergency exists, at:

"48 Stat. 1. The exclusion of domestic transactions, formerly found in the Act, was deleted from Sect. 5 (b) at this time."

Our Congress wrote that in the year 1973.

Now let's find out about the Trading with the Enemy Act of October 6, 1917. Quoting from a Supreme Court decision (Exhibit 9), Stoehr v. Wallace, 1921:

"The Trading With the Enemy Act, originally and as amended, is strictly a war measure, and finds its sanction in the provision empowering Congress **"to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water"** Const. Art. 1, Sect. 8, cl. 11. P. 241".

Remember your Constitution? "Congress shall have the power to declare war, grant letters of marque and reprisal and make all rules concerning the captures on the land and the water of the enemies." **ALL RULES.**

If that be the case, let us look at the memorandum of law that now covers trading with the enemy, the "Memorandum of American Cases and Recent English Cases on The Law of Trading With the Enemy" (Exhibit 11), remembering that we are now the same as the enemy. In this memorandum, we read:

"Every species of intercourse with the enemy is illegal. This prohibition is not limited to mere commercial intercourse."

This is the case of The Rapid (1814).

Additionally,

"No contract is considered as valid between enemies, at least so far as to give them a remedy in the courts of either government, and they have, in the language of the civil law, no ability to sustain a persona standi in judicio."

In other words, they have no personal rights at law in court. This is the case of The Julia (1813).

In the next case, the case of The Sally (1814) (Exhibit 12), we read the words:

"By the general law of prize, property engaged in an illegal intercourse with the enemy is deemed enemy property. It is of no consequence whether it belong to an ally or to a citizen; the illegal traffic stamps it with the hostile character, and attaches to it all the penal consequences of enemy ownership."

Reading further in the memorandum, again from the case of The Rapid:

"The law of prize is part of the law of nations. In it, a hostile character is attached to trade, independently of the character of the trader who pursues or directs it. Condemnation to the use of the captor is equally the fate of the property of the belligerent and of the property found engaged in anti-neutral trade. But a citizen or an ally may be engaged in a hostile trade, and thereby involve his property in the fate of those in whose cause he embarks."

Again from the memorandum (Exhibit 12):

"The produce of the soil of the hostile territory, as well as other property engaged in the commerce of the hostile power, as the source of its wealth and strength, are always regarded as legitimate prize, without regard to the domicile of the owner".

From the case (Exhibit 13) of The William Bagaley (1866):

"In general, during war, contracts with, or powers of attorney or agency from, the enemy executed after outbreak of war are illegal and void; contracts entered into with the enemy prior to the war are either suspended or are absolutely terminated; partnerships with an enemy are dissolved; powers of attorney from the enemy, with certain exceptions, lapse; payments to the enemy (except to agents in the united States appointed prior to the war and confirmed since the war) are illegal and void; all rights of an enemy to sue in the courts are suspended."

From Senate Report No. 113 (Exhibit 14), in which we find An Act to Define, Regulate, and Punish Trading with the Enemy, and For Other Purposes, we read:

"The trade or commerce regulated or prohibited is defined in Subsections (a), (b), (c), (d) and (e), page 4. This trade covers almost every imaginable transaction, and is forbidden and made unlawful except when allowed under the form of licenses issued by the Secretary of Commerce (p. 4, sec. 3, line 18). This authorization of trading under licenses constitutes the principal modification of the rule of international law forbidding trade between the citizens of belligerents, for the power to grant such licenses, and therefore exemption from the operation of law, is given by the bill."

It says no trade can be conducted or no intercourse can be conducted without a license, because, by mere definition of the enemy, and under the prize law, all intercourse is illegal.

That was the first case we looked at, Exhibit 12, wasn't it? So once we were declared enemies, all intercourse became illegal for us. The only way we could now do business or any type of legal intercourse was to obtain permission from our government by means of a license. We are certainly required to have a Social Security Card, which is a license to work, and a Driver's License, which gives the government the ability to restrict travel; all business in which we engage ourselves requires us to have a license, does it not?

Returning once again to the Memorandum of Law: (Exhibit 13)

"But it is necessary always to bear in mind that a war cannot be carried on without hurting somebody, even, at times, our own citizens. The public good, however, must prevail over private gain. As we said in Bishop U. Jones (28 Texas, 294), there cannot be "a war for arms and a peace for commerce." One of the most important features of the bill is that which provides for the temporary taking over of the enemy property,".

This point of law is important to keep in mind, for it authorizes the temporary take-over of enemy property. The question is: Once the war terminates, the property must be returned -- mustn't it?

The property that is confiscated, and the belligerent right of the government during the period of war, must be returned when the war terminates. Let us take the case of a ship in harbor; war breaks out, and the Admiral says, "I'm seizing your ship." Can you stop him? No. But when the war is over, the Admiral must return your ship to you. This point is important to bear in mind, for we will return to, and expand upon, it later in the report.

Reading from (Exhibit 28) Senate Document No. 43, "Contracts Payable in Gold" written in 1933:

"The ultimate ownership of all property is in the State; individual so-called, "ownership" is only by virtue of government, i. e., law, amounting to mere user; and use must be in accordance with law and subordinate to the necessities of the State."

Who owns all the property? Who owns the property you call "yours"? Who has the authority to mortgage property? Let us continue with a Supreme Court decision, (Exhibit 29) United States v. Russell:

"Private property, the Constitution provides, shall not be taken for public use without just compensation...."

That is the peacetime clause, isn't it? Further (emphasis is ours),

"Extraordinary and unforeseen occasions arise, however, beyond all doubt, in cases of extreme necessity in time of war or of immediate and impending public danger, in which private property may be impressed

into the public service, or may be seized or appropriated to public use, or may even be destroyed without the consent of the owner...."

This quote, and indeed this case, provides a vivid illustration of the potential power of the government.

Now, let us return to the period of time after March 4, 1933, and take a close look at what really occurred. On March 4, 1933, in his inaugural address, President Franklin Delano Roosevelt asked for the authority of the war powers, and called a special session of Congress for the purpose of having those powers conferred to him.

On March the 2nd, 1933, however, we find that Herbert Hoover had written a letter to the Federal Reserve Board of New York, asking them for recommendations for action based on the over-all situation at the time. The Federal Reserve Board responded with a resolution (Exhibit 15) which they had adopted, an excerpt from which follows:

"Resolution Adopted By The Federal Reserve Board Of New York. Whereas, in the opinion of the Board of Directors of the Federal Reserve Bank of New York, the continued and increasing withdrawal of currency and gold from the banks of the country has now created a national emergency...."

In order to fully appreciate the significance of this last quote, we must recall that, in 1913, The Federal Reserve Act was passed, authorizing the creation of a central bank, the thought of which had already been noted in the Constitution. The basic idea of the central bank was, among other things, for it to act as a secure repository for the gold of the people. We, the People, would bring our gold to the huge, strong vaults of the Federal Reserve, and we would be issued a note which said, in effect, that, at any time we desired, we could bring that note back to the bank and be given back our gold which we had deposited.

Until 1933, that agreement, that contract between the Federal Reserve and its depositors, was honored. Federal Reserve notes, prior to 1933, were indeed redeemable in gold. After 1933, the situation changed drastically. In 1933, during the depths of the Depression, at the time when We, the People, were struggling to stay alive and keep our families fed, the bankers began to say, "People are coming in now, wanting their gold, wanting us to honor this contract we have made with them to give

them their gold on demand, and this contractual obligation is creating a national emergency."

How could that happen? Reading from the Public Papers of Herbert Hoover (Exhibit 15):

"Now, Therefore, Be It Resolved, that, in this emergency, the Federal Reserve Board is hereby requested to urge the President of the United States to declare a bank holiday, Saturday, March 4, and Monday, March 6..."

In other words, President Roosevelt was urged to close down the banking system and make it unavailable for a short period of time. What was to happen during that period of time?

Reading again from the Federal Reserve Board resolution (Exhibit 15), we find a proposal for an executive order, to be worded as follows:

Whereas, it is provided in Section 5 (b) of the Act of October 6, 1917, 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 earmarkings of gold or silver coin or bullion or currency, *

Now, in any nominal usage of the American language, the standard accepted meaning of a series of three asterisks after a quotation means that what follows also must be quoted exactly, doesn't it? If it's not, that's a fraudulent use of the American language. At that point marked by the red asterisk (*) above, " began, what did the original Act of October 6,1917 say?

Referring back to Exhibit 19, we find that the remainder of Section 5 (b) of the Act of October 6,1917 says:

"(other than credits relating solely to transactions to be executed wholly within the united States)."

This portion of Section 5 (b) specifically prohibited the government from taking control of We, the People's money and transactions, didn't it?

However, let us now read the remainder of Section 5 (b) of the Act of October 6, 1917, as amended on March 9,1933 (Exhibit 17):

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

Comparing the original with the amended version of Section 5 (b), we can see the full significance of the amended version, wherein the exclusion of domestic transactions from the powers of the Act was deleted, and "any person" became subject to the extraordinary powers conferred by the Act. Further, we can now see that the usage of the original text where the red asterisk is (above), it was, in all likelihood, meant to be deliberately misleading, if not fraudulent in nature.

Further, in the next section of the Federal Reserve Board's proposal, we find that anyone violating any provision of this Act will be fined not more than $10,000.00, or imprisoned for not more than ten years, or both. A severe enough penalty at any time, but one made all the more harsh by the economic conditions in which most Americans found themselves at the time. And where were these alterations and amendments to be found? Not from the government itself, initially; no, they are first to be found in a proposal from the Federal Reserve Board of New York, a banking institution.

Let us recall the chronology of events: Herbert Hoover, in his last days as President of the united States, asked for a recommendation from the Federal Reserve Board of New York, and they responded with their proposals. We see that President Hoover did not act on the recommendation, and believed the actions were "neither justified nor necessary" (Appendix, Public Papers of Herbert Hoover, p. 1088). Let us see what happened; remember on March 4, 1933, Franklin Delano Roosevelt was inaugurated as President of the united States. On March 5, 1933, President Roosevelt called for an extraordinary session of Congress to be held on March 9, 1933, as can be seen in Exhibit 17:

"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 communication as may be made by the Executive."

On the next day, March 6 ,1933, President Roosevelt issued Proclamation 2039, which has been included in this report, starting at the bottom of Exhibit 8. In Exhibit 32, we find the following:

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

Right at the beginning, we have a problem. And the problem rests in the question of who should be the judge of whether or not my gold, on deposit at the Federal Reserve, with which I have a contract which says, in effect, that I may withdraw my gold at my discretion, is being withdrawn by me in an "unwarranted" manner. Remember, the people of the united States were in dire economic straits at this point. If I had gold at the Federal Reserve, I would consider withdrawing as much of my gold as I needed for my family and myself a "warranted" action. But the decision was not left up to We, the People.

It is also important to note that it is stated that the gold is being withdrawn for the "purpose of hoarding". The significance of this phrase becomes clearer when we reach Proclamation 2039, wherein the term "hoarding" is inserted into the amended version of Section 5 (b). The term, "hoarding", was not to be found in the original version of Section 5(b) of the Act of October 6, 1917. It was a term which was used by President Roosevelt to help support his contention that the United States was in the middle of a national emergency, and his assertion that the extraordinary powers conferred to him by the War Powers Act were needed to deal with that emergency.

Let us now go on to the middle of Proclamation 2039, at the top of the next page, Exhibit 9. In reading from Exhibit 9, we find the following:

"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 be may prescribed, by means of licenses or otherwise, any transaction in foreign exchange and the export, hoarding, melting, or earmarkings of gold or silver coin or bullion or currency . . ."

exactly as was first proposed by the Federal Reserve Board of New York (Exhibit 31).

If we return to 48 Statute 1 (Exhibit 17), Title 1, Section 1, we find that the amended Section 5 (b) with its added phrase:

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

Is this becoming clearer as to exactly what happened? On March 5, 1933, President Roosevelt called for an extra session of Congress, and on March 6, 1933, issued Proclamation 2039 (Exhibits 32-33). On March 9th, Roosevelt issued Proclamation 2040. We looked at Proclamation 2039 on Exhibits 32 and 33, and now, on Exhibit 33 (a), let's see what Roosevelt is talking about in Proclamation 2040:

"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..."

We see that Roosevelt declared a national emergency and a bank holiday. Let's read on:

"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, 1 91 7, as amended, are approved and confirmed;"

This section of the Proclamation clearly states that all proclamations heretofore or hereafter issued by the President are approved and confirmed, citing the authority of section 5 (b). The key words here being "all" and "approved". Further:

"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"

We again clearly see that there is more to come, evidenced by the phrase, "further measures extending beyond March 9, 1933 ... " Could this be the beginning of a new deal? Possibly a one-sided deal. How long can this type of action continue? Let's find out.

"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."

We now understand that the Proclamation 2039, of March 6, 1933 and Proclamation 2040 of March 9, 1933, will continue until such time as another proclamation is made by "the President". Note that the term "the President" is not specific to President Roosevelt; it is a generic term which can equally apply to any President from Roosevelt to the present, and beyond.

So here we have President Roosevelt declaring a national emergency (we are now beginning to realize the full significance of those words) and closing the national banks for two days, by Executive Order. Further, he states that the Proclamations bringing about these actions will to continue "in full force and effect" until such time as the President, and only the President, changes the situation.

It is important to note the fact that these Proclamations were made on March 6, 1933, three days before Congress was due to convene its extra session. Yet references are made to such things as the amended Section 5 (b), which had not yet even been confirmed by Congress. President Roosevelt must have been supremely confident of Congress giving confirmation of his actions. And indeed, we find that confidence was justified. *** **For on March 9, 1933, without individual Congressmen even having the opportunity to read for themselves the bill they were to confirm, Congress did indeed approve the amendment of Section 5 (b) of the Act of October 6, 1917.** ***

Referring to the Public Papers of Herbert Hoover (Exhibit 34):

"That those speculators and insiders were right was plain enough later on. This first contract of the 'moneychangers with the New Deal netted those who removed their money from the country a profit of up to 60 percent when the dollar was debased."

Where had our gold gone? Our gold had already been moved offshore! The gold was not in the banks, and when We, the People lined up at the

door attempting to have our contracts honored, the deception was exposed. What happened then? The laws were changed to prevent us from asking again, and the military was brought in to protect the Federal Reserve. We, the People, were declared to be the same as public enemy and placed under military authority.

Going now to another section of 48 Statute 1 (Exhibit 35):

"Whenever in the judgment of the Secretary of the Treasury such action is necessary to protect the currency system of the (U)nited States, the Secretary of the Treasury, in his discretion, may require any or all individuals, partnerships, associations and corporations to pay and deliver to the Treasurer of the United States any or all gold coin, gold bullion, and gold certificates owned by such individuals, partnerships, associations and corporations." Notice now to whom we refer as "owning" the money!

By this Statute, everyone was required to turn in their gold. Failure to do so would constitute a violation of this provision, such violation to be punishable by a fine of not more than $10,000.00 and imprisonment for not more than ten years. It was a seizure. Whose property may be seized without due process of law under the Trading With the Enemy Act? The enemy's. Whose gold was seized? Ours -- the gold of the people of the united States. Are you seeing the fraud here now?

From the Roosevelt Papers (Exhibit 36):

"During this banking holiday it was at first believed that some form of scrip or emergency currency would be necessary for the conduct of ordinary business. We knew that it would be essential when the banks reopened to have an adequate supply of currency to meet all possible demands of depositors. Consideration was given by government officials and various local agencies to the advisability of issuing clearing house certificates or some similar form of local emergency currency. On March 7, 1933, the Secretary of the Treasury issued a regulation authorizing clearing houses to issue demand certificates against sound assets of the banking institutions, but this authority was not to become effective until March 10th. In many cities, the printing of these certificates was actually begun, but after the passage of the Emergency Banking Act of March 9, 1933 (48 Stat. 1), it became evident that they would not be needed, because the Act made possible the issue of the necessary amount of

emergency currency in the form of Federal Reserve banknotes which could be based on any sound assets owned by banks."

Roosevelt could now issue emergency currency under the Act of March 9, 1933 and this currency was to be called Federal Reserve bank notes. From Title 4 of the Act of March 9, 1933 (Exhibit 37):

"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."

What is this saying? It says (emphasis is ours): **"Upon the deposit with the Treasurer of the United States, (a) of any direct obligation of the united States ..."** That is a direct obligation of the united States? It's a treasury note, which is an obligation upon whom? Upon We, the People, to perform. It's a taxpayer obligation, isn't it?

Title 4 goes on: "or (b) of any notes, drafts, bills of exchange or bankers' acceptances . .

What's a note? If you go to the bank and sign a note on your home, that's a note, isn't it? A note is a private obligation upon We, the People. And if the Federal Reserve Bank deposits either (a) public and/or (b) private obligation 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 even have individual copies of the bill to read, on which they were about to 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 says,

"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."

Keep in mind, here, that, 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 Steagall'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 section to which the gentleman has referred."

We were backed by gold, and our gold was seized, wasn't it? We were penniless, and now our money would be secured, not by gold, but by notes and obligations on which We, the People, were the collateral security.

Congressman 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."

Does that sound familiar?

Next we hear from Congressman Britten, as noted in the Congressional Record (Exhibit 39):

"From my observations of the bill as it was read to the House, it would appear that the amount of bank notes that might be issued by the Federal Reserve System is not limited. That will depend entirely upon the amount of collateral that is presented from time to time for exchange for bank notes. Is that not correct?"

Who is the collateral? We are - we are chattel, aren't we? We have no rights. Our rights were suspended along with the Constitution. We became chattel property to the corporate government, our transactions and obligations the collateral for the issuance of Federal Reserve bank notes. [i]

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."

It now is no wonder that credit became so available after the Depression. It was needed to back our monetary system. Our debts, our obligations, our homes, our jobs - we were now **slaves** for the system.

From Statutes at Large, in the Congressional Record (Exhibit 41)

"When required to do so by the Secretary of the Treasury, each Federal Reserve agent shall act as agent of the Treasurer of the United States or of the Comptroller of the currency, or both, for the performance of any functions which the Treasurer or the Comptroller may be called upon to perform in carrying out the provisions of this paragraph."

The Treasury was taken over by the Federal Reserve. The Federal Reserve Holding companies, the Depository Trust Co. and the CEDE Co., hold the assets. **We are the collateral - we 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 the Constitution.**

And we know that current law, to this day, says that all proclamations issued heretofore or hereafter by the President or the Secretary of the Treasury are approved and confirmed by Congress. Pretty broad, sweeping approval to be automatic, wouldn't you agree?

On March 11, 1933, President Roosevelt, in his first radio "Fireside Chat" (Exhibit 42), makes the following statement:

"The Secretary of the Treasury will issue licenses to banks which are members of the Federal Reserve system, whether national bank or state, located in each of the 12 Federal Reserve bank cities, to open Monday morning."

It was by this action that the Federal Reserve took over the Treasury and the banking system.

Black's Law Dictionary defines the Bank Holiday of 1933 (Exhibit 42a) in the following words:

"Presidential Proclamations No. 2039, issued March 6, 1933, and No. 2040, issued March 9, 1933, temporarily suspended banking transactions by member banks of the Federal Reserve System. Normal banking functions were resumed on March 13, subject to certain restrictions. The first proclamation, it was held, had no authority in law until the passage on March 9, 1933, of a ratifying act (12 U. S. C. A. Sect. 95b). Anthony v. Bank of Wiggins, 183 Miss. 883, 184 So. 626. The present law forbids member banks of the Federal Reserve System to transact banking business, except under regulations of the Secretary of the Treasury, during an emergency proclaimed by the President. 12 U.S.C.A. Sect. 95"

Take special note of the last sentence of this definition, especially the phrase, "present law". The fact that banks are under regulation of the

Treasury today, is evidence that the state of emergency still exists, by virtue of the definition. Not that, at this point, we need any more evidence to prove we are still in a declared state of national emergency.

From the Agricultural Adjustment Act of May 12,1933 (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.

In the first hundred days of the reign of Franklin Delano Roosevelt, similar seizures by licensing authority were successfully completed by the government over a plethora of other industries, among them transportation, communications, public utilities, securities, oil, labor, and all natural resources. The first hundred days of FDR saw the nationalization of the united States, its people and its assets. What has Bill Clinton talked about during his campaign and early presidency? His first hundred days.

Now, we know that they took over all contracts, for we have already read in Exhibit 22:

"No contract is considered as valid as between enemies, at least so far as to give them a remedy in the courts of law of either government, and they have, in the language of civil law, no ability to sustain a **persona standi in judicio."**

They have no personal rights at law. Therefore, we should expect that we would see in the statutes a time when the contract between the Federal Reserve and We, the People, in which the Federal Reserve had to give us our gold on demand, was made null and void.

Referring to House Joint Resolution 192 (June 5, 1933) (Exhibit 44):

"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 of money of the united States measured thereby is declared to be against public

policy; and no such policy shall be contained in or made with respect to any obligation hereafter incurred."

Indeed, our contract with the Federal Reserve was invalidated at the end of Roosevelt's hundred days. We lost our right to require our gold back from the bank in which we had deposited it.

Returning once again to the Roosevelt Papers (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."

What was the "broad powers"? That was the War Powers, wasn't it? And now we see the farm leaders asking President Roosevelt to use the same War Powers to take control of the agricultural industry. Well, needless to say, he did. We should wonder about all that took place at this conference, for it to result in the eventual acquiescence of farm leadership to the governmental take-over of their livelihoods.

Reading from the Agricultural Adjustment Act, May the 12th, Declaration of Emergency (Exhibit 46):

"That the present acute economic emergency being in part the consequence of a severe and increasing disparity between the prices of agriculture 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 rendered imperative the immediate enactment of Title 1 of this Act."

Now here we see that he is saying that the agricultural assets support the national credit structure. Did he take the titles of all the land? Remember Contracts Payable in Gold? President Roosevelt needed the support, and

agriculture was critical, because of all the millions of acres of farmland at that time, and the value of that farmland. The mortgage on that farmland was what supported the emergency credit. So President Roosevelt had to do something to stabilize the price of land and Federal Reserve Bank notes to create money, didn't he? So he impressed agriculture into the public interest.

The farming industry was nationalized.

Continuing with the Agricultural Adjustment Act, Declaration of Emergency (Exhibit 47):

"It is hereby declared to be the public policy of Congress..."

Referring now back to Prize Cases (1862) (2 Black, 674) (Exhibit 24):

"But in defining the meaning of the term 'enemies' property,' we will be led into error if we refer to Fleta or Lord Coke for their definition of the word, 'enemy'. It is a technical phrase peculiar to prize courts, and depends upon principles of public policy as distinguished from the common law."

Once the emergency is declared, the common law is abolished, the Constitution is abolished and we fall under the absolute will of Government "public policy".

All the government needs to continue is to have public opinion on their side. If public opinion can be kept, in sufficient degree, on the side of the government, statutes, laws and regulations can continue to be passed. The Constitution has no meaning. The Constitution is suspended. It has been for over 60 years. We're not under law. Law has been abolished.

We're under a system of public policy, (War Powers).

So when you go into that courtroom with your Constitution and the common law in your hand, what does that judge tell you? He tells you that you have no **persona standi in judicio.** You have no personal standing at law. He tells you not to bother bringing the Constitution into his court, because it is not a Constitutional court, but an executive tribunal operating under a totally different jurisdiction.

From Section 93-549 (Exhibit 48) (emphasis is ours):

"Under this procedure we retain Government by law - special, temporary law, perhaps, but law nonetheless. The public may know the extent and the limitations of the powers that can be asserted, and the persons affected may be informed by the statute of their rights and their duties."

If you have any rights, the only reason you have them is because they have been statutorily declared, and your duties well spelled out, and if you violate the orders of those statutes, you will be charged, not with a crime, but with an offense.

Again from 93-549, from the words of Mr. Katzenbach (Exhibit 49):

"My recollection is that almost every executive order ever issued straddles on several grounds, but it almost always includes the Trading With the Enemy Act because the language of that act is so broad, it would justify almost anything."

Speaking on the subject of a challenge to the Act by the people, Justice Clark then says,

"Most difficult from a standpoint of standing to sue. The Court, you might say, has enlarged the standing rule in favor of the litigant. But I don't think it has reached the point, presently, that would permit many such cases to be litigated to the merits."

Senator Church then made the comment:

"What you're saying, then, is that if Congress doesn't act to standardize, restrict, or eliminate the emergency powers, that no one else is very likely to get a standing in court to contest."

***No persona standi in judicio* - no personal standing in the courts.**

Continuing with Senate Report 93-549 (Exhibit 50):

"The interesting aspect of the legislation lies in the fact that it created a permanent agency designed to eradicate an emergency condition in the sphere of agriculture."

These agencies, of which there are now thousands, and which now control every aspect of our lives, were ostensibly created as temporary agencies meant to last only as long as the national emergency. They have become, in fact, permanent agencies, as has the state of national emergency itself. As Franklin Delano Roosevelt said: **"We will never go back to the old order."** That quote takes on a different meaning in light of what we have seen so far.

In Exhibit 51, Senate Report 93-549, we find a quote from Senator Church:

"If the President can create crimes by fiat and without congressional approval, our system is not much different from that of the Communists, which allegedly threatens our existence."

We see on this same document, at the bottom right-hand side of the page, as a Title, the words,

"Enormous Scope of Powers...A "Time Bomb".

Remember, this is Congress' own document, from the year 1973.

Most people might not look to agriculture to provide them with this type of information. But let us look at Title III of the Agricultural Adjustment Act, which is also called the Emergency Farm Mortgage Act of 1933 (Exhibit 52):

"Title III -- Financing - And Exercising Power Conferred by Section 8 of Article I of the Constitution: To Coin Money And To Regulate the Value Thereof."

From Section 43 of Exhibit 52:

"Whenever the President finds upon investigation that the foreign commerce of the united States is adversely affected ... and an expansion of credit is necessary to secure by international agreement a stabilization at proper levels of the currencies of various governments, the President is authorized, in his discretion... To direct the Secretary of the Treasury to enter into agreements with the several Federal Reserve banks..."

Remember that in the Constitution it states that Congress has the authority to coin all money and regulate the value thereof. How can it be then that the Executive branch is issuing an emergency currency, and quoting the Constitution as its authority to do so?

Under Section 1 of the same Act (Exhibit 53) we find the following:

"To direct the Secretary of the Treasury to cause to be issued in such amount or amounts as he may from time to time order, United States notes, as provided in the Act entitled "An Act to authorize the issue of United States notes and for the redemption of funding thereof and for funding the floating debt of the united States, approved February 25, 1862, and Acts supplementary thereto and amendatory thereof"

What is the Act of February 25, 1862? It is the Greenback Act of President Abraham Lincoln. Let us remember that, when Abraham Lincoln was elected and inaugurated, he didn't even have a Congress for the first six weeks. He did not, however, call an extra session of Congress. He issued money, he declared war, he suspended habeas corpus, it was an absolute Constitutional dictatorship. There was not even a Congress in session for six weeks.

When Lincoln's Congress came into session six weeks later, they entered the following statement into the Congressional record: "The actions, rules, regulations, licenses, heretofore or hereafter taken, are hereby approved and confirmed..." This is the exact language of March 9,1933 and Title 12, USC, Section 95 (b), today.

We now come to the question of how to terminate these extraordinary powers granted under a declaration of national emergency. We have learned that, in order for the extraordinary powers to be terminated, the national emergency itself must be cancelled. Reading from the Agricultural Act, Section 13 (Exhibit 54):

"This title shall cease to be in effect whenever the President finds and proclaims that the national economic emergency in relation to agriculture has been ended."

Whenever the President finds by proclamation that the proclamation issued on March 6, 1933 has terminated, it has to terminate through presidential proclamation just as it came into effect. Congress had

already delegated all of that authority, and therefore was in no position to take it back.

In Senate Report 93-549, we find the following statement from Congress (Exhibit 55):

"Furthermore, it would be largely futile task unless we have the President's active collaboration. Having delegated this authority to the President -- in ways that permit him to determine how long it shall continue, simply through the device of keeping emergency declarations alive -- we now find ourselves in a position where we cannot reclaim the power without the President's acquiescence. We are unable to terminate these declarations without the President's signature, so we need a large measure of Presidential cooperation".

It appears that no President has been willing to give up this extraordinary power, and, if they will not sign the termination proclamation, the access to and usage of, extraordinary powers does not terminate. At least, it has not terminated for over 60 years.

Now, that's no definite indication that a President from Bill Clinton on might not eventually sign the termination proclamation, but 60 years of experience would lead one to doubt that day will ever come by itself. But the question now to ask is this: How many times have We, the People, asked the President to terminate his access to extraordinary powers, or the situation on which it is based, the declared national emergency? Who has ever demanded that this be done? How many of us even knew that it had been done? And, without the knowledge contained in this report, how long do you think the blindness of the American public to this situation would have continued, and with it, the abolishment of the Constitution? But we're not quite as in the dark as we were, are we?

In Senate Report 93-549 (Exhibit 56), we find the following statement from Senator Church:

"These powers, if exercised, would confer upon the President total authority to do anything he pleased."

Elsewhere in Senate Report 93-549, Senator Church makes the remarkable statement (Exhibit 57):

"Like a loaded gun laying around the house, the plethora of delegated authority and institutions to meet almost every kind of conceivable crisis stand ready for use for purposes other than their original intention ... Machiavelli, in his "Discourses of Livy," acknowledged that great power may have to be given to the Executive if the State is to survive, but warned of great dangers in doing so. He cautioned: Nor is it sufficient if this power be conferred upon good men; for men are frail, and easily corrupted, and then in a short time, he that is absolute may easily corrupt the people."

Now, a quote from an exclusive reply (Exhibit 58) written May 21, 1973, by the Attorney General of the United States regarding studies undertaken by the Justice Department on the question of the termination of the standing national emergency:

"As a consequence, a "national emergency" is now a practical necessity in order to carry out what has the regular and normal method of governmental actions. 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."

From United States v. Butler (Supreme Court, 1935) (Exhibit 59):

"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."

What is being said here is that a tax can all be an exaction for the support of government, not for an expropriation from one group for the use of another. That would be socialism, wouldn't it?

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, those 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 Federal 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." What did Roosevelt do next? He stacked the Supreme Court, didn't he? And in 1937, United States v. Butler was overturned.

From the 65th Congress, 1st Session Doc. 87, under the section entitled Constitutional Sources of Laws of War, Page 7, Clause II, we find (Exhibit 62):

"The existence of war and the restoration of peace are to be determined by the political department of the government, and such determination is binding and conclusive upon the courts, and deprives the courts of the power of hearing proof and determining as a question of fact either that war exists or has ceased to exist."

The courts will tell you that is a political question, for they (the courts) do not have jurisdiction over the common law.

The courts were deprived of the Constitution. They were deprived of the common law. There are now courts of prize over the enemies, and we have no *persona standi in judicio*. We have no personal standing under the law. Also from the 65th Congress, under the section entitled Constitutional Sources of Laws of War, we find (Exhibit 63):

"When the sovereign authority shall choose to bring it into operation, the judicial department must give effect to its will. But until that will shall be expressed, no power of condemnation can exist in the court."

Now remember, WE THE PEOPLE are SOVEREIGN, under the Constitution for the united States."

From Senate Report 93-549 (Exhibit 64):

"Just how effective a limitation on crisis action this makes of the court is hard to say. In light of the recent war, the court today would seem to be a fairly harmless observer of the emergency activities of the President and Congress. It is highly unlikely that the separation of powers and the 10th Amendment will be called upon again to hamstring the efforts of the government to deal resolutely with a serious national emergency."

So much for our Constitutional system of checks and balances. And from that same Senate Report, in the section entitled, "Emergency Administration", a continuation of Exhibit 64:

"Organizationally, in dealing with the depression, it was Roosevelt's general policy to assign new, emergency functions to newly created agencies, rather than to already existing departments."

Thus, thousands of "temporary" emergency agencies are now sitting out there with emergency functions to rule us in all cases whatsoever.

Finally, let us look briefly at the courts, specifically with regard to the question of "booty". The following definition of the term, "prize" is to be found in Bouvier's Law Dictionary (Exhibit 65):

"Goods taken on land from a public enemy are called booty; and the distinction between a prize and booty consists in this, that the former is taken at sea and the latter on land."

This significance of the distinction between these two terms is critical, a fact which will become quite clear shortly.

Let us now remember that "Congress shall have the power to make rules on all captures on the land and the water." To reiterate, captures on the land are booty, and captures on the water are prize.

Now, the Constitution says that Congress shall have the power to provide and maintain a navy, even during peacetime. It also says that Congress shall have the power to raise and support an army, but no appropriations of money for that purpose shall be for greater than two years. Here we can see that an army is not a permanent standing body, because, in times of peace, armies were held by the sovereign states as militia. So the United States had a navy during peacetime, but no standing army; we had instead the individual state militias, both organized and unorganized.

Consequently, the federal government had a standing prize court, due to the fact that it had a standing navy, whether in times of peace or war. But in times of peace, there could be no federal police power over the continental united States, because there was to be no army, and NO jurisdiction over Sovereign American citizens!

From the report "The Law of Civil Government in Territory Subject to Military Occupation by Military Forces of the United States", published by order of the Secretary of War in 1902, under the heading entitled "The Confiscation of Private Property of Enemies in War" (Exhibit 66), comes the following quote:

"4. Should the President desire to utilize the services of the Federal courts of the *united States* in promoting this purpose or military undertaking, since these courts derive their jurisdiction from Congress and do not constitute a part of the military establishment, they must secure from Congress the necessary action to confer such jurisdiction upon said courts."

This means that, if the government is going to confiscate property within the continental united States on the land (booty), it must obtain statutory authority.

In this same section (Exhibit 66), we find the following words:

"5. The laws and usages of war make a distinction between enemies' property captured on the sea and property captured on land. The jurisdiction of the courts of the united States over property captured at sea is held not to attach to property captured on land in the absence of Congressional action."

There is no standing prize court over the land. Once war is declared, Congress must give jurisdiction to particular courts over captures on the land by positive Congressional action. To continue with (Exhibit 66):

"The right of confiscation is a sovereign right. In times of peace, the exercise of this right is limited and controlled by the domestic Constitution and institutions of the government. In times of war, when the right is exercised against enemies' property as a war measure, such right becomes a belligerent right, and as such is not subject to the restrictions imposed by domestic institutions, but is regulated and controlled by the laws and usages of war."

So we see that our government can operate in two capacities: (a) in its sovereign peacetime capacity, with the limitations placed upon it by the Constitution and restrictions placed upon it by We, the People, or (b) in a wartime capacity, where it may operate in its belligerent capacity governed not by the Constitution, but only by the laws of war.

In Section 1 7 of the Act of October 6, 1 91 7, the Trading With the Enemy Act (Exhibit 67):

"That the district courts of the United States are hereby given jurisdiction to make and enter all such rules as to notice and otherwise; and all such orders and decrees; and to issue such process as may be necessary and proper in the premises to enforce the provisions of this Act."

Here we have Congress conferring upon the district courts of the United States the booty jurisdiction, the jurisdiction over enemy property within the continental united States. And at the time of the original, unamended,

Trading with the Enemy Act, we were indeed at war, a World war, and so booty jurisdiction over enemies' property in the courts was appropriate. At that time, remember, we were not yet declared the enemy. We were excluded from the provisions of the original Act.

In 1934 Congress passed an Act merging equity and law abolishing common law. This Act, known as the Federal Rules of Civil Procedures Act, was not to come into effect until 6 months after the letter of transmittal from the Supreme Court to Congress. The Supreme Court refused transmittal and the transmittal did not occur until Franklin D. Roosevelt stacked the Supreme Court in 1938 (Exhibits 67(a) and (b)).

But on March the 9th of 1933, the American people were declared to be the public enemy under the amended version of the Trading With the Enemy Act. What jurisdiction were We, the People, then placed under? We were now the booty jurisdiction given to the district courts by Congress. It was no longer be necessary, or of any value at all, to bring the Constitution for the United States with us upon entering a courtroom, for that court was no longer a court of common law, but a tribunal under wartime booty jurisdiction. Take a look at the American flag in most American courtrooms. The gold fringe around our flag designates Admiralty jurisdiction.

Executive Order No. 11677 issued by President Richard M. Nixon August 1, 1972 (Exhibit 68) states:

"Continuing the Regulation of Exports; By virtue of the authority vested in the President by the Constitution and statutes of the United States, including Section 5 (b) of the Act of October 6, 1917, as amended (12 U.S.C. 95a), and in view of the continued existence of the national emergencies..."

Later, in the same Executive Order (Exhibit 69), we find the following:

under the authority vested in me as President of the United States by Section 5 (b) of the Act of October 6, 1917, as amended (12 U. S. C. 95a)

Section 5 (b) certainly seems to be an oft-cited support for Presidential authority, doesn't it? Surely the reason for this can be found by referring

back to Exhibit 49, the words of Mr. Katzenbach in Senate Report 93-549:

"My recollection is that almost every executive order ever issued straddles on several grounds, but it almost always includes the Trading With the Enemy Act because the language of that act is so broad, it would justify almost anything."

The question here, and it should be a question of grave concern to every Sovereign American, is what type of acts can "almost anything" cover? What has been, and is being, done, by our government under the cloak of authority conferred by Section 5 (b)? By now, I think we are beginning to know.

Has the termination of the national emergency ever been considered? In Public Law 94412, September 14, 1976 (Exhibit 70), we find that Congress had finally finished their exhaustive study on the national emergencies, and the words of their findings were that they would terminate the existing national emergencies. We should be able to heave a sigh of relief at this decision, for with the termination of the national emergencies will come the corresponding termination of extraordinary Presidential power, won't it?

But yet we have learned two difficult lessons: that we are still in the national emergency, and that power, once grasped, is difficult to let go. And so now it should come as no surprise when we read, in the last section of the Act, Section 502 (Exhibit 71), the following words:

"(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 (1 2 U. S. C. 95a; 50 U. S. C. App. 5b)"

The bleak reality is, the situation has not changed at all.

The alarming situation in which We, the People, find ourselves today causes us to think back to a time over two hundred years ago in our nation's history when our forefathers were also laboring under the burden of governmental usurpation of individual rights. Their response, written in 1774, two years before the signing of the Declaration of Independence, to the attempts of Great Britain to retain extraordinary

powers it had held during a time of war became known as the "Declaration Of Colonial Rights: Resolutions Of The First Continental Congress, October 14, 1774" (Exhibit 72). And in that document, we find these words:

"Whereas, since the close of the last war, the British Parliament, claiming a power of right to bind the people of America, by statute, in all cases whatsoever, hath in some acts expressly imposed taxes on them. and in others, under various pretenses, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of the courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county."

We can see now that we have come full circle to the situation which existed in 1774, but with one crucial difference. In 1774, Americans were protesting against a colonial power which sought to bind and control its colony by wartime powers in a time of peace. In 1994, it is our own government (as it was theirs) which has sought, successfully to date, to bind its own people by the same subtle, insidious method.

Article 3, Section 3, of our Constitution states:

"Treason against the united States, shall consist only in levying War against them, or in adhering to their Enemies, giving them aid and comfort. No Person shall be convicted of treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court."

Is the Act of March 9, 1933, treason? That would be for the common law courts to decide. At this point in our nation's history, the point is moot, for common law, and indeed the Constitution itself, do not operate or exist at present. Whether governmental acts of theft of the nation's money, the citizens' property, and American liberty as an ideal and a reality which have occurred since 1933 is treason against the people of the united States, as the term is defined by the Constitution of the united States cannot even be determined or argued in the legal sense until the Constitution itself is reestablished.

For our part, however, we firmly believe that, "by their fruits ye shall know them", and on that authority we rest our case.

CONCLUSION

As you have just witnessed, the United States of America continues to exist in a governmentally ordained state of national emergency. Under such a state of emergency, our Constitution has been set aside, ostensibly for the public good, until the emergency is cancelled.

But, as experience painfully shows, it has not been to the public's good that our government has used its unrestricted power, unhampered by the Constitution's restraining force. The governmental edicts and actions over the past six decades have led us to the desperate state in which we find ourselves today. Besieged on every side, corroding from within, frightened and in despair, we as a nation are being torn asunder.

There IS a national emergency today - one of life and death proportions - but it is NOT the emergency used by our government to continue its abuse of power. It IS this very abuse, this unbridled rape of the American spirit, that is the crux of the emergency we are in today, the cause of all the loss of hope, drug and alcohol addiction, irresponsibility in morality and ethics, lack of respect for life, and violence. But this true emergency cannot be cured by setting aside the Constitution; no, it can only be controlled by returning to the laws of God and Country which have been stolen from us by those in whom we placed our trust to protect the national interest.

We are a nation whose government is based upon those immortal words, "a government of the people, by the people, for the people". One has only to walk down the highways and byways of this great land to know all too well that this is not a government of the people or for the people. Actions speak louder than words, and the actions taken over the past decades have resulted in an unparalleled decline of American economic and political power, and a weakening of American values and spirit.

This is NOT a crisis in which the taking up of arms is the best answer. No, this is a situation in which we firmly believe that the pen will be mightier than the sword.

That a state of emergency exists cannot be disputed. That the emergency is one which should concern every American alive cannot be denied. That we must stand together, laying aside our individual differences, to fight the common foe, is of vital importance, for the time to act is now.

But this is not a battle of swords, but of knowledge, for only when the deception is exposed to the light of day can the healing process begin.

Truth stands tall in the light of day, and it is the truth we bring to you today. Let it be known and understood that it is our intention to make this information available to every concerned Sovereign American who desires to know the true State of the Union. This is an undertaking of immense proportions, but we have dedicated ourselves to bringing this information to the light of day, and with the help of "We, the People", we will be successful in our efforts.

Every American who is thankful for the opportunity to call themselves American must also accept the responsibility that comes with that title. We the People have not only a right, but a responsibility to each other, to those who have gone before us and and to those who will follow, to learn what our government is doing, and to judge whether actions taken benefit the people who will bear the costs.

We have been in the dark long enough, content to rest on our past glories and let the government take its course. In a way, we have been like children, trusting in our parents to act in our best interest. But as we have too frequently seen in the nightly news, not all parents have their children's best interest at heart.

The time has come for us to take off our blinders and accept reality, for the time of national reckoning has arrived. The majority of our elected and appointed officials are no more responsible for the current state of affairs than are we. The strings are being manipulated at far higher levels than the positions most officials occupy. They are working with little knowledge or authority, trying to control problems far bigger than even they realize.

Their programs and actions may seek to cure the symptoms, but the time has now come to attack the disease. They are no more guilty than we are, nor will they be any more protected when the nation collapses on us all.

If we blame them for this national emergency, we must also truly blame ourselves, for it is "We, the People" to whom this nation was given and whose duty it was to keep a watchful eye on those who direct the sails of the ship of state. We have, however, fallen asleep, and while we were dreaming the American dream, a band of pirates stole the Constitution and put our people into slavery.

And since that terrible day when our Constitution was cast aside, not one President or Congress, nor one Supreme Court justice has been able or willing to return it to its rightful owners. Given the current state of the union, there is no reason to expect this situation to change unless we ourselves cause it to be so.

Let us put the childish emotions of pity and self-deception away, stand up, stand together and fight back. Now is the time to stop dreaming, and start the long work before us. Now is the time to turn back to the principles and ideals on which this nation was founded, the strong foundation from which our national identity springs.

When does tolerance become anarchy? When does protection become slavery? When is enough enough? Now is when here and now.

Now is the time to return to the laws set forth by God, and throw off these chains of ignorance and bondage which grip our nation to the point of death. Let us return to the source, the standard of excellence set for us long ago.

Our message to Congress and all elected and appointed officials must be, "Let my people go!", for we are all laboring under a system which will eventually crush us, regardless of our religion, our sex, or the color of our skin.

We must let those at all levels of governmental authority know that we have learned of the deception which lies at the core of our national malaise. We must tell them in no uncertain terms that we will tolerate this great lie no longer, and we must put them on notice that we expect them to resign if they have not the courage and the resolve to help this nation in its hour of need.

We have been fools long enough. Beginning today, no matter how long after that date you see this report, start each and every week without fail

to give a copy of this information to at least one person you know. We also ask you to write a letter to Congress telling them to "Let our People go", or you can use the form letter you will find enclosed in the report.

We must let our elected officials know that we expect them as servants of the people to help us re-establish law and order and restore our national pride. They must repeal Proclamation 2039, 2040, and the 12 USC 95(a) and 95(b), thereby cancelling the National Emergency, and re-establish the Constitution for this Nation.

Now is the time for excellence of action. We demand it and will accept nothing less. This is our country, to protect and defend, no matter the cost.

To do nothing, out of fear or apathy, is exactly what those in power are hoping for, for it is ignorance and apathy that the darkness likes best. We must not be a party to the darkness enveloping our nation any longer. We must come into the light, and give our every drop of blood, sweat and tears to bring our nation back with us.

We must acknowledge that if we do nothing, if we are not willing to act now and act boldly, without fear but with faith and a firm resolve, our freedom to act at all may soon be taken away altogether. New bills, new laws are being presented daily which will effectively serve to tighten the chains of bondage already encircling this nation.

My friends, we are not going into slavery we are already there! Make no mistake those in power are already tightening the chains, but they are doing so slowly, quietly and with great caution, for fear of awakening the slumbering lion which is the voice of the American people.

There is yet still time for us to slip loose the chains which bind us, and for us to bring about the restoration of this nation.

If we act, if we make our concerns known and shout out our refusal to accept the future which has been planned for us by those who hold no allegiance to this great land of ours, we can yet demand and see come to pass the day when the state of emergency is cancelled and the Constitution is restored to her rightful place as the watchdog of those for whom absolute power corrupts absolutely.

If we repent of our ignorance and our apathy, and return to the God-given laws on which this nation was founded, we may yet be free. Indeed, one can find Gods promise in the book of Second Chronicles Chapter 7 Verse 14:"If my people which are called by my Name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; THEN will I hear from heaven, and will forgive their sin, AND WILL HEAL THEIR LAND." (emphasis added)

We will continue to hold meetings and offer this information until everyone in America has had an opportunity to hear it and we have set our nation free.

We will not tolerate less. We are Sovereign American Citizens and that means far more than most of us realize.

If at first it seems you are working alone, do not give up, for as this information spreads across the land to the great cities and small towns, you will find yourself in excellent company. You already are as only one, for behind you stand all the heroes of our history who fought and died to keep this nation free.

Again, we must stress that we are not asking you to pick up guns; in fact, we implore you not to, no matter how angry the news of this deception has made you. Turn your anger into a steely resolve, a fierce determination not to give up until the battle has been won.

We are not asking you for any money; that's their game, the "almighty dollar". It is the substitution of wealth and possessions for integrity and honor that helped get us into this true state of emergency in which we find ourselves now. We are not asking you for more time than you can give, although we do ask you to give what time you can to get this information out.

What we ask from you is your commitment to stand with those around you to help us restore this nation to her rightful place in history, both that written and that yet to be told. Abraham Lincoln once said, "We the People are the rightful masters of both Congress and the Courts, not to overthrow the Constitution, but to overthrow the men who pervert the Constitution".

We must stand together now in this, our national hour of need. As the United States Supreme Court once said, "It is not the function of our government to keep the citizen from falling into error; it is the function of the citizen to keep the government from falling into error."

Each individual, their attitudes and actions, forges their own special link in the great chain of history. Now is the time to add to that precious inheritance of honor and duty which has kept America alive, because the choices we make and the actions we take today are a part of history too - history not yet written.

The vision for America has not died; the "land of the free and the home of the brave" still exists. There is still time to turn the tide for this great land, but we must join together to make it happen. We have a debt of honor to the past and the future, a call to glory to rescue our homeland from the hands of those who would see her fall. ***We cannot, we must not fail.***

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http://famguardian.org/Subjects/Scams/Articles/WarPowersAct.htm
and
http://thelastoutpost.com/war-powers/dr-gene-schroeder-war-powers-act.html

[i] Eugene Schroder et al were not aware of the registration of the birth certificate as the means used to obtain the unwitting pledging of our progeny as security for the FEDERAL RESERVE NOTE. This part of the scheme has been revealed by other researchers, including attorney Melvin Stamper in his book *Fruit from a Poisonous Tree.*

POSTMASTER: PLEASE POST IN A CONSPICUOUS PLACE. — JAMES A. FARLEY, Postmaster General

UNDER EXECUTIVE ORDER OF THE PRESIDENT

issued April 5, 1933

all persons are required to deliver

ON OR BEFORE MAY 1, 1933

all GOLD COIN, GOLD BULLION, AND GOLD CERTIFICATES now owned by them to a Federal Reserve Bank, branch or agency, or to any member bank of the Federal Reserve System.

Executive Order

FORBIDDING THE HOARDING OF GOLD COIN, GOLD BULLION AND GOLD CERTIFICATES.

By virtue of the authority vested in me by Section 5 (b) of the Act of October 6, 1917, as amended by Section 2 of the Act of March 9, 1933, entitled "An Act to provide relief in the existing national emergency in banking, and for other purposes," in which amendatory Act Congress declared that a serious emergency exists, I, Franklin D. Roosevelt, President of the United States of America, do declare that said national emergency still continues to exist and pursuant to said section do hereby prohibit the hoarding of gold coin, gold bullion, and gold certificates within the continental United States by individuals, partnerships, associations and corporations and hereby prescribe the following regulations for carrying out the purposes of this order:

Section 1. For the purposes of this regulation, the term "hoarding" means the withdrawal and withholding of gold coin, gold bullion or gold certificates from the recognized and customary channels of trade. The term "person" means any individual, partnership, association or corporation.

Section 2. All persons are hereby required to deliver on or before May 1, 1933, to a Federal Reserve Bank or a branch or agency thereof or to any member bank of the Federal Reserve System all gold coin, gold bullion and gold certificates now owned by them or coming into their ownership on or before April 28, 1933, except the following:

(a) Such amount of gold as may be required for legitimate and customary use in industry, profession or art within a reasonable time, including gold prior to refining and stocks of gold in reasonable amounts for the usual trade requirements of owners mining and refining such gold.

(b) Gold coin and gold certificates in an amount not exceeding in the aggregate $100 belonging to any one person; and gold coins having a recognized special value to collectors of rare and unusual coins.

(c) Gold coin and bullion earmarked or held in trust for a recognized foreign Government or foreign central bank or the Bank for International Settlements.

(d) Gold coin and bullion licensed for other proper transactions (not involving hoarding) including gold coin and bullion imported for reexport or held pending action on applications for export licenses.

Section 3. Until otherwise ordered any person becoming the owner of any gold coin, gold bullion, or gold certificates after April 28, 1933, shall, within three days after receipt thereof, deliver the same in the manner prescribed in Section 2; unless such gold coin, gold bullion or gold certificates are held for any of the purposes specified in paragraphs (a), (b), or (c) of Section 2; or unless such gold coin or gold bullion is held for purposes specified in paragraph (d) of Section 2 and the person holding it is, with respect to such gold coin or bullion, a licensee or applicant for license pending action thereon.

Section 4. Upon receipt of gold coin, gold bullion or gold certificates delivered to it in accordance with Sections 2 or 3, the Federal Reserve Bank or member bank will pay therefor an equivalent amount of any other form of coin or currency coined or issued under the laws of the United States.

Section 5. Member banks shall deliver all gold coin, gold bullion and gold certificates owned or received by them (other than as exempted under the provisions of Section 2) to the Federal Reserve Banks of their respective districts and receive credit or payment therefor.

Section 6. The Secretary of the Treasury, out of the sum made available to the President by Section 501 of the Act of March 9, 1933, will in all proper cases pay the reasonable costs of transportation of gold coin, gold bullion or gold certificates delivered to a member bank or Federal Reserve Bank in accordance with Section 2, 3, or 5 hereof, including the cost of insurance, protection, and such other incidental costs as may be necessary, upon production of satisfactory evidence of such costs. Voucher forms for this purpose may be procured from Federal Reserve Banks.

Section 7. In cases where the delivery of gold coin, gold bullion or gold certificates by the owners thereof within the time set forth above will involve extraordinary hardship or difficulty, the Secretary of the Treasury may, in his discretion, extend the time within which such delivery must be made. Applications for such extensions must be made in writing under oath, addressed to the Secretary of the Treasury and filed with a Federal Reserve Bank. Each application must state the date to which the extension is desired, the amount and location of the gold coin, gold bullion and gold certificates in respect of which such application is made and the facts showing extension to be necessary to avoid extraordinary hardship or difficulty.

Section 8. The Secretary of the Treasury is hereby authorized and empowered to issue such further regulations as he may deem necessary to carry out the purposes of this order and to issue licenses thereunder, through such officers or agencies as he may designate, including licenses permitting the Federal Reserve Banks and member banks of the Federal Reserve System, in return for an equivalent amount of other coin, currency or credit, to deliver, earmark or hold in trust gold coin and bullion to or for persons showing the need for the same for any of the purposes specified in paragraphs (a), (c) and (d) of Section 2 of these regulations.

Section 9. Whoever willfully violates any provision of this Executive Order or of these regulations or of any rule, regulation or license issued thereunder may be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in any such violation may be punished by a like fine, imprisonment, or both.

This order and these regulations may be modified or revoked at any time.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE
April 5, 1933.

For Further Information Consult Your Local Bank

GOLD CERTIFICATES may be identified by the words "GOLD CERTIFICATE" appearing thereon. The serial number and the Treasury seal on the face of a GOLD CERTIFICATE are printed in YELLOW. Be careful not to confuse GOLD CERTIFICATES with other issues which are redeemable in gold but which are not GOLD CERTIFICATES. Federal Reserve Notes and United States Notes are "redeemable in gold" but are not GOLD CERTIFICATES and are not required to be surrendered

Special attention is directed to the exceptions allowed under Section 2 of the Executive Order

CRIMINAL PENALTIES FOR VIOLATION OF EXECUTIVE ORDER
$10,000 fine or 10 years imprisonment, or both, as provided in Section 9 of the order

W. H. Woodin

Secretary of the Treasury.

U.S. Government Printing Office: 1933 2-16064

The Bankruptcy of The United States

United States Congressional Record, March 17, 1993 Vol. 33, page H-1303

Speaker-Rep. James Traficant, Jr. (Ohio) addressing the House:

"Mr. Speaker, we are here now in chapter 11.. Members of Congress are official trustees presiding over the greatest reorganization of any Bankrupt entity in world history, the U.S. Government. We are setting forth hopefully, a blueprint for our future. There are some who say it is a coroner's report that will lead to our demise.

It is an established fact that the United States Federal Government has been dissolved by the Emergency Banking Act, March 9, 1933, 48 Stat. 1, Public Law 89-719; declared by President Roosevelt, being bankrupt and insolvent. H.J.R. 192, 73rd Congress m session June 5, 1933 - Joint Resolution To Suspend The Gold Standard and Abrogate The Gold Clause dissolved the Sovereign Authority of the United States and the official capacities of all United States Governmental Offices, Officers, and Departments and is further evidence that the United States Federal Government exists today in name only.

The receivers of the United States Bankruptcy are the International Bankers, via the United Nations, the World Bank and the International Monetary Fund. All United States Offices, Officials, and Departments are now operating within a de facto status in name only under Emergency War Powers. With the Constitutional Republican form of Government now dissolved, the receivers of the Bankruptcy have adopted a new form of government for the United States. This new form of government is known as a Democracy, being an established Socialist/Communist order under a new governor for America. This act was instituted and established by transferring and/or placing the Office of the Secretary of Treasury to that of the Governor of the International Monetary Fund. Public Law 94-564, page 8, Section H.R. 13955 reads in part: "The U.S. Secretary of Treasury receives no compensation for representing the United States?'

Gold and silver were such a powerful money during the founding of the united states of America, that the founding fathers declared that only gold or silver coins can be "money" in America. Since gold and silver coinage were heavy and inconvenient for a lot of transactions, they were stored in banks and a claim check was issued as a money substitute. People traded their coupons as money, or "currency." Currency is not money, but a money substitute. Redeemable currency must promise to pay a dollar equivalent in gold or silver money. Federal Reserve Notes (FRNs) make no such promises, and are not "money." A Federal Reserve Note is a debt obligation of the federal United States government, not "money?' The federal United States government and the U.S. Congress were not and have never been authorized by the Constitution for the united states of America to issue currency of any kind, but only lawful money, -gold and silver coin.

It is essential that we comprehend the distinction between real money and paper money substitute. One cannot get rich by accumulating money substitutes, one can only get deeper into debt. We the People no longer have any "money." Most Americans have not been paid any "money" for a very long time, perhaps not in their entire life. Now do you comprehend why you feel broke? Now, do you understand why you are "bankrupt," along with the rest of the country?

Federal Reserve Notes (FRNs) are unsigned checks written on a closed account. FRNs are an inflatable paper system designed to create debt through inflation (devaluation of currency). when ever there is an increase of the supply of a money substitute in the economy without a corresponding increase in the gold and silver backing, inflation occurs.

Inflation is an invisible form of taxation that irresponsible governments inflict on their citizens. The Federal Reserve Bank who controls the supply and movement of FRNs has everybody fooled. They have access to an unlimited supply of FRNs, paying only for the printing costs of what they need. FRNs are nothing more than promissory notes for U.S. Treasury securities (T-Bills) - a promise to pay the debt to the Federal Reserve Bank.

There is a fundamental difference between "paying" and "discharging" a debt. To pay a debt, you must pay with value or substance (i.e. gold, silver, barter or a commodity). With FRNs, you can only discharge a debt. You cannot pay a debt with a debt currency system. You cannot service a debt with a currency that has no backing in value or substance. No

contract in Common law is valid unless it involves an exchange of "good & valuable consideration." Unpayable debt transfers power and control to the sovereign power structure that has no interest in money, law, equity or justice because they have so much wealth already.

Their lust is for power and control. Since the inception of central banking, they have controlled the fates of nations.

The Federal Reserve System is based on the Canon law and the principles of sovereignty protected in the Constitution and the Bill of Rights. In fact, the international bankers used a "Canon Law Trust" as their model, adding stock and naming it a "Joint Stock Trust." The U.S. Congress had passed a law making it illegal for any legal "person" to duplicate a "Joint Stock Trust" in 1873. The Federal Reserve Act was legislated post-facto (to 1870), although post-facto laws are strictly forbidden by the Constitution. [1:9:3]

The Federal Reserve System is a sovereign power structure separate and distinct from the federal United States government. The Federal Reserve is a maritime lender, and/or maritime insurance underwriter to the federal United States operating exclusively under Admiralty/Maritime law. The lender or underwriter bears the risks, and the Maritime law compelling specific performance in paying the interest, or premiums are the same.

Assets of the debtor can also be hypothecated (to pledge something as a security without taking possession of it.) as security by the lender or underwriter. The Federal Reserve Act stipulated that the interest on the debt was to be paid in gold. There was no stipulation in the Federal Reserve Act for ever paying the principle.

Prior to 1913, most Americans owned clear, allodial title to property, free and clear of any liens or mortgages until the Federal Reserve Act (1913)

"Hypothecated" all property within the federal United States to the Board of Governors of the Federal Reserve, -in which the Trustees (stockholders) held legal title. The U.S. citizen (tenant, franchisee) was registered as a "beneficiary" of the trust via his/her birth certificate. In 1933, the federal United States hypothecated all of the present and future properties, assets and labor of their "subjects," the 14th Amendment U.S. citizen, to the Federal Reserve System.

In return, the Federal Reserve System agreed to extend the federal United States corporation all the credit "money substitute" it needed. Like any other debtor, the federal United States government had to assign collateral and security to their creditors as a condition of the loan. Since the federal United States didn't have any assets, they assigned the private property of their "economic slaves", the U.S. citizens as collateral against the unpayable federal debt. They also pledged the unincorporated federal territories, national parks forests, birth certificates, and nonprofit organizations, as collateral against the federal debt. All has already been transferred as payment to the international bankers.

Unwittingly, America has returned to its pre-American Revolution, feudal roots whereby all land is held by a sovereign and the common people had no rights to hold allodial title to property. Once again, We the People are the tenants and sharecroppers renting our own property from a Sovereign in the guise of the Federal Reserve Bank. We the people have exchanged one master for another.

This has been going on for over eighty years without the "informed knowledge" of the American people, without a voice protesting loud enough. Now it's easy to grasp why America is fundamentally bankrupt.

Why don't more people own their properties outright?

Why are 90% of Americans mortgaged to the hilt and have little or no assets after all debts and liabilities have been paid? Why does it feel like you are working harder and harder and getting less and less?

We are reaping what has been sown, and the results of our harvest is a painful bankruptcy, and a foreclosure on American property, precious liberties, and a way of life. Few of our elected representatives in Washington, D.C. have dared to tell the truth. The federal United States is bankrupt. Our children will inherit this unpayable debt, and the tyranny to enforce paying it.

America has become completely bankrupt in world leadership, financial credit and its reputation for courage, vision and human rights. This is an undeclared economic war, bankruptcy, and economic slavery of the most corrupt order! Wake

up America! Take back your Country."

Image: United States Congressional Record, March 17, 1993 Vol. 33, page H-1303


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